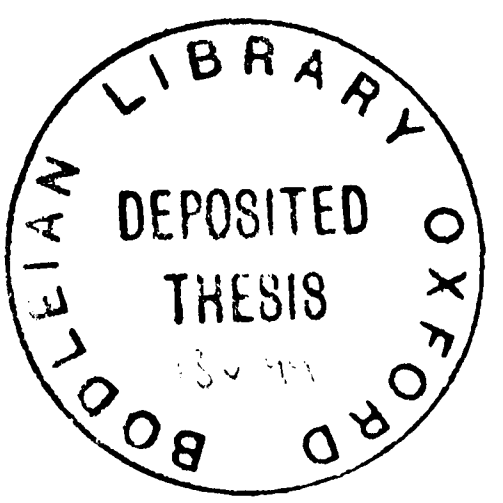
'La querelle Anglaise': diplomatic and legal debate during the Hundred Years War, with an edition of the polemical treatise 'Pour ce que plusieurs' (1464)

by

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'La querelle Anglaise': diplomatic and legal debate during the Hundred Years War, with an edition of the polemical treatise 'Pour ce que plusieurs' (1464) by Craig Taylor, Worcester College, submitted for the degree of Doctor of Philosophy of the University of Oxford, Trinity term, 1998.

Short abstract

This dissertation offers a study of the fifteenth century French polemical treatises written by authors such as Jean de Montreuil, Jean Juvénal des Ursins, Noël de Fribois and Robert Blondel, together with an edition of perhaps the most important of these works, *Pour ce que plusieurs* (1464). This treatise may have been written by Guillaume Cousinot II, who had been personally involved in the events surrounding the attack upon Fougères in 1449, a subject addressed in highly partial terms by this text; moreover, Cousinot had visited the Lancastrians in exile in Scotland, which might explain how Sir John Fortescue was able to learn of Jean Juvénal's *Tres crestien, tres hault, tres puissant roy* (1446), and how *Pour ce que plusieurs* in turn drew upon the pamphlets of Fortescue.

The polemical texts went beyond moral and chivalric discussion of the war, to address the complex legal and historical issues underpinning the conflict. In response to the English claim to the French throne, Jean de Montreuil adopted the Salic Law, a highly dubious and problematic authority, but one that achieved great fame particularly through the influence of *Pour ce que plusieurs*. Similarly, the polemical writers rejected English demands for Aquitaine and Normandy in full sovereignty by arguing that no French king could alienate the sovereign rights of the crown. In the sixteenth century, both of these principles were elevated to the status of Fundamental Laws.

These texts were not intended to serve as propaganda, but were generally produced by royal officials to serve as manuals for their fellow administrators and diplomats, and perhaps also for the king and other members of the court involved in negotiations with the English. Only in exceptional circumstances were such works disseminated beyond the narrow circles of the government and court, though royal officials did draw upon them when speaking at public assemblies.

Extended abstract

In the fifteenth century a number of French writers produced texts examining the legal debates of the Hundred Years War. These treatises were part of a larger group of works written by such famous authors as Alain Chartier, Christine de Pizan and Jean Gerson, who were deeply hostile to the English enemy and called upon the French to rally behind their king and to accept reform as the price for victory. Yet the polemical texts went beyond the traditional medieval concern about the evilness of the times and the need for moral reform, to examine the legal and historical truth about the quarrel between England and France. On the whole, the most important treatises were produced by members of the royal administration: Jean de Montreuil composed two major works, *Regali ex progenie* (1406-13) and the *Traité contre les Anglais* (1413-6); Jean Juvénal des Ursins drew upon Montreuil's work to produce two direct discussions of the legal issues of the war, *Audite celi* (1435) and *Tres crestien, tres hault, tres puissant roy* (1446); Noël de Fribois was almost certainly the author of the *Mirouer historial* (1451) and the *Abrégée des chroniques* (1453-1461); *Pour ce que plusieurs* (1464) was composed by an anonymous royal official, perhaps Guillaume Cousinot II, while Louis Le Blanc was probably author of *Pour vraye congnoissance avoir* (1471). But a number of the polemical texts also originated outside official circles. For example, Robert Blondel wrote the poem *De complanctu bonorum Gallicorum* as a protest against the Anglo-Burgundian alliance, shortly after the treaty of Troyes; then in 1449, he produced the *Oratio historialis* to exhort Charles VII to pursue the war against the English. Similarly, three anti-English pamphlets were produced by anonymous writers between 1418 and 1430: *Débats et appointements* (1418-9), *Super omnia vincit veritas* (1419-20) which was translated into French as *Réponse d'un bon et loyal François* (1420), and *Fluxo biennali spacio* (1422-1430).

French historians are divided on the question of whether these were works of propaganda, designed to reach as wide an audience as possible. This dissertation argues that the principal role of these treatises was to serve as manuals for administrators and diplomats in the French government who needed background information on the legal and historical debates of the Hundred Years War. There are also indications that the texts were not just intended for the specialist but also for the king and other members of the court, particularly those nobles and princes involved in diplomatic negotiations with the English. Moreover, the arguments presented by the polemical treatises represented the official position of the Valois government, and

thus even though the texts themselves may not have circulated beyond official circles, except in very unusual circumstances, royal officials did draw heavily upon them when speaking at public assemblies. Thus there were important channels through which these arguments and ideas could reach a wider audience, though ultimately the texts were probably not a major part of the French government's effort to mould public opinion.

The polemical works are certainly very important works of political thought. The writers were addressing a very concrete problem, the defence of the French crown against the claims of the English, and thus their texts shed important light on the means by which abstract ideas were applied in practical situations. The writers drew their inspiration from a higher level of debate, principally sources like the commentaries on St. Augustine and Aristotle, and canon and civil law, blending these authorities with historical information and documentary proofs; as a result, they forged a powerful, cohesive and accessible position on some of the most important questions facing the French monarchy in the late middle ages. The two central principles raised by the debate with the English were the exclusion of women from the royal succession and the inalienability of the crown and crown property. Both of these principles were subsequently elevated to the status of Fundamental Laws during the *Ancien Régime*, yet historians remain confused about the precise origins of these principles, perhaps reflecting the great success of the myths propagated by the polemical writers. For example, the omission of the daughters of the last three Capetian kings is often explained by reference to the Salic Law, an ancient law code of the Salian Franks. This myth was principally developed in 1464 by *Pour ce que plusieurs*, but there is no evidence that this authority was invoked in the debates between 1316 and 1328, nor indeed that it was even cited by the government during the entire fourteenth century. Rather, the French lawyers and diplomats defended Philip VI and his heirs against the rival claims of Edward III and Charles of Navarre by arguing that both women and cognates were excluded from the royal succession by an unidentified custom of the realm: the crown was not private property but rather a public office, subject to a unique set of rules which barred both women and their sons from receiving the crown. Then in around 1413 Jean de Montreuil gave a specific identity to these unique rules by adopting the Salic Law that had been recommended to him by Michel Pintouin, the 'chantre et croniqueur de Saint Denis'. This was a highly dubious authority given that the clause in question referred to the private inheritance of the Salian Franks rather than the royal succession. Yet the polemical writers were clearly attracted to an authority that was both ancient and

French, thus responding to the English contention that there was no unique law governing the royal succession in France and that the exclusion of cognates originated in the decision of the assembly in 1328 to chose Philip of Valois as king rather than Edward III. Even so, Jean Juvénal and Noël de Fribois both had concerns about the new authority, but *Pour ce que plusieurs* set aside all doubts and thus transformed the Salic Law into a remarkably powerful and effective slogan for the French crown.

Edward III and his descendants took the claim to the French throne very seriously, but their principal goal during the war remained the maintenance and indeed expansion of their continental empire. Indeed the title to the throne was an important bargaining chip in negotiations for territorial concessions. Thus by the treaty of Brétigny (1360), Edward III agreed to renounce his title to the French crown in return for the duchy of Aquitaine and other lands in the south-west in full sovereignty. For a French king to alienate his sovereign rights over part of his kingdom would have set a dangerous precedent at a time when a number of princes were resisting the interference of the crown, and so it was fortunate that Edward III backed away from the treaty, presumably hoping to secure more at a time when the French monarchy was in such a vulnerable position. Yet when Charles V restored the royal fortunes, his lawyers and diplomats were quick to argue that the sovereign rights of the crown could never be alienated by the king. In the fifteenth century, the polemical writers took up this defence of the 'pierres precieuses' of the French crown, and indeed developed it further in the context of the debate over the treaty of Troyes (1420), by which Charles VI effectively alienated the entire kingdom to his enemy, Henry V. Ultimately the final defeat of the English aspirations to independent duchies of Guyenne and Normandy, was a crucial stage in the implementation of concepts of sovereignty and the crown in France, and the principle of inalienability became a second Fundamental Law of the *Ancien regime*.

These intellectual developments took place against the context of the war with England, and the French case was largely developed as a direct response to arguments levelled by the opposing diplomats. The importance of this dialogue is further highlighted by the fact that Sir John Fortescue's discussion of royal succession, in his pamphlets defending the Lancastrian claim to the English throne in the early 1460s, was heavily influenced by Jean Juvénal's *Tres crestien, tres hault, tres puissant roy*; similarly, *Pour ce que plusieurs* in turn drew upon the pamphlets of Fortescue. The most likely explanation for this remarkable and almost unique

relationship, is that the author of *Pour ce que plusieurs* was a French diplomat who had not only visited the Lancastrians and thus perhaps met Fortescue, but was also sympathetic to their cause, at least judging by his tactful silence about the Lancastrian usurpation of the English throne from Richard II. Unfortunately there is no direct evidence as to the authorship of *Pour ce que plusieurs*, but a strong circumstantial case may be offered for Guillaume Cousinot II, a diplomat with connections to Pierre de Brézé and thus the Lancastrians, and also direct experience of the events surrounding the breach of the Anglo-French truce in 1449, a matter which received direct attention in the third part of the treatise: the English had supported François de Surienne's attack upon Fougères in March 1449, which *Pour ce que plusieurs* interpreted as part of a wider plan to win the duchy of Brittany over to the English side and also to secure the release of Gilles de Bretagne, the Anglophile brother of the duke. This interpretation has been very influential amongst historians, but in fact there is very little evidence to support the notion of a 'strategeme bien merveilleux' by the English: the attack upon Fougères was undoubtedly part of a plan to free Gilles, but it is hard to see how such an enterprise might have persuaded duke François II to switch sides. These more extravagant claims may be explained by the fact that the treatise was composed in the early 1460s, when the Franco-Breton alliance was again called into question by disputes over regalian rights and Louis XI's attempts to limit the duke's independence to negotiate with the English: under such circumstances, there was a clear value in reminding the Bretons of their obligations to the French crown, together with the historical duplicity of the English.

In summary, this dissertation offers a general study of the polemical texts produced by French writers in the fifteenth century together with an edition of *Pour ce que plusieurs*, perhaps written by Guillaume Cousinot II. Though this dissertation is principally concerned with the history of these works before the advent of printing, it is clear that they had a significant impact upon the ideology of monarchy and the public sphere in early modern France. Perhaps most important of all was *Pour ce que plusieurs* itself, a text that was published in five separate editions by 1557, and was without doubt 'le plus célèbre de tous ces traités contre les prétentions des rois d'Angleterre'. It provided the definitive Valois response to all of the English claims, including the responsibility for the breach of the truce in 1449, and the Yorkist claim to the French throne, and perhaps most importantly, it set the seal upon the myth of the Salic Law.

Preface

I am very grateful to the British Academy, the Trustees of the Zaharoff fund, the Modern History Faculty (who awarded me the A.M.P. Reid studentship in 1996-7) and Worcester College for providing the funding for this dissertation. I would also acknowledge the help of the librarians of the Bodleian Library, the British Library, the Bibliothèque Nationale de France, the Bibliothèque Mazarine, the Bibliothèque de l'Arsènal and the College of Arms. Without the support and friendship of Dr. Norma Aubertin-Potter, Sub-Librarian of All Souls College, Oxford and Professor Alan Lupack of the Robbins Library, University of Rochester, I could not have completed this dissertation.

I have acknowledged the advice of a number of scholars on specific points in the relevant footnotes, but I would particularly like to thank those people who were kind enough to let me read their unpublished work: Professor Françoise Autrand, Dr. Ed. Callahan, Dr. Pierre Chaplais, Dr. James Clark, Dr. Kathy Daly, Professor Ralph Giesey, Professor Sarah Hanley, Dr. Margaret Harvey, Professor Tom Izbicki, Madame Nicole Pons and Dr. Cliff Rogers. I am also very grateful to the following individuals who were kind enough to read and comment on specific chapters: Professor James Campbell, Professor Rees Davies, Professor Michael C.E. Jones, Dr. Michael K. Jones, Dr. Maurice Keen, Dr. John Maddicott, Professor John Carmi Parsons and Dr. John Watts. Mrs. Judith Winchester read through the final draft of the dissertation, and saved me from the worst excesses of poor spelling and bad punctuation.

Madame Nicole Pons was kind enough to suggest that I produce an edition of *Pour ce que plusieurs*, and both she and Dr. Kathleen Daly have provided me with a great deal of assistance in this project. Dr. Pierre Chaplais offered extensive advice on the diplomatic materials that have formed such an essential background to my study of the polemical treatises. Professor James Campbell was kind enough to lend me a number of important books for the duration of this project, and has provided me with help and guidance, particularly in the face of the occasional disasters that have befallen me. Various friends, particularly Dr. Charles Insley, Dr. Gareth Prosser and Dr. James Clark, have been kind enough to listen to my wild ramblings and have been quick to respond to desperate requests for a book, an article or a specific piece of information. Finally, I owe the greatest debt of all to my supervisor, Mr. Peter Lewis, who has provided guidance, support and encouragement, even when he could scarcely afford the time. It has been an honour to work with him.

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Abbreviations

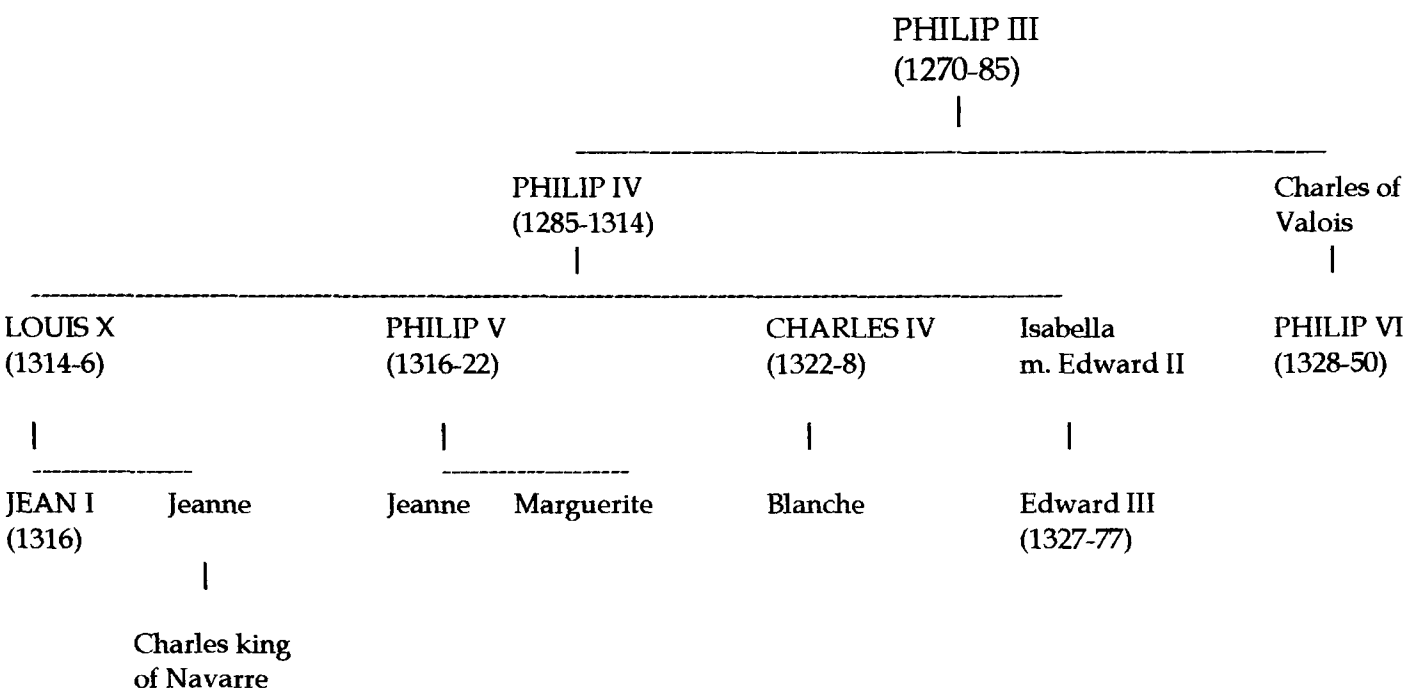
Blondel, Robert. *Oeuvres.*	Blondel, Robert. *Oeuvres de Robert Blondel.* 2 volumes. Ed. A. Héron. Rouen, 1891-3.
BL	British Library
BN	Bibliothèque Nationale de France
Chronique de Mathieu d'Escouchy.	Mathieu d'Escouchy. *Chronique de Mathieu d'Escouchy.* 3 volumes. Ed. G. du Fresne de Beaucourt. Paris, 1863-4.
Chroniques de Jean II et Charles V.	*Les grandes chroniques de France: chroniques des règnes de Jean II et Charles V.* 4 volumes. Ed. R. Delachenal. Paris, 1910-20.
Daly & Giesey. 'Noël de Fribois et la loi salique'	Daly, K. and Giesey, R.E. 'Noël de Fribois et la loi salique' *Bibliothèque de l'Ecole des Chartes,* 151 (1993). 5-36.
EMDP.	*English medieval diplomatic practice. Part 1: documents and interpretation.* 2 volumes. Ed. P. Chaplais. London, 1982.
Foedera.	*Foedera, Conventiones.* 10 volumes. Ed. T. Rymer. The Hague, 1739-45.
Fortescue. *Works.*	Fortescue, Sir John. *The works of Sir John Fortescue.* Ed. Thomas [Fortescue] Lord Clermont and Chichester Fortescue. 2 vols. London, 1869.
Fortescue. *De laudibus.*	Fortescue, Sir John. *De laudibus legum Anglie.* Ed. S.B. Chrimes. Cambridge, 1949.
Fortescue. *Governance.*	Fortescue, Sir John. *The governance of England.* Ed. Charles Plummer. Oxford, 1885.
Giesey, R.E. 'The juristic basis'	Giesey, R.E. 'The juristic basis of dynastic right to the French throne' *Transactions of the American Philosophical Society,* new series, 51:5 (1961). 3-47.
Golein. *Traité du sacre.*	Golein, Jean. *The 'Traité du sacre' of Jean Golein.* Ed. R.A. Jackson. *Proceedings of the*

	American Philosophical Society, 113 (1969). 305-324.
L'honneur de la couronne.	*L'honneur de la couronne de France': quatre libelles contre les Anglais (vers 1418-vers 1429).* Ed. Nicole Pons. Paris, 1990.
Jean Juvénal. *Les écrits politiques.*	Juvénal des Ursins, Jean. *Les écrits politiques de Jean Juvénal des Ursins.* Ed. P.S. Lewis. 3 volumes. Paris, 1978-93.
Letters and papers illustrative of the wars.	*Letters and papers illustrative of the wars of the English in France during the reign of Henry VI.* 2 volumes in 3. Ed. J. Stevenson. London, 1861-4.
Mémoires à l'histoire de Bretagne.	*Mémoires pour servir de preuves à l'histoire ecclésiastique et civile de Bretagne.* Ed. Dom Morice. 3 volumes. Paris, 1742-6.
Montreuil. *Opera.*	Jean de Montreuil. *Opera.* 4 volumes. Ed. N. Grévy-Pons, E. Ornato & G. Ouy. Paris, 1963-86.
Narratives of the English expulsion.	*Narratives of the English expulsion from Normandy, 1449-1450.* Ed. J. Stevenson. London, 1863.
Oresme. *Livre de politiques.*	Oresme, Nicole. *Le livre de politiques d'Aristote, published from the text of the Avranches Manuscript 223.* Ed. A.D. Menut. *Transactions of the American Philosophical Society*, new series, 60 (1970).
Plancher.	*Histoire générale et particulière de Bourgogne.* Ed. Dom Urbain Plancher. 4 volumes. Dijon, 1739-81.
Political poems and songs.	*Political poems and songs relating to English history composed during the period from the accession of Edward III to that of Richard III.* 2 volumes. Ed. T. Wright. London, 1859-61.
PPC.	*Proceedings and ordinances of the Privy Council, 1386-1542..* 7 volumes. Ed. N.H. Nichols. London, 1834-7.
RP.	*Rotuli parliamentorum.* 6 volumes. London, 1767-77.

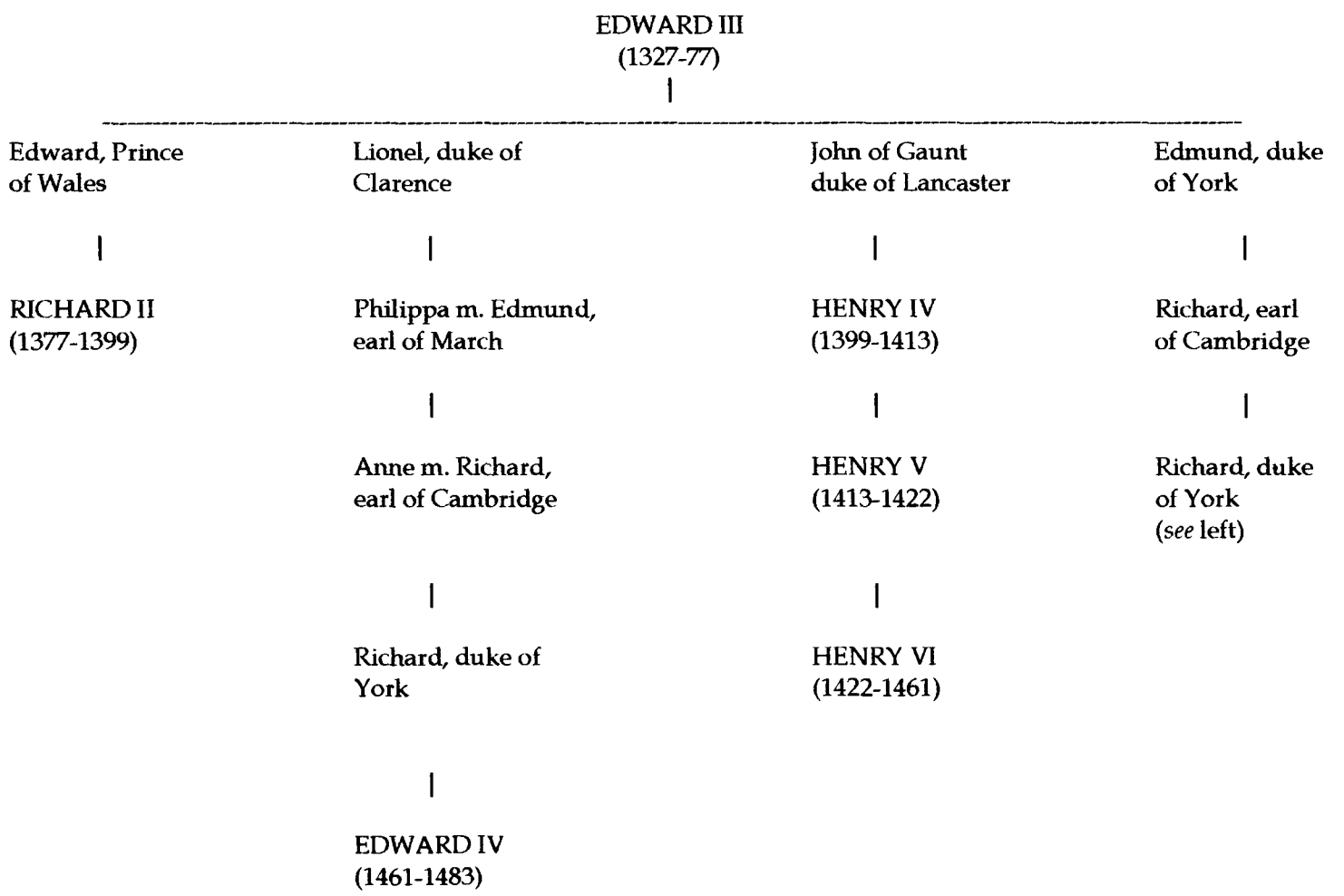
Somnium viridarii.	*Somnium viridarii.* Ed. Marion Schnerb-Lièvre. 2 volumes. Paris, 1993-7
Songe du vergier.	*Le songe du vergier: édité d'après le manuscrit Royal 19 C IV de la British Library.* 2 volumes. Ed. Marion Schnerb-Lièvre. Paris, 1982.

Genealogies

(a) *The daughters of the last Capetians*



(b) *The Yorkists and Lancastrians (simplified)*



Introduction

Introduction

In the fifteenth century a number of French writers produced texts examining the legal debates of the Hundred Years War. These treatises were part of a larger group of works written by such famous authors as Alain Chartier, Christine de Pizan and Jean Gerson, who were deeply hostile to the English enemy and called upon the French to rally behind their king and to accept reform as the price for victory.[1] Yet the polemical texts, or 'literature of political reason', went beyond these traditional medieval concerns about the evilness of the times and the need for moral reform, to examine 'the legal and historical truth about the quarrel between England and France', seeking 'above all to instruct [and] to present the argument against the enemy in a convincing yet viable form'.[2] On the whole, the most important treatises were official texts, produced by members of the royal administration: Jean de Montreuil composed two major works, *Regali ex progenie* (1406-13) and the *Traité contre les Anglais* (1413-6); Jean Juvénal drew upon Montreuil's work to produce two direct discussions of the legal issues of the war, *Audite celi* (1435) and *Tres crestien, tres hault, tres puissant roy* (1446); Noël de Fribois was almost certainly the author of the *Mirouer historial* (1451) and the *Abrégée des chroniques* (1453-1461); *Pour ce que plusieurs* (1464) was composed by an anonymous royal official, perhaps Guillaume Cousinot II, while Louis Le Blanc was probably author of *Pour vraye congnoissance*

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[1] For example, Chartier, Alain. *Le quadrilogue invectif.* Ed. E. Droz. Paris, 1950, together with the *Dialogus familiaris amici et sodalis,* and the *Letter to the University* and *Letter concerning Joan of Arc,* in *Les oeuvres latines.* Ed. P. Bourgain-Hemeryck. Paris, 1977. 245-325, 221-4 and 326-329; Gerson, Jean. *De puella Aurelianensi* and *Vivat rex* in *Oeuvres complètes.* 10 volumes. Ed. P. Glorieux. Paris-Tournai, 1960-1973. IX, 661-5 and VII, 1137-85; Christine de Pizan. *Le livre de la paix.* Ed. C. Willard. 1958. 'S-Gravenhage, 1958; *Débat des hérauts d'armes de France et d'Angleterre, suivi de 'The debate between the heralds of England and France' by John Coke.* Ed. L. Pannier and P. Meyer. Paris, 1887; Vernet, A. 'Le *Tragicum argumentum de miserabili statu regni Francie* de François de Monte-Belluna' *Annuaire-bulletin de la Société de l'Histoire de France,* (1962-3). 103-63.

[2] Lewis, P.S. 'War propaganda and historiography in fifteenth-century France and England' *Essays in later medieval history.* London, 1985. 194-6.

avoir (1471).[3] But a number of the polemical texts also originated outside official circles. For example, Robert Blondel wrote the poem *De complanctu bonorum Gallicorum* as a protest against the Anglo-Burgundian alliance, shortly after the treaty of Troyes; then in 1449, he produced the *Oratio historialis* to exhort Charles VII to pursue the war against the English. Similarly, three anti-English pamphlets were produced by anonymous writers between 1418 and 1430: *Débats et appointements* (1418-9), *Super omnia vincit veritas* (1419-20) which was translated into French as *Réponse d'un bon et loyal François* (1420), and *Fluxo biennali spacio* (1422-1430).[4]

The polemical treatises offered a passionate defence of the Valois monarchy and demonstrated a great hostility towards the English, but were they part of a royal propaganda effort? The Hundred Years War placed an unprecedented burden upon both France and England, and so it is not surprising that both governments took advantage of every means possible to ensure public support for the war effort.[5] The

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[3] Montreuil. *Opera.* and Jean Juvénal. *Les écrits politiques;* for Noël de Fribois, see the forthcoming edition by Kathleen Daly, together with her discussions of the texts in Daly, K. 'Histoire et politique à la fin de la Guerre de Cent Ans: l'*Abrégé des chroniques de France* de Noël de Fribois' *La France anglaise au moyen âge: actes du 111e congrès national des sociétés savantes (Poitiers, 1986).* Paris, 1988. I, 91-101 and 'The *Mirouer historial abrégié de France*: historical culture and politics at the court of Charles VII' *Vincent de Beauvais: intentions et réceptions d'une oeuvre encyclopédique au moyen âge.* Ed. M. Paulmier-Foucart, S. Lusignan et A. Nadeau. Montréal, 1990. 467-494; for *Pour ce que plusieurs,* see appendix below; for *Pour vraye congnoissance avoir,* see BN manuscrits français 15490 and 25159, together with Daly, K. 'Mixing business with leisure: some French royal notaries and secretaries and their histories of France, c.1459-1509' *Power culture and religion in France, c.1350-1550.* Ed. C.T. Allmand. Woodbridge, 1989. 101. Note that I use the term 'official' in a loose sense, to designate the fact that the authors were drawn from the court: it is not always clear that these texts were commissioned 'by a person exercising authority to represent the point of view of his office', Gransden, A. 'Propaganda in English medieval historiography' *Journal of medieval history,* 1 (1975). 363.

[4] For Blondel's works, which were also translated into French, see Blondel, Robert. *Oeuvres;* for the pamphlets, see *L'honneur de la couronne.* Colette Beaune claims that Robert Blondel referred to eleven treatises on Anglo-French relations, but I cannot find any trace of this; moreover, it is highly unlikely that he was aware of all of the texts that she considers to have been on this list. Beaune, C. *The birth of an ideology: myths and symbols of nationhood in later medieval France.* Berkeley, 1991. 257.

[5] Thus, the most concentrated English propaganda effort of the war occurred during the minority of Henry VI, when the government sought to raise English and French support for the dual monarchy. Rowe, B.J.H. 'King Henry's claims to France in picture and poetry' *The library,* 4th series, 12 (1932-3). 77-88; McKenna, J.W. 'Henry VI of England and the Dual Monarchy: aspects of royal political propaganda, 1422-1432' *Journal of the Warburg and Courtauld Institutes,* 28 (1965). 145-62. For the burdens of the war, see for example, Contamine, P. *Au temps de la guerre de cent ans: France et Angleterre.* Paris, 1976; Harriss, G.L. 'War and the emergence of the English parliament' *Journal of medieval history,* 2 (1976). 35-56; Allmand, C. T. *Henry V.* 91-115; Ormrod, W.M. 'The domestic response to the Hundred Years War'

term 'propaganda' was first coined during the Counter-Reformation, and medieval manuals of advice for kings, princes and lords rarely discussed the need to influence public opinion. Yet medieval rulers were well aware of the advantages of deliberately distorting information in order to shape and direct public attitudes. Medieval propaganda was not produced and circulated on as wide a scale as is now possible, nor could it benefit from the scientific analysis of psychology and sociology as a guide.[6] Yet these governments did use images, symbols, public ceremony and words to manipulate the thoughts and actions of others, learning the lessons of the widespread propaganda campaign utilised by the church to mobilise support for the Crusades.[7] Richard Fitzralph, archbishop of Armagh called for the people to support Edward III in 1345, and Froissart described the great successes that the bishop of Toulouse enjoyed when speaking in the cities and *bonnes villes* about the king's rights: he was such a great orator that his sermons on the justice of the French cause against the English won over 'plus de soissante cités, villes, chastiaus et forterèces'.[8]

Arms, armies and fortifications in the Hundred Years War. Ed. Anne Curry and Michael Hughes. London, 1994. 83-101 and *Political life in medieval England.* Basingstoke, 1995. Chapter six

[6] The Oxford English dictionary defines propaganda as 'the systematic propagation of information or ideas by an interested party, especially in a tendentious way in order to encourage or instil a particular attitude or response'. According to Contamine, war propaganda is 'toute action psychologique menée par des pouvoirs, formels ou informels, en vue d'accroître médiatement ou immédiatement l'éfficacité d'une entreprise guerrière quelconque.' Contamine, P. 'Aperçus sur la propagande de guerre, de la fin du XIIe au début du XVe siècle: les Croisades, la Guerre de Cent Ans' *La forme della propaganda politica nel due e nel trecento.* Rome, 1994. 7. See also Menache, S. *Vox dei: communication in the middle ages.* Oxford, 1990. 98-123 and 175-190.

[7] For the use of visual symbols, for example on coins and in public documents, see McKenna, J.W. 'Henry VI of England and the Dual Monarchy'. 146-51; Danbury, E. 'English and French artistic propaganda during the period of the Hundred Years War: some evidence from royal charters' *Power, culture and religion in France, c.1350-1550.* Ed. C.T. Allmand. Woodbridge, 1989. 79-86; Menache, S. *Vox dei.* 191-209. For public ceremony, see, for example, Giesey, R.E. *The royal funeral ceremony in Renaissance France.* Geneva, 1960; Guenée, B. and Lehoux, F. *Les entrées royales françaises de 1328 à 1515.* Paris, 1968; Jackson, R.A. *Vive le roi! A history of the French coronation from Charles V to Charles X.* Chapel Hill, 1984.

[8] The Lancastrian kings made at least seventy requests for public prayers in support of the war effort, though the importance of this should not be overestimated as royal requests are only known to have been implemented in the diocese of Lincoln thirty-four times between 1337-1453. Guenée, B. 'Les tendences actuelles de l'histoire politique du moyen âge français' *Actes du 100e Congrès National des Sociétés Savantes, Paris, 1975.* Paris, 1977. I, 64-5 and McHardy, A.K. 'Liturgy and propaganda in the diocese of Lincoln during the Hundred Years War' *Religion and national identity.* Ed. S. Mews. *Studies in church history,* 18. Oxford, 1982. 215-7. See also Hewitt, J. *The organization of war under Edward III.* Manchester, 1966. 160-3; McHardy, A.K. 'The English clergy and the Hundred Years War' *The church and the war.* Ed. W.J. Sheils. *Studies in Church History,* 20. Oxford, 1983. 171-8; Contamine, P. 'Aperçus sur la

In England the surviving returns indicate that general proclamations were heard in county courts and over two hundred towns in the realm. The government ensured the public proclamation of the most important events together with war dispatches, such as those of Henry V and Thomas earl of Salisbury; in the aftermath of the defection of the duke of Burgundy from the English cause in 1435, nearly a dozen separate proclamations regarding hostilities with Flanders were issued, many highlighting the duke's treachery.[9] Indeed perhaps the most important means for a government to communicate with its supporters was by newsletter; as Guenée has argued, 'l'arme normale, directe, précise, quotidienne de la propagande est la lettre'. On 28 August 1337 Edward III ordered the Archbishop of Canterbury to send out a hundred people to the counties of England with a text demonstrating the legitimacy of the war against Philip de Valois, and in June 1340, he issued more than a hundred copies of a letter to Gascony explaining the diplomatic situation, including forty to the urban communities.[10] The door of the parish church often served as a communal notice-board for other forms of propaganda. For example, the English posted illustrated genealogies and verses demonstrating the validity of the Dual Monarchy

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propagande de guerre'. 8-9; Jones, W.R. 'The English church and royal propaganda during the Hundred Years War' *Journal of British studies*, 19 (1979). 18-30.

[9] Maddicott, J.R. 'The county community and the making of public opinion in fourteenth century England' *Transactions of the royal Historical Society*, 5th series, 28 (1978). 34-6; Hewitt, J. *The organization of war under Edward III*. 158-60; Armstrong, C.A.J. 'Some examples of the distribution and speed of news in England at the time of the Wars of the Roses' *England, France and Burgundy in the fifteenth century*. London, 1983. 110-1; Allan, A. 'Royal propaganda and the proclamations of Edward IV' *Bulletin of the Institute of Historical Research*, 59 (1986). 151-4; Doig, J.A. 'Propaganda, public opinion and the seige of Calais in 1436' *Crown, government and people in the fifteenth century*. Ed. R.E. Archer. Stroud, 1995. 79-106. See also Bossuat, A. 'La littérature de propagande au XVe siècle: le mémoire de Jean de Rinel, secrétaire du roi d'Angleterre, contre le duc de Bourgogne (1435)' *Cahiers d'histoire*, 1 (1956). 141.

[10] Guenée, B. 'Les tendences actuelles de l'histoire politique du moyen âge français'. 60 and Contamine, P. 'Aperçus sur la propagande de guerre'. 18. See also Armstrong, C.A.J. 'Some examples of the distribution and speed of news in England at the time of the Wars of the Roses' *England, France and Burgundy in the fifteenth century*. London, 1983. 99-103; Ross, C.D. 'Rumour, propaganda and popular opinion during the Wars of the Roses' *Patronage, the crown and the provinces in later medieval England*. Ed. R.A. Griffiths. Gloucester, 1981. 15-32. For royal letters in France to the bonnes villes, see Chevalier, B. 'The *bonnes villes* and the king's council in fifteenth century France' *The crown and local communities in England and France in the fifteenth century*. Ed. J.R.L. Highfield and R. Jeffs. Gloucester, 1981. 118-22. Newsletters were sent by captains and princes especially after a victory but also to cover up a defeat: Autrand, Françoise. 'La déconfiture: la bataille de Poitiers (1356) à travers quelques textes français des

on such doors all across northern France; the illuminated genealogy depicted Henry VI's descent from Saint-Louis and in the words of B.J.H. Rowe 'might easily have helped to persuade a simple people that Henry's claim was just'. The accompanying verses by Lawrence Calot offered a very simple account of the crimes for which the dauphin had been disinherited in favour of Henry V, and the claim that Henry VI was a true Frenchman and heir to Charles VI his grandfather. These verses were subsequently translated into English by John Lydgate on the instructions of the earl of Warwick for the educated English public; thus they joined the wide corpus of officially sponsored verse which also exalted the victories of Henry V and celebrated the entries of Henry VI and queen Margaret to London in 1432 and 1445 respectively.[11]

Yet, this kind of material rarely addressed the legal debates underpinning the war in anything but the vaguest terms. The pedigrees used so much by the Lancastrians and Yorkists in the fifteenth century relied upon 'Bible stories, ancient history and the legends of early Britain', rather than detailed, rational argument, while the newsletters and proclamations generally justified military action by vague reference to the rights of the crown, but far more importantly, by the threat that their enemies posed to the realm: most famously, the French plans for an invasion of England, seized at Caen, were read out in the churchyard of St Paul's by the Archbishop of Canterbury and in Parliament in 1346.[12] Thus it is not surprising that there is so little

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XIV et XV siècles' *Guerre et société en France, en Angleterre et en Bourgogne, XIV-XV siècle.* Ed. P. Contamine, C. Giry-Deloison et M. Keen. Lille, 1991. 93-121.

[11] *Political poems and songs relating to English history composed during the period from the accession of Edward III to that of Richard III.* 2 volumes. Ed. T. Wright. London, 1859-61. II, 131; Rowe, B.J.H. 'King Henry's claims to France'. 77 and McKenna, J.W. 'Henry VI of England and the Dual Monarchy'. 151-2; Doig, J.A. 'Propaganda, public opinion and the seige of Calais in 1436'. 87-8.

[12] Allan, A. 'Yorkist propaganda: pedigree, prophecy and the 'British History' in the reign of Edward IV' *Patronage, pedigree and power in later medieval England.* Ed. C. Ross. Gloucester, 1979. 189, 172, and *Adae Murimuth, continuatio chronicarum, Robertus de Avesbury, De gestis mirabilis Edwardi Tertii.* Ed. E.M.

evidence that ordinary people understood the complex issues of the war, despite Bossuat's observation that a simple peasant girl like Jeanne d'Arc was able to 'parler si naturellement des événements et avoir sur les droits de la couronne de France des conceptions si précises'.[13] In fact, popular opinion was shaped by factors quite different from the legal issues of the war. For example, Jehan de Lions declared in 1353 that Edward III was the rightful king of France because he could cure scrofula; his refusal to retract this statement led to a six year stay in the royal prison at Les Andelys. In December 1363 Benoît Taquet, inhabitant of the Somme town of Saint-Valéry declared that he would prefer the kings of England or Navarre to rule because then there would be less destruction and pillage. Indeed it seems more likely that the beleaguered inhabitants of France cared more about the ability of the king to bring peace and security, than the legal niceties of his claim to the throne. In 1440 Jean Juvénal, as bishop of Beauvais, called upon Charles VII to make peace, warning that 'nous endurons plus que ne povons, et se estions es mains des ennemis nous serions gouvernes en justice et police comme les autres des terres qu'ilz ont conquises': as a medieval proverb said, 'Qui tient la paix, il tient le pays'.[14] Certainly after Edward IV seized the English throne in March 1461, his supporters preferred to emphasis the failings of the previous Lancastrian government more rather than explain in detail his title to the crown.[15]

Thompson. London, 1889. 205, 211; *RP.* II, 158-9. See the comments of Ormrod, W.M. *Political life in medieval England.* 95-8.

[13] Bossuat, A. 'La littérature de propagande au XVe siècle. 145.

[14] Hoareau-Dodinau, J. 'Les fondements des preferences dynastiques au XIVe siècle d'aprés quelques lettres de rémission' *La France Anglaise au moyen âge: Actes du 111e Congrès National des Sociétés Savantes (Poitiers, 1986).* Paris, 1988. 113-21; Lewis, P.S. 'La 'France Anglaise' vue de la France Française' *La 'France Anglaise' au moyen âge: actes du 111e Congrés National des Sociétés Savantes.* Paris, 1988. 31-3; Jean Juvénal. *Les écrits politiques.* I, 309, 312.

[15] After the attempts to restore Henry VI to the throne between 1469 and 1471, Edward's proclamations explained at length his military success and though reference was made to both parliamentary and divine approval for his own claim to the throne, there was no extended attempt to

André Bossuat has argued that the polemical treatises were part of the effort of the Valois government to win over public opinion, and thus revealed 'les voies mystérieuses qui permettent à la pensée des 'clercs' de pénétrer insensiblement le peuple tout entier'. More recently Nicole Pons has asserted that they were primarily designed 'pour convaincre, pour entraîner l'adhésion du plus grand nombre de lecteurs potentiels possible'; Montreuil 's'est efforcé de susciter un mouvement d'opinion aussi large que possible en faveur du royaume de France'. According to Jacques Krynen, in the most recent study of late medieval French political thought, *L'empire du roi*, 'Ce qui rapproche toutes ces oeuvres ... c'est le désir plus ou moins avoué de chacun de leurs auteurs d'obtenir la plus large audience possible'.[16] Yet there is very little direct evidence to support the notion that the complex polemical treatises were ever read or used by anyone but learned specialists, at least before the advent of printing. According to Bernard Guenée, it is 'abusif de parler de propagande à propos de ces petits traités confidentiels et produits au XVe siècle par des humanistes en mal d'écrire et répandues à deux ou trois exemplaires'; he would prefer the term 'littérature engagée' or more simply 'politique', and reserve the term propaganda for texts which were clearly the object of a concerted distribution effort, such as the flurry of letters sent out to political figures and towns in the immediate aftermath of the murder of Jean sans Peur, duke of Burgundy in 1419.[17] This

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justify his claim to the crown. Allan, A. 'Royal propaganda and the proclamations of Edward IV'. 149-151; Ross, C.D. 'Rumour, propaganda and popular opinion'. 25.

[16] Bossuat, A. 'La littérature de propagande au XVe siècle. 146; Pons, N. 'Latin et français au XVe siècle: le témoignage des traités de propagande' *Le moyen français. Actes du Ve colloque international sur le moyen français, Milan, 6-8 mai 1985.* Milan, 1986. II, 71 and 'Propaganda et sentiment national pendant le règne de Charles VI: l'exemple de Jean de Montreuil' *Francia*, 8 (1979). 133; Krynen, J. *L'empire du roi: idées et croyances politiques en France, XIIIe - XVe siècles.* Paris, 1993. 311. Jean–Pierre Royer also cites the *Songe du vergier* as 'un des produits du grand effort de propagande nationale que les Valois en lutte contre les Plantagênets', Royer, J.-P. *L'église et le royaume de France au XIVe siècle d'après le 'Songe du vergier' et la jurisprudence du Parlement.* Paris, 1969. 225.

[17] Guenée, B. 'Les tendences actuelles de l'histoire politique du moyen âge français'. 59 and 'Les campagnes de lettres qui ont suivi le meurtre de Jean sans Peur, duc de Bourgogne (Septembre 1419-Février 1420)' *Annuaire-bulletin de la société de l'histoire de France*, (1993). 45-65. Also see Lewis, P.S. 'War propaganda and historiography'. 198 and Jean Juvénal. *Les écrits politiques.* III, 153.

dissertation essentially aims to place these documents within their primary context, the royal administration, from where the writers derived much of their source material, and for which they were effectively providing manuals on the most important matters affecting the crown. It is more difficult to identify a wider audience for the polemical treatises beyond these professionals, though there are strong indications that the texts were also intended for the king and other members of the court, particularly those involved in diplomatic negotiations for which they would require background information on 'la querelle Anglaise'. Moreover, while the texts themselves may not have circulated beyond official circles except in unusual circumstances, the arguments presented by the polemical treatises represented the official position of the Valois government, and thus it is not surprising to find that royal officials drew heavily upon them when speaking at public assemblies. Thus there were important channels through which such ideas could reach a wider audience, but ultimately such texts were not a central part of the French government's effort to mould public opinion. Thus it would be unfair to criticise the English government for failing to produce any equivalent polemical treatises, and thus for lacking the sophisticated propaganda techniques of their French counterparts: English administrators and diplomats certainly did produce useful dossiers setting out the materials with which to support English claims in France That the French developed such materials into a more readable format says more about the complexity of their positions in the negotiations, and perhaps also the legacy of Charles V's 'think tank', than their facility as propagandists **[chapter one]**.

Yet the polemical works are certainly very important works of political thought. The writers were not great thinkers in their own right, with the possible exception of Jean Juvénal des Ursins, but rather drew their inspiration from a higher level of debate,

principally sources like the commentaries on St. Augustine and Aristotle, and canon and civil law. Yet they were involved in a very concrete debate, defending the French crown against the claims of the English, and thus shed important light on the means by which abstract ideas were applied to a practical, political end. The polemical writers blended the complex arguments with historical proofs, particularly through the use of diplomatic and administrative documents, and as a result, forged a powerful, cohesive and accessible position on some of the most important questions facing the French monarchy in the late middle ages. Yet historians remain confused about the precise origins of these principles, ultimately reflecting the great success of the myths propagated by the polemical writers. For example, the omission of the daughters of the last three Capetian kings is often explained by reference to the Salic Law, an ancient law code of the Salian Franks. This myth was principally developed in 1464 by *Pour ce que plusieurs*, but there is no evidence that this authority was invoked in the debates between 1316 and 1328, nor indeed that it was even cited by the French government during the entire fourteenth century, In fact, the decisions of 1317, 1322 and 1328 were certainly determined by political factors, though in 1337 and then 1340, Edward III laid claim to the French throne as nearest male heir to Charles IV, who had died in 1328: thus the defenders of Philip of Valois were forced to defend the decision to exclude women and cognates from the royal succession. Clearly the problem was that, if the crown did pass by hereditary succession, then it should have fallen to the closest heir, irrespective of ability or gender, as Pierre Jacobi noted in his *Practica aurea libellorum*, written between 1311 and 1329.[18] Thus the Valois writers were forced to argue that the crown was not private property at all, and hence could not be subject to the normal rules of inheritance. This distinction

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[18] Rigaudière, A. 'Etat, pouvoir et administration dans la *Practica aurea libellorum* de Pierre Jacobi (vers 1311) *Droits savants et pratiques françaises du pouvoir (XIe-XVe siècles)*. Ed. J. Krynen et A. Rigaudière.

was first employed by the Augustinian commentators and the writers in the entourage of Charles V, particularly through reference to *Num* 27: God declared that whenever a man died without sons then his inheritance should pass to his daughter, but this only referred to private property, and not a public office or (*dignitas*) like priesthood or monarchy. Then in around 1413, Jean de Montreuil gave a specific identity to these unique rules by adopting a new authority, the Salic Law, that had been recommended to him by Michel Pintouin, the 'chantre et croniqueur de Saint Denis'. This was a highly dubious authority given that the clause in question referred to the private inheritance of the Salian Franks rather than the royal succession, but the argument slowly developed into a remarkably powerful slogan, particularly thanks to *Pour ce que plusieurs.* **[chapter two]**.[19]

Edward III and his descendants took the claim to the French throne very seriously, but their principal goal during the war remained the maintenance and indeed expansion of their continental empire: in this context, the Plantagenet title to the French throne served to change the war from a rebellion of a vassal against his sovereign lord, into a competition between two rival claimants to the throne. At the same time, the title to the throne was as an important bargaining chip in negotiations for territorial concessions. By the treaty of Brétigny (1360), Edward III agreed to renounce his title to the French crown in return for the certain lands in the south-west in full sovereignty and resort. For a French king to alienate his sovereign rights over part of his kingdom would have set a dangerous precedent at a time when a

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Bordeaux, 1992. 171-3.

[19] Due to the limitations of space, I will not address the consequences of the exclusion of women from the royal succession for the public role of the queen as consort and regent, but it is clear that the adoption of the Salic Law enabled the polemical writers to justify the exclusion of women from the royal succession less by the moral and physical inferiority of women, and more by their legal incapacity to exercise the specific authority of a sovereign ruler. At the very least, this was a tactful position to adopt

number of princes were resisting the implementation of the ideas of crown lawyers. Thus it was fortunate that Edward III apparently backed away from the treaty, presumably hoping to secure more at a time when the French monarchy was in such a weak state. Whatever the reason, Valois lawyers and diplomats were quick to develop arguments to demonstrate that the sovereign rights of the crown could not be alienated by the king; the polemical writers took up this defence of the 'pierres precieuses' of the French crown, and indeed developed it further in the context of the debate over the treaty of Troyes (1420), by which Charles VI effectively alienated the entire kingdom to his enemy, Henry V. Ultimately the final defeat of the English aspirations to independent duchies of Guyenne and Normandy, was a crucial stage in the implementation of concepts of sovereignty and the crown in France, and the principle of inalienability became a second Fundamental Law of the *Ancien regime.* **[chapter four]**.

These intellectual developments took place against the context of the war with England, and the French case was largely developed as a direct response to arguments levelled by the opposing diplomats. The importance of this diplomatic dialogue is further highlighted by the fact that Sir John Fortescue's discussion of royal succession, in his pamphlets defending the Lancastrian claim to the English throne in the early 1460s, was heavily influenced by Jean Juvénal's *Tres crestien, tres hault, tres puissant roy;* similarly, *Pour ce que plusieurs* in turn drew upon the pamphlets of Fortescue. The most likely explanation for this remarkable and almost unique relationship, is that the author of *Pour ce que plusieurs* was a French diplomat who had not only visited the Lancastrians, and thus met Fortescue, but was also

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at a time when Isabeau of Bavaria was demonstrating the absurdity of the argument that a woman was not up to the challenge of ruling.

sympathetic to their cause, at least judging by his remarkable omission of the fact that the Lancastrians had usurped the English throne from Richard II **[chapter three]**. Unfortunately there is no direct evidence as to the authorship of *Pour ce que plusieurs*, but a strong circumstantial case may be offered for Guillaume Cousinot II, a diplomat with connections to Pierre de Brézé and thus the Lancastrians, and direct experience of the events surrounding the breach of the Anglo-French truce in 1449, a matter which received direct attention in the third part of the treatise: the English had supported François de Surienne's attack upon Fougères in March 1449, which *Pour ce que plusieurs* interpreted as part of a wider plan to win the duchy of Brittany over to the English side and also to secure the release of Gilles de Bretagne, the Anglophile brother of the duke. This interpretation has been very influential amongst historians, but in fact there is very little evidence to support the notion of a 'strategeme bien merveilleux' by the English: the attack upon Fougères was undoubtedly part of a plan to free Gilles, but it is hard to see how such an enterprise might have persuaded duke François II to switch sides. These more extravagant claims may be explained by the fact that the treatise was composed in the early 1460s, when the Franco-Breton alliance was again called into question by disputes over regalian rights and Louis XI's attempts to limit the duke's independence to negotiate with the English: under such circumstances, there was a clear value in reminding the Bretons of their obligations to the French crown, and the historical duplicity of the English **[chapters five and appendix, section 1.1]**.

In summary, this dissertation offers a general study of the polemical texts produced by French writers in the fifteenth century, together with an edition of perhaps the most important of these works, *Pour ce que plusieurs* **[appendix]**. This text survives in fifteen contemporary manuscripts, and was published in five separate editions by

1557: without doubt, it was 'le plus célèbre de tous ces traités contre les prétentions des rois d'Angleterre'.[20] It provided the definitive Valois response to all of the English claims, including the responsibility for the breach of the truce in 1449, and the Yorkist claim to the French throne. But perhaps most importantly, it set the seal upon the myth of the Salic Law: one modern historian has even confused *Pour ce que plusieurs* with this famous authority, because it was published under the title *La Loy Salique, première loy des François* when originally printed in conjunction with Claude de Seyssel's *Grant monarchie de France*.[21] Though this dissertation is principally concerned with the history of the polemical treatises before the advent of printing, it is clear that they had a significant impact upon the ideology of monarchy and the public sphere in early modern France.[22]

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[20] Pons, N. 'Latin et français au XVe siècle'. 69.

[21] Jordan, C. 'Women's rule in sixteenth-century British thought' *Renaissance quarterly*, 40 (1987). 447n.

[22] I have confined myself to the period before the printing of the polemical texts both because of limitations of time and space, but also because professor Ralph Giesey will be addressing the after-life of the texts in a forthcoming study, which unfortunately has not appeared in time to be used in this dissertation.

Chapter One:

War, propaganda and diplomacy in fifteenth France and England.

War, propaganda and diplomacy in fifteenth century France and England

The French polemical treatises were generally produced by royal administrators for consumption by their fellow officials and diplomats. Jean de Montreuil, Noël de Fribois and Louis Le Blanc were all *notaires et secrétaires du roi*, as was Guillaume Cousinot II, who may have been the author of *Pour ce que plusieurs.*[1] Jean Juvénal was not a *notaire et secrétaire*, but as he declared to Charles VII, 'ay esté vostre advocat et conseillier en vostre court de *Parlement*, ou j'ay gardé a mon povoir les drois de la couronne et de vous', and he certainly felt qualified to provide detailed advice on chancellorship, and the administration in general, when his brother Guillaume was appointed to that office in 1445.[2] Even the anonymous text *Super omnia vincit veritas* was written by an officer of the *Parlement* or *Chambre des comptes* shortly after 2 December 1419, when Philip the Good accepted that the dauphin would be disinherited and that Henry V would become heir to the French throne.[3] Certainly the majority of surviving manuscripts of the polemical texts emanate from administrative circles. Many of Montreuil's manuscripts were destroyed by the Armagnacs when they captured Paris but a number remained in the *Chambre des*

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[1] Montreuil. *Opera.* IV, 304-18 and for Noël de Fribois, see Daly, K. *The 'Miroir historial abrégé de France' and 'C'est chose profitable': a study of two XVth century French historical texts and their context.* D.Phil., Oxford, 1983. 169-175, together with 'Histoire et politique à la fin de la Guerre de Cent Ans: l'*Abrégé des chroniques de France* de Noël de Fribois' *La France anglaise au moyen âge: actes du 111e congrès national des sociétés savantes (Poitiers, 1986).* Paris, 1988. I, 91-101 and 'The *Mirouer historial abrégié de France*: historical culture and politics at the court of Charles VII' *Vincent de Beauvais: intentions et réceptions d'une oeuvre encyclopédique au moyen âge.* Ed. M. Paulmier-Foucart, S. Lusignan et A. Nadeau. Montréal, 1990. 467-494. For Louis Le Blanc and *Pour vraye congnoissance avoir*, see BN manuscrits français 15490 and 25159, together with Daly, K. 'Mixing business with leisure: some French royal notaries and secretaries and their histories of France, c.1459-1509' *Power culture and religion in France, c.1350-1550.* Ed. C.T. Allmand. Woodbridge, 1989. 101; for Guillaume Cousinot II and *Pour ce que plusieurs*, see appendix, section 1.1 below.

[2] Jean Juvénal. *Les écrits politiques.* I, 443 and in general 441-551, together with II, 124-32. Ironically the only pro-English polemical treatise produced during the course of the war was Jean de Rinel's defence of the treaty of Troyes in 1435: Rinel had also been a *notaire et sécretaire.* Bossuat, A. 'La littérature de propagande au XVe siècle: le mémoire de Jean de Rinel, secrétaire du roi d'Angleterre, contre le duc de Bourgogne (1435)' *Cahiers d'histoire,* 1 (1956). 135 on, and see footnote 91 below.

comptes. For example Jean Budé owned a manuscript that included Montreuil's *Regali ex progenie*, as well as another containing *Pour ce que plusieurs*; during the reign of Louis XI, an abridgement of Montreuil's Latin text of the *Traité contre les Anglais* was included in a chancellery formulary, together with a genealogy of the kings of France and a list of royal prerogatives.[4] A number of texts produced in the chancellery demonstrate a direct knowledge of Montreuil's works: the *Genealogie des rois de France verite est que* was written between 1422 and 1431 by an anonymous scribe of the chancellery based on Montreuil's *Résumé du Traité contre les Anglais*; *Pour vraye congnoissance avoir* was also inspired by Jean de Montreuil, as were the *Mirouer historial* and the *Abrégé des chroniques* by Noël de Fribois.[5] Both of Fribois' chronicles themselves circulated within the *Chambre des comptes*, as Jean Le Bègue possessed a corrected manuscript of the *Abrégé des chroniques* that was evidently an early draft of the text that Fribois presented to the king in 1459; Etienne Chevalier, *notaire et secrétaire* and then *trésorier* to Charles VII and Louis XI owned a manuscript of the completed text. In the next generation, Le Picart annotated one of the best manuscripts of the *Abrégé des chroniques* and with Nicole Gilles made extensive use of it in his own work.[6] But perhaps the best example of the use that these treatises served for the administrators was *Pour vraye cognissance avoir*, which contained precise references to the location of

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[3] *Super omnia vincit veritas* was subsequently translated into French as *Reponse d'un bon et loyal francois*, in *L'honneur de la couronne*. 83-137.

[4] Montreuil. *Opera*. IV, 15-7 (Firenze, Bibloteca Riccardiana 443, owned by Jean Budé who also owned a copy of *Pour ce que plusieurs*) and Daly, K. 'Mixing business with leisure'. 107 for the formulary of Odart Morchesne, see BN manuscrit français 14371, fo.287v-288r, based on Montreuil. *Opera*. II, 240-6. In addition, see *ibid*. IV, 35-40 and 44-6, for other manuscripts containing materials by Montreuil that circulated within the chancellery.

[5] Pons, N. 'Un exemple de l'utilisation des écrits politiques de Jean de Montreuil: un memorandum diplomatique redige sous Charles VII' *Préludes à la renaissance: aspects de la vie intellectuelle en France au XVe siècle*. Ed. Carla Bozzolo and Ezio Ornato. Paris, 1992. 243-264 and for *Pour vraye congnoissance avoir* see footnote 1 above, and for Fribois' debt to Montreuil, see Daly, K. *The 'Miroir historial abrégé de France' and 'C'est chose profitable'*. 169-173 and 189-190. Jean Juvénal also followed the first draft of the *Traité contre les Anglais*, Jean Juvénal. *Les écrits politiques*. II, 156.

[6] Daly, K. 'Mixing business with leisure'. 113.

supporting documents in the *Chambre des comptes* and the *Trésor des chartes.*[7] Thus the polemical treatises served principally as administrative and diplomatic manuals circulating within the chancellery and court. It is less certain that they were intended as propaganda to influence a wider audience, though there were important channels through which such materials might reach a wider audience, particularly through the exposition by royal officials at public assemblies.

1. *ADMINISTRATIVE AND DIPLOMATIC CONTEXT*

1.1 *The French archives and the administrative use of the texts*

The polemical treatises were valuable to French officials as a source of materials for the defence of the 'droiz, preeminences et prerogatives' of the French crown, at a time when successive kings bemoaned the *grant desordre* of the royal archives, which created an enormous obstacle for anyone seeking documents on a specific theme. Under Philip the Fair, the *Trésor des chartes* held at least 7200 documents and seventy one registers, and thirty years later those figures had doubled, even though only a fraction of royal documents were sent there for registration. A royal *notaire et secrétaire* was appointed as *Trésorier des chartes* and was probably responsible for finding the document and sending the original, or a *vidimus*, to the officer who required it, though he would often be aided by those ambassadors or commissioners who needed the documents and were best equipped to identify them. In the absence

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[7] One of the two copies of the text appears in a collection of diplomatic materials which included the *Memoire abregée grossement* and other materials relating to negotiations with the English, BN manuscrit français 15490; interestingly this also contains an incomplete copy of *Pour ce que plusieurs*, and a number of diplomatic pieces, including the *Mémoire abregée grossement*, and a transcription of the treaty of Brétigny-Calais, letters signed by Edward III and Jean le Bon at Boulogne in 1360, and the official French memorandum of 1369.

of any surviving inventories it is impossible to offer precise statistics for the *Chambre des comptes*, but there is no doubt that it was far larger; moreover, where the *Trésor* was a depository, the *Chambre* was an active tribunal with documents apparently filling chests and cupboards in practically every corner.[8] Thus the location of materials for the defence of the crown could be a difficult task: in 1457, the *Trésorier* Dreux Budé and three other officials searched for past treaties between kings of France and the kings of Hungary or Bohemia, in preparation for negotiations between Charles VII and Ladislas, the reigning king of Bohemia; in the early 1460s French officials undertook a massive search of royal and provincial archives to find documents for the dispute between Louis XI and duke François II of Brittany over regalian rights; in 1478 Louis XI called for two separate searches of the archives for materials to support impending negotiations with the duke of Austria at Cambrai, and with the English.[9]

Under these circumstances, working instruments were necessary, such as the memorials of the *Chambre des comptes*. Moreover, clerks began to collect documents in order to preserve them, and also to provide information for personal and professional purposes. In the early years of the reign of Louis XI, genealogies of past kings, together with a short account of their reigns, were incorporated into a

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[8] Contamine, P. 'La mémoire de l'état: les archives de la Chambre des Comptes du roi de France à Paris au XVe siècle' *Des pouvoirs en France, 1300-1500.* Paris, 1992. 243-50.

[9] Contamine, P. 'Méthodes et instruments de travail de la diplomatie française. Louis XI et la régale des évêchés bretons (1462-5)' *Des pouvoirs en France, 1300-1500.* Paris, 1992. 159-61 and 237. Towards the end of 1440, the king sent Gérard Machet to the archives in Paris and to Saint-Denis, to examine chronicles, original documents and treatises against the English, and at some point before 1444, Charles VII comissioned Renaud de Chartres and Christophe d'Harcourt to locate an 'authentic' copy of the Salic Law, perhaps for use at one of the meetings with the English. Beaune, C. 'Histoire et politique: la recherche du texte de la loi salique de 1350 à 1450' *Congrès des Sociétés Savantes, Bordeaux 1979. Section de philologie et d'histoire.* Paris, 1981. I, 31-2. Louis XI also ordered a search for documents to support the Aragonese claim to the house of Bar, cited in Dickinson, J. *The Congress of Arras, 1435: a study in medieval diplomacy.* Oxford 1955. 140n. At the end of the fifteenth century the Flemish jurist Philip Wielant, a member of the Parlement of Malines, undertook an enquiry into 'le ressort de France' or the sovereign rights claimed by the king of France in Flanders. Armstrong, C.A.J. 'La double monarchie France-

chancellery formula, probably prepared for a *notaire et secrétaire*. Jean Le Bègue recorded historical details from the memorials of the *Chambre des comptes* in his manual, as did Pierre Amer; Louis Le Blanc made a personal collection of copies of documents from the archives of the *Chambre*, and was also commissioned to compile an inventory of documents in the *Trésor des chartes*.[10] French officials also prepared a number of dossiers relating to diplomatic negotiations with foreign powers. At the start of the fourteenth century, officials like Pierre d'Etampes prepared collections of documents relating to very limited themes such as the negotiations for a treaty with Flanders in 1320.[11] Then, shortly before the visit of the emperor to Paris in 1378, Gérard II de Montaigu, the future *Garde du Trésor des chartes*, prepared for Charles V a collection of one hundred and seventy two documents, principally concerning the wars with the English. This dossier, the *Recueil des traités de la France*, gave the king easy access to particularly important documents on the subject of the sovereignty of the crown; it was cited in both the 1380 and 1411 inventories of the library at the Louvre, and it clearly served the king well, as he spoke for more than two hours before the emperor about the history of France and the injustice of the actions of the English.[12] In 1390 these materials were drawn together into a detailed synthesis, the *Memoire abregée grossement*, presumably for use by diplomats at the meetings at Leulingham; a number of copies also included the letter sent to the English on 11

Angleterre et la maison de Bourgogne (1420-1435): le declin d'une alliance' *England, France and Burgundy in the fifteenth century*. London, 1983. 354.

[10] Daly, K. 'Mixing business with leisure'. 103 and Contamine, P. 'La mémoire de l'état'. 239.

[11] Another register was established in the *Trésor des chartes* for matters concerning Flanders, England and Scotland. Delaborde, H.F. *Etude sur la constitution du Trésor des chartes*. Paris, 1909. xlvi and xlix.

[12] The original dossier does not survive, but partial copies dating from the mid and late fifteenth century, Artonne, A. 'Le recueil des traités de la France composé par ordre de Charles V' *Recueil de travaux offerts à M. Clovis Brunel*. Paris, 1955. I, 53-63; Autrand, F. 'Les livres des hommes de pouvoir: de la pratique à la culture écrite: I. Pratique diplomatique et culture politique au temps de Charles V' and Pons, N. 'A l'origine des dossiers polemiques: une unitiative publique ou une demarche privée?' *Pratiques de la culture écrite en France au XVe siècle: Actes du colloque internationales de CNRS*. Louvain, 1995. 199-204 and 362-3. For the imperial visit, see Delachenal, R. *Histoire de Charles V*. 5 volumes. Paris, 1909-1931. V, chapter 2 and Autrand, F. 'Mémoire et cérémonial: la visite de l'empereur Charles IV à

May 1369 regarding breaches of the treaty of Brétigny, together with instructions and other materials relating to the negotiations between 1389 and 1392.[13] During the reign of Charles VI an anonymous French official from the *Chambre des comptes* prepared a collection of treatises, instructions and reports of conferences dating back to the reign of Jean II, together with political and administrative documents such as the famous instruction for the safeguard of 'droits de souverainete, de ressort et autres droits royaux' over Montpellier when it was ceded to the king of Navarre in 1372. This collection was undoubtedly intended to provide diplomats with materials necessary for the negotiations with the English, and even included a list of contents to facilitate quick reference to materials.[14] Two manuscripts of the mid-fifteenth century were more precisely orientated towards the conflict against the English, and included copies of the treaties and truces agreed between the kings of England and France between 1200 and 1327, together with the letter of Edward III in March 1331 recognising his homage to Philip VI as being liege; the first also included the *Mémoire abregée grossement*, together with documents relating to the negotiations with the English in 1435 and 1439, while the second presented materials relating to the treaty of Troyes and an ordonnance of Henry VI from 1429, regarding 'fugitive' Normans.[15] Finally, one dossier offered a comprehensive collection of original and copied documents relating to the events of 1449 and 1450, particularly François de Surienne's attack upon Fougères and the subsequent abandonment of the truce by Charles VII; this collection may have been prepared shortly after 1479, in reponse to a

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Paris en 1378 d'après les Grandes chroniques de France et Christine de Pizan' *Une femme de lettre au moyen âge. Etudes autour de Christine de Pizan.* Ed. L. Dulac et B. Rébémont. Orleans, 1995. 91-103.

[13] Lewis, P.S. 'War propaganda and historiography in fifteenth-century France and England' *Essays in later medieval history.* London, 1985. 209-10, together with Montreuil. *Opera.* III. 19-20 and 51-110, and Palmer, J.J.N. *England, France and Christendom, 1377-1399.* London, 1972. 233-4.

[14] The only surviving copy of this dossier is a manuscript dating from the end of the fifteenth century, BN manuscrit français 2699. See Pons, N. 'A l'origine des dossiers polemiques'. 366-7.

[15] BN manuscrits nouvelles acqusitions françaises 6215 and 6224. See Delisle, L. *Catalogue des manuscrits des fonds Libri et Barrois.* Paris, 1888. 244-8 and 260-1, as well as *Documents relating to the Anglo-*

royal instruction calling for materials to defend the crown against English claims regarding 'la rompure des treves lan mil .cccc. .xlix. dont le roy dAngleterre demande reparacion luy en estre faicte'.[16]

These dossiers generally reproduced the original documents, but the polemical texts took the process to its logical conclusion by offering a synthesis drawn from the original documents, following the example of the *Memoire abregée grossement.* Montreuil drew heavily on this text, and essentially produced an extended version of this short tract which was copied into one of his working manuscripts. Thus the polemical texts generally referred the readers back to the archives, or occasionally included 'pièces justicatives', such as Edward III's confession that he paid liege homage to Philip VI.[17] At the same time the polemical treatises incorporated complex legal arguments derived from more academic sources, including the *Somnium viridarii* (1376), written by Evrart de Trémaugon and translated by Jean Le Fèvre as the *Songe du vergier* (1378), and also the commentary on St. Augustine's *De civitate dei* by François de Meyronnes.[18] The *Somnium viridarii* was an extensive legal encyclopedia concerning the rights of the French crown, which included a detailed discussion of the rules governing the royal succession; moreover, Le Fèvre added a series of

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French negotiations of 1439. Ed. C.T. Allmand. *Camden Miscellany,* 24 (1972). 82-3, together with Pons, N. 'A l'origine des dossiers polemiques'. 365-6.

[16] BN manuscrit français 4054, and for the request for materials about the end of the truce in 1449, and in general for the defence of the French crown, see fo.241v. For the complex questions surrounding the materials collected by Jean Castel, which appear in an array of manuscripts, see Lewis, P.S. 'Jeu de cubes: reflexions sur quelques textes et manuscrits' *Pratiques de la culture écrite en France au XVe siècle: Actes du colloque internationales de CNRS.* Louvain, 1995. 313-30. For Burgundian dossiers, see Small, G. *George Chastelain and the shaping of Valois Burgundy: political and historical culture at court in the fifteenth century.* Woodbridge, 1997. 139n.

[17] Brussels, Bibliothèque Royale manuscrit 10306-07 and see, for example, Montreuil. *Opera.* II, 106-8, 175-7, 232-4 and 279-81, together with Jean Juvénal. *Les écrits politiques.* II, 170-7. The inclusion of important public documents was a practice also common to chronicles.

[18] Jean Juvénal used François de Meyronnes' commentary on Augustine's *De civitate dei, les écrits politiques.* II, 42 and 46, but Montreuil probably did not: he reported that he did properly study the writings of Augustine until 1415 or 1416, and regretted that he did not know the *De civitate dei* better: Montreuil. *Opera.* IV. 317. For the authorship of the *Somnium viridarii* and the *Songe du vergier,* see

arguments against the treaty of Brétigny, derived partially from earlier memoranda produced by two doctors of the university of Bologna, John de Legnano and Richard Saliceto.[19] Montreuil drew heavily upon this material for his own case against female and cognate succession, and also bolstered the discussion of the treaty of Brétigny presented by the *Memoire abregée grossement* by reference to important arguments on the inalienability of sovereignty which had appeared, for example, in the speech made before the papal mediators by Jean Le Fèvre in December 1376 and in the *Songe du vergier*.[20] Yet Montreuil removed the complex legal references found in the opinions of lawyers like Trémaugon, John de Legnano and Richard de Saliceto, and instead simply referred his readers to 'un autre traictié a part assez plus grant que c'est ycy', presumably the *Songe du vergier*, for further information on the arguments that he was offering.[21] Jean Juvénal and the other polemical writers generally followed Montreuil in this, effectively providing a simple synopsis of the higher level of legal debate during the war.[22]

Chaplais, P. 'Jean Le Fèvre, abbot of Saint-Vaast, and the *Songe du vergier*' *Recognitions: essays presented to Edmund Fryde*. Ed. Colin Richmond and Isobel Harvey. Aberystwyth, 1996. 203-28.

[19] These opinions had not been sought by the French crown but rather by the district of Millau in Rouergue; Trémaugon may have been a student of John de Legnano at the Faculty of Law at Bologna. Coville, A. *Evrart de Trémaugon et le 'Songe du vergier'*. Paris, 1933. 14-5 and Chaplais, P. 'Jean Le Fèvre, abbot of Saint-Vaast, and the *Songe du vergier*'. 208.

[20] There is no evidence that the polemical writers suppoorted their discussion of inalienability by reference to the work of Jean de Terrevermeille, as is often suggested by historians, nor did they use the opinions of Ludovicus de Garsiis and Guilelmus Hugonis, archdeacon of Metz, commissioned by Cardinals Albergati and de Lusignan at the Congress of Arras in 1435. See chapter two, section 1.3 and chapter three, section 5 below.

[21] Montreuil. *Opera*. II, 195-6. In his discussion of the royal succession, Montreuil cited another treatise which set out the English arguments together with the French replies based upon the ancient law of the realm; this is often thought to refer to a lost work of Richard Lescot, but might equally be the *Songe du vergier*, which certainly did claim to set aside the arguments of the opposing side through the mouth of the Clerk, *Opera*. II, 224, 269 and 325 and see chapter two, section 1 below.

[22] The detailed discussion of civil law in BN manuscrit français 5038, fo.24r-v, is a later interpolation by another writer. Jean Juvénal. *Les écrits politiques*. I, 180-181. Evidently Noël de Fribois read a copy of Evrart de Trémaugon's lecture on succession presented before the University of Paris in 1373, but did not chose to include these complex arguments in his text; however, he did use various authorities taken from Baldus de Ubaldis. See chapter two, section 1.2 below.

1.2 *Diplomatic usage*

Thus the polemical texts offered a very useful tool for administrators, as demonstrated by the circulation of manuscripts of Montreuil and Fribois's work. Moreover, many of the treatises also served an important role within the diplomatic sphere. *Tres crestien, tres puissant, tres hault roy* was written by Jean Juvénal in 1446 in preparation for the planned meeting between Henry VI and Charles VII. The bishop of Laon declared that he had followed the king's instructions to compose a treatise for 'la convention que deves avoir avec tres hault et puissant prince Henry vostre nepveu et adversaire soy disant roy d'Angleterre...'; he developed upon his earlier discussion of the English claims in *Audite celi*, itself based upon the work of Jean de Montreuil, and also provided his readers with a number of *pièces justificatives*, copied from original documents in the registers of the chancellery.[23] Similarly, *Pour ce que plusieurs* provided information for French negotiators for a planned meeting between the English and the French at Saint-Omer in late 1464, to arrange a marriage between Edward IV and a French princess. Three manuscripts of *Pour ce que plusieurs* also contained the *Vraie cronicque dEscoce*, probably written shortly after December 1463 by John Ireland, a Scotsman at the University of Paris; this treatise offered an important tool for Louis XI's diplomats negotiating Scotland's role in the debates between England and France in 1464.[24] The involvement of these texts in the diplomatic sphere is perhaps demonstrated by the fact that Sir John Fortescue drew heavily upon the treatise of Jean Juvénal for his anti-Yorkist pamphlets, and that *Pour*

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[23] Jean Juvénal. *Les écrits politiques*. II, 13-14 and 170-7. Pons regards this as 'un exemple de traité de propagande, joint à un recueil diplomatique', Pons, N. 'A l'origine des dossiers polemiques'. 369.

[24] See chapter five, section 1, below, together with Daly, K. 'The *Vraie conicque dEscoce* and Franco-Scottish diplomacy: an historical work by John Ireland?' *Nottingham medieval studies*, 35 (1991). 106-133.

ce que plusieurs in turn borrowed a number of arguments from the works of the famous Lancastrian.[25]

A number of other texts also played a role in the diplomatic sphere. For example, the *Résumé du traité contre les Anglais* was apparently written by Montreuil in two drafts between 1414 and 1416. According to Pons, 'Cette oeuvre, assez courte, était certainement destinée à une grande diffusion' and reflected the wish of Montreuil to reach those outside of the government. Yet the surviving copies testify to the dissemination of the work within diplomatic circles; the first draft appears in three English compilations of diplomatic materials belonging to bishop Bekynton, and the one remaining copy of the second draft appears in a Norman manuscript, immediately before a memorandum on Charles VII's rights to Normandy, apparently used by French diplomats at Arras in 1435. Moreover the *Résumé du Traité contre les Anglais* served as a source and model for the diplomatic memorandum entitled *Genealogie des rois de France verite est que*, probably written by an anonymous scribe of the chancellery in 1425, when a French embassy was sent to Sigismund, king of the Romans and to the pope Martin V. This work was written in French and so it is highly unlikely that it was to be given to or read before the pope; rather it would seem to be an *aide-mémoire* for the diplomats themselves, a working preçis of Montreuil's larger *Traité contre les Anglais*.[26] In 1435 Jean de Rinel wrote a mémoire in support of the English cause, demonstrating that the treaty of Troyes was valid and that Henry VI, rather than Charles VII, was the true king of France. According to Bossuat this was a propaganda text, designed to persuade those who were unsure or

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[25] See chapters three and five, section 1 below.

[26] For the *Résumé du traité contre les Anglais*, see Montreuil. *Opera*. II, 44-6 and 324-31: there is a fifth copy of the text, in Latin, probably prepared by a clerk of the English chancery, in Bodleian Library MS Bodley 885, fo.37r-38r. For the *Genealogie des rois de France*, see Pons, N. 'Un exemple de l'utilisation des écrits politiques de Jean de Montreuil'. 243-264.

uncommitted to the double monarchy. Yet the mémoire has the 'air more of a private official memorandum than propaganda' and was almost certainly intended to be used by diplomats involved in the negotiations at the Congress of Arras.[27]

The value of these texts for diplomats is clear: they offered summaries of the large body of documents on the disputes with the English, and clear statements of the Valois position on most points that might be raised during negotiations. Unfortunately there is very limited information as to the materials used by diplomats, largely because so few documents survive. Of all the negotiations throughout the Hundred Years War, the only series of talks for which the entire set of official documents survives is that from 1400 to 1403; usually the historian must rely upon second-hand accounts of conferences, such as that of Nicolas Du Bosc for the meeting held in July 1381, citing a number of original documents held by the French ambassadors of which no trace now exists.[28] Thus there is very little information on the documents that late medieval diplomats carried with them, beyond the official documents that ensured their safe-conduct and defined and established the powers and the scope of their actions. Diplomats would certainly need an array of documents, including not just their instructions and letters of credence, but also original proofs, perhaps provided by the dossiers of documents:

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[27] *EMDP.* I:II, 648-652; Bossuat, A. 'La littérature de propagande au XVe siècle'. 141; Lewis, P.S. 'War propaganda and historiography'. 206-7. At the same time that Rinel was writing his mémoire, presumably for the use of the English diplomats, the advisors to the duke of Burgundy were producing a number of similar memoranda examining the validity of the treaty of Troyes and the oath that bound the duke to it. See footnotes 45 and 91 below.

[28] *Pratique de la diplomatie. Un dossier d'ambassadeurs français sous Charles VI (1400-1403).* Ed. Isabelle Le Bis. *Annuaire-bulletin de la Société de l'Histoire de France,* (1985-6). 97-209 and Du Bosc, N. 'Voyage pour négocier la paix entre les couronnes de France et d'Angleterre' *Voyage littéraire de deux religieux bénédictins de la congrégation de Saint-Maur.* Ed. E. Martène and U. Durand. Paris, 1724. II, 326. Du Bosc described how the French ambassadors at the end of the negotiations in July 1381, divided up the documents between themselves, thus explaining why so few remain in the archives. In 1412, an Armagnac embassy to Henry IV was intercepted by the bailli of Caen; in addition to letters of credence and instructions, they carried a number of blank charters which might be filled out during the

the instructions given to the French ambassadors sent to Boulogne in April 1377 indicate that they were carrying copies of documents concerning the homage paid by Edward III to Philip VI, as well as letters by which Edward had confirmed 'tous accors, alliances et traictiéz faiz autrefoys entre les Roys de France et le Roy d'Angleterre'.[29] Yet diplomats would also benefit from shorter memoranda, setting out the central points in contention: as the English observed in 1418, their French counterparts were unfamiliar with the terms of the treaty of Brétigny, and indeed had limited geographical knowledge of the territories under discussion: at most meetings with the English the principal concern was the debate over territorial concessions.[30] Moreover, large embassies included an orator who would require a detailed knowledge of the issues between the two sovereigns: in both 1435 and 1439 Archbishop Kemp and Regnault de Chartres, archbishop of Reims exchanged orations regarding the respective claims to the French crown of Henry VI and Charles VII.[31] Thus diplomats might need background information, and in this context, it is significant that French officials provided an enormous collection of materials relating to the dispute with the duke of Brittany in the early 1460s, but for the actual conference at Chinon in October 1464, they also produced a brief

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negotiations and also a short treatise on 'le gouvernement de ce royaume'. Dickinson, J. "Blanks' and 'blank charters' in the fourteenth and fifteenth centuries' *English historical review*, 66 (1951). 375-87.

[29] *The Anglo-French negotiations at Bruges, 1374-7.* Ed. E. Perroy. *Camden Miscellany*, 19 (1952). 80. The range of documents possessed by a diplomat demonstrated by a manuscript containing the professional papers of William Weston, an active diplomat at the papal curia and in negotiations regarding Aquitaine during the 1310s and 1320s: Cheyette, F. 'Paris BN MS Latin 5954: the professional papers of an English ambassador on the eve of the Hundred Years War' *Economies et sociétés au moyen âge: mélanges offerts à Edouard Perroy.* Paris, 1973. 400-13.

[30] Allmand, C.T. *The Hundred Years War*. Cambridge, 1989. 116. *Pour ce que plusieurs* defined the boundaries of the duchy of Guyenne as the *sénéchaussées* of Bordeaux, Landes and Bazadais; in fact these were areas of customary law rather than administrative boundaries, but the anonymous author was merely repeating a common error made by French diplomats. *Pour ce que plusieurs*. fo.26v and 29r-v, and *Letters and papers illustrative of the wars*. I, 51-2 and 135. See Vale, M.G.A. *English Gascony, 1399-1453: a study of war, government and politics during the later stages of the Hundred Years' War*. Oxford, 1970. 103 note 8.

[31] For Arras, see Dickinson, J. *The Congress of Arras*. 5-6 and 114. In 1439, the instructions given to the English embassy required them to put forward the English claim to the French throne but gave little guidance on the arguments that Kemp should use in his speech. Allmand, C.T. 'The Anglo-French negotiations of 1439' *Bulletin of the Institute of Historical Research*, 40 (1967). 10 and 17, and *PPC*. V, 354-5.

memorandum which offered a readable summary of the key points. Similarly, Michel de Pons, *procureur général,* composed a detailed treatise on the Burgundian succession in preparation for negotiations that culminated in the treaty of Arras in 1482; this work survives in twelve copies, some of which were even illuminated, but the complexity of this work suggests that its primary role was as a manual for royal administrators and diplomats.[32] To a degree, these materials complemented and extended the instructions given to diplomats, which often contained the expression 'bailliee par maniere de memoire' at the head of the text, and followed a general format: 'les instructions ... ne répondent plus aux règles de l'esthétique mais de l'utilité: chaque article est précédé d'un 'item' et séparé du suivant par deux ou trois lignes blanches'. The polemical treatises were often presented in the same form, sometimes with lists of contents to facilitate reference to specific sections within the text. Thus it is possible that they were intended for use during the meetings themselves, but it is more likely that they provided background information; the treatises certainly did not set out the precise responses to be given to almost any conceivable argument by the English, like, for example, the French instructions of February 1372.[33]

1.3 *Summary*

The importance of the polemical treatises within the French royal administration was attested to by successive kings. In 1446, Jean Juvénal reported to Charles VII, that 'je

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[32] Contamine, P. 'Méthodes et instruments de travail de la diplomatie française'. 166-7 and Saenger, P. 'Burgundy and the inalienability of apanages in the reign of Louis XI' *French historical studies,* (1977). 13-26. The text *Ut sanctitati domini nostri summi pontificis clare pateat* was produced by English lawyers for the pope in 1344 as a summary of the detailed legal arguments that they had prepared in defence of Edward III. BN manuscrit Moreau 699, fo.98r-115r and 115v-121v.

... ay receu vos lettres patentes par lesquelles vous a pleu moy mander et commander que je me transportasse en vos chambres des comptes, du tresor de vos chartres, et ailleurs, pour veoir les lettres et chartres', and had composed *Tres crestien, tres hault, tres puissant roy*. In the aftermath of the English attack on Fougères in 1449, Charles VII asked Jean Juvénal to provide him with a justification for renewing the war against the English.[34] On 16 August 1464 Louis XI wrote to Charles de Melun, his lieutenant in Paris, instructing him to allow Guillaume Cousinot II to examine the royal archives in order to prepare a treatment of the rights that Louis claimed over the duchy of Brittany; Cousinot was also the author of a memorandum supporting Louis XI's pretensions to Burgundy and the county of Mâcon upon the death of Charles le Téméraire.[35] In 1478, Louis XI again asked Cousinot to join five other men to 'dresser beaux, notables, grans et amples mémoires' on which to base the rights and by which he might reply to the English pretensions to the French crown, Normandy and Guyenne; perhaps the next year, a council memorandum indicated the importance of 'beaulx livres a perpetuel mémoire pour estre mis tant en la Chambre des comptes que ou Tresor des chartes' regarding amongst other things 'la querelle du roy a l'encontre du roy d'Angleterre'.[36] Indeed this effort was not confined solely to France; in 1459 the duke of Burgundy instructed his chancellor to produce a memorandum on the French non-observance of the treaty of Arras for the

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[33] *Pratique de la diplomatie*. Ed. Isabelle Le Bis. 105-23 and *The Anglo-French negotiations at Bruges, 1374-7*. Ed. E. Perroy. 69-74. Also see Ferguson, J. *English diplomacy, 1422-1461*. Oxford, 1972. Chapter 8; Dickinson, J. *The Congress of Arras*. xvi-xxii, especially xx.

[34] Jean Juvénal. *Les écrits politiques*. II, 13-14, discussed in footnote 24 above, and for the request regarding Fougères, see chapter five, section 1 below.

[35] Contamine, P. 'Méthodes et instruments de travail de la diplomatie française'. 153, and appendix, section 1.1 below.

[36] BN manuscrit français 4054, fo.240r-243r. Lewis dates the council memorandum to 1491, but I am more inclined to follow Pons in dating it to 1479: the dossier seems to follow a chronological order, and the instruction follows a letter of Louis XI dated August 1478, and precedes another letter of July 1480. Jean Juvénal. *Les écrits politiques*. III, 166-7 and Pons, N. 'A l'origine des dossiers polemiques'. 364.

Burgundian ambassadors who were about to negotiate with them.[37] The repeated request to produce new treatises demonstrates the need to ensure that such works were up to date and reflected all the important developments in Anglo-French relations, and may also demonstrate the ephemeral nature of such texts: there is no surviving official, contemporary French copy of the *Résumé du Traité contre les Anglais* or *Tres crestien, tres puissant, tres hault roy,* and though the *notaire et secrétaire,* Jean Budé, had a copy of *Pour ce que plusieurs* by 1486, there is no indication that there was a copy of the text in government hands before then.[38]

2. *THE WIDER AUDIENCE*

2.1 *Introduction*

The primary context and audience for the polemical texts was the royal administration, but there are hints that the treatises may have appealed to a wider audience. Almost all of the polemical texts were written or translated into French, and when original documents and sources were quoted in Latin, Jean Juvénal, Fribois and their colleagues also provided translations. This might suggest that the polemical writers and the translators were also intending their works to be read by a domestic, lay audience, perhaps following the vast programme of translation of highly academic materials into the vernacular, initiated by Charles V.[39] Indeed the

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[37] BN manuscrit nouvelle acquisition française 23800, fo.13r, cited in Dickinson, J. *The Congress of Arras.* 242n.

[38] See footnote 26 and Jean Juvénal. *Les écrits politiques.* II, 1-11. The manuscript owned by Budé was Vatican Library, Reg. ms lat. 1933.

[39] Monfrin, J. 'Humanisme et traductions au Moyen Âge' and 'Les traducteurs et leur public en France au Moyen Âge' *L'humanisme médiéval dans les littératures romanes du XIIe au XIVe siècle.* Ed. A. Fournier. Paris, 1964. 217-62 and Sherman, C.R. *Imaging Aristotle: verbal and visual representation in fourteenth-century France.* Berkeley, 1995. 3-12. The use of the vernacular does not imply that these works were not intended for diplomats and administrators, of course: the French diplomats at Alençon in

most important reader might be the king himself: Raoul de Presles translated Augustine's *De civitate dei* into French 'tant pour plaire a vous [Charles V], comme pour profiter a voz subgéz', and the king was also keen to read more prosaic materials: Gérard II de Montaigu had provided both Latin and French copies of documents in the *Recueil des traités de la France* 'par le commandement du dit seigneur'. Fifty years later, the *Réponse d'un bon et loyal François* even attacked the English for composing the treaty of Troyes (1420) in Latin, given that 'le roy, la royne, madame Katherine et la plus grant partie des nobles' could not understand that language.[40] Moreover, the polemical texts also provided summaries of more complex materials, including both original documents and the legal memoranda: Montreuil avoided the use of detailed legal citations, emphasising his desire to be understood by 'gens laiz', and Fribois thought that the 'grandeur et prolixite' of such sources prevented investigation of the past by nobles, 'obstans la brieste et fragilite de ceste vie humaine et les grans affaires en quoy ilz sont souventesfoiz occupez pour le bien de la chose publique'.[41] Thus there is reason to believe that the polemical texts provided background information on 'la querelle anglaise' for the king and the court, if not a wider lay audience.

November 1418, refused to use Latin, while the English objected to the confusion and difficulties stemming from the vernacular employed by the archbishop of Sens and other negotiators. *EMDP.* I:I, 207-23. Montreuil wrote to John of Gaunt in French in the summer of 1394, 'pour ce que je vouloye que celluy a qui j'etoye l'entendist', Montreuil. *Opera.* I, 240-8; III, 13-7 and 32-41; IV, 240-1: thus the use of French is certainly compatible with their use in meetings with the English.

[40] When the *Recueil des traités de la France* was copied in the mid-fifteenth century for diplomats, these translations were considered superfluous. Monfrin, J. 'Humanisme et traductions au Moyen Âge' *L'humanisme médiéval dans les littératures romanes du XIIe au XIVe siècle.* Ed. A. Fournier. Paris, 1964. 217-46; Artonne, A. 'Le recueil des traités de la France'. 55-7; *L'honneur de la couronne de France.* 122-3. But note that Louis XI was well trained in Latin. Russell, J.G. 'Language: barrier or gateway?' *Diplomats at work: three Renaissance studies.* Gloucester, 1992. 11 and also see 30-1.

2.2 *Princes and the international audience*

Many of the polemical treatises would have held a genuine interest for the kings and great nobles, especially when couched in a more literary style that softened the form of the administrative and diplomatic text. Montreuil's treatise *Regali ex progeni,* and its translation, *A toute la chevalerie,* offered a commentary on the martial qualities and successes of the French; the text was originally dedicated to the dauphin Louis de Guyenne, as an encouragement to emulate the examples of his predecessors. The discussion of the English claims was a mere appendix to *A toute la chevalerie,* which Montreuil later expanded into a fully-fledged discussion of the debates with the English in 1413. Robert Blondel did not discuss the English claims in any depth at all in his *Oratio historialis,* but did offer a very charged history which was principally intended to persuade Charles VII to protect the duke of Brittany against the English after the fall of Fougères. Fribois' *Abrégée des chroniques* was intended to encourage the 'roys et princes de France' to follow the example of their illustrious predecessors: the discussions of specific issues, such as the laws governing the royal succession and the validity of the treaty of Troyes, were extended discussions added to this glorious story.[42] Such materials, particularly the chronicles, would undoubtedly have appealed to the French kings: Charles VII read a chronicle during his visit to the Norman abbey of Ardenne, probably during the Norman campaign of 1450, and Louis XI may have carried a copy of Fribois' *Abrégé des chroniques* when he travelled.[43] Moreover, there are certainly hints that individual kings were well-informed about such matters: in 1480, Louis XI reported that he had been told that if

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[41] Montrueil. *Opera.* II, 162, 223, 265 and 268-9, and the *Abrégé des chroniques* in BL MS Additional 13961, fo.2r. See footnotes 21 and 64.

[42] Montreuil. *Opera.* II, 11; Blondel, Robert. *Oeuvres.* I, 155-294; Daly, K. 'Histoire et politique à la fin de la Guerre de Cent Ans: l'*Abrégé des chroniques de France*'. 91-101.

[43] Vale, M.G.A. *Charles VII.* London, 1974. 139 and 198, and Hedeman, A.D. *The royal image: illustrations of the Grandes Chroniques de France, 1274-1422.* Berkeley, 1991. 181

women were permitted to succeed to Flanders and Burgundy, as apanages subject to the same rules as the French crown, then Charles of Navarre or the king of England would be the rightful ruler of France.[44]

Perhaps the best examples of works prepared for the prince are the texts written on the eve of the Congress of Arras in 1435. Dream stories were a common means for French scholars to present complex works, such as Evrart de Trémaugon in the *Somnium viridarii*, Philippe de Meziérès in the *Songe du vieil pelerin* and the *Apparicion maistre Jehan de Meun* by Honoré Bouvet. Thus it is perhaps not surprising that in 1435, Jean Juvénal presented his first discussion of the issues of the war, in *Audite celi*, through the medium of the strange vision of a mysterious woman who had seen three ladies, France, England and the Church meeting at Arras in order to find peace; their discussions were influenced by contributions of Ambition, Greed, Hatred, Vengeance, Sedition, Charity, True Love and other positive virtues. Jean Juvénal wished to set out the legal issues of the war, but also genuinely hoped that the forthcoming negotiations at the Congress of Arras would lead to peace, having witnessed the impact of the war upon his see of Beauvais. At the same time, a number of Burgundian councillors produced memoranda examining Philip the Good's obligations to Henry VI by virtue of the treaty of Troyes; these texts employed a very literary style, particularly one that addressed the question through an excursion into the history of Persia under king Darius. In both of these cases, the authors approached complex problems through highly literary styles, clearly

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[44] *Lettres de Louis XI, roi de France*. Ed. J. Vaesen and E. Charavay. Paris, 1893-1909. VIII, 275-7, cited in Saenger, P. 'Burgundy and the inalienability of apanages'. 12. The polemical treatises had consistently observed that if cognates could succeed to the throne, then Charles of Navarre would have inherited ahead of Edward III, while Jean Juvénal had explicitly connected the principle of female and cognate exclusion from the royal succession, to the inheritance of apanages. See chapter two, section 1.3 and chapter four, section 2.4. Note that in 1320, Edward II had a quick and detailed answer to a tricky

demonstrating that they were intended to be read or heard by the king or duke. The Burgundian writers clearly hoped to placate any qualms that Philip the Good had about breaking the oath that he had made to uphold the treaty of Troyes.[45]

Even the more dry, academic works may have served to prepare princes and great nobles for meetings with the English. Normally such men played a very limited role in diplomatic parleys, perhaps because of their rank and also to avoid any embarrassment over precedence. But throughout the Hundred Years War, and particularly from the 1370s to the negotiations at Calais in 1439, specific nobles were heavily involved in negotiations, even if the surviving sources provide little information as to their precise roles.[46] The clearest evidence for differentiation of roles within a large embassy, is provided by the negotiations during the 1390s, where there were two levels of talks for the great princes and the legal experts. During a preliminary meeting to arrange a conference between the two kings, the English suggested on 14 February 1390 that they send the royal uncles and four hundred knights and esquires, together with just two prelates or doctors as counsellors. Three years later, the princes of the blood, John of Gaunt and the dukes of Gloucester, Berry and Burgundy, agreed a provisional treaty and arranged a separate meeting of legal experts for August to resolve the continuing problems of sovereignty and resort over lands within France. The next year Montreuil himself took part in an embassy to

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question posed by the French regarding homage. Rothwell, H. 'Edward I's case against Philip the Fair over Gascony' *English historical review*, 42 (1927). 575-7.

[45] Note that *Audite celi* was included in contemporary manuscript containing five texts by Alain Chartier, BN manuscrit français 1128. Jean Juvénal. *Les écrits politiques*. I, 96-8 and 145-278, and especially 267-8; Dickinson, J. *The Congress of Arras*. 66-77 and 241-4 and Schneider, F. *Der europäische Friedenskongres von Arras (1435) und die Friedenspolitik Papst Eugens IV und das Basler Konzils*. Griess, 1919. 185-208. The count of Foix and the duke of Brittany had earlier wrestled with the same problems, and may have also sought the opinion of canon lawyers and the church. Vale, M.G.A. *English Gascony*. 82-96 and Harvey, M and Izbicki, T M. 'The Pope, the canonists and the treaty of Troyes'. Unpublished.

[46] Dickinson, J. *The Congress of Arras*. especially pp.4; Allmand, C.T. 'The Anglo-French negotiations of 1439'. 1-33; Palmer, J.J.N. 'The war aims of the protagonists and the negotiations for peace' *The Hundred Years War*. Ed. K.A. Fowler. London, 1971. 51-74.

England with Jean de Blaisy, and took the opportunity to write to John of Gaunt, seeking a rapprochement between the English and French crowns, and recommending the use of specialist counsellors to overcome the problems of sovereignty.[47] Presumably the expert diplomats would have been able to make use of compilations of documents, and perhaps even the complex legal opinions offered by the *Somnium viridarii* and the other legal memoranda of the war.[48] But as Montreuil indicated in September 1416, the polemical treatises would be valuable for the great lords taking part in embassies:

> Comme les Anglois ayent livres les plus beaulx et les plus notables quilz pevent faire de ce quilz demandent en France, lesquelz ils portent communement avecques eulx quant ilz doivent assembler avec les Francois pour traicter, et scavent par especial les grans seigneurs tout ce quilz cuydent qui face pour eulx, semble que veue la grandeur de ceste matiere, qui est celle du monde qui plus touche le roy, vous et tous le royaulme de France vous la devez scavoir, pour en parler en lieu et en temps et avoir a cueur pour y pourveoir sur toutes choses.[49]

Certainly the polemical writers were able to provide these 'beaulx livres': for example, Montreuil offered the final draft of his *Traité contre les Anglais* to the dauphin, clearly anticipating that Jean would play an active role in the inevitable negotiations with Henry V. Similarly, Jean Juvénal wrote *Tres crestien, tres puissant,*

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[47] For Montreuil's letter, see footnote 39 above, and for the English suggestion in 1390, see the *Memoire abregée grossement* in BN manuscrit nouvelle acquisition française 6215 fo.32v, together with Palmer, J.J.N. 'The Anglo-French peace negotiations, 1390-1396' *Transactions of the Royal Historical Society*, 5th series, 16 (1966). 82.

[48] There is abundant evidence that diplomats had access to treatises on Roman law and the *Songe du vergier*, which survives in over twenty late medieval manuscripts: Philip the Good duke of Burgundy, and the counts of Angoulême and Dunois all owned copies of the *Songe*, and Charles of Orléans had a copy of the *Institutes*; Bekynton copied a treatise on reprisals by Bartolus of Sassoferrato into his collection of diplomatic documents, and was instructed by Henry VI to return the royal copy of a work by Hostiensis. *Songe du vergier*. I, xix-xl and Ferguson, J. *English diplomacy*. 147n.

[49] Montreuil. *Opera*. II, 266, discussed in Lewis, P.S. 'War propaganda and historiography'. 208. In 1479, the council memorandum requested 'beaulx livres a perpetuel mémoire' regarding amongst other things 'la querelle du roy a l'encontre du roy d'Angleterre'. See footnote 36 above.

tres hault roy for Charles VII in 1446 in preparation for his personal meeting with Henry VI.[50]

It is also possible that some of the polemical texts may have served as briefing papers and propaganda for foreign princes and powers, particularly the Holy Roman emperor, the pope and the councils of the Church: although neither the emperor nor the Pope could claim direct legal authority in the temporal affairs of France, the polemical writers were delighted to observe that popes like Clement VI and Martin V, the emperor Charles IV and the council of Basle had all expressed their support for the French crown against the English.[51] Of course, none of these texts mentioned the fact that Sigismund had supported Henry V, after both sides had attempted to win his support. In 1415, Henry sent copies of the treaty of Bourges (1412), by which the Armagnacs recognized the right of Henry IV to territory in the south-west of France, to the General Council at Constance, to Sigismund and to other rulers, to demonstrate that the English were justified in pursuing their claims through military action. Then Montreuil addressed a brief letter to the emperor Sigismund during his visit to France in March or April 1416, which included passages from his own *Traité contre les Anglais*, together with a genealogical tree demonstrating the true descent of the French crown to Charles VI; the duke of Berry also lent the emperor a manuscript of the Latin chronicle of Guillaume de Nangis.[52] The French king was himself often

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[50] Montreuil. *Opera.* II, 265 and see footnote 24 above. As Pons noted, the *Traité contre les Anglais* is 'beaucoup plus 'diplomatique' qu'historique'. Pons, N. (Grévy-). 'Propaganda et sentiment national pendant le règne de Charles VI: l'exemple de Jean de Montreuil' *Francia*, 8 (1979). 130.

[51] For example, Jean Juvénal. *Les écrits politiques.* II, 40 and 55-6, and *Pour ce que plusieurs.* fo.22v-23r, 40v and 43v-44r. For papal and conciliar attitudes towards the treaty of Troyes and Henry VI's claim to the French throne, see Dickinson, J. *The Congress of Arras.* 25ff; Allmand, C.T. 'Normandy and the council of Basle' *Speculum*, 40 (1965). 10-11; Harvey, M. *England, Rome and the Papacy 1417-1464: the study of a relationship.* Manchester, 1993.

[52] *Gesta Henrici Quinti.* Ed. J.S. Roskell and F. Taylor. Oxford, 1975. 17-19 and Montreuil. *Opera.* III, 17 and 41-44, together with Delaborde, H.-Fr. 'La vraie chronique du Religieux de Saint-Denis' *Bibliothèque de l'Ecole des Chartes*, 51 (1890). 98, note 3. In the aftermath of Sigismund's agreeement with Henry V,

the recipient of such works. In 1448, Charles VII was presented with a Latin history of Milan by Antonio Astesan, secretary to the duke of Orleans, to persuade him to assist the duke in his pursuit of his claim to the duchy of Milan; thirteen years later, a Florentine ambassador, Donato Acciaiouli, gave Louis XI an account of the life of Charlemagne, perhaps in the hope that Louis would emulate his illustrious predecessor by helping Florence.[53] Most interestingly, in 1468, Sir John Fortescue presented Louis XI with:

> ung grant memoire declaratif des drois que le roy Edouart pretend a la couronne Dangleterre et apres a la couronne de France, et par lequel, en oultre, il monstre que ledit roy Edouart ne peult aucune chose reclamer es dictes couronnes de France et dAngleterre et quil ny a aucun droit par les moyens quil recite et declaire ou dit memoire; lequel est en forme de livre [et] est devers monsr le chancellier...[54]

This work has been lost, but Fortescue also prepared a number of pamphlets in defence of Henry VI's title to the throne, including *De titulo Edwardi comitis Marchiae* and *Defensio juris domus Lancastriae*. These two Latin texts were probably intended for an international audience. Certain sections of both texts sound as if they were composed for foreigners: for example, chapter two of *Defensio juris domus Lancastriae* argues that entail is an undisputed law in the kingdom of England ('in regno Angliae') and the rule that no one may pass on to another more right than they themselves possess is agreed by the learned men of that kingdom ('illius regni'). Moreover, in *De titulo,* Fortescue claimed that Pius II had issued a bull supporting resistance to Edward IV not only by all Englishmen but also by Louis XI, thus

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Montreuil vented his spleen in a pamphlet against Sigismund called *Quatinus vestre maiestatis diffamationi,* Montreuil. *Opera.* II, 335-345 and III, 17-8 and 41-4.

[53] BN manuscrit latin 6166 and Monfrin, J. 'La figure de Charlemagne dans l'historiographie du XVe siècle' *Annuaire-bulletin de la société de l'histoire de France,* (1964-5). 67-78.

[54] BN manuscrit français 6964, fo.27r. See Fortescue. *Governance.* 68-9; Calmette, J. et Périnelle, G. *Louis XI et Angleterre, 1461-1483.* Paris, 1930. 303; Fortescue. *De laudibus.* 210; Litzen, V. 'A war of roses and lilies: the theme of succession in Sir John Fortescue's works' *Suomalaisen tiedeakatemian tomituksia Annales Academiae Scientiarum Fennicae,* 173 (1971). 15-6 and Gross, A. *The dissolution of the Lancastrian kingship.* Stamford, 1996. 75-7.

emphasising that the French king had a duty to support Henry VI.[55] It is certainly possible that some of the French polemical treatises may have served a similar purpose.

2.3 *The wider audience*

Clearly, the polemical texts were popular amongst administrators, diplomats and perhaps also the court as a whole. Yet the polemical writers frequently implied that their works were intended for a wider audience, though their evidence is not always reliable. For example, the abbreviated versions of Montreuil's texts, the *Résumé du Traité contre les Anglais* and the *Genealogie des rois de France, Verite est que* were clearly intended for a diplomatic context, yet both began with a declaration that they were intended to resolve the confusion of people who 'par ignorance de fait et de droit ... tiennent le vray estre faulz et le faulz estre verité'. Similarly, the anonymous author of *Pour ce que plusieurs* argued that 'Et par ce que la verite desdictez matieres nest pas a tous congneue, ne le fondement dicelles ne les incidences qui sont entrevenues, maintes gens en ce deffault errent et cuident les choses estre autres que a la verites elles ne sont'; thus he claimed that he was writing 'Pour oster la dicte erreur et affin que chascun clerement et sans aucune ambiguite ou doubte puisse congnoistre et estre deuement informe' of the truth in this matter. Yet there is clear evidence that this work was written for diplomats, as a handbook for impending meetings with the English. Similarly, the author of *Pour vraye congnoissance avoir* declared that 'plusieurs nobles escuiers et gens clercs scevent ce que je veulx descripre. Pour lesquelz mon intention nest pas, mais seulement pour simples gens ... qui ont vouloir

[55] Fortescue. *Works*. 506 and 69*-70* and 74*. See chapter three, section 3 below.

de garder et defendre la noble couronne et le royaume de France, afin de y encliner tousjours leurs cueurs et couraiges'. Yet this was a manual for clerks in the *Chambre des comptes*, which even included precise references to supporting documents in the archives. Thus there is a danger that claims to act as vehicles to change attitudes and spread the truth to those who were confused, is merely a literary topos.[56]

Unfortunately, the surviving manuscripts of these treatises offer very little evidence that these works circulated beyond the narrow, official circles. Excluding the author's own working drafts, there are only two contemporary manuscripts containing any of *A toute la chevalerie* and *Traité contre les Anglais* by Jean de Montreuil, and only five others from the second half of the fifteenth century; there is certainly no evidence that these works enjoyed a wider dissemination than the French and Burgundian archives. *Tres crestien, tres hault, tres puissant roy* by Jean Juvénal was undoubtedly a manual for diplomats, and survives in just two contemporary copies, and two others from the end of the century. There are ten manuscripts containing his earlier work, *Audite celi*, written between 1435 and 1475, and another five from the end of the fifteenth century. *Pour ce que plusieurs* survivies in fifteen contemporary manuscripts. Thus the five most important treatises of the war survive in just forty manuscripts, of which the vast majority were the authors' working drafts and copies written in the last quarter of the fifteenth century.[57] Very few of these manuscripts have marginalia

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[56] Montreuil. *Opera.* II, 325 and Pons, N. 'Un exemple de l'utilisation des écrits politiques de Jean de Montreuil'. 256. For *Pour ce que plusieurs*, see appendix, section 1.1 below, and for *Pour vraye congnoissance avoir*, see foonote 1 above. In general, see Bossuat, A. 'La littérature de propagande au XVe siècle'. 144 and Lewis, P.S. 'War propaganda and historiography'. 197.

[57] Montreuil. *Opera.* IV, 15-47 and Jean Juvénal. *Les écrits politiques.* I, 93-142 and II, 1-11; for the manuscripts of *Pour ce que plusieurs*, see appendix, section 1.2 below. The use of chapter headings and lists of contents in many of the polemical treatises, might suggest that individual copies were principally intended to be read silently and thus would not have reached a large audience. Saenger, P. 'Silent reading: its impact on late medieval script and society' *Viator*, 13 (1982). 367-414; Coleman, J. *Political reading and the reading public in late medieval England and France.* Cambridge, 1996; Taylor, A. 'Into his secret chamber: reading and privacy in late medieval England' *The practice and representation of reading in England.* Ed. J. Raven, H. Small and N. Tadmor. Cambridge, 1996. 41-61. Montreuil declared at

or annotations that might show evidence of the reaction or interest of readers; those that do are invariably draft copies, or ones that circulated within the chancellery. Indeed, where it is possible to identify the original owners of manuscripts that originated outside official circles, they were generally either the princes themselves or great bibliophiles for whom such works merely formed an adjunct to their collections.[58] One interesting development was the production of dossiers with an anti-English theme. The anti-English chronicle *Débats et appointements* appeared in six such manuscripts with a variety of materials, including genealogies of the kings of France and England, the *Recouvrement de la Normandie* by the Berry Herald, and extracts from the process of the duke of Alençon.[59] In eight manuscripts of *Pour ce que plusieurs,* the treatise appeared with other material of a polemical nature, such as the *Vraie cronicque d'Escoce,* the *Abrégé des chroniques, Audite celi* and the *Chronique de la traison et mort de Richart II.* For Pons, this demonstrates 'la diffusion d'une véritable conscience nationale', but the examples of this type of collection are very limited and mostly appear late in the fifteenth century; as she observes, the variety of combinations shows that this is not merely mechanical copying, but it still remains possible that these collections are the work of bibliophiles or were put together for personal use.[60]

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the start of the first draft of his *Traité contre les Anglais,* 'A tous ceulx qui ce present tesmoingnage de verite verront ou orront, aucuns de l'Université de Paris, salut en Jesucrist'. Montreuil. *Opera.* II, 162 and also see 215, 223, 268-9, 309.

[58] Jeanne de France duchess of Bourbon (*Audite celi* and *Pour ce que plusieurs,* finished at Amboise on 7 February 1470, in BN manuscrit français 5056), Jacques d'Armagnac duke of Nemours (*Pour ce que plusieurs,* in BN manuscrit nouvelle acquisition française 20962), Louis de Bruges lord of Gruuthuse (*Pour ce que plusieurs* in BN manuscrit français 5058), Jean Budé (*Pour ce que plusieurs* in Vatican library, Reg. ms lat. 1933, and *Regali ex progenie* in Firenze, Biblliotheca Riccardiana 443, a compilation of humanist writings by Montreuil, Nicolas de Clamanges and Alain Chartier) and Pons d'Aubenas lieutenant of the sénéchal of Beaucaire and Nîmes (*Audite celi* written at Nîmes and dated to 10th March 1452: Troyes, Bibliothèque Municipale manuscrit 2380).

[59] *L'honneur de la couronne.* 33-36, and also see the important discussion of this manuscript in Lewis, P.S. 'Jeu de cubes: reflexions sur quelques textes et manuscrits'. 313-30.

Certainly, there is little reason to suppose that a lay audience was particularly interested in the legal debates of the war, even when disguised within more common genres, such as the chronicle: the report of the speech given by Charles V before the emperor in 1378 was included in the *Grandes chroniques,* but this was regularly omitted in manuscripts disseminating outside of royal circles, together with the account of the assembly in 1328 which ruled in favour of Philip of Valois' title to the French throne.[61] Detailed arguments over the succession to the crown were shunned by literary figures on both sides of the channel, and indeed a significant number of writers were opposed to a war that prevented more important goals such as a crusade to free the Holy Land.[62] The complex issues surrounding 'la querelle Anglaise' were very rarely invoked by either the French or the English governments during the war, not least because both sides frequently adopted positions that were certainly tenuous and more often than not contradictory. The kings of England derived their claim to the French throne through Isabel of France, mother of Edward III, but if a women could pass an inheritance to her son, then the descendants of Lionel duke of Clarence had a far better claim to the English throne than the Lancastrians whose claim came from John of Gaunt, Lionel's younger brother: here was a contradiction of immense proportions, as the French polemical writers were well aware. Yet the Valois claim to the French throne depended upon the notion that the crown might only pass in direct male line, but when Jean de Montfort claimed the Breton succession in 1341 on exactly the same basis, Philip VI of France rejected him in favour of Jeanne de Penthièvre and her husband Charles of Blois. Then in

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60 Pons, N. 'A l'origine des dossiers polemiques'. 377. For the manuscripts of *Pour ce que plusieurs,* see appendix, section 1.2 below. In England there are similar collections, containing extracts from a wide variety of French texts, which we know were composed by Bishop Bekynton. See footnote 81 below.

61 In the second half of the fifteenth century the *Grandes chroniques* was combined with the detailed discussions presented by Montreuil, in a single, unilluminated manuscript of unknown provenance. Hedeman, A.D. *The royal image.* 122, 140 and 308, note 10.

1373 king Charles V staged a volte-face on this question because he wished to confiscate the duchy from Jean IV of Brittany.[63]

One theme with perhaps more direct relevance for the French nobility, was the question of treason and *lèse-majesté*. Montreuil repeatedly emphasised the obligation and duty of all vassals of the French crown to their king ahead of all rival loyalties, in the context of the dilemma facing the Gascons with the collapse of the treaty of Brétigny in 1369. Yet it is far from clear that he was intending the *Traité contre les Anglais* to be read by these individuals, rather than simply repeating the points made within earlier diplomatic documents such as the letter to the English in early 1369 and the *Memoire abregée grossement*; these were certainly important points for French diplomats, particularly after the Armagnacs had been so willing to recognise Henry IV as duke of Guyenne in the treaty of Bourges in 1412. The same theme reappeared in *Pour ce que plusieurs*, through repeated accounts of forfeiture for treason, a clear reminder to those involved in the War of the Public Weal of the dangers of rebellion; indeed, one of the manuscripts of treatise did end up in the hands of one of the rebels of 1465, Jacques d'Armagnac, duke of Nemours, but with little noticeable effect upon his behaviour. Noël de Fribois' chronicles also provided a warning for the princes of the blood about the dangers of rebellion, and a reminder of the prestige of the crown to which they owed obedience. Yet while Charles d'Anjou count of Maine personally commissioned a copy of the *Mirouer historial*, he was ambivalent enough in the War of the Public Weal in 1465 to arouse the suspicions of Louis XI and was implicated in

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[62] For example Philippe de Mézières. *Le songe du vieil pelerin*. 2 volumes. Ed. George W. Coopland. Cambridge, 1969 and *Letter to King Richard II*. Ed. George.W. Coopland, Cambridge, 1969.

[63] See chapter three below, and for the Breton succession, see *Some documents relating to the disputed succession to the duchy of Brittany, 1341*. Ed. M.C.E. Jones. *Camden Miscellany*, 24 (1972). 1-78.

plots in 1472.[64] Ironically, Charles of France, brother of Louis XI, clearly felt that Cicero's *De officiis* was more relevant to his position, and underlined passages that justified rebellion.[65] Ultimately the problem is that the use of royalist arguments by the polemical texts does not mean that they were intended to serve directly as propaganda: it is equally possible that they were designed to be used diplomats. For example, *Pour ce que plusieurs* provided a carefully contrived, and at times downright dishonest case, to prove that the duke of Brittany ought to shun an alliance with England in 1464. Yet there is no question of the duke actually reading the treatise: rather, it was intended to prepare diplomats negotiating with Brittany on behalf of Louis XI.[66]

In a select few cases, there is greater evidence to suggest that specific texts did circulate outside of official circles. *Super omnia vincit veritas* was written by an officer of the *Parlement* or *Chambre des comptes* shortly after 2 December 1419, when Philip the Good accepted the proposal of a treaty disinheriting the dauphin and making Henry V heir to the throne of France; the work was subsequently translated into French as the *Reponse d'un bon et loyal francois*, and in the process the essentially juridicial arguments of the Latin model were softened through the use of more emotional arguments such as the threat to the *fleurs de lys*. The implication is that this pamphlet was associated with the intense propaganda campaign to win over neutrals to the defence of the dauphin. In the immediate aftermath of the murder of Jean sans Peur, the dauphin and his supporters sent out letters setting out his version, or rather versions, of the dreadful event. At least six different letters were

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[64] Montreuil. *Opera.* II, 191-5, 203-6, 246-7, 291-3, 307-9, drawing upon the materials in Brussels, Bibliothèque Royale manuscrit 10306-307, edited in Montreuil. *Opera.* III, 53-76 and 88-110; *Pour ce que plusieurs* in BN manuscrit nouvelle acquisition française 20962; Daly, K. *The 'Miroir historial abrégé de France' and 'C'est chose profitable'*. 201-2. Also see Jean Juvénal. *Les écrits politiques.* I, 214-5 and II, 131.

[65] Saenger, P. 'Silent reading'. 412.

dispatched to Paris, Amiens, Reims, Tournai, Châlons and a number of towns in the south between 11 and 27 September 1419. When the new duke of Burgundy made his agreement with the English in December, the dauphinists again sent out letters and perhaps also *Super omnia vincit veritas* or its French translation as a refutation of the agreement.[67] Certainly the poor survival rate is matched by the example of newsletters. Only seven letters survive from the massive French and Burgundian letter campaigns of late 1419 and early 1420; the duchess of Burgundy sent out over a hundred letters in both September and November 1419 decrying the dauphin for his murder of her husband, but in neither case does either an original or even a copy survive.[68] The pamphlets that Sir John Fortescue composed while in exile in Scotland in the early 1460s may also have enjoyed a wide dissemination. Writing in both English and Latin, Fortescue offered at least four short pieces that attacked the Yorkist usurpation of the throne and declared that Henry VI was the true king of England. There are only seven surviving manuscripts containing these texts, none of which are contemporary. Yet these texts clearly had an impact, judging by the fact that Edward IV later required Fortescue to issue a retraction. The Latin pamphlets may have been intended for an international audience, and perhaps also the *Replicacion ageinste the clayme and title of the Duc of Yorke for the crownes of England and France*, judging by the inclusion of 'France' in the title, but in general, the vernacular pamphlets were probably also aimed at a less learned audience: the *Replicacion* was included with a dossier of manifestos and newsletters in John Vale's book, and essentially offered an expanded genealogy demonstrating the superiority of the

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[66] See chapter five and appendix, section 1.1 below.

[67] *L'honneur de la couronne*. 83-137 and Guenée, B. 'Les campagnes de lettres qui ont suivi le meurtre de Jean sans Peur, duc de Bourgogne (Septembre 1419-Février 1420)' *Annuaire-bulletin de la société de l'histoire de France*, (1993). 45-65, especially 57. Note that *Fluxo biennali spacio* was written by a Frenchman who was not totally at home writing in Latin, which makes his decision not to write in the vernacular even more interesting.

[68] Guenée, B. 'Les campagnes de lettres qui ont suivi le meurtre de Jean sans Peur'. 56.

Lancastrian claim.[69] This emphasises the problems posed by manuscript survivial: as Pons has observed, it is highly unlikely that any copies of this type of text would have survived, because cheap manuscripts would probably have been used and, more importantly, private individuals would have had little concern for their preservation, in contrast to the libraries of 'corps constitués' such as colleges and chapters.[70]

2.4 *Public assemblies*

Thus in general, there is little evidence to suggest that the polemical texts enjoyed a wide dissemination, nor indeed that they were intended for an audience outside of the royal administration and court. Yet we must also consider the possibility that the ideas presented by these treatises may have reached a wider audience through an indirect channel: these treatises, and their fourteenth-century precursors, may have served to prepare those speaking on behalf of the crown at public meetings, designed to win the support of the politically influential. Both Guillaume de Dormans, royal advocate, and his brother Jean, cardinal of Beauvais and Chancellor of France, spoke at length at the *Parlement* in May 1369, justifying the receipt of the Gascon appeals by Charles V, probably basing their discussion upon the position laid out in a letter sent

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[69] For Fortescue's pamphlets, see chapter three below. There are no other examples of Lancastrian pamphlets but the Yorkists had made extensive use of such material in the 1450s; for example before their landing in Kent in 1460, the Yorkist lords issued a letter of grievance that circulated widely and was copied into various chronicles. Johnson, P.A. *Duke Richard of York, 1411-1460.* Oxford, 1988. 201-3; Stow, J. *Annales, or a general chronicle of England.* Ed. E. Howes. London, 1631. 407-8; *An English chronicle.* Ed. J.S. Davies. Camden Society, First series, 64. London, 1856. 86-90.

[70] Pons, N. 'Latin et français au XVe siècle: le témoignage des traités de propagande' *Le moyen français. Actes du Ve colloque international sur le moyen français, Milan, 6-8 mai 1985.* Milan, 1986. II, 81. But note that the earliest printed pamphlets do survive in far higher numbers: the *Zeitungen* first appeared in 1486, describing the coronation of Maximilian, and of sixty-five extant French examples from the reign of Lous XII, over half gave news of the Italian wars, and others reported the coronation, entries and funerals of the king and his wives. Guenée, B. *States and rulers in later medieval Europe.* Oxford, 1985. 29.

to the English earlier in the year: as a result, the representatives of the Estates General approved of the king's decision, and suggested that it be communicated to the pope, the curia, the emperor and all the *bonnes villes* and other places within the realm.[71] In 1375, Charles V convened a 'grand conseil' of princes of the blood, nobles, prelates, clerks and scholars who declared that the king 'ne povoit ne devoit laissier aucune chose de ses ressors et souverainnetéz et, se il le faisoit, ce seroit contre son sairement et son honneur et ou detriment de son âme'; it is possible that this was the occasion upon which the principles outlined by Trémaugon in the *Somnium viridarii* were first developed.[72] Jean Juvénal may have spoken about the proposals for a treaty with the English at the Estates General at Orléans in October 1439, and certainly composed a brief memorandum on the subject shortly afterwards.[73] In 1468, Louis XI convened an Estates General at Tours to win support for the crown against the duke of Brittany and Charles of France. During this assembly, Jean Juvénal, Guillaume Cousinot and a number of other royal councillors, spoke at length on the legal issues surrounding the status of Normandy, which Louis XI had been forced to cede to Charles of France during the War of the Public Weal. These arguments were clearly understood and accepted by the representatives, who not only drew heavily upon them when making their own statements at the end of the meeting, but also copied summaries of the speeches into their own registers.[74] The principles developed by Jean Juvénal and the other polemical writers continued to be invoked

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[71] Delachenal, R. *Histoire de Charles V.* IV, 136-45. The account of the *Parlement* and the bill itself appear in *Chroniques de Jean II et Charles V.* II, 72-116. In 1359, Guillaume complained that the second treaty of London would give up sovereignty and resort over the lands being conceded to the English, at a meeting of churchmen, nobles and representatives of the *bonnes villes* convened by the regent Charles. *Chroniques de Jean II et Charles V.* I, 236.

[72] *Chronique de Jean II et Charles V.* II, 176 and Delachenal, R. *Histoire de Charles V.* IV, 573-4.

[73] According to the abbé Legrand, Jean Juvénal 'soutint avec beaucoup de vigueuer, que le roy n'estant que simple usufruitier de la couronne il ne puvoit aliener la moindre partye de son demaine'. BN manuscrit français 6960, fo.13v, cited in Jean Juvénal. *Les écrits politiques.* III, 161.

[74] Two examples survive: AC, Rodez, BB 3, fo.61v-66r and AC, Poitiers, carton 98, reg. 5, fo.115r-119r. See Major, J.R. *Representative institutions in Renaissance France, 1421-1559.* Madison, 1960. 164, note 39, together with chapter four, section 2.4 below.

in public assemblies, such as the assembly of notables in December 1527, discussing the treaty of Madrid; indeed the arguments invoked at this meeting had earlier been raised in a royal memorandum intended for international consumption, and may well have derived ultimately from the treatise composed by Michel de Pons prior to the treaty of Arras in 1482.[75] Thus the most important means by which the polemical treatises may have affected wider attitudes, before the advent of printing, was by determining the government's official stance at important public assemblies.

3. *CONCLUSION*

The assumption that the polemical treatises served as propaganda for the Valois monarchy, has led a number of historians to emphasise an apparent contrast between France and England: 'the written word had little part to play in the public relations exercises undertaken by the English monarchy prior to 1450 ... those historical and biographical works that were produced within the court circle and express what might be called the official line were often intended for very specific, private consumption'.[76] In fact, this contrast is inappropriate because the French government was not using the polemical treatises as part of a wider 'public relations exercise'. Yet, this still leaves the very difficult question of why the English did not produce treatises examining the legal issues of the war, if these materials were so useful to administrators and diplomats. The English royal administration certainly included individuals like Thomas Hoccleve and the anonymous author of an account of the

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[75] Hauser, H. 'Le traité de Madrid et la cession de la Bourgogne à Charles-Quint' *Revue bourguignonne*, 22 (1912). 90-6, and Saenger, P. 'Burgundy and the inalienability of apanages'. 13-26. See chapter four, section 3 below.

[76] Ormrod, W.M. 'The domestic response to the Hundred Years War ' *Arms, armies and fortifications in the Hundred Years War*. Ed. Anne Curry and Michael Hughes. London, 1994. 97-8.

Peasants' Revolt contained in the *Anonimalle Chronicle,* who were capable of developing a position paper supporting the English claims in France from the sources available within the archives.[77] Yet such writers apparently did not see the need to develop defences of the rights of the English crown, particularly against the Valois kings of France.

French historians have recently claimed that the English royal archives were far more organized than their counterparts across the Channel, so that one might assume that there simply was no need for manuals setting out the rights of the English.[78] Yet after the disappearance of the office of *custos processuum* in 1339, it is clear that the English administrators and diplomats had just as much need of dossiers concerning the legal issues of the Hundred Years War as their French counterparts.[79] For example, between 1416 and 1417, the author of the *Gesta Henrici Quinti* testifies to the existence of collections relating to France, Scotland and Sigismund which he called *Libri recordum.* On 4 April 1419, David de Montferrand, archbishop of Bordeaux, sent Henry V transcriptions of Anglo-French treaties relating to the duchy of Guyenne between 1259 and 1403, and included within this the *Livre des homages,* originally drawn up for the Black Prince; in May 1433 the English and Anglo-French councils met at Calais and had copies of past truces prepared in readiness for the meeting with

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[77] Gransden, A. *Historical writing in England. II: c. 1307 to the early sixteenth century.* London, 1982. 160-1; Tout, T.F. 'Literature and learning in the English civil service in the fourteenth century' *Speculum,* 4 (1929), 365-89; *The Crowland Chronicle Continuations, 1459-1486.* Ed. N. Pronay and J. Cox. London, 1986. 78-98; Richter, J.G. 'Education and association: the bureaucrat in the reign of Henry VI' *Journal of medieval history,* 12 (1986). 81-96.

[78] Pons, N. 'A l'origine des dossiers polemiques'. 364 and Autrand, F. 'Les artisans de paix face à l'état: la diplomatie pontificale et le conflit franco-anglais au XIVème siècle' *War and competition between state powers.* Ed. P. Contamine. Forthcoming. Ironically, James Clark has recently commented that 'England lacked ... the well-organised collections of archives and formularies' of France, Clark, J. *Intellectual life at the abbey of St. Albans and the nature of monastic learning in England c. 1350 to c. 1440.* Oxford University, D.Phil. dissertation, 1997. 300.

[79] Cuttino, G.P. *English diplomatic administration, 1259-1339.* Second edition, Oxford, 1971. 50-1; Galbraith, V.H. 'The Tower as an Exchequer office' *Essays in medieval history presented to T.F. Tout.* Ed.

Albergati; in anticipation of a meeting with the French in July 1445, Henry VI ordered a search of the treasury for all agreements between Henry V and Charles VI. William Sprever, doctor of laws and a member of the English section of Henry VI's embassy to the Congress of Arras in 1435 collected documents relating to the Congress and to the council of Basle. The compilation, known as the *Codex Sprever,* included some otherwise unknown instructions to the Lancastrian embassy to Arras, as well as a fragment of a draft narrative of the negotiations.[80] Yet perhaps the most interesting compilations are those produced during the middle years of the reign of Henry VI, under the auspices of Thomas Bekynton, diplomat and secretary to the king between c.1438 and 1443 and later bishop of Bath and Wells, and Keeper of the Privy Seal. Bekynton may well have been building upon an existing dossier developed earlier in the war: for example he had a number of memoranda relating to Edward III's claim to the French throne, including materials produced in 1344, an extensive record of the treaties of Brétigny and Troyes, French texts responding to English claims, and even an *Extractum ab originali libri antiqui cronicarum Sancti Severini Burdegalensis,* setting out the ancient boundaries of Gascony and Guyenne, in his dossier of materials for diplomats.[81]

A.G. Little and F.M. Powicke. Manchester, 1925. 231-47; Wilkinson, B. *The chancery under Edward III.* Manchester, 1929.

[80] *Gesta Henrici Quinti.* xxxix-xl (*Libri recordum*); Vale, M.G.A. *English Gascony, 1399-1453.* 78-9 (Montferrand's collection); Harvey, M. *England, Rome and the Papacy.* 155-6 (May 1433); Ferguson, J. *English diplomacy.* 28n (1445); Dickinson, J. *The Congress of Arras.* xii, 32, 45 (*Codex Sprever*). For fourteenth century dossiers, see Bock, F. 'An unknown register of the reign of Edward III' *English Historical Review,* 45 (1930). 353-72 and 'Some new documents illustrating the early years of the Hundred Years war (1353-1356)' *Bulletin of the John Rylands Library,* 15 (1931). 84-99; *The diplomatic correspondence of Richard II.* Ed. E. Perroy. *Camden miscellany,* 3rd series, 48 (1933). vii-xxvii; Chaplais, P. 'Master John de Branketre and the office of notary in Chancery, 1355-1375' *Essays in medieval diplomacy and administration.* London, 1981. Chapter 22.

[81] BL MS Cotton Tiberius B xii and MSS Harley 861 and 4763, together with Bodleian Library MS Bodley 885. For the *Liber abreviatus,* see *The Anglo-French negotiations at Bruges, 1374-7.* Ed. E. Perroy. 1-85.

Thus English administrators and diplomats certainly had dossiers to match those produced in France, and also memoranda on very specific topics, such as the position papers prepared for Henry V before the negotiations at Alençon in 1418, and for the English embassy that met with the French at Calais in 1439.[82] It may be that Montreuil was referring to this type of material when he observed in September 1416, that 'les Anglois ayent livres les plus beaulx et les plus notables quilz pevent faire de ce quiulz demandent en France, lesquelz ils portent communement avecques eulx quant ilz doivent assembler avec les Francois pour traicter'.[83] Certainly, there is limited evidence of any English polemical texts to match those produced in France. Thomas of Walsingham wrote the *Ypodigma Neustrie* not so much to encourage Henry V to pursue his claim to Normandy, but rather 'as a call for greater caution, and an end to blind expansionism', while, William of Worcester presented the *Boke of noblesse* to Edward IV in order to glorify the past achievements of English kings against the French, and perhaps thereby persuade the king to emulate his forbears. Similarly, Humfrey duke of Gloucester commissioned Titus Livius da Forli to write a panegyric of his brother Henry V and also an account of the duke's campaign in Flanders in 1435 to 1436[84] Yet none of these texts examined the English claims in France in any detail: the few minor exceptions include a glorified genealogy originally compiled in 1461, and a series of Latin texts, which briefly set out the English title to the overlordship of Wales, Aquitaine, Normandy, Ireland and Scotland, written by Andrew Aston, hostillar at Bury St. Edmunds.[85] It is possible

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[82] *EMDP.* I:i, 207-23 (1418) and Allmand, C.T. 'The Anglo-French negotiations of 1439'. 25-8, together with *Documents relating to the Anglo-French negotiations of 1439.* 140-9.

[83] Montreuil. *Opera.* II, 266.

[84] Lewis, P.S. 'War propaganda and historiography'. 206-7; Thomas of Walsingham. *Ypodigma Neustrie.* Ed. H.T. Riley. London, 1876; *Boke of Noblesse.* Ed. J.G. Nichols. Roxburghe Club. London, 1860; Gransden, A. *Historical writing in England. II.* 210-3; Clark, J. *Intellectual life at the abbey of St. Albans.* 302-3.

[85] For the genealogies, see BL MS Additional 10099, fo.205r-210v together with fifteenth century copies in BL MS Harley 116 and 326, cited in Lewis, P.S. 'War propaganda and historiography'. 207. For the texts of Andrew Aston, see BL ms Cotton Claudius A xii, fo.145v-147v (*Declaration iustitia regis Angliae ad Walliam*), fo.147v-148r (*Declaration de devolutione ducatus Acquitainice et Normanie regi Angliae*),

that the English did produce polemical texts for the use of royal officials, but they were subsequently lost: Thomas Bekynton reputedly composed a 'learned treatise in confutation of the Salique law, to prove the rights of the kings of England to the crown of France', though this may simply be a reference to the dossier that he produced. Similarly the *Libri recordum* are only known to historians through the testimony of the *Gesta Henrici Quinti;* the survival of such manuals, if given to diplomats, would probably have depended upon their being returned to the royal archives.[86] Yet it is equally possible that the English never felt the need to produce polemical treatises. The collections produced by Bekynton did contain everything that a diplomat or administrator would need, particularly given that the English claims during the war were relatively simple: Edward III had been the nearest male heir to the throne in 1328, and both the treaties of Brétigny and Troyes created situations which the English subsequently wished to continue. Moreover, the English diplomats were clearly reluctant to examine these arguments too closely in public: in 1418, 1435 and 1439, English diplomats declared the subject too high a matter for mortal men to discuss, an argument also used by Lyndwood at the Council of Basle in 1433.[87]

The absence of any English polemical texts highlights the fact that the French treatises were a unique development from the intellectual legacy of the court and chancellery of Charles V. Montreuil and many of the other scholars in the Parisian chancelleries were heavily influenced by the nascent humanism emanating from

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fo.148v-150r (*Declaration iuris regis Angliae ad domini Hiberniae*), fo.150v-155v (*De justitae regis Angliae ad regni Scotae*). My thanks to James Clark for this reference.

[86] Collinson, J. *The history and antiquities of the county of Somerset*. III. Bath, 1791. 384, cited in Lewis, P.S. 'War propaganda and historiography'. 207n.

[87] Dickinson, J. *The Congress of Arras*. 131-2 and 143, and for 1439, see *PPC*. V, 352, 374 and 390. The same argument was used by the Lords in 1460, to attempt to prevent discussion of Richard duke of York's claim to the English throne.

Italy, but this may not have been a central factor in the development of the polemical texts: this was an intellectual culture that placed greatest emphasis upon Latin and classical knowledge, and the polemical treatises resemble the vernacular collections of sources produced by Italian chanceries in the fourteenth and fifteenth century, rather than the *Commentaries* which the great humanists subsequently developed from these materials. Thus it is perhaps not surprising that Montreuil was the only French humanist of his generation to become directly involved in the defence of the French crown against the English.[88] Rather Montreuil was probably affected by his professional context, and particularly by the legacy of Charles V, who had effected one of the most remarkable intellectual programmes of the late middle ages, translating a considerable body of scholarship into the vernacular; the polemical writers effectively continued this effort, drawing upon the arguments from the *Songe du vergier* and other sources to produce a more focused examination of the debates of the Hundred Years War. Indeed, Montreuil may have had a personal connection with the author of the *Songe du vergier*, Jean Le Fèvre. Perhaps as a reward for writing this work, Le Fèvre was appointed bishop of Chartres in March 1380, and eleven months later, became chancellor of Louis I duke of Anjou and king of Sicily. The next year Louis I of Anjou led an expeditionary force from Avignon to conquer Naples, and when the army became bogged down in the south of Italy, a rescue force was sent under Enguerrand de Coucy. One of the members of this army was a young

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[88] For the Italian texts, see Ianziti, G. *Humanist historiography under the Sforzas*. Oxford, 1988. 11-2 and 63, and for general discussions of the French context, see Ornato, E. *Jean Muret et ses amis Nicolas de Clamanges et Jean de Montreuil: contribution à l'étude des rapports entre les humanistes de Paris et ceux d'Avignon (1394-1420)*. Geneva, 1969 and Pons, N. 'Les chancelleries Parisiennes sous le règnes de Charles VI et Charles VII' *Cancelleria e cultura nel medio evo [16th Congrezzo internazionale di scienze storiche]*. Vatican, 1990. 137-168. The tension is highlighted by the fact that in 1401, Montreuil was concerned that anyone but his correspondent might read a letter writtten in the vernacular. Montreuil. *Opera*. I, 177-8. Nicolas de Clamanges showed no qualms at switching from side to side in the conflict, while Alain Chartier but did not enter the more mundane debate over the English claims when composing his patriotic works in defence of the crown. See for example, Chartier, Alain. *Le quadrilogue invectif*. Ed. E. Droz. Paris, 1950, together with the *Dialogus familiaris amici et sodalis*, and the *Letter to the*

notary named Jean de Montreuil, who subsequently enjoyed close ties with the Armagnacs, becoming secretary to Louis duke of Touraine, future duke of Orléans in 1389. Thus there is at least circumstantial connection between Montreuil and Le Fèvre through the Armagnac party.[89] At exactly the same time, another friend of Le Fèvre, Honoré Bouvet was winning royal favour by presenting Charles VI with *L'arbe des batailles*. This was a work which essentially followed a formula that Montreuil subsequently adopted: Bouvet composed a vernacular treatise, merging discussions of history and warfare with legal materials developed by John de Legnano in the *Tractatus de bello*, as well as matters of contemporary importance, such as the Angevin succession to the throne of Naples. After a brief flirtation with the Burgundians, Bouvet became aligned with the Armagnacs through Louis of Orléans, and was almost certainly well-known to Montreuil after writing the *Apparicion Jehan de Meun*: indeed Montreuil may have been referring to him, when he addressed a letter regarding the debate over the *Roman de la rose* to a celebrated but anonymous poet.[90] These links are tenuous, but do demonstrate that the French polemical texts may reflect a unique intellectual culture within official circles. It is perhaps not a coincidence that the only English discussion of the legal debates of the war is a brief memorandum by Jean de Rinel on the treaty of Troyes: Rinel had originally served as secretary to the duke of Guyenne from 1407 onwards and *notaire et secrétaire du roi* in 1418. Thus he was intimately connected with the French chancellery, and so may

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University and *Letter concerning Joan of Arc*, in *Les oeuvres latines*. Ed. P. Bourgain-Hemeryck. Paris, 1977. 245-325, 221-4 and 326-329.

[89] Chaplais, P. 'Jean Le Fèvre, abbot of Saint-Vaast, and the *Songe du vergier*'. 212-6 and Hanly, M. 'Courtiers and poets: an international system of literary exchange in late fourteenth century Italy, France and England' *Viator*, 28 (1997). 322-3.

[90] Montreuil. *Opera*. II, 220-2 and IV, 235-6. See Bouvet, Honoré. *The tree of battles*. Ed. G.W. Coopland. Cambridge, Mass., 1949 and Hanly, M. 'Courtiers and poets'. 317-21.

have produced his memorandum based upon his own familiarity with this unique tradition.[91]

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[91] *EMDP.* I:ii, 648-652, discussed in Bossuat, A. 'La littérature de propagande au XVe siècle' 131-146 and Pons, N. 'Les chancelleries Parisiennes sous le règnes de Charles VI et Charles VII'. 154. See footnote 2 above.

Chapter Two:

'La vraye loy des François': the Salic Law and the Plantagenet claim to the French throne

'La vraye loy des François': the Salic Law and the Plantagenet claim to the French throne

The entry of Charles VIII into Reims in 1484 for his royal coronation was accompanied by a number of historical and allegorical *tableaux vivants*. Amongst these was a scene where Clovis received the holy balm used to anoint all French monarchs, an illustration of the mystical and liturgical nature of French kingship. Just before this there was another skit in which the first king of France, Pharamond, commissioned and received the Salic Law from four wise men; this celebrated the historical origins of the monarchy and the role of the king as law-giver, but also supported the exclusion of women from the royal succession.[1] During the fifteenth century a number of polemical writers, starting with Jean de Montreuil, had invoked the authority of the Salic Law in the debate over female succession to the throne; their efforts culminated in the anonymous treatise *Pour ce que plusieurs*, written in 1464 and printed five times before 1558, which helped to ensure the place of the Salic Law in the French constitution. In the sixteenth century its authority was championed by eminent scholars including Claude de Seyssel, Charles de Grassaille, Barthélemi de Chasseneuz, Jean d'Angleberme and Charles Du Moulin.[2] Yet the Salic Law was one of the most successful of all medieval myths and fabrications. The law code of the Salian Franks was almost certainly compiled by Clovis as a creative synthesis of Frankish custom, Roman law and the new law that Clovis himself brought into being. It was subsequently modified and enlarged under the Merovingians and Carolingians, but

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[1] Giesey, R.E. 'The juristic basis'. 20 and Jackson, R.A. *Vive le roi! A history of the French coronation from Charles V to Charles X*. Chapel Hill, 1984. 176-9.

[2] For the fifteenth and early sixteenth century editions of *Pour ce que plusieurs*, see appendix, section 2.

it slowly became archaic and irrelevant to new needs.[3] This compilation of private law included one chapter that attracted the attention of Montreuil and his colleagues. This chapter, *De allodio,* included a clause designed to safeguard the family patrimony; men should receive the heritage of their ancestors (the landed property, the 'terra salica' or 'hereditas aviatica'), and the women just the personal property: 'De terra vero salica nulla portio hereditatis mulieri veniat, sed ad virilem sexum tota terrae hereditatis perveniat'.[4] In itself, this law regarding private succession amongst the Salian Franks did not offer any great hope for the debate over the French royal succession, but the French polemical writers of the fifteenth century carefully manipulated the text and its interpretation to elevate this law to central status in their defence of the Valois succession.

1. *THE MYTHS OF THE SALIC LAW*

1.1 *The royal succession in 1328*

The most enduring myth associated with the Salic Law is that it determined the royal succession in 1328: in the sixteenth century, François Hotman and other legal humanists revealed most of the fabrications associated with the Salic Law, but failed to recognise that Philip of Valois had not used the Salic Law to defeat the rival claim of Edward III to the French throne.[5] The first direct suggestion that the Salic Law had

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[3] Daly, William H. 'Clovis: how barbaric, how pagan?' *Speculum*, 69 (1994). 647-55 and Viollet, P. 'Comment les femmes ont été exclues, en France, de la succession à la couronne' *Mémoires de l'Académie des inscriptions et belles-lettres*, 34:2 (1895). 125-78. 175.

[4] *Pactus legis salicae*. Ed. Karl A. Eckhardt. Hanover, 1962. Chapter 62, § 6. This formula matches redaction K.

[5] Hotman, François. *Francogallia*. Translated by J.H.M. Salmon and edited by R.E. Giesey. Cambridge, 1972. 268. The continuing power of this myth is demonstrated by the regular claim that the Salic Law was invoked in 1328, for example by Hindman, S.L. *Christine de Pizan's 'Epistre Othéa': painting and politics at the court of Charles VI*. Toronto, 1986. 3.

been used early in the fourteenth century, came in 1446, when Jean Juvénal implied that the Salic Law, or at least the custom 'que fille ne succedoit point', was used to determine the succession in 1316 and 1322.[6] The first text to claim that the Salic Law was directly employed in the debate over the succession after the death of Charles IV in 1328, was *Pour ce que plusieurs.* The anonymous author offered a fictitious account of the assembly, describing how Philip of Valois and Edward III presented their cases for inheriting the French throne. Both sides agreed to set aside imperial law because it could have no authority in France, which was not subject to the empire, and instead resolved to use 'la loy salicque qui fut la premiere loy dont les Francois ussassent oncques'. *Pour ce que plusieurs* implied that the Salic Law had regulated every succession since its creation by the first king of France, Pharamond, including those of 1316 and 1322: as a result 'il ne sera par trouve que oncquez fille succedast a la couronne de France ne autre masle au moyen de fille'.[7]

In fact the Salic Law was not cited at the assembly which determined the royal succession upon the death of Charles IV. The last son of Philip the Fair died on 1 February 1328 leaving a daughter and a pregnant wife, who subsequently gave birth to another girl. Given the precedent set in 1316 and 1322, there was no question that the girls might succeed, but there were three serious male contenders for the throne.[8] The nearest was Edward III of England, son of Charles IV's sister Isabelle, but there were also two cousins descended through males in direct line from Philip III: Philip

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[6] Jean Juvénal. *Les écrits politiques.* II, 21-2. Neither Montreuil nor Jean Juvénal in his earlier work *Audite celi,* directly claimed that the Salic Law was invoked in 1328 by Philip the Fair, as Hanley has argued. Hanley, S. 'Mapping rulership in the French body public: political identity, public law and the *King's one body' Historical reflections,* 23 (1997). 12n.

[7] *Pour ce que plusieurs.* fos.3v-8v. Giesey suggests that the author of *Pour ce que plusieurs* was using an account of the initial stages of the succession dispute between Philip VI and Edward III in 1328 but there is no evidence for this, and it certainly would not have been necessary for the construction of this fictitious account of the events of 1328. Giesey, R.E. 'The juristic basis'. 18-9.

[8] For the events of 1316, see Viollet, P. 'Comment les femmes ont été exclues'. 138-9 and Lewis, A.W. *Royal succession in Capetian France: studies on familial order and the state.* Cambridge, Mass, 1981. 153-154..

of Valois and Philip of Evreux. In these confused circumstances, the decision effectively fell to an assembly of notables that first met to determine the regency before the birth of Charles IV's second child, and then to settle the succession after that child was born a female, legally incapable of ruling. Little is known of the legal arguments employed at these assemblies, but there is little evidence that the learned doctors of civil and canon law present affected the outcome of the debate.[9] Rather the succession was determined by politics, as Philip of Valois was likely to be more controllable than Edward III if he were king of both France and England and, moreover, Philip was French. As Paul Viollet observed, 'la France devait rester aux Valois parce que les Valois étaient français', but as a result of this decision, the custom that barred women from the succession was extended to include their male offspring: 'Le fait commençait á créer le droit'.[10]

French writers did not recognise the full importance of the Salic Law for the debate over royal succession until the start of the fifteenth century.[11] The law itself was only rediscovered in the library at St Denis in the 1350s by the monk Richard Lescot, and it is far from certain that he himself realised its direct relevance to the royal succession: in 1358 he addressed a genealogy of the kings of France to Anceau Choquard,

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[9] The assembly may have also recognised that accepting the claim of Edward III to the throne through his mother Isabella, would have created an impossible situation if the daughters of the last three Capetian kings subsequently had sons: as Cazelles noted, the 'péril n'est pas imaginaire' - Louis II de Male, count of Flanders, son of Louis I of Nevers and Marguerite, daughter of Philip V, was born in 1330, and Charles le Mauvais, son of Jeanne, daughter of Louis X, and Philippe d'Evreux was born in 1332. See Viollet, P. 'Comment les femmes ont été exclues'. 125-78. and Cazelles, R. *La société politique et la crise de la royauté sous Philippe de Valois.* Paris, 1958. 35-73.

[10] Viollet, P. 'Comment les femmes ont été exclues'. 148-9 and 168. See also Monod, G. 'La légende de la loi salique et la succession au trône de France' *Revue critique d'histoire et de littérature,* 26 (1892). 517-8 and Contamine, P. '"Le royaume de France ne peut tomber en fille": fondement, formulation et implication d'une théorie politique à la fin du Moyen Age' *Perspectives médiévales,* 13 (1987). 69-70.

[11] In the *Echecs moralisés,* Jean de Vignay referred to a constitution, enacted long before Charlemagne, which opposed female succession, a vague reference repeated by writers in the entourage of Charles V. Yet it must be doubtful that they were referring to the Salic Law, given that this authority was not directly cited by any of these scholars except Raoul de Presles. Beaune, C. *The birth of an ideology: myths and symbols of nationhood in later medieval France.* Berkeley, 1991. 249; Krynen, J. *L'empire du roi: idées et*

counsellor of Jean II and the regent Charles; in a postscript to the genealogy he recounted the history of the Salic Law without mentioning the article excluding females from the succession.[12] The notion that Lescot did recognise the specific importance of the *De allodio* clause depends upon the attribution to him of a lost treatise, *Pour ce que manifestation de verité*, which was cited a century later in the *Mirouer historial abrégié de France*. The author, Noël de Fribois, was discussing the punishment meted out to the wives of Louis X and Charles IV in 1314 for their adultery: he declared that that 'La cause de ceste punicion très cruelle est déclairée en l'épistre que fait frère Richart Lescot à l'encontre des Anglois et Navarrois, lors prétendans avoir droit en la couronne de France, dont est fait ung traictié particulier qui se commence *Pour ce que manifestation de verité*'. Thus Fribois did not state that this 'traictié particulier' was written by Lescot, and it is intriguing that the title of this lost work sounds remarkably similar to the beginning of Montreuil's *Traité contre les Anglais*: 'A tous ceulx qui ce present tesmoingnage de verité verront'. Thus even though Lescot did rediscover the Salic Law in the archives at Saint-Denis, there must be considerable doubt that he ever recognised the importance of the *De allodio* clause.[13]

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croyances politiques en France, XIIIe - XVe siècles. Paris, 1993. 133 and Rigaudière, A. *Pouvoirs et institutions dans la France médiévale. II: Des temps féodaux aux temps de l'état.* Paris, 1994. 27-8.

[12] The text of the letter is in Lescot, Richard. *Chronique de Richard Lescot, religieux de Saint-Denis (1328-1344), suivie de la continuation de cette chronique (1344-1364).* Ed. J. Lemoine. Paris, 1896. 173-178; the genealogy was entitled *Genealogia aliquorum regum Franciae per quam apparet quantum attinere potest regi Francie rex Navarre.* Giesey has suggested that this reference to the Salic Law was a later interpolation into the letter, but Beaune is probably correct to reject this argument. Giesey, R.E. 'The juristic basis'. 17-18 and Beaune, C. 'Histoire et politique: la recherche du texte de la loi salique de 1350 à 1450' *Congrès des Sociétés Savantes, Bordeaux 1979. Section de philologie et d'histoire.* Paris, 1981. I, 267 and *The birth of an ideology.* 250-3.

[13] Fribois also cited *Pour ce que manifestation de verité* in the context of the coronation of Philip of Valois in 1328, without mentioning Lescot: 'De ceste succession ... a esté composé et fait ung très bel traictié particulier contre les Anglois et Navarrois, qui par moien de femmes contendoient avoir droit en la couronne de France. Et se commence ledit traicté: *Pour ce que manifestation de verité*'. Lescot, Richard. *Chronique de Richard Lescot.* xi-xii, and see Montreuil. *Opera.* II, 162 and 268-9. The view that Lescot did not recognise the value of *De allodio* clause is shared by, Monod, G. 'La légende de la loi salique'. 519; Potter, J.M. 'The development and significance of the Salic Law'. 247, Giesey, R.E. 'The juristic basis'. 17 note 56 and Contamine, P. 'Le royaume de France ne peut tomber en fille'. 71. For an alternative, unsubstantiated view, see Krynen, J. *L'empire du roi.* 133-4.

Certainly Raoul de Presles was the only writer from the entourage of Charles V to cite the Salic Law. De Presles may have learned of the law from the monks of Saint-Denis: he certainly had a strong relationship with the great abbey, as demonstrated by the preface to his translation of the *Cité de Dieu*, which stressed the connections between the French crown and Saint-Denis.[14] In this work, written between 1370 and 1375, he offered a detailed gloss upon St. Augustine's argument that the *Lex Voconia* was unjust because it deprived women of the right to inherit private property; like François de Meyronnes and Thomas Waleys, Presles argued that even though women could not inherit private property, they were permitted to inherit a public office like kingship. But unlike the previous commentators, Presles added a reference to the Salic Law:

> A ceste loy saccorde une loy pareille qui fu appellee *lex saliqua*, laquele fu dite *saliqua* pour les gens du pays qui estoient nobles gens et noble peuple, et il appert, car ceulx qui firent celle loy, furent ceulx qui premierment furent et ordonnent les loys de France. Et furent a ce ordonez et esleuz des barons de France ou de ceulx de qui les francoys descendirent, a fin que la chose publique feust mieux et plus puissamment deffendue par les malles que par les fumelles.[15]

There is no indication in this brief statement that Raoul de Presles was aware of the specific *De allodio* clause, as he simply stated that the law required male rulers rather than females because men were better able to defend the realm. This might explain why the Salic Law was not directly cited in the work of any of the other writers of Charles V's court, including Jean Golein, Nicole Oresme and Evrart de Trémaugon in the *Somnium viridarii*, even though the *Cité de Dieu* may have influenced Trémaugon's discussion of the *fleur de lys*, and also probably served as a source for

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[14] Bossuat, R. 'Raoul de Presles' *Histoire littéraire de la France*, 40 (1974). 156-8. Hinkle, W.M. *The fleur de lis of the kings of France, 1285-1488*. Carbondale, 1991. 32-40.

[15] BN manuscrit français 22912-3 fo.151r (the original manuscript given to Charles V in 1376). See François de Meyronnes. *Flores beati Augusti*. Cologne, n.d. A 9v; St. Augustine. *De civitate dei, cum commentariis Thomae Valois necnon additionibus Jac. Passavantii*. Basileae, 1515.

Oresme's discussion of the distinction between private inheritance and public succession; certainly the Salic Law was not cited in any of the French ordinances regulating the royal succession between 1375 and 1407.[16] Ironically the first direct reference to the *De allodio* in the debate over royal succession occurred in a report of negotiations with the English in 1389, from an official French compilation of diplomatic documents entitled the *Memoire abregée grossement*. The original English arguments are not recorded, but the French replied:

> Item quant au droit de la couronne .... des coustumes et usages tous notoires ... les masles descendus par filles sont inhabiles a succeder ou droit de la couronne. Et peuvent estre lesdictes coustumes et usages fondez par raison escripte, et par les constitucions des fiefz. Encores par lestatut que vueullent alleguer les gens du roy dAngleterre qui est en la loy salique, la terre doit venir au sexe masculin qui est la ligne masculine en excluant la ligne femenine, tant les femmes comme les masles qui delles seroient descenduz.[17]

Thus the English were arguing that, by the Salic Law, women could not succeed to the French throne, and hence that Edward III, not his mother, should have succeeded in 1328: the French countered this by the speculative claim that the law also excluded cognates.[18] Intriguingly, the specific wording attributed to the English, 'la terre doit venir au sexe masculin', does sound very similar to the article *De allodio*, which declared that 'tota terra ad virilem sexum perveniat'. But the implication of this reference is that the French had not used the Salic Law themselves by 1389, because at no other point in the *Memoire abregée grossement*, was there a reference to the Salic

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[16] Hinkle, W.M. *The fleur de lis of the kings of France*. 37-9 and Krynen, J. *L'empire du roi*. 129. Nicole Oresme offered a lengthy digression on the irrationality of allowing female succession in his translation of Aristotle's *Politics*, Oresme. *Livre de politiques*. 155b-156a (Book II, chapter 23); Jean Golein did not cite the Salic Law when discussing the exclusion of women from the royal succession in his *Traité du sacre*. 323, nor did Evrart de Trémaugon in the *Somnium viridarii*. I, chapter 186. In the *Arbre des batailles* (1386-9), Honoré Bouvet argued that 'en France n'ont mie coustume que femme doye estre royne', but he did not cite the Salic Law. Bouvet, Honoré. *The tree of battles*. Ed. G.W. Coopland. Cambridge, Mass., 1949. 297. The observation regarding royal ordinances issued by Charles V and VI, is made by Hanley, S. 'Mapping rulership in the French body public'. 4-5.

[17] For the *Memoire abregée grossement*, see chapter one, section 1.1. This quotation comes from BN manuscrit nouvelle acquisition française 6215 fo.28v, though it does not differ in substance from the transcription of Bibliothèque Royale manuscrit 10306-7 in Montreuil. *Opera* III, 77.

[18] See section 2.3 below.

Law; rather, the French defence rested primarily upon the vague authority of 'coustumes et usages fondez par raison escripte, et par les constitucions des fiefz', which sounds like a simple summary of the arguments presented by Evrart de Trémaugon in the *Somnium viridarii* (1376), the first detailed defence of the Valois title to the French throne.[19]

Thus, it seems likely that the Salic Law only became prominent amongst spokesmen for the Valois monarchy because Jean de Montreuil incorporated it in his discussions of the succession to the French crown.[20] Around 1406 he composed a very brief memorandum on the English claims, which he subsequently appended to *A toute la chevalerie*, a French translation of his work *Regali ex progenie*. At some point between 1409 and 1414, most likely in 1413, he added a brief note at the foot of the *Seconde digression* in an autograph manuscript:

> Combien que j'ay oy dire au chantre et croniqueur de Saint Denis ... qu'il a trouvé par tres anciens livres que ladicte coustume et ordonannce, qu'il appelle la lay *salica*, fu faicte et constituee devant qu'il eust onques roy chrestien en France. Et je mesmes l'ay veu et leu ycelle loy en un ancien livre, renouvelee et confermee par Charlemaingne empereur et roy de France. Laquelle loy, entre plusieurs autres choses qui font tres grandement a nostre propos, dit ainsy et conclut en ceste propre forme: *Mulier vero nullam in regno habeat portionem.*[21]

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[19] *Somnium viridarii*. I. chapter 186 and *Songe du vergier*. I, chapter 142. Philip VI may have owned letters written by legists which supported the Valois succession and demonstrated the invalidity of Edward III's claim, but these do not survive. Cazelles, R. *Société politique, noblesse et couronne sous Jean le Bon et Charles V*. Paris et Geneve, 1982. 129.

[20] Monod noted an anonymous Latin chronicle, dating from the 1390s, which argued that the Salic Law determined the succession in 1328 but did not cite the *De allodio* clause. Given the central position of St.-Denis in the historical tradition of France, it is certainly plausible to imagine a relationship between the text and the abbey, though there is no proof to support this. Vatican MS Regina latin 1845, fo.63v: 'Et licet fuerint argumenta pro et contra, tamen per legem salicam fuit determinatum quod succederet Philippus Valesii tamquam proximior per lineam masculinam'. Monod, G. 'La légende de la loi salique'. 519; Scheidgen, H. *Die franzosische Thronfolge (987-1500): Der Ausschluss der Frauen und das salische Gesetz*. Bonn, 1976. 188, note 61; Contamine, P. 'Le royaume de France ne peut tomber en fille'. 71.

[21] Bibliothèque Royale manuscrit 10306-307, edited in Montreuil. *Opera*. II, 132. See Pons, N. and Ornato, E. 'Qui est l'auteur de la chronique latine de Charles VI, dite du religieux de Saint Denis?' *Bibliothèque de l'Ecole des Chartes*, 134 (1976). 91-3 and plate 1, as well as Montreuil. *Opera*. II, 7-17.

Thus Montreuil claimed to have heard of the law directly from the abbey of Saint-Denis, rather than from any governmental source, even though he had himself acted as a diplomat, and had access to official records like the *Memoire abregée grossement.* The 'chantre et croniqueur de Saint Denis' was the Religieux de Saint-Denis, almost certainly Michel Pintouin, and so it seems likely that either he, or others at Saint-Denis, did realise the importance of the Salic Law for the debate over royal succession, and that the abbey lay at the heart of subsequent dissemination of the law: a marginal note next to the clause *De allodio* in the Saint Denis manuscript of the Salic Law, says 'Nota contra Anglicos'.[22] Yet Montreuil was the first royal servant to assign to this strange authority a central role in the defence of the Valois claim to the throne.

1.2 *The Salic Law and the French royal succession*

When Shakespeare discussed the Salic Law in his play *Henry V*, he was clearly aware of a further myth surrounding the famous authority:

> 'In terram salicam mulieres ne succedant
> No Woman shall succeed in Salike land:
> Which Salike Land, the French uniustly gloze
> To be the Realme of France.....' (*Henry V*, I, ii)[23]

Montreuil was the first French writer to argue that the clause *De allodio* prevented women from succeeding to the French throne, reporting that it stated that 'Mulier

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[22] BN manuscrit latin 4628A, fo.29, cited by Pons, N. and Ornato, E. 'Religieux de Saint Denis'. 95, note 1. It seems unlikely that Montreuil learned of the Salic Law from the work of Raoul de Presles, given that he admitted having a very limited knowledge of the *De civitate dei. Opera.* IV, 317; he certainly did not emphasise the quasi-sacerdotal status of the French king in his discussion of the female exclusion from the succession, a theme commonly cited by the commentators on Augustine.

[23] Shakespeare derived his criticism of the Salic Law from *Hall's chronicle.* London, 1809. 50-2. In his *Vita Henrici Quinti,* composed between 1574 and 1578, Robert Redmayne also attacked the relevance and

vero in regno nullam habeat portionem', in the marginal note appended to his discussion of royal succession in *A toute la chevalerie* between 1409 and 1414. This was an inaccurate transcription of the clause, even without the addition of the phrase 'in regno'.[24] Montreuil repeated this version of the clause in one manuscript of his subsequent work, *Traité contre les Anglais*, but then corrected the transcription, presumably after viewing the original manuscript: 'Nulla portio hereditatis mulieri veniat, sed ad virilem sexum tota terre hereditas perveniat'.[25] Yet it was still essential to link the Salic Law with the French royal succession, and so he continued to offer a gloss: 'qui exclut et forclot femmes de tout en tout de povoir succeder a la couronne de France, comme icelle loy et decret die absolument que femme n'ait quelconque portion ou royaume'. This became the standard method of citing the Salic Law in all further drafts of the *Traité contre les Anglais*, though Montreuil was clearly nervous about this, given that on occasions, he would still cite the vague custom and ordinance of France without directly mentioning the Salic Law.[26]

Thus, when Jean Juvénal first cited the Salic Law in 1435, he copied Montreuil's original version of the *De allodio* clause, including the phrase 'in regno'. But Jean Juvénal was clearly anxious about this version, especially as he could not view the original manuscript of the Salic Law after the English had captured the abbey of Saint-Denis. Thus, when he returned to the topic in 1446, he offered two readings of the law. The first was a more elegant reading of Montreuil's original version of the

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authority of the Salic Law and king Pharamond. *Memorials of Henry the Fifth, king of England*. Ed. C.A. Cole. London, 1858. 27.

[24] Montreuil. *Opera*. II, 132. The actual clause reads: 'De terra vero salica nulla portio hereditatis mulieri veniat, sed ad virilem sexum tota terrae hereditas perveniat'. There is no evidence to support Krynen's claim that Montreuil took this quotation from Lescot. Krynen, J. *L'empire du roi*. 133–4.

[25] Montreuil. *Opera*.. II, 168: BN manuscrits français 23281 and nouvelle acquisition française 12858.

[26] Montreuil. *Opera*. II, 168, and for example 167, 269, 272-3, 320 and 326. This vagueness about the law governing the royal succession also assisted Montreuil in his efforts to confuse the Salic Law with the *Libri feudorum*, so as to justify his argument that the law also prohibited cognate succession. See foonote 43 below.

clause: 'Nulla portio in regno mulieri veniat sed ad virilem sexum tota hereditatis perveniat'. But when he cited the Salic Law later in the text, he admitted that he did not have a copy of the text that included 'in regno', and so offered the clause as cited in the ancient manuscripts: 'De terra vero sallica, nulla portio hereditatis mulieri veniat sed ad virilem sexum tota terre hereditas perveniat.' His explanation of the inability to find a 'correct' manuscript of the text was that the clause had been omitted out of 'mauvais esperit' or by copy error, but declared that in the abbey near to Poitiers, there was an exemplary copy of the Salic Law with this clause 'in regno'.[27] Certainly the supporters of Charles VII were engaged in an extensive search to locate alternative manuscripts of the text. In the *Mirouer historial*, written around 1450, Noël de Fribois reported on a meeting between royal officials, which took place between 1435 and 1444. One of royal agents, Geoffroy Vassal, claimed to have seen the Salic Law in the monastery or abbey of Savigny in Poitou, and Gérard Machet intended to transcribe it. But Fribois made a careful distinction between the text of the Code of the Salian Franks which they proposed to translate, and the article excluding females from the royal succession, presumably because the 'in regno' version of this *De allodio* clause was not found precisely in this, nor the other known examples of this compilation. Fribois knew that the manuscript at Savigny in Poitou did not contain the *De allodio* clause with 'in regno' because Geoffroy Vassal had inspected it; thus his last hope was that a royalist manuscript might be found at the abbey of Saint-Remy of Reims, as Gérard Machet, confessor of the king, had suggested. Not surprisingly then, Fribois tried to avoid the issue altogether in his *Mirouer historial*: in his discussion of the events of 1328 he simply referred his readers to the letters of

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[27] Jean Juvénal. *Les écrits politiques*. I, 156 and II, 20-2, and Beaune, C. 'Histoire et politique'. I, 31n and Daly & Giesey. 'Noël de Fribois et la loi salique'. 14.

Lescot and the anonymous treatise *Pour ce que manifestation de verite*.[28] Ten years later he again suggested in the *Abrégée des chroniques* that the manuscript at Savigny in Poitou should be translated by a man of good understanding; but he could not offer a manuscript that contained the *De allodio* clause, and so cited the Salic Law as 'Nulla porcio hereditatis mulieri veniat sed ad virilem sexum tota terre hereditas perveniat', and included Montreuil's gloss: 'Ceste clause deboute et forclot les femmes de succeder a la couronne de France'. Clearly he was still very anxious about the this authority and so he borrowed a number of legal arguments from the writings of Baldus de Ubaldis to support his contention that women and cognates were barred from the royal succession.[29]

But Jean Juvénal had shown the way out of the problem, through his simple but false claim that the French realm was synonymous with Salian lands: 'Or estoit ce royaulme gouverné par la dicte Loy sallicque, et se pooit appeller terre sallicque'. Thus when the *De allodio* clause prohibited women from succeeding in Salian lands, it was actually discussing the French kingdom.[30] This argument was taken up by the anonymous author of *Pour ce que plusieurs*, who showed none of the timidity of Fribois in using the Salic Law, as demonstrated by his fictitious claim that the Salic Law had been used in 1328 to determine the succession. Like Fribois, he cited only the authentic version of the clause, without the phrase 'in regno', but relied upon Jean Juvénal's argument that the words 'terre sallique' designated the realm, a point which he emphasised by incorporating a Latin gloss into his citation of the law, which would have deceived all but the most well-informed reader into believing that

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[28] Daly & Giesey. 'Noël de Fribois et la loi salique'. 13-4, and see also Beaune, C. 'Histoire et politique'. I, 31-2 and *The birth of an ideology*. 345-7. For the anonymous treatise *Pour ce que maifestation de verite*, see footnote 13 above.

[29] Daly & Giesey. 'Noël de Fribois et la loi salique'. 17-36.

[30] Jean Juvénal. *Les écrits politiques*. II, 22.

it was part of the original text: 'Nulla portio hereditatis de terra salica *que est interpetandum de regali domino quid a nullo deppendet nec aliqui subicitur ad differentiam aliarum terrarum que in allodio conceduntur* [my italics] veniat mulieri, sed ad virile sexum tota hereditas perveniat.' He repeated soon afterwards the claim that 'lex salica est consitutio regia' and observed that 'terra autem Salica dicitur quae adhaeret coronae'. Finally, like previous writers, he explored the etymology of the term 'Salic' to justify the application of the law to France. Raoul de Presles and Guillebert de Metz had argued that the term Salic was used because of 'les nobles gens du pays qui estoient nobles gens et noble peuple.'[31] The first explanation that *Pour ce que plusieurs* offered for the word Salic was that it derived 'a civitate Silechayni ultra Renum', that is to say Salaheim in Germany, where those who created it first lived. But then the anonymous author offered a far more interesting notion, arguing that the term 'Salic' came from 'sal' meaning salt, a simple pun from the notion that the law would conserve the kingdom for all time to come.[32]

1.3 *The exclusion of the distaff line*

The final confusion surrounding the Salic Law was the notion that it excluded not just women, but also their male offspring, so that the throne could only pass in direct male line. When Jean de Montreuil first wrote *A toute la chevalerie*, he argued that there was an unidentified constitution and ordinance approved by all the realm, by which 'femme ne masle qui ne vient que de par femme ne succedent point au

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[31] Raoul de Presles. *Les dix premiers livres de .. la Cite de Dieu.* Abbeville, 1486. Volume I. Gloss to Book III, chapter 21; Guillebert de Metz. *La description de la ville de Paris et de l'excellence du royaume de France. Transcript et extraict de pluseurs aucteurs par Guillebert de Metz* (1434) in *Paris et ses historiens aux XIVe et XVe siècles.* Ed. A. Le Roux de Lincy et L.M. Tisserand. Paris, 1867. 135.

royaume ne a la couronne de France'. But when Michel Pintouin subsequently informed him about the Salic Law, and he then introduced it in a marginal annotation to the manuscript, it was evident that this law did not expressly prohibit cognates: the clause *De allodio* did not oppose sons claiming through their mothers, but simply required that the inheritance pass only to males, as the English had themselves observed in 1389.[33] Thus whenever Montreuil cited the Salic Law in his *Traitie contre les Anglais,* he simply stated that it excluded female succession, without mentioning cognates. But on other occasions in the text he did not directly cite the Salic Law and instead mentioned just the custom of the realm; freed from the dictate of the actual text of *De allodio,* he was able to claim that the custom also prohibited cognate succession. For example in the first draft of the *Traite,* when introducing brief amendments to the text, he added the words 'ne masle qui ne vient seulement que de par femme et non descendant de masle du sang royale de France'. Similarly, the polemical text *Débats et appointements* did not cite the Salic Law but instead referred to an ancient custom or royal edict of France that prohibited female succession 'et que la couronne ne pourroit eschoir ne venir fors que a hoir masle seulement, fust de droite ligne ou par eschoite de costé, et non autrement.'[34]

Nevertheless, Montreuil recognised that there was a problem in trying to extend the Salic Law to cognates, and thus he provided a series of arguments to disprove the English contention that, because the Salic Law debarred women, Edward III should

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[32] *Pour ce que plusieurs.* fos.5v-6r. For a discussion of the etymologies, see Beaune, C. *The birth of an ideology.* 260, and also Kelley, D.R. *Foundations of modern historical scholarship: language, law and history in the French renaissance.* New York, 1970. 293.

[33] Montreuil. *Opera.* II, 131-2 and see footnote 17 above. The preceding line in the clause *De allodio* stated 'Quicumque proximor fuerit, ille in hereditatem succedat', which clearly permitted cognate succession. Cited in Viollet, P. 'Comment les femmes ont été exclues'. 175 and Giesey, R.E. 'The juristic basis'. 18. When Raoul de Presles cited the Salic Law in his translation of the *Cité de Dieu,* he clearly did not regard this law as directly excluding cognates from the succession, merely arguing that the law opposed women because 'la chose publique fust mieulx et plus puissamment deffendue par les masles que par les femelles'. Raoul de Presles. *Les dix premiers livres de .. la Cite de Dieu.* Book III, chapter 21.

have succeeded as the nearest male heir.[35] The most simple and perhaps effective argument, 'Touchant le fait de lusage', employed by all the polemical writers, was that if cognates might succeed, then the sons of the daughters of the last three Capetian kings would have had better claims than Edward III. In reality, none of these grandsons were alive in 1328, though the anonymous author of *Pour ce que plusieurs* offered the outright lie that Charles of Navarre, grandson of Louis X via his daughter Jeanne, had been born before 1328, and also claimed that Edward's mother, Isabella, had an elder sister Marguerite, wife of Ferrant, the eldest son of the king of Spain, so that her offspring would also have claimed the throne in 1328 if cognates could inherit through their mothers.[36] The second rational argument used by Montreuil and his colleagues was that if a woman might inherit the throne, then her husband would have effective control of the kingdom, even if he were a very poor man or worse an enemy of the realm; if she were barred from the succession but her son permitted to inherit the crown, then the kingdom would still end up in the hands of the foreign power. Nicole Oresme had used this argument in his *Livre du politiques*, developing upon Aristotle's argument that the king should be of the same kin as his subjects; Evrart de Trémaugon did not use this argument in the *Somnium viridarii*, but the translator Jean Le Fèvre did in the *Songe du vergier*, turning the argument around by noting that the people will love a direct son of the dead king more than the son of

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[34] Montreuil. *Opera.* II, 164, together with 168, 209, 226-7 and 275; *L'honneur de la couronne.* 60.

[35] 'Mais tousjours on nous mectra au devant que ledit Edouart estoit le plus prouchain masle de la couronne de France'. Montreuil. *Opera.* II, 168, and also see 229 and 276.

[36] The polemical writers cited Jeanne, daughter of Louis X, and her son Charles king of Navarre (b.1332), together with Philip V's daughter Marguerite, and her son Louis II de Male, count of Flanders (b.1330); they did not mention that Marguerite had an elder sister Jeanne, wife of Eudes IV of Burgundy and mother of Philippe comte d'Artois (died 1346). The argument was originally employed in the *Memoire abregée grossement*, in Montreuil. *Opera.* III, 58, and was used extensively by Montreuil. *ibid.* II, 169-70, 210, 225-6, 270-2 and 275-6, by Jean Juvénal. *Les écrits politiques.* I, 158-9 and 166-7, and II, 19, 27 and 50-2, as well as *Pour ce que plusieurs.* fos.7r-8v. Both Montreuil and Jean Juvénal rejected the notion that Charles of Navarre could have transferred his own claim to the French throne to Edward III, Montreuil. *Opera.* II, 231 and 278, and Jean Juvénal. *Les écrits politiques.* II, 51. This was presumably a reference to a promise made during the negotiations between Navarre and England in 1354 and 1355, discussed in Delachenal, R. 'Premières négociations de Charles le Mauvais avec les Anglais (1354-1355)'

a daughter who has married the king of Hungary.[37] In the sixteenth century, Claude de Seyssel repeated the same point, while Pierre de Belloy argued that the Salic Law served to prevent the crown from falling into foreign hands, by confining the succession to French males of the same blood and origin, a notion given clear form by the development of the special category of 'Princes of the blood'; an *arrêt* of the *Parlement* of Paris in 1593 declared that any attempt to confer the crown upon a foreign prince or princess, was a contravention of the Salic Law and other fundamental laws of France.[38]

But beyond these simple, common-sense points, Montreuil offered a more legalistic discussion of cognate succession, almost certainly inspired by either the *Somnium viridarii*, or more likely its French translation, the *Songe du vergier*. These texts were generally careful to avoid the use of direct civil law arguments, presumably because the *Corpus juris civilis* offered contradictory opinions on the acceptability of cognate succession: from the Twelve Tables onwards, Roman law on intestate succession and guardianship was essentially prejudiced in favour of agnates rather than cognates, but the legal reforms of *Novels*, 118 and 127 (A.D. 543 and 548) essentially removed

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Bibliothèque de l'école des Chartes, 61 (1900). 253-71 and *Histoire de Charles V*. 5 volumes. Paris, 1909-1931. II, 5.

[37] Montreuil. *Opera*. II, 131, 167 and 273; *Fluxo biennali spacio* placed great emphasis upon the fact that Philip of Valois was a native Frenchman, *L'honneur de la couronne*. 191. Both Jean Juvénal and *Pour ce que plusieurs* were concerned that if a queen might inherit the throne then she might hand over the kingdom to her husband even if he were a criminal or a foreigner, but neither explored the consequences of her son being able to inherit if she were not permitted. Jean Juvénal. *Les écrits politiques*. I, 162-3 and II, 44-5, and *Pour ce que plusieurs*. fos.9r-v; see also Oresme. *Livre de politiques*. 71, 109a and 155b-156a (Book I, chapter 15, Book II, chapter 21 and Book III, 23) and *Songe du vergier*. I, 250 (chapter 142 § 8). Both Montreuil and Jean Juvénal were concerned that the arms of France could not be passed through a woman to her husband or son, and thus would be lost, an argument that was also used in the *Somnium viridarii*. I, 288 (chapter 186 § 21) and *Songe du vergier*. I, 253-4 (chapter 142 § 21 and 25): in fact this was not true, because both men and women could inherit or transmit arms to their children. *Songe du vergier*. I, 467-8 and *Somnium viridarii*. I, 375-6.

[38] Jackson, Richard A. 'Peers of France and princes of the blood' *French historical review*, 7 (1971). 27-46; Hanley, S. 'The monarchic state in early modern France: marital regime government and male right' *Politics, ideology and the law in early modern Europe: essays in honour of J.M.H. Salmon*. Ed. A. Bakos. Rochester, 1994. 117-8. For the contemporary debate surrounding the English queens, Mary and

the distinction between the two categories.[39] But Trémaugon and Le Fèvre did employ two indirect arguments against cognate succession, which were in turn taken up by Montreuil. Firstly Trémaugon argued that women and cognates were incapable of inheriting the crown because of their exclusion from the succession to analogous lordships such as fiefs. In fact, there were certainly cases where customary law recognised cognate succession, such as in Paris at the end of the thirteenth century and start of the fourteenth. But Trémaugon cited the authority of the *Libri feudorum*, a compilation of feudal usages as they existed in the empire in the twelfth century, which joined company very early with the *Corpus iuris civilis* and thus acquired wide distribution and acceptance as a textbook of feudal law.[40] The key passage regarding female and cognate succession appeared in Book One, title 1: 'Hoc autem notandum est, quod licet filiae et masculi patribus succedant: legibus tamen a successione feudi removentur: similiter et earum filii, nisi specialiter dictum fuerit ut ad eas pertineat.'[41] Thus the *Libri feudorum* explicitly barred not just women but also

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Elizabeth, see Jordan, C. 'Women's rule in sixteenth-century British thought' *Renaissance quarterly*, 40 (1987). 421-51 and Shephard, A. *Gender and authority in sixteenth-century England*. Keele, 1994.

[39] Montreuil was less concerned about the problems with Civil Law, stating that 'Agnati quasi filiorum loco nati', without offering any citation, and later offering a definition drawn from Isidore of Seville. *Libri etymologiarum*. IX, 6, 1. Montreuil. *Opera*. II, 171, 173, 229 and 276. For similarly vague references by Jean Juvénal, echoing the statements of Montreuil, see *Les écrits politiques*. I, 167-8 and II, 51; the detailed discussion of civil law in *ibid*. I, 180-1 (from BN manuscrit français 5038, fos..24r-v) is a later interpolation by another writer. The Roman law view of agnates and cognates, is discussed in Buckland, W.W. *A text-book of Roman Law from Augustus to Justinian*. Revised by Peter Stein. Cambridge, 1963. 142-50 and 367-75; Nicholas, B. *An introduction to Roman Law*. Oxford, 1962. 237-8 and 243-51; Watson, A. *The law of succession in the later Roman Republic*. Oxford, 1971. 176-181; Borkowski, A. *Textbook on Roman law*. London, 1994. 201-6.

[40] *Somnium*. I, 280 and 284-8 (chapters 185, § 12 and 186 § 7-9, 13-15 and 24) and *Songe*. I, 245-6 and 249-53 (chapters 141 § 12 and 142 § 7, 8, 9, 13-15 and 24). For the custom of Paris, see Viollet, P. 'Comment les femmes ont été exclues'. 152. It is unclear whether the *Libri feudorum* was used by the French lawyers debating the royal succession in 1328, though the compilation was certainly well-known, being cited for example by the Breton lawyers defending Jean de Montfort in 1341. See *Some documents relating to the disputed succession to the duchy of Brittany, 1341*. Ed. M.C.E. Jones. *Camden Miscellany*, 24 (1972). 1-78, and Baldus de Ubaldis also used the *Libri feudorum* in his discussion of cognate succession, in his commentary on the word 'Consulari' in *Digest*. 1, 9, 1, in *Commentaria in digestum veterum*. Venice, 1615-6 and *Lectura super prima parte digesti veteris*. s.l. 1498. Raoul de Presles also cited it in *Les dix premiers livres de .. la Cite de Dieu*. Book III, chapter 21. See also Duynstee, M. 'La *Lectura Feudorum* de Bertrand Chabrol' *Recueil de memoires et travaux publiée par la Societe d'histoire du droit et des Institutions des anciens pays de droit écrit*, 15 (1991). 103-120.

[41] Pocock, J.G.A. *The ancient constitution and the feudal law*. Cambridge, 1957. 74-5. The *Libri feudorum* also stated that, if there were no males in the line of succession, a woman might inherit, as the Breton lawyers noted in 1341: 'nisi investitura fuerit in patre ut filiae et filii succedant in feudum - tunc enim

their sons from the succession to a fief, though as the Clerk observed in the *Somnium Viridarii* and the *Songe du Vergier*, the question in hand regarded a realm which recognised no sovereign: in reply, the knight simply asserted that if such a law applied for a fief, 'par plus forte rayson en royaume'.[42] Montreuil also argued that there was a general rule against females and cognates for all lordships, as demonstrated by the law governing fiefs: 'par coustume et usage gardéz et observéz de tous temps ou royaume de France, touteffoiz que une femme est deboutee d'une succession comme d'aucun fief, les filz qui descendent d'elle sont forcloz et exclus d'icelle succession'. France was a 'seigneurie', which required its ruler to be descended in line from male to male, as demonstrated by the fact that this was the custom and usage in lesser lordships, and a practice which was not opposed by either written law or by the case of fiefs. Thus he concluded that:

> [Edward III] vouloit venir a la succession du royaume de France; qui est directement contre coustume et droit escript, disant expressement que en matiere de succession, soit grande, moienne ou petite, voire en tutele et honneurs, et mesmement en fiefz comme de royaumes, duchiez, contez et telz seigneuries ou autres fiefz nobles sans comparoison moindres que royaumes, ceulx qui descendent que du coste de femmes, comme Edouart en venoit et descendoit, ... sont tousjours preferéz et proposéz a ceulx qui ne decendent que du costé de femmes

Yet Montreuil did not explicitly cite the *Libri feudorum* in his work, partly because he avoided all complex legal citations but also, perhaps, to facilitate the comparison between the custom of the realm and the custom governing fiefs: certainly there are many places in his texts where the layman would be confused as to which authority was being cited.[43]

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succedit filiis non existentibus - vel nisi investitae fuerint.' *Libri feudorum*. IV, 1, cited in Viollet, P. *Histoire du droit civil français*. Paris, 1893. 175 and *Some documents relating to .. the duchy of Brittany*. 22.

[42] 'l'ajustement du droit féodal à la succession royale' posed no problem for Baldus either, when he discussed the French royal succession in his commentary on *Digest*. 1, 9, 1 in 1390; the French royal succession merely offered a specific example of the usual practice in that country.

[43] Montreuil. *Opera*. II, 171, and 165, 167, 209, 228, 274-6 and 326, and for the perhaps deliberate attempt to extend the authority of the Salic Law by reference to a vague custom, see footnote 26 above.

The second argument used in the *Somnium viridarii*, was that if a woman were incapable of succeeding to the throne, then she could not pass a claim on to her son. This was based upon the legal principle that if a person does not possess a right or is incapable of holding it, they cannot transfer that right to another.[44] Trémaugon cited a number of laws in support of his basic argument that no one may pass on more of a right than they themselves possess: to be incapable of possessing a right or inheriting something is the same thing as not to exist at all, but if a mother did not exist then neither would her son; a right which has not been acquired cannot be transported to another; the son will inherit any obstruction to succession from his father or mother; in short, 'medium predium quod non servit impedit servitutem', translated in the *Songe* as 'par un moien inhabile, l'en ne puet passer ne aler de lieu a aultre'. The same notion was implicit in the Roman law on guardianship, *De legitima agnatorum tutela,* which argued that a child follows the condition of his father rather than his mother, and hence that the exclusion of women from the royal succession extends to their sons too.[45] Montreuil was clearly impressed by this argument, declaring that 'les docteurs de l'Eglise' could easily overcome the English arguments for cognate succession.[46] But instead of listing civil and canon law references, Montreuil simply employed very similar phrases to those used by Trémaugon in the *Somnium viridarii* and its French translation. For example, he frequently repeated the term 'inhabile' to describe both Isabella and her offspring: Isabella, mother of Edward III, could not have given him a claim to the throne because such a right could not pass 'par moien inhabile'. But rather than use legal arguments to support this, he simply repeated the

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[44] There is some evidence to suggest that this argument had been posed in 1328, judging by the comment by the continuator of the chronicle of Guillaume de Nangis, that 'Ubi ergo mater nullum just haberet, per consequens nec filius: aliter accessorium esset principalius principali', and also a similar remark by Froissart. Viollet, P. 'Comment les femmes ont été exclues'. 151, note 2.

[45] *Somnium viridarii.* I, 282-5, 288 and 290 (chapter 186 § 3, 5-6, 8, 11, 21 and 30) and *Songe du vergier.* I, 248-51, 253 and 255 (chapter 142 § 3, 5-6, 8, 11, 21 and 30). For *De legitima agnatorum tutela,* see *Institutes.* 3, 2, and for 'medium predium quod non servit impedit servitutem', see *Digest.* 8, 3, 7 § 1.

proverbial saying that 'personne donne ce qu'elle n'a mie ne puet avoir' and 'non potest quod homo dat quod non habet'. Indeed Montreuil offered a simple shorthand for this complex legal argument, introducing a memorable phrase into the debate: a woman could not act as a 'pont et planche', whereby a cognate could inherit a claim to the throne. Moreover, he cited one parallel example of 'inhabilité' which had not been discussed in the *Somnium*, illegitimacy: a child, however legitimate, cannot inherit from his grandfather through a father who was illegitimate and hence rendered incapable of succeeding or passing on a right. Similarly, he compared the line of descent to a ladder which must be descended or climbed without missing a single rung; 'il faut de necessité que toute succession hereditaire viegne a tout homme et a toute femme de par son pere ou de par sa mere'.[47]

Both the 'pont et planche' argument, and the analogous situation in fiefs, were taken up enthusiastically by the subsequent polemical writers, though all supported the arguments with extra authorities, often those used originally by Trémaugon. A marginal note in Jean Juvénal's *Audite celi* described the notion of 'pont et planche' as 'potissimam rationem', and the writer himself observed that it was impossible that the mother of Edward III 'peust transferer ne donner a son filz chose que elle n'avoit ou avoir povoit', because 'la personne moyenne ne fut oncques ne n'est habile, ceulx qui viennent d'elle ne sont habiles.' Hence he denied the capacity of Isabella to act as a 'pont et planche' by which her son might succeed to the French crown.[48] With

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[46] For the reference to canon lawyers, see Montreuil. *Opera.* II, 168.

[47] Montreuil. *Opera.* II, 165-6, 168-9, 171, 228-31, 271 and 275-7. In a short letter, *In sophismate quod Anglici de iure pretenso ad regnum Francie faciunt*, Montreuil used a slightly different phrasing, 'Nemo enim dat quod non habet, nec habendi habilis aut capax unquam fuit'. Montreuil. *Opera.* II 319. Though this argument was similar to a rule from the *Digest* (50, 17, 54), it had in fact acquired the status of a proverb by the time of Dante, having appeared originally in the writings of Seneca and Aristotle. Kay, R. 'Roman law in Dante's *Monarchia*' *Law in mediaeval life and thought.* Ed. E.B. King and S.J. Reynolds. *Sewanee*, 1990. 267-8. For Sir John Fortescue's interpretation of these arguments, see chapter three, section 1 below.

[48] Jean Juvénal. *Les écrits politiques.* I, 161 and II, 16, 23, 26-7 and 50.

regard to the law of fiefs, Jean Juvénal repeated almost verbatim the argument used by Montreuil, that 'par la coustume et usaige notoirement gardees et observees en ce royaulme, toutesfoys que une femme est deboutee d'une succession, comme d'aucun fief, les filxs qui descendent d'elle sont forcloz et deboutés' and subsequently cited the *Libri feudorum* in support of the exclusion of women and their sons.[49] Noël de Fribois echoed Montreuil when he argued firstly that 'le moyen dudit Edouard a cause de Ysabel sa mere est inhabile', and then that those descending through males were prefered to cognates in great lordships. But Fribois also supported these arguments with direct citations drawn from a commentary by Baldus de Ubaldis: cognates were excluded firstly because 'ubi non succedit femina, nec filius eius succedit', according to *Liber sextus*. 2, 14, 2, and secondly because the *Libri feudorum* prohibited it.[50]

Yet perhaps the most interesting discussion of cognate succession appeared in *Pour ce que plusieurs*, when the anonymous author directly addressed the English claim that the Salic Law excluded women but not their sons. The author declared that 'il ne sera par trouve que oncquez fille succedast a la couronne de France ne autre masle au moyen de fille'. The anonymous author had deliberately set aside the *Libri feudorum* because it was an imperial constitution without authority in France, but he

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[49] Jean Juvénal. *Les écrits politiques*. I, 158 and 161, citing *Libri feudorum*. I, 1 § 4 and II, 11. Also see *Les écrits politiques*. II, 22-3 and 43-44, citing different sections of the *Libri feudorum* from Trémaugon in the *Somnium viridarii*. (Book I, chapter 1 § 2, and Book II, chapters 8 § 1, and 11). Jean Juvénal also offered additional evidence that cognates were excluded by feudal rules. Firstly he observed that the custom of the vicomté of Paris also excluded women and their sons from the succession to noble fiefs; moreover he distinguished between the rules governing the peerages of France, where women might succeed, and those for the apanages, which used to be royal domain and so were subject to the same rules as the crown: they 'ne vient point a filles, et s'il est baillé a filz, en deffaulte de hoirs masles, il revient a la couronne'. *Les écrits politiques*. I, 163 and II, 26. See chapter four, section 2.4.

[50] Daly & Giesey. 'Noël de Fribois et la loi salique'. 33, § 18, and § 12 and 13, based upon Baldus' commentary on the word 'Consulari' in *Digest*. 1, 9, 1, in his *Commentaria in digestum veterum*. Venice, 1615-6 and also in *Lectura super prima parte digesti veteris*. s.l. 1498. See the discussion in Daly & Giesey. 'Noël de Fribois et la loi salique'. 21-5, together with Viollet, P. 'Comment les femmes ont été exclues'. 168-9 and Potter, J.M. 'The development and significance of the Salic Law'. 241.

did develop upon the 'pont et planche' argument, arguing that Isabella 'nestoit pas habille a succeder' and so could not transport any such right to her son. The treatise supported this claim by vague reference to 'pluiseurs autres drois canons et civilz qui furent alleguiez avecquez beaucop de grandes raisons moralez et naturellez lesquellez pour cause de briefte sont icy obmisez', together with three specific authorities: 'nemo dat quod non habet', which was not a law but rather a common proverb used by Seneca, Aristotle, Aquinas, Danté and Jean de Montreuil; 'nemo plus juris' which was almost certainly an abbreviated form of 'Nemo plus juris ad alium transferre potest, quam ipse haberet' (*Digest.* 50, 17, 54); 'Medium predium quod non servit impedit servitutem' (*Digest,* 8.3.7.1) which had appeared not only in the *Somniun viridarii* and *Songe du vergier,* but also in Raoul de Presles' *Cité de Dieu.* In addition to these Roman laws, the author also offered perhaps the most elegant formulation of the principle based upon *Matthew*'s gospel: 'larbre portera fruit de tele qualite soit doulz ou amer que fait cellui dont il procede'.[51] But the core of the case against cognates for *Pour ce que plusieurs,* remained the Salic Law. Having cited the *De allodio* clause, the author declared that: 'Lesquelles parolles donnoient clerement a entendre que en matiere de couronne et regalite, le royaume et la couronne devoient venir au plus prochain hoir masle descendu de hoyr masle du roy derrain trespasse'. Thus, he argued, when the clause *De allodio* confined the succession to the masculine sex, it actually meant males claiming through males: 'les femmes estoient forclosez de laditte succession et disoit point quelle venist aux plus prochains masles, mais au plus prochain sexe masculin. Or nestoit point le roy Edouart du sexe masculin'. This was a far more extreme interpretation of the Salic Law than had been offered by any previous polemical writer, except perhaps for Jean Juvénal, who in 1435 argued that

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[51] *Pour ce que plusieurs.* fos.4v and 7r-9r. See chapter three, section 2 below.

Charlemagne had not only confirmed the Salic Law, but also ordained that sons could not claim through women alone. But even Jean Juvénal abandoned this claim when he returned to the subject in 1446, simply stating that the claim that a male cognate could inherit the throne 'sembleroit estre contre la Loy sallicque et desroguer a ycelle'. Noël de Fribois, who was very concerned about the Salic Law, simply declared that it 'deboute et forclot les femmes de succeder a la couronne de France'.[52] But, typically, *Pour ce que plusieurs* showed no concerns about extending the authority of the Salic Law to prohibit not just women, but also cognates from inheriting the French crown.

2. *THE VALUE OF THE SALIC LAW*

2.1 *Introduction*

Sarah Hanley has recently argued that the Salic Law was a deliberate attempt by late medieval misogynists, led by Jean de Montreuil, to overthrow the defence of women offered by Christine de Pizan in the *Livre de la cité des dames*: 'Montreuil's fraudulent Salic Law represented his last hope for defeating Christine's influential argument, which validated rule of a body politic by women in the *City of ladies*, and his best hope for restoring his own reputation which was stung by the earlier conflict with her over defamation'; the claim that these writers were defending the Valois monarchy was 'a popular theme invented by French propagandists'.[53] The two

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[52] *Pour ce que plusieurs*. fos.5v and 7v; Jean Juvénal, *Les écrits politiques*, I, 156-7 and II, 20-2 and 26, and Daly & Giesey. 'Noël de Fribois et la loi salique'. 31-2, § 11. Perhaps Jean Juvénal was wary about placing too much direct burden on the Salic Law, given the mounting problems with the 'in regno' clause.

53 Hanley's thesis is presented in a series of overlapping articles: 'Identity politics and rulership in France: female political place and the fraudulent Salic Law in Christine de Pizan and Jean de Montreuil' *Changing identities in early modern France*. Ed. M. Wolfe. Durham, NC, 1997. 78-94; 'La loi salique'

writers were certainly involved in a very public debate over the *Roman de la rose*, between 1399 and 1402; Christine de Pizan and Jean Gerson attacked Jean de Meun for his contribution to the *Roman de la rose*, in which he had employed indecent language, claimed that women were immoral, deceitful and cunning, and condemned marriage. They also condemned Montreuil and other scholars for defending Meun as a satirical poet who introduced characters that spoke according to their appropriate attributes: all writers were faced with a moral imperative not to encourage sinful behaviour nor to say anything that might be injurious and harmful to the public, specifically women.[54] Thus the central debate over the *Roman de la rose*, did not concern the legitimacy of female lordship, nor the possibility of women acceding to the French throne. Indeed, Christine never questioned the exclusion of women from the royal succession, even in her *Livre de la cité des dames*; this was perhaps not surprising given that copies of her letters and books were owned by Isabeau of Bavaria, Jean duc de Berri, Philip the Bold and John the Fearless, dukes of Burgundy, Louis duke of Orléans, Marguerite of Burgundy, wife of the dauphin Louis, Jean Gerson, the chancellor of the university of Paris and Guillaume de Tignonville, provost of Paris.[55] Rather, the *Livre de la cité des dames* offered a refutation of the scurrilous attack upon females perpetrated by such famous

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Encyclopédie politique et historique des femmes. Ed. Christine Fauré. Paris, 1997. 11-30; 'Mapping rulership in the French body public: political identity, public law and the King's one body' *Historical reflections*, 23 (1997). 1-21; 'The politics of identity and monarchic governance in France: the debate over female exclusion' *Women writers and the early modern British political tradition*. Ed. Hilda Smith. Cambridge, 1997. Due to the limitations of space, I will not respond to her arguments in detail here, but see my forthcoming article, "*Le royaume ne peut tumber en fille*: the Salic Law and French queenship'.

[54] Fauré, C. *Democracy without women: feminism and the rise of liberal individualism in France*. Indiana, 1991. 16-23, and see *Christine de Pisan, Jean Gerson, Jean de Montreuil, Gontier et Pierre Col: le débat sur le Roman de la Rose*. Ed. E. Hicks. Paris, 1977. 22, 49-57, 59-87 and 125.

[55] One feminist critic, Sheila Delany, has recently attacked Christine for being 'socially an agent of control on behalf of the ruling elite'. Delany, S. '"Mothers to think back through": who are they? The ambiguous example of Christine de Pizan' *Medieval texts and contemporary readers*. Ed. L.A. Finke and M.B. Schichtman. Ithaca, 1987. 190.

misogynistic works as the *Liber lamentationum Matheoluli*, written around 1295 by Mathieu of Boulogne, and translated by Jean le Fèvre in 1371-2.[56]

Montreuil and his colleagues certainly did not regard their polemical treatises as wider contributions to the debate over women, but rather as manuals for French diplomats, administrators and members of the government, on the model originally established by the *Memoire abregée grossement*.[57] The exclusion of women from the French royal succession was the central plank of the defence of the Valois monarchy against the claims of Charles of Navarre and successive English kings throughout the Hundred Years War. In the early fifteenth century, the disorder created by the Armagnac-Burgundian civil war gave Henry IV and his sons the opportunity to pursue the fulfilment of the terms of the treaty of Brétigny, and ultimately the crown itself. As a result, French officials had a clear need for materials to prepare them for the flurry of diplomatic activity caused by these events. Jean de Montreuil took up this challenge, updating the *Memoire abregée grossement*, particularly by adding arguments against the Plantagenet claim to the French crown; he first produced a brief discussion of the English claims, which he appended to the treatise *A toute le chevalerie*, and then expanded this into a complete work in its own right, the *Traité contre les Anglais* in 1413. During this process, Montreuil adopted the Salic Law as a

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[56] Blumenfeld-Kosinski, R. 'Jean le Fèvre's *Livre de leesce*: praise or blame of women?' *Speculum*, 69 (1994). 705-25. Pizan argued that women were intelligent, courageous and blessed with enough sense to be judges or rulers, or involved in politics and government, despite the fact that men generally had charge of public affairs; she accepted that it would be inappropriate for them to serve as judges or rulers, given that men are generally physically better equipped for such activities, and that they were already filling those roles, so that it would be redundant for women to join them. Christine de Pizan. *Livre de la cité des dames*. Book I, chapter 11

[57] Montreuil deliberately avoided most of the misogynistic attacks upon women that had appeared in his sources, the *Somnium viridarii* and the *Songe du vergier*, a tactful position to adopt when Isabeau of Bavaria was playing a dramatically important role in the government of the realm, shattering the artificial distinction between the private and public roles of the queen. Famiglietti, R.C. *Royal intrigue: crisis at the court of Charles VI, 1392-1420*. New York, 1982 and Gibbons, R. 'Isabeau of Bavaria, queen of France (1385-1422): the creation of an historical villainess' *Transactions of the Royal Historical Society*, 6th series, 6 (1996). 51-75.

specific, historical embodiment of the French custom governing the royal succession. At first glance, the Salic Law seems an odd choice, given the enormous problems surrounding it: not only did the clause *De allodio* refer to private rather than public succession, but it also said nothing about cognates, as the English had observed in 1389. Yet the new law was attractive to Montreuil and his colleagues because it offered a far more coherent historical context for the vague custom governing the royal succession, and moreover a law that was uniquely French. In the sixteenth century these were issues of crucial importance in the context of the intellectual developments associated with the rise of legal humanism, forces with roots in the late middle ages. But for Montreuil and his colleagues, these wider intellectual developments were less important than the specific advantages that could be gained by employing the law in the debate with the English.

2.2 *Historical framework*

The identification of the Salic Law with the vague custom governing the French royal succession gave 'à la très banale et très vague "coutume de France" un nom, un statut, une ancienneté, bref des titres de noblesse'.[58] Evrart de Trémaugon was not unduly concerned about the precise historical framework surrounding the powers of the monarchy, simply stating that if the precise details of the origin of a law were unknown, then 'attendenda est consuetudo de cuius inicio hominum memoria non existit'. But Montreuil and his colleagues shifted the debate over the royal succession onto a precise historical footing in accordance with their nascent humanistic

[58] Contamine, P. 'Le royaume de France ne peut tomber en fille'. 71.

interests.[59] There was a strong tradition, established by Fredegar in around 660, that linked the Salic Law with the first Frankish king, Pharamond. But Richard Lescot had merely reported in 1358 that the law originated amongst the pagan kings, and was subsequently amended by Clovis, Childebert, Clotaire, Charlemagne and his son Louis.[60] When Montreuil first cited the Salic Law between 1409 and 1413, he merely stated that it 'fu faicte et constituee devant qu'il eust oncques roy chrestien en France' and was subsequently confirmed and renewed by Charlemagne. He repeated these two points in the *Traité contre les Anglais*, but added that the Salic Law originally came from the Romans: 'la loi salique, qui vint jadiz des Romains, fu faite et constituee en France des devant qu'il y eust roy crestien et confermee par Charlemaigne'. Jean Juvénal declared in *Audite celi* in 1435 that the Salic Law was made by the Trojans in 422 when they first came into France, before there was a Christian king, and that it was later confirmed by Charlemagne. When Jean Juvénal returned to the subject of the royal succession again in 1446, he abandoned all reference to the Trojans, but again emphasised that the Salic Law had appeared 'avant qu'il y eust oncquez roy crestien en France' and also offered an unattributed quotation from the *Chronica* of Sigebert de Gembloux concerning the confirmation of the Salic Law by Charlemagne.[61] Noël de Fribois reported in both the *Mirouer*

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[59] *Somnium viridarii.* I, 234 (chapter 170 § 3) and *Song du vergier.* I, 127 (chapter 78 § 3). For the humanistic context for the work of Montreuil and the polemical writers, see Ornato, E. *Jean Muret et ses amis Nicolas de Clamanges et Jean de Montreuil: contribution à l'étude des rapports entre les humanistes de Paris et ceux d'Avignon (1394-1420).* Geneva, 1969; Simone, F. *The French renaissance: medieval tradition and Italian influence in shaping the Renaissance in France.* Translated by H. Gaston Hall. London, 1969; Ouy, G. 'Paris, l'un des principaux foyers de l'humanisme en Europe au début du XVe siècle' *Bulletin de la société de l'histoire de Paris et de l'Ile-de-France, 1967-8.* (1970). 71-98; Pons, N. 'Les chancelleries Parisiennes sous le règnes de Charles VI et Charles VII' *Cancelleria e cultura nel medio evo [16th Congrezzo internazionale di scienze storiche].* Vatican, 1990. 137-168.

[60] Beaune, C. *The birth of an ideology.* 253-4 and Lescot, Richard. *Chronique de Richard Lescot.* 178. Note that Raoul de Presles. *Les dix premiers livres de .. la Cite de Dieu.* Book V, chapter 25, recounted the story of how Pharamond commissioned four wise men to create the new legal code.

[61] Montreuil. *Opera.* II, 132, 168 and 209, together with the more simple statement at 164. In the second draft he stated that 'dictam constitutionem seu legem factam fuisse priusquam Francia regem haberet christianum, et Karoli magni imperatoris et regis Francie auctoritate firmatam; quequidem lex, salica nominata, a Romanis trahens ortum', a notion that he repeated in the final draft. *Opera.* II, 226, 274 and also see 326. When Jean Juvénal discussed the Salic Law in a separate context from the debate over

historial, written in 1451, and the *Abrégée des chroniques*, presented to Charles VII in 1459, that the Salic Law was created by four wise men, shortly after the election of Pharamond; yet Fribois did not explicitly link the law with this first French king, preferring to emphasise that it derived from Roman laws and writings, and that it was amended by Clovis, Clothaire and particularly Charlemagne, who added thirty-nine chapters.[62] Finally, in 1464, *Pour ce que plusieurs* abandoned all hesitation in attributing the creation of the Salic Law to Pharamond: this king commissioned four wise men, Usogast, Bosogast, Salagast and Wisogast to provide written replies on certain matters of contention, which were later confirmed and added to by other kings including, most famously, Charlemagne.[63]

As a result of this association of Pharamond with the Salic Law, the first French king enjoyed a new-found position of great importance in the historiography of France, standing alongside Clovis, the first Christian king and founder of the 'religion royale'. But for the polemical writers, and the Valois monarchs themselves, the most important figure in the story remained Charlemagne.[64] Charles V held a deep veneration for Charlemagne, and was the first French king to promote his cult: he

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royal succession, in the treatise *Loquar in tribulacione* (1440), he declared that Pharamond developed the Salic Law with the aid of a newly created *Parlement* in 424. Jean Juvénal. *Les écrits politiques*. I, 156, 159-60 (1435), 345 (1440) and II, 20-2 (1446).

[62] In the *Mirouer historial*, Fribois reported that the Salic Law was based upon the writings of Cicero and named the four wise men as Vusogast, Bosogast, Salagast and Widigast. Bodleian Library MS Bodley 968, fos.41r-v. In the *Abrégée des chroniques*, Fribois argued that 'la constitucion et ordonnance nommee la loy salique, jadis emanee et descendue des anciens Rommains' but did not name the four wise men. Vatican MS Regina latina 829, fos.5v, 9v and 19v-20r, and Daly & Giesey. 'Noël de Fribois et la loi salique', which contains a transcription of fos.48r-53v.

[63] *Pour ce que plusieurs*. fos.4v-5r, and Giesey, R.E. 'The juristic basis'. 19-20. Beaune incorrectly argues that both *Pour ce que plusieurs* and Robert Blondel attributed the Salic Law to Clovis. Beaune, C. *The birth of an ideology*. 254, and Blondel. *Oeuvres*. I, 232-6 and 402-7.

[64] Jean de Vignay reported that the rule excluding women from the royal succession, originated long before Charlemagne, while in the 1370s, Jean Golein declared that the law was created by Charlemagne; yet there is no evidence that either of these authors knew about the Salic Law itself. See footnote 11 above, and Golein. *Traite du sacre*. 323. The anonymous author of *Réponse d'un bon et loyal françois au peuple de France de tous estats*, written in 1420, argued that the Salic Law was created by Charlemagne, but implied that the king was enacting an immemorial custom; the Latin text upon which this work was

refashioned the royal sceptre so that it was surmounted by the figure of Charlemagne sitting in majesty, and also commissioned a translation of Augustine's *De civitate dei*, because it was said to have been Charlemagne's favourite reading matter. It was during Charles' reign that his ancestor was recognised as a saint in France, though Charlemagne had been canonised at Aachen in 1165. There was a widely known prophecy that Charles VI would become a second Charlemagne, and contemporary European rulers were certainly concerned at his imperial ambitions. Later in the fifteenth century, the Florentine Donato Acciaiuoli presented Louis XI with a life of Charlemagne, both because the emperor had saved Florence, but also in recognition of the importance of Charlemagne in the French royal ideology.[65] Jean de Montreuil certainly shared the Valois veneration of Charlemagne, citing his great deeds at length in *A toute la chevalerie*; he also sent a brief memoire recalling the exploits of this Emperor and king of France to the municipality of Aix-la-Chapelle, to persuade them to restore the arms of France to Charlemagne's tomb.[66]

The association of the Salic Law with Charlemagne also provided a powerful response to English attempts to link the custom against female succession with the black sheep of the French crown, Hugh Capet. An anonymous English poem, *An Invective against France*, written in 1346, argued that Capet was a butcher who came to the throne by marrying an heiress; ashamed of his own lowly origins, he wanted to

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based, *Super omnia vincit veritas*, did not cite the Salic Law at all, but rather referred to a vague custom of the realm ('regni consuetudine'). *L'honneur de la couronne de France*. 120 and 128.

[65] Folz, R. 'Aspects du culte liturgique de Saint Charlemagne en France' *Karl der Grosse: Lebenswerk und nachleben*. Ed. Wolfgang Braunfels and Percy Ernst Schramm. Dusseldorf, 1967. IV, 77-99; Monfrin, J. 'La figure de Charlemagne dans l'historiographie du XVe siècle' *Annuaire-bulletin de la société de l'histoire de France*, (1964-5). 67-78; Chaumé, M. 'Une prophétie relative à Charles VI' *Revue du moyen âge latin*, 3 (1947). 27-42 and Reeves, M. *The influence of prophecy in the later middle ages. A study in Joachism*. Oxford, 1969. 328-331. See also Jackson, R.A. *Vive le roi*. 180; Hinkle, W.M. *The fleur de lis of the kings of France*. 50; Hedeman, A.D. *The royal image: illustrations of the 'Grandes Chroniques de France', 1274-1422*. Berkeley, 1991. 98; Beaune, C. *The birth of an ideology*. 53-5.

[66] Montreuil. *Opera*. II, 69-72, 96-7 and 349-51 and [Grévy-]Pons, N. 'Propagande et sentiment national pendant le règne de Charles VI: l'exemple de Jean de Montreuil' *Francia*, 8 (1979). 137-8.

ensure that it might never happen again and so created the law against women and cognates inheriting the throne. The anonymous author of John of Bridlington's prophecy, probably written around 1350, also alluded to the legend, though the commentator on the prophecy, John Ergom, an Austin friar of the priory at York, attributed the deeds to Philip the Fair rather than Capet.[67] These writers were exploiting the contemporary legend that a lowly-born Hugh Capet won the throne through his marriage to the daughter of Louis the Pious but subsequently introduced the law prohibiting female or cognate succession. The story that Capet was the son of a butcher was probably first invented by Dante in his *Divine comedy*, and was then taken up by Giovanni Villani and by the *Chanson de Hugues Capet*, probably written shortly after 1358. According to the *Chanson*, Hugh Capet was the son of Richier, sire de Beaugency, and Béatrix, the daughter of a rich butcher. When his parents died and the patrimony was exhausted, Hugh went to Paris to live with his uncle Simon the butcher, and subsequently married the daughter of Louis the Pious. After his election as king by the common assent of the barons and bourgeois, he introduced a law to forbid women from succeeding to the throne, lest civil war be caused by contenders for the hand of an heiress to the throne.[68] Jean de Montreuil clearly knew about the legend of Hugh Capet's lowly origins, reporting in *Regali ex progenie* and *A toute la chevalerie* that some people were claiming that Capet 'venoit de petit et bas

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[67] *Political poems and songs relating to English history composed during the period from the accession of Edward III to that of Richard III.* Ed. T. Wright. London, 1859. I, 33 and 206-7, and see Curley, M.J. 'Fifteenth-century glosses on *The prophecy of John of Bridlington*: a text, its meaning and its purpose' *Medieval studies*, 46 (1984). 321-39; Rigg, A.G. 'John of Bridlington's *Prophecy*' *Speculum*, 63 (1988). 596-613 and 'The legend of Hugh Capet: the English tradition' *The centre and its compass: studies in medieval literature in honour of Professor J.L. Legerle.* Ed. R.A. Jaylon et al. Kalamazoo, 1993. 389-406 (though note Rigg's significant errors on the chronology of development of the Salic Law). According to one Rouen chronicle, the English argued at a diplomatic meeting in 1372 that the custom that the crown of France should come to the nearest male heir was made in the time of Hugh Capet. *Chronique des quatre premiers Valois (1327-1393).* Ed. S. Luce. Paris, 1862. 224-5.

[68] Bossuat, R. 'La chanson de 'Hugues Capet'' *Romania*, 71 (1950). 450-81 and Mombello, Gianni. 'Une hypothèse sur l'origine d'une légende: Hugues Capet fils d'un boucher' *Pratiques de la culture écrits en France au XVe siècle: Actes du colloque internationales de CNRS.* Louvain, 1995. 179-90. The story was

lignage'. In early versions of both texts he responded to this charge, but abandoned the attempt in later texts, simply stating that Capet was descended through his father from Charlemagne, and his mother from the emperor. Clearly Montreuil recognised that the best policy for dealing with the embarrassment of Capet was silence: the revisions of the *Grandes chroniques de France* under Charles V suppressed a chapter on Hugh Capet and the *Reditus regni ad stirpem Karoli Magni*, and essentially played down the turbulence of the transition from Carolingian to Capetian government.[69] But at the same time, the adoption of the Salic Law helped to draw attention away from Hugh Capet, and instead placed emphasis upon Charlemagne.[70]

Yet the historical framework surrounding the Salic Law served a more immediate end for the polemical writers. The defenders of the Valois monarchy claimed that there was an immemorial custom excluding women and cognates from the royal succession, and that 'il ne sera pas trouve par escriptures ne autrement que femme succedast onques ne donnast a personne quelconque, feust masle ou fumelle, droit de succeder au royaume ne a la couronne de France'.[71] In reality the exclusion of women from the royal succession arose in 'the bluff pronouncement of the assembly

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used by the butchers of Paris to emphasise the importance of their own status and importance, as a group capable of giving birth to kings.

[69] Montreuil. *Opera.* II, 68, 80 and 93, and IV, 323-32 and Hedeman, A.D. *The royal image.* 102-5. The legend of the *Reditus regni francorum ad stirpem Caroli imperatoris* held that the crown returned to the Carolingian line seven generations after Capet's usurpation of the throne. This legend was highly problematic for the Valois because the Capetians were tied to Charlemagne only through the female line, but there is no evidence that the English diplomats cited this historical support for cognate succession. Note that the *reditus* theme was developed during the reign of Philippe Augustus to legitimize the conquest of Normandy, and because of the king's great interest in Charlemagne, rather than problems of dynastic insecurity, Spiegel, G.M. 'The *Reditus regni ad stirpem Karoli Magni*: a new look' *French historical studies,* 7 (1971). 145-74; Lewis, A.W. *Royal succession in Capetian France.* Chapter 4; Krynen, J. *Idéal du prince et pouvoir royal en France a la fin du moyen âge (1380-1440): étude de la littérature politique du temps.* Paris, 1981. 251-8.

[70] The Capet legend reappeared in the chronicle written by Jacques le Picart at the end of the fifteenth century, and the Abbot of St.-Michel in Thierache argued in 1460, that the English claims in France originated in the fact that a widowed queen of France married a butcher from Paris or Reims, who was called 'de Valois'. My thanks to Kathleen Daly for the first reference, and see Lewis, P.S. *Later medieval France: the polity.* London, 1968. 78.

of notables' in 1317, because that was the very first time that a woman was regarded as next in line to the throne, but deliberately excluded from the royal succession: Louis X's daughter was passed over in favour of his brother Philip of Poitiers.[72] Similarly, the decision to exclude cognates first occurred in 1328. An assembly of notables decided that the throne should not pass to Edward III, the nearest male heir of the dead king Charles IV through his sister Isabelle, but rather to Philip of Valois, the closest male in direct male line. Taken together, the decisions of these two assemblies established the rules confining the royal succession to the male line only. This was compatible with contemporary jurisprudence, because while immemoriality was an important element in the creation of a custom, as it offered the idea of perpetuity and 'bon vieux droit', a far greater issue was that custom should originate in the will of the people, which in this case was clearly demonstrable through the decision of the assembly of the realm.[73] Yet the lawyers of Edward III posed a simple but powerful objection to the French case: how could Philip VI and his heirs claim that Edward III was excluded from the French royal succession by virtue of a custom, when in fact that very custom was created in 1328? The English case was put forward by lawyers in a memorandum prepared for the conference at Avignon in 1344. They argued that there was an existing law against female succession in 1328, because of the precedent set after the death of Louis X; this law was not a custom from time immemorial, but rather a statute formally enacted when the question of female succession first arose in 1317. By placing the origins of the law in 1317 it was clear that this rule did not say anything about cognates, because that issue had not

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[71] Montreuil. *Opera.* II, 164, 227, 271-2, 318 and 326. Noël de Fribois used the same phrasing as Montreuil, Daly & Giesey. 'Noël de Fribois et la loi salique'. 34; see also *Pour ce que plusieurs.* fos.8r-8v.

[72] Potter, J.M. 'The development and significance of the Salic Law'. 239.

[73] In his repetition on the law *De quibus* (*Digest.* 1, 3, 32), Jacques de Révigny, professor of law at Orlèans between 1260 and 1270, emphasised that custom, like written law, originated in popular consent and thus had binding authority. Waelkens, L. *La théorie de la coutume chez Jacques de Révigny. Edition et analyse de sa répetition sur la loi De quibus (D., 1, 3, 32).* Leiden, 1984. 168-174, 225-234, 262-272 and 325-335.

arisen then; the purpose of the law created after the death of Louis was simply to exclude women from the succession: 'Praeterea hac consuetudo (si consuetudo dici debeat) afficit tantum personam matris et non filii'. Similarly, they stated that:

> consuetudo enim ad plus non extenditur quam in quo prescribitur [*Digest.* 43, 19, 1] et habetur expressa in [*Libri feudorum.* II, 1, 1] ubi dicit quod in casu de consuetudine expresse non loquitur, ad jus scriptum recurretur, sed de jure scripto filius filiae ad successionem domini admittitur ergo et Rex Angliae ad successionem in regno Franciae[74]

Thus when the matter was debated in 1328 the custom against women could have had no relevance or authority, and the issue of cognate succession must have been determined by reference to other laws. Yet as the English lawyers pointed out, civil law did support cognate succession, or at least the law of the late Roman empire after reforms wiped out the distinction between agnates and cognates. Thus, Edward III was the true heir to the throne as the nearest male heir.[75]

The importance of the case presented by the English memorandum in 1344 should not be underestimated: copies of the memorandum, or summaries of it, appear in documents produced by the English throughout the war, including the dossiers collected by Bishop Thomas Bekynton in the 1440s, and the papers in the possession of William Worcester.[76] The implication is that this memorandum presented the

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[74] BN manuscrit Moreau 699, fos.100v and 101r-v. This is an eighteenth century transcription of the text (fos.98r-113v): the original text appears in BL MS Cotton Cleopatra E. ii. A modern transcription appears in Froissart, Jean. *Oeuvres de Froissart.* Ed. Kervyn de Lettenhove. 28 volumes. Brussels, 1867-77. XVII, 256-72, but the editor removed all but two of the legal citations and omitted important sections of the text.

[75] As Edward III declared in 1339, '..jus regni praefati favorem in viam causae finalis attendens, ne regnum ipsum sub foeminea fragili gubernacione labatur, et propter hoc mulieris personam excludens, non excludit personam masculi, per sic exclusam feminam descendentis ...' and 'Ad hoc etiam per jus memoratum a regno fragilitas muliebris excluditur, ut regno salubrius consulatur, et proximior masculus admittendus alias admittatur...' *Foedera.* II, II, 1086. col 1.

[76] For Bekynton's collection, see BL MSS Cotton Tiberius B xii, Harley 861 and 4763, and Lansdowne 223, and Bodleian MS Bodley 885. For the *De jure hereditario regis Angliae in regnum Franciae* in Fastolf and William Worcester's manuscript, see Royal College of Arms, MS Arundel 48 fos.155r-158r, also edited in *Liber niger scaccarii.* Ed. T. Hearne. London, 1774. II, 534-541; this text is a transcription of the brief summary document produced by the English lawyers, BN manuscrit Moreau 699, fos.115v-121v.

central position adopted by English diplomats throughout the war. According to Montreuil, the English were claiming that the custom excluding Edward III had been created in 1328, solely to defeat his claim to the French throne; Jean Juvénal also implied that the English were using this argument when he responded in his *Très crestien, très hault, très puissant roy,* 'a ce que dient les parties adverses que on ne treuve riens que fame ne succede point ou royaulme en escript, constitution ou loy, et que on ne le fit pour le cas present'.[77] But thanks to the Salic Law, Montreuil could assert that the law was 'faite et approuvee ... de si long temps qu'il nest memoire du contraire par escript ne autrement', and Jean Juvénal could declare that the antiquity of the Salic Law disproved the English claim that 'ladicte constitucion fut faicte particuliere du temps dudit roy Philippe et pur le cas dont il estoit question'.[78] Of course the Salic Law did not solve all the problems posed by the English because it still said nothing about cognate succession, and so the polemical writers of the fifteenth century had to employ complex rational arguments and more simplistic sleight-of-hand to extend the prohibition of the Salic Law to cognates. Yet, at the very least, this shifted the grounds of the debate and enabled the French diplomats to address the English case head on.

2.3 *A French law*

The adoption of the Salic Law also emphasised the unique French status of the custom governing the royal succession. Throughout the Hundred Years War the

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For the 1344 conference at Avignon, see Déprez, E. 'La conférence d'Avignon (1344)' *Essays in medieval history presented to T.F. Tout.* Manchester, 1925. 301-20.

[77] Montreuil. *Opera.* II, 164 and 326; Jean Juvénal. *Les écrits politiques.* II, 41. Krynen, J. *Idéal du prince et pouvoir royal.* 289-90 notes in passing the importance of English attacks upon the custom excluding women, in persuading Montreuil to take up the Salic Law as 'un fondement juridique incontestable'.

[78] Montreuil. *Opera.* II, 166-7 and 272-3; Jean Juvénal. *Les écrits politiques.* I, 159.

defenders of the Valois monarchy applauded the unique rules governing the inheritance of the French crown, for example, highlighting the fact that the custom of the realm prevented a foreigner acceding to the throne, as husband or son of a French princess.[79] Montreuil invoked the authority of Cicero to argue that there were different constitutions, laws and ways of life in Athens, Rome and other places: if the emperor tried to change the custom in England, the English would resist with all their might, and so why should the French not uphold 'une constitution, coustume et ordonnance raisonnablement fondee touchant le bien et honneur de noz seigneurs les royaulx de France et de tout le corps du royaume de France, l'entretenement et continuation d'icellui, faite et approuvee icelle ordonnance par leurs predecesseurs si solennelment et de si long temps qu'il nest memoire du contraire par escript ne autrement?' Thus Edward III was obliged to abide by 'la loy et civilité du lieu ou est la succession', which in the case of France was the Salic Law which not only barred female succession but also cognates. Jean Juvénal also argued that the customs and habits of other countries like England had no effect in France, while Noël de Fribois rejected the claim by 'la partie affirmative' that Edward III should inherit as the nearest male heir 'selon droit commun': in matters of succession, one must abide by 'la loy et civilite du lieu ou est la succession', repeating the phrase used by Montreuil.[80] Thus the polemical writers condemned English objections to the Salic Law as an attempt to control and regulate France against its own laws and customs, and impose 'l'ordonnance de gens d'estrange pais et diverse langue'.[81]

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[79] Oresme. *Livre de politiques.* 109a and 156a (Book II, chapters 21 and Book III, chapter 23); *Somnium viridarii.* I, 284-5 (chapter 186 § 8); *Songe du vergier.* I, 250 (chapter 142 § 8) and *L'honneur de la couronne.* 131. See also, for example, Montreuil. *Opera.* II, 131-2, 167 and 273; Jean Juvénal. *Les écrits politiques.* I, 163-4 and II, 44-45; *Pour ce que plusieurs.* fo.9v.

[80] Montreuil. *Opera.* II, 166, 212, 271-4, 317 and 320; Jean Juvénal. *Les écrits politiques.* II, 45; Daly & Giesey. 'Noël de Fribois et la loi salique'. 34 § 17.

[81] Montreuil. *Opera.* II, 229 and 276. See also *L'honneur de la couronne.* 175-7.

Yet the most important reason why the defenders of the Valois monarchy based their case upon a unique French law was that the exclusion of female and cognates ran contrary to the dictates of most systems of private law; even Roman law became more sympathetic to women and cognates towards the end of the empire, as English diplomats readily observed.[82] Nicole Oresme, Evrart de Trémaugon and their colleagues had to argue that the French royal succession was governed by a unique custom of the realm; the *Somnium viridarii* and the *Songe du vergier* offered extensive citations from both civil and canon law to demonstrate the rationality of the exclusion of women and cognates from the royal succession, but the central authority for this matter remained the general custom of the realm.[83] French lawyers held a great respect for customary law as the expression of the will of the people, the ultimate source of authority for all positive law, even though custom had not been numbered amongst the classical sources of Roman law. Indeed, given the practical importance of customary law, legists had no choice but to accept the authority of custom, and so agreed that it was entirely valid in situations where civil law was silent on the matter at hand, and sometimes even when in opposition to written law. Royal lawyers in France were certainly accustomed to invoking the authority of a vague custom of the realm to defend the interests of the crown in situations where written law did not offer any direct support.[84] But the adoption of the Salic Law did

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[82] BN manuscrit Moreau 699 fols. 106r-v, and see footnote 39 above.

[83] *Songe du vergier*. I, 248 (chapter 142 § 2), and *Somnium viridarii*. I, 282 (186 § 3).

[84] In 1271 king Philip III clashed with Charles of Anjou over the succession to the apanage of Poitou and Auvergne, which had been held by Alfonse of Poitiers, Charles' brother. The royal proctors argued that the apanage should return to the crown, by the general custom of the realm, even though there was no precedent that cadet inheritances would return to the crown rather than pass to the holder's brother, when the holder died without any direct heirs. Lewis, A.W. *Royal succession in Capetian France*. 175-8. For a general discussion of custom, see Kelley, D.R. "Second nature': the idea of custom in European law, society and culture' *The transmission of culture in early modern Europe*. Ed. A. Grafton and A. Blair. Philadelphia, 1990. 131-72. The relationship between civil law and custom was primarily discussed in relation to *Cunctos populos* (*Codex*. 1, 1, 1) and *De quibus* (*Digest*. 1, 3, 32). For medieval views of customary law, see See Gaudemet, J. 'Coutume et raison en droit romain: à propos de C. J., 8, 52, 2' *Revue historique de droit Français et étranger*, 4th series, xvii (1938). 141-171; Meijers, E. *Etudes d'histoire du droit international privé*. Paris, 1967; Stein, P. 'Bartolus, the conflict of laws and the Roman law' *The character and*

enable the polemical writers to place even more emphasis upon this custom: in the words of Jacques Krynen, Montreuil took up the Salic Law because he 'n'est pas sûr que ses contemporains aient une idée claire du caractère nécessaire et utile de cette coutume' excluding women from the royal succession, and so sought 'un fondement juridique incontestable'.[85] Certainly Montreuil declared that custom was more important than written law, and he was able to abandon the use of civil and canon law authorities, even though he drew heavily upon the rational arguments used by the *Somnium viridarii*, and its French translation: he simply stated that according to 'tous droiz civilz et autres', women and their sons were barred from the succession; he later commented that these were 'trop prolixe et obscure a gens laiz, par especial a la chevalerie de ce royaume'.[86] But the Salic Law remained a problematic authority, as Montreuil tacitly recognised when he employed it very discreetly in his major works.[87] Both he and Fribois tried to lend credence to the Salic Law by giving it a Roman origin, and all of the polemical writers were still more than happy to use civil law as and when it might be useful for their own argument: for example, the author of *Pour ce que plusieurs* was quite willing to use civil law citations, and the parallel example of the English law of entail in tail male, to demonstrate that Edward III

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influence of the Roman civil law: historical essays. London, 1988. 83-90; Gouron, A. 'Coutume contre loi chez les premiers glossateurs' *Renaissance du pouvoir législatif et genèse de l'état*. Ed. A. Gouron and A. Rigaudière. Montpellier, 1988. 117-30 and 'La coutume en France au moyen âge' *Recueils de la société Jean Bodin: La coutume*. Brussels, 1990. 2nd part; Canning, J. *The political thought of Baldus de Ubaldis*. Cambridge, 1989. 56; Mayali, L. 'La coutume dans la doctrine romaniste au Moyen Age' *Recueils de la société Jean Bodin: La coutume*. Brussels, 1990. 2nd part and Krynen, J. 'Droit romain et état monarchique: à propos du cas français' *Représentation, pouvoir et royauté à la fin du moyen âge: actes du colloque organisé par l'université du Maine, 1994*. Ed. J. Blanchard. Paris, 1995. 17-8.

[85] Krynen, J. *Idéal du prince et pouvoir royal*. 289-90. Trémaugon ignored the attempt by one of his sources to identify the custom governing the royal succession with the specific law, 'la mort saisi le viff le plus prochain en degre dou coste dont le heritage viennent', a custom of 'vostre palais ou cite de Paris'. *Some documents relating to .. Brittany*. 24. (section vii.c.). Yet Trémaugon did argue that this was a general custom of the realm, in his discussion of the Breton succession, *Somnium viridarii*. I, 296 (chapter 187 § 14) and *Songe du vergier*, I, 260 (chapter 143 § 14).

[86] For Montreuil's comments regarding customary law, see *Opera*. II, 166 and 272, and for his discussion of supporting arguments from civil and canon law, *ibid*. II, 195-6 and 296, and also see 134, 203 and 250.

[87] See footnotes 26 and 43 above.

could not inherit a claim to the French throne through his mother.[88] Fribois' discussion of royal succession in the *Abrégée des chroniques* is particularly intriguing because he was very nervous about the Salic Law, and so sought to bolster its authority by civil law arguments drawn from the commentary of Baldus de Ubaldis upon the *Libri feudorum* and the *Digest*, together with Trémaugon's draft of the discussion in the *Somnium*, a *Leçon* given in 1373.[89] In contrast, the author of *Pour ce que plusieurs* felt so confident about the Salic Law that he rejected the use of civil law, arguing that 'le royaume de France nest point subget a lempire', while French law provided an authority 'si cler comme en si grans matieres estoit bien requis'.[90]

2.4 *The danger of elective monarchy*

In the 1570s, François Hotman defended the Estates General because he hoped that they would support religious toleration for the Huguenots. He claimed that the monarchy had originally been elective, and argued that the people retained the right to direct all matters of great importance through the Estates General, as the descendant of a Public Council that had guarded the fundamental laws of the realm since its origin. He accepted the exclusion of women from the royal succession, but

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[88] Montreuil. *Opera*. II, 168 and 274.; Daly & Giesey. 'Noël de Fribois et la loi salique'. 31-2, § 11 and 15; *Pour ce que plusieurs*. fos.7r and 18r-19r. In *Verba mea auribus percipe, Domine*, Jean Juvénal expressed concerns about the actions of legists, advocating extraordinary and ultimately tyrannical royal power that threatened the freedom of the people of France, but his anger was directed at the legists themselves rather than Roman Law. Juvénal, Jean. *Les écrits politiques*. II, 179-405, discussed in Krynen, J. 'Les légistes 'tyrans de la France'? Le témoignage de Jean Juvenal des Ursins, docteur *in utroque' Droits savants et pratiques françaises du pouvoir (XIe-XVe siècles)*. Ed. J. Krynen et A. Rigaudière. Bordeaux, 1992. 279-299.

[89] Daly & Giesey. 'Noël de Fribois et la loi salique'. 17-36, and for the Trémaugon's lecture on succession, presented to the university of Paris in October 1373, see BN manuscrit latin 12461, fos.100r-109v, and Giordanengo, G. 'De la faculte de Decret aux *negocia regis*. Une repetition d'Evrard de Tremaugon (Paris, 1371)' *Droits savants et pratiques françaises du pouvoir (XIe-XVe siècles)*. Ed. J. Krynen et A. Rigaudiere. Bordeaux, 1992. 218.

[90] *Pour ce que plusieurs*. fo.4v; Daly & Giesey. 'Noël de Fribois et la loi salique'. 17-8 and 28, § 3 and Montreuil. *Opera*. II, 172. In general, see section 2.3 and foonote 100 above.

argued that this rule was not created by the first kings of France, but rather originated in the actions of the people: citing the evidence of chronicles and Einhard's biography of Charlemagne, he demonstrated that the Salic Law was 'non de publico Regni et civitatis iure, sed de privato tantum constituta', and thus argued that the exclusion of women from the royal succession originated in the 'instituta et mores gentis', preserved for so long through the consent of succeeding generations. In response, Jean Bodin argued in his *Six livres de la République* that there was no possibility of the king sharing his authority with the Estates, and defended the right of the monarch to ignore their advice, though it was usual to seek their consent for changes of custom. In response to the claim that the French monarchy was elective, Bodin argued that each dynasty had succeeded to the French throne according to hereditary right. Not surprisingly, he accepted the Salic Law at face value, citing the clause *De allodis* without the interpolation 'in regno' from a manuscript in the *Trésor de France*, but then arguing that this applied to the realm. Given his juristic and historical qualifications, one might have expected him to be more critical, but clearly his polemical purposes required him to turn a blind eye to the clear problems with the Salic Law.[91]

Did the fifteenth century writers support the Salic Law, like Bodin, because it was a royal constitution and so supported both the legislative power of the king, and the

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[91] Hotman, François. *Francogallia*. 268-74 and 462-6; Bodin, Jean. *Les six livres de la république*. Ed. C. Frémont, M-D. Couzinet and H. Rochais. Paris, 1986. 247 (book VI, chapter 5), and see also Burns, J.H. 'Sovereignty and constitutional law in Bodin' *Political studies*, 7 (1959). 174-7; Giesey, R.E. 'The juristic basis'. 29-30 and 'Medieval jurisprudence in Bodin's concept of sovereignty' *Jean Bodin: proceedings of the international conference on Bodin in Munich*. Ed. Horst Denzer. Munich, 1973. 180 and note; Skinner, Q. *Foundations of modern political thought*. II, 310-3 and 318-9; Jackson, R.A. *Vive le roi*. Chapter 8; Salmon, J.M.H. 'Bodin and the monarchomachs' *Renaissance and revolt: essays in the intellectual and social history of early modern France*. Cambridge, 1987. 126 and 132-5 and Franklin, J.H. 'Sovereignty and the mixed constitution: Bodin and his critics' *Cambridge history of political thought, 1450-1700*. Ed. J.H. Burns. Cambridge, 1991. 307-9.

principle of hereditary succession?[92] Certainly the problems of 1317 and 1328 had required the action of assemblies, and so raised the prospect of elective monarchy. As St. Bridget of Sweden remarked, Edward III was indeed the closest heir to the throne in 1328, but Philip of Valois was chosen by the electors and thereby secured a permanent right to the throne of France. Soon afterwards, the suitability of Jean to succeed to Philip of Valois was contested during the reign of his father, and following the death of Jean, there was an interregnum before the accession of his son Charles, which Cazelles described as an 'élection'.[93] Thus royalist lawyers and writers were anxious to avoid any revival of the elective principle of the Frankish and early Capetian monarchy, and so avoided justifying the accessions of Philip V and VI by reference to the decisions of the assemblies of notables in 1317 and 1328. Instead, they argued that there were clear rules governing the inheritance of the crown, so that an assembly of notables could only affirm the inheritance of the crown by the rightful heir, and not themselves play any constitutive role in the royal succession. The rules governing the inheritance of the crown were set out clearly by the ordinance of August 1374, which Cazelles has described as the 'Première loi constitutionnelle de la monarchie française'. Further ordinances upheld the notion that the closest male heir became king upon the death of his predecessor, according to the principle 'Le mort saisit le vif'; as a result, there was no longer even a suggestion of an interregnum, and hence no doubt that the king received his crown by hereditary right, rather than through election or consecration.[94] Soon afterward,

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[92] Krynen has recently argued that '.... il est permis d'affirmer que la crainte d'un retour en force sur système électif facilité par l'absence d'une théorie juridique de la succession n'a peut-être pas été absente des préoccupations d'un Jean de Montreuil ou d'un Jean de Terrevermeille'. Krynen, J. *Idéal du prince et pouvoir royal*. 283. See also Potter, J. 'The development and significance of the Salic Law'. 240-1.

[93] Cazelles, R. *La société politique sous Philippe de Valois*. 72-3 and *Société politique sous Jean le Bon et Charles V*. 7-8 and 455-60.

[94] Oresme. *Livre de politiques*. 109 and 153-6 (Book II, chapter 109 and book III, chapter 21), drawing upon Marsilius of Padua. *Defensor pacis*. I, 16; *Somnium viridarii*. I, 292-3 (chapter 186 § 33-36bis) and *Songe du vergier*. I, 257 (chapter 142 § 33-36). For the ordinances of 1374 and 1407, see *Ordonnances des roys de France de la troisième race*. 21 volumes. Ed. E. de Laurière, D.F. Secousse et al. Paris, 1723-1849. VI,

Jean de Terrevermeille defended the automatic right of the dauphin to succeed to the crown, but felt no qualms about arguing that the customs governing the royal succession originated in the will of the people: the community had a right to determine the law of succession, and so at some time in the past they had approved the custom of primogenitary succession and the exclusion of females; yet once these rules had been created and the first king chosen, the people lost all right to be involved in the choice of future kings, unless the royal line ran out.[95]

Thus by the start of the fifteenth century there was no longer any real concern about the danger of elective monarchy or the power of the Estates, as demonstrated by the fact that Montreuil and his colleagues were happy to defend the Valois succession by citing the approval given to the accession of Philip VI by the assembly of notables in 1328.[96] Moreover, the polemical writers made almost no attempt to emphasise the fact that the Salic Law was a royal constitution, and hence representative of the legislative authority of the king, rather than a custom originating in the will of the people. Before Montreuil learned of the Salic Law, he described the law prohibiting females from inheriting the crown as a 'constitucion et ordonnance' and a 'coustume'; the marginal note that he appended to *A toute le chevalerie* between 1409 and 1413 regarding the Salic Law, described it as 'ladicte coustume et ordonnance'.

26-32 and 45-55; *Société politique sous Jean le Bon et Charles V.* 580, and Krynen, J. "Le mort saisit le vif' genèse médiévale du principe d'instantanéité de la succession royale française' *Journal des Savants,* (1984). 195-7.

[95] Clearly Terrvermeille, just like Oresme and Trémaugon, was imagining a situation analagous with the *Lex regia,* by which the Roman people had surrendered their sovereignty to the emperors and hence lost it forever. Giesey, R.E. 'The juristic basis'. 16 and Barbey, J. *La fonction royale: essence et légitimité d'apres les 'Tractatus' de Jean de Terrevermeille.* Paris, 1983. 278, and also see chapter four, section 2.3 below. In the sixteenth century, Louis Le Caron explicitly championed this comparison, Kelley, D.R. *Foundations of modern historical scholarship.* 199n. For Oresme, see for example *Livre de politiques.* 153-6 and 274 (Book III, chapter 23 and book VI, chapter 12). Trémaugon declared that if a monarchy is not set up by a superior power, by conquest or by purchase, then it originates 'per voluntatem et ordinacionem populi' according to the 'jure gencium', *Somnium viridarii.* I, 234 (chapter 170 § 4) and *Songe du vergier.* I, 128 (chapter 78 § 4), discussed in Leça, A. 'La dévolution de la couronne dans le *Songe du vergier* (1378)' *L'état, la révolution française et l'Italie: actes du colloque de Milan.* Aix-en-Provence, 1990. 7-35.

In successive drafts of his *Traité contre les Anglais,* he described the law as a 'coustume et ordonnance', a 'constitution, coustume et ordonnance raisonnablement fondee' and a 'loy ancienne du royaume de France'.[97] Jean Juvénal remarked that Edward's mother was debarred from the succession by this 'coustume', and then immediately afterwards stated that 'ladicte constitucion n'est point estrange'.[98] In the *Abrégée des chroniques,* Noël de Fribois offered a short treatment of the succession question, much of it written in Latin with a corresponding French translation; in the Latin text, he described the Salic Law as 'consuetudo', but then translated it as 'constitution', a term that he used throughout his French text. Only the author of *Pour ce que plusieurs* declared resolutely that 'lex salica est constitucio regia'; twenty years later, at the coronation of Charles VIII, the *tableau vivant* concerning the historical origins of French kingship through the legend of Pharamond and the Salic Law, served not only to highlight the relevance of that authority for the succession, but also to demonstrate the legal authority of the monarchy.[99] But the relevance of the Salic Law to the debate over the relative power of the king and his subjects was more a consequence than a reason for the adoption of the Salic Law, highlighting the contrast between the confused, but propitious circumstances surrounding the adoption of this law, and its subsequent use and impact in the sixteenth century.

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[96] For example, Montreuil. *Opera.* II, 132-3 and 165. *L'honneur de la couronne.* 177-80 and 190. Jean Juvénal. *Les écrits politiques.* I, 168-9 and II, 46-7; *Pour ce que plusieurs.* fos.4r and 11v-12r.

[97] For example, Montreuil. *Opera.* II, 131-2, 164, 167, 269 and 326. The anonymous author of the *Genealogie des rois de France verite est que,* basing his work directly on Montreuil, did not explicitly cite the Salic Law but did refer to an 'ordonnance, constitucion et loy du royaulme anciennement approuvees et confermees par le roy de France et empereur Charlemagne'. Pons, N. 'Un exemple de l'utilisation des écrits politiques de Jean de Montreuil: un memorandum diplomatique redige sous Charles VII' *Préludes à la renaissance: aspects de la vie intellectuelle en France au XVe siècle.* Ed. Carla Bozzolo and Ezio Ornato. Paris, 1992. 259, lines 70-1. Thus Beaune is mistaken when she argues that terms associated with the legislative power of the king, such as 'edict, constitution or ordinance' did not begin to appear until *Pour ce que plusieurs,* which she incorrectly dates to 1450. Beaune, C. *The birth of an ideology.* 254-6.

[98] Jean Juvénal. *Les écrits politiques.* I, 161.

3. *CONCLUSION*

The Salic Law ultimately provided a powerful slogan for the French monarchy, primarily because it enjoyed 'advantages of brevity and simplicity', and 'did not require one to be learned in scholastic philosophy or the intricacies of the Two Laws'.[100] Yet the polemical writers were not offering propaganda for the wider public, and were certainly wary of giving the Salic Law too much prominence in their writings. Montreuil himself employed it very discreetly in his major works, and then avoided any direct citations of the Salic Law in the shortened versions of his treatises, such as *Résume de Traité contre les Anglais*.[101] Not surprisingly, there is little evidence that it had any significant impact outside the circle of French royal administrators until the advent of printing. The only one of the four pamphlets produced by supporters of the dauphin between 1418 and 1429 to mention the Salic Law was the *Réponse d'un bon et loyal françois*, but even this failed to cite the *De allodio* clause. Similarly, Robert Blondel did not cite the Salic Law at all in his discussions of the royal succession, preferring instead to base the exclusion of women upon their inability to enjoy the special priestly status of kingship, an argument that would undoubtedly be more powerful and comprehensible to the laity than ancient legal authorities.[102] Yet with the advent of printing, the Salic Law reached a wider audience; *Pour ce que plusieurs* was published twice in conjunction with Claude de Seyssel's *La grand monarchie de France* (1519), which itself declared that the Salic Law and the law of inalienability were the fundamental laws that limited the king, as part

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[99] Daly & Giesey. 'Noël de Fribois et la loi salique'. 22-3 citing § 13, but also see § 11 and 15; *Pour ce que plusieurs*. fo.5v. For the *tableau* at the coronation in 1484, see Jackson, R.A. *Vive le roi*. 178-9 and footnote 1 above.

[100] Montreuil. *Opera*. II, 195-6 and 296, and also see 134, 203 and 250; Giesey, R.E. 'The juristic basis'. 21.

[101] See footnotes 26 and 43 above.

[102] *L'honneur de la couronne*. 128. The Salic Law was not cited by the original Latin version of this text, *ibid.*, 120; Blondel, Robert. *Oeuvres*. I, 232-4 and 402-4.

of the bridle to his powers known as 'la police'.[103] Thereafter the authority of the Salic Law was accepted by scholars like Charles de Grassaille, Barthélemi de Chasseneuz, Jean d'Angleberme and Charles Du Moulin.[104]

The factors that drew the fifteenth century writers to the Salic Law, particularly its antiquity and its status as a uniquely French law, became even more important in the sixteenth century thanks to the development of legal humanism and mounting tensions between the French crown and the empire. Attitudes towards Roman law hardened dramatically, particularly through the development of the *mos docendi gallicus*: civil law remained a source for rational arguments, but a growing awareness of historical context led many scholars to question how relevant the laws of ancient Rome might be to the modern world. Thus the legal humanists sought out the distant origins of the powers and prerogatives of the French monarchy, recognising that these derived not from a classical, but rather a feudal past in which the Salic Law held a prominent place.[105] Yet there were important differences of emphasis between the two periods: the fifteenth century writers were undoubtedly impressed by their French authority, but were not as critical of external legal authorities as their sixteenth century descendants, influenced by the conflict between Habsburgs and Valois, the Reformation and hence the need for Protestants to fight off Romanism; similarly, Montreuil and his colleagues were attracted to the Salic Law because of its association with Charlemagne and its evident antiquity, but their historical

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[103] See appendix, section 1.2 below.

[104] Church, W.F. *Constitutional thought in sixteenth century France.* Cambridge, MA., 1941. 28-30, Giesey, R.E. 'The juristic basis'. 28-9 and Kelley, D.R. *Foundations of modern historical scholarship.* 179 and 199.

[105] Kelley, D.R. 'The rise of legal history in the Renaissance' *History and theory,* 9 (1970). 189, 'Civil science in the renaissance: jurisprudence in the French manner' *History of European ideas,* 2 (1981). 261-76 and 'Law' *Cambridge history of political thought, 1450-1700.* Ed. J.H. Burns. Cambridge, 1991. 75-6; Skinner, Q. *Foundations of modern political thought.* II, 269-70 and 290; Pocock, J.G.A. *The ancient constitution and the feudal law.* Cambridge, 2nd edition, 1987. 8-15.

scholarship remained very primitive, and so they were not unduly concerned about the precise origins of the law. In contrast, sixteenth century writers applied their newly developed skills to the problem of the Salic Law and soon revealed many of its flaws and problems. The archival work of Jean Du Tillet revealed that the traditional attribution of the Salic Law to king Pharamond was false, a judgement that was echoed by Bernard de Girard Du Haillan. Du Tillet questioned the identification of the custom excluding women from the royal succession with the law of the Salian Franks, which was merely private law; he also rejected the Trojan rather than Germanic origins of the French. Du Haillan even observed that the Salic Law was created by Philip V, the first king of France to accede through the elimination of an heiress, though very few agreed with his argument.[106] Yet the Salic Law continued to exert a great authority and influence. It was also instrumental in ensuring that when Charles VIII died in 1498, Louis d'Orléans succeeded to the throne rather than Charles' sister Anne, and that when Louis XII died in 1515, his own daughters Renée and Claude were passed over in favour of François d'Angoulême.[107] On 1 August 1589, Jacques Clément murdered Henry III, and Henry of Navarre became king of France as the nearest male relative in direct line, even though there were many men with closer blood-ties to the king than Henry of Navarre, who was twenty-two degrees of blood from the king. In 1593, Parlement issued an arrêt upholding the authority of the Salic Law and recognising its character as customary law of the land. The Salic Law remained a fundamental law and hence limitation upon the king in even the most royalist of interpretations. It demonstrated that the king did not succeed to a private inheritance, but rather an office or dignity that was regulated by fundamental law.

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[106] Church, W.F. *Constitutional thought in sixteenth century France.* 83-5; Kelley, D.R. *Foundations of modern historical scholarship.* 228, 231 and 235-6, and Hanley, S. *The Lit de justice of the kings of France: constitutional ideology in legend, ritual and discourse.* Princeton, 1983. 105 and 116.

[107] Baumgartner, F.J. *Louis II.* Stroud, 1994. 51-3 and *France in the sixteenth century.* Basingstoke, 1995. 21-2. Knecht, R.J. *The rise and fall of Renaissance France.* London, 1996. 78-80.

These defenders of divine right-sovereignty could claim that the monarch was appointed by God but they could not avoid the authority of the Salic Law, which at the very least preserved 'a modicum of legality in their conception of kingship' throughout the Ançien Regime.[108]

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[108] Church, W.F. *Constitutional thought in sixteenth century France*. 93, 267-8, 309.

Chapter Three:

Sir John Fortescue and the universal laws of succession

Sir John Fortescue and the universal laws of succession

By the Act of Accord in October 1460, Richard duke of York was named heir to the English throne, replacing Henry VI's young son Edward. Parliament implicitly acknowledged the superiority of the Yorkist claim to the throne; only the reluctance to remove an anointed king, and thus to call into question the legality of the actions of the monarchs since the usurpation of 1399, prevented more radical action from being taken. Yet the subsequent breach of this agreement by the Lancastrians, leading to the death of the Duke of York at the battle of Wakefield on 30 December 1460, justified the seizure of the throne by his son Edward in March 1461 as rightful heir to the crown.[1] Soon afterwards, Sir John Fortescue took up the defence of the Lancastrians, during his exile with Henry VI in Scotland between April 1461 and July 1463. The famous lawyer produced a number of polemical pamphlets challenging Edward IV's title to the throne, of which just four survive: *De titulo Edwardi comitis Marchiae, Of the title of the House of York, Defensio juris domus Lancastriae* and *Replicacion ageinste the clayme and title of the Duc of Yorke for the crownes of England and France.* Then, either during his stay in Scotland or his subsequent sojourn in France, he wrote a lengthy treatise called the *Opusculum de natura legis naturae et de ejus censura in successione regnorum suprema,* which discussed the laws governing royal succession in the abstract, without specific reference to the situation in either England or France.[2]

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[1] *RP.* V, 375-79 and 463-78; Griffiths, R.A. *The reign of Henry VI: the exercise of royal authority, 1422-1461.* London, 1981. 867-9; Wolffe, B.P. *Henry VI.* London, 1981. 323-6.

[2] With the failure of the Lancastrian cause in 1471, Fortescue joined the Yorkists and produced a retraction of his earlier writings against Edward IV, the *Declaracion Upon Certayn Wrytinges Sent Oute of Scotteland.* These tracts are printed in *Works,* note also the variant passages in Fortescue. *Governance.* 353-6 and *The politics of fifteenth-century England: John Vale's book.* Ed. M.L. Kekewich et al. Gloucester, 1995. 202-3.

The Yorkist case was based upon the premise that no 'ooth of feaute, homage or ligeaunce' and no 'Actes and Ordenaunces' might stand against the Yorkists' superior hereditary right to the throne 'grounded upon evident trouth and justice'.[3] In 1399 Richard II had had no children and so his closest male relative was Edmund Mortimer, earl of March, the great-grandson of Lionel duke of Clarence. Unfortunately, Edmund was a mere child and royal ward and so posed no obstacle to the ambitions of Henry Bolingbroke, son of Clarence's younger brother John of Gaunt: Henry seized the throne, arguing that he was 'right enheriter to kyng Herry the third'. This was almost certainly a reference to the notorious Crouchback legend that Edmund of Lancaster (rather than Edward I) was the eldest son of Henry III, but had been excluded from the succession 'propter fatuitatem'. If this story were true, then Henry Bolingbroke, as Edmund Crouchback's great-great grandson, was indeed the heir to the throne in direct line from Henry III; yet, as Henry was advised in 1399, there was no evidence to support this story. The Lancastrians tried to mask the weakness of Henry's title by offering a careful blend of a vague hereditary right, election and conquest, reinforced by anointment with the holy oil supposedly given by the Virgin Mary to Becket; after the event they maintained a tactful silence on the matter. It is perhaps not surprising that according to an apocryphal seventeenth century story Henry IV confessed: 'With what right I got [the crown] God only knows'.[4]

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[3] *RP.* V, 375-80. The Yorkist hereditary claim was supported by numerous genealogies which circulated during this period. For example see the Yorkist genealogy in BL Additional manuscript 10099, fos.205r-210v, copied in Harley manuscript 116, fos.142r-146v, and Allan, A. 'Yorkist propaganda: pedigree, prophecy and the 'British History' in the reign of Edward IV' *Patronage, pedigree and power in later medieval England.* Ed. C. Ross. Gloucester, 1979. 171-2.

[4] Nenner, H. *The right to be king: the succession to the crown, 1603-1714.* Basingstoke, 1995. 1. The Lancastrian claim to the throne is discussed in detail in Lapsley, G. 'The parliamentary title of Henry IV' *English Historical Review,* 49 (1934). 423-449 & 577-606; Gransden, A. *Historical writing in England. II: c. 1307 to the early sixteenth century.* London, 1982. 185-7; *Chronicles of the revolution, 1397-1400.* Ed. C. Given-Wilson. Manchester, 1993. 43, and also see Fortescue. *Works.* 64* and 524-5. Lancastrian diplomats claimed that their king's titles to the English and French thrones were too high a matter for them to

Inevitably Fortescue had to adopt new arguments for the defence of Henry VI. To this end, he asserted that the Lancastrians now had a just title through divine and ecclesiastical approbation, popular consent and prescription, but the core of his case was a direct response to the Yorkist claim that they had a superior hereditary title to the throne.[5] Fortescue also enlarged upon the observation of the Lords in 1460 that the Yorkists had never before publicly claimed to be Lionel's heirs and that Richard of York himself had only taken up the arms of Lionel immediately before laying claim to the throne. Fortescue suggested that underpinning this silence, and hence acceptance of the rule of the Lancastrians, was the fact that Philippa was not the true child of Lionel.[6] More importantly, Edward IV was 'forcluded and barred by all lawes used amonge Kinges ... and namely within the realme of Englande, and also by naturall reason, to clayme the Kingdome of Englande' because the Yorkist title depended upon descent through women, Richard Duke of York's mother Anne and Philippa, daughter of Lionel Duke of Clarence, and a title to the throne could not be transmitted through a woman. Henry VI was heir in direct male line from Henry III, as required 'et jure et consuetudine Angliae', and so was the true king 'omni jure naturali divino et humano'.[7] The claim that Philippa was illegitimate was an outright lie, but Fortescue's claims regarding the exclusion of cognates from the royal succession are harder to assess. As the English lawyer later confessed, in 'the lawes of this londe ... [one will] ... lerne full lytell of the right of succession of kingdomes', but a great deal of circumstantial evidence suggests a presumption that women and

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discuss, an argument also used by the judges in parliament in 1460. Dickinson, J. *The Congress of Arras, 1435: a study in medieval diplomacy.* Oxford 1955. 131-2 and 143, and *RP.* V, 376a.

[5] Fortescue. *Works.* 68*-74*, 500-2 and 509. He effectively countered his own argument based on prescription, when he argued in the *Opusculum de natura legis naturae* that lapse of time could not confirm anything which was not valid or right at its origin. *Works.* 183-4.

[6] Fortescue. *Works.* 499, 67*-68* and 517-8, and Fortescue. *Governance.* 354. As Fortescue observed, the heirs of Lionel duke of Clarence had directly acknowledged and assented to Lancastrian rule by paying homage and swearing to be faithful liegemen, thus effectively renouncing their own claims to the throne.

[7] Fortescue. *Works.* 63*-64*, 73*, 505 and 511, and Fortescue. *Governance.* 356.

cognates could succeed to the throne, at least in default of direct male heirs. Edward I married his second daughter, Joan, to Gilbert de Clare, earl of Gloucester, 1290; Gilbert had to swear not to attempt to seize the throne himself in Joan's right if Edward left no son and the eldest daughter also died childless, and to respect the rights of Edward's younger daughters in turn. In 1352 Edward III enacted a statute, making the violation of the queen, the wife of the Prince of Wales, or the wives of all the sovereign's younger sons an act of high treason. The statute specifically stated that the eldest daughter was protected by this act, because it was to her and her issue that the throne would fall in the event that none of the king's sons left issue.[8] The earl of March was almost certainly regarded as the rightful heir to the throne if Richard II died without an heir, perhaps even by the king himself, even though his claim could only have come through Philippa daughter of Lionel duke of Clarence; Edward III had certainly feared this eventuality, to judge by the recently discovered charter of 1376, by which the king tried to confine the royal succession to the direct male line.[9] Throughout the period of Lancastrian rule, heiresses continued to be valued for their connection to the royal family. A commonplace book from Henry IV's reign includes excerpts from Nicholas Trevet's Anglo-Norman chronicle giving the issue of Edward I's daughters, and in 1425 the descent from Plantagenet women was cited as one justification for parliamentary precedence among earls. By the 1440s, there was a clear danger that the male line of Henry IV would end with his grandson Henry VI, and so the Lancastrians turned 'cautiously, yet unmistakably, to the wider royal family', the Beauforts, the Holands and the Staffords. In all of this, there was little

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[8] Prestwich, M. *Edward I.* London, 1988. 348-9 and Bellamy, J.G. *The law of treason in England in the later middle ages.* Cambridge, 1970. 62-74 and 80-5. My thanks to John Carmi Parsons for these references.

[9] Bennett, M. 'Edward III's entail and the succession to the crown, 1376-1471' *English historical review,* 113 (1998). 580-609, together with the discussion of the Mortimer claim in Lapsley, G. 'The parliamentary title of Henry IV'. 593-4 and *Chronicles of the revolution, 1397-1400.* 18. When Fortescue retracted his pamphlets against the Yorkists, he admitted that 'King Richard made the same Erle of Marche to be

concern over the ability of women to pass on a claim to the throne to husband or son; for example if the Holands had any title to the throne it was through Henry IV's sister Elizabeth. In 1450 Parliament feared that the duke of Suffolk had married his son John de la Pole to Margaret, the Beaufort heiress, in order to secure the crown for his own family.[10] Indeed perhaps most important of all was the fact that the Plantagenet claim to the French throne depended upon the notion that queen Isabelle had passed the title to the French crown to her son Edward III.

Stubbs argued that 'succession through females was regarded as strange to the customs of England' in the late middle ages. Yet in fact the common law did allow both women and cognates to inherit fee simples, and indeed the concern of the English nobility to prevent lands from passing out of their family through the marriage of an only daughter was partly responsible for the development of a new legal device, the entail.[11] Edward III tried to settle the succession upon the direct male line by a charter issued in 1376, perhaps inspired by Charles V's ordinance of August 1374 on the French royal succession which the French historian Raymond Cazelles has described as the 'Première loi constitutionnelle de la monarchie française'. Yet the English charter made so little impact upon public debate in the late Middle Ages that historians had no knowledge of its existence until its recent rediscovery. Certainly there is no evidence that Edward sought the approval of the

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proclaymed in parlyament his heyre apparent, beynge ther tho present the duke of Lancaster, and his sonne the Erle of Derby'. Fortescue. *Works*. 540. For the 1376 charter, see footnote 12 below.

[10] Parsons, J.C. 'Mothers, daughters, marriage, power: some Plantagenet evidence, 1150-1500'. *Medieval queenship*. Ed. J.C. Parsons. Stroud, 1994. 71-2 and Griffiths, R.A. *The reign of Henry VI*. 19-23. The Lancastrians had also upheld cognate succession, implicitly, because the supposed Crouchback title of Henry IV could only have came via Henry's mother Blanche of Lancaster. Note that on 3 November 1471, Charles the Bold of Burgundy claimed a hereditary right to the crown of England through his mother Isabella of Portugal, descendant of John of Gaunt. Scofield, C.L. *The life and reign of Edward the Fourth*. 2 volumes. London, 1923. II, 24.

[11] Stubbs, W. *Constitutional history*. Oxford, 1874. III, 12n; Baker, J.H. *Introduction to English legal history*. 3rd edition. London, 1990. 303-7; McFarlane, K.B. *The Nobility of later medieval England*. Oxford, 1973. 270. Also see Fortescue. *Works*. 532.

community of the realm for this charter, unlike Henry IV when he entailed the royal succession upon his sons and their male heirs in June 1406; the new charter was sealed with the Great Seal, the seal of all the Lords and the Speaker of the House of Commons. Six months later this was repealed by Parliament because the exclusion of any potential granddaughters was an unintended limitation upon them. By implication, females and hence cognates were regarded as capable of inheriting the English throne, whereas in France the events of 1316, 1322 and 1328 had set a secure precedent for direct male succession only.[12] Thus the burden of proof fell upon Fortescue if he wished to argue that a title to the throne could not be passed through a woman.

1. *JEAN JUVENAL DES URSINS*

Fortescue met this challenge with style: the *Opusculum de natura legis naturae* is arguably the most complex and intellectually demanding discussion of royal succession written by any English or French writer during the late Middle Ages. The scale of his achievement is remarkable, especially given the short time frame within which he composed both his pamphlets and the larger treatise, and the intense political pressures under which he was working. Inevitably Fortescue drew much of his material from existing works such as Vincent de Beauvais's *De morali institucione principis,* which inspired his discussion of the origins of kingdoms. Yet none of these texts contained detailed discussions of the royal succession, so it would seem that

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[12] Bennett, M. 'Edward III's entail and the succession to the crown'. 580-609, and Cazelles, R. *Société politique, noblesse et couronne sous Jean le Bon et Charles V.* Paris and Geneva, 1982. 579-81; Krynen, J. '"Le mort saisit le vif": genèse médiévale du principe d'instantanéité de la succession royale Francaise' *Journal des Savants,* (1984). 187-221; Autrand, F. 'La succession à la couronne de France et les ordonnances de 1374' *Représentation, pouvoir et royauté à la fin du moyen age.* Ed. Joel Blanchard. Paris, 1995. 25-32. For the Lancastrian attempts to entail the crown, see *RP.* III, 525, 574-6 and 580-3.

Fortescue derived his material from a previously unidentified source.[13] Historians have long recognised connections between the pamphlets of Sir John Fortescue and the last great French polemical treatise, *Pour ce que plusieurs*, written in 1464; Veikko Litzen suggested that either *Pour ce que plusieurs* was based upon Fortescue's writings or the two writers had used a common source. Indeed both writers were almost certainly drawing upon the French polemical treatise *Tres crestien, tres hault, tres puissant roy* written in 1446 by Jean Juvénal.[14]

At first glance the French treatises appear to say little of immediate relevance to the English succession. At no point did Jean de Montreuil, Jean Juvénal des Ursins or any of the other writers explore the specific rules governing the English royal succession in any way that might be useful for Fortescue; their arguments rested principally upon the notion that the Salic law should govern the French succession, irrespective of the customs in other countries.[15] Fortunately for Fortescue, these French writers also used a number of theoretical arguments with universal relevance, which had been employed extensively before Jean de Montreuil adopted the Salic Law between 1409 and 1413, and which continued to be used thereafter as an additional support

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[13] For the sources used by Sir John Fortescue, see *De laudibus.* xc; Litzen, V. 'A war of roses and lilies: the theme of succession in Sir John Fortescue's works' *Suomalaisen tiedeakatemian tomituksia Annales Academiae Scientiarum Fennicae,* 173 (1971). 30-1; Genet, J.-Ph. 'Les auteurs politiques et leur maniement des sources en Angleterre à la fin du moyen âge' *Pratiques de la culture écrits en France au XVe siècle: Actes du colloque internationales de CNRS.* Louvain, 1995. 345-59. 355-7; Fortescue, Sir John. *On the laws and governance of England.* Ed. S. Lockwood. Cambridge, 1997. xix-xx. There is no evidence to suggest a connection between Fortescue's writings and the briefs supporting Edward III's claim to the French crown, despite Jacob, E.F. 'Sir John Fortescue and the Law of Nature' *Bulletin of the John Rylands Library,* 18 (1934). 376 and Litzen, V. 'A war of roses and lilies'. 64-5.

[14] Lewis, P.S. 'War propaganda and historiography in fifteenth-century France and England' *Essays in later medieval history.* London, 1985. 211n and Litzen, V. 'A war of roses and lilies'. 60-5, together with Jean Juvénal. *Les écrits politiques.* II, 1-177. Despite the interesting comparisons and contrasts between the writings of Fortescue and Jean de Terrevermeille highlighted by Burns, J.H. *Lordship, kingship and empire: the idea of monarchy 1400-1525.* Oxford, 1992. Chapter 3, there is almost no evidence that the Frenchman's writings had any impact in his own country before the publication of *Contra rebelles suorum regum* in 1526, let alone in England.

[15] Jean Juvénal argued that 'les manieres d'Angleterre et aultres royaulmes ne peuent lyer le royaulme de France' in *Les écrits politiques.* II, 45, and also see Montreuil. *Opera.* II, 166 and 272-3. Jean Juvénal was the only French writer to examine the laws governing the English royal succession, arguing

for this problematic authority. As Jean Juvénal declared in *Tres crestien, tres hault, tres puissant roy*: 'Mais supposons qu'il n'y eust eu oncques constitution, coustume, usage, ordonnance ou Loy sallicque en ceste maniere .. regardons se ce est chose raisonnable que une femme succedast et feust heritiere d'un tel royaulme'.[16] Within this section, Jean Juvénal offered the basic elements of a case against female and cognate succession that Fortescue first expounded in his pamphlets and later developed in the *Opusculum de natura legis naturae*. The crux of the issue was to demonstrate that women were incapable of succeeding to the throne, and then to extend this prohibition to males claiming solely through females. In 1446 Jean Juvénal employed an argument against female succession which had not been used by any of the previous defenders of the Valois monarchy. He declared that reason and custom prohibited women from holding public office, 'car se seroit contre le droit natural qui ordonne que femme soit soubzjecte et non mye ayant puissance de prelature, ainsi que nous l'avons Genesis iii° ...; et toute coustume contre droit naturel est nulle, et constitution ou statut'. This was a reference to *Genesis* 3: 16, where God passed judgement on Eve for her disobedience.[17] Thus the Frenchman provided Fortescue with the perfect response to the Yorkist claim that their hereditary title was guaranteed by divine and natural law. Henceforth Fortescue cited the judgment against Eve throughout his writings on royal succession. For example, in *Of the title of the house of York*, he declared that:

> God hath made a law to all women that they should not have immediately from him power ipon man, and so be without sovereigne in earth ... when he said to the first woman and all her issue women, *Eris sub potestate viri, et ipse dominabitur tui*. Wherefore a custome or a law made in such a relme as hath no soveraigne in yearth, that a woman should be soveraigne therof, where as

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mischievously that because women could pass on a claim to the throne in England, Charles VII should rightfully hold the English crown. *Les écrits politiques*. I, 179-83 and II, 138, 146 and 156-9.

[16] Jean Juvénal. *Les écrits politiques*. II, 41-2.

[17] Jean Juvénal. *Les écrits politiques*. II, 48.

> it semeth against the lawe made by God, maie not then be called a lawe, but rather abusion, and in Latin called *corruptela et non lex*.[18]

In the *Opusculum de natura legis naturae,* Fortescue examined this argument in greater detail, offering a highly complex and at times unique treatment of Adam's authority over Eve. According to Fortescue God had placed women under the lordship of men through his judgement against Eve, and this divine law confirmed the existing prelacy of men over women which existed by natural law. The choice of words is particularly interesting because the term 'prelacy' was not commonly associated by theologians with the prelapsian situation, even though many did support the general notion of a change in the subjection of Eve as a result of the Fall. Yet Jean Juvénal had used precisely this word in his brief reference and so it is possible that Fortescue may have borrowed from the Frenchman not just the argument derived from *Genesis* 3: 16, but also his unusual terminology.[19]

Fortescue also employed a second argument borrowed from the French writers: the crown was a public office which, unlike private property, could not be inherited by a woman. This was a commonplace argument among the defenders of the Valois monarchy who usually orientated their discussion around the story of Salphaad's daughters in *Numbers* 27: 8, where God upheld the right of women to inherit their father's property in default of male heirs.[20] Like these French writers, Fortescue

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[18] Fortescue. *Works.* 497-8, and also see 66*-67* and 507-8; Fortescue also cited God's judgment upon Eve again in the *De laudibus.* 104. A fifteenth century civil law dictionary stated that where the law is silent, the law of nature which is written in men's hearts must be applied. BL MS Royal 10BIX, fo.105v, cited by Beilby, M. 'The profits of expertise: the rise of the civil lawyers and chancery equity'. *Profit, piety and the professions in later medieval England.* Ed. M. Hicks. Gloucester, 1990. 83.

[19] Fortescue. *Works.* 131-6, 140-7, 157-65 and 176-7. Also see Callahan, E.T. *The body politic of Sir John Fortescue: a late medieval political theology.* University of Chicago, Ph.D. dissertation, 1994. Chapter 1. My thanks to Dr. Callahan for providing me with a copy of this dissertation.

[20] The story of Salphaad's daughters, from *Numbers* 27, was also used by English writers in support of Edward III's title in France, for example John of Bridlington, in *Political poems and songs relating to English history composed during the period from the accession of Edward III to that of Richard III.* 2 volumes. Ed. T. Wright. London, 1859-61. I, 145-6, and the *Liber metricus de Henrico Quinto.* In *Memorials of Henry*

observed that this authority had no relevance for a public office like kingship, citing an extensive array of misogynistic arguments to demonstrate the incapacity of women to carry out the virile duties of kingship such as defending the realm and sitting in judgement. He concluded that the physical weakness of women was nature's way of illustrating their unsuitability to rule, though he did accept that in practice women could and did rule because a queen did not have to carry out her tasks in person: she could delegate her powers to agents, just as a minor or an old man would have to. Yet like the French writers, Fortescue emphasized that women could hold public office only under the supervision of a man, which of course could not be the case for a kingdom without a superior, like France or England.[21] Thus Fortescue was using arguments which had appeared in almost every late medieval French discussion of royal succession, though certain phrases did especially echo the work of Jean Juvénal. For example, the Englishman declared that high offices like those of Constable or Marshal could not be administered by women, mirroring Jean Juvénal's declaration that females could not hold the offices of 'bailly ou prevost'. Moreover, like Jean Juvénal, Fortescue justified this by citing the civil law maxim: 'Feminae ab omnibus civilibus vel publicis remotae sunt' (*Digest*, 50, 17, 2).[22]

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the Fifth, king of England. Ed. C.A. Cole. London, 1858. 154, together with a genealogy produced during the Wars of the Roses, BL MS Harley 7353. Yet these texts did not provide a response to this argument in support of inheritance by females, which the French writers derived from commentaries on St. Augustine's *De civitate dei* and perhaps also the ordinary gloss.

[21] Fortescue. *Works*. 121-3, 129-30 and 138-40; Montreuil. *Opera*. II, 172, 227-8 and 274 and Jean Juvénal. *Les écrits politiques*. II, 26 and 43. When Fortescue later retracted his arguments, he made the remarkable observation that the English crown was subject to the papacy, so that a woman might succeed to the throne because she would still be under male supervision. Fortescue. *Works*. 533-5.

[22] Fortescue. *Works*. 116-8 and 123. In 1558 Christopher Goodman asked 'Yf women be not permitted by Civile policies to rule in inferior offices, to be Counsellors, Peers of a realme, Justices, Shireffs, Baylives and such like: I make your selves judges, wither it be mete for them to governe whole Realmes and nations?' Phillips, J.E. 'The background to Spenser's attitude towards women rulers' *Huntingdon library quarterly*, 5 (1941-2). 11 and Shephard, A. *Gender and authority in sixteenth-century England*. Keele, 1994. 61.

In his pamphlets Fortescue highlighted another specifically male aspect of monarchy, the quasi-sacerdotal status of the king. This was demonstrated most clearly by the coronation ceremony. The queen was anointed on a lower part of the head than a king in token of the fact that she had a superior and on the arms because she was not to exercise the power of her own will or bear the sword as the king did. But also she could not be anointed on her hands and so would be unable to cure scrofula or bless the coins and rings that cured other illnesses such as epilepsy. Moreover, women were incapable of exercising the regalian rights of a king because a woman could never exercise the functions of a bishop.[23] Such arguments had been a commonplace of fourteenth-century French discussions but were abandoned in the 1370s by the *Somnium viridarii,* no doubt because the quasi-sacerdotal status of the king could be used to justify papal supremacy over the French crown. Yet the special religious status of the king held enormous power for a less educated audience - as demonstrated by the importance of Jeanne d'Arc and the coronation of Charles VII at Reims in 1429 - and the argument was invoked in the fifteenth century by a number of unofficial writers and texts, such as *Fluxo biennali spacio.* The first writer in the employ of the French government who cited it was Jean Juvénal.[24] In the pamphlets, Fortescue also borrowed and developed a series of logical arguments used by Jean Juvénal, concerning the ramifications of allowing women to succeed to the throne. Firstly, according to a traditional French argument, a queen might marry either a man of low status or an enemy of the realm, who would carry off the wealth of the kingdom. Moreover, if a queen died or decided to divorce, what would happen to her husband if he had been anointed as king? Indeed, what would happen if a queen

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[23] Fortescue. *Works.* 498, 508 and 86*. Fortescue abandoned these arguments in the more erudite *Opusculum de natura legis naturae,* which after all sought universal rules rather than ones applicable just to Christian monarchies.

refused to marry? To these traditional arguments, Fortescue added the unusual observation that if there were more than one daughter, then the realm might have to be divided between them, which would be an impossibility.[25]

Having demonstrated that women could not succeed to the throne, the next step was to extend this prohibition to their male offspring.[26] Fortescue argued that if a woman was excluded from the succession, then she could not pass on a right to the throne to her son: it would be as if a ladder had a missing rung or if there was no glue fastening two pieces of wood together, or no rope supporting a beam hanging in the air.[27] These were highly original metaphors that expressed a commonplace medieval notion embodied in the proverb 'Nemo dat quod non habet'. Evrart de Trémaugon had discussed the point in great detail in the *Somnium viridarii,* a work that heavily influenced Jean de Montreuil. He and his successors, though, generally abandoned the complex references to civil and canon law in favour of a simple proverbial form, 'personne donne ce qu'elle n'a mie ne puet avoir', together with a shorthand term that Montreuil himself coined: a woman could not act as a 'pont et planche'.[28] In presenting the same argument, Fortescue did not cite the phrase 'pont et planche',

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[24] Golein, Jean. *Traité du sacre.* 323-4; *Somnium viridarii.* I, chapters 166-72 and *Songe du vergier.* I, chapters 74-80. For *Fluxo biennali spacio,* see *L'honneur de la couronne.* 174, and also see Blondel, Robert. *Oeuvres.* I, 232-4 and 402-4. Jean Juvénal. *Les écrits politiques.* I, 160 and 163-5, and II, 42-4.

[25] Jean Juvénal. *Les écrits politiques.* II, 44-45 and Fortescue. *Works.* I, 66*-67*, 498-9 and 508. The principle that a kingdom might not be divided had been highlighted during the 'Great Cause' in the 1290s, Keeney, B.C. 'The medieval idea of the state: the Great Cause, 1291-2' *Toronto law journal,* 8 (1949-50), 48-71. This notion was frequently invoked by the French during the Hundred Years War to reject English demands for lands in full sovereignty, for example in *Somnium viridarii.* I, 288 (chapters 186 § 23 and 25) and *Songe du vergier.* I, 253-4 (chapter 142 § 23 and 24).

[26] Neither Sir John Fortescue nor Jean Juvénal opposed male cognate succession as a last resort, but simply argued that this could only occur when there were no males in direct line, however remote. Fortescue. *Works.* 74* and 508, and Jean Juvénal. *Les écrits politiques.* II, 160.

[27] Fortescue. *Works.* 131, 148-57 and 181-2. The metaphor of the ladder was also used by Jean de Montreuil, though in a much more simple fashion, *Opera.* II, 231 and 277. For Fortescue's highly original view of property which underpinned his discussion of the inheritance of the kingdom, see Callahan, E.T. *The body politic of Sir John Fortescue.* Chapter 2.

[28] Kay, R. 'Roman law in Dante's *Monarchia*' *Law in mediaeval life and thought.* Ed. E.B. King and S.J. Reynolds. Sewanee, 1990. 267-8; *Somnium viridarii.* I, chapter 186 and *Songe du vergier.* I, chapter 142; Montreuil. *Opera.* II, 165, 168-9 and 211; Jean Juvénal. *Les écrits politiques.* I, 161 and II, 16, 23, 26-7 and 50.

but relied on a simple civil law maxim not used by any of the French writers: 'Nemo potest plus juris transferre in alium quam sibi competere dinoscatur'.[29] Jean Juvénal demonstrated that this principle applied in France by arguing that French apanages were granted to the male line only, and that in default of direct male heirs they would revert to the crown. In the *Opusculum de natura legis naturae,* Fortescue cited not just this French practice but also demonstrated that the principle of 'pont et planche' was enshrined in English law, in the entail to the male line.[30] As Lyttleton argued in his discussion of tail-male in the *Tenures,* if the heir to lands held in tail-male dies with only a daughter, '[il] est mort sauns issue male en la ley, entaunt que lissue de la fille ne puit conveyer a luy mesme le discent per heire male, &c'.[31] But of course the problem was that the entail was an imposed practice replacing the situation in a fee simple: was there any evidence that the English crown had been entailed to the male line? In one of his pamphlets Fortescue did report that Edward III had explicitly restricted the succession to the male line. This may have been a reference to the recently discovered charter of 1376, though this is far from certain, given that Fortescue noted Edward's restrictions in the context of an entirely fictitious parliamentary session at which it was declared that Lionel Duke of Clarence had died without issue and during which Edward's daughters publicly

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[29] *Digest,* 50, 17 rule 54, cited in Fortescue. *Works.* 66* and 506. In the *Opusculum de natura legis naturae,* he cited this rule together with two other maxims from the same title, *De diversis regulis juris antiqui, Digest,* 50, 17 rules 2 and 120, in *Works,* 123, 125 and 148. These maxims were widely known by English lawyers in the late middle ages, Stein, P. *Regulae iuris. From juristic rules to legal maxims.* Edinburgh, 1966. 147-8, and also see *The teaching of Roman Law in England around 1200.* Ed. F. de Zulueta and P.G. Stein. London, 1990. xxxviii-xxxix. Fortescue declared in the *Opusculum de natura legis naturae* that such a maxim was not so much a doctrine of civil law as a general principle of the law of nature. Fortescue. *Works.* 147-8 and *De laudibus.* 20.

[30] Fortescue. *Works.* 124-5 and 506, and Jean Juvénal. *Les écrits politiques.* II, 26. See Saenger, P. 'Burgundy and the inalienability of apanages in the reign of Louis XI' *French historical studies,* (1977). 1-26.

[31] Thomas Lyttleton. *Lyttleton, his treatise of tenures.* Ed. T.E. Tomlins. London, 1841. I, chapter II, § 24.

renounced their claim to the throne. Certainly Fortescue did not mention the efforts of Henry IV to entail the crown on the direct male line in 1406.[32]

Either way, Fortescue claimed that the exclusion of cognates was universally recognized and even cited the fact that neither the French nor Spanish crowns could be inherited through women, thus abandoning the Plantagenet claim to the kingdom of France.[33] He repeated the commonplace French argument that if cognate succession were possible for the French crown, then Charles King of Navarre (d. 1387) or Louis Count of Flanders (d. 1384) would have inherited ahead of Edward III, an argument repeated by almost every polemical writer, including Jean Juvénal.[34] Fortescue even produced his own English example, arguing that Margaret, grand-daughter of Edmund Ironside would have conveyed a claim to the English throne to Malcolm of Scotland.[35] But of course English history did offer one famous example of cognate succession to the throne: Henry II, son of the Empress Matilda.[36] In this case Fortescue argued that the people had elected Stephen count of Blois as their ruler because Matilda was the only direct heir of Henry I and a woman could not receive the throne. Yet Stephen himself did not have a direct male heir, so he persuaded Parliament to allow Matilda's son Henry to succeed him. Thus Henry II did not succeed by hereditary right but by the authority of Parliament. A highly peculiar

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[32] Fortescue. *Works*. 517-8 and *Governance*. 353-4. Fortescue certainly wished to imply that the royal succession was entailed to the male line when he noted that 'In cronicis ideo minime refertur, spreta nobili successione heredum masculorum linealiter per sexum masculinum descendentium, successionem regnasse foeminarum'. See *Works*, 74* and for similar remarks regarding France, in Jean Juvénal. *Les écrits politiques*. II, 44.

[33] See footnote 47 below.

[34] Fortescue. *Works*. 66* and 507, and Jean Juvénal. *Les écrits politiques*. I, 158-9 and 166-7, and II, 19, 27 and 50-2. Fortescue also argued that if cognate succession were possible in Spain, then John of Gaunt and Edmund Duke of York would have inherited a title to the throne through their wives, the daughters of Peter King of Spain. *Works*, 497 and 507, and see Goodman, A. and Morgan D. 'The Yorkist Claim to the Throne of Castile' *Journal of Medieval History*, 11 (1985). 61-9.

[35] Fortescue. *Works*. 64*-65*, 506 and 525-8.

[36] Neither Fortescue nor the French writers addressed the additional problem that despite their 'universal' arguments against female succession, there were twelve reigning queens across Europe

account of the events forced upon Fortescue by the logic of his argument, this solution had much in common with that offered by Jean Juvénal, who argued that Matilda could not be queen 'iura hereditatis' but only by means of an agreement made between her father and the people of the realm.[37]

2. *'POUR CE QUE PLUSIEURS'*

The only major French polemical treatise to be produced after the Yorkist usurpation was *Pour ce que plusieurs*, written in 1464 almost certainly as a manual for French diplomats at the negotiations at St.-Omer.[38] In general this work was little different from earlier polemical treatises, but it did offer two unique sections. Firstly the anonymous author provided a lengthy and often inaccurate discussion of the breach of the Anglo-French truce in 1449.[39] But perhaps more importantly *Pour ce que plusieurs* also provided the first French examination of the Yorkist title to the French crown. Before 1461 the French polemical writers had happily championed the heirs of Lionel Duke of Clarence as rightful heirs to the English throne, in order to embarrass the Lancastrians. In a letter of 1404 or 1405 Jean de Montreuil referred to Edmund Earl of March as 'Anglie heredes' and Jean Juvénal reported that 'ceulx de La Marche, de Perssy et Nothonbellant, yssus dudit Leonel' were closer in line of succession than the usurper Henry of Lancaster.[40] But when Edward IV became king

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between 1350 and 1450. Wolf, A. 'Reigning queens in medieval Europe: when, where and why' *Medieval queenship*. Ed. J.C. Parsons. Stroud, 1994. 169-88.

[37] Fortescue. *Works*. 65* and 505-6, and the fragment in *Governance*. 536, and Jean Juvénal. *Les écrits politiques*. II, 45-6, 60-1 and 84. This was an awkward solution because it inevitably contradicted Fortescue's emphasis upon hereditary right.

[38] See appendix, section 1.1 below.

[39] See chapter five below.

[40] Jean Juvénal did suggest, though, that the failure to avenge the murder of Richard II ultimately rendered all Englishmen, including the heirs of Lionel Duke of Clarence, ineligible to succeed to the throne. Montreuil. *Opera*. I, 280-2; Jean Juvénal. *Les écrits politiques*. I, 175-182, and II, 156 and 159.

in 1461, the French needed to develop arguments against the Yorkist title to the French throne; in 1462, for example, Edward instructed his ambassadors to Philip the Good and Louis XI to put pressure upon the French by all means possible, including recalling the rights of the kings of England to the crown of France. Thus it was clear that the French would face some stiff bargaining in order to achieve their aim of an alliance with the Yorkists, and under these circumstances French diplomats would require careful coaching.[41]

On the whole, *Pour ce que plusieurs* offered all the traditional arguments on the French royal succession, though in many cases extending them through some bold fabrications that completed the development of the Salic Law myth. Yet there is also evidence that *Pour ce que plusieurs* was influenced by the recent pamphlets of Sir John Fortescue. For example, the treatise followed Fortescue in rejecting female succession on the grounds that if females might succeed, then the realm would have to be divided if there were more than one daughter.[42] Similarly, the French author emphasized the support given to the Valois title by undisturbed possession for 136 years, and the consent of Church and princes across Europe, thus recalling the arguments which Fortescue had used to defend the Lancastrian title.[43] *Pour ce que plusieurs* also placed great emphasis on the inability of women to rule because they could not be anointed, an argument that had been revived by Jean Juvénal, but which Fortescue had discussed far more extensively.[44] Yet the connections between

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[41] Calmette, J. et Périnelle, G. *Louis XI et Angleterre, 1461-1483.* Paris, 1930. 14-15.

[42] *Pour ce que plusieurs* justified this contention by reference to the custom of Paris and the Île de France, which did in fact require the division of a property amongst sisters, *Pour ce que plusieurs.* fos.9v-10r. In 1446 Jean Juvénal had implied that this local custom affected the royal succession, when he observed that the custom of the *vicomte* of Paris excluded women, *Les écrits politiques.* II, 44-5.

[43] *Pour ce que plusieurs.* fos.19r and 23v. Jean Juvénal had emphasised the international recognition for the Valois monarchs, *Les écrits politiques.* II, 39-40.

[44] *Pour ce que plusieurs.* fos.10r-11r; Litzen, V. 'A war of roses and lilies'. 57-9.

the English and French materials are most evident when *Pour ce que plusieurs* addressed the specific titles of the Yorkists and Lancastrians to the French throne. To overcome the Yorkist claim to the French throne, *Pour ce que plusieurs* argued that Edward IV was not the true king of England and so could not have inherited any title to France from Edward III, even supposing that such a claim had ever existed. The first reason, taken from Fortescue, was that Philippa was not in fact the true daughter of Lionel Duke of Clarence but rather the daughter of a knight named 'Audelay', who was executed for his adulterous relationship with Lionel's wife, Elizabeth de Burgh countess of Ulster. The latter returned to Ireland and married her two daughters to the earl of Northumberland and to Roger Mortimer, earl of March. Neither girl was reputed to be an heiress of Lionel: neither received his inheritance nor bore his name or arms. This report is very close to that offered by Fortescue, though the French author included two details omitted by the Englishman: he identified the mother of Philippa as the countess of Ulster, and he mistakenly claimed that Philippa had a sister; Elizabeth was in fact her daughter, who married Hotspur, eldest son of Henry the first Earl of Northumberland. This account in *Pour ce que plusieurs* may have been derived from another account of the scandal, perhaps one of the 'cronicles of Fraunce and Seelande' from which Fortescue later claimed to have derived the story. Yet there is no evidence of this tale in any surviving chronicles, and the author of *Pour ce que plusieurs* claimed to be drawing his information from English sources; thus he probably borrowed the tale from Fortescue and then added details by reference to a separate genealogy. Certainly the anonymous author consistently demonstrated a detailed knowledge of the English succession from William the Conqueror onwards, so it would not be surprising if he were aware that Philippa's mother was countess of Ulster. Moreover, the confusion between the daughter and granddaughter of Lionel may have been caused by Jean

Juvénal himself, who mistook John of Gaunt for his son Henry and repeatedly confused March, Percy and Northumberland.[45]

The relationship between Fortescue and *Pour ce que plusieurs* becomes even more apparent when the anonymous Frenchman cites the English practice of entail in his discussion of cognate succession. Fortescue had argued that the Yorkist could not be heirs to the English throne because their title came through two women: Philippa, daughter of Lionel and Anne Mortimer, mother of Richard Duke of York. Similarly, *Pour ce que plusieurs* declared that 'il est impossible que ledit roy Edouart (IV) au moyen que dessus cest assauoir comme issu de la fille dune fille ... lesquellez filles heritent point a la couronne de France, ... puisse auoir aucun droit ne tiltre au royaume ne a la couronne de France'. This exclusion of cognates was justified not just 'par la loy et coustume de France ne par les drois positifz ne par la loy salicque', but also by the laws and customs 'notoirement gardee en Angleterre':

> en Angleterre en toutes successions qui chieent en taille les filles ne succedent point tant quil ya aucun hoir masle descendant de la ligne, et se practique chascun jour oudit royame cestassavoir que sil y a ung homme qui ait deux filz et son heritaige soit en taille pour venir a hoirs masles et laisne a qui selon la coustume du pays la succession doit appartenir va de vie a trespas delaisse une fille, laquelle fille ait ung filz et le pere desdits deux filz voise de vie a trespas ... si ne succedera point le filz de la fille ou prejudice du second filz, et aura le second filz toute la succession. Et est la raison pource que la fille ne puet succeder, et par consequent ne puet transporter son droit a autrui ne par son moyen le filz ne puet venir a leritage'.

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[45] *Pour ce que plusieurs*. fos.16r-v and Jean Juvénal. *Les écrits politiques*. I, 176 and 182, and II, 159-60; Litzen, V. 'A war of roses and lilies'. 20-1 and Margaret Kekewich (in a forthcoming article) are more optimistic about the existence of a source for this scandalous story about Philippa and Audeley, though there is no definitive evidence either way.

Thus *Pour ce que plusieurs* cited the English practice of entail to the male line, and then supported this by reference to the specific civil law maxim used by Fortescue, *Digest*, 50, 17, 54.[46]

Having dealt with the Yorkists, *Pour ce que plusieurs* turned to the Lancastrians, employing an argument that had been used by both Jean Juvénal and Fortescue. The Englishman had confessed that 'King Henrie the Fifte seeing that the kinges of Englande so comyn of a dawghter of Fraunce, maie not enjoy the sayde lande of France by suche title, he agreed, beyng a righteouse Prince, to leave that title, and the name of kinge of France'. *Pour ce que plusieurs* embroidered upon this story, reporting that Henry V had willingly given up his claim to the French throne when he had been informed that the French crown could not fall to women or their sons; thereafter he had acknowledged Charles VI as the rightful king of France and so only claimed to be the heir to the French crown by virtue of the treaty of Troyes, which *Pour ce que plusieurs* demonstrated was invalid.[47] Yet what is remarkable about this account in *Pour ce que plusieurs* is that the author studiously avoided all mention of the murder of Richard II and the usurpation of the throne in 1399 that had featured prominently in all previous French polemical texts. These terrible events were well-known in France thanks to two contemporary chronicles, the *Histoire du roy d'Angleterre Richard* and the *Chronique de la traison et mort de Richart Deux roy dEngleterre*. These enjoyed

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[46] Earlier in the treatise, the French author had cited two additional rules from Roman law when discussing the matter earlier in his text, but now trimmed his discussion down in a direct paraphrase of the arguments used by Sir John Fortescue. *Pour ce que plusieurs*. fos.18r-19r. The two extra rules, cited in *Pour ce que plusieurs*. fo.7r were 'Nemo dat quod non habet', which in fact was not a law at all, but rather a common proverb used by Seneca, Aristotle, Aquinas, Dante and Jean de Montreuil, and 'Medium predium quod non servit impedit servitutem' (*Digest*, 8.3.7.1), which had appeared not only in the *Somnium viridarii*. I, 283 (chapter 186 § 6) and *Songe du vergier*. I. 249 (chapter 142 § 6), but also Raoul de Presles. *La cite de dieu*. Book III, chapter 21. See chapter two, section 1.3 above.

[47] Fortescue. *Works*. I, 66*-67*, 497 and 507; Jean Juvénal. *Les écrits politiques*. II, 39 and 58-9; *Pour ce que plusieurs*. fos.20v-23v. Note that Litzen, V. 'A war of roses and lilies'. 23 argues that the English abandoned the Plantagenet claim to the French throne after 1420, yet in fact English diplomats

wide circulation judging by the forty-six surviving copies and their influence over other French chronicles such as the *Chronique du Religieux de Saint Denys*.[48] There is little doubt that the French royal court was horrified at the Lancastrian usurpation and the murder of Richard II; Christine de Pizan refused to serve such a 'deesloyal' sovereign when she was invited to the Lancastrian court.[49] For the French polemical writers, the murder of Richard II was the most prominent example of the English predilection for regicide and hence their moral depravity: most agreed that the subsequent misfortunes of the Lancastrians were a divine judgement and punishment for this enormous crime. Jean Juvénal des Ursins even argued that English success in France was divine punishment 'pour la faulte de negligence qui fut faitte pour vengier la mort et tyrannie excercee en la personne du dit roy Richard', and so called upon Charles VII and the dauphin to avenge the murder.[50] Thus the French writers argued that the Lancastrians were usurpers who had lost all right to lands in France because of the murder of their king, and all agreed that the Lancastrians could not be trusted. Certainly Henry IV could not call himself king of France, because he could not claim a right to that title, if it had ever existed, after murdering his sovereign lord Richard.[51]

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continued to argue that case, making the renunciation by Fortescue even more striking. Dickinson, J. *The Congress of Arras*. 144-5.

[48] Jones, E.J. 'The examination of the authorship of *The deposition and death of Richard II* attributed to Creton' *Speculum*, 15 (1940). 460-77 and Palmer, J.J.N. 'The authorship, date and historical value of the French chronicles on the Lancastrian revolution' *Bulletin of the John Rylands library*, 61 (1978-9). 145-81 and 398-421.

[49] Gauvard, C. 'Christine de Pisan: a-t-elle eu une pensée politique? A propos d'ouvrages récents' *Revue historique*, 250 (1973). 419. For the wider disapproval of the usurpation at the French court, see Pistono, S.P. 'Henry IV and Charles VI: the confirmation of the twenty-eight year truce' *Journal of medieval history*, 3 (1977). 353-7.

[50] *L'honneur de la couronne*. 66-7, 195-6 and 261-2, and Jean Juvénal. *Les écrits politiques*. I, 183 and II, 134 and 138-160. Blondel called upon all Christian knights to avenge the crime. Robert Blondel. *Oeuvres*. I, 259 and 440-1.

[51] Montreuil. *Opera*. II, 79, 106, 196-7, 208, 250-1 and 304; Jean Juvénal. *Les écrits politiques*. I, 178-9 and 215, and II, 100, 158-9 and 164; *L'honneur de la couronne*. 128-9; Robert Blondel. *Oeuvres*. I, 130-1, 258-9 and 440.

The French polemical texts served to arm officials and diplomats with the means by which the murder of Richard II might be turned to the advantage of their king. To cite one example, such arguments appeared in the letter written by Jean de Montreuil for Charles VI between August 1404 and November 1405. Earlier in 1404 Owain Glyn Dwr had agreed a solemn league of friendship with Charles against Henry of Lancaster. The French clearly viewed Wales as an additional front upon which to attack the Lancastrians, to add to their efforts in Picardy and Gascony. The count of La Marche assembled a fleet of some sixty ships at Harfleur ready to sail for Wales, though in fact the expedition was delayed until the next year. Montreuil sought to justify this expedition as an effort to remove the usurping tyrant Henry, and indeed called upon the English to take up arms and join Charles in seeking vengeance for the murder of Richard II.[52] Yet where every previous French polemical writer had highlighted the evil crime committed by the Lancastrians in murdering Richard II, the anonymous author of *Pour ce que plusieurs* did not even mention the events of 1399 or in any way undermine the Lancastrian title to the English throne.[53] Given that Louis XI was still involved in diplomatic negotiations with Margaret of Anjou and Henry VI, one might expect a French diplomatic manual to present arguments for use in negotiations not only with the Yorkists but also the Lancastrians. Certainly the companion piece, *La vraie cronicque d'Escoce,* provided French diplomats with a series of arguments for use against both the English and the Scots, depending upon

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[52] Montreuil. *Opera.* I, 280-2. The letter was possibly sent to the English and the Welsh, and also perhaps other European rulers; A poor copy appears in an English collection of diplomatic materials relating to Anglo-French relations between the thirteenth and sixteenth centuries, BL MS Additional 30663, fos.277r-279r. The Mortimer claim may have been well-known in France at this time, or alternatively Gruffudd Yonge and John Hanmer, Owain Glyn Dwr's ambassadors at the French court, were putting forward the claim of their new allies, the Mortimers and Percies. Davies, R.R. *The revolt of Owain Glyn Dwr.* Oxford, 1995. Chapter 7.

[53] Jean Juvénal offered a detailed report of the events of 1399 in *Les écrits politiques.* II, 149-55, drawing upon the *Chronique du Religieux de Saint-Denys.*

which side the French diplomats were negotiating with.[54] *Pour ce que plusieurs* did show by completely separate arguments that neither the Lancastrians nor the Yorkists could in any way blame Charles VII for the breach of the truce in 1449, and offered clearly marked out responses to both Lancastrian and Yorkist claims to the French throne. The only situation in which *Pour ce que plusieurs* did not present an equal attack upon both Lancastrians and Yorkists was the title to the English throne.[55] In one sense this was perhaps the logical reversal of the position before 1461, when the French writers used the Yorkist claim to embarrass the Lancastrians, but the treatise certainly did not openly declare Henry VI to be the rightful king of England. Moreover, this omission did not correspond with a contemporary change in French interest in the fate of Richard II, because the *Chronique de la traison et mort de Richart Deux roy dEngleterre* was included in three of the manuscripts of *Pour ce que plusieurs*.[56] Rather, this surprising tact may simply reflect the wish of the author to avoid any unnecessary attack on the Lancastrians and hence reveal a personal connection with their party.

3. *CONCLUSION*

There is very little evidence to explain the connections between the writings of Jean Juvénal des Ursins and Sir John Fortescue, and *Pour ce que plusieurs*. There is certainly no indication that a manuscript containing any of the works of Jean Juvénal circulated in either England or Scotland in this period, nor that Fortescue ever saw

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[54] Daly, K. 'The *Vraie conicque dEscoce* and Franco-Scottish diplomacy: an historical work by John Ireland?' *Nottingham medieval studies*, 35 (1991). 106-133.

[55] For the discussion of the separate Lancastrian and Yorkist claims as a result of the events of 1449, see *Pour ce que plusieurs*. fos.62v-63v.

the French treatise *Tres crestien, tres hault, tres puissant roy.* This text was written as a diplomatic manual, as Jean Juvénal stated in the introduction when he reported that Charles VII had commissioned the work in anticipation of the personal meeting between himself and Henry VI.[57] Thus it is possible that Fortescue learned of the treatise, or at least the arguments developed by Jean Juvénal, through the medium of a French diplomat who was himself intimately familiar with the work. This individual could well have been the author of *Pour ce que plusieurs,* in turn explaining how the anonymous Frenchman was able to acquire material from Sir John Fortescue for his own work.[58] *Pour ce que plusieurs* did offer two pieces of information directly associated with Scotland. Firstly the author cited a quotation, incorrectly attributed to Bede, which was commonly found in fifteenth century Scottish chronicles: 'Anglicus angelus est cui nunquam credere fas est, Dum tibi dicit ave tanquam ab hoste cave'. Secondly, he cited specific lands claimed by the Scottish crown, 'la conte de Hontiton, Nothombelland, Tindal et pluiseurs grans terres et seignouries en Angleterre'. Both of these pieces of information may have been acquired in Scotland during a visit to the Lancastrians.[59] Moreover, *Pour ce que plusieurs* was remarkably positive about the Lancastrians, which suggests that it may have originated in the

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[56] BL Additional MS 36451; Brussels, Bibliothèque Royale manuscrit 12192-4 and Wien, Osterr. Nationalbibl. ms 3392.

[57] See Jean Juvénal. *Les écrits politiques.* II, 1-11 for the manuscripts of *Tres crestien, tres puissant, tres hault roy,* and II, 13-5 for the introduction to the treatise. Fortescue did cite a vernacular treatise as a source in *De titulo,* but in her forthcoming article, Kekewich suggests that this may in fact have been a longer version of *Of the title of the house of York.* See Fortescue. *Works.* 63* and 66*.

[58] Intriguingly two arguments used by Fortescue in his *De laudibus legum Anglie* (1468-71) to highlight the contrast between civil and canon law had also appeared in *Pour ce que plusieurs*: firstly, the different laws on bastardy in France and England, and secondly, in connection with succession, the notion that 'larbre portera fruit de tele qualite soit doulz ou amer que fait cellui dont il procede', derived from *Matt.* 8: 18. Fortescue. *De laudibus.* Chapters 39 and 42, and *Pour ce que plusieurs.* fos.8v-9r and 32r-33v.

[59] These same points appeared in another contemporary French diplomatic treatise, the *Vraie cronicque d'Escoce,* probably written by John Ireland, a bachelor of the Arts at the German nation at the university of Paris: thus it is possible that *Pour ce que plusieurs* derived the information from the *Vraie cronicque,* or that the information passed in the other direction. See appendix, section 1.1 below. For the proverb, see Walther, H. *Proverbia sententiaeque latinitatis medii aevi.* Gottingen, 1963. I, 123, number 1055; Walter Bowyer. *Scotichronicon.* Ed. W. Goodall. Edinburgh, 1759. I, 221 and II, 309; *Bannatyne miscellany.* Ed. D. Laing. Edinburgh, 1855. 41

circle of René of Anjou and Pierre de Brézé, lord of la Varenne, count of Maulevrier and grand seneschal of Normandy, who led and organized most of the direct French support for Henry VI and Margaret of Anjou during the 1460s. This would support the recent contention that the author was Guillaume Cousinot II, one of the circle of royal administrators who produced almost all the French polemical treatises, and an expert on the two issues which were most important in that body of work: the responsibility for the breach of the truce in 1449 and the Yorkist title to the throne. Soon after March 1463, he was dispatched to Scotland and returned to France via the Hanse, appealing for support for Henry VI against Edward IV, with whom the merchants had recently quarrelled. Cousinot was certainly a trusted confidant of the Lancastrians, and rejoined Henry VI at Bamburgh in 1464, returning to France in the following February with detailed instructions from the king to his wife.[60]

Yet ultimately these must remain tentative hypotheses, given that there is no clear evidence to identify Cousinot as the author of *Pour ce que plusieurs*, nor to prove that the author ever met Fortescue in person, either during his exile in Scotland or at St. Mihiel in Bar with Margaret of Anjou and prince Edward. But even if the writer of *Pour ce que plusieurs* did not have direct contact with Sir John Fortescue, it is certainly possible that he saw one or more of his pamphlets which circulated in England and perhaps the continent.[61] Certainly these texts offer an important example of the direct transmission of political ideas between the two countries during the fifteenth century. There are strong indications that English ideas played a crucial role in shaping the development of the two Fundamental Laws of the Ancien Régime, the inalienability of the crown and the Salic Law. Thus it is perhaps not surprising that

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[60] Lewis suggested that Cousinot might be the author of *Pour ce que plusieurs* in Jean Juvénal. *Les écrits politiques*. III, 164-7. See appendix, section 1.1 below.

the work of the most important English political thinker of the fifteenth century was heavily influenced by French sources: Fortescue's entire debate in the *Opusculum de natura legis naturae* was shaped by the agenda established by Jean Juvénal, which may go a long way towards explaining some of the peculiarities of his treatment of natural law and the origins of property. Ironically this communion of ideas may have had greater ramifications for France, where *Pour ce que plusieurs* enjoyed enormous success thanks after the advent of printing, and essentially laid the foundations for the myth of the Salic Law; as Nicole Pons has remarked, this treatise became 'le plus célèbre de tous ces traités contre les prétentions des rois d'Angleterre'.[62] Indeed an ironic postscript to the story is provided by an anonymous English customs official who purchased a copy of *Pour ce que plusieurs* during the reign of Henry VIII and wrote a detailed reply, thus continuing the Anglo-French dialogue over the English claims in France.[63]

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[61] See chapter one, section 2.2 above.

[62] Pons, N. 'Latin et français au XVe siècle: le témoignage des traités de propagande' *Le moyen français. Actes du Ve colloque international sur le moyen français, Milan, 6-8 mai 1985*. Milan, 1986. II, 69.

[63] See the conclusion to this dissertation.

Chapter Four

'Lez pierres precieuses de la couronne': English territorial claims and the development of the concept of inalienability

'Lez pierres precieuses de la couronne': English territorial claims and the development of the concept of inalienability

Though the claim to the French throne was taken very seriously by Edward III and his descendants, the principal English goal during the Hundred Years War remained the maintenance and indeed expansion of their continental empire, not least because it would provide an efficient and safe means for the king to provide for his family.[1] Having lost much of the Angevin empire at the beginning of the thirteenth century, the English were keen to maintain and even expand their holdings in the south-west, and so generally sought the fulfilment of the territorial concessions made by the French in the treaties of Paris (1259) and Brétigny (1360). But the English also demanded that any lands that they might hold would not be subject to the French crown, having learnt from their painful experiences in Aquitaine after the treaty of Paris in 1259.[2] This posed a direct challenge, and indeed reaction, to developing notions of the kingdom, sovereignty and the crown under the late Capetian and early Valois kings. As Jean Le Fèvre remarked before the papal mediators at Bruges in December 1376, if Charles V renounced sovereignty and resort over Guyenne and English-held territories, then other princes would wage war to free themselves from the sovereignty of the crown. A few years later, the same point was made in the *Songe du vergier*, written by Le Fèvre himself: if the king could

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[1] Le Patourel, J. 'Edward III and the kingdom of France' *Feudal empires: Norman and Plantagenet.* London, 1984. Chapter 12; Palmer, J.J.N. 'The war aims of the protagonists and the negotiations for peace' *The Hundred Years War.* Ed. K.A. Fowler. London, 1971. 51-74; Ormrod, W.M. 'Edward III and his family' *Journal of British studies,* 26 (1987). 398-422 and Ormrod, W.M. 'The double monarchy of Edward III' *Medieval History* 1:1 (1991). 68-80. During the negotiations for his marriage to Isabelle of France in July 1395, Richard II demanded not just the fulfilment of the treaty of Brétigny but also the cession of Normandy, Anjou and Maine to provide for his future children. Palmer, J.J.N. *England, France and Christendom, 1377-1399.* London, 1972. 169-71 and 256-7.

[2] See section 1.1 below.

> aliéner la souveraineté et le darrenier ressort de Guyenne, je vous diré que il puet aussi aliéner la souveraineté et le darrenier ressort de Bretagne et de Normandie, de Bourgoigne et de Pycardie et generalement de toutes les aultres parties de son royaume, et ainssi il ostera lez fleurs et toutes lez pierres precieuses de si noble couronne, comme est celle du royaume de France.[3]

Thus as Jean de Montreuil observed, the central obstacle to peace was the fact that 'les roys d'Angleterre ... ne daignent endurer seigneur ou souverain, et les roys de France ne les peuent ne doivent souffrir pareilz ne compaignons'. Philippe de Mézières urged Richard II to remember that 'la vray honnour et plaine victoire de la guerre si est la vraie paix', but acknowledged that the French king could not cede any part 'de la vraye essence, honneur et gloire ancienne de la couronne de France'. Similarly, Jean Juvénal asserted the need for peace, but remained convinced that there was no question that any lands conceded to Henry VI in order to secure a peace would be free from the sovereignty and resort of the French crown.[4]

Thus French lawyers, diplomats and writers slowly developed a detailed response to the English demand that Aquitaine and then Normandy should be granted free from 'l'ommage, souverainneté et ressort': firstly, the lands claimed were originally part of the royal domain, and hence were always subject to the sovereignty and resort of the French crown, and more importantly successive English kings had forfeited these lands for their *lèse majesté* **(section 1)**; secondly, the alienations made by Jean II to

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[3] *The Anglo-French negotiations at Bruges, 1374-1377.* Ed. E. Perroy. *Camden Miscellany,* 19 (1952). 58 and *Songe du vergier.* I, 285 (chapter 146 § 30). Anne Curry recently described Normandy as a jewel in the crown, as did Paul Murray Kendall in his biography of Louis XI, without realising that this expression had a contemporary resonance. Curry, A. 'Lancastrian Normandy: the jewel in the crown?' *England and Normandy in the middle ages.* Ed. D. Bates and A. Curry. London, 1994. 235-52 and Kendall, P.M. *Louis XI.* London, 1971. 178.

[4] Montreuil. *Opera.* II, 122; Philippe de Meziérès. *Letter to king Richard II: a plea made in 1395 for peace between England and France.* Ed. G.W. Coopland. Liverpool, 1975. 136. See Palmer, J.J.N. 'The war aims'. 51-74; Contamine, P. 'De la modernité de la guerre de Cents Ans: conflit féodal, dynastique ou national' *De Jeanne d'Arc aux guerres d'Italie.* Paris, 1994. 23-5; Autrand, F. 'La paix impossible: les négociations franco-anglaises à la fin du XIVe siècle' *Annales de Bourgogne,* 68 (1996). 11-22 and 'Les artisans de paix face à l'état: la diplomatie pontificale et le conflit franco-anglais au XIVème siècle' *War and competition between state powers.* Ed. P. Contamine. Forthcoming.

Edward III by the treaty of Brétigny in 1360, and by Charles VI to Henry V in 1420 in the treaty of Troyes, were invalid, because no king of France could make such permament grants against the oath sworn at their coronation, and against the interests of their subjects and successors **(section 2)**. Thus the Valois writers and lawyers contributed to the wider development of the concepts of the crown and royal sovereignty, initiated by their Capetian predecessors. The challenge posed by the English dukes of Guyenne, and their final defeat, was a crucial step in the implementation of sovereignty over the principalities, and the development of the principle of inalienability, one of the Fundamental Laws of the *Ancien regime*.

1. *FRENCH ARGUMENTS ON THE TERRITORIAL CLAIMS*

1.1 *Aquitaine*

The English claim to Aquitaine derived from Henry count of Anjou who had received the duchy and the county of Poitou in May 1152 when he married Eleanor, daughter and heiress to Guillaume X, duke of Aquitaine (d. 1137); thus Henry became the first king of England to hold Guyenne when he acceded to the throne two years later.[5] The duchy of Aquitaine, or Guyenne in French, was a political or administrative area comprising a large and diverse collection of counties and lordships which in 1154 covered twenty-five of the ninety-five modern departments of France. Over the next century much of Eleanor's dowry was lost both by alienation, such as when Richard I granted Agenais to Raymond VI count of

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[5] Warren, W.L. *Henry II*. London, 1973 and Gillingham, J. *The Angevin empire*. London, 1984. The importance of this marriage was stressed, for example, by Andrew Aston in 1426, in BL MS Cotton Claudius A xii fos.47v-48r, and by William Worcester in the *Boke of noblesse*. Ed. J.G. Nichols. Roxburghe Club. London, 1860. 23-5.

Toulouse as a dowry for his sister Joan in 1196, and by the military action of the French crown: when Louis VIII overran the county of Poitou and captured La Rochelle in 1224, the English holdings in the south-west were reduced to a mere band between sixty and ninety miles in width running from the Charente to the Pyrenees. By the treaty of Paris in 1259, much of the original duchy was restored to English hands: Henry III was to hold Gascony, including Bordeaux and Bayonne, together with the three dioceses of Limoges, Cahors and Périgueux.[6]

For the French diplomats and writers, this treaty was the starting point for any debate over the specific relationship of the dukes of Guyenne and the French crown: the English king not only renounced his claim to all other lands north of the Loire including Normandy, but also agreed to pay liege homage for the duchy of Aquitaine, which was elevated to a peerage. Jean Juvénal twice quoted the words of Henry himself: 'Et de ce que il donra a nous et a nos hoirs en fiefz et en demaines nous et noz hoirs luy ferons hommage lige et a ses hoirs roys de France, et aussi de Bordeaulx, Bayonne et Gascoigne et de toute la terre que nous tenons dela la mer d'Engleterre .. et tendrons de luy comme per de France et duc d'Acquitaine'. St. Louis had famously remarked that it 'me semble que ce que je li doing emploi je bien, pour ce que il n'estoit pas mes hom, si en entre en mon houmaige'.[7] The consequences of this change in status were profound. Though the English king-dukes of Guyenne never swore the oath of fealty in person, but only by proxy, this was a highly demeaning arrangement for the king-duke, who also had to make every effort

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[6] Chaplais, P. 'The making of the treaty of Paris (1259) and the royal style' and 'Le traité de Paris de 1259 et l'inféodation de la Gascogne allodiale' *Essays in medieval diplomacy and administration.* London, 1981. Chapters 1 and 2.

[7] Jean Juvénal. *Les écrits politiques.* II, 98 and 107, and in general, see Montreuil. *Opera.* II, 75-7, 101-2, 185, 260, 286, 311; Jean Juvénal. *Les écrits politiques.* I, 200-1 and II, 97-100, 107 and 170; Blondel. *Oeuvres.* I, 215-7, 270, 379-80 and 454; *Pour ce que plusieurs.* fos.29r-31r. For the remark by St. Louis, see *Histoire de Saint-Louis par Jean, sire de Joinville.* Ed. Natalis de Wailly. Paris, 1868. 244-5.

to evade the feudal services required of him, including the duty to provide military aid.[8] Moreover the feudal obligations that this relationship entailed were clarified and extended by the use of concepts derived from Roman Law. Jean de Blanot and other lawyers began to argue from the middle of the thirteenth century that the French king enjoyed imperial prerogatives within his kingdom: 'Le roi est empereur en son royaume' ('rex in regno suo est imperator regni sui'). Thus the ruler had the authority to legislate, command and judge ('imperium' or 'potestas') just like the emperor by the famous dicta 'quod principi placuit legis habet vigorem' (*Digest*, 1, 4, 1) and 'princeps legibus solutus' (*Digest*, 1, 3, 31).[9] These legal discussions provided the necessary tools to augment and reinforce the bonds created by homage and fealty. From the reign of Philip the Fair, the crown reserved 'superioritas et resortum' over all grants; resort referred to the king's ultimate jurisdictional right to hear appeals without reference to a higher court, while sovereignty was the medieval equivalent of the notion that 'Quod principi placuit legis habet vigorem' (*Digest*, 1, 4, 1).[10] As a result, the English dukes of Aquitaine were required to accept royal

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[8] The embarrassment of the ceremony was also moderated by performing it on the frontier or by transferring the duchy to the king's heir so that he might perform homage, as in 1254, 1306 and 1325. Chaplais, P. 'Le duché-pairie de Guyenne: l'hommage et les services féodaux de 1259 à 1303' and 'Le duché-pairie de Guyenne: l'hommage et les services féodaux de 1303 à 1337' *Essays in medieval diplomacy and administration.* London, 1981. Chapters 3 and 4; Le Patourel, J. 'The origins of the Hundred Years War' *Feudal empires: Norman and Plantagenet.* London, 1984. Chapter 11, 31-2; Vale, M.G.A. *The origins of the Hundred Years War: the Angevin legacy, 1250-1340.* Revised edition, Oxford, 1996. 15-6, 49-59.

[9] The notion that the king was emperor in his own realm became a commonplace in *Parlement*, and in the writings of Capetian and Valois defenders, Bossuat, A. 'La formule "Le Roi est empereur dans son royaume". Son emploi au XVe siècle devant le Parlement de Paris' *Revue historique de droit français et étranger*, 4th series, 39 (1961). 371-81; Chaplais, P. 'La souveraineté du roi de France et le pouvoir législatif en Guyenne au début du XIVe siècle' *Essays in medieval diplomacy and administration.* London, 1981. Chapter 5; Post, G. *Studies in Medieval Legal Thought: Public Law and the State, 1100-1322.* Princeton, 1964. 453-93; Feenstra, R. 'Jean de Blanot et la formula *Rex Franciae in regno suo princeps est*' *Etudes d'histoire du droit canonique dédiées à G. Le Bras.* 1965. II, 885-95; Wood, C.T. *The French apanages and the Capetian monarchy, 1224-1328.* Harvard, 1966. 81-8; *Cambridge history of medieval political thought, c.350 - c.1450.* Ed. J.H. Burns. Cambridge, 1988. 363, 430-6, 464-9, 490-3; Krynen, J. *L'empire du roi: idées et croyances politiques en France, XIIIe - XVe siècles.* Paris, 1993. 384-414. See also *Pour ce que plusieurs.* fo.10v.

[10] *Some documents regarding the fulfilment and interpretation of the treaty of Brétigny (1361-1369).* Edited P. Chaplais. *Camden Miscellany*, 19 (1952). 51n. For the various practical aspects of this sovereignty, see Bossuat, A. 'La formule "Le Roi est empereur dans son royaume"'. 371-81; Cuttler, S.H. *The law of treason and treason trials in later medieval France.* Cambridge, 1982. 18; Dunbabin, J. 'Government'. *Cambridge history of medieval political thought.* 508-9; Gouron, A. 'Royal *ordonnances* in medieval France' *Legislation and justice.* Ed. A. Padoa-Schioppa. Oxford, 1997. 57-69. The sovereign rights of the crown were rarely

ordinances concerning, for example, the expulsion of the Jews and coinage, though one solution to the undermining of ducal authority was to try to legislate the same way by anticipating French ordinances or immediately reproducing them. More important, though, was the notion of resort which supported the judicial supremacy of the courts of the king of France over the tribunals of the duchy, so that the king would hear appeals made from the courts of his vassal. The ducal officials in Aquitaine tried to limit the volume of appeals by arguing that concerns about the actions of the officers of the king-duke should initially be addressed to the seneschal of Aquitaine and then to the king-duke himself, before appealing to the French crown. Yet these legal tricks could never eliminate the force of French sovereignty and resort, but only delay and disguise it.[11]

Thus the lawyers of Edward I developed a detailed case to deny the exercise of French sovereignty and resort over the duchy of Aquitaine. Philip Martel and his colleagues appeared before Boniface VIII in 1298 and then in 1302, arguing that the treaty of Paris of 1259 was invalid because the French king had failed to complete his obligations to hand over territories to the English king. Martel also argued that the French king had committed a series of infractions against feudal law, for example by hearing appeals by the subjects of the duke in cases prohibited by the law, and therefore had forfeited his rights over the duchy; moreover, St. Louis had not formally invested Henry III with the duchy of Guyenne and so he could not claim sovereignty. But perhaps the most interesting argument was that Aquitaine was not

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delineated with precision, but see for example the ordinance in which Charles V retained specific rights over Montpellier when granting it to the king of Navarre on 8 May 1372, discussed in footnote 80 below.

[11] Chaplais, P. 'La souveraineté du roi de France'. 449-52 and 455-67, as well as 'Les appels Gascons au roi d'Angleterre sous le règne d'Edouard Ier (1272-1307)' *Essays in medieval diplomacy and administration.* London, 1981. Chapter 6 and 'The court of sovereignty of Guyenne (Edward III - Henry VI) and its antecedents' *Documenting the past: essays in medieval history presented to George Peddy Cuttino.*

part of the French kingdom at all, but rather an independent allod. Drawing upon a mémoire prepared by Raymond de la Ferrière, dean of Saint-Seurin at Bordeaux, Martel carefully distinguished between Gascony beyond the river Garonne, which he claimed to be a free allod belonging to the English crown by an ancient title, and the duchy of Guyenne, principally Limoges, Cahors and Périgueux, which had been occupied by Philippe Augustus and Louis VIII and then partially returned in 1259. The English lawyers argued that the homage prescribed in 1259 was for these lands in Guyenne rather than Gascony, and so claimed that Edward I should hold the duchy itself free from homage and feudal services, or at least that Philip the Fair should renounce his right to appeals and resort over Aquitaine in return for some of the lands conceded in 1259.[12]

English lawyers continued to claim that Aquitaine was an allod up to the reign of Edward III: in October 1337, Edward's lawyers recopied a number of documents from the archives to show the allodial nature of Gascony and Agenais, and to demonstrate the invalidity of the agreements of 1259 and later treaties; at subsequent diplomatic conferences, they continued to insist that Aquitaine was an allod.[13] In

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Ed. J.S. Hamilton and Patricia J. Bradley. Woodbridge, 1989. 137; Le Patourel, J. 'The origins of the Hundred Years War', 31-33; Vale, M.G.A. *The origins of the Hundred Years War*. 16-17 and 67-71.

[12] Rothwell, H. 'Edward I's case against Philip the Fair over Gascony' *English historical review*, 42 (1927). 572-82; Chaplais, P. 'English arguments concerning the feudal status of Aquitaine in the fourteenth century' *Bulletin of the Institute of Historical Research*, 21 (1946-8). 203-213, and also 'Le traité de Paris de 1259'. 121-37 and 'Le duché-pairie de Guyenne (1259 à 1303)'; Fawtier, R. 'Comment le roi de France, au début du XIVe siècle, pouvait-il se representer son royaume?' *Mélanges offerts à M. Paul-E. Martin*. Geneva, 1961. 65-77; Sivery, G. 'La description du royaume de France par les conseillers de Philippe Auguste et par leurs successeurs' *Le moyen âge*, 90 (1984). 65-85; Le Patourel, J. 'The Plantagenet dominions' *Feudal empires: Norman and Plantagenet*. London, 1984. Chapter 8; Vale, M.G.A. *The origins of the Hundred Years War*. 15-6, 58-63; *EMDP*. II. 422-30. Intriguingly, precisely the same argument had been used by Charles of Anjou, in support of his claim to the county of Poitou after the death of his brother Alphonse of Poitiers in 1271: he claimed that Poitou had not formally been part of the kingdom of France, and hence that it should not revert to the crown as an apanage but rather pass to him. Wood, C.T. *The French apanages*. 21-2 and 40-2, and Wood, C.T. '*Regnum francie*: a problem in Capetian administrative usage' *Traditio*, 23 (1967). 120-1; Lewis, A.W. *Royal succession in Capetian France: studies on familial order and the state*. Cambridge, Mass, 1981. 175-6.

[13] Le Patourel, J. 'Edward III and the kingdom of France'. 180; Déprez, E. 'La conférence d'Avignon (1344)' *Essays in medieval history presented to T.F. Tout*. Ed. A.G. Little and F.M. Powicke. Manchester,

England itself, the duchy was frequently identified as a 'parcel' of the English crown.[14] In the *St. Albans chronicle*, Thomas Walsingham cited a letter written by Henry of Monmouth in 1413, which described Aquitaine as a heritage and right annexed to the English crown; in 1426 Andrew Aston included a brief tract emphasising that Aquitaine belonged to the English crown, in a manuscript also containing materials relating to the rights of the crown in Scotland, Wales, Ireland and Normandy.[15] In August 1442, the English royal council petitioned the abbot of Bury for money for the defence of Aquitaine, which had been under the peaceful rule, governance and obedience of the kings of England since time immemorial.[16] The Gascons certainly remembered that Henry III had donated the duchy with other lands to his son in 1254 as an apanage, declaring that it could never be separated from the crown of England; they objected to the appointment of John of Gaunt as duke in 1390 and expressed their concern in the oath of Union in 1394 lest 'en ayssi per temps avenir lodeyt dugat poyre estre de tot en tot separat foras de la corona

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1925. 312; Bock, F. 'Some new documents illustrating the early years of the Hundred Years War (1353-1356)' *Bulletin of the John Rylands Library*, 15 (1931). 91. But note that after laying claim to the French throne in 1340, Edward III and his successors regularly heard appeals from Guyenne as kings of France. Chaplais, P. 'The Chancery of Guyenne, 1289-1453' *Essays in medieval diplomacy and administration*. London, 1981. Chapter 8 and 'The court of sovereignty of Guyenne'. 137-53. Indeed, some English councillors argued in 1439 and 1440, that Henry VI could not renounce his title to the French throne, as he would then have to 'surcese of use of any jurisdiction and autorite that belonged unto him as to the king of France, as for example in use of his court of the resort and soverainte in Guyennes'. *PPC*. V, 392 (30 August 1439) and *Letters and papers illustrative of the wars of the English in France during the reign of Henry VI*. 2 volumes in 3. Ed. J. Stevenson. London, 1861-4. II, 440-1; Allmand, C.T. 'The Anglo-French negotiations of 1439' *Bulletin of the Institute of Historical Research*, 40 (1967). 28; Vale, M.G.A. *English Gascony, 1399-1453: a study of war, government and politics during the later stages of the Hundred Years' War*. Oxford, 1970. 80-1 and 107-8. Note the parallel situation in 1513 when Henry VIII captured Tournai and administered it as king of France. Davies, C.S.L. 'Tournai and the English crown, 1513-1519' *Historical journal*, 41 (1998). 1-26.

[14] Government attempts to justify the war, and thereby win the support of the political nation, depended upon the notion that the king was defending the English crown against the French. For the relationship between Aquitaine and the crown, see the discussion in Griffiths, R.A. 'The English realm and dominions and the king's subjects in the later middle ages' *Aspects of late medieval government and society: essays presented to J.R. Lander*. Ed. J.G. Rowe. Toronto, 1986. 83-105, and for the use of the term 'parcel' in 1388 in relation to Ireland, *RP*. III, 231.

[15] The tract argued that Aquitaine belonged to the English crown because of the marriage of Henry II and Eleanor of Aquitaine. BL MS Cotton Claudius A xii fos.47v-48r. Clark, J. *Intellectual life at the abbey of St. Albans and the nature of monastic learning in England c. 1350 to c. 1440*. Oxford University, D.Phil. dissertation, 1997. 301.

[16] *Letters and papers illustrative of the wars of the English in France*. II, 465 and *PPC*. V, 414. Cited in Vale, M.G.A. *English Gascony, 1399-1453*. 120-1.

d'Angaterra'. In 1411, the Gascons successfully petitioned for the status of subjects of the king of England, and thus were permitted to hold property in England, while triers of Gascon petitions continued to be appointed in the English parliament.[17] Moreover both Aquitaine and Calais were implicitly treated as the property of the English crown in the treaty of Troyes; soldiers from Aquitaine, a 'pays subgiet au royaume d'Angleterre' were treated as equals with those of the 'nascion d'Angleterre' in the English armies in Lancastrian Normandy in the 1430s, while in 1443, it was stated in instructions to the Garter that the commission of Somerset as lieutenant in France was to be issued under the Seal of France, while that in Aquitaine was to be issued under the Great Seal of England.[18]

But the French polemical treatises argued that Guyenne was an ancient part of the kingdom by reference to the Carolingian notion of *Francia* extending to the Pyrenees.[19] In his speech before the emperor in 1378, Charles V argued that Charlemagne conquered Gascony, converted it to the Christian faith and subjected it to the French

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[17] For the events of the 1390s, see Le Patourel, J. 'The Plantagenet dominions'. 301-2 and 305-8; Palmer, J.J.N. 'The Anglo-French peace negotiations, 1390-1396' *Transactions of the Royal Historical Society*, 5th series, 16 (1966). 92; Vale, M.G.A. *English Gascony, 1399-1453*. 28 and Philpotts, C.J. 'John of Gaunt and the English policy towards France 1389-95' *Journal of medieval history*, 16 (1990). 379. For the 1411 petition, see *RP*. III, 656-7. In 1412 the Armagnacs offered Henry IV the duchy of Aquitaine to be held 'integre et in tam plena libertate sicut aliquis praedecessor seu praedecessor suus unquam possidebat', and recognised that it belonged to Henry 'jure haereditario et successione naturali'. *Foedera*. IV:ii, 12-3, discussed in Vale, M.G.A. *English Gascony, 1399-1453*. 59-60 and Curry, A. 'Lancastrian Normandy: the jewel in the crown?'. 243n; this treaty was one of the key documents disseminated by Henry V to the international community on the eve of his invasion of France, *Gesta Henrici Quinti*. Ed. F. Taylor and J.S. Roskell. Oxford, 1975. 16.

[18] Curry, A.E. 'The nationality of men-at-arms serving in English armies in Normandy and the *pays de conquète*, 1415-1450' *Reading medieval studies*, 18 (1992). 141, 155-6 and Curry, A. 'Lancastrian Normandy: the jewel in the crown?'. 236n. For the instructions of 1443, see *PPC*. V, 261, cited by Vale, M.G.A. *English Gascony, 1399-1453*. 128n. In the 1380s the Commons expressed their hope that Calais was not held from the French king, but by 1392 Gaunt and the royal council accepted that they might have to hold Calais from the French crown and proposed that the two kings discuss it at their meeting. But this was never agreed and so Aquitaine and Calais were not returned to the French crown by virtue of the treaty of Troyes. Note that before 1420, burgesses of Calais were viewed as denizens of England. *RP*. III, 170; Griffiths, R.A. 'The English realm and dominions'. 87; Philpotts, C.J. 'John of Gaunt'. 372.

[19] In the *Mirouer historial abregie de France*, Noël de Fribois used Hugh of Fleury's *Historia* to define the frontiers of Guyenne as the Rhône, the Loire, the Pyrenees and the sea. Daly, K. 'The *Mirouer historial abrégié de France*: historical culture and politics at the court of Charles VII' *Vincent de Beauvais: intentions et*

crown so that all subsequent dukes paid liege homage to the kings of France. Similarly, the *Songe du vergier* reported that the duchy of Guyenne had not been held by the English since time immemorial but rather had belonged to the French crown 'dez le temps de Charlamaigne et de tant de temps que il n'est memoire du contraire'.[20] Jean de Montreuil offered a more detailed discussion of the history of the duchy, reporting that, according to Julius Caesar in his account of the Gallic wars, Guyenne was one third of Gaul. The first Christian king, Clovis, held 'son siege et *Parlement*' at Bordeaux, and this city and the region were granted in turn to Sigibert and Chilperich and to their children as an apanage or peerage; king Dagobert gave the entire region to Heribert who subjugated the Gascons and Poitevins and brought to Saint Denis the body of saint Hilaire of Poitiers. Later Charlemagne granted the duchy to his son Louis the Debonnaire who in turn gave it to his son Pepin and then to Luppus. But Louis later banished Luppus for disloyalty, just one of a number of examples of a duke being removed by the king of France: Sadrésgille was deprived by an unidentified king; Seguin was removed by Louis the Debonnaire who then granted the region to his son Charles le Chauve; and Robert rebelled against Charles the Simple and was killed in battle. Finally Montreuil reported that according to Aimoin de Fleury, king Clotaire made Aregilius governor-general of the whole region, demonstrating that Guyenne was part of the domain and heritage of the king of France. Jean Juvénal copied most of this account from Montreuil, but added that Charles Martel killed Eudon duke of Aquitaine for his rebellion, after Eudon had

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réceptions d'une oeuvre encyclopédique au moyen âge. Ed. M. Paulmier-Foucart, S. Lusignan et A. Nadeau. Montréal, 1990. 486.

[20] *Chroniques de Jean II et Charles V*. II, 251 and *Songe du vergier*. I, 271 and 281 (chapters 145 § 7 and 146 § 19). Fribois reported that Guyenne was conquered by the first Christian king from the Arian Goths, that Pepin crossed the Garonne and that Charlemagne captured Gascony including Bayonne. Daly, K. 'The *Mirouer historial abregie de France*: historical culture and politics at the court of Charles VII'. 486.

previously conspired with 'les Sarrazins' against the crown, and so subjected the duchy directly to him.[21]

Thus Guyenne had been part of the kingdom of France since time immemorial and had only fallen into English hands when Henry of Anjou married the heiress to the duchy, Eleanor, just over two hundred and fifty years before Montreuil was writing.[22] Therefore the duchy of Guyenne was subject to the sovereignty and resort of the French crown, and thus liable to forfeiture by the king-dukes for treason. This was a very important point, because otherwise the English could demand the restoration of their 'ancien heritaige' in any peace treaty.[23] The French diplomats and writers were quick to exploit this argument, as seen in the *Songe du vergier* which asserted that 'le crisme de *lese-majesté* est un de[z] plus grans crimes qui puist estre en ce siecle' and hence the English had lost all right to lands in France 'pour cause de rebellion et de sa trayson tres notoire et manifeste, et sont acquises et confisquees au roy de France, comme au souverain'. This argument was repeated by the *Memoire abregée grossement,* which observed that any action by the French king 'ne doit estre appellee guerre, maiz voye de justice', and by all of the polemical writers in the fifteenth century. According to Jean Juvénal, 'n'est doubte que le plus grant cas et

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[21] Montreuil. *Opera.* II, 68, 93, 183-5, 194, 242-3, 287-9, 330; Jean Juvénal. *Les écrits politiques.* I, 201-3 and II, 103-5. Montreuil based his account upon chronicles by Guillaume de Nangis and Aimoin de Fleury, as well as Julius Caesar's *De bello gallico* and other ancient texts by Titus Livy, Orosius, Justin, Salust, though he probably relied upon an intermediary text, the *Grandes chroniques de France.* Montreuil. *Opera.* II, 289-90.

[22] Montreuil. *Opera.* II, 161, 181-2, 241-2, 267, 286-7 and 329; he had earlier stated three hundred years, *ibid.* 72 and 98; Jean Juvénal. *Les écrits politiques.* I, 205-6 and II, 104-5; *Boke of noblesse.* 24-5. Eleanor had been wife of Louis VII until their divorce on 18 March 1152, ostensibly because they were too closely related. Blondel and *Pour ce que plusieurs* cited the false story that Eleanor had had an affair with Saladin during the second crusade; *Pour ce que plusieurs* even claimed that Eleanor had plotted the death of her husband and so forfeited both Guyenne and Poitou to the crown. Blondel. *Oeuvres.* I, 176-80 and 324-30 and *Pour ce que plusieurs,* fos.25v and 36v-37r.

[23] As the *Memoire abregée grossement* noted, in Montreuil. *Opera.* III, 76-7. Cuttler, S.H. *The law of treason.* 4-9 and 31-2; Jones, M.C.E. '"Bons Bretons et bons Francoys": the language and meaning of treason in later medieval France' *The creation of Brittany a late medieval state.* London, 1988. 330-7; Timbal, P.-C. 'La confiscation dans le droit français des XIIIe et XIVe siècles' *Revue historique de droit français et*

crisme qui soit c'est de leze majesté, car quiconques le commet il forfait corps et biens envers son prince, et le premier et principal chief c'est faire guerre a son souvrain seigneur et vouloir actempter contre sa personne et de ceulx d'environ luy'. Montreuil also emphasised that confiscation created a firm title to these lands for the French crown: 'si n'est plus clere acquisition ou demaine a un hault et souverain seigneur que par confiscation, de celle par especial qui vient de crime de leze majesté, comme il est ou cas present; et nous nous en rapportons a ce que les drois escrips et coustumiers en dient'. *Pour ce que plusieurs* agreed that 'il nest plus cler ne plus iuste tilte que confiscation quant il ya matiere souffisant, et que les proces sont deuement fais', citing the vague authority of canon and civil law but also the Salic Law and the general custom of the realm; indeed the anonymous author also observed that this was also the practice in England, from which derived its control of Wales and the majority of the north beyond the Humber.[24]

Writing in 1464, the anonymous author of *Pour ce que plusieurs* claimed that, since the reign of Henry III, the English kings had committed so many crimes that 'il y a eu plus de dix moyens de confiscation et ... a bon et iuste tiltre le roy a eu cause legittime de prendre et revenir [the English lands on the continent] a la couronne de France comme vray et droit heritage dicelle'. Most writers emphasised the confiscation of the duchy from Edward I and Edward II in May 1294 and June 1324, when these dukes had failed to meet their obligations as vassals of Philip the Fair

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étranger, 4th series, 23 (1944). 40-2 and Barron, W.J. 'The penalties for treason in mediaeval life and literature' *Journal of medieval history*, 7 (1981). 187-202.

[24] *Songe du vergier*. I, 275-7, 280 and 286 (chapter 146 § 2,3, 6, 15 and 33); *Memoire abregée grossement* in Montreuil. *Opera*. III, 70-1; Jean Juvénal. *Les écrits politiques*. I, 215-6 and II, 106-7; Montreuil. *Opera*. II, 191 and 125, 235-6, 285 and 329 (also see 181, 209-10, 283, 291-3, 327); *Pour ce que plusieurs*. fos.28v-29r, 46r-v and 48r, and for the comments regarding Wales and Scotland, see appendix, section 1.1 below.

and Charles IV respectively.[25] Inevitably the French writers saved their greatest condemnation for Edward III, who waged war against the French crown despite having paid homage for the duchy of Guyenne twice, firstly to Charles IV on 24 September 1325 after his father had granted him the duchy in the aftermath of the War of Saint-Sardos, and again in 1329 after the accession of Philip VI.[26] Indeed, the French writers repeatedly cited the second homage, which also demonstrated that Edward III acknowledged Philip as rightful heir to the throne, and they also frequently quoted from the royal letter dated 30 March 1331 by which Edward admitted that he owed liege homage to the French crown. Thus Philip had every right to confiscate the duchy and all other lands in France in the possession of Edward III for his subsequent actions in breach of this oath, by aiding Robert of Artois who had been banished from France as a capital enemy of Philip VI.[27] But the most important treasonous actions of the English dukes of Guyenne were those which led Charles V to confiscate the lands of Edward III by an arrêt on 9 May 1369, following the appeals of Jean d'Armagnac and the lord of Albret: according to the French, Edward III and the Black Prince had obstructed the appeals of the Gascon lords, ignored the summonses to appear in the *Parlement* and also waged open war

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[25] Montreuil. *Opera.* II, 77-8, 102-3, 182-3, 242 and 287; Jean Juvénal. *Les écrits politiques.* I, 206 and II, 107-111. *Pour ce que plusieurs* declared that Henry V and Henry VI had forfeited all lands in France for their perseverance in the crimes of their predecessors, but did not cite the confiscation of the duchy by Philip the Fair, merely offering a sketchy account of the War of Saint-Sardos, *Pour ce que plusieurs,* fos.38r-v, 40r and 44r-45r.

[26] Both Robert Blondel and *Pour ce que plusieurs* reported the earlier homage paid by Edward before the death of his father, though Blondel mistakenly claimed that Philip V was king of France at that time. Blondel. *Oeuvres.* I, 230-1 and 399-400; *Pour ce que plusieurs.* fos.38r-39r. Also see the brief mention by Jean Juvénal. *Les écrits politiques.* II, 111.

[27] In April 1377, the French ambassadors sent to Boulogne were instructed to take with them copies of the English letters of 1329 and 1331 regarding this homage, *The Anglo-French negotiations at Bruges, 1374-1377.* 80; Charles V showed the same to the emperor in 1378, *Chroniques Jean II et Charles V.* II, 251-2, and the liege homage was a feature of miniatures added to the *Grandes chroniques* after 1379, Hedeman, A.D. *The royal image: illustrations of the Grandes Chroniques de France, 1274-1422.* Berkeley, 1991. 115-21. For discussions of this by the Valois writers, see *Songe du vergier.* I, 281 (chapter 146 § 19); Montreuil. *Opera.* II, 106-8, 174-7, 232-4, 279-82 and 327; *Fluxo biennali spacio* in *L'honneur de la couronne.* 179-80 and 190; Jean Juvénal. *Les écrits politiques.* I, 169-74 and II, 29-30, 111-8; Blondel. *Oeuvres.* I, 236-8 and 407-8; *Pour ce que plusieurs.* fos.12r-13v and 39v. For secondary discussions of the homage paid by

against the crown.[28] Thus, according to the instructions given to the French diplomats sent to Picardy in 1372, the king of England and the Black Prince 'ont forfait tout ce qu'il tenoient au reaume de France' and 'selonc raison, restitucion ne se doit faire a celui qui est notoirement rebelle et deshobeissant a son seigneur et du quel on ne pourroit recouvrer la possession se non par guerre et par puissance d'armes'.[29] Charles VI subsequently conferred the duchy of Guyenne on his son Louis, and in 1445, Jean Juvénal was able to describe Guyenne as one of the four peerages being held as the domain of the crown, even though the duchy was still in the hands of the English.[30]

1.2 *Normandy*

At its zenith the Angevin empire included not just Aquitaine but also Normandy, Anjou, Maine and Touraine which were lost by king John to Philip Augustus at the start of the thirteenth century.[31] Henry III subsequently renounced all claim to them by the treaty of Paris in 1259, and thereafter, English attention was focused upon the south-west of France. Diplomats, however, did continue to cite the ancient claims to Normandy and the other lands. This was principally to provide an additional

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the English kings as dukes to the French crown, see Chaplais, P. 'Le duché-pairie de Guyenne (1303 à 1337)'.

[28] The French position was outlined in a bill sent to the English early in 1369, edited in *Chroniques de Jean II et Charles V.* II, 76-116 and Montreuil. *Opera.* III, 88-110; the arguments were repeated in the *Memoire abregée grossement,* in *Opera.* III, 53-76. See Delachenal, R. *Histoire de Charles V.* 5 volumes. Paris, 1909-1931. IV, 53-145; *Some documents regarding ... the treaty of Brétigny.* 51-5 and Perroy, E. 'Edouard III d'Angleterre et les seigneurs Gascons en 1368' *Etudes d'histoire medievale.* Paris, 1979. 299-303.

[29] *The Anglo-French negotiations at Bruges, 1374-1377.* 71-2. For the justification of the *arrêt* of 1369 by the Valois writers, see *Songe du vergier.* I, 271-2, 274, 276-7, 280-1, 283-4 (chapter 145 § 9 and 1, and chapter 146 § 6, 15-7 and 23-5); *Memoire abregée grossement* in Montreuil. *Opera.* III, 53-85 and in particular 64-8, 70-1, 77-8 and 82; Montreuil. *Opera.* II, 193, 200, 246-7, 285, 293-5; Jean Juvénal. *Les écrits politiques.* I, 213-5 and II, 127-32; *Pour ce que plusieurs.* fos.41v-42v.

[30] Jean Juvénal. *Les écrits politiques.* I, 525 and also see a similar comment in 1452 in II, 267.

[31] The claim to Normandy originally came from William the Conqueror, while the titles to Anjou, Maine and Touraine were inherited from Henry II, son of Geoffroy Plantagenet.

bargaining chip in their negotiations for an independent Aquitaine. For example, in spring 1353 Edward III demanded Aquitaine, Normandy, Ponthieu, the overlordship of Flanders and the territories he held by right of conquest, all in full sovereignty, but expressed his willingness to abandon the claim to Normandy if the French could prove their superior title. Late the next year, the duke of Lancaster and the earl of Arundel were authorised by secret instructions to abandon the claim to Normandy (as well as Cahors, Quercy and Angoulême unless they were proven to be part of the ancient duchy of Guyenne) in exchange for 'bone pees' during the negotiations for the confirmation of the treaty of Guines, by which Edward was to receive Aquitaine, Poitou, Touraine, Anjou, Maine, Ponthieu and Limousin. This treaty was never effected because the French ambassadors refused to renounce suzerainty over these lands, but by May 1360 they were willing to give up sovereignty and resort over all of the lands demanded by the English, in return for Edward's renunciation of any claim to the French crown, and to Normandy, Anjou, Maine and Touraine, as well as Brittany and Flanders, though this was never carried out.[32] Similarly in July 1395 Richard II demanded Normandy, Anjou and Maine in full sovereignty, but this was essentially a bargaining ploy in his efforts to secure the hand of Isabelle, daughter of Charles VI of France.[33]

When Henry V invaded Normandy in 1415 and again in 1417, the duchy again returned to centre stage, though the government made little attempt to clarify whether Henry's objective was to reclaim the duchy of Normandy, to conquer the kingdom of France, or merely to secure leverage with which to force the French to

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[32] For the discussions of 1353 and 1354, see Bock, F. 'Some new documents'. 94-6; Fowler, K. *The king's lieutenant: Henry of Grosmont, duke of Lancaster*. 1969. 114; *EMDP*. I, 189-91. For the treaty of Brétigny, see *Les grands traités de la Guerre de Cent Ans*. Ed. E. Cosneau. Paris, 1889. 33-68; Delachenal, R. *Histoire de Charles V*. II, 242-3; *Some documents regarding ... the treaty of Brétigny*. 5-8; Le Patourel, J. 'Edward III and the kingdom of France'. 177.

concede independent Aquitaine. At the start of the second session of parliament in 1414, Bishop Beaufort declared that Henry V wished 'recovrer de l'enheritance et droit de sa Corone, esteant hors du Roialme' and in 1416 Beaufort stated that this involved the restitution of the rights of the 'Corone d'Engleterre'. Three years later Thomas Langley again argued that the goal was the restoration of the rights and possessions of the English crown, and specifically cited the 'Duchee de Normandie, parcelle de son droiturell demande'.[34] As early as 24 November 1417, Henry called himself duke of Normandy, though he used this title alongside his French royal title so that he may only have been claiming the duchy by reason of his right to the crown; this was implied when in May 1418 he spoke of the recovery of 'notre pais et duchie de Normandie et autres lieux et pais appartenans a nostre corone et seignorie royale de France'.[35] There is certainly no evidence that he adopted any specific arms as duke, but he is reported to have worn ducal robes on 2 February 1419; moreover, Henry declared in vague terms that the duchy would be ruled by the ancient customs which had prevailed at the time of his predecessors, and in 1418 he created a Norman *Chambre des comptes* and revived the office of seneschal in 1423, which had been abolished by the French in 1204.[36] The situation was clarified, to some extent, by the treaty of Troyes in 1420, according to which 'la duchié de Normandie et les autres et chascun lieux par lui conquis ou royaume de France seront soubz la jurisdiction, obeissance et monarchie de la couronne de France'. Thus Guyenne and Calais would

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[33] Palmer, J.J.N. *England, France and Christendom*. 170.

[34] *RP*. IV, 34, 94 and 116, and and *PPC*. II, 140 and 155. Curry, A. 'Lancastrian Normandy: the jewel in the crown?'. 242-3 and 51; Genet, J.-Ph. 'Le roi de France anglais et la nation française au XVe siècle' *Identité régionale et conscience nationale en France et en Allemagne du moyen âge à l'époque moderne*. Ed. R. Babel and J-M. Moeglin. Sigmaringen, 1997. 40. Jean de Rinel reported in 1435 that Henry V recovered 'son pais de Normandie, qui luy appartenoit de droit et ancien heritage'. *EMDP*. II, 648.

[35] Curry, A. 'Lancastrian Normandy: the jewel in the crown?'. 248 and 50. For the brief appearance of the notion of Edward III as duke of Normandy in the 1350s, see Le Patourel, J. 'Edouard III *roi de France et duc de Normandie*, 1356-1360' *Revue historique de droit français et étranger*, 4th series, 31 (1953). 317-8 and Ormrod, W.M. 'England, Normandy and the beginnings of the Hundred Years War'. 205.

[36] Allmand, C.T. *Lancastrian Normandy 1415-1450: the history of a medieval occupation*. Oxford, 1983. 122-51 and Allmand, C. T. *Henry V*. London, 1992. 187-8.

be held by Henry as king of England, but his control of Normandy was based upon his position as heir to the French throne; certainly he did not use the title of duke in official documents thereafter. Yet the English continued to act as if Normandy had a *de facto* independence, a policy that Henry V may have approved on his deathbed, according to discussions in the royal council as late as February 1427. Bedford could not evade his responsibility to reabsorb the duchy into France in 1422 and so promised to 'faire reunir et revenir la duchié de Normandie à la couronne', but the reintegration was never completed. Normandy retained a council in Rouen with administrative and judicial functions, thus challenging the sovereign authority of the *Parlement* of Paris. Burgundian councillors cited the failure of Bedford to return Normandy to the crown as proof that the English had failed to carry out the treaty of Troyes, thus freeing Philip the Good to sign a separate peace agreement with Charles VII; but the following year the English restored the *Chambre des comptes* in Rouen and three years later the *Cour des aides*[37]

Clearly English attitudes towards a revival of the ancient duchy of Normandy were conditioned by the strategic needs of the moment: once the French crown appeared untenable, an independent duchy offered a significant fall back position, irrespective of the problems in sustaining a legitimate title to the duchy. Moreover, it was clearly advantageous to appeal to an ancient claim to the duchy, both to win the support of the English political nation, and to appeal to Norman provincialism: given the tradition of opposition to the French crown in Normandy, it was perhaps natural that Edward III and then Henry V should pose not just as a king of France, who would

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[37] *Les grands traités de la Guerre de Cent Ans.* 100-15; Armstrong, C.A.J. 'La double monarchie France-Angleterre et la maison de Bourgogne (1420-1435): le declin d'une alliance' *England, France and Burgundy in the fifteenth century.* London, 1983. 342-3; Allmand, C.T. *Lancastrian Normandy.* 22-3 and 122-51, and Curry, A. 'Lancastrian Normandy: the jewel in the crown?'. 236-9, 249 and 52. For the Burgundian

receive little support in the duchy, but also as a duke of Normandy willing to act 'selon les lois, coutumes et usages du pays'.[38] There was certainly a memory of the Anglo-Norman empire amongst the English, which was exploited by Edward III in the 1340s and 1350s, and by Henry V.[39] In 1347 an anonymous poem *An invective against France,* asserted that Edward was rightful duke of Normandy and shortly afterwards John of Bridlington's *Prophecy* highlighted the fact that Edward was heir to the duchy as a descendant of William the Conqueror.[40] In about 1400, a Glastonbury monk named John Merrylynch demonstrated English claims to Normandy through a genealogy of the English and French crowns. Thomas Elmham stressed the Norman pedigree of Henry IV in a poem about his death composed early in the reign of Henry V and in his subsequent *Liber metricus* briefly mentioned the claim to Normandy, Aquitaine and the French crown. The *Gesta Henrici Quinti* declared that Henry V aimed to reconquer Normandy which belonged to him by a right dating from the time of William the Conqueror and which the French had unjustly captured, and noted that Harfleur was a 'nobilem porcionem hereditariam corone sue Anglie et ducatus sui Normannie'. From perhaps 1419, the Battle roll, a list of those knights who invaded England with William the Conqueror in 1066, was widely circulated. Andrew Aston presented a very brief justification for the title of the English crown to the duchy of Normandy in 1426, in a manuscript which also included the *Historia Normanorum* of William of Jumièges, citing the ownership of the

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memoranda at Arras, see Schneider, F. *Der europäische Friedenskongres von Arras (1435) und die Friedenspolitik Papst Eugens IV und das Basler Konzils.* Griess, 1919. 206-7.

[38] Le Patourel, J. 'Edouard III, "roi de France et duc de Normandie"'. 317-8 and Le Patourel, J. 'Edward III and the kingdom of France'. 183.

[39] Of course there was an equally strong tradition of hostility to the Normans, particularly aggravated by piracy. Lawrence Minot saw the battle of Sluys in 1340 as an engagement between Normans and English, and in the *Ypodigma neustriae,* Thomas of Walsingham offered a detailed history of Normandy from the time of Rollo, designed principally to warn Henry about the treachery of the Normans. *Ypodigma Neustriae.* Ed. H.T. Riley. Rolls series, London, 1876; Matthew, D.J.A. 'The English cultivation of Norman history' *England and Normandy in the middle ages.* Ed. D. Bates and A. Curry. Woodbridge, 1994. 4; Ormrod, W.M. 'England, Normandy and the beginnings of the Hundred Years War'. 200-1 and Clark, J. *Intellectual life.* 300-4.

duchy by William the Conqueror. The *Brut* reported that Guyenne and Normandy had both been claimed 'by trewe titill of conquest & right heritage' by Edward III and his ancestors, and belonged to the English crown as 'inheritaunce of right'.[41] A royal letter of 2 March 1443 emphasised that Normandy and Guyenne were part of the king's ancient inheritance, in order to persuade merchants to provide loans for their defence. Even after the loss of France, Bale's *Chronicle* described Normandy, Anjou and Maine as 'the old enheritaunce and right evermore and tyme out of mynd of the kynges of England', while an anonymous Yorkist tract in defence of the title of Edward IV to the English throne, emphasised the Norman origins of the English kings by citing the seven dukes of Normandy from Rollo to William the Conqueror.[42] Ironically, even to this day, the queen bears the title of 'duke of Normandy' in the Channel Islands, which were retained by the English crown after the loss of Normandy in 1204.[43]

From the French point of view, the situation with regard to Normandy was straightforward: as Jacques Juvénal des Ursins observed at the negotiations in London in July 1445, the English could not claim Normandy as any part of a peace treaty, because they had had no title to the duchy before they claimed the French throne in 1340.[44] The duchy was not part of the 'heritaige' of the English kings but rather an ancient part of the French royal domain when it was originally granted to

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[40] *Political poems and songs.* I, 35, 153, 155.

[41] Oxford, Queen's College MS 304 fos.186v-7r (Merrylynch); *Political poems and songs.* II, 122-3 and *Memorials of Henry V, king of England.* Ed. C.A. Cole. London, 1858. 109 (Elmham); *Gesta Henrici Quinti.* 16-7 and 34-5; *Liber niger scaccarii.* Ed. T. Hearne. 2nd edition, Oxford, 1728. 522-4 (Battle roll); BL MS Cotton Claudius A xii fos.47v-48r (Aston); *Brut, or The chronicles of England.* Ed. F.W.D. Brie. II. EETS, London, 1908. 374 and 552. See Matthew, D.J.A. 'The English cultivation of Norman history'. 4; Curry, A. 'Lancastrian Normandy: the jewel in the crown?'. 245-7 and Clark, J. *Intellectual life.* 300-4.

[42] *PPC.* V, 414 and *Six town chronicles.* Ed. R. Flenley. Oxford, 1911. 128 (Bale's *Chronicle*), cited by Curry, A. 'Lancastrian Normandy: the jewel in the crown?'. 238. For the Yorkist tract, see BL MSS Harley 116, fos.142r-146v and Additional 10099, fos.205r-210v.

[43] Griffiths, R.A. 'The English realm and dominions'. 86-7 and 91.

[44] *Letters and papers illustrative of the wars of the English in France.* I, 133-5.

Rollo the Dane, and thereafter remained subject to the French crown; indeed both Jean Le Fèvre, abbot of St. Vaast, and Jean Juvénal argued that the current French king could never abandon sovereignty and resort over any land subject to the French crown, when his predecessors had never given up control over Normandy in the face of extraordinary pressures.[45] As Jean Juvénal later explained, Normandy was one of the twelve ancient peerages of the realm, granted in 911 by Charles the Simple along with the county of Brittany to Rollo; in 912, Rollo was baptized and renamed Robert, paid homage to king Charles the Simple and married his daughter Gisla. Thus the duchy was not conquered by Rollo but given to him in return for his homage and service which he and his successors duly carried out.[46] William the Bastard might have conquered England but as Jean Juvénal des Ursins observed, his duchy of Normandy did not thereby become annexed to the English crown: rather 'est Angleterre subgecte a Normandie ... et non mie Normandie a Angleterre'. This was implicitly recognised by the Norman kings of England, when they attempted unsuccessfully to separate the duchy from the kingdom, and by their continued practice of paying homage to the French crown for the duchy.[47]

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[45] *The Anglo-French negotiations at Bruges, 1374-1377.* 59; Jean Juvénal. *Les écrits politiques.* I, 394; *Boke of noblesse.* 22-3. Amendments to the *Grandes chroniques de France* under Charles V, such as the addition of miniatures concerning the early Norman dukes, indicate that the French court was well aware of the history of the duchy, Hedeman, A.D. *The royal image.* 97-8. These changes may reflect Charles' personal interest in the duchy after being created duke by his father Jean II. *Pour ce que plusieurs.* fos.36r-v also demonstrated that the counties of Anjou, Maine and Touraine, inherited by Henry II from his father Geoffroy of Anjou, were originally in the royal domain.

[46] Jean Juvénal. *Les écrits politiques.* II, 62-73. Blondel also noted that Normandy was granted to Rollo as a dowry for Gisla, Blondel. *Oeuvres.* I, 199 and 359. The *Boke of noblesse* later claimed that the king of France gave the Danes sovereignty and resort over the duchy, *Boke of noblesse.* 22-3.

[47] Thus in 1151 Henry of Anjou paid liege homage for Normandy and gave the Vexin to Louis VII in return for his support, and in 1179 Henry the Young, eldest son of Henry II took part in the coronation of Philip Augustus as a peer of France. Jean Juvénal. *Les écrits politiques.* I, 199-200 and II, 76-82 and 85-8; Blondel. *Oeuvres.* I, 268-9 and 452; *Boke of noblesse.* 22-3. Duke Robert I the Magnificent of Normandy had originally received the French Vexin as a reward for this service, Dunbabin, J. *France in the making, 843-1180.* Oxford, 1985. 204. Montreuil also noted that Louis VI aided Henry Plantagenet against Stephen, in *Opera.* II, 72 and 98, drawing upon *Les grandes chroniques de France.* Ed. J. Viard. 10 volumes. Paris, 1920-53. VI, 64-5. *Pour ce que plusieurs* cited the same story as proof that the Vexin belonged to the French crown, fo.28v.

But perhaps more importantly, Normandy had been confiscated and subsequently held directly by the French crown for 'plus de .iic. et .l. ans, a vray et juste tiltre' as Jean Juvénal declared in 1446. Philip Augustus had reconquered from king John Normandy and the counties of Anjou, Maine and Touraine at the start of the thirteenth century.[48] In the immediate aftermath of that action, there were concerns over the legitimacy of such an unprecedented confiscation, which may partially explain why the French royal court subscribed to the cult of Charlemagne, as a way to legitimize the reconquest as Philip's effort to revive the territorial heritage of his illustrious ancestor.[49] But for the fifteenth century polemical writers, the confiscation of the Angevin lands from John was completely justified, particularly in light of the steady pattern of rebellion by the Anglo-Norman dukes. William the Conqueror and his son William Rufus had forfeited the duchy of Normandy 'tant par descongnoissance de son seigneur comme par crisme de felonnie et de leze maieste'. Henry I had lost any hereditary right to the English throne or the lands in France, when he committed 'le crisme de felonnie' and the 'crisme de lese maieste' by murdering his own brother Robert Curthose, a peer of the realm of France: 'par consquent est cler que ladicte duchie de Normandie ... appartient et doit competer et appartenir au roy de France sans aucune difficulte'.[50] Henry II murdered the archbishop Thomas Becket, and so in 1189 Philip Augustus declared the lands of

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[48] Jean Juvénal. *Les écrits politiques*. II, 161. According to *Pour ce que plusieurs*, the duchy should have reverted to the French crown firstly because Rollo died without a legitimate heir, because William the Conqueror was also a bastard and because of the crimes committed against his brother by Henry I which rendered him incapable of succeeding to the duchy so that it should have fallen to Philip Augustus '*nedum iure confiscationis sed etiam iure renunciationis successionis*'. Jean Juvénal also highlighted the illegitimacy of William the Conqueror, but also admitted that king Henry I of France had recognised William as a true duke. *Pour ce que plusieurs*. fos.31v-36r and Jean Juvénal. *Les écrits politiques*. II, 74-6. At Arras, the French diplomats denounced the English claim to Normandy, saying that William the Conqueror was a bastard, and also claiming that he, or another duke, sold the duchy. Dickinson, J. *The Congress of Arras, 1435: a study in medieval diplomacy*. Oxford 1955. 157 and Schneider, F. *Der europäische Friedenskongres von Arras*. 100. Noël de Fribois made the same point, Daly, K. *The 'Miroir historial abrégé de France' and 'C'est chose profitable': a study of two XVth century French historical texts and their context*. D.Phil., Oxford, 1983. 114-6 and 134-5.

Henry II to be forfeit and seized Normandy, Maine and Touraine.[51] Richard I demonstrated his 'mauvaix malice' on the Crusade and in France so that in 1193, Philip decided to 'prendre les fiefz que tenoit le roy Richard, comme forfais et confisquez par deue de droit' though a temporary truce was agreed between the two rulers in 1196.[52] But the culmination of this pattern of wrong-doing were the actions of king John, who had committed the 'crisme de leze majesté encontre le roy son souvrain' by waging war against Philip, and by murdering his nephew Arthur, the true heir to the English crown and to the Angevin lands in France.[53] As a result, Philip Augustus justly confiscated the duchy of Normandy, which remained under the direct control of the crown thereafter.[54] The French were quick to point out that the English had accepted this situation when Henry III had renounced all claims to Normandy, Anjou, Maine and Touraine in the treaty of Paris in 1259. Charles V cited these letters of renunciation in his speech before the emperor in 1378 and the point was repeated by the *Memoire abregée grossement* and all of the fifteenth century

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[49] Spiegel, G.M. 'The *Reditus regni ad stirpem Karoli Magni*: a new look' *French historical studies*, 7 (1971). 145-74.

[50] Jean Juvénal. *Les écrits politiques*. II, 82-3, and *Pour ce que plusieurs*. fos.34r-36r.

[51] Jean Juvénal. *Les écrits politiques*. II, 88-89. In fact Philip Augustus was allying with Richard son of Henry II, who was angry at apparent favouritism towards his brother John, Hallam, E. *Capetian France, 987-1328*. London, 1980. 128. For Robert Blondel's account of the relations between Philip Augustus, Henry II and Richard I, see Blondel. *Oeuvres*. I, 180-92 and 330-49.

[52] Jean Juvénal. *Les écrits politiques*. II, 88-92. Jean Juvénal neglected to mention that Richard was in captivity until early in 1194, during which time Philip Augustus made his most important gains, overrunning the Vexin, seizing Gisors and even planning to invade Normandy and England; these conquests were lost by the time that a truce was agreed in 1196. According to *Pour ce que plusieurs*, 'ce que nest pas le droit fondement dont proceda depuis la declaration et la confiscation, et pource listoire se taist a parler plusavant en ce pas de laditte matiere', fo.26v.

[53] According to Jean Juvénal, the final defeat of John in 1214 by prince Louis at La Roche-au-Moine and the great victory at Bouvines against John's allies, Otto IV and count Ferrand of Flanders, 'fut la voulenté de Dieu par le dit roy Phelippe et son filz exequtee'. Montreuil. *Opera*. II, 184-5, 243-4 and 259-60, 289, 310; Jean Juvénal. *Les écrits politiques*. II, 92-7 and for a shorter account, see I, 203-5. Robert Blondel focused principally upon the crimes of John, in murdering his nephew together with hundreds of other acts perpetrated against his sovereign lord, which justified the confiscation of the duchy of Normandy, which he had discussed in detail earlier in the text; Blondel. *Oeuvres*. I, 192-203, 268-9, 349-64 and 452-3. *Pour ce que plusieurs* merely cited the murder of Arthur, fo.27r.

[54] Philip VI granted the duchy in apanage to his son Jean (who became Jean II in 1350) in 1332 and in 1355, Jean II made his son Charles (who became Charles V in 1364) duke of Normandy. Dupont-Ferrier, G. *Gallia regia ou état des officiers royaux des bailliages et des sénéchaussées de 1328 à 1515*. 6 volumes. Paris, 1942-57. IV, 240. The duchy was temporarily granted to Charles of France in the 1460s: see section 3 below.

polemical writers.[55] Moreover, the French writers also made much of the fact that Edward III had been willing to give up his claim to these lands in the treaty of Brétigny, though in fact this renunciation was never effected.[56] Thus Montreuil concluded that 'lesdiz Angloiz jadis perdirent et confisquerent la duchié de Normandie, Anjou, le Maine et Touraine' and Jean Juvénal declared that 'ceste duchié de Normendie justement et sainctement revint a la couronne et fut forfaitte et confisquee au roy et annexee a la couronne et demaine du royaulme'.[57]

2. *THE PRINCIPLE OF INALIENABILITY*

2.1 *Standard arguments against Brétigny and Troyes*

Thus the French diplomats and writers were convinced that Guyenne, Normandy and all other territories claimed by the king of England had been part of the kingdom of France since time immemorial and had been forfeited to the French crown for 'les rebellions et desobeissances des roys d'Angleterre envers le roy de France'. But at the two lowest points of French fortunes during the war, 1360 and 1420, Jean II and Charles VI made significant treaty concessions to the English which presented enormous problems for the defenders of the Valois monarchy. Overall, there were a

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[55] Chaplais, P. 'The making of the treaty of Paris (1259)' and 'Le traité de Paris de 1259'; Vale, M.G.A. *The origins of the Hundred Years War*. 53-6. Jean de Montreuil claimed to have seen the instrument of renunciation of claims to Normandy and the other territories, as did the author of *Pour ce que plusieurs*; Jean Juvénal not only cited from this document in 1446 but also included it amongst the proofs appended to the text. *Chroniques de Jean II et Charles V*. II, 252; *Memoire abregée grossement* in Montreuil. *Opera*. III, 57-8; Montreuil. *Opera*. II, 185, 260, 286 and 311; Jean Juvénal. *Les écrits politiques*. I, 200-1 and 394, and II, 97-100 and 170; *Pour ce que plusieurs*. fo.30r.

[56] Montreuil. *Opera*. II, 185 and 311 and Jean Juvénal. *Les écrits politiques*. I, 201 and II, 99. Montreuil admitted that Jean II had conceded Normandy to the English by the second treaty of London, which was never ratified, but emphasised that this was the only potential English claim to the duchy. Montreuil. *Opera*. II, 238 and 286.

[57] Montreuil. *Opera*. II, 193 and 285 and Jean Juvénal. *Les écrits politiques*. II.72-3 and 76. Also see Blondel. *Oeuvres*. I, 268-9 and 452. For the notion that Brittany was subject to the duchy of Normandy, and hence to the Lancastrians, see chapter five below.

number of arguments which were commonly deployed to deny the validity of a treaty. The first was that the king was either coerced into making such an agreement, or was mentally incapacitated and deprived of wise counsel, and so followed a course of action that he would never have agreed to under normal circumstances. As Montreuil said, 'souventeffois un homme consent aucun traittié en un tamps que il meisme desappreuve une autre foiz par advertissance et bon conseil', and he believed that this was certainly the case in 1360 when the captive Jean II was forced to sign the treaty of Brétigny; some of the fifteenth century texts even hinted that Jean II was subsequently murdered by the English.[58] Similarly, the supporters of the dauphin Charles argued in 1420 that his father Charles VI was in the power of the English and Burgundians, and so was coerced into signing the treaty of Troyes. In 1439 Regnault de Chartres, archbishop of Reims made precisely that point during the negotiations with the English, declaring that the treaty of Troyes was invalid 'tant de violence que pur l'insensibilite dudit feu roy quilz tenoient en leur puissance'.[59] Like his wife and daughter Katherine, Charles VI was not 'en sa pure franche et liberale voulenté', but rather 'estoit en captivité et en la main et soubz la puissance dudit roy Henry le .v^e^. et de ses mortelz et anciens ennemis despourveu du conseil ... parquoy il est bien cler quil ne se povoit faire chose vaillable ne quil peust avoir ne sortir aucun effect a lavantaige ne preiudice de nul'.[60] The *Réponse d'un bon et loyal françois au peuple de France de tous estats* even claimed that the English presented the treaty in

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[58] Montreuil also argued that the treaty had been foisted upon the French because of their desire to remove English troops from their country and to secure the freedom of their king Jean II. Montreuil. *Opera.* II. 207, 213, 252-3, 305-6; *L'honneur de la couronne.* 63, 189-90, 193; Jean Juvénal. *Les écrits politiques.* I, 212 and II, 133-4. The notion that the dauphin had been forced into the treaty of Brétigny to secure his father's freedom was highlighted in the credence expounded by Jean Le Fèvre on 8 December 1376, and the replies given by the French in 1389 to the charges of the English, *The Anglo-French negotiations at Bruges, 1374-1377.* 58 and Montreuil. *Opera.* III, 79-80.

[59] *Documents relating to the Anglo-French negotiations of 1439.* Ed. C.T. Allmand. *Camden Miscellany,* 24 (1972). 79-150. 116. The same argument was made by Luigi de Garsiis in the opinion that he provided for the Congress of Arras in 1435. *EMDP.* II, 640.

Latin to help deceive the king, queen and Katherine, and all others who did not understand that language.[61] It was certainly well-known that Charles VI had suffered from mental health problems. In 1435 Henry VI's secretary Jean de Rinel declared that 'le dit roy [Charles VI] nestoit pas si indispose de maladie que en auscum temps neust bel et bon entendement dentendre et vacquer a ses conseilz et besoignez et quil ne seust tres bien descerner le bien du mal'. But the treaty of Troyes itself justified the regency of Henry V, by the fact that Charles could not 'entendre ou vacquer à la disposicion des besongnes de nostre royaume'. The contradiction was highlighted by the *Réponse d'un bon et loyal françois au peuple de France de tous estats*, a Burgundian memorandum presented to the duke during the Congress of Arras, and by Jean Juvénal des Ursins: 'comment donc puet, ou a ou a peu, le roy telement enferme et malade consentir et accorder valablement de si grant chose'.[62]

Yet the principal argument used to void any treaty, was that the opposing side had failed to live up to their legal obligations.[63] Both the doctors of Bologna at the Congress of Arras, and Noël de Fribois observed that by the treaty of Troyes, Henry V was merely to be regent of France until the death of Charles VI, but in fact called himself king before that point.[64] Yet this argument was not generally used by the polemical writers, who prefered to stress that Henry V did not believe in the

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[60] Jean Juvénal. *Ecrits politiques*. I, 185 and II, 55, 57 and 133-4; *Pour ce que plusieurs*. fo.22r. The argument was used by all of the polemical treatises: *L'honneur de la couronne*. 119-20 and 123-4; Blondel. *Oeuvres*. I, 273-4 and 458-9; Fribois. *Mirouer historial*, in Vatican MS Reg Latin 767, fo.85r.

[61] *L'honneur de la couronne*. 122-3.

[62] *EMDP*. II, 650. Rinel was replying to the opinion of Luigi de Garsiis, who was well aware of the mental illness of Charles VI, *ibid*. II, 642; *Les grands traités de la Guerre de Cent Ans*. 105 and *L'honneur de la couronne*. 128 and also see 119-20; the Burgundian memorandum in Schneider, F. *Der europäische Friedenskongres von Arras*. 186; Jean Juvénal. *Les écrits politiques*. I, 184-5, 193 and II, 55-60; Blondel. *Oeuvres*. I, 273 and 459; Fribois. *Mirouer historial*. fo.85r. The anonymous author of *Pour ce que plusieurs* declared that Charles VI 'nestoit point *compos mentis*', fo.22r.

[63] This argument was used by the English themselves to oppose the treaty of Paris of 1259: the French had failed to hand over the promised territories, and so the English duke was not obliged to pay homage to the French crown. Chaplais, P. 'English arguments concerning the feudal status of Aquitaine'. 208-9.

traditional Plantagenet title and so recognised that he could only be king of France as heir to Charles VI: as *Pour ce que plusieurs* stated, 'en Angleterre les epytaphes dudit Henry le .v^e^. tant en son palais de Westmonstre que par tout ailleurs ou royaume il met expressement en ceste maniere aumoins en substance: *Henricus quintus, Dux Normanorum verusque conquestor eorum, heres Francorum decessit et rector eorum*'.[65] Instead, the polemical writers generally focused upon the fact that the English had failed to bring peace to France, despite their promises in the treaty of Troyes; as Jean Juvénal declared, this treaty 'c'est nourrir guerre et division trop plus grande que devant' and moreover Henry V took the revenues of the French king and tyrannized the French people.[66] These were important themes in the memoranda produced by the pro-French councillors of Philip the Good in 1435, to persuade him to abandon the treaty of Troyes: no man could be bound by an oath not to make a true peace and so imperil his own soul.[67] In the case of the treaty of Brétigny, the French polemical writers could offer an extensive list of complaints against the English, drawn originally from the bill presented to the English early in 1369.[68] Firstly the English

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[64] Plancher. IV. 208-10 (preuve clii), and Fribois. *Mirouer historial*. fo.84v.

[65] *Pour ce que plusieurs*. fos.21r-v.

[66] Jean Juvénal. *Les écrits politiques*. I, 192-3, and also see 194 and II, 59-60. Before the treaty was signed in 1420, both *Super omnia vincit veritas* and *Réponse d'un bon et loyal françois au peuple de France de tous estats* predicted that it would lead to an increase in hostilities, *L'honneur de la couronne*. 116-8 and 128-9, 130-4. Denys des Moulins made a similar complaint when speaking for the dauphin before the papacy in 1422. Harvey, M. 'Martin V and Henry V' *Archivum historiae pontificiae*, 24 (1986). 67-9. In 1435, Jean de Rinel explained the failure to achieve peace through the treaty of Troyes, by citing the actions of Jeanne d'Arc, 'une desordonnee famme, sorciere, ydolatre et heretique, qui justement a este pour ses horribles crimes executee par feu'. *EMDP*. 648 and Bossuat, A. 'La formule "Le Roi est empereur dans son royaume"'. 135-6.

[67] These texts also argued that the English had failed to carry out their part of the agreement, because Normandy had not been reintegrated into the crown and that the English had failed to hand over a number of fortified places to the Burgundians as required by article 14 of the treaty. Schneider, F. *Der europäische Friedenskongres von Arras*. 203, 205-8. See Dickinson, J. *The Congress of Arras*. 72-5 and 176-7; Ferguson, J. *English diplomacy, 1422-1461*. Oxford, 1972. 172-3. The argument that the treaty of Troyes could not prevent Burgundy from making a true peace was also presented by Luigi de Garsiis in *EMDP*. II, 646-7.

[68] The arguments used in this text were subsequently adopted by Charles V himself in his speech before the emperor in 1378, by French diplomats and by the *Songe du vergier*, while the bill itself was included in the *Grandes chroniques de France* and an autograph manuscript of Jean de Montreuil containing diplomatic materials concerning the war. For the English and French bills of 1369 and the speech before the emperor in 1378, see *Chroniques de Jean II et Charles V*. II, 76-116 and 251-5. For the appearance of the bills in the manuscript belonging to Montreuil, see Bibliothèque Royale manuscrit

had promised to hand over certain fortified strongholds to the French, but not only failed to carry this out, but also supported the Companies terrorizing the kingdom, and had also sought private ransom deals for some of the hostages captured at Poitiers against the terms of the treaty.[69] Moreover, the English failed to attend at Bruges to complete the final stage of the treaty, the exchange of renunciations: Edward III was to give up his claim to the French throne, Normandy, Touraine, Anjou, Maine, Brittany and Flanders, in return for king Jean's renunciation of sovereignty and resort over the lands ceded to the English, but as the English never sent ambassadors to complete these renunciations, the French king retained sovereignty and resort over Aquitaine.[70] This was a crucial point because it demonstrated that Edward III continued to be the vassal of the French crown, and so he and the Black Prince were unlawfully usurping the sovereignty and resort of Charles V when they imposed taxes and other financial impositions without permission from the French king, and set up a '*Parlement*, ou nom du roy d'Angleterre, auquel l'en appelleret come a la court souveraine'. Moreover, the English abused their Gascon subjects and even murdered not just some who tried to

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10306-307, fos.39r-54v, edited in Montreuil. *Opera.* II, 85-110. This manuscript also contained other documents, including the *Mémoire abregée grossement* (fos.17r-32v) and the replies given by the French in 1389 to English demands (fos.32v-36v).

[69] These arguments appeared in the bill of 1369 and the speech before the emperor, Montreuil. *Opera.* III, 99-100 and 102-8 and *Chroniques de Jean II et Charles V.* II, 253. Also see the *Mémoire abregée grossement*, and the replies given by the French in 1389 to English demands, in Montreuil. *Opera.* III, 69-70 and 80-1. For the use of these arguments in the *Songe du vergier* and the fifteenth century polemical texts, see *Songe du vergier.* I, 276 and 282 (chapter 146 § 4 and 21); Montreuil. *Opera.* II, 187, 198, 237, 283-5, 300-1, 328; Jean Juvénal. *Les écrits politiques.* I, 210 and II, 125; *Pour ce que plusieurs.* fo.40v.

[70] This point was expressed in detail in the French bill of early 1369, Montreuil. *Opera.* III, 91-99, and was repeated in French diplomatic documents in 1372 and 1377, the speech before the emperor in 1378 and the *Mémoire abregée grossement.* See *The Anglo-French negotiations at Bruges, 1374-1377.* 72-4 and 84; *Chroniques de Jean II et Charles V.* II, 253; Montreuil. *Opera.* III, 61-64 and 66-9. These arguments were then taken up by the Valois writers: *Songe du vergier.* I, 277-8 and 281 (chapter 146 § 7, 9 and 20); Montreuil. *Opera.* II, 186-9, 199-200, 247-9, 284-5, 297-8, 301-2, 327-9; Jean Juvénal des Ursins. *Les écrits politiques.* I, 208-10 and II, 122-4 and 133-4 (and documents, 176-7); *Pour ce que plusieurs.* fo.41r. The French account of the non-exchange of renunciations is undoubtedly false, though it does appear that the English were responsible for the failure to complete the treaty, *Some documents regarding ... the treaty of Brétigny.* 5-50.

appeal to the French king, but also royal agents sent to resolve the matter.[71] The French naturally emphasised the enormous efforts that they had taken to resolve the problems surrounding the treaty before resuming the war with England: Charles V had suggested that the points of contention be brought before the papacy for arbitration according to the terms of the treaty, but the English had refused - ' Et ainsi [lesdiz Anglois] vouloient estre juge et partie, qui est contre toute droit et raison'.[72] When the English subsequently sought to usurp the sovereignty and resort of the French crown, mistreated the Gascons so that they appealed to the *Parlement* of Paris, murdered royal messengers and waged war, Charles V was obliged to proceed against Edward III and Black Prince.[73]

2.2 *Sovereignty and the crown*

Yet the ultimate argument used by the French lawyers and polemical writers to denounce the treaties of Brétigny and Troyes, was that the king could not alienate the crown or any right belonging to it. Valois writers and diplomats were realistic enough to accept the need for territorial concessions in the face of English pressure, but only provided that such grants remained subject to the suzerainty, sovereignty

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[71] See the bill of 1369 in Montreuil. *Opera.* III, 93-4 and 99; the French instructions of April 1377 in *The Anglo-French negotiations at Bruges, 1374-1377.* 81-2 and 84; the speech before the emperor in 1378, *Chroniques des regnes de Jean II et de Charles V.* II, 253-4; the reply of French diplomats to English claims in 1389 and the *Mémoire abregée grossement* in Montreuil. *Opera.* III, 67-9 and 81-2; *Songe du vergier.* I, 275, 279 and 282-3 (chapter 146 § 3, 12-3 and 22); Montreuil. *Opera.* II, 189-90, 195, 214, 238, 285, 294-5; Jean Juvénal. *Les écrits politiques.* I, 212-3 and II, 127-8; *Pour ce que plusieurs.* fos.41r-42r.

[72] Montreuil. *Opera.* II. 189 together with 124-5, 135, 199, 215, 240, 295 and 301-3; Jean Juvénal. *Les écrits politiques.* I, 211. According to Montreuil, the English later objected that the complaints against Edward III should have been brought before the papacy for arbitration, by the terms of the treaty of Brétigny. But the French replied that this was a matter concerning the sovereign rights of the king and so could not be determined by anyone other than the king himself. *Opera.* II, 200, 256-7 and 302.

[73] For the claim that the English had already resumed the war by military action in Ponthieu and elsewhere, see the French bill of early 1369 in Montreuil. *Opera.* III, 99-101; the French instructions of April 1377 in *The Anglo-French negotiations at Bruges, 1374-1377.* 82-4; the speech before the emperor in 1378 in *Chroniques des regnes de Jean II et de Charles V.* II, 255; the reply of French diplomats to English claims in 1389 and the *Mémoire abregée grossement* in Montreuil. *Opera.* III, 99-101.

and resort of the crown.[74] In 1344, French diplomats stated that the realm would oppose the alienation of Guyenne 'sine superioritate et subjectione' because this would create a 'separationem dicti ducatus a corona et dominio Ffrancie'. Similarly by the treaty of Guines, brokered by the cardinal of Boulogne in April 1354, the English would have received a number of territories 'libere et in allodio et absque quacumque superioritate homagio seu resorto'; the French envoys refused to ratify this agreement, declaring that the king was unable to renounce sovereignty over Guyenne or any other part of the realm.[75] In 1359, Guillaume de Dormans, advocate of the king, at a meeting of churchmen, nobles and representatives of the bonnes villes convened by the regent Charles, complained that the second treaty of London would mean giving up sovereignty and resort over the lands being conceded to the English,.[76] But French lawyers and diplomats did not present a detailed justification for the principle of inalienability of sovereignty and resort until the 1370s. After Jean II had almost renounced sovereignty and resort over Guyenne by the treaty of Brétigny in 1360, the Valois defenders inevitably preferred to argue that Jean II had never renounced his rights over the duchy of Guyenne, rather than to argue that such an alienation was illegal. Thus the bill presented to the English in early 1369, the

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[74] For general remarks regarding the concept of the crown, see David, M. *La souveraineté et les limites juridiques du pouvoir monarchique de IXe au XVe siècles.* Paris, 1954. 235-9; Kantorowicz, E. *The king's two bodies: a study in medieval political theology.* Princeton, 1957. 336-83; Dunbabin, J. 'Government' *The Cambridge history of medieval political thought.* 498-501; Krynen, J. *L'empire du roi.* 125-64; Leyte, G. *Domaine et domanialité publique dans la France médiévale (XIIe-XVe siècles).* Strasbourg, 1996. 197-218. The continued confusions surrounding the concept of the crown, at least in more popular works, is amply demonstrated by the way that the anonymous treatise *Reponse d'un bon et loyal francois* opposed the planned treaty between Charles VI, Henry V and the duke of Burgundy in 1419 by reference to the damage that would be done not just to the crown, but also to the *fleurs de lys. L'honneur de la couronne.* 122-33.

[75] The *Memoire abregée grossement* composed in the early 1390s, made similar points by reference to the French instructions in 1388 and 1390 concerning the debates over sovereignty and resort, Montreuil. *Opera.* III, 72, 74 and 83-4. For 1344, see Froissart, Jean. *Chroniques.* Ed. Kervyn de Lettenhove. 28 volumes. Brussels, 1867-77. XVIII, 242-3 and 248. For 1354 see Bock, F. 'Some new documents'. 91 and *Chronicon Galfridi Le Baker de Swynebroke.* Ed. Thompson et al. Oxford, 1899. 124. For discussions of these two meetings, see Palmer, J.J.N. 'The war aims'. 58; Cazelles, R. *Société politique, noblesse et couronne sous Jean le Bon et Charles V.* Paris et Geneve, 1982. 163-4; Jugie, P. 'L'activité diplomatique du cardinal Gui de Boulogne en France au milieu du XIVe siècle' *Bibliothèque de l'école des chartes,* 145 (1987). 99-127;

speech given by Charles V before the emperor in 1378 and the *Memoire abregée grossement* all denied that Jean II had ever alienated sovereignty and resort over Guyenne, and thus did not bother to debate whether such an alienation would have been possible.[77] It was only when the English demanded the reinstatement of the arrangement made at Brétigny, that it became essential for the French to justify why 'l'ommage, souverainneté et ressort de tout ce que les Anglois ont et auront deça la mer sanz faire aucune excepcion, soient entierement au Roy et a ses successeurs Roys de France', in the words of the the instructions given to the French ambassadors sent to Boulogne in the summer of 1377. Thus the credence which Jean Le Fèvre, abbot of Saint-Vaast d'Arras, presented to the papal mediators on 8 December 1376 explained why Charles V would not permit any debate on this fundamental point. Le Fèvre argued that the king could not alienate sovereignty and resort because this would be in breach of the oath that he took at his coronation, and would be in prejudice of both the people of Guyenne, to whom he owed a duty to provide justice, and his successor.[78]

This was a direct summary of the arguments presented just six months earlier, by Evrart de Trémaugon in the *Somnium viridarii*, in a discussion of the sovereign rights of the crown.[79] In 1378, the *Somnium viridarii* was translated into French by Jean Le

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Contamine, P. 'De la modernité de la guerre de Cents Ans'. 20-2; Autrand, F. 'Les artisans de paix face à l'état'. Forthcoming.

[76] *Chronique de Jean II et de Charles V.* Ed. R. Delachanel. Paris, 1910. I, 236.

[77] Montreuil. *Opera.* II, 53-110 and *Chroniques de Jean II et Charles V.* II, 251-5.

[78] *The Anglo-French negotiations at Bruges, 1374-1377.* 81 (1377) and 56-9 (Le Fèvre). Le Fèvre also highlighted the fact that this would call into question the title by which Charles V resumed the war in 1369, and expressed concern that any alienation would increase the chance of war in the future, because the English might become more greedy, the dauphin would wish to fight to resume the concessions, and other princes and members of the royal family might follow the example set by the English in their quest for greater control of their lands.

[79] *Somnium viridarii.* II, 145-7 (chapter 291). Trémaugon also invoked the debate over the Donation of Constantine, for which the discussion of 'Augustus' was a common starting point. Riesenberg, P.N. *Inalienability of sovereignty in medieval political thought.* New York, 1956. 22, 28-9. In 1375, Charles V convened a *grand conseil* of princes of the blood, nobles, prelates, clerks and scholars who declared that

Fèvre himself, and repeated this discussion of royal rights, adding a reference to the royal ordinance of 1372 reserving 'les droiz royaux' over Montpellier. According to Le Fèvre, 'au roy appartient la souveraineté et le darrenier ressort en tout son royaume et en tant que il ne pourret mie celle souveraineté donner, transporter ou aultrement aliener, ne si n'y puet aucunement renuncier, car celle souveraineté et darrenier ressort, si sont si et par telle maniere conjoins et anexés a la couronne que ilz ne puent de luy estre separés, car ce sont lez plus principales nobletés de la couronne'.[80] Earlier in the treatise, Le Fèvre offered a direct discussion of the treaty of Brétigny itself. This was essentially a standard summary of the French case against the treaty, enhanced by extracts from two legal opinions produced in 1369 by two doctors of the university of Bologna, which argued that the English did not have sovereignty and resort in Guyenne because the renunciation was never effected, and that the French crown could not have lost these rights through non-usage; thus the people of Guyenne were bound to aid the king against the English and Charles V had every right to appeal to the pope and to take military action to enforce his just cause.[81] But the *Songe* also included the arguments that had appeared in both the *Somnium* and the credence presented by Le Fèvre in December 1376: the king had promised in his coronation oath to protect the royal rights including sovereignty and resort, and hence he could not alienate these rights in prejudice of his successor, or of

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the king 'ne povoit ne devoit laissier aucune chose de ses ressors et souverainnetéz et, se il le faisoit, ce seroit contre son sairement et son honneur et ou detriment de son âme'. Thus it is possible that this was the occasion upon which the principles outlined by Trémaugon in the *Somnium viridarii* were first developed. *Chronique de Jean II et Charles V.* II, 176 and Delachenal, R. *Histoire de Charles V.* IV, 573-4.

[80] *Songe du vergier.* I, 269-87 and II, 201-3 (chapters 145-6 and 251). For the use of the 1372 ordinance in *ibid.* II, 201-2 (chapter 251 § 1-12), see Shahar, S. 'Une source encore inconnue du *Songe du vergier*: l'ordonnance de 1372' *Le moyen âge,* 76 (1970). 285-91. For the ordinance itself, see Lavisse, E. 'Etude sur le pouvoir royal au temps de Charles V' *Revue historique,* 26 (1884). 233-80 and Lot, F. and Fawtier, R. *Histoire des institutions françaises au moyen âge.* 3 volumes. Paris, 1957-62. II, 39-42.

[81] These opinions had not been sought by the French crown but rather by the people of Millau in Rouergue who wished to know whether to accept French sovereignty. Bernard de Capluc, an eminent lawyer at Avignon and native of Millau, brought the opinions to the town on 28 August 1369 where a popular assembly subsequently agreed to acknowledge French sovereignty. *Songe du vergier.* I, 270-1,

his subjects and vassals. The *Songe* also invoked the argument that as 'augustus', the French king should increase the realm, and used a highly effective metaphor to support the argument that the ruler, as a tutor or administrator could not alienate the rights of the crown: sovereignty and ressort could not be separated from the crown anymore than 'feu soit sanz chaleur'. Thus the author could conclude, in an original contribution, that the king might give away castles or towns if it were necessary but he could not alienate 'la souveraineté et le darrenier ressort de .. toutes lez pierres precieuses de si noble couronne ... car un royaume ne doit mie estre divisé quant a souveraineté et ressort'.[82]

The arguments employed by Evrart de Trémaugon and Jean Le Fèvre were subsequently adopted by the polemical writers. For example, Jean de Montreuil based his discussion of the treaty of Brétigny upon the materials in the *Memoire abregée grossement,* but supplemented it by reference to the arguments on inalienability used by the *Somnium viridarii* and the *Songe du vergier* in arguing that 'le roy de France ne donrroit jamais ne transporteroit a quelque personne que ce feust la congnoissance de ses droiz royaulx et souverains, dont il use comme empereur en son royaume'.[83]At the heart of the case was the notion that the king did not enjoy the same powers of the property of the crown as he did over his own private patrimony; as the *Somnium* and the *Songe* had observed, the French monarch was a tutor or

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277-80 and 286-7 (chapters 145 § 5 and 146, § 7-14 and 33-7) and *Some documents regarding ... the treaty of Brétigny*. 51-78.

[82] *Songe du vergier*. I, 284-5 (chapter 146 § 26-29, from the *Somnium*, and 30 which is original) and II, 201-3 (chapter 251), and see footnote 3 above. The *Songe* supported the argument concerning 'Augustus' by reference to Isidore of Seville. *Etymologies*. IX, 3, 16; this definition also appeared in *Pour ce que plusieurs*. fo.10r, as an argument in support of the exclusion of women.

[83] Instead of using the metaphor of fire and heat to demonstrate the inseparability of sovereignty and the crown, Montreuil compared them to a shadow and a body. Montreuil. *Opera*. II, 200, 257 and 304, and for the metaphor of the shadow, II, 195, 205, 237, 284, 309. Montreuil referred the reader back to 'un autre traictié a part assez plus grant que c'est ycy' for further arguments on this matter, perhaps the *Songe du vergier*. Montreuil. *Opera*. II, 134, 195-6, 203, 296.

adminstrator of the kingdom.[84] This was a commonplace argument also used by both Nicole Oresme and Philippe de Mézières in the late fourteenth century. Mézières observed that the king was a 'ministre' of the ancient crown of France and so incapable of selling, giving or contracting in prejudice of that crown, while Nicole Oresme claimed that because the kingdom was not a private possession, it could not be sold nor divided nor passed on in a will.[85] In the fifteenth century, Jean Juvénal made the point clearly when he declared that 'souverainneté et hommaige lige ... sont annexés à la couronne, et ne sauroit on faire que quicuncques seroit roy n'eust l'ommaige, ressort et souverainneté de tout le royaulme'. Thus the king had 'une maniere de administracion et usage durant sa vye seullement': Normandy could not be alienated because it appertained to the crown 'de laquelle vous [Charles VII] n'estes que administrateur, tuteur, curateur et procureur *in rem vestram*; car vous en faictes les fruis vostres, et vient a vos enffans, maiz riens du monde vous n'en povez aliener ou transporter en aucune maniere'.[86]

At the core of the case against alienation lay the duty imposed by the coronation oath: the *Songe du vergier* claimed that the French king 'a juré en son couronement garder les droiz de son royaume et de sa couronne', even though there is no evidence that the French king actually swore such an oath during the late middle ages. [87]

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[84] *Somnium viridarii.* II, 147 (chapter 291 § 29a) and *Songe du vergier.* I, 285 (chapter 146 § 29).

[85] Philippe de Mézières. *Le songe du vieil pelerin.* 2 volumes. Ed. George W. Coopland. Cambridge, 1969. II, 271; Oresme. *Livre de politiques.* 109a, 143a, 153a and 155a (book II, chapter 21 and book III, chapters 17 and 23). Babbitt, S.B. 'Oresme's *Livre de Politiques* and the France of Charles V' *Transactions of the American Philosophical Society,* 75:1 (1985). 77-86.

[86] Jean Juvénal. *Les écrits politiques.* I, 186, 207-8 and 395; II, 52, 56, 132-5.

[87] *Songe du vergier.* I, 284 (chapter 146 § 26) and II, 202 (chapter 251 § 13), based upon *Somnium viridarii.* II, 145 (chapter 291 § 13). Confusions have arisen from the fact that the clause 'superioritatem, jura et nobilitates corone Francie inviolabiliter custodiam et illa nec transportabo nec alienabo' was added to the coronation *ordo* in 1365, though there is no evidence that this oath was ever taken in the late middle ages, especially given that the manuscript containing this clause (BL MS Cotton Tiberius B. viii) was not available to the French crown in the fifteenth century. David, M. *La souveraineté et les limites juridiques.* 228-35 and Jackson, R.A. *Vive le roi! A history of the French coronation from Charles V to Charles X.* Chapel Hill, 1984. 68-93.

Nevertheless, the inalienability oath was invoked in France from the reign of Philip VI onwards, presumably under the influence of the decretal *Intellecto* by which Honorius III claimed that Andrew II of Hungary had promised at his coronation not to alienate the rights of his crown; this canon law was certainly invoked to justify the reference to the coronation oath in 1329, when Pierre de Cuignières argued at the Council of Vincennes that the king had sworn an oath of inalienability, and in *Songe du vergier*.[88] But the notion of an oath of inalienability at the French royal coronation became a commonplace: in 1354 the French refused to abandon homage, sovereignty and resort over territories conceded to the English by the treaty of Guines, because of the king's oath to maintain the integrity of the realm; Jean Le Fèvre presented the same argument in December 1376, reporting that 'le Roy en sa nouvelleté et consecration jura en la presence de son peuple non aliener les drois de sa couronne'.[89] In 1401, Charles VI referred to the coronation oath, arguing that it explicitly required him to resume alienated rights and lands: 'nos prédécesseurs ... ont juré et aussi nous jurasmes nous moult solonnelment ... garder lesdiz droiz de nostredicte couronne et aussi ledit demaine entier, et non le aliéner ne départier en aucune manière, et readmender, readjoindre, et reaunir ce qui en seroit aliené'. Jean de Montreuil stated in almost identical terms: 'le roy de France a son couronnement jure et promet de garder les droiz royaulx de sa couronne, et la couronne n'a point de plus grant droit que le droit de souveraineté et derrenier ressort', while Jean Juvénal observed that 'a son sacre il jure non riens aliener, et se aulcune chose estoit alienee qu'il la recouvrera'. According to a memorandum written by one of the advisers of Louis XI,

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[88] *Decretals of Gregory IX.* 2, 24, 33, discussed in David, M. *La souveraineté et les limites juridiques.* 228-9; Kantorowicz, E. *The king's two bodies.* 354-6 and Jackson, R.A. *Vive le roi.* 69-70 and 77. *Songe du vergier.* I, 284 and II, 202 (chapters 146 § 26 and 251 § 13 and 15, derived from *Somnium virdarii.* II, 291 § 26). Cuignières' opponents Pierre Roger (later pope Clement VI) and Bertrand Cardinal of Saint-Clément observed that there was no evidence that the French king had taken any such oath, Riesenberg, P.N. *Inalienability of sovereignty.* 110 and Jackson, R.A. *Vive le roi.* 81-2.

[89] See foonote 32 above, and *The Anglo-French negotiations at Bruges, 1374-1377.* 57

the king: '... fist ... serement solempnel de garder et entretenir les droiz, preeminences et prerogatives de la couronne et toutes les choses qui doyvent et pevent concerner la dignité et auctorité royal et honneur de la tres chrestienne maison de France et au bien de la chose publicque du royaume'.[90]

The king could not alienate any of the rights of the crown, because it represented an amalgam of not just his interests, but also those of his subjects and of his successors. By feudal law, he could not transport 'son subjet ou son vassal en un aultre seigneur, sanz sa volanté et sanz non gré'.[91] But any alienation of this nature would also affect the kingdom as a whole, and so the king was obliged to secure the assent of all of his subjects: as Philippe de Mézières observed, Charles VI could not alienate the 'vraye essence' of the crown because this would be in prejudice to the 'bien publique de l'eglise gallicane, des nobles et le peuple franc par grace et par nature du royaulme de France'.[92] Thus most of the writers asserted the requirement for the king to secure the assent of the people to any alienation from the crown. The *Songe du vergier* argued that the treaty of Brétigny was invalid because the people did not consent to the agreement, but 'le Roy ne puist renuncier a la souveraineté et au ressort,

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[90] David, M. *La souveraineté et les limites juridiques.* 231-3 (1401); Montreuil. *Opera.* II. 195; Jean Juvénal. *Les écrits politiques.* II, 132 and also see I, 188 and 394, and II, 57. For the memorandum addressed to Louis XI, see Contamine, P. 'Méthodes et instruments de travail de la diplomatie française. Louis XI et la régale des évêchés bretons (1462-5)' *Des pouvoirs en France, 1300-1500.* Paris, 1992. 148. (Louis XI). A Burgundian memorandum written shortly before the Congress of Arras argued that the treaty of Troyes was invalid because 'ledit roy Charles [VI] auroit juré ... de non alienner ladicte couronne, mais de la garder'. Schneider, F. *Der europäische Friedenskongres von Arras.* 185.

[91] *Songe du vergier.* I, 284 (chapter 146 § 26) and II, 202 (chapter 251 § 15), based upon *Somnium viridarii.* II, 145 (chapter 291 § 15). The specific interests of those nobles and towns directly affected by the alienations had been an issue in the aftermath of the treaty of Paris (1259), and in 1344 the cardinals mediating a peace at Avignon argued that Guyenne could not be removed from the realm and handed over to Edward III against the wishes of the inhabitants. Riesenberg, P.N. *Inalienability of sovereignty.* 133-4 and Déprez, E. 'La conférence d'Avignon'. 312. The relevance of this argument was clear, given that Charles V claimed to be responding to Gascon complaints against the English when he proceeded against Edward III in 1369, thus demonstrating that they had not consented to any alienation of sovereignty and resort. Thus the *Memoire abregée grossement* emphasised that Charles V was obliged to hear the Gascon appeals because he could not have abandoned sovereignty and resort in the first place, without the assent of these appellants. Montreuil. *Opera.* III, 71-2. Note that this feudal argument was reiterated in the sixteenth century by Jean Bodin, *République.* Book I, chapter 9.

mesmement sanz la volanté de ses subjés'. Similarly, pamphlets like *Réponse d'un bon et loyal françois* and *Super omnia vincit veritas* attacked the proposed treaty of Troyes between Henry V and Charles V, arguing that any agreement to alienate the realm to the English king would require the approval of 'des .xii. pers de *Parlement* ne des trois estaz'. Of course, Henry V did secure the ratification of the treaty of Troyes by the Estates General on 10 December 1420, as Jean de Rinel observed at the Congress of Arras in 1435.[93] This might explain why Jean Juvénal subsequently denied the ability of the king to alienate sovereignty and resort even with the consent of his subjects, because 'il n'est pas personnel mais est a cause de la seigneurie et terre, qui sont reeles et annexees aus oz des terres et aussi de la couronne, tellement que il ne s'en peut separer; et ainsy ne lesdictes terres ne ledit ressort ne se povoient transporter'. But in 1446, he was willing to declare that 'la couronne ... c'est ung corps que luy [the king], son peuple et la chose publique, et est le roy l'ame de la chose publicque, la quelle ne se peult abdicquer du corps et luy baillier aultre, au moins sans le consentement de tout le corps ou les membres sont comprins'.[94]

Perhaps even more important than the damage that alienation would cause to the people at large, was the injury that this would inflict upon the successor to the

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[92] Mézières. *Le songe du vieil pelerin*. II, 271.

[93] *Songe du vergier*. I, 272, 286 and II, 202 (chapters 145 § 12, 146 § 31 and 221 § 15); *L'honneur de la couronne*. 129, as well as 118-9; *EMDP*. I, 649-50. In 1439, Regnault de Chartres, archbishop of Rheims argued that the treaty of Troyes was invalid because 'ne fut appele ne present le roy, alors dauphin et regent le royaume, ne aussi les princes, barons, prelatz, pers de France, les villes et communitez dicellui royaume', *Documents relating to the Anglo-French negotiations of 1439*. 116. The *Boke of noblesse* argued that the treaty of Paris of 1259 was invalid because 'a prince may not gyve away his duchees or countees ne his demaynes that is his propre enheritaunces to a strange parsone ... bethout the agrement and consenting of a *Parlement* of his lordis spirituelle and temporelle, and of his comyns assembled'. *Boke of noblesse*. 34-5.

[94] Jean Juvénal. *Les écrits politiques*. I, 207-8 and II, 52. In 1446, Jean Juvénal was arguing that Charles of Navarre could not have transported his claim to the French throne to Edward III, because such an action would require the 'consentement de ceulx qui y ont ou aroient interest, c'est asçavoir de tous les troys estas du royaulme de France'. In 1452, he followed St. Augustine in declaring that 'la chose publique est la chose du peuple, du pays et commune', *ibid*. II, 203.

crown.[95] This point was emphasised by a number of the writers in the debate over the treaty of Brétigny: the *Songe du vergier* declared that 'le Roy en faisant telle alienacion, ne puet mie contraindre ne commander a son successeur' and Jean de Montreuil argued that 'le roy ne le doit ne peut aliener ne transporter, mesmement ou prejudice de ses successeurs et de ses subgiéz'. Jean Juvénal also argued that it might be possible for a king and his subjects to alienate sovereignty and resort, but 'si ne seroit ce que personnel et ou prejudice seulement de ceulx qui l'aroyent consenti, ne il ne passe ou peult passer aux successeurs; thus it 'ne se peult faire que quiconcques est roy de France, que il ne ait le ressort et souvraineté, foy et homage lige des xii pers qui soustiennent la couronne de France, et meisemement de la duchié de Guyenne'.[96] But the rights of the successor to the crown were brought into sharper focus by the debates over the treaty of Troyes.

2.3 *The inalienability of the crown and the treaty of Troyes*

Was Charles VI able to disinherit his son and heir, the dauphin Charles, and thus alienate the crown to Henry V? This was the central ground upon which the polemical writers pitched their defences against the nefarious agreement with the enemy of France. Even before the treaty was actually signed, the defenders of the dauphin produced two pamphlets arguing that it was unnatural and illegal for the king and queen to disinherit their own son 'qui est seul vray heritier du roy et du

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[95] For the notion that the crown was a 'corporation by succession', and the wider discussion of 'dignitas non moritur', see Kantorowicz, E. *The king's two bodies*. 338 and 383-450; Giesey, R.E. *The royal funeral ceremony in Renaissance France*. Geneva, 1960; Krynen, J. '"Le mort saisit le vif": genèse médiévale du principe d'instantanéité de la succession royale Francaise' *Journal des Savants*, (1984). 187-221.

[96] *Songe du vergier*. I, 285 (chapter 146 § 28), based upon *Somnium viridarii*. II, 146 (chapter 291 § 28); Montreuil. *Opera*. II, 195; Jean Juvénal. *Les écrits politiques*. II, 133 and for similar statements, I, 207 and 212, where he argued that the treaty of Brétigny was a personal contract that could bind not only Jean II

royaume'. *Super omnia vincit veritas* observed that 'de jure et approbata regni consuetudine que pro lege habetur, filius regis aut propinquior de sanguine regio secundum lineam masculinam debet in regnum succedere', and *Réponse d'un bon et loyal françois* agreed that the king could not alienate the realm and kingdom 'ou prejudice de lui et de tout son lignage des fleur de lis et de tout son royaume'.[97] Both texts supported the claim of the dauphin to inherit from his father by reference to the dictum offered by St. Paul in *Galatians* IV, 7 and *Romans*, VIII, 17, that all men are God's children and therefore must be His heirs: 'Si filius et heres'.[98] In 1435 and 1446, Jean Juvénal cited the same authority together with the the rule *In suis* (*Digest*, 28, 2, 11) which stated that an heir was regarded, even in the lifetime of his father, as an owner of the property of the family, and hence after the death of the father, the son did not take up an inheritance but rather received free power of administration of the property. Thus he argued that the king had a kind of administration or usage of the crown during his lifetime only, and that 'quant il a filz le filz durant le vie du pere en est reputé et censé comme seigneur, et ne luy peult le roy son pere ne aultre abdicquer ou oster ce droit, voire encores s'il le vouloit et consentoit'; in his first discussion of this matter, in *Audite celi*, he extended this right not just to the son, but to all 'ceulx du sanc royal'. Similarly, in his *Mirouer historial abrégié de France*, Noël de Fribois developed upon the simple arguments against the treaty of Troyes used by Robert Blondel in the *Oratio historialis*, by adding a reference to the rule *Si filius ergo*

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but perhaps also his son Charles V, presumably because of his role in the negotiations, but none of their successors.

[97] *Réponse d'un bon et loyal françois* even argued that to alienate the crown would require the assent of all those 'pevent raisonnablement pretendre droit ou interest en ladicte couronne', including not just the dauphin himself but also 'tous ceulx de la royale maison de France presens et a venir, comme nepveuz, cousins, niepces, cousines et plus generalment a tous les trois estatz du royaume de France'. Potter argued that this was an attempt to extend the rights of succession guaranteed by the Salic Law to all the royal family, but the reference to nieces and to the Estates of the realm, indicates that the pamphlet was simply urging each Frenchman to prevent the crown from passing out of the hands of its legitimate heirs, particularly the dauphin. *L'honneur de la couronne*. 120, 123-4 and 130-1, and Potter, J.M. 'The development and significance of the Salic Law of the French' *English historical review*, 52 (1937). 249.

heres.[99] *Pour ce que plusieurs* stated the matter clearly, but without reference to legal or biblical authorities, when it defined the royal succession as 'une continuation de seignourie de pere en filz ou au plusprochain hoir masle sans quil se puisse selon droit et raison changier ne transuiver deca ne dela et fault quelle voise tousjours la ou la ligne et consanguinite lenvoie ne oncquez ne fut fait autrement'.[100]

The most extensive defence of the rights of the dauphin was provided by Jean de Terrevermeille, an *avocat du roi* from Nîmes, between February and September 1419, yet it is far from clear that his work had any influence upon Jean Juvénal or his colleagues.[101] Terrevermeille defended the right of the dauphin to succeed to the French crown and to serve as regent during his father's incapacity, both by reference to the custom of the realm, and by rational proofs that the father and son shared the same identity; to this end, Terrevermeille invoked the maxim used by St. Paul, which he cited as *Si filius, ergo heres* together with the rule *In suis.*[102] Jean Juvénal and Noël de Fribois invoked the same authorities in the defence of the dauphin, but there is no evidence to demonstrate that they were aware of Terrevermeille's work; rather, these were commonplace arguments used to defend the principle of hereditary succession

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[98] 'Quod si filius, et heres per Deum' (*Galatians*, IV, 7) and 'Si autem filii, et haeredes: haeredes quidem Dei' (*Romans*, VIII, 17). *L'honneur de la couronne.* 114 and 128.

[99] Jean Juvénal. *Les écrits politiques.* I, 186-8 and II, 55-6; *Mirouer historial* in Vat. MS. Reg. Latin 829, fos.84v-85r; Blondel. *Oeuvres.* I, 273-4 and 458-60. Jean Juvénal claimed that the authority *filius ergo heres* had been used by the archbishop of Tours before the papacy, presumably in 1432 when Jean Juvénal took part in an embassy led by Philippe de Coëtquis archbishop of Tours, Jean Juvénal. *Les écrits politiques.* II, 56 and III, 46 and also see Harvey, M.M. *England, Rome and the Papacy 1417-1464: the study of a relationship.* Manchester, 1993. 150-1.

[100] *Pour ce que plusieurs.* fo.22v.

[101] Giesey, R.E. *The royal funeral ceremony.* and 'The juristic basis'. 12-7; Krynen, J. *Idéal du prince et pouvoir royal en France a la fin du moyen âge (1380-1440): étude de la littérature politique du temps.* Paris, 1981. 297-303; Barbey, J. *La fonction royale: essence et légitimité d'apres les 'Tractatus' de Jean de Terrevermeille.* Paris, 1983; Burns, J.H. *Lordship, Kingship and Empire: The Idea of Monarchy 1400-1525.* Oxford: Clarendon Press, 1992. 40-58.

[102] *Tractatus primus,* article 1, *in fine* and article II, 1st part, conclusions 2, 3, 5, 7 and 8. Barbey, J. *La fonction royale.* 329-38. Modern commentators have naturally focused upon the more remarkable arguments used to support this contention, such as the notion of a kind of active force impressed in the semen of man, derived from the soul of the progenitor, which creates an identity between father and

against the constitutive role of either consecration or election. Such considerations had reached fruition during the 1370s, when the intellectual circle of Charles V sought to defend the hereditary succession to the throne against the mounting interference by public assemblies, after the dangerous precedents set in 1316 and 1328. In the preamble to the ordinance of August 1374 concerning the majority of the king, Charles emphasised the direct continuity between father and son, the perpetuation of qualities between the two and beneficial effects of hereditary succession for the public sphere.[103] Just a few years later, these notions were expressed most clearly by the *Somnium viridarii* and the *Songe du vergier*, which argued that the heir to the throne became king immediately after the death of his predecessor, without any need for consecration or election. To support this principle of the instantaneous transmission of the crown, Trémaugon cited the customary maxim '*le mort saisit le vifz*' together with the law *In suis* (*Digest*, 28, 2, 11), and emphasised the hereditary right of the dauphin by citing the connection between father and son, noting the continuity between the original kings of the Romans and the current emperors by reference to *Si filius ergo heres*.[104] Thus Jean de Terrevermeille offered nothing original to this debate, and indeed the insistence of Jean Juvénal and his colleagues upon bloodright and inheritance was in stark contrast to the Nîmois' insistence on a separation of the royal succession from the normal principles of inheritance; as Jean Barbey said, Terrevermeille emphasised 'la séparation existant

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son: '... in semine hominis est quadam vis impressiva, activa, derivata ab anima generantis'. Giesey, R.E. 'The juristic basis'. 326-9.

[103] Cazelles, R. *Société politique ... sous Jean le Bon et Charles V*. 579-81; Krynen, J. '"Le mort saisit le vif"'; Autrand, F. 'La succession à la couronne de France et les Ordonnances de 1374' *Représentation, pouvoir et royauté à la fin du moyen âge*. Ed. Joël Blanchard. Paris, 1995. 25-32; Giesey, R.E. *The royal funeral ceremony*. 92-5 and 'The juristic basis'. 12.

[104] *In suis* was also cited to make the point that if women could hold the throne, then their sons would succeed as a continuation of their rule: but as women could not rule, this was irrelevant. *Somnium viridarii*. I, 232 and 285-6 (chapters 168 § 2 and 186 § 12) and *Songe du vergier*. I, 125 and 151 (chapters 76 § 2 and 142 § 12). In the debate over the succession to the duchy of Brittany in the *Songe du vergier*, the clerk affirmed that the heirs of the count of Montfort ought to be restored to the duchy

entre les notions de *filius* et d'héritier ... qui lui fait conclure que la succession de droit privé ne connaît que l'*heres*'.[105] In contrast, Blondel noted that the word 'exheredationem' demonstrated that the dauphin was being removed from his position as rightful heir to his father, while *Pour ce que plusieurs* declared that Charles was a 'filz naturel et legittime ne et procree en leal mariage'.[106]

Of course this emphasis upon Charles's right to inherit the throne as the natural and legitimate son of Charles VI inevitably encouraged rumours that the dauphin was not in fact the legitimate child of Charles VI and Isabeau of Bavaria.[107] Yet the official English defence of the treaty of Troyes rested upon the disinheritance of the dauphin for 'les orribles et énormes crimes et deliz perpetrez oudit royaume de France', which Jean de Rinel later defined as usurping the name and title of regent, waging mortal war on the subjects of his father and murdering John the Fearless, duke of Burgundy. after promising before God not to harm his enemy.[108] Of the Valois writers, only Jean Juvénal examined the events on the bridge at Montereau on 10 September 1419, when Jean the Fearless died, arguing that 'mon maistre et seigneur Charles n'avoit ne

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because they had a right to succeed to the count '*secundum Apostolum: 'Si filius ergo heres'*'. *Somnium viridarii.* I, 254 (chapters 178 § 5) and *Songe du vergier.* I, 145-6 and 260-1 (chapters 86 § 5 and 143 § 17).

[105] Barbey, J. *La fonction royale.* 307 and *Contra rebelles suorum regum.* Ed. Jacques Bonaud (for Bonand) de Sauset. Lyons, 1526. I, article I, conclusion 13. The same point is noted by Leça, A. 'La dévolution de la couronne dans le *Songe du vergier* (1378)' *L'état, la révolution française et l'Italie: actes du colloque de Milan.* Aixe-en-Provence, 1990. 31-5. Terrevermeille was concerned to maintain a careful distinction between private and public property, in order to deny the king the normal power of an owner to dispense with his property as he wished. Thus Terrevermeille argued that the term *heres* referred to *herus*, meaning *dominus;* upon the death of the father, the son simply achieves the lordship by a right that he already possesses by *jus filiationis*, so that his father has no say in the matter - the son had effectively become a necessary heir. *Tractatus primus*, article II, 1st part, conclusions 2, 3, 5, 7 and 8. Barbey, J. *La fonction royale.* 329-38.

[106] Blondel. *Oeuvres.* I, 274 and 459; *Pour ce que plusieurs*, fo.22r-v.

[107] Bonenfant, P. *Du meurtre de Montereau au traité de Troyes.* Brussels, 1958. 132-3; Famiglietti, R.C. *Royal intrigue: crisis at the court of Charles VI, 1392-1420.* New York, 1982. 41-5; Beaune, C. *The birth of an ideology: myths and symbols of nationhood in later medieval France.* Berkeley, 1991. 185-6; Gibbons, R. 'Isabeau of Bavaria, queen of France, and the treaty of Troyes (1415-1420)' Unpublished article, 66-9.

[108] *Les grands traités de la Guerre de Cent Ans.* 113 (article 29); *EMDP.* II, 651. The Burgundian anger at the murder of Jean the Fearless was expressed in a memorandum written for Philip the Good in 1435, perhaps by Hugues de Lannoy, which argued that the Burgundians should continue their alliance with England against the dauphin and the Armagnacs. Another memorandum, produced by the pro-French

n'a en laditte mort coulpe ou faulte'; thus he argued that the dauphin had committed no crime that might merit his disinheritance, except to defend himself against 'injures, usurpacions et tirannie, crime et delit'. Like Robert Blondel, Noël de Fribois simply argued that the dauphin merely defended 'lonneur de la dignite et le droit du saint septre de France .. a lencontre de lancien et capital ennemi', while *Pour ce que plusieurs* simply stated that 'ne sera pas trouve que en ceste matiere il y ait fondement pourquoy len peust dire que [Charles, the son of] le roy Charles le .vi^e^. deut estre exherede ne prive de la couronne et succession du royaume de France qui a bon droit et iuste title heredital paternel lui competoit et appartenoit'.[109] Moreover, both Jean Juvénal and *Pour ce que plusieurs* attacked the means by which Charles was disinherited, arguing that for such a matter, the king 'fauldroit il oyr partie et convocquier et appeller tous ceulx quil appartient, que le prince aussi fust en estat et acompaignie comme la matiere le requiert et que toutes les solennitez qui doivent estre gardeez en tel cas si fussent gardeez', none of which occurred.[110] Thus Charles VI could not have disinherited his son, and alienated the kingdom to Henry V and his heirs.

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members of the ducal council, argued that there was no justification for the disinheritance of the dauphin by the treaty of Troyes. Schneider, F. *Der europäische Friedenskongres von Arras*. 185 and 191-4.

[109] Jean Juvénal. *Les écrits politiques*. I, 195; Blondel. *Oeuvres*. I, 273-4 and 459; Fribois. *Mirouer historial*. f.os. 84r-85v; *Pour ce que plusieurs*. fo.22v. For Jean Juvénal's discussion of the murder of Jean the Fearless, see *Les écrits politiques*. I, 229-30 and for a dauphinist account produced in the immediate aftermath of the murder, see Guenée, B. 'Les campagnes de lettres qui ont suivi le meurtre de Jean sans peur, duc de Bourgogne (Septembre 1419 - Février 1420)' *Annuaire bulletin de la Société de l'Histoire de France*, (1993). 45-65.

[110] Jean Juvénal. *Les écrits politiques*. I, 188-9 and II, 57; *Pour ce que plusieurs*. fo.22v. Jean Juvénal. *Les écrits politiques*. I, 188-9 and II, 57; *Pour ce que plusieurs*. fo.22v. Similar concerns were raised by Denys des Moulins before the papacy in 1422. See footnote 66 above. The dauphin was declared incapable of succeeding to the throne because of his *lèse-majesté*, in letters patent dated 23 December 1420 and then at a *Lit de justice* on 3 January 1421, over seven months after the completion of the treaty of Troyes. Bonenfant, P. *Du meurtre de Montereau au traité de Troyes*. 177-9.

2.4 *The inalienability of the royal domain and the apanages*

Thus the French lawyers and diplomats argued that the king could neither alienate sovereignty and resort, nor the crown as a whole. In the negotiations following the collapse of the Anglo-Burgundian alliance in 1435, the English were resolute in their demand for not just Aquitaine but also the duchy of Normandy. Yet while the French diplomats continued to oppose the alienation of sovereignty and resort over Guyenne, they were even more resolutely opposed to the notion that the English had any claim to Normandy. They consistently refused to accept Lancastrian control of the duchy, as demonstrated at the council of Basle in 1435 when they refused to allow the bishops of Bayeux and Lisieux to represent the king of England, but made no objection to the bishop of Dax.[111] In theoretical terms, the concerns regarding Normandy focused upon the fact that it had been part of the royal domain since the conquest by Philip Augustus, or at least since Charles V acceded to the throne and so incorporated the duchy into the crown according to the wishes of his father Jean II, expressed in 1361.[112] Thus at the Estates General convened in October 1439 to consider the proposal that Normandy be conceded to the English as part of a peace deal discussed earlier in the year at Calais, Jacques Jouvenal des Ursins 'soutint avec beaucoup de vigueuer, que le roy n'estant que simple usufruitier de la couronne il ne puvoit aliener la moindre partye de son demaine'. Early the next year, Jean Juvénal declared in *Loquar in tribulacione* that 'la duché de Normendie .. est vostre vray demainne' which could not be handed over to the English because the king 'avez juré

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[111] For the council of Basle, see Dickinson, J. *The Congress of Arras.* 26-7. Allmand, C.T. 'Normandy and the council of Basle' *Speculum,* 40 (1965). 1-14; When Jean Juvénal discussed the proposals for peace with the English in 1440, he debated at great length the English demand for Normandy, but felt no need to debate the additional proposal that Guyenne be handed over. Jean Juvénal. *Les écrits politiques.* I, 393-5 and 421-5. See footnote 113 below.

[112] Jackson, R.A. *Vive le roi.* 72. Philip VI had granted the duchy in apanage to his son Jean (who became Jean II in 1350) in 1332 and in 1355, Jean II made his son Charles (who became Charles V in 1364) duke of Normandy. Dupont-Ferrier, G. *Gallia regia.* IV, 240.

a vostre sacre de non aliener vostre demainne': Normandy belonged to the crown, of which Charles VII was only the administrator, tutor, curator and procurator; Charles might enjoy the fruits of the royal domain, but he was not permitted to give it away.[113]

The notion that the royal domain was inalienable had slowly developed during the fourteenth century in the face of mounting political and fiscal pressures. Philip V faced such great financial constraints that between 1316 and 1319 he issued a series of six ordinances which effectively revoked alienations of royal domain since the reign of St. Louis. His brother Charles IV issued a similar ordinance after his coronation in 1322 and thereafter it became customary for kings to revoke grants by their predecessors immediately after their coronation. These actions were not prohibitions against alienation in the first place, but such a theory was slowly developing. The property of the king was increasingly distinguished from the royal domain which belonged to the crown: in 1319 the expression 'patrimonie de la couronne de France' first appeared and in 1343, 'domaine de la couronne de France'. These notions coalesced when in 1357 the Estates General forced the dauphin Charles, as lieutenant general of the kingdom, to accept a prohibition on alienations from the royal domain. In practice the French kings did continue to make extensive alienations, as attested by the need for repeated ordinances against such grants in 1388, 1401, 1407 and the Cabochien Ordinance in 1413. Thus in 1413, Jean Courtecuisse warned Charles VI that his father would have been shocked to see 'the great dissipation of the property

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[113] The speech in 1439 was reported by the abbé Legrand, though the text of the speech has not survived, BN manuscrit français 6960, fo.13v cited in Jean Juvénal. *Les écrits politiques*. III, 161; the proposals made at the diplomatic negotiations at Calais are presented in *Documents relating to the Anglo-French negotiations of 1439*. 135-9. For Jean Juvénal's remarks in *Loquar in tribulacione*, perhaps inspired by Jacques, see *Les écrits politiques*. I, 393-4 and 421-34. In 1446, Jean Juvénal argued that it would be remarkable if the king could alienate the crown or the kingdom, given that he had promised not to alienate any 'partie de l'eritage de sa couronne'. Jean Juvénal. *Les écrits politiques*. II, 56-7.

and wealth that he left to you' and in 1445, Jean Juvénal declared that 'En tant qu'il touche le demaine, il va si tres mal que on ne pourroit pis, car le roy donne tout, et ne trouverrez gueres de duché ou conté que tout ne soit donné ... Se le roy vivoit de son demaine comme ont fait ses predecesseurs il seroit esbahy'.[114]

But in practice Jean Juvénal was a supporter of peace, and recognised in 1440 that some concessions would have to be made to the English. As he noted, they already possessed most of Normandy with the exception of Dieppe and Harfleur, both of which were likely to fall into their hands soon anyway; thus the French king would not really be losing anything by conceding the duchy to them, so long as the English only held Normandy from the French crown 'en foy et hommage lige, ressort et souveraineté'. Jean Juvénal was certain that these conditions would ensure that the duchy would soon return to the crown: Charles VII would suspend sovereignty and resort over Normandy for perhaps thirty years, but as soon as this was reactivated the English would resist and so forfeit Normandy to a French crown that had used the truce to reinforce its military capacities.[115] There was a clear precedent for such an alienation of royal domain, in the form of the apanage. Successive Capetian kings had followed aristocratic practices by endowing cadets with newly acquired lands, while maintaining the patrimony intact for their eldest son; the conquests of Philip Augustus and his son Louis VIII provided the French crown with a steady stream of new territories with which to solve the problem common to nobles and kings across Europe - how to provide for younger sons. The legal relationship between the king and his siblings or children was firmly established through homage and fealty, and from the reign of Philip the Fair, kings also reserved sovereignty and resort over new

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[114] Sermon *Bonum michi* in Di Stefano, G. *L'oeuvre oratoire française de Jean Courtecuisse*. Turin, 1969. 319-33, cited by Krynen, J. *L'empire du roi*. 155; Jean Juvénal. *Les écrits politiques*. I, 525, and also see II, 267

apanages; thus 'ces dotations laissent intacts les *jura corone*'.[116] Indeed, by the end of the thirteenth century, kings and *Parlement* were slowly developing the notion that such grants were not permanent alienations but rather remained part of the domain even when in the hands of the royal princes. Thus, from the reign of Philip III onwards, royal lawyers were able to argue that apanages were not governed by normal inheritance laws, but rather reverted to the crown when the direct line of succession ran out: hence the apanage of the childless Alphone of Poitiers did not pass to his brother Charles of Anjou, but rather returned to the king. During the fifteenth century debate over the succession to the duchy of Burgundy, royal lawyers argued that apanages were part of the royal domain and hence subject to the same rules of succession as the crown, including the prohibition on female succession.[117]

Thus, even though Jean Juvénal never drew the analogy, his proposals regarding Normandy amounted, in effect, to the creation of an apanage for Henry VI. Thus the debate over Normandy in 1440 reinforced the principle that apanages remained subject to the sovereignty and resort of the crown, a notion that had recently been undermined when Charles VII was forced in 1435 to hand over Mâcon, Auxerre and Bar-sur-Seine in full sovereignty to Philip the Good as the price for his renunciation of the Anglo-Burgundian alliance.[118] But Normandy inspired an even greater

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115 Jean Juvénal. *Les écrits politiques.* I, 393-4 and 421-34.

116 Wood, C.T. *The French apanages.* 67 and chapters 3 and 4 in general, and Barbey, J. *La fonction royale.* 315-6.

117 Wood, C.T. *The French apanages;* Lewis, A.W. 'The Capetian apanages and the nature of the French kingdom' *Journal of medieval history,* 2 (1976). 121 and 127 and *Royal succession in Capetian France;* Saenger, P. 'Burgundy and the inalienability of apanages in the reign of Louis XI' *French historical studies,* (1977). 1-26.

118 Saenger, P. 'Burgundy and the inalienability of apanages'. 3-4. Ironically the duke of Bedford, as regent of France, had proved to be an active defender of the inalienability of the royal domain and sovereign rights; his refusal to permit Philip the Good to extend his lands into France played a central role in the rupture of the Anglo-Burgundian alliance. Armstrong, C.A.J. 'La double monarchie France-Angleterre'. 343-374; Leguai, A. 'La 'France bourguignonne' dans le conflit entre la 'France francaise' et la 'France anglaise', 1420-1435' *Actes du 111e Congres national des Societes savantes, Poitiers, 1986. Section d'histoire medievale et de philologie. T.I: la 'France anglaise' au Moyen Age.* Paris, 1988. 41-52; Warner, M. 'The

development in the debate over the apanages in the aftermath of the War of the Public Weal. The princely conspirators forced Louis XI to grant Normandy as an apanage replete with many of the sovereign privileges of the crown, to Charles of France, duke of Berry, his brother. Louis quickly restored control and recaptured the duchy, but Charles sought the support of Brittany, Burgundy and even England so it became expedient to convene the Estates General at Tours in April 1468 to rally public opinion. The chancellor, Guillaume Juvénal des Ursins, asked the assembly to consider whether Charles of France might have Normandy as an apanage, given that Louis XI had been forced to make such an alienation, and that 'cest la tierce partie du royaume que james ne fut separee'.[119] Amongst the royal councillors to speak on this matter, Guillaume Cousinot, possibly the author of *Pour ce que plusieurs*, argued that 'comme de droit ne doit ne peult desmenbrer ne separer la duchie de Normandie laquelle est balouart et deffance de Paris et de tout le pais de France'. He reported that when the duchy had been given away in the distant past, this had caused enormous 'dangiers et domaitages' to the crown and the realm, and also noted that Normandy was the third part of the realm so that if it were lost, then the rest of the kingdom would have to make up the balance of royal revenues. Certainly previous kings had avoided the alienation of the 'droiz de la couronne' when providing much smaller territories as apanages for their sons, and king Jean 'en fist une ley par expres de non separer ne desmenbrer ladite duchie de la couronne' which was just, given

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Anglo-French dual monarchy and the house of Burgundy, 1420-1435: the survival of an alliance' *French history*, 11 (1997). 103-30.

[119] Archives Communales, Rodez, BB3, fos.52v-53v. Guillaume Juvénal observed that 'le Roy a jure a son sacre de bien guarder les roiz de la couronne' (fo.53r), as did Louis XI himself, when he reported that 'il avoit fait serment a son sacre de guarder et entretenir la couronne de France & lez autres perminances et pereroguatiuez et entretenir justice et releuer son pouure peuble' (fo.59v). For the meeting in general, see Stein, H. *Charles de France, frère de Louis XI*. Paris, 1919. 234-41 and Major, J.R. *Representative institutions in Renaissance France, 1421-1559*. Madison, 1960. 54-8.

that the king had taken an oath to avoid any such action.[120] Then Jean Juvénal spoke, also arguing that the duchy of Normandy should not be given to Charles of France as an apanage, because that would weaken the crown, and because 'ses predecesseurs est annexee a la couronne et ne la doit point laisser aller'. Like Cousinot, he pointed out that Charles V had not provided his brothers with apanages but rather 12,000 livres revenue from a duchy.[121] Thus it is not surprising that the deputies concluded that 'ladite duchie de Normandie ... ne doit ne peult estre separee de la couronne en quelque maniere que ce soit mais est et doit estre et demourer unie annexe et joincte inseperablement tant parceque le Roy selon Dieu, raison et conscience ne le peult ne le doit fere au reguard au serment sollempniel quil a fait a son sacre pour guarder les droiz de ca couronne qui est juste, licite et raisonnable'. They also explained this by reference to the 'ordonnances et nobles constitucions des noblez progeniteurs du Roy', and the example of what had occurred in the past when the duchy was separated from the crown.[122]

3. *CONCLUSION*

English claims to Guyenne and other lands posed a serious threat to the integrity of the kingdom of France, both through the demand that the French crown renounce sovereignty and resort over such territories, but also because of the precedent that this debate set for the other great principalities. Brittany, Burgundy, Normandy and other regions not only shared English opposition to interference from the French

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[120] Archives Communales, Rodez, BB3, fos.55v-56v. Note that Cousinot also spoke about the divine gifts, 'la saincte ambole, les floures du lis, lourflan et degueri des estourelles', matters which received special attention in *Pour ce que plusieurs*. fos.10r-v.

[121] Jean Juvénal. *Les écrits politiques*. II, 435-49.

crown, but actively assisted the king of England in his war: indeed John Le Patourel argued that the Hundred Years War may be interpreted as a civil war by a number of the French principalities, opposed to royal centralization, and led by the greatest of their number, the duke of Aquitaine.[123] The French lawyers, diplomats and writers were well aware of these problems and certainly understood the ramifications of the debate with the English; Jean Le Fèvre told papal mediators at Bruges in late 1376 that if Charles V renounced sovereignty and resort over Guyenne, then the other princes would also wage war to free themselves from the sovereignty of the crown.[124]

In this context, the polemical treatises offered a clear contribution to the debate over the loyalty of the subjects of the Valois crown. The issue of loyalty at the time of Brétigny was so confused that the people of Millau had to seek legal advice on the matter, and the question of allegiance inevitably remained an important issue, as demonstrated by the fact that in 1412, the Armagnacs were willing to recognise Henry IV's right to an independent Guyenne by the Treaty of Bourges. Thus it is not surprising that the French bill of early 1369, the *Songe du vergier*, the *Memoire abregée grossement* and Jean de Montreuil all emphasised that the Gascons owed loyalty first and foremost to their king rather than the English duke of Guyenne.[125] The *Songe du*

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[122] Archives Communales, Rodez, BB3, fos.62v-63r.

[123] Le Patourel, J. 'The Plantagenet dominions'. 305-8; 'The origins of the Hundred Years War'. 46; 'Edward III and the kingdom of France'. 184-9; 'The kings and princes in fourteenth-century France' *Feudal empires: Norman and Plantagenet.* London, 1984. Chapter 15; Leguai, A. 'Royauté et principautés en France aux XIVe et XVe siècles: lévolution de leurs rapports au cours de la Guerre de Cents Ans' *Le moyen âge,* 101 (1995). 121-35.

[124] *The Anglo-French negotiations at Bruges, 1374-1377.* 58, and see also *Songe du vergier.* I, 285 (chapter 146 § 30), together with foonote 3 above.

[125] *Some documents regarding ... the treaty of Brétigny.* 55. For the treaty of Bourges, see Allmand, C. T. *Henry V.* 53-4. Montreuil. *Opera.* III, 100-1 (1369 bill) and 70 and 74 (*Memoire abregée grossement*); *Songe du vergier.* I, 278-9 (chapter 146 § 9 and 10); Montreuil. *Opera.* II, 191-5, 203-6, 246-7, 291-3, 307-9. Also see Jean Juvénal. *Les écrits politiques.* I, 214-5 and II, 131. Jean Juvénal also argued that Edward III claimed the French throne in order to ensure the loyalty of his subjects in Guyenne, II, 38. Note that Paris, BN manuscrit français 2699 contains a number of documents relating to the conflict with the English, including a long legal memorandum on the status of the inhabitants of the areas claimed by both kings: *Ex eo quod Anglici credunt ducatum Acquitanie,* by Pierre Hélie, but I have not had a chance to examine

vergier also emphasised the *lèse-majesté* committed by the Black Prince and Edward III in the 1360s, and the authority of Charles V to judge their crimes, using materials that had originally appeared in the *Somnium viridarii* in the context of the discussion of the Breton situation, highlighting the way in which the entourage of Charles V used this concept to defend the crown against the challenge of the great princes.[126] By the treaty of Troyes, the dukes of Burgundy and Brittany, the comte de Foix and other French lords allied with Henry V against the dauphin, and the polemical treatises provided a clear commentary on this treachery: indeed *Super omnia vincit veritas* stated even before the treaty was signed, that Philip of Burgundy was committing *lèse-majesté* by his actions against Charles VI and the dauphin, and hence declared that his own men were permitted to turn against him.[127] The accounts of forfeiture in *Pour ce que plusieurs* were a clear reminder to those involved in the War of the Public Weal of the dangers of rebellion; indeed one of the manuscripts of *Pour ce que plusieurs* did end up in the hands of one of the rebels of 1465, Jacques d'Armagnac, duke of Nemours.[128]

Yet the central contribution of these treatises lay in the formulation of a coherent defence of the 'pierres precieuses' of the French crown. Such arguments provided useful weapons in the armoury of the French diplomats, but also of royal councillors speaking before representatives of the political nation at public assemblies such as the Estates General of 1468. By the reign of Francis I, these ideas had become the

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this text. Pons, N. 'A l'origine des dossiers polemiques: une unitiative publique ou une demarche privée?' *Pratiques de la culture écrite en France au XVe siècle.* Paris, 1992. 367n.

[126] *Somnium viridarii.* I, 300-1 and *Songe du vergier.* I, 276-7 and 280-1 (chapter 146 § 6, 15-7). See Cuttler, S.H. *The law of treason.* 97-8.

[127] *L'honneur de la couronne.* 113-5. In the mid-1420s, Giuliano Cesarini, Juan de Mella and an anonymous writer produced carefully veiled discussions of the treaty of Troyes, arguing that the French princes ought to remain loyal to the French crown. Izbicki, T.M. 'The canonists and the treaty of Troyes' *Proceedings of the Fifth International Congress of Medieval Canon Law, 1976.* Vatican, 1980. 425-434, heavily revised in Harvey, M. and Izbicki, T M. 'The Pope, the canonists and the treaty of Troyes'. Unpublished. My thanks to Professor Izbicki and Dr. Harvey for supplying me with copies of these articles.

common currency of the defenders of the crown. In December 1527, an assembly of notables, representing the church, nobility, *Parlement* of Paris, provincial *Parlements* and the city of Paris, met in the *Grand Chambre* to discuss the recent treaty of Madrid. By this agreement, Francis had purchased his way out of imperial captivity by ceding the duchy of Burgundy and the counties of Artois and Flanders to Charles V; clearly the king wished to secure public support for his repudiation of this iniquitous arrangement, and for the collection of the ransom monies to free the hostages still held by the emperor. During the proceedings, the king and the representatives denounced the treaty because it was signed under duress, and because the duchy of Burgundy was an inalienable peerage which could not be separated from the crown. President Jean (II) de Selve, speaking for the *Parlement* of Paris, compared the relationship between the king and the crown to a marriage, by reason of which the king was obliged to uphold and maintain the laws of the crown, including the Salic Law.[129] Ten years later, Francis I again convoked a meeting of the *Parlement* of Paris to deprive the emperor of his holdings in Flanders and Artois, which were subject to the French crown. Jacques Cappel, speaking for the *Procureur Général*, cited the treaty of Madrid as one proof of the 'notorious felony' of Charles V: he had coerced Francis into making an agreement to abandon Flanders and Artois which were the inalienable heritage and ancient domain of the French crown, which was the dowry of the crown from the marriage of the king and the 'chose publicque', which took place at the royal coronation.[130] Cappel employed most of the same legal authorities

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[128] BN manuscrit nouvelle acquisition française 20962, and see chapter one, section 2.3 above.

[129] For the account of the assembly of December 1527, see *Le cérémonial françois*. Ed. T. [and D.] Godefroy. 2 volumes. Paris, 1649. II, 478-500, discussed in Knecht, R.J. 'Francis I and the *Lit de justice*: a "legend" defended' *French history*, 7 (1993). 53-83.

[130] Cappel justified the forfeiture by Charles V for his 'notorious felony' in precisely the same way that the fifteenth century polemical writers had charged the English dukes of Guyenne: he argued that these counties had been part of the royal domain since time immemorial, and that even after their subinfuedation by Charlemagne and Charles the Bald, they had remained subject to the sovereignty and resort of the crown; Charles V had offended against his sovereign lord by committing acts of felony such as invasions, wars and the capture and ransom of his sovereign lord Francis; Charles had ignored a

as his late medieval predecessors, though he added other authorities and the marriage metaphor. This was a commonplace medieval notion, expressed for example by Lucas de Penna (1320-c.1390) to emphasise the inalienability of fiscal property; the metaphor had been employed in 1477 by Michael de Pons in his memorandum on the Burgundian succession, to emphasise the inalienability of apanages, and so it is not surprising that Cappel took it up in what was effectively the epilogue to this dispute. The marriage metaphor was enacted in the coronation ceremonies of 1547 and 1594 through the bestowal of the ring, and was frequently employed thereafter by writers like François Hotman (who directly cited Lucas de Penna), René Choppin and Jean Bodin, to support the notion of a French law of inalienability by which the king could not alienate the royal domain.[131]

But during the sixteenth century, the principle of inalienability slowly developed from a tool in the hands of the king and his officials, into a genuine restraint upon his freedom of action. Claude de Seyssel argued that alienations of the royal domain could only be approved by the *Parlement* or the *Chambre des Comptes*, but Francis I circumvented the objections of *Parlement* to the proposed alienation of royal domain to the duke of Alençon in May 1516, by 'evoking' the matter to the *Grand Conseil*.[132] Fifty years later, the Edict of Moulins declared royal domain to be inalienable: the

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legal summons to appear at the *Parlement* issued in February 1522, and thus had forfeited his fiefs. Cappel, Jacques. *Plaidoyez de feu maistre Jacques Cappel*. Paris, 1561. Fo.11v; *Le cérémonial françois*. II, 505-11.

[131] Saenger, P. 'Burgundy and the inalienability of apanages in the reign of Louis XI' *French historical studies*, (1977). 16-8, 21-2 and 25. Hotman, François. *Francogallia*. Translated by J.H.M. Salmon and edited by R.E. Giesey. Cambridge, 1972. 256; Kantorowicz, E. *The king's two bodies*. 212-32; Hanley, S. *The Lit de justice*. 83-4 and 95-6; Jackson, R.A. *Vive le roi*. 85-90; Descimon, R. 'Les fonctions de la métaphore du mariage politique du Roi et de la République, France, XVe-XVIIIe siècles' *Annales, ESC*, 6 (1992). 1127-47. Francis I did renounce his claims to Flanders and Artois by the treaty of Crépy in 1544 which perhaps explains why the marriage rubric was introduced into the coronation *ordo* of his son Henry II in 1547. There are no complete surviving accounts of the coronations of 1559, 1561 and 1575.

[132] Claude de Seyssel. *La monarchie de France*. Ed. Jacques Poujol. Paris, 1961. 119; Church, W.F. *Constitutional thought in sixteenth-century France: a study in the evolution of ideas*. Cambridge, Mass., 1941. 81-2; Jackson, R.A. *Vive le roi*. 91-2; Knecht, R. J. 'Francis I and the *Lit de justice*'. 57.

courts were enjoined to disallow donations of domain even on a temporary basis, or the farming of taxes at rates below their market value. Ten years later the Estates General demanded similar measures, which led to the edict published at Blois in 1579. Both edicts permitted the alienation of territory for the creation of apanages and on account of necessity of war, but Bodin, Hotman and the other writers emphasised the right of the community to consent to such actions, through the Estates General or the *Parlement* as its representative.[133] Building upon the arguments of the late medieval administrators and diplomats, the sixteenth century writers firmly established a second fundamental law, the inalienability of the French crown.

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[133] Church, W.F. *Constitutional thought in sixteenth-century France*. 145-7; Franklin, J.H. *Jean Bodin and the rise of absolutist theory*. Cambridge, 1973. 73-9; Skinner, Q. *The foundations of modern political thought*. 2 volumes. Cambridge, 1978. II, 293-4.

Chapter Five:

'Le deslyen des treves': the rupture of the Anglo-French truce in 1449

'Le deslyen des treves': the rupture of the Anglo-French truce in 1449

On 24 March 1449, François de Surienne, a mercenary captain in the service of the English, captured the Breton fortress of Fougères.[1] The French naturally regarded this action as a breach of the truce which had been in effect between Henry and his uncle Charles VII of France since 1444. Thus, when the English failed to return the stronghold and to make suitable reparation for the action, Charles VII abandoned the truce on 31 July 1449 and within just over a year, the French had reconquered Normandy.[2] There is little doubt that François de Surienne seized Fougères on the instructions of his English superiors, but it is unclear what they hoped to achieve by this action. One French treatise, *Pour ce que plusieurs*, argued that the enterprise was part of a larger English plot to win the duke of Brittany over to the subjection of Henry VI, and this interpretation has been adopted by recent historians.[3] Yet *Pour ce que plusieurs* was written fifteen years after the attack on Fougères, at a time when the question of Breton allegiance to the French crown was again of great importance; under these circumstances the testimony offered by the treatise must be considered highly suspect. There is no other direct evidence that the enterprise was carried out in the hope that the duke would miraculously be won over to the English cause. Rather, the English wished to secure the release of Gilles de Bretagne, brother of duke François, and thus seized Fougères as a valuable property to exchange for him; when the French reacted with such hostility to the seizure, the English defended their

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[1] Fougères, ch.-l. d'arr. du dép. d'Ille et Vilaine. See footnote 5 below.

[2] Blondel discussed these events in Book One of his chronicle, *Reductio Normanie*, under the heading *De bello insidio*, Blondel, Robert. *Oeuvres*. II. 7-59. For the account of the French assembly in July 1449 at Roches-Trenchelion, see the *Chronique de Mathieu d'Escouchy*. III, 245-251, together with the statement of the aggressions committed by the English, presented to the English ambassadors on that occasion, *Letters and papers illustrative of the wars*. I, 243-264 (misdated by the editor to April 1449).

[3] For example, Bossuat, A. *Perrinet Gressart et François de Surienne, agents de l'Angleterre*. Paris, 1936. 304-6; Keen, M.H. and Daniel, M.J. 'English diplomacy and the sack of Fougères in 1449' *History*, 59 (1974). 375-391, and Vale, M.G.A. *Charles VII*. London, 1974. 116-8.

action by a number of arguments, including the claim that Brittany was subject to the English king and thus should not be included in the truce. The later claim that Suffolk and Somerset really authorized the attack as part of a nefarious plot to sever the alliance between duke François II and Charles VII, has encouraged historians to view the enterprise, unjustly, as the high-point of English deceit and trickery during the Hundred Years War: in fact, it is a good example of the confusion and lack of long-term, strategic planning which characterized English foreign policy under Henry VI after he reached his majority.

1. *THE CAPTURE OF FOUGERES (MARCH 1449)*

In the aftermath of the treaty of Arras (1435), the English gradually recognised the difficulties surrounding the defence of the Dual monarchy without the support of the Burgundians, and so began to search for a diplomatic solution to the war. After the unsucessful negotiations at Calais in 1439, the first significant step was taken in April-May 1444, when English and French ambassadors agreed a truce at Tours, underpinned by the marriage of Henry VI and Margaret of Anjou. Inevitably there were a number of disputes which threatened the truce: most importantly, in a letter dated 22 December 1445, Henry VI had promised to deliver Le Mans and Maine to the French but the handover was delayed by the resistance of his subjects in France, and only took place in March 1448 under the threat of miltary action by Charles. A second difficulty arose when some of the captains retiring from Maine occupied and fortified the fortresses of St. James de Beuvron and Mortain on the Breton-Norman frontier, against the terms of the truce. Nevertheless, the truce was extended on a number of occasions, the last being on 11 March 1448, in the treaty of Lavardin, to

last until 1 April 1450.[4] Yet the event which upset the delicate balance of the truce was the seizure of the Breton town Fougères on 24 March 1449.[5] The instructions given to Jean Havart on 3 June 1449 for his mission to Henry VI described the seizure of this town in graphic detail.

> Francois l'Arragonois .... est venu prandre le chastel et ville de Fougieres... et en iceulx chastel et ville, tue gens, viole femmes, prins prisonniers, pille, robe et fait maulx innumerables, et non pas seulement en chose que touchoit les gens seculiers, mais en reliquaires, joyaulx et autres biens appartenans a l'eglise. [Et] ... des gens de presque toutes les garnisons de Normandie, ceulx qui estoient dedans ladicte place, et pareillement ceulx d'Avranches et Tombelainne et d'ailleurs en l'obeissance dudit prince neveu, oudit pais de Normandie, ont couru ou pais de Bretaigne dessusdit, boute feu en plusieurs et divers lieux, tue et meurdry gens, prins prisonniers, appatice, emmene bestial et tous les biens qu'ilz ont peu trouver, se sont portez les aucuns d'iceulx pour seigneurs des terres des gentilz hommes en certaine partie dudit pais de Bretaigne, et fait aultres maulx innumerables.'[6]

Two French ambassadors, Guillaume Cousinot and Pierre de Fontenil, were already at Rouen to discuss minor breaches of the truce when the incident took place at Fougères, though the English consistently denied these ambassadors discussed the attack.[7] Certainly Somerset did not refer to the incident in his letters dated 22 and 23

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[4] Joubert, A. 'Négociations relatives à l'évacuation du Maine' *Revue historique et archéologique du Maine*, 8 (1880). 221-240; Beaucourt, G du Fresne de. *Histoire de Charles VII.* 6 volumes. Paris, 1881-90. V, 284-332; Planchenault, R. 'La déliverance du Mans (janvier-mars 1448)' *Revue historique et archéologique du Maine*, 79 (1923). 185-202; Griffiths, R.A. *The reign of Henry VI: the exercise of royal authority, 1422-1461.* London, 1981. 482-510. For the renewal of the truce, see *Foedera.* V, I, 133-6 (28 May 1444), 147-8 (14 August 1445), 151-3 (19 December 1445), 168-9 & 173-4 (22 February 1447), 184-5 (1 December 1447) and 186-8 (11 March 1448), together with *Pour ce que plusieurs.* fo.48v-49v.

[5] La Borderie, A. *Histoire de Bretagne, t.IV, 1364-1515.* Rennes, 1906. 349-353. The duke of Alençon had pledged the lordship of Fougères to the duke of Brittany, to raise money for his ransom after the battle of Verneuil. The king ignored the petitions of Alençon for help in recovering the lordship, and the susbequent events surrounding the attack in 1449 merely served to reaffirm Brittany's title; Alençon's subsequent negotiations with the English were in large part motivated by a desire to have revenge upon Brittany, the count of Maine and the king himself. Bossuat, A. *Perrinet Gressart et François de Surienne.* 313 and Vale, M.G.A. *Charles VII.* 156.

[6] *Chronique de Mathieu d'Escouchy.* III. 229. This is almost identical to the report offered by the French during their presentation to the English on 29 June 1449, *Narratives of the English expulsion.* 441-3, and very similar accounts appeared in Cousinot's letter to the Comte de Foix, in Beaucourt, G du Fresne de. *Histoire de Charles VII.* V, 438, and in the treaty agreed between Brittany and France on 27 June 1449, *Mémoires à l'histoire de Bretagne.* II, col. 1452.

[7] At the conferences held between 25 June and 4 July 1449, the French accepted the English claim that Cousinot and Fontenil had not mentioned the attack upon Fougères because no certain news had been received before they left Rouen on 22 April. *Narratives of the English expulsion.* 419-20 and 458. But in the instructions given to Jean Havart on 3 June, and the statement of the aggressions committed by the English prepared for the English ambassadors by the chancellor of France, Guillaume Juvénal des

April 1449, and the English ambassadors bearing the second letter, Jean l'Enfant and Sir John Handford, offered nothing in the way of reparation for the assault on Fougères, but merely advised Charles to raise the matter directly with Henry VI; moreover, they asked for promises that the French would not attack English strongholds, nor give aid to the duke of Brittany.[8] In June, Charles expressed his anger in the instructions entrusted to Jean Havart on his mission to England. The French king also dispatched an embassy to Brittany to organise a treaty of mutual assistance against the English, and sent Charles seigneur de Culant and Guillaume Cousinot to meet with Somerset's representatives; the conference opened at Port-Saint-Ouen on 20 June, and then moved to Venables and Bonport, lasting until 4 July.[9] But when the English failed to offer any resolution to the situation, the French held assemblies at Roches-Trenchelion on 17 July and on 31 July, both of which unanimously agreed that Charles VII was freed from any obligation to uphold the truce. Thus Guillaume Juvénal des Ursins informed the English ambassadors l'Enfant and Jean Cousin that Charles VII was formally declaring war on Henry VI.[10] There is little doubt that François de Surienne, the Aragonese captain, had staged the assault upon Fougères with the authorisation of the dukes of Somerset and Suffolk. The French were quick to point out the strong ties between François de Surienne and the English; on 29 June 1449, the French ambassadors described him as 'messire

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Ursins on 31 July 1449, the French did claim that Cousinot and Fontenil had discussed Fougères with Somerset in April, *Chronique de Mathieu d'Escouchy*. III. 231, and *Letters and papers illustrative of the wars*. I, 250. In Cousinot and Fontenil's own records of the meeting on 16 April 1449 with Faucomberge, l'Enfant, Cousin and Thomas de Louraille, there was no mention made of Fougères, *Chronique de Mathieu d'Escouchy*. III. 216-7. For the course of the diplomatic negotiations immediately following the capture of Fougères, see Beaucourt, G du Fresne de. *Histoire de Charles VII*. V, 322-332.

[8] For Somerset's letters, see *Letters and papers illustrative of the wars*. I, 241-2 and *Chronique de Mathieu d'Escouchy*. III. 217-8. See footnote 28 below.

[9] For the instructions given to Havart and the powers given to the embassy to Brittany on 3 June, see *Chronique de Mathieu d'Escouchy*. III. 225-242. The powers for Culant and Cousinot were granted on 27 May, *Narratives of the English expulsion*. 379-83. The narrative of the conferences which they attended at Louviers, Port-Saint-Ouen, Venables and Bonport appear in *ibid*. 379-514.

[10] *Chronique de Mathieu d'Escouchy*. I, 185-6 and III, 245-51, *Letters and papers illustrative of the wars*. I, 243-64; Blondel, Robert. *Oeuvres*. II, 37; Chartier, Jean. *Chronique de Charles VII, roi de France*. 2 volumes.

Francois Larragonnois, chevalier de lordre de la Jarretiere ... conseiller et pensionnaire dudit prince nepveu, et soubz le gouvernement et lieutenance du dit haut et puissant prince, duc de Somerset'. François was indeed a member of Henry VI's Norman council, and was appointed a knight of the Garter on 27 November 1447. Moreover, he received wages for his service on the council, the payment of a pension agreed in 1442, a sum of 100 livres at the time of his nomination to the Order, and the payment of his duties to the college of St George at Windsor, together with the castle and captaincy of Porchester.[11] From the French point of view, this looked very much like advanced payment for the assault on Fougères. During the meetings at Louviers in 1449, they charged Somerset with complicity in the attack, citing letters that he had written before the enterprise, acknowledging that Surienne was advancing towards the lower boundaries of Normandy, together with the depositions of Englishmen captured at Saint Aubin du Cormier, who reported that the attack upon Fougères had taken place with the consent of the duke. The French were also aware that François de Surienne had been reinforced by troops from the English garrisons in lower Normandy, particularly those of Avranches and Tomblaine.[12] The report of a commission of enquiry led by Guillaume Juvénal des Ursins, held in Rouen at the end of 1449 confirmed the French suspicions. Thirteen witnesses appeared, of whom five had served Surienne and three had been close to the council of the duke of Somerset; their testimony, together with the captain's own report written on 15 March 1450, provided strong proof of the involvement of the

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Ed. Valet de Viriville. Paris, 1858. II, 76-9; letter of Guillaume Cousinot to the count of Foix, Beaucourt, G du Fresne de. *Histoire de Charles VII.* V, 437-444.

[11] *Narratives of the English expulsion.* 441-2, and also 415-6, 436-7, together with *Letters and papers illustrative of the wars.* I, 249 and the letter sent by Charles VII to the king of Castile on 2 April 1451, in Cosneau, E. *Le connétable de Richemont (Arthur de Bretagne), 1393-1458.* Paris, 1886. 619-620. For Surienne's connections with the English, see Bossuat, A. *Perrinet Gressart et François de Surienne.* 313-5 and Keen, M.H. and Daniel, M.J. 'English diplomacy and the sack of Fougères'. 377.

[12] *Narratives of the English expulsion.* 449-450. The complaint concerning reinforcements was made in the instructions given to Jean Havart on 3 June 1449, *Chronique de Mathieu d'Escouchy.* III. 225-242, and at the negotiations at Louviers, *Narratives of the English expulsion.* 441-3 and 457-8.

dukes of Suffolk and of Somerset in the scheme. For example, Suffolk had sent an encouraging message to Surienne in 1446, via Jean le Roussellet, and met with the captain when he came to England in late 1447; Somerset also met the captain during this trip to England and apparently remained in contact with him before and during the actual seizure of Fougères.[13] The inquiry also highlighted the practical support given to Surienne: Suffolk had arranged for Fastolf to cede Condé-sur-Noireau to François to serve as a base of operations; Somerset appointed the captain as inspector-general of the garrisons of Normandy, which enabled him to procure reinforcements for the venture, and also aided his men in making arrangements for equipment.[14]

Naturally, the English involvement in the assault on Fougères was exploited by French writers in their defence of Charles VII's decision to abandon the truce. In 1449 Charles VII asked Jean Juvénal to provide him with a justification for making war on the English, and just three years later, in *Verba mea auribus percipe, domine,* the Archbishop of Reims reported that the duke of Suffolk, the English council and the duke of Somerset had all approved of Surienne's plan to capture Fougéres, ordering 'qu'il feist hardiement'; Jean Juvénal cited the results of the official inquiry led by his brother, together with Surienne's own deposition, which demonstrated that this action 'estoit par l'ordonnance de vostre adversaire d'Angleterre et de son Conseil'.

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[13] According to the report of Pierre Tuvache, the message sent by Suffolk to François de Surienne was 'que comment que ce feust, il feist hardiement et seurement ce qu'il savoit'; le Roussellet told Tuvache that this referred to a plan to seize a Breton stronghold. Certainly messengers shuttled back and forth between Somerset and François throughout the affair; for example, on 26 February 1449 a poursuivant sent by Somerset arrived with François bringing word that no action was to be undertaken without the express command of the king of England; Pierre Tuvache was sent to Somerset to assure the duke that the mission would succeed. Basin, Thomas. *Histoire des règnes de Charles VII et de Louis XI par Thomas Basin.* Ed. J. Quicherat. Volume 4. Paris, 1859. 294-6 and 301 (and in general, 290-347). These comments were apparently confirmed by François himself, in his letter to Charles VII, *Letters and papers illustrative of the wars.* I, 281-4 (and in general, 275-98).

He explained the actions of Surienne by observing that Fougères 'estoit l'une des belles conquestes que on pourroit faire, et que par ce moyen il tendroit toute Brethaingne, Anjou, Le Maine en crainte et doubte', and placed the enterprise within the wider context of English attempts to break truces and treaties whenever it was to their advantage.[15] Thus the French viewed the attack upon Fougères as yet another example of English deceit and disregard for the truce: in an open letter to the inhabitants of Normandy written in July 1449, Charles VII simply argued that the English had broken the truce by making war on the duchy of Brittany and other places obedient to the king of France; French ambassadors told the duke of Burgundy that Charles wished to resume hostilities because it was the king's duty as sovereign lord to support the duke of Brittany against the English and 'le roy ne le peut ou doit habandonner'.[16] Similarly, on 31 July 1449, Guillaume Juvénal des Ursins told the English ambassadors that Charles had to act to protect his frontiers, his kin and his subjects: Somerset had refused to make reparation for the seizure of Fougères, despite the article of the truce that required 'Que chascune des parties estoient tenues faire reparer les attemptaz qui avendroient en ladicte treve, si tost qu'ilz vendroient a leur congnoissance'.[17] Guillaume Cousinot wrote to the comte de Foix in September 1449, declaring that the king had declared war

> connaissant le debvoir en quoy il c'estoit mis, la faute et deute de droit qui procedoit de la partie desdiz Anglois, le dommaige qu'ils pourroint faire a

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[14] Regarding Condé-sur-Noireau, see *Letters and papers illustrative of the wars.* I, 283. François' appointment was reported by Jaquemin de Moulineaux during the enquiry, Basin, Thomas. *Histoire des règnes de Charles VII et de Louis XI.* Ed. J. Quicherat. IV, 324.

[15] Jean Juvénal. *Les écrits politiques.* II, 231-3, and also see Basin, Thomas. *Histoire des règnes de Charles VII et de Louis XI.* Ed. J. Quicherat. II, 295. For the request of Charles VII to Jean Juvénal, see *Les écrits politiques.* III. 79, citing a marginal note in Bibliothèque de l'Arsenal manuscrit 3731. Robert Blondel happily declared that public documents proved that the Aragonese captain had acted on the orders of Somerset, and Blondel, Robert. *Oeuvres.* II, 9-10.

[16] *Ordonnances des roys de France de la troisième race.* 21 volumes. Ed. E. de Laurière, D.F. Secousse et al. Paris, 1723-1849. XIV, 59-64 (letter dated 17 July 1449) and *Letters and papers illustrative of the wars.* I, 264-273 (letter dated 24 July 1449).

[17] *Letters and papers illustrative of the wars.* I, 243-264 (misdated by Stevenson to April 1449) and *Chronique de Mathieu d'Escouchy.* III, 245-251. See footnote 45 below.

> ses subjets, et la guerre qui leur faisoient, et ausquelx il est tenu, comme vous scavez, il leur doit garder, l'infraction aussi et rompture que lesdiz Anglois avoint faits desdites treves, et qu'ils ne vouloint auculne chouse reparer, et mesmement lui oster un tel subjets et d'une telle contree de pays comme Monseigneur de Bretaigne et son pays et duchie, ou autrement les destruiroit par guerre et voie de fait...[18]

Thus the official French position in the immediate aftermath of Fougères was that the English had brought about the resumption of hostilities principally through their incessant actions against the truce, culminating in the seizure of Fougères. Jean Chartier also saw the attack upon the Breton stronghold as yet another English breach of the truce, and declared that Charles VII was free in conscience to declare war on the English because of the repeated ruptures and transgressions that they had committed without making any reparation. Both Gilles le Bouvier and Robert Blondel emphasised the misdeeds of the English, not just in attacking Brittany, but also in capturing goods on ships from Dieppe and la Rochelle, attacking allies of France such as Scotland and Spain, and allowing their brigands to attack travellers on the roads. According to Basin, Charles declared war because of the violation of the truce by the English, and in particular the capture of Fougères: he reported that the English had tried to justify the seizure of Fougères by claiming that the duke of Brittany was the vassal of Henry VI, but did not suggest that they had any deeper plans regarding the duchy.[19] Thus for all the chroniclers, Charles VII was justified in resuming the war by the traditional duty of a prince to protect his subjects and allies and punish those who sought to oppress them.

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[18] Beaucourt, G du Fresne de. *Histoire de Charles VII.* V, 439.

[19] Chartier, Jean. *Chronique de Charles VII.* II, 76-7; Blondel, Robert. *Oeuvres.* II. 41-7; Le Bouvier, Gilles. *Les chroniques du roi Charles VII par Gilles Le Bouvier dit le Héraut Berry.* Ed. H. Courteault et L. Celier. Paris, 1979. 294; Basin, Thomas. *Histoire de Charles VII.* 2 volumes. Ed. C. Samaran and H. de

2 *'POUR CE QUE PLUSIEURS' AND THE BRETON CONTEXT*

Fourteen years after the expulsion of the English from Normandy, the French treatise *Pour ce que plusieurs* offered an entirely new and unique explanation for the English attack upon Fougères. The anonymous author reported that the fortress had been captured by the English as part of a devious plot designed to 'attraire le duc et la duche de Bretaigne a leur obeissance comme leurs subgez et loster hors de la main et de lobeissance du roy Charles qui estoit aincoires plusgrant entreprise et infration de treue .xx. foiz que nestoit ladicte prise de Fougieres'. Thus the English sought to sever the traditional bond between the duchy of Brittany which had existed since the time of king Clothair, grandson of Clovis: counts and dukes of Brittany had paid homage to kings since the reign of Philip Augustus, but the English king wished to bring the duchy under his control.[20] In the words of André Bossuat, 'Mieux qu'aucun autre document contemporain, ce mémoire montre que la rupture des trêves eut comme raison principale ... la question de Bretagne'.[21]

The anonymous author of *Pour ce que plusieurs* certainly had access to official records, and may even have played a central role in the negotiations between 1448 to 1450.[22] Like a number of other 'official' authors, including Jean Juvénal, he cited the 'deposicion de messire Francois de Surienne dit lArragonnois, executeur de ladicte enterprise et de pluiseurs autres qui aidierent a icelle conduire', and was also aware

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Surirey de Saint-Remy. Paris, 1933-44. II 69-75 and 89-93, and Basin, Thomas. *Histoire des règnes de Charles VII et de Louis XI.* Ed. J. Quicherat. 193-7 and 205-8.

[20] Later the author repeated that the seizure of Fougères was a 'clere infraction de treue, attendu mesmement le lieu dont elle procedoit, et par quel commandement, adveu et consentement elle avoit este faitte. Et aincoires plus grande infraction de treves en tant que ledit roy dAngleterre et le duc de Sombreset vouloient efforcer contre la teneur desdictes treves de voloir attribier a eulx la subiection et obeissance desdits duc et duche de Bretaigne'. *Pour ce que plusieurs.* fos.52r-54r and 56r.

[21] Bossuat, A. *Perrinet Gressart et François de Surienne.* 332.

that the French ambassadors to the conferences in June and July 1449 had apostolic and imperial notaries produce written instruments of their negotiations with the English, perhaps indicating that he had seen those documents, or was perhaps present when they were drawn up.[23] Moreover, the anonymous author was also aware of the complicated debate over ecclesiastical revenues during the diplomatic negotiations, which were ignored by the chroniclers: he reported that Henry VI had promised that 'pareillement des fruis des eglises en chascun parti et que durant lesdictes treves ceulx du contraire parti ioyr comme se ilz eussent este dune meismez obeissance', but the English had failed to hold to this. The idea that the clergy on each side should be permitted to obtain revenues from their lands in the obedience of the other king had been proposed in 1439, but rejected at that time because it set a dangerous precedent: if applied to secular lands, it would have undermined both the theoretical and practical exercise of authority by Henry VI in Normandy. But an agreement was reached in December 1446, renewed in July 1447 and discussed at a conference on 24 August 1448; in 1449, Charles VII complained to Henry VI of the English failure to hold to the agreement.[24] Finally, the author of *Pour ce que plusieurs* had detailed information about the personnel employed by both sides for embassies: for example, only he and Jean Chartier were able to identify Guillaume Cousinot and Pierre de Fontenil as the ambassadors sent to Rouen by Charles VII to meet with

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[22] For a circumstantial case that the author was in fact Guillaume Cousinot, see the introduction to the text below.

[23] *Pour ce que plusieurs.* fos.51r and 60r. It was French practice to secure notarial copies of documents at both the meetings in June and July 1449, and the earlier negotiations before the capture of Fougères. *Narratives of the English expulsion.* 385-514 and *Mémoires à l'histoire de Bretagne.* II, col. 1430-6 (meeting of 24 August 1448) and col. 1439-1441 (meeting of 15 November 1448); the records of the inquiry at Rouen in November 1449 were also transcribed by notaries. The author of *Pour ce que plusieurs* may have been drawing upon the collection of documents in BN manuscrit français 4054: see appendix, section 1.1 below.

[24] *Pour ce que plusieurs.* fo.56v. See Allmand, C.T. *Lancastrian Normandy 1415-1450: the history of a medieval occupation.* Oxford, 1983. 280, together with the discussion at the meeting on 24 August 1448 in *Mémoires à l'histoire de Bretagne.* II, col. 1430-6. The failure of the English to fulfil the agreement was raised by Charles VII in two letters, to which Henry replied on 18 March and 3 May 1449, suggesting

Somerset in April 1449; similarly, *Pour ce que plusieurs* correctly reported that Louviers, Port Saint Ouen, Venables and Bonport were the locations for the conferences of June and early July.[25] Only once did *Pour ce que plusieurs* differ from the official French records on a point of information. At the Louviers conferences held in June and July 1449 the French argued that the value of goods taken from Fougères by the English amounted to 'deux millions dor et plus', but *Pour ce que plusieurs* stated that the damages amounted to 'dun million dor ou plus'.[26]

Thus the author of *Pour ce que plusieurs* was a particularly well-informed source on the events surrounding the attack on Fougères, but he was by no means a dispassionate chronicler of events, as seen most clearly in his discussion of the Salic Law. Previous polemical writers like Jean de Montreuil, Jean Juvénal des Ursins and Noël de Fribois had demonstrated at least some degree of care in the handling of this problematic authority, but the author of *Pour ce que plusieurs* felt no such concerns when propagating 'la contre-vérité par excellence'. He gave a totally fictitious report of a debate over the French succession between Edward III and Philip of Valois in 1328, in which the Englishman supposedly accepted that the Salic Law conclusively defeated the Plantagenet claim to the French throne. This was far more than a dramatic device to bring tedious arguments to life. This meeting never actually took

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that this and other issues were to be discussed at a conference at Pont de l'Arche before 25 May. *Chronique de Mathieu d'Escouchy.* III, 212-6 and 218-225.

[25] *Pour ce que plusieurs.* fo.51v and 57v-58r, and Chartier, Jean. *Chronique de Charles VII.* II, 62-3; the Berry herald and Mathieu d'Escouchy identified the emissaries as the seigneur de Culant, Guillaume Cousinot and Pierre de Fontenil, while Blondel named Culant and Cousinot, Le Bouvier, Gilles. *Le recouvrement de Normandie, par Berry, Herault du Roy.* In *Narratives of the English expulsion.* 242, and *Les chroniques du roi Charles VII par Gilles Le Bouvier.* 288-9; *Chronique de Mathieu d'Escouchy.* I, 155-7; Blondel, Robert. *Oeuvres.* II. 12-7. Like the French chronicles, *Pour ce que plusieurs* reported that this embassy was dispatched when Charles VII heard about the capture of Fougères; in reality they were already at Rouen to discuss recent violations of the truce. See footnote 7 above.

[26] *Pour ce que plusieurs.* fo.58r and *Narratives of the English expulsion.* 447, 496-7 and 511-12. This remained the official French estimate of the damage done at Fougères: Cousinot offered the figure of two million in his letter to the comte de Foix on 25 September 1449, and Blondel gave the same figure in

place, and it is clear that neither side would have used the words or arguments that are put in their mouths; simply put, the account sheds no light on the actual events of 1328.[27] Significantly the author employed exactly the same technique in his discussion of the attack upon Fougères. He offered a detailed report of the meeting between Charles VII and the ambassadors of the duke of Somerset, Jean l'Enfant and Jean Hanneford, immediately after the assault. Somerset's envoys reportedly argued that the capture of Fougères was not an infraction of the truce because the duke of Brittany was a subject of the king of England; moreover, the action was carried out by friends of Gilles de Bretagne who was being held prisoner by his brother the duke, even though he was a liegeman of the king of England. Yet this account is not confirmed by any surviving documents. The English ambassadors who met with Charles VII at Razilly on 23 April, advised the king to raise the matter of Fougères directly with Henry VI, because the matter was too important for Somerset to deal with on his own; thus they merely asked that Charles VII prevent his subjects from supporting the duke of Brittany, perhaps as a result of an attempt by French soldiers to capture Mantes.[28]

Indeed, the problem for the historian is that the anonymous author of *Pour ce que plusieurs* had a clear motive for highlighting the diabolical nature of the English, and for emphasising that the dukes of Brittany were the vassals of the French crown. In short, the treatise was composed in 1464, when the issue of French sovereignty over Brittany was again controversial. On 1 October 1463 Louis XI concluded a truce with

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his *De reductione Normanniae.* Beaucourt, G du Fresne de. *Histoire de Charles VII.* V, 438 and Blondel, Robert. *Oeuvres.* II. 7-10.

[27] *Pour ce que plusieurs.* fos.4r-12r, discussed above in chapter two, section 1.1 above. For the phrase 'la contre-vérité par excellence', see Daly & Giesey. 'Noël de Fribois et la loi salique'. 10.

[28] *Pour ce que plusieurs.* fos.52r-v, which is contradicted by the information on this meeting provided by the instructions from Charles VII to Havart dated 3 June 1449, in *Chronique de Mathieu d'Escouchy.* III,

Edward IV at Hesdin, but it remained unclear whether this agreement extended to Brittany because the duchy was not explicitly named in this document, or any of the related agreements. The duke François II certainly objected to this change in practice, observing that all previous Anglo-French truce agreements had named the duke of Brittany; moreover, the English certainly did not accept that Brittany was included within the truce if not explicitly named, and thus continued military actions against the subjects of the duke.[29] In this context, *Pour ce que plusieurs* provided a valuable service for Louis, by emphasising the historical basis for Brittany's subjection to the French crown, and conversely demonstrating that the English could not be trusted after their nefarious plot to undermine the rightful sovereignty of the French crown over the duchy. This would be a valuable historical lesson for the duke on the perils of trusting the English, and hence the need for him to abandon his independent foreign policy. Thus Louis' strategy, supported by *Pour ce que plusieurs*, was to force the duke of Brittany to accept that he was included on the French side in the recent truce, even if not explicitly named as an ally. Presumably he hoped that the duke would accept the situation, rather than face the attacks of the English on his own; instead, François II entered into direct negotiations with Edward IV and concluded a truce which took the form of a supplement to the English truce with France. Louis' response was an echo of *Pour ce que plusieurs*: such an alliance 'est bien estrange au roy d'oir, car quelque guerre ou autre chose qu'il soit advenue par cy devant, jamais Breton ne seroit Angloys contre la couronne de France'.[30]

231-3, and the first memorandum of the English ambassadors, presented to the French on 28 June 1449, in *Narratives of the English expulsion*. 420-4.

[29] Pocquet du Haut-Jussé, B.-A. *François II duc de Bretagne et l'Angleterre (1458-1488)*. Paris, 1929. 70-103; Calmette, J. et Périnelle, G. *Louis XI et Angleterre, 1461-1483*. Paris, 1930. 55-9 and Pocquet du Haut-Jussé, B.-A. 'Une idée politique de Louis XI: la sujétion éclipse la vassalité' *Revue historique*, 226 (1961). 386-9. For further details concerning the relationship between *Pour ce que plusieurs* and Breton politics in the 1460s, see appendix, section 1.1 below.

[30] Calmette, J. et Périnelle, G. *Louis XI et Angleterre*. 56-7. Note that this was not the first time that the truth had been carefully massaged in order to influence a French prince to abandon the English and reconcile with the king: in 1426, Guillaume Benoit 'revealed' a plot by the English to kill the duke of

This context must cast doubt on the veracity of *Pour ce que plusieurs*'s account of the 'strategeme bien merveilleux' by which the English tried to deceive the French in 1448, so that they could later justify the attack upon Fougères:

> le patriarche de Poitiers et les autres commissaires de la part de France venissent enuiron minuit ou fons du fosse du Mans, ouquel lieu se trouuerent semblablement les commissaires de la part des Anglois, et baillerent leur appointement dunepart et dautre sans chandeille ne regarder quil y auoit dedens, et incontinent les gens darmes entrerent dedens laditte place. Or est vray que lesdits commissaires de la part des Anglois en la treve quilz baillerent de leur part au dessceu et sans le consentement des commissaires de la part de France comprindrent le duc de Bretaigne de leur part comme le roy de France lauoit compris de la sienne. Et soit bien notte ceste cautelle, car cest toute leur iustification de la prise de Fougieres.[31]

Thus, according to *Pour ce que plusieurs,* the English emissaries took advantage of the darkness to exchange copies of the prorogation of the truce in which they had included the duke of Brittany amongst their allies. Yet the gripping story presented by the French treatise of the candelight deception, not mentioned by any other source whatsoever, served not only to denigrate the English, but also to draw attention away from any arguments which might support the English claims. For over two hundred and fifty years, the counts of Brittany had paid homage to the dukes of Normandy, and thus were only the arriére-vassals of the king of France: given that Henry V and his son had revived the ancient claim to the duchy of Normandy, this certainly presented the possibility that the dukes should owe a greater sense of allegiance to the English kings. Thus during the peace negotiations at Calais in 1439, the English ambassadors demanded amongst other territories, Normandy together

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Burgundy. Desplanque, A. 'Projet d'assassinat de Philippe le Bon par les Anglais, 1424-1425' *Mémoires couronnés et mémoires de savants étrangers, publiés par l'Académie Royale des sciences des lettres et beaux-arts de Belgique,* 33 (1865-7). 3-77 and Warner, M. 'The Anglo-French dual monarchy and the house of Burgundy, 1420-1435: the survival of an alliance' *French history,* 11 (1997). 123-9.

[31] *Pour ce que plusieurs.* fos.49v-50r. For the inclusion of Brittany as an English ally in the English copy of the prorogation, see *Foedera.* V, I, 190, and footnote 42 below.

with the homage of Brittany.[32] Jean Juvénal subsequently reported that the English had demanded the duchy of Normandy, but asserted that this would not include Mont-Saint-Michel or 'l'ommage de Brethaigne'; he also explained that king Charles the Simple had granted Brittany, one of the 'vrays fiefs et homages' of the French crown, to Rollo as an appendix to Normandy, but highlighted the opinion of Pierre Jacobi, that the French king could not have transported 'les foy et hommaige de la duchié de Bretaigne', which was integral to the French crown. The other polemical writers agreed that Brittany was an ancient part of the French crown: in 1409 Jean de Montreuil reported that 'aucuns dient que le duc de Bretaigne est homme du roy seulement a cause de la duchie de Normandie', but that Dagobert, Charlemagne and his heirs had received homage for Brittany before this; Robert Blondel noted in 1449 that the dukes of Brittany had owed homage to the kings of France since before the conquest of Normandy, and the point was emphasised by a marginal note to the French translation of his *Oratio historialis* in 1460.[33] Writing after the recovery of Normandy, Noël de Fribois emphasised, in the *Mirouer historial abregie de France*, that Brittany was part of the French kingdom, and that its dukes had been subject to the crown since the reign of Clothair I; thus there was no question that the duchy could claim any independence. At the same time, Fribois deliberately suppressed Vincent de Beauvais' reference to the duchy falling under the control of Rollo as duke of Normandy and ancestor of the English kings, and hence avoided the complex

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[32] Jeulin, P. 'L'hommage de la Bretagne' *Annales de Bretagne*, 41 (1934). 411-418 and Allmand, C.T. 'The Anglo-French negotiations at Calais in 1439' *Bulletin of the Institute of Historical Research*, 40 (1967). 23. According to Basin, the English claimed that duke Jean V had paid homage in 1410 to Henry IV as duke of Normandy, though there is no evidence to support this notion. Basin, Thomas. *Histoire de Charles VII.* Ed. C. Samaran and H. de Surirey de Saint-Remy. II, 71 and Basin, Thomas. *Histoire des règnes de Charles VII et de Louis XI.* Ed. J. Quicherat. 195. The English would have been less keen to emphasise the traditional connection between the Montfort dukes and the English crown, through the county of Richmond; when Duke François I sought the earldom in 1443, Henry VI delayed meeting the request by promising an inquiry to establish whether this was a just claim, and there is some suggestion that by 1446, Henry VI intended to grant it to the duke's brother Gilles. Jeulin, P. 'L'hommage de la Bretagne'. 412, 424 and 431-4, and *Mémoires à l'histoire de Bretagne.* II, col. 1360-2 and 1398.

question of the relationship between the duchies of Brittany and Normandy.[34] *Pour ce que plusieurs* developed upon this, also citing the importance of Clothair, and then simply ignoring the English arguments.

But perhaps more important than lordship over Brittany through the duchy of Normandy, Henry VI could also claim sovereignty over the duchy in his capacity as king of France, thanks to the treaty of Troyes.[35] Duke Jean V had ratified the treaty twice, while oscillating between the dauphin and the English. On 8 October 1422, Breton ambassadors ratified the treaty in the name of the duke, though the Estates of Brittany refused to follow suit. The duke again swore to adhere to the treaty on 3 July 1427 and on this occasion the Estates followed suit; there were over fifty oaths in support of the action from two of the sons of the duke, five bishops, seven chapters, thirty-four barons, lords and knights as well as representatives of the towns of Quimper, Saint-Pol and Dol.[36] That the historical ties loomed large in the English memory was clearly demonstrated by the instructions given by the royal council to Somerset in October 1448. In suggesting how the emissaries of Brittany should be treated if they would only meet the English in the company of the French, the council declared that:

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[33] Jean Juvénal. *Les écrits politiques*. I, 207 and 424, and II, 69-71 and 133; Montreuil. *Opera*. II, 94; Blondel. *Oeuvres*. I, 194 and 354, and also see 169 and 317.

[34] Daly, K. 'The *Mirouer historial abrégié de France*: historical culture and politics at the court of Charles VII' *Vincent de Beauvais: intentions et réceptions d'une oeuvre encyclopédique au moyen âge*. Ed. M. Paulmier-Foucart, S. Lusignan et A. Nadeau. Montréal, 1990. 487-9.

[35] As Jean l'Enfant and Jean Cousin declared on 31 July 1449, 'ledit Roy d'Angleterre ne reclamoit aucun droit audit duchie de Bretaigne a cause du Royaume d'Angleterre'. According to the minutes the French had just cited the debate over the status of Brittany but had not commented on the basis for the English claims, *Chronique de Mathieu d'Escouchy*. III, 249. The remark of the English ambassadors seems incongrous unless it was part of a longer statement on the matter that was perhaps deliberately omitted from the French minutes.

[36] Also, on 17 April 1423, an alliance was established between England and the dukes of both Burgundy and Brittany, by which Jean V promised military support against the Dauphin for the young Henry VI. *Mémoires à l'histoire de Bretagne*. II, cols. 1119-1120, 1125-8, 1135-7 and 1200-2. However, in May 1424, Charles VII was reconciled with both Jean V and Philip the Good of Burgundy by the treaty of Nantes, and in October 1425, the duke agreed upon a treaty of alliance with France at Saumur,

> in this matiere consideration is to be had to the othes made by the Duke of Bretaigne that dede is, by his brethern, his soones, and by the barons and notable persones of his duchie to the King, as it appereth by thaire lettres patentes ... from theffect of which ... it nis not the Kings intent in any wise to departe or doe any thing that may be prejudiciall thereto.[37]

Thus the English expected duke François to uphold the oaths made by his father in support of the treaty of Troyes, which made Henry VI, rather than Charles VII, king of France and hence sovereign lord of Brittany.[38] Indeed, this seems to be confirmed by the records of the subsequent conference held at Vaudreuil on 15 November 1448. Speaking on behalf of Henry VI, Adam Moleyns refused to discuss matters not just with the ambassadors of Brittany but also those of Burgundy, in the presence of the French; the Burgundians had committed themselves to the treaty of Troyes with even greater force than the Bretons, as demonstrated by the great efforts that they made in 1435 to justify their reconciliation with Charles VII.[39]

Yet on 16 March 1446, duke François I paid homage to the French king, thus forcing the English to reconsider the question that they had studiously ignored during the negotiations for the truce of Tours: the allegiance of Brittany.[40] They stopped listing Brittany amongst the French allies in 1447, and actually included Brittany amongst

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rendering homage to Charles VII. Jeulin, P. 'L'hommage de la Bretagne'. 444-5 and La Borderie, A. *Histoire de Bretagne.* IV, 217-220.

[37] *PPC.* VI, 63.

[38] Note that Bishop Thomas Bekynton included copies of almost all the extant documents concerning the treaty of Troyes and the subsequent oaths in his collection of diplomatic documents, produced during the 1440s: Bodleian Library MS Bodley 885 and BL MSS Cotton Tiberius B xii, Harley 861 and 4763. Significantly Charles VII gave a full pardon for all previous agreements between duke Jean V and the king of England when duke François paid homage on 16 March 1446. *Mémoires à l'histoire de Bretagne.* II, col. 1400.

[39] In reply both the French, the Burgundians and Michel de Parthenay argued that neither of the dukes owed homage to the king of England, but were rather the kinsmen, friends, vassals and subjects of the king of France. *Mémoires à l'histoire de Bretagne.* II, col. 1439-41. See chapter four, section 2.1.

[40] The crucial question for the English was whether the duke paid liege homage during the ceremony in March 1446, thus denying him the right to remain neutral in a dispute between the kings of France and England; there was certainly every appearance that this was a ceremony of liege homage, and Pierre de Brezé had explicitly declared to the duke that 'Vous devenez homme lige du roy ... et lui

their allies in the copy of the prorogration of the truce at Lavardin; there was no complaint by the Breton or French negotiators that the English had falsified the documents.[41] In August 1448, ambassadors sent from England to discuss the fortification of St. James de Beuvron and maritime attacks on the Bretons, defended these apparent breaches of the truce by citing the fact that the duke of Brittany had been included on the English side when Henry VI ratified the prorogation of the truce at the end of March; Adam Moleyns, observed that 'Britiannia, sub treuga dicti Principis Anglie tanquam de sua obedientia continebatur'.[42] In the aftermath of the assault on Fougères, the English ambassadors were scrambling to find any argument to defend the enterprise, given that it was a clear breach of the truce. Thus it is not surprising that during the negotiations at the Louviers conference in June and July 1449, the English ambassadors cited the debate over the status of Brittany from the previous year, arguing that Somerset could only accept a resolution of the matter that would not prejudice the question of the subjection of Brittany; any concessions on that matter would have to be approved by Henry VI.[43] In both of these situations, the English had committed clear breaches of the truce and thus were invoking the debate over the status of Brittany in order to defend their own position.

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faites hommage lige à cause de vostre duché de Bretaigne'. See Jeulin, P. 'L'hommage de la Bretagne'. 446-8.

[41] *Mémoires à l'histoire de Bretagne.* II, col. 1399 and *Foedera.* V, I, 133, 147, 151, 155, 168, 173. When the French diplomats cited the homage of 1446, the English claimed to know nothing of this, and also observed that 'se le dit duc de Bretaigne lavoit fait depuis les treves, ce ne devroit pourtant prejudicier au droit du roy, nostredit seigneur.' *Narratives of the English expulsion.* 479.

[42] Guillaume Cousinot replied that the duke of Brittany had been expressly named on the side of Charles VII in the first truce, and had paid homage to the king of France in the manner and form that previous dukes were accustomed to do. Thus neither the king of England nor the duke himself might subsequently withdraw the duke from the obedience of the crown of France; no matters of contention between Brittany and the English might be discussed independently from the French. The Breton ambassador Michel de Parthenay supported Cousinot, declaring that the duke 'esse comprehensum sub treuga dicti Franciae Regis christianissimi tanquam de sua obedientia suum subditum, vassallum et consanguinem'. *Mémoires à l'histoire de Bretagne.* II, col. 1430-5.

[43] *Narratives of the English expulsion.* 427 and 431-2: 'Sans ce toutes fois que, pour le contenu en ceste present offre, le dit prince oncle puisse pretendre aulcun tiltre de la subjection et obeissance du dit de Bretaigne'. The English articles presented on 4 July also noted that any English offer to restore strongholds captured by either side was contingent upon the approval of Henry VI: if he rejected the

Thus the English did resurrect the claim to overlordship over Brittany from 1447 onwards, having laid it to one side at the signing of the truce of Tours in 1444. Yet there is little evidence to suggest that their intention was to force the duke of Brittany to return to their side, particularly, rather than simply using the confusion surrounding the status of Brittany in order to justify their repeated breaches of the truce. Indeed it is not quite clear how such an enterprise might have won over duke François, especially given that the attack on La Guerche had played an important role in pushing him to the side of Charles VII in the truce at Tours.[44] The French were certainly suspicious of English attempts to question the status of Brittany. In the instructions provided on 3 June 1449 for Jean Havart for his mission to Henry VI, Charles VII observed that Somerset had considered 'le fait de mondit seigneur de Bretaigne tout different de celluy du Roy, que ce n'estoient que voyes exquises pour trouver maniere de lui fere perdre ledit monseigneur de Bretaigne et ses subgetz'. Similarly, in the statement read out to the English ambassadors on 31 July 1449, the French highlighted Somerset's refusal to negotiate upon the status of Brittany, and observed that 'seroit faire trop plus grant prejudice au roy [de France] que la restitucion de Fougieres ne lui pourroit prouffiter'.[45] Yet the only other source beyond *Pour ce que plusieurs* to claim that the English seized Fougères as part of a plot to win over the duke of Brittany, was a French royal letter sent to the king of Castile and Leon in April 1451: the English were accused of making open war against the terms of the treaty with the intention '.. de actraire et attribuer a eulx la subgection et obeissance de nostredict neveu de Bretaigne et de son pais et duche.'[46] No other

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agreement, then the places would be returned to their captors and the negotiations would presumably have to begin again, *ibid.* 499-501.

[44] See footnote 65 below.

[45] *Chronique de Mathieu d'Escouchy.* III, 233 and *Letters and papers illustrative of the wars.* I, 256 and 263.

[46] Cosneau, E. *Le connétable de Richemont.* 620.

source, including Jean Juvénal des Ursins and the French chroniclers, claimed that the English actually staged the attack upon Fougères to win the Bretons to their side.

3 *GILLES DE BRETAGNE*

There seems little doubt that the attack upon Fougères was principally conceived as a means to free Gilles de Bretagne, the anglophile brother of duke François I of Brittany. As a youth, Gilles had spent two years in the same household as Henry VI, in England, and his brother was initially happy to take advantage of the relationship, dispatching him as the head of an embassy to secure the earldom of Richmond for the duke from Henry VI in 1443. But it soon became clear that Gilles felt a greater loyalty for the English king, as Charles VII noted when he described the Breton prince as 'nostre ennemi et rebelle'. Gilles was profoundly dissatisfied by his share of the inheritance of his father, as his friend Tangui the bastard of Brittany later confirmed, and Henry VI offered the prospect of material reward: for example, the English king granted him an annual pension of two thousand nobles in December 1443, in return for his promise of obedience, service and devotion, even during time of war.[47] Gilles took up residence at Le Guildo near to the Norman border, and regularly received English captains after the signing of the treaty of Tours. Then in a letter to Henry VI, dated 5 July 1445, Gilles abandoned any duty or obedience to the king of France, and placed his lands at the disposal of the English king, presumably in case of war with Brittany; in return, Gilles wanted Henry to write to the duke on

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[47] *Mémoires à l'histoire de Bretagne.* II, col. 1364 and 1407-9, and see footnote 53 below. For the dealings of Gilles with the English, see La Borderie, A. *Histoire de Bretagne.* 311-341; Bossuat, A. *Perrinet Gressart et François de Surienne.* 308-311; Keen, M.H. and Daniel, M.J. 'English diplomacy and the sack of Fougères'. 378-9 and 384-6.

his behalf, and also to instruct the English in Normandy to provide him support 'sans deroger ne rompre aucunement les treves'.[48] This letter was intercepted by the duke, and Gilles was forced to swear, by the treaty of Redon, that he would not communicate with the king of England, nor meet with any foreigner within the duchy without the permission of François.[49] But Gilles refused to abandon his English allies, and remained in contact with a number of English captains including Mathew Gough captain of Avranches and Thomas Hoo, Henry VI's chancellor of France, as well as Humphrey duke of Buckingham.[50] Matters reached a head on 23 June 1446, when Jean Hingant sent a report to the duke of his visit to Le Guildo. Hingant had brought messages of goodwill from duke François, but Gilles reacted with an extraordinary outburst against his brother: he claimed that the duke regarded him as a mortal enemy and promised that he would have what was his by right; he threatened to go to Henry VI to complain against the duke, promising to return within a year and a half to take possession of the best lands and towns, presumably with English support. It is clear from the report that the friends of Gilles, including the Englishmen who were present, were astonished at these claims: indeed Bertrand Millon, Roland de Couvren and Jean Millon rode after Hingant to apologise for Gilles, saying that he was now 'refroidi et adouci'. Hingant concluded that Gilles 'fust aliene hors des sens ou enrage' and advised the duke to be lenient towards his

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[48] *Mémoires à l'histoire de Bretagne.* II, col. 1407-9. Tangui reported that Gilles was unhappy with the possession of Chantocé because it was in Anjou and so placed him under the subjection of the king of France when he was a subject of Henry VI. Thus on 23 December 1445, Gilles renounced homage to René count of Anjou and Charles VII for these lands before four public notaries.

[49] *Mémoires à l'histoire de Bretagne.* II, col. 1380-1. In October 1445 Gilles denied that he had written the article promising to place his lands at the service of Henry VI, presumbly because he was keen to assert that he had been loyal to his brother the duke. *ibid.* II, col. 1386-8.

[50] His correspondence was naturally more guarded, but it still focused upon the same issues; for example, in one letter written on 1 August 1445, Gough refered to 'la chose dont vous et moi avons autrefois parle, se porterra bien', and two months later, he promised to come to Gilles to discuss the suspicions of duke François, and other matters that he could not write about. *Mémoires à l'histoire de Bretagne.* II, col. 1381. Gilles sent an agent named Geoffroi Pethin to Humphrey duke of Buckingham; he returned with a reply dated 31 October 1445 indicating that the messenger knew Buckingham's answer. *Ibid.* II, col. 1392.

brother.[51] But Gilles was arrested on 26 June, and though the Estates of Brittany refused to pass sentence against the prince, both for procedural reasons and because by Breton custom the elder brother did not have the power of criminal justice over his younger brother, Gilles remained in custody in a number of places including Châteaubriant and Montcontour and finally La Hardouinaie where he was murdered on the night of 24 April 1450.[52]

From the point of view of the English government, Gilles de Bretagne had been an important ally of the English during the negotiations of the early 1440s. In the terms of the pension granted to him in 1443, Gilles was thanked for all the zeal that he had shown in the service of the interests of the king, subjects and realm of England; he had certainly been an important counter-balance against the developing amity between his brother, the duke, and the French crown, though his effectiveness in this context was over by 1446. Moreover, Gilles would have proved to be an even more valuable ally if he had gained control of the lands that he claimed from his brother, or even become duke in his own right. Yet there is no evidence to suggest that the English were willing to commit military forces to help him in his domestic strategies: Tangui the bastard testified that Gilles expected the English to provide an army of five or six thousand men to help him secure what was rightfully his, but Tangui had protested that the English would never break the truce for him.[53] Rather, it seems that English concerns to protect and then secure the release of Gilles were principally motivated by friendship and loyalty. Gilles had been lauded in the highest terms for his obedience, service and devotion in the pension granted to him by Henry VI in

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[51] *Mémoires à l'histoire de Bretagne.* II, cols. 1378-1380, misplaced by Morice under the year 1445. The report was witnessed by Tangui the bastard of Brittany, a close friend of Gilles, and Codinet Le Frere.

[52] Gilles was reputedly murdered on the orders of Arthur de Montauban, his unsuccessful rival for the hand of the heiress to the house of Dinan-Montafilant, Françoise de Dinan; there is no real evidence to suggest duke François authorised the plot. La Borderie, A. *Histoire de Bretagne.* 326-339.

December 1443.[54] Gilles had renounced the suzerainty, alliance and service to the king of France in favour of Henry VI in 1445; though this letter was intercepted by the duke of Brittany, Gilles had already pledged his service to the king of England in 1443.[55] Henry VI then wrote to François in October 1445 because of his affection for Gilles and the nearness of their blood, asking that the duke make suitable provision for his brother and also defending Gilles' ties with the English.[56] Thus it is not surprising that in the *Boke of Noblesse*, the imprisonment of Gilles was equated with other dishonourable acts of the French which were breaches of the truce:

> First by taking of youre shippis and marchaundises upon the see, keping men of noble birthe undre youre predecessoure obedience and divers other true lieges men prisoneris under arest, as that noble and trew knight ser Gillis the Duke is son of Bretaine... And also before the taking of Fugiers ser Simon Morhier knight ... And sithen the lord Faucomberge take prisoner by subtile undew meanys of a cautel taken under safconduct of youre adversarie at Pountelarge ... And also the said forteresse of Pountlarge take the said day be right undew meanys ...[57]

Thus the capture of the 'noble and trew knight' Gilles was regarded as an offence against Henry VI as much as any of the other misdeeds committed by the French. It is this sense of outrage that probably explains the attack upon Fougères. From this perspective, Somerset was correct when he reassured François de Surienne that the prise would not dishonour the Order of the Garter, but rather serve his king well.[58]

Thus before and after his imprisonment, Gilles de Bretagne clearly enjoyed a great deal of support from the English, that culminated in the plot to seize Fougères. Hoo

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[53] *Mémoires à l'histoire de Bretagne.* II, col. 1364 and 1407-9.

[54] *Mémoires à l'histoire de Bretagne.* II, col. 1364. For other examples of the warmth shown to Gilles, see the comments made during an English embassy to duke Jean V of Brittany in 1439 and Gilles' own mission to England in 1443. *ibid.* II, col. 1327 and 1360-1.

[55] *Mémoires à l'histoire de Bretagne.* II, cols. 1380-1 and La Borderie, A. *Histoire de Bretagne.* 317.

[56] In addition Henry reported to Gilles that 'nostre chancelier et autres nos gens que prochainement enverrons par dela (that is to France) que de leur pouoir vous facent tout plaisir et service'. *Mémoires à l'histoire de Bretagne.* II, col. 1392.

[57] *Boke of Noblesse.* Ed. J.G. Nichols. Roxburghe Club. London, 1860. 5.

[58] *Letters and papers illustrative of the wars.* I, 284-5.

and Roos reported on 6 June 1446 that the residence at Le Guildo was not secure, and thus they offered military support to the prince for the safeguard of his person.[59] Twenty-five troops were sent from Avranches to serve as his bodyguards, and when these men had to return to their normal duties, Gilles was offered elite troops, 'le nombre que votre plaisir est d'en avoir'.[60] Then on 25 June 1446, William Roskill sent a warning to the prince to leave his home immediately because men at arms were plotting against him.[61] Soon after the arrest of Gilles, Matthew Gough tried to employ Thomassin Duquesne, Surienne's escalade-master to free him.[62] Jacquemin de Molineaux testified at the inquiry into the attack upon Fougères, that an agent of Gilles de Bretagne was in London soon after the arrest of the prince, seeking support for a plan whereby 'nous aurions messire Gilles ou par prinse de places ou autrement, et ne demourra guères'; this Breton agent was apparently instrumental in persuading Suffolk to employ Surienne.[63] Pierre Tuvache and Jacquemin de Molineaux testified that Suffolk had initiated the enterprise in order to secure the release of Gilles: in May 1446, Surienne's agent Jean le Rousselet had travelled to London and there met with Suffolk, who plotted 'pour trouver moyen de recouvrer messire Gilles en prenant la place de Montaulban, pour ce que le seigneur de ladite place avoit ledit messire Gilles en garde, ou autre place par quoy on peust avoir ledit messire Gilles'; Rousselet told Pierre Tuvache that Surienne was to attack either Fougères, Laval or Vitré, in retaliation for the imprisonment of Gilles de Bretagne by

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[59] *Mémoires à l'histoire de Bretagne.* II, cols. 1401-2. Note that in a letter dated 26 January 1446, Gough asked Gilles for a loan of 1000 saluz to help pay for his impending marriage, which suggests that their relationship may have been based upon more than friendship. *ibid.* II, col. 1398. Thomas Hoo informed Gilles in two letters written in January 1446, that Henry had commanded Hoo to offer the prince any manner of service that he might require, and wished to grant him the earldom of Richmond. *ibid.* II, cols. 1397-8.

[60] According to a letter of Hoo dated 3 May 1446. *Mémoires à l'histoire de Bretagne.* II, col. 1401.

[61] *Mémoires à l'histoire de Bretagne.* II, cols. 1403-4.

[62] *Letters and papers illustrative of the wars.* I, 280-1. Note that Gough was captain of garrison of Avranches, which the French ambassadors later identified as having sent reinforcements to aid François de Surienne.

[63] See footnote 13 above.

his brother.[64] The English clearly assumed that a small scale attack on a Breton stronghold might be enough to push the duke into freeing Gilles, especially after François indicated shortly before August 1448, that he would be prepared to release Gilles with the consent of Charles VII; after all, such actions were not unprecedented and posed a limited risk to the truce.[65]

Not surprisingly, the English preferred to conduct negotiations for the release of Gilles on an informal basis, and regarded this matter as being separate from the discussion of the truce. No mention was made of Gilles when the English, French and Bretons met in August 1448 to discuss outstanding issues between England and Brittany. However, the English did petition Charles VII to release Gilles on two occasions during 1448. According to the instructions that Charles VII provided for an embassy to duke François on 21 June, the English had asked for the release of Gilles and, though he did not recognise that they had any right in the matter because Gilles was his subject, not theirs, he still wished to put pressure upon the duke to agree to this. Two months later Henry VI wrote to Charles VII saying that duke François had refused to release Gilles without the authority and counsel of Charles.[66] Even in the aftermath of Fougères, the release of Gilles de Bretagne was not a central issue for the English negotiators. *Pour ce que plusieurs* falsely reported that the English

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[64] Basin, Thomas. *Histoire des règnes de Charles VII et de Louis XI.* Ed. J. Quicherat. 320-3. In his statement to Henry VI, Surienne did not explain why Suffolk agreed to the plan to attack Fougères though he did hint tantalisingly at 'des griefz que les Bretons faisoient sur vos diz subgez'. *Letters and papers illustrative of the wars.* I, 281.

[65] John Beaufort, earl of Somerset (d.1444) had led an attack into Brittany and captured La Guerche in October 1443, before the treaty of Tours; this had played a major role in persuading duke François to take part in the treaty of Tours on the French side. Note that the control of La Guerche, like Fougères, by the duke of Brittany was not entirely clearcut because of the Alençon's traditional seigneurial rights. Cosneau, E. *Le connétable de Richemont.* 343-5 and Bossuat, A. *Perrinet Gressart et François de Surienne.* 305-6, and see footnote 5 above. François de Surienne had himself seized Dreux, a town on the border between Normandy and French-held territory, shortly before January 1448; this attack was not mentioned in any of the chronicles, presumably in part because the town had been regarded as impregnable.

[66] *Mémoires à l'histoire de Bretagne.* II, cols. 1412-5 and 1429-1430.

ambassadors to Charles VII demanded that Gilles be freed in May 1449, they reportedly declared that

> le duc de Bretaigne ... auoit pris et tenoit prisonnier messire Gilles de Bretaigne son frere a tort et contre raison, et lequel messire Gilles estoit homme lige et vassal dudit roy dAngleterre, et ne voloit ledit duc de Bretaigne deliurer icellui messire Gilles ne le rendre audit roy dAngleterre son souuerain seigneur, jasoit ce que par pluiseurs fois il en eust este somme et requis. Parquoy nestoit pas merueilles se les amis dudit messire Gilles auoient fait aucune entreprise sur ledit duc de Bretaigne.[67]

Yet in fact they never raised this issue, except during the conferences in June and July 1449 they did call for 'la deliverance de messire Gilles de Bretaigne, qui est homme lige et subget du roy, nostredit seigneur'. This was the eighteenth article in the first writings of the English and seems to have been employed as just one of a list of French and Breton breaches of the truce. Significantly, the French negotiators declared that Charles VII desired good relations between the duke and his brother and would work to that end when the matter of Fougères had been resolved.[68]

4 *CONCLUSION*

In retrospect, the attack upon Fougères was misjudged because the English had placed too much faith in the patience of both Charles VII and duke François. Yet the enterprise did come very close to succeeding. Duke François sent Michel de Parthenay, constable of Rennes, to negotiate with François de Surienne, and according to testimony given at the inquiry held at Rouen, Parthenay is reported to

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[67] *Pour ce que plusieurs.* fos.52r-v, and the French 'reply' to this claim in fos.55r-v.

[68] The English also cited the French seizure of Pont de l'Arche, Conches and Gerberoy, and the unjust imprisonment of Simon Morhier, lord Fauconberge. For the English references to Gilles de

have said 'on dit que vous l'avez prise pour avoir messire Gilles. Qui vous le rendroit avec un bon pot de vin, seriez-vous content?' Intriguingly Surienne replied that 'J'ai pouvoir de prendre, et non de rendre', and the opportunity was missed.[69] Nevertheless François did almost release Gilles in May 1449 on the orders of Charles VII. The friends of Gilles, including Richemont and Guillaume de Rosnivinen, persuaded Charles VII to allow the release of the prince; they argued that the Bretons were very moved by the misfortunes of Gilles and might cause problems, that Gilles had atoned for any error, and that his deliverance might facilitate the restitution of Fougères by the English and so restore peace. As a result, Charles sent Prégent de Coëtivy, admiral of France, to Brittany to secure the release of Gilles; duke François initially complied but at the very last minute, on 30 May 1449, countermanded the release of his brother.[70] Somerset had refused to make reparation for the enterprise and so his intransigence, reminiscent of the position that had delayed the handover of Maine for so long, may have driven the French and Bretons to take a more hostile line: just two days later Pont de l'Arche was captured by Jean de Brézé, Robert de Flocques and Jacques de Clermont.[71] As a result, the Bretons and the French now held important bargaining chips to exchange for Fougères, especially because lord

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Bretagne in June and July 1449, see *Narratives of the English expulsion.* 429-30, 474-6, 479-80; the French replies appear in *ibid.* 470 and 485.

[69] Basin, Thomas. *Histoire des règnes de Charles VII et de Louis XI.* Ed. J. Quicherat. 326. On 31 July 1449 the English ambassadors claimed that Surienne did not wish to accept Pathenay's offer 'sans premierement le notifier au Roy [Charles VII]'. *Chronique de Mathieu d'Escouchy.* III, 250.

[70] Note that Coëtivy had himself benefited from the original imprisonment of Gilles, receiving the rights to his lordships when they were confiscated on royal orders in June 1446, and had also led the force which arrested the prince on 26 June 1446. Thus we can only speculate as to what role the admiral of France may have played in duke François' decision not to follow the royal instructions. See Cosneau, E. *Le connétable de Richemont.* 382 and Vale, M.G.A. *Charles VII.* 119.

[71] The English were certainly suspicious that this action had been authorised by duke François and Charles VII. The captors cried 'Sainct Yves! Bretaigne', as all of the French chroniclers reported; Blondel also described how Somerset sent a herald at arms to discover what had happened, but the captors would only speak in Breton and so the herald could not understand what was being said. Blondel, Robert. *Oeuvres.* II. 26-34. Clearly effort was being made to make this attack appear the work of Breton supporters of the duke, rather than an official French assault which would represent a breach of the truce: the English ambassadors in June and July repeatedly tried to ascertain whether Charles VII had commanded this attack, but no evidence was forthcoming. *Narratives of the English expulsion.* 430, 464-6,

Fauconberge had been captured during the assault, and Conches and Gerberoy were subsequently taken. Under these circumstances, the last-minute decision to prevent the release of Gilles de Bretagne would make perfect sense, to strengthen the French negotiating position yet further.[72] By the end of June, duke François and Charles VII signed an offensive and defensive alliance, and the English were no longer in a position to influence events.

Somerset's intransigence in the face of French protests is entirely explicable without reference to a plot to subvert the allegiance of the duke of Brittany. He argued that he did not have sufficient power to negotiate over Fougères because of the problem of the status of Brittany. This was a notorious delaying tactic of the English ambassadors, contradicted by letters of Henry VI which declared that Somerset and the ambassadors in France had no need to refer back to either Henry or his council.[73] Nevertheless there may be some justification for the argument that Somerset had to refer the matter back to the king. It was not Somerset and his ambassadors who raised the question of the status of Brittany in 1448, but rather Adam Moleyns and Robert Roos who had been sent directly from the king and council in England. That Somerset had little knowledge of this matter was demonstrated by his written request to the council for instructions in October 1448. Moreover in the reply,

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480, 490. Charles VII had earlier warned the ambassadors of Somerset that the friends of the Breton duke might take matters into their own hands, *Chronique de Mathieu d'Escouchy*. III, 237-8.

[72] La Borderie suggested that François reversed his decision to free Gilles because of the 'insolentes déclarations des négociateurs anglais', citing the fictitous report in *Pour ce que plusieurs* of the meeting between Charles VII and Somerset's ambassadors on 13 May 1449. La Borderie, A. *Histoire de Bretagne*. 330-41.

[73] This argument had been used by the English during the negotiations concerning the surrender of Le Mans and Maine, and the English fortification of St James de Beuvron. When the French complained to Henry VI, he had asserted the competence of his representatives to resolve any issue of contention, *Chronique de Mathieu d'Escouchy*. III, 204-5. Thus when the English put forward the same argument after Fougères, the French cited these instructions to Somerset. For example in the instructions to Jean Havart on 3 June 1449, *Chronique de Mathieu d'Escouchy*. III, 230-1 and the statement of aggressions committed by the English prepared by Guillaume Juvénal des Ursins on 31 July 1449, *Letters and papers illustrative of the wars*. I, 260.

Somerset was told that if the Bretons refused to comply one course of action would be to call for a prorogation of the assembly to allow each side to refer back to their prince.[74] Thus Somerset may well have been following royal orders when he claimed that he had no power to make reparation for the seizure of Fougères. He had been instructed to hold the duke of Brittany to the promises and oaths made by his father in support of the treaty of Troyes. Any concession regarding the subjection of Fougères would inevitably prejudice these oaths and so Somerset was technically right to require the matter be referred back to Henry VI himself. Of course holding to this inevitably angered the French and so imperilled the negotiations, against the express orders of the council; the English ambassadors were to try to persuade the Bretons to negotiate independently from the French but this was secondary to the need to avoid 'any open troubling of the tretee to be had betwix thambassatours of both partys at this time'.[75]

At the same time, 'loyal' Somerset may also have been influenced by the specific question of financial reparation for the damage done to Fougères.[76] As the French chroniclers noted, Fougères was a very wealthy place: Mathieu d'Escouchy noted that the town 'estoit moult riche et bien poeuplee de notables bourgois et riches marchans, qui, en la plus grant partie, furent du tout mis en destruction et desnuez de tous biens; et y fut trouve tres grans finances d'or, argent, riches joiaux, et aultres biens sans nombre'. At the conferences held in June and July 1449, the French demanded that the English make full reparation for goods taken to the value of 'deux

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[74] *PPC.* VI, 64.

[75] *PPC.* VI, 63. The council recognised that those on the spot 'shall mowe better feel how the principal matier shall mowe be kept out of rupture than it is possible to the King and my lordes here to feele'.

[76] For a characterization of Somerset as 'loyal', see Wollfe, B. *The reign of Henry VI.* London, 1981. 207-10.

millions dor et plus'.[77] Such riches would undoubtedly have been attractive to François de Surienne and his men, when the truce was cutting off much of their income; the English continued to maintain the garrisons, and in February 1446 agreed to pay the men at arms and archers designated as reinforcements for them, but this arrangement was not extended to Verneuil and Longny, so that François de Surienne only received support for twenty men at arms and sixty-five archers.[78] But the captain rejected all Breton offers to buy his surrender of the town, because of his duty to follow orders from his English masters. Rather the suspicion must be that the money and goods taken from Fougères ended up in the hands of Somerset and the English administration in Normandy. After the capture of Rouen, the French wanted the *Chambre des comptes* materials and carefully copied the receiver-general's accounts for Normandy between 1448 and 1449. These accounts not only demonstrated that Somerset had communicated with François de Surienne in May and June 1449, via the herald Mortain, but also showed the movement of large amounts of Breton money and gold from Carentan to Caen in May of the same year. Sir John Fastolf subsequently suggested that the royal council should 'demande au duc de Somerset .. combien il eut dargent de la prinse de Fougieres'. As Basin noted, Somerset's chief fault was his greed.[79]

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[77] *Chronique de Mathieu d'Escouchy*. I, 154, and also see Le Bouvier, Gilles. *Les chroniques du roi Charles VII par Gilles Le Bouvier*. 288. The inhabitants of Fougères did suffer great financial losses, as demonstrated by the fact that the duke of Brittany exempted them from 'taille, subside et autres subventions' on 12 December 1449. *Mémoires à l'histoire de Bretagne*. II, 1515-6. For the French valuation of the damage done, see foonote 26 above. The English rejected this estimate 'car a un grant besoing a peine fineroit le royaume de France de si grande somme', *Narratives of the English expulsion*. 447, 496-7 and 511-12. The English also wished to offset any sum demanded in reparation for Fougères, against damage caused by the Bretons to the property and goods of the English. The French ambassadors rejected this, arguing that even without the matter of Fougères, the English already owed the duke of Brittany 732,000 crowns for damages, *ibid*. 506-8.

[78] Bossuat, A. *Perrinet Gressart et François de Surienne*. 301-4. Many of the men from these two garrisons became robbers on the roads to Paris and Orleans, the 'faux visages' described by Chartier, Blondel and the Berry herald, Chartier, Jean. *Chronique de Charles VII*. II, 79, Blondel, Robert. *Oeuvres*. II. 44-7; Le Bouvier, Gilles. *Les chroniques du roi Charles VII par Gilles Le Bouvier*. 294.

[79] BL MS Additional 11509, fos.70v and 82r-v and *Letters and papers illustrative of the wars*. II:ii, 718-20. My thanks to Michael K. Jones for these references. For Basin's comment, see Basin, Thomas. *Histoire de*

Thus the French hostility towards the English, culminating in the declaration of war on 31 July 1449, is entirely explicable without reference to any supposed English plot to attract Brittany to the subjection of Henry VI: the English had repeatedly acted against the tenor of the truce and moreover had obstructed all attempts to resolve difficulties by negotiation. But in the 1460s, when the question of the loyalty of the duke of Brittany was again a matter of great importance for the French crown, *Pour ce que plusieurs* provided a highly dramatic and entertaining interpretation of the English actions in 1449. Indeed, this account is so convincing that it has fundamentally shaped the way in which the affair has been regarded by historians. Keen and Daniel described the events surrounding the attack on Fougères as a 'sorry tale of false hope, diplomatic dishonesty and military irresponsibility'.[80] To a large degree these judgements must still stand: the English had failed to live up to both the spirit and the letter of the truce, as the French repeatedly charged; in addition to other broken promises, they had attempted to argue that the duke of Brittany had appeared on the English side in the truce and also staged an unwarranted assault on his territory. Yet the whole affair has been cast in an unjustifiably dark light because of the polemical treatise *Pour ce que plusieurs*. This is apt testimony to the success of this work which played such a crucial role in the myth of the Salic Law, and also the historical view of the attack upon Fougères and the end of the Hundred Years War, 'cette comédie des Anglais'.[81]

Charles VII. Ed. C. Samaran and H. de Surirey de Saint-Remy. II, 66 and 69-75, and Basin, Thomas. *Histoire des règnes de Charles VII et de Louis XI*. Ed. J. Quicherat. 192-7.

[80] Keen, M.H. and Daniel, M.J. 'English diplomacy and the sack of Fougères'. 390.

[81] La Borderie, A. *Histoire de Bretagne*. 353.

Conclusion

Conclusion

There is no doubt that *Pour ce que plusieurs* was the most successful of the polemical treatises, especially after the advent of printing: it was printed five times by the middle of the sixteenth century, in contrast to Montreuil's work, which was issued just once, in 1503.[1] The popularity of the work is emphasised by the fact that during the reign of Henry VIII, an anonymous English customs official obtained a copy of this 'litil boke or pamphlet imprinted conteyning false untrew and dampnable matier' while he was conducting an investigation into the reason why the duke of Suffolk 'shuld have bargained and sold and so delivered the same to the king of France for certain money' during the reign of Henry VI. Thus he produced a refutation of the arguments contained in *Pour ce que plusieurs,* translating extracts from each major section and then providing a detailed, if less than convincing response. In what would appear to be the autograph manuscript of this work, *A declaracon of the trew and dewe title of ... my most dredd soveraigne lorde Henrie,* the anonymous author provides a great deal of personal information about the tedium of his job as a customs official, and the joy with which he took up the challenge of defending the title of his king.[2] Intriguingly, in 1549, John Coke, 'clarke of the Staple of Westminster' produced a response to the *Debat des heraulx d'armes de France et d'Angleterre* which he had purchased in a printers shop in Brussels. It is not yet clear what the relationship might be between these two remarkable English texts, but they are of a very different style: the *Debate between the heraldes of France and England* is a very literary text, ranging across a wide array of issues concerning the relative merits

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[1] See Potter, J.M. 'The development and significance of the Salic Law of the French' *English historical review,* 52 (1937). 249n and appendix, section 1.2 above.

of the two countries and their people, a work that certainly tapped into the revival of enthusiasm for the French wars, that was also nourished by Lord Berners' translation of the chronicles of Froissart and the translation of the biography of Henry V, originally presented to Humfrey duke of Gloucester and now given to Henry VIII.[3] In contrast, *A declaracon of the trew and dewe title of ... my most dredd soveraigne lorde Henrie* is a very dry response to the arguments of the original French treatise. Moreover, it is intriguing that the work also survives in two sixteenth century manuscripts, belonging to the Elizabethan diplomat Sir John Beale: both copies removed all personal information about the anonymous author and simply presented the responses to the French arguments: thus it is possible that this text was a manual for Tudor diplomats for their negotiations with both the French and the emperor.[4] Ultimately these are questions that fall outside of the scope of the present study, but the existence of this remarkable response to *Pour ce que plusieurs* certainly testifies to its power and importance after the advent of printing.

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[2] Royal College of Arms MS Arundel 39 fos.1r-v, and see the later copies in BL MSS Additional 48005 and 48079. This text was unknown until I recently discovered it by accident; due to the limitations of time and space, I have had to set it to one side during the production of this dissertation.

[3] Gunn, S.J. 'The French wars of Henry VIII' *The origins of war in early modern Europe.* Ed. J. Black. Edinburgh, 1987. 34.

[4] BL MSS Additional 48005 and 48079. Such information would no doubt have been very useful. Ancient English rights in Gascony were invoked for a projected invasion in 1512 and soon after Henry VIII appealed to popes Julius II and Leo X to transfer the crown of France to him. Moreover in 1515 Sir Robert Wingfield was able to lecture the emperor Maximilian at great length on kings John, Edward III, Henry V and the English claim to France. Gunn, S.J. 'The French wars of Henry VIII'. 39 and Davies, C.S.L. "Roy de France et roy d'Angleterre': the English claims to France, 1453-1558' *L'Angleterre et les pays bourguignons: relations et comparaisons (XVe-XVIe siècles).* Centre Europeen d'études bourguignonnes, 1995. 127-8.

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'La querelle Anglaise': diplomatic and legal debate during the Hundred Years War, with an edition of the polemical treatise 'Pour ce que plusieurs' (1464)

Appendix

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Appendix:

Pour ce que plusieurs

1. *INTRODUCTION*

1.1 *Date, purpose and authorship*

Colette Beaune has recently suggested that *Pour ce que plusieurs* was written in the reign of Charles VII, based upon one of the later titles attributed to it, *Traité des droits que le roi Charles a à la couronne de France et d'Angleterre.*[1] Yet the treatise was certainly written after the accession of both Edward IV and Louis XI in 1461, as both kings are repeatedly cited throughout the text, and it must have been completed by 1467, when one manuscript appears in the inventory of Philip the Good, duke of Burgundy.[2] Two references in the first section may provide a more accurate date for the completion of the treatise: at the end of the first section of the treatise, the anonymous author declared that the Papacy, the Church and all the Christian princes had accepted Philip VI and his five successors as the true kings of France 'depuis vi^{xx}. et xiiii. ans'. This would suggest that the text was written in the year 1462, but a few pages later, the author reported that Philip VI and his heirs up to 'le roy Loys qui a present est ou v^{e}. degre', had possessed the crown 'lespace de vi^{xx}. et xvi. ans, cestassauoir depuis lan mil iii^{c}. xxviii. iusques a lheure presente que len compte mil iiii^{c}. lxiiii.' Thus the treatise was certainly written after 1461, and may well have been composed in 1464.[3]

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[1] Beaune, C. 'Histoire et politique: la recherche du texte de la loi salique de 1350 à 1450' *Congrès des Sociétés Savantes, Bordeaux 1979. Section de philologie et d'histoire.* Paris, 1981. I, 33 and *The birth of an ideology: myths and symbols of nationhood in later medieval France.* Berkeley, 1991. 256 and 349, together with Krynen, J. *L'empire du roi: idées et croyances politiques en France, XIIIe - XVe siècles.* Paris, 1993. 135 and Rigaudière, A. *Pouvoirs et institutions dans la France médiévale. II: Des temps féodaux aux temps de l'état.* Paris, 1994. 28.

[2] Bibliothèque Royale manuscrit 9469-70. When citing the descendants of Edward III, the author refered to the 'conte de Stafford derrainement mort lequel auoit este fait duc de Boguinquam', that is to say Humphrey duke of Buckingham, who died in 1460, *Pour ce que plusieurs.* fo.17v.

[3] *Pour ce que plusieurs.* fos.19r and 23v. The date 1464 is accepted by Calmette, J. et Périnelle, G. *Louis XI et Angleterre, 1461-1483.* Paris, 1930. 59; Lewis, P.S. 'War propaganda and historiography in fifteenth-century France and England' *Essays in later medieval history.* London, 1985. 204n; Daly, K. 'The *Vraie conicque dEscoce* and Franco-Scottish diplomacy: an historical work by John Ireland?' *Nottingham medieval studies,* 35 (1991). 122.

This dating provides a significant clue as to the purpose for which the treatise was composed. The author of *Pour ce que plusieurs* explained that he was writing the text to ensure that 'chascun clerement et sans aucune ambiguite ou doubte puisse congnoistre et estre deuement informe du droit que les parties en chascune desdictez matieres puet auoir et reclamer lune a lencontre de lautre et les solutions aussi et iustifications dont elles se peuent deffendre'.[4] In fact, the treatise was composed during a period of complex negotiations with the new Yorkist king of England, and was almost certainly a manual for French diplomats, updating Jean Juvénal's *Tres crestien, tres hault, tres puissant roy* (1446), by reference to the events surrounding the reconquest of Normandy, and also by providing a rebuttal to the Yorkist claims to the French and English crowns.[5] Edward IV was keen to ensure that the French king did not support the Lancastrians, but at the same time, was more than willing to remind Louis XI of the Plantagenet claims in France: John Wenlock and the English embassy sent to the continent in 1462 were instructed to cite the rights of the kings of England to the crown of France, and to seek the return of the duchies of Normandy and Guyenne, together with the counties of Maine and Anjou.[6] Thus *Pour ce que plusieurs* was undoubtedly intended to arm French diplomats with arguments with which to rebuff such Yorkist demands. On 8 October 1463, Louis XI had signed the truce of Hesdin with Edward IV, and so a second meeting was scheduled to be held at Saint-Omer in April 1464, and subsequently delayed until the 1 July and then to 1 October, when the English ambassadors explained to Louis XI that problems in

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[4] *Pour ce que plusieurs*. fo.2r.

[5] Jean Juvénal prepared *Tres crestien, tres hault, tres puissant roy* for a proposed meeting between Charles VII and Henry VI, in *Les écrits politiques*. II, 13-14. Giesey has suggested that *Pour ce que plusieurs* was designed 'to uphold the French king's rights against the English king's claims to continental holdings, a kind of post-Hundred Years' War wrangling'. Giesey, R.E. 'The juristic basis'. 18.

[6] The ambassadors were authorized to settle for Guyenne alone, but failing this, Wenlock and his colleagues were to set the matter to one side and carry on with the principal negotiations. Calmette, J. et Périnelle, G. *Louis XI et Angleterre*. 14-5. Chastellain reported that the persistant pretensions of the English over a part of France would always be an obstacle to lasting peace. Chastellain. *Chroniques*. Ed. Kervyn de Lettenhove. Brussels, 1863-1866. V, 93.

England, including the conquest of Bamburgh, made it impossible for Edward IV to keep the appointment.[7] Thus *Pour ce que plusieurs* would have served as a briefing paper for French diplomats, or possibly even Louis XI himself: Louis had certainly taken an active role in the previous negotiations at St. Omer in both autumn 1463 and July 1464.[8]

At the same time, the treatise provided important background material for relations with the duke of Brittany. The duchy was not explicitly named in the truce of Hesdin, and Louis explained this omission in a subsequent letter to the duke:

> Et en ce qui a été fait n'ont été nommés dune part ni d'autre aucuns princes alliés ni sujets ... Toutefois il a été dit et déclaré de notre part aux Anglais que nous entendions y comprendre vous, vos pays et vos sujets et les autres pays et sujets de notre royaume. Dont ils ont dit qu'ils étaient contents.[9]

The duke protested against the assumption that Brittany was automatically included on the French side in a treaty with England, but there was again no mention of the duchy by name when the truce was extended to maritime affairs on 12 April 1464. Louis' strategy was to circumscribe the duke's freedom to conduct an independent foreign policy, by assuming that Brittany was part of the French kingdom and hence automatically subject to any alliance or treaty contracted by the king. *Pour ce que plusieurs* provided information and arguments with which to defend this policy, asserting that the duchy was an ancient part of the kingdom that had been automatically included on the French side during the past truce between 1444 and 1449,

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[7] Calmette, J. et Périnelle, G. *Louis XI et Angleterre*. 50-63, and also see Scofield, C.L. *The life and reign of Edward the Fourth*. 2 volumes. London, 1923. 305-7, 321-6 and 344-7.

[8] Scofield, C.L. *The life and reign of Edward the Fourth*. I, 305-7 and 344-7.

[9] In April 1463, Louis XI had informed the chancellor of Brittany, Guillaume Chauvin, that when he concluded a truce with England he would include the duke in it. Louis confirmed this in a second letter written at Abbeville on 29 November 1463. 'A été conclu et appointé, dit le roi, que ... par lesdits Anglais, leurs sujets ou tenants leur parti, ne doit être fait descente, guerre ou hostilité par terre en notre royaume ... Et fut dit par exprès que vous, vos pays et sujets y êtes compris de notre part. Et déclarèrent lesdits Anglais

despite the skulduggery of the English.[10] Unfortunately, Louis' strategy failed because Edward IV negotiated an alliance against Louis XI, with duke Francis II of Brittany and Charles count of Charolais, son of Philip of Burgundy. Moreover, Edward's secret marriage to Elizabeth Woodville preempted any chance of a French marriage to cement an alliance with Louis.[11]

There is additional evidence to connect *Pour ce que plusieurs* with the diplomatic sphere. Firstly, the text is commonly associated with another work that was also probably intended for diplomats, the *Vraie cronicque dEscoce*, a short anonymous text in French recounting the history of the Scots from their legendary origins up to December 1463. This text was almost certainly written by John Ireland, a Scotsman who served as 'counsaloure, oratoire and familiaire' to Louis XI; it outlined the history of Anglo-Scottish relations, highlighting the main points of dissension, and thus provided French diplomats with background knowledge and material to use if negotiating with either side.[12] Secondly, two of the surviving manuscripts of *Pour ce que plusieurs* were prepared very soon after the events of 1464, presumably by Louis de Bruges, who owned one of the copies. The seigneur de Gruthuyse was a councillor and chamberlain to Philip the Good, closely involved in the complex diplomacy of the early 1460s: for example, in 1461, Philip sent him to Scotland to

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que ainsi l'entendaient.' Pocquet du Haut-Jussé, B.-A. 'Une idée politique de Louis XI: la sujétion éclipse la vassalité' *Revue historique*, 226 (1961). 387.

[10] Pocquet du Haut-Jussé, B.-A. *François II duc de Bretagne et l'Angleterre (1458-1488)*. Paris, 1929. 84 and 'Une idée politique de Louis XI'. 386-9. Pocquet du Haut-Jussé argued that Louis XI was deliberately trying to replace the concept of vassalage with that of subjection. Yet *Pour ce que plusieurs* used the two concepts together, arguing that Brittany had always been subject to the French crown, and thus that the homage paid by subsequent dukes was a mere manifestation of this sovereign relationship: thus, 'ledit duc de Bretaigne estoit homme et vassal du roy et la duche de Bretaigne subgette a la couronne de France', *ibid.* fos.53r-55r. See chapter four, section 1.1 above for the application of the concepts of sovereignty and resort by the French crown in the thirteenth and fourteenth century.

[11] Ballard, M.H.A. *Anglo-Burgundian relations 1464-1472*. D.Phil., Oxford, 1992. 26-7; Scofield, C.L. *The life and reign of Edward the Fourth*. I, 350-3.

[12] Bibliothèque Royale manuscrit 9469-70, BN manuscrit nouvelle acquisition française 20962 and BN manuscrit nouvelle acquisition française 6214. See Daly, K. 'The *Vraie conicque dEscoce*'. 130-133.

prevent the marriage of the Lancastrian prince of Wales to the daughter of the Scottish queen. Thus it seems most likely that his manuscript was a copy of an original text that he acquired through his diplomatic contacts; Louis presented a companion copy to the duke before 1467, when it first appeared in the inventory of the ducal library.[13] Finally, these manuscripts each included a miniature from the workshop of Guillaume Vrelant (1451-1481) in Bruges. These depict two officials debating while courtiers look on, but there is no sign of the two kings of France and England, as in the miniature in BN manuscrit nouvelle acquisition française 20962, probably prepared by Jean Roland III in the Loire valley. This may indicate that the miniatures in the manuscripts from Bruges, do not a show the fictional debate between Edward III and Philip VI, described in the first section of the treatise, but rather a generic diplomatic encounter, for which *Pour ce que plusieurs* itself would provide important briefing information.[14]

In the introduction to the treatise, the author reported that he was basing his work upon:

> anciennes cronicquez et histoires tant de France comme dAngleterre, es lettres aussi auctentiquez et enseignemens vaillables fais esdittez matieres, subjoignant aux choses dessusdittez ce quil treuve conforme en raison naturele et escripte tant des drois civilez comme canons. Pareillement de la loy salicque qui est la vraie loy des Francois, des usages aussy et coustumes dont les Francois et les Anglois ont use et usent tant en France comme en Angleterre.[15]

With regard to the Salic Law, Giesey has suggested that the writer of *Pour ce que plusieurs* had access to a manuscript of the *Lex salica*, containing a prologue speaking of the four 'dictators', Usogast, Visogast, Salagast and Wisogast, together with the

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13 BN manuscrit français 5058 and Bibliothèque Royale manuscrit 9469-70, and see Van Praet. *Recherches sur Louis de Bruges, seigneur de Gruthuyse.* Paris, 1831. 5-10 and 252-3.

14 See footnote 46 below, together with the miniatures in section 4 below.

15 At the end of the section section, he reported that his arguments about English territorial claims could be confirmed 'par lettres auctenticques comme par cronicquez hystoires anciennes et autres

discussion of the role of king Pharamond in the commissioning of the law. Yet all of these elements were available in the writings by Jean Juvénal and Noël de Fribois, while the connection between Pharamond and the Salic law had been noted by a wide number of texts, including Raoul de Presles' translation of the *De civitate dei*.[16] This underlines the problem of determining precisely which sources were used by the anonymous author, who himself avoided any direct attribution of his material in what was effectively a spartan, utilitarian examination of the central issues of the war.

There is certainly reason to suppose that the writer had some legal training. Unlike Jean Juvénal and the other writers, he avoided the use of arguments relating to the principle of inalienability when discussing the treaties of Brétigny and Troyes, presumably because there was no need to go to such extremes to overturn these documents now that the English had been expelled from France.[17] Yet on numerous occasions, he supported specific arguments by reference to Civil and Canon Law, despite his initial declaration that imperial law had no direct authority because 'le royaume de France nest point subget a lempire'.[18] For example, he cited Canon Law in support of his contention that the son of Rollo the Dane was an illegitimate child, having been conceived out of wedlock by a Christian mother and a pagan father: the subsequent marriage of his parents, and the conversion of his father, could not alter that fact. Similarly, he cited a gloss from Canon Law to support the contention that 'qui iniustement fait guerre, iustement on lui puet faire, non pas seulement en soy

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enseignemens et en soy conformant aux drois canons ciuilz et a lusage et coustume du royaume de France', *Pour ce que plusieurs*. fos.1v-2r and 45r-v.

[16] Giesey, R.E. 'The juristic basis'. 18, and see chapter two, section 2.2 above, together with Raoul (III) de Presles. *Les dix premiers livres de .. la Cite de Dieu.* Abbeville, 1486. Book V, chapter 25. The anonymous author did offer two unusual explanations for the eytomology of the 'Salic' law, discussed in chapter two, section 1.2 above.

[17] See chapter four, section 2, above.

deffendant mais en lui ostant tout le sien propre iusquez il ait deuement repare loffence quil a faitte'.[19] His legal background was most evident in the discussion of royal succession, in the first section of the treatise. Much of this material was derived from earlier sources, such as the use of the judgment against Eve in *Genesis* 3: 16, cited by both Jean Juvénal and Sir John Fortescue, and the Civil Law maxim, '*Nemo plus juris &c*', again used by the English lawyer. Yet the author of *Pour ce que plusieurs* also rejected the 'pont et planche' upon which the Plantagenet and Yorkist claims rested, by reference to another Civil Law rule, not used by Fortescue, '*medium predium quod non servit &c*' (*Digest*, 8.3.7.1), together with the notion that 'larbre portera fruit de tele qualite soit doulz ou amer que fait cellui dont il procede', derived from *Matthew* 7: 18. Moreover, the anonymous writer also emphasised that the French crown was a sovereign office by reference to two Canon Law authorities, including the famous *Per venerabilem* (*Decret. Grat.* 4.17.13).[20]

The two sections of the treatise that addressed entirely new problems for the polemical writers, seem to indicate that the anonymous writer was intimately connected to the diplomatic sphere. Firstly, *Pour ce que plusieurs* provided a lengthy and often inaccurate discussion of the breach of the Anglo-French truce in 1449, meeting a need that Charles VII had earlier brought to the attention of Jean Juvénal des Ursins.[21] The writer certainly had access to official records, frequently referring the reader to 'lettres auctentiquez qui sont ou tresor des chartres'. Thus it is not surprising that he knew of 'pluiseurs proces informations depositions et tesmoingz et autres euidences notables en forme deue et auctentique touchant la prise dudit

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[18] *Pour ce que plusieurs*. fo.4v

[19] *Pour ce que plusieurs*. fos.32v-33r and 44v-45r. For additional examples, see fo.13v, and for the discussion of bastardy, also see footnote 26 below.

[20] *Pour ce que plusieurs*. fos.7r- 10v. For connections to Fortescue, see chapter three, section 2 above.

[21] See chapter four above.

Fougieres et dont elle proceda', together with the notarized accounts of the conferences with the English in June and July 1449; indeed he had detailed knowledge of the diplomatic discussions and the composition of embassies during this important period before the renewal of war, and the reconquest of Normandy. This might suggest that he had been involved personally in these events, and thus a logical choice when Louis XI wished to secure an updated version of *Tres crestien, tres hault, tres puissant roy.*[22] Secondly, the author of *Pour ce que plusieurs* drew heavily upon the recent pamphlets of Sir John Fortescue, for his discussion of the Yorkist claims to the English and French thrones, perhaps indicating that the anonymous author was a diplomat who had visited either England or Scotland, where the Lancastrians took refuge in the aftermath of the usurpation of the throne by Edward IV.[23] The comments of the French writer on the English practice of entail to the male line were probably derived from Fortescue, but in many other places he demonstrated a remarkable knowledge of English, Scottish and Welsh history. For example, he was aware that 'en Angleterre les epytaphes dudit Henry le .v^e^. tant en son palais de Westmonstre que par tout ailleurs ou royaume .. met expressement en ceste maniere aumoins en substance: *Henricus quintus, Dux Normanorum verusque conquestor eorum, heres Francorum decessit et rector eorum'.*[24] He had detailed knowledge of the royal succession from William the Conqueror onwards, which suggests that he was using an English genealogy, and he may well have used English

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[22] For example, *Pour ce que plusieurs.* fos.12v, 21v, 26r, 30r, 51r, 53v, 60r-61v, and see also the discussion of documents dating from 1294, concerning Marguerite, daughter of Philip the Fair, in *ibid.* fo.8r. The author may have been drawing his knowledge of the events surrounding Fougères from the collection of documents in BN manuscrit français 4054, though this did not include the official report of the negotiations in late June and early July 1449: see *ibid.* 60v-61r and footnote 35 below. Interestingly, *Pour ce que plusieurs* defined the boundaries of the duchy of Guyenne as the *sénéchaussées* of Bordeaux, Landes and Bazadais; in fact these were areas of customary law rather than administrative and judicial boundaries, as the author was repeating a common error made by French diplomats, seen for example during the negotiations in 1435 and 1445. *Pour ce que plusieurs.* fos.26v and 29r-v, and *Letters and papers illustrative of the wars.* I, 51-2 and 135. See Vale, M.G.A. *English Gascony, 1399-1453: a study of war, government and politics during the later stages of the Hundred Years' War.* Oxford, 1970. 103 note 8.

[23] See chapter three, section 3 above.

chronicles too, twice citing them, without specific reference, in his discussion of king John.[25] He argued that William Long-sword, the son of Rollo the Dane, could not have inherited the duchy of Normandy because he was an illegimate son; he defended this claim by reference not just to Canon law, which declared the offspring of any marriage between a Christian and a pagan to be illegitimate, but also to 'la coustume dAngleterre' by which 'quantesfoiz que le cas avient que ung homme maintient une femme avant quil lespouse et quil en a des enfans et apres il espouse laditte femme, les enfans nez ou mariage pose quilz soyent plus ionez succedent entierement au pere et a la mere et non point ceulx qui sont nez paravant le mariage. Et de cest article ne fault faire difficulte aucune car cest le vray usage dont len use cotidiennement oudit royaume dAngleterre'.[26] Similarly, *Pour ce que plusieurs* argued that in the past, English kings had forfeited their rights to lands in France for their treasonous actions, 'combien quil nest plus cler ne plus iuste tilte que confiscation quant il ya matiere souffisant, et que les proces sont deuement fais, et ainsi lordonnent les drois civilez et canons, la loy salicque et la coustume generale du royaume de France. Et mesmez en usent les Anglois en Angleterre par semblable, et a ce moyen en tiennent tous les pays de Gallez et la pluspart du nord depuis la riviere du Humbre en tirant devers Escoce'. The Frenchman also commented that: 'Pareillement les roys dEscoce soloyent tenir la conte de Hontiton, Nothombelland, Tindal et pluiseurs grans terres et seignouries en Angleterre, lesquelles les Anglois par semblable leur ont osteez et les en ont privez et deboutes'. This argument was

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[24] *Pour ce que plusieurs*. fos.21r-v.

[25] *Pour ce que plusieurs*. fos.27r and 47r-v. In contrast, Jean Juvénal mistook John of Gaunt for his son Henry and repeatedly confused March, Percy and Northumberland. Jean Juvénal. *Les écrits politiques*. I, 176 and 182, and II, 159-60

[26] *Pour ce que plusieurs*. fos.32v-33r. The author was careful not to mention that Canon and Civil Law did hold that a bastard might be legitimized by the subsequent marriage of his parents, as Sir John Fortescue noted in *De laudibus*. 92-100 (chapters 39-41), contrasting this with the English situation. See the comments in Litzen, V. 'A war of roses and lilies: the theme of succession in Sir John Fortescue's works' *Suomalaisen tiedeakatemian tomituksia Annales Academiae Scientiarum Fennicae*, 173 (1971). 44-8.

explained in greater detail by the *Vraie cronicque dEscoce*: the earldoms of Huntingdon, Northumberland, Cumberland and Tynedale had been granted to Scottish kings in return for surrendering their claim to the English throne inherited through Margaret, wife of Malcolm III; Malcolm IV subsequently surrendered these lands to Henry II in 1157, and also paid homage for the kingdom as a whole. There is some evidence to suggest that the Scots were renewing their claim to these lands, perhaps as the price of an alliance with the Lancastrian exiles. Thus, the author of *Pour ce que plusieurs* may have been deriving his knowledge of the Scottish situation from the *Vraie cronicque dEscoce*, a text probably written by John Ireland, along with a quotation from Bede: 'Anglicus angelus est cui nunquam credere fas est. Dum tibi dicit ave tanquam ab hoste cave'.[27] Yet it is equally possible that Ireland derived this information from the author of *Pour ce que plusieurs*, who certainly was not using the *Vraie cronicque* as a source for the discussion of the situation in Wales; according to *Pour ce que plusieurs*, Llywelyn ap Gruffyd and his brother Dafydd had rebelled against Edward I, and were subsequently killed in 1282 and 1283 respectively: thus 'les Anglois neurent droit de succession ne transport ou pays de Galles ne autre tiltre fors faulte dhommage desobeissance ou rebellion et la guerre que les Gallois leur faisoient'.[28] Taken together, these points suggest that the author was particularly well-informed about British history, and thus may have spent time there, perhaps as a diplomat.

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[27] Bishop Leslie of Ross (1526-1596) suggested in the sixteenth century when he claimed that the Lancastrians had sealed an agreement to deliver Northumbria and Durham in exchange for Scottish aid. *Pour ce que plusieurs*. fos.15v, 28v-29r and 46r-v. and see the *Vraie cronicque dEscoce* in BN manuscrit nouvelle acqusition française 20962, fos.58v-59v, together with Daly, K. 'The *Vraie cronicque dEscoce*'. 116 and 121-2. For the proverb, see Walther, H. *Proverbia sententiaeque latinitatis medii aevi*. Gottingen, 1963. I, 123, number 1055; Walter Bowyer. *Scotichronicon*. Ed. W. Goodall. Edinburgh, 1759. I, 221 and II, 309; *Bannatyne miscellany*. Ed. D. Laing. Edinburgh, 1855. 41. (My thanks to Dr. Richard Sharpe for providing me with these references). In general, see chapter three, section 2 above.

[28] *Pour ce que plusieurs*. fos.46r-v. Llywelyn ap Gruffyd paid homage to Henry II in 1247, but refused to pay homage to Edward I in 1272. Edward I invaded in 1276, conquering all but Snowdonia, and Llywelyn was killed on 11 December 1282 in battle against the English near Builth. His brother Dafydd

Pour ce que plusieurs has been variously ascribed to Claude de Seyssel, Jacques Cousinot, Jean Juvénal and Jean Rogier of Rouen.[29] In fact, there is no conclusive evidence to identify the author of *Pour ce que plusieurs,* but a strong circumstantial case may be made for Guillaume Cousinot II (c.1400-1484), lord of Montreuil, near to Vincennes. Cousinot was a secretary of Charles VII from 1438, and became *maître des requêtes,* councillor and, in 1442, the first president of the *Conseil delphinal,* which became the *Parlement* of Grenoble.[30] On 16 August 1464, Louis XI wrote to Charles de Melun, his lieutenant in Paris :

> pour ce que nous desirons que a la journee qui se doit tenir entre nous et nostre tres cher neveu le duc de Bretagne ..., les droits que pretendons au dit pays de Bretagne soient clairement monstrés de nostre part ..., pour ces causes nous vous avons ordonné faire voir et visiter en plusieurs lieux de nostre royaume tout ce qui se pourra trouver touchant la ditte matiere. Et entr'autres avons ordonné que en nostre ville de Paris, tant es registres de nostre cour de Parlement que au Thresor et en la Chambre des comptes, semblablement en l'abbaye de Saint Denis et partout ailleur es marches de par dela soit veu et regardé tout ce qui nous pourra servir touchant les dittes matieres; et a ceste cause envoyons de present par dela nostre amé et feal Guillaume Cousinot, chevalier, lequel avons chargé avec vous de besogner et vaquer es dittes matieres. Si voulons et vous mandons bien expressement que vous et lui ensemble besognez es dittes matieres en la plus grande diligence qu'il sera possible; et tout ce que vous trouverez faites le mettre en forme due et autentique, telle qu'on y puisse adjouter foi quand temps et lieu sera.[31]

Thus in August 1464, Cousinot was involved in the preparation for a meeting between Louis and duke Francis II of Brittany, at which the rights of the French crown over the duchy were to be presented, presumably the conference to be held at

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was captured and executed at Shrewsbury the next year. See Prestwich, M. *Edward I.* London, 1988. 170-201 and Walker, D. *Medieval Wales.* Cambridge, 1990. 111-38.

[29] Potter, J.M. 'The development and significance of the Salic Law'. 249n, citing in particular the views of Père Lelong; Pocquet du Haut-Jussé attributed the work to Jean Juvénal in 'Une idée politique de Louis XI'. 388.

[30] For brief biographical sketches, see *Chronique de la pucelle, ou Chronique de Cousinot, suivie de la Chronique Normande de P. Cochon, relatives aux règnes de Charles VI et de Charles VII.* Ed. A. Valet de Viriville. Paris, 1859. 15-33; *Dictionnaire de biographie Française.* Paris, 1929-. IX, col. 1080-1081; *Dictionnaire des lettres françaises: le moyen âge.* Revised edition, Paris, 1992. 614.

[31] In September, Louis also wrote to Dreux Budé, keeper of the *Trésor des chartes,* commanding him to give Cousinot every assistance necessary. See *Lettres de Louis XI.* Ed. J. Vaesen et E. Charavay. Paris, 1883-1909. II, 219 and X, 218-9; Contamine, P. 'La mémoire de l'état: les archives de la Chambre des Comptes du roi de France à Paris au XVe siècle' *Des pouvoirs en France, 1300-1500.* Paris, 1992. 153; Jean Juvénal. *Les écrits politiques.* III, 165.

Chinon on 8 September and then put off until 15 October.[32] But the issue of 'les droits que pretendons au dit pays de Bretagne' had a wider significance in terms of Anglo-French relations, particularly in light of the forthcoming Diet at St. Omer, and so Cousinot or one of the other experts would have been well-qualified to prepare *Pour ce que plusieurs*. This tract addressed the question of French sovereignty over Brittany through the events of the late 1440s: Cousinot was perhaps the foremost expert on these matters, having taken part in the embassies to England in 1445, the negotiations leading up to the handover of Maine and the subsequent discussions of infractions of truce, including the seizure of Fougères: in the words of Vallet de Viriville, 'Cousinot de Montreuil fut l'agent principal des relations diplomatiques qui eurent lieu, pendant le cours des trêves, entra la France et l'Angleterre.[33] The author of *Pour ce que plusieurs* cited a number of official records, including the 'deposicion de messire Francois de Surienne dit lArragonnois, executeur de ladicte enterprise et de pluiseurs autres qui aidierent a icelle conduire', and the records of the negotiations of June and July 1449, which were copied by apostolic and imperial notaries. Intriguingly, one manuscript, BN MS français 4054, contains a great deal of material relating to the diplomatic wranglings of 1448 and 1449, including Surienne's deposition and two documents relating to the meeting of 31 July 1449 when Charles VII informed the English why he considered the truce to have been broken.[34] This dossier contained a number of documents concerning Cousinot, including a letter written by Louis XI in

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[32] The tract setting out the arguments used by Louis XI was principally concerned with the regalian rights over the duchy, a matter that was not touched upon in *Pour ce que plusieurs*. Contamine, P. 'Méthodes et instruments de travail de la diplomatie française. Louis XI et la régale des évêchés bretons (1462-5)' *Des pouvoirs en France, 1300-1500*. Paris, 1992. 147-67.

[33] *Chronique de la pucelle*. 25.

[34] BN manuscrit français 4054, fos.86r-91v, 111r-131r and 153r-57r.

1479 to Guillaume Cousinot II, asking him to prepare a text discussing the rights of crown.[35]

Pour ce que plusieurs provided information on another new issue concerning the crown, the Yorkist claim to the thrones of England and France, and was clearly composed by a Frenchman with a great deal of knowledge of English affairs, who had perhaps also encountered Sir John Fortescue, or at least read his pamphlets. Cousinot would certainly fit this bill, having been employed by Louis XI as an emissary to the exiled Lancastrian court in Scotland. Soon after March 1463, he was dispatched to Scotland and returned to France via the Hanse, appealing for support for Henry VI against Edward IV, with whom the merchants had recently quarreled. The next year, Cousinot rejoined Henry VI at Bamburgh, returning to France in February carrying detailed instructions from the Lancastrian king to his wife.[36] Indeed, Cousinot was certainly partial to the Lancastrian cause, as a member of the circle of René of Anjou and Pierre de Brézé, lord of la Varenne, count of Maulevrier and grand seneschal of Normandy, who led and organised most of the direct French support for Henry VI and Margaret of Anjou during the 1460s. This would certainly accord with the tactful silence of *Pour ce que plusieurs* on the subject of the Lancastrian claim to the English crown, acquired through the notorious murder of Richard II, an event out of which all of the other polemical writers made great mileage.[37]

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[35] *Pour ce que plusieurs.* fos.51r and 60r. In a letter to the Comte de Foix written on 25 September 1449, Guillaume Cousinot refered to '.. nostre relation, instruite et justifiee par loyaux instrumens appliques ...' Beaucourt, G du Fresne de. *Histoire de Charles VII.* 6 volumes. Paris, 1881-90. V, 439.

[36] Scofield, C.L. *The life and reign of Edward the Fourth.* I, 291 and 315-8. In the record of the cathedral chapter of Rouen, appears the following entry under the date of 7 April 1464 : 'Guillaume Cousinot, baille de Rouen, de retour d'Angleterre ou il avait ete prisonnier, remercie les Chanoines des prieres qu'ils avaient faites pour lui'. Scofield suggests that Cousinot pretended that he had been a prisoner at Bamborough in order to protect Louis XI, who had promised in the truce of Hesdin not to support the Lancastrians. *Ibid.* 324. But note that Cousinot had been held captive in England between 1451 and 1455, after being captured while returning from an embassy to Scotland; he was subsequently freed with the financial aid of Rouen, of which he was *bailli. Chronique de la pucelle.* 76-80.

[37] See chapter three, sections 2 and 3 above.

Cousinot certainly had the literary ability to produce a treatise like *Pour ce que plusieurs*.[38] He was certainly involved in the preparation of material for French diplomats on other occasions. He is the author of a memorandum supporting Louis XI's pretensions to Burgundy and the county of Mâcon upon the death of Charles le Téméraire.[39] Moreover, on 22 April 1478, Louis XI asked Cousinot to join five other men to 'dresser beaux, notables, grans et amples memoires' on which to base the rights and by which he might reply to the English pretensions to the French crown, Normandy and Guyenne:

> est besoing de faire dresser beaux, notables, grans et emples memoires et instructions pour bien fonder mes drois, mais respondre a tout ce que les Anglois vouldront pretendre, tant en la couronne de France, comme es pays et duchiez de Normandie et de Guyenne, et generalement a toutes les autres choses qu'ilz pourroient demander et alleguer, et commectre notables et grans personnaiges saiges, preudens et cognoissans en telles matieres, seurs et feables pour y besoigner. Et pour ce que entre autres vous estes l'un de ceuls qui plus en avez veu, j'ay vous y ay espicialement ordonné et commis [avec d'autres].... Et a semblé le myeulx de vous faire tous assembler a Paris, que pour ce des choses qu'il sera besoing de veoir, tant en la court de Parlement, que ou Tresor des chartres, en la Chambre des comptes et croniques Saint Denis et ailleurs, l'ou on pourra illecq plus aisement s'unir que autre part. Sy vous pry, monsr. de Monstereul, que le plus tost que vous pourrez, vous rendiés a Paris pour besoigner avecques les dessusdiz, pour besoigner en ladicte matiere le myeulx et plus meurement que faire se poura, et en maniere que se soit au bien et honneur de moy, du royaume, de la couronne, et me y servez comme je en ay vers la conscience.[40]

Thus, he was definitely asked at least this once to work on a dossier dedicated specifically to the refutation of the English arguments. Cousinot also composed a piece in verse and prose, the *Réponse à Robertet sur le départ de la belle Etiennette* (1469).

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[38] He almost certainly did not write the *Chronique de la Pucelle*, Planchenault, R. '*La chronique de la Pucelle' Bibliothèque de l'Ecole des Chartes*, 93 (1932). 55-104, responding to Vallet de Viriville in *Chronique de la pucelle*. 15-33.

[39] BN manuscrit nouvelle acquisition française 5042, fos.105r-166r, discussed in Milliez, M. 'La succession de Charles le Téméraire d'après deux mémoires contemporains' *Positions des thèses de l'Ecole des Chartes*. Paris, 1941. 87-92. Both this memorandum and a brief letter to the Chancellor and the *Grand conseil* (12 August 1477), in BN manuscrit nouvelle acquisition française 5041, fos.78r-79r, are written in a very similar style and form to *Pour ce que plusieurs*.

[40] BN ms fr 4054, fo.240, edited in the *Lettres de Louis XI*. VII, 31-33, cited by Contamine, P. 'La mémoire de l'état'. 237.

This text appears in BN manuscrit français 12788, along with *Pour ce que plusieurs* and a history of the conquest of Normandy by Henry V. These were certainly texts that would have interested Cousinot, reflecting many of the central occupations of his career; this raises the possibility that the manuscript was executed for Cousinot, and perhaps also that he wrote not just the reply to Jean Robertet, but also *Pour ce que plusieurs.*[41]

In conclusion, there is a very strong circumstantial case to suggest that Cousinot was the author of *Pour ce que plusieurs.* Indeed, he certainly enjoyed great favour from Louis XI, even more than from Charles VII: on 20 November 1465, his pension of 600 l.t. was increased to 3000 l.t. per annum; on 2 June, he was appointed as *concierge* of the *conciergerie du Palais* at Paris, with a stipend of 1200 l.t.; between 1465 and 1468, he became captain of Cabrières in Languedoc, *châtelain* of Lates-lès-Montpellier, captain of Sauxe near to Perpignan and finally governor of Montpellier and of the barony of Omellas. These were undoubtedly rewards for his sterling service for Louis XI; indeed, on 4 August 1469, Louis exempted him from the need to carry out all of these offices in person. Yet it is also possible that they reflected his skillful composition of such a key treatise for the crown.[42]

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[41] Robertet, Jean. *Oeuvres.* Ed. Margaret Zsuppán. Geneva, 1970. 33, and see section 2.1 below.

[42] *Chronique de la pucelle.* 29-30 and 81-2.

1.2 *Manuscripts*

MEDIEVAL MANUSCRIPTS

A	Paris, BN manuscrit français 5056
B	Paris, BN manuscrit français 5058
C	Paris, BN manuscrit français 12788
D	Paris, BN manuscrit français 15490
F	Paris, BN manuscrit nouvelle acquisition française 6214
H	Paris, BN manuscrit nouvelle acquisition française 20962
I	Turin, Biblioteca reale di Torino ms L II 36
J	Paris, Bibliothèque de l'Arsenal manuscrit 3434
K	Brussels, Bibliothèque Royale manuscrit 9469-70
L	Brussels, Bibliothèque Royale manuscrit 12192-94
M	Lille, Bibliothèque Municipale MS 322
N	Vienna, Osterreichische Nationalbibliothek 3392
O	Vat. ms Reg. 1933
P	Paris, Bibliothèque Mazarine manuscrit 2031
Q	London, British Library Additional manuscript 36541

A *Paris, BN manuscrit français 5056*[43]

fos.1r-30r	*Pour ce que plusieurs.*
fos.30v-51r	*Audite Celi.*[44]
fos.51v-67v	*L'instruction d'un jeune prince* by Ghillebert de Lannoy.[45]
fos.68r-v	Ruled but left blank.

Codicology: 73 vellum folios, 315mm x 245mm. The manuscript is ruled in a grid of 220 x 175mm in red ink, with some light variations. The text appears to have been written by a single copyist in a uniform fashion in brown ink. The capitals are presented in yellow and the chapter headings in the third text are in red; there is no rubrication and the citations are not marked. There is a six-line high initial in brown and red, decorated in red and blue, at the start of the first text on folio 1r; four-line high initials in the same style appear at the start of the texts on folios 30v and 51v, and a similar four-line high initial at the start of the first chapter of the third treatise on folio 54r. A three-line high

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[43] See Delisle, L. *Le cabinet des manuscrits de la Bibliothèque Impériale*. Paris, 1868. I, 169 and 174 and Jean Juvénal. *Les écrits politiques*. I. 99-102.

[44] Jean Juvénal. *Les écrits politiques*. I, 94-281.

initial in the same style marks the start of the third part of the first treatise on folio 22r. Two-line high initials in red on brown and in blue on red appear throughout the text of the first treatise and in less copious quantities in that of the third. The binding is red morocco with the inscription 'DECIS<O> DES R. DE FRANCE ET DAN<G>' on the spine; on folio Av an early hand has written 'Decission des differents qui ont esté entre la France et l'Angleterre'. Folios B, C, 68 and 69 are blank, but folio 70r bears the inscription 'Sol<la> juvat virtus, cetera morte cadunt' in a different early hand.

Provenance: On folio 67v, there is a contemporary colophon: 'Ce livre est a Jehanne fille et seur de roy de France duchesse de Bourbonnois et d'Auvergne contesse de Clermont, de Forez et de l'Isle en Jordan et dame de Beaujeu, escript et perachevé en la ville d'Amboise le septiesme jour de fevrier lan de grace mil cccc soixante et neuf' and below the text is the signature 'Gontart'.

B *Paris, BN manuscrit français 5058*

fos.1-64r *Pour ce que plusieurs.*

Codicology: 73 vellum folios, 310mm x 220mm. The text occupies an area of approximately 185mm x 130mm (28 lines) and the script is a neat upright bastarda in dark brown ink, with rubrics in red. There are four and two line initials in gold together with red and blue, with white penwork, marking the major textual divisions; elsewhere there are one-line blue or gold letters with pen decoration in red and black. Folio 1r is adorned with a minature depicting two officials debating, while courtiers look on; the margins are filled with foliage and flowers, and also the shield of France

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45 *Oeuvres de Ghillebert de Lannoy, voyageur, diplomate et moraliste*. Ed. C. Potvin. Louvain, 1878. 327-431.

directly below the picture. The minature almost certainly comes from the workshop of Guillaume Vrelant (1451-1481) in Bruges, and may be dated approximately to the 1460s; it is very similar to the minature in Bibliothèque Royale MS 9469-70 (K), which was also prepared by the workshop of Vrelant between 1460 and 1470.[46] Folios B-D and 65-8 are blank. On fo.Av appears the Blois shelf mark, 'Des hystoires et livres n francoys Pul^to^ 3° / 'contre la muraille de vers la court'/ bloys'; there is also an early inscription 'Justification de France contre lAngleterre du temps du roy ['Charl. vii^e^' crossed out] Loys XI' inserted in possibly a seventeenth century hand. Folio 69 bears only the words, in the bottom of the recto, on the left 'Priere Vaille'. The binding is Louis-Philippe, comprising a red card board and a red morooco back; the spine has six panels of which the second bears the legend 'JUSTIF DE FRANCE C. LANGE S. L.XI'.

Provenance: The manuscript originally belonged to Louis de Bruges, lord of Gruthuyse (d.1492), and was incorporated by Louis XII into the library of Blois. We do not know how the books came into the hands of Louis XII, though Van Praet suggests that Jean de Bruges, son of Louis, might have paid homage to Louis XII by giving him the books of his father.[47]

C *Paris, BN manuscrit français 12788*

fos.1r-42v *Pour ce que plusieurs.*

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[46] My thanks to Greg Clark and Suzy Nash for their advice on this matter. See Winkler, F. *Die flamische Buchmalerei des XV. und XVI. Jahrhunderts: kunstler und Werke von den Brunden van Eyck bis zu Simon Bening.* Amsterdam, 1987; Dogaer, G. *Flemish minature painting in the fifteenth and sixteenth centuries.* Amsterdam, 1987. 99 and Bousmanne, B. *'Item a Guillaume Wyelant aussi enlumineur'. Willem Vrelant - Un aspect de l'enluminure dans les Pays-Bas méridionaux sous le mécénat des ducs de Bourgogne, Philippe le Bon et Charles le Téméraire.* Brepols , 1997. Also see footnote 67 below.

[47] Delisle, L. *Le cabinet des manuscrits de la Bibliothèque Impériale.* I, 140-144 and Van Praet. *Recherches sur Louis de Bruges.* 82.

fos.46r-92v	Continuation of the *Chroniques de Normandie* concerning the conquest of Normandy by Henry V (1414-1421).[48]
fos.93r-119v	*La danse aux aveugles*, a poem by Pierre Michaud. Incomplete, missing last eleven verses. 'Mais oncques de tous les seigneurs/ de son sang my eust aulcun a l'acompaigner si non le duc de Belliford engloys dont se fut partie veu son noble sang et lignaige'
fos.120v-127r	*L'exclamation et regret lamentable fait par le departement d'Estiennette de Paris, faicte a Tours, en l'annee 1468* by Robertet, secretaire de Monsieur de Bourbon. With the *Response faicte par Guillaume Cosinot* (fols. 120v-124r) and a reply to this by Robertet (124v-126r).[49]
fos.127v-128r	Anonymous verse celebrating the glory of wine.
fos.128v	Epitaph in verse for Philippe the Good, duke of Burgundy, attributed to Jean Molinet.[50]
fos.129r-v	*Ballade faicte par Maistre George Chastellain, serviteur de Monseiur de Bourgogne*, with a reply composed by 'de petit Dare de Rouen'.[51]

Codicology: 129 paper folios with watermarks, 305mm x 215mm. There is a contemporary foliation which runs in the lower left corner of versos: the first visible 'i' on modern pencil foliation 1, and the last 'xli' on pencil foliation 39; folio 'xii' is missing so that the first quire now contains just eleven folios, unlike the second, third and fourth which all have twelve folios. The modern ink foliation does not recognise this missing folio, and so is one behind at folio 'xli' (folio 40); moreover in the modern pencil foliation there are also two folios 20, and so is in fact two folios behind the contemporary foliation at folio 'xli' (folio 39). There are also two unfoliated leaves inserted between folios 43 and 44, which we will identify as folios 43bis and 43ter. There is no ruling either for a text frame or lineation, and there is no sign of any pricking or of folding for the edges of the text, which occupies an area of around

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[48] Heading - 'Ensuit [la conqueste crossed out] la conqueste de Normendie'. Rubric 'Comment le roy dangleterre envoia en France ses embassadeurs pour sommer le roy de France de rendre la duchie de Normendie de Guyenne dAnjou et du Mayne'. The text ends with the funeral of Charles VI; it also appears in College of Arms, MS Arundel 46; BN manuscrits français 5327 and 5028, and Rouen, Bibliothèque Municipale manuscrit 1234. See *Les cronicques de Normendie (1223-1453)*. Ed. A. Hellot. Rouen, 1881. 15-70. [from Rouen ms].

[49] Robertet. *Oeuvres*. 33 and 148-158

[50] Thorpe, L. 'Two epitaphs by Jean Molinet' *Scriptorium*, 8 (1954). 284-6.

[51] In fact the *Ballade sur la révolte de Liége en 1467* by Jean Molinet together with the reply offered by Petit Dare of Rouen. Molinet, Jean. *Les faictz et dictz de Jean Molinet*. Ed. N. Dupire. 3 volumes. Paris, 1937-9. II, 851-2. This work was in fact a reaction to Chastellain's *Lyon rampant* (1467), Small, G. *George Chastelain and the shaping of Valois Burgundy: political and historical culture at court in the fifteenth century*. Woodbridge, 1997. 124. My thanks to Graeme Small for his advice on this matter.

220mm x 140mm and around 37 to 38 lines per folio. There are two or three scribes, the first from folios 1 to 43 (cursive batarde), the second from folios 45 to 91 (batarde), and the third, who is perhaps the same as the first (cursive batarde), from folios 93 to the end. The ink is brown, the initials are in red over guide letters, and capitals are indicated in red. There is no decoration of the text, and note that there are more modern pen-trial doodles on the blank leaves. On folio 42v, the words 'fait lan de grasse mil iiii^{4} lxxi le mois de juillet xvi^{e}i^{e}' are written in red ink alongside and below the explicit to *Pour ce que plusieurs*; there are also two citations from *De officiis* of Cicero in a rather later hand on folio 16r in the margin above the text: 'Virtutis enin [*sic*] laus omnis in accione consistit' (1, 6, § 19) and folio 43r which apart from pen trails is blank except for the following citation: 'Nulla enin [*sic*] vite pars neque publicii neque privati neque forencibus ne que domesticis in rebus neque sy tecon agas quid, neque sy con altero contra has, vacare officio potest' (I, 2, § 5). The binding is Charles X red morocco with six panels on the spine, three showing the cypher and the crown, two presenting the fleur de lys and the final section 'TRAITE DES PRET D'ANGLET'. The end papers are blue marble, together with one modern end paper, upper and lower. On the recto of the upper cover end paper, is a torn slip of contents in a seventeenth century hand; in the upper right corner are the words 'Suppl. fr. 607' in modern pencil, and '1' of an earlier ink foliation is crossed out.

Provenance: Unknown, though the materials included in this collection suggest that it was composed for Guillaume Cousinot: each of the texts relates to his military, diplomatic and literary activities. One of the pen trials on folio 91v reads: 'Robert le Grand demeurant a Rouen je vous ...'.[52]

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[52] In his *Bibliothèque de l'histoire de France*, in 1719, Père Lelong attributed the anonymous 1522 editior of the *Loy salique premiere loy des françois* (number 11761) to Jean Rogier of Rouen because it was printed

D *Paris, BN manuscrit français 15490*

fos.2r-3r	*Pour ce que plusieurs.*
fo.3v	Blank
fos.4r-14v	*Pour vraye congnoissance avoir.*[53]
fos.15r-38r	*Memoire abregée grossement.*[54]
fos.38v-42v	Blank
fos.43r-135v	Treaties and dipomatic documents relating to negotiations between France and England between 1359 and 1369.[55]

Codicology: 137 parchment folios, 400mm x 295mm. The text is presented in two lined columns of 37 lines, covering an area approximately 255mm x 72mm each. The text would appear to be written in a number of different hands, all in style a neat upright bastarda in dark brown ink. Rubrics are normally undistinguished, except in the table for the treaties where some red has been inserted to indicate chapters, though this is incomplete, and occasionally in the body of this section itself. Initials are not inserted, though space has been left for them: seven lines at the start of *Pour ce que plusieurs;* four lines for the beginning of *Pour vraye congnoissance avoir;* three lines at the start of the *Memoire abregée grossement* and two lines for the start of sections of *Pour ce que plusieurs* and *Pour vraye cognoissance avoir.* Space is left in fos. 2r, 4r and 45v for a miniature. From fo.123v, there are marginal notes in red ink, summarizing the sections of the treaties. The binding may be contemporary. 'Ancienne histoire contenant les querelles dentres les Roys de France et d'Angleterre' is inscribed on folio 1r.

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together with an harangue of that author. Potter, J.M. 'The development and significance of the Salic Law'. 249n

[53] This text also appears in BN manuscrit français 25159.

[54] This dossier also appears in Bibliothèque Royale manuscrit 10306-7; BN manuscrit nouvelle acquisition française 6215; BN manuscrit Dupuy 306; Bibliothèque de l'Arsenal manuscrit 2450. See Jean de Montreuil. *Opera.* III, 52-110.

[55] These documents are presented out of order and should be read as 43-66, 123-135, 109-122 and 67-108 (some leaves missing).

Provenance: Unknown, though the treatise *Pour vraye cognissance avoir* was composed in 1471 by an officer of the *Chambre des Comptes*, almost certainly Louis Le Blanc, and so provides a *terminus antequam*. Indeed this incomplete manuscript may well have served as Le Blanc's working manuscript.[56]

F *Paris, BN manuscrit nouvelle acquisition française 6214*[57]

fos.1r-49v *Pour ce que plusieurs.*
fos.50r-62r *Vraie cronicque dEscoce.*

Codicology: 64 vellum folios, 300mm x 225mm; the first folio is missing, though this has been disguised by the addition of a rubric to the second folio, now folio 1r. The folios are ruled in a grid of red ink, covering an area of 190mm x 134mm; there are 31 lines per folio. The script is a neat upright bastarda in dark brown ink; rubrics for the titles of the texts are red, in the same style. Two-, four- and five-line initials in gold, red and blue, with white penwork mark the major textual divisions, and elsewhere there are 1 line blue or gold letters with pen decoration in red and black. The script and the initials are almost identical to Paris, BN manuscrit français 5058 (B) and Brussels, Bibliothèque royale manuscrit 9469-70 (K), which adds strength to the view that that the first folio was removed because it contained a minature.

Provenance: The original owner of this manuscript dating from the second half of the fifteenth century is unknown. The coat of arms on folio 62r seems to be that of the

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[56] Daly, K. 'Mixing business with leisure: some French royal notaries and secretaries and their histories of France, c.1459-1509' *Power culture and religion in France, c.1350-1550.* Ed. C.T. Allmand. Woodbridge, 1989. 99-115 and See Pons, N. 'A l'origine des dossiers polemiques: une unitiative publique ou une demarche privée?' *Pratiques de la culture écrite en France au Xve siècle.* Paris, 1992. 370-1.

[57] Delisle, L. *Catalogues des manuscrits des fonds Libri et Barrois.* Paris, 1888. 241-4. The manuscript is the one that had been numbered 9679 in the inventary of the manuscripts of the Bibliothèque du roi made out in 1682, and which came from Cardinal Mazarin. Daly, K. 'The *Vraie conicque dEscoce*'. 106-133, especially appendix A.

Gilliers family, but this is in fact a forgery according to Léopold Delisle and François Avril.[58]

H *Paris, BN MS nouvelle acquisition française 20962*[59]

fos.4r-53v *Pour ce que plusieurs.*
fos.53v-65v *Vraie cronicque dEscoce.*

Codicology: 71 vellum folios, 285mm x 200mm; folios 62 and 64 have been misplaced and should be read in reverse order. Each folio is ruled in a grid approximately 180mm x 125mm, with thirty-six lines per page. The script is neat and the ink is dark brown, with rubrics in blue and red/mauve. The initials are alternating gold and blue, with a six-line initial and a minature at the start of the manuscript, five-line initials marking major textual divisions in the first text, and a five-line initial introducing the *Vraie cronicque*; minor textual divisions in both texts are marked by two-line initials. The minature, occupying twenty-one lines, shows two officials debating before an audience of five courties and the kings of France and England; on the wall of the chamber above the two kings, are the arms of Jacques d'Armagnac, duke of Nemours. This minature is much finer than those in Bibliothèque Royale MS 9469-70 (K) and Bibliothèque Nationale MS Français 5058 (B), and is from the Loire valley, almost certainly produced during the 1460s by Jean Roland III.[60] The stamped leather binding may be contemporary with the manuscript. Marginalia are not contemporary.

Provenance: The arms of Jacques d'Armagnac, duke of Nemours, are painted on the architectural framework in the minature. He was judged by an arrêt on 10 July 1477,

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[58] Daly, K. 'The *Vraie conicque dEscoce*'. 133.

[59] Delisle, L. *Catalogue des manuscrits des fonds Libri et Barrois*. 241-4. Daly, K. 'The *Vraie conicque dEscoce*'. 106-133, especially appendix A.

[60] My thanks to Greg Clark for this information. See Plummer, J. and Clark, G. *The last flowering: French painting in manuscripts, 1420-1530, from American collections*. New York, 1982.

and thus lost all his personal possessions. His signature, 'JAQUES', together with the words 'pour Carlat' have been erased on folio 66r; the volume was thus destined for the library of the château of Carlat.[61] Thus the manuscript dates to between 1464 and 1477.

P *Paris, Bibliothèque Mazarine manuscrit 2031*[62]

fos.1-53 *Pour ce que plusieurs.*[63]

Codicology: 53 parchment folios and two additional folios at the beginning and the end, measuring 300mm x 220mm. The handwriting is very untidy and averages about thirty lines per page, in an area of around 150mm x 220mm. The ink is brown, with twoline initials at the start of each paragraph in red, starting from folio 5r. On the first folio, the first initial is in blue ink, and has a caricature in profile, facing to the right, as the curve of the letter P. The words 'La loy Salicque' have been inscribed at the top of the first unfoliated page.

Provenance: The origin of this manuscript, dating from the second half of the fifteenth century, is unknown.

J *Paris, Bibliothèque de l'Arsenal manuscrit 3434*[64]

fo.2r *'De deux grans Roys le triumphe et puissance/ Cest ferme accord, qui donne congnoissance'.*

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61 Nemours' library is discussed in Delisle, L. *Le cabinet des manuscrits de la Bibliothèque Impériale.* I, 86-91, though this manuscript is not mentioned. The arms are "écartelé, au 1 et 4, de Bourbon, avec trois loinceaux sur la bande, au 2 et 3".

62 Molinier, A. *Catalogue des manuscrits de la Bibliothèque Mazarine.* II. Paris, 1886. 329.

63 Incipit 'Pour ce que plusieurs a la relacion dautruy sans avoir congnoissance de la verite des matieres'; explicit 'Et comme ses predecesseurs lont bien et justement conduyte jusques icy, luy et ses successeurs le feront pareillement jusques a la fin'.

64 Martin, H. *Catalogue des manuscrits de la Bibliothèque de l'Arsenal.* III. Paris, 1887. 365.

fos.2v	*Ce sont les noms des sept Francois qui combatirent les sept Anglois a Montendre du temps du roy Charles Vi^e estans tous serviteurs de Loys son frere duc dOrleans.*
fos.3r-79r	*Pour ce que plusieurs.* Incomplete, missing part of the final section on the responsibility for the breach of the truce in 1449.

Codicology: 78 parchment folios, plus two modern folios at the beginning and end, both included within the modern foliation; the folios are 175mm v 245mm. A page has been removed between folios 68 and 69, and the text stops abruptly on folio 79r (folio 56v of manuscript B), omitting a section equivalent to between eight and ten folios. The folios containing the text are ruled, giving twenty-six lines in an area of 120mm v 165mm, around twenty-six lines. On a number of folios, an area of around 40mm in depth has been removed; these extracts rarely reach to the inside margin, suggesting that the pieces were removed after binding, perhaps to remove some of the unrelated marginalia written in a later, childish hand. The script is a neat fifteenth century hand, in brown ink, and each paragraph begins with a two-line initial, alternating in red and white with tiny holes cut out on outside edges; the first initial of the treatise is occupies eight lines. The binding is calfskin, and the spine is divided into six units; the second bears the legend '*Traite sur l. dif. ent. les rois de France*' and the third continues '*et d'Ang. et sur le fait de la rupture en 1449*'. The end pages are marbled. At the top of the first (modern) folio, are the words '79 feuillets Mai 1884', and in the same hand on the verso, 'histoire N°. 3591' (from the library of M. de Paulmy). Traité sur les differends entres les rois de France et d'Angleterre et sur le fait de la rupture de 1449.' Throughout the text there are marginalia, most of which do not relate to the text and are not contemporary. In many cases, these do not run parallel to the text, and sometimes even cut off at the margin. Certain phrases and words reappear throughout the volume, often on the same page, as if part of a child's writing exercise. For example, on folios 46r and 73r, the writer has written repeatedly the whole or sections

of the phrase 'Louys par la grasse de dieu roy de France et de Navarre' by the side of, and above the text; folio 73r also has an alphabet written down the right hand margin.

Provenance: Unknown.

The two pieces prefacing the treatise:

(a) *Anonymous poem*

De deux grans Roys le triumphe et puissance
Cest ferme accord, qui donne congnoissance
quamour a prins, couraige de Lyon
Pour enuahir vieille rebellion
Disant iauray de leurs cueurs toissance

Soit en beaulte svauoir ou contenance
Les anciens nont point de souuenance
Dauoir onc veu telle parfection
De deux grans Roys

Mais vont disant ceste digne accointance
Excede en tout la haultesse et prestance
Qui fut jadis sur le mort pelyon
Car de la vint la geurre de Lyon
Mais de cecy sengendre une alliance
De deux grans roys

De deux grans Roys

Soit en beaute

[obscured]

(b) *Ce sont les noms des sept Francois qui combatirent les sept Anglois a Montendre du temps du roy Charles Vie estans tous serviteurs de Loys son frere duc dOrleans.*[65]

Et premierement

Messire Arnaud Guilleyn, seignr de Barbazam

Me Guillaume Bataille

Me Guillaume du Chastel

Me Clynet de Brebant

Archimbaud de Villars

Carouys

Champaigne qui estoit jeusne gentilhomme sortant de paige de la maison dOrleans

Les noms des Angloys

Le sire de Scales

Me Aymon Cloyet

Jehan Heron

Richard Vitrevalle

Jehan Fleury

Thomas Trays

Et Robert de Scales

Des Anglois de Sire de Scales

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[65] See *Chronique du Religieux de Saint-Denis concernant le règne de Charles VI, de 1380 à 1422*. 6 volumes. Ed. L. Bellaguet. Paris, 1839-1852. III, 30-4, together with Tuck, A. 'Henry IV and Europe : a dynasty's search for recognition' *The McFarlane legacy : studies in late medieval politics and society*. Ed. R.H. Britnell and A.J. Pollard. Stroud, 1995. 107-25 and Morgan, P. 'Henry IV and the shadow of Richard II' *Crown, government and people in the fifteenth-century*. Ed. R. Archer. Stroud, 1995. 17-8.

K *Brussels, Bibliothèque royale manuscrit 9469-70*[66]

fos.1r-63r *Pour ce que plusieurs.*
fos.64r-78r *Vraie cronicque.*

Codicology: 80 vellum folios measuring 310mm x 220mm; there are ten quires of eight folios, ruled in a grid of twenty eight lines. The script is a regular bastarda, with occasional decorative pen cadeaux. Additional rubrics introduce the second and third parts of *Pour ce que plusieurs*, the Quitclaim of Canterbury and other important textual breaks. Three-line initials accompany a minature on folio 1r and introduce the *Vraie cronicque*, while four-line initials mark the major divisions in *Pour ce que plusieurs*, and two-line initials mark minor divisions in both texts. The minature, from the workshops of Guillaume Vrelant (1451-1481) in Bruges, Flanders, depicts two officials debating, while courtiers look on; Vrelant was born in Utrecht and was active from 1451 onward as a minaturist in Bruges, where he died in 1481.[67]

Provenance: The texts were copied together between 1464 and 1467 to form this manuscript. The Burgundian ducal inventory compiled after the death of Philip the Good in 1467, gives the first words of the second and last folios of this manuscript; it was still in the ducal library in 1487.[68]

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[66] I have only examined microfilms of this manuscript, and so have relied upon the descriptions in Van den Gheyn, J. *Catalogue des manuscrits de la Bibliothèque Royale de Belgique*. 7 (1907). Number 4633, Dogaer, G. *Flemish minature painting*. 105 and Daly, K. 'The *Vraie cronicque dEscoce*'. 106-133, especially appendix A.

[67] See footnote 46 above.

[68] Barrois, J. *Bibliothèque protypographique*. Paris, 1830. 208 (number 1438) and 275 (number 1919); also see 316 (number 2226); Doutrepont, G. *La littérature française à la cour des ducs de Bourgogne*. Paris, 1909. xxxiii.

Q *London, BL Additional manuscript 36541*

fos.1r-v	Blank, unruled
fos.2r-59r	*Chronique de la traïson et mort de Richart II.*[69]
fos.59v (+2 blank fos.)	Blank but ruled.
fos.60r-126v	*Pour ce que plusieurs* (fo.85r is blank).

Codicology: 126 foliated paper pages, 265mm x 195mm. There are two unfoliated blank pages at the beginning of the text (including the end paper attached to the binding), two unfoliated, ruled pages between the texts, and six unfoliated folios at the end, of which the first three are ruled, and the last is attached to the binding. The manuscript is ruled in an are averaging 170mm x 120mm, and is the work of a single copyist in a neat, uniform hand in brown ink. There is no underlining, but the rubrics introducing the two texts, and the second and third sections of *Pour ce que plusieurs*, are in red ink (fos. 2r, 60r, 85v and 110v). Capitals are in alternating red, green and blue ink, and occupy two lines; the first capital of each text, and those at the beginning of the second and third sections of *Pour ce que plusieurs*, are in red ink and occupy five (fos. 2r and 60r), four (fo.110v) and three lines (fo.85v). There are no marginalia or illuminations; at the top of the first endpaper is written 'from the library of Robert Steele // Wandsworth Common', and at the bottom of the second endpaper, 'purchased at Sothebys // Cat 1118 // 6 Dec. 1900'. After the last foliated page (126v), is inscribed '126ff, ROJ January 1900 // Examined by PB'. The binding is eighteenth-century brown leather. On the front and rear cover is a shield embossed in gold (1st and 4th Benavides, 2nd and 3rd Castile, and escutcheon of pretence chequy), surmounted by a

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[69] Incipit: 'Cy commenchent les cronicques du roy Richart dengleterre, comment ses seigneurs le trahirent et de sa mort et le couronnement du roy Henry de Lencastre, qui fu couronne apres lui en lan de grace mil ccc iiii^{xx} et xix'. Begins: 'Le roy Richart rendy la ville de Brest et le chastel au duc de Bretaigne' and ends 'et a tous les trespassez. Amen. Explicit du noble roy Richart.' See *Chronique de la traison et mort de Richart Deux roy d'Engleterre*. Ed. B. Williams. London, 1846 (from Paris, BN MS français 25270); Evans, E.J. 'An examination of the authorship of the *Deposition and death of Richard II* attributed to Creton' *Speculum*, 15 (1940). 460-77; Palmer, J.J.N. 'The authorship, date and historical value of the French chronicles on the Lancastrian revolution' *Bulletin of the John Rylands library*, 61 (1978-9). 145-81 and 398-421.

ducal coronet. The spine is divided into seven sections: the second has the words 'Chronique du roy Richart II etc' and the third 'Brit Mus Add 36.541'.

Provenance: Fifteenth century manuscript, purchased by Sir Thomas Phillipps at Sotheby's, 28 June 1861, and subsequently identified as Phillipps MS 15718. Bought by the British Museum in 1900.

M *Lille, Bibliothèque municipale manuscrit* 322[70]

fos.1r-11r	Treaty of Bretigny
fos.13r-18r	Treaty of Troyes
fos.19r-32r	*Pour ce que plusieurs* (incomplete)[71]
fos.32v-42r	*Casus*
fos.43r-69v	*Audite Celi*
fos.71r-82v	*Fluxo biennnale spacio*[72]
fos.82v-85v	*Opus quoddam collativum de quadam puella, que olim in Francia equitavit, cuius editio magistro Johanni de Gerson ascribitur: sed magis apparet stilus magistri Henrici de Gorckheim.*[73]
fos.85v-87v	*Compilatum a magistro Johanne de Gerson de mirabili victoria cuiusdam puelle de postfetantes recepte in ducem belli exercitus regis Francorum contra Anglicos.*[74]
fos.89r-112r	*C'est chose profitable* by Noël de Fribois.
fos.113r-115r	Report of the battle of Nancy.

Codicology: 116 paper folios, measuring 270mm x 200mm. The folios are generally unruled (with the exceptions of the first quire, folios 1 to 12) and the number of lines varies between 36 and 39. Written by a single copyist in an irregular hand, in brown ink; the capitals are marked by light lines in yellow ink, citations are underlined in brown, and the chapter titles, the explicits, the names of the protagonists in the *Fluxo*

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[70] I have only viewed this manuscript on microfilm, and thus have relied upon the descriptions in Jean Juvénal. *Les écrits politiques.* I, 117-20, Pons, N. 'A l'origine des dossiers polemiques'. 162-3. Also see *Catalogue des manuscrits des bibliothèques de France. Départements, t. XXVI: Lille, Dunkerque* .... 1897. 408-10, where this manuscript is identified as manuscrit 539.

[71] The treatise ends abruptly at the equivalent of fo.23r of BN manuscrit français 5058 (B).

[72] *L'honneur de la couronne de France.* 139-201.

[73] *Procès de condamnation et de réhabilitation de Jeanne d'Arc.* 5 volumes. Ed. J. Quicherat. Paris, 1841-9. 5 volumes. II, 411-21.

[74] Also known as *Super facto Puelle,* in *Procès en nullité de la condamnation de Jeanne d'Arc.* 4 volumes. Ed. P. Duparc. Paris, 1977-86. II, 33-9.

biennale spacio and the marginal notes are underlined in red ink. There are no marginal decorations or illustrations, and the infrequent marginal annotations are post-medieval. The modern binding is vellum, and the end-pages are also modern.

Provenance: Written after 1488. The provenance is unknown before the manuscript entered the possession of the cathedral chapter of St. Pierre at Lille. These manuscripts then passed to the Bibliothèque de Lille after the suppression of religious establishments during the Revolution.

L *Brussels, Bibliothèque royale manuscrit 12192-4*[75]

133 parchment folios from the second half of the fifteenth century, containing a French version of the *Chronique du Pseudo-Turpin* (fos. 1r-31v), the *Chronique de la traïson et mort de Richart II, roi d'Angleterre* (fos. 33r-78v) and *Pour ce que plusieurs* (fos. 80r-133r).

N *Vienna, Osterreichische Nationalbibliothek 3392*

Contains a series of Burgundian literary texts, including two works by Buomaccorso da Pistoia translated by Jean Miélot, the *Controversie de noblesse* and the *Desbat d'honneur entre trois chevalereux princes*, and the *Estat de la maison du duc Charles de Bourgoigne dit le Hardy* by Olivier de la Marche.[76] In addition, the manuscript contains the *Chronique de la traïson et mort de Richart II* and *Pour ce que plusieurs*.

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[75] I have only consulted microfilms of this manuscript, and so am replying upon Van den Gheyn, J. *Catalogue des manuscrits de la Bibliothèque Royale de Belgique*. 7 (1907). Number 4631 for a brief codicological description.

[76] Doutrepont, G. *La littérature française à la cour de Bourgogne*. 307-8 and 447.

O *Vatican MS Regina 1933*

88 parchment folios, originally belonging to Jean Budé, *notaire et secrétaire* to Louis XI.

I *Turin, Biblioteca reale di Torino MS L II 36*

POST-MEDIEVAL MANUSCRIPTS

- Paris, BN manuscrit français 7144
- Paris, BN manuscrit français 17969
- Paris BN manuscrit français 23364
- Paris BN manuscrit nouvelle acquisition française 7006
- Paris, Bibliothèque Sainte-Geneviève manuscrit 794

PRINTED EDITIONS

Pour ce que plusieurs was first printed anonymously in Rouen in 1488, and again in 1522. It was also offered under the title *La Loy Salicque premiere loy des françois* in three editions of *La grande monarchie de France* by Claude de Seyssel in 1507, 1541 and 1557.[77] More recent editions include Leibnitz, G. *Codex juris gentium diplomaticus, Mantissa.* Hanover, 1700. 63-97 and Anstruther, R. *Pretensions des Anglois a la couronne de France.* Roxburghe Club, 1847 (based upon manuscript K).

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[77] I have not examined the printed editions of *Pour ce que plusieurs*, a subject that Professor Ralph Giesey will address in a forthcoming study. Thus I have relied upon Potter, J.M. 'The development and significance of the Salic Law of the French' *English historical review*, 52 (1937). 249-50, which corrects and extends the observation of Molinier in the catalogue of the Bibliothèque Mazarine and Viollet, P. 'Comment les femmes ont été exclues, en France, de la succession à la couronne' *Mémoires de l'Académie des inscriptions et belles-lettres*, 34:2 (1895). 168. Also see Beaune, C. *The birth of an ideology*. 349-50. Ironically, the historian, Constance Jordan, has recently confused *Pour ce que plusieurs* with the Salic Law itself, and thus argued that the French developed the authority in 1464. Jordan, C. 'Women's rule in sixteenth-century British political thought' *Renaissance quarterly*, 40 (1987). 447n.

1.3 *Miniatures*



Figure 1: ***Brussels, Bibliothèque Royale mauscrit*** *9469-70*

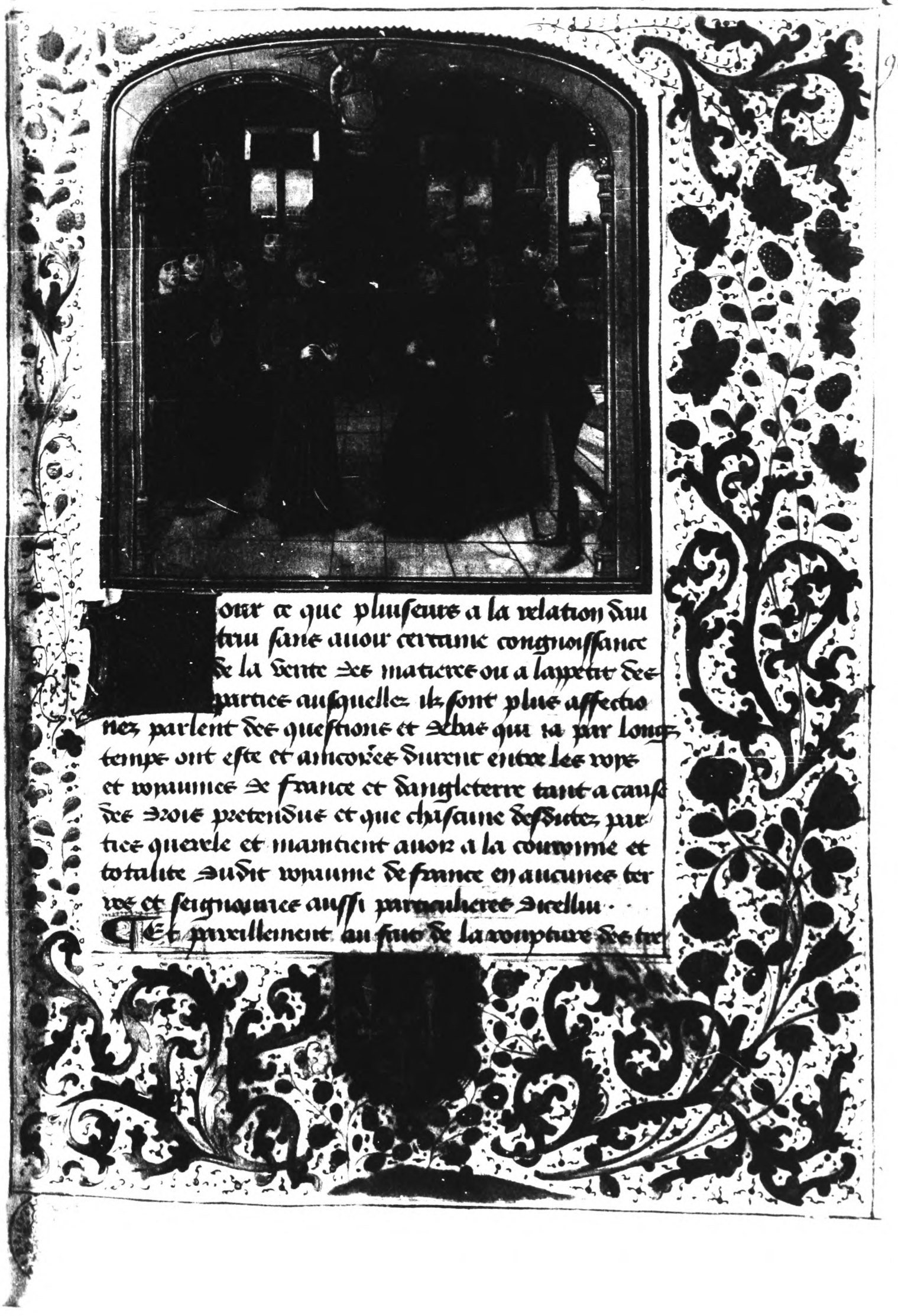


Figure 2: BN manuscrit français 5058



Figure 3: *BN manuscrit nouvelle acquisition française 20962*

1.4 *Editorial principles*

This transcription is based upon manuscript B (BN manuscrit français 5058). I have not attempted to provide a full critical edition, as I have not been able to view all of the manuscripts: significant variants are highlighted in the footnotes, based upon those mansucripts which I have collated, that is to say ACDFHJKLMPQ (i.e. not INO). Contextual footnotes have been kept to a minimum because of the limitations of space. The punctuation and capitalization has been modernized where necessary, and abbreviations have been extended.

2. POUR CE QUE PLUSIEURS (*BN manuscrit français 5058)*

|fo.1r| Pour ce que pluiseurs a la relation dautrui[78] sans auoir certaine congnoissance de la verite des matieres ou a lappetit des parties ausquellez ilz sont plus affectionez parlent des questions et debas qui ia par longz temps ont este et aincoires durent entre les roys et royaumes de France et dAngleterre tant a cause des drois pretendus et que chascune desdictez parties querele et maintient auoir a la couronne et totalite dudit royaume de France en aucunes terres et seignouries aussi particulieres dicellui. Et pareillement au fait de la roupture des tre|**fo.1v**|ues qui fut lan mil quatrecens quarante neuf. Soubz umbre et confiance desquelles les Anglois se dient auoir perdu et leur auoir este oste par le feu roy Charles le vii^e^. les duchez de Normandie et de Guyenne auecquez autres terres et seignouries quilz tenoyent et possidoient en diuerses parties du royaume de France. Et par ce que la verite desdictez matieres nest pas a tous congneue ne le fondement dicelles ne les incidences qui sont entreuenues maintes gens en ce deffault errent, et cuident les choses estre autres que a la verite elles ne sont.[79] Pour oster la dicte erreur et affin que chascun clerement et sans aucune ambiguite ou doubte puisse congnoistre et estre deuement informe du droit que les parties en chascune desdictez matieres puet auoir et reclamer lune a lencontre de lautre et les solutions aussi et iustifications dont elles se puent deffendre. Laucteur de ce present traittie a volu cy dessoubz escripre et inferer tout ce quil a peu veoir, congnoistre et entendre veritablement des choses dessusdittez, soy fondant es anciennes cronicquez et histoires tant de France comme dAngleterre, es lettres aussi auctentiquez et enseignemens vaillables fais esdittez matieres, subjoingnant aux choses dessusdittez ce quil treuue conforme en raison naturele et escripte tant des drois ciuilez comme canons. Pareillement de la loy salicque qui est la vraie loy des Francois, des usages aussy **|fo.2r|** et coustumes dont les Francois et les Anglois ont use et usent tant en France comme en Angleterre quant les cas particuliers si sont offers, et semblablement des inconueniens qui sen pourroient ensuyr se autrement se faisoit. Priant et requerant a tous ceulx qui ce present traittie liront ou lire orront que silz y voient chose trop dilatee ou moins declaree ou quil leur semble quil y ait contrariete en aucunes choses ambiguite obscurite ou quelque erreur vice descripuain ou autre deffault leur plaisir soit auant

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[78] D adds: 'parlent des questions et debatz qui sont entre et Engleterre'. M replaces 'dautrui' with 'ou a lappetit des parties'.

donner aucun blasme a ce present euure eulx bien informer de la verite desdittez matieres.[80] Et se faulte aucune y est trouuee les ygnorances suppleer et les deffaulz benignement supporter et amender.

Et pour entrer esdittes matieres affin que mieulx et plus clerement elles puissent estre entendues semble estre neccessaire declarier premierement les drois tiltres et reclaims que lesdiz Anglois pretendent et font es choses dessusdittez. Et les diuiser chascun a part soy. Et apres mettre les solutions et responses qui y sont. Avise le tout que la verite est et que clerement se puet monstrer et prouuer par aux moiens et par les facons enseignemens et evidences dont dessus est faitte mention.[81]

En ensuivant lequel train et pour mieulx et |**fo.2v**| plus clerement entendre ceste matiere semble estre besoing icelle diuiser en trois parties principales.[82]

La premiere es drois que lesdis anglois pretendent a la couronne et a la totalite du royaume de France. Et les moyens par lesquelz ilz dient quilz leur competent et appartiennent.

La seconde partie si est es singulieres terres et seignouries du royaume que a tiltre heredital lesdis anglois pretendent a eulx appartenir et estre leur vray et droit heritage.

La tierce partie est touchant le fait des treues aux moyens dessus declariez et que icy dessoubz seront aincoires plus amplement specifiez.[83]

Au regart de la premiere partie faisant mencion de la couronne et des drois que les anglois y pretendent et a la totalite du royaume, est vray pour fonder ceste matiere que le roy Phelippe filz sainct Loys eut deux filz. Un nomme Phelippe le bel lequel

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79 M begins new paragraph.

80 C omits: 'leur plaisir soit avant donner aucun blasme a ce present oeuvre eulx bien informer de la verite desdittez matieres.'

81 H: 'Et apres mettre les solutions et responses ainsi que la verite est et que au plaisir de dieu il sera clerement monstre et prouve quant le cas y escherra et la matiere le requera.' M continues paragraph.

82 ACDM: 'Et (CDM: en) ensuivant lequel train laucteur a mise (CDM: divise) ladicte matiere en trois parties principalles.'

83 ACM: 'La tierce (CM add 'partie') est touchant le fait des treves rompues lan mil cccc. xkix. et ces (C: 'aux') choses qui en sont ensuyvies aux moyens et par la facon que (CM add: 'cy') dessoubz sera plus amplement declaire et specifie (M: 'specifie et declaire'; C adds: 'si venons a la premiere partie').'

fut roy. Et lautre Charles qui fut conte de Valois, de Beaumont, de Chartres dAlencon et du Perche et depuis dAnjou et du Maine au moyen de lappointement fait par le pape Innocent le quart entre ledit roy Phelippe le bel le roy Charles second de Cecile duquel ledit |**fo.3r**| conte de Valois espousa sa fille, du roy Pietre aussi dArragon querelant le royaume de Cecile contre lequel auoit este donnee la croisee par les papes Clement et Innocent. Pour ce quil troubloit leglise et les vassaulx dicelle et ledit Charles conte de Valois.[84]

Ledit roy Phelippe le bel roy de France et de Nauarre regna xxix. ans. Cestassauoir depuis lan mil deuxcens iiii^{xx}. et vi. iusquez en lan mil iii^{c}. et xv. et eut trois filz et trois fillez. Cestassauoir Loys hutin lequel regna enuiron ung an et fut laisne des filz. Phelippe le long qui fut le second regna enuiron v. ans. Et Charles le bel qui fut le tiers lequel regna sept ans. Et au regart des filles lune eut nom Margarite qui fut femme de Ferrant aisne filz de Sanxe roy de Castelle. La seconde fut Ysabel femme du roy Edouart le second surnomme de Carnarinam duquel mariage issy Edouart le tiers [85] que on appelloit de Windezore qui depuis querela le royaume de France. Et la tierce fut Katherine qui mourut sans estre mariee.[86]

Ledit Loys hutin fut roy apres son pere et eut ung filz nomme Jehan qui morut en alant Rains pour le faire sacrer. Et pource nest il point mis ou nombre des roys de France. Et si eut une fille qui fut mariee au conte dEvreux dont descendit |**fo.3v**| le mauuais roy de Nauarre qui fist tant de mal en France pere du roy Charles de Nauarre qui a este le derrenier hoir masle dudit royaume.[87] Et pour ce que lesdis Loys hutin et Jehan son filz neurent aucuns enfans masles Phelippe le long son frere succeda ausdis royaumes de France et de Nauarre lequel semblablement neut que une fille laquelle fut mariee au conte dArtois. Et par samblable moyen apres sa mort

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[84] Philip III (d. 1285) had three sons, Philip, who became king in 1285 (d. 1314), Charles, count of Valois (d. 1325) and Louis, count of Evreux (d. 1319); one of his daughters, Margaret (d. 1318) married Edward I of England (d. 1307).

[85] C: 'la seconde fut Ysabel femme du roy Edouart le tiers'; J marginal note, in different hand: 'qui fut le premiere qui querella dont au royaume de France'.

[86] Philip the Fair (d. 1314) had three sons, Louis (d. 1316), Philip (d. 1322) and Charles (d. 1328), together with a daughter Isabelle (d. 1358) who married Edward II, king of England (d. 1327), and was the mother of Edward III of England (d. 1377). For Marguerite, see footnote 114 below.

[87] P omits 'qui fist tant de mal en France pere du roy Charles de Navarre'; ACM begin a new paragraph.

Charles le bel son frere recueilly la succession desdis royaumes de France et de Nauarre.[88]

Ledit conte de Valois Charles eut deux filz, cestassauoir Phelippe qui depuis fut roy. Et Charles conte dAlencon qui morut a la bataille de Crecy duquel sont descendus les autres contes et ducs dAlencon iusques a cellui qui est a iourdhuy.[89]

Si auint que ledit roy Charles le bel morut sans aucuns enfans. Mais il laissa sa femme grosse dune fille qui eut nom Blanche. Laquelle depuis fut mariee au duc Phelippe dOrleans frere du roy Jehan. A loccasion duquel deffault dauoir lignee se meut grant trouble et question ou royaume de France tant durant la grossesse de la royne Jehanne de Bourgoingne vesue dudit feu roy Charles le bel pour sauoir qui auroit |**fo.4r**| le gouuernement du ventre comme le plus prochain hoir comme depuis que laditte fille fut nee pour sauoir a qui le royaume deuoit appartenir. Et furent mandez les trois estas generaulx du royaume ensemble tous les notables clers, docteurs et autres gens destat expers et congnoissans en telz matieres.[90]

Ausquelz trois estas se prestenta dun coste Phelippe conte de Valois filz et heritier dudit conte Charles frere dudit roy Phelippe le bel, lequel Phelippe conte de Valois comme cousin germain en ligne masculine desdis trois roys freres. Cest assauoir Loys hutin, Phelippe le long et Charles le bel par ce quilz neurent aucuns enfans masles ne autres heritiers descendans deulx en ligne masculine si prochain comme lui disoit et maintenoit le royaume et la couronne lui deuoit appartenir.

Lautre part se comparut esdiz trois estas Edouart le tiers roy dAngleterre filz de Edouart le second autrement dit de Carnarinam et de madame Ysabel suer desdiz trois roys freres lequel pretendoit au contraire le royaume et la couronne lui deuoit

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[88] Louis X (d. 1316) had two children: a daughter Jeanne by his first wife, Marguerite of Burgundy, and a posthumous son Jean by his second wife Clémence of Hungary. Jeanne married Philip of Evreux, and was the mother of Charles II the Bad, king of Navarre (d. 1387). Jeanne was passed over in the royal succession, but received the kingdom of Navarre in April 1328, after the death of her uncle Charles IV. Philip V had three daughters by his wife Jeanne of Burgundy: of these, Jeanne married Eudes duke of Burgundy, and was the mother of Philip count of Artois (d. 1346), and Marguerite married Louis I count of Flanders, and was the mother of Louis II (d. 1384).

[89] Charles of Valois (d. 1325) had two sons, Philip count of Valois, who became Philip VI (d. 1350), and Charles count of Alençon (d. 1346).

[90] Charles IV (d. 1328) was survived by a daughter Blanche, by his third marriage to Jeanne d'Evreux; Blanche subsequently married Philip of Orléans.

appartenir par ce quil disoit quil estoit masle et le plus prochain hoir masle desdiz trois roys dessus nommez car il estoit leur |**fo.4v**| nepueu filz de leur seule suer germaine madame Ysabel ainsi comme dit est et par consequent plus prochains diceulx trois roys. Et a ceste cause voloit maintenir que lesdis royame et couronne lui competoient et appartenoient.[91]

Pour la iustification du droit desquelles parties pluiseurs grans raisons furent allegueez dunepart et dautre tant de la loy et coustume du royaume de France en telles matieres comme de lusage qui auoit este garde quant telz cas estoyent auenus. Pareillement aussi de lordonnance de la loy salicque ou cas dessudit et de la constitucion des empereurs es matieres de fiefz selon les chappitres de la dixieme collation.[92]

Et apres lesdittes allegations les parties assistans dun commun consentement se departirent de la constitution imperial, pource que le royaume de France nest point subget a lempire [93] et pareillement de la loy et coustume du royame en ce cas pour ce que on ny sauoit trouuer fondement si cler comme en si grans matieres estoit bien requis. Et se resolurent sur les autres deux poins. Cestassauoir sur la loy salicque qui fut la premiere loy dont les Francois ussassent oncques et commenca du temps de Pharamon premier roy de France, estant pour lors pape Boniface le premier,[94] et empereur |**fo.5r**| Honorius primus. Et ou xii[e]. an de son regne dont les dictateurs premiers furent Usogast, Bosogast,[95] Salagast et Wisogast: lesquelz estoient commis par le dit roy Pharamon a la nomination et election des grans princes et seigneurs quil auoit auecques lui des le temps que les Francois habitoient aincoires sur la riuiere du Rin, a respondre de toutes les questions doubteuses que on leur faisoit. Et leur response estoit mise par escript et apres gardee pour loy et fut le droit commencement de la loy salicque: laquelle depuis a este accreue et augmentee par les autres roys successeurs dudit Phara[m]on tant sarrasins que crestiens iusquez au

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[91] Though this account of the assembly in 1328 is almost certainly fictitious, Edward III's lawyers did defend his claim to the French throne after the death of Charles IV, and may have even convinced some doctors of civil and canon law. Le Patourel, J. 'Edward III and the kingdom of France' *Feudal empires: Norman and Plantagenet.* London, 1984. 175.

[92] A: 'de la premiere collation'; C continues paragraph. For the *Libri feudorum*, see chapter two, section 1.3.

[93] M presents 'pource que le royaume de France nest point subget a lempire' as a marginal note.

[94] M: 'estant pour lors pape Innocent (underlined with a series of dots) Boniface ...'

[95] C omits 'Bosogast'.

temps de Charlemaigne. Depuis lequel tamps ny fut aucune chose adiouste pource que la science positive commenca lors a venir en France a la promotion de Alcuynus et des deux disciples de Bede. Et aussi que ledit Charlemaigne fut fait empereur de Romme et eut congnoissance des drois lesquelz il fist apporter en France parquoy on eut eut autre maniere de faire que on auoit eu au par auant non pas pour riens deroguer a laditte loy salicque, mais aussi depuis on ny adiousta ne y accreut len aucune chose. Et pour ce que laditte loy salicque estoit la vraye loy des Francois chascune des parties et aussi les assistans se fonderent principalement sur icelle loy salicque.[96]

Aussi lesdittez parties et assistans se arresterent |**fo.5v**| fort sur lusage notoirement garde quant telz cas estoient auenus car ce la estoit une grande euidence et clere demonstrance du droit des parties.

Et sur ces deux poins disoit Phelippe de Valois en tant quil touchoit la loy salicque que *in titulo de alode lxvii.º calo primi libri in fine:* [97] elle disoit telz motz en substance: *Nulla portio hereditatis de terra salicqua qui est interpretandum de regali dominio quod a nullo deppendet nec alicui subicitur: ad differenciam aliarum terrarum que in alodio conceduntur, mulieri veniat.*[98] *Sed ad virilem sexum tota hereditas perueniat.* Lesquelles parolles donnoient clerement a entendre que en matiere de couronne et regalite le royaume et la couronne deuoient venir au plus prochain hoir masle descendu de hoyr masle du roy derrain trespasse.[99] Or disoit il quil estoit hoir masle et le plus prochain descendant en ligne masculine du roy Charles le bel qui auoit este le derrenier des trois roys et par ce moyen le royame lui deuoit appartenir.[100]

Et affin de mieulx entendre ceste matiere et que est *lex salica,* pourquoy elle est appellee *salica,* et aussi que est *de terra salica.*[101] Il est vray que *lex salica est constitutio regia ex responsis sapientum iniciata a prudentibus, subsequentu emologata, et demum secundum diversitatem temporum per varios reges emen*|**fo.6r**|*data et augmentata.*[102]

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[96] A continues paragraph. For the Salic Law, see chapter two above.
[97] ACHM: 'alode lxii.º'.
[98] ACM place '*mulieri veniat*' after '*terra salicqua*', rather than at the end of the sentence.
[99] C omits: 'descendu de hoyr masle'.
[100] C continues paragraph.
[101] HJKLPQ end paragraph here.

Et est *dicte salica secundum aliquos a ciuitate Sylechayni ultra Renum, eo que in dicta ciuitate primi auctores eam iniciauerunt verum verior interpretatio viget que a sale quod interpretatur condimentum et licito diriuatur quasi licitum condimentum vel lex licite condita.*[103]

Terra autem salica dicitur que adheret corone quia auctores dum loquebantur de alode semper intelligebant de terra sine hereditate subditorum [104] *que datur et recipitur in allodium. Et ideo ad differenciam terre allodialis nuncupabant terram regiam, terram salicam. Quia lex salica a principibus constituta primo formam succedendi et modum regendi in terra regia docuit. Quod secus ante ea fiebat quia sine lege viuebant et fortior obtinebat.* Et cecy est en tant quil touche la loy salicque et ce que ledit Phelippe de Valois pretendoit ou royaume et en la couronne de France a cause dicelle.

Et quant a lusage notoirement garde en tel cas disoit ledit roy Phelippe que la chose estoit toute clere pour lui, Car par ce que le roy Loys hutin et Jehan son filz neurent aucuns enfans masles, la succession estoit venue a Phelippe le long frere dudit Loys hutin. Et en semblable de Phelippe le long au |**fo.6v**| roy Charles le bel. Et se ainsi eust este que filles eussent peu succeder au royaume et a la couronne, la fille de Loys hutin eust este preferee a Phelippe le long, et la fille de Phelippe le long a Charles le bel, et la fille de Charles le bel audit roy Edouart [105] voulant conclure ledit Phelippe de Valois par lesdits deux moyens que sans aucune difficulte le royame et la couronne lui deuoit competer et appartenir.

Au contraire disoit le roy Edouart nonobstant toutes les raisons alleguees par ledit Phelippe de Valois que le royaume et la couronne lui deuoient appartenir tant par la loy salicque que autrement.[106]

Premierement par la loy salicque pour ce quelle mettoit que le plus prochain hoir masle deuoit succeder a la couronne. Or disoit il quil estoit masle et estoit le plus prochain du roy Charles car il estoit son nepueu. Et ledit Phelippe de Valois nestoit

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[102] A continues paragraph.

[103] J: *'verum verior interpretatio condiurentum et licito diriuatur quasi...'*; P: *'verum verior interpretatio condiurentum et licito condiurentum vel lex licite condita'*; A continues paragraph.

[104] JKLPQ omit 'subditorum'.

[105] ACM begin new paragraph.

[106] C omits this paragraph.

que son cousin germain et par consequant quil deuoit estre prefere audit Phelippe de Valois.

Et se on vouloit dire quil venoit par fille si disoit il que ce la ne seruoit de riens au cas car la loy salicque ne declaire point dont on doiuent descendre les hoirs masles. Mais seulement dit que le plus prochain hoir masle habile a succeder **|fo.7r|** doit venir a la succession. Or disoit il quil estoit le plus prochain hoir masle. *quare &c.*

Touchant lusage disoit ledit roy Edouart que ce qui auoit este alleguie des trois roys dessusnommez ne faisoit riens a la matiere. Car bien estoit vray que les filles ne succedoyent point et a ceste cause estoit venue la succession ausdis freres lun apres lautre, par ce que au temps du trespas de chascun deulx leurs filles nauoient aucuns enfans maslez. Mais lui il estoit masle, et combien que sa mere neust peu succeder a la couronne lui comme masle et plus prochain dudit roy Charles le bel au temps de son trespas disoit que le royame et la couronne lui deuoient appartenir.

Le roy Phelippe de Valois replicquoit que ledit roy Edouart ny pouoit auoir droit si non par la main de sa mere. Et puis que ainsi estoit quil confessoit que sa mere nestoit pas habille a succeder, il faloit clerement conclurre quelle ne lui pouoit riens transporter. *Quia nemo plus juris &c,*[107] item *nemo dat quod non habet &c,*[108] item *medium predium quod non seruit &c.*[109] Item y eut pluiseurs autres drois canons et ciuilz qui furent alleguiez auecquez beaucop de grandes raisons moralez et naturellez lesquellez pour cause de briefte sont icy obmisez.[110]

|fo.7v| Et oultre plus disoit ledit roy Phelippe que les motz de laditte loy salicque estoient biens clers pour lui en ladicte matiere car elle disoit en ceste maniere: *nulla portio hereditatis mulieri veniet ad virilem sexum tota hereditas pertineat.*[111] Laquelle chose clerement concluoit que les femmes estoient forclosez de laditte succession et disoit

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[107] JP begin new paragraph.

[108] JP begin new paragraph.

[109] JP begin new paragraph. These authorities are, respectively, *Digest.* 50, 17, 54, a common proverb, and *Digest.* 8.3.7.1. See chapter three, section 2 above.

[110] A continues paragraph.

[111] LQ: '*nulla portio hereditatis pertineat,* laquelle ...'; ACHM: '*nulla portio hereditatis de terra salicqua mulieri veniet* ...'.

point quelle venist aux plus prochains masles, mais au plus prochain sexe masculin. Or nestoit point le roy Edouart du sexe masculin *quare etc.*[112]

Disoit aussi ledit Phelippe de Valois touchant le fait de lusage que les raisons alleguiez par ledit Edouart ne lui pouoient de riens seruir tant par les moiens dessus touchies comme par ung fait qui trop clerement abat ses raisons: car iasoit ce que ou temps que le roy Loys hutin et Jehan son filz morurent il ne demourist que une fille suer dudit Iehan et fille dudit Loys laquelle pour lors nauoit point de suyte. Toutesfoiz ou temps que le roy Charles le bel morut qui fut le derrenier desdis trois roys laditte fille de Loys hutin mariee au conte dEureux auoit ung filz lequel fut depuis roy de Nauarre. Et se ainsi eust este que les filles eussent peut transporter leurs drois de la couronne a leurs enfans maslez ledit roy de Nauarre filz de la fille Loys hutin eust este beaucop plustost roy que le roy Edouart. **|fo.8r|** Et toutesfoiz icellui roy de Nauarre ne sa mere nen firent oncquez querele ne poursuite sachans que ce eust este atort et contre raison. Et pour ce disoit le dit Phelippe de Valois quil apparoit clerement que cestoit a tort et contre raison de ce que ledit Edouart demandoit ne contendoit a la couronne ne au royaume de France.[113]

Disoit par semblable que Margarite qui estoit laisnee fille dudit Phelippe le bel, et femme de Ferrant aisne filz du roy dEspaigne ainsi quil appert par lettres dudit mariage dudit Ferrant et de laditte Margarite dattes de lan mil ii^{C}. iiii^{XX}. et xiiii. y fust plustost venue que laditte Ysabel qui nestoit que la seconde. Et toutesfoiz elle ne son mari ne leur suyte ny demanderent oncquez riens sachans que ce eust este a tort et contre raison *quare &c.*[114]

Disoit en oultre ledit Phelippe de Valois quil estoit quasi impossible que ledit Edouart peust venir a laditte couronne attendu quil ne vient que par moyen de fille, car soient veues toutez les cronicquez de France depuis le temps de Pharamon qui

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[112] JKLPQ omit 'Or nestoit point le roy Edouart du sexe masculin *quare etc*'.

[113] C omits 'Et pour ce disoit le dit Phelippe de Valois quil apparoit clerement que cestoit a tort et contre raison de'. In reality, none of these grandsons were alive in 1328: Charles II the Bad, king of Navarre was born in 1332, and the grandson of Philip V, Louis II de Male, count of Flanders was born in 1330.

[114] CJLP: 'lan mil .iii^{C}. iiii^{XX}. et xiiii.'; K: 'lan mil ii^{C}. iiii^{XX}. et viiii.'; M omits this paragraph. Philip IV was originally negotiating a Castilian marriage for his daughter Blanche, but Marguerite took her place in November 1294. However in 1302, Isabella was the only living daughter of Philip IV, according to the *Grandes chroniques*. See Brown, E.A.R. *Customary aids and royal finance in Capetian France: the marriage aid of Philip the Fair*. Cambridge, MA, 1989. 11n.

fut premier roy de France et nestoit point crestien iusques au temps dudit Charles le bel quelque deffaulte de lignie masculine qui ait este soit des le temps de Clodio le |**fo.8v**| cheuelu qui morut sans hoir masle. Et vint a ceste cause la succession a Merouvee pere de Chilperic et grant pere du roy Clouis premier xpristien comme plus prochain hoir masle dudit Clodio le iugant ainsi la loy salicque; soit de tous les descendans de Charlemaigne et de Hue Capet il ne sera par trouue que oncquez fille succedast a la couronne de France ne autre masle au moyen de fille.[115] Car bien fut practiquie cest article apres la mort de Loys hutin car Jehan son filz lui succeda qui morut sans hoir masle en alant au sacre du roy et estoit sa suer fille de Loys sa plus prochaine heritiere. Et toutesfois la couronne remonta a Phelippe le long son oncle et de Phelippe le long [116] qui auoit fille elle vint a Charles le bel son frere. Par quoy estoit bien grant demonstrance quelle deuoit venir au plus prochain hoir masle et non pas aux femelles ne aux descendans delles. Car se elle eust peut venir le roy de Nauarre filz de la fille Loys hutin et le conte de Flandres filz de la fille Phelippe le long y fussent plustost venus que le roy Edouart lesquelz toutesfois ny demanderent oncques riens *quare &c.*

Item et la raison y est bien grande. *Quia omnis xpristi actio nostra est instructio.*[117] Or dit Dieu en leuuangle que larbre portera fruit de tele qualite soit doulz ou amer que fait cellui dont |**fo.9r**| il procede, se doncquez la mere dudit roy Edouart estoit inhabile a succeder a la couronne de France il convient doncques que le fruit issant de elle cestassauoir ledit roy Edouart pareillement soit inhabile.[118]

En oultre Dieu ordonna toutes femmes estre subgetez a homme et auoir souuerain sur elles en disant ces parolles: *A modo eris sub potestate viri et ipse dominabitur tui. Genes III°.* Et en signe meismes de ce les roynes quant elles sont enoinctez en la teste elles doiuent estre enoinctez plus bas que les roys en demonstrant que elles ont souuerain. Et se ainsi estoit que les femmes fussent roynes de France de leur heritage

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[115] AM begin new paragraph.

[116] P omits 'son oncle et de Phelippe le long'.

[117] *Non inveni.* C omits '*Quia omnis xpristi actio nostra est instructio*'.

[118] This common metaphor derives from *Matt.* 7: 18. A carries on paragraph; C adds 'a succeder a la couronne de France'.

elles ne recongnoistroient aucun souuerain et ne seroient subgettez a nul, ainsi la loy de Dieu seroit illusoire.[119]

Dautrepart ce seroit bien grant inconuenient que une femme fust iuge en causes criminelez pour condempner une personne a morir, car leurs penseez et leurs iugemens pourroient estre ung pou trop soudains. Or est ainsi que se une femme pouoit estre royne de France elle seroit iuge souuerain du royaume. *quare &c.*

Item femmes prendent aucunesfois maris |**fo.9v**| a leurs volontez. Or est vray que se la couronne de France pouoit tumber en femme il seroit possible que la royne prenderoit ung homme de vil estat et de tres mauuaises condicions lequel il conuendroit quil dominast sur tout le royame dont murmures debas questions rihotez et guerres pourroient ensuiuir et puet estre la totale destruction du royaume. Ou par aduenture la ditte dame prendoit a mari lennemy capital dudit royaume lequel pour se vengier ou pour destruire le royaume vouldroit persecuter tous les princes prelas nobles et gens notables dudit royaume et icellui mettre a totale destruction et perdicion ou la subgettir a lempereur ou a quelconquez autre prince espirituel ou temporel ce quil ne fut oncquez et en pourroyent avenir inconueniens irreparablez qui ne sont a souffrir ne a tollerer.[120]

Auec ce en pourroit ensuiuir en France dautres inconueniens bien dangereux et de perilleuse consequence. Car il est possible que ung roy de France puet auoir beaucop de fillez et selon la coustume de France, cestassauoir de Paris et de lisle de France ou le principal siege du roy est institue et assiz autant et en la succession du pere et de la mere lune fille comme lautre. Se le royaume doncques pouoit tumber en fille et quil y eust xii. ou xv. filles il conuendroit que le royame fust |**fo.10r**| diuise en xii. ou en xv. parties.[121]

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[119] ACM omit the final sentence of this paragraph. God's judgment against Eve was cited in Jean Juvénal, *Les écrits politiques*. II, 48 and Fortescue. *Works*. 66*-67*, 497-8 and 507-8, and *De laudibus*. 104. See chapter three, section 1 above. For the coronation of the French queen, see Sherman, C.R. 'The queen in Charles V's coronation book: Jeanne de Bourbon and the *Ordo ad reginam benedicendam*' *Viator*, 8 (1977). 255-98 and 'Taking a second look: observations on the iconography of a French queen, Jeanne de Bourbon' *Feminism and art history: questioning the litany*. Ed. Norma Broude and Mary D. Garrard. New York, 1982. 100-117

[120] P omits 'Ou par aduenture la ditte dame prendoit a mari lennemy capital dudit royaume lequel pour se vengier ou pour destruire le royaume'.

[121] JLPQ: 'convendroit partier le royaume en xii. ou xv. parties'.

Et que en aduendroit il sil estoient toutes a marier il y auroit xii. ou xv. roynes ou royaume et autant de roys quant elles seroient mariees. Et fauldroit demander laquelle porteroit lauriflambe a la bataille. Laquelle diroit leuuangille du Noel quant le pape y seroit ainsi que doiuent et sont tenus de faire les trescrestiens roys de France.[122] Et laquelle delle sappelleroit trescrestienne: ou se chascune delles le seroit, et en effect ne seroit que toute confusion guerres diuisions et maulz infinis comme Nostre Seigneur meismez en leuuangille quant il dit: *Omnis potestas vidz [videlicet] suprema impaciens consortis erit.* Et ne fauldroit plus que nul se appellast roy de France, mais roy en France. Ainsi le nom de trescrestien roy de France qui par si grans dons de graces enuoie des cieulx et par tant excellens seruices dignes de memoire fais a Dieu a son eglise et a la loy et a la foy crestienne a este par si long temps continue fust de present inutile et du tout mis au neant.[123]

Nous trouuerons bien es drois *quod ab Augusto nominatur Augusta.* Mais nous ne trouuons point *quod ab Augusta ullus unquam cognominatus fuit Augustus.*[124] Bien ya eut de vaillantez emperris et de vaillantes roynes de France et qui ont fait |**fo.10v**| de grandes et notables choses mais cestoit comme femmes, vesues ou meres de roys ou dempereurs et non que de leur heritaige elles fussent roynes de France ou emperris. Et la raison y est grande. Car le roy de France est roy et empereur en son royame et ne recongnoit nul souuerain. Ainsi le tesmoingne leglise en ce chappitre. *Per venerabilem qui filii sunt legitimi.* Et en ceste decretale. *Nouit ille qui nichil ygnorat in antiquis.*[125] Et pareillement ledit empereur est ou doit estre roy et souuerain par tout le monde excepte ou royaume de France et se lesd. deux dignites dempereur et de roy de France pouoient tumber en main de femme il conuendroit que tout le monde

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[122] M adds 'ainsi que doiuent et sont tenus de faire les trescrestiens roys de France' in the margin.

[123] This is undoubtedly a reference to *Matt.* 28:18: 'Data est hihi omnis potestas in caelo et terra', together with an unidentified gloss, 'namely, a supreme [power] that will be incapable of being shared'; my thanks to Lynn Nelson and Richard Kay for their help with this matter. For the title 'roi très créstien', see Krynen, J. '*Rex Christianissimus*: a medieval theme at the roots of French absolutism' *history and anthropology*, 4 (1989). 79-96.

[124] C omits 'Mais nous ne trouuons point *qui ab Augusta ullus*'. For the notion that the name Augustus derived from the verb '*augeo*', and hence implied that the duty of a ruler was to increase rather than alienate the property of the crown, see *Songe du vergier.* I, 285 (chapter 142 § 27), together with Riesenberg, P.N. *Inalienability of sovereignty in medieval political thought.* New York, 1956. 28-9; Spiegel, G.M. 'The *Reditus regni ad stirpem Karoli Magni*: a new look' *French historical studies*, 7 (1971). 165 and Bossuat, A. 'La formule "Le roi est empereur dans son royaume". Son emploi au XVe siècle devant le Parlement de Paris' *Revue historique de droit français et étranger*, 4th series, 39 (1961). 378.

[125] *Decret. Grat.* IV, 17 (*Qui filii sint legitimi*), c. 13 (*Per venerabilem*) and II, 1 (*De Judeis*), c. 13 (*Novit*). ACJKLMQ: '*De Jud. in antiquis*'; P: '*in idem in antiquis*'.

fust subget aux femmes. Et quelles neussent point de souuerain ce que oncquez ne fut. *quare, &c.*

Et aincoires en especial depuis que les roys de France furent crestiens la raison est bien que le royaume de France ne puet tumber en fille car les roys de France ont trois dons singuliers enuoyes des cieulx que nul autre roy na, cestassauoir les trois fleurs de lis, la saincte ampule et lauriflambe dont les deux en especial ne puent tumber en femme, cestassauoir la sainte ampule [126] dont les roys de France sont enoingz et sacres, a cause de quoy le roy de France nest point pur lay mais participe *in diuinis* en |**fo.11r**| pluiseurs choses. Et a ceste occasion donne et confere en regale *pleno jure* sans nomination ne presentacion a nul quelconque. Ce que ne pourroit pas faire une femme.[127]

Lautre si est lauriflambe laquelle semblablement ny puet,[128] car cest *intersignium virile* pour aler en bataille pour la deffence de la foy qui nest la vocation ne lusage des femmes et si seroit aussi la chose bien estrange de veoir une femme porter une espee nue en sa main la pointe dessus ce que doiuent faire tous roys pour deux causes. Lune pour faire iustice lautre pour deffendre le royaume et les subgetz desquelz il a la garde seignourie et gouuernement. Et a ceste cause sont ilz enoingz pars les mains et les femmes ne le sont point ne pourroient touchier a nulles chosez sacrees ce que font bien les roys de France: lesquelz en oultre garissent des escroelles qui est miracle euident ce qui ne fut oncques veu que femme feist.[129] Et aussi les roys de France sappellent sacrez et couronnez et les roynes de France pose quelles soient aucunement enoingtez si ne sappellent elles que couronneez, ne aussi ne garde len pas les solemnitez a leur couronnement que len fait au sacre des roys.[130] Parquoy fault selon raison que la couronne tumbe tumbe tousiours en hoir masle.[131]

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126 A omits 'dont les deux en especial ne puent tumber en femme, cestassauoir la saincte ampule'.

127 For the importance of the quasi-sacerdotal status of the French monarchy in the debate over female succession, see Golein. *Traité du sacre*. 323-4 and Raoul de Presles' prologue to the *Cité de Dieu*, transcribed in Hinkle, W.M. *The fleur de lis of the kings of France, 1285-1488*. Carbondale, 1991. 162-5.

128 ACM: 'Secondement loriflambe ne puet tumber en femme, car cest ...'.

129 C omits 'ce qui ne fut oncques veu que femme feist'.

130 F omits 'lesquelz en oultre garissent des escruelles .... a leur couronnement que len fait au sacre des roys', but this does appear in the margin, as if the scribe corrected his omission. ACJKLMPQ reverse the order of these two points.

131 B repeats 'tumbe' across two lines, and this is copied by F.

|fo.11v| Se doncquez les femmes sont inhabiles a y succeder par la loy salicque ainsi comme dessus est dit qui est la vraye loy des Francois: par la commune obseruance aussi en tel cas depuis quil eut premier roy en France iusques au temps dessusdit. Par les prerogatiues pareillement venues des cieulx aux roys de France aux moyens dessus touchiez et par lusage especial qui a este practiquie esdittes matieres quant les cas y sont escheuz et autres raisons dessus toucheez.[132] Concluoit led. Phelippe de Valois auec les autres raisons dessus alleguiez quil estoit impossible que lesdictez filles peussent baillier droit a autre lequel elles nauoyent point. Et par consequent que au moyen delles ledit roy Edouart ne autre que lui ne pouoit demander ne clamer aucun droit a la couronne ne au royaume de France.

Amablement parties oyes en tout ce quilz vouldrent alleguier dunepart et dautre, les princes prelas nobles gens des bonnes villes et autres notables clers faisans et representans les trois estas generaulx du royaume assemblez pour ladicte matiere, dirent et declarerent que selon Dieu, raison et iustice a leur adviz le droit dudit Phelippe de Valois estoit le plus apparant pour parvenir a la couronne et au royaume et quil leur sembloit quil estoit et deuoit **|fo.12r|** estre vray roy de France. Et a ceste cause et par ce quilz auoyent peu veoir sauoir et congnoistre desdictes matieres ilz le reputoient et tenoient pour tel. Et se deliberent tous et conclurent icellui receuoir comme vray roy de France et leur droit souuerain seigneur et non autre. Et a lui obeir et le seruir enuers et contre tous comme leur vray droiturier et souuerain seigneur.

Et fut ledit roy Phelippe enoingt sacre et couronne paisiblement comme vray roy de France au veu et sceu de tous ceulx qui le vouldrent veoir et sauoir. Et mesmement dudit roy Edouart sans aucun contredit ou empeschement.[133]

Item et comme tel fut par le pape et leglise de Romme et les concilles generaulx qui depuis ont este receu clame et repute et a lui et a ses successeurs baillie le lieu et la place en leglise de roy de France au veu et sceu des Anglois et de tous ceulx qui lont volu veoir et sauoir *usqz [usque] in hodiernum diem.*[134]

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[132] AC omit 'par lusage especial qui a este practique esdittes matieres quant les cas y sont escheuz et autres raisons dessus toucheez'; P omits 'quant les cas y sont escheuz et autres raisons'.

[133] A carries on paragraph.

[134] See Jean Juvénal. *Les écrits politiques*. II, 40 and 55-6.

Item et qui plus est, pour monstrer cas plus especial que ledit roy Edouart acquiessa a la declaracion qui fut faitte es estas de France touchant Phelippe de Valois et qui se departi totalement de la poursuite quil faisoit de la |**fo.12v**| couronne et du royaume de France [135] et est vray que ladicte declaration fut faitte esdiz trois estas lan mil trois cens vingthuit, apres laquelle declaration et le couronnement dudit Phelippe de Valois, ledit roy Edouart le tiers enuoye devers ledit roy Phelippe affin de prendre iour et lieu ou il peust venir deuers lui pour lui faire lommage de la duchie de Guienne.[136]

Et lan mil troiscens vingtneuf ensuiuant icellui roy Edouart vint deuers ledit Phelippe en la ville dAmiens et lui fist la lommage de ladicte duchie de Guienne comme per de France recongnoissant ledit roy Phelippe son naturel et souuerain seigneur a cause de ladicte duchie de Guienne et deslors en bailla ses lettres de recongnoissance telles que au cas appartient lesquellez sont ou tresor de chartres.[137]

Et pour ce quil y eut aucune difficulte sur la forme de lommage, pource que le roy Phelippe voloit auoir hommage lige, et ledit roy Edouart duc de Guienne disoit quil ne deuoit pas hommage lige,[138] et que sans le consentement du parlement dAngleterre il ne le vouldroit faire en ceste maniere, il fut enconuenancie entre ledit roy Phelippe et lui que sur cest incident ledit roy Phelippe enuoieroit ambassade en Ang|**fo.13r**|leterre pour remonstrer amiablement [139] la ou il appartendroit les droitures du roy et que les Anglois feroient de leur part le semblable affin de conduire ceste matiere en bonne amour et union, et escheuer toutes causes de guerres et discors.

En fournissant ausquellez choses lan mil iii^{C}. xxxi. ensuiuant ledit roy Phelippe enuoya son ambassade en Angleterre la ou les matieres furent debatues bien au long. Et rapporterent lesdiz ambassadeurs lettres dudit roy Edouart passeez en son parlement et de lauctorite et consentement dicelluy confirmatoires de celles quil auoit baillies au roy Phelippe touchant la duchie de Guienne et par lesquellez il

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135 P omits 'quil faisoit de la couronne et du royaume'.

136 P omits 'ledit roy Edouart le tiers enuoye devers'.

137 Edward III paid homage to Philip VI on 6 June 1329, but this was neither liege nor unconditional: the formula did not include an oath of fidelity, and reservations were made concerning the lands that had been seized by Charles IV. Jean Juvénal transcribed the document, in *Les écrits politiques*. II, 171

138 A omits 'et ledit roy Edouart duc de Guienne disoit quil ne deuoit pas hommage lige'.

recongnoissoit le roy Phelippe roy de France et son souuerain seigneur a cause de ladicte duchie de Guyenne et a ceste cause estre son homme et vassal lige lesquellez lettres doiuent samblablement estre ou tresor des chartres.[140] Au moien desquelles choses appert clerement que ledit roy Edouart a confesse solemnelement et en telle auctorite quil nest point reuocable ne contre quoy il ne puet licitement ne raisonnablement venir ne ses successeurs a cause de lui. Car le roy Phelippe de Valois estoit vray et droit roy de France, et par consequent nest pas receuable icellui Edouart ne ses successeurs a venir demander reclamer aucun droit ne tiltre a la couronne ne au royaume de France. Car non | **fo.13v** | mie seulement cellui qui par parolles expressez confesse aucun estre seigneur ou roy daucun pays ne puet licitement venir a lencontre de ce quil a unefoiz confesse. *Juxta iuris ciuilis disposicionem ubi dicit quod quisque sua voce dilucide protestatus est sive professus in contrarium venire et proprio resistere testimonio nullatenus permittitur.*[141] Mais meise se aucun en adheresant a la commune oppinion salue ou fait reuerence a autre comme a roy ou seigneur, il ne puet plus venir [142] a lencontre et est repute comme expres fauteur et consentant auec led. roy ou seigneur (pour prendre et recevoir tel parti comme le dit seigneur)[143] en ceste qualite, ainsi le note expressement la glose du decret. *Cum Adrianus Z*[us] *lxiii. di.* et pareillement le decret: *Omnis xxiiii. q. 1.*[144] la ou il dit. *Qui dicit enim illi aue communicat operibus suis.*[145]

Et suppose que depuis messire Robert dArtois qui auoit este alassemblee des trois estas de France dont dessus est faitte mention lun des principaulx qui auoit donne son oppinion au prouffit et a lintencion dudit roy Phelippe, pour la hayne quil concut contre ledit roy Phelippe et quil estoit banny du royaume de France desirant porter dommage et preiudice audit roy son souuerain et naturel seigneur eust donne a entendre audit roy Edouart que le couronne et le royaume de France lui

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[139] A omits 'ambassade en Angleterre pour remonstrer'.

[140] H omits 'et par lesquellez il recongnoissoit le roy ... Guyenne'. The letter sent by Edward III from Eltham on 30 March 1331, 'qui sont au tresor des chartres royaulx' was transcribed in Montreuil. *Opera.* II, 106-8, 175-7, 232-4, 279-81, and Jean Juvénal. *Les écrits politiques.* I, 170-3, together with II, 29-30. Montreuil also informed his readers that Froissart had copied them into his chronicle, which provided the source for *Fluxo biennali spacio,* in *L'honneur de la couronne.* 179-80.

[141] Q omits '*iuris ciuilis deposicionem*'.

[142] H: "il ne peur licitement ne raisonnablement plus venir a lencontre .."

[143] B omits 'pour prendre et recevoir tel parti comme le dit seigneur', which is found in ACFHJKLMPQ.

[144] JP omit 'di. et pareillement le decret: *Omnis .xxiiii. q. 1.*'; C omits 'et pareillement le decret: *Omnis .xxiiii. q. 1.*'

[145] M continues this paragraph.

appartenoit. Si |**fo.14r**| ne lui pouoit ledit donner a entendre baillier plus grant droit en la dicte matiere que cellui quil auoit au parauant ne depuis ne lui suruint chose qui accreust ne augmentast sondit droit.[146]

Et a parler a la verite de ceste matiere la chose surquoy les Anglois se fonderent plus pour quereler le royaume de France apres ce que ledit messire Robert dArtois eut este en Angleterre, et fut quant il leur offry laliance du conte de Henau et de messire Jehan de Haynau celle aussi des ducs de Brabant et de Gueldres contes de Cleues et de Julliers et des archeuesques de Coulongne, Treuez et de Strabourg, ensemble des Gantois et prez que de toutes les bassez Allomaignez.

Pour laquelle cause ledit roy Edouart auant commencer ladicte querele en forme de guerre vint a Bruxelles la ou tous les seigneurs dessusdiz furent tous assemblez. Et illec tous jurez alliez et confederez ensemble a lencontre dudit roy Phelippe et a la conqueste dudit royaume de France au prouffit dudit roy Edouart. Et en icellui temps ne se nommoit point aincoires ledit Edouart roy de France ne ne portoit point les armes escarteleez de France et dAngleterre ains seulement portoit les trois lieppars.

|**fo.14v**| Si auint que les Flamens dirent audit roy Edouart que se il ne se intituloit roy de France et quil prist les armes de France ilz ne loseroient seruir. Car par les guerres qui auoyent este auparauant entre les roys de France et lesdiz Flamens apres une bataille quilz eurent contre eulx [147] se soubzmirent et obligerent soubz les censures de leglise et sur paine de excommuniement et de la somme de xii^{C}. mille escus de la monnoye qui couroit pour le temps de lors de ne faire iamais guerre aux roys de France ne eulx rebeller contre eulx. Et en cas quilz le feroient *ipso facto* ilz encouroient en sentence dexcommuniement et demouroit le pays en interdit sans iamais pouoir estre oste ne eulx absoubz sans le consentement du roy de France. Pour lesquelles causes Jacquez dArtevelde Gantois pere de Phelippe dArtevelde qui fut tue a la bataille de Rosebecke lan mil iii^{C}. iiii^{XX}. et deux. Lequel Jacquez de

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146 M continues this paragraph.

147 ACM add 'a moins (AM add 'en peine') ou temps du roy Phelippe le Bel'

Arthevelde estoit chief des Gantois [148] dist en publicque deuant tous les seigneurs princes et prelas dessus nommes quil conuenoit que ledit roy Edouart fist ce que dit est, cestassauoir soy intituler roy de France et prendre les armes de France,[149] ou autrement que les Gantois ne leurs adherens ne le seruiroient point ne ne se allieroyent point auec lui.

A loccasion desquelles chosez et aussi par len|**fo.15r**|nortement desdiz seigneurs dessusnommez qui voloyent a toutesfins auoir les Flamens auecquez eulx et de leur alliance, ledit roy Edouart prist le nom et les armes de France que depuis il a continue sans quelque autre fondement en la matiere fors cellui que dessus est dit et vela le droit fondement [150] originel et la cause forme et maniere comment le roy Edouart prinst le titre nom et les armes de France en quoy chascun puet congnoistre comment la matiere est bien fondee.

Et est bien a noter en ceste matiere que cest que de la condicion des Anglois et quele seurete il ya auecques eulx ne en chose quilz promettent. Car ledit roy Edouart comme dit est dessus auoit auoe et recongneu le dit roy Phelippe vray roy de France et repris de luy comme tel la duchie de Guienne lui auoit le serement de feaulte et baillie ses lettres patentes depuis confermees en son parlement touchant ceste matiere. Et lui auoit ledit roy Phelippe de grace especial fait rendre pluiseurs terres et seignouries en laditte duchie de Guienne qui auoyent este prisez par ses predecesseurs roys de France et lauctorite de iustice et mis en leur main les aucunes par fault dommage et les autres par rebellions et desobeissances.

Et non obstant toutes ces choses si tost que |**fo.15v**| ledit roy Edouart vit quil eut pie deca la mer et alliance pour invader le royaume de France non ayant regart a droit raison et iustice et en venant directement contre ses foy seremens et promesses sefforca de invader ledit royaume et son souuerain seigneur a cause de ladicte duchie de Guyenne ledit roy Phelippe,[151] entra dedens ledit royaume et y fist les maulz dont la voix et renommee durent aincoires. Et non pas seulement des gens ne

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148 C omits 'Gantois pere de Phelippe dArtevelde'; LQ replace 'Gantois pere de Phelippe ..... lequel Jacques de Arthevelde' with 'qui'; M: 'Pour lesquelles causes Jacques dArtevelle Gantois dist en publicque'.

149 ACHM omit 'et prendre les armes de France'.

150 ACH omit 'en la matiere fors cellui que dessus est dit et vela le droit fondement'.

151 ACM replace 'Phelippe' with 'Edouart'.

de larmee qui vint dAngleterre ne des Allemaignez aincois des terres et subgez de la dicte duchie de Guienne et mesmez de celles que ledit roy Phelippe lui auoit rendues quant il lui fist lommage. Au fort il ne sen fault point merueillier,[152] car Bede qui fut ung des notables hommes de son temps et si estoit du pays de pardela dist en disnant desigant la propriete et condicion des Anglois, *Anglicus anglicus est cui nunquam credere fas est. Dum tibi dicit aue tanquam ab hoste caue.*[153] Et dautrepart les Anglois dient quilz ont este prerogatiue et ce droit et usage que toutez et quantesfois quil voient leur euident prouffit ilz ne sont point subgetz a seremens ne a promesses quilz ayent fais et pour ce plantez y vigne.

En reuenant a nostre premiere matiere touchant le fait de la couronne et du royame **|fo.16r|** de France par les moyens dessus touchiez il est cler et manifeste que ledit roy Edouart le tiers nauoit ne ne pouoit iuridicquement ne raisonnablement demander requerir ne reclamer droit ne tiltre a la couronne ne au royame de France. Aincois ledit roy Phelippe de Valois qui estoit le plus prochain hoir masle descendu dhoir masle [154] de sainct Loys lequel sainct Loys fut grant ayeul en ligne masculine dudit roy Phelippe de Valois estoit vray roy et heritier de la couronne de France et a lui par droit et par raison competoit et appartenoit et non a autre.

Et quant au droit que y pretent le roy Edouart le iiii^{e}. qui a present est il est cler sans voloir nullui iniurier quil ny a ne puet auoir ne pretendre aucun droit.

Et pour entendre ceste matiere est vray que le roy Edouart le tiers dont meut la question eut v. filz qui tous vindrent en eage de perfection et furent chascun mariez.

Laisne fut Edouart prince de Gallez qui espousa la contesse de Salsebery et de Hontiton dont descendy le roi Richart qui na point eu de sieute.[155]

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[152] JLPQ: 'il ne sen fault point esbahier ne merveillier, car ..'.

[153] ACFHJKLPQ: '*Anglicus angelus est*'; A omits '*Dum tibi dicit aue tanquam ab hoste caue*'. For the proverb, see Walther, H. *Proverbia sententiaeque latinitatis medii aevi.* Gottingen, 1963. I, 123, number 1055; Walter Bowyer. *Scotichronicon.* Ed. W. Goodall. Edinburgh, 1759. I, 221 and II, 309; *Bannatyne miscellany.* Ed. D. Laing. Edinburgh, 1855. 41 See chapter three, section 3 and chapter six, section 1 above.

[154] H omits 'descendu dhoir masle'.

[155] C adds 'et fut fait mourir ainsi que dessus est notoire'. Edward prince of Wales, the Black Prince (d. 1376) had two sons by his wife Joan of Kent: Edward (d. 1371) and Richard (d. 1399), who became Richard II in 1377.

Le second fut messire Leonnel duc de Clarence |**fo.16v**| qui espousa la contesse de Woulstre en Irlande, de laquelle issi deux filles lesquelles pluiseurs Anglois dient non estre filles dudit duc de [C]larence mais dun cheualier nomme Audelay lequelle depuis a este cause par lordonnance dudit roy Edouart le tiers eut la teste coppee et ladicte dame sen retourna en Irlande et maria ses dictes deux filles. Lune cestassauoir laisnee au conte de Nothombellain, et la seconde a messire Rogier de Mortemer conte de la Marche. Et dient lesdis Anglois pour monstrer que lesdittez filles nestoient point filles dudit messire Leonnel que oncquez elles ne recoeillerent leritage ne la succession dudit messire Leonnel ne ne porterent son nom ne ses armes [156] mais le nom et les armes de laditte contesse de Woulstre leur mere qui est grande demonstrance quil y a quelque faulte de ce coste la.[157]

Le tiers fut Jehan surnomme de Gand pour ce quil auoit este nez a Gand, et fut conte Derby et espousa madame Blanche de Lancastre fille et heritiere du grant duc de Lancastre nomme Henry qui fist les drois darmes, a cause de laquelle il eut la duchie Lancastre et duquel mariage issi Henry conte Derby qui depuis fut couronne roy dAngleterre et fut roy Henry iiii^e^. et pareillement la contesse de Hontiton mere du duc dExcestre derreniere trespassee.[158]

|**fo.17r**| En secondes nopces il espousa la fille du roy Pietre dEspaigne. Duquel mariage il eut [159] deux filles dont laisnee fut mariee au roy Alphons dEspaigne filz de Henry le bastard. Et lautre fut mariee au roy de Portugal.[160]

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156 A: 'lesdittez filles nestoient point filles dudit messire Leonnel, ne ne porterent son nom ne ses armes, ne oncques ne recueillerent leritaige ne la succession dudit messire Leonnel, mais ...'.

157 Lionel duke of Clarence (d. 1368) had a daughter Philippa by his wife Elizabeth de Burgh, countess of Ulster; Philippa married Edmund Mortimer, earl of March: her son was Roger, earl of March (d. 1398), and her daughter Elizabeth married Hotspur, eldest son of Henry the first Earl of Northumberland. See chapter three, section 2 above, for the possibility that *Pour ce que plusieurs* was deriving this story from Sir John Fortescue.

158 A: 'et esposa madame Blanche de Lenstacle du quel mariage issist Henry qui fist les droiz darmes a cause de laquelle il eust la duchie de Lancstacle et puis toute Derby et apres couronne roy dAngletre, et fut appelle roy Henry .iiii^e^. ...' John of Gaunt, duke of Lancaster had eight children by his three wives, Blanche, Constance of Castile and Catherine Swynford. His oldest son was Henry IV (d. 1413), and his second daughter was Elizabeth (d.1426) who married John Holand, earl of Huntingdon and duke of Exeter (d.1400); their son was John Holand, earl of Huntingdon and duke of Exeter (d. 1447).

159 C omits 'deux filles ... ne a la couronne de France' (end of the first paragraph, fo. 18v below), due to the loss of a folio. See manuscript descriptions ...

160 Gaunt's second wife was Constance of Castile (d. 1394), daughter of Peter the Cruel, king of Castile (d. 1369); their daughter Catherine married Henry III, king of Castile (d. 1406). Gaunt's elder daughter by Blanche, Philippa (d. 1415) married king João I of Portugal (d. 1433).

Apres il se en amoura dune dame nommee madame de Swinforde de laquelle il eut v. enfans, cestassauoir le conte de Sombreset qui fut laisne, le cardinal dAngleterre qui fut le second le conte Dorset qui fut le tiers, la royne de Norweghe et la contesse de Westmerland. Lesquelz cinq enfans furent mis soubz le poile et legitimez.[161]

Le quart filz du roy Edouart fut messire Emond de Langlay conte de Cambruge et depuis duc dIorc lequel espousa la seconde fille dudit roy Pietre dEspaigne dont yssirent le duc dYorc le gras qui morut a la bataille dAgincourt et neut nulx enfans que le conte de Cambruge qui eut la teste coppee a Hantonne quant le roy Henry v^e^. passa la mer pour venir a Harfleu.[162]

Le ve. filz fut messire Thomas de Wystok conte de Boguinquam et depuis duc de Clocestre que len fist morir ou temps du roy Richart a Calais entre deux couettez et neut aucuns enfans masles mais seulement deux filles, dont lune fut |**fo.17v**| mariee au conte de Harefort, et lautre au conte de Staffort (pere du conte de Stafford)[K] derrainement mort lequel auoit este fait duc de Boguinquam.[163]

Maintenant a venir au fait dudit roy Edouart en tant qui touche son estoc de la lignie masculine. Il est filz de Richart duc dYorc lequel fut filz de Emond de Cambruge qui morut a Hantonne ainsi que dessus est dit. Lequel conte de Cambruge fut second filz de Emond duc dYorc quatiesme filz de Edouart.[164] Et par ainsi de ce branchage masculin il nest pas le plusprochain dudit Edouard le quatresme [165] qui querela le royaume de France. Mais est le plusprochain heritier dudit roy Edouart le tiers le roy Henry qui a present est. Car son pere Henry le ve. fut filz de Henry conte Derby et depuis roy lequel estoit filz de Jehan de Gand duc de Lanclastre tiers filz dudit roy Edouart le tiers. Et ledit roy Edouart qui est a present nest descendu que du quart

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[161] Gaunt's third wife was Catherine Swynford (d. 1403). They had four children: John Beaufort, earl of Somerset and marquis of Dorset (d. 1410); Henry Beaufort, bishop of Lincoln, bishop of Winchester and cardinal (d. 1447); Thomas Beaufort, duke of Exeter (d. 1426); and Joan Beaufort (d. 1440), who married Sir Robert Ferrers and Ralph Neville, earl of Westmorland.

[162] Edmund of Langley, earl of Cambridge and subsequently duke of York (d. 1402), was the fifth son of Edward III, and had two sons: Edward duke of York who died at Agincourt in 1415, and Richard earl of Cambridge, who was executed for his role in the Southampton plot, also in 1415. Richard was the father of Richard duke of York (d.1460).

[163] LQ omit 'et lautre au conte de Staffort pere du conte de Stafford'; ABF omit 'pere du conte de Stafford' (appears in HJKMP). Thomas of Woodstock (d. 1397) had one son, Humphrey (d. 1399); his daughter Anne married Edward earl of Stafford, and their son, Humphrey duke of Buckingham, died in 1460.

[164] AM ends paragraph here.

filz.[166] Parquoy est tout cler pose que led roy Edouart le tiers eust eu aucun droit a la couronne de France ce que non par les causes moyens et raisons dessus dessus touchiez, si ne puet ledit Edouart qui a present est aucune chose y demander ne reclamer en especial a cause de ligne masculine. Et se aucun droit il y vouloit reclamer il conuendroit que ce fust a cause de femme non autrement.[167]

|fo.18r| Et pour venir a ceste matiere il est vray que ledit roy Edouart pretend que son pere le duc Richart fut filz du conte de Cambruge dessusnomme et de madame Anne de Mortemer fille de messire Rogier de Mortemer et de madame Phelippe de qui maintient estre fille du duc de Clarence messire Leonnel second filz du roy Edouart (et a ce tiltre pretend la couronne dAngleterre luy appertenir comme yssu par fille de fille du second filz dudit roy Edouart)[A] le tiers et par consequent plusprochain heritier dudit roy Richart.[168]

Mais prenons orez quil fust ainsi, et quil fust plusprochain hoir dudit roy Richart que ledit roy Henry et que a ceste cause la couronne dAngleterre lui appartenist du debat et querellez desquellez parties on se deporte de present a parler pour ce que on n'a a besongnier que des querellez qui sont entre France et Angleterre si ne puet cela riens seruir audit roy Edouart touchant la querelle de France car comme dit est dessus ledit roy Edouart qui a present est ne pretend dorit droit aladicte couronne dAngleterre qui par fille descendu de fille qui aincoires nestoit point laisnee. Mais estoit la contesse de Nothombellain laisne dont il y a enfans et sieute et par consequent il est impossible que ledit roy Edouart au moyen que dessus cest assauoir comme issu de la fille dune fille qui se disoit de messire Leonnel et nestoit point laisnee et lesquellez filles heritent point a la couronne **|fo.18v|** de France par les raisons dessus touchies puisse auoir aucun droit ne tiltre au royaume ne a la couronne de France.

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165 AFHKLMPQ: 'Edouard le tiers'. A very small hand has inserted 'iii^{e}.' before 'quatresme' in B.

166 H: 'il nest pas le plus prouchain dudit Edouart le tiers, et ledit roy Edouart qui est a present nest dessendu que', omitting 'heritier dudit roy Edouart le tiers le roy Henry qui a present est, car son pere Henry le .v^{e}. fut filz de Henry conte Derby et depuis roy lequel estoit filz de Jehan de Gand duc de Lanclastre tiers filz'

167 M omits 'et se aucun droit il y vouloit reclamer'.

168 A omits 'Anne de Mortemer fille de messire Rogier de Mortemer et de madame'; BF omit 'et a ce tiltre pretend la couronne dAngleterre luy appertenir comme yssu par fille de fille du second filz dudit roy Edouart'.

Item et nomi seulement par la loy et coustume de France ne par les drois positifz ne par la loy salicque ne par les prerogatiuez ottroyeez aux roys de France par les preeminences celestiellez et autrement. Mais mesmement par la loy et coustume notoirement gardee en Angleterre quant telz cas auiennent.

Et pour descendre au cas particulier, il est vray que en Angleterre en toutes successions qui chieent en taille les filles ne succedent point tant quil ya aucun hoir masle descendant de la ligne. Et se practique chascun iour oudit royame cestassauoir que sil y a ung homme qui ait deux filz et son heritaige soit en taille pour venir a hoirs masles et laisne a qui selon la coustume du pays la succession doit appartenir va de vie a trespas delaisse une fille. Laquelle fille ait ung filz et le pere desd. deux filz voise de vie a trespas suppose que oud. royaume dAngleterre il y ait representation par coustume ou par conuenance especiale si ne succedera point le filz de la fille ou preiudice du second filz. Et aura le second filz toute la succession.[169] Et est la raison pource que la fille ne puet **|fo.19r|** succeder. Et par consequent ne puet transporter son droit a autrui ne par son moyen le filz ne puet venir a leritage.

Puis doncquez que le roy Edouart le tiers confessoit la loy salicque vraye loy laquelle priue les filles de la couronne de France et que iamais ne fut trouue que fille ne hoir masle au moien de fille [170] recueillast la couronne ne le royame de France par droit de succession et que la loy et coustume dAngleterre ouquel royaume lesd. roy Edouart le tiers et Edouart le quart qui est a present ont este nes ilz viuent et pretendent prendent leur usage si ordonne et establisse le semblable eulx fondans expressement sur ceste regle de droit *Nemo plus juris &c.*[171] Il est bien cler que cest a tort et contre raison que aux moyens pretendus par lesd. Edouart le quart qui est par trois moyens descendu de fille ainsi comme dessus est declarie puisse aucune chose demander ne reclamer a laditte couronne de France. Car puis que la loy et coustume de France [172] le priue de cela ouquel lieu leritage est situe et assiz, la loy aussi et coustume dAngleterre dont il est natif et le pape, leglise uniuersel et tous les princes crestiens depuis vi^{xx}. et xiiii.[173] ans en ca regnans pendant icellui temps vi. roys en France ou

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[169] P omits 'delaisse une fille, laquelle fille ait ung filz et le pere desd. deux filz voise de vie a trespas'.

[170] P omits 'ne hoir masle au moien de fille'

[171] C begins new paragraph. See footnote 109 above.

[172] Q omits 'car puis que la loy et coustume de France'

[173] K: '.vi^{xx}. et .viiii.'; M: '.vi^{xx}. et.iiii^{xx}. ans'.

tenu repute receu et approuue tous ceulx qui sont descendus dudit Phelippe de Valois vrais |**fo.19v**| roys et heritiers de la couronne de France, ce seroit chose bien estrange que ledit roy Edouart peust apresent aucun droit pretendre ne reclamer en ladicte couronne et conuendroit en cellui cas soy fonder sur la foy payenne ou sur la coustume des estranges royaumes qui nont riens commun ne habitude auec cellui de France laquelle chose ne se pourroit soustenir en aucune maniere.

Et quant au roy Henry et au droit quil pretend a la couronne ne au royaume de France il est vray quil y pretend par deux moyens. Lun comme plusprochain hoir masle dudit roy Edouart le tiers. Lautre a cause du mauuais traittie qui fut fais a Troiez en Champaigne lan mil quatrecens et vingt. Par lequel traittie le roy Charles le vi^e^. pere du roy Charles le vii^e^.[174] et ayeul du roy qui est a present par le conseil de ceulx qui lors estoyent auecques lui adopta en filz le roy Henry le ve. pere du roy Henry qui est au iour dhuy [175] lui bailla sa fille en mariage madame Katherine mere dudit roy Henry le vi^e^. declaira icellui roy Henry le ve. estre et deuoir estre apres son deces vray heritier de la couronne de France le fist regent du royame et vouloit et ordonnoit que apres son trespas la couronne et le royaume de France lui venissent et appartenissent et a ceulx qui ysteroyent de lui en priuant et deboutant de la dicte suc|**fo.20r**|cession du royame et de la couronne de France le roy Charles le vii^e^. lors daulphin pere du roy qui est a present icellui exheredant et faisant contre lui pluiseurs grandes inhumaines et detestables declerations, contre Dieu nature raison et iustice.

Item et au moyen duquel traittie lequel les Anglois appellent le traittie de paix final entre France et Angleterre le roy Henry le ve. se nomma heritier de France et regent le royaume.

Et pour ce que le roy Henry v^e^. morut auant ledit roy Charles le vi^e^. parquoy ne se peut pas faire couronner roy de France selon le pactions faittes oudit traittie. Car il ne sappelloit que heritier et regent et ne se deuoit faire couronner ne prendre tiltre de roy de France iusquez apres le trespas dudit roy Charles le vi^e^. voyant les Anglois icellui roy Henry v^e^. estre preuenu de mort deuant ledit roy Charles vi^e^., si tost quilz

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[174] JP omit 'pere du roy Charles le .vii^e^.'
[175] CP omit 'Henry le .v^e^. pere du roy'.

lont peu faire passer deca la mer le roy Henry vi^e^. dessus nomme qui vit a present ilz lont fait pour le faire couronner roy de France au moyen et traittie dessusd.[176] Et a cause de ce que la ville et cite de Rains estoit en lobeissance du roy Charles le vii^e^. lequel auoit este la enoingt et sacre et depuis couronne a |**fo.20v**| Sainct Denis, ilz firent couronner ledit roy Henry le vi^e^. en la ville de Paris non gardeez les solemnites tellez quil appartient et quil est requis a une telle dignite et mistere comme de enoingdre sacrer et couronner les trescrestiens roys de France.[177]

Or maintenant fault il venir a respondre aux tiltres et drois dessus declaries que pretend ledit roy Henry le vi^e^.[178]

Premierement au regard de ce quil pretend la couronne et le royaume de France lui appartenir comme plusprochain hoir masle du roy Edouart le tiers &c, la response est bien clere en ceste partie par deux moyens, lun que ledit roy Edouart le tiers par les raisons dessus touchiez neut oncques droit a la couronne ne ou royaume de France. Doncques se ledit roy Henry le vi^e^. y vient a ce tiltre il est cler que il ny a riens.

Lautre moyen sy est quil ne puet auoir plusgrant droit a la couronne au tiltre procedant dudit Edouart le tiers que auoit ledit Henry le ve. son pere duquel le droit lui est venu en ceste partie se aucun droit y auoit ce que non.[179] Or est ainsi que ledit roy Henry monstra bien |**fo.21r**| clerement que en son viuant quil ne pretendoit aucun droit en la couronne au moyen dud. roy Edouart le tiers. Car lui informe quant il fut en France que la couronne ne le royaume de France ne tumbe point en la fille ny entre autre hoir masle descendant de fille il se deporta incontinent de se nommer ne porter pour roy de France mais seulement se dist heritier et regent de France confessant par expres que ledit roy Charles le vi^e^. estoit vray roy et heritier de la couronne de France. Et par ce doncquez appert clerement que au moyen et tiltre dudit roy Edouart le tiers il ne demandoit ne reclamoit aucun droit a la couronne ne au royame de France, si doncquez ny auoit ne pretendoit auoir aucun droit ne tiltre

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[176] P omits 'selon le pactions faittes oudit traittie, car il ne sappelloit que heritier et regent et ne se deuoit faire couronner ne prendre tiltre de roy de France'; Q omits 'voyant les Anglois icellui roy Henry .v^e^.'.

[177] Henry V died on 31 August 1422, and Charles VI died the same year, on 21 October. Henry VI was consecrated as king of France at Notre-Dame de Paris on 16 December, 1431.

[178] C adds 'a la couronne et aud. royaulme de France'.

au moien dudit roy Edouart le tiers. Par consequent il est bien cler que ledit roy Henry le vie. qui ne puet riens pretendre en ceste partie au moien dudit roy Henry ve. son pere ainsi que dit est dessus na ne puet auoir ne reclamer aucun droit ne tiltre en ladicte couronne de France au moyen dudit roy Edouart le tiers.[180]

(Item et qui plus est ledit Henry le ve. confessoit ledit roy Charles le vie. vray roy de France et le reputoit et auouoyt pour tel. Or est ainsi que depuis que le royaulme de France fut bourne et limite ainsi quil deuoit demouver au temps que les partaiges furent faiz entre le roy Charles le chauue et ses freres jusques a present, il ne sera pas trouue que au royaulme de France deux personnes en ung mesmez temps ayent jamez este tenuz ne reputez par le pape et leglise universel, par les autres princes crestiens et par les subgietz du royaulme pour roys de France. Aincoys depuis icelluy temps a tousiours la dicte couronne de France demoure et reside en ung suppost et en une personne puis doncques que ledit roy Henry le ve. confessoit ledit roy Charles le vie. estre vray roy de France, il est tout cler quil ne auoit ne reclamoit aulcun droit ne tiltre en ladicte couronne.)[A] Et pour plus conforter et iustifier ceste matiere soient veues en Angleterre les epytaphes dudit Henry le ve. tant en son palais de Westmonstre que par tout ailleurs ou royaume il met expressement en ceste maniere aumoins en substance.[181] *Henricus quintus. Dux Normanorum verusque* **|fo.21v|** *conquestor eorum, heres Francorum decessit et rector eorum.*

Soient aussi veues toutes les lettres patentez dudit roy Henry donneez en France ou temps quil y estoit. Et ne sera point trouue quil sappellast autrement que roy dAngleterre heritier et regent de France.

Pareillement es lettres patentes dudit roy Charles vie. depuis ledit traittie de Troyes il a tousiours este escript dessoubz en marge. Par le roy a la relation du roy

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179 M ends paragraph here.

180 H omits 'si doncquez ny auoit ne pretendoit auoir aucun droit ne tiltre au moien dudit roy Edouart le tiers. Par consequent il est bien cler que ledit roy Henry le .vie. qui ne puet riens pretendre en ceste partie au moien dudit roy Henry .ve. son pere ainsi que dit est dessus na ne puet auoir ne reclamer aucun droit ne tiltre en ladicte couronne de France'.

181 The additional material in this paragraph appears in manuscripts ACM. M begins a new paragraph, and then all three manuscripts replace 'Et pour plus conforter ... en son palais de Westmonstre' with 'Et pour plus conforter et justifier ceste matiere et monstrer clerement que led. roy Henry confessoit que led. roy Charles le .vie. estre vray roy de France et que durant sa vie il ne reclamoit aulcun droit ou tiltre a ladicte couronne soient veues les epitaphes dudit roy Henry le .ve. tant en son palais de Westmestre...'.

dAngleterre heritier et regent de France. Qui sont bien cleres demonstrances que ledit roy Henry le ve. ne pretendoit aucun droit a la couronne de France par le moyen dudit roy Edouart le tiers aincois se parauant y auoit pretendu il est cler quil sen desistoit et departoit. *quare etc. ut supra.*

Touchant lautre moyen que led. roy Henry le vi^e^. pretend en ladicte couronne de France a cause du traittie de Troies quilz appellent le traittie de paix final comme dit est dessus, il est aincoires plus cler que ledit moien est inutile et de nul effect et valeur que le moien precedent prouenant a cause dudit roy Edouart le tiers.

|fo.22r| Car premierement ledit roy Charles le vi^e^. estoit frappe de maladie telle comme chascun scet parquoy il nestoit point *compos mentis,* ne auoit faculte de disposer de son royaume en aucune maniere.[182]

Secondement il estoit en captiuite et en la main et soubz la puissance dudit roy Henry le ve. et de ses mortelz et anciens ennemis despourueu du conseil et absent de la compaignie des principaulz princes et seigneurs de son sang, des gens des trois estas et autres notables gens de son royame parquoy il est bien cler quil ne se pouoit faire chose vaillable ne quil peust auoir ne sortir aucun effect a lauantaige ne preiudice de nul.

Tiercement il auoit filz naturel et legittime ne et procree en leal mariage qui iamais nauoit fait chose digne de reprehention dont sond. pere deust estre malcontent ne dequoy il eust deserui deuoir estre desirete [desherite], or est il tout cler que la ou il ya filz de la condicion dessusd. et fust orez en moindre seignourie cent fois que nest la couronne de France les filles ne le puent debouter de sa succession ne le pere ne le puet deshireter sans cause,[183] et aincores moins a la couronne de France que en nulle autre succession car ce nest que une continuation de seignourie de pere en filz ou au pluspro**|fo.22v|** chain hoir masle sans quil se puisse selon droit et raison changier ne transmuer deca ne dela et fault quelle voise tousiours la ou la ligne et consanguinite lenuoie ne oncquez ne fut fait autrement.[184]

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[182] H omits this paragraph and begins the following paragraph 'Car premierement il estoit en captivite...'.

[183] JKLPQ omit 'ne le pere ne le puet deshireter sans cause'.

[184] C adds 'ne ne se peust faire'.

Et se le cas auenoit que Dieu ne vueille quil y eust aucun roy meu de faire aucune chose en telles matieres si fauldroit il oyr partie et conuocquier et appeller tous ceulx quil appartient, que le prince aussi fust en estat et acompaignie comme la matiere le requiert et que toutes les solennitez qui doiuent estre gardeez en tel cas si fussent gardeez, lesquellez seroient bien fort a trouuer. Car il nest pas leu depuis le temps du roy Clotaire le premier contre qui ses deux filz se forfirent bien estangement ainsi comme dist listoire et dont labbaye de Jumegez fut fondee a ceste cause que iamais telles choses auenissent.[185] Et ne sera pas trouue que en ceste matiere il y ait fondement pourquoy len peust dire que le roy Charles le vie.[186] deut estre exherede ne priue de la couronne et succession du royaume de France qui a bon droit et iuste tiltre heredital paternel lui competoit et appartenoit ne quil y ait eu solennite gardee qui en riens lui peust preiudicier.

Item et meismez apres ledit dampnable traittie fait a Troies ledit roy Henry le ve. tant |**fo.23r**| en son nom comme dudit roy Charles le vie. et de leurs adherens enuoya solennelle ambassade a Romme deuers le pape Martin qui pour lors estoit affin dauoir la confirmation dudit traittie, et que le pape et leglise le voulsissent auoir aggreable et icellui emologuer et approuuer.[187]

Et combien que le roy Charles le viie. pour lors daulphin fust bien foible de gens et eust beaucop de grans troublez necessitez et aduersaires. Neantmoins lui oy ou son procurer pour lui en ses drois et iustifications fut ledit traittie regette et renuoye sans aucune confirmation ne approbation et tousiours depuis a este baillie lieu aud. monseigneur pour lors daulphin en court de Romme comme a filz et vray heritier de la couronne de France. Et apres la mort dudit roy Charles vie. son pere fut tenu [188]

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185 In 1463, Margaret of Anjou visited the abbey of Jumièges in the company of Antoine Crespin, archbishop of Narbonne, who was seeking to become coadjutor of the abbey with the support of Louis XI. Crespin was the brother-in-law of Pierre de Brézé, and thus closely connected to the same political and provincial context as Guillaume Cousinot II. Deashayes, C.-A. *histoire de l'abbaye royale de Jumieges.* Rouen, 1829. 108ff; Loth, Julien. *Histoire de l'abbaye royale de St.-Pierre de Jumieges.* Rouen, 1882; Prosser, G. *After the reduction: re-structuring Norman political society and the Bien Public.* University of London PhD. Dissertation, 1996. 219. My thanks to Dr. Prosser for these references.

186 AHJKLMPQ: 'que le roy Charles le dessus nomme .viie. filz du roy Charles .vie.' (manuscript A); C: 'que le roy Charles .viie.'

187 A continues paragraph. This is presumably a reference to the embassy of June 1422, cited in Beaucourt, G du Fresne de. *Histoire de Charles VII.* 6 volumes. Paris, 1881-90. I, 325n and Harvey, M. 'Martin V and Henry V' *Archivum historiae pontificiae,* 24 (1986). 67n.

188 M ends the text here, and has a final paragraph: 'France/ Angleterre'.

repute et receu en ladicte court de Romme au concille de Basle et par tout ailleurs ou lad. eglise a este assemblee et tous les princes crestiens pour vray roy et heritier de la couronne de France et lui a este baillie ou a ses ambassaders le lieu tel et appelle et nomme par tous roy de France sans aucune difficulte au veu et sceu du roy dAngleterre ou de ses ambassadeurs et procureurs et de tous ceulx qui lont volu veoir et scauoir.

Lesquellez choses dessus declaries monstrent |**fo.23v**| bien clerement que ledit roy Henry au tiltre et moyen dudit roy Edouart le tiers, ne au tiltre et moyen du traittie fait en Troyes en Champaigne ne ne puet auoir ne reclamer aucun droit ne tiltre au royaume ne a la couronne de France. Aincois apres la mort dudit roy Charles le bel roy paisible sans contredit aucun ou difficulte du royaume de France messire Phelippe conte de Valois a bon et iuste tiltre recoeilla et prist la succession de la couronne et du royaume de France comme vray legittime et plusprochain heritier habille a succeder a lad. couronne. Et a bon et juste tiltre le tint et posseda et lont tenu possede ses successeurs lespace de vi^{xx}. et xvi. ans, cestassauoir depuis lan mil iii^{c}. xxviii. iusques a lheure presente que len comte mil iiii^{c}. lxiiii.[189] Et recueilla le royame et la couronne apres le deces dudit Phelippe de Valois Jehan son filz ou premier degre, Charles le quint ou second degre, Charles le vi^{e}. ou tiers degre, Charles le vii^{e}. ou quart degre, et le roy Loys qui a present est ou v^{e}. degre. Et continueront au plaisir de Dieu ceulx et la ligne de prochain en prochain selon que le cas y escherra roys de France ainsi que selon Dieu raison et justicice et leur bon droit le veullent iusques a la fin.[190] Et ny peuent lesd. roy Edouart iiii^{e}. de ce nom a present regnant en Angleterre ne le roy Henry vi^{e}. son compediteur aux tiltres et moiens pretendus ne autre quelconques y |**fo.24r**| demander ne reclamer aucun droit ne tiltre en maniere quele quelle soit.[191]

CY COMMENCE LA SECONDE PARTIE DE CE PRESENT LIURE.[192]

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189 H: 'mil .iiii^{c}. .lxv.'

190 ACHJKLPQ: 'le cas y escherra comme vrays heritiers et droicturiers roys de France ainsi que ...'.

191 H adds new paragraph: 'Fin de la premiere partie de ce present traittie'; Q adds new paragraph: 'Cy fine la premiere partie du presen livre'.

192 This paragraph unique to manuscript B. H: 'Cy sensuit la seconde partie de ce present traictie qui traicte des singulieres terres et seignouries que les anglois dient que a tiltre heredital leur compettent et apartient'; Q: 'Cy commenche la seconde partie de ce livre qui parle des questions et quereles anglois font au royaulme de France en aulcunes terres et seignouries'

|fo.24v| La seconde partie principale de la matiere dont de persent est question traittera du droit et des querellez que les Anglois pretendent en pluiseurs terres et seignouries particulieres du royaume de France a tiltre heredital et oultre et par dessus lesquellez ilz maintiennent estre leur propre heritage oultre et par dessus les drois par eulx pretendus a la couronne et a la totalite dudit royame, et les responses que sur ce on y puet faire, ensemble les moyens comme elles ont este reunyez et reioinctez a bon et iuste tiltre a la couronne de France, et comment elles competent et appartiennent au roy de France et non a autre.

Et pour entendre ceste matiere est vray que les Anglois pretendent danciennete les duchiez de Normandie et de Guyenne, contez dAnjou, du Mainne et Touraine, de Poitou leur competer et appartenir par droit de succession et heritage a eulx escheuz et auenus a cause de leurs predeccesseurs aux moyens cy apres declariez.

Et premierement dient lesdits Anglois que le duc Guillaume de Normandie estoit duc paisible dudit duchie et conquesta le royame dAngleterre, et duquel tous les deux roys dAngleterre qui a present sont cestassauoir Edouart **|fo.25r|** et Henry sont descendus en droitte ligne au moyen de femme ainsi comme cy apres sera declairie plusadplain.

Est vray aussi que ledit duc Guillame qui depuis par conqueste fut roy dAngleterre eut quatre filz et une fille, desquelz quatre filz seront icy obmis les trois premiers pour cause de briefte, et que toute la succession tant dAngleterre comme de Normandie vint a Henry beau clerc qui fut le iiii^{e}. filz, et la fille nommee Adelle fut mariee au conte de Chartres et de Blois, auquel conte de Chartres escheut depuis la conte de Champaigne, duquel mariage yssi le conte Thibault de Champaigne, et Estienne conte de Blois qui depuis occuppa le royaume dAngleterre.[193] Et dicellui conte Thibault de Champaigne descendy une fille nommee Adelle qui fut marie au roy Loys le piteux pere de Phelippe le conquerant autrement dit le corageux. *Et no" ppter [nota propter] subsequentia.*[194]

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[193] C omits 'tant dAngleterre comme de Normandie' and then 'duquel mariage yssi le conte Thibault de Champaigne'; A: 'Henry Beauclerc qui fut le .iiii^{e}. filz et la fille nommee Adelle fut mariee au conte de Flandre, escheut depuis la conte de Champaigne a Thibault conte de Bloys, qui depuis occupa le royaulme dAngleterre.'

[194] P omits 'au conte de Chartres et de Blois, auquel conte de Chartres escheut ... descendy une fille nommee Adelle qui fut marie'. William the Conqueror (d. 1087) had four sons and five daughters. The

Dudit Henry beaucler ne demoura que une fille qui eut nom Maheut lemperris pour ce quelle fut femme a lempereur Henry le quart et depuis fut conjoincte par mariage en secondes nopces au conte dAnjou Geffroy Martel le tiers qui fut filz du conte Fouquez le derrenier lequel Fouquez en son tamps passa outre mer et fut |**fo.25v**| le derrenier roy de Jherusalem qui ait este crestien.

Dicellui mariage de lemperris Maheut et du conte dAnjou Geoffroy Martel issy ung filz nomme Henry le second, lequel a cause de sa mere heritiere du roy Henry beau clerc fut roy dAngleterre et duc de Normandie de par son pere Geoffroy Martel fut conte dAnyou, du Maine et de Touraine.

Item icellui Henry le second espousa la royne Elyenor qui parauant auoit este femme du roy Loys le piteux filz du roy Loys [195] le gros et pere du roy Phelippe le conquerant dont dessus est faitte mention, laquel Elyenor pour certaines causes qui autrepart se declarront par lauctorite du pape Eugene le second ledit roy Loys la repudia. Et apres ledit Henry le second roy dAngleterre lespousa, et duquel issirent quatre filz et une fille.[196]

Le premier fut Henry qui fut couronne durant la vie de son pere et morut auant sondit pere, et fut cellui qui fist martirisier saint Thomas de Cantorbiery de ladueu et consentement de sondit pere Henry le second, et nest point en nombre ledit jone Henry ou nombre des autres roys dAngleterre.[197]

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sons were Robert Curthose, duke of Normandy (d. 1135), Richard (d. about 1075), William II Rufus (d. 1100) and Henry I Beauclerk (d. 1135). His daughter Adela (d. 1137) married Stephen count of Blois, and amongst their five children were Theobald count of Blois (d. 1151) and Stephen, who became king of England (d. 1154). Philip Augustus (d. 1223) was the son of Louis VII (d. 1180) by his third wife Adela of Champagne.

[195] H omits 'le piteux filz du roy Loys'

[196] Henry I Beauclerk had a son William (d. 1120) and Matilda (d. 1167), who married the emperor Henry V and then Geoffrey V, count of Anjou and Maine (d. 1150). Their eldest son was Henry II who married Eleanor (d. 1204), daughter of William X, duke of Aquitaine, who had been married to Louis VII, king of France (d. 1180).

[197] Henry the Young (d. 1183), eldest son of Henry II, was crowned as king during his father's lifetime, on 15 July 1170. The other sons of Henry II were: Richard I Coeur de Lion (d. 1199), Geoffrey, duke of Brittany (d.1186) and John Lackland (d.1216). Neither Henry the Young nor Richard I Coeur de Lion had any issue, but Geoffrey had a son, Arthur, duke of Brittany (d.1203) and a daughter Eleanor (d. 1241) by his wife Constance, heiress of Conan, duke of Brittany.

|fo.26r| Le second fut Richart cuer de lyon qui succeda audit Henry le second mais il neut point de sieutte masle ne femelle.[198]

Le tiers fut Geffroy qui espousa la contesse de Bretaigne dont issy ung filz nomme Artus et une fille appellee Elyenor.[199]

Le quart fut Jehan seigneur de Yeuniez et dArquez lequel depuis recueilla la succession du pere de la mere et forfist tout ce quil auoit en France et commenca la conqueste contre lui et lui fut tout oste.

La fille fut dame Elyenor ou Margarite qui fut femme du roy dEspaigne nomme Alphons dont issy une feille nommee Blanche qui fut femme du roy Leon le debonnaire filz du roy Phelippe le conquerant et pere de sainct Loys. Et demoura laditte Blanche seule heritiere de son pere et de sa mere par ce que son frere aisne Henry morut ainsi quil appert par lettres auctentiquez estans ou tresor des chartres.[200]

A reuenir doncquez a la matiere Richart cuer de Lyon deuzieme filz du roy Henry le second pour ce que son frere aisne estoit mort sans hoir et auant son pere, apres la mort dudit Henry le **|fo.26v|** second recueilla toute la succession et fut a cause de son pere roy dAngleterre, duc de Normandie et conte dAnyou, du Maine et de Touraine. Et a cause de sa mere Elyenor il fut duc de Guyenne et conte de Poitou, qui est a entendre touchant Guyenne en tant que laditte duchie se extend es trois seneschaucees de Bordeaulx, les Lanes et Barades et non plus.[201]

Cestui Richard fut grant ami du roy Phelippe le conquerant ou temps que le roy Henry le second son pere viuoit, et se allierent ensemble ledit roy Phelippe et ledit Richard pour lors conte de Poitiers, alencontre dudit roy Henry le second pere

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198 A continues paragraph.

199 A continues paragraph.

200 Henry II had three daughters, including Eleanor, wife of Alfonso VIII king of Castile, whose daughter Blanche married Louis VIII (d. 1226), son of Philip Augustus; his daughter Maud married Henry the Lion, duke of Saxony and Bavaria.

201 AC omit 'et conte de Poitou, qui est a entendre touchant Guyenne'. A adds at the end of the sentence, 'et aussi conte de Poitou', and C adds 'et conte de Poictou et enjouyst paisiblement'.

dicellui Richard et lui firent guerre et beaucop de oultrage dont a ceste cause ledit Henry morut de courroux.[202]

Mais tantost apres que ledit Richard fut roy tant ou voiage de la terre saincte que firent ensemble ledit roy Phelippe et lui, comme depuis icellui Richard saccorda tresmal auecquez ledit roy Phelippe et lui fist guerre, et commenca deslors une partie de la confiscation iasoit ce que nest pas le droit fondement dont proceda depuis la declaration et la confiscation, et pource listoire se taist a parler plusauant en ce pas de laditte matiere.

|fo.27r| Ledit roy Richard morut sans aucuns enfans et doit venir la succession a Artus et Elyenor enfans de Geffroy qui fut filz dudit roy Henry le second lequel espousa la contesse de Bretaige, mais pour ce quilz estoient ieunes et en bas eage ledit Jehan quart filz prist le gouuernement desdits enfans et de leurs terres et seignouriez.

Et pensant icellui Jehen que se sesdits nepueu et niepce estoient mors il seroit ung des plusgrans seigneurs de crestiente il machina en la mort de son dit nepueu Artur et le fist ietter par subtilz moyens du hault dun chastiau du milieu de Chynon dedens la ville et se rompy le col et tous les membres.

Et apres icellui Jehan enuoya ladicte Elyenor sa niepce suer dudit Artur a Wincestre en Angleterre la ou il la fist tenir prisonniere iusquez a la mort, dont a ceste cause sa cronique dAngleterre dit de lui en substance telles paroles: *Iste Johannes propter feloniam commissam in personis Artury nepotis sui quem proditorie occidere fecit. Et Elyenoris neptis sue quem mancipatam ducit apud Winctonias rex Francorum abstulit ei omnes terras omniaque dominia que et quas possidebat in regno Francie.*[203]

|fo.27v| Toutesfois quoy que en deust auenir apres les choses dessusdittes faittez le deuandit Jehan recueilla toute la succession de son pere et de sa mere et de ses freres et se tint et porta pour roy dAngleterre duc de Normandie et de Guienne conte de Poitou dAnjou du Maine et de Touraine et sen mist en possesion et saisine, et fist de

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[202] A continues paragraph.
[203] *Non inveni.*

grans rebellions desobeissances conspirations et traisons alencontre dudit roy Phelippe son souuerain et naturel seigneur au regard des terres de France.

A loccasion desquelz crismez et malefices tant en cas de lese maieste de felonnie que autrement il fut declairie par le roi et les barons de France qui vault autant a dire comme les pers auoir tout forfait et confisquie enuers le roy. Et a ceste cause et par ce moyen fut priue dejette et deboute de toutes les terres et seignouriez dessus declareez quil tenoit en France et furent acquisez par tiltre de confiscaton au roy et adjoinctez et reunies a la couronne comme le vray heritage et demaine du roy.

Et aincoires plus veu quil estoit ingrat alencontre de son sang dont la succession lui deuoit venir et par consequent indigne a venir a laditte succession comme sera touchie plus amplement cy apres semble que le royame |**fo.28r**| dAngleterre deuoit venir au plus prochain de laditte succession apres ledit roy Jehan.[204]

Lequel plusprochain se le royaume dAngleterre puet tumber en fille ou en hoir masle descendant de fille estoit le roy Phelippe le conquerant dun coste et le roy sainct Loys de lautre, car la mere dudit Phelippe le conquerant estoit fille du conte Thibault de Champaigne nepueu du roy Henry beauclerc et son plusprochain hoir hors mis lemperris Maheut, et sainct Loys estoit filz de Blanche dEspaigne niepce desdits roys Richard et Jehan et seule heritiere de ses pere et mere comme dit est dessus. Et ne sera pas trouue quil y ait nulz plusprochains hoirs de laditte succession apres ledit roy Jehan que ledit Phelippe le conquerant et sainct Loys. Toutesfoiz pour ce que ce nest pas present *speculationis* il fault reuenir a la matiere subgette.

Cest assauoir que non obstant les choses dessusdittes les roys dAngleterre qui depuis ont este tous iceulx descendus en droitte ligne masculine dudit roy Jehan de Angleterre iusquez aux deux roys qui de present sont en Angleterre Henry et Edouart inclus dont ledit Henry en ligne masculine est plusprochain que Edouart car il est du tiers filz, et le roy Edouart nest que du |**fo.28v**| quart, ont tous volu quereler les terres et seignouries dessusdittes aux tiltres et par les moyens des successions dessus declarieez sauf les renuntiations qui furent faittes la premiere foiz

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[204] HJKLPQ continue paragraph.

par le roy Henry le tiers filz dudit Jehan et a la seconde foiz par le traittie de Bretegny.

Et pour entendre plus auant ceste matiere est vray que des le tamps du roy Henry le second par le moyen de layde que le roy Loys pere de Phelippe le conquerant lui fist au recouvrement du royaume dAngleterre et de la duchie de Normandie que le roy Estienne de Blois son cousin tenoit et occuppoit indeuement et contre raison, ainsi que disoit le roy Henry, icellui Henry et sa mere lemperris donnerent et transporterent audit roy Loys tout le pays de Veqcin qui est entre les riuieres dEtte et de Andelle, et pareillement la conte dEureux et toutes les terres de laditte conte et des enuiron qui sont depuis la riuiere dYton iusquez en Saine et en la conte de Dreux, parquoy sans difficulte cela est le cler heritage du roy.[205]

Et quant au surplus combien quil nest plus cler ne plus iuste tilte que confiscation quant il ya matiere souffisant, et que les proces sont deuement fais, et ainsi lordon|**fo.29r**|nent les drois ciuilez et canons la loy salicque et la coustume generale du royaume de France. Et mesmez en usent les Anglois en Angleterre par semblable et a ce moyen en tiennent tous les pays de Gallez et la pluspart du nord depuis la riuiere du Humbre en tirant deuers Escoce.[206] Et que la matiere de confication et forfaiture fut si clere alencontre dudit roy Jehan tant en cas leze maieste comme de felonnie et autrement, et que ainsi eut este solennelement declairie par ceulx a qui de droit il appartenoit de faire, et que pour ceste il y eut trois journeez solennelement [207] tenues en ce royaume dont lune fut a Estampez lautre a Chartres esquellez deux iourneez ledit roy Jehan comparut en personne moyennant seurete quil eut dudit roy Phelippe et la tierce fut a Vendosme la ou il ne se volu point comparoir aincois se fortiffia en toutez manieres a lui possiblez contre le roy Phelippe. Auquel lieu de Vendosme la declaration fut solennelement faitte contre lui.[208]

Neantmoins sainct Loys filz du filz dudit Phelippe le conquerant desirant aler conquerir la terre saincte et cuidant mettre son royaume en paix par les moiens cy

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[205] In 1151, Henry fitzEmpress paid liege homage and gave the Norman Vexin, including Gisors, to Louis VII.

[206] See folios 46r-v below, and chapter six, section 1 above.

[207] C omits 'declairie par ceulx a qui de droit il appartenoit de faire, et que pour ceste il y eut trois journeez solennelement'.

[208] King John was condemned on 28 April 1202.

dessoubz declaries et que aucun trouble pendant son absence ne lui fust donne, fist certain appointement auecquez |**fo.29v**| ledit roy Henry le tiers filz de Jehan du consentement des deux filz dicellui Henry cestassauoir Emond et Edouart et de tous les princes seigneurs et gens des trois estas dAngleterre par lequel par tiltre de pure liberale et mere donnation ledit sainct Loys donna quitta ceda et transporta au dit roy Henry le tiers roy dAngleterre lequel en ceste forme cest a entendre par tiltre de don le accepta pour lui et ses successeurs nez et procreez en leal mariage la duchie de Guyenne ainsi que anciennement elle se comportoit, cest a dire es trois seneschauceez de Bordeaux, les Lanes et Baradez.

Et en augmentation et accroissement de seignourie y adiousta ledit sainct Loys le pays de Xantonge et de la Charente et les pays contes et seignouriez de Perregort, Agenez, Quercy, Rouergne et Lymosin auecquez leurs appartenances et deppendances a icellui duchie et autres terres et seignouries [209] dessus declariez auoir tenir et possider par ledit roy dAngleterre et ses successeurs ainsi que dessus est dit comme leur propre heritage, sauf la foy et lommage lige quilz seroyent tenus den faire aux roys de France comme a leurs souuerains en ceste qualite et le ressort et souuerainete ainsi que les autres duchiez et parriez de France.

|**fo.30r**| Et oultre donna bailla et delivra ledit sanct Loys audit roy Henry dAngleterre le paiement de v^{C}. chevaliers auecquez leur sieute pour ung an entier que cellui roy dAngleterre deuoit mener auecquez lui en la compaignie dudit sainct Loys alencontre des mescreans et ennemis de la foy lequel paiement fut extime a xii^{C}. mille escus de la monnoye qui couroit pour lors et tant lui en fut il paye, combien que de sa part il naccomplist pas ce quil auoit promis ne ny ala ne enuoya en aucune maniere.

Et au moyen desquellez choses ledit roy Henry renonca pour lui et ses successeurs au prouffit dudit roy sainct Loys et de ses successeurs a tout le droit que icellui Henry et ses predecesseurs auoient ou pouoyent reclamer ou demander en la duchie de Normandye et es contes de Poitou dAnjou du Maine et de Tourainne, et generalement a toutez les autres terres et seignouriez esquellez lui ou sesdits

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[209] JP omit 'de Perregort, Agenez, Quercy, Rouergne et Lymosin auecquez leurs appartenances et deppendances a icellui duchie et autres terres et seignouries'.

predecesseurs aux moyens dessus touchiez ne autrement ne pouoient demander ne reclamer droit ou tiltre en quelque partie que ce fust du royaume de France, autres que en ce quil lui fut baillie par le traittie dessusdit, ainsi comme toutez ces chosez apperent clerement par lettres auctentiquez qui sont ou tresor des chartres.[210]

|fo.30v| Et fut faitte paix final entre lesdits deux roys de France et dAngleterre, et deuint ledit roy dAngleterre a cause de laditte duchie de Guyenne acreue et augmentee ainsi que dit est homme et vassal du roy de France et lui en fist la foy et le serement et lommage lige.[211]

Et pour oster lerreur de ceulx qui cuident que lesdits terres pays et seignouriez comprises oudit traittie oultre les trois seneschauceez ordinaires de Guyenne dessus declareez, cestassauoir Bordeaux, les Lanes et Barades soient danciennete et de la duchie de Guienne, il est vray que ou temps que le roys Loys le piteux espousa la royne Elienor le pere de laditte dame en cellui temps nestoit si non conte de Poitou, et depuis la mort du duc de Guyenne cousin germain dicellui conte lequel morut sans hoir, ledit duchie de Guyenne escheut audit conte comme plusprochain heritier.[212] Ainsi appert clerement que Poytou nest pas danciennete du duchie de Guyenne, mais est terre apart. Dautrepart ou temps de Phelippe le conquerant filz dudit Loys le piteux le conte de la Marche estoit conte de Xangtonge, et le conte de Thoulouse estoit conte de Rouergue et de Agen, et le conte dAuuergne estoit conte de Quercy, et en Pyerregort y auoit ung autre conte qui tenoit le pays et en Lymosin viconte qui estoit seigneur dudit **|fo.31r|** pays parquoy appert clerement pose que le roy dAngleterre fust duc de Guynne danciennete si nauoit il aucun droit es terres dessusdittez si par le moyen dudit traittie.

Duquel traittie dessus declarie pluiseurs seigneurs et autre gens de diuers estas de France furent tresmal contens, et aincoires au jour dhuy a este cause es marches de Pierregort Quercy et autres denuiron, jasoit ce que sainct Loys soit sainct canonisie

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210 Both Montreuil and Jean Juvénal cited the treaty of Paris (October 1259) and related letters, but neither provided the details of the territorial arrangements, nor did they mention the allocation of knights. Montreuil. *Opera.* II, 75-7, 101-2, 185, 260, 286, 311; Jean Juvénal. *Les écrits politiques.* I, 200-1 and II, 97-100, 107 and 170, and see chapter four, section 1.1.

211 CJP omit 'deuint ledit roy dAngleterre'; H places this paragraph after the next two.

212 Louis VII (d. 1180) married Eleanor of Aquitaine (d. 1204) in 1137, who subsequently married Henry II Plantagenet. See footnote 196 above.

par leglise, neantmoins ilz ne le reputent point pour sainct, et ne le festoient point comme on fait es autres lieux de France.[213]

Par le moien desquellez choses dessus declareez puet chascun clerement cognoistre que en tant que touche la duchie de Normandie et les contes de Poitou dAnyou du Maine et de Touraine les Anglois a quelque tiltre que ce soit de succession ne autrement aux moyens par eulx pretendus danciennete esdittez terres, considere les renunciations recompensez et appointemens dessusdits ny peuent aucune chose demander reclamer ne quereler.

Item oultre plus qui vouldroit reprendre pluiseurs anciens tiltres et moyens par **|fo.31v|** lesquelz est fort apparant et cler que lesdittez [214] terres et seignouriez doiuent par autre maniere competer et appartenir au roy de France, et quil y auoit matiere souffisant et bien fondee pour les rejoindre et revnir a la couronne long temps parauant le roy Phelippe le conquerant, semble que en ce y ait belle matiere et que par pluiseurs manieres il se puet clerement monstrer et iustifier.

Et premierement en tant que touche la duchie de Normandie est vray que cest lancien heritage de la couronne de France des le temps que len appelloit ledit pays Neustrie, lequel les Normans apres leur nom quant laditte terre fut baillie a Rollo nommerent Normannie, et apres par corruptele de langue a este appellee Normandie.

Et pour sauoir la maniere comment elle sailli hors de la couronne de France et comme par raison long temps parauant quelle y ait este revnie elle y deuoit reuenir et estre rejoincte.

Est vray que ou temps de Charles le simple ledit pays de Neustrie, *idest* Neufue Austrie a present appellee Normandie fut baillie au duc **|fo.32r|** Rollo le Danois auecquez la fille dudit roy Charles le simple nommee Gille pour estre le propre heritage dicellui Rollo et des enfans qui ysteroyent dudit mariage.

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[213] A continues paragraph.

[214] Q omits 'lesquelz est fort apparant et cler que lesdittez'.

Or fut le cas tel que apres ledit Rollo eut la possession de toute la terre et quil en fut paisible possesseur, il regetta de lui sa femme Gille et la fist morir piteusement et nen yssirent aucuns enfans et par consequent tant par droit de forfaiture comme selon la conuenance du traittie, il est tout cler que apres la mort dudit Rollo laditte duchie de Normandie deuoit retourner de plain droit au roy de France.[215]

Item et oultre plus par autre moyen deuoit elle retourner a la couronne de France car ledit Rollo neut oncquez enfant masle ne femelle ne en mariage. Vray est que auant quil fust crestien il se enamoura dune fille nommee Poupe fille du conte de Bessin, laquelle estoit crestienne et lui Sarrasin et eut sa compaignie dont pendant le temps que lun estoit Sarrasin, et lautre crestien il issi ung enfant de eulx deux nomme Guillame longue espee, lequel estoit *ex dampnabili cohitu* par deux manieres. Lune pource que pour le temps de lors il nauoit point espouse laditte Poupe, lautre car leglise deffend tous |**fo.32v**| mariages et copulations charnellez soit en mariage [216] ou hors mariage dun crestien auecquez une femme non crestienne ou dune crestienne auecquez un infidel. Ainsi que plusadplain est traittie: *xxviii. q. i. c°. Sic enim neque. §. hiis verbis v, Cur fidelem.* et. *c. Judei. eo. ti.* et *quasi per totum illum titulum.* Et par consequent il estoit inhabile a succeder et a recueillier la succession dudit Rollo son pere en especial en tant quil touche laditte duchie de Normandie.[217]

Et pose que depuis ledit Rollo apres la mort de laditte Gille reprist laditte Poupe et lespousast, non pour tant ne pouoit ledit Guillame longue espee par ce moyen estre legittime tant pour ce que ou temps de sa nativite son pere et sa mere estoient de diuers sectez comme dit est, comme pour le mariage de madame Gille qui auoit este moien entre laditte natiuite dudit Guillame longue espee, et ledit mariage derrenier de Rollo et de laditte Poupe, ne si ne sera point trouue en cronique ne histoire du monde que ledit Guillame longue espee fust iamais autrement legittime.[218]

Et oultre plus selon la coustume dAngleterre dont de present meismez on use oudit royame laquelle anciennement fut apportee |**fo.33r**| oudit royaume par ledit

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215 JKLPQ omit the name of Rollo's wife, Gille.

216 Q omits 'et copulations charnellez soit en mariage'

217 *Decret, Causae.* 28, 1, 9 and 10. Roll's wife was Gisla, daughter of Charles the Simple; Popa, daughter of Berengar of Bayeux was his concubine.

218 ACH omit 'ne si ne sera point trouue en cronique ne histoire du monde que led. Guillame longue espee fust iamais autrement legittime'; Q continues paragraph.

Guillame dont a ceste cause plaident ilz aincoires par dela par tout au iour dhuy en francois, et lequel duc Guillame receut laditte coustume et ses predecessurs dudit Rollo, toutez et quantesfoiz que le cas auient que ung homme maintient une femme auant quil lespouse et quil en a des enfans et apres il espouse laditte femme, les enfans nez ou mariage pose quilz soyent plus ionez succedent entierement au pere et a la mere et non point ceulx qui sont nez parauant le mariage. Et de cest article ne fault faire difficulte aucune car cest le vray usage dont len use cotidiennement oudit royaume dAngleterre.[219]

Au moien desquellez chosez congnoissant ledit Guillame longue espee quil nestoit point legitisme et que de raison la duchie de Normandie ne lui deuoit point competer ne appartenir il desiroit tousiours et se disposa pour estre moisne et laissier le siecle. Et de fait leust este se ne fust le conte Bernard de Senlis qui lui voloit ballier sa fille en mariage, et aucuns de ses subges de Normandie qui len destourberent,[220] lesquellez chosez monstrent clerement que ledit Guillame longue espee nestoit pas habille a recueillier laditte duchie de Normandie ne laquelle ne lui deuoit point competer ne appartenir aincois deuoit |**fo.33v**| selon raison deslors retourner a la couronne.

Et se len veult demander pourquoy ne se fist il oncquez response, en cellui temps les roys de France estoient si foblez et le royame si destruit et y auoit tant de broullis en icellui temps des grans seigneurs dudit royame les uns contre les autres, comme daucuns desdits seigneurs contre le roy ainsi que len puet toutes ces chosez veoir et congnoistre clerement par les croniquez du temps de lors quil eust este trop fort et trop difficile de ce faire. Et a ceste occasion convint passer les choses par dissimulation iusquez au temps quil pleust a Dieu que laditte duchie de Normandie fust revnie a la couronne comme dessus est declarie.

Item y a pluiseurs autres moyens par lesquelz selon raison laditte duchie de Normandie parauant la revnyon dicelle a la couronne deuoit semblablement reuenir a laditte couronne, car le duc Richard sans paour qui fut iiiii^{e}. duc de Normandie

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219 The author is careful not to mention that bastardy could be reversed by the subsequent marriage of the parents, according to not just Norman customary law, but also Civil and Canon Law, as Fortescue later highlighted in *De laudibus*. 92-100 (chapters 39-41).

220 HJKLPQ begin new paragraph.

apres que le pays auoit este baillie au duc Rollo forfist ladicte terre et seignourie en pluiseurs manieres alencontre du roy de France qui pour lors estoit ainsi que par la discution de la cronique de France et aussi de Normandie chascun puet veoir et congnoistre |**fo.34r**| clerement.

Pareillement le duc Guillame estoit bastard filz de Robert duc de Normandie ne iamais son pere ne fut marie, cestassauoir ledit Robert ne ledit Guillame legittime, et par consequent il estoit inhabile a succeder et deslors deuoit venir au roy la duchie.

Dautrepart ledit Guillame fist guerre ouuerte au roy de France par pluiseurs foiz et forfist laditte duchie en maintes manieres tant par descongnoissance de son seigneur comme par crisme de felonnie et de leze maieste *quare &c.*

En oultre ledit Guillame eut quatre filz et une fille dont laisne fut nomme Robert qui fut duc de Normandie, le second fut nomme Guillame le rous qui fut roy dAngleterre, le tiers fut Rogier nomme qui espousa le heritiere de Bertaigne, le quart fut nomme Henry qui fut enuoie aux escolles a Paris et le voloit on faire homme deglise, et apres fut surnomme Henry beauclerc, et la fille Adelle femme du conte Thibault de Chartres mere du conte Thibault de Champaigne, et grant mere de Adelle femme du roys Loys le piteux et mere de Phelippe le conquerant ainsi comme dessus est ung en autre pas declairie.[221]

|**fo.34v**| Ledit Guillame le rous roy dAngleterre second filz dudit duc Guilame morut sans hoir, et aussi fist Rogier qui fut le tiers filz.

Apres la mort desquelz Guillame le rous et Rogier pource quilz neurent aucuns enfans et que le duc Robert estoit oultre mer en la conqueste de la terre saincte, Henry beau clerc son derrenier frere prinst et occupa le royame dAngleterre lequel par raison deuoit appartenir a laisne.

Lesquellez chosez venues a la congnoissance dicellui duc Robert incontinent il retourna en toute haste en Normandie pour pourueir a ces choses. Et eurent lesdiz deux freres guerre ensemble pour laditte cause, et depuis firent paix moiennant

certaines condicions qui icy sont obmises pour cause de briefte, lesquellez ledit Henry beauclerc ne garda point, et par ce rencheirent en guerre. Et trouua maniere ledit Henry beau clerc par subtilz moyens soubz couleur de paix et damistie de prendre sondit frere aisne le duc Robert et le constraingny a renoncier a tout ce quil pouoit pretendre oudit royaume dAngleterre, et extorqua en oultre de lui par forme de raenchon pluiseurs grans sommes de deniers.

Et non content de ce apres ce que ledit Henry |**fo.35r**| eut deliure sondit frere le duc Robert il passa en Normandie a puissance et lui fist guerre, et a la parfin iasoit ce quil fust son aisne et son seigneur de rechief il le prinst et le fist morir et prist et occuppa par force et tyrannie la duchie de Normandie.[222]

Et oultre plus pour ce que le filz dudit Robert se estoit retrait deuers le conte de Flandres son oncle de par sa mere pour sa seurete, lequel conte de Flandres lauoit enuoie a Hesdin et lui auoit baillie ladicte place pour demourer et soy esbatre, ledit Henry beau clerc par conspiracions et machinations de longue main voulans de tous poins estaindre effacier et mettre au neant toute la sieutte dudit duc Robert son frere aisne, ainsi que ledit filz et heritier dicelluy Robert se aloit esbatre en une isle pres dudit Hesdin il le fist de guet appense par murtriers affaittiez tuer et murtrir moult pitieusement.[223]

A loccasion desquellez chosez est bien cler quant il ny eust eu orez autre raison parquoy la duchie de Normandie deust est revnye a la couronne que se il y auoit il assez cause par les moyens dessusdits.[224]

Premierement par le crisme de felonnie |**fo.35v**| commis en la personne de son frere aisne et son seigneur lequel inhominieusement il auoit fait tuer et murtir et pris et occuppe sa terre mauuaisement et indeuement.[225]

Secondement par crisme de lese maieste en tant que icellui Henry beau clerc estoit natif du royame de France et auoit attempte de son auctorite a ung des pers de

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[221] 'en' inserted ina different hand; A continues paragraph. See footnote 194 above.
[222] AP continue paragraph.
[223] P continues paragraph.
[224] C continues paragraph.

France hereditaux et qui danciennete se disoit premier per en contempnant le roy son souuerain seigneur et la maieste et auctorite royal.[226]

Tiercement comme indigne de venir a la succession de laditte duchie de Normandie attendu les cas par lui perpetrez contre son sang et lignage naturel dont laditte succession lui deuoit venir et a cause de quoy il estoit inhabile de paruenir a icelle succession et ne la pouoit ne deuoit selon raison escripte et coustumiere auoir ne recueillier en aucune maniere.[227]

Or est ainsi que se selon raison ledit roy Henry beau clerc estoit indigne par les moyens dessus touchiez de venir a la succession de laditte duchie de Normandie comme il est tout cler que si estoit il conuenoit quelle venist au plusprochain hoir dapres qui estoit Adelle sereur desdits |**fo.36r**| quatres freres femme du conte de Chartres et mere du conte Thibault de Champaigne qui fut pere de Adelle la seconde femme du roy Loys le piteux et mere de Phelippe le conquerant. Et par consquent est cler que laditte duchie de Normandie *nedum iure confiscationis sed etiam iure renunciationis successionis,* appartient et doit competer et appartenir au roy de France sans aucune difficulte.[228]

Or ca et que dirons nous des contes dAnyou du Maine de Touraine et de Poitou et de Pontieu.[229]

Item il est cler du droit de confiscation par les moiens dessus touchiez et pareillement de renunciation, sauf en tant quil touche Pontieu dont cy apres sera parle. Mais aincoires plus soient veuez les cronicques de France et celles dAnjou il ne sere point trouue que le premier consul dAnyou nomme Fouquez le premier eust oncquez le conte dAnjou en tiltre du roy de France, mais seulement en gouuernement et nen fut iamais si non occuppateur et gouuerneur.

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[225] A continues paragraph.

[226] A continues paragraph.

[227] Robert Curthose was captured by Henry I at the battle of Tinchebrai on 28 September 1106, with the tacit approval of Louis VI, king of France (d. 1137). Robert was held as a prisoner until his death in 1135; his son, William Clito, died in 1128, after being mortally wounded at the battle of Aalst.

[228] See fo.28r above.

[229] A continues paragraph.

Et quant a la conte du Mainne semblablement elle nauoit iamais este baillie |**fo.36v**| en tiltre, mais seulement a gouuernement a ceulx qui le tenoient ou temps que les Normans persecuterent si fort le royaume de France, mais pour ledit temps neantmoins soit en laditte conte du Mainne ou en celle de Tourainne, si ne sera il point trouue hors mis les chasteaux de Loches et dAmboise qui anciennement furent leritaige des contes dAnyou par mariages que iceulx contes dAnyou aient riens eu esdits contez du Mainne et de Tourainne si non par force et par occuppation et les ont osteez aux vrays heritiers, ne le roy de France ny pouoit donner prouuision pour la impuissance que pour lors il auoit. Et par ainsi pource que indeuement leur estoient venues Dieu par vray iugement les a remisez la ou elles deuoient estre et a bon et a iuste tiltre comme dessus est declairie.

Touchant la conte de Poitou comme dit est dessus cestoit leritaige de la royne Elyenor laquelle estoit vassale et femme ou hommesse lige du roy ainsi que on le vouldra appeller a cause des duchies Guyenne et conte de Poitou, et laquelle oultre plus fut femme et espouse du roy. Et non obstant ce la apres pluiseurs forfaitures quelle fist contre son seigneur et espoux dont lystoire parle bien auant, non contente de ce perpetra aincoires ung bien detestable cas, car ainsi que pluiseurs croniques dient elle machina en la mort |**fo.37r**| de son mari, et fist appointement auecquez le Soudan de Babilonne estant sondit mari le roy Loys le piteux et elle oultre de laissier et habandonner sondit mari et sen aler deuers ledit Souldan pour estre sa femme, en soy fourfaisant non pas seulement contre son seigneur et mary et son souuerain, mais contre Dieu sa loy, et la foy que nous tenons. Et fut prise en entrant dedens la gallee voulant accomplir son dampnable propos et voyage auecquez enseignemens deubz des choses dessusdittes et aussi furent ses complices et adherens en la ditte matiere. En quoy chascun puet bien veoir et congnoistre sil y auoit confiscation de corps ne de biens et se a ce moien la duchie de Guyenne et la conte de Poitou quant orez il ny eust eu autres moyens de de confiscation par droit et raison deuoit competer au roy et appartenir. Et pour ce que le roy Loys le piteux ne vouloit prendre vengance delle ainsi que la matiere le requeroit et quil trouua autre maniere honneste du dyuorce dentre eulx deux on lui attribua le nom de Loys le piteux.[230]

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[230] Louis VII repudiated Eleanor at the council of Beaugency in 1152, on the grounds of consanguinity, after a failed attempt to reconcile the couple by pope Eugenius III. Contemporary chroniclers accused Eleanor of lewd and improper behaviour, and of showing an unnatural attraction to her uncle, Raymond of Antioch.

Doncquez par les chosez dessus declairees chascun puet veoir et appert clerement non obstant tous les drois actions et demandes que les Angloiz font es duchiez de Normandie et contez dAnjou du Maine et de Tourainne et de Poitou quilz ny ont aucun droit, aincois a bon et iuste tiltre vray droit |**fo.37v**| et canonicque elles comppettent et appartiennent au roy de France et sont et doiuent estre reputeez le droit heritage de la couronne, a icelle venus et escheuz par diuers tiltres et moiens iustes et raisonnablez, sauf au regard de ceulx a qui le roy selon lusage et coustume de France en a donne et departy a son plaisir selon que les cas si sont offers.

Et quant a la duchie de Guienne en tant quil touche les trois seneschauceez dessus declairieez par les moyens dessus touchiez pluiseurs foiz elle est cheue en confiscation par auant le traittie sainct Loys, et a ceste cause rejoindre et revnye a la couronne iusquez au traittie sainct Loys dont dessus est faitte mention. Et au regard des terres qui y ont este adioinctez par lesdittes traittiez ilz ne furent oncques aux Anglois ne ilz ny peuent aucune chose demander par tiltre de succession.[231]

Touchant ledit traittie il est vray que apres la mort de Henry le tiers roy dAngleterre auecquez lequel sainct Loys auoit fait ledit traittie Edouard le premier de ce nom second filz dudit Henry le tiers fut roy dAngleterre et duc de Guienne et fist hommage lige dudit duchie au roy de France Phelippe filz sainct Loys duquel Phelippe il auoit espousee la fille nommee madame Margarite et auoit eu la conte de Poitou en mariage |**fo.38r**| mais ce non obstant il ne voulut ressortir ou parlement du roy de France et fist beaucop de grandes desobeissances dont a ceste cause grande partie de la duchie de Guienne fut mise en la main du roy et aussi la ditte conte de Pontieu.[232]

Depuis ces choses appointement se fist entre le roy de France et le roy dAngleterre du temps de Phelippe le bel filz de Phelippe dessus nomme et firent paix ensemble, et pour icelle mieulx entretenir ledit roy Phelippe le bel bailla en mariage a Edouart de Carnarinam filz dudit Edouart le premier sa fille nommee madame Ysabel sa

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[231] AC omit 'et a ceste cause rejoindre et revnye a la couronne iusquez au traittie sainct Loys'

[232] Edward I (d. 1307) paid homage to Philip III (d. 1285) on 6 August 1273. In 1279, Edward I 's wife Eleanor of Castile (d. 1290), inherited the county of Ponthieu, upon the death of her mother Jeanne, daughter of Marie, countess of Ponthieu; Eleanor paid homage for the county to Philip III.

seconde fille et estoient cousins germains. Mais ce non obstant quant ledit Edouart le premier son pere fut ale de vie a trespas icellui Edouart le second dit de Carnarinam reffusa de faire aux roys de France successeurs dudit Phelippe le bel les deuoirs quil leur deuoit faire a cause de laditte duchie de Guyenne et aussi de laditte conte de Pontieu.

Et a ceste cause le conte de Valois Charles frere dudit roy Phelippe le bel, et oncle desdits trois roys ~~ses enfans~~ fut enuoye en Guienne ou temps desdits trois roys. Et depuis sa mort y fut enuoye une autreffoiz Phelippe de Valoiz son filz qui depuis fut roy, lesquelz tant pour ce que ledit roy Edouart de Carnarinam denyoit faire lommage |**fo.38v**| de Guyenne et de Pontieu audit roy de France et ne le voloit faire pour pluiseurs grandes rebellions descongnoissances et desobeissances qui auoient este faittez par ledit roy Edouart de Carnarinam et ses officiers alencontre du roy de France et des siens prindrent et mirent en la main du roy la pluspart de la duchie de Guyenne et de la conte de Pontieu et en especial es terres qui auoient este bailliez de crue audit roy dAngleterre oultre les trois seneschauceez de Bordeaux, de Lanes et de Barades.[233]

Pour laquelle cause voyant les Anglois quilz perdoyent toute Guyenne fut aduise entreulx que le roy Edouart de Carnarinam transporteroit laditte duchie de Guyenne a son aisne filz le roy Edouart le tiers autrement dit de Windezore filz de madame Ysabel de France et nepueu desdis trois roys freres et quil en vendroit faire lommage au roy Charles le bel son oncle et essayer de recouurer toutes lesdittes terres.

En fournissant ausquellez choses ledit Edouart de Windezore duc de Guienne passa la mer et vint deuers le roy Charles le bel son oncle et par le moien de madame Ysabel mere dicellui Edouart qui estoit lors auecquez ledit Charles le bel son frere pour cause de cartaines diuisions qui estoient adoncquez en Engleterre. Ledit roy Charles |**fo.39r**| le bel dist audit Edouart son nepueu telles parolles en substance:[234]

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[233] On 31 January 1308, the newly crowned king of England, Edward II (d. 1327) paid homage for Guyenne and Ponthieu at the occasion of his marriage to Isabella. Charles of Valois led an expedition into Guyenne after Charles IV (d. 1328) had confiscated the duchy in June 1324

[234] JKLPQ continue paragraph. The speech is not marked out in any way in the manuscript.

'Vostre pere a forfait et confisquie enuers moy la duchie de Guienne et tout ce quil tient en France et nestoie point dispose de iamais lui en rendre riens mais pour lamour de ma sueur vostre mere et de vous qui estez mon nepueu et que maditte suer ma dit que vous ne voulez point user de mauuaises condicions que fait vostre pere et que vous me volez congnoistre vostre souuerain touchant la duchie de Guyenne et les autres terres de France ainsi que les ducs de Guienne et autres mes subges sont tenus et doiuent recongnoistre les roys de France pour leurs souuerains seigneurs et que les pactions et conuenances ont este entre mes predecesseurs et les votres [235] ie vous rendz la duchie de Guienne et vueil que tout ce qui en a este mis en ma main et aussi des autres terres vous soit rendu et restitue.'[236]

Desquellez choses ledit Edouart remercia tres humblement ledit roy son oncle et lui fist hommage dudit duchie de Guyenne et des autres terres de France et demoura auecquez lui lespace dun an et plus.[237]

Ne demoura gaires apres ledit an que ledit Edouart |**fo.39v**| le tiers et la royne dAngleterre sa mere repasserent en Angleterre et prindrent ledit roy Edouart de Carnarinam et le firent morir piteusement et tous ceulx qui auoient auctorite entour lui, et prist icellui Edouart le royne [royaume] comme plusprochain hoir de son pere.

Et ne tarda pas longuement apres que ledit roy Charles le bel morut et vint Phelippe de Valois a la couronne de France et le recongnut ledit roy Edouart le tiers pour tel et lui fist hommage a Amiens dudit duchie de Guyenne et des terres de Pontieu [238] comme a vray roy de France conferme ledit hommage depuis en Angleterre comme hommage [239] lige ainsi comme dessus a este touchie plusadplain en la premiere partie de ce livre.

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[235] A adds 'vous les voulez tenir et observer'.

[236] By the treaty ending the war of Saint-Sardos on 31 May 1325, Charles IV agreed to return the Agenais, and Edward II promised to pay homage to the French king. But Edward did not go to France because of illness, and instead transferred the duchy to his son, Edward of Windsor, so that he might perform the ceremony: thus, king Edward had to pay Charles IV a relief 60,000 *livres parisis* for this alienation; Charles insisted on keeping Agenais as an indemnity, leading to a renewal of war in 1326. There is no record that Edward of Windsor ever made this speech when he paid homage to his uncle, Charles IV, on 24 September 1325.

[237] A continues paragraph.

[238] P: 'dudit duchie de Normandye et des terres de Ponthieu'

[239] JP omit 'depuis en Angleterre comme homme'

Mais ce non obstant sans nulle cause aumoins raisonnable ledit Edouart en venant contre son serement et sa feaulte meut guerre contre ledit roy de France Phelippe, sefforca de lui oster la couronne et le royaume de France et de esmouuoir tous les subgetz dudit royaume alencontre de leur souuerain seigneur, le roy Phelippe en confiscant de rechief laditte duchie de Guienne et tout ce quil tenoit en France, ne en tout le monde ny a plus cler moyen de confiscation que de machiner en la |**fo.40r**| mort de desheritement de son souuerain et naturel seigneur. Pourquoy est cler quelque transport de la duchie de Guyenne qui eust este fait par sainct Loys au roy Henry le tiers et a ses successeurs ainsi que dessus est declairie, et de la conte de Pontieu par le traittie du mariage dont dessus est faitte mention il ya eu depuis tant de fourfaitures ingratitudes descongnoissances crismez et deliz commis et perpetrez par les roys dAngleterre ducs de Guienne et contes de Pontieu successeurs dudit Henry le tiers quil y a eu plus de dix moyens de confiscation et y eust il quatre foiz aussi grant seignourie comme il yauoit et que a bon et iuste tiltre le roy a eu cause legittime de les prendre et revnir a la couronne de France comme vray et droit heritage dicelle.

Et pour ce que les Anglois se vantent depuis toutes ces choses que au traittie de Bretigny toutes ces questions et debas furent appointiez et que par traittie de paix final tant pour la deliurance du roy Jehan de France que pour assoper et pacifier toutes les querellez que ledit roy Edouart pretendoit tant a la couronne de France que es singulieres partiez quil queroit dedens le royaume. Laditte duchie de Guienne ainsi quelle se estendoit par le traittie de sainct Loys, ensemble les contes de Poitou Ponthieu Engomez Bygorre |**fo.40v**| auec les ressors dArmignac dAbric et des autres seignouries de Gascoingne les pays aussi de Xantonge et ca la Charente Aunys Mercq Ouaye Calais Guynez et les autres terres et seignouries plusadplain contenues oudit traittie lui furent bailliez purement et absolutement et sans aucun ressort ou souuerainete et que a tort et sans cause on les en a forclos et deboutes.[240]

Response. Le traittie de Bretigny a este par tant de foiz debatu et en tant de lieux et en la presence de tant de princes et de prelas et meismez de nostre sainct pere et des legas et autrement que chascun a peut assez et puet congnoistre que les Anglois nont

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240 For the French discussion of the treaty of Brétigny, see chapter four, section 2 above.

aucune cause aumoins legittime de riens demander par vertu dicellui ne que ilz ne accomplirent ne entretindrent oncquez de leur part ledit traittie.[241]

Aincois au premier point la ou ilz doiuent renoncer a la couronne de France qui estoit le premier et principal point, ilz ne le volurent oncquez faire.[242]

Secondement ilz deuoyent faire w[i]dier les compaigniez hors du royaume de France dont semblablement ilz nen firent riens. Et morut a ceste occasion plus de xx^{M}. hommez |**fo.41r**| dudit royaume de France depuis ledit traittie et si eurent le roy et ceulx du royame dommage a cause des compaignez auant quil peust trouuer moien de les ietter hors du royaume de France par autre facon que au pourchas et par le moyen desdits Anglois de plus de la valleur de six millions dor ainsi que par les discours et la matiere len puet veoir clerement qui vouldra lire les cronicquez et histoires dudit temps.

Tiercement le prince de Gallez eses officiers depuis ledit traittie firent tant de maulz et dexces aux subgetz de Guienne quilz furent constrains dappeller au roy Charles le quint comme a leur souuerain seigneur, lequel ne le roy Jehan son pere nauoient iamais renonce au ressort de Guyenne pour ce que ledit roy Edouart par semblable nauoit point renonce a la couronne de France ainsi quil auoit promis et iure, lesquelles deux renuniciations se deuoient faire lune quant et lautre. Et enuoia ledit roy de France pour ceste cause aux iour et lieu qui sur ce auoient este enconuenenciez, gens notablez garnis de pouoir souffisant de par lui de faire lesdits renunciations de sa part. Mais de la part du roy dAngleterre nul ne si comparut iasoit ce que deuement ledit roy dAngleterre et les siens fussent appellez et at|**fo.41v**|tendus comme par lettres auctentiques ces choses se puent clerement monstrer.

Et par grande et meure deliberation de conseil ouquel les pers de France et tous les princes et prelas du royaume et autres gens de grant estat furent conuocquiez apres la complainte faitte audit roy Charles le quint par les subges de Guienne des tors griefs et exces que les Anglois leur faisoient, fut dit et remonstre au roy par plusieurs

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241 A continues paragraph.
242 A continues paragraph.

grandes et euidentes raisons fondeez en chascun droit que sans charge de conscience pertermission de son honneur et quil ne fust dit iniuste et denegateur de iustice a ses subgetz il ne pouoit reffuser lesdittes appellations.[243]

Apres lesquelles choses le roy voulant obtemperer a raison croire le conseil de ses parens et subges et administrer iustice a ceulx qui len requeroient receut lesdits appellations bailla les prouisions quil conuenoit en laditte matiere. Et pour icelles mettre a execution garda toutes les solemnitez que ordre de droit usage stille et les communes obseruances du royame ordonnent et commandent.

En venant alencontre desquelles choses ledit prince de Gallez pour lors duc de Guyenne |**fo.42r**| fist prendre les officiers du roy cestassauoir un cheualier et ung clerc qui furent enuoyes deuers lui pour laditte matiere et deschira les lettres royallez et fist mettre lesdits commissaires en prison et illecquez piteusement morir.

Sur lequel attemptat ledit roy Charles le quint enuoia de rechief autres comissaires deuers ledit prince de Gallez ausquelz fut fait comme aux premiers, et depuis ny osa personne aler.

Et non content de ce fist guerre ouuerte contre ledit roy Charles le quint en croissant tousiours et augmentant les exces enterprisez [244] et oppressions accoustumeez alencontre du roy et des subgetz des terres et seignouries que iceulx roy Edouart et prince de Gallez tenoient et auoyent en leur possession et obeissance ou royaume de France,[245] dont a ceste cause ledit roy Charles le quint fist faire les declarations contre lesdits roy et prince de Galles telles que ou cas appartenoit, et se leuerent en pou de temps pres que tous les subgetz desdits roy Edouart et prince de Galles tant en la duchie de Guienne que es contez de Poitou Pontieu Xantonge et ailleurs alencontre deulx et se mirent en la main et obeissance dudit roy Charles le quint leur |**fo.42v**| souuerain seigneur ainsi que selon Dieu raison et iustice doiuent faire.

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[243] C continues paragraph.

[244] A: 'Et ce fist il au contempt dudit roy Charles le quint en accroissant tousjours et augmentast les exces, enterprises …'

[245] A: 'tenoient et possidoient au royame de France, dont …'

Il ya aussi pluiseurs autres choses dedens ledit traittie de Bretygny qui se deuoit faire et accomplir de la part desdits roy Edouart et prince de Galles lesquelles ne se accomplirent point, jasoit ce que de la part du roy Jehan et du duc de Normandie qui puis sappella le roy Charles le quint toutes les chosez quilz deuoient faire par ledit traittie eussent este accompliez, sauf en tant quil touchoit la renonciation du ressort de Guienne et autres terres dessusdittes laquelle chose ne vint point a la deffaulte desdiz roy Jehan et duc de Normandie, mais par le deffault des Anglois ainsi que dessus a este touchie. Ne en ce ne peuent lesdis roy Jehan et duc de Normandie emporter raisonnablement aucun blasme charge ou reproche.

Et pour aincoires plus esclarcir ceste matiere est vray que apres les choses dessusdittes lempereur Charles le quart vint en France acompaignie de son filz le roy des Rommains autres grans princes et seigneurs lequel recita au roy Charles le quint les complaintes et douleances que les Angloiz faisoient de luy a cause des appellations et reuniemens a la couronne des terres et seignouries dessusdittes ainsi que deuant est declairie, **|fo.43r|** lequel Charles le quint pria audit empereur quil lui pleust venir au palais en la chambre de parlement pour illecques oyr plus amplement la response desdittes matieres et le demené dicelles.[246]

En obtemperant ausquelles choses se trouuerent en laditte chambre de parlement lesdits empereur et roy de France et des Rommains acompaignies de grans nombres de princes prelas seigneurs et gens de diuers estas tant de France que dAlemaigne, et en audience publicque et en la presence de tous ledit roy Charles le quint en partie de sa bouche et en partie par la bouche de messire Jehan des Mares son aduocat fiscal dist et fist dire reciter et remonstrer tout leffect du traittie de Bretigny en semble les querellez des Anglois et les iustifications dicellui roy Charles le quint auecques toutez les lettres appointemens euidences sommations requestez proces et declarations qui auoient este faittes touchant les choses dessusdittes.

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246 The visit of the emperor, Charles IV, to Paris in 1378 was reported in a number of sources, including the *Grandes chroniques* and Christine de Pizan's *Livre des faits et bonnes moeurs du roi Charles V le sage*. See Delachenal, R. *Histoire de Charles V*. 5 volumes. Paris, 1909-1931. V, chapter 2 and Autrand, F. 'Mémoire et cérémonial: la visite de l'empereur Charles IV à Paris en 1378 d'après les Grandes chroniques de France et Christine de Pizan' *Une femme de lettre au moyen âge. Etudes autour de Christine de Pizan*. Ed. L. Dulac et B. Rébémont. Orleans, 1995. 91-103. See chapter one, section 1.1 above.

Et finablement tout oy ledit empereur acompaignie et conseillie comme dessus dit et declaira en publicque quil estoit bien ioyeux dauoir veu et oy ce que la auoit este dit et remonstre pour en parler plus au vray partout ou besoing seroit et oster lerreur de pluiseurs de diuerses nations qui par sinistres rappors estoient autrement informes **|fo.43v|** desdittes matieres et que puis quil congnoissoit la verite dicelle estre telle il conseilloit audit roy Charles le quint quil gardast son droit et sa prerogatiue comme roy ainsi quil appartenoit et que veu son bon droit et sa bonne querele es choses dessusdittes il lui aideroit a la conseruation diceulx et lui donrroit en ceste partie tout le secours confort et ayde qui lui seroyent possiblez. Et commanda des lors a son filz le roy des Rommains, que *ad quemcunque statum preueniret,* il fist le semblable, lequel promist de ainsi le faire.[247]

Oultre plus ledit roy Charles le quint enuoya deux fois en Auignon deuers le pape Clement le vie. pour ceste matiere, en la presence duquel et du concistoire des cardinaulx les ambassadeurs dEngleterre furent oys dunepart et les Francois dautre, et finablement ne fut trouue ou fait dudit roy Charles le quint touchans lesdittes matieres aucune chose digne de reprehention mais demoura tousiours la matiere en cest estat, cestassauoir la confiscation clere et toute pleniere alencontre desdits Angloiz, et a la iustification et bon tiltre de la part des Francoiz.

Au moyen desquellez choses dessus declairiez est tout cler notoire et manifeste que a bonne et iuste querele non obstant le traittie **|fo.44r|** de Bretigny les predecesseurs du roy qui a present est depuis le temps du roy Charles le ve. iusques a leur trespas et au droit et moyen deulx le roy qui au iour dhuy regne a bon et iuste tiltre en la duchie de Guyenne et en toutes les autres terres et seignouriez estans de present en son obeissance que les Anglois souloient tenir ou royaume de France, ensemble es terres de Calais Guynes et autres que iceulx Anglois tiennent aincoires et occupent oudit royaume, et que a tort et sans cause lesdis Angloiz a cause dudit traittie de Bretigny ne autrement en font aucune question ou demande.

Et aincoires en agrauant le fait desdits Anglois ne doiuent pas estre oublies les exces et inhumanites forces et violences oppressions et dampnables vices crismes et

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[247] C continues paragraph.

malices que le roy Henry le ve. et apres lui Henry le vi^e^.[248] ou ceulx qui auoient le gouuernement dAngleterre de par lui ont depuis les choses dessusdittes fait en ce royaume en prenant et occuppant la duchie de Normandie la ville de Paris et une grande partie de tout ledit royame et eulx efforchans de priuer et deietter debouter de tout le royaume les vrais et drois heritiers dicelluy.

En quoy ya trois grandes et enormes faultez, lune si est perseuerance et continuation en la malice desobeissance et es crismez faultez |**fo.44v**| et delis des predecesseurs desdits Henrys v^e^. et vi^e^. dont a ceste cause se aucun droit appartenoit a iceulx roy Henry v^e^. et vi^e^. es terres et seignouries dessus declariez estans en France ce que non, ilz ont tout forfait et confisque.

La seconde faulte si est que pour leur ambition de seignourir a tort et contre raison il est mort a ceste cause par leur moien et dampnable entreprinse plus de deux millions de personnez ou royaume de France eglises destruitez violees et demoliez, villes chasteaulx et fortressez abatuez destruitez et ietteez par terre, les villages et les champs demourez inhabitez incultiues et du tout en desert et en friche. Et tant doppressions dommages et inconueniens auenus au royame de France que se le royaume dAngleterre et toutes les facultez richesses et valeurs dicellui tant en meuble que en heritaige estoient toutez assembleez ensemble elles ne seroient point souffisantez a reparer les choses dessusdittez.

La tierce cause si est que toute iniuste bataille est deffendue et qui iniustement fait guerre iustement on lui puet faire, non pas seulement en soy deffendant mais en lui ostant tout le sien propre iusquez il ait deuement repare loffence quil a faitte. Et ainsi le mettent |**fo.45r**| les drois en la glose du decret *Domine noster* et si est lusage et la commune observance de tous princes en tous les pays et contes du monde depuis le temps des Rommains iusques a present.[249]

Or est il tout cler que a tort contre Dieu raison et iustice lesdits roys Henry v^e^. et vi^e^. et leurs adherens fauteurs et complices ont fait guerre contre les roys de France Charles vi^e^. et Charles vii^e^. de ce nom dont le roy qui au iour dhuy est a le droit la

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[248] A omits 'Henry le .v^e^. et apres lui'

cause, parquoy appert clerement que a iuste et bon tiltre il leur loisoit en leur vie et auoient cause raisonnablement quant le pouoir ya este ioinct et aussi a le roy qui a present est par semblable de prendre et applicquier a eulx toutez les terres et seignouries que lesdiz roys dAngleterre et les leur auoient ou royaume de France. Et non pas seulement ou royaume de France mais en Angleterre et partout ailleurs la ou les siens les pourroyent recouurer iusques a ce que traittie de paix soit fait les tors iniures entre lesdits princes ou que ceulx dAngleterre ayent repare les tors iniures et dommages quilz ont fait ou royame de France.[250]

Et ainsi en concluant tout pertinamment selon la matiere subgette et que len treuue les choses dessus declairiez veritables tant par |**fo.45v**| lettres auctenticques comme par cronicquez histoires anciennes et autres enseignemens et en soy conformant aux drois canons ciuilz et a lusage et coustume du royaume de France, il est cler notoire et manifeste et nen fault faire aucune difficulte que le roy a bon et iuste tiltre tient et posside les duchies de Normandie Guienne contez de Poitou dAnyou du Maine Touraine et Pontieu et toutes les autres terres que les Anglois soloient occupper en ce royame. Et oultre puet licitement recouuerer tout le demourant quant son plaisir sera de y entendre et que bonnement le pourra faire sans aucune charge dhonneur ne de conscience et auecquez ce leur faire guerre en Angleterre quant bon luy samblera.

Et au contraire que a tort et sans cause et a mauuaise et iniuste querelle et sans aucun tiltre aumoins vaillable ne raisonnable les Angloiz pretendent aucun droit esdittes terres es seignouries.

Et ne peuent lesdiz Anglois raisonnablement alleguer ne maintenir aucune chose au contraire, car selon raison il fault quilz sueffrent les loix coustumez et usages des pays et contreez ou les choses sont scitueez et assisez et pareillement de celles dont ilz usent tous les |**fo.46r**| iours ensemble en leur royame.

Et pour ceste heure se deporte len icy a parler des loix usages et coustumes de France en ceste partie car ilz sont tous notoires a chascun mais en venant a celles

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[249] *Decret, Causae.* 23, 2, 2, an authority that was cited, for example, in *Songe du vergier.* I, 289-90, 313 and 337 (chapters 148 § 3, 154 § 10 and 157 § 1).

[250] C omits 'que lesdiz roys dAngleterre et les leur auoient'; A omits 'non pas seulement ou royaume de France mais'.

dAngleterre, oncques les Anglois neurent droit de succession ne transport ou pays de Galles ne autre tiltre fors faulte dhommage desobeissance ou rebellion et la guerre que les Gallois leur faisoient. Et a ce tiltre et non aultre tient le roy dAngleterre tout ledit pays de Galles tant de noort Gallez que soubz Galles et Poysland que soloit tenir le prince Cloellin qui vault autant adire en francois comme Loys lequel les Anglois firent morir piteusement et son frere David et deuoit venir la succession au conte de Montfort filz de leur suer, dont sont descendus en partie les ducs de Bretaigne qui a present sont et a ceste cause est leur propre heritage se ne fust la dicte confiscation.[251]

Pareillement les roys dEscoce soloyent tenir la conte de Hontiton Nothombelland Tindal et pluiseurs grans terres et seignouries en Angleterre,[252] lesquelles les Anglois par semblable leur ont osteez et les en ont priuez et deboutes, et puis doncques quilz usent en pareil cas en ces choses il est tout cler quilz doiuent souf|**fo.46v**|frir la semblable contre eulx et quilz ne sont a receuoir daucune chose alleguer ou demander au contraire, *quia patere legem, &c.*

Pluiseurs cronicquez aussi et histoires dient quil y eut certain traittie iapieca fait entre le roy dAngleterre Henry le tiers filz de Jehan dune part, et messire Loys de France pere de sainct Loys que depuis on appella Leon le debonnaire dautre, a cause et pour raison de la croisee qui auoit este donnee par le pape contre lesdits roys Jehan et Henry son filz et de la conqueste dudit royaume ensemble du droit dicellui baillie donne et ottroye audit messire Loys de France a loccasion dessusditte, lequel messire Loys de France [253] a ceste cause passa en Angleterre et eut la possession de Londres de Lincol et de pluiseurs autres cites villes et chasteaulx dudit royame et la foy et lommaige de presquez tous les prelas seigneurs et barons dudit pays qui lui firent le serement et feaulte comme a leur roy et souuerain seigneur. Au moien

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[251] AC omit 'se ne fust la dicte confiscation'. Llywelyn ap Gruffyd paid homage to Henry III in 1247, but refused to pay homage to Edward I in 1272. Edward I invaded in 1276, conquering all but Snowdonia, and Llywelyn was killed on 11 December 1282 in battle against the English near Builth. His brother Dafydd was captured and executed at Shrewsbury the next year. The next claimants would not have been Amuary de Montfort, but rather the descendants of Llywelyn ab Iorwerth's (Llywelyn ap Gruffudd's grandfather) cousin Maredudd ap Cynan, who were the rulers of Meirionydd/Merioneth; indeed Madog ap Llywelyn ap Maredudd led a revolt in 1294. 'Poysland' presumably refers to Powys.

[252] ACFHJKLPQ add 'Westmelland'; AC also add 'Combelland'.

[253] CJP omit 'a loccasion dessusd., lequel messire Loys de France'.

desquellez choses ledit messire Loys de France a ce tiltre se nommoit et portoit pour roy et droiturier seigneur du royame dAngleterre.[254]

Par lequel traittie et pour appaisier ledit discord les parties appointerent ensemble que les prisonniers dunepart et dautre seroient |**fo.47r**| deliurez paix final faitte entre eulx, et grande somme de deniers baillie audit messire Loys de France pour sen retourner de ca la mer.

Et oultre plus dit listoire que ledit roy dAngleterre se soubzmist comme subget du roy de France a cause dudit royame dAngleterre a venir au parlement dudit roy de France deux foiz lan, et en cas quil auroit ensongne raisonnable de ny point venir seroit tenu dy enuoyer gens notables garnis de pouoirs souffisans de par lui en signe de recongnoissance quil se tenoit pour subget dudit roy de France. Et auecques ce estoit tenu et se soubzmettoit de seruir le roy de France en ses guerres auecques certain nombre de gens toutez et quantesfoiz que le roy de France le lui feroit sauoir.

Et pour accorder les cronicquez de France et dAngleterre en paix il est vray que lesdiz cronicquez desdits royaumes saccorderent bien en ce qui touche laditte croisee, le passage aussi dudit messire Loys de France en Angleterre et toutes les autres choses, excepte sa submission dessusditte de venir au parlement du roy de France et du seruice que le roy dAngleterre estoit tenus de faire au roy de France toutes les fois quil lui seroit fait sauoir, car la cronicque de France met expressement lesdittes submissions et la cronicque dAngleterre nen fait |**fo.47v**| aucune mention.[255]

Et nest pas merueille se laditte cronicque dAngleterre taist les choses dessusdittes, car les Angloiz se dient souuerains en leur royame, et ne congnoissent nul empereur ou aultre et silz confessoient la submission dessusditte ce seroit trop a le preiudice.

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[254] In 1216, Philip Augustus' son, the future Louis VIII, invaded England in support of the rebels against king John, claiming the English throne through his wife, Blanche, granddaughter of Henry II (see footnote 200 above). However, John died on 18 October, and the English barons gradually threw their support behind John's son Henry and Louis relinquished his claim after his defeat at the battle of Lincoln.

[255] C continues paragraph.

Toutesfois considere le droit que ledit messire Loys de France auoit en Angleterre et la possession pluiseurs places et obeissance de grande partie des subgetz, il est plus a croire que en renoncant ausdittes choses laditte submission fut faitte pour aucunement recompenser ledit messire Loys de France veu quil rendoit tout ce quil tenoit en Angleterre que autrement, laquelle submission sil estoit trouue auoir este faitte par lesdits Anglois comme il est vray semblable que si est, seroit bien clere demonstrance que toute la guerre que les Anglois ont depuis fait contre les roys de France est iniuste et desraisonnable. Et que au moyen dicelle il est bien euident que les roys dAngleterre naroient pas seulement fourfait ne confisqui ce quilz auoient en France aincois tout le royame dAngleterre et que a juste et bonne querelle le roy le pourroit demander leur faire guerre et mettre paine dicellui inuader et conquerir.

|fo.48r| Et quant orez laditte submission nauroit point de lieu si est il cler et euident par les autres moiens dessus touchiez que a tort et contre raison les Anglois font demande des terres et seignouries particulieres quilz querellent en ce royame dont dessus est faitte mention, et quilz ny ont droit ne tiltre qui soit vaillable. Et se par aucun temps ilz y en ont eu par tiltre [256] de succession ou autrement ilz lont perdu forfait et confisquie, et a iuste et bon tiltre le roy a pris mis en sa main et revny a la couronne toutez les terres et seignouries dessusdittes et que iustement sainctement et licitement le pourroit faire et luy appartiennent de droit sans aucune reprehention. Et cecy est quant a la seconde partie de ce present traittie.[257]

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[256] AC omit 'qui soit vaillable. Et se par aucun temps ilz y en ont eu par tiltre'.

[257] J omits 'seconde partie de ce present traittie' and restarts the next folio at 'Et pareillement', five paragraphs below [>> missing folio?]. P adds 'en laquelle est faicte mencion du droit que les Angloys pretendent en plusiuers terres et seignouries particulieres du royaulme de France'.

CY COMMENCE LA TIERCE PARTIE DE CE PRESENT LIURE[258]

|fo.48v| Maintenant fault venir a la tierce partie principale de la matiere dont de present est question, cestassauoir de la complainte que les Anglois font touchant la roupture des treues qui fut lan mil cccc. xlix. soubz confiance desquellez lesdiz Anglois dient quilz ont perdu Normandie et Guyenne et a ceste cause requierent prealablement et deuant tout euure en estre restituez.

Pour bien entendre laquelle matiere est necessaire congnoistre premierement le fondement dicelle et apres les incidences ou autrement on nen pourroit auoir parfaitte ne clere congnoissance.[259]

Et pour ce sera commencie a la naissance desdittes treues lesquelles furent faittez et prises la premiere fois ou moys de jung mil iiii^{C}. xliiii. et ce pour le temps et terme de xxii. moys seulement.[260]

Et est vray que en icelles treues chascun des deux roys de France et dAngleterre comprist de sa part ses alyes et subgetz. Et nommeement fut compris pour la part du roy de France entre les autres princes et seigneurs ses subgetz le duc de Bretaigne qui lors estoit en son pays et duche de Bretaigne.[261]

|fo.49r| Et pareillement le roy dAngleterre en ses treues recitant les alliez et subgetz du France nommeement declaira ledit duc de Bretaigne et son pays comme subgetz dudit roy de France estre compris esdittes treuez pour la part dudit roy de France sans ce que ledit roy dAngleterre reclamast reseruast ne feist quelque mention au contraire du fait dudit duc de Bretaigne ne de sesdittes pays et duchie.

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[258] ACFJPQ omit 'CY COMMENCE LA TIERCE PARTIE DE CE PRESENT LIURE'; H: "Fin de la seconde partie de ce present livre./Sensuit la tierce et derreniere partie de ce present traittie faisant mention des trevez rompues a Fougieres par le feu roy Charles que Dieux pardonist, comme les Anglois dient et en demandent avoir reparacion et restitution'; K: 'Sensieut le derrenier traittie qui parle de la roupture des treues'; L: 'Cy finit la seconde partie du present livre et sensieuit le tierce et daraniere partie'.

[259] C continues paragraph.

[260] The treaty of Tours was agreed on 28 May 1444, and ratified by Henry VI on 27 June. It was set to conclude on 1 April.

Lesdittes treues de xxii. moys furent depuis prorogueez de vii. mois et apres de v. mois et depuis de vii. mois,[262] et aincoires de rechief de xii. mois vray est que la derreniere prorogation de xii. mois fut condicionelle, cestassauoir en cas que le roy dAngleterre deliureroit le Mans et les autres places quil tenoit en la conte du Mainne dedens le iour de la toussains qui fut lan mil iiii^{C}. xlvii.

Et pour ce que ledit roy dAngleterre ne le fist pas ainsi, ou que ceulx qui tenoient lesdittes places ny vouldrent pas obeir et a ceste cause y conuint proceder par main armee ainsi que chascun a assez de congnoissance. Quant lappointement du Mans fut fait pour oster la doubte qui eust peu cheoir esdits prorogations de treues a cause de la condicion dessusditte non accomplie **|fo.49v|** et commissaires des deux princes roys de France et dAngleterre se condescendirent de faire nouuelles treues durant deux ans cestassauoir iusquez au premier iour dApril qui deuoit escheoir enuiron la sepmaine saincte lan mil iiii^{C}. xlix. selon lusage de France et selon celui dAngleterre se contoit iiii^{C}. l.[263]

Et esquellez treues le roy de France comprist de sa part le duc de Bretaigne et sondit pays et duche comme ses subgetz ainsi quil auoit acoustume de faire au parauant. Et quant les minutez furent accordeez entre les deux parties ainsi fut il monstre escript et accorde entre elles sans que de la part des Anglois ledit duc y fut compris en aucune maniere, mais les Angloiz en usant de leurs cautelles combien quil y eust de bien sages gens de la part dudit roy Charles le vii^{e}. firent ung strategeme bien merueilleux, cestassauoir pour ce quilz disoient quilz pouoient mettre les gens de guerre de la part de France dedens la place du Mans sy non de nuyt et ainsi le firent, et quilz ne bailleroient point laditte place si non quilz eussent les appointemens et que la matiere requeroit celerite pour euiter pluiseurs inconueniens quilz estoyent fors a doubter de auenir, les commissaires desdiz deux princes appointerent que on bailleroit lesdittes **|fo.50r|** appointemens dunepart et dautre, et feroit on la deliurance de laditte place quant et quant.

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[261] C merges this paragraph with the one following: 'ses aliez et subiects le duc de Bretaigne et son pais comme subgectz du roy de France estre compris ausd. Treues pour la part dud. Roy de France, sans ce que ledit ...'

[262] C omits 'et apres de .v. mois et depuis de .vii. mois'.

Et a ceste cause conuint que feu monseigneur le partriarche de Poitiers et les autres commissaires de la part de France venissent enuiron minuit ou fons du fosse du Mans, ouquel lieu se trouuerent semblablement les commissaires de la part des Anglois et baillerent leur appointement dunepart et dautre sans chandeille ne regarder quil y auoit dedens,[264] et incontinent les gens darmes entrerent dedens laditte place.[265]

Or est vray que lesdits commissaires de la part des Anglois en la ~~terre~~ treue quilz baillerent de leur part au dessceu et sans le consentement des commissaires de la part de France comprindrent le duc de Bretaigne de leur part comme le roy de France lauoit compris de la sienne. Et soit bien notte ceste cautelle, car cest toute leur iustification [266] de la prise de Fougieres, a laquelle cautelle sera respondu cy apres ou lieu la ou le cas si adonne.

Ces chosez faittez ne demoura gaires apres que le duc de Sombreset passa deca la mer qui eut tout le gouuernement de par le roy dAngleterre es pays de son obeissance et es autres **| fo.50v |** terres adiacentes estans de ca laditte mer.

Durant le gouuernement duquel duc de Sombreset pluiseurs grans exces enterprisez et attemptas se firent de ceulx de son parti tant par son ordonnance que autrement contre la teneur desdittes treues. A loccasion desquelles choses le roy Charles le vii[e]. que dieux pardoinst enuoia par diuerses foiz deuers ledit duc de Sombreset et furent pluiseurs iourneez tenues par les commissaires dunepart et dautre touchant lesdittes matieres.

Et oultre plus pour ce que on ne trouuoit pas grant raison ne iustice auec ledit duc de Sombreset le roy de rechief enuoya en Angleterre deuers le roy dudit royaume pour lui signiffier lesdits exces entreprisez et attemptas et que sur ce il lui pleust pourueoir ainsi que raison estoit et que les treues le portoient.

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[263] The truce was prorogued on 14 August 1445 (until 1 November 1446), 19 December 1445 (until 1 April 1447), 22 February 1447 (until 1 January 1448), 1 December 1447 (until I January 1449) and 11 March 1448 (until 1 April 1450).

[264] AC add 'cuidans les Francoys que la grosse desd. appoinctemens fut parelle a la minutes'.

[265] For this story, see chapter five, section 2 above.

[266] AC add 'des Anglois touchant la prise de Fougieres don't cy aprez sera parle, et'

Lequel roy dAngleterre rescripuy au roy son oncle quil auoit enuoye le duc de Sombreset de ca la mer expressement pour ceste cause auquel il auoit baillie tout pouoir pour y besongnier comme lui meismez eust peut faire, et aincoires de rechief lui en escripuoit en signifiant au roy sondit **|fo.51r|** oncle quil nenuoiast plus deuers lui pour ceste cause et que quant les cas y escherroient len se tirast vers ledit duc de Sombreset et que sans point de faulte il lui donneroit prouision.

Mais non obstant toutes ces choses aussi pou fut il donne de prouision par ledit duc de Sombreset esdittes matieres comme auparauant, aincoires en mettant a execution lentreprise de Fougieres que ia auoit trayne ung an et demy et estoit encommencee long temps parauant lesdittes treues faittes au Mans, ainsi quil appert par la deposicion de messire Francois de Surienne dit lArragonnois executeur de laditte entreprise et de pluiseurs autres qui aidierent a icelle conduire ou mois de Mars mil iiii^{C}. xlviii. selon lusage de France,[267] et iiii^{C}. xlix. selon usage dAngleterre icellui messire Francois lArragonnois de sceu adue et consentement du roy dAngleterre [268] du duc de Suffolc du duc de Sombreset et de pluiseurs autres des principaulx dAngleterre partant de Normandie et ayant illecquez charge de gens darmes et de places de par ledit roy dAngleterre et portant son ordre de la jaretiere prist demblee le chasteau et la ville de Fougieres pylla [269] et ceulx qui auecquez lui estoyent laditte ville tua gens en icelle les autres prinst prisonniers couru tout le pays denuiron prist patis **|fo.51v|** et bailla sauuegardes et saufconduis et fist guerre ouuerte en Bretaigne ainsi que ennemis ont accoustume de faire les uns contre les autres au veu et sceu dudit roy dAngleterre et de ceulx de son conseil dudit duc aussi de Sombreset et tous ceulx qui auoient puissance et correction sus ledit messire Francois sans ce que par nul deulx aucune prouision ou reparation y fust faitte ne donnee.[270]

Ains qui plus est le conforta ledit duc de Sombreset de gens dartillerie et dautres choses depuis laditte prinse et auoit ledit de Surienne les propres gens de la maison dudit duc de Sombreset auecquez lui a laditte prise et a faire le exploiz dessusdit.[271]

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[267] JP omit '.iiii^{C}. .xlviii. selon lusage de France, et'

[268] C replaces 'icellui messire Francois lArragonnois de sceu adue et consentement du roy dAngleterre' with 'de lordonnance'.

[269] C adds 'icellui messire Francoys'.

[270] ACH continue paragraph.

[271] François de Surienne captured Fougères on 24 March 1449. See chapter five, section 1 above.

Voyant lesquelles choses ledit roy Charles requis par le duc de Bretaigne Francois qui pour lors estoit de lui donner prouision ayde et secours en ladicte matiere, enuoya premierement messire Guillame Cosinot cheualier et Pierre de Fonteny ses conseilliers deuers ledit duc de Sombreset pour sauoir son intencion et voloir touchant le fait de laditte prise, et sil en voloit faire aucune reparation. Et auec ce enuoya en Angleterre Jehan Hauart deuers le roy Henry pour semblable cause mais dunepart ne dautre les ambassadeurs ne peurent obtenir prouision.

|fo.52r| Et en tant que touche ledit roy Henry il remist la chose audit duc de Sombreset. Et a regart dudit duc de Sombreset il enuoia deuers ledit roy Charles messire Jehan Hennefort cheualier Anglois et messire Jehan lEnfant pour lors son conseillier pour excuser ladicte prise de Fougieres et la iustifier a leur pouoir.[272]

Lesquelz ambassadeurs dirent et exposerent audit roy Charles pluiseurs choses touchans le fait des treues complaignans de beaucop dexces et attemptas quilz disoient auoir este fais par les gens de son obeissance alencontre et au dommage des subges et obeissans du roy dAngleterre et ou preiudice desdittez treues.

Et entre autre choses [273] pour venir a la principale iustification de laditte prise de Fougieres dirent que le duc de Bretaigne estoit subget du roy dAngleterre compris de sa part esdittes treues lequel auoit pris et tenoit prisonnier messire Gilles de Bretaigne son frere a tort et contre raison et lequel messire Gilles estoit homme lige et vassal dudit roy dAngleterre et ne voloit ledit duc de Bretaigne deliurer icellui messire Gilles ne le rendre audit roy dAngleterre son souuerain seigneur jasoit ce que par pluiseurs fois il en eust est somme et requis. Parquoy nestoit pas merueilles se **|fo.52v|** les amis dudit messire Gilles auoient fait aucune entreprise sur ledit duc de Bretaigne.

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[272] Cousinot and Fontenil were already in Rouen to discuss recent violations of the truce, and left on 22 April without discussing the matter officially with Somerset. Shortly afterwards Somerset sent Jean l'Enfant and Sir John Handford to meet with Charles VII, and in June 1449, Charles VII dispatched Jean Havart to England. See Beaucourt, G du Fresne de. *Histoire de Charles VII.* V, 322-332 and *Chronique de Mathieu d'Escouchy.* III. 216-8 and 225-39, together with chapter five, sections 1 and 2 above.

[273] JKLPQ move 'dirent et exposerent audit roy Charles pluiseurs choses touchans le fait des treues', from the the previous paragraph, replacing 'Lesquelz ambassadeurs' with 'Eulx'.

Et pose orez que aucun exces lui eust este fait se nestoit ce point infraction de treue [274] considere ce que dit est disans en oultre quilz voloient pensoient que quant il vouldroit requerir reparation au roy dAngleterre ilz esperoient quil donneroit si bonne prouision en laditte matiere que ledit duc de Bretaigne nauroit cause de sen doloir, voulans au moiens dessusdits attraire le duc et la duche de Bretaigne a leur obeissance comme leurs subgez et loster hors de la main et de lobeissance du roy Charles qui estoit aincoires plusgrant entreprise et infration de treue xx. foiz que nestoit laditte prise de Fougieres.

Sur quoy leur fut respondu que leur ouuerture nestoit pas raisonnable ne ce quilz maintenoient de leur part selon verite.[275]

Ausquelles choses et a chascune des complaintez par eulx faittez, ledit roy Charles en la presence de pluiseurs princes prelas et gens notables leur fist respondre publicquement en telle facon et maniere, et laditte response si bien iustifier par lettres et enseignemens auctentiquez que chascun pouoit bien congnoistre que a **|fo.53r|** tort et sans cause ilz faisoient lesdittes complaintes et aussi que leur iustification du fait de Fougieres ne se pouoient soustenir.

Et oultre plus leur fist remonstrer comme il auoit pluiseurs iustes causes de se doloir du roy dAngleterre et de ceulx de son obeissance, a loccasion de pluiseurs grans exces et attemptas par eulx commis et perpetres ou preiudice desdittes treues et aussi de pluiseurs autres choses accordees et promises par ledit roy dAngleterre dont riens nauoit este par lui fait garde ne accomply.

Et combien que lesdiz exces et attemptas commis et perpetrez de la part des Anglois autres que cellui de Fougieres fussent si grans et si enormez que chascun pouoit clerement congnoistre que lesdiz Anglois nauoient aucune bonne voulente a lentretenement desdittez treues.[276] Toutesfoiz pource que ce seroit bien longue chose a reciter tous les cas particuliers icy seulement sera parle du fait particulier dudit Fougieres pour ce que les Angloiz congnoissans que cestoit clere infraction de treue y insisterent plus que en tout le demourant.

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[274] C omits 'se nestoit ce point infraction de treue'.
[275] ACP omit this paragraph.

Et pour venir a laditte matiere leur fut remonstre que de toute anciennete depuis le temps du roy Clotaire le premier filz Clouis iusquez |**fo.53v**| a present la duche de Bretaigne estoit du royame de France et subgette des roys de France,[277] et mesmez sainct Judicail roy de Bretaigne pource quil auoit desobey aux commissaires du roy Dagobert a cause de laquelle desobeissance ledit Dagobert esmeut ses ostz pour aler contre lui, icellui sainct Judicail vint deuers le roy Dagobert lui requerant mercy de la offence quil lui auoit faitte le recongnoissant pour lui et pour ses successeurs son souuerain [278] seigneur a cause dudit pays de Bretaigne et tous les autres roys de France qui vendroient apres luy.

Et en particularisant plus auant lesdittes matieres selon les temps nouueaux, cestassauoir depuis le tamps de Phelippe le conquerant iusques au temps de lors estoit cler et manifeste que tous les contes et ducs qui auoient este en Bretaigne estoyent hommes du roy de France et lui auoient fait hommage toutes et quantesfois que le cas estoit avenu de changement de seignourie fust de roy conte ou duc comme par lettres auctentiques ces choses apparissoient clerement a tous ceulx qui les vouloyent veoir et sauoir. Et ressortissoit la duche de Bretaigne en la court de parlement quant le cas y escheoit tout ainsi comme les autres seignouriez du royaume de France, garde au duc |**fo.54r**| son priuilege selon que la matiere le requerroit ainsi que on doit faire a chascune seignourie selon le priuilege quelle a, et que de tout temps sans aucun contredit ou difficulte le roy en estoit en iuste possession et saisine.

Leur fut en oultre remonstre que le roy dAngleterre ne pouoit prendre cause dygnorance de ces choses, ne aucune chose alleguer au contraire aumoins quil fust vaillable, car il estoit tout notoire que ledit duc Francois qui pour lors viuoit en ensuiuant ses predecesseurs auoit fait hommage au roy au veu et sceu de tous ceulx qui lauoient volu veoir et scauoir. Et y auoit au temps de lors et y a aincoires pluiseurs causes de la duche de Bretaigne introduites en la court de parlement comme en derrenier ressort.[279]

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[276] H begins new paragraph.
[277] H begins new paragraph.
[278] P omits 'lui et pour ses successeurs son souuerain'.
[279] Duke François I paid homage to Charles VII on 16 March 1446.

Et oultre plus leur fut dit comment ledit roy dAngleterre par ses lettres patentes des premieres treues lesquelles adonc furent leutez en publicque deuant lesdits ambassadeurs de Sombreset [280] comprenoit nommeement esdittez treuez ledit duc Francois pour la part du roy de France comme son subget.[281] Parquoy estoit bien cler quil ne faisoit a receuoir de venir quereler maintenir ne demander icellui duc pour **|fo.54v|** estre son subget, car il ne sera point trouue que depuis la datte desdittes lettres il eust fait serement promesse ne aucune suggession audit roy dAngleterre ne quil lait recongneu ne aduoe son seigneur en aucune maniere. Aussi neust il peu au preiudice du roy quant orez meismez il leust volu faire sans le consentement dudit seigneur.

Et aincoires qui plus est estoit vray que ledit duc Francois recongnoissant ledit roy Charles son souuerain seigneur doubtant pour aucunes chosez que on disoit auoir este faittez auecquez les Anglois tant par sondit feu pere comme par ledit messire Gilles de Bretaigne et autres subgetz dudit duc ou preiudice dudit roy Charles son souuerain seigneur que aucune chose lui en peust estre demandee ou a ses subgetz en temps auenir prist ic[e]llui duc abolition dudit roy Charles comme de son souuerain tant pour lui et ledit messire Gilles que pour toute la duche de toutes les choses qui par sondit feu pere ledit messire Gilles et ceulx de la duche [282] pouoient auoir este faittes en ladicte matiere qui estoit bien clere demonstrance que lui et sa duche se reputoient subgetz du roy de France et non point du roy dAngleterre en maniere quelconque.

|fo.55r| Doncque puis quil estoit tout cler que ledit duc de Bretaigne estoit homme et vassal du roy et la duche de Bretaigne subgette a la couronne de France, et que le duc iamais nauoit baillie consentement de sa part ne le roy aussi de la sienne que icellui duc ne la duche fussent subgetz du roy dAngleterre, pose que cauteleusement et par les moiens dessus touchies les Angloiz eussent compris ledit duc de Bretaigne de leur part es treues aussi bien comme le roy lauoit fait de la sienne, si ne leur

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280 A adds 'et tous les personnes ..'; C adds 'et tous les aultrez present, et lesquelles ..'.

281 C replaces 'duc Francois pour la part du roy de France comme son subget' with 'duc de Bretaigne comme son subiect, and then begins new paragraph.

282 A omits 'que pour toute la duche de toutes les choses qui par sondit feu pere led. messire Gilles'; C replaces 'led. messire Gilles que pour toute la duche de toutes les choses qui par sondit feu pere led.

attribuoit cela aucun droit de seignourie ne succession sur ledit duc et duche de Bretaigne, lequel duc neut oncquez la chose aggreable de sa part ne le roy de France de la sienne.

Et au regart dudit messire Gilles de Bretaigne il estoit aussi bien cler quil nestoit point subget audit roy dAngleterre pour trois raisons, lune si estoit a cause de sa natiuite car il fut nez en Bretaigne qui estoit de lobeissance du roy,[283] la seconde car ou temps quil fut pris il demouroit oudit duche et y estoit marye et y faisoit sa residence, la tierce car il tenoit et possidoit terres et seignouries oudit pays de Bretaigne qui estoient de la foy et de lommage du duc en plain fief en arriere fief et derrenier ressort de la couronne de France. Et par ainsi il estoit bien euident et pouoit chascun clerement congnoistre |**fo.55v**| quil estoit homme subget et de lobeissance du roy. Et quant il se fust voulu tenir homme et subget du roy dAngleterre il se fust fourfait et meismement pour le doubte quil auoit destre repris ou temps aduenir de la faueur quil auoit donne audit roy dAngleterre [284] volut il estre compris en labolicion dont dessus est faitte mention.

Et pose quil eust este de si mauuaise et dampnable voulente que de vouloir descongnoistre son souuerain seigneur le roy de France et son naturel seigneur le duc de Bretaigne pour aduoer ung autre prince estrangier a estre son seigneur ennemy et aduersaire de ses souuerain et naturel seigneurs, si nestoit pas en sa liberte ne en sa faculte de le faire ou preiudice de sesdits souuerain et naturel seigneurs et sans leur conse[n]tement. (Non pour tant des cas crismes ou malefices par luy comis deuoient ou pouoient perdre la congnoissance aincoys leur demouroit sur luy tout droit de subiection et de seigneurie comme les souueraine et naturelz seigneurs doyuent et leur loist auoir sur leurs vassaulx et subietz et des tors faiz la corrupcion et pugnicion et non a autres)[A].[285]

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messire Gilles et ceulx de la duche' with 'sondit frere que pour ceulx de lad. duchie de toutes les choses qui'.

[283] A omits 'car il fut nez en Bretaigne qui estoit de lobeissance du roy'.

[284] AC add 'et ceulx de son party.'

[285] ACHJKLPQ add 'Non pour tant des cas crismes ou malefices par luycomis deuoient ou pouoient perdre la congnoissance aincoys leurdemouroit sur luy tout droit de subiection et de seigneurie comme les souueraine et naturelz seigneurs doyuent et leur loist auoir sur leurs vassaulx et subietz et des tors faiz la corrupcion et pugnicion et non a autres'. HJKLPQ add 'chascun selon son regard'.

Au moien desquelles choses et par les raisons que dessus et pluiseurs autres qui furent alleguees sont icy obmises pour cause de briefte apparissoit clerement que ledit duc de Bretaigne et la duchie ensemble ledit messire Gilles estoient subget du roy et non daultre. Et considere ce que dit est que le roy dAngleterre ne iceulx de son parti nauoient aucune chose raisonnable soubz leurs couleurs dessus pre|**fo.56r**|tendues de prendre laditte place de Fougieres et que cestoit clere infraction de treue, attendu mesmement le lieu dont elle procedoit et par quel commandement adueu et consentement elle auoit este faitte. Et aincoires plus grande infraction de treues en tant que ledit roy dAngleterre et le duc de Sombreset vouloient efforcer contre la teneur desdittes treues de voloir attribier a eulx la subiection et obeissance desdits duc et duche de Bretaigne. Et par consequent estoient leurs ouuertures et remonstrances impertinentes et non receuablez, et leur iustification moins raisonnable et moins vaillable et ne se pouoit soubstenir en aucune maniere.

Et pour ce que ledit roy de France auoit tousiours desire et desiroit que bonne paix et union peust estre trouuee faitte et entrenue entre lui et ledit roy dAngleterre son nepueu et les royames de France et dAngleterre et autres leurs terres pays et seignouriez, ne au deffault dudit roy de France nauoit este que ainsi ne fust fait comme chascun pouoit clerement veoir et congnoistre par les diligences quil y auoit faittez et le deuoir en quoy il sestoit mis de sa part, iasoit ce que de la part du roy dAngleterre oultre les exces et attemptas commis et perpetrez par ceulx de son obeissance de son consentement et autrement |**fo.56v**| ou preiudice desdittes treues ainsi que plus adplain et plus particulierement il fut adoncquez declairie et remonstre, ledit roy dAngleterre neut pas bien entrenu ses promesses et conuenances faittez auec ledit roy de France comme de passer deca la mer en personne pour le fait de la paix dont il auoit baillie ses lettres patentes en forme auctentique que a icellui passage faire dedens certain iour dequoy il ne fist riens, pareillement des fruis des eglises en chascun parti et que durant lesdittes treues ceulx du contraire parti ioyr comme se ilz eussent este dune meismez obeissance, et ainsi le garda et le fist entretenir ledit roy de France de sa part ce que ne fut pas fait en semblable de la part

du roy dAngleterre, combien quil y fust oblige par ses lettres patentez.[286] Et auec ce que ledit roy dAngleterre neut pas garde sa promesse [287] touchant la deliurance du Mans et des autres places estans en son obeissance ou pays de Maynne a quoy il estoit obligie soubz son sing manuel et son seel de secret conferme depuis par ses letters patentes en forme auctentique. Et a ceste cause y conuint proceder en la forme et maniere qui adonc fut notoire et manifeste a ung chascun et que les chosez dessusdittes faittez et commises de la part des Anglois nestoit pas grande demonstrance de voloir auoir paix ne bonne union auec ledit roy de France et ses subgetz ne a len|**fo.57r**|trenement desdittes treues.

Neantmoins icellui prince roy de France pour le bon et entier voloir ouquel toudis il perseueroit ou fait de laditte matiere de paix fist dire et recongnoistre en oultre ausdits ambassadeurs que non obstant les choses dessusdittes en cas que lesdits roy dAngleterre et duc de Sombreset vouldroient faire reparer ledit cas de Fougieres et les autres exces et attemptas commis par ceulx de leur parti ainsi que raison estoit et que la teneur desdittes treues le portoit, il estoit content de sa part dentretenir lesdittes treues, exhortant lesdits roy dAngleterre et duc de Sombreset que ainsi le voulssissent faire et au regart de lui il estoit prest de sa part de faire tout ce quil appartendroit par raison, et quant aussi lesdits roy dAngleterre et duc de Sombreset ne vouldroyent faire faire ce que dit est il estoit bien cler a congnoistre quilz ne auoyent aucune voulente dentendre a paix raisonnable ne dentretenir de leur part lesdittes treues. Et fauldroit en cellui cas quil eust aduiz a ce quil auroit a faire.

Ausquellez choses fut respondu par lesdits ambassadeurs quilz auoient dit audit roy de France ce qui leur auoit este chargie de par leur maistre. Et quilz apporteroient volen|**fo.57v**|tiers a leur dit maistre la response que ledit roy de France leur auoit faitte ne que autre puissance nauoient de besoingner esdittes matieres. Et a tant sen departirent sans autre chose faire, sauf que dun commun appointement desdits ambasseurs et des commis et deputez de par le roy iournee fut prinse pour conuenir ensemble a certain iour au port Sainct Ouyn lez Rouen auquel lieu les ambassadeurs

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[286] The personal meeting between Charles VII and Henry VI had originally been agreed on 19 December 1445, but was repeatedly put off and never took place. Jean Juvénal. *Les écrits politiques*. II, 13-4. For the agreement regarding clerical revenues, see chapter five, section 2 above.

[287] J ends the text here.

desdits deux parties ganis de pouoir souffisant de par leurs maistres se trouueroient pour besoingnier esdittes matieres.

En fournissant auquel appointement se comparurent de la part dudit roy de France au iour et lieu enconuenencez messire Charles seigneur de Culant et ledit messire Guillame Consinot se conseilliers, et pour la part du roy dAngleterre se comparut messire ledit messire Jehan lEnfant ung escuier Anglois nomme Sainte More, et un autre Anglois que on appelloit maistre Jehan Cousin.

Et pour ce que on doubtoit se la conuention eust longuement tenu au port Saintouyn quil en eu peut ensieuuir des inconueniens, attendu le feu qui estoit ia fort alume entre lesdits parties ledit lieu du port Saintouyn du consentement des parties fut treschangie et transmue |**fo.58r**| au lieu de labye de Bon Port lez le pont de lArche.[288]

Auquel lieu de Bon Port les ambassadeurs et commissaires dunepart et dautre se comparurent pluiseurs iours et firent de grandes sommations requestez offres et protestations chascun de sa part.

Et la parfin de la part du roy de France fut offert que se le plaisir du roy dAngleterre et du duc de Sombreset estoit de rendre et restituer la ville et chasteau de Fougieres en la main et obeissance du duc de Bretaigne subget et vassal du roy de France et comme tel compris en ses treues auecques les biens qui estoyent dedens ladicte ville et chastel ou temps de la prinse diceulx ou la iuste valleur et exstimation selon la commune renommee qui estoit dun million dor ou plus, car cestoit la plus riche ville de Bretaigne ou temps quelle fut prinse ainsi que chascun disoit, et se plus y auoit plus en seroit restitue, et se moins y auoit il en seroit dautant deffalquie, le roy de France leur feroit restituer le pont de lArche, Conchez et Gerberoy ensemble le seigneur de Fouquemberghe qui estoit prisonnier et tous les biens que selon la commune renommee len disoit quilz auoyent este perdus dedens lesdittes places

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288 A continues paragraph. The conference opened at Port-Saint-Ouen on 28 June 1449, and subsequently moved to Venable and the the abbey of Bonport. Cousinot and the lord of Culant appeared for Charles VII, and the English embassy included Jean l'Enfant, Jean Cousin and Thomas de Saincte-Barbe, Baillivo de Medunta'. *Narratives of the English expulsion*. 399.

depuis laditte prinse de Fougieres et a loccasion dicelle auoient este prisez |**fo.58v**| par aucuns eulx disans amis et seruiteurs dudit duc de Bretaigne.[289]

Et en ce cas que lesdits biens pris dedens Fougieres ne se pourroient promptement recouurer ou la valeur et exstimation diceulx fut en oultre offert que en baillant hostagez villes ou places ou autres choses raisonnablez a la valeur et exstimation desdits biens selon la commune renommee iusquez a ce la certainete en peust estre sceue on estoit content dentrenir les offrez dessus declaireez ensemble lesdittes treues pour autant de temps quelles duroient selon leur forme et teneur.

Lesquellez offres furent par lesdits ambasseurs et commissaires de la part dAngleterre reffuseez disans que sans le faire sauoir au roy dAngleterre ilz ny oseroyent faire response.[290]

Et pour ce que chascun congnoissoit lentencion desdits Anglois lesquelz ne tendoient fors affin de dilation pour auoir armee et secours dAngleterre et quilz demouroyent tousiours saisis faisans guerre ouuerte continuellement oudit duche de Bretaigne, et que le roy Charles estoit informe par pluiseurs tesmoings dignes de foy prisonniers et autres qui auoyent depose |**fo.59r**| sollennellement en laditte matiere que les Anglois auoient dispose de prendre pluiseurs [291] bonnes villes en son obeissance nommees et declareez es disposicions desdits tesmoingz sur lesquellez ilz auoient entreprisez non obstant lesdittes treues lesdis ambasseurs de la part de France dirent ausdits ambasseurs de la part dAngleterre [292] comme comme representans ledit roy dAngleterre et ledit duc de Sombreset son lieutenant general [293] et desquelz ilz auoient pouoir souffisant en lettres patentes pour besoingnier et appointier es offres et choses dessusdittes ainsi que ceulx mesmes lauoient monstre que veu les fuittez et delais que iceulx ambasseurs dAngleterre prenoient sans voloir entendre a aucun appointement raisonnable. Lesquellez choses donnoient a entendre clerement a chascun que ceulx de la part dAngleterre ne voloyent aucunement entretenir les treues ne trouuer les moyens pource faire. Et que comme il estoit tout notoire ilz auoyent commence la guerre de leur part et la continuoient chascun iour

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289 A continues paragraph.
290 P continues paragraph.
291 P omits 'les Anglois auoient dispose de prendre pluiseurs'.
292 P omits 'de France dirent ausd. ambasseurs de la part'.

ouuertement ce qui ne se pouoit plus dissimuler ne tollerer de la part dudit roy de France sans inconuenient irreparable pour lui et ses subgetz. Pour ces causes iceulx ambassadeurs de France pour la part du roy leur souuerain seigneur [294] declaroyent ausdits ambassadeurs dAngleterre que |**fo.59v**| que par le roy de France ne de sa part ne tenoit point que lesdittes treues nestoient bien entretenues et quil se estoit mis en son deuoir, et estoit prest de faire tout ce quil appartendroit par raison touchant laditte matiere.[295]

Mais puis que ainsi estoit que lesdits ambasseurs de la part dAngleterre ne voloient acquiesser aux requestez ne accepter les offrez que les ambasseurs de France leur faisoient de la part de France leur roy et souuerain seigneur iceulx ambasseurs de France protesterent du deuoir en quoy le roy leur souuerain seigneur se mettoient de son coste, et appelloient dieu le ciel et la terre a tesmoing et aussi les notaires appostolicquez et imperialz et autres tesmoingz qui estoient la presens que ce nestoit point par le roy leurdit souuerain seigneur que la guerre estoit commencee ne a sa deffaulte que les treuez nestoyent entretenuez et que tous iustez et raisonnables appointemens nestoient fais en laditte matiere, et que de tous les inconueniens qui en pourroient ensuiuir en quelconque forme ne maniere que ce fust le roy leurdit souuerain seigneur sen tenoit honnourablement et raisonnablement deschargie.

|**fo.60r**| Et requirent lesdits ambasseurs de France ausdits notaires appostolicques et imperialz lettres et instrumens de toutes les choses dessusdittes, lesquellez ilz leurs ottroierent. En icleux instrumens qui sappellent le deslyen des treues sont compris toutes les comparitions et assembleez desdits ambasseurs dunepart et dautre depuis quilz vindrent au port Sainctouyn iusquez a la fin des matieres.[296] Et aussi toutes les sommations requestez responsez offres et protestations dunepart et dautre en forme solennelle (et auctentique et sont en nature pour en faire foy quant besoing sera)[A].[297]

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[293] C begins new paragraph., and omits 'et'.

[294] A omits 'pour la part du roy leur souuerain seigneur'.

[295] P omits 'et quil se estoit mis en son deuoir, et estoit prest de faire tout ce quil appartendroit par raison touchant laditte matiere'.

[296] H omits 'de toutes les choses dessusd., lesquellez ilz leurs ottroierent. En icleux instrumens'; P omits 'les comparitions et assembleez desd. ambasseurs'.

[297] ACKLPQ add 'et auctentique et sont en nature pour en faire foy quant besoing sera'; A omits 'depuis quilz vindrent au port Sainctouyn iusquez a la fin des matieres. Et aussi toutes les sommations requestez responsez offres et protestations dunepart et dautre'. For the dossier concerning the conferences of June and July 1449, see *Narratives of the English expulsion*. 377-514.

Et apres ces choses ainsi faittez et lesdits ambasseurs de France retournez deuers ledit roy Charles et leur relation oye, volut et ordonna ledit seigneur que la chose fust fort debatue en son conseil pour sauoir sil estoit souffisamment deslye des lyen des treues, et se iustement et licitement sans charge dhonneur et de conscience il pouoit faire guerre contre les Anglois, et en fut tenu ung conseil, premierent a Vendosme secondement aux roches Trenchelyon, et tiercement a Eureux ou a Louuiers, et volut le roy que chascun franchement en deist son oppinion, et en tous lesdits trois conseilz la ou il y auoit beaucop de gens notablez tant de lespirituel que du temporel sambla a tous et furent doppinion que ledit seigneur estoit souffisamment deslye |**fo.60v**| du lyen de treues et que iustement et licitement raisonnablement il pouoit faire guerre aux Anglois non obstant que le temps contenu en icelles ne fust aicoires expire.[298]

Et oultre plus considere le deuoir en quoy il sestoit de sa part et le reffus et denee de droit qui auoyent este fais de la part des Anglois qui ne sembloit pas a ceulx qui estoient la presens que ledit roy Charles lequel estoit tenus de faire raison et iustice a ses subgetz et les garder doppressions indeuez quant aucuns les leur font, ainsi que tous roys raisonnablement doiuent et sont tenus de faire deust ne peust raisonnablement et sans charge dhonneur et de conscience dissimuler lesdittes matieres et quil ne sexploitast comme prince vertueux doit faire a la deffense de ses subgetz lexpulsion de ses ennemis et a la conseruation de la chose publicque de son royaume ainsi que iure et promis lauoit a son sacre desquellez choses ledit seigneur demanda lors lettres pour son honneur et sa descharge ou temps auenir, laquelle semblablement est en matiere comme dessus.

Pareillement aussi ya pluiseurs proces informations depositions et tesmoingz et autres euidences notables en forme deue et |**fo.61r**| auctentique touchant la prise dudit Fougieres et dont elle proceda et le confort conseil et le consentement qui de la part du roy dAngleterre du duc de Suffolc du duc de Sombreset et des autres de leur parti furent donnez audit messire Francois de Suryenne, la depposition aussi dudit messire Francois et pluiseurs autres choses qui bien servent a la iustification du fait

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298 For the assemblies convened by Charles VII on 17 and 31 July 1449, see Beaucourt, G du Fresne de. *Histoire de Charles VII.* I, 330-2.

du roy touchant icelle matiere.[299] Lesquellez monstrent bien clerement la conspiration de long temps faitte touchant laditte prise de Fougieres et comme elle procedoit du sceu et consentement du roy dAngleterre et de ceulx de son conseil et que apres icelle prinse ilz conforterent et ayderent ceulx qui lauoyent faitte en ce quil leur fut possible.

Ainsi appert par les choses dessusdittes que les Anglois nont aucune iuste ne raisonnable cause de faire complainte querelle ne doleance de la roupture desdittes treues pour donner ne imputer soubz ceste couleur aucune charge ou blasme audit roy Charles le vii[e]. que dieu pardoinst ne que laditte roupture soit commencie ne procedee de sa part en aucune maniere, aincois vint proceda et commenca part les Anglois de la certaine science du roy dAngleterre et de ceulx de son conseil et de ceulx qui auoyent la charge et le gouuernement de par lui des pays de deca la mer **|fo.61v|** estans en son obeissance, sans que iamais iceulx Anglois en voulsissent aucune reparation ne eulx mettre en leur deuoir en ceste partie en maniere quelconquez.

Et est venu le tort de la part desdits Anglois et par eulx tousiours continue, et a la fin par le vray iugement de dieu comme raison estoit leur est ledit tort demoure. Et ne fault faire doubte que en tous dhonneur soit en la presence du pape du concille general et de tous les princes crestiens la querelle du roy de France en ceste partie ne soit bien et deuement fondee. Et quant besoing sera elle sera par tout si bien et si clerement deffendue et iustifiee que chascun pourra euidamment congnoistre que les Anglois nont cause raisonnable deulx doloir de leur part de la roupture desdittes treues en imposant audit roy Charles que la faute ait procede ou soit venue de sa part et oultre que le roy de France qui a present est a bon et iuste tiltre ne tiengne et posside ce que lesdiz Anglois ont perdu et quilz tenoyent ou royaume de France ou temps desdittes treues.[300]

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[299] AC begin new paragraph. Thirteen documents relating to François de Surienne, including his deposition, appear in BN manuscrit français 4054, fos.111r-131r, a collection that includes a number of materials directly associated with Gullaume Cousinot II. This dossier also includes the verbal process of the meeting on 31 July and a statement of the English breaches of the truce, presented at the same time. Ibid., fos.153r-7r and 86r-91v.

[300] C omits 'et quilz tenoyent ou royaume de France'.

Mais pour ce que lesdits Anglois dient communement et publicquement que |**fo.62r**| soubz confiance desdittes treues ilz ont perdu Normandie et Guienne ce que autrement ilz neussent point fait, car ilz y essent bien donne prouision et remede etc. il fault aincoires voir pou respondre a ceste raison.

Cellui qui parle demanderoit volentiers en quel temps commenca la guerre ouuerte de la part du roy de France contre les Anglois,[301] et il sera trouue que ce fut le xix^e^. jour du mois daoust lan mil cccc. xlix. lequel iour la ville de Vernueil fut prinse. Et atendy ledit roy Charles plus de v. mois apres la prise de Fougieres qui fut ou mois de mars precedent pour sauoir se les Anglois se vouldroient mettre en aucun deuoir touchant la reparation dudit cas auant quil leur voulssist faire guerre ouuerte. Et depuis icellui temps pose que les treuez neussent point este rompuez si neussent elles dure que iusquez ou mois dauril ensuivant.

Demande maintenant ledit qui parle quant les Angloiz congneurent que le temps desdittes treues estoit expire et que a ceste cause ilz nauoyent plus de seurete a cause desdittez treues, quel remede ne quelle prouision donnerent ilz depuis ledit temps pour garder Normandie et Guienne, car aincoires tenoyent |**fo.62v**| ilz en Normandie les batailles de Caen et Contentin aumoins les principales places, et si auoient desia eu aduis de vii. mois de louuerture de la guerre contre eulx, et si y auoit plus dun an et demy que la conspiration de prendre ladite ville de Fougieres auoit este par eulx faitte et toutesfois chascun a congneu le remede et la prouision quilz y ont mis.

Et est assauoir que depuis ledit premier iour dapril ilz prindrent la bataille de Formigny et tout ce quilz tenoient en la basse Normandie pareillement tout ce quilz tenoient en Guienne et ny seurent oncquez mettre ne donner remede. Parquoy appert clerement que ce ne sont que couleurs et allegations friuolez, *quare &c.*[302]

Et quant orez seroit ainsi quil y auroit aucune apparence de querelle ou complainte en ceste partie contre le roy Charles que Dieu pardoinst ou ceulx qui le representent, ce que non, si nappartient point ladite querelle au roy Edouart le iiii^e^. qui de present

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301 C: 'guerre ouverte desd. Anglois contre le roy de France'.

302 The battle of Formigny, north-west of Bayeux, took place on 15 April 1450.

regne en Angleterre, car le treue ne fut oncquez prise entre le roy Charles le viie. et le duc dYorc pere dicellui Edouart. Aincois fut prise entre ledit roy Charles et le roy Henry son nepueu, pour icellui roy Henry et ses royaumes dAngleterre terres et seignouriez quil auoit et tenoit tant deca que dela la mer.[303]

|fo.63r| Sil est doncquez ainsi que maintient ledit roy Edouart, cestassauoir que le royame dAngletere nappartient point au roy Henry ne les duches de Normandie et de Guyenne, mais lui appartiennent, et a ceste cause en fait demande et que ledit roy Charles neut aucunes treues audit duc dYorc ne audit roy Edouart qui est au iour dhuy, mais seulement au roy Henry, il est tout cler quil ny a point de infraction de treue de la part dudit roy Charles en prenant les duches de Normandie et de Guienne et tout ce que les Anglois tenoient deca la mer, car esdittes treues il ny a compris que les terres seignouries et subgetz dudit roy Henry. Puis doncques que Normandie et Guienne nestoyent point au roy Henry ainsi que pretend le roy Edouart il appert clerement quilz nestoient point comprisez es treuez et par consequent nya point de infraction de treue.[304]

Et fault dire de deux choses. Lune que se aucun droit deuoit appartenir aux Anglois ce que non es duches de Normandie et Guienne et que ledit droit competaist et appartenist audit roy Edouart comme il pretend, et non point au roy Henry ledit roy Edouart ne puet ne lui loist raisonnablement ne na aucune action pour riens y demander par infraction de treuez. Car oncquez ledit roy Charles neut treues ne **|fo.63v|** a lui ne a son pere. Et se au contraire ledit droit deuoit appartenir audit roy Henry, ledit roy Edouart nest pas cappable pour en faire poursieute (aincoys en appertiendroit la poursuite) audit roy Henry ou a son filz le prince lesquelz quant ils la vouldront faire les responses sont si cleres et si euidentez en laditte matiere et fondeez en si bonne raison que chascun pourra clerement congnoistre quilz nont cause ne occasion raisonnable daucune chose en demander.[305]

Cy doncquez faisant conclusion sur les trois poins principaulx de la matiere subgette dont a present est question et sur laquelle ce present traittie est fait et compose, cest

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303 C: 'Aincois fut prinst entre le roy Henri son nepveu et ses royaulmes dEngleterre terres et seignouries quil avoit ..'; P omits 'son nepueu, pour icellui roy Henry'.

304 H omits 'au roy Henry ainsi que pretend le roy Edouart il appert clerement quilz nestoient point'.

305 ACFHK add 'aincoys en appertiendroit la poursuite'.

assauoir du droit de la couronne et totalite du royaume de France, et des responsez qui y sont, le second de terres et seignouryes particulieres que les Anglois pretendent ou royaume de France, et des responsez qui y sont,[306] et le tiers de la complainte que les Anglois font de la roupture des treuez ainsi que dessus est declairie, et des responses que licitement et raisonnablement on y puet faire. Appert clerement par les moyens dessus touchiez es trois parties de ceditte traittie que les Anglois en chascun des poins dont dessus est faitte mention sont incappablez daucune chose y demander requerir ne reclamer et |**fo.64r**| que atort sans cause et contre tout droit et raison ilz font lesdittes querellez demandez et reclaims et ny sont a recepuoir en aucune maniere.

Et au contraire parce que dit est dessus appert clerement que le roy de France qui a present est a iuste et bon droit et tiltre raisonnable et bien fonde a la couronne de France et a la totalite du royaume, pareillement aux singulieres terres et seignouries dudit royaume [307] que les Anglois par aucun temps y ont tenues possideez et occuppeez, et que pour cause de linfraction des treues qui furent entre le roy Charles son pere et le roy Henry dEngleterre, laquelle infraction vint et proceda de la part des Anglois, et non pas de celle dudit roy Charles ainsi que plusadplain a este dessus declarie nen sont le roy de France qui a present est ne ses successeurs tenus en aucune maniere, ne par raison nen peuent estre blasmez chargiez ne reprochiez, et que la querelle dudit roy de France alencontre desdits Anglois es matieres dessusdittes est bonne iuste sainte canonicque et raisonnable et nest nul qui selon raison y doyue faire aucune difficulte, et comme ses predecesseurs lont bien et iustement conduite iusquez icy lui et ses successeurs le feront pareillement iusquez a la fin.

AMEN.[308]

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306 A replaces 'que les Anglois pretendent ou royaume de France, et des responsez qui y sont' with 'particulieres comme Guyenne, Normandie et autres ou ilz pretendent droit de honeure'.

307 C omits 'pareillement aux singulieres terres et seignouries dudit royaume'.

308 H: 'Fin de la tierce et derniere partie de ce present traitie'; C: 'Explicit. Fut lan de _ mil .iiii^{c}. .lxxi. au mois de Juillet xvii'.