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The Serfs of Sainte-Geneviève

ABOUT the year 1178 there was a dispute in the Abbey of Sainte-Geneviève at Paris which was deemed serious enough to be taken to Rome. It was a question of four pence which two brothers of the village of Vanves refused to pay to the abbot for their heads. The sentence acquitted them of the four pence, but declared that they were none the less the abbot's men, bound by the conditions of the servile state.

Non possunt filios suos clericos facere, nisi ex concessione ecclesie. Filios suos aut filias suas non possunt matrimonio coniungere cum hominibus alterius ballive vel dominatus. Caducum vel manum mortuam debent. In necessitatibus ecclesie dabunt conveniens auxilium de suo iuxta consuetudinem regni.¹

In 1179 there was a long and obstinate struggle between the abbey and its men at Rosny.² Here the whole village was denying its serfdom. The affair was taken before the king's council. The abbot declared that the men were his serfs; the men, runs the record, *id penitus negaverunt et sese tantum hospites ecclesie et colonos esse confessi sunt*.³ The king, unable to decide on their status, had recourse to the trial by duel.⁴ The men were to appear in the

¹ R. de Lasteyrie, *Cartulaire général de Paris*, p. 429; *Cartulaire de l'Abbaye de Sainte-Geneviève*, 358, p. 102, in the Bibliothèque Sainte-Geneviève, hereafter referred to simply as 'Cart. 358.'

² A village just outside of Paris to the east.

³ Cart. 358, p. 68.

⁴ The right to judicial combat and to act as witnesses had been formally granted to the serfs of Sainte-Geneviève by Louis VI in 1109.

abbot's court, *et ibi ecclesia, si eos habere vellet, per duellum servos esse suos approbaret*. On the day assigned the men appeared, but not to fight. They declined to take up their defence, and were condemned by default, *ut deinceps . . . ecclesie sancte Genovefe subiecti sint, sicut servi dominis suis*. The struggle however continued for fifty years, when the village was formally enfranchised.

What was the condition of these workers of the soil on the abbey lands of Sainte-Geneviève? No record exists, like the *Polyptique* of Abbot Irmino for Saint-Germain-des-Prés, that gives any details of the early internal economy of the abbey lands. There is little direct information before the twelfth century. The earliest documents which throw any light on the condition of the people show the seignorial system strongly established. The centre of exploitation was the Mont-Sainte-Geneviève. On this sloping vine-clad land to the south of the Seine, which the Romans had chosen for their palace before him, Clovis had built, and dedicated to St. Peter and St. Paul, the abbey that was later to take the name of the patron saint of Paris. The city itself lay at that time almost wholly within the Isle, and was low and easily flooded. The Bourg was a favourite place of escape for the king and his aristocracy, who had built themselves houses there, but for the most part it was inhabited by the serfs who cultivated the vineyards. Besides this land on the hill, Clovis had endowed the abbey with various properties round Paris. These formed a number of rural exploitations, worked very much like small seignories, but depending closely for administration and justice on the abbot, who was generally represented by a prior and one or two canons. In these seignories the lowest class of cultivator was the serf, and, at the time when we first have clear information about him, birth was the main origin of his serfdom. There are few records of donation or oblation. These must of course have played their part, for the eleventh and twelfth centuries were the age when the giving of a serf or two to the Church was a recognised act of piety. As late as 1231, John, a knight, gave *Robinum de Maroliis, hominem suum de corpore*, to the abbey, 'for his soul's sake.' But by this time most of the serfs were serfs of the abbey because their parents were so.

What then on these lands are the distinctive marks of the servile condition? We find them plainly stated in the judgment of Vanves, first in regard to the person of the serf, secondly, in regard to his goods. He could not marry his sons and daughters out of the seignory.⁵ The serf belonged to his master. Far from possessing his own person, he might not lawfully move it away. It was part of the value of his lord's land. Hence we expect to find the *droit de*

* See above, p. 1.

poursuite zealously kept on the abbey lands. Apart from the loss of his labour, indeed, the serf out of his seignory was a source of new and disturbing elements. He came into relation with a new lord while still belonging to his old. Uncertainty as to his status and complications of ownership were bound to arise. We see clearly the difficulty of keeping a hold on the serf, once he was off the land, in the long dispute between the abbey and the commune of Meaux. In 1179, Henry, count of Troyes, had granted the privilege of commune to his men in Meaux and in some of the neighbouring villages. But, settled on his lands and owing him *taille* and *justice*, were some serfs of the abbeys of Saint-Denis and Sainte-Geneviève. The franchise seems to have included them unduly, to the detriment of their real owners, the two abbeys. Hence, in 1184, the charter of the countess of Troyes, who, knowing, as she expressed it, that her husband had no intention of depriving the abbeys of their rights over their subjects, declared that the said men were to remain in the same condition as before the formation of the commune, and were to pay to their respective abbeys the *capitagia*, *forismaritagia*, *allevia interfeclorum*, *sanguinem*, *et manum mortuam*, rights which her husband's charter cannot touch. The men are here in a double relationship. They are on the land of the count, probably as *hôtes*, owing him the *taille* and *justice* characteristic of *hôtes*. But they are still serfs as regards their former abbeys and owe these all the usual dues of servitude. The difficulties however are not at an end. Someone must be responsible for the payment of the servile dues of these outside serfs to their abbeys. It is unlikely that the men would be zealous in raising it themselves. It would cost the abbeys too much to send men round to collect in all the places in which a serf or two might be. So, here it devolves on the mayor of the commune, who is to have one third of the receipts for his trouble. It is the thin end of the wedge. A century later, in 1273, there is a case—this time against the mayor and his *scabini*—for illegally trying *talliare et iusticiare quosdam homines et feminas de corpore ecclesie sancte Genovefe*.⁶ The only final solution is for the mayor and commune to buy the disputed persons outright, which they do for 1000 pounds tournois.⁷

If the serf who moved out of the seignory was a source of trouble, the serf who married out was still more so, because of the children. Within the seignory, and subject to his lord's consent, marriage was by this time legal. The church had seen to that in 1195, when

⁶ Arch. Nat. K. 34, No. 52.

⁷ This method of settling such disputes seems to have been not uncommon. In 1269 Guy le Bouteiller gives up four sous of cens, to which he has the right on a certain tenure belonging to the abbey at Borest (near Senlis), and presents the abbey with an arpent of land, in return for two men and a woman, serfs of the abbey, who had settled on his lands: Arch. Nat. S. 1612.

it declared the marriages of serfs indissoluble. But if two serfs married from different seignories, one or other had to leave, and his or her lord stood to lose in various ways. Hence, at first, the absolute prohibition against *formariage*. This could not however be kept up. It would lead, in the smaller seignories, to intermarriage within the degrees prohibited by the church.⁸ It was to the lord's interest that his serfs should marry. The way was therefore opened by compromise and exchange. The exchanges on the abbey lands are usually of women and are variously worded. Sometimes the woman is to go under the law of her husband. Hugh, abbot of Saint-Germain-des-Prés, for love of Odo abbot of Sainte-Geneviève grants that a certain *ancilla* of his *cuidam servo sancte Genovefe . . . lege matrimonii iungeretur . . . et in eam legem servitutis in qua maritus suus tenetur transiret*.⁹ The exchange is nearly always accompanied by a manumission, which is however purely a legal fiction, the serf being freed *ab omni iugo servitutis* of one master, only to fall under the yoke of another. Sometimes two men are exchanged. In one case a man is exchanged for a woman, but this seems to be a concession.¹⁰ There is no question of their holdings; there would, in any case, be no exchange of these. The exchanged persons apparently step into each other's shoes. Mathildis and Ascelina are exchanged in such a way that *in eadem servitute et subiectione qua dicta Ascelina tenebatur nobis, dicta Mathildis nobis tenebitur*.¹¹ There are several cases of the exchange of married women. This does not necessarily mean a breaking up of the family, but more probably the reverse. The family of the serf is, by this time, solidly constituted. Some exchanges seem to have no other object than to bring a woman, already married, under the lord of her husband. As it is for marriage, the exchange will not always be immediate. The abbot of Saint-Medard of Soissons gives two women for two others, whom he will choose later.¹² Occasionally a wholesale contract is passed between two seignors. In 1124 Louis VI confirms an ancient custom, evidently of Germanic origin, called *befeht*, which held between the king and the abbot of Sainte-Geneviève. In any intermarriage of their respective serfs in three specified towns, the women on either side were to leave their seignory and belong to

⁸ Compare the complaint of the men of Rosny to the pope, in 1219, that, owing to the oppression of the abbey, they were forced to marry within the forbidden degrees of consanguinity: Cart. 356, p. 88.

⁹ Cart. 356, p. 176.

¹⁰ While Guy le Bouteiller of Senlis was in prison at Damascus, his wife had arranged an exchange of two women with the abbey of Sainte-Geneviève. Guy however in 1220, *a vinculis rediens*, not only ratifies his wife's act, but offers them a man instead: *Gallia Christiana*, vii. 244.

¹¹ Cart. 356, p. 245.

¹² ' . . . quales eligere voluerimus quando opportunitas et occasio sese offerent ' Cart. 356, p. 167.

the lord of their husband.¹³ This created a standing relation and did away with the necessity for individual concessions.

The difficult question in exchanges was that of the children. To whom did they belong? By nature the child seems to be considered to belong to the mother, and therefore to the mother's lord.¹⁴ Thus we should expect to find, in an exchange of a woman out of the seignory, that the children already born remain to her first lord, and this is generally the case. In 1136 there is an exchange of a woman with all her children for a single serf of Notre Dame,¹⁵ but as a rule the exception of the children is clearly stated. In 1203 one Luciania is given to the abbey *cum prole sua preter Hugonem filium suum quem habuerat antequam fieret concambium*.¹⁶ In 1172 a woman of the abbey is exchanged for a woman of Saint-Faron in the diocese of Meaux who is already the mother of three children. These are to belong to the abbey of Saint-Faron; *reliqui vero tam filii quam filie, qui ex eadem Emelina post hoc concambium nascentur, de familia beate Genovefe erunt*.¹⁷ It is probable that in these cases of exchange the woman was already living in her husband's seignory, and the charters are simply stating the legal rights of the two lords over the different members of the household. It was not incompatible for the family to live in unity while the various members belonged to different lords. Sometimes special arrangements were made to ensure a family to each side. In 1203, the dean and chapter of Saint-Marcel, because of the sacredness of marriage and for the continuance of the race, agree to a marriage between two of their men and two women of Sainte-Geneviève, on condition that one of the women shall come to them in exchange for one of their men.¹⁸ The same plan was followed at Vanves in 1233.¹⁹ A simpler method was however also adopted, that of the payment of a sum of money by the serf, as the price of his loss to his lord; and this became gradually the rule.

Cases of exchange are rare by the beginning of the thirteenth century. This was, in a sense, a concession to the serf, though

¹³ Et talis est consuetudo, befeh appellata vulgo, quod mulieres utriuslibet prefate ville (Ville Nove, Moncii, Caloili) nuptu viris mutuo date, remanent in maritorum hinc et hinc servitute, a natali ancillacione penitus destitute': Lasteyrie, *Cart. gén.* p. 221.

¹⁴ In 1164 the abbey is claiming back the children of a servile woman who has married without their permission out of the seignory, on the ground that the mother belongs to them. And at Borest, in the thirteenth century, there is a question as to the *mainmorte* of a man who should die without an heir, 'vel etiam filios habeat, qui non sint homines domini sui sicut homines eius cuius mater sua femina fuit de corpore': *Cart.* 356, pp. 167, 168.

¹⁵ *Arch. Nat. L.* 879, No. 17.

¹⁶ *Ibid.*

¹⁷ *Cart.* 356, p. 168.

¹⁸ 'Tali condicione quod alter predictorum hominum, O, a familia nostra in famulatum sancte Genovefe transferatur, et altera predictarum ancillarum, D, a familia beate Genovefe in ancillatum ecclesie sancti Marcelli commutetur.'

¹⁹ *Arch. Nat. L.* 887, No. 75.

it was one which in some places cost him dear. At Marisy in 1386 *formariage* involved payment of one third of his goods.²⁰ Sometimes parents obtained the privilege for their children in advance. In 1340 two parents, serfs, get permission for their sons to marry, on condition that they sign the agreement when they come of age. This is practically an enfranchisement, and is accompanied by the restriction that if either of them marry a woman of servile condition he shall return to his former servitude to the abbey.²¹ Marriage out of the servile condition was a form of *formariage* which was at first entirely prohibited to the serf. In some cases it included the freeing of the children,²² who in the lands of Sainte-Geneviève, as in the country round, seem to have followed the condition of the mother.²³ So strong was the feeling against mixed marriages, that in this region, at this time, they seem invariably to have involved loss of liberty of the free person. In 1164 there is a dispute between a certain Hugh and the abbey of Sainte-Geneviève, over a woman whom the abbey claims as its serf, *quam tamen predictus Hugo dicebat esse suam, eo quod homini suo Turpino data fuerat in uxore pro libera*.²⁴ There is the usual difficulty in proving one thing or the other, and the usual resort to compromise. But the ground on which Hugh bases his claim is clear. That loss of liberty was the rule, and applied both to men and to women, is evident from the care with which the abbey, in its manumissions of the thirteenth century, stipulates that the servitude is to be to themselves again. No new lord is to benefit by the lapse. The clause is always in the same words :

Si aliquis eorum vel heredes eorumdem hominum . . . in dicta terra . . . vel alibi contraxerint matrimonium cum aliquibus mulieribus servilis conditionis, vel mulieres . . . contraxerint matrimonium . . . cum aliquibus hominibus servilis conditionis . . . nichilominus tam[en] homines et mulieres . . . sint et remaneant perpetuo servi et ancille ecclesie supradicte.²⁵

Second marriages were always discouraged by the church, and sometimes involved servitude again. In 1370 Jehan Pitens of Marisy,

nagairre homme de corps de ladite eglise Sainte Genevieve, promet que non obstant que a present il ait obtenu et obtiengne des religieux abbé et

²⁰ Arch. Nat. L. 885, Nos. 93, 94.

²¹ Arch. Nat. L. 885, No. 17.

²² ' . . . pour ce que li enfant de l'homme pueent aquerre franchise se li peres se marie en franche fame, mes ou que la seve se marie, tuit li enfant demeurent serf . . . ': Beaumanoir, *Les Coutumes de Beauvaisis*, ed. Salmon, ii. 231.

²³ ' Emelina . . . recognovit quod ipsa et mater eius sunt femine de corpore ecclesie beate Genovefe ': Cart. 356, p. 328.

²⁴ Cart. 356, p. 167.

²⁵ See charters of enfranchisement in Cart. 356, p. 285, and in the Livre du Celerier (1243-1272) pp. 95-99, etc., MS. 351 in the Bibliothèque Sainte-Geneviève, referred to hereafter as ' Livre du Celerier. '

couvent . . . lettre de liberte et de grace sur sa dicte servitude et condicion, se yceluy Pitens avient venir secondement a lestat de mariage il, ce nonobstant retournera homme de corps de ladicte eglise.²⁶

The serf was also expressly forbidden to take orders, for ordination was equivalent to enfranchisement.

Caducum vel manum mortuam debent was the sentence concerning the men of Vanves.²⁷ The man who could not possess himself could not lawfully possess his goods. The abbey had the right *ipsorum bona arrestare et saisir*. There was no legal limit to its power. But so long as the customary dues were paid it does not seem to have interfered. The men were, as we see, subject to *mainmorte*. If they died without children the abbey was heir to their possessions. But *mainmorte* was in itself a concession. That the serfs of the abbey were, in many places, allowed a right to their savings is evident from the relatively large sums they paid for their freedom.²⁸ Their *mobilia* and *immobilia*, which are pledged for the payments, are clearly considered their own. By a somewhat curious inversion the serf seems able in practice to possess 'things' before he may possess himself. In 1249, John of Rungy and his son sell one arpent of land to the abbey for sixty sous and for the freedom of themselves and three other children, who are not yet of age.²⁹ John, the serf, then, may own *immobilia* that he can dispose of. The same year Hubert de Procheterre and his wife sell three-quarters of land at Rungy to the abbey, for forty-two sous and for the freedom of themselves and their son.³⁰ It seems a recognised thing—at least in some of the lands of the abbey—that, by the beginning of the thirteenth century the serf could not only possess, but also alienate, as we find, in a recognition of servitude of the men of Rosny, the words *possunt enim sicut homines de corpore, emere, vendere, dare de rebus suis*.³¹ His holding of course he may not dispose of, but he cannot, on the other hand, be dispossessed: his right to it is hereditary.³² As to legacies, the practice on the abbey lands is not quite clear. In 1257 Emelina, a serf, has lost her husband. The abbey has apparently been taking its *mainmorte*, and has found it a good opportunity to get a recognition of her servitude from Emelina. It was never time wasted to confirm such facts. Anyhow she is made to promise that,

in ultima voluntate . . . nihil de bonis suis mobilibus vel immobilibus alienabit, dum ecclesia beate Genovefe possit habere portionem suam,

²⁶ Arch. Nat. L. 885, No. 91.

²⁷ See above, p. 1.

²⁸ At Nanterre, in 1247, about ninety-four persons pay between them 200*l.* parisis for their freedom. At Vanves, in the same year, 100 families pay 600*l.* Rungy and the neighbouring villages, about ninety families in all, pay 500*l.*: Cart. 356, pp. 285 &c., Livre du Celerier, p. 99 &c.

²⁹ Arch. Nat., S. 1575, no. 16.

³⁰ *Ibid.* S. 1575.

³¹ Cart. 356, p. 98.

³² 'Cum enim . . . nullus homo qui non sit homo noster de corpore ius hereditarium habet in terris nostris': Livre du Celerier, p. 130.

sicut consuevit habere de hominibus et feminabus ecclesie, hoc salvo quod ipsa poterit facere in ultima voluntate sua legatum sicut homines dicte ecclesie facere consueverunt.³³

It would appear as if the serfs of the abbey had by this time, to a limited extent, the power to bequeath over and above the few privileged sous to the church; but it is impossible to judge from the scanty evidence.

Besides the *droit de formariage* and *mainmorte*, to which the serf of Sainte-Geneviève was subject, we find in a few places a mention of *capitagium* and *taille*. The former was a tax of four deniers per head, and one of the most characteristic signs of servitude. It is difficult to say to what extent this existed, or the principle on which it was levied. At Vanves the two serfs who disputed their status were exempt.³⁴ This may however have been a concession. At Rosny some serfs owe it, others do not.³⁵ The serfs who are settled on the lands of the Count of Troyes in 1184 owe it to the abbey.³⁶ In a division of rights at Liszy between the abbey and five knights (*avoués*), the latter are given a certain amount of the *taille*, *mainmorte*, and *justice*, but are allowed no share in the *capitagium*.³⁷ By the middle of the thirteenth century it seems to have disappeared. In none of the charters of general manumission is there any allusion to it. The *tallia ad voluntatem* existed in a few places. There is however little direct mention of it. We find it at Marisy, Moley, and La Ferté-Milon in 1247,³⁸ where it is practically fixed. That there was a *taille* for *serfs*, as distinct from *hôtes*, is evident. In 1250 Johannes de Tremilliac is freed from *taille*, *mainmorte*, and *formariage*. Henceforth he is only to pay a *taille* if he settles at Borest, or in places in which the *taille* is exacted from the *hôtes*, and then he is to pay it as *hôte*, not *serf*.³⁹ This is evidently a fixed *taille*. It is assimilated to that of Borest, which by this time consisted simply in the payment by the village of the 40*l.* due annually for their freedom. A special *taille* was levied when necessary for the king's army. It was a fixed sum and varied only in one or two of the villages in the three years recorded (1240, 1242 and 1272).⁴⁰

³³ Cart. 356, p. 328.

³⁴ In 1173-1179; cf. Lasteyrie, *Cart. gén. de Paris*, p. 429.

³⁵ ' . . . quattuor denarios non debent, nisi pauci ': Cart. 356, p. 98.

³⁶ Arch. Nat., L. 885, no. 57.

³⁷ Cart. 356, p. 236.

³⁸ At Moley it was about 1*l.* tournois per annum. At Viletein the men paid 'unum modium bladi ad mensuram de Firmitate Milonis, vel plus si domini voluerint': Livre du Celerier.

³⁹ Cart. 356, p. 319. In 1245 some other men are freed on similar terms: Arch. Nat., L. 885, no. 8.

⁴⁰ E.g.—

	1240.		1242.		1272.
Rosny . . .	50 <i>l.</i> parisis . .		57 <i>l.</i> parisis . .		57 <i>l.</i> parisis.
Borest . . .	50 <i>l.</i> „ . .		60 <i>l.</i> „ . .		60 <i>l.</i> „
Rungy . . .	60 sous . .		60 sous . .		60 sous „
Vanves . . .	12 <i>l.</i> parisis . .		15 <i>l.</i> parisis . .		15 <i>l.</i> parisis

There seems to be no distinction between the serfs and the *hôtes* in the payment of this sum.

We have seen that, alongside of the serf on the lands of Sainte-Geneviève, there was another class of worker called *colon* or *hôte*.⁴¹ What is the condition of this *colon* or *hôte*, who, to the envious eyes of the men of Rosny, enjoyed a position akin to freedom? The *hôte* is essentially a man of a particular profession. His work is to bring waste lands under cultivation (*colere, dirumpere, extirpare*). The church had always been indefatigable in reclaiming, and the *hôte* figures largely in the rural population of the abbey. Distinct from the serf, he held his tenure by contract.⁴² He was, as a rule, an outsider to the seignory; and, as an outsider for whom there was a considerable demand, he held it generally under good conditions. He was subject in his capacity of *hôte* neither to *mainmorte* nor *formariage*. There was, of course, the usual tendency, once he came within the seignory, to regard him as fixed. In 1208 Gaucherius de Castellione promises not to take in any of the abbey's *hôtes*.⁴³ In 1224 the Knights Templars do the same.⁴⁴ But, apparently, custom round the abbey lands allowed the *hôte* to move when he had acquitted himself of his *devoir de s'ostise vers son seigneur ou par quittance, ou par vente, ou par don, ou par échange*.⁴⁵ The main thing was that he should not leave his *hostise* empty. He will not necessarily have broken with his old master. There were serfs of the abbey, as we have seen, settled as *hôtes* on the lands of the Count of Troyes. In 1223 the lady of Carcassonne is forbidden to levy exactions from the *hôtes* of the abbey at Draveil and Vigneux, unless she can prove that they are also her serfs.⁴⁶ And at Borest, in the thirteenth century, the case of a *mainmortable* of another lord holding a *hostise* of the abbey is specially provided against.⁴⁷ Sometimes a whole colony of *hôtes* is settled by a seignor. In 1202 Mathieu de Montmorency, with the consent of the abbey, gives a vineyard called Mauvoisin, on the Mont-Sainte-Geneviève, which he held from the abbot, to be

⁴¹ The terms have evidently become synonymous.

⁴² In 1201 the abbey gives a man land for two *hostises*: 'ipse autem . . . et heredes eius pro iamdicta terra persolvent annuatim . . . octo solidos censuales talis monete que pro tempore curret apud Firmitatem Milonis . . . et 2 sextaria avene et 4 panes de consuetudine et 4 capones in natali. Sic liberi erunt quantum ad nos a tallia et corveia, salvo in omnibus dominio nostro et iusticiis': Arch. Nat., L. 885, no. 82.

⁴³ *Gallia Christ.* vii. 228.

⁴⁴ The Templars own a *masure* at Rosny in which they have 'plenum dominium cum omni iusticia,' except that, if any inhabitants or *hôtes* from Rosny take refuge there, they must turn them out; strangers they may keep: Arch. Nat., L. 887, no. 40.

⁴⁵ Beaumanoir, *Coutumes de Beauvaisis*, i. 491.

⁴⁶ Arch. Nat., L. 885, no. 33.

⁴⁷ If a *hôte* of the abbey were to die at Borest, who is, at the same time, the *mainmortable* of another lord ('quod nullo modo sustineri debet,' says the record), 'non ideo dominus habebit manum mortuam in terris vel hostisia nostra, nec in segete que in ea erit, sed tamen habere poterit manum mortuam in rebus mobilibus que ipse habebat': Livre du Celerier, p. 132.

turned into *hostises*. Regulations are drawn up for the administration of the colony. The *hôtes* are to be parishioners of the abbey, paying it the *dîmes* and other parochial dues. The rest are to be divided between the two seigneurs. Duels are to be fought in the abbot's court, and he is to have half of the fines.⁴⁸ The tenement of the *hôte* consisted generally of a cottage and garden and one or two arpents of land,⁴⁹ often with some special advantage attached, such as freedom from *taille* and *corvées* or some usage in the woods. For this he paid an annual fixed *cens* and, as a rule, some dues in kind. He is not subject in all places to a *taille*, and where he is, we have seen that it is lighter than that of the serf.

This, then, to the mind of the serf of Sainte-Geneviève in the twelfth century is the free man; this the condition he would fain appropriate.⁵⁰ Can we, from such a conception of his, gather any idea as to what freedom meant to him? Were his persistent efforts towards it a move merely in the direction of material gain; or do the heavy prices he was often willing to pay for it cover some satisfaction that does not appear? If we turn to the actual charters of enfranchisement we may perhaps find what the important element in his freedom was.

In the middle of the thirteenth century there was a general movement on the abbey lands towards the enfranchisement of the serfs. The movement was not unheralded. As far back as 1179 we saw the men of Rosny assert their independence. In 1219 they appealed to the pope against the *droit de formariage*. The struggle with the abbey lasted forty-seven years, and it was costly on both sides. If the men were forced to yield in 1226, worn out by the long procedure and the expense, the abbey had found itself obliged to obtain eight bulls from the pope, at a heavy charge, to judge from a remark of Etienne de Tournay.⁵¹ Nor was the movement uniform. The old servitudes last in some places till the fourteenth century. In 1341 the abbot is complaining before the king that Adam Raoul of Marisy is their

homme de corps de mortemain et fourmariage et que il sest mariez senz leur congie et licence.

⁴⁸ *Gallia Christ.* vii. 225.

⁴⁹ Thus the Abbot Herbert grants to 'Hildeburgi La Carree de Soisiaco et heredibus suis in perpetuum, domum cum porprio et bosco adiacenti, circiter duos arpennos; ad censum quinque solidorum,' in return for which he declares, . . . 'dictam H. et heredes suos quitamus a talia. Si vero domus . . . ad manum aliorum per commutationem vel venditionem, sive quolibet alienationis titulo deveniret, talia et etiam alia tenerentur nobis reddere sicut ceteri hospites eiusdem ville': Arch. Nat., S. 1616, no. 1.

⁵⁰ Compare the dispute of 1179 regarding status, above, p. 1.

⁵¹ Referring to the use of lead at Rome and in England, he says, 'isto nudantur ecclesia, teguntur illo': Du Molinet, *Histoire de Sainte-Geneviève*, Bibl. Sainte-Geneviève, MS. H. 21.

To add insult to injury, the said Adam

se transporte en divers lieux et juridictions en lui portant aucune foiz comme clerc et autrefois comme lay en leur grant damage et preiudice.

The king calls on all the justices of the kingdom to give

force et ayde ausdiz religieux a leurs despenz toute fois que vous en serez requis de penre ledit Adam en quelque lieu que il se trouve hors lieu saint.⁵²

In 1386 Richard and Giles Arruby of the same place are condemned to pay *formariage* (one-third of their goods) and a fine according to the custom of the district, for having married women

dautre condition et servitude que de la leur sans la congie et licence desdis religieux.⁵³

There are charters of manumission at Jossigny in 1325 and 1348. As late as 1393 there is a sentence of the Chatelet maintaining the abbot and his community in *saisine* and possession of all the goods (*meubles*) of the late Agnesot, because of the rights of *formariage* and *mainmorte* which they had over her on the day of her death.⁵⁴

But the absolute fixity of the serf in his seignory could not, in the nature of things, be maintained. The concessions granted by seigneurs in the matter of *formariage* were bound to shake it. In many regions the serf could, by the twelfth century, leave his seignory and become the subject of another by the formal act of *désaveu*. By the middle of the thirteenth century individual charters of freedom are not rare.⁵⁵ The idea is in men's minds. Emelina of Chanteloup, in her recognition of servitude (1257), is speculating on the day when her neighbours will be freed, and stipulates that she shall not be left out.⁵⁶ The years 1246-1250 however see whole-sale charters of *affranchissement* given to many of the villages. These are ratified by the king, and are in many cases preceded by charters of obligation on the inhabitants to pay the amounts stipulated for their franchise. A certain number of men make themselves responsible for the payment. At Nanterre, in 1247, out of some ninety inhabitants about nineteen men make a formal recognition that they owe 200*l.* parisis to the abbey for their franchise, and promise to pay it within four years. If the payment fail in any way, they will go to prison within the walls of Paris till the sum is made good. If any one of them die, his *mobilia* and *immobilia* are bound

⁵² Arch. Nat., L. 885, no. 90.

⁵³ Arch. Nat., L. 855, nos. 93 and 94.

⁵⁴ Arch. Nat., S. 1618.

⁵⁵ Jacob Coterel and his heirs are freed in 1247 unconditionally. Geoffrey of Choisy is enfranchised in 1248, for 20*l.* parisis to be paid within two years. Other grants of the same tenor are in Cart. 356, pp. 283 &c.

⁵⁶ The recognition states that, if the men of Chanteloup 'requirerent manumissionem suam ab abbate sancte Genovefe . . . liceret ei habere manumissionem suam cum aliis, istis litteris non obstantibus': Cart. 356, p. 328.

to the amount due. The charter of franchise follows a month or so later.⁵⁷ The wording of the charter is generally the vague *ab omni iugo et onere servitutis penitus liberamus*. Custom has probably, by now, fairly well defined what is servile. The seignorial dues are always expressly reserved,⁵⁸ and when required, the men are to give *auxilium et subsidium ecclesie nostre pro rebus et personis ecclesie nostre defendendis*. They are to come in person, but only the first day is to be at their own expense. Thereafter each man is to receive six deniers daily till dismissed.⁵⁹ The abbey reserves in all cases the power *omnem iusticiam exercere . . . libere sicut ante facere solebamus*. Sometimes the payment consists of a single sum once for all, to be paid within a certain stated time.⁶⁰ Sometimes it is an annual fixed sum, called *rente* or *taille*, assigned on the tenures and goods of the villagers in such a way that *ad quancumque manum teneure [sic] . . . devenient, cum onere isto transibunt*.⁶¹ This takes the form of a *cens* on the land, which carries the burden with it. It is levied at the cost of the village by five or six of the worthiest men (*fidedigni*), or, if the village cannot agree in its choice, by the *camerarius* of the abbey, and is to be brought to the abbey headquarters at Paris.

To pay an annual sum for one's liberty seems only another way of acknowledging one's servitude. Thus we find the men of Rosny doing all they can to get rid of this *taille*. In 1276, thirty years after their charter of freedom, they buy a reduction of 6*l.* parisis for a payment down of 200*l.*⁶² A century later they appear to have denied the seal of St. Louis and the validity of the act of enfranchisement; for, on 11 August 1390, King Charles orders it to be verified by the Prévôt of Paris, and the villagers to be fined, as an example to others.⁶³ In 1392 there is another dispute. This time they are in arrears with their annual *taille*, which they have now reduced to 50*l.*⁶⁴ What eventually happens to it we do not know. At Borest

⁵⁷ Livre du Celerier, p. 99.

⁵⁸ 'Salva nobis . . . omni iure, dominio et iusticia, censivis et consuetudinibus, redevantiis, coustumis, corveis, tallia quotienscumque fieri contigerit pro exercitu domini regis et etiam omnibus aliis que recipere et percipere consuevimus': *ibid.* p. 96; Cart. 356, p. 285.

⁵⁹ ' . . . prima die ad sumptus suos, ceteris vero diebus dabimus unicuique dictorum hominum sex denarios par. quousque ex parte ecclesie licentientur: ' *ibid.* This seems a large sum. The average wage of a day labourer at Bagneux in 1450 was two deniers a day: Arch. Nat., S. 1545, Compte-rendu de Bagneux.

⁶⁰ The men of Creteil and Chenevières-sur-Marne pay 80*l.* parisis as follows: 20*l.* at the Nativity of John the Baptist, 40*l.* at St. Martin's in Winter, 20*l.* again at the Nativity of John the Baptist. The men of Vanves and the neighbouring villages, about 100 persons in all, pay 600*l.* parisis. Those of Rungy, 500*l.* At Nanterre, about ninety-four men pay 200*l.* at the rate of 50*l.* a year during four years. (For others, see the Livre du Celerier.) The sums seem to have been promptly paid. They are down among the receipts for the years 1246-1249. The total sum for manumissions during these three years is 1680*l.* parisis.

⁶¹ This is probably the *taille* so often referred to at Borest.

⁶² Arch. Nat., L. 887, no. 43.

⁶³ Arch. Nat., S. 1572.

⁶⁴ *Ibid.*

it seems to have been equally obnoxious. In 1372, 'on the remonstrance of the inhabitants,' the abbey relieves them of the payment of their *taille* (40*l.*) during four years, as they are behindhand with some dues which they owe to the abbey of Chaalis. We find it referred to in 1401 and 1412, after which it disappears from sight.⁶⁵ In some cases the *taille* for their freedom seems to have been personal. At Glancy and Freneel in 1245 about thirteen persons are freed from *taille*, *mainmorte*, and *formariage* for an annual payment of half a pound of wax 'of the pound of Senlis,' which each person over fifteen years is to give for his body (*pro corpore suo*).⁶⁶ In the cases of Rosny and Borest, where the payment was an annual sum, there were no separate charters of obligation. The abbey simply reserves to itself the right to take *de rebus ville* until the amount is reached. The inhabitants of these two villages are expressly forbidden to form a commune, or even to belong to one, so long as they remain within the villages. If they go to live elsewhere, whether they belong to a commune or not, their goods are bound to the payment of the annual sum. The object was, evidently, to prevent the burden from falling unduly on those who remained. The measure does not seem to have been always effectual. In 1412 there is a bitter complaint to the king from Borest that, owing to the refusal of some, *ayans heritages* in the village but not inhabiting it, to pay their share of the 40*l.*, the rest of the villagers are being *executez pour eulx et pour le tout*. The absentees are ordered to pay their share.⁶⁷

What, then, has his freedom brought to the serf of Sainte-Geneviève? In the first place, it has given him no political existence. His relation to society is, as before, through his lord. The right to assemble is indeed admitted, when it is a question of partitioning out seignorial dues. The common interests of the *domaine* have, probably, all along created a certain amount of united action. But such rights as result are purely domanial and are in no case against his own seignor.⁶⁸ A certain amount of liberty in the disposal of his goods and chattels the serf of the abbey had already acquired. His charter, indeed, frees him from the *taille* (where it existed), *formariage*, and *mainmorte*,⁶⁹ and thus to some extent formally detaches him from

⁶⁵ Arch. Nat., S. 1546. The seignory of Borest is let with all its revenues, except the annual *taille* at St. Martin's in Winter.

⁶⁶ Cart. 356, p. 157.

⁶⁷ Arch. Nat., S. 1546, no. 15.

⁶⁸ This is specifically stated in 1398, when the village of Borest is given permission to choose *procureurs* to guard its rights and liberties: Arch. Nat., L. 885, no. 18.

⁶⁹ If the amounts for *formariage* and *mainmorte*, given under the heading 'redditus ecclesie beate Genovefe in denariis per annum,' represent, as they apparently do, the returns for the whole domain of the abbey ('de forismaritagii et manibus mortuis circa 100 lib. quolibet anno), then, indeed, the latter made a good bargain out of its charters. The annual sum for freedom at Rosny and Borest alone came to 100*l.*, not to speak of the large sums paid down at Vanves (800*l.*), Rungy (500*l.*), &c.

his holding ; but it is fairly evident that, by this time, whenever it was to his interest to leave, he could do so ; and it is a question whether his franchise would make it easier to break the ties of association and interest that kept him in his place. And so long as he remained within the seignory he was subject to all the conditions of his tenure. Nor, it would seem, did his new status affect these directly. The seignorial rights reserved in the charters appear often of much more importance to the abbey than the actual concessions given. The *salva nobis* sometimes includes so much that we are tempted to ask what it is that the serf is paying so dearly for.

Are we, then, justified in thinking that, for the serf of Sainte-Geneviève, freedom involved some element of moral gain that cannot be calculated ? Is it no longer natural for him to consider himself a serf ? Has public opinion from other circles penetrated his ? ⁷⁰ Has some fuller conception of life made him feel the *incommoda que ex huiusmodi servitute contingebant* ? ⁷¹ It is difficult to say. One thing is certain : if the charters of franchise throw very little light on his state of mind, they throw no more on his material condition within the seignory. If a change of status is admitted in the charter—and it is often no more than the admission of the fact—there is often no real change in the condition of the person. If, then, we would know what material gain his freedom brought, we must seek the serf within the seignory itself and ascertain if we can, through the working of the *domaine*, what his position was on the eve of his liberty. This we are to some extent enabled to do from the thirteenth century account book of the abbey lands,⁷² and especially from a few pages on the working of a small seignory of the abbey at Borest, before its enfranchisement, which may be taken as fairly typical of the rest.⁷³ And the first thing that strikes us is that, however it may have been in earlier times, the *domaine* now sees no importance in the question of status. Neither in the description of Borest nor in that of the other villages (1242–1243) before their charters is there any indication of a distinction of rank. The words *servi* and *villani* are never found. In the actual charters, where it is the question of status that is at issue, the men are referred to as *homines de corpore*. But in the accounts of their dues and services, when not *hôtes*, they

⁷⁰ At Borest, before the charter of freedom, it was a serious offence to use the term 'servile.' Compare the custom, according to which, if a man 'alicui homini servitium vel opprobrium obiecerit,' he must, after peace has been made, take food to the injured man's house and eat with him before the offence could be considered wiped out : *Livre du Celerier*, pp. 130–133.

⁷¹ Charter of franchise to the village of Rosny (1246), *ibid.* p. 83.

⁷² *Livre du Celerier* (1242–1272). See above, p. 6, note 25.

⁷³ The date of the account of the seignory of Borest is not given, but internal evidence places it before the general franchise of 1244. It is apparently included under a description of the abbey lands for the years 1242–1243. There is also no mention of the 40% annual payment for the franchise, which is found in the accounts of a later year (1247).

are simply referred to as *homines agriculture dediti, homines qui terras tenent*. Nor can we gather from the details of their holdings that there was any distinction between them except in size.⁷⁴

We do not know when the seignory of Borest came into the hands of the abbey. In 1186 it was cultivated by *colons*, who seem to have been there for some time, if we may judge by a reference to their *antiqua pascua*.⁷⁵ But we have few details regarding the working of the *domaine* till the account of the steward about 1242. Then we find the mayor at the head of the practical administration. On the lands of Sainte-Geneviève he was originally almost always a serf.⁷⁶ His children were given and exchanged by the abbey like those of any other serf. His position was however bound to give him a superiority over the others. We find mayors marrying almost solely within their own ranks.⁷⁷ In 1247 the mayor of Borest is even claiming exemption from the annual *taille* for freedom. His neighbours however will not allow this, and he is forced to pay like the rest.⁷⁸ His office is for life, unless, as his engagement always runs, *tale fecerit forefactum, pro quo eam debeat amittere*. The strong feudal tendency of the time does not fail to exercise its influence on the post. In spite of the oath of office, *quod nec ipse nec heredes in maioria . . . aliquid de cetero iure hereditario reclamabunt*,⁷⁹ the abbey is sometimes obliged to compromise. In 1224 the son of a mayor has considered his hereditary right so secure that he has built a domicile on part of the holding belonging to his father's office. The abbey for the sake of peace grants it to him as a fief, for which on his death his heirs are to pay 60 sous, *pro relevamento feodi*.⁸⁰ By the thirteenth century, although the reservation regarding non-heredity is always made, it is practically an established fact that the son gets the *maioria*. At Saint-Germain-sous-Ecole, in 1240, the abbey goes so far as to sell the revenues of his office to the mayor for six years.⁸¹ So fixed in practice has heredity of tenure become, that we apparently find women holding office. In 1225 *Maria*

⁷⁴ The *cens*, *rentes*, *coutumes*, &c., are put down on the same principle, and consist of the same amounts, after as before the charters of freedom.

⁷⁵ Arch. Nat., L. 885, no. 5.

⁷⁶ In 1124 Louis VI confirms the manumission of the mayor of Vanves (Cart. 356, p. 69).

⁷⁷ In 1116 the daughter of a mayor of Sainte-Geneviève is exchanged for the daughter of a mayor of Notre Dame: Arch. Nat. L. 879, no. 59. In 1172 two daughters of mayors are exchanged between the abbeys of Sainte-Geneviève and Saint-Faron in the diocese of Meaux: Cart. 356, p. 74. The same year Louis VII gives the daughter of the mayor of Clichy to Sainte-Geneviève to marry Walter, mayor of Vanves: *ibid.*

⁷⁸ Cart. 356, p. 335.

⁷⁹ Cart. 356, p. 76.

⁸⁰ *Ibid.* p. 267.

⁸¹ 'Nos . . . Reginaldo maiori nostro de sancto Germano super Scolam et Adam de Bria vendidimus ad sex annos fructus et proventus terre nostre pertinentes ad custodiam maiorie nostre quam tenet iamdictus R . . . pro 28 libris par. quolibet anno dictorum sex annorum': Cart. 356, p. 269.

maiorissa de Leudevilla has acquitted to the abbey *siquid iuris habebat in decima Leudevilla*.⁸² The mayor had to have an accurate knowledge of all the tenures within his boundary. It was his duty to point out to the collector of the abbey which lands owed *dîme*, *champart*, or *cens*. He was responsible for the guard of the crops and vines, of which he received a certain proportion in payment.⁸³ It was he who collected the *consuetudines* and handed them over to the abbey at Paris; he who marshalled the men if summoned for war and led them up to the abbot's court; or who collected the *taille* for the king's army, if that were wanted instead.⁸⁴ For all these things he had small payments besides his tenure.⁸⁵

The holders of tenures at Borest are referred to as *hôtes*, *coloni*, *homines agriculture dediti*; and all, whether subjects of the abbey or not, are bound by the claims of their land. A certain uneasiness is evident at Borest. The abbey had a strong objection to any but its own men holding its land. *Nullus homo qui non sit homo noster de corpore, ius hereditarium habet in terris nostris*.⁸⁶ It was alert against the danger of any other lord claiming *mainmorte* within its precincts.⁸⁷ It seems to have been specially on its guard against the *bouteiller* of Senlis⁸⁸ and any encroachment of the king's officers. The *bouteiller*, who has a small *measure* at Borest (*circiter medietatem quarte partis unius arpentis terre*) worked by a *hôte*, is subject in its regard to exactly the same obligations as any other tenant.⁸⁹ The

⁸² This may be, as in some other cases, on behalf of a son; but a widow is generally referred to as 'uxor quondam maioria.'

⁸³ Two mayors at Boran in 1222 get 'messagium, quod accipient a colonis pro messium custodia.'

⁸⁴ Livre du Celerier, p. 54.

⁸⁵ Five sous when he collected the King's *taille*; 5 sous on the *cens* paid on the city of St. Remy. 'Investiture,' i.e. 6 deniers each time an unbuilt *measure* changed hands; 18 deniers if built: Cart. 356, pp. 265, &c.

⁸⁶ Livre du Celerier, p. 130.

⁸⁷ 'Si dominus rex, vel aliquis episcopus, vel buticularius, vel aliqua ecclesia, vel aliquis miles habet aliquem hominem in Borreto, et ille homo moriatur absque herede . . . et ita dominus illius, qui mortuus est, habet manum mortuam in homine mortuo, si homo . . . hostisiam de nobis vel terras nostras tenebat, quod nullo modo sustineri debet, non ideo dominus habebit manum mortuam in terris vel hostisia nostra, nec in segete que in ea erit, sed tamen habere poterit manum mortuam in rebus mobilibus que ipse habebat': *ibid.* p. 132.

⁸⁸ Guy of Senlis, the king's butler, a powerful seigneur of Senlis, whose family held the office of *bouteiller* during nearly all the twelfth and the first quarter of the thirteenth centuries, and who, in virtue of his office, had a right to levy a fixed due on certain ecclesiastical establishments, especially monasteries of royal foundation. (Cf. Luchaire, *Manuel des institutions françaises*, p. 525.) At Borest he had a right to 40 setier of oats per annum. He had evidently, at one time, usurped more than his due. There are repeated assertions by the celerier that 'famuli . . . regis de Silvanectis nullam omnino habent potestatem super Borretum': Livre du Celerier, pp. 130-133.

⁸⁹ 'Habemus in ea mansura omnimodam jurisdictionem, sicut in aliis mansuris. Nec potest aliquis manens in ea coquere panem nisi ad furnum nostrum, nec molere annonam nisi ad nostrum molendinum, nec vendere vinum, nisi persolvat nobis foragium nostrum, nec aliquod omnino habet privilegium vel libertatem in aliqua re magis quam alii qui tenent alias mansuras': *ibid.* pp. 130-133.

same is the case of Odo, a knight, who has a *masure* at Borest.⁹⁰ Some *hôtes* of Notre Dame at Senlis hold *hostises* of the abbey at Borest. Not being dangerous they are not specially prescribed for, but are simply mentioned as owing the same *corvées* and dues as the rest of the men of the village. The tenures are referred to as *masure* and *hostisie*. It is not easy to see whether there is a distinction between them. Originally the *hostisia* was, of course, a piece of reclaimed land held on more favourable terms than the ordinary servile holding, and probably on the outer edge of the seignory. But as time went on and more land was settled, the economic distinction between the older *hostises* and the ordinary tenure of the serf would tend to disappear. The clearing process on a particular piece of land was bound to reach its limit. Apparently two years were enough to bring the waste under cultivation.⁹¹ By this time, at any rate at Borest, the dues and taxes are based, not on the quality of the tenure, but on its size and the number of plough beasts. The holdings are, as a rule, small, containing about one or two arpents,⁹² and at Borest they are mainly agricultural.⁹³

The right to a certain amount of use of woods and pastures generally goes with these tenures. There is no trace of communal ownership in the forests and pastures of Sainte-Geneviève. As early as we have any mention of them they are the private property of the abbey. The use is sometimes given as a concession, especially if it is a question of establishing *hôtes*.⁹⁴ Generally however it is paid for. Thus the village of Nanterre pays 20 sous a year for its pasture. Indeed it would seem that in some districts the payment of a *cens* or *rente* was what, in the thirteenth century, constituted the validity of the claim. In a disputed case of usage at Creil, near Senlis, the verdict on the claimants was, that *li lons usages qu'il avoient proposé ne leur valoit riens pour ce qu'il ne rendoient dudit usage cens, rentes ne redevances*.⁹⁵ Long usage however, if it did not create an absolute right to the land, did come in time to form a sort of property. In donations of forests, &c., by the abbey the peasants' rights of use are often reserved. In acts of exchange

⁹⁰ 'Debet et idem Odo pro prefata mansura alias consuetudines quas debent alii homines qui tenent mansuras in Borreto': Livre du Celerier.

⁹¹ In 1116 Louis VI grants a wood to Notre Dame at Paris on condition that the chapter establishes *colons* there. They are to clear and cultivate one part of the wood for two years, after which they are to go on to another part and do the same: Tardif, *Cartons des rois*, no. 364, p. 208.

⁹² At Saint-Germain-sous-Ecole, 25 arpents are divided into 14 *hostises*. At Rungy there are 74 arpents of land and seventy-five men pay *coutumes*. The *hôte* of Guy le Bouteiller holds a *masure* of half a quarter of an arpent: Livre du Celerier.

⁹³ About 1242, Borest consists of 280 arpents of land and 13 arpents of vineyard. In 1247 it has 320 arpents of land, 11 of vineyard, and 5 arpents of meadow: *ibid.*

⁹⁴ In 1190 Abbot Stephen gives the *hôtes* of Soissy 'usuarium . . . in mortuo nemore . . .': Cart. 356, p. 60.

⁹⁵ Beaumanoir, *Coutumes de Beauvaisis*, i. 351.

their consent is sometimes referred to⁹⁶; and in 1191, in the case of a wood bought by the abbey of Chaalis, compensation is given to some *hôtes* of Sainte-Geneviève for their *usuarium et ius pascendi*.⁹⁷ The *usage* that goes with a tenure is generally about two arpents.⁹⁸ This right is, of course, confined to the surface of the land, which may not be turned to arable or changed from its original purpose.⁹⁹

The land at Borest is held in two ways, *ad censum* and *ad terragium*.¹⁰⁰ The tenures held at a *cens* pay their rent in money (generally a few sous) and in kind. They are hereditary as distinguished from those held in *terrage*, which are not, and pay the usual *ventes* on any change of ownership.¹⁰¹ The holders are expressly forbidden to charge them with a surplus rent.¹⁰² A good deal of the land seems to have been held *ad terragium*, to judge by the minute description given of the manner of collecting the proportion due to the abbey. When harvest time comes, the tenant, if he inhabits Borest, after he has bound his sheaves, must come to the court of the *domaine* (*curia*), where the agents of the abbey (*famuli*) who have charge of the seignor's proportion are to be ready waiting. He is to declare how many sheaves he has, the field in which they are, and ask permission to remove them. He may then cart the whole to his own courtyard, but he may not unload, nor even loosen the cord that binds the sheaves to the cart, till the collector has arrived. He is then to get up on the cart, loosen the cord, and throw down the sheaves, counting them one by one. Out of every eleven he takes eight, the collector takes the ninth for *terrage*, the tenth for *dîme*, and the eleventh goes to the reaper. The proportion due for *terrage* the farmer must himself convey to the seignorial grange at Borest and count them over

⁹⁶ In 1227 Guy du Port gives 'unum arpentum mallerie' in exchange for 'veterem malleriam,' which the abbot of Sainte-Geneviève gives him 'communi suo assensu et assensu hospitum suorum de Lauseniaco' (Jossigny): Cart. 356, p. 139.

⁹⁷ Arch. Nat., S. 1546, no. 10.

⁹⁸ In a dispute between the abbey of Sainte-Geneviève and the abbey of Chaume, in the diocese of Sens, in 1224, it is arranged that each inhabitant of a certain parish is to have two arpents of *usage* ('*memoris, pascuorum, piscationum*'), for which he is to pay 4 deniers an arpent: Cart. 356, p. 255.

⁹⁹ In 1226 the abbey gives a tenure to Hildeburg la Carree, with two arpents of wood adjoining, which however are not to be cut down or turned into *masures*: Cart. 356, p. 171.

¹⁰⁰ Land held in 'terrage,' 'champart,' 'gerbage,' &c., is land held for an annual payment proportional to the return of the crop.

¹⁰¹ 'Si quis vero emat terras que sunt ad terragium non debet dare vendiciones . . . quod nemo antiquitus habebat ius hereditarium in nostris terris que sunt ad terragium': Livre du Celerier, pp. 130-133.

¹⁰² Beaumanoir gives the reason in his treatise on Beauvaisis, 'pour ce que li aucun chargeoient si leur mesons ou leur eritages de teus cens quant il avoient mestier de deniers, que l'en lessoit après les mesons pour ce qu'eles estoient trop chargies . . . et pour ce sont maintes mesons decheues et maint eritage agasti et pour ce est la defense bonne': i. 359.

before the custodian there. The abbey takes charge of the sheaves for the *dîme*. In the case of a man not actually living at Borest, the *terrage* and *dîme* are to be fixed on the field, the mayor accompanying the collector to point out the right lands.

There is no indication that the *corvées* are looked on as servile at Borest. As a service essentially necessary for the cultivation of the seignorial land they fall on every tenant in virtue of his tenure. The knight who has a *masure*,¹⁰³ the man who inhabits the *masure* of the Bouteiller¹⁰⁴ are subject to them along with the *hôtes* and the *homines agriculture dediti*. At Borest they consist chiefly of transport and plough work. Both are fixed. There are four plough *corvées* in the year.¹⁰⁵ Each *corvée* consists in ploughing a little under an arpent.¹⁰⁶ Every plough on these occasions gets one denier or bread. If a man cannot make up a team (four horses and two men) he is to join with others to form one.¹⁰⁷ Those who have no plough beasts pay two deniers in August on each *masure*. The *masure* seems to be the unit of assessment. If a man has two *masures* he is to pay four deniers. If he lives on a *masure* and owns horses he apparently pays the *corvée* in labour for that *masure*; for every other one that he holds he pays two deniers.¹⁰⁸ The transport is mostly that of the lord's corn to his grange. Every man who has two horses to his cart gets one sheaf of whatever crop he is carrying; if one horse, half a sheaf. So, too, he must send his carts once a year for *lignaria*. He must mend the road between Borest and the abbey of Chaalis. The men of Chaalis, on the other hand, look after the bridge. In most of the abbey's *domaines* the tenant must do a certain amount of cutting of trees, hay, corn, &c., on the seignorial land. There is no trace of a man of lower condition owing more days' work or paying higher. Even commutation is no test. It is the men who cannot afford horses who pay in deniers. When they can afford horses, they have to pay in labour and the deniers are reduced.¹⁰⁹ The burden seems relative to the size of their tenures, as indicated by the number of plough horses. Indeed, all the charges within the *domaine* are based on the economic principle of ability. The 'forty-eight setiers of oats' that Guy le Bouteiller levies annually on the seignory of Borest are collected by men of the village whose business it is to find out how much each man is able to pay: *qui plures*

¹⁰³ 'Debet et idem Odo pro prefata mansura . . . citationem, corveias, tallias et avenam': Livre du Celerier, pp. 130, &c.

¹⁰⁴ 'Buticularii siout alie mansure debent': *ibid.*

¹⁰⁵ 'In marcio scilicet et in gascheriis et in binaliis et in terralliis': *ibid.*

¹⁰⁶ 'Unum arpentum terre uno dextro minus': *ibid.*

¹⁰⁷ It was apparently also the custom to use *asses* for the plough. We find the words 'unaquaque carruca, sive de equis, sive de bobus, sive de asinis sit': *ibid.*

¹⁰⁸ 'Unaquaque enim mansura in qua non habitat qui terram colat cum equis debet duos denarios': *ibid.*

¹⁰⁹ 'Imminuitur quando homines equos emunt de quibus terras excolunt, et ex eis corveias nobis reddunt': *ibid.*

*potest persolvere plus persolvat et qui minus minus.*¹¹⁰ The *coutumes* (*consuetudines*), like the *corvées*, are fixed. The tenant knows exactly the amount he has to pay and the time it is due.¹¹¹ They vary in the different *domaines* and sometimes within the same *domaine*.¹¹²

Contributions were often owed to some outside seignor in his capacity of *avoué*. They consisted generally of a proportion of the fines of justice and dues in kind. In 1040 we find the village of Borest paying ten measures of oats to Count Geoffrey Martel of Anjou, as *avoué*.¹¹³ By the beginning of the eleventh century the office was hereditary and much abused. There is a constant struggle between the abbey and the neighbouring lay seignors. At Marisy, in 1183, Agatha, lady of Pierre Fontaine, is made to promise that she will not exact more for her protection than Raoul Turc and other *avoués* were in the habit of getting, viz. one-third of the *mainmorte* and *formariage*.¹¹⁴ In 1186 Guy de Garlande is forced to admit that he has no rights in the village of Jossigny (*nec custodiam nec advocacionem*).¹¹⁵ In 1229 Odon Turc possesses serfs, *taille* and *justice*, as *avoué* of the abbey at Villette, four-fifths of which he sells back to the abbey for 100*l.* parisis.¹¹⁶ At Liszy five knights had, at one time, been excommunicated for their treatment of the serfs under their guard.¹¹⁷ We can understand the misgivings of the abbey, and the care with which it secured charters of non-prejudice against what was called in those days *surprise frauduleuse*. Even the king did not hesitate to take advantage where he could. Once, says the cartulary, it happened that the officers of the king's household begged, *ex gratia et amore*, some hay for the king's palfreys; and they had it for several years. Now, *ex consuetudine petierunt quod primo datum eis fuerat ex gratia*, and the hay is down for ten sous on the debit account ever after.¹¹⁸

At Borest the mill and the oven of the village are *banal*. The inhabitants must grind their corn at the seignorial mill or it may be seized, and the very beasts that are drawing it elsewhere forfeited. This obligation (*droit de ban*) on the village to use the abbey's mill, oven, or press is on the land, not on the person, and apparently

¹¹⁰ Livre du Celerier, pp. 130, &c.

¹¹¹ All Saints' Day, Christmas, Easter, and St. John's.

¹¹² At Rungy the coutume consists of 1 sext of oats, 2 bushels of wheat, 2 capons and 6 denarii. At Nanterre it is 2 capons, 2 panes or 2 denarii, 1 sext of oats. The total number of *coutumes* the abbey has for the year 1242 is 312½, as follows:—Oats, 21 sext; fowls, 623; bread, 220; deniers, 4*l.* 17*s.* 1*d.*: Livre du Celerier. At Jossigny, the coutume, which consisted of 1 setier of oats, 2 fowls, and 2 loaves, was bought off for an annual payment of 10 deniers for a whole *coutume*, 5 deniers for a half, &c.: Arch. Nat., S. 1557.

¹¹³ *Gallia Christ.* vii. 222.

¹¹⁴ 'Salva michi . . . tertia parte, que iure advocacionis michi debetur': Arch. Nat., L. 885, no. 80.

¹¹⁵ *Ibid.* no. 58.

¹¹⁷ Cart. 356, p. 236.

¹¹⁶ *Ibid.* no. 88.

¹¹⁸ Livre du Celerier.

goes with the *haute justice*. The *masure* of the Bouteiller, says the account book, though it is not *de censu nostro, tamen est de viaria nostra et ideo hospites qui in ea habitant debent molere ad molendinum nostrum*.¹¹⁹

There is no trace of communal ownership by the village of the *four*, *moulin*, or *pressoir*.¹²⁰ In disputes regarding the *droit de ban*, it is always on the possession of the *justice* that the question turns. In 1310 two knights of Chenevières are trying to force the inhabitants of Vémars to bake in their oven, *en disant grosses paroles et manœquant vilenement lesdites bones gens*. The *bones gens* deny that they ever were *hôtes* or subject in any way to the *justice* of the said knights, and gain their case.¹²¹ A dispute in 1228 shows the *justice* and the *property* of an oven in different hands. The abbot of Sainte-Geneviève is claiming an oven at Saint-Medard called Old Ear (Vieilleoreille)¹²² on the ground that it is in his *censive* and has paid him *capitalem censum ab antiquis temporibus*.¹²³ The abbot of Les Fossés, on the other hand, maintains that it moves from his fief. The dispute is taken before the prior of Saint-Martin-des-Champs and others, and it is decided that the abbot of Sainte-Geneviève shall continue to take his two sous a year denoting property, but that the abbot of Les Fossés has *dominium feodum cum omnimoda iusticia ad dictum feodum pertinente*. Sometimes only part of a holding may be under the *ban*. In 1270 Robert of Vanves exchanges an arpent of vineyard with the abbey for another, on condition that quarter of the harvest 'is to be pressed at the abbey's press at Vanves and the rest where he likes.'¹²⁴

The mill, oven, or press are sometimes worked by an agent of the abbey.¹²⁵ More often however they are let out to tenants on the *domaines*. In 1276 two men held the oven at Rosny for seventeen sous six deniers a year.¹²⁶ The tenant had generally to make

¹¹⁹ Livre du Celerier, pp. 130-133.

¹²⁰ Cf. the discussion on communal ownership of mills and ovens between M. Thévenin (*Revue historique*, **xxxi.** [1886], p. 241) and M. Paul Viollet (*ibid.* **xxxii.** [1886]).

¹²¹ Arch. Nat., S. 1588B.

¹²² *Ibid.*, S. 1503, dossier II.

¹²³ *Census capitalis seu fondi terrae* is the *cens* which denotes seignory; e.g. in a lease of the year 1370 we find a *place vuide* taken 'pour et parmia le pris de dix sous parisis de . . . rente annuel et perpetuel . . . et aussi parmi un denier de fons de terre en reconnoissance de seignourie et que ladite place est en la juridiction haute moyenne et basse de ladite eglise de Sainte-Geneviève.' The *justice* may however, as we see, be separated from the property. This *chef cens* (*capitalis*) cannot, like the ordinary rent, be bought off. In 1425 Jehan Guerart, a mason, who had taken four small *asures* of the abbey at a rent of 40 sous, and 4 deniers for *fonds de terre*, buys off the 40 sous for 40l., but is made to declare that he owes the 4 deniers *a tous jours*. They are symbolical and quite out of proportion to the value of the lease: *ibid.* S. 1495, dossier I.

¹²⁴ *Ibid.* S. 1579.

¹²⁵ At Nanterre, about 1243, the payment of *furnagium* is to be made 'furnerio aut priori diote ville . . . seu alii mandato nostro': Livre du Celerier.

¹²⁶ Arch. Nat., S. 1626¹.

good the repairs, and it was sometimes a risky bargain. A certain Matthew took a mill from the Abbey on the banks of the Seine. It collapsed into the river and he and his heirs found themselves burdened thereafter with an annual payment of forty sous, which his daughter, on his death, is assigning on a house (1276).¹²⁷ Sometimes a piece of land is let out on condition of building an oven. In 1247 the abbey grants a *domum* to a man and his wife for an annual *cens*, on condition that they build there, at their own expense, a *furnum bonum et magnum ad coquendum panem burgensium et hospitum ecclesie nostre*.¹²⁸ At Vanves, in 1241, it is recorded that about eighteen men, including the mayor's son, sell to the abbey *quoddam pressorium cum eius pertinentiis situm apud Vanves*, for 35*l.* paris.¹²⁹ They are evidently co-proprietors of a press, but we know nothing more of it. The value of a mill, oven, or press would, of course, depend on the number of persons who came, and the monopoly was therefore jealously guarded by the seignor. Any new mill, oven, or press set up diminished his revenues. At Borest in 1402, a certain Thomas Camus has built an oven in his house without the abbot's permission. As soon as it is known, a sergeant is sent to strike the oven a blow. The attention of the village being thus secured to the fact that the oven has no right to exist there, Thomas is given permission to keep it going for five years.¹³⁰ Payment for the use of these seignorial monopolies was made either in money or in kind.¹³¹ This *droit de ban* seems to have been very burdensome. The inhabitants of the various villages are constantly being brought to task for evading it. At Trianon in 1385, after a dispute with the abbey, the inhabitants buy off the *servitude et banmerie* of the oven for one arpent of meadow in four pieces, and are thereafter allowed to bake their bread in their own houses.¹³² In 1393 the inhabitants of Rosny are given the privilege of pressing on their own places for one year, against custom, on condition of paying a higher rate per tun.¹³³ But, as a rule, the abbey held its monopolies closely.¹³⁴ The records of the fifteenth, sixteenth, and seventeenth centuries are full of sentences against men who have taken their produce elsewhere.

At Borest, the mill and oven were, evidently, at the time of the

¹²⁷ Arch. Nat., S. 1506, no. 4.

¹²⁸ Cart. 356, p. 281.

¹²⁹ *Ibid.* p. 150. Arch. Nat., S. 1577, no. 1.

¹³⁰ *Ibid.* S. 1547.

¹³¹ At Vanves in 1234 it is every fourth pot for the *pressoir*; at Rosny in 1405 every third pot. In 1687 the abbey has five presses at Rosny and the payment is still every third pot.

¹³² *Ibid.* S. 1616.

¹³³ In 1611 the men of Rosny beg the abbey to remove the *pressoirs banaux* from the open fields to the village, as in wet weather the contents of the vats were spoiled with the rain: *ibid.* H^o. 3636^r, dossier II.

¹³⁴ The inhabitants of Epinay in 1735 are still bound to go to the *pressoir banal* and pay, some every fifth pot, others every sixth pot: *ibid.* S. 1617.

steward's account, worked by a seignorial agent. The payment to the *molendinarius* varied according to the season. Sometimes it was a heaped bushel of corn, sometimes a level one, for every setier ground.¹³⁵ It was to the abbey's interest to attract outsiders and minute regulations existed as to the preference to be given to those who came *per gratiam* as distinct from those who came *per bannum*.¹³⁶ The mill was still *banal* in 1735. To the abbey's *serviens* of the oven each man paid one loaf on every setier baked. Not more than twenty or twenty-two loaves were to go to the setier. On certain special days he received in addition *unum turtellum panis*.

In regard to the disputed question as to whether the unfree were liable to military service, we have seen that, on two occasions, in 1240 and 1242, the men of Borest have been called upon to pay the *taille* for the king's army before their freedom,¹³⁷ and that this *taille* is always specially reserved by the abbey in all its general charters of franchise. If it is the case, as M. Prou maintains,¹³⁸ that in Carolingian times only free men were called on to serve in war, by the thirteenth century the obligation seems to have become a domanial due falling on all alike. Whether the *hommes de corps* of the abbey were actually liable to be called out for service along with the rest, is difficult to discern under the vague and collective term of *homines*. *Homines eiusdem ville*, says the record, *debent ire in omnes expeditiones et exercitus regis*. They are to be led to Paris by the mayor.¹³⁹ This is before their charter of freedom, so that there were both *hôtes* and serfs within the seignory. No reference however is made to the fact. If the *homines de corpore* are not mentioned among the number, neither are they specially excepted. One thing certain is that, whether or not the serf was liable to actual service, he was not exempt from the payment of the tax for it.¹⁴⁰ It would indeed be contrary to the whole spirit of seignorial exploitation at the time, that the most servile class should escape its share of a tax on the resources of the *domaine*. In his *vidimus* of the charter of freedom for Borest, the king specially reserves, at

¹³⁵ ' . . . a festo sancti Iohannis usque ad Natale molendinario . . . unum bossellum bladi cumulatam, et a Natali domini usque ad festum Iohannis rasum tantum . . . Iuxta hanc estimationem, bacillus sextam decimam partem sextarii continet': Livre du Celerier, pp. 130-133.

¹³⁶ ' Si quis autem homo extraneus venit ad molendinum nostrum, debet prius molere quam hospites nostri . . . quandocumque potest fieri, debemus extraneos attrahere et facere ut ipsi prius molant': *Ibid*.

¹³⁷ Cf. *ante*, pp. 8, 12.

¹³⁸ *Revue historique*, xliv. 311 (1890).

¹³⁹ ' Si vero [famuli regis] citaverint homines nostros ut proficiscantur in aliquem exercitum, maior de Borreto debet ducere homines de Borreto Parisius, ubi omnes homines et maiores nostri convenient, et inde simul proficiscantur in exercitum regis': Livre du Celerier, pp. 130-133.

¹⁴⁰ The amount paid in 1272, after the franchise, is the same as before, in 1242.

the end, his right to *cavalcheia et exercitus*.¹⁴¹ And in 1279, on a refusal of the men to pay, they are reminded by a charter of King Philip that the abbot had specially kept his right to this *taille*, and are forced to admit that they had always been subject to it, whenever it was asked.¹⁴² There is no record of any of the men, serf or free, having ever been called out on service from Borest. Probably by this time a sum of money was more convenient to the king than a number of untrained soldiers, eager only to get back to their neglected fields. Whatever doubt there may be as to the king's service, there is no question that all are held to the defence of the abbey, both before and after their freedom. There is hardly a charter given that does not mention the *auxilium et subsidium ecclesie nostre pro rebus et personis ecclesie nostre defendendis*. No limit to the time during which they may be called out is stated, but they are paid after the first day *iuxta consuetudinem regni*.¹⁴³

The Abbey has at Borest, as in almost all its lands, *omnimoda iusticia et sanguis et larro*. The charters of franchise leave this domanial justice untouched.¹⁴⁴ Whatever its origin, it has become now simply a *coutume*.¹⁴⁵ It is one of the most lucrative forms of revenue of the *domaine*. Its earlier personal character has, at the time of the description of Borest, become territorial. All tenures are subject to it, including that of the knight and the Bouteiller.¹⁴⁶ Even the king's officers, if pursuing a robber, may not 'justice' him in the lands of Borest, *sed eum reddere maiori vel canonico, et canonicus debet eum iudicare secundum opera sua*.¹⁴⁷ The obligations involved under the term *justice* fall on all in the *domaine*. At Borest all must attend the *placitum generale* twice in the year under penalty of a fine. It is however mainly a fiscal affair, at which, on each occasion, they pay a certain number of sous and of geese.¹⁴⁸

From this study of the working of the *domaine* at Borest it is evident that, within the seignory, even the free man is not inde-

¹⁴¹ 'Nos vero prescriptam compositionem salva cavalcheia et exercitu nostro . . . volumus et concedimus': Livre du Celerier, p. 84.

¹⁴² ' . . . recognoverunt tamen quod quando terra sancte Genovefe pro exercitu nostro generaliter talliatur, ipsi . . . ad dictam talliam tenebantur': Arch. Nat., L. 885.

¹⁴³ Lasteyrie, *Cart. gén. de Paris*, p. 429; cf. *ante*, p. 12, note 59.

¹⁴⁴ On the question of justice, cf. Flach, *Les origines de l'ancienne France*, i. 257, etc.

¹⁴⁵ In a charter of 1189 it is classed along with the other *coutumes* of the *domaine*. Two arpents of land are referred to as free 'a placito generali . . . et ab aliis consuetudinibus': Cart. 356, p. 102.

¹⁴⁶ *Habemus in ea mansura omnimodam iusticiam, sicut in aliis mansuris*: Livre du Celerier, pp. 130, &c.

¹⁴⁷ *Ibid.*

¹⁴⁸ At the first *placitum generale* ('in festo assumptionis beate Marie') the men of Borest have to bring 20 sous and 6 geese, for which they get in return 2 deniers on each goose; at the second *placitum* ('in circumcissione') they must bring 24 sous and 6 fowls, and get 1 denier back on each fowl: *ibid.*

pendent. Independence, therefore, is not an element in the freedom for which the serf is struggling. It is also apparent, from the conditions at Borest, that servitude does not necessarily mean unlimited exploitation. The economic life of the *domaine* is based on a system of justice on which the civil status does not seem to press. Conditions, it is true, vary greatly from place to place. Force and violence there often undoubtedly were; but force and violence are not enough to account for all the facts with which we are faced. Tradition has not favoured only the violent. Something deeper has been at work; something which we may perhaps call the force of circumstances. The life of the lowest worker in the *domaine* does not appear, from the material side, more intolerable than that of his equal to-day, in an age which has long ceased to question its freedom. At Borest, indeed, on the eve of the franchise, the distinction between the serf and the free man has become a subtle thing. We shall perhaps be nearer the truth if we say that the serf of the Abbey of Sainte-Geneviève is paying rather for the idea of freedom than for any advantage it will actually bring.

CONSTANCE H. M. ARCHIBALD.