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978-0-521-13532-0 - Curia and Cortes in Leon and Castile 1072-1295

Evelyn S. Procter

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Alfonso X surrounded by mitred bishops and others.
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EVELYN S. PROCTER

FORMERLY HONORARY FELLOW OF
ST HUGH'S COLLEGE, OXFORD

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Foreword

The Cambridge Iberian and Latin American Studies series exists to provide opportunities for publishing, in English, important original scholarly or critical books and monographs in the Hispanic or Luso-Brazilian fields within the period A.D. 711 to the present day. The Syndics are interested in considering for inclusion in the series work by established or by younger scholars. While most of the titles so far accepted or provisionally accepted are concerned with aspects of Hispanic and Luso-Brazilian history (including the history of ideas and institutions) and literature, it is not the intention that the series should confine itself to these fields. Books in other arts subjects and in linguistic subjects (provided these latter are broad in scope) may be accepted. The imperial history of Spain and Portugal in Europe and overseas, as well as strictly Peninsular history, is included within the scope of the series, though authors of works concerned with most aspects of the history of Latin America will usually find the Cambridge Latin American Studies series a more appropriate outlet.

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Oxford
March 1979

P. E. RUSSELL
GENERAL EDITOR

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Preface

My interest in the history of medieval Spain began more than fifty years ago when, as Mary Somerville Research Fellow of Somerville College, I was enabled to visit Spain for the first time and work in some of the archives and libraries there. My original intention had been to study the reign of Alfonso X of Castile. I soon learned that the Spanish scholar Antonio Ballesteros was working on this subject and I therefore decided to limit my researches to some aspects of the reign which could be treated separately in articles. During my tenure of the fellowship I gained valuable knowledge of some of the unpublished material available, also of the diplomatic of royal Castilian documents and of the organisation of Alfonso X's chancery. After my return to Oxford as Fellow and Tutor of St Hugh's College I made use in articles of some of the material I had collected.

It was some years later – about the middle 1930s – when my interests had shifted from political to constitutional history, that I first considered the possibility of working on the Castilian cortes. This work was interrupted and set aside for various reasons. The Spanish Civil War of 1936 to 1939 and the World War of 1939 to 1945 made work in Spain itself impossible for nine years. In 1946 my election to the Principalship of St Hugh's College involved me in administration, but throughout my professional career I retained my interest in, and worked intermittently on, Spanish medieval history. It was not, however, until some years after my retirement that I definitely decided to take up again my abandoned project of a book on the Castilian cortes, although on a somewhat different scale and plan. The actual writing of this book – apart from a final revision — was carried out between 1970 and 1976.

I should like to take this opportunity to acknowledge the help and courtesy which I have received from the officials of the various archives and libraries in Spain and Portugal, as well as in the Bodleian and the

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PREFACE

British Library, in which I have worked at different times over a long period. I owe a great deal to the two Oxford Colleges with which I am connected and, in the preparation of the present book, to the interest and encouragement of many friends and former colleagues. In particular I am indebted to Professor Derek Lomax who provided me with some transcripts of documents, one of which is included in the appendix of documents, and to Dr Richard Fletcher who kindly checked for me the reference numbers of some documents in the Archivo Histórico Nacional in Madrid where reclassification has been in progress, and also for help on some questions relating to the twelfth century. Finally I cannot adequately express my gratitude to Professor Peter Russell for his help and advice unstintedly given during the final revision of the manuscript and its preparation for the press.

Eynsham, Oxford
December 1978

E. S. PROCTER

PUBLISHER'S NOTE

Sadly, Evelyn Procter died during the final stages of proof correction in March 1980.

Abbreviations

AC	Archivo de la catedral de . . .
ACA	Archivo de la Corona de Aragón, Barcelona
AFUF	<i>Archiv für Urkundenforschung</i>
AGN	Archivo General de Navarra, Pamplona
AHDE	<i>Anuario de Historia del Derecho Español</i>
AHN	Archivo Histórico Nacional, Madrid
AHR	<i>American Historical Review</i>
AM	Archivo Municipal
ANTT	Arquivo Nacional da Torre do Tombo, Lisbon
BAE	Biblioteca de Autores Españoles
BL	British Library (formerly British Museum)
BN	Biblioteca Nacional, Madrid
BRAH	<i>Boletín de la Real Academia de la Historia</i>
CAI	<i>Chronica Adefonsi Imperatoris</i>
CDC Oviedo	<i>Colección de documentos de la catedral de Oviedo</i>
CD Cuéllar	<i>Colección diplomática de Cuéllar</i>
CDIACA	<i>Colección de documentos inéditos del Archivo de la Corona de Aragón</i>
CD Jaime I	<i>Colección diplomática de Jaime I</i>
CD Murcia	<i>Colección de documentos para la historia del reino de Murcia</i>
CD Oña	<i>Colección diplomática de San Salvador de Oña</i>
CD Sepúlveda	<i>Colección diplomática de Sepúlveda</i>
CHE	<i>Cuadernos de Historia de España</i>
Cortes	<i>Cortes de los antiguos reinos de León y de Castilla</i>
DA Madrid	<i>Documentos del Archivo General de la Villa de Madrid</i>
DHILC	<i>Documentos para la historia de las instituciones de León y de Castilla</i>
EHR	<i>English Historical Review</i>

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ABBREVIATIONS

<i>ES</i>	<i>España sagrada</i>
<i>HC</i>	<i>Historia Compostelana</i>
<i>MHE</i>	<i>Memorial histórico español</i>
<i>MLR</i>	<i>Modern Language Review</i>
<i>Part.</i>	<i>Partida</i>
<i>PCG</i>	<i>Primera crónica general</i>
<i>PMH</i>	<i>Portugaliae monumenta historica</i>
<i>RABM</i>	<i>Revista de Archivos, Bibliotecas y Museos</i>
<i>RAH</i>	Real Academia de la Historia
<i>RC Cluny</i>	<i>Recueil des chartes de l'Abbaye de Cluny</i>
<i>RC Silos</i>	<i>Recueil des chartes de l'Abbaye de Silos</i>

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Glossary

abadengo: land held by the church free from temporal services to the king.

adelantado del rey: a court official who acted as deputy for the king in suits before the king's court; *adelantado mayor*: governor of one of the provinces of the kingdom of Castile. He exercised executive, judicial and military authority on behalf of the king.

alcalde: judge in a local court, such as the court of a municipality; *alcalde del rey*: judge of the king's court.

aleve, alevosía: treachery or breach of faith.

alférez: standard-bearer and commander of the army in the king's absence.

alfoz: district surrounding a city or town subject to the jurisdiction of its court.

alguacil: a town official with executive functions; *alguacil del rey*: an official of the king's court with executive and judicial functions.

almojarife mayor: the king's treasurer.

almotacén: a town official whose duties included the inspection of weights and measures and the oversight of trade.

alzada: an appeal from a lower court to the king's court.

assertor: advocate appointed to present a litigant's case.

ayuntamiento: an assembly.

behetría: territory in certain parts of Castile whose inhabitants, although performing the duties of serfs, had the right to change their lord at will; *behetría de linaje*: community with the right to choose a lord from the members of a certain family.

caballero: knight; *caballero de la villa*: knight of the town who owned a war horse and armour and had received from the king some of the privileges enjoyed by a noble knight; *caballero de linaje, caballero hidalgo*: knight of noble lineage.

carta abierta: letter patent; *carta de personería*: mandate given by a

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- town to its representative in the cortes or in a suit before the king's court; *carta rodada*: a royal diploma authenticated by the king's *rueda* (q.v.); after 1260 called *privilegio rodado*.
- concejo*: the governing body of an autonomous city or town.
- conducho*: provision for a journey.
- corte*: vernacular term used in the thirteenth century for the *curia regis*.
- cortes*: an assembly including representatives of towns on royal demesne; parliament.
- coto*: land surrounding a cathedral or monastery subject to the jurisdiction of the bishop or abbot.
- cuaderno*: a document containing laws promulgated and collective petitions granted in the cortes.
- Extremaduras*: The reconquered lands to the south of the river Duero. In thirteenth-century Castile this term was gradually extended to include the 'kingdom' of Toledo up to the Sierra Morena, but in the fourteenth century these two regions were again distinguished from each other. There was also a Leonese Extremadura.
- facendaria*: labour services on the construction or repair of roads and bridges.
- fazañas*: sentences given in law suits which were recognised as precedents in Castile, thus forming a body of case law.
- fonsada*: military service.
- fonsadera*: money payment in commutation of military service.
- Forum judicum*: a Visigothic code of law in use in the kingdom of León; *Fuero juzgo*: a thirteenth-century vernacular translation of the *Forum judicum*.
- fuero*: local law administered in a particular court such as the court of a municipality.
- hermandad*: a confederation of cities and towns or, in some cases, of bishops and abbots.
- hidalgo*: a member of the lesser nobility.
- hombres buenos*: 'good men', used of persons of any rank or class; *hombres buenos de las villas*: used in the thirteenth century for representatives of the towns in the cortes.
- infanzón*: a member of the lesser nobility.
- infante*: title given to the legitimate sons of the king.
- mandatio*: administrative district in the kingdom of León.
- maravedí*: a gold coin first minted c. 1172 in Castile in imitation of the 'dinar' of the Almorávide emir of Murcia.
- martiniega*: a customary due payable at Martinmas.

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- mayordomo*: steward, chief officer of the royal household.
- merino*: a local official appointed by the king; *merino mayor*: in certain provinces of Castile equivalent of the *adelantado mayor* (q.v.); *merino menor*: royal official subordinate to the *merinos mayores*.
- moneda*: (1) coinage; (2) a tax granted to the king by the cortes in exchange for an undertaking not to issue a new coinage for a period of years; later a customary septennial tax taken without renewed consent and called *moneda forera*; *moneda de la guerra*: a debased coinage issued by Alfonso X during the war with Granada (1264–1266).
- montazgo*: a toll for the use of the *montes* (q.v.) by migratory flocks.
- montes*: tracts of uncultivated, mountainous country which afforded rough grazing for the flocks of the inhabitants of neighbouring towns.
- Mozárabes*: Christians living under Moslem rule.
- Mudéjares*: Moslems who remained in reconquered lands under Christian rule.
- ordenamiento*: legislation usually promulgated in the cortes.
- pechero*: a tax payer.
- pecho*: any customary payment or tax.
- personero*: representative, the term usually used for the representative of a town in a suit before the king's court.
- pesquisa*: inquest, inquiry.
- pesquisidor*: one commissioned by the king to hold an inquiry.
- petitio, petitum*: an imposition first levied by Alfonso VII c. 1136. It originally required the consent of those paying it, but it soon became a customary payment.
- portazgo*: a toll on transit for the use of roads and bridges.
- postura*: a decree of general application.
- privilegio rodado*: see *carta rodada*.
- realengo*: royal demesne land.
- reto*: duel on horseback between nobles or knights in cases involving the personal honour of one of the combatants.
- rico hombre*: magnate; a member of the highest rank of the nobility.
- rueda*: a device in the form of two or three concentric circles, derived from the *rota* of the papal chancery, used in León and Castile to authenticate royal privileges.
- sello de la poridad*: the equivalent of the privy seal in England and of the secret seal in France and Aragon.
- servicio*: subsidy voted by the cortes.
- signifer*: standard-bearer and commander of the army in the absence

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of the king; used in the separate kingdom of León; the equivalent of the *alférez* (q.v.) in Castile.

tenente: the governor of a district called a *tenencia* over which the *tenente* exercised administrative, judicial and military functions.

tercia: the third part of the ecclesiastical tithe used for the repair of churches; *tercia real*: the third part of the ecclesiastical *tercia*, first granted by Pope Innocent IV to Fernando III of Castile for three years; later taken by the king and his successors without a renewed grant.

término: another name for the *alfoz* (q.v.).

vecino: householder in a city or town who enjoyed full rights of citizenship and took part in town government.

yantar: a lord's right to hospitality at the expense of his tenants or a money payment in lieu thereof; taken by the king, the queen, the heir to the throne, certain royal officials acting for the king and by lords of *behetrías*.