

**Customary and Oath Book for the town of Lézat-sur-Lèze, with accessory texts; Arbitration Award (1327)
In Latin, with some Old Occitan and French, illuminated manuscript on parchment
France, Lézat (Ariège), c. 1299 (or little after), with additions 1327**

32 ff., followed by a single parchment flyleaf (reused document, early 16th c. parchment) + 10 ff., followed by 2 parchment flyleaves, (I) first manuscript apparently complete (collation: i¹⁰, ii², iii¹⁰, iv²), written in a rounded gothic bookhand, in up to 28 lines (justification: 130 x 80 mm), parchment ruled in blind, rubrics in red, initials in red or blue with opposing color filigree penwork, opening parti-colored initial (3-line high), with ornamental descender in blue and red, separate bi-folia for the "swearing pages" with 2 miniatures (ff. 9v; 10) framed on three sides with alternating blue and red ornamental frieze [miniatures rubbed and figures partially defaced evidently due to repeated "swearing" upon the oath book], some maniculae, some contemporary or near-contemporary corrections, marginal annotations in later hands, a few doodles (e.g. head on f. 11v) (Some soiling, some leaves with faded ink causing poor legibility); (II) second manuscript wanting at the end (a bi-folium ?) (single quire of 10, preceded and followed by a parchment bifolium), a single catchword on f. 10v, written in a rounded gothic bookhand, in up to 29 lines (justification: 128 x 80 mm), parchment ruled in blind, rubrics in red, some capitals stroked in red, initials in red, a few later marginal annotations or underlined passages (some staining to parchment, ink a bit faded, a bit of acidity of ink causing a small hole in the first leaf). The first volume (I) is bound in simple uncovered pasteboards, back sewn on only 2 thongs, remnants of ties, the second volume (II) is bound in overturned sheepskin, back sewn on 3 thongs, remnants of ties, both independent volumes have been joined in a limp vellum "chemise," two booklets unsewn, probably in the 16th century. Dimensions (I) 170 x 120 mm.; (II) 172 x 120 mm.

Containing the Customs for the town of Lézat (1299) and other accessory texts added early in the fourteenth century, these two libelli survive as remarkable witnesses to civic consciousness in a small town in southwestern France. Hitherto unrecorded, the present copy was unknown to the editors of the Customs of Lézat (1899). It is important (and exceptionally rare) because it is the actual Oath Book on which the Abbot or the Consuls swore their oaths, touching simultaneously the precious bifolium with its two miniatures and the Gospel Extracts.

PROVENANCE

1. First booklet copied and illuminated in France, here clearly an "official" or "ceremonial" copy, perhaps made in or for the Abbey of Saint-Pierre, later Saint-Pierre and Saint-Antoine de Lézat (*Lezatensis vel de Pede-laxato*). The Abbey was a Clunaic Benedictine monastery first founded in 844 by Aton de Benoit, bishop or vicomte of Béziers (listed in Cottineau, I, col. 1599). Located in the diocese of Toulouse, between Garonne and Ariège, the Abbey of Lézat was built by the Lèze river, and took on a local and regional importance in the 10th and 11th centuries. The Abbey controlled a number of priories and was locally powerful (see Ourliac and Magnou, *Paroisses de l'abbaye de Lézat. Les moines noirs* (Cahiers de Fanjeaux, no. 19 (1984)). On the Abbey of Saint-Pierre de Lézat, see in particular Labouche-Vilhiès, *Lézat en Pays de Foix*, 1930. The calendar which precedes the Gospel extracts and the normative texts is

clearly for use in Lézat, with an entry for the Dedication of the Church of Lézat (*Dedicatio Lesati*, 18 January).

This ceremonial copy could also have been made for the consuls (the most important municipal officials of the town, appointed according to the dispositions in the present 1299 customs). The possibility that we are here in the presence of the monastic copy is suggested by the presence of a calendar (uncommon in codices of Customs), but it is not impossible that the consuls would have included a calendar as well (for instance there is a calendar in the oath book known as *Cartulaire du consulat de Limoges* (13th c.), Limoges, Archives municipales AA 1, which is in fact a compilation of a number of texts, including calendar, Gospel extracts, miniatures and two versions of the Customs of Limoges and other texts (see A. Leroy, 2005). Only further study will allow for a better identification of the original commissioner(s) of this codex. The fourteenth century inscriptions that pepper the copy do not refer explicitly to events concerning the monastery or the abbots, but rather to events relative to the Counts of Foix, or the consuls of Lézat.

The present codex is unrecorded. The edition of the Customs of Lézat (Le Palenc and Drogon, 1899) bases itself on another codex altogether, at the time privately held, and currently untraced. The editors did not have access or know about this copy, evidently the “swearing copy” (see below), immediately contemporary of the redaction of the Customs. This version should be compared with the published edition, for variants and corrections.

2. A few later 16th and 17th century inscriptions: “Ferreing docteur et consul en...mil VIc huict et 1612” (f. 2v); “L’an mil cinq cens soissante sis et quatre le vintiesme jour...” [1566] (f. 10v).
3. European Continental Collection.

TEXT

The present codex associates two separate *libelli* or booklets placed together in a common limp vellum “chemise,” a parchment protection (datable to the fifteenth century), that could have been a binding had the two *libelli* been stitched together.

Custom (*consuetudo*) in law is the established pattern of behavior that can be objectively verified within a particular social setting, of “what has always been done and accepted by law.” Customary law is by definition traditional, basing its authority not upon legislation but upon the past and its memory. Even in the south of France, traditionally considered land of written law and where Roman law was operative (as opposed to the north where customary law reigned), local oral customs often prevailed. Every “pays” in France had its own customs, and the area ruled by a specific law could be as small as a single castellany or as big as a whole duchy. In southern France, Roman Law – written law “par excellence” – necessarily influenced customary law and precipitated its redaction. The formal redaction of customary law (north and south) began in the fifteenth century (Ordonnance of Montils-les-Tours, 1453/1454). Beforehand, the regional written customaries (or customs) of the thirteenth and fourteenth centuries belong to an intermediate stage between the oral and the later authoritative written versions (see Cohen, 1992, for a good introduction). The present Customs for Lézat are a fine example of this intermediary stage, before the official fifteenth-century versions.

Summary

Containing the Customs (privileges, franchises and obligations) for the town of Lézat (1299) and other accessory texts added in the first quarter of the fourteenth century, these two libelli constitute remarkably intact and moving witnesses to civic consciousness in a small town in southwestern France. The present copy was hitherto unrecorded, unknown to the editors of the Customs of Lézat (1899). It is all the more important because it presents the "swearing copy" or the Oath Book of either the Abbot of the Benedictine monastery at Lézat, co-lord of Lézat, or of the consuls themselves, established as officials that ensured the start of municipal self-governance. The first booklet contains a rare and precious bifolium with two miniatures – bearing the inevitable traces of centuries of touching – and the obligatory Gospel Extracts on which the various actors of municipal and feudal existence took their oaths. The second booklet includes an entirely unrecorded arbitration award of 1327, which completes and adds elements to the granted Customs, nearly three decades after it was granted in 1299. The manuscript was the founding document that represented the freedom and rights progressively granted to the inhabitants of Lézat, and the ability of the burghers to govern themselves. Documents such as this one are of the utmost rarity outside of public institutions, and rarer still outside France.

I. Customs of the town of Lézat, granted to the inhabitants of Lézat by Guillaume Hunauld, abbot of the Benedictine Abbey of Lézat, co-lord of Lézat (1299):

f. 1, Pentrials (14th c.), words illegible; coats of arms traced in brown ink, perhaps unfinished, one on the far left presumably the arms of the Comtes de Foix et de Comminges (Foix: *D'or à trois pals de gueules*; Comminges: *D'argent, à la croix pattée de gueules*);

f. 1v, Inscription in Latin (14th c.), pertaining to an oath rendered on the ancient book of customs of Lézat, belonging to the consuls of Lézat, confirming that the manuscript was used as a swearing copy, beginning, "Universis et singulis presentis licteras inspecturis nos [...] (?) Tenore (?) presentem notificamur et arestemur quod in libro antiquo consuetudinem predicti loci de lesato qui est penes dominos consulum dicti loci...hommagium (?) recursus in dicto loco...";

f. 2, Inscriptions in Old Occitan (14th c.), excerpts from customary law (?) or local rural customs relating to sums and tithes to be paid for various goods: "Tot hom estianh pagua... / Tot hom estianh...pagua .i. enap o una escude... / Item tot hom estianh in vendia...carga de grasels pagua .i. grasel per l'an / Item de totas las autras semmedas pagua .i. [...] le cap de l'an...";

f. 2v, Dated 14th c. inscriptions, including: "Albas monasterio. *In principio erat verbum...* / Anno domini M. CCC. XLIII [1343] vii. idus septembris obiit egregius vir dominus gastonus comes fuxi iuxta civitatem sibilie et fuit [sepultus] cum summo honore in monasterio bolbone..." [On 7 of the Ides of September 1343 died the celebrated Lord Gaston, count of Foix near the city of Seville and he was buried with the highest honors in the monastery of Bolbone...]; Proverbe: "Vincentii festo si sol radiat memor esto ut facias cuvas quoniam [or "quia"?] multas colliges uvas" [If the sun shines on the Feast of Saint Vincent, remember to prepare your wine vats, because you will pick a lot of grapes]. Saint Vincent was the patron saint of wine-makers; another dated 14th c. inscription: "Anno domini M. CCC. LXII [1362] die lune in vespera beati nicholay episcopi egregius vir dominus comes fuxi cum gentibus suis..." [the inscription concerns a victory of Gaston Phoebus, Count of Foix over the Counts of Armagnac and Comminges, during a battle near l'Isle Jourdain and Launac];

ff. 3-8v, Calendar (complete), in red and brown ink, apparently for the use of Saint-Pierre and Saint-Antoine of Lézat, with noteworthy saints and feasts: *Dedicatio Lesati* [Dedication of the Church of Lézat] (18 Jan.); Octave Saint Anthony (24 Jan.); *Translacio sancti Eparcii* [Saint Ybars] (13 March; added in a 14th c. hand); *Translatio sancti Antoni* (9 June); *Eparcii* [Ybars] (1 July); *Gaudencii* (31 Aug.); *Antonini martir* (2 Sept.); *Fidis* (Foy) (6 Oct.); *Bertrandi episcopi conventus* (16 Oct.); Octave Saint Martin (18 Nov.); *Benedicti abbatis* (4 Dec.). To be noted are the entries reserved for Saint Anthony, patron saint of the abbey (see Gondal, "Le culte de saint Antoine à Lézat," *Bulletin de la société ariégeoise*, 1966; "Le grand rayonnement du culte de saint Antoine de Lézat du XIIe au XVIIIe siècle," *Bulletin de la société ariégeoise*, 1976; the body of Saint Anthony supposedly came to the Abbey of Lézat in the 12th c.).

f. 9, Dated 14th c. inscriptions, including: "Anno domini M. CCC. LXXII [1372] die .v. maii dominus berdu de cellis doctor in legis...fuit revocatus..."; "Anno domini M. CCC. LXXIII. [1373] die .iii. mensis maii...reverendus de petro pecius sox et ardu consuli lesati collocaverunt magistrum guillelmi de vila..."; "Anno domini M. LXX. LXXIX [1379]...consul de voluntate suorum cum [...] consilii de lesato ipsorum consulum collocaverunt [...] dominum paulum bauvili (?) licentiatum in legibus...";

ff. 9v-10, Gospel Extracts;

The first libellus containing the Customs and earlier act of co-lordship contains a written record of the urban or municipal customary for the community of Lézat, authenticating and officializing its charter of privileges, franchises, and freedoms (for a collection of urban customs, see C. Giraud, *Essai sur l'histoire du droit français au moyen âge*, Paris, 1846; the first cities that proceeded with the redaction of their customs are Arles (circa 1160), Avignon, and Montpellier (beginning of the thirteenth century)). The inhabitants of Lézat sought to limit the tithes and obligations owed to their overlord (in fact co-lords, the abbot of the monastery of Lézat and the Count of Foix were co-lords in Lézat as of 1241), and confirm in writing a number of advantages (often fiscal or monetary, but also including basic freedoms marking for instance the end of servitude). Also, rapidly included in written customaries, were aspects of penal and civic law.

According to H. Gilles who has studied southern French customaries, and who published a pioneering article (1996), one of the main components of the category he designates as "livres juratoires" are the Gospel Extracts. H. Gilles lists the oath books of Agen, Albi, Cordes, Limoges, Moissac, Narbonne, Castelnaudary, Cahors and Montauban, which all contain Gospel Extracts to ensure the presence of a text on which one could swear. The excerpts vary in length. All are not illustrated. Gilles did not know of the present oath book of Lézat, which he would certainly have included in his study.

What attitude did the oath-taker have towards the Gospels or Gospel Excerpts? Was his oath valid if he did not touch physically the Gospels? Pope Nicholas IV declared that in order to be valid an oath had to taken "corporaliter" ("with the body"). In 1273, in Montauban, the newly appointed notary to the consuls, P. Cimon, took his oath "juran e toquan corporelmentz los s. IIII. Evangiles de Dio de la soa propria destra ma" [...swearing and touching physically the four Gospels with his right hand...] (quoted by H. Gilles, 1996, p. 345). One swore with his hands directly placed on the Gospels and the images when present. Of course, this explains the faded and rubbed faces on these leaves.

f. 10v, blank, with the exception of a later 16th century inscription: "L'an mil cinq cens soissante sis et quatre le vintiesme jour..." (f. 10v);

ff. 11-28v, Customs of the city of Lézat (Ariège, comté de Foix), dated 1299; rubric, *Incipiunt consuetudines ville de lesato ut sequitur*; incipit, "In nomine domini nostri ihesu christi. Amen. Notum sit cunctis quod reverendis in christo pater dominus Guillelmus Unaldi dei gratia abbas monasterii lesatensis..."; followed by the 70 articles of the Customs, first rubric, *De salvitare et immunitate venientibus prestanda* [On the right of asylum and immunity granted to all inhabitants]; last rubric, *De ortorum et ortalicioium et qualiter decima de eisdem prestetur* [On gardens and gardeners and the tithe perceptible]; explicit, "[...] B[ernardi] de Molendino magistri G[uillemi] Britonis notarii de Lesato, Bernardi de Biraco et Vitalis de Baiossa notarii de Lesato et mei Reverendi de Monte Alto publici notarii de Lesato qui scripsi hoc publicum instrumentum et signo meo signavi ff.".

Because northern France is thought of as the land of customary law, and southern France as the land of written (i.e. Roman) law, it may be surprising to some to learn that many southern French cities and towns had their own customary laws, written down most often in the thirteenth century in compilations called customaries (or customals).

This book contains an original (or near-original) copy of the Customs of Lézat, a compilation of the customary laws of the town of Lézat, in southwestern France, as granted in 1299 by the Abbot Guillaume d'Unauld (or Hunaud) of the Monastery Saint-Pierre de Lézat, co-lord of Lézat. Rather than the Old Occitan, the chosen language is here Latin. This copy was clearly used as a "swearing copy," so called because people swearing oaths placed their hands on it, which accounts for the typology "livre juratoire" (oath book) associated with this type of book. Accessory texts are here associated with the Customs as detailed above and below.

Guillaume d'Unauld (de Lantar), was appointed Abbot of the Benedictine monastery at Lézat in 1299: one of his first measures was to grant the present Customs to the inhabitants. He restructured the monastery according to the prescriptions at Cluny, and he is credited as the one who discovered the relics of Saint Anthony when adding two chapels to the Church.

The Customs of Lézat were published by Le Palenc and Dognon (1899, reprint 2007) but not based on this codex. The 1899 edition of the *Charte des coutumes de Lézat* was based on another privately held manuscript described as such: "Nous avons fait de longs efforts pour reconstituer cette charte, fragment par fragment, à l'aide de pièces de procès et de mauvaises copies du XV^e siècle, quand nous apprîmes que notre ami, M. Loze, conservateur des forêts à Toulouse, originaire de Lézat, en possédait un texte manuscrit paraissant dater de l'époque de la concession...Il se compose de 28 folios de parchemin, réunis en forme de livre, perforés de trous sur les bords et mesurant 15 centimètres de hauteur sur 10 de largeur..." [We had painstakingly attempted to reconstitute this charter, fragment after fragment, using snippets of trial accounts and poor copies of the sixteenth century, when we were informed by our friend M. Loze..., himself from Lézat, that he owned a manuscript datable to the period of the granting [of the customs]...] (Le Palenc and Drognon, 1899, pp. LXV-LXVI). This "other" copy (perhaps that of the consuls? or a fair contemporary copy?), has since disappeared. It is not said if this other thirteenth-century copy was illustrated: if it had been, the editors Le Palenc and Drognon (1899) would most likely have signaled miniatures, or the presence of other accessory texts, particularities surely worth pointing out.

It seems logical that each of the co-lords concerned by the drafting of the Customs of Lézat, in this case the Abbot of the monastery of Lézat and the Comte de Foix, should have received a copy of the Customs. In addition, more likely even than the Comte de Foix, it would be natural that the consuls of the town receive a copy of the Customs. We do not know precisely who commissioned this copy: it was certainly an "official" or "ceremonial" copy since it was used as the "swearing copy" (oath book, *livre juratoire*), the codex on which various individuals (ecclesiastical ? civic? sworn-in consuls of Lézat but also the new abbots of Lézat obligated by an article in the Customs to swear an oath to the inhabitants and guarantee the privileges granted in 1299) swore allegiance to the customs that guaranteed civic liberties but also a number of obligations to the inhabitants of the town of Lézat.

The Customs are modeled according to a number of other such charters of franchises and privileges as found in southwestern and southeastern France. It is a survey of "practical law." There are 70 articles detailed in the Customs of Lézat, offering a good picture of various aspects of municipal life, from the bases of self-governance with the appointment of four consuls (and all their duties and privileges), the tithes the co-lords are entitled to raise, the other various municipal administrators and representatives of the lords (including the "viguier"), but also aspects of penal law (on theft, on rape, on adultery, on murder), articles relating to urban "freedoms" (on the property of inhabitants, on debts), and important passages on notaries (*de tabellionibus*). The Customs of Lézat end (article 68) with an article entitled "Promises of the Abbot and monastery of Lézat towards the inhabitants," thus construed truly as an engagement between the monks of Saint-Pierre de Lézat and the inhabitants of the town, who often sided with the Count of Foix, provoking power struggles often unfavorable to the monastery. The granting of these Customs marks the beginning of the slow yet steady decline of the power of the Abbot on the town, and the affirmation of the town's independent identity. This original copy of the Customs is precious because contrary to other southwestern towns in France, we no longer preserve in archival holdings account books and municipal deliberations of the consuls of Lézat. The "swearing copy" was highly symbolic for the inhabitants of the town.

The most important measure ratified by the Customs was the election of four consuls. The consuls were the most important municipal officials of the town. A small elite of four men represented the town in affairs outside its walls, led its militia into battle, arbitrated many criminal and civil cases involving the town's inhabitants, levied taxes, decided upon town expenditures, and in general administered town activities. The consular government in Lézat was the same as representative self-government in the town, for those men were the only representatives which the burghers of Lézat had. The first attribute which townsmen needed was the freedom to exchange their labor or goods for goods or services of others. As a result, they had to secure for themselves franchises and freedom from servile obligations to the *seigneur* (here the Abbot of Lézat, and as of 1241, also the co-lord Count of Foix). In order to secure those privileges, they found it productive to band together, which led them to establish municipal institutions with representative officials. There is much discussion concerning the origin of the consulate in southern French communities. It is seen as a change from "a personal lordship to a collective *seigneurie*." Where A. Luchaire saw the initiative for the establishment of consuls and the shift to self-government coming from certain community members themselves, P. Dognon saw it arising from above, from *seigneurs* (such as our Abbot of Lézat) who needed town leaders to help them govern (see A. Luchaire, *Les communes françaises à l'époque des Capétiens Directs* (Paris, 1890), pp. 23-25; P. Dognon, *Les institutions politiques et administratives du pays du Languedoc* (Paris, 1895), pp. 63-72).

There are other customary texts from the same time and same area that served as oath books: Moissac, Agen, Albi, Cordes, Limoges, Moissac, Narbonne, Castelnaudary, Cahors and Montauban, among others. These are studied by H. Gilles in "Les livres juratoires des consulats languedociens," *Livres et bibliothèques (XIIIe-XVe siècle)*, Toulouse, 1996 [Cahiers de Fanjeaux, 31], p. 333-354.

ff. 29-32v, Act establishing co-lordship [paréage; in Latin, *pariagium*] between the abbot of Saint-Pierre de Lézat and the Count of Foix in 1241 for the town of Lézat, drafted by Pierre de Dalbs, abbot of Saint-Pierre de Lézat, rubric, *Sequitur pariagium factum inter dominum abbatem et comitem fuxi*; incipit, "In dei nomine. Notum sit omnibus hominibus hanc presentem paginam inspecturis sive audituris quod nos frater petrus humilis abbas [Pierre de Dalbs] monasteriio lesatensis clunisensis ordinis..."; explicit with date, "...scripsit mense desembris feria .i. anno incarnationis domini M. CC. XL. I. [1241] regnante lodoyco rege..."

Published in Magnou and Ourliac, *Cartulaire de l'abbaye de Lézat*, vol. I (1984), no. 920; see also, F. Pasquier, "Servage, paréage et autres institutions à Lézat et à Saint-Ybars au comté de Foix, XI-XVle siècles," *Bulletin périodique de la Société ariégeoise des sciences, lettres et arts et de la Société des Etudes du Couserans*, 15 (1917-1921), pp. 150-151; see also Labouche-Vilhiès, 1930: "Le traité de paréage de 1241; l'octroi de la coutume (1299)."

In this act, Pierre de Dalbs, abbot and fifteen monks hand over half of their rights over the towns and lands of Lézat, to Roger IV Count of Foix (1241-1264), to the exception of the *castrum* built by the abbey. Resulting from these concessions on the part of the abbey, the abbot of the monastery of Lézat and the Count of Foix thus effectively become co-lords of Lézat. The act that made official this agreement, after decades of conflicts due to confused rights and claims in the territory of Lézat, is called "pariagium" – a type of "concordate." Consuls were to be appointed by the abbot, and their judgments were to be enforced by two vicars appointed by the co-lords. The Count of Foix received half of the land of Saint-Ybars (*Sancti Eparcii*, quoted in the Calendar) and was granted the right to build a village and a castle called "Sauveterre," where all rights are shared between the co-lords. The union between both lords did not last, and conflicts soon resurfaced in the fourteenth century. The rivalry between the Abbots of Lézat and the Counts of Foix was constantly rekindled.

Pierre de Dalbs was elected abbot of Lézat in 1240 and was an industrious abbot and fine administrator. We owe him the cartulary composed in the thirteenth century (now Paris, BnF, MS lat. 9189; published by Magnou and Ourliac, 1984-1987). Notwithstanding his implication in the life of his monastery and priories, Pierre de Dalbs was summoned before the abbot of Moissac in 1253 and was accused of simony and other crimes. Pierre de Dalbs defended himself and his monks as best he could, as studied by F.E. Martin (1900, pp. 38-56). During his trial, Pierre de Dalbs was violently criticized for having alienated the rights of the monastery in favor of the Counts of Foix. He was excommunicated in 1254, upon the completion of the Cartulary of Lézat (ed. Magnou and Ourliac, 1984-1987: contains some 1744 charters).

In the "pariage" act establishing co-lordship in 1241, the Abbot did not alienate or share the rights on the monastery proper. The Count renounced any pretensions he might have on the monastery and the "droit d'albergue" (obligation to offer room and board to the Lord and his men) that used to be imposed on the Abbey. The agents and men of the Count of Foix nonetheless conducted themselves poorly (see Pasquier, 1917-1922, p. 151). With each change of abbot, the Counts of Foix were required to renew their feudal oaths in the Church of the Abbey of Lézat: "On constate que le comte a plié les genoux, joint les mains et juré sur

les évangiles, en présence de l'Eucharistie et des reliques..." [One notes that the Count kneeled, joined his hands and swore on the Gospels, in the presence of the Eucharist and relics...] (see Pasquier, 1917-1922, p. 152). The status of co-lords did not preclude the Counts of Foix from pronouncing their feudal oath to the abbots of Lézat.

In the present 1241 *pariagium*, the Count of Foix was authorized to create a "sauveté" (*salvitas*) where the inhabitants invited to settle down could hope to live "safe" and in security: the Abbot of Lézat relinquished half of the land at Saint-Ybars for the founding of this "sauveté." Customs were promulgated for Saint-Ybars as early as 1242. Interestingly, the Customs of Lézat were granted only some 60 years after in 1299, the Abbot a little less rushed to grant rights to inhabitants they had under their control. In the case of Saint-Ybars, it was a "new" foundation and the lords were required to render the new "sauveté" as attractive as possible. A new "frontier" town, Saint-Ybars offered better living conditions, such as the right to own a baking oven (the inhabitants of Lézat were never granted this right), and other advantages, such as a lower fine in case of adultery which would cost you only 5 "sous toulousains" in Saint-Ybars and 60 s. t. in Lézat! (Coutumes de Saint-Ybars (1242), in Paris, BnF, MS lat. 9189, Cartulaire de Lézat, f. 148v et sqq.; published in Le Palenc et Dognon, 1899, pp. 103-106; see also p. xxxv).

II . Arbitration award or ruling (Sentence arbitrale):

ff. 1-10v, Arbitration (or arbitral) award passed between the Monastery of Lézat and the "syndicate" of consuls of the town of Lézat (6 June 1327), rubric, *Ad sit principio sancta maria mea*; incipit, "In christi nomine anno [domini?] millesimo .ccc. xx. septimo [1327] sexto die introitus mensis iunii regnate karolo rege francie...notum sit cunctis quod venerabilis et religiosus vir dominus bonifatius de falgario pater prioratus de praeclaris monasterii lesatensis..." [Falgario was an important family in the diocese of Toulouse, that produced for instance Raymondus de Falgario, Bishop of Toulouse, 1232-1270]; rubrics, f. 2v: *Capitulum. De electione et receptione consulum ville de lesato per dominum abbatem*; f. 3: *Capitulum predicti consulatus* [a note in French in the margin in a later 17th c. hand reads: "Que le consul de la ville soit changé chaque année"]; f. 3: *Capitulum de instrumentis obliarum* ("obliarum" here designates a tax or tithe owed to an ecclesiastical lord; see Du Cange (1886), vol. VI, p. 8); last rubrics, f. 8: *De ratificatione et approbatione per dominum abbatem et eius conventum*; f. 8v: *Instrumentum scindicatus*; explicit, "[...] Et ego dominicus gagerii publicus lesati notarius qui hanc cartam scripsi et signo meo signam. Actum fuit hoc apud lesatum...anno et die quibus superscripta in presentia et testimonio reverendi jordani...bernardi de bevilla...petri sox layci...et mei dominici gagerii publici lesati notarii qui omnibus [...]" (wanting ending, with last sentences or signatures);

Arbitration existed on a widespread scale in the Middle Ages. An arbitration attempts to resolve a dispute: the decision is binding and takes the form of a redacted "arbitration (or arbitral) award." Another similar arbitration award ("sentence arbitrale") relative to the jurisdiction of the consuls of Lézat, dated 1320 was published in 1899 by Le Palenc and Drognon (based on a copy made in 1517, belonging to the author). However, the present 1327 arbitration award seems entirely unrecorded; it completes and adds elements to the granted Customs, nearly three decades after it was granted in 1299.

ILLUSTRATION

This copy of the Customs of Lézat is interesting because it contains two miniatures associated with the Gospel Extracts found on ff. 9v-10. The inclusion of these miniatures is not fortuitous. The copy was to serve as the "swearing copy" or Oath Book on which individuals could take their oath, by placing their hands

symbolically on the Gospels and perhaps touching or kissing the pious images. This accounts for the defacing and rubbed character of these miniatures, as in other “livres juratoires.” The opening miniatures in the Agen *Costumas* (third quarter of the 13th c.) (AD de Lot-et-Garonne, MS 42) depict the Trinity and the Virgin and Child, now almost obliterated thanks to their having served as the recipients of the hands of swearing councillors (consuls) from the last third of the thirteenth century to the Revolution, a situation also encountered in the early thirteenth-century *Livre rouge* of Montauban (AD de Tarn-et-Garonne, AA 1) and the *Livre vert* of Cahors (Cahors, Archives Municipales, MS 1, on deposit at the BM), the *Livre juratoire* of the Bastide town of Cologne (Gers) (in a Private Collection), and the *Registres consulaires* [Cartulaire du consulat] of Limoges (Limoges, Archives Municipales, AA 1). The presence of the miniatures – especially the Crucifixion, found in other Oath Books – contributes to the sacralization of the documents (customs, charters et alia) that established the autonomy of a given community.

An example of the solemnity and ceremonial in which these “livres juratoires” played a role is given by H. Gilles in Agen, in 1558, with the entry of Bishop James Fregose greeted by the the consuls of Agen: “[les consuls] se tinrent sur la porte d’entrée tenant en leurs mains le Livre juratoire où est la figure de la Passion de Nostre Seigneur Jesus-Christ, les Saint Evangiles, coutumes et privilèges de la ville” [The consuls stood on the threshold, holding in their hands the oath book in which one finds the image of the Passion of Our Lord, the Holy Gospels, the Customs and Privileges of the city] (in Gilles, 1996, p. 334).

The style of the miniatures suggests a dating of circa 1300, turn of the century, thus contemporary with the granting of the Customs to the inhabitants of Lézat. The defacing of some of the figures renders stylistic comparison difficult, but not impossible. The question remains however whether the miniatures were painted in a monastic environment such as Lézat (although to our knowledge, we have no trace of a workshop active there) or Moissac (Benedictine Clunaic Abbey) of which Lézat depended, or in a larger city center such as Toulouse, located just north of Lézat. A possible production in Toulouse would be coherent with other recorded manuscripts similar in style (although a proper comparative study remains to be done) such as the Dominican novice-book for the Dominicans of Toulouse circa 1300 (Toulouse, BM, MS 418; this manuscript discussed in the exhibition catalogue [Toulouse 2-12, no. 5, “Livre de la consolation et de l’éducation des novices,” pp. 98-99; see also in the same exhibition catalogue, C. Heck, “Image et contemplation dans les ordres mendiants vers 1300: l’iconographie mystique du Libellus dominicain de Toulouse (ms 415), pp. 25-35). Also interesting, and that would argue in favor of a Toulouse-based workshop or artist for these miniatures, is the fact that Guillaume Hunaud de Lanta, who commissioned the writing of the Customs of Lezat, was closely tied to the Cathedral chapter of Saint Etienne in Toulouse (see M. Vuillier, *Histoire de la famille de Hunaud de Lanta*, 1999; Menard: “[L’abbaye de Lézat] par son ancienneté et sa réputation, avait acquis le patronage d’un nombre important de paroisses et ses biens étaient très étendus. L’abbé de Lézat était l’un des principaux dignitaires du chapitre cathédral Saint-Etienne de Toulouse et son influence était considérable.” (H. Ménard, *Eglises perdues de l’ancien diocèse de Rieux*, 1983). After Lézat, Guillaume Hunaud de Lanta (1140-1232) went on to become Bishop of Tarbes. A census of all the illustrated customaries or more largely “livre juratoires” (oath books) of the thirteenth and fourteenth centuries would certainly yield some interesting comparisons.

f. 9v, Crucifixion between Mary and John, dimensions: 50 x 50 mm; against a red ground with white tri-lobe dots, Mary stands on the left, and John stands on the right, each dressed in red and blue garments; the features of the body of Christ, which viewers would have touched or kissed most frequently is considerably defaced.

f. 10, God the Father, blessing and holding a T and O globe, dimensions: 60 x 55 mm.; against a blue ground with white tri-lobed dots, God appears enthroned, right hand raised in benediction and the left hand holding the globe on which the "T" is traced; like Mary and John, he wears blue and red garments. The T and O map (from orbis terrarum) dividing the physical world in Europe, Asia, and Africa, after the writing of the seventh-century scholar Isidore of Seville.

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<http://fr.wikipedia.org/wiki/L%C3%A9zat-sur-L%C3%A8ze>

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See *Le Livre juratoire*, Agen, AD de Lot-et-Garonne MS 42:

<http://www.cg47.org/archives/coups-de-coeur/Tresors/tresors-archives.htm>

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