

PART  
II.

reigns, was to raise men of humble station to offices of the highest trust; not, however, like their contemporary, Louis the Eleventh, because their station was humble, in order to mortify the higher orders, but because they courted merit, wherever it was to be found; <sup>5</sup> — a policy much and deservedly commended by the sagacious observers of the time. <sup>6</sup> The history of Spain does not probably afford another example of a person of the lowly condition of Ximenes, attaining, not merely the highest offices in the kingdom, but eventually its uncontrolled supremacy. <sup>7</sup> The multiplication of legal tribunals, and other civil offices, afforded the sovereigns ample scope for pursuing this policy, in the demand created for professional science. The nobles, intrusted hitherto with the chief direction of affairs, now saw it pass into the hands of persons, who had other qualifications than martial prowess or hereditary rank. Such as courted distinction, were compelled to seek it by the regular avenues of academic discipline. How extensively the spirit operated, and with what brilliant success, we have already seen. <sup>8</sup>

<sup>5</sup> The same principle made them equally vigilant in maintaining the purity of those in office. Oviedo mentions, that in 1497 they removed a number of jurists, on the charge of bribery and other malversation, from their seats in the royal council. Quincuagenas, MS., dial. de Grizio.

<sup>6</sup> See a letter of the council to Charles V., commending the course adopted by his grandparents in their promotions to office, apud Carbajal, Anales, MS., año 1517, cap. 4.

<sup>7</sup> Yet strange instances of pro-

motion are not wanting in Spanish history; witness the adventurer Ripperda, in Philip V.'s time, and the Prince of the Peace, in our own; men, who, owing their success less to their own powers, than the imbecility of others, could lay no claim to the bold and independent sway exercised by Ximenes.

<sup>8</sup> Ante, Part I., Chapter 19. — “No os parece á vos,” says Oviedo, in one of his Dialogues, “que es mejor ganado eso, que les dá su principe por sus servicios, é lo que llevan justamente de sus oficios, que lo

But, whatever the aristocracy may have gained in refinement of character, it resigned much of its prescriptive power, when it condescended to enter the arena on terms of equal competition with its inferiors for the prizes of talent and scholarship.

CHAPTER  
XXVI.

Ferdinand pursued a similar course in his own dominions of Aragon, where he uniformly supported the commons, or may more properly be said to have been supported by them, in the attempt to circumscribe the authority of the great feudatories. Although he accomplished this, to a considerable extent, their power was too firmly intrenched behind positive institutions to be affected like that of the Castilian aristocracy, whose rights had been swelled beyond their legitimate limits by every species of usurpation.<sup>9</sup>

With all the privileges retrieved from this order, it still possessed a disproportionate weight in the political balance. The great lords still claimed some of the most considerable posts, both civil and military.<sup>10</sup> Their revenues were immense, and

Their great  
power.

que se adquiere robando capas ajenas, é matando é vertiendo sangre de Cristianos?" (Quincuagenas, MS., bat. 1, quine. 3, dial. 9.) The sentiment would have been too enlightened for a Spanish cavalier of the fifteenth century.

<sup>9</sup> In the cortes of Calatayud, in 1515, the Aragonese nobles withheld the supplies, with the design of compelling the crown to relinquish certain rights of jurisdiction, which it assumed over their vassals. "Les parecio," said the archbishop of Saragossa, in a speech on the occasion, "que auian per-

dido mucho, en que el ceptro real cobrasse lo suyo, por su industria. \* \* \* \* \* Esto los otros estados del reyno lo atribuyeron à gran virtud: y lo estimauan por beneficio inmortal." (Zurita, Anales, tom. vi. lib. 10, cap. 93.) The other estates, in fact, saw their interests too clearly, not to concur with the crown in this assertion of its ancient prerogative. Blancas, Modo de Proceder, fol. 100.

<sup>10</sup> Such, for example, were those of great chancellor, of admiral, and of constable of Castile. The first of these ancient offices was permanently united by Isabella with that

PART  
II.

their broad lands covered unbroken leagues of extent in every quarter of the kingdom.<sup>11</sup> The queen, who reared many of their children in the royal palace, under her own eye, endeavoured to draw her potent vassals to the court;<sup>12</sup> but many, still cherishing the ancient spirit of independence, preferred to live in feudal grandeur, surrounded by

of archbishop of Toledo. The office of admiral became hereditary, after Henry III., in the noble family of Enriquez, and that of constable in the house of Velasco. Although of great authority and importance in their origin, and, indeed, in the time of the Catholic sovereigns, these posts gradually, after becoming hereditary, declined into mere titular dignities. Salazar de Mendoza, *Dignidades*, lib. 2, cap. 8, 10; lib. 3, cap. 21. — L. Marineo, *Cosas Memorables*, fol. 24.

<sup>11</sup> The duke of Infantado, head of the ancient house of Mendoza, whose estates lay in Castile, and, indeed, in most of the provinces of the kingdom, is described by Navagiero as living in great magnificence. He maintained a body guard of 200 foot, besides men-at-arms; and could muster more than 30,000 vassals. (*Viaggio*, fol. 6, 33.) Oviedo makes the same statement. (*Quincuagenas*, MS., bat. 1, quinc. 1, dial. 8.) Lucio Marineo, among other things in his curious *farrago*, has given an estimate of the rents, "poco mas ó menos," of the great nobility of Castile and Aragon, whose whole amount he computes at one-third of those of the whole kingdom. I will select a few of the names familiar to us in the present narrative.

Enriquez, admiral of Castile, 50,000 ducats income, equal to \$440,000.  
Velasco, constable of Castile, 60,000 ducats income, estates in Old Castile.

Toledo, duke of Alva, 50,000 ducats income, estates in Castile and Navarre.  
Mendoza, duke of Infantado, 50,000 ducats income, estates in Castile and other provinces.

Guzman, duke of Medina Sidonia, 55,000 ducats income, estates in Andalusia.

Cerda, duke of Medina Celi, 30,000 ducats income, estates in Castile and Andalusia.

Ponce de Leon, duke of Arcos, 25,000 ducats income, estates in Andalusia.

Pacheco, duke of Escalona (marquis of Villena), 60,000 ducats income, estates in Castile.

Cordova, duke of Sessa, 60,000 ducats income, estates in Naples and Andalusia.

Aguilar, marquis of Priego, 40,000 ducats income, estates in Andalusia and Estremadura.

Mendoza, count of Tendilla, 15,000 ducats income, estates in Castile.

Pimentel, count of Benavente, 60,000 ducats income, estates in Castile.

Giron, count of Ureña, 20,000 ducats income, estates in Andalusia.

Silva, count of Cifuentes, 10,000 ducats income, estates in Andalusia.

(*Cosas Memorables*, fol. 24, 25.)

The estimate is confirmed, with some slight discrepancies, by Navagiero, *Viaggio*, fol. 18, 33, et alibi. See also Salazar de Mendoza, *Dignidades*, discurso 2.

<sup>12</sup> "En casa de aquellos Principes estaban las hijas de los principales señores é cavalleros por damas de la Reyna é de las Infantas sus hijas, y en la corte andaban todos los mayorazgos y hijos de grandes é los mas heredados de sus reynos." Oviedo, *Quincuagenas*, MS., bat. 1, quinc. 4, dial. 44.

their retainers in their strong castles, and wait there, in grim repose, the hour when they might sally forth and reassert by arms their despoiled authority. Such a season occurred on Isabella's death. The warlike nobles eagerly seized it; but the wily and resolute Ferdinand, and afterwards the iron hand of Ximenes, kept them in check, and prepared the way for the despotism of Charles the Fifth, round whom the haughty aristocracy of Castile, shorn of substantial power, were content to revolve as the satellites of a court, reflecting only the borrowed splendors of royalty.

The Queen's government was equally vigilant in resisting ecclesiastical encroachment. It may appear otherwise to one who casts a superficial glance at her reign, and beholds her surrounded always by a troop of ghostly advisers, and avowing religion as the great end of her principal operations at home and abroad.<sup>13</sup> It is certain, however, that, while in all her acts she confessed the influence of religion, she took more effectual means than any of her predecessors, to circumscribe the temporal powers of the clergy.<sup>14</sup> The volume of her *pragmáticas* is

Treatment  
of the  
church.

<sup>13</sup> "Como quier que oia el parecer de *personas religiosas* é de los otros letrados que cerca della eran, pero la mayor parte seguia las cosas por su arbitrio." Pulgar, Reyes Católicos, part. 1, cap. 4.

<sup>14</sup> Lucio Marineo has collected many particulars respecting the great wealth of the Spanish clergy in his time. There were four metropolitan sees in Castile.

Toledo,	income	80,000	ducats.
St. James,	"	24,000	"
Seville,	"	20,000	"
Granada	"	10,000	"

There were twenty-nine bishoprics, whose aggregate revenues, very unequally apportioned, amounted to 251,000 ducats. The church livings in Aragon were much fewer and leaner than in Castile. (Cosas Memorables, fol. 23.) The Venetian Navagiero, speaks of the metropolitan church of Toledo, as "the wealthiest in Christendom"; its canons lived in stately palaces, and its revenues, with those of the archbishopric, equalled those of the whole city of Toledo. (Viaggio,

PART  
II.

filled with laws designed to limit their jurisdiction, and restrain their encroachments on the secular authorities.<sup>15</sup> Towards the Roman See, she maintained, as we have often had occasion to notice, the same independent attitude. By the celebrated concordat made with Sixtus the Fourth, in 1482, the pope conceded to the sovereigns the right of nominating to the higher dignities of the church.<sup>16</sup> The Holy See, however, still assumed the collation to inferior benefices, which were too often lavished on non-residents, and otherwise unsuitable persons. The queen sometimes extorted a papal indulgence granting the right of presentation, for a limited time; on which occasions she showed such alacrity, that she is known to have disposed, in a single day, of more than twenty prebends and inferior dignities. At other times, when the nomination made by his Holiness, as not unfrequently happened, was distasteful to her, she would take care to defeat it, by forbidding the bull to be published until laid before the privy council; at the same time sequestrating the revenues of the vacant benefice, till her own requisitions were complied with.<sup>17</sup>

She was equally solicitous in watching over the

Care of  
morals.

fol. 9.) He notices also the great opulence of the churches of Seville, Guadalupe, &c. Fol. 11, 13.

<sup>15</sup> See Pragmáticas del Reyno, fol. 11, 140, 141, 171, et loc. al. — From one of these ordinances, it appears the clergy were not backward in remonstrating against what they deemed an infringement of their rights. (Fol. 172.) The queen, however, while she guarded against their usurpations, interfered

more than once, with her usual sense of justice, on their application, to shield them from the encroachments of the civil tribunals. Riol, Informe, apud Semanario Erudito, tom. iii. pp. 98, 99.

<sup>16</sup> See Part I. Chapter 6, of this History.

<sup>17</sup> See examples of this, in Riol, Informe, apud Semanario Erudito, tom. iii. pp. 95-102. — Pragmáticas del Reyno, fol. 14.

morals of the clergy, inculcating on the higher prelates to hold frequent pastoral communication with their suffragans, and to report to her such as were delinquent.<sup>18</sup> By these vigilant measures, she succeeded in restoring the ancient discipline of the church, and weeding out the sensuality and indolence, which had so long defiled it; while she had the inexpressible satisfaction to see the principal places, long before her death, occupied by prelates, whose learning and religious principle gave the best assurance of the stability of the reformation.<sup>19</sup> Few of the Castilian monarchs have been brought more frequently into collision, or pursued a bolder policy, with the court of Rome. Still fewer have extorted from it such important graces and concessions; a circumstance, which can only be imputed, says a Castilian writer, "to singular good fortune and consummate prudence";<sup>20</sup> to that deep conviction of the queen's integrity, we may also add, which disarmed resistance, even in her enemies.

The condition of the commons under this reign was probably, on the whole, more prosperous than

State of the commons.

<sup>18</sup> Riol, Informe, apud Semanario Erudito, tom. iii. p. 94. — L. Marineo, Cosas Memorables, fol. 182.

<sup>19</sup> Oviedo bears emphatic testimony to this. "En nuestros tiempos há habido en España de nuestra Nación grandes varones Letrados, excelentes Perlados y Religiosos y personas que por sus habilidades y ciencias hán subido á las mas altas dignidades de Capelos é de Arzobispados y todo lo que mas

se puede alcanzar, en la Iglesia de Dios." Quincuagenas, MS., dial. de Talavera.

<sup>20</sup> "Lo que debe admirar es, que en el tiempo mismo que se contendia con tanto ardor, obtuvieron los Reyes de la santa Sede mas gracias y privilegios que ninguno de sus sucesores; prueba de su felicidad, y de su prudentissima conducta." Riol, Informe, apud Semanario Erudito, tom. iii. p. 95.

PART  
II.

in any other period of the Spanish history. New avenues to wealth and honors were opened to them; and persons and property were alike protected under the fearless and impartial administration of the law. "Such was the justice dispensed to every one under this auspicious reign," exclaims Marineo, "that nobles and cavaliers, citizens and laborers, rich and poor, masters and servants, all equally partook of it."<sup>21</sup> We find no complaints of arbitrary imprisonment, and no attempts, so frequent both in earlier and later times, at illegal taxation. In this particular, indeed, Isabella manifested the greatest tenderness for her people. By her commutation of the capricious tax of the *alcavala* for a determinate one, and still more by transferring its collection from the revenue officers to the citizens themselves, she greatly relieved her subjects.<sup>22</sup>

Finally, notwithstanding the perpetual call for troops for the military operations, in which the government was constantly engaged, and notwithstanding the example of neighbouring countries,

<sup>21</sup> "Porque la igualdad de la justicia que los bienaventurados Principes hazian era tal, que todos los hombres de qualquier condicion que fuesen: aora nobles, y caualeros: aora plebeyos, y labradores, y ricos, o pobres, flacos, o fuertes, señores, o sieruos en lo que a la justicia tocava todos fuesen iguales." *Cosas Memorables*, fol. 180.

<sup>22</sup> These beneficial changes were made with the advice, and through the agency of Ximenes. (*Gomez, De Rebus Gestis*, fol. 24. — *Quintanilla, Archetypo*, p. 181.) The *alcavala*, a tax of one tenth on all transfers of property, produced more than any other branch of the

revenue. As it was originally designed, more than a century before, to furnish funds for the Moorish war, Isabella, as we have seen in her testament, entertained great scruples as to the right to continue it, without the confirmation of the people, after that was terminated. Ximenes recommended its abolition, without any qualification, to Charles V., but in vain. (*Idem auct.*, ubi supra.) Whatever be thought of its legality, there can be no doubt it was one of the most successful means ever devised by a government for shackling the industry and enterprise of its subjects.

there was no attempt to establish that iron bulwark of despotism, a standing army; at least, none nearer than that of the voluntary levies of the hermandad, raised and paid by the people. The queen never admitted the arbitrary maxims of Ximenes in regard to the foundation of government. Hers was essentially one of opinion, not force.<sup>23</sup> Had it rested on any other than the broad basis of public opinion, it could not have withstood a day the violent shocks, to which it was early exposed, nor have achieved the important revolution that it finally did, both in the domestic and foreign concerns of the country.

The condition of the kingdom, on Isabella's accession, necessarily gave the commons unwonted consideration. In the tottering state of her affairs, she was obliged to rest on their strong arm for support. It did not fail her. Three sessions of the legislature, or rather the popular branch of it, were held during the two first years of her reign. It was in these early assemblies, that the commons bore an active part in concocting the wholesome system of laws, which restored vitality and vigor to the exhausted republic.<sup>24</sup>

Their consideration.

<sup>23</sup> A pragmatic was issued, September 18th, 1495, prescribing the weapons and the seasons for a regular training of the militia. The preamble declares, that it was made at the instance of the representatives of the cities and the nobles, who complained, that, in consequence of the tranquillity, which the kingdom, through the divine mercy, had for some years enjoyed, the people were very generally un-

provided with arms, offensive or defensive, having sold or suffered them to fall into decay, insomuch that, in their present condition, they would be found wholly unprepared to meet either domestic disturbance, or foreign invasion. (Pragmáticas del Reyno, fol. 83.) What a tribute does this afford, in this age of violence, to the mild, paternal character of the administration!

<sup>24</sup> The most important were those

*true*



PART  
II.

After this good work was achieved, the sessions of that body became more rare. There was less occasion for them, indeed, during the existence of the hermandad, which was, of itself, an ample representation of the Castilian commons, and which, by enforcing obedience to the law at home, and by liberal supplies for foreign war, superseded, in a great degree, the call for more regular meetings of cortes.<sup>25</sup> The habitual economy, too, not to say frugality, which regulated the public, as well as private expenditure of the sovereigns, enabled them, after this period, with occasional exceptions, to dispense with other aid than that drawn from the regular revenues of the crown.

There is every ground for believing that the political franchises of the people, as then understood, were uniformly respected. The number of cities summoned to cortes, which had so often varied according to the caprice of princes, never fell short of that prescribed by long usage. On the contrary, an addition was made by the conquest of Granada; and, in a cortes held soon after the queen's death, we find a most narrow and impolitic remonstrance of the legislature itself, against the alleged unauthorized extension of the privilege of representation.<sup>26</sup>

of Madrigal, in 1476, and of Toledo, in 1480, to which I have often had occasion to refer. "Las mas notables," say Asso and Manuel, in reference to the latter, "y famosas de este Reynado, en el qual podemos asegurar, que tuvo principio el mayor aumento, y arreglo de nuestra Jurisprudencia." (Institucio-

nes, Introd. p. 91.) Marina notices this cortes with equal panegyric. (Teoria, tom. i. p. 75.) See also Sempere, Hist. des Cortes, p. 197.

<sup>25</sup> See Part I. Chapters 10, 11, et alibi.

<sup>26</sup> At Valladolid, in 1506. The number of cities having right of

In one remarkable particular, which may be thought to form a material exception to the last observations, the conduct of the crown deserves to be noticed. This was, the promulgation of *pragmáticas*, or royal ordinances, and that to a greater extent, probably, than under any other reign, before or since. This important prerogative was claimed and exercised, more or less freely, by most European sovereigns in ancient times. Nothing could be more natural, than that the prince should assume such authority, or that the people, blind to the ultimate consequences, and impatient of long or frequent sessions of the legislature, should acquiesce in the temperate use of it. As far as these ordinances were of an executive character, or designed as supplementary to parliamentary enactments, or in obedience to previous suggestions of cortes, they appear to lie open to no constitutional objections in Castile.<sup>27</sup> But it was not likely that

representation, "que acostumbran continuamente embiar procuradores á cortes," according to Pulgar, was seventeen. (Reyes Católicos, cap. 95.) This was before Granada was added. Martyr, writing some years after that event, enumerates only sixteen, as enjoying the privilege. (Opus Epist., epist. 460.) Pulgar's estimate, however, is corroborated by the petition of the cortes of Valladolid, which, with more than usual effrontery, would limit the representation to eighteen cities, as prescribed "por algunas leyes é inmemorial uso." Marina, Teoria, tom. i. p. 161.

<sup>27</sup> Many of these *pragmáticas* purport, in their preambles, to be made at the demand of cortes; many more at the petition of corpora-

tions or individuals; and many from the good pleasure of the sovereigns, bound to "remedy all grievances, and provide for the exigencies of the state." These ordinances very frequently are stated to have been made with the advice of the royal council. They were proclaimed in the public squares of the city, in which they were executed, and afterwards in those of the principal towns in the kingdom. The doctors Asso and Manuel divide *pragmáticas* into two classes; those made at the instance of cortes, and those emanating from the "sovereign, as *supreme legislator* of the kingdom, moved by his anxiety for the common weal." "Muchas de este género," they add, "contiene el libro raro intitulado *Pragmáticas*

PART  
II.

limits, somewhat loosely defined, would be very nicely observed; and under preceding reigns this branch of prerogative had been most intolerably abused.<sup>28</sup>

A large proportion of these laws are of an economical character, designed to foster trade and manufactures, and to secure fairness in commercial dealings.<sup>29</sup> Many are directed against the growing spirit of luxury, and many more occupied with the organization of the public tribunals. Whatever be thought of their wisdom in some cases, it will not be easy to detect any attempt to innovate on the settled principles of criminal jurisprudence, or on those regulating the transfer of property. When these were to be discussed, the sovereigns were careful to call in the aid of the legislature; an example which found little favor with their successors.<sup>30</sup> It is good evidence of the public confidence

*del Reyno*, que se imprimió la primera vez en Alcalá en 1528. (Instituciones, Introd., p. 110.) This is an error; — see note 43, infra.

<sup>28</sup> "Por la presente premática-sencion," said John II., in one of his ordinances, "lo cual todo é cada cosa dello é parte dello quiero é mando é ordeno que se guarde é cumpla daqui adelante para siempre jamás en todas las cibdades é villas é logares non embargante cualesquier leyes é fueros é derechos é ordenamientos, constituciones é posesiones é premáticas-senciones, é usos é costumbres, ca en cuanto á est oatañe yo los abrogo é derogo." Marina, Teoría, tom. ii. p. 216.) This was the very essence of despotism, and John found it expedient to retract these expressions, on the subsequent remonstrance of cortes.

<sup>29</sup> Indeed, it is worthy of remark, as evincing the progress of civilization under this reign, that most of the criminal legislation is to be referred to its commencement, while the laws of the subsequent period chiefly concern the new relations which grow out of an increased domestic industry. It is in the "Ordenanças Reales," and "Leyes de la Hermandad," both published by 1485, that we must look for the measures against violence and rapine.

<sup>30</sup> Thus, for example, the important criminal laws of the Hermandad, and the civil code called the "Laws of Toro," were made under the express sanction of the commons. (Leyes de la Hermandad, fol. 1.—Quaderno de las Leyes y Nuevas Decisiones hechas y ordenadas en la Ciudad de Toro,

in the government, and the generally beneficial scope of these laws, that, although of such unprecedented frequency, they should have escaped parliamentary animadversion.<sup>31</sup> But, however patriotic the intentions of the Catholic sovereigns, and however safe, or even salutary, the power intrusted to such hands, it was a fatal precedent, and under the Austrian dynasty became the most effectual lever for overturning the liberties of the nation.

The preceding remarks on the policy observed towards the commons in this reign must be further understood as applying with far less qualification to the queen, than to her husband. The latter, owing perhaps to the lessons which he had derived from his own subjects of Aragon, "who never abated one jot of their constitutional rights," says Martyr, "at the command of a king,"<sup>32</sup> and whose meetings generally brought fewer supplies to the royal coffers, than grievances to redress, seems to have

Arbitrary  
measures of  
Ferdinand.

(Medina del Campo, 1555,) fol. 49.) Nearly all, if not all, the acts of the Catholic sovereigns introduced into the famous code of the "Ordenanças Reales," were passed in the cortes of Madrigal, in 1476, or Toledo, in 1480.

<sup>31</sup> It should be stated, however, that the cortes of Valladolid, in 1506, two years after the queen's death, enjoined Philip and Joanna to make no laws without the consent of cortes; remonstrating, at the same time, against the existence of many royal *pragmáticas*, as an evil to be redressed. "Y por esto se estableció lei que no hiciesen ni renovasen leyes sino en cortes. \* \* \* \* Y porque fuera de esta orden se han hecho muchas

pragmáticas de que estos vuestros reynos se tienen por agraviados, manden que aquellas se revean y provean y remedien los agravios que las tales pragmáticas tienen." (Marina, Teoría, tom. ii. p. 218.)

Whether this is to be understood of the ordinances of the reigning sovereigns, or their predecessors, may be doubted. It is certain, that the nation, however it may have acquiesced in the exercise of this power by the late queen, would not have been content to resign it to such incompetent hands, as those of Philip and his crazy wife.

<sup>32</sup> "Liberi patriis legibus, nil imperio Regis gubernantur." Opus Epist., epist. 438.

PART  
II.

had little relish for popular assemblies. He convened them as rarely as possible in Aragon,<sup>33</sup> and, when he did, omitted no effort to influence their deliberations.<sup>34</sup> He anticipated, perhaps, similar difficulties in Castile, after his second marriage had lost him the affections of the people. At any rate, he evaded calling them together on more than one occasion imperiously demanded by the constitution;<sup>35</sup> and, when he did so, he invaded their privileges,<sup>36</sup> and announced principles of govern-

<sup>33</sup> Capmany, however, understates the number, when he limits it to four sessions only during this whole reign. *Práctica y Estilo*, p. 62.

<sup>34</sup> See Part II., Chapter 12, note 7, of this History. — "Si quis aliquid," says Martyr, speaking of a cortes general held at Monzon, by Queen Germaine, "sibi contra jus illatum putat, aut a regiâ coronâ quæquam deberi existimat, nunquam dissolvuntur conventus, donec conquerenti satisfiat, neque Regibus parere in exigendis pecuniis, solent aliter. Regina quotidie scribit, se vexari eorum petitionibus, nec exsolvere se quire, quod se maxime optare ostendit. Rex imminentis necessitatis bellicæ vim proponit, ut in aliud tempus querelas differant, per literas, per nuntios, per ministros, conventum præsidentesque hortatorum monetque, et summissis fere verbis rogare videtur." 1512. (*Opus Epist.*, epist. 493.) Blancas notices Ferdinand's astuteness, who, instead of money granted by the Aragonese with difficulty and reservations, usually applied for troops at once, which were furnished and paid by the state. (*Modo de Proceder*, fol. 100, 101.) Zurita tells us, that both the king and queen were averse to meetings of cortes in Cas-

tile oftener than absolutely necessary, and both took care, on such occasions, to have their own agents near the deputies, to influence their proceedings. "Todas las vezes que en lo passado el Rey, y la Reyna doña Isabel llamauan à cortes en Castilla, temian de las llamar: y despues de llamados, y ayuntados los procuradores, ponian tales personas de su parte, que continuamente se juntassen con ellos; por escusar lo que podria resultar de aquellos ayuntamientos: y tambien por darles à entender, que no temian tanto poder, quanto ellos se imaginauan." (*Anales*, tom. vi. fol. 96.) This course is as repugnant to Isabella's character as it is in keeping with her husband's. Under their joint administration, it is not always easy to discriminate the part which belongs to each. Their respective characters, and political conduct in affairs where they were separately concerned, furnish us a pretty safe clue to our judgment in others.

<sup>35</sup> As, for example, both when he resigned, and resumed the regency. See Part II., Chapters 17, 20.

<sup>36</sup> In the first cortes after Isabella's death, at Toro, in 1505, Ferdinand introduced the practice, which has since obtained, of admin-

ment,<sup>37</sup> which formed a discreditable, and, it must be admitted, rare exception to the usual tenor of his administration. Indeed, the most honorable testimony is borne to its general equity and patriotism, by a cortes convened soon after the queen's death, when the tribute, as far as she was concerned, still more unequivocally, must have been sincere.<sup>38</sup> A similar testimony is afforded by the panegyrics and the practice of the more liberal Castilian writers, who freely resort to this reign, as the great fountain of constitutional precedent.<sup>39</sup>

The commons gained political consideration, no doubt, by the depression of the nobles; but their chief gain lay in the inestimable blessings of domestic tranquillity, and the security of private rights. The crown absorbed the power, in whatever form, retrieved from the privileged orders; the pensions and large domains, the numerous fortified places, the rights of seigniorial jurisdiction, the command of the military orders, and the like. Other circumstances conspired to raise the regal authority still

Advance-  
ment of pre-  
rogative.

istering an oath of secrecy to the deputies, as to the proceedings of the session; a serious wound to popular representation. (Marina, *Teoria*, tom. i. p. 273.) Capmany (*Práctica y Estilo*, p. 232.) errs in describing this as, "un arteficio Maquiavélico inventado por la política Alemana." The German Machiavelism has quite sins enough in this way to answer for.

<sup>37</sup> The introductory law to the "Leyes de Toro," holds this strange language; "Y porque al rey pertenesce y ha poder de hazer fueros y leyes, y de las interpretar y emendar donde vieren que cum-

ple," &c. (*Leyes de Toro*, fol. 2.) What could John II., or any despot of the Austrian line, claim more!

<sup>38</sup> See the address of the cortes, in Marina, *Teoria*, tom. i. p. 282.

<sup>39</sup> Among the writers repeatedly cited by me, it is enough to point out the citizen Marina, who has derived more illustrations of his liberal theory of the constitution from the reign of Ferdinand and Isabella than from any other; and who loses no opportunity of panegyric on their "paternal government," and of contrasting it with the tyrannical policy of later times.

PART  
II

higher ; as, for example, the international relations then opened with the rest of Europe, which, whether friendly or hostile, were conducted by the monarch alone, who, unless to obtain supplies, rarely condescended to seek the intervention of the other estates ; the concentration of the dismembered provinces of the Peninsula under one government ; the immense acquisitions abroad, whether from discovery or conquest, regarded in that day as the property of the crown, rather than of the nation ; and, finally, the consideration flowing from the personal character, and long successful rule, of the Catholic sovereigns. Such were the manifold causes, which, without the imputation of a criminal ambition, or indifference to the rights of their subjects, in Ferdinand and Isabella, all combined to swell the prerogative to an unprecedented height under their reign.

This, indeed, was the direction in which all the governments of Europe, at this period, were tending. The people, wisely preferring a single master to a multitude, sustained the crown in its efforts to recover from the aristocracy the enormous powers it so grossly abused. This was the revolution of the fifteenth and sixteenth centuries. The power thus deposited in a single hand, was found in time equally incompatible with the great ends of civil government ; while it gradually accumulated to an extent, which threatened to crush the monarchy by its own weight. But the institutions derived from a Teutonic origin have been found to possess a conservative principle, unknown to the fragile despotisms of

the east. The seeds of liberty, though dormant, lay deep in the heart of the nation, waiting only the good time to germinate. That time has at length arrived. Larger experience, and a wider moral culture, have taught men not only the extent of their political rights, but the best way to secure them. And it is the reassertion of these by the great body of the people, which now constitutes the revolution going forward in most of the old communities of Europe. The progress of liberal principles must be controlled, of course, by the peculiar circumstances and character of the nation; but their ultimate triumph, in every quarter, none can reasonably distrust. May it not be abused.

The prosperity of the country, under Ferdinand and Isabella, its growing trade and new internal relations, demanded new regulations, which, as before noticed, were attempted to be supplied by the *pragmáticas*. This was adding, however, to the embarrassments of a jurisprudence already far too cumbrous. The Castilian lawyer might despair of a critical acquaintance with the voluminous mass of legislation, which, in the form of municipal charters, Roman codes, parliamentary statutes, and royal ordinances, were received as authority in the courts.<sup>40</sup> The manifold evils resulting from this unsettled and conflicting jurisprudence, had led the legislature repeatedly to urge its digest into a more

Legal comp-  
pilations.

<sup>40</sup> Marina enumerates no less than nine separate codes of civil and municipal law in Castile, by which the legal decisions were to be regulated, in Ferdinand and Isabella's

time. *Ensayo Historico-Critico, sobre la Antigua Legislacion de Castilla*, (Madrid, 1808,) pp. 383-386. — Asso y Manuel, *Instituciones*, Introd.



simple and uniform system. Some approach was made towards this in the code of the "Ordenanças Reales," compiled in the early part of the queen's reign.<sup>41</sup> The great body of *Pragmáticas*, subsequently issued, were also collected into a separate volume by her command,<sup>42</sup> and printed the year before her death.<sup>43</sup> These two codes may therefore be regarded as embracing the ordinary legislation of her reign.

In 1505, the celebrated little code, called "Leyes de Toro," from the place where the cortes was held, received the sanction of that body.<sup>44</sup> Its

<sup>41</sup> See Part I., Chapter 6, of this History.

<sup>42</sup> "A collection," says señor Clemencin, "of the last importance, and indispensable to a right understanding of the spirit of Isabella's government, but, nevertheless, little known to Castilian writers, not excepting the most learned of them." (Mem. de la Acad. de Hist., tom. vi. Ilust. 9.) No edition of the *Pragmáticas* has appeared since the publication of Philip II.'s "Nueva Recopilacion," in 1567, in which a large portion of them are embodied. The remainder having no further authority, the work has gradually fallen into oblivion. But, whatever be the cause, the fact is not very creditable to professional science in Spain.

<sup>43</sup> The earliest edition was at Alcalá de Henares, printed by Lanzalao Polono, in 1503. It was revised and prepared for the press by Johan Ramirez, secretary of the royal council, from whom the work is often called "Pragmáticas de Ramirez." It passed through several editions by 1550. Clemencin (ubi supra) enumerates five, but his list is incomplete, as the one in my possession, probably the

second, has escaped his notice. It is a fine old folio, in black letter, containing in addition some ordinances of Joanna, and the "Laws of Toro," in 192 folios. On the last is this notice by the printer. "Fue ympressa la presente obra en la muy noble y muy leal cibdad de Seuilla, por Juan Varela ympressor de libros. Acabose a dos dias del mes de octubre de mill y quinientos y veynete años." The first leaf after the table of contents exhibits the motives of its publication "E porqué como algunas de ellas (pragmáticas sanciones é cartas) ha mucho tiempo que se dieron, é otras se hicieron en diversos tiempos, estan derramadas por muchas partes, no se saben por todos, é aun muchas de las dichas justicias no tienen complida noticia de todas ellas, pareciendo ser necesario é provechoso; mandamos á los del nuestro consejo que las hiciesen juntar é corregir é imprimir," &c.

<sup>44</sup> "Leyes de Toro," say Asso and Manuel, "veneradas tanto desde entonces, que se les dió el primer lugar de valimiento sobre todas las del Reyno." *Instituciones*, Introd. p. 95.

laws, eighty-four in number, and designed as supplementary to those already existing, are chiefly occupied with the rights of inheritance and marriage. It is here that the ominous term "mayorazgo" may be said to have been naturalized in Castilian jurisprudence.<sup>45</sup> The peculiar feature of these laws, aggravated in no slight degree by the glosses of the civilians,<sup>46</sup> is the facility which they give to entails; a fatal facility, which, chiming in with the pride and indolence natural to the Spanish character, ranks them among the most efficient agents of the decay of husbandry and the general impoverishment of the country.

Besides these codes, there were the "Leyes de la Hermandad,"<sup>47</sup> the "Quaderno de Alcabalas," with others of less note for the regulation of trade, made in this reign.<sup>48</sup> But still the great scheme of a uniform digest of the municipal law of Castile, although it occupied the most distinguished juriconsults of the time, was unattained at the queen's

<sup>45</sup> See the sensible memorial of Jovellanos, "Informe al Real y Supremo Consejo en el Expediente de Ley Agraria." Madrid, 1795.

There have been several editions of this code, since the first of 1505. (Marina, Ensayo, No. 450.) I have copies of two editions, in black letter, neither of them known to Marina; one, above noticed, printed at Seville, in 1520; and the other at Medina del Campo, in 1555, probably the latest. The laws were subsequently incorporated in the "Nueva Recopilacion."

<sup>46</sup> "Esta ley," says Jovellanos, "que los juriconsultos llaman á boca llena injusta y bárbara, lo es mucho mas por la extension que los pragmáticos le dieron en sus co-

mentarios." (Informe, p. 76, nota.) The edition of Medina del Campo, in 1555, is swelled by the commentaries of Miguel de Cifuentes, till the text, in the language of bibliographers, looks like "cymba in oceano."

<sup>47</sup> Ante, Part I. Chapter 6.

<sup>48</sup> Leyes del Quaderno Nuevo de las Rentas de las Alcabalas y Franquezas, hecho en la Vega de Granada, (Salamanca, 1550); a little code of 37 folios, containing 147 laws for the regulation of the crown rents. It was made in the Vega of Granada, December 10th, 1491. The greater part of these laws, like so many others of this reign, have been admitted into the "Nueva Recopilacion."

PART  
II.

death.<sup>49</sup> How deeply it engaged her mind in that hour, is evinced by the clause in her codicil, in which she bequeaths the consummation of the work, as an imperative duty, to her successors.<sup>50</sup> It was not completed till the reign of Philip the Second; and the large proportion of Ferdinand and Isabella's laws, admitted into that famous compilation, shows the prospective character of their legislation, and the uncommon discernment with which it was accommodated to the peculiar genius and wants of the nation.<sup>51</sup>

Organiza-  
tion of coun-  
cils.

The immense increase of empire, and the corresponding developement of the national resources, not only demanded new laws, but a thorough re-organization of every department of the adminis-

<sup>49</sup> At the head of these, undoubtedly, must be placed Dr. Alfonso Diaz de Montalvo, noticed more than once in the course of this History. He illustrated three successive reigns by his labors, which he continued to the close of a long life, and after he had become blind. The Catholic sovereigns highly appreciated his services, and settled a pension on him of 30,000 maravedies. Besides his celebrated compilation of the "Ordenanças Reales," he wrote commentaries on the ancient code of the "Fuero Real," and on the "Siete Partidas," printed for the first time under his own eye, in 1491. (Mendez, *Typographia Española*, p. 183.) Marina (Ensayo, p. 405) has bestowed a beautiful eulogium on this venerable lawyer, who first gave to light the principal Spanish codes, and introduced a spirit of criticism into the national jurisprudence.

<sup>50</sup> This gigantic work was committed, wholly or in part, to Dr.

Lorenzo Galindez de Carbajal. He labored many years on it, but the results of his labors, as elsewhere noticed, have never been communicated to the public. See Asso y Manuel, *Instituciones*, pp. 50, 99.—Marina, *Ensayo*, pp. 392, 406, and Clemencin, whose *Ilust.* 9. exhibits a most clear and satisfactory view of the legal compilations under this reign.

<sup>51</sup> Lord Bacon's comment on Henry VII.'s laws, might apply with equal force to these of Ferdinand and Isabella. "Certainly his times for good commonwealth's laws did excel. \*\*\*\*\* For his laws, whose marks them well, are deep, and not vulgar; not made upon the spur of a particular occasion for the present, but out of providence of the future, to make the estate of his people still more and more happy; after the manner of the legislators in ancient and heroic times." *Hist. of Henry VII., Works*, (ed. 1819,) vol. v. p. 60.

tration. Laws may be received as indicating the dispositions of the ruler, whether for good or for evil; but it is in the conduct of the tribunals, that we are to read the true character of his government. It was the upright and vigilant administration of these, which constituted the best claim of Ferdinand and Isabella to the gratitude of their country. To facilitate the despatch of business, it was distributed among a number of bureaus or councils, at the head of which stood the "royal council," whose authority and functions I have already noticed.<sup>52</sup> In order to leave this body more leisure for its executive duties, a new audience, or chancery, as it was called, was established at Valladolid; in 1480, whose judges were drawn from the members of the king's council. A similar tribunal was instituted, after the Moorish conquests, in the southern division of the monarchy; and both had supreme jurisdiction over all civil causes, which were carried up to them from the inferior audiences throughout the kingdom.<sup>53</sup>

The "council of the supreme" was placed over the Inquisition with a special view to the interests of the crown; an end, however, which it very imperfectly answered, as appears from its frequent collision with the royal and secular jurisdictions.<sup>54</sup> The "council of the orders" had charge, as the

<sup>52</sup> Ante, Part I., Chapter 6.

<sup>53</sup> Pragmáticas del Reyno, fol. 24, 30, 39. — Recop. de las Leyes, (ed. 1640,) tom. i. lib. 2, tit. 5, leyes 1, 2, 3, 11, 12, 20; tit. 7, ley 1. — Ordenanças Reales, lib. 2, tit. 4.

The southern chancery, first opened at Ciudad Real, in 1494, was subsequently transferred by the sovereigns to Granada.

<sup>54</sup> Ante, Part I., Chapter 7, note 39.

PART  
II.

name imports, of the great military fraternities.<sup>55</sup> The "council of Aragon" was intrusted with the general administration of that kingdom and its dependencies, including Naples; and had besides extensive jurisdiction as a court of appeal.<sup>56</sup> Lastly, the "council of the Indies" was instituted by Ferdinand, in 1511, for the control of the American department. Its powers, comprehensive as they were in its origin, were so much enlarged under Charles the Fifth and his successors, that it became the depository of all law, the fountain of all nominations, both ecclesiastical and temporal, and the supreme tribunal, where all questions, whether of government or trade in the colonies, were finally adjudicated.<sup>57</sup>

Such were the forms, which the government assumed under the hands of Ferdinand and Isabella.

Legal profes-  
sion advanced.

<sup>55</sup> Ante, Part I., Chapter 6, note 34.

<sup>56</sup> Riol, Informe, apud *Semanario Erudito*, tom. iii. p. 149. — It consisted of a vice-chancellor, as president, and six ministers, two from each of the three provinces of the crown. It was consulted by the king on all appointments and matters of government. The Italian department was committed to a separate tribunal, called the council of Italy, in 1556. Capmany (*Mem. de Barcelona*, tom. iv. Apend. 17,) has explained at length the functions and authority of this institution.

<sup>57</sup> See the nature and broad extent of these powers, in *Recop. de Leyes de las Indias*, tom. i. lib. 2, tit. 2, leyes 1, 2. — Also Solorzano, *Política Indiana*, tom. ii. lib. 5, cap. 15; who goes no further back than the remodelling of this tribunal under Charles V. — Riol, In-

forme, apud *Semanario Erudito*, tom. iii. pp. 159, 160.

The third volume of the *Semanario Erudito*, pp. 73-233, contains a report, drawn up by command of Philip V., in 1726, by Don Santiago Agustin Riol, on the organization and state of the various tribunals, civil and ecclesiastical, under Ferdinand and Isabella; together with an account of the papers contained in their archives. It is an able memorial, replete with curious information. It is singular that this interesting and authentic document should have been so little consulted, considering the popular character of the collection, in which it is preserved. I do not recollect ever to have met with a reference to it in any author. It was by mere accident, in the absence of a general index, that I stumbled on it in the *mare magnum* in which it is engulfed.

The great concerns of the empire were brought under the control of a few departments, which looked to the crown as their common head. The chief stations were occupied by lawyers, who were alone competent to the duties; and the precincts of the court swarmed with a loyal militia, who, as they owed their elevation to its patronage, were not likely to interpret the law to the disparagement of prerogative.<sup>58</sup>

The greater portion of the laws of this reign are directed, in some form or other, as might be expected, to commerce and domestic industry. Their very large number, however, implies an extraordinary expansion of the national energy and resources, as well as a most earnest disposition in the government to foster them. The wisdom of these efforts, at all times, is not equally certain. I will briefly enumerate a few of the most characteristic and important provisions.

Character of  
the laws.

By a pragmatic of 1500, all persons, whether natives or foreigners, were prohibited from shipping goods in foreign bottoms, from a port where a Spanish ship could be obtained.<sup>59</sup> Another prohibited the sale of vessels to foreigners.<sup>60</sup> Another offered a large premium on all vessels of a certain

<sup>58</sup> "Pusieron los Reyes Católicos," says the penetrating Mendoza, "el gobierno de la justicia, i cosas públicas en manos de Letrados, gente media entre los grandes i pequeños, sin ofensa de los unos ni de los otros. Cuya profesion eran letras legales, comedimiento, secreto, verdad, vida llana, i sin corrupcion de costumbres." Guerra de Granada, p. 15.

<sup>59</sup> Granada, September 3d. Pragmáticas del Reyno, fol. 135. — A pragmatic of similar import was issued by Henry III. Navarrete, Coleccion de Viages, tom. i. Introd. p. 46.

<sup>60</sup> Granada, August 11th, 1501. Pragmáticas del Reyno, fol. 137.

PART  
II.

tonnage and upwards;<sup>61</sup> and others held out protection and various immunities to seamen.<sup>62</sup> The drift of the first of these laws, like that of the famous English navigation act, so many years later, was, as the preamble sets forth, to exclude foreigners from the carrying trade; and the others were equally designed to build up a marine, for the defence, as well as commerce of the country. In this, the sovereigns were favored by their important colonial acquisitions, the distance of which, moreover, made it expedient to employ vessels of greater burden than those hitherto used. The language of subsequent laws, as well as various circumstances within our knowledge, attest the success of these provisions. The number of vessels in the merchant service of Spain, at the beginning of the sixteenth century, amounted to a thousand, according to Campomanes.<sup>63</sup> We may infer the flourishing condition of their commercial marine from their military, as shown in the armaments sent at different times against the Turks, or the Barbary corsairs.<sup>64</sup> The convoy which accompanied the infanta Joanna to Flanders, in 1496, consisted of one hundred and thirty vessels, great and small, having a force of more than twenty thousand men on board; a formidable equipment,

<sup>61</sup> Alfaro, November 10th, 1495. *Ibid.*, fol. 136.

<sup>62</sup> See a number of these, collected by Navarrete, *Coleccion de Viajes*, Introd. pp. 43, 44.

<sup>63</sup> Cited by Robertson, *History of America*, vol. iii. p. 305.

<sup>64</sup> The fleet fitted out against

the Turks, in 1482, consisted of seventy sail, and that under Gonsalvo, in 1500, of sixty, large and small. (*Ante*; Part I., Chapter 6; Part II., Chapter 10.) See other expeditions, enumerated by Navarrete, *Coleccion de Viages*, tom. i. p. 50.

inferior only to that of the far-famed "Invincible Armada."<sup>65</sup>

CHAPTER  
XXVI.

A pragmatic was passed, in 1491, at the petition of the inhabitants of the northern provinces, requiring English and other foreign traders to take their returns in the fruits or merchandise of the country, and not in gold or silver. This law seems to have been designed less to benefit the manufacturer, than to preserve the precious metals in the country.<sup>66</sup> It was the same in purport with other laws prohibiting the exportation of these metals, whether in coin or bullion. They were not new in Spain, nor indeed peculiar to her.<sup>67</sup> They proceeded on the principle that gold and silver, independently of their value as a commercial medium, constituted, in a peculiar sense, the wealth of a country. This error, common, as I have said, to other European nations, was emi-

<sup>65</sup> Cura de los Palacios, MS., cap. 153; who, indeed, estimates the complement of this fleet at 25,000 men; a round number, which must certainly include seamen of every description. The Invincible Armada consisted, according to Dunham, of about 130 vessels, large and small, 20,000 soldiers, and 8,000 seamen. (History of Spain and Portugal, vol. v. p. 59.) The estimate falls below that of most writers.

<sup>66</sup> En el real de la vega de Granada, December 20th. (Pragmáticas del Reyno, fol. 133.) "Y les apercebays," enjoins the ordinance, "que los marauedis porque los vendieren los han de sacar de nuestros reynos en mercaderias: y ni en oro ni en plata ni en moneda amonedada de manera que no pueden pretender ygnorancia: y den fianças llanas y abonadas de

lo fazer y cumplir assi: y si fallaredes que sacan o lleuan oro o plata o moneda contra el tenor y forma de las dichas leyes y desta nuestra carta mandamos vos que gelo torneys: y sea perdido como las dichas leyes mandan, y demas cayan y incurran en las penas en las leyes de nuestros reynos contenidas contra los que sacan oro o plata o moneda fuera dellos sin nuestra licencia y mandado: las quales executad en ellos y en sus fiadores."

<sup>67</sup> Pragmáticas del Reyno, fol. 92, 134. — These laws were as old as the fourteenth century in Castile, and had been renewed by every succeeding monarch, from the time of John I. (Ordenanças Reales, lib. 6, tit. 9, leyes 17-22.) Similar ones were passed under the contemporary princes, Henry VII. and VIII. of England, James IV. of Scotland, &c.



PART  
II.

nently fatal to Spain, since the produce of its native mines before the discovery of America,<sup>68</sup> and of those in that quarter afterwards, formed its great staple. As such, these metals should have enjoyed every facility for transportation to other countries, where their higher value would afford a corresponding profit to the exporter.

Erroneous principles of legislation.

The sumptuary laws of Ferdinand and Isabella are open, for the most part, to the same objections with those just noticed. Such laws, prompted in a great degree, no doubt, by the declamations of the clergy against the pomp and vanities of the world, were familiar, in early times, to most European states. There was ample scope for them in Spain, where the example of their Moslem neighbours had done much to infect all classes with a fondness for sumptuous apparel, and a showy magnificence of living. Ferdinand and Isabella fell nothing short of the most zealous of their predecessors, in their efforts to restrain this improvident luxury. They did, however, what few princes on the like occasions have done, — enforced the precept by their own example. Some idea of their habitual economy, or rather frugality, may be formed from a remonstrance presented by the commons to Charles the Fifth, soon after his accession, which represents his daily household expenses as amounting to one hundred and fifty thousand maravedies ; while

68 ——— “Balucis malleator Hispanæ,” says Martial, noticing the noise made by the gold-beaters, hammering out the Spanish ore, as one of the chief annoyances which drove

him from the capital, (lib. 12, ep. 57.) See also the precise statement of Pliny, cited Part I., Chapter 8, of this History.

those of the Catholic sovereigns were rarely fifteen thousand, or one-tenth of that sum.<sup>69</sup>

CHAPTER  
XXVI.

They passed several salutary laws for restraining the ambitious expenditure at weddings and funerals, as usual, most affected by those who could least afford it.<sup>70</sup> In 1494, they issued a pragmatic, prohibiting the importation or manufacture of brocades, or of gold or silver embroidery, and also plating with these metals. The avowed object was to check the growth of luxury and the waste of the precious metals.<sup>71</sup>

These provisions had the usual fate of laws of this kind. They gave an artificial and still higher value to the prohibited article. Some evaded them. Others indemnified themselves for the privation, by some other, and scarcely less expensive variety of luxury. Such, for example, were the costly silks, which came into more general use after the conquest of Granada. But here the government, on remonstrance of the cortes, again interposed its prohibition, restricting the privilege of wearing them to certain specified classes.<sup>72</sup> Nothing, obviously,

<sup>69</sup> "Porque haciéndose así al modo é costumbre de los dichos señores Reyes pasados, cesarán los inmensos gastos y sin provecho que en la mesa é casa de S. M. se hacen; pues el daño desto notoriamente parece porque se halla en el plato real y en los platos que se hacen á los privados é criados de su casa gastarse cada un día ciento y cincuenta mil maravedís; y los católicos Reyes D. Hernando é Doña Isabel, seyendo tan excelentes y tan poderosos, en su plato y en el plato del príncipe D. Joan que haya gloria, é de las señoras

infantas con gran número y multitud de damas no se gastar cada un día, seyendo mui abastados como de tales Reyes, mas de doce á quince mil maravedís." Petición de la Junta de Tordesillas, October 20, 1520, apud Sandoval, *Hist. del Emp. Carlos V.*, tom. i. p. 230.

<sup>70</sup> In 1493; repeated in 1501. *Recop. de las Leyes*, tom. ii. fol. 3. — In 1502. *Pragmáticas del Reyno*, fol. 139.

<sup>71</sup> At Segovia, September 2d; also in 1496 and 1498. *Pragmáticas del Reyno*, fol. 123, 125, 126.

<sup>72</sup> At Granada, in 1499. — This

PART  
II.

could be more impolitic than these various provisions directed against manufactures, which, under proper encouragement, or indeed without any, from the peculiar advantages afforded by the country, might have formed an important branch of industry, whether for the supply of foreign markets, or for home consumption.

Notwithstanding these ordinances, we find one, in 1500, at the petition of the silk-growers in Granada, against the introduction of silk thread from the kingdom of Naples;<sup>73</sup> thus encouraging the production of the raw material, while they interdicted the uses to which it could be applied. Such are the inconsistencies, into which a government is betrayed by an overzealous and impertinent spirit of legislation!

Principal exports.

The chief exports of the country in this reign, were the fruits and natural products of the soil, the minerals, of which a great variety was deposited in its bosom, and the simpler manufactures, as sugar, dressed skins, oil, wine, steel, &c.<sup>74</sup> The breed of Spanish horses, celebrated in ancient times, had been greatly improved by the cross with the Arabian. It had, however, of late years, fallen into neglect; until the government, by a number of judi-

on petition of cortes, in the year preceding. Sempere, in his sensible "Historia del Luxo," has exhibited the series of the manifold sumptuary laws in Castile. It is a history of the impotent struggle of authority, against the indulgence of the innocent propensities implanted in our nature, and naturally increasing with increasing wealth and civilization.

<sup>73</sup> En la nombrada y gran cibdad de Granada, Agosto 20. Pragmáticas del Reyno, fol. 135.

<sup>74</sup> Pragmáticas del Reyno, passim.—Diccionario Geográfico-Hist. de España, tom. i. p. 333.—Capmany, Mem. de Barcelona, tom. iii. part. 3, cap. 2.

cious laws, succeeded in restoring it to such repute, that this noble animal became an extensive article of foreign trade.<sup>75</sup> But the chief staple of the country was wool; which, since the introduction of English sheep at the close of the fourteenth century, had reached a degree of fineness and beauty, that enabled it, under the present reign, to compete with any other in Europe.<sup>76</sup>

To what extent the finer manufactures were carried, or made an article of export, is uncertain. The vagueness of statistical information in these early times has given rise to much crude speculation and to extravagant estimates of their resources, which have been met by a corresponding scepticism in later and more scrutinizing critics. Capmany, the most acute of these, has advanced the opinion, that the coarser cloths only were manufactured in Castile, and those exclusively for home consumption.<sup>77</sup> The royal ordinances, however,

Manufactures.

<sup>75</sup> Pragmáticas del Reyno, fol. 127, 128. — Ante, Part II., Chapter 3, note 12. — The cortes of Toledo, in 1525, complained, “que habia tantos caballos Espanoles en Francia como en Castilla.” (Mem. de la Acad. de Hist., tom. vi. p. 285.) The trade, however, was contraband; the laws against the exportation of horses being as ancient as the time of Alfonso XI. (See also Ordenanças Reales, fol. 85, 86.)

Laws can never permanently avail against national prejudices. Those in favor of mules have been so strong in the Peninsula, and such the consequent decay of the fine breed of horses, that the Spaniards have been compelled to supply themselves with the latter from

abroad. Bourgoanne reckons that 20,000 were annually imported into the country from France, at the close of the last century. Travels in Spain, tom. i. chap. 4.

<sup>76</sup> Hist. del Luxo, tom. i. p. 170. — “Tiene muchas ovejas,” says Marineo, “cuya lana es tan singular, que no solamente se aprouechan della en España, mas tambien se lleua en abundancia a otras partes.” (Cosas Memorables, fol. 3.) He notices especially the fine wool of Molina, in whose territory 400,000 sheep pastured, fol. 19.

<sup>77</sup> Mem. de Barcelona, tom. iii. pp. 338, 339. — “Or if ever exported,” he adds, “it was at some period long posterior to the discovery of America.”

PART  
II.

imply, in the character and minuteness of their regulations, a very considerable proficiency in many of the mechanic arts.<sup>78</sup> Similar testimony is borne by intelligent foreigners, visiting or residing in the country at the beginning of the sixteenth century; who notice the fine cloths and manufacture of arms in Segovia,<sup>79</sup> the silks and velvets of Granada and Valencia,<sup>80</sup> the woollen and silk fabrics of Toledo, which gave employment to ten thousand artisans,<sup>81</sup> the curiously wrought plate of Valladolid,<sup>82</sup> and the fine cutlery and glass manufactures of Barcelona, rivalling those of Venice.<sup>83</sup>

Agriculture.

The recurrence of seasons of scarcity, and the fluctuation of prices, might suggest a reasonable distrust of the excellence of the husbandry under their reign.<sup>84</sup> The turbulent condition of the coun-

<sup>78</sup> Pragmáticas del Reyno, passim.—Many of them were designed to check impositions, too often practised in the manufacture and sale of goods, and to keep them up to a fair standard.

<sup>79</sup> L. Marineo, *Cosas Memorables*, fol. 11.

<sup>80</sup> *Ibid.*, fol. 19.—Navagiero, *Viaggio*, fol. 26.—The Venetian minister, however, pronounces them inferior to the silks of his own country.

<sup>81</sup> "Proneyda," says Marineo, "de todos officios, y artes mecánicas que en ella se exercitan mucho: y principalmente en lanor, y exercicio de lanas, y sedas. Por las quales dos cosas bien en esta ciudad mas de diez mil personas. Es de mas desto la ciudad muy rica, por los grandes tratos de mercaderias." *Cosas Memorables*, fol. 12.

<sup>82</sup> *Ibid.*, fol. 15.—Navagiero, a more parsimonious eulogist, remarks, nevertheless, "Sono in Va-

lladolid assai artefici di ogni sorte, e se vi lavora benissimo de tutte le arti, e sopra tutto d'Argenti, e vi son tanti argentero quanti non sono in due altre terre." *Viaggio*, fol. 35.

<sup>83</sup> Geron. Paulo, a writer at the close of the fifteenth century, cited by Capmany, *Mem. de Barcelona*, tom. i. part. 3, p. 23.

<sup>84</sup> The twentieth *Ilustracion* of Señor Clemencin's invaluable compilation contains a table of prices of grain, in different parts of the kingdom, under Ferdinand and Isabella. Take, for example, those of Andalusia. In 1488, a year of great abundance, the *fanega* of wheat sold in Andalusia for 50 maravedies; in 1489, it rose to 100; in 1505, a season of great scarcity, to 375, and even 600; in 1508, it was at 306; and in 1509, it had fallen to 85 maravedies. *Mem. de la Acad. de Hist.*, tom. vi. pp. 551, 552.

try may account for this pretty fairly during the early part of it. Indeed, a neglect of agriculture, to the extent implied by these circumstances, is wholly irreconcilable with the general tenor of Ferdinand and Isabella's legislation, which evidently relies on this as the main spring of national prosperity. It is equally repugnant, moreover, to the reports of foreigners, who could best compare the state of the country with that of others at the same period. They extol the fruitfulness of a soil, which yielded the products of the most opposite climes; the hills clothed with vineyards and plantations of fruit trees, much more abundant, it would seem, in the northern regions, than at the present day; the valleys and delicious vegas, glowing with the ripe exuberance of southern vegetation; extensive districts, now smitten with the curse of barrenness, where the traveller scarce discerns the vestige of a road or of a human habitation, but which then teemed with all that was requisite to the sustenance of the populous cities in their neighbourhood.<sup>85</sup>

<sup>85</sup> Compare, for example, the accounts of the environs of Toledo and Madrid, the two most considerable cities in Castile, by ancient and modern travellers. One of the most intelligent and recent of the latter, in his journey between these two capitals, remarks, "There is sometimes a visible track, and sometimes none; most commonly we passed over wide sands. The country between Madrid and Toledo, I need scarcely say, is ill peopled and ill cultivated; for it is all a part of the same arid plain, that stretches on every side around the

capital; and which is bounded on this side by the Tagus. The whole of the way to Toledo, I passed through only four inconsiderable villages; and saw two others at a distance. A great part of the land is uncultivated, covered with furze and aromatic plants; but here and there some corn land is to be seen." (Inglis, Spain in 1830, vol. i. p. 366.) What a contrast does all this present to the language of the Italians, Navagiero and Marineo, in whose time the country around Toledo "surpassed all other districts of Spain, in the