

determined by the amount of their respective services. We find a stipulation to this effect from James the First to his nobles, previous to his invasion of Majorca.¹² On a similar principle they claimed nearly the whole of Valencia.¹³ On occupying a city, it was usual to divide it into *barrios*, or districts, each of which was granted by way of fief to some one of the ricos hombres, from which he was to derive his revenue. What proportion of the conquered territory was reserved for the royal demesne does not appear.¹⁴ We find one of these nobles, Bernard de Cabrera, in the latter part of the fourteenth century, manning a fleet of king's ships on his own credit; another, of the ancient family of Luna, in the fifteenth century, so wealthy that he could travel through an almost unbroken line of his estates all the way from Castile to France.¹⁵ With all this, their incomes in general, in this comparatively poor country, were very inferior to those of the great Castilian lords.¹⁶

The laws conceded certain powers to the aristocracy of a most dangerous character. They were entitled, like the nobles of the sister kingdom, to defy, and publicly renounce their allegiance to their sovereign, with the whimsical privilege, in addition, of commending their families and estates to his pro-

¹² Zurita, Anales, tom. i. fol. 124.

¹³ Blancas, Commentarii, p. 334.

¹⁴ See the partition of Saragossa by Alonso the Warrior. Zurita, Anales, tom. i. fol. 43.

¹⁵ Mariana, Hist. de España,

tom. ii. p. 198.—Blancas, Commentarii, p. 218.

¹⁶ See a register of these at the beginning of the sixteenth century, apud L. Marineo, Cosas Memorables, fol. 25.

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tection, which he was obliged to accord, until they were again reconciled.¹⁷ The mischievous right of private war was repeatedly recognised by statute. It was claimed and exercised in its full extent, and occasionally with circumstances of peculiar atrocity. An instance is recorded by Zurita of a bloody feud between two of these nobles, prosecuted with such inveteracy that the parties bound themselves by solemn oath, never to desist from it during their lives, and to resist every effort, even on the part of the crown itself, to effect a pacification between them.¹⁸ This remnant of barbarism lingered longer in Aragon, than in any other country in Christendom.

The Aragonese sovereigns, who were many of them possessed of singular capacity and vigor,¹⁹ made repeated efforts to reduce the authority of their nobles within more temperate limits. Peter the Second, by a bold stretch of prerogative, stripped them of their most important rights of jurisdiction.²⁰ James the Conqueror artfully endeavoured to counterbalance their weight by that of the com-

¹⁷ Zurita, Anales, tom. ii. fol. 127. — Blancas, Commentarii, p. 324. — "Adhæc Ricis hominibus ipsis majorum more institutisque concedebatur, ut sese possent, dum ipsi vellent, a nostrorum Regum jure et potestate, quasi nodum aliquem, expedire; neque expedire solum, sed dimisso prius, quo poterentur, Honore, bellum ipsis inferre; Reges vero Rici hominis sic expediti uxorem, filios, familiam, res, bona, et fortunas omnes in suam recipere fidem tenebantur. Neque

ulla erat eorum utilitatis facienda jactura."

¹⁸ Fueros y Observancias, tom. i. p. 84. — Zurita, Anales, tom. i. fol. 350.

¹⁹ Blancas somewhere boasts, that no one of the kings of Aragon has been stigmatized by a cognomen of infamy, as in most of the other royal races of Europe. Peter IV., "the Ceremonious," richly deserved one.

²⁰ Zurita, Anales, tom. i. fol. 102.

Their turbulence.

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mons and the ecclesiastics.²¹ But they were too formidable when united, and too easily united, to be successfully assailed. The Moorish wars terminated, in Aragon, with the conquest of Valencia, or rather the invasion of Murcia, by the middle of the thirteenth century. The tumultuous spirits of the aristocracy, therefore, instead of finding a vent, as in Castile, in these foreign expeditions, were turned within, and convulsed their own country with perpetual revolution. Haughty from the consciousness of their exclusive privileges and of the limited number who monopolized them, the Aragonese barons regarded themselves rather as the rivals of their sovereign, than as his inferiors. Intrenched within the mountain fastnesses, which the rugged nature of the country everywhere afforded, they easily bade defiance to his authority. Their small number gave a compactness and concert to their operations, which could not have been obtained in a multitudinous body. Ferdinand the Catholic well discriminated the relative position of the Aragonese and Castilian nobility, by saying, "it was as difficult to divide the one, as to unite the other."²²

These combinations became still more frequent after formally receiving the approbation of King Alfonso the Third, who, in 1287, signed the two celebrated ordinances entitled the "Privileges of Union," by which his subjects were authorized to

Privileges of
Union.

²¹ Zurita, Anales, tom. i. fol. 198.
— He recommended this policy to his son-in-law, the king of Castile.

²² Sempere, Histoire des Cortès, p. 164.

INTROD. resort to arms on an infringement of their liberties,²³ The *hermandad* of Castile had never been countenanced by legislative sanction; it was chiefly resorted to as a measure of police, and was directed more frequently against the disorders of the nobility, than of the sovereign; it was organized with difficulty, and, compared with the union of Aragon, was cumbrous and languid in its operations. While these privileges continued in force, the nation was delivered over to the most frightful anarchy. The least offensive movement, on the part of the monarch, the slightest encroachment on personal right or privilege, was the signal for a general revolt. At the cry of *Union*, that "last voice," says the enthusiastic historian, "of the expiring republic, full of authority and majesty, and an open indication of the insolence of kings," the nobles and the citizens eagerly rushed to arms. The principal castles, belonging to the former were pledged as security for their fidelity, and intrusted to conservators, as they were styled, whose duty it was to direct the operations and watch over the interests of the Union. A common seal was prepared, bearing the device of armed men kneeling before their king, intimating at once their loyalty and their resolution, and a similar device was displayed on the standard and the other military insignia of the confederates.²⁴

²³ Zurita, Anales, lib. 4, cap. 96. — Abarca dates this event in the year preceding. Reyes de Aragon, en Anales Históricos, (Madrid, 1682 — 1684,) tom. ii. fol. 8.

²⁴ Blancas, Commentarii, pp. 192, 193. — Zurita, Anales, tom. i. fol. 266 et alibi.

The power of the monarch was as nothing before this formidable array. The Union appointed a council to control all his movements, and, in fact, during the whole period of its existence, the reigns of four successive monarchs, it may be said to have dictated law to the land. At length Peter the Fourth, a despot in heart, and naturally enough impatient of this eclipse of regal prerogative, brought the matter to an issue, by defeating the army of the Union, at the memorable battle of Epila, in 1348, "the last," says Zurita, "in which it was permitted to the subject to take up arms against the sovereign for the cause of liberty." Then, convoking an assembly of the states at Saragossa, he produced before them the instrument containing the two Privileges, and cut it in pieces with his dagger. In doing this, having wounded himself in the hand, he suffered the blood to trickle upon the parchment, exclaiming, that "a law, which had been the occasion of so much blood, should be blotted out by the blood of a king."²⁵ All copies of it, whether in the public archives, or in the possession of private individuals, were ordered, under a heavy penalty, to be destroyed. The statute passed to that effect carefully omits the date of the detested instrument, that all evidence of its existence might perish with it.²⁶

SECTION
II.

Their abrogation.

²⁵ Zurita, *Anales*, tom. ii. fol. 126 - 130. — Blancas, *Commentarii*, pp. 195 - 197. — Hence he was styled "Peter of the Dagger"; and a statue of him, bearing in one hand this weapon, and in the other the Privilege, stood in the Chamber of Deputation at Saragossa in Philip II.'s time. See Antonio Perez, *Relaciones*, fol. 95.

²⁶ See the statute, *De Prohibitacione*, &c. *Fueros y Observancias*, tom. i. fol. 178. — A copy of the original Privileges was detected

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Instead of abusing his victory, as might have been anticipated from his character, Peter adopted a far more magnanimous policy. He confirmed the ancient privileges of the realm, and made in addition other wise and salutary concessions. From this period, therefore, is to be dated the possession of constitutional liberty in Aragon; (for surely the reign of unbridled license, above described, is not deserving that name;) and this not so much from the acquisition of new immunities, as from the more perfect security afforded for the enjoyment of the old. The court of the *Justicia*, that great barrier interposed by the constitution between despotism on the one hand and popular license on the other, was more strongly protected, and causes hitherto decided by arms were referred for adjudication to this tribunal.²⁷ From this period, too, the cortes, whose voice was scarcely heard amid the wild uproar of preceding times, was allowed to extend a beneficial and protecting sway over the land. And, although the social history of Aragon, like that of other countries in this rude age, is too often stained with deeds of violence and personal feuds, yet the state at large, under the steady operation of its laws, probably enjoyed a more uninterrupted tranquillity, than fell to the lot of any other nation in Europe.

by Blancas among the manuscripts of the archbishop of Saragossa; but he declined publishing it from deference to the prohibition of his ancestors. *Commentarii*, p. 179.

²⁷ "Hæc itaque domestica Regis victoria, quæ miserrimum universæ

Reipublicæ interitum videbatur esse allatura, stabilem nobis constituit pacem, tranquillitatem, et otium. Inde enim Magistratus Justitiæ Aragonum in eam, quam nunc colimus, amplitudinem dignitatis devenit." *Ibid.*, p. 197.

The Aragonese cortes was composed of four branches, or arms;²⁸ the ricos hombres, or great barons; the lesser nobles, comprehending the knights; the clergy; and the commons. The nobility of every denomination were entitled to a seat in the legislature. The ricos hombres were allowed to appear by proxy, and a similar privilege was enjoyed by baronial heiresses. The number of this body was very limited, twelve of them constituting a quorum.²⁹

SECTION
II.The legisla-
ture of Ar-
agon.

The arm of the ecclesiastics embraced an ample delegation from the inferior as well as higher clergy.³⁰ It is affirmed not to have been a component of the national legislature until more than a century and a half after the admission of the commons.³¹ Indeed the influence of the church was much less sensible in Aragon, than in the other kingdoms of the Peninsula. Notwithstanding the humiliating concessions of certain of their princes to the papal see, they were never recognised by the nation, who uniformly asserted their independence of the temporal supremacy of Rome; and who, as we

²⁸ Martel, Forma de Celebrar Cortes, cap. 8. — "Brazos del reino, porque abraçan, y tienen en si."

— The cortes consisted only of three arms in Catalonia and Valencia; both the greater and lesser nobility sitting in the same chamber. Perguera, Cortes en Cataluña, and Matheu y Sanz, Constitucion de Valencia, apud Capmany, Práctica y Estilo, pp. 65, 183, 184.

²⁹ Martel, Forma de Celebrar Cortes, cap. 10, 17, 21, 46. — Blancas, Modo de Proceder en Cortes de Aragon, (Zaragoza, 1641,) fol. 17, 18.

³⁰ Capmany, Practica y Estilo, p. 12.

³¹ Blancas, Modo de Proceder, fol. 14, — and Commentarii, p. 374. — Zurita, indeed, gives repeated instances of their convocation in the thirteenth and twelfth centuries, from a date almost coeval with that of the commons; yet Blancas, who made this subject his particular study, who wrote posterior to Zurita, and occasionally refers to him, postpones the era of their admission into the legislature to the beginning of the fourteenth century.

INTROD. shall see hereafter, resisted the introduction of the Inquisition, that last stretch of ecclesiastical usurpation, even to blood.³²

The commons enjoyed higher consideration and civil privileges than in Castile. For this they were perhaps somewhat indebted to the example of their Catalan neighbours, the influence of whose democratic institutions naturally extended to other parts of the Aragonese monarchy. The charters of certain cities accorded to the inhabitants privileges of nobility, particularly that of immunity from taxation; while the magistrates of others were permitted to take their seats in the order of hidalgos.³³ From a very early period we find them employed in offices of public trust, and on important missions.³⁴ The epoch of their admission into the national assembly is traced as far back as 1133, several years earlier than the commencement of popular representation in Castile.³⁵ Each city had the right of sending two or more deputies selected from persons eligible to its magistracy; but with the privilege of only

³² One of the monarchs of Aragon, Alfonso the Warrior, according to Mariana, bequeathed all his dominions to the Templars and Hospitallers. Another, Peter II., agreed to hold his kingdom as a fief of the see of Rome, and to pay it an annual tribute. (*Hist. de España*, tom. i. pp. 596, 664.) This so much disgusted the people, that they compelled his successors to make a public protest against the claims of the church, before their coronation. — See Blancas, *Coronaciones de los Serenisimos Reyes de Aragon*, (Zaragoza, 1641,) cap. 2.

³³ Martel, *Forma de Celebrar Cortes*, cap. 22. — Asso y Manuel, *Instituciones*, p. 44.

³⁴ Zurita, *Anales*, tom. i. fol. 163, A. D. 1250.

³⁵ *Ibid.*, tom. i. fol. 51. — The earliest appearance of popular representation in Catalonia is fixed by Ripoll at 1283, (apud Capmany, *Práctica y Estilo*, p. 135.) What can Capmany mean by postponing the introduction of the commons into the cortes of Aragon to 1300? (See p. 56.) Their presence and names are commemorated by the exact Zurita, several times before the close of the twelfth century.

one vote, whatever might be the number of its deputies. Any place, which had been once represented in cortes, might always claim to be so.³⁶

SECTION
II.

Its forms of
proceeding.

By a statute of 1307, the convocation of the states, which had been annual, was declared biennial. The kings, however, paid little regard to this provision, rarely summoning them except for some specific necessity.³⁷ The great officers of the crown, whatever might be their personal rank, were jealously excluded from their deliberations. The session was opened by an address from the king in person, a point, of which they were very tenacious; after which the different *arms* withdrew to their separate apartments.³⁸ The greatest scrupulousness was manifested in maintaining the rights and dignity of the body; and their intercourse with one another, and with the king, was regulated by the most precise forms of parliamentary etiquette.³⁹ The subjects of deliberation were referred to a committee from each order, who, after conferring

³⁶ *Práctica y Estilo*, pp. 14, 17, 18, 30. — Martel, *Forma de Celebrar Cortes*, cap. 10. — Those who followed a mechanical occupation, including *surgeons and apothecaries*, were excluded from a seat in cortes. (Cap. 17.) The faculty have rarely been treated with so little ceremony.

³⁷ Martel, *Forma de Celebrar Cortes*, cap. 7. — The cortes appear to have been more frequently convoked in the fourteenth century, than in any other. Blancas refers to no less than twenty-three within that period, averaging nearly one in four years. (*Commentarii*, Index, voce Comitía.) In Catalonia and Valencia, the cortes was to be summoned every three years. Berart,

Discurso Breve sobre la Celebracion de Cortes de Aragon, (1626,) fol. 12.

³⁸ Capmany, *Práctica y Estilo*, p. 15. — Blancas has preserved a specimen of an address from the throne, in 1398, in which the king, after selecting some moral apothegm as a text, rambles for the space of half an hour through Scripture history, &c., and concludes with announcing the object of his convening the cortes together, in three lines. *Commentarii*, pp. 376–380.

³⁹ See the ceremonial detailed with sufficient prolixity by Martel, (*Forma de Celebrar Cortes*, cap. 52, 53,) and a curious illustration of it in Zurita, *Anales*, tom. iv. fol. 313.

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together, reported to their several departments. Every question, it may be presumed, underwent a careful examination; as the legislature, we are told, was usually divided into two parties, "the one maintaining the rights of the monarch, the other, those of the nation," corresponding nearly enough with those of our day. It was in the power of any member to defeat the passage of a bill, by opposing to it his *veto* or dissent, formally registered to that effect. He might even interpose his negative on the proceedings of the house, and thus put a stop to the prosecution of all further business during the session. This anomalous privilege, transcending even that claimed in the Polish diet, must have been too invidious in its exercise, and too pernicious in its consequences, to have been often resorted to. This may be inferred from the fact, that it was not formally repealed until the reign of Philip the Second, in 1592. During the interval of the sessions of the legislature, a deputation of eight was appointed, two from each arm, to preside over public affairs, particularly in regard to the revenue, and the security of justice; with authority to convoke a cortes extraordinary, whenever the exigency might demand it.⁴⁰

Its powers.

The cortes exercised the highest functions whether of a deliberative, legislative, or judicial nature.

⁴⁰ Capmany, *Práctica y Estilo*, pp. 44 et seq. — Martel, *Forma de Celebrar Cortes*, cap. 50, 60 et seq. — *Fueros y Observancias*, tom. i. fol. 229. — Blancas, *Modo de Proceder*, fol. 2 - 4. — Zurita, *Anales*, tom. iii. fol. 321. — Robert-

son, misinterpreting a passage of Blancas, (*Commentarii*, p. 375,) states, that a "session of Cortes continued forty days." (*History of Charles V.*, vol. i. p. 140.) It usually lasted months.