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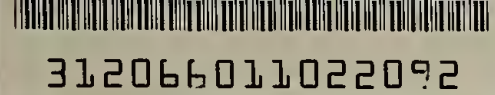
Law and public life in thirteenth century Montpellier/

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LAW AND PUBLIC LIFE IN THIRTEENTH CENTURY MONTPELLIER

A Thesis Presented

by

CHARLES E. BASHAW

Submitted to the Graduate School of the
University of Massachusetts Amherst in partial fulfillment
of the requirements for the degree of

MASTER OF ARTS

May 1994

History

LAW AND PUBLIC LIFE IN THIRTEENTH CENTURY MONTPELLIER

A Thesis Presented

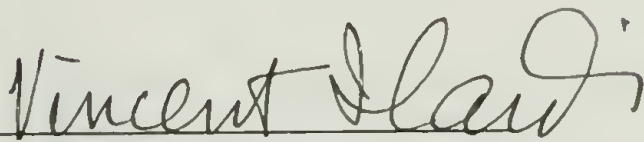
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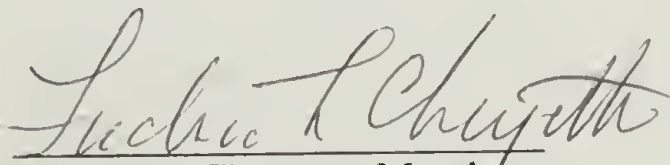
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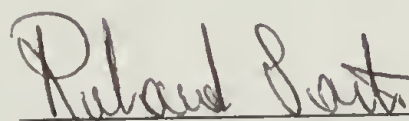
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I would like to thank my wife and children for their nearly inexhaustible patience and understanding during the course of this study and Professors Dean Ware, Fred Cheyette, and Vincent Ilardi for their assistance in its execution. I would also like to take this opportunity to extend my appreciation and affection to all of my soon-to-be former colleagues under the tutelage of Dean Ware: it has been a great couple of years and I will remember them fondly. I would like to extend special thanks to Martin Fallon for his warmth, wit, and, if I may be so bold, friendship. In addition I thank both him and Dean Ware for finding me worthy of *Le Petit Thalamus de Montpellier*. Finally, to Dean Ware: if I could find words I would gladly put them here. I will miss all of you next year more than I care to contemplate.

ABSTRACT

LAW AND PUBLIC LIFE IN THIRTEENTH CENTURY MONTPELLIER

MAY 1994

CHARLES E. BASHAW, B.A., HAMPSHIRE COLLEGE

M.A., UNIVERSITY OF MASSACHUSETTS AMHERST

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The subject of this study is the French town of Montpellier in the thirteenth century. In it I make use of *Le Petit Thalamus de Montpellier*, a collection of the city's laws published in 1840 by *La Société Archéologique de Montpellier* that includes the texts of the city's five thirteenth-century charters and an incomplete collection of *établissements* dating from the thirteenth to the sixteenth centuries, to add to our knowledge of this city whose international significance is perhaps not yet fully appreciated. The foci of my study are the concerns of the city's lawmakers as revealed by the issues about which they legislated and what an examination of this legislation has to add to our conception of life in the city during the thirteenth century. I have chosen to limit myself to this period because it was then that the Commune of Montpellier enjoyed its greatest autonomy.

In the study I consider briefly the structure of Montpellier's merchant-government—a subject that has received much scholarly attention—and explore more extensively the relatively unworked material pertaining to the workings of the city's courts, its laws on inheritance and debt, its commercial regulations, and the legal status in the city of women, children, "foreigners," and non-Christians. A portion of my study is devoted to a summary of the city's history from its late tenth-century origins to its "reunion" with the French crown in the middle of the fourteenth century. In this section of the thesis, which provides the context for the

subsequent examination of the materials contained in *Le Petit Thalamus*, I present a synthesis based on a six-month study of primary and both older and more recent secondary materials. Secondary issues pertaining to the study of medieval law and the medieval city are considered throughout.

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INTRODUCTION

In this study I make use of *Le Petit Thalamus de Montpellier* to explore the "public life" of thirteenth-century Montpellier. In the 150 years since the publication of the printed edition it has been used by legal, institutional, economic, and general historians; but very little has been done with these rich materials with "social" or "cultural" history in mind. *Le Petit Thalamus*, a small selection only of the abundant and relatively unworked archival materials of Montpellier, contains the texts of the five "charters" (*coutumes* in the editors' French, *consuetudines* and *costumas* in the Latin and Old Provençal originals) of the first quarter of the thirteenth century, an incomplete collection of *établissements* dating from the thirteenth to the sixteenth centuries, texts of public oaths of office from the same period, a municipal calendar, and two "chronicles:" *la Chronique Romane* (1088-1446) and *la Chronique Française* (1495-1574). These materials have much to offer the historian seeking to reconstruct the life of a medieval town whose "international" significance is perhaps not yet fully appreciated.

Several interests converge for me in this project: the culture of the Midi on the eve of its "destruction" as a result of *le croisade contre les Albigeois*, the "international" nature of High Medieval civilization, my studies in medieval legal and institutional history, and finally a growing interest in cultural history. *Le Petit Thalamus de Montpellier* itself, as a document, comes to me by way of the late Archibald Lewis whose pioneering work on the Midi I much admire. (I very much wish that I could have met him.) While considering *Le Petit Thalamus* and the abundant secondary literature pertaining directly to Montpellier and the Midi (a literature whose surface I have barely scratched), I began in addition to the things mentioned above to acquire an interest in the urban and economic dimensions of

medieval history, and I became intrigued by the relationship of the Midi with Northern Italy.

Montpellier has become a sort of "case-study" for me on the nature of medieval Mediterranean urbanism. Two groups of issues relate to the project. The relationship between the feudality, the Church, and the growing "middle class," and the evolution of trade and law form the broad context. The specific nature of Montpellier's place in the world of the High Middle Ages forms the immediate context. In this study I explore the nature of "communal" government in Montpellier in the thirteenth century and its relationship to the life of the city as revealed by *Le Petit Thalamus* and by supplementary materials drawn principally from the Cartularies of Maguelonne and of the Guillems of Montpellier. Although I consider twelfth-century antecedents and early fourteenth-century developments, my focus is the thirteenth century. I have chosen to limit myself to this period because it was then that the merchant-government of Montpellier enjoyed its greatest "autonomy" and because after the middle of the fourteenth century what was "living law" immediately relevant to daily life in the thirteenth became largely archaic.

Le Petit Thalamus contains information on the procedure by which Montpellier's consular government was elected, on its organization, powers, and jurisdiction. It has information on the working of its courts, including information on notaries. It holds abundant information on the legal issues of the most importance to its citizens: inheritance, moneylending, business partnerships, debt, etc. It has "public works" information dealing with such things as the guarding of the gates and the maintenance of the walls. It gives "public ordinances" including early "sumptuary" laws and a "building code." It contains craft regulations. It yields information on the position in law and business of women, children, non-

Christians, and aliens. In short, it is a handbook of the legal life of the city. In this study I delve into that handbook to see what can be added to our conception of Montpellier itself and of medieval cities in general.

In the first chapter I establish the legal and historical context out of which *Le Petit Thalamus* emerges. After briefly describing the "legal revolution" of the High Middle Ages and the "communal movement," I summarize the history of Montpellier from its origins in the late tenth century to its "reunion" with the French crown in the middle of the fourteenth century. In this section I synthesize a variety of primary and secondary materials. I have several goals in mind for this section. The first is to set thirteenth-century Montpellier in its proper context—that of a major, international city that is more part of a Southern French and Mediterranean world than part of what we today think of as France. For although the French crown was in the process of "annexing" this region for the Kingdom of France in the thirteenth century—through its wars with the Kings of England, its policies in Languedoc after the Albigensian Crusades, and its marriages in Provence—it had historically been part of the Midi, a region that stretched roughly from the Loire over the Pyrenees and to the ever forward-moving frontier with Moslem Spain. An important issue is Montpellier's brief escape from this advance of the French crown.

Another important issue that I touch upon in this chapter and explore further in the second is the question of the sovereignty of Montpellier's merchant-government. For *Le Petit Thalamus* to be a valid handbook of the legal life of the city, the sovereignty of its makers, the townsmen of Montpellier, must be established. Without the authority to back them up, the decisions that Montpellier's consuls embodied in their laws would not have had binding effect, and after that authority had vanished the context changed entirely. In this chapter I briefly

consider the nature of medieval cities. After having done that and having established the sovereignty of its merchant-government, I proceed to consider the evolution of its law code. The key issues addressed in this code are the structure of the city's government, the workings of its courts, its laws concerning inheritance, the settling of debts, its commercial regulations, and surprisingly abundant material pertaining to the position of women and other "Outsiders" before the law. In the next chapter, having established a political, social, legal, and temporal frame of reference I examine briefly the already much explored structure of the city's merchant-government and delve into the previously lightly studied workings of its courts. In the final chapter I focus on the subjects of inheritance, debt, commerce, and the position of "Traditional Outsiders"—such as women, children, non-Christians, and aliens—before the laws of the city.

I shall devote the remainder of the introduction to a consideration of my methodology and to a consideration of the principal sources that I have employed.

Sources

Le Petit Thalamus de Montpellier

In the introduction to *Le Petit Thalamus de Montpellier*¹ the editors describe the manuscript as follows:

Il contient, outre une collection de monuments de l'ancienne législation de cette ville, une chronique qui commence à des temps très-reculés et ne s'arrête qu'au XVII^e siècle. La partie la plus ancienne du texte est écrite en roman du midi; celle qui se rapproche

¹*Thalamus Parvus; le petit thalamus de Montpellier*, Société archéologique de Montpellier, Montpellier, 1840. Hereafter abbreviated as *PT*.

le plus de temps modernes est en français, quelques pages sont en latin. Les deux cent quatre-vingt-quatre feuillets de parchemin dont le manuscrit est composé, forment aujourd'hui un volume d'environ onze cents pages, et de dimensions à peu près égales à celles d'un in-4^o. Mais les nombreux cahiers dont est formé ce volume n'appartiennent pas tous à la même époque; ils ont été rédigés en des temps différents, par des mains différentes, interrompus, repris, surchargés, enfin réunis on ne sait en quel temps.²

The document consists of four parts: *les Coutumes*, *les Établissements*, *les Serments*, and a "chronicle" in two parts: *la Chronique Romane* and *la Chronique Française*. The words *Thalamus parvus* seem to have been added as a title at the unknown time of the document's collation.³ There is some disagreement as to their derivation and meaning. The 1840 editors maintain that the title derives from the Hebrew *Talmud* rather than from the Latin *thalamus* or bedchamber.⁴ For what it's worth, the evidence for neither position being conclusive, I am in agreement with the former.

Les Coutumes contains the texts of the charters of 1204, 1205, 1212, 1221, and 1223. The text is bilingual, offering both Latin and Old Provençal versions of the charters. In the Latin text the articles are preceded by Roman numerals. The Charter of 1204 consists of 123 articles (I-CXXIII). A complete translation of this charter into Modern French was presented by Germain in the first volume of his *Histoire de la commune de Montpellier*.⁵ The Charter of 1205 consists of seventeen articles (I-XVII), that of 1212 four (I-IV), 1221 four (I-IV), and 1223 five (I-V). In the 1835 prospectus to the publication of *Le Petit Thalamus*, *les Coutumes* are described as follows:

²*PT*, p. v.

³*PT*, p. v.

⁴*PT*, pp. v-vi.

⁵Germain, A., *Histoire de la commune de Montpellier*, 3 vols., Montpellier, 1854.

*Les Coutumes sont les statuts qui concernent le gouvernement général de la chose publique, les droits et obligations du seigneur, les franchises et libertés des habitants, les devoirs, l'organisation de l'ordre judiciaire et les lois dont il est chargé de faire l'application.*⁶

The text of *les Établissements* is in Old Provençal. Of the approximately ninety-three unnumbered *établissements* some fifty were promulgated in the thirteenth and early fourteenth centuries, the remainder dating from as late as 1583. *Les Établissements* generally concern issues considered in the charters but occasionally treat entirely new matters. The text is followed by a list of *Leudaires et Tarifs* in Old Provençal whose provenance is uncertain although portions date from the thirteenth century. Although preceded by Latin quotations from the New Testament the text of *les Serments* is in Old Provençal. *Les Serments* date from the thirteenth to the sixteenth centuries. *La Chronique Romane* is preceded by a municipal calendar of uncertain provenance and includes entries from 1088 to 1446 with one additional entry for the year 809. *La Chronique Française* contains entries from 1495 to 1574.

The *Liber instrumentorum memorialium*; cartulaire des Guillems de Montpellier

The *Liber instrumentorum memorialium*⁷ contains 507 documents in Latin dating from 980 to 1202. Germain, relying upon palaeographical evidence, dates the manuscript to the thirteenth century.⁸ He maintains that this type of urban cartulary is rare in the Midi.⁹ I believe that this document was put together under the direction of the merchant-government of Montpellier and Montpellier's thirteenth-

⁶*PT, Prospectus*, p. 4.

⁷*Liber instrumentorum memorialium; cartulaire des Guillems de Montpellier*, A. Germain, ed., Société archéologique de Montpellier, Montpellier, 1840. Hereafter abbreviated as *LIM*.

⁸*LIM*, p. iv.

⁹*LIM*, p. ii.

century *seigneurs* the Kings of Aragon in an attempt to "assess the situation" in a manner comparable to Frederick II of Sicily's 1220 Assizes of Capua and England's Domesday book, as argued by James Powell:

The Assizes of Capua were a reaffirmation of the determination of the monarchy to protect its interests along much the same lines that Roger II had charted. They might easily have been promulgated by William the Conqueror for England so far as their actual content is concerned. Their chief goal was a restoration of crown rights as they had existed at the death of King William II (1166-89), somewhat as William the Conqueror had attempted to ascertain the rights of the monarchy in England as they were in the time of King Edward the Confessor. In neither case was the effort more than a result of the need for some base point, rooted in tradition, from which to assert royal interests.¹⁰

Concerning the *LIM* Germain also supports this position.¹¹

This work contains a variety of materials relating to the seignory of the Guillaumes of Montpellier. In this study I make use of only a small portion of them. Specifically I have looked for precedents to materials contained in *Le Petit Thalamus* and for evidence to augment my study.

Le Cartulaire de Maguelone

*Le Cartulaire de Maguelone*¹² was assembled by Rouquette and Villemagne from six registers in the *Archives départemental de l'Hérault* and contains some 2400 acts relevant to the diocese of Maguelonne of which Montpellier was a part. Like the *LIM*, the *CM* is a massive collection of original documents and I have made use of only a very small portion of them.

¹⁰*Liber Augustalis*, J. Powell, ed., tr., Syracuse, 1971, pp. xv-xvi.

¹¹*LIM*, p. iii.

¹²*Cartulaire de Maguelone*, J. Rouquette and A. Villemagne, eds., 2 vols., Montpellier, 1912-1913. Hereafter abbreviated as *CM*.

Other

In addition to the materials described above I have made use of the *pièces justificatives* in Germain's 1854 history of Montpellier. These materials were gathered by him from a number of sources including the unpublished *Livre Noir* and *Grand Chartier* of Montpellier. I also make limited use of the *Histoire générale de Languedoc*.¹³ Any additional primary materials will be cited in the notes and bibliography as they are drawn upon. It is lamentable that given the time-constraints of this study I was unable to get to the archives myself.

Secondary materials

Historians making use of *Le Petit Thalamus* have focused either on the "constitutional" set-up of Montpellier's merchant-government or on legal issues. There are several general histories of which the best remains Germain's of 1854 although Fabre de Morlhon's *Montpellier des Guilhem et des rois d'Aragon*,¹⁴ a better organized if more concise study, is useful. *Le Petit Thalamus* has also provided background information on the communal government of Montpellier for numerous monographs and articles treating a variety of issues pertaining to the history of the city, and Gouron and others have made use of it in studies in medieval law in the Midi.¹⁵ In addition to these materials I have examined a variety of general works pertaining to medieval law, medieval cities, and a number of

¹³*Histoire générale de Languedoc*, C. de Vic and J. Vaissete, Toulouse, 1872-93. Hereafter abbreviated as *HGL*.

¹⁴Fabre de Morlhon, J., *Montpellier des Guilhem et des rois d'Aragon*, Paris, 1967.

¹⁵See bibliography

monographs relating to the history of the region. The reader is referred to the bibliography for a list of the works that I have found specifically useful.

Methodology

Around the year 1165, the Rabbi Benjamin of Tudela described the southern French city of Montpellier in the following words:

...a city conveniently situated for trade, being within two parasangs from the coast. You here meet with Christian and Mahometan merchants from all parts: from Algarve [Portugal], Lombardy, the Roman Empire, Egypt, Palestine, Greece, France, Spain, and England. People of all tongues meet here, chiefly in consequence of the traffic of the Genoese and Pisans. The Jews of this city are among the wisest and most esteemed of the present generation. Reuben, son of Theodoros, Nathan, son of Zacharias, Samuel, their rabbi, Shelemiah, and Mordecai, of blessed memory, are the principal among them. Others are very rich, and benevolent towards all who apply to them for assistance.¹⁶

Such is the power of the image that it conjures that no history of Montpellier that I have read has failed to include this quotation, but why is it so moving? The obvious answer is that it almost puts a moving-picture before our eyes—we can almost see the crowded market of Montpellier. We can half-imagine from this brief fragment something of what the good Rabbi's stay in the city must have been like. Upon close examination, however, the image contains some surprises. The popular conception of the Middle Ages does not include a cosmopolitan traveler like Benjamin of Tudela. It does not include an international city in medieval France where men of different lands and faiths mingle and trade in harmony.

¹⁶"Oriental Travels of Rabbi Benjamin of Tudela," in *Contemporaries of Marco Polo*, M. Komroff, ed., tr., N.Y., 1928, pp. 254-255.

Our current scholarly ideas about the Middle Ages differ vastly from the conception of the "average man on the streets." His images are only slightly re-worked inheritances from the Renaissance and the period that followed it. Today we conceive a vastly different Middle Ages. This is not the place to rehearse our contemporary scholarly conceptions of this complex and diverse period. What is important, however, is to remember always that our *conception* of the Middle Ages is a product of our *imagination*. As new bits and pieces are added to the puzzle we alter our conceptions. Unlike Benjamin of Tudela we can never visit medieval Montpellier and find out for ourselves, as anthropologists, psychologists, and sociologists, what it *is* like. Instead we must visit it in our imagination and seek to *reconstruct* it. This reconstruction can never be more than partial, for even if we had a complete documentary record of everything that occurred—such a record being perforce as long as the period itself—we would only be *selecting* from it in our reconstruction.

The subject of law is only one of many "high roads" to the Middle Ages. Law is a product of human existence. Defined simply it is the system that a society stumbles upon to settle disputes. Although such considerations—part of the outlook of the makers of law—affect it, law is not fundamentally concerned with why we are here, or where we are going from here, or even necessarily how we should comport ourselves, but rather with how we are to live in groups *while we are here*.

A great deal can be learned about a society from the decisions that it embodies in its laws. The areas of greatest concern to the lawmakers of thirteenth-century Montpellier were the sovereignty of its consuls and their officials, the process by which they were to be chosen, and the limit of their time in office; how "goods" were to pass from one generation to the next; how debts were to be settled and how business was to be regulated in general; and the position of Outsiders. Materials

relating to these concerns are to be found in *Le Petit Thalamus*, but how are they to be extracted so that they can be added to our reconstruction of medieval Montpellier?

The materials in *Le Petit Thalamus* are arranged fairly haphazardly. My first task was to sort them out. I cannot be sure if I have sorted them in the best possible way. My second task was to choose, based on my interests and on what has been done before, what to emphasize. I have chosen to treat only briefly the mechanics of Montpellier's merchant-government for reasons set out in several places in this study. I have decided rather to focus on the material pertaining to Montpellier's courts and its laws on inheritance, debt, and commerce because these issues were evidently of great concern to the writers of the laws and have not received much attention in the past. Intrigued by the surprises inherent in the fragmentary quotation from the pen of the eight-hundred years dead Benjamin of Tudela, I have chosen to emphasize the manifest concerns of Montpellier's Insiders concerning its Outsiders. Finally, I have explored the contextual issues set out above.

I leave this study with many new ideas about this "city conveniently situated for trade," and with a great number of questions to ask both of this city and of others. Our understanding of the nature of the High Medieval city and its place in the *universalist* community of Latin Christendom has changed over the past several decades. There is challenging work to be done in a number of fields, not the least of which is medieval law. In this project I have examined only the laws of Montpellier. I see the present work as both an attempt to fill a gap in the historiography on that city and as preparation for future studies including more in-depth inquiries into some of the issues raised here, and a comparison of the laws of this city with those of other cities—particularly those in Southern France, Northern Italy, and Christian Spain. To be done properly this will require intensive research

in the archives—in the case of Montpellier alone, *Le Petit Thalamus* provides only a portion of the picture: much work needs to be done with the city's court records and unpublished *établissements*. One of the foci of comparative studies must be the exploration of possible connections between the laws and courts of Montpellier and those of cities like Genoa and Barcelona. Given their disarray an initial task may be the continuing work of collating the sources.

CHAPTER 1

LEGAL AND HISTORICAL CONTEXT

To set the stage I shall discuss the historical and legal background of *Le Petit Thalamus*. I will start with the history of medieval law. It is an immense subject that is difficult to discuss without a lengthy treatment of medieval history in general, but a brief summary will help to sharpen the issues at stake here and serve as a good entry point into my study.

Roman law spread with the Roman Empire and was codified in Late Antiquity in Justinian's *Corpus Iuris Civilis* (c. 530 A.D.). In the East, the *CIC* was to continue to play a role in the ongoing evolution of the Roman legal tradition that occurred in the Byzantine world. In the Latin West the story is different. The transformation of the world of Late Antiquity into that of the Middle Ages was accompanied in the West by dramatic legal transformations as well. The Germanic peoples who carved out kingdoms for themselves within the former empire were not sufficiently *romanized* to continue the legal traditions of Rome and, as the economic and institutional structures of the West became more and more simplified, the need for much of the complexity of Roman law disappeared. In its place rose the written codifications of the customary law of the various Germanic peoples. Such Roman law—including pre-Justinianic Roman law—as survived into the Early Middle Ages soon became blended with this. The Early Middle Ages also saw the birth of canon law and feudal law.

With the stabilization of the West and the accompanying revival of the economy in the tenth and eleventh centuries Germanic customary law, feudal law, and canon law became increasingly insufficient to meet the challenges of expanding commercial and governmental activity. In the eleventh century Lombard jurists

turned to the *Digest* of Justinian—that part of the *Corpus Iuris Civilis* that clarified the concepts of Roman law—for help in meeting those challenges. The traditional view is that the legal revolution of the High Middle Ages was the result of the re-discovery of the *Digest*. According to this interpretation the "spread of Roman law" over the next few centuries was essentially the result of the adoption of a *more advanced legal system* by legists and rulers who found it ready made in the fortuitously re-discovered *Digest*. The real story, in all probability, is far more complicated. Charles Radding has documented the use of evidence in Lombard courts by the eleventh century—*prior to the re-discovery of the Digest*¹⁷—and has called the new jurisprudence of the Lombard jurists the result of the "changing conditions of their profession."¹⁸ Kathryn Reyerson has said that,

The increasing influence of notaries was fundamental to the spread of Roman legal models. In addition, the legal practitioners who operated municipal and seigneurial courts were increasingly men trained in the learned law, and they were ready to adopt it in cases where it facilitated effective judicial operations.¹⁹

Jacques Ellul has cited the rationality of Roman law as important to its increasing influence.²⁰ But the *droit écrit et savant*—the new "learned law"—was not Roman law alone, but rather a union of Justinianic and pre-Justinianic Roman law, Canon law, Germanic customary law, and the response of legists—borrowing Radding's words—to the "changing conditions of their profession." This union did not occur over night: it was an *evolutionary* process. The new "learned law" of the High Middle Ages was the result of legists' responses to the changing and

¹⁷Radding, C., *Origins of Medieval Jurisprudence*, New Haven, 1988, pp. 28-29.

¹⁸Radding, p. 16.

¹⁹Reyerson, K., Henneman, J. B., "Law, French: in South," *Dictionary of the Middle Ages*, J. Strayer ed., N.Y., 1987, v. 7, p. 463. The italics are mine.

²⁰Ellul, J., *Histoire des institutions*, Paris, 1962, v. 3, p. 16

challenging conditions of increasing commercial activity. Eleventh-century Lombard jurists and those who followed after them turned to the Roman law concepts in the *Digest* to help them meet those challenges.

This "revived" *scientific jurisprudence* influenced the future evolution of feudal and canon law and, as the revived or new towns of the West began to develop their own legal institutions, influenced the development of urban law. Whether written (as in many cases in Southern France and Northern Italy) or customary (as in most of the towns of Northern France) this new legal tradition served to tangle further the complex web of overlapping jurisdictions of feudal, ecclesiastical, and "communal" authorities.

During this period the towns of the West began to seek political autonomy. By the end of the twelfth century many of the towns of Northern Italy had gained nearly complete freedom from *feudal* authority. The appearance of Italian consulates—before 1100 in Pisa, Asti, Milan, Arezzo, and Genoa, between 1100 and 1125 in Pistoia, Cremona, Lucca, Bergamo, Bologna, and Siena²¹—is an indication of this. The towns of Capetian France and the French towns of the Angevin Empire were never to achieve more than a limited degree of autonomy, but in Southern France the same process was occurring. By the end of the twelfth century the towns of Languedoc and Provence were in a position somewhere between the degrees of autonomy enjoyed by those of Northern Italy and those of the rest of France. André Gouron has documented the spread of consuls in the Midi: 1125-1150: Avignon, Arles, Béziers, Narbonne, Montpellier (1141), Sorgues, St. Gilles, Nîmes, Nice, Tarascon; 1150-1200: Grasse, Toulouse, Marseilles, Millau, Carcassonne, Montauban, Perpignan, Agen, St. Antonin,

²¹Waley, D., *Italian City-Republics*, London, 1969, p. 60.

Montferrand, Alés, L'Isle; 1200-1225: Limoges, Aurillac, Lodève, Muret, Gaillac, Embrun, Périgueux, Uzès, Cahors, Brive, St. Bertrand, Manosque, Lyon, Largentière, Lachau, Siteron, Gap, Condom, Romans, Rodez, Beaucaire, Limoux, Le Puy, Bordeaux, Vallabrègues.²²

The movement towards urban autonomy in the Midi was to be halted by the Albigensian Crusades of the early thirteenth century. In their aftermath urban institutions in Languedoc were to evolve along lines similar to those of Capetian and Angevin France. Montpellier was to suffer a similar fate after its "reunion" with the French crown in the middle of the fourteenth century. In the thirteenth and early fourteenth centuries it remained an exception to this regional reversal of the gains of the communal movement, although increasingly as the thirteenth century drew towards its close its independence was threatened by the advance of the French crown.

Twelfth-century Montpellier presented a tangled overlapping of seigneurial and ecclesiastical jurisdictions. As part of the "deal" he made with the *proshomes* of Montpellier, Peter II of Aragon (Aragon 1196-1213, Montpellier 1204-1213) became *seigneur* in 1204 by his marriage to Marie of Montpellier and granted the town a charter (the Charter of 1204). This charter, along with the four that followed it before 1223 and a series of *établissements*, was to form the basis of government in Montpellier for the next century or so. Under the seignory of the Kings of Aragon and later the Kings of Majorca the merchant-government of Montpellier was to enjoy near autonomy and virtual freedom from feudal authority. For following the rebellion of 1205 Peter II was forced to grant the consuls "*plenam potestatem*

²²Gouron, A., *La science du droit dans le Midi de la France*, London, 1984, p. 52.

statuendi, distringendi et corrigendi omni ea que eis visa fuerint pertinere ad utilitatem communitatis Montispessulani.'²³

The town of Montpellier is not of Roman origin but rather arose in the late tenth and early eleventh centuries.

Its location allowed it to exploit trade reaching the Rhône River delta or passing overland on its way along the coastal plain of Languedoc to Narbonne or Carcassonne. The name Montpellier was probably derived from *mons pastelario* (pastel mountain) because its oak produced a valuable red *kermès* (oak) dye used in the textile industry.²⁴

One of the most intriguing things about Montpellier is its rapid growth from insignificant settlement in the tenth century to major "international" city in the twelfth and thirteenth. The leadership of the Guillems was at least as important a factor as that of location. This leadership included the formation of virtual "partnerships" with Genoa and Pisa and the Counts of Barcelona—the future Kings of Aragon. Perhaps the most important of these "partnerships," however, was that with the Church: for the most part the Guillems maintained friendly relations with the Bishops of Maguelonne, who became their overlords by the middle of the twelfth century, but from quite early the Popes acted almost as the city's patrons.

The Guillems of Montpellier (c. 990-1204) were successful in gaining control of the town and "the surrounding rural area or *contado*" against the opposition of the Bishops of Maguelonne and their own hereditary vicars.²⁵ Between 1141 and 1143 there was a rebellion of the townspeople of Montpellier against Guillem VI (1121-1149). He was only able to regain the town with the assistance of Ramón

²³*PT*, Charter of 1205, Article 9, pp. 64-67.

²⁴Lewis, A., "Montpellier," *Dictionary of the Middle Ages*, v. 8, p. 482.

²⁵Lewis, p. 482. Lewis's use of the word *contado* is indicative that he as well saw certain similarities in the urban evolution of Northern Italy and Southern France.

Bérengar (Count of Barcelona 1131-1162, King of Aragon 1151-1162), Popes Innocent II (1130-1143) and Celestine II (1143-1144), and the Genoese and Pisans.²⁶ It was at this time that consuls first appeared in Montpellier.²⁷ In 1190 Guillem VIII (1172-1202) "was forced"²⁸ to grant a charter²⁹ to the town that later served as the basis for much of the famous Charter of 1204. Having been prevented by Innocent III from making him his legitimate heir, in 1202 Guillem VIII left the town to his illegitimate minor son Guillem IX (r.1202-1204). The *proshomes* of Montpellier revolted against the boy's regents—likewise *proshomes* of the city—and, arranging a marriage for Guillem VIII's daughter and only legitimate heir Marie with Peter II of Aragon (1196-1213), invited them to become the town's overlords. As part of the agreement Peter and Marie granted the town the Charter of 1204³⁰—giving the city's government, finally, directly into the hands of its merchants who would "rule" the city for the next century or so as its consuls.

The Guillems of Montpellier had had a history of friendly relations with the Counts of Barcelona (after 1151 Kings of Aragon). In 1114 Guillem V (1068-1121) participated in the conquest of Majorca.³¹ In 1127 Guillem VI took part with Ramón Bérengar—who as mentioned above later assisted him in recapturing Montpellier during the revolt of 1141-1143—in the Second Crusade, receiving from him the fief of Tortosa.³² In 1137 Guillem VI "assisted" in the marriage that was to gain for Ramón Bérengar the Kingdom of Aragon.³³ Guillem VII (1149-

²⁶*PT*, p. 329, *LIM*, pp. 34-35, 38-41, 43, 45-46, Germain, v. 1, p. 11, Lewis, p. 482, Fabre de Morlhon, p. 3.

²⁷Gouron, p. 52.

²⁸Lewis, p. 482.

²⁹*Carta de consuetudine dominorum Montispessulani*, *LIM*, pp. 400-401.

³⁰*HGL*, v. 6, pp. 200-205, 213-216.

³¹Fabre de Morlhon, p. 3.

³²Fabre de Morlhon, pp. 3-4. Guillem VIII left Tortosa to his son Thomas and it passed out of the hands of the Counts of Montpellier (see *LIM*, p.495).

³³Fabre de Morlhon, p. 3.

1172) continued to have friendly relations with his father's friend. He assisted him in at least two campaigns and served as a tutor to his son the future Alfonso II (1162-1196).³⁴ It was at the court of Alfonso II that Guillem VIII met the mother of the illegitimate Guillem IX.

After the revolt of 1205 Peter of Aragon was required to make compensation to the commune and to confirm the Charters of 1204 and 1205.³⁵ Peter attempted to get out of the marriage, at least in part because of the trouble caused him by the townsmen of Montpellier, but Innocent III thwarted his efforts.³⁶ After Peter's death at the Battle of Murét in 1213, Innocent III placed Montpellier under papal protection during James I's minority, saving Montpellier from Simon de Montfort and the Northern Crusaders.³⁷

Under the lordship of James I (1213-1276) Montpellier was to continue to prosper, participating in his many conquests. James's rule, however, was not without conflict. A struggle between the Conqueror and the Commune of Montpellier that lasted from 1252 to 1258 ended in a compromise that had little effect on the sovereignty of the consuls.³⁸ James remained, however, an active participant in the affairs of the city. He himself was born there, as was his son the future James I of Majorca (Majorca 1276-1312, Montpellier 1276-1312). Starting with James I of Majorca the reigns of the last three counts of Montpellier of the House of Aragon (1276-1349) were to witness the gradual encroachment and eventual triumph of the French crown in the city. In 1292 Montpellierét, since the

³⁴*HGL*, v. 6, p. 117

³⁵*HGL*, v. 6, p. 248.

³⁶*HGL*, v. 6, p. 248.

³⁷Innocent III, Bull of 1215. Innocent agrees to protect Montpellier for two marks of gold a year till James I's majority, *Germain*, v. 1, *Pièces justificatives*, pp. 372-373.

³⁸*PT*, p. 335, *HGL*, p. 861.

building of the twelfth-century wall part of "*la Commune Clôture*,"³⁹ was sold by the Bishop of Maguelonne, its hereditary overlord, to King Philip IV. Finally, in 1349, Montpellier itself was sold to Philip of Valois. Most medievalists acknowledge the importance of Christian Spain to Southern France. Josiah Russell has said what many suspect: "a great Provençal-Catalan state was possible of the region of Toulouse, Montpellier, and Barcelona."⁴⁰ Germain has described Montpellier as a Spanish city even into the 1800's.⁴¹ Evidently Aragonese patriotism—either genuine or inspired—lived on in his own breast: "*Qui a été plus entreprenant que Pierre II, plus brave et plus invincible que Jayme I^{er}?*"⁴²

Thirteenth-century Montpellier was a town of great international significance. Josiah Russell argued that it was the key city for the period in coastal France⁴³ and said that it was "by far the largest in the region" despite not being on a major road.⁴⁴ Between 1204 and 1348 its population grew from approximately 15,000 to 35-40,000.⁴⁵ Its port of Lattes was at least as busy if not busier than Marseilles.⁴⁶ Under the control of the Guillems "Montpellier became an important trading center and began to export the production of its workshops in the form of dyed cloth, leather goods, and arms to Catalonia, Valencia, the Balearics, and North Africa."⁴⁷ Edith Ennen said that in twelfth-century France, "after Marseilles, Montpellier played the most important part in the Syrian trade."⁴⁸ Under the Latin Emperors

³⁹Thomas, L. J., *Montpellier: ville marchande*, Montpellier, 1937, p. 32.

⁴⁰Russell, J., *Medieval Demography*, N.Y., 1987, p. 168.

⁴¹Germain, v.1, pp. ix.

⁴²Germain, v.1, p. xiv.

⁴³Russell, J., *Medieval Regions and their cities*, N.Y., 1972, p. 161.

⁴⁴Russell, *Medieval Regions*, p. 161.

⁴⁵Russell, *Medieval Demography*, p. 168.

⁴⁶Russell, *Medieval Regions*, p. 161. Russell argues that Lattes may have exceeded Marseilles in activity.

⁴⁷Lewis, p. 482.

⁴⁸Ennen, E., *Medieval Town*, Amsterdam, 1979, p. 150.

there was a special quarter in Constantinople for merchants from Southern France. Although Ennen says that this quarter was run by Venetians, she also says that "Montpellier became particularly important."⁴⁹

Its merchant-government was involved in direct negotiations with Genoa, Pisa, Venice, the Latin Kingdom of Jerusalem, the Latin Empire of Constantinople, Tunis in North Africa, the French crown, and the Papacy.⁵⁰ A treaty between Pisa and Guillem VIII was made in 1177 and renewed between that city and the Commune of Montpellier in 1225. A treaty with Genoa dating from 1201 was renewed in 1225 and again in 1252. In the year 1225 the consuls also made treaties with the Commune of Nice and several others. In 1229 a treaty was made with the Commune of Marseilles that was renewed in 1249. In 1237 a treaty was made with Arles. In the middle of the thirteenth century the city's merchants received privileges from Bohemond V of Antioch and the *podestà* of Cremona. St. Louis, Charles of Anjou, a Doge of Venice, Philip the Fair, and a variety of others wrote letters supporting trade with the merchants of Montpellier.

The mark of Montpellier was a standard monetary weight in Languedoc.⁵¹ Its bankers were involved in a wide range of activities, and its money, the Melgorian denier, was the principal currency throughout the Midi.⁵² Despite its name it was actually "*Montpellieraine*."⁵³ It was being minted in Montpellier from 1128.⁵⁴ There was "no other coin in Montpellier until 1273, when James I of Aragon instituted a *gros* money of fine silver."⁵⁵

⁴⁹Ennen, p. 151.

⁵⁰The texts of the following treaties, privileges, and letters can be found in Germain, v. 2, *Pièces justificatives*, pp. 417-530.

⁵¹Bisson, T., N., *Medieval France and her Pyrenean Neighbours*, London, 1989, p. 398.

⁵²Bisson, p. 400.

⁵³Thomas, p. 90.

⁵⁴CM, v. 1, pp. 96-97, 108-116, 123-126, 148-155, and 144-151.

⁵⁵Bisson, p. 397.

The merchants of Montpellier were the "first to arrive" at the fairs of Champagne,⁵⁶ and by 1250 there was a *Rue de Montpellier* in Troyes.⁵⁷ As early as 1165 Benjamin of Tudela described it as an international city⁵⁸ and the documents of the *Cairo Geniza* reveal contact with the Jews of Egypt.⁵⁹ In addition it had already become a center for the medical and legal studies that would later make it so famous. Montpellier's medical school dates back to 1180.⁶⁰ By the 1260's there was "clear evidence of a studium in that town [Montpellier] for the training of lawyers."⁶¹ Montpellier has been noted as a center of the great translation movement of the twelfth century.⁶² The University of Montpellier was created by a Bull of Nicholas IV in 1289.⁶³ The Jewish community was in part responsible for all of this.⁶⁴

Montpellier had a long history of friendship with the Church. Urban II visited the city in 1095.⁶⁵ Guillem V went on the First Crusade and was a church vassal in spirit.⁶⁶ The Guillems of Montpellier together with the Bishops of Maguelonne sided with the Popes against the anti-popes in the early twelfth century.⁶⁷ Alexander III exiled the anti-pope Victor III at a council in Montpellier.⁶⁸ He later made Montpellier a papal protectorate when it became allied with the Lombard

⁵⁶Ennen, p. 151.

⁵⁷Gies, J. and F., *Life in a Medieval City*, N.Y., 1969, p. 31.

⁵⁸Komroff, pp. 253-254.

⁵⁹Goitein, S. D., *A Mediterranean Society*, Berkeley, 1967-88, vol. 1, pp. 40 and 65, vol. 2, p. 242.

⁶⁰*LIM*, pp. 409-410.

⁶¹Reyerson and Henneman, p. 463.

⁶²Heer F., *Medieval World*, N.Y., 1962, p. 101, Gies, p. 114.

⁶³Germain, v. 3, *Pièces justificatives*, pp. 452-455.

⁶⁴Germain, v.1, p. lxx.

⁶⁵Fabre de Morlhon, p. 3.

⁶⁶Germain, v.1, p. xix.

⁶⁷Germain, v.1, p. xxi.

⁶⁸Germain, v.1, p. xxvi.

League.⁶⁹ Guillem VI, as was mentioned above, was assisted by Popes Innocent II and Celestine II in the revolution of 1141-1143 and was a friend of St. Bernard.⁷⁰ Innocent III's involvement in the affairs of the city has also been mentioned above. Part of the reason that Montpellier was spared during the Albigensian Crusades was the fact that Catharism never caught on there, but the importance of the city's virtual alliance with the Church throughout the twelfth and thirteenth centuries cannot be stressed enough. As with the towns of Northern Italy the Church's support was a major factor in Montpellier's independence.

Arising at the beginning of the stabilization of the situation in Latin Christendom at the end of the tenth century Montpellier participated in all of the aspects of the growth of the next three centuries. Along with the rest of the Midi it looked more to Northern Italy and Rome than to the heartland of feudalism in the North. The commercial growth that started all over Latin Christendom initiated the legal revolution and the communal movement. The towns of Northern Italy precociously led the way. Spreading out of Italy this flowering gradually slowed as it proceeded northwards, encountering the resistance of the feudal aristocracy. In the Midi, although it did not proceed as rapidly as in Northern Italy, the Church and feudality entered into partnerships with the swiftly multiplying townsmen: partnerships in which the egalitarianism of the townsmen—to be explored more fully in the next chapter—soon came to predominate. The reasons for this are complicated and not easily reducible. In this study a few elements only are crucial. For a variety of reasons and not without a struggle, the Church and the nobility of Southern France were in the process of turning over authority to the townsmen.

⁶⁹Germain, v.1, p. xxv.

⁷⁰Germain, v.1, p. xxii.

The activities of the Church in this period are complicated and often seemingly contradictory. The Church, however, acted in its own interests, principal among them being the establishing of its own authority over both spiritual and temporal matters. It served the broader aims of the twelfth-century popes to ally themselves with the Guillems of Montpellier. In the opening of the thirteenth century the townsmen of Montpellier seeking greater freedom ousted her counts in a moment of their weakness. They sought new protectors to legitimate their claims to authority, for feudal relationships were still part of the mind-set of thirteenth-century France. The Church—Innocent III—assisted them in the name of the law: Marie of Montpellier's claim on the city was legitimate, Guillem IX's was not. The men of Montpellier quickly, however, limited the authority of these new protectors. When Montpellier's new lord, Peter II of Aragon, found his new subjects to be more trouble than they were worth, Innocent III, again in the name of the law, prevented him from setting aside Marie of Montpellier and the seignory—the marriage that tied the Crown of Aragon to Montpellier could not be set aside.

Shortly thereafter Innocent III's actions, perhaps unwittingly, advanced the cause of the expansive feudality of Northern France in Southern France. But Montpellier had served the Church well and had remained faithful. As the Northern Crusaders overwhelmed the rest of Languedoc, Innocent III protected the city from them. Eventually it was to be abandoned by both its papal protectors and the Kings of Aragon who, after Peter II, attempted to hold on to this jewel—even if they could not fully control it—as the foremost outpost of their interests north of the Pyrenees. In the waning years of the thirteenth century Philip the Fair of France was the most brilliant star on the stage of Latin Christendom. The Kings of Aragon retreated from him. The Church became his captive. The men of Montpellier accommodated him. His heirs finished them off.

Although entries in the *Chronique Romane* for the closing years of the thirteenth century and the early years of the fourteenth century reveal the gradual tightening of the net cast by the French crown in the region, for more than a hundred years Montpellier had enjoyed a singular position of virtual independence in the region. In the next chapter I will consider further the question of the sovereignty of Montpellier's merchant-government and turn to the laws of the city.

CHAPTER 2

THE CITY AND ITS LAWS

There are several issues that need to be addressed before we can turn to an examination of what Montpellier's laws reveal about life in the city. The context needs to be clarified. In the preceding chapter I discussed the origins of the city and gave an overview of its history for the period in which we are interested. At the end of the chapter I considered the sovereignty of its thirteenth-century consular government. In this chapter after finishing that discussion I will address some further social and legal issues so that we may have a clearer picture of the city whose laws I will be examining in the next two chapters. An important issue in this chapter is the nature of the documents that comprise *Le Petit Thalamus*: the Charter of 1204 was the "constitution" of Montpellier, and the later charters and *établissements* were "amendments" to it. These documents were shaped by the "legal revolution" and by the "communal movement," but in addition to reflecting their promulgators' command of the new legal learning and their concern with maintaining their autonomy *vis-a-vis* external powers, the promulgators' concern with preserving their own prosperity and internal authority is also reflected in the documents.

The Montpellier that I will be considering is that of the thirteenth century from the opening of the century when its consuls received from Peter II of Aragon "*plenam potestatem statuendi, distringendi et corrigendi omni ea que eis visa fuerint pertinere ad utilitatem communitatis Montispessulani*"⁷¹ to somewhere near the end of the century when its papal and Aragonese protectors were slowly being elbowed

⁷¹PT, Charter of 1205, Article 9, pp. 64-67.

aside by the advancing French crown. The Charters and *établissements* that I am drawing upon come from the intervening period—some eighty or so years. It is only for this period—when the makers of the laws retained "full power" in both name and practice—that I am confident of their relevance to the daily life of the city. To be certain, however, that Montpellier's *proshomes* enjoyed such sovereignty under the overlordship of the powerful Kings of Aragon a little more time must be spent on this subject. I will start by looking at what other historians of medieval Montpellier have said on the subject, then I will turn to the city's charters and other primary materials. It is my contention that the Kings of Aragon (even the imposing Peter II and James the Conqueror, although both attempted—essentially unsuccessfully—to intervene in the internal government of the city) found the men of Montpellier to be better partners in their activities than subjects.

For Thomas, as for many others, the prosperity of Montpellier was due in part to the activity of the Guillems, but after 1204 it was the townsmen themselves, its merchants, moneychangers, and artisans, who controlled the city:

Une station, auprès de Notre-Dame-des-Tables, sur le grand chemin que les pèlerins de Saint-Jacques ont frayé et substitué aux deux grands chemins plus anciens;—située au milieu d'un pays fertile;—protégée par des seigneurs actifs et entreprenants, qui ont ouvert un port maritime près de leur château de Lattes;—peuplée d'un nombre croissant de nouveaux habitants qui, groupés en métiers, ont, un jour, pris en main la défense, puis l'administration et le gouvernement de leur ville: tels nous sont apparus les éléments essentiels de la naissance et du développement de Montpellier ville marchande.⁷²

There was no doubt in Germain's mind as to the independence of the city under the seignory of the Guillems:

⁷²Thomas, p. 37.

*C'est une vraie république sous un chef héréditaire.... Là s'est librement gouvernée durant plus de deux siècles une société à part; là s'est mu tout un petit monde, avec ses principes à lui, ses lois, ses coutumes spéciales, son organisation propre.*⁷³

And after 1204:

*La Commune de Montpellier, à partir de ce jour-là, fonctionne régulièrement; elle a ses annales à elle, ses magistrats librement élus, ses registres consulaires, son sceau, son trésor, son beffroi; elle est pourvue de toutes ses armes, et prête à entrer en lutte contre qui-conque l'attaquera.*⁷⁴

In two thirteenth-century rebellions, one against Peter II and the other against James I, the men of Montpellier asserted their right to self-government—including their *sovereign* right to wage war on their own behalf. Finally, Germain had this to say: "*Les consuls furant donc, en somme à Montpellier, durant toute le premiere partie du XIII^e siècle, les vrais souverains.*"⁷⁵

Although Thomas made use of abundant primary materials in his study, anyone who would study Montpellier must make use of Germain. That giant's familiarity with the original sources is attested by his editorial efforts concerning the *Liber instrumentorum memorialium* and by his daunting three-volume history of the city. Germain's manifest patriotism and the *optimistic* spirit of nineteenth-century French medievalists that favored the grand and the expansive imbue his history. Nevertheless, the documents bear out his convictions as to the city's virtual independence in the thirteenth century.

I have already described the results of the rebellion against Peter II, but to make the point sharper, to demonstrate the power that the consuls wielded, let me add to

⁷³Germain, v. 1, pp. 1-2.

⁷⁴Germain, v. 1, pp. 22-23.

⁷⁵Germain, v. 1, p. 149.

the picture. In addition to the Charter of 1205 that confirmed the Charter of 1204—the Grand Charter in the annals of Montpellier—and granted "full power" to the twelve *proshomes* elected as the city's consuls, Peter II was forced to make war reparations for damages in the city and forced to place a deposit of 100,000 Melgorian *solidi*⁷⁶ in the hands of its consuls.⁷⁷ Although this deposit was later returned⁷⁸ its granting is powerful testimony to the position enjoyed by the consuls. But the men of Montpellier were no strangers to demanding concessions from their overlords. They had done it successfully with Guillem VIII,⁷⁹ they had taken advantage of Guillem IX's illegitimacy, and they were prepared to stand up even to the Conqueror. For six years the Commune denied James's right to enter the city. At stake was his intent to participate in consular elections and the legislative actions of the city. The struggle ended with a marginal victory for James: he was able to claim his right to be present during the elections⁸⁰ and much of the legislation promulgated after 1258 was to be issued in his name as well as that of the consuls although no legal provision required it. The rebels, however, were unpunished and the city's charters were confirmed.⁸¹ James remained, however, an active participant in the affairs of the city. He himself was born there, as was his son the future James I of Majorca (Majorca 1276-1312, Montpellier 1276-1312). There can be no question as to James's *importance* in the city, but although his *personal* strength and titular overlordship undoubtedly made him a key figure in its politics there is no reason to believe that he was more than another participant. It was not

⁷⁶I have in general refrained from quoting specific monetary sums in this work, and where I do it is intended to give the reader some *impression* of the amounts involved.

⁷⁷Germain, v.1, *Pièces justificatives*, pp. 319-320.

⁷⁸CM, v. 2, pp. 34-42.

⁷⁹See the *Carta de consuetudine dominorum Montispessulani*, LIM, pp. 400-401, and the *Instrumentum de moribus et consuetudinibus Montispessulani*, LIM, pp. 405-407.

⁸⁰Decreed in an *établissement* from 1246 not included in PT, see Germain, v.1, *Pièces justificatives*, pp. 354-359.

⁸¹PT, p. 335, HGL, p. 861.

until the onslaught of Philip the Fair that the merchants of Montpellier had to learn how to yield to an external power.

The Charter of 1204 laid out the obligations of the townsmen to their overlord and prescribed his powers. These obligations were basically financial: 6% of all deposits made to the Commune were to be held personally by him.⁸² He was to receive the third part of all recovered stolen goods claimed by foreigners.⁸³ He received a portion of the price of the sale of houses in the city.⁸⁴

Most of the material contained in the Charter of 1204, however, was aimed at limiting the lord's powers. He was only entitled to the tariffs stipulated in the laws.⁸⁵ The seignor of Montpellier, hereafter to be referred to as its lord, promised to have in his bailiff's court praiseworthy and honest men who loved justice and mercy.⁸⁶ He promised not to intercede in judicial matters that did not directly pertain to his rights as either lord or individual.⁸⁷ Neither he nor his agents could sell the justice of the court.⁸⁸ He could not protect anyone wanted in Montpellier and if he sent one such to the city as an agent its officials could seize him.⁸⁹ Anyone found guilty of an offence against the lord was to be at his mercy.⁹⁰ He could not himself, however, arrest the citizens of Montpellier nor refuse them safe-conduct through his other domains.⁹¹ Neither the lord nor his men were allowed forcefully to enter a house upon which rent was due to the lord. They could only

⁸²*PT*, Charter of 1204, Article 16, pp. 10-11.

⁸³*PT*, Charter of 1204, Article 20, pp. 12-13.

⁸⁴See below.

⁸⁵*PT*, Charter of 1204, Article 112, pp. 50-51. This subject is also discussed in the next chapter.

⁸⁶*PT*, Charter of 1204, Article 4, pp. 4-5.

⁸⁷*PT*, Charter of 1204, Article 11, pp. 8-9.

⁸⁸*PT*, Charter of 1204, Article 107, pp. 48-49.

⁸⁹*PT*, Charter of 1204, Article 30, pp. 16-19.

⁹⁰*PT*, Charter of 1204, Article 46, pp. 26-27.

⁹¹*PT*, Charter of 1204, Article 92, pp. 42-43.

pursue the matter of the back rent through the courts.⁹² In general the lord was prohibited from using force in the city.⁹³ He could only raise an army of the city's men if the consuls agreed to it.⁹⁴ Finally, he could not pronounce on public matters privately.⁹⁵

All of this paints a fairly clear picture: the thirteenth-century Kings of Aragon, as overlords of Montpellier, were to profit from the city's prosperity in exchange for leaving it to govern itself. As has been established above the townsmen were prepared to force them to stick to this agreement. For the most part, however, this proved unnecessary: as I said before, the men of Montpellier were better partners than subjects.

I turn now to the concerns that the city's lawmakers embodied into law. In this chapter I am principally concerned with the evolution of those laws.

A peine échappée à la domination de ses anciens maîtres, son premier soin fut de consigner dans un monument écrit ce qu'elle avait conservé jusqu'alors de franchises et de libertés, pour s'en faire une sorte de déclaration des droits, dont elle imposa la sanction à ses nouveaux seigneurs: ce fut l'objet des Coutumes. Ces premiers éléments une fois admis, il restait à les développer, à en régler l'application et à compléter ainsi successivement les conditions de son existence politique. Ce travail, commencé par les seigneurs, mais bientôt abandonné par eux, devint presque exclusivement l'oeuvre des magistrats consulaires. Les Établissements sont le produit de cette suite de décrets rendus dans un intervalle d'environ quatre siècles, pour appliquer, modifier ou étendre les dispositions des Coutumes touchant l'administration de la cité.⁹⁶

This is part of the context in which the laws that will be examined in the remaining chapters of my study should be viewed. The Charter of 1204 represents

⁹²PT, Charter of 1204, Article 49, pp. 28-29.

⁹³PT, Charter of 1204, Article 61, pp. 32-33.

⁹⁴PT, Charter of 1204, Article 89, pp. 42-43.

⁹⁵PT, Charter of 1204, Article 90, pp. 42-43.

⁹⁶PT, editors' introduction, p. xviii. The underlining represents italics in the original.

the establishment of the sovereignty of its consuls, creates the structure of their administration, and lays out the guiding laws that its authors saw fit to establish for life in the city. The four charters and the *établissements* that followed should be viewed essentially as "amendments" to that "constitution."

*Les Établissements, créés pour des besoins actuels et plus particulièrement propres à l'association qu'ils étaient destinés à régir, renferment en bien plus grand nombre des dispositions ayant trait à l'administration intérieure de la cité, et forment, à vrai dire, le complément, la mise en action des principes posés dans les Coutumes.*⁹⁷

One of the reasons I have chosen to limit this study to the thirteenth century is the *practical nature* of the laws that I have examined. It is my fear that their practicality, and thus their relevance, decreased as the century drew towards its close and the context out of which they arose changed dramatically.

*Le caractère particulier à chacun de ces corps de lois, une fois déterminé, il ne faut pas s'attendre à trouver dans les Établissements plus d'ordre et plus d'unité qu'on n'en trouvé dans les Coutumes. C'est toujours, dans l'un comme dans l'autre recueil, le même assemblage incohérent de règles et de matières diverses.*⁹⁸

Much of the work that went into this study was devoted to sorting out this material. The chief areas of concern of the lawmakers of Montpellier were the structure of the city's administration, the working of its courts, and the subjects of inheritance, debt, commerce, and "Outsiders." The structure has received much scholarly attention, so here and in the following chapter I will devote only a little space to it. Before making some remarks on all of these matters, however, I shall back up for a moment and consider the laws as a whole.

⁹⁷*PT*, editors' introduction, p. xvii.

⁹⁸*PT*, editors' introduction, p. xvii.

The merchants of Montpellier began to have a say in their laws under the Guillems in the middle of the twelfth century. By the end of the century they had won written laws for themselves and could then be said to be governed by laws rather than men. The *Carta de consuetudine dominorum Montispessulani*⁹⁹ and the *Instrumentum de moribus et consuetudinibus Montispessulani*,¹⁰⁰ both of 1190, were to form the basis of the Charter of 1204. Indeed, with only a few modifications, these earlier documents could be considered an outline of the later one. André Gouron has argued that Placentinus, who is believed by most to have died in 1196, was one of the authors of both these earlier documents and the Charter of 1204.¹⁰¹ More conservatively, Germain has argued for Placentinus's influence on the written laws of Montpellier.¹⁰² In either case it is commonly accepted that Placentinus spent a considerable amount of time in Montpellier between 1160 and 1196. As I said above, Kathryn Reyerson claims that "we have clear evidence of a studium in that town [Montpellier] for the training of lawyers" by the 1260's.¹⁰³ It is commonly believed that legal studies in Montpellier began quite a bit earlier and Gouron argues that they may have begun with Placentinus's first visit in the 1160's.¹⁰⁴ In any case the men of Montpellier were at the forefront of the legal revolution for at least the next couple of centuries. The *Coutumes* of Montpellier are commonly understood to have been a model for others in the region and Reyerson has cited the *Cour du Petit Scel*¹⁰⁵ as another example of Montpellier's contribution to the "legal revolution."

⁹⁹LIM, pp. 400-401.

¹⁰⁰LIM, pp. 405-407.

¹⁰¹Gouron, p. 344.

¹⁰²Germain, v. 1, p. 55.

¹⁰³Reyerson and Henneman, p. 463.

¹⁰⁴Gouron, p. 344.

¹⁰⁵Established by the end of the thirteenth century.

Among the most important court creations for contract law were the courts of voluntary jurisdiction without territorial limitation, such as the *Cour du Petit Scel* of Montpellier.¹⁰⁶

Germain noted a Roman law influence on Articles 39, 44, 57, 59, 65, 72, 74-76, 78-79, and 95 of the Charter of 1204.¹⁰⁷ However, Kathryn Reyerson has said of the *coutumes* appearing in the Midi in the thirteenth century that,

...more often than not the attitude of the drafters of the *coutoumiers* was not so much to incorporate the new learning, as to prevent it from encroaching in certain areas and to specify where it could be applied.¹⁰⁸

She has also said that prior to the legal revolution the Southern French "lived under codes that bore the common imprint of pre-Justinianic Roman law."¹⁰⁹ One of the areas of the law for which this held particularly true was that of family law, including inheritance. Reyerson has indicated this area as an example of where the new learning was not allowed to encroach.¹¹⁰ In the laws of Montpellier this is reflected by limitations on appeals to Roman law.

To summarize I will say again what I said in the beginning of chapter one, the "new learning" of the legal revolution of the High Middle Ages was not a mere adoption of Roman law, but a blending of Justinianic Roman law, pre-Justinianic Roman law, Germanic customary law, and the practical responses of jurists and legists. Before considering, however, the practical concerns of thirteenth-century Montpellier's lawmakers the question of *who they were* must be addressed.

¹⁰⁶Reyerson and Henneman, p. 464.

¹⁰⁷Germain, v. 1, p. 44.

¹⁰⁸Reyerson and Henneman, p. 461. Some demonstrations of this will be shown in the next chapter.

¹⁰⁹Reyerson and Henneman, p. 461.

¹¹⁰Reyerson and Henneman, p. 466.

Placentinus's possible role has already been mentioned, but who were the others? Who were the people who made up the city's government? We know their names, but nothing else at present.¹¹¹

The editors of the 1840 publication of *Le Petit Thalamus* did not include in their publication the "consul list" covering the period 1204 to 1426. This list, in Old Provençal, includes consuls, bailiffs, and occasionally other officials. Germain included this list in the *Pièces justificatives* of his 1854 history of Montpellier.¹¹² He argued that *Le Petit Thalamus* is a sort of history of the consulate, speaking of its "*vrai caractère, son caractère primitif et fondamental de chronique consulaire*."¹¹³ It is curious to note that although the list begins with the year 1204, it is headed with the following words: "*Aysso es lo comessamen del Cossolat*."¹¹⁴

Although we know nothing at present of the lives and characters of these men we are in a position to infer some things about them as a group. Let us start with their environment, the medieval city.

What is a city? Renouard described it as more moral and juridical than physical, as more than its layout and the number and occupation of its inhabitants. For him the medieval city begins with the construction of the first wall and ends with the destruction of the last. This wall and its gates determine the axes of circulation. An independent city is defined in part by the presence of a chief who resides there—before 1204 the Guillems, after the Consuls.¹¹⁵ In a city everybody knows

¹¹¹Perhaps we will once the archives of Montpellier have been more thoroughly searched.

¹¹²Germain, v. 1, *Pièces justificatives*, pp. 376-448.

¹¹³Germain, v. 1, *Pièces justificatives*, p. 376.

¹¹⁴Germain, v. 1, *Pièces justificatives*, p. 377. Consuls first appeared in Montpellier in 1141. This is another instance of the sovereignty of the Consuls.

¹¹⁵Renouard, *Villes d'Italie*, Paris, 1969, pp. 9-16.

everybody else.¹¹⁶ Medieval cities, like many people, had mottoes. Thirteenth-century Montpellier's was,

*Virgo mater, natum ora, ut nos juvet omni hora.*¹¹⁷

Again like many people, cities had patron saints. Like many other cities in medieval France Montpellier was especially devoted to *Nostre Dame*.

Let us add further to the picture. According to Edith Ennen:

The question 'what is a town?' can easily be answered in a plausible manner for the medieval period. As a compact silhouette, the skyline of a medieval town, densely built up, surrounded by a wall, dominated by churches and its fortresses, stood in sharp contrast to the surrounding countryside. It was very different in all these respects from the sprawling urban settlements of our own day. The wall served not only as a means of fortification; it also delineated an area of special urban law, that is, the far-reaching legal equality of the townsfolk, which was in marked contrast to the hierarchical and lordly order which prevailed outside the walls. The towns enjoyed a type of constitution in which their free burgesses participated in the business of running the town and even, in some cases, achieved autonomy against intervention by the town's overlord. This state of affairs, by planting the seed of the civic equality of our own day, was to make any separate and distinctive town freedom superfluous in modern times when the condition of medieval townsmen became the norm for society in general.¹¹⁸

Germain said that the spirit of freedom was born in the communes.¹¹⁹

It is tempting to compare the "city-states" of the Middle Ages and Renaissance with those of Antiquity.¹²⁰ This, however, is a risky business at best. The cities of Antiquity had a wide variety of government forms. The idea of democracy was perhaps born in one of them. Whether or not this ideal has ever actually been

¹¹⁶Waley, p. 52.

¹¹⁷Thomas, p. 34.

¹¹⁸Ennen, p. 1.

¹¹⁹Germain, v.1, cf. p. ix.

¹²⁰Future studies might fruitfully attempt to investigate the role of the *General Town Assembly* in each period.

realized is of little importance to us here. What is important is that in at least some medieval cities as in some of the cities of Antiquity, "town air *macht frei*."

An important way in which this spirit of egalitarianism and cooperation manifested itself in Montpellier was the organization of the men of Montpellier into seven *scalae* or *échelles* for various aspects of city-government.

*Les habitants de Montpellier étaient, suivant leurs divers genres de profession, répartis en sept divisions appelées échelles. Ce classement, établi en raison des sept jours de la semaine dont chaque échelle portait le nom, avait pour premier objet la garde des portes de la ville.... Mais cette répartition des citoyens en échelles n'avait pas pour unique cause la défense de la ville; elle servait aussi de fondement à une foule d'opérations concernant la chose publique, et notamment l'élection des consuls et celle de la plupart des magistrats de la cité.*¹²¹

But some are always "more free" than others. In the *democratic* cities of the Middle Ages the merchants were in charge. In theory almost anybody could be a consul in Montpellier. In practice, however, it is unlikely that consuls were other than merchants. Their officers—their court officials—were men trained in the new legal learning, but undoubtedly in most cases they were merchants' sons.

Future studies of Montpellier and other Southern French towns in the High Middle Ages must increasingly focus on comparisons with Northern Italy and Christian Spain. There are many similarities between the development of Montpellier and that of the towns of Northern Italy:¹²² the lack of a strong *regional* feudal authority, the partnership with the church in the securing of political authority within the city by its merchants (its *proshomes*), and the conquest of a *contado* are the chief among them. But perhaps most important is the spirit of

¹²¹PT, editors' introduction, pp. xviii-xix. The underlining represents italics in the original. The *échelles* are considered in the next chapter and in Appendix B.

¹²²Montpellier's involvement with the principal among them has already been discussed.

egalitarianism and cooperation that at its mightiest produced cities like Florence and Venice and even when cut with strong *individualism* could produce a mighty city like Genoa. There may be other parallels with Genoa in particular. In Renouard's words,

*La grandeur de Gênes est fragile parce qu'elle ne repose que sur la valeur des individus et n'est soutenue ni par des institutions ni par un esprit public.*¹²³

And in the words of Lopez,

*Née sous la forme d'une commune, c'est-à-dire non pas d'un Etat permanent et transcendant les individus, mais d'un accord temporaire pour la protection d'intérêts particuliers, la république ne sortire jamais entièrement du cocon.*¹²⁴

Although Montpellier was not the victim of the internal strife that characterizes Genoese history there may be parallels in the end of the liberty of the two cities for future students of the Middle Ages to investigate.

The men who governed Montpellier after 1204 were *comrades in business* (at least as binding a comradeship as that of arms). They were also comrades in the struggle for independence. It is only natural that this comradeship coupled with a Roman legal influence would produce in their hearts a limited egalitarianism. This was embodied in the election procedures, term limitations, and distribution of powers that they built into their city's laws.

But they were also a relatively exclusive group concerned throughout the century with retaining their privileged position. They had no desire to have their freedoms limited by an overlord, but they were almost equally concerned with

¹²³Renouard, p. 258.

¹²⁴Lopez, R. S., *Su e giù per la storia di Genova*, Genoa, 1975, p. 40.

limiting access to those freedoms. As I will show at the end of this study they composed an "Insider" group made up of Christian businessmen born in Montpellier. "Outsiders" like foreigners, non-Christians, and women were allowed limited access only. An abundance of material in *Le Petit Thalamus* pertaining to these issues testifies to this.

Another area that reflects this is their concern to maintain traditional laws governing inheritance. The well-documented problem of the parceling of estates in the Midi was reflected in thirteenth-century Montpellier by laws that attempted to keep paternal goods in the paternal line and maternal goods in the maternal, thus working to keep family fortunes intact. Given that the rulers of Montpellier were merchants it is unsurprising that a good deal of the legislation in *Le Petit Thalamus* deals with debt and the regulation of commerce. Many of the materials in this document relate to this subject.

Although parts of the Charter of 1205 and many of the *établissements* deal with administrative matters, most of the materials from after 1204 are concerned with the other matters mentioned above and with the working of the courts. This fact is indicative of the practical nature of the city's laws: as is usual its lawmakers passed legislation on the important subjects of the day. Those lawmakers being merchants, most of it naturally concerned money and the problems that could arise to distract from its making. Thus the material pertaining to the courts especially.

The image of the law affirms that most offences are not in the first place offenses against other persons, but against the state or the law itself, to which exclusively falls the obligation of retaliating them. In most cases this has entailed the construction by the secular authority of a more or less comprehensive code of permitted and forbidden behaviour; it always involves the erection of a system of courts where offenders against these rules can be tried and convicted, and the more or less compulsory offer of facilities for adjudication where the state is not primarily a party. It has the effect of creating a class of legal officers and practitioners whose

experience in the formal presentation and resolution of disputes makes them competitors with older agents of pacification.¹²⁵

It seems to me that this quotation is a *fairly* accurate description of the state of Law in the Modern West.¹²⁶ For the Middle Ages, however, it contains a number of common misconceptions. The first point to make is that in the Middle Ages the law was not the enemy. I believe that the modern conception of the law represents an *alienation* from it that was not characteristic of medieval men. In the period with which we are concerned law was not concerned as much with punishment as it was with *laying out in writing, for all men to see, the rules by which courts were to make judgements in disputes that could not be settled peacefully in private*. Medieval law codes are not a turning away from "older agents of pacification," *they are a logical outgrowth of their existence*.

Courts, however, are not the only places where disputes are settled. They are an alternative and/or a last resort. They are an alternative to reconciliation between the parties effected either with or without the assistance of negotiators. In the past

To resolve disputes, the southern magnates used the technique of arbitration and conciliation in ad hoc assemblies convened to administer the public law of the land. This type of assembly, called a *guirpitio*, was a meeting of the powerful men of a locality, who would attempt to arbitrate a dispute or hammer out a compromise. Once agreement was reached, the participants were committed to enforce the law with their considerable power.¹²⁷

The *guripitio* evolved into the "Peace of God" movement of the 980's.¹²⁸ It is clearly irrefutable that such assemblies and private arbitration always existed and continued, and *still continue*, to be a factor in the settlement of disputes. Courts arose from the situations in which they failed and from the demands of free men to

¹²⁵Bossy, J., *Disputes and Settlements*, Cambridge, 1983, pp. 290-291.

¹²⁶I say fairly accurate because there are clearly some problems.

¹²⁷Reyerson and Henneman, p. 462.

¹²⁸Reyerson and Henneman, p. 462.

be subject to the rule of *written laws* rather than to the whims of the most powerful or persuasive.

Only one topic remains to be discussed before turning to the laws themselves: the subject of oaths. The importance of oaths in medieval society is nowhere more obvious than in legal and governmental matters. As we shall see below, the laws of thirteenth-century Montpellier were riddled with occasions that required oaths. A very large section of *Le Petit Thalamus* is devoted to public oaths of office. Unfortunately for our purposes most of them are of uncertain provenance. This reliance upon the oath, however, remains of importance since it was of importance to Montpellier's lawmakers. Interpretation of them must remain the subject of future studies; however, it is important for us here to keep in mind what was at stake in an oath: the immortal soul of the oathmaker. In pious thirteenth-century Montpellier this cannot be overlooked.¹²⁹

¹²⁹Montpellier's *piety* is attested to by its tradition of *faithfulness* to Rome as demonstrated in the preceding chapter.

CHAPTER 3

MECHANICS OF GOVERNMENT

In this chapter I will look at the mechanics of thirteenth-century Montpellier's merchant-government. After devoting a brief amount of time to its structure, which as indicated above has been adequately explored by Germain and others, I will enter into territory that previously has received less attention—the city's judicial system. For although Germain and others have listed court officials and Rogozinski has considered a specific series of incidents,¹³⁰ little has been done with the materials in *Le Petit Thalamus* pertaining to Montpellier's courts.

The government of Montpellier was composed of the twelve annually elected consuls, the bailif (selected by the consuls) and his court, and various officials attached to the administration. After 1252 the *cossols dels mestiers*, who by this time were responsible for the election of the consuls, should be added to this list. The bailiff's chief functions as set out in *Le Petit Thalamus* were financial and judicial, the bailiff being responsible for collecting *las leudas*, and for administering through his court the city's judicial system. Executive and legislative power in the city rested in the hands of the twelve consuls.

*Statutum est ut duodecim probi et legales viri Montispessulani, jam electi ad consulendam communitatem Montispessulani, jurare debent quod de bona fide consulant eum quem dominus loco suo statuerit in hac terra; et ille teneatur requirere consilium dictorum duodecim, et eorum stare consiliis de omnibus que ad communitatem Montispessulani et terre Montispessulani spectabunt. In quibus duodecim predictis non ponatur nisi unus solus de uno albergo; qui duodecim non stent in ea administratione nisi per annum....*¹³¹

¹³⁰Rogozinski, J., *Power, Caste, and Law: Social Conflict in Fourteenth Century Montpellier*, Cambridge, 1982.

¹³¹*PT*, Charter of 1204, Article 121, pp. 52-53.

Article 121 of the Charter of 1204 provided for 12 *probi viri* to serve as consuls in Montpellier. Article 9 of the Charter of 1205 decreed that these consuls were to have "*plenam potestatem statuendi, distringendi et corrigendi omni ea que eis visa fuerint pertinere ad utilitatem communitatis Montispessulani.*" It also provided that seven men, "*scilicet de unaquaque scala uno,*" were to assist the current consuls in the election of the twelve new consuls.¹³²

The composition of the seven *scalae* (*échelles* in Old Provençal) into which the townspeople were placed by profession and that were responsible for the guarding of the city's gates is considered in Appendix B of this work. An *établissement* of 1252 provided for consuls for the various professions—the *cossols dels mestiers*—who were henceforth to be responsible for the election of the twelve consuls of the city.¹³³ The process by which Montpellier's consuls were elected by these *cossols dels mestiers* has been discussed in a variety of places.¹³⁴ Additional functions of the *cossols del mestiers* are not set out. Prior to 1252 there is no mention of them and *Le Petit Thalamus* provides no earlier information on either the manner in which the seven men stipulated in Article 9 of the Charter of 1205 were to be chosen or on the process of the election. An *établissement* of 1252 describes the procedure that is to be followed thereafter.¹³⁵

The consuls were assisted in their duties by a number of officials stipulated in the *costumas*—*consuetudines* in Latin—and *établissements*. The election of *obriers*

¹³²*PT*, pp. 64-67.

¹³³*PT*, pp. 98-100.

¹³⁴The procedure is described in *PT*, pp. 100-101—the best summary is to be found in Thomas, cf. p. 65.

¹³⁵*PT*, pp. 100-101.

(men responsible for the maintenance of the city's walls),¹³⁶ *cossois del mar*,¹³⁷ assessors,¹³⁸ *mealhers* (tax collectors),¹³⁹ *syndics o procuradors*,¹⁴⁰ and men responsible for checking the city's weights and measures¹⁴¹ are all provided for—although the process by which they were elected is not set out. All had to be men of Montpellier and all served one-year terms. Ambassadors are also mentioned.¹⁴² These officials have been considered in a variety of places.

"*Hoc totum quod bajulus facit dominus pro firmo habet in perpetuum.*"¹⁴³ The bailiff of Montpellier was chosen by the consuls.¹⁴⁴ He could not be a Jew.¹⁴⁵ He and his *curiales* were to be *probi homines*—*proshomes* in Old Provençal—of the city¹⁴⁶ and, like the town's other officials, were to serve one-year terms of office, after which they could not serve as such in the two following years.¹⁴⁷ The bailiff and his officers couldn't sell or otherwise dispose of the goods of the lord during their time in office.¹⁴⁸

In addition to his judicial functions the bailiff was also responsible for the collection of *las leudas*. *Las leudas de Montpeylier* represent an essentially unworked mine of information for historians of medieval economics. The first of these lists—the *Carta de leusdis*¹⁴⁹ and the *Carta tocius lesde Montispessulani*—¹⁵⁰

¹³⁶*PT*, pp. 44-45.

¹³⁷*PT*, pp. 114-116.

¹³⁸*PT*, pp. 101-105.

¹³⁹*PT*, pp. 119-120.

¹⁴⁰*PT*, pp. 113-114.

¹⁴¹*PT*, pp. 40-41.

¹⁴²*PT*, pp. 117-118.

¹⁴³*PT*, Charter of 1204, Article 2, pp. 4-5.

¹⁴⁴*PT*, Charter of 1205, Article 9, pp. 64-67.

¹⁴⁵*PT*, Charter of 1204, Article 7, pp. 6-7.

¹⁴⁶*PT*, Charter of 1204, Article 1, pp. 2-3, Article 109, pp. 48-49.

¹⁴⁷*PT*, Charter of 1204, Article 120, pp. 52-53. An *établissement* of 1268 prevented the bailiff from being bailiff again for the four following years, *PT*, p. 113.

¹⁴⁸*PT*, Charter of 1204, Article 64, pp. 34-35.

¹⁴⁹*LIM*, pp. 408-409.

¹⁵⁰*LIM*, pp. 437-440.

date from the later twelfth century. Lengthier lists of uncertain provenance are given in *Le Petit Thalamus*.¹⁵¹ Nine articles in the Charter of 1204 address the subject.¹⁵² According to Article 112, citizens of Montpellier were to be exempt from all taxes and tolls other than those specified in the written laws of Montpellier. Weights and measures were to be fixed by law. No one—including the lord and his agents—could sell the rights on any "*res que ab ipso* (i.e., the lord) *teneatur*,"¹⁵³ before the *res* itself was sold. The Lord was to receive a portion of the price of the sale of houses in Montpellier, but the townspeople—and Cistercians and canons of Maguelonne—were exempt from property taxes. There was to be no tax on wood brought to Montpellier but not sold, and the *leudas* paid by herdsmen would depend on the amount of cash that they had on hand. In situations where anyone disputed a tax, if the tax was proven to be appropriate, foreigners would have to pay it—citizens of Montpellier would have to pay double.

The officers of the bailiff's court were the bailiff, the sub-bailiff, the vicar, the judges, the court advocates, the notaries, and the assessors.¹⁵⁴ A consul of the city could not hold office in the court in the year after his consulate, and curiales could not become consuls in the year following their stints in court. As with other officials, court officers held office for one year. They could not hold the same or another office in the court in the two following years. Advocates, however, were expected to be judges in the next year. Members of the court were to be removed from office if they were found to be in violation of their oaths.¹⁵⁵

¹⁵¹*PT*, pp. 225-244.

¹⁵²*PT*, Charter of 1204, Article 15, pp. 10-11, Article 25, pp. 14-15, Article 48, pp. 26-29, Article 62, pp. 32-33, Articles 84 and 87-88, pp. 40-41, Article 109, pp. 48-49, and Article 112, pp. 50-51.

¹⁵³*PT*, Charter of 1204, Article 62, pp. 32-33.

¹⁵⁴According to a statute promulgated in 1225 but not included in *PT*, see Germain, v. 1, *Pièces justificatives*, pp. 334-339.

¹⁵⁵According to a statute promulgated in 1223 but not included in *PT*, see Germain, v. 1, *Pièces justificatives*, pp. 322-334.

The curiales swore not to be involved in cases in which they could be considered interested parties. They swore not to accept gifts from litigants while in office. They swore to proceed according to "due process" and not to distinguish between the rich and the poor.¹⁵⁶ They swore to appoint good assessors and to follow in their judgements the *consuetudines* and in their default the *juris ordo*. Court deliberations were to be private and secret.¹⁵⁷ Neither the lord or any of his agents could sell the justice of the court.¹⁵⁸

Notaries were not required to reveal anything done secretly before them,¹⁵⁹ and were legally obligated to include in public acts the year of the incarnation, the month, the day, and the names and professions of those mentioned.¹⁶⁰ The fees of both private notaries¹⁶¹ and advocates¹⁶² were established by law. Both participated in the responsibility of guarding the gates of the city,¹⁶³ neither were represented by independent consuls.

The bailiff's court of Montpellier had jurisdiction over all citizens of Montpellier, over the entire area enclosed by the walls, and over the city's *contado*—in theory. In practice, however, there were some limitations on this. According to the laws of the city settlements reached through arbitration were as legally binding as anything done before the court.¹⁶⁴ Cases could be brought before the Bishop of Maguelonne and his representatives who, as overlords of the Counts

¹⁵⁶*PT*, Charter of 1204, Article 1, pp. 2-3, Article 6, pp. 4-7.

¹⁵⁷*PT*, Charter of 1204, Article 6, pp. 4-7.

¹⁵⁸*PT*, Charter of 1204, Article 107, pp. 48-49.

¹⁵⁹*PT*, Charter of 1204, Article 103, pp. 46-47.

¹⁶⁰*PT*, Charter of 1205, Article 11, pp. 66-67.

¹⁶¹*PT*, Undated *établissement*, pp. 120-124.

¹⁶²According to a statute promulgated in 1223 but not included in *PT*, see Germain, v. 1, *Pièces justificatives*, pp. 322-334.

¹⁶³See Appendix B

¹⁶⁴*PT*, Charter of 1204, Article 75, pp. 38-39, Article 113, pp. 50-51. A one-year limitation on the process of arbitration was established in 1253, see *PT*, pp. 124-125.

of Montpellier and lords of Montpellierét, had jurisdiction within Montpellier and its *contado*.¹⁶⁵ Article 34 of the Charter of 1204 made it possible for men of Montpellier to be tried in Maguelonne and vice-versa.¹⁶⁶ In addition citizens of Montpellier were entitled by law to appeal a sentence in the bailiff's court before the lord of Montpellier,¹⁶⁷ and complaints against the court were to be brought before the lord.¹⁶⁸ The lord, however, was not free to become involved in a case on his own initiative unless it pertained to him.¹⁶⁹ Inhabitants of Lattes and Castelneu were instructed by law to pursue litigation in their own courts.¹⁷⁰ In addition domestic thefts, rapes, and other injuries could be punished by heads of households without legal recourse to the courts by either either victim or accused.¹⁷¹ Although Article 15 of the Charter of 1204 decreed that anyone mutilated by order of the court could not stay in Montpellier,¹⁷² and the law provided punishments for the setters of fires including fines, exile, mutilation, and death,¹⁷³ *Le Petit Thalamus* contains very little that could be called criminal law. The bulk of the abundant material relating to the bailiff's court pertains to procedure.

As discussed in previous chapters the *consuetudines* of Montpellier were a blend of Southern French customary law and the new "learned law." This new "learned law" of the High Middle Ages, which was once thought to be the result of the adoption of Roman law brought about by a rediscovery of the *Digest*, was in

¹⁶⁵*CM*, v. 2, p. 174.

¹⁶⁶*PT*, pp. 20-21.

¹⁶⁷*PT*, Charter of 1204, Article 44, pp. 24-27.

¹⁶⁸*PT*, Charter of 1204, Article 45, pp. 26-27.

¹⁶⁹*PT*, Charter of 1204, Article 11, pp. 8-9

¹⁷⁰*PT*, Charter of 1204, Article 50, pp. 28-29.

¹⁷¹*PT*, Charter of 1204, Article 66, pp. 34-35.

¹⁷²*PT*, pp. 68-69.

¹⁷³A statute promulgated by the consuls in 1223 and not included in *PT* made exile the punishment for the starting of fires, see Germain, v. 1, *Pièces justificatives*, pp. 322-334. A series of *établissements* dating from 1227-1273 extended this to fires started during wedding celebrations and added fines, mutilation, and death to the list of possible penalties, see *PT*, pp. 141-145, 148.

fact the product of *legists'* responses to situations of increasing legal complexity. In many cases the new lawmakers were especially concerned with preventing appeals to Roman law. Montpellier's laws concerning judicial delays are an excellent demonstration of this. This subject was of particular concern to the drafters of the Charter of 1204 who addressed it in no less than six separate articles.¹⁷⁴

According to the Charter of 1204, the trial-date was to be set by the judge. Although the judge could decree one, litigants could not demand any delays provided by Roman law. The absence of an advocate was not ample cause for a delay. Those whom the court pronounced judgements against had no right to appeal to any delays provided by Roman law—the judge could, however, decree one of whatever duration he deemed appropriate.

Another excellent example of the fact that the new "scientific jurisprudence" of the High Middle Ages was an evolutionary process—heavily indebted to the *study* of Roman law but by no means a mere adoption of it—is to be found in the Charter of 1204's drafters' concern with written as opposed to oral communications. According to Article 78 of the Charter of 1204 written notice of a trial-date was not required.¹⁷⁵ Article 76 decreed that any situation in which *the law required* written proof, oral proof was to be allowed.¹⁷⁶ Article 77 declared that sentences were to be valid even if not written.¹⁷⁷

If a citizen of Montpellier had a case against him pending in court he could be required to swear an oath to abide by the court's judgement. In civil cases involving

¹⁷⁴*PT*, Charter of 1204, Articles 71-72, pp. 36-37, Articles 78-79, and 81, pp. 38-39, and Article 108, pp. 48-49.

¹⁷⁵*PT*, pp. 38-39.

¹⁷⁶*PT*, pp. 38-39.

¹⁷⁷*PT*, pp. 38-39.

small sums of money *proshomes* of Montpellier would not be required to swear such an oath. In criminal cases or in cases involving injury or large sums of money the judge could require even *proshomes* to swear an oath.¹⁷⁸ If an oath was demanded the cause of the action and the name of the party initiating it had to be made known to the swearer.¹⁷⁹

According to the laws of Montpellier trial by combat or ordeal was to occur only with the consent of the parties involved.¹⁸⁰ Advocates also were only to be allowed with the consent of all parties.¹⁸¹ Each party coming before the court had to swear an oath that he had not tried to bribe any of its members.¹⁸² The swearers of false oaths were to be rejected and punished.¹⁸³ After 1212, no one could pursue a motion that had been abandoned for more than three years.¹⁸⁴

Witnesses were to be called by the parties involved in the action. In cases of inheritance, the executors could call the witnesses.¹⁸⁵ In all situations the testimony of two witnesses was to be considered valid.¹⁸⁶ "*Renovarui seu usurarii qui denarios pro denariis accommodant non recipiantur in testimonio.*"¹⁸⁷ Strangers, or foreigners, could not testify without assurances as to their character.¹⁸⁸ The testimony of a witness who later gained a bad reputation was not to be considered invalid.¹⁸⁹ Anyone profiting from a delay of nine months had to declare his witnesses to the court. The names were to be written down, and if on the day set

¹⁷⁸PT, Charter of 1205, Article 3, pp. 60-63.

¹⁷⁹PT, Charter of 1205, Article 1, pp. 60-61.

¹⁸⁰PT, Charter of 1204, Article 63, pp. 32-33.

¹⁸¹PT, Charter of 1204, Article 8, pp. 6-7.

¹⁸²PT, Charter of 1204, Article 3, pp. 4-5.

¹⁸³PT, Charter of 1204, Article 9, pp. 8-9

¹⁸⁴PT, Charter of 1212, Article 4, pp. 72-75

¹⁸⁵PT, Charter of 1205, Article 11, pp. 66-67.

¹⁸⁶PT, Charter of 1204, Article 27, pp. 16-17.

¹⁸⁷PT, Charter of 1204, Article 10, pp 8-9

¹⁸⁸PT, Charter of 1204, Article 65, pp. 34-35.

¹⁸⁹PT, Charter of 1204, Article 93, pp. 42-43.

for the trial they did not appear the case was to be dismissed.¹⁹⁰ Judges were to interrogate the witnesses ignoring anything extra that they volunteered.¹⁹¹ The court acknowledged various types of slander. Slanderers were to be punished by having their suits automatically decided against them and by being required to pay the sum of the judgement to both the other party and to the court. If a person with a bad reputation was found guilty of slandering a *proshome* and could not pay the fine he was to be punished physically.¹⁹² Several examples of slanderous epithets are given: "serf," "traitor," "outlaw," "perjurer," "harlot," "son of a Saracen," and "son of a Jew."¹⁹³

Article 1 of the Charter of 1221 addressed appeals.¹⁹⁴ Judgements of the court could be appealed twice. The first appeal had to be completed within six months, the second in three. In judgements concerning small sums of money a second appeal was not allowed. An *établissement* of 1231 changed the time limit on the first appeal to five months and that on the second to two months. According to this later legislation, a second appeal was to be allowed even for small sums of money with a one-month time limit. These limits did not hold true if the appeal was to the lord—presumably to allow for travel time. In appeals to the lord of Montpellier, he was responsible for establishing the time limit.¹⁹⁵ If a judgement was made against anyone about to go on a journey he could still go if he swore an oath that he would return. Upon completion of the journey he had to respond to the judgement. In such cases judges had the power to suspend this right.¹⁹⁶

¹⁹⁰PT, Charter of 1204, Article 108, pp. 48-49.

¹⁹¹PT, Charter of 1204, Article 80, pp. 38-39.

¹⁹²The manner of punishment is unspecified.

¹⁹³PT, Charter of 1204, Article 23, pp. 14-15.

¹⁹⁴PT, pp. 74-75.

¹⁹⁵PT, pp. 120-122.

¹⁹⁶PT, Charter of 1205, Article 4, pp. 62-63.

CHAPTER 4

INHERITANCE, DEBT, COMMERCE, AND "OUTSIDERS"

Having considered the "mechanics" of Montpellier's merchant-government in the preceding chapter, in this chapter I will focus on what *Le Petit Thalamus* reveals about the professional and personal aspects of life in thirteenth-century Montpellier. Before turning to a discussion of the status of women, children, aliens, and non-Christians, I would like to spend some time on the subjects nearest and dearest to the hearts of medieval—and modern—townspeople: property and business.

Inheritance was addressed in articles 13-14, 53, 56-60, and 115 of the Charter of 1204, article 3 of 1212, and article 5 of 1223. Each of these articles that addressed the subject of deaths intestate included prohibitions against appeals to Roman law. Any testament made in Montpellier, whether written or verbal, was valid if three witnesses vouched for it. If it was contested, the presence of only two of the witnesses was required so long as they were both prepared to vouch for the absent third witness.¹⁹⁷ Any testament made outside of Montpellier was valid with seven witnesses to vouch for it so long as five of them were present and prepared to vouch for the other two.¹⁹⁸ If these conditions were fulfilled the will could not be contested, people in Montpellier being free to leave their property to whom they chose. Where there was doubt as to the validity of a testament, effort was to be made to observe the will of the deceased.¹⁹⁹ It appears that this legislation was enacted to prevent children from contesting the wills of their parents.²⁰⁰ The goods of anyone dying intestate were to be divided equally among the children. If a son

¹⁹⁷*PT*, Charter of 1204, Article 53, pp. 30-31.

¹⁹⁸*PT*, Charter of 1204, Article 58, pp. 30-31.

¹⁹⁹*PT*, Charter of 1204, Article 57, pp. 30-31.

²⁰⁰*PT*, Charter of 1204, Article 56, pp. 30-31.

was "established" or a daughter married they were to be divided equally among the other children. In the absence of offspring they were to go to the nearest relatives, unmarried siblings having first claim followed by married siblings, paternal goods staying in the paternal line, maternal in the maternal.²⁰¹ Article 3 of the Charter of 1212 prevented children in religious orders from making a claim in such a situation.²⁰² In cases where there was a valid testament a married daughter could not make a claim on paternal goods not included in her dowry unless they were specifically willed to her.²⁰³ Goods left for masses for the soul of the deceased were to be sold by counsel of the court. The deceased's "next of kin" were to be given first refusal on such goods.²⁰⁴

If a stranger were to die in Montpellier without a testament and no parent present to take charge of his goods they were to be deposited with honest men. If after a year and a day no valid claim was made on them, they were to revert to the city. Even after that time, however, lawful claimants could still come forward.²⁰⁵ Article 5 of the Charter of 1223 declared that if a merchant of Montpellier died outside of Montpellier two of his companions, if possible, were to be chosen to take responsibility for his goods.²⁰⁶

The subject of debt was addressed in articles 17, 33-37, 41, 43, 73-74, and 100 of the Charter of 1204, 2 of 1205, 1-2 of 1212, 2-3 of 1221, and 1 and 3 of 1223. According to the laws of Montpellier Christian creditors were allowed to seize their debtors—if they were neither clerics nor men of the Bishop of Maguelonne—and

²⁰¹*PT*, Charter of 1204, Article 13, pp. 9-11, Article 59, pp. 30-31.

²⁰²*PT*, pp. 72-73.

²⁰³*PT*, Charter of 1204, Article 13, pp. 9-11.

²⁰⁴*PT*, Charter of 1204, Article 60, pp. 32-33.

²⁰⁵*PT*, Charter of 1204, Article 115, pp. 50-51.

²⁰⁶*PT*, pp. 88-91. This article also confirms what was set out above concerning testaments made outside of Montpellier.

bring them to court. If they were found not to be responsible for the debt they were to be released.²⁰⁷ In court, the creditor had the choice of presenting his case before or after the debtor.²⁰⁸ If anyone confessed a debt to his creditor, the oath of the latter was enough to verify that confession.²⁰⁹ A debtor who had the means and refused to pay a judgement ordered by the court was responsible for the judgement and had to pay a fine—one-third of the judgement—to the court.²¹⁰ After two months his goods were to be seized by the court and sold by its authority. The proceeds of the sale were to be divided among his creditors proportional to their claims.²¹¹ Debtors unable to pay were to be turned over to their creditors if the latter were Christian. The creditors could not starve them. If the debtors were insolvent due to some accident, the court could show leniency at its discretion.²¹² In debts exceeding 100 *solidi* a debtor—whether an adult or a minor—found guilty of lying to the court about his ability to pay was to be imprisoned until the debt was paid off, as long as the creditor was a Christian.²¹³ Article 1 of the Charter of 1223 introduced some modifications. According to this article anyone found guilty of a debt had four days to pay or to agree to pay. If he did not pay in nine months he was to be jailed and given only bread and water. This article also allowed the court to seize and sell goods after only fifteen days. As always this did not hold true if the debtor was a man of the Bishop of Maguelonne.²¹⁴ A debtor who fled and sought

²⁰⁷*PT*, Charter of 1204, Article 35, pp. 20-21, Article 100, pp. 46-47.

²⁰⁸*PT*, Charter of 1204, Article 73, pp. 36-37.

²⁰⁹*PT*, Charter of 1204, Article 43, pp. 24-25. Confirmed again in Article 3 of the Charter of 1223, *PT*, pp. 86-87.

²¹⁰*PT*, Charter of 1204, Article 17, pp. 12-13.

²¹¹*PT*, Charter of 1204, Article 37, pp. 22-23. Confirmed again in Article 3 of the Charter of 1223, *PT*, pp. 86-87.

²¹²*PT*, Charter of 1204, Article 36, pp. 20-23.

²¹³*PT*, Charter of 1221, Article 2, pp. 76-77.

²¹⁴*PT*, pp. 81-85.

sanctuary could still be compelled to pay.²¹⁵ The law allowed the authorities to request that he be sent back and the court was free to seize his goods. Such a refugee was allowed a ten-day grace period.²¹⁶ Anyone imprisoned for debt was to be fed on bread and water until the debt was paid off.²¹⁷

If a foreigner was found guilty of a debt his goods were to be seized by the court until the debt was satisfied. If he had no goods he must take an oath to that effect.²¹⁸ If the court was thus unable to assist in the pursuit of the debt, the creditors were free to take matters entirely into their own hands unless the debtor was a man of the Bishop of Maguelonne, a Genoese, or a Pisan.²¹⁹

A creditor could not retain a security given him concerning one debt for another. If after three years the debt was not paid off he could sell the security.²²⁰ Heirs were held responsible for debts.²²¹ The partners in a company were not legally responsible for debts incurred by their partners outside of the company.²²² Article 1 of the Charter of 1212 placed a ten-year limitation on the pursuit of debts.²²³

In addition to providing for the settlement of debt disputes *Le Petit Thalamus* also contains information on a variety of other aspects of the commercial life of the city. A number of professions are mentioned in its pages: notaries, advocates, leeches, barbers, dyers, mercenaries, parchment cutters, butchers, fishmongers, keepers of pilgrims' inns, painters, bakers, poultry merchants, knights, buttonmakers, furriers, saddlemakers, tailors, pigkeepers, vair merchants, potters,

²¹⁵PT, Charter of 1221, Article 3, pp. 76-77.

²¹⁶PT, Charter of 1221, Article 4, pp. 76-79.

²¹⁷Undated *établissement*, PT, pp. 132-133.

²¹⁸PT, Charter of 1205, Article 2, pp. 60-61.

²¹⁹PT, Charter of 1204, Article 33, pp. 70-73, Article 34, pp. 20-21.

²²⁰PT, Charter of 1204, Article 41, pp. 24-25.

²²¹PT, Charter of 1204, Article 37, pp. 22-23, Article 41, pp. 24-25.

²²²PT, Charter of 1212, Article 2, pp. 70-73.

²²³PT, pp. 70-73.

tilemakers, barrelmakers, blanchirs, sheep butchers, hatmakers, laborers, tanners, cobblers, smiths, needlemakers, coppersmiths, clogmakers, bitmakers, scissormakers, ropemakers, lanternmakers, moneychangers, weavers, crimson merchants, packers, grocers, packsaddlemakers, goldsmiths, ringmakers, silversmiths, pepper merchants, brokers, grain merchants, tailors, keepers of merchants' inns, peddlars, porters, carpenters, stonemasons, roofers, grooms, millers, horsetraders, taverners, surveyors, salt merchants, and crossbowmen. All of these professions were represented by consuls who participated in the election of the twelve consuls of the city and shared in the responsibility for the guarding of the city gates.²²⁴

The Latin text of Article 5 of the Charter of 1204 reads:

*Dominus Montispessulani et antecessores sui amaverunt homines suos et custodierunt et salvaverunt in quantum potuerunt, et non quesierunt occasiones, neque aliquo modo fecerunt ut suas perderent possessiones vel res aliquas mobiles vel immobiles, nisi propria culpa [sic]. Et si creverunt vel multiplicaverunt homines Montispessulani in avaro vel honore vel aliquibus rebus, letatus est dominus, et adjuvit eos crescere et multiplicare. Et ideo gaudio homines suas pandunt divitias, et palam ostendunt sine timore. Et ita divitiae et possessiones eorum revertuntur illis quibus relinquuntur in testamentis, vel donantur, vel per successionem eveniunt, sine omni defensione et impedimento domini, ita quod dominus aliquid inde non accipit neque aufert neque contradicit.*²²⁵

In the past, according to this article, the Lords of Montpellier loved their folk and did not interfere with their goods, movable or immovable. There was no obstacle between the legitimate transference of property. There were to be no bans on any goods and everyone was to be allowed to pursue his profession freely.²²⁶

²²⁴See Appendix B.

²²⁵PT, pp. 4-5.

²²⁶PT, Charter of 1204, Article 19, pp. 12-13.

Monopolies were not to be allowed in Montpellier.²²⁷ By accepting all of this Peter II of Aragon was reaffirming the right of the townspeople of Montpellier to pursue that activity most beloved to townsmen everywhere—business.

In practice, however, there were a number of limitations. Businesses were not allowed to move about in the city, except fisheries, which could move once. It was allowed by law, and even encouraged, for professions to cluster in the same neighborhood.²²⁸ The lord of Montpellier received 20% of the price of the sale of a house or vacant property.²²⁹ Christian minors were only allowed to participate in business with Jews with the consent of their "next of kin."²³⁰

If a market was made in Montpellier, whether by folk of the city or strangers, no citizen could be prevented from participating and had to be treated fairly. People of the city, however, could exclude foreigners. Foreigners could not exclude other foreigners.²³¹ No one under tutelage or wardship was allowed to dispose of goods.²³² A sale was only valid after the payment of at least part of the purchase price.²³³ Anyone who placed a deposit on an item was legally bound to purchase it or forfeit the deposit. Contrariwise, anyone who received a deposit on an item was legally bound to sell it or he had to return double the amount of the deposit.²³⁴ If anyone sold goods on which a claim could be made the buyer was to have the advantage on them, but he must make good with the claimant.²³⁵ A problematic concept for the growth of medieval commerce was that of the "just price." In

²²⁷*PT*, Charter of 1204, Article 97, pp. 44-45.

²²⁸*PT*, Charter of 1204, Article 29, pp. 16-17.

²²⁹*PT*, Charter of 1204, Article 15, pp. 10-11.

²³⁰Undated *établissement*, *PT*, pp. 139-140.

²³¹*PT*, Charter of 1205, Article 6, pp. 62-63.

²³²Undated *établissement*, *PT*, pp. 134.

²³³*PT*, Charter of 1204, Article 101, pp. 46-47.

²³⁴*PT*, Charter of 1204, Article 102, pp. 46-47.

²³⁵*PT*, Charter of 1205, Article 12, pp. 68-69.

Montpellier if it was discovered and proved that there had been a deception on the sale of movables the sale was to be annulled, unless the seller was willing to make up the difference in price. In the sale of immovables, however, the sale was not to be annulled,²³⁶ presumably because the lord had already received his 20 %.

As with many prosperous medieval cities, the cloth industry was important in Montpellier. Legislation concerning this important industry goes all the way back to 1181 and continued to be produced throughout the thirteenth century.²³⁷ Article 111 of the Charter of 1204 addresses cloth standards.²³⁸ Foreigners could only sell the cloth that they brought with them and were prevented from selling specific types of cloth.²³⁹ There were also standards concerning the quality of vessels of gold and silver made in Montpellier.²⁴⁰ Legislation concerning bread standards was passed in 1196²⁴¹ and again in 1232.²⁴² In 1253 the following penalties were introduced: a first offender was to lose his bread; a second offender was to lose his bread and could not sell bread in Montpellier for three months; on the third offense he was to lose his bread and was to be banned from selling bread for three years. All of the bread confiscated in this way was to be given to charity.²⁴³ Only good meat could be sold in the market. If bad was sold the vendor was obligated to refund double the purchase price.²⁴⁴ An *établissement* of 1310 required sheep butchers to give part of the proceeds of their sales to charity. They were also required to keep their

²³⁶*PT*, Charter of 1204, Article 40, pp. 24-25.

²³⁷*PT*, pp. 137-139.

²³⁸*PT*, pp. 50-51.

²³⁹*PT*, Charter of 1204, Article 110, pp. 48-49.

²⁴⁰*PT*, Charter of 1204, Article 28, pp. 16-17.

²⁴¹*PT*, pp. 127-131.

²⁴²*PT*, pp. 126-127.

²⁴³*PT*, pp. 124-125.

²⁴⁴*PT*, Charter of 1204, Article 104, pp. 46-47.

work area clean. If they failed to do so, they were required to give more.²⁴⁵ The multiplication of these gifts to charity may imply growing population pressures.

Another area in which medieval commerce faced difficulty was that of usury. In Montpellier lending at interest was allowed as long as the parties involved did not exchange oaths.²⁴⁶ Interest could not accrue beyond the principal.²⁴⁷ Usurers were not allowed to give testimony in court,²⁴⁸ presumably because their oaths were untrustworthy. Moneychangers were quite numerous in the city being responsible for the guarding of several gates of the city.²⁴⁹ They also had their own consuls. Although it cannot be assumed that all of them were also *moneylenders*, it seems a safe conclusion that a good number of them were.

I will ease into the issues that dominate the latter part of this chapter by turning to some of the more obscure matters that are touched on in the laws of Montpellier—the little things that law-makers see fit to legislate on may often reveal the most about the lives of the people who live under those laws. By law, "Fishing is public."²⁵⁰ The sand on riverbanks and in vacant lots was considered public property as well.²⁵¹ It was against the law to raise pigs inside the walls of the city.²⁵² It was unlawful for anyone except a near relative to enter a house in mourning uninvited.²⁵³ If anyone was found to have a bastard he could be made to pay half of the child's cost of living for three years. After that it was up to his

²⁴⁵*PT*, pp. 119-120.

²⁴⁶*PT*, Charter of 1204, Article 69, pp. 36-37.

²⁴⁷*PT*, Charter of 1204, Article 117, pp. 50-51.

²⁴⁸*PT*, Charter of 1204, Article 10, pp. 8-9.

²⁴⁹See Appendix B.

²⁵⁰*PT*, Charter of 1204, Article 52, pp. 28-29. The full text of Article 52 reads, "*Piscatio est publica.*"

²⁵¹*PT*, Charter of 1204, Article 51, pp. 28-29.

²⁵²*PT*, Undated *établissement*, p. 131.

²⁵³*PT*, Undated *établissement*, pp. 148-149.

discretion.²⁵⁴ No citizen of Montpellier could be made to domicile anyone against his will.²⁵⁵ In Montpellier a man's home was his castle.

Thirteenth-century Montpellier had the beginnings of a building code. At the heart of this was Article 38 of the Charter of 1204²⁵⁶ that stated that if two buildings of different heights shared a common wall the owner of the smaller was free to add an additional story, making use of the common wall, without having to compensate the owner of the larger for any resulting window-blockage. The article also prevented the owner of the larger building from making a window in the common wall without the consent of the owner of the smaller—if such a window was made without his consent the law said it had to be sealed. To this core of the code was later added the following: no one could build a balcony to block another's view. No one could build a porch or a bridge that interfered with another's property, and no one could build in such a way as to interfere with another's access to water.²⁵⁷

A considerable portion of the materials in *Le Petit Thalamus* directly concerns women, children, and the family. To get an idea of the status of women and children in the city it is necessary to do some reading between the lines. Articles 85 and 86 of the Charter of 1204 reinforce what everyone already suspects: these were dark times for women. According to Article 85 neither the lord of Montpellier, or any person acting in his name, could marry a woman without her consent and that of her kinsmen. The article's authors made use of the Latin *amici* and the Old Provençal *amics* to signify kinsmen in this instance:

²⁵⁴*PT*, Charter of 1205, Article 13, pp. 68-69

²⁵⁵*PT*, Charter of 1204, Article 114, pp. 50-51.

²⁵⁶*PT*, pp. 22-23.

²⁵⁷*PT*, *Établissements* dating from 1263-1268, pp. 134-136.

*Ullus dominus Montispessulani, vel aliquis pro eo, nullatenus debet compellere viduam vel aliquam mulierem ad nuptias contrahendas; nec aliquo modo sine voluntate mulieris et ejus amicorum inde se debet intromittere.*²⁵⁸

This protection, however, did not extend to a woman who married without the consent of her kinsmen: Article 86 of the Charter of 1204 left the persons and goods of such women at the mercy of the lord.²⁵⁹ The existence of this legislation implies that without it women could expect to be seized by the lord or his men and that at some prior time this was not an infrequent occurrence. It also implies, however, that the condition of women was improving. In addition it is also clear that although women were expected to marry with the consent of their kinsmen (and might suffer the consequences if they chose not to), in practice they did not always. In general, however, the laws of Montpellier assume that the central activities of a woman's life are marriage and child-rearing. To give them credit, however, and to get a better understanding of the whole picture, it is necessary to remember that for everyone in Montpellier—regardless of sex, age, or religious affiliation—the business of making and keeping money was paramount.

The lawmakers of Montpellier were concerned with marriage celebrations.²⁶⁰ The duration of the festivities was limited by law to a day and a night. The comings and goings of jongleurs was also regulated. Fearing the possibility of fires they were particularly concerned with the number and type of lights to be employed. These affairs evidently sometimes got out of hand and the consuls were prompted

²⁵⁸*PT*, pp. 40-41.

²⁵⁹*PT*, pp. 40-41.

²⁶⁰*PT*, pp. 141-145, 148. This material has been extracted from five *établissements* dating between 1227-1273.

to introduce penalties for the starting of fires, including fines, exile, mutilation, or death.²⁶¹ Lesser violations were subject to fines only.

The head of the household was considered its chief business executive.²⁶² Clearly the assumption is that this will normally be a man, although there is nothing to indicate that it always was in practice. The master of the house was legally responsible for the punishment of thefts, rapes, or injuries committed in the house by members of the household: neither the victims of domestic crime nor the recipients of the punishments meted out in this fashion had recourse to the courts in ordinary situations.²⁶³ To do it justice, however, life in Montpellier was clearly family-centered and so it is not surprising to find that most of the important activities of life in the city were approached as a family unit. It is also important to remember that no one was completely free in Montpellier: it was a fundamentally "Christian" and "medieval" community in which "family values" were important and in which adulterers were to be whipped through the streets if found guilty of cohabitation.²⁶⁴

The age of adulthood was set at twenty-five—according to the "learned law."²⁶⁵ A child married without the consent of its father was to be considered emancipated²⁶⁶ and thus could be cut off from family support. Minors could make testaments.²⁶⁷ Minors were prevented by law from giving away or donating goods,²⁶⁸ and their parents were required to provide executors for them in their

²⁶¹A statute promulgated by the consuls in 1223 and not included in *PT* had already provided exile as a punishment for the setting of fires in the city, see Germain, v.1, *Pièces justificatives*, pp. 322-334.

²⁶²*PT*, *Établissement* of 1294, pp. 140-141.

²⁶³*PT*, Charter of 1204, Article 66, pp. 34-35.

²⁶⁴*PT*, Charter of 1204, Article 22, pp. 14-15. This appears to relate to married adulterers rather than to unwed couples.

²⁶⁵*PT*, Charter of 1204, Article 91, pp. 42-43.

²⁶⁶*PT*, Charter of 1204, Article 54, pp. 28-29.

²⁶⁷*PT*, Charter of 1204, Article 57, pp. 30-31.

²⁶⁸*PT*, Undated *établissement*, pp. 133-134.

wills. If they did not also stipulate tutors, the executors were legally obligated to assume that role.²⁶⁹ I have treated the subject of people dying intestate in my consideration of Montpellier's inheritance laws. Family structure in Montpellier was too complicated to be fully explored here and *Le Petit Thalamus* provides us with only a few insights. It is clear, however, that there were strict property divisions between the maternal and paternal lines. It would perhaps be appropriate to view much of what seems restrictive of the rights of women and children as part of an effort to maintain the family property.

According to Article 91 of the Charter of 1204 all agreements made between a daughter and her parents—or between her and her father alone or her and her mother alone if her father was dead—concerning either her goods or the goods of her parents were always to be considered valid as long as oaths were made.²⁷⁰ All of this has the same aim: keep as much as possible of the family's property together in one hereditarily transmittable block. In less restrictive climes family names and family fortunes frequently disappear in one or two generations. Clearly, however, men have a legally sanctioned position of privilege in the families and laws of Montpellier. It is important to note that the restrictions applied to women are not always applied to men. This confirms what one expects to find: Montpellier is part of a "patriarchal" society in which men have institutional power over women.

Although sumptuary laws are more common to later centuries Montpellier had one as early as 1273, according to which it was illegal for women to wear ornaments of gold or silver in the streets.²⁷¹ Dowry goods could not be alienated without the approval of the parents of the wife, or, if they were unavailable, her

²⁶⁹*PT*, Charter of 1205, Article 7, pp. 64-65.

²⁷⁰*PT*, pp. 42-43.

²⁷¹*PT*, pp. 145-147.

next of kin.²⁷² A married woman with children could make a valid will without the counsel of her parents or her next of kin. A married woman without children could not. She could, however, express the desire to leave one-fourth of her goods to her husband without the consent of her kinsmen.²⁷³ She could also freely make gifts of her goods to her husband if her parents or next of kin were present or it could be proved that they approved.²⁷⁴ An adult married woman who held goods in common with her minor and adult brothers and sisters could dispose of her rights on those goods.²⁷⁵ An adult woman who was married to a male minor without the consent of his kin was not legally allowed to make transferences of his property.²⁷⁶ Women did not have the same freedoms in Montpellier as their brothers and husbands, but strides towards equality were being made—for, after all, given these limitations it was legal for women to participate in business.²⁷⁷

Articles 31-32 of the Charter of 1204 protected the rights of foreign merchants and workers in Montpellier.²⁷⁸ According to these articles "foreigners", or "strangers" in the language of *Le Petit Thalamus*, were free to come and go in the city in times of peace and war without fear for their possessions and were free to practice their professions without fear of interference. There were, of course, limitations on Montpellier's hospitality. If foreigners were found guilty of some crime in the city they could be expelled. Once outside the city their "victims" in Montpellier were free to avenge themselves upon the persons and goods of these hapless strangers. If stolen goods that originally belonged to a foreigner were

²⁷²PT, Charter of 1205, Article 14, pp. 68-69.

²⁷³This would be relevant if she were to die intestate. See above.

²⁷⁴PT, Charter of 1204, Article 55, pp. 30-31.

²⁷⁵PT, undated *établissement*, p. 133.

²⁷⁶PT, *établissement* of 1235, p. 133.

²⁷⁷PT, Charter of 1204, Article 39, pp. 22-23.

²⁷⁸PT, pp. 18-19.

discovered in Montpellier they were to be seized by the court. One-third was to go to the lord, two thirds to the rightful owner. If the theft was reported before the goods were found, the owner was to get all. Townspeople of Montpellier found to be guilty of the theft were to be punished.²⁷⁹ A foreigner who married in Montpellier and resolved to live there was exempt for a year and a day from military service.²⁸⁰ The vassal of another lord coming to live in Montpellier was considered free of that obligation so long as he stopped receiving its benefits.²⁸¹ There were provisions for the heirs of foreigners dying in Montpellier to claim their inheritance.²⁸²

As indicated above foreigners could not exclude either citizens of Montpellier or other foreigners from trade gatherings in the city although citizens of Montpellier could exclude them.²⁸³ Foreigners with debts in the city were liable to have their goods siezed.²⁸⁴ If they had no goods and were neither Genoese, Pisans, or men of the Bishop of Maguelonne, they were at the mercy of their Montpellier creditors.²⁸⁵ A foreigner could only testify before the courts of Montpellier if his character was vouched for by men of Montpellier.²⁸⁶ Half of the rent collected from houses owned by foreigners in the city was owed to the Commune.²⁸⁷ According to an *établissement* of 1226, a foreigner could only work in the cloth industry after living in Montpellier for five years. If, however, he was married to a woman born

²⁷⁹PT, Charter of 1204, Article 20, pp. 12-13.

²⁸⁰PT, Charter of 1204, Article 94, pp. 42-43.

²⁸¹PT, Charter of 1204, Article 106, pp. 48-49.

²⁸²PT, Charter of Article 115, pp. 50-51.

²⁸³PT, Charter of 1205, Article 6, pp. 62-63.

²⁸⁴PT, Charter of 1205, Article 2, pp. 60-61.

²⁸⁵PT, Charter of 1204, Article 33, pp. 70-73, Article 34, pp. 20-21.

²⁸⁶PT, Charter of 1204, Article 65, pp. 34-35.

²⁸⁷PT, Charter of 1204, Article 82, pp. 38-39.

in Montpellier it was reduced to two years.²⁸⁸ As indicated above there were additional restrictions on the participation of foreigners in Montpellier's cloth trade.²⁸⁹ Foreigners in Montpellier were welcome, and such laws indicate that immigrating into Montpellier was considered highly desirable. They also indicate that the townspeople were already beginning to feel the effects of overpopulation and dwindling profits in the Market that would characterize most of the Latin West in the first part of the fourteenth century. The laws of Montpellier were already beginning to protect their own. However, as we saw above when considering the status of women in the city, it is all too easy to see these laws concerning foreigners in a completely negative light, as restrictive against outsiders.

The study of exchanges between "Insiders" and "Outsiders" is always a complicated affair. It is all too easy to see such issues only from the perspective of the Outsider. If part of the reason that we study such things is the hope of eliminating oppression and further advancing the egalitarianism of the medieval townsman then it is important to look at the story from both sides: the *reasons* for oppression and exclusion are possibly more important than their manifestations. With regard to foreigners the *protective* laws of Montpellier must not only be seen as limiting the freedoms of strangers but also as protecting the inhabitants of the city from visitors from outside its walls. It is only natural that given the jurisdictional maze that characterizes Latin Christendom in the twelfth century—where a single city was often divided into several overlapping jurisdictions—medieval townsmen should be cautious in their legal dealings with strangers. It is equally understandable that merchants and artisans should, in a dwindling economy, be

²⁸⁸*PT*, p. 138. An *établissement* of 1251 made it possible for the five-year period to be reduced to two years for those not married to women of the city, *PT*, pp. 138-139.

²⁸⁹*PT*, Charter of 1204, Article 110, pp. 48-49.

concerned with retaining as much as possible of their share of the market. Further, many of the commercial regulations in Montpellier, those applying to both strangers and townsmen, were concerned with quality: this was the beginning of the Commercial Age when distributors and producers still believed that quality was synonymous with profit. It was thus important to assure that quality.

It is important to remember that "Insiders" attempt to protect themselves from "Outsiders" out of fear. In a growing economy, such as that of twelfth and thirteenth-century Montpellier, such protection will be less than in a dwindling economy. Given what popular conceptions might lead us to expect, thirteenth-century Montpellier was an "open" city. But Outsiders can come from inside the walls too. The Insider's fear of the Outsider is based on the fear of losing what he has. With this in mind the position of women in the city is also encouraging rather than discouraging.

The position of Jews and Moslems in medieval western society is difficult to understand. A close examination of the facts shows that standard images of Jewish oppression are misleading. However, it is equally clear that Jews were seldom undifferentiated from Christians and that restrictions on their freedoms did exist. As in the case of women, children, and foreigners, it is necessary to do some reading between the lines of *Le Petit Thalamus* to get an idea of the status of Jews in thirteenth-century Montpellier. It may also be helpful to look outside the laws of Montpellier:

People from all over the Mediterranean mingled with each other in the ports of Narbonne and Montpellier. There were prosperous Jewish, as well as Italian, colonies, and the Jewish merchants left their distinctive mark on the towns of southern France. Here in the South the Jews were merchants on a grand scale, bankers, consuls

(i.e., high-ranking town officials), and financial advisers to bishops, abbots and aristocratic landowners.²⁹⁰

Benjamin of Tudela also tells us of the "international" character of Montpellier and relates that in his day there was a Jewish steward in St. Gilles.²⁹¹ As was indicated in Chapter 1 the Jews of Montpellier had contact with the Jews of Egypt. In 1233 a follower of Maimonides was denounced before a Jewish "inquisition."²⁹² The importance of the Jewish community of Montpellier to the growth of the city is emphasized by Germain.²⁹³ The contributions of Jews to the intellectual life of the city (specifically in the areas of law, medicine, and the great translation movement of the twelfth century) has already been considered in Chapter 1.

All of this paints a picture quite in contrast with "popular beliefs." These bits of information conjure up an image of a society in which Jews, Christians, Moslems, citizens, and foreigners mingle in freedom and harmony. But as everyone knows, "freedom" is seldom unrestricted. In short, some are always more free than others. As I have shown above thirteenth-century Montpellier was no exception to this.

Although there may have been Jewish bailiffs elsewhere in the Midi, in Montpellier there were not: "*Bajulum judeum non habet dominus Montispessulani in aliquibus redditibus suis.*"²⁹⁴ The very existence of this law, however, implies that it was not *inconceivable* for Montpellier to have a Jewish bailiff (merely "unconstitutional"), and there is no law preventing Jews from being consuls. There were special formulas for the oaths of Christians, Jews, and "Saracens" in

²⁹⁰Heer, pp. 83-84.

²⁹¹Komroff, p. 256.

²⁹²Heer, p. 315.

²⁹³Germain, v.1, pp. lxvi-lxvii and lxx.

²⁹⁴*PT*, Charter of 1204, Article 7, pp. 6-7.

Montpellier;²⁹⁵ clear evidence that Jews and "Saracens" were active participants in the oath-dominated life of the city. In Montpellier Christian minors were only allowed to participate in business with Jews with the consent of their "next of kin,"²⁹⁶ more clear evidence that Jews were very active in the city's commercial life. But whereas debtors who owed money to Christian creditors could be imprisoned for lying to the court about their ability to pay, presumably they would not be—if their creditors were Jews or Moslems.²⁹⁷

Unfortunately *Le Petit Thalamus* provides little information about Moslems. It seems clear, however, that Jews in thirteenth-century Montpellier were active in nearly all of the city's affairs. They suffered restrictions, but perhaps not as many as the "average man on the streets" would suppose.

As with women the position of Jews in medieval society is a complicated affair. Clearly it is not as bad as might once have been supposed. In general Benjamin of Tudela's account provides some surprises as do the documents of the *Cairo Geniza*. Jewish history in the Middle Ages, I think, may still contain some more surprises.

²⁹⁵*PT*, Charter of 1205, Article 16, pp. 68-69.

²⁹⁶Undated *établissement*, *PT*, pp. 139-140.

²⁹⁷*PT*, 1221, Article 2, pp. 76-77.

APPENDIX A
KINGS OF FRANCE, ARAGON, AND MAJORCA,
THE GUILLEMS OF MONTPELLIER,
AND BISHOPS OF MAGUELONNE

Kings of France 1180-1350

Philip II Augustus (1180-1223)
Louis VIII (1223-1226)
Louis IX (1226-1270)
Philip III (1270-1285)
Philip IV the Fair (1285-1314)²⁹⁸
Louis X (1314-1316)
John I (1316)
Philip V (1316-1322)
Charles IV (1322-1328)
Philip VI of Valois (1328-1350)²⁹⁹

Kings of Aragon and Counts of Barcelona 1151-1276 (Counts of Montpellier 1204-1276)

Ramón Bérengar (1151-1162, Barcelona 1131-1162)
Alfonso II (1162-1196)
Peter II (1196-1213, Montpellier 1204-1213)
James I the Conqueror (1213-1276, Montpellier 1213-1276)

Kings of Majorca (Counts of Montpellier 1276-1349)

James I (1276-1312, Montpellier 1276-1312)
Sancho (1312-1324, Montpellier 1311-1324)
James II (1324-1349, Montpellier 1324-1349)

Guillems of Montpellier c. 990-1204

Guy, or Guillem I (c. 990)
Bernard-Guillem, or Guillem II
Guillem III (d. 1058)
Guillem IV (1058-1068)
Guillem V (1068-1121)
Guillem VI (1121-1149)
Guillem VII (1149-1172)
Guillem VIII (1172-1202)
Guillem IX (1202-1204)

²⁹⁸Purchases Montpellierét in 1292.

²⁹⁹Purchases Montpellier in 1349.

Bishops of Maguelone 1129-1296

Raymond I (1129-1158)

John de Montlaur I (1158-1190)

Raymond II (1190-1196)

Guillaume de Fleix (1196-1203)

Guillaume d'Autigniac (1203-1216)

Bernard de Mèze (1216-1232)

John de Montlaur II (1232-1247)

Raynier (1247-1249)

Peter de Conques (1249-1256)

Guillaume Christol (1256-1263)

Bérengar de Fredol (1263-1296)

APPENDIX B

THE SEVEN *ÉCHELLES* AND THE GUARDING OF THE GATES

The seven *échelles* responsible for electing the consuls and guarding the gates are first mentioned in Article 9 of the Charter of 1205.³⁰⁰ These *échelles* were named after the days of the week. Their composition was as follows:

Lescala del dimerge (Sunday):

notaries, advocates, leeches, barbers, dyers, mercenaries, parchment cutters, butchers, fishmongers, keepers of pilgrims' inns, painters, bakers, poultry merchants, knights *del sen gros*,³⁰¹ knights of S. Fermin, knights of Castelmoton, buttonmakers

Lescala del Dilhus (Monday):

furriers, saddlemakers, tailors, pigkeepers, vair merchants, potters, tilemakers, barrelmakers

Lescala del Dimars (Tuesday):

blanchirs, sheep butchers, vair merchants, hatmakers, knights of Peyron, laborers

Lescala del Dimecres (Wednesday):

tanners, cobblers, smiths, needlemakers, coppersmiths, clogmakers, bitmakers, scissormakers, ropemakers, lanternmakers

Lescala del Dijous (Thursday):

moneychangers, weavers, crimson merchants, packers, grocers, packsaddlemakers, goldsmiths, ringmakers, silversmiths, pepper merchants, knights of S. Nicholau

Lescala del Divenres (Friday):

weavers, brokers, grain merchants, tailors, keepers of merchants' inns, peddlars, porters

Lescala del Dissapte (Saturday):

carpenters of Peyron, stonemasons of Peyron, roofers, grooms, millers, horsetraders, taverners, laborers, surveyors, salt merchants, crossbowmen

The table below indicates the gates for which specific professions were responsible on given days. No such responsibility is listed for cobblers,

³⁰⁰PT, pp. 64-67.

³⁰¹The city's main bell-tower.

silversmiths, keepers of merchants' inns, surveyors, salt merchants, or crossbowmen. No date is given for the *établissement* from which this information is drawn.³⁰² The gates that are indicated as new, however, date from c. 1206³⁰³—this implies that this *établissement* was made shortly thereafter. The text contains two separate lists the first of which gives the professions and the gates for which they are responsible. The second provides the professions only.

The text does not make clear whether or not the members of the *échelles* were *physically* responsible for guarding the gates or not. Examination of the table, however, makes it clear that *financial* responsibility is intended. No other interpretation seems as likely when we take into account the fact that whole groups of professions with presumably numerous practitioners—like the list of those responsible for guarding the Saunaria Gate on Wednesday—are responsible for the guarding of a single gate, while other professions with presumably only a comparatively small number of practitioners—like the Moneychangers on Thursday—are at times responsible for the guarding of more than one gate. When we consider the likely financial superiority of moneychangers to artisans, this theory becomes even more attractive. If additional support is required all that is necessary is to consider the interruption of commerce that the alternative would entail. When one considers this list it becomes tempting to draw conclusions concerning the composition of certain neighborhoods, however, I am nervous about attempting such from the data supplied.

³⁰²*PT*, pp. 95-98.

³⁰³Fabre de Morlhon, p. 18. Fabre de Morlhon's account of the growth and lay-out of the city is the best that I have encountered.

The Guarding of the Gates

Gate	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
S. Gili	advocates notaries	pottery tilemakers barrelmakers	blanchirs	tanners	money changers	peddlars porters	horsetraders grooms
S. Guillem	butchers	furriers	laborers	smiths	goldsmiths	weavers	stonemasons of Peyron
Old Peyron	butchers	furriers	laborers	smiths	packsaddle makers ringmakers	grain merchants	carpenters of Peyron
Montpellierét	fishmongers	vair merchants saddlemakers tailors	laborers	tanners	money changers	tailors	carpenters of Obilhon
New Legador	leeches barbers	tailors	sheep butchers hatters vair merchants	cobblers	weavers	tailors	roofers millers
Saunaria	painters keepers of pilgrims' inns	vair merchants pig keepers	laborers	needlemakers clogmakers money changers ropemakers bitmakers scissormakers lanternmakers	knights of S. Nicholau crimson merchants	weavers	stonemasons of Peyron
Blancaria	dyers parchment cutters ferryman	tailors	blanchirs	cobblers	pepper merchants	brokers	taverners
D'Obilhon	knights of S. Fermin and <i>del sen gros</i> buttonmakers	vair merchants saddlemakers tailors	laborers	see Saunaria Wednesday	grocers	weavers	carpenters of Obilhon
New S. Daunizi	mercenaries knights of Castelmoton	vair merchants saddlemakers tailors	blanchirs	tanners	money changers	weavers	laborers
New Peyron	bakers poultry merchants	NO LISTING	knights of Peyron	NO LISTING	packers	grain merchants	carpenters of Peyron

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N. B.: In this bibliography I have not attempted to be exhaustive but rather to list only those sources crucial to my study. Not all materials cited in the text appear here as well. The immediate relevance of one or two entries may be unclear. The reader may assume that they have been included because I found them particularly inspirational.

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