SAINT BERNARD OF CLAIRVAUX

Charters

Chartae

SABBATISMUS

Saint Bernard of Clairvaux (1090–1153)
Chartae · Charters

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I. Pro abbatia de Trunco-Berengarii

Bernardus abbas Clarae-Vallis, omnibus praesentem paginam inspecturis.

Contigit abbatem Trunchiniensem et Balduinum de Wasia pro determinanda controversia eorum Romam ituros, per nos transitum facere. Quorum causam eum audivimus, eorum labori et sumptui compatientes, Deo auxiliante eos in pace et dilectione composuimus in hunc modum. Ecclesia Trunchiniensis, secundum privilegia sua, Werebroech et Saleghem cum integro jure parochiali possidebit in perpetuum. Statuimus quoque, ut ecclesia Trunchiniensis Balduino annuatim viginti solidos daret in festo sancti Remigii. Balduinus etiam oblationes, quas in ecclesia Trunchiniacensi habebat, rogatu nostro eidem ecclesiae concessit. Idem sic sensit Simon episcopus Tornacensis.

I. For the abbey of Drongen

Bernard, abbot of Clairvaux, to all who shall look upon the present page.

It happened that the abbot of Drongen and Baldwin of Waas, who were on their way to Rome to have their dispute decided, passed our way. When we had heard their case, feeling for their toil and their expense, we reconciled them, with God's help, in peace and love, in this manner. The church of Drongen, according to its privileges, shall possess Werebroech and Saleghem with full parochial right for ever. We also decreed that the church of Drongen should give Baldwin twenty shillings every year on the feast of St Remigius. Baldwin, for his part, at our request granted to that same church the offerings he had in the church of Drongen. Simon, bishop of Tournai, was of the same mind.

II. Pro Luxoviensi et Sancti-Apri monasteriis

Haec est compositio inter Luxoviensem et Sancti-Apri abbates, de ecclesia Galdonis-Curtis.

Ego Bernardus Clarae-Vallis vocatus abbas, cui dominus papa causam Luxoviensis et Sancti-Apri abbatum commisit decidendam eidem causae per concordiam hoc modo finem imposui. Statutum est ut illi de Sancto-Apro universam decimam Galdonis-Curtis habeant; ipsam vero ecclesiam et omnia, praeter decimas, ad eam pertinentia Luxovienses possideant, remittentes si quid juris habuerunt in ecclesia Bolonis-Villae, quam tenebant illi de Sancto-Apro. Omnes autem annuales census, quos ecclesia Galdonis-Curtis debet tam episcopo quam ministris ejus, illi de Sancto-Apro singulis annis ex integro persolvant. Hoc autem factum est consilio venerabilium Godefridi Lingonensis et Hattonis Trecensis episcoporum, et aliorum religiosorum virorum, qui ad hoc ipsum acciti sunt a nobis, quorum nomina sunt haec: Guillelmus abbas Sancti-Martini Trecensis, Balduinus abbas Castellionis, Stephanus abbas Trium-Fontium, Balduinus abbas Cristae, Guido abbas Chari-Loci.

III. Compositio facta inter Hugonem episcopum et Willelmum comitem Antissiodorensem

1

In nomine sanctae et individuae Trinitatis ego Bernardus Clarae-Vallis vocatus abbas.

Cognita, quae inter Hugonem episcopum Antissiodorensem et Willelmum comitem Nivernensem emerserat discordia pro quibusdam querelis, quae inter eos agebantur, Antissiodorum veni, et pari amborum consensu et voluntate querelas illas ad concordiam redactas feci terminari hoc modo. In bosco, qui dicitur Brueria Episcopi, facient communiter episcopus et comes haiam, factamque communiter custodient: ita quod singuli singulos ministros ejus custodiae deputabunt, et uterque ab ambobus fidelitatem excipiet; eritque in sacramento eorum, quod nullus homo sive animal in haia per occasionem capiatur.

II. For the monasteries of Luxeuil and Saint-Èvre

This is the settlement between the abbots of Luxeuil and of Saint-Èvre concerning the church of Galdonis-Curtis.

I, Bernard, called abbot of Clairvaux, to whom the lord pope committed the case of the abbots of Luxeuil and of Saint-Èvre for decision, have put an end to that case by agreement in this way. It is decreed that those of Saint-Èvre shall have the whole tithe of Galdonis-Curtis; but the church itself, and all that belongs to it except the tithes, the monks of Luxeuil shall possess, giving up whatever right they had in the church of Bolonis-Villa, which those of Saint-Èvre held. All the yearly dues, however, that the church of Galdonis-Curtis owes both to the bishop and to his officers, those of Saint-Èvre shall pay in full every year. This was done on the advice of the venerable bishops Godfrey of Langres and Hatto of Troyes, and of other religious men who were called in by us for this very purpose, whose names are these: William, abbot of Saint-Martin of Troyes; Baldwin, abbot of Châtillon; Stephen, abbot of Trois-Fontaines; Baldwin, abbot of La Crête; Guy, abbot of Cherlieu.

III. Settlement made between Bishop Hugh and William, count of Auxerre

1

In the name of the holy and undivided Trinity, I, Bernard, called abbot of Clairvaux.

Having learnt of the discord that had arisen between Hugh, bishop of Auxerre, and William, count of Nevers, over certain complaints that were being pressed between them, I came to Auxerre, and with the equal consent and will of both I had those complaints brought to agreement and settled in this way. In the wood that is called the Bishop's Bruière, the bishop and the count shall make an enclosure in common, and when it is made they shall keep it in common: in such wise that each shall appoint one officer to its keeping, and each officer shall take an oath of fealty to both; and it shall be part of their oath that no man or beast be seized in the enclosure on a pretext.

Forifacta haiae communiter percipientur: quae etiam forifacta hac ratione determinantur. Porcus, ovis, vaccae, cum lascivientes fugiunt tauros, si in ea deprehensae fuerint, nihil emendabunt. Boves, vaccae, equi, asini, caprae et similia animalia, si sine custode in ea inventa fuerint, pro singulis singuli denarii persolventur. Si custos adfuerit, tres solidos pro se emendabit. Pro pecudibus nihil exigetur. Si homo ligna caedens in ea inventus fuerit, quindecim solidis emendabit; incendium faciens sexaginta. Itaque praedicta forifacta haiae nunquam excedent praenominatas summas. Haia non extendetur in latum ultra quadraginta perticas arpennales. Si autem eamdem haiam contigerit aliquando, seu vetustate, seu aliqua occasione, ad id devenire ut non sit; si eam simul ibidem reparare voluerint, licebit; quod si noluerint, terra remanens, sive culta sit, sive inculta, ad dominium episcopi revertetur. Omnia alia forifacta, quae extra haiam fient sine parte comitis, episcopi sunt.

2

Statutum est de clericis, ut omnino a potestate comitis liberi et immunes existant: ita quod nec aliquid juris vel dominationis in eos ex aliqua occasione comes exercebit, nec rebus eorum, ubicunque sint, manum aliquo modo mittere sibi, vel alicui ministrorum suorum licebit. Quod si in aperto latrocinii forifacto clericus fuerit deprehensus, absque omni clericalis ordinis injuria seu indignitate episcopo, vel ejus ministris reddetur: ac deinceps, siquidem contra ipsum a comite vel ejus ministris aut hominibus expostulabitur; episcopus eis, quantum jus et ratio dictaverit, de eodem faciet satis.

3

Teloneum civitatis et suburbiorum ejus, quia episcopo et comiti commune esse constat, si aliquod forifactum inde commissum fuerit, episcopus capitale suum per se recipiet, cum ea lege qua quisque vivit: et comes pro forifacto sexaginta solidos. Si telonearius comitis, seu aliquis clientum, primus ceperit eum, qui capitale episcopi abstulit, capitale suum cum ea lege episcopo reddere faciet: et si per ejus incuriam cum eodem capitali evaserit, ipse pro illo episcopo de capitali et lege respondebit.

4

The forfeits of the enclosure shall be taken in common; and these forfeits are fixed on this scale. A pig, a sheep, or cows that run off in heat from the bulls, if they are caught in it, shall pay nothing. Oxen, cows, horses, asses, goats and similar animals, if they are found in it without a herdsman, shall be paid for at a penny a head. If the herdsman was there, he shall pay three shillings for himself. For small stock nothing shall be exacted. If a man is found in it cutting wood, he shall pay fifteen shillings; one who starts a fire, sixty. So the aforesaid forfeits of the enclosure shall never exceed the sums named above. The enclosure shall not extend in breadth beyond forty arpent-perches. But if it should ever happen that the enclosure comes to nothing, whether through age or by any other cause, they may rebuild it together on the same spot if they wish; and if they do not wish to, the land that remains, whether tilled or untilled, shall revert to the bishop's lordship. All other forfeits incurred outside the enclosure belong to the bishop, with no share for the count.

2

It is decreed concerning the clergy that they shall be wholly free and exempt from the count's power: in such wise that the count shall exercise no right or lordship over them on any pretext, nor shall he or any of his officers be allowed in any way to lay hands on their goods, wherever they may be. But if a cleric is caught in the open offence of theft, he shall be handed over to the bishop or to his officers without any injury or indignity to the clerical order; and thereafter, if any complaint is brought against him by the count or by his officers or men, the bishop shall give them satisfaction concerning him, as far as law and reason dictate.

3

As for the toll of the city and its suburbs, since it is known to be common to the bishop and the count: if any offence is committed against it, the bishop shall recover his principal for himself, with the fine of the law under which each man lives, and the count sixty shillings for the forfeit. If the count's toll-collector, or any of his men, is the first to seize the one who carried off the bishop's principal, he shall have him restore it to the bishop with that fine; and if through his negligence the man escapes with the principal, the toll-collector himself shall answer to the bishop for him, for the principal and the fine.

4

Servientes episcopi, et quotquot erunt de familia ejus, nunquam justitiabunt se per comitem. Omnia forifacta claustrorum, videlicet claustri Sancti Stephani, et claustri Sanctae Mariae, et claustri Sancti Eusebii; et Sancti Petri, et Sancti Amatoris, et ea quae claustris continentur, juris episcopalis sunt, nec aliquam in eis exercere poterit comes potestatem, nec pro aliquo forifacto cujuslibet hominis res, quae in claustris sunt, in suam transferet potestatem. Si aliquis laicus deprehensus fuerit in claustris in latrocinio, cum una quacunque veste sua pro justitia facienda comiti reddetur. Extra claustra autem quicunque laici latrones deprehensi fuerint, et ipsi et res eorum comitis sunt, exceptis illis rebus, quae in claustris nominatis continentur, quae propriae ad episcopum pertinent.

5

De terris censualibus manifestum est, quod nunquam licet comiti vel homini suo eas, quae de fundo sunt episcopi, acquirere, nisi per episcopum, nec etiam aliquam decimam. Bannum comitis observabunt tribus diebus omnes, tam clerici, quam laici, qui in claustris morantur: quibus transactis, libere vendent. Si episcopus vinum aut annonam comparaverit, nihil gellagii, vel alterius consuetudinis ab eo exigetur. Episcopus servientes et homines comitis, tam per se, quam ecclesiasticos ministros, pro Christianitate submonebit, et justificabunt se per eum.

6

Domus comitis et munitiones castrorum, quae ipse dignoscitur tenere ab episcopo, scilicet Castri-Novi, Sancti Salvatoris, Conadae, Mailliaci, tradentur episcopo ad ejus beneplacitum: ita tamen quod eo discedente, comiti vel ministerialibus ejus cum integritate restituentur. In boscis comitis episcopus accipiet necessaria sibi et ecclesiae Sancti Stephani.

7

Dictum est et concessum de canonicis Sancti Stephani, quod in bosco de Thul usuarium suum plenarie habebunt. Cognitum est et a comite concessum, quod non licet ei Antissiodori aliquam mutationem vel innovationem facere absque licentia episcopi, de cujus feodo recognoscit se tenere quidquid habet Antissiodori et in circuitu ejus, praeter hoc quod continetur infra muros urbis extra claustrum, quod tenet de domino rege, et praeter feodum ducis ultra pontem.

8

The bishop's serjeants, and all who belong to his household, shall never be brought to justice by the count. All the forfeits of the cloisters, that is, the cloister of Saint-Étienne, the cloister of Notre-Dame, the cloister of Saint-Eusèbe, and of Saint-Pierre and of Saint-Amatre, and whatever the cloisters contain, are of the bishop's right; the count may exercise no power over them, nor, for any man's forfeit, shall he take into his power the goods that are within the cloisters. If any layman is caught stealing in the cloisters, he shall be handed over to the count for justice to be done, with one garment of his, whichever it be. Outside the cloisters, however, whatever lay thieves are caught, both they and their goods belong to the count, except such goods as are contained in the cloisters named, which belong to the bishop as his own.

5

Concerning lands held at quit-rent it is clear that neither the count nor any man of his may ever acquire those that are of the bishop's estate except through the bishop, nor yet any tithe. All who live in the cloisters, clergy as well as laity, shall observe the count's ban for three days; once these are past, they shall sell freely. If the bishop buys wine or corn, no gallon-due or other customary charge shall be exacted from him. The bishop shall summon the count's serjeants and men, either himself or through the ministers of the Church, in matters of Christian jurisdiction, and they shall answer to justice before him.

6

The count's houses and the fortifications of the castles that he is known to hold from the bishop, namely Châteauneuf, Saint-Sauveur, Cosne and Mailly, shall be handed over to the bishop at his pleasure: on condition, however, that when he leaves they shall be restored intact to the count or to his officers. In the count's woods the bishop shall take what he needs for himself and for the church of Saint-Étienne.

7

It has been declared and granted concerning the canons of Saint-Étienne that they shall have their full right of usage in the wood of Thul. It has been acknowledged and granted by the count that he may make no change or innovation at Auxerre without the bishop's leave, from whose fief he acknowledges that he holds whatever he has at Auxerre and round about it, except what lies within the city walls outside the cloister, which he holds from the lord king, and except the duke's fief beyond the bridge.

8

Comes res episcopi custodire debet ut suas proprias. Si aliquis de potestate ejus aliquid de rebus episcopi aut hominum suorum ceperit, comes reddi faciet, aut de suo recompensabit. Ad molendinos episcopi de Regioannae tale debet esse bochellum, quod quidem navibus ascendentibus et descendentibus pervium sit. De illis qui pisces vendunt, comes habet quatuor creditatorios, in quibus episcopus nihil accipit. Si ad alios telonearius episcopi primus advenerit et primus barguinaverit, tantum accipiet, quantum curia episcopi necesse habebit. Et idem telonearius comitis faciet: si pariter venerint, pariter accipient quod invenerint. Similiter in aliis victualibus facient. Creditariam habet episcopus in omnibus victualibus quadraginta diebus exinde: donec reddiderit, ab eis, quibus debetur, nihil ei credetur.

9

Statutum est de mercatoribus qui vendunt in domibus suis, quod a quindecim ut quindecim dies, vel a mense in mensem, teloneario episcopi ventas reddent, si quaesitae ab eis fuerint. In nundinis libertatis Kalendarum Maiarum, telonei et ventarum duae sunt partes episcopi, tertia comitis. Illique qui hos redditus recipiunt, fidelitatem episcopo et comiti facient.

10

Episcopus in vineis suis propriis, et in censualibus, si illi voluerint quorum sunt vineae, custodiam ponet: si noluerint, non cogentur. Comes faciet similiter in Brueria tota, cujuscunque fundus sit aut possessio, episcopi et comitis venatio communis est, et forifacta ad venationem pertinentia.

11

Actum Antissiodori anno ab Incarnatione Domini 1145, episcopatus Eugenii papae III primo. Huic rei interfuerunt abbates Stephanus Regniacensis, Guido de Caro-loco, Balduinus de Castellione, Gauffridus de Rupibus, Raynaudus archidiaconus, Gauffridus cantor, Hugo decanus Meldensis, Andreas de Baldement, Landricus, Bernardus, Hugo de Castrocensurii, Hugo de Tociaco presbyteri. Gaufridus cellarius, magister Anselmus, Guido de Bichiaco, Stephanus de Sancto Germano, canonici. Milites: Guillelmus filius suprascripti comitis, Hugo de Tilio, Humbertus de Sancto Germano, Siguinus de Tornella, Odo de Tociaco, Humbaudus Tortus. Servientes, Robertus praepositus comitis, Humbaudus pistor, Erveus praepositus episcopi, Olannus cellarius, et alii quamplures, hinc et inde.

The count must guard the bishop's goods as his own. If anyone under his power takes anything of the goods of the bishop or of his men, the count shall have it returned, or make it good from his own. At the bishop's mills of Regennes the passage in the weir must be such that boats going up and coming down can pass through it. Of those who sell fish, the count has four who are bound to give him credit, from whom the bishop takes nothing. If the bishop's toll-collector comes to the others first and is the first to bargain, he shall take as much as the bishop's household needs. And the count's toll-collector shall do the same: if they come together, they shall share alike what they find. They shall do likewise with other victuals. The bishop has credit on all victuals for forty days from then; until he has paid, those to whom it is owed shall give him nothing more on credit.

9

It is decreed concerning the merchants who sell in their own houses that they shall render the sales-dues to the bishop's toll-collector from fortnight to fortnight, or from month to month, if these are asked of them. At the free fair of the Kalends of May, two parts of the toll and the sales-dues are the bishop's, the third the count's. And those who receive these revenues shall swear fealty to the bishop and the count.

10

The bishop shall set a watch in his own vineyards, and in those held of him at quit-rent if their owners wish it; if they do not, they shall not be compelled. The count shall do likewise. In the whole of the Bruière, whosever the estate or the holding may be, the hunting is common to the bishop and the count, and so are the forfeits that concern the hunting.

11

Done at Auxerre in the year of the Incarnation of the Lord 1145, the first of the pontificate of Pope Eugene III. There were present at this: the abbots Stephen of Reigny, Guy of Cherlieu, Baldwin of Châtillon and Geoffrey of Les Roches; Rainald the archdeacon, Geoffrey the cantor, Hugh, dean of Meaux, Andrew of Baudement, Landric, Bernard, Hugh of Châtel-Censoir and Hugh of Toucy, priests. Geoffrey the cellarer, Master Anselm, Guy of Bichiacum and Stephen of Saint-Germain, canons. Knights: William, son of the count named above, Hugh of Tilium, Humbert of Saint-Germain, Siguin of Tornella, Odo of Toucy and Humbald Tortus. Serjeants: Robert, the count's provost, Humbald the baker, Hervé, the bishop's provost, Olannus the cellarer, and a great many others on both sides.

IV. Pro monasterio S. Victoris Parisiensi

Ego Bernardus, Clarae-Vallis vocatus abbas, omnibus Dei fidelibus, tam posteris, quam praesentibus, notum fieri volo, me quadam vice, cum Parisius venissem, rogasse dominum Odonem abbatem S. Genovefae, omnesque fratres in communi capitulo, ut fraternae dilectionis intuitu Gelduino abbati fratribusque ecclesiae S. Victoris concederent aquam Benevim, de submolendino quod Cupels appellatur, acceptam usque ad suam ecclesiam deducere, et inde versus Parisius in Sequanam, dato idoneo pretio hominibus posteris S. Genovefae... aquam ducerent. Et ut praefatae ecclesiae B. Victoris liceret in eadem aqua infra muros suos molendinum facere ad suos usus, ut quantulumcunque utilitatis aquae ductu illo infra eosdem muros et extra propriis expensis exstruere valeant. Quae Odo abbas omnia communi fratrum suorum assensu nostro interventu benigne concessit, ita tamen ut molendinum S. Genovefae, quod superius est nominatum, nulla operis S. Victoris machinatione aut aquae elevatione impediatur. Quae concessio ut ecclesiae B. Victoris rata firmaque in perpetuum perseveret, sigillo eam commendamus, et sigilli nostri impressione testificandam duximus.

Placuit et eorum nomina subjungere, qui precibus nostris tum interfuere: Dominus Godefridus Lingonensis episcopus, D. Joannes S. Maclovii episcopus, magister Bernardus Parisiensis archidiaconus, monachi quoque nostri Gerardus et Gaufridus.

IV. For the monastery of Saint-Victor of Paris

I, Bernard, called abbot of Clairvaux, wish it to be known to all God's faithful, those to come as well as those now living, that once, when I had come to Paris, I asked the lord Odo, abbot of Sainte-Geneviève, and all the brothers in their common chapter, that out of regard for brotherly love they would grant to Gilduin, abbot, and to the brothers of the church of Saint-Victor leave to bring the water of the Bièvre, taken from the lower mill that is called Cupels, as far as their church, and from there towards Paris into the Seine, a fitting price being paid to the men of Sainte-Geneviève in time to come ... that they might carry the water. And that the aforesaid church of Saint-Victor might be allowed to build a mill on that same water within its walls for its own use, so that by that conduit of water, within those walls and outside them, they might at their own cost build whatever small advantage they could. All this Abbot Odo, with the common assent of his brothers, graciously granted at our intercession, on condition, however, that the mill of Sainte-Geneviève named above be not hindered by any contrivance of Saint-Victor's work or by any raising of the water. That this grant may remain ratified and firm for ever to the church of Saint-Victor, we commit it to a seal, and have seen fit to attest it by the impression of our seal.

It has pleased us also to add the names of those who were present then at our request: the lord Godfrey, bishop of Langres; the lord John, bishop of Saint-Malo; Master Bernard, archdeacon of Paris; and also our monks Gerard and Geoffrey.

V. Pro monasterio Sancti-Amantii

In nomine Domini, ego Bernardus, Clarae-Vallis vocatus abbas, notum volo esse, quod locum de Buxia et quidquid in eo habebamus ex dono Comitis Engolismae, et ecclesiae Engolismensis, et Petri Austensii, ecclesiae Sancti-Amantii concessisum.

Testes fuerunt Ugo Engolismensis episcopus, dominus Junius abbas de Corona, frater quoque Philippus Prior noster, et frater Girardus et frater Gaufridus monachi domus nostrae.

Actum apud Claram-Vallem anno ab incarnatione Domini 1153.

V. For the monastery of Saint-Amant-de-Boixe

In the name of the Lord, I, Bernard, called abbot of Clairvaux, wish it to be known that we have granted to the church of Saint-Amant-de-Boixe the place of Boixe and whatever we held in it by gift of the count of Angoulême, of the church of Angoulême and of Peter Austensii.

The witnesses were Hugh, bishop of Angoulême; the lord Junius, abbot of La Couronne; also Brother Philip, our prior; and Brother Gerard and Brother Geoffrey, monks of our house.

Done at Clairvaux in the year of the Incarnation of the Lord 1153.