



Duchy of Gascony Licences II

1290 - 1317

Charles Coulson

Château de Villandraut, built c. 1305. The most important of the series of castles built by the de Got family from the proceeds derived from the papacy of Clement V. Built for Clement V himself, the castle bears resemblance to the castles built by Edward I in North Wales in the 1280s onwards, such as Beaumaris and most particularly Harlech, whose overall plan is almost identical. The castle was not finished by the time of the death of the pope, but the ruinous great hall, papal residence and personal chapel still clearly reveal the ambition of Clement.

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This sequel to *CSG Journal* 28 carries the examination and analysis down to 1317, when the 4th Volume of the *Gascon Rolls/Rôles* (Yves Renouard, Paris 1962, 1307-17) ends. After Edward I's stay in 1289 and until the residence of Edward the Black Prince, under Edward III, duchy affairs were again managed locally by the Seneschal or Lieutenant, with intervention from Westminster on request.

Only pertinacious, or eminent, individuals obtained great seal licences entered on the Gascon Roll: certainly a minority.¹ There are none between May 1293 and November 1304, the period of French partial fraudulent occupation and desultory English and native resistance under Henry de Lacy, earl of Lincoln. Edward I's restoration was celebrated by no fewer than ten licences (Nov. 1304-April 1305),² but the first decade of his son's reign recorded only eighteen, all of them in the period 1312-17, when the modern printed edition of the Roll ceases.

The nature of the practice of licensing, previously analysed, is greatly illuminated by the lengthy and comprehensive petition of c.1310, already examined in Part I. So wide is its significance for the recognitory and complimentary motivation of applicants and likewise of the royal council or Chancery, that it seemed best to expound it at the start. The king-duke, it is clear, may have been the source of the most prestigious licences for fortifying, but other barons' subjects would apply elsewhere. Far more work is needed.

1 Sensitive Lordship in Adversity

Edward I's licence in August 1290 to Arnald de Blanquefort is in partly English style, namely, to enclose his manor(-house) of Veyrines with a wall of stone or of palisading (*vel de palo*). The site is only about eight miles WSW of Bordeaux. The wording of the grant, dated at Northampton, is hybrid being made 'so far as we may', and implying tenure-in-chief, and also with (terse) rendability clause (under written guarantee) 'according to the law and custom of those parts'.³ These are Gascon

elements; but specifying a pre-existing residence, however normal it must have been (and in the English texts it is all but invariable), and using *manerium* instead of *domus fortis* are phrases belonging to the kingdom, not the duchy. After this, the Chancery reverted, with partial lapses, to the regular Gascon style. The enrolment of Arnald de Blanquefort's licence copies the full general address, to all officials and subjects in the duchy, instead of 'the king to all to whom, etc.' The emphatic condition that Arnald should make (written) *securitas* for the rendering is also unusual. It is all rather terse. Putting together a series of similar patents helpfully puts superficially distinctive elements in due perspective – but it also throws up idiosyncrasies which may sometimes be significant. What, in retrospect, overshadows the licence for Veyrines, is not so much its proximity to Bordeaux (the Bordelais was densely studded with mini-estate capitals) but the memory of a serious *fracas* in 1244, when Blanquefort castle itself in an outbreak of class-tension was severely damaged in an attack by the citizens. Count Bernard of Armagnac gave the then Arnald de Blanquefort strong support, in a letter to Henry III, denouncing the citizens' arrogance and airing nobles' general sense of grievance.⁴

Attractive as it may seem to connect the apparently restrictive elements in the Veyrines licence with this incident, such linkage is implausible. In particular, some sort of notification to the citizens might have been expected. Unless a petitioner supplied information, the Chancery rarely recalled even what was contained in its own records. Bureaucratic unfamiliarity, by clerks now back in England, not in attendance upon the king in Gascony, sufficiently accounts for the English phraseology (including 'manor' for 'strong-house', and 'enclose' for fortify, etc).⁵ The emphasis put on Arnald's guaranteeing to render Veyrines is countered by the omission of other formulae, covered by the vague allusion to local custom. Although the Occitan 'angered or appeased' phrase is put in, it is misused. Some Gascon model was evidently available among the office-formularies kept in Chancery – but it must have been used conjointly with the standard form prevailing at home. The Chancery's nor-

mal mode was routine, reactive auto-pilot - but not so in this exhortation sent in June 1294 from Portsmouth to Arnald de Blanquefort, among numerous others:

You will be well aware of the dispute between the king of France and us, and how that king has wickedly deprived (*maliciose decepit*) us of our possessions, people and land of Gascony; on which account we require you, as warmly (*carius*) as we may, and ask you that you help us to recover, keep and defend that land of ours, as you and your ancestors did to us and ours in all times past; so acting that we and ours may be obliged to you, as we recognize we are for the good services you have rendered us hitherto.⁶

Loyalty and rendability worked. Places were taken over entirely locally. Three further illuminating licences were granted before Philip IV provoked this war, by pretext by feudal right of a nominal taking possession of the duchy to symbolize his overlordship. He intended forcible seizure and occupation of the chief places to effect a *de facto* conquest. Such treachery lay still in the future, a prelude to the Hundred Years War, when in May 1291 the king confirmed a licence he had granted as the Lord Edward at Aigues Mortes, his Mediterranean port of embarkation on his way to the Holy Land on Crusade. The patent is very exceptional in that it recites a mandate from 1270, one of the many lost documents of the years 1255-72. The Lord Edward's government at that time had proceeded with especially pronounced caution:

The king to everyone who shall inspect these letters, greeting. Whereas we once granted our *dilectus et fidelis* Aycard Audoin, knight, our letters thus - 'Edward, firstborn son of the illustrious king of England, to his seneschal of Gascony, greeting. We commission (*mandamus*) you that, having seen and diligently inspected the place where our very dear (*karissimus*) Lord Aycard Audoin, knight, intends with our agreement (*assensus*) to make a strong house, if your inspection shows that it can be done without damage or risk to us or to our heirs, now or in the future, (then) you shall allow (*concedatis*) him to make that house, and you are to defend him regarding it from all

violence and injustice (*injuria*) ...[1270]' We, ratifying and accepting the constructing or making of that house, confirm it to Arnald, son of the said Aycard, and to his heirs ...[1291].⁷

The wording deserves care, since the 1270 letter is not strictly a 'licence' but an administrative mandate, pursuant to an atavistic oral but conditional permission. Edward then was not acting as duke of Gascony, but technically as Henry III's lieutenant at Aigues Mortes en route to Palestine. One of the local issues the seneschal would have to check, was whether the place was held in-chief. If it was not then the mesne lordship would be impugned and Edward's authority compromised. But if all was in order, that authority as direct, legally competent overlord, in the form of a grant (presumably in writing) from the seneschal, was to be upheld by him at law and otherwise. The actual place is not named but since Arnald was bailiff of Bourg (1283) and appointed for two years castellan of La Réole in October 1291, a site in the north of *dép* Gironde would be likely. There had seemingly been no hitch, so that the fortifying and/or original building by Aycard had been duly accomplished, and was ratified *ex post facto*, as usual no question as to expiry etc. being raised.⁸

The condition of rendability was not (explicitly) attached to this dwelling, or 'unit of building' (*domus*), but it is stipulated in regular, perpetual form in the repeated licences for Roquefort (*dép*. Gironde), to Gaillard de Grésignac (both petitioned for by Rostand Desoler, of the prominent Bordeaux citizen family) in June 1291, and again in May 1293 without allusion to the former grant. Licences repeated after a brief interval raise particular questions, especially in England where they are not uncommon. At first blush, some change of circumstances, or extreme caution on the part of the petitioner, or hitch in implementation so that the licence needed affirmation might be supposed. Expiry can be discounted: licences are often perpetual in expression (to grantee 'and heirs'; to corporate head 'and successors'), but nothing suggests this was anything more than standard land-grant phraseology. As so often, Gascon licences throw more light on the question, thanks to

the circumstantial detail (superfluous in England) which they incorporate. Initiative as always was with the grantee. Roquefort (1291, 1293) is such a case, although this repetition is almost unique.⁹ It may be significant that Gaillard de Grésignac (*Gresinaco*) took the step (rare in Gascony) of having his petition put forward by an agent at court. But the place, Roquefort-en-Bazardais, is not so close to Bordeaux (about 30 miles SE); so the reason may be that Edward I's court was in the far north at the time, at Berwick-on-Tweed, to which much-travelling and rich wine merchants and financiers would go.¹⁰ Certainly, there is very little exceptional in the wording of the first licence: Gaillard was to fortify his *domus* 'at his discretion', holding it 'so made forever to himself and his heirs', subject to rendering it on demand, as often as requested, 'according to the customs of Gascony'.¹¹ It is the second licence, dated at Westminster but reiterating the agency of Rostand Desoler and qualifying Gaillard with the title *domicellus*, which discloses abnormalities. The 'address' (opening phrase 'the king to ...', etc.) is fuller (i.e. less contracted by the enrolling clerk), but the next clause differs only in the spelling of names, implying that one clerk read out the start of the 1291 licence for another to copy (names are phonetic). After that point, the text differs completely – instead of 'he may make a certain house strong', it proceeds: 'he may rebuild (*refficere*) the strong house which his predecessors held there and its appurtenances, restoring it to the state the house was in before it was destroyed, or to better (*vel meliorem status*)'. Perpetual tenure of the house 'so made or rebuilt', then follows, and a very full rendability clause with *irati et pacati*, but qualifying not the king, his heirs or officials but, aberrantly, Gaillard and his heirs. Correctly, the phrase referred to the repossessing lord's motivation. The impression that there had been trouble over implementing the 1291 licence is reinforced by the very exceptional final note: 'Examined by Master Raymund de Fferrar' – that is, the patent was specially checked before it was collected.¹²

A peculiar phrase in the 1291 patent, otherwise conventional, offers a clue: it describes the heirs of Gaillard, who are 'to hold the

strong house for ever', as 'his heirs by birth or by baptism'. He may have tried to divert the succession to an adopted (presumably close) relative. His fortified dwelling, whose antiquity he was at pains to assert in the second petition, and whose legitimacy he had sought to buttress by getting the first licence (whether or not work was, in fact, then done), had subsequently been severely damaged. Evidently this extended to its gardens, fish-ponds etc. (*ipsius pertinencias*). Having an influential citizen of Bordeaux act for him, in both cases, would be a natural precaution; and the inclination of Edward I's council would be to stand by the first licence, demonstratively even extending it – but having it vetted by a highly-trusted Gascon lawyer. This seems to have settled the matter.

In 1294 such little local difficulties were overwhelmed, to Edward's evident surprise, by his breach with Philip IV. Embarrassed in Scotland, impoverished by castle-building in Wales, with friction with the wool-towns of Flanders, Philip the Fair seized upon their routine negotiations over piracy in the Channel to allege disobedience. It was prepared – by his cousin Charles of Valois, the military organizer. Forfeiture of Gascony was put forcibly into effect with skirmishing at sea in 1293.¹³

French quasi-legal equivocation is in a microcosm seen to be reflected in the licensing of Budos (see above). The November 1301 session, adjourned to March 1302, of the parlement of Paris, the royal supreme court for the kingdom of France which had become specialized in judicial (and quasi-judicial) business, had some back-tracking to do. It was recorded in a terse and enigmatic entry: 'the finding (*aprisia*) in favour (*pro*) of Raymond-William de Bodos that he may construct a strong house was cancelled by the court on account of defects discovered in it.'¹⁴ There is nothing further; nor is it clear when the original ruling was made, or by what agency, although the revocation was effected by the lawyer (*Magister*) *Aymo* (i.e. Aymer). The date appended is 27 March 1302 – by which time negotiations due to the military stalemate in Gascony were moving towards Edward I's restitution as duke. The region of the Bordelais, lucrative heartland of

the duchy, had been quite securely in 'French' hands, with a garrison under the alien Constable in Bordeaux itself.¹⁵ If the 'inquests and proceedings adjudged' by the parlement are considered generally, the reference to 'defects' indicates that the information behind the original judicial declaration had been found to be incorrect. But, technicalities apart, French power and territory after the absorption in 1249 of the vast dominions of Toulouse, had altered the balance, and was to transform it, however disguised by the successes of Edward III. Edward I could only renounce his homage and resort to force. The facts of unanswerable power lay behind the lawyers' niceties. Thus the word *appisia* suggests that Raymond-William had appealed to Paris to get some local alien French officials' obstruction removed. His uncle's elevation as Pope Clement V (1305-14) from archbishop of Bordeaux was to promote the whole family of de Got and correspondingly their castles (e.g. Villandraut and Budos) – but Raymond's success was brief.

Whatever the explanation, the same Raymond-William of Budos, four years later, in March 1306, judged it expedient to apply to Edward I pleading the fact that he was the nephew of Pope Clement V. Clement was Bertrand de Got, an unwonted success for a minor Gascon prelate. The resultant licence to fortify Budos is not on the Gascon Roll, but on the Patent Roll for England, and its form is almost wholly English¹⁶ – lacking the rendability clause, but incorporating the 'public benefit' and 'security' element which was becoming a regular feature of licences in England. Despite being regularly addressed to the king's officials and subjects in the duchy, the Chancery clerks carelessly put it on the wrong Roll, and consequently used the English style. They had become unfamiliar with Gascon forms. It is curious that both the English and the French bureaucrats should have mishandled the same licence – but their mistakes fortunately show the perfunctory nature of the formulae employed. Budos was, or became, a substantial castle, in the event.

After copying in Raymond-William's family relationship to Clement V, the text recites his plea 'that we should grant that he may

crenellate (*kernellare*) his house of Budos, in the provostry of Barsac', repeating his request 'that he may in Gascon style make that house strong with walls, (mural-)towers (*turrellis*), ditches and in such other ways as shall seem most expedient to him'. The abbreviated calendar version (itself derived from the succinct enrolled form¹⁷) entirely, and misleadingly, omits this explanatory preamble, reducing it to a bare 'Licence to ... to crenellate ...' etc. – which, as so often, makes it seem like a centrally-derived and motivated mandate; the reverse of the reality. After King John this is the norm. The full versions as printed (by French scholars entirely) in the *Rôles Gascon* provide an invaluable corrective. In particular, they show clearly how much of the detail and also of the formularies of licences to fortify or crenellate was 'private' in derivation and how much was 'governmental'.

The view insisted upon in this paper is essential: that the petitioner's contribution was dominant, over-riding and often exclusive. How the public interest 'salvation of the realm' theme, which lends itself to militaristic interpretations, should be reconciled with the less overt harping on 'the saving of privilege', which accords with the realities of a hierarchified aristocratic society, is a question of cardinal importance. Almost nothing can be taken literally. In the Budos licence of March 1306, privilege and protection are neatly combined – 'now, out of reverence for the said high Pontiff, no less than that we esteem such fortifying to be for the security of us and our lands in those parts, and also of the members of the said Pope's family,¹⁸ we do grant' etc. This requires the usual unpicking – the warlike embellishment (it was little more) of Budos may have reacted to the recent hostilities, but William-Raymond had apparently gone ahead with it already in 1301-2, at which time the Capetian annexation of the duchy must have seemed an irreversible *fait accompli*, especially in view of Edward I's embroilment in Scotland, exacerbated by virtual bankruptcy, and a serious constitutional crisis. The king's security, and the restoration of orderly government in large parts of Gascony, after nearly ten years of truly alien occupation and of limp but dogged

Anglo-Gascon resistance, called primarily for the reaffirmation of formal liens of loyalty between the king-duke and his subjects. Licensing was one of the regular instruments to that end, just as paying pensions (or giving promissory notes) in compensation for lost lands had sustained loyalties during the occupation. Given his circumstances, moreover, Raymond-William must have been anxious to purge suspicion that he had collaborated unduly.¹⁹ His uncle's election as Pope was providential both to him and to Edward, who could expect psychological benefits from a Gascon pontiff.

The reconstitution of allegiances undoubtedly explains why so many licences followed Edward's restoration - four in November 1304; five in April 1305. Their coming in two closely dated and textually similar batches, all but one, its site being in the heartlands (*déps.* Gironde, 6; Basses Pyrénées, 1; Landes, 1), is suggestive. In only one is a petitioning-agent named, but prior cooperation (even 'copycat' behaviour), and joint use of only two or more travellers to the Court in England, may be indicated.²⁰ The total of nine 1304-5 licences (plus Budos, March 1306) is exceeded only by the dozen in January-July 1289. The comparison dismisses any possibility that 'enforcement' was involved: in 1289, Edward's presence stimulated favour-seekers; in 1304-5, many had served in the recent resistance or had lost lands. As always, it was they, not the Crown, who took the initiative. They came, moreover, from the most loyal regions with only one exception - a lord from the outlying Agenais, Peter de Biron.²¹ Far from obstructing his fortifying, Edward's government forbade 'malefactors' from interfering with it (below). The judgement and discretion of the seneschal were more heavily relied on than ever, to ensure that a licensee's self-aggrandisement was not provocative. As before it is a question of inference from the tweaked format - in five cases (three verbatim)²² the seneschal is instructed to allow works to proceed, as part of general notification of licence.²³ In two the seneschal is to exercise his discretion; and in one he is expressly told to conduct an inquisition or local public enquiry,

to make formally sure that no infringement of ducal or other rights would result. All eight (one 'castle or fortification', the others 'strong-houses') were made rendable on demand.

The gratified applicants are quite typical. William bishop of Bazas, renewed his homage on the day of his licence whose form was used for two others (as noted). Crenels are included (as in English licences) but also archery loops - for strong houses at Loubens, Coimères²⁴ and within the *honor* of Saint Macaire (all *dép.* Gironde, Nov. 1304). Ancient castellaries were always respected. Next April (1305), Bernard lord of Gréciette (*Garro*), styled 'esquire', is described as having asked to be allowed 'to rebuild his house of that place in such manner as to be to his utility and to our honour', reflecting the doctrine that the vassal's stateliness also dignified his lord. In 1289, his tenure of another lordship and seat had been cautiously ratified. Caution is again apparent, despite Bernard's cloaking his ambition in terms of public benefit, the seneschal's instruction, citing Bernard's 'laudable service' (for which he was paid), namely 'to permit that house, to be rebuilt and made strong, insofar as this can be done without much prejudice to us'. The ducal aegis must be seen to be present. Those who had been loyal were claiming their reward which, in this form, cost the king nothing (but yielded no revenue) since the recipient paid fees to cover petition-costs, then parchment, seal, profit, and clerks' time. In England bishops with house and means were preferred as Chancellor self-funding. Always the precarious state of the royal finances²⁵ did not justify exciting the jealousy of neighbouring squires. Arrogation of judicial and other profitable rights of lordship, whether the duke's or another lord's, was the chief risk, especially with the ambitious vicomtes e.g. of Béarn, Benauges and Turenne.²⁶ Exactly what works of fortification were involved was a matter for the petitioner to specify. The king-duke was only concerned to avoid any local resentment - as in England. Nobles (and others) built according to their rank and means. Licences could not override this. Simon de Montégut at Villeneuve (noted) and Arnald de Caupenne, in Parem-pyre parish (April 1305), obtained the scope

they asked for, that is to build 'as they deemed suitable'. Arnald was especially deserving as the king's seneschal of frontier Périgord, among other offices. He chose to establish himself close to Bordeaux in land held in right of his wife. Like Bernard de Vignoles licensed for his name-place (*dép.* Landes), Arnald received compensation for lands lost to, and for war-service against, the French in 1299 and 1304-5. In England local under-currents of licences require research and imagination.²⁷ The pattern of these 1304-5 licences is strikingly consistent, having come favourably to the king-duke's attention during the French occupation, or desiring his recognition and the renewal of their reciprocal bonds of national loyalty and patronage, their ambitions were gratified honourably, architecturally sanctioned, and victory celebrated, by the arcane ceremony of the licence to fortify.

Not all parts of the duchy were like this, especially not the border regions of Périgord and the Agenais, where Capetian and Plantagenet ties interpenetrated, and where higher lordship was often obscure or merely ineffective, and lawlessness or self-help were common. Ireland and the north of England offer some analogy, including their preferred lordly architecture, predominantly featuring the chamber-block tower or tower-house. Small forts especially drew their sustenance from their popular environment. Settlement, economic exploitation and popular 'reach' in the region (lying within the modern *départements* of Dordogne, Lot-et-Garonne, and Gers) was actively pursued by planting new towns or *bastides* in partnership with local lords.²⁸ The founding of Montpazier by the seneschal, the endowed Gascon magnate Jean de Greilly, caused friction between the settlers and Peter de Gontaud, lord of Biron the king's partner in the enterprise, which the English seneschal of Périgord was instructed in 1293 to settle.²⁹ Peter was busy asserting himself: his coparceny for Montpazier defined his limited contribution, and promised to be profitable; but required vigilance. In 1289, he had seized another site offered for building a *bastide* nearby, which might weaken his own venture. Edward personally (June, 1289) responded by ordering the contract for the second *bastide* to be can-

celled and the site given back, unless he was legally bound to go ahead. Peter's discontents erupted again: on 30 March, 1305, he obtained an order that the terms of his coparceny pact for Montpazier should be strictly observed. Then, on 12 April, this remarkable mandate following was sent to Edward's seneschal of the Agenais:

We order you not to allow any violence to be offered to Peter de Gontaud, donzel, who wishes to increase the height of the house which he is said to have at Lauzun, and to fortify (*inforsare*) it with towers, and in others ways; or to permit him to be wrongly (*indebite*) hindered in any way from doing this, as other nobles of the Agenais have been accustomed; but you are firmly (*viriliter*) to restrain any such undue obstructors (*perturbatores*), meting out justice (1305).

Perhaps Peter de Gramont, knight, whose *bastide* project had apparently been aborted, was among those who objected to the enhancement of the fortifications of Lauzun (*dép* Lot-et-Garonne). De Gontaud is not styled 'dear and faithful', so his feudal relationship may have been unclear, but he had cooperated over Montpazier. Rights of higher *seigneurie* (fortifying, capital justice, enforcement of the arms ban, etc.) did extend well down the hierarchy of nobility in the Agenais and in neighbouring Périgord, but they were little more than those rights stated as appurtenant to baronies in the great remonstrance sent to Philip IV in c.1310, relating to 'the regions of Bordeaux, Bazas, Bayonne, Dax and elsewhere' in the duchy of Gascony.³⁰ De Gontaud's pattern of behaviour seems to have differed from the norm for his rank, and for one of his assertive drive, only in having the overt cover of ducal approval – but, even at the height of his power and renown (much declined by 1305) Edward I was careful despite the personal rivalry with Philip IV to respect others rights. How qualified sovereignty (e.g. to John Baliol in Scotland) and intermediate conciliatory powers (Gascony) affected rulership is a constitutional issue of great delicacy.

Philip IV's unprincipled and cynical landgrab of 1294-1304 did lasting and widespread damage. Capetian-Valois (1328-) duplicity

poisoned relations and led to war in 1337. Edward II's authority in the duchy would have been weaker than his father's even without his serious problems in England, and eventual deposition in 1326.³¹ French political complications and steadfast intent to seize the duchy are constants. Licensing, like castellated architecture, with few exceptions, remained the sphere of tenurial formality – a sub-baronial aristocratic grass-roots affair, whose politics were strictly local, even parochial. The *bastide* of Saint Sardos and Sarlat Abbey were the catspaws.³² Barons' and bishops were rather aloof, unlike in England. But Edward I was a stickler for the feudal niceties. Building was an act of 'conspicuous consumption'; but with an eye to posterity as well as on the present, unlike most forms of seignorial display. The monuments and memorials of ecclesiastical aesthetic, of personal ambition, and of piety, linger in almshouses, chantries, cathedrals and in innumerable parish churches, and physical vestiges – a partial but imposing autobiography. How the squirearchy set its mark for future generations upon little and greater dynastic seats has survived even less completely – and yet, the great majority of licensees to crenellate or fortify are named from the manor-seat which they chose to dignify in this way. Some, doubtless, were one-manor-men; but for many, the selection of a principal seat was associated with the adoption of a family surname. All these elements continued, in England, regardless of changing large-scale political circumstances in the rapidly worsening balance of advantage in the growing tussle between Capetian and Plantagenet for the adherence of the duchy of Gascony, during the reign of Edward of Caernarfon.

2 Personalities and Political Vicissitudes 1307-17

The same tendency to regional concentration of licences on the duchy 'home counties' (*déps.* Gironde, Landes, Basses Pyrénées) operated down to 1317 and beyond.³³ The Agenais, as another case in 1316 demonstrated, lay outside their range. There was, however, a new element of almost-coordinated lordly ambition in the de Got family, who, like Raymond-William of Budos in 1306, took advantage of the

elevation to the papacy of their relative, the former archbishop of Bordeaux founder of the Palais d'Avignon. Baronial Villandraut is their chief monument. Otherwise, the same chronological bunching of grants is observable, though it is less marked. Edward II's interest in Piers Gaveston (*de Gabastens*) did not extend to his country of origin – not until 1312, not long before Gaveston's quasi-judicial murder, were Edward II's first licences issued, a closely-similar trio all dated 15 February, at York. Their phraseology incorporates the English-style security of tenure clause, but leaves out rendability – not complementary features, since rendering might interrupt occupation (usually momentarily but also militarily) but crucially, it did not impugn possessory right in any way.³⁴ In war it was certainly used and the fief-holder acquired strength thereby. Here, these elements indicate mere reversion to the English pattern by the scribe. All three cite powerful ecclesiastical interest: John de Burgh of Salleboeuf ('a strong house or fortress in that parish') had the support of Bernard of Sauviac, the Pope's nephew and *Comes Campanie*; Guy Fleming of Artigues (in that parish) apparently had the same; and Lawrence de Cantilupe ('a strong-house or fortress in his manse of Camarsac', again *dép.* Gironde) had the backing of his uncle, the cardinal Arnald de Cantilupe, now archbishop of Bordeaux. All three places are very close to the city.³⁵ The texts employ the special phrase 'insofar as we may' (*quantum in nobis est*). They instruct 'all seneschals, castellans, provosts, ministers, officers, bailiffs and subjects' not to hinder the implementation of the grant. Both John de Burgh and Guy Fleming took the opportunity, next year, to present to the king, when at Pontoise near Paris (perhaps his making homage to Philip IV for Gascony) individual requests to be paid debts due to them from the 1294-1304 conflict and occupation. John's claim was for damages when he was in garrison in Bourg-sur-Mer. Guy said that his father had defended Rions town and had died there, all his lands being laid waste. Both claims were to be honoured by the duchy chief-accountant, the Constable of Bordeaux, if found correct (29 June, 1313).³⁶

That claims for cash-compensation (and lucrative grants) should be carefully verified, while licences to fortify, including Gascony, issued virtually on demand, remains striking. Whereas almost all other fiscal opportunities were taken this was not. The Chancery was self-funding, with some profit-surplus, out of fees paid by the recipients of chargeable patents – so licences to fortify, along with imparking, diverting roads, and other noble residential amenities, yielded the chancery a small profit, both financially and in the affirmation of loyal ambition. In England, the Crown subsidized the Chancellor with an annual fee. Stimulating potentially disruptive emulation was a small countervailing risk; and it could be minimized to vanishing point, even in Gascony. Many licensees, in any case (especially in England), had proved records of loyalty in the king's service. In Gascony Edward II's next licence (April 1312) went to one such. Arnold Edmunds (*Edmundi*) was a royal servant in the deeper sense of being a paid official, not merely a tenant who did his duty as such (even in the dire circumstances of 1294-1304). In 1308, he was appointed to the (chiefly administrative) office of 'castellan' of Montendre, near the northern 'frontier', in southern Saintonge. The seneschal was duly notified and the constable of Bordeaux was told his daily fee, and to settle the rent ('farm') he was to pay, having regard to the revenues 'of the castle and castellary'.³⁶ No particular favour, this: as normal, he was to pay as much as anyone else would offer. Also, his position was revocable at will. In fact, he was removed without royal order and protested, obtaining an order (Feb. 1311) for his reinstatement, when a formal enquiry by the English bishop of Norwich with the seneschal showed that he had 'behaved faithfully to the king and to his subjects of the lordship of Montendre' (Nov. 1311). He is again mentioned as 'constable' (*alias* 'castellan') in March 1314, when the constable of Bordeaux was to pay him 'his wages and stipends', alleged by him to be in arrear after due allowance for disbursements. He apparently continued in office until October 1316, when his successor was appointed. This sequence conforms to a pattern – an assiduous petitioner who knew 'the right people'. It was usual to rotate posts, to discourage corruption

and to share out fairly the perquisites of office; but his tenure apparently lasted from 1308, when he was already in possession of lordship, being styled 'of La Libarde', until 1316. It fits all these facts that, in April 1312, styled 'knight' (*miles*) he obtained licence (in the same form as the trio of February) for a *domus fortis seu fortalitium in castellaria castris nostri de Burgo super Mare in parochia de la Lyvarde* – that is, the place was within the castellary or administrative district of the castle-town of Bourg, on the Gironde; in fact, close to it – whence the special mention.³⁸

Office-holders frequently occur among the English licensees to crenellate, as also do wealthy *bourgeois* establishing themselves among the landed aristocracy. As has been noted, many citizens of Bordeaux, as well as of London, in this way crossed a social divide which in France proper was an especially conscious gulf.³⁹ In the case of foreign naturalized merchants, this act must have been especially deliberate. An Italian family from Lucca had become so much denizens of the city of Bayonne as to obtain peacetime possession of two of the towers in the town wall, with a plot of land there, and an oven. In 1310, Arnald-Saux of Lucca (perhaps the third or later generation) claimed to have them by inheritance from Peter-Arnald of Lucca, and had petitioned that Edward I had given one of the towers away (in 1289) 'owing to a misunderstanding'. Jean de Bielle still resented him in 1292 and 1305. town-wall towers made a dignified residence, but Arnald-Saux also possessed a remote lordship, beyond the extramural land usual for rich citizens. In May 1313, his status was effectively recognized by obtaining a licence 'to make in his land of Bourriot' (*dép.* Landes, but about 70 miles NE of Bayonne), 'and hold to himself and his heirs, a house strong with stones, timbers and earthworks (*domum fortem de Petris, lignis et fossatis*)'. The phrases from the petition show Arnald's vagueness and scope. Addressed to ducal officials, the formal text closely resembles those of the previous year in Anglo-Gascon stule.⁴⁰ Although the final attestation clause notes that the Chancery warrant for the great seal patent was a writ of privy seal 'witnessed' by the king (at Windsor), there is

less reason than with Edward of Caernarfon's industrious father to suppose that the grant was not perfunctorily nodded through. Certainly, any notion of personal topographical knowledge, (still less of 'strategic' consultation, especially of any sort of map) must be dismissed altogether. Special knowledge, if any, came from local officials such as Arnald de Cailhau (1311 protestation) for this or other cognate honorific patent. The king's bureaucrats, from the Chancellor downwards, relied on representations made to them (with the minor, mostly automatic exceptions already noted) in processing the great multitude of wholly routine business.

January 1314 brought two licences, both attributable to the papal family 'interest'. Clement V (1305-14) moved the papal court to the new seat at quasi-imperial (but 'French') Avignon on the Rhône, but he still awarded Italian titles (from Romagna) to members of his Gascon clan.⁴¹ And it was in Gascony that they sought to perpetuate the inevitably ephemeral renown of their family with castles, lordships and other durable monuments of greatness. So it was that Bertrand de Got, 'marquis of Ancona' (but merely 'our dear and faithful', as a Gascon subject, in the text) was named as intercessor in the double licence to the brothers Bernard and Gaillard *de Cagesio*. They were granted 'that they may jointly or separately make two strong-houses, or two fortresses (*fortalicia*) at the places or appurtenances' of Illon and of Langon, the former being near and the latter about ten miles NE of the very imposing round-towered, high walled, double-tower gatehoused, but quite compact, quadrangular de Got castle-palace of Villandraut (*dép.* Gironde). Now gaunt, stark and roofless but remarkably intact despite ruined apartments and the loss of its battlements. Built by Pope Clement V at his natal village, it has been compared (debatably) to Harlech. In south-west France, it is wholly exceptional in magnificence: Jacques Gardelles has remarked that 'neither the great feudatories, like the vicomte de Béarn or the count of Armagnac, nor the king-duke himself, could have built in one campaign (*d'un seul jet*) in early fourteenth-century Gascony, such an imposing castle'.⁴²

The English-style licence to the *de Cagesio* brothers represents a gesture to the Gascon gentry, one as much of ready cash as renown. The sites, being within or near the lordship of Villandraut, might well have been licensed as of right by Pope Clement himself - but he left it to his nephew and namesake to do them honour by proxy. Bertrand de Got, similarly, either sent or took the petition to Eltham Palace, or allowed his *protégé* to cite his name, for the second licence of 1314 (also 17 January). Had this not been done, the council in England might have hesitated for fear of infringing de Got lordship. They acquired architectural seignorialia to flaunt as well as the document.⁴⁵ Another de Got licence on the same day (Jan 17, 1314) is another of the same sort. Exceptionally, the gloss-heading to the entry on the Roll: *pro Reymundo Guillelmi de Gutto de fortalicio faciendo* identifies the gist as well as the recipient. It also makes clear from the text that *fortalicium* and *domus fortis* were synonymous. Recipients' names were always the purpose not some bureaucratic analysis. This document is notable in that it uses the standard Anglo-Gascon form used by the Chancery since Budos, in March 1306, until April 1315. Edward's council had considered, but decided against, acquiring Castets-en-Dorte with 7 parishes in exchange for Reymund's manor of Lagrùère in 1316-7.⁴⁴

The great castle at Pope Clement's home-village, with the castles-in-miniature around Villandraut, elevated the whole de Got clan - but the self-promotion of the ambitious, successful and fortunate gentry depressed the status of others. While Edward II was at Pontoise, near Paris, in the summer of 1313, envoys came to him from the castellary of Mauléon and from Labourd bailiwick, in the Biscay region of Bayonne. Their complaint was that certain malefactors in those parts have had fortresses built for themselves in various places, not having obtained our licence for this. From these fortresses they frequently go out and come to the (petitioners') houses, without their leave, and there usurp (rights of) entertainment, commonly known as *albergades*, at their mere pleasure, and do not fear to commit various other deeds prejudicial to us and to themselves ...⁴⁵

One man's lordship was, obviously, another man's subjugation. Ducal licences, accordingly, often expressly ruled out anything more than architectural exhibitionism - but gratifying ambition to affirm loyalties always risked local resentment. In this case, no blatant arrogation of justice rights (e.g. by the arrest, trying and conspicuous punishment of delinquents) had occurred; but it was an ancient lordly right (the *droit de gîte*) to require hospitality. Some degree of overt fortifying might, as in this instance, constitute the first step on an ascending scale of legally-enshrined domination; then be asserted by acts damaging both to the duke's direct lordship and correspondingly to the status of his tenant-in-chief. In effect, such usurpation was intruding a new intermediate ('mesne') lordship by prescription - if allowed without protest, precedent rapidly established new *de facto* lordship which soon might become *de jure* dominion. No breach of the peace or flagrant infringement of customary law was alleged. The king-duke, moreover, had no 'control' over magnates' fortifying. Such influence as he possessed over lesser tenants-in-chief depended partly on their initiative - but as his ancient regalian right to license had been invoked, some response, however cautious, was required. Had Edward II not been in the country, albeit 'in France' near Paris, it is unlikely that the incident would have surfaced and have been preserved on the Gascon Roll. It would have been locally handled and either not recorded at all, or be buried in the mass of the Bordeaux Constabulary archives which once existed, but has mostly been lost. However superficially complete the sources, History is always working from incomplete records.⁴⁶

The gist (for once) of the royal reply in latinized French, a mandate to the seneschal, present and future, is conveyed by the gloss-head - 'on destroying fortifications built without ducal licence'. Having recited the facts represented to the king at Pontoise, the letter continues:

Wishing to afford them a suitable remedy in the foregoing, we order you to convoke those of our council in those parts who should be consulted, and by their advice and counsel to have destroyed all the fortresses found to have

been constructed by those evil-doers without our licence, contrary to the custom of the country, according as you shall decide ought reasonably to be done by local custom; all and singular being forbidden, on penalty of forfeiting to us all that they may, to dare to take any such *commestiones sive albergades* of any sort in future; and punishing in exemplary and deterrent fashion anyone attempting to do so after that prohibition has been made - At Pontoise, under our privy seal, our great seal being in England for the governance (*regimen*) of our kingdom; 30 June (1313), by the king himself.

On the face of it, this is 'enforcement?': in fact there was no contradiction. Edward II was consistent. Until February 1317, nine licences were issued - all but three being for the general area in question (*dép.* Basses Pyrénées, and south of *dép.* Landes).⁴⁷ This concentration, by comparison with the previously prevailing focus on the region centered on Bordeaux, is undoubtedly significant. The complainants were rural proprietors, not the citizens of Bayonne, and were confined to the small *patria* comprising the castellary of Mauléon and the Basque region of Labourd, in the far south. Moreover, the 'local law and custom' so emphatically appealed to regarding seignorial display and exactions were applied generally to the central Atlantic provinces of the duchy (and, north of the Gironde, to Saintonge), rather than to the Agenais and Périgord in the east. The king-duke's council was evidently concerned not to weaken his licensing prerogative by over-asserting it - the prohibition to be proclaimed was directed against unaccustomed exactions, not against fortifying as such, although some greater incentive to apply for a licence may have resulted. It was an 'off the cuff' response. The dilemma was to be resolved by tact, conciliation and consultation on the part of his local officials, using negotiation backed by threat of demolition of the offensive fortifications - the atmosphere is a world away from the vindictive action taken by Henry II in England in the mid-twelfth century, and spitefully by King John, to demean their opponents by damaging or seizing their castles. Magna Carta, after the 1217 reissue by the Regency for Henry III, marked a watershed in England.⁴⁸

Apart from stipulating, or leaving it to the seneschal and officials to ensure, that a licence should not cause local ructions beyond the capacity of local procedures to pacify (cf. Preissac, 1305, above), formal enquiry was rarely needed beforehand - and was quite unknown in England,⁴⁹ though freely used for other purposes. The contrast is (perhaps surprisingly) almost insignificant, in this as in other ways, between the duchy and the kingdom regarding licensing, a fact accidentally emphasized in the run of eight licences in hybrid Anglo-Gascon style, issued between February 1312 and May 1314. The last of these, to Raymond de *Gresinak* (Gresignac) for Moulon (*dép*, Gironde, about 20 miles east of Bordeaux) not only omits the rendability and tenure-in-chief clauses but, apart from the address ('to all officials and faithful in the duchy'), might have issued for any contemporary English site.⁵⁰

'Know that of our especial (*sic*) grace, we have granted and given licence, for us and our heirs, to our dear R. de G. that he may fortify with a wall of stone and lime (*de petra et calce*) and crenellate his manse (*mansum suum*) of Moulon, and may hold that manse thus fortified and crenellated to himself and his heirs in perpetuity, without disturbance or hindrance (*sine occasione vel impedimento*) of our's or of our heirs' ... whosoever ...

How and why the Chancery then abruptly dropped the English and went back to the Gascon form of licence (and the perfunctoriness of both) is revealed by the accident that Bernard de Vignoles, licensed for his name-place near Dax in April 1305, applied for a renewal, in April 1315, clearly submitting Edward I's patent which was in the traditional Gascon style. But first, in December 1314, there is an exceptional urban licence to fortify (in England quite numerous) which called for a distinct procedure because of its wider impact and legal implications.⁵¹ Biarritz was already a port but an upstart rival to nearby Bayonne city. A settlement acquired higher rank and identity when it was demarcated ('enclosed') by a ditch and entered by gateways. Stone walls propelled it further towards borough status which, by degrees, potentially culminated in possession of a guild-hall, 'elected'

mayor and officials, jurisdictional quasi-monopoly outside as well as within the walls, a (weekly) market, (annual) fair, and other commercial citizen-privileges, including fund-raising tolls for common purposes. A bell for sounding the evening curfew (*couvre-feu*), or the tocsin to call the townspeople to arms was often among these rights, as well as control of the defence-apparatus and the town fortifications - cherished attributes of lordship at all levels. For all these reasons, official sanction for town-walling, though it might do no more than facilitate the necessary fund-raising ('muraige'), was eagerly sought, and called for corresponding caution in the granting. In December 1314, it was the small port-town of Biarritz, close to Bayonne, which took this step and persuaded a citizen (presumably) of remoter Bordeaux to present their petition. A letter close to the seneschal, Amaury de Craon (*Cretonio*), applied the conditions attached to the royal acceptance:

Since, at the request (*requisitio*) of our dear *valettus*, Leu (Lupus) *Burgunt* of Bordeaux, we have granted to our men and inhabitants of the port of Biarritz, in Labourd, that they may fortify (*munire*) that port with ditch and palisade (*fossato et pelo*) for its greater safety (*salvacio*), provided that it is not turned to our damage or prejudice - we instruct you, should you find by properly convened inquest to be held by you, by reputable and legally competent men of those parts through whom the truth of the matter may best be ascertained, they being on oath, that the ... said fortifying would not be to our damage or prejudice⁵³ - then, you are to grant to them licence in the above terms (*in forma predicta*) to fortify the port in the stated manner.

These are not precautions called for by licensing some manorial seat, but are of an entirely different order. 'Security' was the standard justification put forward for walling towns, whether reiterated in licences or embedded in the prefatory verbiage of English muraige grants, authorizing the levying of tolls on merchandise for the building fund. It became a fashionable adjunct for ordinary licences wherever remotely plausible, together with 'defence'. Certainly, Biarritz on the Biscay coast

(suburb of Bayonne they said in 1343) was subject to dangers such as opportunistic piracy, or revenge-attacks by other ports-men for the commercial aggression practised at sea: but such words as *salvatio*, *deffensio*, *securitas*, *salvamentum* were a habitually employed code. These terms amounted to freedom from outside interference, and quiet enjoyment of privilege, to the burgesses (and others) who made such play with the concept of 'defence'. Borough enclosures are nowadays so fixed in current parlance as 'town defences' that all the original multiplicity and shades of meaning has been lost or falsified.

The Chancery procedure (as noted) was to date letters patent and personally-addressed letters close (or 'writs') according to the time not of their enrolment or of issue but using the date of the originating order or warrant sent in for processing in chronologically arranged batches (sometimes out of due sequence). This explains how it was that the enrolment of Bernard de Poyanne's licence dated 20 April 1315 should have been partly modelled upon the renewal already mentioned, of Bernard de Vignole's father's original licence. The latter, though dated two days after (22 April), was entered on the Roll immediately before the Poyanne licence. What evidently happened was that the original Vignoles licence of 1305 was sent in to be confirmed, in the usual way, together with the petition. Having been passed, the gist of the petition was incorporated in the warrant which, with the 1305 licence was then sent into the Chancery writing office, the petition itself being filed.⁵⁴ These files will be a rich source if transcribed and printed in translation. In the same batch was the warrant for Bernard de Poyanne's licence - but de Vignoles' was dealt with first. There were good reasons to foster his loyalty: he had lost lands to the French in 1294-1304 and was compensated, with an *ex gratia* pension for five years, as a bonus (1304). In 1305 his licence to fortify a strong-house 'in his land', was accompanied by renewal of the payment-order of his pensions 'for good service'. He was also granted the rent ('farm') of Brassens near Dax city indefinitely, in discharge of sums due to him, the arrears of which were ordered to be paid in May 1313. He had served Edward I as bailiff

of Mézin (Agenais), continuing until shortly before 23 April 1315, when he was referred to as 'late bailiff', in a mandate for the arrears of damages due to him. This compensation unexplained had been awarded against the men of Mézin to be paid out of the fines they had agreed to. His second licence to fortify was dated the previous day, but follows this writ to the Constable of Bordeaux on the Roll. It relates (from Vignoles' petition) the good service for which Edward I 'of celebrated memory' had granted him licence in 1305, subject to rendability and to prejudicing no ducal or other rights but giving him the usual silent discretion regarding the sort of *domus fortis* he might build - all according 'to our father's letters patent thereon, which we have inspected'. This is in standard phraseology.⁵⁵ Edward II's administrators then appended the explanation given by Bernard de Vignoles or his agent as to why renewal of the still valid but personal licence was needed. Anything not for a stated term was deemed permanent. That 'the house had not, for certain reasons, so far been built', was less to the point than the opposition of the citizens of Dax (*dép.* Landes), 'about ten miles distant', which is disclosed by the incorporated mandate to the seneschal. he was told 'to permit the said Bernard to construct the said house in the manner stated; and if any damage, or wrongdoing (*injuria*) or hindrance should happen to be caused to Bernard in building the house, or after it has been built, by the men of the city of Dax or by others, then you are to do prompt and due justice to him with favour in the matter', i.e. slightly relaxing official impartiality. To be 'the king's man' always helped - but to King John it was only reasonable to treat 'one of us' with marked preference, a stance which his successors maintained.

The jealous attitude of burgesses to any sort of overt lordship-intrusion (such as fortifying announced) upon their environs, or formal *banlieue*, may have operated in England as well. Certain towns (e.g. Oxford, Hull) have suspicious clusters of licences. Once again the role of the seneschal in licensing, whether by formal document or by official prior support, is evident; whereas the sheriff in England was not apparently involved unless, perhaps, if a licence was read out in County Court. The sene-

schal's further duty to receive the licensee's undertaking to deliver the place on demand, like receiving his homage on accession, also figures often. Before allowing the licence to be implemented at Vignoles, he was 'suitably to ensure that Bernard would hand over the house to the seneschal, be he (*sic*) angered or appeased (*irato et pacato*) as often as he, or the lord of the house, should be required by the seneschal'. The next phrase ('according as is fully contained in our father's letters patent') seems to have struck the bilingual Chancery scribe, copying in abbreviation onto the Roll, since a rendability clause was tagged on to the end of Bernard de Poyanne's licence for his name-place (*dép.* Landes), dated 20 April, 1315. Since the body of this latter licence contains the standard English security-of-tenure formula, it may be legitimate to speculate that a colleague of the first clerk had copied it out so far, following previous style (since 1306: Budos), before his attention was drawn to the proper *foros et consuetudines parcium predictarum*.⁵⁶ This composite formula was then closely followed for the five licences sued out down to February 1317, the end of volume IV of the published *Rôles Gascon*. Rendability in no way impugned right of tenure, as noted above; rather, it was a means of affirming it. Crenellating never became in Gascony the crucial symbol it was in England after c.1258.

Some local difficulty explains the repeating of Bernard de Vignoles' licence (1305, 1315).⁵⁷ Similarly, the licence for Urmendy (*dép.* Basses Pyrénées) in Labourd, of May 1315, to the non-Gascon Dominic de *Francia*, was apparently renewed (September 1316) owing to some dispute over his landed title. Probably these doubts are repercussions of the attitude at Pontoise, referred to. The repeat, dated at York, was procured by Oliver de Bordeaux and accompanied by an order to the seneschal that Dominic should be supported in his established possession 'of a certain pasture in *Durmendia*' against those denying his right.⁵⁸ As an alien merchant, probably settled in Bayonne, but entering the landed local aristocracy in the habitual fashion, he may well have wanted the recognition of his position which often (as in England) motivated applica-

tions for licence to fortify. Perhaps, local official vigilance dating from 1313 (above) may have played a part. Repercussions of the endemic 'war' at sea, between the Channel portsmen, which so aggravated Capetian-Plantagenet relations (as in 1294, very seriously) may also have affected Dominic 'of France'. He had bought and put in order a ship, once the property of portsmen of Normandy. As it is delicately expressed, this ship had 'come into the kings hands by the men of Bayonne (*per Baion*)', that is they had captured it. The 'masters of the ships' with the duchy council had set the price which Dominic had paid – so he had regularly acquired it (compare an 18th century prize court). In March 1317, he obtained royal backing to keep it in the event of 'peace being made between Bayonne and the Normans'. What can be accepted with confidence is that Dominic 'of France, lord of Urmendy' was an opportunistic man-on-the-make. The Council of England was careful not to be manipulated, as sometimes happened.

Auger de Poudeux signalized his success in the same way (licence to fortify at Bailleras, *dép.* Landes, May 1315), but took advantage of his access to Edward II's council to inform them that two bailiwicks near Dax were available. He duly obtained these lucrative positions but, as usual, had to offer to pay a farm as high as any competitor would. They had belonged to the late Pope Clement V, who had died in 1314, so Auger was not to receive revenues allocated to others by his will.⁵⁹ In September 1315, Raymond-Williams of Douzit obtained another almost *verbatim* licence for his lordship of Serreslous (*dép.* Landes), by a Latin privy seal warrant dated at Fen Ditton (Cambs.). Bertram *alias* Bertrand de la Mote's licence, in April 1316, differs only in that the *domum fortem seu fortalitium* which he was to build 'in the parish of Audignan (*dép.* Landes) was not, as was undoubtedly the usual rule, an existing manor-house but expressly *de novo*, although obviously 'on his land' (*in solo suo*).⁶⁰ Most Gascon licences textually leave this question open, whereas the habitual English wording specifies an existing *mansum manerii*, that is the actual dwelling and manor-

site in question. A manorial lord, established with a recognized seat, might proclaim the fact. Subdivision of the mostly quite dense pattern of Anglo-Saxon manors, producing new units in the hands of cadet branches or of incomers, frequently occurred – but, in Gascony, especially in the Biscay region of the Landes, much colonization was in progress in the expansive population period of the later-twelfth, the thirteenth century, and the early fourteenth. At all events, of the relevant Gascon site-licences of 1214-1317, e.g. the 16 cases whose wording definitely indicates an existing site-building, a particular place is given in nineteen cases, frequently the grantee's name-place. Otherwise we find a general location in a named parish *honor* or fief, or in lands to be associated with the grantee's name, occurring in twenty-three instances. Additional work on an existing castle or town is clearly implied in a further four cases. Alternative places, indicating that one had not yet been chosen, but not necessarily a new seat, number five. *De novo* construction is stated in a single case – but the formula, almost always employed, of *domum fortem facere* (and variants) can be translated either as 'to make a specific house strong', or, equally, 'to create a strong house (anew)'. Consequently, the relevance of a licence to dating a place's origin is as equivocal as it is in England. Too much reliance has been placed on it. Given that a licence essentially marked the *de facto* existence of a lordship seat, and served to some extent to 'recognize' it, and to establish its direct bond of homage, lordship obviously came first.⁶¹ But tenure need not imply a *caput* where the lord or his steward resided, and where the dues of dependants were rendered, in England styled the *situm manerii*.

The question of 'novelty', innovation *ipso facto* wrongful, clearly did not trouble either aspirants or ducal council,⁶² no special pleading by petitioners, asserting the antiquity of their lordship-seats, is anywhere hinted at: and when the residence was, in fact, not new, the point emerges quite incidentally. Thus, in the last Gascon licence *stricto sensu* to be considered, Peter of Saint-Martin-de-Pouillon (*dép.* Landes) asked for and received (Feb. 1317) licence 'that he may enclose his (dwelling-)

place of Saint-Martin with a ditch and fortify it with a palisade, holding it so enclosed and fortified ...' etc.⁶³ As previously, the English-style security-of-tenure clause has the Gascon rendability formula appended. Again as usual, this modest 'homestead-moat', to use the apt term of the early volumes of the Victoria County History, could only be inconvenient if open to hostile troops or held equivocally - the stipulation merely affirmed (and, on demand, might confirm) the house-holder's status as tenant-in-chief of the king-duke. Peter de Saint-Martin had served Edward II in Scotland in 1313-16, including garrison service in Berwick-on-Tweed. He had lost his home, and received compensation for it, with the war wages earned as member (*socius*) of the small contingent led by *Lubac* de Saint-Martin. His earnings thereby, and the favourable notice he achieved, along with the status-ambitions aroused, even by the cavalry debacle at Stirling (Bannockburn campaign) were all promptly reflected in the embellishment of his residence - he might well have called it a *domus fortis*, but chose not to, perhaps out of modesty.⁶⁴

A final snapshot illustrating the relatively free rein holding the more lordly nobles of the Agenais in allegiance to the *roi-duc*, almost on the eve of the Capetian invasion of the province (carried out forcibly by sponsoring a new bastide by Sarlat Abbey at Saint-Sardos *en milieu de tout Agenays*) is provided by the affair (October 1316) of Amanieu and Arnald-Garsias de Fossat.⁶⁵ Fortifying, as an act of effectual lordly self-assertion, again was at the heart of it because the possession of, and right to maintain and construct fortresses anciently denoted legitimate authority. Licensing, at whatever level of hierarchy of tenure it was exercised, implemented that right. Royal claims to a monopoly both of licensing and of rendability were more ancient still (ultimately of Carolingian and sub-Roman origin, mired in obscurity) but even in England they were muted, scarcely touching the great magnates. In France, throughout the kingdom, such claims plainly belonged to the numinous legal fictions of kingship.⁶⁶ In practice, the facts of power and of long-established legal precedent among ducal, comital, episcopal, baronial and sub-ba-

ronial administrations on the ground were fully accepted. Indeed, the antiquity of such regalian rights, notionally devolved by the Crown though they may have been, was in France as long-established in many cases, and better vindicated by actual practice. So, provided that his direct lordship over local lords below baronial rank was not flouted, and that his right to be petitioned and to respond was duly acknowledged, ‘according to the laws and customs of those parts’, the peers and great magnates of France were content. The Gascon protestation of c.1310 says it all. Collision occurred when royal powers were asserted or extended.

‘National’ war lay in the (not too distant) future. As thing had been, in 1316, Amanieu and Arnald-Garsias de Fossat were exemplary: indeed they looked to their duke to uphold their rights, as the lord of Lauzun had done (1305). Since Edward I’s time, they had been in long-standing dispute with the joint-lords of Lunac over the lordship of the town (*i.e. castrum*) of Aiguillon (*dép.* Lot-et-Garonne) and, consequently, over their right to build a stone gateway there, adjacent to the territory of Lunac; and also regarding the founding nearby of a *bastide*. Initially, the lords of Lunac had prevailed, with the seemingly partisan support of the Gascon seneschal, Amaury de Craon. Later, by attending Court in England, Amanieu de Fossat gained the support of Edward II and his council, who put favourable pressure on the new seneschal. How inextricably intermixed were issues of jurisdiction, penal instruments, and fortification, with over-riding lordship is very clearly shown – as also is the partisan information upon which the Crown often acted, as in England, expecting any wrong, done or alleged, to be appealed against. According to the de Fossats (as recounted to the new seneschal by letter close dated 14 October 1316) Edward I had acceded to the petition by Boniface de Fossat, whose heir Amanieu was, and of Arnald-Garsias who both denied the legality of a ducal *bastide* set up ‘next to the walls’ of their town of Aiguillon at the instigation of the lords of Lunac. Edward I had, they said, ordered its removal, after investigation. Without naming them, the de Fossats asserted that ‘certain’ officials and servants of ours in those parts’, again incited by the lords of Lunac, are

(now) trying to re-establish the *bastide* drawing away manpower, revenues and authority. These facts and the legalities, Edward II’s council instructed the new seneschal to verify, and to take action accordingly. The outcome is not disclosed; but, in January 1317, Arnald-Garsias secured a repeat of his pardon for homicides and other offences, originally issued in July 1315. This stayed all proceedings against him, specifically in order ‘to relieve him from all threats, fears and dread of imprisonment’, held over him by the then seneschal, Amaury de Craon. Arnald-Garsias had put himself in the wrong by resorting to force – but, in both writs of pardon, his position as (joint-) lord of Aiguillon was recognized.

One way of enlisting the king-duke’s support was to offer him a proprietary interest. On 3 June 1316, the possibility of his acquiring ‘the castle of Aiguillon and its appurtenances’, by exchange for revenues elsewhere, was to be examined. In the event, the de Fossats resented the intrusion resulting from their gambit. Arnald-Garsias communicated with his relative at Court with the king at York (12 October, 1316),⁶⁸ who had an order sent to the seneschal to the effect that ‘the pillory set up by certain royal officials in a street(?) of Aiguillon town’, near to the de Fossats’ own, infringed their ‘total and undivided lordship’. They and their predecessors, from time out of mind, had enjoyed their *pillorium et alias diversas libertates*. If proved, the intrusive royal pillory, instrument of low or middle justice (*cf. furce* or gallows), was to be taken away. Two days later, the de Fossats in concert, ventured to assert themselves still more strongly. Fortifying, they had evidently decided, proved their lordship beyond question. It also allowed an oblique refutation of the claims of the lords of Lunac. They procured another writ to the seneschal, dated 14 October 1316, like the other already summarized, boldly setting out their present and retrospective stance that –

although by the liberties and customs hitherto observed in the Agenais, each lord of castles and towns of those parts may properly (*licite*) have their said castles and towns enclosed (*claudere*) and crenellated (*sic*) with stone and lime(-mortar), and

may make towers and gateways (*turres et portalia*), not having requested licence accordingly from us ...

The focus of the quarrel between the de Fossats and the lords of Lunac (joint-tenants both, as was not unusual), over the latter's attempted procurement of a *bastide* adjoining Aiguillon 'castle', is then disclosed. Arnald-Garsias and the late Boniface de Fossat had –

constructed a gateway of stone to their wall, (located) between their jurisdiction (-area) and the jurisdiction of the lords of Lunac, in the town of Aguillon, in accordance with those aforesaid liberties and customs: whereupon, Amaury de Craon, lately seneschal of the duchy, at the instigation of Arnald's and Boniface's rivals (*emulorum*) quite unjustly (*minus juste*) caused that gateway to be thrown down and destroyed, not allowing Amanieu and Arnald thenceforth to repair it, to their prejudice and in manifest breach of the said liberty and custom.

Just how much the importunate Amanieu at Court had warped the facts now appears: putting up the stone *portale*, even if it was on an undisputed boundary line (*murus* is equivocal), was a demonstrative act – provocative, in this case. Evidently the lordship of the de Fossats over the whole town-castle was not at all 'total and undivided'. The undoubted practice of free fortifying in the Agenais was irrelevant – although bias in favour of the lords of Lunac by Amaury de Craon may have been involved.⁶⁹ At all events, his successor as seneschal was instructed to confirm that the custom applied and, more importantly, to investigate the truth, allowing the gateway to be repaired (and the legal position which it represented to be vindicated) – should he uphold the de Fossats' version of events on enquiry. Without such precautions, taken locally but subject, as a result, to personal influences on the ground, the nature of the Chancery and privy seal procedures was easily abused. The Rolls' appearance of omniscience, especially as calendared, is often deceptive. Even stipulating that the seneschal should 'fully inform' himself, 'having called all who should be, as well as our counsel',⁷¹ so that the question be resolved 'in

proper legal form', would not exclude favour, biased evidence, or even corruption – but, formally at least, justice should not only be done, but be seen to be done, as the modern judicial maxim prescribes. The complexity of Gascon affairs makes English simplicities very inadequate. Perhaps the chief casualty of comparing Gascony with England, in the period 1214-1317 at least, is the idea that England was insular and entirely different. Instead, Gascony (and wider Aquitaine), more than Normandy, bridges that quite narrow divide of the Channel over an era of three centuries. In castle-policy and fortification the gap dwindles almost to vanishing point – but it raises innumerable questions, as we have seen.

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Notes & References

Ducange, Dissertation 22 (1668) – excerpts re-assembled.

Les Olim, ou Registres des Arrêts, ed. Beugnot (1839), iii.

1. Ducange p.499 (1): *Reg. de la Constable de Bordeaux*, fol 207: Edward I n.d. licence to Gaillard de Blanhas for a *fortalium* rendable to the seneschal at will.
2. Officially cancelled French Budos licence 1301: *Les Olim*, p.91 no.36, Philip IV; re-licensed 1306, *CPR* p.420; *Foedera* 1, ii, p.981 (Latin); erroneous and military Gardelles p.109, fig 27, Bordelais: resembles other de Got works e.g. Villandraut.
3. CRs II, no.1838: *muro de petra vel de palo ... includare ... iratus et pacatus ...*
4. CMS, 174-6: indignant interventions by Count Bernard of Armagnac and Fézansac with Henry III quoted in full (translation). Resentment of London citizens is rare.
5. cf. their use of Domesday (Exchequer) and Champagne clerks' use of their fief rolls.
6. GRs III, no.3374. Edward's demand was 'feudal'. Embroiled in Wales and Scotland. Philip is not *rex illustris*. Portsmouth was the embarkation port. In August Arnold *et*

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- alii* was ordered compensation; arrears to be paid 1305; GRs II, no. 3801.
7. 1st Oct, notified Norham on the Scottish border: GRs III, app I, no.1888, based on recipient's copy 21 years old. Did Aycard accompany Edward on his crusade?
 8. GRs II, no 769 (III Index); no.1981, Oct 1291. Any open grant was always valid.
 9. GRs III nos 1940, 2099. 'Roquefort' is commonplace e.g. Gardelles p.208.
 10. M. Prestwich, *Edward I* (Yale 1997) foreword, 342-5, 401-6 (finances) *et passim*.
 11. If works were meant they would be spelled out: *pro voluntate sua* meant timing.
 12. De la Ferrière: Prestwich p.395 – 'a Gascon-trained lawyer and a royal clerk of considerable seniority'. Conciliation by the seneschal was usually enough.
 13. Charles Bémont relates events GRS III, Introd. ch.3, pp.124-82, in detail.
 14. Les Olim III, p.91, no.36; Boutaric (calendar) has *Bedos: propter defectus in ea*.
 15. Bayonne, Bas Adow, Blaye, Bourg were English held c.1303 (Truce May, Paris) but most (Bordelais, Landes, Agenais, Limousin, E.Gascony) were 'French'.
 16. Gardelles p.109 as '1308'; CPR, 1301-7, 420; *Foedera* 1, ii, p.981 (in full).
 17. Using the universal medieval 'shorthand' to save parchment: C.T. Martin q.v.
 18. (*Foedera*) *necnon et pro ea quod fortalitium hujusmodi ad nostrum et terrarum nostrarum in partibus illis, necnon et hominum de progenie predicti summi Pontificis securitatem sic faciendum reputamus*
 19. e.g. in 1308, Edward II asked Philip IV not to hold it against Geoffrey Rudel that he had refused to render Blaye 'in the recent war', having supported Edward: in the most ceremonious and groveling style. A conflict of feudal propriety: *Foedera* II, I, 32.
 20. Clues to the recipients' links with (usually) English royal household and familiarity.
 21. GRs III nos. 4642, 4644, 4650, 4661 (Nov. 1304). Peter de Gontaud, lord of Biron (April 1305; GRs III no.4789) had bastide disputes (nos 2136, 4790). See also III nos 4684, 4825, 4842, 4843: grantee-details in the text *via* Index.
 22. Same date: the Bishop of Bazas, Amanieu de Sescars knight, Amanieu de Ententon by plea of Amanieu lord of Albret. Sescars had lost land compensation in 1299, war-wages in 1305.
 23. 1305: Theobald de Preissac and Arnald-Bernard, his nephew, at Preissac. All had war-wages in 1299 and 1305. Simon de Montégut licence (a 'castle or fortification') in Bourg-sur-Mer castellary is not to prejudice rights. Bastide-procedure after inquisition *ad quod damnum* before licence if found by the seneschal to be innocuous.
 24. Coimères, for A. de Sescars (*or Sescas*) of the De Got family: Gardelles p.235 n.6.
 25. The phrase constantly occurs 'provided that the King's debts are duly paid'.
 26. When the Agenais was put out of direct royal lordship (1279) Vicomte Raymond had to have Turenne castle repossessed nominally, as due to Louis IX: GRs III no.255.
 27. Vignoles was to be built 'without prejudice to us or to another'. Not acted upon (below).
 28. J.P. Trabut-Cussac's paper, 'Les bastides de l'Acquaine anglaise et les intentions de leurs fondateurs', *Le Moyen Âge* ser. 49 (1954), 81-135, widened the whole study of 'castles'. Much in the present *CSG* volume shows how far it has receded.
 29. GRS II e.g. nos 1626, III, no.2062 (Libourne) etc; II no.1643 (1289), 1652; III, nos 4789; II nos 2136, 1643; III, no.4790; CMS p.198 no.198, p.242; and see Towns, index.
 30. GRs III no.4789 (see above); for extenso c. 1305 petition see Part I above.
 31. Compare Gardelles' Map IV, Gascony at Edward III's accession, with Maps II and

- III. Absorption, context of incidents to 1339, in detail, Coulson, 'Community and Fortress Politics', *NMS* XL (1996); by Valois judicial-military encroachment.
32. Three 'childless' sons of Philip IV: Louis X, Charles IV, then Philip IV (*les rois maudits*); after 1328, Philip de Valois, supplanter of Edward III; Cailhau memorandum to Edw. II 1317 and Gascon powerless resentment: details, 'Community...' esp. 100-108.
 33. *Foedera*, ii, 2 and iii, 1, c.1333-60, prints in full numerous documents on the local and 'strategic' acts of the Gascon war, which lies outside our brief.
 34. Reducing the right of mere *seisin* (Henry II), usually physical possession, is English, where usufruct arose through the 'use' chiefly: GRs IV, nos 624, 625, 626.
 35. The 'at the instance of' formula, common in England, may mean personal intercession at Court, or merely a covering note with the petition. *Consimiles littere* admits of scribal variation. In England *mansum manerii* is the standard object. GRs III, nos 1061, 1064. Edward I's debts being paid first is a constant proviso.
 36. GRS IV, no.675. Genitives suggest the clan of Wales. Rickard's exhaustive *Castle Community* (2002) assumes castle posts were 'military'; also GRs IV, nos 57, 1198, 1711.
 37. Edward II was notorious for giving offices to importunists often badly chosen: even the 'tower' and church of La Réole were in the frontier per c.1310 petition.
 38. Gardelles' index puts La Lyvarde or Lynarde as about 25 miles SSW of Montendre. Bourg was a major northern bastion; burgesses helped with walling the 'castle'.
 39. CMS p.207 no.53, 174-5. Castles and lands were 'noble fiefs' (e.g. Montolieu) not sold.
 40. GRs IV, no.921; Renouard no.1 and no.919; also n. 354, II no.1039 of 1289. All acts are attributed to the king. Warrants, often written on the petition, are very brief; this one identified as PRO no.8412682, giving great space for analytical comparison.
 41. Palace 1334-92; Papal residence until 1378: Mollat *Popes at Avignon* (1949); peace-keeper between England and Philip IV (each lent 320,000 florins); heavy taxation; gave his nephew for crusade, the vicomte de Lomagne, 300,000 florins, 200,000 florins to family members and friends: Mollat ch.I and p.8. A corrupt court.
 42. Gardelles pls. 154-7, pp.234-5. Villandraut is a *place d'orgueil* unique in Gascony.
 43. GRs IV, no.1160: double licence to Bertrand and Gaillard *ad instanciam dilecti et fidelis nostri Bertrand de Gutto, et de gracia nostra speciali concessimus ...*
 44. GRs IV, nos 1161, 1801, 1607, App. p.577, xiii, p.583. Castets is about 12 miles NNE of Villandraut. The licence would have confirmed Reymund's position meanwhile.
 45. GRs IV, no.1037: oblique wording – *et ibidem commestiones que vulgariter albergades appellantur*; cf. *hébergement* or *droit de gîte*. Deliberately vague.
 46. Thirteenth century deliberations of the Parlement de Paris are full of issues of this kind and full of detailed accounts: e.g. *Les Olim* vol. I – ii (Louis IX – Philip III).
 47. Including that mentioned for Arnald Sanz, 1313: he was a citizen of Bayonne.
 48. See CMS, Index 'destruction ... punitive', and 'usage of' as a 'sign', *et passim*.
 49. Unless Hugh de Fresne's Moccas (Herefords) in 1293 is an example.
 50. GRs IV, no.1242; Moulon, almost unique, occurs in Gardelles *Catalogue*, p.186; *de gracia nostra speciali* denotes seignorial liberality. By Latin Privy Seal warrant.

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51. GRs IV, no.1286. Urban licences also in 1219 (Bordeaux), 1254 (Barsac) for special reasons. The lord 'made the first enclosure' of a bastide and usually vested fortification.
52. Not in Gardelles; *homines et habitatores* put them below *probi homines* (e.g. burgesses); *portus* is descriptive, without legal implications; *munire* is clear.
53. Opposition by Bayonne is expected. In 1343, they offered to fortify Biarritz if the place was granted to Bayonne: *Foedera* II, ii, pp.1240-1. The 1314 letter was both Privy Seal warrant for licence by the Seneschal, and order for the enquiry to be held.
54. GRs IV, no.1334, cf no.1332 (also 'Westminster'). A hole was punched in the (parchment) petition to thread it on with the others and kept (e.g. *in filiciis eodem anno*)
55. In England, the petitioner was the source of specified works as a rule. The fiction of personal royal reading ('inspecting') of documents and oversight of all business delegated to specialist councillors is increasingly dubious; a fixed administrative doctrine.
56. Parchment slips ('membranes') of varying width, numbered in the Calendars, could be separately worked upon before stitching together to make up the Roll; so dates vary.
57. Edward II's Council had an enlarged role, see e.g. GRs IV, nos 1645-6, 1801; App. pp.577, 583.
58. GRs IV, nos 1336, 1696, 1783. '*O. de Burd, nunciante*' a Bordeaux vintner at Court? The repeat does not refer to the original, so not produced nor recited in the petition. The 1313 complaint at Pontoise may have had xenophobia as a motive as well.
59. GRs IV, nos 1361, 1364: *verbatim* of some date to Dominic de Francia of Urmendy.
60. GRs IV, no.1446, Latin warrant 92/3450: and IV, no.1536, warrant 94/3652; also no.1515.
61. Instances (in England) of unscrupulous applicants anticipating possession do occur.
62. Constantly recurring in documents we often find the phrase *indebite novitates*.
63. Specified in the editor's supplied gloss head uniquely as a licence: GRs IV, no.1773. Site apparently 8 miles SSE of Dax. Possibly linked with B. de Vignoles' troubles in 1305-15.
64. GRs IV, no.1767; total 102li including wages, all equipment lost etc., for 4 fellows, 1 hobelar, 5 crossbowmen and 1 archer in Berwick. Their loyalty was reliable.
65. Details *NMS* XL (1996) 80-108. Origins of 'the War of Saint Sardos'. GRs IV, App II (Docs 4, pp.578-9; Doc. 5, p.582. Paris Parlement summary *Olim*, iii, no.LXXV; *Boutaric* ii no.6498 etc. 1318, 1321, 1322: Arnaud de Cailhau report.
66. E.g. J-F. Finó, *Forteresses de la France Médiévale*, pp.72, 461 (bibliography) on 'droit de fortification', collating tradition: review and update see CMS.
67. GRs IV, nos 1708-1710 (see above) for the complexities of the case.
68. The Court was in turmoil after 1314. The Despensers, father and son, were ascendant. De Cailhau and others were already anxious about Edward's lack of consistent policy.
69. Use of 'crenellate' for 'fortify' is entirely new and 'English'. Amaury de Craon was son of gone-native Maurice; doubtless better-informed, despite 'Westminster'.
70. The lords of Lunac tried to tag on their *bastide* to Aguillon town, it would seem.
71. Curtly but clearly *vocatis vocandis et defensore nostro* as parties to debate.