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A CRITIQUE OF THE CONCILIAR COLLECTIONS

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In the Middle Ages, when humility was a virtue, one of the favorite commonplaces was the modest observation that if we moderns happen to know more than our forefathers did, it is largely because we have built upon the foundations which they laid. "Bernard of Chartres used to compare us to dwarfs perched on the shoulders of giants. He pointed out that we see more and farther than our predecessors, not because we have keener vision or greater height, but because we are lifted up and borne aloft on their gigantic stature."<sup>1</sup>

Today, however, dwarfs and giants are almost as unfashionable as

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<sup>1</sup> John of Salisbury, *Metalogicon*, III, 4, trans. D. D. McGarry (Berkeley and Los Angeles, 1955), p. 167; ed. C. C. J. Webb (Oxford, 1929), p. 136: "Dicebat Bernardus Carnotensis nos esse quasi nanos gigantium humeris insidentes, ut possimus plura eis et remotiora uidere, non utique proprii uisus acumine aut eminentia corporis, sed quia in altum subuehimur et extollimur magnitudine gigantea." See R. Klibansky, "Standing on the Shoulders of Giants," *Isis*, XXVI (1936), 147-149.

is a pious sense of tradition. No one knows better than teachers of history how greatly this sense of our indebtedness to the past has ebbed in the present century, not least among the learned. Perhaps it is appropriate that this sense remains particularly vivid for those doing research in medieval history. That it should be so is altogether natural, for whoever uses the sources of medieval history is in constant consultation with Baronius and Mabillon, with Muratori and the Bollandists. The great collections of sources are the indispensable tools of the trade: Migne's *Patrologiae*, the *Monumenta Germaniae Historica*, Bouquet's *Recueil*, the Rolls Series. The earliest of them, Baronius' *Annales ecclesiastici*, began publication in 1588 and it would not be an exaggeration to say that for the next three hundred years every generation of scholars has enriched the accumulated fund of knowledge. In short, today's medievalists are singularly dependent upon the work of earlier scholars, especially for collections of printed sources, since a document, once published accurately, is all but impervious to obsolescence. The fact that medievalists must rely on the work of their predecessors creates special problems for them, foremost of which is the need to know thoroughly the peculiarities and limitations of this legacy so that these sources can be used with discretion and informed assurance.

In this essay I want to appraise one of the biggest, if not the best, heirlooms that we have inherited from early modern historical scholarship, namely the conciliar corpus. The literary history of the conciliar collections is already well known. In 1900 Dom Henri Quentin published a study of its development from the publication of the first collection by Merlin in 1524 down to the year 1798, when the last and supposedly best of the collections, the *Amplissima collectio conciliorum*, edited by Giovanni Domenico Mansi, Archbishop of Lucca, ceased publication at Venice, a victim of the Napoleonic wars.<sup>2</sup> The earliest collection, that of Merlin, had filled only two volumes, but Mansi's already occupied thirty-one volumes when it had to stop some six short of its goal.

The 250 years between Merlin and Mansi were the golden age of council-collecting. The sixteenth century saw the publication of

<sup>2</sup> The complete title is *Sacrorum conciliorum nova et amplissima collectio*, ed. G. D. Mansi (32 vols.; Florence, Venice from Vol. XIV on, 1759-1798). The bibliographical history of this collection is so complex as to warrant a study all to itself; not all of it has been done by Dom Quentin.

seven editions of the conciliar corpus under four editors. The longest ran to five volumes. In the seventeenth century five more editions followed and two more in the eighteenth, Mansi's being the last. Superficially, it would appear that the collections owed much to Italian scholarship, for not only Mansi but also his immediate predecessor, Nicola Coleti, were Italians. But the fact of the matter is that more than anything else the conciliar collections are a monument to French scholarship. The most active editors as well as the most critical were French Jesuits: Jacques Sirmond, who avidly collected conciliar documents in France; Philippe Labbe and Gabriel Cossart, who completed their twelve-volume collection in 1672; and Jean Hardouin, who revised it in the first quarter of the eighteenth century. At the core of the corpus stand the ecumenical and general councils of the Church, together with those councils that were commonly found in medieval lawbooks—for example, the councils of the African and Spanish churches. To this common heritage were added such other councils as the collectors could locate. The French materials collected by the Jesuits form the largest body of additions, but by no means the only one. National collections were made in other countries as well: Spelman and Wilkins in England, Loaisa and Tejada in Spain, Schannat and Hartzheim in Germany, Péterffy in Hungary. These national collections were more or less incorporated into the conciliar corpus. Each editor reprinted the collection of his predecessor and sought to enhance its value by adding new materials that he or his friends had discovered or that had been already published outside of the conciliar corpus. By the time of Mansi, the corpus was a vast aggregate of documents, together with critical notes and annotations. Some of these documents had been reprinted as many as nine times, having been passed on from collection to collection.

Nineteenth-century scholarship used this collection willingly but did little either to augment it or to provide a critical guide to its use. The *Conciliengeschichte* (1855-1874) of K. J. Hefele was essentially a summary of the acts and especially the statutes of all the councils, and the revision and continuation of the work by Knöpfler and Hergenröther in German (1873-1890) and by Dom Henri Leclercq in French (1907 ff.) scarcely enlarged, much less criticized, the eighteenth-century corpus. Leclercq's edition, the *Histoire des conciles* (in progress since 1907), which is now considered the standard one,

is essentially a guide to the great collections, and its principal service is to supply a bibliography of nineteenth-century secondary works which supplements the documents printed in the collections.<sup>3</sup>

Dom Quentin's critique in 1900 exposed the weaknesses of the great conciliar collections. Since then scholars have gone far to remedy them. Early in this century Mansi was reprinted and the missing half-dozen volumes were supplied from Coleti's earlier edition. To this was added a collection of the councils of recent times in twenty-one volumes edited by Martin and Petit. Altogether, the full set runs to sixty-one physical folio volumes numbered 0-53, including six *bis*'s and a *ter*.<sup>4</sup>

Moreover, new national collections have been undertaken by scholars in several countries. The Poles are all but done; the English now have published their first volume; the Spanish have just begun; and the Italians are wondering if they have any councils to collect. The French, on the other hand, are concentrating on diocesan synods, because Labbe and Cossart and all subsequent editors had excluded from the collections all diocesan synods subsequent to the Fourth Lateran Council (1215), when such synods became plentiful.<sup>5</sup>

<sup>3</sup> The most thorough critique of Mansi is H. Quentin, *Jean-Dominique Mansi et les grandes collections conciliaires* (Paris, 1900). For the thirteenth-century French materials, a just estimate and some additions will be found in O. Dobiache-Rojdestvensky, *La vie paroissiale en France au XIII<sup>e</sup> siècle d'après les actes épiscopaux* (Paris, 1911), pp. 19-25. Not one of the extensive criticisms and additions made by H. Finke, *Konsilienstudien zur Geschichte des 13. Jahrhunderts: Ergänzungen und Berichtigungen zu Hefele-Knöpfler "Conciliengeschichte" Band V und VI* (Münster, 1891) were taken into account in the corresponding Vols. V and VI (1912-1915) of Hefele-Leclercq, as C. R. Cheney has noted in his apt characterization of the work, "Legislation of the Medieval English Church," *English Historical Review*, L (1935), 195, n. 2.

<sup>4</sup> The whole set has been reprinted in facsimile since the war by the Akademische Druck- und Verlagsanstalt, Graz, Austria. Two editions in micro-media are also available: one by Microcard Editions, Inc., of Washington, D. C.; the other by the International Documentation Centre (IDC) AB, Tumba, Sweden.

<sup>5</sup> The national collection best known to American medievalists is the English revision of Wilkins' *Concilia* under the general editorship of F. M. Powicke (see n. 13 below). For a survey of Continental activity, see the report of the late Louis Guizard, "L'étude des anciens statuts synodaux des diocèses de France," in *Congrès de droit canonique médiéval, Louvain et Bruxelles, 22-26 juillet 1958* (Louvain, 1959), pp. 73-83. J. Sawicki (Warsaw) has recently undertaken the compilation of a comprehensive bibliography of particular

There has, however, been no corresponding interest in searching out additional French provincial, legatine, and national councils. The reason for this disinterest is by no means clear. It would be ungenerous to suggest that no one wants to glean where the learned Jesuits had reaped so prodigious a harvest. Some may argue that the enterprise is hopeless because such councils were not frequent and since we already have more from France than from any other region, probably we have just about all the councils that were held in France. Others may admit that perhaps councils were more frequent than is generally supposed but nonetheless would believe that the available sources have already been exhausted and that consequently we already know all that are to be known. A third and most insidious view is that there are more than enough records of provincial and other such councils already in print and that to seek out more will serve no useful purpose. Thus so great a scholar as Paul Hinschius wrote his extensive study of church councils almost exclusively from Mansi's *Amplissima collectio* without the least hesitation.<sup>6</sup> The dangerous assumption made by scholars such as Hinschius is that the collections are complete enough to provide them with an adequate sample of conciliar documents such that the discovery of new documents could not materially alter their conclusions.

In this paper I should like to ask whether Mansi's collection is sufficiently representative to permit empirical generalizations about conciliar activity? Can we safely tell from it how frequently provincial councils were held? or what kinds of business were and were not transacted in them? Such questions may best be answered by

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councils and synods: see *Traditio*, XIX (1963), 511-512.—The comparative abundance of French diocesan synods may be illustrated from the register of Odo Rigaud which contains nine of the provincial councils discussed below. As a rule, Odo held two diocesan synods each year, in June and November. For the 22 years 1248-1269 covered by his journal, no fewer than 34 synods are recorded.—The preparatory work on the edition of French synods was completed with the *Répertoire des statuts synodaux des diocèses de l'ancienne France du XIII<sup>e</sup> à la fin du XVIII<sup>e</sup> siècle*, edd. A. Artonne, L. Guizard, and O. Pontal (Paris, 1963).

<sup>6</sup> P. Hinschius, *System des katholischen Kirchenrechts mit besonderer Rücksicht auf Deutschland* (Berlin, 1869-1897), opened Band III with an institutional history of the Church council that still has no rival. C. R. Cheney, *English Synodalia of the Thirteenth Century* (London, 1941), p. 3, has rightly stressed its importance: "All else is put in the shade by the great work of Hinschius. [It] . . . remains the classic exposition of the subject."

examining in detail one area in one age. I shall use only provincial councils because, unlike legatine and national councils, they were required to be celebrated regularly—once a year, to be specific. The thirteenth century shall form the chronological limits of the investigation because this century saw an intensification of conciliar activity throughout Europe as a result of the Fourth Lateran Council, while the surviving records are sufficiently numerous to make it probable that there remain undiscovered conciliar documents in appreciable numbers. The province of Rouen will provide my illustration, but either Reims or Bourges would have served as well.

For the thirteenth century we can list with some assurance seventeen provincial councils for Rouen, which have been listed in the accompanying table.<sup>7</sup> At the most generous calculation, ten of them were unknown to Mansi. Of the seven known in some degree from the *Amplissima collectio*, the existence of two (1261 Limay and 1291) must be inferred from the papal mandates to hold a council in every province of Christendom. Five are attested by documents in the form of statutes that have survived (1223, 1231, 1267, 1279, 1299).

Table of Thirteenth-Century  
Rouen Provincial Councils

1223	Rouen	Mansi
1231	Rouen	Mansi
<i>Odo Rigaud, Archbishop 1248-1276</i>		
1252	Rouen	
1257	Pont-Audemer	
1260	Pont-Audemer	
1261	Préaux	
1261	Limay	Mansi
1264	Vernon	
1265	Pont-Audemer	
1267	Pont-Audemer	Mansi
1269	Pont-Audemer	
1270	Pont-Audemer	

<sup>7</sup> The table summarizes the evidence which is presented at length in the repertory appended to this essay. Items marked "Mansi" on the table appear in his collection.

*William de Flavacourt, Archbishop 1278-1306*

1279	Pont-Audemer	Mansi
1281	Rouen	
1282	<i>sine loco</i>	
<1291 x 1292	<i>sine loco</i> >	Mansi
1299	Préaux	Mansi

Now if we attempt to generalize about conciliar activity in the province on the basis of this evidence as found in Mansi, our conclusions will prove misleading. About the only positive statement that can be made is that legislation appears as the only regular business of these councils, since five of them are known from the statutes published in them. The other matters that were discussed in 1261 and 1291 can be explained as special cases raised by the king and the pope for which councils were summoned *ad hoc*. Since the seven councils are distributed irregularly across the century, not occurring according to any discernible pattern, one might reasonably conclude that in the thirteenth century, provincial councils were assembled only infrequently and at irregular intervals. Moreover, there is little reason to suppose that many more councils were ever held, and in consequence there might be little expectation of discovering more documents. Such conclusions would seem to rule out the provincial council as an important source of experience in deliberative procedures within the thirteenth-century Church. The student of medieval parliamentary and representative institutions could hardly be likely to attach much importance to a conciliar tradition such as this.

For the first half of the century, things have not changed since Mansi's day. Only two Rouen provincial councils still are known, both from the single manuscript where Dom Bessin found them. But for the second half-century, it can be shown that Mansi is so far from being complete that no just estimate of the frequency and business of Rouen provincial councils can be formed from it.

The case against Mansi can best be found in the *Regestrum visitationum archiepiscopi Rothomagensis* that Odo Rigaud kept from 1248 to 1269.<sup>8</sup> In this journal the archbishop left us a comprehensive

<sup>8</sup> *Regestrum visitationum archiepiscopi Rothomagensis; Journal des visites pastorales d'Eude Rigaud, archevêque de Rouen, MCCXLVIII-MCCLXIX*, ed. Th. Bonnin (Rouen, 1852). This work, which has long been unobtainable, is now available in a xeroxed facsimile from University Microfilms, Inc., Ann

day-by-day record of his travels, with special reference to his visitations as bishop and metropolitan and to the provincial councils and diocesan synods in which these findings guided the making of statutes. The fact that this is a comprehensive diary enables the historian to be sure that for once he has a full record of the conciliar activity of an archbishop. Since it is a comprehensive record, we can be sure that over a period of twenty-one years and five months, Odo celebrated exactly nine provincial councils. Moreover, in 1270 after he ceased to keep the register, yet another council was held. Eight of these ten councils would have vanished without a trace had not Odo recorded them. In effect, the canonical requirement that provincial councils be celebrated every year was met by Odo almost halfway.<sup>9</sup> If other thirteenth-century archbishops of Rouen did the same, we should expect Rouen provincial councils to number between forty and fifty during the 1200's. In short, if Rigaud's conciliar activity is at all typical, provincial councils were far more frequent than the ones which have survived in the collections would lead us to suppose.

Is it merely a coincidence that we should find such an abundance of councils in practically the only comprehensive record of an archbishop's daily round of business which survives from the thirteenth century? Or is it rather that provincial councils were then so commonplace that they would only be recorded in an inclusive record such as Rigaud's diary? The problem once might have been dismissed with the argument that Archbishop Rigaud was the exception rather than the rule among the prelates of his age, that his visitations and councils were almost as exceptional in their way as the record that he kept of them. But the studies made in the past generation of episcopal visitations show that although Odo's diligence

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Arbor, Mich. The first published work of that great Norman scholar Léopold Delisle, was an analysis of Bonnin's edition: "Le clergé normand au XIII<sup>e</sup> siècle," *Bibliothèque de l'École des chartes* (2<sup>e</sup> série, t. III) VIII (1846-1847), 249-299. He also made an unpublished collation of the original MS: see P. Lacombe, *Bibliographie des travaux de M. Léopold Delisle* (Paris, 1902), No. 1.—The Bibliothèque nationale acquired the MS (lat. 1245) in 1715 as part of the collection of Roger de Gaignières (No. 131); its earlier history is unknown. The register proper, but not the other documents in the MS, has been translated by S. M. Brown, *The Register of Eudes of Rouen*, ed. J. F. O'Sullivan ("The Records of Civilization," No. 72 [New York, 1964]).

<sup>9</sup>X 5.1.24 *Sicut olim* (conc. Lat. IV 1215 c.6): ". . . metropolitani singulis annis cum suis suffraganeis provincialia non omittant concilia celebrare. . . ."

was certainly exemplary, it was not unique.<sup>10</sup> On the other hand, there is good reason to believe that after, and partially as a result of, the Fourth Lateran Council, provincial councils became a commonplace occurrence in ecclesiastical government. After 1215 chroniclers rarely bother to record the celebration of provincial councils, a circumstance which suggests that councils were no longer noteworthy because they had become matters of routine business. They occasioned no more mention in local chronicles after 1215 than does a faculty meeting in local newspapers today; and for the same reason, that the familiar and the routine lack news value.

In short, there is good reason to believe that Odo's register gives us a truer picture of the frequency of conciliar activity than does Mansi's collection. Of course the foregoing arguments do not prove that there actually were more councils. They only suggest that perhaps we have gained a distorted picture of conciliar activity from the old collections and that we should renew the search for evidences of medieval councils. Judging by the great collections, such a search would yield little more than an occasional council. But judging by the additions which have been made for Rouen, there is now hope that councils *may* have been held every two or three years if not annually as the law required. At least we now have the encouragement of a specific case that the provincial council was a frequent and rather regular event. Such arguments have an heuristic value, but ultimately the historian can determine whether Odo's councils were exceptional only by comparison with contemporary practice. Such arguments may lead us to discover new facts but they are not themselves facts.

No such single comprehensive record as Odo's register exists for the pontificate of his successor, William de Flavacourt, which roughly corresponds to the last quarter of the century. Instead, the evidence consists of the usual piecemeal accumulation of documents from

<sup>10</sup> Rigaud's visitations must have been inspired by Innocent IV's decretal *Romana ecclesia que*, dated Lyons, April 20, 1246, which gave definitive form to the law of metropolitan visitation: VI 3.20.1; A. Potthast, *Regesta pontificum romanorum* (Berlin, 1847-1875), no. 12062 and *post* no. 12028; É Berger, *Les registres d'Innocent IV* (Paris, 1894), no. 1831; see also the full text published only by P. Varin, *Archives administratives de la ville de Reims; collection de pièces inédites pouvant servir à l'histoire des institutions dans l'intérieure de la cité*, I (Paris, 1839), 670-687, in "Collection de documents inédits sur l'histoire de France . . . 1<sup>e</sup> série: Histoire politique."

various sources. Flavacourt's archiepiscopate, more typical in its conciliar sources, gives us an opportunity, then, to test the hypothesis that Odo's register suggested and see whether conciliar activity was indeed more intense than formerly would have appeared. The results are encouraging, for two new councils can be added to the three known to Mansi. The collections contain the statutes of two of Archbishop Flavacourt's thirteenth-century councils (1279 and 1299), and in all likelihood, a third council took place in 1291 or 1292 in response to the papal mandate that was issued as a result of the fall of Ptolemais. To these three must now be added one recently discovered (1281) and another which Mansi overlooked (1282). Although the pontificates of Rigaud and Flavacourt were of about equal length, ten councils have survived from one and only five from the other. However, because Flavacourt's record is fragmentary while Odo's is complete, we cannot argue that the level of conciliar activity actually declined.<sup>11</sup>

Whereas the accumulation of similar evidence may require justification, the value of discovering new kinds of evidence should need none at all. The inadequacy of the existing collections is immediately apparent when we consider that the new materials all differ in *kind* from those appearing in Mansi.<sup>12</sup> To be sure, Odo's register does supply four new series of statutes (1257, 1260, 1261 Préaux, and 1264) but far more valuable are his memoranda which describe briefly the proceedings of the first six councils. Such descriptions will become common in the registers of English bishops of the

<sup>11</sup> It is quite likely that Flavacourt was inspired by Rigaud's good example; we can at least be certain that he had ample opportunity to observe Odo in action, as can be seen from reference to the younger man during the last eight years of the *Regestrum visitationum*. In April, 1262, he first appears as a simple canon of Rouen (p. 423) and until 1265 he frequently reappears as a witness to acts done in Rouen itself, usually qualified *magister* and often also *canonicus Rotomagensis* (pp. 501, 506, 507, 528, 673). During much of this period he was Odo's *officialis*, being so entitled on four occasions between November, 1263, and May, 1265 (pp. 447, 481, 487, 517), including the council of Vernon, 1264, where he served as subdeacon at the Mass. From 1265 on he is found traveling with the archbishop (pp. 531, 535, 554) and after September, 1266, he was the archdeacon of Petit-Caux (pp. 558, 559, 612).

<sup>12</sup> For an analysis of the contents of the conciliar documents in Odo's register, see P. Andrieu-Guitrancourt, *L'Archevêque Eudes Rigaud et la vie de l'Église au XIII<sup>e</sup> siècle d'après le "Regestrum visitationum"* (Paris, 1938), pp. 96-111.

fourteenth century under the rubric *Acta concilii*.<sup>13</sup> In their brevity and generality, Odo's notes resemble the agenda of a meeting more than its minutes. But they differ from agenda in having been drawn up after the act, as occasional particulars such as lists of those present or the responses of the inquisitors remind us. *Acta* is the precise word for them, suggesting as it does the agenda viewed in retrospect.<sup>14</sup> Apparently Rigaud's motives for recording these outlines of the things done at his first provincial councils were multiple: to preserve copies of the documents, to record the names of prelates, proctors, and inquisitors, and finally to provide himself with a record of the sequence of events that comprised the conciliar program. The generality of these notes on the order of business suggests that their purpose was to serve as a model for future councils more than as a record of past ones. This interpretation is confirmed by his indifference to such detail in his last three conciliar entries (1265, 1267, 1269) which consist of a single sentence each, stating the date and place of the council and the suffragans who were present. When Odo celebrated his first councils, he carefully familiarized himself with the traditional format by noting it down for future reference, but once the form became settled, it was not worth recording again and again.

<sup>13</sup> The general nature of the fourteenth-century English *acta* may be gathered from D. Bruce Weske, *Convocation of the Clergy* (London, 1937), pp. 125-146, pending their edition by Eric Kemp in F. M. Powicke *et al.*, *Councils and Synods, with Other Documents Relating to the English Church*, Vol. III. See also Canon Kemp's lecture, "Council, Convocation, and Parliament," in his *Counsel and Consent* (London, 1961), pp. 89-112.

<sup>14</sup> The character of Rigaud's memoranda can perhaps best be shown by means of example. To emphasize the structure of the following entry (ed. Bonnin, pp. 286-288), I have added arabic numerals in brackets and omitted the statuts, lists of names, and paragraphing. "[1257] II. Id. Septembris. Resedimus in sacro concilio provinciali apud Pontem Audomari, presentibus: . . . [six bishops are accounted for in order of seating]. Et [1] primo proposuimus verbum Dei. [2] Postea lecta fuit littera missa episcopo Baiocensi, de convocando concilio et certificacio. [3] Tercio, lecte fuerunt procuraciones capitulorum cathedralium. [4] Quarto, lecta fuit constitucio edita in concilio generali super conciliis celebrandis singulis annis ab archiepiscopis et eorum suffraganeis, que in titulo de accusacionibus continetur [see n. 9 above], et incipit sicut et alie constituciones eiusdem concilii generalis, que vise fuerunt expedire. Procuratores fuerunt . . . [eight names, one for each cathedral chapter]. [5] Quinto, quesitum fuit ab inquisitoribus in alio provinciali concilio institutis, quid vellent referre; qui fuerunt omnes negligentes, excepto Rothomagensis diocesis inquisitore. Deinde instituimus alios, scilicet . . . [fourteen

In short, the conciliar *acta* found in Rigaud's register provide us with a new type of source material, and hence with a new perspective. From this rare sort of source much can be learned about conciliar procedure, especially in two areas—the making of statutes and conciliar ritual.

In Rigaud as in Mansi, the most familiar form of conciliar act is the statute. Four of Rigaud's early councils culminate in the reading of the statutes, which were the *raison d'être* for those councils. Although Odo's journal mentions no statutes for its last three councils, the chance survival of a fragment of the series issued in 1267 makes it highly probable that the making of statutes continued to be the principal business of his councils. More unusual is Odo's unsuccessful attempt to institute the provincial inquest which was to serve as a fact-finding commission for the legislators in council. Appointed in 1252, the inquisitors reported in 1257, 1260, and 1261 (Préaux), when at last their function was assigned to the archdeacons, thus fulfilling the letter if not the spirit of the law.<sup>15</sup> There are few traces of business that is unconnected with the making of statutes and none of these are unprecedented in Mansi. On two occasions Odo announced his policy of visitation (1252, 1257); once he consulted with his suffragans over their mutual grievances against the secular courts (1257); and several times provision was made for common prayers throughout the province (1261 Préaux, 1264). Finally, the council of Limay on April 6, 1261, must be reckoned a special or *ad hoc* council summoned to provide a subsidy for the defense of Christendom against the Tartars. The regular business of pro-

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names, two for each diocese]. [6] Sexto, statuimus quedam statuta que in sacro concilio fuerunt lecta sub forma que sequitur. [Statutes here omitted]. . . . [7] Septimo, diffinivimus, de fratrum nostrorum communi assensu, visitacionem provincie Rothomagensis reiterandum esse a nobis, quando viderimus expedire. Et sic celebrato provinciali concilio, absque aliqua discordia, recessimus cantando: Te Deum laudamus, et venimus coram altari Sancti Aniani, et ibi, dicto psalmo finito, diximus quasdam oraciones competentes." A note on the liturgical preliminaries is appended, followed by a list of grievances (*gravamina*) that the bishops of Normandy had suffered from the secular court.

<sup>15</sup> The annual provincial inquest had originally been instituted to prevent heresy by Lateran IV 1215 c.6 *Sicut olim* (X 5.1.25) but this provision does not seem to have ever been widely observed; C. R. Cheney found no evidence of its observance except by Odo: "Legislation of the Medieval English Church," *English Historical Review*, L (1935), 204-6.

vincial legislation had already been dispatched earlier that year on January 26 at Préaux.

The liturgical details supplied in profusion in the *acta* are rarely found in Mansi, but they are by no means unique, since similar material in generalized form is the subject of the conciliar *ordines* which are typically found in manuscript pontificals, rituals, and legal collections. Odo's concern with conciliar liturgy reflects the medieval concept of the council as a ritual act. Thus councils are said to be *celebrated*, that is made a memorable public event solemnized by religious ritual. Important as this liturgical aspect of the church council was to medieval men, it has only recently become the subject of scholarly studies. From the late Professor Kantorowicz's studies of the idea of medieval kingship, the value of liturgical sources in the history of medieval ideas is now well known; and once edited, the conciliar *ordines* can be expected to provide a most helpful supplement to the legal and diplomatic sources already available to the conciliarist.<sup>16</sup>

Odo's memoranda provide a vivid picture of the total program of a provincial council but the individual items on it are not in themselves surprising in their novelty. The chief contribution of this source lies in the model it provides of what modern parliamentarians still know as the "order of business" (*ordo agendi*).<sup>17</sup> Although Odo tended to abstract and preserve the recurrent elements of the programs, the essential format of the provincial council, still it is a record of actual practice and not merely an ideal pattern. Such *acta* are particularly valuable for demonstrating that liturgical *ordines* were used in actual practice.

The petitions of 1281 and 1282 are the first new conciliar documents for Rouen province to appear since the publication of Odo's register in 1852. Like his *acta*, they constitute a rare if not altogether new type of conciliar source. A cursory search of Mansi discovers no petitions from any council in the twelfth or thirteenth century, but let this be taken as nothing more than an indication

<sup>16</sup> I have undertaken a critical edition of the conciliar orders, many of which resemble the *acta* in structure (see n. 14 above) and are of like value for a study of conciliar procedure.

<sup>17</sup> E.g., Roberts' *Rules of Order Revised* (Chicago, 1951), § 65 Order of Business, pp. 261-263. Has the genealogy of parliamentary terminology been traced? Surely it descends from medieval usage, but from what sources and by what route?

of the comparative rarity of such letters.<sup>18</sup> What is striking about the petitions is the diversity of their contents: a character reference for a would-be saint, the pastoral needs of two member churches, and the distasteful privileges of the mendicants. In contrast to the narrow and for the most part conventional sort of business that occupied the council in Odo's *acta*, here we find Archbishop Flavacourt and his suffragans taking a broad view of what constitutes the common interests of the province. The exact significance of this extended range of interests remains to be seen but it should be clear that evidence such as this is the stuff of which reinterpretations are made.

What general conclusions can be drawn from the foregoing examination of the conciliar sources for the province of Rouen in the thirteenth century? We have established the probability that there were many more councils than Mansi contains and the possibility that evidence of these councils survives although widely scattered and often unrecognized. The *Amplissima* and the great conciliar collections on which it is based are inadequate to the needs of the scholar who seeks to attain a just appreciation of the role of the provincial council in the life of the thirteenth-century Church. The number of councils and documents that have already been added to Mansi's list excites the hope that further investigation can uncover still more. The marginal utility of the additions that have already been made is high; the new materials have enlarged our knowledge of what councils did and how they did it. No longer can we share the complacent confidence of the nineteenth-century scholar, a Hinschius perhaps, who trusted that not much of importance was likely to be added to the conciliar corpus. Significant resources await discovery and until they are available, there are few empirical generalizations about the provincial council as an institution that will be worth making.

<sup>18</sup> Weske, *Convocation of the Clergy*, pp. 69-72 and 318, discusses clerical petitions submitted to the king in parliament, 1334, 1341, 1352, 1376, 1377, (?) 1384.

## APPENDIX

## Repertory of Thirteenth-Century Rouen Councils

This appendix provides the documentation for the "Table of Thirteenth-Century Rouen Provincial Councils" that appears in the text above. Under a summary heading, the main body of each entry is devoted to a concise description and discussion of the council, with the indigestible bibliographical information relegated to a tailnote.

Since the purpose of the headnote is to present the leading facts about the council at a glance, the following system of notation has been adopted. First, the year of the council is given. When the council can be dated only approximately, the two termini are given and the entry is listed under the earlier date. Thus the notation "1291 x 1292" indicates that the council was held "between 1291 and 1292." The place at which it was held follows, expressed in the modern vernacular form. The day and month are given next, when known, and the reminder that the year is new style (n.s.), when appropriate. Supplementary to the data of time and place is a note on the nature of the council, which parentheses enclose. This consists of the place name of the ecclesiastical unit for which the assembly was held—in this list, the province of Rouen—preceded by the letter P or L, designating respectively Provincial and Legatine councils. For example, "(L Rouen)" indicates a legatine council held for the province of Rouen. Data which have been supplied by inference rather than by documentary evidence are enclosed in <angle brackets>. On the other hand, [square brackets] mark material that should be omitted from the conciliar corpus. The asterisk (\*) signals any dubious datum: a single one affects only the word directly following it; if more than one element of the heading is affected, each such has an asterisk prefixed.

The discursive part of the entry is constructed with less rigor. The principal goal of this repertory is to establish the basic data about the council—its date, place, and type—and to identify the surviving documentation. Problems arising from the substance of its acts and statutes are generally too complicated to be treated here. From these specifications, it can be seen that this repertory is intended as a provisional checklist rather than a definitive catalogue. The bibliographical portion of the entry should be self-evident except for the following works, which are cited in abbreviated form. References to the conciliar collections have been restricted to Mansi and the first collection in which the text appeared. References to intermediate reprints can be found in Hefele-Leclercq.

Andrieu-Guitrancourt, P. *L'Archevêque Eudes Rigaud et la vie et l'Église au XIII<sup>e</sup> siècle d'après le "Regestrum visitationum."* Paris, 1938.

Artonne, A., L. Guizard, and O. Pontal. *Répertoire des statuts synodaux des diocèses de l'ancienne France du XIII<sup>e</sup> à la fin du XVIII<sup>e</sup> siècle.* Documents, études et répertoires publiés par l'Institut de recherche et d'histoire des textes, VIII. Paris, 1963.

- Bessin, G. *Concilia Rothomagensis provinciae*. 2 vols. Rouen, 1717.
- Bonnin, Th. *Regestrum visitationum archiepiscopi Rothomagensis. Journal des visites pastorales d'Eude Rigaud, archevêque de Rouen, MCCXLVIII-MCCLXIX. Publié pour la première fois, d'après le manuscrit de la Bibliothèque nationale* [lat. 1245]. . . . Rouen, 1852.
- Finke, H. *Konsilienstudien zur Geschichte des 13. Jahrhunderts: Ergänzungen und Berichtigungen zu Hefele-Knöpfler "Conciliengeschichte" Band V und VI*. Münster, 1891.
- Hefele, C. J. and H. Leclercq. *Histoire des conciles d'après les documents originaux*. Paris, 1907 ff. (Parts V and VI, 1912-1915).
- Labbe, Ph. and G. Cossart. *Sacrosancta concilia ad editionem regiam exacta*. 18 vols. Paris, 1671-1672.
- Mansi, J. D. *Sacrorum conciliorum nova et amplissima collectio*. 32 vols. Florence-Venice, 1759-1798.
- Pommeraye, J. F. *Sanctae Rotomagensis ecclesiae concilia ac synodalia decreta*. Rouen, 1677.
- Recueil des historiens des Gaules et de la France*, ed. M. Bouquet et al. 24 vols. Paris, 1840-1904. [R.H.F.]

#### 1214 ROUEN, FEBRUARY OR MARCH (L ROUEN)

This council is omitted from the table because it is a hybrid council, legatine with respect to its president but provincial with respect to its composition and application. Contemporaries considered such councils to be legatine rather than provincial (see Rouen 1267 below). Like the two provincial councils for Rouen in the first half of the century, this legatine council has survived in a MS from Mt-St-Michel.

The council is known from the text of the statutes legatine of Cardinal Robert de Courson that are entitled in the MS: "Concilium magistri Roberti de Corcon legati apud Rothomagum celebratum, presentibus archiepiscopo Rothomagensi R. cum suis suffraganeis et aliis prelatiis Normandie, anno MCXIV" (Delisle, cp. Bessin). The statutes are an expanded version of the series published by Cardinal Courson at Paris, ca. June, 1213 (Mansi, XXII, 817-844). See M. and C. Dickson, "Le cardinal Robert de Courson, sa vie," *Archives d'histoire doctrinale et littéraire du Moyen Age*, IX (1934), 53-142, esp. 96, n. 3 (MS and copies) and 141 (dated February or March, 1214).

Avranches, Bibl. mun., MS. 149 (formerly Mt-St-Michel, MS. 249, but omitted from Montfaucon's catalogue; written saec. XIII), f. 3v-6v. See the description by L. Delisle in *Catalogue général des manuscrits des bibliothèques publiques des départements* (quarto series), IV (1872), 502-6; reprinted in the octavo series, X (1889), 68-73. Text printed by Bessin, I (1717), 110-126, "Ex Ms. cod. S. Michaëlis in periculo maris" and reprinted in Mansi, XXII (1778), 897-924. Although Martène later used the same MS, he did not copy this text or collate against his text of Paris 1213. See also Hefele-Leclercq, V, 1316.

## 1223 ROUEN, MARCH 27 (P ROUEN)

This council is known only from the preface to a series of 19 canons that survive in a single MS. There it is described as a provincial council that was celebrated on Monday, March 27, 1223 (vi kal. Apr.), *in sede Rothomagensi* under the presidency of Archbishop Theobald (Thibault d'Amiens, 1222-1229), with all suffragans present except the bishop of Coutances, as well as a large number of abbots and also many other good discreet men. The making of statutes is the only business mentioned: "in quo statuta sunt capitula subscripta, & coram omnibus recitata."

Avranches, Bibl. mun., MS. 149, f. 118<sup>v</sup>-119<sup>r</sup> (see above at 1214). Ed. Bessin, I (1717), 130-132, from the MS. Again ed. from the MS by E. Martène and U. Durand, *Thesaurus novus anecdotorum*, IV (Paris, 1717), 173-176. Reprinted by Mansi, XXII (1778), 1197-1200, from Bessin. See also Hefele-Leclercq, V, 1438.

## 1231 ROUEN (P ROUEN)

All that is known of this council is contained in the title to the series of 49 canons: "Concilium provinciale celebratum Rotomagi anno gratiae mcccxxi. sub Mauricio archiepiscopo et ejus suffraganeis, de disciplina ecclesiastica & reformatione" (Bessin).

Avranches, Bibl. mun., MS. 149, f. 148<sup>r</sup>-149<sup>v</sup> (see above at 1214). Edited twice from the MS: Bessin, I (1717), 134-138 (with annotations, pp. 139-140) and Martène-Durand, *Thesaurus novus anecdotorum*, IV (1717), 175-182. Mansi, XXIII (1779), 213-219. See also Hefele-Leclercq, V, 1524.—A Bayeux synodal preserves 19 of the statutes in a bad copy: Paris, Bibl. nat., MS. lat. 1611, from the Bigot collection. See Bessin, II, 237, and Artonne-Guizard-Pontal, *Répertoire des statuts synodaux*, p. 116.

## 1252 ROUEN, JANUARY 22 N.S. (P ROUEN)

This was the first provincial council to be celebrated by Archbishop Odo Rigaud and recorded in his register of visitations, our only source, which contains transcripts of the citation mandates issued and Odo's summary of the proceedings. On Thursday, December 28, 1251, he wrote to the deans of his own diocese, informing them of the council to be held next month and instructing them to be present and to summon the abbots, deans, archdeacons, conventual priors, and the chapters, convents, and other *collegia*, both religious and secular. The bishop of Bayeux was sent a similar citation which as dean of the suffragans he was in turn to serve upon them; each suffragan would presumably summon his subjects under a form similar to that Odo used. These citations were the usual ones for summoning a provincial council (both inc. "Urgentibus ecclesie negociis"); ones were also issued notifying the abbots and conventual priors of Rouen diocese with the exception of the Cistercians that business specially touching their interests would be discussed and inviting them to be present (Monday, January 1, 1252 n.s., inc. "Cum nos urgentibus"). Again through Bayeux, the suffragans were told to inform the same interests

in their diocese and also their cathedral archdeacons (Sunday, December 31, 1251, inc. "Cum nuper litteras").

The council itself lasted only one day (Monday, January 22, 1252 n.s., St. Vincent's day: xi kal. Feb.) at Rouen, although Odo was in Rouen on the day before the council and may have been consulting then, despite the fact that the summons was explicitly only for January 22 (see the council of 1257 below). In his minute, Odo notes the composition and two items of business: he announced that he would repeat his visitation of the province and inquisitors were appointed for every diocese to supplement his visitation inquiries. Odo may, of course, have omitted mention of matters treated at the council which did not pertain to the subject of the *Registrum visitationum*.

Paris, B.N., MS. lat. 1245, f. 40r-41v, ed. Bonnin, pp. 122-25. Cp. *R.H.F.*, XXI (1855), 575. *Gallia Christiana*, XI (1874), 67. Finke, p. 88. Andrieu-Guitrancourt, pp. 98-101. O. S. Darlington, *The Travels of Odo Rigaud, Archbishop of Rouen (1248-1275)* (Ph.D. diss. pub. Philadelphia, 1940), p. 71, n. 13.

[1256 PONT-AUDEMER, JUNE 26 (P ROUEN)]

Mansi prints the text of an agreement (*amicabilis compositio*) between Odo and three suffragans under the title, "Conventus episcoporum provinciae Rotomagensis, in quo jura quaedam controversa [*sic*] inter archiepiscopum & suffraganeos definita sunt, anno 1256. habitus." The act is dated Monday, June 26, 1256, at Pont-Audemer. Were there no other evidence, one might suspect that although clearly this is not a conciliar act, still these bishops may have been assembled for a council and took the opportunity to conduct this other business at the same time. But Odo's register proves that they had met together especially to conclude their agreement and that there was nothing at all conciliar about the occasion: "vi. kal. Julii. Apud Pontem Audomari. Ipsa die, reformata fuit pax inter nos et suffraganeos nostros" (*Reg. visit.*, ed. Bonnin, p. 253).

Martène-Durand, *Thesaurus novus anecdotorum*, I (Paris, 1717), 1096, "ex MS. sancti Michaelis in periculo maris." The text is reprinted in Mansi, XXIII (1779), 915-918, via his *Supplementum* (II, 1189). Rigaud also enregistered the text (ed. Bonnin, pp. 791-792). The controversy is detailed by Andrieu-Guitrancourt, pp. 71-88. See also Hefele-Leclercq, VI, 85 ("un concile quasi provincial"); the index (p. 1557) lists not only "Pont-Audemer, 1256, juin" but also inexplicably "octobre."

1257 PONT-AUDEMER, SEPTEMBER 12 (P ROUEN)

Odo's memorandum of his second provincial council, celebrated on Wednesday, September 12 (ii id. Sept.), 1257, contains unusually detailed notes on the order of business that have already been quoted in n. 14 of the text, above. Although the celebration of the council occupies only one day, it should be noticed that for the three preceding days the register locates the archbishop "Apud Pontem Audomari" without stating his business there. It is quite possible that he was in consultation with his suffragans. The deliberations

that we associate with legislative assemblies, the thirteenth century regarded as preliminaries to the formal ritual session in which the council was "celebrated" and the statutes published. It should be remarked that liturgical *ordines* for three-day provincial councils are about as common as the one-day *ordo* that Odo used, which suggests that some archbishops opened the deliberative days with an appropriate ceremonial and formalized attendance. Since Odo summoned no one to his first council before the day of celebration, any consultation beforehand must have been informal; for his later councils, no summons has survived. See the next two councils for instances of such preliminary conferences. The hypothesis that metropolitan and suffragans were consulting prior to the Wednesday assembly is given further support by the final item in the register entry, a series of grievances entitled: "Hec sunt gravamina que infert curia secularis episcopis Normannie, et consilium super illis habitum ab archiepiscopo et suffraganeis Rothomagensis ecclesie."

Another copy of the statutes was preserved in the chartulary of the church of Coutances. It differs from Odo's memorandum only in the title: "Anno Domini MCCLVII. mense Septembri. Haec sunt statuta Concilii celebrati apud Pontem Audomari. Placet sancto . . . [20 canons follow, with variant readings from Odo's register]." Bessin obtained his transcript from the Coutances chartulary too late to print the document in chronological order; instead it appeared at the end of his series of provincial councils, where it escaped the attention of Mansi, Bonnin, and Hefele-Leclercq.

Paris, B.N., MS. lat. 1245, f. 177<sup>r</sup>-179<sup>v</sup>, ed. Bonnin, pp. 286-89. Bessin, I (1717), 256-257, from an unidentified chartulary of the church of Coutances.—*Gallia Christiana*, XI (1874), 69; see Finke, p. 90. Hefele-Leclercq, VI, 85-86. Andrieu-Guitrancourt, p. 98, locates the council in the church of St-Aignan without evidence.

#### 1260 PONT-AUDEMER, JANUARY 29 N.S. (P ROUEN)

On January 28 (v kal. Feb.), Odo recorded his presence in Pont-Audemer with the suffragans, whom he had summoned "pro sacro concilio celebrando." Since the next day's entry is devoted to a lengthy description of the actual celebration of the council, with proctors and inquisitors present in addition to the bishops, it would seem that the bishops had been summoned a day early for a preliminary meeting, as they were again a year later.

*Gallia Christiana* gave the date as "v calendas Januarii," and Finke accordingly dated the council "1259 December 28." Not a little confusion has resulted from the failure to specify whether the date was given old style or new: for example, Andrieu-Guitrancourt refers this council to the year 1259 in the text and to 1260 in the supporting note (p. 98, n. 1).

The council itself was celebrated on Thursday, January 29 (iv kal. Feb.), 1260 n.s. in the church of St-Aignan at Pont-Audemer. As before, the entry is in the form of an *ordo* of enumerated items, incorporating the names of both the proctors of the cathedral chapters and of the diocesan inquisitors appointed at this council, the seating order of the bishops and the statutes read (printed by Bonnin as 22 unnumbered paragraphs).

Paris, B.N., MS. lat. 1245, f. 218<sup>r</sup>-219<sup>r</sup>, ed. Bonnin, pp. 356-358. Mentioned in *Gallia Christiana*, XI (1874), 69 A, as noted by Finke, p. 91. Andrieu-Guitrancourt, pp. 98-99. Almost the entire entry is translated by J. B. Ross in his *Portable Medieval Reader*, ed. with M. M. McLaughlin (New York, 1949), pp. 244-248.

1261 PRÉAUX, JANUARY 26 N.S. (P ROUEN)

On January 24 (ix kal. Feb.), 1261 n.s., Archbishop Odo noted that he was at Pont-Audemer; he was there (*ibidem*) on the next day also. A memorandum in his register at the latter date recalls that he had convoked the suffragans to meet on that day "ad tractandum super celebratione concilii in crastino celebrandi," which clearly shows that the purpose of the conference was to prepare for the council, which was celebrated the next day, on Wednesday, January 26 (vii kal. Feb.). Odo's account of the celebration begins, "Accessimus ad ecclesiam Beate Marie in Prato eiusdem loci . . .," so apparently he spent the night in Préaux (Eure) and not at Pont-Audemer. The contradictions of the text are resolved if we assume that he awoke on Tuesday at Pont-Audemer and rode to Préaux to confer there with the bishops.

Once again there is a full description of the proceedings, beginning with the liturgical celebration, followed by the list of cathedral chapters' proctors but not of inquisitors, because few appeared and they were of no help in discovering abuses, so instead the archdeacons were instructed to report needed reforms at the next council. A series of statutes (25 unnumbered paragraphs in Bonnin's edition) concluded the business, after which the council closed with a *Te deum* and prayers.

Paris, B.N., M.S. lat. 1245, f. 234<sup>v</sup>-236<sup>r</sup>, ed. Bonnin, pp. 387-389. *Gallia Christiana*, XI (1874), 69. Andrieu-Guitrancourt, pp. 98, 100, 427.

1261 LIMAY, APRIL 6 N.S. (P ROUEN)

On the mandate of Pope Alexander IV, provincial councils were held throughout Latin Christendom to provide for its defense against the invading Mongols (see Mansi, XXIII, 1072-1073; A. Potthast, *Regesta pontificum romanorum*, no. 17964-65). Rouen province held a special council for this purpose in April at Limay; Odo's register alone preserves a record of it.

On April 5 (non. Apr.), 1261 n.s., Odo was at Mantes (*apud Medontam*); what he spent the day doing is not explained but an advance consultation with the bishops would be characteristic. The next day, Wednesday, April 6 (viii id. Apr.), he crossed the Seine to celebrate his council in the church of St-Aubin in Limay ("ad ecclesiam Beati Albini de Lymayo ultra Pontem Medunte"). Finke's identification of the place as "Medon" is therefore both a geo- and orthographic approximation. Andrieu-Guitrancourt names the church "Saint-Alban" rather than the form "St-Aubin" used by the Guide Michelin *Environs de Paris* (1959), p. 98; elsewhere he too locates it at Mantes and incomprehensibly dates it 18 kal. Apr. (p. 427).

The business of the council was strictly limited to the Tartar question. After stating the purpose of the meeting, roll was taken and the papal letters were read. The members from each diocese were given the option of proceeding *en masse* to the national assembly at Paris (*ad pallamentum*) or else appointing proctors with *plena potestas*; after consultation, every diocese preferred the second alternative and named its bishop as sole agent. This completed the council's business and the next day the bishops were in Paris at the parlement (April 7-15).

Paris, B.N., M.S. lat. 1245, f. 240<sup>v</sup>-241<sup>v</sup>, ed. Bonnin, pp. 398-399. Also printed from the MS in *R. H. F.*, XXI (1855), 584-585.—*Gallia Christiana*, XI (1874), 69. Finke, p. 92. Andrieu-Guitrancourt, pp. 98, 100, 427. Mansi, following Labbe-Cossart, has no reference to this particular council but notes that councils were held everywhere ("concilia ubique terrarum anno mclxi. celebrata").

1264 VERNON, JANUARY 29 N.S. (P ROUEN)

Odo spent the two days before the council "apud Vernonem" engaged in unstated business, doubtless preparatory to the council, which itself took place on Tuesday, January 29 (iv kal. Feb.), 1264 n.s., in the Franciscan house outside the walls of Vernon. The archbishop's record follows his usual form: particulars of the ceremony, names of the capitular proctors, the statutes (ed. as 24 unnumbered paragraphs), and closing.

Paris, B.N., MS. lat. 1245, f. 284<sup>r</sup>-285<sup>v</sup>, ed. Bonnin, pp. 481-83. *Gallia Christiana*, XI (1874), 70. Andrieu-Guitrancourt, p. 98.

1265 PONT-AUDEMER, SEPTEMBER 3 (P ROUEN)

The character of Odo's conciliar entries changes markedly in 1265, when he enregistered only the fact that on Thursday, September 3 (iii non. Sept.), 1265, he celebrated his provincial council in the church of St-Ouen (not St-Aignan as in 1257 and 1259) at Pont-Audemer with the six suffragans listed. On the two days previous to the celebration, he was in Pont-Audemer, as had been his custom before. Since the entries were becoming repetitive, he probably found it pointless to reproduce the liturgical forms year after year. The absence of the statutes is harder to understand: perhaps from this time they began to be recorded separately. The fate of the series of 1267 (*q.v.*) may have been shared by others. At the same time, Odo began to hold his councils in the early autumn rather than at the end of January.

Paris, B.N., MS. lat. 1245, f. 305<sup>v</sup>, ed. Bonnin, p. 526. *Gallia Christiana*, XI (1874), 70 (wrongly iv non. Sept.). Andrieu-Guitrancourt, p. 98.

1266 VERNON, APRIL 6 (\*L ROUEN)

On April 4, Odo was at Vernon and the next day, Tuesday, April 5, 1266, he noted that the papal legate to France was there with him, along with the

suffragans, abbots, priors, and capitular proctors of Rouen province. Odo does not call the meeting a council but describes it as a meeting about the Sicilian Crusade ("pro negotio regni Sicilie"). In effect, the same persons who regularly attended Rouen provincial councils met with the legate but the precise status of the meeting is not clear. The provincial council under the archbishop's presidency may have conferred as a body with the legate; the legate may have presided, either alone or jointly with the metropolitan. It is possible, of course, that the assembly was only an informal conference without any conciliar celebration but this seems less likely when we recall that the council of Limay 1261 was formally celebrated although its only real business was to approve the bishops as *ad hoc* agents of their dioceses. Most likely the meeting at Vernon was similar to that held at Rouen in 1214, which was a legatine council for a single province, by its nature a relatively infrequent occurrence but still part of the conciliar life of the province. Cp. also Rouen 1267.

Paris, B.N., MS. lat. 1245, f. 312<sup>v</sup>, ed. Bonnin, p. 540. Andrieu-Guitrancourt, p. 431.

#### 1267 PONT-AUDEMER, AUGUST 30 (P ROUEN)

This is the only council of Rigaud's archiepiscopate that was known to Mansi. (A) The entry in the *Regestrum visitationum* is in no way remarkable. Like Odo's other conciliar entries after 1265, the salient points are summarized in a few terse lines. The night before the council the archbishop spent in Pont-Audemer, where he celebrated his provincial council, again in St-Ouen's church, on the morrow, August 30 (iii kal. Sept.), 1267. After listing the bishops who were present, the business is glossed over with an empty statement to the effect that what had to be done was done: "Et tunc ibi, cum Dei adiutorio, fecimus et ordinavimus que facere debebamus secundum quod res et negotia deposcebant; inter que legi fecimus in publico et recitari statuta quedam que in scedula hic interserta continentur." Of the statutes written on a separate sheet (*schedula*) that, according to the entry's closing words, was inserted into the register, there remains no trace in the MS, Bonnin assures us (p. 586, n. 1).

Although the *schedula* has been lost, a fragment of these statutes survived in the form that it was published at the time of the council. It has been edited three times from MS. (B) In 1669, Luc d'Achéry published the document in his *Spicilegium* under the editorial title: "Ordinatio facta per praelatos pro clericis conjugatis & non conjugatis. Ex Ms. D. d'Herouval." It is a letter from some unnamed ecclesiastical superior enjoining on his subject the observance of the statutes contained in it. Since the nature of the original must be inferred from the *incipit* and *explicit*, they are worth quoting at length: "Sacri approbatione Concilii Rothomagensis provinciae nuper apud Pontem Audemarum in crastino Decollationis beati Joannis [*sic*] Baptistae, anno Domini M. CC. LXVII. favente Domino celebrati, vobis universis & singulis districtè praecipimus & mandamus, quatenus in singulis Parochiis & locis publicis

vobis subditos moneatis . . . — . . . impuniti. Actum & datum un suprà." (C) In 1677, Pommeraye included the same document in his collection of Rouen councils with the editorial caption, "Concilium provinciale ad Pontem Ademari, seu Audomari contra clericos mercatores anno Domini 1267. Sedente Archiepiscopo Odone Rigaltio. Ex MS. Codice Bibliothecae Bigotiane." (D) In 1727, Brussel printed it with the citation, "*Terrier-cartul. de Normandie fol. 3.*" (E) Peiresc (d. 1637) made an extract of the statutes from an unknown source; it remains unpublished.

Until the MS sources can be located and examined, it will not be clear whether these copies all descend ultimately from the same MS source or from several, since the few variant readings could easily be errors of transcription. A few observations can at least lay the groundwork for such an investigation. The *Terrier-cartulaire de Normandie* is one of the landbooks collected in the *Chambre des Comptes* by order of Louis XIV. Brussel's introduction (I, xxiii) described it as "le regitre-cartulaire de Normandie comprenant aussi l'état de son domaine de l'an 1285." This may well have been the source used by Antoine Vyon, sieur d'Hérouval (d. 1689), who was *auditeur des comptes* with the archives of the *Chambre* at his disposal, from which he made copious extracts as a collaborator of Baluze. He supplied d'Achéry with a number of items, including one from another possible source of our document: "Ex chartul. S. Aegidii apud Pontem-Audomari concessit D. d'Hérouval" (*Spicilegium*, IX, 171, ep. 24-26; cp. pp. 71-77 and 132), which might be the "Cartulaire de la léproserie de Saint-Gilles de Pont-Audemer" (Rouen, *Bibl. mun.*, MS. 1232; saec. XIII).

Pommeraye's source was *La Coutume de Normandie*, a MS *coutumier* dating from the end of the thirteenth century, now in the *Bibliothèque nationale*, MS. lat. 4651, f. 47v. In Pommeraye's time the customary belonged to Émeric Bigot, sieur de Cleuville (d. 1689), who took an active interest in the preparation of the Benedictine's edition, for among his papers was a collection of extracts made expressly for Pommeraye: *Institutum & Monimentorum coacervatio pro collectione Conciliorum Rotomagensium proxime edenda*, MS. 446 in Delisle's catalogue, p. 103, and perhaps today in the *fonds grec* of the *Bibliothèque nationale* (p. 98).

The document's date ("ut supra" in the *datum*-clause) is ambiguous. Almost certainly it refers to the opening lines but if the item were preserved in a register or chartulary, the reference could conceivably be to a preceding item. The sender is apparently a bishop but not necessarily the archbishop. Andrieu-Guitrancourt argues (pp. 110-111) that this may be "une ordonnance métropolitaine" made by Odo and he suggests several possible origins. There is no reason to assume that this letter emanated from Odo rather than from any one of his suffragans, since each bishop was responsible for the dissemination of the conciliar statutes in his own diocese. This document should be compared with the provincial statutes of 1299 as published by the bishop of Lisieux. Especially relevant is the device of dating the 1299 diocesan publication from the day of the provincial council. The document of 1267, which contains only 2 statutes divided into 4 paragraphs, is much briefer

than Odo's earlier councils, but it is comparable to the small number of statutes (6) published in 1299. Both comparisons support the attribution of the 1267 series to a provincial council.

In casting the statutes in the form of a letter, some stylistic changes were made. The formulaic prefatory canon used in Odo's other councils (c.1 *Placet sancto concilio*, statutes of 1257, 1260, 1261, and 1264) does not appear; in its place is the passage quoted above, with the *quatenus*-clause in place of the *quod*-clause that in all likelihood introduced the first provision in the version on the *schedula*. But beyond these obvious alterations, there is nothing to suggest, as Andrieu-Guitrancourt does, that the series has been abbreviated, unless it be the greater length of Odo's earlier series, for which the 1299 series provides a parallel. I think most of the difficulties presented by this document are resolved if it is accepted for what it purports to be: a letter transmitting the text of the newly published statutes down the hierarchy for local distribution.

(A) Paris, B.N., MS. lat. 1245, f. 333<sup>v</sup>, ed. Bonnin, p. 586. (B) Luc d'Achéry, *Veterum aliquot scriptorum qui in Galliae bibliothecis, maxime Benedictinorum latuerant Spicilegium*, IX (Paris, 1669), 78. On Hérouval, see L. Delisle, *Le cabinet des manuscrits*, I (Paris, 1868), 347, 441. This was the source for Labbe-Cossart, XI (1672), 2530 in app. with a note by Cossart omitted in the reprint by Mansi, XXIII (1779), 1165-1168. (C) Pommeraye (1677), pp. 258-259. Bessin, I (1717), 150. *Bibliotheca Bigotiana manuscripta; Catalogue des manuscrits rassemblés au xviii<sup>e</sup> siècle par les Bigot, mis en vente au mois de juillet 1706, aujourd'hui conservés à la Bibliothèque nationale, publié et annoté par Léopold Delisle* (Rouen, Société des bibliophiles normands, Publication no. 28, 1877), pp. 31-34, MS. 106. In 1642, as Pommeraye noted, Jean Le Prévost had already quoted part of c. 2 and summarized the rest and c. 1 in a note on clerical habit and tonsure to the *Liber de officiis ecclesiasticis* of Jean de Bayeux, bishop of Avranches and archbishop of Rouen, which he edited with G. Ridel and J. Mallet (Rouen, 1642); see the revised edition of 1679 (p. 91, n. 5) reprinted in J. P. Migne, *Patrologia latina*, CXLVII, 65. The Bigot collection, which he frequently cited (e.g., *ibid.*, 17-18), was probably his source. (D) N. Brussel, *Nouvel examen de l'usage général des fiefs en France*, II (Paris, 1727), 848. (E) Peiresc's MS, Carpentras, Bibl. mun., MS. 1823, is described in the *Catalogue général des manuscrits des bibliothèques publiques de France* (octavo series), XXXV (Paris, 1899), 642. The statutes of 1267 are item No. 45 (f. 159<sup>v</sup>-160<sup>r</sup>, pp. 84-85). Peiresc's source is not indicated, but judging from the surrounding documents, it was a custumal. No. 42, dated 1281, concerns the port of Harfleur and No. 46, Gascony; so it would not appear to have been a provincial custumal. For the prefatory part of c. 1, the following is substituted: "*Statuta ordinata in Concilio Prouinciali. In Concilio Prouinciali apud pontem Audomari Anno Domini Mill.<sup>o</sup> Ducentesimo, Sexagesimo, septimo, istud fuit statutum.*" The rest of c. 1 and all of c. 2 are complete ("Vobis uniuersis . . . liberari") but c. 3 is only epitomized: "*cum inhibitione ne Litteris Apostolicis utantur.*" There are no significant variants.—*Gallia Christiana*, XI (1874), 70 and 784 from (A); cp. below at the year 1270.

Finke, p. 99. Hefele-Leclercq, VI, 140-141. Andrieu-Guitrancourt, pp. 96, 98, 110-111.

1267 ROUEN, OCTOBER 17 (L \*ROUEN)

Of this council, Odo's note is the only record: "XVI. K1. Novembris. Ibidem. Celebravit concilium idem legatus, pro decima exigenda." This was on Monday, October 17, 1267, the vigil of St. Luke, a feast day on which councils were frequently held. Odo had been with the legate on October 15 and probably thereafter; the day before the council they were at Rouen. In this case, unlike Vernon 1266, there can be no doubt that a legatine council was celebrated but for what constituency is not clear. Certainly all of Rouen province was convoked and perhaps neighboring provinces or dioceses as well. The *decima* was levied by Clement IV on May 5, 1267, for the second crusade of Louis IX. The chapters and suffragans of Reims, Sens, and Rouen had promptly petitioned the pope for relief on the grounds that the tax oppressed the Church, "et subjunxerant, se excommunicationem sustinere malle, quam in hoc Sedi Apostolice parere." On September 14, 1267, Clement rejected their appeal and ordered his legate, Simon de Brion, to collect the tenth. It is just possible that the legate had received the papal decision in time for the Rouen council a month later.

Paris, B.N., MS. lat. 1245, f. 335r, ed. Bonnin, p. 589. Also in *R.H.F.*, XXI (1855), 592.—Finke, p. 98. Andrieu-Guitrancourt, pp. 433-434, who inexplicably represents this as an informal conference of the legate with the bishops: Odo "s'entretient avec le légat et d'autres évêques 'pro decima exigenda'." On the tenth, see *Les registres de Clement IV*, ed. É. Jordan (Paris, 1894), nos. 463-464 and 1249; cp. *R.H.F.*, XXIII (1876), 219-220, *Chronicon Normanniae*, ad an. 1267, giving the text of the appeal (inc. "Domus Dei").

1269 PONT-AUDEMER, SEPTEMBER 26 (P ROUEN)

The last provincial council entered in Odo's register was held at Pont-Audemer, where he spent three days (September 24-25, 1269). On Tuesday, he simply notes his presence in the conciliar city; the next day he met with the bishops for a preliminary conference: "nos, una cum . . . episcopi, conveneramus pro sacro concilio celebrando; et tractavimus de aliquibus ea die." The council itself took place on Thursday, September 26, 1269: "VI. K1. Octobris. Per Dei gratiam, celebravimus sanctum concilium in ecclesia Sancti Aniani nos et dicti episcopi" is the full entry. Both Finke and Andrieu-Guitrancourt mistook the preliminary conference for the council itself: Finke dates the council on September 25 instead of 26; Andrieu-Guitrancourt claims that "Aucun endroit n'est indiqué pour le cinquième concile [held by Odo at Pont-Audemer], celui de 1269" but the church of St-Aignan is mentioned

in the entry quoted above, a return to the church that had been used in 1257 and 1259.

Paris, B.N., MS. lat. 1245, f. 359<sup>v</sup>, ed. Bonnin, p. 634. Also in *R.H.F.*, XXI (1855), 593.—*Gallia Christiana*, XI (1874), 70 E. Finke, p. 98. Andrieu-Guitrancourt, p. 98.

#### 1270 PONT-AUDEMER (P ROUEN)

In a Lisieux synodal at the Benedictine house of St-Evroul d'Ouche in that diocese (see 1279 below), Dom Bessin found a *testimonium* to this council, but intent on printing conciliar *acta*, he merely recorded the existence of the assembly in his table of contents, where it eluded the conciliar collectors: "1270. Concilium apud Pontem-Audomari. [*Ex Ms. S. Ebrulsi Uticensis, ubi praeter titulum nihil superest.*]"

*Gallia Christiana*, XI (1874), 784 B, also notes the place and date but nothing more (cp. Finke, p. 99). It is remarkable that this mention occurs in the biography of Guy, bishop of Lisieux 1267-1285, but not in the notice on Odo Rigaud (XI, 67-70), which is based solely on his register. Since that register ends in November 1269, it cannot verify Bessin's report. If Odo presided, the council would have to have been held during the early months of 1270, because during the latter half of that year he accompanied St. Louis on his second crusade, returning to Rouen only in May, 1271 (Andrieu-Guitrancourt, pp. 434-437); it could not easily be confused with the council of September, 1269. The fact that the Maurists reported the council in connection with Lisieux suggests that their source was not Bessin but some Lisieux record, probably the St-Evroul MS.

#### 1279 PONT-AUDEMER, MAY 4 (P ROUEN)

The statutes published by de Flavacourt in his council at Pont-Audemer on Thursday, May 4, 1279, appear in Mansi as a confusing accumulation of successive editions and collations. Three documents can be distinguished: (1) a shorter version of the statutes in 24 articles and (2) a longer version which adds 5 more; (3) another series of statutes selected from those published at Bourges in 1276 by the Legate Simon has also been associated with this council. Since at least six MS sources are involved, it will be convenient to defer discussion of them until after each of the documents and its publication history has been described.

(1) All that is known of the council as an event is to be learned from the preface to the main body of statutes: "Anno Domini 1279. die Jovis ante Ascensionem, apud Pontem Audomari fuerunt salubriter ordinata in Provinciali Concilio per Reverendum Patrem Dominum Guillelmum Dei gratiâ Archiepiscopum Rotomagensem & ejus Suffraganeos, de totius Concilii providentia unanimes & concordis, quae inferius continentur" (Bessin). Bail's MS

gave the date as "die Jovis Ascensionis," presumably meaning the Thursday on which the Ascension fell in 1279, May 11. Pommeraye and Cossart (and hence Mansi) retain the reading while noting "ante Ascensionem" as a variant, which Bessin accepted as genuine.

The shorter version of the statutes of 1279, first published by Bail, contains a preface, 24 canons, and a concluding note. Cossart gave a second edition in 1671, which drew on three sources: Bail's edition, the sixteenth-century edition of the longer version (see 2 below), and an unpublished copy made by Sirmond from an unknown MS. This edition was reprinted in the subsequent conciliar collections but the Rouen provincial collectors developed a third edition parallel to, and independent of, this. In 1677 Pommeraye reprinted the shorter version with variants. Although he does not state his sources, they appear to have been the two printed editions already used by Cossart. The Pommeraye text was reprinted in 1717 by Dom Bessin without any variants although it was collated against three MSS.

(2) The only source for the longer version is the (*Liber*) *Institutorum synodaliū dyocesis Rothomagensis* printed in the sixteenth century. Five statutes are there interpolated into the original series: three after c. 5 and one each after cc. 7 and 10. While they resemble the series of Pont-Audemer 1257, Hefele-Leclercq exaggerate in calling them nothing more than a repetition of the earlier series, since topical references to Lyon 1274 and Simon's legatine council at Bourges 1276 clearly indicate more recent legislation. Both Pommeraye and Cossart (again Mansi's ultimate source) reprinted the five articles from the first edition as an appendix (I designate it A) to the shorter version. Cossart, Pommeraye, and Bessin were all careful to state that the longer version appears in no other manuscript or early edition known to them, and Cossart strongly doubted that they were from this council.

(3) The second appendix (B) was added by Bessin, "Ex Ms. S. Germani à Pratis, aliàs S. Ebrulsi, ubi extant sequentes juris articuli." Its connection with Pont-Audemer 1279 is tenuous. The text is an abridged version of the legatine statutes of Bourges 1276. Even the *datum*-clause of Bourges appears unchanged except for the year. The day remains September 13 and the papal throne is said to be vacant, as it was in 1276 but not in 1279: "Datum in eodem Concilio Idibus Septembris anno Domini MCCLXXIX, Romana Ecclesia vacante" (Bessin). In the original version, in *eodem Concilio* referred back to the opening chapter, which stated that the council had been held at Bourges, but this canon is omitted in the abridgement. Thus the year 1279 in the *datum* is the only internal evidence that connects the series with the council at Pont-Audemer. But the change in year from 1276 to 1279 appears to be nothing more than a scribal error or at best a misunderstanding. Consequently, Appendix B must be regarded simply as an extract from the Bourges statutes that has no demonstrable relation to Pont-Audemer 1279, save that the two series were in Bessin's source together. The fact that the Bourges extract was followed in the MS by similar extracts from Lyon II 1274 confirms this interpretation.

*The manuscripts.* At least six manuscripts of the statutes were used by the

editors. The following notes record what is known of each as the first step toward their identification, which I have not attempted.

(1) The long version is known only from the sixteenth-century printed collection, the (*Liber*) *Institutorum synodaliū dyocesis Rothomagensis* described by Artonne-Guizard-Pontal (p. 381). Since other printed editions gave only the short version, probably its text was derived from a single manuscript then in the Rouen area.

(2) The short version was first published by Bail, who was working in Paris. It is likely that he found the series of 1279 together with that of 1299, which came from a Lisieux synodal. Against this hypothesis stands the fact that Cossart appears to have known Bail's source for the 1299 text, for he collated the edition with the MS, whereas for 1279 he used only Bail's edition. Perhaps the MS is Paris, Bibl. nat., lat. 15172, mentioned by Artonne-Guizard-Pontal, p. 279.

(3) Cossart used Sirmond's copy of a MS which was at least different from the two preceding ones, although it may have been one of those mentioned below. Moreover Sirmond's copy gave variants which could have been from one or more other MSS.

(4) Bessin noted that his text of the 1279 short series was "Collatum ad statuta Constantiensia & Lexoviensia & ad Ms. S. Germani à Pratis Paris." The last of these also supplied his *Appendix altera* (B), "Ex Ms. S. Germani à Pratis, aliàs S. Ebrulsi." Apparently it had formerly belonged to the Benedictine house of St-Evroul-d'Ouche in the diocese of Lisieux but by 1717 was in Paris. Probably it was also the source for the unique reference to Pont-Audemer 1270 which he reports, "Ex MS. S. Ebrulsi Uticensis." But Bessin knew at least one other MS from St-Evroul, since he cites elsewhere a "Ms. chronicon S. Ebrulsi Uticensis" (I, 174-175).

(5) The Lisieux statutes which furnished Bessin with a second text were found in the Bernay MS which he described (II, 479; see 1299 below).

(6) Bessin's third text was a copy of the Coutances statutes, which must be the "ingenuino codice Constantiensi" (II, 558) from which he drew the diocesan statutes of Coutances that he printed. It has not been identified by Artonne-Guizard-Pontal (pp. 213-215) although it may be known to B. Jacqueline, whose studies of Coutances synods they cite.

L. Bail, *Additio ad* [Franciscus Longus a Coriolano's] *Summam conciliorum* (Paris, 1645); *Summa conciliorum omnium* (Paris, 1675), II, 610-612, the latter being the expanded version of the former, one of the frequent reprints. Labbe-Cossart, XI (1671), 1044-1049. Pommeraye (1677), pp. 241-278. Bessin, II (1717), 153-159 (misnumbered 149-155). Mansi, XXIV (1780), 219-232. Hefele-Leclercq, VI, 242-245, cp. 598.

#### 1281 ROUEN, MAY 4 (\*P ROUEN)

On Sunday, May 4, 1281, the feast of the Apostles Philip and James, the bishops of Rouen province, assembled in the metropolitan city, addressed a

letter to the newly elected pope, Martin IV, petitioning him to fill the vacant see of Coutances and provide the services of a bishop for Bayeux, whose bishop was a refugee at the Roman curia from the vengeance of Philip III. Presumably the letter was actually transmitted to the pope but we cannot be certain because the text has survived in a monastic letterbook where it was preserved because of its elegant Latin rather than for its historical or legal value. Whether it were dispatched or no, the occasion of its composition almost certainly was a provincial council.

London, B.M., MS. Cotton Domitian A. XI, f. 145<sup>r</sup>-145<sup>v</sup>; letter from the bishops of Rouen province to Martin IV, inc. "Hausta," dat. Rouen, May 4, 1281. My edition of this letter was published in *Church History*, XXXIV (1965), 294-305: "An Episcopal Petition from the Province of Rouen, 1281"; see also my "Martin IV and the Fugitive Bishop of Bayeux," *Speculum*, XI (1965), 460-463.

#### 1282 *sine loco*, OCTOBER (P ROUEN)

Two more petitions from the bishops of the province to Martin IV are preserved with that of 1281. Both are dated October, 1282. One (inc. "Benedictus") desired the canonization of Louis IX; the other (inc. "Rumores") protested the recent renewal of papal privileges to the mendicant orders. As in 1281, the petitions were probably approved by the bishops when they had gathered for a provincial council. Whether the petitions were from the council as a whole or simply from the bishops as a collection of individuals cannot be resolved without extensive investigation of conciliar diplomatic but the latter position seems to accord better with the language of the letters. The fact that one bishop, the Franciscan bishop of Coutances, was not a party to the protest against the privileges suggests that the petitioners acted on an individual and voluntary basis, not being bound by the will of the group as would be the case in official conciliar acts.

The occasion for this council is set forth in a letter of July 1, 1282, from de Flavacourt and the bishop of Amiens to the archbishops of Reims, Sens, and Tours (inc. "Jugi meditatione"), which proposes that each metropolitan hold a provincial council after October 1 to consider common measures against the mendicants' new privilege. Chapters, abbots, rural deans, and other learned ecclesiastics were to be convoked along with the suffragans. Bessin, who first published the letter (I, 155), inferred that de Flavacourt did indeed hold such a council, which he listed in his *Synopsis chronologica* (I, iii) simply as "1282. Concilium Provinciale" with a reference to the letter. U. Chevalier, *Répertoire des sources historiques du moyen âge: topo-bibliographie*, II (Paris, 1903), 2622, lists this council on Bessin's authority but places it at Rouen without any justification.

London, B.M., MS. Cotton Domitian A. XI, f. 145<sup>v</sup>-146<sup>r</sup> (inc. "Benedictus"), ed. in *Lettres de rois, reines et autres personnages des cours de France et d'Angleterre depuis Louis VII jusqu'à Henri IV, tirées des archives de Londres par*

*Bréquigny et publiées par M. Champollion-Figeac* (Collection de documents inédits sur l'histoire de France . . . le série: Histoire politique), I (Paris, 1839), 308-310. For corrections, see my article, "An Episcopal Petition from the Province of Rouen, 1281," *Church History*, XXXIV (1965), 304, n. 15.—*Ibid.*, f. 144r-145r (inc. "Rumores"), ed. with commentary by G. Post, "A Petition Relating to the Bull *Ad fructus uberes* and the Opposition of the Secular Clergy in 1282," *Speculum*, XI (1936), 231-237, which also describes the MS.

<1291 x 1292 sine loco (P ROUEN)>

In these years provincial councils were called everywhere in the Catholic West by papal mandate, as they had been thirty years before. This time the fall of Saint-Jean-d'Acre provided the stimulus. Finke (pp. 103-5) listed 12 that were held in that year, to which 4 more should be added (Aschaffenburg, Genoa, Esztergom, Bremen). We may safely assume, I think, that Rouen also held a council of which no trace survives.

A. Potthast, *Regesta pontificum Romanorum*, nos. 23781-87 (August 16-18, 1291). *Les registres de Nicholas IV*, ed. E. Langlois (Paris, 1905), nos. 6791-6792.

1299 PRÉAUX NR ROUEN, JUNE 18 (P ROUEN)

In the last year of the century, a Rouen provincial council issued six statutes that were published by the bishop of Lisieux with a final, seventh chapter provided for their distribution and observance: "*Ut his statutis ab omnibus pareatur.*—Vobis itaque universis Christi fidelibus in civitate & dioecesi Lexoviensi constitutis, atque cuilibet, in virtute sanctae obedientiae firmiter injungimus atque mandamus, quatenus supradicta salubria & ordinationes secundum tenorem praemissum, quantum in vobis consistit, fideliter observetis, & eis humiliter pareatis. Statuta sunt haec & unanimiter ordinata die, loco, & concilio memoratis, anno Dom. MCCXCIX."

Before the beginning of c. 1, the only introductory remark is the title, which appeared in both MS sources: "Constitutiones factae in ecclesia B. Mariae de Prato, juxta Rotomagum, per reverendos patres [ac dominos], archiepiscopum Rotomagensem & ejus suffraganeos, anno Domini MCCXCIX. die Jovis post octavas Pentecostes" (Mansi [Bessin om.]). The day, then, was Thursday, June 18, 1299. Pommeraye identified the place as the church of Notre-Dame-du-Pré (or de Bonne-Nouvelle) in Préaux near Rouen, which is not to be confused with the church of St. Mary at Préaux (Eure, near Pont-Audemer), where the province met in 1261.

Bail excerpted the statutes "ex synodalibus praeceptis Lexoviensis ecclesiae," as his note to the publication ordinance (c. 7) makes clear. Labbe-Cossart (1671) reprinted Bail's text, "nunc autem cum MS. collatum," apparently using

the same MS to correct a few readings. This was the version that passed into the conciliar corpus. Meanwhile, Pommeraye (1677) had reprinted Bail's text without reference to Labbe-Cossart. Bessin (1717) retained the Bail-Pommeraye text as his base and collated it against Labbe-Cossart and a second MS Lisieux synodal which then belonged to the Benedictine house at Bernay in that diocese. However, Bessin's variants and notes were completely ignored by Mansi and his predecessors.

The Bernay MS, as described by Bessin (II, 479), was written in 1480 by Fralinus Courtois and contained the Lisieux statutes as published in 1321, the legatine constitutions of Gualo (1208), the Rouen provincial statutes of Pont-Audemer 1279 and Préaux 1299, and a series of undated Lisieux synodal statutes of the fourteenth century. It apparently has not been located by the recent census of French synodal statutes.

L. Bail, *Additio ad Summam conciliorum* (Paris, 1645); *Summa conciliorum omnium* (Paris, 1675) II, 614-615. Labbe-Cossart, XI (1671), 1426-1430. Pommeraye (1677), pp. 278-281. Bessin, I (1717), 162-165. Mansi, XXIV (1780), 1203-1208. Hefele-Leclercq, VI, 457-458. Artonne-Guizard-Pontal, p. 279.

