LORDS AND LORDSHIP IN LANGUEDOC (1400-1541)

Gert-Jan Van de Voorde

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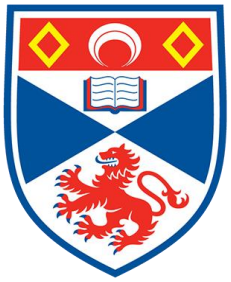

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Lords and Lordship in Languedoc (1400-1541)

Gert-Jan Van de Voorde

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I found that two elements of writing a doctoral dissertation were difficult to be prepared for. The first is the complexity of writing a dissertation. It is an extremely difficult project to undertake, and one needs a lot of support for the duration. This leads me to the second element I was not aptly prepared for: the extreme gratitude I feel for everyone who has helped me to make it possible. So, I would like to begin by thanking Frederik Buylaert and Justine Firnhaber-Baker without whose indefatigable ability to give insightful guidance, and continued faith and support in me this thesis would not have been possible. I also want to thank my colleagues from the ERC project *Lordship and the Rise of the State*. First, Erika Graham-Goering for her insights, comments, and advice. Jim van der Meulen, and Ysaline Bourgine de Meder for her friendship and the discussions we had at the office across our wall of books, under the watchful eye of a puffin. I would also like to thank Sieben and Reinder, whose pleasant office banter has made the last few months much lighter and has made me hopefully a little less cynical.

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List of Abbreviations

ADHG -	Archives départementales de la Haute-Garonne
ADT -	Archives départementales du Tarn
ADTG -	Archives départementales du Tarn-et-Garonne
AMT -	Archives municipales de Toulouse
AN -	Archives nationales de France
BMT -	Bibliothèque municipale de Toulouse
BnF -	Bibliothèque nationale de France
l.t. -	livre tournois
s. -	sous tournois

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Introduction

This dissertation is about lay *seigneuries* in fifteenth- and early-sixteenth-century Languedoc. In the first two chapters, I aim to develop two basic claims about the *seigneurie*. I argue that lords and ladies conceived of rights of justice as a core element of their *seigneuries* and of their authority, a claim that tallies well with earlier research on the definition of seigneurial lordship in France. Based on this conclusion, my dissertation proceeds from a definition of seigneurial lordship as a mode of public domination that doubled as a private property right.[1] The position of lords and ladies as rulers of a *seigneurie* was an important element for their social identities, as reflected in the intensive use of the seigneurial title in a wide range of circumstances. While these first two points, which form the basis for Chapters 1 and 2, are focussed primarily on lords and ladies, the next two chapters are about the *seigneurie* as an arena for co-

[1] Charles West discusses the intellectual revolution in which Carolingian intellectuals shifted to a conceptualisation of public authority in terms of ownership. My research suggests that five-hundred years later this remained the common definition in Languedoc. Charles West, *Reframing the Feudal Revolution: Political and Social Transformation Between Marne and Moselle, c.800–c.1100* (2013), 260–263. Aside from this research there exists a limited tradition that defines lordship as finding its origin in economical rights related to land. This tradition believes that lordly power goes back to the late Roman period, but this claim does not match with the definitions that were used in Languedoc. See for this tradition: James Lowth Goldsmith, *Lordship in France, 500-1500* (New York, 2003), xiii–xiv, 1–5, 10–15, 325–356, 381–382.

operation, negotiation, and – less often – outright conflict between lords and ladies and other holders of authority within the *seigneurie*, including the seigneurial subjects. Whereas the internal workings of the *seigneurie* take centre stage in the third chapter, I argue in the fourth and final chapter the small *seigneuries* were persistently important as sources of public order in the localities, and that their function was enmeshed with that of the royal authority and that in that sense, seigneurial lordship was enmeshed with the authority of the crown as the self-declared protector of the Common Good of all inhabitants of France, including Languedoc. Royal institutions in Languedoc cooperated in a routine fashion with local powerbrokers, which included lords and ladies, as well as the representatives of seigneurial subjects. Royal authorities not just endorsed the position of lords or ladies vis-à-vis their subjects and other political actors, including towns, but they also sanctioned and legitimized the *seigneurie* as a forum for collaboration between local stakeholders.

My discussion of the internal workings of the *seigneurie* and how this institution was embedded in the structures of governance in fifteenth- and early-sixteenth-century Languedoc responds to the large and diverse historiography on state formation and the development of seigneurial lordship. Drawing on Max Weber's famous definition of modern states, historians long approached questions of state formation by focusing on the genesis of key elements of his definition, namely the ability of an institution to legislate exclusively and to monopolize legitimate violence on its inhabitants within a well-delineated territory.[2] According to the American medievalist

[2] Joseph Strayer lists qualities a state should have that also reveals Weber's influence. His list includes the presence of institutions, the monopoly on power, and loyalty to the state that supersedes familial bonds. Joseph R. Strayer, *On the Medieval Origins of the Modern State* (Princeton, N.J, 1970), 7–9.

Joseph Strayer, whose *On the Medieval Origins of the Modern State* (1970) was a high-water mark in the post-war discussions on state formation, one of the causes of the emergence of the state was the need for the dispensation of justice, which the Church and scholars in the twelfth century viewed as a core tenet of the legitimacy of kings.[3] As the French historian Albert Rigaudière argued in 1988 the rebirth of legislative power of the state had to occur to the benefit of the state and the detriment of all other competing loci of power.[4] In this view, the royal efforts to undermine other places of power, specifically the duchies, viscounties, and also the small *seigneuries*, were long-lasting and effective. As Philippe Contamine summarised it in 1994: since the thirteenth century, the royal state, as the highest source of authority in France, aspired to undermine the judicial, military, and fiscal importance of *seigneuries*.[5] In its first phase, Strayer argued, the French royal authorities did not aim at the complete abolition of regional powers but sought to oversee them. In this view, the *seigneurie* survived as an institution until the famous Night of August Fourth 1789, but this institution had lost its power and authority centuries earlier to the French crown, which had morphed into a state with a substantial bureaucracy – and judiciary - that was capable of oversight over French society.[6]

While Strayer, and many historians with him, prioritized the ideological, legal, and administrative aspects of royal authority rather than a direct analysis of the

[3] Strayer, *On the Medieval Origins*, 31–32.

[4] Albert Rigaudière and André Gouron (eds.), *Renaissance du pouvoir legislatif et genèse de l'état* (Montpellier, 1988), 10.

[5] Philippe Contamine, 'La seigneurie en France à la fin du Moyen Âge: quelques problèmes généraux', in Robert Fossier (ed.), *Seigneurs et seigneuries au Moyen Âge, Actes du 117e Congrès National des Sociétés Savantes* (Paris, 1994), 34.

[6] Strayer, *On the Medieval Origins*, 50–52.

seigneurie as a political institution, the presumed conflict between the burgeoning royal state and its regional and local competitors permeates much of the post-war literature on state formation.[7] This did not change when, in the late twentieth century, historians came to prioritize war and taxes as drivers of state formation. Scholarly discussions increasingly came to revolve around a considerable yet unintentional increase of royal power between 1200 and 1500, which had much to do with warfare and how wars were funded.[8] In the thirteenth and early fourteenth centuries, the royal authorities expanded their fiscal capabilities as successive wars forced the crown to raise more capital to pay for these increasingly expensive military commitments. In 1975, the American sociologist Charles Tilly famously summarised this interplay as "war made the state and the state made war".[9] The first part of this adage referred to the creation of institutions within the boundaries of a realm to support preparations for war or to support the war effort itself.[10] These efforts eventually led to experiments with a standing army – a *novum* in Europe since the fall of the Roman Empire – in the mid-fifteenth century, the maintenance of which required massive funding.[11]

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[7] See for instance: Olivier Guillot, Yves Sassier, and Albert Rigaudière, *Pouvoirs et institutions dans la France médiévale* (Paris, 1994); Albert Rigaudière, *Penser et construire l'État dans la France du Moyen Âge (XIIIe-XVe siècle)* (2003).

[8] Wolfgang Reinhard, 'No Statebuilding from Below! A Critical Commentary', in Wim Blockmans, André Holenstein, and Jon Mathieu (eds.), *Empowering Interactions: Political Cultures and the Emergence of the State in Europe, 1300-1900* (Farnham and Burlington, 2009), 301.

[9] Charles Tilly, 'Reflections on the History of European State-Making', in Charles Tilly and Gabriel Ardant (eds.), *The Formation of National States in Western Europe* (Princeton, 1975), 42.

[10] Charles Tilly, *Coercion, Capital, and European States, AD 990-1992* (Cambridge, MA, 1992), 75. See also for other polities Jan Glete, *War and the State in Early Modern Europe: Spain, the Dutch Republic, and Sweden as Fiscal-Military States, 1500-1660* (London, 2002).

[11] James Collins, *The State in Early Modern France* (Cambridge, 1995), 162; Elizabeth M. Hallam and Charles West, *Capetian France, 987-1328* (London and New York, 2019), 208.

The financial revolution underpinning the growing military might of the crown was studied in detail by John Bell Henneman, who showed that king Philippe IV (1286-1305) sought to increase his revenue to the displeasure of his subjects, a move that set a pattern.[12] In fact, in the course of the fourteenth century, and especially in the second half of the fifteenth century, the royal state greatly increased its revenue.[13] Nevertheless, as Jean-Philippe Genet noticed in his overview of the debate on state formation, protests occurred but were not powerful enough to end the expansion of the state.[14]

To explain this, Genet turned to the crisis of feudalism discussed by Guy Bois. Bois formulated his arguments in a debate on the fall of feudalism and the crisis of the nobility that went on between economic and social historians. Bois argued that the nobility could not mount a sufficient defence against the encroaching royal administration, since unlike the state, they lacked the means to do so.[15] According to Genet haphazard resistance to the royal state only forced the state to become stronger, thus exploiting the financial weakness of the seigneurial landed class that was highlighted by Guy Bois and many other historians.[16]

This view about the nobility – the milieu that traditionally controlled *seigneuries* – losing out to an increasingly ambitious royal state was not without critics. Already in

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[12] John Bell Henneman, 'France in the Middle Ages', in Richard Bonney (ed.), *The Rise of the Fiscal State in Europe, c. 1200-1815* (New York, 1999), 119–120. This work provides an introduction to his many publications on the subject.

[13] William Mark Ormod, 'The West European Monarchies in the Later Middle Ages', in Richard Bonney (ed.), *Economic Systems and State Finance* (Oxford and New York, 1995), 135.

[14] Jean-Philippe Genet (ed.), *L'Etat moderne, genèse: bilans et perpectives: actes du colloque tenu au CNRS à Paris, les 19-20 septembre 1989* (Paris, 1990), 266.

[15] Guy Bois, *Crise du féodalisme* (Paris, 1981).

[16] Genet, *L'Etat moderne, genèse*, 268.

1980, James Wood argued that the resistance of the nobility to the crown of the Norman rural district of Bayeux in the sixteenth- and seventeenth centuries were signs of strength rather than weakness.[17] Other research also began showing that the nobility was, as a group, sufficiently resilient to remain an economic elite, even if the importance of seigneurial taxes for their income portfolios dwindled, and that the collaboration of established landed elites was in fact crucial for French kings to set up the experiments with fiscal, military, and administrative innovation that I outlined above. In return for providing much-needed credit, military expertise, political guidance, and qualified courtiers and officials, the noble milieus of France received access to the increasingly vast resources and powers under the control of the French crown.[18] Rather than seeing the fall from power by traditional elites, fourteenth-and fifteenth century France thus saw the birth of a pact that provided the groundwork for the Ancien Régime. This interpretation of the French state as a social project has been cemented by the leading American historian William Beik, who argued that the nobility of Languedoc embraced Louis XIV's absolutism because it listened to and collaborated with local nobles to resolve long-standing regional issues, a point that he expanded to all of French society.[19]

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[17] James B Wood, *The Nobility of the Election of Bayeux, 1463-1666: Continuity through Change* (Princeton, 1980), 170. The resilience of the French nobility as a power elite was also acknowledged and cemented in what is still the best synthesis of the available scholarship in Philippe Contamine, *La noblesse au royaume de France de Philippe le Bel à Louis XII: essai de synthèse* (Paris, 1997).

[18] This research is summarised in a comparative perspective in Hillay Zmora, *Monarchy, Aristocracy, and the State in Europe, 1300-1800* (London and New York, 2001), 6.

[19] William Beik, *Absolutism and Society in Seventeenth-Century France: State Power and Provincial Aristocracy in Languedoc* (Cambridge, 1997), 280–283. The key publication for the articulation of his thesis of collaboration is William Beik, 'The Absolutism of Louis XIV as Social Collaboration', *Past & Present*, clxxxviii (2005), 197–200.

The observation that the nobility survived, and flourished even, as a power elite with the rise of the royal state was a stimulus to reconsider the long-established narrative about the collapse of the *seigneurie* as a pillar of French society. Already in 1980, Pierre Charbonnier published a detailed study of the workings of Murol, a large *seigneurie* in Auvergne. Tellingly, Charbonnier's book was titled *Une autre France* – which is a conscious attempt to foreground the persistence of the *seigneurie* as a framework for local politics in the countryside as a complement and correction to narratives that privileged the growth of Paris-based central institutions.[20] In the decade that followed, historians of the French nobility also became increasingly attentive to the ongoing importance of *seigneuries* for the definition and persistence of the nobility as a local power elite in various parts of France.[21]

From the 1990s onwards, a debate took shape that was in large part about how *seigneuries* as political institutions had to be conceptualized in dialogue with state formation, a line of enquiry that soon brought substantial pressure on the traditional conception of state formation as centralization. Peter Lewis, for example, emphasised that historians needed to take "the pluralistic nature of power distribution" into account, thus arguing for a conception of France as a polycentric polity of kings, lords, and towns; a perspective that, of course, begs the question whether collaboration or conflict was the dominant mode of interaction between these various political actors.[22]

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[20] Pierre Charbonnier, *Une autre France, la seigneurie rurale en Basse Auvergne du XIVe au XVIe siècle*, 2 vols (Clermont-Ferrand, 1980), i.

[21] To name but one example: Marie-Thérèse Caron, *La noblesse dans le duché de Bourgogne, 1315-1477* (Lille, 1987).

[22] Peter Lewis, 'Reflections on the role of royal clienteles in the construction of the French monarchy (mid-XIVth/end-XVth centuries', in Neithard Bulst, Robert Descimon, and Alain Guerreau (eds.), *L'Etat ou le roi, Les fondations de la modernité monarchique en France (XIVe-XVIIe siècles)* (Paris, 1996), 51–67.

Since then, analyses emphasising a co-operative model have gained more traction, and my own discussion of Languedoc lordship and royal government fits into that tradition of scholarship.[23]

This reconsideration of French politics was part and parcel of a broader discussion in which historians came to question the merits of a statist perspective on European polities. In itself, criticism of using Weber's definition of modern states as a template for the conceptualisation of "state formation" in Ancien Régime Europe goes back to at least the 1930s. The leading voice in that pushback was the Austrian-German historian Otto Brunner, who argued that projecting nineteenth-century conceptions of the state on the past ensured that scholars completely missed the polycentric nature of European politics, including the role of lesser lords as legitimate political actors.[24] Party because of Brunner's Nazi sympathies and issues of language – his seminal book was only first translated in 1992 – his work impinged not at all on scholarship on medieval France. This only changed when his insights gained traction among American medievalists. For example, in 1989 and again in 1995, Thomas Bisson, a specialist of Catalonia but also with a strong commitment to comparative history who saw France as an important case-study, argued that the discussion on state formation would benefit from a closer analysis of lordship because the term better encapsulated the polycentric nature of

[23] See for example: Wim Blockmans, André Holenstein, and Jon Mathieu (eds.), *Empowering Interactions: Political Cultures and the Emergence of the State in Europe, 1300-1900* (Farnham, Surrey, England ; Burlington, VT, 2009), 25–26.

[24] Otto Brunner, *Land and Lordship: Structures of Governance in Medieval Austria*, trans. Howard Kaminsky and James Van Horn Melton (Philadelphia, 1992), 98. Brunner also argued that political legitimacy was not clustered at the top of society. For an analysis: Justine Firnhaber-Baker, 'Seigneurial Violence in Medieval Europe', in Matthew Gordon, Richard Kaeuper, and Harriet Zurndorfer (eds.), *The Cambridge World History of Violence* (Cambridge, 2020), ii.

power. He argued that contemporaries in the twelfth century (and after) believed that lordship equated "with the exercise and sufferance of power" across Europe.[25] Here Bisson drew attention to an important distinction between lordship as the exercise of power, and lordship as the label for landed estates with certain rights associated with them, for which I use the word *seigneurie*.[26]

Bisson's work on lordship was largely about re-stating Georges Duby's interpretation of the birth of lordship in eleventh-century Europe, which Duby called the *mutation féodale*. This soon provoked a considerable and ongoing controversy, but Bisson's reflections on lordship as a key constituent of power relations quickly gained traction.[27]

While Bisson suggested that more attention should be placed on lordship in discussions on state formation, in 2003 Rees Davies went even further and reflected out loud whether it was still a good idea to speak of the state in the first place, given that the persistence of lordship does not sit well with conceptions of the state as a centralizing institution and that the state as a concept was not yet developed in medieval political thought. It was not a contemporary term. As other historians had noted before Davies, not in the least Albert Rigaudière, the word state was not used in its modern meaning during the Middle Ages.[28] Davies argued that this was one of the key issues with discussion on statehood in the Middle Ages: the word state did not match

[25] Thomas Bisson, 'Medieval Lordship', *Speculum*, lxx (1995), 757. This was the published version of Bisson's presidential address to the Medieval Academy of America, the work was a programmatic statement to what is the largest institutional community of medieval historians.

[26] This could also be rendered in English as the distinction between 'lordship' and 'a lordship'.

[27] For an introduction to the vast scholarship on this subject see West, *Reframing the Feudal Revolution*.

[28] Rigaudière and Gouron, *Renaissance*, 6, 203.

the realities historians were uncovering.[29] Instead, like Bisson, he suggested using lordship, a contemporary term that he felt would more accurately reflect the polycentric nature of power arrangements in medieval societies.[30]

While the solution suggested by Bisson and Davies was certainly not without issue, it did bring lordship to the attention of historians.[31] Proceeding from the evidence on seigneurial wars in Languedoc and Auvergne and the crown's response to those confrontations, Justine Firnhaber-Baker showed that the royal administration could act forcefully against lords and indeed developed a substantive body of law and an ideological position that criminalised and opposed seigneurial wars (i.e., wars conducted between lords), but in practice more often than not the royal administration tried to position itself as brokers of truces in times of seigneurial war.[32] In practice, the actions of the royal administration often treated seigneurial wars as legitimate, which indicated the polycentric nature of power. Similar research was done on noble feuds by Stuart Carroll, revealing that in sixteenth- and seventeenth-century France, the crown still accepted that the nobility claimed a legitimate entitlement to the use of force, an

[29] Rees Davies, 'The Medieval State: The Tyranny of a Concept?', *Journal of Historical Sociology*, xvi (2003), 292.

[30] Davies, 'The Medieval State', 294.

[31] For instance, Susan Reynolds feared that a shift to a new label that was more uniquely medieval would hamper the possibility to compare different polities and thus isolate medieval scholarship. Susan Reynolds, 'There Were States in Medieval Europe: A Response to Rees Davies', *Journal of Historical Sociology*, xvi (2003), 554.

[32] Justine Firnhaber-Baker, *Violence and the State in Languedoc, 1250-1400* (Cambridge, 2017). Firnhaber-Baker also includes an overview of the literature in Justine Firnhaber-Baker, 'Jura in Medio: The Settlement of Seigneurial Disputes in Later Medieval Languedoc', *French History*, xxvi (2012).

attitude that stemmed partially from the nobility's history as a power elite that traditionally defined itself through lordship.[33]

The analysis of the interactions between the crown and lordships done by Firnhaber-Baker and Carroll has mostly focussed on the exceptional situation posed by seigneurial war and feuds. What is needed is research that complements this revisionist scholarship with a discussion of the routine workings of *seigneuries*. Also, special attention is needed to the question of what seigneurial lordship actually was. With lordship becoming an increasingly important topic, more and more historians responded to the calls of Bisson and Davies to prioritize lordship as a lens of analysis with critical comments that lordship was not easily defined. As a rather protean term, lordship can cover a wide range of power relations, so research is needed to understand how contemporaries understood and imagined lordship.[34] Apart from the study of Pierre Charbonnier, this line of enquiry was not particularly important for students of late medieval France, who prioritized the study of seigneurial accounts to test the hypothesis about a decline in seigneurial revenue and, concomitant with that, a surmised "crisis of the nobility." The only recent work on the nature and daily workings of *seigneuries* in France is heavily slanted towards the eighteenth century. Anthony Crubaugh and Jeremy Hayhoe showed that the *seigneurie* remained an important – if

[33] Stuart Carroll, 'Revenge and Reconciliation in Early Modern Italy', *Past & Present*, ccxxxiii (2016). Noble feuds were also commonly linked with conflicts about seigneurial rights of justice, see also Stuart Carroll, *Blood and Violence in Early Modern France* (Oxford ; New York, 2006).

[34] See for examples of this critique: David Crouch, 'Captives in the Head of Montesquieu. Some Recent Work on Medieval Nobility', *Virtus. Journal of Nobility Studies*, xix (2012), 186; Jackson Armstrong, Peter Crooks, and Andrea Ruddick (eds.), *Using Concepts in Medieval History: Perspectives on Britain and Ireland, 1100-1500* (Basingstoke, 2021), 67.

controversial - constituent of French political society up to the Revolution.[35] My own discussion of *seigneuries* – the institutional container of lordship – in Languedoc aims to remedy that lacuna. Analytically speaking, I seek to explore the contours of lesser *seigneuries* and their routine interactions with the royal administration, and I will develop the argument that revisionist scholars are right in stressing that, more often than not, seigneurial lordship and royal government worked in tandem.

In my dissertation, I focus on the seneschalsy of Toulouse. *Seigneuries* in the seneschalsy in the fifteenth and sixteenth centuries had not been thoroughly studied yet. In 2003, Didier Catarina made an overview study of the judicial landscape of Languedoc and many of the lower courts he found were indeed *seigneuries*, but his study focussed more on geography.[36] For the eleventh- to the thirteenth-century, Hélène Débax analysed the *seigneuries* of Languedoc to ascertain the function of co-lordship, which describes a situation when several lords and ladies shared a *seigneurie*, this was and would remain a very common feature of *seigneuries* in Languedoc.[37] Apart from that, I must point out that some areas, *seigneuries*, and seigneurial families in the seneschalsy of Toulouse were the subject of several specific studies. In 1932 and 1939 Jean Ramière de Fortanier wrote two influential studies on Lauragais, a royal district within the seneschalsy of Toulouse, the first on seigneurial rights, and the second on communal

[35] Anthony Crubaugh, *Balancing the Scales of Justice: Local Courts and Rural Society in Southwest France, 1750-1800* (University Park, 2001); Jeremy Hayhoe, *Enlightened Feudalism: Seigneurial Justice and Village Society in Eighteenth-Century Northern Burgundy* (Cambridge, 2012).

[36] Didier Catarina, 'Les justices ordinaires, inférieures et subalternes de Languedoc: essai de géographie judiciaire 1667-1789' (Université Paul Valéry, Montpellier 3, 2003).

[37] Hélène Débax, *La seigneurie collective: pairs, pariers, paratge ; les conseigneurs du XIe au XIIIe siècle* (Rennes, 2012); Erika Graham-Goering, 'Integrative Approaches to (Co-)Lordship in Late Medieval Languedoc', in Erika Graham-Goering, Jim van der Meulen, and Frederik Buylaert (eds.), *Lordship and the Decentralized State in Late Medieval Europe* (Oxford, 2023).

rights.[38] Philippe Wolff, who wrote important works on the local economy also dedicated two articles to the Ysalguiers, an important seigneurial family.[39] Local historians who wrote the history of their villages would often write the history of a *seigneurie* since *seigneuries* formed a continuous network covering much of Languedoc.[40] None of these studies, however, constituted a survey analysis of seigneurial lordship in Languedoc, even if these case-studies are helpful for my project.

In this dissertation, I focus mostly on the period between c. 1440 and 1541, though some parts of the analysis go as far back as c. 1400. At the end of the Hundred Years War, around c. 1450, most of France had been brought – officially at least – within the French royal fold. In Languedoc, this marked the beginning of a period of relative stability, which was earmarked as a period of economic reconstruction that lasted until the wars of religion (1562-1598).[41] The emphasis on 1440-1541 is also based on the availability of sources or rather the lack thereof. For 1400-1440, my archival prospection revealed relatively few primary sources that pertained to *seigneuries*.

This study is mainly based on two types of sources. The first is *dénombrements*, which outlined the rights, duties, and possessions a person (or a small group of people)

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[38] Jean Ramière de Fortanier, *Les droits seigneuriaux dans la Sénéchaussée et comté de Lauragais (1553-1789)* (Toulouse, 1932); Jean Ramière de Fortanier, *Recueil de documents relatifs à l'histoire du droit municipal en France des origines a la révolution. Chartes de franchises du Lauragais* (Paris, 1939).

[39] Philippe Wolff, 'Une famille, du XIIIe au XVIe siècle: les Ysalguier de Toulouse', *Mélanges d'histoire sociale*, i (1942); Philippe Wolff, 'II. La fortune foncière d'un seigneur toulousain au milieu du XVe siècle', *Annales du Midi : revue archéologique, historique et philologique de la France méridionale*, lxx (1958).

[40] Of particular quality are Jean Contrasty, *Histoire de Saint-Jory, ancienne seigneurie féodale érigée en baronnie par Henri IV* (Toulouse, 1922); Jean de Viguerie, *Un village en Quercy, Verlhac-Tescou: XIIIe-début XXe siècle* (Verlhac-Tescou, 2017).

[41] See the analysis in Marie-Claude Marandet, *Les campagnes du Lauragais à la fin du Moyen Age: 1380-début du XVIe siècle* (Perpignan, 2006).

held as a fief from the king (I discuss these sources in more detail in Chapter 1). *Dénombrements* contain a wealth of information regarding feudal rights (i.e., judicial rights, rents, the presence of mills and ovens, etc.) and estimates of yearly revenues that were associated with each fief. Most *dénombrements* refer to *seigneuries*, since all *seigneuries* were fiefs, and the detailed descriptions of these fiefs usually include the seigneurial aspects of these landed estates.[42] This allowed me to create detailed snapshots for the years when *dénombrements* were plentiful. In Languedoc, the royal administration called on lords and ladies to create and submit *dénombrements* in 1464, 1504, and 1539-1541. These campaigns had mixed results, the attempt at registration of feudal homages in 1504 appears to have had only limited success when compared to that of 1464 and 1539, and I must point out that the overwhelming majority of *dénombrements* were created in 1539-1541. Despite the large number of *dénombrements*, their preservation has been very limited. Only for the collection campaigns of 1504 and 1539, I could gain access to contemporary copies, all from the municipal archives of Toulouse. No other archive that contained contemporary copies survived to the present day.[43]

In this dissertation, I base my analysis on 226 full-text contemporary copies. Of these, twenty-three *dénombrements* survived from 1504, 140 from the campaign of 1539,

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[42] The distinction between fiefs and seigneuries was certainly present in the *Urtext* on "feudalism" in France, but it was lost in the extensive body of follow-up studies, but historians agree that allodial seigneuries were all submitted in fief to the king or another lord in the centuries following the Feudal Revolution. Just as for other parts of France, the primary sources reveal next to nothing that hints at the possible survival of allodial seigneuries in Languedoc in c. 1400-1550. See the comments in Frederick L. Cheyette, 'Georges Duby's *Mâconnais* after Fifty Years: Reading It Then and Now', *Journal of Medieval History*, xxviii (2002), 294–295.

[43] This excludes family archives, which I could not include in this study. Eugène Martin-Chabot, *Les archives de la Cour des Comptes, Aides, et Finances de Montpellier: avec un essai de restitution des premiers registres de sénéchaussée* (Paris, 1907), 125–126.

and the remaining sixty-three were spread fairly evenly over the period between 1504 and 1539. The eighty almost full-text *dénombrements* from 1464 were reconstructed from a seventeenth-century volume (MS 634) held by the *bibliothèque municipale de Toulouse*, which separated the contents of *dénombrements* by location.[44] Another volume from the same time (MS 635) also in the *bibliothèque municipale*, contained the summaries of 136 *dénombrements* from 1464 and 910 from 1539-1541.[45] These volumes have been of only limited use since the scribes occasionally changed the contents and wording of the originals.[46] This approach has one significant drawback. The majority of full-text copies that are preserved were created by lords and ladies to prove their rights to the capitouls, or city council, of Toulouse. This skewed the data strongly towards nobles who divided their time between their *seigneuries* and Toulouse specifically. In turn, this made comparisons between urban lords and rural lords next to impossible to execute, so that is one line of enquiry that I will not develop in my dissertation.

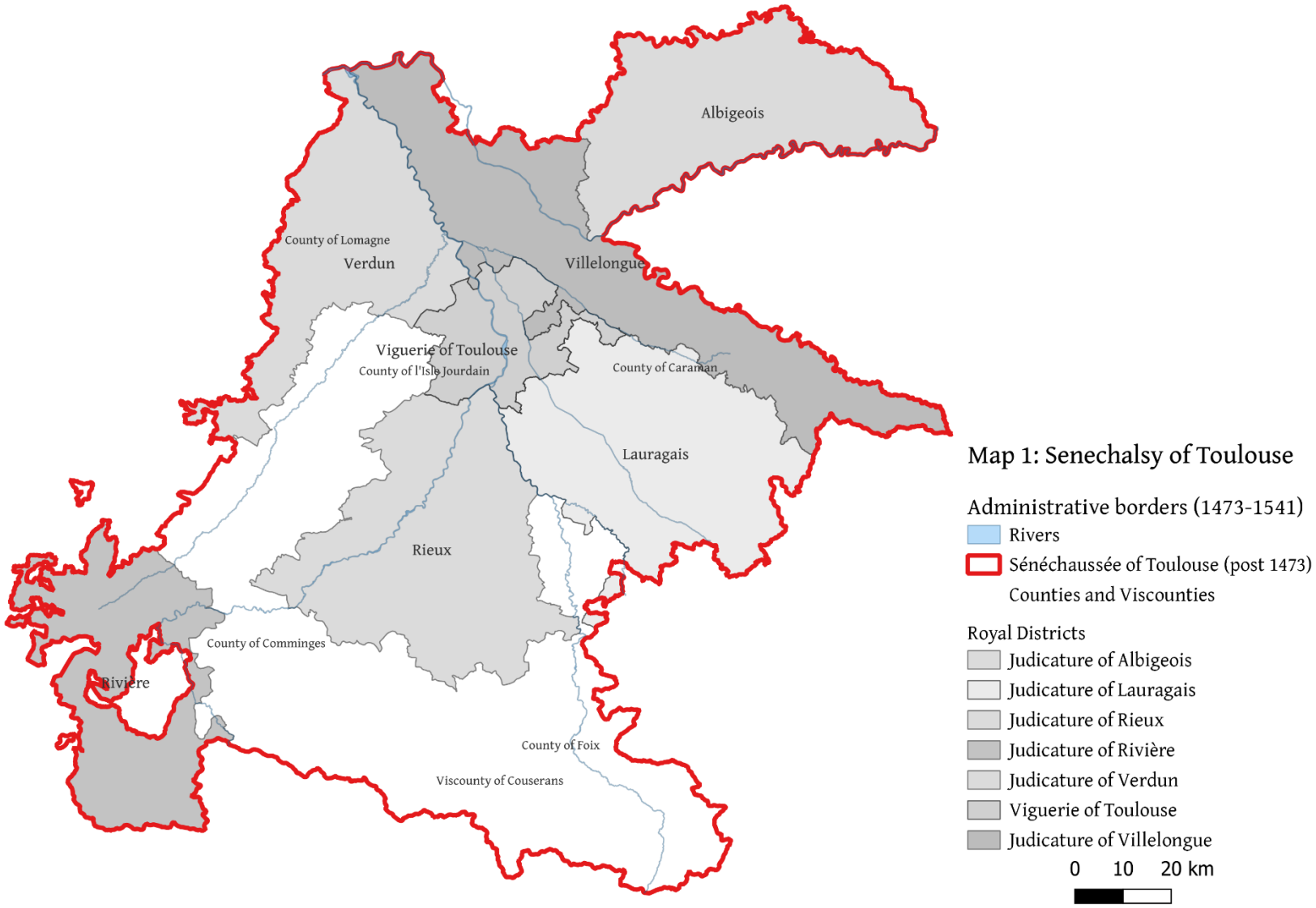
The second type of source is the registers of the Parlement of Toulouse, which take centre stage in Chapter 4, where I provide a full discussion. Here it suffices to say that the Parlement produced several series of registers containing *arrêts* and overviews of court cases. Some ran successively, while others ran concurrently. For this dissertation, I mostly used the registers that contained the *procès par escript*. This was a procedure in which the case was handled in writing, usually, it was reserved for cases that were difficult and therefore required greater consideration. This had a considerable effect on

[44] BMT, MS 634, seventeenth century.

[45] BMT, MS 635, seventeenth century.

[46] Not in the least because their origin and date of creation is not fully clear. Both MS 634 and 635 were likely made by the scribes of the *Tresorie* of the seneschalsy of Toulouse, but how they came to be in the possession of the *Bibliothèque municipale* of Toulouse is a mystery.

the way these cases were recorded. In the record of the normal oral procedure, the argument made by each party was written down almost verbatim, but this did not happen for the *procès par escript*. Instead, these registers contain mostly copies of documents that were related to the ongoing procedures. This resulted in a very uneven level of documentation for the court cases since only a few *arrêts* provided details. Also, these registers do not often reveal who won the case and why. Most cases appear and disappear from the registers without a clear conclusion, which indicates that – just as in law courts all over Europe – lawsuits were more often than not settled out of court. Barring these restrictions, these registers allow me to track court cases as they developed, and assess the way the Parlement engaged with lords and ladies in cases that directly involved their *seigneurie* (as opposed to, for example, a lawsuit about a sale gone awry that did not touch on the seigneurial estates of the litigants). To acquire the data for Chapter 4, I surveyed the registers in 1446-1466, 1481-1502, and 1523-1541, I chose to survey these periods because they provided roughly equal snapshots of the records of the Parlement of Toulouse between the creation of the Parlement (in 1444) and the end date of my study. This review of the evidence yielded a total of fifty-five relevant documents, that were distributed approximately evenly across the three periods (for more details see also Table 23 in Chapter 4).


Albigeois
County of Lomagne
Verdun
Villelongue
Viguerie of Toulouse
County of l'Isle Jourdain
County of Caraman
Lauragais
Rieux
County of Comminges
Rivière
County of Foix
Viscounty of Couserans
Map 1: Senechalsy of Toulouse
Administrative borders (1473-1541)
Rivers
Sénéchaussée of Toulouse (post 1473)
Counties and Viscounties
Royal Districts
Judicature of Albigeois
Judicature of Lauragais
Judicature of Rieux
Judicature of Rivière
Judicature of Verdun
Viguerie of Toulouse
Judicature of Villelongue
0 10 20 km

Now that I have discussed the chronological limits and sources of this dissertation, I turn to its geographic boundaries. In this dissertation, I restricted myself to *seigneuries* that were situated within the boundaries of the royal seneschalsy (*sénéchaussée*) of Toulouse as they were after 1473. This seneschalsy was created shortly before 1271 by the last count of Toulouse in preparation for the annexation of his lands to the royal domain.[47] Initially, the seneschalsy was of considerable size. Within its borders lay the lands of the counts of Foix (in the south) and Armagnac (to the west), but significant parts of it were attached to the royal domain. To facilitate management, the royal domain within the seneschalsy was divided into five judicatures (judicial districts): Lauragais, Villelongue, Verdun, Rivière, and Albigeois, which contained only one-half of the old region. These judicatures had their own royal judges and administration. The borders of the seneschalsy remained relatively stable until 1473. In that year, much of the territory west of the Garonne was separated into the seneschalsy of Lectoure.[48] This removed the county of Armagnac and other counties in the area from the seneschalsy of Toulouse.

My focus in this study is mostly on the royal domain in the different judicatures (see Map 1).[49] In this part of the royal domain, there are few to no counts or viscounts.

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[47] Philippe Wolff and Michel Labrousse (eds.), *Histoire de Toulouse* (Toulouse, 1988), 532.

[48] In contemporary sources this seneschalsy is often referred to as the seneschalsy of Armagnac. See for example, in a confirmation letter that an homage was done: *ladite seigneurie de Tagen en Villemur en partie assis en la seneschausse d'Armaignac*. AN, P555-1 IICXXXVII *Pierre de Montpezat-Carbon*, 18/03/1515.

[49] I based the maps included in this dissertation on the *Atlas historique* of Languedoc, maps and descriptions from Ramière de Fortanier, and the HL as well as primary sources. Many dénombrements and homage letters indicate the judicial district from which the fief depended. However, not all do this. The Viguerie of Toulouse, and the districts of Albigeois, Villelongue, and Lauragais are well attested in my sources, but Verdun, Rivière, and parts of Rieux are not. This means that the borders of the last three less certain than of the first four. Elie

The few exceptions that did exist, such as the county of Lauragais, or the county of Caraman, were created very late and had very little influence on the functioning of the royal administration. This meant that petty lords and ladies engaged, more often than not, directly with the royal administration, rather than with powerful great aristocrats, as was often the case in other parts of France. All this makes the selected region a good case-study to reveal the workings of lesser *seigneuries* with a decidedly local inflexion, which have not yet received detailed scrutiny for the debates that I outlined above.

This dissertation first provides a discussion of the local, contemporary definitions of *seigneurie* as an institutional container of lordship. In the available scholarship, *seigneuries* have often been defined by their features, such as the presence of certain rights and buildings. This resulted in the proliferation of definitions because *seigneuries* were very diverse.[50] For instance, for fourteenth- to sixteenth-century Auvergne, Pierre Charbonnier proposed that a *seigneurie* had high justice (i.e., the authority to try criminal cases punishable by death), a castle, a domain, and a lord or lady at the helm.[51] In other regions of France and elsewhere, historians proposed different definitions.[52] In an effort to define a *seigneurie* more universally, some historians have used the definition of lordship to create a general definition for local *seigneuries*. Hélène Débax, for example, in her study of *co-seigneuries* (i.e., when several lords and ladies shared a

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Pélaquier, *Atlas historique de la province de Languedoc* (Montpelier, 2009); Ramière de Fortanier, *Chartes Lauragais*; Claude Devic and Joseph Vaissette, *Histoire générale de Languedoc*, ed. Ernest Rosachach (Toulouse, 1885), ix.

[50] For a discussion on this topic and an attempt to provide a synthesis: Gérard Giordanengo, 'Les seigneuries françaises au Moyen Age. Une impossible synthèse', *Initium: Revista catalana d'historia del dret*, iv (1999).

[51] Pierre Charbonnier, *Une autre France*, 359.

[52] Sandro Carocci, 'A stampa in Señores, siervos, vasallos en la Alta Edad Media', *XXVIII Semana de Estudios Medievales, Estella, 16-20 julio 2001* (Pamplona, 2002), 2.

seigneurie) in Languedoc, defined lordship as the aristocratic domination of society, and *seigneurie* as the legal rights of domination attributed to one individual.[53] These rights could be expansive. In fact, in Languedoc, unlike some other regions in France, lords and ladies routinely possessed extensive judicial rights, and nearly every *seigneurie* – even tiny ones – had high justice.

In Chapter 1, my approach is more aligned with that of Charbonnier than that of Débax, in that I seek to establish which rights, properties, and duties were commonly associated with the word '*seigneurie*' in contemporary sources. To ascertain this, I turn to the *dénombrements*, which allowed me to create a survey of *seigneuries*. An analysis of the seigneurial rights that were listed in these extensive feudal descriptions reveals that judicial rights were most closely associated with *seigneurie*: only estates with these rights were referred to as *seigneuries*. Conversely, the association between *seigneurie* and judicial rights was strong, but not exclusive. There were rights that in the *dénombrements* were labelled as seigneurial, such as the rights of *directe* (i.e., seigneurial rights over the management and transmission of lands by seigneurial subjects). The close association between '*seigneurie*' and judicial rights and between 'seigneurial' and the *directe* fits the definition used by Débax. Nevertheless, the presence of a rare, but meaningful, appearance of seigneurial rents deviates from that paradigm. Rents were highlighted as important features of *seigneuries* in French scholarship, but across the *dénombrements,* the relationship is too weak to confirm this view.[54] The labels '*seigneurie*'

[53] A definition she had found in the work of Joseph Morsel, whose definition in turn echoed Robert Boutruche. Robert Boutruche, *Seigneurie et féodalité. II L'apogée (XIe- XIIIe siècles)*, 2 vols (1970), ii, 80; Joseph Morsel, *L'aristocratie médiévale: la domination sociale en Occident (Ve - XVe siècle)* (Paris, 2004), 174; Débax, *La seigneurie collective*, 20.

[54] Giordanengo, 'Une impossible synthèse', 132.

and 'seigneurial' cover a broader range of different estates and rights. In this dissertation, I analyse only those estates that have judicial rights and are therefore described as *seigneuries*.

In Chapter 2, I shift the focus to the *seigneurie* as a marker of identity for its possessors, that is the vassals that held the fiefs. Seigneurial titles served to claim pre-eminence as a ruler of a community, which distinguished the bearer from its subjects. Consequently, the seigneurial title served as an important identifier that indicated the status of the bearer, not only as a ruler but also – in certain cases – as a member of a dynastic lineage. The title allowed to distinguish between people with the same name who shared *seigneuries*, and it could be used as a polite replacement for a name. The title was, however, not fixed and it could be changed or even dropped depending on the requirements of circumstance. Some lords and ladies changed their titles to emphasise their legitimacy if their seigneurial rights were contested. Women and underage heirs and their guardians were partially subjected to different rules. The importance of seigneurial titles as identifiers made the choice of title meaningful. The title could reflect the place they commonly inhabited, the feudal revenues lords and ladies could gain from it, or the number of generations a *seigneurie* remained with the same patrilineal dynasty.

I analyse the power relations between lords and ladies and other stakeholders in a *seigneurie*, such as the seigneurial subjects or other co-lords in Chapter 3. These relations, and the negotiations that stemmed from them, were central to the management of a *seigneurie*. I analyse the relations between lords and ladies and their seigneurial subjects by analysing the seigneurial officers of justice a lord or lady claimed to be able to appoint. In *dénombrements* lords and ladies also claimed they could appoint consuls, who were the representatives of the seigneurial subjects. Following the

analysis of the officials, I turn to an investigation of the seigneurial claim to legitimacy though the concept of the Common Good. This was a doctrine that certain actions were legitimate since they were done to the benefit of the community, be that the whole of France, a city, or even a village.[55] The dispensation of justice was a central tenet of narratives surrounding the Common Good employed by the monarchy. While lords and ladies did not often appeal to the Common Good explicitly, their emphasis on the centrality of justice – in itself a concept about equity, probity, and social order – in what constituted a *seigneurie* shows that they followed the same logic. Interactions between lords and the royal administration shows that collaboration and mutual respect between the crown and lords as a group were the norm.

The place of the royal administration as a broker in conflicts between local parties is the subject of Chapter 4. In this chapter, I analyse which policies vis-à-vis *seigneuries* were developed by the highest royal court of Languedoc, the Parlement of Toulouse. I show that the Parlement approached the *seigneurie* as a legitimate institution and acknowledged the role of various stakeholders – the lord and lady, the consuls, the ordinary subjects, and so on - in the proper functioning of local government. The seigneurial subjects, represented by consuls, (co-)lords and ladies, had their own interests in a *seigneurie*. The Parlement recognised and reinforced this in its arrêts and did not systematically favour one group over another. It also had little incentive to do

[55] The Common Good is well studied for cities, but less well studied for rural areas. Albert Rigaudière did draw attention to the use of the Common Good in smaller cities, such as Bram. Bram was a seigneurie in Lauragais, comparable to most seigneuries included in this study. Gisela Naegle, 'Bien Commun et Chose Publique, traités et proces à la fin du Moyen Âge', *Histoire et Archives*, xix (2006), 99; Albert Rigaudière, 'Donner pour le Bien Commun et contribuer pour les biens communs dans les villes du Midi français du XIIIe au XVe siècle', in Elodie Lecuppre-Desjardin and Anne-Laure Van Bruaene (eds.), *De Bono Communi. The Discourse and Practice of the Common Good in the European City (13th-16th c.)* (Turnhout, 2010), xxii, 17.

so, since contemporary sources indicate that the royal administration did not have the infrastructure, manpower, or funds to replace the dense network of seigneurial courts that existed in Languedoc.[56]

In this dissertation, I argue that lords and ladies retained a strong position within their *seigneurie* and that they could not restrict themselves to a view in which the *seigneurie* was simply an instrument for surplus-extraction at the expense of the local peasantry. Lords and ladies accepted – or were made to accept – that *seigneuries* were a forum for dialogue with their seigneurial subjects. In return for seigneurial taxes, *seigneuries* provided a normative framework for the local community, as well as dispensing justice and military protection in times of conflict. Lords and ladies further justified their hold over the *seigneurie* by emphasising the importance of seigneurial justice, they protected their courts and maintained them even if there was not always a clear fiscal incentive to do so. While civil justice was a profitable business because of fines that lined the lord's and lady's pockets, criminal justice was normally a costly affair for them. Hence, they retained the power to appoint seigneurial officers, including the judges. Since there are no extant court documents of seigneurial courts, I could not assess the functioning of these courts. The use of seigneurial rights of justice as a justification shared the emphasis on the dispensation of good justice in common with the royal narratives surrounding the Common Good that were intended to justify royal authority.

Yet, despite these justifications, lords and ladies could only maintain their position by accepting that power was shared. While lords and ladies focussed on the

[56] Hayhoe argues that this continued to define the interactions between seigneuries and the crown until the end of the Ancien Régime. Hayhoe, *Enlightened Feudalism*, 217.

appointments of officials and the inning of seigneurial dues the community of seigneurial subjects and their representatives focussed on protecting their communal privileges. The division of power was also affirmed by the royal administration. It did not support consuls to the disadvantage of lords and ladies, as Ramière de Fortanier claimed in his study of Lauragais.[57] Instead, the Parlement of Toulouse, an institution that was at least partially staffed by lords or men affiliated with lords, approached cases involving *seigneuries* in an even-handed fashion, thus respecting and calibrating the delicate power balances between lords and ladies and their subjects. The royal administration endorsed the authority and legitimacy of lords and ladies. In sum, my research reveals that the workings of lesser *seigneuries* in peacetime confirm to the revisionist claim of recent scholarship and royal authority were more complementary than previous generations of historians surmised.

[57] Ramière de Fortanier, *Chartes Lauragais*, 49–51.

Chapter 1
The basis of the *seigneurie*: rights of justice

Introduction

In his 1995 article on Medieval Lordship, Thomas Bisson argued that lordship was associated with the exercise of public authority across Europe.[1] Central to this authority was the exercise of justice. In Languedoc, the word *seigneurie* was associated with rights of justice to such an extent that the words *seigneurie*, justice, and jurisdiction were used interchangeably, or alongside each other as synonyms. In turn, this could mean that, in the eyes of contemporaries, the attachment of a seigneurial jurisdiction to a certain plot of land qualified that land to be designated as a *seigneurie*. This would entitle the men and women who owned such a territory to style themselves as lords and ladies. Rights of justice were, however, not the only rights associated with a *seigneurie*.

[1] I use lordship to denote the broader concept of lordly authority, and *seigneurie* to denote the specific rights, duties, and possessions that are associated with the term in the sources. In translations and when the word is used to denote *co-seigneurie*, I have opted to use lordship (or co-lordship), to not impose my own distinction on the sources. Bisson, 'Medieval Lordship', 757.

Contemporaries designated several other rights as seigneurial, such as the right to own a banal oven, windmills, and watermills, the *guet* to ensure the protection of seigneurial castles, and certain types of rents, such as the *albergue* or the *censive* to name only a few. In this chapter, I probe local definitions of lordship to establish which elements – those focussed on resource extraction such as mills, farms, and fields or those based on public authority – were considered most important by contemporaries.

For a long time, lordship and the *seigneurie* have been the subject of analysis by historians. Yet, despite some extremely successful models, such as was proposed by Georges Duby, *seigneurie* as a concept has been typified by a significant diversity between and within regions. In his meta-analysis of the French, Italian, and Spanish scholarly traditions on lordship, Sandro Carocci observed that each definition historians proposed was 'an abstraction, a conceptual instrument, rather than an objective description of reality.' There is, he noted, no singular correct definition of lordship.[2] Such an observation implies that any approach to defining *seigneurie* should be aware of the flexibility of the concept. Hence I will refrain from suggesting a strict definition of *seigneurie* in fifteenth- and sixteenth-century Languedoc. Instead, I approach *seigneurie* by embracing its flexibility through an assessment of which rights are more commonly associated with places to which contemporaries gave the label '*seigneurie*', which is an established institution.[3] While the prerogatives encapsulated in the *seigneurie* do not cover the entire spectrum of lordship as an open-ended concept of power relations, it was an important fixture in society. The Languedoc countryside, just

[2] Carocci, 'A stampa', 148.

[3] Gert Melville, 'Institutionen als Geschichtswissenschaftliches Thema. Eine Einleitung', in Gert Melville (ed.), *Institutionen und Geschichte: theoretische Aspekte und mittelalterliche Befunde* (Köln, 1992), 1–24.

like other parts of France, was covered with *seigneuries*, so that much, if not all, of the local power relations associated with lordship were channelled through the *seigneurie*.

In this chapter, I aim to establish which – if any – rights and duties in the panoply of seigneurial rights were considered crucial to the conceptualisation of *seigneuries* by lay lords and ladies in the fifteenth- and sixteenth-centuries within the seneschalsy of Toulouse. The result of this analysis shows that the rights which are most clearly closely associated with the *seigneurie* are judicial rights, rather than, for example, seigneurial surplus-extraction, even if the latter was also a fixture of *seigneuries*. This observation corresponds with the analyses done by, for example, Thomas Bisson, Charles West, Sando Carocci and others, but contrasts with another school of thought that interprets the *seigneurie* as a primarily fiscal instrument aimed at the extraction of wealth.[4] Other than judicial rights there existed also a weaker yet demonstrable link between *seigneurie* and the *directe* (i.e., rights over landed properties). Both the judicial rights and the *directe* were enforceable using officials appointed by the possessor of the rights.

The analysis of the evidence from Languedoc fits into the ongoing debates on the nature of the *seigneurie* in post-war scholarship. In 1953, George Duby published his study on *seigneurie* in the Mâcon region of France, which was the opening salvo of more than thirty so-called '*Seigneurs et paysans*'-studies published by French historians in the second half of the twentieth century. Duby proposed that *seigneuries* in the Mâconnais fell into two categories: landed lordship (*seigneurie foncière*) and banal lordship (*seigneurie banale*). The *seigneurie foncière* incorporated only economic rights, and when

[4]Bisson, 'Medieval Lordship'; West, *Reframing the Feudal Revolution*, 261–262; Sandro Carocci, *Lordships of Southern Italy: Rural Societies, Aristocratic Powers and Monarchy in the 12th and 13th Centuries* (Bologna, 2018), 21; Goldsmith, *Lordship in France, 500-1500*, 14–15.

it was augmented with further economic and political authority it became the *seigneurie banale*. Wherein the lord enforced order.[5] Duby's analysis was very influential, but others did deviate from it. In his 1959 study *Seigneurie et Féodalité* Robert Boutruche suggests that *seigneurie* was the power to command and to do so legally.[6] The definition proposed by Boutruche was picked up in 2004 by Joseph Morsel and then applied to eleventh- to thirteenth-century *seigneuries* in Languedoc by Hélène Débax. They used a singular general definition of the broader concept of lordship as a reaction to Duby's division of French *seigneuries*.[7] This was, as Chris Wickham observed, part of a broader move away from Duby's approach to lordship that took place in French historiography in the early 2000s.[8] According to Wickham, French historians did so as it became impossible to tell banal rents from landed income. Débax, however, used the broad definition of lordship to emphasise that the *seigneurie* was based on social relationships between different stakeholders, stating that the *seigneurie* is 'neither a place nor a territory.'[9] This approach has merit: *seigneuries* were definitively social places where several groups – lords, ladies, and the seigneurial subjects met to negotiate their mutual rights and obligations (I discuss these interactions in Chapter 3). At the same time, the approach taken by Morsel risks underestimating or negating *seigneuries* as physical places, delimited in the landscape, with rights, rents, duties, and landed possessions.[10]

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[5] Georges Duby, *La société aux XIe et XIIe siècles dans la région mâconnaise* (Paris, 1953), 206.

[6] Boutruche, *Seigneurie et féodalité*, 80.

[7] Morsel, *L'aristocratie médiévale*, 174; Débax, *La seigneurie collective*, 20.

[8] Chris Wickham, 'Defining the seigneurie since the War', *Pour une anthropologie du prélèvement seigneurial dans les campagnes médiévales: XIe-XIVe siècles: réalités et représentations paysannes: colloque tenu à Medina del Campo du 31 mai au 3 juin 2000* (Paris, 2004), 48–49.

[9] Débax, *La seigneurie collective*, 20.

[10] Giordanengo, 'Une impossible synthèse', 131.

Without losing sight of the caveat of Débax, namely that lordship was a social process, rather than an object, I aim to pinpoint the conceptual boundaries of the *seigneurie*.

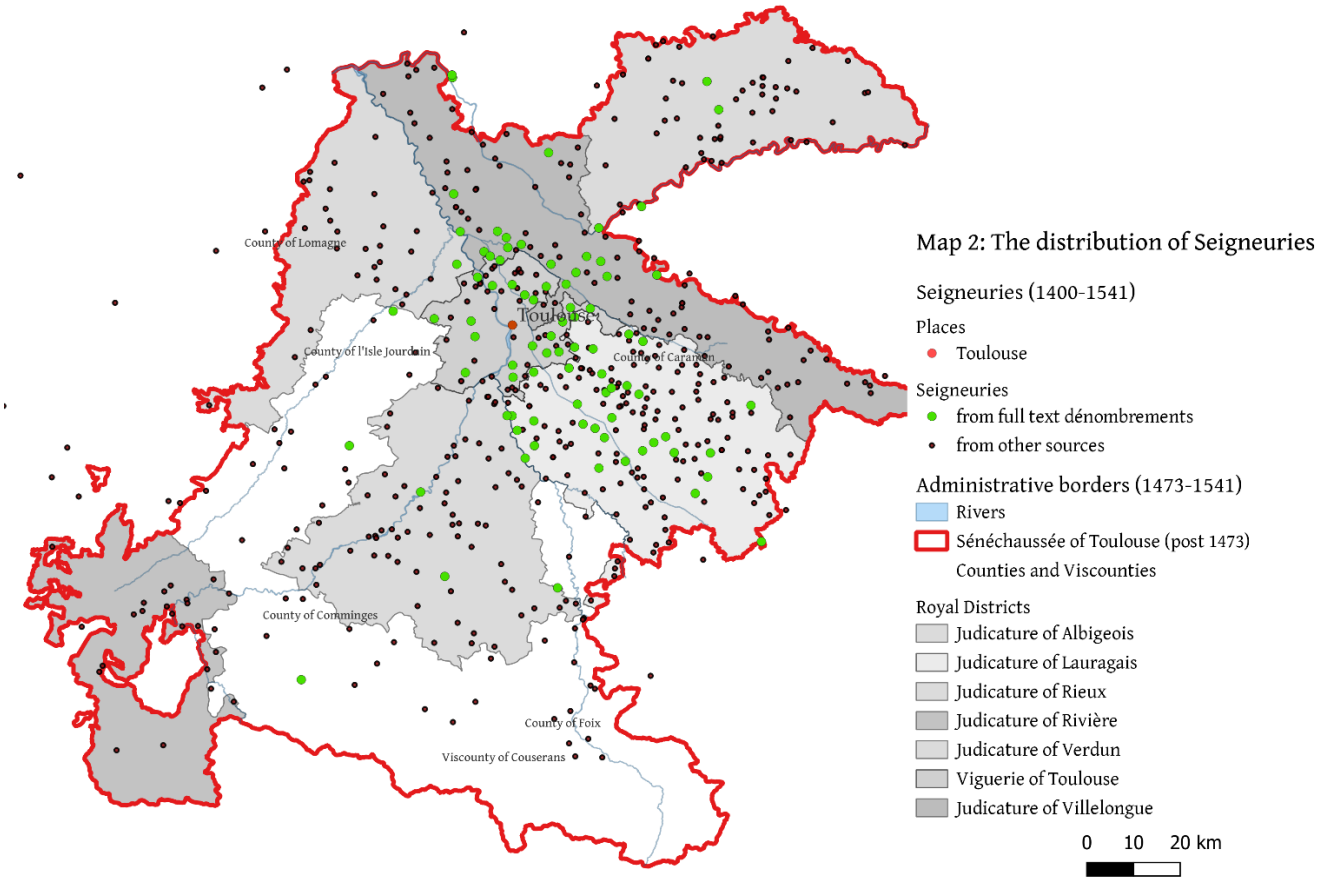
To assess which rights, possessions, and duties were associated with a *seigneurie*, I analyse *dénombrements*. These documents were written by notaries on the instruction of individual lords or ladies and were comprised of lists of fiefs with their constituent possessions, rights, and duties that were held by the lord or lady for whom the document was drawn up. In the process of drawing up a *dénombrement*, neither notaries, lords, nor ladies were bound by strict conventions. Instead, they were afforded considerable leeway on what to include and how it was included.

Fiefs were a form of property that included a lasting relationship between the person who created the fief and the person who had acquired it. To keep track of this relationship and the properties that constituted a particular person's fief, a homage and accompanying *dénombrement* were required. Not every fief was classified as a *seigneurie*. There existed a great diversity in the form and make-up of fiefs. For example, it could be as small as a singular rent, or as expansive as a whole county.[11] A *seigneurie* was, however, one of the types of fiefs to commonly appear in the *dénombrements*. The inclusion of both fiefs that were *seigneuries* and fiefs that were not, gives a unique insight into the possessions, rights, and duties that were or were not exclusively associated with *seigneurie*.

Moreover, as I will explain in the next section, the creation of a *dénombrement* was a recurring duty for every lord and lady, so *dénombrements* were relatively common.

[11] Compare for instance the *dénombrement* of Jean Leysac, who possessed only a single rent, with the *dénombrement* of Jean de Foix-Caraman, who listed the forty-seven *seigneuries* of his newly acquired county of Caraman. AMT, ii75/15 *Jean Leysac*, 1503; AN, P558-3 CIII *Jean de Foix-Caraman*, 17/02/1541.

This has allowed me to assemble a corpus of 226 full-text contemporary copies, as well as ninety-five incomplete copies and 1147 summaries of *dénombrements*. From the 226 contemporary copies, I gathered information on 693 individual fiefs. Ninety-five of these fiefs are explicitly labelled as *seigneuries* in the *dénombrements*, but similar seigneurial rights are also attached to 164 other fiefs (see map 2). I base my analysis on these 693 fiefs.[12]



[12] The incomplete copies and summaries were created in the seventeenth century and while they remain close to the rights and possessions described in the originals, there are sometimes significant discrepancies that made them unfit to be used in this chapter.

This chapter is divided into two main parts. I first discuss the *dénombrements* in-depth, and then I focus on what these sources reveal on contemporary perceptions of the *seigneurie* as bundles of seigneurial rights that were tied to a specific locality. Since the argument that I develop is based on a close reading of the *dénombrements* it is important to first understand the functioning of such a document fully. To this end, I provide an outline of the context in which a *dénombrement* was typically created, while also paying attention to the ways lords and ladies used their *dénombrements* to their own advantage. Second, I analyse the *dénombrement* itself, by showing the different parts of the document, followed by a closer look at how the articles were typically constructed and what kind of information they contained.

In the second part, I use *dénombrements* to analyse which rights were considered central to the contemporary conceptualisation of seigneurial lordship. To accomplish this, I tabulated the rights, duties, rents, and landed possessions that are described in the *dénombrements* and juxtaposed them with the labels (*lieu*, *seigneurie*, *juridiction*, etc.) applied to the locations of the fiefs. This helps to isolate the key constituent parts of the *seigneurie* among the rights, rents, duties, or landed possessions that were a part of the fief.

Dénombrements: the purpose, form, and content of the sources

The *dénombrement* was created as a part of the procedure surrounding homage. Homage was done between a person who held a fief (the vassal) and the person who gave it to them (the overlord). Fiefs were different from other categories of property in that there was a lasting relationship between the person who created the fief (the overlord) and the vassal (who had acquired the fief). Fiefs could and were regularly traded, sold, inherited, or transferred in other ways like other types of property, but such transfers could only occur with the consent of the overlord. Another key difference with non-fief property was that fiefs could "not be alienated, encumbered, or otherwise diminished without the consent of the person from whom it was held."[13] For example, when the vassal changed, when a fief was inherited by a son or daughter, or when the overlord changed, the rules stipulated that the vassal who now held the fief – or their representative – would do homage to the overlord, or to their representative.[14]

[13] Theodore Evergates, *The Aristocracy in the County of Champagne, 1100-1300* (Philadelphia, 2007), 64.

[14] Lords and ladies could and often did send procureurs to do homage in their name, but the reason was rarely explained. Georges de Lomagne in 1540 sent his son as a procureur out of consideration to his old age and his illness (*nouz avons receu ledit Anthoine de Lomaigne audit nom de procureur pour consideration de l'ancien age de maladie en laquelle l'on dit que ledit George de Lomaigne sondit pere est constitue*) AN, P557-2 CXLIIII *Georges de Lomagne*, 14/02/1540. Furthermore, the appointment of a procureur for this purpose needed to be validated by a royal judge: *il a monstré (…) apprez inquisitions par auctorete de monseigneur le juge ordinaire de Thoulouse qu'il ne scauroit soy transporter devers le roy nostre seigneur a pied ny a cheval*. AN, P553-2 CLXXVI *Jean d'Olmiers*, 4/02/1540.

To do homage a vassal was required to remove their hat, kneel before his or her overlord and swear loyalty.[15] In some cases, a fief came with certain duties the vassal needed to fulfil and gifts they needed to give. For example, one lord called Pierre Potier, had to do homage to the abbot of Bonnefont for his *seigneurie* of La Terrasse. In his *dénombrement* dating from 1540 Pierre acknowledged that, as a part of his homage, he was obligated to join the abbot of Bonnefont if said abbot ever decided to go to war against the 'infidels' in person.[16] In the same year, Achilles de Rouaix, lord of Francarville, described a different duty. He had to kiss the count of Caraman on the cheek as a part of his homage.[17] More commonly, lords and ladies were required to give their overlord a predetermined gift each time they did homage. Usually, this was a pair of gloves of a specified value, or gold or silver spurs.[18] For example, Pierre de Montfort, lord of Brax, had to give his overlord, the count of l'Isle-Jourdain, a pair of gloves.[19] Through ritual, contemporaries sought to define and confirm the social bonds between overlords and their vassals.[20]

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[15] Ramière de Fortanier, *Les droits seigneuriaux*, 15.

[16] *[L]equel lieu, terre et seigneurie de la Terrasse est tenu en foy et hommage de l'abbe de Bonnefont à la charge que sa ledit abbe va en personne à la guerre contre les infidelles seray tenu de l'acompanger* AMT, EE2 *Pierre Potier*, 23/10/1540, 104r-105r.

[17] *Item tiens dudit seigneur la conte de Carmaing en directe fiefz et rièrefiefz es lieux de Franquerville Verdun, la Costere, Lombes, Banieres, Prunet et Villeneufve en foy et hommage dudit conte d'ung baiser à la joue a chaque mutation de conte*. AMT, EE2 *Achilles de Rouaix*, 22/05/1541, 156r-156v.

[18] *Et oultre ce une paire de gans jusques à la valeur de .xx. sols a mutation de seigneur pour toutes charges et devoirs.* AMT, EE2 *Pierre Potier*, 23/10/1540, 104r-105r; *lesquelz je tiens en foy et hommage dudit conte de Carmaing luy faisant a chaune mutation de conte ung paire d'esperons dorez*. AMT, EE2 *Pierre Coutoux*, 28/10/1540, 169r-170v.

[19] *et pour en mutation de seigneur est tenu faire au conte de Lisle en signe de hommage ung pere de gans* AMT, EE2 *Pierre de Montfort*, 27/10/1540, 190r-190v.

[20] Paul Hyams, 'Homage and Feudalism: A Judicious Separation', in Natalie Fryde, Pierre Monnet, and Otto Gerhard Oexle (eds.), *Die Gegenwart Des Feudalismus: Présence Du Féodalisme et Présent de La Féodalité / The Presence of Feudalism* (Göttingen, 2002), 18–20.

There was an administrative procedure that was tied to the homage ceremony. During this procedure, three documents were to be created. The first and the second related to the homage itself and were prepared by the administration of the overlord. The third was the *dénombrement*, which was created by the vassal.

The first document recorded the homage ceremony, as well as the name of the vassal with a short description of the fief they did homage for.[21] In the seneschalsy of Toulouse, the king was the direct overlord of many lords and ladies. A few of those lords and ladies would do homage in Paris. Since the king could not receive all homages himself, lords and ladies usually had to pay homage to the chancellor of the *Chambre des Comptes* instead.[22] Only a few, usually higher ranking, vassals, such as the count of Armagnac or the duke of Alançon, had the privilege to do homage to the king in person.[23]

This brings into focus the second document, the letter confirming a homage. The royal administration in Paris favoured a shorter document that fulfilled much of the same function as the first. Once a homage was done, the *Chambre des Comptes* provided a letter, a short note confirming that a homage was done, and the *seigneuries* for which it was done.[24] One difference was that this letter indicated that a *dénombrement,*

[21] I have no examples of such a royal homage letter for the seneschalsy of Toulouse. Two large volumes of homage letters for the count of Armagnac do exist. See for example: ADTG, A266 1418-1427; ADTG, A267, 1418-1424.

[22] See for example: *nostre bien amé Jehanne de Vaques dame de Castres habitant de Thoulouse nous a ce jourduy fait es mains de nostre ame et feal chancellier les foy et hommaige que ladite Jehanne de Vaques nous estoit tenue faire* AN P558-3 CXLV *Jeanne de Vaques*, 21/06/1540.

[23] Example for Alençon: *…nostre tres cher et tres ame beaufrere et cousin le duc d'Alancon per de France nous a ce jourduy en sa personne fait en noz mains les foy et hommage lige…* AN, P555-2 IIICIIII *Charles de Valois-Alençon*, 2/09/1516.

[24] See for example: AN, P554-2 IIICXLVI *Jean d'Aure*, 12/05/1470.

sometimes also called an *aveu* should be submitted by the vassal within 'within the due time', which was approximately forty days.[25] This made the *dénombrement* the last document related to homage to be submitted, and the only one to be created by lords and ladies. Few of these appear to have gone to Paris, a majority of *dénombrements* were submitted to the seneschal of Toulouse, who was the local representative of the king. To make a *dénombrement*, lords and ladies needed to create a list of the fiefs with brief but appropriate descriptions that would allow the royal administration and third parties to identify the fief.

So far, I have discussed the rules surrounding homage and its procedure, but there are indications that, in practice, feudal overlords and vassals often deviated from these rules. For instance, most lords and ladies did not do homage nearly as often, or as regularly as the rules stipulated. Others, then, submitted several *dénombrements* in short succession. For example, Armanieu de la Forrade submitted two *dénombrements* in 1540, a longer one in March, and an abbreviated one in September.[26] Lords and ladies from the seneschalsy of Toulouse commonly had the king as their overlord, since much of the seneschalsy was part of the royal domain. If the rules were strictly applied, one would

[25] *[I]l sera tenu de bailler sondit adveu et denombrement dedans temps due* AN, P554-1 CLXXVII 12/10/1461; Ramière de Fortanier, *Les droits seigneuriaux*, 15.

[26] There are no indications as to why Armanieu did so. AMT, ii56/25 *Armanieu de la Forrade*, 7/03/1540; AMT, EE2 *Armanieu de la Forrade*, 24/09/1540, 193v-194r. In other cases there are more differences between *dénombrements*. For example, Pierre Daffis submitted one *dénombrement* in October 1540 and another in May 1541. This second *dénombrement* was different from the first. He had changed his seigneurial title, omitted several fiefs without further indications, and added that he held his estate in Belveser as a usufruct (which he had received through his wife Jeanne Forcaud, who received the usufruct from her late first husband before 1517). AMT, EE2 *Pierre Daffis*, 25/10/1540, 118v-119r; AMT, EE2 *Pierre Daffis*, 19/05/1541, 140r; André Navelle, *Familles nobles et notables du Midi toulousain au XV et XVIème siècles. Généalogie de 700 familles présentes dans la région de Toulouse avant 1550*, 11 vols (Fenouillet, 1991), iv, 5.

expect upticks in the number of preserved *dénombrements* in royal archives in 1422, 1461, 1483, 1498, 1515, and in 1547. In each of these years, one French king died and was succeeded by another, but the number of *dénombrements* for these years remains low. Instead, *dénombrements* appear only in substantial numbers in 1464, 1504, and 1539-1541.[27] The collection of homages was thus neither as spontaneous, nor as automatic as the rules would suggest. In 1457, a royal charter calling for the collection of homages stated that:

> 'Since a certain time passed, the nobles and all the others who have done the mentioned homages notwithstanding, as was said and had been demonstrated to us, [the nobles and others] ceased and are still ceasing every day to submit their *aveux* and *dénombrements* in writing.'[28]

The collection of homages by the royal administration and the subsequent submission of *dénombrements* by fiefholders was, therefore, the result of a deliberate royal campaign, whose scope and success varied. The most successful call to gather homages and *dénombrements* took place in 1539. A *dénombrement* submitted in that year copied the royal charter commanding Charles de Pierrevive, royal treasurer, to 'instead of [the king] receive fealty and homage of all those who hold fiefs in our land of Languedoc (...) and to command [those who hold fiefs] to submit their *aveux* and

[27] According to François Joffre's 1669 inventory of the archives of the seneschalsy of Toulouse. BnF, *Languedoc Doat 249*, 1669, 80r.

[28] *Dedans certain temps ja pieca scheu et passe et nonobstant lesdits nobles et tous autres qui ont fait lesdits hommages comme dit et remontré nous a este, ont cessé et encore cessent de jour en jour de bailler leursdits aveux et denombrements par escrit* ADH, A3, 2/02/1457, 41v-42v.

dénombrements.'[29] Similar, if less successful, calls were made in 1457 and 1492.[30] Each call put an emphasis on the collection of *dénombrements*, a concern that also returned in the homage letters.[31] By doing so, the royal administration indicated the importance of the *dénombrement*.

From the perspective of the royal administration, the *dénombrement* served a triple purpose. The first purpose was financial, as expressed by Raymond Daffis in the introduction of his 1540 *dénombrement*. Daffis, who not only held several fiefs but also worked as a *conseiller du Roy* for the seneschalsy of Toulouse, described what he understood to be the primary purpose of the *dénombrement*:

> 'Because it had pleased the king, our lord, to mandate (...) that all lords (...) holding lordships, noble land, fiefs, arrièrefiefs, under the said lord, would have to submit by means of a *dénombrement* the value estimation of the yearly revenues of [their fiefs].'[32]

Many lords and ladies dutifully submitted a *dénombrement* that fulfilled this role. For example, in 1525 Pierre Carrière submitted a short *dénombrement* that described a fief and its revenue and repeated the reported value in the right margin ('Item plus two pairs of chickens. For which: .ii. pairs chickens').[33] This structure was not at all uncommon in the *dénombrements*, but the detail of reported finances did vary between

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[29] *nous (...) ont comis ordonné et depputé commettons et deputons par ces presents pour au lieu de nous recepvoir a foy et hommaige tous ceulx qui tiennent fiefs en nostre pais de Languedoc (...) et leur enseigneant de bailer leurs adveux et denombrements (...)* ADHG, 3J 2 *Pierre Potier*, 13/11/1539.

[30] ADH, A3, 2/02/1457, 41v-42v; ADH, A3, 5/07/1492, 325v-327r.

[31] For example: ADH, A3, 2/02/1457, 41v-42v.

[32] *Pource qu'il à pleu au Roy, nostre sire, mander (...), que tous seigneurs (...) tenans seigneuries, terres nobles, fiefz, arrierefiefz soubz ledit seigneur eussent a bailler par denombrement la valeur extimation du revenu annuel d'iceulx*. AMT, EE2 *Raymond Daffis*, 28/10/1540, 111r-112r.

[33] *Item plus deux paires gelines. Pource: .ii. paires gellines*. AMT, EE2 *Pierre Carrière*, 1525, 34r-34v.

dénombrements and between periods of collection. As I discuss in Chapter 2, between 1504 and at least 1525 lords and ladies tended to report their yearly revenues in great detail. By 1540, much of that detail was gone. Despite the financial importance attributed to the *dénombrement* by Raymond Daffis, the document appears to have gradually lost that importance.[34]

The second purpose for *dénombrements* was tied to the ban and *arrièreban*.[35] The ban was the military service holders of noble fiefs owed their overlord. In the seneschalsy of Toulouse, it was usually royal officers who raised the ban in the king's name. The seneschal of Toulouse did so frequently: between 1412 and 1494 the extracts from registers of the seneschalsy of Toulouse contain twenty calls to raise the ban. This number was likely higher since the ban was often raised again within months and it could be raised several times a year.[36] Certain fiefs carried with them the obligation to maintain one or two soldiers of a particular type, such as foot soldiers, horsemen, crossbowmen, archers on foot, and horse archers.[37] This duty was often included in the

[34] In the seventeenth century copies and summaries of *dénombrements* financial data was strongly abbreviated. The summaries only recorded the names of the rights (*albergue*, *oblie*, *censive*), even if they were sometimes grouped together under the label 'censive.' The revenues were usually omitted save for some occasional references to particular sums. It is likely that the numbers recorded in the *dénombrements* were long-since outdated, but in combination with the end of major collection efforts this indicates that the third purpose of *dénombrements* was becoming more dominant.

[35] There are no references to the ban and arrièreban in MS 634, and it appears once in MS 635. The summary of the *dénombrement* of Nicolas de Castelverdun indicated that he was exempt from the ban. BMT, MS 635 *Nicolas de Castelverdun*, 1540, 118.

[36] ADH, A3, 27/07/1477, 173r-174v; 2/02/1478, 178r-178v.

[37] For an example of a foot soldier: AMT, EE2 *Jean Boisson*, 27/10/1540, 106v-108r; a horseman: AMT, EE2 *Guillaume and Pierre Faure*, 24/10/1540, 154v-155v; a crossbowman: AMT, EE2 *Pierre Faure and Gauside Doulx*, 1540, 101r-102v; an archer on foot: AMT, EE2 *Pierre Potier*, 23/10/1540, 104r-105v; and a horse archer: AMT, EE2 *Raymond de Tournaire*, 15/05/1541, 145v-146r.

dénombrements. Pierre de Gameville, lord of Vieillevigne, for example, stated in 1541 that he 'served the king, mysaid lord, for the ban and *arrièreban* with the nobles of the city, with a *brigandiner*.'[38] In cases where several people held one *seigneurie*, called co-seigneurie, the responsibility was equally divided. For example, in his 1540 *dénombrement* Jean de Goth recorded that he had to contribute half an archer to the ban.[39] The other co-lord contributed the remainder, as was the case between the many co-lords of Novital.[40]

Not all holders of fiefs were beholden to answer to the call of the ban and *arrièreban*. Royal officers were exempt for the duration of their tenure and included this in their *dénombrement*. Berenguier Jeury, a councillor of the seneschal of Toulouse who held only three small noble fiefs, explained that royal officers 'are not held to serve with the ban and *arrièreban*, but serve the said lord [the king] through their office.'[41] Another royal officer, Jean de Bonnefoy, co-lord of Montauriol, further clarified that this privilege was only valid for the duration of their office.[42] The inclusion of these notes in

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[38] A brigantiner or brigandiner was a footsoldier who wore a type of armour called a brigandine. *(...) servoys le Roy mondit seigneur au ban et rièreban avec les nobles de ladite ville que d'un brigantiner* AMT, EE2 *Pierre de Gameville*, 30/04/1541, 189r-189v ; Eugène Viollet-le-Duc, 'Brigantine', *Dictionnaire raisonné du mobilier français de l'époque Carlovingienne à la renaissance* (Paris, 1874), v, 228.

[39] *Pour lesquelz biens et revenu, que je prens noblement desdits seigneurs suys tenu faire service au Roy, nostre seigneur, quant son bon plaisir est mandes le ban et rièrreban en ladite seneschaucée de Thoulouse la moytie d'ung archier*. AMT, EE2 *Jean de Goth*, 25/10/1540, 120r-120v.

[40] *(...) declaire que suyvant les anciens hommages pour lesditz pieces nobles moy le seigneur de Novital et de Belleval quant le ban et rièreban de la seneschaucée est mandé sommez tenuz faire tous ensemble ung archier* AMT, EE2 *Raymond de Puybusque*, 28/10/1540, 114r-114v.

[41] *(...) cest qu'ilz ne sont tenuz servir au ban et rièreban mais servient ledit seigneur en leur office* AMT, EE2 *Berenguier Juery*, 1540, 153v-154v.

[42] *(...) pour raison de leursdits offices sont quites et exemptz de ne aller servir au ban et rièreban quant il plaist audit seigneur le mander, et ce durant l'administration de mesdits offices*. AMT, EE2 *Jean de Bonnefoy*, 1/04/1541, 140v-141r.

the *dénombrements* of royal officers shows that the royal administration expected every fief holder to contribute to the ban.

The third and final purpose ascribed to *dénombrements* was to keep a record of the possession of fiefs. This was important to both the royal administration and individual lords and ladies. For example, the Parlement of Toulouse, the highest royal court of Languedoc, accepted *dénombrements* as evidence of possession of the fiefs mentioned within them.[43] Lords and ladies themselves equally valued this document since a *dénombrement* accepted as valid by the royal administration could serve as a source of legitimacy (see Chapter 3), as it allowed lords and ladies to strengthen a claim if possession over a seigneurial right or duty was in doubt. For example, before submitting his *dénombrement* in October 1540 Michel de Vabres sought to remove doubt by consulting the registers of the seneschalsy of Toulouse to ascertain what he owed regarding the ban and *arrièreban*.[44] Jean de Bernuy likewise mentioned in his 1541 *dénombrement* that he fruitlessly searched through the registers of the seneschal for the

[43] In a court case in which Raymond and Arnaud Resseguier's nobility was in doubt, they submitted the *dénombrements* of the fiefs they held. ADHG, 1B 2300 *Raymond and Arnaud Resseguier vs Procureur du Roi*, 12/12/1448, 17r-17v; André Viala, *Le Parlement de Toulouse et l'Administration Royale Laïque (1420-1525 environ)*, 2 vols (Albi, 1953), i, 144.

[44] *Item declaire je susdit de Vabres avoir trouvé par les registrers du seneschal de Thoulouse, que Jehan Ysalguier et autres ses predecesseurs, seigneurs et barons de Chasteauneuf et de Savanes estoient tenuz faire au ban et arrièreban ung homme d'armes touteffoys cestoit du temps que lesditz Ysalguiers estoient seigneurs et possesseurs avecques ladit baronnie des lieux et places que sensuyvent les tous assis dans la seneschaucée de Thoulouse* AMT, EE2 *Michel de Vabres*, 24/10/1540, 137v-139v.

dues he owed on a farm.[45] In doing so, both Michel de Vabres and Jean de Bernuy hoped to strengthen their case by showing they had done their due diligence.

Such diligence was important since *dénombrements* could also be subject to controls by the royal government, but also by third parties. In his *dénombrement* dating to 1537, Jean du Pin added a note to his text expressing his expectation that his *dénombrement* would be checked and that if necessary he would be informed: 'And I beg of mysaid lord that if I have erred in this present *aveu*, put too much or forgotten to place, to let me know.'[46] In doing so, he also placed the initiative to check with the royal government and he built in plausible deniability if any discrepancies were found. Subjects too could check the veracity of the statements made in a *dénombrement*. In Lauragais, a *dénombrement* had to be made public on three consecutive Sundays in the parish church of a *seigneurie*, so that the inhabitants of the *seigneurie* could verify it.[47] In a few instances, *dénombrements* mention witnesses (see Chapter 2), and in a number of court cases, the court ordered the *dénombrements* to be handed over from one party to another to verify ownership. This happened in the case between Gabrielle, Anne, and Catherine de Labarthe and Bertrand Ysalguier, lord of Clermont-le-Fort. The Parlement commanded him in January 1541 to hand over the *dénombrements* and other documents to the three sisters so they could verify his claims of ownership.[48] When Bertrand had

[45] *Item et ladite piece tiens en foy et hommage du conte de Carmaing au service, devoir et charge qu'il vous plaire moy imposer comme les autres citoyens de ladite ville se y offrant aucun affaire et pour la tuition, garde d'icelle d'autre que apres avoir serché les registres de la seneschaucé nay peu trouver quelle charge faisant ledite mettairie*. AMT, EE2 *Jean de Bernuy*, 28/05/1541, 182r-182v.

[46] *Et suppliant à mondit seigneur que si j'ay erre en cestui present adveu trop mis ou oblie à mettre le moy faire savoir*. AN, P556-3 IICXVI *Jean du Pin*, 16/06/1537.

[47] Ramière de Fortanier, *Les droits seigneuriaux*, 16.

[48] ADHG, 1B 34 *Gabrielle, Anne, Catherine de Labarthe vs Bertrand Ysalguier*, 12/01/1541, 79r.

yet to fully comply by September, the Parlement threatened him with a fine of 2.000 *livres tournois*.[49] This was an amount comparable to the cost of purchasing a *seigneurie*.[50]

This kind of scrutiny did not dissuade lords and ladies from presenting a roseate interpretation of their rights in their *dénombrement*. For example, Pierre Coutoux, lord of Francarville, indicated in his 1540 *dénombrement* that when he bought Francarville no stipulation regarding homage was made. He, therefore, decided he did not need to do homage to the count of Caraman, in whose county Francarville was situated. Instead, he directed his homage to the king directly.[51] Such liberties had limits though. Lords and ladies could not simply invent new seigneurial rights. The lord of Montagu in the county of Pardiac tried and failed to accomplish such a feat in 1446, when he attempted to force his subjects to take up the *guet* (which included watch duties) for a castle he had recently built, without royal permission.[52] The men he commanded to do so responded that the *seigneurie* did not have a castle and that they were not obliged to man the newly constructed fortification.[53]

Last, a subsection of the *dénombrements* was used for a different purpose than the reasons I discussed so far. These *dénombrements* were all submitted to the city government of Toulouse, the capitouls. Like the seneschal of Toulouse, the capitouls were permitted to request the submission of a *dénombrement*. The capitouls required

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[49] *[I]l sera dict que ledit Ysalquier sera tenu à peine de deux mil livres tournois de mettre dedans quinzaine [jours] devers ledit commissaire le restant desdictes livres terriers de denombrement de recognoissances et de la lieue des lieux et places qu'il tient et possede où à tenu et possedé*. ADHG, 1B 34 *Gabrielle, Anne, Catherine de Labarthe vs Bertrand Ysalguier*, 15/09/1541, 506r-506v.

[50] See for example ADHG, 1B 30 *Jean du Pré vs Chapter of Cahors*, 20/2/1537, 130r. In this case the sale of a *seigneurie* is cancelled and the 2.000 l.t. selling price was to be refunded by Jean du Pré.

[51] AMT, EE2 *Pierre Coutoux*, 28/10/1540, 169r-170v.

[52] ADHG, 1B 2298 *Procureur-Général du Roi vs Seignoret de Montagu*, 8/02/1446, 100v-101r.

[53] ADHG, 1B 2298 *Procureur-Général du Roi vs Seignoret de Montagu*, 8/02/1446, 100v-101r.

these documents for two reasons. People who wanted to be counted among the nobles of the city of Toulouse were required to hold a noble fief.[54] This was a fief that conferred nobility upon its possessor and was also exempt from the royal *taille*, a land tax.[55] The capitouls, eager to protect their tax base, verified the claim by means of a *dénombrement*. Candidates were also required to be permanent citizens of Toulouse.[56] The capitouls would confirm the nobility of a candidate by registering them on the *rôle des nobles* and – if requested – entering their *dénombrement* in a register.[57] The standards do not appear to have been extremely strict. The category of noble fiefs was extremely broad. Roger Pons, for instance, qualified because he held five rents that happened to be noble fiefs in villages in the vicinity of Toulouse.[58] The criterion to be a permanent resident was also loosely defined. In May 1542, Raymond de Rouer dit de Pavie, lord of Fourquevaux, had his friend Antoine d'Anticamarets give him half of a house in Toulouse exactly one month before submitting his *dénombrement*.[59] The capitouls appear to have been

[54] In EE2 ahead of some *rôles des nobles* there is an introduction explaining the right of the capitouls to raise the ban and arrièreban. There they explain the ceremony, the privilege they received from the king, as well as certain related issues that arose during or before the ceremony. One example is AMT, EE2 *Rôle des nobles*, 14/07/1522, 14r-16r.

[55] For example: *Item tiens audit lieu une borde, appellée Laborde Blanche ou il y a trente ou quarante arpens de pre ou environ, tant culté que inculté noble sans en payer taille*. AMT, ii22/6 *Arnaud Faure*, 11/02/1504.

[56] *Vous suppliant qu'il soit le bon plaisir de dictz messires recevoir ledict Benoist, comme vray habitant de la present ville de Thoulouse et faisant sa continuelle residence de le mettre au nombre des nobles et habitans d'icelle* AMT, EE2 *Charles Benoît*, 18/07/1523, 29v-30v.

[57] *(…) autrement se trouveroit requerans à vous mesditzs seigneurs de Capitoulz que icelluy dénombrement vieillez prendre et incorporer dans voz livres* AMT, EE2 *Heirs of Guillaume de Borrassol*, 10/11/1540, 158r-159r.

[58] AMT, ii97/9 *Roger Pons*, sixteenth century.

[59] *Et premierement, il advoué à tenir en la present ville sa moitie d'une maison (…), laquelle moytie de maison luy a esté donnée par Anthoine d'Anticamareta, escuyer, seigneur de Villeneufve (…) le vingneufiesme de mars mil cinq cens quarante deux.* AMT, ii97/26 *Raymond de Rouer dit de Pavie*, 29/05/1542.

satisfied that this made him a permanent resident since they accepted his *dénombrement*.[60]

The *dénombrement* submitted to the capitouls of Toulouse in 1542 by Raymond de Rouer was exceptional because it was intended to match the minimum requirements of the capitouls. It contained one house within Toulouse, followed by one noble fief, even though he had at least two fiefs.[61] Most lords and ladies did not create such specified *dénombrements*. Instead, when they submitted a *dénombrement* to the capitouls, it would meet the requirements of both the capitouls and the seneschal of Toulouse, because the seneschal was the main authority to receive homages and *dénombrements* for the king. Therefore, several among them included a line requesting that the capitouls would transfer the *dénombrement* to the seneschal.[62] It is not clear whether the capitouls complied with such requests since their archives contained a substantial number of original *dénombrements*.

[60] Raymond de Rouer may have had to create this *dénombrement* to preserve his noble status within the city. He had a long history in Toulouse: according to the HL he carried the city standard of Toulouse during the entry of Francis I in August 1533. Claude Devic and Joseph Vaissette, *Histoire générale de Languedoc*, ed. Ernest Rosachach (Toulouse, 1889), xi, 238.

[61] According to the seventeenth-century summary of his *dénombrement* from ca.1540 Raymond held the baronies of Fourquevaux and Auriac-sur-Vendinelle, but Auriac does not appear in his full text *dénombrement*. BMT, MS 635 *Raymond de Rouer dit de Pavie*, ca.1540, 202.

[62] For example: *et requiers a vous mesditz seigneurs les Capitoulz de Thoulouse le vouloir bailler et presenter a mondit seigneur le seneschal de Thoulouse ou a son lieutenent commissaire par ledit seigneur en ceste partie depputé*. AMT, EE2 *Pierre Carretain*, 25/10/1540, 123r-123v.

Format of *dénombrements*

Whatever reason lords and ladies had to adopt one *dénombrement* for different purposes, it did have as a consequence that most *dénombrements* used a similar format, regardless of whether it was submitted to the capitouls or the royal administration. This format was not, however, defined by strict rules. Instead, the rules allowed for considerable deviation and not every section had to be included to create a valid *dénombrement*.

Most *dénombrements* begin with an introduction that identified by name and status the person or persons for whom the *dénombrement* was drawn up. This was followed by the first authority to whom the *dénombrement* was to be submitted, concluding with a reference to or mention of one or more of the fiefs listed in the document. The *dénombrement* of Arnaud-Guillaume and Pierre de Vilèlle from 1510 provides a good example of such an introduction:

> 'Here follows the *dénombrement* that we Arnaud-Guillaume and Pierre de Vilèlle, squires, lords of Mourvilles-Basses, inhabitants of Toulouse, submit to you, noble and powerful lord, monsieur the seneschal of Toulouse, commissioner in these parts, for the noble goods that we hold as heirs of the late noble Jehan de Vilèlle, our progenitor, in his life lord of Mourvilles-Basses, hold in homage from the king, our sovereign lord.'[63]

[63] *Sensuit le dénombrement que nouz Arnaud-Guillem et Pierre de Vilèlle, escuyers, seigneurs de Morvilles, habitans de Tholouse, baylent a vous noble et puissant seigneur monssieur le senechal de Thoulouse commissaire en ceste partie des biens nobles que nouz tenons comme heretiers de feu noble Jehan de Vilelle nostre ayeut, en son vivant seigneur de Morvilles, tenons en hommage du roy, nostre soubiran seigneur*. AMT, EE2 *Arnaud-Guillaume and Pierre de Vilèlle*, ca.1510, 11r-11v.

Not every lord included such a lengthy introduction. Arnaud Rigaud, for example, added a noticeably short introduction in his *dénombrement* in 1513:

> 'Here follows the *dénombrement* that is submitted by noble Arnaud Rigaud, lord of Gresselhes [Aigrefeuille], within the lordship of the city and Viguerie of Toulouse.'[64]

Immediately following the introduction, lords who were employed by the royal administration included a paragraph to explain their exemption from the duties surrounding the ban and *arrièreban*. This how Michel Faure, *juge-mage* of the seneschalsy of Toulouse, who made a *dénombrement* for himself and his brother Jacques, explained it in the introduction to his *dénombrement*:[65]

> 'Plus we demand because it had pleased the king to use me in the stature and office of *juge-mage* in the present seneschalsy (...) in which and to its officers the king, oursaid lord, has given and confirmed the privileges granted by his predecessors and through which we are released and exempt from serving to the ban and *arrièreban* (...) and this during the duration of our offices.'[66]

Following the introductory clauses, lords and ladies began listing their fiefs. The lists were usually subdivided into articles, each marked with 'item', with the exception

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[64] *Sensuit le denombrement que bayle noble Arnaud Rigauld seigneur de Gresselhes en la senhorie de la ville et vicarie de Thoulouse*. AMT, EE2 *Arnaud Rigaud*, 14/03/1513, 12r.

[65] The *juge-mage* was the highest judge in the seneschalsy of Toulouse. He took over the judicial role the seneschal had played, and therefore ran the court of the seneschal. Louis XI briefly abolished the position between 1462 and 1468. Devic and Vaissette, *Histoire générale 11*, 70.

[66] *Plus protestons pource qu'il plaist au Roy se servir de moy en l'estat et office de juge-mage en la present seneschaucée et de mondit frère en l'office de conseiller en ladite court de Parlement en laquelle et aux officers d'icelle le Roy, nostredit seigneur, a baillez et confirmez les privileges donnez par ses predecesseurs et lesquelz sommes quites et exemptz de ne aller servir au ban et arrièreban quant il plaist au Roy de le mander et ce durant la durestation de nosditz offices*. AMT, EE2 *Michel de Vabres*, 24/10/1540, 137v-139v.

of the first article, which starts with 'and first' (*et premierement*). There were two ways of listing fiefs. The first was to fit the entire description of a fief into a single article, which is the preferred style for *dénombrements* from 1540. For larger fiefs such as *seigneuries,* this meant that the articles could attain considerable length. See for example the first article from the *dénombrement* of Savaric de Goyrans dating to October 1540:

> 'And first, I, the abovesaid de Goyrans, hold and possess the place and location of Goyrans, with all jurisdiction high, middle, and low, where there is his castle and house, where he has his prisons, and in the said place there is also a watermill on the river Ariège, and several lands and farms with the belongings, fields, vineyards, warrens, dovecotes, and several lands and possessions, together with a forge (...) and certain deniers in rent (*censive*) which are worth, each year passing to the next, all repairs, costs, and expenses removed from the revenue: 250 pounds tournois.'[67]

Smaller fiefs had shorter articles, small fiefs were often merged together into one article, as this fragment from the same *dénombrement* shows:

> 'Plus, I hold in the city of Toulouse as *directes* and *oblies*, of which the majority are in litigation: 12 livres tournois.'[68]

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[67] *Et premièrement je susdit de Goyrans tiens et possede le lieu place de Goyrans avec toute juridiction haulte, moyenne et basse auquel il ya son chasteau et maison auquel il a ses prisons et audit lieu aussi il yu ung moulin d'eau assis sur la rivere de Lariège et plusieurs terres et metteries avecques leurs appertenences prez vignes taills, garennes pijonner et autres terres et possessions ensemble une forge (...) et certains deniers en censive que ne vault chacune année l'une comportant l'autre toutes reparations fraiz et mises faictz et charges desduictes de revenu. .ii.c.l. livres tournois*. AMT, EE2 *Savaric de Goyrans*, 26/10/1540, 151v-152v.

[68] *Plus tiens en la ville de Thoulouse en directe et oblies desquelles la plus grande partie sont en proces. .xii. livres tournois*. AMT, EE2 *Savaric de Goyrans*, 26/10/1540, 151v-152v.

The combination of all the constituent parts of a fief into one article simplified the *dénombrement*. It showed clearly that the rights, possessions, and rents belonged together, and allowed lords and ladies to aggregate all revenues into one sum per fief. Yet, as I mentioned before, not every *dénombrement* was structured in this way.

The second method of dividing a *dénombrement* into articles was to also subdivide large fiefs into dependent articles. This method was common in full-text *dénombrements* between 1504 and 1522. These dependant articles would still begin with 'item' but required clarification that they belonged to a larger whole. In his 1522 *dénombrement*, Pierre Carrière, lord of Saint-Martin-de-Ronsac, used dependant articles to describe his fief:

> 'First, he holds the lordship [jurisdiction] high, middle, and low, of the place of Saint-Martin-de-Ronsac, which I had bought from the king, our lord, with a repurchase agreement.
>
> Item in the said lordship every year three livres tournois in current money and two pairs of poultry. (...)
>
> Item in the said lordship, the quarter part of a farm Neusac, which for its part is worth three cartons of wheat.'[69]

There are very few differences between these two styles of dividing a *dénombrement* into articles. In both styles constituent parts of the fief are described, and

[69] *Premièrement tient la seigneurie haulte, moyenne et basse du lieu de Sainct-Martin-de-Ronsac, laquelle je a achapte du Roy, nostre seigneur, avec pacte de recuperande.*
Item à ladicte seigneurie lieue tous les ans troys livres tournois en argent courant et deux paires de polaille. Pource: .iii. .ii. paires gellines.
Item à la dicte seigneurie, la quarta part d'une borie Neusac que vault à sa part troys cartons de blé. Pource: .iii. cartons blé. AMT, ii97/22 *Pierre Carrière*, 18/10/1522.

lords and ladies and the notaries who wrote the *dénombrements* were careful to match the rights with the appropriate fiefs.

The constituent rights of seigneurial fiefs

In the *dénombrements,* the constituent parts of fiefs were judicial rights, which were followed by landed goods, such as mills, ovens, farms, woods, and fields, and finally, the different types of rents lords and ladies received or had to pay to the king. In exceptional cases, the absence of a right would be highlighted. For example, three brothers Pierre, Etienne, and François Ferrières held several fiefs in the city of Basiège, of which they specified that they had 'the whole without any jurisdiction neither high, middle, nor low.'[70] Naturally, not every fief had every constituent part, so lords and ladies added or removed parts as required.

The first constituent part is judicial rights. In the *dénombrements,* such rights are usually described sparingly, with descriptions of the rights themselves rarely extending beyond mentions of the three degrees of justice (high, middle, and low, indicating the level of judicial rights. Low justice comprised minor civil and criminal cases, such as thefts of eggs; middle justice served as an expansion of these rights; and high justice allowed the holder to have all civil and criminal cases tried, and to establish gallows. I treat this in more detail in the following section on *Seigneurie* and Rights).[71] For example, Guillaume Dampmartin wrote that he had 'the fourth part of the place and location of

[70] *Item tenons audit lieu sept arpens et demy terre aussi exemptz de baille et le tout sans aucune juridiction haulte moyenne ny basse* AMT, EE2 *Pierre, Etienne, François Ferrière*, 10/05/1541, 129v-130r.

[71] Catarina, 'Les justices ordinaires', 20–24.

Saint-Jory, with total jurisdiction, high, middle and low.'[72] There is little explanation of the functioning of the court or the extent of its powers. What Guillaume Dampmartin, or indeed any other lord or lady, meant when they expressed these rights of justice would be described in the local customs, but would not find its way into a *dénombrement*.

Occasionally, a lord or lady would add a mention of the *merum* and *mixtum imperium (mère et mixte impère)*, as Guillaume Bon, lord of Fenouillet did: 'First he holds and possesses the sixth part of the high, middle, and low [jurisdiction] of (...) Fenouillet, (...) with merum and mixtum imperium.'[73] These were terms stemming from Roman law that during the Middle Ages were used as technical terms to describe seigneurial judicial powers.[74] In Roman law, *merum imperium* referred to the right to outfit a policing force, but over time the meaning had shifted to cover the whole of sovereign judicial power and thus coincided for a large part with high justice.[75] In Roman law *mixtum imperium* pertained to the rights required to administer civil law.[76] Could lords and ladies have used these terms to denote that their judicial rights covered both criminal and civil law? The *dénombrements* remain silent.

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[72] *Et premièrement la quarte partie du lieu et place de Saint-Jory avec la toutelle juridiction haulte, moyenne et basse*. AMT, EE2 *Guillaume Dampmartin*, 20/10/1540, 161v-162r.

[73] *Premièrement tient et possede la sixiesme partie de la seigneurie haulte moyenne et basse dudit Ferolhet avec ses appertenentes assis aupres dudit Thoulouse avec mere et mixte impere*. AMT, EE2 *Guillaume Bon*, 9/11/1540, 162r-163r.

[74] François Brizay and Véronique Sarrazin, 'Le discours de l'abus des justices de village : un texte de circonstance dans une oeuvre de référence', in François Brizay, Antoine Follain, and Véronique Sarrazin (eds.), *Les justices de village, administration et justice locales de la fin du Moyen Âge à la Révolution* (Rennes, 2003), 32.

[75] This was the same in the Provence. Brizay and Sarrazin, 'Le discours', 32; Laure Verdon, Jean-Paul Boyer, and Thierry Pécout, 'La justice seigneuriale en Provence sous les deux premiers comtes angevins. Enjeux et pratiques', *La Provence et Fréjus sous la première maison d'Anjou* (Aix-en-Provence, 2010), 71.

[76] George Long, 'Imperium', London, *A Dictionary of Greek and Roman Antiquities*, (1875), 628.

Since one of the purposes of a *dénombrement* was to record an estimate of yearly income, much of the extra information regarding seigneurial courts was geared towards that goal. I merely intend to highlight this issue here, as it is analysed thoroughly in Chapter 3. For example, in his 1522 *dénombrement* Jean de Planholle described his fief of Saint-Germier as follows:

> 'And first, the place of Saint-Germier with the high, middle, and low [justice], merum et mixtum imperium, where I hold a judge, *bayle*, notary, *avoués*, and paid them all wages of four cestiers of wheat that are valued at four pounds tournois, and the jurisdiction from one [year] to the next earns ten sous tournois from their assises, which the judge receives as wages.[77]

Following the rights of justice there are the landed properties, the farms or *métairie*s, mills, ovens, and seigneurial rights to tax certain actions such as the leude (a tax on the sale or purchase of food on markets),[78] and the rents (the *albergue*, which was originally a duty to provide shelter, but was usually changed to a payment, and *censives*). Nevertheless, taken together they fill most of any given *dénombrement*, although many of these rights are dealt with in relatively short articles. For example: 'Item in the said [place] a watermill that could give each year in revenue 25 charges of wheat.'[79] Some complexes, such as farms were fiefs on their own. This could lead to a situation in which

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[77] *Et premierement, le lieu de Saint Germier avecques la seigneurie haulte, moyenne et basse, mere et mixte impaire ou je tiens juge, baille, notaire, avoues en leur baillent tout gaiges quatre cestiers de blé qui valent quatre livres tournois et ne vault la jurisdiction l'unes comportant l'autres charges dix soulz tournois de leurs proces, lequel juge en a de gaiges*. AMT, ii19/34 *Antoine de Planhole*, 4/10/1522.

[78] A leude was a right related to the sale and purchase of food on markets and in towns. Philippe Wolff, *Commerces et marchands de Toulouse (vers 1350 - vers 1450)* (Paris, 1954), 464; Marandet, *Les campagnes du Lauragais*, 176.

[79] *Item en ladite Santynque ung moulin a eau que peult valoir chacun an de revenu: .xxv. charges de blé.* AMT, ii23/27 *Bernard de Vaques*, 1506.

a lord or lady could own a fief within a fief, as was the case for a house owned by Jean Seguier:

> 'Item in the said lordship, before its acquisition, there was a house, with its lands, fields, vineyards, and dovecotes, and a wood named de Fontaynes, which I manage with my own hand, because it is in a barren place, it costs more to maintain than it earns. But because it is a pleasant and solitary place out of anyone's way, I retire there in times of plague, [hence] I am constrained to manage it with my own hand.'[80]

The house appeared as a separate entry in the *dénombrement*, which indicates that it was a separate fief, located within a *seigneurie* Jean Seguier acquired later.

The most commonly listed rights were the various types of rent. The most cited rent is the *censive* or *cens*. According to economic studies on *seigneuries* rents had little value, but were, as Gérard Giordanengo put it, the proof of lordship. It is not my intention to delve deeply into these rights, because this is not a study on the economic aspects of *seigneuries*. Moreover, as I will show later in this chapter, the link between *seigneurie* and rights of justice is stronger in the *dénombrements*, than between *seigneurie* and rents.[81] Suffice it to know that these rents were common and present in nearly every fief. Lords and ladies often had several of these in their own *seigneuries* and in the fiefs or parishes nearby. A rent typically usually took the form of a recurring payment that was expressed either in oats (*avoine*), hay (*foin*) or money (*argent*).

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[80] *Item en ladicte seigneurie, avant l'acquisition d'icelle avoit une maison, avecques ses terres, prez, vignes et colombier et ung boys nommée de Fontaynes, laquelle tiens à ma main, et car est en lieu esterille cousté plus d'entretenir que ne vault. Mais pour ce qu'est en lieu plaisant et solitaire hors de chacun où je me retire en temps de peste suis contrainct à la tenir à ma main*. AN, P555-2 CLXXVII *Jean Seguier*, 19/03/1513.

[81] Giordanengo, 'Une impossible synthèse', 132.

Last, *dénombrements* occasionally mention court cases that relate to their fiefs, or any constituent part thereof. Sometimes these cases could relate to rights of justice, but cases surrounding the former are more common than the latter. These were invoked to explain a lack of revenue from a certain property while still claiming ownership. The lords or ladies involved in the case would indicate the other party – although this was optional – and the subject.[82] One case was against the consuls of l'Isle Jourdain regarding the subjection of a certain plot of land to the *taille*,[83] another was against a religious institution, etc.[84] No other information tended to be conveyed about these cases even if some lords indicated that they won certain cases, as Charles Benoît did: 'Says that I hold and possess, since about twenty years, the place, location, land, and *seigneurie* of Cépet, adjudicated to me by *arrêt* of the Court of Parlement [of Toulouse].'[85] However, most court cases in *dénombrements* were still ongoing at the time the *dénombrements* were drafted.

All of the points I have discussed above indicate that the *dénombrement* was a very complex source in which the voices and expectations of several groups were interwoven. First and foremost they reveal the perspective of the fiefholders, who were granted considerable freedom regarding the form and some of the content of

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[82] *Item sur le lieu de Bressolz de rente annuelle en argent, cinq livres tournois mais ne jouys poinct car est en proces.* AMT, EE2 *Arnaud de Saint-Jean,* 30/09/1540, 110r.

[83] *(...) desduictes les charges ordinaires que sont grandes car ledit revenu conciste le pluspart en labourage et moline si a il proces touchant ladite matière de Sallebiou avec les consulz dudit l'Isle-en-Jordan en la court de Parlement à Thoulouse sa ladite metarie doibt payer tailhe ou non* (...) AMT, EE2 *Arnaud de Saint-Jean,* 30/09/1540, 194v.

[84] *Item pource que les rentes et directe dudit lieu ont este en different et proces quarante ou cinquante ans du environ sur le division d'icelles rentes et directe entre feu noble Jehan Doulx pere de ladite Doulce, femme dudit president, d'une part et ledit sindic des religieuses de Saincte-Clere de Lemihac.* AMT, EE2 *Pierre du Faur, Gauside d'Oulx,* ca.1540, 102r.

[85] *Dis que je tiens et possede despuis vingt ans envirron le lieu, place, terre et seigneurie de Cepet, a moy adjuge par arrest de la court de Parlemens* AMT, EE2 *Charles Benoît*, 23/10/1540, 105v-106v.

dénombrements. However, the royal administration and the seigneurial subjects could check the claims made in the *dénombrements* as legally binding descriptions of fiefs.

Seigneurie and Rights: evidence from the *dénombrements*

The introduction highlighted that in the literature the view gained traction that lordship was the legal exercise of rights. Bisson posited that lordship across Europe was seen as the exercise of authority and judicial rights. In Languedoc specifically, the same concern is visible in the sources in several ways. First, there was the interchangeability of *seigneurie*, *justice*, and *juridiction* in the *dénombrements*. This interchangeability appeared only when *dénombrements* described judicial rights, thus it indicates a strong link between the word *seigneurie* and the presence of rights of justice. For example, Antoine de Borrassier, in his *dénombrement* from around 1500, lamented that 'the fourth part of the low justice (*la justice basse*) of the place, until the sum of 60 s. tournois [in fines], which *seigneurie* (*laquelle seigneurie*) cost me more to acquire than it is worth in profit.'[86] Jean de Rabastens even fused the traditionally used expressions to denote a *seigneurie* and judicial rights together: 'for the sixth part of the *seigneurie* of Arnac, up to 60 s. [in fines].[87] The practice of using *seigneurie* when referring to rights of justice was very common.

However, contemporaries in the *dénombrements* did not always use *seigneurie* in a meaning that made it synonymous with jurisdiction. For example, as I will discuss later when *seigneurie* was used to describe fiefs, it cannot be understood to be synonymous with jurisdiction. To better understand the contemporary usage and meaning of the

[86] *(...) la quarte partie de la justice basse dudit lieu jusques a la somme de .lx. sols laquelle seigneurie couste plus a aquirir que me vault de prouffit.* AMT, ii97/7 *Antoine de Borrassier*, ca.1520.

[87] *pour la sixieme partie de la seigneurie de Arnac jusques a 60 sols.* BMT, MS 635 *Jean de Rabasens*, ca.1540, 85.

word *seigneurie* in *dénombrements*, I analysed 693 fiefs that I gathered from the 226 full-text *dénombrements*. Not all of these fiefs would qualify as a *seigneurie*, nor were they referred to as '*seigneuries*'. This makes it possible to carefully analyse the use of the word '*seigneurie*', and to compare it with other words, such as '*lieu*', and '*jurisdiction*'.

The *dénombrements* were created in the context of homage, a feudal procedure. As such they highlighted the feudal elements of the fiefs that were described. The scribes of the *dénombrements* could refer to other aspects of these fiefs, but not every aspect was consistently described. Furthermore, as I explained in the previous section on the form of the *dénombrements*, most *dénombrements* distinguish fiefs using articles, or clusters of articles, separated from each other by the word 'item'. To accurately distinguish one fief from another, the scribes of the *dénombrements* tended to use placenames accompanied by a describing word or set of words. This was a feature that *dénombrements* shared with royal documents surrounding homage, such as the letter of homage. In these letters royal scribes used 'terre, fief et *seigneurie*' to denote most major fiefs held by those doing homage. Each of these words was intended to inform the reader about different aspects of the estate that was being described.[88] In the *dénombrements,* these rules were not rigorously adhered to. Instead, words used to describe certain places were more limited in meaning and number. The most common word used in the *dénombrements* to describe places is *lieu*, meaning place, which is used to describe the locality of 343 fiefs. Another very common word is *métairie*, referring to a specific type of farm, which was used to describe forty-five fiefs. The commonality of these words makes sense since most fiefs were small and agrarian. Fiefs in cities did exist, and appear

[88] Crubaugh, *Balancing the Scales of Justice*, 5.

in the *dénombrements*, but are much less common.[89] The challenge that *dénombrements* present is to assess which rights had to be present to nudge contemporaries towards using the term '*seigneurie*' rather than '*lieux*', which will reveal what were the defining characteristics of the *seigneurie*.

The comparison of the labels applied to locations and the fiefs contained in those locations is facilitated by the observation that most fiefs – 509 out of 693 – were described with a single word, a further 142 had two describing terms, fourteen had three or more, and the remaining twenty-eight had none (in those cases only a place name was included).

Table 1: Number of words describing place names (1400-1541)	
Number of descriptors	Instances
0	28
1	509
2	142
3	12
4	2

I have chosen to prioritise three labels that are used in the *dénombrement*. The first is '*seigneurie*' since this label is the central focus of the analysis. The second label is

[89] See for example the *dénombrement* of Audrine and Catherine de Silholles. Their noble fief was a rent in the form of an *oblie* of 1 s. 8 d. tournois and a part of the *lods et ventes* on a house situated in Toulouse: *Disent lesditz Audrine et Catherine Silholles quelles ont en directe et lievent chacune année ung soul huict deniers tournois d'oblie avec loz et ventes en et sur la troisiesme partie d'une maison assise dans la presente cité de Thoulouse à la place Sainct-George laquelle tient et possede maistre Anthoine de Feras notaire de Thoulouse*. AMT, EE2 *Audrine and Catherine de Silholles*, 15/10/1540, 184v-185r.

jurisdiction. As I mentioned before, jurisdiction and *seigneurie* are used synonymously when describing rights of justice. A comparison between these two words, when they are used as labels in the dénombrements for places, should reveal whether contemporaries used these words as synonyms. Justice, which is also used to describe judicial rights, is not included, since it is rarely used to describe a place. The third and last label is *lieu* because it is the most-used and which could apply to any type of place indiscriminately.

The next part of the analysis is to ascertain which rights, duties, and possessions are attached to places that are described which each of these labels. This comes with its own share of challenges. As I mentioned in the section on the *dénombrements*, one purpose of this type of document was to clarify the possessor of a fief. A full description of the fief was not required to successfully identify either the fief or the possessor. Instead, authors of *dénombrements* limited themselves to the rights that made their fiefs identifiable. They did so to save time and effort in writing everything out, and because not every person possessed all of these rights (as I discuss at the end of this section). This meant that not every right, duty, or possession associated with a fief would be described. Nevertheless, there are many different types of rights, duties and possessions listed in the *dénombrements* I have grouped them into eighteen categories, which are described in Table 2.

Table 2: Categories of rights, possessions and duties listed in the *dénombrements* (1400-1541)	
Category	Explanation
Judicial rights	These are the judicial rights associated with a fief. The authors of the *dénombrements* had several ways to indicate the possession of judicial rights. The most common expression was 'high, middle, and low justice' (*justice, haute, moyenne et basse*). As I mentioned in my discussion on judicial rights in *dénombrements*, there are no further explanations on boundaries between these degrees of jurisdiction. A possessor of low justice had limited judicial authority. They could try civil cases with fines of up to 60 s. and they could punish small crimes. To fulfil these tasks the lord or lady with low justice had the right to police their jurisdiction. Middle justice was the expansion of low justice, as well as the addition of the right to own a prison. Last, the possessor of high justice could see all civil and criminal cases, including murders and manslaughters, fires, and thefts committed by seigneurial subjects. They could have a prison, as well as pillories and gallows.[90] A shorter way to express the same was a mention of 'all justice' (*toute justice*). Also included in this category are mentions of *merum et mixtum imperium*. These mentions usually accompany the references to the ownership of justice which I mentioned above, but on occasion, a *dénombrement* makes mention of the *merum et mixtum imperium* alone.
Seigneurial officers	This category is named for the judicial officers the lords could occasionally mention in their *dénombrements*. Most often they refer to judges, *bayles*, and *procureurs* (discussed in depth in Chapter 3).

[90] Catarina, 'Les justices ordinaires', 20–24.

Directe	A *directe*, or *seigneurie directe*, was a cluster of rights that related to the division or transmission of land. One example of these rights that formed part of the *directe* was the *racapte*, a sum that needed to be paid by the tenant to the lord on the occasion of either of their deaths. The *directe* as a whole was also enforceable by means of fines.[91]
Farms	Under this header, I've placed different types of farms, such as the *borde*, *borie*, *massage*, and *métairie*.
Houses	This category contains houses, towers, and castles.
Lands (*terre*)	In this category, I collected all the lands referred to as *terre* in the *dénombrements*. The use of these lands is not specified further.
Gardens, vineyards, woods, and pastures	Gardens, vineyards, and woods are four separate categories. These categories exist because the *dénombrements* routinely list their presence.
Mills	This field contains all mills, whether they are powered by water or wind, or meant for food or the production of pastel. This category also includes *moulines*. These were watermills used to hammer iron during the forging process.[92]
Other landed properties	This category combines all remaining landed properties that appear less than thirty times in the *dénombrements*. The category contains dovecotes, banal ovens and forges, and references to owed labour by oxen or men.
Rents	Under rents, I grouped all yearly revenues that have no special names in the *dénombrements*. I also included the agrier, a

[91] Wolff, 'La fortune', 92.

[92] Jean Lartigaut, 'Les moulines à fer du Quercy vers 1440 - vers 1500', *Annales du Midi : revue archéologique, historique et philologique de la France méridionale*, lxxxi (1969), 286.

	right to receive a part of the harvest, since it appears only six times in the *dénombrements*.[93]
Oblies	Originally, the *oblie* was a rent of bread or wafers,[94] but by the fifteenth and sixteenth centuries that connotation had long since vanished. Instead, *oblies* appear as nearly indistinguishable from other rents in *dénombrements*. *Oblies* did retain a difference from other rents in the sense that the value was sometimes expressed in spices. Philippe Wolff noted that the spices in question were usually pepper and ginger, but the *dénombrements* used here do not explicitly mention ginger in this context.[95]
Censives	The third rent is the *censive*. Like the other two, its value could be counted in natura or in money, but unlike the above, it was tied directly to the sale of a plot of land. A lord or an owner of a piece of land could sell the land in exchange for a *censive*.[96]
Vassalitic duties	Under the umbrella of vassalitic duties, I placed all the payments a vassal owed their overlord. In *dénombrements* such vassalitic duties are uncommon. One explanation is that the royal administration emphasised the declaration of yearly incomes in the *dénombrements*, and lords and ladies were in no hurry to divulge the payments they owed the king.
Leude & *lauzime*	Leude and *lauzimes* were two rights a lord or lady could have over sales. If a person had the right of leude, they had rights that

[93] Marandet, *Les campagnes du Lauragais*, 294.

[94] '*Oblie*', *DMF 2020*. (http://www.atilf.fr/dmf/definition/oublie1). Accessed 3/07/2020.

[95] The *dénombrement* of Arnaud Siffre does mention ginger alongside pepper but does not indicate whether he receives his spices as an oblie. AN, P555-1 XXX *Arnaud Siffre*, 23/03/1501. Wolff, *Commerces et marchands*, 346.

[96] Daniel Pichot, 'Cens de l'Ouest, cens en argent (XIe-XIIIe siècle)', in Laurent Feller (ed.), *Calculs et rationalités dans la seigneurie médiévale: les conversions de redevances entre XIe et XVe siècles* (Paris, 2009), 126.

	related to the sales and purchases that happened on the markets and in towns within their jurisdiction. A leude did not apply to all goods. For example, in Lauragais fruits, like apples, pears, and figs, as well as nuts, did not fall under this right.[97] A person with a right of *lauzime* had the right to accept or reject a transfer of land between two other parties within their jurisdiction.[98] The instances of *lauzime* contained within this category are those where the *lauzime* appears independently from the *directe*, of which it could be a part, as mentioned in the 1540 *dénombrement* of Philippe Durand and Bertrande de Jehan.[99]
Other seigneurial rights	In this final umbrella category, I have combined all other seigneurial rights, such as *péages*, lodz et ventes, and *corvées* that are only rarely mentioned in the *dénombrements*.

In Table 3, I parsed out the data from these categories across the three labels (*seigneuries*, places, jurisdictions) and grouped the remaining labels into one category. Furthermore, I added an extra column containing the data for the total number of fiefs. For each right, I tabulated the absolute values followed by a percentage value. These percentages are also represented graphically in the same table, to allow for an easier comparison between different labels.

Overall, the difference between most categories subdivided by the three labels, the overarching 'other' category and the totals, is minimal. Categories such as the *directe*,

[97] Wolff, *Commerces et marchands*, 464; Marandet, *Les campagnes du Lauragais*, 176.

[98] Marie-Laure Jalabert, *Le Livre Vert de Pierre de la Jugie: Une image de la fortune des archevêques de Narbonne au XIVe siècle. Étude d'une seigneurie* (2009), 254; 258.

[99] *Et premièrement tiennent au consulat de Lavaur seneschaucée de Thoulouse en oblies menues et seigneurie directe de ventes et lausimes*. AMT, EE2 *Philippe Durand and Bertrande de Jehan*, 5/11/1540, 155v.

pastures, mills, and rents appear in approximately equivalent proportions. For example, the percentage for the *directe* is between thirteen and fifteen per cent for each label. The spread between percentages is greater in other categories, like rents, where the variance accounts for a difference of eight percentage points at its widest.

Table 3: Labels used for fiefs, and rights, duties and possessions.

	Totals	*Seigneuries*	Place (*lieu*)	Jurisdiction	Others
	696	95	341	41	219
Judicial Rights	259 37%	65 68%	136 40%	2 5%	56 26%
Seigneurial Offices	78 11%	19 20%	43 13%	0 0%	16 7%
Directe	87 13%	13 14%	42 12%	6 15%	30 14%
Farms	103 15%	18 19%	51 15%	6 15%	28 13%
Houses	135 19%	9 9%	91 27%	4 10%	31 14%
Lands (*terres*)	141 20%	10 11%	77 23%	8 20%	46 21%
Gardens	59 8%	6 6%	37 11%	2 5%	14 6%
Vinyards	124 18%	14 15%	67 20%	7 17%	36 16%
Woods	88 13%	11 12%	48 14%	7 17%	21 10%

	Table 3 (continuation)				
	Totals	*Seigneuries*	Place (*lieu*)	Jurisdiction	Others
	696	95	341	41	219
Mills (wind, water, iron)	56 8%	10 11%	29 9%	2 5%	15 7%
Pastures	146 21%	21 22%	74 22%	6 15%	45 21%
Other landed possessions	109 16%	14 15%	58 17%	5 12%	32 15%
Rents	260 37%	36 38%	138 40%	15 37%	71 32%
Oblies	254 36%	34 36%	145 43%	12 29%	63 29%
Censives	159 23%	8 8%	97 28%	10 24%	44 20%
Vassalitic duties	36 5%	2 2%	17 5%	1 2%	16 7%
Leude & Lauzime	21 3%	3 3%	9 3%	0 0%	9 4%
Other seigneurial rights	108 16%	14 15%	49 14%	6 15%	39 18%

Certain categories, however, deviate from this pattern and instead show significant differences. The key category for this study, judicial rights, clearly shows that sixty-eight per cent of all places labelled as a *seigneurie* had judicial rights, while only thirty-seven per cent of all fiefs had such rights. The high proportion of places designated as *seigneuries* that had judicial rights reinforces the impression from anecdotal evidence in which *seigneurie* and justice were used synonymously. Conversely, this means that thirty-two per cent of the ninety-five places labelled as *seigneurie* in the *dénombrements* do not include an explicit reference to seigneurial justice.

This absence of references to justice in one-third of the cases is due to the way fiefs are represented in the *dénombrements*. In some cases, the reference to a *seigneurie* without any mention of rights of justice was simply due to incomplete registration. The inheritance of Antoinette de Puybusque, which included the two *seigneuries* of Maurelmont and Varennes was incompletely inventoried in the *dénombrement* of her sister and brother-in-law.[100] Why they decided to briefly inventory Antoinette's inheritance is not clear, but they did point out that Antoinette's inheritance was worth twice as much as her sister's Catherine.[101] Another reason for a fief to be part of a place that was labelled as a *seigneurie* is situations of *arrièrefief*. The *arrièrefief* emerged when a person infeudated a possession that was already part of a fief. Such a situation is

[100] *Et ladite Anthonete aisner layssa les lieux et seigneuries de Maurelmont, Varenes et plusieurs autre censives qu'il avoyent au lieu d'Arguesvives Saincte-Colombier, Baziège, Montgiscard et autres lieux que vallent deux fois plus que lesditz biens dessus denombrez layssez à ladite Catherine*. AMT, EE2 *Arnaud de Saint-Jean and Catherine de Puybusque*, 30/09/1540, 194v-195v.

[101] *(...) et autres lieux que vallent deux fois plus que lesditz biens dessus denombrez layssez à ladite Catherine*. AMT, EE2 *Arnaud de Saint-Jean and Catherine de* Puybusque, 30/09/1540, 194v-195v.

described in the *dénombrement* of Guillaume Daffis from 1541, where he stated that 'he held and possessed in fief and *arrièrefief* five s. tournois in the *seigneurie* and barony of Bouloc.'[102]

Another reason was the occurrence of *co-seigneurie* or co-lordship. This was a situation in which several people were owners of one fief, each possessor held a part of the whole that was expressed as a fraction.[103] For example, Marciato and Pierre Carretany held one-fourth of the *seigneurie* of Deymé together, a further quarter was owned by François de Durfort, and the remaining half was owned by the Queen of France.[104] Co-lordship emerged because certain types of fiefs, such as *seigneuries*, could not be divided. This avoided the unending division of fiefs through inheritance or sales, but it equally ensured that the judicial and political power of lordships remained united. In Languedoc, co-lordship was extremely common and diverse. The example of Maricato and Pierre Carretany I gave previously is an example of a mostly balanced form of co-lordship, but not every instance of co-lordship was like this. For example, Simon Bertier styled himself lord of Saint-Germier, but in his *dénombrement,* he noted that the judicial rights of Saint-Germier were not his, but instead, they belonged to the archbishop of Toulouse.[105]

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[102] *Et premièrement tiens et possede en fief et rièrefief dans la seigneurie et baronnie de Bouloc cinq soulz Tournois* (...). AMT, EE2 *Guillaume Daffis*, 19/05/1541, 139v-140r.

[103] Débax, *La seigneurie collective*, 36 and 40.

[104] *Dénombrement de Maciato et Pierre Carretains pour la 4e partie de la terre et seigneurie de Deymé avec justice haute par indivis avec la Reyne comtesse de Lauragois, a laquelle apartient la moitié de ladite justice haute et lautre 4e partie a François de Durfort.* BMT, MS 635 *Maciato and Pierre Carretany*, ca.1540.

[105] *Et premierement est vray que le dit monseigneur de Tholouse est seigneur hault, moyen et bas dudit lieu de Sainct-Gemier en ledis lieu ledit Barthier n'a aucune juridition (...)* AMT, ii85/5 *Simon Bartier*, 15/01/1504.

Taken together, these three explanations (the incomplete descriptions, the arrièrefiefs, and the unequal co-lordships) account for most of the places that are labelled as a *seigneurie*, but for which the *dénombrement* did not provide an explicit reference to rights of justice. Furthermore, for twenty-six of these places, I could confirm the presence of judicial rights using other sources, such as the homage letters and the summaries of *dénombrements*, but also the *dénombrements* themselves. One place could contain several fiefs, but it was also very common for a fief to be shared, for instance, in cases of *co-seigneurie*, as I discussed before. The remaining four places had a name that was either too generic to reliably match with another document, as was the case for Saint-Sauveur, or I could not find them in other sources. As a result, out of the ninety-five places specifically described as *seigneuries* in the *dénombrements*, I could confirm the presence of judicial rights in ninety-one cases, which equates to ninety-six per cent.

Table 4: Judicial rights in fiefs mentioned in the *dénombrements* corroborated with other sources

Label	*Dénombrements* only		*Dénombrements* and other sources	
Seigneurie (95)	65	68%	91	96%
Lieu (343)	136	40%	156	46%
Jurisdiction (41)	2	5%	31	76%

I repeated the same exercise with *lieu* (see Table 4) and with jurisdiction. Far fewer places designated as *lieux* could be confirmed as also having judicial rights. This indicates that fewer fiefs that were labelled as *lieux* had judicial rights and were therefore not considered to be *seigneuries* by contemporaries.

The greatest difference is between the results for those estates that were described with the marker '*jurisdiction*' in the *dénombrements*. Taking only the *dénombrements* into account only five per cent of the fiefs are mentioned to have judicial rights, but when these fiefs are compared to mentions in other sources the percentage shoots up to seventy-six per cent. These results evidence a clear connection between the use of the word *seigneurie* and jurisdiction and the presence of judicial rights. The labels are, however, used differently within the *dénombrements*. On the one hand, *seigneurie* was more commonly used to denote judicial rights that were completely, or at least partially in cases of co-lordship, possessed by the person for whom the *dénombrement* was drawn up. Jurisdiction, on the other hand, was employed to denote that the fief was in a jurisdiction that was not held by the person for whom the *dénombrement* was created. Roger Pons, for example, used jurisdiction in this way when he wrote '[I] hold in the jurisdiction of Mourvilles-Basses, two sestiers of wheat in *oblies*'.[106] This should not be interpreted as a rule, but as an observation, since there are many exceptions. Arnaud Faure in 1504 described his rents in 'the *seigneurie* of Aux', but had no other possessions in Aux for which he needed to do homage.[107]

[106] *Item tiens en la juridiction de Morville deux cestiers de ble de oblies menues mal payees valent quinze sous*. AMT, ii97/9 *Rogier Pons*, sixteenth century.

[107] *Item en la seigneurie d'Aux et sénéschaucée d'Armanhac ay et tiens tant blé que argent environ vingt livres tournoises de rente* AMT, ii22/6 *Arnaud Faure*, 11/02/1504.

Table 5: Places designated as *lieu* in the *dénombrements* that are called *seigneurie* in other sources[108]			
With judicial rights		Without judicial rights	
Total	*Seigneurie* in *dénombrements* and other sources	Total	*Seigneurie* in *dénombrements* and other sources
138	97	205	97
100%	70%	100%	47%

In the previous comparison, I showed there was a clear link between places referred to as '*seigneurie*', and the presence of judicial rights. This, however, did not address the issue of whether the label '*seigneurie*' could be applied to places that have judicial rights but are referred to as *lieux* in the *dénombrements*. I used the same sources as before but cross-referenced whether a *lieu* in the *dénombrements* was referred to as a *seigneurie* elsewhere. This resulted in Table 5 which shows that seventy per cent of *lieux* with judicial rights in the *dénombrements* were called *seigneurie* in other sources. For *lieux* without judicial rights, this number falls to forty-seven per cent. This suggests that *lieux* with judicial rights in the *dénombrements* were also *seigneuries* in the eyes of contemporaries.

Up to this point, I have mostly discussed the category of judicial rights, as this category most clearly shows the association between rights of justice and the use of the word '*seigneurie*'. None of the other categories contained in Table 3 showed as clear a

[108] 194 confirmed *seigneuries* in Table 5 and the 95 *seigneuries* in Table 3 amounts to 289 *seigneuries* in total, but in the introduction I mentioned there were a total of 213 *seigneuries*. The discrepancy is explained by *co-seigneurie*, and the appearance of the same fiefs in different *dénombrements*, either in cases of inheritance, or when a lord or lady made multiple *dénombrements*.

connection with the label '*seigneurie*'. As I mentioned before, the proportion in which a house, *directe*, or even a rent appeared in a *dénombrement* remained relatively constant across each of the analysed labels. However, this could be due to the great number of estates with judicial rights in the total sample. About thirty-seven per cent of all analysed fiefs had some degree of judicial rights. In turn, this could mask differences between various types of estates. To remedy this potential issue, I placed the data from all the categories in Table 5 and divided the data between places with and without judicial rights.

	Table 6: Rights, duties and possessions associated with places with or without judicial rights.	
	Places with judicial rights	Places without judicial rights
Totals	259	437
Seigneurial Officers	78 30%	0 0%
Directe	29 11%	58 13%
Farms	48 19%	55 13%
Houses	74 29%	61 14%
Lands (*terres*)	57 22%	84 19%
Gardens	37 14%	22 5%
Vinyard	57 22%	67 15%
Woods	54 21%	34 8%
Mills (wind, water, iron)	32 12%	24 5%

	Table 6 (continuation)	
	Places with judicial rights	Places without judicial rights
Totals	259	437
Pastures	64 25%	82 19%
Other landed possessions	77 30%	80 18%
Rents	122 47%	138 32%
Oblies	96 37%	158 36%
Censives	56 22%	103 24%
Vassalitic duties	25 10%	25 6%
Leude & Lauzime	9 3%	12 3%
Other seigneurial rights	65 25%	43 10%

Table 6 shows that many landed rights appear more frequently when an estate has rights of justice: there are more vineyards, more woods, and more landed properties. Most of these categories are, however, primarily agricultural, and cannot be seen as particularly seigneurial. Most farms, with or without the presence of rights of justice, would have fields, vineyards, and woods. Farms were also described with those features in sources outside the homage procedure. For example, the farm over which a certain Jacquette Combe attempted to regain possession in 1523 was described as 'the farm with its house, fields, lands, vineyard, wood, and other belongings'.[109] In some sources, there are indications that such agricultural rights were not considered seigneurial and were included in the *dénombrements* because they were subject to homage. For example, a bill of sale for the judicial rights over Vilar, a farm, described everything that was subject to the right of *rachat* (buy back) as follows: 'fiefs, *seigneuries*, justices high, middle, and low, *cens*, rents, seigneurial rights and duties, fields, vineyards (...) and all other things (...) for which he will do fealty and homage to [the king].'[110] The implication is that the authors of the *dénombrements* were prone to describing fiefs with justice in more detail, likely because these fiefs tended to be slightly larger and have greater incomes associated with them than fiefs lacking judicial rights. The exercise of many judicial rights was only meaningful if the area was sufficiently large.[111] Furthermore, the

[109] *[L]a borie avecques ses maison, prez, terres, vigne, bois et autres appartenances*. ADHG, 1B 20 *Jacquette Combe vs Barthelemy Bourgade*, 17/05/1522, 167r-167v.

[110] *Les (...) fiefz, seigneuries, justices haultes moyennes et basses, cens, rentes, droictz et devoirs seigneuriaulx, pres, vignes, estaings, moulins et toutes autres choses quelconques sans aucune chose en tenue et reserve a nous fera les foys et hommaige (...).* ADHG, 3J 11 (5) *Purchase jurisdiction of Vi*lar, December 17/10/1543.

[111] This does not mean that *seigneuries* had a fixed size, nor that small *seigneuries* did not exist. See for example, Jean Boisson indicated that a *seigneurie* he held called En Pegne was quite small: *Item aussi ledict de Boisson en la seigneurie dudit lieu une petite seigneurie out demeure ung laboureur que est appellée En Pegne*. AMT, ii85/6 *Pierre Boisson*, 15/02/1504.

possession of judicial rights bestowed considerable influence over a place upon its possessor, as I explain in Chapter 3.

One notable exception in the categories of landed properties is the houses, which are mentioned more often in a place with judicial rights compared to a place without, at twenty-nine per cent and fourteen per cent respectively. The difference can be explained by the fact that some places of habitation were reserved for lords or ladies specifically. In the *seigneurie* of Caujac, co-lords Bernard de Vacques and Jean-Ameyric de Serres enjoyed the right 'to have their houses in the fort of [Caujac], and to remodel them following their desire and will'.[112] Other houses served as the location for the seigneurial prisons.[113] Therefore, several houses played an important role in a *seigneurie*; I deal with this topic in depth in Chapter 2.

One category that does stand out is the rents. Forty-seven per cent of all fiefs with judicial rights have rents associated with them, versus only thirty-two per cent in fiefs without judicial rights. Some *dénombrements* suggest that lords and ladies considered at least some rents as seigneurial in nature. For example, Maffré Jany used the expression 'and other seigneurial rights' following a list containing noble goods, fiefs, rents, and *oblies*'.[114] Pierre Coutoux the Elder was even more explicit. He wrote in his *dénombrement* about 'the other seigneurial rights, which are rents, *censives*, *oblies*, revenues, and

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[112] *Et pareillement a maintenue et gardé, maintient et garde iceulx de Vaxis et de Serres, conseigneurs (...) de tenir leurs maisons dans le fort d'icelui les edifier à leur plaisir et volonté*. ADHG, 1B 20 *Consuls de Caujac vs Bernard de Vaques and Jean-Aymeric de Serres*, 21/03/1523, 417r-418r.

[113] *Item plus a et tient du Roy la moytie de la juridiction, haulte, moyenne et basse du lieu de Venerque, par indivis avec le seigneur de Montespan, où il a sa maison, pour demourance, et y sont les prisons dudit lieu et pour l'excercice de justice, il a acoustumé y tenir juge, notaire, baille et autres officiers (...)* AMT, ii97/20 *Jean Barthier*, 28/08/1510.

[114] *[A]ussi pour d'aultres biens nobles fievfz rentes, oblies et aultres droits seigueuriaulx que je tiens (...)* AN, P558-3 CXLXIX *Maffré Jany*, 27/10/1540.

incomes.'[115] Economic studies on French *seigneuries* also indicated the importance of rents for a *seigneurie*.[116] Alternatively, these lords used seigneurial rights as rights associated with a particular *seigneurie*, rather than indicating that rents were seigneurial on their own.

The greater number of rents associated with fiefs that have judicial rights can be explained in two ways. First, I already touched on the observation that larger fiefs were described in more detail than smaller fiefs in the *dénombrements*. The second, and more important, explanation was that many rents in the fifteenth and sixteenth centuries had dropped significantly in value due to inflation.[117] Another reason for the decline in revenues was the landlord's inability to enforce the rent payments by their tenants. This happened to Arnaud de Saint-Jean, lord of Ségoufielle, following the death of his father. He reported that his tenants refused to pay a particular rent in full without conducting 'a great trial which would cost [Arnaud] twice as much as the rent was worth to him.'[118] This meant that income from rents was declining, and owners needed to find strategies to adapt. One commonly employed method was to create new rents.[119] This likely explains the difference in rents between fiefs with and those without judicial

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[115] [*L]es aultres droitz seigneriaulx comme sont rentes, Censives, oblies, revenuz et esmolumens* AMT, EE2 *Pierre Coutoux*, 28/04/1524, 53r.

[116] Giordanengo, 'Une impossible synthèse', 132.

[117] Marandet, *Les campagnes du Lauragais*, 302.

[118] *[A]insi que a este anciennement rengueir chacun an vingtcinq ou trent livres tournois toutesfois n'en a leur despuis le trespas de sondit feu pere plus hault de quarante ou cinquante soulz tournois chacun an de cause que les tenancers d'icelles terres refusent payer et sont difficilles a estre conveincuz pource que les aulcune sont conseilliers, juge et officiers du Roy les autres sont gens playdeurs et entenduz en proces desquelz ne pourront lever censives sans grandz proces que luy cousteroit plus deux foys que ne luy pouroit valloir*. AMT, EE2 *Arnaud de Saint-Jean and Catherine de Puybusque*, 30/09/1540, 194v-195v.

[119] Marandet, *Les campagnes du Lauragais*, 300.

rights. The same cannot be said for the categories of *oblies* and *censives*. These types of rents appear in roughly equivalent proportions for both types of fiefs. Many *oblies* and *censives* were fiefs on their own.

While rents are occasionally associated with the term '*seigneurie*', there are other rights where this association occurs more commonly in the *dénombrements*. The first is the *directe* (i.e., rights related to the transfer and exploitation of land), which is sometimes referred to as *seigneurie directe*, or it is sometimes explained that the *directe* is held without *seigneurie*.[120] For instance, Arnaud Faure mentioned having two rents with *directe*, but without *seigneurie* in Villeneuve and Puylaurens and another six places in the vicinity.[121] A *directe* was a cluster of rights that related to the division or transmission of land. The *directe* as a whole was also enforceable by means of fines.[122] Another right that was associated with the label *seigneurie* was the *lauzimes*. *Lauzimes*, sometimes also called *ventes et lauzimes*, or *lods et lauzimes* concern the right of a lord or lady to accept or reject a transfer of land between two other parties.[123] The *lauzime* was a part of the *directe*, as some *dénombrements* indicate, but was also mentioned separately.[124]

Despite the associations between judicial rights and the *directe* with the label '*seigneurie*' the usage of the term was not identical. Where the presence of judicial rights

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[120] *Item ay audit Villeneufve de Villefranche de masse de Ribault de censive et seigneurie directe (...)* AMT, EE2 *Bernard et Georges Blasin*, 28/01/1503, 63r-65v.

[121] *Item ay aux lieux et consulats de Puylaurens, Puchaudier, Bartre, Appelle, Lacrosille, Sainct-Paul, Saint-Germain tant blé de rente que argent en directe, sans seigneurie.* AMT, ii22/6 *Arnaud Faure*, 11/02/1504.

[122] Wolff, 'La fortune', 92.

[123] Jalabert, *Le Livre Vert de Pierre de la Jugie*, 254; 258.

[124] *Et premièrement tiennent au consulat de Lavaur seneschaucée de Thoulouse en oblies menues et seigneurie directe de ventes et lausimes*. AMT, EE2 *Philippe Durand and Bertrande de Jehan*, 5/11/1540, 155v.

qualified an entire jurisdiction to be referred to as a *seigneurie*, the usage of the label '*seigneurie*' for the *directe* and the *lauzimes* referred to a specific part of the right itself. This allowed for seemingly contradictory statements to appear in the *dénombrements*:

> 'It must be noted that the mentioned Boisson does not have *seigneurie* in the aforementioned village, unless it is a flow of rents, of *lauzimes*, because the *seigneurie* belongs to the lord of the castle of Prelhes.'[125]

The *directe* and the *lauzimes*, as well as judicial rights, allowed the possessor a way to enforce their rights by themselves, although in practice they had to appoint an official to do the enforcing in their stead (see Chapter 3). The *directe* allowed for the issuing and collecting of fines, and the *lauzime* gave the authority to block a transfer of land between two other parties within the area over which the *lauzime* extended.[126] The association between these rights and the label '*seigneurie*' in the *dénombrements* leads to the important conclusion that contemporaries perceived the *seigneurie* as a legal domination over lands and people.[127]

Yet despite this common meaning of *seigneurie*, the association between the *directe* and the *lauzimes* (as well as the others contained in the category 'Other seigneurial rights') and the label '*seigneurie*' is not visible in Table 4. Nor is there a clear correlation between these rights and fiefs with judicial rights in Table 5. This should not suggest that these rights are not seigneurial, or that their presence was uncommon, but instead, it is more likely that their presence was expected by contemporaries. Therefore, *dénombrements* would only rarely mention them. The *directe* was only rarely mentioned

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[125] *Item fault noter que ledit Boisson ne valoir seigneurie dedans ledit vilage si n'este un coullement de rentes, de lausimes car la seigneurie s'apartient à Monseigneur du castel audit Prelhes*. AMT, ii85/6 *Pierre Boisson*, 15/02/1504.

[126] Jalabert, *Le Livre Vert de Pierre de la Jugie*, 254; 258.

[127] Morsel, *L'aristocratie médiévale*, 174; Débax, *La seigneurie collective*, 20.

in the *dénombrements*. In a similar vein, the right to appoint seigneurial officers was also a common right, but it was rarely mentioned in *dénombrements* (see Chapter 3).

More often than not in *dénombrements*, the label '*seigneurie*' was tied to a specific and fairly stable meaning in the fifteenth and sixteenth centuries. A *seigneurie* was an estate with rights of justice and an array of seigneurial rents. There were other rights where the association was less clear. The presence of these rights suggests that the concept of a *seigneurie* did afford some room to manoeuvre. Not every lord or lady possessed every right associated with a *seigneurie*. Certain estates that lacked judicial rights were thus not considered *seigneuries*. The owners could still claim a seigneurial title on account of their possession of rights of *directe*.

There were several reasons for certain lords and ladies not possessing all rights associated with a certain estate. I already referred before to unequal inheritances, but seigneurial rights could also be purchased separately from the remainder of a *seigneurie*. The father and grandfather of the lord of La Terrasse, Pierre Potier, had each acquired parts of the farm of Vilar in 1482 and 1505 respectively, but Pierre Potier purchased the high, middle, and low justice of Vilar in 1543.[128] Three years before the purchase, Pierre described Villar in his *dénombrement* as 'a noble territory, named le Vilar, and that he held it without jurisdiction'.[129] In some cases, the *dénombrements* indicated this. For example, in 1504 Nicolas de Voisins reported in his *dénombrement* that he held the high, middle, and low jurisdiction of three small *seigneuries*, but he further stipulated that he

[128] ADHG, 3J 11 (3) *Purchase of Vilar*, 1482; ADHG, 3J 11 (4) *Purchase of Vilar*, 1505; ADHG, 3J 11 (5) *Purchase jurisdiction of Vilar*, 17/10/1543.

[129] *Item plus tiens terroir noble nomme le Vilar sans jurisdiction* (...) AMT, EE2 *Pierre Potier*, 23/10/1540, 104r-105v.

had no other rights in those places.[130] Both inheritance and partial purchases of *seigneuries* could result in instances of unequal co-*seigneuries*, a situation in which one lord or lady held greater power or authority in a *seigneurie* than other co-lords. I previously gave the example of Simon Bertier, who carried the title of lord of Saint-Germier, like his father before him, but Simon did not have judicial rights over Saint-Germier.[131]

Other differences related to minor rights. Simon de Bonic, lord of Fontbeauzard and Rebigue, mentioned that he did not have a house in Rebigue, despite the presence of a fort.[132] A situation could also be more complicated, and not be explained in the *dénombrements*. In a court case between the co-lords and consuls of the *seigneurie* of Caujac in 1523, the co-lords had the right to have a banal oven,[133] but that right extended no further than the village of Caujac itself. The people who lived within the seigneurial jurisdiction, but outside the village, could have their own bread ovens, without needing to pay any dues to the co-lords.[134] Court cases were another reason a lord or lady lost or

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[130] *A la Court-en-Sourt, à l'Espinasse et Petit Paradis ay la seigneurie haulte, moienne et basse, sans autre droit*. AMT, ii97/12 *Nicolas de Voisins*, 1504.

[131] *Et premierement est vray que le dit monseigneur de Tholouse est seigneur hault, moyen et bas dudit lieu de Sainct-Gemier en ledis lieu ledit Barthier n'a aucune juridition (...)* AMT, ii85/5 *Simon Bartier*, 15/01/1504.

[132] *Item tient en la viguerie de Thoulouse, le lieu de Revigne ont la ung fort et clausure de fossés et taprès avecques lequel fort lonc temps a se voula et de present n'y a nulle habitacion ont il a juridiction basse (...)* AMT, ii56/19 *Simon de Bonic*, 28/01/1504.

[133] *Monsieur Bernard de Vaxis denombra le premier avril 1490 la neuvieme partie de la juridiction dudit lieu [de Caujac] (...). Plus un fournage banier audit lieu*. BMT, MS 634 *Bernard de Vaques*, 1/04/1490.

[134] *[I]l sera dit que la Court à maintenu et garde maintient et garde lesdiz Consulz, manans et habitans dudit lieu de Caujac en possession saisine et liberte quo chascun desdites habituns estant et demourent hors ledit lieu et forteresse d'icelui et dans icelle juridiction et terroir de Caujac pourra avoir et tenir ung four en sa borde ou metairie pour cuyre son pain, sans ce qu'il soit tenu paier audit de Vaxis aucun ble, pain, argent, droit de fornaige*. ADHG, 1B 20 *Consuls de Caujac vs Bernard de Vaques and Jean-Aymeric de Serres*, 21/03/1523, 417r-418r.

could not exercise certain rights. When rights were contested royal courts could confiscate those rights for the duration of the trial. Jean Astorg de Montbartier serves as a good example. In his undated sixteenth century *dénombrement* he indicated that a forest he owned in the *seigneurie* of Montbartier was subject to a trial, and was therefore 'of no value nor profit' to him 'due to the mentioned trial'.[135]

There were also lords and ladies who had no rights of justice. For instance, Pons de Tonnac was styled lord of la Roque, a house in Albigeois, the estate lacked any rights of justice.[136] It may have had rights of *directe*, but Tonnac's *dénombrement* does not explicitly indicate this. An example of a clear lack of judicial rights emerges from the sources when Guillaume d'Aurival acquired the rather ominously named house and domain of Malacifique in 1501.[137] He subsequently styled himself lord of Malacifique.[138]

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[135] *Item ay audit lieu environ de quatre vints ou cent arpens de boys joingnant à la forest du Roy. Lequel boys est en proces avecques les gens du Roy. Lequel boys de present ne m'est de nulle valeur, ne prouffit à cause dudit proces*. AMT, ii95/2 *Jean-Astorg de Montbartier*, sixteenth century.

[136] *Dénombrement de Pons de Lonnac escuyer seigneur de la Roque pour ladite maison de la Roque assise pres de Cordes en Albigeois avec ses apartenances portant de revenu la somme 35 livres Tournois sans justice.* BMT, MS 635 *Pons de Lonnac* 248.

[137] Neither Dupond-Ferrier in *Gallia Regia*, nor Navelle's *Familles nobles et notables* could identify this place, but there are indications that Malacifique was close to Paléficat, these places were within the Viguerie of Toulouse. More importantly for this identification is the proximity to Lacournaudric, now part of the municipality l'Union. Both Paléficat and Malacifique bordered on Lacournaudric, and Elix gained more possessions in Castelmaurou, another nearby place. The actual location remains unclear. Elix appears to have acquired fiefs that were close together: *Dit ladite damoiselle quelle tient et possede à la seneschaucée et viguerie de Thoulouse Malasifque (...) Item tient en directe au consulat de la Courtnaudric (...) Item tient et possede en ladite seneschaucée de Thoulouse et consulat de Castelmorou lez Thoulouse en directe que peult valoir quatre livres tournois*. AMT, EE2 *Lizette Elix de Nos*, 25/10/1540, 181v-182r; André Navelle, *Familles nobles et notables du Midi toulousain au XV et XVIème siècles. Généalogie de 700 familles présentes dans la région de Toulouse avant 1550*, 11 vols (Fenouillet, 1991), i, 116; Gustave Dupont-Ferrier, *Gallia regia ou état des officiers royaux des bailliages et des sénéchausées de 1328 à 1515* (Paris, 1958), v, 497.

[138] Navelle, *Families nobles du Toulousain*, 117.

Between 1501 and 1516, Aurival would be identified as the lord of Malacifique in several documents.[139] His wife, Lizette -Elix- de Nos – who, unlike her husband, was still alive in 1540 –styled herself dame of Malacifique, long after his death.[140] Neither of the two *dénombrements* made by Elix around 1540, nor the 1557 *dénombrement* provided by her heir and nephew Jean de Nos, refer to Malacifique as a *seigneurie*, nor do they attribute rights of justice to it. Yet this did not mean that Malacifique was entirely devoid of seigneurial rights, as Elix was careful to report that it had 'certain *oblies* and *directes* and other seigneurial rights that are of the body of the mentioned Malacifique.'[141]

The question remains of whether La Roque or Malacifique could be counted as *seigneuries*. As I mentioned before, the label *seigneurie* was applied to the *directe* and its related rights, but not to the place they were located. It is not clear why the *directe* was treated differently. Maybe it was because *directes*, unlike judicial rights, were considered unrelated to the seigneurial subjects and instead were attached to a specific plot of land or rent. The way *directes* are described in the *dénombrement* indicates this. For example, Claire de Saint-Martin, lady of Roquerlan, stated that she held a noble fief *en directe*.[142] In fact, referring to fiefs or fields or rents as held *en directe* was very common in *dénombrements*. While this evidence is not strong, it is suggestive of why the possessors of *directes* could style themselves as lord or lady: they did hold powers that

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[139] Navelle, *Families nobles du Toulousain*, 117.

[140] *Dit ladite damoiselle quelle tient et possede à la seneschaucée et viguerie de Thoulouse Malasifque avecquies es appertenences que sont terroirs boys ensemble une vigne et certains boys et boignes avecques certaines oblies et directes et autres droicts seigneurieulx* (...) AMT, EE2 *Lizette Elix de Nos*, 25/10/1540, 181v-182r.

[141] *certaines oblies et directes et autres droicts seigneurieulx qui sont du corps dudit Malacifque* AMT, EE2 *Elix de Nos*, 25/10/1540; 182r; BMT, MS 635 *Elix de Nos*, ca.1540, 247 (the scribes of MS 635 mistook Nos for an abbreviation of Nôtre and rendered her name *Elix de Nôtre Dame de Malacifique*).

[142] *Aussi tiens audit lieu a fief noble en directe*. AMT, EE2 *Claire de Saint-Martin*, 27/10/1540, 191v-191v(bis). The scribes numbering the folios in EE2 made a mistake and accidentally repeated the number 191.

were seigneurial, but which the *dénombrements* refrain from calling a *seigneurie*. Their estates occupied an interpretative no man's land between uncontested *seigneuries* and the rural estates that were certainly not *seigneuries*.

Conclusion

In this chapter, I sought to establish what lay at the centre of the fifteenth- and sixteenth-centuries perceptions of the *seigneurie* in Languedoc. To accomplish this, I used the *dénombrements*, complex sources whose primary function was to list fiefs and – if present – the associated rights, duties, rents, and possessions linked to a fief. The evidence from *dénombrements* is clear: rights of justice take centre stage in how contemporaries imagined *seigneuries*. This was manifested in the *dénombrements* in two ways. The first I referred to at several points in this chapter is the interchangeability of the words *seigneurie*, *justice*, and *juridiction* in descriptions of judicial rights. The second manifestation was that rights of justice were an important, if not decisive, factor to allow a fief to be referred to as a *seigneurie*. The *dénombrements* were not always clear, since scribal variance ensured that most places were occasionally referred to with the generic term '*lieu*', but a cross-reference with other sources confirmed that most '*lieux*' with attested judicial rights were also known to contemporaries as *seigneuries*.

The importance of rights of justice notwithstanding, judicial rights were not the only rights that were associated with lordship. *Dénombrements*, and other sources, earmarked the *directe* and its dependent rights such as the *lauzime*, as well as rents as distinctly seigneurial components of a fief. The association between the *directe* and *seigneurie* was of a similar nature as the link between *seigneurie* and rights of justice. Both sets of rights implied enforcement, thus implying a mode of domination of the rights' holder over the local inhabitants to whom these rights pertained. *Directes* were

enforceable through fines only, while judicial rights allowed the possessor to establish a court and appoint officers to manage it. Both sets of rights allowed possessors to use a seigneurial title. The association of *seigneurie* with judicial rights and *directes* in the *dénombrements* matches up with recent literature positing that *seigneurie* equated to the legitimate right to exercise power and authority over lands and people on the basis of private property rights.[143]

The last possession to be associated with the *seigneurie* is rents. Rents are omnipresent among fiefs, sometimes they are fiefs on their own, and each *seigneurie* contained several. Yet, despite their omnipresence among fiefs, rents are rarely associated with the term *seigneurie* directly. Unlike is the case with *directes*, there are no rents with or without *seigneurie*. Rents were, however, placed alongside judicial rights and *directe* in lists, as was done by lords like Pierre Coutoux. While they were important to lords as sources of revenue for new rents, and are indicators of authority for older, devalued rents, they did not hold the central position in the contemporary conceptualisation of the *seigneurie* as judicial rights. These results are in line with the scholarship that stresses that, at its core, lordship was about privately held claims to the management of public order. Seigneurial justice was a key feature that allowed this. This evidence also contradicts the interpretation of lordship as a vehicle for financial surplus extraction that emerged after the decay of the Roman fiscal system.

[143] Boutruche, *Seigneurie et féodalité*, 80; West, *Reframing the Feudal Revolution*, 261–2.

Chapter 2
The seigneurial title

Introduction

Possession of a *seigneurie* allowed the owner to style themselves '*seigneur*', '*seigneuresse*', or '*dame*' of the place over which they had judicial rights. For instance, Jacquette and Marie de Reste referred to themselves as ladies (*dames et seigneuresses*) of Gargatz.[144] These titles were used alongside other titles that further informed contemporaries of the social status of the bearer, such as, for example, the title of councillor, master, or knight.[145] The seigneurial title was meaningful and was to be protected. For example, in 1535, the highest royal court in Languedoc, the Parlement of Toulouse, ruled on a case between different members of the Guillots family. Jacques des Guillots was co-lord of Auriac-sur-Vendinelle and Le Faget and styled himself as such. Michel des Guillots sought to claim possession of Le Faget from his brother, but Jacques and, following Jacques's death, his widow Isabelle de Montbrun started a lawsuit to deny Michel the use of the seigneurial title of Le Faget, as part of a larger attempt to block Michel's claims to the *seigneurie*.[146] This court case shows that seigneurial titles were

[144] An example for the use of seigneuresse: *Nous Jaquete et Marie de Reste seurs filles et heretieres de feu Symon Reste quant vivant bourgeois de la present cité de Thoulouse, habitant dames et seigneuresses du lieu de Gargatz (...)* AMT, EE2 *Jacquette et Marie de Reste*, 28/10/1540, 164v-165r.

[145] Caron, *La noblesse dans le duché de Bourgogne, 1315-1477*, 27–29.

[146] See in relation to this case ADHG, 1B 27 *Michel des Guillots vs Jacques de Guillots*, 3/06/1534, 227r ; André Navelle, *Familles nobles et notables du Midi toulousain au XV et XVIème siècles. Généalogie de 700 familles présentes dans la région de Toulouse avant 1550*, 11 vols (Fenouillet, 1991), v, 140.

valued as markers of the legitimate authority of a person over a *seigneurie*, but their importance extended beyond this meaning.

Contemporaries could take many titles, such as those conferred by nobility (*ecuyer/damoiselle*), university education (*bachelier/docteur*), or by profession, either private (*marchant*) or as a member of the royal administration (*juge-mage/conseiller du roy*). Seigneurial titles, however, were different from these other titles because they were bestowed by virtue of the acquisition of a *seigneurie*. Therefore, the use of titles was more flexible and personal, similar to other commonly carried noble titles.

In this chapter, I argue that lords and ladies used their seigneurial titles to position themselves socially. Profiling oneself as the lord or lady of the inhabitants of a given locality doubled as a claim to pre-eminence, in that the seigneurial title implied that its bearer belonged to the fairly exclusive milieu of rulers rather than that of subjects. Also, they could use their title to project their legitimacy if it was contested (in this chapter, I mostly use legitimacy to refer to the possession of rights, the broader question of seigneurial legitimacy is discussed in Chapter 3). Seigneurial markers were also an expression of a sense of belonging. Seigneurial titles often referred to a specific place, which was then highlighted as an important constituent of the lord's or lady's identity. The title could reflect where a lord or lady lived, highlight the most significant estate among many family properties or that which was the longest in the family's possession. In this way, the seigneurial title can illustrate different perspectives a lord or lady could have on their own estates.

Much suggests that the use of seigneurial titles was a relatively open-ended and protean affair in Languedoc. In the previous chapter, I briefly discussed the rights of *directe* (certain seigneurial rights over the management and transmission of lands by seigneurial subjects). I noted that the possessors of these rights did not have *seigneuries*,

but did style themselves as lord or lady, just like possessors of fully-fledged *seigneuries*. This situation was very different from the situation in, for instance, Flanders or Provence, where the seigneurial title was reserved for lords and ladies with larger *seigneuries* or *seigneuries* with high justice and where lords with only "low justice" – the category in which *directe* was situated – never sported seigneurial titles in epitaphs, charters, cartularies, and so on.[147] In Languedoc, there was no visible difference between the titles held by the men and women who held fiefs with judicial rights and those who had only rights of *directe* over a fief. Both groups could style themselves seigneur or dame of the place where they held their rights. There are some indications that a seigneurial title stemming from a *directe* was not considered vastly inferior to one that referred to a fully-fledged *seigneurie*.[148] In what follows, I focus on the use of seigneurial titles among individuals who did have fully-fledged *seigneuries*, even if we must keep in mind that – unlike other parts of Europe – the use of seigneurial titles was not exclusive to this milieu.

In the first section of this chapter, I analyse the different ways in which a seigneurial title could be used. The title served to identify a person, but its use was also contextual. Lords and ladies could omit the title when they deemed it unnecessary, or replace it with a more appropriate title for the situations they could encounter. Following this general analysis, I also analyse two groups with a distinct tradition of seigneurial titles and how they were deployed, namely, women and children who

[147]Frederik Buylaert and Miet Adriaens, *Lordship, Capitalism, and the State in Flanders (c. 1250-1570) - Chapter 4* (forthcoming); Laure Verdon, 'La noblesse au miroir de la coseigneurie: L'exemple de la Provence au xiiie siècle', *Mélanges de l'École française de Rome. Moyen Âge*, (2010), 91–92.

[148] Guillaume d'Aurival, for example, always used the title for Malacifique, which lacked judicial rights. He was also a relatively high ranking official in the seneschalsy of Toulouse. Navelle, *Familles nobles du Toulousain*, 116.

inherited a *seigneurie* and their guardians. While several women used their titles unapologetically, they were also often described in the sources as the wives of lords. In the cases of underage inheritance, the child was commonly referred to by his or her title, but the guardians were also permitted to use the seigneurial title.

In the second part of this chapter, I discuss the three potential meanings that a lord or lady could signal with their preferred seigneurial title. The first meaning is that the lord or lady had his or her main residence in that *seigneurie*. Lords and ladies tended to have several residences and houses, but in the *dénombrements,* it was not uncommon to earmark a specific house as a residence. The second possibility was that the seigneurial title referred to the most lucrative estate in the portfolio of its owner. In this subsection, I limit myself to the revenues that are described in the *dénombrements* since these documents allow me to compare fiefs and their financial value. The third dimension of seigneurial titles is that they could express a long-standing engagement of the lord or lady ad his or her family with the tenure of a specific *seigneurie*. Here, I investigate how many generations a *seigneurie* remained with the same patrilineal dynasty.

Lastly, a word on the main sources I use in this chapter. I extensively use the *dénombrements* that I discussed at length in Chapter 1. Based on these sources I created a list of 206 lords and ladies, of which twenty-eight were women. This list is the basis for the analysis. In the first section on the use of seigneurial titles, I also use the registers of the Parlement of Toulouse (the highest royal court of Languedoc) to verify the different uses of seigneurial titles outside the *dénombrements*. My use of these registers in this chapter is limited. For that reason, I only provide a fuller discussion of the Parlement and its sources in Chapter 4, which is dedicated to the Parlement as a forum for the crown and local lords.

The use of seigneurial titles

The primary use of a seigneurial title was to identify the bearer as a lord or a lady, but it did not end there: the name of a specific *seigneurie* was routinely included. This allowed the titles to distinguish between different people. Strikingly, lords and ladies preferred using only a single seigneurial title even if they had multiple *seigneuries*. Variation in the use of titles was not unheard of, but restricted to two, three, or at most four *seigneuries* (see Table 7). By definition, markers of identity – i.e., a sense of a person's sameness over time – required a modicum of stability, which helps to understand why variation in seigneurial titles was a fairly limited affair.[149]

Table 7: Number of *seigneuries* owned versus the number of titles used in the *dénombrements* (1533-1542)

Title	1 *Seigneurie*	2	3	4	5	7	8	9	12	Total
1	62	26	11	2	1	3	1	2	1	109
2	2	8	3	0	0	0	0	0	1	14
3	1	3	6	1	1	0	0	0	0	12
4	4	1	1	1	0	0	0	0	0	7

Some lords and ladies are recorded with more titles to their names than there were *seigneuries* in their *dénombrements*. This discrepancy emerged when a seigneurial fief depended on a different royal district, such as the seneschalsy of Rouergue, or from a different overlord. Usually, lords and ladies would write separate *dénombrements* addressed to the appropriate authorities.

[149] A good introduction to identity as a concept in medieval studies is in Valentin Groebner, *Who Are You? Identification, Deception, and Surveillance in Early Modern Europe* (New York, 2007).

The use of a seigneurial title as an identifier added an element of choice to the title for those lords and ladies with more than one *seigneurie*. This also allowed contemporaries to make the distinction between two otherwise identically named people, who happened to co-rule a *seigneurie*. For example, Pierre de Voisins, and his cousin Pierre de Voisins were co-lords of Lanta but identified themselves through *seigneuries* they did not have in common. In his 1540 *dénombrement,* the first Pierre de Voisins identified himself as the lord of Boysse, and his cousin as lord of Blagnac.[150]

Lords and ladies chose to refer to themselves routinely with one, and unsurprisingly they also referred to other lords and ladies in that way, again because identification requires a stable sign. In the *dénombrements* lords and ladies (and their scribes) made occasional references to other titled people. I found references to forty-one third parties in the *dénombrements* dated between 1533 to 1542. I chose to analyse these years, because most *dénombrements* that I use in this dissertation were drawn up between those dates, and these *dénombrements* are also the most diverse. In a majority of these cases, namely thirty-four out of forty-one occasions, these other lords and ladies were described with only a single title (see Table 8). A group of five had two titles, and the remaining two had three.

[150] AMT, EE2 *Pierre de Voisins*, 27/04/1540, 189v-190r.

Table 8: Number of third parties versus seigneurial titles in the *dénombrements* (1533-1542)	
Titles	Number of people
1	34
2	5
3	2
Total	41

This preference to use a single title – or at least a single set of seigneurial titles made the titles helpful to identify the bearers because it corresponded to the distinct preference that the lord or lady himself or herself had for a specific title. To assess this mechanism, I cross-referenced the lords and ladies who appeared in the registers of the Parlement of Toulouse, and for whom I have a full-text *dénombrement* that refers to several *seigneuries*. This resulted in a list of thirty-six lords, all men, twenty-five of whom never changed their titles. For instance, Antoine Hébrard, the lord of Pailherols, appeared twelve times in the registers of the Parlement between 1519 and 1527, and he used the same title without fail. Some lords, such as Arnaud de Saint-Jean, only changed their title after selling a *seigneurie*. In 1525, Arnaud appeared as the lord of Ségoufielle and Antin, but by the time he reappeared in the registers of the Parlement in 1529 and from that point onwards, he no longer used the title of lord of Antin.[151] In his 1540 *dénombrement,* he does not mention this *seigneurie*, which had apparently passed out of

[151] He first appeared with both titles in ADHG, 1B 21 *Arnaud de Saint-Jean vs consuls of Ségoufielle*, 22/12/1525 49v; but dropped Antin before his second appearance in ADHG, 1B 22 *Jean de Remond vs Arnaud de Saint-Jean, Jeanne Demier, and Guillaume de la Margue*, 7/03/1529, 557v. He returned to the Parlement on several occasions until 1539 in ADHG, 1B 33 *Jean de Saint-Jean and Catherine de Puybusque vs Jean-Bernard Ynard*, 2/12/1539, 16r; but never with the title of Antin.

his hands.[152] While a sample of thirty-six is too small to discern clear patterns, it does indicate that lords and ladies mostly used a specific title to identify themselves. Furthermore, the sample also reveals some exceptions, which I discuss later in this section.

Since lords and ladies appear to have rarely changed their titles, certain titles could become closely associated with a person. For instance, Imbert de Batarnay (ca.1438-1523) was a prominent royal diplomat who was awarded the county of Fézensac in 1474 which he would retain for ten years.[153] He also possessed several *seigneuries* in the seneschalsy of Toulouse.[154] Yet, despite his acquisition of higher-profile estates and counties, De Baternay continued using a seigneurial title: *seigneur de Bouchage*. It was the title by which he was known, and he was addressed as such in letters.[155] While De Baternay was relatively famous, the practice also occurred with lesser lords or ladies. In a letter addressed to a notary, the co-lord of Larecuquelle referred to the other co-lord as 'my lord of Montaud' (*mossen de Montault*), that is, a reference to another *seigneurie* this co-lord possessed.[156] Occasionally, this led to

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[152] AMT, EE2 *Arnaud de Saint-Jean*, 30/09/1540, 194v-195v.

[153] In 1473, his homage letter began as follows: *Savons vous faisons que nostre amé et feal conseillier et chambellan Ymbert de Batarnay, seigneur de Bouchage*. AN, P554-2 IIIcIIIIxxII *Imbert de Batarnay*, 4/6/1473; in 1479, the homage letter was nearly identical, but with the title count of Fézensac added: *Savoir vous faisons que nostre amé et feal conseillier et chambellan Ymbert de Batarnay conte de Fezansac, seigneur baron du Bouchage*. AN, P554-2 IIIICXIX *Imbert de Batarnay*, 20/1/1479; *III Novembre 1474 Louis XI reconstitue le comté de Fezensac en faveur d'Ymbert de Batarnay*, in Bernard de Mandrot, *Ymbert de Batarnay, seigneur du Bouchage. Conseiller des rois Louis XI, Charles VIII et François Ier* (Paris, 1886), 298.

[154] AN, P554-2 IIIcIIIIxxII *Imbert de Batarnay*, 4/6/1473.

[155] Letters from different people address Imbert de Batarnay as Monsieur du Bouchaige in 1478, 1482-1484. See Claude Devic and Joseph Vaissette, *Histoire générale de Languedoc*, ed. Ernest Rosachach (Toulouse, 1889), xii, 308, 318–319, 324.

[156] ADT, 8E 187 *Procès de Peirone Galiberte*, 29/07/1485.

confusion, as is illustrated by a court case treated by the Parlement of Toulouse in 1537. One of the parties, Jean de Capele, a merchant from the village of Lux, requested that the court would summon two lords. Jean mentioned the lord of Lux by name, Savaric de Goyrans, but he only referred to the second lord by his title, either by habit or acting in ignorance. The scribes of the Parlement of Toulouse were unfamiliar with this lord, and thus referred to him as 'one named the lord of Gensac.'[157] However, ignorance of a name was not a common reason to only mention a seigneurial title. In her 1540 *dénombrement* Antoinette de Villeneuve traced the previous ownership of Fenouillet across several sales:

> 'Item (...) for the sixth part of the lordship of Fenouillet (...), sold by the said Jacques de Villeneuve to master Guillaume Bony, licencier from Toulouse, to the said late de Puybusque, the lords of Pailhac, of La Landelle, co-lord of Ganhac, and the lord of Novital, all descendants from one house ['*maison*'], and all together were accustomed to serve the king with one archer.'[158]

Whether the use of the seigneurial title was due to habit or scribal choice is unclear in this *dénombrement*. It is, however, unlikely that Antoinette had forgotten the given names of the lords she listed and turned to their titles instead. In this case, it is

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[157] *Veues les informations faictes a la requeste de Jehan de Capele, marchant du lieu de Lux, la court a ordonné et ordonne qui Savaric de Goyrans, escuyer, seigneur dudit lieu et ung nommé le seigneur de Gansac seront adjournez a comparer en personne* (...) ADHG, 1B 30 *Jean de Capele vs Savaric de Goyrans and the lord of Gansac*, 9/02/1537, 114r.

[158] *Item et pour ladite metterie de Bellaval et pour la sixiesme partie de la seigneurie de Fenolhet et autres biens nobles deppendens d'icelle vendue par ledit Jaques de Villeneufve a maistre Guillame Bony, licencier de Thoulouse à ledit feu de Puybusque, les seigneurs de Pailhac de la Landelle, conseigneur de Ganhac et le seigneur de Novital tous descendens d'une maison et tous ensemble avoient acoustumé servir le Roy d'ung archier.* AMT, EE2 *Antoinette de Villeneuve*, 29/10/1540, 182v-183r.

possible, but less likely since she had gathered information from the seigneurial archives, which, as the lady of Fenouillet, would have been in her possession.[159]

That seigneurial titles were markers of identity did not mean that scribes, lords, or ladies always included such titles in documents. Lords and ladies could omit or change the titles they used based on the needs of different documents or situations. For example, the 226 full-text *dénombrements* that are available to me list 214 individuals, about half of whom (108) appear in the text without a seigneurial title. Many lords and ladies – or their scribes – must not have felt the need to include such titles, since the *dénombrement* itself served as proof of possession of seigneurial fiefs. In other documents, then, the use of a seigneurial title had to give way to another title of address that was more acutely relevant to the issue at hand. In my discussion of the *dénombrements* in Chapter 1, I highlighted how many *dénombrements* in my sample served as the proof required to be admitted in the ranks of noble citizens of Toulouse: in that case, lords and ladies stressed their citizenship by profiling themselves in the document as a *bourgeois de Toulouse*. The same goes – mutatis mutandis – for the holders of royal offices who sought to emphasise their exemption from the ban (i.e., military service) in their *dénombrements* by presenting themselves as royal officers (see Table 9).

[159] Archives related to a *seigneurie* were transferred between owners. On occasion a new owner stated that they had yet to receive the documentation they needed in their *dénombrements*. The placement and word choice of such references, indicate that it was intended to serve as an extenuating circumstance for any errors in their *dénombrement*. For example the brothers Etienne and Jean de Rabasents invoked it in their *dénombrement: quant a nostre notum parviendroit tient plus ou moins qomme nouveaulx successeurs, car nous parties ne nos veullet bailler les titres et documens desdicte biens dessus nommez*. AMT, EE2 *Etienne and Jean de Rabastens*, 15/06/1543, 197r-197v.

Table 9: Other titles than seigneurial titles in the *dénombrements*			
	Only other title	Seigneurial title and other titles	Total
Royal officers	20	13	33
Citizens of Toulouse	52	45	97

The use of other titles alongside, or as replacements for, seigneurial titles emphasised a different aspect of a person's social or professional standing. This use of titles was not confined to the *dénombrements*, but I analysed them because lords and ladies had considerably more sway over the form and contents of their *dénombrements* than other documents. In turn, the omission and inclusion of specific titles are more likely done intentionally by lords and ladies. This may have been the case in other types of sources, even if it is difficult to confirm this. In the registers of the Parlement, which were documents outside the control of lords and ladies, there is also a degree of variation. For instance, Pierre Potier was lord of la Terrasse since 1495, and commonly referred to himself as such, but he also held the position of *Receveur des Gages* in the Parlement of Toulouse.[160] In a document from 1512 that described Pierre Potier's failure to pay the wages of many other officers, Potier was only described as a citizen of Toulouse.[161] Only later in the document was it clarified that he held the office of *Receveur*

[160] There were three Pierre Potiers, and each used remarkably similar titles. Pierre I was the father and grandfather of Pierre II and Pierre III. Pierre I and Pierre II were both *receveurs des gages*, and all Pierres used the same seigneurial titles. *Je Pierre Potier, secretaire du Roy, seigneur de la Terrasse, Montflores et de Sainct-Hélix, habitant de Thoulouse* (...) AMT, EE2 *Pierre Potier*, 23/10/1540, 104r-105v ; the family Potier is fairly well documented.

[161] *Pour ce que tant Pierre Potier, bourgeois de Thoulouse que ses clercs (...)* ADHG, 1B 15 *Pierre Potier vs Parlement of Toulouse*, 9/01/1512, 19r.

des Gages. In a court case from the same year against the consuls of Cambon, a neighbouring community of la Terrasse, the same Pierre Potier acted as lord and was referred to as such.[162] It is unclear whether the title change was done at the initiative of Pierre Potier or by the scribes of the Parlement. Yet, the designation of Pierre as a citizen of Toulouse – which was as far as I can tell, irrelevant to the proceedings – can be taken to indicate that it was Pierre Potier's choice. Furthermore, the variation of included titles in similar documents further strengthens the idea that the litigants supplied the titles they desired or believed to be relevant. The titles lords and ladies claimed in these court cases were likely chosen to articulate their position in the social hierarchy, as was the case in England and other polities.[163]

Some lords and ladies changed their seigneurial titles better to fit a particular context, likely to emphasise their rights. Pierre Coutoux the younger, for instance, wrote in his 1540 *dénombrement* that he was lord of Bugnac, Maureville, La Faune, and Tarabel. In the course of his many appearances in the Parlement of Toulouse – he was a litigating party in thirteen documents between 1527 and 1541 – he tended to use the title of lord of Maureville. The exception constituted two documents from 1541 in which the possession of a certain part of Tarabel was contested.[164] Pierre had acquired his share of Tarabel while the *seigneurie* was the subject of litigation, and in this context, he understandably preferred to style himself as lord of Tarabel, rather than that of

[162] *Veue la requeste baillee a la court le XXIXe jour de mars dernierement passse par Pierre Potier, seigneur de la Terrasse* (…) ADHG, 1B 15 *Pierre Potier vs Consuls of Cambon*, 19/04/1512, 80v.

[163] Philippa Maddern, 'Gentility', in Raluca Radulescu and Alison Truelove (eds.), *Gentry Culture in Late Medieval England* (Manchester, 2005), 23.

[164] ADHG, 1B 34 *Pierre Coutoux vs Barthelemy Virnet*, 9/03/1541, 171r; ADHG, 1B 34 *Pierre Coutoux vs Barthelemy Virnet*, 6/05/1541, 271r.

Maureville, even if he had not lost the latter *seigneurie*.[165] The timing of this change of title was likely intended to emphasise Coutoux's new status.[166] Another lord, François de Bousquet did something similar. He used the title lord of Verlhac-Tescou in a court case between him and the consuls and inhabitants of Verlhac-Tescou in 1494.[167] However, in a case from the following year regarding his partial possession of the *seigneurie* of Gragnague, he used 'lord of Verlhac-Tescou and part of Gragnague.'[168] Unlike Coutoux, Bousquet did not change his title. While the case regarding Grangnage would drag on until 1522, in his *dénombrement* from 1504 François Bousquet used only the title lord of Verlhac-Tescou.[169] This example once again confirms that lords and ladies could and did adapt their titles to the circumstances, but that the default mode was to stick to a specific seigneurial title that effectively signalled their standing in society.

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[165] André Navelle, *Familles nobles et notables du Midi toulousain au XV et XVIème siècles. Généalogie de 700 familles présentes dans la région de Toulouse avant 1550*, 11 vols (Fenouillet, 1991), iii, 236.

[166] Pierre Coutoux was a lord who tended to change his titles. He was sometimes known simply as a merchant of Caraman (ADHG, 1B 22 *Denis de Beauvoir, Pierre Coutoux*, 4/09/1429, 706v), or as the heir of his father (ADHG, 1B 22 *Pierre Coutoux, Bernard and Jean la Pie, vs Jean Dellost, Guillaume de Moulin, Jean Figeac*, 20/02/1529, 537r). In 1532 (ADHG, 1B 25 *Pierre and Pierre Coutoux, Jacques de Guilhots vs Jean de Foix-Caraman*, 22/06/1532, 274r) he used a seigneurial title for the first time, leading to the Parlement's scribes to be suspicious of his title when he began using one: 'lord so-called of Maureville' (*seigneur soy disant de Maureville*) and in his following two appearances he did not carry any titles (ADHG, 1B 25 *Pierre and Pierre Coutoux vs Henri de Caraman*, 13/01/1532, 62r; ADHG, 1B 25 *Henri de Caraman vs Jean de Foix-Caraman, Jacques des Guillots, Pierre and Pierre Coutoux*, 12/01/1532, 71r). Starting 1534 (ADHG, 1B 27 *Pierre Coutoux vs Pierre la Teyre*, 24/04/1534, 181v) he used lord of Maureville, until he switched to Tarabel around 1540 (AMT, EE2 *Pierre Coutoux*, 27/10/1540, 119r-120r; ADHG, 1B 34 *Pierre Coutoux vs Jean Bonhore and Guillaume Forvier*, 9/03/1541 171r).

[167] ADHG, 1B 9 *François du Bousquet vs Consuls of Verlhac-Tescou*, 30/07/1494, 336v-337v

[168] ADHG, 1B 9 *Hector de Bourbon vs Sebastien de Nogaret and François du Bousquet*, 22/01/1495, 410r.

[169] ADHG, 1B 19 *Jean d'Orléans vs Sebastien de Nogaret and François du Bousquet*, 10/05/1522, 132v-133r; *je Fransoys de Bosquet, escuier, seigneur de Verlhac-de-Tescou habitant de Thouloze* AMT, ii97/16 *François du Bousquet*, 27/01/1504.

The use of the seigneurial title as a way to legitimise possession of a fief as done by Coutoux and Bousquet was pushed to an extreme by Michel des Guillots in 1537. Michel, who was together with his brother Jacques co-lord of the barony of Auriac-sur-Vendinelle desired to claim the dependent *seigneurie* of Le Faget from his brother. In his effort to do so, Michel styled himself lord of Le Faget. Jacques, and later his widow Isabelle de Montbrun, contested this and forced Michel to give up the use of the seigneurial title by means of an *arrêt* of the Parlement in 1537.[170] In cases in which the ownership was less clear, the Parlement could allow both parties to carry the title, but with a modification: 'there where the mentioned Hébrard calls himself and entitles himself lord of Rierevignes and Cuq "self-styled"(*soy distant*) will be added and (...) the said Montail (...) will be "pretended" (*pretendu*).'[171] These examples illustrate that lords and ladies were aware of the technical meaning of a seigneurial title, even if the majority used a specific title to serve as a stable marker of identity.

The observations I made so far in this section apply, broadly speaking, to all lords and ladies. However, there were certain groups, specifically women and children, who could use seigneurial titles but were subjected to different rules when compared to adult males.

In principle, women could use their seigneurial titles in the same fashion as men, and indeed some women did so. Catherine de Puybusque, for example, had inherited

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[170] See in relation to this case ADHG, 1B 27 *Michel des Guillots vs Jacques de Guillots*, 3/06/1534, 227r ; as well as Navelle, *Families nobles du Toulousain*, 140.

[171] *Pour raison des biens et succession dudit feu Pons de Chasteauneuf entre icellui Hebrard, demandeur d'une part et ledit suppliant defendeur d'autre, sera corrigee et enfaisant la ou ledit Hebrard se dit et intitule seigneur de Rierevignes et de Cuq sera mis soy disant. La ou il intitule ledit de Montail, frere religieux sera mis en mot pretendu laquelle qualite sera doresnavant en tous les actes de ladite cause continuee en ceste manière*. ADHG, 1B 34 *Antoine de Montail vs Antoine Hebrard*, 6/10/1541, 519r.

the *seigneurie* of Mons from her father sometime before 1540.[172] In a request done to the Parlement by her husband and herself, she carried her own title: 'Arnaud of Saint-Jean, squire, lord of Sègreville and Catherine de Puybusque, demoiselle, lady of Mons'.[173] The same is true for Catherine de Ganay. She used the title lady of Fontbeauzard both in her *dénombrement* and in her appearance in the records of the Parlement of Toulouse.[174] Yet, these examples are rare, since (married) adult men commonly took charge of public documentation and owing inheritance practices that were advantageous to men, women less commonly ruled *seigneuries* in their own right. Women could even decide to transfer management or indeed ownership over inherited *seigneuries* to their husbands. One such case occurred in November 1532, when Claire Boisson exchanged the *seigneurie* of Chaussas for goods elsewhere with her husband Raymond Seguy.[175]

Women were rather rare in the sources I have access to – namely the *dénombrements* and the registers of the Parlement of Toulouse. In the summaries of *dénombrements* from 1464, which was a very well documented year, only two women were present, whereas there were seventy-one men. This sample suggests that women represented only two per cent of the total number of lords and ladies whose *dénombrements* were preserved. In 1540, the other year for which I have a relatively

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[172] [*D*]*amoyselle Catherine de Puybusque sa femme, filhe et conheretiere de feu Jehan de Puybusque aussi esuyer quant vivoyt et seigneur de Mons* AMT, EE2 *Arnaud de Saint-Jean et Catherine de Puybusque*, 30/09/1540, 194v-195v.

[173] *Veues les informations faictes a la requeste de Arnauld de Sainct-Jehan, escuyer, seigneur de Segreville et Catherine de Puybusque, damoysele, dame de Mons (...)* ADHG, 1B 33 *Arnaud de Saint-Jean and Catherine de Puybusque vs Jean an Bernard Ynard*, 17/12/1539, 16r.

[174] *Je Catherine de Ganay, dame de Fontbauzard, et ses appertenences tant en mon nom propre que de mes enfans et de feu monsieur maistre Guillaume du Tournoer (...)* AMT, EE2 *Catherine de Ganay*, ca.1540, 114r ; ADHG, 1B 34 *Catherine de Ganay and Arnaud de Tournoër vs Marguerite and Jeanne Baussonnete*, 15/02/1541, 136v.

[175] André Navelle, *Familles nobles et notables du Midi toulousain au XV et XVIème siècles. Généalogie de 700 familles présentes dans la région de Toulouse avant 1550*, 11 vols (Fenouillet, 1993), x, 28.

great number of documents, women were better represented. There were twenty-four women versus ninety-five men, which results in twenty-two per cent of women in this sample (see Table 10).

Table 10: The proportion of women in the *dénombrements* in 1464 and 1540		
Sources	Women/Men	Percentage of women
1464 (Fragmented *dénombrements* in MS 634)	2/71	2%
1540 (Full text *dénombrements*)	24/95	22,1%
1540 (Summaries of *dénombrements* in MS 635)	23/266	8,6%

It is not clear which of these numbers was most representative. The proportion of women in the full-text *dénombrements* corresponds to the assessment that Theodore Evergates developed for fiefholders in Champagne around 1250, with about one in five fiefs being held by a woman.[176] Conversely, the 1540 full-text *dénombrements* may be outliers. Many of these *dénombrements* were submitted to the city of Toulouse to fulfil the requirement to acquire or preserve noble status within the city (see Chapter 1). This added advantage or duty could have prompted more women to have a *dénombrement* drawn up and to have it recorded by the capitouls into a register. The much lower percentage of women found in the seventeenth-century copies of *dénombrements* from 1464 and especially 1540, which include a much greater number of people, chimes with the gender ratios observed in the *estimes* – a medieval land register. Marie-Claude

[176] Evergates, *The Aristocracy*, 53.

Marandet calculated that in the fifteenth- and sixteenth-century *Registres des estimes* women tended to make up between three and four per cent of land owners.[177] Whether women were more likely to submit *dénombrements* to the capitouls of Toulouse than to the royal administration, or whether there was another reason for the discrepancy I observed between the full-text *dénombrements* and those that were copied in the seventeenth century, I do not have the sources to explore. It is, however, clear that Evergates conclusion "that women were as immersed in the world of fiefholding as their husbands and sons" holds as true in 1250 as in the fifteenth and sixteenth centuries.[178] But as in earlier times, women showed that they were informed about their possessions and could stand up to defend their rights.

Table 11: The status and property of women in the *dénombrements*	
Widows	7
Wives	17
Separate property from husband	11
Inheritance from family	5
Shared property with husband	1
Total	24

In the *dénombrements* under review, twenty-five women appear, most of whom either as wives or as widows of lords (see Table 11).[179] Contained within the category of

[177] Marandet, *Les campagnes du Lauragais*, 201.

[178] Evergates, *The Aristocracy*, 53.

[179] The only woman who submitted a *dénombrement* without any mention of a husband, male relative, or otherwise was Jeanne du Rosier, but while she was noble and had noble fiefs, she did not have a *seigneurie*, nor a *directe*. Another woman listed only the ownership of *seigneurie* feudale, which was likely equivalent to the *directe*. Consequently, they were omitted from the analysis. AMT, ii97/18 *Jeanne du Rosier*, 30/01/1504; AMT, ii97/8 *Bertrande de Saint-Paul*, sixteenth century.

wives, are eleven women whose *dénombrements* indicated that they had possessions separate from their husbands, yet without indicating the provenance of these estates. Five women had *dénombrements* drawn up after inheriting from a relative, and another woman inherited together with her husband.[180] The sixteen women who had their own goods would sometimes make *dénombrements* together with their husbands. For instance, François de Saint-Félix and his wife Antoinette de Puybusque made one *dénombrement* that was separated into two parts that corresponded to their separate possessions. Ladies could equally make *dénombrements* without their husbands or male relatives present. The sisters Jacquette and Marie de Reste made a joint *dénombrement* for the goods they inherited from their father in 1540.[181]

The use of the seigneurial title within these *dénombrements* varied among individual women. As was the case with *dénombrements* in general, thirteen *dénombrements* (i.e., roughly half of the available texts) make no mention of a title, and in those that do, only five women used a seigneurial title. The aforementioned Jacquette and Marie de Reste referred to themselves as ladies of Gargatz, Jacques Rivire notes that he and his wife are co-lords of Tournefeuille, and the same is true for Pierre du Faure, who was co-lord of Pibrac alongside his wife Gauside Doulx.[182] Widows, however, apparently preferred to mention the name and titles of their deceased husbands. Antoinette de Villeneuve stated in her *dénombrement* from 1540 that she was 'widow and particular heir of the late Bernard de Puybusque, squire, lord of Bellaval and co-lord of

[180] AMT, ii23/32 *Jeanne de Borrassier et Raymond Pagese*, 8/02/1504.

[181] An example for the use of seigneuresse: *Nous Jaquete et Marie de Reste seurs filles et heretieres de feu Symon Reste quant vivant bourgeois de la present cité de Thoulouse, habitant dames et seigneuresses du lieu de Gargatz (…)* AMT, EE2 *Jacquette et Marie de Reste*, 28/10/1540, 164v-165r.

[182] ADHG, 1B 34 *Pierre du Faure and Gauside Doulx vs consuls of Pibrac*, 17/03/1541, 185v-187v

Fenouillet.[183] Such references were also extremely common in documents from the Parlement of Toulouse, for wives, daughters, and widows. No less than forty of the sixty-four women who appeared in the analysed registers of the Parlement of Toulouse between 1444 and 1541 were identified by reference to a male relative or a husband.[184] I could not pinpoint a clear difference in the usage of seigneurial titles between wives or widows in either the *dénombrements* or in the registers of the Parlement of Toulouse. The persistent use of seigneurial titles of male relatives, even if they were deceased, fits into a larger pattern. While widowhood created new opportunities for some women to assert themselves, for many becoming a widow entailed a continuation of their previous status in the sense that they retained all the rights they had before and did not gain new ones.[185]

Widowhood was common during this period, and the status of widow could benefit a woman. First, her dowry was to be returned to her, and second, husbands could leave the property in usufruct.[186] A widow had complete authority over an estate in usufruct (see Chapter 4), which made it an attractive and powerful position. Even if no usufruct was given and the children inherited, the widow could run her late husband's estates in

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[183] *[D]amoiselle Anthoinete de Villeneufve vefve et heretiere particuliere de feu Bernard de Puybusque, escuier seigneur de Belaval et conseigneur de Fenolhet (...)* AMT, EE2 *Antoinette de Villeneuve*, 29/10/1540, 182v-183r.

[184] The documents came from the following registers of the Parlement of Toulouse: 1B 1, 2, 3, 4, 5, 8, 9, 10, 11, 31, 32, 33, and 34. In these registers I found sixty-one individual seigneurial women whose *seigneuries* lay within the seneschalsy of Toulouse across 112 documents. For a more complete discussion on the registres of the Parlement see the introduction to Chapter 4.

[185] Amy Livingstone, 'Aristocratic Women in the Chartrain', in Theodore Evergates (ed.), *Aristocratic Women in Medieval France* (Philadelphia, 1999), 68.

[186] Gwendoline Hancke, *Femmes en Languedoc: la vie quotidienne des femmes de la noblesse occitane au XIIIe siècle, entre catholicisme et catharisme* (Cahors, 2019), 60.

her children's name while they were underage.[187] Conversely, the status of widows was by no means without potential drawbacks. In cases of inheritance, widows were not in the best position, since male heirs were favoured over women.[188] When a man died without fathering a child, his widow could lose her position. A husband could designate someone else as heir. An extreme example of a woman who sought to inherit emerged in a court case that ended in 1498. Delphine de Voisins wanted to inherit the *seigneurie* of Caumont, but her late husband had indicated in his will that the *seigneurie* should go to François de Castelverdun, the underage son of his brother. According to the *arrêt* of the Parlement of Toulouse, Delphine had faked a pregnancy and tried to pass off another woman's baby as her husband's posthumous son. She did so to argue that her 'son' should inherit.[189] If successful, this ploy would have ensured Delphine's control over her late husband's estates and *seigneuries.*

The case of Delphine de Voisins was exceptional not only due to its complexity but also because of its length. The Parlement also discussed the case frequently. Delphine appeared in nineteen documents between 1495 and 1498 and was imprisoned between February 1497 and the end of January 1498.[190] During that time the scribes of the Parlement referred to her in the documents in various ways. During her imprisonment, she was often referred to as a prisoner (*prisonnière*), or described without a title. She was also referred to as lady of Caumont, once without mention of her name, and twice as the

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[187] Hancke, *Femmes en Languedoc*, 60–61.

[188] Florence Romeo, 'Les affaires successorales devant le Parlement de Toulouse au XVe siècle (1444-1494)' (Université Montpellier I, 2008), 49.

[189] ADHG, 1B 10 *François de Castelverdun vs Delphine de Voisins*, 10/02/1498, 395v-398r.

[190] The first mention of her as a prisoner was ADHG, 1B 10 *François de Castelverdun vs Delphine de Voisins*, 27/02/1497, 200v; and the first document following her release: ADHG, 1B 10 *François de Castelverdun vs Delphine de Voisins*, 10/02/1498, 395v.

widow of Jean de Castelverdun, lord of Caumont.[191] While Delphine's situation was by no means representative of the actions and experiences of other women, documents related to her case showcase the gamut of options open to others to refer to a lady in the administrative documents which were the *dénombrements* and registers of the Parlement of Toulouse.

The second group for whom the use of the seigneurial title deviated from other groups were underage heirs and their guardians. Upon inheriting a *seigneurie*, the new possessor could immediately style themselves lord or lady of that *seigneurie*, regardless of their age or gender. For instance, Florette du Pré, the mother and guardian of Françoise Gouz, referred to the underage girl as the lady of Villeneuve-lès-Bouloc in her wedding contract from 1539 and to her son Jean as lord of the same *seigneurie* in a court case in the Parlement roughly two years later.[192] The *seigneurie* of Villeneuve-lès-Bouloc had gone through a succession of underage lords and ladies, most of whom died before adulthood. In 1503, Jean Blasin, the lord of Villeneuve-les-Bouloc had died. His estate was passed to his two underage sons Georges and Bernard.[193] However, they both died soon after and in 1507 Etienne and Jean Gouz inherited the *seigneurie*.[194] These boys were

[191] See for example: ADHG, 1B 10 *Guillaume-Arnaud de Castelverdun vs Delphine de Voisins*, 3/12/1495, 13r.

[192] The wedding contract and the court case were between the same people. ADHG, 3E 11784 piece 115, 24/06/1539; ADHG, 1B 34 *Florette du Pré vs Pierre Seguier*, 27/08/1541,

[193] *(…) nobles George et Bernard Baisin, escuiers, filz pupilz et heretiers de noble Jehan Blaisin, en son vivant, aussi escuier, seigneur de Villeveufve pres de Boloc (…)* AMT, ii97/17 *Georges et Bernard Blasin*, 28/01/1504.

[194] *(…) raison de leur terre et seigneurie justice et jurisdiction haulte moyenne et basse du lieu de Villeneufve et directe de Bruguieres et d'une borde noble appelée la Borde Rouge (…) appartient ausdits lieux ausdits pupilles a eulx eschenz et advenuz par le trespas de feu Jehan Blasin leur oncle tenu (…)* AN, P555-1 CXXVII *Etienne et Jean Gouz*, 26/11/1507.

the underage sons of Dominique Gouz and Comtesse Blasin, the sister of Jean Blasin.[195] Etienne and Jean Gouz did reach adulthood. Jean lived until 1565, but Etienne died around 1530 and left his share of the *seigneurie* to his underage children Françoise and Jean. This meant that Villeneuve-lès-Bouloc – at least the part given to Etienne and Jean – was for a long time ruled by the guardians (*tuteurs*) of the underage lords and lady. During the minority of Etienne and Jean Gouz, their father Dominique took up that charge.[196] In November 1507, following the receipt of the inheritance, Dominique sent a *procureur* to Blois to do homage at the royal court.[197] He possibly did so while expecting resistance to the inheritance by Guillaume Blasin, Comtesse's nephew, and Dieudonné Garrigia, one of the co-lords of Villeneuve-lès-Bouloc. Guillaume and Dieudonné did begin proceedings against Dominique, but apparently in vain. Guillaume Blasin

[195] There existed the possibility of another link between the Blasin and Gouz families: Jean de Blasin's first wife was Marguerite de Gouz but linking them together proved problematic. The spelling of both their surnames varied, in the case of Marguerite a common spelling of her family name was Goth, but also Gout, Gots, Gouth ,e.a. while Navelle reports that the surname of Dominique would be more commonly Gossi (in Latin), Goux, or Gous. The homage letter uses Gouz, and Jean Gouz's 1540 *dénombrement* in EE2 uses Gotz, which is quite close to one of Marguerite's possible spellings. Fortunately, Marguerite's lineage is well known, due to the presence of a few high-profile relatives, such as pope Clement V, whose birthname was Bernard de Goth. I could find no common ancestors between them, indicating that the Goth and Gouz families are unrelated. Le Chevallier de Courcelles, *Histoire généalogique et héraldique des grands dignitaires de la couronne des principales familles nobles du royaume et des maisons princières de l'Europe, précédée de la généalogie de la Maison de France* (Paris, 1826), vi, De Goth, 1; André Navelle, *Familles nobles et notables du Midi toulousain au XV et XVIème siècles. Généalogie de 700 familles présentes dans la région de Toulouse avant 1550*, 11 vols (Fenouillet, 1991), ii, 182.

[196] *(...) Domminicque Gouz Bourgeois de Thoulouse père et legitime administrateur de Estienne et Jehan Gouz freres estans depuis en pupillarité (...)* AN, P555-1 CXXVII *Etienne et Jean Gouz*, 26/11/1507.

[197] *Savoir vous faisons que nostre bien ame maistre Guillaume Fetemant bachelier en decret on nom et comme procureur de Domminicque Gouz Bourgeois de Thoulouse (...) Donné a Bloys le XXVIe jour de novembre l'an mil cinq cens et sept et de nostre reigne le dixieme.* AN, P555-1 CXXVII *Etienne et Jean Gouz*, 26/11/1507.

withdrew his case by October 1512, [198] but Dieudonné Garrigia's case was still ongoing in 1517.[199] By 1540, however, the case had likely ended to the defendants' advantage since Jean de Gouz made no mention of a court case in his 1540 *dénombrement* and he qualified himself as lord of Villeneuve-de-Bouloc.[200]

The use of the seigneurial title by Etienne and Jean Gouz before and after they reached adulthood was by no means exceptional. In documents made in their name by their guardians, the guardians described their wards as lords or ladies, not in the least because they derived legitimacy from their actions as guardians of the legitimate heirs to the estate. For instance, in a court case that related to his ward, Bertrand d'Antin was referred to as 'Bertrand d'Antin, knight, as guardian and administrator of Antoine d'Antin, lord of Ferrals'.[201] Dominique Gouz did the same and consistently referred to his children as lords of Villeneuve-lès-Bouloc in the documentation that involved them.[202] Oddly enough, outside of these documents Dominique Gouz also assumed the title of lord of Villeneuve-lès-Bouloc. In a notarial document by Guillaume de Podio between 1506 and 1512, it was mentioned that Dominique Gouz began using the title

[198] "18.10.1512 (de Cruce 2951) Guillaume Blasin renonce au procès contre Noble Dominique Goux au sujet de la seigneurie de Villeneuve et Bruguières." Navelle, *Families nobles du Toulousain*, 187.

[199] "7.9.1517 (B 16) Déode de Lagrarrigue lic. ès lois sgr Villeneuve cosgr Bruguières contre Etienne et Jean Giros (sic, pour Goux) frères et Florette Blasin." Navelle, *Families nobles du Toulousain*, 83.

[200] *Je Jehan de Gotz, escuier seigneur de Villeneufve* AMT, EE2 *Jean Gouz*, 25/10/1540, 120r.

[201] *Et messire Bertrand d'Antin, chevalier, comme tuteur et administrateur d'Anthoine d'Antin, seigneur de Ferralz (...).* ADHG, 1B 33 *Blaise de Montelz vs Bertrand d'Antin*, 19/02/1540, 111v

[202] *Entre Pierre Bonnac habitant de Thoulouse appellant du juge d'appeaulx aus causes civiles de la seneschaussée de Thoulouse ou de son lieutenant d'une part et Domenge Gos, pere et legitime administrateur de Estienne et Jehan Gos, heritiers de feu Jehan Blasin (...)* ADHG, 1B 14 *Pierre Bonnac vs Dominique Gouz,* 2/4/1511, 704r.

lord of Villeneuve-lès-Bouloc in December 1506.[203] He still used the title in September 1525 but had stopped by December 1528.[204] Soon after, his son Jean Gouz appeared in the registers of the Parlement as an adult while using the title.[205] Etienne Gouz, the eldest, had already done so since at least 1520.[206]

The ability of Dominique Gouz to use the seigneurial title for a *seigneurie* that was not his, but which he administered, is reminiscent of the arrangements regarding usufructs. In such cases, the person who held the usufruct was allowed to style themselves lord or lady of the *seigneurie* and estates comprised in their usufruct.[207] Moreover, the Parlement commonly ruled that a person with usufruct held all the rights associated with the *seigneurie* (see Chapter 4 for details). The person who possessed the seigneurial estate under usufruct could exercise no rights but was still considered its lord or lady. For example, in 1480 the Parlement described Antoine de Morlhon as the

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[203] Navelle doesn't date this particular entry, but from other references to this book it appears to have covered 1506-1512."- (Guillaume de Podio 6184) Noble Dominique Goux qualifié en 1505 et jusqu'en 8.1506 d'écuyer et bourgeois est dit à compter du 3.12.1506 sgr de Villeneuve les Bouloc, et aussi damoiseau (6.1507) habitant rue des Ymaginaires." Navelle, *Families nobles du Toulousain*, 83.

[204] *Et (...) Domenge Goz, seigneur de Villeneufve, tuteurs de (...)* ADHG, 1B 20 *Jean de Labarthe vs Pierre Ysalguier, Bernard de Pubusque, and Dominique Gouz*, 5/09/1525, 614v-615r; *Et (...) Domengue Gos, escuiers, tuteurs testamentaires des personnes et biens de (...)* ADHG, 1B 22 *Jean de Labarthe vs Pierre Ysalguier, Bernard de Pubusque, and Dominique Gouz*, 22/12/1528, 472r.

[205] *Veues les informations faictes a la requeste de Jehan Gos, escuier, seigneur de Villeneufve (...)* ADHG, 1B 22 *Jean Gouz vs Florette du Pré*, 5/08/1529, 661r.

[206] 30.8.1520 (Cleveli 2753) Quittance de 1500 livres sur dot par Etienne Goux bac.droit sgr Villeneuve époux de Florette du Pré, sœur de noble Jean du Pré (du Prat) sgr des Barthes (doi. Toulouse) ; 18.11.1536 (Dalet 3028) Location d'une maison rue de Lom indivise entre Noble Jean de Goux sgr Villeneuve et Noble Jean de Goux son neveu. Navelle, *Families nobles du Toulousain*, 84, 86.

[207] *[Anne de Billy] aura et tiendra pour son habitation les chastel de Plieux entièrement et prendra par sa main tous et chacuns les fruiz, pourfiz, cens, rentes, revenus et emolumens dudit lieu et de ses juridictions et appurtenances jusques a la valeur de ladite provision et nommera tells officiers qui lui plaira pour ses juridictions*. ADHG, 1B 3 *Anne de Billy vs Jean de Faudoas*, 28/11/1466, 75v.

'lord owner' (*seigneur propriétaire*) of Castelmary which was at the time subject to a usufruct to another party.[208] In practice, however, few lords or ladies appear to have clearly taken advantage of this ability to adopt the seigneurial titles of their wards. Many male guardians were lords in their own right, and female guardians often used the full name and title of their deceased partners as identification. Anne de Thisan, for instance, described herself as 'widow of the late Azemar de Cahusac, squire, lord of Verdier, mother, guardian and legitimate administrator of Olivier de Cahusac, squire, lord of the said place.'[209] Furthermore, as the example of Anne de Thisan also shows, female guardians were often the children's mothers and were therefore entitled to the seigneurial title through marriage and widowhood.

These examples show that while seigneurial titles described the legal possession of seigneurial authority, in practice the title was creatively deployed to signal social claims. For most lords and ladies, the seigneurial title served to identify themselves precisely within a milieu of seigneurial rules which were often related through blood or marriage. It was, therefore, commonly used in charters, court cases, letters, and other sources, usually in addition to a name or sometimes as a replacement. The title could be and often was used by men, women, and children in the same way. Women, however, were in a societally disadvantaged position, and therefore often resorted to using their husband's and sometimes son's names and titles to serve as identification in formal

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[208] *(...) que la court declaire ledit maistre Anthoine de Morlhon seigneur properietaire et ladite dame Katherine de Balaguier usufruictaire a sa vie des chastel, place, terre, seigneurie et appartenances de Chastelmarin (...)* ADHG, 1B 5 *Antoine de Morlhon vs Catherine de Balaguier*, 20/12/1480, 455-456.

[209] *Entre Anne de Thisan, damoiselle vesve de feu Azemar de Cahusac, escuier, seigneur de Verdier, mere tuteresse et legitime administrateresse de Olivier de Cahusac, escuier, seigneur dudit lieu (...).* ADHG, 1B 31 *Anne de Thesan vs the inhabitans of Verdier*, 30/09/1538, 543r-543v.

documents such as *dénombrements* and *arrêts* of the Parlement, even if they too were commonly known by a seigneurial title. In the case of underage inheritance, the guardians could use the seigneurial title for the duration of their guardianship even if, in practice, this was not a routine procedure.

The meanings lords and ladies imbued into their seigneurial titles

Many lords and ladies had multiple *seigneuries*, which begs the question of how they selected one of these *seigneuries* as their preferred seigneurial title as a marker of identity. In some cases, the choice was self-evident, in the sense that an individual chose the title that allowed someone to differentiate him- or herself from someone with a very similar title. I gave the example of the two Pierre de Voisins, respectively known as the lords of Boysse and Blagnac. In most other cases, however, lords and ladies had more flexibility in preferring one title over another, and other considerations came into play.

For lords and ladies with several *seigneuries,* the choice for or against a specific title could be meaningful. François Bousquet, for example, was the lord of Verlhac-Tescou, a small village close to Montauban. He was, however, also the lord of two further *seigneuries*, both in Lauragais: Gragnague and Montgaillard. When another co-lord contested his judicial rights in Gragnague Bousquet did use the title 'lord of Verlhac-Tescou and of part of Gragnague.'[210] This was, however, not a permanent change, since outside of the context of the court case related to Gragnague he only claimed to be lord of Verlhac-Tescou.[211]

François Bousquet clearly preferred to use the title of Verlhac-Tescou, but it is unclear what prompted him to make this choice. Bousquet's 1504 *dénombrement* offers

[210] ADHG, 1B 9 *Hector de Bourbon vs Sebastien de Nogaret and François du Bousquet*, 22/01/1495, 410r.

[211] ADHG, 1B 19 *Jean d'Orléans vs Sebastien de Nogaret and François du Bousquet*, 10/05/1522, 132v-133r; *je Fransoys de Bosquet, escuier, seigneur de Verlhac-de-Tescou habitant de Thouloze* AMT, ii97/16 *François du Bousquet*, 27/01/1504.

potential explanations for his choice. First, Verlhac-Tescou contained the only functional seigneurial residence Bousquet had. The houses in Gragnague and Montgaillard lay in ruins.[212] Furthermore, a court case from 1494 shows that Bousquet expanded his residence in Verlhac-Tescou, much to the displeasure of his subjects.[213] The last house Bousquet mentioned in his *dénombrement* was not noble – it was subject to the *taille*, a tax to which noble properties were exempt – and would therefore not have had a seigneurial title.[214] This meant that the only *seigneurie* that Bousquet could and did inhabit was Verlhac-Tescou. Yet, this is not the only reason Bousquet could have preferred the use of the title of this *seigneurie*. The revenues Bousquet listed in his *dénombrement* were the greatest in Verlhac-Tescou, even if it was followed closely by Gragnague.[215] A last potential reason that may have prompted the preference for this estate was that unlike Gragnague and Montgaillard Verlhac-Tescou had been part of the Bousquet family patrimony since 1397 or 1404, that is an entire century before Pierre committed his *dénombrement* to paper. The *seigneurie* was a gift from the count of Villemur to Nicolas de Bousquet, which meant that by 1504, Verlhac-Tescou had been in the Bousquet family's possession for four generations.[216]

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[212] *Et premièrement tiens en la diocese de Montauban le lieu de Verlhac ou y a une maison (...) lieu de Mongaillart auquel j'ay une maison desruite (...) lieu de Granhagne là où je ay une maison destruite (...).* AMT, ii97/16 *François du Bousquet*, 27/01/1504.

[213] ADHG, 1B 9 *Consuls de Verlhac-Tescou vs François de Bosquet*, 30/07/1494, 336v-337v.

[214] *Item tiens en la viguerie de Thoulouse, une maison la ou je demoure et ung jardin desquelx je envoye les tailles au roy, nostre souverain seigneur*. AMT, ii97/16 *François du Bousquet*, 27/01/1504.

[215] Revenues from Verlhac-Tescou amounted to 64,5 l.t., Mongaillard provided an income of thirty-eight pounds and 15 s. and 6 *punheres* while Granhague brought in 57lib, 7s. and 4d. as well as one *charge* of oats.

[216] The two dates come from two different works. Navelle cites 1397, but Jean de Viguerie, who wrote a booklet on the history of Verlhac-Tescou, mentions that the du Bousquet family came in possession of the lordship in

The example of François Bousquet has offered three potential reasons for a lord or lady to prefer one seigneurial title over another. In what follows, I analyse each of these elements, beginning with the seigneurial residences, followed by the feudal revenues listed in the *dénombrements*, and concluding with an analysis of the number of generations any given *seigneurie* was part of a family's estate.

1404. I am offering both dates here because I cannot ascertain which work provides the accurate year. De Viguerie's book does draw from a diverse and critically considered set of sources, but it is a collection of brief lectures, none of which treat the fifteenth and sixteenth centuries in depth. Navelle, *Families nobles du Toulousain*, 251; Viguerie, *Un village en Quercy, Verlhac-Tescou*, 42.

Seigneurial Residences

The *dénombrements* contain a multitude of mentions and references to inhabitable structures. The scribes routinely used words such as *maisons*, *chateaux*, *maison fortes*, *métairies* and *bordes*. Caution is in order, but it is possible to pinpoint whether the use of a *seigneurie* as a person's residence informed the use of seigneurial titles by cross-checking these seigneurial titles with references to houses and castles. Lords and ladies often earmarked houses and castles as residences in their *dénombrements*. In addition, it was also common to include further information about these residences, primarily by indicating the presence of associated rights, such as woods or certain fields that were used to provide the house with firewood or food. For example, in Saint-Supplice-sur-Lèze in 1506 Bernard de Vacques singled out one house for his residence and added that one field was reserved to ensure provisions for the house.[217] While the attention to provisions may also refer to the maintenance of a steward who ruled this *seigneurie* on behalf of Bernard as an absentee landlord, the concern with provisions suggests that the lord - who had to live somewhere – may have preferred this estate to spend his time.

Another interpretative challenge is that scribes made the very conceptual difference between the two common words: houses and castles. In 1540 Pierre Rahon mentioned owning 'a house or old and ruinous castle' (*maison sive chasteau vieulx et ruyneulx*) in the village of La Force.[218] Jean de Vernuy, in 1522 equally made no distinction between house and castle, even though he had both next to each other. He

[217] *Item plus tient au lieu de Sainct-Souplize-Lezadas une mayson pour sa provision et habitacion tres cestarades de pré pour la provision en ladicte mayson*. AMT, ii23/27 *Bernard de Vaques*, 1506.

[218] As an aside, the *cloistre* mentioned here is probably the circle of stone houses that still forms the core of the village of la Force today. *Et premièrement tiens et possede une maison sive chasteau vieulx et ruyneulx dans le cloistre dudit lieu de la Force.* AMT, EE2 *Pierre Rahon*, ca.1540, 184v-149r.

owned the castle and used a nearby house as stables for his horses.[219] In both examples, the word castle was used to mean habitable building, a meaning usually attributed to *maison*. Jean de Faure, however, turned this around and owned a house with ditches and other defences (*fossez et autres fortaresses*).[220]

The word castle, however, appears to have been more commonly used in the *dénombrements* when lords or ladies indicated that they did not possess all of the material infrastructure of the local *seigneurie*. Around 1523 Imbert Ysarn, for instance, mentioned owning a house in the castle of Dieupentale.[221] A set of different noble houses sharing a castle were indications of a shared *seigneurie* or *coseigneurie*. The latter, including shared living arrangements, was clearly the case in the *seigneurie* of Colomiers. One substantial share of this *seigneurie* was held collectively by three brothers: Jean, Bertrand, and Bernard Raspauds, also known as the lords of Colomiers. They mentioned owning two houses in the castle. But as one lay in ruins, they lived in the second house, which they shared with yet another co-lord.[222] A division of a seigneurial abode between different co-lords was by no means uncommon in the south of France.[223] For instance, sometime before 1504, Novital, an estate consisting of a house and a farm south of Saint-Jory was divided between several members of the Puybusque

[219] *Item tient icellui de Vernoy audit lieu de Villeneufve le chasteau dudit lieu avec certaine autre maison servant d'estable pour les chevaulx*. AMT, ii94/23 *Jean de Bernoy*, 18/07/1522.

[220] *Item tiens audit lieu une maison avec fossez et autres fortaresses*. AMT, ii23/38 *Jean de Faure*, 29/06/1533.

[221] *Item une maison au fort de Dyupantale*. AMT, EE2 *Imbert Ysarn*, ca.1523, 52v.

[222] *Item tenons en ladicte seigneurie et dedans la forterese dudit lieu une maison vieille et fort distruyte, laquelle nous peut valloir toutes choses deduytes leux an portant l'autre. Item plus avons dedans ladicte forteresse une autre maison de petite valleur, laquelle tenons par indivis avecques le seigneur de Puylauzic en la quele faisons demourante, allant et tornant en cas de neccessité*. AMT, ii23/31 *Bernard, Jean, and Bertrand Raspauds*, 1/02/1504.

[223] Débax, *La seigneurie collective*, 207–27.

family, their spouses, and descendants, a few of whom qualified themselves as lords and ladies of Novital.[224]

The absence of a clear distinction between castles and houses in the *dénombrements* was partly the result of a vague contemporary distinction between houses and castles and partly due to the nature of the *dénombrements*.[225] These documents were not intended to convey whether a *seigneurie* had fortifications that were potentially relevant in a conflict. For instance, in Pibrac, none of the co-lords made mention of the seigneurial castle in their *dénombrements*,[226] but the *seigneurie* did have its own castle and military purpose.[227] *Dénombrements*, however, were not used by the royal administration for military purposes, but to keep track of the fiefs royal vassals held and to receive an estimate of their yearly revenues. The military responsibilities of lords and ladies were managed by the seneschal of Toulouse whenever he raised the ban (see Chapter 1). Within the *seigneurie*, then, military duties were divided between the seigneurial subjects and the lord or lady. In Caujac in 1523, the co-lords were responsible for the maintenance of the seigneurial infrastructure and defences, and the organisation of the *guet* (i.e., the duty to guard the castle). Yet, the same co-lords were not expected to fund it themselves, the cost of these organisational efforts fell on the

[224] The castle of Novital still exists but appears to have been abandoned. AMT, ii97/14 *Odinet Cocorde and Audiete de Puybusque*, 24/01/1504; AMT, EE2 *Ramond de Tournaire*, 15/05/1541, 145v-146r.

[225] Justine Firnhaber-Baker, *The Jacquerie of 1358: A French Peasant's Revolt* (New York, 2021), 139–140.

[226] AMT, EE2 *Pierre du Faur and Gauside Doulx*, ca.1539, 101r-102v; AMT, ii23/31 *Bernard, Jean, and Bertrand Raspauds*, 1/02/1504.

[227] The castle encompassed the church of Marie Magdaleine as well as the seigneurial houses, which were grouped to the south of the church. Later seigneurial manors in Pibrac such as the houses of du Faure, du Sarta and Beauregard were built outside the castle and village. Anatole du Faur de Pibrac, 'Pibrac, histoire de l'église, du village et du château', *Mémoires de l'Académie des Sciences, Inscriptions et Belles-lettres de Toulouse, huitième série*, iv (1882), 40; Pierre Delapart (ed.), *Pibrac: histoire d'un patrimoine.* (Pibrac, 2016), 56–57.

shoulders of the seigneurial subjects.[228] To further emphasise the role of military leadership by the co-lords, the consuls of Caujac had to hand over the keys to the seigneurial castle 'in times of war or imminent peril.'[229] This type of information, as well as references to the *guet,* are absent from *dénombrements*.

Nevertheless, seigneurial castles and residences were to serve as projections of seigneurial power. Consequently, these buildings had to meet suitable standards, as an *arrêt* from the Parlement 1450 put it.[230] As imposing buildings, castles or fortified residences could differentiate a well-to-do nobleman from the large and middling peasants, which was not self-evident as the poorest nobles were usually not wealthier than the upper strata of the non-noble peasantry.[231] Pierre du Faur and his wife Gauside described the seigneurial house in their *dénombrement* of 1540 as under construction was an elegant brickwork building in a renaissance style built by architect Nicolas Bachelier that was clearly intended to signal the status of the inhabitants.[232] Furthermore, lords and ladies could use their seigneurial house as the site to exercise

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[228] [*A]ussi de faire faire les guetz, garder les portes, reparations, forteficacions, foussez, pontz, murailles et autres choses necessaires par iceulx habitans de Caujac, sans ce que iceulx conseigneurs soient aucunement tenuz contribuer ne paier aucune echose d'icelles*. ADHG, 1B 20 *Consuls de Caujac vs Bernard de Vaques and Jean-Aymeric de Serres*, 21/03/1523, 417r.

[229] *[E]t semblalement (…) maintient et garde lesdicts consuls, manans et habitans de Caujac en possession saisine et liberté de tenir et garder les clefz des portes dudit lieu en tout temps excepté en temps de guerre et emminent peril, ouquel temps à maintenu et gardé, maintient et garde lesdiz conseigneurs en possession et saisine de tenir et garder lesdicte clefz (…)* ADHG, 1B 20 *Consuls de Caujac vs Bernard de Vaques and Jean-Aymeric de Serres*, 21/03/1523, 417r.

[230] *(…) que ledit defendeur baillera a ladite demanderesse habitacion raisenable en une des places de la seigneurie de Faudoas.* ADHG, 1B 2 *Anne de Billy vs Jean de Faudoas*, 28/09/1540, 165r.

[231] The classic analysis is Edouard Perroy, 'Social Mobility among the French Noblesse in the Later Middle Ages', *Past & Present*, xxi (1962), 25–38.

[232] Bachelier also built a gate of the *Capitole* of Toulouse, that was later moved to the *Jardin des Plantes* in Toulouse. Henri Ramet, *Le Capitole et le Parlement de Toulouse* (Toulouse, 1926), 43; Delapart, *Pibrac*, 62–63.

their seigneurial prerogatives. Lords and ladies could use their house to receive seigneurial dues and rents, but *dénombrements* provide only limited evidence.[233]Seigneurial residences could also serve as the locus for judicial tasks. The *dénombrements* do not clarify whether these tasks included the seigneurial court, as was often the case with an English manor house.[234] It was possible since a lord or lady could place their court in any location at their leisure.[235] What is certain is that the seigneurial manor was often the prison's location. As most *seigneuries* had the right to detain debtors, or in the case of *seigneuries* with high justice (which included nearly all *seigneuries* in the seneschalsy), even to imprison suspects of crimes or convicted individuals. The capacity for imprisonment was an essential hallmark of seigneurial justice. In 1510, Jean de Bartier, the lord of Venerque, mentioned that he had 'his house for habitation and where are the prisons of the said place [of Venerque].'[236] Similar references appeared in the *dénombrement* of Savaric de Goyrans in 1540. He indicated that he 'held and possessed the place, location of Goyrans, with all high, middle, and low jurisdiction where he has his castle and house, wherein he has his prisons.'[237] Gauside Doulx and her husband Pierre du Faur even used the presence of a seigneurial

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[233] *[Q]uatre cestiers de froment d'albergue de rente que les consulz et habitans dudit lieu luy font la veille de Toussaint portes en son chatteau sur paine du double* (...) BMT, MS 634 *Jean de Bar*, 1463.

[234] Peter R. Coss, *The Foundations of Gentry Life: The Multons of Frampton and Their World, 1270-1370* (New York, 2010), 120.

[235] *Que ce pendant ledit pupille sera excerce ladite juridion et tenir le siege de sa court ou lieu de Legergues ou esdit lieux de Chastelgarric et de Pauties ouquel bon lui semblera*. ADHG, 1B 6 *inhabitants of Castelgarric and Pauties vs Ameyric and Jean de Castelpers*, 14/04/1483 232r-232v.

[236] *Item plus a et tient du Roy moytie de la juridiction haulte, moyenne et basse du lieu de Benerque, par indivis avec le seigneur de Montespan où il a sa maison pour demeurance et y sont les prisons dudit lieu (...)* AMT, ii97/20 *Jean de Bartier*, 18/08/1510.

[237] *[Il] tiens et possede le lieu, place de Goyrans avec toute juridiction haulte, moyenne et basse auquel il ya son chasteau et maison auquel il a ses prisons* AMT, EE2 *Savaric de Goyrans,* 26/10/1540, 151v-152v.

prison in their house to reinforce their claim. They believed this claim to be strengthened that her father Jean Doulx had begun this practice maybe forty to fifty years before.[238]

These examples show that seigneurial houses and castles were important places in a *seigneurie*. This importance was also recognised, since the Parlement of Toulouse in 1460 commanded Jean de Faudoas, lord of Faudoas, to provide a suitable house to his mother Anne de Billy within Faudoas, but outside the village of Faudoas.[239] This stipulation may have been intended to exclude the main seigneurial house of Faudoas since when Anne de Billy was given the castle of Plieux to inhabit, she was also given its jurisdiction by the Parlement.[240] By excluding Faudoas, the Parlement likely sought to avoid transferring the core of the *seigneurie* of Faudoas, which would have included the seigneurial court, and the seigneurial house.

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[238] That is at least the date reported by Pierre du Faur, but the earliest date I found for this case is a sentence passed by Pierre de Nogueris in 1521 followed by an *arrêt* from 1525. Both documents were mentioned in a document from 1532 and again in 1535. Navelle does not include any documentation regarding this case in his catalogue under Jean Doulx, so establishing the earliest start of this document is not possible. Based on the period proposed by Pierre du Faur the trial would have started around 1500. Although the *dénombrement* is undated, the proposed date of 1540 in EE2 is likely sufficiently accurate. Pierre du Faur carries the title fourth president of the Parlement, which he only gained on the ninth of April 1539. Moreover, he references an *arrêt* of the Parlement that was made *depuis ung an ou environ*, which is a reference to the third confirmation of the *arrêt* of 1525. This confirmation was dated 27 of March 1538, the contents of which are summarised in the *dénombrement*. The execution of the ruling remained a problem until at least 1541, which explains the need to summarise the sentence in the *dénombrement*. Moreover, the *dénombrement* makes mention of the construction taking place on the site of the old house. This is a reference to the present-day château of Pibrac, which was completed in 1540 the family archive in this castle appears to hold a copy of this *dénombrement* dated to 1540. AMT, EE2 *Pierre du Faur and Gauside Doulx*, ca.1539, 101r-102v; ADHG, 1B 29 *Pierre du Faure and Gauside Doulx vs consuls of Pibrac*, 24/04/1535, 203r-204v; Navelle, *Familles nobles du Toulousain*, 107; 230; du Faur de Pibrac, 'Pibrac', 39–40; Delapart, *Pibrac*, 62.

[239] ADHG, 1B 2 *Anne de Billy vs Jean de Faudoas*, 17/09/1460, 165r.

[240] ADHG, 1B 2 *Anne de Billy vs Jean de Faudoas*, 22/05/1461, 194v.

The question remains whether the seigneurial house which was earmarked by a lord or lady in their *dénombrement* as their residence was a deciding factor in choosing a seigneurial title. To determine this, I tallied every structure described as a house, or a castle in the *dénombrements* that are available to me (for details on my corpus, see Chapter 1). There are 162 houses and castles listed in the *dénombrements* that are located in a *seigneurie*. The authors of the *dénombrements* included a modicum of information for 112 of these houses. For 63 houses, there are indications of the age or state of the building (seven buildings were ruins), the listing of arrangements for provisioning the buildings, usually food or firewood, or references to habitation, either by the lord or lady or by a third party. This leaves 49 houses that are mentioned, without any extra information. Fortunately, it was possible for most of the 63 houses to assess whether the owner used the seigneurial title of the *seigneurie* where the house was located.

All 162 houses are broken down into Table 12, essentially a snapshot analysis. This table is not subdivided into different periods; all data pertains to the first half of the sixteenth century. I did this due to the scarcity of information in 1504, which – when separated – does not yield meaningful results. Measuring change over time is not feasible. I repeated this analysis for the other periods for which information was available, but this did not yield meaningful results.[241] The table is divided into four main

[241] For the fifteenth century there exists a collection of fragmented *dénombrements* that were collated in one 18th century manuscript kept in the *Bibliothèque Municipale de Toulouse* as MS 634 (not to be confused with MS 635 which contains only summaries). For the period 1460-1469 there are about seventy-six *dénombrements* in varying states of completeness. Yet, these proved to be less informative than hoped, because the copyists often rephrased, rather than simply copying, the *dénombrements*. These *dénombrements* contain forty-nine houses and castles, but there are only five clear attributions of inhabitation, and no references to provision. I do not have sufficient full text *dénombrements* from this period to confirm whether these results are of the copyists making or not.

categories. The first division runs horizontally and is between houses located in the *seigneurie* of which the owner uses the seigneurial title and those that do not. The vertical divisions are between the different types of information, beginning with the 'no information' category, followed by habitation and finally provision.

These last two categories are based on direct attestations of habitation, i.e., when the lord specifically pointed out a house as his or her residence, such as was done by Antoine de Planholle, the lord of Saint-Germier. He mentioned that he 'had in the said place [of Saint-Germier] the house where I live' (*ay audit lieu la maison où je demoure*).[242] A direct attestation for provision usually concludes with statements such as 'it serves for the provisioning of mysaid house' (*servant pour la provision de madite maison*).[243] These overarching categories indicate that a house was, or could be, inhabited. Provisions are not an unproblematic metric. A field or vineyard set apart for the provision of a house in a *dénombrement* was not necessarily used for that purpose.

[242] AMT, ii19/34 *Antoine de Planhole*, 4/10/1522.

[243] AMT, ii23/38 *Jean de Faure*, 29/06/1533.

Table 12: Residences and provision according to the *dénombrements*
Note that the percentages of 'Total' are based on 'All houses' (162), but all other percentages are based on 'Total'.

1504-1541			Habitation			Provision	
All houses	Houses located in a titular *seigneurie*						
	Total	No info	Inhabited	Third-party	Uninhabited	Provisioned	Provisioned + inhabited
162	82 (51%)	47 (57%)	15 (18%)	2 (2%)	3 (4%)	15 (18%)	2 (2%)
	Houses located in a non-titular *seigneurie*						
	80 (49%)	50 (59%)	7 (9%)	2 (3%)	3 (4%)	18 (23%)	4 (5%)

The first element which stands out in Table 12 is the considerable proportion of houses for which no additional information exists. This means that the total number of houses for which there is any information is about forty per cent in total, which is subsequently divided roughly equally between the two horizontal categories. The number of houses is small and therefore requires cautious handling, but the proportional repartition makes comparison possible.

The first notable vertical category is inhabited houses. Fifteen or eighteen per cent of all houses owned by a person using the local seigneurial title were inhabited by the lord or lady themselves. In their *dénombrements*, lords and ladies were significantly less likely to mention their residences outside the *seigneurie* of which they carried the title. In this category, only seven houses are marked explicitly as *demourances*. Notably, there was a slightly greater proportion of houses that were provisioned in houses that were located in a non-titular *seigneurie*. This is understandable since lords and ladies often kept several houses provisioned so they could easily move between multiple residences. In 1540, Jean de Bize, lord of Sajas, mentioned residing in the house in Sajas, and the particular lands set aside for its provisioning. He mentioned that he also provisioned for two further houses in two other *seigneuries* named Boussinac and Labarthe. He

concluded his *dénombrement* with a description of his house in Toulouse, where he – as was required by the capitouls – also resided.[244] Such arrangements were likely more common than is conveyed in the *dénombrements*, but de Bize was the only lord to explain their domestic arrangements so clearly.

Third-party use of a residence was uncommon, and it had different causes. Sometimes, it can be explained through usufruct. For instance, the house and domain of Beauvoir in the Viguerie of Toulouse were owned by Michel de Vabres but subjected to the usufruct of Jeanne de Forrade.[245] Yet, the few instances of usufruct that appear in the *dénombrements* are rarely connected to seigneurial houses. Many of these instances, either of third-party habitation or uninhabited houses are due to causes never explained in the *dénombrements*. During their *pupillarité* in 1503 Georges and Bernard Blasin, for instance, lived in a house with stables in Bruguières, rather than in the *seigneurie* of which they carried the title. The legal guardians (*tuteurs*) of the children clarified that they housed them there because the seigneurial residence in Villeneuve-lès-Bouloc lay in ruins.[246] The cause of the ruination of the house in Villeneuve-lès-Bouloc remained unexplained.

There were other reasons why lords would not live in their *seigneuries*: it was possible they did not own a house there, apparently because they never resided in the *seigneurie*. There are sporadic references to such situations in the sources under review.

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[244] The *dénombrement* of Jean de Bize is a copy made on the sixth of April 1540, roughly two months after completion of the original. AMT, ii97/25 *Jean de Vise*, 16/02/1540.

[245] AMT, EE2 *Michel de Vabres*, 24/10/1540, 137v-139v.

[246] *Item audit lieu* [Villeneuve-lès-Bouloc] *tiennent une maison* destruct (...) *Item out au lieu de Bruguieres en la viguere de Thoulouse de dedans le fort dicellui lieu une maison et une estable la ou je* [one of the three tuteurs] *faict leur demeurans*. AMT, EE2 *Georges and Bernard Blasin*, 28/01/1503, 63r-65v.

In 1503, for example, Simon de Bonic, who used the titles for Fontbeauzard and Rebigue, experienced a problem like Georges and Bernard Blasin. Yet, where the Blasin brothers owned a ruin, he did not possess a house in one of the two *seigneuries* of which he carried the title. In the village of Rebigue, he mentioned that 'at present he had no habitation' (*de present n'y a nulle habitacion)* in the fort. Perhaps, by mentioning he intended to indicate that this was a temporary arrangement as his two *seigneuries* lay about 20km apart. For Fontbeauzard, his other *seigneurie*, he listed a house with a tower and stables for his horses, which suggests that Simon lived there.[247]

The evidence listed in the table reveals no clear or apparent link between the usage of seigneurial titles and the presence of an inhabited house. Like other nobles, many lords and ladies tended to cultivate an ambulant lifestyle.[248] They travelled between their *seigneuries* and other places, including a comfortable house in a nearby town, the princely and royal courts, residences of friends and family, and so on.[249] In some cases, lords and ladies indicated that their residency in their *seigneurie* was only temporary. The three Raspauds brothers, for example, mention in their collective *dénombrement* that they would come and go to their house in Colomiers 'when the need arose' (*en cas de neccessité*).[250] Lords, such as the Raspauds, divided their time between

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[247] *Et premierement tient et possede ledit lieu de Fontbausar* (...) *une maison aucune faite à façon d'une tour* (...) *Item tient et possede èsdite Fontbausart,* (...) *.xxv. ou trente arpens de pré* (...) *luy peult valoir chascun an a son proufit quinz livres tornoises et la provision et ses chevaulx.* (...) *Item tient en la viguerie de Thoulouse, le lieu de Revigue ont la ung fort et clausure de fossés* (...) *de present n'y a nulle habitacion* (...) AMT, ii56/19 *Simon de Bonic* 28/01/1504.

[248] Kristen B. Neuschel, 'Noble Households in the Sixteenth Century: Material Settings and Human Communities', *French Historical Studies*, xv (1988), 613.

[249] John Dunne and Paul Janssens (eds.), *Living in the City: Elites and Their Residences, 1500-1900* (Turnhout, 2008), 72–73.

[250] *Item plus avons dedans ladicte forteresse une autre maison de petite valleur, laquelle tenons par indivis avecques le seigneur de Puylauzic en laquele faisons demourance, allant et tornant en cas de neccessité*. AMT, ii23/31 *Bernard, Jean, and Bertrand Raspauds*, 1/02/1504.

their *seigneuries* and residences in Toulouse and in other urban centres, such as Caraman or Castelnaudary.[251]

Such urban residences were considered important as they gave access to, among other things, royal institutions, powerful social networks of urban elites, medical care, and luxuries inside a city.[252] The baron of Fourquevaux, for example, acquired a house in Toulouse with the sole purpose of being 'incorporated in the roll of noble inhabitants' (*incorporé au roule des nobles habitans*) of Toulouse.[253] The structure of his *dénombrement* reflects his intentions: the first article is solely about the house in Toulouse, its location, how it was acquired, and which notary had the relevant documentation. The second article briefly summarises his ownership of the barony of Fourquevaux – thus fulfilling the second requirement.[254] Pierre Rome, royal treasurer in the seneschalsy of Toulouse, provides one of the most explicit examples regarding the causes of his residency in

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[251] AMT, EE2 *Etienne Roques*, 24/10/1540, 196v-197r.

[252] This has been observed for Flanders in Frederik Buylaert, 'Lordship, Urbanization and Social Change in Late Medieval Flanders', *Past & Present*, ccxxvii (2015), 41. See especially the evidence discussed for various parts of France in the contributions in Thierry Dutour, *Les nobles et la ville dans l'espace francophone: XII-XVIe siècles* (Paris, 2010).

[253] AMT, ii97/26 *Raimond de Rouer dit de Pavie*, 29/05/1542.

[254] *Et premierement, il advoué à tenir en la present ville sa moitie d'une maison assise en la rue des Inraguaires, près des dames de Sainct Panthaleon, confrontacion devers, Antan et Bize, avec les rues publicques, de mydi et cers avec les heritiers de Pierre del Sol, et autres confrontacions, laquelle moytie de maison luy a esté donnée par Anthoine d'Anticamareta, escuyer, seigneur de Villeufve comme appert par justrement detenu par de Vicinis, notaire de Fourquevaulx, le vingneufiesme de mars mil cinq cens quarante deux et laquelle donacion a esté despuis justicié suyvant l'ordonnance le treziesme d'avril audit an de laquelle a payés tailhe au roy en ladicte ville.*
Item et finablement advous ledit de Rouer à tenir sa plasse de Fourquevaulx, avec toute justice, haulte, moyenne et basse, mere et mixte empaire, ses circumstances et dependences, ce tout en titre de baronnie, et assis et la conte de Lauragois laquelle plasse à ilz a valeur, à deux cens cinquante livres de rente par communes années. AMT, ii97/26 *Raimond de Rouer dit de Pavie*, 29/05/1542.

Toulouse: 'of this city in which I live and have to have my residence due to my office'.[255] He further explained that his main house (*maison principelle*) was in the seneschaucée of Quercy.[256] Like Pierre Rome, Jean de Bize, lord of Sajas, pinpointed two houses which served as his residence: the first in Sajas, the second in Toulouse.[257] While Charles Benoît mentioned that the castle of Cépet served as his home 'when he is in the said Cépet' (*quant ilz est audit Cepet*) and that Toulouse was where he had 'his continuous residence' (*sa continuelle residence*).[258]

While the *dénombrements* preserved in register EE2 (for details, see Chapter 1) mention the required permanence of the residence in Toulouse, there is no indication of an expectation of permanent residence.[259] Etienne Roques was an inhabitant of two cities: 'I Etienne Roques, citizen of Toulouse, inhabitant of the city of Caraman'(*Je Estienne Roques, bourgeois de Thoulouse, habitant de la ville de Caramaing*),[260] a feat he would not have been able to accomplish expected permanent residence existed. In sum, lesser lords with only a single *seigneurie* may have had strong local roots and outlooks, but many lords and ladies travelled between their estates. The consulted source material does not allow me to attempt a reconstruction of such travels, but it is not unlikely that the situation in Toulouse resembled the reconstruction done by Pierre Charbonnier for the substantial *seigneurie* of Murol in Auvergne. Using the accounts of the receivers of

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[255] AMT, EE2 *Pierre Rome*, 24/10/1540, 118r-118v.

[256] (...) *seneschaucée de Quercy en laquelle a sa maison principelle de Gordon* (...) AMT, EE2 *Pierre Rome*, 24/10/1540, 118r-118v.

[257] AMT, ii97/25 *Jean de Vise*, 16/02/1540.

[258] AMT, EE2 *Charles Benoît*, 18/07/1523, 29v-30v.

[259] For example: *Item en la presente cité de Thoulouse, tient et possede une maison ont ses predecesseurs et luy ont acoustumé faire lesdits continuelle residence assize pres du Pont Neuf* (...) AMT, EE2 *Raymond de Morlhon*, 21/11/1524, 53v-54v.

[260] AMT, EE2 *Etienne Roques*, 24/10/1540, 196v-197r.

Murol, Charbonnier was able to reconstruct the comings and goings of two lords of Murol for several years between 1564 and 1592. He concluded that in most years, François and his son Jean III d'Estaing stayed in Murol at least once, often for about one month. Moreover, they maintained a close correspondence with their seigneurial officers during their absence, which allowed Charbonnier to conclude that even when absent, Jean III closely oversaw the functioning of his *seigneurie* and clearly intended to keep an eye on his seigneurial officers.[261]

The *dénombrements* contain some evidence that such arrangements were commonplace in the Toulousain. Charbonnier mentions that the seigneurial house was permanently kept in a state to receive the lord. While this routine would be too expensive for petty lords, many of whom were not wealthier than well-to-do peasants,[262] most did try to keep the houses standing at least: only seven houses and castles were reported as being ruined. The allocation of provisions and firewood to certain houses not marked as residences could also indicate that the lord would occasionally stay at that house. For some of these houses, the lords reveal why they would stay there. Jean Seguier owned 'a house, with its lands, vineyards, and dovecotes (...) which I manage myself, because it is a barren land, it costs more than it earns. But because it is a pleasant and remote place he retreats to it in times of plague, I am beholden to keep it.'[263]

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[261] Pierre Charbonnier, *Une autre France, la seigneurie rurale en Basse Auvergne du XIVe au XVIe siècle*, 2 vols (Clermont-Ferrand, 1980), ii, 1082–4.

[262] Perroy, 'Social Mobility', 28–29.

[263] *[U]ne maison, avecques ses terres, prez, vignes et colombier et ung boys nommée de Fontaynes, laquelle tiens à ma main, et car est en lieu esterille couste plus d'entretenir que ne vault. Mais pour ce qu'est en lieu plaisant et solitaire hors de chacun où il ne retire en temps de peste suis contrainct à la tenir à ma main.* AN, P555-2 CLXXVII *Jean Seguier*, 19/03/1513.

In some cases, seigneurial houses were an important part of the *seigneurie*. The lord's residence was well known and remembered as a seigneurial house. For example, Simon de Lancefoc, lord of Espanes and Venerque, referred to a certain place as being where the lord's house used to be.[264] Unsurprisingly, seigneurial residences impinged on the collective consciousness of local inhabitants. These houses served as places for the expression of seigneurial power, the location of prisons, and – even if the evidence I have available is very scarce – the place where people came to pay seigneurial dues. This importance, however, did not necessarily extend beyond the *seigneurie*. There is no clear evidence that lords and ladies routinely chose their seigneurial title based on which seigneurial estate they chose as a primary residence.

The Feudal income of a *seigneurie*

The second factor that may have informed the usage of seigneurial titles was *seigneurie* as a source of wealth. In this section, I refer only to the revenues generated by the rents, rights, and possessions that were described in the *dénombrements*. This means that investments in land and property that were not part of a fief are not included. The analysis covers only seigneurial fiefs, which were neither the only source of revenue for a noble, nor necessarily the most important one. Conversely, it stands to reason that *seigneuries* – as sizeable estates – were important building blocks of the financial portfolio of a lord and it is possible that the seigneurial estate that provided much of a lord or lady's income was also the one that came to mind when lords and ladies had to choose a *seigneurie* to present themselves to the world.

[264] AMT, EE2 *Simon de Lancefoc*, 31/07/1533, 61v.

Thanks to the *dénombrements*, which had a financial component that I discussed in full in Chapter 1, I can make a relative assessment of the financial importance of *seigneuries* held by the same lord or lady. François du Bousquet, who styled himself as lord of Verlhac-Tescou, did receive his greatest feudal income from Verlhac-Tescou. I calculated this income by adding up the revenues listed in his *dénombrement* that were expressed in *livres Tournois* (l.t.). I repeated this process for each *dénombrement* containing at least two *seigneuries*, followed by highlighting the *seigneurie* – or *seigneuries* – of which the title was used. The result of this effort was an overview of *seigneuries* with a sum of their reported values for each eligible lord or lady.

A caveat for the monetary values reported in the *dénombrements* that pertain to the core purpose of these documents. These documents aimed to inform the royal government of the rights and lands that were held in homage from the king. The inclusion of extra information, such as revenues, was optional. Subsequently, there was no universally enforced standard regarding the reporting of revenues. In turn, this resulted in great disparities between different *dénombrements*. Some lords, such as Jacques Dessus and Antoine de Plaignolle carefully specified the various revenues generated by their *seigneuries*,[265] while others only offered subtotals per *seigneurie*.[266] Gracien du Pont and several other lords formed a third group, albeit a much smaller group, who included no revenues whatsoever.[267] These differences caused a reporting inequality further exacerbated by how revenues were described. The values included in the *dénombrements* were supposed to represent estimates of yearly income, as is

[265] AMT, EE2 *Jacques Dessus*, ca.1530, 59r-v; AMT, EE2 *Antoine de Plaignolle*, 4/10/1522, 32r-33v.

[266] AMT, EE2 *Arnaud Rigaud*, 14/03/1513, 12r; AMT, EE2 *Jean de Gotz* 25/10/1540, 127r-v.

[267] AMT, EE2 *Imbert Ysarn*, ca.1523, 52v; AMT, EE2 *Gracien du Pont*, 14/05/1541, 131r-132r; AMT, EE2 *Jean du Pin*, 10/09/1540, 191v(bis)-192r.

exemplified by the expression 'may be worth one year carrying over to the next' (*peult valoir un an comportant l'autre*).[268] Moreover, these estimates represented net profits. Costs were not mentioned, and losses were not estimated but described: 'because of which it costs more than it is worth or could be worth in revenue or profit' (*a cause de quoy couste plus que ne vault ne scavoit valoir de revenu ny proufit)*.[269] In sum, the elliptic and variable registration of revenues has obscured many choices made by the creators of the *dénombrements*.

One of these choices was how accurately the revenues were reported. In her study of the medieval economy of Lauragais, Marie-Claude Marandet argues that *dénombrements* routinely underreported revenues. She cites the work done by René Germain (Bourbonnais, 1370-1530), Pierre Charbonnier (Auvergne, fourteenth-fifteenth-century) and Jean Ramière de Fortanier (Lauragais, 1553-1789) who each observed *dénombrements* underreporting revenues.[270] They spotted these discrepancies by comparing the *dénombrements* to fiscal documents, such as the *livres d'estimés* and *registres de reconnaisances*. Marandet showed that *dénombrements* from the early-fourteenth-century reported similar values to contemporary fiscal documents, but the discrepancies appeared in later fifteenth and early-sixteenth-century *dénombrements*.[271] While Marandet suggested a few possible explanations, she favoured the idea that this was lords attempting to defraud the royal government and appear poor to the king. She equally argued that the lords, rather than landowners as a whole, tended to commit

[268] AMT, ii85/5 *Simon Bartier*, 15/01/1504.

[269] AMT, EE2 *Pierre du Faur et Gauside Doulx*, ca. 1540, 101r-102r.

[270] Marandet, *Les campagnes du Lauragais*, 107.

[271] Marandet, *Les campagnes du Lauragais*, 319–20.

fraud against the royal authorities.[272] Yet, this explanation does not fully consider the difference between fiscal documents such as the *livres d'estimés* and *registres de reconnaisances* and the *dénombrements*.[273] It also does not address the depreciation of seigneurial incomes that through inflation, caused great problems to lords and ladies since the fourteenth century,[274] even though lords and ladies had managed to by and large stabilise their incomes in the fifteenth- and sixteenth-centuries.[275]

With these sources restricted in mind, I checked for each *dénombrement* whether the seigneurial title of the lord or lady referred to the *seigneurie* with the highest reported revenue in l.t.. The results of this analysis are shown in Table 13, in which the 100% figure corresponds with the total number of *dénombrements* used in this sample.

Table 13: Do(es) the titular *seigneurie(s)* correspond to the wealthiest *seigneurie*(s) (1504-1541)?				
Total: 72 (100%) *dénombrements*.				
Yes	No	No, but...	Not applicable	Tie
30 (42%)	13 (18%)	1 (1%)	26 (36%)	2 (3%)

[272] "Les seigneurs ont-ils enfin réalisé qu'il fallait paraître pauvre aux yeux du roi? (...) il semblerait que ce soient les seigneurs qui aient tendance à frauder plutôt que les estimés." Marandet, *Les campagnes du Lauragais*, 320.

[273] The first two source types contained records of revenues; this means that these sources were produced before the registered income was applied to cover various needs. A *dénombrement* does not need to reflect the revenue stream at the same point. Numbers in *dénombrements* could have been changed for several reasons. Revenues could have been lowered to account for bad harvests, or hidden costs, such as the payment of debts and anniversary masses, which could amount to considerable sums. Such expenses could be attached to the revenues from parts of an estate and change the actual income.

[274] Charbonnier, *Une autre France*, 20–22.

[275] Graeme Small, *Late Medieval France* (New York, 2009), 76–81.

The category 'Not applicable' contains 26 *dénombrements* that are parsed into the following subcategories:				
Unknown seigneurial title	Conversion issue	Lord uses all titles available	Subtotal groups more than one *seigneurie*	No values given
4 (17%) [5%]	1 (4%) [1%]	10 (38%) [12%]	6 (21%) [8%]	5 (21%) [7%]

In 42 per cent of *dénombrements,* the wealthiest *seigneurie* did provide the seigneurial title that the lord or lady preferred. Conversely, in thirteen *dénombrements* the wealthiest *seigneurie* was not the titular *seigneurie*. One *dénombrement* is a dubious case. Jean Boisson, lord of Beauteville, recorded a revenue of seventy-two l.t. for his titular *seigneurie*. However, he had inherited Vaureilles, a *seigneurie* in Rouergue, which brought in ninety l.t. from his uncle Pierre Boisson, who in life had styled himself lord of Vaureilles.[276] Jean Boisson was likely already well known as the lord of Beauteville, which as I showed in the first section on the use of seigneurial titles was an important reason to keep a title.

Next to this, I must discuss the category 'not applicable' (N/A), which covers the second-largest number of cases. 'Not applicable' contains *dénombrements* that, for different reasons, could not be classified as either yes or no. In four cases I could not ascertain which seigneurial title was used by a lord or lady, or the *dénombrement* did not split out revenues for the listed *seigneuries*. Other *dénombrements*, then, did not refer to revenue at all. 'Conversion issue' happened when a *dénombrement* only offered values in kind and in other measurements. I have included the breakdown of these subcategories

[276] Navelle, *Families nobles du Toulousain*, 289.

in Table 13 because it includes the lords who used the seigneurial titles of every *seigneurie* included in their *dénombrements*. This category is especially important, as it shows that a significant proportion of people chose their titles differently. To allow direct comparison with the other categories in Table 13, I added the percentages based on the total number of *dénombrements* (72) between square brackets.

Leaving aside these doubtful cases, we see that the income from farms, ovens, mills for pastel, grain, or iron, seigneurial taxes, and so on, does show a correlation with the usage of seigneurial titles. If I restrict the analysis to the uncomplicated *dénombrements* (the first two columns), it emerges that thirty out of forty-three *dénombrements* the *seigneurie* with the greatest revenue also doubled as the basis for a seigneurial title (i.e., seventy per cent). The availability of rights and money would not only allow a lord or lady to effectively exercise his or her rights, but it would also influence the way those rights would be perceived. Still, caution is in order. The revenue gap between the titular *seigneurie* and the second most profitable *seigneurie* could be significant - the most prominent difference is the substantial sum of 250 l.t. – but this was not always the case. For instance, in their respective *dénombrements*, Jean de Vise and Pierre de Gameville recorded the same revenues for their titular *seigneurie* and for their second most profitable *seigneurie*, in these cases the difference amounted to nothing. In *dénombrements* that did report differing values, the revenue gap was often relatively limited, with the lowest recorded value amounting to 1,5 l.t..

Most *dénombrements* did report a difference in revenue between the titular *seigneurie* and the second most profitable *seigneurie*. I listed those cases in which the most profitable *seigneurie* corresponded to the one that provided the seigneurial title in Table 7 and calculated the difference with his or her second more profitable holding (Table 14).

Table 14: The difference in income between the highest earning vs the lowest earning *seigneurie*					
1-20 l.t.	21-40 l.t.	41-60 l.t.	61-80 l.t.	81-100 l.t.	Over 100 l.t.
Titular *seigneurie* is the wealthiest (see Table 7: Yes) (total: 30)					
11 (37%)	5 (17%)	3 (10%)	1 (3%)	2 (3%)	9 (30%)
Non-Titular *seigneurie* is the wealthiest (see Table 7: No) (total: 13)					
5 (38%)	3 (23%)	2 (15%)	0	2 (15%)	1 (8%)

The results of this exercise reveal that most *seigneuries* cluster either around the 1-20 pounds difference (and nine of these are between 11-20 pounds), or around the over one hundred l.t. category, but the values within this category are spread out. One last difference amounts to the 250 l.t. above. When compared to the 'No' category, also taken from Table 14, the distribution of difference is very similar: almost forty per cent in the 1-20 l.t. group, followed by a steep decline for the remaining categories. The only difference is that there are hardly *seigneuries* within the 'Over 100's. This could result from the comparatively smaller size of the 'No' group, as the highest difference reported in the whole sample is found in this category. In the *dénombrement* of the lord of La Roqueta, Raymond de Morlhon, his most profitable *seigneurie*, Castelmaurin, and his titular *seigneurie* accounted for a difference of 300 l.t..

Table 14 shows a remarkably diverse picture. Among the holders of *seigneuries* with minimal differences in revenue, a lord or lady could just as well derive his or her title from the wealthiest *seigneurie* as from a runner-up that was, for one reason or another, to be preferred. Yet, once the difference in revenues between *seigneuries* reached over 100 l.t. lords and ladies routinely preferred the wealthier *seigneurie* to

present themselves to the world. In sum, the wealth of a *seigneurie* was not necessarily closely tied to the use of a seigneurial title, but this was often the case.[277]

[277] There is also the issue of overlap between the wealth categories as discussed in this section and the seigneurial houses discussed in the previous. In the *dénombrements* that fall into the 'Yes' category only six houses were attested, and three of these were in a titular lordship. Twelve instances of provisions were found, but only a minority, again three provided for a titular lordship. On the other side – the 'No' category – there were again three houses, all of which were in a lordship of which the title was used, and provisions were attested eight times, half of which in a titular lordship. Although there were fewer provisions and seigneurial houses in non-titular lordships, the figures are too small and too close together to make any confident pronouncements.

Generations of Lords and Ladies

So far, I argued that the presence of a house and the wealth of a *seigneurie* were two factors that informed which seigneurial title lords and ladies wished to adopt. Neither factor was entirely decisive, not in the least because there was a third factor in play, namely the acquisition and transmission of *seigneuries* across generations. Lords and ladies could prefer those *seigneuries* that were particularly important for the history and social standing of their lineage.

In Languedoc, it was customary to divide the inheritance among both male and female heirs, though different systems also persisted.[278] While all heirs got a share, the shares were unequal in size. In their last will and testament, a man or woman who expected to die could appoint their 'universal heir' (*héritier universel*).[279] This heir would receive the lion's share of the deceased's estate, while 'particular heirs' (*héretiers particuliers*) received smaller shares.[280] Women were disadvantaged in inheritance, as I explained in the section on the use of seigneurial titles, but they were not barred from receiving large shares from an inheritance.[281] This method of inheritance was crucial in the development and proliferation of *co-seigneurie* in Languedoc.[282] This allowed the family and descendants of Guillaume Bastiers, a co-lord of Issus who died in 1435 to leave shares of Issus to nearly every one of his descendants (see Appendix 2:

[278] Débax, *La seigneurie collective*, 81–86.

[279] Jacques Poumarède, 'Le testament en France dans les pays de droit écrit du Moyen Âge à l'Époque moderne', in Jean-Pierre Allinne (ed.), *Itinéraire(s) d'un historien du Droit: Jacques Poumarède, regards croisés sur la naissance de nos institutions* (2011), 163.

[280] Poumarède, 'Le testament', 160.

[281] Monique Bourin, *Villages médiévaux en Bas-Languedoc: genèse d'une sociabilité, Xe-XIVe siècle*, 2 vols (Paris, 1987), i, 149.

[282] Débax, *La seigneurie collective*, 81–86.

descendants of Guillaume Bastiers), this limiting downward social mobility for younger children With the passing of the generations, *seigneuries* constantly changed hands. A family could die out in the male line - noble families were routinely imagined as patrilineal lineages so that inheritance of a *seigneurie* implied the perceived "loss" of that *seigneurie* to the family of her husband – or they could be given away as dowries, or simply sold.[283] As a result, it was not self-evident that a noble lineage perpetuated itself and that *seigneuries* stayed in the hands of the same family. The available estimates suggest that, just as elsewhere in Europe, about half of a given group of noble families would disappear in the male line per century. Contrary to the image of nobility stretching back to the mists of time, which some lords carefully tried to cultivate, seigneurial elites were, socially speaking, structurally unstable. As a result, a family could derive great standing from simply surviving as a noble lineage for three generations or more.[284] Prizing stability and aiming at perpetuating the noble lineage, lords may have prized those *seigneuries* that were under their families' control for generations over recent acquisitions, even if the latter were more profitable. Seigneurial titles may reflect this consideration.

This section sets out to do two things. First, I analyse whether the choice for seigneurial titles was informed by considerations about how long an estate had been

[283] For an analysis of this see for instance: Contamine, *La noblesse*; Wolff, 'La fortune'. Equally useful are studies of specific *seigneuries*: Delapart, *Pibrac*; Viguerie, *Un village en Quercy, Verlhac-Tescou*.

[284] The classic estimate is Perroy, 'Social Mobility', 31. It was confirmed in, for example, René Germain, 'Seigneurie et noblesse en Bourbonnais d'après un dénombrement du ban en 1503', *Seigneurs et seigneuries au moyen âge: actes du 117e Congrès National des Sociétes Savantes, Clermont-Ferrand 1992 // Ministère de l'enseignement supérieur et de la recherche, Comité des travaux historiques et scientifiques, Section d'histoire médievale et de philologie* (Paris, 1995), 269–271. Compare with the other, comparable estimates gathered and discussed in Philippe Contamine, 'The European Nobility', in Christopher Allmand (ed.), *The New Cambridge Medieval History. Volume VIII c. 1415-c. 1500* (Cambridge [England] ; New York, NY, USA, 1995), vii, 100–101.

under the control of a family, a factor that I measure by counting the number of generations a *seigneurie* belonged to a family's estate. In this chapter, I define family descent through a patrilineal line who usually share a surname to facilitate tracing *seigneuries* across generations.[285] Second, I tie this in with trends in the two previous sections, concerning seigneurial houses and revenues. I cross-reference these two previously explored options with the number of generations that have passed. This allows me to compare my three explored possibilities and indicate which is most influential. The data suggests that long-standing possession of a *seigneurie* was the most decisive factor, followed by wealth, followed by the presence of an inhabited seigneurial house.

The tables and charts that are included in this section are based on the full-text *dénombrements* that constitute the core source base of this chapter. Some additional information has been gained from the fragmentary or summarised *dénombrements* copied into MS 634 and MS 635 (for details see Chapter 1). I cross-referenced the names of the lords and ladies for whom a full-text *dénombrement* was available with the genealogical work by André Navelle on the nobility of the Toulousain in the fifteenth and sixteenth centuries.[286] When mapping *seigneuries* on family trees I tried to include all relatives that were already included in the project database (see the digital appendix), but for whom I don't necessarily have a full-text *dénombrement*. Everybody

[285] I am aware that this approach contains a reductive view of how family names were transmitted in Languedoc around this time. Matrilineal transmission of surnames possible, as was the case Guillaume Laurens and his brother changing their name from Laurens to Aurival, which was the surname of their mother. Navelle, *Families nobles du Toulousain*, 116.

[286] The sources André Navelle used are mostly the notarial archives preserved in the Archives Départementales de la Haute-Garonne, complimented with the registers of the Parlement of Toulouse. Navelle, *Families nobles du Toulousain*.

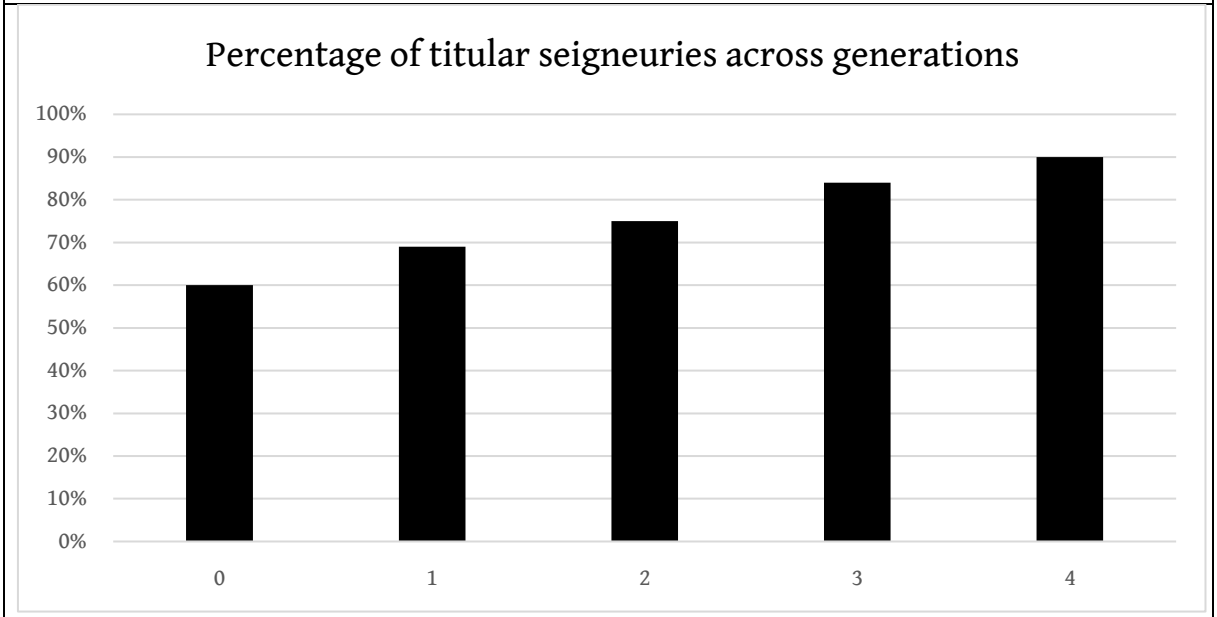
who was originally included in the database appears in the trees with a unique identifying number next to their name. The names without a number were those found only in the work of Navelle.

The genealogical charts track the ownership of *seigneuries* through as many generations as possible. This means that I had to rely heavily on the documentation provided by Navelle. In the charts, this is highlighted by an asterisk (*) placed at the beginning of the occupation tab. This approach has some drawbacks. While Navelle's work is very well documented, starting from the mid-fifteenth century onwards, the first half of the fifteenth century and before is not always well documented. This is also why I opted to use generations, instead of years since acquisition. There are simply not enough references to the sale or purchase of *seigneuries*, either in my sources or in Navelle's genealogical overview, to make this approach feasible. Another drawback is Navelle's reliance on other genealogical works, which did not cite their sources as he does. So, in the cases that Navelle attributed seigneurial titles without a reference, these titles were not included in the charts. In this scenario, I proceed from minimum estimates, counting only those generations of seigneurial ownership that I could verify with primary sources or references to secondary literature.

I counted the generations of owners beginning with the first known lord or lady for each seigneurie under review. Given the date range of the primary sources (1504-1541), ownership for one or two generations tends to pertain to the sixteenth century, while ownership of a *seigneurie* for three or more reflects long-standing control that stretches back to the fifteenth and fourteenth centuries. For instance, when Pierre Daffis bought Durfort in 1512, he was the first of his family to own it, and thus zero generations had passed. When it passed to his son Jean Daffis, it had been in the family for one generation, but Jean's newly acquired *seigneurie*, Sorèze, was again held for zero

generations. This process was repeated for as many *seigneuries* as possible, as shown in Table 15. However, it was difficult to trace *seigneuries* over long periods of time, which is why the decline in the overall number of *seigneuries* as generations progressed. This meant that the data became unreliable after four generations because I could not trace sufficient *seigneuries* for that long.

Table 15: Titular *seigneuries* cross-referenced with the number of generations



Generation	Total number of *seigneuries*	Titular *seigneuries*	Percentage of titular *seigneuries* vs total
0	92	55	60%
1	77	53	69%
2	39	29	75%
3	25	21	84%
4	10	9	90%

Table 15 reveals that, as the number of generations increased, the proportion of titular *seigneuries* also increased, at a fairly steady pace between six and nine percentage

points. Lords and ladies appear to have been less likely to divest titular *seigneuries*, the reasons for which were likely diverse, since, as I explained in my analysis of the use of seigneurial titles, many lords and ladies used a seigneurial title to identify themselves. Some families became closely associated with certain *seigneuries*. For instance, a branch of the Ysalguier family was commonly associated with the *seigneurie* Clermont-le-Fort. Many members of this branch used the title lord of Clermont. The first of their line, Raymond Ysalguier purchased the first oblies (a type of seigneurial rent) in Clermont in 1337.[287] His son Pons Ysalguier expanded his holdings in Clermont-le-Fort, and upon his death in 1350, Pons was the first Ysalguier to have been styled lord of Clermont. This continued across generations and the great-great-grandson of Pons, Jacques Ysalguier attended a meeting of the Estates of Languedoc in 1506, where he was listed among his peers as the lord of Clermont-le-Fort.[288] The later Ysalguiers considered Clermont their ancestral land, which was worthy of investment.

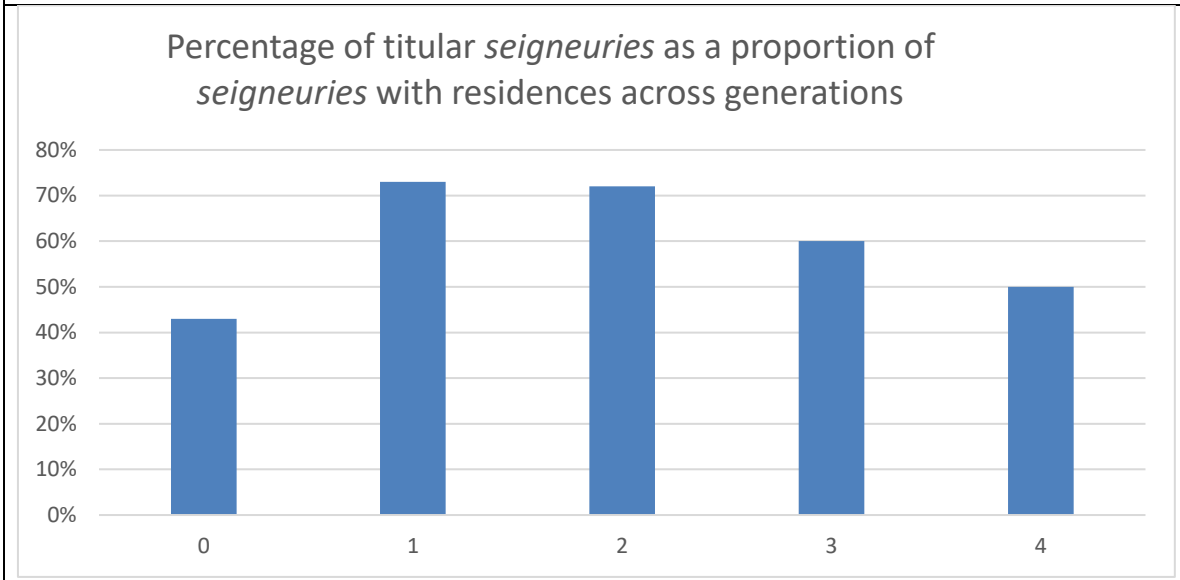
At this point, I must balance this observation about family commitment as a source of seigneurial identity (as expressed in seigneurial titles) with the considerations I discussed above, namely the *seigneurie* as a locus of residence and as a source of revenue. Ideally, when analysed in generations, the data regarding seigneurial houses and the feudal revenues of *seigneuries* would match the pattern found in Table 15: an increase in generations signifies an increase in the number of titular *seigneuries* that have either a seigneurial house or are the most profitable fiefs. Table 16 contains a breakdown of *seigneuries* with houses and castles by how many generations a *seigneurie* was part of a

[287] See Appendix 1.

[288] Claude Devic and Joseph Vaissette, *Histoire générale de Languedoc*, ed. Ernest Rosachach (Toulouse, 1889), xi, 181.

family's estate. This table does not contain all 167 houses, but only 118 because I could not trace possession of forty-nine *seigneuries* across generations.

Table 16: Cross-reference of *seigneuries* with houses and castles across generations with titular *seigneuries*



Generations	*Seigneuries* with houses and castles	Titular *seigneuries*
0	40	17 (43%)
1	37	27 (73%)
2	18	13 (72%)
3	15	9 (60%)
4	4	2 (50%)

From Table 16 it becomes clear that the clear correlation of Table 9 does not translate to *seigneuries* with houses. Table 16 was based on all references of houses, without distinguishing between houses mentioned as present and inhabited residences. This indicates the presence of a house or any other type of residence in a *seigneurie* in the *dénombrements* did not automatically lead to a seigneurial title that referred to that particular *seigneurie*.

Table 17: Inhabited houses cross-referenced with the number of generations a *seigneurie* was held and whether it was the titular *seigneurie*			
	Generations	Inhabited house	Titular *seigneurie*
	0	6	4
	1	5	4
	2	3	3
	3 and higher	4	4
Total	N/A	18	15

The situation is different with inhabited houses, but the relatively small number of houses earmarked in *dénombrements* as residences renders making definitive statements difficult. I tabulated attested seigneurial residences in Table 17. The table was based on eighteen *seigneuries* for which I had a clear reference to seigneurial habitation and for which I could trace the through generations.[289] The corpus underpinning Table 17 is too small to discern trends with certainty, but it indicates that a seigneurial residence was not a decisive factor in choosing a seigneurial title. Instead, the number of generations that the patrilineal dynasty controlled a *seigneurie* appears to have substantially impacted the choice of seigneurial title.

The last step in this analysis is to discuss the wealth of titular *seigneuries*. In the previous section, I found that forty-two per cent of the seventy-two *dénombrements* contained a titular *seigneurie* that was also the *seigneurie* with the most significant income listed among all seigneurial revenues in the *dénombrement* of a lord or lady with multiple *seigneuries*. This was the largest group, indicating a connection between a seigneurial title and wealth. In fact, the results of the analysis conducted so far in this

[289] For a more detailed analysis of inhabited seigneurial houses, see the Table in appendix 3.

section would suggest that the number of generations that a *seigneurie* was in the hand of a single patrilineal dynasty is the most important criterion of the three that I scrutinized in this chapter. This is in line with the research done by Joseph Morsel on the seigneurial families of Franconia. Morsel argues that a family with lordship (which he distinguishes from *seigneurie*) sees – and likely raises – its children to be assets in the continuation of seigneurial domination. A seigneurial family's marriages and inheritance practices are often profoundly influenced by a logic based on the continuation of lordship.[290]

[290] Joseph Morsel, *Noblesse, Parenté et Reproduction Sociale à La Fin Du Moyen Âge* (Paris, 2017), 83–85.

Conclusion

I focussed on seigneurial titles and the meaning lords and ladies desired to instil in their chosen title. Public references to control over a *seigneurie* were a powerful marker of social standing as a member of a ruling class. It equally served as a more specific marker of individual identity as these titles helped to differentiate between individuals in families who often shared a small set of first names. As identity is all about sameness over time, the change of seigneurial titles was rare, with most investigated people only changing their titles in specific contexts or for specific reasons. Both lords and ladies could change the titles they used following a purchase or sale of a seigneurial estate, or when they felt that their seigneurial rights were under threat. For instance, François du Bousquet, lord of Verlhac-Tescou added Gragnague to his titles in a court case regarding Gragnague but did not do so in documents unrelated to this case, such as his *dénombrement*. Conversely, highlighting one's standing as a lord or lady was less relevant in settings where that standing was self-evident: a significant number of lords and ladies thus felt no need to use their seigneurial titles in their *dénombrements*, since that document already proved their seigneurial rights. In another context, flagging up this claim to lordship was clearly important. Notably, women navigated their societally disadvantaged position, by identifying themselves utilizing their husband's name and his seigneurial title, but there were no rules banning women from using the title in the way that men did. Furthermore, the legal guardians (*tuteurs*) of a child that inherited a *seigneurie* could also carry the seigneurial title of the child, but most guardians did not do so.

The practices surrounding seigneurial titles reveal that *seigneuries* were a cornerstone of elite families' estates and collective identity. In turn, members of these

families would use the same seigneurial title across generations as an effective way of signalling enduring claims to prominence and power. Another potential reasons to carry a title were the presence of a seigneurial residence, by which I mean that a lord or lady marked a specific house or castle as their residence in their *dénombrement*, showed only moderate relation to the usage of a seigneurial title. This is despite the importance of a seigneurial manor in a *seigneurie*. The same conclusion can be drawn from the data related to the feudal income of *seigneuries*. Both factors could shape the use of seigneurial titles, but not always decisively so. The strongest and clearest correlation between the use of a seigneurial title was the number of generations a *seigneurie* had been in a family. This meant that the choice of a title was initially free, or imposed on a family since the title they used was the first one they had. For later generations, however, the use of the title became a point of reference for a family's heritage, in terms of landed property and recognition as members of the Languedoc ruling class.

Chapter 3
The seigneurial court and the Common Good

Introduction

Chapter 1 showed that lords and ladies tightly associated lordship with judicial rights. This association between judicial rights and lordship was so close that the words justice, jurisdiction, and *seigneurie* were often used interchangeably in the sources. In this chapter, I use this observation as a starting point to assess two related topics. The first is the practical aspects of seigneurial justice and the second pertains to the relationship between the seigneurial courts and the crown, a relationship that was at least partially premeditated on narratives on seigneurial courts as pillars for the Common Good.[291]

First seigneurial justice. To exercise their rights of high, middle, and low justice, lords and ladies required a functional seigneurial court. Such a court had to be staffed, funded, and protected from rivalling claims from the royal administration and local consuls. To achieve such protection lords and ladies competed, yet equally negotiated with their subjects. Lords and ladies could appoint their own officers to staff their courts and raise the seigneurial dues. They had many types of officers, which I explore in the first section of this chapter (Staffing the Courts). Lords and ladies retained

[291] Elodie Lecuppre-Desjardin and Anne-Laure Van Bruaene (eds.), *De Bono Communi. The Discourse and Practice of the Common Good in the European City (13th-16th c.)* (Turnhout, 2010), xxii.

considerable power in their *seigneuries* and they could use the seigneurial court to their own benefit. Special consideration must go to Consuls as representatives of seigneurial subjects. In their *dénombrements* lords and ladies listed consuls alongside the seigneurial officers they could appoint, yet consuls were hardly equivalent to those officers. Like seigneurial officers consuls contributed to the management of the *seigneurie*, but could also oppose lords or ladies in ways seigneurial officers could not. The Consuls had the power and authority to change seigneurial policies and even sue their lord or lady. They also could exercise seigneurial rights in the name of the community and its distinct public interest in good governance. In short, the consuls were an important and powerful group that could curb seigneurial aspirations. This finding corresponds with the research of Jeremy Hayhoe who found that early modern *seigneuries* were vehicles for seigneurial interests but remained attentive to communal needs and interests.[292] My conclusions deviate from the view of Anthony Crubaugh, who believed that seigneurial courts were removed from the oversight of a more professional royal government and were vehicles for fraud and corruption. Hence, in Crubaugh's view, seigneurial courts were thus profoundly detrimental to the exercise of the public good.[293]

The second line of inquiry is dedicated to the relationship between a seigneurial court and the king. I approach this inquiry through the Estates of Languedoc. The Estates was a body representing the three estates, namely, clerics, nobles and the third estate (the aggregate of urban and rural commoners), speaking for the crown's subjects in discussions about legislation, taxation, and other issues. The Estates of Languedoc was a regional institution, and its delegates came from the three seneschalsies of

[292] Hayhoe, *Enlightened Feudalism*.

[293] Crubaugh, *Balancing the Scales of Justice*, 224–225.

Languedoc: Toulouse, Carcassonne, and Béziers. The meetings of the Estates formed the arena in which lords, as a group, engaged with the king. I use a *doléance* – a formal complaint – written by the Estates and the king's response that addressed the concerns of lords regarding their seigneurial justices in order to understand how lords protected their courts from policies (actual or perceived) abuses coming from the royal administration.

Taken together, these lines of inquiry corroborate and expand the findings of Chapter 1. As I stated above, Chapter 1 shows rights of justice and the conceptualisation of lordship were intimately connected. Lords and ladies sought to exercise these rights by appointing the appropriate officers, funded the courts they needed despite low profits and even losses, and protecting their interest vis-à-vis the crown and the royal administration.

Staffing the Courts: seigneurial officers and consuls

It was not possible or permitted for lords and ladies to run their *seigneurie* in person. Many of them were absent from their *seigneuries* for significant parts of the year. They were engaged as members of the royal administration or had other professions, such as notaries, *secrétaires du Roi*, or merchants. Others were too old or too young to rule effectively. Besides, lords and ladies were not the only group with authority or legitimacy within a *seigneurie*. The inhabitants of the *seigneurie*, when united in an *universitas*, and represented by usually four consuls held considerable power within a *seigneurie*. Consuls had evolved from the *preud'hommes*, (trustworthy men), who assisted in the seigneurial court in the eleventh- and twelfth centuries.[294] Later, from 1250 on, this representative body crystallised into the colleges of consuls of the fifteenth and sixteenth centuries.[295] Lords and ladies were forced to negotiate with the consuls, just like they had to with royal authorities, and accept checks and balances to their power.

One such restriction pertained to the appointment of officers who exercised the day-to-day affairs of a *seigneurie* by collecting dues from seigneurial rights or exercising the rights of justice in court. The exact number and type of officers that lords or ladies could appoint differed based on the rights a particular lord or lady had in relation to other co-lords and the consuls. In general, a lord or lady could appoint a seigneurial judge, and notary to staff the court, a *bayle* to police it, and a *procureur d'office* to collect seigneurial dues owed. Furthermore, they could also appoint lesser officers, whose

[294] Ramière de Fortanier, *Chartes Lauragais*, 40–41. For a detailed analysis of these *preud'hommes*: Ian Forrest, *Trustworthy Men: How Inequality and Faith Made the Medieval Church* (Princeton Oxford, 2020).

[295] Monique Bourin, *Villages médiévaux en Bas-Languedoc: genèse d'une sociabilité, Xe-XIVe siècle*, 2 vols (Paris, 1987), ii, 176–178.

duties were to assist the officers I mentioned before. While these officers aided to effectuate seigneurial rule, they also created distance between the seigneurial court and the lord or lady. They were not usually allowed direct involvement in the proceedings of seigneurial courts.

While lords and ladies had to accept checks and balances to their power, there are clear indications that their influence remained substantial. In the *doléance* of the Estates of Languedoc of 1456, in the central source of the section on the Common Good, the lords worried that if a reform regarding debt settlement was not reversed they would have to send their seigneurial officers home 'since what purpose would they serve if no-one came before them?'[296] In this phrase, the lords attributed themselves considerable power over these courts: they could decide that the workload of the courts was too low to keep organising them as they did before. They appointed officers and gave them clear authority. For example, in 1495 Pierre Potier, lord of la Terrasse and *secretaire du roy*, appointed his seigneurial judge and granted him 'the full licence and free power over any civil and criminal cases'.[297] In the words of the Parlement of Toulouse, lords could have officers 'in their own name' within their jurisdictions.[298]

Some lords and ladies would also record this right in their *dénombrements*. This type of document is not the best source to analyse seigneurial courts, but very few of the preserved seigneurial archives have court records that go as far back as the fifteenth

[296] ADHG, 1B 2 *Doléance of the Estates of 1456*, 7/04/1458, 58v-60v.

[297] ADHG, 3J 5 (4), 18/12/1495.

[298] *Et en se faisant sera promis de loysible audit Astorg avoir pur lui et en son seul nom juge, notaire et bayle pour l'exercise de la juridiction haute et moienne audit lieu de Sègreville et ausdiz Astorg et Roux en commun créer et instituer juge et notaire ordinaires en ce que concernant la juridiction basse en icellui lieu*. ADHG, 1B 32 *Jean Astorg vs Guillaume Roux*, 19/07/1539, 451r-451v.

or sixteenth centuries.[299] From the *dénombrements* a picture emerges of lords firmly in control of their courts, but as I explained in Chapter 1, lords and ladies provided a maximalist interpretation of their rights in the *dénombrements*. The reality was more nuanced: lords and ladies were subject to rules. Often these were customs arranged with or imposed by the local community, and recorded in charters, such as the *chartes de franchises*. The local lord or lady confirmed such charters, but they were also often granted by a local count or even the king. Many such documents contained stipulations regarding the division of power between lords and ladies and the representatives of the seigneurial subjects: the consuls of their *seigneurie*.[300]

One rule that lords and ladies had to abide by was that they could not exercise seigneurial rights of justice in person.[301] For example, they could not be judges in their own jurisdiction, instead, they had to appoint a judge. This way the court could be shielded to some extent from seigneurial bias. I found no evidence that lords and ladies broke this rule, but consuls and even lords were wary of infractions. In Caujac, the consuls of the *seigneurie* perceived that Bernard de Vacques, one of the co-lords, broke this rule by holding assizes in Caujac. Bernard did not do so in his own name. Caujac was an example of a royal *co-seigneurie* where the king's part of the high, middle, and low justice was exercised by the royal judge of the judicature of Rieux. In 1523 it was Bernard de Vacques who held this office (as he had since 1475, and he is cited as co-lord for the

[299] At least this is the case for seigneurial courts that were in secular hands. Annie Charney lists several records of seigneurial archives persisting in archives of religious institutions, but these have not been included in this study. Annie Charnay, 'Les juridictions royales inférieures et les justices seigneuriales', *La gazette des archives*, clviii (1992), 231.

[300] Ramière de Fortanier, *Chartes Lauragais*, 53–61.

[301] Jacques Ellul, 'Chapitre III. La seigneurie', *Histoire des institutions. Le Moyen Âge* (Paris, 2013), 172.

first time in 1491),[302] and in this capacity, he had begun to hold royal assizes in Caujac. This caused a rift between Bernard and the consuls and the other co-lords, not in the least because this conflict fed on the other issues that already existed between the co-lords and the consuls. The dispute was subsequently included in the court case they brought to the Parlement of Toulouse. The *arrêt* of the Parlement indicates that the consuls and the co-lords refused to assist Bernard in any way, and did not provide him with the customary dinner that followed his assise.[303] The exact nature of their objection was not recorded, but they likely argued that a co-lord should not preside over a court within his own *seigneurie*, regardless of whether he was acting for the king or in his own name. Another possibility was that the consuls objected to the conflict of interest that was likely to emerge from a person being a judge and a lord in what was strictly speaking the same jurisdiction.

Whatever argumentation the consuls used – it is not recorded in the *arrêt* – the Parlement of Toulouse brushed it aside. The Parlement, which judged on this matter in March 1523, emphasised that Bernard presided over the court sessions in his capacity as a royal officer and that therefore there was no legal issue with the arrangement. It confirmed Bernard's ability 'as judge of said Rieux to hold the assizes for the king in the said place of Caujac.'[304] The issue of Bernard's double role in Caujac was but a small part of a larger judicial dispute. It is, therefore, difficult to assess whether the consuls would

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[302] Navelle, *Families nobles du Toulousain*, 165.

[303] *[E]n possession et saisine icelui de Vaxis comme juge susdit quant ira tenir lesdictes assises oudit lieu de faire paier ausdictz consulz et habitans les despenes dudit juge, deux serviteurs, siens, procureur du Roy ou son substitut et notaire pour ung disner et souper tant seule*. ADHG, 1B 20 *Consuls de Caujac vs Bernard de Vaques and Jean-Aymeric de Serres*, 21/03/1523, 417r-418r.

[304] *En possession aussi et saisine ledit de Vaxis comme juge dudit Rieux de tenir les assises pour le Roy oudit lieu de Caujac* (...) ADHG, 1B 20 *Consuls de Caujac vs Bernard de Vaques and Jean-Aymeric de Serres*, 21/03/1523, 417r-418r.

have sued Bernard over this had there been no aggravating circumstances. By the time the Parlement issued its verdict Bernard had been both co-lord of Caujac and judge of Rieux for about thirty years, but it is not clear for how many of these he had been embroiled in a court case with the consuls. Still, it does show that a lord or lady attempting to accrue more direct power over a *seigneurie* provoked concern with the seigneurial subjects and, at least in this case, the opposition was led by the consuls who appeared to have convinced the other co-lords to join their protest.

In their *dénombrements* lords and ladies showed an awareness of this concern. For example, lords and ladies often indicated that having seigneurial officers was a requirement. As the lord of Saint-Jory, Arnaud Faure, put it in 1504: 'for the exercise of the said jurisdiction it is required to hold a judge, procureur and *bayle* for the administering of justice'.[305] Arnaud Faure was not the only one to write it like this. He was followed by Guillaume Bon in 1540, who stated that 'the co-lords are obligated to place a judge, ordinary notary and other officers for the exercise of the justice of the said *seigneurie* [of Fenouillet].'[306] Through the use of verbs such as 'to require' and 'to be obligated,' both lords referenced the long-standing rule that lords and ladies had to have their courts run by officers and provide them with some payment for their efforts.[307]

This rule did not mean that the authority of lords over seigneurial courts was insubstantial. When the king created the *seigneurie* of Laserre in 1484 he granted the

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[305] *[O]u pour l'excercice de ladite juridicion fault tenir juge, procureur et baille pour l'administacion de la justice ordinere*. AMT, ii22/6 *Arnaud Faure*, 11/02/1504.

[306] *[L]esditz conseigneurs sont tenuz y mettre juge, notaire ordinaire et autres officiers pour l'excercice de la justice d'icelle seigneurie*. AMT, EE2 *Guillaume Bon*, 9 /11 /1540, 162r-163r.

[307] Ellul, 'Chapitre III. La seigneurie', 165.

new lord the authority to 'establish a *bayle*, judge, consuls, sergeants, a procurator, a jailer and any other officers and ministers of justice' required to exercise it.[308] By doing so, the royal administration indicated – in this case at least – that it was the lord who had the power to establish new officers freely. The *dénombrements* that mention seigneurial officers further confirm this. Apparently, lords and ladies could also dismiss these seigneurial officers without cause. This principle was pushed to its extreme by Antoine de Morlhon, lord of Sanvensa and Catherine Balaguier in the time leading to December 1480. While Antoine was the lord of Castelmary, a *seigneurie* in Rouergue on the border with Albigeois, Catherine had its usufruct. During an argument over the seigneurial powers implied in her usufruct, Antoine and Catherine began dismissing each other's seigneurial officers and appointing their own. Here the Parlement judged in favour of Catherine, but also forced both parties to reappoint the dismissed officers and forbade them to dismiss any officers any further.[309]

Lords and ladies also acted as protectors of their officers, since an attack on the officials was likewise perceived as an assault on their seigneurial rights and their ability to use their seigneurial court and officers to levy seigneurial dues. A case in which both concerns came together occurred in 1484. The viscount of Caraman, Jean de Foix, put the *bayle* of the co-lords of Casses in a pillory. The co-lords alleged that Jean did so as an act of aggression caused by their dispute regarding the low justice of Casses and sought

[308] *Establir bayle juge consuls sergens procurateur geolier et tout autre officiers et ministres de justice* AN, JJ210 *Donation of Laserre*, 24/06/1483, 5r.

[309] *[E]t ordonne que les officiers de justice, comme juge, baile, notaire et autres mis ordonnez et instituez par lesdictes parties oudit Castelmarin, demourront en leurs offices et celui ou ceulx qui par l'une ou l'autre des parties en auroient esté destitué seront reintesgres et remis*. ADHG, 1B 5 *Antoine de Morlhon vs Catherine de Balaguier*, 20/12/1480, p.455-456.

to have their *bayle* released.[310] Another incident that took place three years earlier mentions an attack on the lieutenant of the seigneurial judge of Caumont, also in Lauragais, and following the attack 'the said knight [Jean de Castelverdun], lord of Caumont, did great diligences to discover the truth of the matter' and he would eventually accuse the parish priest of Caumont.[311] While Jean de Castelverdun's 'diligences' possibly did not go further than to accuse a man he was already feuding with, these examples show that lords and ladies remained closely involved with their seigneurial officers, especially in times of crisis. Their support is also indicative that seigneurial officers were at least to a certain extent expected to cater to seigneurial interests. This was certainly the case in eighteenth-century Burgundy, and the evidence from the seneschalsy of Toulouse – limited as it is – indicates that the same was true in the fifteenth and sixteenth centuries.[312]

Sometimes, seigneurial intervention was necessary to ensure the proper functioning of the court. In one locally famous example,[313] a witch trial that took place in 1485, the co-lords of La Récuquelle Jean Dalyière and Philippe de Voisins needed to temporarily replace the lieutenant of the seigneurial judge, after it emerged that the

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[310] *(…) [l'] appellant dit que en hayne du procès partie a fait prandre ledit baile (…) et s'est vanté qu'il le mettroit ou pillori*. ADHG, 1B 2327 *Jean de Plaignolle, Gaillard de Varagne, and Jean de Peytes vs Jean de Foix*, 21/06/1484, 354v-355r.

[311] *Sur lesqueles choses a esté enquis par le juge de Caumont (…), mais saichant icelui appelant que ledit juge avoit ordonnée ladicte sentence et icelle envoiée à son lieutenant pour la prononcer (…) trouva facon de lesser rober par deux jeunes garcons (…) dont ledit chevalier, seigneur de Caumont, pour en attaindre la verité fist de grans diligences et (…) de tout ce ont aussi esté faictes informations par ledit juge, par lesqueles appert comment ledit appellant en est coulpable*. ADHG, 1B 2326 *Guillaume Pradier vs Jean de Castelverdun*, 28/12/1481, 80v-82r.

[312] Hayhoe, *Enlightened Feudalism*, 49–50.

[313] ADT, 8E 187 *Procès de Peirone Galiberte*, 29/07/1485.

lieutenant's wife had purchased poison from the woman who was being tried for witchcraft.[314]

To better understand a lord's or lady's role in a seigneurial court and the composition of that court, I use the *dénombrements*. This choice is partially rooted in the lack of other sources, but the *dénombrements* do reveal useful information on seigneurial officers. This allowed me to create a survey that spans most of the royal domain in the seneschalsy of Toulouse. I complement this survey with examples gathered from the records of the Parlement of Toulouse. This approach has two advantages: the first advantage is that I could construct a dataset in two comparable periods (see Table 18). The first period spans 1461-1471 and contains 143 *seigneuries*, and the second spans 1531-1541 and covers 192 *seigneuries*. The data are comparable for both sample periods.

Table 18: *Seigneuries* mentioned in the *dénombrements* with judicial rights and seigneurial officers			
Period	Total *seigneuries*	*Seigneuries* w/ justice	*Seigneuries* w/ officers
1461-1471	143 (100%)	136 (95%)	16 (11%)
1531-1541	192 (100%)	176 (92%)	24 (12%)

The survey in Table 18 is based on the same full-text *dénombrements* which were used in the previous two chapters, but I have now included the fragmented *dénombrements* taken from the *Bibiliothèque Municipal de Toulouse* MS 634. This manuscript includes copies of full-text *dénombrements* from the late fourteenth and

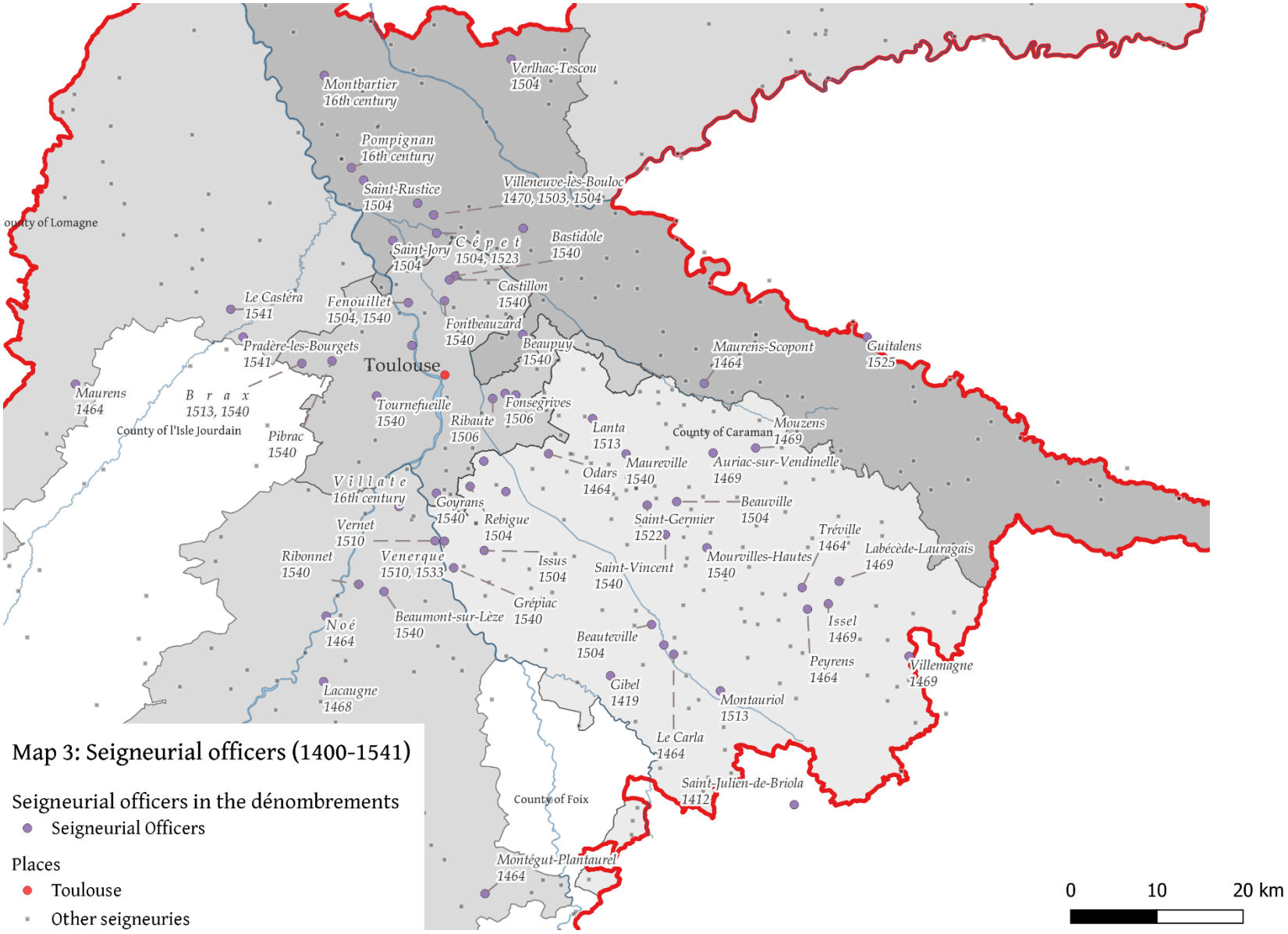
[314] Olivier Devaux, 'Des pratiques curatives à la sorcellerie', *Revue historique de droit français et étranger*, xcvii (2019), 319.

fifteenth centuries (most dating to 1464) and separates each article based on locality.[315] I unpicked the entries in MS 634 and reconstituted a corpus of eighty nearly full-text *dénombrements*, which is sufficiently large to be comparable to the original full-text *dénombrements*, of which I have 218. This approach has allowed me to create some points of comparison, especially between the periods 1461-1471 and 1531-1541. During both periods a campaign to collect *dénombrements* took place, resulting in the preservation of many such documents in the archives.[316] Still, these fragmented *dénombrements* are copies and the copyists have sometimes changed the text. This has limited their usefulness, and for the detailed analysis, I will lean mostly on the full-text *dénombrements*.

When referring to seigneurial justice the scribes of the *dénombrements* were concerned with tabulating three elements. First the degrees of justice (high, middle, and low), second the revenues, and third seigneurial officers. The authors of MS 634 chose to copy only fully the first of these three, limiting the discussion of others to a single mention, or as was the case with the revenues, omitting it altogether (see also Chapter 1).

[315] MS 634 contains both fourteenth- and fifteenth- century *dénombrements*, but most documents date to either 1389 or 1464, naturally, given the boundaries of this study I have excluded all fourteenth century *dénombrements*.

[316] While I have extensive information on the 1539-1541 campaign conducted by Charles de Pierrevive, the same cannot be said for the second campaign, for which I only know the dates (1463-1465).


Verlhac-Tescou
1504
Montbartier
16th century
Pompignan
16th century
Saint-Rustice
1504
Villeneuve-lès-Bouloc
1470, 1503, 1504
County of Lomagne
Saint-Jory
1504
C é p e t
1504, 1523
Bastidole
1540
Castillon
1540
Le Castéra
1541
Fenouillet
1504, 1540
Fontbeauzard
1540
Beaupuy
1540
Pradère-les-Bourgets
1541
Toulouse
Maurens-Scopont
1464
Guitalens
1525
Maurens
1464
B r a x
1513, 1540
Tournefueille
1540
Fonsegrives
1506
Ribaute
1506
Lanta
1513
Mouzens
1469
County of Caraman
County of l'Isle Jourdain
Pibrac
1540
Auriac-sur-Vendinelle
1469
Maureville
1540
Odars
1464
V i l l a t e
16th century
Goyrans
1540
Rebigue
1504
Beauville
1504
Saint-Germier
1522
Vernet
1510
Trévile
1464
Labécède-Lauragais
1469
Ribonnet
1540
V e n e r q u e
1510, 1533
Issus
1504
Saint-Vincent
1540
Mourvilles-Hautes
1540
Grépiac
1540
Beaumont-sur-Lèze
1540
Issel
1469
N o é
1464
Beauteville
1504
Peyrens
1464
Villemagne
1469
Gibel
1419
Montauriol
1513
Lacaugne
1468
Le Carla
1464
Saint-Julien-de-Briola
1412
County of Foix
Montégut-Plantaurel
1464
Map 3: Seigneurial officers (1400-1541)
Seigneurial officers in the dénombrements
Seigneurial Officers
Places
Toulouse
Other seigneuries
0
10
20 km

The second advantage of using the *dénombrements* is that the survey yields a sample of *seigneuries* that are spread out over the entire royal domain of the seneschalsy of Toulouse. For the entire period between 1419 and 1541, I found descriptions of seventy-nine *seigneuries* that include a reference to seigneurial officers. Roughly half of the total fall between the years 1461-1471 and 1531-1541 (see also Table 19 later in this Chapter), the two timeframes for which I have the most information. I plotted these 79 *seigneuries* on a map (see Map 3) and marked the name of the *seigneurie* and the year for which there is a reference with a purple dot (black dots show the location of other *seigneuries* and Toulouse is marked in red). On this map, the *seigneuries* with attested seigneurial officers are not geographically clustered but mirror the geographical composition of the aggregate of all *seigneuries*. It is not surprising to find most information on *seigneuries* along the axis which begins in the north of the judicature of Villelongue, down to the Viguerie of Toulouse and ends in the judicature of Lauragais, which are the best-documented areas in this study. This means I have information on seigneurial courts spanning across the most significant areas of study, which would allow me to observe localised differences. The region shows a large degree of homogeneity, making my results fairly representative, even though they are not exhaustive. This approach does come with three challenges that I must highlight before I can discuss the data. The first is that when compiling their *dénombrements* lords and ladies had reasons to omit the mentions of seigneurial officers. First, the presence of seigneurial officers had little to no impact on homages, and no other documents related to the homage procedure mention them. Many lords and ladies did not provide this information because, during the redaction process, it was not considered essential to the feudal registration procedure. Most likely it was considered self-evident information for contemporaries, so they did not commit it to writing, in order to use

their time and writing resources more efficiently. While not all of the *dénombrements* mention the presence of seigneurial officers, more than likely most if not all *seigneuries* were staffed. Someone had to carry out the routine workings of the *seigneurie*, and while in the records of the Parlement of Toulouse, there are cases related to seigneurial officers, it is almost always about who got to appoint them.

A second issue is that lords and ladies could simply lack the authority to appoint officers because of usurpations, the suspension or loss of certain rights due to ongoing court cases, or confiscations. For example, the lord of Bugan, Arnaulphe de Montesquieu, alleged usurpation of his rights sometime before 1540. He claimed that he was accustomed to having the high, middle and low justice of Bugan, but that it was taken over by the consuls of Nailloux in the name of the king.[317] This situation persisted after 1540 because in 1557 Arnulphe submitted a *dénombrement* stating the same thing, substituting the king for the dauphin and queen Catherina di Medici.[318] An instance of temporary loss of authority due to an ongoing court case appears in the *dénombrement* of Bernard de Vacques from 1506. He engaged in a court case regarding his judicial rights over Saint-Michel-de-Lanès and mentioned that during the proceedings he had not received any revenues from it.[319]

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[317] *Plus pour un terroir appellé le Bugaith assis dans ladit comte de Lauragois declarant qu'il avent accoustume d'y avoir justice haute moyenne et basse et que les consuls de Noalhous l'occupent au present au nom du Roy.* BMT, MS 635 *Arnulphe de Montesquieu*, ca. 1540, 202.

[318] *Plus pour le terroir de Bugan avec justice haute moyenne et basse et un bois de la contenance de 16 arpens declarant que ladite seigneurie de Bugan a été usurpée par les consuls de Noalhes au nom de Messieur le dauphin et la Reyne comtesse de Lauragois.* BMT, MS 635 *Arnulphe de Montesquieu*, ca.1557, 105-106.

[319] *Item plus au lieu de Saint-Michel-de-Lannes en Lauragais, la huitiesme part de la seigneurie aute, moyenne et bassa laquelle est en proces et ne y joui au jour*. AMT, ii23/27 *Bernard de Vaques*, 1506.

The third and last reason why lords and ladies would omit seigneurial officers from their *dénombrements* are co-seigneurial arrangements, to which I return later: a lord could simply lack some or all authority to appoint seigneurial officers. All this leads to a systematic under-registration of seigneurial officers in normative descriptions of *seigneuries*. When the *dénombrements* include mentions of seigneurial officers, this was thus only a small proportion of lords and ladies (see also Table 18: 11% in 1461-1471, and 12% in 1531-1541.

Conversely, when lords and ladies did go into detail, they often had specific reasons to do so, and this may skew the data towards exceptional situations. Lords and ladies only elaborated on their rights when it served a purpose. This purpose was usually unrelated to the officers themselves. Instead, such special considerations could be included in the *dénombrements* when it was deemed necessary to ensure sufficient understanding and avoid further scrutiny. This could happen when a right was particularly obscure, such as the right of *le neufiesme* (in which they had the ninth part of a shared territory) that was included in the *dénombrement* of Pierre and Michel du Bruilh and followed up by an explanation.[320] In the case of seigneurial justice, mentions of seigneurial officers were likewise intended to offer a justification for several reasons. For example, the presence of seigneurial officers could be included to explain the reported monetary values. The *dénombrement* of Catherine de Gouhault contains one of the clearest examples of such a justification. She embedded her mention of seigneurial officers into a list of reasons contextualising her total revenue of four hundred l.t.:

[320] *Item tienennent audit lieu de Bessières aucung droit sur certaines terres appellé le neufiesme cest à dire que neuf gerbes ilz n'ont une*. AMT, ii23/20 *Pierre et Michel du Bruilh*, sixteenth century.

> 'And firstly, I hold and recognise to hold in homage from the king, our lord, the lands and lordships of Le Castéra and Praderes, seated in the seneschalsy of Toulouse, their belongings and dependencies with the full jurisdiction of high, middle, and low, which can only be valued (with the pay for the officers, procureurs, roads, reparations and other ordinary costs deducted) at four hundred pounds Tournois, or thereabouts, because from it has been separated and dismembered a commandry belonging to the monks of Saint-John-of-Jerusalem named Larmont. In the said place I have only the exercise of high, middle, and low justice; the domain and the *directe* belong to the commandery of Larmont'.[321]

Four hundred pounds was a significant sum of money, yet Catherine's choice of words ('can only be valued at' (*ne peuvent valloir que la somme*) indicates that she suggested her revenues to be lower than what could be expected; this was apparently due to the sums spent on the upkeep of the court and wages of seigneurial officers. Arnaud Faure made the same argument for Saint-Jory, but his reported yearly revenue was a measly three pounds tournois. He specifically stated that the *pencion et gaiges* he paid his *juge*, *procureur* and *bayle* (see below for a full discussion of these offices) often

[321] *Et premièrement je tiens et advoué tous en foy et hommage du Roy, nostredit seigneur, oudit nom les terres et seigneuries du Castera et de Praderes assises en ladite seneschaucée de Thoulouse, leurs comistanes appertenences et deppendences avec toute juridiction haulte, moyenne et basse, lesquelles ne peuvent valloir payez officiers, procureurs et sentiers reparations et autres charges ordinaires desduictes que la somme de quatre cens livres Tournois ou environ pource que d'icelles a esté distraute et desmembrée une commanderie appertenens au religieulx de Sainct-Jehan-de-Jherusulem nommée Larmont. Auquel lieu je n'ay seulement que l'exercise de la justice haulte, moyenne, basse et le dommayne et directe dicelle appartient audit commandery dudit Larmont*. AMT, EE2 *Catherine de Gouhault*, 6/05/1541, 128r-129r.

exceeded the revenue he received from his court.[322] Not every seigneurial officer received such a wage, and the amount paid could vary greatly.[323] In both of these instances, Catherine and Arnaud likely used the presence of their seigneurial officers to avoid being taxed more.

Further, lords and ladies used their *dénombrements* to demonstrate their legitimacy. The *dénombrement* could fulfil this role because the Parlement of Toulouse accepted this document as proof of the ownership of the fiefs it mentioned, that is if the *dénombrement* had been ratified by the royal administration.[324] *Dénombrements* were occasionally used as evidence in court cases.[325] Appointing officers and maintaining a prison were used as arguments for the effective possession of seigneurial rights of justice. Both criminal and civil justice required the capacity to detain people when necessary. As I discussed in Chapter 2, in Pibrac a certain Gauside Doulx and her husband Pierre Faure cited the presence of a judge, appointed by them, and the location of the seigneurial prison as evidence that the contested *seigneuries* rightfully belonged to them. For the prison, they developed their argument even further: Gauside's father had placed the prison in his manor long before the start of the court case and Gauside

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[322] *Dis que je tiens au lieu de Sainct-Jory, la moictié dudit lieu en toute juridicion aultes et moyenne et la tierce part de la basse ou pour l'excercice de ladite juridicion fault tenir juge, procureur et baille pour l'administacion de la justice ordinere ausquilz fault bailler pencion et gaiges que monté plus beaucoup par années que le proffict que en vient car par communes d'années ne scavoit valoir desdiz lesdiz charges et gages: .iii. livres Tournois*. AMT, ii22/6 *Arnaud Faure*, 11/2/1504.

[323] In eighteenth-century Burgundy the procureur d'office – usually referred to as the procureur in the *dénombrements*, was not paid, unlike in fifteenth-century Languedoc. Hayhoe, *Enlightened Feudalism*, 41.

[324] Viala, *Le Parlement*, 144.

[325] In the ownership dispute over Pompignan between Gabrielle, Anne, and Catherine de la Barthe and Bertrand Ysalguier, lord of Clermont-le-Fort, the Parlement lists the *dénombrements* alongside two other types of documents that the de la Barthe sisters would require from him to verify his ownership. ADHG, 1B 34 *Gabrielle, Anne, Catherine de la Barthe vs Bertrand Ysalguier*, 12/01/1541, 79r.

supposedly continued this practice uninterruptedly.[326] The sisters Marie and Marie de Puybusque employed the same technique. After their father Jean was accused of murder sometime before 1528, the family's *seigneurie* of Paulhac was confiscated and given to Gerard César dit de Rochefort, the *maître des Eaux et Forêts* of Languedoc.[327] In 1540 the two Maries began contesting the confiscation and submitted a *dénombrement* 'for the land and *seigneurie* of Paulhac, seated within the borders of the judicature of Villelongue, where they have a judge and other officers'.[328] To do so indicated that de facto they were in charge and not Gerard César. While in some situations, possession was nine-tenths of the law, such arguments did not always hold sway. Gauside Doulx won her case, but the Parlement did not endorse this line of reasoning in the case of the sisters de Puybusque.[329]

In those cases, it is clear that the lords or ladies listed what they believed to be their rights, but not every list was complete. In fact, when it comes to providing information on seigneurial officers, the *dénombrements* fit within a spectrum of detail. They ranged from the less informative mentions such as 'the officers for the exercise of the ordinary justice' (*les officiers de l'excercice de la justice ordinaire)* in the *dénombrement* of Arnaud Faure, to the detailed 'judge, notary, and *bayle*, they appoint consuls, messaguiers and sergeants' (*juge notaire et bailhe, mectent consulz, messaguiers et sergens*) of Jean Astorg de Montbartier.[330] Most lords fell somewhere between these extremes.

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[326] AMT, ii22/6 *Arnaud Faure*, 11/2/1504.

[327] André Navelle, *Familles nobles et notables du Midi toulousain au XV et XVIème siècles. Généalogie de 700 familles présentes dans la région de Toulouse avant 1550*, 11 vols (Fenouillet, 1993), viii, 316–317.

[328] *La terre et seigneurie de Paulhac assise dans les enclaves de la judicature de Villelongue y tenant juge et autres officiers* BMT, MS 635 *Marie and Marie de Puybusque*, 1540, 204.

[329] Navelle, *Families nobles du Toulousain*, 316–317.

[330] AMT, ii22/6 *Arnaud Faure*, 11/2/1504; AMT, ii95/2 *Jean Astorg de Montbartier*, sixteenth century.

Catherine de Gouhault, for example, mentioned her 'officers, procureurs' (*officiers, procureurs)*, but Achille de Rouaix referred to his 'judge, *bayle* and *greffier*' (*juge, baille et greffier*), and Savaric de Goyrans stated that 'he appoints one consul and one *bayle*' (*il mect ung consul et ung bayle*).[331] So in the *dénombrements* lords and ladies had the choice between adapting their references to the limited needs of the *dénombrements* or falling back onto the expressions which applied to their rights.

Table 19: Seigneurial officers as they appear in *dénombrements*				
Time period	1461-1470[332]	1501-1510	1531-1541	Totals
Number of *seigneuries*	16	17	23	56
Juge	1	11	13	25
Bayle	1	11	13	25
Notaire	1	6	7	15
Procureur d'office		2	7	9
Greffier			6	6
Consuls	7	4	5	18
Sergeant		2		2
Messaguiers	1	1	4	6
Serviteurs			2	2
Viguier		1		1
Autres officiers	13	9	3	25

[331] AMT, EE2 *Catherine de Gouhault*, 6/05/1541, 128r-129r; AMT, EE2 *Achille de Rouaix*, 22/05/1541, 156r-156v; AMT, EE2 *Savaric de Goyrans*, 23/10/1540, 176v-177r.

[332] As mentioned before, this dataset is based of copies which only mention the presence of consuls and grouped all seigneurial officers together. It can therefore not be understood in the same way as the others, which is the reason I separated this data from the remainder with double vertical lines.

With these caveats in mind, I can turn to analyse the results from the *dénombrements*. I first discuss Table 19, before analysing the various positions in greater detail. Certain seigneurial officers, such as the *bayle*, judge, notary, and consuls, are more commonly represented in the *dénombrements* than others (see Table 21). Some officers are missing from this table, such as the *avoué*, which appears a single time in a *dénombrement* from 1522.[333] Other seigneurial officers are never mentioned in the sample of *dénombrements* available. Among the other sources available to me, I have uncovered a few examples: the *geolier*, who oversaw the prison, and the lieutenant of the judge, who aided the judge during court cases and who at least in one case was in charge of making the judge's verdict public.[334]

Table 19 shows that lords and ladies commonly had a judge and *bayle* since these are the most frequently mentioned officers. By numbers in 1501-1510, these officers are followed by the notary, but in 1531-1541 the notary, procureur and *greffier* appear in the sources a mostly equal number of times. Next come the consuls, who are mentioned 7 times in 1461-1470, 4 in 1501-1510 and lastly 5 times in 1531-1541. All other officers are mentioned less frequently: these are *sergeants*, *messaguiers*, *serviteurs*, and the seigneurial *viguiers*. I expect that most of these less frequently mentioned officers tend to fall under the 'other' category with which many lords concluded their lists. For instance, for his *seigneurie* of La Crusel de la Tricherie Bernard Coste wrote: 'Item in the said place the mentioned Coste and those with him have their middle and low

[333] It is not entirely clear what this *avoué* did, or whether he was different from a *procureur*. AMT, EE2 *Antoine de Planhole*, 4/10/1522, 46r-48r.

[334] *[E]stablir bayle juge consuls sergens procurateur geolier et tout autre officiers et ministres de justice* AN, JJ210 *Donation of Laserre*, 24/06/1483, 5r.

jurisdiction, which includes the power to create consuls, messaguiers and other officers.'[335]

As I mentioned before, the seventy-nine references to seigneurial officers constitute a spectrum between the uninformative and the detailed. Most lists concluded open-endedly with a mention of 'other officers.' Under other officers, I have grouped together several catch-all terms the scribes of the *dénombrements* had at their disposal, such as *autres officiers*, *officiers justiciers* or even *justiciers et officiers*. The purpose of these catch-all terms is to indicate that the lists are not exhaustive, while also limiting their length. Not every *dénombrement* contains this mention, but there I cannot discern a clear pattern that would indicate that this phrase became less frequently used as the number of listed seigneurial officers went up (see Table 20). This leads me to conclude that the mention served a mostly legal significance to not giving the appearance of limiting a lord's authority to appoint only those officers mentioned, while also not overstepping it. As shown below, consuls could also appoint certain officers. This interpretation also explains the prevalence of these catch-all terms in sources emanating from royal and other authorities. None of the producers of these documents wanted to accidentally create a document that gave the appearance of limiting a lord's seigneurial officers to a narrow list.

[335] *Item en ledit lieu a ledit Coste et les siens y ont moyenne et basse juridiction comme est puissance de creer consulz, messaiguiers et autres officiers* AMT, EE2 *Bernard Coste*, ca.1540, 187r.

Table 20: The prevalence of *autres officiers,* etc. in lists of seigneurial officers			
Number of officers listed per *seigneuries*	Total number of lists	Number of lists including *autres officiers*	Percentage
1	21	14	67%
2	19	9	47%
3	15	5	33%
4	12	4	33%
5	3	2	67%
6	5	2	40%

The exact number of seigneurial officers within a *seigneurie* is not retrievable by analysing the *dénombrements*. These documents do indicate that the longest lists tended to foresee six distinct kinds of positions, but the non-exhaustive nature of the lists makes it impossible to be conclusive. In these lists lords did, however, inadvertently reveal whether they tended to have one or more of a certain type of seigneurial officer: they used plurals. *Avoués* and *serviteurs* always appear as a plural, others can be either singular or plural, and *juge*, *greffier* and *bayle* always appear in the singular form.[336] This suggests that one lord tended to have the right to appoint one judge, one *bayle*, and one notary per jurisdiction. Other constellations were possible. In the case of *co-seigneurie*, it was possible for there to be several judges and *bayles*. Such was the case in Sègreville, where Jean Astorg and his co-lord Guillaume Roux shared a judge and a notary for low

[336] This is a list of the seigneurial officers in French with the number of times the word appeared in plural expressed as a percentage: *bayle* (0%), *greffier* (0%), *juge* (0%), *viguier* (0%), *notaire* (4%), *procureur* (22%), *sergeant* (75%), *messeguier* (89%), consul (92%), *avoué* (100%), *ordonnance* (100%), *serviteur* (100%).

justice (and could appoint separate *bayles*), but Jean Astorg had the right to appoint a judge, notary and *bayle* 'for him and in his name only' for high and middle justice.[337]

I do not intend to meticulously analyse every officer or combination, partly because the sources I have used rarely define the roles of seigneurial officers. In what follows, I discuss those officers that most often appear in the texts. Some of these officers were primarily connected to the seigneurial court of justice, whereas others were tied to the administration of the lord or lady's domain, to seigneurial finances, or to other assignments. A few seigneurial officers, such as the *bayle*, whom I will discuss next, or the *procureur d'office* were involved in both the seigneurial court and the administration of the domain.

The first officer is the seigneurial judge (*juge*), who presided over the seigneurial court. In this duty, he was assisted by the *bayle*, who acted as a judicial officer (*huissier*) and police in the *seigneurie* and was assisted in this by the *messaguier*.[338] In earlier times, the roles of *bayle* and judge were similar, but Languedocian *bayles* were stripped of many of their judicial functions already in the thirteenth century, bringing them to the

[337] *Et en ce faisant sera promis et l'oysible audit Astorg avoir pour lui et en son seul nom juge notaire et bayle pour l'exercise de la juridiction haulte et moienne audit lieu de Segreville et ausdiz Astorg et Roux en commun creer et instituer juge et notaire ordinaires en ce que concernant la juridiction basse en icellui lieu. Et ou ne s'en pourront accorder nonvenir en seront receuz ex office par ledit commissaire. Et poront aussi lesdiz Astorg et Roux avoir et tenir chacun audit lieu ung baile pour le fait et exercise d'icelle juridiction basse tant seulement*. ADHG, 1B 32 *Jean Astorg vs Guillaume Roux*, 19/07/1539, 451r-451v.

[338] Edgard Boutaric, 'Organisation judiciaire du Languedoc au Moyen Âge', *Bibliothèque de l'école des chartes*, xvi (1855), 216; G. B. Morère, *Histoire de Saint-Félix-de-Caraman: baronnie des états du Languedoc, première ville maîtresse du diocèse de Toulouse* (Toulouse, 1899), 48.

position they held in the fifteenth century.[339] By then *bayles* were engaged with the management of the domain, that is the estate that was directly exploited by the lord. Their role in the seigneurial court was to receive complaints, arrest criminals and implement the ordinances of the judge.[340]

While a judge is the most commonly cited officer, not every lord or lady may have had one. Less than half of the lords and ladies, specifically only 37%, mentioned having both a judge and a *bayle*. Yet, when analysed separately, they appear in 63% and 61% of studied cases respectively. These results are likely skewed due to the incomplete registration of seigneurial officers in the *dénombrements*. However, some lords simply did not have the right to appoint a seigneurial judge. None evidences this more clearly than Jean Astorg de Montbarier. In Scopont he had 'no lordship save for the placement of the consuls and *messeguier*' (*nulle seigneurie reservé de mettre les consulz et messeguier*), yet he was referred to as lord of Scopont.[341] In most of these cases, however, the *dénombrements* were not completely clear, so we can suspect under-registration. In 1523, for example, Jacques Faure reported no judge in Castanet-Tolosan and Saint-Amans, but had the other officers present: 'baille, notary and other officers for the exercise of justice.'[342] Other cases are equally dubious. For example, Catherine de Gouhault and Jean

[339] Boutaric, 'Organisation judiciaire', 211, 216. The *bayle* may have had other functions as well. Michel Brunet, for instance, stated that the 18th century *bayle* also served as a representative of the lord in their absence, thus, allowing the *bayle* to use seigneurial prerogatives. I have no indication that medieval *bayles* could do the same thing, but this mention serves to highlight the non-exhaustive nature of my description.Michel Brunet, 'Conflits et complicités: baillis seigneuriaux et consuls des communautés en Roussillon au XVIIIe siècle', in François Brizay, Antoine Follain, and Véronique Sarrazin (eds.), *Les justices de village, administration et justice locales de la fin du Moyen Âge à la Révolution* (Rennes, 2003), 187.

[340] Charnay, 'Les juridictions', 227.

[341] AMT, ii95/2 *Jean Astorg de Montbartier*, sixteenth century; Navelle, *Families nobles du Toulousain*, 75–77.

[342] *[B]aylle notaire et autres officiers pour le l'excersisse de justice* AMT, EE2 *Jacques Faure*, ca. 1523, 51r-52v.

Seguier mixed up the order and placed the catch-all *officiers* at the beginning of their list, where commonly the judge would be. They did not, however, indicate whether they included a judge in their mention of *officiers* for the *seigneuries* of Le Castéra and Pradère-les-Bourgets or Bouloc respectively.[343] These omissions of certain officers could be blamed on scribal errors or caprice, it was possible that a co-lord did have the right. As I discuss later in this chapter, seigneurial courts followed the co-seigneurial structures, thus one *seigneurie* could have several judges, as was the case in the previously mentioned Sègreville, which I mentioned before, where high and middle justice belonged to one lord, and the low justice to both co-lords.[344] While this could have been a different person, it is not required: a seigneurial judge was not bound to a particular jurisdiction but could preside over several seigneurial courts at once.[345]

Next to a *bayle* and judge, *seigneuries* often had a notary and a *greffier*. The seigneurial notary fulfilled the same functions as other notaries,[346] but only within the boundaries of the *seigneurie* they worked for.[347] The notary was frequently called on to

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[343] AMT, EE2 *Catherine de Gouhault*, 6/05/1541, 128r-129r; AN, P555-2 CLXXVII *Jean Seguier*, 19/03/1513.

[344] *Et en se faisant sera promis de loysible audit Astorg avoir pur lui et en son seul nom juge, notaire et bayle pour l'exercise de la juridiction haute et moienne audit lieu de Sègreville et ausdiz Astorg et Roux en commun créer et instituer juge et notaire ordinaires en ce que concernant la juridiction basse en icellui lieu*. ADHG, 1B 32 *Jean Astorg vs Guillaume Roux*, 19/07/1539, 451r-451v

[345] Charbonnier, *Une autre France*, 784.

[346] The Ordonnance of Villers-Cotterêts in 1539 spent several articles on notaries, and thus gives an overview of what notaries were supposed to do: they had to keep registers (article 173), which included the minutes of contracts (article 174). They also received contracts of inheritances, sales, exchanges, donations, (article 180) and although the Ordonnance does not mention them, also marriages. 'Ordonnance no 188 de 1539', Histoire du français, 15/12/2015 (https://www.axl.cefan.ulaval.ca/francophonie/Edit_Villers-Cotterets-complt.htm) Accessed 6/12/2021.

[347] According to the *Encyclopédie ou dictionnaire raisonné des sciences, des arts et des métiers*, a seigneurial notary was appointed by the lord, but they swore an oath to the judge. Possibly, since notaries were attached to a

write marriage contracts, testaments, purchases and sales, but especially for documentation related to debt and debt settlement.[348] The seigneurial *greffier* created the documentation a seigneurial court could produce, such as *ordonnances* and judgements, as well as ensured all involved parties received said documentation.[349] In 1540 *greffiers* and notaries appear in roughly equal numbers (6 and 7 respectively), but never together in one list of seigneurial officers. A possible explanation is that seigneurial notaries and *greffiers* tended to fulfil both roles, so a lord could choose which title they included. Combining both offices was common by the eighteenth century,[350] so it is possible this practice was also common in the sixteenth century.

Last, *seigneuries* could employ a procureur. This office went by a number of different names, such as *procureur d'office*, and *procureur fiscal*, but procureur is the only term used in the *dénombrements*. I will, however, refer to this officer as the *procureur d'office* since this distinguishes it from other types of procureurs.[351] The *procureur d'office*

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jurisdiction, they swore the oath to the person, or people, who exercised that jurisdiction. This appears to be true in Toulouse, where notaries needed to swear an oath to the capitouls.Marie-Claude Marandet, 'Approche d'un milieu social: Le notariat en Midi Toulousain aux XVIe et XVe siècles', in Jean-Luc Laffont, Jean Limon, and Jacques Pourciel (eds.), *Visages du notariat dans l'histoire du Midi toulousain, XIVe-XIXe siècles* (Toulouse, 1992), 82; 'Notaire de seigneur', *The ARTFL Encyclopédie* (https://portail.atilf.fr/cgi-bin/getobject_?p.81:122./var/artfla/encyclopedie/textdata/IMAGE/) Accessed on 6/12/2021.

[348] Maëlle Ramage, 'La notariat, pratique juridique et sociale: les lieux de souscription des actes à Cavaillon au début du XVe siècle', *Théâtres du Moyen Âge : Textes, images et performances*, lix (2010), 130.

[349] Maurice Mauclair, 'Greffes et greffiers des justices seigneuriales au XVIIIe siècle', in Olivier Poncet and Isabelle Storez-Brancourt (eds.), *Une histoire de la mémoire judiciaire de l'Antiquité à nos jours: actes d'un colloque international, les 12, 13 et 14 mars 2008* (Paris, 2009), para. 7.

[350] Mauclair, 'Greffes et greffiers', para. 15.

[351] My choice to use procureur d'office is not without issues, since it doesn't appear in my sources. The procureur fiscal, however, does appear in the records of the Parlement of Toulouse, but only in an ecclesiastical context. For example, archbishop of Toulouse had a procureur fiscal. ADHG, 1B 11 *Pierre du Rosier*

is the only officer for which the *dénombrements* provide a partial explicit definition. A part of Vincent de Roquete's *dénombrement* reads: 'Plus, he necessarily has a procureur to levy and collect the mentioned rents and revenues, and to arrange the necessary things.'[352] Thus a procureur was a receiver who oversaw the collection of the seigneurial revenues, as well as other related duties. This was not the full extent of this officer's responsibilities. In his study of eighteenth-century Charente Inferieure, Anthony Crubaugh highlighted that the *procureur d'office* was also involved in the seigneurial court. He was in charge of actions to protect the community, such as assigning guardians to minors.[353] A *procureur d'office* working in this manner is attested in the 1485 case of the witch of La Récuquelle, in the judicature of Villelongue, where the procureur was in charge prosecuting of the accused.[354]

Many *seigneuries* in Languedoc were *co-seigneuries*, which meant that the co-lords had to make arrangements with each other regarding their courts and seigneurial officers. Hélène Débax, following Léon Gallet, identified three types of co-seigneurial arrangements for the appointment of officers.[355] In the first type, one lord appointed all seigneurial officers. The *dénombrement* of Jean de Bar from 1436 reads: 'Plus he says to have the faculty and the choice to place the officers, which are judge, notary, *bayle*,

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vs Anthoine Daupin, Hector de Bourdon and Loys Boche, 27/05/1501, 417v. This corresponds with the observation made by Annie Charnay for Lyonnais in the early fifteenth century where the procureur d'office is appointed by secular lords and ladies, but the procureur fiscal appears only in ecclesiastical lordships. By the eighteenth century, the distinction appears to have faded, as scholars like Crubaugh refer to *procureur fiscal* to mean *procureur d'office*. Charnay, 'Les juridictions', 227; Crubaugh, *Balancing the Scales of Justice*, 12.

[352] *Plus luy comment tenir necesserement ung procureur pour lever et cuilher lesdiz rantes et revenues et soy mailler des choses necessaires* AMT, ii89/9 *Vincent de Roquete*, 30/01/1504.

[353] Crubaugh, *Balancing the Scales of Justice*, 12.

[354] ADT, 8E 187 *Procès de Peirone Galiberte*, 29/07/1485.

[355] Débax, *La seigneurie collective*, 282.

sergeant and the consuls of the place, these officers must also swear an oath to the other lords'.[356] He would repeat this claim in a later *dénombrement* wherein he stated that he had 'the authority to appoint consuls and other judicial officers, regardless of whether the other lords were present or absent'.[357] In the second type, all co-lords appointed officers together. This type of co-seigneurial co-operation is revealed by Guillaume Bon in his *dénombrement* from 1540. He stated that 'in which lordship the mentioned co-lords are held to place judge, ordinary notary and other officers there, for the exercise of the justice of that lordship.'[358] This is a case to which I will return later in this chapter.

In the third type, each lord or lady appointed their own officers for their own share. This arrangement shows that types two and three could be mixed. In Sègreville, two co-lords with unequal legal powers, Jean Astorg and Guillaume Roux, argued over the seigneurial officers they each could appoint. The Parlement ruled that Jean Astorg could have a judge, notary and *bayle* 'in his own name alone' for high and middle justice. But for the shared low justice, Jean and Guillaume had to share judicial officers.[359] A similar arrangement was recorded in the registers of the Parlement in 1522. The three co-lords of Grenhague were to share a judge and a notary, but each co-lord was to have

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[356] *Plus dict avoir la faculte et l'eslection de mettre les officiers comme juge, notaire, bayle, sergens et les consulz dudit lieu, lesquelz officiers sont tenus de prester aussy le serment aux autre seigneurs* BMT, MS 634 *Jean de Bar*, 17/01/1436, 52r-53r.

[357] *la faculte de mettre les consulz et autres officiers de justice audit lieu ores que les autres seigneurs soient presantz ou absantz* BMT, MS 634 *Jean de Bar*, 07/1463, 53r-53v.

[358] *[E]n laquelle seigneurie lesditz conseigneurs sont tenuz y mettre juge, notaire ordinaire et autres officiers pour l'excercice de la justice d'icelle seigneurie* AMT, EE2 *Guillaume Bon*, 9/11/1540, 162r-163r.

[359] *Et en se faisant sera promis de loysible audit Astorg avoir pur lui et en son seul nom juge, notaire et bayle pour l'exercise de la juridiction haute et moienne audit lieu de Sègreville et ausdiz Astorg et Roux en commun créer et instituer juge et notaire ordinaires en ce que concernant la juridiction basse en icellui lieu*. ADHG, 1B 32 *Jean Astorg vs Guillaume Roux*, 19/07/1539, 451r-451v.

a separate *bayle*.[360] Gauside Doulx, lady of Pibrac, was in a co-lordship between her other co-lords and the king, and she mentioned that her judge presided over the seigneurial court both in her's and in the king's name.[361] Given how common co-lordship was in this part of France,[362] such arrangements were likely common and could be complex. For instance, Charles Daura owned a noble fief located in the *seigneurie* of Veilhes, which gave him the right to appoint two consuls.[363] Simon Bartier, whose father Guillaume had used the title seigneur of Saint-Germier, acknowledged in his *dénombrement* that he had 'no jurisdiction except the pre-eminence and authority of appoint and receive and take the oaths of the consuls of the said place' of Saint-Germier'.[364] The rights of justice, he noted, were owned by the Archbishop of Toulouse.[365] It is not clear why Charles and Simon retained the power to appoint consuls without having a share of the seigneurial jurisdiction but it demonstrates the institutional complexities that could emerge from co-lordship.

Lords and ladies could appoint their own seigneurial officers, but they could equally reconfigure and merge their seigneurial courts. For example, they could

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[360] ADHG, 1B 19 *Jean d'Orleans, vs François de Bosquet, Sebastien de Nogaret*, 10/05/1522, 132v-133r.

[361] *Item dit ladite Doulce ou sondiz marry pour elle que pendent ledit proces ledit feu Doulx, son beaupere, tenoit et posseroit sellement la moytie de la juridiction haulte moyenne et basse mere et moyte impaire laquelle estoit exertie par le juge dudit lieu tant au nom du Roy que dudit Doulx*. AMT, EE2 *Pierre du Faur, Gauside d'Oulx,* ca. 1540, 101r-102v.

[362] See also Débax, *La seigneurie collective*, 138–145.

[363] *Dénombrement de noble Charles Daura pour une maison avec 7 cesterées terre noble dans le consulat de Veilhes judicature de Villelongue, lieudit La Salle, et pour certaines censives et directe consistant en 4 livres Tournois 20 poules, et 3 cestiers forment dans ladite seigneurie de Veilhes avec la faculte de créer deux consuls audit lieu*. BMT, MS 635 *Charles Daura*, 505.

[364] (...) *n'a aucune juridition sans tant seullement la preheminance et auctorité de faire et recevoir et prendre le serment des consuls dudit lieu* AMT, ii85/5 *Simon Bartier*, 15/01/1504.

[365] *Et premierement est vray que le dit monseigneur de Tholouse est seigneur hault, moyen et bas dudit lieu de Sainct-Gemier en ledis lieu (...).* AMT, ii85/5 *Simon Bartier*, 15/01/1504.

appoint the same officers to different seigneurial courts within their estate. This is another indication that seigneurial officers were aligned with the lord or lady that appointed them since the judge could not foster a special relationship with a single community. Instead, they would need to travel between places or summon litigants. Pierre Potier, who in 1495 had only recently acquired the *seigneurie* of La Terrasse and Montfloures, appointed his judge for both jurisdictions, the cores of which lay at approximately five and a half kilometres apart. In Ribaute and Fonsegrives, two villages situated even closer together (the castle of Ribaute was only 1.5 kilometres from the centre of Fonsegrives), a similar situation emerges from the sources. Bernard de Vacques, who had high, middle, and low justice over Ribehaute indicated in 1506 that his seigneurial officers were stationed in Fonsegrives.[366] From Bernard's *dénombrement* it is not clear what judicial rights he already owned in Fonsegrives, but his daughter Jeanne de Vacques, identified herself as lady of Ribaute and Fonsegrives in 1533.[367] She mentioned having middle and low justice over both jurisdictions in her *dénombrement* in 1540 because the king had since acquired the high justice over both places.[368] The motives for such reconfigurations were seldom elucidated in the sources, but one likely reason was that one larger court for several small jurisdictions was more cost-effective and easier to staff and organise.

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[366] *Prémierement tient en la Viguerie de Toulouse ung piece terre noble nommé Ribauta, avec toute justisse aulte, moyenne et basse ensemble le lieu de Fonsasgrivas conguable ou tient ses officiers justiciers et peult valoir pour an .v. sols Tournois*. AMT, ii23/27 *Bernard de Vaques*, 1506.

[367] 14.2.1533 (Barrière 9774 bis) Dette de Noble Jeanne de VACHES dame de Ribaute et Fonsegrives. Navelle, *Familles nobles du Toulousain*, 166.

[368] *Maison noble ditte Ribehaute aupres dudit Thoulouse avec justice moyenne et basse (…). Plus pour la justice moyenne et basse au lieu de Fonsagrives la haute étant acquise du Roy.* BMT, MS 635 *Jeanne de Vaques*, 1540, 18.

The last type of officers requiring further investigation are the consuls of a *seigneurie* that is, the formal representatives of the subjects of a *seigneurie*. Lords and ladies sometimes mentioned in their *dénombrements* that they could appoint consuls. They were included in 37 lists across all *dénombrements*. In seven of these lists, the lord or lady claimed to only have the right to receive the oath of recently appointed consuls, but the majority of listings indicate that the lord or lady could appoint one, two, all, or an unspecified number of consuls. For example, for his *seigneurie* of Maurens Jean Astrog de Montbartier claimed in 1464 to have the right to appoint one consul.[369] One of his descendants, also named Jean Astorg de Montbartier, indicated the same right for the same *seigneurie* around 1540.[370] Most lords and ladies, however, would not indicate how many consuls they appointed. If one were to go by mentions in *dénombrements* alone, one would suspect that consuls in the seneschalsy of Toulouse were seigneurial officials like any other. In their *dénombrements*, lords and ladies used words such as *mettre*, *faire*, and *créer* to refer to their right to appoint consuls. These are the same words that were commonly used to refer to the appointments of other seigneurial officers. All these elements appear to indicate that to lords and ladies there was little difference between consuls and seigneurial officers.[371]

Consuls, however, were not the same as seigneurial officers, no matter what the *dénombrements* appear to suggest. Unlike judges, notaries, and *bayles*, consuls represented the *universitas* or legal persona of the seigneurial subjects living within the boundaries of the *seigneurie*. The inhabitants of a *seigneurie* could collectively own

[369] BMT, MS 634 *Jean Astorg de Montbartier*, 10/1464, 103r-103v.

[370] BMT, MS 635 *Jean Astorg de Montbartier*, ca.1540, 329.

[371] See for example: *Et premièrement a et tient audit lieu de Guitalens le moytie de la juridiction haulte moyene et basse ou a juge, baille, notaire et consulz* (...) AMT, EE2 *Jean Berail*, 26/02/1525, 54v-55v.

seigneurial rights, including seigneurial rights of justice. It fell to the consuls to exercise these rights, do homage for them, and thus also make *dénombrements*.[372] While I have only a few references to such *dénombrements*, more likely existed. For example, in 1540, the lord of Bram described how he had twenty-one out of twenty-four parts of the *seigneurie*, and the remaining four were divided between the king, a monastery, and the consuls of Bram.[373] In the same year, fifteen kilometres to the northeast of Bram, the consuls of Castelnaudary were confirmed by the Parlement of Toulouse as the possessors of high and middle rights of justice, while the lord had only the low justice.[374]

It was not necessary for consuls to act as co-lords on behalf of the community for them to exercise seigneurial powers. In Saint-Félix-Lauragais the charter of privileges clearly states that the consuls had the power to appoint and dismiss *messaguiers* – rural police officers who assisted *bayles* – a right also claimed by lords in other *seigneuries* (see Table 21).[375] Consuls likewise exercised judicial rights on their own, and their judicial authority occasionally made its way into *dénombrements*. Jean-Claude d'Espaigne, a member of a prominent family in the Toulousain, mentioned that consuls were the

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[372] The archives of the seneschalsy of Toulouse contained a few of such *dénombrements*, but I have no originals. MS 635 contained *dénombrements* of the consuls of Fanjeaux, Montesquieu-Volvestre, two from Lavaur and another two from Revel. BMT, MS 635 *Consuls of Fanjeaux*, undated, 32-33; *Consuls of Montesquieu-Volvestre*, 1540, 258-259; *Consuls of Lavaur*, 1540, 303; *Consuls of Revel*, 1540, 306-307.

[373] *Plus pour la baronie de Bram avec justice haute, moyenne et basse savoir de 24 parts les vint et une excepte un circuit dit la Franquetat ou il n'a que la quarte partie et tout le restaint de ladite jurirdiction est au roy aux Dames de Prouilhe et aux consuls*. BMT, MS 635 *Guillaume de Veziès*, ca.1540, 287.

[374] ADHG, 1B 33 *Consuls of Castelnaudary vs Antoine de Borrassier*, 4/02/1540, 89r-89v.

[375] 35° Messeguiers. Suerveillants de terres et moisons. – *Item quod dicti consules habent mesagariam dicti loci, et dicta mesagaria et emolumenta ejusdem ad ipsos pertinent, et dicti consules habent et possunt quolibet anno mesagarios creare, instituere et eliger, et si eius visum fuerit, destituere. et juramenta ipsorum recipere et emolumenta dictae mesagariae levare seu recipere, et sua facere ad commodum villae et universitatis dicti loci*. Morère, *Histoire de Saint-Félix-de-Caraman*, 48, 202–203.

judges in his *seigneurie* Seches-Tolosanes, but they appear to have done so in his name since he claimed its high, middle and low justice.[376] Jean-Claude does not specify whether he could (or could not) appoint these consuls. According to Ramière de Fortanier, consuls dominated the exercise of criminal justice in Lauragais. He established that in thirty-five villages of Lauragais, twenty-two of which I could confirm as also having been *seigneuries*, consuls exercised criminal justice.[377] In this respect, Lauragais shows a similar pattern to fifteenth- and sixteenth-century Auvergne. There civil justice was administered by seigneurial courts, but criminal justice was not. A key difference, however, was that royal officers had taken over this charge instead of consuls.[378] These examples indicate that consuls were allowed to be judges, unlike lords or ladies.

Another responsibility consuls took on was to negotiate the seigneurial dues and rents that needed to be paid.[379] In this period seigneurial rents tended to be low, and in her study on Lauragais, Marie-Claude Marandet records an instance in which a knight named Raymond-Amiel de Penafort sought to increase the value of the rent over a farm

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[376] *Item la tablie des comes est aux consulz a cause qu'ilz sont juges*. AN P568-2 CLXV *Jean-Claude d'Espaigne*, 12/08/1534.

[377] Ramière de Fortanier gives the following list of communities. I have updated the place names and bolded those I could identify as lordships. I would also like to point out that these thirty-five communities are not all lordships or *capitoulats* that existed in Lauragais. I identified almost 160 localities in Lauragais that are mentioned in my sources, of which I could confirm 120 to have their own seigneurial jurisdictions: **Auràgne, Auriac-sur-Vendinelle, Auterive, Avignonet-Lauragais, Baziège, Belberaud**, Besplas, **Le Cabanial, Caraman, Castelnaudary**, Cenne, Cintegabelle, **Cuq-Toulza, Le Faget, Fanjeaux,** La Bastide-d'Anjou, **Labécède-Lauragais, La Force**, La Ginelle, Laurabuc, Laurac-le-Grand, **Mas-Saintes-Puelles**, Mireval, Montferran, Montgeard, Montgiscard, Nailloux, **Pexiora, Revel, Saint-Félix-Lauragais,** Saint-Julia, **Saint-Papoul,** Villasavary, Villefranche, **Villepinte.** Ramière de Fortanier, *Chartes Lauragais*, 109.

[378] Charbonnier, *Une autre France*, 1141.

[379] One example is given by Pierre de Voisins: *Item au lieu de Cabavel par indivis avec ledit de Blanhac l'albergue sur les habitans qu'est a ma partie chacun an trois livres dix soulz mais n'en leur rien depuis quatre ou cinq ans et sommes en proces avec les consulz dudit lieu*. AMT, EE2 *Pierre de Voisins*, 27/04/1540, 189v-190r.

by exchanging seigneurial rights for extra rent. Raymond-Amiel encouraged his tenant to build a bread oven, construct a watermill and create other amenities.[380] The rents were a source of strife between lords and ladies and consuls and these conflicts found their way into *dénombrements*. For example, Hugues de Padiès, lord of the castle of Padiès, close to Lempaut, stated that the consuls of Lempaut had 'made him pay the royal *taille*' on a fief on which he already paid an *albergue* to the king. Hugues likely understood that he could not dissuade the consuls instead he turned to the royal administration and demanded to be released from either the *taille* or the *albergue*.[381] This example shows that consuls could act from a position of strength vis-à-vis lords and ladies.

Consuls also could pursue legal cases against their lord on a variety of subjects, other than rents. In these court cases, consuls sought to temper the control of lords or ladies over the *seigneurie*'s powers. I already alluded to a case tried in Parlement in which the consuls of Caraman disputed the legal rights of four lords, whose *seigneuries* were situated within the county of Caraman.[382] This case illustrates how some particularly powerful colleges of consuls sought to extend their influence over surrounding *seigneuries*. But conflicts between a lord or lady and the consuls of their own *seigneurie* were also common. A case brought before the Parlement in 1494 by the consuls of Verlhac-Tescou against their lord François de Bousquet was about a

[380] Marandet, *Les campagnes du Lauragais*, 302.

[381] *Plus pour une meterie assise audit consulat de Lempeaut ditte Laborde Vieille soubs l'albergue d'onze four r au roy declarant que les consuls dudit lieu luy on fact payer la taille et demandant d'autre decharge ou de ladite taille ou de ladite albergue*. BMT, MS 635 *Hugues de Padiès*, ca.1540, 291.

[382] ADHG, 1B 29 *Consuls of Caraman vs Henri de Caraman, François d'Anticamareta, Pierre and Pierre Coutoux*, 1/09/1540, 401r.

construction project François had undertaken. The ruling in the Parlement described an edifice whose purpose is unknown to us, next to the rectory and the castle wall. This building blocked access to a previously open space and took away access to the castle wall, on a plot of land that the inhabitants of Verlhac-Tescou previously used for leisure. The inhabitants and consuls complained, sued, and won their case, but not before several heated discussions took place. The verdict of the Parlement mentions that the consuls cursed and blasphemed against their lord and illicitly carried weapons, for which they needed to do penance.[383] These examples show the broad range of interests that could compel the consuls into action against their lords and the risks of escalation that existed. It equally shows how consuls could – and did – command considerable influence over a *seigneurie*.

The royal administration looked upon subjects of a *seigneurie* as also subjects of the king. This in turn allowed consuls, again unlike other seigneurial officers, to maintain a close relationship with the king. The creation of new consulates was done by the king, as happened in 1483. When the king created the jurisdiction of Laserre, a castle and *seigneurie* close to Montastruc-la-Conseillère that he had given to one of his advisors, a consulate was immediately instituted too.[384] Consuls could also seek out royal support. In Gaillac in 1428, the consuls bought a share of the *seigneurie* and donated it to the king.[385] By doing so, they likely hoped to acquire new privileges, or have their old ones confirmed, since consulates over which the king was lord tended to acquire greater privileges.[386] These privileges were granted and affirmed in *chartes de*

[383] ADHG, 1B 9 *François du Bousquet vs Consuls of Verlhac-Tescou*, 30/07/1494, 336v-337v

[384] AN, JJ210 *Donation of Laserre*, 24/06/1483, 3r-6v.

[385] Devic and Vaissette, *Histoire générale 9*, 1104–1105.

[386] Ramière de Fortanier, *Chartes Lauragais*, 49.

franchises, charters demarcating the powers that were the exclusive domain of consuls and those that were shared by the lord. The second, but related expression of a continuous royal interest in the consuls was the levy of the *taille*: in Laserre, when the jurisdiction was created in 1483, the concern for the *taille* in relation to the newly established consulate is abundantly clear:

> 'We have created by these present letters a consulate by itself so that the inhabitants and tenants (...) do not need to contribute to our tailles and subsidies with the other inhabitants of the said consulates of Montastruc-la-Conseillère and Gémil, and so that they can for themselves and for their part contribute, just like every single consulate in the said seneschalsy is accustomed to contribute.'[387]

Moreover, the levy of the *taille* caused consuls to develop a distaste for so-called noble fiefs, which by virtue of the noble status they conferred on their owners, were exempt from the *taille*. Arnaud Faure, lord of Saint-Jory indicated that one of his fiefs was noble and thus without *taille*.[388] Exemption from the *taille* was not the primary issue, since consuls and royal sergeants were exempted by their office.[389] Instead, the consuls were likely keen to broaden, or at least block a shrinking of the taxpayer's base,

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[387] *Nous avons de nosdiz et plus ample grace et puissance eximiée divisée et separée, eximons, separons et divisons par cesdictes presentes desdiz consulatz de Montastrug et de Genilh, et avons icelle seigneurie de la Serrebrune avecques les limites, contencion et confrontacions dessus speciffiées et declarés exige fait et créé exigons faisons et creons par cesdictes presentes consulat de par soy, sans ce que les habitans et tenancier par raison de leurs terres et possession estans au dedans desdiz fief, extencion, confrontacions et limites dessusdiz soient tenuz de paier ne contribuer à noz tailles et subsides avecques les autres habitans desdiz consulatz de Monastrug et de Genilh et, ainsi qu'ilz puissent de par eulx et pour leur quote y contribuer, ainsi que ung chascun consulat en ladicte senechaussé ya acoustumé de contribuer*. AN, JJ210 *Donation of Laserre*, 24/06/1483, 3r-6v.

[388] *Item tiens audit lieu une borde, appellée Laborde Blanche ou il y a trente ou quarante arpens de pre ou environ, tant culté que inculté noble sans en payer taille*. AMT, ii22/6 *Arnaud Faure*, 11/02/1504.

[389] Marandet, *Les campagnes du Lauragais*, 87.

alleviating the financial pressure on individual taxpayers. Since this policy affected properties for which homage was due, it became one of the most common points of tension between lords and consuls reported in the *dénombrements*. In several of these documents, lords reported that consuls had made previously noble properties subject to the *taille*. In Monteriou, Marguerite de Rabastens had a small farm which 'the consuls had rendered *taillable*.'[390] Reports of ongoing or successful attempts to remove fiscal exemption appeared in Bouillar, Neguevedel, Montmore, Lanta and other places.[391] The consuls of Revel appear to have been prolific undertakers of such actions as several lords reported being sued or having lost a case against them.[392]

Thus, consuls operated as an independent and legitimate force within a *seigneurie*. Yet, as I mentioned before, in 30 *dénombrements* lords and ladies indicated that they could appoint consuls. This suggests something of a conundrum, as lords apparently controlled the institution that was supposed to act as a counterweight to their authority. The appointment of consuls was not as straightforward as the *dénombrements* appear to suggest. In 1540, for example, Pierre Coutoux, lord of Francarville and Vendine, appeared before the Parlement and requested a previously given *arrêt* to be enforced. After listening to the report of the royal commissioner in charge of Coutoux's case, the Parlement confirmed that following the consular election in Vendine, the outgoing consuls would bring the results to Coutoux or – in his absence – his seigneurial

[390] *Une metterie ditte Ysaux, pred, bois et le labourage d'une paire boeufs dans la parroisse de Monteriou que les consuls dudit lieu ont rendu taillable*. BMT, MS 635 *Marguerite de Rabastens*, ca.1540, 60.

[391] AMT, EE2 *Guillaume de Borrassol*, 10/11/1540, 158r-159r ; BMT, MS 635 *Gracien du Pond,* 1540, 204; AMT, EE2 *Pierre de Voisins*, 27/04/1540, 189v-190r .

[392] BMT, MS 635 *Pierre Raymond Besset* ca.1540 ; BMT, MS 635 *Bonne de Padiès,* ca. 1540.

officers.[393] The consuls' objection to the original *arrêt* was not recorded, nor is there any indication of what it could have been. The Parlement stated that it based its verdict both on the customs of the city of Caraman – the capital of the county of which Vendine was a part – and on the customs of the places surrounding Vendine.[394] In doing so, the *arrêt* confirmed the two general rules identified by Ramière de Fortanier in his research on consuls in Lauragais, which included the county of Caraman.

The first of these rules was that consuls could not be directly appointed by the lord or lady at their own whim. Instead, the second general rule was implemented. This meant that outgoing consuls presented their lord or lady with a list of twice as many candidates than there were positions, i.e., eight candidates for four seats. The lord or lady, or in their absence the seigneurial judge, would then choose the new consuls from this restricted pool.[395] This system allowed both the *universitas* (i.e., the legal persona of the local community that was subject to the *seigneurie*) and the lords and ladies of the *seigneurie* to have a say in the election. This was important, since as Ramière de Fortanier showed, consulates in Lauragais gained extensive rights in exchange for a degree of seigneurial intervention.[396] In turn, this meant that the *universitas* and the lords could place preventive checks on each other.

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[393] *Veue le dire baille et productions faictes par devant maistre Michel de Pira conseillier du Roy, nostre sire en la Court de Ceans, commissaire et executeur dudit arrest et cy son raport, il sera dit que le l'election que doresnavant sera faicte des Consulz dudit lieu de Vindine, sera apportee et presentée par iceulx Consuls audit Cousteux ou en son absence ses officiers audit lieu de Vindine, pour estre procéde a la creation des Consuls nouvellement esleuz* (...) ADHG, 1B 33 *Pierre Coutoux vs Consuls of Vendine*, 11/09/1540, 487v-488r.

[394] (...) *suivant la coustume en le ville de Carmaing et autres lieux dudit conté circumvoisins dudit Vendine*. ADHG, 1B 33 *Pierre Coutoux vs Consuls of Vendine*, 11/09/1540, 487v-488r.

[395] Ramière de Fortanier, *Chartes Lauragais*, 91.

[396] Ramière de Fortanier, *Chartes Lauragais*, 41.

At this stage, problems could emerge. In 1533 one of the co-lords of Castanet-Tolosan, Jean Fauré, disputed the appointment of four consuls of Castanet-Tolosan. The case appeared before the Parlement in January 1533, and the four consuls were referred to as self-styled consuls of Castanet-Tolosan.[397] Such cases indicate that lords did try to enforce their choices.[398] Conversely, this could also show that the local community and its leaders insisted on choosing their own representatives. Whether this was the case is impossible to tell, as the records of the Parlement mention little beyond their assumed titles and the lord's objection to them. Ramière de Fortanier did highlight that within Lauragais there existed several different ways, but that these rules always applied. Yet, these rules were not universal.

In her study on consulates in the Bitterois, a neighbouring region of Lauragais in the seneschalsy of Carcassonne, Monique Bourin described a quite different picture. In that region consular elections occurred wholly independently from the local lord or lady, meaning that Ramière's two rules did not apply there.[399] According to Bourin, Lauragais and Bitterois represented two models for consular elections and influence. Lauragais, she posited, had consulates that were dependent on their lords or ladies for their appointments, but had extensive authority. In Bitterois, however, there was no seigneurial intervention in consular appointments, but the extent of their rights was

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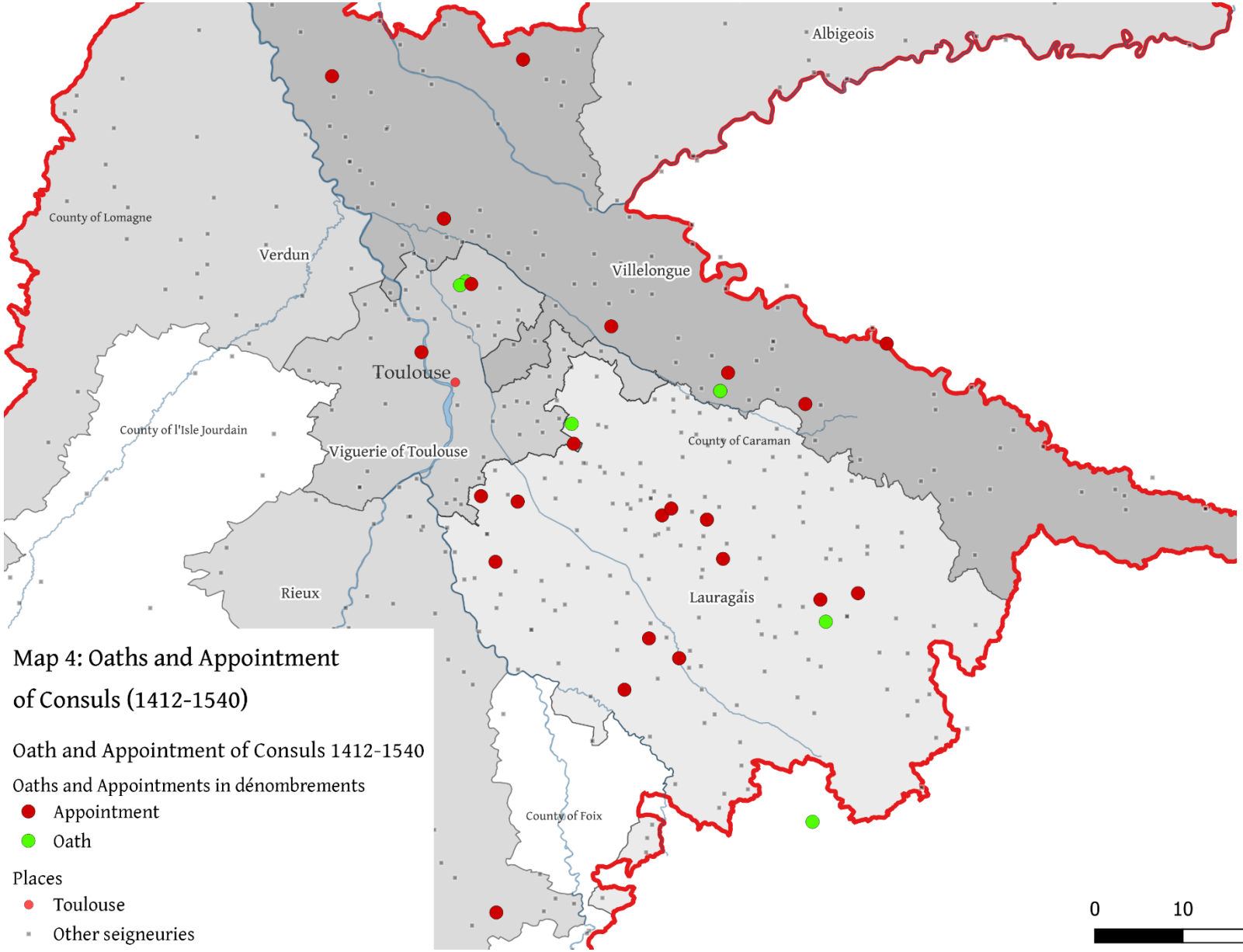
[397] *Vues les informacions faictes a la requeste de Jacques Faure, conseigneur de Castanet a l'encontre de Bernard Bateyre, Jehan Faure, dict le prieur, François Faure et autre Jehan Faure dict Guillonet soy disans consuls dudict lieu de Castanet* ADHG, *1B 26 Jacques Fauré vs Bernard Bateyre, Jean, François and Jean Faure*, 3/01/1533, 47v-48r

[398] It is not clear whether Jacques Faure was ultimately successful since the case appears to have been settled out of court. He did, however, lose the case in the court of the seneschal, since in a document related to this case from April 1533 indicates that he appealed the seneschal's decision. ADHG, 1B 26 *Jacques Fauré vs Bernard Bateyre, Jean, François and Jean Faure*, 7/04/1533, 159r.

[399] Bourin, *Villages médiévaux en Bas-Languedoc*, 146.

limited.[400] It is likely that both systems occurred in different districts of the seneschalsy of Toulouse. Mentions of the appointment of consuls in the *dénombrements* occur only in Lauragais, Villelongue, and the Viguerie of Toulouse (see Map 4). Except for a lord in Montégut-Plantaurel, I have no indication that lords or ladies could influence consular appointments in Albigeois or in the counties and royal districts on the west bank of the Garonne. However, as I discussed before, the inclusion of officers and consuls was optional. In Albigeois, the *dénombrements* happened not to include either officers or consuls.

[400] Bourin, *Villages médiévaux en Bas-Languedoc*, 146.


Albigeois
County of Lomagne
Verdun
Villelongue
Toulouse
County of l'Isle Jourdain
Viguerie of Toulouse
County of Caraman
Rieux
Lauragais
County of Foix
Map 4: Oaths and Appointment of Consuls (1412-1540)
Oath and Appointment of Consuls 1412-1540
Oaths and Appointments in dénombrements
Appointment
Oath
Places
Toulouse
Other seigneuries
0
10
20 km

In the system that was dominant in Lauragais, one can expect that lords and consuls had to cooperate more than in Bitterois, where consuls were not fully independent from their lords. It follows that in Lauragais, Villelongue and the Viguerie of Toulouse there should be a greater number of court cases than in those regions where lords and ladies did not report that they could appoint consuls. Based on cases taken from the registers of the Parlement of Toulouse, I created Table 21.[401] This table shows that conflicts between lords, ladies and their consuls occurred more regularly in those regions where lords and ladies claimed they could appoint consuls. The registers of the Parlement are useful to analyse this question because they span the whole seneschalsy of Toulouse.

Table 21: Cross-reference of court cases before the Parlement of Toulouse between consuls and their lords and ladies and the place of origin of the consuls (1444-1541)	
	Number of court cases
Regions where consuls are attested in the *dénombrements*:	22
Regions where consuls are not attested in the *dénombrements*:	11
Places that could not be geolocated	3
Total	36

Neither the *dénombrements* nor the registers of the Parlement permit me to establish that the systems present in Lauragais and Bitterois were present in other districts of the seneschalsy of Toulouse. The number of cases is too small, yet they do

[401] The sources I used in Table 21 are from the registers of the Parlement of Toulouse, I discuss these sources in the introduction of Chapter 4.

highlight the fact that differences existed between districts in the relationships between lords, ladies, and consuls.

The relationships between lords and ladies on the one hand and the consuls on the other could be close and collaborative. In 1502, Bertrand de Savalhan, lord of Boissède, had been imprisoned and his bail was set at a thousand *livres tournois*. He had been released but only after four villagers of Boissède were offered as collateral, one of them was related to one of the consuls of Boissède. This consul, together with twenty-five other villagers and the seigneurial *bayle* paid his bail soon after.[402] The *arrêt* naming them gives a glimpse into who held office within this *seigneurie*. The document does not disclose any professions, but it does show that consuls and *bayle* were recruited from locally prominent families capable of raising a considerable sum of money to secure their lord's release. The influence claimed by lords and ladies over the consulates corresponds with the origins of the rural consulate in the Toulousain as described by Ramière de Fortanier. He showed that consulates emerged from the groups of *preud'hommes* or dignitaries a lord called on to assist in the administration of the village.[403] The emergence of the consulates had been gradual, and in the fifteenth century, their relationships and privileges had mostly stabilised.[404]

Seigneurial officers and consuls were thus two very different types of officers. Officers such as judges, *bayles*, and notaries exercised their roles in the name of the lord or lady who appointed them. Consuls and lords, on the other hand, had a more complex relationship. Consuls represented the community and operated in relative

[402] ADHG, 1B 11 *Bertrand de Savalhan vs Procureur-du-Roi*, 27/08/1502, 649r-649v.

[403] Ramière de Fortanier, *Chartes Lauragais*, 40.

[404] Ramière de Fortanier, *Chartes Lauragais*, 56.

independence from the lords and ladies, even if they were – more often than not – officially appointed by the lord. Only in the royal districts of Toulouse, Villelongue, and especially Lauragais, did lords and ladies have the authority to appoint one or more, or even all consuls. Their choice was not free but followed a preselection of candidates done by the inhabitants of the *seigneurie*. So while lords and ladies could use the *seigneurie* as a vehicle for their own interests, their actions were tempered by the presence of consuls who represented the collective interest of the lord's subjects.

Seigneurial Courts and the *bien public*

Thanks to the right to appoint seigneurial officers lords and ladies retained considerable – but not unchecked – influence over seigneurial courts, which allowed them to use such courts to their own advantage (up to a point). The legitimacy of the seigneurial hold over these courts was rarely in doubt. While such ordinary courts were often the subject of court cases before the Parlement of Toulouse, it was often the claim to ownership, not the legitimacy of the *seigneurie* per se, which was being questioned.[405] Even in extraordinary situations, such as revolts, a *seigneurie*'s legitimacy was not necessarily targeted. For example, the Jacquerie (1358) and the Tuchinat (1378-1384), two fourteenth-century revolts that targeted nobles, did not turn against the seigneurial system itself.[406] Furthermore, seigneurial courts or ordinary courts (*cours ordinaires*), whether they were held by lords and ladies, consuls, or the Church, were a greatly important part of the Late Medieval judicial system in southern French.

The king and his councillors were aware of the importance of seigneurial courts. Royal courts and seigneurial courts were integrated into one system (as I discuss further in Chapter 4) wherein royal courts played the role of courts of appeal. This is especially

[405] To illustrate: François d'Anticamarets, Henri de Caraman, Pierre Coutoux the Elder, and Pierre Coutoux the Younger (Pierre the Elder was the uncle of Pierre the Younger, and they did not share lordships) were embroiled in a legal battle with the Consuls of the city of Caraman over the exercise of their seigneurial jurisdictions. The Parlement of Toulouse sided with the aforementioned lords who were confirmed as having their jurisdictions 'respectively in all matters, civil as well as criminal' (*respectivement en toutes matières tant civiles que criminelles*). ADHG, 1B 29 *François d'Anticamarets, Henri de Caraman, Pierre and Pierre Coutoux vs Consuls of Caraman*, 13/09/1536, 401r.

[406] Firnhaber-Baker, *The Jacquerie of 1358*, 121–2; Vincent Challet, 'Un mouvement anti-seigneurial ? Seigneurs et paysans dans la révolte des Tuchins', in Ghislain Brunel and Serge Brunet (eds.), *Les luttes anti-seigneuriales: Dans l'Europe médiévale et moderne* (Toulouse, 2009), 8; 14.

clear in the royal domain surrounding Toulouse. This was not true for the whole of the seneschalsy of Toulouse: take the county and Caraman, which belonged to a lesser branch of the Foix family, it was granted a court of appeals in 1324.[407] From the thirteenth century, French kings had turned their courts into courts of appeals for seigneurial and other non-royal jurisdictions.[408] While royal courts were not the only courts of appeal, the royal administration provided the highest and final courts of appeals. The practice was well established in the seneschalsy, since practitioners like Hugues de Cairols and Pierre de Cossio, who were both active in the seneschalsy courts, wrote influential treatises on appeals.[409] Establishing royal courts as courts of appeal also helped to avoid conflicts between royal and seigneurial courts. According to Antoine Follain the prévôtes, vicomtés, and viguieries – all rural districts – contained fifty, but usually a hundred to two hundred parishes.[410] In the seneschalsy of Toulouse the sources rarely use the parish as an administrative unit over *seigneurie* (instead they prefer the consulate, which was linked to the resorts of *seigneuries*), nor did the seneschalsy contain either prévôtes or royal vicomtés, but the observation remains valid. The Viguerie of Toulouse and the four judicatures that feature most prominently in the sources (Albigeois, Lauragais, Rieux, and Villelongue) span a significant number of *seigneuries* and jurisdictions each, as shown below in Table 22. This table only contains

[407] Catarina, 'Les justices ordinaires', 108.

[408] Philippe Fabry, *L' État royal: normes, justice et gouvernement dans l'oeuvre de Pierre Rebuffe (1487-1557)* (Toulouse, 2015), 239.

[409] Two examples: Henri Gilles, 'Le traité des appels d'Hugues de Cairols', in Michel Despax (ed.), *Mélanges offerts à Pierre Hébraud* (Toulouse, 1981); Benjamin Bober, '"Exercer le fait de la justice" Les officiers de justice au travail dans la sénéchaussée de Toulouse à la fin du Moyen Âge' (Ecole des Chartes dissertation, 2005).

[410] Antoine Follain, 'Justice seigneuriale, justice royale et régulation sociale du xve au xviiie siècle : rapport de synthèse', in Antoine Follain, François Brizay, and Véronique Sarrazin (eds.), *Les Justices de Village, Administration et justice locales de la fin du Moyen Âge à la Révolution* (Rennes, 2003), 11.

those *seigneurie*s that were identified as seated in a royal district in the sources, so the actual number of *seigneuries* within their border was much greater. The second row of data included in that table shows the *seigneuries* that also had judicial rights attested in the sources. Despite this number being sometimes significantly lower, seigneurial courts would have still greatly outnumbered the royal jurisdictions.[411] It should be noted that royal officers were never excluded from the level of seigneurial courts. In several places, all or certain judicial rights had been transferred to consuls or royal officers. The royal judges of Lauragais and Albigeois presided over the ordinary courts in Nailloux and Lombers, respectively.[412]

Table 22: Number of *seigneuries* per royal district:				
Viguerie	Judicature			
Toulouse	Albigeois	Lauragais	Rieux	Villelongue
32	59	158	70	101
The number of *seigneuries* with attested rights of justice:				
19	49	120	49	65

The royal approaches to government as simultaneously fulfilling a mediating role as well as acting forcefully fit within the royal duty to protect the Public or Common Good (*chose publique*, *bien publique*). Medieval kings, nobles, and scholars often appealed

[411] As an aside, it is true that there were smaller districts in the seneschalsy of Toulouse, but these are not well attested in the *dénombrements* or other sources I used. One exception is the *baylie* of Saint-Loup-Cammas, located within the Viguerie, but even this smaller district contained several seigneurial jurisidictions.

[412] Léon Gallet, *Les traités de pariage dans la France féodale* (Paris, 1935), 155.

to the public good as justification for government actions.[413] Pierre Rebuffe (1487-1557), a law professor at the University of Toulouse, stated that law should be made with the Common Good in mind, and laws that failed to meet this standard should not be obeyed.[414] In turn, such a perspective allowed noble revolts such as the *Praguerie* of 1440 and the League of the Public Weal (*la Ligue du bien publique*) in 1465 to raise armies and attempt to change the king's policies.[415] From the king's perspective, the Common Good had to be protected, as Francis I was to have it put in a 1523 edict:

> '(...) the real method through which the kings can and must conserve, perpetuate and increase this love [between the king and his subjects that resulted from protecting the public good], which consists of justice and of peace: in merely having it rendered and administered in a pure, good, equal and brief manner (....), without being vexed, beaten, plundered, tormented nor molested.'[416]

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[413] Naegle, 'Bien publique', 99. And for scholars: Matthew Kempshall, *The Common Good in Late Medieval Political Thought* (Oxford : New York, 1999).

[414] Of course, Rebuffe was not the first nor the only scholar to have taken this position. Fabry, *L' État royal*, 50–52; Joseph Canning, 'Law Sovereignity and Corporation Theory, 1300-1450', in Cary J. Nederman and Kate Langdon Forhan (eds.), *Medieval Political Theory: A Reader: The Quest for the Body Politic, 1100-1400* (London, New York, 1993), 468.

[415] James Collins, *From Tribes to Nation, The Making of France 500-1799* (Ontario, 2002), 180; Naegle, 'Bien publique', 99.

[416] *Specialement pour la conservation, sublevation et defense de l'estat commun et populaire, qui est le plus foible, le plus humble et le plus bas et par ce plus aisé a fouler, opprimer et offenser : et naturellement et raisonnablement a plus grand besoin que tous autres de bonne garde, support et defense, et singulierement le pauvre commun peuple de France, qui tousjours a esté doux, humble et gracieux en toutes choses, et obsequieux a son prince, et seigneur naturel [...] tellement qu'entre les rois de France et leurs subjets y a tousjours eu plus grande conglutination, lien et conjonction de vraye amour, naïfve devotion, cordiale concorde et intime affection qu'en quelconque autre monarchie. [...] Or le vray moyen par lequel les roys peuvent et doivent conserver, perpetuer et augmenter cet amour, consiste en justice et en paix : en justice, la*

To do so properly, the policies of the monarch had to balance his own interests and aims against those of his powerful and less powerful subjects and entities. In other words, the king had to engage with these subjects.

The Estates of Languedoc were part of a set of institutions that were to make mediation possible. Different kings brought with them differing attitudes towards such cooperation, but the fundamental framework did not change. The convocation of the Estates of Languedoc serves as a good illustration. Sylvie Quéré showed that since the early fifteenth century, the Estates of Languedoc transformed from a reactive assembly responding to the king's plea for additional funds, into a proactive institution. The Estates sought to set fiscal and judicial wrongs right, by obtaining the ear and grace of the king.[417] The right of convocation remained a royal prerogative exercised only by the king and his representatives. Only the *lieutenant-général* of Languedoc could assemble the three estates on his own accord, but he rarely did so. Most of these meetings between 1400 and 1484 (the latter is the final year of Sylvie Quéré's analysis) were convoked by the king and were usually presided over by specially appointed commissioners. Charles VII and Louis XI appear to have aimed for yearly convocations.[418] These continued assemblies demonstrate the continuity of this model, which lent lords and other stakeholders a force with which they could address their

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faisant rendre et administrer pure, bonne, esgale et briefve [...] faisant vivre le bon homme soubs l'aisle et protection de son roy, en bonne, seure et amoureuse paix, manger son pain et vivre sur le sien en repos, sans estre vexé, batu, pillé, tourmenté ne molesté [...] The full quote is taken from Follain, 'Justice seigneuriale', 12.

[417] Sylvie Quéré, *Le discours politique des États de Languedoc à la fin du Moyen Âge (1346-1484)* (Montpellier, 2016), 374.

[418] This calculation was made using the table of Estates meetings supplied by Quéré on pages 382-385. I calculated the months by assuming every meeting took place on the first day of the month and counted from there. This was necessary to include those meetings for which dates were not specified. I also omitted those few meetings without mention of a month.Quéré, *Le discours politique*, 382–385.

grievances. At the same time, through mediation via the Estates, the king recognised the legitimacy of the lords and urban elites who used the Estates to communicate their grievances. Yet, despite the crown acknowledging the members of the Estates as legitimate partners in the joint enterprise of government, the role of mediation existed alongside the possibility for the royal administration to act forcefully when it was deemed necessary.[419]

Since sources that inform us on the workings of seigneurial courts are rare, and the interaction between *seigneuries* and the Parlement of Toulouse is the subject of the next chapter, I rely on an exceptional source. I use a *doléance,* or a list of complaints, sent to king Charles VII by the Estates of Languedoc in 1456 and his responses to analyse the relationships between seigneurial courts and royal power. These relationships were valued by both the monarchy and the lords because they were based on a process of negotiation with Charles VII, a process that the Estates were careful to protect. By means of analysing the concept of the public good as it relates to seigneurial courts, I show that alongside the negotiations there was tension between lords and the king. Successive kings of France sought to curb seigneurial power to a certain extent, but as Justine Firnhaber-Baker points out, the royal administration also tried to insert itself into local affairs by acting as a mediator, thus facilitating, and endorsing the role of lordships as pillars of public order management.[420]

The king had to do so since the crown did not have the means to administer the whole of France without the help of local magnates.[421] In narratives of the Common

[419] Firnhaber-Baker, *Violence*, 22–23.

[420] Firnhaber-Baker, 'Jura in Medio', 459.

[421] "[I]l revenait seulement au roi de 'faire rendre et administrer bonne justice' et non de la rendre lui-même" Follain, 'Justice seigneuriale', 11.

Good emanating from the royal administration, however, these local magnates rarely made an appearance. In metaphors of the body politic, the king was the head, and royal officers were the fingers.[422] Appeals to the Common Good did, however, appear on all levels of governance, royal or otherwise.

In the registers of the Parlement appeals to the proper benefit and advantage to the Common Good (*bien proufit et utilité de la chose publique*)[423] is often – but by no means exclusively – tied to the exercise of justice. For example, in 1519, king Francis I informed the Parlement of Toulouse by means of a letter that he was to appoint one new president and eight new councillors to ensure there would always be enough officials present to guarantee the uninterrupted functioning of the Parlement.[424] Lower royal officers and communal officers such as consuls and their officers equally appealed to the Common Good in the exercise of their functions.[425] This is already well-known for larger cities, such as Toulouse, but it was equally true for villages situated within *seigneuries*. In Bram, a small circular bastide in Lauragais, the appointment of an officer by the consuls was done for the benefit of the public good of the local community.[426] For the village of

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[422] Jan Dumolyn, 'Justice, Equity and the Common Good, The State Ideology of the Councillors of the Burgundian Dukes', in D'Arcy Jonathan Dacre Boulton and Jan R. Veenstra (eds.), *The Ideology of Burgundy: The Promotion of National Consciousness, 1364-1565* (Leiden; Boston, 2006), 13.

[423] ADHG, 1B 17 *Appointment of new offices*, 28/05/1519, 397v-398v.

[424] ADHG, 1B 17 *Appointment of new offices*, 28/05/1519, 397v-398v.

[425] *Et ledit lieutenant se retirera en son lieu et au surplus pour le bien et utilité de la chose publique et que afin que les maulx et crimes ne demeurent pas impunis*. ADHG, 1B 31 *Henri de Lafont vs Jean Vermondi*, 13/08/1538 458r-460r.

[426] "Ce même souci d'équilibre et de préservation du bien public transparaît avec tout autant de force dans le serment que prête le clavaire de la petite ville de Bram au moment où il entre en charge. Les coutumes rédigées de 1509 prévoient qu'il doit non seulement s'obliger *à ben servir et regir son offisiense en qualitat et servant tant al paure que al riche*, mais aussi *a gardar le ben de la utilitat de la cause publique*."Rigaudière, 'Donner pour le Bien Commun et contribuer pour les biens communs dans les villes du Midi français du XIIIe au XVe siècle', 17.

Rabastens, in Albigeois, the consuls had to be 'useful and advantageous to the administration of the public good of the said place [of Rabastens]'.[427] All these officials were either appointed by the royal apparatus or favoured by it.[428] Thus, they fit well in the ideological framework surrounding the public good proposed by scholars and kings.

This ideological framework did not explicitly include lords and ladies yet did not exclude them either. Chapter 1 already shows the centrality of justice to the conceptualisation of lordships done by lords and ladies in their *dénombrements*. This allowed the occasional lord to appeal to the public good, as a lord in the neighbouring seneschalsy of Carcassonne did in 1504.[429] Even in the *doléance* discussed later in this section, the appeal to the public good was only made in a domain that was far from exclusively seigneurial: criminal justice.[430] The exercise of criminal justice was shared between different royal, capitular, and seigneurial officers. While there were lords and ladies who claimed to hold both criminal and civil justice in a *seigneurie*, most made no mention of either category in their *dénombrements*.[431] Instead, they favoured mentions

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[427] [*U*]*tiles et proufitables a l'administracion de la chose publicque dudit lieu* [*de Rabastens*] ADHG, 1B 21 *Syndic of Rabastens vs Anthoine du Puy, Anthoine du Solier, Robert Croisille and Ramond Mondonnier*, 3/09/1527, 719r-720v.

[428] The king's preference for consuls has been attested in Lauragais for instance. Ramière de Fortanier, *Chartes Lauragais*, 49–51.

[429] AN, P583 *Philippe de Cornelhan*, 01/1504, 264v-265r.

[430] *[L]esquelles choses sont derogans au bien publique, paix et seurté des habitans du païs et de tres mauvais exemple* ADHG, 1B 2 *Doléance of the Estates of 1456*, 7/04/1458, 58v-60v.

[431] In the *dénombrements* mentions of high, middle, and low justice abound, but further mentions of civil or criminal litigation are rare. In fact, I have only one example: Hierlande de Alamanh, lady of Rosières in the judicature of Albigeois, reported in 1551 that she held both middle and low civil justice and criminal justice with fines up to sixty sous (*Dénombrement de noble Hyrlande de Alamanh pour la terre et seigneurie de Rozieres avec toute juridiction en toutes causes civilles et moyenne et basse etz criminelles jusques a 60 sols* BMT, MS 635 *Hierlande de Alamanh*, 1551, 98). The only other mention of civil and criminal justice in a *dénombrement* is by the syndic of the city of Toulouse: *la jurdicition tant civille que criminelle ayant été donnée aux capitouls par les comptes de Toulouze et rois de France.* BMT, MS 635 *syndic de Toulouse*, 1540, 1.

of high, middle, and low justice which avoided the civil/criminal dichotomy altogether. As elsewhere in Europe, local courts would often use civil procedures to prosecute minor criminal cases, so that they could avoid the extreme rigour implied in criminal law.[432] However, civil litigation dominated in seigneurial courts and such litigation touched much of daily life. By no later than the seventeenth century, the role of ordinary courts in civil life was sufficiently engrained for Zoë Schneider to characterise ordinary courts with civil jurisdictions as institutions whose purpose was to create order in society.[433] The evidence suggests that this situation stretched back to at least the fifteenth century.

The Common Good served as a common denominator of both royal and seigneurial justice. In the 1450s, Charles VII set out to protect the public good by accomplishing broad-scale judicial reform to repair a justice system that had suffered from the Hundred Years' War.[434] In April 1454 these efforts crystallised into a lengthy ordinance proclaimed for all of France which tackled a wide range of issues, ranging from the length of court cases to specific regulations for *greffiers* and notaries employed by the Parlements. Some regulations related to ordinary justices or the *baillages* and seneschalsies and a later addition confirmed certain concessions granted to Normandy.[435]

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[432] Furthermore, since criminal cases brought in little revenue, many *seigneuries* focussed on civil law, and divested criminal law to consuls or the royal courts. Catarina, 'Les justices ordinaires', 114.

[433] Zoë A. Schneider, *The King's Bench: Bailiwick Magistrates and Local Governance in Normandy, 1670-1740* (Rochester, NY, 2008), 4.

[434] Philippe Contamine, *Charles VII: une vie, une politique* (Paris, 2017), 427.

[435] Louis de Bréquingy (ed.), *Ordonnances des Rois de la troisième race. Contenant les ordonnances depuis la vingt-cinquième année du règne de Charles VII, jusqu'à sa mort en 1461* (Paris, 1790), xiv, 284–314.

Shortly thereafter, in January 1456, a meeting of the Estates of Languedoc was convened, with the three estates of clerics, nobility and third estate present from the three seneschalsies of Languedoc (Toulouse, Carcassonne, and Beaucaire). In its *doléance*, a list of complaints directed at the king, the Estates also addressed the need for judicial reform. In and of itself this is not surprising: since 1417 the Estates of Languedoc had taken the lead in addressing judicial reforms and putting them before the king.[436] Charles VII formulated his response by the eighth of June 1456, granting all the requests made by the Estates. The king, however, singled out the second, third, nineteenth, twentieth, and twenty-first articles for immediate registration by the Parlement of Toulouse. This was necessary because royal charters would only come into effect in the region after the Parlement registered them.[437] This did not happen, and the Parlement would stall the registration of the five articles until April 1458.[438] The full document was only registered in June 1459.[439] Except for the second article, which dealt

[436] Quéré, *Le discours politique*, 372.

[437] Geneviève Douillard-Cagniant, Yasmina Khounache, and Daniel Rigaud, *Parlement de Toulouse et Parlements éphémères (1420-1790)* (Toulouse, 2018), 45.

[438] The *doléance* appears at least twice in the Registers of the Parlement, I have direct access to the April 1458 version (ADHG, 1B 2 *Doléance of the Estates of 1456*, 7/04/1458, 58v-60v.). The full text was published in Isambert, Jourdan, and Decrusy, *Recueil général des anciennes lois Françaises, Depuis l'an 420 jusqu'à la révolution de 1789* (1825), ix, 278–314; and in de Bréquingy, *Ordonnances des Rois*, 387–409. The articles registered in 1458 are identical in content to the full text, but different in form. Whereas in other copies the *doléance* was kept separate from the royal responses, the 1458 copy had the king's answers follow their respective articles: *Veues par la Court certaines lettres patentes du Roy, nostre signeur, octroiées aux gens des trois Estats du païs de Languedoc, le VIIIe jour de juing l'an mil CCCC LVI, contenans plusieurs articles baillez au Roy pour la partie desdiz gens des trois Estatz, ensemble les responses faictes à iceulx articles*. ADHG, 1B 2 *Doléance of the Estates of 1456*, 7/04/1458, 58v-60v.

[439] Preceding both publications deputies from the Estates had to petition the court and the king to bring the Parlement to register the articles. The 1458 version of the text contains a preface explaining that deputies from the Estate requested the registration: *Veues par la court certaines lettres patentes du Roy, nostre signeur,*

with the remuneration of the deputies of the Estates, each article dealt with a particular issue pertaining to judicial reform. Considering the royal edict of 1454, Charles VII and his leading officials likely considered these five articles the most important ones out of a total of thirty-three. Article three highlighted issues with the remuneration of sergeants, but nineteen, twenty and twenty-one were concerned with debt litigation, appeals, and abuse regarding criminal litigation, respectively.

Articles nineteen and twenty-one are the most interesting articles for this study, containing specific stipulations that help to understand how seigneurial or ordinary justice functioned in tandem. Article nineteen discussed a new policy adopted by royal officers in Languedoc regarding the so-called *lettres de debitis*. These letters were intended to force a debtor to pay his debts, which was important in a society dependent on credit. According to the *doléance*, the royal officers now required all parties involved in such cases to appear exclusively before royal courts:

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octroiées aux gens des trois estats du païs de Languedoc, le VIIIe jour de juing l'an mil CCCC LVI, contenans plusieurs articles baillez au Roy pour la partie desdiz gens des trois estatz, ensemble les responses faictes à iceulx articles, lesquelles lettres ont esté presentées à ladicte court par messire Jehan de Jambes, chevalier, seigneur de Montsoreau conseiller et premier maistre d'ostel et maistre Jehan Herbert conseillier et general des finances du Roy, nostre seigneur, afin de faire publier garder et entretenir cinq desdictes articles c'est assavoir les second tiers .xix. .xx. et .xxi. ensemble les responses faites à iceulx articles desquelles articeles et responses la teneur s'ensuit ADHG, 1B 2 *Doléance of the Estates of 1456*, 7/04/1458, 58v-60v. This preface, however, does not hint as to the reasons why the Parlement refused to register the *doléances*, and while this event is recounted in the HL, only the nineteenth century editors offer a speculative explanation: they surmised that the Parlement desired an increase in wages, which was granted to them in 1457. This is not an entirely convincing explanation, as the Parlement remained reluctant after 1457. Devic and Vaissette, *Histoire générale 11*, 36, 36 note 3.

'Item, since a certain time the *baillis* and judges have introduced a new manner to give the *lettres of debitis*, through which they extended their authority over all subjects and habitants of the said land, and make every case appear before them.'[440]

While the phrasing of the complaint sought not to find fault with the new policy, the Estates did observe that the 'men of the Church and nobles who have jurisdictions' (*gens d'eglise et nobles qui ont juridictions*) would have to send their judges and other officers home, because 'they serve no purpose if none would come to plead before them' (*de riens ne serviroient quant nul ne plaidoieroit par devant eulx*).[441] Their worries were not baseless: civil litigation about financial arrangements and debts did form the bulk of the workload of seigneurial courts. Hence, the complaint insisted that the innovation done by royal judges would cause 'the complete collapse of the ordinary jurisdictions held by churchmen and by nobles' (*la totale enervacion des juridictions ordinaires desdiz d'eglise et nobles)*. This worst-case scenario, delivered in hyperbolic prose emphasises the importance of civil justice for seigneurial courts: without civil litigation about debt settlement, these courts would be much smaller and much less important. The authors of this article used the conditional, indicating that although the reform had been in place already, the described closure of seigneurial courts had yet to take place, and any implications of the disappearance of seigneurial courts remained unexplored.

Furthermore, the hyperbole employed by the Estates casts doubt on the veracity of the claims. The words come across more as a thinly veiled threat promising chaos because the *lettres de debitis* were only a singular policy change. Any cases unrelated to

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[440] *Item depuis aucun temps enca les baillis et juges ont introduit une façon nouvelle de donner lettres de debitis, moyennant lesquelles ilz prenent congnoissance sur tous les subgez et habitans desdiz païs et font venir toutes les causes par devant eulx.* ADHG, 1B 2 *Doléance of the Estates of 1456*, 7/04/1458, 58v-60v.

[441] ADHG, 1B 2 *Doléance of the Estates of 1456*, 7/04/1458, 58v-60v.

those letters would still have been judged by the ordinary courts. This was a major issue because in Languedoc, as was the case elsewhere in France, most cases handled by seigneurial courts were civil in nature. For example, in fifteenth-century Anjou and Maine, contentious civil litigations amounted to 79,1% of the total number of cases treated by seigneurial courts.[442] The data gathered by Pierre Charbonnier, who studied the geographically more proximate region of Auvergne in the same period, suggest a similar figure, namely about eighty-three per cent of civil cases.[443] The dominance of civil litigation in seigneurial courts remained a constant in the workload of these justices beyond the Middle Ages. For seventeenth- and eighteenth-century Languedoc, Didier Catarina reported that only a few seigneurial courts had the right to administer criminal justice.[444] For the Norman Pays de Caux, Zoë Schneider established that the average proportion of civil cases heard sat at eighty-seven per cent.[445] Even the *doléance* reflects this situation in the way seigneurial courts are referred to. The present article, article nineteen, references the courts of nobles and churchmen, whereas article twenty-one – which deals with criminal justice – replaces this with 'the courts of the

[442] Isabelle Mathieu, *Les justices seigneuriales en Anjou et dans le Maine à la fin du Moyen Âge: institutions, acteurs et pratiques judiciaires* (Rennes, 2011), 254.

[443] I calculated this percentage myself. Charbonnier refrains from using the criminal/civil division in his tables because none of his sources make this division (see page 617, note 1). Instead, he groups the cases by subject. These were: *Violence, Injures, Vols, Dégâts de bestiaux et rescousse, Autres Problèmes Rureaux, Dettes Argent réclamé entre particuliers, Successions*, and *Divers*. Based on Charbonnier's discussion I have assumed that *Dégâts de bestiaux et rescousse, Autres Problèmes Rureaux, Dettes Argent réclamé entre particuliers*, and *Successions* were civil cases. Charbonnier further separated cases that involved lords, but I have omitted these from my calculation since in some of the categories Charbonnier used criminal and civil cases are less clearly distinguishable. Charbonnier, *Une autre France*, 617–8; 621.

[444] Catarina, 'Les justices ordinaires', 114.

[445] Schneider, *The King's Bench*, 163.

ordinaries and subjects' (*les cours des ordinaires et subgectes*).[446] The authors of the doléance likely did so, because criminal justice was commonly shared between lords and ladies, consulates, and royal judges.

Hyperbole was, however, a commonly employed weapon in the Estate's arsenal. Sylvie Quéré established that the Estates intended such hyperbole to incite the king into action in their favour. She does highlight, following the analysis by Albert Rigaudière, that the hyperbole tended to rest on foundations of real concerns.[447] When the Estates complained about the many troubles that had plagued Languedoc they did not have to invent them, since it is true that there had been many catastrophes, both natural and of human making.[448] Quéré analysed the wording used by the Estates in the context of taxation, but her analysis can be applied to the 1456 *doléance*. Here the Estates voiced their dissatisfaction with the reduction in the number of civil cases that could be heard in an ordinary court.

Since civil litigation formed the bulk of the business of seigneurial courts, the hyperbole utilised by the estates becomes understandable. Royal officers who undermined the civil jurisdictions of seigneurial courts tore at these courts' very existence. Yet, it should not be forgotten that the cases involving the *lettres de debitis* constituted only part of the total number of civil cases handled by seigneurial courts. According to Charbonnier, debt settlement amounted to 28.5% of all cases.[449] The removal of these cases would have greatly impacted these courts. It would, however, hurt the lords in two ways. First, fewer court cases would equal fewer revenues for the

[446] ADHG, 1B 2 *Doléance of the Estates of 1456*, 7/04/1458, 58v-60v.

[447] Quéré, *Le discours politique*, 190–193.

[448] Quéré, *Le discours politique*, 194.

[449] Charbonnier, *Une autre France*, 617.

court since the court would miss out on fees and fines. Second, lords and ladies would have been affected directly. In his study on *seigneuries* in the Auvergne, Charbonnier helpfully separated court cases that involved a lord and showed that these cases were related to money in a little over half of all instances.[450] If these figures are equally comparable between regions as is the proportion of civil cases discussed previously, this would have been a strong incentive for lords to attempt to overturn the policy. Moving this power to another court, a royal court (of which there were fewer) would delay the verdict and could increase the costs.

After voicing their concerns regarding the projected collapse of civil justice, the Estates turned to criminal justice. Article twenty-first of the *doléance* resembles article nineteen, in that the root cause of the problem is royal officers overstepping the bounds of what the Estates considered proper; this was detrimental to the jurisdictions of ordinary courts. According to the narrative written by the Estates, royal notaries in Nîmes provided people with blank versions of 'certain letters named *si quas et nisi visis*' (*certaines lettres appellées* si quas et nisi visis), sometimes rendered as '*si quas*' or '*nisi visis*'.[451] If the *doléance* is to be believed, this document granted the bearer some form of royal immunity against prosecution,[452] and the Estates were adamant about the negative consequences:[453]

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[450] Charbonnier, *Une autre France*, 621.

[451] I decided to go with the spelling most used in the source. ADHG, 1B 2 *Doléance of the Estates of 1456*, 7/04/1458, 58v-60v.

[452] ADHG, 1B 2 *Doléance of the Estates of 1456*, 7/04/1458, 58v-60v.

[453] There is little information on *Si quas et nisi visis*; any search for this document always leads back to the doléance and its royal response. The *Lexique de Chartes et Coutumes* by Edmonde Papin defines a *Nisi* as an exemption from certain punishments granted by a court in exchange for a monetary payment, which the

> '[T]he ordinary courts and their subjects are greatly condescended and damaged, because they are not supported, it is not possible for them to govern their justices and jurisdictions in the proper manner, nor to do or administer justice onto their subjects'.[454]

According to the *doléance* these issues were felt most strongly in the seneschalsy of Beaucaire, likely due to its proximity to Nîmes, where the fake *si quas et nisi visis* originated from, but the text notes that it was applicable to the other parts of Languedoc too. The *doléance* painted a grim picture. Where in the previous article the civil courts were said to be in disarray, the failure of criminal courts caused 'such things [that] are detrimental to the public good, the peace and the security of the inhabitants of the land and make for a very bad example'.[455] The Estates also gave a rudimentary profile of the perpetrators: poorer people tended to be the abusers of the *si quas et nisi visis* and the prime perpetrators of the described lawlessness.[456] The wealthy were not involved in

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examples put at fifteen l.t. in a criminal case judged by the Parlement of Paris in 1334. This is, however, not the only meaning attributed to *Nisi*, and does not fully correspond to the account given by the Estates, but it is likely the same or a variant of the same document. Edmonde Papin, 'Lexique de Chartes et Coutumes', *Dictionnaire du Moyen Français (1330-1500)*, 2007 (http://www.atilf.fr/dmf/definition/nisi). Accessed 06/04/2022.

[454] *(...) les cours des ordinaires et subgectes sont grandement rabessées et foulées, pour ce qu'on ne leur seuffre ne leur est posible gouverner leurs justices et juridictions, ainsi qu'il appartient ne faire ou administrer justice à leurs subgez.* ADHG, 1B 2 *Doléance of the Estates of 1456*, 7/04/1458, 58v-60v.

[455] *[L]esquelles choses sont derogans au bien publique, paix et seurté des habitans du païs et de tres mauvais exemple.* ADHG, 1B 2 *Doléance of the Estates of 1456*, 7/04/1458, 58v-60v.

[456] The doléance indicates that the multitude of poor people using the *si quas et nisi visis* meant that ordinary courts did not have the funds to check the validity of every document, nor did those poor users possess the means to refund the courts after the fact. *[E]t que lesdictes lettres leur sera ostée toute congnoissance de cause, comme pour eviter les despens d'aler poursuir la remission et reunoy desdiz delinquans qui sont commument pouvres et meschans et n'ont mye biens pour recouvrer les despens (...)* ADHG, 1B 2 *Doléance of the Estates of 1456*, 7/04/1458, 58v-60v.

such abuses, because 'rich and well-off people are careful not to engage in wrongdoing' (*car gens riches et aises se gardent bien de mesprendre*).[457] Again, the Estate's hyperbole leaves no room to establish a sense of proportion. Such a statement serves as a reminder that the Estates and the *seigneuries* were staffed by members of the landed elites and that their interpretation of the Common Good was not necessarily beneficial for lower-ranking groups in society.

Charles VII's response, however, was to accept the Estate's account of events in both articles. He forbade royal courts from continuing their new policy.[458] The *si quas et nisi visis* was equally reformed. Seneschals, bailiffs, viguiers and other royal judges were commanded to oversee the issuing of the document and thus notaries were no longer allowed to create them on their own. The creation of a blank version was subject to an unspecified fine.[459] Last, judges were no longer required to immediately release a prisoner once such a letter was produced but were allowed to hold the prisoner until the *si quas et nisi visis* could be verified.[460] In choosing the side of the Estates on both issues, Charles VII had to repeal a reform that was likely beneficial to the royal courts, as well as enact a new reform.

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[457] ADHG, 1B 2 *Doléance of the Estates of 1456*, 7/04/1458, 58v-60v.

[458] *Il sera faicte inhibicion et defense ausdiz senechaulx et bailliz et autres oficier roiaulx dudit païs de Languedoc que doresenavant ilz ne baillent aucunes lettres de debitis par lesquelles ilz empeschent la congnoissance des ordinaires* ADHG, 1B 2 *Doléance of the Estates of 1456*, 7/04/1458, 58v-60v.

[459] *Le roy defend que doresenavant totes lectres ne se baillent ne delivrent sinon par les seneschaulx, bailliz, viguiers et autres juges roiaulx, dont procedent lesdictes lettres, sans ce que les notaires ne autres de leur auctorité les puissent bailler.* ADHG, 1B 2 *Doléance of the Estates of 1456*, 7/04/1458, 58v-60v.

[460] *Et avec ce le Roy veulx et ordonné, nonobstant la concession et execucion desdictes lettres de si quas et nisi visis et les commandemens et inhibitions faictes par vertu d'icelles les juges ordinaires contre lesquelz lesdictes lettres sont impetrée ne soient tenus de bailler ne mettre hors de prison les malfaicteus jusques à ce qu'il soit discuté par le juge qui aura baillé icelles lettres.* ADHG, 1B 2 *Doléance of the Estates of 1456*, 7/04/1458, 58v-60v.

In 1456 *doléance* lords did not oppose the integration between seigneurial and royal courts *per se*. Quite the contrary was true since the Estates even offered to strengthen this integration. As I noted before, the king announced that the creation of *lettres de debitis* and court cases surrounding the letters would again be within the purview of ordinary courts, which included those courts held by lords and ladies – naturally with the exclusion of those cases that fell to the royal courts before those courts had begun monopolising the letters. While this was the ideal outcome from the Estate's perspective, it was not the only solution they had foreseen. Article nineteen of the *doléance* concluded with a second suggestion: in this potential solution, royal courts would continue issuing the letters, but any ensuing court cases would fall within the jurisdiction of ordinary courts.[461] While such a solution may not have been practical, as it would have increased judicial complexity, it does show that the lords were open to compromise and negotiation with the king. When royal courts claimed the authority over the *lettres de debitis*, they had made their move either after insufficient negotiation or without negotiating at all. In turn, the Estates believed the royal courts overstepped the bounds of their jurisdiction and protested. Charles VII chose to not infringe on the ideal of negotiation and conceded: the royal courts were reigned in.

A last point we can gleam from the doléance is that seigneurial courts participated in the protection of the public good, although this does not mean that protecting it was

[461] In the *doléance*, the Estates offered Charles VII two options to resolve the issue. The first was the one the king granted them: a wholesale reversal of the policy (*pour ce vous supplient qu'il vous plaise faire cesser toutes teles manieres de debitis, qui sont à la totale enervacion des juridictions ordinaires desdiz d'eglise et nobles*). The second was a compromise wherein royal courts would still issue such letters, but if the letters were opposed the cases would fall to the local seigneurial court (*ou que a tout le moins l'opposicion desdictes lettres soit mist devant lesdiz ordinaires, ainsi que raison est et qu'ilz sont donnez mesmement en voz chancelleries*) ADHG, 1B 2 *Doléance of the Estates of 1456*, 7/04/1458, 58v-60v.

their purpose. The interpretation of the Common Good used by lords and ladies was biased in favour of landed elites. For seventeenth- and eighteenth-century ordinary courts acting in the public interest was part of their purpose, but as Antoine Follain points out, this is not as easily attested for the fifteenth-century.[462] I have shown that royal and consular officers did refer to the Common Good as their *raison d'être* and that the exercise of justice took a central place in narratives surrounding the public good. There is little evidence of lords and ladies using the term Common Good, but the emphasis placed on justice in the conceptualisation of lordship shows they derived their legitimacy from the notion that the seigneurial court was a source of public order and thus a pillar of the Common Good. The royal administration and the king saw lords and ladies as legitimate stakeholders, up to the point that royal reforms were overturned to respect their interests. In the seneschalsy of Toulouse and elsewhere, royal courts relied on seigneurial and ordinary courts to manage cases in the first instance. It was, therefore, not in the king's interest to undermine them, and in the lord or lady's interest to maintain them.[463] This is not to say that the power of lords was complete. In the management of their *seigneuries,* they favoured or were forced into negotiation and the sharing of power.

[462] Follain, 'Justice seigneuriale', 14.

[463] Jeremy Hahoe made the same observation for Burgundian seigneurial courts in the eighteenth century. Hayhoe, *Enlightened Feudalism*, 217.

Conclusion

The *dénombrements* were not the ideal source to address the questions I raised in this chapter. They were not sentences or court rolls that would have laid bare the inner workings of a seigneurial court, but those are either no longer extant or are hidden away in notarial archives that were due to circumstances impossible to access.[464] The *dénombrements*, complimented by court cases taken up by the Parlement of Toulouse, still enabled me to gain sufficient insight into the relationships between lords and ladies, their officers, consuls, and the crown.

The picture of *seigneurie* that emerged is one of power that is distributed between different stakeholders. Lords and ladies could appoint and dismiss their own seigneurial officers, in their own name and seemingly without outside interference. The make-up of seigneurial courts was still very dependent on the rights an individual lord or lady possessed, and arrangements varied between co-lordships. This allowed them to appoint those officers who were more likely to support their endeavours. Lords and ladies could use their courts to force tenants to pay their dues, as observed by Charbonnier in Murol.[465] This situation was also like what Jeremy Hayhoe and others established for early modern *seigneuries*. However, just like in those later centuries, lords and ladies could not rule their *seigneuries* without limitations.

The subjects of the *seigneurie*, united in an *universitas* and represented by consuls, could curb seigneurial caprice. Consuls could negotiate payments of seigneurial dues,

[464] Not in the least due to the COVID-19 pandemic, which took place before I could complete my archival research.

[465] Charbonnier, *Une autre France*, 621.

and force lords and ladies to pay rents. They also had a legal persona that allowed them to sue lords and ladies on several topics, ranging from the aforementioned rents to social issues.

Consuls likewise maintained a relationship with the monarchy that was independent from that of the lord's relationship with the crown. Lords and ladies were perhaps spokespersons for their subjects vis-à-vis the royal government, but this arrangement could be and was often bypassed.[466] This relationship expressed itself by the promulgation and repeated confirmation of *chartes de franchises* that recorded a community's privileges. From the king's perspective, consuls were important as collectors of the royal *taille*. Consular policies regarding the *taille* became a point of contention with the lords that is well attested in the *dénombrements*. At the same time consuls were not fully independent from the lord since lords and ladies preserved the right to appoint several – or according to claims in the *dénombrements* – all consuls of a *seigneurie*. The exact nature of the relationship of lords and ladies with consuls varied between regions, as Bourin has shown.[467] Furthermore, this relationship with the crown shows that the subjects of a *seigneurie* were also seen, and treated as, subjects of the crown.

The integration of *seigneuries* with the royal administration extended further than the inclusion of seigneurial subjects under the umbrella of royal subjects. Seigneurial or ordinary courts were drawn into this system as well. The king and the royal administration were unable to provide the judicial services local magnates could.

[466] The Jacquerie was not anti-seigneurial, and lord sometimes helped their subjects to acquire a letter of remission. Firnhaber-Baker, *The Jacquerie of 1358*, 122.

[467] Bourin, *Villages médiévaux en Bas-Languedoc*, 146.

Therefore, they preferred to engage – and legitimise – these local magnates. This meant that the royal administration recognised *seigneuries* as legitimate sources of justice, so the wants and needs of possessors of these courts had to be considered. I showed this through the example of the doléance of the Estates of Languedoc of 1456. The authors of the *doléance*, who were quick to identify their own personal stake with that of the Common Good, complained about interference in local circuits of justice caused by royal officials and notaries. The king's reaction to these complaints was to accommodate the desires of lords and ladies. Through the Estates of Languedoc, lords showed that did not oppose the crown and they did not shy away from suggesting sharing certain responsibilities with royal courts.

The crown and lords and ladies also justified their authority in an analogous way. The royal administration often appealed to the Common Good, which the king had vowed to protect. In the records of the Parlement of Toulouse the Common Good was explicitly tied to the exercise of proper justice. In other words, legitimacy and authority were rooted in offering public services to the local community. Unlike royal officers and consuls, lords and ladies rarely appealed to the ideal of the Common Good explicitly, but, as I discussed in Chapter 1, lords and ladies did place justice as a key element of public order at the core of their conceptualisation of *seigneurie*.

Chapter 4
Lords, Ladies, and the Parlement of Toulouse

Introduction

In Chapter 3, I explored the influence lords and ladies retained in the administration of their *seigneuries* and of their seigneurial justices. They protected their seigneurial rights by sharing power with other stakeholders both inside and outside their *seigneuries*. Lords and ladies were protective of their rights, yet at the same time had to be open to sharing power. In this way, they could retain considerable influence over their *seigneuries*' affairs. They imposed this influence through delegation and negotiation and by retaining significant control over seigneurial finances. As custom dictated, lords and ladies had to delegate judicial authority to seigneurial officers and consuls, but they appointed their own candidates and provided them with a degree of remuneration. Other seigneurial stakeholders, such as co-lords, consuls and the inhabitants of the *seigneurie* united in an *universitas*, had their own rights over a given *seigneurie*. Consuls, and especially the community, had considerable influence over running a *seigneurie* and over the drafting of customs.[468] Lords and ladies had to negotiate their relationships with consuls. Such negotiations would sometimes fail to overcome disagreements and risked remaining unresolved for a prolonged period or

[468] See in this context the study of Ramière de Fortanier, *Chartes Lauragais*.

escalating. In such cases, the involved parties could turn to the royal administration to dispense – as requests sent to the Parlement of Toulouse put it – 'good and brief justice.'[469]

In this chapter, I argue that in their engagement with royal courts lords and ladies also opted to share power in an effort to preserve their rights. In turn, the procedures followed by these courts were also predicated on cooperation between litigants and the court for the duration of the case. Furthermore, the court cases involving *seigneuries* reveal the expectations and unwritten policies harboured by the Parlement. The most important of these dictated the relations and distribution of tasks between lords and ladies and their consuls. I also argue that the royal courts and lords and ladies accepted each other as legitimate institutions and did not seek to actively undermine each other. André Viala, in his seminal study on the Parlement of Toulouse, showed that the Parlement was a popular institution among nobles in Languedoc. Its presence meant that in order to litigate at the highest level they no longer had to go to Paris.[470] This popularity was because the Parlement tried to enforce legal principles. Thus, the *arrêts* or decisions of the Parlement that I consulted do not favour one group active within a *seigneurie* over another.

To probe the attitudes of royal justices vis-à-vis *seigneuries*, I draw on court cases relating to *seigneuries* brought before the Parlement of Toulouse in the century between the foundation of this institution in 1444 and 1541, which demarcates the ending date for this thesis. By applying procedures that emphasised cooperation, the Parlement

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[469] *Et sur lequel ilz entendent que ladicte Court leur fera bonne et briesve justice* (...) ADHG, 1B 10 *Catherine de Pardeilhan and Jean Ysalguier vs. Simon Bartier*, 2/04/1496, 79v-80r.

[470] André Viala, *Le Parlement de Toulouse et l'Administration royale Laïque (1420-1525 environ)*, 2 vols (Albi, 1953), i, 71, note 5.

found a mutually beneficial middle ground for royal and seigneurial arenas of power. The Parlement could thus exert significant power over several aspects of the management of a *seigneurie*, but without threatening the positions of litigant lords or ladies, who in turn could rely on the Parlement and its power to secure their claims over seigneurial rights.

In the last decade, this theme of cooperation between royal institutions and those over whom it claimed power has found a foothold in the literature. Studies by Justine Firnhaber-Baker and Stuart Carroll have shown that royal governments in France and Italy inserted themselves into seigneurial wars and into feuds.[471] They did so not as absolutist legislators who ended local conflicts by the stroke of a quill and through repression, but more often than not acting as negotiators or intermediaries. The efforts of the royal administration and its courts were intended to serve to open the way towards the different parties to reach a mutually satisfactory conclusion. However, these studies focussed on extreme, if not infrequent, circumstances: seigneurial wars and feuds. In this chapter, the cases brought to the Parlement of Toulouse are of a less violent and more mundane nature, but I argue that the Firnhaber-Baker and Carroll conclusions hold true for these routine cases.

Since its foundation, the Parlement of Toulouse asserted itself as a dominating presence in the judicial and political landscape of Languedoc. In Languedoc, it was the highest court of justice, second only to the king and the Parlement of Paris. The claim to dominance affected and brought the Parlement into conflict with different levels of the various judicial and political bodies in Languedoc, such as the *Gouverneur-Général* of

[471] Firnhaber-Baker also includes an overview of the literature: Firnhaber-Baker, 'Jura in Medio'; Carroll, 'Revenge and Reconciliation in Early Modern Italy'.

Languedoc and the *Cour des Aides* in Montpellier.[472] The Parlement was not only interested in asserting its authority over other royal institutions of Languedoc though – it developed a keen interest in the management and preservation of the royal domain. Its asserted influence over this domain covered both large and small transactions. For instance, it argued successfully against Louis XI's and his brother's planned exchange of Lauragais against Boulogne in 1478 and investigated whether the royal donation of the small *seigneurie* of Lasserre to Guillaume Brun was to be considered a 'profit or damage to the king and the public good' in 1483.[473] Last, it interfered with non-royal entities, such as the capitouls of Toulouse.[474] The Parlement began checking the validity of capitular elections in Toulouse and confirmed or rejected consular candidates.[475] It also functioned as an arbiter between the capitular court and royal judges outside Toulouse,[476] and intervened when seigneurial officers hampered the execution of what it interpreted to be 'good justice'.[477]

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[472] Jean-Louis Gazzaniga, 'Le Parlement de Toulouse et l'administration en Languedoc aux XVe et XVIe siècles', *Beihefte der Francia: Forschungen zur westeuropäischen Geschichte*, ix (1980), 431–432.

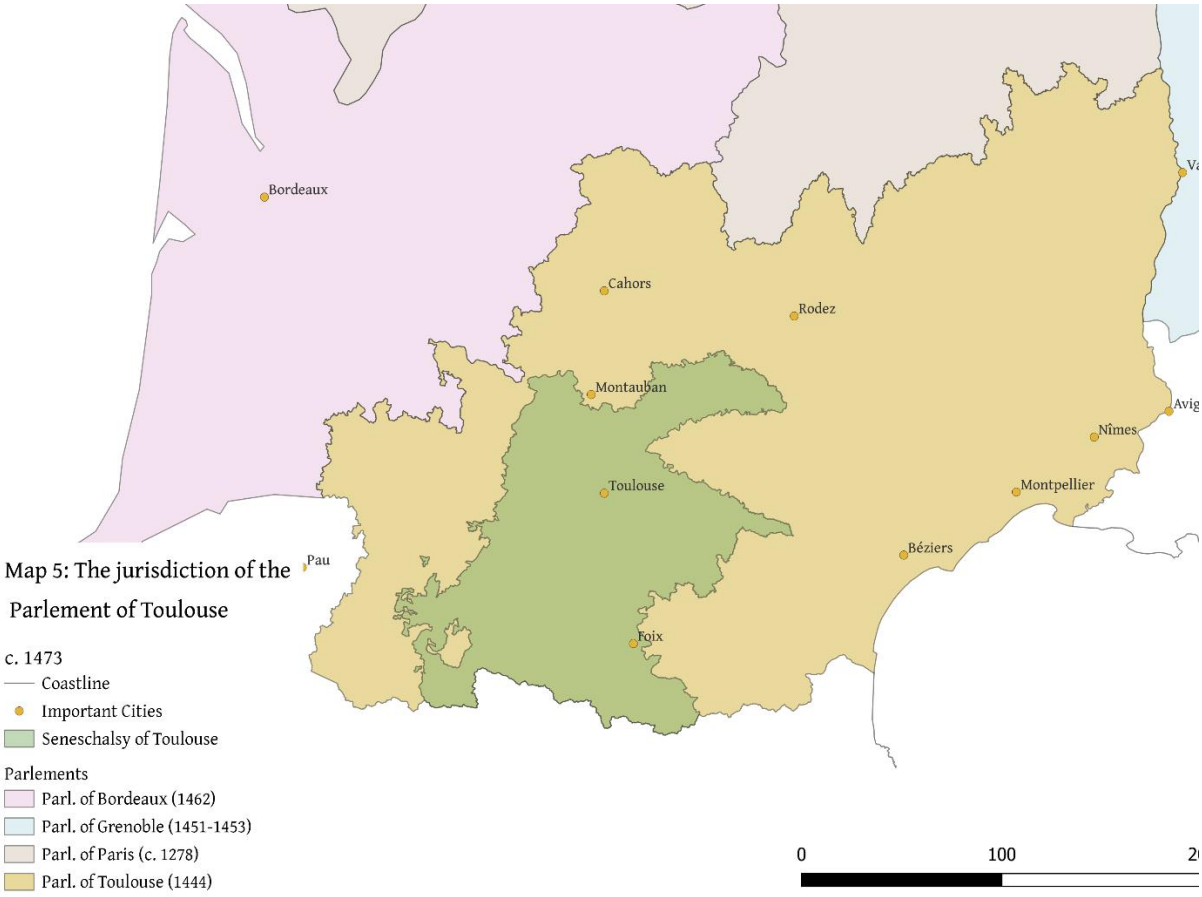
[473] ADHG, 1B 6 *Guillaume Brun vs Procureur-Général and Consuls of Montastruc-la-Conseillière*, 2/09/1483, 169v; Gazzaniga, 'Le Parlement', 434 footnote 18.

[474] Several cities hosted the Parlement, notably intermittently in Albi between 1455 and 1506, and Montpellier from 1467 to 1469, but for most of its existence it held its sessions in the Château Narbonnais in Toulouse. To establish whether the Parlement tried to develop the same level of control over the other host cities falls outside the scope of this study. Douillard-Cagniant, Khounache, and Rigaud, *Parlement de Toulouse*, 14–15.

[475] See e.g., ADHG, 1B 8 *Hugues Pagese vs* capitouls *of Toulouse*, 13/11/1481, 7r-7v, in which the Parlement declares Raymond de Puybusque, lord of Paulhac and Jacques Olier, merchant to be capitouls of Toulouse.

[476] In practice, Parliamentary influence over the city was established relatively quickly: the great fire of Toulouse in 1464 was closely managed by the Parlement. ADHG, 1B 2 *Le grand feu*, 10/05/1463, 283r; Ramet, *Le Capitole*, 28–29; Gazzaniga, 'Le Parlement', 434.

[477] *(...) pour raison de certain appel par elle interrectée à ladicte court du juge et officiers du seigneur de Castelbayac, fut elargié des prisons dudit seigneur de Castelbayac (...)* ADHG, 1B 1 *Couderie de Bonnemaison*, 23/04/1453, 211r.



Map 5: The jurisdiction of the Parlement of Toulouse

However, within the boundaries of the seneschalsy of Toulouse, the Parlement was not the first or only avenue a lord or lady with a domanial problem could turn to. Instead, it was the court of the seneschal which in most cases was the first court to hear their pleas or responses, and the Parlement served as the first – and in most cases last – level of appeal.[478] A study of the court of the seneschal proved impossible since the archives of the seneschalsy related to nobility and the domain were completely destroyed in 1790.[479] The inventory of the seneschalsy and *Court Présidiale* made by the

[478] André Viala, *Le Parlement de Toulouse et l'Administration royale Laïque (1420-1525 environ)*, 2 vols (Albi, 1953), ii, 150.

[479] That does not mean that studying the judicial practices of the seneschalsy in this period is impossible. The Court's judicial officers have been studied by Neuschwander and Bober. The choice for the Parlement of

Archives Départementales de la Haute-Garonne highlights further losses, meaning that few relevant sources predating 1551 are a part of this archive.[480] This unfortunate state of affairs prompted me to analyse cases that might be considered unusual, since cases that were transferred – usually by means of an appeal – to the Parlement were almost by definition of a more contentious nature than those that were resolved by the seneschal or his officers. I would, however, argue that these cases demonstrate that lords and ladies preferred to manage even their most contentious cases through a royal judiciary that functioned "as a medium through which disputes could be settled and as a point of departure for further negotiation", as Firnhaber-Baker puts it.[481]

Before I move on to the discussion, a word on the sources that are used in this section. While previous chapters were primarily founded on *dénombrements*, this chapter is based on a survey of Parlement records. Specifically, these come from the series called the *Arrêts civils et criminels de la Grand'Chambre et des Chambres des Enquêtes* (1444-1519) and its continuation *Arrêts civils de la Grand'Chambre et des Chambres des Enquêtes* (1519-1541). I chose to survey the 1B 1, 2, 10, 11, 33 and 34, complemented by documents already found for other chapters for cases that specifically relate to *seigneuries*. These registers contain documents from the mid-fifteenth century, late fifteenth century and mid-sixteenth century. Alongside this, I did a smaller scale survey of *Procès d'audience, audiences avec arrêts et appointements* (1444-1541) from registers that

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Toulouse was also inspired by the ability to do a systematic search for cases involving *seigneuries*. Isabelle Delabruyere-Neuschwander, 'L'activité réglementaire d'un sénéchal de Toulouse à la fin du XIVe siècle' (Ecole des Chartes dissertation, 1985); Bober, 'Exercer le fait de la justice'; Martin-Chabot, *Les archives de la Cour*, 125–126.

[480] Douillard-Cagniant, Khounache, and Rigaud, *Parlement de Toulouse*, 13.

[481] Firnhaber-Baker, 'Jura in Medio', 459.

covered the second half of the fifteenth century.[482] Last, the criminal registers were not surveyed, as it was – and still is – common for civil cases to form the bulk of all legal cases treated by courts. I did, however, include the few criminal cases that pertained to *seigneuries* which predate 1519 and were therefore included in the surveyed volumes. These cases will only be used for illustrative purposes as I found only two criminal cases that pertained to *seigneuries*.

The volumes of the *Procès d'audience* changed over time: the number of years per volume decreased and the number of cases per year increased. The first volume in this series, 1B 1, for example, contained documents dated between 1445 and 1456. In the course of these eleven years, the Parlement treated only four cases involving a *seigneurie* within the seneschalsy of Toulouse. The last register I consulted, 1B 34, begins in November 1540 and ends a year later in November 1541. For that considerably shorter period, I found fourteen cases. This administrative growth corresponded with the growth of the Parlement itself. While the Parlement had been a relatively small institution initially,[483] successive kings expanded it by increasing the number of presidents and other officials and increasing the number of specialised tribunals within the Parlement called *Chambres*.[484] By the seventeenth century, between two-thirds and

[482] I could not include the mid sixteenth century since these are not digitised and were therefore inaccessible to me. These sources are not included in the main survey.

[483] This was also especially true for the first Parlement of Toulouse (1420-1439), it had limited personnel staffing a single *Chambre*, while the Parlement of Paris and later the one in Poitiers each had several chambers. Viala, *Le Parlement*, 61.

[484] Viala, *Le Parlement*, 85.

three-fourths of the roughly 800 people active in the judiciary in the city of Toulouse worked for the Parlement.[485]

All three series emanated from the *Grand'Chambre*,[486] the first and most important chamber of the Parlement. Before the 1517 foundation of the *Tournelle*, a criminal Chamber named for its counterpart in the Parlement of Paris, the *Grand'Chambre* treated every case brought before the Parlement. *Procès d'audiences* were the most common way to litigate in Parlement. Litigants brought their cases and defences, and these were written down verbatim, or at least appear to have been written down as such. This stage was followed by an *enquête*, or inquiry, done by one of the litigating parties and checked by an official appointed by the overseeing president of the Parlement.[487]

In a more complicated case, or if requested by one of the litigants, a judge could decide to have a trial be held in writing (*procès par éscript*).[488] These proceedings required the closer involvement of the *Chambre des Enquêtes*, which, unlike its Parisian counterpart, never outgrew its auxiliary role to the *Grand'Chambre*, at least in this period.[489] Documents related to the procedure of such cases were recorded in *Arrêts civils*

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[485] Jack Thomas, 'Gens de justice à Toulouse au temps de Louis XIV', in Bernadette Suau, Jean-Pierre Almaric, and Jean-Marc Olivier (eds.), *Toulouse, une métropole méridionale: Vingt siècles de vie urbaine* (Toulouse, 2009), 168.

[486] Interestingly, the chamber in which the *Grand'Chambre* was housed is the only part of the medieval Parlement that still exists today. It is embedded in the modern buildings of the *Palais de Justice* of Toulouse. Maurice Prin and Jean Rocacher, *Le Château Narbonnais: le Parlement et le Palais de Justice de Toulouse* (Toulouse, 1991), 166.

[487] Viala, *Le Parlement*, 400.

[488] Or he could decide not to; one of the shortest *arrêt*s of the Parlement simply reads: *Il sera dit que le process n'est point par escript, et viendra ledit appellant dire sa cause d'appel prima die*. ADHG, 1B 2 *Odet Ysalguier vs Arnaud de Montaud*, 10/02/1457, 8r; Hervé Piant, 'Des procès innombrables: Éléments méthodologiques pour une histoire de la justice civile d'Ancien Régime', *Histoire & mesure*, XXII (2007), 21–22.

[489] Viala, *Le Parlement*, 85.

et criminels and its continuation.[490] In form and content, the *procès d'audiences* and the *Arrêts civils* are very different. While *procès d'audiences* are long and detailed, the *Arrêts civils* tended to be short and sometimes contained a summary of the case. On occasion, the *Arrêts civils* contained dates referencing previous *arrêts*, or copies of other documents, such as requests or letters addressed to the Court by the litigants. Most of these documents were procedural in nature and mostly contained commands to release prisoners so they could attend sessions,[491] the summoning for litigants and witnesses to be questioned,[492] the occasional urging of the party tasked with the *enquête* to finish up,[493] and the setting and meeting of deadlines.[494] These sources also contain information on the decisions the Parlement took relating to *seigneuries* during a court case. Since the documents of the *procès par éscript* were written as the case was ongoing, documents regarding the same case tended to repeat. This makes it sometimes possible to see whether or how a court order was implemented.

The documentary core of this chapter is constituted of fifty-five *Arrêts civils* pertaining to fifty cases roughly equally distributed across three periods, as shown in

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[490] In theory, the beginning of cases registered here would appear in the *Proces d'Audience* before they appeared in *procès par éscript.* Therefore, it would be possible to match at least some cases to each other across different registers. However, lacunae in the *Proces d'Audience* would make this time-consuming, and results would not be guaranteed. In her thesis on the Parlement Florence Romeo did attempt to match documents from both series but could only do so for 30 out of 106 documents. Moreover, the information in *Arrêts civils* was already sufficient to meet the needs for this chapter. Romeo, 'Les affaires successorales', 198–212.

[491] Jacques Saury, Pierre de Vergier and Antoine Pons are released from prison until they are called to appear in Court. ADHG, 1B 5 *Jacques Saury, Pierre de Vergier, and Antoine Pons vs Arnaud de Montaud*, 22/06/14, 574v.

[492] Jean Ysalguier is called in for questioning: ADHG, 1B 34 *Jean Guillot vs Jean Ysalguier*, 5/07/1541, 366r.

[493] Bertrand Ysalguier will be fined five pounds Tournois if he doesn't meet the deadline. ADHG, 1B 34 *Anne and Catherine de Labarthe vs Bertrand Ysalguier*, 19/11/1540, 6v.

[494] Jean de Sajus is given an extension to complete the enquête: ADHG, 1B 6 *Pierre de Bosquet vs Jean de Sajus*, 23/08/1482, 87r.

Table 23. This corpus of sources was assembled by first identifying the names of *seigneuries* in the seneschalsy of Toulouse that were used in seigneurial titles and in the body of the text. Then I selected the documents pertaining to cases in which a *seigneurie* plays a role, such as when the *seigneurie* served as the collateral in a financial dispute or the lords and ladies disputed seigneurial rights of a particular *seigneurie* amongst each other. I also preferred those documents that contained information regarding the court case itself. The registers of the *procès par éscript* contain many documents that are related to procedure only. This exclusion is warranted since it is not my intention to write a procedural history of these court cases. An analysis of the procedures employed by the Parlement through the narrow focus of *seigneurie* is unlikely to be fruitful. None of the procedures the Parlement used that are discussed in this chapter are unique to *seigneuries*.

Table 23: Number of documents per period.

Period	Number of documents
1446-1466	14
1481-1502	17
1523-1541	24
Total	55

Nevertheless, the Parlement did have policies and attitudes in place regarding *seigneuries*, and these policies were intended to promote structural cooperation between the different stakeholders and the royal administration and between each other. Since I could discern two manners through which the Parlement tried to accomplish this cooperation, I have divided this chapter into two sections.

In the first section, I analyse four categories of cases in which *seigneuries* play a role: criminal cases, financial cases, cases regarding transmission and *saisine* (ownership), and seigneurial rights. These categories are ordered by size and importance, with the first category as least common and least informative regarding the Parlement's engagement with *seigneuries*, and the last category as most common and most informative. It is only in the last section that the Parlement's policy towards lords and ladies becomes most evident. In cases where seigneurial rights are contested between lords and consuls (who were the representatives of the seigneurial *universitas*), the Parlement promotes the view that lords and ladies oversaw financial rights and the organisation of the *seigneurie*, and the consuls were to use their influence for the benefit of the community.

The second section discusses the power of the Parlement over *seigneuries* during court cases. I do so by analysing *main du Roi* (hand of the king) and *provision*, two protocols to manage a *seigneurie* that was involved in litigation. In this section, lords and ladies welcomed the authority over their *seigneuries* that the Parlement drew from these protocols because the protocols did not systematically threaten seigneurial power. Instead, *main du Roi* and *provision* functioned to the benefit of lords and ladies by creating legal clarity at a time when seigneurial power was compromised. Moreover, the authority of the Parlement in such cases was not imposed from above in civil suits. Lords and ladies had to request one of the protocols and, in the case of *provision*, the litigants had to come to an agreement in the understanding that it was only for the duration of the court case.

Litigation and *seigneuries*: types of cases

In this section, I investigate the way lords and ladies engaged with the Parlement of Toulouse. This prominent institution has been the topic of several studies in the nineteenth and twentieth centuries, focusing on the role (both positive and negative) it played leading up to the French Revolution.[495] Studies on the fifteenth- and sixteenth-century history of the Parlement do not share this focus but do share the emphasis on its legal and institutional development that was especially common in nineteenth-century studies of the Parlement. The foundational work on the Parlement in this period is André Viala's *Le Parlement de Toulouse et l'administration royale laïque*, published in 1953. This study broaches the topic of seigneurial rights from an economic perspective first and follows it up with a discussion of the Parlement's control over and policing of the hierarchy that existed between different seigneurial administrations. Much of the Parlement's attention was directed at the judicial hierarchy, which in cases of small *seigneuries* in the royal domain was straightforward. The court of the seneschal and then the Parlement functioned as the first and second levels of appeal for verdicts given by seigneurial courts.[496] There were some exceptions, such as the county of Caraman, which had its own court of appeals.[497]

Seigneuries and their interactions with the Parlement of Toulouse were also studied by Nicole Castan for the seventeenth century, but from a very different angle:

[495] Guillaume Ratel, 'Between Facts and Faith. The Judicial Practices of the Conseillers of the Parlement de Toulouse (1550-1700)' (Cornell University dissertation, 2017), 13.

[496] Viala, *Le Parlement*, 149–150.

[497] Ramière de Fortanier, *Chartes Lauragais*, 21.

she investigates the functioning of seigneurial courts as part of the French court system and focuses much less on economic seigneurial rights.[498] However, when both Viala and Castan use the word *seigneuriale* they include in this group major lords like the counts of Foix and Armagnac alongside lords and ladies of much more modest means. These major lords brought with them issues that were out of reach of most lords or ladies. For example, Jean IV, count of Armagnac and Fézensac, objected when in 1425 the lord of Montesquieu appealed to the Parlement a sentence given by the judge of the County of Fézensac.[499] The difference between the two 'seigneurial' groups warrants a further look into the way the Parlement engaged with lords and ladies of modest importance in this period. In this section, I approach the Parlement through the varied cases it treated, and by how these cases show the Parlement's policies vis-à-vis *seigneuries*.

Overall, cases brought before the Parlement tended to fall into four broad categories, namely criminal cases; financial cases; cases pertaining to the transmission of ownership, usually referred to as *saisine*; and those cases pertaining to seigneurial rights. As can be expected with court cases, these categories overlap. For example, the case of Delphine de Voisins, who deceived the court so she could inherit her husband's *seigneuries*, became a criminal case once her deceit was uncovered, but originally it was a case pertaining to *saisine*.[500] In such cases, I gave preference to the original topic of the case, which in this instance was a conflict over an inheritance. Consequently, I categorised it as a transmission-of-ownership case. Another issue is the category of transmission and *saisine* itself. Unlike the other types of cases surveyed, a few cases

[498] See especially Nicole Castan, *Justice et répression en Languedoc à l'époque des lumières* (Paris, 1980), 103, 149.

[499] Viala, *Le Parlement*, 153.

[500] ADHG, 1B 10 *François de Castelverdun vs Delphine de Voisins*, 10/02/1499, 395v-397v.

tended to recur, meaning that there are twenty-six documents in total but only nineteen cases included in this survey.

Table 24: Survey of the *procès par éscript (1446-1541)*

Case type:	Total	1446-1466	1481-1502	1523-1541
Criminal (until 1519)	2	2	0	N/A
Financial	1	0	0	1
Transmission and *saisine*	19	5	9	5
Rights	20	2	5	13

As I mentioned previously, the cases contained within these four categories are very diverse. First, I address the criminal cases I encountered. In my survey, this is the least common category, not only because civil litigation was much more prevalent but also because I did not include the registers of criminal litigation. Therefore, I give the two cases in this category to illustrate that appeals of criminal cases were possible.[501] The first criminal case involving a *seigneurie* in the surveyed registers dates from June eight 1448. In it, a member of the prominent d'Espagne family, Thibaut, lord of Montbrun-Bocage, was accused of forging florins from Aragon and Papal groats, as well

[501] As others have remarked upon, the criminal cases seen by the Parlement merit more attention, but due to time constraints and as this series is not digitised I could not include anything beyond 1519. This is also why Table 24 shows N/A for 1523-1541. Jean-Louis Gazzaniga and Nicolas Ghersi, 'Les premiers arrêts criminels du parlement de Toulouse', in Jacques Poumarède and Jack Thomas (eds.), *Les Parlements de province* (Toulouse, 1996), 271.

as other French coins.[502] The two *seigneuries* where he had his counterfeit coins minted were confiscated together with his other goods.[503] This case was highly political, as Thibaut had worked in close proximity to the count of Armagnac who had just been incarcerated for his involvement in the Praguerie.[504] There are other cases where the situation – and the Parlement's involvement – was less complicated. The Parlement intervened in the case of Couderie de Bonnemaison, who had been convicted by the court of the *seigneurie* of Castelbajac and had been confined to the seigneurial prison.[505] The Parlement's intervention served to release her from her prison cell in the *seigneurie* of Castelbajac, to allow her to attend her appeal.[506] The way the Parlement became involved is not clear, but the reason for its involvement is: the Parlement attempted to ensure the correct administration of justice and intervened in both seigneurial and royal courts or when officers misbehaved.[507]

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[502] *Et soit ainsi que puis aucun temps eura ledit suppliant cuidant trouver maniere de recouvrir et ravoir les terres quil avoit vendues et engaigees fist faire et forgier en la tour du chastel dudit lieu de Montbrun, plusieurs escuz moutons florins d'Aragon, gros de pappe de Royne et autres especes de monnoyes tant a nostre coing et enseigne que autres.*AN, JJ177 *Lettre de rémission of Thibaut d'Espagne*, 10/1445, 55v.

[503] ADHG, 1B 1 *Procureur-Général du Roy vs Thibaut d'Espagne*, 8/06/1448, 100r.

[504] Pierre Prétou, 'Crime et justice en Gascogne à la fin du Moyen âge: 1360-1526' (Presses universitaires de Rennes, 2010), 102.

[505] *(...) pour raison de certain appel par elle interrectée à ladicte court du juge et officiers du seigneur de Castelbayac, fut elargié des prisons dudit seigneur de Castelbayac (...)* ADHG, 1B 1 *Couderie de Bonnemaison*, 23/04/1453, 211r.

[506] This is clearly a case of the Parlement intending to exercise direct influence over a seigneurial court; I will return to this in the Lordships during Litigation section. It is not clear who brought this case, since no litigants are mentioned at the beginning of the document as is customary. This is likely because Couderie's case is appealing before the seneschal. ADHG, 1B 1 *Couderie de Bonnemaison*, 23/04/1453, 211r.

[507] While not related to a lordship, the Parlement also pursued a case against the royal Viguier of Narbonne, reprimanding him for his selective justice since *selon les ordonnances royaulx tout officier royal doit faire et administrer justice aux povres comme aux riches*. ADHG, 1B 2298 *Procureur du Roy vs Aymery de Vensac*, 2/08/1446, 298v-299v.

The financial category equally has few entries. This does not necessarily mean, however, that cases involving both *seigneuries* and money were rare. Viala treats such cases very aptly, so I will keep this brief.[508] According to Viala, the Parlement was primarily concerned with enforcing overarching legal principles to encourage the exploitation of the royal domain, preserving rights such as the *péage* but always respecting regional differences in economic seigneurial rights.[509] In the sources I have found it is less common for the primary topic of a court case to be about the revenues of seigneurial rights – instead, most financial issues relate to the purchase or sale of land and property by lords and ladies. As I explain below, this is due to the selection criteria I employed, rather than a lack of court cases pertaining to financial issues. Only one case in the overall sample of cases is primarily about money. Sometime before July 1541, Ogier de Toges likely used his *seigneurie* of Gouts as collateral for a loan he received from Philippe de Preissac – or rather his *tuteurs* did so, as he was underage. By July 1541 Ogier's refusal – or inability – to repay this loan led to an *arrêt* of the Parlement in which the *seigneurie* of Gouts was awarded to Philippe if Ogier could not repay his loan before January 1542.[510] As usual, the Parlement does not motivate its verdicts, nor does it

[508] Viala, *Le Parlement*, 100–138.

[509] Viala, *Le Parlement*, 138.

[510] *(…) le decret sera adjuge au profict dudit de Preissac sur la place, terre et seigneurie de Goutz, avec ses appertennances (….). Sauf toutesfois que, si ledit Ogier de Toges paye reaulment audit de Preissac dans six moys prouchan venans à compter du jour de la prononciacion à ce present arrest sa dicte somme principale avec lesdiz despens (…)* ADHG, 1B 34 *Ogier de Toges vs les tuteurs de Philippe de Preissac*, 29/07/1541, 404v.

indicate how much money Ogier owed or why he owed it, but it is likely that in his agreement with Arnaud, Ogier had offered the *seigneurie* in question as collateral.[511]

The small size of this category seemingly contradicts other findings, like Charbonnier's – his research on *seigneuries* in the Auvergnat was discussed in Chapter 3. Charbonnier found that lords and ladies were highly likely to litigate to ensure the payment of owed money.[512] Other *arrêts* made by the Parlement involving lords, but not *seigneuries*, do confirm that money was an important consideration for lords and ladies. For example, Jean d'Orbessan, lord of Puy-de-Toges, was particularly persistent. In 1537 d'Orbessan had received a sentence in his favour which stipulated that Jean de Goyrans owed him two thousand pounds tournois. Three years later Jean de Goyrans returned to the Parlement claiming that since he received the sentence 'the said d'Obessan did not cease daily and unreasonably to vex and molest him'.[513] Rhetorical flourishes aside, between 1523 and 1541, 26 out of 73 (36%) documents involving lords (but not *seigneuries*) were primarily financial in nature, i.e., about unpaid rents outside the lord's or lady's *seigneurie*, or the fulfilment or reimbursement of contested sales contracts.[514] This aligns better with the great number of cases brought before the Parlement regarding economic seigneurial rights, such as *oblies*, *censives* and *péages* found by

[511] According to sources collected by Navelle, Ogier failed to meet his deadline, which led to a new court case in 1543 since another member of Ogier's family named Blaise claimed to own Gouts and had occupied it with Ogier's permission since 1536. Navelle, *Families nobles du Toulousain*, 288; Navelle, *Families nobles du Toulousain*, 123.

[512] Charbonnier, *Une autre France*, 621.

[513] *Nonobstant icellui d'Orbessan ne cessoit jornellement le vexer et molester indeuement en vertu desdit arrest (...)* ADHG, 1B 34 *Pierre de Goyrans vs Jean d'Orbessan*, 8/01/1541, 74r.

[514] As a reminder, the analysed documents in question are those that involved as a litigant at least one lord whose lordship could be placed within the borders of the seneschalsy of Toulouse. But the case is not necessarily about the lordship.

Viala.[515] In the two categories covered so far, the Parlement does not appear to show any special treatment towards *seigneuries*, since cases included in these categories are not about *seigneuries* specifically. Instead, *seigneuries* form a backdrop or staging ground for the issues that are at the core of the court cases.

The following two categories are considerably larger than the previous two but are not equally informative on the Parlement's position on lords and *seigneurie*. The first of these categories contain cases brought to the Parlement that concern the transmission or ownership (*saisine*) of *seigneuries*. Such cases are often conflicts between family members with conflicting claims or botched sales. While co-lords or consuls could sometimes crop up in these court cases, they were rarely involved as litigants. As these cases rarely inform the reader about the relationships between the different actors within the *seigneurie*, any policies the Parlement may have implemented are harder to discern.

This overarching category of transmission and *saisine* is subdivided into several subcategories (see Table 25), based on the way a *seigneurie* or property came – or was supposed to come – into a litigant's possession. All but one of these categories are based on references in the sources. In some cases, the references are noticeably clear. When in 1500 Anne de Noé had a dispute with her brother-in-law Raymond Pagèse an *arrêt* made for this case stated that she was the plaintiff in a case of *saisine* (*demanderesse en cas de saisine*).[516] The category titled 'contested property' deviates from this rule, since sources in this category did not reveal the exact cause of the conflict. In 1446, for

[515] Viala, *Le Parlement*, 100–123.

[516] *Entre Anne de Noé, damoiselle, vesve de feu Bertrand Pagese en son vivant, escuier, seigneur d'Azas, impetrant et demanderesse en cas de saisine et de nouvelleté et autrement appellée d'une part* (…) ADHG, 1B 11 *Anne de Noé vs Raymond Pagèse*, 14/04/1500,

example, Guillaume de Voisins was accused by his brother Jean de Voisins of refusing to sell and move out of the castle of Ambres. Initially, Guillaume had obtained a delay on account of his wife who was due to go into labour, but even after the birth of his child, he had yet to move out.[517] Neither the document nor any other sources pertaining to the same case elucidate the cause of this issue.[518]

Table 25: Transmission and *saisine*.	*Total*	1446-1466	1481-1502	1523-1541
Contested property	2	1		1
Donation	1		1	
Inheritance	7	3	2	2
Sale	5		3	2
Usufruct	1		1	
Widowhood	3	1	2	
Total	19	5	9	5

The other categories are relatively straightforward. Inheritance cases are usually conflicts on the exact division of inheritable goods and property among presumptive heirs. For example, in 1502 the Parlement declared that half of all possessions of the late lord of Montagut, Pierre Blanc, which included three *seigneuries*, would belong to the

[517] ADHG, 1B 1 *Jean de Voisins vs Guillaume de Voisins*, 7/01/1446, 42r.

[518] Neither do other documents pertaining to this case. See e.g.: ADHG, 1B 2298 *Guillaume de Voisins vs Jean de Voisins*, 23/11/1445, 15r. There are indications this conflict between the brothers is a fork from another case between Odet de Voisins and Jean and Guillaume, but I cannot establish this for certain. ADHG, 1B 2298 *Odet de Voisins vs Guillaume de Voisins and Jean de Voisins*, 17/03/1446, 154v-155r.

next lord of Montagut also named Pierre Blanc.[519] The Parlement's position on sales is also difficult to establish since their decisions are either to enforce the sale or to reverse it, without motivating its sentences – as was the case with the transaction between Jean de Gavarret and the consuls of his *seigneurie* of Saint-Léon and the enforcement of the *arrêt* of 1489 in favour of Guillaume de Savinhac, respectively.[520]

The final two subcategories of transmission and *saisine* are usufruct and widowhood. In this context, I use widowhood to refer to *provisions* made by and for a widow and her family which emerged spontaneously when a husband died without having made sufficient arrangements for his wife. I treat them together because the Parlement appears to have employed the same legal principles as they used for a widow's usufruct. Like the others, this subcategory is tiny, but cases relating to postmortem transmission are in fact relatively common among nobles.[521] The narrow sample of cases is the result of the selection criteria I imposed upon the sources. Widowhood was common in the centuries under discussion but, as I showed in Table 7 in Chapter 2, families with two or more *seigneuries* were rare since most families had only one *seigneurie*. This means many of these cases tended to come from more affluent noble families, as will be evident from the examples below. The transmission of a single seigneurie was more straightforward.

In cases of usufruct and widowhood, the Parlement appears to have implemented longstanding legal principles unrelated to *seigneuries*, such as the rules for inheritance; these tended to favour male heirs over women, allowing men to designate an heir or

[519] ADHG, 1B 11 *Pierre Blanc vs Guy de Levis and Gary de Narbonne*, 12/05/1502, 603v-604r.

[520] ADHG, 1B 10 *Consuls de Saint-Léon vs Jean de Gavarret*, 13/04/1496, 83r-83v; ADHG, 1B 10 *Guillaume de Savinhac vs Jean de Savinhac*, 26/07/1496, 151v-152r.

[521] Florence Romeo dedicated her doctoral thesis to the broader topic: Romeo, 'Les affaires successorales'.

heirs in their last will and testament.[522] One case where a woman tried to inherit when according to legal principles she could not, was that between François de Castelverdun, who at the time was underage, and Delphine de Voisins. Delphine was the widow of Jean de Castelverdun, lord of Caumont, who prior to his death had willed his estate to François de Castelverdun, the son of his brother. Delphine, a childless widow and therefore fearing to be rendered penniless, produced a plan that was discovered. The Court stated that she pretended to have been impregnated just before her husband's demise and even produced a child named Jean-François as evidence. She argued during the case that her alleged son, not François, should inherit. Her pregnancy was considered suspect from the start since the Parlement put her on house arrest in the castle of Terressingues and had all pregnant women of that *seigneurie* guarded.[523] The case took four years, much of which Delphine spent in prison, and concluded with her confession and subsequent perpetual banishment from France.[524]

Another legal principle that the Parlement put into effect was the unrestricted use of landed property by a widowed lady.[525] For example, Antoinette Vidal, the widow of Raymond Grimoard, lord of Villebrumier, was allowed 'to enjoy and manage by her own hand during her life, as a widow and in all honesty, each and every one of the *cens*, rents, *seigneuries*, rights, profits, and incomes which the said late Raymond used to have and were belonging to him at the time of their marriage contract', provided these lay on the

[522] Romeo, 'Les affaires successorales', 49.

[523] ADHG, 1B 10 *François de Castelverdun vs Delphine de Voisins*, 4/12/1495, 13r.

[524] ADHG, 1B 10 *François de Castelverdun vs Delphine de Voisins*, 10/02/1499, 395v-398r.

[525] Emmanuelle Santinelli, *Des femmes éplorées? Les veuves dans la société aristocratique du haut Moyen-Âge* (2003), 325.

left bank of the Tarn.[526] In most of the cases I analysed the Parlement showed a great concern to provide a widow with an income and lifestyle befitting of a noble lady. For instance, Ysabeau de Castelnau, the widow of Raymond-Arnaud de Coarase, lord of Aspet, was guaranteed an income of one thousand *livres tournois* each year, and if Aspet could not provide this income she was allowed to levy the difference on the neighbouring estates that used to be owned by her husband.[527] In the case of widow Anne de Billy, the *arrêt* is less specific: she had to be given 'fitting lodgings' in 1460.[528] Six years later, the Parlement accepts as a fitting lodging the castle of Plieux over which, according to the *arrêt* from 1466, she had full control, and could appoint seigneurial officers.[529] The care displayed by the Parlement shows that it assumed that holders of usufruct and widows, who were usually women, were to hold all the rights and responsibilities that came with possessing a *seigneurie*, even if their tenure was seen as temporary.

Overall, in the category of transmission and *saisine,* the Parlement appears to have treated *seigneuries* as property. This was not an innovation made by the Parlement – quite the opposite: it was simply the continuation of rules implemented centuries

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[526] *La court ordonne que ladite Anthoinete joyra et levera par sa main elle vivant viduelement et honestement tous et chacuns les cens, rentes, seigneuries, droiz, proufiz, et emolumens lesquelz ledit feu Raymond souloit avoir et lui appartenoient au temps du contract de leur marriage deça la riviere de Tarn, c'est a savoir du costé de Thoulouse.* ADHG, 1B 6 *Antoinette Vidal vs Jean Grimoard*, 24/05/1482, 65r.

[527] ADHG, 1B 4 *Ysabeau de Castelnau vs Jean de Caraman and Catherine de Coarase*, 19/07/1476, 323r.

[528] *[L]edit defendeur baillera à ladicte demanderesse habitaton convenable en une des places de la seigneurie de Faudoas.* ADHG, 1B 2 *Anne de Billy vs Jean de Faudoas*, 27/09/1460, 165r-165v.

[529] *[Anne de Billy] aura et tiendra pour son habitation les chastel de Plieux entièrement et prendra par sa main tous et chacuns les fruiz, pourfiz, cens, rentes, revenus et emolumens dudit lieu et de ses juridictions et appurtenances jusques a la valeur de ladite provision et nommera tells officiers qui lui plaira pour ses juridictions*. ADHG, 1B 3 *Anne de Billy vs Jean de Faudoas*, 28/11/1466, 75v.

before as the *seigneurie* had emerged precisely when public claims to governance became conceptualised as private property rights.[530] Lords and ladies had been inheriting, selling, and otherwise treating *seigneuries* as property since at least the tenth century.[531] Importantly, this way of engaging with lords and ladies – as owners of seigneurial property – coloured the expectations and policies the Parlement developed regarding *seigneuries* in cases that were not centred around *seigneuries* as a possession, as was the case in the category of transmission and *saisine*.

In litigation regarding other seigneurial rights, such as rights of justice, the Parlement did not treat *seigneuries* as personal possession but as a legitimate institution for the expression of public authority. These rights are contained in the final and largest category – largest only by virtue of an uptick in related cases in 1523-1541. This uptick is likely due to the phenomenally successful royal campaign to collect homages and *dénombrements* from nobles in Languedoc, undertaken by royal commissioners between 1539 and 1541 (see the Introduction). As a result of this campaign, hundreds of *dénombrements* were created in a brief period of time. According to Viala, the *dénombrement* was a crucial document in court cases regarding possession. In his research on the Parlement, he stated that it accepted the *dénombrement* as proof for the possession of the fiefs mentioned within them.[532] As a likely consequence, the large-scale creation of such documents would also cause an uptick in court cases.

Just like in the previous category, the cases in this group are varied, but here it is due to the great diversity of seigneurial rights. Chapter 1 showed how only a select few

[530] West, *Reframing the Feudal Revolution*, 1–10.

[531] Alessio Fiore, 'Refiguring Local Power and Legitimacy in the Kingdom of Italy, c.900–c.1150', *Past & Present*, ccxli (2018), 34.

[532] Viala, *Le Parlement*, 144.

rights (rights of justice and the *directe*) were considered essential to the conceptualisation of the *seigneurie*, but lords, ladies, consuls, and other holders of seigneurial rights did not neglect the others. Yet each of these groups valued and sought to protect different rights. Consequently, it is the diverse types of litigants which are the greatest determining factor for which seigneurial rights are contested in each case. Out of the twenty cases counted in this sample, two are between a vassal and his overlord, eight are between lords, and the remaining ten are the result of a conflict between lords and consuls. In each of these subcategories, the different concerns between each group of litigants emerge.

In the two cases where a vassal and his overlord came into conflict before the Parlement, it was about doing *reconnaissance*. This was an action akin to homage by the tenant of a small infeudated territory to their lord or lady. The tenure, which could be a rent, a field, or even a farm, would be described in a register. In 1541 the Court ordered Jean du Faure, a notary and *secretaire du Roi*, to do the *reconnaissance* to Arnaud-Guillem d'Ornesan, lord of Auradé, since the lands and wood Jean owned were part of the *directe* of Auradé.[533] Here, as in the other case, it is not explained why du Faure and others in a similar situation objected to doing the *reconnaissance*, but it was likely due to an omission of the reconnaissance or homage in a document of ownership. Such an omission could be intentional, as was claimed by Pierre Faure and his wife, co-lords of Pibrac versus their tenants; or it could be accidental as the lord of Maureville explained in his 1540 *dénombrement*: 'And otherwise I hold by acquisition done by me of the place

[533] A seigneur direct, who held a *directe*, was the legal owner of lands that he or she divided into fiefs or censives that were managed by his vassals. Martin Robert 'Direct', CNRTL Lexicographie (2015) (https://cnrtl.fr/definition/dmf/direct). Accessed 28/10/2022; ADHG, 1B 34 *Gauside Doulx and Pierre Faure vs Consuls de Pibrac*, 18/03/1541, 185v-187v.

of Mourville-Basse (...) seated in the County of Caraman, seneschalsy of Toulouse, under fealty and homage to the king, since the Parlement of Toulouse transferred it to me without any homage to the count of Caraman.'[534] This claim would not necessarily have stood up to scrutiny, since there are *arrêts* in which the Parlement overturned this kind of reasoning.[535]

The second of the three subcategories related to seigneurial rights consists of lords and ladies suing each other over seigneurial rights. These are most often cases between co-lords but can also be between lords or ladies of different *seigneuries*. Many of these cases relate to the ownership of certain goods or properties. For example, in 1541 the Parlement took on a case between Pierre Coutoux, lord of Maureville, and Barthelemy Virnet. In his *dénombrement*, Coutoux claimed to have purchased the whole of the *seigneurie* of Tarabel.[536] Barthelemy Virnet, however, assured the court that he owned one-twelfth of Tarabel and that he had done so since 1535. This was a full three years prior to Pierre's acquisition of the *seigneurie*.[537] In other cases, the underlying issue was a lack of funds. For instance, such cases plagued the Ysalguier family, who according to Philippe Wolff struggled for much of the fifteenth and sixteenth centuries

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[534] *Et en oultre tiens par acquisition par moy faicte du lieu de Mourville (...) assiz dans la conté de Carmaing seneschaucée de Thoulouse soubz la foy et hommage du Roy pource que par la court de Parlement à Thoulouse ma este baille sans aucun hommage dudit conte de Carmaing (...)* AMT, EE2 *Pierre Coutoux*, 27/10/1540, 119r-120r.

[535] In the case of Alexi Ricolh, the Parlement ordered that Alexi needed to do the *reconnaissance* just like the original seller had done before the sale. ADHG, 1B 33 *Maffré de Voisins, vs Alexi Ricolh*, 4/09/1540, 456v.

[536] *Dis que tiens par acquisition par moy faicte les lieux de Tarabel Bunhac avec juridiction moyenne et basse, mere et mixte impere, chasteau, maison, moulis d'eaux et a vent et pastellier pre et terres nobles et certain cens et rentes (...)* AMT, EE2 *Pierre Coutoux*, 27/10/1540, 119r-120r.

[537] Even though the Parlement set this document aside. ADHG, 1B 34 *Pierre Coutoux vs Barthelemy Virnet*, 6/05/1541, 271r-271v.

to pay their debts.[538] Their inability to pay off debts led to several court cases. In the case between Arnaud du Prat, lord of Esperce, and Guy Ysalguier, the Parlement gave Arnaud leave to compile a list of Guy's possessions and it also sanctioned a public sale of the listed properties.[539] Usufruct, or rather the objection to it, was another common issue. In Chapter 3, I already mentioned the dispute between Antoine de Morlhon, lord of Sanvensa, and Catherine Balaguier over the usufruct of Castelmary in 1480.[540] While the Parlement forbade Catherine from alienating any dependency of the *seigneurie*, it also convicted Antoine to pay a fine if he tried to interfere with the management of Castelmary.[541] Another case, this time for the *seigneurie* of Montferrand, played out in much the same way.[542]

The last point of contention between co-lords was the extent of the power any one of them wielded in relation to the other. In 1539 Bernard de Polastron appealed in a case

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[538] This would eventually lead to a general impoverishment of all branches of the family. Their debts were partially incurred by devastation during the Hundred Years' War and by engaging in a substantial number of cases before the Parlement. In my survey, the family Ysalguier was indeed very present. The Ysalguiers sold much of their property in this period. Contained within the *dénombrement* of Michel de Vabres written the year before, in 1540, is a survey of thirteen lordships and other properties sold by Jean Ysalguier, lord of Castelnaudary. AMT, EE2 *Michel de Vabres*, 24/10/1540, 137v-139v. Wolff, 'Les Ysalguier de Toulouse', 49–53.

[539] ADHG, 1B 34 *Arnaud du Prat vs Guy Ysalguier, Jacme d'Espagne, and Germaine Ysalguier*, 28/05/1541, 314v-315r

[540] ADHG, 1B 5 *Antoine de Morlhon vs Catherine de Balaguier*, 20/12/1480, 455-456. For some reason 1B 5 has page numbers instead of folio numbers.

[541] *Et defend la Court audit de Morlhon a la peine de cent marcz d'or de non faire mectre ne donner par lui ou autres directement ne indirectement aucun destourber ou empeschement a icelle de Balaguière (...) Et a icelle de Balaguière sur peine de la perdicion dudit usufruict de non aliener gaster dissiper ne deteriorer les edifices, possessions, rentes et revenus dudit Chastelmarin (...)* ADHG, 1B 5 *Antoine de Morlhon vs Catherine de Balaguier*, 20/12/1480, 455-456.

[542] [*E*]*t tant que touche ladicte de Marestaing sera dit qu'elle fait bien à recevoir, comme opposant quant à l'usufruict de la place et seigneurie de Montferrand et ses appartenances, et quant à ce a declairé et declaire la court n'y avoir lieu d'adjudicacion de decret, et sans despens, tant que concerne icelle de Marestaing* ADHG, 1B 34 *Jean de Golard vs Jean-Jacques d'Astarac, Anne de Narbonne, Catherine de Marestaing*, 28/05/1541, 315r-315v.

against Saux-Gaissies Nébiac dit de Polastron. Saux-Gaissies was the co-lord with the largest share (five-eights), and Bernard was the co-lord for the remaining three parts. The disparity between the co-lords emerged after Saux-Gaissies made several purchases of rents and goods within the *seigneurie*, likely taking advantage of the impoverishment of the Martres.[543] The Martres had been lords of Polastron from as early as 1465, but in 1512 the Parlement commanded Jean de Martres to sell Polastron if he and his co-litigants could not raise the funds required of them.[544] It is likely at this point that Saux-Gaissies and Bernard de Polastron – or their predecessors – acquired their shares of

[543] The financial issues faced by the Martres stemmed from a cluster of cases, many of which were taken up by the Parlement. The case between Jeanne de Vaques and Jean de Martres, and the related cases that preceded it, began in 1470 when Bourgine de Martres was to receive the lordship of Castelnau-Picampeau as a dowry. Problems arose surrounding this arrangement, and her brother attempted to recover the lordship though a court case. For the next sixty years, different members of the Martres family attempted to preserve their ownership of that lordship. In 1538, the problem was resolved in an agreement out of court between Jeanne de Vaques and Jeanne de Martres, that finally attributed Castelnau-Picampeau to the Goyrans family Jeanne de Martres had married into. The best overview of this case is in André Navelle, *Familles nobles et notables du Midi toulousain au XV et XVIème siècles. Généalogie de 700 familles présentes dans la région de Toulouse avant 1550*, 11 vols (Fenouillet, 1992), vii, 72–73.

[544] *et sur la place, terre et seigneurie de Polastron prinse et execucion à la requeste de ladicte demanderesse, plusamplemens specifée et designée esdites jurans criées et subhastations sera adjuge au plus offrant et dernier encherisse, et a condamné et condamne la Court ledit adjourné ès despens, tant desdictes criées et subhastations que de ceste instance et lesdiz Pierre, Bertrand, Katherine, Jehanne et Aymeric des Martres opposans en donner, et despens respectivement de leursdictes causes d'opposicions, la tauxation de tous iceulx despens reservée et devers elle, et a ordonné et ordonne la Court que se dit au premier jour du mois d'aoust prouchan venant ledit Jehan de Martres pries baillé et delivré à ladicte de Vaxis demanderesse la somme ou sommes, pour lesquelles ladicte pars et portion dudit Jehan à esté prinsé et subhastée avecques lesdiz despens ledit decret ne sera point adiugé, mais à faulte de ce faire le terme passé, il sera expedié* ADHG, 1B 15 *Jeanne de Vaques vs Jean, Pierre, Bertrand, Catherine, Jehanne, and Ameyric de Martres*, 31/01/1512, 29v-30r.

Polastron.[545] The *arrêt* of the Parlement was likely not followed to the letter since the daughter of Jean de Martres, Jeanne, was still the lady of Polastron in 1538.[546] The new co-seigneurial situation was complicated and sparked a disagreement between the two new co-lords that revolved around which rights they each had within the *seigneurie*.

The first issue the Parlement addressed in its 1539 *arrêt* was 'the intended malice in feudal matters' (*la malice intentée en matière féodale*).[547] Saux-Gaissies had been a keen purchaser of lands within Polastron and within a neighbouring place only identified as Villeneuve, including some properties previously owned by Bernard de Polastron. Saux-Gaissies believed that the purchase of the properties he acquired from a co-lord detached that part from Bernard's three-eights share and instead attached it to his shares. Subsequently, Saux-Gaissies appears to have argued that the purchases released him and his tenants from all seigneurial rights owed to the other co-lords. Specifically, he refused to pay Bernard his share of the *lods et ventes* (a seigneurial tax on the sale of property) and all the other seigneurial rents to which he was entitled as co-lord. Saux-Gaissies also extended this policy to his new tenants.[548] The Parlement's verdict and the use of the word 'malice' indicate that it disagreed. The co-lords also argued about who

[545] This is speculative, but the timing appears plausible. The earliest mention of Saux-Gaissies as lord of Polastron dates from 1526, but Bernard de Polastron was cited as lord and was embroiled in a disagreement with two consuls of Polastron as early as February 1521. ADHG, 1B 21 *Jean de Lautrec vs Guillaume Eslieu and the Procureur-Général*, 15/03/1526, 130r; ADHG, 1B 18 *Bernard de Polastron vs Gaissie de Lort,and Guillaume de Lanasperdes*, 6/02/1521, 86r.

[546] Navelle, *Families nobles du Toulousain*, 73.

[547] ADHG, 1B 32 *Bernard de Polastron vs Saux-Gaissies de Polastron*, 29/07/1539, 462r-462v.

[548] *ordonne la Court qu'il sera tenu payer audit Bernand de Polastron la part et portion qe lui appartient comme conseigneur pour les loz ventes et autres droiz deuz pour raison d'icelles acquisicions ensamble les oblies, censives et autres devoirs annuelz tout ainsi que les tenenciers d'icelle aurient acoustumé faire auparavent esdite acquistitions* ADHG, 1B 32 *Bernard de Polastron vs Saux-Gaissies de Polastron*, 29/07/1539, 462r-462v.

could take the most prominent place *(précéance)* in church, the right to have a prison, who would have the casting vote over the appointment of the new consuls, and which co-lord would be the first to receive the oath of these newly appointed consuls.[549] Bertrand, likely with the support of his father Rogier, tried to deny Saux-Gaissies the usage of the surname and coat of arms of the family of Polastron, without success.[550]

Not every conflict was as all-encompassing as the case of Polastron. In 1496, Guichard, bishop of Carcassonne, litigated against Jacques Ysalguier, lord of Clermont-le-Fort, over the low justice of Villariès in the judicature of Villelongue. The Parlement granted Guichard the low justice and a *bayle* to administer it.[551] Their decision to overturn only this element in the appeal may have been inspired by the *dénombrement* of Odet Ysalguier, who is explicitly mentioned in the *arrêt* as the father of Jacques. This *dénombrement*, dating back to 1464, clearly stated that Odet had only the high justice of Villariès.[552] Conflicts such as these tended to emerge when the boundaries between lords were not defined sufficiently clearly or were deliberately overstepped.

The third and final subcategory of rights pertains to the court cases between lords and ladies on the one hand and consuls on the other. Litigations between these two groups allow us to better understand the relationship between lords and consuls in the eyes of the Parlement. Parlement officials made a clear distinction between the roles of

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[549] ADHG, 1B 32 *Bernard de Polastron and Rogier de Polastron vs Saux-Gaissies de Polastron*, 7/09/1541, 486v.

[550] But the Parlement did not agree: *et aussi à ordonné et ordonné la Court qu'il sera permys loisible audit demandeur* [Saux-Gaissies] *user le surnom et armes de Polastron suyvant ledit arrest ainsi qu'il avoit acoustumé auparavant* ADHG, 1B 34 *Saux-Gaissies de Polastron vs Bernard de Polastron*, 7/09/1541, 486v.

[551] *Et en amendant le jugement dit sera qui'il sera permis audit evesque, prieur de Punel de povoir faire et créer, tenir et avoirs ung baile pour l'excercice de ladicte juridicion basse audit Villariers jusques à ladicte somme de LX solz Tholosains* ADHG, 1B 10 *Guichard vs Jacques Ysalguier*, 26/02/1496, 56v-57r.

[552] *(...) du lieu de Vileries avec justice haute située dans la judicature de Villelongue*. BMT, MS 635 *Odet Ysalguier*, ca.1464, 313-314.

consuls and lords. One of the clearest expressions of these distinctions emerged in the case between the consuls and co-lords of Caujac in 1523. This was a major case that touched upon several seigneurial rights and duties. The Parlement confirmed most community-based rights as being within the purview of the consuls. Outside the fort, the inhabitants were exempted from the seigneurial right of *fournage*, meaning that they could have their own bread ovens. The consuls were to oversee the use of vacant lands and woods and 'to turn the fruits, profits, revenues, and incomes of those lands into a benefit for the community and university of said place of Caujac'.[553] Most rights that the Parlement confirmed for the consuls were beneficial for the community.

However, the rights the Parlement confirmed for lords were related to the possession of lands or rents and the organisation of certain aspects of the *seigneurie*. As I highlighted before, these rights align closely with the notion of lords and ladies as owners, and *seigneuries* as possessions. In Caujac, the co-lords were allowed to continue to raise the income which was related to their *directe*. The Parlement equally emphasised this in other court cases. In a sentence from 1541 'The said Court declares and declared that the woods (...) belonged and belong to said respondents, as the lords with *directe*'.[554] The *directe* was not the only seigneurial right the Parlement guarded in this way. In a 1540 case, an *albergue* was reinstated which the consuls of Peyrens had not

[553] *Il sera dit que la Court à maintenu et garde maintient et garde lesdiz Consulz, manans et habitans dudit lieu de Caujac (...) en possession et saisine de prendre boys et forestz de ladicte juridiction tant pour servire leurs edifices et bastimens que aussi pour leur chaufaige et usaige arrenter les herbenges estans u vacans prendre et recevor les fruiz proufiz, revenues, emolumens d'iceulx les emploier et convertir au bien proufit et utilite dela communaulté et université dudit lieu* (...). ADHG, 1B 20 *Consuls de Caujac vs Bernard de Vaques and Jean-Aymeric de Serres*, 21/03/1523, 417r.

[554] *Ladicte Court a declairé et declaire les boys nommez e la Verusse de la Gynière et de la Garruisse plus à plain designez et spenfiez oudit instrument d'infeudacion avoir appartenu et appartenir ausdiz appellez, comme seigneurs directes et utilz d'iceulx*. ADHG, 1B 34 *Consuls of Peguilhan vs Arnaud-Guillaume de Comminges*, 26/01/1541, 107r.

paid to their lord in 38 years.[555] Other rights that were exclusively attributed to lords and ladies related to organisation. The co-lords of Caujac were also allowed to have a house in the local castle and 'edify it as they please,' but they were equally in charge of the maintenance of all defensive structures and the organisation of said defence, even if it was the community which was to fund these efforts.[556]

The Parlement also confirmed that lords and ladies stood higher in the hierarchy than consuls. In those few cases where *précéance* (the part of protocol that dictates which person goes first) was an issue, the Parlement gave lords and ladies preference. In 1540 Jean de Borrassier, lord of Peyrens, clashed with the consuls of the same place over the precedence a lord and his family claimed over the consuls during mass and processions, and in other places or festivities.[557] This was equally true when court cases touched upon the election of consuls. While the election itself was done by the consuls, the final choice and confirmation were done by the lord or lady. Consuls also needed to swear an oath to the lord or lady of their *seigneurie*.[558] In both cases, a lord or lady was placed hierarchically higher than the consuls.

When consuls attempted to go against this division of roles, the Parlement did not side with them in any of the cases I analysed. In 1459 the Consuls of Castanet-Tolosan launched an appeal against their lord Hugues de Latour de la Roche. The seneschal had

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[555] *Et a condamné et condamne la Court lesdits Consulz de Peyrens et pour les arreraiges idem en droit d'albergue annuelle de dix livres tournois à luy adjugie par ledit arrest et pour trente huict annees escheves en la somme de troiz cens quatre vingt livres tournois* (...) ADHG, 1B 33 *Jean de Borrassier vs Consuls de Peyrens*, 9/09/1540, 469r-469v.

[556] ADHG, 1B 20 *Consuls de Caujac vs Bernard de Vaques and Jean-Aymeric de Serres*, 21/03/1523, 417.

[557] *Et ce faisant et icellui declairant quant a ce a ordonné et ordonne que ledit Borrassier et ses femme et enfanz aurount preference de presever lesdiz consulz de Peyrens tant au siège en l'eglise offrande, reception de la paix processions que aucuns actes semblables*. ADHG, 1B 33 *Jean de Borrassier vs Consuls de Peyrens*, 9/09/1540, 469r-469v.

[558] ADHG, 1B 33 *Pierre Coutoux vs Consuls of Vendine*, 11/09/1540, 487v-488r.

previously sided with Hugues and said that the consuls of Castanet-Tolosan did not have the right to place rents on any of the lands next to the river or on the fields of the *seigneurie* without the lord's seal and permission. Moreover, the seneschal had ordered that for their misdeeds the consuls needed to 'make honourable amends and ask for forgiveness' from their lord.[559] While the Parlement accepted the appeal by the consuls, it changed very little about the original verdict. Instead, the judge appears to have been more concerned with redressing an apparent mistake made by the seneschal. He had neglected to exempt lands held by another co-lord, an unnamed church in Toulouse.[560] Perhaps to soften the blow, the requirement to make amends was dropped.[561] These examples show that the Parlement treated the *seigneurie* as a legitimate institution. In the *arrêts* of the Parlement that I surveyed *seigneuries* fulfil municipal functions and serve as the locus for the organisation of public order and defence. Consequently, *seigneuries* needed to be run properly, with the relationships between lords and consuls made explicit and clear. In later centuries the grip of royal institutions over seigneurial

[559] *(...) pour les injures a faire amende honnorable et a demander pardon*. ADHG, 1B 2 *Consuls de Castanet-Tolosan vs Hugues de Latour de la Roche*, 28/02/1459, 94v-95r.

[560] It is possible that this *église de Toulouse* mentioned in the text is Saint-Sernin, given the use of a definite article. This organisation was likely co-lord for the other half of Castanet-Tolosan. BMT, MS 635 *Hugues de Latour de la Roche*, ca.1463, 310-311. *(...) exceptez les terres et prez de ladicte église de Thoulouse et qui sont tenue d'icelle et sans prejudice d'icelle eglise, et absoult la court lesdiz appellans des impeticions et demandes dudit appelle en tant que toucher lesditz injures (...)* ADHG, 1B 2 *Consuls de Castanet-Tolosan vs Hugues de Latour de la Roche*, 28/02/1459, 94v-95r.

[561] The officials of the Parlement might have been weary of aggravating another case between the same lord and two consuls of Peyrens for which the *enquête* would be ordered two days later. According to the document, de Borrassier sued *en cas d'exces, rebellions et desobeissances*. ADHG, 1B 33 *Jean de Borrassier and Procureur-Général vs Thomas Savinh and Sicard Jalabert*, 11/09/1540, 486r.

courts would increase, yet the legitimacy of seigneurial courts would not be placed in doubt.[562]

There were equally rights where lords and consuls were expected to work together on the same level. One clear example of this expectation was the judicial rights of a *seigneurie* which could be shared between lords, ladies and consuls. In Caujac the consuls 'were in possession and ownership together with the co-lords and the *bayle* who acted for the king to exercise the jurisdiction of Caujac for all cases both criminal and civil'.[563] Here the Parlement also acknowledges that the co-lords and consuls could exercise these rights without having 'to wait for or accommodate a royal officer'.[564] Thus the text indicates that this *seigneurie* was imagined as a site of public order management even when no royal officer was present to administer justice. In Caujac, the administration of the royal share of local justice was not done by the *bayle*, but by the judge of the royal district of Rieux who also happened to be one of the co-lords. The consuls could appoint some of their own officers as well. As with most of these situations, the specifics varied per *seigneurie*, but usually such situations emerged where consuls owned, or were given a part of the high, middle and/or low justice of a place. Consequently, the influence of

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[562] Starting from 1760 the Parlement of Dijon would implement effective control over seigneurial courts by forcing through reforms, and by reminding seigneurial judges that they were required to be sworn in by a royal judge. Yet even at this late stage in the Ancien Régime lords and ladies were still expected by the Parlement of Dijon to appoint and provide a wage for seigneurial officers. Jeremy Hayhoe, 'Le Parlement de Dijon et la transformation de la justice seigneuriale', in Benoît Garnot (ed.), *Les juristes et l'argent: le coût de la justice et l'argent des juges du XIVe au XIXe siècle* (Dijon, 2005), 51–55.

[563] *En possession et saisine avecques les conseigneurs et baile pour le Roy oudit lieu de excercer la juridiction d'icelui en toutes causes tant civiles que crimineles sans attendre ne demourer autre officier dudit seigneur.* ADHG, 1B 20 *Consuls de Caujac vs Bernard de Vaques and Jean-Aymeric de Serres*, 21/03/1523, 417.

[564] (...) *de excercer la juridiction d'icelui en toutes causes tant civiles que crimineles sans attendre ne demourer autre officier dudit seigneur.* ADHG, 1B 20 *Consuls de Caujac vs Bernard de Vaques and Jean-Aymeric de Serres*, 21/03/1523, 417.

any one group – consuls, lords, the king – varied between *seigneuries*. While in Caujac each was confirmed to have had a share, in Castelgarric the situation was very different. Despite litigation by the consuls, the Parlement ruled that 'the high, middle, and low jurisdiction, merum and mixtum imperium (...) had belonged and belongs' to Bertrand de Castelpers, lord of Castelgarric.[565] Yet, in places where lords and consuls shared such rights, the Parlement worked under an expectation of cooperation, which it was quite ready to enforce. The consuls of Lescure requested that the court impressed upon their lord Jean de Lescure the requirement to appoint an officer whose task it was to implement the *ordonnances* and judgements promulgated by the consuls. In the subsequent *arrêt,* the Parlement did so.[566]

To sum up, my review of the available evidence yields a wide range of different types of cases and the way the Parlement of Toulouse treated them. In comparison to the overall number of cases, in my sample criminal and financial cases are underrepresented. Nevertheless, each of these categories showed how lords, ladies, their officers and their *seigneurie* could become entangled in different judicial confrontations. The sentences, sparse as they are and silent on their precise legal reasoning, show how the Parlement acted as a protector of justice. It did so when it forced the seigneurial officers of Castelbajac to release a prisoner so she could attend

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[565] *Il sera dit que la court declaire la juridicion, haulte, moienne et basse, mère et mixte impère desdiz lieux de Chasteaugarric et de Pauties et leurs appartenances avoir appartenu et appartenir audit pupille et les lui a adjugé et adjuge la Court* ADHG, 1B 6 *Consuls de Castelgarric vs Bertrand de Castelpers,* 14/04/1484, 232r-233r.

[566] *(...) et en entrevenant la requeste baillée par lesdiz sindic et consulz quant à ce ordonné la Court que ledit de Lescure sera tenu faire mettre et deputer audit lieu ung agent pour faire les exploitz messures necessaires et mettre à execucion les appoinctemens et ordonnances, qui seront donnez par lesdiz consulz, comme a mis excercice de la juridiction oudit lieu, ainsi que leur a esté adjugé par l'arrest de la Court.* ADHG, 1B 34 *Jean de Lescure vs Consuls de Lescure*, 28/05/1541, 316r.

her appeal. It also imagined *seigneuries* and lords and ladies as part of a web of institutions that were expected to provide public order to society in Languedoc. Through cases from the other two categories, which were the transmission or ownership of *seigneuries* and seigneurial rights, I showed how the Parlement also tried to be considerate of involved parties that held these rights to public governance as private property rights. It protected widows and usufruct by attempting to impose legal principles.

In the cases I surveyed the Parlement strove for a balance to make its verdicts more palatable to the litigants. Catherine de Balaguier, for instance, kept her usufruct but was forbidden from alienating any properties. This had been one of the demands of her adversary, Antoine de Morlhon. Antoine had to pay her a fine and the officers that were caught in-between them were reappointed.[567] The same is true in cases that pitted lords and consuls against each other. The consuls of Castanet-Tolosan appealed but lost. To soften the blow the Parlement removed the humiliating requirement to beg their lord for forgiveness. These efforts by the Parlement to render its verdicts more acceptable are illustrative of the position of conflict mediation that the royal administration often chose over attempting to forcibly impose its *arrêts*.[568]

[567] ADHG, 1B 5 *Antoine de Morlhon vs Catherine de Balaguier*, 20/12/1480, 455-456.

[568] Firnhaber-Baker, 'Jura in Medio', 451.

Seigneuries during litigation: *main du Roi* and provision

By its nature, litigation was not an amicable affair. Criminal cases, especially the most egregious ones, were accompanied by a court-sanctioned sequestering of lands and goods. In civil suits, the antagonised litigants could object to the usage or management of a seigneurial estate by their opponents. In such cases, the Parlement could establish a management protocol for the duration of the trial. At their disposal were two very different mechanisms: *main du Roi* and *provision*. These two protocols functioned similarly to the royal safeguard. All were conferred upon request by a petitioner and were intended to apply to a specific case, rather than the whole of France. And yet they were conferred under different circumstances and by a different authority. As the name implies, the intention of the safeguard was to protect an individual or a group from harm. In practice, this harm was often perpetrated by lords during seigneurial wars.[569] To respond to this threat the safeguard was a privilege granted in the form of a letter by the king. *Main du Roi* and *provision*, however, were not suited for such extreme circumstances, in fact, they were measures put in place for less precarious situations and – in civil cases at least – were to be lifted once the court case ended and an agreement was reached. In this section, I discuss *main du Roi* and *provision*, how they functioned and how they were implemented. I also argue that these protocols constituted a huge incursion of royal power into the internal affairs of a *seigneurie*, which lords and ladies under ordinary circumstances would have been unlikely to accept. Instead, their temporary nature plus the advantages lords and ladies

[569] Justine Firnhaber-Baker, 'Seigneurial War and royal Power in Later Medieval Southern France', *Past & Present*, ccviii (2010), 70–72.

experienced from these mechanisms could make them palatable, which in turn strengthened the authority of the Parlement.

Main du Roi was a court-sanctioned sequestering of lands and goods, but in practice, it meant that a royal official was put in charge of the management of the estate.[570] Liêm Tuttle notes that the royal officials held on to the income from these goods until the end of the court case.[571] *Main du Roi* was different from confiscation,[572] and in theory, at least, possession or property placed under the *main du Roi* would be returned to the owner, or their relatives who would ordinarily inherit, following the conclusion of the court case.[573] This happened to Marie du Pré, lady of Ferrals. In an *arrêt* dated March 1452, the Parlement returned to her the lands it had previously placed under the *main du Roi*.[574] This was the same in civil and criminal cases. For example, Thibaut d'Espagne, the forger of money we met earlier in this chapter, likewise had his possessions placed under the *main du Roi*. In June, the Parlement 'took and placed actually and in fact in the *main du Roi* through good and loyal inventory and will be governed under it until it is otherwise ordered by the Court'.[575] The Court

[570] Liêm Tuttle, 'La main du Roi, ou les origines médiévales du séquestre judiciaire d'après la jurisprudence du Parlement de Paris (XIIIe-XVe siècles)', in Olivier Descamps, Françoise Hildesheimer, and Monique Morgat-Bonnet (eds.), *Le parlement en sa cour: études en l'honneur du Professeur Jean Hilaire* (Paris, 2012), 502, 512.

[571] Tuttle, 'La main du Roi', 523.

[572] The distinction between *main du Roy* and confiscation was not always clear and sometimes led to discussions, as mentioned in Viala, *Le Parlement*, 52.

[573] I say 'in theory', since Liêm Tuttle remarks that the possessions under the *main du Roi* could also be sold off to pay off the creditors of insolvent heirs. Tuttle, 'La main du Roi', 525.

[574] ADHG, 1B 1 *Robert bishop of Magelonne vs Marie du Pré*, 26/03/1452, 209r-209v.

[575] Les biens dudit defendant seront pris et mis reaument et de fait à la main du roy par bon et loyal inventaire et soubz icelle gouvernez jusques a ce que par la court en soit autrement ordonné ADHG, 1B 1 *Procureur-Général du Roy vs Thibaut d'Espagne*, 8/06/1448, 100r.

ordered otherwise on the penultimate day of August after Thibaut presented them with a royal pardon letter (*lettre de rémission*).[576]

In both examples, the same procedure is used, but the reason for its implementation was different. For Thibaut d'Espagne the measure was a punishment and targeted by name the two places where he had forged the coins. In civil cases the measure was used for a different reason: it was intended to diffuse heightening tensions. Verlhac-Tescou had been placed under the *main du Roi* and the situation there had been explosive. Consuls and inhabitants of Verlhac-Tescou had cursed their lord – the Parlement called it blaspheming, among other things – plus carried weapons and convened illicitly.[577] Removing the lord and consuls from the management of the *seigneurie* could prevent further provocations between the two parties. Diffusing tensions was not the only reason to implement this policy, as is illustrated by the second example. In 1446, when Jean de Voisins levelled the accusation against his brother Guillaume that he had no intention of selling the castle of Ambres, the Parlement placed the whole estate under the *main du Roi*.[578] In this case, *main du Roi* was used to force Guillaume to move out and sell the castle as the Parlement had previously decreed. The

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[576] ADHG, 1B 1 *Procureur-Général vs Thibaut d'Espagne*, 30/08/1448, 111r. The Parlement did not record the contents of this letter, but it is likely the pardon from 1445, in which mention is made of Thibaut's difficulty to regain his properties. AN, JJ177 *Lettre de rémission of Thibaut d'Espagne*, 10/1445, 55v. This case is also briefly discussed in Pierre Prétou, 'La contrefaçon de la valeur monétaire à la fin du Moyen Âge français', in Olivier Caporossi and Bernard Traimond (eds.), *Fabrique du faux monétaire du Moyen Âge* (Toulouse, 2012), 45.

[577] *Et touchant la matière desdiz excès sera dit que pour reparacion des congregacion illicite, port d'armes, (…) blasfemies, opprobres, injures et autres excès admis par lesditz Consulz, manens et habitans à l'encontre dudit de Bosquet leur seigneur (…)* ADHG, 1B 9 *Consuls de Verlhac-Tescou vs François de Bosquet*, 30/07/1494, 336v-337v.

[578] *Et sur ce ene deliberacion la Court a donné et donne audit Guillaume de Voisins, terme et delay de vendre ladicte place et forteresse (…) il sera tenu vider et partir lui et tout son mesnage de ladicte place sur peine deperdicion de cause. Et neantmoins ladicte place sera ce pendant gouvernées soubz la main de Roy reamant et de fait par bons et souffisans commissaires (…)* ADHG, 1B 1 *Jean de Voisins vs Guillaume de Voisins*, 7/01/1446, 42r.

last reason to extend the *main du Roi* that I traced in the records of the Parlement was a duty of care. In the year before her final sentencing, Delphine de Voisins fell gravely ill in the Conciergerie, the Parlement's prison. The Court dispatched two royal commissioners, Claude de Vabres and Anne de Laubespin, to raise a hundred *livres tournois* from the *seigneurie* of Caumont. This sum would be allocated to her treatment when it was required.[579] While this document uses the term '*provision*' to denote the Parlement's action, other documents highlight that the estate was already under the *main du Roi*, which was lifted in 1499 at the conclusion of the court case.[580] This explains why the Parlement did not command one of the litigating parties to raise the funds, but instead sent two royal commissioners.

Provision was, however, a separate if informal category with which the Parlement could exercise its authority over *seigneuries*. In general, across the cases I have analysed, the *provision* applies during a court case and is intended either to provide an income to a litigant or to establish management over a contested *seigneurie* that is acceptable to all litigants. A key difference between *main du Roi* and *provision* is that the management of contested rights or properties is not handled by royal officials but by one or more of the litigants. In the cases of transmission I analysed, *provision* was usually geared towards the support of a widowed wife. Such was the case for Ysabeau de Castelnau in

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[579] *Pour donner provision à la personne de la Dame de Caumont prisonniere et ainsi que a esté rapporté à ladicte court griefvement malade ès choses requerans provision neccessaire et prompte la court a commis et abmect maistres Clande de Vabres et Anne de Laubespin conseillers du Roy en ladicte court.*
Et il a esté ordonné en oultre que pour fournir aux alimens de ladicte de Voisins, et aux despens et fruiz du procès d'entre elle et Arnaud-Guillaume de Chasteauverdun, sera prinse et levée de et sur les biens somiz et revenue des terres et seigneures de Caumont et Terrescuques la somme de cent livres tournois et apportée et mise devers la court pour par elle y estre distribute ainsi que sera neccessaire. ADHG, 1B 10 *Provision for Delphine de Voisins*, 23/01/1498, 386v.

[580] ADHG, 1B 10 *François de Castelverdun vs Delphine de Voisins*, 10/02/1499, 395v-397v.

1464, widow of Raymond-Arnaud de Coarase, once lord of Coarase. She was granted permission to live in the castle of Aspet, and its revenues were to serve as her *provision* for the duration of the case. However, the Parlement also permitted her to administer seigneurial justice as well as other seigneurial rights of Coarase.[581] In other types of cases, the stipulations surrounding *provision* were different. In the dispute between the co-lords of Bram, the Parlement ruled all parties needed to organise Bram's seigneurial court jointly 'by means of *provision* without prejudice to the rights of the parties'.[582] This indicates that they had not done so before, and depending on the results of the case they might not have had to continue after. In some cases, the Parlement even added a stipulation that the income generated from *provision* during the trial had to be refunded by the losing side. The case between Pierre Coutoux and Barthelemy Virnet included such a clause.[583]

Both *provision* and *main du Roi* were not used exclusively in relation to *seigneuries*, but the fact that lords who carefully guarded their seigneurial rights and privileges accepted and made use of these two systems is quite telling. *Provision* and *main du Roi* were considerable invasions into the affairs of lords and ladies and of *seigneuries* in general. For lords and ladies such arrangements could result in a change of income,[584]

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[581] ADHG, 1B 2 *Jean de Caraman and Catherine de Coarase vs Ysabeau de Castelnau*, 14/03/1464, 383r.

[582] *(...) le tout, par maniere de provision sans prejudices du droit des parties*. ADHG, 1B 10 *Philippe de Voisins vs Procureur-Général, Syndic of the Monastery of Pouilhan, and Consuls de Bram*, 1/03/1499, 407v-408v.

[583] (...) *par maniere de provision sans prejudice du droit des parties aisques à ce que autrement en soit ordonné et en baillant caution de les rendre (...)* ADHG, 1B 34 *Pierre Coutoux vs Barthelemy Virnet*, 6/05/1541, 271r-271v.

[584] See for instance in the *dénombrement* of Michel, Jean, and Thomas de Piscatoribus who benefitted from an arrangement of *provision*: *Et premièrement declaire et dénombre que je baille et tiens en foy et hommage dudit seigneur dedans la viguerie dudit Thoulouse la tierce partie des biens de la place de Saint-Symon avec ses appertenences sans aucune juridiction haulte, basse et moyenne a moy bailler de ses enfans pupilz par maistre Mariet d'Augilbauld (...) par*

while also altering the relationships between different parties within the *seigneurie*. Through these protocols, the Parlement could interfere in which seigneurial officers were to be appointed, whether a lord or the consuls could exercise justice, or how many fractions of a co-lordship were allotted to each co-lord.

Lords and ladies could tolerate and even welcome such arrangements for two reasons. First, while very powerful, neither protocol constituted a permanent danger to seigneurial power in general. I already noted above, in the Litigation and *Seigneuries* section, that the Parlement envisioned a distribution of power within a *seigneurie* in which lords and consuls each had a defined role to play. Second, both *provision* and *main du Roi* had to be requested by at least one of the litigants.[585] This laid the initiative for implementation on the shoulders of the litigants. The specifics of these arrangements were likely equally the fruit of discussions between the litigants since they contain traces of compromises. One such compromise I have mentioned earlier: Pierre Coutoux and Barthelemy Virnet agreed to let Barthelemy enjoy a part of the *seigneurie* of Tarabel despite Pierre claiming the whole *seigneurie*. The compromise was that the losing party was to refund the income gained during the run of the court case.[586]

Moreover, lords and ladies contesting seigneurial rights had an excellent reason to favour such agreements, as these removed uncertainties. The absence of clarity during a lengthy court case was felt especially hard in Pibrac in 1541. Pierre Faure and

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division et arrest de la court de Parlement de Thoulouse par maniere de provision (...). Et laquelle tierce partie de ladite place de Sainct-Simon (...) par maniere de provision peult valloir tous les ans rente et revenu (...) la somme de soixante livres tournois. AMT, EE2 *Michel, Jean, and Thomas de Piscatoribus*, 25/10/1540, 146v-147v

[585] For a request of *provision*, see ADHG, 1B 2297 *Ysabel de Ferreol vs Raymond Bernard*, 9/06/1444, 1. For *main du roi* see Tuttle, 'La main du Roi', 509.

[586] ADHG, 1B 34 *Pierre Coutoux vs Barthelemy Virnet*, 6/05/1541, 271r-271v.

Gauside Doulx, as well as the other co-lords, had been embroiled in a lengthy court battle regarding the division of their *seigneurie*.[587] In Pibrac the coseigneurial division was defined territorially, but over time the internal borders had become blurred. Since no *main du Roi* or *provision* was implemented the co-lords could no longer effectively police their seigneurial rights.[588] Pierre Faure reported that as the court case dragged on, usurpation became common:

> 'Because the said trouble, when one of the co-lords infeudated twenty arpents of land, they (the inhabitants) took thirty or more, (...) and says that when one of said co-lords asked for the rights and sales, they said that they had infeudated from the other co-lord.'[589]

At this point, the rifts between the co-lords appear to have run too deep for them to organise a proper response. The situation deteriorated further when upon selling properties the instruments of sale would omit any seigneurial rights, and consequently, they would repeatedly refuse to do reconnaissance to Gauside and her husband.[590] All of

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[587] When the case began is not clear: according to the 1541 document the case went on for forty to fifty years, but resolutions on the case were given in 1525, in 1532, and in 1535. ADHG, 1B 28 *Syndic of the Monastry of Levinhac vs Gauside Doulx and Pierre du Faur vs Jean, Bernard, and Bertrand Raspaud vs Jacques de Beauregard*, 24/4/1535, 203r-204v.

[588] *et pendant ledit long cours de proces estans, iceulx droictz seigneuriaulx en confusion les paysans aucunes foiz prenoient a nouveaulx fiefz des terroirs vaquans de ladicte juridicion de l'un conseigneur les autres de l'autre.* ADHG, 1B 34 *Gauside Doulx and Pierre Faure vs Consuls de Pibrac*, 18/03/1541, 185v-187v.

[589] *A cause duquel trouble, quant affiefuroient de l'un desdiz conseigneurs vingt arpans de terre en prenoient trente ou plus (...) et dit que l'un desdits conseigneurs demandoit entrees droictz et ventes ilz disoient avoir affiefut de l'autre conseigneur (...)* ADHG, 1B 34 *Gauside Doulx and Pierre Faure vs Consuls de Pibrac*, 18/03/1541, 185v-187v.

[590] *desquel les navoit esté appellé aus à icelle acquiesée plusieurs commandemens ay ont esté faict ausdiz Consulz et habitans dudit lieu de Pibrac de venir recognoistre iceulx conseigneurs pour leurs cottiez et payer les cens, rentes, censives, lez ventes, àgriers et autres droictz seigneuriaulx (...) Et ce faisant monstrer et exiber leurs instrumens de affirfuement et recognoissante ont ilz reuse de ce faire, mais qui pis est jornellement les uns achaptent des autres, sans*

these issues stemmed from the uncertainty created by the disagreement between the co-lords and their failure to effectively implement a temporary arrangement on their own.

The case of Pibrac shows that by offering *main du Roi* and *provision*, the crown – through its courts – fulfilled a need experienced by lords and ladies in times of crisis. In turn, such a royal intervention shows that *seigneuries* were not conceived as isolated judicial realms, but instead were entities enmeshed with the polity of Languedoc as a royal principality. As I showed in Chapter 3 in my analysis of the *doléance* of the Estates of Languedoc of 1456, this view was shared between the crown and lords. Yet, such expressions of royal power were only palatable to lords because it was not all-encompassing, was limited in scope, and in these cases only applied upon the request and with the input of the lords and ladies themselves.

specifier les cens et rentes que font lesdiz fiefs vendu ausdiz conseigneurs et après, sans prendre aucune investiture ny payer les droictz des ventes ADHG, 1B 34 *Gauside Doulx and Pierre Faure vs Consuls de Pibrac*, 18/03/1541, 185v-187v.

Conclusion

The aim of this chapter was to analyse the interaction between the *seigneurie*, lords and ladies, and crown governance. It has long been assumed that the rise of royal power came at the expense of seigneurial authority, but recent research by Firnhaber-Baker and Carroll reveals that the royal administration employed a collaborative model instead. So far, much of this research has focused on the violent and intense situations of seigneurial war and feuds. In this chapter, I contribute to that discussion by means of a qualitative analysis of court cases conducted before the Parlement of Toulouse. The cases I analysed were in a more mundane realm: inheritance, disagreements of seigneurial rights, and other conflicts that tended to remain non-violent, or where the participants desired to remain non-violent – even when at least one of them threatened to turn violent. The Parlement and lords and ladies found each other in different ways. The Parlement sought to establish the 'good justice' that was expected of it with limited means. It did so by inscribing itself into established legal traditions and opting for a procedurally cooperative model in which much of the initiative remained with the litigants. Lords and ladies found themselves using the Parlement and inviting its protocols – such as *main du Roi* and *provision* – to better safeguard their positions. This equally shows that the crown, through the means of the Parlement and lords and ladies, worked in tandem and recognised each other as legitimate institutions.

The Parlement also enjoyed considerable and enduring popularity in the fifteenth and sixteenth centuries. Viala reports that in political organs, such as the Estates of Languedoc and the *capitoulat* of Toulouse, where lords were commonly well

represented, the establishment of the Court was seen as favourable in 1444.[591] And the reactions of the capitouls of Toulouse at the re-establishment of the Parlement in Toulouse in 1468 indicate that the positive appreciation did not appear to have wavered.[592] Lords and ladies also continued to field cases to the Parlement, because they collectively did not feel threatened by this institution. There existed an acceptance and trust of the officials of the Parlement.[593] This trust was not universal,[594] but it was sufficiently common for lords and ladies to rely on the proper functioning of the Parlement. As Daniel Smail puts it, lords and ladies were consumers of justice in that royal courts allowed litigants to publicly express their emotions of anger and hatred in the most satisfying way.[595] In the seneschalsy of Toulouse, such a consumption appears to have been driven by the practicality of obtaining a verdict. This made litigants more likely to bring their cases to royal courts. In the cases I studied, the Parlement appears to have been fairly good at this task.

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[591] Viala, *Le Parlement*, 71, note 5.

[592] Pierre Burlats-Brun, *Contribution a l hystoire de la ville et du parlement de Tholose soubs les regnes de Loys et Charles VIII. Biographie de maistre Guillaume Brun Conseiller et medecin du Roy de France, juge maige de Tholose* (Montpellier, 1954), 45.

[593] In part this was likely also a fiction that royal officers were keen to believe themselves. The Parlement saw no problem in allowing one of the lords of Caujac, Bernard de Vaques, who was also judge of Rieux, to hold and preside court for the part of Caujac held by the king, which Bernard had to do in his capacity as royal judge of Rieux. Another example: the *main du Roi* was supposed to be exercised by a virtuous commissioner, which could be anyone, but it became nearly standard practice to appoint royal officers who by definition seemingly fit the bill. ADHG, 1B 20 *Consuls de Caujac vs Bernard de Vaques and Jean-Aymeric de Serres*, 21/03/1523, 417r; Tuttle, 'La main du Roi', 512.

[594] For instance, the *dénombrement* of Arnaud de Saint-Jean and his wife Catherine de Puybusque who complained that many of their tenants were royal officers, and therefore hard to sue. AMT, EE2 *Arnaud de Saint-Jean, Catherine de Puybusque*, 30/09/1540, 194v-195v.

[595] Daniel Lord Smail, *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264-1423* (Ithaca, 2003), 131.

The Parlement acted not only as a judicial body, but it also took steps into the realm of politics by implementing a policy regarding the distribution of power between lords, ladies, and the consuls of their *seigneuries*.[596] From the judgements of the Parlement, it is clear that lords and ladies were to oversee the organisation of a *seigneurie*, including its defence, justice, and the organisation required to enjoy economic rights. These were key elements of *seigneurie*, of which lords and ladies remained very protective. Consuls were expected to address social issues, such as the use of vacant lands for the community's benefit, for example, the inhabitants' access to woods. At the same time, as the feudal owners of *seigneuries,* the Parlement placed lords and ladies higher than consuls in the hierarchy. Nevertheless, there was a considerable expectation of cooperation in certain areas, especially where the clear lines between seigneurial or consular rights were commonly blurred, such as judicial rights. In this way, the Parlement separated organisational and social duties, which required different kinds of management. For instance, seigneurial roles were more easily delegated and the Parlement's judgement occasionally reflected this.[597] Through its *arrêts,* the Parlement showed that it accepted and supported the *seigneurie* as an institutional forum for local actors. These were the lords and ladies, the consuls and the community, but also the seigneurial officers. Each group fulfilled important roles to ensure that the

[596] Further research should show whether the Parlement developed this policy itself; whether it inherited the policy from other royal courts, such as the seneschalsy; or whether the division of power established itself organically over the centuries.

[597] For example: *Il sera dit que le l'election (…) des Consulz dudit lieu de Vindine, sera apportee et presentée par iceulx Consuls audit Cousteux ou en son absence ses officiers audit lieu de Vindine* ADHG, 1B 33 *Pierre Coutoux vs Consuls of Vendine*, 11/09/1540, 487v-488r.

seigneurie could function, and the Parlement did not systematically favour one group over another.

Lords and ladies willingly engaged with the Parlement and by extension the other parts of the royal administration, since the Parlement functioned on a premise of cooperation between the court and litigants. They were required to be closely involved in proceedings, so they had to understand procedures. The *enquête* was done by litigants who were afforded considerable liberty. Likewise, any action of *main du Roi* and *provision*, arguably the most invasive protocols in the running of *seigneuries* (and other properties or possessions), had to be requested by the lords themselves. At the same time, lords and ladies were aware of the benefits such arrangements could bring. They created clarity at critical moments of seigneurial and/or consular weakness, which was necessary, as attested by Gauside Doulx and Pierre Faure, co-lords of Pibrac. This way, lords and ladies could use the power of the Parlement to their own benefit. This again clearly shows that lords and ladies saw the Parlement as a legitimate institution that was not an unequivocal threat to seigneurial power but instead accepted *seigneurie* as a legitimate institution.

Conclusions

At the beginning of this dissertation, I set out two key lines of inquiry. The first line is related to the definition of lordship. In the seneschalsy of Toulouse, lords and ladies conceived of the *seigneurie*, at its core, as privately held claims to the management of public order. They stressed in their *dénombrements* – and in other sources – the important association between *seigneurie* and the exercise of justice. Other estates without these judicial rights were rarely described as *seigneuries*, even if they had rights that were often described as seigneurial like the right of *directe* (i.e., rights over landed properties) and certain rents were present. This local contemporary view on the *seigneurie* broadly affirms Bisson's definition of lordship as "the exercised sufferance of power".[598] Hence, the possession of a *seigneurie*, or an estate with a *directe*, permitted the bearer to identify himself or herself as a lord or lady. This became a point of reference for a family's identity since the title both identified them as possessors of landed property, and a member of the ruling elite of Languedoc.

In that capacity, lords and ladies did retain considerable influence. Lords and ladies could appoint and dismiss their own seigneurial officers, seemingly without any oversight or interference. Scholars like Charbonnier in his study of the fifteenth-century *seigneurie* of Murol, located in Auvergne, another region in Languedoc, showed that lords and ladies could and did use their courts to their own advantage.[599] Nevertheless, lords and ladies accepted, or were forced into accepting, that other

[598] Bisson, 'Medieval Lordship', 757.

[599] Charbonnier, *Une autre France*, 621.

groups within the *seigneurie* had a say in local governance. The most important of these groups were the seigneurial subjects, who were united in a corporate body, the *universitas*, and who were represented by consuls. Through consuls, seigneurial subjects were able to negotiate with or even sue their lords and ladies in bids to curb seigneurial caprice.

This brings me to the second key line of inquiry. Following the call by scholars such as Peter Lewis to interpret France as a polycentric polity, wherein power was shared between the king and other groups, the issue emerged whether the interaction between these various political actors was dominated by either collaboration or conflict.[600] The presence of the consuls alongside seigneurial officers made the *seigneurie* itself a polycentric arena. The seigneurie had several centres of power that normally worked in tandem, even if conflict was certainly possible. In exchange for seigneurial taxes, lords and ladies had to organise a normative framework for the *seigneurie*, including a court, to oversee the maintenance of defensive works, and to protect the *seigneurie* in times of peril. Consuls were, as the Parlement of Toulouse explained it in 1523, obliged 'to turn the fruits, profits, revenues, and incomes of those lands into a benefit for the community'.[601] The seigneurial subjects could acquire seigneurial rights, including judicial rights, which the consuls exercised. The royal administration valued consuls since they were important as collectors of the royal *taille*. Consular efforts to

[600] Lewis, 'L'Etat ou le roi', 51–67.

[601] *Il sera dit que la Court à maintenu et garde maintient et garde lesdiz Consulz, manans et habitans dudit lieu de Caujac (...) en possession et saisine de prendre boys et forestz de ladicte juridiction tant pour servire leurs edifices et bastimens que aussi pour leur chaufaige et usaige arrenter les herbenges estans u vacans prendre et recevor les fruiz proufiz, revenues, emolumens d'iceulx les emploier et convertir au bien proufit et utilite dela communaulté et université dudit lieu* (...). ADHG, 1B 20 *Consuls de Caujac vs Bernard de Vaques and Jean-Aymeric de Serres*, 21/03/1523, 417r.

raise the *taille* often became a point of contention with lords and ladies. This relationship with the crown shows that the subjects of a *seigneurie* were also seen, and treated as, subjects of the crown, and thus they were not only subjects of their lords or ladies. Seigneurial authority and royal power were enmeshed in the fifteenth- and early-sixteenth centuries.

Despite the ties that existed between *seigneuries* and the crown, either through the involvement of lords in court, as members of the royal administration, or through means of the estates, *seigneuries* did not feature in royal narratives of the Common Good which emphasised the exercise of justice in the name of the king by his officers. Lords and ladies, however, saw the exercise of justice by their officers as a core element of their seigneurie and their legitimacy. A very similar ideological stance by the crown was observed by Firnhaber-Baker in the context of seigneurial wars: it was prohibited by statute, but in practice, it was often condoned overlooked, and sometimes effectively legitimized, by the royal administration's efforts to make peace and broker compromises between warring parties. The lens of seigneurial warfare reveals that the crown accepted that lords needed force to uphold rights that the crown had accepted as legitimate; the king and the royal administration acknowledged lords and ladies as another pillar of society with a just claim to the use of legitimate violence.

The division of power within a *seigneurie* was also supported by the crown, which was locally represented by the Parlement of Toulouse. In its *arrêts*, the Parlement developed an understanding of this division that separated organisational and social duties, which required various kinds of management. Where the clear lines between seigneurial or consular rights were commonly blurred, including judicial rights, the Parlement expected lords and ladies to cooperate with their subjects. The Parlement's procedures during court cases were also based on a cooperative model in which much

of the initiative remained with the litigants. This model was successful since lords and ladies invited Parlement's protocols– such as *main du Roi* and *provision*. They did so, because the protocols created clarity at critical moments of seigneurial weakness, and thus allowed them to safeguard their positions better. This shows that the crown, on the one hand, and lords and ladies, on the other hand, worked in tandem and recognised each other as legitimate institutions and political actors.

This joint recognition of legitimacy was mutually beneficial. The king and the royal administration were unable to provide the judicial services local magnates could sustain in substantial numbers. Local magnates as a group had more resources than the crown to organise a large number of small courts. This meant that the royal administration also needed to consider the wants and needs of possessors of these courts in peacetime. These findings confirm that the pattern of cooperation and legitimisation between lords and the royal administration as found by Firnhaber-Baker also occurs in less extreme circumstances than seigneurial wars or the noble feuds studied by Carrol.

Summary

In recent years the debate on state formation has shifted to focus more on lordship. This new attention to lordship emerged as the discussion moved away from the hypothesis that the crown could only acquire power at the detriment of competing forces in France. In its stead, historians have proposed that France was a realm wherein power was polycentric, i.e., shared between the crown and other political actors, and based on extensive cooperation, even though conflict remained possible and common. To gain a better understanding of this polycentricity, historians such as Bisson, suggested the use of lordship. In this new scholarly tradition, lordship comes in two forms, the first is – in Bisson's words – the "the exercise and sufferance of power", and the second is the institutional container of lordship, which can be defined as the privately held claims to the management of public order, which in this dissertation I refer to as *seigneurie*. Despite these suggested definitions, lordship and *seigneurie* are protean terms that are difficult to define. Furthermore, recent research has shown that the crown and the royal administration often cooperated with the holders of lordship in extreme circumstances, such as seigneurial wars and noble feuds, to broker peace between parties. Nevertheless, the royal administration retained the ability to act forcefully.

In this dissertation I analyse these two key lines of inquiry for lay *seigneuries* in the seneschalsy of Toulouse in the fifteenth- and early-sixteenth century, which up to the present had not been subject to a survey analysis. First, it is necessary to analyse the local contemporary definitions of *seigneurie*. A survey of dénombrements (a document that outlined the rights, duties, and possessions a person held as a fief from the king)

shows that lords and ladies stressed the strong association between *seigneurie* and the exercise of justice. Other terms, such as the *directe* (rights related to the possession of land), but also a small number of rents, were described as seigneurial rights and were associated with *seigneurie* to a considerably lesser extent. Nevertheless, both the possession of rights of justice and of a *directe* allowed a person to style themselves a lord or a lady.

This brings me to the second key line of inquiry. The understanding that France was a polycentric realm, begged the question of whether collaboration or conflict dominated the interactions between groups. Lords and ladies were powerful actors within their *seigneurie*. They could appoint and dismiss seigneurial officers, raise seigneurial dues, and as other scholars pointed out, use their courts to their own advantage. Their power was not, however, unchecked. *Seigneuries* were polycentric arenas in which other political actors, such as the seigneurial subjects had a powerful voice and could curb seigneurial whims. In the fifteenth- and early-sixteenth century a division of power within the *seigneurie* had taken form. Lords and ladies had to organise the court and the defence of the *seigneurie*, while the representatives of the seigneurial subjects (consuls) had to allocate the seigneurial resources to the benefit of the community. Lords and ladies and their consuls had to cooperate to ensure the proper functioning of the *seigneurie*.

When conflicts emerged between different actors within a *seigneurie*, the royal administration acted to broker peace between parties in a conflict. Research done by Firnhaber-Baker has shown that the royal administration did so in cases of seigneurial wars, and this dissertation shows that the royal administration, and specifically the Parlement of Toulouse (i.e., the supreme court of Languedoc), used a similar approach in more mundane or non-violent conflicts. Cooperation was deeply engrained in the functioning of the Parlement since its procedures often placed much of the initiative with the litigants. This allowed lords and ladies to benefit from sometimes intrusive royal procedures that allowed them to safeguard their positions in critical moments of seigneurial weakness. In turn, the cooperative interactions between the crown, on one side, and lords and ladies, on the other, show that they recognised each other as institutions and political actors that were legitimate.

Samenvatting

De laatste jaren heeft het debat over staatsvorming zich meer gericht op de heerlijkheid (*lordship*). Deze nieuwe aandacht voor de heerlijkheid ontstond toen de discussie afstapte van de hypothese dat de kroon alleen macht kon verwerven ten koste van concurrerende machten in Frankrijk. In plaats daarvan hebben historici voorgesteld dat de macht in Frankrijk polycentrisch was, d.w.z. het werd gedeeld door de kroon en andere politieke actoren, en dat deze polycentriciteit gepaard ging met samenwerking, hoewel conflicten mogelijk en gebruikelijk bleven. Om deze polycentriciteit beter te begrijpen, stelden historici zoals Bisson het gebruik van de heerlijkheid voor. In deze nieuwe academische traditie bestaat het begrip *lordship* in twee vormen, de eerste is - in de woorden van Bisson - de "uitoefening en het ondergaan van macht", en de tweede is de institutionele container van de heerlijkheid, die kan worden gedefinieerd als de particuliere aanspraken op het beheer van de openbare orde, die ik in dit proefschrift *seigneurie* noem. Ondanks deze voorgestelde definities zijn *lordship* en *seigneurie* proteïsche termen die moeilijk te definiëren zijn. Bovendien heeft recent onderzoek aangetoond dat de kroon en het koninklijk bestuur in extreme omstandigheden, zoals seigneuriale oorlogen en adellijke vetes, vaak samenwerkten met de houders van heerlijkheden om vrede tussen de partijen te bewerkstelligen. Niettemin behield het koninklijk bestuur de mogelijkheid om krachtig op te treden indien ze dat nodig achtte.

In dit proefschrift analyseer ik deze twee hoofdlijnen voor *seigneuries* in handen van leken in de *sénéchaussée* van Toulouse in de vijftiende en begin zestiende eeuw, die tot nu toe niet aan een overzichtsanalyse waren onderworpen. Eerst moeten de plaatselijke eigentijdse definities van heerlijkheid worden geanalyseerd. Uit een overzicht van denombrementen (een document waarin de rechten, plichten en bezittingen van een persoon als leengoed van de koning worden beschreven) blijkt dat heren en dames het sterke verband benadrukten tussen de heerlijkheid en de uitoefening van het recht. Andere termen, zoals de *directe* (rechten ten aanzien van het

bezit van land), maar ook een klein aantal rentes, werden beschreven als seigneuriale rechten, en werden in aanzienlijk mindere mate geassocieerd met seigneurie. Niettemin kon iemand zich zowel door het bezit van rechten als van een directe heer of dame noemen.

Dit brengt me bij de tweede hoofdlijn van het onderzoek. Het inzicht dat Frankrijk een polycentrisch koninkrijk was, riep de vraag op of de interacties tussen verschillende groepen werd gedomineerd door samenwerking of conflict. Heren en dames waren machtige actoren binnen hun heerlijkheid. Zij konden heerlijkheidsambtenaren benoemen en ontslaan, heerlijkheidsrechten heffen en, zoals andere historici opmerkten, hun rechtbanken in hun eigen voordeel gebruiken. Hun macht was echter niet ongecontroleerd. Heerlijkheden waren polycentrische arena's waarin andere politieke actoren, zoals de seigneuriale onderdanen, een krachtige stem hadden en de seigneuriale grillen konden beteugelen. In de vijftiende en begin zestiende eeuw was er een machtsverdeling binnen de heerlijkheid ontstaan. Heren en dames moesten de rechtbank en de verdediging van de heerlijkheid organiseren, terwijl de vertegenwoordigers van de seigneuriale onderdanen (consuls) de seigneuriale middelen ten behoeve van de gemeenschap moesten aanwenden. Heren en dames en hun consuls moesten samenwerken om de goede werking van de heerlijkheid te waarborgen.

Wanneer er conflicten ontstonden tussen verschillende actoren binnen een heerlijkheid, trad het koninklijk bestuur op als bemiddelaar tussen de verschillende partijen de betrokken waren in conflicten. Onderzoek van Firnhaber-Baker heeft aangetoond dat het koninklijk bestuur dit deed in gevallen van seigneuriale oorlogen, en dit proefschrift toont aan dat het koninklijk bestuur, en in het bijzonder het Parlement van Toulouse (d.w.z. het hoogste gerechtshof van Languedoc), een soortgelijke aanpak hanteerde in meer alledaagse of niet-gewelddadige conflicten. Samenwerking was diepgeworteld in het functioneren van het Parlement, aangezien de procedures vaak het initiatief bij de partijen legden. Hierdoor konden de heren en dames profiteren van de soms indringende koninklijke procedures, want zij konden hun positie daarmee beschermen op kritieke momenten van seigneuriale zwakte. De

coöperatieve interactie tussen de koning enerzijds en de heren en dames anderzijds toont aan dat zij elkaar erkenden als legitieme instellingen en politieke actoren.

Résumé

Ces dernières années, le débat consacré à la formation de l'état s'est recentré sur la seigneurie (*lordship*). Le regain d'intérêt pour cette entité de pouvoir est né de l'émoussement de l'hypothèse selon laquelle la couronne ne pouvait renforcer sa puissance en France qu'au détriment des pouvoirs concurrents. En lieu et place de cette vision, les historiens ont proposé la perspective d'un pouvoir polycentrique, partagé entre la couronne et les autres acteurs politiques, où prévalait la coopération même si les conflits restaient non seulement possibles mais aussi courants. Dans le souci de mieux cerner cette polycentricité, des historiens tels que Bisson ont suggéré le recours à la seigneurie. Cette nouvelle tradition académique conçoit le concept de *lordship* sous deux formes. La première est celle qui recouvre – selon les paroles de Bisson – « l'exercice du pouvoir et la soumission à ce pouvoir », la seconde correspond au contenu institutionnel de la seigneurerie, qui se définit comme les revendications privées visant à participer à la gestion de l'ordre public et que je nomme seigneurie dans cette thèse doctorale. En dépit de ces définitions, *lordship* et seigneurie sont des termes protéiformes difficiles à cerner. En outre, des recherches récentes ont démontré que la couronne et l'administration royale coopéraient fréquemment, dans des circonstances extrêmes, telles que les guerres seigneuriales et les querelles nobiliaires, avec les possesseurs de seigneuries afin de rétablir la paix entre les parties. L'administration royale n'en gardait pas moins la possibilité d'intervenir vigoureusement si elle le jugeait nécessaire.

Au fil de cette thèse doctorale, j'analyse ces deux axes principaux au regard des seigneuries détenues par des laïques dans la sénéchaussée de Toulouse au 15e siècle et au début du 16e siècle, qui n'avaient pas fait l'objet d'une analyse synoptique jusqu'à ce jour. Dans un premier temps, il importe d'étudier les définitions locales et contemporaines de la seigneurie. Il ressort d'un relevé de dénombrements (un document décrivant les droits, devoirs et possessions d'une personne en tant de vassal du roi) que les seigneurs et dames insistent sur le lien étroit entre la seigneurie et

l'exercice du droit. D'autres avantages, tels que la directe (droits relatifs à la possession de terres) ainsi qu'un nombre restreint de rentes sont décrits comme étant des droits seigneuriaux mais sont nettement moins associés à une seigneurie. Néanmoins, la possession tant de droits que d'une directe autorisait quelqu'un à se nommer seigneur ou dame.

J'en viens ainsi au deuxième axe majeur de ma recherche. Comprenant que la France était un royaume polycentrique, force était de se demander si les interactions entre les différents groupes étaient dominées par la coopération ou par la confrontation. Les seigneurs et dames étaient de puissants acteurs dans le contexte de leur seigneurie. Ils pouvaient nommer et révoquer les fonctionnaires de la seigneurie, prélever des droits seigneuriaux et, comme d'autres historiens l'ont fait remarquer, utiliser leurs tribunaux à leur propre avantage. Leur pouvoir n'échappait cependant pas à tout contrôle. Les seigneuries étaient elles-mêmes des arènes polycentriques où d'autres acteurs tels que les sujets du seigneur pouvaient faire entendre leur voix et brider les caprices seigneuriaux. Une partition du pouvoir est apparue au sein des seigneuries au 15e siècle et au début du 16e siècle. Les seigneurs et les dames se devaient d'organiser les tribunaux et la défense de la seigneurie tandis que les représentants des sujets du seigneur (les consuls) devaient veiller à l'utilisation des moyens seigneuriaux au bénéfice de la communauté. Seigneurs et dames et leurs consuls devaient coopérer afin de garantir le bon fonctionnement de la seigneurie.

Lorsque des conflits éclataient entre les différents acteurs présents au sein d'une seigneurie, l'administration royale intervenait en tant que conciliateur entre les parties mêlées au conflit. Les recherches de Firnhaber-Baker ont montré que l'administration royale intercédait ainsi lors des guerres seigneuriales. La présente thèse doctorale met en lumière une intervention analogue de l'administration royale dans les conflits plus anodins ou non violents. La coopération était profondément ancrée dans le fonctionnement du Parlement étant donné qu'en vertu des procédures, c'était aux parties qu'il incombait généralement de prendre les initiatives nécessaires. De ce fait, les seigneurs et dames profitaient des procédures royales parfois fort poussées par lesquelles ils étaient à même de protéger leur position en des moments critiques de faiblesse seigneuriale. L'interaction coopérative entre le roi d'une part et les seigneurs

et dames d'autre part montre que tous se reconnaissaient mutuellement comme des institutions et acteurs politiques légitimes.

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Appendix

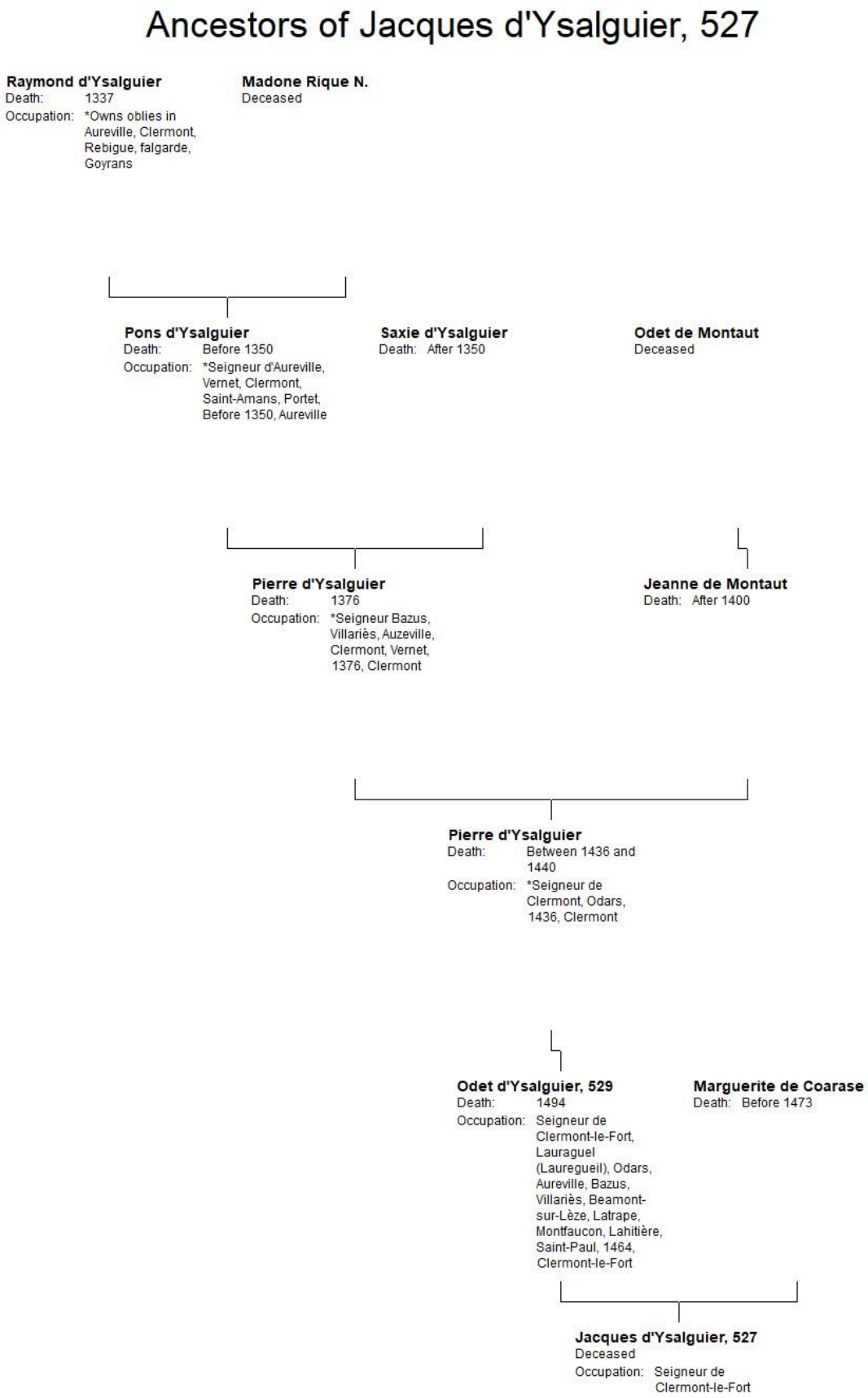
Digital Appendix

For this dissertation, I produced a database and several maps. They are accessible through this link:

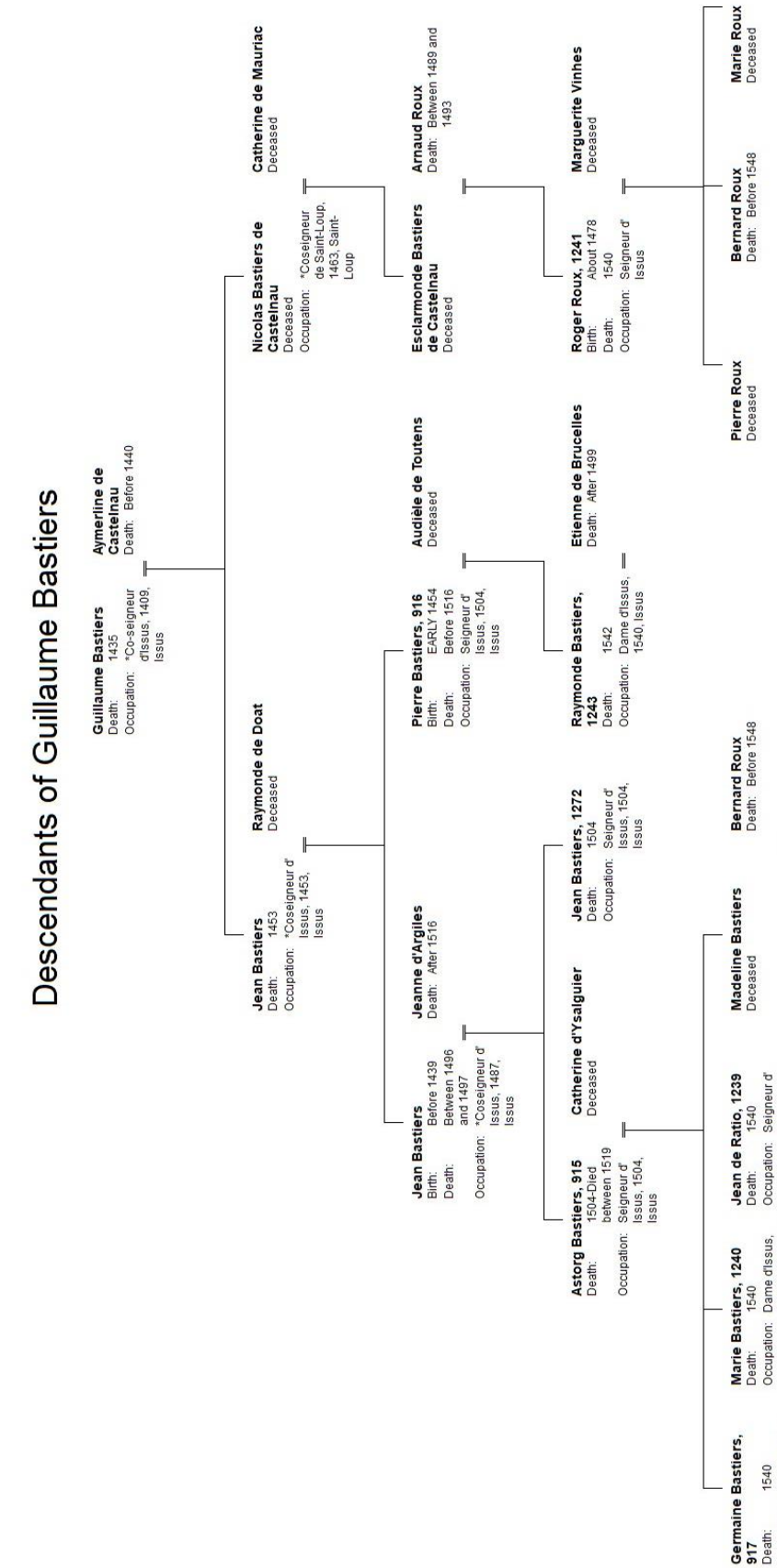
https://1drv.ms/f/s!Au4YmchQpDb0pPVHyay1ifFNp8RLjg?e=xGVYAk

Please note that the database has remained in the state of a working document.

1. Ancestors of Jacques d'Ysalguier



2. Descendants of Guillaume Bastiers



3. Table of inhabited houses

When a *seigneurie* appears twice, different and unrelated co-lords held it. For instance, the co-lords of Saint-Jory, Jacques and Michel Faure, and Guillaume de Dampmartin, indicated their residency in Saint-Jory, and I added their surnames in brackets to distinguish the two entries from each other.[1]

Seigneurie	**Generations**	**Inhabited house?**	**Titular *seigneurie***
Beaumont-lez-Toulouse	0	No (Inhabited by someone else)	No
Bouloc	0	No (House is separate from the *seigneurie*)	No
Cépet	0	Yes	Yes
Chaussas	0	No (Uninhabitable)	Yes
Fontbeauzard	0	Yes	Yes
Gourdon	0	Yes	No
Laguepie	0	Yes	Yes
Saint-Jory (Dampmartin)	0	Yes	No
Saint-Supplice-Lezadois	0	Yes	No
Venerque (Bartier)	0	No	No
Montbrun	1	No (Ruin)	No
Pompignan	1	Yes	Yes
Saint-Geniès-Bellevue	1	Yes	Yes
Vaurelles	1	Yes	Yes
Venerque (Lancefoc)	1	Yes	No
Vieillevigne	1	Yes	Yes
Bigolet	2	Yes	Yes
Colomiers	2	Yes	Yes

[1] AMT, EE2 *Berenguier Bonnefoy, Pierre de Saint-Etienne as tuteurs of Michel and Jacques Faure*, 15/07/1523, 28v-29v; AMT, EE2 *Michel et Jacques Faure*, 23/10/1540, 103r-v; AMT, EE2 *Guillaume Dampmartin*, 20/10/1540, 161v-162r.

Saint-Jory (Faure)	2	Yes	Yes
Tréville	3	Yes	Yes
Villeneuve-lès-Bouloc	3	Yes	Yes
Goyrans	4	Yes	Yes
Saint-Germier	6	Yes	Yes
Total	N/A	18	15

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Lords and Lordship in Languedoc (1400-1541)

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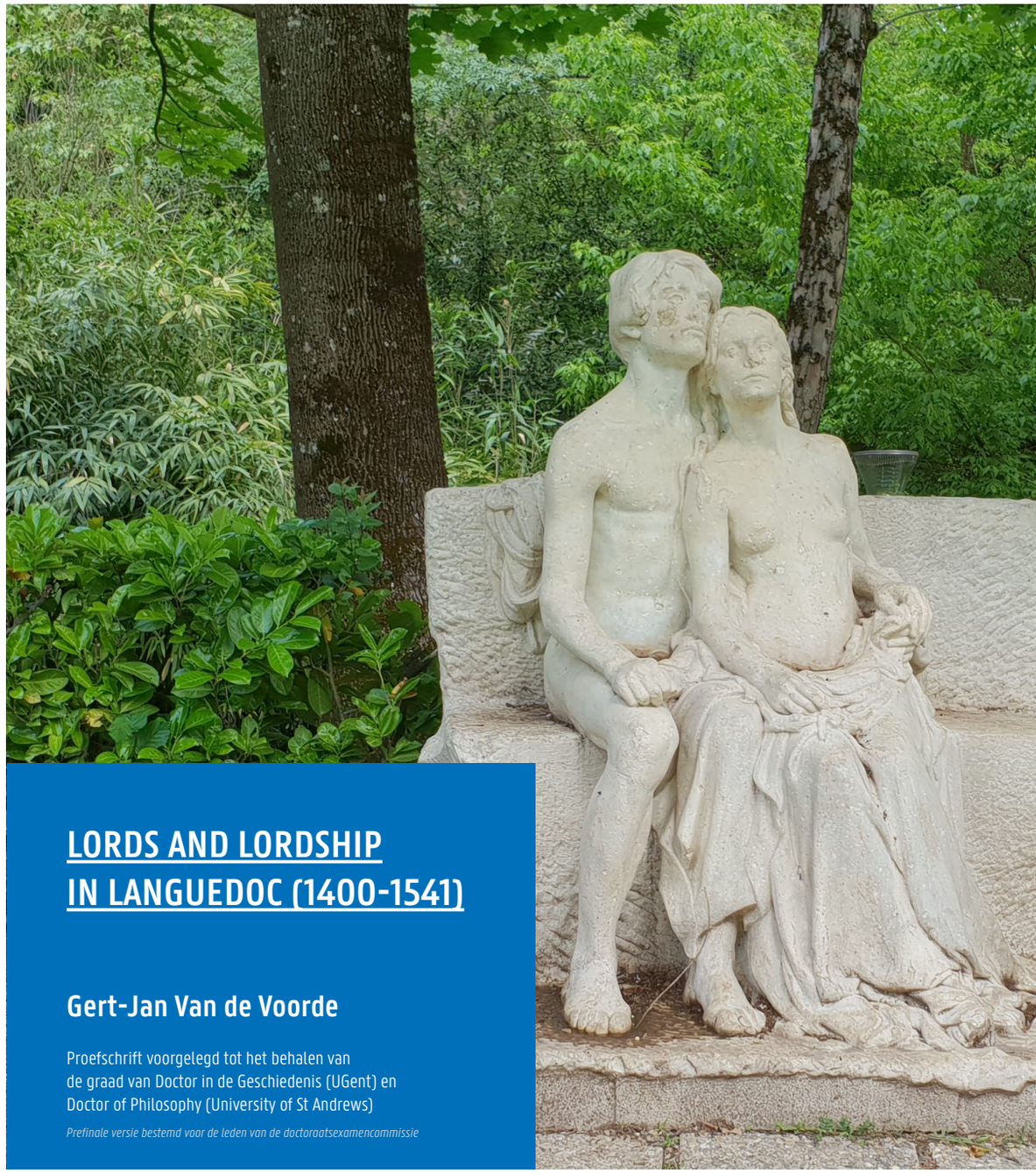
EN WIJSBEGEERTE



LORDS AND LORDSHIP IN LANGUEDOC (1400-1541)

Gert-Jan Van de Voorde

Proefschrift voorgelegd tot het behalen van
de graad van Doctor in de Geschiedenis (UGent) en
Doctor of Philosophy (University of St Andrews)

Prefinale versie bestemd voor de leden van de doctoraatsexamencommissie

Gert-Jan Van de Voorde

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