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ROYAL MARRIAGE, ROYAL PROPERTY, AND THE PATRIMONY OF THE CROWN:
INALIENABILITY AND THE PREROGATIVE IN FOURTEENTH-CENTURY FRANCE

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SUMMARY

This paper deals with the problems faced by rulers who wanted to provide for their families, supporters, and friends at a time when principles regulating such gifts were still unfixed; when no clear distinctions had been established between the private and public persons and fortunes of the ruler; when the amount of control the individual ruler could exercise over the property he acquired at his accession had not been determined; when the belief in the ruler's obligation not to alienate the patrimony of the kingdom was gaining in popularity but had yet to be defined as principle; when royal donations and grants were suffering revocation and cancellation at the hands of later rulers.

Focusing on early fourteenth-century France, this paper discusses the experiences of Philip V (1316-1322) and particularly the strategies he devised in attempting to insure that grants of property he made to his wife would endure after his death. These strategies were diverse, and included gaining the approval of relatives for the acts and, most remarkably, using elaborate and unusual formulae of validation to warrant the acts. Philip used them for a number of reasons: he and his predecessor Louis X had demonstrated the fragility of the royal will by modifying and revoking a number

of royal acts; to increase the kingdom's wealth and elevate his own reputation, Philip had enunciated and enforced principles restricting the king's right and undermining his ability to alienate property; and finally, after early 1317, lacking a male heir, he found himself obliged to provide for a wife and daughters who, after his death, would lack dedicated and enthusiastic support at court.

In discussing the fate of Philip V's donations, the article demonstrates the ultimate futility of the king's strategies in the face of his successor's sovereign control of the kingdom's resources, including his ability to use against Philip's heirs the same principles of inalienability Philip had used against others. It argues that as long as the ruler lacked a fixed body of resources to provide for his private needs, as long as these needs lacked clear definition, and as long as he possessed the power to dispense with law and custom, strict principles of inalienability could not be expected to be enacted or enforced in France, however great the kingdom's desire for such principles.

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What place does the patrimony of the crown have in a collection of essays devoted to the family and its property in traditional Europe? Jacques Cappel, royal advocate in the Parlement of Paris, in 1536 provided one answer to this question. He wrote that the king is the husband and political spouse of the res publica, which brings him at his sacring and coronation the sacred patrimony of the crown and the ancient domain of the prince, a dowry which the kings at their coronation swear solemnly never to alienate for any reason, since it is indeed inalienable. Some fifty years earlier, in similar fashion, Michel de Pons, procurator general of the Parlement, had stated that "as the dowry given because of marriage is by law inalienable, so the domain of the crown (which is given to the king as a dowry, in contemplation of the moral and political marriage between the king and the res publica) is also inalienable."¹

This metaphor stems from the writings of Lucas de Penna, the mid-fourteenth century Neapolitan jurist.² The ideas which he enunciated were in turn grounded in dicta of the Roman law regarding the inalienability of certain property; these dicta, taken to heart by medieval canonists and jurists, had become increasingly well-known and were gaining authoritative status, first in the

church and then among secular governments, in the thirteenth and early fourteenth centuries. The purpose of the metaphor was to make applicable in the field of public law a rule of the Roman law, the lex Iulia, taken from the realm of private law: that the husband could not alienate property pertaining to his wife's dowry without his wife's consent. The pronouncements of the Roman emperors regarding alienability which were enshrined in the Roman law regulated others, not themselves and their fisc: it was the church's patrimony, not the fisc, that "must always be preserved unharmed," and, as Vassalli has shown, the emperors often associated the fisc with their own person.³ Legal thinkers from the late twelfth century onward attempted to endow the concepts of the fisc and the patrimony of the prince with a precision they had not possessed in antiquity and thus came to link them with Roman law doctrines concerning church property and, eventually, the dowry. Distinctions between the public wealth of the empire and the private possessions of the emperor or king appeared early on in Germany, where kingship was elective, but even there no clear rules were established to differentiate between the private and public needs of the ruler.⁴ Bracton's discussion of the topic thus represents an early stage of thinking, for he termed sacred and inalienable the property of the church (which was God's), whereas the "things of the fisc" were, in his eyes, merely quasi-sacred. Although some of these fiscal attributes (such as peace and justice) were inalienable because they were essential to the crown and affected common utility, others (such as estates and lands), simply strengthened the crown and could be transferred.⁵ Nothing is said of the inalienability of the crown's landed patrimony, which Bracton considered fundamentally different

from the patrimony of God. Thus he left the king great discretion, particularly as regarded his right to dispose of territory.

A chasm both logical and practical exists between the words of Bracton and the metaphor of de Pons and Cappel, repeated by other French thinkers who, for a variety of reasons, wished to see the king prevented from alienating the property of the fisc or the crown. The process of transition from Bracton to Cappel has never been fully studied on either the theoretical or practical level. It is nonetheless clear that the popularization and application of the principles implicit in Cappel's metaphor were facilitated by the statements and actions, first, of kings who wished to maintain or recover property rights which had been lost or were being threatened; second, of kings' superiors, who opposed diminution of the kings' holdings as ultimately detrimental to themselves; and third, of subjects who wanted to insure that kings not squander their resources and hence have to levy taxes, who wished to guarantee to themselves and their property the specially privileged status associated with annexation to the crown, or who envied or wished to protect themselves and their heirs against the recipients of the kings' misguided liberality.⁶

The kings of France had no superiors to guide or dictate to them, and movement toward the implementation of the principle of inalienability in France was slow. The royal oath of inalienability (which in any case seems to have been taken only by Charles VI in 1380) obliged the king to guard inviolably the superioritas, the iura, and the nobilitates of the crown of France and not to alienate or transfer them, but it said nothing specific

of crown lands.⁷ In 1402 and 1413 Charles VI, invoking his coronation oath, pledged not to alienate lands except to endow members of his lineage, but it was not until the time of Charles IX, Cappel's contemporary, that an ordonnance prohibited kings from alienating the domain of the crown except under clearly defined circumstances, which left the monarch considerable freedom of action.⁸ Despite the paucity of explicit prohibitions it nonetheless seems evident that the kings of France, by the fourteenth century, were giving serious thought to their responsibilities for their domains and were coming to believe themselves bound not only to preserve intact but also to reclaim lands pertaining to the domain of the kingdom and the crown.⁹

This paper will examine one segment of the history of the development of the theory and practice of inalienability in the realm of France. It concentrates not on a king who considered himself married to the kingdom and barred from alienating its patrimony without its consent, but rather on Philip V, ruler of France from 1316 to 1322, who was married to a fleshly queen and who, for various reasons including his desire to lavish gifts on her, helped pave the way for the acceptance of the doctrine of the inalienability of the property of the crown. During Philip's reign were recorded the first French royal pronouncements that indicate a distinct awareness of the gravity of the king's responsibility for the domain. Further, Philip was responsible for introducing and implementing in France the first systematic policy directed at exploiting for the king's benefit a carefully restricted conception of inalienability. Yet Philip's actions and declarations clearly demonstrate that in his time firm principles were still to be established, clear distinctions still to be drawn,

the rights and powers of the king still to be articulated. The history of Philip's relations with his wife, of the property he gave her and others, and of the justifications he offered for his gifts thus casts considerable light on the dilemmas that, in the early fourteenth century, faced a ruler who felt responsible for the kingdom's welfare and resources and also wished to insure the well-being of his wife and children and of others who, like them, served the kingdom by serving the king.

Like other rulers, Philip V was surely ambivalent toward the idea that the property of the realm or the crown was inalienable, that, in effect, he could not utilize certain rights and lands as he chose. On the one hand, this doctrine was, by the early fourteenth century, coming to be considered a mark of prudent government. The poet Geffroi de Paris spoke for many others (particularly the king's subjects) when he advised the king to be generous, mild, and openhanded, yes, but to give of his movable property, not his inheritance. Folly it seems, he said, to give away regions and lands bestowed on the king for the kingdom's defense and protection; too much of the kingdom, he remarked, has been disjoined from it, and thus the kingdom is the weaker and the king the poorer; from this, he complained, come the taxes that the king must impose when he goes to battle.¹⁰ Geffroi viewed the problem from the standpoint of the realm rather than the ruler; he did not mention the advantages which the king could derive from the doctrine. For one, kings could effectively employ it to protect themselves against the threats and depredations of enemies domestic and foreign. Thus, around 1300, one of Philip the Fair's lawyers argued against the Aragonese that the king of France could not diminish the limits of the kingdom nor make

the Val d'Aran totally exempt (as he put it) from the kingdom of France, "as is said of the pope and emperor," he continued, "who cannot completely exempt from their power an episcopal see or a county or anything else that is subject to them."¹¹ In addition, rulers could exploit the doctrine for their own profit, spiritual and financial, by granting (as the kings of France had often done) pledges of inalienable annexation to the crown of the kingdom.¹²

There was, however, another side to the question. The doctrine of inalienability, literally interpreted and faithfully applied, necessarily restricted the ruler's ability to dispose of the kingdom's resources, the property of the kingdom and the crown, and this ability was an essential element of the royal prerogative. Any such limitation conflicted fundamentally with the ideas expressed by Louis IX, Philip V's great-grandfather, in the Mise of Amiens. There Louis stated that the king should have full power and free rule in his kingdom and its appurtenances, limited only by royal privileges, charters, liberties, statutes, and the laudable customs of the realm.¹³ Even if it were admitted that the interests of the kingdom and the dynasty necessitated the exercise of some restraint by the incumbent ruler, there were no grounds for questioning the ability of the ruler to determine the just limits within which that restraint should function.

In the early fourteenth century the useful distinctions which could have guided rulers and their subjects were yet to be drawn. What was the patrimony of the crown; what lands did it include; could some lands--or none--be alienated; how; for what purposes; how much of the royal income could be

handed over to others? These were questions which had not been answered, and which, indeed, were only beginning to be considered. On a practical level, there is no evidence that the king was attempting to separate or distinguish his private needs from those of the kingdom. This left him free to draw on the kingdom's resources for his own requirements: to provide for his children, to fund his pious gifts and testamentary bequests. From one point of view this arrangement had considerable advantages for the ruler, yet its drawbacks were becoming clear in the early fourteenth century. Since drawn from the kingdom's wealth and not from his own private fortune, Philip the Fair's testamentary bequests could be--and were--modified and restricted by his heir and executors on the grounds of the kingdom's needs.¹⁴ Because they were taken from lands and rights pertaining to the kingdom as well as the king, the gifts to friends and familiars made by Philip the Fair and Louis X could be challenged as unreasonable and damaging to realm and subjects, and could therefore be annulled--as would happen under Philip V. Nonetheless, there is no indication that possibility of establishing a landed estate for the king, separate from the kingdom's, was ever seriously considered. Note that on 21 December 1316 Philip V, shortly before his coronation, reintegrated into the ordinary administrative and jurisdictional framework of the kingdom the property within the realm which he had held before becoming king.¹⁵

Considerable confusion existed in theoretical works dealing with the ruler and the property of the realm. The writings of Giles of Rome, archbishop of Bourges from 1295 to 1316, are particularly interesting,

revealing as they do the thinking of one of the leading theorists of Philip the Fair's time. In the De Regimine Principum (dedicated to Philip the Fair before his accession to the throne in 1285), Giles declared that a true king must act "in order to maximize the common good or the kingdom's good." Since, however, Giles considered the king "dei minister" and "quedam animata lex," he did not suggest that anyone save the king should have the ultimate responsibility for determining in what the kingdom's good consisted, and he made clear his conviction that rulers should give generously and live magnificently.¹⁶ Because he believed that fathers generally loved their firstborn children more than their other offspring, Giles held that in a hereditary monarchy like France's, the king would attend with special care to the good of the kingdom (and thus, presumably, to its property), in the expectation that it would eventually pass to the child he most cherished. Giles held that the king's council should see that the king was not defrauded and that his and the kingdom's revenues were maintained and increased, but he offered no more specific precepts or counsel regarding the ruler's responsibility for administering the lands and wealth that would be passed on to his heir.¹⁷

Giles' arguments were no clearer or more satisfactory when, in one of his treatises, he dealt explicitly with the question, "Since kings and princes commonly, at their coronations, are accustomed to swear an oath not to alienate the possessions and immovable property pertaining to their crown, whether they violate this oath if they bestow some of this property on the church."¹⁸ In order to be able to answer this question

in the negative, Giles devised a lengthy series of arguments which finally produced the conclusion "that the king does not, in fact, alienate property as long as the property pertains to the unity of the kingdom and as long as it remains under the patronage and protection of the kingdom."¹⁹ An oath which prohibited alienation of property to the church would indeed, he declared, be "indebitum," since it would contravene "the love and devotion which princes should be bound to show to churches."²⁰ The arguments which Giles advanced on behalf of the church could be similarly employed to support the rights and interests of others to whom the king was or considered himself similarly bound; the logic he used deprived the principle of inalienability of any absolute restrictive force, and indeed of most of its significance.

Thus the doctrine of inalienability had, for any ruler, distinct advantages as well as dangerous implications. Giles of Rome had articulated a logically impeccable means of resolving the restrictions it entailed, but the practical problems it posed were nonetheless clear.

Philip V ascended the throne under circumstances which make it understandable that he determined to employ the doctrine of inalienability for his own purposes. First, he came to the throne at a time of economic crisis--crop shortage, famine, sickness, the persistent threat of armed conflict, all of which made funds more necessary and more difficult to acquire. Second, Philip's right to the throne was not unimpeachable, and he needed to win to himself the loyal support of the kingdom at large, against those who supported the throne-right of Louis X's daughter Jeanne and against those who still chafed at memories of wrongs suffered under

Philip the Fair. Use of the doctrine of inalienability offered Philip V three means of increasing the kingdom's resources and winning his subjects' fidelity. By invoking the principle and calling into question the legitimacy of his predecessors' use of the kingdom's resources, he could test and cancel his predecessors' donations and thus swell the amount of property which he could dispose. Whereas cancellation and revocation would heartily displease those directly affected, these strategies would appeal to the majority of the king's subjects and they would increase the wealth of king and kingdom. Further, by issuing letters of perpetual attachment to the crown of the kingdom to individuals and communities, Philip could acquire the loyalty and support of those fortunate enough to gain them; by agreeing to trade financial payments for such guarantees, Philip could acquire a substantial source of income for the treasury. And under Philip V the gracious issuance of and traffic in such guarantees flourished as never before.²¹ Finally, Philip could--and did--issue statements of principle connected with alienation of the kingdom's resources which elevated his reputation as a benevolent, responsible, and principled ruler.

The first act which Philip issued to deal with alienated royal rights was clearly formulated with material ends in view. This act, promulgated in March 1317, was a reissuance of an act of Philip the Fair of 19 January 1311. In it the king had given his financial officers power to revoke all alienated notarial, scribal, and sealing offices, all offices held by castellans and concierges, and all grants of grain and wine made for life, term, or at the royal pleasure. Any such grants which were damaging

to the king were to be cancelled.²² The act did not mention any special or general threat to the ruler's domainal rights and asserted no general principle.

The next act on the subject which Philip V issued was very different. Promulgated sixteen months later, on 18 July 1318, it was enacted by the king with the approval of his council. This ordonnance addressed the future as well as the past, and it suggested that the king, following the path which his predecessors had followed before him,²³ was magnanimously and voluntarily acting to curtail his own power. In a clause pledging the use of forfeited property to pay alms assigned on the treasury, the king promised that if he decided to bestow lands either heritably or for life, he would utilize forfeitures to do so and would deal with such grants at the monthly meetings of his great council, at which he pledged that all gifts would be considered. Having said this, he added that it was not his intention to make any grant "de nostre demaine, ne de nostre heritage, se ce n'est au cas que nous le devons faire par raison. Et est a entendre que Seaulz et escriptures sont de nostre propre demaine."²⁴ This clause distinguished between property which had come to the king, accidentally as it were, by forfeiture, and property which belonged to the king as his domain or heritage; neither of these latter terms was defined, but the reference to seals and scribal offices shows that the domain included more than landed property. In issuing his statement, the king implied that only reasonable gifts would henceforth be made from royal resources; the clause also provided grounds for assuming that all unreasonable gifts were to be considered invalid; thus it furnished, if

only by implication, retrospective justification for the revocations his father had ordered in 1311 and he had confirmed in 1317.

In a later section of the ordonnance of July 1318 the king instructed the chancellor to seal no letter which contravened its provisions and he commanded that, if by chance he did so, the officers of the Chamber of Accounts were to hold any such letters and bring them to the king's attention; further, he decreed that the chancellor should seal no letter containing the statement "non contrestant Ordenances."²⁵ Philip V's free acknowledgement that he would make no unreasonable alienation of the domain and of his heritage and his decrees that if he did so, his action would be corrected by the chancellor or his financial officers were clearly designed to demonstrate his prudence and self-restraint. Their dangerously restrictive implications he may not fully have realized.

Philip's intentions, as well as the significance he attributed to the ordonnance of 18 July 1318, are witnessed in mandates he issued to his officials eleven days later, on 29 July. In the preamble, the king stressed his desire to maintain justice and right and to restore the good usages and customs of the time of Saint Louis; he also expressed his consternation at the reports he had received that his own father and brother, greatly deceived, had made excessive gifts and had concluded agreements regarding their property which had brought and were bringing grief and prejudice to the king and the kingdom. Thus, he concluded, "the donors and we who represent their persons in the succession of the kingdoms of France and Navarre have been defrauded and very greatly deceived."²⁶ He therefore declared that, having fully

deliberated with the leading men of the kingdom, he was ordering the revocation of all such gifts and agreements, and particularly those made to and with a number of individuals, who were mentioned by name. The property they had gained was to be seized and held until they had established their rightful title to it. The basis on which these revocations were commanded, it should be noted, was not that the property that had been alienated pertained to the crown or the kingdom and was therefore ipso facto inalienable, but rather that it had been deviously obtained and fraudulently exploited.²⁷

The principles expressed in the ordonnance Philip V issued on 10 March 1321 were not fundamentally different from those underlying the mandates of 29 July 1318. Complaining on this occasion that property and rights belonging not only to his father and his brother but also to himself had been granted out to the detriment of the kingdom and its subjects, Philip announced that it would be more fitting ("convenientius") for such alienated property to be restored to the kingdom's rights and domains ("regni jura et domania") than for it to remain with persons to whom it had wrongly ("male") been transferred. Thus, he said, having taken full counsel, he had proceeded against some persons; he now intended to move against others. The orders were generally issued and applied to all alienations except those to churches.²⁸ The decree of 1321 is significant not only for its general scope but also for the broad definition of domain it contains. In it the king announced that he meant by "regni domania" not only those things ("ea que") had been possessed "ab antiquo," but also all rights and property acquired through forfeiture or for other reasons

which, at the time of their transfer, had been part of the domain. Vagueness remained: the decree, for example, made no attempt to define "ab antiquo" nor did it state what (if anything) distinguished rights possessed "ab antiquo" from those more recently obtained as far as their alienability or revocability was concerned.²⁹ Philip seemed to be asserting his right to review any grant of royal rights that he or his immediate predecessors had made, and the stage was thus set for extensive investigation of the state of royal lands and rights.³⁰

As the acts of 1318 and 1321 reveal, Philip V and his ministers were adequately summarizing royal policy when, in the spring of 1321, they declared that the king "wanted for the common good to recover the domains of his land which had been wrongly given and alienated, whether by gift or exchange or in any other way, so that he and his successors would have less cause to call on the people for money."³¹ Representatives of the king's good towns attributed to him a more sweeping goal than this manifesto claimed, for in their response to their ruler's request for advice concerning this and other policies they suggested that he was proposing the restoration to the king's domain of all lands which his predecessors had alienated from it--a position which would have suggested the illegality of further alienation of the domain. Their answer nonetheless showed that they accepted and approved the same, less drastic principles that Philip V had been asserting and enforcing, which left him far greater freedom of action. The king and his noble council, they said, would well know how to determine if alienations from the domain had been made duly, properly, and without deceit; if they had thus been made, the king

should let them be if he so wished, but if he and his advisers saw that they had been wrongly made, he should revoke and cancel them and reunite them to the domain.³²

The king's determined, if limited, efforts to protect and restore the domain of the kingdom understandably caused many people to worry--even those who were not mentioned by name in his mandates. Before February 1321 Henri of Sully, Philip's chief minister, voluntarily submitted to the judgment of the king and his leading advisers, including the king's uncle and brother, his chancellor, and the masters of his accounts. He was moved to do so by his concern over a grant he had received from the king in October 1317, "en la nouuiaute de nostre gouuernement," as the king expressed it. At that time, in exchange for certain property, Sully had been given various lands, castles, monetary income, and domains, as well as the right to hold his property as a barony; the king had also promised never to put outside his hand the homage which Sully owed or the sovereignty which he himself was retaining, and he had guaranteed that they would perpetually remain with the king and the royal crown. In making these pledges, the king had evidently realized that he was taking extraordinary action, for he had decreed that the act should have perpetual validity, "comme de chose iugiee en la court de france." Sometime later--perhaps disturbed by the implications of this guarantee, which contrasted strikingly with the principles of due process enunciated in the ordonnance of 18 July 1318--the king had the award to Sully redrafted, and the new version, lacking the extraordinary clause of validation, laid heavier emphasis than did the first on the king's gratitude and indebtedness to his minister.

Under the circumstances it is no wonder that Sully determined to seek formal and public confirmation of his rights, and he asked the king and his council to judge whether the lands and rights in question should be taken from him wholly or in part. As he had doubtless hoped would be the outcome, Sully received full confirmation of his holdings, and the king seized the occasion offered by this test to declare the precise conditions under which he considered alienation just and proper. In the act restoring Sully's rights, the king proclaimed that what is given to those who render good and loyal service is not alienation of the wealth ("biens") of the kingdom at all, since it gives heart and will and examples to everyone else, encouraging them to maintain and increase the honor of the kingdom with loyalty and diligence. It was his belief, arrived at by the deliberation of right judgment, the king declared, that he should open the munificence of royal liberality to those who did not hesitate to expose their persons and their goods freely for him and the kingdom. In this fashion Philip attempted to prove the wisdom and reasonableness of his actions. He still had hesitations, which are understandable. Therefore he tried to bind his successors (as his predecessors had been unable to bind him) to accept and respect the justification he had presented. He elaborately confirmed the act, moving by royal grandeur and power and after taking counsel, and interposing his perpetual decree; he sealed the document with his signet; he wrote on it in his own hand "Philip; this is passed by our command;" he also enjoined his successors, on the reverence and honor they were bound to feel toward their predecessors and their predecessors' deeds, never to contravene his decision.³³

Clearly, as this act demonstrates, the king was confronting a situation--to a large extent of his own making--which was fraught with difficulty. Philip's use of the principles of inalienability is not surprising, but the emphasis he placed on them created problems. Given the fact that there were no clear definitions of such key terms as "iura" and "domania regni" and no fixed rules regarding what could and could not be alienated except in the case of lands specifically attached, in perpetuity, to the crown, Philip V's acts and pronouncements created a situation in which any donation or grant--and particularly heritable gifts of land--could be considered suspect. Further, by questioning the legitimacy of and revoking some of his father's and brother's alienations, Philip reinforced the lesson that any royal gift or privilege was subject to modification or cancellation--a lesson recently and dramatically demonstrated when Philip the Fair's bequests were curtailed, when (in August 1315) Louis X cancelled his father's restriction of Philip's county of Poitiers to male heirs, and when Queen Clementia's right to the full dower which Louis X had bestowed on her was not immediately recognized.³⁴ By establishing reasonableness as the chief standard for judging the legitimacy of grants, Philip challenged himself and his advisers to devise justifications and explanations of exceeding elaborateness, in hopes of convincing later judges. The moderate, rational principles of prudent governance which he enunciated forced the development of extraordinary strategies to guarantee the permanence and implementation of acts which were or appeared to be extraordinary.

The problem Philip faced in dealing with his ministers and friends was no different when he wished to reward and favor the members of his immediate family, who by aiding and comforting him could be said to assist the kingdom. Who more than they merited the grace and favor of the king and kingdom and the material rewards which could come only from the kingdom's resources? In this case as well, Philip V had difficulty resolving the dilemmas that existed. Married to a woman for whom he felt deep and abiding affection, he elected to use his power as king to promote her welfare and the welfare of their heirs by awarding her gifts and privileges, some in land and some in income, some hereditarily and some for life. His concern to insure that the queen and their heirs would enjoy the rights he gave them led him, on a number of occasions, to employ a variety of unusual devices to warrant them. The strategies he used reveal his acute sensitivity to the problems that confronted a king who must provide for his wife and children from the resources of the kingdom and whose acts were therefore more open to challenge than those of other men.

Philip's background and his relations with his wife before he ascended the throne go far to explain his feelings for and generosity to her. Philip was the second son of Philip the Fair and Jeanne of Navarre, born in 1293, four years after his brother Louis, who succeeded their father on the throne of France in 1314. Two years before Prince Philip's birth, and perhaps even earlier, Philip the Fair and Count Otto of Burgundy had commenced negotiations for the marriage of a daughter of Otto and a son of Philip the Fair; Jeanne's was the name which figured in the contracts actually concluded

in 1291 and 1295. The dowry assigned her in 1295 made the princess a particularly valuable prize, since in return for a large financial settlement Otto agreed to relinquish the entire county of Burgundy as the portion of his daughter, at that time his only legitimate child. Philip the Fair's pledges of money and other guarantees secured for him immediate possession of the county, and the terms of the marriage agreement were such that Burgundy effectively passed to France. The county was to remain with Jeanne's heirs even if the marriage were dissolved during Jeanne's lifetime; a penalty of 4000,000 l.t. for Jeanne's non-performance of the contract was assigned on the county; pecuniary provisions were made for any future children, male and female, who might be born to Otto and his wife Mahaut of Artois; finally and most important, if Jeanne were to die before her marriage or if she were to die childless after her marriage, Otto granted the county to the king and his heirs forever, in compensation for all Philip's expenses.³⁵ The birth of additional children may have weakened Otto's resolve,³⁶ but he died in 1303, and Philip the Fair had no intention of losing the county. Otto's widow, Mahaut of Artois, was anxious to oblige Philip, despite the loss this would mean for her only son Robert. There was some talk of Jeanne's marrying Philip's oldest son Louis,³⁷ but by the end of 1306 the match had been arranged between her and Prince Philip. Philip the Fair and Mahaut ratified the earlier agreements, and Mahaut, seconded by Otto's brother Hagues of Burgundy, declared that her children Robert and Blanche would accept the arrangement when they came of age, under pain of Mahaut's forfeiting 200,000 l.t.³⁸

In January 1307 the couple was wed, and within thirteen months Philip's younger brother Charles married Jeanne's younger sister Blanche. This marriage brought Philip the Fair additional guarantees regarding the county of Burgundy;³⁹ further, Mahaut promised a huge cash settlement of 200,000 l.t., over half of which Charles was to have full control; finally, Philip the Fair was explicitly released from his obligation, specified in the agreement of 1295, to provide Otto's daughter with a dowry of 10,000 l.t.⁴⁰ The union of Charles and Blanche further cemented the alliance between the comital house of Burgundy and the royal lineage of France and strengthened the French position in the county.

Little is known of the first years of the marriage of Prince Philip and Jeanne of Burgundy except that their first child, Jeanne, was born in May 1308, and that in the next five years they had two additional daughters.⁴¹ Notoriety such as princesses should never attract fell to Jeanne's lot when in the spring of 1314 her sister Blanche and her sister-in-law Marguerite of ducal Burgundy were imprisoned as adulteresses. Jeanne was not directly implicated in the affair, but perhaps owing to the puritanical instincts of Philip the Fair and his minister Enguerran of Marigny, she was arrested in early May and was imprisoned at Dourdan. She was not released until Christmas of 1314, after the death of Philip the Fair on 29 November and after having been declared innocent by the Parlement. She was reunited at once with her husband, and Mahaut of Artois later testified that from that time on the couple lived together "in good peace, concord, agreement, and love, without dissension,

rancor or hate." There is no evidence to the contrary, and a sure testimony to their closeness was produced in mid-June 1316, when Jeanne gave birth to her first and only son, Philip (or perhaps Louis Philip). The prince arrived at an opportune time, for Louis X had died at the beginning of June, leaving a daughter, Jeanne, and a pregnant widow, Clementia of Hungary. Philip, provided with his own male heir of undoubted legitimacy, soon launched the campaign that would eventually lead him to the throne.⁴²

Gossip-mongers then and later have alleged that Philip's path was made smoother by his mother-in-law, Mahaut of Artois, but she has never been proved responsible for the sudden and mysterious deaths of Louis X in June 1316 and, in the following November, of his posthumous son John I.⁴³ The extravagance of the gifts that Philip V showered on his wife in the course of their marriage might suggest that he was moved by more than love and affection and a desire to atone for the wrongs that Jeanne had suffered at the hands of his father, but no other motive can be surely established.⁴⁴

As the list of gifts and privileges which Philip bestowed on Jeanne during his brief reign attests, the king was bound to his wife by close ties. His generosity to her began while his brother ruled, in June 1315, when he assigned the dower of 6000 l.t. a year that he owed her on the property he had inherited from his own mother in Champagne.⁴⁵ Interestingly enough, even at that point, Philip revealed distinct concern about the durability of his act--concern which, as will be seen,⁴⁶ became noticeably more marked in later years. Having carefully specified that the assignment

should hold notwithstanding law or custom to the contrary, he nonetheless stated that she was to be allowed to collect the income on other property if the award failed; he requested an especially solemn form of confirmation from his brother, and Louis X complied with his request in January 1316.⁴⁷ Philip clearly enjoyed his brother's favor, for four months before this, in August 1315, Philip had received from Louis X a peerage and, later in the month, a formal revocation of the exclusion of females from succession to the county of Poitiers which Philip the Fair, with Louis' approval, had mandated on his deathbed.⁴⁸ At the same time as he obtained this important privilege from his brother, Philip made an equally significant grant to his wife, doubtless with Louis X's knowledge but without obtaining his formal confirmation. Decrying his father's arrangements with Otto of Burgundy, Philip awarded Jeanne the county of Burgundy for her lifetime, so that she could keep it even if he predeceased her; he carefully retained for himself, however, the power to alienate any part of the county he chose, and as carefully restricted her power to do the same.⁴⁹

Philip's gifts to Jeanne continued and became even more lavish after he ascended the throne. Even before he was crowned, in December 1316, Philip more than doubled Jeanne's dower, raising it to 20,000 l.t.⁵⁰ He justified the augmentation on the grounds not only of her affection for him but also of her right, as queen, to a royal dower, and indeed the sum was not excessive, even when, in March 1317, he increased it by a thousand pounds.⁵¹ Clementia of Hungary, Louis X's widow, had, after all, received a dower of lands worth 25,000 l.t. a year, although she had had some difficulty obtaining final assignment of the dower despite the fact

that Louis X had specified which lands she was to have and had confirmed his award in his will.⁵² Perhaps Philip and Jeanne learned from her experience. For what was unusual about Philip's provision for his wife was his concern to see her dower lands fully assigned to her during his lifetime and his care to justify his awards and their implementation and to warrant them with unusual elaborateness.⁵³

Similarly unexceptionable was the sum of money which, in December 1318, Philip granted to Jeanne for her testamentary bequests. If the sum of 30,000 l.t. appears extravagant in comparison with the 5000 l. of which Philip's grandmother, Isabelle of Aragon, had disposed, it seems modest when set beside the amount which Jeanne of Navarre, Philip's mother, had bequeathed: shortly before his wife's death, Philip the Fair had authorized Jeanne to dispose of 40,000 l.par. and all her movables, as well as the income of Champagne and Brie for three years.⁵⁴ Likewise, there was nothing remarkable in the relatively small sums of money Philip gave his wife for her jewels and household--although his gift to her in September 1318 of a debt of 80,000 l.t. which her mother, Mahaut of Artois, owed him was exceptionally large and strikingly unusual.⁵⁵

The gifts of landed property over and above her dower that Philip bestowed on Jeanne were also unusual.⁵⁶ Before his coronation he was planning to give her the manor of Chanteloup as a hereditary gift. Later, in February 1317 the grant was formalized, and he awarded Jeanne an annuity of 500 l. to support the property; a month later, following the death of their only son in late February, he increased the amount of the endowment

accompanying the property from 500 l. to 600 l.⁵⁷ The palace of Nesle in Paris, first given to Jeanne for life in July 1317, was, two years later, assigned to her and her heirs.⁵⁸ When, in January 1320, the king granted her Chilly and its appurtenances, he gave it to her hereditarily as he had similarly endowed her with all his rights over the new bastide of Montgeard in July 1318.⁵⁹

Far more important than these donations was the most substantial gift which Philip V bestowed on his wife: the same county of Burgundy which his father had worked so long and hard to acquire, as he hoped and planned, for the kingdom of France. As with other grants to his wife, Philip began by giving some and ended by giving all. Having in 1315 awarded her rights over the county for her lifetime, he presented her at the time of his coronation with all the revenues of the county, for life, to pay for her jewels and the clothing of her serving women.⁶⁰ Next, a month later, he issued as king an act like the one he had approved in 1315, bestowing on Jeanne the county for her lifetime, but carefully reserving his own rights as long as he should live. Finally, in September 1318 he awarded her full and hereditary possession of the county, although he reserved to himself the rights he had in the county, for his lifetime, and stipulated, first, that the county should pass to their eldest son (if they had one), and second, as in the reversion clauses of apanage grants, that if their heirs died without heirs of their body, the county should revert to the king.⁶¹

The grounds on which Philip justified his gifts to his wife generally seem formulaic, but they vary in nature and elaborateness. His earliest

grants stress her queenly status and the "magne dilectionis affectum" which she bore him; his provision of the income of Burgundy in January 1317 refers to her necessary expenses "pro conseruacione status Regie dignitatis. in Localibus & vestibus Mulierum. ipsius seruicio insistencium."⁶² Variations on these themes are found in connection with Philip's larger gifts to his wife. In granting her Montgeard in July 1318, he referred to the faithful and natural congress ("societas") and devotion with which "his most beloved wife" was bound to him and to her constant efforts to please him. In his gift of Chilly in January 1320 he mentioned her free and considerate services, honors, and courtesies, and the most faithful union she had carefully observed with regard to him. The justification which Philip offered to explain his donation of money for Jeanne's testamentary bequests is particularly striking for the personal, tender sentiments it expresses, for in his preamble to her will the king stated that he loved her with all his heart and greatly desired the salvation of her soul; he also voiced the hope that through her bequests both he and she could the more easily obtain Christ's pity.⁶³

Philip's most elaborate efforts were expended in justifying his donation of the county of Burgundy to Jeanne. In his grant of the county for her lifetime, in August 1315 and in February 1317, he announced that he was making the gift because he thought it "dure chose" that if he should predecease her, she should derive no profit from the county, which had come to him "de son couste" (from her side or lineage). This set the stage for the explanation presented in his hereditary award of September 1318. In that document he denounced as lacking in justice and reason the agreement which his father and Jeanne's had concluded and invoked his own duty, as a human

being, to be just and faithful and honest and, as a king, to "rendre a chascun son droit," particularly to those to whom ties of special affection bound him; he stressed his great affection for his wife, for her many and agreeable services to him; he also noted that, since God had raised him so high in honors and riches as to have made him king, he could easily do without the county.⁶⁴ Philip referred only in passing to his opposition to rendering homage to anyone for the county and to "other reasons which, for the present, we do not discuss,"⁶⁵ but it seems likely that the issue of homage weighed heavily in the king's decision to give Burgundy to his wife. The question had figured prominently in the marriage agreement of 1291, in which Otto and Mahaut pledged to make every effort to secure perpetual release from the duty of rendering homage to the king of Germany or the emperor if Philip the Fair determined that Jeanne should marry his eldest son.⁶⁶ With the princess' marriage to Philip of Poitiers the issue lost its immediate importance--until Philip became king.⁶⁷ There is no evidence that in 1318 Philip was being pressed to do homage to Louis of Bavaria, and he may simply have been thinking to the future. If so, however, it is curious that he should have specified in the award of September 1318 that after Jeanne's death their eldest son (who would naturally succeed his father as king) should inherit the county. As time passed the king may have become convinced that the situation would be no easier for a son of his than for himself, and when, with Philip's approval, Jeanne drew her will in late August 1319, she stipulated that the county should pass to their second son unless the eldest desired it and agreed to indemnify his younger

brother with lands in the kingdom of France.⁶⁸

As these statements indicate, Philip V believed that he had good reason to bestow on his wife the many gifts he made to her, yet in none of the acts of donation does he mention the event which seems to have been critically significant in determining the nature and the timing of his grants: the death of their only son in February 1317. The first and second sons referred to in connection with the county of Burgundy were thus merely hypothetical creatures who, to Jeanne's sorrow,⁶⁹ were never born. After early 1317 there was thus every possibility that, as Philip V put it in a grant to Charles of la Marche in March of 1317, "apres nostre .deces li reaumes escheist et venist a nostre dit frere,"⁷⁰ and Philip's provisions for his wife were surely made with this possibility in mind. Clementia of Hungary's problems in securing her dower (problems for which he himself was largely responsible) surely demonstrated to him the plight of the dowager queen who lacked close ties to and influence over the new king, with whom she must negotiate to obtain her income; hence, it seems clear, Philip's unflagging efforts, beginning in March 1317, to see Jeanne's lands fully assigned and solemnly confirmed to her. The other lands, and the money which Philip gave her after March 1317 would make her life easier and more pleasant, but the assignment of the dower lands was essential to her well-being. As to the county of Burgundy, the king's interest in the documents establishing his right to the lands was intense at the end of August 1317; between 27 August and 7 September he secured exemplifications of all the acts relevant to the transfer--the marriage contracts of 1291 and 1295, Hugues

of Burgundy's ratification of the agreement, Robert of Artois' renunciation of his rights to the county.⁷¹ Curiously, it was at precisely this time, in early September 1317, that Robert, Jeanne's brother and the rightful heir of Burgundy, died, and it is possible that the young man's illness drew Philip's attention to the problem.⁷² Nonetheless, it was a full year after his death that the king gave the county to his wife, doubtless to protect her and their direct heirs not against their Burgundian kin but rather against the brother who would presumably succeed Philip and against that brother's ministers.

The exceptional clauses and procedures used to validate many of Philip's donations to his wife suggest that he considered it possible, and perhaps even likely, that his successor might attempt to annul and invalidate them. Again, the increasing elaborateness of the "non obstante" clauses indicate that he thought it possible, and perhaps even likely, that the acts contravened (or could be said to contravene) the limits established by custom and common usage or the boundaries of the law--whether the principle of reasonable alienation that he had enacted or others existing before his reign. They demonstrate with equal clarity that he believed he had sufficient power and authority to override contrary custom and law (and thus to bind his successors), whatever restrictions on the prerogative were expressed in his or his predecessors' ordonnances.

Philip V's first gifts to Jeanne after his ascension to the throne were phrased in terms similar to those used in the award which, in June 1315, he had asked Louis X to sanction. In all the acts of this type that he

issued as king he announced "by royal authority" that notwithstanding any contrary law, usage or custom (ius, usus, consuetudo, all words employed in the act of June 1315)--which, by his royal authority, he removed and annulled, the donation he was making should have the fullest strength and stability and should be accorded the force of law ("vim legis").⁷³ This was not the strongest clause that Philip used to validate his acts. When in September 1318 he assigned to Jeanne the debt of 80,000 l.t. owed him by Mahaut of Artois, he declared that the gift should hold despite "ordenances, statutes, customs, privileges, and written or unwritten law" which contravened it, and he announced (interposing his decree, by his royal authority, exercising his full power, with certain knowledge, and after full deliberation) that if any such existed, he was breaking, annulling, voiding, eradicating, and declaring them nul and of no value with regard to the present act, which he was confirming.⁷⁴ In March 1319 Philip himself reviewed and approved the act authorizing Jeanne to select the lands on which any unassigned portion of her dower would be assigned by his heir or successor; the act itself terminated with an elaborate clause stating that, in sure knowledge and by his royal authority, he was establishing and making his orders a law or pragmatic sanction, and that he was interposing his sentence and decree, notwithstanding any laws, customs, ordenances, decrees, statutes, customs, usages, graces, or privileges which could nullify, impede, or impair his act--all of which, by royal authority and with sure knowledge, he was breaking and voiding.⁷⁵

In this act of March 1319 royal rhetoric reached the peak of its precision and eloquence, although seven months earlier, in September 1318, Philip's clerks had formulated a clause to insure the validity of the donation of the county of Burgundy to Jeanne which was virtually as complex, declaring as it did that the king was making of the matters contained in it "loy et droit escrit," and that he was setting aside "agreements, promises, covenants, statutes, ordenances, privileges, customs and laws, reasons, conditions, objections, by our royal authority, exercising our full power, with sure knowledge, and having deliberated fully with our council, especially assembled for this."⁷⁶

Such clauses as Philip V used in these and other acts are remarkable for their complexity and for the conception of royal authority and power that they reflect. Philip the Fair had on numerous occasions abolished or nullified contrary custom, and during the last two years of his reign his scribes added to a few important acts (all of which seem to have concerned the transfer of property) the statement that they should be executed because, for good reason, the king was interposing his royal decree.⁷⁷ The most elaborate of these formulae is found in an act of May 1314 confirming a property arrangement involving the wife and children of Charles of Valois; in it the king said that he was approving the arrangements "with sure knowledge and for legitimate reasons, by royal authority and the plenitude of royal power, notwithstanding contrary customs, usages, and rights."⁷⁸ Philip the Fair's heir, Louis X, occasionally employed such formulae—but only rarely. Thus it is the more noteworthy that in two letters drawn up for and at the

request of Philip of Poitiers, extraordinary validating clauses appear, first in the grant of dower lands June 1315 and its confirmation seven months later, and next in the abolition of the female exclusion clause which Louis X issued in August 1315.⁷⁹ After the accession of Philip V what before had been unusual quickly became more common, and in all likelihood the change is attributable not only to the new king's concern with property transfers, but also to the nature of his ideas regarding the royal prerogative.

In two cases even the elaborate validating clauses which his secretaries devised did not satisfy Philip V, and on these occasions the king proceeded to take extraordinary steps to bind those close relations who, in the case of his death, might have reason to contest his actions. Thus, consciously or unconsciously, Philip V revived the custom of laudatio parentum, which had guaranteed the durability of acts transferring title to property. First, in connection with his alienation of the county of Burgundy to Jeanne in September 1318, he secured on 30 September from his uncles Charles of Valois and Louis of Evreux and from his brother Charles of la Marche a solemn, sealed guarantee that they approved the act, would uphold it, and would to the best of their abilities prevent anyone else from hindering its fulfillment.⁸⁰ Later, to insure that Jeanne would enjoy the dower lands he had assigned to her, Philip V obtained a similar confirmation, this time from Charles of Valois, Charles of la Marche, and Philip, eldest son of Louis of Evreux (who had died in May 1319, before the completion of the assignment in July). In the act of July 1319 the king stated that in granting Jeanne her dower he had taken counsel with his brother Louis and with his uncles of Valois and Evreux; for greater security he annulled all rights ("iura"),

statutes, and customs contrary to the act. Nonetheless Philip was clearly unsure that after his death his relatives would carry out his wishes. Therefore, five months after the assignment was made, in January 1321, he obtained from his uncle, his cousin, and his brother Charles their solemn approbation, their pledge on behalf of their heirs and successors, and their own oaths on the gospels never to oppose the act. Some months later, on 26 November 1321, after the king had fallen ill and lay dying at Longchamp, he secured an exemplification of the document his relatives had sealed, and this was preserved in the royal archives.⁸¹ Earlier, he took the unusual step of including in the will he drew on 26 August 1321 a clause expressing his wish that all the gifts he had made to his wife should be carried out as he had ordained and his specific admonition to his successor, his executors, and all others that they not hinder the execution of his gifts and that they permit his wife to enjoy them in peace.⁸²

As one who had voluntarily imposed controls on his own power to alienate, who had revoked his predecessors' and his own unreasonable alienations, and who had forbidden the chancellor to seal any letters including the phrase "notwithstanding ordenances," Philip V had reason to be concerned about the justifiability and permanence of the grants he had been moved to make to his wife. Memories of the restriction of his father's testamentary bequests by Louis X and Philip the Fair's executors, like his own revocations of his predecessors' donations, doubtless gave him pause. On the other hand, there were as yet no clearcut or absolute rules to limit the ruler's freedom of endowment and alienation or to establish that any specific lands, apart from those explicitly attached by grace and

favor to the crown or royal hand in perpetuity, must never be separated from the king's direct control. Further, he may have believed (and he certainly hoped) that he could demonstrate that his gifts to his wife and their heirs were reasonable and unobjectionable; he may have trusted in the efficacy of the elaborate formulae that expressed his prerogative power to set aside customs, statutes, and other encumbrances. The situation was different elsewhere. Jeanne of Burgundy showed considerable sensitivity to the dangers of alienation with regard to the county of Burgundy which, thanks to Philip V, their eldest daughter would inherit. In her codicil, drawn in 1325, she carefully specified the places that must remain unburdened by the annuities she assigned on the lands of that "noble and ancient county:" as she explained, the castles, fortresses, towns, and places which she specified must, together with their appurtenances, always remain in the possession of the person who was count of Burgundy.⁸³ In France it seems likely that the same statement could have been made only of places possessing the specific guarantees of attachment to the crown that kings had granted for many years.

Philip V's carefully-laid plans were not entirely futile. Perhaps owing to the righteousness with which he denounced his father's treaty with Otto of Burgundy, and the care he took to secure his relatives' approval of his donation--but more probably because of the county's extra-regnal status and its subordination to the Empire--Jeanne succeeded in retaining the county of Burgundy and in passing it to her heirs.⁸⁴ Jeanne was also able to keep the estate of Changeloup, south of Paris, although, as will be seen, Charles IV apparently did not pay her the income Philip V had given her in connection with the manor. On the other hand, if Jeanne was able to con-

serve her right to her mother's debt of 80,000 l.t. to Philip V, it was not because of her husband's well-articulated guarantees. Charles IV attempted to claim the sum, only to be confronted by Mahaut of Artois' threat that if he persisted in his demands, she would require of him payment of a series of obligations totalling some 700,000 l.⁸⁵ Even more notably, Henri of Sully's good fortune in keeping the property in the Limousin that Philip V had given him in October 1317 is attributable, at least in part, to his allegedly voluntary offer to relinquish to Charles IV a letter of extraordinary warrant (exceptional even by Philip V's standards) which the late king had given him. Charles clearly felt that his own prerogative power was threatened by the terms of his brother's guarantee, but nonetheless he did not cancel the award, perhaps because he and the other members of his brother's council had explicitly approved it in 1321.⁸⁶

Although after Philip's death in January 1322 these donations remained in force, many of his gifts were voided. Only two months after his brother's death, Charles IV, taking note of the assignment of dower lands which he himself had approved, announced that he had "many good reasons" for refusing Queen Jeanne's request for the property. Encountering his opposition, Jeanne quickly gave way, saying that "she did not want to enter into pleading with the king but rather wished to remain always in his good graces." Therefore she submitted to Charles' will and agreed to accept the assignment of property worth 16,000 l.t. which he offered her. Charles also refused Jeanne the 30,000 l.t. that Philip V had promised her for her testamentary bequests. She had enough money, it was argued, to cover her legacies, which, in any case, were judged excessively lavish.⁸⁷ Thus, in May 1325 she sealed a codicil restricting the bequests in her will of 1319, which had included

heritable annuities worth 2915 l., lifetime annuities totaling 1200 l., and individuals legacies of 28,480 l.⁸⁸

Charles offered little justification for depriving Jeanne of these rights. He did not state--at least in writing--his reason for restricting her dower, and the grounds on which he denied her request for the money her husband had awarded her for her testamentary bequests are flimsy and demeaning. Whether he was asked for the income that Philip V had associated with his grant of Chanteloup is unknown, but he does not seem to have paid the annuity.

Nonetheless, Jeanne of Burgundy, like Henri of Sully, suffered challenges and losses which could readily be connected with acts accomplished and policies established by Philip V. In the case of Sully, Charles explicitly invoked "an ordonnance on gifts and exchanges made in the time of our lord and brother Philip regarding revocation to the domain of gifts and exchanges wrongly made in the time of our father and brother" when, responding to the complaints of the inhabitants of Dun-le-Roi, he threatened to revoke the grant of property which Philip V had made to his minister in November 1317.⁸⁹ Charles IV appealed to another of Philip V's acts in annulling his brother's grant of Montgeard to Queen Jeanne, her heirs, and her successors: the privilege, sealed in green wax, guaranteeing to the people of the bastide that they could for no reason be put out of what Philip had termed the king's hand, but what Charles referred to as "the patrimony of the crown of France."⁹⁰ Curiously, Philip had confirmed and approved this privilege, originally

negotiated by local royal officials in the Midi, immediately before transferring his rights there to his wife and her heirs. Nonetheless he took no special pains to validate the donation, which is one of the simpler grants he bestowed on the queen. Had the rights been awarded as part of Jeanne's dower, the king and his advisers might have been tempted to argue (as Henry III of England had done in 1247⁹¹) that there was no surer proof of the king's intention to retain the property in the royal hand as always belonging to the crown than to assign it to the queen. It seems clear, however, that such an idea, if admitted in England, would not have been accepted in France. There the Parlement voided at least three of Philip V's assignments of dower property to Clementia of Hungary because the lands and rights in question were perpetually attached to the royal hand or crown. Two of these nullifications were declared in July 1317,⁹² a year before Philip assigned Montgeard to Jeanne, and thus it is all the more surprising that, without explanation or justification, the king would have granted such property to Jeanne. Charles' revocation of the act was thus consistent not only with the privileges his brother had granted to the bastide, but also with his brother's and earlier monarchs' recognition and defense of guarantees of special status which their subjects possessed.

In denying Jeanne's right to Chilly, an estate southeast of Paris, Charles IV relied on principles governing alienability that Philip V had endorsed: first, that the domain consisted both of rights long possessed by the monarchy and of those recently acquired, and, second, that alienation of domainal rights should not occur and was thus invalid unless it took place for just cause. Chilly had come to the king in exchange for property

that was part of the patrimony of the kingdom (the barony of Villemur in the Toulousain), and Charles and his advisers raised no question concerning the validity of this exchange, which brought to the domain a valuable estate. It was, rather, the validity of the donation of Chilly to Jeanne that was contested. Charles' advisers argued that since "the patrimony of the kingdom should never be alienated without just cause," the arguments of Jeanne's representatives (who doubtless contended that the donation was just and reasonable and, perhaps, that Chilly was not domain) were deemed invalid.⁹³ In the case of Chilly, Philip V and his ministers seem to have had no doubt concerning the validity of the donation, for his grant was a simple one: like the donation of rights over Montgeard, it lacked the extraordinary formulae of validation found in so many of Philip's grants to Jeanne and to others.⁹⁴

The appearance of the phrases "patrimony of the kingdom" and "patrimony of the crown" in a memorandum which Philip of Valois' advisers drafted in response to requests made by Jeanne's heirs after her death in January 1330 is noteworthy, for the expressions are close to a centrally significant phrase found in the edict of Moulins of 1566: "le Domaine & patrimoine royal de notre Couronne."⁹⁵ These are not expressions that the predecessors of Charles IV and Philip VI had employed, yet in this memorandum they are attributed to Charles, who is there depicted as, among other things, defender of the crown's patrimonial interests. Further, in letters of attachment to the crown issued during Charles' reign can be found the phrases "*corone nostre franc' patrimonio et domanio*," "*corone*

francie patrimonio," "sub domino et patrimonio."⁹⁶ Recalling the formulae "patrimony of the church" and "patrimony of God" (which Roman and Canon law -- together with Bracton -- declared absolutely inalienable), these expressions, appearing in documents issued by and associated with Charles IV, might suggest that Charles was more sensitive than his predecessors to the long-term welfare of the kingdom and the crown, and that he intended to place more severe restrictions on the alienation of the kingdom's lands and revenues than Philip V had enforced.

This, however, was not the case. Like Philip V, Charles IV employed the doctrine of inalienability when it suited him--as in the cases of Queen Jeanne and Sully. But, again like Philip V, he had no intention of permitting his own discretion and judgment to be constrained by the principles of inalienability. The dictum that the kingdom's patrimony should not be alienated without just cause, attributed to Charles IV in Philip VI's memorandum, still left open the possibility of alienation for good reason, a possibility which, like his predecessors, Charles was not prepared to deny.⁹⁷

Charles IV's treatment of Queen Jeanne confirmed some, if not the worst, of the suspicions reflected in the terms of Philip V's donations to her. This is hardly surprising, for after Charles succeeded in obtaining a divorce from Jeanne's adulterous sister Blanche⁹⁸ (and probably for some time before), there could hardly have been much sympathy between the prince turned king and the woman who was his sister-in-law twice over.⁹⁹

Charles' actions with regard to Jeanne showed that, as concerned the property transfers which Philip V had planned, "le vif saisit le mort:" the living king could, if he wished (and as Philip V had feared), cancel and annul the acts of his predecessor. Despite the efforts of Philip V, no way had as yet been created to permit the dead to control the living if the dead person was a king attempting to regulate the devolution of property which belonged to the kingdom and his successors as much as to him. Yet this did not discourage later kings from attempting to do so, by imitating the strategies of Philip V and by inventing new techniques and formulae of their own devising.

Whatever his aims and intentions, the actions of Charles IV, like those of his brother Philip V, prepared the way for the eventual acceptance and enforcement of a stricter doctrine of inalienability in the kingdom of France. Under Charles' rule principles continued to be advanced and tested; the validity and reasonableness of royal donations continued to be questioned. Given the conflicting pressures that existed, movement was understandably hesitant. The adviser who drafted the memorandum answering the requests of Jeanne's heirs considered it perfectly possible that "by special grace" Charles IV had awarded the late queen for her lifetime not only the estate of Chilly but also the bastide of Montgeard, which according to the principles of Charles, Philip, and their ancestors, should never have been alienated at all. Nonetheless there is a clear difference between alienation by special grace for a term of years and alienation in perpetuity--as the advisers of Henry III of England had explicitly proclaimed in 1247.

To Philip V and his contemporaries, the essence of good government resided in the king's reason, justice, and good sense. As long as these were unquestioned, restrictions limiting the monarch's freedom of action were unnecessary and unwanted. As for any other person, however, it was difficult for a monarch to maintain a balanced sense of reason and equity when confronted by such a personal issue as his own salvation, when forced to deal with extraordinarily faithful (or extraordinarily importuning) associates, when moved by a desire to reward those to whom he was bound by ties of blood and affection. The special authority to override custom and law, the special access to common resources which these men enjoyed made it easier for them than for others to give rein to their impulses and to gratify them. Through their acts Philip the Fair and his son and namesake, Philip V, revealed their human frailties in acts which were considered by their successors to threaten the resources of the realm; the successors called attention to their predecessors' weaknesses and unreason by cancelling the acts that revealed them. The voluntary curbs, however limited, that Philip V imposed on his own freedom of action also focused attention on those royal acts which violated the boundaries he set. Like his father's testamentary bequests, Philip V's endowment of his wife (like his gifts to Henri of Sully) made dramatically apparent the existence of a problem that would not be resolved until a clear distinction was drawn between the private and the public persons of the monarch and the liberties and restraints he was expected to enjoy and exercise in each of these capacities. The experiences of the last direct Capetians

suggested how difficult the process of definition and distinction would be; they showed how dubious it was that a satisfactory solution could ever be achieved without a fundamental change in the constitution of France and, most particularly, in the prerogative powers claimed and exercised by those who ruled the realm as king.

Notes

This paper was first presented at the Caltech-Weingart Conference on Family and Property in Traditional Europe (30 March-3 April 1981); I am deeply grateful for having had an opportunity to participate in the conference and to profit from the comments of the other participants. I appreciate especially the detailed criticisms of the paper given me by John F. Benton, Michel Bur, and Donald W. Sutherland.

The following abbreviations are used in the notes and appendices:

A.D.--Archives départementales; A.N.--Archives nationales, Paris;
B.N.--Bibliothèque nationale, Paris; B.M.--Bibliothèque municipale;
Fawtier--Robert Fawtier, with Jean Glénisson and Jean Guerout, Registres du Trésor des Chartes, vol. I, Règne de Philippe le Bel (Paris, 1958);
Guerout--Jean Guerout, Registres du Trésor des Chartes, vol. II, Règnes des fils de Philippe le Bel, pt. 1, Règnes de Louis X le Hugin et de Philippe V le Long (Paris, 1966); HL--Claude de Vic and Jean-Joseph Vaissete, Histoire générale de Languedoc, ed. Auguste Molinier, 15 vols. (Toulouse, 1872-1893); Journaux Trésor Charles IV--Les journaux du Trésor de Charles IV le Bel, ed. Jules-Edouard-Marie Viard (Paris, 1914).

1. Ernst H. Kantorowicz, The King's Two Bodies: A study in Mediaeval Political Theology (Princeton, 1957) 222 n. 83, and, for de Pons, P. Saenger, "Burgundy and the Inalienability of Appanages in the Reign of Louis XI," French Historical Studies, 10 (1977) 20 n. 75 (from B.N. fr. 19796 fol. 51-52). An early anticipation of these ideas is found in the twelfth-century Pseudo-Turpin, which states that Charlemagne bestowed Spain and Galicia on Saint-Jacques of Compostella "in dote;" in contrast, he is said to have given all France "in predio" to the church of Saint-Denis: Historia Karoli Magni et Rotholandi ou Chronique du Pseudo-Turpin, ed. Cyri^l Meredith-Jones (Paris, 1936) 170-171, 218-219; The Pseudo-Turpin Edited from Bibliothèque Nationale, Fonds Latin, MS. 17656 with an Annotated Synopsis, ed. H.M. Smyser (Cambridge, Mass., 1937) 80, 106. Most of the translations of the Turpin observe this distinction, but the Anglo-Norman translation by Willem de Briane says that Saint-Jacques received the lands "en dowarie" and Saint-Denis "en douare:" André de Mandach, Naissance et developpement de la chanson de geste en Europe: II. Chronique de Turpin, texte anglo-normand inédit de Willem de Briane (Arundel 220) (Publications romanes et françaises 77; Geneva, 1963) 73, 82, and The Anglo-Norman Pseudo-Turpin Chronicle of William de Briane, ed. Ian Short (Anglo-Norman Texts 25; Oxford, 1973) 56, 69.
2. Filippo E. Vassalli, "Concetto e natura del fisco," Studi Senesi nel Circolo giuridico della R. Università, 25 (1908) 198; cf. Kantorowicz, Two Bodies 214-216.
3. Kantorowicz, Two Bodies 168-192, 347-358; Gaines Post, Studies in Medieval Legal Thought: Public Law and the State 1100-1322 (Princeton, 1964) 416-419. The Lex Iulia is found in Cod. 5.13.15. For the Emperor's close connection

with the fisc, see Vassalli 88; similar links between the king and the fisc are found in royal documents of the time of Philip the Fair, for which see André Callebaut, "Fr. Gautier de Bruges, O.F.M., Evêque de Poitiers, et Philippe le Bel. Documents, "Archivum Franciscanum Historicum, 6 (1913) 504 (for 1289), Eugène Martin-Chabot, Les archives de la Cour des Comptes, Aides et Finances de Montpellier (Paris, 1907) 195-6 (for 1304) and P. Guérin, "Documents relatifs à l'histoire de la Saintonge et de l'Aunis extraits des registres du Trésor des Chartes, "Archives historiques de la Saintonge et de l'Aunis, 12 (1884) 46 (for 1309). By a curious turn of fate, in 1576 the domain of the church was said to be less privileged than the domain of the king "d'autant que le Domaine de l'Eglise se pouvoit aliéner par les saintes constitutions en certains cas et en gardant les solennités, mais quant au Domaine du Roi, il n'y avoit cas auquel il pût être aliéné, etiam avec solennité:" quoted from Bodin's Journal in A. Esmein, "L'inaliénabilité du domaine de la Couronne devant les Etats Généraux du XVIe siècle," Festschrift Otto Gierke zum Siebzigsten Geburtstag (Weimar, 1911) 379.

4. Vassalli 86-88.

5. Bracton, On the Laws and Customs of England, ed. G.E.Woodbine, tr. and rev. S.E. Thorne, II (Cambridge, Mass., 1968) 57-58 (fol.14). Cf. Kantotowicz, Two Bodies 186. The London collection of the Leges Anglorum of ca. 1200 stated "Debet uero de iure rex omnes terras et honores, omnes dignitates et iura et libertates corone regni huius in integrum cum omni integritate et sine diminutione observare et defendere, dispersa et dilapidata et amissa regni iura in pristinum statum et debitum viribus omnibus reuocare;" thus Edward the Confessor was believed to have

accepted , and perhaps to have sworn to uphold these principles: Die Gesetze der Angelsachsen, ed. Felix Liebermann, 2 vols. (Halle, 1903-1916) I 635-636 (II, 1, A2 and A8) and especially 635 n. c; Kantorociwz, Two Bodies 345-346; R.S. Hoyt, "The Coronation Oath of 1308: The Background of 'Les Leys et Les Custumes'," Traditio, 11 (1955) 249-250. By the end of Edward I's reign, the opinion voiced by the author of the London collection of laws had gained widespread acceptance, as is shown by Fleta's reading of the passage of Bracton discussed in the text: Fleta Volume III, Book III and Book IV, ed. and tr. H.G.Richardson and G.O. Sayles (London, 1972) 12.

6. Kantorowicz, Two Bodies 353-358; Post, Studies 421-433; Saenger 1-26; J.R. Sweeney, "The Problem of Inalienability in Innocent III's Correspondence with Hungary: A Contribution to the Study of the Historical Genesis of Intellecto," Mediaeval Studies, 37 (1975) 235-251, and particularly, his paper, "The Decretal Intellecto and the Hungarian Golden Bull of 1222."
7. Percy Ernst Schramm, Der König von Frankreich, 2nd ed., 2 vols. (Weimar, 1960) I 237; R.A. Jackson, "Les manuscrits des ordines de couronnement de la bibliothèque de Charles V, roi de France," Le Moyen Age, 82 (1976) 87-88; Ordonnances des roys de France de la troisième race, ed. E. -J. de Laurière et al., 22 vols. (Paris, 1723-1847) VIII 484, X 83. The oaths sworn by Edward I and Edward II of England were similar to the oath taken by Charles VI: E.H. Kantorowicz, "Inalienability: A Note on Canonical Practice and the English Coronation Oath in the Thirteenth Century," Speculum 29 (1954) 500-501. See also Esmein 362.
8. For Charles VI, see Ordonnances VIII 484-486, X 82-83; note that his pledges did not make any exception, as had earlier and similar declarations

for donations to ecclesiastical establishments; cf. Ordonnances III 140, 162-164 (1357), 225 (1358), 442-443, 466-467 (1360). According to the edict of Moulins of February 1566, "Le Domaine de notre Couronne ne peut être aliéné qu'en deux cas seulement; l'un pour apanage des puisnés mâles de la Maison de France; auquel cas y a retour à notre Couronne par leur décès sans mâles. . . ; l'autre pour l'aliénation à deniers comptans pour la nécessité de la guerre, après Lettres papentes pour ce décernées & publiées en nos Parlemens: auquel cas y a faculté de rachat perpétuel: "Louis François du Vaucel, Essai sur les apanages ou Mémoire historique de leur établissement (n.p., n.d. but probably Paris, 1780/1792) 251. As the terms of the decree show, the prohibition against alienation was not absolute; over the centuries the kings of France had become adept at exploiting the doctrine of necessity for their own purposes. Cf. Saenger 25, and Schramm, König I 238, II 140 n. 7, and the sources cited there.

9. Schramm, König II 140 n. 5; Jackson, "Manuscripts" 87-88; Saenger 25-26.
10. Six Historical Poems of Geffroi de Paris Written in 1314-1318, ed. and tr. W.H. Storer and Charles A. Rochedieu (University of North Carolina Studies in the Romance Languages and Literatures 16; Chapel Hill, 1950) 32 (lines 1061-1065) and 70-72 (lines 323-354).
11. Philippe Lauer, "Une enquête au sujet de la frontière française dans le Val d'Aran sous Philippe le Bel, "Bulletin du Comité des travaux historiques, Section géographique, (1920) 30.

12. I have dealt with this subject in a paper, "Attachment to the Crown and Monarchical Authority in Medieval France and England," which I presented at the American Historical Association Annual Meeting in 1975 and at the University of Pennsylvania in 1980; I hope to publish it in the near future.
13. Foedera, ed. Thomas Rymer, Robert Sanderson, and Adam Clarke and Frederick Holbrooke, 4 vols. (London, 1816-1869) I¹ 433-434; and see C.T. Wood, "The Mise of Amiens and Saint-Louis' Theory of Kingship," French Historical Studies, 6 (1970) 300-310. See also Esmein 376.
14. E.A.R. Brown, "Royal Salvation and Needs of State in Late Capetian France," in Order and Innovation in the Middle Ages: Essays in Honor of Joseph R. Strayer, ed. William C. Jordan, Bruce McNab, Teofilo F. Ruiz (Princeton, 1976) 365-383, 641-661.
15. Ordonnances I 627-628, and note also the act of March 1318 by which Philip restored the viscounty of Thouars to the ressort of the seneschalsy of Poitou, printed by P. Guérin, "Recueil des documents concernant le Poitou contenus dans les registres de la chancellerie de France," Archives historiques du Poitou, 11 (1881) 177-178; Guernot no. 1736. When Philip was given the county of Poitiers, the viscounty of Thouars, which had, ab antiquo, been attached to the ressort of that county, was transferred to the ressort of Loudun; in March 1318 the king granted the request of the viscount "ut, cum regnum Francie ad nos jure hereditario devolutum existat, quod dictum vicecomitatum ad ressortum Pictavense, prout esse solebat, ut est dictum, reducere et reponere vellemus." These actions fully supported the contention of the royal procurator in 1323 that although

"il a néanmoins cessé de les posséder en cette qualité dès qu'il a été Roi . . . & que notredit Seigneur & frere est mort saisi & possesseur desdits Comté & terres comme Roi & non comme Comte:" du Vaucel 139. See also n. 98 below.

16. ". . . ut maxime procuret bona communia & regni redditus studeat expendere in bonum commune: uel in bonum regni:" Aegidius Romanus, De Regimine Principum Libri III (Rome 1482) 3.2.9; see also 1.1.12, 1.2.12, and for royal expenditures, 1.2.19, 1.4.3, 2.3.3.

17. Ibid., 3.2.5, 3.2.19.

18. ". . . cum reges et principes communiter in sua coronatione prestare consueuerunt iuramentum de non alienandis possessionibus nec immobilibus bonis ad suam coronam spectantibus an prestetur huic obuia iuramento si de huiusmodi bonis aliqua ipsis ecclesiis largiantur: B.N. lat. 6786, fol 22; for a discussion of the treatise, see Post, Studies 289.

19. ". . . Quod non alienantur bona a rege quamdiu pertinent ad vnitatem regni et quamdiu subsunt patrocínio et protectioni regni:" B.N. lat. 6786, fol. 41.

20. "Quod si rex expresse Iuraret quod nichil de immobilibus bonis ad suam coronam pertinentibus nec quantum ad fructum nec vtilitatem / Nec quantum ad Iudicium et potestatem largietur ecclesiis dicendum quod esset indebitum iuramentum:" B.N. lat. 6786, fol. 41. See F.M. Powicke, "The Oath of Bromholm," English Historical Review, 56 (1941) 535-538 for a

discussion of the pervasiveness of the belief that coronation oaths generally implied a commitment not to alienate. See also n. 5 above (and especially Fleta as there cited) and Esmein 362-363, n. 3.

1. The grants of perpetual attachment issued by Philip V are discussed both in the paper mentioned in n.12 above and in a monograph which I am now revising for publication, which is tentatively entitled Corruption, Finance, and Reform in Fourteenth-Century France: The Reformatores Patrie Generales in Languedoc 1318-1319.
2. Ordonnances I 476-477, 634.
3. E.A.R. Brown, "Taxation and Morality in the Thirteenth and Fourteenth Centuries: Conscience and Political Power and the Kings of France," French Historical Studies, 8 (1973) 27-28, and also my article, "Reform and Resistance to Royal Authority in Fourteenth-Century France: The Leagues of 1314 and 1315," soon to appear in a volume of Studies Presented to the International Commission for the History of Representative and Parliamentary Institutions.
24. Ordonnances I 657-659, clauses 1 and 15; the latter provision recalls earlier orders issued by Philip V, on 28 August 1316, for which see Ordonnances I 626.
25. Ibid. I 660, clauses 21-22.
26. "Et ensint appert clairement, que li donneur, & Nous qui representons

leurs personnes en la succession des diz Royaumes, il, & Nous avons esté & fusmes defraudez & deceuz moult grandement:" *ibid.* I 666.

27. *Ibid.* I 665-668; also published in Léon Ménard, *Histoire, civile, ecclésiastique et littéraire de la Ville de Nismes*, 7 vols. (Paris, 1750-1758) II preuves 25-26; see also C.-V. Langlois, "Registres perdus des archives de la Chambre des Comtes de Paris," Notices et extraits des manuscrits de la Bibliothèque nationale et autres bibliothèques, 40 (1917) 108-110. On 109 Langlois seems to suggest that the ordonnance of Vivier-en-Brie of ca. 6 January 1320 completely forbade alienations; on the contrary, in that ordonnance the king simply stated that he would not give away fines, forfeitures and the like unless he was remitting them to someone who owed (or whose close relative owed) them to the king. The clause in question indicates that these sources of revenue were to be disposed of by the king's officials for cash and on the spot, and that the king's gifts were to be channelled through the treasury. Thus the king seems to be attempting to rationalize the administration, in keeping with his earlier ordonnances: Ordonnances I 705-706.
28. Langlois, "Registres perdus" 110-114, especially 112-113 n. 1. In executing this ordonnance, Philip laid heavy stress on the pressures employed by those seeking grants. See especially A.N. JJ 60, fol. 29, no. 63 (Guerout no. 3433) where the king remarked that many of the gifts "ont este faiz plus par limportunite des requerenz que par deue deliberacion ne resgart / Quar par leur non vergondeuse poursuite & enbatement & leur fardees paroles controuuees & pourpensees a ce / Nous & nos predecesseurs auons otroie souuent moult de choses qui iustement feüssent a deuter."

29. "...nedum ea que ab antiquo sed que ex forefacturis commissis vel quibus-
cumque causis aliis obvenerant, et translationis tempore in domaniis ipsis
erant:" Langlois, "Registres perdus" 113 n. 1. In 1566 the edict of Moulins
would define the domain of the crown as "celui qui est expressément consacré,
uni & incorporé à notre Couronne, ou qui a été tenu & administré par nos
Receveurs & Officiers par l'espace de dix ans, & est entré en ligne de
compte:" du Vaucel 251. On the problem of determining the significance
of "domain" in the later Middle Ages, see C.T. Wood, "Regnum Francie: A
Problem in Capetian Administrative Usage," Traditio, 23 (1967) 123 and 133
n. 38, who provides a useful guide to earlier scholarship on the subject.
See n. 94 below for a royal mandate describing the status of the lands
of Enguerran of Marigny after his condemnation and their confiscation;
according to the mandate, they were to be treated as part of the fisc
and the domain but, no more than the act of 1321, does it indicate
whether or not, from a juridical point of view, they were considered
to be incorporated into the domain and the fisc.
30. The best guide to Philip V's efforts remains Langlois, "Registres perdus"
103-144, 220-224. See also E.A.R. Brown, "Subsidy and Reform in 1321:
The Accounts of Najac and the Policies of Philip V," Traditio, 27 (1971)
421-430. Note that a memorandum concerning alienability which was prepared
(according to Langlois) in the early fourteenth century distinguishes between
ancient domain and forfeited property and divides forfeitures into two cate-
gories: first, the forfeiture "incorporata et que remanet incorporata
cum effectu" and, second, the forfeiture "non incorporata vel incorporata
que tamen non remanet cum effectu;" donations of property which had not been

incorporated were to hold, and it seems clear that donations of forfeitures which had been incorporated would not hold, but the memorandum breaks off at this point and therefore the author's final conclusions are unknown: Langlois, "Registres perdus" 137-138.

31. "Item les demaines de sa terre mal donnez ou alienez, soit en dons ou en eschanges ou en autre chose que ce soit, les veut ravoir pour le bien commun, et que il ait mains causes, ne li autres qui apres luy vendront, de despendre sur les peuples:" J. Petit, M. Gavrilovitch, Maury and Téodoru, Essai de restitution des plus anciens mémoriaux de la Chambre des Comptes de Paris (Bibliothèque de la Faculté des lettres de l'Université de Paris 7; Paris, 1899) 148 and, on the significance of the declaration, C.H. Taylor, "French Assemblies and Subsidy in 1321," Speculum, 43 (1968) 232-233; cf. Brown, "Subsidy and Reform" 416-417.
32. "Item, se ce seroit bon et profitable chose que ce qui a este dou demaine dou roy dou temps passe, s'il a este allienez, ou mis hors doudit demaine, et estrangez en aucunes personnes, par les predecesseurs dou roy, qui fust remis et appliquez udit demaine. . . . Item, as allienacion des demaines, li roys et ses nobles consaux sauront bien regarder se elles sont faites deuement, et sans deceipte, et que elles peussent estre faites; et se il voient que elles soient ensi faites, si leur plaist, si demeurent en icele maniere; si voient qu'elles soient faites induement. . . , si soient rapelees et mises au noient, et rajonctes audit demaine:" Archives administratives de la ville de Reims: documents inédits sur l'histoire de France, ed. Pierre-Joseph Varin, 3 vols. (Paris, 1839-1843) II¹ 273, dated 10 October 1321.

33. The first version is found in A.N. JJ 53, fol. 157, no. 363 (Guerout no. 660); see also Guerout no. 1653 for a Latin version of this mandate which originally existed in JJ 56 but which, later excised from this register, is now found in B.N. lat. 5414, fol. 32v-33. For the version of the act which was finally confirmed in February 1321, A.N. JJ 60, fol. 29-30v, no. 63 (Guerout no. 3433). See also n. 86 below. Statements regarding the appropriateness of rewarding crown servants, similar to Philip V's, appear in declarations of Prince Charles, son of Jean II and acting as his lieutenant, in 1357 and 1358: Ordonnances IV 140, 162-164, 176-177, 225. Note that Charles of Valois requested both Philip IV and Louis X to enforce the property divisions he effected "comme...chose iugiee deuant lui et en sa court:" A.N. P 1364¹, c. 1311 (Philip's confirmation, dated May 1314, of the division of 20 May, 1314, for which see also A.N. JJ 50 fols. 42v-44), and A.N. J 164B, no. 31 (Louis' confirmation, dated July 1315, of the division of 6 July 1315); see also below n. 78.
34. See below, at nn. 48, 52, 56, 79, and the notes themselves.
35. For the texts of the agreements of 1291, see Acta Imperii, Angliae et Franciae ab a. 1267 ad a. 1313, ed. Fritz Kern (Tübingen, 1911) 46-48 and A.N. J 408 no. 5; for the agreement of 1295 I have used the text found in Corps universel diplomatique du droit des gens, 8 vols. (Amsterdam, 1726-1731) I² 292-294. Note also the act of February 1295, dated at Paris, in which, before concluding the agreement of 2 March 1295, Otto of Burgundy relinquished the county to Philip the Fair: A.N. J 248A, no. 5. For the history of these events, see François-Félix Chevalier, Mémoires historiques sur la ville et seigneurie de Poligny, 2 vols. (Lons-le-Saulnier, 1767-1769) I 157-161, and F. Funck-

Brentano, "Philippe le Bel et la noblesse franc-comtoise," Bibliothèque de l'Ecole des Chartes, 49 (1888) 12-19. For Otto, see M.-T.

Stauffenegger, "Le gouvernement d'Othon IV, comte de Bourgogne," Mémoires de la Société pour l'histoire du droit et des institutions des anciens pays bourguignons, comtois et romands, 25 (1964) 7-56.

36. Chevalier, Poligny I 159-160; for the additional children born to Otto and Mahaut see Jules-Marie Richard, Une petite-nièce de Saint Louis. Mahaut, comtesse d'Artois et de Bourgogne (1302-1329) (Paris, 1887) 5-15, and for the date of Blanche's birth, in 1296, see J.-R. de Chevanne, "Charles IV le Bel et Blanche de Bourgogne," Bulletin philologique et historique, (1936-1937) 314. In the will Otto drew on 13 September 1302, he made his son Robert his universal heir to all his movable and immovable property, whereas Jeanne was left 30,000 l.t. and Blanche 10,000 l.t.: Jules Gauthier, Le testament d'Othon IV, dernier comte de Bourgogne (1302 (Besançon, 1903) 3. The will was drawn while Otto was serving with Philip the Fair in Artois, and the count seems to have been on good terms with his sovereign; the bequest to Robert may simply have involved the property that was not obligated in the agreement of 1295. Although in one provision of the testament Otto referred to "nous et noz hoirs conte de Bourgoigne," in another he used the more ambiguous phrase "celuy qui sera contes de Bourgoigne:" Gautier 10, 12. On the other hand, Otto may indeed have hoped to disengage himself from the agreement of 1295: on 19 June 1297 his wife Mahaut formally protested against being asked to seal Otto's will without knowing its contents: A.D. Doubs, B 29.

37. Boniface VIII in 1297 made it clear that Jeanne's marriage to Philip the

Fair's eldest son would be unacceptable to the papacy, but nonetheless rumors circulated that she and Louis were engaged. The dispensation for the marriage of Philip and Jeanne which Clement V issued on Christmas day of 1306 declared such rumors patently false, since such a contract would have required papal dispensation: for Boniface, see Les registres de Boniface VIII, Registre des bulles de ce pape, ed. Georges Digard et al. (Bibliothèque des Ecoles françaises d'Athènes et de Rome, ser. 2, vol. 4; Paris, 1884-1939) no. 2301; for Clement's dispensation, A.D. Doubs, B 23 (and B 24 for its confirmation by John XXII on 17 November 1319), and Georges Lizerand, Clément V et Philippe IV le Bel (Paris, 1910) 55-56, 428-432.

38. For the final marriage agreement, sealed in December 1306, see Fawtier no. 301, and for Mahaut's pledge on 19 December 1306 that her son and daughter would accept the agreement, A.D. Doubs, B 23. Having attained his majority, Robert approved the settlement on 2 April 1314: A.N. J 250, no. 3, in an exemplification of 29 August 1317.
39. The marriage agreement of September 1307 stipulated that after their marriage both Charles and Blanche would ratify the agreement of 1295, and they did so in October 1308: Fawtier nos. 895-896; A.N. J 408 no. 15 for a copy of the marriage treaty, dated 20 September 1307; A.D. Pas-de-Calais, A 53, 35 for an exemplification of 17 February 1309 of the marriage agreement; Fawtier no. 383 for the approval of the agreement by Charles and Blanche.
40. Note that Fawtier's analysis of the agreement (no. 895), since based on the defective text in A.N. JJ 44, fol. 4, indicates that Philip the Fair promised to pay Blanche 10,000 l.t. Both the exemplification of the

agreement in A.D. Pas-de-Calais, A 53, 34, and Mahaut's counter-agreement of September 1307 (A.N. JJ 44, fol. 4v-5) state that Mahaut was assigning the sum to the king "in augmentacionem dicte Dotis" or "in dicte dotis augmentum" (A.N. JJ 44, fol. 5 for the former; A.D. Pas-de-Calais, A 53, 34 for the latter). For the marriage and the payment of these sums, see P. Marchegay, "Documents relatifs au mariage du roi de France Charles IV" (preceded by E. Boutaric, "Rapport sur une communication de M. Marchegay"), Revue des sociétés savantes, ser. 4, vol. 4 (1886) 437-441; Fawtier no. 1440; Jean Favier, Un conseiller de Philippe le Bel, Enguerran de Marigny (Mémoires et documents publiés par la Société de l'Ecole des Chartes 16; Paris, 1963) 117-118. For the marriage in late January or early February 1308, see A.N. J 682, no. 2 (testimony of Agnès of Braye, Isabelle of Soisy, Charles of Valois, and Avelina), and cf. P. Bonnassieux, "Un baptême royal au moyen âge," Le Cabinet historique, 27 (1881) 190 n. 3.

41. Richard, Mahaut 10 n. 1; E.A.R. Brown, "The Ceremonial of Royal Succession in Capetian France: The Funeral of Philip V," Speculum, 55 (1980) 271-272 especially nn. 16-17.
42. E.A.R. Brown, "The Ceremonial of Royal Succession in Capetian France: The Double Funeral of Louis X," Traditio, 34 (1978) 234, 236-239.
43. Ibid. 234, 236-239.
44. R.-H. Bautier, "Critique diplomatique, commandement des actes et psychologie des souverains du Moyen Age," Comptes rendus de l'Académie des Inscriptions et Belles-Lettres, (1978, janvier-mars) 19.
45. For an act of Philip the Fair of 20 January 1307 regarding Jeanne's dower, see A.D. Pas-de-Calais, A 53, 2 (in an exemplification of 17 February 1309);

for the assignment to Philip of property in Champagne, Fawtier no. 1451; cf. D.-F. Secousse, "Mémoire sur l'union de la Champagne et de la Brie à la couronne de France," Mémoires de littérature tirés des registres de l'Académie Royale des Inscriptions et Belles-Lettres depuis l'année M.DCCXLI, jusques & compris l'année M.D.CCXLIII, 17 (Paris, 1751) 295-297; for Philip's grant to Jeanne, A.D. Doubs, B 24 (a in the list below).

46. See below, following n. 72.

47. A.D. Doubs, B 24; see n. 79 below.

48. For the peerage, Guérin, Archives historiques du Poitou, 11 (1881) 115-116 (Guerout no. 280); for the revocation of Philip the Fair's act, A.D. Pas-de-Calais, A 60, 27 (no. 3013), in an exemplification of 17 April 1323. For the significance of this act, cf. Charles T. Wood, The French Apanages and the Capetian Monarchy 1224-1328 (Harvard Historical Monographs 59; Cambridge, Mass., 1966) 55-56 nn. 48-51.

49. A.D. Doubs, B 23, executed in August 1315 at Arras; this act has been greatly damaged, but it is clearly virtually the same as Philip's later grant of February 1317 (see the list, b and 6). Mahaut of Artois on 5 November 1309 assigned to Philip the Fair lands which she possessed in the county of Burgundy, which were to be handed over to Philip of Poitiers, and these lands are mentioned in the grants of August 1315 and February 1317: A.N. J 530, no. 13; cf. A.N. J 408 no. 17 for an exchange of property in the county involving Philip the Fair and Mahaut. The fiefs of the county were divided between Mahaut and Philip of Poitiers on 18 May 1309: Kern, Acta Imperii 122-124.

50. See the list, 1.

51. See the list, 9.
52. Brown, "Louis X," Traditio, 34 (1978) 233-234, 257-258. For the final assignment to Clementia of her dower lands in September 1318, Guerout no. 2050. In November and December 1315 Louis X had given Clementia heritable property above and beyond her dower, and he had carefully abrogated all contrary customs in making the gifts. Nonetheless, as regent, Philip of Poitiers confirmed these gifts in August 1316; like Louis X, Philip emphasized the queen's affection for her husband; he also stressed that she had come to France "de lointainnes parties" and had suffered great grief at her husband's death: A.N. JJ 54B, fol. 4v-5v, no. 10 (Guerout no. 1375).
53. See the list, 8, 9, 14, 15, 26, 28.
54. For the will of Isabelle of Aragon, approved on 19 January 1271, see B.N. n.acq. fr. (Brienne 140) fol. 31-32, and fr. 15605, fol. 26-27v; for the will of Jeanne de Navarre of 25 March 1305, A.N. J 403, no. 16, printed in C.-E. du Boulay, Historia Vniversitatis Parisiensis, 6 vols. (Paris, 1665-1673) IV 74-80. In her first will, drawn up on 1 April 1304 Jeanne had been able to dispose of 40,000 l.t. and her movable property: A.N. J 403, no. 14.
55. See the list, 19.
56. For Louis X's similar but more modest gifts to Clementia of Hungary, see n. 52 supra.
57. See the list, 2, 7, 10. Jeanne founded a hospital at Chanteloup; for the gifts she made to it in July 1319 and for her bequests to it in her will of 27 August 1319, see Louis-Claude Douët-d'Arcq, Nouveau recueil de comptes de l'argenterie des rois de France (Publications de la Société de l'histoire

de France 170; Paris, 1874) 15; A.N. J 404A, no. 23.

58. See the list, 11, 27.

59. See the list, 16, 30.

60. See the list, b, 3.

61. See the list, 6, 18.

62. See the first acts in the list below, and especially 3.

63. See the list, 16, 30, 29, and cf. 27-28.

64. See the list, b, 6, 18.

65. "...Es quelles couventions len dit / quil a eu aucunes couuenances / es quelles li diz Contes auoit fait proumesses & octroiances / sus la dite Contee grandement damageuses ali et a ses hoirs en certains cas. Et nous attendens que droiz ne raisons ne saccorderoient que pour telles couuenances nostre dite compaignie ne ses enfanz que elle auroit euz de nous deussient souffrir aucun damage. Et apres ce nous considerans / que par cause dela dite Contee / a nulle personne / nous ne ferions hounage / et encore pluseurs autres causes les quelles nous taisons apresent / qui nous ont deu esmouoir droiturierement & loialment / es choses qui sensuient. Et oultre tout ce attendue la grant affection que nous auons a nostre dite compaignie / pour moult de agreables seruices que elle nous a faiz ou temps passe / et fait touz les iours.... Et pour ce que le mariage acompli entre nous et li / nostre sires nous a si hauciez en henneurs et en richeces / comme de nous auoir appelez aus diz Roiaulmes Ainsi que nous poons bien passer sanz la dite Contee:" A.N. J 250, no. 10; see the list, 18.

66. Kern, Acta Imperii 46.

67. For Philip V's relations with the Empire, see Paul Lehugeur, Histoire de Philippe le Long, roi de France (1316-1322) (Paris, 1897) 216-222.
68. A.N. J 250, no. 10; see the list 18, 29.
69. See Jeanne's will for the despair which she felt at the thought of dying without male heirs: A.N., J 404A, no. 23.
70. For the death of their son, Brown, "Louis X," Traditio, 34 (1978) 267-269; for Philip's grant to Charles, A.N. JJ 53, fol. 53, no. 118 (Guerout no. 406); printed by Guérin, Archives historiques du Poitou, 13 (1883) 45. The scribe who registered the grant of 6 February 1317 by which, before their son's death, Philip granted the county of Burgundy to Jeanne for her lifetime remarked at the beginning of the act "Nota litteram per quam temporibus futuris posset comitatus burgondie Reuerti ad regnum francie:" A.N. JJ 53, fol. 14 (Guerout no. 323). This possibility evaporated when the child died.
71. A.N. J 250, nos. 3-4, J 408, nos. 5,9; A.D. Doubs, B 20, an act of 7 September 1317 in which Garin of Esarnes, a royal squire, acknowledged receipt at Montereau-Faut-Yonne of nine documents regarding the agreement with Philip the Fair concerning the county of Burgundy. See n. 86 below.
72. See Richard, Mahaut 15 for Robert's death before 11 September 1317; Robert was approximately eighteen when he died.
73. See the list, 3-5, 7, 14, 27, and 10 for an expanded version of the formula. The formula does not appear in 1, the act of 20 December 1316 in which the king increased the amount of Jeanne's dower, but it is virtually the same as the validation used in the undated grant of Chanteloup which immediately follows the act of 20 December in A.N. JJ 54B (see the list, 2).

74. See the list, 19.
75. See the list, 26.
76. "...conventions / promesses / couvenances / Statuz / ordenances / privileges / coustumes & droiz / raisons / cauteles / ou cauillations / de nostre auctorite Roial / de nostre plain pouoir / de certaine science / eue plaine deliberacion ouques nostre conseil assemble pour ce especialment:" A.N. J 250, no. 10; see the list, 18.
77. See Fawtier, index s.v. "Abolition" and "Interpositions du décret royal," and note especially nos. 2151, 2176, 2242, 2245, 2274 (A.N. JJ 45, fol. 100v-102v, 118; JJ 50, fol. 43v-44, 57).
78. "...ex certa sciencia / et ex causis legitimis...auctoritate regia & regie potestatis plenitudine...Non obstantibus consuetudinibus vsagiis et iuribus contrariis quibuscumque / quas et que consuetudines vsagia et quecumque iura premissis contraria quantum ad premissa huiusmodi dumtaxat / de plenitudine Regie potestatis / et ex presentis interposicione decreti / cassamus / irritamus / ac eciam annullamus:" P 1364¹, c. 1311; cf. A.N. JJ 50, fol. 44 and also n. 33 above.
79. For interposition of the royal decree, see Guerout nos. 56, 1375 (property arrangements involving the count of Clermont and Clementia of Hungary).
In the act of June 1315 regarding his wife's dower, Philip of Poitiers asked his brother that "non contrastant [sic] quelcomque [sic] droit ou coustume qui pourroient estre contraire / aus choses dessus dites / il vueille de la puissance de son droit Royal / et de sa certaine science / consentir confermer & ratefier / et ymettre son decret / et son assentement," and in January 1316 Louis X accordingly confirmed the donation "auctoritate nostra Regia / cum decreti nostri interposicione / ex certa scientia,"

saving his and others' rights: A.D. Doubs, B 24, and see above at n. 47. Louis X justified his revocation of his father's restriction by stating "que Raisons & drois naturez donnent que en deffautes de hoirs Males les fumelles [sic] doiuent aussi bien heritier et auoir Successions es biens et es possessions des peres de Cui elles ont este procrees & descendues en loyal mariage comme sont li Malle." He stated that the privilege was granted "par don fait entre vis / Sanz esperance de Rappel / de nostre grace especial / de certain auis et de certaine science. Et toutes lettres / toutes condicions / touz consentementz / & toutes Renunciacions / faites & donnees / au contraire de nostre tres chier seigneur & pere de nous / de nostre dit frere ou dautres / et toutes autres choses qui nostre present octroi / & don pourroient empeechier / Nous rappellons / ostonz / cassons et metons du tout au noient / et voulons estre de nulle force / et de nulle valeur / en tant seulement / & non emplus comme elles pourroient estre contraires a nostre octroi / et a nostre don dessus diz . de nostre plain pouoir / de nostre auctorite / et de nostre seuurainete Royal / par bon auis eu sur ce par grant deliberacion de nostre conseil / avecques linterposicion / & lauctorite de nostre decret:" A.D. Pas-de-Calais, A 60, 27, no. 3103 and see above at n. 48.

80. B.N. Mélanges de Colbert 350, no. 129.

81. See the list, 28; A.N. J 408, no. 27.

82. See the list, 33. Note that in his will, Louis X specified that Clementia should without fail receive the dower of lands worth 25,000 l.t. a year that he had assigned her: A.N. J 404A. no. 22, and above at n. 52.

83. A.N. J 404A, no. 30, dated at Asnières-sur-Oise in May 1325.

84. On 6 June 1322 the guard of the prévôté of Paris exemplified the acts of Philip V of 6 February 1317 and September 1318 which transferred rights over the county of Burgundy to Jeanne: A.N. J 250, no. 9. If Charles IV

was thinking of contesting her rights and obtained this exemplification with a view to doing so, there is no evidence that he made any formal attempt to claim the county.

85. B.N. Bourgogne 109, fol. 146, a late seventeenth or early eighteenth century copy of a document from the Chamber of Accounts in Dijon. As de Chevanne pointed out (see n. 36 above, 345), the document was prepared after Charles' marriage to Blanche was nullified on 19 May 1322, since Mahaut demanded the return of the 200,000 l.t. she had paid in connection with the marriage on the grounds that "Li mariage ait esté prononciez pour nul." Other items which Mahaut listed were damages suffered because of the Flemish wars and various debts and gifts owed and made to Otto of Burgundy and Robert of Artois, Mahaut's son.
86. Langlois, "Registres perdus" 145-146, quoting from a letter of Charles IV in which Sully is said to have surrendered the letters "doubtant qu'il ne fussent trop apres, pour ce que en aucune chose ne nous peust desplaire, de son bon gré et volonté, sans contraincte ne demande que on li feist."
87. "Et nous li eussiens fait respondre / que nous auiens pluseurs bones causes pour les quelles / nous ne deuiens mie faire sa Requeste. A la parfin nostre dite suer vint par deuers nous / & en disant quele ne voloit mie plaidier avecques nous / et quele voloit touz Iours demourer en nostre bone grace / de son dit doaire / & de tout son droit que ypooit auoir et demander / elle senmist de haut & de bas a toute nostre volente / et vult & acorda de son bon gré / & de sa pure volente...." A.N. J 408, no. 31, dated March 1322 at Bois de Vincennes, and see also no. 32, issued on the same date and at the same place, in which Jeanne accepted the agreement. Jeanne was to collect 8000 l.t. a year in cash, on the fee-farms of Normandy, and 8000 l.t. were to be assigned her in land at Vernon, les Andelys, Poissy, Pontoise, Beaumont-

sur-Oise, the forest of Carnelle, and Asnières-sur-Oise: A.N. J 408, no. 31. and see Petit et al., Essai 120 no. 716. Thus Jeanne lost property in many but not all, of the places on which her dower had been assigned: see the list, a, 1, 8, 9, 14, 15. On 29 March 1322 at Bois de Vincennes, Charles IV commissioned Ami of Orléans and Frémin of Cocquerel to carry out the assignment of lands: A.N. J 408, no. 30. These two men had also, at Philip V's command, assigned Clementia of Hungary her dower lands: A.N. JJ 56, fol 183, no. 423 (Guerout no. 2050), dated September 1318. A year before, on 27 August 1317, Philip had commissioned Ami to copy a number of documents relating to the marriage agreement between himself and Jeanne. Ami carried out this task with several other notaries, and on 7 September 1317, he relinquished to the royal squire, Garin of Esarnes, at Montereau-Faut-Yonne eight letters and one public instrument, presumably those which had been exemplified: A.D. Doubs, B 20, and see n. 71 above. The surviving exemplifications, containing the mandate to Ami, are dated 29 August 1317: A.N. J 250, nos. 3-4; J 408, nos. 5, 9. For Jeanne's testament, see A.D. Côte-d'or, B 308, published in the Appendix below.

88. For the codicil, A.N. J 404A, no. 30, drawn at Asnières-sur-Oise; the sums given here are taken from B.N. fr. 13085, fol. 18-21, an itemized analysis of Jeanne's first will, which is clearly contemporary with it.
89. A.N. JJ 62, fol. 20, no. 40; for Philip V's grant to Sully, JJ 56, fol. 10, no. 30 (Guerout no. 1651). See also Journaux Trésor Charles IV no. 687 for the king's restoration of this property to Sully before 31 January 1325.
90. The bastide of Montgeard (Haute-Garonne, ar. Toulouse, c. Nailloux) was established as the result of an agreement made in Toulouse on 21 June 1317

by Guiard Guy, seneschal of Toulouse, and Hugues Peitavy, who was to hold the bastide in pariage with the king. In the agreement, which the king confirmed in July 1318, it was promised "quod dominus noster Rex seu eius successores partem suam sibi in premissis ex dicto pariaio pertinentem non ponat extra manum suam nisi in manu illius qui erit dominus Tholose:" A.N. JJ 56, fol. 192v, no. 460, and for the act, fol. 192-193 (Guerout no. 2088); it is published in Jean Ramière de Fortanier, Chartes de franchises du Lauragais (Toul, 1939) 510-517. A year after Philip's gift of his rights to Jeanne (see the list, 16), he awarded a charter to the bastide of Montgeard in accordance with the terms of the pariage: A.N. JJ 56, fol. 81-82, no. 182, dated July 1319 (Guerout no. 2902); Ramière de Fortanier 525-529 and cf. 518 no. 144^{bis}. The king's award to Jeanne was listed among the royal gifts made in the seneschalshy of Toulouse in 1319, together with 1250 l. "pro intragiis dicte bastide:" B.N. fr. 32510, fol. 116v.

91. Commenting on the grant of the county of Chester as dower to Queen Eleanor of Provence four years earlier, in 1247 Henry announced his intention of retaining the county and its appurtenances "in manu nostra ut semper spectantia ad coronam nostram," and he said that he had assigned the county to her as dower "vt manifestum vobis sit signum quod eundem Comitatum sine ulla aliquo tempore separatione? ipsi corone nostre retinere uelimus annexum:" Public Record Office, London, C 66/58 (Patent Roll 31 Henry III, 10 May 1247); Calendar of Patent Rolls 1232-1247, 501; for background see R. Stewart-Brown, "The End of the Norman Earldom of Chester," English Historical Review, 35 (1920) 52, and G. Barraclough, "The Earldom and County Palatine of Chester," Transactions of the Historic Society of Lancashire and Cheshire for the Year 1951, 103 (1952) 39.

92. Edgard Boutaric, Actes du Parlement de Paris, 1re série, de l'an 1254 à l'an 1328, 2 vols. (Paris, 1863-1867) II 189 nos. 4920-4921 for the acts of 4 July 1317 concerning the guard of the abbey of Saint-Benoît-sur-Loire and rights over the castle of Moulinet, held by the king and the abbey; cf. Guerout 1754, an act of December 1317 regarding Moulinet. The third nullification was declared by the king in May 1326: A.N. JJ 64, fol. 79, no. 139.
93. A.D. Côte-d'Or, B 308, published in the Appendix.
94. Chilly, given to Jeanne in January 1320 (see the list, 30) had come to Philip the Fair from the count of la Marche; it had then been granted to Béraud of Mercoeur, from whom Enguerran of Marigny had bought it in June 1312: Cartulaire et actes d'Enguerran de Marigny, ed. Jean Favier (Collection de documents inédits sur l'histoire de France, ser. in-8^o, 2; Paris 1965) 249-251 no. 115. After Marigny's fall, on 19 April 1315 this property was, like Marigny's other holdings, united "fisci nostri juribus...ut proprium nostrum domanium exspectandos:" A.N. P 2290, p. 205, from Memorial A of the Chamber of Accounts. Like most of Marigny's property, it was soon granted out, in the case of Chilly, to Louis of Clermont: Guerout no. 269. Before 15 September 1317 he sold it to Pierre of la Vie, nephew of Pope John XXII: Guerout no. 1314. It was from him that, in November 1319, Philip V obtained the property, in exchange for the barony of Villemur-sur-Tarn: Guerout no. 2845.
95. Du Vaucel 251.
96. The first phrase appears in a letter of attachment to the crown issued in July 1325 (A.N. JJ 62, fol. 214v-215, no. 392), the second in a letter affirming the status of a Benedictine monastery which is dated 6 May 1326

(A.N. JJ 64, fol. 79, no. 139), and the third in a letter of attachment to the crown dated November 1322 (A.N. JJ 61, fol. 124v-125v, no. 280).

97. One instruction which Charles IV issued on 5 April 1322 regarding alienations showed that he was intent on reclaiming as much territory that had been --male alienata -- as possible, but that, on the other hand, he had no intention of cancelling all alienations: Ords I 762-68 & especially the extract from Noster, fol. 158, published as n. (a) on the same pages.
98. . Divorce proceedings began soon after Charles came to the throne and were terminated on 19 May 1322: de Chavanne (n.36 above) 318-344; see n. 85 above. For the term diuorcium with reference to the trial, see A.N. J 682, no. 2 and JJ 1⁸, fol. 70v.
- . In 1323 Charles' lawyers succeeded in quashing the claims of Philip V's eldest daughter Jeanne and her husband, the duke of Burgundy, to the property which Philip had had in Poitiers and in Champagne before his accession to the throne: du Vaucel 137-140 and n. 15 above for the key argument that the royal procurator employed. As seen in n. 15 above, Philip had integrated the county of Poitiers into the regular administrative framework of the kingdom before his coronation. Until the end of 1317 (see the list, a, 8, 9, 14, 15) he insisted that the property he had inherited in Champagne from his mother should form a part of his wife's dower, although by March 1319 he had decided (see the list, 26) that the assignments should be made elsewhere. This evidence suggests that, for a time after his accession, Philip may have

regarded his holdings in Champagne somewhat differently from his other lands, but there is no indication that he did so after March 1319. Nor did the duke and duchess of Burgundy succeed in obtaining that property. The duke and duchess of Burgundy also found themselves at odds with the king regarding huge sums of money allegedly owed for the marriage settlement of the luckless Marguerite of Burgundy, Louis X's first wife, which Charles IV apparently demanded of them: A.N. J 1036, no. 12.

Appendix

A memorandum rehearsing replies to requests presented to the king
by the heirs of Queen Jeanne of Burgundy, ca. 1330

Parchment original, unsealed. A.D. Côte-d'Or, B 308, numbered on the
dorse layette 148, liasse 1, cote 1927/21 and incorrectly dated 1325.

Le Roys Charles a grant deliberacion de son conseil fit respondre aus genz la
Reyne Iehanne de Bourgoigne qui poursuyoient & demandoient XXX^M liur'
(pour poier son: cancelled) que le Roy phelippe le long son seigneur ly
auoit promises & donnees pour aide de poier son testament / que la dce'
Reyne estoit assez riche pour son testament poier & pour ce que le testament
le quel elle auoit fait de la volente de son dit Seigneur estoit / grant si
que de ses meubles Il ne peust auoir este poiez / elle fit vn codicille &
retrancha moult les lais que elle auoit faiz en son dit testament & aucuns
en rappela du tout / pour ce que elle vit bien que elle ne si executeur
nauroient riens des dites XXX^M. liur' & par ensi li hoir nen sont de riens
chargie / ne nen peuent riens demander ce semble ¹

Item de la bastie de monguiart² que li hoir de la dite Reyne demandent pour
ce que li Roys phelippe la donna en perpetuel heritage / Il ne la doyuent
demander ne le Roy ne leur peut bailler / car des la fondacion de la bastie
auant le dit don / cil de la dite bastie ont priuilege en cire vert & en
laz de saye (sic) que len ne les peut metre pour nulle cause hors du
patremoyne de la corone de france

Item quant a cinc cenx liur' de Rente pour le manoir de chantelou³ / on ques
mais au temps du Roy philippe qui fit le don ne au temps du Roy charle /
riens nen fu demande

Item quant a chailli⁴ / Il est verite que par eschange de villemur en tholosain

qui estoit patremoyne du Royaume & ancienement fu baronie & de la
 value a present de deux tauz q⁵ ne vaut chailli / (il vint: cancelled)
 Messir' pierre de la vie le bailla au Roy phelippe le lonc li quels le
 donna a la dite Reyne / mas li Roys charles en grant deliberacion le retourna
 au patremoyne du Royaume / & a plusieurs requestes que la dite Reyne li en
 fit fere & sur plusieurs raysons baillies par escript a fin que il ly deust
 rendre / Il fu respondi que remiz ny estoit / (mas: cancelled) pour ce que
 cestoit patremoyne du Royaume qui ne deuoit estre alienez senz iuste cause
 & (sur: cancelled) apres (inserted) ce de grace especial si comme aucuns
 dient le dit Roy charles le donna ala dite Reyne a sa vie tant seulement
 la bastie de monguiart & chailly & doyuent estre les lettres du dit don en
 la chambre des Comptes ou deuers le Receueur de paris qui pour le temps estoit
 mais cis qui ce vous enuoie nest pas ausiez se ce fu fait par maniere de
 deliurance / ou dons (inserted) de grace especial & pour ce sen rapporte es
 lettres.

1. See items 21 and 29 in the list of Gifts and Privileges.
2. Haute-Garonne, ar. Toulouse, c. Nailloux, 34 km. S-E Toulouse; see item 16 in the list of Gifts and Privileges and also Guerout no. 2088 for the foundation of the bastide.
3. Between Montlhéry and Arpajon; Seine-et-Oise, ar. Corbeil-Essonnes, ca. 30 km. S Paris; see items 2, 7, and 10 in the list of Gifts and Privileges.
4. Chilly-Mazarin, Seine-et-Oise, ar. Corbeil-Essonnes, c. Longjumeau, 20 km. NW Corbeil-Essonnes, just SW of Orly; see item 30 in the list of Gifts and Privileges.
5. (q (rather than \bar{q}), the abbreviation ordinarily used by the scribe for "qui".

Gifts and Privileges Granted by King Philip V to Queen Jeanne of Burgundy

Date	Gift or Privilege	Source	Extraordinary Confirmation
a. 1315 (6)	Dower of 6000 l. annual income on lands in Champagne	A.D. Doubs, B 24; exemplification by Louis X, 1316 (1)	
b. 1315 (8)	County of Burgundy, for life	A.D. Doubs, B 23	
1. 1316 (20/12)	Dower raised from 8000 l.(sic) to 20,000 l.t. annual income	A.N. JJ 54B, fol. 36v-37, no. 57; Guerout no. 1424	x (but not sealed)
2. [1316 (20/12)]	Gift of Chanteloup to Jeanne and heirs and successors, not as part of dower	A.N. JJ 54B, fol. 37, no. 58; Guerout no. 1425	x (but not sealed)
3. 1317 (1)	Revenues of county of Burgundy for life, for jewels and clothes of serving women	A.N. JJ 54A, fol. 5v, no. 74; Guerout no. 735	x
4. 1317 (1)	Marc d'or on profit of royal money at Paris, for life, for her "minutas & partiales expensas"	A.N. JJ 54A, fol. 5v, no. 75; Guerout no. 736	x
5. 1317 (10/1)	Annuity of 300 l.p. for life on profits at Paris "piscidis siue boistie libre ante castelletum"	A.N. JJ 54A, fol. 5v-6, no. 76; Guerout no. 737	x
6. 1317 (2/6)	County of Burgundy, for life	A.N. J 250, no. 8; JJ 53, fol. 14, no. 38; Guerout no. 323; J 250, no. 9 (exemplification of 1322[6/13]); cf. B.M. Rouen ms. 3402 (Menant V) fol.145v	
7. 1317 (2)	Chanteloup and appurtenances, plus 500 l.p. annual income to Jeanne and heirs and successors	A.N. JJ 53, fol. 48, no. 107; Guerout no. 395; cf. B.M. Rouen ms. 3402 (Menant V) fol. 146	x
8. 1317 (2)	Dower lands to be assigned on his inherited lands in Champagne (6000 l.t.) and on places nearby	A.N. JJ 53, fol. 41, no. 91; Guerout no. 378	x

Date	Gift or Privilege	Source	Extraordinary Confirmation
9. 1317 (3)	Dower increased to 21,000 l.t.; 6000 l.t. on Champagne; 15,000 l.t. on Vernon, Pont-Sainte-Maxence, Asnières-sur-Oise, Beaumont-sur-Oise, Vaudreuil (Eure), and Melun	A.D. Doubs, B 24; A.N. JJ 53, fol. 47, no. 106; Guerout no. 394; cf. B.M. Rouen ms. 3402 (Menant V) fol. 145v	x (as in a)
10. 1317 (3)	Chanteloup and appurtenances, plus 600 l.p. annual income to Jeanne and heirs and successors	A.N. JJ 53, fol. 89, no. 212; Guerout no. 503; cf. B.M. Rouen ms. 5402 (Menant V) fol. 146v	x
11. 1317 (7/3)	House of Nesle in Paris and appurtenances, for life	A.N. JJ 54A, fol. 41v, no. 545; Guerout no. 1209	
12. 1317 (9/6)	800 l. annuity on Moissac	A.N. JJ 54A, fol. 37v, no. 517; Guerout no. 1181	Chamber of Accounts forbidden to hinder
13. 1317 (9/6)	1820 l. to pay debts	A.N. JJ 54A, fol. 37v, no. 518; Guerout no. 1182	Order to three chief financial officers
14. 1317 (10)	Completion of assignment of lands for the dower, on Roquemaure, Beaucaire, Lunel, and Sommières (21,000 l.t.)	A.N. JJ 53, fol. 148v-149, no. 352; Guerout no. 649	x
15. 1317 (12/24)	Orders to assign 15,000 l.t. of lands for the dower on Senlis, Béthisy, Compiègne, Pierrefonds, Pont-Audemer, Pont-de-l'Arche, Château-Gaillard, le Goulet-sur-Seine, Pontoise, and the places listed in 9 above	A.D. Doubs, B 24	
16. 1318 (7)	All the king's rights on the new bastide of Montgeard (plus/including 1250 l. "pro intragiis dicte bastide") to her and her heirs and successors	A.N. JJ 56, fol. 196, no. 464; Guerout no. 2092; cf. B.N. fr. 32510, fol. 116v	
17. 1318 (8/17)	4000 l.t. annuity for life on the bailliage of Caen, "pro necessitate jocalium suorum"	A.D. Doubs, B 24	

Date	Gift or Privilege	Source	Extraordinary Confirmation
18. 1318 (9)	County of Burgundy to her and their heirs	A.N. J 250, no. 10; no. 9 (exemplification of 1322 [6/13]); B.N. Mélanges de Colbert 350, no. 128	xxx
19. 1318 (9/27)	Debt of 80,000 l.t. owed to Philip V by Mahaut of Artois, to her and her heirs and successors to collect after the king's death	A.N. JJ 56, fol. 176, no. 406; Guerout no. 2303	xx
20. 1318 (10/25)	Rights over la Tombe granted her as countess palatine of Burgundy ("ad relationem domini Petri Bertrandi")	A.N. JJ 56, fol. 148, no. 333; Guerout no. 1958	
21. 1318 (12/3)	30,000 l.t. for her testamentary bequests, on the bailliages of Caen and Coutances	A.N. JJ 58, fol. 17, no. 286; Guerout no. 2540	
22. 1319 (2/17)	2000 l.p. for the "necessitatibus hospicii sui" on the annates of Narbonne	A.N. JJ 58, fol. 23, no. 351; Guerout no. 2606	
23. 1319 (3/8)	600 l.t. for the same purpose, on recovered royal property in Champagne	A.N. JJ 58, fol. 23, no. 352; Guerout no. 2607	
24. 1319 (3/15)	House in Carcassonne, confiscated from Castel Fabri	A.N. JJ 58, fol. 24v, no. 362; Guerout no. 2617; ed. <u>HL X</u> , <u>preuves</u> , 585	
25. Probably at this time	250 l.t. "pro supportandis minutarum expensarum suarum operibus," part of a fine levied by enquêteurs-réformateurs of 1318-1319 in Languedoc	<u>Journaux Trésor Charles IV</u> , no. 621	
26. 1319 (3/16)	Remainder of dower can be completed anywhere in the kingdom, at Jeanne's choice, except in cities	A.D. Doubs, B 24; A.N. JJ 56, fol. 245v-246, no. 562; Guerout no. 2191	xx (per dominum Regem & uisa per eum)
27. 1319 (4)	House of Nesle in Paris and appurtenances, for her and her heirs and successors	A.N. JJ 56, fol. 258, no. 590; Guerout no. 2220	x

Date	Gift or Privilege	Source	Extraordinary Confirmation
28. 1319 (7)	Final assignment of dower, on places listed in 14 and 15 above, or in nearby localities, excluding Champagne	A.D. Doubs, B 24 (with two copies): A.N. JJ 60, fol. 37-47v, no. 69; Guerout no. 3439; J 408, no. 27 (exemplification of 1321 [11/26] of vidimus of 1321 [1/20])	xxx
29. 1319 (8/27)	Testament of Jeanne, with royal approval and donation of 30,000 l.t. for bequests	A.N. J 404A, no. 23	
30. 1320 (1)	Chilly, with appurtenances, to her and her heirs and successors	A.N. JJ 60, fol. 129, no. 206; Guerout no. 3577	
31. 1320 (1/18)	Power to acquire lands and annuities anywhere in the kingdom	A.N. JJ 59, fol. 173v, no. 326; Guerout no. 3047	x (per dominum Regem et lecta per eum)
32. 1321 (7)	Declaration that guard of Arbecy belongs to Jeanne as countess palatine of Burgundy	A.N. JJ 60, fol. 98-98v, no. 155; Guerout no. 3526	
33. 1321 (8/26)	Testament of Philip V, confirming and guaranteeing his gifts to Jeanne	A.N. J 404A, no. 26	x

xx indicates a particularly elaborate extraordinary confirmation

xxx indicates that confirmation was obtained from the counts of Valois, Evreux, and la Marche