

Medieval France
and her
Pyrenean Neighbours

STUDIES IN EARLY
INSTITUTIONAL HISTORY

Ludomaro dei gra hinc Rex. Sen. cariss.
Salut. Mandamus uobis quoniam statutum quod
et monetas fecimus et uobis iamduq̄ misimus
facias et sen. uia firmiter obseruari. Proxi ai
moneta mlti. d. pda nra i ista senescallia p̄tē
uq; nūc recepta sūt uolumus quod ultra hā
cum duos mensi post receptionē p̄tē
et publicitē p̄tē mandata ibi reapunt
sē expendant et l. de public. i sen. ista. p̄o
nuz. in facias. cum nos monetam Turonā
ap̄ sumidua ad. faciam. quod nos ordimo
nd luter. Sūt ap̄ p̄siliacū dñici ante festū
iā. Dionisi.

Thomas N. Bisson

**MEDIEVAL FRANCE AND HER
PYRENEAN NEIGHBOURS**

STUDIES PRESENTED TO THE
INTERNATIONAL COMMISSION
FOR THE HISTORY OF
REPRESENTATIVE AND
PARLIAMENTARY INSTITUTIONS

LXX

ÉTUDES PRÉSENTÉES À LA
COMMISSION INTERNATIONALE
POUR L'HISTOIRE DES
ASSEMBLÉES D'ÉTATS

MEDIEVAL FRANCE AND HER
PYRENEAN NEIGHBOURS

STUDIES IN
EARLY INSTITUTIONAL HISTORY

THOMAS N. BISSON

THE HAMBLEDON PRESS
LONDON AND RONCEVERTE

Published by The Hambledon Press 1989

102 Gloucester Avenue, London NW1 8HX (U.K.)

309 Greenbrier Avenue, Ronceverte WV 24970 (U.S.A.)

ISBN 0 907628 69 9

© T.N. Bisson 1989

British Library Cataloguing in Publication Data

Bisson, Thomas N.

Medieval France and her Pyrenean neighbours:
studies in early international history.

1. Feudalism – France

I. Title

321.3'0944 JN2337

Library of Congress Cataloging-in-Publication Data

Bisson, Thomas N.

Medieval France and her Pyrenean neighbours:
studies in early institutional history.

Bibliography: p.

Includes index.

1. France – Politics and government – 987-1328 – Addresses, essays, lectures.

2. Finance, Public – France – To 1789 – Addresses, essays, lectures.

3. Catalonia (Spain) – Politics and government – Addresses, essays, lectures.

4. Finance, Public – Spain – Catalonia – History – Addresses, essays, lectures.

5. Aragon (Spain) – Politics and government – Addresses, essays, lectures.

6. Finance, Public – Spain – Aragon – History – Addresses, essays, lectures.

I. Title.

JN2337.B58 1988 944'.021 85-30561

Printed and bound by WBC Ltd., Bristol and Maesteg

To the Memory of

WILLIAM E. LUNT

THEODOR E. MOMMSEN

JOSEPH R. STRAYER

This page intentionally left blank

PREFACE

The earliest of the articles reprinted here were written at a time when institutional history had fallen into neglect in France. Assemblies, some thought, must be *états* – and there were surely no *états* before the fourteenth century. Was it not anachronistic to insist on taxation, association and consultation in the thirteenth century and even earlier? Yet there were records of such proceedings, little exploited it seemed, and ever less so as one moved southward, to be confronted on crossing the Pyrenees with a superabundance of archival materials. Was one to pass over such records because they were reticent about families and property? The problem was how to read them without succumbing to the hardy illusion that southern peoples were more precocious in associative or administrative ways than northern ones. It became clear, more slowly than I like to admit, that southern records of power had never been studied enough in any aspect to invalidate the methods I had employed; while the new work of social historians pointed more and more clearly to a need to integrate researches into procedures, status and thought.

Accordingly, these studies now seem to me to straddle the threshold, still too dimly perceived, separating early medieval structures of lordship from those of government. They have perhaps some coherence in this light. Some of the earlier work (at least) might well have been revised so as to strengthen this coherence; but there is I hope some virtue in the necessity that prevented this.

Chapters 1, 9, 10, 16 and 17 deal with themes subsequently taken up in my books, but in each case the more focussed and documented treatment will be found in the articles. Among themselves, the articles overlap only in respect to Catalonia, where they treat the institution of territorial administration *de novo* from several points of view. Two articles appear here in English for the first time: 'The rise of Catalonia' and 'The finances of the young James I (1213-1228)'. The documentary appendix to

'Feudalism in twelfth-century Catalonia', which was lost in its first printing, has been restored. Some errors have been corrected and the inconsistencies of usage reduced in number. Of full-length articles, two have been omitted. 'The military origins of medieval representation' (*American Historical Review*, lxxi [1966], 1199-1218) no longer satisfies me as to its demonstration, whatever the merits of its thesis; it is easily accessible to the curious. 'Celebration and persuasion: reflections on the cultural evolution of medieval consultation' (*Legislative Studies Quarterly*, vii [1982], 181-204) could only have been reprinted if re-set, and it seemed best to withhold it for republication in a more developed form.

Martin Sheppard has my cordial thanks for his expert and considerate editing. Brigitte Bedos and Elizabeth Brown kindly advised in the matter of reproducing the seal of Figeac. For the rest I would reiterate the gratitude expressed in headnotes to these and other persons who have aided my work over the years. Among them were three teachers who influenced me deeply. Their example and their rigour impress me ever more insistently as my ideas change. The collection is dedicated to their memory.

T.N.B.
Cambridge, Massachusetts
May 1988

CONTENTS

Preface	vii
Acknowledgements	xi
List of Illustrations	xiii

I. CONSULTATION AND REPRESENTATION

1	An Early Provincial Assembly: The General Court of Agenais in the Thirteenth Century	3
2	A General Court of Aragon (Daroca, February 1228)	31
3	Negotiations for Taxes under Alfonse of Poitiers	49
4	Consultative Functions in the King's Parlements (1250-1314)	75
5	The General Assemblies of Philip the Fair: Their Character Reconsidered	97

II. THE RISE OF CATALONIA

6	The Rise of Catalonia: Identity, Power, and Ideology in a Twelfth-Century Society	125
7	Feudalism in Twelfth-Century Catalonia	153
8	Une Paix peu connue pour le Roussillon (A.D. 1173)	179
9	Ramon de Caldes (c. 1135-1199): Dean of Barcelona and Royal Servant	187
10	An 'Unknown Charter' for Catalonia (A.D. 1205)	199

III. COMPARATIVE STUDIES

11	The Organized Peace in Southern France and Catalonia (c. 1140 - c. 1233)	215
12	The Problem of Feudal Monarchy: Aragon, Catalonia and France	237
13	Some Characteristics of Mediterranean Territorial Power in the Twelfth Century	257
14	Les Comptes des Domaines au temps de Philippe Auguste: Essai Comparatif	265

IV. FISCAL EXPLOITATION AND COINAGE

15	Credit, Prices and Agrarian Production in Catalonia: A Templar Account (1180-1188)	287
16	'Quanto Personam Tuam' (X 2.24.18): Its Original Significance	303
17	Sur les Origines du <i>Monedatge</i> : Quelques Textes Inédits	325
18	Coinages of Barcelona (c. 1209-1222): The Documentary Evidence	339
19	The Finances of the Young James I (1213-1228)	351
20	Coinages and Royal Monetary Policy in Languedoc during the Reign of Saint Louis	393
21	<i>Confirmatio Monete</i> à Narbonne au XIII ^e Siècle	421
	Index	427

ACKNOWLEDGEMENTS

The articles reprinted here first appeared in the following places and are reprinted by kind permission of the original publishers.

- 1 *Speculum*, xxxvi (1961), pp. 254-281.
- 2 *English Historical Review*, xcii (1977), pp. 107-124.
- 3 *XII^e Congrès International des Sciences Historiques. Vienna, 1965 (Études présentées à la Commission Internationale pour l'Histoire des Assemblées d'États, xxxi [Louvain-Paris, 1966])*, pp. 77-101.
- 4 *Speculum*, xlv (1969), pp. 353-373.
- 5 *Studia Gratiana*, xv (1972), pp. 537-564.
- 6 *Annales: Economies, Sociétés, Civilisations*, xxxix (1984), pp. 454-479. This appears here for the first time in English.
- 7 *Structures Féodales et Féodalisme dans l'Occident Méditerranéen (X^e - XIII^e Siècles). Bilan et Perspectives de Recherches* (Rome: École Française de Rome, CNRS, 1980), pp. 173-192.
- 8 *Droit Privé et Institutions Régionales. Études Historiques Offertes à Jean Yver* (Paris, 1976), pp. 69-76.
- 9 *Law, Church and Society: Essays in Honor of Stephan Kuttner*, ed. K. Pennington and R. Somerville (Philadelphia, 1977), pp. 281-292.
- 10 *Études Présentées à la Commission Internationale pour l'Histoire des Assemblées d'États*. Album Elemer Malysz [Brussels, 1976, lvi], pp. 61-76.

- 11 *American Historical Review*, lxxxii (1977), pp. 290-311.
- 12 *Speculum*, liii (1978), pp. 460-478.
- 13 *Proceedings of the American Philosophical Society*, cxxiii (1975), pp. 143-150.
- 14 *La France de Philippe-Auguste: Le Temps des Mutations*, edited by W.C. Jordan (CNRS, Paris, 1982), pp. 521-538.
- 15 *Order and Innovation in the Middle Ages: Essays in Honor of Joseph R. Strayer*, edited by W.C. Jordan, B. McNab, and T.F. Ruiz (Princeton, 1976), pp. 87-102.
- 16 *Proceedings of the Fourth International Congress of Medieval Canon Law, Toronto, 21-25 August 1972* (Vatican City, 1976), pp. 229-249.
- 17 *Annales du Midi*, 85 no. 111 (1973), pp. 91-104.
- 18 *Studies in Numismatic Method Presented to Philip Grierson*, edited by C.N.L. Brooke, I. Stewart, J.G. Pollard, and T.R. Volk (Cambridge, 1983), pp. 193-204.
- 19 *X Congreso de Historia de la Corona de Aragón*, ii (Zaragoza, 1980), pp. 161-208. This appears here for the first time in English.
- 20 *Speculum*, xxxii (1957), pp. 443-469.
- 21 *Narbonne, Archéologie et Histoire* (Montpellier, 1973), pp. 55-59.

LIST OF ILLUSTRATIONS

1	Seal of Figeac (1309)	96
2	The Organized Peace in Occitania and Catalonia	232
3	Account of France (All Saints 1221)	269
4	Miniature associated with license to fortify Urtx	284
5	The Vallès of Catalonia	294
6	Account for the bailiwick of Terrassa (1191)	324
7	Coins of Barcelona	341
8	Monetary ordinances for the <i>sénéchaussée</i> of Carcassonne (1264)	392

This page intentionally left blank

PART I

CONSULTATION AND REPRESENTATION

This page intentionally left blank

AN EARLY PROVINCIAL ASSEMBLY:
THE GENERAL COURT OF AGENAIS IN THE
THIRTEENTH CENTURY

VARIOUS accounts of parliamentary origins have drawn attention to southwestern France as the scene of a remarkably early development of town representation in feudal assemblies.¹ From the latter twelfth century on, the delegates of towns sometimes joined magnates and vassals in the courts of Béarn, Bigorre, and other principalities in the Gascon lands rolling down northward from the Pyrenees. That these institutions have similar features seems clear. They should be studied together, and, indeed, there is no good reason to dissociate them from the nascent Spanish *Cortes* of the same period. But it is also apparent that the character of these early assemblies was determined in considerable measure by local conditions,² so that any satisfactory general treatment of the problem must be preceded by special regional studies. One district that has not hitherto received its due attention is Agenais, in the lower Garonne valley. There is mention of a "general court" of Agenais which included town deputies as early as 1182, but the history of this body has been left obscure.³ The present essay seeks to clarify and extend our knowledge of this institution and related assemblies of Agenais in the thirteenth century.

I

Agenais was a geographical and administrative unity in the Middle Ages. Originally the *civitas*, then the diocese, *pagus*, and county of Agen, the district was known in the thirteenth century by the somewhat interchangeable terms *diocesis*, *abescat*, *terra*, *senescallia*, and *patria*.⁴ It was centered in the confluence of

¹ For example, P. Viollet, *Droit public: Histoire des institutions politiques et administratives de la France*, 3 vols. (Paris, 1890-1903), III, 180-181; P. Dognon, *Les Institutions politiques et administratives du pays de Languedoc du XIIIe siècle aux guerres de religion* (Toulouse-Paris, n.d. [circa. 1895]), pp. 196-197; L. Cadier, *Les États de Béarn depuis leurs origines jusqu'au commencement du XVIe siècle* (Paris, 1888), pp. 4-8, 18-21, 51-63.

² See, e.g., Cadier, pp. 45-63, and, for the probable relationship with Pyrenean Spain, pp. 26-30, 53-54.

³ Local historians are wholly inadequate on the subject: J. F. Samazeuilh, *Histoire de l'Agenais, du Condomois et du Bazadais*, 2 vols. (Auch, 1846-1847), I, 149; A. Ducom, *La Commune d'Agen* (Paris, 1892), pp. 68, 123, 180-181, 145-148, 152-153. Hardly better are A. Molinier, "Étude sur l'administration de Louis IX & d'Alfonse de Poitiers (1226-1271)," in Devic and Vaissette, *Histoire générale de Languedoc*, 16 vols. (Toulouse-Privat, 1872-1904), hereafter cited as *H.L.*, VII, 509; and Dognon, *Institutions*, pp. 196-197. E. Boutaric, in *Les premiers États Généraux, 1302-1314* (Paris, 1860), p. 5, and *Saint Louis et Alfonse de Poitiers* (Paris, 1870), p. 530, spoke of "representative institutions" and "provincial estates" in Agenais, but his views were not founded on careful study.

⁴ A. Longnon, *Atlas historique de la France depuis César jusqu'à nos jours; Texte explicatif des planches* (Paris, 1885-1888), pp. 15, 147, 231, 238, 251, 253, 256, 260; E. Jarry, *Provinces et Pays de France; Essai de géographie historique*, II (Paris, 1943), 1-7; *Archives municipales d'Agen: Chartes d'Agen, Première Série (1189-1328)*, ed. A. Magen and G. Tholin (Villeneuve-sur-Lot, 1876), nos. 24, 60; H. Tropamer, *La Coutume d'Agen* (Bordeaux, 1911), p. 28; *Le Livre d'Agenais*, ed. G. P. Cuttino (Toulouse, 1956), no. 14, p. 33.

the rivers Lot and Garonne, with Bazadais on its western border, and the diocese of Cahors (Quercy) to the east. Agenais had been a fief, or territory, of the duchy of Aquitaine, which passed under Angevin control in 1152. But subsequently, though never divided, the district had an independent existence under shifting suzerainties. In 1196 Count Raymond VI of Toulouse acquired Agenais as a dowry for his marriage to Jeanne, King Richard's sister. Raymond agreed to hold it as a fief of Aquitaine, but his successors tended to ignore feudal obligations. When Raymond VII died without male heirs in 1249, Henry III tried to recover Agenais. These efforts were no deterrent to the Capetian prince, Alfonse of Poitiers, who had married the daughter of Raymond VII, and who now proceeded to govern Agenais as a Toulousan fief. Alfonse and his wife died childless in 1271, whereupon King Philip III took possession of the region. However, by the treaty of Paris of 1259, Louis IX had recognized English rights to Agenais. Edward I recovered it in 1279 after diligent negotiations, but by this time there could be no peaceful acquiescence in a decision which served feudal right at the expense of royal and national domain. Occupied temporarily by the French in the 1290's, Agenais passed back to France again in 1324. Except for the decade 1359-1369, it remained thereafter a French possession.⁵

Even in the twelfth century the men of Agenais were understood to form a kind of regional community, with common rights and responsibilities. The earliest town charter, which was granted by Duke Richard to Marmande in 1182, refers to the "general custom of Agenais" for criminal penalties.⁶ We find many later references to privileges and obligations which the people of a given place share with other villages of the countryside.⁷ There was a regional law of succession, as well as feudal regulations for homage and fealty *ad consuetudinem Agennensem*.⁸ A sense of community quite independent of class interests is shown by the general liability to military duty. The *Chanson de la Croisade contre les Albigeois* assures us that the army which rallied to support the count of Toulouse against Simon de Montfort's French crusaders in 1211 included "the whole Agenais, so that no one remained behind."⁹ With due allowance for enthusiastic exaggeration, this should probably be regarded as a reference to the "common" or "general army of Agenais," an institution which is often mentioned in later documents.¹⁰ In 1232 a

⁵ J. Andrieu, *Histoire de l'Agenais*, 2 vols. (Paris, 1898), I, 34-41, 62-63, 66, 69-71, 75-77, 111-117, 135, 140; M. Gavrilovitch, *Étude sur le Traité de Paris de 1259 entre Louis IX, roi de France, & Henri III, roi d'Angleterre* (Paris, 1899), pp. 23-24, 71-74; Cuttino, introd. to *Livre d'Agenais*, pp. vii-xiv; cf. P. Chaplais, "Le Traité de Paris de 1259 et l'Inféodation de la Gascogne Allodiale," *Le Moyen Age*, 4e sér., x (1955), esp. 132-133, 135.

⁶ Archives Nationales, JJ. 72, no. 216, fols. 145 ff.

⁷ *H.L.*, VIII, 1965, no. 151; *Archives historiques du département de la Gironde*, to be cited as *Arch. Gir.*, I (1859), no. 182 (a register of recognitions in Agenais made in 1286-1287), 356, no. 24; 360, no. 39; etc.; also VII (1865), 67, art. 37, reference to "general costuma d'Agènes" in a late thirteenth-century charter.

⁸ P. Ourliac, "Note sur les Coutumes Successorales de l'Agenais," *Annales de la Faculté de Droit d'Aiz*, XLIII (1950), 253-258; *Arch. Gir.*, I, 352; *Livre d'Agenais*, no. 21, p. 50.

⁹ Ed. P. Meyer, 2 vols. (Paris, 1875-1879), I, 90, ll. 1943-1947.

¹⁰ Cited regularly in the recognitions of 1286, *Arch. Gir.*, I, 352, 359, etc. (note the revealing expression of military obligation: "quando nobiles et alii de patria faciunt exercitum," 354, nos. 13, 16);

seneschal had occasion to address himself "to the barons, knights, townsmen, and the whole university of Agenais," and this corporate notification was something more than mere rhetoric. Another seneschal reported some years later that the *genus* of barons and knights of Agenais and the "whole people" had raised an outcry about the failure to take immediate measures against certain marauders. The feeling of regional solidarity was perhaps most fully articulated in the fealty proceedings of Edward I in 1286, when the villagers of Damazan recognized their obligation to take the oath and perform military service along with the *tota communitas Agennensis*.¹¹

The general court of Agenais was one of the customary institutions of this community. An official of Philip III was reported in 1271 to have acted "juxta usum dicte terre" when he convoked barons "of the land of Agenais," knights, nobles, and town consuls to a *curia generalis* at Agen.¹² The first evidence of the existence of the assembly is an article in the Marmande customs of 1182: "And when the prince of the land or his seneschal shall convoke his general court, some or all of the consuls, according to the order of the lord, should go to the said court for the town of Marmande, at the expense of the town."¹³ Forty years elapse before we find another reference to the general court. It is mentioned briefly in 1222 in a convention between two towns of Agenais;¹⁴ and it receives fuller notice in the customs of Agen in an article which, though undated, probably belongs to the third or fourth decade of the thirteenth century.¹⁵ The customals of Fumel (1265) and Tonneins-Dessous (1301), the latter in terms repeated from the charter of Marmande, also refer to the general court.¹⁶

The earliest record of an actual session is a document of 1232. It relates that the seneschal of Agenais, on the instance of the count of Toulouse, had made an enactment concerning the bishop's right of coinage "by the consent of the barons, knights, townsmen, and the general court of Agenais."¹⁷ There may have been a

Livre d'Agenais, nos. 5-11, pp. 17-20. This was an old custom: early charters refer to the army as the "ost en Agenais," Arch. Nat., JJ. 72, fol. 150 v; cf. Tropamer, *Coutume d'Agen*, p. 28. This institution should not be confused with the bishop's peace army; see below, n. 61.

¹¹ C. de Saint-Amans, "De la monnaie dite arnaldèse des évêques d'Agen," *Recueil des Travaux de la Société . . . d'Agen*, VII (1855), *preuves*, no. 3, 614-615; *Layettes du Trésor des Chartes*, eds. Teulet et al., 5 vols. (Paris, 1863-1909), v, no. 672; *Arch. Gir.*, I, 382, no. 127. It is worth notice here, and will be shown below, that these three situations can all be associated with the general court.

¹² "Prise de possession de l'Agenais au nom du roi de France en 1271," *Rec. Trav. Soc. Agen.*, 2e sér., XIII (1897), to be cited as *Saisimentum Agennense*, 72.

¹³ "E quant lo princep de la terra o sos senescalc mandera sa cort general, lo cosselh tot o la una partida segont lo mandament del senhor deven anar en aquela court per la vila de Marmande a mesion de la vila," Arch. Nat., JJ. 72 (a registral copy of the *vidimus* by Philip VI in 1341; another copy is in Bibliothèque Nationale, MS. n. a. franç. 3404), fol. 150 v.

¹⁴ *Chartes d'Agen*, no. 14.

¹⁵ Tropamer, *Coutume d'Agen*, pp. 28, 30, art. 3, partially quoted below, n. 59. For general discussion of the texts, see *ibid.*, pp. 5-11.

¹⁶ *Arch. Gir.*, VII (1865), 18, art. 12; A. Lagarde, *Notice historique sur la ville de Tonneins* (Agen, 1882), p. 118, art. 25.

¹⁷ *Rec. Trav. Soc. Agen.*, VII, 614-615, no. 3.

meeting of the general court in 1234,¹⁸ but no other sessions are recorded in the next fifteen years. In 1249 deputies acting for Alfonse, the new count of Toulouse, had occasion to convoke an assembly which was composed of barons and knights of Agenais, consuls of Agen, and councillors and men of bourgs, *castra*, and villages of the diocese.¹⁹ This gathering closely resembles that of 1271, which was explicitly termed "general court." It is amply clear, then, that the designation *curia generalis*, which we find in local usage as well as in French and English documents, denotes an accepted regional institution, a body of some commonly recognized composition and function. The term was usually applied to assemblies of nobles and townsmen, which may indicate that it was the attendance of the latter which rendered a court "general." But we must not lay too much stress on the terminology, or exclude from consideration those assemblies which do not happen to be called "general courts." "Cort" or "curia," unqualified, could also mean the assembly of two orders.²⁰ The *curia generalis* of 1271, made up of nobles and consuls, was also styled *parlamentum*.²¹ There were other kinds of assembly too, some limited to nobility, others to townsmen;²² we have somewhat problematical evidence of several regional meetings which may have been general courts; and we know of at least two gatherings which included men of all three orders. All of these assemblies have a common history, the explanation of which must be sought initially in a general regional tradition of community and association.

General assemblies of Agenais ordinarily met under the presidency of the seneschal.²³ Count Raymond VII sometimes summoned men of one or another estate in Agenais, and he may have attended the general court of 1232.²⁴ But there is no record that Alfonse or the kings of France or England ever appeared personally in the assemblies of their distant possession. To supplement the work of their seneschals in Agenais, these rulers sometimes had recourse to special commissioners, who used the general court to carry out their instructions.²⁵ The bishops of Agen had important seigneurial rights in Agenais, but they could not convoke the assembly on their own authority. When he wished to discuss the diocesan coinage with the men of Agenais in 1263, Bishop Guillaume III begged the seneschal to convoke "his court" for this purpose.²⁶

The usual place of assembly was Agen, the administrative center of the dis-

¹⁸ See below, p. 24.

¹⁹ *Layettes*, III, no. 3833.

²⁰ Customs of Agen, art. 3 (below, n. 59); *Layettes*, IV, no. 4883; or even of three orders, *Livre d'Agenais*, no. 2, p. 8.

²¹ *Sais. Agen.*, 72; and prelates were also summoned, according to one text, 85.

²² These will be studied only to the extent that they serve to further our understanding of the general court.

²³ Cf. n. 13; and see *Rec. Trav. Soc. Agen*, VII, 614-615, no. 3; *Layettes*, IV, no. 4883; *Rôles Gascons*, ed. F. Michel and C. Bémont, 4 vols. (Paris, 1885-1906), II, no. 1428.

²⁴ *Chartes d'Agen*, nos. 31, 32; *Arch. Nat.*, J. 306, no. 80.

²⁵ *Layettes*, III, no. 3833 (Queen Blanche, acting for Alfonse); *Sais. Agen.*, 72, 85; *Livre d'Agenais*, no. 2, p. 8; cf. *Arch. Gir.*, I, no. 181, 348-349, regarding the sessions of 1286, in which Edward I may have appeared (cf. below, p. 23).

²⁶ *Layettes*, IV, no. 4883, partially quoted below, n. 132.

trict.²⁷ Apparently no one place within the city was reserved. We hear of gatherings in the cathedral church, the bishop's palace, the town hall (*domus communitatis*), the house of the Templars, and the house and cloister of the Dominicans.²⁸ Different sessions of the same general court might convene in different places.²⁹

The method of summons is unknown. General patent letters or notification by word of mouth were probably most common.³⁰ Important persons or towns may sometimes have received individual letters, but the fact that no such letter has survived seems to indicate that this was not the ordinary practice. The identity of those convoked and the nature of their attendance are larger and more important questions. To deal adequately with them it will be necessary to inquire into the genesis of the general court, which must have determined its composition.

II

There can be no doubt that representation in Agenais originated with the appearance of town and village delegates in an existing seigneurial *curia*. We do not know when this first happened. Dognon, the historian of meridional institutions, suggested that it could not have been very long before 1182, when southwestern bourgs and *castra* were just beginning to acquire individuality.³¹ This view oversimplifies a complex problem, as we shall see, but there must be some truth in it. If the lone surviving town charter affords little perspective on a period which is extremely obscure, it is at least in accord with our understanding of the emergence of the consular *régime* in the twelfth-century.³² And there is no reason to suppose Angevin or English, much less Capetian, influence in the beginnings of the general court. Richard simply recognized an institution indigenous to southern Aquitaine. The nobles were the basic and original element. Their simple *curia* continued to meet as a judicial body in the thirteenth century.³³ From it, presumably, the general court derived its functions and character. The customs of Agen, written after 1221 but certainly reflecting earlier conditions, refer to the lord's *cort* as a tribunal with cognizance of cases involving the peace of Agenais, and composed of barons, knights, consuls, and townsmen of the diocese.³⁴

²⁷ See *ibid.*, no. 4883; *Sais. Agen.*, 72; *Chartes d'Agen*, no. 60. There is no certain instance of a general court held elsewhere (but cf. *Livre d'Agenais*, no. 17, p. 37); a meeting of Agenais nobles in 1243 took place at Castelsarrasin, on the border of Toulousain, perhaps to accommodate Raymond VII, *Arch. Nat.*, J. 306, no. 80.

²⁸ *Layettes*, III, no. 3833; *H.L.*, VII, *documents*, 419-426 (not a general court); *Sais. Agen.*, 72, 85, 87; *Chartes d'Agen*, nos. 60, 141.

²⁹ As in November 1271, *Sais. Agen.*, 72, 85-87; and August 1279, *Chartes d'Agen*, no. 60; *Livre d'Agenais*, no. 2, pp. 8-9.

³⁰ Both are exemplified by a curious document of 1274, *Recognitiones Feodorum in Aquitania . . .*, ed. Bémont (Paris, 1914), no. 174, the lone surviving instrument of general summons for the Gascon seisin of Edward I; cf. *Arch. Gir.*, I, nos. 181 (348-349), 182 (351). According to the usages of Agen, Tropamer, *Coutume d'Agen*, p. 28, the host was "cried" generally throughout Agenais.

³¹ Dognon, *Institutions*, p. 196.

³² *Ibid.*, pp. 57 ff.; on the twelfth-century history of Agenais, see J. Boussard, *Le Gouvernement d'Henri II Plantagenêt* (Paris, 1956), pp. 147-151, 228.

³³ *H.L.*, VIII, no. 412, 1253-1254; no. 423, 1289-1292.

³⁴ See below, p. 262, and n. 59.

The attendance of nobles can best be explained in terms of the feudal obligation to counsel or suit, which each knight owes on account of his fief. Unfortunately we have no evidence of such an obligation in early times, and very little for the thirteenth century. Assembled nobles and townsmen of Agenais tendered an oath of "good counsel" as well as fealty to Edward I in 1279, but in its context this cannot be interpreted as meaning a duty of attendance.³⁵ One man, but only one, among 159 nobles making recognitions in 1259, volunteered that he owed "court" as well as homage and knight service for his fiefs.³⁶ The rolls of 1286 show the concern of the government for its jurisdiction, without stressing suit.³⁷ But these acts, and others like them, invariably specify military obligations.³⁸ Indeed, the distinction between *consilium* and *auxilium* may well have been lost in Agenais, where, as in other regions, a knightly assembly must have looked much like a knightly army. As a case in point, we may notice a political gathering in 1243 which was composed of those very nobles in Agenais who had recently supported Raymond VII in an unsuccessful revolt against the king of France.³⁹ More will be said shortly about the military analogy.

The general court was not merely the lord's assembly, however. By the middle of the thirteenth century, without losing its feudal character, it had become an institution of the countryside: it had acquired a position in regional custom such that the attendance of nobles was determined by *noblesse*, defined by social status and holdings, rather than by vassalage. Nobles in assembly are designated by rank as *barones*, *milites*, and *domicelli* of Agenais, not as vassals of the lord.⁴⁰ There were many seigneurial families in the region, and the aggregate of Agenais nobles was even greater than the number of residents. The powerful lords of Albret, with holdings centered elsewhere in Gascony, had interests and possessions in Agenais which accorded them pre-eminence there. We know that they attended general assemblies of Agenais.⁴¹ For similar reasons the viscount of Lomagne and the lord of Pestillac, in Quercy, were also accounted nobles of

³⁵ *Livre d'Agenais*, no. 2, p. 9: "que ilh seran bon e leial al rei d'Anglaterra . . . e que daran a lui bon cosselh segont lor concienças e no revelaran lor secretz . . ."

³⁶ "Hommages des seigneurs de l'Agenais au comte de Toulouse en 1259," ed. Tholin and O. Fallières, *Rec. Trav. Soc. Agen*, 2e sér., XIII (1897), 11–62, and 33; also *H.L.*, VIII, no. 423, 1289–1290, obligation of Odo of Lomagne, "in placito & in guerra," for holdings in Agenais; cf. Molinier, in VII, 144.

³⁷ *Arch. Gir.*, I, 357, no. 30; 358, no. 31; etc.; cf. 381, no. 125, a knight recognizes "se debere facere et stare juri coram eo [lord of Agenais]"; and 386, no. 140.

³⁸ Besides the recognitions of 1259 and 1286, see *Livre d'Agenais*, nos. 5–11, pp. 17–20, obligations to *exercitus et homagia* in 1279.

³⁹ *Arch. Nat.*, J. 306, no. 80; cf. Rymer, *Foedera, Conventiones, Litterae, et Cujuscunqve Generis Acta Publica* . . . , Rec. Comm. edition, 4 vols. (London, 1816–1869), I, 249, for their analogous act of conspiracy the preceding summer.

⁴⁰ *Layettes*, III, no. 3833; *Chartes d'Agen*, no. 60, p. 84; etc. The sense that feudal obligations were collective, rather than individual, is very clear in the recognitions of 1286, *Arch. Gir.*, I, no. 182, e.g., 354, nos. 13, 15; 360, no. 41.

⁴¹ *H.L.*, VIII, no. 330, iii, 1039; no. 361, viii, 1119; no. 423, 1290; "Hommages . . . en 1259," 54, no. 1; *Arch. Gir.*, I, 361, no. 42; cf. *Chartes d'Agen*, no. 50, where, in excusing himself from assembly, Amanieu d'Albret refers to himself as "unus de diocesi Agenni vel districtu" of Count Alfonse.

Agenais.⁴² The total population of nobility in Agenais was surely more than 150 at mid-century, and may have approached twice that figure. But the records are inadequate for a dependable estimate.⁴³ Useful as they may be for other purposes, the recognition rolls of 1259, 1271, and 1286 give little precise information about allodial titles or about the status of those "partners" (*parcionarii*) among whom Gascon fiefs could be subdivided almost endlessly.

Certain assemblies in the later thirteenth century included nearly 100 nobles.⁴⁴ But the usual or traditional attendance in the general court must have been smaller than this, limited in some way to the more notable barons and knights of Agenais. We have no clear evidence of the identity and size of this group.⁴⁵ The important nobles, at least, were under some special obligation to attend when summoned. They had to show cause in order to excuse failure to appear in person. In an assembly of 1263 the barons asked postponement of an important decision "on account of the absence of certain nobles who were unable to come to the said court, hindered by legitimate impediment."⁴⁶ Amanieu d'Albret, "detained by arduous business," named a personal deputy for a certain assembly in 1253.⁴⁷ Representation was, therefore, not unknown, and it was sometimes extended from individuals to small groups of partners;⁴⁸ but attendance in person was the rule. We do not find an estate of nobility represented in the general court, though the knights of Agenais could consolidate when they had a cause.⁴⁹

The summons of townsmen was founded on seignorial rather than feudal prerogative. Nothing is said about *consilium* in the charters and recognitions. The latter, indeed, show plainly that towns and villages of Agenais were not vassals of the overlord. Among the numerous demesne communities which conceded seignorial rights, dues, fealty, and military service in 1271, 1279, and 1286, not one recognized homage. Nor do the villagers indicate that service is due for fiefs and

⁴² Note 36 above; "Hommages . . . en 1259," 18, no. 4; 59-60, no. 1; *Livre d'Agenais*, pp. 17, 19; etc.

⁴³ In 1243, 29 nobles in arms, *Arch. Nat.*, J. 306, no. 80; in 1259, 159 names of knights, *domicelli*, and others not called burgenses, not counting many unnamed relatives and *parcionarii*, "Hommages . . . en 1259," 11-62; in 1271, 92 nobles swore fealty at Agen, and we know of others who did not appear, *Sais. Agen.*, 85-87, cf. 67, 72; a list of 1279 shows at least 118 nobles owing knight service and homage, *Livre d'Agenais*, pp. 17-20; the roll of 1286 includes 81 persons specifically designated as nobles, but certainly refers directly and indirectly to many more than that. On the nobility see generally Tholin, "Notes sur la féodalité en Agenais au Milieu du XIII^e siècle," *Rev. de l'Agenais*, xxii-xxvi (1896-1899), esp. xxiii, 543-546; xxvi, 64-78, 173-185; and cf. E. Lodge, *Gascony under English Rule* (London, 1926), pp. 193-204.

⁴⁴ Meetings of 1271 and 1286, mentioned in preceding note. The total attendance was in each case probably larger than the number of recorded names.

⁴⁵ Cf. n. 43. To the military list of 1279 may be added a catalogue of 35 Agenais nobles whose service Edward I sought in 1294, *R.G.*, III, no. 3882; but the two sets of names are not readily comparable. (An accompanying list of Gascon nobles in 1294 is marked "de curia Sancti Severi," one of the four regular courts of Gascony proper.) Twenty-two important nobles in an assembly in 1279 are known by name, but the texts indicate that the number present was larger than this, *Chartes d'Agen*, no. 60; *Livre d'Agenais*, no. 2, p. 9.

⁴⁶ *Layettes*, IV, no. 4883

⁴⁷ *Chartes d'Agen*, no. 50; a knight was represented in 1271 on account of sickness, *Sais. Agen.*, 87.

⁴⁸ *Ibid.*, 86-87; *Arch. Gir.*, I, 364-365, nos. 60, 63; 383, nos. 128, 130.

⁴⁹ Cf. below, p. 267.

tenures, as do the nobles.⁵⁰ The king is said to have the right of *exercitus* "on" the men of a given place.⁵¹ This is hardly surprising, of course, but in some respects the military service of towns in Agenais was under the influence of feudal usage in the thirteenth century. The troops of Agen, like the nobles, were obligated only for forty days a year.⁵² In 1271 the community of Sainte-Livrade, held in *pariage* by the king, recognized its obligation to furnish two knights for forty days according to the custom of Agenais.⁵³ Not even the tiniest royal village could be called to service arbitrarily.⁵⁴ Nevertheless, the town levies seem to have been predominantly extra-feudal in nature. It was the practice at Agen for heads of homesteads, or their substitutes, to serve in the ranks, and the same system doubtless prevailed elsewhere in the region.⁵⁵

But the general levy was inconvenient for most purposes, and so, with the recognition of consular towns as collectivities, there developed some alternative devices of token or representative service or financial commutation. By the fourteenth century Agen had obtained a customary quota of 200 sergeants, and may sometimes have fined for military service.⁵⁶ Now it is very significant that this principle was already known in 1182 when we first hear of the general court. The consuls of Marmande were obliged to take the field when the overlord called out the host. The townsmen had to finance this service, just as they had to pay the expenses of their consuls as deputies in the general court. And these two provisions occur in the *same article* of their charter.⁵⁷ The theoretical relationship between military and conciliar activity is confirmed by later charters. We find it most explicit, and in the same context, in the customs of Fumel, which speak of the right of the local lords to tallage the villagers "per ost mandada o per cort generale."⁵⁸

In these circumstances it seems likely that the general court had its origins in

⁵⁰ *Sais. Agen.*, 66–84; *Livre d'Agenais*, nos. 5–11, pp. 17–20, where the distinction between urban and knightly obligations is very clear in the rubrics; *Arch. Gir.*, I, 356, no. 24; 360, nos. 39, 40; 372–373, no. 89; 374, no. 96; 376, no. 103; 377–378, no. 110; 382, no. 127; 384–385, nos. 135, 136; cf. 355, no. 18; 357, no. 26.

⁵¹ *Arch. Gir.*, I, 378, no. 110: "dominus Rex habet exercitum in dictis hominibus [of Condom] quando exercitus fit domino Agenesii in Agenesio"; cf. 360, no. 39; etc.

⁵² Tropamer, *Coutume d'Agen*, p. 28; *Arch. Gir.*, I, 381, no. 124; 384, no. 132.

⁵³ *Sais. Agen.*, 77; cf. 76.

⁵⁴ *Arch. Gir.*, I, 384–385, nos. 135, 136; the formulas of 1286 invoke occasion of need (*tempore necessitatis*), and community of obligations, 360, no. 40; 373, no. 89; 385, no. 136; etc.; but this principle is much older, *Bibl. Nat.*, MS. Lat. 6009, fols. 507–510; Tropamer, *Coutume d'Agen*, p. 28.

⁵⁵ Tropamer, pp. 28, 30; *Arch. Gir.*, I, 372–373, no. 89; *Revue historique de droit français et étranger*, vi (1860), 440.

⁵⁶ *Chartes d'Agen*, nos. 98, 145 (p. 281); "Chartes d'Agen se rapportant au règne de Philippe de Valois," ed. Tholin, *Arch. Gir.*, xxxiii (1898), no. 48, 113. The *communitas Agenni* was represented in the feudal army which joined Raymond VII in swearing support to Henry III in 1242, *R.G.*, I, no. 592; and cf. *Arch. Nat.*, J, 1031, no. 11 (*peau* 19); *Correspondence administrative d'Alfonse de Poitiers*, ed. A. Molinier, 2 vols. (Paris, 1894–1900), II, no. 1531. Commutation of *ost* et *chevauchée* was known in Bordelais at least as early as 1208, *Arch. Gir.*, I, no. 16.

⁵⁷ *Arch. Nat.*, JJ, 72, fol. 150v.

⁵⁸ *Arch. Gir.*, vii, 18, art. 12, with the rubric: "Cum sia facha ost e cort." Simon de Montfort's *ost* in 1211 was termed *cort* in the *Chanson de la Croisade*, I, 89, l. 1922; cf. II, 106, n. 3.

military arrangements. This hypothesis derives strong support from the important privileges of Agen, which were known throughout Agenais. They prescribe that, in the event of an issue between the overlord and a town, a general court should hear the case, if possible, before an army is summoned.⁵⁹ In other words, townsmen should convene with knights as a court in disputes which may result in their convocation as an army. Further illustration of this theory may be found in an agreement of 1222 between Agen and Le Mas "for the common profit of Agenais, of the city, and of the bourgs and of the barons." The two communities recognized that quarrels between them should be in the jurisdiction of barons and consuls of regional towns.⁶⁰ Interurban disputes were evidently regarded as threatening the peace of Agenais. Let us now observe that the two passages just cited seem to refer to the conciliar procedure in question as a privilege of a responsible community of Agenais. Townsmen and nobles, the former probably motivated in part by commercial concerns, and both groups burdened with a common military obligation, had developed a common interest in maintaining the regional peace. Such responsibility in the community of men of the two orders was hardly inconsistent with the feudal and seigniorial authority of the overlord, and it may have been fostered by him. Of course we must not exaggerate the strength or endurance of bonds between the estates. But the early recognition of military need by the men of Agenais must have made it easier in practice to muster the assembly. Hence the conclusion may be drawn that the early development of the general court resulted from a combination of the military obligation imposed by the overlord and military necessity recognized by the community of Agenais.⁶¹

⁵⁹ Tropamer, *Coutume d'Agen*, p. 28 (printed from other texts by Moullié in *Rec. Trav. Soc. Agen.*, v, [1850], 241-244; and Barckhausen, *Archives municipales de Bordeaux: Livre des Coutumes* [Bordeaux, 1890], 219-220): "[Men of city and suburbs of Agen are obligated to annual *ost* of 40 days in the diocese.] En aital manera quel senher, si hom lo fa tort en Agenes o deforas lo meiss hebescat, deu mandar e far cridar la ost generalment per tot Agenes, e deu far assaber a Agen sobre cui volra cavalgar o metre seti: e si en alcu loc d'Agenes vol metre seti o cavalgar, lo coselhs tot prumerament avant que home d'Agen isco en ost deu enquerre lo senhor els habitans d'aquel loc. E sil senher e li habitant d'aquel loc volo far drech a esgart del senhor e de sa cort, lo senhor los deu dregh prendre. E home d'Agen d'aqui en la no son tengutz ni devo far ost al senhor sobre aquel o aquelhs, pero que sion en l'abescat d'Agenes, que, aissi cum predigh es, volran far dregh a esgart del senhor e de sa cort, ea cals corts deu estre dels baros e dels cavoers d'Agenes e dels coselhs e dels proshomes de la ciutat d'Agen e dels borcs d'Agenes: mas en autre loc que sia foras l'ebescat d'Agenes, lo coselhs no home d'Agen no an enquesta."

⁶⁰ *Chartes d'Agen*, no. 14: "A honor de Deu trastot poderos, lo paire el fil el sanch esperit, e pel profech comunal d'Agenes, de la ciutat e dels borcs e dels baros . . . Pero si contrast fo que ja no sia, ni rancura forzia entre vos e nos, que aco fos determenad per acordir o per drech, a coneguda dels baros e dels cosels dels borcs d'Agenes, [e aquo que devant lo senhor deuria anar, que per lui sia determenad]." (Done in the presence of the seneschal.) It is hard to say whether the bracketed words have the effect of a saving clause, or imply a real division of jurisdiction.

⁶¹ In the absence of evidence, we cannot link the military theory of communal foundations (C. Petit-Dutaillis, *Les Communes françaises* [Paris, 1947], esp. pp. 103-123) with the origins of the general court. The charters of Marmande and Agen refer to the army only in judicial contexts, without suggesting any administrative policy of strengthening or extending military obligations. Certain bastides were organized for military reasons, but most such foundations belong to a period when the general

Town and village representation in the assembly was apparently not enforced as an obligation. In principle, however, the summons of townsmen remained seigniorial. Most of the consulates in Agenais were directly subject to the overlord, and we do not know that places other than these were ever convoked. Mediate lords might make their own summons to the general court the occasion for taxing their peasants, as was customary at Fumel, but the regional prince had no part in that sort of local arrangement.⁶² The number of communities which were ordinarily represented, and their identity, cannot be determined very precisely. Only one list, pertaining to the assembly of 1279, has survived. It includes Agen, Condom, Port-Sainte-Marie, Mézin, Penne, Monflanquin, Villeneuve, Marmande, Montréal, and Tournon, but this is followed by a reference to "many other places" of the diocese of Agen.⁶³ As we have seen, an assembly in 1249 was described as including delegates of the city, bourgs, *castra*, and villages; and to this may be added a directive of King Edward I in 1289 which requests the summons to a general court of "consuls of all the villages."⁶⁴ But the number of chartered rural communities was increasing rapidly in the later thirteenth century, so that, by 1300, among some fifty consulates in Agenais, there were more than thirty royal towns and villages.⁶⁵ One may doubt that all or even very many of them were ever represented together in assemblies. Probably the larger places sent deputies more often than the smaller ones, but there was no juridical distinction in this regard between commercial towns, *castra*, *bastides*, and villages.

As the charters indicate, the representatives of townsmen in the general court were the consuls, *ex officio*. The customs of Agen add that "good men," meaning councillors, might also attend the assembly, and we have record that they sometimes did so.⁶⁶ There were no special elections. This representation was indirect, the more so for the fact that lords, *bayles*, notables, or consuls them-

court was in decline. The continued activity of the general army may be one reason for the apparent atrophy of the episcopal peace machinery in the thirteenth century (cf. Arch. de Lot-et-Garonne, MS. d'Argenton [2J54], III, no. 44, 26-27; Ducom, *Agen*, no. 2, pp. 284-286). The bishop had his own vassals in Agenais, Ducom, p. 277, but we do not hear that he summoned townsmen.

⁶² *Arch. Gir.*, VII, 18, art. 12. The villagers were then said to be "quiti de cort," meaning, literally, that they had "paid court." This is the seigniorial aid in support of feudal service, discussed by Carl Stephenson, *Mediaeval Institutions: Selected Essays*, ed. Bryce Lyon (Ithaca, 1954), pp. 2-4. Tonneins-Dessous obtained customs of Marmande from mediate lords in 1301, but this does not mean that the provision for attendance in the *cort generale* was honored in practice, Lagarde, *Tonneins*, p. 118, art. 25. In view of the military analogy, it is significant that we know of the exemption of baronial towns from the army, e.g. Caumont (1289), *Bibl. Nat.*, MS. n. a. franç. 3391, fol. 85; Lafox was tallaged for its lords' service, customs of 1254, ed. Cabié, *Rec. Trav. Soc. Agen*, VIII (1883), 267.

⁶³ A composite list, drawn from two documents, *Chartes d'Agen*, no. 60 (p. 84), and *Livre d'Agenais*, no. 2, p. 9; the quoted formula is identical in both.

⁶⁴ *R.G.*, II, no. 1428.

⁶⁵ *Livre d'Agenais*, nos. 6, 8, 10, pp. 18-20; "Les Coutumes de l'Agenais: Monclar, Monflanquin (1256-70), Saint-Maurin (1358)," ed. H. Rébouis, *N.R.H.D.F.É.*, XIV (1890), 388-397; also M. Curie-Seimbres, *Essai sur les villes fondées dans le sud-ouest de la France aux XIII^e et XIV^e siècles sous le nom générique de bastides* (Toulouse, 1880), pp. 225-238.

⁶⁶ Above, n. 59; *Layettes*, III, no. 3833; IV, no. 4883.

selves controlled the choice of officials in many places in Agenais.⁶⁷ Of special delegates or empowered syndics in assembly we hear nothing until late in the century. Deputations were invariably from individual towns; there is no evidence that a third estate as such was represented.

The practice of consular representation in the general court cannot be directly documented until 1249. But we can trace its influence, or at least find its parallel, in an earlier development of representative techniques among certain Agenais towns. A defensive league was formed in 1224 between Agen and five neighboring communities.⁶⁸ From then on, townsmen of the Garonne valley frequently dealt collectively with their interests: the maintenance of free and open routes, procedures for regulating disputes, the disposition of tolls and subsidies, mutual defence, and the like. The towns were represented in these negotiations and activities by their consuls or councillors, or by individual notables.⁶⁹ The first mention of corporate Romano-canonical representation among associated Agenais communities occurs in 1254, when Alfonse speaks of distributing a certain indemnity to proctors of those Garonne towns to which it was owed.⁷⁰

Town and village delegates assembled on some occasions with the count of Toulouse. In 1239, when he was deeply indebted to financiers of Bordeaux, Raymond VII sought to raise revenue by imposing a toll on wine and grain passing the port of Marmande; and in the following year he levied a special *taille* on Garonne towns to support the work of restoring the river channel. This *taille* was to be assessed and collected "per consules et consilia villarum de riparia," and it seems likely that the count had consulted the consuls and councillors in this matter.⁷¹ He had imposed the Marmande toll "de consilio burgensium et proborum hominum de riparia." This evidently refers to a meeting of councillors, and perhaps consuls, and notables. They resorted to the administrative device of appointing two "good men" to act as collectors for the association of valley communities. Only the seven leading towns (whose bankers had already advanced a part of the debt and were to be repaid from proceeds of the toll) are specified: Agen, Le Mas, Marmande, Port-Sainte-Marie, Castelsarrasin, Moissac, and Montauban.⁷² This list includes four notable towns of Agenais, but the three last-named places were located in Quercy. There is other evidence, too, that common commercial interests centered in Agenais involved mercantile towns well outside the district.⁷³ But none of these external towns had a place in the general court. Indeed, it is quite impossible to show that prior experience in the court had any influence in creating a sense of community among valley

⁶⁷ See Dognon, *Institutions*, pp. 75, 80, 89; in charters granted by Alfonse and copied (for the most part) by Edward I, the lord or *bayle* appointed consuls, but a council for finance was chosen "by the people," e.g., *N.R.H.D.F.É.*, xiv, 405, art. 13; xii (1888), 88-89, art. 13.

⁶⁸ *Chartes d'Agen*, no. 16; cf. nos. 14, 15.

⁶⁹ *Ibid.*, nos. 18, 30-34, 41, 72, 77, 80.

⁷⁰ *Corresp. d'Alfonse*, II, no. 2092; cf. below n. 85.

⁷¹ *Chartes d'Agen*, no. 32.

⁷² *Ibid.*, no. 31.

⁷³ *Ibid.*, nos. 18, 41; *Calendar of the Patent Rolls, 1247-1258* (London, 1908), pp. 251-252; etc

towns. The only feature which the general court certainly had in common with assemblies of associated towns was the form of representation.

The clergy had no regular place in the early general court. There is no mention of prelates as a group in assemblies before 1271 and the charters of customs are equally silent. Churchmen ordinarily attended assemblies as individual notables or witnesses; they never attended as representatives of clergy in Agenais. The bishop of Agen appeared frequently, and we also find evidence of abbots, *caro is*, archdeacons, and *magistri*. But the total number of different clerics whose names are recorded is very small; and it includes men of other dioceses, such as the bishops of Toulouse and Lectoure, and the abbots of Moissac and Figeac.⁷⁴

The absence of the clerical estate may be viewed as a consequence of the allodial status of Agenais churches and hence, indirectly, as an indication of the feudal ancestry of the general court. It was not merely that the overlords had had little reason to consult the clergy, or that the latter, for their part, had developed no tradition or cause in common with the laity.⁷⁵ More fundamental was the fact that few ecclesiastics in Agenais were vassals (or admitted that they were).⁷⁶ They were far outnumbered by nobles and towns in the feudal recognition sessions of the later thirteenth century. Moreover, such rare recognitions as they made show that the higher clergy ordinarily held temporalities in free alms; they were exempt from regional military service.⁷⁷

This ecclesiastical independence, hardly pleasing to a new generation of strong rulers, was challenged toward the end of the century.⁷⁸ One indication of the changing policy is the appearance of clergy in the general court of Agenais. We have an unspecified and somewhat vague allusion to their presence in the assembly of 1271.⁷⁹ But it is certain that prelates and chapters were summoned in 1279 to sit with nobles and town delegates in a large political gathering. In 1286 Edward I directed his officials to secure feudal recognitions from church-

⁷⁴ *Layettes*, III, no. 3833; *Chartes d'Agen*, no. 60 (pp. 84, 89); *Arch. Gir.*, I, no. 182.

⁷⁵ Agenais was divided in loyalty — and ravaged! — in the early years of the Albigensian wars. Extraordinary taxation, when extended to clergy at all, was negotiated individually: see, e.g., *Brit. Mus.*, Cotton. MS. Julius E. 1, fol. 39; cf. *R.G.*, II, nos. 1610, 1793.

⁷⁶ Noting the same situation in Bordelais and Bazadais, R. Boutruche, *Une société provinciale en lutte contre le régime féodal: L'Allee en Bordelais et en Bazadais du XI^e au XVIII^e siècle* (Rodez, 1947), p. 45, finds its explanation in the act of 1137 by which Louis VII, piously motivated by the Gregorian reform, had freed the episcopal and abbey churches of the province of Bordeaux (which included Agenais) from their obligations of homage and fealty.

⁷⁷ Two prelates recognized fiefs in 1259, "Homages . . . en 1259," 43, no. 14; *The Gascon Calendar of 1322*, ed. G. P. Cuttino (London, 1949), no. 1016; and three in 1286, *Arch. Gir.*, I, 361, no. 45; 362-363, no. 51; 374-375, no. 97. The prior of Port-Sainte-Marie admitted obligation to fealty and *exercitus* in 1271, *Sais. Agen.*, 80, but the whole act is cancelled. The abbot of Condom in 1285 owed only fealty and recognition of feudal holdings to the king, "sine alio deverio, sicut est hactenus observatum," *R.G.*, II, no. 938 (275).

⁷⁸ See Boutruche, *op. cit.*, pp. 112-113; *R.G.*, II, no. 1428. At Agen the consuls disputed clerical immunity from common expenses for properties which had previously paid *taille*, *Chartes d'Agen*, nos. 101, 102, 104-106, 108, 109, 74 (p. 122).

⁷⁹ *Sais. Agen.*, 85: they are mentioned only after "barons and knights and other nobles"; the other surviving document, p. 72, makes no reference to clergy.

men as well as other tenants. And three years later he prescribed a general court which was to include men of all three estates.⁸⁰ Clerical attendance in these assemblies was individual; we find no evidence of the representation of an ecclesiastical estate. Deputations of religious houses were probably more common than the one surviving reference of 1286 would indicate,⁸¹ but the parish clergy were undoubtedly ignored. The prelates were becoming identified with the nobility, and those having seigniorial jurisdiction may have been counted as barons for administrative purposes.⁸² A collective procuration and petition of clergy and nobles of Agenais in 1289 may have been drawn up in an assembly.⁸³ Even in this period, however, the clergy did not always attend regional meetings.⁸⁴

Procuration and the corporate representation of both towns and estates were fairly common in Gascony by the later thirteenth century.⁸⁵ For the use of these devices in assembly we find evidence in Agenais dating back to mid-century. Especially notable is the case of an individual procuration which is, in fact, the only surviving mandate for an Agenais assembly in the period under study. We have already noticed this document in another connection.⁸⁶ On 1 June 1253 the Gascon baron Amanieu d'Albret granted an agent *potestas faciendi et ordinandi* in a gathering which was to deal with a certain unspecified *negocium*. Besides stating that he was kept from attending personally by "arduous business," the principal obligated himself to recognize decisions made by his deputy in assembly. It is possible that in constituting his proctor the lord of Albret was complying with a governmental regulation, perhaps embodied in a summons; but it seems more likely that he was acting voluntarily.

This mandate was addressed to the seneschal and barons of Agenais, consuls of Toulouse, and "other good men" subject to Count Alfonse,⁸⁷ from which it

⁸⁰ *Chartes d'Agen*, no. 60; Public Record Office, Ancient Correspondence (SC 1), xiv, no. 136; *Arch. Gir.*, I, no. 181; *R.G.*, II, no. 1428.

⁸¹ *Arch. Gir.*, I, 362, no. 51, Condom the only house represented by a proctor-syndic; cf. the king's directive, 348-349; and for 1279, *Chartes d'Agen*, no. 60, references to chapters.

⁸² See next note; also *Gascon Calendar*, nos. 1269, 1702; P.R.O., Ancient Petitions (SC 8), 262/13092.

⁸³ *R.G.*, II, nos. 992, 1056, 1062.

⁸⁴ *Livre d'Agenais*, no. 17, p. 37; *Chartes d'Agen*, no. 141.

⁸⁵ E.g., *Gascon Calendar*, nos. 997, 1013, 1023; P.R.O., E. 36, vol. 275, fols. 256v-257v; *Chartes d'Agen*, nos. 88, 89; J. Monlézun, *Histoire de la Gascogne*, 6 vols. (Auch, 1846-49), VI, 2, 16-18; *Arch. Gir.*, xxvii (1892), no. 315, 373. The procuration of individual towns in Agenais was known at least as early as 1216, *Chartes d'Agen*, no. 4. Charters of Port and Fumel prescribe procedure for constituting syndics, *Bibl. Nat.*, Baluze, xxvi, fol. 341/350; *Arch. Gir.*, vii, 16, art. 5.

⁸⁶ Above, p. 9; see next note for the text.

⁸⁷ *Arch. Municipales d'Agen*, AA. 2 (*Chartes d'Agen*, no. 50): "Viris venerabilibus et discretis domino Symone Clareti, senescallo Agenni, et baronibus Agennensibus, capitulo Tolosano et aliis probis hominibus sub potestate domini comitis Pictavensis constitutis, Amaneus de Lebreto, salutem . . . Cum, arduis negociis retardati, ad vos, quod displicet, accedere non possimus, venerabili nostro domino Arnaldo de Montepesato damus potestatem faciendi et ordinandi vobiscum, super eo negotio pro quo convenistis, quod sibi, pro nobis, videbitur faciendum, obligantes nos per presentes quod vobiscum, sicut unus de diocesi Agenni vel districtu dicti domini comitis, exequamur, secundum quod nomine nostro ordinabit dominus Arnaldus de Montepesato predictus. Datum Lingone [Langon], feria tertia post assensionem Domini, anno Domini M.CC.L.III. [1 June 1253]." Boutaric and Molinier overlooked this document, and its editors missed its significance. Regarding Albret's preoccupations,

appears that the assembly in question was not a general court.⁸⁸ It was probably a special advisory session called by the seneschal to study certain complaints against the administration of the new overlord. We know of one such conference in the period 1252–1253 which was attended by consuls and notables of Agenais and men of Toulouse.⁸⁹ These two descriptions may possibly refer to one and the same gathering; but if not, then the two meetings must be related. The details of the issue need not concern us here. The result of the known investigation is included in a reform ordinance which was promulgated by county investigators in the bishop's residence at Agen in the presence of four prominent nobles of Agenais. One of these four is the same person who received Albret's mandate, and he may have been acting as a proctor on this occasion. However that may be, it is important to notice that the four nobles are said to be in attendance "pro se et aliis baronibus et militibus Agennesii."⁹⁰ Whether they had been explicitly summoned as delegates of an estate of nobility cannot be determined, nor can we be sure that their acquiescence was legally binding on the regional baronage. But the phraseology suggests that by this time the representation of an order in assembly was a practical possibility.

This precedent had no immediate fulfillment in Agenais. In no other assembly of the thirteenth century do we find an estate represented, although there is evidence of deputations or petitions from associated men of one or more estates. A somewhat different form of collective representation may be noted in the general court of 1271. This meeting was attended by the consuls of certain towns which were the centers of local administrative districts. Included in these districts were other parishes and villages, and it is clear that the assembled consuls represented the suburban parishioners and villagers as well as their fellow townsmen.⁹¹ But this experiment was not repeated in later assemblies, a fact which may be related to the transfer of overlordship in 1279. Nor was procuration much utilized. We know of only one assembly of Agenais, that of 1286, in which

see Bémont, *Simon de Montfort, Earl of Leicester, 1208–1265*, new ed., tr. E. F. Jacob (Oxford, 1930), pp. 118–120.

⁸⁸ For evidence of relations between Toulouse and Agen in this period, some of it seeming to show Agen following the lead of the consuls of Toulouse in internal matters and jurisdiction, see *Chartes d'Agen*, nos. 3, 10, 11, 40; *H.L.*, VII, docs, 423–424. At least two consuls of Toulouse attended the general court of 1249 as witnesses, *Lagettes*, III, no. 3833.

⁸⁹ *H.L.*, VII, docs, 421–424, an issue arising from the building of bastides, concerning which "consilium fuit datum a consulibus & ab aliis urbis Agennesis, presentibus nobili viro domino Sicardo Alamanni & probis hominibus Tholosanis jurisperitis & aliis etiam Condomii & Penne & Portus Sancte Marie, & de Medicino & de Grandiscastro & de Marmanda & Mansi, Agennesis diocesis . . . [who all gave counsel according to the custom of Agenais]."

⁹⁰ *Ibid.*, 419–426; cf. 426–430; Molinier, "L'Administration de Louis IX et d'Alfonse," 509, 568; and VIII, 1325–1329, 2404, for reform ordinances of this period.

⁹¹ *Sais. Agen.*, 75–82. See, e.g., the act of Port, 78–80: "Noverint universi quod convocatis consulibus ville de Portu Sancte Marie, diocesis Agenensis, pro se et universitate dicte ville et pro parrochiis et castris de honore et districtu bajulie dicte ville . . ." The many *castra*, villages, and parishes enumerated were bound by the act of the consuls of Port. This matter will be treated fully and comparatively in a study, now in preparation, of thirteenth-century assemblies in southern France.

proctors and syndics certainly appeared. Their attendance, even then, was surely voluntary and exceptional. One monastery sent a syndic with a mandate, several villages deputed syndics, and some proctors appeared on behalf of tenurial partners. There was no insistence on mandates.⁹² Romano-canonical formulas were available and understood in Agenais, but they were used in assembly without procedural meaning, as an alternative to informal representation.

III

The general court of Agenais retained its original military and judicial character in the thirteenth century. We may cite a case of the year 1255. The seneschal had led a successful military expedition against some Gascon nobles who had done violence to "men and burghers" of Agenais. According to the act of submission, the seneschal took the field "(fecit exercitum) de consilio baronum et militum et proborum hominum dyocesis Agennensis."⁹³ This phrase probably refers to a meeting of the general court, for the issue in question resembles that military contingency which the customs of Agen had specified as the occasion for assembly. To put it in general terms, the townsmen make of their injury a regional issue, which is discussed in plenary session, and results in the proclamation of a general army. In the circumstances it is clear that *consilium* means "advice" or even "judgment," but not "consent," for the military campaign was wholly to the advantage of the men of Agenais. Indeed, we know of protests in this very period against a seneschal who was hesitant in calling the army when needed.⁹⁴ It would appear from the recognitions that the general army was still a flourishing institution in 1286. And when the nobles and villagers state that they will serve in the ranks when others of Agenais do likewise, we may perhaps infer that the decision was supposed to be made in assembly.⁹⁵ But there is no further evidence of this in practice.

Meetings of this kind must be characterized as judicial, and we know of one or two other deliberative sessions of the general court which were similar in nature.⁹⁶ Of ordinary litigation there is no direct evidence, but it seems likely that the court occasionally heard major suits, perhaps on appeal. In 1270 the barons of Agenais petitioned Count Alfonse for the right to convene in general

⁹² *Arch. Gir.*, I, 356, no. 24; 360, no. 40; 362, no. 51; 376, no. 103; 382, no. 127; 383, nos. 128, 130; 387, no. 145; tutors also served as representatives, e.g., 380, no. 120.

⁹³ *Layettes*, III, no. 4199. One of the offenders disclaimed financial liability for the expedition because "paratus fuerit et sit stare juri, in curia dicti senescalli, omnibus de se querelantibus"; cf. *H.L.*, VI, 844, n. 3 (Molinier).

⁹⁴ *Layettes*, V, no. 672, the seneschal entreats Alfonse to advise him promptly in regard to the depredations of certain knights which have aroused such great indignation in Agenais "contra me quare non statim invado eosdem et eos [men of Agenais] similiter per se invadere non permitto, et quare non congreco exercitus contra ipsos, quod nescio consilium quod apponam . . . [dated 1256-1258]."

⁹⁵ *Arch. Gir.*, I, 354, nos. 13, 15; 356, no. 24; etc.; and esp. 373, no. 91, a noble's obligation to serve "quando mandatur et fit exercitus communiter in Agenezio per barones, milites et universitates diocesis Agennensis"; also *Bibl. Nat.*, MS. n.a. franç. 3404, fol. 199.

⁹⁶ *Layettes*, IV, no. 4883; cf. *Rec. Trav. Soc. Agen*, VII, *prewes*, no. 3, 614-615; *Livre d'Agenais*, no. 17, p. 37.

court four times a year, without summons, in order to hear appeals. This showed their discontent with certain novel procedures which were making it possible for the count's officials to do without the old feudal tribunal. The county parlement rejected the petition, claiming, among other things, and with some justification, that the holding of such frequent courts would be inconsistent with law and custom.⁹⁷ In May 1270, in a conciliatory gesture before embarking on crusade, Alfonse conceded the right of the nobles of Agenais to be tried by their peers under the presidency of the seneschal, but he said nothing about the plenary court.⁹⁸ The government was undoubtedly trying to curtail its activity, and it seems clear that from the time of Alfonse the general court was in decline as a judicial institution. This may be one reason for the apparent disinterest in procuration as a procedural device. The new administrators were apprehensive of any conceivable source of opposition to their authority. They probably felt that the assembled community was an ungainly body, hard to convoke and harder to manage, and conducive to delays, inefficiency, and injustice.⁹⁹

In other ways, however, the assembly of Agenais had possibilities which did not go unrecognized in the changing circumstances of the thirteenth century. The regional government began to use it as an administrative organ, as a means of getting information about feudal holdings, of registering oaths of fealty, and of communicating policy to the generality of inhabitants. These matters were especially urgent in Agenais, where the shifts of suzerainty and absentee rule combined to engender a serious problem of loyalty.

The use of assemblies in fealty proceedings first comes to our notice in the settlement after the baronial revolt of 1242.¹⁰⁰ The defeated Raymond VII, as lord of Agenais, had to account to his own overlord, the king of France, for the misconduct of his men. By request of royal commissioners he convoked the nobles of Agenais. Twenty-seven barons, castellans, and knights of the region assembled on 7 April 1243 in the church of Notre-Dame at Castelsarrasin, where they made a formal act of submission to the king and Church.¹⁰¹ Since no townsmen attended, this was not a general court. Oaths are recorded individually and locally for six Agenais towns,¹⁰² but none for nobles other than those who

⁹⁷ Arch. Nat., J. 1031, no. 11: "Super petitione baronum de Agennesio . . . de sexto articulo super quatuor curiis generalibus habendis in Agennesio certis temporibus sine mandato cuiuscumque et appellationibus interponendis per curiam decidendis: videtur consilio domini comitis quod curie iste non competant eis de consuetudine nec de iure . . ." See also *H.L.*, VIII, 1352-1356; 1715-1723, Alfonse's administrative ordinances of about 1254 and 1270 (which do not mention the general court); *Bibl. Nat.*, Doat, cxvii, fols. 266v-272v; Boutaric, *Saint Louis et Alfonse*, pp. 412-414, 497-501; Molinier, "L'Administration de Louis IX & d'Alfonse," pp. 520-528. The latter writers, rather vaguely and implausibly, find the influence of recent English events in the petition of 1270.

⁹⁸ *Bibl. Nat.*, Doat, cxvii, fols. 266v-272v.

⁹⁹ Arch. Nat., J. 1031, no. 11; cf. P.R.O., Anc. Pet. (SC 8), 262/13092; and see below, pp. 278-279.

¹⁰⁰ See Bémont, "La Campagne de Poitou, 1242-1243," *Annales du Midi*, v (1893), esp. 312-314. The following discussion is somewhat condensed from a general account of the subject which will appear in my work on meridional assemblies.

¹⁰¹ Arch. Nat., J. 306, no. 80 (indicated in *Layettes*, II, no. 3074).

¹⁰² Agen, Condom, Penne, Port-Sainte-Marie, Marmande, and Mézin, *Layettes*, II, nos. 3045, 3048, 3165, 3166, 3169, 3171.

met at Castelsarrasin. From this it would appear that the officials wished to deal with the baronage centrally, on a single occasion if possible, to avoid the trouble and expense of separate, local sessions such as were conducted elsewhere in the county of Toulouse for the same purpose. In fact, no comparable general gathering took place in other parts of Raymond's domains. Agenais was the only district of the county with a customary assembly, and it is very probable that the procedure there was influenced by local conditions.

A further step was taken in 1249, when, on the death of Raymond VII, it was necessary to secure seisin of the county of Toulouse for Alfonse of Poitiers. The queen mother directed the proceedings in the absence of her son, who was on crusade. This time officials convoked a plenary assembly in Agenais, at Agen, and similar meetings were held in Toulousain and Quercy. These assemblies were intended to serve as a means of influencing opinion among people who were very reluctant to allow governmental authority to pass to a northern prince. For the meeting at Agen, besides summoning nobles and delegates of towns and villages, the officials produced an impressive array of witnesses, including two bishops, three abbots, some high county officials, and consuls of Toulouse.¹⁰³

The session began with a public reading of the queen's mandate, which specified the rights of Alfonse, and requested his new subjects to swear their fidelity.¹⁰⁴ The men of Agenais then deliberated among themselves. They formulated a reply which was presented to the commissioners by a certain *civis* of Agen. He reported that the men assembled were unwilling to perform fealty "at present," on grounds that such an act would be contrary to the Peace of Paris (of 1229), to the last will of Raymond VII, to the interests of Jeanne, wife of Alfonse, and to their liberties and customs. Whereupon the oath commission countered that nothing was being done that would conflict with the treaty of Paris, that indeed they wished the oath to be sworn with the *reservation* of any relevant points of that agreement. Nor would fealty contravene Raymond's testament, which made Jeanne his heiress, because the oaths were requested for Alfonse only as her consort. As for regional liberties, the assembly was informed that the commission asked for fealty with the understanding of non-prejudice. Therefore, disallowing their "frivolous excuses," and reaffirming the queen's authority to act for her sons as well as the validity of their mandate, the commissioners once more demanded the oath of fealty, under penalty of expenses, or other punishments. But the men of Agenais again refused.

From an administrative point of view the assembly had been a failure. The queen's officials were obliged to go to other towns in the district to seek fealties in local sessions,¹⁰⁵ though, to be sure, they might have done so, as a supple-

¹⁰³ *H.L.*, VIII, no. 415, 1260-1268; *Layettes*, III, nos. 3832, 3833.

¹⁰⁴ This paragraph summarizes *Layettes*, III, no. 3833, a remarkable but partisan notice of the contumacy of Agenais. This document is partially supplemented by the letter of Philip-the-Treasurer to Alfonse, in Boutaric, *Saint Louis et Alfonse*, pp. 69-77.

¹⁰⁵ Boutaric, pp. 72-73. Philip tells us that the officials proceeded to undermine the resistance of Agenais by reaching an accord with Simon de Montfort, governor of English Gascony. The nobles

mentary procedure, even if they had succeeded at Agen. The real interest of the incident is political. Since the status of Agenais was quite in doubt after the death of Raymond VII, the contentions of the assembly were not wholly frivolous. The people had probably heard rumors or propaganda about reversionary rights of the king of England to the district.¹⁰⁶ This being a matter of general regional concern, the assembled inhabitants assumed the identity of a political community. There had been no such opposition in other areas of the county. It was a peculiar tradition of common interest and privilege in Agenais which had made possible the expression of provincial suspicion and independence in assembly. The government might well be wary of allowing this to be institutionalized in the general court.

The next important administrative assembly was the general court of 1271. This was occasioned by the accession of Philip III to the county of Toulouse. The procedure of seisin was more comprehensive than that of 1249; it included an inventory, accounting, and recognitions of fiefs, as well as the collection of fealties. A tour of Agenais was required to accomplish all this, but the king's officials hoped that they could give publicity to the work and get a good deal of it done in a preliminary central assembly. In convoking the general court, they may have added clergy to the usual summons of nobles and towns. It is clear, however, that they were simply utilizing the customary institution for their special purposes.¹⁰⁷

We know of two sessions of the full assembly, which included at least ninety-two nobles and the deputies of four towns. The royal commission was made public on 12 November, upon which, in a move reminiscent of their resistance in 1249, the men of Agenais refused to perform fealty until some royal official of the district had first sworn to respect and uphold their liberties and customs. Accordingly, a new seneschal was appointed, and he took the required oath publicly on the 14th. The commissioners were then able to obtain the fealties.¹⁰⁸ Once again the general assembly had served as a focus for the self-assertion of the community of Agenais; but this time the government was able to have its way by making a minimal concession.

These proceedings, in violation of English rights to Agenais, were not to have permanent results. Arrangements for the restoration of English suzerainty were completed in the summer of 1279, following the treaty of Amiens.¹⁰⁹ The final formalities received publicity in what was probably the largest and most impres-

and townsmen left behind had continued to seek a compromise. Some representatives of the city and barons and knights of Agenais sought out the officials while they were at Penne and offered an oath in unsatisfactory form. The men of Agen remained adamant, but some of the nobles then gave in and took the prescribed oath; cf. *Layettes*, III, no. 3845; and Bémont, *Simon de Montfort*, pp. 81, n. 4; 87.

¹⁰⁶ See Bémont, p. 81, n. 4; *H.L.*, VIII, no. 271, 887; no. 413, 1256; VI, 812, n. 1 (Molinier), 813.

¹⁰⁷ See G. La Faille, *Annales de la ville de Toulouse . . .*, 2 vols. (Toulouse, 1687-1701), I, *preuves*, 1-51, the *saisimentum* roll for the county, minus that part which was printed as *Sais. Agen.* C. V. Langlois, *Le Règne de Philippe III le Hardi* (Paris, 1887), pp. 169-172, overlooked the material for Agenais.

¹⁰⁸ *Sais. Agen.*, 72-82, 85-87.

¹⁰⁹ Cuttino, in *Livre d'Agenais*, pp. ix-xiv, gives a good account of the transfer.

sive assembly of the century in Agenais. The bishop, three abbots, "other prelates and chapters," barons, knights, and nobles, in numbers considerably greater than the twenty-two who are known by name, the deputies of ten specified towns and villages and of others not named, and a "great multitude of other persons": such was the crowd which convened in the Dominican cloister at Agen on 9 August in response to a summons by French officials; and among the twenty-five witnesses to the transactions were important men from outside the diocese, including great Gascon lords, two abbots, and a bishop.¹¹⁰ The French agents officially transferred the direct lordship of Agenais to King Edward's uncle, William of Valence, who had been empowered as a recipient. They charged the men assembled and all other regional subjects to be obedient to the king of England and to perform fealty, homage, and their other obligations for him. The inhabitants of Agenais were absolved from their allegiance to the king of France, with the reservation of "superiority and supreme jurisdiction." Finally, the French seneschal was removed from office, and ordered to render account. A notary of Agen, by request of the royal agents, the bishop, and the whole assembly, recorded and authenticated these acts in a public instrument.¹¹¹

The difficult task of obtaining fealties now fell to the English commissioner. But certain details had been disputed at tiresome length before the agreements just mentioned. There may well have been some other discussion and speech-making in this session.¹¹² Hence the commissioner decided to postpone the fealty work overnight. And he had another reason for doing so. The word had previously got out and circulated through Agenais that the new seneschal might be the lord of Bergerac, a disreputable man who was said to be unable even to govern himself.¹¹³ This report was not unfounded, and the commissioner himself probably favored the feared Gascon noble.¹¹⁴ Uneasiness was undoubtedly discernible in the assembly on 9 August. The people of Agenais could be expected to make an issue of the seneschal, as in the past, when asked to do fealty.

Agen must have been an excited city that night. The next day, clergy, nobles, and consuls reassembled in the town hall. It is possible that matters threatened immediately to get out of control, for the commissioner's first act was a concession. Taking counsel "in full court" with his advisers, he announced the temporary appointment of Jean de Grilly, seneschal of Gascony, to the seneschalcy of Agenais; and Grilly was directed to swear to maintain the customs faithfully. But the men of Agenais were still dissatisfied. They now argued that it was customary for the lord to make oath in person, upon his first entry into

¹¹⁰ *Chartes d'Agen*, no. 60; *Livre d'Agenais*, no. 2, pp. 8-9. Lists of reliefs and homages and military service due were drawn up at about this time; they name more than 100 fief-holders and 32 towns, but this cannot be taken as evidence for attendance; cf. below, p. 273, and n. 117.

¹¹¹ *Chartes d'Agen*, no. 60 (an original, of which *Livre d'Agenais*, no. 1 is a copy), pp. 84-85, 89.

¹¹² *Livre d'Agenais*, p. xi; no. 2, pp. 7-8; P.R.O., Anc. Corresp. (SC 1), XIV, nos. 136, 137 (in *Livre d'Agenais*, pp. xix-xx). Jurisdictional questions about two bastides and the matter of Queen Eleanor's pension in Agenais were left unsettled.

¹¹³ P.R.O., Anc. Corresp., XIV, no. 136.

¹¹⁴ King Edward certainly did, *Livre d'Agenais*, pp. xxi-xxii.

Agenais; only after he had done so should he receive their oaths. They even had a general *protestacio* drawn up in legal form. At this point a compromise was approved and put into effect. The new seneschal, facing the assembly, and with gospel and cross at hand, swore an oath of protection and loyalty twice, once in place of the king, and a second time as seneschal. When this had been done, the men of Agenais in turn swore fealty to the commissioner and seneschal acting for King Edward.¹¹⁵

In a letter to the king soon afterward, the bishop of Agen wrote that he himself had been the first to take the oath, and that the other clergy, nobles, and consuls had followed suit with great zeal and affection. But this account has little to say about the community's stand for its privileges, a stand with which the bishop evidently had little sympathy. The bishop had, in fact, profited from the occasion to gain confirmation of his lordship in Agenais. He joined the commissioner and seneschal in ordaining that the administrative organization of Agenais should remain unchanged.¹¹⁶ In this act and in the earlier turn of events, the assemblage had cause for relief, so that the bishop's report of its mood in doing fealty is not implausible. There is no clear evidence of further proceedings. At some time in the period of the transfer of Agenais, officials recorded the names of fief-holders who owed reliefs and of nobles and towns obligated to do homage and military service; but these lists are not precisely dated, and we cannot assign them with certainty to the assembly of 1279.¹¹⁷

A full inquiry into feudal holdings was undertaken seven years later when King Edward personally visited Gascony. On 12 November 1286 the king commissioned the seneschal and judges of Agenais to receive recognitions of fiefs and obligations from prelates, nobles, and towns. The commissioners began to record recognitions at Agen on the 14th, and in the next five days they collected 136 depositions from individuals and representatives. Between 18 November and the following 26 January, when they closed the record, only eight more recognitions were listed.¹¹⁸ It is therefore clear that the officials had issued a summons of some kind which required appearance at Agen on or soon after 14 November. Whether so billed or not, these proceedings were administered as an assembly.¹¹⁹

¹¹⁵ *Ibid.*, no. 2, pp. 8–9. Professor Cuttino kindly answered a question about this text for me. My account attributes more importance to it than do those of Cuttino, pp. x–xi, and F. M. Powicke, *The Thirteenth Century, 1216–1307* (Oxford, 1953), pp. 292–293. The compromise in question may not have been new in 1279; it is implied in the undated forms for oaths of Le Mas, Arch. de Lot-et-Garonne, E. Suppl. 1824, p. 6.

¹¹⁶ P.R.O., Anc. Corresp., xiv, no. 136, and cf. no. 73, both in *Livre d'Agenais*, pp. xix–xxii. Also *ibid.*, no. 2, p. 8, reference to the summons of *bishop*, clergy, nobles, and towns, followed by mention of the protest made “per los autres prelatz, religios, baros, cavalers, cosselhs . . .,” without naming the bishop.

¹¹⁷ *Ibid.*, nos. 4–10, pp. 13–20.

¹¹⁸ *Arch. Gir.*, I, nos. 181, 182 (348–387).

¹¹⁹ The analogous summons in early spring 1274 of Gascon tenants to Lectoure, *Rec. Feod.*, no. 174, provides strong support for this view. In that case, too, the delay was very brief: “veniat [each tenant] hodie vel cras per totam diem ad dominum regem, in aula episcopi Lectorensis, facturus sibi homagium et fidelitatem, et alia deveria . . .” Other tenants were summoned to the court towns of Bordeaux and St-Sever; and cf. above n. 45.

The king himself was in Agen between 15 and 27 November 1286,¹²⁰ and he may well have addressed the gathering at some point.

By the later years of the century, then, the governors had utilized general assemblies for a variety of purposes. We may say that they had created new functions for the general court. For though the assembly of 1279 is only once termed "court" in several pertinent documents, and though there is no such reference for the meeting of 1286, both these assemblies resembled the general courts of 1249 and 1271; and the new uses and expanding composition might alone account for neglect of the older terminology. In any case the employment of general assemblies for the exchange of oaths had become customary. In 1299 it was said to be well known that the newly-appointed seneschal should swear protection and loyalty "to communities and barons and nobles of Agenais and they [should do the same] to him."¹²¹ That this implied the summons of a regional assembly is clear from the precedents of 1271 and 1279, and from other evidence as well.¹²²

Along with this late development, however, there was an older and continuing tradition of oath administration in local meetings.¹²³ The customs of Agen had provided that men of the city and the suburban jurisdiction should congregate when the overlord first appeared there to receive his oath and to offer theirs in turn. And when a seneschal was appointed, the consuls were to act as representative recipients and jurors.¹²⁴ These were local privileges, which had the effect of defining the responsibilities of lord and seneschal toward people of the seignury of Agen. The new usage, as enunciated in 1299, constituted a similar privilege for the whole community of Agenais. Now there may have been some confusion late in the century between the oath assembly of Agen and that of Agenais.¹²⁵ But it appears from a curious case a few years later that the two customs remained

¹²⁰ J. P. Trabut-Cussac, "Itinéraire d'Édouard I^{er} en France, 1286-1289," *Bull. Inst. Hist. Research* xxv (1952), 171-172.

¹²¹ *Chartes d'Agen*, no. 92 (p. 157): "nam notum et certum est in Agennesio quod senescallus in sui novitate, communitatibus et baronibus et nobilibus de Agennesio et ipsi vice versa tenentur jurare eidem domino senescallo . . ."

¹²² *Arch. Gir.*, I, 384, no. 135, consuls of Lagruère are obligated to swear a representative oath of fealty at Agen when the lord first comes to Agenais; also, for Le Mas, *Arch. de Lot-et-Garonne*, E. Suppl. 1824, p. 6; and *Chartes d'Agen*, no. 141.

¹²³ In 1259 nobles made recognitions and fealties in sessions in the various *baylies* of Agenais, "Hommages . . . en 1259," 11-62; and the local assizes were evidently used for similar purposes under Edward I (see n. 125).

¹²⁴ Tropamer, *Coutume d'Agen*, p. 26. The representative oath is described thus: "E si lo senher volia metre senescalc en Agenes, aquel senescalc deu jurar prumerament al coselh d'Agen per lor e per tota la universitat de la meissa ciutat e dels bords d'environ; el coselh deu jurar apres al senescalc per lor e per tota la universitat del meiss loc."

¹²⁵ *Livre d'Agenais*, no. 21, p. 50, and *Arch. Gir.*, I, 375, no. 97, references in 1280's to seneschal's oath to clerical tenants either separately or in *plena assizia Agenni*; the former document was also copied on the Gascon Rolls, *R.G.*, II, no. 938, where the reading is "Agennensi" for "Agenni." Strictly speaking, the "assize" means a periodic local court held in various assize towns; see esp. King Edward's administrative ordinance for Agenais of 1289, *Brit. Mus.*, Cotton. MS. Julius E. 1, fols. 158v-159. Professor Cuttino generously placed a transcript of this document at my disposal.

distinct, and that the strong consulate of Agen, then at odds with its lordly neighbors, was unwilling to give up its privileged individuality in Agenais. In 1311 a newly-appointed seneschal, with the later custom in mind, summoned barons and consuls of Agenais to meet at Agen. We do not know that these parties exchanged oaths, but quite possibly they did. Our only record of this occasion shows the seneschal acting under the influence of the consuls of Agen. He read to the assembly from the "Book of the Consuls," that is, he publicly recognized the old obligation recorded in the charter of Agen. Accordingly, he took oath to the consuls of Agen and they reciprocated. Presumably the latter represented suburban villagers, but they certainly had no such connection with the diocesan barons and consuls present.¹²⁶

In the matters so far considered, the general assembly remained devoid of initiative or residual authority. The lord or seneschal could convoke it for reasons of custom or convenience, but neither of them felt constrained to do so. Yet the community of Agenais was capable of acquiring new rights as well as self-consciousness. If nothing more, the customary exchange of oaths between the seneschal and men of Agenais tended to associate a privilege of the community with the assembly. A similar tendency relating to another standing issue, that of the diocesan coinage, had already gone even further. In this case the general court achieved a certain right of its own.

In Agenais, as elsewhere in feudal France, the seigneur had enjoyed the privilege of altering his coinage. The money of Agen belonged to the bishop, who held it in fief from the overlord in the thirteenth century.¹²⁷ And by that time, through a comprehensible but obscure evolution, the bishop was losing his right of arbitrary mutation, so disadvantageous for a trading community. In 1234, on the petition of men of Agen and barons and knights of the diocese, Bishop Raoul served public notice that he would preserve the money unchanged in weight and alloy during his lifetime.¹²⁸ We do not know of an assembly on this occasion, but there may have been one. For it had already been recognized that the bishop could make only one mutation, at the time of his accession, and in 1232 Raoul's predecessor had obtained the equivalent of such a mutation with the consent of the general court of Agenais, summoned by the seneschal. The assembly granted him a twelve-penny *fouage* in return for confirmation of the coinage.¹²⁹ We know of at least one other general court, in 1282, which approved

¹²⁶ *Chartes d' Agen*, no. 141; cf. G. Tholin, *Ville libre et Barons: Essai sur les limites de la juridiction d' Agen* . . . (Paris, 1886), pp. 16-45, 73 ff. (he is not clear, p. 18, about the meeting of 1311); and Rymer, *Foedera*, II¹, 281.

¹²⁷ *Gallia Christiana*, 16 vols. (Paris, 1715-1865), II, *inst.*, 431-432, the important *pariage* between Simon de Montfort and the bishop in 1217; *Gascon Calendar*, no. 1000.

¹²⁸ *Chartes d' Agen*, no. 24 (*H.L.*, VIII, no. 303).

¹²⁹ *Rec. Trav. Soc. Agen*, VII, *preuves*, no. 3, 614-615, an inadequate text; the existing MS. copies are Arch. de Lot-et-Garonne, MS. d'Argenton (2J54), III, no. 33, p. 19; and, much older, new G. 2, no. 1, from which my quotation is taken: "Guillem A. de Tantalou, senescal d'Agènes, als baros e als cavalers e als borzes e a tota la universitat d'Agènes, salut et amistad. A saber vos fara que per coseil e per commandament de nostre senhor lo conte de Tolosa e per voluntat dels baros e dels cavalers e dels borzes et de la cort general d'Agènes aven establid e pausat e per lo [*sic*, Argenton *co*] que la

the same levy for the same purpose. It was said at that time that this practice was customary,¹³⁰ and there are numerous references to the *fouage* of the money.¹³¹

This meant that the assembly had gained control of a form of seigniorial taxation. The levy of a shilling per household could be expected to bring in more than a monetary debasement, which was becoming increasingly unpopular, in any case, and difficult to accomplish. The preference for the direct tax and the limitation of episcopal prerogative are both well illustrated by a case of the year 1263. Bishop Guillaume III wanted to obtain recognition of his right to take "redemption" of the money "universally from the whole diocese of Agen," and caused a general court to be summoned for that purpose. On 23 November, after the session, he wrote to the count of Toulouse that a "great part" of the assembled barons and town deputies had acknowledged his claims, but that the barons had requested a delay on account of the absence of certain nobles. Accordingly, another assembly of barons and consuls was scheduled to meet on 3 January 1264, "to do whatever should be done about these matters."¹³² Unfortunately, we have no evidence on the outcome of the case.

Other forms of taxation remained independent of the general court. The crusading subsidies of Alfonse were negotiated entirely at the local level.¹³³

moneda no sia abatuda ni cambiada, car lo senhor avesque la a cofermada a sa vita com le ne [? Argenton ce ne] de rada ung fug de l'avesquad d'Agenais .xij. d. arnaudens los cals dont hom al sobre-dichs senhor avesque d'Agen"

¹³⁰ *Livre d'Agenais*, no. 17, p. 37: "Nos Johannes . . . episcopus, notum facimus universis quod nos, ad instanciam et requisicionem senescalli vel subsenescalli Agennesii, baronum, militum, comunitatum, villarum, et plurium aliorum habitatorum, civitatis et dyocesis Agennensis, obmisimus mutare monetam nostram arnaldensem et ipsam in statu in quo est ad totam vitam nostram confirmavimus et confirmamus. Et ut hoc faceremus de voluntate omnium predictorum, fuit nobis concessum per ipsos quod . . . de quolibet foco dictarum civitatis et dyocesis semel 12 *denarios arnaldensium* levaremus seu levari faceremus, de illis focis et similibus, videlicet, de quibus propter causam similem per predecessores nostros pecunia levata fuit temporibus retroactis"

¹³¹ *Chartes d'Agen*, no. 44 (p. 62), "fogatge que convenga levar per lo fagh de la moneda" (1248); Arch. de Lot-et-Garonne, MS. d'Argenton, III, no. 72, 43; new G. 2, no. 5, evidence for a *fouage* levied in 1292; Ducom, *Agen*, pp. 283-284, no. 2; etc.

¹³² *Layettes*, IV, no. 4883: "Alfonso . . . Guillelmus . . . episcopus . . . cum . . . in novitate cujuslibet episcopi quilibet de preteritis episcopis habuerit redemptionem universaliter a tota dyocesi Agennensi ne dictam monetam destrueret et novam faceret, et hoc manifestum sit lipis et tonsoribus in dyocesi supradicta, nos, cum ad dictam dyocesim de novo venimus, recursum habuimus ad dominum senescallum vestrum, supplicantes eidem quod ipse super predicto facto curiam suam convocaret apud Agennum. Quod sui gratia libentissime fecit, et nos ibidem existentes jus quod habebamus in dicta moneta et usum quem habuerant in eadem antecessores nostri baronibus et consiliis burgorum et villarum existentibus in dicta curia diligentem proposuimus, et magna pars tocius curie in presentia domini senescalli recognoverunt quod ita erat sicut nos proponebamus Verumptamen dicti barones, propter absentiam quorundam nobilium, qui venire non potuerant ad dictam curiam impedimento legitimo prepediti, a nobis ex gratia requisiverunt quod unam diem assignaremus eis, quod et fecimus, videlicet ad diem jovis post festum Circumcisionis Domini proximo venture apud Agennum, ad quam diem dominus senescallus debet personaliter interesse et predicti barones et consules villarum et burgorum, et ibi deliberato consilio omnes predicti super requisitione nostra se promiserunt responsuros et facturos quicquid super premissis fuerit faciendum" Molinier's account of this episode, "L'Administration de Louis IX & d'Alfonse," p. 509, is extremely inaccurate.

¹³³ *Corresp. d'Alfonse*, II, nos. 1532, 1840, 1962, 1968; etc.

Diocesan peace taxation was supposed to be levied by house or hearth in lieu of personal service,¹³⁴ but the procedure in Agenais for deciding on a peace campaign is unknown; indeed, it is not certain that such a campaign was ever proclaimed in the thirteenth century. Nor can we say definitely that any royal impositions in Agenais after 1271 were granted in regional assemblies.¹³⁵

Yet financiers of that period were undoubtedly aware of the general court, as is shown by a remarkable entry on the Gascon Rolls. In April 1289 Edward I directed his seneschal to convoke a "general court of the whole Agenais," including men of all three estates, in order to secure a ten-year *fouage* of six pennies for the rebuilding of a bridge over the Garonne at Agen.¹³⁶ Only the theory concerns us here, for we have no evidence that this projected assembly actually convened, or that a six-penny tax was imposed.¹³⁷ Recourse to the general court in the "business of the bridge" seems to have been a new idea, but it might have been argued that a body which customarily approved *fouage* for one purpose could be convoked to grant the same kind of tax for another. The royal directive was in accord with the interests of the men of Agen. They had taken the initiative in this project for the "common utility of the whole land," and they may have petitioned the king to impose a general tax.¹³⁸ Some sort of financial campaign had been under way for some time.¹³⁹ In 1287 the seneschal had asked inhabitants with seigneurial jurisdiction to convoke their men in local meetings "to hear our mandate and complete the work of building the said bridge."¹⁴⁰ We have no details of this particular scheme, but there is no indication that it was successful. The king's request for a general court should be understood as a drastic measure substituting central publicity and negotiation for ineffective local procedures.

Whatever the interest of these precedents, the general court was not destined to become a constitutional body. In circumstances just like those of 1289, Charles IV in 1325 ordered a ten-year *fouage* in Agenais for bridge repair, but nothing was said of an assembly, and the seneschal was left free to proceed as he saw fit.¹⁴¹ A few years earlier Edward II had apparently dealt individually with magnates and towns of Agenais in efforts to raise a war subsidy.¹⁴² Administrative legislation may sometimes have received publicity in general assemblies

¹³⁴ Ducom, *Agen*, pp. 284–286; *Gallia Christiana*, II, *inst.*, 431–432.

¹³⁵ See *Chartes d'Agen*, no. 59, a letter of non-prejudice for prelates, nobles, and townsmen of Agenais in common, for their grant of a crusade tax; some towns of Agenais made loans to the French in the 1290's, *Comptes royaux (1285–1314)*, ed. R. Fawtier, II (Paris, 1954), no. 17876; for Agen's free gift in summer 1294, see *Chartes d'Agen*, nos. 90, 91, 94.

¹³⁶ *R.G.*, II, no. 1428.

¹³⁷ For later documents, see *Chartes d'Agen*, nos. 104, 111 (*corr.* 110), 120, etc. The *opus pontis* on the turbulent Garonne was perennial: see Labrunie, "Les Ponts sur la Garonne," ed. Tholin, *Rev. de l'Agenais*, V (1878), 441–444; C. Higounet in *Annales du Midi*, LXII (1950), 351.

¹³⁸ As they did in 1325, *Chartes d'Agen*, no. 156; see also nos. 70, 77–79.

¹³⁹ At least since 1286, *ibid.*, no. 70; also nos. 77–79.

¹⁴⁰ *Ibid.*, no. 78; cf. Ducom, *Agen*, p. 75, similar activity in 1282.

¹⁴¹ *Chartes d'Agen*, no. 156.

¹⁴² Rymer, *Foedera*, II¹, 467, 475.

but was not issued or ratified by them.¹⁴³ It is possible, however, that the community had some continuing influence in restraint of the bishop's monetary prerogatives. In 1316 men of Agen had control of operations in the episcopal mint; and it was the practice at that time for coins to be struck on the request of consuls of the city and towns of Agenais.¹⁴⁴ But there is no mention of the general court in this matter, nor do we hear of the *fouage* for the coinage after 1292. The bishops were losing their coinage rights in the fourteenth century, and they probably fared quite as badly with the overlords as with the community.¹⁴⁵

IV

As a matter of fact, the general court was in full decline. We do not find the term *curia generalis* (or its Gascon equivalent) in reference to any session in Agenais after 1289. Moreover, few plenary assemblies to the middle of the fourteenth century, even counting administrative gatherings, bear much resemblance to those which we have described.¹⁴⁶ There are several allusions to the general court in charters and confirmations, but these are not *de novo*, and the articles in question may be regarded as anachronistic.¹⁴⁷ Though the general army survives, we no longer see it in its old connection with the court.¹⁴⁸ As a judicial body the general court was certainly in abeyance, and perhaps had long been so, by the early fourteenth century. It appears from undated petitions of the time of Edward II that the barons wished to institute — or to revive — a high court of justice composed of nobles and town consuls of Agenais.¹⁴⁹ Their efforts were not successful.

¹⁴³ *H.L.*, VII, docs, 419–426; *Livre d'Agenais*, p. xx; Brit. Mus., Cotton. MS. Julius E. 1, fols. 158–159v.

¹⁴⁴ Arch. de Lot-et-Garonne, new G. 2, no. 11 (*Rec. Trav. Soc. Agen*, VII, *preuves*, no. 5, 615–616); *ibid.*, no. 6, 616–617; Ducom, *Agen*, p. 148; and cf. “Chartes d’Agen,” *Arch. Gir.*, XXXIII, no. 44.

¹⁴⁵ See Ducom, pp. 150–151; and no. 1, pp. 271–274; D. Nony, “La monnaie arnaudine: Essai de numismatique,” *Annales du Midi*, LXXI (1959), 10–12.

¹⁴⁶ See below, pp. 28–9.

¹⁴⁷ Customs of Fumel, confirmed in 1297, *Arch. Gir.*, VII, 18, art. 12; Lagarde, *Tonneins*, p. 118, art. 25 (this charter contains new articles, but the one cited and many others correspond to articles in the customs of Marmande); Arch. Nat., JJ. 72, fol. 150v; “Coutumes d’Agen,” ed. Moulié, *Rec. Trav. Soc. Agen*, v (1850), 241–244, *vidimus* of 1370.

¹⁴⁸ C. Baradat de Lacaze, *Astafort in Agenais, Notice historique et Coutumes* (Paris-Agen, 1886), p. 200, charter of 1304; *Chartes d’Agen*, no. 145 (p. 281); “Chartes d’Agen,” *Arch. Gir.*, XXXIII, no. 48; cf. P.R.O., Chancery Miscellanea (C 47), 26/13, art. 1, and *Chartes d’Agen*, no. 74, art. 1; no mention of lord’s *ost* in the article, repeated from the Marmande charter, which speaks of the court, Lagarde, *Tonneins*, p. 118.

¹⁴⁹ P.R.O., Anc. Pet. (SC 8), 262/13092 (also C 47, 25/2/31), townsmen of Agenais concerning intentions of the nobles: “Item intendunt inpetrare quod iudicia que fiunt in Agenesio fiant de consilio et acordo baronum, militum et consulum villarum Agennesii et id in quo maior pars conveniret teneretur, quod esset contra jus et in preiudicium domini nostri Regis et terre Agennesii, pro eo quia difficiliter convenirentur et cause non possent expediri et ille qui plures haberet amicos tam ratione nobilitatis quam pecunie et alias culpabilis evaderet qui deberet forsitan condemnari et condemnaretur eciam qui deberet absolvi.” Cf. Chanc. Misc. (C 47), 30/1/27–28; Anc. Pet. (SC 8), 276/13776, 13783, wherein the prelates, nobles, and others with jurisdiction request a high court composed of prelates and nobles, as, they say, “observatum fuit diutissime in patria Agenesii.” Art. 7

The governors had given up the general court as a customary institution. Like Alfonse, who introduced bureaucratic administration to Agenais, they were no longer interested in preserving an ungainly feudal tribunal. The summons of regional men was useful, to be sure, and officials felt free to widen it to include clergy, and to employ convocations for new purposes. By so doing, however, they undermined what little institutional identity the general court had ever possessed. Possibly the lords and seneschals recognized that a customary assembly was potentially a privileged one. They were careful to preserve their prerogative unlimited. They may have noticed how their own license had enabled the men of Agenais to gain a measure of control over the bishop's authority.

Another reason for the decline of the general court was that the interests of nobles and townsmen diverged in the later thirteenth century. We still find occasional expressions of an undivided community of Agenais;¹⁵⁰ but it became common for the different estates to deliberate separately on matters which concerned them individually. Some of the surviving petitions from men of one or more of the orders probably originated in assemblies of corresponding composition.¹⁵¹ On certain questions there was outright hostility between the estates. Nobles and prelates accused townsmen of usurping their jurisdictions; townsmen accused nobles and especially churchmen of evading responsibility for public works and local expenses.¹⁵² In major issues between government and nobility, such as the building of bastides and the limits of jurisdiction, the burghers were inclined to side with the former. Towns of Agenais seem to have supported Edward II faithfully, and they appreciated the advantages of efficient, non-feudal justice. They opposed the desire of the lords to recover the jurisdiction of the general court.¹⁵³ This helped to seal the fate of the old assembly.

Changes in the realities of political geography were contributing to the same result. Agenais continued to have its own administration and its own assemblies in the later thirteenth and fourteenth centuries;¹⁵⁴ but in some respects its old

(30/1/28) again fails to mention towns in claiming that it was an old custom that the overlord should swear to clergy and nobles of Agenais.

¹⁵⁰ *The War of Saint-Sardos (1323-1325): Gascon Correspondence and Diplomatic Documents*, ed. P. Chaplais (London, 1954), no. 30, a deputation from prelates, nobles, and townsmen of Agenais in 1324; P.R.O., Chanc. Misc. (C 47), 29/8/2, a memorial of complaints against the French by nobles and towns in 1318; also 24/3/3; cf. entries in *Gascon Calendar*, nos. 1681, 2023, complaints "comunitatis tocius Agennesii de injuriis eis [sic] factis per nobiles patrie illius," but the references are to a community of towns.

¹⁵¹ See, e.g., *R.G.*, II, no. 992; P.R.O., Chanc. Misc. (C 47), 25/4/5 (cf. *Chartes d'Agen*, no. 73, to be dated 1320, not 1286). As we have seen, the towns discussed their special problems at least as early as the 1220's.

¹⁵² *H.L.*, VII, docs, 419-426; *Chartes d'Agen*, nos. 58, 74 (p. 122), 101, 102; *R.G.*, II, no. 1056; III, no. 2129; P.R.O., Chanc. Misc. (C 47), 26/13.

¹⁵³ See *R.G.*, II, no. 992; Rymer, *Foedera*, II¹, 361, 475; P.R.O., Chanc. Misc., 25/2/31; and see n. 149 above.

¹⁵⁴ See *Brit. Mus.*, Cotton. MS. Julius E. 1, fols. 158-159v; "Chartes d'Agen se rapportant aux règnes de Jean le Bon et de Charles V," *Arch. Gir.*, xxxiv (1899), no. 78, assembly of three estates of Agenais in 1363; the distinction between Gascony and Agenais is evident in *R.G.*, e.g., II, no. 901; III, no. 3265.

diocesan individuality was being compromised in the circumstances of general Aquitanian policy. We begin to hear of the association of men from several districts together, or from the whole duchy. In 1285, for example, prelates, nobles, and towns of Gascony and Agenais, possibly in assembly, joined in submitting to the king an advisement concerning the "liberty" of those lands.¹⁵⁵ Assemblies of the duchy took place in the fourteenth century.¹⁵⁶ Meanwhile the administrative sub-divisions of Agenais gained more importance. Many new *baylies* were formed in the time of Edward I, and periodic judicial sessions were instituted in various assize towns. The district of Agen, set apart by older custom, retained its preëminence in the fourteenth century. There and elsewhere the government used local assemblies for proclamations and for political purposes.¹⁵⁷

V

The general court of Agenais arose in the obscurity of the twelfth century from feudal, judicial, and military origins. It existed as an irregular, consultative, partially representative provincial assembly for a little more than a century. Its remarkable judicial-military function may be observed in the earliest charters, and in various other ways it gave expression to the rights of lords and the privileges of the diocesan community. The historical importance of such an institution is not lessened by the fact that it expired without acquiring lasting attributions or fixed composition. Rulers of southwestern France were not yet obliged to depend on the generosity of their subject communities, and there was no other reason for frequent sessions. The most significant aspect of the general court is the representation of towns and villages. Consular deputations *ex officio* became usual not only in later assemblies of Agenais and Aquitaine, but in those of Languedoc as well. Though we cannot affirm that this practice originated in Agenais, we cannot find it earlier anywhere else. Yet it is undeniable that representation in Agenais remained primitive and immature. There are only isolated instances of the representation of estates, and we do not know that procuration was ever used procedurally in assemblies. Study of the general court of Agenais provides support for the view that early assemblies in Europe were summoned for the administrative convenience of princes; it shows how assemblies could

¹⁵⁵ P.R.O., Chanc. Misc. (C 47), 30/1/5, quoted by P. Chaplais, "Le duché-pairie de Guyenne: l'hommage et les services féodaux de 1259 à 1303," *Annales du Midi*, LXIX (1957), 23, n. 83. See also Powicke, *Thirteenth Century*, pp. 300-304, on the administrative unity of the duchy, and on ways in which the ordinance of 1289 for Agenais required officials there to administer holdings in neighboring dioceses; see also "Chartes d'Agén." *Arch. Gir.*, xxxiii, no. 65.

¹⁵⁶ P.R.O., Chanc. Misc. (C 47), 29/8/17; "Chartes d'Agén," *Arch. Gir.*, xxxiv, no. 81; *Bibl. Nat.*, Doat, cxvii, fols. 140 ff.; cf. 129 ff.

¹⁵⁷ *Chartes d'Agén*, no. 82; *Les Olim, ou Registres des arrêts rendus par la Cour du Roi . . .*, ed. A. Beugnot, 4 vols. (Paris, 1839-1848), II, 8, 13; G. P. Cuttino, "The Process of Agén," *SPECULUM*, xix (1944), 171, no. 1. Also P.R.O., Chanc. Misc. (C 47), 29/8/17, seneschal of Gascony in 1318 directs the consuls of Agén to summon consuls of villages of the *assisiatus* of Agén for the purpose of electing proctors, along with other places in the duchy, to protest against French usurpations in the English domains; and cf. *War of Saint-Sardos*, ed. Chaplais, no. 68 (p. 85), reference to general assemblies at Bordeaux, Marmande, and Agén.

serve purposes of centralization and publicity by enabling officials to deal directly with large numbers of tenants and subjects. Some of the most notable meetings in thirteenth-century Agenais were fealty sessions of a political nature. It is also instructive to observe how easily a customary regional assembly could gain limited financial rights. But it is only in its plenary form, and not in its changing and evanescent activities, that the general court can be related historically to the later *régime d'états*. Assemblies and estates arose in many areas only at an interval after the independent development of corporate consciousness, centralization and an effective summons, and techniques of town representation. The remarkable thing about Agenais is that a representative body appeared there almost simultaneously with those requisite conditions. And Agenais was not unique in this respect. Before the emergence of French "assemblies of estates" in the fourteenth century, there is an important early history of "men of estates in assembly." It should not be neglected.

A GENERAL COURT OF ARAGON
(DAROCA, FEBRUARY 1228)*

ON 6 February 1228 (n. s.) the young King James I celebrated a 'general court' at Daroca, in the frontier-lands of lower Aragon. There in the presence of the bishops of Huesca, Tarazona and Elne, and at the king's order, the nobles and towns of Aragon solemnly performed homage and fealty to the young Alfonso, son of James and Eleanor of Castile, and recognized his legitimate title to the crown of Aragon. Held forth in the arms of the bishop of Huesca so that his hand could be kissed, the child received the promises of at least twenty-six barons and 154 'good men', knights and *infançones* representing thirty communities.

This dynastic event has until now escaped the notice of historians. It was recorded in a sealed charter apparently carried home from Daroca by the deputies of Lérida, where it was to be preserved in the municipal archives.¹ The record was known to modern archivists at Lérida, one of whom printed it in the Catalan circular of a local geographical society in 1908,² but it was unknown to Zurita and to subsequent historians of Spanish politics and representation down to and including the learned Ferran Soldevila.³ Yet it is hardly a negligible document, for what it contains is nothing less than the exceptionally explicit evidence of a Cortes otherwise unrecorded which was held in the formative period of Aragonese representation.

This general court met at a difficult moment for the young king. Although he had lately overcome a serious revolt in Aragon centred on the person of his uncle, the Infante Ferrando, the Aragonese magnates and towns remained disaffected over the plan to invade the Balearic Islands, which was favoured by the Catalans.

* This paper was read before the International Commission for the History of Representative and Parliamentary Institutions, San Francisco, 28 August 1975.

1. Archivo municipal de Lérida, Privilegios reales, no. 308; see Appendix below for the text and a discussion of its equivocal date. Many years ago Sra. Concepción Pérez Pérez, archivist of Lérida, made a photocopy of this piece (no easy task) for my use, and I am most grateful to her.

2. Rafael Gras, 'De historia aragonesa. Un documento curioso'. *Butlletí del Centre excursionista de Lleida*, i. 1 (Jan. 1908), 2-10 (text, pp. 5-9). Subsequent historians would have been spared some errors about the later tradition of this assembly had they known of this work (*cf.* below, p. 38), but Gras said little about the circumstances of 1228 and less still about the representativeness of the court (merely assuming that the townsmen there present were syndics).

3. In this regard the critical oversight was by Joaquim Miret i Sans, in whose *Itinerari de Jaume I "el Conqueridor"* (Barcelona, 1918), the text should have been noted on p. 69 (just preceding another charter from the same archive). Lately the document has been cited for its mention of men of Lérida by Josep Lladonosa i Pujol, *Història de Lleida*, 2 vols. (Tàrrrega, 1972-5), i. 373.

The Aragonese wanted to attack Valencia and they had been angered when this project was set aside in the Peace of Alcalá (1227). Moreover, the king had tired of his ambitious wife, who was perhaps compromised in the recent uprising; he was probably already contemplating the divorce on grounds of consanguinity that would be approved in the following year, and he wanted to ensure that the rights of his son by Eleanor would not thereupon be jeopardized.¹ It may be that the prelates thought this effort premature, for only two Aragonese bishops attended the assembly of Daroca. But it seems clear that the king used the occasion to confirm his settlements with the dissident Aragonese and to prove his good will toward their realm.

There may, indeed, have been some discussion in the assembly. The professions of fidelity were made not only 'by the express order' of the king but also *de communi consilio et tractatu*. To what extent this implied an active role for the men assembled – a 'parliamentary' role, in Professor Marongiu's terms² – is difficult to say, but I do not think it safe to assume that their position was strictly passive. The kings of Aragon had lived for generations on the closest terms with their barons and urban knights, who were their companions-in-arms in every sense.³ Moreover, recent experience showed that the magnates and knights were fully capable of independent initiatives. Some of the very men who had confederated to keep order without the king, including members of the *concejos* of Jaca, Huesca and Zaragoza, were present at Daroca, and there can be no doubt that James had had to negotiate with the towns as such.⁴ One cannot argue from the substance of our text that the phrase *consilio et tractatu* was a mere formality. The purpose of such documents was to record enactments, not debates, and it is altogether conceivable in the political circumstances that the court of Daroca might have broken up without taking action and so have gone unrecorded.⁵ The *curia generalis* had been convoked

1. *Libre dels feyts*, cc. 25–34; ed. Ferran Soldevila, . . . *Les quatre grans cròniques* (Barcelona, 1971), pp. 14–22; *Colección diplomática del concejo de Zaragoza*, i, ed. Angel Canellas Lopez (Zaragoza, 1972), nos. 54–57; Geronimo Zurita, *Anales de la Corona de Aragón*, ii, cc. 80–86; iii, cc. 1–3; ed. Antonio Ubieto Arteta, *et al.*, 4 vols. to date (Valencia, 1967–72), ii, 243–77; iii, 11–19; Miret i Sans, *Itinerari de Jaume I*, pp. 46–78; Ferran Soldevila, *Els primers temps de Jaume I* (Barcelona, 1968), pp. 187–201, 259–72; and *Història de Catalunya*, 2nd edn. (Barcelona, 1963), pp. 272–85.

2. Antonio Marongiu, *Medieval Parliaments, a Comparative Study*, tr. S. J. Woolf (London, 1968), pp. 48–54; 'Geronimo Zurita e "las Cortes" d'Aragón', *VII Congreso de Historia de la Corona de Aragón* . . . , 3 vols. (Barcelona, 1962), ii, 83–97.

3. See generally José Maria Lacarra, "Honores" et "tenencias" en Aragón (XIe siècle), *Les structures sociales de l'Aquitaine, du Languedoc et de l'Espagne au premier âge féodal* (Paris, 1969), pp. 143–77; and *Aragón en el pasado* (Madrid, 1972), chs. 1–5.

4. Canellas, *Col. dipl. Zaragoza*, nos. 54–57: e.g., among the barons, Ato Orella and P. Cornelii, and among townsmen, Bartholomeus Iterii of Zaragoza, Ugo Martini of Huesca and Iohanes de Montbaldran of Jaca were involved in the leagues and the assembly of Feb. 1228.

5. A *cort* held at Monzón in 1222 is unrecorded save for a passing mention in the *Libre dels feyts*, c. 20, ed. Soldevila, p. 11.