Throughout the course of history, and even today, the wheels of justice have tended to move very slowly. They certainly did so at the developing Capetian court of the High Middle Ages.¹ That body, the Parlement of Paris, began to assume recognizable form in the reign of Louis IX (1226–70) as the judicial section of the royal court, its members coming to include both legal authorities and Capetian advisers. Gaining jurisdictional control over all suits involving royal authority and appeals from decisions of inferior royal and baronial courts, the Parlement gradually emerged as an autonomous judicial institution with its own divisions, the Grand' Chambre, the Chambre des Requetes, and the Chambre des Enquetes, to handle the ever-increasing volume of litigation brought to Paris for judgement. Along with institutional maturation by the turn of the century, the court also developed regularized session times, written records, and an evolving procedure which was becoming as complex as it was slow in completing judgement.² While the French crown’s own goal to increase its authority and prestige may well have been connected on occasion to its court’s slowness in rendering verdicts, the full explanation must take into account as well the Parlement’s own procedure which, when combined with the slowness of medieval life, must have delayed interminably even the most basic judgements.

For defendants this fact was by no means unwelcome, as the court’s preliminary procedures offered the means to obtain the dismissal of suits even before they were fully heard. As noted by those

¹ This paper was read in a somewhat different form at the annual meeting of the Western Society for French History at the University of California, Los Angeles, on 4 November 1988. I should like to thank Professor Pierre Chaplais of Oxford University and the staff of the John Rylands University Library of Manchester for their assistance with Phillipps Charter 6.

contemporary judicial commentators, the advocate Guillaume du Breuil and the Capetian bailly Philippe de Beaumanoir, once the Parlement’s Chambre des Requêtes had accepted a case for judgement and summoned the opposing parties to court, defendants could utilize a variety of means to delay or forestall altogether their suits from being judged.  

After this preliminary phase (assuming that these strategies were either unemployed or rejected), the litigating parties were required to present themselves at the court when the Parlement considered appeals from the bailliage or seneschalsie of each defendant. After that appearance, the parties awaited the day scheduled for the hearing of their cases. At that time the plaintiff made his charge before the court; but even then it was still possible for the defendant to refuse to respond by offering, first, dilatory exceptions to delay his answer, and then peremptory exceptions to have the suit dismissed. If these exceptions were either rejected or unused, the court proceeded to hear the case. Consequently, any defendant was well-advised to utilize any or all of the pre-trial exceptions, if for no other reason than to wear down his opponent.

One type of dilatory exception was the jour de vue (dies ostensio-nis), which might prove useful to litigants in the many suits brought before the medieval Parlement of Paris involving disputes over property and/or jurisdictional rights. In such cases, a defendant could request from the court a jour de vue which, if granted, would be held at a mutually agreeable time. On the jour, the parties or their representatives along with the court’s commissioners would actually visit the sites contested. If accepted as valid by the Parlement, the commission’s report might well become a major part of the case’s evidence, becoming, according to M. Ducoudray, a scholar of the medieval Parlement, ‘sometimes . . . enough to win or lose a whole process’.  

As the actual process ensued, both sides handed over their respective claims and responses, and following a special oath of good faith, each party offered proofs which might include the oaths of co-swearers and the testimony of the judges in whose courts the case had previously been heard. During the course of the appeal, the most important phase was the enquête which by the time of St Louis was beginning to replace the proof by battle which had served for centuries as the fundamental way of determining truth.  


4 Ducoudray, Les origines du Parlement, 433.

5 Paul Guilhermoz, Enquetes et procés: etudes sur la procedure et la fonctionnement du parlement au XIV siecle (Paris: A. Picard, 1892), which includes a transcription (399–401) of the enquête from the suit brought by the abbesse of Notre-Dame-de-Saintes against the king of England and his Gascon government.
sophisticated method of the *enquête*, the court sent two special commissioners (one lay, one clerical) to the scene of the dispute who took the testimony of both parties as well as other witnesses. The results of the *enquête* were accordingly a major determinant in the Parlement’s verdicts.

This account is based on the theoretical descriptions of the medieval Parlement’s procedure by du Breuil and de Beaumanoir. However, Phillipps Charter 6, a manuscript in the collection of the John Rylands University Library of Manchester, demonstrates how these procedures, the *jour de vue* and the *enquête*, functioned in an actual case. And through this manuscript, along with other relevant sources, it becomes possible to examine these procedures used in the appeal of the great Benedictine abbey of Sainte-Croix-de-Bordeaux against Edward II, king of England, in his capacity as duke of Aquitaine, in a dispute over the jurisdictional rights to the town of Saint-Macaire which adjoined the abbey’s priory of the same name. This particular appeal was by no means unique, as such cases at the Parlement went. First, from 1259 when Henry III of England agreed to hold his duchy as a fief of the Capetian monarch Louis IX, the Gascons in significant numbers began to exercise their right to appeal the decisions of ducal courts to the Parlement of Paris. Second, like virtually all ecclesiastical institutions, monasteries such as

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6 The manuscript, known as Phillipps Charter 6 because of its provenance in the manuscript collection of Sir Thomas Phillipps (1792–1872), is a roll of twenty-eight skins and is fifty feet in length. The basic parts of Phillipps Charter 6 include:

- **m. 1:** Proctors of the parties appear before Capetian officials at the Franciscan house in La Rèole (1320)
- **mm. 2–5:** Procurements for the representatives of the abbey and Seguin Carpentier; Philip V’s authorization for his royal commission (both 1319)
- **mm. 5–6:** The abbey’s formal petition to the judges of the Parlement of Paris (1312)
- **mm. 6–7:** Louis X orders a *jour de vue* for the duke of Aquitaine (1314)
- **mm. 8–14:** The abbey’s proctors present their case; Louis X orders another *jour de vue* (1316)
- **mm. 15–16:** Illegible
- **mm. 17–18:** Royal order for commissioners to meet with proctors of both sides who present their respective positions; letters of procurement for the representatives of all parties (all 1319)
- **mm. 19–23:** Illegible
- **mm. 23–27:** The presentation of the abbey’s case along with a copy of the Capetian safeguard of the house (1319)
- **m. 28:** Procuration for the representative of Seguin Carpentier; the royal commissioners present Philip V’s order for their activities (both 1320).


Sainte-Croix were great property owners and worked with care to defend their rights and privileges. However great a spiritual decline such Benedictine houses may have been suffering in this period, their zealous maintenance of their temporal authority seems to have been unimpaired as exemplified by the number of Gascon monastic appeals to the Parlement. Finally, the records of the French court indicate that cases involving disputes over municipal jurisdiction were increasing in this period as the number and wealth of towns and cities made them quite valuable to both lay and ecclesiastical authorities. In these fundamental respects, then, this particular appeal was not unusual; its interest lies rather in the relative abundance of detail that can be determined about it. To appreciate that fact, the history of Sainte-Croix and its relationship to the Anglo-Gascon government first require some consideration.

Founded by the Frank Clovis II in 654, the abbey was destroyed by Saracens in 729 but rebuilt by order of Charlemagne almost fifty years later. However, in 840 Normans devastated the rebuilt abbey, and only after about a century and a half was the monastery restored once again, this time by the duke of Aquitaine, Guillaume le Bon. Despite these difficult beginnings, the abbey, located in the Gascon capital of Bordeaux, would rather quickly emerge, along with the cathedral and collegiate churches of Saint-André and Saint-Seurin respectively, as the dominant religious force in both the capital city and the duchy as a whole, according to the eminent authority Charles Higounet. Just as important, at least for our purposes, were the abbey's territorial possessions which, according to Higounet again,

8 My ‘Les monastères de Gascogne et le conflit franco-anglais (1270-1327)’, Annales du Midi, 91 (1979), 121-33, attempts to provide an overview of this issue in the Anglo-Gascon context.
9 Regarding the struggles for authority in Bordeaux, see Charles Bemont, ‘Les factions et les troubles à Bordeaux de 1300 à 1330 environ’, Bulletin Philologique et Historique, 16 (1917), 121-80.
10 For summaries of the history of Sainte-Croix, see Dom L.H. Cottineau, Répertoire topo-bibliographique des abbayes et prieurés, 2 volumes (Mâcon: Protat frères, 1935-39), i. col. 43; and ‘Bordeaux’ in Dictionnaire d’histoire et de géographie ecclesiastiques, ed. Alfred Baudrillart (Paris: Letouzey et Ané, 1937), ix. cols. 1182-99. The cartularies of the abbey are printed in Archives historiques de la Gironde, 27 (1892), 1-292. Other archival materials, located since 1791 in the departmental archives of the Gironde, are summarized in Inventaire sommaire des archives départementales antérieures à 1790 Gironde, Série H (1), ed. J.A. Brutails (Bordeaux: Imprimeries Gounouilhou, 1914), 106-279. A. Chauliac wrote his Histoire de l’abbaye Sainte-Croix de Bordeaux, vol. 9 of the Archives de la France monastique (Paris: V.⁴⁶ C. Poussielgue, 1910), based apparently altogether on those archival materials. However, for the abbey’s secular history, the book is virtually useless. For example, Chauliac (129) noted that, during the Anglo-French War beginning in 1292 (actually 1294), Capetian forces began to take over Gascon towns ‘bien qu’Edouard, comte de Lancaster, frère d’Édouard III, vint assiéger la ville et gagna prèque sous ses murs, la bataille de Begles, en 1296.’ Errors of this sort indicate that Chauliac was far from familiar with the Anglo-French history of this period.
11 Charles Higounet, Bordeaux pendant le haut moyen âge. 2, Histoire de Bordeaux, ed. C. Higounet, 8 volumes (Bordeaux: Fédération historique du Sudouest, 1963), 124. Also see the comments of Bernard Guillemain on Sainte-Croix in the thirteenth and fourteenth centuries in the third volume of the same series, Bordeaux sous les rois d’Angleterre, by Yves Renouard (Bordeaux, 1965), 142–6, 322–4.
exceeded those of either of the other two major ecclesiastical institutions of Bordeaux. Sainte-Croix's lands included churches and priories both within and without the city, especially the priory of Saint-Macaire. That house, which possessed the body of Macarius himself, was adjacent to the Gallo-Roman town of the same name on the Garonne river, and became a major source of revenue for the abbey as the priory's economic value increased with the growth of the wine trade. Significantly, Sainte-Croix had received the priory in a charter of 1026 from Duke Guillaume and his wife Aremberga. Although couched in the appropriate pieties, the charter made clear that the gift was total, providing 'each and every rent and again of the free allots, and the town of Saint-Macaire . . . with the tithe and all else, and with the toll . . .'.

While Guillaume's descendants may undoubtedly have regretted his generosity, there is no evidence that the duke's grants led to any conflict between the abbey and the Gascon government before the thirteenth century, to be explained by the lack of any significant ducal authority and of records for the early period. However, dissension did arise in the long reign of Henry III (1216-72), for by 1259 when the English king had submitted his duchy to French feudal authority, his officials in Gascony had initiated efforts to develop genuine political and jurisdictional authority there. Such attempts brought ducal officials into conflict with other Gascon authorities, including the abbey of Sainte-Croix, as illustrated by three royal letters of 1235, 1243, and 1261. Issued by either the king-duke or his Gascon government, the letters indicate that while there were occasions on which ducal authorities interfered in the affairs of Saint-Macaire (the first two, holding the priory during the abbey's legal disputes with other laymen over its possession; the last, trying a resident of Saint-Macaire for stealing), they did so with explicit denials of
usurping the abbey’s authority. Additionally, perhaps to try to improve relations with the abbey, Henry III issued in August 1242 a vidimus/inspeximus of Guillaume’s charter, along with his confirmation of it. According to the king-duke, he wanted to ensure ‘that every suspicion of falsity raised by aforesaid corrupt charter which might be seen in the present and future might be utterly removed’.

Two other encounters between Henry’s government and the abbey during these years require note. In February 1254 the king-duke borrowed 300 marks sterling from Sainte-Croix for the needs of his roving envoy, John Mansel, promising to repay the loan in two installments within a year. However, there is no indication of any repayment whatever. Second, in 1262 the king awarded his consort Eleanor of Provence annual revenues of 2,000 pounds sterling, 330 of which were to come from the péage toll and fishery of Saint-Macaire. Although years later she surrendered most of these revenues in exchange for others in Agenais (after its cession by the French in 1279), it seems likely that in 1262 the monks of Sainte-Croix must have been extremely resentful at what amounted to an involuntary financial sacrifice. The damage to the relationship could have been only increased by a grant of Edward I to his mother (Eleanor of Provence) in April 1286, which included ‘all the interests she now has in ... the hamlet of Saint-Macaire with [its] tolls and other appurtenances’.

By that point, the monks of Sainte-Croix seem now to have been prepared to seek judicial redress for their grievances, especially as they could now appeal to Capetian jurisdictional authority. For their part Anglo-Gascon officials had long been aware of the potential for such an appeal. Probably during the latter stages of his tenure as ducal seneschal (1278–86), Jean de Grilly wrote to the king-duke’s adviser, Antony Bek, of the monks’ complaints about what they perceived to be the Gascon officials’ seizure of the high jurisdiction of Saint-Macaire, in the name of the queen-mother. As this apparently

15 The dispute between the abbey and the viscount of Bénauges became sufficiently serious that in November 1243 the royal government ordered the abbot to appear before Henry III to prove Sainte-Croix’s jurisdictional claims over the town of Saint-Macaire; Rôles Gascons, i no. 1589.

16 '. . . [U]t omnis suspicio falsi lateritis qua predicta carta viciosa videtur presentibus et futuris radicitus ammoveatur . . .', Rôles Gascons, i. no. 1224.

17 ibid., i. no. 2345. It should also be noted that back in September 1242, Henry acknowledged a debt of 100 marks to the abbot and convent, which he ordered to be repaid. Although in April 1243 the king-duke ordered his ducal treasurer to donate 50 marks to the abbey, there is no evidence that either debt was ever repaid. Rôles Gascons, i. nos. 233, 469, 1762. It is also worth mentioning that in the same period as the 1242 acknowledgement of the debt, Henry III reconfirmed their charter and guaranteed their perpetual protection. See notes 13, 16 above.

18 Trabut-Cussac, L’administration, 66 and 66, n. 136.

19 Rôles Gascons, ii. no. 968.

20 Archives historiques de la Gironde, 3 (1861–62), no. 50 = Public Record Office, London, Ancient Correspondence (SCI) 30/95. While the document itself gives no year of origin, Jules Delpit, the editor of the Archives, estimated it to be 1289. However, the index of the Ancient Correspondence gave the date of 1280. As Jean de Grilly was Gascon seneschal between 1278 and 1286, the latter must be considered more probable.
achieved nothing, the king-duke’s representatives at the Parlement of Paris warned English officers in about 1291 that failure to act immediately in the dispute would lead to the abbey’s appeal for denial of justice to the French court. Should the suit proceed, the memorandum warned, Sainte-Croix was certain to win the case because of those ‘who know the procedure and merits of the case’. Finally, the envoys asserted, the ducal government’s tactic of wearing down legal opponents by transferring the suit from one level of Gascon jurisdiction to another would be futile in this dispute, for Capetian authorities would not recognize such a tactic.21

Eventually, in May 1291 Edward I ordered his royal lieutenant and seneschal in the duchy, Maurice de Craon and John Havering respectively, to seek and obtain an agreement with Sainte-Croix with respect to the jurisdiction of Saint-Macaire.22 There was ample reason for the king-duke to believe that his officials could reach with the abbey an agreement similar to that obtained in May 1281 between the Gascon seneschal, Jean de Grilly, and Sainte-Croix over the jurisdiction of the town of Saint-Jean-de-Montauriol. Yet that agreement, which was ratified by Edward I in June 1286, apparently could not be duplicated in the conflict over Saint-Macaire.23

Whether or not the abbey launched an appeal right away is unknown. Had the monks done so, the suit quickly became meaningless with the beginning of an Anglo-French war in 1294, which led to the Capetian occupation of most of the duchy, including Bordeaux and Saint-Macaire, that continued to 1303. After the re-establishment of peace and the resumption of feudal relations at the accession of Edward II (1307), Gascon appeals including that of the abbey of Sainte-Croix gradually resumed at the Parlement of Paris.

In the chronologically earliest part of Phillipps Charter 6, an unnamed proctor of the abbot petitioned ‘the lords and masters holding parlement at Paris’ in 1312 to accept his appeal and explained its basis. First, according to the petition, the duke of Aquitaine, Guillaume le Bon, ‘through bestowal of gift’ had provided the abbey with jurisdictional authority over the town of Saint-Macaire, exercised by Sainte-Croix ‘in peaceful possession’ for such a time ‘contrary to which memory does not exist’. However, it went on, the current

21 Public Record Office, Diplomatic Documents, Chancery (C 47), 29/2/8–10. With respect to the court’s refusal to recognize the hierarchy of Gascon courts, note the statement of ducal representatives at the Parlement’s session of Pentecost 1285 to English authorities: ‘Item fuit dictum de gradibus judicum qui fiebant ad impedientum appellaciones et fuit dictum per curiam, non tamen judicando, quod non sustineretur aliquo modo quia a quolibet tenente jurisdicionem pro rege Anglie poterat appellari ad Curiam Francie’; Textes relatifs à l’histoire de Parlement, Collections de textes pour servir à l’étude et à l’enseignement de l’histoire, ed. Charles V Langlois (Paris: A. Picard, 1888), no. 88.

22 Rôles Gascons, iii. no. 1889.

23 Inventaire sommaire Gironde, Série II (1), 251. Also see Public Record Office, Ancient Correspondence, 23/115, for the undated letter of Jean de Grilly, Gascon seneschal, to the English chancellor, Robert Burnell, bishop of Bath and Wells, proclaiming the agreement.
king-duke and/or his Gascon officials were now 'unduly and unjustly' exercising that authority. Requesting the court to give the abbey clear title to its right of jurisdiction in Saint-Macaire, the monks also asked that the king-duke be forced to give to the abbey 20,000 *livres tournois* (presumably for the profits of justice lost) and additional compensation for any fines incurred by Sainte-Croix (possibly resulting from harassment suits in ducal courts).  

At the same time, the abbey and the ducal government were still apparently trying to work out an agreement. In February 1313, the king-duke ordered Amary de Craon, the Gascon seneschal, to determine if it was possible for the abbey and the ducal government to hold Saint-Macaire in *pariage*, as the monks had requested. While nothing came of this, the Parlement did agree to accept the appeal, as is learned from the roll of *arrêts* compiled by Anglo-Gascon representatives at the All Saints session of 1313. According to this account, the abbey had appealed to the Parlement to recover the high jurisdiction of Saint-Macaire; the wine customs due to its priories but seized illegally by the ducal financial officer, the constable of Bordeaux; and, finally, the 300 marks borrowed many years before by Henry III. In addition, according to the report, the French court had granted the ducal defendants a *jour de vue* on the first two charges against them. In the matter of the high jurisdiction of Saint-Macaire, the Parlement assigned responsibility for the *jour* to the ranking Capetian official in the area, the seneschal of Périgord, who was to hold it on the Sunday following the next feast of St Mary Magdalene (that is, 28 July 1314). On that occasion, with the defendants represented by two Gascon officials, lord Pierre d’Angoulême and master Thomas Grave, ‘the witnesses, respected persons, and supporters’ of both sides were to be examined.

As the Anglo-Gascon memoranda noted these decisions of the
French court, they attached to each the phrase ‘reserving the right of our lord king and duke to regain court [salvo jure domini nostri regis et ducis super curia rehabenda]’, meaning that should the abbey voluntarily renounce its appeal, the suit would be recovered by ducal jurisdiction. And Philip IV’s court at that very session did recognize explicitly the right to renounce freely and voluntarily appeals to the Parlement. Perhaps Edward II’s representatives were hoping for even more: a renewal of Philip’s 1286 grant for the lifetime of Edward I that ducal jurisdiction would automatically recover Gascon appeals for three months after they were accepted by the Parlement of Paris.28

This optimism had some basis in fact, as unofficially the English Queen Isabella, Philip IV’s beloved daughter, currently headed the Anglo-Gascon delegation. Although the ducal side failed to gain either renunciation or jurisdictional reversion, they did gain a stern warning from the French court to the seneschal of Périgord.29 In a directive of 19 April 1314, the king asserted that certain Gascon ecclesiastical institutions (including Sainte-Croix) were claiming – on the basis of Capetian guard – exemption from ducal authority, and that, provided with French protection, they had made a mockery of the rights of the duke of Aquitaine. Without denying the Capetian crown’s rights over such houses, Philip IV ordered his officers to remedy the situation because ‘it is not of our purpose that aforesaid duke or his officials be impeded in their customary and approved jurisdiction.’30 What, if anything, the royal letter might have accomplished (and it might well have been ignored), it is indicative of the fact that ecclesiastical institutions like Sainte-Croix allied to zealous Capetian officials were no friends of ducal authority in Gascony.

For unexplained reasons, the scheduled jour de vue in the summer of 1314 was not held; and at the accession of Louis X later that year, the new king with both parties consenting ordered the seneschal of Périgord to hold the jour de vue at the priory church of Saint-Macaire and to report on the results of the jour at the next session of the Parlement.31 Contained in Phillipps Charter 6, this royal directive

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28 See ibid., 53 for Philip IV’s authorization of voluntary renunciations of appeals without penalty. The same king’s grant of 1286 in both Latin and French versions is Langlois, Textes relatifs, no. 98. The ultimately unsuccessful efforts of Edward II to gain his father’s privilege have been worked out in Elizabeth A.R. Brown, ‘The Political Repercussions of Family Ties in the Early 14th Century: The Marriage of Edward II of England and Isabelle of France’, Speculum, 63 (1988), 577–8, n.9.

29 ‘Rouleaux d’arrets .’, 60. Among the six ecclesiastical institutions mentioned were the chapters of Saint-André and Saint-Seurin of Bordeaux as well as that of Sainte-Croix.

30 ‘... Cum nostre non sit intensionis quod prefectus dux vel ejus gentes in sua jurisdictione antiqua et approbat dictie specialis garde... valeat in casibus ac gardiam non pertinentibus impediri’. ‘Rouleaux d’arrets...’, 60. On the issue of royal guard of ecclesiastical institutions, see Noel Didier’s thorough survey and analysis, La garde des églises au XIII siècle (Paris: A. Picard, 1927).

31 ‘I: ad aliud parliamementum procedetur in causa ut fuerit, salvo dicti ducis jure suo quod dicit se habere super curia rehabenda et salvo dictorum abbatis et conventus jure suo de dicendo contra videlicet quod dictam curiam rehabendare non debit, sed potius in curia Francie remanere debere et salvis utrique parti omnibus suis aliis racionibus’; Phillipps Charter 6, m.9.
reserved the rights of both parties, so that each side could speak to the issue of whether Capetian or Anglo-Gascon jurisdiction should retain authority over the suit. Although it is not known whether Capetian officials ever arranged for the *jour de vue*, it is a fact that on 1 June 1315, Edward II’s government seized the moment to proclaim its annexation of the town of Saint-Macaire.\(^{32}\) Perhaps this was the reason that both parties requested a postponement of the *jour de vue*, which the Parlement granted.

In February 1316 Louis X again ordered the *jour de vue* to take place, this one on the next feast of St Peter in Chains (1 August) at Saint-Macaire by the seneschal of Périgord or his authorized commissioner. Phillipps Charter 6 describes, in that unnamed commissioner’s own words, how he arrived at Saint-Macaire on Wednesday, the day of the scheduled *jour de vue*, ‘before the first hour’. Immediately thereafter, the abbey’s proctor arrived, armed with letters patent embellished with the seals of both abbot and convent which authorized his procuration for the *jour de vue*.\(^{33}\) However, no ducal representative appeared; and at the request of the abbey’s proctor, the commission placed the Gascon government in default. Notwithstanding that action, the *jour de vue* was held (ironically, without representatives of the Anglo-Gascon government present), during which the abbey's proctor gave the commissioner a tour of Saint-Macaire and its environs, indicating the geographical evidence for the claims there of Sainte-Croix. What reaction the Parlement of Paris had to the report on the *jour de vue* is unknown, but the suit seems to have proceeded (albeit slowly) through the appropriate stages already noted.

By the end of 1319, Philip V’s court authorized an *enquête* in the case, naming as its commissioners two Anglo-Gascon legal authorities, lord Guillaume de Cazes, doctor of laws, and master Hugues de Fabrefort, a clerk described as ‘one learned in the law.’ Once establishing themselves almost immediately at the Franciscan friary at La Réole, the commissioners received the procurations from the various parties. For the abbot, there was Raimond-Guillaume de Fanqueyras; for the monks, six of their members, including the prior, sub-prior, and sacristan; and, among the representatives of the king-duke and his government, the eminent Anglo-Gascon official, Austence Jourdain. Additionally, there were procurations on behalf of another defendant, Seguin Carpentier, citizen of Bordeaux, of whom

\(^{32}\) *Rôles Gascons*, iv. no. 1639. Proclamations of the annexations of eleven other towns were issued on 1 and 3 June 1315; *Rôles Gascons*, iv. nos. 1637–8, 1640–2.

\(^{33}\) ‘Quarum litterarum seu commissionis, ego, commissarius predictus, accessens personaliter apud Sanctum Macharrium, videlicet die mercuri in crastino festi batedre sancti Petri in ecclesia prioratus dicti loci ante horam prime, et ibidem hora predicta comparuit coram me, commissario predicto, vir venerabilis dominus Bernardus Gast’, monachus ac piscionarius, abbas Sancte Crucis Burdegalensis procurator, et nomine procurationis abbatis et conventus monasteri predicti [faciens] fidem de procuratione sua per quasdam litteras sigillis dictorum abbatis et conventus . . . ’; Philipps Charter 6, m. 10.
nothing is known for certain. Following this phase, the commission
ers ordered their notary, Bernard d’Estelle, to receive the testi
mony of both parties’ proctors. This he did from the Franciscan friary
at Saint-Macaire, beginning on 3 January 1320. Then, with defend
ants’ proctors present, the abbey’s spokesmen explained in detail the
geographical bases for their claims; afterwards, the commissioners
heard further arguments from the representatives of both sides.

According to the ducal proctors, the abbey was and had been in
the safeguard of the king-duke; the monks were Edward II’s subjects;
and he ‘is in peaceful and orderly possession of the cognizance of all
cases and litigation relevant to either suing or being sued [est in
possessione vel quasi pacifica et modesta cognescendi de omnibus
causis et litigis pertinentibus agendo et defaddendo indistincte].’ The
representatives of the king-duke asserted that they were prepared to
offer the proof for their claims if necessary. In response, Sainte-
Croix’s proctors claimed that the ducal judge at the time the case was
in Gascon jurisdiction had been ‘unsuitable and unreasonable [incon-
veniens et contra rationem]’ and that both sides had agreed to this
enquête at the Parlement. Thus asking that the commissioners reject
the request of the defendants to dismiss the suit, the monastic
representatives went on to declare that, from ancient times, Capetian
special guard over the abbey and all its possessions guaranteed that the
French court alone would have cognizance of law-suits in which

34 The delegates of the English kings and their ducal government, including Guillaume de
Cazes and Hugues Fabrefort, at the French court are described in my ‘English Legal
Representatives at the Parlement de Paris, 1259–1337’, Documenting the Past: Studies in Medieval
Anglo-French History Presented to G. P. Cuthio, eds. J. Hamilton and P. Bradley (London:
Boydel and Brewer Ltd., 1989). Raimond Guillaume became abbot of Sainte-Croix in 1314 and
remained in office until the 1330s; Chauliac, Histoire, 382. The co-defendant Seguin Carpentier
is otherwise unknown; however, in a 1311 memorandum of Masters Jean Guitard and Aubert
Mège, who had responsibility for ducal finances, to John Salmon, bishop of Norwich, there is a
reference to someone of that name. The two Anglo-Gascon officials recommended that there
should be appointed a special ducal envoy to the Parlement of Paris to report on important
matters there and that he should ‘expediret honorì et utilitati regis [Anglic] propter aliquas
renunciaciones et damnum regis sic ut quondam litteram regis Francie patentem de Sequino
Carpen’ Roqueten’ que vobis mittitur per presencionem portitore . . .’; Public Record Office,
Diplomatic Documents, Exchequer (E30), 1557. Sequin Carpentier’s procuration is found in
Phillips Charter 6, m. 28.

35 ‘Auctoritate quarum litterarum accessi personaliter apud Sanctum Marcharium in claustro
Fratrum Minorum dicto loco, videntic diem iovis post festum Circumcisionis Dominii . . . et
ibidem ante et post horam primam comparerunt coram me, Bernardo [de Stella, notario],
commissario predicto, religiosus vir, frater Bernardus Gast’, procurator et nomine procurations
dictorum domini abbatis et conventus, faciens fidem de procuratione sua per quasdam patentes
litteras sigillus dictorum abbatis et conventus . . et discretus vir, Magister Menaldus Carpreri,
procurator ut dixit excellentissimi principis, domini regis Anglie, ducis Aquitaine . . .’; Phillips
Charter 6, m. 17.

36 [N]ec obstat quod ipsi dicunt quod non sunt subditi dicti domini ducis quia salve [gardia]
eorum racione ymmo sunt subditi ipsius ducis, et ipse dux est in possessione vel quasi pacifica et
modesta cognoscendi de omnibus causis et litigis pertinentibus agendo et defaddendo [sic]
indistincte . . et si negantur, licet fuit notoria, petit si [necessaria] ad probrandum admissi et
facere propriam fidem, non adstringens si ad eunda et singula probanda set ad [omnia] illa que
sibi [videntur] sufficientes de premissis’; Phillips Charter 6, m. 23.
Sainte-Croix was involved. After producing a copy of the order for Sainte-Croix's royal guard, the proctors concluded their case, which is the final chronological segment in Phillipps Charter 6.

With the conclusion of the representatives' testimony, the enquête was ended. Presumably at that point, Guillaume de Cazes and Hugues de Fabrefort placed all relevant documents in a bag to which were affixed the commissioners' seals as well as those of the litigants, and then sent the bag on to Paris where the documents were probably sewn together by clerks of the Parlement to form the roll as it is now constituted. After an initial examination of the enquête by the Grand Chambre, that body might have validated it. Had the Grand Chambre done so, determination of the suit would have been made by the Chambre des Enquêtes. After its judgement, that body would have passed it back to the Grand Chambre for pronouncement as an arrêt. Unfortunately, there is no exact evidence as to what happened after the enquête. All that is known is that the Parlement of Paris at its 1323 session ordered the continuation of the appeal, the last reference to the appeal in the court's records. At about the same time (23 March 1324), an order of Charles IV's government prorogued thirty-eight Gascon appeals, including several brought by ducal monasteries but not that of Sainte-Croix. It is not known why the abbey's suit was not mentioned in the document, but the forthcoming Anglo-French War of Saint-Sardos would have prevented the pursuit of the appeal, in any event; and there is no indication that after Edward III's accession (1327), Sainte-Croix ever resumed its case at the Parlement of Paris.

Yet, in the records of the ducal government there is evidence about the town of Saint-Macaire and the evolution there of a municipal government. First, in a charter of September 1323 the ducal seneschal swore to respect the privileges of the town and to recognize the homage of its jurats. Second, in about 1325 the king-duke acknowledged the position of mayor of Saint-Macaire; and finally, in June

37 "[Q]uod ipsi abbas et conventus sunt tempore ipsius commisionis nobis facte erant et predecessores sui fuerunt in speciale gardia et antiqua domini regis Francie cum omnibus rebus et bonis et familias suis tam in capite quam in membris, quare quia curia ipsa Francie est et ab antiquo fuit in quasi possessione cognoscendi et cognoscere fuit de causis ipsorum abbatis et conventus et predecessorum suorum ac ceterorum pretoriorum pronuncic sub salva et speciale gardia domini . . ." In the margin of this membrane, the writer wrote the single word 'consueverunt'; Phillipps Charter 6, m. 24. It should be noted that the grant does not appear in the cartularies of Sainte-Croix. However, as Didier points out, no monastery desiring royal guard would have found it too difficult to have 'discovered' such a precedent in its remote past, especially when encouraged by crown officials; La Garde, 195-205, especially 196, 202, 203.

38 Archives Nationales, Paris, Série X A 8844, fo. 221 r. This small reference is the only one in Series X (the records of the Parlement of Paris) to this suit and was not noted in the great summary, the Actes du Parlement de Paris, ed. Edgard Boutaric, First Series, 1254-1328, 2 volumes (Paris: H. Plon, 1863).

39 Public Record Office, Diplomatic Documents, Exchequer, 1601.

40 Ironically, the war originated in part because of a dispute between the ducal government and the abbey of Sarlat over right to the bastide of Saint-Sardos in Agenais, constructed by the abbey in pariage with the Capetian crown. See The War of Saint Sardos (1323–1325), ed. Pierre Chapais, Camden Third Series, 87 (London: Royal Historical Society, 1954).
1342, Edward III proposed to the citizens of the town that they draw up a list of candidates from which the king-duke or his representative would select a new mayor for Saint-Macaire. Based on this information, one can hypothesize that the abbey had elected to abandon its appeal in the face of the evolution of Saint-Macaire's own government and the town's apparently good relationship with ducal authorities. Perhaps, by 1337 when the Anglo-French feudal connection was severed once again, the abbot and monks had finally reached an out-of-court settlement with ducal authorities as to their respective judicial and financial rights in the town; but this is only speculation.

The lack of specific information as to the outcome of the appeal is, of course, disappointing, but by no means undermines the importance of Phillipps Charter 6. As few other documents do, this manuscript provides the student of the medieval Parlement of Paris with an opportunity to follow two parts of its increasingly complex procedure, the dilatory exception and the enquête. Not surprisingly, the charter is in imperfect condition, a number of sections either too faded or illegible to study. But it seems clear enough that the compiler(s) of about 1320 assembled a fairly complete record of eight years worth of Capetian orders, procurations, and evidence-gathering, beginning with the meeting of ducal and monastic proctors before the royal commission in December 1319 at the Franciscan house at La Réole and following with the various meetings and procurations that had led up to it. Accordingly, Phillipps Charter 6 provides more information about this appeal (even without its ultimate result) than one can learn about other such suits from a variety of other sources, even the Parlement's own registers.

Finally, as the Charter demonstrates the long, complex, and tedious process through which an appeal at the Parlement of Paris might be determined, so it indicates some of the manifold problems faced by ducal officials in attempting to maintain and develop Plantagenet authority in Gascony. First, it is clear that Capetian legal supremacy over the duchy, as imposed by the 1259 Treaty of Paris, made English judicial control over Gascons limited at best. As from the reign of Saint Louis, the French monarchy gained significantly in influence and power through the imposition of its will over the realm by such evolving institutions as the Parlement of Paris; Capetian vassals, especially the king-duke, found their own claims to authority severely hamstrung by that of their royal suzerain. Second, in the

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41 Les chartes de franchises de Guienne et Gascogne, 2, Catalogue des chartes de franchises de la France, ed. Marcel Gouron, Société d'Histoire du Droit (Paris: Librairie du Recueil Sirey, 1935), nos. 1792–4. It is also interesting to note that, between 1332 and 1336, the municipal government of Saint-Macaire, supported by the English, was involved in a legal conflict with that of Langon, backed by the French, at the Parlement of Paris. The suit involving disputed authority over a meadow was ended when both parties agreed to withdrawal of the case from the French court; Archives Nationales, X1A 7, fo. 108; X1A 8845, fos. 330, 397; X1A 8846, fos. 77, 79; Archives historique de la Gironde, 7.166–7.
judicial dispute described here, the ducal government had to contend with a quite powerful ecclesiastical body. In earlier times, the relationship between the abbey and the Anglo-Gascon regime appears to have been at least satisfactory, due to some extent to the monastery’s lack of judicial recourse to the Capetians and the ducal government’s limited means of controlling wealthy abbeys like Sainte-Croix. As both aspects changed dramatically from the mid-thirteenth century, Sainte-Croix and similar Gascon houses used their right of appeal to thwart what they had come to view as ducal intrusions on their rights and properties and to ally themselves with their ‘natural’ protector, the French crown. And, while the Capetian monarchy gained strength through its association with such houses, the fact was that conflicts over abbeys like this one merely exacerbated the problems and tensions of the troubled Anglo-French relationship, resulting shortly in the Hundred Years War.