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## ERRATUM :

-footnote n°102 (p.50):

See Low, Ryan K, «Notarial Information and the Production of Knowledge in Rural Society». Harvard University, 2024, p.402.

-footnote n°115 (p.52):

For a recent case study where notaries act as leaders in a popular revolt, see Verdon, Laure. «La révolte de Taulignan (Drôme provençale) en août 1333: la "fabrique" d'un scandale». In *Histoire et archéologie en Pays catalans. Mélanges offerts à Aymat Catalau*, 145-158. Perpignan: Trabucaire, 2024.

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## THE GALLOWS OF GOTORRAS. JUSTICE AND POLITICS IN A PROVENÇAL VILLAGE IN THE LATE MIDDLE AGES: CUCURON, 1412-1413<sup>1</sup>

*La horca de Gotorras. Justicia y política en un pueblo provenzal en la Baja Edad Media: Cucuron, 1412-1413*

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**ABSTRACT:** This article focuses on an early fifteenth century trial involving a group of men from the Provençal village of Cucuron, accused of several acts of rebellion and of having torn down the gallows of a local nobleman. Rare documentation of this trial, rich with thirty-four testimonies, offers the opportunity to view how the community nimbly reacted to and organized against perceived injustices while knowledgeably implementing the legal tools available to protect its rights and privileges.

*Keywords:* justice; gallows; rebellion; complaints; rights; history of writing.

**RESUMEN:** Este artículo se centra en un juicio celebrado a principios del siglo xv contra un grupo de hombres del pueblo provenzal de Cucuron, acusados de varios actos de rebelión y de haber derribado la horca de un noble local. Este juicio, rico en treinta y cuatro testimonios, ofrece la oportunidad de sumergirse en este pueblo y de comprender la conciencia de las personas sobre su entorno y jurisdicción. También permite ver cómo reaccionó la comunidad ante lo que percibía como injusto y cómo se organizó para garantizar el respeto de sus derechos y privilegios.

*Palabras clave:* justicia; horca; rebelión; quejas; derechos; historia de la escritura.

<sup>1</sup> Abbreviations: ACA (Archives communales d'Apt); ACC (Archives communales de Cucuron); ADAHP (Archives départementales des Alpes-de-Haute-Provence); ADBR (Archives départementales des Bouches-du-Rhône); ADV (Archives départementales de Vaucluse).

SUMARIO: 0 Introduction. 1 A community on trial. 1.1 The demolition of the gallows. 1.2 A long-running dispute with Johannes of Cucuron. 2 Defending one's rights. 2.1 A large popular mobilization. 2.2 Writing to the rescue. 3 Conclusion. 4 Works cited.

## 0 INTRODUCTION

At the beginning of the fifteenth century, the Angevin counts of Provence had long since established their dominance over Provence. The first Angevin prince to become count of Provence was Charles I of Anjou in 1246. Efforts by the Angevin counts to control their county led to the birth of administrative, judicial and financial structures which were well in place by the beginning of the fifteenth century<sup>2</sup>. Although the counts of Provence acquired a certain number of rights and possessions previously owned by local lords, there remained some territories over which local lords continued to rule, often sharing their power with other lords, leading to somewhat intricate cases of coseigneurie<sup>3</sup>. This was especially true of the south of the baillie of Apt, where local lords kept more jurisdictional rights than elsewhere in Provence<sup>4</sup>. Generally local lords retained only limited jurisdictional power, and matters of high justice in particular seldom lay within their hands. However, some places escaped this general rule, and such was the case with the village of Cucuron, located south of the Luberon mountains, whose local lord retained all levels of jurisdictional power.

During this same period, the local lord with dominion over the village of Cucuron was Lord Elziarius, heir of the prominent Sabran family<sup>5</sup>, an ancient Provençal family best known for a fourteenth century couple of chaste married saints, Elzéar and Delphine<sup>6</sup>. Lord Elziarius's rights over Cucuron were detailed in the inventory of his rights and goods established by his mother Isoarde of Roquefeuil in 1383, as Elziarius was still a minor at the time of his father's death<sup>7</sup>. The centre of the power of the Sabran family was in Ansouis, where their castle was located. The family also held rights over other villages of the region. In Cucuron, Elziarius's jurisdictional rights were particularly important as he was the sole authority with jurisdiction over both high and low justice<sup>8</sup>. Elziarius had a court and a bailiff in the village of Cucuron, who acted under his orders.

As with most Provençal villages of the time<sup>9</sup>, Cucuron had a structured organization. Endowed with certain rights derived from pacts with the local lords, the *universitas* elected two men each year to represent itself and defend the village's interests and

<sup>2</sup> Aurell, Boyer and Coulet, *La Provence*, 143-228.

<sup>3</sup> Butaud, «Remarques», 5-12.

<sup>4</sup> Pécourt, *L'enquête*, 199-337, see Anheim and Mazel's analysis on the baillie of Apt, 201-60.

<sup>5</sup> See Mazel, *La noblesse*, 650.

<sup>6</sup> Vauchez, *Les laïcs*, 211-25.

<sup>7</sup> ACC AA3.

<sup>8</sup> ACC AA3: *nobilis Elziarius habet in castro de Cucurono solus et in solidum jura et bona subsequencia [...] merum et mixtum imperium altam bassam et omnimodam jurisdictionem.*

<sup>9</sup> Although the institutions appeared more or less rapidly depending on the village; see Coulet and Stoff, *Le village*, 33-47.

privileges: these representatives were known as the *sindici* or *ordinatores*<sup>10</sup> of the community. About one hundred years before the subject trial, in 1315, Cucuron's population reached approximately 1000 people<sup>11</sup>. By 1412-1413, the years of the present case, the population had in all likelihood decreased dramatically, due to the major crises Provence faced during the second half of the fourteenth century<sup>12</sup>: the Black Death, invasions of Gascons, which are attested to in this village<sup>13</sup>, the war of succession that followed the assassination of the countess Jeanne in 1382, Raymond of Turenne's rebellion, as well as the Hundred Years' War, which brought many troubles to Provence. In 1470, another fiscal census counts 56 *larem foventes* (households) in Cucuron<sup>14</sup>, which would mean that the population had been reduced to about 280 people, a mere one-fourth of the residents estimated in 1315. In 1409, during the ceremony of homage, 185 people took the oath in front of their local lord, Elziarius of Sabran<sup>15</sup>, baron of Ansouis.

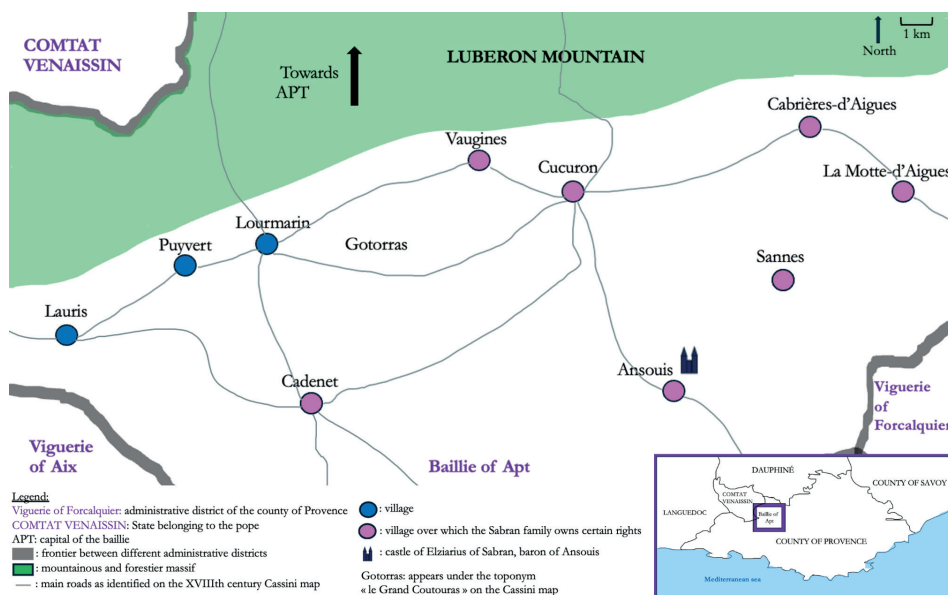


Figure 1. Map of the South Luberon in 1412. Map by the author.

<sup>10</sup> They are called *sindici* in the ceremony of homage, and *ordinatores/procuratores* in the trial we will be studying.

<sup>11</sup> Baratier, *La démographie*, 205; the number of hearths roughly reaching 200 at the time, with an average number of five people for each home.

<sup>12</sup> Aurell, Boyer, and Coulet, *La Provence*, 285-302.

<sup>13</sup> ACC GG19.

<sup>14</sup> Baratier, *La démographie*, 139.

<sup>15</sup> Sauze and Muret, *Cucuron*, 20.

## 1 A COMMUNITY ON TRIAL

For medieval Provence, few judicial documents of the seigneurial system have survived. A trial record kept in the archives of Cucuron<sup>16</sup> offers the rare opportunity to delve into the community of Cucuron's inhabitants —the Cucuronnais— in the years 1412 and 1413 and to get an acute glimpse into a judicial case which is itself a reflection of how the villagers perceived justice, interacted with formal jurisdiction and fought to defend their rights. This trial record<sup>17</sup> takes the form of a well-preserved 5.48-meter-long and 48-centimeter-wide scroll of parchment, written with great care. The scroll is made from nine different pieces of parchment that were combined together end-to-end.



Figure 2. ACC FF2. Photo by the author.

This document was drafted at the end of the trial, after the judge's sentence was delivered, by the public notary Giraudus Bonilis, who had also been in charge of organizing the trial and the examinations. It presents a comprehensive account of the trial which began on the 24th of January 1413, with the opening of the inquest and the hearing of the first accused and witnesses the next day, and ended on the 13th of May of that same year with the official sentence delivered by the judge from a wooden bench<sup>18</sup> in Cucuron. This trial record is precious to historians, not only for the subject it deals with,

<sup>16</sup> I am greatly indebted to René Volot, who warmly welcomed me at the village's town hall and gave me fascinating insights into the village's history.

<sup>17</sup> ACC FF2.

<sup>18</sup> ACC FF2: *in carreria ante domum Johannis Guillelmi supra quoddam scannum fusteum*.

but also for its extremely complete accounting of the trial and its underlying events. The testimonies are very detailed and allow us to understand how the people of this village interacted with justice, perceived it, and used it. The trial's notary also extensively copied out evidentiary documents produced during the trial such as official letters and the Cucuronais' defense.

The allegations made against several men of Cucuron are based upon events which took place during the summer of 1412, and which can all be interpreted as pertaining to justice and politics of the village. Roughly six months after the events, the trial was officially launched and conducted by Vitalis de Cabannis, judge of the entire barony of Elziarius of Sabran, under whose authority he was acting. Although the judge proceeded *ex officio*<sup>19</sup>, it seems probable that the initial complaint was brought by Johannes of Cucuron, the alleged victim of the Cucuronais' actions, who is presented in the charges brought against the Cucuronais as Elziarius's vicar, a statement which is denied by the Cucuronais. This nobleman, kin to Elziarius of Sabran by marriage, owned a *bastida*<sup>20</sup> in Gotorras, a territory located west of Vaugines but part of the territory of Cucuron at the time<sup>21</sup>. This territory had recently been transformed into a small fiefdom<sup>22</sup> by Elziarius of Sabran and given to Johannes.

Seven initial charges are brought against several men of the community as follows: they are first accused of conspiracy and of having plotted against the nobleman Johannes of Cucuron, drafting complaints against him and handing them to their lord. Secondly, they are accused of having usurped Elziarius of Sabran's jurisdictional rights by hearing testimonies under oath and gathering complaints against that same Johannes. Thirdly, they are accused of perjury and of having broken their oath to their lord, Elziarius, by stealing his jurisdiction. They are further accused of rebellion and disobedience because they seized two mares on Johannes of Cucuron's estate. The fifth charge is linked to the fourth one, as the men charged are accused of bringing weapons with them when they confiscated the mares. The final two allegations have to do with what constitutes the climax of the accusations brought against the Cucuronais: they are accused of tearing down the gallows and *peyronum*<sup>23</sup> erected by Johannes of Cucuron on the territory of Gotorras, thereby violating Elziarius's jurisdiction. Ultimately, the seventh charge describes the manner in which they allegedly tore down the gallows and *peyronum*: according to the charge, not only did they dismantle them, but inspired by the devil, they cut up the wood that they were made of with great *furor*, *clamor*, and *derisio*, and dragged the pieces out of Gotorras into a different jurisdiction, that of Lourmarin<sup>24</sup>.

<sup>19</sup> On this type of procedure, see Théry, «Fama», 131-2.

<sup>20</sup> Provençal mansion. See Coulet, «La bastide».

<sup>21</sup> Today it is part of the village of Vaugines and is now named Cout(o)uras.

<sup>22</sup> In 1408, see Février, *Inventaire*, 330.

<sup>23</sup> Here a wooden pillar with iron parts attached to it, a stake or pillory.

<sup>24</sup> ACC FF2: *dyabolico spiritu imbuti dum furcas predictas destruxerunt et peyronum [...] cum magno clamore et furore et derisione fregerunt cum securibus et extra iurisdictionem dicti magnifici domini de Ansoysio apportarunt et in iurisdictionem de Lucemario.*

All of the accusations brought against the villagers are related to their opposition to the aforesaid Johannes, and the last four accusations share a common point, referring to actions which took place in Gotorras during the summer of 1412.

### 1.1 *The demolition of the gallows*

This trial presents the testimonies of thirty-four people—twenty-seven accused and seven witnesses—and thus allows us to hear, though filtered through the notary's reshaping of the original declarations and their translation into Latin, the voices of the people who participated in or witnessed these events, and to fathom what happened and what motivated them to act as they did. One notable aspect of this trial is that after the three and a half months inquest, the judge Vitalis of Cabannis decided to absolve the accused of all charges.

Under examination, the accused adopted different attitudes. Some of them strived to say as little as possible to the court<sup>25</sup>, and some even provided pretexts for not remembering, such as Anthonius Pocelli, whose wife was ill at the time of the events<sup>26</sup>, or Hugo Coste who was injured after a wooden beam of the gallows fell on his head<sup>27</sup>. On the opposite end, others answered lavishly, recalling the events through vivid details<sup>28</sup>. Thanks to the different perspectives offered by the diverse testimonies, which complement each other quite well, one can reconstruct the sequence of events that led to the demolition of the gallows of Gotorras on the 11th of August, 1412.

Midsummer of 1412, several men of the village of Cucuron discovered that Johannes of Cucuron had erected gallows and a *peyronum* in Gotorras. These men are unidentified in the testimonies, but this perhaps attests to the fact that they were probably simple labourers or farmers who had work to do at Gotorras, where a mill is mentioned<sup>29</sup>. Monnetus Florencii's testimony offers the best recollection of the reaction of the population to the erection of the gallows:

*de estate proxime lapsa quadam die aliqui homines de dicto castro de Cucurono accesserunt versus Gotoras et ibidem viderunt peyronum et furcas erectas et incontinenti retrocesserunt apud dictum castrum de Cucurono et notificarunt hominibus dicti castri vociferando quod male erat factum quod sustinerent per universitatem ipsius castri de Cucurono quod in uno et eodem territorio indiviso essent insignia iustitie alia preterquam assueta sub dominio duorum dominorum cum non haberent nec habere vellent alium dominum in ipso castro de Cucurono et eius territorio quam magnificum dominum de Ansoysio. Et eo tunc gentes dicti castri in maiori*

<sup>25</sup> ACC FF2, testimonies (from now on abridged tst.) of Rostagnus Perpinhani, Petrus Florencii senior, Guillelmus Gili, Guillelmus Filni, and Andreas Gasqueti.

<sup>26</sup> ACC FF2, tst. of Anthonius Pocelli: *non recordari eo quia turbatus erat propter infirmitatem uxoris sue.*

<sup>27</sup> ACC FF2, tst. of Hugo Coste: *grevatus dicto ictu de aliis non recordari.*

<sup>28</sup> The longest tsts. are given by the *ordinatores* Lambertus of Cucuron and Rostagnus Figuerie, but also by other men such as Monnetus Florencii, Bertrandus of Cadenet, Bertrandus Textoris, and Petrus Teulerii.

<sup>29</sup> ACC FF2, one of the accused, Guillelmus Jaucerani, recalls bringing some *polenta* to the mill of Gotorras.

*parte mote ira et malinconia de premissis per eas auditis accesserunt incontinenti in numero quasi centum apud castrum de Ansoysio ubi esse sciebant dictum magnificum eorum dominum clamantes quod non sustineret seu sustinere placeret eidem predicta cum ipse gentes nec alie dicti castri non essent intentionis se supponere sub servitute ac jurisdictione alterius domini in toto eorum territorio quam ipsius magnifici domini dicti castri et suorum. Et quod sibi placeret servare pacta conventa et contenta in compositionibus antiquis tam quondam magnifici domini patris sui quam aliorum quondam dicti castri abolim dominorum.*

After this discovery, the men immediately returned to the village and denounced the nobleman's wrongdoings to the people, arguing that Johannes had no right to erect such symbols of justice on a land which they wished would remain under the sole dominion of Elziarius of Sabran. A public meeting (*parlamentum*)<sup>30</sup> was organized by the bailiff, after which a hundred Cucuronais, driven by anger (*ira*) and melancholy (*malinconia*), headed towards Ansouis, in order to protest against the gallows to their lord, asking him to respect the ancient pacts concluded between Elziarius's ancestors and the Cucuronais, according to which they were not to be subjected to any lord other than the baron of Ansouis. The gallows and *peyronum* are referred to as *insignia justicie* by several of the interrogated<sup>31</sup>, which shows that the population knew perfectly what these objects were, and most of all what they represented. The gallows were an ostentatious symbol of power and justice used by lords and kings in order to manifest their right of life and death over the people they ruled<sup>32</sup>. The gallows, along with the hanging bodies they exhibited<sup>33</sup>, were intrinsically linked to the right to pronounce capital punishment, and were used in juridical manuscripts to illustrate high justice<sup>34</sup>. They were meant to impose power, intimidate<sup>35</sup> and inspire fear as well as a sense of order. The villagers' strong reaction to such objects mirrors the gallows' emotional and symbolic impact.

In Ansouis, Elziarius answered his subjects' desire by asking his bailiff, Jacobus Girardi, as well as Anthonius Pocelli and Rostagnus Figuerie, to go dismantle the gallows in the following days, in the early morning, accompanied by six or seven men at most, telling them to do so in silence, for Johannes of Cucuron's wife was pregnant at the time, and her being Elziarius's relative (*comater*)<sup>36</sup>, he did not want her to undergo a shock that

<sup>30</sup> ACC FF2, tst. of Bertrandus Textoris: *baiulus dicti loci congregari fecit parlamentum voce preconia et ipso parlamento congregato seu hominibus ipsius loci illico venerunt ad castrum de Ansoysio et ibidem muenerunt dictum magnificum dominum de Ansoysio quem requisiverunt quod eidem placeret revocare illa que concesserat nobili Johanni de Cucurono super erectione furcarum et peyroni sistentium in territorio dicti castri de Cucurono versus Gotorras cum cedetur in maximum dampnum et preiudicium dicti magnifici domini de Ansoysio et dicti castri de Cucurono ac universitatis dicti castri et singularum personarum eiusdem juxta libertates contentas in compositionibus dicte universitatis.*

<sup>31</sup> The expression can be found in eight different testimonies.

<sup>32</sup> The gallows remain an iconic symbol of power until the French Revolution: Régina, «Exhiber».

<sup>33</sup> The bodies can be buried close to the gallows; see Vivas, «Les lieux».

<sup>34</sup> Voyer, «Fourches».

<sup>35</sup> Sabaté, «Les fourches».

<sup>36</sup> ACC FF2, tst. of Rostagnus Figuerie: *quadam die bene mane irent apud loca in quibus erant erecta insignia furcarum et peyroni in tenemento de Gotorras una cum quinque vel sex vel septem ad magis et furcas ipsas atque peyronum evellerent absque clamore sic et taliter quod comater dicti magnifici domini uxoris (sic) dicti nobilis Johannis de Cucurono non videret seu audiret adeo quia ipsa gravida erat et nullus aliquid lucraretur si ex*

could be dangerous for her infant. We do not know exactly when this encounter between the Cucuronais and Elziarius took place, but we know that the formal written order was issued on the 9th of August in Cucuron, as Giraudus Bonilis copied out the formal written order to tear down the gallows of Gotorras at the end of the document.

The following day must have been occupied by the preparation of the expedition to the gallows, planned on the next day. On the day of the feast of Saint Laurent, on the 10th of August, 1412, Rostagnus Figuerie and Lambertus of Cucuron<sup>37</sup>, *ordinatores* of the village, went to the nearby village of Cadenet in order to ask two external and arguably impartial notaries to meet them in Gotorras the next day, at an early hour<sup>38</sup>, so that they could draw *instrumenta* of the destruction of the gallows and *peyronum*. The next morning, at dawn, the village must have resonated with the sounds of people preparing themselves for the expedition and of the weapons being chosen. While some men seem to have been told about the expedition in advance, others are woken up and told to join at the last minute. Two of them were still in bed when they were asked to join the group<sup>39</sup>. Three men were in charge of bringing the bread and the wine to Gotorras<sup>40</sup>. Near one of the village's gates, a group of armed men was ready to leave the village of Cucuron and head to Gotorras<sup>41</sup>, which is located about 5 kilometers west of Cucuron, about an-hour walk away. As stated in many testimonies, the group consisted of forty to fifty men, much more than initially ordered by Elziarius, all described as wearing the same type of hat<sup>42</sup> and armed with long knives, broadswords, axes, spears, sticks and other cutting instruments<sup>43</sup>. Once at Gotorras, the group waited for the notaries of Cadenet to arrive<sup>44</sup>, then the bailiff handed the notaries Elziarius's letter of *commissio*, asking them to read it aloud. After the reading, done by the notary Johannes Marthe<sup>45</sup>, the bailiff gave the first blow to the gallows, then asking other men to follow his lead and

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*dolore evulsionis furcarum et peyroni ipsa amitteret puerum; tst. of Audibertus de Podio: comater ipsius magnifici domini uxor nobilis Johannis de Cucurono non tristaretur attenda etiam graviditate.* These tsts. are corroborated by that of Anthonius Pocelli.

<sup>37</sup> Lambertus was already *sindicus* in 1409.

<sup>38</sup> ACC FF2, tst. of Johannes Marthe: *rogaverunt deponentem ipsum et magistrum Raymundum Targuerii notarium quod in crastinum venirent apud Gotorras bene mane.* The other notary, Raymundus Targuerii, says the same. Two other men from Cadenet, Anthonius Bioli and Bertrandus Imberti, are also asked to come the next day to act as impartial witnesses.

<sup>39</sup> ACC FF2, tst. of Bertrandus of Cadenet: *Hugo Jordani venit ad dictum deponentem in lecto sibi dicendo quod surgeret quia baiulus et omnes de villa volebant ire arrabatam furcas et peyronum de Gotorras; and of Bertholomeus Michaelis: baiulus venit ipsum vocatum in lecto et dixit sibi quod veniret cum eodem ad evellendum furcas.*

<sup>40</sup> ACC FF2, Guillelmus Lombardi was asked by Petrus Fusterii to help carry the bread and wine. Anthonius Ayraudi recalls seeing Guillelmus Lombardi, Anthonius Pocelli and Petrus Fusterii carrying bread and wine towards Gotorras.

<sup>41</sup> ACC FF2, tst. of Petrus Teulerii: *invenisse prope portale dictos baiulum et ordinatorem et plures alios.*

<sup>42</sup> Tst. of Bertrandus of Cadenet: *capelletos de probenqua.*

<sup>43</sup> An armoury is attested in Cucuron in the middle of the fifteenth century, see ACA BB18 f.82r.

<sup>44</sup> ACC FF2, tst. of Petrus Teulerii.

<sup>45</sup> ACC FF2, tst. of Raymundus Targuerii: *Jacobus Girardi [...] quamdam literam tradidit magistro Johanni Marthe quam per eum legi et publicari petiit.*

demolish the wooden gallows. After the destruction of the gallows, the *peyronum* was torn down in the same fashion and its iron parts were handed by Petrus Macelli<sup>46</sup> to the *ordinator* and notary of Cucuron, Rostagnus Figuerie, who told the court he later gave the *ferramenta* to Elziarius's son, Ludovicus, in Cucuron<sup>47</sup>. After the destruction of the gallows and the *peyronum*, the gallows were dragged to an uncultivated land<sup>48</sup> towards the road to Lourmarin, without any certainty as to whether the gallows were actually put into the jurisdiction of Lourmarin or were left on Johannes's estate<sup>49</sup>. The gallows were cut into nine or ten pieces, according to the witnesses who saw them after their destruction. The nobleman Raymundus Girunde, who left Ansouis for Lourmarin in the morning with his sister and her husband, the nobleman Audibertus de Podio, reported that the latter told him, amazed, to take a look at the gallows which had been cut into nine or ten pieces. Recounted in the original Occitan, Audibertus's words can be translated as: «Look, by your faith, at how many parts they have broken and cut these beams, which were the gallows of Gotorras»<sup>50</sup>.

While most of the accused, interrogated on the last charge, denied making any clamour or noise<sup>51</sup> during the destruction of the gallows, the witnesses who came from other villages than Cucuron or who were coincidentally present on that day, and had nothing to do with the demolition of the gallows nor any interest in that matter, all testified to the fact that the demolition was done with a lot of noise<sup>52</sup>: the fear of a peasant revolt can be felt in the testimonies of certain observers. The same phenomenon can be observed as to the testimonies related to the bearing of weapons: those accused are far more likely to say they do not remember, did not pay any attention or did not notice many weapons than the simple witnesses. The peak of the clamour seems to have been attained at the moment when the gallows fell on the ground: the notary of Cadenet Johannes Marthe recalls that the crowd began to make great clamour when the gallows hit the

<sup>46</sup> ACC FF2, tst. of Petrus Macelli: *unam brocham ferream dicti peyroni et ab eodem peyrono cum una secure removit et illam magistro Rostagno Figuerie tradidit.*

<sup>47</sup> ACC FF2, tst. of Rostagnus Figuerie.

<sup>48</sup> ACC FF2, tst. of Petrus Maurelli: *in quadam terra nobilis Johannis de Cucurono prope iter de Luce-marino [...] inculta.*

<sup>49</sup> ACC FF2, some witnesses say they do not know —tst. of Johannes Marthe: *fregerunt ligna ipsa illi qui ea tirassarunt in quadam terra iuxta dictum iter si alterius iurisdictionis est dixit illud ignorare*; Anthonius Ayraudi of Vaugines is also uncertain about that—. The nobleman Audibertus de Podio, inhabitant of the village of Lourmarin, is on the other hand quite sure that the gallows were left on the territory of Lourmarin: *Interrogatus in quo territorio est terra ipsa in qua viderunt ligna furcarum ipsarum fracta dixit quod in territorio de Luce-marino.*

<sup>50</sup> ACC FF2, tst. of Raymundus Girunde: *or veias par vostra fe en quantas parts an rotas e talhadas aquestas fustas de que eran las forquas de Gotorras.*

<sup>51</sup> Some say they do not know, ACC FF2, tst. of Bertholomeus Michaelis: *Interrogatus si cum magno clamore fuerunt evulsa dixit se nescire.* Some accused, such as the nobleman Bertrandus de Cadeneto, admit the clamour: *verum esse quod eas evulserunt cum magno clamore*; Raymundus Jordani says the same in his tst.

<sup>52</sup> Anthonius Ayraudi of Vaugines, who had been forced into joining the group of men that day while he had the intention of going to the mill of Cadenet, remembers people shouting: ACC FF2, tst. of Anthonius Ayraudi: *dixit quod sic fortiter vociferando.* Petrus Maurelli, a Cucuronais working at the mill of Gotorras that morning, said that he heard the clamour of the men destroying the gallows: tst. of Petrus Maurelli: *erat in molendino de Gotorras et audiendo clamorem gentium [...] vidit dictas gentes que dessaraberunt furcas.*

ground<sup>53</sup>. This attests to the Cucuronais' emotional reaction to this destruction, which can be construed as an act of liberation, and even an act of justice. Raymundus Girunde, travelling with his sister and brother-in-law, recalls they encountered the priest of Sault, Isnardus Morerii, who had been asked by the men of Cucuron to be a witness during the destruction of the gallows. The priest insists on the great clamour and enthusiasm of the Cucuronais<sup>54</sup>. The sounds of the gallows being cut with instruments are also noted by certain witnesses, such as the notary of Cadenet, Raymundus Targuerii, who said he heard the sound of wood being cut but did not know with which instruments this had been done as he was occupied writing an act for the *ordinatores* of Cucuron<sup>55</sup>.

We know little about what happened during the latter part of the day. After the demolition of the gallows, the men ate bread and drank wine together<sup>56</sup>, this incidental allusion to a form of commensality reinforcing the impression of the Cucuronais' unity in their fight against Johannes of Cucuron. Before returning to their village, the notaries from Cadenet wrote an *instrumentum* summarizing what had happened, and the notary of Cucuron Rostagnus Figuerie wrote a *subscriptio* as an addition to Elziarius's letter, attesting to the fact that the order contained in the letter had been executed<sup>57</sup>. Copied by Giraudus Bonilis, along with Elziarius's original letter, the *subscriptio* bore the sign of the court and must have been written on the same piece of paper or parchment as Elziarius's letter, below it or on the back of it.

## 1.2 *A long-running dispute with Johannes of Cucuron*

The demolition of the gallows of Gotorras on the 11th of August, 1412 must be placed in the context of the long-running dispute which existed between the *universitas* and Johannes of Cucuron. This lesser nobleman previously had responsibilities in the village, being Elziarius's bailiff in Cucuron at the time of the homage of the Cucuronais to Elziarius in 1409<sup>58</sup>: the construction of the gallows symbolizes his thirst for power. Johannes's status in the *universitas* seems further complicated by his kinship with Elziarius of Sabran, as his wife belonged to Elziarius's family. This kinship may explain Elziarius's ambiguous attitude towards both Johannes of Cucuron and his people, first

<sup>53</sup> ACC FF2, tst. of Johannes Marthe, who then answers affirmatively to the seventh charge. The same report is made by another witness of Cadenet, tst. of Bertrandus Imberti: *dum fuerunt desarrabate incontinenti ipsi in terra prostratis ceperunt facere magnum clamorem vociferando.*

<sup>54</sup> ACC FF2, tst. of Raymundus Girunde: *cum magnis clamoribus et alacritate.*

<sup>55</sup> ACC FF2, tst. of Raymundus Targuerii: *audivit carpentare sicut lapidibus vel securibus aut aliis rebus dixit illud ignorare eo quia scribebat requisitus per procuratores supranominatos.*

<sup>56</sup> ACC FF2, tst. of Guillelmus Lombardi: *panem et vinum quem comederunt et quod biberunt premissis omnibus factis.*

<sup>57</sup> ACC FF2, *Tenor subscriptionis.* Anno domini M<sup>o</sup> CCCC<sup>o</sup> XI<sup>o</sup> et die XI<sup>o</sup> mensis Augusti presentibus literis presentatis nobili viro Jacobo Girardi baiulo curie Cucuroni quibus reverenter receptis se obtulit paratum ipsas exequi [...] Et furcas et peyronum et alia signa justicie [...] evellere fecit prout retro continetur et mandatur. Que scripsi ego Rostagnus Figuerie notarius curie Cucuroni et signo curie signavi.

<sup>58</sup> ACC AA16.

authorizing the nobleman to build gallows and then acquiescing to the people's complaints and ordering the demolition of these symbols of justice.

Several mentions found in the trial record, in the testimonies as well as in the defense presented by the Cucuronais to the court<sup>59</sup>, refer to disagreements and quarrels taking place between the *universitas* and the nobleman, who is described to be constantly going against the people's rights. In his testimony, Elziarius of Saint-Michel uses the strong word *malivolentia* to describe the relationship existing between the people of the village and the nobleman<sup>60</sup>. While the first three charges brought against the Cucuronais are related to their complaining and what is presented as plotting against Johannes of Cucuron, the fourth and fifth charges exemplify the quarrelous type of relationship that existed between the town and this nobleman as well as the Cucuronais' agency. Indeed, during that same summer of 1412, Johannes had let two mares from Lauris come unto his estate, for the purpose of crushing wheat, without notifying the *ordinatores* of Cucuron<sup>61</sup>. This was perceived as a violation by the Cucuronais, since a contract had been made in favour of Elziarius de Poder of Roussillon, who had the monopoly for introducing his mares that summer in Cucuron<sup>62</sup>. Furthermore, emphasis is placed on the need for a consensus to be reached between the villagers and their lord before foreign livestock can be introduced to the territory of Cucuron. The defense argues that this is one of the privileges of the *universitas*<sup>63</sup>.

In the same way as it would later happen with the gallows, a few men of Cucuron noticed the mares and asked the local bailiff to act on it. The bailiff then asked the *ordinatores* of the town as well as other men to accompany him to Gotorras in order to seize the mares. The fact that they went there somewhat heavily armed<sup>64</sup> reveals the climate of violence which existed between the Cucuronais and the nobleman. As two testimonies put forward, the weapons were brought with no aggressive intent, but as a means of defense against Johannes<sup>65</sup>. As we learn from the bailiff's declaration, when asked why

<sup>59</sup> ACC FF2: in the defense, we read that Johannes's aggressiveness towards the Cucuronais and their rights is notorious: *nobilis Johannes semper litigavit et adhuc litigat cum hominibus de Cucurono conatus que semper fuit et est libertates franquesias et jura ipsius loci et hominum [...] destruere et contra eas semper contrafacere vel venire.*

<sup>60</sup> ACC FF2, tst. of Elziarius of Saint-Michel: *dum malivolentia erat inter populum de Cucurono et ipsum nobilem Johannem de Cucurono.*

<sup>61</sup> ACC FF2, tst. of Lambertus de Cucurono: *nobilis Johannes de Cucurono aliquas equas de Laureis immitti fecerat infra territorium de Cucurono versus Gotorras pro calcando blada [...] non facta aliqua mensione ordinatoribus dicti castri de Cucurono seu personis aliis quod cedebat et cedit in prejudicium libertatum et franquesiarum universitatis ipsius castri.*

<sup>62</sup> ACC FF2, tst. of Lambertus de Cucurono: *de non immitti faciendo de toto tempore estatis aliquas alias equas quam illas Elziarii de Poder de Rossilhono.*

<sup>63</sup> ACC FF2: *inter alias libertates et privilegia que homines dicti loci habent est unum quod nulla animalia grossa possunt pascere nec intrare territorium loci predicti ultra animalia hominum loci predicti nisi de communi consensu domini et hominum loci predicti ita quod dominus loci predicti non posset per se sine expresso consensu hominum predictorum licentiam dare in dicto territorio intrandi seu pascendi.*

<sup>64</sup> ACC FF2, a wide range of weapons and instruments is mentioned.

<sup>65</sup> ACC FF2, tst. of Lambertus of Cucuron and tst. of Bertrandus Textoris: *causa deffendendi et non offendendi.* It is necessary to note that the accused often had strategies and ulterior motives when giving their testimonies at the court, and that their testimonies should be weighed with this in mind.

he was accompanied by so many people to dismantle the gallows, Johannes of Cucuron had more than a dozen men at his command on his estate<sup>66</sup>. The seizing of the mares led to a confrontation between the Cucuronais and Johannes, who arrived riding a horse<sup>67</sup>, threatened the bailiff and the *ordinatores*, asking them if they were looking for war: *Que venes vous querre vous aultres voles guerra ou que*<sup>68</sup>. While Johannes's hostile attitude appears in that particular moment and throughout the trial, the answer given to him by the *ordinatores* and the bailiff of Cucuron strongly contrasts with the nobleman's truculence. They are there to apply the law, and nothing more:

*Et eo tunc magister Rostagnus Figuerie ordinator ville et alii ibidem assistentes responderunt dicto nobili Johanni quod nolebant guerram et quod ibidem non veniebant causa faciendi guerram sed bene volebant pignorarre equas quas posuerat seu venire fecerat in territorio de Gotorras sine licencia domini et ville de Cucurono*<sup>69</sup>.

Johannes of Cucuron then tried to use his alleged official status to prevent the bailiff and *ordinatores* from taking the mares away, warning them of the severe penalties awaiting them should they go through with their action, but as several testimonies state, the *ordinatores* and Elziarius of Saint-Michel answered that they did not recognize him as Elziarius's vicar<sup>70</sup>. Petrus Teulerii's testimony alludes to a former dispute between the Cucuronais and Johannes which led to the ending of Johannes's status as vicar, since he had violated the Cucuronais' rights and the community declared that they refused to obey him from now on, a declaration that was made in the presence of their lord<sup>71</sup>.

## 2 DEFENDING ONE'S RIGHTS

Gallows were often an object of dispute between rival authorities, desirous to own high justice<sup>72</sup>. In such conflicts, destroying the gallows or taking down a body that was hung on them could be used as means of contestation<sup>73</sup> or rebellion. In the present case

<sup>66</sup> ACC FF2, tst. of Jacobus Girardi, called to testify for the sake of the accused at the end of the trial: *nobilis Johannes de Cucurono habebat in sua area de Gotorras circa duodecim vel quatuordecim homines*.

<sup>67</sup> ACC FF2, tst. of Bertrandus Textoris: *equester*.

<sup>68</sup> ACC FF2, tst. of Petrus Teulerii. The Occitan sentence can be translated as: «what are the lot of you looking for, do you want war or what?».

<sup>69</sup> ACC FF2, tst. of Petrus Teulerii.

<sup>70</sup> ACC FF2, tsts. of Bertrandus Textoris, Elziarius of Saint-Michel, Petrus Teulerii, Rostagnus Figuerie, Lambertus of Cucuron.

<sup>71</sup> ACC FF2, tst. of Petrus Teulerii: *responderunt quod non curabant de penis suis eo quia ipsum non habebant pro vicario prout ipsum deposuerant alias in presencia dicti magnifici domini de Ansoysio actento litigio sistenti inter ipsum et universitatem Cucuroni et eidem dictum fuit quod non obedirent sibi ab illo tempore citra ut vicario dicti magnifici domini*. Elziarius of Saint-Michel and Bertrandus Textoris, former *sindicus* of the *universitas* (1409), speak about the same episode and Bertrandus Textoris refers to a document drawn up by Ludovicus de Rocha, notary of Apt, on this occasion.

<sup>72</sup> See for instance Provero, «Le forche»; Bépoix, *Une cité*.

<sup>73</sup> Bubenicek, «*Et encourt*».

there seems to be a strong discrepancy between the initial accusations and what emerges from the testimonies and the defense.

All the testimonies point to the fact that everything that was done against Johannes of Cucuron was done according to the law, in accordance with the people's hierarchy and in order to guarantee the rights of the community and of their lord. The people's long and well-argued defense, written by their *procurator*, the doctor of law Poncius Trenquerii, of Avignon<sup>74</sup>, is filled with references to laws and to juridical texts written by medieval Italian authorities such as Hostiensis, Jacobus de Belviso, Albericus de Rosate, and Baldus de Ubaldis<sup>75</sup>. In this defense, Poncius Trenquerii explains that the accused have always been loyal to their «true lord»<sup>76</sup>, Elziarius of Sabran, the only possessor of high justice in Cucuron, and have rebelled in no way against him or his jurisdiction. Indeed, in the testimonies of the accused, the fidelity to Elziarius is never put into question, and the accused declare having never broken their oath to their lord. The procurator furthermore reminds the length of this fidelity, saying that the accused and their ancestors have always been loyal subjects to their lord and his ancestors, but also insists on the rights that the *universitas* has owned for more than two centuries. Those rights are the ones that the Cucuronais want to see respected by their lord Elziarius. The procurator insists on the fact that if Johannes had been named vicar, it was without the knowledge and assent of the Cucuronais, and states that the erection of the gallows was done surreptitiously<sup>77</sup>. Thus, both pretensions were deemed illegitimate. This way of proceeding is quite different from the manner in which the lord Jacobus of Villemus erected his own gallows, *peyronum* and pillory (*costellus*) in the village of Villemus in 1410. That operation was carried out in the presence of the royal vicar of Forcalquier, as well as a notary and several witnesses, among whom we find Johannes of Cucuron<sup>78</sup>!

In this impressive legal consultation, Poncius Trenquerii makes use of the Italian jurist Bartolus de Saxoferrato's reflections on tyranny to prove that the Cucuronais were right to act as they did: if the authority one is confronted with is tyrannical, one is entitled to resist it. He concludes his defense by asking the judge to absolve the Cucuronais, expressing the hope that this will be done<sup>79</sup>.

A striking contrast exists between the charges brought against the Cucuronais, who are accused of conspiracy and rebellion, and what appears from the defense and the testimonies of the accused: in their declarations, the Cucuronais, convinced of their righteousness, not only insist that they are not rebels, but they present themselves as the restorers of the rights of the whole community. They knew that Johannes of Cucuron

<sup>74</sup> Joudou, *Histoire*, 404.

<sup>75</sup> This impressive legal consultation and the elaborate argumentation contained in the defense will be further analyzed in my PhD thesis.

<sup>76</sup> ACC FF2: *Alziarium de Sabrano dominum de Ansoysio et de Cucurono illius que fuerunt et sunt veri homines et vassali [...] et nulli alterius tamquam eorum vero domino iuramentum fidelitatis prestiterunt.*

<sup>77</sup> ACC FF2: *clam et occulte fecit fieri in territorio loci predicti quasdam furcas et quoddam peyronum fusteas et fusteam in signum domini.*

<sup>78</sup> ADAHP 1E160.

<sup>79</sup> ACC FF2: *Et sic concludo quod vos domine iudex debetis delatos predictos ab omnibus intitulis absolvere et procuratori fiscali perpetuum silencium super premissis imponere et ita spero quod facietis.*

had no right to erect the gallows and let those mares on this territory at this time of the year. Elziarius's permission had been granted before the Cucuronais destroyed the gallows, and everything that the men of Cucuron undertook was done under the supervision of the bailiff, Elziarius's representative in the village<sup>80</sup>. He was the first to strike the gallows, in a ceremonial atmosphere, after the ritual reading of the letter of *commissio*.

### 2.1 *A large popular mobilization*

Even though the Cucuron bailiff Jacobus Girardi was indeed present when people assembled to write complaints against Johannes of Cucuron and it was he who led both expeditions to Gotorras to seize the mares and to dismantle the gallows, the initiative never seems to have been his own. On the contrary, the initiative to react to Johannes's unjust deeds emanates from the Cucuronais themselves. The men who noticed the mares, illegally placed on Johannes of Cucuron's estate, then those who returned to Cucuron outraged to have discovered the gallows, were non-official people: they were neither the bailiff nor the *ordinatores* of the village. This attests to the fact that the villagers were conscious of their rights, of the laws that they lived under, and more generally of the politics that they not only were subject to, but also took part in. Many of the actions we are looking at in that trial seem to have a popular origin and a large popular participation. The two notaries of Cadenet recall having seen the *maior pars* of the village of Cucuron assembled around the gallows on that day of August, 1412<sup>81</sup>. The crowd-effect can be observed at several times and bears testimony to the emotional community we see at work.

Although some of the interrogated say they were forced to follow the group — and we get a sense of the goal to reach a sufficient number of people and a certain unity on the part of the organizers of the expeditions in order to be strong enough to undertake the confiscation of the mares, then the destruction of the gallows— others joined spontaneously. Rostagnus Figuerie explains that the bailiff let whoever wanted to join do so<sup>82</sup>. Many had at heart the desire to protect the rights they had fought to obtain and whose confirmation they often sought, and they were not a bit ashamed of their actions. One nobleman, Elziarius of Saint-Michel, who had participated in the seizing of the mares but was absent on the day that the gallows were torn down, cheekily asserted that, had he been there on that day he would have gone to demolish the gallows, and would not have been among the last to participate<sup>83</sup>. The spontaneity and free will of the Cucuronais is highlighted in some testimonies, such as that of Bertrandus Textoris who said nobody

<sup>80</sup> ACC FF2, tst. of Lambertus of Cucuron: *ipse nec alii de dicta universitate nichil fecerunt de hiis que fecerunt nisi dumtaxat cum licencia et beneplacito magnifici domini de Ansoysio et presente in omnibus suo baiulo.*

<sup>81</sup> ACC FF2, tst. of Raymundus Targuerii: *omnes illi de Cucurono seu maior pars eorumdem;* tst. of Johannes Marthe.

<sup>82</sup> ACC FF2, tst. of Rostagnus Figuerie: *Interrogatus de cuius precepto iverunt illi qui fuerunt in dicta evulsione cum eisdem ultra dictum numerum sex vel septem dixit illud ignorare tamen quisque voluit baiulum associare et baiulus neminem refutavit venire seu repudiavit.*

<sup>83</sup> ACC FF2, tst. of Elziarius of Saint-Michel: *si fuisset in Cucurono ivisset cum aliis et non fuisset de ultimis.*

ordered him to take his broadsword in order to go seize the mares: he decided this on his own<sup>84</sup>. Although the social situation and occupation of the accused are rarely mentioned, the absence of the mention that they are noblemen shows that most of them were not<sup>85</sup>. Thanks to notarial registers of the region kept in Marseilles, we know that a carpenter<sup>86</sup>, one butcher<sup>87</sup> and two blacksmiths<sup>88</sup> were present. Lambertus of Cucuron also recalls a certain Hugo the mason<sup>89</sup> being present at the dismantlement of the gallows. As with many people of the time, a significant portion of them must have been labourers.

The popular origin of the actions undertaken by the village bailiff and the community against Johannes of Cucuron can finally be observed through the way the Cucuronais are described to make complaints to their lord about perceived injustices. The complaint could be made orally, by a large number of people, for instance when a hundred of them went to Ansouis to denounce the erection of the gallows<sup>90</sup>. The phrase *audivisse dici*<sup>91</sup> found in the testimonies hints at the fact that news spread quickly and politics were discussed in the village. The villagers also seem quite at ease discussing matters with their lord, as is shown by the testimony of Petrus Feraudi, who recalls having decided to join the Cucuronais who were on their way to present a complaint to Elziarius, as he met them in the fields of Cucuron. As he states, he had some matters to discuss with Elziarius and seized the occasion of travelling with the other men<sup>92</sup>.

This brings us to the last action this trial allows us to understand: that is, formulating complaints and making them known to one's lord. In this regard, the role played by writing in the interaction of the people with formal jurisdiction is crucial.

## 2.2 *Writing to the rescue*

The first charges brought against the Cucuronais are linked to complaints they formulated against Johannes of Cucuron. We do not know what the complaints were

<sup>84</sup> ACC FF2, tst. of Bertrandus Textoris: *Interrogatus de precepto cuius portabat dictum suum medium glavium dixit quod de se ipso et non de precepto alterius.*

<sup>85</sup> Among the accused, there are only three noblemen: Lambertus of Cucuron, Elziarius of Saint-Michel and Bertrandus of Cadenet.

<sup>86</sup> Rostagnus Perpinhani, ADBR 308E225 f. 4r.

<sup>87</sup> Petrus Florencii junior, ADBR 308E227 f.10v. The Florencii family is a very large family in Cucuron, ACC AA 16.

<sup>88</sup> ACC FF2, Petrus Teulerii and Bertholomeus Guioli.

<sup>89</sup> ACC FF2, tst. of Lambertus de Cucurono: *Hugo le Fauqueyayre.* For this word, see *Dictionnaire de l'Occitan Médiéval*, s.v. «fanguejador», <https://dom-en-ligne.de/dom.php?lhid=4A9JRT9DzebG7uLWevbSKx>.

<sup>90</sup> ACC FF2, see above p. 40-41 Monnetus Florencii's tst. in which the Cucuronais' immediate reaction is underlined by the adverb *incontinenti*, used twice.

<sup>91</sup> ACC FF2, tst. of Monnetus Florencii: *audivisse dici a diversis personis dicti castris de Cucurono quod dictus nobilis Johannes de Cucurono posuerat de estate proxime lapsa aliquas equas extraneas*; tst. of Guillelmus Jaucerani: *audivisse dici quod baiulus acceperat equas duas*; tst. of Bertrandus of Cadenet: *audivit ibidem quod erant aliqui conquerentes de nobili Johanne de Cucurone dicentes.*

<sup>92</sup> ACC FF2, tst. of Petrus Feraudi: *super aliquibus aliis locuturus erat cum eodem domino et videns venire illos qui ibant versus dominum se immiscuit cum ipsis in pratis Cucuroni et ivit Ansouisium.*

exactly about<sup>93</sup>: they were made by men of the village among whom we find Petrus Grassi<sup>94</sup>, Hugoninus Sabaterius, Jacobus Baconi and Petrus Fusterii<sup>95</sup>. The latter says his complaint had to do with a matter of money<sup>96</sup>. Bertrandus of Cadenet uses the word *iniusticia* to describe what he heard people complaining about, a word which reflects the energy with which the complaints must have been made<sup>97</sup>.

However, if little is known about the content of the complaints, several testimonies allow an understanding of the manner in which the Cucuronais interacted with seigneurial jurisdiction in order to be heard and combat injustices. The Cucuronais had the reflex of going to the public notary of the village, the *magister* Rostagnus Figuerie, whose office (*apotheca*) is also where the court was held<sup>98</sup>, in order to ask him to put their complaints into writing. As is shown by several testimonies, Rostagnus Figuerie, upon the request of some villagers, turned their complaints (*querimoniae*) into a written and organized form (*capitula*), and then, accompanied by the bailiff and several Cucuronais<sup>99</sup>, brought them to Elziarius<sup>100</sup>.

In this community, the notary Rostagnus Figuerie, also an *ordinator* at the time of the destruction of the gallows, plays a prominent role. He is the first to be quoted in the list of the accused and it is because he is a defendant in the trial that he was not chosen by Elziarius to lead the inquest, as we read in the letter of January 25th, 1413 in which Elziarius asks Giraudus Bonilis to handle the case<sup>101</sup>. Rostagnus Figuerie has been known to work as a notary in Cabrières d'Aigues<sup>102</sup> in 1400 as well as in Cucuron, where his first extant act dates back to 1402. A close reading of the subscriptions made by Rostagnus on several of his acts suggests that he was a busy man and had an employee who wrote certain acts for him, acts that he would then authenticate with his signature<sup>103</sup>. Not only did Rostagnus master the notarial art, but he also took part in the politics of the county of Provence. He represented the lord de la Voulte at the three states' assembly in

<sup>93</sup> We never get access to the content of the complaints as they were first made, since we only approach them through the recollection of the events in the trial. For a more direct access to the voices of the people addressing complaints, see Bisson, *Tormented*, 165-71.

<sup>94</sup> ACC FF2, tst. of Elziarius of Saint-Michel.

<sup>95</sup> ACC FF2, tst. of Bertrandus of Cadenet.

<sup>96</sup> ACC FF2, tst. of Petrus Fusterii: *querimoniam fecisse dicto magnifico domino de Ansoysio de dicto nobili Johanne de Cucurono de florenis auri duobus de quibus dixit quod fecerat ipsum reguatare.*

<sup>97</sup> ACC FF2, tst. of Bertrandus of Cadenet: *conquerentes de nobili Johanne de Cucurone dicentes quod ipse nobilis Johannes aliquas iniusticias eisdem fecerat quas scribi faciebant ibidem per dictum magistrum Rostagnum.*

<sup>98</sup> ACC FF2, tst. of Bertrandus of Cadenet: *apud apothecam magistri Rostagni Figuerie notarii in qua tenebant curia.*

<sup>99</sup> At least a dozen of them, see ACC FF2, tst. of Petrus Feraudi: *erant ultra duodecim vel quindecim.*

<sup>100</sup> ACC FF2, tst. of Elziarius of Saint-Michel: *Interrogatus qui dedit illa capitula dicto domino de Ansoysio dixit quod baiulus et notarius dicti castri et in presentia plurium de Cucurono.*

<sup>101</sup> ACC FF2: *cum per notarium nostre curie dicti castri de Cucurono qui nunc est non liceat premissa facere eo quia in processu ipso tamquam condelatus nominatur.*

<sup>102</sup> ADV 3E4/58 f. 37r.

<sup>103</sup> The expression *per fidelem/alium scribi feci pluribus aliis negociis occupatus* crops up at the end of several of his acts, for example ACC AA16.

Aix-en-Provence in April 1401<sup>104</sup> and was also appointed *clavarius* of the royal court in Apt<sup>105</sup> in 1403, which shows that he mastered financial and treasury procedures as well. After this, Rostagnus seemed to have resided most of the time in Cucuron<sup>106</sup>, where he was the bailiff in 1416<sup>107</sup>. As the notary of the court, he is a well-known figure, both in contact with the higher authorities and with the villagers who apparently go to his office quite naturally —Rostagnus tells them to be careful and ponder what they want him to write down—<sup>108</sup>. In addition to knowing the villagers well, he must have understood the political situation of his village thoroughly, as he had been in charge of writing the notarized documents for two of the main political events that had taken place prior to this trial: the ending of a conflict between the Cucuronais and their lord pertaining to chaplaincies in 1408, and the 1409 ceremony of homage, both notarized documents bearing witness to the renewal of the lord's confirmation of the village's privileges.

Rostagnus's influence can be felt everywhere: it is his writing which allowed the Cucuronais to make their complaints known to their lord. As an *ordinator* of the village, he took an active part in both expeditions to Gotorras, writing an instrument attesting to the seizing of the mares<sup>109</sup> and engaging a *processus* against the owner of the mares, Anthonius Nicholai of Lauris<sup>110</sup>. He wrote the *subscriptio* to Elziarius's letter regarding the demolition of the gallows. He makes certain there are written proofs produced at every step of the different procedures and actions undertaken, and constantly refers to those written documents<sup>111</sup>. The gathering of witnesses and other notaries to read the letter of *commissio* but also to draft *instrumenta* describing the Cucuronais' actions and to act as external witnesses, is another precaution taken on the part of the *ordinatores* which reveals the notary's way of thinking.

Writing plays a major role at every stage of the events described in this trial: the Cucuronais deployed strategies based on the use of documents, showing their familiarity with writing, its value and its purpose<sup>112</sup>. In this matter, Rostagnus's mastery of writing and Latin —he is one of the only men heard by the court who understood it<sup>113</sup>— and more generally his deep understanding of politics and procedures, must have been precious tools for the *universitas*. Already in the fourteenth century, a significant proportion of the Provençal *sindici* were professional notaries<sup>114</sup>, and this appears as no accident as

<sup>104</sup> Hébert, *Regeste*, 176.

<sup>105</sup> ADBR B1695 f. 45r.

<sup>106</sup> We find people with the same last name in Cucuron and Cabrières-d'Aigues: ADBR 308E221, 308E225.

<sup>107</sup> ADBR 308E220 f.1r. We lose his trace shortly after.

<sup>108</sup> ACC FF2, tst. of Bertrandus of Cadenet: *caverent eis quid dicerent in ipsis capitulis*.

<sup>109</sup> ACC FF2, tst. of Rostagnus Figuerie: *Et facta pignoratione [...] sumpsit et fecit processum*.

<sup>110</sup> ACC FF2: *prout constat latius in processu ipso inquisitionali contra dictum Anthonium Nicholai facto*.

<sup>111</sup> ACC FF2: *Interrogatus qui fuerunt illi qui conquesti fuerunt dixit quod se refert scripture contente in capitulis ipsis*.

<sup>112</sup> Their familiarity with writing resembles that of the rebels in Justice, *Writing*, 40-8, although no destruction of documents is carried out by the Cucuronais.

<sup>113</sup> ACC FF2: he was read the accusations in Latin, *ut iacet lecto quia notarius*, and not *in vulgari sermonelromancio*, *in lingua romana sive grossa*, like the other accused.

<sup>114</sup> Hébert, «Aspects», 480.

we see from the example of Rostagnus Figuerie who seems to act as an indispensable intermediary between the Cucuronais and formal jurisdiction. Jean-François Bayart's fruitful analyses on relationships of power have stressed the importance of such intermediaries in the interactions of popular classes with higher authorities<sup>115</sup>.

During the trial, Rostagnus Figuerie was extremely committed to defending the Cucuronais, asking for copies of the procedures in order to prepare the defense<sup>116</sup>, then presenting, on the 6th of May, the cogent text written by Poncius Trenquerii, whom we can presume Rostagnus knew through his personal and professional networks. On the 11th of May, he appeared in court to present a new set of ten arguments, all based on the legitimacy of all the actions undertaken by the Cucuronais, arguments that he intended to prove thanks to two new witnesses, the bailiff Jacobus Girardi and Johannes Guillelmi.

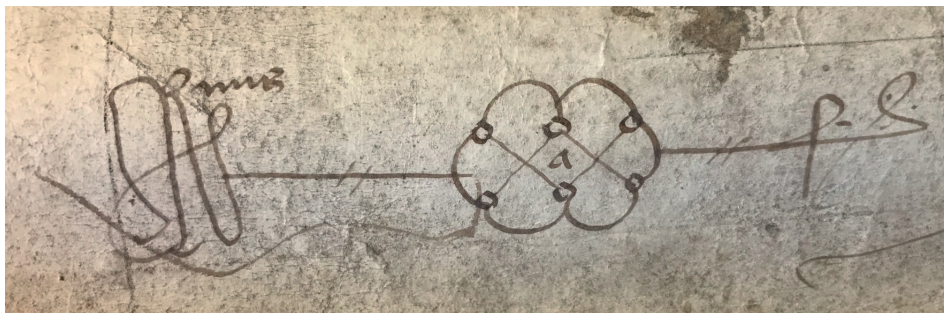


Figure 3. Rostagnus Figuerie's notarized signature, ACC GG19. Photo by the author.

As Rostagnus Figuerie states himself in his preamble of the 1409 ceremony of homage, the act of writing is a remedy against voracious oblivion<sup>117</sup>, an image borrowed from the Latin poet Ovid who wrote that *tempus edax rerum*<sup>118</sup>. Writing also appears as a remedy against the disappearance of certain rights. On the 13th of May, 1413, Rostagnus Figuerie is again the one who, in the name of all the accused, asked for this copy of the absolutory sentence, which has been preserved until now, to be made, as is attested by the final *subscriptio*<sup>119</sup>. The price of this copy is unknown, but given the quality of the

<sup>115</sup> Bayart, «La politique», 143.

<sup>116</sup> ACC FF2, on the 6th of April, 1413: *petiit nomine suo proprio et aliorum supra condelatorum copiam presentis processus.*

<sup>117</sup> ACC AA16: *Explorate fidei decrevit auctoritas rerum gestarum seriem in publica documenta conferre ne preteritorum memoria edax conservat oblivio.*

<sup>118</sup> Ovid, *Metamorphoses*, XV, 234.

<sup>119</sup> ACC FF2: *Et ego Giraudus Bonilis [...] hoc publicum instrumentum absolutorium signavi in testimonium premissorum requisitus et rogatus per dictum magistrum Rostagnum dictis nominibus.*

parchment and the length of the text copied out, it must have represented a significant investment for the *universitas*<sup>120</sup>, reflecting the value it attached to this judicial victory.

### 3 CONCLUSION

This trial sheds light on the way Provençal people interacted with the authorities within their jurisdiction at the end of the Middle Ages. The *universitas* of Cucuron proved to be made up of a dynamic group of people, aware of their rights, capable of reacting to injustices and acting to make these rights respected. The Cucuronais had a strong awareness of the jurisdiction under which they lived, that of Elziarius of Sabran, and did not tolerate changes in the jurisdiction to be made without their consent. This awareness explains why the impulse to fight back against injustices often seems to find its source in the righteous indignation of the community. However, indignation does not necessarily mean uprising or rebellion, even though the demolition of the gallows, done with the assent of their lord, must nonetheless have led to intense emotional manifestations. Finally, this trial shows how writing—and those who mastered it—had become essential intermediaries for the people in their interaction with formal jurisdiction.

When the archives of Cucuron were indexed in 1867-1868, this trial was found among other documents which had been collected for a trial in the middle of the eighteenth century wherein the community of Cucuron was at odds with another nobleman, the marquis d'Ancezune, who tried to recover some rights he had allegedly owned in Cucuron. The back of the 1413 parchment testifies to the way it was used, centuries and centuries later, in another legal battle, to prove that Gotorras was not a separate territory from Cucuron but belonged to the village. The final sentence of absolution was also used to prove that Johannes of Cucuron was not in possession of high justice<sup>121</sup>. To this day, the village of Cucuron has held on tightly to its archives, an impressive collection of parchments and registers, and as Rostagnus Figuerie might have thought so himself, it proved to be a winning strategy in many a situation.

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<sup>120</sup> The *universitas* kept account books where expenses for paper supplies were recorded. For instance, see ACC CC263 for the year 1404.

<sup>121</sup> See ACC FF17 and Avignon, Bibliothèque Ceccano, Ms. 4556. Excerpts from the 1413 trial were cited to prove that Gotorras is a neighbourhood of Cucuron. A transcription of the trial made in 1758 can also be found in the ACC.

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