An Early Catalanian Charter In the Houghton Library from the Joan Gili Collection of Medieval Catalanian Manuscripts

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A PYRENEAN PARCHMENT

Miró, count of Cerdanya, Berguedà and Besalú, in the eastern Pyrenees north of Barcelona, died some time in the year 927. In accordance with the custom of the time and place, he had anticipated his death and written a will on 13 June 925, while still apparently hale and certainly in his prime. On 11 September 927 his testamentary executors, formally surrendering their custody of some of the late count's estate, made certain lands over to at least two of the beneficiaries named in Miró's will. Following customary legal practice, the transfer of each bequest was memorialized in a separate charter. One of these charters is now in the Houghton Library at Harvard University. It records the transfer of Miró's bequests of land in three locations in the county of Berguedà to his daughter Cixílona.

This charter is the earliest document in a substantial collection of medieval Catalanian charters purchased for the Houghton Library from collector, publisher and Catalánófil Joan Gili in 1991, with the generous financial sponsorship of the Real Colegio Complutense of Madrid and Cambridge, Massachusetts. The collection, which is still only provisionally inventoried, is the largest group of medieval Catalanian charters in a United States library.

The will is transcribed and printed by Prósper de Bofarull i Mascaró, *Les comtes de Barcelona vincladors*, 2 vols. (Barcelona, 1836), 1:38–90, from an original parchment in the archive of the monastery of Ripoll. The monastic archive, possibly the richest in Catalonia, was destroyed by a fire set by militant anticlericals during the Spanish excastration of 1835; see Antoni Pladevall, *Els monestirs catalans*, 3d ed. (Barcelona, 1974), 101, 107.

The charter is provisional number 1 of the Joan Gili Collection of Medieval Catalanian Manuscripts, collectively Houghton Library accession no. 91M-37.

A second charter dated the same day recorded the transfer of Miró's pius bequest of lands to the monastery of Ripoll (Bofarull, *Les comtes*, 1836); it was consumed along with Miró's original will in the Ripoll fire of 1835.

The next largest is the group known as the "Sala Family Archives," a collection of 389 charters now distributed among Georgetown University, the Smithsonian Institution, and the Edward Laurence Doheny Memorial Library of St. John's Seminary in Camarillo, California. A handlist and study of the collection by Joseph J. Obara Jr., completed in 1984, has recently (September 1996) been placed on the World-Wide Web: [http://www.georgetown.edu/labyrinth/professional/pubs/sals/]. Similar holdings include a small collection at the Bancroft Library, University of California, Berkeley (see Thomas N. Bisson, "Catalanian Manuscripts," *Bancroftian*, 58, June 1974), 4), and a pair of individual parchments at the University of Pennsylvania (see John F. Benton, "Two Twelfth-century Latin Charters from Rural Catalonia in the Lea Library," *Library Chronicle* [University of Pennsylvania] 28 [1962], 14–21).
The Gili collection consists of some 560 documents, in Latin or (later) in Catalan, on parchment and paper, ranging in date from 927 to 1850. Thirty-six parchments are from the twelfth century and before; 235 are from the thirteenth and fourteenth centuries, and the final 289 are from the sixteenth through nineteenth centuries. The earliest documents, covering a range of subjects of diplomatic, legal and social interest, include donations, sales, exchanges and leases involving ecclesiastical landed possessions; there are also testamentary settlements, negotiations, agreements, oaths of fealty, and a charter commemorating the formal consecration of the altar at a parish church. Such a collection of early charters is an unusual and important acquisition: in addition to furnishing the raw materials for specialized historical inquiry, it has provided the Houghton library with a series of fine representative pieces for the study and teaching of Iberian manuscript hands from the tenth century onward.

We owe the existence of these early parchments to a cultural anomaly: in the tenth century the area now known as Catalonia had a population of largely Visigothic descent, whose traditional social order included a literate cadre of professional scribes and judges and a habit of reliance on written documents in routine affairs. Thousands of early charters—wills, land transfers, agreements, and other memoranda—survive from medieval Catalonia, mostly in ecclesiastical and state archives within Catalonia itself, or in Madrid. A significant proportion of surviving charters consist of wills and related documents, drawn up in compliance with Visigothic and Roman legal traditions dating back at least to the early sixth century.
According to the Catalanian legal tradition, both written and oral wills were legally valid under varying circumstances; professional judges had the responsibility of authenticating them, and, presumably, of enforcing their terms. Wills were routinely made, authenticated and executed according to a bureaucratic and sacral procedure: after the death of the testator, witnesses would come before a judge and priest to swear to the accuracy of the document, if written, or to formally declaim its terms if oral. This authentication ceremony was memorialized in a solemn charter which reiterated the terms of the will. After such authentication the executors made out formal charters of donation to each beneficiary named in the will, specifying the goods or real property given. Thus the same will could be represented by three types of written memoranda—the original will (if written and not an oral declaration), the publication or authentication charter, and a charter (or charters) recording the execution of its terms.

The Gili Collection in the Houghton library in fact preserves examples of each of these three main types of testamentary document from this period. There is an original written will of Ermengol de Caregag, a minor landholder in the diocese of Barcelona, written 5 May 1166. There is a charter commemorating the formal authentication of the will of one Guillem, who died on 6 December 1172 and was buried—or at least asked to be buried—in the monastery of Sant Llorenç del Munt, near Barcelona. Guillem’s will was authenticated in a hearing before Pere de Corró, professional notary and probate judge in Barcelona, presiding at the altar of Saint Felix at the collegiate church of Saints Just and Pastor in Barcelona—the designated chapel in Barcelona for sacral probate hearings at that time. Finally, there is the charter of transfer, discussed here, in which the executors of count Miró fulfill a bequest by surrendering land to his daughter Cisilona. Together these documents illustrate the different phases of a complex and entrenched probate system, functioning smoothly in the tenth and twelfth centuries.

A CATALONIAN COUNT

Who was count Miró? The lands he controlled, including those willed to his daughter and transferred in our document, lay within a larger group of counties nestled in the eastern Pyrenees known as theMarca hispanica—the “Spanish March.” The March defined the farthest reach of the vast Carolingian empire into the Iberian peninsula; it was set up in the wake of military campaigns in the area by Charlemagne and his sons between 785 and 801. The Carolingian kings appointed Frankish counts to rule in the March, who in turn encouraged resettlement of the areas south of the Pyrenees that had been depopulated after Muslim incursions at the beginning of the eighth century.

By the later ninth century the influence of the Carolingian royal court had so waned in the far-away Spanish March (as in other areas far from the royal court)
that the counts had become functionally independent and free to appoint their own successors. In fact, the counties became hereditary. Guifred “the Hairy” (died 898), believed to have been of local (Visigothic) stock although probably originally a royal appointee, founded a prolific dynasty of hereditary counts in Barcelona and the surrounding counties. His descendants assumed the royal crown of Aragon after a political marriage in the mid-twelfth century; they held sway in the western Mediterranean, ruling a swath of states from Valencia to Sicily, down into the fifteenth century.8

In his own lifetime count Guifred had shared power with his brothers in the Spanish March; after his death, Guifred’s children and nephews also shared power. Four sons—Guifred Borrell, Sunifred, Sunyer and Miró—held the title of count in different parts of the March. In stages between 895 and 913, Miró, our testator, acceded to rule in the mountainous counties of Besalú, Cerdanya, Vallespir, Conflent, and Berguedà, which had been separately ruled by his father and two uncles Miró and Raoul.9 Our document mentions three of Miró’s estates in Berguedà; other bequests in his will concerned lands in Cerdanya and Vallespir, as well as in Ausona and Barcelona—two counties actually ruled by Miró’s brother Sunyer.

ABBESS HEMMO

Although four of Guifred’s sons became counts, at least two other children of his were well placed in ecclesiastical careers in establishments founded by the Hairy count. Raoul, Guifred’s fifth son, was placed as a monk in the monastery of Ripoll (founded by Guifred around 879-880); in due course he became its abbot and bishop of Urgell.10 Near Ripoll Guifred and his consort Guimildà founded another religious house—a convent for women dedicated to Saint John the Baptist—placing their young daughter Hemmo there as a nun.11 When she came of age in the 890s Hemmo assumed power as abbess of the new nunnery of Sant Joan de les Abadesses (“Saint John of the Abbesses”), ruling justly, prosperously, and, in the words of her nephew count Borrell II of Barcelona, in a terse compliment paid after her death, “according to the rule of monastic governance.”12

As the daughter and sister of the ruling men in the province, and as the abbess of the richest nunnery, Hemmo was a powerful figure in her own right, and possibly the most powerful woman in the March. She ruled the nunnery until her death in or after 942, rounding out a tenure of nearly fifty years. It is perhaps because of her unusually powerful status—both by birth and by virtue of her office—that she appears named first among the executors of her brother’s will.

8 Although his father and grandfather were probably counts in the region as well, Guifred’s reign marks the beginning of functional independence; before Guifred royal appointees from other families had alternated with his own forbears. For the beginnings of the dynasty, see Ramon d’Abadal i deVinials, Els primers comtes catalans, 3d ed. (Barcelona, 1980). For later centuries, see Bisan, The Medieval Crown of Aragon.

9 d’Abadal, Els primers comtes, 349.

10 Federico Udina Martorell, El Archivo Condal de Barcelona en las siglos IX-X: estudio crítico de sus fondos (Barcelona, 1951), prologue, x-xi.

11 A charter of 885, which exists only in a forged or interpolated form, records the oblation (El Archivo Condal, no. 3, 101-103); an authentic charter records the consecration of the church on 24 June 887 (El Archivo Condal, no. 4, 103-107).

12 Quoted by Udina Martorell, El Archivo Condal, prologue, xii, from document no. 128 (285-287); a charter recording the elevation of Hemmo’s successor as abbess after an intervening period of chaos. Udina’s discussion of Hemmo’s career, in the prologue, xii-xxi, is the best available, but see also Edward Junyer, El monestir de Sant Joan de les Abadesses (Barcelona, 1976), 24-30.
Women were almost never named as first executor, and when a woman appeared at all, she was almost always the widow of the testator—a name placed last on the list. That Hemmo was placed first may be an unusual recognition not only of her status, but also of her abilities in the economic and legal spheres—for Hemmo was responsible for spectacular financial success while she nurtured the endowment of her convent.

**Miró's Will and Cixilona**

Count Miró did not dispose of all of his possessions, lands, and titles in his extant will. The document records bequests to his wife countess Ava, his sister Ermessenda, a woman named Virgilia (Miró's mistress), a son Guifred (illegitimate son of Miró and Virgilia), and four daughters—Guilinda, Cixilona, Goldregoto, and Senenada. Miró's "legitimate sons" (sons of the countess Ava) were referred to but not endowed in the will: in separate legal acts (of which no written record survives) they must have received his title of count and the bulk of his estates throughout the Spanish March. Pious beneficiaries included Hemmo's nunneries of Sant Joan de les Abadesses and the see of Urgell, where his brother Raoul was bishop.

Miró's legitimate sons went on to illustrious careers, although their descendants died out in the male line in the early twelfth century and their counties reverted to their cousins the counts of Barcelona (descendants of Miró's brother Sunyer). Of Miró's daughters, Goldregoto became the wife of a count of Pallars and lived until the 980s; it is through her that the counts of Barcelona claimed kinship with the counts of Pallars at the end of the century. Of Senenanda and Guilinda nothing further is known; nor is anything known of Guifred, the illegitimate son.

The daughter Cixilona, who was obviously alive to inherit lands after Miró's death, seems to have had some trouble with her title to them. Próspero de Bofarull cited a lost charter of the year 944 in which Cixilona's possession of her inheritance was confirmed in an official judgment by countess Richildis, wife of count Sunyer of Barcelona; presumably there had been some challenge, either through the courts or by violence, to her possession of those lands. Cixilona may have assumed the social position of a respectable married landowner of the middle aristocracy: another lost charter from 995 mentioned her posterity in the person of one Seniofred, grandson of count Miró by Cixilona and her husband Adalbert. Beyond this, it is unfortuante but hardly to be wondered at that this daughter of count Miró fades into obscurity.

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13 Gehinda, the other female executor, is identified in Miró's original will as his kinswoman, and also as the mother of viscount Remessarius. Ava, Miró's countess, who survived him by forty years, does not appear as an executor. Perhaps this was to forestall any interference with the legacies for Miró's mistress and illegitimate son.

14 Guifred is called explicitly the son of Virgilia and Miró in Miró's will. The will does not make it clear whether the daughters are also offspring of the illegitimate union with Virgilia or children of the count and countess Ava. Some historians have assumed, like Bofarull himself, that they were Virgilia's (illegitimate) children because the document features her and fails to mention explicit legacies to the four legitimate sons of Miró and Ava. Others now assume that they were legitimate, such as Martin Aurell, "Jalons pour une enquête sur les stratégies matrimoniales des comtes catalans (IXe - XIe s.)," in *Symposium internacional sobre els orígens de Catalunya (ègles VIII-XII)*, 2 vols. (Barcelona, 1991), 1281-364. Unfortunately, Bofarull's transcription of Miró's will was faulty and incomplete (he found it not in a good state of preservation, and difficult to read), and the original is now destroyed; gaps in the text where the count discusses his daughters might have contained more concrete identification.


16 Abadal, *El comtat de Pallars i Ribagorça*, 1:105: both documents were at Ripoll and must have been consumed in the fire of 1353.
This brief glimpse into the lives of a family of tenth-century aristocrats has been caught through one of hundreds of windows into medieval Catalanian society which can now be opened in the parchments of the Houghton Library's Gili Collection. This particular document (with a few of its fellows) bears witness to the thriving legal culture of testamentary probate procedure in medieval Catalonia. Our charter also helps to illuminate the career of Abbess Hemmo; aside from presenting one of only two known autographs of the abbess, this text documents her in an unusually important legal role not usually assumed by women in her period.\(^{17}\)

Other charters in the collection can be queried for evidence of many different aspects of social, legal and religious life in this medieval society, as well as for the specific involvement of identifiable individuals—bishops, abbots, counts, lords and ladies. Who knows what may be gleaned from other documents in this series, when they are placed in historical context? These possibilities are in addition to the basic pedagogic value of the collection as a resource for training and reference in Catalanian paleography, with a large number of hands covering a very long period.

It may be best to conclude by raising an imponderable question of provenance suggested by research into this particular document: Próspero de Bofarull mentioned, in *Los condes de Barcelona vindicados*, having seen an identical document in the archive of the monastery of Ripoll. If ours is indeed the very same parchment that he saw in the monastic archive (and not a duplicate), how and why did it survive the devastating fire of 1835? What other manuscript treasures might also have survived the destruction of that archive and library—said to have been the oldest and greatest in Catalonia—and lie unaccounted for in private hands?\(^{18}\)

927, 11 September. Hemmo, abbess of Sant Joan de les Abadeses, viscounts Remesarios (of Cerdanya) and Unifredus (of Berga), and Caulesinda, the executors of the late count Miró of Besalú and Cerdanya, donate to Cixiona three parcels of land which the count bequeathed to her in his will, on the condition that, if she does not pass them on to her children, she must return them to the keeping of Miró's legitimate sons.

O. Harvard University, Houghton Library. Joan Gili collection of medieval Catalanian manuscripts (accession no. *91M*-37). Provisional inventory, number 1. Original in a fine tenth-century Visigothic/Carolingian charter hand with eight autograph signatures in addition to that of the scribe. Prickings along right side suggest that the charter may at one time have been sewn to another parchment (perhaps a copy of this original, or another document relating to the disposition of Miró's will) or sewn into a group. Dimensions: 214 x 314 mm. Verso: twelfth-century hand: “ca..be [?] de la

\(^{17}\) The other known autograph of Hemmo is in Barcelona, Arcis de la Corona d'Aragó, Secció Cancelleria, Perg. Guifré I, no. 8 (5 August 988), in a charter commemorating the consecration of the church of Sant Martí del Congost, in the modern town of Aiguafreda (Vallès Oriental) near Barcelona (ed. by Udina Martorell, *El Archivo Cantábrico*, no. 10, 199-211; reproduced there as plate IV, and also by Juncosa, *El monester de Sant Joan de les Abadeses*, p. 16). Udina Martorell stated (without discussing it) that this signature of Hemmo was "of suspect authenticity" (*El Archivo Cantábrico*, 17) but it matches well with the signature shown in our charter.

\(^{18}\) Publication is by permission of the Houghton Library, Harvard University. In the edited text, a slash (/) separates lines in the original manuscripts. Square brackets surround supralinear additions in the same hand; canceled words are retained as in **dehoe** in line five; the underlined passage in line six reflects a contemporary line above and below the text; all italicized text represents autograph signatures in the various hands of the named individuals. Abbreviations have been silently expanded.
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dornosa”; two other early endorsements also read “la dornosa”. Later endorsement in fifteenth- or sixteenth-century hand; modern pencil markings (including an erroneous rendition of the dating clause) on recto and verso.

Cited. Cited by Próspero de Bofarrull y Mascaró, Los onudes de Barcelona vindicados (2 vols., Barcelona, 1836), 191. The MS Bofarrull saw (not necessarily the same exemplar as above) was in the archive of the monastery of Ripoll when Bofarrull was preparing this work; the archive of Ripoll burned in 1835.


/15 IN DEI NOMINE IELDEMIRUS leiva qui hanc donationem scripsi et .sss. die et anno quod supra.

Translation

In the name of our eternal lord and savior Jesus Christ. We, Hemno, by God’s mercy abbess, Remesarius and Unifred, viscounts, and Gelsinda, a woman,

29 This suggests that this document may have been kept in an institutional archive where it retained value to illustrate chain of ownership of the “Alaterna” parcel conveyed within. There is a definite possibility that this copy is identical with the Ripoll copy noticed by Bofarrull.
20 Here a flourish abbreviates “subscriptum,” the common addition to autograph signatures in charters of this period.
31 Following scribal custom, the illiterate witnesses have signed by personally placing a dot or mark in each of the four quadrants formed by the sign of the cross that the scribe has made.
22 Attested only in 925-927. Identified in Miró’s will as the son of Guilelmida (see below), and thus a kinsman of count Miró. Armand de Fluvia, Els primitis comitats (Barcelona, 1931), 240.
33 There may have been more than one Unifred holding a viscomital title in these regions in this generation. Unifred Falquet was attested as viscount in Conflent, one of Miró’s possessions, between 914 and 947. A Unifred was also named as viscount of Berguedà in 941 (also a possession of Miró’s, and an area which features in this donation). Another Unifred was viscount in Girona around 914. Given the scarcity of documents from this time it is possible that these references could be to the same individual. Fluvia, Els primitis comitats, 145, 179.
34 Identified in Miró’s will as his cousin (“consangüinea”); mother of viscount Remesarius, above.
who are advocates and executors of the late count Miró, do make this donation to you Cixilona, a woman.

Know then that the late count Miró commanded to us the responsibility for his bequests in his last will, as is written in his testament, which he signed by his own hand and had corroborated by witnesses, as is declared in the judgement which was corroborated by the judges.25

And he commanded to us that we make the donation to you, Cixilona, the aforesaid woman, of that alod26 which he had in the county of Berguedà, in the village of Donato and in the village of Alaternosa, and that which he had within the limits of Puigreig;27 and so we therefore do it:

We give to you all that which the aforesaid count Miró had in the aforesaid locations, that all the days of your life you may hold and possess it; and if you have children they may inherit it: after your death let them have the power to possess whatever of these lands you wish to give them. If, however, you do not have children, you must return these lands into the possession of count Miró's surviving legitimate sons.

Let whoever attempts to alter this donation be penalized [the equivalent of] all these lands, and his or her melioration;28 and may this donation remain valid for all time.

This donation enacted on the third day before the ides of September, in the thirtieth year of the reign of King Charles, son of Louis.29

Hemmo, by the grace of God abbess, subscribed; Remesarius, viscount, subscribed; Unifred, viscount, subscribed; the mark (+) of Gelsinda, woman: we who made this donation and asked the witnesses to sign.


In the name of God, Ileemirt, deacon, who wrote this donation and signed it on the day and year shown above.

25 This refers to the ceremony of testamentary publication and probate which was customary at this time. See Taylor, "Medieval Catalan Wills."
26 An alod was a parcel of land held in outright ownership, as distinguished from various forms of subordinate tenure.
27 Puigreig: literally, "king's mountain." Originally land belonging to the royal fisc (public land belonging to the king or his representative the count). Puigreig was a hilltop fortress strategically overlooking the Llobregat river; in the ninth century, this land had been on the Muslim frontier. In the tenth century, following the general trend in the evolution of county governance, such land was available to be alienated by the counts as essentially private property—as happens in this bequest.
28 The melioration was the amount of a child's (or other heir apparent's) inheritance beyond the minimum allowed by customary law. This implies that other heirs of Miró were specifically targeted as likely infractors in this standard penalty clause; if they interfered with it, they could stand to forfeit their own legacies.
29 That is, 11 September 927. Charles III, the Simple, son of Louis II, the Stammerer (of France), is the king named. For dating Catalan manuscripts in the reigns of Frankish kings in this period, see Gaspar Feliu i Montfort, "La cronología según los reyes franceses en el cronología de Barcelona (9. XI)." Anuario de Estudios Medievales 6 (1966), 441-63, especially 448-452. Catalan documents commonly computed Charles' reign from the death of his father on 3 January 888. The incorrect modern notations "Anno XIX regnante Karolo regis" and "qvi" at the foot of the document stem from a misreading of the Roman numeral "CCC".