

17. 1 Law courts and contracts in the European countryside c.1300–c.1860: II

Room 103

Convener: Chris Briggs

Chair: TBA

17.11 Olivier Mery – Credit registration and guarantee clauses in late medieval Provence

This paper is based on the study of notarial registers from Reillanne, a small town in Provence. Like most notarial records, credit acts from the late middle ages are very common, although they show strong transformations during this period, especially during the fourteenth century. The proportion of credit registered by the notaries was clearly decreasing. Several hints indicate that the writing of specific kinds of transaction was more and more often made by local trade actors who owned a personal cartularium. In addition to the urban courts of Provence, there was a dense network of small rural lords' courts, in which local notaries played a major part. The lack of judicial archives is a problem when trying to reconstitute what happened after the debt creation, in terms of economic situation or eventual justice procedures. The credit acts usually only mention the very common obligation of all goods which is of little help. But the occasional presence of specific clauses such as the mention of guarantors or the obligation to be *hostagium* for the debtor reveals that a fragile situation – a potential threat to debt recovery – was a possibility for the actors of the transaction.

Olivier Mery is currently in the third year of his thesis, under the direction of Professor Laurent Feller, University of Paris I. He also has a three-year contract to teach medieval history in the University of Evry, in the south of the Parisian area. The purpose of his work is to produce a monograph on a small Provençal town, Reillanne, based on notarial and communal registers. He is trying to incorporate new investigation themes such as credit, the land market, networks studies and the use of computer data bases. The results are expected to offer a different and complementary approach to the French annales tradition of rural economics and society.

17.12 Lluís Sales Favà – Credit and nonpayment in late medieval Catalonia: court proceedings of Caldes de Malavella (1330-1350)

The fourteenth and fifteenth centuries in North-Eastern Catalonia were increasingly active in civil litigation (mainly related to credit and debt). Our current study seeks to determine social differences and dynamics while researching credit networks. An impressive number of sources remain from this period in our local archives, ranging from notarial to court books and enabling us to reconstruct how and why court proceedings functioned as they did. Catalonia, as the rest of Western Europe, was at the time a jurisdictional puzzle; fragmented because of baronial estates and jurisdictional traditions working within. Our paper will be presenting the case of a court in a small-town; those central places that worked as economic and credit distributors to their rural surroundings. The object of our study will be the court of Caldes de Malavella (a seignoral town). We will be presenting the methodological inconveniences that show up while researching on court proceedings, as well as explaining the system that enabled the estate dwellers to prosecute their debtors. Our initial hypothesis is that apart from constituting a powerful pleading system that secured the extension of credit, court proceedings were as well used by creditors as binding mechanisms to enforce their debtors on on-going economic relations.

Lluís Sales Favà (b. Barcelona, 1982), is a post-graduate student of the History Department of the University of Girona. Until February 2007 he worked as a funded-researcher of a project entitled 'Prosopography of a small medieval town and its surroundings: Sant Feliu de Guíxols and the Vall d'Aro during the second half of the fourteenth century', directed by Pere Orti. He is currently working on his thesis on credit and unpayment as evidence useful in analysing the

standards of living and the socioeconomic cleavages in a late medieval society. He is attached to the Rural History Research Centre of the University of Girona. In 2008 he obtained his DEA (Diploma of Advanced Studies). He is engaged as well in the research project ‘Credit and unpayment in north-eastern Catalonia (fourteenth-fifteenth C.)’, funded by the Spanish Education and Science Ministry.

17.13 Pere Orti Gost – Sant Feliu de Guíxols and its jurisdictional court during the fourteenth century

Sant Feliu de Guíxols was a small town and leading sea-port in northern Catalonia, ruled by its monastery community and abbot until 1354, when it became part of the royal estates. But it was not until 1374 that its rural hinterland was incorporated to the court’s jurisdictional district. This paper will analyse this jurisdictional shift and its consequences in court proceedings, with the hypothesis that these changes caused a greater articulation of this rural territory and at the same time an economic take-off of the small town.

Pere Orti Gost (b. Barcelona, 1963) is a professor in Medieval History at the University of Girona, member of the Rural History Research Centre of the University of Girona and attached as well to the Milà i Fontanals Institution, of the CSIC (Scientific Research Superior Council). He has published some researches on royal assets and State and municipal tax systems in medieval Catalonia, most notably the edition undertaken with M. Sánchez, of the chapters of the donation of the Catalan Parliament in the fourteenth C. (‘Corts, parlaments i fiscalitat a Catalunya: els capítols del donatiu (1288-1384)’, a study on the city of Barcelona (‘Renda i fiscalitat en una ciutat medieval: Barcelona, segles XII-XIV’) and several articles on the first general taxing system that operated in Catalonia [‘Una primera aproximació als fogatges catalans de la dècada de 1360’ and ‘La primera articulació del Estado feudal en Cataluña a través de un impuesto: el bovaje (s. XII-XII)’]. He has been engaged as well in a French-Spanish project, directed by D. Menjot and M. Sánchez, on local tax systems in the West Mediterranean, the first results of which can be found in ‘La fiscalité des villes au Moyen Âge’ (1996 and 1999). In 2004 he received a Generalitat (regional government) Award on University Research Promotion. He is the director of the research project ‘Credit and unpayment in north-eastern Catalonia (fourteenth -fifteenth C.)’, funded by the Spanish Education and Science Ministry.