

**Arboriculture and the Environment**

**in Manosque, 1341 – 1404**

By

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## **AUTHOR'S DECLARATION**

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners.

I understand that my thesis may be made electronically available to the public.

## ABSTRACT

“In Mediterranean Europe, human action on forests is generally perceived in a negative way. Rural communities are thought to have dramatically depleted the forests. Because of this well-established dogma, analysis of the interaction between humans and the forest frequently amounts to a vague chronicle of forest degradation. However, this assumption is sometimes contradicted in reality. Without denying the existence of important deforested expanses in the Mediterranean area, the impact of rural communities on forest evolution has not always been a bad thing.”<sup>1</sup>

-Vincent Clément, 2008

This thesis uses records of criminal inquisitions from 1341 to 1404 to take up the question of medieval environmental consciousness. These records were created in the Provençal town of Manosque. The town’s region extended along six kilometres of the Durance river-valley, and is home to an ecosystem unique to the south of France and to the Mediterranean. This ecosystem was intelligibly manipulated through human industry to support, in part, a pre-plague population of about five thousand inhabitants.

The statutes and privileges granted to the town illustrate a unique community, governed by the local commander of the Knights of St. John of Jerusalem and negotiated through the efforts of the burgess elites, who were predominantly local merchants and notaries. Over the period of 1341 to 1404, the court dealt with twenty-eight tree-related crimes, including theft, damage, cutting, arson, disagreement, and assault of the Manosquin arboriculture. The court’s stated intention with these cases was to regulate deviant behaviour in regards to the established customs of property. Along with the addition of a corpus of modern environmental scholarship, a nuanced interpretation of the medieval European economy appears, in which the balance, or imbalance of human interaction with the environment play a critical role.

So, the basic question posed herein is this: what can the conflicts of fourteenth-century rural inhabitants offer to modern scholars in search of pre-industrial environmental awareness?

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<sup>1</sup> Clément, Vincent. “Spanish Wood Pasture: Origin and Durability of an Historical Wooded Landscape in Mediterranean Europe,” *Environment and History*, 14 (February 2008), 67.

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## TABLE OF CONTENTS

AUTHOR’S DECLARATION.....	iii
ABSTRACT.....	iv
ACKNOWLEDGEMENTS .....	v
LIST OF FIGURES .....	ix
LIST OF TABLES .....	x
INTRODUCTION.....	1
CHAPTER I	
SOURCES AND METHODS	
1.1 The Genesis of the Research.....	3
1.2 The Landscape of the Research.....	6
1.3 Parameters of the Research.....	10
CHAPTER II	
THE MEDIEVAL ECOLOGY, 900-1400	
2.1 Northern Europe, France during <i>l’Âge des Grands Défrichements</i> .....	16
2.2 “The Mediterranean” during <i>l’Âge des Grands Défrichements</i> .....	20
2.3 Realities of the Mediterranean Ecology.....	22
2.4 Late Medieval Reaction to the Age of Deforestation.....	26
2.5 The Ecology of Fourteenth-century Manosque, and Expected Institutional Responses.....	29

CHAPTER III  
REGULATION AND THE ENVIRONMENT:  
STATUTES AND PRIVILEGES OF MANOSQUE

3.1 The <i>Livre des Privilèges</i> and <i>Instrumentum compositionis super maleficiis</i> .....	33
3.2 Protection of Property Statutes.....	38
3.3 Seigniorial Obligation Statutes.....	42
3.4 A Unique Statute: For and Against Shepherds.....	44
3.5 Negotiated Theory, Visible Intent.....	51

CHAPTER IV  
CRIMINALITY AND THE ENVIRONMENT:  
THE REALITY

4.1 Theft, Damage, and Cutting.....	54
4.2 Arson and Disagreement.....	61
4.3 Assault of the <i>Foresterius</i> .....	63
4.4 Law in Practice: What Was Being Protected.....	65

CHAPTER V  
CONCLUSION

5.1 Summation.....	70
5.2 Realities of the Evidence.....	72
5.3 Future Approaches.....	73

BIBLIOGRAPHY .....	76
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DICTIONARIES, MANUALS AND GLOSSES.....	81
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APPENDIX A  
SUPPORTING DOCUMENTS

A. 1 Statutes and Privileges of the Town of Manosque Relating to Trees.....	82
A. 2 Examples of Tree Related Inquests.....	86
A. 2.1 Example 1: Theft of Olives.....	86

A. 2.2 Example 2: Theft of Almonds.....	87
A. 2.3 Example 3: Cutting of Trees.....	89
A. 2.4 Example 4: Cutting of Fruit-bearing Trees.....	90
A. 2.5 Example 5: Damage to Trees.....	91
A. 2.6 Example 6: Burning of Trees.....	95
A. 2.7 Example 7: Disagreement over Trees.....	97
A. 2.8 Example 8: Assault of the <i>foresterius</i> .....	98

## LIST OF FIGURES

FIGURE	PAGE
0.1 Olive Grove, Mont-d'Or, Manosque.....	x
2.1 Map of the Manosquin Landscape.....	31
3.1 Coppicing, Pollarding and Lopping .....	50
3.2 Map of the Manosquin Statutes.....	52
4.1 An Example Folio of the Criminal Registers: Facsimile of MS 56H 1001 fo. 119.....	56
4.2 Map of the Manosquin Inquests.....	69

## LIST OF TABLES

TABLE		PAGE
1.1	Summary of Tree Related Inquests, 1341 – 1404.....	12
3.1	Summary of Manosquin Statutes, Petitions, Definitions and Instruments relating to Trees...	36
3.2	Manosquin Statutes by Type.....	37
3.3	Statute Eleven, <i>Quod Homines...</i> Broken Down by Item.....	45
4.1	Summary of Tree Related Inquests Transcribed, 1341 – 1404.....	55
4.2	Tree Related Inquests by Type.....	55
4.3	Tree Related Inquest by Outcomes.....	67



Olive grove and the ruins of the Chateau Mont-d'Or, Manosque  
*Source: Reproduced with permission of Steven Bednarski*

## INTRODUCTION

Modern environmental history of the Middle Ages, especially forest history, owes a large debt to the work of the Annales school, whose members approached the economic model of medieval Europe broadly. These historians combined social, political, and geographic history with economics, to depict a society that literally clear-cut its way to a modern economy. Fifty years of environmental scholarship have nuanced the work of the *Annalistes*, establishing a legislatively monetized medieval natural environment aimed at protecting natural resources, penalizing resource exploiters, and guiding the growth of the future resources. Though European legislative bodies established strict economic frameworks to govern human encounters with natural resources, sanctioned incidents of environmental destruction still occurred alongside incidents of environmental preservation.

This thesis examines records from the Provençal town of Manosque for incidents of natural destruction and preservation. It extends the *Annaliste* economic model and juxtaposes it with a new school of Mediterranean environmental history to assess the meaning of Manosquin environmental legislation and prosecution.

The statutes and trials of Manosque belie the fiscal motives of the townspeople and their seigneur, a governor who struggled to protect his enviro-capital from greedy citizens. Seigneurial and individual financial motives lay large within the statutes and trials that address theft, cutting, damage, arson, or forestry. The situation was not, however, entirely exploitative. The Manosquin documentation also suggests an economic model that allowed burghers and their

seigneur to function more harmoniously with their environment than the *assartage* pattern of the *Annalistes* allowed. We see this environmental harmony in local statutes on orchards, on mixed-use terrain, and on woodland management. This symbiosis is a unique characteristic to the early fourteenth-century Mediterranean. At the same time, the historiography and primary sources demonstrate a seignorial push to prohibit or abolish certain symbiotic practices and customary rights, in the search for of greater economic profit. This phenomenon was not universal. In some instances the seigneur took actions to integrate certain economically beneficial, and environmentally harmonious, practices into his arboricultural regimen. To quote Vincent Clément, “the impact of rural communities on forest evolution has not always been a bad thing.”<sup>1</sup>

This thesis argues that the environment played a crucial role in the Provençal economy. It was not always merely a resource to be exploited ruthlessly and utterly. Just as often, the natural environment offered Provençal townsmen the opportunity to develop strategies for symbiosis to balance immediate financial gain against long-term conservation and security of invested capital.

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<sup>1</sup> Clément, Vincent. “Spanish Wood Pasture: Origin and Durability of an Historical Wooded Landscape in Mediterranean Europe,” *Environment and History*, 14 (February 2008), 67.



## CHAPTER I SOURCES AND METHODS

### 1.1 The Genesis of the Research

#### 1.1.1 Introduction

The introduction to this thesis has suggested the need for an investigation into the economic meaning of environmental legislation found in local privileges, statutes, and criminal registers. This chapter contextualizes the problem within the current state of the research and establishes a working method.

Environmental law did not exist as a legal concept for the *gens de justice* of Manosque, or even for the rest of medieval Europe for that matter. It, much like the field of environmental history, only appeared after the rise of environmentalism in the nineteen-sixties. In the Manosquin economy, however, the environment was the setting for, and an important consideration for, the interactions between the townspeople of Manosque and their judicial body, the court of the Hospital of St. John of Jerusalem.<sup>1</sup> Inquiry into the juxtaposition of environment and economy in court cases exists neither in the scholarship of the medieval judicial ritual, nor in the scholarship of environmental history. It is, thus, necessary for this thesis to bridge two distinct disciplines: environmental history and social history. What the scholarship of these two distinct schools provides is the main focus of this chapter.

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<sup>1</sup> The Knights of St. John became the town's rightful seigneur after the end of the eleventh-century, when it was given to the Hospital by the counts of Forcalquier. Félix Reynaud. *La commanderie de Saint-Jean de Jérusalem de Rhodes et de Malte à Manosque (XIII<sup>e</sup> siècle - 1789)*. (Gap : Société d'Études des Hautes-Alpes, 1981), 22.

### 1.1.2 Survey of the Existing Corpus of Work

The scholarship on Manosque covers a number of subgenres of inquiry, the majority of which fall under the umbrella of criminality and justice. The sources available to these scholars, the criminal series as well as the charters of the town, guide the work of several generations. The earliest urban history of Manosque, the Three Books of the Town of Manosque (*Manuasce urbis libri tres*), was written in 1658 by the Jesuit priest, Father Colombi. An eighteenth-century jurist, Eyssautier wrote another history of the town, focusing this time on the development of its religious institutions. His *Histoire ecclésiastique* was lost by the nineteenth century. The unpublished works of two more local historians, Bouteille and Father Barrière, would eventually be adapted and included in Abbé Féraud's *Histoire civile, politique, religieuse, et biographique de Manosque*.<sup>2</sup> In his work, Féraud covers Manosque's history from its antique foundation, destruction by the Saracen invasion of 900 A.D., its subsequent reconstruction, its transition from a holding of the counts of Forcalquier to the Hospital, and then to its early modern existence. In 1894, M. -Z. Isnard provided for all successive scholars the transcription of Manosque's town statutes and privileges, the *Livre des Privilèges*, which contains the *Instrumentum compositionis super maleficiis*, a document outlining the criminal punishments.<sup>3</sup> Isnard's Book of Privileges is one of the primary sources upon which all scholarly work on Manosque relies. While Isnard illustrates the individual pieces of the administration of justice that exist in the Book of Privileges, he observably dates himself, when he says "...il reste bien peu à glaner dans ses parchemins et dans ses vieux registres."<sup>4</sup> Félix Reynaud's *La*

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<sup>2</sup> Abbé Féraud. *Histoire civile, politique, religieuse, et biographique de Manosque*. (Marseille : Laffitte Reprints, 1973), vi.

<sup>3</sup> M.-Z. Isnard. *Livre des Privilèges de Manosque*. (Paris: Chaspoul, Constans et V<sup>e</sup> Barbaroux, 1894)

<sup>4</sup> Isnard (1894), xxvi.

*Commanderie de Saint-Jean*, written during the Second World War, is the most recent history of the Hospital's tenure as seigneur of Manosque.<sup>5</sup>

A succession of modern scholars, largely North American since the nineteen-seventies, make up the corpus of analytical-historical work done on the foundations of Columbi to Reynaud. Rodrigue Lavoie, one of the first to study Manosque in Canada, studied the justice system of Manosque and wrote on sexual delinquency.<sup>6</sup> Two other notable North American Manosquin scholars, Michel Hébert at the University of Québec in Montréal and Joseph Shatzmiller at the University of Toronto, helped establish the modern field of Manosquin scholarship, the former in military relations and industry, the latter in the Manosquin Jewish population.<sup>7</sup> Andrée Courtemanche, one of Lavoie's students, has become one of the town's most prolific historians, writing on immigration, marriage, feminine honour, economics, delinquency, and medicine as it appears in the criminal series.<sup>8</sup> Lavoie and Courtemanche's students themselves have now written on a variety of topics including justice, female solitude, credit and debt, the Manosquin commune, and others.

More importantly for this study is an idea that Lavoie hinted at, but that was identified by Steven Bednarski, a student of both Hébert and Courtemanche, in his own research into the Manosquin judicial regulation. Bednarski draws attention to an often overlooked question of the

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<sup>5</sup> Reynaud. (1981).

<sup>6</sup> Lavoie, Rodrigue. "La délinquance sexuelle à Manosque (1240-1430) : Schéma général et singularités juives." *Provence historique* 37 (oct.-nov.-déc. 1987) : 571-587.

<sup>7</sup> Hébert, Michel. "Autour de la cavalcade : les relations entre le comte de Provence, les Hospitaliers et la communauté de Manosque (XIII<sup>e</sup> - XIV<sup>e</sup> siècles)." In *Vie privée et ordre public à la fin du Moyen-Âge: Études sur Manosque, la Provence et le Piémont (1250 - 1450)*, ed. Michel Hébert. Aix: Publications-Diffusion : Université de Provence, 1987, 141 - 158. or

"Travail et vie urbaine: Manosque à la fin du Moyen-Âge." in Claire Dolan ed. *Travail et travailleurs en Europe au Moyen Âge et au début des temps modernes*. Wetteren: Universa, 1991. Shatzmiller, Joseph. *Recherches sur la communauté juive de Manosque au Moyen-Âge, 1241-1329*. Paris: Mouton, 1973.

<sup>8</sup> Courtemanche, Andrée. "La rumeur de Manosque : femmes et honneur au XIV<sup>e</sup> siècle." In *Normes et pouvoir à la fin du moyen âge*, ed. Marie-Claude Déprez-Masson. Montreal : C.E.R.E.S., 1989, 128 – 144. And others. See bibliography.

court systems: what was the fiscal impact of collecting fines?<sup>9</sup> He writes that while the extent to which the courts profited from this revenue stream is less well known, partially due to the lack of comprehensive data, “the link between economics and regulation is important and... deserves to be integrated into a more complete discussion of social regulation.”<sup>10</sup> This idea can be extended into a consideration of the monetizing of environmental damage. This is one of many ways the Manosquin seigneur inserted himself into the environmental economy. Another important contribution of Bednarski’s to the current study is the concise and cumulative study of property damages and taxation, upon which this study’s arboreal focus rests.<sup>11</sup>

The scholarship of Manosque in the last century has branched out into numerous subgenres of the judicial experiences of the various communities of the town. While the specificity of each scholar or subgenre would likely minimize the value for a study in environmental awareness, as noted above, there are often seed ideas that appear throughout the scholarship, falling outside the intended scope of the author’s original goals, waiting for another scholar to take up the thread. This study attempts to fill a niche that is currently unfulfilled within the corpus of Manosquin scholarship, and in the scholarship of environmental history as a whole: environmental law in practice. It is to these scholars that the more specified social and criminal contexts of an environmental topic will defer.

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<sup>9</sup> Steven Bednarski. “Crime, Justice, and Social Regulation in Manosque, 1340 – 1403.” (Ph.D. Thesis, Université du Québec à Montréal, 2002), 14.

<sup>10</sup> Bednarski (2002), 14.

<sup>11</sup> Chapter four of Bednarski’s thesis outlines the major taxes that are represented in the statutes and privileges that are recorded in the *Livre des Privilèges*, and the ones that impact this study, the *brocagium* (wine, vineyards), the *lumbi* (produce from fruit-bearing trees), the *pasquerium* (shepherding) and the *tasquerie* (land harvests). The fourth chapter then goes on to discuss the various types of property disputes that took place in the Manosquin registers.

## 1.2 The Landscape of the Research

### 1.2.1 Environmental Landscape

J. R. McNeill defines environmental history as: “the history of the mutual relations between humankind and the rest of nature... Broadly speaking, there are three main varieties, one that is material in focus, one that is cultural/intellectual, and one that is political.”<sup>12</sup> In *What is Environmental History?* J. Donald Hughes further identifies these varieties as: “(1) the influence of environmental factors on human history; (2) the environmental changes caused by human actions and the many ways in which human-caused changes in the environment rebound and affect the course of change in human societies; and (3) the history of human thought about the environment and the way in which patterns of human attitudes have motivated actions that affect the environment.”<sup>13</sup> This last variety of McNeill and Hughes will become of major importance to this study. Hughes identifies why, stating, this variety is “the study of political expressions of environmental policy. Many nations have embodied this in the creation of a body of environmental law...”<sup>14</sup> Environmental history is easily enough defined, but establishing boundaries and practices for the investigation of these themes is more difficult to accomplish.

The first hurdle for an environmental historian, in any environmental history, is the issue of advocacy. Hughes chronicles the history of this issue, arguing that the ghosts of advocacy of the earliest environmental historians still haunt scholarly credibility. “[F]rom the beginning however, they [the historians] demonstrated a concern that their work not be seen as a form of environmentalist journalism... Environmental historians were then suspect within the historical

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<sup>12</sup> J. R. McNeill. “Observations on the Nature and Culture of Environmental History” *History and Theory*, (v. 42, no. 4, 2003), 6.

<sup>13</sup> J. Donald Hughes. *What is Environmental History?* (Cambridge: Polity Press, 2006), 3.

<sup>14</sup> Hughes (2006), 9.

community for promoting a point of view that might compromise their scholarship in a tendentious way.” Contrary to this, “Environmental historians guarded their objectivity (perhaps sometimes they overcompensated in their desire to avoid advocacy), and have often also been critical of environmentalists as well as their opponents.” Regardless of an effort to remain purely objective, “advocacy has certain virtues, and that to avoid it completely may be to dodge important ethical questions.” “[I]t is undoubtedly true that most environmental historians today are aware in a positive sense that their field has roots in common with the environmental movement, and as citizens share many of its goals.”<sup>15</sup> Though it is the prerogative of the individual historian to choose his side on this issue, in this study the nature of the argument and the body of evidence are not organized to fulfill this goal. The intention is not to espouse a modern opinion, but simply to elaborate on environmental awareness in the economy.

The second hurdle that impedes a medieval environmental historian stems from two methodological issues: presentism, and the ruined-landscape theory. Those who hold to presentism ignore the occurrence of environmental crises throughout history, suggesting that environmentalism is simply a modern phenomenon. “[Presentism] fundamentally denies history itself as an intellectual endeavour that can be applied to the understanding of the present. The study of past effects of environmental forces on human societies, and the impact of human activities on the environments, gives needed perspective to the dilemmas of the contemporary world.”<sup>16</sup> This is a fairly easy issue to avoid, but the inverse of this, the creation of “ruined landscapes” is a common error even of some environmental historians. This idea, established for the Mediterranean by A. T. Grove and Oliver Rackham, argues that historians often craft an

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<sup>15</sup> Hughes (2006), 96.

<sup>16</sup> Hughes (2006), 99.

embellished time-before-when, a “Lost Eden,” when they discuss a discovered change or crisis in the historical environment.<sup>17</sup> This creates a

preconceived standard (‘potential climax’) of what Mediterranean vegetation ought to be, [and] they pronounce any landscape to be degraded that now falls short of that standard. They fail to distinguish between a mountain that is treeless because of human misuse, and another that is made of hard limestone and has never been suitable for trees.<sup>18</sup>

This is precarious to avoid, especially when discussing Provence, a region populated since the Stone Age. The next chapter will seek to avoid these pitfalls, and apply the methodologies of Grove, Rackham and others, to the existing corpus of medieval environmental scholarship.

### 1.2.2 Judicial Landscape

The judicial framework employed for this thesis deserves elucidation, as this study relies heavily on the scholarly frameworks of social historians who specialize in criminal analysis. This study owes a great debt to the Canadian scholars of Manosque, most notably Bednarski, who crafts a Foucauldian sociological model that applies directly to the medieval paradigm and Manosque in particular.<sup>19</sup> Bednarski argues that a Foucauldian court system worked to normalize citizen behaviour through repression, and that this system relied traditionally on three elements, “an allegedly neutral third party, a judge ...recourse to a universal rule of justice... [and] binding decisions supported by the power of enforcement. This enforcement necessitated an active and strong police force.”<sup>20</sup> With some minor changes, this system can be applied to the idea of environmental awareness, most appropriately within the woodlands of medieval Europe: supporting a judge, an environmental policy, and a forester.

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<sup>17</sup> A.T. Grove and Oliver Rackham, *The Nature of Mediterranean Europe: an Ecological History*. (New Haven: Yale University Press, 2003), 8.

<sup>18</sup> Grove and Rackham (2003), 15.

<sup>19</sup> Michel Foucault, Alan Sheridan, ed. *Discipline and Punish: The Birth of the Prison*. New York : Vintage Books, 1995. And Foucault, Michel. Colin Gordon, ed. *Power / Knowledge: Selected Interviews & Other Writings (1972-1977)*. New York: Pantheon Books, 1980.

<sup>20</sup> Bednarski (2002), 30.

Power is also an important concept that requires qualification. This encompasses legitimate and illegitimate power, which Bednarski defines as “the ability, deriving from social or political standing, to influence the behaviour and thought of others.”<sup>21</sup> This power is most visible within the context of this study as the imposition of a singular canon of environmental treatment and behaviour. Throughout the study, however, different opinions will be encountered, and it will be a test of the other parties’ ability to match *illegitimately*, the power of the prevailing institution. This will be seen later on with the growth of the transhumance community as a powerful yet maligned pseudo-institution in the medieval Mediterranean.

### **1.3 Parameters of the Research**

#### **1.3.1 Spatial Boundaries**

Why Manosque? There are two major reasons to choose this small Provençal town over other European towns. The first is the survival of documents. The survival rate for documents of this nature is always quite low. That Manosque’s forbearers preserved their documents is notable. The opportunity to study more than a century within a single microcosm is rare in this field. The opportunity to track various themes over time, noting changes or continuities is one reason Manosque has drawn, and will continue to draw scholars.

A second concern that elevates this small Mediterranean town over others is its geographical location. The corpus of medieval environmental history is dominated by a Northern European model. Other than a few notable scholars who react against this focus, the majority of medieval environmental history done on the Mediterranean region is either combined under the

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<sup>21</sup> Bednarski (2002), 32.



broad umbrella of Europe, or considered “the fringe” of the medieval world; either way, the Mediterranean has been given poor coverage in the scholarship, and Provence has been offered little chance to expose its uniquely Mediterranean characteristics. These differences will be touched on at length in the next chapter, along with a map of the landscape (See Figure 2.2, p. 32). The Manosquin ecosystem is a typical, albeit unexplored Mediterranean ecosystem, and coupled with an enduring documentary record is enough to justify the choice of Manosque for this environmental microhistory.

### 1.3.2 Temporal Boundaries

The temporal boundaries that frame this study are the range of years from 1341 to 1404. The reason for this specific range is due to the content of the trials that will be examined in this study. Within the series of criminal trials, the first instance of tree related arbitration available to scrutiny establishes the *terminus post quem* at 2 August 1341 for the study. The last case sets the *terminus ante quem* at 16 October 1404, to encompass a series of twenty-eight trials spanning sixty-three years. It is also important to note that the statutes that impact the trials selected for this study were negotiated between 1234 and 1293 by the seigneur and the urban elite of Manosque. While this is a span of over a century, the statutes still held sway and were often recopied into the trial records a century later.

### 1.3.3 Registers Used

Table 1.1 is a list of trials and their contents surveyed for this study. The trials themselves are contained within series 56H, from the Archives départementales des Bouches-du-Rhône (ADDBDR). The twenty-eight trials listed were selected specifically for their content as it relates to the arboriculture practices of Manosque. These trials involve either the theft of produce from trees, damage to trees, the cutting of trees, burning of trees, or disagreement about the rights over

trees in the suburban or urban area of Manosque. The twenty-eight trials come from a criminal series of almost sixteen hundred, and this amounts to less than two percent of the total trials for the time period of 1341 to 1404. I have selected and transcribed eight of the trials as examples, either for their representativeness, or for their unique characteristics. I refer to them throughout. Transcriptions are in the Appendix at the end of the thesis. Important for the

**Table 1.1 Summary of Tree Related Inquests, 1341 – 1404**

Register	Folios	Inquest Date	Summary of charge
56H 986	64 – 64 v.	08/02/1341	Assault of the <i>foresterius</i>
56H 986	246 – 246 v.	04/28/1343	Stole olives from trees
56H 989	20 (misfoliated)	10/18/1351	Started a fire in a vineyard
56H 994	36 – 40	08/04/1362	Three men destroy apple tree
56H 994	48 – 48 v.	08/24/1362	Stole almonds from a widow's field
56H 994	94	09/27/1362	Stole almonds from a field
56H 994	127 – 127 v.	11/03/1362	Stole almonds from trees
56H 994	135 – 137	11/08/1362	Damaged almond trees
56H 994	141 – 143 v.	11/13/1362	Damaged almond and olive trees
56H 994	144 – 145 v.	11/18/1362	Cut down almond tree
56H 994	152 – 152 v.	11/21/1362	Stole olives from trees
56H 996	85 – 85 v.	08/27/1366	Stole almonds from a field
56H 999 bk 3	31 – 31 v.	01/08/1392	Cut down almond tree
56H 999 bk 2	39 – 39 v.	11/07/1392	Stole almonds from trees
56H 999 bk 2	44 – 44 v.	11/07/1392	Stole almonds from trees
56H 999 bk 1	28	08/20/1392	Stole almonds from field
56H 1000	46	01/21/1392	Cut down almond tree
56H 1001	119 – 119 v.	01/11/1394	Burnt some olive trees
56H 1001	144 v.	02/05/1394	Stole almond frond from woman, called her whore
56H 1001	7 v.	09/01/1394	Cut down trees in the Hospital's enclosure
56H 1005	33 – 33 v.	07/27/1400	Disagreed over caper trees in count's land
56H 1007	19 v.	03/08/1402	Stole an olive frond from a woman in a grove
56H 1008	101	01/29/1403	Burnt trees in <i>Les Iscles</i>
56H 1008	86 – 86 v.	12/02/1403	Disagreed over some olive trees
56H 1009	72 v.	02/13/1404	Cut down fruit bearing trees
56H 1009	55 – 55 v.	02/26/1404	Cut down fruit bearing trees
56H 1009	61 – 61 v.	03/22/1404	Stole part of a walnut tree
56H 1009	30	10/16/1404	Stole almonds from a woman's field

consideration of these trials is the understanding of both their style and the language(s). The trials were transcribed themselves by a notary of the inquisitorial court of the Hospital. The *inquisitio* style, in the form of leading questions and answers left scant room for extra details to be included in the written record of the trial. This is the primary filter through which all documents need to be understood and read. Trials which had no defence, a confession, or a denial of charges with no testimony of witnesses or proof, are brief. Another factor that impairs the reading of the trial is their language. A notary wrote them in Latin, the trials took place *in vulgari*, or *in Romana lingua*, in Provençal. The notary translated all the dialogue of the court into Latin, only sometimes making a direct quotation in the vulgar. This translation adds an extra filter through which modern scholars must read. Despite all of these obstacles, the collected series of trials functions as a worthwhile data set from which to draw conclusions.

#### 1.3.4 Outline of Demonstration

I use the court in Manosque to express a personal economic relationship and responsibility between the burghers, the peasantry, the local elites, and their surrounding environment. The principal relationship is one of regulation. The surviving records, which have come down to us due both to diligent tending and general neglect, have been successfully mined for their various representations of fourteenth-century values: alienation, crime and violence, gender, religion, work, and many others. What they have not been read for is their environmental potential. Mine is the first reading of Manosque's texts for ecological awareness. Manosque functions as a worthwhile microhistory of the environment, as it fits within the existing scholarship of arboriculture and forest history, as well as containing unique features that allow it

to stand out from northern Europe. These features will be discussed at length through the course of this study.

The statutes and privileges granted to the town offer a potential framework for urban priorities, held mainly by the seigneur, but negotiated with the town's burghers. The customary obligation to provide the seigneur with a percentage of profit and of taxation is present. So too is an interest in the protection from theft, damage, and destruction of a variety of tree species. Arson was another major concern, both for its feared (and potentially unrestrained) destructive potential, as well as for the monetary and property damages it created. The records also hint at the division of different environments. Seigneur and townsmen alike codified, punished, and regulated these issues.

The records of the court and its trials function as a litmus test for the success or failure of ecological statutes. Laws against certain behaviours do not mean that these behaviours were stopped or were prevented, simply that these behaviours happened. This is especially true in the tradition of forest history. Many scholars state that arboreal statutes were enacted simply to regulate or monetize certain actions. This phenomenon is evident in a few of the Manosquin tree trials. As a test for the meaning of the town's economic-environmental model, the trials indicate more personal opinions, what the individual inhabitants of the town valued in their environment, what they stood for, and how they compromised. The presence of more creative uses of the environment testifies to a relationship between the townspeople and their environment that surpassed merely single-harvest economics.

The thesis that follows divides the argument into three sections. The first sketches out the historiographical framework into which this study fits. The second was the town's statutes and privileges to this historiographical corpus in order to support broad conclusions and to verify

their unique character. The third section applies the trials themselves for evidence of a unique Manosquin economic policy.

## CHAPTER II

### THE MEDIEVAL ECOLOGY, 900 – 1400

#### 2.1 Northern Europe, France during *l'Âge des Grands Défrichements*

##### 2.1.1 *Les Annalistes*

Environmental history owes a fundamental debt to the first generation of the Annales School, notably to Marc Bloch and Georges Duby. Their works, *L'Histoire Rurale Française* (Bloch) and *Rural Economy and Country Life* (Duby) are the foundation for many of the survey works of medieval and western environmental histories. Their identification and labelling of *l'Âge des Grands Défrichements*, the Age of the Great Deforestation, marked a period of rapid economic growth, during the Medieval Climactic Optimum, a period of warming temperatures that allowed for the populations of Europe to take advantage of a surplus of arable (and inhabitable) as it increased with the warming. One of the most successful ways that the population of the tenth through twelfth-centuries exploited the landscape was through the steady colonization practices of the nobility. Duby writes that it was they who “welcomed ‘settlers’ (*hospites*), and ‘offered them hospitality’ (*hospitaverunt*). Elites, though, went still further: they encouraged pioneers, they incurred expenses so as to attract them, they wrangled over them.”<sup>1</sup> Reducing, or dropping for a span of years, the customary taxes and duties that the peasantry normally paid, was one of the many tactics employed to usher in this age of deforestation. Marc Bloch, likely happy to identify this as one of the seeds of the institution of feudalism, writes:

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<sup>1</sup> Georges Duby, Howard B. Clarke, trans. *The Early Growth of the European Economy*. (New York: Cornell University Press, 1974), 200-201.

Certes, les raisons qui amenèrent les principaux pouvoirs de la société à favoriser le peuplement n'ont rien de bien difficile à pénétrer. Les seigneurs, en general y avaient intérêt parce qu'ils tiraient de nouvelles tenures ou de tenures accrues des redevances nouvelles: d'où l'octroi, aux colons, comme appât, de toutes sortes de privileges et de franchises et parfois le deployment d'un veritable effort de propogande... D'où aussi cette sorte d'ivresse mégalomane, qui semble s'être emparée de certains fondateurs...<sup>2</sup>

With this 'megalomaniacal intoxication' European elites cleared vast tracts of the forests. For Bloch and Duby, this exploitative age was a perfect vehicle for the growth of the medieval European economic and political systems. For the environmental historian, it is a rich source for the foundations of environmental legislation. In the immediate wake of Bloch and Duby's assertions, though, the establishment of Europe as a ruined landscape, after the ninth century, went uncontested.

### 2.1.2 The Successors' *mise au point*

The successors to the legacy of Bloch and Duby, many students of the *Annales* school, found themselves with a worthwhile framework and a need to probe further. Charles Higounet, if not for the chronological ordering of this chapter, was the real *mise au point*. Higounet took it upon himself to survey and synthesize the entirety of medieval forest history. He produced a map depicting the forests of eleventh-century Europe, which has been oft reproduced even into the most modern of scholarship. In 1966, Higounet was one of the first to apply aerial photography, geology, carbon dating, and palynology to the study of forest history. But Higounet mistakes his subject matter for a 'ruined landscape,' and the content and scale of his map is too macrocosmic to have a worthwhile impact on this study.<sup>3</sup> His contemporaries, Devèze and Fournier's *Le peuplement rural* also did little to advance the scholarship beyond a survey of the field, either

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<sup>2</sup> Marc Bloch. *Les caractères originaux de l'histoire rurale française*. (Paris: Librairie Armand Colin, 1964), 15. Feudalism, now a considered a dirty little word by most scholars of medieval history, is dealt with in the piece of Elizabeth A. R. Brown, "The Tyranny of a Construct: Feudalism and Historians of Medieval Europe," *American Historical Review* 74 (1974): 1063 – 1088. For the purposes of this study, it is important to note the more invested, and negotiated position of the townspeople of Manosque to their seigneur, which was much more elevated than simply servitude.

<sup>3</sup> Charles Higounet, "Les Forêts de l'Europe Occidentale du V<sup>e</sup> au XI<sup>e</sup> Siècle." in *Agricoltura e Mondo Rurale in Occidente Nell'Alto Medioevo*. (Spoleto: Presso La Sede Del Centro, 1966)

applying it to different areas (Fournier's Basse Aubergne) or to a legislative survey (Devèze's *La Vie de la Forêt*). Devèze is responsible for one of the earlier estimates, based on all of the solid *Annaliste* scholarship available to him, of how much land was cleared during the Age of Deforestation: suggesting that more than half the forests of Europe had been cut down between 1100 and 1350.<sup>4</sup>

### 2.1.3 Modern Surveyors of the Field

Into the nineteen-nineties and even into the twenty-first century, the old *Annales* scholars are shown near-complete deference, very recently, though, their economic and geographic histories, now integrated into modern forest and environmental studies, have shown their age and limits. Michael Williams's 2003 *Deforesting the Earth*, a forest history survey, hesitantly acknowledged some of the *Annalists'* environmental faults. Williams accuses the *Annalists* of employing "'heroic rhetoric' in the accounts of the *grand défrichements* which [they] accentuated [...] to heighten the contrast between the natural and newly humanized landscape..."<sup>5</sup> Despite this fault, Williams still believes there to be visible value in the broad outlines and many of the details of the work of Bloch, Duby, and their successors. The problem with survey works lies mainly in the generalizations described by the author- many of the theories are translated, but authors overlook the details, due to the changes in recent scholarship. The most appropriate way to correct this problem is to recruit a specialist in the field for each different spatial or temporal division, and to collect their work into a comprehensive whole.

This was the solution of the collaborative project of Mark Stoll, the editor of *Northern Europe, An Environmental History*, notably in the chapters by Richard Hoffmann. A leader in the modern field of medieval environmental history, Hoffmann collected the varied scholarship,

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<sup>4</sup> Michael Williams. *Deforesting the Earth*. (Chicago: The University of Chicago Press, 2003), 123.

<sup>5</sup> Williams (2003), 118.



and truthfully reported that “the forested landscapes [that have been] long recognized as widespread in the early Middle Ages actually ranged across a spectra from dense to open vegetation and pristine to humanized by long cultural interaction...”<sup>6</sup> Hoffmann sets an example of good scholarly caution by avoiding the trap of the fantastical ‘ruined landscape’ that caught many of his predecessors. It appeared advantageous to scholars like Hoffmann to collect micro studies that now contest longstanding traditions.

#### 2.1.4 Northern Micro-Studies

Micro-studies that investigate individual locations over the course of shorter periods of time have begun to fill gaps in the scholarship of the field. Richard Keyser’s award-winning “The Transformation of Traditional Woodland Management: Commercial Sylviculture in Medieval Champagne” is one of the most recent examples of the exceptional scholarship of current environmental historians.<sup>7</sup> Keyser establishes the classic approach to forest history, complete with the age of deforestation and the excesses of the medieval nobility, and then proceeds to describe the weaknesses of each with the presentation of a nuanced account, of an ecosystem that existed in symbiosis with a population and economy ultimately dependant on its landbase. Keyser’s work is unique within the corpus of environmental history, and this study returns to his thesis and evidences to depict a similar contention with the canon, and to suggest specific possibilities for Manosque, such as the sustainable coppice-wood economies espoused by Keyser, as well as Horden and Purcell.

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<sup>6</sup> Whited, Tamara L. et al, *Northern Europe: An Environmental History*. (Santa Barbara: ABC-CLIO, Inc., 2005), 55.

<sup>7</sup> Richard Keyser. “The Transformation of Traditional Woodland Management: Commercial Sylviculture in Medieval Champagne” (*French Historical Studies*, Summer 2009; 32: 353 – 384).

## 2.2 “The Mediterranean” during *l’Âge des Grands Défrichements*

### 2.2.1 The *Annaliste* Heritage

The state of Mediterranean forest history, like the state of northern European forest history, is one of hesitant generalisation, and often further, marginalisation. After the work of Fernand Braudel and his *Annaliste* successors, scholars have not made the effort to discuss the Mediterranean beyond a cursory comparison or blanket inclusion.<sup>8</sup> The quotation marks in the heading above are intentional; to indicate a large oversight in the corpus of current scholarship that has taken place in regard to the forests of the Mediterranean ecosystem.

Michel Devèze went unheeded by his peers, when in 1961 he wrote, “*les conditions climatiques, l’ancienneté et la densité de l’occupation humaine dans le Midi étaient plus défavorables à la forêt...*”<sup>9</sup> Devèze found it unbelievable that the Mediterranean fit into northern European analogies, but his suggestion seems to have faded into obscurity. Higounet, the *mise au point* scholar for the North, has little to say about the Mediterranean, and is guilty of establishing it as ruined landscape, writing: “*la forêt est dans les pays méditerranéens une forêt ‘fragile’. Elle y est à sa limite climatique.*”<sup>10</sup> With that declaration, he deferred all further analysis to Maurice Lombard. Lombard, also an *Annaliste*, is responsible for a work, similar to Duby’s, in which he discusses the economic and political machine responsible for Mediterranean deforestation: ships, which he dubs “*mangeur de forêts.*” Lombard argues that “*l’installation des Musulmans sur toutes les côtes méridionales de la Méditerranée double les besoins en bois de marine... La marine des Omeyyades d’Espagne, sur les deux façades, méditerranéenne et atlantique, n’est*

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<sup>8</sup> Fernand Braudel. Siân Reynolds, trans. *The Mediterranean and the Mediterranean world in the age of Philip II*. (New York: Harper & Row Publishers, 1972), 75.

<sup>9</sup> Michel Devèze. *La Vie de la Forêt Française au XVI<sup>e</sup> Siècle*. (S.E.V.P.E.N., 1961), 56.

<sup>10</sup> Higounet (1966), 371.

*pas moins active.*”<sup>11</sup> Lombard’s argument holds some weight, as navy construction necessarily involved a large amount of wood, but he ignores that the natural and long-term processes that also shaped the uniquely Mediterranean ecosystem.

### 2.2.2 Modern Surveyors

As the work of the primary *Annalistes* stood for decades as part of the canon of forest history, so too did those same works for the Mediterranean. The Middle Ages essentially became a temporal bracket for all things, associated as it commonly is, with the North. Even in 2003, Williams relegated the Mediterranean to one page in his survey, marginalising it under the subheading “The Periphery.” He repeats Lombard’s thesis, and wastes no further time on investigation. John Hughes, in a 2005 book entitled *The Mediterranean: An Environmental History*, spends only a little more time than Williams. The Lombard thesis is reproduced slavishly, and then Hughes applies wholesale, the Northern European model to the Mediterranean: rapid population growth, transformed landscape, axe, saw, and plough.<sup>12</sup> Hughes suggests a hypothesis that some Mediterranean areas had staved off deforestation by the imposition of royal and noble hunting preserves. While this may be an explanation for the survival of some wooded areas, the elite whim involved in their creation goes against the sort of wider economic interaction that is the focus of this thesis, an interaction that relied on the cooperation between elites and commoners.

The scholarship of the Mediterranean environment must undergo a paradigm shift. The few works that exist have not established the picture of a unique Mediterranean ecology nor has there been any reasonable effort to produce hypotheses that are not based on the standard

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<sup>11</sup> M. Maurice Lombard, “Arsenaux et bois de marine dans la Méditerranée musulmane (VII<sup>e</sup>-XI<sup>e</sup> siècles),” *Le Navire et l’Économie Maritime du Moyen-Âge au XVIII<sup>e</sup> siècle principalement en Méditerranée*. (Paris: S.E.V.P.E.N., 1958), 57-58.

<sup>12</sup> J. Donald Hughes. *The Mediterranean: An Environmental History*. (Santa Barbara: ABC-CLIO, Inc., 2005), 72.

European model of the *Âge des grands défrichements*. The degree to which this model is entrenched in the scholarship is apparent when considering that a viable, more accurate alternative has been offered since the late nineteen-nineties, in the work of Aline Durand (1998), Horden and Purcell (2000), and Grove and Rackham (2001). Still, authors like Hughes and Williams reproduce, into the twenty-first century, the same tired *Annaliste* model.

## 2.3 Realities of the Mediterranean Ecology

### 2.3.1 *Les Paysages médiévaux du Languedoc*

Durand was the first to make a concerted effort to study the unique ecology of the south of France during the period of *l'Âge des grands défrichements*. In her 1998 work, she expressed the need to surpass the oft reproduced and dated scholarship of the nineteen-thirties *Annalistes*:

Depuis Marc Bloch, le gonflement des terroirs à partir de l'an Mil est considéré comme l'un des signes les plus évidents de l'essor démographique et de la croissance agricole. Si la chronologie et la répartition régionale des mises en valeur sont à peu près cernées, le type, la composition et l'importance relative des formations végétales en présence demeurent encore bien trop souvent dans l'ombre. Les chartes languedociennes ne font pas exception à la règle: elles ne contiennent que peu de resemencements de ce type et ce peu a été généralement surexploité.<sup>13</sup>

With the corpus of environmental, geographic, and biological data available since the *Annalistes* published their works, Durand tracked ecological shifts that support a more nuanced Languedocian hypothesis. One of her hypotheses proposed for the decline of the historically expected forests was a global decline of oak. When oaken forests were first culled, rapid growth of more progressive species like juniper prevented these woodlands from returning to their expected historical capacity, and instead led to their conversion into pasturage.<sup>14</sup> Transformation is a recurrent theme in Durand's work, as is the introduction of other species, like olive or walnut, and the management of others during their decline. Arboriculture itself is also present

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<sup>13</sup> Aline Durand, *Les paysages médiévaux du Languedoc (X<sup>e</sup>-XIII<sup>e</sup> siècles)*. (Toulouse: Presses Universitaires du Mirail, 1998), 177-178.

<sup>14</sup> Durand (1998), 180.

during the course of the tenth-century.<sup>15</sup> It is the introduction of fruit-bearing trees, such as almond, caper or olive, into their arboriculture practices and into a uniquely Languedocian *viridium*, the wooded garden of the Mediterranean that mixed legumes and trees.<sup>16</sup> “*Au seuil du XIIIe siècle, quand les terroirs sont pleins, l’arbre s’infiltré partout: vigne, jardin, ferragine, champ, sans parler des vergers, des haies et jusque dans les ‘patus’ [sic]... Les ligneux s’adaptent à tous les types de terroirs, secs, humides, extensifs ou intensifs, plats, pentus, ombrés, ensoleillés.*”<sup>17</sup> This diffusion of the tree progressively introduced nuance and specialisation into the Mediterranean economy.

### 2.3.2 *The Corrupting Sea: A Study of Mediterranean History*

Peregrine Horden and Nicholas Purcell pick up on Durand’s argument in their 2000 work. They attack the longstanding tradition of the Mediterranean as a ruined landscape, and posit a less condescending approach. Horden and Purcell argue that since trees play an extremely necessary role in the material framework of society, the ubiquitousness even of wood would necessitate a symbiotic coexistence with forested areas.<sup>18</sup> “[I]t is wrong to regard change to the natural vegetation as being automatically ‘damaging’. In the first place, causing rapid and irreversible simplification of an ecological system needs to be distinguished from making major changes through introducing new symbioses.”<sup>19</sup> This conclusion of Horden and Purcell’s will be the precursor to scholarship of Grove and Rackham, notably the ruined landscape theory that is central to this thesis. “Every part of the environment has been used, abandoned, reoccupied to various degrees and at varying rhythms. This makes micro regions what they are: ‘a region’s

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<sup>15</sup> Durand (1998), 181.

<sup>16</sup> Durand (1998), 336-337.

<sup>17</sup> Durand (1998), 342-343.

<sup>18</sup> P. Horden and N. Purcell, *The Corrupting Sea: A Study of Mediterranean History*. (Oxford: Blackwell, 2000), 184.

<sup>19</sup> Horden and Purcell (2000), 182.

landscape reflects the essentially episodic nature of both human activity and geomorphological process’.”<sup>20</sup> By no means do Horden and Purcell deny the potential for crises along the lines of the *assartage* of northern Europe. They believe instead that there was an “active integration of forest or scrubland into the managed environment more often than it caused irreversible loss of so flexible and varied a resource.”<sup>21</sup> This more optimistic valuation of the populations of the Provençal region is a central tenet of the current study.

### 2.3.3 *The Nature of Mediterranean Europe*

A. T. Grove and Oliver Rackham put together the canonical study of the Mediterranean environment in order to debunk the traditional interpretations of its ecology; to illuminate ruined landscape theory and to remove it from the historiography.<sup>22</sup> The desertification of these Lost Edens was the primary quantifier for observing the ruination of the Mediterranean landscapes. “As a scientific idea it apparently germinated in mid-eighteenth-century writings claiming that the unstable mountains of Provence were turning into desert.”<sup>23</sup> Grove and Rackham describe the often propagandist behaviour of scholars and governments as they ‘combat’ the ‘severe erosion’ that affects their constituents. Yet erosion is a natural process, “bringing benefits as well as inconveniences. Without it there would be no sedimentation, no jobs for sedimentary geologists, little cultivable land and no fertile river deltas. In Mediterranean countries most cultivation is on sediment accumulated by past erosion; this soil would be too thin and steep to be of much use if returned to the hillsides whence it came.” It is with this tongue-in-cheek

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<sup>20</sup> Horden and Purcell (2000), 182.

<sup>21</sup> Horden and Purcell (2000), 185.

<sup>22</sup> A.T. Grove and Oliver Rackham, *The Nature of Mediterranean Europe: an Ecological History*. (New Haven: Yale University Press, 2001), 8. Whereas Horden and Purcell arrive at the undefined conclusion of the fantasy of the ruined landscape with their (2000) argument for a historical symbiosis as opposed to a potential climax, Grove and Rackham attack the idyllic settings of paintings and texts of the Renaissance as well as the early eighteenth-century work in plant physiology, to support their parallel criticisms of environmental degradation and collapse. Grove and Rackham overtly define it for the first time as “Ruined Landscape Theory” in their 2001 work.

<sup>23</sup> Grove and Rackham (2001), 9.

humour that Grove and Rackham illuminate the condescension, fear-mongering and exaggeration that typify the majority of prior research done into the Mediterranean. Like the presentism in modern environmental history against which Grove and Rackham rail, the issue of ruined landscape theory represents modern historians' inability to grasp the concept that the environment has consistently been in flux. With this concept established, this study intends to describe an ecosystem in which the human population can be seen to strive (successfully or not) for the most economically sustainable relationship possible.

#### 2.3.4 Mediterranean Micro-studies

Vincent Clément, another scholar of the new school of Mediterranean scholarship, and the author of “Spanish Wood Pasture...” uses a similar set of principles to investigate the durability of the Spanish *dehesas*, or wood pastures that existed in the Middle Ages, that still occupies a large percentage of Spain, and that represent the largest wood pasture cover in Europe.<sup>24</sup> Clément argues that the *dehesa* can trace its dynamic evolution as far back as prehistory, having as drivers a series of cultural interactions, including Roman settlement, the barbarian migrations, and the Reconquest. The Reconquest is often cited as one of the main motors for the growth of the *dehesa*, but Clément believes it was only one among many, along with the union of León and Castile in 1230, that allowed for the formation of the *Mesta*, a powerful association of breeders, and that it was the Spanish transhumance that allowed for the permeation of the *dehesa* across southern Spain.<sup>25</sup> Transhumance played a role in the Manosquin landscape as well. As a community, transhumant shepherds inspired distrust, even violence when they came into contact with the Mediterranean peasant communities, and this was no exception in Clément's Spain. It was the integration of the herds of the *Mesta* into the *dehesas* of Spain that

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<sup>24</sup> Clément, Vincent. “Spanish Wood Pasture: Origin and Durability of an Historical Wooded Landscape in Mediterranean Europe,” *Environment and History*, 14 (February 2008), 68.

<sup>25</sup> Clément (2008), 73.

facilitated the development of these woodland pastures. This relationship was necessarily symbiotic; the herds introduced into the forests accelerated the clearance of the shrub stratum, which allowed for larger grazing spaces. Shepherds “protected the tall trees because of their usefulness for breeding activity. The trees preserved the moisture of the soil, and so ensured the preservation of grazing spaces. They were also fodder trees. Foliage, young branches and acorns were used to feed the herds. Finally, they supplied shade for the animals.”<sup>26</sup> In an inverse of the normal course of forest history, it was the *dehesa* that outlasted the *Mesta*, when its broad privileges were abolished in 1812. Still, “new breeding activities have enabled the preservation of the *dehesas* to the present day.”<sup>27</sup> Micro-studies such as this offer proof for the symbiotic potential that Horden, Purcell, Grove and Rackham all argue was the dynamic and unique characteristic of the Mediterranean woodland ecosystem.

## **2.4 Late Medieval Reaction to the Age of Deforestation**

### **2.4.1 Legislative Foundations**

Clément touched upon the idea of limits, privileges, and legislation as a reaction to forest use. Especially in Northern Europe, in the centuries following the *Âge des grands défrichements*, the nobility enacted forest legislation to protect the remaining woodlands. In places, it was the economy of the woodlands that limited production and trade: “[B]y the end of the thirteenth century the price of wine was determined by the availability of casks rather than the quantity or quality of the vintage.”<sup>28</sup> Horden and Purcell call this ‘the container revolution’.<sup>29</sup> Wood as a material itself was used in almost every facet of medieval life and production. Firewood and

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<sup>26</sup> Clément (2008), 78.

<sup>27</sup> Clément (2008), 82.

<sup>28</sup> Hughes (2005), 74.

<sup>29</sup> Horden and Purcell (2000), 184.



charcoal production were one of the main sources of fuel in industrial and commercial production. Outside of areas that had alternative fuel sources (peat or coal), trades that required a quality, clean fuel, relied on wood for their production needs. Wood was prized as the cleanest fuel for heating private homes and ovens. As a material for construction, wood was used throughout: timber-framed houses, water and windmills, bridges, military installations, ships. The scaffolds used to make any stone constructions were wooden. Medieval machinery, such as cranes, gears, and pulleys, or weaver's looms, were all made out of wood. Tanners needed the bark and resins of trees and so did the rope makers.<sup>30</sup>

This demand for wood necessarily underpins the need to regulate the behaviour of medieval populations as they interacted with their wooded environments. As discussed earlier in this study, it was not always prevention that motivated the legislative behaviour of the medieval elite; monetizing regular behaviour was an important way to collect on the forest economy. The axiom is reproduced in the words of Grove and Rackham: "A law forbidding pollarding is evidence that pollarding occurred, it is not evidence that pollarding ceased: indeed the object may not have been to stop pollarding, but to raise revenue from fines."<sup>31</sup> Jean Birrell argues similarly in his piece "Common Rights in the Medieval Forest...": "One way to make woods profitable was to tax their use, for example by fining wood 'offenders', or by increasing pannage payments, and such stepping-up of pressure on tenants was widespread in the thirteenth century."<sup>32</sup> Enforcement of these initiatives fell to a new post created by the nobility: the forester. These officers became embedded in the monarchy's efforts to preserve woodlands. The forester's commission and the intentions of the kings of France were "to regulate the usage rights

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<sup>30</sup> Gimpel, Jean. *The Medieval Machine: The Industrial Revolution of the Middle Ages*. (Cambridge: University Press, 1988), 75.

<sup>31</sup> Grove and Rackham (2003), 169.

<sup>32</sup> Birrell, J. "Common Rights in the Medieval Forest," *Past & Present*, (117, 1987), 42.

of the woods, to prevent the abuses that provoked damage, and to prevent uncontrolled clearings; by creating “forests” (*forestae*)...”<sup>33</sup> These reserves of woodlands were created in an effort to limit to certain parts of the woodlands the customary rights that communities were accustomed to enjoy in the past.

#### 2.4.2 Old Customs, New Loopholes: Laws, Limits, and Licenses

It is for the period of the Middle Ages that Richard Keyser focuses on the reaction of the elite in his study “The Transformation of Traditional Woodland Management...” He describes many of the notable ways in which the elite of Champagne sought to wrest both control, and a share of the profits from the silvicultural system that was both intensely managed and market-oriented.<sup>34</sup> This was a system that relied on the customary rights enjoyed by the peasantry, which had been granted a century earlier in order to colonize the countryside. Bechmann notes that these rights were slowly becoming perpetual, and the inflationary devaluing of coinage meant that traditionally-fixed rents charged for the use of the woodlands became increasingly symbolic.<sup>35</sup> The nobility of the thirteenth century were losing income on a profitable enterprise. Creative new methods were required for elites to reinsert themselves into a system from which time and markets had removed them. The development of standard procedures, the requirement of licenses (*licentia*), and the payment of a fee were some of the primary methods employed.<sup>36</sup> This tax, known as *gruaria* was based on a new distinction “between the ground itself (*fundus terre* or *treffonds*), which represented the landowner’s [peasant or community] control, and the trees growing on it, now called the land’s “surface” or “tonsure” (*superficia* or *tonsure*),” over

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<sup>33</sup> Roland Bechmann, Katharyn Dunham trans. *Trees and Man. The Forest in the Middle Ages*. (New York: Paragon House, 1990), 235.

<sup>34</sup> Keyser (2009), 353.

<sup>35</sup> Bechmann, (1990), 231.

<sup>36</sup> Keyser (2009), 371.

which the elite now claimed the right to charge licenses and fees.<sup>37</sup> It is with this corpus of woodland legislation and elite tactics that this study will investigate the seignorial influence on the economy of Manosque, and to what degree the community resisted.

## 2.5 The Ecology of Fourteenth-Century Manosque, and Expected Institutional Responses

### 2.5.1 The Ecology of Manosque

In broad strokes, the historical ecology of the Mediterranean has been established by the environmental historians Durand, Horden, Purcell, Grove, and Rackham. With characteristics different from northern European ecosystems, the Mediterranean is often “defined by its climate: its warm wet winters and hot dry summers.”<sup>38</sup> Its plants are often used to define the landscape: the olive, and its cold-tolerance are often thought of as “defining the limit of Mediterranean climate;” or the locality of its trees, “the cork-oaks of the west Mediterranean, or the helm-oaks of the middle...”<sup>39</sup> It is defined by its plains, bordered by mountains, in turn divided by river valleys, and the Mediterranean deltas they flow down to eventually create.<sup>40</sup> All of these features can help to situate Manosque within the Mediterranean environment.

Some of the earliest descriptions of Manosque contain useful geographic data. Father Columbi, writing in the seventeenth century, establishes the picture of Manosque with the usual romantic flourish common to Renaissance authors writing about the Middle Ages. His text, coming to modern scholars through the scrutiny of Abbé Féraud, has this to say about Manosque: At 43° 52' latitude, 23° 30' longitude, “*la température de Manosque est des plus favorables à la santé, l'air qu'on y respire, n'a ni cette subtilité corrosive qui blesse les organes, ni cette*

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<sup>37</sup> Keyser (2009), 371.

<sup>38</sup> Grove and Rackham (2001), 11.

<sup>39</sup> Grove and Rackham (2001), 11.

<sup>40</sup> Durand (1998), 16-18.

*pesanteur qui surcharge la tête d'humeurs.*"<sup>41</sup> The heat was not excessive in the medieval summers, nor were the rigors of winter intense. The winds and the snows of winter were considered to contribute to the abundance of the grains and the fertility of the trees. Féraud notes the colourful character of Columbi's "painting of the climate and territory of Manosque," when Columbi goes on to note that poets wrote about the countryside, where they frolicked with wood-nymphs.<sup>42</sup> Féraud divides Manosque into two major geographic areas, which shall serve for this study: The North, comprised of mountains, and the Midi, a plain, essentially uniform except for *Mont Toutes-Aures* and *Mont-d'Or*.<sup>43</sup> Almonds, olives, wine and grain are the main agricultural products of Manosque's arable land. Despite the criticisms of the tone and honesty, the picture woven by Columbi and Féraud, combined with the map (see Figure 2.1) produced for Reynaud's text on the *Commandrie*, provide enough of a mental picture of Manosque in which to contextualize the situation. A few noteworthy regions to draw attention to upfront are the *Les Iscles* area, the fertile, Manosquin-side bank of the Durance river, and the woods northwest and northeast of town the *Fournigue*, and the *Bois Hospitalier*, woods that will feature heavily in the statutes and trials of Manosque. I will return to this map in chapters three and four, to geographically plot the legislation and events described.

For the demographic data, we have available additional, modern evidence available. The first to write substantially on the demography was also Columbi. He sets the late medieval population at twelve-thousand inhabitants. Féraud, who cites Columbi's statement, corrects the estimate to eight-thousand inhabitants. A more recent, and realistic estimate is finally achieved with the efforts of one of the premier modern Provençal scholars Édouard Baratier, who writes in

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<sup>41</sup> Féraud (1973), 43.

<sup>42</sup> Féraud (1973), 44-45.

<sup>43</sup> Féraud (1973), 48.

# MANOSQUE

The Landscape

- Buildings
- Water
- Watercourses
- Roads
- Hemp Fields
- Vineyards
- Silt Banks (Lime)
- Woods
- Gardens
- Meadows
- Olives
- Cereals
- Uncultivated Fields
- Cereals + Uncultivated Fields

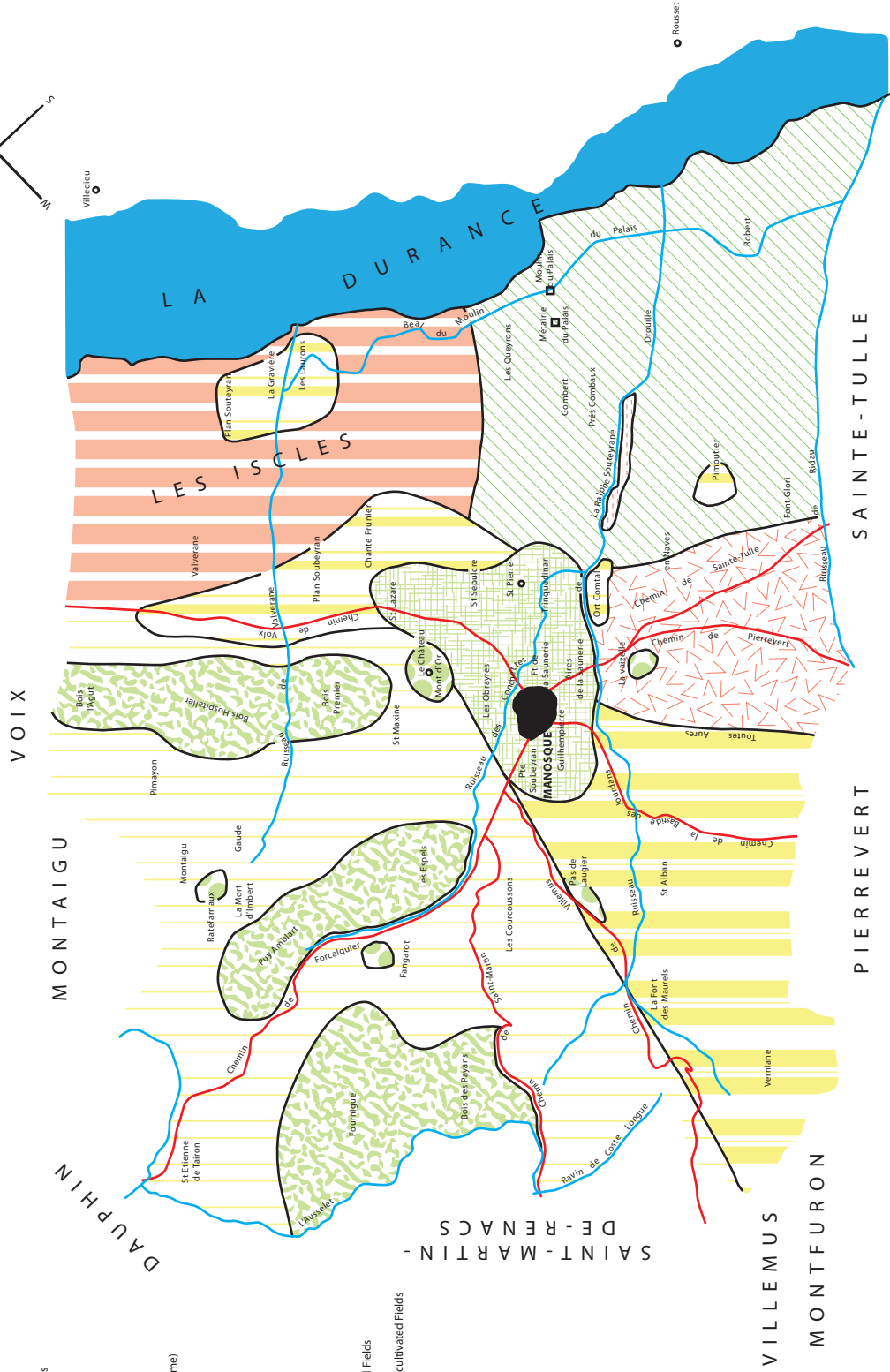
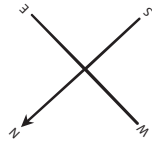


Figure 2.2 Map of the Manosquin Landscape

Source: Based on Félix Reynaud. *La commanderie de Jérusalem de Rhodes et de Malte à Manosque (XIIIe siècle - 1789)*

the *Atlas Historique* of the south of France, that Manosque had 262 (post-plague) hearths in 1471 and 4370 inhabitants in 1765.<sup>44</sup> It is with the pre-plague population of around five-thousand inhabitants that this study will explore the economic meaning and applicability of this canon of environmental theory and forest legislation.<sup>45</sup>

### 2.5.2 Expected Institutional Responses

The chapter has established the framework for an investigation into the statutes and privileges of fourteenth-century Manosque, and to explore how those statutes existed within a larger corpus of forest legislation. With Manosque integrated within the unique climate and landscape of Provence, the body of traditional forest history will function as a starting point for legislative discussion, but also as an object of contrast, in order to discuss the unique characteristics of Manosque within the new direction of Mediterranean environmental history. A suspension of modern condescension about the ability and motivation of medieval actions is central to this study. The economic motivations that underpin the majority of the legislative action are overt. With further investigation, a selection of the legislation suggests a more environmentally symbiotic economic model.

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<sup>44</sup> Édouard Baratier, Georges Duby and Ernest Hildesheimer. *Atlas Historique*. (Paris: Librairie Armand Colin, 1969), 181. Also Bednarski (2002), xiv. Bednarski establishes the population at approximately 5000 inhabitants.

<sup>45</sup> Andrée Courtemanche. *La richesse des femmes: patrimoines et gestion à Manosque au XIV<sup>e</sup> siècle*. (Montréal: Bellarmin, 1993), 37-38. “Une hypothèse ‘haute’ qui la situe nettement au-delà de 1500 feux et qui apparaît peu vraisemblable; et une hypothèse ‘basse’ d’environ 700 feux de queste qui correspondent à près de 100 feux réels. En attendant un examen détaillé des listes, il s’avère plus prudent de pencher pour cette dernière hypothèse qui constitue un minimum plausible et permet d’estimer la population de la ville à environ 5500 âmes... en utilisant le coefficient de cinq personnes par feu que propose É. Baratier.

## CHAPTER III

### REGULATION AND THE ENVIRONMENT:

#### STATUTES AND PRIVILEGES OF MANOSQUE

### 3.1 The *Livre des Privilèges and Instrumentum compositionis super maleficiis*

#### 3.1.1 Seignorial authority

As noted, M.-Z. Isnard is responsible for one of the two primary collections of sources for this study, the *Livre des Privilèges*, so named because it assembles the privileges granted to the town by its seigneur, the Hospital. Contained within the *Livre* is the *Instrumentum compositionis super maleficiis*, or Instrument Concerning the Punishments of Wrongdoing, the thirteenth-century penal agreement negotiated between the Hospital and its people. The *Instrumentum* was established on 14 March 1235, and contains three of the eleven important tree-related prohibitions discussed below.

#### 3.1.2 The impact of negotiation

The negotiation of these statutes took place between the commander of the Hospital, and the syndics, advocates, and attorneys of the inhabitants of Manosque. The position of syndic was regularly filled by the urban elite, merchants or notaries, and occasionally by tradesmen.<sup>1</sup> Within the court system, there were also checks and balances favourable to the town. Two upstanding citizens, *probi homines*, “made certain that judges did not deviate from the agreed upon penalties. In cases where the result was questionable, they were consulted. This is a clear

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<sup>1</sup> Michel Hébert. “Travail et vie urbaine: Manosque à la fin du moyen âge.” in Claire Dolan ed. *Travail et travailleurs en Europe au Moyen Âge et au début des temps modernes*. (Wetteren: Universa, 1991), 160.

indicator of the extent to which the court did not operate in isolation and that power to repress was shared between two very different social agents.”<sup>2</sup> A question that will be fleshed out below alongside a number of the statutes is this: how influential were the Manosquin syndics when they negotiated with the Hospital to establish the economic policies that regulated the region’s environmental capital?

### 3.1.3 The price of penalties

The penalties discussed below are contained within the *Instrumentum*, and deal with damage and theft of natural resources critical to the local economy. The penalties established (with the exception of a per-cutting basis) were all set at a steep 100 *solidi* charge: the highest monetary value set by the criminal statutes, on par with causing a life-threatening wound, or the rape of a virgin.<sup>3</sup> These fines were necessarily set at a prohibitive level, both to prevent the crime from happening and to insure a sufficient penalty to re-establish social order.

### 3.1.4 The Statutes

As stated above, there are eleven statutes collected from the *Livre des Privilèges* that relate to trees. They have been summarized for ease of access in Table 3.1, but are also available fully reproduced in Latin in Appendix A. Any necessary replication and translation of the statutes in the following sections will appear within the text, and will quote the complete statute in the Appendix. The statutes themselves range across a variety of tree-related themes: the composition of agricultural areas, protection of property from arson, theft, damage, and cutting, and the customary portion of produce that is owed to the seigneur (the Hospital) and when it is owed. One final statute (both organizationally and temporally) has offered up more worthwhile data than its modest title suggests. It deals with the treatment of Manosquin transhumance,

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<sup>2</sup> Bednarski (2002), 36.

<sup>3</sup> Bednarski (2002), 136.



privileges and prohibitions, as well as the collection of fallen wood, the tools prohibited for the collection of wood, and the schedule of coppicing or grazing within the Hospital's enclosure (*defensum*). I evaluated the statutes for their contribution to the body of environmental legislation, in chronological order, and divide them into three distinct groups (Table 3.2). They will be discussed as numbered within the summary.

**Table 3.1 Summary of Manosquin Statutes, Petitions, Definitions and Instruments Relating to Trees**

**1. Orchard composition**

Title: *De fructibus arborum* (11 November 1234; Isnard 22)

Details: Limits the placement of trees in relation to vines and the proper combination of species.

**2. Arson**

Title: *Si ignem quis miserit* (14 March 1235; Isnard 56)

Details: If anyone starts a fire, he shall make restitution for losses, commit his oath, and pay a fine.

Fine: 100 *solidi*

Corporal: Loss of right hand (if he cannot pay)

**3. Theft of wood or crops**

Title: *Si arbores quis talaverit vel segestes* (14 March 1235; Isnard 58)

Details: If anyone steals trees, vines or crops, and those trees would have produced fruit, he is to make restitution, commit his oath, and pay the fine.

Fine: 100 *solidi*

Corporal: Loss of right hand (if he cannot pay)

**4. Theft of willow or oak (specifically)**

Title: *Si quis salices vel quercora talaverit* (14 March 1235; Isnard 58)

Details: If anyone steals or cuts down willow, oak, or any non-fruit-bearing tree, he is to make restitution, commit his oath, and pay the fine.

Fine: 12 *denarii* per cutting

**5. Annual render of wood**

Title: *Petitio de saumatis ligni* (31 August 1293; Isnard 102)

Details: Certain burghers are to support annually the Hospital with a pack-load of wood on the around the Feast of the Nativity. This wood should not come from the Hospital's own holdings.

**6. The Hospital's share**

Title: *Petitio de fructibus arborum vinearum* (31 August 1293; Isnard 104)

Details: The lord Preceptor, the syndics, and the burghers agree that in every 'quarter' committed to the Hospital that  $\frac{1}{4}$  of the fruit belongs to the said Hospital, except five trees, which are to remain exempt. Any trees above the prefixed number, and the exempted five are to be removed.

**7. The Hospital's share (part 2)**

Title: *Petitio de arboribus* (31 August 1293; Isnard 104)

Details: Those lands which are committed to the Hospital which produce fruit, are to be used to pay the *tasque*. Or with money or grain.

**8. Annual render of wood (part 2)**

Title: *Definitio de ligni non portandis* (31 August 1293; Isnard 116)

Details: The syndics, lawyers and attorneys agree to bring the annual render of wood to the Hospital.

### 9. The Hospital's share (part 3)

Title: *Definitio petitionis de fructibus arborum vinearum* (31 August 1293; Isnard 118)

Details: The syndics, lawyers and attorneys agree with the transaction of the lord Preceptor to render ¼ of all the fruits from trees in each 'quarter' committed to the Hospital. In vineyards, owned or committed to the Hospital, they agree to render 1/4<sup>th</sup>, 1/5<sup>th</sup>, 1/6<sup>th</sup>, 1/7<sup>th</sup>, 1/8<sup>th</sup> 1/9<sup>th</sup>, 1/10<sup>th</sup> part of each bunch of grapes. And to maintain the holdings of the Hospital in *presentium et futurarum*.

### 10. The Hospital's share (part 4)

Title: *Secunda definitio fructuum arborum terrarum tasquerie* (31 August 1293; Isnard 118)

Details: The syndics, lawyers and attorneys agree with the transaction of the lord Preceptor to render the fruits committed by those paying the *tasque*. Or with grain or money. And to never take the fruit or cut or remove the trees.

### 11. For and Against Shepherds, etc.

Title: *Quod homines cum averi suo bovino possint libere pascere in nemoribus infra scriptis, et ligna in iscla et graveria capere ut in capitulo continentur.* (4 January 1316; Isnard 170-171)

Details: Shepherds may graze their herds in the forest of the Hospital and in *Les Iscles*. Shepherds are only to warm themselves with fire outside the designated *defensum* or fenced-off area. etc.

Table. 3.2 Manosquin Statutes by Type

<b>Protection of Property and Citizen's Rights</b> 1234-1235 <b>(36%)</b>	<b>Seigneurial Obligation</b> 1293 <b>(55%)</b>
1. Orchard composition 2. Arson 3. Theft (wood, crops) 4. Theft (willow, oak)	5. Annual render 6. Hospital's share 7. <i>Hospital's share, ii</i> 8. <i>Annual render, ii</i> 9. <i>Hospital's share, iii</i> 10. <i>Hospital's share, iv</i>
<b>Transhumance +</b> 1316 <b>(9%)</b>	
11. For and Against Shepherds, etc.	

## 3.2 Protection of Property Statutes

### 3.2.1 Orchard Composition

The first tree-related statute established in the *Livre des Privilèges, De fructibus arborum* was written 11 November 1234. The primary statement of the statute, “*de quibus pars a syndicus Hospitalis*” establishes the tone of the argument contained within. The statute sets out to establish the limits on multi-character tree plantation: that no more than five trees be planted per *quartarium*<sup>4</sup> of vineyard, on penalty that the *dominus vinee* will dig them up, by the coming of next Easter. This is based on the *lumbi*, a tax that brought one-quarter of the produce of fruit-bearing trees to the Hospital, spelled out in the fifth through tenth statutes. More importantly, for the inhabitants of Manosque, this statute stated that trees owned by *homines Manuasce* but not part of the *quartarium* shall be exempt from the limitation. Any willow trees that would normally infringe upon this prohibition are exempt (this will be touched on in detail, alongside the fourth statute). Further, anyone wishing to plant new trees in lands not owed to the Hospital, should only plant five trees within a *sestariata*, where they will remain free from any obligation.<sup>5</sup>

This first statute points to a unique type of arboriculture and viticulture practice which Durand describes for the eleventh- and twelfth-centuries. She argues that the Languedocian *viridia* has been badly differentiated from the common garden. She notes that with few exceptions, the *viridia* was always planted with fruit-bearing trees. They occupied specific areas in gardens that were unsuited for other plants, such as dryer zones where water was scarce.<sup>6</sup> Durand indicates that this system of *complantage* also applied to fields, and that the association of fruit- and non fruit-bearing trees with vines appeared in the Languedoc after the year 1000,

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<sup>4</sup> Niermeyer glosses it as “a land measure, the amount of land that could be sown with a quarter of seed corn.”

<sup>5</sup> *Sextarius* for *sextariata*, Niermeyer glosses as like a quarter, but “with a sixth of seed corn.”

<sup>6</sup> Durand (1998), 337.

but was more common by the twelfth century.<sup>7</sup> The first Manosquin statute limits the number of trees within a quarter of land, suggesting a hesitation that the master of the vineyard had with the full integration of trees into the vineyards: the Italian(ate) *coltura promiscua*.<sup>8</sup> In Catalonia, this *complantage* system had the added benefit of free construction materials, as the lower branches of trees were used in lieu of the constructed props and arches of the Languedoc.<sup>9</sup> The Catalanian system is not mentioned in the Manosquin records – Durand notes the limited diffusion of the technique – but the *complantage* of trees and vines suggests a mixed-use character to the arboriculture practices of Manosque, and of a more symbiotic economic relationship, which appears throughout the statutes and trials.

### 3.2.2 Arson

The second tree-related statute in the *Livre* deals with arson, one of the most feared acts of destruction in a wood- and timber- dependent economy. *Si ignem quis miserit*, passed 14 March 1235, establishes the penalty of for setting a fire within the town, outside a home, in the grain, chaff, or straw of Manosque’s cereal crops, or in any other place. Condemned men and women owed restitution for damages (*dampnum passo restituat*), committed their oaths, and paid fines of 100 *solidi*. If the accused could not pay the fine, they suffered the loss of their right hand. Bednarski argues that threat of mutilation played an important symbolic role in the Manosquin judicial system: regulation by theoretical fear of retribution, to restore the social balance.<sup>10</sup> This balance was no trifling matter either, as “[t]he loss by fire of a fruit bearing tree could spell disaster for a family whose harvest had already been slim, who had been taxed to

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<sup>7</sup> Durand (1998), 339-340.

<sup>8</sup> Durand (1998), 341.

<sup>9</sup> Durand (1998), 341.

<sup>10</sup> Bednarski (2002), 35.

their limits, and who faced a long winter.”<sup>11</sup> Fear was the prime motivator when it came to fire and fire prevention; the anonymity that often accompanied arson, and the lack of ascertainable evidence after the fact inspired legislators to penalize the culpable heavily.

### 3.2.3 Theft of Wood and Crops

The third statute, *Si arbores quis talaverit vel segestes*, deals with the theft of trees, vines and crops.<sup>12</sup> The penalty, established 14 March 1235, was set again at restitution, an oath, and a fine of 100 solidi, or the right hand. Like arson, theft was a crime that necessitated a redress to the social order. The statute reads: ‘if anyone shall steal with *malo modo* from his neighbours, any trees, vines, or crops, or carry away any tree fruits, they shall pay the penalty’ ... Unlike fire starting, which could be accidental, theft necessitated *evil intent*.

### 3.2.4 Theft of Willow and Oak

The fourth statute, also written 14 March 1235, *Si quis salices vel quercora talaverit*, functions more as a qualification to or escalation of the previous statute. Anyone guilty of stealing or cutting (*talaverit vel succiderit*) from willow, oak, or any other tree of that type (*vel huiusmodi arbores*) of non fruit-bearing tree must make the proper restitution, commit their oath, and then pay 12 denarii per cutting (*pro qualibet planta*) to the court.

This was costly, when we consider the uses of these species of trees and how they were grown (the potential for coppice management will be discussed in conjunction with the last statute). Literate practitioners of the Middle Ages had long known of the willow’s medicinal properties. Craftsmen valued its wood for small tools and instruments, its thin branches for weaving wicker creations, and its larger branches for woven fences or enclosures. Tanners valued the bark its tannins, and ropemakers for its rope making. Varied craftsmen also valued

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<sup>11</sup> Bednarski (2002), 35.

<sup>12</sup> Niermeyer defines *talare* as “to steal, rob,” or *taleare*, “to cut (down) trees.” These translations will be discussed further in chapter 4.1.5.

oak for many of these, as well as for larger construction, and this is reflected in the legislation and management practices across Europe. From early on in the development of arboriculture, designations appeared between classes of trees: the hardwoods (beech and oak); and the *mortuum nemus, morbis*, or the *morts-bois*, which is a secondary category of wood (willow, alder, juniper, and bramble), not to be confused with *bois morts* or dead wood; the “white woods” (*blanc-bois*) of birch, ash, and maple regularly fell into an intermediate category between the two main categories.<sup>13</sup>

### 3.2.5 Protection of Property and Inhabitants’ Privileges

These four statutes encompass over one-third of tree related privileges, contained within the *Livre des Privilèges*, granted by the Hospital, negotiated by and for the inhabitants. The interpretation of the latter three of these statutes is overwhelmingly economic. The restitution paid was essentially a monetary recompense for the destruction, damage, or theft, committed against another’s property. The element of social retribution is also present, as the damage carried with it a social currency, potentially damaging the reputation of a farmer’s produce or his ability to tend that produce. The fine paid to the court, as mentioned in chapter two, was both to prohibit the destructive acts at conflict with the town’s economy, as well as to monetize behaviour that was clearly prevalent (this will be discussed at length in the fourth chapter). The first of the four statutes discussed in section 3.2 describes the efforts of the seigneur as he attempted to regularize the mixed-use *complantage* economic system; a system that took full advantage of the unique Provençal ecology.

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<sup>13</sup> Keyser (2009), 370.

### 3.3 Seigniorial Obligation Statutes

#### 3.3.1 The Annual Render of Wood

The following series of statutes, numbered five through ten on Tables 3.1 and 3.2, are more easily condensed due to their repetitive and reinforcing nature and clear intention.

Statutes five and eight, *Petitio: de saumatis ligni*, and *Definitio de lignis non portandis* are a set of statutes that are used as both a physical and symbolic gesture of homage from the inhabitants of Manosque to their seigneur, the commander of the Hospital. These statutes define the form of the homage: the townspeople (*certi homines dicte universitatis*) must annually (*annuatim*) bring, or have brought, a pack-load of wood (*saumatas lignorum*) to the Hospital, on Christmas Eve.<sup>14</sup> A caveat states that this wood should not come from within the Hospital's own enclosure. It follows that, these pack-loads of wood were insufficient for the Hospital's heating needs for an entire year. So the statute was both material and symbolic. Statute eight establishes the town's acquiescence and acceptance of this request: "...*syndicorum, actorum et procuratorum convenerunt ex causa transactionis...*"

#### 3.3.2 The Hospital's Cut

Statutes six, seven, nine, and ten state the seigneur's traditional right to tax the produce of their people's labour. *petitio Hospitalis: de fructibus arborum vinearum* establishes that the community of the *castrum*, Saint Peter's (one of Manosque's dependencies), and the town of Manosque all owe one-fourth of all the fruits from trees and vines from each *quartanum*<sup>15</sup> owned by the Hospital, excepting five trees, which were to remain free from the taxation. Statute seven, *petitio: de arboribus*, adds a qualification to the previous petition, namely that if trees fall into lands assessed for the grain tax (*tasquerie*), the portion could be paid in grain or with money.

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<sup>14</sup> *Sagmata* for *saumata*, Niermeyer defines it as "pack-load, seam, measure for commodities."

<sup>15</sup> *Quartanum*, a different version for the same concept as *quartarium*.



Statute nine, *Definitio petitionis de fructibus arborum vinearum* specifies the taxable produce in multi-use fields or vineyards, stating that the Hospital was owed one-fourth of the fruit of trees within vineyards (except from five free trees). It goes on to validate the first and second *petitio* with the agreements made by the syndics, advocates, and attorneys with the commander of the Hospital: one-fourth the fruit of all trees and vines, and in certain other particular cases (*in aliquibus vineis...*) a different portion, ranging from one-fourth to one-tenth of all the fruit of vines, and trees. It finishes with the request that these ratios be maintained in perpetuity. The last statute of this type, *Secunda definitio fructuum arborum terrarum tasquerie*, confirms the negotiated accord between the syndics, advocates and attorneys of the town that the portion of the fruit of trees falling in *tasquerie* lands may be paid in grain or money.

### 3.3.3 The Wooden Obligation

These six statutes, encompassing 55% of the tree related privileges, have little more to offer this study than is already evident. They symbolized the Hospital's legal rights as seigneur of Manosque to tax its produce. The customary pack-loads of wood each Christmas were a symbolic reminder of seigneurial dues. The question does arise when considering the negotiations of each of these statutes with the town representatives: how much power did the syndics and their advocates have, and what change(s) did they effect? Unfortunately due to the format of the *Livre des Privilèges*, there is no record of rough work or negotiations between the *petitio* and *definitio* established on the same day, and therefore no record of the negotiation itself. As it stands, it looks as if the syndics and their advocates agreed completely with the commander of the Hospital. This question will have to remain unanswered.

### 3.4 A Unique Statute: For and Against Shepherds

#### 3.4.1 That men... and wood!

The last statute presented here, numbered eleven, is the most important for Manosque's enviro-economy. *Quod homines cum averi suo bovino libere pascere in nemoribus infra scriptis, et ligna in islca et graveria capere ut in capitulo continentur* contains a wealth of information. The statute itself contains six different yet related (unlisted, see Table 3.3) items. The first section resembles a *petitio*, but was initiated by the syndics instead of the commander of the Hospital. This suggests that the syndics in fact had some autonomy in negotiations when they negotiated on behalf of the community. The statute reads: The said syndics ask (*conquerebantur*) that men be granted the right to graze within the Hospital's forest (*Hospitalarii nemora*), and to collect dry wood within the area of *Les Iscles* (*dictis isclis*) that has washed up on the banks of the Durance, despite a certain established rule (*contra debitam rationem*).<sup>16</sup> The rest of the statute indicates that (if this is a *petitio*) the syndics succeeded.

#### 3.4.2 For Shepherds, the privileges

The second portion of statute eleven deals specifically with the shepherds and cowherds of Manosque. It states that the above request, ordained and agreed upon (*super quo fuit ordinatum et conventum*), allowed those men's flocks or herds (*suo bovino vel aliis animalibus arantibus*) to graze freely and with impunity (*libere et impune*) within the forests or enclosures: *Podii-Aguseti, Amigueti, Roverie, Amalguerii, and Bosqueti Paganorum* near the meadow of *Avenacii*, as well as in the *Les Iscles* area owned by the Hospital, called the Upper *Isclis*.<sup>17</sup> This list of grazing lands is extensive, but it should necessarily be read exclusively. These forests and

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<sup>16</sup> For the *nemora Hospitalarii*, see Figure 2.2, Map of the Manosquin Landscape. The *Bois Hospitalier* is directly north-east of the town. The area of *Les Iscles* is directly south-east of the forest.

<sup>17</sup> The full list reads as: "*Podii-Aguseti, Amigueti, Roverie que fuit domini Fulconis de Fontiana, et Amalguerii et Bosqueti Paganorum versus pratum Avenacii, et etiam in iscla Hospitalis dicta Superiori.*"

Table 3.3

Statute Eleven, *Quod Homines...* broken down by item

Quod homines cum averi suo bovino possint libere pascere in nemoribus infra scriptis, et ligna in iscla et graveria capere ut in capitulo continentur.

ITEM:

- 1 { **Item** conquerebantur dicti syndici, quod Hospitalarii nemora sua et etiam isclas, in quibus homines predictorum locorum cum averi suo grosso jus pascendi et libertatem habebant et habere consueverant, dictis hominibus defendebant, atque contra dicebam in dictis isclis ligna sicca, que in eis inundatio aque Durencie dimitebat, per homines dictorum locorum accipi contra debitam rationem.
- 2 { **Super quo** fuit ordinatum et conventum inter partes predictas: quod homines dictorum locorum possint libere et impune pascere cum averi suo bovino vel aliis animalibus arantibus, in nemoribus seu defensis infra scriptis videlicet: Podii-Aguseti, Amigueti, Roverie que fuit domini Fulconis de Fontiana, et Amalguerii et Bosqueti Paganorum versus pratum Avenacii, et etiam in iscla Hospitalis dicta Superiori. **Fuit tamen** actum et dictum, quod pastores pascentes ibi cum dicto averi, de lignis et arboribus scissis et prostrates possint facere focum ad eorum communia decoquenda seu calefacienda in extremitatibus dictorum defensorum. **Hoc acto** et expressum convento inter partes
- 3 { predictas: quod defensum illud quod scindetur uno anno per dictos Hospitalarios, anno illo et sequenti defendatur, ita quod dictum avere dicti duobus annis in illo defeso scissor non pascat; illis vero duobus annis finitis, dicti Hospitalarii dimitant<sup>18</sup> illud defensum primo scissum, et aliud alio anno scindere incipiant, et ex tunc, lapsis dictis duobus primis annis, dicti homines reddere possint ad pascendum dictum defensum quod prius fuerat incisum et sic fiat de aliis defensis concessis de duobus in duos annos, si dicti Hospitalarii dicta defensa scindere voluerint. Alioquin dicti homines possint pascere cum dicto averi in dictis defensis. Et hec fieri et observari intelligantur de averi Hospitalis.
- 4 { **Ligna** vero mortua et prostrata, que reperirentur in iscla concessa ad pascendum, ipsi homines libere et impune capere possint. Item et ligna sicca reperta in graveria, dum tamen dicta graveria non sit infra isclam retentam per Hospitale, illa videlicet possint recipere manualiter, **absque** ministerio alicujus ferri [sicut aysadoni<sup>19</sup> vel piche<sup>20</sup>, securis vel alicujus alterius ferri]. Alia vero defensa et omnia preter predicta, que dictum Hospitale hodie tenet et possidet et defendit, Hospitale predictum possit defendere deinceps, prout facere consuevit.
- 5 {
- 6 {

<sup>18</sup> *Dimittere* for *dimitare*, Niermeyer glosses it as “to leave alone, to leave untouched, to fallow.”

<sup>19</sup> *Aysada* for *aysado*, a hoe blade, acc. to the Razo word list.

<sup>20</sup> *Pica* for *piche*, Niermeyer glosses it as a pick-axe.

enclosures make up the limit of areas in which the grazing of herds were tolerated. Clément found similar evidence in the *dehesa* legislation of medieval Spain. He writes that other *dehesas* grew in reaction to the development of transhumance herds, and that the inhabitants wanted to protect their woods against the sheep of the Mesta, “which too often invaded the forests of the peasant communities.”<sup>21</sup> These conflicts became a common occurrence in Mediterranean societies, beginning with the expansion of transhumance in the Middle Ages, but continuing well into the modern period.

### 3.4.3 Against Shepherds, the limitation

The third portion of the statute mentions one of the major contentions townspeople had with the transhumance community. Shepherds who grazed within the listed *defensa* could make hearths of fallen or cut wood to cook and warm themselves (*decoquenda seu calefacienda*) but only outside of prescribed enclosures (*in extremitatibus dictorum defensorum*). Henri Amouric, writing on the history of fire, argues that while “*il est licite pour les gardiens de troupeaux de faire les feux indispensables à leur subsistance, cependant la méfiance est latente, le seul fait de devoir signifier des droits aussi élémentaires que ceux ci-dessus énoncés en est une preuve ‘a contrario’, et parfois formulée jusque par écrit.*”<sup>22</sup> On the surface, this statute granted shepherds permission to make fires with dead wood from the enclosures and forests. In actual fact, though, the statute limited their rights. Shepherds were *not* permitted to spend the night within the woods where their flocks rested.

The issue at stake was transhumant arson, whose distrust and accusation became integral to the opinion that rural populations formed about transhumants. This opinion endured, as

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<sup>21</sup> Clément (2009), 74.

<sup>22</sup> Henri Amouric. *Le Feu: à l'épreuve du temps*. (Aix: Narration, 1992), 107.

Amouric, and other scholars note.<sup>23</sup> The negativity was imbedded in medieval communities' concept of proper social order, since “[c]et individu, que l'on pourrait dire sans domicile, cristallise une bonne part la méfiance et de la suspicion des communautés qui préfèrent en toutes circonstances les rôles et les places clairement assignés.”<sup>24</sup>

Grove and Rackham provide worthwhile context about shepherds and arson: “In reality [arson] is often as necessary to shepherding as ploughing is to farming.”<sup>25</sup> The need to refresh the undergrowth, to promote edible plants, and to aid in the semi-natural coppicing of trees were all clear in the minds of shepherds when they intentionally started (controlled) fires. Unfortunately, “[o]ccupational fires can turn into wildfires, which are one reason why many scholars and agronomists disapprove of shepherding. This can result from laws forbidding burning, which compel shepherds to do it furtively.”<sup>26</sup> Shepherds, thus, understood environmental symbiosis, through the need for natural fires; elites, ironically, who worked to prevent restorative fires, went against the natural order. Grove and Rackham add pyrophobia to the list of fantasies responsible for the ruination of landscapes, noting that “[f]ire is essential to most mediterraneoid ecosystems,” and that “[p]lants are not combustible by misfortune but by adaptation. They make flammable chemicals such as resins and essential oils, or have other provisions to promote fire. It is their business in life to burn from time to time and to set back their less fire-adapted competitors.”<sup>27</sup> From an environmental perspective, the statute against transhumance signals a competition between economic and natural interests, aided furtively by the knowledge of shepherds.

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<sup>23</sup> Amouric (1992), 107. “*La crainte qui s’exprime ici, a perduré jusqu’à nos jours si l’on pense aux accusations portées tout récemment (septembre 1992) contre les bergers corses.*” Clément (2009), 74. “The memory of the conflicts between Mesta breeders and peasant communities persisted from age to age, because they were often violent.”

<sup>24</sup> Amouric, (1992), 106.

<sup>25</sup> Grove and Rackham (2001), 229.

<sup>26</sup> Grove and Rackham (2001), 229.

<sup>27</sup> Grove and Rackham (2001), 218-219

#### 3.4.4 Within the Hospital's enclosure

The fourth section of the eleventh statute has to do with the Hospital's regime of arboriculture within its enclosures. It states that if the *defensum* is cut a certain year, for one and the following year, the *defensum* should not be cut or grazed. After those two years, and if the *defensum* was left alone (*dimitant*), then another cycle of cutting may begin, or return to grazing land. This section of the statute is of interest because, depending on the particular arboriculture technique employed (see Figure 3.1), it could indicate an established and sustainable woodland economy like the one found by Richard Keyser in Champagne. The rapid and cyclical nature of the coppice economy took advantage of both the rapidity of early growth, and the quantity of wood produced.

Coppice [management] exploits the natural regenerative capacity of most woody vegetation (but few conifers) to respond to cutting by putting forth shoots or suckers, what vernacular English calls 'spring.' This active growth, very palatable to animals, will in a few years, depending on the species, yield poles of thumb-to-forearm size and some meters in length, suitable for wattle, rods, stakes, poles, bundles or blocks of fuel wood, or conversion to lighter, pure-burning charcoal.<sup>28</sup>

Coppices were thus one of the most sustainable techniques of symbiosis that existed in medieval forestry. They fed herds and renewed production of light construction materials. Horden and Purcell situate this regimen in the Mediterranean suggesting that,

The fuel needs of even a sustainable metallurgical establishment might therefore be reckoned at some 12 hectares of coppicewood per ton of annual product. In a fragmented topography, and in a society not consuming large quantities of refined metal, local needs could no doubt often be supplied in this way. Similar silviculture has no doubt regularly been able to supply most ordinary demands for wood as a constructional material.<sup>29</sup>

Pollarding was another regimen of arboriculture that kept elevated new growth beyond grazing herds, allowing some areas to be established as multi-use woodlands. The likelihood that the regimen described in this part of the Manosquin statute is not pollarding, but probably coppicing, is that in this statute the *defensa* are established as single-use during any given period- either

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<sup>28</sup> Whited (2005), 55-56.

<sup>29</sup> Horden and Purcell (2000), 184.

cutting *or* grazing, not both. Economically destructive herds would not be tolerated to graze in woods established as a coppice-wood.

#### 3.4.5 Wood truly dead and prostrate

The fifth section details the success of the *petitio* of the first section of this statute: Manosquins (*homines*) were permitted to take, *libere et impune*, dead, dry, and laying wood (*ligna vero mortua et prostrate, ligna sicca*) from the Hospital's holdings in *Les Iscles* and *La Gravière*.<sup>30</sup> This portion of the statute should also be read exclusively- while it does permit all dead wood to be carried away, by hand (*manualiter*), it specifically omits the cutting of wood to prevent shepherds from cutting wood belonging to others. The permission given to shepherds for their animals to graze in the woods and enclosures of the community did not translate to the shepherds themselves being able to collect wood from those stands of trees.

#### 3.4.6 Against Iron

The last lines of the eleventh statute qualify the previous statement on wood collection. These lines modify the term '*recipere manualiter*', by stating that this collection must take place *without* the aid of any tools (*ministerio alicujus ferri*), namely hoes, pickaxes, hatchets or any other iron instruments. Scholars observe this regulation of tools throughout European woodland legislation. In order to prevent the theft of trees (spelled out in the third and fourth statutes), the medieval regulatory bodies made wood collection more difficult, more visible. They accomplished this by limiting the use of tools, and by prohibiting the use of others, like the saw. "The fear of offenders was one of the reasons that justified the prohibition of saws, silent tools, while the axe strokes resonate in the forest are heard from afar, making secret cutting

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<sup>30</sup> For the *graveria*, see Figure 2.2, Map of the Manosquin Landscape. *La Gravière* is directly east of the town, within the 'cereal' portion of *Les Iscles*. Niermeyer glosses it as "a sandy beach."

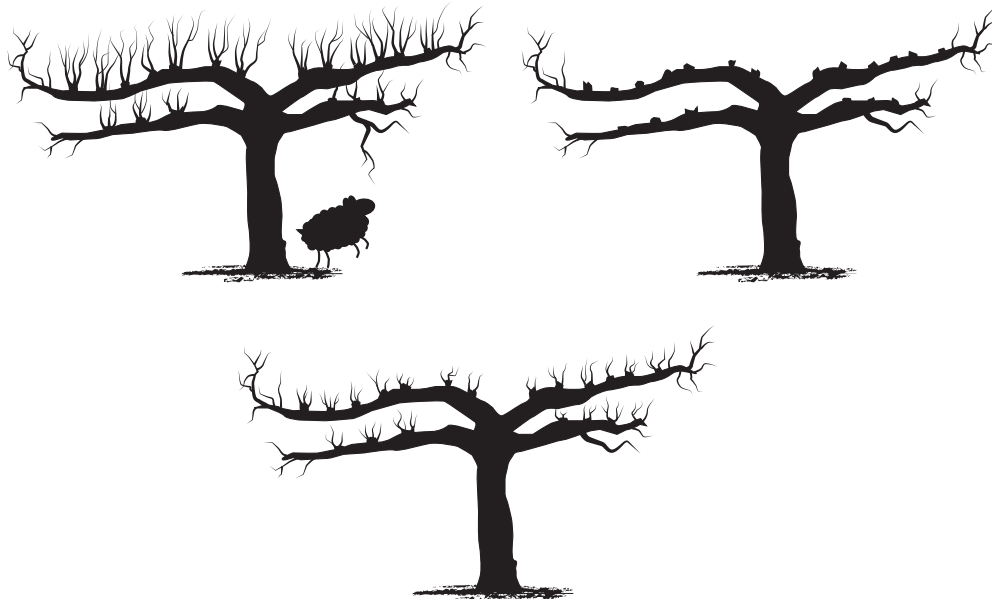
COPPICING



POLLARDING



LOPPING (modern Spanish *dehesa* style)



**Figure 3.1 Coppicing, Pollarding and Lopping.** *Source:* based on Grove and Rackham (2001). Each type shown before cutting, after cutting, and one year after cutting.



hazardous.”<sup>31</sup> Fines of 60 *sous* (the French translation of *solidus*) were the standard cost across Bechmann’s France at the end of the fourteenth century for attempting to cut down a tree secretly with a saw. In Manosque, the fine was 100 *solidi*.

It was with this set of statutes that the court of Manosque and its officers prosecuted offenders, and protected its seigneur’s economic interests.

### **3.5 Negotiated Theory, Visible Intent**

#### **3.5.1 Conclusion**















These eleven statutes span eighty-two years but they share a set of unique characteristics that indicate the broader arboricultural knowledge and practice available to those whose business was wood. Five of these statutes can be reasonably situated on the map of the Manosquin landscape (see Figure 3.2). The *complantage* system of mixing fruit-bearing trees and vines within the same field, possibly an Italian import though one still rare in the fourteenth-century transalpine Mediterranean, indicated a deeper understanding of the environment, of the potential of the soil, and of the innovative use of living organic structures; all of which were more advanced than a strictly monoculturally-minded agriculture regimen. The strict practices of the enclosure movement that would follow the medieval period, and single-minded factory-farming practices of the modern age typify the monocultural regimen that the European elite would increasingly apply to the landscape. The Manosquin statute barring shepherds from specific woods underlines the growing conflict between single-minded economic concerns, and the symbiotic, mixed-use potential that existed within a more environmentally-aware medieval economy.

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<sup>31</sup> Bechmann (1990), 254.

# MANOSQUE

The Landscape

-  Buildings
-  Water
-  Watercourses
-  Roads
-  Hemp Fields
-  Vineyards
-  Silt Banks (Lime)
-  Woods
-  Gardens
-  Meadows
-  Olives
-  Cereals
-  Uncultivated Fields
-  Cereals + Uncultivated Fields

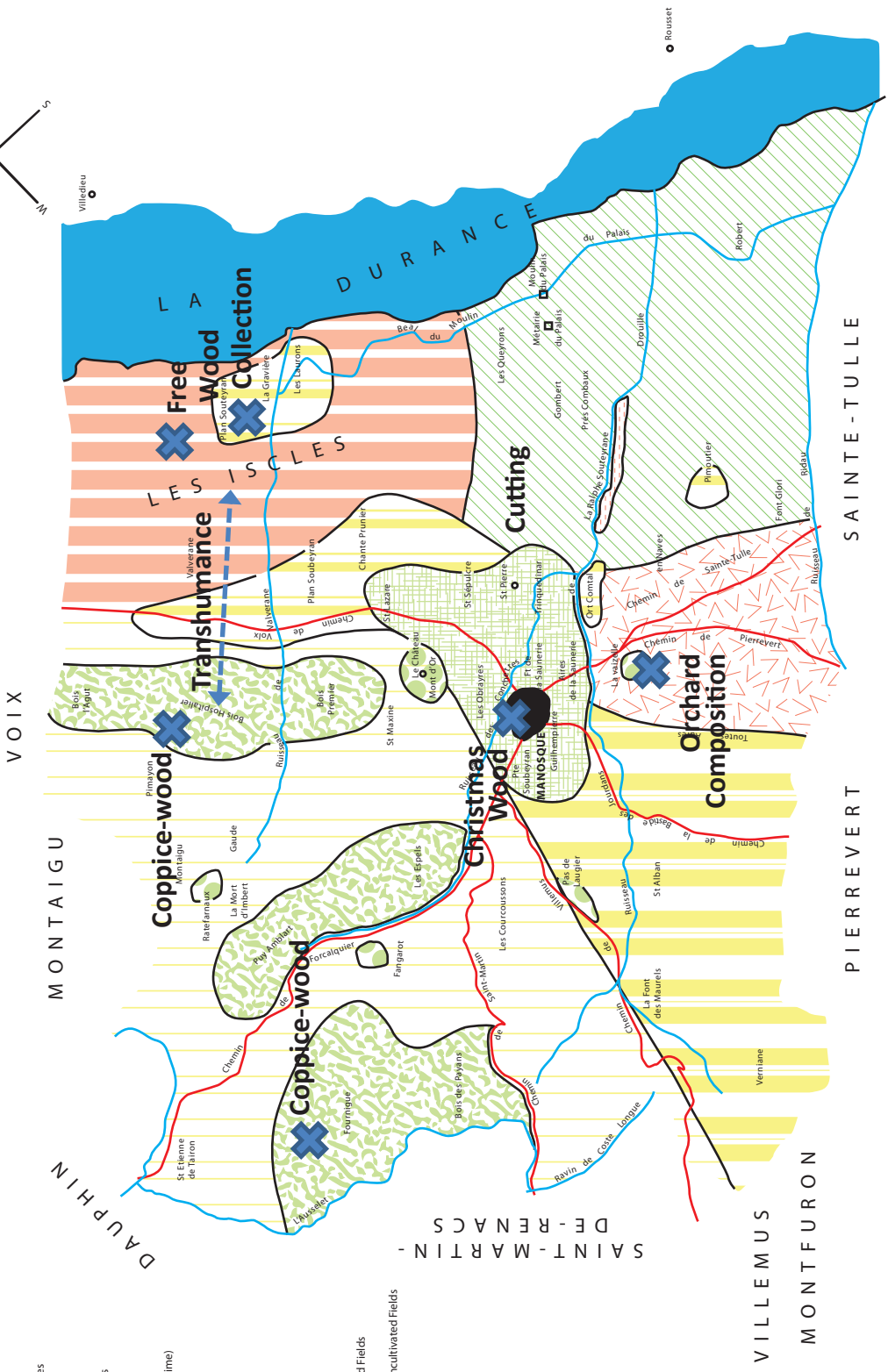
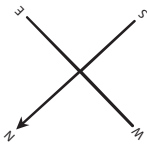


Figure 3.2 Map of the Manosquin Statutes

Source: Based on Félix Reynaud. *La commanderie de Jérusalem de Rhodes et de Malte à Manosque (XIIIe siècle - 1789)*

The statutes against the theft and arson of crops, fruit- and non fruit-bearing trees underline the strict protection of property and organic wealth that fed the rural Mediterranean economy. Maintaining a position of authority was a necessary task in regulating this economy, and the systems of homage and taxation that were enacted by the Hospital attest to its seigneurial right to define and judge arboricultural traditions.

The maintenance of discipline within and between different communities of the town was also a crucial function of the municipal statutes. When it came to providing for the transhumance community that supported the wool industry, one that also inspired distrust, hatred, or even violence, differing environmental opinions were bound to arise. Limiting the rights of some, for the economic benefit others was a necessary choice, especially where the unpredictable element of fire was involved.

The potential for a more sustainable economy is also visible in the last statute. The coppice-wood economy suggested by the harvesting schedule indicates an economic model that parallels Keyser's market at Champagne. What remains to be seen is whether this economic model was merely theory implied by these statutes, or whether townspeople's words or deeds articulated it. The next chapter seeks to accomplish this goal by looking at trials collected from the town's criminal series.

**CHAPTER IV**  
CRIMINALITY AND THE  
ENVIRONMENT: THE REALITY

**4.1 Theft, Damage, and Cutting**

4.1.1 Introduction

The trials listed in Table 1.1 form this chapter's focus. I examine them in detail here to understand better the operation of the Provençal environmental economy. I have selected some exemplary trials and transcribed them fully in the Appendix for closer examination. The following survey of inquests shows their unique features as well as their homogeneity (see Table 4.1, and Figure 4.1). I begin with trials involving the theft of fruit from, the cutting of, and the damage done to, trees.

4.1.2 Grand Theft Alder

Within the sixty-three year span of this study, there are thirteen trials for environmental theft, 46% of the tree-related court activity between 1341 and 1404 (see Table 4.2). Within this subsection of trials, nine mention the theft of almonds and almond fronds, three olive thefts, and one walnut theft. Due to the number of theft trials, I have edited two transcripts to illustrate. The first records a theft of olives, in which the accused confessed and was charged. The second records an almond thief who denied the charges and was absolved.

**Table 4.1 Summary of Tree Related Inquests Transcribed, 1341 – 1404**  
(See Appendix A.2 for full trial transcriptions, by inquest type)

Register	Folios	Inquest Date	Summary of charge
56H 986	64 – 64 v.	08/02/1341	Assault - Assault on the <i>foresterius</i>
56H 986	246 – 246 v.	04/28/1343	Theft - Stole olives from trees
56H 994	127 – 127 v.	11/03/1362	Theft - Stole almonds from trees
56H 994	135 – 137	11/08/1362	Damage - Damaged almond trees
56H 1001	119 – 119 v.	01/11/1394	Arson - Burnt some olive trees
56H 1001	7 v.	09/01/1394	Cutting - Cut down trees used for municipal defence
56H 1008	86 – 86 v.	12/02/1403	Disagreement - Disagreed over some olive trees
56H 1009	72 v.	02/13/1404	Cutting - Cut down fruit bearing trees

**Table 4.2 Tree Related Inquests by Type**

<b>Theft (46%)</b>	56H 986: 246 – 246 v. <b>(S)*</b> 56H 994: 48 – 48 v. 56H 994: 94 56H 994: 127 – 127 v. <b>(S)</b> 56H 994: 152 – 152 v. 56H 996: 85 – 85 v. 56H 999 bk 2: 39 – 39 v. 56H 999 bk 2: 44 – 44 v. 56H 999 bk 1: 28 56H 1001: 144 v. 56H 1007: 19 v. 56H 1009: 61 – 61 v. 56H 1009: 30
<b>Cutting (21%)</b>	56H 994: 144 – 145 v. <b>(S)</b> 56H 999 bk 3: 31 – 31 v. 56H 1000: 46 56H 1001: 7 v. 56H 1009: 72 v. 56H 1009: 55 – 55 v.
<b>Damage (11%)</b>	56H 994: 36 – 40 56H 994: 135 – 137 <b>(S)</b> 56H 994: 141 – 143 v. <b>(S)</b>
<b>Arson (11%)</b>	56H 989: 20 <b>(S)</b> 56H 1001: 119 – 119 v. <b>(S)</b> 56H 1008: 101
<b>Disagreement (7%)</b>	56H 1005: 33 – 33 v. 56H 1008: 86 – 86 v.
<b>Assault (4%)</b>	56H 986: 64 – 64 v.

\* **(S)** indicates when the corresponding statute is included with the trial



sumus mont

Anno quo supra et die xi. mens. Januarii inquit et presens  
 impusio formam p. dcam omnia hoptit velle mag. mag. quo  
 supra ex officio p. dca que ad eis audientia non p. dca  
 Contra dicitur magistri Petri gaudii. Smp. eod. q. dca dicitur  
 tenere veniens sua forma statuit in loco mag. edicta quo cauet  
 q. nulli audeat pone nisi viliam mag. ut extra in domib. ut in  
 blado paleis ut feno ut in quomo aliquo loco sine pena in  
 deo p. dca gencia cuius quid statuti tenor n. fens est m. dca dicitur  
 p. dca dicitur maligno p. dca p. dca sua audacia et malicia mota  
 p. dca dicitur p. dca in quid p. dca sua postea ad p. dca de p. dca  
 dicitur mag. p. dca p. dca fuit p. dca in quibus dca p. dca de  
 gaudii q. m. ex. ibid. in quad. tra. om. alia gaudia / et eod.  
 null. dca dca q. aceto fuit p. dca no pot. dca. Quod  
 edit in dca p. dca no modica dca in hug. gaudii et om.  
 eius vilipendi et dca p. dca

Vnde r. f.

Tenor dicit capituli

Crier

Si quis aut igne misit infra villa ut extra in domib. ut  
 in blab. paleis ut feno ut in quomo aliquo loco dca p. dca  
 respiciat et auditum ei suo sacramento. et .C. solid. ante  
 nomine p. dca p. dca  
 Si aut dca pena p. dca ut emendare no pot. dca  
 dca admittat

†

Dicitur die petri ruffini t. p. p. parte om. recepta p. dca ad p. dca  
 dei emagalia dca veritate smp. gencia in deo inquis. titulo  
 p. dca p. dca sibi lecto et dca p. dca in dca. Quod p. dca  
 aliud p. dca / m. dca q. p. dca dca hugo gaudii / q. dca dca  
 mag. p. dca quia igne & p. dca p. dca sibi dca dca dca dca  
 oluam & quid p. dca p. dca / et dca dca dca dca  
 petro dca dca ad p. dca ne venient ad om. ipos dca dca  
 q. p. dca quod fecerit dca igne in dca dca dca p. dca  
 dca dca dca dca dca dca dca gaudii quid dca dca p. dca  
 oluam et m. dca p. dca sibi p. dca et m. dca dca p. dca et fma  
 & p. dca et p. dca p. dca p. dca dca

†

Dicitur die petri ruffini t. p. p. parte de om. recepta p. dca ad  
 p. dca dei emagalia dca veritate smp. gencia in deo inquis. titulo  
 p. dca p. dca sibi lecto et dca p. dca in dca dca dca dca  
 om. p. dca et que ad mod. t. p. p. dca dca dca dca dca  
 dca dca quia p. dca fuit in dca dca

Figure 4.1 An Example Folio of the Criminal Registers: Facsimile of MS 56H 1001 fo. 119 (Reproduced by permission of Caley McCarthy)

The first trial examined in this study, *Contra Isnardum Mellanqui et Petrum eius filium*, accuses two men of entering a vineyard near the site of a tomb, furtively and at a suspicious hour of the night, and of digging up newly planted olive trees. The document notes that the men ignored the trees' ownership and replanted them on their own lands.<sup>1</sup> The court acted as a result of the *fama publica*, or public rumour. Calling attention to public opinion and personal reputation was a standard technique of jurists (*jurisperiti*) to establish guilt and motive. Public opinion also aided jurists in weighing accused men's reputations. Judges routinely alleged suspects had wicked intentions, but men of good repute withstood such rhetoric.<sup>2</sup> In the case of the father and son Mellanqui, whom the court claimed acted with *diabolico stignatim*, and furtively and suspiciously. The witnesses testified to seeing Petrus in the robbed vineyard. He confessed, and paid the fine. Isnardus denied the charges and was absolved.

The second trial, *Contra Johannem Medici*, follows the same pattern that attempted to establish bad character.<sup>3</sup> The court accused Johannes Medici and others of stealing, *with evil intent*, green and fruitful almonds from the meadow of Raymund Artande, near the Tarini fountain. The court heard from concerned parties and subsequently absolved Johannes.

#### 4.1.3 Cutting

There are six trials, or 21% of all the tree-related prosecutions, that involve cutting. The species in question include almond (three trials), "fruit-bearing trees" (two trials), and non fruit-bearing trees belonging to the Hospital (one trial).

The first trial transcribed in the Appendix, *Contra Gauterium Alamani*, deals with the cutting of trees without a license (*sine licencia dominum preceptoris*) from within the *Bois*

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<sup>1</sup> Appendix A.2.1 - 56H 986 ff. 246 – 246 v.

<sup>2</sup> Lavoie, Rodrigue. "Délinquance sexuelle, justice et sanction sociale: les tribulations judiciaires de Mathilde Payan." *Provence historique* 66, fasc. 184, (avr.-mai-juin 1996): 172. In Mathilde Payan's case, her defence established the opposing witnesses as thieves, liars, and vile frequenters of taverns, despite her own guilt.

<sup>3</sup> Appendix A.2.2 - 56H 994 ff. 127 – 127 v.

*Fournigue*, the largest single standing wood in Manosque, owned by the Hospital.<sup>4</sup> Again, the primary method of incriminating Gauterius is establishing his character: *sua audacia presumptua (sic) malign spiritu*. The court called a series of witnesses: Monetus Ode knew a Petrus Vachoni, an inhabitant of Manosque who was cutting trees in the same wood for the Sacristan of Saint-Peter. Petrus testified that he heard and saw the accused. Gauterius then deposed and denied the charges. Unfortunately, the transcript ends without a verdict.

The second trial used as an example, *Contra Stephanum Garnerii habitatorem de Manuasce*, dealt with the cutting of an apple tree from the precept's garden.<sup>5</sup> The bailiff, Raymond Cornuti accuses Stephanus of acting wickedly (*ad male agendum*) and with *audacia presuptima motus* plundering the fruit-bearing trees. Stephen confessed to the act, but claimed the apple tree was given to him by Petrus Bernardi. He claimed he had proof. He did not (*non probavit asserta per ipsum*), and the fine was collected.

#### 4.1.4 Damage

Three trials report tree damage (11%). The species of trees cut are two sets of almond, one set of olive, and one individual apple tree.

The damage trial transcribed in the Appendix is one of the longest surveyed in this study. Spanning three folios or five pages the trial, *Contra Petrum Batholomei*, details Petrus' *ignarante* attack on the almond trees of Jacobus Monnerii and Johannes Laurentii, which caused the owners great loss (*grande dampnum*).<sup>6</sup> Petrus is accused of cutting three green and fruitful almond branches across two trees. This trial motivated to action a large crowd of officials, Father Andreas Thomacii, and Bertrand Gavandani, Jacobus Agenti, Johannes Textoris, Jacobus Raynerii, and Johannes Verdun, all local notaries, as well as Bertrandus Raymandi, a

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<sup>4</sup> Appendix A.2.3 - 56H 1001 fo. 7 v.

<sup>5</sup> Appendix A.2.4 - 56H 1009 fo. 72 v.

<sup>6</sup> Appendix A.2.5 - 56H 994 ff. 135 – 137.



comital notary. A delegation went to Jacobus Monnerii's lands and found the trees cut off at the stump (*quandam amigdalum ad pedem scissam invenerunt*). Petrus confessed and paid the fine.

#### 4.1.5 The *Talaverit* Files

A feature common to all three of these different types of trials is the statute “*Si arbores quis talaverit vel segestes*” that occurs within trials of theft, cutting and damage (refer to Table 4.2). This statute established the legal implications of each of these distinct acts: theft, cutting, and damage were all considered *talare*, which meant to steal or rob, but which also could mean to cut or clip. These dual meanings made it an apt verb to describe offences against vegetation. This is reflected in the arrangement of Table 4.2, in which all three types of offences (theft, cutting, and damage) are coloured yellow. These three types of trials account for twenty-two of the twenty-eight, or 79% of all tree-related court interventions. Interestingly, most were tried by the same judge, Bertrandus Johannis in a single register, 56H 994, compiled by the court notary Fulcone. More importantly, these three types of prosecutions fell under a legal concept that was concerned with the motivation that inspired these crimes. These three crimes share two likely motivations. The more probable of the two was an economic necessity: hunger and poverty. The dates that bracket this study, 1341 and 1404 place the study within the plague years of the

Middle Ages:

[A]fter the year 1348, frequent outbreaks of plague struck hard, and, over a relatively short span of time, reduced the population drastically. This had the combined effect of devastating the Provençal economy and placing survivors under massive psychological stress. Villages were afflicted and those who did not perish often found themselves impoverished and displaced. As a result of these phenomena, there grew an increasing suspicion toward foreigners.<sup>7</sup>

The other possible motivation for committing one of these three crimes was malice or revenge.

The term “environmental terrorism” fits this concept well. The term was coined by Alasdair Ross, who used it to interpret the motivations of (human agency in) fishing weir destruction in

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<sup>7</sup> Bednarski (2002), 37.

the aquatic ecosystems of Scotland. Ross argued that these acts had an underlying motivation based in economic or social dissatisfaction, or imbalance.<sup>8</sup> The economic motivation is evident within these trials. It is probable that the damage of these crimes served as an economic placeholder for the malicious or vengeful acts that took place within the Manosquin arena of public rumour and personal reputation.

Along with the five that reproduce exactly the language of the statute (containing the monetary penalties and fine), there are others, in which the notary simply reminded the court of the costs: Isnardus Garrelli, thus, reminds the court both of the 12 *denarii* penalty for each individual cutting and of the 100 *solidi* fine for cutting whole trees when considering the damages committed by Petrus Bartholomei.<sup>9</sup>

An issue that would vouch for the social value of prosecuting these criminals is the position of the witnesses or the accused. As mentioned in the aforementioned quote from Bednarski, the increasing suspicion of foreigners is highly visible in the court registers. Immigrants to Manosque were clearly labelled as *habitor Manuasce*, and foreigners were identified by their place of origin. “The awareness of belonging or, more properly, of the extent to which one belonged, was translated during sentencing,” and “[o]n the popular level, this double standard translated into physical aggression against the most vulnerable of strangers.”<sup>10</sup> The unnamed man, an immigrant worker from *Bello Monte* featured in the transcribed arson trial below, is vilified as the arsonist for his damages, despite his claims that he acted on behalf of an elite member of Manosquin society. Foreign shepherds encroaching on and damaging

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<sup>8</sup> Ross, Alasdair. “The Environmental Impact of Salmon Fishing in Late Medieval Scotland, Monastic and Secular Evidence.” Paper presented at the 44<sup>th</sup> Annual International Congress on Medieval Studies, Western Michigan University, Kalamazoo, MI, May 7-10, 2009.

<sup>9</sup> This takes place in 56H 994 ff.135-137, *Contra Petrum Bartholomei*.

<sup>10</sup> Bednarski (2002), 205 and 37.

Manosquin territory were also held with the same low regard, and were afforded little consideration in the *curia Hospitalis*.<sup>11</sup>

## 4.2 Arson and Disagreement

### 4.2.1 FIRE!

The two separate statutes that describe the punishment and limitations of fire in the Manosquin landscape underline the fear that accompanied this crime, warranting a fine on par with rape and physical assault. The three trials (11%) for arson, as prevalent as cases of tree-damage, deal with intentional and unintentional fires. All three instances occur in or near an olive grove, a vineyard, and the *Les Iscles* enclosure of the Hospital.

The one trial transcribed in the Appendix, *Contra magistrum Raymundum Gauterii*, is typical of the three.<sup>12</sup> It deals with a fire at the bridge of *Les Espels* (the *pontem despels*), on lands bordering *dominus* Hugo Giraudi's olive grove. As noted, Gauterii had hired a foreigner for field work (*unus homo de Bello Monte qui arabat in terra dicti*). The foreigner burnt straw on or near the bridge, and the fire spread (*conbinaverit, imposuerat*) to Hugo's olives. The two men were aware of the situation, and had agreed outside of court on the restitution of one full basket of olives (*unum plenum banasconum olivarii*). The court, however, still prosecuted despite the private arrangement. This shows how seriously authorities treated even accidental arson. The seigneur could not entrust citizens to settle arson claims informally. His court, therefore, made

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<sup>11</sup> Bednarski (2002), 205. "When looking at these rare instances, as can be seen from the three cases discussed above, there is one inescapable conclusion: that this court was loath to inflict physical punishment upon the residents of its territories. Indeed, all physical chastisement involved foreigners. This speaks greatly to the sense of community and the awareness of otherness."

<sup>12</sup> Appendix A. 2.6 – 56H 1001 ff. 119 – 119 v. *Contra magistrum Raymundum Gauterii* was the primary impetus of Steven Bednarski and Tyler Chamilliard "Cutting, Burning, and Earning: Criminalizing the Destruction of Trees in Late Medieval Provence" Paper presented at the 45<sup>th</sup> annual International Congress on Medieval Studies, Western Michigan University, Kalamazoo, MI, May 13-16, 2010.

an example even in a case of an accident, and where the aggrieved party had arranged a fair and appropriate settlement.

#### 4.2.2 Disagreement

Trials that record charges of disagreement over the ownership rights of trees follow arson in occurrence at two trials (7%). The species of trees fought over were capers and olives. The trial transcribed, *Contra Bertrandum Robionis de Manuasce*, describes a disagreement over the correct portion of fruit delivered to one's landowner.<sup>13</sup> Honoratus Bossarelli, the subvicar of Manosque, accused Bertrandus of not rendering the proper part of the olives that he and Martin of Taraytasa collected. Bertrandus claimed he paid the portion, but the court found him guilty, and collected its penalty. The other disagreement over caper trees had the two parties disagreeing over usage rights. There the accused was absolved since the denouncer failed to prove his allegation.

#### 4.2.3 *De igne et discordia*

The economic interests in the regional environment are most visible within the trials that dealt with arson and property disputes. The uncontrollability of fire's destruction motivated serious concern over the value of the environmental capital at risk across the Manosquin region, and the conflicts over the best and most fertile land attest the body of environmental knowledge applied to the Manosquin economy. The concern over fire is especially prevalent in the punishments. In 56H 1008 fo. 101, the court ordered a series of witnesses and suspects to answer for a fire that burnt *diverssos* [sic] *arbores* in the *Les Iscles* area. The court and witnesses accused Monetus Martini, Monetus Monteri, and Anthonius R., but each denies or disproves the

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<sup>13</sup> Appendix A.2.7 - 56H 1008 ff. 86 – 86 v.

charge. Eventually Isnardus Forsati was charged, and the court collected the fine (*colligatur de neglectu*). Who Isnardus is, is not recorded, so the question of his neglect remains unanswered. In the third arson trial, 56H 989 fo. 20, the court accused Guillhelmus de Petra of starting a fire, out of sight, in a certain vineyard. He confessed, but despite an attempt to argue that he did not start the fire *per faciendo mala* after making his confession, the court vilified him as the arsonist, and he paid the fine.<sup>14</sup> The heavy fines imposed for arson emphasis the economic element within these arson trials. Further analysis into the trials reveals a fear that underlines the unpredictable and rarely containable destruction caused by fire, a fear that was increased by the natural occurrence of fires within the environment that the Manosquins both worked and lived in.

### **4.3 Assault of the *Foresterius***

#### **4.3.1 The Trial**

While assault does not necessarily fall under the expected survey of tree-related material, the trial record *Contra Michahelem Linendi, Bertrandum de Manoa et Hugonem Bertrandi* is perhaps the most important trial for this study.<sup>15</sup> As a distinct category, assault accounts for one of the twenty-eight, or 4% of the trials collected. While this trial could potentially be categorised under disagreement or damage, it is worthwhile to separate it from the rest, because it contains a very important figure heretofore unseen either in the statutes or in the records of the court, the *foresterius* of Manosque. The trial mentions Michael Boson, forester, who worked for the Hospital circa 1341.

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<sup>14</sup> Guillhelmus' testimony is quite difficult to read due to water damage, but it seems he tries to explain what happened with the fire: "...*dictum ignem redet...*" *Redeo* in Lewis and Short: "brought down, reduced, sank." Could he have thought the fire to have gone out?

<sup>15</sup> Appendix A.2.8 - 56H 986 ff.64 – 64v.

The inquest record tells how several shepherds from the parish of St. Martin, Michael Linendi, Bertrandus Forosii (alias de Manoa), Hugo Betrandi, and others from Lanucello, were grazing their herd of cows when they wandered across the border into Manosque's *Bois Fournigue*. The forester did all he could to prevent the herdsmen from entering the Manosquin forest, barring their passage, and grabbing at their clothing. They responded, chased him with rocks and swords, and forced Michael Boson to flee to the nearby quarry. In Manosque, he went to court, gave his statement and begged for an inquiry and punishment. The court called the three herdsmen to appear, where they testified that they did not know Michael was the foresterius. They said that is why they gave chase after he tore their clothing, and that, they did not think they were within Manosquin territory. They denied assaulting the forester with rocks or swords. With no other witnesses, and the forester outnumbered three to one, the judge dismissed the case unproven. The disinterest of the notary for the testimony of the shepherds is palpable; he misspells their names with every repetition.

#### 4.3.2 The actions of the *foresterius Hospitalis*

Michael Boson's actions are in line with what was expected of medieval foresters. In the French forestry tradition, foresters were officers embedded by the monarchy to preserve remaining woodlands after the Age of Deforestation, and to enforce forest legislation. The forester's realm was "[t]his legislation [which] was initiated in the form of capitularies, then ordinances concerning certain woodlands, then, later, as texts relative to the "fact" of forests in general – first, the combined forests of the king, then all the forests."<sup>16</sup> This is exactly what Michael Boson did in 1341: the statute on shepherding allowed cows within certain forests, but not within the *Fournigue*, and this privilege most certainly did not extend to foreigners. It was Michael's duty to protect the woodlands of Manosque from the unchecked efforts of alien

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<sup>16</sup> Bechmann (1990), 235.

herdsman. This function, economic protector against the transhumant community, was not entirely unique to Manosque. Clément reports that in the *dehesas* of medieval Spain, there were guards, “called *boyeros*, [who] had to watch over the *dehesas*,” and “had to stay and live all the time in the *dehesa*.”<sup>17</sup>

#### 4.3.3 Is the forester proof of concept?

Was Michael Boson the sword and shield of the seigneur’s economic interests?

Definitely. The forester was tasked with the protection and maintenance of the environmental capital policy in place in fourteenth-century Provence. Can his actions be interpreted to suggest an environmentally harmonious policy established by his lord? Possibly. Michael Boson, as the theoretical forester established by the historiography, was duty bound to protect all lands in the region from unrestricted grazing and theft, damage, cutting, and arson. This protection of the environment made for a strong, if not locally sustainable economy.

An issue with this interpretation, however, is that a professional *foresterius* only appears once in the documentation. While his actions and expert opinions could have been used for a complete reinterpretation of the trials and statutes at hand, his absence after 25 August 1341 is conspicuous. Where is the *foresterius Hospitalis* when the *Fournigue* was cut in the fall of 1394? Or when the Hospital’s enclosure in *Les Iscles* was alight in the winter of 1403? The foresters of Manosque remain largely silent in the records.

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<sup>17</sup> Clément (2008), 74.

## 4.4 Law in Practice: What Was Being Protected?

### 4.4.1 Environmental Lawyers?

An important secondary question to the analyses of these trials for their economic data is the question of success. Were the *jurisperiti* of the Hospital successful in defending the forest resources in question against the violent acts of others, or did foreigners and outlaws figuratively get away with murder when it came to trees? Table 4.3 details the outcomes of the sampled prosecutions. Out of the twenty-eight trials, eleven failed to convict: four thefts, three cuttings, and one arson, assault and disagreement. Out of these eleven, only six stand as valid failures to convict; five are not proven, or are missing from the trial documents. That meant that the court of Manosque had a 61-79% success rate (a margin of error at 18%) of punishing deviant environmental behaviour. In comparison to the body of Manosquin legislative justice, the collection rate of tree-related crimes is closest to that of theft at 86% (which is no surprise due to the majority of tree-theft trials). Verbal offences rank at 94%, and on average, the court had a 93% condemnation rate.<sup>18</sup> Thus tree related crimes rank up nearly as high in successes of convictions as the rest.

A few interesting correlations merit speculation. The first major wave of convictions occurred in register 56H 994, during the 1361 tenure of judge Bertrandus Johannis. Of the eight prosecutions he oversaw, three evaded condemnation, two with a defence. Forty-two years and almost half the environmental trials then passed until the next absolution of guilt in 1404. Perhaps judge Johannis realized the full, economic potential of punishing deviant behavior in the environment in 1362. Even further, it is possible that he set forth the model for the strict and frequent punishment of these crimes that would continue into the fifteenth-century. It is safe to

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<sup>18</sup> Bednarski (2002), 86. Data taken from Tables 2.2, "Pleas According to Principal Accused and Gender." 15 of the 108 thefts are absolved, 21 of the 306 verbal offenses are absolved, and in total, 73 of the 1088 male principals are absolved. The average margin of error (unknown plea) is 14%, or 157 of the 1088.



say that the court at Manosque was very successful in protecting the economic interests of its seigneur and its townspeople.

**Table 4.3 Tree Related Inquest by Outcomes**














<p><b>Successful Conviction Without Defence (46%)</b></p> <p>56H 986: 246 – 246 v. 56H 989: 20 56H 994: 48 – 48 v. 56H 994: 94 56H 996: 85 – 85 v. 56H 999 bk 3: 31 – 31 v. 56H 999: bk 2: 39 – 39 v. 56H 999: bk 1: 28 56H 1001: 144 v. 56H 1007: 19 v. 56H 1008: 101 56H 1008: 86 – 86 v. 56H 1009: 72 v.</p>	<p>(T) 56H 994: 127 – 127 v. (T) 56H 1009: 30</p>	<p><b>Successful Denial/Self-Representation (7%)</b></p>
	<p>(At) 56H 986: 64 – 64 v. (C) 56H 1000: 46 (C) 56H 1001: 7 v. (An) 56H 1001: 119 – 119 v. (Dt) 56H 1005: 33 – 33 v.</p>	<p><b>Verdict Unknown/Not Proven (18%)</b></p>
<p>(T) = Theft      (An) = Arson (C) = Cutting    (Dt) = Disagreement (Dg) = Damage   (At) = Assault</p>		
<p><b>Successful Conviction With Defence (14%)</b></p> <p>56H 994: 36 – 40 56H 994: 135 – 137 56H 994: 141 – 143 v. 56H 999: bk 2: 44 – 44 v.</p>	<p>(C) 56H 994: 144 – 145 v. (T) 56H 994: 152 – 152 v. (C) 56H 1009: 55 – 55 v. (T) 56H 1009: 61 – 61 v.</p>	<p><b>Successful Defence (14%)</b></p>

#### 4.4.2 Conclusion

What lessons do the trials teach? For all of the trials: theft, cutting, damage, disagreement, arson, or assault; the answer is a solid representation of the economic value and the social motivations that underpinned the crimes, and more importantly, their prevention. Eight of these events can be physically mapped to the Manosquin landscape (see Figure 4.2). Little evidence exists within these trials to suggest any attempt by the townspeople to live more harmoniously with their environment beyond what the statutes provided. Destruction, damage and theft all necessitated restitution; restitution for the material loss, and to penalize the threat against the vested interests of future environmental capital that belonged to the seigneur. Further, the palpable anxiety that surrounded arson and its destructive and uncontrollable potential multiplied judicial efforts to punish and penalize arsonists. Whether arson was accidental or intentional, the condemnation occurred, and the penalty remained harsh. The appearance of the forester points to the strict policing of the economic regime that maintained the environment of Manosque. It is difficult to assess the depth or continuity of the foresters' actions in the Provençal region, but it is clear nonetheless that the seigneurs of Manosque had developed strategies for the long-term conservation and security of the environmental capital that it owned.

# MANOSQUE

The Landscape

-  Buildings
-  Water
-  Watercourses
-  Roads
-  Hemp Fields
-  Vineyards
-  Silt Banks (Lime)
-  Woods
-  Gardens
-  Meadows
-  Olives
-  Cereals
-  Uncultivated Fields
-  Cereals + Uncultivated Fields

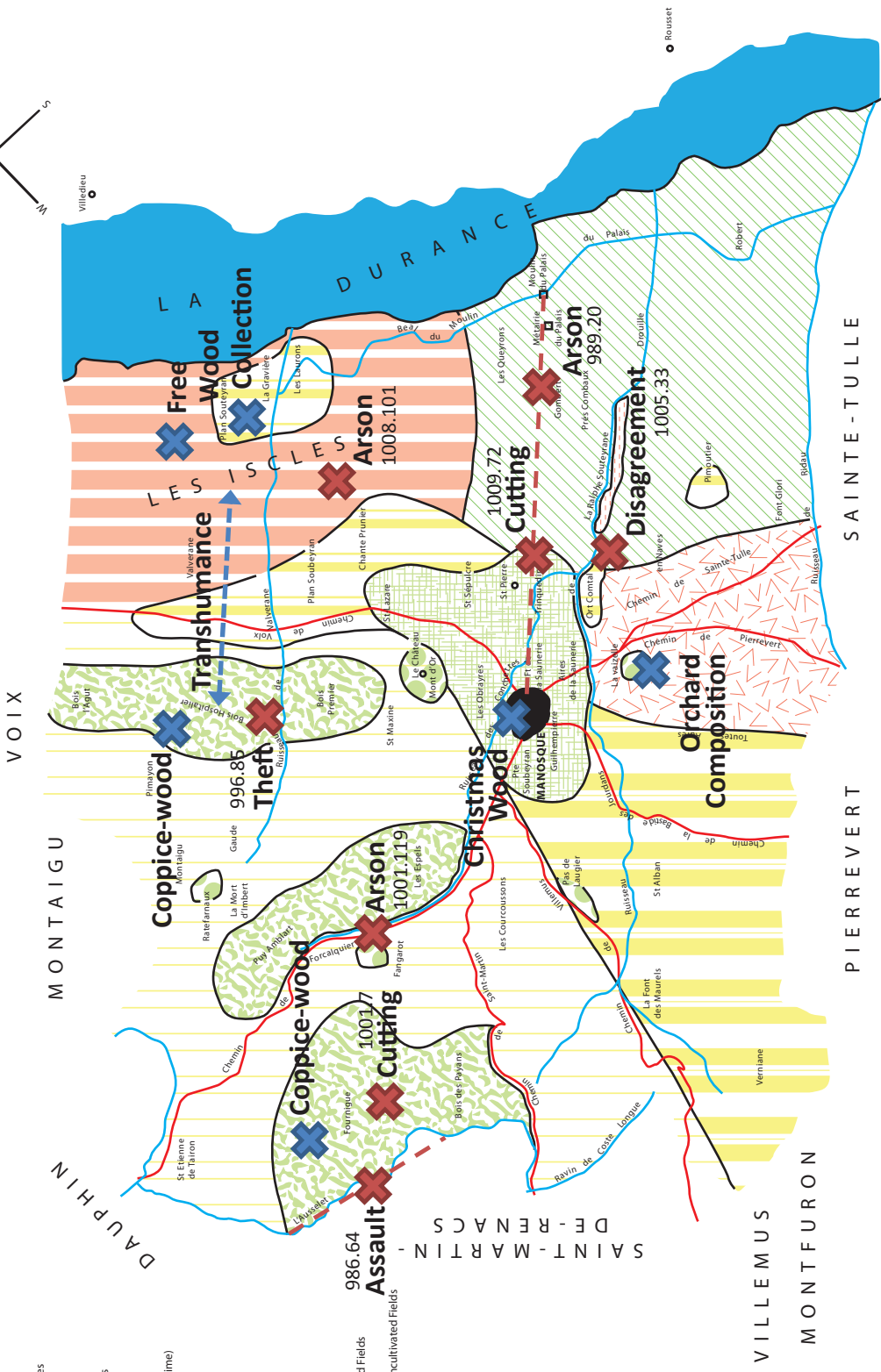
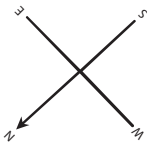


Figure 4.2 Map of the Manosquin Inquests

Source: Based on Félix Reynaud. *La commanderie de Jérusalem de Rhodes et de Malte à Manosque (XIIIe siècle - 1789)*

## CHAPTER V

### CONCLUSION

#### 5.1 Summation

##### 5.1.1 Manosque in the Environmental Historiography

The primary goal established at the outset of this study was the analysis of the economic motivations described in the statutes, privileges, and trials of Manosque for their treatment of the environment. In doing so, it was necessary to uproot Manosque from the dated corpus of *Annaliste* economic history, transplant it within a new school of thought that reconsiders the unique characteristics of the Mediterranean and that weeds out older preconceptions and models. With Manosque removed from the established frameworks of traditional environmental history, it was necessary to build anew the construct employed to interpret both the positive and negative impact the economy had on the environment. The groundbreaking works of Durand, Horden and Purcell, Grove and Rackham, and Clément were all critical in establishing the landscape in which the thesis was justified. The nuanced interpretation of the medieval Provençal ecology, paired with an outlook that was not shackled by the pitfalls of advocacy, presentism, woodland mismanagement, desertification or pyrophobia, and an analogous case study of a successful Mediterranean forestry regime that attempted to integrate the transhumance community and the needs of the landed peasantry; all were necessary components in the theoretical framework of the Manosquin situation. By framing Manosque in this way, it became clear that proper management of limited resources and a strict regime of protection and defence were necessary components of

a medieval environmental economy. More than that, the knowledge-base and the willingness to embrace a more symbiotic relationship with the environment marked the critical components for the long term sustainability of both the environment and the exploitative economic model.

#### 5.1.2 The Statutes and the Trials

In order to break free from the restrictions of a dated economic model, I have argued for a paradigm shift, in favour of an interpretation rooted in an in-depth consideration of environmental implications. Local documents from Manosque substantiate the largely theoretical economic relationship espoused by modern environmental historians. Privileges negotiated between the seigneur and the local worthies, whose consequences played out in court, show evidence of individuals' motivations and actions vis-a-vis their natural environment. Despite the majority of the statutes and trials which dealt with behaviour that was motivated by a purely consumptive economic model, there existed a selection of the statutes and trials which described a more sustainable and harmonious relationship between man and nature. The statutes concerning the symbiotic *complantage* orchard composition and the sustainable coppice-wood regime of the Hospital's holdings indicates a deeper awareness of cultivated woodland terrains. This awareness extends far beyond a primitive profit-driven clear-cutting regime or an ecologically sterile monoculture. The mixed-use character of Manosquin woodland depicted in the statutes suggests that many different sub-communities coexisted economically, and profited, from their shared natural environment. The statute relating to arson can be interpreted as setting a prohibitively high penalty against a problem that was as much an ecological necessity as a certainty. The arson trials reflect this fear, as the court intervenes, even against those who take responsibility for their actions, in order to make examples those inhabitants whose actions were contrary to the protection policies of the region. The scholarship of Grove, Rackham, and

Amouric all support the '*a contrario*' interpretation of the statute against transhumant arson as a clash of economic sensibilities. Despite the natural order of the ecology, it was the seigneurs' prerogative to protect their economic interests and those of the majority of the population. The trial of the *foresterius* provides the scholarship with the physical, authoritative figure, who acted as economic protector and officer.

## 5.2 Realities of the Evidence

### 5.2.1 Visible Theory, Realistic Motivation

Qualifications are in order. We must resist the urge for a blind or naive interpretation. Despite indications in the statutes that point to a more harmonious or sustainable model of environmental exploitation, the trial data only nudges us toward an historically balanced relationship between man and nature. The trials are quick to describe the retributive punishments of theft and damage. Yet they remain silent about the economic difficulties involved with the application of a symbiotic *complantage* system to the orchards, vineyards and *viridia* of the Manosquin landscape. The trials are also mute on the punishment for infractions against the coppice-wood economy that existed in the *Bois Hospitalier* or the *Fournigue*. Does this silence vouch for or against the successful application of these arboricultural systems? A diminished concern for sustainable economic models is completely understandable considering the environmental and political crises that took place within the temporal brackets of the thesis. Plague and war stifle more noble activities in favour of survival. Despite these influences, the theories, opinions and practices of the Manosquin inhabitants, visible through the syndics' authority, or seigneurial regularization, all depict economic stability, if not sustainability.

## 5.3 Future Approaches

### 5.3.1 Other Sources?

As with any focused study, I have omitted some lines of inquiry from this thesis. Some I left out simply because they merit more than a cursory discussion, others because they would have demanded research beyond the scope of this essay, and others still because they would have detracted from my woodland focus. The viticulture briefly touched upon is a notable example. The trials that dealt with vineyards and viticulture would have nearly tripled the corpus of trials to discuss. In consideration of vines and viticulture, another future approach comes to mind: artificial landscapes, most notably meadows, which seem to be the fashionable trend for environmental scholars in 2011. Different landscape features also would benefit from inspection. Manosque's oft mentioned *Les Iscles* area, is an area of alluvial silt banks that border the Durance river, well known for the agricultural benefits of the soil's lime content. Abbé Féraud and Columbi write about some of the other unique geological formations of Manosque, and along with the *Graveria* and the *Peyroria* of Manosque, the mineral wealth would benefit from such a study as the current one.<sup>1</sup> The aquatic ecosystems of Manosque would also flesh out the environmental perspective; the question of available documentation, though might limit that avenue of research.

### 5.3.2 56H Criminal Series

The criminal registers used in this study, from 1341 to 1404 are not the entirety of the historical record for Manosque. There are trials and documents that depart in both directions in time, and these documents could potentially be tapped for a more *longue durée* approach to the environment. The limits placed on the catalogue of documents for this study was done

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<sup>1</sup> The *Graveria* was the sandy beach area (*La Gravière*) mentioned in the eleventh tree-related statute. The *Peyroria* was the quarry that the *foresterius* fled to after his assault by the St. Martin herdsman.

consciously. They cover the documents that bracket the medieval Hospitaller's tenure as seigneur of Manosque, as well as their implementation of the *inquisitio* court system within the Manosque social theatre. The documents that exist before this introduction are much more fragmented and poorly preserved. Documents dating after this study deal with mentalities and motivations that exist beyond the medieval lens, and as content outside of the temporal boundaries of this study, and could potentially contradict the thesis.

### 5.3.3 The Hunt for Red *Foresterius*

The absence of other foresters in the criminal series is conspicuous. This is an avenue that desperately calls out for further inquiry. Did the profession end with Michael Boson and the onset of the plague in Manosque? Were there any economic factors that influence the appointment of an environmental officer in Manosque? Did the Hospital have something to do with it? Do the town's other extant records (communal deliberations, notarial registers containing land deeds, etc.) make reference to the office of the *foresterius*? These are all questions that must remain unanswered for the time being.

### 5.3.4 Environmental Lawyers and the Law

One further avenue is potentially available to the further research into the Manosquin environment. As touched on at the end of the fourth chapter, the success and failure of *jurisperiti* to convict or defend their accused is a subject that can be investigated further. The biggest hurdle associated with this study is the difficulty of following the few defences that exist (*Contra Stephanum Bartholomei* is one of the notable examples). The shorthand used by the notary is further abbreviated beyond the full transcript of the trials, to the point where citations to legal texts such as Justinian's institutes are transcribed with single letters and/or roman numerals.



This is perhaps one of the avenues of research that would best buttress an argument for the investigation and analysis of court documents for environmental data.

This thesis has shown the potential use of legal records to assess and interpret economic models that shaped and managed man's coexistence with his arboreal environment. Despite M. - Z. Isnard's pessimism, there remains much work to be done with the local records of Manosque.<sup>2</sup> The environment of the Middle Ages has only just begun to emerge, six centuries later.

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<sup>2</sup> Isnard (1894), xxvi.

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## APPENDIX A

### SUPPORTING DOCUMENTS

#### A. 1 Statutes and Privileges of the Town of Manosque Relating to Trees

##### **De fructibus arborum.**

(11 November 1234; Isnard 22-24)

Circa fructus arborum de quibus pars petebatur a syndicus Hospitalis, eadem que debetur de aliis fructibus terre in qua arbores site errant, ita dicimus et mandamus quantum videmus, quod propter umbram arborum ceteris fructibus prestatur incommodum.

Ideo volumus: quod in singulis quartariis vinearum non sint nisi quinque arbores in quamcumque parte elegerit dominus vine; ceterae arbores evelantur, nisi alias dominus vine cum comendatore poterit convenire; non computatis in his, salicibus de quibus nolumus quod dominus vine compellatur aliquatenus amovere; et hoc fiat usque ad Pascha proximo venturum. In illis autem arboribus que, ut supra dictum est, remanserint, homines Manuasce a prestatione alicujus partis fructuum absolvimus penitus et liberamus. In aliis autem possessionibus dicimus quod arbores omnes nunc existentes remaneant.

Si autem de novo plantare arbores voluerint in aliis terris quam vineis de quibus certa pars Hospitali debetur, possint tot arbores plantare quod inter novas et veteres sint quinque arbores in singulis sestariatis, que arbores remaneant libere dictis hominibus et sine prestatione alicujus partis fructuum.

##### **Si ignem quis miserit.**

(14 March 1235; Isnard 56)

Si quis autem ignem miserit infra villam vel extra in domibus vel in blado, paleis, vel feno vel in quovis aliquot loco, dampnum passo restituat et credatur ei suo sacramento, et c solidos curie nomine pene solvat. Si autem dictam penam solvere vel emendare non potuerit manum dextram amittat.

##### **Si arbores quis talaverit vel segetes.**

(14 March 1235; Isnard 58)

Si autem aliquis arbores, vineas, segetes vicini sui malo modo talaverit, que arbores fructus portaverint, dampnum passo restituat et ei credatur suo sacramento et c solidos nomine pene curie solvat. Si autem solvere non potuerit, manum dextram amittat.



**Si quis salices vel quercora talaverit.**

(14 March 1235; Isnard 58)

Item si quis salices, quercora vel hujusmodi arbores non fructiferas talaverit vel succiderit, dampnum passo restituat, suo sacramento credatur, et XII denarius nomine pene persolvat, pro qualibet planta, curie.

**Petitio: de saumatis ligni.**

(31 August 1293; Isnard 102)

Item cum certi homines dicte universitatis deberent et tenerentur annuatim, in vigilia festi Nativitatis Domini, aportare seu aportari facere dicto Hospitalis saumatas lignorum, et ipsa ligna capere poterant in deffensis dicti Hospitalis; et ipsum Hospitale non permetteret ipsos homines in deffensis [dicti Hospitalis] capere dicta ligna, et ipsum Hospitale dicta ligna velit habere ab ipsis, ita quod non capiuntur in deffensis ipsius Hospitalis, et hoc fieri non debeat. Idcirco petunt nominibus quibus supra a dicto domino preceptore, ut amodo ab exactione dictorum lignorum desistat.

**Petitio Hospitalis: de fructibus arborum vinearum.**

(31 August 1293; Isnard 104)

Et ex adverso, dictus dominus preceptor nomine dicti Hospitalis petebat a dictis sindicis, nominibus quibus supra, et conquerebatur de predictis universitatibus castri et Sancti-Petri et burgi Manuasce: quod homines dictarum universitatum [debent et] tenentur ipsi Hospitali dare, secundum conventionem inde factam, quartam partem omnium fructuum arborum vinearum in quibus habet dictum Hospitale quarteronum, exceptis quinque arboribus que remanere france debent in qualibet quarteriata. Unde, cum plures arbores reperiantur in quarteriatis ultra numerum prefixum, petit quarteronum illarum arborum que sunt ultra quinque, vel quod ille arbores que sunt ultra quique amoveantur.

**Petitio: de arboribus.**

(31 August 1293; Isnard 104)

Item quod cum in dicta conventionem contineatur: quod in possessionibus de quibus fructuum certa pars Hospitali prestatur, ut terre tasquerie que dant seu pro quibus datur pars fructuum, et ut similiter terre et alia predia pro quibus census certus in pecunia vel in blado dicto Hospitali prestatur; quod in qualibet sextariata possunt esse quinque arbores france, et illas arbores que sunt ultra petit amoveri.

### **Definitio de lignis non portandis.**

(31 August 1293; Isnard 116)

Super undecima petitione dictorum syndicorum, actorum et procuratorum convenerunt ex causa transactionis cum dicto domino preceptore: quod, de cetero, homines qui ligna portare tenebantur dicto Hospitali annuatim, in vigilia Nativitatis Domini, non teneantur ipsi Hospitali portare ligna predicta, cum potius dampnum esset dicto Hospitali quam profectus.

### **Definitio petitionis de fructibus arborum vinearum.**

(31 August 1293; Isnard 118)

Super prima petitione facta per dictum dominum preceptorem, nomine dicti Hospitalis, dictis sindicis, actoribus et procuratoribus nominibus quibus supra, quod cum dubium sit quod ipsum Hospitale habere deberet quartam partem omnium fructuum arborum que sunt in vineis que prestant seu pro quibus prestatur cartonum racemorum vel alia certa pars, dicto Hospitali, exceptis quinque arboribus que debent esse france a prestatione cartoni in qualibet quartariata; super quibus ex causa transactionis cum dicto domino preceptore, recipiente nominibus quibus supra, convenerunt; quod idem dominus preceptor nominibus quibus supra remisit dictis sindicis, actoribus, et procuratoribus, recipientibus nominibus quibus supra, quartam partem omnium fructuum omnium arborum, vinearum in quibus ipsum Hospitale habet cartonum racemorum; et si in aliqua vinea seu in aliquibus vineis ipsum Hospitale habet quintam, sextam, septimam, octavam, nonam, decimam partem racemorum, remisit similiter ipsis sindicis, actoribus et procuratoribus, recipientibus nominibus quibus supra, quartam, quintam, sextam, septimam, octavam, nonam, decimam partem et, sic deinceps, omnium fructuum arborem plantatarum et plantandarum in vineis predictis, exceptis partibus quas ipsum Hospitale habet et habebit in racemis vinearum predictarum presentium et futurarum, quas partes per integrum voluerunt dicto Hospitali prestari et coservari prout prestari debent et prestari debuierint in futurum.

### **Secunda definitio fructuum arborum terrarum tasquerie.**

(31 August 1293; Isnard 118-120)

Super secunda petitione facta per dictum dominum preceptorem nominibus quibus supra, dictis sindicis, actoribus et procuratoribus recipientibus nominibus quibus supra, convenerunt, videlicet: quod ipse dominus preceptor nominibus quibus supra remisit, ex causa transactionis dictis sindicis, actoribus et procuratoribus, recipientibus nominibus quibus supra, jus, si quod ipsum Hospitale habebat, in fructibus arborum que sunt et que erunt in terris et possessionibus tasqueriis, et que dant seu pro quibus prestatur dicto Hospitali certa pars fructuum, et in possessionibus quibuscumque in quibus ipsum Hospitale habet servicium bladi seu denariorum seu utrumque; ita quod in fructibus arborum que sunt et que erunt in dictis possessionibus amodo nichil petere possit, et quotquot sunt et erunt arbores in dictis possessionibus seu prediis, non arrabentur nec amoveantur.

**Quod homines cum averi suo bovino possint libere pascere in nemoribus infra scriptis, et ligna in iscla et graveria capere ut in capitulo continentur.**

(4 January 1316; Isnard 170-171)

Item conquerebantur dicti syndici, quod Hospitalarii nemora sua et etiam isclas, in quibus homines predictorum locorum cum averi suo grosso jus pascendi et libertatem habebant et habere consueverant, dictis hominibus defendebant, atque contra dicebam in dictis isclis ligna sicca, que in eis inundatio aque Durencie dimitebat, per homines dictorum locorum accipi contra debitam rationem.

Super quo fuit ordinatum et conventum inter partes predictas: quod homines dictorum locorum possint libere et impune pascere cum averi suo bovino vel aliis animalibus arantibus, in nemoribus seu defensis infra scriptis videlicet: Podii-Aguseti, Amigueti, Roverie que fuit domini Fulconis de Fontiana, et Amalguerii et Bosqueti Paganorum versus pratum Avenacii, et etiam in iscla Hospitalis dicta Superiori. Fuit tamen actum et dictum, quod pastores pascentes ibi cum dicto averi, de lignis et arboribus scissis et prostrates possint facere focum ad eorum communia decoquenda seu calefacienda in extremitatibus dictorum defensorum. Hoc acto et expressum convento inter partes predictas: quod defensum illud quod scindetur uno anno per dictos Hospitalarios, anno illo et sequenti defendatur, ita quod dictum avere dicti duobus annis in illo defeso scissor non pascat; illis vero duobus annis finitis, dicti Hospitalarii dimitant illud defensum primo scissum, et aliud alio anno scindere incipiant, et ex tunc, lapsis dictis duobus primis annis, dicti homines reddere possint ad pascendum dictum defensum quod prius fuerat incisum et sic fiat de aliis defensis concessis de duobus in duos annos, si dicti Hospitalarii dicta defensa scindere voluerint. Alioquin dicti homines possint pascere cum dicto averi in dictis defensis. Et hec fieri et observari intelligentur de averi Hospitalis.

Ligna vero mortua et prostrata, que reperirentur in iscla concessa ad pascendum, ipsi homines libere et impune capere possint. Item et ligna sicca reperta in graveria, dum tamen dicta graveria non sit infra isclam retentam per Hospitale, illa videlicet possint recipere manualiter, absque ministerio alicujus ferri [sicut aysadoni<sup>1</sup> vel piche<sup>2</sup>, securis vel alicujus alterius ferri]. Alia vero defensa et omnia preter predicta, que dictum Hospitale hodie tenet et possidet et defendit, Hospitale predictum possit defendere deinceps, prout facere consuevit.

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<sup>1</sup> *Aysada* for *aysado*, a hoe blade, acc. to the Razo word list.

<sup>2</sup> *Pica* for *piche*, Niermeyer glosses it as a pick-axe.

## A. 2 Examples of Tree Related Inquests

### A. 2.1 Example 1: Theft of Olives

56H 986 ff.246-246v

28 April 1343

Contra – Isnardum Mellanqui et Petrum eius  
filium et omnes alios culpabiles depraedictis

Anno domini millo iii<sup>c</sup> xxxiii<sup>o</sup> die xxviii mensis Aprilis inquisitio facta fuit per curia predictam ex suo officio contra Isnardum Mellanqui et Petrum eius filium. Ex Eo et super eo quo ad audientiam dicte curia nominatum pervenit fama publica referente quod predicti supra accusatio diabolico stigmatim in butum **riactato** praehabito inter eos die externa praedicti supra accusatus. venerunt ad quandam vineam Hugo Recuperateis sitam in tomba aulameri et plures olivarios que erant noviter plantatum in vinea predicta. predicti supra accusati arantenerunt et arabanerunt ^et eis de popula sunt^ furtive de nocte et ora suspecta. et eos ad quandam vineam predictis Isnardum et Petrum que sita est appud terracias predicti supra accusati plantaverunt et in venti fuerunt in vinea predicta plantari et positi jutio et ignorante domino cuius erant.

Item Et super eo quod in vinea salvetur predicti supra accusati furtive olivarios que in dicta vinea ipsius salvet- erant fixi et plantatis arantenerunt. Et in quadam vinea eoi- situs appud terracias predictis plantaverunt et possuerunt ^in tio et ignorante domineis cuius Erant^ furtivum et Rap—am in predictis conntentis. Incidindes in penam statuto quo incipit si autem aliquis arbores prout tenei- dq sta--- talis est vt et te quare dicta curia ad inquirendum tam contra ipsos quam contra dominus alios culpabiles depraedictis processit ut sequitur.

Tenoris Statuti

Si autem aliquis arbores vineas segestes vicini sui malo modo talaverit, que arbores fructus portaverint, dampnum passo restituat et ei credatur suo sacramento et c solidos nomine pene curie solvat. Si autem solvere non potuerit, manum dextram amittat.

Anno quo supra die xxvi mensis madii [26 May 1343]. Supra dictus Petrus unus praesenti palis accusatus iuravit stare mandatis dicte curie et dicere veritatem super hiis super quibus fuerit requisitus. qui suo iuramento interrogatus super contentis in primo titulo. ut principalia dixit et sponte confessus fuit verum fere quod die externa dictus Petrus

[verso]

in vinea ipsius Hugonis recuperatetur vnum olivarium L plantarum noviter diabavit Et in vinea ipsius Petri que sita est appud terractias ipsum olivarium plantant et Reposint ce—r omnia contra ipsum intitulis negavit penitus fore vera. Et ut testis dixit se nichil scire.

Super secundo titulo interrogatus n-prim- dixit se et negavit ut in dicto titulo continetur et ut testis dixit se nichil scire.

Eodem die supra dictus Isnardus supra accusatus juravit stare mandatis dicte curie et dicere veritatem super hiis super quibus fuerit Requisitus qui suo juramento interrogata super titulis contra ipsum factis et primo super primo titulo die ut primo negavit omnia contra ipsum intitulata penitus fore vera. Et ut testis dixit se nichil scire.

Super secundo titulo ut primo negavit et ut testis dixit se nichil scire.

Eodem die supra dictus Petrus iterato requisitus Juramento suo interrogatus super contentis in secundo titulo contra ipsum facto qui suo juramento dixit et sponte confessus fuit verum fore ut in dicto secundo titulo continet ^v- --- olivar- acc—it tantu-^ terram dixit quod a--- die fecit cetera omnia neg-avit.

Cui fuit datus deffensionem  
.x. dierum

Pro eo Isnardum Melanqui pater suus et astrigia vix dicti Petri mandato ipsius Petro.

colligatur nix- confessus dicti Petrum Mellanqui. Collecta

## **A. 2.2 Example 2: Theft of Almonds**

56H 994 ff.127 – 127 v.  
1362

3 November

Contra Johannem Medici ac  
omnes alios v---rsos et  
singulis

Anno domini millime cclxii die tercio mensis novembre  
Fit inquisitio per me Isnardus Garrelli curie Manausce  
notarium ex ipsius curie officio contra ad denunciationem  
nobilis Anthonii de Cruce mariti nobilis Raymunde  
Artande de Auseysie. Contra Johannem Medici ac omnes  
alios vui—rsos et singules. Juramento de subscriptis poterunt  
modo aliquo culpabiles reperiri super Eo videlicet quod  
ipse inquam delatus. sua audacia temenucia et pre-  
sumptiva magna motus credens quibus carere omnio villam  
Manuasce Rectore et Gubernatore quod absit et pernepen-  
dens Edita siue statuta habita et jubita inter dictam  
curiam siue Hospitale. ac v---ersitatem dicte ville

de Manuasce quam plures amigdalas viridas et fructiferas. et per diuersas dies atque ip-ora in quadam ferraginie<sup>3</sup> ipsius nobiles Raymunde in Rectorio Manuasce posita loco dicto ad fontem Tarini que olim fuit Guilhelmo Petri et ad pedes scindit et multas alias ibidem sbrantavit et malo modo talavit. ipsos quibus in proprios suos vsos convertit veniens propterea contra formam statuti super hoc editi incurrens quibus penam in eodem contentum cuiusquedem statuti Tenor inferius est incertus et est talis.

Tenor ipsius

Si autem aliquis arbores, vineas, segetes vicini sui malo modo talaverit, que arbores fructus portaverint, dampnum passo restituat et ei credatur suo sacramento et c solidos nomine pene curie solvat. Si autem solvere non potuerit, manum dextram amittat.

[verso]

*In the margin:* In---

Ideoque pro informatione dicte curie dictus denunciatus dixit quod ipso stante in domo magister Bertrandi Raymandi et cum eodem magistro Bertrando de contentis in dicto Titulo colloquium habente. Et scendeta ipsius Johannis Medici filia vxor Guilhelmi Castagui dixit talia verba uel sibi et si dominus Petrus presbiter domino meo licet **ciavi** dedit ut in ipsa ferragine amigdalas re scinderet et rucuperet et mandato sui fecerit propter hoc incurret penam dominus meus et pacietur. dampnum magnum peccatum esset.

*In the margin:* absolvat-. B. Jo.

Anno quo supra die quarto novembre pri- supra accusatus iuravit stare mandatis dicte curie et dicere veritatem super contentis in dicte Inquisitionis Titulo ipso sibi primus in Romana lingua explanato qui iuramento suo negavit omnia contra ipsum Intitulata et ub eiden titulo contenta penitus fore vera.

Fidejussit pro eo Guilhelmus Cui fuit datus

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<sup>3</sup> *Ferraginile* for *ferraginie*. Niermeyer glosses it as “an artificial pasture, field sown with green forage.”

Guzamham eum juramento x dierum deffentionem

Anno quo supra die vii decembre Riscendera vexar Guilhelmi Custagui filiaque dicti Johannis Medici testis pro informatione dicte curie recepta juravit dicere veritatem super contentis in dicte Inquisitionis Titulo ipso sibi primus in Romana lingua explanato que juramento suo dixit se nichil scire de contentis in eo.

Super iudicio ipso sibi primus invulgari perlecto suo juramento interrogata dixit se nichil scire de contentis in eo nec etiam vnquam dixisset verba in eodem contenta.

### A. 2.3 Example 3: Cutting of Trees

56H 1001 fo. 7 v.

1 September 1394

Contra Gauterium Alamani

*In the margin:*

Anno quo supra et die prima mensis septembre inquiritur et praesens inquisitio formatur perdictam curia Manuasce. quo supra et officio nominis cum contra dictum Gauterium Super eo videlicet quia I-tuo delatus sua audacia presumptua maligno spiritu imbutis scindit in quodam bosco Hospitalis Manuasce quid vocat nemus formige<sup>4</sup> quod est deffensum ^dicti Hospitalis^ aliquas arbores sine licencia dominum preceptoris et alterius cuiuscumque et ad se ipso approrana fuita- in premissus conutenis et in gravem penam juadeus.

Dicta die Monetus Ode testis pro informatione cum receptus suo juramento interrogata super dicto titulo ipso praesens sibi lecto et dato intelligi in vulgari. dixit quod ipse hoc anno pretento existens in dicto nemore vna cum Petro Vachoni habitus Manuasce, causa ibid scindend- aliquas arbores Manuasce dominum Bernardum Galliardasii sacrste Sancti Petri. et ad ipsos venit idem delatus in dicto nemore et dixit eisdem quod ipse delatus ibi sciderat vnum tirmu- non aliquisque tabrionis qui fuerant eidem fructi Alia dominus se nescire.

Dicta die Petrus Vachoni testis per informatione cum receptus iuravit suo juramento dicte veritatem super titulo predicto ipso prius sibi lecto et dato intelligi in vulgari dixit et testificatus fuit ut testis precedens. interrogatus quomodo scit dixit quia audivit et presens fuit.

---

<sup>4</sup> *Nemus formige*, a Hospital enclosure, also appears in the trial recorded in 56H 986 64 – 64 v. It is the *Bois Fournigue*, North-north-west of Manosque.

Dicta die dictus Guaterius supra principaliter accusatus juravit stare mandatis dicte cum et dicere veritatem super dicto titulo prius sibi lecto et exposito in vulgari negavit omnia et singula in dicto titulo contenta penitus fore vera.

Ali--cs vxor dicti delati de voluntate eius viii fidejussit pro dicto eius marito cum juramento etc.

#### **A. 2.4 Example 4: Cutting of Fruit-bearing Trees**

56H 1009 fo. 72 v.

13 February 1404

Contra Stephanum Garnerii  
habitorem de Manuasca

Anno quo supra die xiii mensis febroari Inquiritur et inquisitio fuit per dictam curiam mandato nobilis et circumspecti viri domini Amielii de Pontis jurisperiti iudices curie ut praedictae et ad intimationem domini Raymundi Cornuti bajuli ipsius curie contra et adversus pre[in]titulatum Stephanum Garnerii super eo videlicet quod hodie Stephanum ad male agendum totaliter dispositus non verans quam grave sit depopulare arboras fructiferas ipse si quidem delatus eius tenuari audacia presuptima motus predie portans ad molendinum Manuasce in quedam viriderio domini preceptoris dicti loci unam plantam pomeri circumscivit et in iustium dicto domino preceptore et ipsum quo voluit portavit sic arbores fructiferas depopulando et in penam a jure etc incidendo.

Unde tunc ipsa etc.

Dicta die Stephanus Garnerii supra principalis accusatus juravit stare mandatis dicte curie et meram deponenti --atem super contentis in titulo presentis inquisitionis ipso sibi prius lecto et diligenter Exposito in vulgari qui suo juramento dixit et sponte confessus dictum pomerium accepisse et ipsum plantasse in suo viridario sit predictam fecit de concensu Petri Bernardi nunc --- qui ipsum pomerium sive plantam supra dictam sibi dedit in presentia plurium ibidem existentiam quodam probare intendit.



Cui datis fuit deffensionem  
X dierum.

Fidejussit pro eius uxorem cum eam voluntate et cum juramento.

*In the margin:* colligatur juxta  
suam confessionem et  
quia non probavit  
asserta per ipsum  
*Signed by the judge:* Amelius de Pontis  
-----

collecta per me  
dictum notarium  
curie

### A. 2.5 Example 5: Damage to Trees

56H 994 ff. 135 – 137

8 November 1362

Contra Petrum Batholomei

Anno domini millisimo CCCLxii die octavo mensis  
nobembris pervenit ad audienciam curiam et curia-  
lium ville Manuasce fama Iloa refferente quod Petrus  
Bartholomei redens dictam villam Manuasce omnio  
rectore et gubernatore carere quod absit in quadam  
terra Jacobi Monnerii posita subeos malauteriam  
confecutata cum terra idet Balenone et cum terra Johannis  
Laurentii draya in medio quasdam amigdalum  
viridam et frectiferavi ad pedem  
scindit et in duabus Amigdalas ibidem tres  
brancas viridas et fructiferas etiam scindit  
justio et ignarante dicto Jacobo Monnerii et in  
grande dampnum atque previditum eamdem veniens  
propterea contra formam statuti sper hoc editi  
incurrensque penam in eodem contentum  
cuiusquidem statuti Tenor inferius est incertus  
et est talis.

Tenor ipsius

Et ut presens processus debito fa-dau—ti ordine  
tecxatur et ut clare appareat de dampno sive sci-  
sione amidgali et frondam in Titulo descriptatum quoddam  
curialium mandamentam super hoc latum de verbo ad verbum  
in presenti processu Ego Isnardus Guarrelli dicte curie  
notarius inferius et descripsus prout in origanali jacet ut Ecce.

[verso]

Tenor dicti  
Manuasce

Anno domini millisimo CCCLxii die vii mensis nobembris  
Frater Andreas Thomacii de ordine Hospitales Sancti Johannis  
Jerosolomitani, Bertrandus Gavanniani, Jacobus Agenti, et Johannes  
Textores cominales ville Manuasce retulerunt michi natorio  
infrascripto se ad instantiam Jacobi Monnerii de Manuasce  
ivisse ad quamdam terram dicti Jacobi scitam subtus  
malentariam constitutam cum terra Petrus Valenoie et  
cum terra Johannis Laurencii draya<sup>5</sup> in medio et ibi vi-  
disse quandam talam sive dampnum datum et factum  
in dicta terra videlicet in una amigdalo scissa ad  
pedem, et in terribus branchis scissis in duabus  
amigdalis scitis in dicta terra quam talam posue-  
runt iuxta eorum conscientiam ad octo solidos  
et fuit ligna dicti Jacobi, et in eo casa quo  
idem Jacobus noluerit dicta ligna posuerunt  
dictam talam ad duodecim solidos. Et in  
electionem dicti Jacobi sit accipere, dicta ligna  
necue, et pro eorum labore quatuor vohenas  
et pro presenti --to ad xii denarii ad que omnia  
predicta cognoverunt teneri illos qui dictam  
talam fecerunt actum Manuasce in operatorio mei  
notarii infrascripti Testes fuerunt ad hec  
vocati Jacobus Raynerii et Johannes Verdun de  
Manuasce. Et ego Bertrandus Raymandi notarius  
publicus in comitatibus Provincie et Forcalquerii ab inclita  
domina Johanna dei gracia regina Jerosolomatani et Scilie  
et de predictis comitatibus comitissa hiis omnibus  
interfui et hunc cartam rogatas scripssi et signo  
---- signavi.

[folio 136]

PRINCIPALIS : Anno quo supra die viii mensis novembris Petrus  
Bartholomei principalis super accusatus juravit stare mandatis  
dicte curie et dicere veritatem super contentis in dicte  
inquisitionis Titulo ipso sibi prius in Romana lingua  
explanato qui juramento suo dixit et confessus fuit  
verum fore quod die sabati proxime preterita ipse  
deponens se locavit Guilhelmo Martini sabaterio  
ad scindendum ligna et credens ut terra

---

<sup>5</sup> *Draya* = a sieve for cleaning grain acc. to Razo word list

in dicto titulo descripta esset dicti Guillelmi Martini et  
in eadem scindit unum pezonum<sup>6</sup> amigdali et  
tres brachias amigdali in duabus amigdalum in  
eadem terra ficxis scindet cetera contra ipsum  
intitulata et in eadem titulo contenta penitus  
negavit fore vera interrogatus si dicti pezonus  
atque frondes erant viride aut si que dixit quod  
in parte erant viride et in parte si que

*In the margin:*

Colligatur juxta  
sui confessionem  
juxta mentque sta-  
tati super hoc editi?  
non obstantibus  
deffensionibus que  
ipsum non relenaverunt  
maxime cum fuerit  
ignorantia grassa  
seu suppia. nec  
probaverit amigdalas  
deffensionibus allegatum  
B. Jo.

Collecta per me  
Isnardus Garrelli

fideiussit pro eo	Cui fuit datus
Byatricis Sufie cum	X dierum deffentionem
juramento	

Postquam anno quo supra die xxii mensis novembris  
Johannes Textoris Testes profundanda intentione dicte  
curia receptus juravit dicere veritate super contentis  
in dicte inquisitionis titulo ipso sibi ^prius in Romana lingua  
explanato qui juramento suo dixit et testificatus fuit quod ipse  
pridem ad instantiam dicti Jacobi Monnerii ut exti  
mater cus- dicte ville una cum Bertrando Garaudani ac  
frater Andrea Thomacii et Jacobo Agonti ad terram in  
dicto titulo descriptam accesserunt et ibi quandam amigdalum  
ad pedem scissam invenerunt, necnon tres brancas magnas  
scissas in duabus aliis amigdalas ^eciam^ invenerunt que dicto suo omnia  
juramento erant viride et nichilominus que in supra-  
scripto mandato sunt descripta et per eos cognita aprobat et  
confirmat esse vera.

---

<sup>6</sup> For *pezana* meaning a plank or piece of wood, acc. to the Razo word list.

[verso]

TESTIS : Anno quo supra die xxiii mensis novembris Bertrandus Gavandani presens intentione dicte curie fundanda in testem receptus juravit dicere veritatem super contentis in dicte inquisitionis titulo ipso sibi prius in Romana lingua explanato jui dicto suo juramento dixit et testificatus fuit quod pridem ad instanciam dicti Jacobi Monnerii ipse loquens, frater Andreas Thomacii, Jacobus Agenti et Johannes Textoris in supra scripto mandato descripti ad terram ipsius Jacobi in ipso titulo descripta accesserunt, et ibi suam amigdalum et tres frondes in duabus aliis amigdales payroales cissas invenerunt que branche erant bene viride, tamen dixit se non recordari de ipsa amigdalo sive pezano si erat virida vel senus siqua sed omnia contenta in ipso mandato et per eos cognita et pronunciata aprobat et confirmat fore vera.

[folio 137]

In nomini domini amen

die tertio decembris fuerunt admisse subscripte deffentiones per dominum judicem salvo jure plenius inquirendi pro parte curie

Adversus inquisitionem factam per curiam sacre domini Hospitalis Sancti Johannis Jerosolomitani ville de Manuasca contra Petrum Bartholomei quod ipse sua presumptiva audacia in quadam terram Jacobi Mognerii posita in territorio Manuasce subtus malanteriam confrontatam cum terra Petri Valintie et cum terra Johannis Laurentii draya in medio quandam amicdolum viridum et fructiferam ad pedem sindere debuit inscio et ignorante, Jacobo Ni---ato et in eius prandi? prevedicum periter atque dampnum in penam cuiusdam statuti super hoc ut poniter editi que est ^centum^ solidorum aut mannus amitat si so---res non poterit quodque dampnum passo restituat, si malo modo arbores vicini sui talaverit fructifferas prout ^sit^ vel consimiliter lac— in praedictem inquisitionis titulo continentur dantur dicte curie jura allegationes infra scripti.

more defense follows...

## A. 2.6 Example 6: Burning of Trees

56H 1001 ff. 119 – 119v.

11 January 1394

Contra magistrum Raymundum Gauterii

Anno quo supra [1394 o.s.] et die XI mensis Januarii inquiritur et presens inquisicio formatur per dictam curiam hospitalis ville manuasce, mandato quo supra ex officio ipsius curie quia ad eius audienciam noviter pervenit Contra dictum magistrum Raymundum Gauterii Super eo videlicet quod dictus delatus temere veniendo contra formam statuti in loco manuasce, editi quo cavetur quod nullus audeat ponere infra villam Manuasce vel extra in domibus vel in blado paleis vel feno<sup>7</sup> vel in quonis aliquo loco \ignem/ sub pena in dicto statuto contenta cuius quidam statuti tenor inferius est incertus, dictus inquam delatus maligno spiritu imbutus sua audacia et malicia motus predie ponendo ingem in quadam stipula<sup>8</sup> sua posita ad pontem despels<sup>9</sup> dum dictus ~~inquam delatus~~ ignis fuit ~~posita~~ in quibusdam voysonis terre dicti magistri Raymundi, comprimere habuit quosdam olivarios domini Hugonis Giraudi qui erant ibidem in quadam terra cum alia contigua, et eos taliter devastavit quod a cetero fructificare non poterunt. Quod cedit in dampnum non modicum dicti domini Hugonis Giraudi et curie eiusdem vilipendium et contemptum

Unde etc.

Tenor dicti capituli

Si quis autem ignem miserit infra villam vel extra in domibus vel in blado paleis vel feno vel in quovis aliquo loco dampnum passo restituat et cradatur<sup>10</sup> ei suo sacramento et C solidos curie nomine pene solvat

Si autem dictam penam solvere vel emendare non potuerit manum dextram admittat<sup>11</sup>.

TESTIS: Dicta die Petrus Rogerii testis pro parte curie receptus iuravit ad Sanctam Dei Euvangelia dicere veritatem super contentis in dicto inquisitio titulo ipso prius sibi lecto et dato intelligi in vulgari. dixit se nichil aliud scire nisi tantum quod predie dominus Hugo Giraudi conquerebatur dicto magistro Raymundo quia ignis de sua stipula sibi conburaverat terras arbores olivarum de quibus petebat est[---]enda, et dictus loquens una cum Petro Rufferii ad finem ne venient ad curiam ipsos concordaverunt quod pro dampno quod fecerat dictus ignis in dictis arboribus ipse magister Raymundus dare debebat eidem domino Hugoni Giraudi unum banastonum<sup>12</sup> plenum

<sup>7</sup> That is: wheat, chaff, and hay stalk

<sup>8</sup> *stipula* = straw

<sup>9</sup> d'Espels, a forested mountain region, north of Manosque.

<sup>10</sup> For *credatur* in the actual statute

<sup>11</sup> For *amittat* in the actual statute.

olivarium et nichil plus sibi peteret et inter ipsos esset pax et finis de predictis et ipse partes se concordaverunt.

TESTIS: Dicta die Petrus Rufferii testis pro parte curia receptus iuravit ad Sancta Dei Euvangelia dicere veritatem super contentis in dicto inquisitio titulo ipso prius sibi lecto et explanato in vulgari dixit in omnibus et per omnia prout et quemadmodum testis precedens nichil mutando nequam variando, quia preasens fuit in dicta concordia.

[verso]

Dicta die dicta magister Raymundus Gauterii supra principaliter accusatus iuravit stare mandatus dicte curia et vicina fatere veritatem super contentis in dicto inquisitio titulo ipso prius sibi lecto et dato intelligi in vulgari eius juramento dixit et negavit dictam ignem imposuisse seu imponi fecisse ac tamen accidit quod in quodam itinere publico fuit impositus ignis, quiquidem ignis ut asserit idem dominus Hugo sibi dampnavit quasdam arbores olivarium et accidit una die quod dictus dominus Hugo dicebat eidem loquenti quod ignis insensus in illa voysonata conbinaverit sibi certas arbores olivarium. Interrogatus utrum pepigit cum dicto domino Hugone an pro dampno illato per dictum ignem in ipsius arboribus sibi dare debebat unum plenum banasconum olivarii vel ne quiquidem delatus dixit quod non nomine suo proprio sed dixit quod una die dictus domino Hugo venit ad dictum delatum cui dixit quod unus homo de Bello Monte qui arabat in terra dicti magistri Raymundi ignem posuerat, et etiam sibi dixit quod ipse vellet ne nuncenarius suus maius dampnum haberet ipse veniret in bona concordia et curia non querent comodum quiquidem delatus ad preces ipsius Hugoni quamvis totaliter ignoraret et ad huc ignorat qui dictum ignem imposuerat petum pepigat quod sibi daret unum plenum banasconum olivarii. Cetero in dicto titulo contenta contra se intititata negavit penitus fore vera.

Fideiussit pro dicto delata Franciscus Anthonii  
Cum iuramento etc et idem delatus promisit ipsius  
Custodire in dep. obligatus omina bona sua etc.

magister Raymundus Gauterii promisit et iuravit in manibus  
baiuli stare juri de praesenti inquisitio cognito prius  
an praesens inquisicio pertineat domino preceptoris aut episcopo Sister.

die v Julii ^de precepto domino preceptoris^ dicto domino baiulius remisserunt dictum magistrum  
Raymundi domino Poncio Bermundi viceofficio et quod de eodem faciat

---

<sup>12</sup> *Banastonus*, a flared basket with two handles, acc. to the Razo word list.

justiciarum de male factis per ipsum.

Actum in curie testis Fracisco Anthonii et magistro Raymundo Gasqui

**A. 2.7 Example 7: Disagreement over Trees**

56H 1008 ff. 86 – 86 v.

1403

2 December

Contra Bertandum Robionis  
de Manuasca

Anno quo supra die ii mensis decembre inquisitur – cum valle intimatione subuicario dicto curio de Manuasce sibi facta per Honoratus Bossarelli. Contra Bertrandum Robionis dicto ville super eo videlicet quod cum dictus Honoratus emisit et arrendasse a elemosonaro Masse. parte quia reciperebat in olivariis dicti delati situs in territorio dicto ville loco dicto in Sperello et his dictus delatus sciret ipsam parte deber- ipsum Hon. eandem parte dictus delatus sine licentia ipse et rendem ad dominum similima propriam portavit veniens contra formam statuti et in eadem incidens. rapina-que furtiva contentum.

Super quibus item

Item. inquiratur contra eundem quia specta pon. sibi inposita per ipsum subuicarium x. xxvi. li. librorum ut super ipsa denunt- veniret respondere dicte cum dictas pena malignam venire maxime curavit.

*In the margin:* Atque admitantur retalis  
ita be-.

Anno quo supra et die. Bertrandus Robionis praesens supra accusatus juravit stare mandatis dicte curie mera- fatheri veram super contenti in dictos titulos inquisitionis ipsius sibi prius letteris et exposito in vulgari juramento suo jura primo super primo dicto ipsius olivias collexisse et dividisse cum Martino de Taraytasa et post modum dictis olivis divisisse dixit Bosarello quod acciperet partem suam quod effecit.

*In the margin:* tu- pri—docent assca  
colligatur. iuxta suam confessionem  
E. d. Sp- L.

collecta idem tan- per  
me Johannes Egidu  
notus

[verso]

Super ii to eo sibi praesens lecto et exposito inteligari  
juramento suo iura su- quod primo penam non hobedivit  
stare vero pena venit ad omnibus subuicarium hoc  
neget tertio vero pena dixit hobedisse et ad psm  
cum venit.

*In the margin:* non docet assca  
non collecta ut facetur  
E. d. SP—  
collecta idem tan- per me  
Johannes Egidu notus

Fidejussit pro eo Banida      Cui fuit datus  
eius vxor                              deffensis x dierum.

### A. 2.8 Example 8: Assault of the *foresterius*

56H 986 ff.64 – 64v

2 August 1341

Contra Michahalem Linendi. Bertrandum de Manoa  
et Hugonem Bertrandi filium Pontii Bertrandi et  
omnes alios culpabiles de Lanucello

Anno quo supra. die ii. augusti Inquisitio facta fuit per curiam Hospitalis Manuasce contra  
Michahalem Linendi, Bertrandum de Manoa, et Bertrandum de Lanucello et  
omnes alios culpabiles de subscriptis ad denuntiatioem Michahelis Boson foresterium  
Hospitalis de Manuasce discentur et dicte curie querelantur<sup>13</sup> significantur quod cum hiis die  
hiis non longe preteris ipse ut foresterius discurreter [sic] per territorium Manuasce et  
invenisset  
in deffenso Hospitalis vocato formiga<sup>14</sup> territorii Manuasce boves Bertrandi Fulceriis de Santo  
Martino de Lanucello et ratione barari<sup>15</sup> accepisset capam seu mantellum de stamegna<sup>16</sup>  
unius illorum ipsi tres accusati eundem forestarium feanti fuerunt cum lapidibus et

<sup>13</sup> *Querelor*, Lewis and Short gloss it as “to make a complaint.”

<sup>14</sup> The *Bois Fournigue*.

<sup>15</sup> *Barare* for *barrare*; Niermeyer glosses it as “to bar”

<sup>16</sup> For *staminea* or *stamegnea*, which is a coarse, homespun shirt. Niermeyer glosses it as a “linsey shirt.”



gladiis causa ipsum offendendi de perssona quod fecissent nisi ipse fugisset quem cum secuti fuerunt usque peyrorias<sup>17</sup> Manuasce que petit per dictam curiam inquiri et puniri.

Anno quo supra die viii augusti Michel Linendi de Lanucello unus accusatus iuravit stare mandatis curie predicte et dicere veritatem super hiis super quibus fuerit requisitus que suo requisitus iuramento super contentis in tutulo inquisitionis predicte negat omnia contra ipsum intitulata penitus fore vera tamen dicit fore verum quod dum ipse custodiet boves I---ro— Sancti Martini et posuisset ashiballum suum videlicet unam stamenam in circa vidit alonge quod quidam quem non cognerit accepit ipsum ashiballam et recebat verssus Manuasce et tunc ipse deponens et Bertrandus filius Mance secuti fuerunt eum ut s-et quis ipsum ashiballum acceperet et dum fuerunt presefur nos giperie Interrogaverit quosdam mulieres qui ibant per iter quis mar ille qui ashiballum ipsum portabat et dixerunt eis quod erat foresterius hospitalis et incontinenti scire quod erat foresterius reverssi sunt ad autem eorum cetera negat interrogatus si cetera eundem foresterium proiecerunt lapides, dixit quod non, non elevavit. Interrogatus si gladium contra eum exvagerunt dixit quod non, nec habet gladium nisi unum de uno saso bubula quem portat

cui fuit datis x dierum defensionem fideiussit per eo Enaus de Lancello eius marita. ad d--dam C ad voluntationem

Anno quo supra. die xix. augusti Hugo Bernandi unus accusatus iuravit stare mandatis curie predicte et dictus veritatem qui sueinterrogatus iuramente super supra intitulatis negat omnia contra ipsum intitulata penitus fore **vera** dicit tamen fore verum quod illo tunc ipse custodiebat boves Raymondus Fulceriis et Michel Linant et Bertrandus Manea qui cum eo erant. Iverant ibi prope pro une indo celumbi et erant interra Sancti Martini in—io aurellei et venit quidam quem non cognovit et dixit sibi quod ille cuius erant

[verso]

boves debebant sibi banum quia erant interra Manuasce et ipse deponens dixit ymo est interra Sancti Martini et tunc ille homo accepit quemdam stamenea Mchelay Linendi et recessit ipse autem videns quod pugnans acceperat et Recedebat ivit ad suos socios et dixit eis quod stamegnam acceperat quidam homo quem non cognerit et secum portaverat et dixerat quod boves banum fore fecerant in terra Manoasque et tunc Michaeliss [sic] Linent [sic] et Bertrandus Manua [sic] secuti fuerunt eum ut scirent quis erat quid fecerant nescit interrogatus si portabant arma dixit quod non nisi suos hoste nos. Quibus fuit datis x dierum deffensionem.

Anno que supra die xxv mensis augusti Bertrandus Forsii alias de Manea unus accusatorum iuravit stare mandatis curie predicte et diciere veritatem qui suo interrogatus iuramento super contentis in titulo inquisitionis predicte tamen dicit fore verum quod ipse et Michel Linandi [sic] custodebant boves in

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<sup>17</sup> *Peyreria* for *peyrorias*, A quarry, acc. to the Razo word list.

terra Sancti Martini et Hugo Bertrandi cum eis sic quod ipse et Michel Linendi  
per Rivum ancilleri perquirebant indos et dum sit perquirabant supredictis  
Hugo clamavit steniatis quem quidam homo enporta meo ashibal  
et tunc ille homo qui receperat fugat cum stamegna et –enerunt  
et ipse et Michel secuti fuerunt eum usque quo scinerunt quod erat fo-  
resterius hospitalis et dum scinerunt incontinenti divisserunt illum cum  
dicta stamegna ab-e. Inerrogatus si boves fuerant informiga dixit quo non.

Inutalis est quia non probatur