

The Aragonese writers are prodigal of their encomiums on the preëminence and dignity of this functionary, whose office might seem, indeed, but a doubtful expedient for balancing the authority of the sovereign; depending for its success less on any legal powers confided to it, than on the efficient and constant support of public opinion. Fortunately the Justice of Aragon uniformly received such support, and was thus enabled to carry the original design of the institution into effect, to check the usurpations of the crown, as well as to control the license of the nobility and the people. A series of learned and independent magistrates, by the weight of their own character, gave additional dignity to the office. The people, familiarized with the benignant operation of the law, referred to peaceful arbitration those great political questions, which, in other countries at this period, must have been settled by a sanguinary revolution.⁶⁵ While,

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II.Independent
execution
of it.

and tom. ii. fol. 37-41.—Blancas, *Commentarii*, pp. 391-399.

The examination was conducted in the first instance before a court of four inquisitors, as they were termed; who, after a patient hearing of both sides, reported the result of their examination to a council of seventeen, chosen like them from the cortes, from whose decision there was no appeal. No lawyer was admitted into this council, lest the law might be distorted by verbal quibbles, says Blancas. The council, however, was allowed the advice of two of the profession. They voted by ballot, and the majority decided. Such, after various modifications, were the regulations ultimately adopted in 1461, or

rather 1467. Robertson appears to have confounded the council of seventeen with the court of inquisition. See his *History of Charles V.*, vol. i. note 31.

⁶⁵ Probably no nation of the period would have displayed a temperance similar to that exhibited by the Aragonese at the beginning of the fifteenth century, in 1412; when the people, having been split into factions by a contested succession, agreed to refer the dispute to a committee of judges, elected equally from the three great provinces of the kingdom; who, after an examination conducted with all the forms of law, and on the same equitable principles as would have guided the determination of a pri-

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in the rest of Europe, the law seemed only the web to ensnare the weak, the Aragonese historians could exult in the reflection, that the fearless administration of justice in their land "protected the weak equally with the strong, the foreigner with the native." Well might their legislature assert, that the value of their liberties more than counterbalanced "the poverty of the nation, and the sterility of their soil."⁶⁶

Valencia and
Catalonia.

The governments of Valencia and Catalonia, which, as has been already remarked, were administered independently of each other after their consolidation into one monarchy, bore a very near resemblance to that of Aragon.⁶⁷ No institution, however, corresponding in its functions with that of the Justicia, seems to have obtained in either.⁶⁸

vate suit, delivered an opinion, which was received as obligatory on the whole nation.

⁶⁶ See Zurita, Anales, lib. 8, cap. 29, — and the admirable sentiments cited by Blancas from the parliamentary acts, in 1451. Commentarii, p. 350.

From this independent position must be excepted, indeed, the lower classes of the peasantry, who seem to have been in a more abject state in Aragon than in most other feudal countries. "Era tan absoluto su dominio (of their lords) que podian mater con hambre, sed, y frio á sus vasallos de servidumbre." (Asso y Manuel, Instituciones, p. 40, — also Blancas, Commentarii, p. 309.) These serfs extorted, in an insurrection, the recognition of certain rights from their masters, on condition of paying a specified tax; whence the name *villanos de parada*.

⁶⁷ Although the legislatures of the different states of the crown of Aragon were never united in one body when convened in the same town, yet they were so averse to all appearance of incorporation, that the monarch frequently appointed for the places of meeting three distinct towns, within their respective territories and contiguous, in order that he might pass the more expeditiously from one to the other. See Blancas, Modo de Proceder, cap. 4.

⁶⁸ It is indeed true, that Peter III., at the request of the Valencians, appointed an Aragonese knight Justice of that kingdom, in 1283. (Zurita, Anales, tom. i. fol. 281.) But we find no further mention of this officer, or of the office. Nor have I met with any notice of it in the details of the Valencian constitution, compiled by Capmany from various writers.

Valencia, which had derived a large portion of its primitive population, after the conquest, from Aragon, preserved the most intimate relations with the parent kingdom, and was constantly at its side during the tempestuous season of the Union. The Catalans were peculiarly jealous of their exclusive privileges, and their civil institutions wore a more democratical aspect than those of any other of the confederated states; circumstances, which led to important results that fall within the compass of our narrative.⁶⁹

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The city of Barcelona, which originally gave its name to the county of which it was the capital, was distinguished from a very early period by ample municipal privileges.⁷⁰ After the union with Aragon in the twelfth century, the monarchs of the latter kingdom extended towards it the same liberal legislation; so that, by the thirteenth, Barcelona had reached a degree of commercial prosperity rivalling that of any of the Italian republics. She divided with them the lucrative commerce with Alexandria; and her port, thronged with foreigners

Rise and
opulence of
Barcelona.

(Práctica y Estilo, pp. 161-208.) An anecdote of Ximenes Cerdan, recorded by Blancas, (Comentarios, p. 214,) may lead one to infer, that the places in Valencia, which received the laws of Aragon, acknowledged the jurisdiction of its Justicia.

⁶⁹ Capmany, Práctica y Estilo, pp. 62-214.—Capmany has collected copious materials, from a variety of authors, for the parliamentary history of Catalonia and Valencia, forming a striking contrast to the scantiness of information he was able to glean respect-

ing Castile. The indifference of the Spanish writers, till very recently, to the constitutional antiquities of the latter kingdom, so much more important than the other states of the Peninsula, is altogether inexplicable.

⁷⁰ Corbera, Cataluña Ilustrada, (Nápoles, 1678,) lib. 1, c. 17.—Petrus de Marca cites a charter of Raymond Berenger, count of Barcelona, to the city, as ancient as 1025, confirming its former privileges. See Marca Hispanica, sive Limes Hispanicus, (Parisiis, 1688,) Apend. no. 198.

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from every nation, became a principal emporium in the Mediterranean for the spices, drugs, perfumes, and other rich commodities of the east, whence they were diffused over the interior of Spain and the European continent.⁷¹ Her consuls, and her commercial factories, were established in every considerable port in the Mediterranean and in the north of Europe.⁷² The natural products of her soil, and her various domestic fabrics, supplied her with abundant articles of export. Fine wool was imported by her in considerable quantities from England in the fourteenth and fifteenth centuries, and returned there manufactured into cloth; an exchange of commodities the reverse of that existing between the two nations at the present day.⁷³ Barcelona claims the merit of having established the first bank of exchange and deposit in Europe, in 1401; it was devoted to the accommodation of foreigners as well as of her own citizens. She

⁷¹ Navarrete *Discurso Histórico*, apud *Mem. de la Acad. de Hist.*, tom. v. pp. 81, 82, 112, 113. — Capmany, *Mem. de Barcelona*, tom. i. part. 1, cap. 1, pp. 4, 8, 10, 11.

⁷² *Mem. de Barcelona*, part. 1, cap. 2, 3. — Capmany has given a register of the consuls and of the numerous stations, at which they were established throughout Africa and Europe, in the fourteenth and fifteenth centuries, (tom. ii. *Apend. no. 23.*) These officers during the Middle Ages discharged much more important duties than at the present day, if we except those few residing with the Barbary powers. They settled the disputes arising between their countrymen, in the ports where they were established;

they protected the trade of their own nation with these ports; and were employed in adjusting commercial relations, treaties, &c. In short, they filled in some sort the post of a modern ambassador, or resident minister, at a period when this functionary was only employed on extraordinary occasions.

⁷³ Macpherson, *Annals of Commerce*, (London, 1825,) vol. i. p. 655. — The woollen manufacture constituted the principal staple of Barcelona, (Capmany, *Mem. de Barcelona*, tom. i. p. 241.) The English sovereigns encouraged the Catalan traders by considerable immunities to frequent their ports during the fourteenth century. Macpherson, *ubi supra*, pp. 502, 551, 588.

claims the glory too, of having compiled the most ancient written code, among the moderns, of maritime law now extant, digested from the usages of commercial nations, and which formed the basis of the mercantile jurisprudence of Europe during the Middle Ages.⁷⁴

The wealth which flowed in upon Barcelona, as the result of her activity and enterprise, was evinced by her numerous public works, her docks, arsenal, ware-houses, exchange, hospitals, and other constructions of general utility. Strangers, who visited Spain in the fourteenth and fifteenth centuries, expatiate on the magnificence of this city, its commodious private edifices, the cleanliness of its streets and public squares (a virtue by no means usual in that day), and on the amenity of its gardens and cultivated environs.⁷⁵

Her free institutions.

But the peculiar glory of Barcelona was the freedom of her municipal institutions. Her government consisted of a senate or council of one hundred, and a body of *regidores* or counsellors, as they were styled, varying at times from four to six in number; the former intrusted with the legislative,

⁷⁴ Heeren, *Essai sur l'Influence des Croisades*, traduit par Villers, (Paris, 1808,) p. 376. — Capmany, *Mem. de Barcelona*, tom. i. p. 213, also pp. 170 — 180. — Capmany fixes the date of the publication of the *Consulado del Mar* at the middle of the thirteenth century, under James I. He discusses and refutes the claims of the Pisans to precedence in this codification. See his *Preliminary Discourse to the Costumbres Maritimas de Barcelona*.

⁷⁵ Navagiero, *Viaggio*, fol. 3. — L. Marineo styles it "the most beautiful city he had ever seen, or to speak more correctly, in the whole world." (*Cosas Memorables*, fol. 18.) Alfonso V., in one of his ordinances, in 1438, calls it "urbs venerabilis in egregiis templis, tuta ut in optimis, pulchra in cæteris ædificiis," &c. Capmany, *Mem. de Barcelona*, tom. ii. Apend. no. 13.

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the latter with the executive functions of administration. A large proportion of these bodies were selected from the merchants, tradesmen, and mechanics of the city. They were invested, not merely with municipal authority, but with many of the rights of sovereignty. They entered into commercial treaties with foreign powers; superintended the defence of the city in time of war; provided for the security of trade; granted letters of reprisal against any nation who might violate it; and raised and appropriated the public moneys for the construction of useful works, or the encouragement of such commercial adventures as were too hazardous or expensive for individual enterprise.⁷⁶

The counsellors, who presided over the municipality, were complimented with certain honorary privileges, not even accorded to the nobility. They were addressed by the title of *magníficos*; were seated, with their heads covered, in the presence of royalty; were preceded by mace-bearers, or lictors, in their progress through the country; and deputies from their body to the court were admitted on the footing, and received the honors, of foreign ambassadors.⁷⁷ These it will be recollected, were plebeians, — merchants and mechanics. Trade never was esteemed a degradation in Catalonia, as it came to be in Castile.⁷⁸ The professors of the different

⁷⁶ Capmany, Mem. de Barcelona, Apend. no. 24. — The senate or great council, though styled the "one hundred," seems to have fluctuated at different times between that number and double its amount.

⁷⁷ Corbera, Cataluña Ilustrada, p. 84. — Capmany, Mem. de Barcelona, tom. ii. Apend. no. 29.

⁷⁸ Capmany, Mem. de Barcelona, tom. i. part. 3, p. 40, tom. iii. part. 2, pp. 317, 318.

arts, as they were called, organized into guilds or companies, constituted so many independent associations, whose members were eligible to the highest municipal offices. And such was the importance attached to these offices, that the nobility in many instances, resigning the privileges of their rank, a necessary preliminary, were desirous of being enrolled among the candidates for them.⁷⁹ One cannot but observe in the peculiar organization of this little commonwealth, and in the equality assumed by every class of its citizens, a close analogy to the constitutions of the Italian republics; which the Catalans, having become familiar with in their intimate commercial intercourse with Italy, may have adopted as the model of their own.

Under the influence of these democratic institutions, the burghers of Barcelona, and indeed of Catalonia in general, which enjoyed more or less of a similar freedom, assumed a haughty independence of character beyond what existed among the same class in other parts of Spain; and this, combined with the martial daring fostered by a life of maritime adventure and warfare, made them impatient, not merely of oppression, but of contradiction, on the part of their sovereigns, who have experienced more frequent and more sturdy resistance

Haughty
spirit of the
Catalans.

⁷⁹ Capmany, Mem. de Barcelona, tom. i. part. 2, p. 187. — tom. ii. Apend. 30. — Capmany says *principal nobleza*; yet it may be presumed that much the larger proportion of these noble candidates for office was drawn from the inferior class of the privileged

orders, the knights and hidalgos. The great barons of Catalonia, fortified with extensive immunities and wealth, lived on their estates in the country, probably little relishing the levelling spirit of the burghers of Barcelona.

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from this quarter of their dominions, than from every other.⁸⁰ Navagiero, the Venetian ambassador to Spain, early in the sixteenth century, although a republican himself, was so struck with what he deemed the insubordination of the Barcelonians, that he asserts, "The inhabitants have so many privileges, that the king scarcely retains any authority over them; their liberty," he adds, "should rather go by the name of license."⁸¹ One example among many, may be given, of the tenacity with which they adhered to their most inconsiderable immunities.

Ferdinand the First, in 1416, being desirous, in consequence of the exhausted state of the finances on his coming to the throne, to evade the payment of a certain tax or subsidy customarily paid by the kings of Aragon to the city of Barcelona, sent for the president of the council, John Fiveller, to require the consent of that body to this measure. The magistrate, having previously advised with his colleagues, determined to encounter any hazard, says Zurita, rather than compromise the rights of the city. He reminded the king of his coronation oath, expressed his regret that he was willing so soon to deviate from the good usages of his prede-

⁸⁰ Barcelona revolted and was twice besieged by the royal arms under John II.; once under Philip IV., twice under Charles II., and twice under Philip V. This last time, 1713-14, in which it held out against the combined forces of France and Spain under Marshal Berwick, is one of the most memorable events in the eighteenth century. An interesting account

of the siege may be found in Coxe's *Memoirs of the Kings of Spain of the House of Bourbon*, (London, 1815,) vol. ii. chap. 21. — The late monarch, Ferdinand VII., also had occasion to feel, that the independent spirit of the Catalans did not become extinct with their ancient constitution.

⁸¹ *Viaggio*, fol. 3.

cessors, and plainly told him, that he and his comrades would never betray the liberties intrusted to them. Ferdinand, indignant at this language, ordered the patriot to withdraw into another apartment, where he remained in much uncertainty as to the consequences of his temerity. But the king was dissuaded from violent measures, if he ever contemplated them, by the representation of his courtiers, who warned him not to reckon too much on the patience of the people, who bore small affection to his person, from *the little familiarity with which he had treated them* in comparison with their preceding monarchs, and who were already in arms to protect their magistrate. In consequence of these suggestions, Ferdinand deemed it prudent to release the counsellor, and withdrew abruptly from the city on the ensuing day, disgusted at the ill success of his enterprise.⁸²

The Aragonese monarchs well understood the value of their Catalan dominions, which sustained a proportion of the public burdens equal in amount to that of both the other states of the kingdom.⁸³ Notwithstanding the mortifications, which they occasionally experienced from this quarter, therefore, they uniformly extended towards it the most liberal

⁸² Abarca, Reyes de Aragon, tom. ii. fol. 183. — Zurita, Anales, tom. iii. lib. 12, cap. 59. — The king turned his back on the magistrates, who came to pay their respects to him, on learning his intention of quitting the city. He seems, however, to have had the magnanimity to forgive, perhaps to admire, the independent conduct of Fiveller;

for at his death, which occurred very soon after, we find this citizen mentioned as one of his executors. See Capmany, Mem. de Barcelona, tom. ii. Apend. 29.

⁸³ The taxes were assessed in the ratio of one sixth on Valencia, two sixths on Aragon, and three sixths on Catalonia. See Martel, Forma de Celebrar Cortes, cap. 71.

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protection. A register of the various customs paid in the ports of Catalonia, compiled in 1413, under the abovementioned Ferdinand, exhibits a discriminating legislation, extraordinary in an age when the true principles of financial policy were so little understood.⁸⁴ Under James the First, in 1227, a navigation act, limited in its application, was published, and another under Alfonso the Fifth, in 1454, embracing all the dominions of Aragon; thus preceding by some centuries the celebrated ordinance, to which England owes so much of her commercial grandeur.⁸⁵

Intellectual
culture.

The brisk concussion given to the minds of the Catalans in the busy career in which they were engaged, seems to have been favorable to the development of poetical talent, in the same manner as it was in Italy. Catalonia may divide with Provence, the glory of being the region, where the voice of song was first awakened in modern Europe. Whatever may be the relative claims of the two countries to precedence in this respect,⁸⁶ it is certain that under the family of Barcelona, the

⁸⁴ See the items specified by Capmany, *Mem. de Barcelona*, tom. i. pp. 231, 232.

⁸⁵ *Idem*, tom. i. pp. 221, 234. — Capmany states, that the statute of Alfonso V. prohibited "all foreign ships from taking cargoes in the ports of his dominions." (See also *Colec. Dipl.*, tom. ii. no. 187.) The object of this law, like that of the British Navigation Act, was the encouragement of the national marine. It deviated, far, however, from the sagacious policy of the latter, which imposed no restriction

on the exportation of domestic produce to foreign countries, except, indeed, its own colonies.

⁸⁶ Andres, *Dell' Origine, de' Progressi, e dello Stato Attuale d' Ogni Letteratura*, (Venezia, 1783,) part. 1, cap. 11. — Lampillas, *Saggio Storico-Apologético della Letteratura Spagnuola*, (Genova, 1778,) part. 1, dis. 6, sec. 7. — Andres conjectures, and Lampillas decides, in favor of Catalonia. *Arcades ambo*; and the latter critic, the worst possible authority on all questions of national preference.