THE SPECIFIC FEATURES OF MEDIEVAL NOTARIES NORTH AND SOUTH OF THE PYRENEES: THE EXAMPLE OF BÉARN

Dominique Bidot-Germa
Université de Pau et des Pays de l'Adour
France

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Abstract

The study of the record books of medieval Pyrenean notaries sets out an unusual double picture. On one hand, looking at the medieval origins of the office of notary throws new light on the early history of notaries and written law in the West as a whole. In Gascony, as in Aragon, Navarre and probably Castile, the law of Fors and Fueros (local liberties) appears to be extremely ancient Roman law, which in the 13th century led to a body of "Pyrenean" notaries who were quite different from classic Mediterranean notaries. Moreover, in this region straddling the Pyrenees, the institution of the notary public was superimposed on other structures organised around escrivans or escribanos, and it arrived late. In addition, Pyrenean notaries, whose practices and activity were quite groundbreaking, are far from having been simple public scribes or practitioners of writing. Their tasks were many and varied. They were, first and foremost, jurists and men of law, often the sources who wrote out compendiums of the fors, and even manuals or codes analysing Roman law. They moreover took on an important role in public justice and its inquisitorial procedures, assumed administrative tasks —fiscal ones, for example— and are revealed to be at the heart of political discourse, writings and the assemblies. The study ends by evoking the figures of some of these notaries public, who were mediators in complex, dynamic societies.

Key Words

Notary's office and medieval notaries (Pyrenees, Gascony, Aragon, Navarre), Foral Law, Roman Law, Power of writing.

Capitalia Verba

Notarii munus et notarii Mediaevales (Pyrenaeorum, Vasconiae, Aragoniae, Navarrae), Ius Regionale, Romanum Ius, Imperium scribendi.

This study,[1] based on a doctoral thesis that has already been published,[2] is essentially based on the collection of notarial records preserved in the collection of the Pyrénées-Atlantiques archive department. The 154 oldest, almost all of them from Béarn, contain around 70,000 deeds from the 14th and 15th centuries.[3] These interesting documents, remaining either unexplored or only partially considered, had never been fully researched, nor had they been studied alongside other, better-known, medieval sources from Béarn, such as the *Fors*[4] or the various records and documents in the treasury of charters of the Viscountcy of Béarn or the Kingdom of Navarre. Beyond the example of Béarn, this collection of documents shows law, power and society in medieval Béarn to be a rich and unexpected tableau, while it reveals a group of Pyrenean notaries public who were very different from their better-known Mediterranean counterparts. Very different and, frankly, even strange: it is advisable therefore to set out here the early milestones in the history of public deeds and "scribes". This is why other notarial sources are also very briefly explored here, in the context of an ongoing study: those from Navarre[5] and Soule,[6] Bigorre[7] and Aragon.[8]

This article therefore attempts to present these broad characteristics, considering both notarial and social history. It specifies some of the characteristic traits of the notarial profession as an institution and the legal and political history of Béarn in relation with other Pyrenean institutions in order to understand the role and the power of public writing, before trying to sketch a portrait that is both collective

1. Abbreviations used : ADPA (Archives Départementales des Pyréneés Atlantiques) ; ADG (Archives Départamentales du Gers), ADHP (Archives Départementales Hautes-Pyrénées).

2. Bidot-Germa, Dominique. *Les notaires de la principauté de Béarn à la fin du Moyen Âge. Étude prosopographique*. Pau: Université de Pau et des Pays l'Adour (PhD. Dissertation), 2004; Bidot-Germa, Dominique. *Un notariat médiéval. Droit, pouvoir et société en Béarn*. Toulouse: Presses Universitaires du Mirail, 2008.

3. These records come from the notaries of Arthez-de-Béarn, Assat (Durfort), Gan, Larbaig (Castetner and Vielleségure), Lucq-de-Béarn, Mur and Labastide-Villefranche, Morlaàs, Navaillès (Navailles and Thèze), Navarrenx, Oloron, Ossau (Bielle and Laruns), Pardies/Lagor and Labastide- Monréjeau, Pau, Rivière-Gave (Bellocq), Salies-de-Béarn and Soubestre (Garos and Larreule); the other medieval notaries from Béarn, including Orthez, have not left archives from the Middle Ages. We have not mentioned the index to the Pyrénées-Atlantiques departmental archives because this would be to go into too much detail: an account of the sources appears in the works mentioned above.

4. The term *Fors* came from the Latin *forum*, the public square and place for doing justice and, by extension, covered the law applied in court. The *Fors* are a disparate collection of legal regulations in various states of evolution through customary practice, detailed decisions and judgments, decrees by the Viscount and the Court of Béarn and charters issued, all covering a long period, 11th-14th centuries.

5. ADG. Notary of Saint-Palais, I, 3841 and I, 3847-3849 (1345-1480).

6. ADPA. Notary of Mauléon, III E 1-11 (1463-1508).

7. ADHP. Notaries of Argelès-Gazost and Tarbes, I, 128 and I, 149-152 (15th century).

8. Notaries of upper Aragon: Aínsa, Ansó, Hecho, Jaca, Orna de Gallego, Salvatierre... whose 14th and 15th-century records are preserved in the *Archivo Histórico Provincial de Huesca*. I have used the works of: Bruned, Louise. *La société de la montagne aragonaise à la fin du Moyen Âge, Mémoire de Master 2*. Pau: Université de Pau et des pays de l'Adour, 2008, and Prim, Mathilde. *La dynamique de l'argent dans la ville de Jaca, en 1419, d'après le registre de Miguel Alaman, Mémoire de maîtrise*. Pau: Université de Pau et des pays de l'Adour, 2003.

—of a well-identified social group— and individual, through the figures of some notaries, who we are beginning to get to know just a little better.

1. Notarial history

When Viscount Gaston VII Montcada (1229-1290) established the institution of notary public in Béarn in about 1256, the country, like the other Pyrenean territories, forming part at the same time of southern Gascony and the northern Iberian Peninsula, already had a long tradition of public writing. In addition, this establishment occurred in a context of extremely fertile administrative reforms and far-reaching socio-economic upheavals.

Remember that the office of notary, or at least as we have known it in the West since the Middle Ages, is of Roman origin. It was, like all Roman law, regulated and formalised late on, under Theodosius in the 4th century. Meanwhile, Justinian's compilation is later, dating from the 6th century, and is of Byzantine origin, so it was ignored or neglected in the West for a long time. In addition, the Western notarial history has for long been based on ultimately spurious postulates, notably the disappearance of all ancient heritage in the so-called "barbarian" era, around the year 1000, followed by the 12th-century "Renaissance" of Roman Law, and therefore, the office of notary, in Italy, and more precisely at Bologna.

However, the high medieval past of Aquitaine reveals that Roman traditions of law and writing were perpetuated, sometimes well and sometimes badly, thanks to the maintenance of a public authority resulting both from Carolingian power and the models of Christian Spain.[9] After the 11th century, the *Fors,* the most ancient specifically Bearnese sources, reveal that after 1000, there was a very early desire to organise legal regulations according to the Roman models of Christian Spain, those of the *Fueros.*[10] The foral law in southern Gascony, as in Navarre, Aragon, Castile and Leon, appears to be extremely ancient Roman law, developed, perhaps continuously, since the period of Late Antiquity, apparently independently of the classical law of Theodosius and Bologna. This Pyrenean law seems to have been perpetuated, certainly amended and adapted, and taken into account under Germanic domination, and in the period of disintegration of central power down to the 9th and 10th centuries. It underwent a constant evolution, probably with times of dramatic acceleration, but we have only fragmentary milestones of this evolution.

9. In an extensive bibliography, we ought to mention the works by André Gouron, Jean Imbert, Christian Lauranson-Rosaz, Paul Ourliac, Pierre Riché, Michel Rouche... and, for Gascony and Navarre, by Juan José Larrea and René Mussot-Goulard... See: Bidot-Germa, Dominique. *Un notariat médiéval...* Bibliography.

10. *El Fuero de Jaca*, ed. Mauricio Molho. Saragossa: Escuela de Estudios Medievales-Instituto de Estudios Pirenaicos, 1964. The *Fueros,* particularly those of Jaca, and their influence north of the Pyrenees, were the subject of studies and debates, notably explained at an international colloquium held in Jaca, between Spanish medieval historians: *El Fuero de Jaca,* . Saragossa: El justicia de Aragón, 2003.

One, for example, is the 11th century, when the anonymous authors of the *Fors* were looking for general rules and detailed judgments with the force of law based on the Roman law that had been passed down. It was then that, on the one hand, a "pactist" organisation of power began, heir to a very strong tradition of public authority together with, on the other hand, the unusual organisation of a society that was ultimately not very feudalised at all.[11]

The reception of Roman Law, which was in fact Bologna Law, from the 12th century onwards, took a very unusual turn in the Pyrenees: it was simply superimposed, imperfectly and with adjustments, on very lively legal practice and fertile scriptorial terrain. It was also translated, through a huge effort to conceptualise common usages and retheorise practices perpetuated by tradition. This is evidenced by the use of Italian and Occitan codes by Béarnese practitioners, in particular *Las Leys de l'emperador* included in the compendium of the *Fors,* a more or less faithful adaptation of a Provençal *Codi* that was then very successful.[12] It is quite likely that Aragonese practitioners did the same.

The origins of the office of notary in Béarn therefore make it possible to review the history of the institution as a whole. It is, in fact, apparent through the case of Béarn that the medieval West knew at least two very different notarial institutions. The one we would classify as Mediterranean, spread early from Italy into Provence, the Languedoc and Catalonia. Meanwhile, in Aragon, Navarre, Castile and Leon, as well as in Pyrenean Gascony, the institution was superimposed late on other more ancient princely, clerical or community public writing structures. So, as in the Iberian kingdoms, scribes officiated very early in Gascony and Béarn: ecclesiastical or lay *scriptores* of the 11th century, such as those who drafted and signed various charters at Lucq, Auch or Saint-Sever;[13] *escrivans*, *maestes* and *notaris* demonstrated from the end of the 12th century and in the first half of the 13th century, "*en aqueg temps*", as the general *For* says, when "*l'ecrivan no ere notarii public*";[14] secretaries of the Viscount's entourage and registrars in the municipalities, such as Arnaud Guilhem d'Estiron, in the middle of the 13th century, "sworn scribe" of the viscount and scribe serving the communities of Montaner and Bugnein,[15] or Vivian Aldent, who drafted the *For d'Aspe*, a true "pact" between Gaston VII and the valley community.[16]

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11. On pactism —that is, a political and social system depending on a strong link in the form of a contractual pact between the holder of power and his subjects— see the works of Jean-Pierre Barraqué, notably: Barraqué, Jean-Pierre. "Pactisme et pactismes", *Mélanges en l'honneur du Professeur Christian Desplat. Espaces nationaux et identités régionales,* Adrián Blázquez Garbajosa, Philippe Chareyre, eds. Orthez: Gascogne, 2004: 25-44. On the lordship of Béarn, see: Cursente, Benoît. "Les seigneuries béarnaises entre deux âges (milieu XIIe-fin XIIIe siècle)", *Les seigneuries dans l'espace Plantagenêt (c.1150-c.1250). Actes du colloque international,* Martin Aurell, Frédéric Boutoulle, éds. Bordeaux : Ausonius, 2009 : 357-37.

12. ADPA. C, 677, f. 145v-157v; Meynial, Émile. "Le *Codi* et les Fors de Béarn". *Nouvelle revue historique du droit français et étranger*, 30/3 (1906): 382-391.

13. Cursente, Benoît. "la Gascogne". *Les sociétés méridionales autour de l'An Mil. Répertoire des sources et documents commentés*. Paris: Centre National de la Recherche Scientifique, 1992: 295-326.

14. ADPA. C, 677, f. 16v-17; E, 1768, f. 50-51.

15. ADPA. 1 J, 142/4 and A.C. Bugnein, AA 1.

16. ADPA. C, 677, f. 65-69.

Charged with shaping the pacts and contracts demanded by the aristocracy and the people, they were the counterparts in Béarn of the *escribanos* known throughout the Iberian Pyrenees, who forged a very strong legal and scribal identity in this "other" southern Europe, ultimately much less well-known than the Mediterranean. More light is thrown on these mentions specific to Béarn, which form a strong part of its history when they are measured against the more numerous Aragonese, Navarrese and Castilian documents. Taking the example of Aragon: *notarii* and *scriptores*, many of them clerics, are indicated in ecclesiastical documents and in the *For* of Jaca from the 11th century. However, cities had professional lay scribes very early on: Saragossa from 1116, Tudela in 1127, Huesca in 1146 and Jaca in 1215. The *scriptor* is classified as *publicus* from 1226 in Huesca, so that the organisation of notaries instituting the *publicus tabellio*, contained in the *Compilatio maior* of 1247 drawn up by Vidal de Canellas, the jurist and Bishop of Huesca, was merely an act imposing the standardisation and uniformity that completed a process of evolution.[17]

It is clear then, that public writing, in Béarn and elsewhere, precedes the requirement for authentication and the institution by Gaston VII of *cartularis* or *notaris jurats*. The Viscount's decree instituting notaries is lost: in fact the *Fors* preserve only the executive warrant, dated 22 March 1256, so the exact date of the creation of sworn public notaries is not known, although we might suppose that the ordinance and its order of execution were made only a short time apart.[18] The word *escrivan* then totally disappeared from use: it is the qualification *jurat* —that is, "sworn", in the same way as sworn officials in the municipalities— that was initially attached to the term *notari*. The expression *notari public* only appeared in the last decade of the 13th century, with the Foix dynasty resulting from the marriage of Margaret Montcada, daughter and heiress of Gaston VII, to Roger-Bernard de Foix.[19] It is not insignificant to note that, from the middle of the 12th century, Béarn was a vassal of the Aragonese kings and after 1170, run by lords of Catalan origin, the Montcadas, although the Viscountcy would return to the Anglo-Gascon sphere at the beginning of the 13th century.[20] So, as in Aragon and, probably, other Iberian kingdoms, the establishment of the institution of notary forms part of a huge set of administrative and legal reforms. The articles of the *Fors* dating from the 13th century bear witness, first and foremost, to the increasing number and diversification of the functions of the Viscount's officers. The *Rubrica et determination deus vicx de Bearn*[21] defines, around 1250, the 17 administrative districts then making up the sphere of action of the main servants implementing the Viscount's authority —the *bailes*—

17. Bono, Juan. *Historia del derecho notarial español. La Edad Media*. Madrid: Junta de Decanos de los Colegios Notariales de España, 1979: 47, 116-117.

18. L'*Establiment feyt en Cort Mayor*, constituting article 124 of the general *For* (ADPA. C, 677, f. 19-10v) reaffirmed that year the full value of conventional deeds held by the *cartularis* who the Viscount said he had instituted and charged with keeping written records.

19. ADPA. E, 289, f. 1-2, 8-8 v, 10-10 v; E, 293; E, 436; E, 507; E, 2188; E, 2195; E, 2200; E, 2213; E, 2216; E, 2301; E, 2368; Orthez, AA, 1 f. 21v; Saint-Abit, DD 1.

20. Marca, Pierre de. *Histoire de Béarn*. Pau: Garet, 1912: II, 162-202, 325-459.

21. *Rubrica et determination deus vicx de Bearn* General *For*, articles 84 to 110 (ADPA. C, 677).

who replaced ancient officers called *viguiers* or *beguers*. According to the general *For,* the *baile* was, first of all, an administrative agent in charge of overseeing and implementing the lord's orders,[22] in close cooperation with the notaries and juries of the communities.[23] But he also carried out a policing function and filled an important judicial role: the *baile* worked in concert with sworn officials in the instruction of criminal matters[24] and presided over the court of their *vic*,[25] held hostages,[26] took securities,[27] received fines[28] and carried out the various seizures established.[29] It was only in the mountain valleys that the power of the *baile* was limited.[30] The Viscount's authority was also based, from the 13th century, on an embryonic fiscal and financial administration.[31]

The date of the institution of notary in Béarn may appear late compared to the appearance of notaries public in ancient Septimania in the 1140s and 1150s, as well as in Provence and Toulouse in the second half of the 12th century.[32] But this establishment is contemporary with the ordinances creating the *notarii* or *tabelliones publicii* promulgated by the Iberian kings: James I of Aragon in 1247, Alfonso X of Castile and Leon in about 1254, Theobald II of Navarre after 1255.[33] This very particular notarial sphere, different from the Mediterranean one, is once again emphasised. On both sides of the Pyrenees, notaries, whether brought in by a king or a prince, were superimposed late on other clerical or community public writing structures, which seem to have been implemented, even before notaries, by many

22. Article 101 of the general *For* (ADPA. C, 677).

23. Article 77 (settlement of fines), 138 (regulation of seizures), 259 (forest offences) of the general *For and* Article 14 (possessing false weights) of the Morlaàs *For* (ADPA. C, 677).

24. Article 71 of the general *For* (ADPA. C, 677).

25. Article 13 of the general *For* (ADPA. C, 677).

26. Article 25 of the general *For* (ADPA. C, 677).

27. Decision of Morlaàs 164.

28. Article 239 of the general *For* (ADPA. C, 677).

29. Article 116, 137, 140 and 157 of the general *For* (ADPA. C, 677).

30. In Aspe, it appears that a *vicari* did the *baile's* job; in Ossau the role of the *baile* is set out in articles 5 and 14 of the *For*, with the Viscount personally presiding over the courts of justice.

31. Toll collectors: decision of Morlaàs 206; *carnaladors*, officers charged with livestock seizures: articles 41 of the general *For*, 21 of the Ossau *For* and 21 of the Aspe *For*; *clavers* appointed to receive the tax due to the Viscount: article 21 of the Aspe *For* (ADPA. C, 677).

32. Durantus was *tabellio publicus* in Montpellier in 1139; Bernardus, *scriptor publicus* of Adge in 1140, Jean Déodat and then Bernard de Caussiniojouls notaries in Béziers in 1148 and 1176: Gouron, André. "Les étapes de la pénétration du droit romain au XIIe siècle dans l'ancienne Septimanie". *Annales du Midi*, 69/38 (1957): 103-120; Débax, Hélène. *La féodalité languedocienne. XIe- XIIe siècles. Serments, hommages et fiefs dans le Languedoc des Trencavel*. Toulouse: Presses Universitaires du Mirail, 2003: 125. For Provence, where a certain Albertus, *notarius regis* in Arles from 1153 is an outstanding figure, the first notaries public were instituted by the Count of Provence in 1182 and 1190 and the oldest mention of a notary public is Bernardus, in Marseille, in 1191: Carlin, Marie-Louise. "Recherches sur l'apparition du notariat public dans la Provence méridionale". *Bulletin philologique et historique du Comité des travaux historiques et scientifiques, année 1965*. Paris: Comité des Travaux Historiques et Scientifiques, 1968: 509-515. In Toulouse, the oldest official mention of a notary public is in 1179: Mundy, John. *Liberty and political power in Toulouse, 1050-1230*. New York: Columbia University, 1954.

33. Bono, Juan. *Historia del derecho notarial...*: 264.

and varied practitioners, to the point where the question might legitimately be raised of a certain continuity in traditions of law and writing. So the appearance of public notaries in the lands of the Pyrenees in the 13th century was both the completion of a process and a starting point. Moreover, the Viscounts of Béarn knew that giving a single status of *notari jurat* to various scribes would ensure them the exclusive right to write public deeds and avoid conflict between various church, imperial, royal and princely, clerical and community notaries, as happened in the Iberian kingdoms. This occurred notably in Aragon, despite the *Compilatio maior* of 1247 and the General Privilege of 1283.[34] The same opposition also existed in Navarre, but with an important difference: the royal notaries had been established under the northern French model from the reign of Theobald II (1254-1271), rather than the traditional municipal models. The kings of Navarre, of the Champagne, Capetian and Évreux dynasties, always considered the right of appointment a royal privilege. Nonetheless, in the face of antagonism, in 1335, Charles II had to adjust royal pretensions and confirm the custom of mayors appointing notaries.[35] However, the sharpest conflicts broke out in Catalonia: professional, lay *scriptores* officiated there from the 10th and 11th centuries. These *notarii* became very numerous and active in the 13th century, annoying the Royal notaries. In 1258, James I, in order to moderate the tensions, recognised the right of the people of Barcelona to have their deeds issued by the notary of their choice, while the same General Privilege of the Aragonese monarchs of 1283 would also apply to the County of Barcelona.[36]

The 13th century —the century of the institution of notaries public in Béarn— was also the era of three great socio-economic upheavals. The first was marked, among other things, by the move from the system of *casaus* to that of *bourgs* and of communal living, as well as by the emergence of the great house or *ostau*.[37] At municipal level, the newly created situation was one of a very strong domination by great houses over more modest ones and therefore of the promotion of the masters of dominant houses or their senior lines in various ways, notably in the matter which concerns us here, through accession to public functions, such as municipal and notarial posts. At the *ostau* level, unigeniture succession systems imposed themselves, promoting the eldest son (or daughter). It is true, however, that families did not entirely give in, and established their second-born, often as clergy or even as notaries.[38]

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34. Under this Privilege, Peter III recognised for *iurati* the right to create *notarii publici* whose function would only be exercised in the city concerned; Saragossa regulated its notaries in this way from 1295: Bono, Juan. *Historia del derecho notarial...*: 283-288.

35. The Pamplona and Estella *Fors* (end of the 12th century) and the General *For* of Navarre (middle of the 13th century) say little about the *escribano publico;* it was the cities —Pamplona, Estella in 1280, Tudela in 1330— that constructed the true notarial regulations of Navarre: Bono, Juan. *Historia del derecho notarial...*: 290.

36. James II (1291-1327), in the Privileges of 1300 and 1302, endorsed the recruitment criteria for municipal notaries: Bono, Juan. *Historia del derecho notarial...*: 275.

37. Cursente, Benoît. *Des maisons et des hommes. La Gascogne médiévale (XIe-XVe siècle)*. Toulouse: Presses Universitaires du Mirail, 1998.

38. Cursente, Benoît. "Les cadets béarnais à la fin du Moyen Âge. Moumour: un exemple atypique?", *Terres et hommes du Sud, hommage à Pierre Tucoo-Chala*, Christian Desplat, ed. Pau: J&D, 1992: 213-234.

In all cases, this society of houses and heirs, in a pactist context with rather misleading overtones of freedom, was fundamentally inegalitarian. However, at the very end of the Middle Ages, practitioners in Béarn became the supporters, defenders and eulogists of the dynasties of Foix-Grailly and then Albret, using extremely strong and trenchant words and writings.

Where the documents allow a more precise study —in the 14th and 15th centuries— Bearnese notaries were very sharply confronted with the contradictions between Roman Law and the Law of the *Fors*. The gap appears clearly in many areas: it is shown by the increasing use of waivers of Roman benefits and an entirely characteristic and distinctive use of the institution of wills.

Deeds from Béarn systematically include final provisions waiving Roman provisions, by then perfectly well-known, that could have been used in judicial proceedings to invalidate the documents. A "treatise on waivers" even appeared in an appendix to the *Fors*.[39] All this shows how Bearnese notaries felt the need to act in the face of the introduction of strict Roman practice. Bearnese scribes, who had perfectly good training in Roman law and a remarkable legal culture, seem then to have retained from Roman regulations what was acceptable in local and municipal law, while not hesitating to ignore, adapt or reject anything that contradicted foral regulations. The waivers were, then, really a weapon to prevent the intrusion of jurists and procedures from outside the Viscountcy. It is true, however, that Bearnese notarial practice remains characterised by the slow and gradual introduction of these waiver clauses, a sign that the confrontation between foral law and Roman law was a long one, and had not yet been digested in the 15th century. This refusal is very clearly accompanied by the maintenance of the traditional code for guaranteeing charters, the large majority of contracts associating a general waiver and an oath of engagement, sometimes accompanied by the establishment of hostages.

The will underlines another aspect of this particular character that should be compared with other Gascon and northern Iberian practices. In the Middle Ages, in Béarn and probably throughout the Pyrenees, wills were very rare.

It is not a question of asking why these men did not make wills —the fact is that traditional law automatically designated the eldest son as heir— it is rather more important to understand why those who made wills did so. Such wills probably form part of the ideology of the great house and would be something like balance sheets of their management, a kind of ledger.

In each of these domains, then, the gap between Bearnese foral law and Roman law was made clear.[40] The most delicate issue to resolve —and one which unfortunately has yet to be resolved— concerns the question whether Bearnese notarial practice inspired legislation and could make foral law evolve, or whether

39. ADPA. C, 677, f. 85-90v.

40. It cannot even be said that in Béarn, as in other of the lands of Oc, written law had "a mythical nature", in the terms of Hilaire, Jean. *La science des notaires. Une longue histoire*. Paris: Presses Universitaires de France, 2000: 234, the author meaning by this that the use of Roman terminology was merely a dressing, notarial practice preserving a large degree of freedom. In this case it is a confrontation, in my opinion with full awareness of the reasons.

it was the legislation that tried to control practices, which would have preceded standardisation.[41] Be that as it may, the end of the Middle Ages in Béarn was a period of tension and reaction, in both the legal and social spheres. Practitioners were therefore the vectors for perpetuating this particular character and, on this basis, the harbingers of a conservatism that touched politics and society.

2. The power of writing

The functions of notaries in medieval Béarn went far beyond simple writing and authentication. In fact, down to the 16th century, they extended to all areas of public life and society. In addition, medieval notarial practice does not cease to surprise, even though much still remains to be learned... probably through comparative studies with Bigorre, Navarre or Aragon.

The prime notarial mission was, clearly, the function of writing. A notary in medieval Béarn was not a simple public scribe, a mere practitioner, he was also a *maeste*, who accepted responsibility for the legal quality of the deeds he constructed, drafted and authenticated. However, in a typical legal framework, notarial practice in medieval Béarn appears unremarkable.

Very little is known about the training of notaries, but their level of mastery of legal concepts and practice show that it was quite respectable: Latin and Roman law, as well as foral law were, as far as can be judged, well dealt with. Contracts showing notaries taking up their posts are still rare. By contrast, deeds provide evidence of the highly developed employment of assistants or clerks, corresponding to the demands of the scriptorial workload, often working in place of post holders taking up other offices in the administration. Notarial work developed within a geographical context of notaries who were gradually appointed with no regard for other administrative areas —notably the *bailliages*, resulted in conflicts that were sometimes harsh.

Far from very ordinary practice, Bearnese notarial activity appears quite unusual. The majority of the records and deeds were, it has to be said, carelessly and haphazardly kept, and sometimes poorly written. The activity was, however, as far as we can tell, similar in Bigorre, Aragon and Navarre. This again underlines the originality of the Pyrenees region, where notarial writing was fundamentally different from that in other areas around the Mediterranean: with few or no records, with deeds whose mediocrity emphasises a great banalisation, marked by confusion between notarial deeds and other official, administrative, police and judicial documents. The practitioner's *patracol* was not generally a register, but more often a simple notebook, often neglected and keeping poorly written deeds in great disorder, the vast majority of them in Occitan. It was not even unusual for public deeds to be simple folded sheets. Bearnese notaries do not seem to have distinguished between abbreviated and full entries, which is quite surprising. In

41. Hilaire, Jean. *La science des notaires...*: 26.

fact, it is deeds relating to legal obligations, exclusively of a financial nature and notably for the recognition of debts of very low values, which by far predominate.

The study of notarial practice and activity in Béarn in the 14th and 15th centuries has confirmed that going to a notary was normal and natural. This seems to have concerned all social classes. But the mediation carried out by the medieval notary was neither inflexible with regard to law nor immutable in time or depending on circumstances and clients. On the contrary, it was pragmatic, with astonishing flexibility with regard to norms and with considerable, although somewhat obscure, influence on public writing.[42] It is also clear that the field of this mediation did not extend over the whole of social life: many transactions remained oral and private, while practitioners never had the monopoly of public writing. In addition, some important written documents only came to the notary second hand: scriptural practice *per defaut de notari* was common[43] and, moreover, this was regulated by the Estates of Béarn in 1467.[44] So, in these villages of medieval Béarn where these numerous clerks, and some schoolmasters, lived, and where certain peasants and craftsmen were capable of having record sheets and owned books,[45] the notary in no way had a monopoly on deeds, simply the power of authentication. In an advisory rather than a drafting role, he was expected to avoid any recourse to law. In this way, something of the importance of the practitioners' behaviour for legal life is revealed, because legal life is clearly impossible to understand without a measure of the influence that notaries and their assistants could exert on it.

The records also reflect functions other than notarial ones, notably administrative and judicial functions, which were fulfilled by the Béarn practitioners.

Some took posts in the service of the Viscount, notably concerning fiscal matters. Among the receivers of hearth tax, for example, we might mention, Arnaud Brun de Cucuroo of Morlaàs in 1367,[46] and Guiraut de Goes, notary of Oloron, in 1386;[47] land tax collectors like Pees d'Erm, notary of Pardies, in 1387,[48] Pee de Sent Pe, assistant in Navarrenx, in 1398[49] or the notary Guiraut d'Abadie himself in 1402;[50] the *cisers* or farmers of the tax on beverages, like the Duras, the Bordeu, Arnaud de Narp, Arnaud Brun de Cucuroo in Morlaàs, in the 14th century.[51] In Gan, in 1466-

42. Hilaire, Jean. *La vie du droit: coutumes et droit écrit*. Paris: Presses Universitaires de France, 1994: 185-285.

43. All types of deed could be kept, *en deffaut de notari*, by another scribe: wills (by a jury, a priest or an executor), sales deeds (for example: ADPA. E, 1929, f. 1v, 1489), matrimonial agreements (for example: ADPA. E, 1929, f. 106, 1489), lawsuits (for example: ADPA. E 1191, f. 115-115v, 1489), etcétera.

44. ADPA. C, 679, f. 7v-8: The Estates then respecified that they could be set out as *cartes a report de juratz*, the latter being public officers of the same rank as notaries.

45. ADPA. E, 1606 f. 108, 1493: speaking of these beliefs, Amaniu de Tolosa specifies that some *tien scriutes de sa propi man en son libe;* in 1406, a cobbler's inventory runs to two books (ADPA. E, 1599, f. 16; E, 1600, f. 19).

46. ADPA. III E, 806 f. 138, 1367.

47. ADPA. E, 1595 f. 15.

48. ADPA. E, 1921 f. 3v, 4.

49. ADPA. E, 1405 f. 173v.

50. ADPA. E, 1598 f. 57.

51. ADPA. III E, 806 f. 34v, 35, 39, 50v, 56, 58v, 59, 67, 127v, 157, ...

70, the lord's procurator, in charge of taxing the seigneurial lands, was the assistant Aramonet de Tressentz.[52]

In another record, we note that five out of the eight medieval commissioners "deputed in the matter of poisoning" —that is, in the hunt for witches— whose names are known, were notarial practitioners: Pees d'Erm in 1393, Auger de Labarrere in 1448, Johan de Pontac, of Maslacq, in 1477, Steben de Laborde in 1504, and Peyroton de Forbet from Salies in 1508.[53]

The notary in medieval Béarn was one of the essential cogs in a justice system that allowed institutional decisions to coexist for a long time with pacts or agreements, whether or not this was accompanied by arbitration.

In the framework of the Viscount's institutional justice, renewed under Gaston VII Montcada in 1252, the inquisitorial procedure was entrusted to sworn officials and the priest.[54] The notary acted, then, as the memory of the inquiry and, very often, as a sworn official, as one of the inquisitors. According to the foral rules for the procedure, they had to check the wound and fix the corresponding fine, whether simple or more serious, sometimes with the help of a doctor.[55] The *plague leyau* or serious wound, had, in fact, according to the *For,* to be an open wound at least one *ounce* deep:[56] in order to allow the sworn officials to assess such a wound and to be carrying the exact dimensions at all times, the representation of the serious wound was sometimes drawn by notaries in their records or notebooks, and appears in certain leaflets in the form of a rectangle measuring forty-six by five millimetres.[57] The notary was, then, clearly responsible for recording decisions and reporting judgments.

Arrangement and agreement, which may or may not have followed arbitration, were, in the West at the dawn of modern times, the most widespread way of settling disputes, even when the justice of authority had developed. Medieval Béarn offers a complex picture of this way or resolving disputes, running from the operation

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52. ADPA. E, 2129 f. 8v, 40v-41, 55-55v.

53. ADPA. E, 1404 f. 5-5v; E, 1409 f. 75v; E, 1929 f. 12v-13, March 1489; E, 1929 f. 92v, 16,March 1489; E, 1929 f. 12-12v, 29 April 1489; E, 1934 f. 122v-123, 5 June 1489; E, 1934 f. 122v, 5 June 1489; E, 1929 f. 93v, 20 June 1489; E, 1929 f. 93v, 31 July 1489; E, 1929 f. 94-94v, 26 August 1489; E, 1934 f. 32v, 18 February 1490; E, 1929 f. 129, 9 September 1491; E, 1929 f. 124v-125, 30 January 1493; C, 679 f. 275v-276v; E, 2104 f. 43; III E, 407, 1506-1508.
ADPA. III E, 36, 1484-1486; E, 1929 f. 135, 139, 1491.

54. The charter *de foec et de talh* which redefines procedure concerning criminal justice, constitutes articles 72, 73, 77 and 79 of the general *For*; the item *plagues et colonies* (lawsuits, damages and interest, articles 164-171.

55. ADPA. E, 1918 f. 47. See, for example, an account from 1405: *Notum que Arnaut Guilhemet de Carrecave de Laas bayle deudiit loc... tengo cort audiit loc de Laas; eren presentz Andreu de Casadavant, Perarnaut Danglade e Guiraut de Puyou, juratz deudiit loc de Laas; en laquoau cort fo arcordat... que gier... lodiit senhor de Laas mustra audiit bayle dues plagues qui have. E aixi egs las bin e goardeyan* [and so they examined them] *en prencon payeres sengles de cade plague* [and they measured each wound]: ADPA. E, 1599 f. 53v.

56. About 0.46 centimetres: the *pagera* or measure for wounds was drawn in one of the medieval compilations of the *Fors*: ADPA. C, 677 bis f. 58.

57. We have found five examples: ADPA. E, 1408 f. 173v; E, 1919 f. 49; E, 1920 f. 120v; E, 1929 f. 161v and E, 1465 f. 354: in the latter case, the notary of Monein did not draw the *plague leyau* but rather the four wounds received by the complainant.

of private tribunals to the activity of simple mediators or arbitrators, and even the conclusion of agreements, covenants or private pacts. The notary, with his shrewd knowledge of Roman and foral law and with the power of authentication, was therefore at the heart of these processes, allowing social peace to return. He was the man of the pact, designated in Latin by the terms *pactum pacis*, *carta pacis*, *concordia* and, in Occitan: *patz*, *carte de patz*, *patzerias* (which is where the term "passeries" comes from).

The medieval notary was one of the most effective carriers of the national discourse and a most important agent in the pactist political system.

Pactism is, first of all, a concept that touches power. In its oldest articles, those dating from the 11th century, the Bearnese *Fors*, like those of Navarre or Aragon, carried the double idea of a contract, sealed by an exchange of oaths, between the lord and his subjects, and the supreme mission of maintaining peace devolved to the prince. This was because peace was the goal, sought and highly proclaimed: peace being the return to the initial social order after dissent and trouble. Here the influence can be recognised of the philosophy springing from the writings of Isidore of Seville and impregnating Christian Spain, to which the northern slopes of the Pyrenees are indisputably closely linked. The existence of the *Fors* and the constitution or rebirth in 1391-1993 of an assembly —the Estates— in Béarn, represented clear counterweights to the Viscount's power. The troubled dynastic history, the move from the Montcadas to the Foix-Béarns in 1319, and from the Foix-Béarns to the Graillys in 1398, created an even more favourable terrain for the theorisation of the underlying pactism in Béarn, as in all Pyrenean lordships.

As mentioned above, this ancient political philosophy was transformed into legal principle in the 13th century, with the organisation of inquisitorial justice by Gaston VII Montcada (1229-1290), who established notaries public in the Viscountcy and reformed legal procedures through the *foec e de talh* charter, included in the *Fors* compilation and which made the priest and a sworn lay official (very often the town notary) arbitrators and judges.

With the pen of the notaries of the Estates and the *Cort Major*, pactism became a political and legal concept between the death of Fébus in 1391 and the very beginning of the 15th century, when the famous preamble was attached to the text of the *Fors*.[58] Pactist theory irradiates most of the articles in the code, now considerably revised. The agreement is triumphant and, with it, so are the notaries. The notary was clearly the carrier of the very particular local legal culture: his training, essentially by apprenticeship, clearly had to include both Bologna law and local Foral law.

Notaries, then, played an important political role within the Estates of Béarn. Its medieval archives have unfortunately been lost, except for copies of the *Fors* and a single record of remonstrances and deliberations for the session held at the Prêcheurs

58. Barraqué, Jean-Pierre. "Pactisme et pactismes", *Mélangues...* : 25-44; Barraqué, Jean-Pierre. "Le for dans le discours politique au début du XVe siècle: naissance d'un mythe", *Les variantes du discours régionaliste en Béarn. Actes du colloque tenu au Musée national du Château de Pau, les 16 et 17 novembre 2001*, Jean-Pierre Barraqué, Christian Thibon, eds. Orthez: Gascogne, 2004: 15-36.

convent in Morlaàs in 1443.[59] Each town was represented by two sworn officials, many of them notaries or their assistants, for example the Morlaàs merchants Johan Brun and Bernadon de Bernet from Sauveterr and, among the greatest fortunes of the principality, Guilhem Arnauton de Leduxs and Menauton d'Osque, both from Oloron, the latter assistant to Guilhem Bernad Coterer, at least in 1441-1442.[60] Eight other deputies sat on the restricted committee, including Fortaner de Lafargoe, then assistant to Navarrenx and the notaries of Aspe, Ossau, Lembeye and Garos, Pees de Petre,[61] Johan d'Incamps,[62] Jacmet de Narb[63] and Goalhard deus Pruets.[64]

The most prestigious post was that of *syndic* or speaker of the Estates, the representative of the assembly before the prince. It was often occupied by practitioners such as Pes de Lavinhe in 1468,[65] Andrivet de Mans, from Orthéz, between 1468 and 1488,[66] Pees de Perer and Jean Castagnède or *Castanheda*[67] in 1489, the latter remaining in place until 1510;[68] and Ramon de Medeville in1492,[69] Pees Ferrand, in 1494-1495,[70] Fors or Fortaner de Neys, between 1495 and 1504,[71] then a certain Quartaner, in 1506-1507,[72] Rodger de Boeil from 1508 to 1527,[73] Pees deus Tisneès from 1511 to 1530:[74] the latter three were, incidentally, writers of the *syndics* book, including the deliberations of the assembly.[75] After the last third of the 15th century, the assembly was still designating the judges of Béarn,

59. ADPA. E, 319; records of complaints occupy f. 234v to 251v.

60. Assistant to Guilhem Bernad Coterer, at least in 1441-1442: ADPA. E, 1767 f. 116 and E, 1768 f. 42; it is not known if he was a descendant of Pe d'Osca, another Oloron assistant of the 14th century to the notary Pes d'En Auger (2): Oloron AA 1 f. 14v, 1378. It is possible to establish a picture of the *vesiau* in Oloron thanks to the MA term paper by: Lavit, Annebelle. *La société oloronaise à la fin du Moyen Âge le registre notarié E 1767, MA term paper.* Pau: Université de Pau et des pays de l'Adour, 2002: 58-74.

61. This is the only mention we have of him.

62. We spelled his name Johan d'En Camps (3), notary of the *vic* of En Bas (Arudy) from about 1432 to 1452: Sainte-Colome DD 2, Bescat DD 1.

63. He was only an assistant: 3 J 59, 1431, to the notary of Lembeye, Peyrot de Narp whose origin and possible family relationship with the Morlaàs family are unknown.

64. He was also only an assistant to Arnaud de Beluixs, the notary of Larreule, in Soubestre,: E 1266 f. 43-43v, 1421. His son Berducon and his nephew Johan were also notaries of Soubestre: E 2340, 1479; E 1266 f. 93v), 1483; E 1362.

65. ADPA. C, 679 f. 25).

66. ADPA. C, 679 f. 25v, 26, 50v.

67. ADPA. C, 680 f. 6.

68. ADPA. C, 680 f. 81.

69. ADPA. C, 680 f. 14, 15v.

70. ADPA. C, 680 f. 18v, 19.

71. ADPA. C, 680 f. 29v.

72. ADPA. C, 680 f. 51v.

73. ADPA. C, 680 f. 60.

74. ADPA. C, 680 f. 60, 81, 113-113v, 139v.

75. Cadier, Léon; Courteault, Henri. *Le livre des syndics des États de Béarn, consignant les délibérations entre 1488 et 1521*. Paris: Champion, 1889-1906.

including Archambaud de Samadet, notary of Arthez, still Pees de Perer;[76] and Pees deus Tisneès, at the beginning of the 16th century.[77] Among the principal posts was that of *tesaurer deu pays*. The Coterers of Oloron occupied this function: Guilhem Bernad Coterer in around 1424,[78] then his son Johan, in about 1490-1493.[79] The notaries of the Estates were also, of course, notaries public: among them Johan deus Coterers, of Oloron, definitely quite a "pluralist", between 1467 and 1472,[80] or De Castanh, from Orthéz, between 1493 and 1496.[81] Certain members of the Estates were eventually given particular missions. Thus, in 1483, Peyroton de Navalhes, Arnaud Guilhemet de Laffore, Guiraud de Laugar and Pees de Lavinhe were procurators general in various administrative and fiscal matters.[82] Bertranet d'Arudy, notary of Pau and master of Catherine's household,[83] drew up certain solemn acts of the Estates of Béarn, such as the letter of 16 November 1488,[84] by which the assembly thanked King Charles VIII for his help for the Queen, who was facing recurring and unremitting challenges from her cousin and pretender to the crown, John of Foix, Viscount of Narbonne, second son of Gaston IV and Queen Eleanor of Navarre. On occasion, then, the Estates and its most eminent members carried out the most important political and diplomatic action.[85]

These public officers were the busy, active agents for the national discourse which the principality developed in the 15th century under the Foix-Grailly and Albret dynasties; talented formalisers of a solidly structured political discourse that carried a strong claim for Bearnese sovereignty against the growing pressure of the centralising monarchical State. This discourse was also found in the same period in other peripheral principalities, such as Brittany and Burgundy. The original feature of Béarn lies precisely in the role, which should not be exaggerated, that notaries played in this political declaration. They maintained these political and cultural positions sometimes with their historical writings, at other times through their powers as legal experts in the service of the prince and sometimes through the discourse that authorised their position as social mediators.

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76. ADPA. C, 679, f. 50v. Archambaud de Samadet was a judge of Béarn from at least 1458: E 1410 f. 43. "Voisin" of Orthez, he also became the notary of Arthez in 1469: III E 2521, f. 15v, 17.

77. Cadier, Léon; Courteault, Henri. *Le livre des syndics...*: 293, 359, 361.

78. ADPA. E, 1408, f. 56v.

79. ADPA. C, 680, f. 14, 18v.

80. ADPA. C,679, f. 1-12, 15-25, 136 ; C, 680, f. 6, 1489.

81. ADPA. C, 679, f. 530v, 565v.

82. ADPA. C, 679, f. 317v.

83. ADPA. E, 1977, f. 42.

84. ADPA. C, 680, f. 4.

85. Cadier, Léon. *Les États de Béarn depuis leurs origines jusqu'au commencement du XVIe siècle*. Paris: Imprimerie Nationale, 1888: 189-200.

3. Notarial figures

The notary appears as an essential cog in the social life and complex relationships of Béarn in the late Middle Ages. Two family histories are particularly revealing of the careers, more collective than individual, followed by a number of notaries and their assistants between the 13th and 16th centuries.

Let us first look at the Narbs of Morlàas. A certain Johan de Narb, burgher of Morlaàs, was notary of Pardies in 1318.[86] With the title *maeste,* he appears in various deeds with a clear political slant involving the Vicountess Margaret in around 1313-1319.[87] Pees and Johan de Narb together served as notaries of Pardies and Monréjeau between 1331 and 1345.[88] It is not known whether they were the sons of the previous holder, or, formally, if they were brothers, but that seems possible. Pees officiated from 1327 or even before,[89] until 1376, the date when his son Arnaut de Narb succeeded him.[90] This second branch of the family settled in Monréjeau, where, in 1385, they possessed an *ostau*, retaining an *ostau* in the Bourg Vieux at Morlaàs and another in the Bourg Neuf.[91] Johan de Narb played an important political role. From 1344 to 1346, he was one of the *maestes* who supervised the ceremony of exchange of oaths between the young Gaston III and the communities[92] in the company of the *savis en dret* Pee d'Estiroo, Per Ramon d'en Per Auger, Per Escaler and Maurii de l'Abadie, with many members of the princely family and officers of the Council. In 1349, he was still sitting at the court of the *baile* of Pau, Domenyo d'Augaa.[93] He must have died shortly afterwards because all traces of him are lost.

Like the Narbs, many of these early notaries belonged to the modest Bearnese urban elite, which had provided local worthies, sworn officials or judges, including public posts, and made them, at the same time, the lord's men and representatives of the municipalities. From the 14th century onwards, the majority of medieval practitioners were from the enriched, educated rural elite. All of them therefore formed part of those "spheres of permeability" between the peasantry and the aristocracy, the dominant and the dominated, commoners and elites, which give medieval society an unaccustomed appearance.

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86. ADPA. E, 296.

87. In 1313, he was procurator for Margaret Montcada in Marsan and representative of the ducal court in Saint-Sever (ADPA. R, 508); in 1318, he subjects the lords of Vic-Bilh to the fine imposed by Margaret Montcada for not having attended the military host assembled at Lembeye (ADPA. E, 296 doc. 1,); on 12 March 1319, our man, together with Vidau de Larte, notary of Orthez, was a witness to the will of Viscountess Margaret, drawn up by the notary general Ramon de Cabidos (ADPA. E, 296, doc. 2).

88. ADPA. Record E 1916 is theirs. A third character, named Johan de Narb, was notary of Lembeye: Monein, AA 1 f. 61v, E 289 f. 28-29. Later, a fourth Johan de Narb, in around 1365, was also notary of Lembeye: III E 806 f.31v, 58v.

89. Pees de Narb is also the nominal writer of record E 1915.

90. ADPA. E, 302. f.133v-134. Arnaud de Narb was dead in 1381 when Peyrot d'Erm, *"vesin"* of Orthez, succeeded him: E, 304, f. 65-65v.

91. ADPA. E, 306, f. 64.

92. ADPA. E, 300, f. 12-12v, 14-14v, 15-16, 19-19v, 31v, 32, 36, 36v, 37v, 38, 55-56...

93. ADPA. III E, 805, f. 69v-70.

The notary was an agent from a mediocre economic life, essentially agricultural and pastoral. He often owned property and land, as well as cattle. But the essential thing about his activities consisted of getting the most from rents, posts and patiently accumulated sources of profit. It is very clear here that the notary accumulated sources of profit through unrestrained multiple activity. Combining sectors and interventions, accumulating posts, monopolising as many sources of profit as his financial means allowed: this ensured revenues —sometimes modest or even scanty when considered in isolation, but which, being numerous, allowed him to ensure a certain standard of living and maintain the most important thing in that society: appearances. In this context, accumulating offices and public functions was, for Bearnese practitioners, a constant concern.

The Tisneès family from Pau, whose genealogy can be traced over the following centuries, are a perfect example of this. The first in the line for whom we have documented records were peasants and stock farmers —representatives of the Pau community at the end of the 13th and 14th centuries.[94] At the beginning of the 15th century, Bernad deus Tisneès was an assistant to the notary Pau Goalhard d'Oroix, burgher of Morlaàs and fine specialist in foral law. The Tisneès, who kept up their agricultural activities, now invested in notarial activities, providing a complement to their resources and a means for social climbing. Bernad's son, Yban deus Tisneès was *"vesin"* and sworn official in Pau in 1444. He also fulfilled the functions of assistant to the notary public of Pau, Arnaud Guilhem de Capdebiele. These same communal and notarial functions were fulfilled by Menauton de Tisneès, Yban's son, between 1470 and 1510; moreover he was brought to plead, as a lawyer, at the Seneschal's court and sat in the Estates of Béarn as a representative of the municipality of Pau.[95] Menauton deus Tisneès married twice, allying himself with two of the most important families in Pau. His case is also interesting because it shows, moreover, how these modest practitioners were able to ensure that they had a good financial base for their social climbing. He was still a peasant and stock farmer. But, based on a modest fortune acquired thanks to traditional agricultural and grazing activities, Menauton speculates. He had quite large herds of cattle and flocks of sheep and he concluded many *gasalhe* (livestock) contracts, even lending small quantities of cereals. At the end of his life, he launched himself into many usurious loans while acquiring the revenues of the church lands of Pau. He invested his profits in land and property. His son, Pees deus Tisneès, followed the trail he had blazed: as a notary and town official. However, subordinate notarial activity was just a springboard for him. In fact, from 1503 he was a lawyer at the Seneschal's Court. Moreover, from 1511 to 1530 he fulfilled the function of s*cindic des États de Béarn* (Speaker of the Estates of Béarn). Like his father, he made two eminently strategic marriages, including one, to Jeanne, heiress to the lordship of Bastanès, that enobled him. With his son, Arnaud deus Tisneès, a further threshold was

94. Bidot-Germa, Dominique. "Les vaches, le pont, les notaires et le prince: les Tisneès de Pau (XIIIe-XVIIIe siècle)". *Revue de Pau et du Béarn*, 27 (2000): 25-40.

95. Bidot-Germa, Dominique. "Les vaches, le pont, les notaires et le prince...": 25-40.

crossed. Arnaud made a profession of the reformed faith, following Queen Jeanne d'Albret at the beginning of the 1560s. He was a convinced Calvinist who reaped dividends from his loyalty to the Queen. So, in 1571, Arnaud deus Tisneès was the auditor of the Chamber of Accounts in Pau, and from 1575 to his death in 1585, had a seat on the Sovereign Council. His descendants Henric deus Tisneès (1577-1642), Henri (who died in 1659) and Philippe (who died in 1704) sat in the *Parlement de Navarre* which King Louis XIII established at Pau after the annexation of Béarn and Navarre to France in 1620.[96]

In the picture of the Tisneès —of many practitioners following complex strategies to extract benefits, notably the establishment of networks of relatives and clients, the establishment of economic and family relationships with the clergy and the search for accession to the aristocracy— we see a local aristocracy which was very permeable to enriched notables. It is not surprising to see that some notaries, by marriage or purchase of noble lands, achieved access to the ranks of *domenger* or lay abbot, without, clearly, being able to attain the rank of the more ancient aristocracy.

Pactist Pyrenean societies were founded on writing, even before the establishment of notaries public.

The emergence of notaries in Béarn is therefore the result of a long process lasting several centuries. Adjustments, sometimes in difficult circumstances, as around the year 1000, did not prevent either the maintenance of this written culture or the persistence of a public authority promoting the flourishing of writing, *Fors* and various *convenientiae.* Scribes are mentioned a great deal in Gascony, but most particularly in the Viscountcy of Béarn, as elsewhere in Spain —ecclesiastical or lay *scriptores* of the 10th and 11th centuries, forists, *escrivans* and *notaris* attested in Béarn by the *Leys de l'emperador* from the end of the 12th century. For a long time, however, the confusion between private and public writing was real and the authority of charters was poorly assured. The pattern, it seems, is the one experienced in the other territories to the north and south of the Pyrenees, notably Aragon and Navarre, because they had founded their social and political organisation on the pact, and therefore on writing, even before public notaries were reinstituted in the 13th century on top of ancient writing structures.

In fact, the scribe, the *ecrivan,* and then the notary, was an important figure in Pyrenean society, called on to play a greater role, even going beyond the simple authentication of charters and various deeds, notably within the justice system. It is not surprising, then, that some notaries sometimes, most often through their children or grandchildren, rose very high in the hierarchy.

96. Bidot-Germa, Dominique. "Les vaches, le pont, les notaires et le prince...": 25-40.