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Serfdom in the Bordelais

THE old 'Pays Bordelais,' represented more or less exactly by the modern department of the Gironde, is a part of France possessing especial interest for us in England, as being the district united, during the middle ages, more continuously than any other to the English crown. From 1154 to 1453 England possessed constant claims and a varying hold over large regions in the south-west of France; and although boundaries might change, and their power was often precarious, the English kings never completely lost their hold over Bordeaux and the surrounding country during that period. Not that their possession had a marked influence on the social condition of the country; that depended far more on the character of the immediate feudal lords than on that of the distant suzerain, and if it was affected at all by the circumstance of being under English rule, it was chiefly because that rule was remote and at times more slack than it might have been had the king of France been the superior: and the seigneurs controlled their own demesnes with even less fear of interference than in other parts of the land. But, from whatever cause, the south-western corner of France was undoubtedly very distinct from the rest of the country, and its ultimate union might have been a long process even had Henry II never married Eleanor of Aquitaine. Its social conditions are in consequence full of interest, and especially the question of serfdom as it existed in medieval times. Doubtless the main characteristics of serfdom were very similar all the world over, and the *homme questau* of the Bordelais did not differ in essentials

from the *homme questau* of Quercy, of the Agenais, of Gascogne Toulousaine, and the south and south-west of France generally. Hence the illustrations which follow, drawn as they are from the country round Bordeaux, need not in all probability be considered as referring exclusively to that district; but the great variety in local customs and conditions in France renders it safer to study separate regions than to draw general conclusions, and certainly in Gascony itself society, land tenure, and agriculture differed considerably in different parts of the country, and the rich valley land adjacent to the Garonne had characteristics very distinct from those of the wilder, more mountainous regions of the Pyrenees.¹

In the present day there lies to the north of the Garonne near Bordeaux a fertile country with low vine-clad hills interspersed with cornfields and meadows; on the south a wide treeless plain is occupied by osier beds, willow plantations, and mile after mile of vineyard in the Médoc; while still more to the south the pine forests of the Landes, broken only by a few cultivated fields and spaces of rough pasture land, extend almost uninterruptedly to the sea and to the more hilly districts of the Basses and Hautes Pyrénées. In the middle ages the country must have presented something of the same appearance. In the thirteenth and fourteenth centuries vineyards were by far the favourite method of cultivation; some cornfields existed, but grain had often to be brought in to supply deficiencies; but forests and waste land must have been far more general than now, the marshes to the south of the river were more extensive, and the unreclaimed *landes*, only a small portion of which is within the boundaries of the Pays Bordelais, could have been of little use in those times for man or beast. This land was broken up into numerous estates, in the hands of many different lords, lay and ecclesiastical. Each lord possessed very scattered territories, held from him in various ways by dependants, free and unfree.

These unfree tenants, *hommes questaux*, as they came to be called, differed to some extent from the English villeins of the same period, owing to the difference in the land system. There was nothing exactly to equal the English manorial estate with its regular organisation, its equal strips, its three-field system, &c. Manors of a sort existed, but the land was very much subdivided, owing to the prevailing custom of division among the children instead of primogeniture. Dues, services, landholding, and everything else were split up into innumerable fragments and almost hopelessly confused; a good deal of land was in the hands of small

¹ In Béarn and Bigorre primogeniture was the general custom instead of equal division among the children, and to this important difference many minor varieties of condition can be traced.

free tenants or alodial owners; and in the larger estates of the great lords or the religious bodies the tenants did not hold a much more definite position. The consequence was that labour dues divided among families and co-partners must have been almost useless, and it was to the interest of lord and tenant alike to commute services as much as possible into money or payment in kind; and the large amount of corn, meat, food of all sorts which lords received from the peasants would diminish the necessity for the possession of a very large private demesne cultivated by villein labour, so that among the *questaux* we find rather less regular work on the lord's own demesne than in England; there were more payments in money and less in labour. What then were these *hommes questaux*, and what were the essential features of their position?

The name itself, as signifying 'serf,' does not appear to have been in general use before the close of the thirteenth century. In the twelfth and thirteenth centuries the terms *villani*, *rustici*, *decimarii*, *homines ligii*, *vectigales*, *pagenses*, *casali*, *tributarii*, all seem to have been applied at one time or another to men of servile condition, though some at least of these names could be equally well employed in speaking of free peasants,² but by the fourteenth century the term *questales* had practically taken the place of every other. The question of names is interesting as illustrating the actual condition of the men themselves: thus in the twelfth century the variety of names was probably the result of the vagueness of the condition; no fixed rule existed as to serfdom, and the same word was used for free and unfree. In the thirteenth century, as the theory of serfdom became more defined, this abundance of nomenclature gradually gave place to uniformity, and by the fourteenth the term *questau* implied a tenant holding by base service, the

² *Villanus* and *rusticus* were both generic rather than specific terms, meaning any member of the rural classes; but that serfdom of a very real kind existed is evident enough, even if no absolute legal theory can be discovered during the twelfth and thirteenth centuries. There were certainly dependants bound to the soil, in complete subjection to their lords, given and sold freely with the land, and reckoned as part and parcel of the property of the seigneur. See 'Cartulaire de la Sauve-Majeure,' Bordeaux Library, MS. 'Gifts to the Abbaye de la Grande-Sauve,' twelfth century, fol. 10: 'Octavam partem totius decime de Baiala, et totum allodium suum quod habebat in eadem ville, scilicet quindecim denariatis vinee et quatuor rusticos.'

Ibid.: 'Dedit etiam unum rusticum et terram quam habebat apud Bravam.'

F. 88. 'B. de Montpezat ad obitum suum dedit quendam rusticum . . . et casale in quo habitabat et omnem pertinenciam que pertinebat ad casale.'

F. 84. 'Armannius . . . dedit Deo et capelle de Castelleto unum villanum . . . et totam tenenciam eius sicut habebat illam de domino suo.'

Cartulaire de St-Seurin de Bordeaux (edited by J. A. Brutails, Bordeaux, 1898), p. 87. In 1100 we find given to St. Seurin 'villanum cum omni possessione sua.'

Ibid. 89: In 1160 a gift is made of a *villanus*, but on condition that he should be free: 'Quendam villanum ecclesie dedit ac omne jus quod super illum habebat dimisit, tali pacto quod ipse deinceps liber et quietus homo et omnis ipsius progenies predictae ecclesie esset,' &c.

character and conditions of which were more or less universally recognised.

On some of the estates the name for dependant, which was eventually superseded by that of *homme questau*, was *homme lige*: this is particularly illustrated in the *Cartulary of St. Seurin of Bordeaux*, where the term only gradually gave place to that of *homines questales* as the villein of more or less uncertain condition degenerated into the *homme questal*, *taillable et corvéable à merci*. The indefinite position of these *hommes liges* is shown by a dispute as to the services owed by some of them in Gorac (Entre-deux-Mers). They are given the title of *en*,³ by which as a rule the names of nobles are distinguished from those of simple freemen in an enumeration; but at the same time the duties demanded from them sound very like those of serfs. In 1256 a canon gave up to the Chapter for 4l. the rights he claimed *per homes liges en Bartholemeu e sos nebotz . . . e aquitat l'avandeit en Bartholemeu e sos nebotz de tot homenes e de tota servitut queus pogas far ni*

*Petrus reddet ii solidos vi denarios censuales cum 1 denario sporle.*⁴ Another instance of this is found in a register of the Chapter of St. Seurin, where in 1256 a gift is recorded of 20 *sous* of *cens* and 1 *denier* of *esporle* on *hominem suum ligium*.⁵ But often the *homme lige* would appear to be more definitely servile than this. In 1274 a man making himself a serf of St. Seurin expressed the gift thus: *fecit se hominem ligium et questarium ecclesie Sancti Severini*. And in a gift of men a little later they are called *homines suos ligios et questarios*.⁷ The coupling together of these names and the growing connexion which is shown between *quête* and serfdom are to be found earlier in the *Cartulary of St. André of Bordeaux*, where in 1226 a gift is recorded to the archbishop of *homines ligios et questales et filios suos qui tunc extabant . . . et quod faciant alia que faciunt alii homines questales de Legia*; ⁸ and in 1275 a good instance is found of the juxtaposition of the two words in a recognition of servitude where two men confess *estre homes liges et questaus deus senhors prior et frays de l'espitaui Sent Jacques*.⁹ And as late as 1339 a

³ The title *en* seems to have been frequently used as a mere term of courtesy equivalent to *monsieur*. See an article by Milade Cabarieu in *Bull. Arch. de Tarn et Garonne*, vol. xiv.

⁴ *Cart. de St-Seurin*, p. 253.

⁵ *Ibid.* p. 181.

⁶ *Arch. départementales de la Gironde (at Bordeaux)*, G, 1080, fol. 98, v°.

⁷ *Cart. de St-Seurin*, pp. 271, 277.

⁸ *Arch. départementales de la Gironde*, G, 524, 61 v°.

⁹ 'Donations au Prieuré St-James,' printed in *Archives Historiques de la Gironde*, xxiv. 341.

similar declaration runs: *esse homines ligii et questales ad misericordiam prioris et fratrum*.¹⁰

In considering the actual significance of this name *homines questales*, and the conditions of serfdom in the Bordelais, the chief difficulty lies in the many varieties which are found, and in the uncertainty which existed, even at the time, as to what constituted a man a serf. To draw an exact line between free and unfree in the middle ages is not easy in any country, and Gascony is by no means an exception. There are many lesser freemen whose duties and payments are practically indistinguishable from those of the serfs; there are *questaux* who have certain attributes of freedom, and who are certainly better off materially than many a tenant nominally above them. There is the usual complication as to status and tenure: the same man may possess both a *questave* and a *censive*, even indeed an alod—to what rank does he belong? and what is it which fixes his condition? All through the fourteenth and fifteenth centuries also, although the theory of serfdom has become more definite, perhaps indeed because of this very definiteness, there is a distinct tendency to struggle against these conditions, to break free bit by bit from the most galling disabilities and burdens, and to rise to a position of modified servitude, or in some instances to actual freedom.

But if the border-line between the two classes must inevitably be indistinct, and some men must remain unclassified, it is possible to form an idea of a typical *questau*, to discover certain essential features which divide him from the free portion of the community, and to enumerate those services which bear a peculiarly servile character. Information on these points can be gathered from a number of *reconnaissances* made by serfs to their lords, from the charters of enfranchisement which specify the old services, and from the promises of privileges held out in order to attract inhabitants to the *bastides*. On 24 Oct. 1322 a grant of servile land was made on the following conditions:¹¹ 1. The new tenant was to hold as a serf *a homenest questal, a quessa, a talha, et a merce*, and promised loyalty and obedience as a serf should be obedient to his lord. 2. He was not to leave the land, but *tendra fuc byu (feu vivant) et rezidenssa de son cors*. 3. The land was to be kept intact, to be thoroughly cultivated, and not to be alienated nor diminished in any manner. 4. He promised not to leave his holding, nor to seek a new lord, nor to obtain freedom by residence in a chartered town, nor in any other way. 5. Should he break these promises and flee the land, the lord might bring him back

¹⁰ 'Reconnaissances féodales par des serfs questaux en faveur de l'Hôpital St-Jacques de Bordeaux,' *Archives Historiques de la Gironde*, xxiv. 346.

¹¹ 'Archives de M. le Baron de Bouy à Vayres,' printed in *Arch. Hist.* viii. no. 25, p. 93.

wherever he might be. In 1371 these clauses are repeated with amplifications.¹² The tenant must be always ready to obey the lord's summons to work, &c.: *totas manobras, guardera cos e membres deudeyt senhor baron . . . nuyt et jour, et lo fara totas autras causas, subjeccios et submessios, que tot home questau deu far a son senhor terrenau . . . totas horas à la requesta et somonssa deudeyt senhor baron*. He was not to send his male children to school, nor to allow them to enter a religious order, without leave. His daughters were not to be married without permission (which meant of course without payment also), and the land was not to be alienated. A little later (May 1372) a similar declaration was made by a serf at Izon (canton and arr. Libourne);¹³ and in August 1384 it is the same thing repeated almost word for word.¹⁴

These documents show that the condition of serfs was more strictly defined than in the twelfth and thirteenth centuries; but they also indicate, by the anxiety of the lords to have a written declaration of their rights, that there was a tendency to shake off their authority; and by allusion to chartered towns and ordination we learn the usual means adopted to attain this end.

These servile conditions are borne out by many other documents, and help to give an idea of the usual theory of serfdom. The most essential feature of all was undoubtedly the payment of the *questa* from which the *homme questau* gained his name, and it was this which especially distinguished him from the free rent-paying *censitaire*. This is illustrated by a passage in the *Cartulary of St. Seurin*, where it is stated that the Chapter is to have *omnia quaecumque abveniant quacumque ex causa ab hominibus questalibus vel illis qui dudum questales fuerint et postmodum ad certum census taxati*.¹⁵ This *questa* or *taille* was, by the fourteenth century at least, a personal tax paid by the man himself, and above all arbitrary—entirely regulated according to the pleasure of the lord. Earlier the word had not always had the same significance; terms generally being vague, so that the *questa* was used vaguely in the thirteenth century in much the same way as *cens*, or as a sort of tribute or tax; it was often a fixed amount, and may have meant any payment sought rather than brought. *Cens* and *quête* were often coupled together, as where a villein given to St. Seurin was to pay 6 *denarios census et questam*,¹⁶ and the term is also used in reference to fixed payments to the sovereign; an enumeration of the king's revenue in 1254 includes *census, questas, et pedagia*,¹⁷ and in 1279 the parishioners of Sainte-Croix of Bordeaux were declared to

¹² *Arch. Hist. de la Gironde*, viii. no. 28, p. 106.

¹³ *Ibid.* vol. i. no. 83, p. 66 (printed from *Arch. de la Mairie de Bordeaux*).

¹⁴ *Ibid.* no. 84, p. 70 ('Reconnaissance d'un homme questau en faveur du seigneur d'Anglade,' *Arch. de la Mairie de Bordeaux*).

¹⁵ *Cart. de St-Seurin*, p. 841.

¹⁶ *Ibid.* p. 90.

¹⁷ *Gascon Rolls*, no. 4317.

owe 12 *denarii* annually à la *quête du roi*.¹⁸ These two different kinds of *quête* are explained by a petition of the Chapter of St. Seurin in 1687, where the word is defined in its ordinary meaning as a seigneurial due representing the right of patronage over tenants of servile condition; but it is also stated that *questa regis* is a sort of tribute to the prince as a mark of sovereignty, a payment for the protection granted to all his subjects.¹⁹ But the connexion of *quête* with serfdom and its arbitrary character were appearing: a villein given to St. Seurin who is to remain a serf pays *xii. denarios censuales, et questam suo tempore pro posse suo et voluntate canonicorum*.²⁰ In 1847, in passing sentence on certain inhabitants of Caudeyrans, Bouscat, and Villeneuve, the seneschal declares in subjection to the Chapter of St. Seurin *omnes homines questales habitantes in locis et territoriis de Caudeyrano, de Boscato, et de Villanova, cum plenissima potestate questandi eos ad voluntatem et arbitrium suum*.²¹ And when as a special favour this *questa* was made into a fixed payment, a privilege frequently granted to inhabitants of bastides, it appears to have been often equivalent to enfranchisement, and is certainly a condition which constantly accompanies enfranchisements. Next in importance to the arbitrary *quête* and found as an almost invariable condition of serfdom, was the close connexion of the man with the soil. Gifts of land implied gifts of the serfs upon it; and no *questau*, we have seen, could leave his holding without his lord's consent, but if he ventured to do so could be ignominiously dragged back again.²²

Besides these essential characteristics, the further conditions given above and others to be found in various documents were

¹⁸ 'Cart. de Sainte-Croix,' printed in *Arch. Hist. de la Gironde*, xxviii. 208.

¹⁹ Arch. départementales de la Gironde, G, 1895.

²⁰ *Cart. de St-Seurin*, 41.

²¹ Arch. départementales de la Gironde, G, 1112. For other instances of arbitrary *quête*, cf. Arch. départementales des Basses-Pyrénées (at Pau), E, 180, f. 6 (1817): 'Helias . . . reconogono que et es hom questaus a merce del senhor de Logoiran . . . e deu pagar la questa e sos hers d'aissi abant ben vivent aissi cum lo deit senhor o son prebost lo questeran.' *Ibid.* E, 158 (1857) 'Conoguda causa sua que Arquem Arnaud de Palomey . . . reconoguo . . . que ed es hom questau a questa talha e merce . . . en paguera e rendra cascun an las questas, talhas, e autras servitutz en que lodeit senhor lo questeran e talhera—aysi cum a luy playra.'

²² Other illustrations of the binding of the serf to the soil: Arch. départementales des Basses-Pyrénées, E, 200 (1291), 'Home questable e talhable a questa e a merce deu senhor en Bertram de Podensac' promises 'per etz e per totz lurs hers ben vivant tener fuc viu e estatgan de lor e de lors hers . . . per totz temps continuadament.' Arch. départementales de la Gironde, G, 524: Declaration of certain *hommes questaus* to Chapter of St. André of Bordeaux in 1849 'de demeurer perpetuellement au lieu de questalité et de n'en partir point sans la volonté du dit chapitre, et que s'ilz en parloient ont voulu estre tirés par ledit chapitre de quelque lieu où ils se transporteront pour y demeurer.' 'Reconnaissance d'un Homme Questau,' *Arch. Hist. de la Gironde*, i. 78, 24 Aug. 1884: 'Lo medis mosseu Arnaud d'Anglades [the seigneur] . . . pusqua prendre cum son home questau en tot loc e en tot plassa, hon lo trobe, et menar aqui on a luy playra et sera vist fazedor.'

typical of the lowest stage of serfdom. Labour on the lord's estate had generally to be performed, and to be performed when and where the lord wished; an *homme questau* was completely at the mercy of his lord and could not marry his daughters nor educate his sons without his leave; he was debarred from all judicial privileges; he could make no contracts, no wills; his holding was not only inalienable, but he was bound to cultivate it thoroughly, and to cultivate it exactly in the manner ordained by his lord; his beasts might be seized and his fields might be ravaged to supply his master's table, and he would have no redress.

Illustrations of all these conditions can be found in great numbers: thus we read of arbitrary labour services owed by the villeins. In 1372: *Et a questas causas et subjections et submissions los ffara ed et sons hers . . . per totz temps, totas horas a la requesta et somonssa deusdeits senhors.*²³ In 1384: *Et lo ffara las manobras et servitutz atous cum home questau deu ffara a son senhor, totas horas que lo seran endeytas et mandadas.*²⁴ And again when home e homia *questaus* promise to render *totas las questas, talhas, ajudas, manobras, e servitutz que losdeytz frayre e sor aven acostumat de ffara e de pagar.*²⁵ But to be absolutely *corvéable à merci* was not universal; often the amount of labour services was fixed, but the time and nature of them were subject to the lord's will. *E.g.*, in 1349 certain *homines questales* of St. Seurin are bound

facere tam capitulo quam singularibus canonicis annis singulis in perpetuum, trecentas manoperas dumtaxat dividendas et ordinandas. Et est sciendum quod dictas manoperas facient et facere [tenebuntur] cum bobus, asinis, et aliis animalibus, quilibet quae habebit, et caeteri qui non habebunt facient manoperas prout erit rationis, videlicet cum corporibus si alias facere non poterunt dolo et fraude cessantibus, sumptibus victus dicti capituli memorati, et non tenebuntur praedicti homines a casu infortunato seu inopinabili nisi dolo, fraude, et lata culpa dumtaxat.²⁶

These men may have been somewhat privileged, since they had been trying, though in vain, to prove that they were not *questales* at all.

Almost as frequent are the regulations as to the license required for entering a school or religious body. In the declaration of a *serf questau* at Izon in 1372 we find:

No deven ni poden metre degun de lors effans masclés en escolas, ni metre en degun religion, ni en degun ordre, ni maridar lurs filhas, ni metre en degun ordre, sentz voluntat, licencia, et auctoritat deusdeytz lurs senhors.²⁷

²³ *Arch. Hist. de la Gironde*, i. 67.

²⁴ *Ibid.* p. 72.

²⁵ *Arch. départementales de la Gironde*, G, 1717, 'Bénéficiers de St-Michel de Bordeaux.'

²⁶ *Ibid.* G, 1117.

²⁷ *Arch. Hist. de la Gironde*, i. 68. Cf. *ibid.* p. 72.

That a serf had no judicial privileges meant rather that he was not able to act himself as assessor in a local court than that he had no trial granted him; or it may have expressed his exclusion from royal courts. This was a general rule; a serf was only brought before his lord's court, where the lord or bailiff as president would probably impose his own will unchecked.

Jehan Milan, parropiant de la parropia de Sent Seurin de la Marque en Médoc . . . confesset que estre home questau . . . ni no pode estar en judgament ni far nulhas sens voluntatz, ni nulhas contreytz sens voluntat, auctar, congeyt, et licensa d'autra persona.²⁸

And again in 1349, Simon, a dependant of St. Seurin, claiming freedom, it was stated on his behalf that, whereas it was the usual custom *quod questalis sive servus non potest stare in iudicio sine domini sui licensia*, Simon *potest stare in iudicio, sive in agendo sive in deffendendo, non petita licensia*.²⁹ The above-mentioned Jean Milan and his heirs were granted freedom—

et que fussen et pusquan far et ordenar acord lurs proprias voluntatz de lurs personnes et de totz et sengles lurs bens et causas en vita et en mort, et que puscan far et ordenar testament et portar testimonadges, far matrimonis, vendre, comprar, et far autras contreytz et totz autras causas que personnes francas liburas poden far en accun maneyra.³⁰

showing that such powers were not allowed in a state of serfdom; and the same thing appears in an enfranchisement of two serfs in 1425. When free they can

usar, intemptar, diriger, et exercer totas actions et totz negocis et causas civils et criminaus—comprar, vendre, alienar, donar, pacissir, portar testimoniatge—et far et contreyre totas autras maneyras de contreytz, cum franquas et liberaus personas.³¹

On the subject of the limitations of the rights of serfs over their holdings we learn from a compromise between the Chapter of St. Seurin and the inhabitants of Caudéran in 1349 that

dicti homines (called earlier 'questales') non possint vendere hospicia, tenementa, terras, possessiones que tenent—neque ea diminuere—sine licencia capituli:—quod aliquis de parenthela dictorum hominum nec aliqui alii preffatis hominibus seu eorum bonis non succedant, nec ad dividendum dicta bona admittantur, nisi in dicta terra permaneant et ibidem residenciam faciant personalem prout diffuncti faciebant, nisi hoc processerit de licensia capituli memorati.³²

In a later dispute between the same men and the Chapter, the usual custom as to cultivation is shown when in defence of freedom

²⁸ Arch. départementales de la Gironde, E, 88.

²⁹ *Ibid.* G, 1116. Cf. also Arch. Hist. de la Gironde, xviii. 371.

³⁰ Arch. départementales de la Gironde, E, 38.

³¹ Arch. Hist. de la Gironde, xviii. no. 241, p. 376.

³² Arch. départementales de la Gironde, G, 1116.

it was said, *la terra de son mayne pot treyre e guoareytar sens de-mandar licencia a negun*; but in deciding that they were *questaux*:

que negun deusdeitz homes no obrir ni treyre auguna terra, bosc, landa, ni outra inculta lur aissi deusdeitz homes volon treyra o coyttivar aucuna terra, bosco, landa ed y avanen lo capitre e demandaren licencia.⁵³

Perhaps the seizure of beasts from the serf was rather an abuse of power than an actual right possessed by the lord, but he certainly exercised it with impunity, and that it was looked upon as a legal act is implied in the 'Customs of Meillan' of the fourteenth century when it says *Lo senhor no deu pregar a home de la vila sa bestia si no era son hom questals*.⁵⁴

Not only was the condition of serfdom burdened by all these disabilities, but legally it was extremely difficult to rise from it; and, as above, a definite promise was sometimes exacted that no attempt should be made in this direction. In 1384 the serf at Izon not only renounced all rights, privileges, and ways of getting free, but especially the law which said that there was no harm in any act of a man contesting his serfdom;⁵⁵ and in many charters granted to bastides serfs of the lords of those bastides were often expressly excluded.⁵⁶

In the case of these *questaux* it is impossible to say that their serfdom depended entirely on their land tenure. That services were based on land⁵⁷ and that a free man could hold a *questave* is incontestable; but there were serfs by birth as well as by tenure; generally both reasons for serfdom are given, viz. that a *questau* holds for his body and his lands, and that he is a serf as his ancestors have been and as his children shall be.

Helias Assant reconogo que ed es hom questaus a meste del senhor de Logoiran e suy ancestras an estat deus ancestres, per arrazon del cors de luy et par las maisons e par las vinhas, &c.⁵⁸

⁵³ Arch. départementales de la Gironde, G, 1116.

⁵⁴ Arch. départementales des Basses-Pyrénées, E, 190.

⁵⁵ Arch. Hist. de la Gironde, i, 78.

⁵⁶ Gascon Bolls, 17 Ed. I (*Rôles Gascons*, ed. C. Bémont, ii, 297) *Mandamus ut homines questales prelatorum, baronum, militum et nobilium [contra eorum] voluntatem in bastidis nostris factis vel faciendis vel locis seu proprietatibus nostris non recipiant nec retineant.* Cf. *Livre des Coutumes*, p. 570 (*Archives Municipales de Bordeaux*, vol. v.).

⁵⁷ 'Censier de Sainte-Croix de Bordeaux,' MS. Bibl. Nationale, Fr. 11637 (1354): 'In isto territorio solebat esse stagia Petri dei Brosterar et ultra deberia questalia solvuntur.'

Arch. Hist. de la Gironde, xxiv, 341: 'Donations au Prieuré St-James' (1275). Two men 'confesset estre homes leges et questaus deus senhors prior et frays de l'espitau Sent-James, per l'estage, terras, vinhas, possessions et padouens qu'ilz ont et tiennent deus deitz senhors.'

Ibid. i, 80 there is mention of freeing certain lands from all questal rights.

'Archives du Château de la Tresne,' Bibl. de Bordeaux (1422). Three men in the parish of Buch confess 'estre questau a talha e merce de messire Gaston de Foix pour tout ce qu'ilz tenent en las paroisses.'

⁵⁸ Archives départementales des Basses-Pyrénées, E, 180 ('tenants of Langoiran,'

This hereditary character of serfdom is very strongly marked ;³⁹ in disputes as to a man's status a constant argument brought forward is as to his birth—was he or was he not the son of free parents ? In the debate, which has been quoted before, between the men of Caudéran and the Chapter of St. Seurin, a general statement is made on this question :—

disso que aissi ave vist et vey de tot jorn que un filh d'un home franc es franc es tengut e reputat per franc, e per lo contrair que un filh home questau es tengut agut operat e reputat questau.⁴⁰

Thus, in consequence of this idea, the defenders of Simon Vert, one of these men, urge that he cannot be considered a serf, as his father was a freeman.⁴¹

There must have been two classes : (1) those whose serfdom was the result of birth, descendants of a long line of servile ancestors, and in all probability still working on the old servile holdings of the family ; mere appendages of the soil, given and sold with it ; (2) those who through the possession of questal land took up temporarily the duties of the *hommes questaux*, but who, on getting rid of the land, would return again to their condition of freedom.⁴² In some instances this latter state would degenerate into the former, and a man who remained all his life the holder of a servile estate might leave behind him a family of serfs, whose position would be little distinguishable from those whose servitude was of more ancient origin.

To sum up shortly, the typical *homme questau* appears to have

1817). Cf. also Arch. départementales de la Gironde, G, 1117, 'Serfs of St. Seurin,' 1849 : 'Praefatos homines fuisse et esse ac etiam esse debere futura temporibus et in perpetuum tam de corporibus quam de bonis suis et eorum successores homines questales et questabiles.' *Ibid.* G, 1717, 'Bénéficiers de St-Michel de Bordeaux : ' 'Hom et homia questaus a questa, talha, et merci per los cors et per los bens . . . ab totas las maisons, maynes et estages, terras, vinhas, &c.' *Arch. Hist. de la Gironde*, i. 72. 1384, a man declares himself serf of the seigneur d'Anglade, 'par arradon de son propri cors et per arradon de tot aquet hostau et mayne terra e loc.' Cf. also *ibid.* vol. i. no. 33, &c.

³⁹ Arch. départementales de la Gironde, G, 524 (1349) : tenants of St. André, at Blanquefort, declare 'que eux et leurs pères et prédécesseurs estaunt et avaunt esté de tout temps et que leurs héritiers et successeurs devraient estre questaux de vénérable chapitre.' Arch. départementales des Basses-Pyrénées, E, 872 (1423), dispute as to serfdom : 'Mossen Berard dise e affirmave que losdeitz Bernard e Ramon Fau eran e deven estre e lurs ancestres aven estat sons homes questaus e de sons predecessors, a questa, talha, e a merce en cors e en bens ; e ed e sons predecessors eran en pocession de los questas e talhas quant binen cascun an, com a lurs homes questaus e aven estat per tant de temps que no era memoria deu contrair, e aissi per rason de lurs cors e de totz aquetz dos hostaus cubertz de teule, ab lo mayne, terra, vinhas e casau qui son alentorn.'

⁴⁰ Arch. départementales de la Gironde, G, 1116.

⁴¹ *Ibid.*

⁴² MS. Bibl. Nationale, Nouveau Fonds Latin, 9134. A document of 1311 seems to distinguish between these two classes ; after giving a list of *censitaires* and *questaux*, it adds separately 'e plus E. de Maderac que is home questau ab son qu'en ten,' i.e. for his land.

been a dependant fixed to the soil, a mere chattel of the lord, and above all liable to arbitrary exactions rather than fixed payments.

But, despite its many disabilities, serfdom brought with it certain advantages. A lord was some protection in time of war, he was as a rule responsible for his serf's fines,⁴³ as *e.g.* in Lesparre, where, if a serf were summoned for debt, his seigneur could reclaim him, but must pay the debt himself; the dues of a serf, when fixed, were generally at a lower figure than those of a freeman,⁴⁴ (*e.g.* in Barsac in 1307 free tenants paid 4 sous 1 denier for *albergada*, the *questaux* 3 sous 6 deniers); their land was practically hereditary, divided as a matter of course among the male children,⁴⁵ and no *esporle* was due as from free tenements.

But, above all, the class of *homines questales* was a very large one; endless varieties are to be found among them; a serf was often better off in practice than in theory, and very many of them were not subjected to all the typical conditions given above. Their possessions were certainly quite extensive in many cases; there does not appear to have been anything like a regulation amount, nor any regular system of strip-holding. In 1384 a serf, to gain freedom, gave up all he possessed, *hostaus, maynes, vinhas, terras, bestairs gros et menut, bocx, paduentz, pastenz, pratz, landas, aysinas, ribeyras, molins, molinars, et autras bens et causas tant nobles quant no nobles*; ⁴⁶ and this is by no means very exceptional. Besides

⁴³ Arch. départementales de la Gironde, G, 316, f. 24 v^o. (1361). Some *questales* were bound to pay 10*l.* annually to the dean and chapter of Bordeaux, but it is stipulated: 'si forte dicti homines . . . ad tantam paupertatem devenerint quod non possent solvere annuatim dictas decem libras . . . dictus dominus et eius heredes tenerentur solvere dictas decem libras elapso termino solutionis.'

⁴⁴ There are frequent instances of promises being exacted from holders of *censives* not to let them fall into servile hands, since the lord would thereby lose. Terrier Sainte-Croix, Arch. départementales de la Gironde, uncatalogued (1875), a *consulaire* promises: 'No deven metre accazat ni sos accazat ab meys cens ni ab meys esporle, ni metre lodit feu en man morta, en gleysa, en hospitaü, en temple . . . ni en man de home questau, ni que home questau pusca succedar ni heretar, ni far deguna altra causa per que los deits senhors . . . ne paguossan perdre lurs vendas ni lurs senhorias.'

⁴⁵ Arch. Hist. de la Gironde, xix. 28. In 1423, a *questau* belonging to Sainte-Croix de Bordeaux having left only two daughters, the land reverted to the lord, 'per so que eren fempnas.' But females do not seem to have been always excluded. Many *questaux* held 'selon los fors et costumas de Bordeaux' ('Livre des Coutumes,' Arch. Municipales de Bordeaux, vol. v. no. 3, art. 130), according to which no daughter of a serf could be married outside the seignury without the lord's leave, but if she married another servile tenant of her own seigneur a portion of the *questal* land might be bestowed as a dowry. The land was to be divided among the family as long as there were relations left to inherit, but excluding any daughters who had married outside the *quôte*, and the soil was to revert to the lord on failure of heirs.

⁴⁶ Arch. Hist. de la Gironde, xxiii. 68. Terrier du Prieuré de Camparian. That serfs should hold mills is curious, but found from time to time, *e.g.* (Arch. départementales des Basses-Pyrénées, E, 200, 1291) several *hommes questaux* belonging to the seigneur of Podenssac: 'per radon de lors perssonas e de las mayons de las estatges, de las vinhas, de las borias, de las terras coutas e hermas e de las ayguas, ribeyras, pastences, paduentz, deus boscs, de las landas, e deus molins e deus molinars d'aiga e de

their *questaves* they frequently held pieces of land at *cens* and *esporle*,⁴⁷ the usual tenure of non-military freeholders; and not only this, but they appear to have owned alods fairly frequently, and it must have greatly added to their general welfare to have a piece of land free from burdens. The Terrier of Comprian (1309) is full of these villein alods,⁴⁸ some of which were the result of purchase, some of gifts, some of unlicensed appropriation, while others were given as dowry with the wife. There were frequent marriages between serf and free; in one case a royal serf, having married the daughter of a burgess of Bordeaux, petitions the king for leave to share all the liberties of burgesses which his wife's family had enjoyed for generations.⁴⁹ They are occasionally found receiving legacies over which they may exercise considerable powers, and which they can sell if they wish, although for this the lord's license is sometimes required.⁵⁰ Thus in 1377⁵¹ some

vent, e de las lagunas, e de las autras causas quans qui sian e estre pusquan o deia quen tener de luy ab homenest en la dicta parrochia.'

⁴⁷ 'Izon,' by Léo Drouyn, in *Actes de l'Académie de Bordeaux*, xxxvii. 147. Pey du Bédât an homme questau, besides his *questalite* held in fief of the Sire d'Albret a great deal of land in the most fertile part of Izon (Entre-deux-Mers) for various *cens*, *rentes*, and *agrières* (from 'Arch. du Château de Vayres'). Arch. départementales de la Gironde, G, 415: Some *questales* of the Chapter of St. André of Bordeaux are granted: 'en feu fenaument . . . tot lo ramanen de l'avant deyta palu de Cadanjac . . . so es a saver quets an dat cada sadon per dotsedeners de cens rendutz an per an . . . et vint sos d'esporle.' *Ibid.* G, 309 (1411), 'a priest of St. André: 'a Assensat . . . a Arnaud de Pradias . . . home questau, a queta, a talha e a merce . . . tota la deyma de Bantiran.' British Museum Cotton MSS. Julius E, 1, f. 110: 'Homines questales . . . pro terris que tenent de censu . . . vi. den. et vi. d. de sporla et ii. capones.'

⁴⁸ Copied by Bréquigny, vol. xviii. (MSS. Bibl. Nationale).

F. 241. 'Dixerunt quod Mayenssa uxor Martonis . . . vendidit Guillelmo Demporian homini questali, unam sadonem vinee in franco alodio, . . . et dictus questalis nullum deverium sibi facit.'

F. 242. 'Presbiter dedit Petro, homini questali . . . domos, terras, vineas et alias hereditates . . . in franco alodio, et nullum deverium faciunt domino regi.'

F. 193. 'Arnaldus . . . dixit quod ipse dedit sororem suam Guillelmo Calville, homini questali . . . in uxorem, et dedit sibi in dotem 11 sadones vinee . . . in franco alodio.'

F. 216. 'Arnaldus dixit quod G. et V., homines questales, appropriaverunt sibi de comitali . . . et nullum deverium sibi faciunt.' (This land could of course be sold freely; cf. Bréquigny, vol. xviii.)

F. 221. An *homme questau* sold land and vines in *franc aleu* to prior of hospital.

F. 228. Another sold land to hospital of Bardenac in *franc aleu* and received it back at *cens*.

⁴⁹ Bréquigny, vol. xxxiv. f. 60.

⁵⁰ Arch. Hist. de la Gironde, vol. xxvi. no. 3, 'Donation faite par Pey Gaucem, homme questal,' 6 Dec. 1367 (from Arch. de M. Paul Promis): An *homme questau* of a bourgeois of Bordeaux bequeaths, with his lord's leave, all his lands to a friend who is a free man, but who is apparently quite willing to receive even a servile holding and who promises to be a complete serf at arbitrary service. 'Que ed es home questau, a queta, talha, e merce . . . et lo paguera d'aissi en avant . . . totas les questas talhas en farra las manobras et los autres dreytz et devers que home questau deu far a son senhor totas horas que per lodeit N. (the seigneur) ne siat semonit o requerut.'

⁵¹ Arch. départementales de la Gironde, G, 73.

serfs belonging to B. d'Albret receive house and lands from an uncle who was a priest, and sell it again on the presentation of a guarantee from the lord that their *questalite* shall not invalidate the transaction in any way.

The serfs on the royal demesne were generally better off than any others, and there were constant attempts to claim this position, the chief privileges of which were more reasonable payments and protection in the king's court.⁵²

But the indefiniteness of the servile position is best shown by the constant disputes which arose upon the subject between lords and tenants, the latter sometimes showing a wonderful amount of boldness and independence in asserting their claims; but the result nearly always seems to be a decision in favour of their *questalite*, though occasionally the trial might lead to a greater certainty as to dues and services, or even to the attainment of a few privileges and exemptions, and in a very few instances the tenant won his case.⁵³ It is no wonder that much uncertainty

⁵² 'Chartularium Henrici V & VI,' printed in *Arch. Hist. de la Gironde*, vol. xvii. F. 75 v°, April 1357. Inhabitants of Bruges, Eysines, and St. Médard-en-Jalle, being king's men, are only to pay reasonable *taille* to king's officials.

F. 74 v°. Places holding directly of the king are under his special safeguard, and free from violence and innovations.

F. 96. Inhabitants of Entre-deux-Mers promised by Edward III never to be separated from demesne of the crown; this confirmed by Henry VI, 1445.

Gascon Rolls, 21 Ed. I, memb. 5. Certain *questaux* claiming to belong to the king, the case is tried before the *seneschal*.

Bréquigny, xvii. f. 7, from the Gascon Rolls (1289). The king reserves all cases of life and limb concerning his serfs for his own courts.

⁵³ *Arch. départementales de la Gironde*, G, 1147 (1849). Men of Caudéran, le Bouscat, and Villeneuve, after constant attempts to throw off their serfdom, are decided to be *questales*, but privileged.

Ibid. G, 1116 (1408-21). Long trial about Simon Verd' and other inhabitants of Caudéran. The case went against them.

Ibid. G, 1117. As late as 1530 to acquire any land in Caudéran it was necessary to become a *questau*.

There is a good illustration of the course of a dispute on this point, ending in freedom, in the Terrier Sainte-Croix, March 1376 (*ibid.*, uncatalogued), between the abbot and 'Peyre deu Carrost, clerc e borgues de Borden.' 'L'avantdeitz senhor abat e combent disen e prepausanzen contre lodeit Peyre, que Arnaud deu Carrost de la parrochia de Bruges . . . payre qui fo deudeit Peyre deu Carrost en lo temps que vive e sons predecessors eran e avan estatz homes questaus, a questa, a talha, a merce de l'abat e abadia e moster de Sancta Croix de Borden, e idz naven estatz en poccassion de questar e talhar e de prendre questas, talhas, e totas outras servitutx deudeit Arnaud deu Carrost . . . e per so disseram que lodeit Peyre deu Carrost era e deve estre home questau a questa, a talha, e a merce a ladeita abadia . . . e lo requirissan que pagues de la data d'aquesta carta en avant, la questa, la talha, e totz autres servitutx que home questau deu e acostumat a pagar a son senhor, e per la maneyra que son payre e sons predecessors avan acostumat de far. E lavandeit Peyre deu Carrost se deffendos e dissos que lavandeit Arnaud son payre ni son predecessors ni lomedis Peyre no deven estre homes questaus, ni aven a acostumat de pagar questa talha ni fac alcuna servitut de questalitat . . . e dissos plus que ed era clerc e borgues de Borden e ave estat per lonc temps per l'espase de trenta ans e plus, e dissos que ed era e ave estat totz los jours de sa vita en franquessa e en libertat, de no pagar questa ni

existed, for some of the lesser freemen are scarcely distinguishable from serfs. They were just as frequently bound to labour services; they were often tied to the soil, promising personal residence, and liable to be brought back by force in case of escape; or they could only leave with difficulty on making a heavy payment to their lord.⁵⁴

But despite these complications the general rule holds good. Certainly the most distinguishing feature of the *homme questau* is his *qucsta*, and this is, in the majority of cases, arbitrary; a free man, though he may be subject to labour dues and many other disabilities, pays a regular *cens* and a fixed *esporle* on change of seigneur; while the typical freeman, not one merely on the

talha ni far alcuna servitut aus deitz senhors . . . ni en alcuna outra persona, ni nullo temps questa ni talha, no lave home demandat suis aras de present; et d'autra part dissos que ed no ave tengut sa en arreyre ni enquaras no tene a present los bens ni los heretaitges qui foren deudeit Arnaud son payre, e per sso pregues suppliques et requeros los deitz senhors abat et combent, que edz de far a luy pleit debat ni question per rason e per causa de las causas sobradeltas volosson cessar; e plus pregues e requeros lodeit Peyre que cum Moseu P. de Camada, abat de ladeita abadía, et lodeit combent aguossan pres de seit e mes a lor man los hostaus e una partida deus heretaitges qui foren deudeit Arnaud . . . que a lor plagues e bengues en plazer sens pleyt e debat rendre e restituir audeit Peyre dos deitz hostaus et heretaitges qui foren deudeit Arnaud, e ed se affersa de pagar e satisfacer certans esporles a senhor mudant e certans cens annualls losquaus dise que lodeit son payre e sons predecessors aven acostumat de pagar . . . e non obstant que lodeitz senhors . . . dissosson que lodeit Arnaud . . . eran homes questaus, e lodeit Peyre deve estre home questau a ladeita abadía . . . e per so aven pres alaman los medis hostaus e heretaitges que foren deudeit Arnaud cum de lor home questau en defauta deudeit Pey qui los ave desemperat e leyssatz sen tot guobern, e ignorans en quau loc lodeit Pey demorava. . . . ' A chapter was summoned at sound of bell, and it was decided, in order to advantage the monastery and save the expense of a trial, that the abbot and convent should give the possessions to Peyre as a new fief, 'cum home franc per sui e per sons hers e per son ordenh, stipulant e recebent totz los hostaus, terras, vinhhas, boscas, landas, pratz, pastens, e outras causas e paduens quaus que sian, que foren de l'avandeyt Arnaud . . . e per especiau tot aquet hostau e casau qui es en ladeita parrochia de Bruyas au loc apperat au Carrosts . . . ab tres soudr d'esporle a senhor mudant e per xl. sous de cens; e plus per trenta livras e per una pipa de vin bon e merchant, que disso reconogua e confesset lodeit senhor abat . . . ave dat e paguet de entradas e de caritatz . . . e deu esporlar e far dreit.' The abbot and convent declare on their part, lest any question should arise about *questalitat*, an 'afranqui quitat remis audeit Peyre . . . tota questa talha e tota autre servitut de questalitat que idz aguossan o poscosan averen alcuna maneyra,' and promise never to ask such things again. He promises loyal obedience *cum home franc deu estre aus deitz senhors*.

⁵⁴ 1275: 'Reconnaissance féodale des habitants de Salles et de Mios,' *Arch. Hist. de la Gironde*, xxv. p. 488. They do castle guard, and cut and carry wood; if they neglect services they can be compelled to perform them. 1356: 'Sentence entre le Seigneur de Montferrand et les Habitants de Veyrines,' *Arch. Hist. de la Gironde*, xvii. 146. Free men were to do six days' labour service a year, to carry corn and barrels, and to reside permanently, and if they left could be forced to return. *Ibid.* i. 6. 1326, Freedom granted on condition of continued residence; if the freed man goes to a fresh seigneurie he must pay the lord 100l., and payment may be enforced by seizure of land and goods. *Arch. départementales des Basses-Pyrénées*, E, 200 (1291): Freedom granted to certain men *de tot ligame e de tota servitut d'omenest*. They are only to pay *cens* and *esporle* e *tots devers* . . . *quen tengut de far aissi coma personas franquas joualeiras* . . . e *fucs tener vius audeit senhor*.

border line, would be free to use his land as he wished, to alienate freely, making contracts and wills and marriages without license, and to seek other lords and other lands if desirous to do so.

The well-being or misery of the peasants, however, was not merely the result of their tenure, but depended on the position which they occupied towards their feudal lords. Besides their rents in money, kind, or labour, there were a vast number of dues and payments which made up the income of the seigneur and the life of the serf. From cradle to grave his life might appear to be one long series of exactions. Dues for his own marriage, dues on the birth of his children, dues on the death of his parents; probably called from his fields just as the harvest was ripe, to labour on the land of the lord, with the chance of returning to find that a band of routiers had pillaged his little holding during his absence; forced to carry the best of his corn, the ripest of his fruit, and the fattest of his flock to the feudal castle; liable to lose the contents of his poultry-yard in one day to feed a party of his lord's friends; spending precious days of labour in carting wood to supply the castle kitchen, in repairing the castle walls, or in clearing brushwood and gorse from the castle moat; his nights in watching that all was secure round the seigneur's dwelling, or in beating the water that the frogs might not disturb his rest. But this is an exaggeration. Burdens were heavy and life was hard; owing to the long war in especial, cases of poverty and destitution were frequent; but it is easy to form too extreme an idea of the distress of the rural districts. Dues were numerous, but so were the serfs; not every payment was exacted from the same man; some duties were enforced in some places, some in others. Services that were universal, such as castle guard, field work, carriage, &c., performed by each in turn, would not fall very frequently upon the same individual; and a lord was not invariably a cruel master.

The real hardship was without doubt the uncertainty. To do a few days' work for the lord was not excessive if only the labourers had known when and how much. Those free men who could choose their own time for the services were not much to be pitied; a heavy rent was better than an arbitrary *quête*; and it is on these lines—the fixing of services and dues—that advance had first to be made. This movement towards freedom by gradual amelioration in the position of the serfs began almost imperceptibly side by side with the tendency towards the formation of a regular class of *questaux* which we have seen throughout the thirteenth and fourteenth centuries. The very fact of defining their disabilities was a step in this direction; from the certainty of knowing that they were uncertain (*questable, taillable, et corvéable à merci, . . . manobras . . . a la requesta et somonssa dudeyt senhor*) came the tendency to define them still more accurately.

Services were the first to become fixed. In 1303 the services of the tenants of Sainte-Croix are carriage of corn and wine, and hospitality for a day and a night.⁵⁵ In the Customs of Lesparre (1317) the serfs are not to be freed from labour dues, but are to perform those duties alone to which they are definitely bound.⁵⁶ In 1349 the men of Caudéran, Bouscat, and La Vache, while remaining *hommes questaux* of the Chapter of St. Seurin, are to have the number of their *corvées* fixed at 300 a year.⁵⁷

The next step was to change the arbitrary *quête* into a fixed sum. As early as 1252 an agreement was made with the *questaux* of St. André of Bordeaux to pay 10,000 sous for *quête* each year.⁵⁸ In 1343 we find 60 sous of Bordeaux money paid as annual *quête*,⁵⁹ and in 1349 the *quête* of three servile villages was fixed at 250 *réaus d'or*.⁶⁰ When, added to this, services were commuted for money payment, it was often considered as equivalent to an enfranchisement. *E.g.* the terrier of the county of Gaure enters as *quondam questales* men of a rural community with commuted dues: viz. instead of *quête*, 50*l.* annual payment: *furnum* (due on ovens) fixed at 15*l.*: *pedagium* at 28*l.*: tithes at 38*l.*; and small services at something over 6*l.*⁶¹

At the same time the number of free tenants was occasionally increased by the grant of 'new fiefs' at money rent, waste land let out by the lords in order to swell their revenue and to augment the value of their estates by better cultivation.⁶² Sometimes nothing would be paid for these grants during the first year, the labour of *défrichement* being considered sufficient.

The methods of obtaining freedom in the Bordelais were similar to those elsewhere: gift, purchase, holy orders, residence in a chartered town, and occasionally marriage; but it is not till the close of the fourteenth century that we find a regular series of charters of enfranchisement. Gifts of freedom are very frequent in wills; a man on his deathbed would be anxious to make his peace with God, to reward his servants, and not so much concerned to maintain his property intact. Then these grants were

⁵⁵ 'Censier de Sainte-Croix,' MS. Bibl. Nat., Fr. 11637, f. 130 v^o.

⁵⁶ *Arch. Hist. de la Gironde*, xxiii. 294, 25 March, 1317 (*Arch. départementales*, C).

⁵⁷ *Arch. départementales de la Gironde*, G, 1117: 'Facere tam capitulo quam singularibus canonicis annis singulis in perpetuum trecentas manoperas dumtaxat dividendas et ordinandas.' Cf. also *ibid.* G, 1147.

⁵⁸ *Arch. Hist. de la Gironde*, xxiii. 7; 12 June 1252 ('*Arch. départementales*, Chapitre St-André').

⁵⁹ 'Censier de Sainte-Croix,' MS. Bibl. Nat., Fr. 11637, f. 130 v^o.

⁶⁰ *Arch. départementales de la Gironde*, G, 1147, 'Seigneurie de St. Seurin.'

⁶¹ Brit. Mus., Cotton MS. Julius, E, 1, f. 95.

⁶² The term 'new fief,' though as a rule applied to free land held by *cens* and *esporle*, was not invariably so. In 1342 the prior of St. James gives a new fief to his *homme questau*; 'de lasquans avantdeytz estatge . . . R. M. a promes pagar cascun an la queste et la talha a merce' (*Arch. Hist. de la Gironde*, xxii. 341).

often unconditional. In 1374 the Sire d'Albret willed that after his death *B. Arobert son questau et tout son domaine soit franc et déchargé de toute servitude et de queste*.⁶³

We have also freedom by gift *inter vivos*, either as a pious duty or in reward for services.⁶⁴ The *cens* to be rendered by the new freedman was generally fairly high, and may have compensated the donor for the arbitrary dues which he renounced. On 8 Dec. 1256 :

Dona Assalhida de Burseo . . . per sa bona et agradabla voluntate entendants affar son pro e la saludz de sa arma, a affranquit todz los avantdeit fraires e lor hers e lor ordenh . . . de tot l'omenagge que era los demandava de l'avantdeit feu. . . . (they had held at quôte and taille, although called a feu) a dat e autreiat en feus feuament l'avantdeit feu . . . al dos deners d'esporla assenhor mudant e al c. sol de cens.'⁶⁵

In the examples of freedom by purchase, which are by far the most frequent, there is nothing to indicate the legal theory which prevailed in England that purchase could not be made with the serf's own money (as not being really his own), although in some recognitions of servitude chattels are specially mentioned as belonging to the lord: *Tot dreit, tota arradon, action . . . possession sobre los avantdeits homes et sobre-totz lurs bens et causas*.⁶⁶ But this is not a universal formula; sometimes they hold only for their body, or for *mayna* or *hostau*; and there are other indications that the *questaux* were capable of possessing personal property; sometimes, indeed, they would purchase freedom by the abandonment of their moveables.⁶⁷ The fact appears to be that the legal theory was not very much more definite than the practice, whereas in England the former was hard and fast, though the latter was almost as vague as in Gascony. At all events, there is no doubt as to their power of escaping from the position of serfdom by a certain sum of money paid down, combined with the promise of annual payment in the future.⁶⁸ In some of these instances services have been

⁶³ *Arch. Hist. de la Gironde*, xxvi. 297. In 1272 the count of Toulouse and Poitou, in his will, makes a similar grant to all his servile dependants apparently (Record Office, Misc. Rolls, B, 5, 31): 'Derechef nous fransissons touz nos sers et totes notres serves en quel leu que il soient et lurs enfauntz.'

⁶⁴ *Arch. départementales de la Gironde*, E, 872, 10 March 1425. Enfranchisement by B. de la Mothe *per los grans servicis, bens, amors, honors, e plasers que disso l'avantdeit senhor . . . que lomedis Aymar l'ave fait au temps passat*.

⁶⁵ *Cart. de St. Seurin*, p. 240.

⁶⁶ *Arch. Hist. de la Gironde*, lii. 171. 11 Sept. 1376, Sale of four serfs (*Arch. de M. le Marquis de Verthamon en Médoc*). Cf. also *Arch. départementales de la Gironde*, G, 1080, f. 94. Gift of two men, 1287. 'E tot los dreitz e totes las senhories quen medis en W. de Bursac ave sobreus davendeitz homes ni sobre las lurs causas.'

⁶⁷ *Livre des Coutumes*, no. 8, 180 (*Archives Municipales de Bordeaux*, vol. v.)

⁶⁸ *Arch. Hist. de la Gironde*, viii. 192, 6 May 1291: four brothers, *homs questal a merci per rason de los corps*, were freed by their lord for 50 sous of Périgord money,

already commuted for money, and the tenants claim that this is equivalent to a grant of freedom; but in every case it was adjudged that they must pay something extra to secure the privilege. The necessity was arising for a charter of enfranchisement, a written title to prove the change of tenure. In 1356, for example, the inhabitants of Veyrines claimed to be free of an annual rent of 180*l.* Arbitration was resorted to, and they were declared *francs et liberaus personas en tot temps, et que forsan fora de tota servitut de questalitat*; but nevertheless they were to pay in future 600*l. cens* and 4*l. esporle*.⁶⁹

Freedom through holy orders was of the earliest date. The church was not a respecter of persons, and there was nothing to prevent a serf from reaching high dignity in its ranks; hence the regulation against entering religious orders without the lord's leave, *per que lo senhor pogues perdre sos avandeyts homes*.⁷⁰

In the document in which we find the regulation just cited is a prohibition against the tenants marrying their daughters without leave. It is obvious that if a woman were to marry outside the *guête* her services and her children might be lost to the seigneur, so that it is not surprising that the license for this, *formariage* as it was called, was especially heavy. But apart from this the effect of marriage upon freedom and serfdom is very uncertain. So long as the condition depended upon the soil alone, the marriage of either a man or woman into a servile house would result in their adopting the condition of that house, unless they continued to hold free land of their own, and *vice versa*. But in the case of serfdom by birth the matter is more complicated. The married couple could retain their original condition, but which would the children follow—father or mother? It is curious that in the Bordelais, although mixed marriages were frequent,⁷¹ difficulties appear to have occurred but rarely, whereas in the Pyrenean regions disputes are constant, and the greatest uncertainty appears to have prevailed on the subject. The cause of this is doubtless to be found in the difference of succession; where land was divided among the children, some might inherit the free, others the servile holdings, and the question would be far simpler than in districts where primogeniture was the custom. If this is the

84 sous d'acapte a senhor mudant, and also some gifts of corn, &c. Arch. départementales de la Gironde, G, 1316, 15 Jan. 1487: a tenant of St. Seurin, 'Alays Santz,' was bound 'per la soma de vint et cinq souds bordales cascun an de cens o per pagar la soma de vint et quatre francs de ladeyt moneda, et asso de resta de major soma de l'afranquiment de ladeit Alays Santz et de Audina Santz so sor, lasquaues eran questalless lo temps passat . . . deusdeitz senhors.' Brit. Mus. Add. MS. 8875, f. 62, 1483: Enfranchisement for 60 guineas paid down, 6 deniers of *esporle*, and 50 sous of annual *cens*.

⁶⁹ Arch. Hist. de la Gironde, xvii. p. 146.

⁷⁰ Ibid. viii. 107 ('Arch. de Vayres').

⁷¹ Terrier of Comprian, Bréquigny MSS. (Bibl. Nat.) vol. xviii. *passim*.

explanation of the lack of such disputes round Bordeaux, it would also indicate that serfdom was far more territorial than personal in that part, and mixed marriages therefore less complicated.

The last method of gaining freedom was that of residence in a chartered town. For this there was abundant facility in the Bordelais owing to the number of communes and bastides, and also to the possibility of escaping unnoticed while the seigneur was engaged in war. This danger to the lord's rights was so great that measures were taken to check it. Many of the bastides excluded from freedom the serfs of those lords who were seigneurs there, while the king constantly forbade the reception of *questaux* who came unlicensed, or authorised the recovery of those already admitted.⁷² Many opportunities existed nevertheless; the ordinary rule was freedom after residence unreclaimed for a year and a day, but in Bordeaux one month was sufficient.

Homines forinseci ad dictam civitatem venientes et in eadem, fidelitatis sacramento dicte civitati prebito, per unum mensem commorantes, ex nunc, etiam si questales sint, non teneantur homagia vel servitia facere.⁷³

Some bastides gave this same privilege without limitations,⁷⁴ and in any case the advantages they granted to inhabitants were equivalent to freedom.

But, although it was thus possible for a serf to become free, it was not always worth his while to do so. Free man was a vague term at the best, and the privileges granted by charters of enfranchisement varied considerably, the only constant condition being payment of *cens* instead of *quête*. In 1336 R. Carpenter and his heirs are freed from *taille* and *quête* on condition of paying 40 sous of *cens* and one denier for *esporle*, but promise to remain on the soil on pain of a fine of 100l. to be enforced by the seizure of person and goods.⁷⁵ The inhabitants of Veyrines in 1356, despite very heavy payment for their freedom, are but little removed from serfs; not only do they promise six days' *corvées* and apparently unlimited castle guard, but they are still bound to the soil.⁷⁶ Others

⁷² Gascon Rolls, *passim*.

⁷³ *Archives Municipales de Bordeaux*, vol. i.; *Livre des Bouillons*, no. liv. p. 6.

⁷⁴ Curies Seimbres, *Essai sur les Villes dans le Sud-ouest de la France*, pp. 126, &c., 128.

⁷⁵ *Arch. Hist. de la Gironde*, i. 7, 24 Oct. 1336: enfranchisement at Bégadan ('Arch. de M. Pépin d'Escuran').

⁷⁶ *Arch. Hist. de la Gironde*, xvii. 155: 'Combent promes et octrayat . . . que edz esteran et faren residensa personau, et tendrin fuc biu et estangut de lor et deus cors, et lurs bens et lurs ordenh, en deit loc de Beyronas . . . et sy taut era causa que li avantz ditz hommes et molher . . . avanen estar en autre loc . . . que lodeit senhor los pogossan et los pogassa prendre, et manar, et far benir estar eusditz locz et maynes.' *Arch. départementales des Basses-Pyrénées*, E, 200, 1290: Some serfs of Sainte-Mayne, when freed, promise 'tener fuc biu e estatgan de lor e de lors hers . . . per totz temps continuadament.'

when freed were bound to labour services of unlimited quantity, but without any promise of being tied to the soil. Besides *cens*, each family was to give a hen or ten deniers, was to cart the lord's corn and wine, and to render him a number of payments in kind.⁷⁷ In another instance, even where definitely stated that a piece of originally servile land was granted as a new fief at 100 sous *cens* and 5 sous *esporle*, the old servile conditions were still maintained—permanent residence was promised, and express renunciation made of any attempt to gain privileges and liberties.⁷⁸

The main advantage seems to have been to get rid of the *quête*, and also in most instances the services of free men were less arbitrary, as e.g. in 1415 a serf of Entre-deux-Mers who received a charter of enfranchisement was bound entirely by labour dues—ploughing, carting, harvesting—without any regulation as to the amount, but was free to work at his own harvest when he liked, and the lord guaranteed him against any other demands, above all against *sotzmission de questalitat*.⁷⁹ A document of 1389 interprets the position of a free man as comprising three special privileges—free wills, free marriages, and judicial rights;⁸⁰ and in 1425 a very complete charter of enfranchisement describes its grant as including freedom from all *questalitat et servitut*, labour, arbitrary demands and obligations, and as a condition of complete independence, of power to judge in civil and criminal affairs, of permission to alienate, to buy and sell, and to manage the whole administration of the property, real and personal, without constraint or subjection of any kind.⁸¹ There were few tenants who could lay claim to so complete a position of liberty.

These formal charters of enfranchisement occurring all towards

⁷⁷ *Arch. Hist. de la Gironde*, vi. p. 41, 10 Sept. 1318: transaction between Marguerite de Gironde and men of Sainte-Hélène, &c. ('Arch. de M. le Marquis de Verthamon').

⁷⁸ *Ibid.* xix. 28, 4 Jan. 1432, *Bail à fief nouveau, la Tréne* (Entre-deux-Mers).

⁷⁹ *Ibid.* x. 556, 9 Nov. 1414: enfranchisement by Isambert de Moulon ('Arch. de M. le Comte Henri de Lochassaigne du Cros').

⁸⁰ *Ibid.* i. 80 ('Arch. de la Mairie de Bordeaux').

⁸¹ *Arch. Hist. de la Gironde*, xviii. 371, 19 March 1425. Enfranchisement of serfs in the parish of St. Eloy of Bordeaux: 'Absoudz de tota questalitat, de tot homenest, et de tota maneyra de servitut, et de tota servil potestat, et de tota condition servil, et de totas imposicions de hobras, obsequiaus, fabrils, artificiaus, et autres quausque sian, en que lo fossen estre tingutz en alcuna maneyra . . . quitta, cedis, dona . . . tot dreyt, tota rason, accion, petition et demanda reau, personau, mixta, pretoria, civil, util, temporau, directa, et autra et tota obligatlon . . . et plus . . . tot dreyt de patronat et tot obsequi et benefiici, et totas hobras, obsequiaus, benefiiciaus, fabrils et artificiaus, et totas imposicions, indictions, talhas, questas, manobras, mandamentz, et autres subjections et podestats, servils et autras. . . . Cascun de lor puscan usar, intemptar, diriger et exercir totas actions et totz negocis et causas, civils et criminaus quausque sian . . . et que puscan estar en jugement, et farar de jugement, et crompar, bendre, alienar, donar, paciisir, portar testimoniatge, et aver generau administration de totz et sengles lurs bens et causas, sens aucun empach de servitut . . . cum franques et liberaus personas, et foras de tota questalitat, servitut et subjection.'

the close of the fourteenth and fifteenth centuries (1356, 1362, 1389, 1425, 1431, 1440, &c.), it looks as though a general tendency towards freedom was setting in. This may have been partly the case—serfdom was gradually dying out; but it may also have partly arisen from the need of the nobles for ready money to carry on the war. In any case serfdom had not disappeared long after the English were driven out of Gascony. In 1394 an agreement had been signed between Lancaster and the Captal de Buch that letters should not be granted to the serfs in the demesnes of the latter enabling them to come before royal judges in order to gain freedom,⁸² and the 'Customs of Bordeaux' (art. 97), drawn up in 1520, declare that *les seigneurs jouiront sur leurs questaux de tels droits qu'ils ont accoutumés . . . sauf si les questaux viennent alléguer aucune chose au contraire dedans deux mois.*⁸³

On the whole the movement towards freedom seems to have been less marked than it was in England at the same date. Whereas, with us, the gradual detachment of the labourer from the land and the breaking of feudal bonds had been advancing so long that it only needed the occasion of the Black Death to bring it into prominence, in Gascony habits of subjection were still strong, and the plague seems to have had less important results on social life than in England. The nobles could continue to enforce the old services without fearing a peasant war.

Above all, there was a passion for ownership in Gascony, which did not appear to the same extent in England. The existence of old alodial property, which had practically died out with us, and the subdivision of the land which created the custom of small holdings, opened a way of advance to the French peasants leading in a contrary direction to that followed by the English serfs. The first thought of a prosperous Bordelais peasant was to purchase permanence of tenure at a fixed *cens* or a portion of the produce, and if possible to buy a piece of *alod*, however small. So that, when freedom came at last, it was as peasant proprietors or *métayers*, not as landless labourers, that the serfs emerged, and small holdings continued to prevail rather than large rent-paying farms cultivated by paid labour.

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⁸² Baurein *Varistés Bordelaises*, vi. 42.

⁸³ *Ibid.* vi. 145.