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JAMES THE FIRST OF ARAGON

F. DARWIN SWIFT

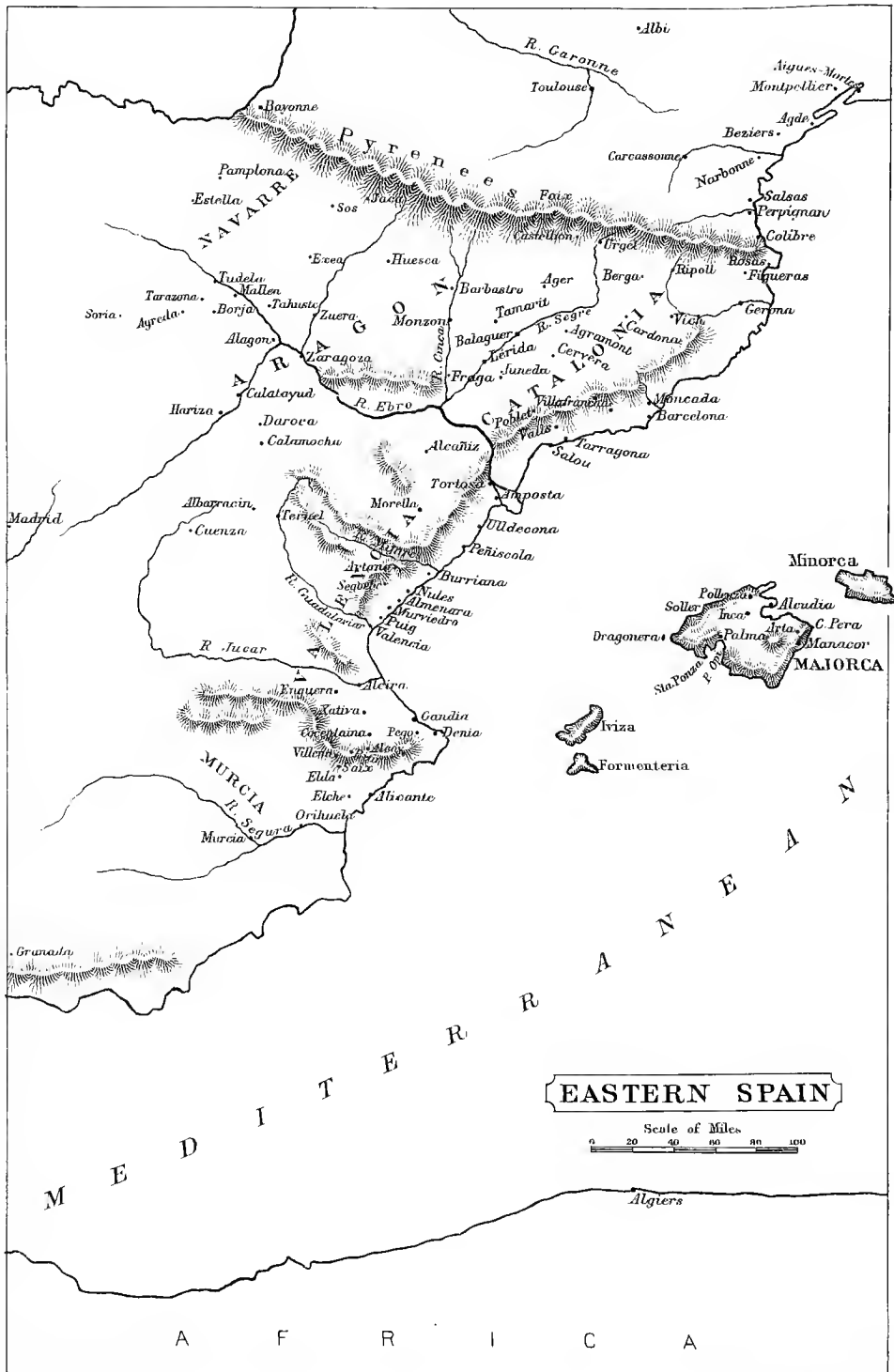
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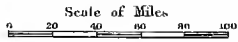


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EASTERN SPAIN



THE LIFE AND TIMES
OF
JAMES THE FIRST
THE CONQUEROR

KING OF ARAGON, VALENCIA, AND MAJORCA
COUNT OF BARCELONA AND URGEL
LORD OF MONTPELLIER

BY
F. DARWIN SWIFT, B.A.

FORMERLY SCHOLAR OF QUEEN'S COLLEGE, OXFORD

WITH A MAP

Oxford
AT THE CLARENDON PRESS

1894

C

Oxford

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TO

PASCUAL DE GAYANGOS

MEMBER OF THE ROYAL ACADEMY OF HISTORY
FORMERLY PROFESSOR OF ARABIC IN THE UNIVERSITY OF MADRID

A TRIBUTE OF RESPECT

FOR HIS WORK AS AN ORIENTALIST AND A HISTORIAN

AND OF GRATITUDE

FOR MUCH KINDNESS SHOWN

TO THE AUTHOR

P R E F A C E

IN its original form this book was written for the Marquis of Lothian's prize, open annually for competition to junior members of the University of Oxford. The subject for 1889 was 'James I of Aragon,' and the present work is an expansion of the unfinished essay which I then sent in to the examiners, and to which they awarded an honourable mention.

The book, however, would never, perhaps, have been completed, had it not been for the kind encouragement and invaluable help of a friend, by whose advice I visited some of the principal archives and libraries of Spain in the years 1889 and 1890.

Of these, far the most important for the purposes of my subject were the Archives of Aragon at Barcelona, which contain over 2,300 parchments and thirty registers of the reign. It is much to be regretted that these valuable archives are not more frequently visited by historians. They are kept in perfect order, the documents are carefully classified, and I received every kindness and attention from the distinguished Archivist, D. Manuel de Bofarull y de Sartorio, and his son, D. Francisco de Bofarull¹.

¹ These Archives contain in all 18,626 parchments of the Counts of Barcelona and the kings of Aragon, and 6,388 Chancery Registers, besides the numerous MSS. relating to the 'Generalidad de Cataluña' and to the proceedings of the old Council of Aragon in the fifteenth, sixteenth,

and seventeenth centuries; while other treasures consist of collections of Papal Bulls, acts and registers of the Supreme Junta of Catalonia, processes of the old Cortes, and the libraries of suppressed monasteries. The earliest document dates from 875, in the reign of Wilfred I.

The University library at Barcelona contains the earliest known MS. of James' *Chronicle*, as well as the MS. of Marsilio, and a copy of the 'Furs' of Valencia—the latter an excessively rare book. Here too I was very kindly treated by the librarian, D. Mariano Aguiló, and also by his brother, D. Placido Aguiló Fuster.

At Pamplona the Archives are under the control of the municipal body, and are closed to the general public, though they probably contain many historical treasures. I have to thank his worship the Mayor, and the Archivist, for allowing me to examine the duplicate copies of certain treaties between Navarre and Aragon¹.

In the Escorial I found little of importance, with the exception of James' philosophical treatise, the *Libre de Saviesa*, and certain papal letters which have been published.

At Madrid, in the National Library there is a fourteenth-century MS. of great importance as containing a life of the Conqueror, the text of which would seem to indicate that its author had seen the *Chronicle*. Its existence seems to have been unknown to the historical world till recently, and I believe that I am the first of James' biographers who has examined it. I have to thank the librarian, D. Antonio Paz y Melia, for showing me it. The library of the Royal Academy of History contains a copy of the original MS. of Marsilio, which should be published. My warm thanks are due to the librarian, D. Antonio Rodriguez Villa, for his courtesy towards me. In the Royal Private Library every facility was afforded me by the librarian, D. Manuel Zarco del Valle, but it contains nothing

¹ The treasure of these Archives is an illuminated English 'Ceremonial' of the fourteenth century, containing a minute account of the manner of

crowning, anointing, and burying the kings of England. It was probably taken to Navarre by John of Gaunt.

bearing on James' reign, with the exception of a fifteenth-century MS. of the *Chronicle*.

The National Library at Paris contains a MS. catalogue of the Escorial Library (perhaps the one which disappeared from Spain early in the century); while in the National Archives are to be found the duplicate copies of some important treaties between France and Aragon. In the former I must thank M. Omont, and in the latter M. Delaborde, for their courtesy.

It will be seen that comparatively few documents of the reign are to be found outside Barcelona, most of the municipal archives—and with them the magnificent library of Poblet Monastery—having perished in the disturbances which desolated the country during the first half of this century.

I have to thank Mr. Reginald Stuart Poole, Professor of Archaeology at University College, London, and formerly Keeper of the Coins and Medals in the British Museum, for an introduction, as well as for the kindly interest he has taken in my work; and I am indebted to Mr. E. Armstrong, Fellow and Tutor of Queen's College, Oxford, for help in a chronological difficulty¹.

Above all, I would wish to express my gratitude to D. Pascual de Gayangos, Member of the Royal Academy of History, and formerly Professor of Arabic in the

¹ Some of my chief difficulties have been chronological, and I cannot but complain of the carelessness of the historians of Spain in this respect, from Zurita to M. Tourtoulon. A frequent source of error has lain in forgetfulness of the fact that Spanish documents of the thirteenth century are usually dated by the year of the Incarnation. This peculiarity has been acknowledged by M. Tourtoulon himself (ii. p. 45, note 5); yet he has

at times overlooked it in practice, and other writers have neglected it still more. Even in the *Coleccion de documentos inéditos* the date printed in the margin to each document is often given in the old style—sometimes with absurd results, as in vi. 54, where a proclamation by Pedro III is assigned to February 12, 1276, when his father was still alive! The real date is, of course, February 12, 1277.

University of Madrid. To him I owe almost all my introductions and the consequent kindness with which I was received at the various archives and libraries that I visited. I am also deeply obliged to Señor Gayangos' son-in-law, D. Juan Facundo Riaño, Senator of the Kingdom, for his kindness in procuring me various introductions, political and other.

This book has been written in the spare time of an exacting profession, and under many difficulties. If it attain its object—the elucidation and arrangement of the facts of an important reign—I shall be quite satisfied.

F. DARWIN SWIFT.

DENSTONE COLLEGE, STAFFORDSHIRE,
November, 1893.

ERRATUM

Page 20, note 2, *for 1218 read 1216*

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CONTENTS

	PAGE
INTRODUCTION	I
PART I: <i>POLITICAL HISTORY</i>, 1213-1276.	
First Period: <i>The King's Minority.</i>	
CHAPTER I. EARLY YEARS	11
II. GOVERNMENT BY THE COUNCIL	18
III. FRESH TROUBLES	24
Second Period: <i>The Conquest of Mallorca and Valencia.</i>	
IV. THE CORTES OF 1228	34
V. THE CONQUEST OF MALLORCA	39
VI. SANCHO OF NAVARRE	50
VII. THE INVASION OF VALENCIA	55
VIII. THE FALL OF VALENCIA	62
Third Period: <i>The Struggle with France.</i>	
IX. TOULOUSE AND XATIVA	71
X. THE REVOLT OF VALENCIA	82
XI. NAVARRE AND CORBEIL	91
Fourth Period: <i>The Struggle with Feudalism.</i>	
XII. ALVARO OF URGEL AND COSTANZA OF SICILY	99
XIII. THE LAST EFFORT OF PRIVILEGE	107
XIV. THE FALL OF MURCIA AND THE KING'S CRUSADE	114
XV. THE DISPUTE WITH PEDRO, AND THE COUNCIL OF LYONS	122
XVI. THE SUCCESSION IN NAVARRE, AND THE REVOLT OF THE BARONS	130
XVII. THE DEATH OF THE KING	138

PART II: <i>SOCIAL HISTORY</i> , 1213-1276.		PAGE
CHAPTER XVIII.	THE GOVERNMENT OF JAMES' DOMINIONS	149
XIX.	THE FEUDAL SYSTEM IN JAMES' DOMINIONS	184
XX.	JAMES AS A LEGISLATOR	199
XXI.	REVENUES AND COMMERCE OF JAMES' DOMINIONS	220
XXII.	THE CHURCH, JEWS, AND SARACENS	235
XXIII.	LITERATURE, SCIENCE, AND ART	254
APPENDICES	263
DOCUMENTS	287
INDEX	303

CHRISTIAN SPAIN

(718-1276)

ASTURIAS AND OVIEDO.

Pelayo (718-737) heads the refugees from the Moors in the north.

Alfonso I (739-757) greatly extends his dominions.

Alfonso II (791-842).

Alfonso III (866-910). The capital is afterwards moved from Oviedo to

LEON.

Ordoño II (914-923). His vic-tories over the Arabs and de-feat by Abderrahman III.

Ramiro II (930-950) defeats Ab-derrahman at Alhandega in 939, and at Talavera in 950.

Ordoño III (950-955).
Sancho I (955-966) is expelled by Fernan Gonzales, Count of Castile, but is restored by Ab-derrahman III.

Ramiro III (966-982).

Bernardo II (982-999). Leon is sacked by Almanzor.

Alfonso V (999-1028).

Bernardo III (1028-1037) is de-feated and slain by Ferdinand, Count of Castile and son of Sancho of Navarre.

CATALONIA.

801. Louis, son of Charles the Great, takes Barcelona, of which he makes **Bera** Count.
Wilfred the Hairy (*d.* 898) first hereditary count of Barcelona.
Borrell I (898-912).
Suniaric (912-954).

Borrell II (954-992).

Almanzor sacks Barcelona (984).
Ramon (992-1017).

Berenguer Ramon (1017-1035).

NAVARRE.

Sancho I, early in the tenth century, founds the Kingdom of Navarre.

Sancho 'the Great' (970-1035). Pamplona sacked by Almanzor. Sancho annexes North Castile on the death of its Count, whose sister he had married. He also conquers Aragon.

LEON AND CASTILE.

Ferdinand I (1037-1067).
 Sancho II (1067-1073).
 Alfonso VI (1073-1109). He takes Toledo from the Moors, 1085. Exploits of the Cid.
 Urraca (1109-1126) = Alfonso I of Aragon. She incites Castile to revolt.

Alfonso VII 'the Emperor' (1126-1157). He takes Almeria from the Moors and divides his kingdom between his two sons.

CASTILE.

Sancho (1157-1158).
 Alfonso VIII (1158-1214). He is severely defeated by the Almohades at Alarcos, 1195.
 Victory of Castile, Leon, Aragon, Navarre, and Portugal, over the Moors at Las Navas de Tolosa, in 1212.
 Enrique I (1214-1217).
 Ferdinand (1217-1252).

Ferdinand III (1230-1252).
 Fall of Cordova (1235) and of Seville (1248).
 Alfonso X (1252-1284).

NAVARRÉ (*continued*).

Garcia (1035-1057).
 Sancho IV (1057-1076).
 Navarre is conquered and divided by Castile and Aragon.

Navarre refuses to recognize Ramiro of Aragon as king, and chooses Garcia Ramirez (1134-1150).

Sancho VI (1150-1194).
 His daughter Berengaria = Richard I of England.

Sancho VII (1194-1234).
 Victory of Castile, Leon, Aragon, Navarre, and Portugal, over the Moors at Las Navas de Tolosa, in 1212.
 Tibaldo I (1234-1253).

Tibaldo II (1253-1270).
 Enrique I (1270-1273).
 Juana I (1273-1304).

ARAGON.

Ramiro I (1035-1063).
 Sancho Ramirez (1063-1094).
 Pedro I (1094-1104).

Alfonso I 'the Battler' (1104-1134). Revolt of Castile. Alfonso takes Zaragoza, Calatayud, and Daroca from the Moors, but is defeated by them at Fraga (1134).

Ramiro II 'the Monk' (1134-1137). He resigns in favour of his daughter Petronilla, who is betrothed to Ramon Berenguer IV.

Alfonso II (1162-1196).

Pedro II (1196-1213).
 Jaime I (1213-1276).

CATALONIA (*continued*).

Ramon Berenguer I (1035-1076).
 Ramon Berenguer II (1076-1082), and Berenguer Ramon (1076-1096).

Ramon Berenguer III (1096-1131).

Ramon Berenguer IV (1131-1162) =
 Petronilla of Aragon.

Capture of Tortosa and Lérida (1149).

JAMES THE FIRST OF ARAGON



INTRODUCTION.

§ I. THE VISIGOTHS AND MOORS.

IT was an evil hour for Spain when, early in the fifth century, the Visigothic king Atawulf, in his flight before Constantius, the general of Honorius, crossed the border and made Barcelona his residence (415). His successor, Wallia, withdrew the Goths from Catalonia and took possession of Aquitania, making Toulouse his capital; but Theodoric II, about the middle of the century, conquered nearly the whole of the peninsula, and the work was completed by his murderer, Euric. And finally, with the defeat of Alaric II, on the field of Voclad, by the growing power of the Franks under Clovis (507), the kingdom of Toulouse fell to the ground, and the Visigoths were thrust back into Spain, retaining in Gaul only a strip of land along the Gulf of Lyons. The degeneracy of these barbarians had been marked ever since they first came into contact with the enervating influence of Rome, and with their entry into Spain it became rapid. They found in the country a mixed and enfeebled population of Celts, Iberians, and Romans, whose continued presence largely accounts for the further deterioration of the conquerors. They also found themselves confronted at once with a serious religious problem: they themselves were Arians, and their subjects were

Catholics. For eighty years there raged a strife which at times almost amounted to persecution, till at last it was terminated by the good sense of King Reccared, who was followed in his profession of Catholicism by the majority of his Visigothic subjects (589).

They
became
Catholics
(589).

The troubled history of the following century is little more than a record of the struggles of the nobles and bishops on the one hand, against the authority of the sovereign—usually their own nominee—on the other. In this priest-ridden kingdom the fierce Archbishop Julian, and his licentious successor Sisebert, are typical of the age, with its Jewish persecutions and its general depravity. The end came suddenly. As late as 673 the last great king, Wamba, had successfully carried his arms into Southern France, and reduced the revolted towns of Narbonne and Nîmes: in 711 Roderic, 'the last of the Goths,' was defeated and slain by a small army of Moors under Tarik, a general of the Mohammedan governor of Morocco; and with him, with barely a struggle, the kingdom of Toledo fell, to rise no more. For Spanish civilization the change was from darkness to light. At first it seemed as if a like fortune would be shared by the rest of Europe, for bands of Arabs soon penetrated into Septimania, and occupied Narbonne, Carcassonne, and even Bordeaux. But their victorious career was stayed at length on the field of Tours by the strong hand of Charles 'the Hammerer' (732), and by the end of the century the waves of the Mussulman invasion had been rolled back into Spain¹.

Moorish
invasion
(711).

For a little over a generation the country was ruled as a province of the Caliphate of Damascus, but in 756 this connexion with the East was severed by the arrival of Abderrahman, a survivor from the massacre of the royal family of the Damascene Omeyyads by an Abbaside usurper. From this time the Sultan of Cordova remained indepen-

¹ It was in following up the success of the Franks that, in 778, the army of Charlemagne failed in its attempt

on Zaragoza, and on its return journey fared disastrously at the hands of the Basques in the pass of Roncesvalles.

dent of the Eastern Caliphate, and the title of Caliph was even assumed later by Abderrahman III. For nearly two centuries and a half—from 756–1002—the empire of the Omeyyads of Cordova was maintained with unrivalled splendour, and during this period Spain held up the torch of civilization and culture to the rest of Europe, which was still plunged in the barbarism of the dark ages. The true capital of the west was Cordova, with its palaces and gardens, its mosques and schools, its poets and philosophers. During these years the prosperity of Spain was such as it had never been before and never was to be after; and the tolerance of the Moors towards their Christian subjects stands out in striking contrast to the persecution of the Jews by the Visigothic rulers of the land.

The
Omeyyads
of Cordova
(756-
1002).

But a cloud, small and almost unnoticed at first, was gathering in the peninsula itself, which was destined one day to obscure even the brightness of Cordova. At the time of the Moorish invasion a band of Visigoths, more impatient of a subject condition than the mass of their fellow countrymen, had taken refuge, under a chief known as Pelayo, in the mountains of Asturias and Galicia. By the middle of the eighth century they had already made of Leon and Castile a debateable ground between themselves and the Moors of Andalucia, and early in the tenth century they began to make forays across the border. At first the tide of invasion was temporarily stemmed by the victories of Abderrahman III, who defeated the Kings of Leon and Navarre, and even entered Pamplona (about 924); but a few years later the Moorish sovereign himself suffered a fearful defeat at Alhandega, at the hands of Ramiro II of Leon, barely escaping with his life (939). By his successor, Hakam, and by Almanzor, the great minister of Hisham II, the barbarians of the north were once more reduced to their proper insignificance, Leon, Pamplona, Barcelona, and even Compostella, all falling into Almanzor's hands.

Attacks
of the
Christians.

Victories
of Abder-
rahman III
and Al-
manzor
(924-
1002).

But, with the death of the latter in 1002, the decline and

Anarchy in Andalusia (1002-1086). fall of the Omeyyad empire at once began. Anarchy swept over the land, and for nearly a century all was confusion. Each large town or district set up its independent ruler, and many of these were tributary to Alfonso VI of Leon and Castile. In these straits the unhappy Moors had recourse to the dangerous expedient of calling in the foreigner, in the shape of the Almoravides, a sect of Berber fanatics, who had recently overrun the north coast of Africa. They crossed under their general, Yusuf, and in October, 1086, inflicted a crushing defeat on Alfonso at Zallaka, near Badajos. Yusuf then returned to Africa, but in 1090 he was recalled by the renewed aggressions of Alfonso, and this time, besides repelling the Christians, he carried his arms against the Moors of Andalusia, who, in their divided state, soon succumbed to his prowess¹, Mohammedan Spain thus becoming a province of the African Almoravide empire.

The Almoravides enter Spain (1086). The rule of the Almoravides was not, however, to last for long. Spain seemed destined to be fatal to her conquerors: the new-comers were soon enervated, and the Christians, under Alfonso 'the Battler,' resumed their raids, burning even the suburbs of Cordova and Seville in 1133. Once more anarchy followed: every petty lord became independent, till 1145, when the Almohades, a fresh sect of fanatics, who had already overthrown the Almoravides in Africa, appeared on the scene, and, by the middle of the twelfth century, Andalusia was temporarily united under their government. But, as they ruled the country from Africa, their hold on it could hardly be lasting; and though in 1195 they succeeded in inflicting a severe defeat on the Christians at Alarcos, yet in 1212, on the disastrous field of Las Navas de Tolosa—against the forces of Aragon, Leon, Castile, Navarre, and Portugal—a deadly blow was inflicted on Almohade rule. The chiefs of Andalusia seized the opportunity to rise against their foreign masters, the

Fresh raids of the Christians (1133-1145). The rule of the Almoravides was not, however, to last for long. Spain seemed destined to be fatal to her conquerors: the new-comers were soon enervated, and the Christians, under Alfonso 'the Battler,' resumed their raids, burning even the suburbs of Cordova and Seville in 1133. Once more anarchy followed: every petty lord became independent, till 1145, when the Almohades, a fresh sect of fanatics, who had already overthrown the Almoravides in Africa, appeared on the scene, and, by the middle of the twelfth century, Andalusia was temporarily united under their government. But, as they ruled the country from Africa, their hold on it could hardly be lasting; and though in 1195 they succeeded in inflicting a severe defeat on the Christians at Alarcos, yet in 1212, on the disastrous field of Las Navas de Tolosa—against the forces of Aragon, Leon, Castile, Navarre, and Portugal—a deadly blow was inflicted on Almohade rule. The chiefs of Andalusia seized the opportunity to rise against their foreign masters, the

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¹ The exploits of the Cid—a Castilian adventurer who served indifferently under Moor and Christian—belong to this period. In 1094 he took Valencia, but it was recovered by the Moors shortly afterwards.

Africans were expelled, and by 1260 Cordova, Valencia, Seville, and Murcia, had fallen into the hands of the Kings of Castile and Aragon. All that was now left of the Moorish empire in Spain was the little kingdom of Granada; but this was destined to defy the attacks of the Christians for over two centuries.

The Moors reduced to Granada (1260).

§ 2. THE HOUSE OF BARCELONA.

The county of Barcelona had formed an outpost for the forces of Christianity against those of Islam ever since the beginning of the ninth century, when Louis, son of Charles the Great, had wrested the town from the Moors and conferred it on Bera, as first Count. In Bera's immediate successors were also vested the Duchy of Septimania and the Marquisate of Gothia; but about the middle of the century the reigning Count seems to have been stripped of these titles by Charles the Bald, most of his territories north of the Pyrenees falling to the Counts of Toulouse. From this time the bonds connecting the county with the French Crown became little more than nominal, and Wilfred 'the Hairy'—generally regarded as the founder of the House of Barcelona—is said to have made the Countship hereditary in his family. Wilfred died about 898, and of his immediate successors but little is known. In 984, during the reign of Borrell II, Barcelona was sacked by Almanzor; but Borrell's great-grandson, Ramon Berenguer I (1035–1076)—the compiler of the Usages of Barcelona—conquered most of Catalonia from the Moors, besides acquiring the rights of suzerain over Carcassonne and a number of other places in the south of France¹.

Capture of Barcelona by the French (801).

Wilfred I (circ. 890).

Conquests of Ramon Berenguer I (1035–76).

Ramon Berenguer left his territories to be ruled over

¹ By his will he left to his sons Carcassonne, Redes, Lauraguais, and all his possessions in the county of Toulouse, Minervoys, Narbonne, Foix, Comminges (Bofarull, *Condes de Barcelona II*, p. 41). Bofarull (*ib.* p. 62)

conjectures that he acquired these rights through his grandmother, Ermesindis, wife of Borrell III, and daughter of Roger I, Count of Coserans and Carcassonne.

Ramon Berenguer III gains Provence (1125).

conjointly by his sons, Ramon Berenguer II and Berenguer Ramon II. The latter, however, soon murdered his brother and reigned alone till 1096, when he was succeeded by his nephew, Ramon Berenguer III, who—by his marriage with Dulce, daughter of the Viscount of Millau and Gevaudan, and Countess of Provence—secured the greater part of Provence, though not till after a contest for its possession with the Count of Toulouse. Ramon Berenguer was also successful in his wars against the Moors, from whom he wrested Tarragona, besides temporarily expelling its inhabitants from Mallorca, with the help of the Genoese, Pisans, and the Lord of Montpellier. He died in 1131, bequeathing to his elder son, Ramon Berenguer, the county of Barcelona, and to the younger, Berenguer Ramon, Provence, Gevaudan, and Millau.

History of Aragon.

Ramon Berenguer IV was destined to leave to his successors a kingdom as well as a county. The monarchy of Aragon owed its existence to Sancho 'the Great' of Navarre (970-1035), who, after securing possession of most of the country, had left it to his son, Ramiro I (1035-1063); and the son of the latter, Sancho Ramirez (1063-1094), overran and divided Navarre with Alfonso VI of Castile. The first great king of Aragon, however, was Alfonso 'the Battler' (1104-1134), who married Urraca, Queen of Castile, of which country he was, for a time, ruler, till later, incited by his wife, it revolted from him. Against the Moors Alfonso was more fortunate, recovering from them Zaragoza, Calatayud, and Daroca, though eventually he met his death at their hands on the field of Fraga (1134). By his will he bequeathed his kingdom to the Orders of the Temple, Hospital, and Sepulchre; but the Cortes refused to sanction this strange arrangement, and dragged from a monastery Alfonso's brother, Ramiro. The latter, however, soon abdicated in favour of his daughter, Petronilla, a child two years of age, who was at once betrothed to Ramon Berenguer IV of Barcelona, Aragon and Catalonia being thus united under one sceptre.

Petronilla betrothed to Ramon Berenguer IV (1137).

Ramon Berenguer himself remained content with the title of 'Prince of Aragon.' He afterwards joined in the attack on the Moors, taking Tortosa in 1148 and Lérida in 1149, but was less successful in his attempt to reduce Navarre, which had refused to recognize Ramiro 'the Monk,' and had chosen a king of its own. He also engaged in a war with the Count of Toulouse, which secured him the alliance of Henry II of England, as well as in a contest in Provence, on behalf of his nephew, with the House of Baux. It was in 1162, at a village near Genoa, on his way to an interview with the Emperor Frederick Barbarossa, in connexion with the Provençal question, that the life of the great Count came to an end. By his will he left Catalonia and Aragon to his eldest son, Alfonso, and to his second son, Pedro, Cerdagne, Carcassonne, Beziers, and his rights in Narbonne.

Wars of
Ramon
Beren-
guer IV.

Alfonso II 'the Chaste' (1162-1196) seems to have been a wise and valorous prince, the chief event of whose reign was his successful war with the Count of Toulouse for the possession of Provence, which the Count claimed on the strength of the marriage of his son with Dulce, the heiress of Raymond Béranger II. The issue of the struggle was the investiture, by Alfonso, of his brother, Raymond Béranger III, on whose death, in 1181, Provence reverted to the Crown, the House of Barcelona thus issuing completely victorious from the struggle with its northern rival.

Alfonso II
(1162-
1196).
Wars with
Toulouse.

Another war undertaken by Alfonso was against the Viscounts of Nîmes and Beziers, both of whom were forced to do homage¹. Roussillon, too, on the death of its Count, passed to the Crown of Aragon, whose influence in the south of France was now at its height.

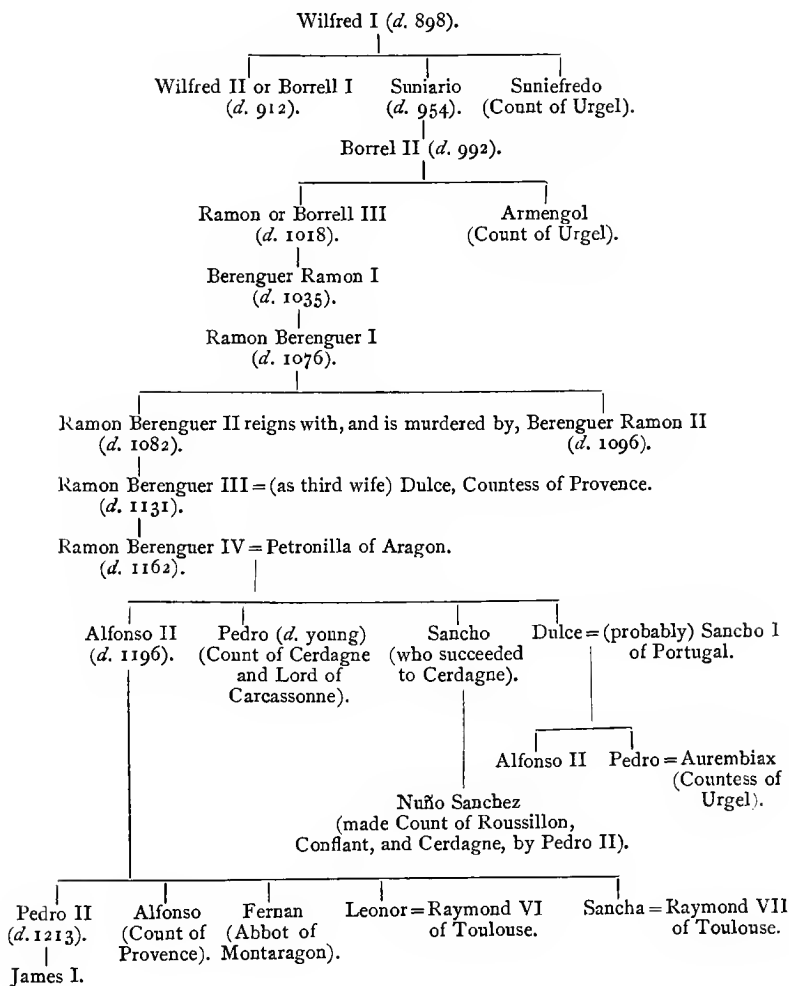
Prestige of
the House
of Barce-
lona in
the south.
Pedro II
(1196-
1213).

On the death of Alfonso, in 1196, Aragon and Catalonia fell to his eldest son, Pedro II, and Provence to the younger,

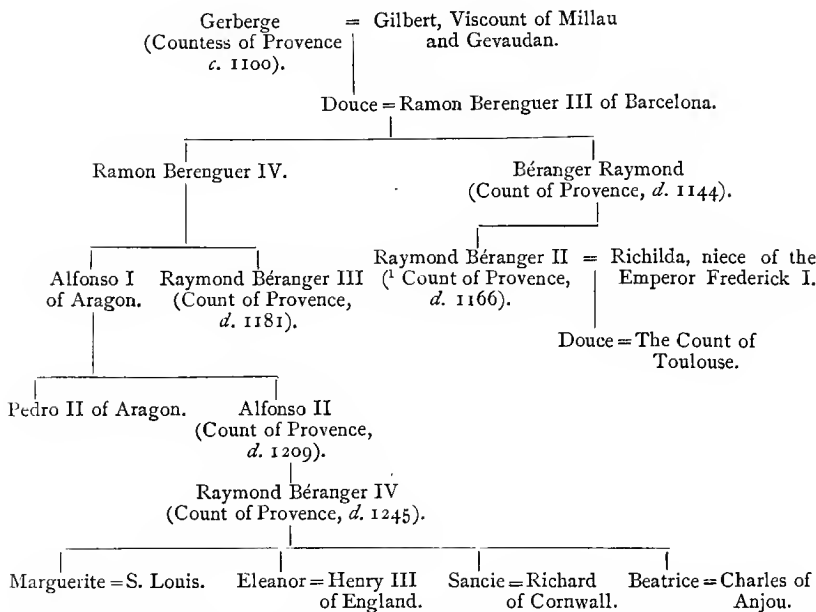
¹ The Viscount of Beziers had given up Carcassonne to the Count of Toulouse, and he was now compelled to accept it as a fief from Alfonso, together with Lauraguais, Rodez, Termes, Minervois, and other places.

Alfonso. Conciliation was the keynote of Pedro's foreign policy, and it was in this spirit that he married his sisters, Leonor and Sancha, to Raymond VI and Raymond VII of Toulouse, respectively, besides declaring his kingdom a papal fief—an arrangement which was subsequently repudiated by the Cortes at Zaragoza. But Pedro's reign is chiefly important for the part he played in the Albigensian war, and this we shall notice presently.

THE HOUSE OF BARCELONA.



THE HOUSE OF PROVENCE.



¹ On his death, the fief of Provence reverted to the Crown of Aragon, to pass to Alfonso II in 1196.

PART I.

POLITICAL HISTORY, 1213-1276.

FIRST PERIOD: THE KING'S MINORITY.

CHAPTER I.

EARLY YEARS.

EARLY in the morning of February 2, 1208¹, before it 1208.
was light, while the clergy were singing 'Te Deum' at
Matins in the yet unfinished² church of 'Our Lady of the ^{James'}
Tables' at Montpellier, a child, born during the night, was ^{birth}
presented at the altar. Afterwards it was taken to the ^{(1-2 Feb.).}
church of S. Firmin, where the priests were chanting the
'Benedictus,' and here a like ceremony was performed.
The child was the son of Pedro II of Aragon and Mary of
Montpellier, afterwards to be known as 'James the Con-
queror³.' On his father's side he came of the royal line
of Aragon and the Counts of Barcelona. His mother's
ancestry was still more illustrious: she was the daughter
of William VIII, Lord of Montpellier, by Eudoxa Comnena,

¹ *Histoire Générale de Languedoc*,
vol. vii. p. 38; Desclot, *Historia de
Cataluña*, i. 4; Miedes, *Vita Jacobi*,
i.; Benter, *Coronica de España*, i. 1;
Muntaner, *Chronica*, 5.

² It was not consecrated till Aug. 25,
1230. Germain, *Histoire de Mont-*

pellier, vii. p. 239.

³ *James' Chronicle*, 5. James is
said to have been named after a candle:
twelve of these were lighted, each
named after an Apostle; the one called
James burned the longest, and from it
the child received his name. Ib.

1204.

—

a child of Manuel Comnenus, Emperor of Constantinople, whose military abilities, as well as other less creditable qualities, were destined to be reproduced in his great-grandson¹.

Fortunes
of his
mother,
Mary.

The mother of the latter, Mary, had been twice married before she became Queen of Aragon. Her first husband was Barral, Viscount of Marseilles, who soon died, and the second was the Count of Comminges, who had two wives living at the time of the marriage, and eventually repudiated the third.

When, on the death of William VIII, Mary found herself Lady of Montpellier, her rights were disputed by one of her father's natural sons²; but the citizens seem to have been indifferent to his claims, and, with an eye, no doubt, to fresh commercial opportunities, they offered the hand of his sister to the King of Aragon. The latter, not unwilling to secure so important an outpost against the French

¹ Gibbon, 48; *Chron.* 2. The story that James' conception took place at Montpellier, and was due to circumstances not altogether unlike those which attended the birth of Galahad (cf. Sir T. Malory's *Morte d'Arthur*), originated with Desclot, who is followed by Muntaner, Beuter, Miedes (ib.), Zurita (*An.* ii. 59), and most writers down to M. Tourtoulon (*Don Jaime*, i. p. 61), who seem to have taken a pleasure in believing it and in expatiating on the details. On the other hand the *Chronicle* merely tells us that a noble induced Pedro to visit the queen at Miravals, where James was conceived (*Chron.* ib.), and this version is followed by Marsilio (i. 3). The whole of Desclot's story is rejected in the *Hist. Gén. Lang.* (vii. 40) on this account, and also because Puylaurens, a contemporary historian, tells us that James was conceived 'in castris,' and was born at Montpellier (*Comtes de Tolose*, xi.). Vaissete's own explanation of the story is that it was invented

to account for the Chevalet dance at Montpellier, and his recent editors join him in rejecting it. These reasons, however, do not satisfy Germain (ib. vol. i. p. 314), who accepts Beuter's compromise, by which the first meeting, when Pedro was deceived, took place at Montpellier, and the second, when James was conceived, at Miravals. That there may be some truth in the story is, perhaps, to be inferred from James' own allusion to the 'marvels' of his birth, in *Chron.* 48.

² William VIII, who died in 1202 or 1203, had left Montpellier to his eldest son, Mary having renounced her claims on the town—which rested on the marriage agreement of her father with Eudoxa—at the time of her betrothal to Barral. On the other hand, the pope had refused to legitimize the sons of William by Agnes of Castile, and this left Mary his only lawful child. Germain, ib. i. p. 27 seq.; Dachery, *Spicilegium*, ix. Ep. 22.

monarchy, accepted the offer; and the marriage took place 1204-13. in 1204¹. ←→

The luckless Mary, however, was equally unfortunate in her third husband, as indeed was to be expected from the nature of the alliance and the dissolute character of Pedro. A repudiation soon followed², and Mary fled to Rome, where sentence was given in her favour³, and where she died in April, 1213⁴.

A few months later her husband followed her to the grave. In 1209 the South of France had been flooded by a swarm of Northerners, headed by Simon de Montfort. Their ostensible object was the extermination of the 'Albigensian heresy,' which had spread far and wide in the territories of Raymond VI, Count of Toulouse, and of Raymond Roger, Viscount of Albi, Beziers, and Carcassonne, as well as in the territories of Foix and Comminges, and in the Viscounty of Bearne. Apart from its religious aspect, the war was also a struggle of races—of the North against the South, of Frank barbarism against Latin civilization.

What part was Pedro 'the Catholic,' the king whose orthodoxy had never been doubted, to play in the struggle? The prospect of French aggrandizement in the south could hardly have been pleasing to him, but to engage in a conflict with the Church was a serious matter. It was all-important, therefore, for him to gain the friendship of the powerful leader of the Crusaders, who had already secured

¹ Germain, *ib. i.* pp. 23-33; Dachery, *ib. viii.* Ep. 33.

² In spite of Pedro's promise in the marriage treaty with Mary: 'nuncquam te viventem dimittam.' Dachery, *ib.*

³ Potthast, *Regesta*, No. 4561 (dated Jan. 19, 1213).

⁴ Germain, *ib. i.* p. 260; *Hist. Gén. Lang.* vi. p. 401; *Gest. Com. Barc.* 1213. For her will of April 20, 1213, by which she left all her possessions

to her son James, see Dachery, *ib. ix.* Ep. 23.

Nearly a year later (Jan. 24, 1214) Pedro made over Montpellier to Mary's brother, William, despite his promise in the marriage treaty of 1204: 'Si habuerimus infantes superstites de te generatos et de me natos, ad primogenitum masculum . . . haec dos revertatur.' Dachery, *ib. x.* 178; cf. *ib. viii.* 33.

1211-13. the estates of Raymond Roger. De Montfort himself, on the other hand, was not without his own ambitions; he was a politician as well as a soldier, and the prospect of the lordship of the south can hardly have failed to pass before his eyes. The attainment, however, of such a position would be no easy task, and an understanding with so powerful a neighbour as the King of Aragon was in every way desirable. The negotiations, therefore, ended in an arrangement, by which the king's son was to marry the Count's daughter; and the boy was given up to De Montfort when he was three years old (1211). But the inexorable attitude of the Church towards the unfortunate Count of Toulouse, his brother-in-law, was too much for even the orthodox King of Aragon. After various attempts to induce the pope to restrain the depredations of the Crusaders in the territories of the Counts of Foix and Bearne, who were vassals of the House of Barcelona, and on the insolent rejection of his mediation by the Council of Lavaur (January, 1213), Pedro determined to assist his brother-in-law by force of arms. The result was the disastrous battle at Muret, a town three leagues from Toulouse, where the troops of Aragon and Catalonia were defeated by a sortie of the garrison, headed by De Montfort in person, and the king lost his life¹ (September 12, 1213).

Factions
in Aragon
(1213).

Aragon now found itself divided into three parties. Of these, two were headed by the young king's uncles, the Infantes Ferdinand and Sancho²—the former a restless monk, the latter Count of Roussillon, Conflant, and Cerdagne—while the third, or national party, was led by one of the most powerful nobles of Aragon, Pedro Fernandez de Azagra, Lord of Albarracin, who was supported by most of the cities and towns. Catalonia remained loyal to its Count, and does not seem to have been affected by the factions of the neighbouring country.

¹ *Hist. Gén. Lang.* vi. pp. 400-421.

² Sancho was really James' great uncle, being the third son of Ramon

Berenguer IV, James' great-grandfather. Zurita, *An.* ii. 25, 50, 76.

The crisis appears to have united, for the time, all parties ^{1213-14.} in one demand—the restoration of their young king. De Montfort, however, was, not unnaturally, averse from relinquishing his precious charge, and it became necessary to resort to more active and forcible measures. Nuño Sanchez, Count Sancho's son, proceeded, therefore, to ravage De Montfort's lands, in company with the Viscounts of Bearn and Cardona, while an embassy was despatched to Rome to solicit the intervention of the pope. The journey of the envoys was rewarded with success, the Holy Father at once instructing Pedro of Benevento, his legate in Languedoc, to procure James' release¹; and the cardinal, who had been holding a synod at Montpellier, set out for Narbonne, whither the young king was escorted by the French. Here, after they had sworn to defend him, James was handed over to the nobles and burghers, who were waiting to receive him (May or June, 1214). He was six years and four months old at the time, and was accompanied by his cousin, Raymond Béranger, Count of Provence, a boy of nine².

From Narbonne the king was taken to Barcelona, where the townsmen gave him a splendid reception, and where an Order in Council was issued, under a new seal, convoking a Cortes at Lérida. There appeared at the Cortes the Archbishop of Tarragona—who is said to have held the young king in his arms during the ceremony—as well as the bishops, abbots, nobles, and ten men from each city of both countries. The king's uncles were conspicuous by their absence. Here all were induced by the legate to swear allegiance to their young sovereign³, for whom a tutor was chosen in the person of Guillen de Monredon,

Cortes of
Lérida
(1214).

¹ Potthast, *Reg.* 4888.

² For Raymond's relationship to James, see the pedigree prefixed to this chapter.

³ The first instance of such an oath, and one which formed a precedent for

its future exaction at each accession, in return for the confirmation by the sovereign of the customs of the kingdom. Blancas, *Commentarii*, Ann. 1213.

1214-16. Master of the Temple in Spain and Provence. At the same time the legate appointed three governors of the king's dominions, one for Catalonia, who is not named, and two for Aragon—Azagra and Pedro Ahones—whose jurisdictions were to be divided by the Ebro. Over all, as 'Procurator General,' the cardinal set Count Sancho of Roussillon, in the hope, doubtless, of conciliating him. James' home for the next two years was at Monzon, a strong castle on the Cinca, the property of the Templars¹.

Rivalry of
the king's
uncles.

The young king thus owed his position on the throne to the good will of the Church. It remained to be seen whether her support would maintain him on it. The years of his seclusion at Monzon were a time of misery and distraction for Aragon. How far the king's uncles actually aimed at the throne is doubtful. It is possible that Sancho's object was merely to rule for his nephew, while Ferdinand, as being a nearer relative of the king, sought to oust the regent². And, besides the hostility of Ferdinand, Sancho, who had not the ability of an Almanzor, had to reckon with a strong loyalist party headed by the Templars. The rest of the nobles were divided between the king's uncles, the only great baron who maintained a consistent neutrality being the aged Ximeno Cornel, 'the wisest man in Aragon and the best adviser,' who 'grieved for the evils that he saw so great in Aragon³.' Nor was the kingdom merely torn by factions. The royal finances were on the verge of bankruptcy, to such an extent that, when James arrived at Monzon, he had 'no food for one day.'

This state of things was the outcome of the rule of Pedro the Catholic, 'the most bounteous king there ever was in Spain,' under whom much land had been mortgaged, and the royal fiefs had fallen from seven hundred to a hundred

¹ *Chron.* 10, 11; Zurita, *An.* ii. 66. Montpellier refused to recognize James, and was taken by Philip Augustus under his 'protection,'

pending the decision of the pope. *Hist. Gén. Lang.* vi. p. 440.

² Tourtoulon, *ib.* i. p. 120.

³ *Chron.* 12.

and thirty in number¹. At length, as a last expedient, it was decided at a Cortes, held at Huesca in September, 1215, to despatch an embassy to Rome, consisting of Cervera and Ahones, the expenses being defrayed by Sancho, who was obliged to mortgage four castles to raise the necessary 35,000 maravedis². The mission seems, however, to have produced little immediate result, and matters rapidly went from bad to worse. But relief came from an unexpected quarter.

¹ *Chron.* II.

² The embassy was sent 'pro demandanda morte domini Petri inclite recordationis regis Aragonum, et pro aliis multis negotiis regni expediendis' (*Parchments*, App. I; cf. Bofarull,

Doc. Ined. vi. 10). It seems also to have been joined by G. R. Moncada, Viscount of Bearne (*Parch.* App. 2: 'in hoc praesenti viatico quod facio Romam').

CHAPTER II.

GOVERNMENT BY THE COUNCIL.

1216-17. It seems, in fact, to have become evident to the young king himself that something must be done to save the kingdom from anarchy. James had not a Marshall or a De Burgh to act for him, but he had the spirit of a Richard the Fearless, and could rely on the support of the Templars and the counsel of Ximeno Cornel. Various attempts to entice him from Monzon had already been made by the contending parties; but on September 15, 1216, a meeting of loyalist nobles was held in the castle, at which were present the Primate Aspargo and the Bishop of Tarazona, with Azagra, Cervera, Cornel, Cardona, and Guillen Moncada, all of whom swore to defend their sovereign¹. On hearing of the formation of this league of the Public Weal, Don Sancho is said to have contemptuously declared that he would willingly cover with scarlet cloth as much ground as the king and his supporters should be able to pass over in Aragon beyond the Cinca²; and it was perhaps owing to extra precautions taken by the regent, that no attempt to escape was made by James for the present. A temporary reconciliation, indeed, seems to have been effected, for, on July 19 of the following year, at a General Cortes at Monzon, Sancho was present, and the Catalans voted a grant of 'bovage'³. Soon afterwards

—+—
James at
Monzon.

¹ *Parchments*, 66; cf. Bofarull, *Doc. Ined.* vi. 11.

² *Chron.* 14.

³ *Parchments*, 78; cf. Tourtoulon, *ib.* i. p. 367. The following are styled the king's 'councillors' in this docu-

(August (?) 1217) the young king escaped from Monzon, 1217-18. prompted doubtless by the royalists, as well as by his own daring spirit: 'they could not keep me in Monzon . . . as I, considering it was necessary for the country, wished to go.' His cousin, Raymond, had escaped already, and James, though only nine years old, had resolved to follow his example. Early one morning he left the castle, but had not gone far before he heard that Sancho was lying in wait at Selga. A battle seemed imminent, and the young king dismounted from his horse and donned a coat of mail: 'that was the beginning—the first arms I ever took.' Happily the enemy remained quiet, and they reached Berbegal the same day, and Zaragoza a few days later, where the citizens gave the king an enthusiastic welcome¹.

James' movements, for some time after this escape, cannot be followed. In September we find him as far north as Gerona², and in March of the following year he was back at Monzon³. In June he was apparently once again on friendly terms with Count Sancho, for on the 24th of that month, on the advice of the regent, bishops, nobles, and burghers of Aragon and Catalonia, assembled in a General Cortes at Villafranca, peace was proclaimed over the land from the Cinca to Salsas⁴. In July the king presided over a Cortes of Catalonia at Tarragona, and in September over another General Cortes at Lérida. Here the pacification with Sancho was completed, and, in return for the cession of certain towns with a rent roll of 15,000 sols,

Cortes at
Tarragona,
(July,
1218),
and Lérida
(Sept. 8,
1218).

ment: Cornel and Ahones, for Aragon; the Viscount of Cardona and Cervera for Catalonia; as well as, apparently, Sancho, the Primate, and the Bishops of Vich, Lérida, Tortosa, and Zaragoza—ten in all.

'Bovage' was a tax on the yoke of oxen and head of other cattle (Zurita, *Indices*, p. 100). Important business was transacted at this Cortes relative to the succession to the county of Urgel, claimed by the Viscount of

Cabrera and Doña Elvira (see Appendix A).

¹ *Chron.* 14.

² *Parchments*, 81 (a transaction with the Temple).

³ *Ib.* 100.

⁴ *Const. Cat. Superfl.* vol. iii. lib. x. tit. 3, const. 1. This Cortes is not noticed by M. Tourtoulon (*ib.* i. p. 367), who seems to be under the impression that Sancho did not come in till September.

1218-19. in addition to some rents in Barcelona and Villafranca, the Count resigned the regency and swore allegiance¹. James' other uncle, Ferdinand—who seems to have represented the party of opposition to the royal authority, whether exercised in person or through a regent—was, apparently, included in the pacification, and was confirmed in the wealthy abbacy of Montaragon. Other business transacted at the Cortes was the confirmation of the 'money of Jaca,' an alloy of brass and silver, as currency in Aragon: it had first been struck by Pedro II².

James'
helpers and
advisers.

Of the young king's fortunes during the next two years little is known, and his movements are difficult to trace. He had now shaken off the regent, and the government was carried on by a council. In 1219 he had the good fortune to be taken under papal protection, for on July 26, Honorius III received both king and kingdom 'under the shadow of our wings,' besides naming, as James' advisers, Aspargo, Cornel, Cervera, and Ahones³. It is not easy to say who was the moving spirit in all these transactions—the escape from Monzon, the Cortes of Lérida, and the appeal to Rome. The king was the pupil of the Templars, and their influence in matters of state must have been considerable. There can also be little doubt that James possessed a mentor of no slight experience in Ximeno Cornel, who is said to have prompted the flight from Monzon, and was now definitely given a seat in the council. In Catalonia the Bishop of Barcelona acted as the king's lieutenant⁴; and, backed as he was by the

¹ *Parchments*, 113; Zurita, *An.* ii. 71; cf. Tourtoulon, *ib.* i. p. 368. At this Cortes James pardoned Montpellier, at the intercession of Honorius III, and confirmed its privileges. Gariel, *Ser. Praes. Mag.* i. p. 320; *Hist. Gén. Lang.* vi. pp. 440, 512.

² Zurita, *An.* *ib.*; Miedes, *Vita Jacobi*, i. 2; Blancas, *ap. Schott.* iii. p. 655. In 1218—in spite of a papal letter forbidding James to help him—

the exiled Count of Toulouse crossed the Pyrenees with an army of Aragonese and Catalans, and recovered his capital, in besieging which De Montfort was slain. Potthast, *Reg.* 5643, 5644; Balaguer, *Historia de Catalunya y Aragon*, ii. p. 187.

³ Zurita, *Ind.* p. 101; Potthast, *Regesta*, 6107.

⁴ *Parchments*, 133.

Templars, the towns, the Church, and a large section of the nobility, James' position can hardly have been despicable. 1218-20. →→

That matters had not, however, gone altogether smoothly, even in Catalonia, since the Cortes of Lérida, may be inferred from a reconciliation of Nuño Sanchez and Hugo, Count of Ampurias, which was effected at Barcelona on July 8, 1220, G. Moncada acting the part of peacemaker¹. And two months previously, on May 8, the renewal of the papal protection was found necessary².

The loyalty, too, of the king's followers was soon to be put to a severe test. While at Zaragoza, James heard that a certain Lope d'Alvaro had suddenly been carried off, without any previous challenge³, by Rodrigo Lizana, and imprisoned in Lizana Castle. The complainant was Pelerin de Trosillo, Lope's son-in-law; and the king's council resolved to chastise the offender. They began by recovering the stronghold of Alvaro, which had fallen into the enemy's hands, and then marched against Lizana Castle, where Don Lope was imprisoned, and where one of Don Rodrigo's knights was in command. Here the 'fonevol' that the besiegers had brought with them was a great success, discharging a thousand stones by day, and five hundred by night, so that the castle was soon taken, and Don Lope was released. It would have been as well if the victors had stopped here, for Don Rodrigo had taken refuge with a more formidable antagonist—Pedro Fernandez de Azagra, Lord of Albarracin, whose proud boast it was that he held his town of none but the Blessed Virgin⁴.

Originally a governor of Aragon, Azagra seems to have drifted over to the party of opposition led by Ferdinand, and he now refused to surrender the fugitive. The royalist

¹ *Parchments*, 146.

² Zurita, *Ind.* 102.

³ By the *Fueros* of 1247 this was treason. *Fueros*, lib. ix. tit. 'de confirmatione pacis,' and tit. 'de proditoribus.'

⁴ Towards the end of the previous century an ancestor of Azagra had received the town of Albarracin from the Moorish King of Valencia, in return for services rendered him. Zurita, *An.* ii. 29.

War with
Lizana, and
siege of
Albarracin
(July 1220).

1220. army accordingly marched on the castle and besieged it
 --- for about two months. Inside were fully a hundred and fifty knights—as many as James had with him—and there was treachery in the royalist camp, the friends and relatives of Azagra keeping the besieged informed of the plans of their assailants, and carrying in supplies under the king's eyes. All, in fact, with the exception of Ahones, Pelegrin, and Guerao de Puyo, served him 'badly, and acted as treacherously as they could'—so treacherously, indeed, that one night Pelegrin and Puyo, while guarding the engines, were deserted by the others in a sortie of the garrison, and were killed. James' council now advised him to withdraw, which he was obliged to do, for 'I could not take counsel myself about it, nor had I anyone to consult, being only eleven years old at the time¹.' This was the king's first encounter with his turbulent nobility, and it was not to be his last.

During the siege itself measures had been taken for the better government of the kingdom, by the appointment of two Templars—one for Aragon, and the other for Catalonia—to superintend, apparently, and collect, the royal revenues². Here again the influence of the Order shows itself; and it was on the advice of James' councillors—Ximeno Cornel, Guillen Cervera, and Guillen Moncada—that, about six months later, a match was arranged between the king and Leonor, daughter of Alfonso VIII of Castile. There were obvious reasons for the alliance—among them the desirability of a good understanding with the neighbouring kingdom, and also of an heir to the throne, in view of the dangers that beset the king's person. But James was only just thirteen, and the failure of so early a marriage does not seem to have presented itself as a possibility to the promoters, the happiness of the woman, as often in the Middle Ages, being only a secondary consideration. The

¹ *Chron.* 15, 16. James' memory has failed him as to his age. He was really twelve, an Act of July 19, 1220, being given 'in obsidione de Albar-

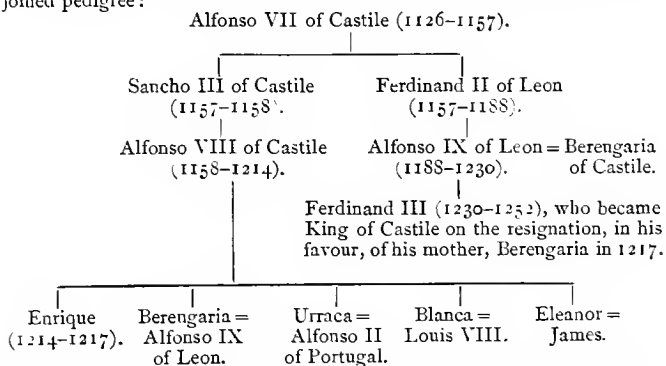
racino.' Bofarull, *Doc. Ined.* iii. 14; cf. *Parchments*, 151, 155.

² Bofarull, *ib.* 12.

marriage took place at Agreda in Castile, in the presence of Ferdinand and Berengaria, on February 6, 1221, but it was not consummated for a year. After the ceremony the young king returned to Aragon, and was knighted in the church of S. Mary of Orta, where, having first heard Mass of the Holy Ghost, he girt himself with a sword, which he took from the altar¹. The rest of the year 1221 seems to have been uneventful at home, but part of the following year the king spent in chastising Guerao Cabrera², a claimant to the county of Urgel, who eventually came in and was temporarily confirmed in the possession of the county (Dec. 21, 1222), on condition of submitting to the decision of the king's court, in the event of the appearance of his rival, the Countess Aurembiax³.

1221-2.
 Marriage
 of James,
 Feb. 1221.

¹ *Chron.* 17-19, Leonor's connexions will be best understood from the subjoined pedigree:



² Cf. *Parchments*, 198: 'in exercitu apud Castellionem, post capcionem ipsins.' 16 Aug.

³ See Appendix A.

CHAPTER III.

FRESH TROUBLES.

1223.



Quarrel of
G. Mon-
cada and
Nuño
Sanchez.

SO far, the government of the king's council had, on the whole, been a success. A reconciliation had been effected, for the present at least, with Ferdinand and Sancho, the kingdom had been taken under papal protection, Lizana had been chastised, and the royal prestige had, doubtless, been considerably augmented by the marriage with Leonor of Castile. But fresh troubles were impending, and this time Catalonia was to be the scene of the conflict. Nuño Sanchez had a quarrel with Guillen Moncada, Viscount of Bearne, over a falcon—a small spark, from which a great flame was kindled. The usual defiances followed, and two parties were formed, Moncada being joined by Azagra, and Nuño by Ahones and the Infante Ferdinand. Hostilities were begun by Moncada, who ravaged Roussillon, capturing the castle of Avalri near Perpignan, and defeating the men of the latter town. James had taken Nuño under his protection, and, as the attack was made despite the royal prohibition and Nuño's offer to 'do right,' the king collected his forces and invaded Moncada's territories, taking no less than 130 castles and towns, among them Cervellon, the siege of which lasted thirteen days¹. He then besieged Moncada Castle, which is situated on the top of a steep and high hill commanding the entrance to the plain of Barcelona, and is almost impregnable². It was held by Moncada,

¹ *Chron.* 21.

² At the time of the siege the hill was probably thickly wooded on all sides, so that it would be difficult to

drag up engines, though at the present day only one side is wooded. The castle is not more than eight miles from Barcelona.

Cornel, and Lizana, with about 130 knights; while on the king's side were Sancho, Nuño, Ferdinand, Ahones, Artal de Luna, and Ato Foces—in all about 400 knights. 1223-4.
→→→

The siege lasted three months (Sept. to Nov. ¹), and the besieged, who had provision for only three days, would have been obliged to surrender, had they not received supplies from the besieging camp itself, and even from Barcelona. 'Being yet a child, I really knew not how to obviate this, all those who were with me, excepting only Don Sancho and Don Pedro Ahones, being then much displeased at my trying to do harm to those inside the castle.' So James was obliged to raise the siege and retire to Aragon.

On the withdrawal of the besiegers, Moncada hastened to show his respect for the royal authority by destroying Terraza and Sarboz and besieging Piera. A reconciliation was then effected with him at Tahuste by Ferdinand and Ahones, who undertook to get the king to restore the castles he had taken. At this meeting were present also delegates from Zaragoza, Huesca, and Jaca, and its outcome was the formation of a league, which included Moncada, Ahones, Nuño, Ferdinand, and Azagra, besides the towns mentioned. The mischief had thus spread to Aragon.

James was at Alagon during these proceedings: it was winter, and here the conspirators found him, and, despite his order that they should not enter with more than four or five knights, the three ringleaders—Ferdinand, Moncada, and Ahones—contrived to let in fully 200 during the night. Next day, with many protestations of loyalty, they conveyed both king and queen to Zaragoza, where they were closely confined. The situation is best described in James' own words: 'the queen hearing the noise of the armed men who remained outside, and of those who had entered the house, to lie down before us, took to weeping very bitterly. I comforted her as well as I could.' This state of things 1224.
James
imprisoned
at Zaragoza
(Feb?).

¹ Zurita, *An.* ii. 78. So too Tourtoulon, *ib.* i. p. 143. The date is necessitated by later events, and is against *Chron.* 21, which gives 1222: but the king's memory has already failed him over Albarracin.

1224-5. lasted for three weeks, till at last the young king yielded and paid Moncada 20,000 morabatins as damages¹. The triumph of the feudal party—the party of opposition to the royal authority—was now complete, and Ferdinand, Moncada, and Nuño, busied themselves in distributing the fiefs of Aragon among their friends and partisans, pretending that it was done with the royal sanction². And in March, as a fresh humiliation, the king was compelled at Daroca once more to confirm the money of Jaca, and to withdraw his own coinage³; while in October, at Monzon, the conspirators insisted on his putting away his ‘evil counsellors,’ and accepting their own nominees⁴. James’ cup of bitterness was full. But he was resolved to make a bold stroke to recover his prestige. Boy though he was, he had long burned to draw his sword against the Infidel, and even now the idea of diverting the fiery spirits of his nobles against foreign foes seems to have occurred to him. To do this, however, it was obviously necessary first to pacify the kingdom.

1225. In March, therefore, of the following year, the king paid a visit to Zaragoza, and confirmed the privileges and customs of the citizens⁵; and on April 26 he presided over a Cortes of Catalonia at Tortosa, at which were present the bishops, nobles, and burgesses, and where, preparatory to the expedition against the Moors, peace was proclaimed over the land from the Cinca to Salsas⁶. The troops assembled probably towards the middle or end of July⁷. The details of the campaign are not known. It was towards the end of August that the Christian army found itself before the

¹ I. e. about £11,000. Cf. *Chron.* 21-4. The king’s speech of ‘cutting sarcasm’ in Miedes, *ib.* 3, is not even sufficiently Thucydidean to be accepted.

² *Chron.* 24.

³ *Parchments*, 126.

⁴ Zurita, *An.* ii. 80.

⁵ *Ib.*: cf. *Parchments*, 285.

⁶ Marca, *Marc. Hisp.* 1406; *Const. Cat. Superfl.* x. 3, 1, 2. This important Cortes seems to have escaped the notice of both Zurita and M. Tourtoulon.

⁷ The king was at Barcelona on June 6 (*Parch.* 259) and at Lérida on June 30. *Ib.* 261.

strong castle of Peñíscola¹—a miniature Gibraltar², some 1225-6.
 forty miles south of Tortosa. The king was accompanied
 by the Bishops of Barcelona, Lérida, and Tortosa, as well
 as by the Moncadas, Cervera, and Cervellon; from Aragon
 there came only the Bishop of Zaragoza, with Ahones,
 Acorella³, and Pedro Perez, the justiciar. The castle is
 inaccessible by water, and is connected with the land only
 by a narrow strip of sand. The siege lasted all September
 and into October; but the efforts of the assailants were
 futile, and eventually they were obliged to raise the siege
 and return home⁴.
 —+—

But even now the young king was not to be daunted. 1226.
 Early in the following year he summoned to Teruel all the
 barons and knights holding of him in fee, for a fresh cam-
 paign against the Moors. On the appointed day, however,
 there appeared only Blasco de Alagon, Artal de Luna, and
 Ato Foces; and when, after waiting three weeks, they had
 consumed their supplies, it became evident that the expedi-
 tion would have to be abandoned. But the king's credit
 was saved by an unexpected piece of good fortune. Alarmed
 by the news that the Christian monarch had ordered a fresh
 levy of his troops, Abu Zeid, the Moorish King of Valencia,
 now sent and offered to pay as tribute a fifth of his revenues
 —terms which James gladly accepted, and peace was con-
 cluded.

On his way back, when near Calamocha, about seventeen
 miles south of Daroca, the king met unexpectedly a noble,

¹ In later days Peñíscola was the refuge of a distinguished member of the Luna family—Benedict XIII—from the Council of Constance.

² Ford, *Spain*, p. 464.

³ Perhaps rather Ato Orella, as in *Parch.* 269.

⁴ The siege of Peñíscola is not mentioned in the *Chronicle*, but that it took place is proved by the reference in:—(1) Desclot, *Hist. Cat.* i. 8; (2) *Parch.* 269, which is dated 'in

obsidione Peniscole, iii. Nonas September, anno dominice Incarnationis 1225'; (3) *Parch.* 288, an acknowledgment of a debt contracted 'cum obsessum castrum de Peniscola tenebamus.' Yet Señor Balaguer says that it is plain that James did not besiege Peñíscola (*Cataluña y Aragon*, ii. p. 198). The siege is wrongly deferred by Zurita (*An.* ii. 80), and M. Tourtoulon (*ib.* i. p. 152) to Oct. 1.

1226. who, from being a privy councillor, had become one of his most dangerous enemies—Pedro Ahones¹—now on his way to invade Valencia, with fifty or sixty knights. James persuaded him to come to Burbaguena, and there taxed him with being, by his lateness, the cause of the failure of the expedition, forbidding him now to break the truce. In reply, Ahones alleged the expense incurred in military preparations by himself and his brother, the Bishop of Zaragoza, and refused to obey. The king, who was just eighteen, at once grappled with him, seizing his hand and sword. At this moment a number of Ahones' followers burst into the room, and released their master, without, apparently, the royalists lifting a hand in defence of their sovereign.

James and
Ahones
(Feb.).

A hot chase now ensued, for Ahones had taken to horse and was flying up a hill towards Cutanda Castle, the property of his brother the bishop. At the top he changed horses, and his men repulsed Blasco de Alagon and Artal de Luna, who were pressing up, with showers of stones. The king, however, made a detour and came up in the rear, with the cry 'Aragon! Aragon!' Ahones' men now lost heart and took to flight, while their master was pierced with a lance under the right arm, by Martinez de Luna. The king dismounted, and bending over the wounded man chid him gently: 'Ah! Don Pedro Ahones! In an evil hour were you born. Why would you not believe the advice I gave you?' 'Ah! my lord!' said Don Blasco, 'leave that lion to us, that we may take revenge on him for the harm he has done us.' 'God confound you,' was the indignant reply, 'that at this time you should say such things. I tell you that if you strike Don Pedro Ahones, you shall have to strike me first. I forbid you to touch him.' James then ordered the wounded man to be put on a horse, with an esquire supporting his body, and they set out for Daroca; but Ahones died on the way. He

¹ Ahones seems to have been a 'Mesnader' or knight of the king's household. Tourtoulon, *ib. i.* p. 188.

was buried in the church of S. Mary at Daroca¹. While pitying the man, we can hardly deny that he deserved his fate. In any country his acts would have been regarded as the acts of a traitor. He had betrayed his sovereign at Alagon, had kept him a prisoner at Zaragoza, and had refused to obey him at Burbaguena. James' conduct on this occasion appears at its best, and in its most truly chivalrous guise. And, perhaps, in all that long life, it was, after all, the only knightly deed he ever did; for it is certainly the only act of unconscious chivalry that is recorded of him.

1226.



The effect produced by Ahones' death was not what James had, perhaps, expected². After all, the natural version of the affair would be that the unfortunate man had been hunted to death: and, ever jealous of the royal authority, the nation doubtless felt that, in the death of one of its leading nobles, a blow had been aimed at itself. Accordingly, on leaving Daroca, the king saw his men stoned by the townsfolk, and when he attacked Bolea, Ferdinand and Pedro Cornel threw themselves into the place, so that he was forced to raise the siege. The whole country, in fact, was in arms³; and James had also made a dangerous enemy in the Bishop of Zaragoza, while the only Aragonese

Revolt of
Aragon.

¹ *Chron.* 25-27.

² Dunham's account of the death of Ahones is curious, and shows he had not read the *Chronicle*: 'though, on the submission of the governor, Jayme ordered his harons to retire from the Valencian territories, one of these absolutely refused to obey, and continued to lay waste the country. The incensed king marched to chastise the daring leader, who fled farther into the interior, still intent on his depredatory expedition. A detachment of the royal troops being sent in pursuit of him at length overtook him,' &c. (*Spain and Portugal*, vol. iii. p. 99).

The date of Ahones' death is somewhat obscure. In *Chron.* 25 the king

says that at the time of the adventure, he was just entering on his seventeenth year, and that he had not yet seen the Moors in war. The siege of Peñiscola, at which Ahones was present (*Parch.* 269, to which he is a witness), took place, as we have seen, in September, 1225. It follows that, as in *Chron.* 16, James' memory has failed him as to his age, and, in saying that he had not yet seen the Moors in war, he is mistaken.

As for the month, the incident occurred shortly after James' birthday, and a good time before Easter, i. e. in February, 1226. *Chron.* 25, 28.

³ 'The cities of Aragon were all against me, save only Calatayud.' *Chron.* 28.

1226.

barons who remained loyal were Lizana, Ato Foces, Artal de Luna, Blasco de Alagon, and Don Ladron. A desultory warfare now ensued, the king's headquarters being at Pertusa, where, in about two months, he was joined by the Cardonas from Catalonia, with about sixty knights. With these he harassed Zaragoza and cut off its supplies; but the warlike bishop retaliated by sacking Alcovera. 'This happened during Lent, yet the good bishop gave his men absolution for the evil they had done, and, besides, gave them license to eat meat ¹.'

Even in Catalonia the king's presence was required. Troubles had broken out between the Cardonas on the one side, and the Moncadas, Cerveras, and the Count of Ampurias, on the other. Fortunately for James a reconciliation was effected between the two parties by Nuño Sanchez, on May 23, in the king's presence, and he was able once more to devote his undivided attention to Aragon ². On his return, therefore, he lost no time in laying siege to and capturing Ponsano and Cellas. In Huesca, however, James was nearly caught in a carefully laid trap. He had rashly accepted an invitation from the citizens, and had entered the town with only a few knights, but soon found his lodging closely guarded, and next day, despite a bold speech in which he promised to confirm their customs, the burghers began to close the gates and to draw chains across the streets. It was now obviously necessary for the king to think of his own safety, and his ready wit supplied him with a characteristic device. He sent to the market under pretence of buying meat for dinner, while he himself, with three knights, proceeded to the Bolea gate, compelled the porter, under pain of a 'sword-cut on the head,' to give up the keys, and passed out at mid-day, under the people's eyes. At the Isola he was joined by the Cardonas, and reached Pertusa in safety ³.

¹ *Chron.* 27, 28, 29.

² *Parch.* 295. The death of Count Sancho, Nuño's father, took place

about now, or perhaps as early as 1224. Henry, *Histoire de Roussillon*, i. p. 100.

³ *Chron.* 28-32.

So far the advantage in the struggle had rested with the king. It was from a consciousness of this that, on November 13, at Jaca, a close confederation was formed between Zaragoza, Huesca, and Jaca, which was joined by Ferdinand, Azagra, Cornel, Orella, and the Bishop of Zaragoza, for Aragon, and by the Moncadas, Cerveras, and Cervellons, for Catalonia. The ostensible object of this league was the suppression of the outrages and disorders from which the country suffered¹, but there can be little doubt that it was aimed at the king.

Nor was civil war the only misery the country had to bear. During the first three months of the following year famine is said to have stalked through Catalonia, and the quarter of wheat was sold for 56 sols².

But the objectless and suicidal nature of the strife had become evident by now even to the rebels, who at last opened negotiations. The result was a meeting at Alcalá, on March 22, when the points at issue were referred to the arbitration of the Primate, the Bishop of Lérida, and the Master of the Temple. Their ultimate decision was that all leagues should be dissolved, and the instruments given up; that Ferdinand should receive thirty knights' fees, do homage, and swear allegiance; that to the Bishop of Zaragoza and the widow of Ahones should revert the property of the dead man; that a mutual restoration of prisoners and places taken should be effected; and that the king should pardon the rebels, and proclaim peace through the land for a year and ten days³.

Peace of
Alcalá
(March 22,
1227).

¹ *Parchments*, 309, 310; cf. Bofarull, *Doc. Ined.* vi. 13, 14. The chronology of the whole of this year, 1226, is very involved. The account in *Chron.* 25-32 leaves no obvious gap for the king's undoubted visit to Catalonia, where he spent some two months. I venture to place this visit before the capture of Ponsano and Cellas, the latter of which towns can

hardly have fallen in Lent, as there would then be no point in the king's remark: 'it happened to be a fast day.' *Chron.* 29.

² *Chron. Barc.* 1227; Zurita, *An.* ii. 84. By Monfar y Sors (*Historia de Urgel*, ii.) this famine is assigned to 1228.

³ *Parch.* 322; cf. Bofarull, *Doc. Ined.* vi. 15; *Chron.* 33. Zurita (*ib.*)

1227. For two years after the Peace of Alcalá the country enjoyed a state of repose which had long been unknown. In Catalonia, indeed, this calm was ruffled by a renewal of the dispute over the succession to the county of Urgel. We have seen that in 1222 Guerao Cabrera had been put in temporary possession, but with reservation of the rights of Aurembiax, the rival claimant. The latter now presented herself, and on Guerao refusing to appear and plead before the king's court, sentence was given by James at Lérida in favour of the Countess, who did homage. The king then (Sept., Oct.) overran the county, captured all the chief towns, and reinstated Aurembiax. Guerao himself was allowed to go free, and became a Templar¹.

Retrospect. This may be said to be the end of James' troublous minority. It may be divided into three periods: the first from the Cortes of Lérida in 1214—when Sancho was made Regent—to another Cortes held at Lérida in 1218, when the Count was deposed. This period is marked by an unceasing struggle with Ferdinand and the feudal opposition.

The second period extends from the Cortes of Lérida in 1218 to the rupture with Moncada in 1222. This was a period of government by the council, whose rule was, on

gives the date of the peace as March 31, and is followed by M. Tourtonllon, *ib. i. p. 170.*

¹ *Chron.* 34-36; *Parchments*, 359. So far from it being the case that in restoring Aurembiax the king was acting from purely chivalrous motives, the truth is that, either now or later, the Countess was his mistress. This is clear from the wording of an agreement with her, signed Oct. 22, 1229, and sworn to by James as early as Dec. 29, 1228: 'vos teneatis me honoratam et non possitis relinquere, nisi duceritis uxorem qua haberetis regnum vel tantam quantitatem pecunie quae Comitatus Urgelli possit equiparari.' If she takes the veil, the county is to

go to James at once: 'ad vos cum infante de me et vobis suscepto vel non suscepto libere revertatur . . . et in obitu vestro dictus comitatus cum comitatu Cerdania et de Cofulento . . . revertatur ad illum filium communem nostrum et vestrum quem eligeris . . . Item si matrimonium contraxerim contra voluntatem vestram . . . omnia supradicta statim ad vos libere revertatur.' (*Parch.* 389) The only witness to this document was the Bishop of Lérida, and it was evidently kept secret. It is singular that the historians of Spain, from Desclot to M. Tourtonllon, should have omitted all mention of this chapter in the story of the Conqueror's amours.

the whole, fairly successful. The chief events were the chastisement of Lizana, and the Castilian alliance—both well calculated to increase the prestige of the Crown. The third period begins with the dispute with Moncada in 1223, and ends with the Peace of Alcalá in 1227. The king now makes his first essay at ruling alone. The rupture with Moncada may be said to have been the cause of all James' subsequent misfortunes, for it afforded his evil genius, Ferdinand, the opportunity of once more stirring up a general conflagration, in which both Aragon and Catalonia were involved. The Peace of Alcalá was probably due to two causes: simple weariness on the part of the combatants, and the reluctance of the towns to continue a conflict ruinous to their social prosperity.

1227.



James had now served his military apprenticeship as a boy. His character was, of course, hardened, and from the child we shall see develop the man we might expect. Apart, too, from the influence which the stormy days of his boyhood had exercised on James' nature, they had taught him where the elements of disruption in his kingdom lay. And it was, perhaps, the recollection of this long struggle that, more than forty years later, prompted the advice given by the old King of Aragon to his son-in-law of Castile: above all things to keep the Church and the people and the cities in his grace, 'for the knights revolt sooner against their lord than the others.'

SECOND PERIOD:
THE CONQUEST OF MALLORCA'
AND VALENCIA.

CHAPTER IV.

THE CORTES OF 1228.

1228. JAMES was now twenty years old, and was one of the
—→— finest and handsomest men of the day. He was a palm
taller than other men, was well built, with a ruddy face,
straight nose, teeth as white as pearls, and golden hair¹.
And he had won his way to the throne no less by the
fertility of his wit than by the strength of his arm and the
charms of his person.

Feud with
Mallorca. It happened that, not long after the restoration of
Aurembiax, king and court were one day being entertained
at dinner at Tarragona by Pedro Martel, a citizen
of Barcelona and an experienced shipmaster. The house
seems to have faced the sea, and towards the end of the
meal the talk turned on the Balearic islands, of which
Martel gave, no doubt, a glowing description. The nobles
joined with him, and urged the king to undertake an in-
vasion; and James, not unwilling that they should find an
outlet for their unruly spirits, consented to call a Cortes at
Barcelona to discuss the project². A pretext for the ex-

¹ Desclot, *Hist. Cat.* i. 8. Accord- in the margin of the MS. of Marsilio,
ing to Miedes (*Vit. Jac.* 10) James' Martel was a citizen of Tarragona.
height was $4\frac{1}{2}$ cubits, i. e. about 7 feet. So too Zurita, *An.* iii. 1.

² *Chron.* 47. According to a note

pedition was not wanting. The story is that two Catalan 1228.
ships had captured at Iviza a galley belonging to the King
of Mallorca, who retaliated by seizing two ships of Barce-
lona and imprisoning their crews. On a demand by James
for reparation, the Moorish sovereign, at a loss for a reply,
consulted the merchants of Pisa, Genoa, and Provence, then
in the island; and a rich Genoese, pointing to James' failure
at Peñíscola, counselled the rejection of his demands. On
this advice the Emir acted, following up his refusal by
asking: 'who is the king who makes such a request?'—
a question which provoked the retort: 'the son of that King
of Aragon who conquered the Moors in that great and
famous battle of Ubeda.' The envoy barely escaped with
his life¹.

The news of this rebuff seems to have arrived about the
time of the dinner at Tarragona, and, no doubt, strengthened
James in his resolve. The Cortes met at Barcelona, shortly
before Christmas, and there were present the bishops, Cortes of
barons, knights, and delegates from the towns. (Dec.
1228).
Three questions were proposed for discussion by the young
sovereign: how was peace to be established in the land;
what were to be the ways and means of the expedition;
and how was the undertaking to be turned to God's glory.

He was answered by the venerable primate, Aspargo, who
said that they would take counsel on the king's proposals,
and a like reply was given by Guillen Moncada for the
nobles, and by Berenguer Girart of Barcelona for the
commons. The three orders deliberated apart, and on the
third day they brought their reply, the barons speaking
first, then the clergy, and lastly the townsmen. Moncada

¹ Desclot, *Hist. Cat.* i. 8; Beuter, *Cor. Esp.* ii. 4. The rest (including Tourtoulon, *ib.* ii. p. 185) prefer to ignore this version, by which the Christians were the aggressors. Desclot's statement is, moreover, corroborated by the Arab historian Almakhumzi, who says that depredations

were committed at Iviza by some ships belonging to the Governor of Tortosa, in revenge for which the Amir of Mallorca made descents on the Catalan coasts, and seized a Genoese and a Catalan vessel. Campaner y Fuertes, *Hist. Dom. Isl.* p. 179.

1228. offered four hundred horse, Nuño Sanchez one hundred, and the Count of Ampurias sixty. The offers of the clergy were proportionately generous. The primate, who took for his text the words 'viderunt oculi salutare tuum,' said that he was too old to go himself, but offered the king the free use of his property and men, and authorized any of his suffragans to join in the expedition¹; the Bishop of Barcelona promised a hundred knights, the Bishop of Gerona thirty, and the Provost of Tarragona four and an armed galley². For Barcelona one of its citizens, Pedro Grony, offered all the ships in harbour, and a like engagement was made by the men of Tarragona and Tortosa³. It was also decided (December 23) that shares in the conquered land should be proportioned to the contributions to the expedition, and commissioners were appointed for the division⁴; peace was proclaimed from the Cinca to Salsas⁵; Bovage was granted⁶; and finally it was agreed that all should meet at Salou, the port of Tarragona, on May 1. The Cortes seems to have broken up on Christmas eve⁷.

The expedition, therefore, was purely Catalan in its origin, and if some Aragonese nobles afterwards took part in it, they did so merely as the king's feudatories, and without the national sanction. Meanwhile news arrived that a papal legate had entered the kingdom. It was John, Cardinal Bishop of Sabina, who was met by the king at Lérida (March ?, 1229). James had grown tired of his wife, or was ambitious of another alliance—probably

¹ According to Desclot (*ib.*) the Archbishop offered 1,000 gold marks, 500 loads of wheat, 100 knights, and 1,000 foot-soldiers.

² It is noticeable that the king promised the clergy not to regard their aids as a precedent for future exactions: 'non ex debito, sed ex sola gracia et mera liberalitate vestra, illud facitis.' He also confirmed the privileges granted them by his father (Dec. 21). *Parchments*, 363: cf.

Tourtoulon, *ib.* i. p. 371.

³ *Chron.* 48-54.

⁴ *Parch.* 363; cf. Bofarull, *Doc. Ined.* vi. 16.

⁵ *Const. Cat.* lib. x. tit. 8, const. 7, cap. 28; Marca, *Marc. Hisp.* 415.

⁶ Zurita, *Ind.* p. 106.

⁷ Desclot, *ib.* Other business was transacted at the Cortes in the shape of laws on 'usury' and the Jews. *Const. Cat.* passim.

both—and now sought a divorce¹. This was the business that had brought the legate to Aragon. 1229.
—

In the latter country the expedition against Mallorca was unpopular, and while the king was at Lérida a futile attempt was made by clergy, nobles, and citizens, to induce him to invade Valencia instead². And an additional temptation to him to do so presented itself while king and cardinal were at Calatayud, where there arrived an unexpected guest in the person of Abu Zeid Abdurrahman, King of Valencia, who seems to have lost his throne for his Christian sympathies, his position being usurped by Abu Jomail Zian, Lord of Denia³. Zeid had, however, succeeded in holding his own in Burriana, Segorbe, and other towns, and he now appeared as a suppliant for help against his rival. Nothing loth to accept an opportunity of driving a wedge into a kingdom on which he had long cast a covetous eye, James readily concluded a treaty, by which Zeid was to cede to his ally a quarter of his conquests—including Morella, Peñiscola, Cullera, Alpuente, Exerica, and Segorbe—all places recovered were to be put into the hands of Aragonese knights, and whatever James could conquer himself was to form part of his kingdom. On the conclusion of this very one-sided treaty, Zeid seems to have lost no time in attacking his rebellious subjects, with the assistance of Azagra and other Aragonese nobles⁴. Treaty with
Abu Zeid
of Valencia
(April 20).

But the business that most of all claimed James' attention for the present was the divorce from Leonor. A council was held by the legate at Tarazona, towards the end of April, there being present the bishops of the province, together with the Archbishop of Toledo and his suffragans. The divorce was soon pronounced, on the usual pretext of consanguinity, and Leonor was sent back to Castile laden with presents⁵. Though divorced from his Divorce
from
Leonor
(April 29).

¹ Desclot, *ib.* i. 9.

² *Ib.*

³ Zurita, *An.* iii. 2; Gayangos (in Forster's edition of *James' Chronicle*),

vol. ii. App. E.

⁴ *Parchments*, 373; Zurita, *ib.*

⁵ 'Definitive pronunciamus . . . quia consanguinei sunt in tertio gradu,

1229. wife, James legitimized his son Alfonso, and declared him heir to Aragon, his other dominions being reserved, apparently, for any sons he might have by another wife—an arrangement which is said to have caused universal discontent in both countries¹.

His wife being thus thrust aside, the young king was now able to turn his attention to the enterprise in hand. From Aragon he returned to Catalonia, and was present at Valls, near Tarragona, on July 15, to witness the betrothal of Aurembiax to the Infante Pedro of Portugal—an adventurer driven from home by his brother Alfonso². Most of the summer was taken up with preparations for the great expedition; and, before starting, both king and nobles are said to have received the Cross at the hands of the legate³.

matrimonium non tenere.' Aguirre, *Concilia*, v. p. 184; Gams, *Kirchengeschichte Spaniens*, iii. § 37. Miedes, who became Bishop of Albarracin, remarks that the divorce was pronounced 'inopi sane causa.' *Vit. Jac.* 5.

¹ *Parch.* 375; cf. Tourtoulon, *ib.* i. p. 374; Zurita, *ib.* 3.

² *Parch.* 381. Alfonso, son of the King of Leon, was present at the ceremony.

³ Zurita, *Ind.* p. 108.

CHAPTER V.

THE CONQUEST OF MALLORCA.

THE Crusaders set sail from Salou on the first 1229.
Wednesday in September. The fleet, whose Admiral was
Ramon de Plegamans of Barcelona, consisted of twenty-
five large ships, eighteen 'taridas' or tartans, twelve
galleys, and 100 'brices' and galleots—in all 155 sail². It
included vessels from Genoa, Provence, Marseilles, and
Narbonne, and carried, probably, about 15,000 foot and
1,500 horse³. The king sailed in a ship of Montpellier,
which brought up the rear. When they had gone about
20 miles, the wind shifted to the south-west, and James'
sailors advised him to put back—a suggestion he stoutly
rejected. They ran all night without shortening sail,
though the sea rose so high that most of the fore part
of the royal galley was covered by the waves, and just
before sunset on Thursday, the wind lessening, the king,
whose vessel had outstripped the rest, could see Mallorca
and distinguish Palomera and Sollar—the latter a small
promontory on the north-west coast, about 120 miles from

James
sets sail
(Sept. 5)¹.

¹ This date may be got by calculating from Tuesday, Aug. 1, 1228 (*Parchments*, 357). It is the same as that arrived at by Quadrado (*Hist. Conq. Mall.* n. 36).

² In *Chron.* 55, where the king puts the number of the galleys at seventeen, and the total of the fleet at 150, there is an obvious miscalculation; while in *Chron.* 59 only twelve galleys are

mentioned. It is on this account that Zurita (*An.* iii. 4) and Miedes (*Vit. Jac.* vi.) make the totals as above. 'Taridas' appear to have been open vessels for carrying horses, and 'brices' much the same thing, while galleots were small galleys. Quadrado, *Conq. Mall.* n. 33; Gayangos, i. p. 112, n. 2.

³ Miedes, *Vit. Jac.* 6.

1229.



Salou. By midnight part of the fleet had joined him, and a breeze springing up, they made for Pollensa, on the north coast, but were met on the way by a Provence wind, or 'white squall,' and eventually took shelter in Palomera—a bay at the south end of the north-west coast—which they entered on Friday, September 7. By Saturday night the whole fleet had anchored in the harbour ¹.

State of
affairs in
Mallorca.

The Christians seem to have chosen an opportune moment for their attack, for just then the islanders were divided among themselves. The Almohade king, Abu Yahya, had heard of the projected descent and had raised a considerable force, besides sending to Africa for help. Unhappily his plans were hampered by a conspiracy of his subjects, led by his own uncle, Ibn Sheyri, and it was in the midst of this contest of factions that a messenger burst into the audience chamber, exclaiming, 'The Christian fleet is coming; I could count seventy sail.' In these circumstances the conspirators were hastily pardoned, and Abu Yahya managed to send a considerable force to the coast, by which the Christians found themselves confronted when they entered Palomera and landed on Dragonera, an island lying across the entrance to the bay. The Moors had not yet equipped a fleet, so there was no fear of Dragonera being converted into a second Sphacteria ².

Though the Crusaders made no attempt to land on Mallorca in the face of the enemy, they were not idle, for in the meantime Nuño Sanchez and Ramon Moncada were sent along the coast to look for a convenient landing place. This they found in the harbour of Santa Ponza, some ten miles to the south-east and only about the same distance from the capital.

The
Christians
land at
Sta. Ponza
(Mon.,
Sept. 10).

At midnight, therefore, on Sunday, the king weighed anchor secretly and set off along the coast with twelve galleys, each of which towed a transport. Their departure,

Chron. 56-58.

² Gayangos, ii. App. D, quoting the Arab historian Almakhzumi.

In *Chron.* 85 the Moorish king is called Aboehie, evidently a corruption of Abu Yahya.

however, did not escape the notice of the Moors, who at 1229.
 once started in pursuit, but were outstripped by the ships, →→→
 which reached Santa Ponza first¹. The first to land was
 a soldier named Bernaldo de Ruydemeya² (who afterwards
 received the name of Argentona); he planted a flag on a hill
 near the harbour. Among the nobles the first to land were
 Nuño, Ramon Moncada, and the Master of the Temple.
 By the time they had landed, fully 700 foot and 150
 horse were ashore, and with these Ramon Moncada led a
 charge against the Moors, who were routed and lost 1,500
 men. Meanwhile James himself had disembarked, and
 now, at the head of some twenty-five knights, he attacked
 300 or 400 Moors posted on a hill a little distance
 off, killing about eighty, of whom the young king slew
 four or five with his own hand. On his return he was
 chidden by the Moncadas for his rashness³. Tuesday
 was probably spent in preparations for an encounter with
 the main body of the Moors⁴. At midnight James heard
 from the rest of the fleet—which had reached Cape
 Porrassa, only two hours from the city—that the King of
 Mallorca had been seen on the Sierra above Port Opi,
 evidently advancing on Santa Ponza. A battle was clearly
 imminent⁵. On Wednesday, after mass, at which Guillen
 Moncada communicated, ‘sobbing, and the tears falling
 down his face,’ the infantry left the camp without orders,
 during a dispute between the Moncadas and Nuño, each
 of whom wished the other to take the van, as each thought
 there would be no battle that day. On hearing of the
 departure of the foot, James at once set off to stop them,
 and handed them over to the Moncadas and the Count
 of Ampurias, the rear being entrusted to Nuño.

The accounts of the battle are scanty and confused.
 The fight soon became hot, each side repelling the other
 thrice. The Moorish camp on the right seems to have

Battle of
 Sta. Ponza
 Sept. 12
 (Wed.).

¹ *Chron.* 59.

² Perhaps rather, Riu de Meya.

³ *Chron.* 60, 61; Zurita, *An.* iii. 4.

⁴ This is evident from *Chron.* 61.

So too Quadrado (*Conq. Mall.* n. 58).

⁵ *Chron.* 61.

1229. been assailed by the Count of Ampurias and the Templars, the enemy retiring on to their centre. On the side of Santa Ponza the Moncadas attacked and sought to dislodge the Moors from an eminence, but Guillen Moncada, advancing too far, was cut off from his men and killed, while his brother Ramon shared a like fate in following him. Meanwhile the king, alarmed by the uproar, charged up towards the hill with a few knights and was with difficulty restrained by Nuño. For the time all attempts to carry the summit were useless, till the arrival of the royal banner, with the king's following of a hundred knights, when they all pushed up and attacked the centre, the Moors taking to flight. The horses of the conquerors were too exhausted for a pursuit, but James in his eagerness rode down the hill, and was on his way towards the city, when he was overtaken by the Bishop of Barcelona, with the news of the loss of the Moncadas—tidings which drew from him a flood of tears. The Christians seem to have encamped that night on the Sierra of Port Opi—at the foot of which the battle had been fought—whence they could see the rich and fertile country with its forests of oranges and palms, its vineyards and cornfields. No wonder the king thought it the most beautiful view he had ever seen. After supper the bodies of the Moncadas were searched for and found. The invaders had lost in all about fourteen knights—among them Hugo Desfar and Hugo Mataplana—and a few foot-soldiers¹. Next day James carefully arranged the camp, the tents being so closely packed and the cords so interlaced, that for eight days no one could ride into the camp. The Moncadas were buried at matins².

¹ *Chron.* 63-67; Desclot, *Hist. Cat.* i. 10; Parcerissa, *Recuerdos de España*, pp. 50-52. Even to the latter author, who knew the ground well, the plan of the battle seems to have been by no means clear; nor

does M. Tourtoulon (i. p. 215 seq.) by any means elucidate it. Quadrado (ib. n. 56) suggests that the division which had reached Porrassa attacked the enemy in the flank.

² *Chron.* 67, 68. Beuter (*Cor. Esp.*

The rest of the ships, in the meantime, had landed their men at Port Opi, where they captured some forts, and, no doubt, established communications with the king's division. At the same time, or soon after, the whole army marched on the city¹. 1229.
→←

The siege began in the way usual in that age—with engines and mines. The men of Marseilles offered to build 'trebuchets,' and the besiegers had also a 'fonevol' and a 'Turkish mangonel': the citizens, however, on their side possessed two 'trebuchets' and fourteen 'algarradas,' one of which would shoot over five or six rows of tents². The besiegers next brought up to the moat three 'mantlets'—machines on wheels with a roof of hurdles, with brushwood on the top and earth on the brushwood—under cover of which three mines were begun, while a heavy fire of missiles was kept up against the walls. The Crusaders were also stimulated in their efforts by the preaching of two Dominicans, Miguel Fabra, and Berenguer de Castellbisbal—of the latter, afterwards Bishop of Gerona, we shall hear more later—while even the knights put their hands to everything. For three weeks, however, no foot-soldier or sailor dared to sleep in the camp, but the men returned to the ships at nightfall, only the king with his knights and esquires remaining behind³. After spending four days in the mountains, the Moorish king at last raised signals to the besieged, who next night rushed out

Siege of
Mallorca
(Sept. to
Dec.).

ii. 21) says that the bodies were put in coffins to be afterwards taken to the Monastery of Santas Cruzes in Catalonia.

¹ The chronology here is as obscure as the operations. Nothing is said in the *Chronicle* of the march on the city. Qnadrado (ib.) argues against Marsilio's statement (*Cong. Mall.* 23) that the invaders spent eight days in the camp, and thinks that they marched on the city at once. He does not seem to have noticed that a stay of eight

days is distinctly implied in *Chron.* 67. Desclot (*Hist. Cat.* i. 10) says that the Christians encamped in the king's garden outside the walls, having marched on the city immediately after the battle. The delay of eight days, if delay there was, would probably be caused by difficulties in landing the horses and engines from the fleet.

² For an explanation of these different engines, see Appendix B.

³ *Chron.* 69.

1229. on to the walls with torches, raising a great din, under
 ——— cover of which Abu Yahya got into the city. Next day,
 however, the Christian attack was renewed and part of the
 wall was demolished¹.

While matters were in this condition, a Moor, named Infantilla or Fatillah, having collected the mountaineers, to the number of 5,000, encamped on a hill above the stream which supplied the camp, and cut it off. He was eventually dislodged, after a desperate struggle, by Nuño and the Count of Ampurias, more than 500 of the enemy being killed. James had Fatillah's head slung into the town². This engagement was followed by an unexpected piece of good fortune. Benahabet, a Moor in command of one of the twelve districts into which the island was divided, sent a proposal to supply the besiegers with provisions—an offer which James thankfully accepted; and there shortly afterwards entered the camp twenty beasts, laden with barley, kids, fowls, and grapes. The present of this 'angel' was followed by the submission of several other districts, so that in about a fortnight all the country between the city and the coast facing Minorca was in the king's hands. On the advice of Benahabet James appointed two knights as governors of the submitted districts.

Progress of
 the siege.

The mining and battering now proceeded briskly, four towers being soon undermined. The most active of the sappers was the Count of Ampurias, who spent day and night in his mine, and succeeded in shaking down a large part of the wall. The next step was to fill the moat with earth and brushwood. This was promptly set on fire by the Moors, but James was equal to the occasion, and

¹ Desclot, *Hist. Cat.* i. 11.

² Desclot (*ib.*) says that 8,000 collected and 6,000 were killed or taken. He adds that, in revenge, the Moors tied up their prisoners on the wall on crosses, when the fire was hottest, but that none were killed. It was after this that Fatillah made his attack

with 500 men, the heads of 412 of whom were slung into the tower. Infantillah ('filius Diaboli,' Marsilio, *Cong. Mall.* ii. 25) is perhaps a corruption of En (Castilian 'Don') Fatillah (Gayangos, i. p. 142, n. 2) or of Alfatih billah, contracted into Fatihilla. *Ib.* ii. App. D.

turned the stream on to the flames. The besieged now resorted to counter-mines, and drove the Christians out of one of theirs; but, on the king killing at one shot from a windlass two Moors who were standing outside, the enemy were so disheartened that they abandoned the mines altogether¹. The Moors next opened negotiations—apparently in the hope of gaining time, for when Nuño entered the town as envoy, the Moorish king merely said: ‘You had better go back, for I have nothing to say to you.’ The Count returned to James laughing. Soon afterwards, however, the besieged offered to pay the expenses of the expedition and to allow the besiegers to ‘retire home safe and sound.’ On the rejection of this generous proposal, the Moorish sovereign pitched a gorgeous tent outside the Port Opi gate, and offered to pay five besants a head² for transportation of the inhabitants to Barbary. These terms Nuño advised the king to accept, and James was willing to do so, had not the nobles and bishops, led by the relatives of the Moncadas, clamoured for vengeance, and insisted on the town being stormed. ‘That vengeance,’ said the Bishop of Barcelona, ‘would be good and just.’ So the terms offered were rejected³. The Moors were now reduced to desperation, and ‘one Saracen after that was better than two had been before.’ In fact, they so redoubled their efforts that the nobles began to wish that they had accepted the terms suggested; but James refused to allow negotiations to be re-opened, on the ground that it would be a ‘sign of weakness⁴.’ By this piece of false pride he became responsible for the loss of 20,000 lives.

All the mines were now abandoned, except one, into

¹ *Chron.* 70-73.

² This was not a bad offer. In 1248, on the expulsion of the Valencian Moors, Federigo of Castile exacted only one besant a head as passage money (*Chron.* 369). A besant was worth about 4*d.*, and, reckoning the population at 80,000, this would make

a ransom of about £6,700 (cf. Campaner y Fuertes, *Dom. Isl.* p. 188).

³ *Chron.* 74-79. Marsilio (*Conq. Mall.* 31) draws a fine picture of the desperation of the besieged on the rejection of their proposals.

⁴ *Chron.* 79, 80.

1229. which the Crusaders threw so strong a force that it was
 finished in spite of the Moors. James' largest engine,
 however, was much injured by a formidable catapult constructed by the enemy, and all attempts to put another in its place were frustrated by the wet and mud. On the Sunday in the Octave of S. Andrew (November 30), a tower fell in, undermined by the indefatigable Count of Ampurias, and a general assault was made and was repulsed, the battle lasting all day. In the night another tower, also undermined by the Count, collapsed, and he made an attack, but was again beaten back. A large wooden tower was next moved up to the walls by means of wheels and ropes, and, though the Moors soon destroyed the mattresses with which it was covered, the men of Marseilles hit on the expedient of protecting it with their ship nets, so that the stones of the enemy did no harm, and the slingers drove the besieged from the walls¹.

Four days before the final assault, the bishops and barons agreed on an oath, to be taken by the whole army, by which each man swore that on entering the town he would not turn back unless mortally wounded. The king was not allowed to take it, but he said he would act as if he had done so. The oath well illustrates the savage spirit of the besiegers. The cold was now so intense that James' men were with difficulty induced to stay out of doors for any length of time, the very sentries deserting their posts. The besiegers were also harassed by incessant attacks from the country Moors, and the king's anxiety became such that for three days he took no sleep. 'When I thought I could sleep, messages came from those who wanted directions, and even when I wished to sleep, I could not, and was so wakeful, that when anyone came near the tent, I heard him approach.' On December 31 all communicated, and soon after dawn the attack began. S. George was the first to enter the city, and he was followed by the Crusaders with the cry of 'Saint Mary! Saint Mary!' After a fierce

Mallorca
 stormed
 (Dec. 31).

¹ Desclot, *ib.* i. 12.

struggle, the Moors gave way, though the fight was renewed 1229-30. in the streets. Abu Yahya, who was mounted on a white horse, was the last to leave the breach: he was afterwards found in a house by two men of Tortosa, who gave him up to the king for a large sum. James told his prisoner that he should not die, and placed him in charge of two knights¹. Three hundred Moors sought to take refuge in the Almudaina or citadel, but found the gates shut against them, and were cut down to a man: the fortress itself afterwards surrendered and was carefully guarded. Fully 20,000 Moors in all were massacred, in a slaughter which may be fitly compared with the butchery perpetrated at Acre, not many years before, by another soldier of the Cross; while some 30,000 escaped to the mountains, where their sufferings must have been great, owing to the severity of the weather. The plunder of the city was immense, the Crusaders being fully a week engaged in the pleasant occupation of gratifying their greed and lust. At last, when they had sated themselves, the bishops and barons, much against James' will, insisted on an auction of the prisoners and booty taken. It began in the Carnival and lasted till Easter, everybody buying something, but refusing to pay for it. General discontent was the result; the houses of Gil d'Alagon and the Provost of Tarragona were sacked, and the rioters were only stopped from further excesses by the king's threat that he would hang up so many that the town would stink of them. The victors were also visited by the plague, which carried off a large number of nobles and commoners: among the former were Ramon Alaman, who had been

¹ *Chron.* 81-87. The story that James took the Moorish king by the beard, in fulfilment of an oath which he took when the Moors hurled Christians from their engines, originated with Muntaner (*Chron.* 8), who is followed by most historians down to M. Tourtoulon. Nothing is said of the incident by the *Chronicle* or

Desclot, though the latter, indeed, mentions the oath. As Gayangos remarks (i. p. 174), to 'beard' a man was regarded in the Middle Ages as the worst affront: in the Usages of Ramon Berenguer it was punished by the same fine as a blow to the effusion of blood—20 sols. *Const. Cat.* ix. 15, Uss. 12 and 15.

1230. foremost in urging the storming of the town, and the Count
 ——— of Ampurias, who had contributed so much to its capture. Superstitious though they were, the Crusaders do not seem to have regarded this visitation in the light of a Divine judgement¹.

Further
 measures
 of James.

What with the plague and the desertion of many of his knights and foot-soldiers, who had already returned home, James now found it necessary to send to Aragon for reinforcements. In the meantime he advanced up the Bunyola valley, to attack the mountaineers, who held the hills of Soller, Almerug, and Bayalbahar; but he found himself outnumbered and had to return to Inca and thence to Mallorca. On his arrival, the Master of the Hospital and fifteen knights, who had not taken part in the siege, presented themselves, with a petition for a share of the land. It had, however, been divided already and the nobles were very firm on the point; but they were at last induced to part with a small portion of their allotments by the example of the king, who gave up a 'good and honourable farm' from his share, which was a quarter of the land. The next step was to make a fresh effort to reduce the Moors who had taken refuge in the uplands. All thought, however, had been abandoned of conquering the high hills of Soller, Almerug, and Bayalbahar, where 3,000 Saracens held out under a chief named Xuaip². The Christians accordingly directed their efforts against the Dertana country³, where the Moors had taken refuge in a large

¹ *Chron.* 86-92. The number of the slain, according to Desclot (*Hist. Cat.* i. 14), was 50,000; Almakhzumi gives 24,000 (Campaner y Fuertes, *Dom. Isl.* p. 186).

After his capture, the Arab king disappears. According to Almakhzumi he was tortured to death, dying forty-five days afterwards—a statement which Señor Campaner y Fuertes (*ib.*) sees no reason to disbelieve. And Miedes mentions a similar story:

'creditum est illum in urbe in vinculis fuisse relictum ibique situ et squalore atque moerore confectum interiisse.' *Vit. Jac.* 7.

² Perhaps for Shoaib or Xuaib. Gayangos, ii. App. D.

³ Probably what is now called the Artana country. The caves alluded to were perhaps the immense 'Cueva del Drac,' not far from Manacor, and the great cave of Arta.

cave, which for some time was besieged in vain, till the Master of the Hospital hit on the device of letting down over the face of the rock a man with some lighted wood in a pan, with which he set fire to the huts¹.

1230.

—♦♦—

The Moors now agreed to surrender as 'prisoners,' i.e. slaves, if not rescued in eight days; and during that time another cave, containing 500 of the enemy, was captured. The large cavern surrendered on Palm Sunday: it contained 2,000 Moors, with 10,000 oxen and 30,000 sheep. James returned to the capital, 'joyful and content.'

Soon afterwards reinforcements arrived, in the shape of Lizana and thirty knights—a welcome addition to the king's diminished army. James was now very anxious to return home, and, leaving Berenguer de Santa Eugenia as governor of the island, he set sail on the day of SS. Simon and Jude (October 28, 1230), and soon afterwards arrived safely at Tarragona, where he met with a splendid reception. He had been absent over a year².

¹ *Chron.* 93-102: cf. Tourtoulon, 411), and kept the Octave of All Saints at Poblet Monastery. Finestres

² *Chron.* 102-106. He was at y Monsalvo, *Historia de Poblet*, ii. Tarragona by Oct. 31 (*Parchments*, p. 251.

CHAPTER VI.

SANCHO OF NAVARRE.

1231.
—+—
Death of
Alfonso
of Leon
(1230).

ON his return to Catalonia, James had received the news of the death of Alfonso IX, King of Leon. Alfonso had wished to exclude his son, Ferdinand of Castile, from the throne, and with this end in view had concerted a marriage between the young King of Aragon and one of his daughters, Sancha and Dulce. It was for a kingdom, therefore, that Leonor had been sacrificed; but the death of Alfonso, before the marriage could be effected, left Ferdinand undisputed heir. The news was a rude shock to James' ambition, and he consoled himself with a characteristic medley of religious and mundane considerations: 'when I heard the news, it grieved me much; but nevertheless I comforted myself, for the conquest of Mallorca was of more esteem with me than the gain of the kingdom of Leon would have been; and, as it was not the will of God, I did not concern myself with what He did not will¹.'

Treaty of
Adoption
with
Sancho of
Navarre
(Feb. 2,
1231).

Early in the following year, however, another tempting bait was dangled before James' eyes. Sancho, 'the best king there ever was in Navarre'—the sixth of his name, and one of the victors in the great battle of Tolosa, but now an old man, bed-ridden with gout and corpulence—seems to have been harassed by a series of inroads into his kingdom on the part of Diego Lopez de Haro, Lord of

¹ It is significant that, as already noticed, Alfonso, a son of the King of Leon, was present at the betrothal of

Aurembiax and Pedro of Portugal, in July, 1229.

Vizcaya, with the connivance, as was alleged, of the King of Castile. Sancho was incapable and unable to help himself, while the idea of following the example of one of his predecessors, and paying a visit to the Doctors of Cordova, does not seem to have occurred to him¹. In his dilemma, he cast his eye on the promising young King of Aragon, and James received an invitation to the Court of Navarre. He lost no time in obeying the summons, and repaired to Tudela—a pleasant shady town, lying in a valley at the confluence of the Ebro and Queyles—where he was affectionately received by Sancho, the size of whose person very much astonished his guest. The King of Navarre soon began business, complaining bitterly of the conduct of his nephew, Theobald, Count of Champagne, whom he accused of plotting to usurp the throne, and ended with the fantastic proposal that he and the King of Aragon should adopt one another. Considering the respective ages of the two parties—the one seventy-eight and the other twenty-three—James was, naturally, not averse to the suggestion. The adoptions, therefore, were drawn up, and James returned to Aragon to collect signatories to the agreement, which was sworn to at Tudela, on April 4, by representatives of the nobility of both kingdoms and by six men of each of the ‘good towns’².

1231.

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¹ *Chron.* 138; cf. Tourtoulon, *ib.* i. p. 252. The statement that Don Lopez was encouraged by the King of Castile must be accepted with reserve, as James' feeling against Ferdinand was, no doubt, very bitter at this time.

² There is a serious difficulty connected with this story. In *Chron.* 141 the king says that the rights of his son Alfonso were reserved. No such reservation, however, appears in the copy of the treaty kept at Barcelona (*Parchments*, 420), nor can I find it in the duplicate copy existing in the Archives of Navarre at Pamplona. (*Cajon*, ii. 6; cf. Zurita, *An.* iii. 11.)

Therefore, either the reservation was made the subject of a secret treaty (as

Tourtoulon, *ib.* i. p. 255), or James has misstated the facts. Against the first alternative is the public declaration of May, 1232, by which not only was Alfonso recognized as James' successor, but, if he died childless, the succession was to devolve on Raymond Béranger, Count of Provence. And not only so, but the power of Sancho to make such an arrangement on his own responsibility is very doubtful, for, as will be seen later, transactions involving a change of dynasty in Navarre received, doubtless of necessity, the sanction of the Cortes, and the treaty of 1231 was sworn to by the nobles and delegates of the towns. The secret treaty, therefore, if it ever existed, was

1231. The harmony of the proceedings was, however, somewhat marred by a slight contretemps: at some warlike proposals made by his visitor, for the better defence of Navarre, Sancho, who, apparently, had already begun to repent of his bargain, 'answered me very fiercely and very angrily, and told me to manage my affairs in my own way, and he would manage his in his way'—a rude reply, and one which much 'grieved' his adopted heir. It was, however, eventually arranged that James should furnish 1,000 knights at Easter, and a second 1,000 before Michaelmas; and, after taking the opportunity to borrow 100,000 sols from Sancho, for which he pledged four towns, the young king returned to Barcelona¹.

Second expedition to Mallorca.

Here he heard that the King of Tunis was fitting out a fleet for the recovery of Mallorca. He at once hastened to Tarragona, where he chartered ships and transports, and sailed from Salou with 300 knights, being joined on starting by the Infante Pedro of Portugal, who came with a few knights. An agreement had been made, by which Pedro, as the husband of Aurembiax, resigned his rights over the county of Urgel, in exchange for Mallorca and Minorca, which he was to hold as life fiefs. James had already summoned the Infante by letter several times, and he had 'answered fairly, but had done nothing².' At Soller they heard that it was a false alarm, but James continued his

valueless, for not only was it unconstitutional, but it was annulled by James' own act.

On the other hand, the king's character renders the second alternative by no means improbable, especially if we suppose the whole story of the reservation to have been invented at a later date, when the relations of father and son had become strained, and when the former may have sought to justify his conduct on this occasion.

¹ *Chron.* 139-149.

² As a matter of fact, the agreement seems to have existed, at the time, only

as an understanding. The will of Aurembiax, making Pedro heir to the county, is dated Aug. 11, 1231: the Countess herself died Sept. 29, 1231 (not 1230, as Tourtoulon, *ib. i. p. 257*), and the document making over Urgel to the Crown was signed on the same day. *Parchments*, 438; Monfar y Sors, *Hist. Urgel*, ch. 56; Quadrado, *Hist. Conq. Mall.* App. 5; Gayangos, in Forster, *i. p. 202*.

For Pedro's relationship to James, see the pedigree at the beginning of chapter i.

voyage and entered the capital, where he was gladly received. After giving orders that beacons should be erected along the coast, to be lighted on the appearance of the enemy, he busied himself by attacking the mountaineers. Their chief, Xuaip, however, came to a parley, and it was agreed that those who chose might stay in the island, as free inhabitants, while Xuaip and his relatives were to receive presents and 'inheritances.' Only 2,000 Moors now held out. 1231-2.
←→

This done, James returned to Catalonia, leaving the island strongly garrisoned. But he was two months behind the date fixed for his appointment with Sancho, and, though he at once hastened to Tudela, he met with a cold reception, the offer even of an additional 200 knights failing to propitiate the angry king. Accordingly, after waiting a day in vain for an answer, James returned to Aragon. In August he paid his first visit to Montpellier, where he confirmed the privileges of the townsmen¹. Rupture
with
Sancho
(June?).

On May 6 of the following year the king again legitimized his son Alfonso, making him heir, this time, to all his dominions, the succession—in the event of Alfonso's death before the age of fourteen, without lawful issue—devolving on James' cousin, Raymond Béranger, Count of Provence—a noteworthy provision, as already foreshadowing the king's project of uniting the south under a single sceptre². James'
will.

Meanwhile the war in Mallorca had lasted all the winter and spring till May, though the Moors were reduced to 'graze on the grass on the mountains, like cattle.' They now offered to surrender to the king, if he came in person, and accordingly James lost no time in repairing to the island. One of his first acts was to effect the submission

¹ *Chron.* 108-114 and 149-153; Germain, *Hist. Montp.* ii. p. 17; Aigrefeuille, *Hist. Montp.* v. 2, § 3. James was back at Lérida on September 29. *Parchments*, 438.

² *Ib.* 452. If Alfonso died childless age.

1232. of Minorca, by means of an ingenious stratagem. Having
 +---+
 Submission sent some envoys across, with a few knights and camp-
 of Minorca. followers, he pitched a camp on Cape Pera, and lighted
 up the bushes—a manœuvre which quickened the sur-
 render of the Minorcans, who thought that the king was
 opposite with a large army. Under the conditions of the
 treaty, the Moors were to pay a yearly tribute of 3,000
 quarters of wheat, 100 cows, 500 sheep or goats, and 200
 cwt. of butter, while Ciutadela and all the forts in the island
 were to be held by the King of Aragon¹.

The Moors who had offered to surrender in Mallorca
 James 'took as slaves,' and distributed them on various
 estates in the island. Having spent June in Mallorca², he
 returned home, leaving the island completely pacified, and
 all traces of disaffection stamped out.

¹ *Chron.* 114-124.

(*Parch.* 489), and was back at Huesca

² James was at Mallorca on July 7 on August 10 (*ib.* 466).

CHAPTER VII.

THE INVASION OF VALENCIA.

JAMES was now at liberty to turn his mind to fresh enterprises. The conquest of Mallorca had been effected in deference to Catalan ambition, and in defiance of the wishes of the Aragonese, who had urged the invasion of Valencia. It was, therefore, only to be expected that, on the final reduction of Mallorca, James should turn his attention to his southern neighbour. In fact it would have been surprising if he had not done so. Though one of the smallest provinces of Spain, in beauty and fertility Valencia yields the palm only to Andalusia. A garden in itself, the activity of the Moors had brought it to the highest state of cultivation. Its produce was immense, and this result was due especially to the hydraulic ingenuity of the Moors and their system of irrigating the land, which abounded in flax, rice, wine, oil, and all kinds of fruit¹. Besides the expulsion of Zeid, the Christian king was furnished with another pretext for a declaration of war. During the campaign in Mallorca, Zian, who had supplanted Zeid on the throne, had made a raid as far as Tortosa and Amposta, besides attacking Ulldecona; and, not content with this,

1232.

James' Valencian enterprise.

¹ Early in the eleventh century the Governor of Valencia had revolted from the Omeyyads of Cordova and established an independent dynasty. In 1094 the town surrendered to the Cid, but in 1101 was recovered by a lieutenant of the Almoravid, Yusuf.

On the downfall of the Almoravids, Valencia fell into the hands of the Almohades, and, on their expulsion, Zeid must have risen up as an independent king. Gayangos, in Forster, vol. ii. App. E.

1232-3. when James requested him to keep the peace, and pay the
 →→→ tribute, in addition to 100,000 besants which were owing,
 he refused to give more than 50,000. For the King of
 Aragon this was a sufficient pretext for war, 'since he had
 preferred 50,000 besants to my love ¹.'

Hostilities broke out sooner, probably, than James had expected. While at Exea, engaged in boar-hunting with Azagra, he heard that the men of Teruel had taken Ares. He at once rode to Alfambra, supped, and went on after midnight, at dawn reaching the plain of Montagut. A little beyond Vilaroja he heard that Blasco de Alagon had taken Morella. The king had rashly promised him all the places he could secure, and the news that so valuable a capture had fallen to one of his nobles caused him extreme annoyance. He at once resolved to set out for Morella, and arrived there at nightfall, encamping on a hill near the town. It was past Michaelmas, the weather was snowy, and the mules could not bring the supplies up the hill, so that James had no food from the night of his supper at Alfambra till 'vespers on the third day.' At sunrise Blasco appeared, but was stopped and brought before the king, who insisted on his surrendering the town, though he was permitted to hold it in fee of the Crown, and was promised a reward. After spending a day at Morella, the king visited Ares and Teruel, at the latter of which places Zeid did homage ². In December a Bull of Gregory IX, making the war a Crusade, was published at Monzon; and on the 17th, at a Cortes held there, the Catalans granted 'bovage,' and the Aragonese another tax ³.

Siege of
 Burriana
 (May to
 July, 1233).

Early in the following year a summons was issued to the nobles to meet the king at Teruel in the beginning of May, and about the same time (January 30) Zeid made over to his champion all his claims on his former kingdom ⁴.

¹ *Chron.* 275.

² *Chron.* 130-137. Morella was afterwards (May 11, 1235) made over to Blasco for life. *Parchments*, 643.

³ Zurita, *An.* iii. 15; *Memorial Historico Español*, v. p. 74.

⁴ *Parchments*, 480.

When May came, there met the king only the Bishop of Zaragoza and Azagra, so that in all the invading army mustered only 120 knights. With these James ravaged the country of Exerica and Torres-Torres, and, after destroying the crops, joined the Masters of the Temple and Hospital and the Commanders of Alcañiz and Montalvon in the Segon valley, and laid siege to Burriana, battering it with a 'fonevol' and a 'manganel.' The town lies on the outskirts of a vast orange grove, and is by no means hard of access, and the garrison consisted of only 100 foot and seven horse, while James now had with him the Infante Ferdinand, the Bishops of Zaragoza, Lérida, Tortosa, and Segorbe, the Masters of the Temple and Hospital, Blasco de Alagon, G. Cervera, G. Cardona, Lizana, Azagra, Eximen Urrea, Cornel, Berenguer Guillen Entenza¹, the Prior of Santa Christina, the Commanders of Alcañiz and Montalvon, and the men of Daroca, Teruel, Calatayud, Lérida, and Tortosa. Yet for two months the town and its little garrison baffled all the efforts of the besiegers. The siege is interesting from several points of view. One of the first steps of the besiegers was to bring up a tower of two stories: it was dragged along on sleepers, which were fastened into the ground by anchors. The men who drew it were, however, received with such showers of stones that they were forced to retire, and during the night the tower was struck by the 'algarradas' of the enemy more than a hundred times, so that next day it had to be removed. The resistance of the besieged, indeed, was such that the nobles of Aragon came to James and told him that owing to want of supplies they would have to leave him, hinting also that Zeid would pay him handsomely to withdraw. The suggestion was, of course, indignantly rejected, and, as the king had the Catalans on his side, the siege was continued².

Among James' most loyal supporters on this occasion

¹ A son of William VIII of Montpellier and Agnes. Zurita, *ib.*

9) puts James' force at 25,000 foot and 2,000 horse.

² *Chron.* 153-170. Miedes (*Vit. Jac.*)

1233.

→→→

were Perez de Tarazona, his brother Pedro Perez, justiciar of Aragon, and Entenza. It happened once that the latter was wounded by the Moors in a sortie: 'I myself,' says James, 'took lint, dipped it in water, and put it to the wound; I then bound it up with a piece of the shirt of an esquire who was there.' It was by such acts as these that he endeared himself to his men.

At last, when the mines had got so far as to open into the moat, a general assault was made and was repulsed. But a few days later the Moors opened negotiations, and it was agreed that they should leave the town with what they could carry and be escorted to Nules¹.

Burriana contained 7,000 inhabitants, and the siege had lasted till the middle of July. It was decided that the town should be held by Blasco de Alagon and Eximen Urrea till the middle of September, and from then till the following summer by Pedro Cornel with 100 knights.

Surrender
of Peñis-
cola and
other
towns.

The king then returned to Tortosa, where Cervera and the Bishop of Lérida made a vain attempt to induce him to abandon his new acquisition. From Tortosa he went to Teruel, where he heard from Urrea that Peñiscola was willing to surrender. He set out the same morning with a few knights, and next evening reached the town, which opened its gates without striking a blow. This was indeed a compensation for the reverse suffered under the same walls eight years previously. The inhabitants were allowed religious liberty, with the enjoyment of their customs and privileges². The example of Peñiscola was followed by Chivert, Cervera, and Polpis; and the king also captured Castellon de Burriana, Borriol, the Caves of Avinroma, Alcalaten, and Villa Hamez. From the middle of August till Christmas he seems to have made Burriana his headquarters, waiting for the arrival of Cornel³.

¹ Burriana was, apparently, in James' hands by July 22, when we have a donation, to the Temple, of Xuverth Castle, 'attendentes multa et grata servicia . . . quae in adquisi-

tionem Burriane fecistis et cotidie facitis . . . datum in Burriana.' *Parchments*, 494.

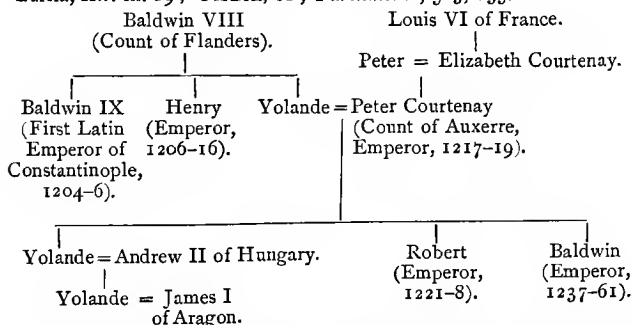
² *Chron.* 170-184.

³ *Chron.* 182-190.

On February 20 of the following year, through the medium of Gregory IX, James was betrothed to Yolande—known to Spaniards as Violante—daughter of Andrew II of Hungary, and granddaughter of Peter Courtenay, Emperor of Constantinople. Her dowry was to consist of 10,000 silver marks, and her rights in France and Namur; but her territorial claims were certainly never made good¹.

The rest of the year was taken up by difficulties with the king's Christian neighbours, which seem to have prevented him from prosecuting the war with the Moors of Valencia. On April 7, had died James' former ally, Sancho of Navarre. He was succeeded by his nephew, Theobald, Count of Champagne, but not without opposition from the King of Aragon, though it is improbable that an actual outbreak of hostilities took place. Eventually, the pope intervened, and on October 13 a peace for four years was concluded². In May a misunderstanding with France seems to have taken the king to Montpellier³. The exact nature of the points at issue is unknown. They were, in any case, connected with James' claims on Carcassonne and the neighbourhood; but here also the pope interfered and directed

¹ Zurita, *An.* iii. 19; Gibbon, 61; *Parchments*, 513, 635.



² *Parch.* 612; Zurita, *ib.* 53; Pott-hast, *Reg.* 9515—a letter of August 28, from Gregory IX requesting certain clergy to mediate between the two kings, 'cum super regno Navarrae discordiae materia sit exorta, et ex

hoc maiora emergere guerrarum pericula formidentur.' The peace was renewed in 1243. *Parch.* 923.

³ Gariel, *Ser. Praes. Mag.* Ep. i; Aigrefeuille, *ih.* v. 2, § 4.

1235.
—

the Count of Provence to act as peacemaker—with, apparently, satisfactory results¹. With Castile, too, James' relations can hardly have been cordial since his engagement to Violante had become known. Accordingly, on September 17, an interview took place between the two kings at the monastery of Huerta, on the frontier, at which James made over Hariza to Leonor for her life, and undertook not to demand Alfonso from his mother till he was of full age². The previous year had witnessed few, if any, operations against the Moors, the invaders, apparently, contenting themselves with consolidating their newly acquired possessions. But James was anxious to resume hostilities, and accordingly, at a Cortes held at Tarragona on March 17, the proclamation of the peace of 1228 was repeated³; and on May 5, arbitrators were appointed to settle a difference which had arisen between the king and Nuño Sanchez, the latter of whom had set up a claim to certain rights over Provence, Conflant, Cerdagne, Narbonne, Millau, and Trencavel⁴. Peace being thus ensured at home, James left for Burriana, and in June, with Ferdinand, the Bishop of Lérida, the Masters of the Temple and Hospital, and other nobles—he advanced to beleaguer Cullera, arriving before the town on the Vigil of S. John the Baptist (June 23). Owing, however, to lack of stones for the engines, and the opposition of Ferdinand and the nobles, he was forced to raise the siege in a few days, and turned his efforts against the strong castle of Moncada and the town of Museros, both of which soon surrendered⁵.

Marriage
with
Violante
(Sept. 8).

This done, James returned to Catalonia, where other business required his presence. This was his marriage with Violante, which was celebrated on September 8. The bride

¹ Raynaldus, *Ann. Eccl.* 1234.

² Zurita, *ib.*

³ Other measures passed at this Cortes included a confirmation of clerical privileges, the enactment of certain sumptuary laws, and regulations as to the rate of interest and the

price of corn. Bofarull, *Doc. Inéd.* vi. 19; Marca, *ib.* 1428.

⁴ James eventually consented to pay Nuño a sum of money. *Parchments*, 641; Zurita, *ib.*

⁵ *Chron.* 192-195.

was only twenty-one years old and her beauty seems to have captivated her husband—for the time¹. The rest of the year was taken up by a dispute with Pons Cabrera, who had revived his claims for the possession of the county of Urgel. Peace was eventually concluded on January 21, 1236, when James ceded the county—with the exception of Lérida—to his rival². 1235-6.
←←

¹ Zurita, *An.* iii. 20; Desclot, *Hist. Cat.* i. 13. James' donation to his Queen consisted of Montpellier, Conflant, Cerdagne, Valespir, and Colibre. *Parchments*, 659, 661.

In August of 1235 the sacristan of Gerona—who was primate elect—

with the help of the Infante of Portugal, Nuño, and Berenguer de Santa Eugenia, took possession of Iviza and Formentaria, the latter of which was uninhabited. *Chron.* 125, 126.

² *Parch.* 624; Monfar y Sors, *Hist. Urg.* lvii. pp. 519-523.

CHAPTER VIII.

THE FALL OF VALENCIA.

1236. THE year 1235 may be said to close the first period of the Valencian war. So far, James had established his hold on most of the country up to the Mijares, Burriana being his chief outpost. It remained for him to cross the river, and to establish himself within a few miles of the capital itself. He was not long in finding a suitable spot. Puig de Cebolla, 'onion hill'—called by the Moors Enesa—is situated about twelve miles from Valencia, and within two from the sea¹. The Moors had foreseen the fearful havoc that must be caused by a hostile settlement in the midst of such a country, and had taken the precaution to dismantle the castle which crowned this height; but James was not to be baffled, and had made up his mind that the place should yet become the Declea of Valencia.

Fortifica-
tion of Puig
(June-
Sept.).

Early in June, therefore—after extorting from the helpless Zeid a confirmation of the treaty of 1229²—he advanced once more from Teruel for the Puig, with a force of 2,000 foot, 100 light, and thirty armoured, horse. The rebuilding of the fort took two months; and in September, after leaving the position in charge of Entenza, with a hundred knights, the king returned home³.

Cortes at
Monzon
(Oct.).

In October a well-attended General Cortes was held at Monzon, where—in return for a confirmation of the money

¹ In reality Puig consists of three low hills, all of which were probably fortified by the invaders.

² *Parch.* 678.

³ *Chron.* 206-216.

of Jaca—a house tax, called Monage, was voted by the Aragonese, the king also directing that execution should be stayed against debtors who had taken the Cross, till after their return from the war¹. December James spent at Montpellier, where the conqueror of Mallorca did homage for the town to the Bishop of Maguelonne². 1236-7.

Meanwhile it became evident that the Moors of Valencia were not disposed to see the labour of years undone without a struggle. In the following summer Zian collected an army of 40,000 foot and 600 horse, and marched on the Puig. The garrison, however, had been warned of his approach, and it was decided that Entenza should go to meet the enemy with fifty knights and 1,000 foot, while Aguilon was to stay by the castle and fall on the enemy in the thick of the fray. The plan was acted on, and when, after a desperate struggle, Entenza was forced to give way, Aguilon charged down the hill, taking the enemy in front and rear. Though their light horse soon took to flight, the Moorish infantry fought bravely; but a panic seized their rear, and, on a fresh charge from the Christians, the rout became general. The enemy were pursued to within half a league of Valencia, and great numbers were slain, with small loss to the victors³. Battle of Puig (June, 1237).

The king heard the news at Huesca, where he had 'Te Deum' sung, and at once proceeded to the Puig, with 100 horse and his own retainers. He found that the

¹ Zurita, *An.* iii. 26.

² *Hist. Gén. Lang.* vi. 25, § 10 and viii. p. 993; Gariel, *ib.* i. p. 347. The fendal claims of the Bishops of Maguelonne over Montpellier dated from the end of the tenth century. Germain, *ib.* i. p. x.

³ Marsilio, iii. 25; Desclot, *ib.* i. 14; Beuter, *Cor. Esp.* ii. 32; Zurita, *An.* iii. 27; *Chron.* 217, 218; Miedes, *ib.* 10; Diago, *An. Val.* vii. 17. The accounts of the battle are meagre, and S. George, as usual, plays a prominent part ('cum magno exercitu

militiae celestis.' *Historia Pinna-tensis*, p. 157). According to Beuter it was Aguilon who went to meet the enemy; and Desclot says that 10,000 Moors fell without a wound.

The date is approximately fixed by Diago (*ib.* 17, 18), who cites a royal grant made at Puig on July 1. M. Tourtoulon (*ib.* i. p. 301) follows Zurita in adopting August as the month of the battle; but it is much more likely that the Moors would attack early, in order to save their crops.

1237-8. garrison had lost eighty-six horses in the engagement, and, after repairing this and other losses, he returned to Catalonia.

James' oath
at Puig
(Jan. 1238).

But he was recalled to Valencia sooner than he had expected. Towards the end of the year (December), while at Zaragoza, he received news of the death of the gallant commandant of Puig—Entenza—tidings which so affected him that for some time he was unable to speak. To add to his annoyance, the nobles, headed by Ferdinand, seized the opportunity to urge him to abandon his new outpost, alleging the expense of maintaining the garrison; but their proposals were rejected with scorn, and James lost no time in setting out for Puig. Here he knighted Entenza's son, a boy of ten or eleven, and was making arrangements to provision the place till Easter, when he received a warning from one of the chaplains that more than sixty knights had threatened to desert, in the event of his departure. James' vexation was extreme. Though it was only January, during the night he 'turned more than a hundred times from one side of the bed to the other, and sweated as if in a hot bath.' But in that restless night his resolve was taken, and next day, calling the knights together in the chapel, he swore not to return to Catalonia or Aragon till Valencia was his. He added that he should send for the queen and his daughter; and the former was at once brought to Burriana, after making a vain attempt to induce her husband to desist from his undertaking¹. Alarmed at these signs of determination, Zian now sent an envoy with a proposal to surrender all the castles from the Guadalviar to Tortosa, and from Tortosa to Teruel; to build the King of Aragon a palace in the citadel of Valencia; and to pay a yearly tribute of 10,000 besants. To this magnificent offer James coolly replied that he intended 'to have both the hen and the chickens.' Lent was marked by the surrender of Almenara, Uxo, Nules, Castro,

¹ *Chron.* 217-240.

and Alfandech. In most of these cases the king declined to treat with the envoys till they were 'well warmed with meat and wine,' and the terms usually included grants of cattle, land, and clothes, to the chief men, and the concession of their customs and religious freedom to the citizens generally. James kept Easter with the queen at Almenara, from whence he brought her to Puig. After Easter came the surrender of Paterna, Betera, and Bulla. 1238. →→→

James was now master of most of the country up to the Guadalviar, and there seemed to be no reason why he should not advance on the capital without further delay. The town lies in the plain, on the bed of the almost exhausted Guadalviar, and at a distance of about three miles from the sea. The Christian forces consisted, as yet, of only about 200 knights, 150 Almogavars or light cavalry, and 1,000 foot; and with this small army James pitched his camp between the Grau, or port, and the city, and waited for reinforcements. Next day, however, the Almogavars and camp-followers occupied the Ruzafa, or suburb, and the king was obliged to advance to their support, Zian being posted at a tower half-way between the city and Ruzafa, with about 10,000 men. The two armies remained opposite one another all day, till evening, when the Moors retired into Valencia, and did not re-appear outside the walls for several days¹. Meanwhile reinforcements streamed in from all parts, among them Pierre Amyell, Archbishop of Narbonne, with forty knights and 600 foot, and—so it is said—English troops sent by Henry III². At first, different opinions prevailed as to the plan of

James
before
Valencia
(April).

¹ *Chron.* 240-259. The date of the king's arrival before Valencia is approximately fixed by a donation of April 26, given before the walls. Diago, *ib.* vii. 22.

² In the *Libro del Repartimiento* there appear the names of a 'Sir Nichola, ingeniarius domini Regis,' and a 'J. de Lasceyles.' Bofarull, *Doc. Ined.* xi.

pp. 179, 221. Cf. Jaume Febrer, Prolech to the Trobes:—

'Ab esta noticia de totes nacions acudiren tants Richs-Homs de sa alcunya, nobles, mesnaders, antichs Infanzons, homens de remensa é contribucions de Aragó é Navarra é de Cathalunya,

1238. attack to be followed. The archbishop wished the king to batter the Boatella gate, but this James declined to do, for three reasons: (1) the enemy would not be able to prevent the sappers from attacking the towers, if the besiegers began at the spot already chosen, because the wall there projected beyond the rest of the city wall; (2) if they attacked the Boatella, the Moors would sally out, burn the engines, and speedily retreat through the gate; (3) the citizens would be able to cut the besiegers off from the sea, if they shifted to the Boatella. These reasons illustrate clearly enough the king's military skill; but the archbishop, 'who was a bold man¹', was irritated by this opposition to his wishes, and asked James why he was there to do nothing; to which the king replied that he intended to wait till the rest of the army came up². A 'trebuchet' and two 'fonevols' now arrived and battered the wall. They were protected by mantlets, pushed up to some walls near the moat, which was full of water. Into this wood was thrown, and three mail-clad sappers were sent over, each making a hole in the wall that would let in two men. While the besiegers were thus at work there arrived off the Grau twelve galleys and six smaller vessels from Tunis. On hearing this, the king set a force of horse and foot in ambush a little distance from the sea; but, after waiting for two days without landing, the Africans sailed away, and, when their attempt on Peñiscola had failed, took to flight and were not seen again. The besieging army had now increased to 1,000 knights and 60,000 foot, and so numerous were the merchants and tradespeople in the camp, that there was nothing which could not be bought as easily as in a town. The unruli-

Milords de Bretanya é de Inglaterra,
Gentils homs de Italia é Monsieurs
de Francia,
que es varen trobar pera aquesta
guerra:
seixante mil homens de diferent terra.'

The genuineness of this passage is of course impossible.

¹ In 1243 he presided at a great holocaust of 200 heretics at Montseguer. Aigrefeuille, *ib.* v. 2, § 8.

² *Chron.* 259-262; Zurita, *ib.* 30.

ness of the Archbishop of Narbonne was, however, destined still to bring the king trouble. On one occasion his men were drawn by the Moors towards the city walls, and refused to obey the king's orders to retire. James rode up, therefore, to bring them back himself, and, in so doing, was hit by an arrow on the forehead. In anger he struck it with his hand, and broke it, so that the blood streamed over his face. Wiping it off with his mantle, he returned laughing, so as to reassure the army; but he was badly wounded, and had to remain in his tent for several days, during which his face was so swollen that he could not see on the wounded side¹. 1238.
—

The next incident was not creditable to the king. Urrea and Cornel had attacked a tower near the Boatella gate, on their own account, and were repulsed. After reproving them for their rashness, James consented to a general attack on the tower, which was held by only ten men who were quite pent inside by showers of missiles. On their declining to surrender, the tower was set on fire; and, though its defenders now offered to yield, the king refused to give quarter, and—in his own words—‘burned them all alive there.’

In June there arrived an embassy from the pope, as well as from Milan, Bologna, Faenza, and Piacenza, begging for help from the conqueror of Mallorca against the emperor. It was probably rather to gratify his own ambition, than out of any real devotion to the Church, that, after consulting the queen and his council, James undertook to go with 2,000 knights, for whose service he was to be handsomely paid. The expedition, however, never took place². Italian
embassy
(June).

About a fortnight before Michaelmas, the Moorish king—fearing, no doubt, a repetition of the massacre of

¹ The king carried the scar of his wound to his grave; for when, in 1843, his body was removed from Poblet to Tarragona, it was easily distinguished, not only by its great size, but also by the mark of an arrow wound on the forehead. Ticknor, *Spanish Literature*, i. p. 288.

² *Chron.* 262-270; Zurita, *An.* iii. 32.

1238.
 ———
 Surrender
 of Valencia
 (Sept. 28).

Mallorca—opened negotiations; and, on the queen's advice, James resolved to listen to his overtures, without, however, consulting the barons¹. The envoy was Zian's nephew, Abulhamalec, and none were admitted to his interview with the king but the queen and an interpreter. After some discussion, James ended abruptly by saying that he would not leave Valencia till the place was in his hands, and that he did not wish the people to be killed. At this plain statement, Abulhamalec returned to his uncle, and on the third day re-appeared with an offer to surrender, on condition that the inhabitants should be allowed to take away their effects, and should be escorted to Cullera—terms which, again on the queen's advice, James accepted.

It now only remained for him to break the news to the bishops and barons, who, on hearing it, 'lost colour, as if some one had stabbed them to the heart,' and all murmured, with the exception of some of the prelates. However, as it was done, there was no help for it. On the following day the royal standard was hoisted on one of the city towers: on seeing it, James turned to the east, wept, and kissed the ground. The treaty was signed on the Vigil of S. Michael (September 28): its terms included permission, for those who liked, to stay; for such as preferred to leave, liberty to carry off their arms and moveable property, with security for twenty days; and a seven years' peace with Zian, who was to keep Denia and Cullera, while all other castles and towns north of the Xucar were to be surrendered to the King of Aragon. On the day appointed 50,000 Moors were escorted out, and James kept his word so faith-

¹ The queen's reasons for advising the king not to take the barons into his counsel illustrate well the jealous relations existing between James and his nobility: 'she had seen me take possession of other places and castles which my barons would rather see as they were than in my power, and as

to which they did many things they should not do; wherefore she well believed that since in small things they acted so, they would, with regard to Valencia, show their power in such wise that I should not take it.' *Chron.* 271.

fully as to put to death some of his soldiers for violence to the exiles¹. The entry of the Crusaders was made on October 9². 1238. →→

The division of the land proved an arduous task, especially as James found that he had already given away in grants more than there was to divide. He determined, therefore, to make a redistribution, and a wrangle ensued with the nobles, who insisted on appointing the commissioners for the division themselves. The task, however, proved too much for them, and James' nominees—Assalit de Gudar, and Eximen Perez de Tarazona, both 'learned in law'—were re-appointed. Their final arrangement was that the 'yoke' of land should be depreciated from twelve to six 'cafizadas,' each man being rewarded according to his contribution to the expedition. The protection of the town was entrusted to 380 knights, who received fiefs, and were to keep guard in relays of 100 for every four months. The greater number of the new settlers came from Catalonia and Lérida, and the king endowed a cathedral, the first bishop being Ferrar S. Martin, Provost of Tarragona³. Division and defence of the newly won kingdom.

Thus, at the age of thirty, James had established his sovereignty over all his infidel neighbours. So far he had not entered into intimate political relations with any Christian powers; but the prestige he had acquired by his Retrospect.

¹ *Chron.* 271-283; *Mem. Hist. Esp.* v. p. 166; Tourtoulon, *ib.* i. p. 379.

² 'Die Sabbati, vii Idus Octobris, intravimus civitatem Valentie' (Register of allotments in Valencia, in Bofarull, *Doc. Ined.* ii. p. 222); 'en lo any de nostre Senyor M.CC.XXXVIII non dies de Octubre pres lo Senyor en Jaume ... la ciutat de Valencia' (*Fori Regni Valentiae*, p. i). So too Tourtoulon, *ib.* i. p. 312, and Gayangos, *ii.* App. E. The usual date assigned for the entry is the same as that of the treaty, i. e. Sept. 28 (as in Zurita, *An.*

iii. 33); but James nowhere says that the city was 'entered' on that day, but only 'taken.' Villarroya (*Cartas*, p. 81 seq.) thinks that the 'material' entry took place Sept. 28, and the 'formal' entry Oct. 9, his theory being to some extent borne out by the case of Murcia, where the mosques were purified before the solemn entry was made. *Chron.* 450.

³ *Chron.* 285-294; Zurita, *An.* *iii.* 34; Diago, *An. Val.* *vii.* 33, 34. A 'cafizada' was the extent of ground requiring a 'cafiz' of corn (12 bushels) as seed. Gayangos, *i.* p. 321, n. i.

1238. conquests could not fail to bring him now into some sort of connexion with Europe at large. And, as yet, he had had little time to devote his energies to any definite home policy. An attempt to remedy this last omission, as well as to adopt a more definite foreign policy towards his Christian neighbours, will mark the third period of the reign.

THIRD PERIOD:
THE STRUGGLE WITH FRANCE.

CHAPTER IX.

TOULOUSE AND XATIVA.

THE settlement of Valencia seems to have occupied its conqueror till the end of May of the following year. He then left for Montpellier¹, where—after terminating a dispute which had arisen between his representative and some of the local magnates—he held a Court, which was well attended by the nobility of the neighbourhood, including the Counts of Toulouse and Provence². Raymond VII of Toulouse had succeeded his unhappy father in 1222. The death of the persecutor of the house, Simon de Montfort, in 1218, had only released it from one enemy to let it fall into the hands of another; for Amauri, Simon's son, finding himself unable to expel Raymond from the county, made over his claims to the French king, Louis VIII, and he, soon after the young Count's accession, resumed hostilities, taking Avignon, Nimes, and Carcassonne, and all the country up to the walls of Toulouse (1226). Resistance was out of the question, and, on April 29, 1229, Raymond found himself obliged to submit to the humiliating Peace of Paris, by which he was stripped of almost all his possessions outside the county, which itself, in the event of his

1239.

James at
Montpel-
lier (June-
October).

¹ He entered the port of Lattes on June 2. *Hist. Gén. Lang.* xxv. § 29.

² *Chron.* 295-305.

1239. death without other issue, was to go to his daughter, Jeanne, the wife of Alfonso of Poitiers¹. Rendered over-confident, apparently, by his reconciliation with the French Crown, dearly bought though it was, Raymond now sought to compensate himself for his loss of territory by acquisitions elsewhere. Besides waging war with the Count of Provence for the possession of Marseilles, he allowed himself to be invested with Montpellier by James' suzerain, the Bishop of Maguelonne, whose terms with his powerful vassal were very strained at the time (August, 1238)². Raymond's presence, therefore, at James' Court of 1239 would imply that an understanding had been arrived at between Count and king, and it is also probable that the latter attempted to act as peacemaker between Raymond and the Count of Provence—but with little success, for war soon broke out again between the two Counts, who were only reconciled by the mediation of S. Louis in 1241. The Court James held on this occasion is, however, important, as being his first open and definite tentative towards a confederation of the potentates of the south³.

James had also another object in view in visiting Montpellier—the raising of an aid. In this he was probably successful, and towards the end of October he set sail for Colibre, proceeding thence to Valencia⁴. On his arrival, the Moors came to him with bitter complaints against Aguilon—one of the heroes of Puig—who, during the king's absence, had harried his new subjects, severely defeating some Moors who came to the rescue. James was much annoyed at this violation of the peace, and Aguilon was

¹ Aigrefeuille, *H. M.* i. bk. v. §§ 8–10.

² Germain, *H. M.* ch. ix. p. 20; Gariel, *Ser. Praes. Mag.* i. pp. 352, 355. The bishop complained of an ordinance of Feb. 4, 1238, by which James forbade the men of Montpellier to plead in any but the royal courts. The king now took his revenge by

depriving the bishop of his right to assist at the election of the municipal consuls. *Hist. Gén. Lang.* xxv. §§ 22, 29.

³ *Ib.* xxix. § 74; Balaguer, *Hist. Cat. y Ar.* ii. p. 378; cf. Tourtoulon, *ib.* ii. p. 5.

⁴ *Chron.* 295, 305; cf. *Hist. Gén. Lang.* xxv. § 29.

forced to restore some of the prisoners and property taken, though his own estate, being already mortgaged, could not be seized. 1240. —

Most of the spring and summer of 1240 James seems to have spent in Valencia. In August came the surrender of Bairen—quickenened, no doubt, by the promise of ‘fine woollen red cloth to dress fifty men, besides one dress for himself (the governor) of scarlet cloth, and green ones for his nephews.’ In the same month the Infante Ferdinand, accompanied by the knights of Calatrava, laid siege to Villena, but was defeated and forced to retire, though soon afterwards, at James’ request, the town surrendered to the Commander of Alcañiz¹. The capture of Bairen and Villena satisfactorily effected, the king seems to have returned to Catalonia and Aragon². But he cannot have been there long, when he heard that certain of his knights had been captured by the Moors in a raid against Xativa—a town about eight miles south of the Xucar, the southern border of his new kingdom. He at once returned to Valencia, and, marching thence through the fertile plain, crossed the Xucar, appeared before Xativa [October?], and demanded from the governor the surrender of the knights, at the same time offering to make good what harm they had done. In the meanwhile he surveyed the place from a neighbouring hill, and was so struck with the beauty of the scene—the town lying on the hillside above, and the luxuriant Huerta beneath—that he at once made up his mind to secure Xativa. So next day, when the Alcaid said that the knights were sold, and that he had not money enough to redeem them, James deferred his reply, for in reality he ‘thought more of getting Xativa than of the knights who were prisoners there.’ And, soon afterwards, when the Alcaid offered to restore the captives, the king sent the envoy back, and, giving out that the governor had refused his demands, proceeded to ravage the

Surrender
of Bairen
(August),
Villena,
and
Castillon.

¹ *Chron.* 307-315; Beuter, *Cor. Esp.* ii. 42; *Parchments*, 800, 807, 809, 810.

² *Chron.* 316.

1241. land and destroy the mills and dams. Eventually, however, it was agreed that the Moors should give up Castellon—a fortress within a league of the town—accept the King of Aragon as their lord, and undertake not to surrender the town to anyone else. On this understanding, James withdrew his forces, and returned to Aragon¹.

James
at Mont-
pellier
(March-
Sept.).

Towards the end of February of the following year we find the king at Gerona, on his way to France, and by the middle of March he was once more at Montpellier², where some very important business was transacted—the outcome, perhaps, of the Court of 1239.

The idea of a union of the south had now thoroughly matured in James' mind, and a deliberate attempt to realize it was made in a series of treaties concluded during this visit. For an effective resistance to the growing encroachments of the French Crown, a union of Provence and Toulouse was a matter of the first importance. But before anything could be done, it would be necessary to disarm the suspicions of the papacy; and, accordingly, on April 18, at Montpellier, James concluded an alliance with Raymond of Toulouse for the defence of the Church—in her struggle, that is, with the Emperor³, and as a sequel to the promise of aid already given under the walls of Valencia. But this was only a preliminary: a few days later, on the 23rd, also at Montpellier, another alliance was made between Count and king, to last for two years⁴; and on June 5, in the

¹ *Chron.* 316-327. In adopting the date of 1240 for the first attack on Xativa, I have followed Zurita (*An.* iii. 19), and, apparently, M. Tourtoulon (*ib.* ii. p. 31). Diago (*An. Val.* vii. 35) assigns this attack to the end of 1241, when, however, the king seems to have been in Catalonia (*Parchments*, 854, 856, 857, 863), to say nothing of the 'year and more' which he spent 'in Aragon and Catalonia' after the attack, and which, if we adopt Diago's chronology, dwindles

down to eight months, as James had reduced Artana by May, 1242 (Diago, *ib.* 37). But if we accept the date of 1240, and suppose the expression 'Aragon and Catalonia' to include Montpellier, the difficulty disappears.

² *Marca*, *ib.* 1433; *Privileges of Valencia*, No. 11.

³ *Archives of France*, J. 589; cf. *Hist. Gén. Lang.* viii. p. 1055; Tourtoulon, *ib.* ii. p. 420.

⁴ *Hist. Gén. Lang.* *ib.*

same town, James, acting as arbitrator, decided that Raymond Béranger should request Sancie, the present wife of the Count of Toulouse and the Conqueror's aunt, to solicit a divorce, under pain of expulsion from Provence, whither she had taken refuge—having long ceased to live with her husband; while the Count of Toulouse was also to demand a divorce, pay down to his wife 1,000 silver marks, and allow her an annuity of 100 marks¹. And finally, two days afterwards, on June 7, the King of Aragon undertook to procure Raymond's absolution for the part he had played in the Albigensian wars, an exemption for him from taking the Cross, and a dispensation for his marriage with another Sancie, the daughter of the Count of Provence². The whole scheme was now clear. Notwithstanding the marriage of the eldest daughter of the Count of Provence with Louis IX, a son born of a daughter of the Count of Provence by Raymond of Toulouse would have inherited not only the estates of his father, which the Treaty of Paris had not reserved for Raymond's son-in-law, Alfonso of Poitiers, but also the territories of the Count of Provence³. Such a son James would probably have married to his own daughter, or, if a daughter were the issue of the marriage, she would, no doubt, have become the wife of one of his sons—in which case, the whole of the south from the Durance to the Xucar, might have been united under the sceptre of Aragon. Apart, therefore, from the immorality of his action, which perhaps he did not realize, James deserves no credit for disinterestedness. To him, as he had shown, there was nothing sacred in the bond of marriage: its sole *raison d'être* was the gratification of his lust and

¹ *Parch.* 845; cf. Tourtoulon, *ib.* p. 423.

² *Archives of France*, J. 587; cf. Tourtoulon, *ib.*

³ Tourtoulon, *ib.* ii. p. 48. As a matter of fact, Raymond Béranger's fourth daughter, Beatrice, was, by her father's will of 1238 (*Ruffi, Hist. Comt.*

Prov. p. 105), heiress to his possessions, though a son of Sancie was to precede in the succession a daughter of Beatrice. We can only suppose that at present Raymond Béranger had no intention of giving Beatrice in marriage, so that she should not interfere with her sister's claims.

1241-2. his ambition; and, when tired of his plaything, he would fling it aside or trample it under foot. But, granting all this, the already long separation of Sancier from her husband, the importance of uniting Toulouse and Provence, and, lastly, the readiness with which, in that age, a divorce was accorded, go far to palliate James' action, unreservedly condemned as it has hitherto been¹.

The luckless Sancier, whose one fault was that she had had but a daughter, was, indeed, obstinate; but she was subsequently brought before an ecclesiastical court near Aix, by her nephew and the Count of Provence, and the divorce was pronounced by the Bishop of Albi and the Provost of S. Salvi in that town, the victim remaining silent during the proceedings (August 11)². And, on the same day, James, as proxy of the Count of Toulouse, married the daughter of Raymond Béranger, on the understanding that a dispensation would be granted by the pope³. Unhappily, however, for the Conqueror's schemes, Gregory died at this moment, the papacy remained vacant for more than a year and a half, and in the meantime Sancier of Provence married Richard of Cornwall⁴. Thus all these plans fell to the ground. The king seems to have returned to Catalonia in September, and to have spent the rest of the year there⁵.

Partition of
the king's
dominions.

On January 1 of the following year James executed his first will since his second marriage: by it Alfonso was to inherit Aragon and Catalonia; while Pedro, the eldest son of Violante, was to have Valencia, the Balearics, and Montpellier—together with Roussillon, Conflant, Cerdagne, and Valespir, on the death of Nuño⁶. The chief obstacle to the execution of the last clause was removed

¹ E. g. 'ad turpem et omni dedecore famosam factionem devenerunt.' Zurita, *Ind.* p. 122.

² *Hist. Gén. Lang.* xxv. § 47.

³ *Ib.* § 51; Duchery, *Sfic.* viii. 231.

⁴ *Hist. Gén. Lang.* xxv. § 44; Aigrefeuille. *Hist. Montpellier.* v. § 8;

Tourtouillon, *ib.* p. 53.

⁵ He was back at Barcelona on Oct. 10 (*Farch.* 824) and was there Nov. 2 (*ib.* 827) and Dec. 3 (*ib.* 828).

⁶ *Farch.* 867; cf. Tourtouillon, *ib.* ii. p. 424.

soon afterwards, by the death of the Count (Jan. 19, 1242)¹. 1242-3.
 This was the earliest of that series of wills, which brought
 such trouble to the royal family and the nation. ←←

For the present, however, the king was bent on completing the conquest of Valencia. By the end of May he seems to have got possession of the Artana country, and this was followed by the surrender of Algezira, a town on an island encircled by two arms of the Xucar. The rest of the year the king seems to have spent in Valencia, busy, no doubt, in the organization of his conquests². In the following year, towards the end of February, we find him at Perpignan, on his way to France³, and he must have arrived at Montpellier soon afterwards. Here, on May 30, the queen was delivered of a second son, who received the name of James—in memory, no doubt, of another birth in the same town thirty-five years previously; and on June 29, the citizens, by the king's order, swore allegiance to the boy and his mother⁴. This addition to the numbers of the royal family necessitated a redistribution of the kingdom. Accordingly, not long after James' return home, at a Cortes of Aragon held at Daroca, an oath of allegiance was taken to Alfonso as heir to Aragon, the boundary of which was to be formed by the Segre, while Catalonia was to go to Pedro, and the rest to the younger James⁵.

It must have been soon after this that an incident occurred which gave James his much-wished-for opportunity of renewing his conquests south of the Xucar. The Moors of Xativa and other towns had fallen on a body of Almogavars returning from a raid under Lizana, and had carried off some mules and sumpter horses. This outrage afforded a chance not to be missed, and the king at once repaired

¹ *Hist. Gén. Lang.* xxv. § 30.

² *Diago*, ib. vii. 34; *Chron.* 329-332.

³ *Marca*, ib. 529; *Massot-Reynier*, *Cout. Perp. priv.* 10.

⁴ *Hist. Gén. Lang.* xxv. § 76.

⁵ *Zurita*, *An.* iii. 49; cf. *Parch.* 937. Hitherto the Catalan frontier had been formed by the Cinca, but now it was to be carried backward to the Segre, so that henceforth Lérida and Monzon would form part of Aragon.

1243-4. to Xativa, where, after ordering the Alcaid to surrender the town, he coolly proposed that the matter should be referred to the arbitration of Ferdinand. This impartial offer being declined, Xativa was promptly invested. The siege lasted throughout December, and in January James was recalled to Catalonia by troubles at home¹.

Discontent
in Aragon
and Cata-
lonia.

The cause was the partition of Daroca, which had grievously offended the Catalans, who took special exception to the formation of the frontier by the Segre. On January 21, therefore, at a Cortes at Barcelona, they forced the king to recognize the old division, by which Catalonia had included all the country between Salsas and the Cinca, and Aragon all that lay between the Cinca and Hariza². To please both parties, however, was impossible, and the Aragonese were now discontented. Alfonso, who was at Calatayud, was joined by Azagra, Ferdinand, the Infante of Portugal, and a number of other restless spirits. The heir of Aragon could count on the sympathy of the King of Castile, whose son, another Alfonso, did not fail to improve the occasion by intrigues on the frontier, as James presently learned on his return to the siege of Xativa³.

James
before
Xativa.

Here it was found that a kinsman of the Bishop of Cuenza had managed to get into the town, under pretence of buying a tent for the Infante of Castile. Seeing in this only a stratagem to get the place into Castilian hands, James at once issued a proclamation forbidding anyone to communicate with the citizens without his permission; and when the luckless emissary afterwards fell into his hands, though a knight, he was hung, without mercy—like an André of later history. A month later the king heard that Enguera and Muxent had opened their gates to Alfonso, and on the inhabitants of the former town declining to expel its Cas-

¹ *Chron.* 333-9. That the king was at Xativa in November is evident from *Const. Cat. Prags.* ii. tit. 3, const. 1, which is dated Xativa, Nov. 30, 1243.

² *Parchments*, 935, 936; Bofarull, *Doc. Ined.* viii. 42.

³ Zurita, *ib.* 40, 41.

tilian garrison, he hung or beheaded seventeen men whom he had caught in the fields outside¹. Then, by way of retaliation on Alfonso, he set on foot an intrigue with a knight of Calatrava, who held Villena, for the surrender of that town, and of Saix, Capdets, and Bugarra—negotiations in which he was completely successful. 1244.

Alfonso, whose conduct on this occasion, if irritating, was at least less violent than that of the Conqueror, at last succeeded in bringing about an interview between Almisra and Capdets, where they had 'great rejoicing and love.' Next day the Master of Uclés and Diago Vizcaya, on behalf of the Infante, opened negotiations, and asked for Xativa as a dowry for James' daughter Violante, who was to be betrothed to their master—a demand which produced the retort that Leonor had brought with her no dowry; and the day after, when the Castilians told the king that Xativa would surrender to them of its own accord, they received the reply: 'whoever enters it must pass over my body.' James then ordered his horses to be saddled, and it was only with the greatest difficulty that the tears of the queen and the entreaties of the envoys prevailed on him to stay. It was finally agreed that matters should revert to the status quo, Villena and the other towns which had surrendered to Aragon being restored to Castile, while Xativa and Biar were given up to Aragon. Arrangement with Alfonso of Castile (March).

The siege of Xativa was now resumed with vigour, but the town held out for two months longer, till June, when it was agreed that the lesser castle should be surrendered at once, and the greater in two years from Whitsunday². James' conduct during the siege had not been creditable to him. He had lost his temper in a way almost childish. Surrender of Xativa (June).

¹ Tourtoulon (ib. ii. p. 76) remarks on this act of James: 'No debe olvidarse que los habitantes de Enguera eran considerados como traidores.' This defence might be applicable, if it were the guilty and not the innocent who suffered.

² *Chron.* 333-56. The geography of Xativa being somewhat confusing, a plan is subjoined of the castle and its environs. That the 'peaked hill near the castle,' from which the king enjoyed such a fine view during his first visit, is the point denoted by C,

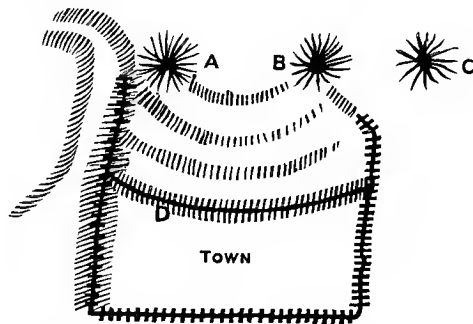
1244.

→→→

In itself that would not have been a matter of much consequence, and would only have afforded another interesting, as well as amusing, study of a side of his character; but unhappily, he floundered at the expense of others. The Castilian was hung, though the order which cost him his life was issued after he had got into the town; the Enguerans were butchered, because their fellow-citizens had hesitated to take the king's word for an obscure treaty of partition made with Castile more than half a century previously¹; and, lastly, the courtly Castilians were insulted by a display of violence and boorishness. No wonder they asked: 'King of Aragon, is it to your good to rage so greatly?'

there can be little doubt. The two forts are marked A and B, A being probably the lesser: the ground below

these consists of a series of terraces, and the walls are still in good condition. D is the gate by which James



entered the precincts of the fortress. Zurita (*ib.*) places the siege of Xativa in 1248, but there can be no doubt that the date adopted here—that of Diago, *An. Val.* vii. 40—is correct, as is proved by: (1) the date of a royal grant, quoted by Diago (*ib.*), Jan. 7, 1244, 'in obsidione Xative': (2) the date in Bofarull, *Doc. Ined.* xi. p. 385, 'datum in obsidione Xative, iv kalendas Apriles anno MCC.XL quarto': (3) a deed, dated Almizra, March 25, by which James makes over Enguera to the Master of Uclés, Alfonso's negotiator (Diago, *ib.*):

(4) in *Reg.* xxvi. 127, the date of May 10, 1244, 'dat. in exercitu Xat.': (5) an inscription on a wall near the gate by which James entered Xativa, which I have copied, 'Dia 7 Junio del año 1244 entro en Jativa por esta puerta llamada la Aljama el Rey D^o Jayme 1^o' ('Esta antigüedad la renovo Eduardo Cardona en el año 1865').

¹ By an agreement of Alfonso II of Aragon and the King of Castile, Valencia, Xativa, Biar, and Denia were to go to Aragon. Zurita, *An.* ii. 37.

The king was back at Valencia in August, when a fresh agreement was made with Pedro of Portugal, by which the Infante ceded the Balearics to the Crown, the king granting him in return Morella, Murviedro, Almenara, Segorbe, and Castellon de Burriana ¹.

1244-5.
—+—
Transaction with Pedro of Portugal (Aug. 18).

In September James was once more busy at his conquests. This time it was Biar—a town about thirty miles south-west of Xativa—which claimed his attention, and curbed his impatience, for five months. It surrendered in February, and the only place of importance still unconquered beyond the Xucar was Denia. The seven years' truce with Zian would expire in September, and the Moorish king had already been robbed of Cullera, in direct violation of the treaty. Now, therefore, with the enemy almost at his gates, he thought it best to surrender this, his last refuge. For James the rest was but a triumphal progress, and all the country between the Xucar and Murcia was soon in his hands. 'And so I had it all to myself ².'

Siege of Biar (Sept. 1244 to Feb. 1245).

¹ *Parchments*, 961, 962.

² *Chron.* 355-60. The date of the siege of Biar is proved by *Parch.* 967:

'datum in exercitu de Biar, nonas Septembres A. D. millessimo CCXL quarto.'

CHAPTER X.

THE REVOLT OF VALENCIA.

1242-4. WHILE successful in Valencia, James' policy received
Fortunes of Raymond of Toulouse (1242-5). a crushing blow elsewhere. After the failure of his schemes in 1241, the fortunes of the Count of Toulouse had been varied. At first he had joined in a revolt of a number of southern lords exasperated by the cruelties of the Inquisitors, who had recommenced operations. The rebels were headed by Hugo de Lusignan, Count de la Marche, whose daughter Raymond married, and they were joined by Henry III of England, as well as by Trencavel, the dispossessed. The latter, after the final loss of his estates by the Peace of 1229, had lived an exile at the Court of Aragon, but now suddenly appeared in the territory of Narbonne with a miscellaneous army. For the moment, the revolters were successful, the inquisitors were massacred, Narbonne was delivered into the hands of the rebels by its Viscount, and the archbishop fled to Beziers, whence he launched a letter of excommunication against Raymond. The plans of the insurgents, however, were shattered by the flight of King Henry and the Count de la Marche at Taillebourg, before the overwhelming numbers of S. Louis' forces (July, 1242); and soon afterwards Raymond repaired to the French Court and made his submission (January, 1243). Towards the end of 1243 the Count also visited Rome, and, in December, obtained the pope's absolution. He returned home in 1244, and his restless spirit was soon busied in fresh intrigues—this time for a marriage with

Beatrice, fourth daughter of Raymond Béranger, and heiress of Provence. The plan even received the sanction of the pope, and the marriage with Marguerite de la Marche was annulled, at Lyons, on the ground of consanguinity (July, 1245); but, once more, Raymond's plans were frustrated by an unlooked-for occurrence—the death of the Count of Provence, at Aix, on August 19. So far, it is impossible to detect any participation by James in Raymond's plans; in any case he kept discreetly in the background. On hearing, however, of the death of Raymond Béranger, the King of Aragon lost no time in repairing to Aix, hoping, no doubt, to secure possession of the person of Beatrice; but he had brought with him few, if any, troops, and, on the advance of the French, he was obliged to return to Montpellier. Meanwhile the pope was induced by Blanche of France to withhold the dispensation for Raymond's marriage, and, on January 31 of the following year, Beatrice was wedded to Charles, brother of S. Louis¹. Thus all hope of effecting a union of Toulouse and Provence was lost. Provence had been swallowed up by the steadily advancing tide of French aggression, and all that could be done was to make every effort to save what was left of Toulouse from the wreck of southern independence. But, even in this, any plans formed by James were doomed to failure.

The king was back in Aragon by November². The first few months of the following year he seems to have spent in Valencia³. Towards the end of May we find him at

James and
the Bishop
of Gerona.

¹ *Hist. Gén. Lang.* xxv. §§ 52, 58, 66, 71, 91, 92; Martin, *H. F.* iv. p. 185 seq.; Wallon, *S. Louis*, i. pp. 140-175. The moving spirit in the revolt of 1242 was really a woman—Isabella of Angoulême, formerly Queen of England, whose pride was roused by the indignity put on her husband, the Count de la Marche, of having to do homage to Alfonso of Poitiers. There is nothing to show

that James took any part in the revolt, despite the promise attributed by Matthew Paris (ann. 1242) to the Count de la Marche: 'promisitque (sc. Henrico) suum et aliorum magnatum, utpote regis Arragonum et Comitis Tholosani . . . , consilium efficax et auxilium.'

² He was at Calatayud on November 24. *Parchments*, 1016.

³ *Ib.* 1021, 1027.

1246. Gerona¹, and it was probably on this occasion that the country was startled by a tragic event, which casts a sinister light on the king's morals. The Bishop of Gerona, James' confessor, seems to have disclosed—to whom, is doubtful—the whole, or part, of a confession made by his royal penitent—a confession, apparently, hardly fit for repetition. On hearing of this, the king sent for the unfortunate prelate, and, in a fit of passion, ordered his tongue to be torn out. The offender was promptly excommunicated by the whole body of bishops, and the pope wrote to him (June 22), upbraiding him for his sin², and adding that he would send his penitentiary, Desiderius, to give the king 'wholesome counsel.' On August 5 the culprit proclaimed his repentance³, and wrote submissively to the Holy Father⁴; on September 22 Innocent, who was at Lyons, replied that he was despatching the Bishop of Camerina as legate, in company with Desiderius⁵; and on October 14 James submitted to a public humiliation at Lérida, before the bishops and barons, and received the apostolic absolution⁶. By way of penance, he was to complete and endow the monastery of Benifaza and the hospital of S. Vincent at Valencia, and to found a daily mass at Genoa⁷.

¹ *Parchments*, 1030.

² 'Mens nostra nimium obstupuit enormitate flagitii.' Raynaldus, *Ann. Eccl.* 1246.

³ 'Recognoscimus in facto mutilationis lingue Episcopi Gerundensis graviter excessisse, et universalem matrem in eodem facto immaniter offendisse; animum nostrum ira et indignatio maxima perturbat; propter quod, dolentes contriti et humiliati a Deo et a summo pontifice ejus vicario in terris veniam suppliciter postulamus, in signum veræ contritionis nostræ promittimus quod per litteras nostras patentes a dicto Episcopo injuriam passo postulabimus veniam devote.' Document from the Archives

of the Monastery of Benifaza, in Villanueva, *Viage Literario*, iv. p. 324.

⁴ Villanueva, *ib.* p. 326.

⁵ *Ib.* p. 328.

⁶ *Ib.* p. 330.

⁷ *Ib.* pp. 324-332; Miedes, *Vit. Jac.* 14; Aguirre, *Concilia*, v. p. 194; Raynaldus, *Ann. Eccl.* 1246; Pott-hast, *Regesta*, 12171, 12177; Gams, *Kirchengeschichte Spaniens*, iii. § 45; *Parchments*, 1059 (the absolution; cf. Tourtoulon, *ib.* ii. p. 428). That James accused the bishop of revealing a confession is evident from the words of the papal letter: 'Porro eundem Episcopum tuæ poenitentialis confessionis secreta pandisse, non leviter credere nec asseverare constanter re-

On November 26, the king's eldest daughter, Violante, 1246-7. was betrothed to Alfonso of Castile at Valladolid. It was hoped, no doubt, that the bonds between the two countries would be drawn closer by the contract; but any such expectations were destined to be disappointed¹.

—
—
Betrothal
of Violante
(Nov. 26).

A Cortes held at Huesca, early in the following year, was made memorable by the publication, in a code, of a compilation of the Customs of Aragon. Now that the king had completed his conquests, he had leisure to turn his attention to the home interests of his kingdom, and to undertake those great legislative enactments which form one of the chief characteristics of the many-sided activity of his reign².

Cortes of
Huesca
(Jan. 1247).

But he was recalled from these peaceful occupations by an unlooked-for occurrence. Alazrak, a Valencian Moor, had at one time enjoyed the king's fullest confidence; but soon after the fall of Biar he had set an ambush for him, and James had escaped only by a miracle. For this treachery Alazrak was outlawed, and now news came of his having collected a body of followers and seized on Serra, Pego,

Revolt of
Alazrak,
and expulsion
of the
Valencian
Moors.

galem decet prudentiam; cum nec verisimilitudinem habeat, nec ad id accedat credulitas aliorum.' (Raynaldus, *ib.*) James had also accused the bishop of plotting against him ('alias quamplura contra te machinando,' *ib.*). The wording of the letter seems to exclude the possibility of the bishop having directly revealed the king's confession to the pope himself, but it is not improbable that he had utilized it, indirectly, to benefit the party injured in one of the king's intrigues. This, indeed, seems to have been the general impression, but who the victim was is doubtful: some believed that Teresa Vidaura, James' mistress, had got a schedule of the bishop's testimony sent to the pope, to the effect that James had promised to marry her (*Miedes, ib.*; *Mariana, De Rebus Hispaniae, xiii. 6*); others

that the king was thwarted in an attempt to procure a divorce from Violante, by the bishop's intervention. (*Aguirre, ib.*) James' further charge against the prelate, of having plotted against him, which seems to be the explanation of his action adopted by M. Tourtonillon (*ib. ii. p. 98*), was probably little more than an excuse, invented afterwards, to palliate his misconduct in the first instance. The bishop himself died at Naples, in 1254. *Quadrado, Cong. Mall. notes 85, 87.*

¹ *Parchments, 1065; Mem. Hist. Esp. i. 1.* It was merely a formal betrothal, 'solempniter per verba,' the bride being not more than ten years old, and the Bull of dispensation not being issued till January 29, 1249. *Mem. Hist. Esp. i. 2.*

² *Zurita, An. iii. 42.*

1247-8. Gallinera, and Peñaguilla. Much disturbed by the danger, James lost no time in repairing to Valencia, and, on arriving in the capital (December, 1247), at once announced his intention of expelling the whole Moorish population from the kingdom. The nobles stood aghast at the proposal: under Saracen industry their estates had thriven as they were never likely to do in Christian hands, and they realized, perhaps more fully than the king, the magnitude of the loss. A leading member of the opposition was Pedro of Portugal, who vowed that he would defend the Moors himself; and the king might, perhaps, have been overborne, had not the clergy and citizens taken his side. Pedro was afterwards mollified by a bribe ¹.

The edict of expulsion was published at Epiphany (January, 1248); but, though the opposition of the Christians had been overcome, it was not to be expected that the victims themselves would submit tamely to be driven from their homes. The people of Xativa offered a yearly tribute of 100,000 besants for permission to stay; but the king was obdurate, and the messengers departed, 'weeping and in great grief.' In many places the inhabitants broke out into open revolt; ten or twelve castles were seized by the insurgents, and sixty thousand fighting men took up their quarters at Montesa and in the Sierra of Eslida. Their leader was Alazrak, who defeated three thousand Christians sent against him, and besieged Peñacadell, the key to the pass of Cocentayna and Alicante. But the revolters were gradually beaten back and forced to retire to the mountains, where the war dragged on for several years, till Alazrak prevailed on Alfonso of Castile to persuade the king of Aragon to grant him a year's truce ².

The desperation shown by the Moors in defence of their homes had probably the effect of somewhat cooling the king's ardour for the execution of his edict, which was, apparently, by no means thoroughly carried out, as

¹ *Parch.* 1146.

² *Chron.* 361-372.

we may infer from subsequent papal admonitions addressed to James on the subject. Many of the nobles seem to have been exempted from enforcing the decree, and even on the Crown lands it was evidently not carried into effect¹. In all, however, a hundred thousand Moors are said to have left the kingdom, and the work of eviction seems to have tasked the king's energies during the greater part of this and the following year².

Towards the end of 1249 James visited Montpellier³, where his presence was, no doubt, due to the death of the Count of Toulouse, which had taken place at Millau on September 27. But once again he had arrived too late; the possessions of Raymond were seized by his son-in-law, Alfonso of Poitiers, the supremacy of the French crown was established in the south, and the whole fabric of James' plans and ambitions in France fell, once and for all, to the ground⁴. Thrice had death stepped in between the Conqueror and the realization of his projects; it had laid low first Gregory IX, next the Count of Provence, and finally the Count of Toulouse. Thus vanished all prospect of a united nationality of the south effected through the medium of its own princes; and all that could be done now was for the King of Aragon to take his stand on his own claims. For the present, however, James does not seem to have taken any active steps in pressing them. He was, indeed, soon recalled home by those ever-recurring family troubles, for which he had chiefly himself to thank. On January 19, 1248, he had made a fresh will, by which Aragon, with the

James at
Montpel-
lier (Dec.
1249).

His dis-
pute with
his son
Alfonso
(1250-51).

¹ Diago, *ib.* 58; Beuter, *Cor. Esp.* ii. 47. In 1610 there were still some 200,000 Moors left for Philip III to expel. Zurita (*An.* iii. 50) gives 1254 as the date of the expulsion of the Moors. But (1) Peralta, Bishop of Valencia, who is mentioned as having been present when James announced his decision, was translated to Zaragoza in 1248 (*Gams, K. S.* iii. § 34): (2) the queen, who acted as arbitrator

between James and Pedro, died in 1251: (3) on March 15, 1249, the clergy granted an extra twentieth, in return for the king's zeal in expelling the Moors. *Parsh.* 1150.

² Bofarull, *Doc. Ined.* xi. pp. 401, 423 ('in obsidione Luxen'); *Parshs.* 1136, 1146, 1152, 1160, 1164, 1165, 1168.

³ Aigrefeuille, *ib.* v. 3, § 1.

⁴ *Hist. Gén. Lang.* xxv. § 114.

1250. — Cinca as frontier, was assigned to Alfonso; Catalonia and the Balearics to Pedro; Valencia to the younger James; Roussillon, Valespir, Conflant, Cerdagne, Castellnou, and Montpellier, to Ferdinand, the king's third son by Violante; and a number of benefices to Sancho, who afterwards became Archbishop of Toledo¹. By this arrangement the position of Alfonso remained what it had been in 1244; but he had taken advantage of his father's difficulties in Valencia, and retired to Seville, abetted, as usual, by the nobles, and the restless spirit of Pedro of Portugal.

To settle the dispute, early in the year 1250 a General Cortes was called to Alcañiz, where the king offered to 'stand to right' with the malcontents. A number of nobles and bishops having been chosen as arbiters, a deputation visited Seville, where Alfonso and Pedro promised to accept their decision. Both sides now seemed anxious to come to an agreement, and in May the king granted a safeguard to Azagra and other nobles who had accompanied Alfonso, and restored them their estates².

But, even now, James could not conceal his partiality for the children of Violante, and on August 8, at Huesca, he entered into a secret understanding with the nobles attached to his person, that the queen's sons should be 'favoured and increased' by every possible means; while, in return, he promised to advance and promote the chiefs of his party, who did homage to king and queen³. This underhand transaction was, of course, kept a close secret, but it is significant that three of the so-called arbiters—Cornel, Romeu, and Foces—were privy to it.

The award when given bore the impress of a compromise: Alfonso was to submit to his father, and to be governor of Aragon and Valencia; Catalonia was to fall to Pedro; and the Infante of Portugal was to be reinstated in his

¹ Zurita, *An.* iii. 43.

² Zurita, *ib.* 45; *Parchments*, 1194, 1233.

³ *Parch.* 1197.

possessions, save those in Valencia, from which he had waged war on the king¹. 1251-2.

This decision, apparently, satisfied Alfonso, who does not seem to have raised any protest when, on March 26, 1251, owing to the death of the Infante Ferdinand, the king made a fresh will, by which the inheritance of his deceased son was to be divided between Pedro and James, each succeeding the other if he died without issue². This arrangement, seemingly so unfair to Alfonso, was the last public act of James in which the influence of the queen appears. She died in October³, and with her was removed the chief obstacle to a reconciliation of father and son. On her husband as conqueror her influence had been for good; but in the separatist policy, pursued by him in recent years, her handiwork may be everywhere traced, and her death was, perhaps, the salvation of the country. In any case, the almost immediate result was the complete submission of Alfonso, who, on November 21, 1251, at Zaragoza, gave his father full liberty to dispose of his kingdom as he thought best⁴.

The following year, as far as is known, seems to have been a period of unwonted quiet for James' dominions, except for a private war in Catalonia, in which the Cardonas and other nobles took part⁵. Alfonso's obedience, and the temporary lull in the storm of family troubles, gave the king an opportunity of coming to a reckoning with Alazrak. Counting on the renewal of the truce, the Moorish chief had allowed himself to be induced by a treacherous kinsman, who had an understanding with the

¹ Zurita, *ib.* 46. The date is uncertain.

² *Parch.* 1244.

³ *Chron. Barc.* 1251. For her will, see *Parch.* 1264, and Tourtonillon, *ib.* ii. p. 437.

⁴ *Parch.* 1261. On James' conduct towards his son, Miedes (*Vit. Jac.* 14) remarks: 'neque omnino crudeliter et perfide cum Alfonso actum putandum

est . . . Quin potius videtur redarguendus Alfonsus ut ingratus . . . si profecti meminerimus quam facile atque honesta fuisset Alfonsi ab universa haereditate depulsio; sed rursus, quam libera ingenuaque regis ac nullo jure coacta Alfonsi ad regnum vocatio.'

⁵ *Parchments*, 1305, 1349, 1350.

1253. King of Aragon, to sell his stored corn and pay his troops. But the further armistice he had counted upon was refused, and, when James attacked him at Easter, Alcalá, Gallinera, and eighteen other castles fell in a week, and further resistance was almost impossible. Alazrak therefore promised to leave the country and never to return, and the pacification of Valencia was complete¹.

Expulsion
of Alazrak
(May).

¹ *Chron.* 373-6.

CHAPTER XI.

NAVARRRE AND CORBEIL.

THE year 1252 had witnessed the death of James' saintly contemporary—Ferdinand of Castile. He was succeeded by his son, Alfonso, the 'Savant,' with whom the Conqueror had already come into collision on the Valencian frontier, and who had secretly fomented the revolt of Alazrak. The ill-feeling between the two sovereigns was further deepened by a passing desire on the part of Alfonso to repudiate his wife; and another event now lent fresh fuel to the flame.

1253.
—+—
James' relations with Castile and Navarre.

In July had also died Teobaldo I of Navarre. On hearing the news, James lost no time in hastening to the widow Margarita at Tudela, and taking her and her two sons, Teobaldo and Enrique, under his protection. His motives were not, of course, purely disinterested, and, by a treaty of August 1, 1253, a marriage was arranged between his daughter Costanza and the young king Teobaldo, each party also undertaking not to marry into the royal family of Castile. His rights to the Navarrese throne James kept 'intact.'

To Alfonso of Castile this marrying and giving in marriage could hardly be pleasing. His troops ravaged the Navarrese frontier, and James hurried back to Aragon to bring up reinforcements. The enemy now retreated across the border, and in September the Conqueror was able to return home¹. It is clear, however, that early in

¹ Zurita, *An.* iii. 48. For the treaty with Navarre see *Parch.* 1339, and *Arch. Nav.* ii. 80 (printed in Bofarull, *Doc. Ined.* vi. 20). In the event of

the death of Costanza or Teobaldo, their places were to be taken by Sancha and Enrique.

1254-7. 1254 hostilities had again broken out, for when, in April, James once more met Teobaldo and renewed the treaty, he undertook not to make a truce with Castile without the consent of his Navarrese ally¹. That this consent was subsequently given would appear from the armistice presently effected between the Kings of Aragon and Castile, by the mediation of certain bishops and barons. It was to last till Michaelmas², and the summer was employed by the Conqueror in ensuring the support of suspected malcontents at home³, and in receiving and promising assistance to Castilian deserters⁴. It is some testimony, therefore, to the forbearance of Alfonso that, notwithstanding James' action in abetting his rebellious subjects, a peaceful meeting between the two monarchs was brought about on the expiration of the truce, and an agreement made that Navarre should continue under the protection of Aragon⁵.

The peace, however, was not to be of long duration. Alfonso again became refractory, and in May, 1255, James was called to Calatayud by the news that his troublesome son-in-law was collecting troops⁶. Whether any serious outbreak of hostilities occurred, may be doubted; but in September, 1256, at Estella, the Conqueror received a considerable accession of strength in the arrival of the Infante Enrique, Alfonso's brother, and a number of nobles, all of whom he undertook to help against the King of Castile⁷. At last, in March, 1257, the two sovereigns met at Soria, where they renewed their alliance, and Alfonso promised to

¹ *Parch.* 1363; *Arch. Nav.* ii. 81.

² Zurita, *ib.* 39.

³ Thus, on June 4, he secured the friendship of Azagra by a timely donation of fifty knights' fees (*Parch.* 1369); and, on June 15, Alfonso did homage and promised to aid his father in the event of a war with Castile (*ib.* 1374).

⁴ In August the king promised Remiro Diez, Remiro Rodriguez, and

Lopez de Haro—Castilian nobles—not to make peace with their master till he had restored their estates. *Parch.* 1380, 1383.

⁵ Zurita, *ib.* 51; Miedes, *ib.* 15; Beuter, *ib.* 48; Diago, *ib.* 49.

⁶ Zurita, *ib.*; Moret, *An. Nav.* xxii. 3.

⁷ *Parch.* 1427, 1428; Zurita, *ib.*; Moret, *ib.*

deposit some castles with a third party¹. And in August 1257. a commission was appointed to estimate the compensation due for harm done by both parties on the frontier². —

As in the case of Aurembiax, so in his dealings with Margarita of Navarre, James had appeared in the guise of protector of the fatherless and widow; and, for the present, he does not seem to have pressed his claims to the Navarrese throne. His settlement of the succession to Aragon on Alfonso and Raymond Béranger, in 1232, during Sancho's lifetime, had indeed clearly amounted to a cancelling of the treaty of 1231; yet in 1234, as we have seen, he had distinctly asserted his claims, and he had made them the subject of a special reservation in the treaty of 1253. A question, therefore, arises as to his reasons in not putting them forward at the present time. His motives were, as usual, mixed. He was on the verge of a rupture with France, and his relations with Castile were strained to the utmost. Besides these considerations, thus to 'outface infant state' would undoubtedly have provoked the interference of Rome, especially as the pope had already taken Teobaldo under his protection, and had ordered him to be crowned³. For the present, therefore, discretion seemed

¹ Zurita, *An.* iii. 52. I have adopted this date for the peace of Soria only after much hesitation, and against the authority of Zurita, who gives March, 1256, and is followed by M. Tourtoulon (*ih.* ii. p. 239). The objection to their chronology is to be found in the fact that the agreement with the Castilian nobles is dated September 'era 1294,' i.e. A. D. 1256; and it is improbable that James would have undertaken to help the Castilians against their master a few months after the conclusion of the treaty with him. M. Tourtoulon and Zurita evade the difficulty by assigning the agreement with the nobles to the year 1255—presuming, apparently, the era to be miscalculated. It seems safer,

however, to suppose that this is but another of Zurita's chronological inaccuracies, the document, from which he drew his information as to the peace of Soria, dating it by the year 1256 of the Incarnation, i.e. 1257 of the Nativity. And this view is borne out by the fact that Alfonso was certainly at Soria on March 18, 1257, when he was waited upon by an embassy from Pisa to salute him as emperor. (The document is printed in Ughelli, *Italia Sacra*, iii. 435, and is dated 15 Kal. April, 1256; but there can be no doubt that it refers to 1257, this being the year of Alfonso's election.)

² *Reg.* x. 56; *Mem. Hist. Esp.* i. 57, 58.

³ Potthast, *Reg.* 15403, 17054.

1257-8. to be the better part of valour, and the Conqueror was
 ——— obliged to content himself with the remote prospect of
 a union between the two countries by means of a marriage
 alliance.

Difficulties
 with
 France,
 and treaty
 of Corbeil
 (May 11,
 1258).

James' relations with France have been mentioned. These were now in a critical condition. While the king had his hands full with his responsibilities in Navarre and his difficulties with Castile, the Bishop of Maguelonne had seized the opportunity to contribute his share to the Conqueror's embarrassments. On April 15, 1255, he had solemnly declared to the Seneschal of Beaucaire and Nîmes that Montpellier had always been held by his predecessors in fief for the King of France, and in sub-fief by the King of Aragon¹; and it is probable that it was about this time that—in retaliation for James' intrigues with the Counts of Toulouse and Provence—the French Crown put forward its claims to the county of Barcelona and its appendages, going back to the time of Charles the Great. On the other hand, the King of Aragon was not without counter-claims of his own, some of which he had indicated in his will of January 1, 1242, when he made over to Pedro his rights in Carcasez, Termenois, Rasez, Fenoilledes, Millau, and Gevaudan.

In May, 1255, the question was committed, therefore, to the decision of the Dean of Bayonne and the Sacristan of Lérida, whose conferences seem, however, to have had little result²; and when a year had elapsed since the dean and the sacristan had opened their sluggish negotiations, the Infantes Pedro and James, impatient of the delay, ravaged the territory of Carcassonne, but were recalled by their father on the complaint of S. Louis³. At last, on March 14, 1258, at Tortosa, the King of Aragon appointed commissioners in the persons of the Bishop of Barcelona, the Prior of S. Mary of Corneillan, and Roquefeuil, Governor of

¹ Germain, *ib.* 4, preuve 6; Gariel, *ib.* p. 376: 'est et fait, a tempore cujus non extat memoria, de feudo

Coronae et Regum Franciæ.'

² Marca, *ib.* 1440.

³ *Hist. Gén. Lang.* xxvi. §§ 32, 35.

Montpellier, to settle the whole question with the French, and to negotiate a marriage between his daughter Isabella and Philip, second son of the King of France¹. The envoys found the French Court at Corbeil, near Paris, and here a treaty was concluded (May 11), by which S. Louis renounced his claims on Barcelona, Urgel, Besalu, Roussillon, Conflant, Cerdagne, Ampurias, Gerona, and Osona; and the commissioners, for the King of Aragon, all his rights in Carcassonne, Agde, Foix, Beziers, Nîmes, Albi, Redes, Lauraguais, Termenois, Minervois, Sault, Narbonne, Toulouse, Gevaudan, Quercy, Rouergue, Millau, Fenoilledes, Queribus, Pierre-Pertuse, Puy-Laurens, and Castel-Fisel². The marriage contract was also drawn up between Philip and Isabella, on the eve of Whitsunday³; and both treaties were confirmed on July 16 at Barcelona, by James⁴, who on the following day resigned his claims on Provence in favour of Marguerite, daughter of Raymond Béranger, and Queen of France⁵.

It remains to consider the full extent of the concessions made by each party.

The pretensions of the French crown to the position of suzerain over the county of Barcelona were, historically, undeniable but of little practical value. It is true that till towards the end of the twelfth century legal instruments in Catalonia continued to be dated by the year of the reigning King of France; but at no time, since the countship had become hereditary in the family of Wilfred the Hairy, is there any trace of formal recognition by the House of Barcelona of French claims to suzerainty, while no

¹ *Parch.* 1526; *Archives of France*, J. 587, nos. 5, 6.

² *Parch.* *ib.* (cf. Bofarull, *Doc. Inéd.* vi. 27, and Tourtoulon, *ib.* ii. p. 439); *Arch. Fr.* *ib.* no. 7. The commissioners exceeded their powers in renouncing James' rights over the county of Foix, which is not mentioned in their credentials nor in the

Conqueror's ratification of the treaty.

³ *Parch.* 1531; *Arch. Fr.* J. 587, no. 8.

⁴ *Arch. Fr.* *ib.* nos. 7, 8; Marca, *ib.* 1444.

⁵ *Arch. Fr.* J. 291. For this reference I am indebted to M. Tourtoulon, who prints the document in vol. ii. p. 146.

1258. Catalan of the thirteenth century would be likely to yield his interests to pretensions however respectable, even though they went back to the time of Charles the Great.

On the other hand, the rights of the King of Aragon over certain parts of the south of France were founded on modern precedents. Provence, as we have seen, had practically occupied the position of a fief in the younger branch of the House of Barcelona since the time of Ramon Berenguer III, and James could also base prospective claims to the possession of the county on the will of Raymond Béranger IV, which had placed the King of Aragon, or his heir, next in succession to Beatrice and Sancie, in the event of their death without issue¹. James' rights in Carcassonne, Carcasez, Rodez, and Lauraguais rested on the repeated recognition by the Trencavels, Viscounts of Beziers, of the suzerainty of the House of Barcelona, while even Simon de Montfort had done homage to Pedro II for Carcassonne in 1211²; the Viscount of Nîmes had sworn allegiance for his town to Alfonso II, in 1180³; and Narbonne and Beziers had been made over as fiefs by Ramon Berenguer IV to his son Pedro⁴. Gevaudan had been conferred, in 1183, by Alfonso II, on his brother Sancho⁵, and later presented by Pedro II, together with Millau, to Raymond VI

¹ Ruffi, *Comt. Prov.* p. 105.

² *Hist. Gén. Lang.* vi. p. 345. In 1150 a Trencavel did homage to Ramon Berenguer IV, and received in fief Rodez, Lanraguais, and Carcassonne ('donat . . . Trencavello Vicecomiti Biterrensi civitatem Carcasone . . . civitatem que dicitur Redes . . . et totum Laurages . . . Propter hanc quoque donacionem . . . predictus Vicecomes Trencavellus efficitur homo jam dicti Comitum Barcinonensis et accipit omnem pre-nominatum honorem per manum suam ad fevum et ad fidelitatem suam.' Bofarull, *Condes de Barcelona*, ii. p. 64); in 1179 the Viscount Roger,

who had given up Carcassonne to the Count of Toulouse, restored it to Alfonso II, receiving in fief Carcassonne, Rodez, Sault, Termes, and Minervoies (Zurita, *An.* ii. 38; cf. Bofarull, *ib.* p. 65); and, as recently as 1241, James himself had extorted an act of homage from the Trencavel whose territories had fallen to De Montfort. Dupuy MSS. (in the National Library at Paris) DCXXXV, p. 43; *Hist. Gén. Lang.* vol. viii., preve 343.

³ Zurita, *An.* ii. 38.

⁴ *Ib.* ii. 20; Marca, *ib.* 410.

⁵ Bofarull, *ib.* p. 190.

of Toulouse¹; and Fenoilledes and Pierre-Pertuse had been granted as fiefs by the King of France, in 1226, to Nuño Sanchez², to whom James probably claimed to succeed. There can be no doubt, therefore, that the loser by the treaty of Corbeil was the King of Aragon. Louis' claims, though valid in the eye of the feudal lawyer, were too obsolete to be effectually revived; while, on the other hand, not only were some of James' pretensions established by continuous acknowledgment—especially those to the Viscounty of Beziers—but, what was of more importance, they met with a general recognition in the countries concerned. The King of Aragon was, in fact, widely regarded as the champion of the south against the north, as is shown by the lays of the troubadours³ alone, who lend a voice to the antipathy of the latinized peoples of the south, against the Franks, the barbarians of the north.

1258.



But the treaty of Corbeil dashed, once and for all, any plans for the construction of a united Romance nationality of the south, to be bounded by the Durance and the Xucar. To the feudal principle also it was a severe blow, amounting, as it did, to the substitution of natural frontiers for the claims of suzerainty. James' policy in the south had been thwarted by a series of events over which he had no control, and he wisely decided not to struggle against the inevitable. Nationality and feudal claims must be sacrificed to consolidation, and consolidation must be determined by natural limits. And, happily, the king did not go on to commit the mistake, common in a later age, of identifying consolidation with concentration, and of attempting to draw together Aragon and Catalonia by means of a single Cortes, to the suppression of national assemblies.

James' policy.

¹ *Hist. Gén. Lang.* xxvi. p. 860.

² Henry, *Hist. Rouss.* i. p. 100.

³ See p. 257. And in 1271, on the death of Alfonso of Poitiers, the citizens of Toulouse even invited James' son, Pedro, to take possession

of the town, which the Infante was only prevented from doing by his father forbidding his subjects to help him. Zurita, *An.* iii. 79; *Reg.* xviii. 82.

1258.

→→

We have now come to the end of what may be called the third period of the reign. It was a period of great political activity. It had witnessed the whole course of the king's policy in the south of France, beginning with the treaties of 1241, for the marriage of Raymond of Toulouse with Sancie of Provence, continuing in the projected marriage of Raymond with Beatrice of Provence, in 1244, receiving two fatal blows in the deaths of the Counts of Provence and Toulouse in 1245 and 1249 respectively, and, finally, being formally abandoned in the treaty of Corbeil in 1258. Another side of James' foreign policy had shown itself in the cultivation of intimate relations with Navarre, in the evident hope that the two kingdoms might one day be united under one sceptre. And it is significant that this policy towards Navarre was begun in 1253, some years after the downfall of the king's French schemes, the method adopted in each case being the same—a marriage alliance. The king's home policy is marked by the expulsion of the Moors and the partitioning of the kingdom. The latter of these two mistakes cannot, however, be regarded as the expression of any definite plan of action, but was merely the result of the queen's influence working on the king's weakness. James' policy then during this period may be described briefly as national in its character. It sought to unite in one federation the whole of the seaboard and neighbouring country from the Durance and the Alps to the Xucar and Valencia. Abroad the king sought to gain this end by an alliance with the houses of Toulouse and Provence, at home by the expulsion of the foreign element of the Moors. In both his attempts he failed: the first half of the project was never realized; the second half was, indeed, partially effected, but it brought loss, rather than gain, to the kingdom.

FOURTH PERIOD:
THE STRUGGLE WITH FEUDALISM.

CHAPTER XII.

ALVARO OF URGEL AND COSTANZA OF SICILY.

AT the end of the year 1258, we find the king at Mont- 1258.
pellier. He had not visited the town since 1249, owing to
his strained relations with the inhabitants, arising from
a dispute over the harbour dues of Lattes. The consuls
had been cited to his Court, but had refused to appear
(January, 1254), and had appealed to the Bishop of Mague-
lonne and the King of France, besides making an alliance
with the Viscount of Narbonne, who was James' enemy
and had defied him. There were, therefore, reasons suffi-
cient to make a visit to the town desirable, and accord-
ingly, in December, the king arrived outside the walls, and
there, in the presence of a number of bishops, he pardoned
the citizens¹. He seems to have spent about five months

James
pardon
Mont-
pellier
(Dec. 10).

¹ Germain, *Hist. Montp.* ii. p. 331; *Hist. Gén. Lang.* xxvi. §§ 31, 32, 35. The grounds of the king's displeasure, alleged in the preamble to the new regulations as to the election and duties of the bailiff, are vague: 'sane cum ab hominibus ville Montispessulani fidelibus nostris nos nec immerito reputarem offensos et ab ejusdem ville diutius abstinuissemus ingressu, tandem ad requisitionem ipsorum, qui salubri ducti consilio nobis humiliter supplicarunt ut eosdem nostra diutina

contristatos absentia redderemus prae-
sentia laetiores, ad villam venimus
memoratam, ante cujus ingressum
congregato populo coram nobis, uni-
versi et singuli se nostro beneplacito
subgesserunt.' (Germain, *ib.*) The
pardon itself is contained in Gariel,
ib. i. p. 380: 'caeterum post multos
tractatus cum Praelatis et viris sapien-
tibus habitos . . . Universitati Montis-
pessulani et singulis de Universitate
predicta omnes injurias et offensas
dicto vel facto nobis vel nostris liberis

1259. at Montpellier, and, on December 18, the burghers took an oath of fidelity to the Infante James as lord of the town¹. The Conqueror was still there on April 22², but on the 27th we find him at Perpignan³, on May 1 at Gerona⁴, and on the 13th he was once more at Barcelona⁵.

War with
the Count
of Urgel
and
Cardona.

On his return he soon found himself involved in a serious dispute with one of his nobles. He had asked Alvaro Cabrera, Count of Urgel, to put into his hands the strongholds of Agramunt and Balaguer (July 12). This the Count did, in the expectation that, according to Catalan custom, they would be restored in ten days. At the expiration, however, of the time, James refused to surrender the castles, despite the Count's offer to 'stand to right.' The breach widened, and Alvaro was joined by the Viscount of Cardona, the Cerveras, and the Cervellons⁶.

Of the Count's supporters the most violent was Cardona, who complained that the king had persistently infringed the privileges of the Catalan nobility, and, in his own case, had forbidden the use of a 'fonevol,' besides ordering him to brick up a gate at Momblanc Castle. He ended by renouncing his allegiance, and the other nobles followed suit (November)⁷. To these charges James replied from Lérida, in December, by offering to submit the matter to arbitration, adding that the fonevol was a royal instrument⁸, and that no king in the world had given his vassals less cause for complaint than he had—a defence which was certainly justified by the facts⁹. The answer, however,

vel etiam nostris legatis vel eorum familiis per homines Universitatis ejusdem vel eorum aliquem vivum atque defunctum hactenus irrogatas remittimus bono animo liberaliter et quittamus.' The dues of Lattes were, however, surrendered by the king on July 23, 1264. *Reg.* xiii. 202; cf. Germain, *ib.* ii. p. 347.

¹ *Reg.* ix. 74.

² *Ib.* x. 110.

³ *Ib.* ix. 77.

⁴ *Ib.*

⁵ *Ib.* 78.

⁶ Zurita, *ib.* 58.

⁷ *Reg.* xi. 243, 244.

⁸ Cf. *Const. Cat.* iv. 1, Us. 5: 'negun presumesca . . . combatre ab ginys que los pagesos appellan fonevol.'

⁹ *Reg.* xi. 246, 247. The arbitrators offered are vaguely described as 'jutges sens tota suspita.'

failed to satisfy the rebels, who attacked Barbastro and ravaged the lands of the king's supporters¹. This was sufficient provocation for James to take up arms, and, accordingly, on February 3, 1260, we find him at Cervera², from which we may conclude that the town had fallen into his hands. By April a truce seems to have been effected³; and, about the same time, Alvaro was ordered to present himself at Barcelona on May 10, for the trial of his case by the bishop and Oliver de Termes⁴. The issue of the trial is unknown; and a Cortes, which the king afterwards held at Barcelona, is said to have effected little beyond a temporary cessation of hostilities⁵.

1260.

—♦—

While engaged in this contest with his rebellious vassals, James received a call on his generosity from one who was in far greater extremities than himself. Alfonso of Castile was hard pressed by the King of Granada, and now in his distress he wrote a pressing letter for aid to his father-in-law. James had no reason to entertain any particularly kindly feeling towards the petitioner, but his magnanimity was not proof against the appeal, and he gave permission (April 3) to his own knights and those of his barons, to serve, though they were strictly forbidden to bear arms against the King of Tunis, a rupture with whom would mean a severe blow to Catalan commerce⁶. But gratitude—especially for what he doubtless regarded as a small mercy—was not a prominent feature in Alfonso's character: the limitation imposed on the number and action of his allies served to irritate him, and it was only a practical

Appeal
from
Alfonso of
Castile.¹ Zurita, *ib.*² *Reg.* x. 129—a grant: 'excepta tamen hac praesenti guerra quam cum Comite Urgelli et aliis nobilibus Catalonie habemus.'³ *Reg.* xi. 250.⁴ *Ib.* 278.⁵ Monfar y Sors, *ib.* 58.⁶ *Reg.* xi. 170; cf. *Mem. Hist. Esp.* i. 72. On April 12, Alfonso replied from Soria, complaining: 'sacavades ricos

omens e los cavalleros que non tenyen de vos terra ni honor' (*Reg.* xi. 171; cf. *Mem. Hist. Esp.* i. 73; Bofarull, *Doc. Ined.* vi. 34). James, in his answer on the 29th, conceded a point: 'a lo de los caveros de nuestro regno, qui son vassallos de los ricos homes e de los qui son de nuestra mesnada, vos diziemos que nos place muyto que vos ayuden.' *Reg.* *ib.*; *Mem. Hist. Esp.* i. 75; Bofarull, *ib.*

1260. consideration—the castles which he had deposited with
 —+— a third party—that kept him from a rupture with his
 father-in-law¹.

Death of
 Alfonso of
 Aragon.

The year was not uneventful for James from a domestic point of view. It witnessed the death of his eldest son, Alfonso—the victim, for half his life, of his step-mother's spite and his father's coldness². That he was indebted to the Conqueror for his legitimation cannot, of course, be denied; but, once legitimized, he was the rightful heir to Catalonia and Aragon, and, in equity, to Valencia also. The defence that the king was not bound by any law of primogeniture, and that the custom of the age prescribed the division of an inheritance³, does not apply to James' position as head of the state. His action was unconstitutional and suicidal. But the death of Alfonso only released the Conqueror from one source of embarrassment to plunge him into another. A dispute now broke out between the Infantes Pedro and James, the latter being, apparently, supported by his father, if we may infer this from the statement privately made by Pedro, on October 15, at Barcelona, in the presence of certain citizens and clergy—among the latter being Ramon de Peñafort—that he regarded no oath as binding which his father should extort from him to any new partition disadvantageous to himself⁴.

Juntas in
 Aragon.

What with the factions of the brothers and the turbulence of the nobility, the country was now in a very

¹ Zurita, *ib.* 53.

² Zurita, *ib.* 59. Tourtoulon (*ib.* ii. p. 260) falls into Zurita's error of fixing Alfonso's death just before his marriage with Costanza Moncada. Diago (*An. Val.* vii. 53) proves, by a will of the Infante dated 1256, that he had been married at least four years.

³ Tourtoulon, *ib.* p. 73. As a matter of fact, an examination of the wills of some of James' predecessors shows that the reverse was the rule: thus, in

the case of Ramon Berenguer IV and of Alfonso II, the eldest son is, as a matter of course, left heir to Aragon and Catalonia; and not only so, but, in the will of the last-named monarch, Roussillon and Beses are added. In each case the inheritance of the second son is limited to certain fiefs, while Alfonso's third son is relegated to a monastery.

⁴ *Parch.* 1636; cf. Bofarull, *ib.* vi. 37.

disturbed state. Brigandage was rife in the mountains of Jaca, Sobrarbe, and Ribagorza, and even in the plain country. In 1225 a like state of things had been met by the League of Jaca; and now a similar device was resorted to in the formation of a 'Junta,' or association for police purposes, by the people of Sobrarbe and Aynsa. The example spread, and soon Aragon found itself divided into six Juntas—those of Huesca, Sobrarbe, Tarazona, Exea, Jaca, and Zaragoza—each being presided over by a Sobrejuntero, a knight. They soon cleared the country¹.

Two hundred years later we find this organization revived in the 'Hermandad' of Ferdinand and Isabella. Outside Spain it finds a parallel in the leagues of the German cities against the lower nobility².

But, despite social and domestic troubles, the ever restless spirit of the Conqueror was still seeking fresh fields for its ambition. On July 28, 1260, a marriage contract had been signed at Barcelona between the Infante Pedro and envoys on behalf of Costanza, the daughter of Manfred, King of Sicily, by Beatrice of Savoy³. To Urban IV this unholy alliance was, not unnaturally, displeasing, and he spared no effort to frustrate it. James, for his part, seems to have shown every desire to conciliate the angry pope. Towards the end of the year he even attempted to set sail for the East on a crusade, but was driven back by a storm⁴, while

Pedro
marries
Costanza
of Sicily.

¹ Zurita, *ib.* 62. The wording of the agreement between Aynsa and the other towns of Sobrarbe runs thus: 'videntes . . . rapinas, raubias, homicidia, et franciones villarum ecclesiarum domorum et caminorum, et destructionem totius terre de Superadi . . . salva fidelitate domini Jacobi supradicti, facimus unitatem et juncturam . . . ad festum Sancti Michaelis et ab ipso usque ad v anos continue completos.' (*Reg.* xi. 160; Feb. 1260 or 1261, and confirmed by the king in March.) The rules of the Junta insisted on the surrender of all robbers,

prohibited the supplying of provisions to the disbanded soldiers in the mountains, punished with death any of these who were caught, confiscated the property of the challenger in a private quarrel if he refused to accept a legal decision, and outlawed him if he were not arrested. Zurita, *ib.*

² Hallam, *M. A.* ii. p. 129.

³ *Purch.* 1619; cf. Bofarull, *Doc. Ined.* vi. 35. Her dowry was to consist of 50,000 ounces of gold and precious stones.

⁴ Particulars as to this attempted crusade are wanting, but that it un-

1262. various embassies, which included Ramon de Peñafort ¹ and the Bishop of Gerona ², visited Rome to propitiate the Holy Father. The pope, however, was obdurate, and the envoys brought back nothing but reproaches ³. But, pious though he was, the Conqueror's piety was not proof against the prospect of the acquisition of another earthly kingdom, even at the risk of the loss of a heavenly one. In June, 1262, the bride arrived at Montpellier, escorted by Fernan Sanchez, James' natural son, and, on the 13th, the union, which had created such sensation, and the marriage bells of which were destined to be echoed in the death-knell of the Sicilian vespers, was celebrated in the church of Our Lady of the Tables, in the presence of the King of Aragon, his sons, and a large and brilliant suite ⁴. Costanza was only fourteen years old at the time, and is described as

doubtedly took place may be inferred from (1) a letter, dated Sept. 20, 1260, from Alfonso of Castile to his father-in-law, urging him to abandon his proposed crusade, and also the Sicilian match (*Paroch.* 1360; Bofarull, *ib.* 36); (2) a letter, of Feb. 22, 1261, from the king to a citizen of Barcelona excusing him 'omnem petitionem et demandam . . . ratione viatici quod ad partes ultramarinas facere proponebamus' (*Reg.* xi. 208); (3) the king's words during the crusade of 1269: 'it seemed our Lord did not wish that I should cross it (the sea); for I had tried it once before without success.' *Chron.* 492.

¹ Zurita, *An.* iii. 60.

² The bishop was sent 'ad agendum defendendum excipiendum et replicandum, et ad gratias obtinendum cum domino Papa.' *Reg.* xi. 196.

³ As in a letter dated Viterbo April 26, 1262: 'celsitudinem tuam affectuose rogamus quod sinistris ejus suggestionibus non praestes auditum, nec ipsius fraudibus te patiaris involvi . . . Considera, igitur, fili, con-

sidera tui generis claritatem . . . Quomodo igitur cadere potuit in cor tuum, quomodo potuit animi tui sublimitas inclinari ut de contrahendo matrimonio inter primogenitum tuum illustrem et natam memorati Manfredi verba etiam patereris audiri? . . . O quantum dedecus tali connubio tantam generis dedecorare prosapiam! O quam detestabile tam devotum filium Ecclesie ipsius inimico et persecutori manifesto vinculo tantae conjunctionis astringi! . . . Certe in te non bene primis ultima respondent, sed ipsi tibi omnino dissimilis appareres . . . Absit, itaque, absit quod in gloria tua maculam tantam ponas! Absit ut contra claram tuam et ejusdem generis tui famam suspitio in te qualiscumque succrescat . . . Placeat igitur Excellentie tue paternis acquiescere monitis, et nostris exhortationibus promptum accommodare consensum, ut prosecutioni conjunctionis hujusmodi amplius non insistas.' *Escorial*, ii. P. 7, p. 2; cf. Raynaldus, *Ann. Eccl.* 1262.

⁴ Zurita, *ib.* 63; *Hist. Gén. Lang.* xxvi. § 51, and vol. viii. p. 1501.

'the most beautiful, discreet, and honourable maiden one could find¹.' 1262.

Besides the Sicilian match, James had, at the same time, another marriage on his hands. This was between his daughter, Isabella, and Philip of France—now become Dauphin, by his brother's death. At one time, indeed, it seemed as if the marriage would never take place, for the alliance of James with Manfred had created a coldness between the French and the Aragonese courts, and the pope even wrote to S. Louis congratulating him on his intention of breaking off the match². Eventually, however, the scruples of the holy king were overcome by an engagement entered into by the King of Aragon that he would not assist Manfred in his struggle with the papacy³, and the marriage took place at Clermont in Auvergne, in July⁴.

Marriage
of Isabella
and Philip
of France
(July).

The marriage of Pedro and the death of Alfonso had rendered a fresh partition of the kingdom necessary. On August 21, therefore, at Barcelona, the king assigned to Pedro Aragon, Catalonia, and Valencia, and to James the Balearics, Montpellier, Roussillon, Colibre, Conflant, Valespir, and Cerdagne, though it was specially stipulated that in the last four provinces Catalan money should circulate and the usages of Barcelona be taken as the basis of legal decisions. But even this arrangement failed to satisfy Pedro, and the relations of the two brothers grew daily

Fresh
partition
(21 Aug.)
of the
kingdom.

¹ Muntaner, *Chron.* 10, 11; Desclot, *Hist. Cat.* 16.

² Raynaldus, *Ann. Eccl.* 1262.

³ 'In ejusdem Regis Francie presentia . . . profitemur et dicimus quod eidem Matfredo vel suis contra Romanam Ecclesiam vel quamcumque personam vices gerentem ipsius vel causam habentem ab ipsa nullo tempore per nos vel alios assistemus assumendo negotium contra ipsam Romanam ecclesiam vel dando aliis consilium auxilium vel favorem; set nec etiam sustinebimus quod aliquis

liberorum nostrorum vel etiam subditorum hoc faciat.' Clermont, July 6 (*Arch. Fr.* J. 587, no. 11).

⁴ Zurita (*An.* iii. 63), who is followed by M. Tourtoulon (*ib.* ii. p. 259), gives May as the month of the marriage. It is far more probable, however, that the date of the marriage was the same as that of the dower (*Parchments*, 1709; cf. Tourtoulon, *ib.* p. 447) and the declaration cited above. And Molinier (in *Hist. Gén. Lang.* xxii. § 51, note 2) seems to incline to this view.

1263. more strained¹. Even now, the Conqueror's match-making
 →→→ ambitions were not satisfied, and, in May of the following
 year, he despatched Roquefeuille, the Governor of Mont-
 pellier, to the court of Savoy, to negotiate a union between
 Beatrice, niece of the reigning Count, and the Infante
 James². The marriage, however, never took place, and
 eventually, in 1275, the Infante married Esclaramunda,
 sister of Roger Bernard, Count of Foix³.

¹ *Parchments*, 1720; cf. Dachery,
Spic. iii. p. 638.

² *Reg.* xii. 33. The dower was
 still under discussion in July, 1266.
Reg. xv. 21.

³ Zurita, *An.* iii. 64, 65; *Hist.*
Gén. Lang. xxvi. § 51. The contract
 with Esclaramunda is printed by
 Dachery (*ib.* viii. p. 251).

CHAPTER XIII.

THE LAST EFFORT OF PRIVILEGE.

FOR James, the year 1262 had been mainly taken up by domestic concerns. Trouble was now impending from another quarter. At the instigation of the King of Granada, the Moors of Andalucia had risen *en masse*; and, after struggling desperately for two years against the combined forces of Andalucia, Granada, and Tunis, Alfonso found himself once more reduced to appeal to the King of Aragon. Since 1260, when he had commented so rudely on the nature of the assistance his father-in-law was prepared to afford him, the relations of the two sovereigns had been the reverse of cordial, and the tension had been increased of late by a fresh outbreak of hostilities on the frontier¹. The state of Catalonia seems to have been becoming more tranquil, and, at Zaragoza, on February 6, 1263, the king pardoned the Cerveras, Guerao Cabrera, and Hugo Cervellon². In Holy Week—a well-chosen moment—James received from his daughter, the Queen of Castile, a letter containing a pathetic appeal for help: ‘the Moors had taken possession of nearly all their country, except perhaps a little.’ This was the second call on his generosity, as well as on his patience, made within the last three years by the Conqueror’s son-in-law. The temptation to leave Alfonso to his fate must have been strong, and in any case

1263.

Difficulties
of Alfonso
of Castile.

¹ Zurita, *An.* iii. 65. That James’ relations with Alfonso had again become strained is evident from a promise of aid, in the event of war with

Castile, given by G. Cardona in July, 1261 (*Parch.* 1664).

² *Reg.* xii. 7.

1263-4. it seemed a good opportunity to exact reparation for past
 --- wrongs. The last was the course advocated by the barons at a council held at Huesca: 'now let the king get back the castles that he has so often demanded from Castile,' said Fernan Sanchez. But James' conduct was more honourable and more politic; his words on this occasion are remarkable for their insight and foresight: 'the king of Castile has put my daughter to this use; for the wrongs he has done me, he dare not ask my help, but tries to get it through my daughter. Should he find by letters from her that I feel inclined, other prayers for help will certainly endorse the first ¹.'

But he had made up his mind not to reject the petition, and that for three reasons: the first, because he could not desert his daughter and grandchildren; the second, because it would be injudicious to make an enemy of the King of Castile, especially in view of the possibility of Alfonso conquering the Moors; the third—but not the least—'if the King of Castile happen to lose his land, I shall hardly be safe in mine.'

He therefore resolved to call the Cortes both in Catalonia and Aragon, not indeed to ask counsel, but merely to demand help, for 'I have had experience enough to know that members are generally divided in opinion, and that, whenever I asked them for counsel on matters of importance, they could never be made to agree ².'

But before the Christian powers could co-operate, it was necessary to remove all misunderstandings between the two sovereigns, and for this purpose a commission was appointed once more to fix the frontier (May 3) ³. James' next step was to issue a proclamation authorizing his subjects to injure the King of Tunis in every possible way (October) ⁴; on January 24, 1264, he promised the men of

¹ *Chron.* 378-82.

² *Chron.* 382.

³ *Mem. Hist. Esp.* i. 93.

⁴ It was addressed to Gruni, Bailiff

of Barcelona: 'cum omnibus illis qui vos sequi voluerint possitis armare et facere omne malum quod facere poteritis ullo modo Regi Tunicii et Regi

Barcelona, who were fitting out ships against the Saracens, 1264. not to make peace for two years¹; and on the 26th the king's natural son, Pedro Fernandez, was appointed admiral of the fleet², while the defence of the frontier seems to have been entrusted to Ramon Moncada and Roquefeuille³. Most of the year 1264 James doubtless spent making the circuit of his kingdom, to collect aids for the expedition⁴.

James declares war against the Moors (Jan. 1264).

The Cortes of Catalonia met at Barcelona in November. Matters did not go as smoothly as the king had probably expected. His old enemy, Cardona, seems to have been present, and the Viscount's complaints formed the nucleus for an opposition which grew so strong that James left the Cortes in a passion. Afterwards he was waited on in his palace by a deputation of the members, who offered Bavage, and begged the king to promise Cardona redress. The terms were, apparently, accepted, and James left for Zaragoza⁵.

Cortes of Barcelona (Nov.).

Here worse was in store for him. The Cortes met in the Dominicans' church, and, though the king's demands were backed by a Minorite Friar, who told how a brother had been 'warned of the angel of the Lord in a dream' that 'the King of Aragon, named James, should be the saviour of Spain,' it soon became apparent that the loyalty of the nobility was not to be worked upon in such a fashion. At the suggestion of Eximen Urrea—who said that dreams were 'very good things,' but that they would first deliberate—the nobles, who seem to have taken the leading part in the Cortes, retired, and James returned to his

Cortes at Zaragoza (Dec.).

de Tirimoe et terre sue.' Debtors were to be free till their return. *Reg.* xii. 126.

¹ *Ib.* 140.

² *Ib.* xiv. 47.

³ To Roquefeuille he is said to have given 10,000 sols for the payment of 10,000 infantry and 2,000 slingers. Diago, *An. Val.* iii. 57.

⁴ The clergy of the diocese of Elne gave 17,000 melgorian sols, 'cum nos

haberemus in Yspaniam ire contra Sarracenos pro tuenda terra nostra.' In return they were exempted from 'Herbage.' *Reg.* xiii. 233.

⁵ *Chron.* 383-7; Zurita, *Ind.* p. 143. Cf. *Reg.* xiii. 243 (dated Barcelona, Nov. 12)—a royal acknowledgment that the aid of the Count of Ampurias is given 'gratis et spontanea voluntate et amore maximo ac puro gratuito dono.'

1264. lodgings. Here they soon afterwards waited on him, and met his demand for Bovage with a unanimous refusal. 'We do not know in Aragon what Bovage is,' said Eximen Urrea, and the others were equally obstinate, notwithstanding James' somewhat dishonest proposal that they should vote an aid, and contribute nothing themselves, so that he might not lose what the clergy, the military orders, the knights, and the citizens would pay. After another fruitless interview, the nobles withdrew to Alagon, and thence to Mallen: they were led by Fernan Sanchez, Entenza, Ferris Lizana, and Eximen Urrea, and here they proclaimed a Union, or League of the Nation against the royal power¹. James himself withdrew to Calatayud, and here, in the church of S. Mary, the envoys of the nobles presented a list of grievances. The articles were twelve in number, and were made up of complaints as to alleged violations of the feudal privileges of the aristocracy, and the partiality shown for Roman and Canon principles by the lawyers of the king's court, to the exclusion of local custom². To

¹ *Chron.* 387-94. The 'text of Scripture' with which James opened the Cortes of Zaragoza—'non minor est virtus quaerere quam quae sunt parta tueri'—is really a line from Ovid's *Ars Amatoria* (ii. 13), which the hypocritical king has disguised, and which should run: 'non minor est virtus quam quaerere parta tueri.' Gayangos, ii. p. 507.

² They asserted that: (1) the king distributed Honours to strangers and Mesnaders (i.e. knights of the royal household) instead of to the barons of birth: (2) the nobles were not bound to serve outside the kingdom, and in wars that did not concern them: (3) the king did not do his duty towards the wives and children of the barons, the family of any baron or knight, who was compelled to leave the kingdom, possessing a right to the protection of the Crown, which was also bound to

educate, marry, and knight the sons of the barons: (4) the nobles suffered much from the tyranny of the royal officials, who confiscated their Honours without giving them a hearing, and violated their right of asylum: (5) the king's sons by Teresa Vidaura were not entitled to the possession of Honours: (6) every baron, knight, and Infanzou, enjoyed the right of freely transporting and selling his salt, if he possessed a mine, throughout the king's dominions: (7) the attempt made to introduce the imposts of Herbage and Bovage was a violation of the customs of the kingdom: (8) the pay of the Mesnaders was insufficient: (9) Valencia should be governed according to the customs of Aragon, instead of by a special code, and it ought also to be divided into fiefs, for the benefit of the Aragonese nobility: (10) instead of deciding cases

these charges—which, in his opinion, ‘had neither top nor bottom’—James replied in detail, and ended by promising on all occasions to respect the customs of Aragon, and somewhat blasphemously comparing his treatment by the nobles to the sufferings of our Lord at the hands of the Jews¹. 1265.
→→

But, however reasonable the king’s position, the difficulty of the situation was intensified by the personal element that began to show itself. James’ cousin, Berenguer de Entenza, set up a claim to Montpellier, Ribagorza, and Pallas; and even of those who had been the king’s most faithful adherents—such as Guerao de Puyo, Ato Foces, and Blasco de Alagon—each had his own grievance, while the most violent of all was James’ son, Fernan Sanchez. Eventually, for the settlement of the dispute, a Cortes was called to Exea, April. 1265, where the king made a number of concessions, confirming the feudal privileges of the nobles, and granting them the right of trial by their peers in their differences with the Crown². Cortes at
Exea
(April,
1265).

by national custom, the king based his sentences on Roman law and the Decretals, besides surrounding himself with a body of lawyers, and not taking counsel of the nobles, according to time-honoured precedent: (11) Ramon Berenguer IV had illegally abrogated the ancient Fueros, which should now be re-established: (12) Ribagorza had been wrongly torn from Aragon and united to Catalonia. Zurita, *ib.* 66.

¹ *Chron.* 396, 397; Zurita, *ib.* The king replied that he had a right to dispose of the Honours as he thought fit, as well as to appoint the Justiciar of Aragon and local justices; that he was ready to fulfil his obligations to the wives and children of the nobles; that Valencia had been won by the arms of others besides the Aragonese, to whom he had given a good portion in the conquered land; and that no

case of importance had ever come before his court in which the nobles had not acted as assessors, nor were his decisions in civil cases based on any code but the Fueros, though he was entitled to surround himself with a body of lawyers, owing to the diversity of custom in his dominions. Zurita, *ib.*

² The king’s concessions were embodied in ten articles: (1) Honours were to be the exclusive privilege of the nobility of birth: (2) the nobles were perpetually exempt from Bovage and Herbage: (3) the testimony of two disinterested knights should suffice as evidence of a man’s nobility: (4) the possessors of salt mines should continue to enjoy their traditional privileges: (5) any noble knighting an unworthy subject should be declared incapable of possessing an honour: (6) the sons of Teresa Vidaura should not be

1265. Most of the insurgents seem to have been satisfied with the points they had gained; but Fernan Sanchez, Entenza, and Lizana continued their resistance. James summoned, therefore, the nobles of Catalonia, and the men of the neighbouring towns, to assist him, and took a few castles belonging to the enemy. He had just begun the siege of Pomar, Fernan's stronghold on the Cinca, when the rebels, alarmed at his determination, offered to submit to the decision of some bishops, if the siege were raised. To this the king consented, and retired to Monzon, where the dispute was referred to the Bishops of Zaragoza and Huesca, the latter of whom, however, fell ill, and his colleague refused to give sentence alone. But both parties had grown weary of the contest, and, on the insurgents undertaking to keep the peace during the king's absence on his Moorish campaign, James granted them a truce (June 30) till his return¹.

In the concessions wrung from the king at Exea feudal privilege had attained the highest point it was destined to reach in the Conqueror's reign. The demands of the

granted lands or Honours: (7) nobles might acquire immoveables, and in so doing maintain their privilege of exemption from taxation: (8) in judicial matters the aristocracy was to be exempt from the 'Inquisition' of royal officials: (9) the Justiciar, assisted by the nobles and knights at court, should act as judge in all suits between Crown and nobles: (10) the Justiciar should always be a knight, so as to be liable to corporal punishment, from which the barons were exempt. (Zurita, *ib.*) It will be observed that the nobles entirely failed to obtain the concession of such important points as the re-establishment of the local Fueros, the division of Valencia into fiefs for the Aragonese nobility, exemption from foreign service, and the remodelling of the royal tribunal.

The MSS., from which Zurita drew his account of these transactions, have disappeared from the Archives.

¹ *Chron.* 397-404. M. Tourtoulon (*ib.* ii. p. 273) falls into a serious chronological error in his arrangement of these events, which he places before the Cortes of Exea, i. e. early in 1265. But: (1) the siege of Pomar did not take place till June, as is proved by a royal document of June 20, given 'in obsidione de Pomarii' (*Reg.* xiii. 274): (2) the truce to the three recusants at Monzon is dated June 30 (*Reg.* viii. 69; cf. Bofarull, *ib.* vi. 44): (3) in an interview of Fernan and his two friends with James, shortly before the siege of Pomar, they expressly complain of the 'divisions' the king had caused among them at Exea—the only allusion to this Cortes in the *Chronicle*.

barons were in no way national, but rather feudal, in their character; nor can Fernan Sanchez and Entenza be said in any sense to have played the part of a Bohun and a Bigod. Even the plea for the re-establishment of the local customs would simply have meant a return to a state of unmitigated feudalism, in which each lord and each community might do what was right in their own sight—a return, in fact, to anarchy. The result of the struggle was a compromise, by which the nobility secured indeed the confirmation of the privileges of their order, but otherwise failed to trammel the king's liberty of action in any vital respect.

1265.

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CHAPTER XIV.

THE FALL OF MURCIA AND THE KING'S CRUSADE.

1265. THE Conqueror's hands being at last untied, he was now
— at liberty once more to draw his sword against the Moors. But before doing so, he paid a visit to Montpellier—to raise, no doubt, an aid—and thence returned to Valencia, the rendezvous for the expedition. He had summoned, in all, 2,000 knights; but of these only 600 appeared, from Aragon there coming but one—Blasco de Alagon—a fact which seems to point to a continued or revived estrangement between the king and his Aragonese nobility. The
Invasion of Murcia. army crossed the frontier near Biar, and soon found itself under the walls of Villena. The town had revolted from Don Manuel—a brother of the King of Castile, and husband of James' daughter, Costanza—but the citizens now consented to open their gates to the Castilians, on the King of Aragon undertaking to procure their pardon. Passing by Elda and Petrer—both of which, at his request, submitted to their Castilian masters—James proceeded next to Alicante, where he met with no opposition from the inhabitants. While he was here, there arrived envoys from Elche, to sound his intentions; but the king could play the diplomat when he chose, and, at a private interview with one of the Saracens, Mahomet, after promising to make him and his family rich for ever, 'I dropped into the sleeve of his gown 300 besants, which I had by me: he was delighted, and promised on his law to do all he could for my advantage.' And so successful were these tactics that Elche surrendered a few days afterwards.

From Elche the king advanced to Orihuela—a town 1265-6.
 about fifteen miles from Murcia, and at the entrance of the ←→
 great Huerta—and this was followed by the surrender of
 all the country between Orihuela, Villena, and Alicante.
 At Alcaraz he met the King and Queen of Castile, and
 spent a week there, 'with great joy and disport.' Christ-
 mas he kept at Orihuela, where he stayed till the end of
 the year¹.

At last, on January 1, he advanced on the capital, up Siege of
 the Huerta, and blockaded the town, which lies on the Murcia
 Segura, in a plain surrounded by bare mountains, and in (Jan.-
 the midst of a veritable garden. The citadel was held by an Feb. 1266).
 Alcaid for the King of Granada, whom the citizens refused
 to recognize. This state of things probably facilitated
 negotiations, for when, at the end of a month, James offered
 to procure Alfonso's pardon, the inhabitants accepted the
 overture, and it was eventually agreed that the citizens
 should be allowed liberty of worship and the enjoyment of
 their own judicial system, while half the town was to be
 peopled by Christians. A long and hot wrangle ensued
 for the possession of the chief mosque, but ultimately the
 Moors were obliged to give way, and, after being purified,
 it was consecrated to S. Mary. This done, the whole
 army made a grand entry, 'with crosses and with the
 image of Our Lady,' the clergy dressed in 'cloaks of samit
 (velvet) and other cloths of gold.' On entering the church,
 the Conqueror embraced the altar, and wept 'bitterly and
 heartily.'

After spending a few days in the town, James honour-
 ably handed it over to Alfonso Garcia, for the King of

¹ *Chron.* 406-433. The history of Murcia during this century is very obscure. The Almohades seem to have been expelled about the year 1228, and an independent dynasty established. About 1241 the Emir became Ferdinand's vassal, but, later, the town had revolted (Gayangos, *ib.*

ii. App. H). It was in this year, apparently, that James received an urgent letter from Clement exhorting him to expel completely the Saracens from his dominions, and sharply punish the Jews for their blasphemies. Escorial, *ii.* p. 7; Zurita, *Ind.* p. 145.

1266-7. Castile, and returned to Valencia in April, leaving 10,000 men-at-arms in the land¹. He seems to have found a state of unwonted tranquillity prevailing at home. The few remaining malcontents in Aragon had not, apparently, ventured on open hostilities; and, accordingly, after concluding another truce with Teobaldo of Navarre, to last till Michaelmas of the following year—a circumstance that would imply a renewal of the coldness between the two monarchs—James proceeded, in October, to Montpellier, where he spent the rest of the year².

Truce with
Navarre
(July 22).

Challenge
from
Lizana
(Feb.
1267).

On his way back, in February of the following year, he received, at Perpignan, two communications of very dissimilar character—the one an invitation to a crusade from the Khan of Tartary, the other a letter of defiance from Ferriz Lizana. To the Khan James sent an envoy—Jacme Alarich, a citizen of Perpignan—and to Lizana he replied, in Cambysean style, that it was not his habit to pursue such small game: ‘I am wont to hawk herons and bustards; but, since he wishes it, I will this time chase and take a pigeon, if I can.’ On arriving, therefore, in Aragon, he lost no time in marching against the town of Lizana, the castle of which he forced to surrender unconditionally (May) in about a week, and hung or beheaded the whole garrison. The chief culprit himself escaped, but he does not appear to have been supported by the other nobles, and—in Aragon, at least—quiet seems to have prevailed during this and the following year³.

Project of
a Crusade.

This was fortunate for the king, for he was now able to turn his attention to the other message he had received

¹ *Chron.* 433-456. According to Desclot (*ib.* i. 19) the Murcians were reduced to eating carrion before they surrendered.

James was back at Valencia by April 7 (*Reg.* xv. 12), and was at Barcelona on May 15 (*ib.* 17).

² *Reg.* xv. 21, 33; *Chron.* 456.

³ *Chron.* 451-464; cf. *Reg.* xv. 56:

‘in obsid. Liçane,’ May 21. With James’ treatment of Lizana’s garrison one may contrast the refusal of S. Louis, in similar circumstances, to put to death the garrison of Fontenay, on the ground that they were but obeying the orders of their lord. Guizot, *Hist. Civ.* iii. p. 248.

at Perpignan—the invitation from the Khan. For some 1267-8. time he had wished to take the Cross, and, as we have seen, had even attempted a crusade about the time of Pedro's marriage with Costanza. Later, the project was revived, and the king had sounded Clement IV on the subject, but had received, at the very moment of his triumph over Murcia, a humiliating rebuff from the pontiff, who sternly rebuked and threatened him for his licentiousness¹. But it was after this that the invitation from the Tartars had arrived, and now the undaunted monarch was supplied with a fresh excuse for undertaking the enterprise, notwithstanding papal opposition. He was spending the Christmas of 1268 at Toledo—whither he had gone to assist at the first Mass of his son Sancho, the new archbishop²—and while there, he received a message from Alarich, the envoy he had sent to the East from Perpignan, to the effect that he had just returned, with two Tartars, who brought an invitation to the King of Aragon to cross the sea. The plan was discouraged by Alfonso, who, for once, showed himself wiser than his father-in-law, warning him that the Tartars were 'very deceitful.' But it was to no purpose: the Conqueror's vanity was flattered, and he had made up his mind to go. So he left Toledo without delay, with a contribution of 60,000 besants from Alfonso, and returned to Valencia, where he found the Tartars, as

¹ The pope wrote: 'illius obsequium Crucifixus non recipit, qui incestuoso contubernio se commaculans Se Ipsum iterum crucifigit. Idem serenitati tue, sicut alias, sic et nunc, iterato familiariter rogamus et hortamur attente quatenus nobilem feminam Berengariam, quam in carnale commercium, non absque nota incestus et salutis tue discrimine, admisisti, a te prorsus abjicias . . . Insuper autem scire te volumus, nisi nostris monitis acq̄ieveris, nos te ad dimittendam eandem per censuram ecclesiasticam compuluros.' (Viterbo, Jan.

16,1266; Martene, *Thes. Nov. Anecd.* ii. 440.) The lady alluded to was Doña Berenguela Alfonso, whom the King and Queen of Castile had brought with them to Alcaraz in 1265. (*Chron.* 432.) She is said to have died at Narbonne, in June 1272. Beuter, *Cor. Esp.* ii. 54.

² Sancho owed his archbishopric to the double election of the Archdeacon of Talavera and the Dean of Burgos. As in the case of Langton, the pope set aside both candidates. *Mem. Hist. Esp.* i. 107.

1269. well as an envoy from the Emperor Michael Palaeologus, who also urged him to go, besides promising supplies¹.

It was necessary for the king, however, to leave, if possible, no enemy behind him. Accordingly, in January 1269, at the request of Alfonso, he made a truce with the Sultan of Granada², and in August he referred a dispute with the Cardonas, over the county of Urgel, to the arbitration of Pedro³, besides making over his claims on Navarre to his son⁴, who was to be Lieutenant-General of the kingdom in his father's absence⁵.

Besides ridding himself of these responsibilities, the king seems to have spent the first few months of the year in visiting different parts of his dominions, to exact supplies⁶: he even crossed to Mallorca and Minorca, from the former of which he extorted 50,000 sols, from the latter 1,000 cows and oxen. Before starting, he had also to brave an interview, at Huerta, with the Queen of Castile, and his other children and grandchildren, who for two days prayed him, 'weeping and crying,' not to depart. But prayers and tears were of no avail, and the king returned to Barcelona. The fleet he had got together seems to have consisted of about thirty large ships and some galleys. It had on board the Bishops of Barcelona and Huesca, the Sacristan of Lérida, the Masters of the Temple and Hospital, the Commander of Alcañiz, James' sons, Fernan Sanchez and Pedro Fernandez, and a number of nobles.

James sets sail (Sept.) and puts back (Oct.).

The crusaders set sail early in September, but had not gone far when they fell in with the inevitable storm, which

¹ *Chron.* 474-481.

² *Reg.* xv. 130.

³ *Parchments*, 1989. See Appendix A.

⁴ *Ib.* 1991.

⁵ Zurita, *An.* iii. 74.

⁶ Large sums were extorted from the Jews throughout the kingdom (*Reg.* xvi. 152, 158, 161). Barcelona gave 80,000 sols (*ib.* 159), and the

Archbishop of Tarragona and the Count of Ampurias each an unstated amount—the former 'ex mera liberalitate,' and the latter 'gratis et spontanea voluntate et amore maximo ac puro gratuito dono.' (*Reg.* xiii. 173, 243; *Parch.* 1794; cf. Bofarull, *ib.* vi. 46.) These were not, of course, the only contributions, and a number of nobles promised troops.

it seemed James' fate always to encounter, whenever he set out on an expedition beyond sea. The gale became worse, increasing to a 'Temporal,' and the king saw a waterspout rise and fall in the sea. At last he said to his knights: 'It seems to me it is not our Lord's will that we should go beyond sea, as once before, when we prepared.' The ardour of the others had also been damped, and they begged the king to make for land. This was done without delay, and they put in at Aigues Mortes, landing at Agde, where they put up thanks for their escape in the church of S. Mary of Vauvert¹. Here James was met by the Bishop of Maguelonne, who wished to go to sea with him, saying that if he did not make a fresh essay 'people would talk very much about it'—to which the king retorted that they talked a great deal too much already, and that he did not care what they said². At Montpellier he asked for an aid, and the citizens promised 60,000 sous Tournois, if he put to sea again—a hardly complimentary way of framing the offer, and one which called from the king the indignant exclamation: 'you would actually give me more to leave you, than to remain with you!'

From Montpellier the Conqueror returned to Catalonia and Aragon. At Zaragoza he received an invitation from James' visit to Burgos.

¹ *Chron.* 482-490. The date given in *Chron.* 485 for the departure of the fleet is 'the third or fourth day before S. Mary's,' i. e. the Nativity of the Blessed Virgin, September 8. This does not, however, accord with *Chron.* 487, where James says that on October 6 they had been at sea seventeen days.

² People do seem to have talked: Zurita (*An.* iii. 74) quotes Bernaldo Guido as saying that the king turned back 'by a woman's advice,' and the continuator of William of Tyre (*Hist. Gén. Lang.* xxvi. § 76) says that James declined to put to sea again, 'por l'amor de sa mie dame Berengière'

(i. e. Doña Berenguela Alfonso), while a like report reached the ears of the contemporary historian Puy Laurens, who says: 'praemissa parte sociorum ipse revertitur, ut dictum fuit, consilio mulieris, quem revera Dominus in suum noluit holocaustum. Sic fecit Jupiter, qui, juxta fabulam, coelum deseruit sequendo vitulam, si vera fuere quae publice dicebantur' (cap. 50). The storm was undoubtedly severe, but it was not usual for the Conqueror to be the first to propose a return, and the fact that part of the fleet under Fernan Sanchez was able to continue its course and to reach Acre safely, is certainly suspicious.

1269-70. Alfonso of Castile to attend the marriage of his son Ferdinand with Blanche of France at Burgos. Here he found a large company assembled, and among them a far nobler and purer man than himself, Edward of England, who had married Alfonso's sister, Berengaria. During his visit James received an offer of service from Gonsalvez de Lara, one of Alfonso's great nobles, who was disgusted with his master's eccentricities and misrule; and accordingly, on his way home, at Tarazona, the King of Aragon took the opportunity to point the lesson to his son-in-law in six counsels of perfection: (1) always to keep his word when once given; (2) always to consider well, before signing a grant; (3) to keep the people in his love; (4) in any case to conciliate the Church and cities, with whose aid he could crush the nobles, if necessary; (5) not to infringe the grants made to the settlers in Murcia, and to people it with a hundred men of importance, giving them large allotments, and letting out the rest of the land to artisans; (6) not to punish anyone in secret¹.

This statesmanlike advice contains the keynote to James' policy throughout his reign, and the third counsel advocated the course followed so successfully by the early Norman kings of England. It would have been well for the King of Castile if he had acted up to his father-in-law's advice.

Early in 1270 Alfonso and his queen returned the visit, and were splendidly entertained at Valencia. The real object of the visit, however, was to solicit James' aid against the Infante Phelipe and a number of nobles, who

¹ *Chron.* 490-499; Zurita, *An.* iii. 75. The statement of Beuter (*Cor. Esp.* ii. 52), that on this occasion Alfonso knighted Edward of England, is disproved by (1) a MS. in the National Library of Paris (Dupny, 220, p. 47), containing the renunciation of his claims on Gascony by Alfonso, on November 1, 1254, at Burgos, in which occur the words, 'Eduardum, illustris regis Angliae

primogenitum, quem cingulo accingimus militari . . . speciali gratia prosequimur et favore': (2) the words of a MS. in the British Museum (*Add.* ch. 24,804) consisting of a charter from Alfonso to a hospital, dated Dec. 30, 1254, 'en en año que don Odoart, hijo primero e heredero del rey Henric de Anglia tierra, recibio cavalleria en Burgos del rey don Alfonso sobredicho.'

had revolted, with the connivance and support of the King of Granada. The long-suffering King of Aragon seems to have undertaken the defence of the Murcian frontier, the garrisons of which he at once proceeded to strengthen¹.

1270.



In other respects the year seems to have been uneventful at home, except for a rigorous inquisition against heretics in Catalonia², and a royal decree once more declaring Pedro heir to Aragon, Catalonia, and Valencia, and James to the Balearics, Montpellier, Roussillon, Colibre, Valespir, Conflant, and Cerdagne³.

Inquisition
in Cata-
lonia.

Abroad, the year was rendered notable by the deaths of S. Louis before Tunis, of Teobaldo of Navarre in Sicily soon afterwards, of James' daughter the Queen of France, and of Richard of Cornwall, who was murdered at Viterbo by Gui de Montfort. Teobaldo's successor Enrique does not seem to have been allowed to take possession of the Navarrese throne without some opposition on the part of his Aragonese rival; but his troubles at home again prevented James from interfering with effect, and in 1272 a truce for two years was concluded between the two sovereigns⁴.

Deaths of
S. Louis
and
Teobaldo
of Navarre.

¹ *Chron.* 499-502. According to Beuter (*ib.*) the visit of Alfonso to Valencia cost James the incredible sum of a million morabitins (£600,000).

² Zurita, *An.* iii. 76.

³ *Parchments*, 2018.

⁴ Zurita, *An.* iii. 82. On January 13, 1272, James granted Enrique a truce, to last till Michaelmas (*Reg.* xiv. 140); and on August 2 it was renewed for two years (*Reg.* xxi. 53).

CHAPTER XV.

THE DISPUTE WITH PEDRO, AND THE COUNCIL OF LYONS.

1271-2. THE last years of the Conqueror's long life were destined
—♦♦— to be clouded by troubles as great as those which had marred his boyhood, and the cause was to be the same—an unruly and selfish nobility.

Turbu-
lence of
Luna.

Artal de Luna had engaged in a quarrel with the men of Zuera, a town in Valencia, and killed twenty-seven of them by an ambushade. The king heard the news at Onteniente, and at once cited Luna to appear before his Court on the Vigil of the Assumption¹ (August 14). The dispute dragged on during the rest of the year, which was taken up with preparations against², and citations of³, the offender, who was eventually condemned to pay a sum of 20,000 sols, by way of compensation, to the Zuerans, and to go into exile for five years, while his accomplices were sentenced to still longer periods of banishment⁴ (March 12, 1272). Luna himself, however, for some reason unknown to us, was pardoned in the following year, and half his fine

¹ *Chron.* 503, 4.

² As on Oct. 31, when he writes from Zaragoza to the men of Almu-
devar, Pertusa, Barbastro, and Cuera,
for contributions 'ratione exercitus
quem contra Artallum de Luna facere
intendimus' (*Reg.* xviii. 20). We
also find him ordering 100,000 arrows
from Aragon, Catalonia, and Valencia
(ib. 27); and it is probable that the
summons, of October 26, issued to

the nobles to be ready to help him at
Huesca, about Easter, was directed
against Luna (ib. 84).

³ As on Dec. 8, when Luna was
cited to appear at Zaragoza, on the
fourth day after Christmas, 'ad fir-
mandum in posse nostro de faciendo
jure nobis et hominibus nostris de
Cuera.' *Reg.* xiv. 27.

⁴ *Chron.* 504; *Reg.* xxi. 16.

was remitted¹. But this was only the beginning of troubles. 1272.
 The king was also to be harassed by a repetition of the
 family broils that had disgraced the earlier years of his
 reign. —

Though their father had turned back from the crusade, James' sons, Pedro Fernandez and Fernan Sanchez, had continued their course with part of the fleet, and had arrived safely at Acre; but, on finding that neither the Emperor nor the Khan was disposed to give them any effectual assistance, they decided to return home. On his way back, Fernan Sanchez visited Sicily, where he made friends with, and was knighted by, Charles of Anjou. This intimacy with the conqueror of Manfred and the murderer of Conradin was, naturally, the reverse of pleasing to the son-in-law of the former, and the feuds of the two brothers very soon set the kingdom in a blaze². On March 20, accordingly, the king cited Pedro to appear before him at a General Cortes at Lérida, in mid-Lent, for the settlement of the dispute; and, when the Cortes met, he deposed his son from his post of Lieutenant-General, for having attempted the life of his brother³.

Disputes
of Pedro
and
Fernan.

Troubles of
the Count
of Foix.

While matters were in this critical condition at home, a question affecting his foreign relations called the king to Montpellier. Roger Bernard, Count of Foix—the only great southern lord who had succeeded in keeping independent of the French Crown—was hard pressed by the new king, Philip III, who had found a pretext for hostilities in Bernard's complicity with the Count of Armagnac in an attack on the lord of Casaubon⁴. Bernard was James' vassal, and, on June 1, at Boulbonne Abbey, an attempt was made by the King of Aragon to effect a reconciliation between the two parties. For a time the Count was

¹ *Reg.* xx. 79.

² Zurita, *An.* iii. 74.

³ *Chron.* 509; *Reg.* xviii. 19. Fernan complained that Pedro and his men 'had gone into the room, where he and his wife actually lay, and with

drawn swords had searched for him under the bed, and under some hemp there was there' (*Chron.* *ib.*). Fernan's wife was a daughter of Eximen Urrea. *Paroch.* 1992.

⁴ Martin, *H. F.* iv. p. 350.

1272-3. obstinate, but at last—on the advice of his father-in-law, the Viscount of Bearne, and the King of Aragon—he submitted at discretion (June 5), and was imprisoned at Carcassonne.

The case, however, had raised a question as to the extent of the suzerainty of the House of Barcelona over the county of Foix. It had formerly possessed undoubted rights over the highlands, but the Seneschal of the lowlands alleged that any such connexion had been severed by the treaty of Corbeil. A long series of negotiations ensued, and a request for the release of the Count only had the effect of straitening his bonds; but at last James gave way, the debateable ground was formally ceded to the Seneschal of Carcassonne (February, 1273), and the Count was released soon afterwards. Thus was given the finishing touch to the treaty of Corbeil¹.

Dispute
with
Cardona.

The king left Montpellier about the middle of February and returned home². Here he at once found himself involved in fresh perplexities. On the death in 1268 of Alvaro, Count of Urgel, James had taken possession of a number of towns in the county as security for the debts of the late Count, which he had paid. The rights of

¹ *Hist. Gén. Lang.* xxvii. p. 16, and vol. viii. p. 215; *Reg.* xxi. 92, 93. On November 5, the king despatched the Bishop of Barcelona and the Master of the Temple to conduct negotiations (*Reg.* xxi. 72), and on the 25th he wrote to the Count of Foix that he could not believe that the King of France would in any way inconvenience him on account of the castles he held of Aragon, which were not to be surrendered, because—in his own significant words—'nolumus dominationem nostram diminueret potius auerentur.' (*Reg.* xxi. 137.) As already observed, the commissioners to Corbeil in 1258 had exceeded their powers in renouncing James' rights to Foix, whose Count,

as recently as 1245, had done homage to the Conqueror for certain castles and towns. (*Parch.* 998.) We need not, therefore, be surprised to find a saving clause in the king's letter of renunciation: 'salvo jure nostro remanente, quod in eis habemus, et sine prejudicio juris nostri.' (*Reg.* xxi. 93.) On August 16, at Montpellier, the king made a new will, in which, while confirming the partition of 1262, he legitimized his sons by Teresa Vidaura, and placed them next in succession to those of Violante. *Parch.* 2016; cf. Dachery, *Spic.* ix. p. 198.

² He was at Montpellier Feb. 14 (*Parch.* 2140), and at Perpignan Feb. 18 (*Reg.* xxi. 101).

Armengol, the eldest son of Alvaro by Cecilia of Foix, were upheld by the Viscount of Cardona, a relative who soon found an opportunity of seriously embarrassing the king. James had ordered a levy, for Easter, of all his feudatories in Catalonia and Aragon, to assist Alfonso of Castile, who was again hard pressed by his Moorish neighbours¹; and Cardona, with Pedro de Berga, refused to follow, alleging as a reason that his property was largely composed of alods. On March 20, the primate was appointed umpire, but his decision, whatever it was, seems to have had little more than a temporary effect in preventing an outbreak of hostilities².

The rest of the year was spent in preparations for the war with the Moors and attempts to effect a reconciliation with the Infante Pedro. Towards the end of the year James met his son at Burriana, and they went together to Valencia, where the king besought the Infante to forgive his brother; but, in order to avoid having to give a reply, this troublesome son escaped out of the town by night. He afterwards sent a series of charges against Fernan, which the king invited him to prove, offering to fix a time and place for the hearing of the case. A general Cortes was even convened to Alcira, and two deputations visited the Infante at Corbera; but their efforts were useless, the members of the Cortes begged to be allowed to return home, and the irate king dismissed them with the malediction: 'Go, and ill go with you.' What the Cortes could not effect, the Bishop of Valencia was at last successful in bringing about; and, a few days before Christmas, Pedro came in to the king at Xativa, threw himself at his father's feet, and, after a touching scene, was fully pardoned³.

¹ Zurita, *ib.* 84.

² *Parch.* 2146; cf. Bofarull, *ib.* vi. 49.

³ 'I rose to meet him and received him kindly and cheerfully, as I saw him come to me so humbly . . . Then

he threw himself at my feet, kissed them, and prayed me in God's name to forgive him. I was greatly moved, and sorrow for him seized me, so that I could not help tears coming into my eyes. I saw his great de-

1273.
—
Reconciliation with Pedro (Dec.).

1274.

←→
Invitation
to a
Council.

As far as his son was concerned, James was now free from embarrassment. In fact, he was sufficiently confident of the state of affairs at home, to venture, in January, to pay a visit to Murcia, where he spent about three weeks, 'hunting and disporting.' On his return, he found, at Algecira, a papal envoy with an invitation to a council at Lyons, to discuss the question of a fresh crusade to the Holy Land. Clement IV was dead, and the conscience of his successor, Gregory X, was less sensitive at the prospect of the Conqueror's participation in a holy war. The invitation, as may well be supposed, was flattering to the old king's vanity, and he lost no time in responding to it¹.

Last words
with
Cardona.

Accordingly, after strongly garrisoning the frontier, he set out north on his journey to Lyons. But, before leaving the country, he determined to make an effort to disarm Cardona, who still refused to serve. On March 9, therefore, at Tarragona, he issued an order to the Viscount and Pedro de Berga to surrender their castles, for default of service²; and when, on the 19th, at Barcelona, Cardona's attorney begged the king to restore the Honours and fiefs he had confiscated, as his client was willing to 'stand to right,' James refused to do so, until, in accordance with Catalan custom, the recalcitrant nobles had paid him double

votion to me and his humility, and I pardoned him.' (*Chron.* 521.) For the whole of this account, see *Chron.* 510-521.

The official version of the reconciliation is contained in *Reg.* xviii. 74: 'pridie Kal. Jan. anno dom. 1273 in Xat. dns. Infans P. asscuravit Ferrandum Sancii et ejus vassallos ad mandatum dni. Regis.' The reconciliation was proclaimed on December 21: 'filius noster suo proprio motu et voluntate venit ad nos apud Xativam, die jovis ante instans festum Natalis Domini, et, tanquam devotus et bonus filius, petiit a nobis humiliter veniam' (*ib.* 75).

M. Tourtoulon's account of all these transactions (*ib.* ii. p. 379) is most defective and altogether devoid of chronological exactness. The Cortes of Alcira he places in 1272 (notwithstanding the date given in *Reg.* xviii. 53, 74), when the king was at Montpellier.

¹ *Chron.* 522, 523.

² *Reg.* xxii. 3. The rebels were willing to surrender their strongholds 'simplement a custom de Barcelona'—i. e. to be restored in ten days—but not 'per defalliment de servu.' (Replies of Cardona and Berga on March 15 and 18 in *Reg.* xxii. 5, 6.)

the value of the service due from them¹. Overawed, apparently, at his firmness, Cardona now offered to surrender all his castles except three²; but even this concession did not satisfy the king, who, on April 17, at Montpellier, issued instructions to the nobles of Aragon and Catalonia to assist Pedro in attacking the rebels³. 1274.
—

It was with matters, therefore, in a state the reverse of satisfactory at home, that the king left Montpellier towards the end of April to keep his engagement with the pope. There accompanied him—besides the knights of his household—the primate, and the Bishops of Barcelona, Valencia, and Mallorca. He reached Lyons on May 1⁴, and was met by the cardinals and a large gathering of bishops and nobles, a league from the city, the concourse of people being so great, that it took him from early morning till noon to reach the pope's palace. The Holy Father was in his chamber, but, on hearing of the king's arrival, he came out in his full robes; and, after doing him 'that reverence which kings do to a pope,' the Conqueror was given a seat on the pontiff's right hand. Every possible attention was paid to the illustrious visitor: thus, next day, when, in a private conference, he was rising to speak and was about to take off his cap, 'the pope bid me not to do that, but to remain as I was, and to put on my cap; and, with one voice the cardinals all said the same thing, and begged me sit down.'

Soon afterwards a great council was held, at which were present fully 500 archbishops and bishops: on this occasion James sat next to the pope, and noticed with pride that the chair of the latter was 'not a palm higher' than his own. At this council the pope made a speech in Latin, in which,

¹ *Parch.* 2187; *Const. Cat.* iv. 27, 11, 5.

² Zurita, *An.* iii. 85.

³ *Reg.* xviii. 65, 66.

⁴ The first session was held on May 7. Mansi, *Sacrorum Conciliorum Collectio*, xxiv. 38.

A list of articles to be purchased at Lyons, 'for the use of the king,' comprised 150 cows, 200 pigs, 3,000 rams, 3,000 fowls, 300 loads of corn and 1,000 of oats, and 500 casks of wine. *Reg.* xviii. 100.

1274.

—♦♦♦—

after a general exhortation—prefaced by a reference to his own self-denial in coming, ‘despite of storms’—he promised indulgences to all intending crusaders, except for robbery and usury, which, being sins that concerned others, he could not forgive, without restitution being made. The meeting then broke up. In a conference held with the pontiff, next day, James offered 1,000 knights, and made various warlike proposals. But—either because the offer was not regarded as very generous, or because their hearts were already failing them—all were silent when the king sat down, no one even applauding his proposals. After a long pause, the Master of the Temple and others, at the pope’s request, continued the discussion, but they were so cautious and reticent, that at last James said in disgust: ‘Holy Father, since no one else will speak, let me go.’ The pope dismissed him with his blessing. It was not, however, the crusade alone that had brought the King of Aragon to the council. Next day he sent a message to the pope that he should like to be crowned: ‘it would be a greater honour to me to receive the crown at that council, than if I had actually gone to Rome for it. I had the crown with me: he should set it on my head. Not so good a one could be got in Lyons, it was made of gold, and set with precious stones, worth more than 100,000 sous Tournois.’ But the pope’s answer was other than he had expected: Gregory replied that he would do as the king requested, in return for the confirmation of ‘a sort of tribute,’ which dated from the reign of Pedro the Catholic, and the arrears of which amounted to about 11,000 sous. The pope had reckoned, however, without his host: James the Conqueror was no John Lackland, and his indignation was at once roused. He had done, he said, such service to God and the Church of Rome, that these trifles should not come between him and them. So the matter remained as it was, and the coronation did not take place. Before James’ departure—in some degree to propitiate the angry king—the pontiff announced that special prayer

would be offered for him at High Mass throughout Christendom, and that Mass of the Holy Ghost should be said for him. Encouraged by this token of favour, James seems to have resolved that, if the pope would not gratify his temporal ambition, he should, at least, minister to his spiritual necessities; and, accordingly, in his farewell audience, he took the pontiff aside, and said to him: 'I wish to leave, but not, as the proverb says, "whoever goes to Rome a fool, comes away a fool;" let it not be so with me. Holy Father, I never saw any pope but yourself, and so I wish to confess to you.' The pope was 'much pleased and content,' and heard him, James telling him his sins and what he remembered of his good deeds. To the king the penance imposed seemed light: it was to avoid evil for the future and to persevere in good. He failed to see its bitter irony¹. Next day James left Lyons—the scene of the greatest religious assembly that the West had yet witnessed. He had spent three weeks there, and the result of their conferences can hardly have seemed satisfactory to either party. The Conqueror's vanity had been flattered, but his ambition had received a rebuff; while the pope must have felt his dignity slighted by the curt refusal of his demand for 'tribute.' And the cause of the crusade had been retarded rather than advanced.

1274.



¹ The whole story of the king's visit to Lyons is to be found in *Chron.* 524-42.

Before leaving, James interceded for Enrique of Castile—Alfonso's brother—who had driven Clement IV from Rome, but was afterwards taken by Charles of Anjon at the fatal battle of Tagliacozzo. The pope was somewhat offended, and replied that Enrique had said of him many injurious things, and had done him

wrong. He promised, however, to intercede for him (*Chron.* 540, 541). The Council broke up on July 17: 500 archbishops and bishops, 70 abbots, 1,000 priors, and a number of other clergy, had taken part in it. The Patriarch of Constantinople arrived towards the end of June, and the union of East and West was proclaimed. Martin, *H. F.* iv. pp. 354, 355.

CHAPTER XVI.

THE SUCCESSION IN NAVARRE, AND THE REVOLT OF THE BARONS.

1274. IT was, probably, therefore, in no very amiable mood that, towards the end of May, James turned his steps homewards, where his presence was urgently needed. The condition of Catalonia, sufficiently critical at the time of his departure for the council, had been aggravated in his absence by the conduct of Pedro, who had set up a claim to certain fiefs on the ground that they could not descend to females¹, and had thereby alienated the Counts of Pallas and Ampurias, who now threw in their lot with Cardona. With the exception, therefore, of the Moncadas, the king, on his return, found all the great barons of Catalonia arrayed against him, and the country in a ferment from one end to the other. At Montpellier he fell ill², but he was well enough to write to Cardona, on May 29, demanding the production of any charters of exemption from liability to surrender all his castles when required by the Crown³; and at Perpignan, on June 15, he sent letters to the other nobles, undertaking not to violate the customs of Catalonia⁴, and promising to make Pedro withdraw his pretensions to female fiefs⁵. Cardona, besides persistently

¹ *Chron.* 543.

² *Hist. Gén. Lang.* xxvii. § 42; Henry, *Hist. Rouss.* i. p. 125. It was owing, no doubt, to the king's illness, that, on June 2, the Infante James was made Governor of Montpellier. *Ib.*

³ *Reg.* xxii. 9. Cardona maintained that his family had held the town of Cardona for 300 years as a free alod. *Ib.* 11.

⁴ *Ib.* 10.

⁵ *Chron.* 543.

disobeying all citations to the king's court¹, had also sheltered a certain Beltran de Canellas, the murderer of the Justiciar of Aragon²; and several months were taken up with arguments on this and the other points at issue, till at last the king, losing patience, seized the fiefs and Honours of the malcontents³, and they sent in their defiance⁴.

1274.
—♦—

These anxieties did not, however, prevent James from devoting some attention to occurrences in a neighbouring kingdom which could not but interest him. On July 22 had died Enrique, King of Navarre. He left one daughter, Juana; and the country seems to have become forthwith the battle-ground of three factions: the loyalists, who favoured the rule of the Regent Blanca, a cousin of S. Louis; the Aragonese party; and the adherents of Castile. Though his hands were full at home, James found time to send a demand that Pedro should be recognized as king⁵; while Alfonso of Castile also made over his own pretensions to his son, Ferdinand, who coolly solicited the assistance of the King of Aragon in their prosecution—a request which naturally met with a refusal and a counter-statement of the Aragonese claims⁶. Meanwhile, in August, Pedro had arrived on the Navarrese frontier, and was met

Dealings
with
Navarre.

¹ *Reg.* xxii. 10, 12.

² Zurita, *An.* iii. 88. In his letter, of July 15, to Cardona, who insisted on the right of giving sanctuary to outlaws, the king claimed for himself universal judicial jurisdiction in Catalonia. *Reg.* xxii. 11, 12.

³ *Chron.* 548.

⁴ *Reg.* xxii. 14, 16, 17, 20–25. The defiance of the Count of Ampurias ran: 'desixim nos de vos de fe ed natura.' *Ib.* 16; cf. *Reg.* xviii. 56.

⁵ In his letter to the Navarrese, of July 29, besides putting forward the usual claims, James alleged that, at great expense to himself, he had defended Teobaldo against Castile,

and that, in return, five castles had been pledged to him. He ended by exhorting the Navarrese to place themselves 'sub paterna et quasi socia libertate dominationis nostre.' *Reg.* xxiii. 99.

⁶ The reply to Ferdinand based the Conqueror's claims to the Navarrese throne on three grounds: (1) it had belonged to Aragon till the battle of Fraga, when the Navarrese chose Sancho as king; (2) Sancho had adopted James as his heir; (3) the kingdom had been pawned to James for 60,000 silver marks. *Ib.* 97; cf. *Mem. Hist. Esp.* i. 136.

1274. at Sos by the Bishop of Pamplona and a number of nobles. The regent fled to France, but Pedro—who had been instructed by his father not to invade the country unless certain of success—contented himself with making a truce, and withdrew to Tarazona. From here he despatched to the Cortes of Navarre an envoy, Garcia Ortiz de Azagra, who, on October 3, presented letters from the Conqueror and his son demanding the crown for the latter. As a result, a deputation from the Cortes waited on the Infante at Tarazona, and here he set forth his demands and promises. He asked that Juana should be married to his son, Alfonso, and undertook, in return, to protect the kingdom, to observe its privileges, to raise the value of the knight's fee from 400 to 500 sols, to choose as governors the nominees of the Cortes, and to appoint only native officials. And on November 1 the Cortes at Olit accepted these terms¹. But Pedro was never destined to rule in Navarre. He seems to have followed the regent to France, to represent his claims to Philip, and is said to have had a most friendly reception from that monarch, even communicating with him from the same Host. The value of Philip's protestations of friendship was shown when the Infante had barely recrossed the Pyrenees, by the betrothal of Juana to a boy afterwards known as Philip the Fair (1275)².

On a review of the Conqueror's dealings with Navarre throughout his reign, it can hardly be said that his action at any time was such as can fairly be cast in his teeth, however questionable the validity of his claims. Four times did he neglect his opportunity. Teobaldo I he allowed to take possession of the kingdom without any serious opposition, and, on his death, concluded a marriage

¹ Zurita, *An.* iii. 89; *Parchments*, 2205, 2206, 2207; cf. Bofarull, *ib.* vi. 50-52; *Arch. Nav.* iii. 73. Moret (*Ann. Nav.* xxiv. 3) regards Zurita's account of all these transactions as 'una congerie basta y hazina rebuelta de cosas increíbles,' thereby betraying

his own ignorance of the original documents.

² Desclot, *ib.* i. 22; Muntaner, *ib.* 47; *Hist. Gén. Lang.* xxvii. § 43. James set forth his claims to the throne of Navarre in a letter to Philip, dated April 1, 1275. *Reg.* xxiii. 98.

alliance with the widow—which was never carried into effect—besides protecting Teobaldo II against Castile. On the death of Teobaldo II his brother Enrique took his place, and some hostilities which broke out were soon suspended. It was not till after the death of Enrique, that the Aragonese pretensions assumed a seriously menacing form.

1274.
—♦—

We can only judge of the morality of James' policy by his actions and not by his probable motives. None the less it is clear that his moderation was by no means disinterested. On the death of Sancho he was busy with Valencia; in 1253 he was on strained terms with Castile, war with which an invasion of Navarre would have rendered inevitable; in 1271 his relations with his nobles were bad, and in 1274 they were worse.

He would also, as we have seen, have been confronted by another serious obstacle in any attempt to lay violent hands on the kingdom—the opposition of the papacy. There was, therefore, sufficient reason for the employment of peaceful methods. An Edward III of England would have overrun the country without a moment's hesitation, and left it to his successors to reap the consequences of his folly. James knew better: in Navarre, as in France, his temperate policy was a failure; but the failure in each case was due to circumstances which he was powerless to control.

Meanwhile the king's dispute with his nobles was dragging out its weary course. The revolt had spread from Catalonia to Aragon, and Cardona, Fernan Sanchez, Artal de Luna, and other Aragonese barons, had met in Castile, formed a league, and afterwards joined at Ager the Counts of Pallas and Ampurias¹. The latter, who was one of James' most bitter opponents, towards the end of the year attacked and burned Figueras, a town recently founded by

The
Catalan
revolt
spreads to
Aragon.

¹ Zurita, *ib.* 93. *Reg.* xxiii. 75, complaining that he had received the king of Castile, dated October 9, conspirator, Cornel.

1274-5. Pedro. In spite of this insult, James, who had displayed much forbearance throughout the struggle, allowed a fresh truce (December, 1274), and at last the rebels were induced by the Bishop of Barcelona and the Master of Uclés to come to Vilafranca, where the king named the Primate, the Bishop of Gerona, the Abbot of Fontfreda, and a few nobles, to act as arbitrators. A General Cortes was also summoned for mid-Lent, and, for the moment, there was peace¹. The Cortes met at Lérida towards the end of February or early in March, and there was present a large gathering of bishops, nobles, and delegates from the towns—the latter with estimates of the losses they had suffered from the rebels². Cardona, Fernan, and their allies, pretended that they were afraid to enter the town, and lodged in a suburb. To the Cortes they sent two knights, who insisted that, before anything could be done, the king should restore to Fernan the lands that had been taken from him³. This demand, however, was ruled out of order by the arbitrators, who handed the accusation to the rebel's attorney; the latter would not receive it, and threw it on the floor. The Cortes then broke up, and, though James offered to abide by the sentence of the arbitrators, the rebels would not consent, and left the place, refusing even to share the costs of the trial⁴.

The Cortes of Lérida had brought matters to a crisis, and the king seems to have lost, at last, all patience. He at once sent the Infante Pedro into Aragon with instructions to do all the harm he could to the enemy⁵, while he

¹ *Chron.* 545-7; Zurita, *ib.* 91, 92; Miedes, *ib.* 19; *Reg.* xxiii. 15.

Christmas James kept at Barcelona, where he entertained the King and Queen of Castile. The former was on his way to the Papal Court, to remonstrate with the pope for confirming the election of Rudolf of Habsburg to the empire. His more experienced father-in-law strongly

discouraged the visit, but the headstrong Alfonso was not to be deterred.

Chron. 547.

² *Reg.* xxiii. 15.

³ The king had promised to restore Fernan's castles on January 20. *Reg.* xxii. 204.

⁴ *Chron.* 547-50.

⁵ *Chron.* 550. Fernan had already received an ominous warning: 'cus-

himself summoned his forces (March 29), and returned to Barcelona¹. Here he waited till the troops had assembled and then advanced against the Count of Ampurias, to whom he sent a defiance from Gerona (May 14)². 1275.
←←

Meanwhile in Aragon Pedro's activity was such that his brother soon found himself besieged in his castle of Pomar³. Fernan seems to have attempted to escape in disguise, but he was caught, recognized, and at once drowned in the Cinca (June), by the Infante's orders. The king heard the news at Perpignan, whither he had gone to visit the Queen of Castile, and this affectionate father was overjoyed: 'I was very glad to hear of this; for it was a very hard thing that he, being my son, should have risen against me, who had done so much for him, and given him so honourable a heritage⁴.' Failure of
the revolt.

The death of Fernan gave the finishing stroke to the revolt in Aragon: the Catalan barons only remained to be dealt with. On his way back from Perpignan, the king took and demolished Calabug Castle, the property of Dalmao Rocaber, and then laid siege to Rosas, the stronghold of the Count of Ampurias (July).

The rebels were at Castellon: discouraged by the death of Fernan, they now came to the king, gave up the Count, and undertook that he should make any reparation required for the burning of Figueras. James accordingly returned

todiatis vos a nobis et a dicto filio nostro (sc. Petro), quod male fecistis, et malum veniet vobis.' *Reg.* xxiii. 96.

¹ *Reg.* xxiii. 22; *Chron.* ib.

² *Reg.* xxiii. 29.

³ A deed by Pedro, of June 1, is signed: 'in obsidione Pomarii.' *Reg.* xxxvii. 88.

⁴ *Chron.* 550; Desclot, *ib.* i. 21.

The latter (*ib.*) actually says that the king felt the death of Fernan 'as a father,' but that the consideration of his son's crimes 'helped to console him.' Most other writers unite in condemning James: thus Escolano

remarks 'quedo rendida naturaleza' (*An. Val.* iii. 27), and Zurita 'era menester que se escribiesse . . . para creerla.' (*An.* iii. 95.)

M. Tourtoulon (*ib.* ii. p. 394) thinks that the passage in question contains a textual error, in the shape of a confusion between 'plazer' and 'planher.' But, if this were so, there would be no sense in the following words: 'for it was a very hard thing that he, being my son, should have risen against me.' To such straits are James' admirers driven in their efforts to vindicate his character!

1275. to Gerona, where his prisoner and Berga begged him to call a General Cortes to Lérida, which he consented to do, fixing it for All Saints' day¹. At Barcelona, the Count offered to 'do right,' and to surrender all the castles the king demanded, which were, however, to be restored by Michaelmas; while on the same day, September 3, he was pardoned on condition that he compensated the parties he had injured². And on September 6 James sent letters of summons to the other rebels to be present at the Cortes in November³.

Meanwhile their cause had received another blow. Roger Pallas, Galeran de Pinos, and a number of other nobles, were besieging Mombaulon Castle. Its owner, the Viscount of Castelnou, appealed to Pedro, who collected troops, sallied out from Figueras, defeated the rebels, and drove them to the mountains⁴. The king and his son had thus completely triumphed: the insurgents were crushed, but for the present they continued obstinate. The second Cortes of Lérida was as complete a failure as the first; before it was opened, the rebels demanded that James should make over to the Count of Pallas some property bequeathed to him by Berga, who had recently died; and on his deferring his decision till the arrival of Pedro, they left the Cortes in a body⁵. But their resistance was practically at an end, and the nation was to be re-united before a common danger.

Retrospect
of the
struggle.

In reviewing the history of this, the Conqueror's last, struggle with his nobles, it is easy to see that there were faults on both sides, but that the barons were most to blame. James' mistake consisted in pushing his legal rights too far: it was hardly reasonable to expect Cardona to allow himself to be stripped of all his resources by the surrender of his

¹ *Chron.* 550, 1. For the date of the siege of Rosas, cf. *Reg.* xx. 268: 'in obsidione de Rosis,' July 11.

² *Reg.* xx. 282, 3; xxv. 306.

³ *Reg.* xxiii. 33.

⁴ Zurita, *An.* iii. 97; Desclot, *Hist. Cat.* i. 22. Beuter (*Cor. Esp.* ii. 54) says that the castle besieged was that of Besalu.

⁵ *Chron.* 552, 3.

castles and fiefs, and then to acquiesce in the king's sentence, whatever it might be. And it was on this very point that the Viscount made the most prolonged resistance—a fact which shows that he fully appreciated its importance. On the other hand, that Cardona was bound to follow the king when summoned to serve, there could be no doubt whatever, and his claim to shelter a murderer was equally unjustifiable. In dealing with him, James erred in not pressing these two last points, and in insisting, before all else, on the surrender of his fiefs.

1275.

—♦—

The grievances of the other barons were vaguer. They began with the demand of Pedro for the reversion to the Crown of 'female fiefs,' a claim which James appears to have promised to make his son abate. The other complaints of the recalcitrants consisted in vague charges against the king for alleged violations of their 'good customs'—violations which are not specified. And their unreasonable attitude is shown by their abrupt departure from the second Cortes of Lérida. There can, in fact, be little doubt that the real motive of the revolt was the extortion by the barons of Catalonia of concessions similar to those obtained by the nobles of Aragon at Exea in 1265. They failed in their object; but they had inflicted serious injury on the country, and there was probably no contemporary sovereign who would have treated them so leniently as the Conqueror had done—traitors and rebels though they were.

CHAPTER XVII.

THE DEATH OF THE KING.

1275.
—♦♦—
Troubles
in Castile.

WHILE the restoration of order at home was taxing all the energies of the King of Aragon, the neighbouring kingdom was the scene of events, which, in their bearing on the future of Spain, seemed likely to call for the strong hand of another Charles the Hammerer.

In November, 1274, the Conqueror had concluded an alliance with Aben Jucef, King of Morocco¹, who, according to his own account, was fitting out an armament against the Emir of Ceuta. The real object of the treaty—so far, at least, as Aben Jucef was concerned—soon became evident: it was meant to disarm the suspicions of the Kings of Castile and Aragon; and in March, 1275, an army of Arabs crossed the straits and poured into Andalucia. They had come, of course, at the invitation of the King of Granada, and a series of disasters to the Christians followed. Alfonso was absent, prosecuting his claims to the imperial throne, while his own was in jeopardy. In May Gonzalez de Lara, Governor of Cordova, was defeated and killed at Ecija; James' son, the Archbishop of Toledo, shared a like fate at Torre del Campo soon afterwards; and the Infante Ferdinand, Alfonso's heir, died at Villareal, on his way against the invaders. James heard the news at Gerona, soon after his triumph at Rosas, and it caused him 'great grief.' The Cortes of Lérida over, he despatched his son Pedro, with 1,000 horse and 5,000 foot, to the aid of the Infante Sancho, Ferdinand's brother,

¹ Capmany, *Memorias*, iv. p. 7.

who had taken the reins of government into his own hands. 1275-6.

But the Conqueror himself was presently confronted by new and unlooked-for embarrassments in his own kingdom. Disturbances had broken out in different parts: even at Zaragoza a jurat and a number of citizens had been massacred; and at Valencia the houses of some of the chief men were wrecked, the royal officials were expelled, and a number of bad characters collected under a certain Miguel Perez, and committed depredations in the country. On hearing of this, the king lost no time in repairing to Valencia, where he punished the guilty, and sent his son, Pedro Fernandez, against Perez and his troop, who left the kingdom¹.

Disturbances in Valencia.

But worse was yet to come. The Moors in the neighbourhood of Alicante revolted, and seized more than forty castles. They were assisted by bands from Barbary and Tunis, and the revolt soon spread to Tous, Gallinera, Alcalá, and other parts of the country near Xativa. Happily, at this juncture, the Count of Ampurias once more came in and offered to 'do right,' so that James was able to devote an undivided attention to the rebellion. Accordingly, in March, after summoning the nobles of all three countries to come to his assistance at Easter², he advanced to Xativa, and busied himself with garrisoning Cocentayna and Alcoy. An attack also by the Moors on the latter place was repulsed, among the slain being James' old enemy, Alazrak, who had re-appeared at the moment of his rival's embarrassment; but in following up their advantage, the Christians fell into an ambuscade, and were

Revolt of the Moors (1276).

¹ Zurita, ib. 98, 99; *Chron.* 552-4; *Reg.* xx. 300.

On December 13 the king sent letters to most of the chief towns of Valencia directing the citizens to punish corporally any one in their neighbourhood in league with certain Christian malefactors, who were doing

the country all the harm they possibly could. The towns mentioned were also to send men to Xativa in the second week of January, ready to serve for twenty days. *Reg.* xxiii. 43.

² *Reg.* xxiii. 45, 48, 49 ('quod posse Sarracenorum crescit').

1276. nearly all captured or slain. This success encouraged the insurgents, who seized on some more castles; and a victory of Azagra over a thousand Moors, who were ravaging the plain of Lyria, was counterbalanced soon afterwards by the total defeat of an army of Christians at Luxen, in which Entenza and Lizana were slain, and the Master of the Temple was taken prisoner. This was the worst reverse the Conqueror's arms had ever experienced, and the old king felt it severely. Soon afterwards Pedro and a number of nobles arrived at Xativa, and James returned to Alcira to procure supplies¹.

The king falls ill, and dies at Valencia, July 27.

Here he fell seriously ill: 'the sickness again pressed on me and grew in such wise, that, by the grace of our Lord Jesus Christ, being of very good and full understanding, I confessed myself several times to bishops and Dominican and Franciscan friars, with great contrition for my sins, and with great weeping. Then, being purged of my worldly sins by the said confession, with great joy and content I received the body of our Lord Jesus Christ.' He also made two codicils to his will², and sent for Pedro, his advice to whom—given after Mass, in the presence of the nobles and citizens—is a fitting commentary on that long life's fever of heartless sins and selfish aims, chequered and relieved at times by softer impulses and religious influences. He reminded his son how God had honoured him in this world, and made him to reign longer than any king since David and Solomon; how he had loved Holy Church, and had enjoyed the honour and affection of his people; and how all this had come to him from the Lord

¹ *Chron.* 555-60; Zurita, *ib.* 100. Desclot (*ib.* i. 20) says that the revolt of the Moors of Alicante was due to an attack of the Almogavars, who overran the country.

The king seems to have remained in Xativa and its neighbourhood from March to July. *Regs.* xx, xxii, *passim*.

² Dated July 20 and 23 (*Parçh-*

ments, 2287, 2289; cf. Tourtoulon, *ib.* ii. pp. 455, 460). They both consist mainly of bequests and arrangements for the payment of debts: the first specially enjoins on Pedro the fulfilment of his father's promise to the pope to expel the Moors, and commends to him, among others, a certain 'Dompna Sibilia de Saga.'

Jesus Christ, Whose way and commandments he had striven to follow 'on the whole, or for the greater part at least.' He then adjured the Infante to take example of him, and to love and honour his brother James; commended to him his council, and especially the Bishop of Huesca, his chancellor; urged him to expel all the Saracens from Valencia, and to put the castles in a state of defence; and directed that his body should be buried in the Abbey of Poblet. This done, he resigned the crown, and put on the habit of a Cistercian monk, dismissing Pedro to the frontier, all the barons and knights taking leave of him 'with great lamentations and tears.' James then left Alcira on his way to Poblet, but expired at Valencia, on July 27. He was in the sixty-ninth year of his age, and had reigned for sixty-three years¹.

1276.

→←

The object, so far, of this work has been to set forth, as James' clearly as possible, the chief incidents—hitherto, in many work. respects, ill-arranged and imperfectly elucidated—of a long and important reign. It has been said somewhere that the best book which could be written would be a book consisting of premises only, from which the readers should draw their own conclusions; and, on this principle, the facts of James' life have been allowed here to speak for themselves, without being rendered inaudible by a buzz of needless comments. Now, perhaps, some estimate of his life and work will not be out of place.

James was a great king: that is to say, in talent and in genius as an administrator, he towered above any of his contemporaries, not excepting Alfonso X and Louis IX. Like so many great men—like Wallenstein—he had an endless capacity for detail; and it was this last quality that enabled him to set on foot a far-reaching and consistent home and foreign policy. Yet, great legislator and great administrator though he was, his rule was more than once

¹ *Chron.* 560-6; *Zurita, An.* iii. Martene, *Thes. Nov. Anecd.* ii. 101. The king's resignation is dated 1155. July 21. *Dachery, Spic.* iii. 682;

shaken to its foundations by 'lack of governance,' and he cannot be said to have solved the twofold problem which was ever presenting itself: the maintenance of order among a turbulent aristocracy, and the preservation of harmony between two of the most high-spirited nations of Europe. Here his success was but partial. It is true that he weakened and thwarted the feudal opposition by his alliance with the towns and the Church, and that by his foreign wars he turned the play of their spirits on his Mohammedan neighbours. And it is also true that no actual disruption of the kingdom took place in the course of the reign. More than this can hardly be said in James' favour. Through its whole length the reign witnessed a protracted struggle between the king and his nobility—at times desultory and intermittent, and at times blazing out with exceptional fierceness. In maintaining the union of Aragon and Catalonia James was more successful; yet, more than once, in his partitions, he adopted a separatist policy, and thereby strained the relations of the two countries to the utmost.

Apart from his conquests, still less successful was the king's foreign policy. James was, perhaps, the first sovereign, since Charles the Great, to realize the possibilities presented by a union of the south under one sceptre. For the attainment of this end he spared no efforts, his object being to establish a powerful bulwark against the growing pressure of France. His policy was a failure, owing to events over which he had no control. Yet in his change of policy he was in no way inconsistent. He simply ceased to struggle against the inevitable. He abandoned the claims of nationality to shelter himself behind natural defences, and he sacrificed extension to consolidation.

James' policy, therefore, at home and abroad, was not so successful as is generally asserted. Abroad it was a failure, through no fault of his own, and even the attempted colonization of Valencia by Christians was not a success. At home the elaborate machine of government, which the

king had set working, was too often thrown out of gear by his vacillation in his dealings with his nobles, and his infatuation in allowing the queen to dictate the partition of his dominions. Great conqueror and great statesman though he was, the results of James' military and administrative ability were not such as might have been expected; and, all things considered, the truest estimate of his work is that which regards his government and his legislation as having been in advance of the condition of his subjects¹.

When we leave his work, and turn to the man himself, it is equally difficult to pronounce an unqualified verdict. There is much in James to remind us of Victor Emmanuel, the first king of united Italy: both were great statesmen and great warriors, both were ardent lovers of their people, and both—especially James—were men of strong passions. But James, though, perhaps, his inferior in genius, was possessed of talents far more brilliant than those of the Italian monarch; and it is in this light that we must consider him—that is, as one who, in intellectual ability, stood on an altogether higher level than the mass of his fellow men, and from whom, therefore, the more might be expected. 'It is a pure perversion of history to apply latter-day codes of morality to the heroes of by-gone ages².' Looked at from one point of view, this observation is the expression of a profound truth, from another it appears almost a common-place. The former has reference to the objective, the latter to the subjective, method of viewing a character².

The historians of Spain have hitherto contented themselves with regarding James of Aragon from the objective point of view—the method which consists in checking a man's actions by reference to the Decalogue, and in summing up with a list of good and bad deeds, with, as a rule, no conclusion whatever as to the man himself, but merely a general statement as to his 'character,' which is supposed to be the sum total of his virtues and vices, and

¹ Ticknor, *Hist. Span. Lit.* i. p. 288.

² Lane-Poole, *Moors in Spain*, p. 194.

the estimation of which varies with the moral code of the day. But a man's only judge on earth is himself: from that court there is no appeal, and it admits of no assessors. All attempts, therefore, on the part of onlookers, to deliver a verdict on any man, can only be indirect, and must be drawn from the point of view of his own subjectivity.

James' character is essentially and attractively human. His very faults interest, and, in a sense, fascinate, us. The thirteenth century has been called the age of heroism¹—an epithet which, at the best, can only be applied to society as it then existed in Northern Europe. To heroism a basis of disinterestedness or self-forgetfulness is essential², and, in the south of Europe, it was precisely this necessary quality which was wanting. In this respect it is hard to exaggerate the evil effects of the Albigensian wars on a country already honeycombed with every sort of vice. Men like Simon de Montfort and James the Conqueror are typical of the age. Servants though they are of the Church, their consciousness gradually finds itself confronted by a duality of motive. The century is the age of attempted self-deception: men are willing, indeed, to die for Christ, but they are becoming more and more reluctant to live for Him. In the fourteenth century the imposition can no longer be kept up, and it bursts out in the shameless and heartless 'chivalry' of the day. James' life was a series of more or less conscious attempts at self-deception. A religious opportunist, he ended by adopting, or rather trying to adopt, the convenient theory that in his acts of vengeance and cruelty he was but the instrument of the Divine will³. And the consciousness of this attempted self-deception made the sin

¹ Stubbs, *Const. Hist.* ii.

² Τὸ εὐηθές, οὗ τὸ γενναῖον πλείστον μετέχει. Thucydides, iii. 83.

³ The king's real and alleged motives for the expulsion of the Moors from Valencia are a good instance of this: 'on the one hand, I was greatly annoyed at the affront,

on the other I was pleased, for it afforded me a good opportunity of taking revenge on the Saracens.' But, later, he says to the nobles: 'it seems to me as if the thing were the work of our Lord, and that He wills that His sacrifice be over the whole kingdom of Valencia.' *Chron.* 363, 364.

all the greater. His sins were sins against knowledge. As a champion of the Church, he seems even to have thought himself entitled to a larger share than his fellows in her 'treasures.' His licentiousness was the scandal of Christendom, and he knew it; yet in the very year before his death this 'hoary-headed hypocrite' was guilty of a more flagrant act of profligacy than ever.

It is, indeed, very questionable whether there were any means to an end which James could not have brought himself to adopt. To fling aside Leonor, and to carry misery into the home of the Count of Toulouse, was to him a matter of small concern; and for the gratification of his own selfish ambition any excuse sufficed. In many ways an unworthy instrument for good, he had in him the making of a very noble character, and of this he was aware. But he turned aside from this better part, and, when the evil was pleasant and convenient, he deliberately chose the evil. And, in so doing, he was false to himself, and false to his God¹.

¹ It is needless to recapitulate here the extravagant eulogies showered on James by historians, from the monk of Ripol—who favours the Conqueror with the style of 'princeps excellens, strenuus, gratus, benignus, pius et mirabilis preliator, pater orphanorum, deffensio viduarum'—to the innocently ironical comment of Blancas: 'nullus in voluptates delapsus temperantior.' The attack of Sr. Victor Balaguer on Dunham, for his strictures on James, is amusing: 'Qué virtud intachable ha existido, que la calumnia no haya procurado destrozar? El inglés Dunham y otros historiadores le han atacado con indigna violencia. El primero habla de él como pudiera de un D. Juan Tenorio, y despues de citarle por su 'perfidia, su lascivia desenfrenada, su crueldad bárbara, su desordenada aficion á las mujeres, no teniendo,' dice, 'respeto á ningun vinculo de honor ó religion, por

satisfacer sus apetitos,' acabar por manifestar que el favor, conque está mirada su memoria, se debe principalmente a haberse cruzado y a haber llegado a embarcarse para Tierra Santa' (*Hist. Cat. y Ar.* ii. p. 486).

The estimates of Zurita and M. Tourtoulon are more temperate, though the latter adopts a somewhat elevated view of his hero's character, when he writes: 'sin inquietarse por adquirir la gloria ó acrecentar su poderío, marcha resueltamente por el camino que le señala la luz superior' (*ib.* ii. p. 407).

The enthusiasm of Spanish historians for their national hero received a severe rebuff in the seventeenth century, when the project for his canonization was rejected by Rome, and James the Conqueror, with all his 'unassailable virtue,' was denied the honour accorded to even a Pedro Arbues.

ELEGY OF MATEO DE QUERCY ON JAMES¹.

Joya-m sofranh e dols mi vey sobrar
 e no trop res que-m fassa be ni pro.
 Quan mi sové del bon rey d' Aragó,
 adonx mi pren formen a sospirar,
 e prezi 'l mon tot atrestan com fanha.
 Quar era francx, humils, e de paucs motz,
 e de grans faitz, si que sobr' els reys totz,
 que hom aya ja trobatz en Espanha.
 Era plus alt per valor conquerer ;
 e pus que' l rey tan sabia valer,
 razós requier que tot lo mon s'en planha.

Tot lo mon deu plánher e doloyar
 la mort del rey, per drech e per razón.
 Quar anc prínceps negus mellor no fo
 él nostre temps e sa ni de la mar,
 ni tan aya fach sobre la gen lanha,
 ni tan aya eyssausada la crotz,
 on Ihesum Christ fon passatz per nos totz.
 Ay Aragós, Cataluenha, e Sardanha,
 e Lérida, venetz ab mi doler
 que ben devetz aitan de dol aver,
 com per Artús ágron cel de Bretanha. . .

E l'an . . . qui ben los sap contar,
 que Ihesum Christ pres encarnació
 cc e mais lxxvi, que so
 lo reys Jacmes, e 'l seté kalendar
 d' Agost fení ; donc preguem que s' afranha
 Ihesum's a lui, e 'l gart del preon potz,
 on Dieus enclau los ángels malvatz totz,
 e 'l do los gauchz en que l' arma's refranha,
 e 'l corone e 'l fassa lai vezer
 en sel regne, on non a desplaizer,
 quar aitals loex creys que de lui se tanha.

A tota gen don' eyssampl' en paucx motz,
 lo rey Jacmes es apellatz per totz.

¹ Mila, *Trovadores en España*, p. 192 [amended].

E Dieus a 'l mes ab Sant Jacm' ab companha,
 qu' en l' endemá de Sant Jacme per ver
 lo rey Jacmes fení, qu' a dreyt dever
 de dos Jacmes dobra festa-ns remanha.

Matiens a fait per dol e per corrotz
 son plan del rey qu' amava mas que totz
 los altres reys, e que tot hom s' en planha ;
 e qu' el sien nom puesca él mon remaner,
 e qu' en puesca dels filhs del rey aver
 e dels amics plazers, en que-s refranha.

EPITAPH ON JAMES' TOMB AT POBLET¹.

Anno Domini M.CC.LXXXVI.
 Vigilia B. Mariae Magdalenae
 Illustrissimus ac virtuosissimus
 Jacobus Rex Aragonum, Majori-
 carum, Valentiae, Comesque Barcinonae
 et Urgelli, et Dominus Montispesulani,
 accepit habitum Ordinis Cisterciensis
 in villa Algecirae, et obiit Valentiae
 VI. Kal. Augusti. Hic contra
 Sarracenos semper praevaluit,
 et abstulit eis Regna Majoricarum,
 Valentiae et Murciae, et regnavit
 LXII. annis, X. mensibus, et XXV.
 diebus : et translatus est de civitate
 Valentiae ad Monasterium Populeti,
 ubi sepultus fuit praesentibus Rege
 Petro filio suo, ejus uxore Constantia
 Regina Aragonum, et Violante
 Regina Castellae filia Domini
 Regis Jacobi praedicti, et Archiepiscopo
 Terraconae, et multis Episcopis, et
 Abbatibus, ac Nobilibus viris.
 Hic aedificavit Monasterium Bonifazani,
 et fecit multa bona dicto Monasterio Populeti.
 Ejus anima requiescat in pace.
 Amen.

¹ Bofarull, *Condes de Barcelona*, 1835, the Conqueror's remains being
 ii. p. 241. The monastery of Poblet subsequently transferred to the Cathed-
 was destroyed in the disturbances of ral of Tarragona.

JAMES' FAMILY¹.

JAMES I.

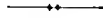
- P. Fernandez } by Berenguela
Fernandez.
- F. Sanchez } by a lady of the
House of Antillon.
- Pedro }
—Jaime } by Teresa Vidanre.
- Isabella = Philip III of France.
- Sancho, Archbishop of Toledo,
killed 1275.
- Fernando, Cont of Roussillon.
- Leonor (*d.* unmarried).
- Jaime, King of Mallorca.
- Maria (*d.* unmarried, 1248).
- Sancha, who went as a nurse to
Jerusalem.
- Costanza = Manuel, brother of
Alfonso of Castile.
- Violante (*b.* 1237, *d.* 1300) =
Alfonso X of Castile.
- Pedro III (*b.* 1236, *d.* 1285).
- Alfonso (*d.* 1260) = Costanza of
Bearne. } By Leonor.

By Violante.

¹ Cf. Bofarull, *Condes de Barcelona*, ii. pp. 236-9.

PART II.

SOCIAL HISTORY, 1213-1276.



CHAPTER XVIII.

THE GOVERNMENT OF JAMES' DOMINIONS.

THE elaborate system of government which we have seen at work in the Conqueror's dominions may, perhaps, be examined most conveniently in three of its aspects: the Crown and its Officers, the Cortes, the Local Government.

In no mediaeval state was the royal authority regarded with greater jealousy and suspicion, by nobles and burghers alike, than it was in the countries subject to the Crown of Aragon. So far from possessing the prestige enjoyed by the ancient rulers of the land—the Visigothic kings¹—or by the contemporary monarchies of France and Castile², in the eyes of his nobility James was little more than 'first among equals,' and in the Constitutions mention is rare of any act regarded as treason towards the sovereign, beyond

I. The Crown.

¹ By the Visigothic Code, all who delayed to take the oath of allegiance to a new sovereign might be dealt with by him at his discretion. ('Cum divinae voluntatis imperio principale caput regnandi sumat sceptrum, non levi quisque culpa constringitur, si in ipso suae electionis primordio . . . jurasse, ut moris est, pro fide regia differat . . . Quicquid de eo vel de omnibus rebus suis principalis auctoritas facere vel judicare voluerit, sui sit incunctanter arbitrii.' v. 17, 9.) The different forms of treason will be

noticed later.

² In Castile the Prince was regarded as 'God's vicar on earth' (*Siete Partidas*, ii. 13, 1); within thirty days after his accession all holding castles of him were bound to come and do homage (ib. 22); and over all his subjects he possessed 'merum imperium,' i.e. the power of 'judging and commanding' (ib. iv. 25, 2). In France the king's pleasure was law, all jurisdiction emanated from him, and all could be cited to his court. Martin, *H. F.* iv. p. 567.

the ordinary treasons of which a vassal might be guilty towards his lord¹. This view of the king's position comes into striking prominence at the Cortes of Exea, in 1265, where James is clearly regarded by the barons of Aragon as little more than their feudal superior, with definite duties towards their widows and children, and a limited right of leading them to battle.

Even the king's judicial powers over his nobles were restricted; and for aids on anything like a large scale he was entirely dependent on the humour of the Cortes.

The Usages of Catalonia, again, were permanent and general in character, and included rules as to the nature of proofs, the length of the prescription required to constitute ownership of property, and the duties of witnesses. They were, in fact, national customs, the 'common law of the realm,' and could only be altered by national consent.

Such were some of the initial disadvantages of James' position. But he had in him all the capacities of an absolute monarch, and as such he really ruled, though he knew how to assume the guise of a constitutional sovereign, when convenient. And, despite the opposition of his nobility, the Conqueror's many-sided activity invested him with a formidable array of powers, which we will now briefly pass in review.

(a) Its
legislative
powers.

In his legislative capacity—apart from the *Fueros* and Constitutions, or laws promulgated in the Cortes of Aragon and Catalonia respectively—the king's acts may be divided into two classes: Ordinances or *Pragmaticas*; Privileges.

Of these, *Pragmaticas* or Ordinances affected the Catalans alone, and were usually interpretative in character, being such as those defining the status of minors who entered a religious order, or married, without their parents' consent,

¹ The greatest advance was made in the Valencian code, where those who injure the Prince's castles or towns, help his enemies, or coin money without his licence, are guilty of 'lesa Majestat' and lose their heads (*Furs*, ix. 9, 1). And in the Catalan code the subjects of a baron are forbidden to help their lord against the Prince, as the former, in rising against his sovereign, is guilty of 'lesa Majestat.' *Const. Cat.* iv. 27, 4, 38.

the relations of the Vicar to the Council of Barcelona, and the nature of the laws to be referred to in the Courts.

Privileges were conferred on the inhabitants of both countries alike, and comprised municipal charters, grants, legitimations, pardons, emancipations, and exemptions¹.

It will thus be seen that the legislative power, which the king had won for himself, was almost as extensive, in practice, as that possessed by the Cortes of sanctioning or rejecting laws presented for its approval. And, even in the latter sphere, the influence of the Crown was paramount: the Code of Aragon was sanctioned indeed by the Cortes, but it was initiated by the king and formulated by a body of lawyers; and the same may be said of the 'Furs' of Valencia.

Of still greater importance than his legislative powers ^{(b) Its} was the king's position as head of the executive. In this ^{executive} sphere his judicial authority alone was fully co-extensive ^{power.} with his legislative functions. In Aragon², Catalonia³, and Valencia⁴, the sovereign only, or his representatives,

¹ M. Tourtoulon—whose classification differs somewhat from mine—limits a privilege to a grant conferred on an individual (ib. ii. p. 120). But the municipal charter of Valencia is styled 'aureum opus privilegiorum'; and Alfonso the Savant defines a privilege as 'ley que es dada et otorgada del rey apartadamente á algunt logar ó á algunt home, por le facer bien et merced.' *Siete Partidas*, iii. 18, 2.

² 'Poena vero homicidii, flagitiorum aequalium vel majorum . . . ipsius Regis esse . . . omni tempore dignoscuntur.' (Vidal, ap. Blancas, *Commentarii*, in Schott, *Hispania Illustrata*, vol. iii. p. 728.) 'Justitiae aut extemae corporum et membrorum specialiter sunt et spectant ad dominum Regem et ad suos.' *Fueros*, lib. iii, tit. 'de jurisdictione omnium iudicum.'

³ 'Dels Magnats, ço es Vescomtes Comdors, e Vavessors, negu presumesca de aci avant en neguna manera tormentar ni punir los culpables, ço es a saber penjar per justitia' (*Const. Cat.*, lib. x, tit. 1, Us. 5). 'Fer justitia dels malfaytors es donat solament á las Potestats' (ib. 6). And even though these Usages may not belong to James' reign, they were certainly not abrogated by him, the claim being, in fact, reasserted by the king in his struggle with Cardona: 'tots les Justeyes de Catalunya son nostres segons l'usatge.' *Reg.* xxii. 12.

⁴ 'Alcun rich hom o noble o cavaller o ciutada o prelat o clergue o alcuna persona religiosa o seglar ningun temps no pusque per neguna cosa ne per neguna raho a dret o a tort fer alcunes justicies de sanch o personal justicies . . . La Cort en la Ciutat de

possessed the right of employing torture or inflicting punishment, and in all three countries appeals went before a royal court¹; while, as their feudal superior, the king could cite his nobles before him for offences committed against a third party². His position, in fact, was that of supreme judge, and as such he was regarded by the jurists³.

It is not surprising, therefore, that the number and diversity of the suits, which came before the royal court, was very great, and compelled the king to take about with him a body of lawyers for consultative purposes, as well as for the trial of 'delegated' cases, i.e. appeals the hearing of which James had committed to one of his advisers⁴. And this was his defence to the rebels at Exea: 'every king's Court ought to be accompanied by Canon and Fuero lawyers; for there were lawsuits in all those branches. If I had not with me those who could judge and sentence such suits-at-law, it would be a shame to me and to my Court⁵.' From this it would seem that James was

Valencia, qui en aquell temps sera, oia los pleyts de justicia de sanch, e ab consell dels Prohomens de la Ciutat determen e judge.' *Furs*, iii. 5, 72.

¹ This is evident from the delegation, by the king, of the trial of appeals to his lieutenants, whenever he left the country. In Valencia it was the second appeal that went before the king's court. *Priv.* 54.

² As in the case of the Enguerans against Luna.

³ The language of Bishop Vidal is particularly high-flown on this subject: 'ut diadema in capite Aharon, et splendor in medio firmamenti illuminans totam machinam mundanalem, sic splendet jurisdictio in Regia Majestate. In quo est sic totaliter constituta, ut, quasi a fonte in rivos, oportet ab ipso in omnes alios ipsam jurisdictionem et ejus exercitium derivari' (ib. p. 722). And not only were all judges regarded as deriving their

authority from the king, but in his presence the functions of all minor officers were suspended: 'eo praesente, omnia minora officia conquiescunt et omnia debent per suam excellentiam pertractari.' *Ib.* p. 728.

⁴ 'Potest ipse Rex illico, si placuerit, unam causam vel plures, si sibi visum fuerit, delegare' (ib. p. 783). These delegated judges, for the trial of special cases, also existed in Castile, where they could be appointed by any ordinary justice. *Siete Partidas*, iii. 4, 1.

⁵ *Chron.* 396. When sitting as judge himself, the king could call on the nobles for advice ('tenetur etiam vocatus [sc. Ricus homo] ad Regis curiam accedere, quotiescunque ab ipso Rege fuerit evocatus, et sibi dare consilium secundum discretionem sibi a Deo datam.' Vidal, *ib.* p. 728). In Luna's case sentence was passed by the king, 'habito consilio multorum

attended by a body of lawyers, as complete, perhaps, as that attached to the court of a Norman king of England, or of S. Louis himself.

In one class of cases, however, the king possessed no jurisdiction—differences between himself and the nobles of Aragon. The trial of these he had conceded at Exea to the Justiciar, with the nobles and knights at court acting as assessors. The Catalan magnates, on the other hand, were, nominally, directly subject to the Crown in judicial matters¹; but, as we have so often seen, in practice they perpetually resisted the authority of James' tribunal².

But the exercise of his judicial authority was not the only important executive function discharged by the king. To enumerate his other activities in this sphere would be but to repeat the story of James' life. It is enough to mention his power of declaring war³ and making peace⁴, of concluding treaties⁵, and of convoking the Cortes.

The last branch of James' powers may be said to consist of his claims as a feudal lord, which included the right of depriving the nobles of their fiefs and Honours, for lawful

(c) Various
feudal
rights.

richorum hominum Aragonum et etiam Catalonie in nostra curia tunc existentium et etiam militum et electis Oscensibus (?) et multorum clericorum et peritorum ac etiam multorum aliorum ibidem existentium' (*Reg.* xxi. 16). The forgers of Tarazona the king seems to have tried and sentenced on his own responsibility.

¹ 'Pledejar deuen ab Comte los Vescomtes, els Comdors, els Varvesors, els altres Cavallers.' *Const. Cat.* iii. 2, Us. i.

² The ill-defined nature of the king's judicial relations to his Catalan barons is shown by the varying composition of the arbitrating tribunal: in the struggle of 1259 and 1260 the judges offered to Cardona are vaguely described as 'jutges sens tota suspita';

the Count of Urgel is to submit to the decision of the Bishop of Huesca and Oliver de Termes; and in 1275 the arbitration in the dispute with Fernan Sanchez, Cardona, and the Count of Ampurias, is entrusted to the Cortes of Lérida.

³ The wars with both Valencia and Murcia the king seems to have undertaken on his own responsibility—in the first instance at any rate—though in each case he solicited an aid from the Cortes. In the case of the Murcian war he was careful to disclaim any intention of consulting the Cortes.

⁴ As with Valencia—a private transaction—and Murcia.

⁵ Such as those with Navarre, France, Toulouse, and Provence.

cause, of exacting regular military service, and of imposing certain dues¹.

When leaving the kingdom for any length of time, or during some crisis which called for his undivided attention, it was James' practice to place the country in charge of one or more Lieutenants or Procurators. The office was usually discharged by a noble or one of the king's sons, who enjoyed full administrative and judicial authority in the sovereign's absence. During the last few years of the reign Pedro, as heir to the throne, seems to have been associated with his father in the government—an innovation which, under succeeding kings, became a custom².

In the legislative and executive departments of his activity, therefore, the position of the sovereign was such as to render him practically supreme, while his rights as a feudal suzerain were also considerable. As chief judge, chief legislator, and chief commander, he possessed, in-

¹ The nature and extent of these feudal and taxative rights are noticed later.

² Thus—to omit the various regencies of the king's minority—in 1245 the Infante Ferdinand appears as 'Procurator of Aragon' (*Paroch.* 1011); in 1253, when James' relations with Castile were strained, a like position is enjoyed by Eximen Foces (*ib.* 1329); and in 1257, during, apparently, a struggle with Castile and Navarre, the same noble was appointed 'Procurator of Valencia,' with 'first appeals in all cases,' and with Pedro occupying the same position in Catalonia (*Reg.* ix. 34, 36: 'ita quod possitis iudicium cum misericordia temperare, concedentes vobis plenariam et liberam potestatem audiendi et determinandi, per vos vel per iudices a vobis delegatos, causas omnes tam civiles quam criminales quas vos cum aliquibus subjectis nostris habueritis. Et damus licentiam vobis ac potesta-

tem instituendi et destituendi Vicarios omnes, prout discretioni vestre videbitur'; cf. Bofarull, *Doc. Ined.* vi. 25). In 1267, during the dispute with Lizana, Pedro Fernandez acts as the king's lieutenant ('locum tenens') in Valencia (*Reg.* xiv. 87); in 1269, during James' crusade, Pedro is lieutenant-general of the kingdom, with Ato Foces as 'Procurator-General' of Aragon (*Zurita, An.* iii. 74); in 1271 the Infante is alluded to as 'Procurator of the kingdom of Valencia' (*Reg.* xxxvii. 19), an office from which he was degraded by his father at the Cortes of Lérida, in March, 1272 (*Chron.* 509); and in 1273, during the dispute with Pedro and Cardona, Ramon Moncada was appointed 'Procurator' of Aragon and Catalonia, with the primate to hear appeals (*Reg.* xxi. 118, 119, 126, 127). Cf. *Securitas Pacis* respecting 'capitalis iusticiarius noster,' in the king's absence from England.

evitably, powers of initiation which the Cortes could never acquire; and it was here that the strength of his position lay. Hence it was that the home and foreign policy of the reign was entirely shaped by the Conqueror's genius.

Two constitutional obstacles alone—both of them of feudal origin—hampered the king in the exercise of his power: the liability of the Crown to arbitration in its differences with the nobility, and its dependence on the same order, when assembled in the Cortes, for the grant of anything like a large aid. In both of these respects the Crown was dependent on its subjects; both were a real check on James' activity; both, in fact, alone prevented him from enjoying the throne of an absolute monarch. In practice the king surmounted these obstacles by his own indomitable spirit; but the long-protracted and constantly-repeated conflict wasted his best energies and embittered many years of his life.

Besides the body of lawyers attached to the Court, there were, of course, the great officers of state, chief of whom were the Justiciar and the Majordomo of Aragon, the Chancellor and the Seneschal of Catalonia. Of these the most important was the Justiciar of Aragon. Later writers, when the office had reached the height of its glory, carried back its institution to almost mythical times¹; but, in any case, it would seem to have been already in existence in the twelfth century, and was, no doubt, created to provide the king with a competent lawyer to assist him in judicial business, and to fill his place in his absence². The first

The
Justiciar.

¹ Their authority seems to have been the Justiciar Sagarra who lived towards the end of the thirteenth century, and who explicitly says that the office originated in Sobrarbe, in the shape of a 'judex medius . . . qui judicaret et esset judex inter ipsum [sc. Regem] et ejus vasallos' (Blancas, *Comm.* pp. 657, 671). It is probable, however, that Sagarra is merely glorifying his own office, and there is

certainly no trace of the Justiciar's action as 'intermediate judge,' before the Cortes of Alcañiz in 1250; and it was not formally recognized till 1265.

² The difficulty of investigating the origin of the office is increased by the constant application of the title 'justitia' to local justices, of whom the one most frequently mentioned in early documents is the Justitia of Zaragoza. According to Bishop Vidal,

definite and authentic allusion to the Justiciar, under his full title, is, however, not to be found till the year 1225¹, in the person of Pedro Perez², who came into prominence later at the siege of Burriana. But during the greater part of James' life little is heard of the office, and it was only towards the close of the reign that its powers seem to have become sufficiently developed to render it obnoxious to the nobles, who, at Exea in 1265, wrung from the king the concession that the Justiciar should always be a knight, and not a Ricohombre, the latter being exempt from corporal punishment³.

The most important functions of the Justiciar comprised the duty of arbitrating between king and nobles, as well as in suits between the nobles themselves: on all occasions, however, he seems to have done little more than pronounce the sentence 'put into his mouth' by his assessors, who in the one case consisted of the knights and barons at court, in the other of the king, nobles, knights, and Infanzons, if disinterested parties⁴.

the Justiciar of Aragon was known in the twelfth century as the 'justitia mayor'; and in a deed of 1172 or 1173, cited by Blancas, mention is made of a 'justitia per manum domini Regis in Aragonia' (ib. pp. 782, 791, 792). Zurita begins his list of Justiciars as early as 1114. *Ind.* p. 36.

¹ 'Justicia Aragonis' (*Parch.* 276). M. Tourtoulon (ib. ii. p. 147), in placing the first allusion to the office in 1231, had evidently overlooked this document. Indeed, if Blancas may be trusted, the same Pedro Perez is styled 'justicia de Aragon' in a document of 1208. *Ib.* p. 795.

² 'Primus Justitia Aragonum assidue vocari coeptus fuerit' (ib. p. 794). According to Zurita (*An.* ii. 64), a great accession of influence had fallen to the Justiciar through the cession by the Ricoshombres, under Pedro II, of their right to the administration of

higher justice on their estates.

³ 'Semper Justitia Aragonum sit miles.' *Fueros*, i. 'de officio Justitiae Aragonum.'

⁴ 'In omnibus causis, quae erunt inter ipsum Regem vel successores suos et Richos homines, Filios dalgo, et Infantiones, quod Justitia Aragonum judicet cum consilio Richorum hominum et militum qui erunt in curia. In omnibus aliis causis, quae erunt inter Richos homines, Milites, et Infantiones, judicet Justitia Aragonum de ipsius Regis consilio, et de consilio Richorum hominum, militum et Infantionum, qui erunt in Curia dummodo non sint de partida' (*Fueros*, ib.). 'Quotiescumque interloquutoria vel definitiva sit sententia proferenda, dominus Rex et Barones, hoc est Episcopi et Duces Militum, qui Richi homines appellantur, qui in Curia fuerint tunc praesentes, super illa deliberent in

Besides his position as arbiter, or rather as the mouth-piece of his assessors, in causes which concerned the king and nobles, the Justiciar seems to have exercised a more general judicial authority, when specially commissioned by the king. He could, however, try no suit of importance without the advice of assessors¹, and from him appeals lay to the Crown, which could delegate another judge to re-hear the case².

Lastly, the Justiciar was appointed by the Crown, enjoyed the right of maintenance at the court, might hold office for life, and could only be dismissed for weighty reasons³.

This is all that we know of the position occupied by the Justiciar of Aragon during the first three-quarters of the thirteenth century, and the extremely limited nature of his functions will be evident. In trying cases that affected the king or nobles, he was merely the mouth-piece of his assessors; and, in acting as a judge delegate, he tried no suit of importance without the help and advice of assessors after the fashion of other Courts. He possessed, in short, no independent authority, and his powers were even less extensive—

communi. Et quod dominus Rex et major pars Baronum, vel, si dominus Rex noluerit interesse consilio, major pars Baronum, in Justitiae os posuerit proferendum, ipse Justitia id pronuntiet sententialiter et declaret, nullam poenam ex pronuntiatione hujusmodi metuendo. Nam non ipse sed ipsi, quibus in hac parte eum oportet necessario obedire, ipsius sententiae sunt latores.' Vidal, *ib.* p. 722.

¹ Justitia autem Regis numquam debet sine consilio Baronum, et ipsorum qui pro tempore in Curia vel praesentes fuerint, aliquid in arduo negotio judicare' (*ib.* p. 728). 'In praesentia domini Regis, vel, de ejus imperio, sine eo, causas examinet et auscultet.' *Ib.* 722.

² Zurita, *An.* ii. 64. In *Reg.* xii. 117, is contained the confirmation by the king of a sentence passed by the justiciar: 'nisi pars adversa a predicta sententia appellavit.'

³ 'Regis est ergo judices et justitias ordinare, et, quando sibi placuerit, revocare, et eos perpetuo ponere, vel ad tempus. Inter quos judices, Justitia semper est unus principalis in Aragonia constitutus; qui, ex quo semel a domino Rege fuit constitutus, non consuevit, nisi ex causa justa et culpa condemnabili, removeri. Cujus est officium ut, quamdiu Rex infra fines Aragonum fuerit constitutus, in Regis Curia commoretur, subministrandis sibi ab ipsa Curia alimentis.' Vidal, *ib.* 722.

in James' reign, at least—than those of a Chief Justice of England under Edward I¹.

The names of most, if not of all, of the Justiciars of the reign seem to have been preserved; but they are little more than names. The first, Pedro Perez de Tarazona, is said to have been a 'Mesnader,' or knight of the royal household. His brother was Eximen Perez de Tarazona, the first 'Rico-hombre de Mesnada,' on whom the king bestowed the barony of Arenos. Pedro Perez is last mentioned at the Cortes of Huesca, in 1247; and, of his three sons, Juan Perez is said to have succeeded him as Justiciar, while the other two, Pedro and Belasco, came to an untimely end, being condemned for coining money at Lérida. Of the Justiciarship of Juan Perez nothing is known, and in 1250 we find a certain Artassona presiding, as Justiciar, at the Cortes of Alcañiz, when an attempt was made to effect a reconciliation between James and his son Alfonso—circumstances in which the king would naturally resign for the moment his presidential position. Of Artassona nothing else of importance is known, except that he acted as commissioner to fix the Castilian frontier in 1257, and that he is said to have taken a leading part, for the king, in the hostilities against Alvaro Cabrera. He was succeeded by Pedro Sanchez, to whom, in 1266, James is said to have granted the right of taking cognizance, wherever present, of the first hearing of all cases whatever, as well as of appeals from ordinary judges, before they reached the king. Artassona's successor, in 1269, was Rodrigo Castellezuelo, who was murdered in 1274 by Beltran de Canellas, the assassin taking refuge, as we have seen, with Cardona. Castellezuelo's successor was, apparently, Fortunio Ahe, of whom all that is known is his energy in suppressing the rioters of Zaragoza, in 1276².

¹ On the Justiciar the remarks of Hallam (*M. A.* ii. p. 71) are, as might be expected, both cautious and judicious: 'I do not see that his functions were in any essential respect different

from those of the Chief Justice of England, divided, from the time of Edward I, among the Judges of the King's Bench.'

² Blancas, *ib.* pp. 795-7.

The Chancellor, who was always a bishop, seems to have acted as Treasurer-General of the whole kingdom¹. He probably had charge of the royal seal, and it is with James' reign that the series of Chancery Registers begins, with their miscellaneous contents. The greatest of James' Chancellors was the famous jurist, Vidal de Canellas, Bishop of Huesca.

Another important functionary was the Majordomo of Aragon, who possessed judicial powers perhaps even more extensive, in ordinary suits, than those of the Justiciar². His special sphere of action seems to have consisted of the cognizance of suits in which Infanzons were concerned, and he is also said to have possessed the right, in urgent cases, of citing any layman to his tribunal, as well as of suspending, by his presence, the action of any local court. In all causes, however, he was bound to associate with himself the Justiciar of Aragon, or some local justice, as assessor, the latter giving sentence³.

Apart from his judicial functions, the Majordomo acted

¹ This is evident from the frequent, though somewhat spasmodic, entries in the Registers of accounts rendered by the Bailiffs of different towns to the Chancery. They include especially 'Redemptions' and other taxes imposed in a crisis, the amount given by each town being specified, and, sometimes, the total contributed by each country. Their number and variety set beyond doubt the importance of the Chancellor's duties in this department—in other words as Treasurer-General; and it would seem, therefore, that M. Tourtoulon (*ib. ii. pp. 301, 322*) is inexact in claiming this title for Jahuda, who rather occupied the position of Collector-General. He filled this office in Aragon in 1261 (*Reg. viii. 51*), and was Bailiff of Zaragoza at the same time (*ib. 27*); while in 1276, besides occupying the same post at Zaragoza, he was Bailiff

and Governor of the city and kingdom of Valencia, simultaneously (*Regs. xxii. 74, 75; xxiii. 15*), collecting, probably, the revenues of Aragon and Valencia. Yet in 1261 he rendered his accounts for Aragon to the Chancery, into which he also undoubtedly paid the revenues he collected in 1276, though only the sum raised in Zaragoza is specified (*Reg. xx. 334, 335*). It is clear, therefore, that the name of Treasurer-General is a misnomer, Jahuda being always liable to the Chancery audit.

² 'Post regem autem ... Majordomus in judicando obtinet principatum' (Vidal, *ib. p. 782*). It is hard to reconcile this last expression with Vidal's own definition of the position of the Justiciar: 'inter quos iudices Justitia semper est unus principalis' (above).

³ *Ib. p. 782.*

as Constable, commanding the cavalry in battle¹; and in Aragon he seems also to have occupied the position of steward of the royal household².

Seneschal
of Cata-
lonia.

The Seneschal acted as commander-in-chief of the Catalan army, his military duties being much the same as those of the Majordomo of Aragon. The office was hereditary in the Moncada family³.

Major-
domo of
the Palace.

Lastly, the Majordomo of the Palace should be carefully distinguished from the Majordomo of Aragon. The appointment was in the gift of the Seneschal of Catalonia, and it was, therefore, a purely Catalan office. The holder seems to have acted as steward of the royal household in Catalonia, to have been entitled to certain perquisites, and to have possessed certain rights in duels of the nobles before the king⁴.

II. The
Cortes.

Turning to the parliamentary system of Aragon and Catalonia, we find that the first known General Cortes of the two countries was held in 1162, when were present the prelates, nobles, and burghers⁵; while a Cortes convened by Alfonso II at Jaca, in 1169, was similarly constituted—though on this occasion no mention is made of representatives from the towns of Catalonia⁶. The national assembly

¹ 'Majordomus quidem Regni amplissimo Connestabili munere fungebatur . . . Cujus ea fere dignitas videatur fuisse . . . nempe ut Equitatu praesesset.' Blancas, *ib.* p. 785.

² 'Dispensator domus regiae'. Vidal, *ib.* p. 782.

³ Blancas, *ib.*; Zurita, *An.* ii. 64; Gayangos, *ii.* pp. 700, 701. In 1266 R. Moncada figures with the additional title of Seneschal of Valencia. *Reg.* xiii. 255.

⁴ Cf. Gayangos, *ii.* p. 701. As late as 1263, when P. Moncada was Majordomo, the nature of his perquisites was a subject of dispute, and the whole question was referred to a commission of four knights, who decided that in duels the Majordomo of the Palace

could claim certain fees, besides the horse and trappings of the defeated party, while his position in the royal household entitled him to 'wax and pepper,' as perquisites, as well as to a 'present' of fifty sols on each of the three great festivals. *Parch.* 1760; cf. Bofarull, *Doc. Ined.* vi. 40.

⁵ Zurita, *An.* ii. 20.

⁶ Besides the Barons of Aragon and Catalonia, there were present the Bishops of Barcelona, Zaragoza, Huesca, Tarazona, and Lérida, with delegates from Zaragoza, Calatayud, Daroca, Riela, Belxít, Alagon, Borja, Aranda, Epila, Tarazona, Huesca, Loire, Bel, Lusia, Sos, Barbastro, Alquecer, and Monclus. Bofarull, *Doc. Ined.* viii. 13.

of Aragon was of still earlier origin. A Cortes held at Borja, in 1133, is said to have included both nobles and commoners¹; a similar gathering at Zaragoza, in 1163, was attended by bishops, nobles, and townsmen²; while a Cortes of 1164—called by Alfonso to proclaim a 'host' against certain malefactors—also comprised representatives of the three estates³. Of the early Cortes of Catalonia less is known. It must, in any case, have been a development of the assembly of the Count's feudatories, and cannot have included representatives of many towns before the conquest of Tortosa and Lérida from the Moors in 1148 and 1149. On no occasion does it come into prominence before James' reign.

The development, then, in Aragon, of parliamentary institutions—especially the representation of the third estate—was unusually precocious: in fact 'popular representation was more ancient in Aragon than in any other monarchy⁴.' It is true that in Castile the first known representation of the burghers in the Cortes dates from 1169—only a few years later than their appearance in the Aragonese assembly⁵; but in England the towns generally did not send delegates to Parliament till 1265, while in France the States General did not come into existence till 1302. Anything in the nature of an attempt to ascertain the cause of this early development of popular representation can be little more than conjecture, with our present scanty information as to early Aragonese history. It is clear that the towns must have attained to considerable importance by the middle of the twelfth century, a circum-

¹ Zurita, *An.* i. 53. This Cortes included ricos-hombres, mesnaders, knights, and 'procuradors' of cities and villis.

² *Ib.* ii. 24. The towns represented were Tarazona, Huesca, Calatayud, Daroca, and Jaca. The acceptance, in 1137, of Ramon Berenguer IV of Barcelona, as King of Aragon, seems

to have proceeded from the nobles alone. *Ib.* i. 56.

³ Bofarull, *ib.* viii. 20. The towns mentioned as sending delegates are Zaragoza, Huesca, Jaca, Calatayud, and Daroca.

⁴ Hallam, *M. A.* ii. p. 83.

⁵ *Ib.* p. 29.

stance which may, perhaps, be explained by the fact that the Moor and the bandit were still in the land, strong walled towns being the only shelter for the peaceably disposed. And, as we have just seen, the avowed object of the Cortes of 1164—in which all the chief towns were represented—was an expedition against brigands.

James had not a high opinion of parliamentary institutions. He considered that 'in no country in the world have such assemblies of men the sense and worth required¹.' He found the Cortes of use, however, in granting supplies, and in bearing a share of his responsibilities; and on this account he tolerated and even encouraged them. Besides, they afforded him a means of adding to the prestige of the towns, as a counterpoise to the power of the nobles.

Business of
the Cortes.

The business transacted in a General Cortes may be classified as: *political*, including mediation between king and nobles, especially towards the end of the reign; and *financial*, i.e. the granting of a large aid by both countries, as in 1236, for the Valencian war.

A National Cortes was convoked for like purposes, as well as for a third object—the *enactment of laws or a code of laws* as at Barcelona and Tarragona in 1228 and 1235 respectively, and at Huesca in 1247. But this enactment consisted of little more than assent given to laws drawn up under the royal direction, and brought before the deputies for their consent and approval.

It will be seen, then, that, notwithstanding the bold show sometimes made by the members, the sphere of the Cortes' activity was a comparatively limited one. In undertaking the three great wars of the reign, the king, on each occasion, had already made up his mind, notably in the case of Murcia, where he expressly disclaims any desire for advice: 'I shall not ask counsel . . . I will apply for aid¹.' In practice, therefore, the Cortes was reduced to the position of little more than a court of arbitration and a source of supplies—not even excepting the Cortes of Exea, which

¹ *Chron.* 382.

marked rather the triumph of baronial privilege, than the victory of the parliamentary over the monarchical principle.

When we come to the composition and procedure of the Cortes, we find that the Catalan assembly consisted of three orders or 'arms' (brazos)—the clergy¹, the military arm (including nobles and knights), and the citizens. In the Cortes of 1228 the orders deliberated apart, and re-assembled on the third day, when they gave their reply to the king's proposals; and in 1264 much the same procedure was followed. At Barcelona, the place of meeting seems to have been the old palace of the Counts².

The Cortes of Aragon also consisted of clergy, nobles, and burghers, who probably deliberated apart³. The Cortes of Zaragoza, in 1264, met in the Dominicans' church, but the members retired to deliberate, and the nobles, who played the leading part on this occasion, afterwards waited on the king in his lodgings. Other places of meeting, besides Zaragoza, were Daroca and Huesca.

¹ Including bishops, abbots, and syndics of Chapters. Bofarull, *Cond. Barc.* i. p. 168.

² *Chron.* 48.

³ The disputed point of the number of orders in the Aragonese Cortes really resolves itself into the question of whether the nobility had as yet formally divided itself, for parliamentary purposes, into the two orders of an upper and lower chamber—the first including the Ricos-hombres, the second the Mesnaders, Knights, and Infanzons. On the whole, it may be doubted if the parliamentary system of Aragon had as yet attained sufficient uniformity in its details to admit of such a division into four orders, though this became the rule in the fourteenth century. This conjecture is supported by the distinct statement of Desclot (*Hist. Cat.* i. 19), who lived towards the end of the thirteenth century, that

the Aragonese Cortes consisted of three arms—the clergy, knights, and citizens; and a careful perusal of James' account of the proceedings of the Cortes of 1264 (*Chron.* 390 seq.) will lead to the conclusion that the barons were acting as spokesmen for the whole body of the nobility.

Blancas' statement (*Comm.* p. 763) that up to the year 1300 the Aragonese Cortes consisted of the three orders of the Patrician—or Ricos-hombres—the Equestrian—or knights and Infanzons—and the Civic, is reasonably discredited by Hallam (*M. A.* ii. p. 83) on the ground that it excludes the clergy, who, as we have seen, regularly took part in the deliberation of the Cortes. M. Tourtonllon (*ib.* i. pp. 108–110) seems to follow Blancas, adding that the clergy were not reckoned as a separate order, but sat in virtue of their temporal power—a theory which

In Valencia the representative principle was not, as yet, acknowledged in practice—so far, at least, as the existence of a National Cortes was concerned¹. The country was sparsely populated by Christians, and the great nobles had their seats in the Catalan or Aragonese assemblies. When necessary, the Valencian towns could be represented in a General Cortes, as we shall see was the case in the Cortes of 1275.

The
General
Cortes.

The General Cortes held during James' reign were both numerous and important. It is improbable that they were composed of more than three orders—clergy, nobles, and citizens. At the Cortes of Monzon, in 1217, were present the bishops and nobles, as well as 'many other clergy, citizens, and burghers, of Aragon and Catalonia²'; and at the same place, in 1236, there assembled the nobles and clergy³, with delegates from a number of towns⁴ in both countries, the townsmen in each case representing the local 'Council.' The Cortes of Alcañiz⁵ and Lérida⁶ held in 1250 and 1257 respectively, were attended by the clergy

is disproved by the nature of the clerical representation in the General Cortes of 1236 and 1257 (below).

¹ So too Tourtoulon, *ib.* ii. p. 189. The Cortes of Alcira, in 1273, was, as we have seen, held under exceptional circumstances, and was not specially representative of Valencia, being little more than a court of arbitration.

² *Parch.* 78; cf. Tourtoulon, *ib.* i. p. 367.

³ I. e. the bishops and abbots, together with 'other prelates of churches representing their own communities,' the Masters of the Temple and Hospital, and two representatives of the Dominicans and one of the Franciscans. Zurita, *An.* iii. 26; *Fueros*, vii.: 'de confirmatione monete.'

⁴ Lérida, Tortosa, Zaragoza, Teruel, Daroca, Calatayud, Tarazona, Huesca,

Jaca, and Barbastro (Zurita, *ib.*). It is remarkable that no mention is made of delegates from Barcelona and Tarragona.

⁵ *Parch.* 1194. The Justiciar of Aragon is said to have presided, the Cortes being regarded, no doubt, as little more than a court of arbitration between the king and the Infante Alfonso. Blancas, *ib.* p. 796.

⁶ The clerical representation consisted of the bishops of both countries, with those of Elne and Pamplona, the Masters of the Temple and Hospital, the Abbots of Ripoll, Poblet, Cuxano, Montaragon, Peña, the Provost of Tarragona, and 'many other prelates of churches, religious men, and clergy' (*Const. Cat.* i. 3, 4, 1). The occasion was the confirmation of clerical privileges.

and nobles, but no mention is made of the towns. It would be rash, however, to conclude that they were not represented, though it is unlikely that the presence of the burghers was considered necessary to constitute a Cortes.

To the Cortes of Alcira, in 1273, besides the clergy and nobles, were summoned four men of each town¹; and, lastly, to the crowded gathering at Lérida, held early in 1275, there came not only a number of prelates and nobles, but also representatives of the towns in all three countries², as well as twelve 'porters'³ and a few other persons specially named; in addition to whom, a number of towns, communities, and officials, in Aragon and Catalonia⁴, were ordered to send each a proctor to the Cortes, with estimates of the loss they had suffered at the hands of the rebels.

The General Cortes were usually held at Lérida or Monzon, which lay in the debateable ground between the two countries. The Cortes of Alcira in Valencia (1273) was convened under exceptional circumstances⁵.

¹ *Chron.* 517.

² I. e. four good men of Zaragoza, Huesca, Calatayud, Teruel, and Daioaca, with the Zalmedina and Bailiff of Zaragoza; the Bailiffs of Tortosa, Valencia, Burriana, Morella, Xativa, and Alfanda; and the Alcaids of Denia, Gallinera, Alcoy, Tarbena, Biar, and Gandia. *Reg.* xxiii. 15.

³ These 'porters' do not come into prominence in James' reign: they are defined by Du Cange (s. v.) as 'executores Regiae voluntatis'; cf. *Fueros*, i. 'de portariis.'

⁴ These were: in Aragon—Barbastro, Aynsa, Huesca, Jaca; the Merinos of Barbastro, Huesca, and Jaca; the Justiciar of Ribagorza and Pallas; the Bailiff of Zaragoza; the 'official' of the Bishop of Huesca; and the Abbots of Veruela and Peña; in Catalonia—the towns of Gerona, Perpignan, Salsas, S. Laurence, Puigcerda, Vilafranca in Cerdagne,

Besaldun, Aygualada, Prades, Cervera, Minorisa, S. Pedro of Auro, Tarrega, Villagrassa, Toy, Agramont, Balaguer, and Apiera; the Vicars of Gerona, Camprodon, Conflant and Cerdagne, Roussillon, Prades, Vich, and Cervera; and the Bailiffs of Perpignan, Lérida, and Urgel. *Reg.* xxiii. 16.

⁵ The most memorable General Cortes of the reign were the Cortes of Lérida, in 1214, where the first oath of allegiance was taken; that of 1218, at the same place, when Sancho was deposed, and the money of Jaca was confirmed; those of 1232 and 1236 at Monzon, when large subsidies were voted for the Valencian war; that of Alcañiz, in 1250, to reconcile Alfonso and his father; that of Lérida, in 1272, when Pedro was deposed from his post of Lieutenant-General; and the two mediatorial Cortes of Lérida, held in 1275.

The most important Catalan Cortes

We have thus found the parliamentary representation of clergy, nobles, and commons, in full working order throughout James' reign¹. In its details the representation of the different orders varies from time to time, and it is probable that the presence of the Commons was not, as yet, considered necessary to constitute a Cortes. But, though the procedure is still primitive and the action of the Cortes limited, the representative principle is fully acknowledged, and, for the granting of a great aid², the Crown has recognized the binding nature of the axiom: 'what touches all should be approved of all.' And, purely selfish though their action was, to this result the resistance of the nobles at Barcelona and Zaragoza had contributed not a little.

III. Local
Govern-
ment.

When we leave the subject of the central administration, and turn to the municipal government, we find at the outset that the sympathy with which James regarded the welfare of the towns is unmistakably attested by his own boast: 'I have in my favour all the cities and citizens of Aragon and Catalonia.' And the trend of the king's policy is also shown by his counsel to Alfonso of Castile —by all means to conciliate the church and cities, for with their aid he would be a match for the nobles.

Up to James' reign the charters conceded to towns

were that held at Barcelona in 1228, when war was decided on against Mallorca, Bovage was granted, peace was proclaimed over the land, and clerical privileges were confirmed; the Cortes of Tarragona, in 1235, when the privileges of the clergy were again confirmed, and various laws were enacted; the Cortes of 1244, at Barcelona, to define the frontier of Aragon and Catalonia; and the Cortes of 1264, also held at Barcelona, when Bovage was granted for the Murcian war.

The notable Cortes of Aragon were not so numerous: in 1221, at Huesca, the money of Jaca was confirmed; in 1247, at Huesca, the Fueros were

codified; in 1264, at Zaragoza, the nobles refused Bovage; and in 1265, at Exea, the king granted them certain concessions.

¹ A Cortes of one or both countries seems to have been held at least once every three years in the course of the reign.

² The equivalent to Bovage, granted by the Catalan towns, it is impossible to specify. In any case it is improbable that some special effort was not made by the burghers on the occasion of such a grant by the privileged classes. At the Cortes of 1228 the townsmen present made an offer of all the ships in harbour.

consist of little more than grants of land and sanctions (a) Municipal administration. conferred on certain local customs¹. None the less, a municipal system had evidently been growing up, and by the time we come to the thirteenth century it has reached a state of considerable development.

In Aragon the system was fairly uniform. In the towns Aragon. the Crown was represented by a bailiff, who was responsible for the collection of the royal revenues. The brunt of the local government fell on a body of 'jurats,' or 'good men,' chosen yearly, who were generally assisted by a 'Council,' representing, apparently, the people at large². The judicial government, as we shall see, was in the hands of a justiciar.

In Barcelona the form of the municipal government Catalonia. underwent several changes in the course of James' reign. Up to 1249 the city preserved the primitive constitution of Barcelona. its Counts, a vicar acting as judge for the nobility, and a Bailiff for the people, while the latter could assemble to deliberate on local affairs under the Seneschal or Bailiff. In 1249, however, a royal charter enacted that the Crown should in future name four 'paeres' (paciarii), who were to choose an unspecified number of councillors for the good government of the city, the executive power being vested in the vicar³. But this arrangement lasted only till 1258, when it was changed for one by which the king appointed eight councillors, who, with the vicar's assistance, were to

¹ As in Muñoz, *Fueros*, passim, and in Bofarull, *Doc. Ined.* viii.

² James' charter to Zaragoza was granted in 1272. Here the jurats are twelve in number, and choose their successors, the election being notified each year to the king or his bailiff. No mention is made of an assisting Council. (*Parch.* 2098; cf. Bofarull, *Doc. Ined.* vi. 48.) This document is wrongly assigned by Tourtoulon (*ib.* ii. p. 326) to 1271.

Huesca was governed by eight jurats, who were chosen by twenty

'good men' and another body of twenty members, probably councillors; and on the expiry of their term of office they rendered account to the electors. (*Reg.* xi. 204. The MS. is imperfect.)

Jaca also was governed by jurats and a Council (Mañoz, *Fueros*, p. 245); and so too Daroca (*Reg.* xi. 157); Fraga (*Parch.* 903); Almudevar, Barbastro, Sos, Cuera (*Reg.* xviii. 20); and, apparently, Calatayud. Muñoz, *ib.* p. 460.

³ Capmany, *Memorias*, ii. App. no. 24, and *Col. Dipl.* 239.

choose 200 good men—the eight councillors, who met weekly, forming a consultative body for the vicar, who was bound to follow their advice, while the 200, or grand council, who took an oath of secrecy, acted, when required, as assistants to the vicar and his council. The government of the city seems, in fact, to have rested mainly with the eight, who could even compel the vicar to call a parliament, or public meeting of the citizens. The outgoing eight elected their successors yearly, and the latter a new grand council¹.

From this charter of 1258 the mediaeval system of municipal government in Barcelona may be said to date, though varieties of detail occurred from time to time. Thus, in 1260 the eight were reduced to six²; in 1265 to four, and the grand council from 200 to 100³. In 1274 a change was made in a more democratic direction, the four councillors becoming five, while the election of a new five was committed to twelve electors chosen by the old hundred, the five choosing a new hundred⁴.

Perpignan. The government of Perpignan had been placed by Pedro II, in 1197, in the hands of consuls elected yearly⁵. In the town itself the judicial authority, as we shall see, was in the hands of a justiciar, while the revenues were managed by the bailiff. Outside the town, jurisdiction was in the hands of a vicar⁶.

The municipal system of the other towns of Catalonia was conducted, probably, on much the same lines as in Aragon

¹ *Reg.* ix. 14; cf. Capmany, *ib.* *Col. Dipl.* 299, and Bofarull, *Doc. Ined.* viii. 46.

² Capmany, *ib.* App. no. 24.

³ *Reg.* xiii. 280; cf. Capmany, *Col. Dipl.* 300, and Bofarull, *ib.* 55.

⁴ *Reg.* xvi. 192; cf. Bofarull, *ib.* 58.

In 1266, owing, no doubt, to a conflict between the two officials, a royal decree was issued sharply defining the duties of the vicar and bailiff. To the latter fell the supervision of the

revenues and taxes, the cognizance of suits between Jews, and matters connected with the sea, the market, mills, weights, and measures. The vicar was to concern himself with suits between Jews and Christians, capital cases, and cases generally which did not come within the jurisdiction of the bailiff. *Reg.* xv. 33.

⁵ Henry, *Hist. Rouss.* p. 516.

⁶ Massot-Reynier, *Cout. Perp.* No. 56; *Reg.* viii. 20, 24.

and at Barcelona—that is, by a small body of citizens assisted by a larger council, the administration of the revenues and of justice residing with a bailiff and a vicar.

The municipal government of Valencia was directed, as in Aragon, by a body of jurats, four in number, who chose an indefinite number of councillors to act as their assistants, the jurats themselves being elected yearly by their predecessors and the council¹. The bailiff, as we shall see later, was responsible for the royal revenues, and was regarded as the king's representative, the jurats taking their oath of good conduct to him; while the administration of justice rested with a justiciar, who also rendered account to the bailiff, and was chosen by 'the council of good men.'

In Mallorca there were six jurats, who governed the whole island, chose a council of assistants, and, each year, in the presence of the bailiff and with the advice of the council, appointed their successors. Here too a move in a more democratic direction was made in 1273, when the election of the jurats was transferred to the 'good men' of the capital².

At Montpellier the communal authority was summed up in the twelve consuls, who possessed the right of making any alterations in the municipal constitution that they chose, and whose counsel both the lieutenant and the bailiff were bound to adopt³. In matters of impor-

¹ Privs. 18, 35, 71. In each parish a 'good man' was also chosen quarterly 'super regendis officiis carrariis abellonibus et cequis . . . et super omnibus aliis negotiis pertinentibus communitati' (Reg. ix. 25; Priv. 56); while the local rates were collected by four 'good men.' Priv. 64.

It is strange that Schmidt should have described the Valencian constitution on the comparatively worthless authority of Beuter and Escolano. *Geschichte Aragonien's*, p. 393 seq.

² Regs. xxvi. 156 (1249) and xix.

43. The change of 1273 is not noticed by M. Tourtoulon (ib. ii. p. 330), who, instead of trusting to his own researches, relies on the far less trustworthy authority of Bover's *History of Mallorca*.

³ Germain, *Hist. Montp.* i. pp. 156-161. The consuls first appear in 1141, when they had a share in the expulsion of William VI, being designated by Innocent II as 'hujus malitiae capita' (ib. pp. 12-14). In the Charter of 1204, granted by Pedro II, they seem to be alluded to

tance they could confer with a 'secret council,' as well as with the heads of the different trades¹; and they were elected, each year, by their predecessors and a committee of seven citizens, one from each of the chief trades².

The judicial business of the town rested, as we shall see, mainly with the bailiff, who was chosen by the lieutenant and consuls, and from whose court appeals went to that of the lieutenant, the latter acting as the king's representative, and receiving the oaths of the newly elected consuls³.

in the expression 'the good men'; and in the laws of 1205 (art. 9) their status is clearly defined, as that of governors of the town and advisers of the lieutenant and bailiff. ('Statutum est ut duodecim probi et legales viri Montispessulani electi ad consulendam communitatem Montispessulani jurare debent quod bona fide consulant et utiliter provideant toti communitati Montispessulani, et eam fideliter regant et gubernent, et quod similiter bona fide consulant domino et bajulo curie, et ei quem dominus loco suo statuerit in hac terra, qui tenetur requirere consilium ditorum XII, et eorum stare consiliis de omnibus que ad communitatem Montispessulani et terram Montispessulani spectant . . . et isti duodecim viri habent plenam potestatem statuendi, distringendi, et corrigendi omnia, que eis visum fuerit pertinere ad utilitatem communitatis Montispessulani . . . et unusquisque istorum XII debet habere et percipere tempore sui officii CC solidos de republica,' ib.) The consuls were not slow to avail themselves of their extensive powers, and in 1223 issued some stringent regulations as to the election of the bailiff, and even annulled the statutes of their predecessors. *Ib.* p. 321.

¹ As in the preamble to some consular statutes of 1267: 'habito diligenti consilio et tractatu cum nostro secreto consilio et cum consilio gene-

rali et consulum officiorum seu misteriorum congregatis ad sonum campanarum, prout moris est.' *Ib.* p. 343.

² On March 1 the consuls and seven electors chose sixty good men of fair repute, who retired into twelve different rooms and chose, by lot, twelve new consuls. No one was allowed to act as consul again within three years (*ib.* 156). From 1211 to 1239 the Bishop of Maguelonne was entitled to take part in the election of the consuls, the electors taking an oath to him to choose 'good men,' and the appointment—if they disagreed—falling to him. In 1239, however, he was compelled by the king to cede this right (*Gariel, Ser. Praes. Mag.* p. 355), and in 1247 the consuls formally transferred it to the Crown. *Germain, ib.* p. 352.

³ *Germain, Hist. Montp.* i. p. 156. The consuls at times presumed on their position: in 1239 we find them engaged in a bitter feud with the king's bailiff, Atbrand, whose house they were about to pull down with a 'great hook on a pole, and at the end of it a beam armed with iron, with rings on each side to receive ropes.' Atbrand, however, seems to have had the support of the citizens, and in the end the leading malcontents were banished by the king and their houses demolished by their own engine (*Chron.* 296-304). In 1255 the

In the judicial system in use throughout James' dominions we find—so far, at least, as the essentials and the general plan are concerned—a uniformity which was hardly general in other countries. (b) Judicial administration.

In Aragon each town of importance possessed its own judge, who enjoyed full judicial power in all civil and criminal cases ¹, and was generally known as the justiciar ².

Police officials—each in charge of a district—were the Merino and the Sobrejuntero, the former of whom was specially concerned with the execution of judicial sentences ³, the latter with the maintenance of order generally ⁴.

Appeals, as we have seen, went to the king, who could nominate a lawyer to re-hear the case. The appointment of the local justices rested either with the Crown ⁵ or the

consuls declined to appear to James' peremptory citation to his Court at Barcelona, and, during their difference with the king, chose two bailiffs, without the assent of the governor—'imo potius eo contradicente et alium nominante.' Germain, *Hist. Montp.* ii. pp. 331, 332.

¹ Vidal, *ib.* p. 783; as in the case of the Justiciar of Zaragoza: 'judicet et diffiniat omnes causas' (*Parsh.* 1449; cf. Bofarull, *Doc. Ined.* viii. 43). Such powers are usually taken for granted in the patents of appointment.

² Some varieties in the title of the local justice are, however, found: at Zaragoza he was known as the Zavalmedina or Zalmedina (*ib.*), and so too at Huesca (*Reg.* xxxv. 44); and another title was that of Alcaid, which, however, was commoner in Valencia. Vidal, *ib.* p. 783; *Reg.* xii. 142.

³ 'Tales officiales debent compulsionem facere, et mandata Regis ac sententias judicum vel judiciorum executioni viriliter demandare' (Vidal, *ib.*). The following towns were each the centre of a 'merinship': Zaragoza, Huesca, Jaca, Exea, Barbastro, and

Aynsa. *Regs.* xviii. 102-4, xii. 71.

⁴ The Sobrejuntero was a knight in command of a Junta, or federation of towns for police purposes. These Juntas, as we have seen, were originally formed in 1260, to cope with an outburst of brigandage, but they seem afterwards to have become permanent. The centres, in 1260, were Huesca, Sobrarbe, Exea, Tarazona, Jaca, and Zaragoza (Zurita, *An.* iii. 62), but others seem to have been created from time to time, as those of Teruel and Alcañiz (cf. a privilege, of 1273, to Morella: 'sitis de cetero in junta cum concilio Turolii et de eadem junta Turolii, et non de junta Alcanicii,' *Reg.* xxi. 143). Cf. Vidal, *ib.* p. 784: 'sunt etiam Suprajunctarii super Junctas, id est populorum turmas, a domino rege, quasi Paciarrii, constituti. Quorum est ipsas Junctas, cum necesse fuerit, evocare, et, si eas exercitum facere contigerit, vel repentinum concursum, appellitum vulgariter appellatum, ipsas Junctas sive populum gubernare.'

⁵ The Council of Calatayud had been authorized to choose its own judge each year, as far back as 1131, by Alfonso I (Muñoz, *Fueros*, p. 460),

good men of the town¹: if with the former, the office was conferred for life² or 'during pleasure'³; if with the latter, for one year⁴. Towards the end of the reign the king's policy seems to have been to get the appointment of the justiciars into his own hands⁵.

In the towns assigned to them the barons had their bailiffs or Zalmedinas, who took cognizance of petty cases⁶,

but in 1271 we find him appointed by the Crown, 'dum nobis placuerit' (*Reg.* xiv. 109). The Justiciars of Pina, Sexona, and Magallon, were also appointed by the Crown (*Regs.* xi. 222, xvi. 11, and xxi. 15), and, towards the end of the reign, the Zalmedina of Zaragoza (*Reg.* xvi. 168). This was probably the general rule; cf. Vidal (ib. p. 783): 'sunt praeterea in singulis civitatibus et singulis magnis Villis regalibus per ipsum Regem singuli Justitiae constituti.'

¹ Thus, in 1259, the jurats and Council of Daroca were empowered to choose a justiciar yearly, 'ad consuetudinem Caesaranguste' (*Reg.* xi. 157), and in 1264 this arrangement was changed for one by which the Darocans were to choose each year three natives, one of whom was to be nominated by the king (*Reg.* xii. 145). A somewhat similar arrangement prevailed at Zaragoza, where, by a charter of 1256, the Zalmedina was to be chosen each year by the king from six citizens selected by an elaborate process of parochial rotation by their fellow-townsmen (*Parch.* 1449; cf. Bofarull, *Doc. Ined.* viii. 43). Yet in 1269 we find James selling the office for 300 morabittins. *Reg.* xvi. 168.

² As at Pina and Sexona (above).

³ A reservation as to good conduct was usually attached, as in the appointment of the Zalmedina of Zaragoza, in 1271 (*Reg.* xvi. 168), and of the Justiciars of Calatayud and Magallon. *Regs.* xvi. 171 and xxi. 15.

⁴ As at Daroca (*Reg.* xi. 157) and, originally, at Zaragoza. *Parch.* 1449.

⁵ As at Calatayud, Daroca, and Zaragoza (above). The Justiciar of Calatayud was evidently a very considerable personage: suits in the neighbouring villages might indeed be adjudicated on 'in posse juratorum vestrorum de unaquaque villa,' but the second appeal went to the Justiciar of Calatayud, who, moreover, was to try all cases of 'corporal justice' (*Reg.* xxxvii. 12). And not only so, but we find him, in 1271, accounting for a number of items which are usually included in the bailiff's department—in fact, collecting the revenues (*Reg.* xx. 223). The salary of the office of course varied: the Justiciar of Tarazona received 1,000 Jaccic sols yearly (*Reg.* xiv. 7), and the corresponding official at Algecira 300 Valencian sols a year. *Reg.* xix. 101.

⁶ 'Ipsi Rici homines in sibi civitatibus assignatis Zavalmedinas, et in villis Bajulos, quos sibi placuerint, debent ponere. Qui Zavalmedinae et Bajuli teneant et regant Curias ipsorum locorum pro Ricis hominibus praelibatis, et respondeant eis de caloniis, hoc est de poenis pecuniariis et aliis juribus, quae ipsorum locorum Curiae sunt recipere assnetae. Pecuniariae enim poenae, usque ad mediam mortificaturam et fractionem cultelli inclusive, et similia vel minora, ad ipsum Ricum hominem vel ejus Curiam dignoscuntur sine dubio pertinere.' Vidal, ib. p. 728.

but were strictly forbidden to exercise 'justice of limbs or blood'.¹ As some compensation, however, for their loss of the latter right, the nobles were conceded the peculiar privilege of starving to death any of their subjects convicted of the murder of one of his fellows. Thus the letter of the law was obeyed in the spirit of that tender mercy which prompted the clergy to carry the mace in battle, and to hand over the heretic to the secular arm with the petition that blood might not be shed².

In Catalonia cases seem to have been usually settled by the local bailiff, though at Barcelona criminal—and, apparently, most civil—jurisdiction belonged to the vicar, or Veguer³. As far as it is possible to ascertain the relations of the two officers, the general rule seems to have been that the vicar carried into effect the sentence of the bailiff, being forbidden to put anyone to the torture unless authorized by the judge⁴, or, in the bailliages round Bar-

¹ 'Quicumque Infantio aut alius homo, qui non tenuerit honorem aut Bajuliam pro domino Rege, fecerit justitiam aut extemam de aliquo homine regis, quia fecit contra Forum, peytat de calonia mille solidos pro unoquoque membro, aut sit de illo facto ad mercedem Regis; quoniam justitiae aut extemae corporum et membrorum specialiter sunt et spectant ad dominum Regem et ad suos.' *Fueros*, lib. iii. tit. 'de jurisdictione omnium Judicum.'

² 'Si homo Infantionis occiderit hominem Infantionis, talem homicidam potest dominus ejus occidere in captione, fame, siti, aut frigore, non faciendo de illo aliquam justitiam vel estemam. Quod si Justitia corporalis habeat fieri de illo, tradatur bajulo Regis, quia omnes justitiae, aut estemae corporales, spectant ad dominum Regem vel ad suos bajulos' (*Fueros*, lib. ix. tit. 'de homicidio'). In *Obs.* vi. 'de privilegiis militum,' the same privilege is expressly as-

serted to be inherent in 'any lord of a place.'

If, however, the murder were committed on the king's property, justice was, of course, done by the king or his representative; and, in the event of the crime being compounded for, half the money went to the Crown and half to the lord of the murderer, *Fueros*, ix. 'de homicidio.'

³ Above, p. 168, note 4.

⁴ *Const. Cat.* i. 43, 13. Elsewhere (ib. i. 3, 17, 1) the vicars, together with the bailiffs, are directed to swear to the bishops to do justice singly, and the former are forbidden to lodge forcibly in religious houses. *Ib.* 3, 1, 17.

At Perpignan three officials were to be found—the justiciar, the bailiff, and the vicar. Of these, the bailiff seems to have been supreme within the town itself, and the vicar outside. ('Item omnia que sunt in villa Perpiniensi spectant ad jurisdictionem bajuli: que vero fiunt extra ad vica-

celona, to do execution at all, without the consent of the local bailiff¹. If this was the case, the vicar corresponded in fact to the Sobrejuntero or Merino of Aragon; though in places he undoubtedly possessed judicial powers².

The vicars had under them sub-vicars³, and the bailiffs probably sub-bailiffs, appeals going, of course, eventually to the king, though they would first pass, no doubt, from the local bailiff to the bailiff of the district⁴. The bailiff—as the king's representative, and owing to his financial duties—was nominated by the Crown⁵.

The nobility, as in Aragon, were strictly debarred from the exercise of justice involving corporal punishment⁶.

rium spectant, qui nullo casu in villa Perpiniani vel terminis suam potest jurisdictionem exercere,' *Customs of Perpignan*, no. 56, in Massot-Reynier, *Coul. Perp.*) In 1256, however, in defiance of this regulation, the vicar and his sub-vicar seem to have intruded into the town, and with disastrous results to themselves, for in that year Pedro was sent as commissioner to open an inquiry 'super invasione injuria percussione et vulneribus factis vicario et sub-vicario nostris in villa Perpiniani' (*Reg.* ix. 5). The justiciar of the town probably relieved the bailiff of his judicial functions, being appointed 'dum bene et fideliter vos habebitis in ipso [sc. officio] et dum nostre placuerit voluntati.' *Reg.* xiii. 160.

The title of justiciar appears to have been fairly common in this part of the country, there being also a justiciar for Capdets, Conflant, and Cerdagne, who was appointed to hold office for life, if his conduct continued good. *Reg.* xv. 141.

On the other hand, at the new town of Figuera, justice was administered by a bailiff. Bofarull, *Doc. Ined.* viii. 49.

¹ 'Algun Veguer no puga fere alguna demanda en alguns locs per-

tanyents á la Ballia de Barcelona o á las ballias pertanyents a aquella, ne als homens de aquellas, axi per raho de pau e treua trencadas, com per algun crim, o batiment, o mort, o en altra manera, sino tant solament en poder del balle de Barcelona e de aquells qui seran en ditas ballias per ell constituits. Manant fermament á tots los homens de ditas ballias que no respongan en alguna cosa als dits Veguers, sino en poder del balle de Barcelona e altres balles constituits en ditas ballias.' *Const. Cat.* iii. 1, 1.

² As at Perpignan, and at Villaroya. *Parch.* 1719.

³ *Const. Cat.* i. 3, 4, and 3, 3, cap. 10.

⁴ As in the case of the men of Fontrubea, who could appeal from their own bailiff to the corresponding official at Barcelona. *Parch.* 854.

⁵ Thus, in *Reg.* xiii. 271 we have a Jew appointed by the Crown as bailiff of Tortosa; in *Reg.* xii. 123 a bailliage is conferred for life, and without any reservation; and in *Reg.* xvi. 160 the bailliage of Perpignan and Colibre is granted for three years; and so, too, passim.

⁶ 'Dels Magnats, ço es Vescomtes Comdors e Vavassors, negu presu-

The judicial system of Valencia resembled rather that of Valencia. Aragon than of Catalonia. In the capital itself a justiciar, chosen yearly by the king or his bailiff from three nominees of the council of 'good men,' decided, with the advice of the same body, all suits affecting the inhabitants of the town and neighbourhood. On appeal, another judge was delegated by the justiciar to re-hear the case, the second appeal going to the king or his lieutenant. At the end of his year of office, the justiciar rendered account to the bailiff¹, who was strictly forbidden to administer justice².

mesca de aqui avant en neguna manera tormentar ni punir los culpables, ço es a saber, penjar per justitia . . . Fer justitia dels malfaytors es donat solament a las Potestats' (*Const. Cat.* lib. x. tit. 1. Uss. 5, 6). James was very jealous of the rights of the Crown in this particular: thus we have a stern citation by Pedro, in 1262—acting, no doubt, as his father's lieutenant—to the Abbot of Ripoll, to appear before him at Barcelona and show cause why he had hung a man, 'vel utamini mero imperio faciendo justicias corporales' (*Reg.* xvii. 116). And when a grant is made of civil and criminal jurisdiction, the latter term merely confers the right of receiving the composition money in criminal cases in which corporal punishment was not resorted to—as in a grant of a number of villages to the monks of Poblet, who 'possunt habere penam homicidii secundum usaticum Barchinone. Non tamen possunt facere de eis justiciam corporalem vel mutilationes membrorum. Si vero infra xv dies predictos religiosi non fecerint, de inde Vicarii nostri procedant contra illos homines' (*Reg.* xxi. 11). So too in a grant of the town of Puget, criminal jurisdiction is allowed, 'si pro justiciis criminalibus . . . recipientur denarii' (*Reg.* xxi. 68); and when a donation is made to the Abbey of

S. John of half of the proceeds in the way of fines inflicted in criminal cases at Villaroya, 'justice of blood' is executed by the king's vicar (*Parch.* 1719). And even after conceding, as a privilege, to the Viscount of Bearne, that no vicar shall enter his territory without giving twenty days' notice, James is careful to issue orders to his vicars that they are to exercise their usual jurisdiction 'super roberiiis vero notariis aut manifestis et homicidiis commissis a militibus vel aliis hominibus de terra Gastonis' (*Reg.* xxiv. 90). The utmost concession ever made was that the bailiffs of both the lord and the king might preside at trials together, as in a grant of Montalvon to R. Cardona, where 'ducantur cause et terminentur praesentibus Bajulo nostro et vestro,' though even here Cardona's bailiff would not be allowed to pass sentence of corporal punishment (*Reg.* xxiv. 90). At Camprodon, too, the king and the abbot had each his own bailiff. *Parch.* 1245.

¹ Privs. 28, 35, 54, 72; *Furs*, lib. i, *Rubr.* 3, caps. 6, 16, 91, vii. 8, 25.

² His sphere of action was as clearly defined as that of his fellow bailiff at Barcelona: 'lo Batle . . . no hoje ne determen ne jutge ne defenesca algunas pleytas criminals o civils, si non tant solament los pleyts e les demandes que seran sobre los censuals nostres o

Outside the capital each town was subject to its own justiciar¹, who possessed full jurisdiction in civil and criminal cases, the nobles and clergy being forbidden to exercise 'justice of life or limb' as explicitly as in Aragon or Catalonia². The choice of the justiciar, in most towns, probably rested with the bailiff, as was the case at Valencia³ and Morella⁴.

Mont-
pellier.

At Montpellier the judicial system was somewhat more elaborate. The bailiff, who was chosen by the lieutenant and consuls, could take cognizance of all civil and criminal cases, his court being arranged in three divisions; (1) that of the bailiff and his judge—the highest; (2) that of the sub-bailiff and sub-judge; (3) that of the vicar and his assessors. Appeals went to the court of the lieutenant or

les altres rendes nostres' (*Furs*, ib. 62). An exception to this rule was made in 1275, when jurisdiction, in, apparently, capital cases, over Jews and Saracens—which had previously belonged to the justiciar—was transferred to the bailiff. *Reg.* xx. 225, 242; cf. *Reg.* xv. 81.

¹ *Furs*, lib. iii, Rubr. v, cap. 71.

² 'Alcun rich hom o noble o cavaller o ciutada o prelat o clergue, o alcuna persona religiosa o seglar, nengun temps no pusque per nenguna cosa ne per neguna raho a dret o a tort fer alcunes justicies de sanch o personal justicies en alcuns o en altres qualsque fortalces, sien del regne de Valencia o dins lo terme de la ciutat de Valencia, feyts o a fer. E nengun privilegi, qui de nos ni dels nostres sera donat o sera a donar contra aquell nostre stabliment perdurable, neguna valor ne fermetat no haja. Mas en tots los lochs dins lo terme de la ciutat, la Cort de la Ciutat de Valencia, qui en aquell temps sera, oia los pleyts de justicia de sanch e ab consell dels prohomens de la ciutat determen e jutge e faça aquelles justicies corpo als e aquellas

de tot en tot seguesca e men a execucio' (*Furs*, ib. 72; cf. *Priv.* 35). In grants, therefore, the right of inflicting corporal punishment is either explicitly or implicitly reserved, as in the donation of Denia to Teresa Vidaura, where the king includes 'justicias civiles et criminales, exceptis illis qui ad mortem fuerint condemnati vel ad mutilationem membrorum de quibus volumus quod pecunia recipiatur' (*Reg.* xi. 197); and in the grant of Palma in Valencia to Arnaldo de Romanino, when the conditions are: 'si justitie criminales contigerint debere fieri . . . justitia nostra de hoc cognoscat et faciat ipse, si fuerint faciendas [*sic*]. Set si denarii inde exierint vobis et vestris ipsos penitus habeatis' (*Reg.* xvi. 181). So too, when Tarbena Castle is conferred on Sibilia de Saga, with civil and criminal jurisdiction, by the latter term we must understand criminal cases in which composition was allowed. *Reg.* xx. 206.

³ *Priv.* 72.

⁴ *Reg.* xvi. 169.

governor, which was composed of a Justitia Major, an advocate, a proctor, and an attorney. Below both of these courts was the tribunal of the consuls, who had jurisdiction in petty cases¹.

The exact nature of the judicial arrangements of Mallorca Mallorca. it is difficult to ascertain with any certainty. The Charter of 1231 created local vicars, who decided cases with the advice of the Good Men of each town²; while appeals seem to have gone to the king's representative, who was assisted by a similar body of assessors³.

In reviewing the system of local government in use in General James' dominions, it will be found that in all essential respects survey.

¹ Germain, *H. M.* vol. i. pp. 54-125; with arts. 1, 44, 85, 121-123, of the charter of 1204, and App. iv. pp. 280, 282. As for the mode of electing the bailiff, by the charter of Dec. 10, 1258, in the event of no candidate named by the lieutenant or consuls getting the votes of a majority of the consuls, or if the lieutenant objected to the candidates, the former was entitled to present four candidates himself, from whom, in the event of the consuls still disagreeing, he chose one. This charter modified article 9 of a Constitution of 1205, by which the lieutenant and bailiff were compelled to adopt the advice of the consuls in all matters affecting Montpellier (Germain, *H. M.* i. pp. 280-2). The office of bailiff was viewed with great jealousy by the townsmen: he might not be a Jew (*ib.* p. 61); he must be a native (*ib.* pp. 117, 193); he was only re-eligible after an interval of two years (*ib.* p. 122), might not even acquire an immoveable of the lord during his year of office (*ib.* p. 96), and was bound to render account to the governor. *ib.* p. 54.

The question of the extent of the judicial powers of the Bishop of Maguelonne, as represented by his rector,

constituted, as we have seen, a fertile source of discord. Eventually, on March 12, 1241, the bishop made two important concessions, by which he ceded to the royal courts the trial of all appeals, as well as of cases involving 'justice of blood.' *ib.* ii. pp. 74, 137; cf. Tourtoulon, *ib.* ii. p. 45, note 5.

Lastly, we have seen how in 1254 the consuls had refused to appear before James in person, on the ground that they were not bound to plead before any judge outside Montpellier. On Sept. 27, 1272, James undertook not to cite any citizen of Montpellier outside the town. *ib.* ii. p. 93.

² 'Omnes questiones, que infra habitatores fuerint civitatis, agitentur in locis publicis, ubi Vicarius fuerit, cum probis hominibus civitatis, et non venietis ad domum Curie vel Bajuli pro placito terminando' (*Reg.* xxiv. 120). Cf. *ib.* 118: 'omnia malefacta, quae fuerint inter habitatores civitatis, possint probi homines pacificare et diffinire antequam sit clamor vel firmamentum ad curiam factum.'

³ 'Judicia omnia causarum et eriminum judicabit curia cum probis hominibus civitatis.' *ib.* 121.

its features are much the same in each of the countries subject to him. In each large town or district the Crown is specially represented by a bailiff, whose duty is the collection of his master's revenues and the formal bestowal of his sanction on the annual election of the municipal officers¹. Local administration generally is carried on by a small body of jurats or consuls, which, however, is the reverse of oligarchic in its government, being usually assisted by a larger Council—as at Barcelona, Valencia, Montpellier, and probably Zaragoza. The administration of justice is in the hands of an official known in Aragon and Valencia as the justiciar, in Catalonia² and Montpellier as the bailiff; while the right of the Good Men to a voice in the sentences of the judge gave them the enjoyment of what was, in practice, little less than the jury system³. In spite, therefore, of superficial variations, the local organization of James' government was singularly uniform in its various features. Two important principles predominate: the autonomy of the burghers in municipal matters, and the supremacy of the Crown in the administration of justice. And further, to obviate any possibility of a division of the executive into anything like two opposing camps, on the one hand the sanction of the bailiff, as representing the Crown, is required to confirm the election of each new body of jurats; and on the other hand, in accordance with James' maxim that justice should be done in public, the Good Men of the locality are allowed to participate in the decisions of the judge. With this interlacement in the operation of the royal and the popular authority, independent action on the

¹ Except at Montpellier, where the Crown was represented by the lieutenant, who was responsible for the collection of the revenues. *Regis. passim.*

² With the exception of Barcelona, where the chief judge was the vicar.

³ As at Valencia, where the just-

ciar decided cases with the advice of the good men, and in Mallorca. At Montpellier the bailiff was bound by the advice of the consuls, who probably also shared his judicial jurisdiction; and the relations of the eight to the Vicar of Barcelona would seem to have been much the same.

part of the one or the other was impossible, and the whole machine of local government seems to have worked with a smoothness which was seldom interrupted.

For a proper appreciation, however, of James' work in this sphere of his activity, we must glance at the corresponding state of things elsewhere. In England the townsmen had secured free election of their magistrates, independent exercise of jurisdiction by their courts in petty cases, and the right of directly negotiating, in financial matters, with the Exchequer. They were bound, however, to attend before the Justices Itinerant in the County Courts, where were tried all the more important cases—in fact most felonies; and the jurisdiction of the baronage, with the exception of the Palatines, was equally slight. In short, the action of the town courts, the hundred courts, the baronial courts, and, on ordinary occasions, even the county courts, was as a rule confined to suits of comparative unimportance, more weighty cases being reserved for the king's representatives—the Justices Itinerant. Moreover, it was enacted by Magna Carta that no sheriff, constable of castle, or local bailiff, should exercise, in his own right, criminal justice at all¹.

Corresponding state of things in England.

In France S. Louis had to contend with a much more powerful landed nobility than any that was to be found in England or Aragon, and one whose feudal claims upon the towns were very extensive. The conduct of municipal life seems to have been organized on comparatively oligarchic lines, a mayor, with the assistance of two notables, being generally responsible for the local government. This officer appears to have been usually elected by his fellow-townsmen, though in the case of the Communes of Normandy the king chose one out of three candidates presented. The towns which had not yet reached the position of Communes were governed by the officers of the king or the lord. The judicial system

France.

¹ Gneist, *English Constitution*, i. *M. A.* ii. pp. 434, 482; Stubbs, *Const.* pp. 176, 177, 180, 302; Hallam, *Hist.* i. p. 629, and ii. p. 219.

was fairly elaborate: justice was administered by local provosts, vicars, and other judges, from whom appeals lay to the bailiff or seneschal of the county—the king's representative—who in parts of France held monthly assizes in the chief town of each judgeship¹, and also possessed criminal jurisdiction of first instance in the case of crimes 'against the public safety'; while from the court of the seneschal or bailiff another appeal lay to one of the branches of the royal Parliament or Supreme Court. For the purposes of this organization, France was divided into bailliages—in the west and south into seneschalties—which included in their limits even the great fiefs; and for the military and financial administration of their provinces the bailiffs and seneschals were also responsible². The jury system was generally prevalent, especially in criminal cases, not only on the land of a lord, whose representative presided over a court composed of men of the fief³, but also in most of the large towns—at least in the south—where the municipal council, or their nominees, acted as judges⁴.

With regard to the jurisdiction of the feudal courts, the barons usually possessed the administration of lower and

¹ In the south of France the seneschal presided over a court at the chief town of the Seneschalty, called 'curia domini Regis.' It must be remembered, however, that the jurisdiction of the seneschal and bailiff only extended to the king's men: when the defendant did not depend on the royal jurisdiction, the seneschal or bailiff could only request the suzerain, in the king's name, to do justice to the plaintiff (*Hist. Gén. Lang.* vii. p. 493). The provost or vicar played much the same rôle as the bailiff or seneschal, only on a smaller scale. *Ib.* p. 496.

² Wallon, *S. Louis*, vol. ii. pp. 68-92, 146-167; Martin, *H. F.* iv. p. 296;

Hist. Gén. Lang. vii. pp. 490-526. In Normandy, Champagne, and Languedoc, commissioners of the king's parliament went on circuit. Beaumanoir, p. 39.

The higher bailiff—the official who corresponded in the north to the seneschal of the west and south—must be carefully distinguished from the lower bailiff—a southern police official, who ranked below the vicar, and whose principal duty was the execution of the sentences of higher officers. *Hist. Gén. Lang.* p. 501.

³ Wallon, *ib.* pp. 79, 146, 151.

⁴ *Hist. Gén. Lang.* p. 521. Instances were Toulouse, Nîmes, Carcassonne, and Agen. *Ib.*

higher justice¹, but S. Louis is credited with having introduced a number of 'Crown pleas reserved,' and with having authorized appeals from the baronial courts². His severity towards the lord of Coucy, for the execution of some poachers, is typical of his attitude on the subject of the administration of criminal justice by the nobles.

In Castile the history of the development of municipal life is an obscure subject. The earliest instance known of the creation of a chartered town is to be found in the grant of a regular code to Leon by Alfonso V in 1020; and other towns received charters in the same century³. Most of these early charters are petty codes, and are not concerned with the organization of any municipal body at all. They are, however, granted to a local council⁴—a circumstance from which we may infer that as early as the eleventh or twelfth century the burghers generally had got the municipal government into their own hands. The Crown seems to have been usually represented by a Merino or Governor⁵. In regard to the judicial organization, in an important town like Toledo⁶—and, probably, elsewhere—the jury system prevailed. In each locality the judge was generally a lesser Merino or an Al-guacil, the duties of these two officers being limited⁷, i. e. confined, no doubt, to petty cases. More

¹ Hallam, *M. A.* i. pp. 211, 275. In the county of Clermont all the barons possessed high and low justice. Beaumanoir, p. 54.

² Guizot, *Civilization in Europe*, i. p. 256; Kitchin, *France*, i. p. 342.

³ Hallam, *ib.* ii. p. 9.

⁴ As in the charter to the Concilium or Concejo of Leon, by Urraca, in 1109; of Toledo, by Alfonso VII in 1155; of Escalona, by S. Ferdinand in 1226; of Seville, by Alfonso X in 1253; of Badajoz and Cordova in 1254; and of Burgos in 1263. Lastly, a royal proclamation of 1254 is issued 'á todos los concejos de mios regnos.' Muñoz, *Fueros*, pp. 94, 377, 490;

Mem. Hist. Esp. i. pp. 14, 18, 26, 37.

⁵ As at Burgos and Santander. *Ib.* pp. 80, 207.

⁶ 'Omnia judicia eorum, secundum librum iudicum, sint iudicata coram decem ex nobilissimis et sapientissimis illorum qui sedeant semper cum iudice civitatis ad examinanda judicia popolorum.' Charter of 1118 to Toledo, by Alfonso VII (Muñoz, *ib.* p. 363). In the charter to Santander (1255) jurats are mentioned. *Mem. Hist. Esp.* i. p. 80.

⁷ 'Non pueden facer justicia sinon sobre cosas señaladas.' *Siete Partidas*, ii. 9, 23; cf. *ib.* 20.

important suits were settled, apparently, by the greater Merino—who was also a local judge, and would seem to have corresponded to the French vicar or provost—as well as by the Adelantado, who was at the head of all the judges in his province, and who seems to have occupied much the same position as the French bailiff or seneschal¹. Appeals lay to the judges, delegated or ordinary, of the king's Court². The jurisdiction of the barons depended on the nature of the privilege accorded in each case, or on long-established custom³.

Compari-
son with
Aragon.

The main points of difference between the local organizations of these countries will now be evident. In the territories of the crowns of Aragon and of England, the actual municipal development of the towns would seem to have reached much the same point, as far as their autonomy—the government of the citizens by the citizens—was concerned. There were, however, points of difference: in England, for the assessment of their taxes, direct negotiation with the Exchequer was in vogue—on the part, at least, of the more important towns, which had succeeded in excluding the sheriff; in Aragon and its sister countries the taxes were collected by a bailiff, who was always on the spot and was specially regarded as the king's representative. Another point of difference is to be found in the absence, in James' dominions, of any official who can be said to correspond to the mayor—the figure-head of the municipality in both England and France: he would have been regarded, no doubt, as a superfluous functionary. In

¹ The Greater Merino is reported to have had as much power as an Adelantado, of whom it is said: 'es puesto por mano del rey sobre todos los merinos . . . Se extienden por todas las tierras de su señorío á recabdar los malfechores para hacer justicia dellos.' *Siete Partidas*, ii. 9, 22.

² *Ib.* iii. 4, 1. As we have seen, any ordinary judge could delegate a special

judge to hear a case.

³ 'Ha poderio cada uno dellos en su tierra de facer justicia en todas las cosas que han ramo de señorío, segunt dicen los previllejos que ellos han de los Emperadores et de los reyes, que les dieron primeramente el señorío de la tierra, ó segunt la antiqua costumbre que usaron de luengo tiempo.' *Ib.* ii. 1, 12.

all three countries the selection of the governing corporation was practically in the hands of the citizens ; though in France the corporation—in numbers, at least—was of a comparatively oligarchic character, and municipal life was altogether less developed.

In the judicial organization, however, while England had much in common with France, and Castile with Aragon, between the systems of the northern and southern countries a great gulf was fixed. The monthly circuits of the French bailiff or seneschal find a fairly exact counterpart in the periodical sheriff's tourns and perhaps in some respects to the visits of the English Justices to the county court ; while in both countries the powers of the local tribunals were limited. In France the jurisdiction of the nobility was still far wider than it was in England ; but even here a rapprochement between the systems of the two countries is to be found in the introduction by S. Louis of something corresponding to the ' Crown pleas reserved ' of English legal phraseology.

In Castile and Aragon, on the other hand, we find no trace of anything like the circuit system of France and England ; and, as a consequence, the powers of the local and district courts are far more extensive, appeals lying ultimately to the Crown. One important point of contact between the judicial systems of Aragon and England may, indeed, be found in the extremely limited nature of the jurisdiction allowed, in both, to the nobles ; but this was a boon secured to England by the strong hand of her Norman kings a century before it was enjoyed in the territories of Aragon.

It is impossible to leave the subject of the system of government at work in James' dominions, without carrying away the impression that the corner-stone of the edifice was the king, and that without his master-hand the uniformity of the whole would never have been secured. And yet the rule of such an administrator, more than once, was seriously imperilled by ' lack of governance.'

CHAPTER XIX.

THE FEUDAL SYSTEM IN JAMES' DOMINIONS.

Democratic spirit of the thirteenth century. WITH the thirteenth century the reign of feudalism was beginning—slowly, but none the less surely—to draw to a close¹. In the south of Europe the system was being reduced to a struggle for existence. The chief contributing cause of this decadence lay in the growth of the democratic spirit, fostered by the daily increasing wealth and intelligence of the burghers: of this spirit the troubadour is the typical product. In Catalonia, as in Southern France, the mutual approximation of the classes was very rapid, and the aristocracy of commerce was already beginning to take its place by the side of the aristocracy of birth. Even James' Court does not disdain the hospitality of a wealthy ship-owner of Barcelona—En Pere Martel—who, it will be observed, receives the Catalan title of nobility².

Catalonia. In Catalonia the aristocracy of birth was divided into the two great classes of a higher and a lower nobility, though the line of demarcation between the two was not so sharply drawn as in Aragon. The higher nobility included the barons or magnates, i. e. counts³, viscounts, and vavassors

¹ The remark of Hallam (*M. A. i.* pp. 321, 322) that feudalism diffused a spirit of 'honourable obligation,' but that the 'peace and good order of society were not promoted by this system'—is justified, on the whole, by the facts. His opinion as to the disturbing effects of feudalism is also shared by M. Guizot (*Civilization*, i.

p. 133), who observes that it gave to all who participated in it 'the example of continued resistance.'

² The Catalan 'En' and 'Na' correspond to the Castilian Don and Doña—formerly titles of nobility.

³ These were four in number: Urgel, Ampurias, Pallas, and Foix. *Chron.* 392.

or tenants-in-chief; while the lesser aristocracy was composed of the Hombres de Paratge—or descendants of the warriors who assisted Borrell II during the siege of Barcelona by the Moors—Donzells, or sons of knights, and knights¹.

For their fiefs and 'Honours'²—the latter consisting of the revenues of certain places—the nobles were bound to serve the 'Prince' on three occasions: when he was acting on the defensive, when he was besieging his enemies, in his expeditions against the Moors³.

The value of the knight's fee was 833 sols of Barcelona⁴, and the period of service one month, after which the king was obliged to defray any expenses incurred by his feudatories⁵. There is no trace of anything in the nature of the 'Reliefs' or the 'three feudal aids' common in England and France, the only due to which the nobles were liable being the Redemptions⁶, for default of service—correspond-

¹ Bofarull, *Cond. Barc.* i. p. 168.

² Nearly all the great Catalan families were possessed of 'Honours' (*Reg.* xxiii. 45, 46) which were also not unknown in Castile, being defined by Alfonso as 'aquellas maravedis que les pone [sc. el rey] en cosas señaladas que pertenescen tan solamente al señorío del rey, asi como todas las rentas de alguna villa ó castello.' *Siete Partidas*, iv. 26, 2.

³ *Const. Cat.* i. 10, 1, 3; iv. 27, 4, 37. In *Reg.* xviii. 13, 14, the summons is sent to the nobles and knights holding of the Crown in the vicariates of Cervera, Lérida, Tarragona, Barcelona, Gerona, Ronssillon, Ribagorza, and Pallas.

⁴ This is nowhere stated in James' laws, but there can be little doubt that this was the value of the fee. Villafranca de Penades realized an annual income of 25,000 sols of Barcelona, for which Cardona was bound to serve with thirty knights, i. e. a knight for every 833 sols of rent

(*Parch.* 1389). The fee also in Aragón was worth 500 Jaccic sols, which is exactly 833 sols in money of Barcelona.

⁵ As in the grant of Tagamanent Castle to R. Cardona, on a lease of ten years and for a service of one knight fully equipped with horse and arms, to serve, when required, for one month, after which the king will supply his necessaries (*Reg.* xii. 37). A like condition is attached to the service of five knights supplied by R. de Urgel for Toyra. *Parch.* 1388.

⁶ The amount of the fine due for each knight absent was probably the value of the fee—833 sols—as was the custom in Aragón. But any one who declined to serve, when called upon by his lord, was liable to pay double the value of his service, or the amount of the damage and expense incurred by his snerain owing to his absence. ('Qui falra host ne cavalcadas á son senyor, aqui fer las deu, o las li esmen en doble, sil senyor ho vol, o li esmen

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a knight for every 500 Jaccic sols (£35) of rent¹. James, however, as we have seen, introduced a new order of 'Barons of the Household'—Ricoshombres de Mesnada—who were specially attached to his person²; but the innovation caused much ill-feeling, and at Exea the king undertook to bestow 'Honours' in future on none but the nobility of birth. Both 'Honours' and fiefs were hereditary³. Up to the year 1196 the Crown had possessed the right of redistributing the 'Honours' at the beginning of each reign. But when Pedro II wished to revive the practice, he met with such opposition that a compromise was agreed on, by which 'Honours' were to be hereditary for the future, in return for the cession, by the nobles, of the higher justice⁴; though, at the same time, the sovereign maintained his right to resume possession of an 'Honour'—in the event, no doubt, of misconduct on the part of its holder⁵. Besides his privileges—which included the right to trial by the king and his peers, as well as exemption from corporal punishment⁶—the Ricohombre was not without his duties, being bound to repair to Court when his advice was required, and also to serve the king in his expeditions for two months, at the end of which he could be detained on payment of his expenses⁷. A 'privilege,' of which both

minores, Ricis hominibus pro suis stipendiis assignari.' Vidal, *ib.* p. 727.

¹ *Ib.* p. 728. An 'Honour' bringing in an income of 40,000 sols was considered very valuable. *Chron.* 392.

² By 1260 the Ricoshombres de Mesnada were already six in number: Antillon, Sese, Maza, Arenos, Pnyo, Ahones. *Reg.* viii. 68; cf. Bofarull, *Doc. Ined.* vi. 33; Tourtoulon, *ib.* i. p. 223.

³ Blarcas, *ib.* p. 742. The holder of an Honour could transfer it to any one he liked. *Chron.* 543.

⁴ Zurita, *An.* ii. 64.

⁵ 'Magnates regni debent regi honores reddere seu castra commissa,

prout eis ab ipso rege vel a suo Merino tradita extiterunt.' (*Fueros*, vii 'de stipendiis et stipendiariis.')

Cf. Vidal (*ib.* p. 728): 'quomodocumque sibi placuerit et quotiescumque eos [sc. rex] destituat.'

⁶ *Fueros*, i 'De Officio Justiciar Aragonum.'

⁷ Vidal, *ib.* The amount due for each knight absent was the value of the fee—500 sols (*Parch.* 1533; *Reg.* xx. 231). For the generality—i. e. no doubt, those who could only come on foot—the 'Redemption' was 60 sols, the same amount as was exacted in the law of the Ripuarian Franks (Coulanges, *Inst. Polit.* ii. p. 293).

higher and lower aristocracy, in Catalonia and Aragon, were peculiarly tenacious, consisted of the right to the renunciation of allegiance to the sovereign ('desnaturalization'). Of this practice we have seen instances in both countries. And, as war with the sovereign was permitted, it will be no surprise to find that provision was also made for private wars among the nobles themselves. The existence of such wars is assumed in the statute-books; but no noble was permitted to commence hostilities against another without a formal defiance issued ten days beforehand, in the presence of three knights for the opposite side, and both parties were bound to suspend operations when ordered by the king to stand to right, or when one of them offered to do so¹.

When we leave the aristocracy and turn to the middle and lower classes, we find that in Barcelona—and, perhaps, the towns generally—the burghers were divided into the three ranks of the 'honoured citizens' ('ciudadanos honrados'), who formed what was called the Greater Hand (*ma major*); the ordinary merchants, or Middle Hand (*ma mitjana*); the artisans, or Lesser Hand (*ma menor*)².

In Aragon the citizens—properly so called—were such townsmen as did not engage in manual occupations, besides advocates, doctors, surgeons, bankers, and the sellers of fine or 'precious' cloth³.

In 1275 the 'Redemption' fixed for the Valencians was 100 sols for each horse-soldier, and 50 for each footman (*Reg.* xxiii. 42). The period of service was, it will be noticed, a month longer than was usual in Catalonia. In France it was raised by S. Louis from forty to sixty days (*Martin, H. F.* iv. p. 129; *Hallam, M. A.* ii. p. 178), while in England it was forty days. *Cunningham, Commerce*, p. 144.

¹ *Fueros*, vii 'de expeditione Infantionum'; ix 'de pace et protectione regali,' 'de confirmatione pacis,'

'de forma diffidamenti'; *Const. Cat.* viii. 2, Us. 2; x. 1, Us. 2. The right to renounce allegiance to a sovereign was common in Europe: thus Henry II disowned the King of France before the outbreak of war, the Count of Brittany acted in like manner towards S. Louis, and the custom was authorized by the *Établissements*. *Hallam, M. A.* i. p. 175; *Siete Partidas*, iv. 25, 7.

² *Parçh.* 290; cf. *Tourtonllon*, ib. i. p. 106.

³ *Vidal*, ib. p. 729.

The
Villan.

What the position of the Villan was it is impossible to ascertain with any certainty. In Aragon it was better than it had been¹, intermarriage with the free and even titled classes being, with certain restrictions, allowed², though magnates were still strictly forbidden to knight the son of a villan, under pain of losing their Honours³. It would seem, therefore, that the condition of the villan in Aragon was in a state of transition; and we hear nothing of the wholesale enfranchisements common in France during the century. Slavery was by no means unknown⁴, and was encouraged by the king⁵.

The
military
system.

The military organization of the kingdom differed in no important respect from the ordinary mediæval system which then obtained in the rest of Europe. The main constituents of James' army were three in number: the *feudal levies*, the *municipal troops*, the *mercenaries*.

The first of these three groups was arranged, apparently, in the usual way, a lord's *vassals* following his banner. It is improbable that the *townsmen* were bound to serve outside the kingdom⁶, the part they took in the expedition

¹ 'Villani autem sunt dicti a villa, eo quod in villis commorantur . . . Fuerunt etiam quandoque Villani qui Collaterii vocabantur. Qui tam crudeli erant subditi servituti, ut etiam inter filios dominorum suorum ducerentur gladio dividendi. Qui quondam, condicione cogente pestifera eorundem, contra suos dominos insurgentes tandem composuerunt cum eis communiter et ultronea voluntate certa tributa et condiciones supra se et suis filiis assignantes. Qui post compositionem hujusmodi Villani de Parada taliter nuncupati.' *Ib.*

² Thus, a villan, who married a lady (*Infantona*), was enfranchised, but his children became the king's villans; while, on the other hand, the children of an *Infanzon* and a villan woman were *Infanzons*. *Fueros*, vii 'de con-

ditione Infantionatus.'

³ *Ib.* 'de creatione militum.'

⁴ In *Parçh.* 209 five Saracens are pledged for 100 macemutins. Elsewhere, two 'white Saracens' are sold for 460 sols 'ad usum et consuetudinem Barchiuonem' (*ib.* 1674), and two others fetch 110 and 130 Jaccic sols respectively (*ib.* 1904, 1914).

⁵ In 1274 the king gave full 'licence and power' to three men to import and sell Saracens from Africa. ('Si in partibus de Tirimee . . . venduntur vobis Sarraceni vel Sarracene . . . possitis ipsos emere et recipere et apud Barchinonam vel alibi in terra nostra anducere libere ac ibidem vendere absque impedimento nostro ac aliquorum officialium nostrorum.' *Reg.* xix. 162.)

⁶ So too *Tonrtoullon*, *ib.* i. p. 227.

to Mallorca being a purely voluntary one; but they could certainly be called on to bear arms within the limits of their own country, against malcontents like Cardona or foreign foes¹. Their duties, in fact, were probably limited to the supply of a militia in case of need.

It is the third group of the levy—the *mercenaries*—which most claims our attention. Besides the usual bands of adventurers, Aragon possessed a special body of hired soldiers in the Almogavars², one of whom was caught in the Sicilian wars of Pedro III by the French, who regarded him as a curiosity and took him before the Prince of the Morea: 'his dress was a short frock girt round him with a rope; a bonnet of undressed leather, with buskins and shoes of the same; and this was all. He was lean and sunburnt, his beard long, and his hair black and bushy³.' In charging a mounted enemy, the tactics of the Almogavar were to fling a dart at the horse of his adversary, and then to spring on the latter while he was on the ground and endeavouring to extricate himself; or else he would place his lance in the stirrup, steadying it with one foot, and thus pierce the chest of his opponent's horse⁴. Such were the wild beasts let loose by the Conqueror on his Mohammedan neighbours.

The vice of insubordination, always a characteristic of the feudal levy, existed—at least in the early part of the reign—no less in the armies of Aragon than in those which had lost the fields of Nicopolis and Mansoura. It was the insubordination of the infantry—in leaving the camp without orders—as well as the wrangling of the Moncadas and Nuño, that almost lost the battle of Santa Ponza; while,

¹ In 1255, when the citizens were called on to pay 'redemptions,' James was on strained terms with Castile (*Reg.* ix. 17-24); and in 1275, when a similar call was made, it was to carry on the war against the Catalan barons, as well as to hunt down certain malefactors in Valencia. *Regs.* xxiii.

3-10, 42, xvii. 1-8.

² The word is said to be a corruption of the Arabic 'al-mughawer,' or 'ravager.' Gayangos, ii. App. B.

³ Dunham, *Spain*, iv. p. 64.

⁴ *Ib.* Cf. Escolano, *Hist. Val.* iii. 5; Desclot, *Hist. Cat.* i. 79.

in like manner, the rashness of the French before Valencia very nearly cost the king an eye. To this evil the offices of Majordomo and Seneschal—who were next in command under the king over the troops of Aragona and Catalonia respectively—were ‘mere palliatives’¹. It was the age of the supremacy of feudal cavalry, and of the utter insignificance of infantry. Battles are remarkably few: during the ten years of James’ career of conquest, only two pitched engagements were fought, and, unhappily, the accounts of both are imperfect. The fight of Santa Ponza seems to have been won by a charge up hill; and as there was, happily, no ditch or palisade to cut short their career at the top, the crusaders succeeded in overbearing the Moors by the sheer weight of their mail-clad line. The battle of Puig was, apparently, won by the ‘refinement’² of a reserve, which charged down the hill in the thick of the fray.

Sieges form an important feature of the military history of the period. The success of the Crusaders in eventually storming Mallorca would seem to have been due to their mines, which had shaken down a large part of the wall; while Valencia and Murcia capitulated rather than endure the hardships of a siege and a possible massacre at the end. In some of the most important sieges the engines were a failure: at Mallorca one of James’ largest machines stuck fast in the mud, while another was much damaged by a catapult of the enemy; and much the same happened at Burriana, where an engine was disabled by the showers of stones with which the besieged received it.

James’
military
ability.

But while the military system of Aragon was characterized by the same imperfections as those which so seriously impaired the whole art of war under the feudal régime, these defects were materially counterbalanced by the strategical ability of the Conqueror. James was one of the first generals of the Middle Ages; his ever-watchful vigilance probably saved the army during the last days of

¹ Oman, *Art of War*, p. 50.

² *Ib.* p. 51.

the siege of Mallorca, and the selection of Puig to be the Decelea of Valencia shows that he was a strategist who worked with a definite plan of operations¹. In his Valencian campaigns he had two strategical points—Burriana and Puig. He first conquered the country north of the Mijares—a process which was facilitated by the excellence of his siege-train and his own skill in ‘Poliorcetics’—and, this done, he established his headquarters at Burriana, on the south bank of the Mijares, whence he could command the country in his rear. His second step was the occupation of Puig, from which he could ravage the Huerta of Valencia. And when the toils, so carefully laid, had closed round the doomed city, his general’s eye is once more proved by his plan of attack on the walls. The systematic nature of the whole campaign shows that, as a general, he was far in advance of his age.

In a survey of the system of land-tenure in vogue in James’ dominions, the point salient above all others is the restricted liberty of transference to the privileged classes. Taking Aragon and Catalonia first, it will be found that, though at Exea, in 1265, the king had conceded to the nobility of Aragon the right of acquiring property from his own vassals, and of holding it free from the usual imposts², his policy, none the less, was to restrict, as far as possible, the transference of land to the privileged orders, and this in two ways: firstly, by a prohibition, usually appended to each grant, against the transference of the immoveable in question to any of the clergy, religious orders, or knights (including the nobility generally³);

¹ But cf. Oman (ib. p. 52): ‘an invading army moved into hostile territory, not in order to strike at some great strategical point, but merely to burn and harry the land.’

² ‘Omnis Infancio de caetero possit libere emere ab hominibus Regis haereditates et possessiones, prout regales homines possunt ab hominibus Infancionum: et haereditates sive posses-

siones, quas emerint ab eis, sint de caetero Infancionae franchae et liberae ab omni regali servitio.’ *Fueros*, vii ‘de immunitate militum.’

³ *Archives*, passim. The formula restricting alienation generally ran something as follows: ‘exceptis militibus clericis et personis religiosis’ [sc. alienandum] (*Paroch.* 1583); or ‘sub condicione scilicet, quod . . . non

Land-
tenure in
Aragon and
Catalonia.

secondly, by the absolute prohibition to alienate crown fiefs and Honours to anyone at all without the royal licence¹—an offence especially rife in Catalonia, where commissions of investigation were frequent², their object being the same as that of the ‘Hundred Rolls’ of Edward I—to inquire into losses by subinfeudation and alienation on the part of the tenants-in-chief³. The transference of alods

possetis vendere, dare, vel alienare, militibus sanctis vel personis religiosis. *Reg.* xx. 299.

¹ *Const. Cat.* iv. 27, Us. 17, and *ib.* const. 4, cap. 43; *Fueros*, vii ‘de stipendiis et stipendiariis.’

² Thus, in 1263, R. de Pompiano, James’ bailiff in Besaldum, was appointed ‘Inquisitor feudorum et honorum censualium in Gerona, Besaldum, et Petralata,’ with power to seize (‘emparare’) fiefs alienated without the royal licence (*Reg.* xii. 80); and in the same year he was authorized to receive ‘compositiones ab illis laycis qui sub strepitu judiciali volnerint recognoscere ea que sunt de feudo nostro, et dare vobis quitaciam de ipsis’ (*Reg.* xiii. 160), as well as to investigate all cases of alienation to clergy in Conflant and Cerdagne (*Reg.* xii. 53). In 1264 Salvator, a canon of Barcelona, appears as commissioner for a like purpose in Roussillon (‘procurator constitutus a domino Rege . . . super inquisitione feudorum et compositionibus diffinitionibus faciendis et laudandis et firmandis dictis feudis.’ *Parch.* 1777); and in 1267 at least three commissioners were at work: on February 3, Blacus, a lawyer, was appointed to conduct a searching inquiry, in Montpellier and the province of Narbonne, into the nature of the instruments under which property was held, as well as to recover royal fiefs which had been improperly alienated (*Reg.* xv. 44); on March 17, Arnaldo de Grevalosa, James’ commissioner in

the diocese of Vich, was empowered to confirm all ‘Honours’ as free alods, though alienated royal fiefs were to revert to the Crown (*Reg.* xv. 50); while on August 20, Berenguer Forax (?) was appointed ‘Commissioner of Fiefs’ in Cerdagne, Conflant, Prades, and Ripoll (*ib.* 65). In 1270, Salvator again appears as commissioner in Roussillon and Valspir (‘procurator . . . in negociis feudorum et alodiorum et aliorum jurium ad eundem dominum Regem spectantium.’ *Parch.* 2020); and in 1276 we have a document consisting of an acknowledgment made by a knight to Jaspert de Bothenaco, Sacristan of Gerona, and Pedro’s commissioner, that he holds certain lands of the Infante. *Parch.* 2274.

³ Hallam’s observation, therefore, that in Catalonia there were no arrière-fiefs, is true in theory, if not in fact (*M. A.* i. p. 202). Sometimes the king would cut the knot by confirming the possession of property acquired previously to some given date; thus, in 1264, 1265, and 1272, he confirmed the clergy of the diocese of Gerona, the monks of Ripoll, and the men of Gerona, in all property they had held for the last forty years (*Regs.* xiii. 259, xxi. 357, *Parch.* 1801); and in 1268 a like privilege was conferred on a monastery for all its possessions acquired previously to the last half century. *Reg.* xv. 113.

For the religious orders investiture in their temporalities was required, if

to the church in Catalonia was, nominally, allowed¹—though with a reservation of the king's 'right and general lordship and the ancient statutes²'—and it was not prohibited in Aragon; but in the latter country, and probably therefore in Catalonia, the clergy themselves might not even execute a public instrument³. On clerical property, indeed, the thirteenth century—like the nineteenth—was an age of continued onslaughts by the secular power. In Catalonia we have James' commissions, in England the statute of *Quia Emptores*, and in France provisions, of the same import, in the *Établissements*. It does not seem to have occurred to legislators that a simple solution of the difficulty would have been found in universal liberty of transference and universal liability to taxation.

In Valencia the history of tenure during James' reign is considerably more complicated. After the conquest the land had been subjected to a threefold partition into the 'Honours' and fiefs of the nobles; the fiefs of the 380 knights appointed to garrison the country; and the bulk of the territory, which was distributed among all who had taken part in the expedition, according to their contributions⁴.

It would seem, however, that a good deal of land soon found its way into the hands of the privileged orders, for, in 1246, though confirming such alienations, the king enacted that the usual dues should be paid on property so

we may infer this from James' claim, in 1251, of the town of Camprodon, from the Abbot Guido, on the ground that for more than thirty-six years the abbots had not sought investiture. *Parch.* 1239.

¹ 'Manam que si algun alodiari, cavaller, o pages, sou alou volra donar, o vendre, á la esgleya, o monastir o algun, licentia ne haia.' *Const. Cat.* i. 3, Us. 1 (Cortes of 1228).

² 'Salvat nostre dret et señorio general e statuts antics' added at

Tarragona in 1234. *Ib.* iii. 2, 17.

³ *Fueros*, iv 'de tabellionibus.' In *Reg.* xx. 251, permission is granted to a priest to buy 'possessions' to the value of 1,000 sols, and in *Reg.* xi. 165, the monastery of Santas Cruzes, in Catalonia, is authorized to buy some houses; yet in *Reg.* x. 115, some property bequeathed by a priest of Calatayud to a monastery, without the royal licence, is diverted to his relatives.

⁴ *Chron.* 292; cf. Tourtoulon, *ib.* ii. p. 195.

acquired, and forbade such mortmain for the future¹. Violations, however, of the statute continued frequent, and in 1250, on the publication of the Valencian code, the prohibition was renewed²; but in 1252 the king once more confirmed all such alienations, besides making the concession that in future knights might acquire property situated outside the territory of the capital, on obtaining, in each case, the royal licence³; while in 1269 they were authorized to alienate to one another⁴. Finally, in 1272, James found himself obliged to ratify all alienations by the nobility in the past, and to permit them for the future⁵, the clergy, however, remaining in the position they had always occupied⁶. The revised code confirmed this alteration, and authorized the owner of landed property to dismember it as much as he pleased⁷.

Charac-
teristics of
the social
system.

When we glance at the feudal system as a whole, as it existed in James' dominions, it is impossible not to be struck by two prominent characteristics: the great freedom enjoyed by all ranks of the nobility from oppressive dues and

¹ Priv. 21, wrongly assigned to 1245 by Tourtoulon (Ib. p. 197).

The royal licence could, of course, admit of exceptions, as in *Reg.* xi. 201, where a knight is permitted to buy property in Valencia to the value of 1,000 sols, 'non obstante foro Valentie, in quo continetur quod milites clerici vel persone religiosi non possint emere aliquid de Realenco,' and in *Reg.* xii. 35, where similar licence of acquisition is granted to a monastery.

² *Furs*, iv. 19, 8; vi. 4, 37: 'coses no mobles o sehents no sien donades á lochs religiosos o á clerques.'

³ Priv. 47.

⁴ 'Fidelibus suis universis notariis sen publicis scriptoribus civitatis Valentie presentibus et futuris salutem et gratiam. Volumus et mandamus vobis firmiter quatenus, visis presentibus, de cetero ad vestras cartas

venditionum, que inter quoslibet milites fient de hereditatibus suis in regno Valentie, non opponatis illam clausulam, quam in cartis venditionum, que inter eos fiebant, appouere consuevistis, videlicet "exceptis militibus," set apponatis istam clausulam, "exceptis clericis et personis religiosis." Quoniam volumus et placet nobis ut milites militibus possint ad invicem suas hereditates vendere et obligare et etiam permutare. Et hoc aliquatenus non mutetis.' *Reg.* xvi. 179.

⁵ *Reg.* xxi. 23; cf. Bofarull, *Doc. Ined.* xi. p. 145. This confirmation in their estates cost the knights 13,366 sols. *Reg.* xix. 31.

⁶ Thus, the Bishop of Valencia was not allowed to hold any fiefs whatever. *Furs*, iv. 23, 1.

⁷ Ib. iv. 19, 9-11.

services; and the consequent struggle between the Crown and the aristocracy for the possession of the land. Dues common in other countries are conspicuous by their absence; and, so far from the king utilizing his nobility as a source of revenue, in Aragon, at least, the reverse was the case, the law obliging the sovereign to subsidize—by the grant of 'Honours'—barons who were entitled to demand the maintenance of their families by the king, when themselves at war with him. Absolutely the only claims James could make on his barons were military service—or the corresponding redemptions—and, in some cases, the right of entertainment, or composition for it. Other taxes, such as Bavage and Monage, could only be imposed by the consent of the nobles themselves, and were regarded as altogether extraordinary.

The extensive nature, therefore, of this immunity intensified the struggle for the possession of the land. The conflict seems to have been confined to Catalonia and Valencia, and there are no traces of it in Aragon, where the aristocracy had extorted a legal right to the acquisition of immoveables. In Catalonia the persistence of the king would seem to have won the day; but in Valencia the powerful nobility of both nations, planted by James in the land as a garrison, proved too strong for him.

When we come briefly to compare together the social systems of Aragon and Catalonia, the more aristocratic nature of that which obtained in the former is at once apparent. Both countries possess a higher and a lower nobility; but the line drawn between the two is much more clearly defined in Aragon, where the barons of birth form almost a separate caste, in contrast to the corresponding state of things in Catalonia, where the tenants-in-chief rank with the counts and viscounts, sharing with them the title of baron. Yet the longest and keenest opposition to the king came from Catalonia, from such nobles as Cardona and the Count of Ampurias; and, apart from the more turbulent character of the people, the reason for this is,

Comparison of the social systems of Aragon and Catalonia.

perhaps, to be found in the possession by the Catalan aristocracy of large fiefs, in addition to the 'Honours' which seem to have satisfied the ambition of the Aragonese nobility. But which of the two nations lay nearest to the Conqueror's heart, despite the obstinacy of individual nobles, is shown unmistakably by James' own bitter words at Zaragoza, in 1264: 'by my faith in God . . . the people of Catalonia . . . is the better sovereignty, and the most honourable, and the most noble; for there are four counts . . . besides so many barons, that for one here there are four in Catalonia, and for one knight you have here there are five there, and for one clerk there is here there are ten there, and for one substantial citizen you can show there are five in Catalonia¹.' The comparison, no doubt, was odious, but it was probably true.

¹ *Chron.* 392.

CHAPTER XX.

JAMES AS A LEGISLATOR.

‘THAT they may help me when necessary, I have lawyers with me, wherever I go, especially on account of my different states not being under one Fuero or custom¹.’ Diversity of custom in James’ dominions. That the king had good reason for this practice is evident from the fact that his dominions fall, legislatively, into at least three classes: (1) the countries of Catalan law, including Catalonia and Mallorca; (2) Aragon and Valencia, which received special codes from the Conqueror; (3) the countries of Roman law, consisting of Montpellier and Perpignan².

In a survey of the laws of Catalonia we shall do best to go back first to the fountain head—the Visigothic code, published by Alaric II at Toulouse in 506. It was permeated by Roman principles, being mainly based on the Theodosian code and the Institutes of Gaius; and when a later Gothic king, about the middle of the seventh century³, proscribed the use of Roman law drawn from any other source, the customs of the nation were already so impregnated with imperial ideas, that it was impossible for later additions to the Gothic law-book to be uncontaminated⁴. This is hardly the place in which to embark on a discussion of the characteristics of the great Gothic code. One of them is certainly the graduated system of fines for I. Catalonia.

¹ *Chron.* 396.

² Cf. Tourtoulon, *ib.* ii. p. 107.

³ Bradley, *The Goths*, p. 340.

⁴ Savigny, *Gesch. Röm. Recht.* ii. § 26; cf. Sempere, *Hist. Der. Esp.* p. 45.

various offences, except for deliberate homicide, which is punished by death¹—a notable exception, and one which emphasizes the Roman origin of the code². Torture is restricted, and the only ordeal is that of the boiling water. The civil side is almost entirely Roman.

Viewing the code as a whole, it is impossible not to be impressed by its fairness to all classes alike, as well as by the mildness of its provisions generally³. Such codes as the Visigothic and the Salic law were, in fact, milder than any that Europe was destined to experience throughout the whole course of the dark and middle ages. In the case of the Visigothic law this leniency may be attributed, primarily, to two causes: the still lasting influence of Roman civilization, and the authority of the clergy, whose hand is to be traced, above all, in the substitution, where practicable, of composition, for corporal punishment. Such a code, however, which professed to judge all men 'with

¹ 'Omnis homo, si voluntate non casu occiderit hominem, pro homicidio puniatur.' vi. 5, II.

² 'La grande différence entre le droit Romain et la coutume Germanique était que le premier n'autorisait pas la composition en cas de meurtre.' Coulanges, *Institutions Politiques*, ii. p. 477.

³ For the distinction between 'ingenuus,' 'libertus,' and 'servus,' we must, of course, be prepared, the 'vergeld' of a slave being only half that of a freeman (vi. 5, 9). But, even here, every care is taken to proportion the penalties as evenly as possible—as in cases of coining, for which a freeman loses half his property, a freedman his freedom, and a slave his right hand (vii. 6, 2). It is because he has failed to appreciate the inevitable distinction drawn by the already Romanized Goth between the three social classes, that Dunham—despite his exhaustive analysis—has so seriously misconceived the spirit of

the Visigothic code. 'Little does this code,' he says, 'deserve the outrageous commendations passed on it—outrageous alike to truth and common sense. It everywhere draws the most insulting distinction between rich and poor' (*History of Spain*, iv. p. 94). The verdict of M. Guizot is far juster: 'the Visigothic code is evidently the work of the ecclesiastics; it has the vices, and the merits, of their spirit; it is incomparably more just, mild, and exact; it understands much better the rights of humanity, the duties of government, and the interests of society; and it strives to attain a much more elevated aim than any other of the barbarous legislations.' *Civilization in Europe*, i. p. 488.

The one black spot in the code is to be found in the oppressive measures against the Jews, who were forbidden to marry 'after their fashion,' to celebrate the Passover, or to practise circumcision. xii. 5, 6, 7.

equality, and decided nothing between lord and vassal¹, was obviously unsuited to the feudal system, which in course of time spread its meshes over Catalonia, as it did over the rest of Europe. There was also the gradual expansion of local custom, to supplement the deficiencies of the law—a state of things which would inevitably lead to much inconvenience and confusion. The object of the code published by the Catalan Count, Ramon Berenguer I, in 1068, was to obviate these anomalies².

In the state of society for which the Usages were intended, the three old distinctions of freeman, freedman, and slave, have disappeared, rank now varying from the count or prince to the villan. The value of a man's life depends on his rank, and composition is made applicable to murder³, as well as to acts of violence generally⁴. The list of mutilations is a long one, the Count possessing the right to 'cut off the hand and foot, tear out the eyes, keep for a long time in prison, and even hang, if necessary. As for the women, he may cut off the nose, ears, breast, and, in fine, burn them in fire⁵.' The ordeal of boiling water is supplemented by the other ordeals for villans⁶, and also by trial by battle—'that monstrous birth of ferocity and superstition⁷'—for

Usages of
Ramon
Berenguer I
(1068).

¹ *Const. Cat.* lib. i. tit. 13, Us. 2.

² cf. Tourtoulon, *ib.* ii. p. 116.

³ The 'wergeld' of a citizen, among citizens, was the same as that of a knight, i.e. 12 ounces of gold: in the eyes of the judge (Potestat), however, his value amounted to that of a vavassor (*Const. Cat.* ix. 15, Us. 8). The 'wergeld' of a subdeacon was 300 sols, of a priest 600, of a bishop 900 (*ib.* ix. 3, Us. 1), and of a rustic, or anyone else without 'other dignity,' 6 ounces (*ib.* 10), the relatives of the deceased being authorized to follow up the assassin and exact the composition themselves (*ib.* ix. 1, Us. 2). Composition for murder, though not admitted by the Visigothic or Burgundian codes, was allowed by the more

German Salic Law, which was, 'above all, a tariff of compositions.' Under Charlemagne and Louis the Pious the system was in full vigour—a circumstance, which, no doubt, promoted its growth in the Spanish mark, when the country was a fief of the French Crown (cf. Coulanges, *Inst. Polit.* ii. p. 475).

⁴ A blow, to the effusion of blood, cost the offender 20 sols, to take a man by the beard, the same sum, and to knock him down, 15 sols. *Const. Cat.* ix. 12, Uss. 12, 15.

⁵ *ib.* x. 1, Us. 6.

⁶ *ib.* ix. 8, Us. 2; *Const. Superfl.* iv. 1, Us. 2, and x. 6, 1.

⁷ Hallam, *M. A.* i. p. 275.

the nobles and burghers¹, and even for women accused by their husbands of adultery²; while the growth of the feudal spirit is still further shown in the power attributed to each lord of judging his vassals³. The civil side of the code is extremely meagre, judges, in fact, being authorized to 'employ equity⁴.'

James'
Catalan
laws.

This slight sketch of its legislative antecedents was necessary for anything like a proper appreciation of the position occupied by James' work. The code of Ramon Berenguer was still in force when he came to the throne, and the needs of the people had hardly, as yet, outgrown it. The king contented himself, therefore, with a few additions of his own; and, conscious, no doubt, that the direct introduction of Roman principles would have met with the determined opposition of the whole nation, he even went so far as to include Roman, Gothic, and Canon law, in one sweeping proscription, with the further proviso that, where the Usages or local custom were in default, recourse should be had by the judges to 'natural sense⁵.' Such

¹ *Const. Cat.* iv. 1, Us. 6.

² *Ib.* ix. 1, Us. 2. Women so accused were to clear themselves 'per lur allagant, per sagrament, e per batalla ... Muller de cavaller per sagrament, mes avant per cavaller. Mullers de ciutadans e de burgesos e de nobles balles, per pedon. Mullers de pagesos per cantera, ab lurs propries mans. Si la muller venç, retenga la son marit honradament.' *Ib.*

³ 'Quiscun pledcig ab son senyor.' *Ib.* iii. 2, Us. 1.

⁴ 'Los jutges deuren usar de equitat.' *Ib.* iii. 1, Us. 4.

⁵ This important constitution, which was promulgated at Barcelona on March 30, 1251, runs as follows: 'encara statuim, ab consell dels sobre-dits, que leys Romanas, o Gotigas, drets e decretals, en causas seculares no sien rebudas, admesas, judicadas, ne allegadas; ne algu legista gos en

cort secular advocar, sino en causa propria, axi que en la dita causa no sien allegadas leys o drets sobre-dits; mas sien fetas en tota causa secular allegations segons los Usatges de Barcelona, e segons las aprovadas costumas de aquell loc, ahont la causa sera agitada; e en defalliment de aquells sie proceit segons seny natural. Los jutges encara en las causas seculares no admeten legistas advocats, axi com dessus es dit' (*Const. Cat. Superfl.* i. 8, 1, 3). This was, in fact, an emphatic confirmation of an Ordinance of 1243, which forbade advocates to refer to 'laws,' where local custom sufficed. *Const. Cat. Prags.* ii. 3, 1.

It is interesting to note that in the Urgel case the Countess' attorney was, apparently, an offender in this respect, to judge from Cardona's taunt: 'do you suppose for a moment that through

a proscription, however, he could afford to regard with equanimity, for the very deficiencies of the code and of local custom would, as he was aware, inevitably lead to a gradual infiltration of imperial principles, especially when the only competent interpreters of what constituted 'natural sense' were Roman jurists.

Apart from his additions to, and emendations of, the Usages, James' own legislative acts are arranged in the statute book in two classes: (1) Constitutions, or laws promulgated in the Cortes, among them statutes relating to the Church, the vicars, Jews, and the rate of interest¹; (2) Ordinances, or Pragmatics, usually interpretative in their nature, as those defining the status of minors who entered a religious order, or married, without their parents' consent, the relations of the vicar to the Council of Barcelona, and the nature of the laws to be referred to in the courts².

There is an unmistakable Roman ring in James' laws, and they contain certain Roman principles and expressions³. Of feudal law comparatively few traces are to be found, but, in the course of the reign, a Canon of Barcelona, by name Pere Albert, drew up a compilation of the feudal customs in vogue at the time, which was inserted in the statute book in the reign of James II⁴.

Only a few salient points in James' Catalan legislation can be referred to here. The peculiar system of *succession to immoveables*, unknown to both Roman and Gothic law, reappears: by it the property of an intestate reverts to the line from which it came, up to the fourth degree, beyond which it returns to the mother or son of the deceased. Her dowry, of course, the woman kept⁵. In cases of disputed titles to property, Constantine's *prescrip-*

your specious pleading, which you learned at Bologna, the Count will lose his countship?' *Chron.* 36.

¹ *Ib.* i. passim.

² *Prags.* i. 6, 1, 1; i. 1, 1, 1; i. 6,

23, 1; ii. 3, 1.

³ *Tourtoillon*, *ib.* ii. p. 122.

⁴ *Const. Cat.* iv. 27, 4.

⁵ *Ib.* vi. 2, 1, *Unic.*

tion of thirty years is usual ; and if, after that period, the case be revived, the claimant is to pay down a pound of gold ¹.

. Turning to the family, we find that the *paternal authority* continues to exist in a modified form, any below the age of twenty-five, who marry, or enter an order, without their parents' consent, being liable to the loss of their inheritance ².

Judicial proof consists of witnesses, documents, arguments, or circumstantial evidence ³; and witnesses can be compelled to give evidence ⁴.

To the criminal side of Ramon Berenguer's code absolutely no additions appear, beyond a law regulating the application of *torture* ⁵. The system of compositions is, as we have seen, kept up, and was, of course, viewed with favour by the nobility. Ordeals may be safely presumed to have fallen into disuse, since the issue of the Vatican decrees.

It will thus be seen that James' permanent additions to the code of Ramon Berenguer were but slight. His Constitutions were mostly temporary in their nature, and so also many of his Ordinances. The other subjects with which they deal have been discussed elsewhere, each in its proper place.

Fuero of
Mallorca.

The 'Fuero' of Mallorca was mainly based on that of Barcelona ⁶. Its object was to attract settlers, and hence the inhabitants were expressly exempted from all ordinary taxation, as well as from the judicial duel and ordeals ⁷.

¹ *Const. Cat.* vii. 2, Us. 2.

² *Ib.* v. i. 1, 1; i. 6, 1, 2.

³ 'Prova se fa o per testimonis, o per cartas, o per arguments, o indicis versemblants' (*ib.* iii. 14, Us.). M. Tourtoulon (*ib.*) remarks on the Roman ring of this passage.

⁴ 'Car no es menor culpa las cosas de res callar que las falsas exprimir' (*Const. Cat.* *ib.* iii. 15, Us. 8)—an exact translation of the words of the

Visigothic code: 'quia non minor reatus est vera suppressere quam falsa confingere' (*ii.* 4, 2).

⁵ The vicars were not to apply it without the consent of the judge or prince. *Const. Cat.* i. 43, 6.

⁶ 'In causis injuriarum, dampnis, vulneribus illatis, procedatur secundum Usaticum Barchinone.' *Reg.* xxvi. 118.

⁷ *Ib.* 119. In England a like ex-

Unlike their Catalan neighbours, up to the year 1247 II. Aragon. the Aragonese were entirely destitute of a code in any form whatever. The existence is doubtful of the so-called Fuero de Sobrarbe, which legend associated with the Christians in the mountains of Navarre—refugees from the Arab invasion¹. None the less it formed a never failing cruse from which the nation drew its claims to liberty and a constitutional government; though, in any case, the Fuero seems to have done little beyond defining the general relations of Crown and people², private law remaining of a purely local character. The inconveniences resulting from this state of things—which found its analogy in the like state of confusion reigning in Catalonia before the publication of the Code of Ramon Berenguer—are obvious, and are alluded to in the preamble to the Fueros of 1247, whose object was to revise, supplement, and codify, as far as possible, the existing local customs³.

In form, at least, the Fueros, as compiled at Huesca, in 1247, wear a strongly marked Roman aspect. They are arranged under titles drawn from the Code of Justinian and the Digests, though much less complete in themselves than their models—a defectiveness which may easily be explained by the jealousy with which the Aragonese would

emption from the duel was granted to London, Winchester, and other towns. Stubbs, *Const. Hist.* i. p. 627.

¹ It would seem, however, that Blancas had seen more than one copy of what claimed to be the Fuero of Sobrarbe, from which he says that many of the Observantiae of the Aragonese statute-book were taken, word for word. ('In nostris quas vocamus Observantias . . . plurimae inveniuntur de verbo ad verbum omnino sumptae a legibus quae hodierna die sub Suprarbiensis fori nomine passim extant conscriptae.' *Comm.* p. 656.)

² E.g., 'Jura dicere regi nefas esto, nisi adhibito subditorum consilio . . . Bellum aggredi, pacem inire, inducias

agere, remve aliam magni momenti pertractare, caveto rex, praeterquam seniorum annuente consensu . . . Ne quid autem damni detrimtive leges aut libertates nostrae patiantur, iudex quidam medius adesto, ad quem a rege provocare, si aliquem laeserit, injuriasque arcere, si quas forsan reipublicae intulerit, jus fasque esto' (ib. p. 588). All these passages savour strongly of the political theories of a later age, especially the reference to the 'iudex medius.'

³ 'Quosdam [sc. Foros] amovimus, correximus, supplevimus, ac eorum obscuritatem elucidavimus.' It will be noticed that there is no mention of the 'Fuero of Sobrarbe' here.

regard anything like intrusion of Roman doctrines, to the exclusion of their own customs¹. As it was, when the *Fueros* failed, the difficulty was met—as in Catalonia—by reference to ‘natural sense’ or ‘equity²’; though even this was in reality a victory for Roman law, as Roman jurists would be the only competent interpreters of the alternative offered. In fact it is extremely probable that such was the basis of the decisions of the king’s court, and this would account for the complaints of the nobles as to the personnel of the staff of judges.

The *pledge* (‘*fianza*’) is the key to all Aragonese procedure³. It is thus that the defendant goes bail to appear and conform to a sentence (‘*fidantia de directo*’)—a step without which the prosecutor can seize his goods⁴. To this the prosecutor replies with the ‘*fianza de redra*,’ which binds him to repair the harm done to the defendant in the event of an unjust process⁵.

Of *proofs* there are four classes: witnesses, documents, oaths, and duels. Two witnesses are necessary⁶; and they can be compelled to give evidence⁷.

The Roman side of the code comes out clearly in the law of *inheritance*. Primogeniture disappears, and property is equally divided, though father and mother, during their lifetime, can present one of the children with a moveable or immoveable object. In cases of intestacy, property returns to the line from which it came, as in Catalonia⁸.

Paternal authority appears in a modified form, a father being authorized to disinherit his son only in extreme cases⁹. Minority terminated at the age of fourteen¹⁰.

¹ Cf. Tourtoulon, *ib.* ii. p. 140.

² Preamble to *Fueros*.

³ Tourtoulon, *ib.* p. 160.

⁴ *Fueros*, vol. iii, lib. i, tit. ‘quod cujusque universitatis.’

⁵ *Ib.* tit. ‘de satisfando.’

⁶ *Ib.* vol. i, lib. iv, tit. ‘de testibus’ and ‘de fide instrumentorum.’

⁷ *Ib.* ‘de testibus cogendis.’

⁸ *Ib.* lib. viii ‘de donationibus.’

⁹ I.e. if the son struck father or mother, caused them to lose their property, gave them the lie in public, dragged them by the hair, or caused his father to swear. *Fueros*, ix ‘de exhaeredatione filiorum.’

¹⁰ *Ib.* v ‘de contractibus minorum.’

The position of the *married woman* was a comfortable one. She was to receive a dowry from her husband, varying with his rank¹, and none of the property of husband or wife could be alienated without the consent of both².

Of *wills* there were two kinds—the written and the verbal. It is with the second of these only that the *Fueros* are concerned, but the existence of the first can be inferred from their language³.

A *prescription* of thirty years is reckoned a sufficient title to an immoveable, if the possessor can base his claim on a document, or prove that during the period in question the claimant 'went in and out' of the place where the immoveable lay⁴.

When we come to the criminal side of the code, we find *composition* usual for violence⁵; and it is even allowed for homicide⁶, except where—by a curious distinction—the victim is not a personal enemy of the murderer, in which case the latter is treated as a traitor and suffers corporal punishment⁷. The highway robber taken *flagrante delicto* is hanged on the spot⁸, and poisoners also suffer the capital

¹ *Fueros*, 'de jure dotium.' The position of the villan woman seems to have been an extremely comfortable one: 'villana debet habere per suas dotes unam domum coopertam, in qua sint duodecim bigae, et unam arenzatam vinearum, et unum campum, in quo possit seminare unam arrovam [i.e. amphoram, Du Cange, *Gloss.* s.v.] in voce linaris [i.e. agri lino consiti, ib.], et suas vestes integre, et suas joyas, et unum lectum bene paratum de melioribus pannis, qui sint in domo, et duas meliores bestias de domo, aptas ad laborandum, cum omnibus suis apparamentis' (ib.). It is to be feared, however, that this is little more than an ideal picture.

² Ib. iv 'nec vir sine uxore.'

³ Ib. v 'de tutoribus, manumissori-

bus.' The written will is clearly alluded to in the following sentence: 'super testamento facto ab aliquo, et postremo sine carta, tamen, spondaliariis convocatis, eorum stabitur testimonio.' Ib. 'de testamentis.'

⁴ Ib. vii 'de praescriptionibus.' The same prescription was usual in Valencia. *Furs*, vii. 1, 5.

⁵ *Fueros*, lib. ix 'de injuriis.' The usual penalty for a violent assault was 250 sols (ib.), though in a 'walled town' a blow with a sword or knife cost the offender 500 sols. Ib. 'de poenis.'

⁶ In a 'walled town' the amount was 1,000 sols. Ib. 'de poenis.'

⁷ Ib. 'de proditoribus.'

⁸ Ib. 'de confirmatione pacis.'

penalty¹. The adulterer seems to have escaped punishment altogether, but an adulteress lost her dowry².

There were three general forms of *treason*: (1) the murder of a lord by his vassal, or incestuous relations established by the latter with his lord's wife: (2) the homicide of a personal enemy in time of truce, i.e. without a challenge: (3) the homicide of anyone not the personal enemy of the aggressor. The first class, in default of witnesses, was proved by battle between champions of equal physical strength ('per consimilem'), and the second by battle between equals in rank and strength ('per parem'), the penalty being death and confiscation in both cases. Offenders in the third class also—as we have seen—suffered corporal punishment³.

Torture would seem to be included in the proscription of the system of 'inquisitions⁴,' while all ordeals were expressly abolished⁵.

On the other hand, the *duel* is in vogue, though its application is limited to cases in which the object of litigation is an article 'of some value⁶.'

Private vengeance also was not unknown: it was, in fact,

¹ *Fueros*, 'de veneficiis.'

² *Ib.* 'de adulterio et stupro': v 'de jure dotium.'

³ *Ib.* 'de proditionibus' and 'de proditoribus.'

⁴ *Ib.* lib. iv 'de testibus': 'nullam pesquisam habemus secundum forum contra aliquem super aliqua causa, sed habemus testes juramenta et bellum, si franchus est.' So too Tourtoulon, *ib.* i. p. 168.

⁵ 'Ad honorem Ejus qui dixit "non tentabis Dominum tuum," candentis ferri judicium, necnon et aquae ferventis, et similia, penitus in omni casu et quolibet abolemus.' *Ib.* lib. ix 'de candentis ferri judicio abolendo.'

⁶ *Ib.* iv 'de probationibus'; cf. viii 'de duello': 'Cum super

aliqua re duellum firmatur coram justitia inter duos, reptatus habeat duos pedites, eo existente tertio, si aptus fuerit ad duellum, et qui reptat habeat pedites quotquot habere poterit: quo facto, fideles ex utraque parte electi existiment cum justitia, qui pares esse poterint metiendo, et qui pares fuerint inventi duellum faciant. Cum enim alter eorum convictus fuerit, solvat qui eum posuit integre secundum tenorem facti de placitis non observatis, idem quod in foro, preter quod termini sunt de x in x diebus. Et sciendum est quod si reptatus potest in campo invictus existere per tres dies, pro victo habetur qui eum reptavit.' The duel was condemned by Peñafort (*Summa*, ii 'de duello').

permitted after a formal defiance before three witnesses¹; and in certain cases the relatives of a murdered man were expressly authorized to take vengeance on the assassin².

The last, but not the least, of James' great legislative works was the code of Valencia. Here there were no pre-existing customs to fetter the king's action; and any such code—written, so to speak, on a clean surface—might reasonably be expected to bear, to some extent, the impress of the Conqueror's own personality.

The
Valencian
code.

The king's plan, however, of a special code for his newly acquired kingdom did not pass without opposition. As soon as the nobles of Aragon ascertained his intentions, they protested so vigorously that eventually James found himself obliged to concede them the use of the customs of Aragon on their own estates. The application of the 'Furs,' therefore, was by no means universal³.

The code itself was first published in 1250⁴, and was revised and enlarged in 1271⁵. It was saturated with Roman principles, especially on its civil side, though not wholly free from Gothic influences. It took Justinian's code as its basis, besides drawing from the Digest and Institutes, and the preamble contains a translation of

¹ *Fueros*, ix 'de forma diffidamenti.'

² 'Si infans occiderit hominem signi Regis, solvat caloniam homicidii secundum Forum loci, ubi homicidium fuerit perpetratum, et caveat sibi a consanguineis interfecti' (ib. 'de homicidio'). 'Quicumque civis aut villanus . . . si in abenis militis manus injecerit violentas, solvat de calonia quingentos solidos. Si vero eum occiderit, non solvat inde caloniam, caveat tamen sibi ab interfecti consanguineis et amicis.' Ib. 'de injuriis.'

³ Miedes, *Vit. Jac.* 12. In 1461 John II ordered the governors of the Aragonese towns in Valencia to swear to maintain their *Fueros*. *Fueros*, i 'de populatis ad Forum Aragonum in

regno Valenciae.'

⁴ *Furs*, preamble, p. 1. The code was drawn up on the advice of a number of prelates—including Bishop Vidal—nobles and commoners of Aragon and Catalonia. By the sixteenth century—as M. Tourtoulon has observed (ib. ii. p. 431)—it had sunk to the position of a mere municipal charter, of force only in the capital.

⁵ *Reg.* xvi. 265; *Paroch.* App. 35, which contain the king's confirmation of the revised code, 'cum omnibus addicionibus, correccionibus, diminucionibus, et emendis.' The date of the revision is wrongly given by M. Tourtoulon as 1270 (ib. p. 189).

Ulpian's precept: 'honeste vivere, alterum non laedere, suum cuique tribuere'¹. The language, indeed, in which the code was published was Provençal or Lemosin; and, still further to satisfy popular sentiment, no 'advocate or jurist'—i. e. in Roman law—was to be allowed to plead in any Valencian court, while all disputed points of law were to be settled 'according to the discretion of the justiciar and good men of Valencia and the kingdom, to the exclusion of Canon and Civil law'².

On the subject of *paternal authority* the 'Furs' are in a state of transition from Roman to modern ideas. The father has jurisdiction over the whole household, and may punish the guilty, but may not administer justice of blood³. Over the sons this jurisdiction ceases when they have attained their majority (twenty-two), marry, and are emancipated or ill-treated by their father⁴. It is only for gross misconduct that a son can be disinherited by his father⁵, the latter, in ordinary circumstances, being bound to bequeath a certain proportion of his property to his children⁶.

From the age of fifteen to that of twenty, children incapable of managing their property are liable to the control of a guardian or 'curador'—the exact counterpart of the Roman 'curator'⁷.

¹ 'Honestament viure, e a altre no agreujar, e son dret á cascu donar.' Preamble, *ib. cf. Institutes*, i. 1, 3.

² 'Aliquis jurista, advocatus, vel aliquis jureperitus, non advocent in curia civitatis Valencie nec in aliqua curia totius regni Valencie . . . et ita fiant deinde perpetuo omnes actiones [acta?] et sentencie in Romancio . . . Statuimus etiam quod, si forte aliqua dubitatio orta esset vel orirentur super dubitatione alicujus fori, illa dubitas declarentur secundum cognicionem Justicie et proborum hominum civitatis Valencie et regni ejusdem, exclusis jure canonico et civili et omni forma legum.' *Leg.* xiii. 182 (1264).

³ *Furs*, vi. 1, 13; *cf. Tourtoulon*, *ib. ii. p. 207*.

⁴ *Ib. vi. 2, 3 and 5, viii. 6, 3*.

⁵ 'Nengu no pusque deseretar sos fills ledesmes, si donchs no furan son pare o sa mare o no desmentran aquells, o si aquells seran catius e nols voldran rembre de lur patrimoni, o si jauran ab lur madastra, o si seran heretges o renegats, o si accusaran lur pare o lur mare dalcun crim, exceptat e levat crim de heretgia.' *Ib. vi. 9, 15*.

⁶ One-third, if he had less than five children, and half, if more than five. *Ib. vi. 4, 49*.

⁷ *Ib. v. 6, 10; cf. Institutes*, i. 23.

There were three kinds of *will*: that drawn up by a notary before three witnesses; the verbal will; and the 'holographic' will. Of these the first two were, of course, imperial in their origin, while the last was taken from the Visigothic code¹. To the same Gothic source may also be traced the peculiar provision that in cases of intestacy sons excluded grandsons, if the father of the latter were dead².

The position of the *married woman* was carefully safeguarded, the husband being bound to present her with an augment ('creix') half the value of her dowry. The latter could not be alienated without the wife's consent, and could be claimed by her in the event of her husband's adultery, or at his death; but if, in the latter contingency, she were to marry a second time, the usufruct of the augment, conferred on her by her first husband, was to return, on her own death, to his heirs³.

In civil suits the *duel* and *ordeals* were forbidden, the oath of the defendant being accepted in default of sufficient evidence⁴; but in criminal cases the duel could be resorted to, for lack of evidence⁵, if both parties were of equal rank and strength⁶. Witnesses could be compelled to give evidence⁷.

Imprisonment does not seem to have been resorted to as a penalty, the only form it took being that of 'preventive,' i. e. temporary, incarceration, to prevent the delinquent from evading justice; and even thus the accused might not be detained beyond thirty days, except when the facts of the case called for special inquiry⁸.

¹ *Furs*, vi. 3-10. The 'holographic' will was one which was made at a time when no witness could be present, and was held to be valid if the signature of the legatee could be proved, within thirty years and six months, before a bishop or judge. *Visigothic code*, ii. 5, 16.

² *Ib.* iii. 18, 3, from the Visigothic code, iv. 2, 2.

³ *Ib.* iv. 19, 28; v. 1, 2, and 5, 20.

⁴ *Ib.* iv. 9, 4.

⁵ *Ib.* ix. 22, 2.

⁶ 'Aquells qui combatran sien pars e equals de linatge e de riques, e sien mesurats per les spatles e per los braços e per les cuxes e en altea e en grossea' (*ib.* 3). Minute rules as to arms and measurements are given. *Ib.* rubr. 22.

⁷ *Ib.* iv. 9, 14.

⁸ 'Manam que alcu, que sia pres per accusacio dalcun crim o malefici, quantque aquell crim sia gran, no sia

Composition was allowed for ordinary assaults¹; but wilful murder was punished by death², though even here an exception was made in favour of an assassin of 'distinguished' rank, who, for the murder of anyone of humble birth, was incarcerated and thrown on the sovereign's mercy³.

The stake was the *punishment* of heretics, poisoners, sodomites, and infanticides, as well as of Jews holding carnal intercourse with Christian women, and of Christians forming the same connexion with Jewish women⁴. An assassin convicted of the murder of a near relative was buried alive under the body of his victim⁵. Forgers were hanged⁶, and adulterers were driven through the streets⁷.

Torture reappears. Nobles and distinguished citizens are, indeed, exempt from it; but those of inferior rank can be submitted to it in criminal cases, and in civil cases when their evidence is manifestly contradictory and false⁸.

detengt pres en la carce oltra trenta dies, si donchs la Cort els prohomens no conexeran que hom lo degues tenir dagui enant per scobrir veritat dalcuns feyts.' *Furs*, ix. 28, 32.

¹ Thus, a stab with a dagger or other weapon entailed a fine of ten morabatins in the town and of five in the country, the offender, in default of payment, being beaten (ib. ix. 7, 39); while a blow in the mouth cost the assailant 300 sols for each tooth lost from the 'first seven,' and 100 sols for any one of the others. Ib.

Mutilation was resorted to if the blow caused the loss of a limb, though an offender of rank was thrown on the mercy of the court. Ib. ix. 7, 38 and 39.

² 'Si peraventura acordadament alcu matara altre, que mnyre sens tot remey' (ib. 42). For a homicide committed in a dispute, a fine of 200 morabatins was admitted. Ib.

³ Ib.

⁴ Ib. ix. 7, 63 and 79; ix. 9, 9 and 10. The property of heretics and sodomites was confiscated (ib. vii. 8, 12)—a contrast to the clemency of the Siete Partidas, which allowed a heretic's property to go to his children (vii. 6, 22).

⁵ 'Viu sia posats sots lo mort' (*Furs*, ix. 7, 78). In Castile this punishment was inflicted on a criminal of low rank guilty of committing a murder in any place where the king was present at the time (*Partidas*, ii. 16, 3); while, for the offence in question, the penalty was the Roman punishment of death by drowning, in company with a dog, an ape, a cock, and a viper (ib. viii. 8, 12).

⁶ Ib. ix. 3, 12.

⁷ Ib. ix. 2, 6. By the Siete Partidas an adulterer suffered death, and an adulteress was beaten and sent to a monastery, besides losing her dower. vii. 17, 3.

⁸ Ib. ix. 6, 1, 3, 4.

Even *private vengeance* may be resorted to, the relatives of a man killed in a quarrel being authorized to slay the assassin, if, after paying the usual composition, he ever returns to the scene of the murder¹. Private war too—i. e. private vengeance on a large scale—is assumed as existent by the ‘Furs,’ though it is only to extend to the persons, and not to the property, of the combatants. It was forbidden, however, if either party were willing to ‘do right,’ and a truce of ten days—after a formal defiance in the presence of three witnesses for the opposite side—was required before the commencement of hostilities².

Treason consists of:—(1) the murder, or connivance at the murder, of the lord or members of his family, or the desertion or attacking of him in battle; (2) illicit intercourse with a suzerain’s wife or daughter; (3) a refusal by the vassal to surrender his fief, when required by the lord; (4) the deliberate murder of a near kinsman or companion. For the first three forms, the delinquent suffers an indeterminate corporal penalty with confiscation of his property, and for the last death³.

¹ *Furs*, ix. 7, 42.

² *Ib.* 8, 16 and 14.

³ ‘Traydor es qui ociura son senyor o qui dara consell ne aynda ne consentra en la mort de son senyor, o quil lexara en camp, o qui ab sa muller o ab sa filla de son senyor jaura carnalment, o qui sera contra ell en batalla campal, o qui ociura son fill o sa filla o sa muller o son pare o sa mare o son senyor. E qui fara alguna cosa daquestes coses damunt dites sia punit personalment e tots los bens daquell sien confiscats e encorreguts, salvus empero lo dret á les mullers els deutes els contrats primerament feyts . . . Encara aquell qui castell o postat de castell o de loch contradira de donar á son senyor, lo quel castell

o loch ell tendra per ell, o si ab aquell senyor ab aquell castell que per ell te querrejara tant solament, sia traydor quant en aquella contradictio que no li volra donar postat o en aquella guerra que li fara ab lo castell que per ell tenra e stara. E ex aquestes dos cases no perda alguns bens ne sostenga pena corporal, si ell es apparellat de retre lo castell’ (*ib.* 10, 1). ‘Sil pare ociura lo fill ol fill lo pare, ne frare a frare, ne oncle á nebot, o nebot á oncle, o cosin germa á cosin germa, o companyo á son companyo, acordadament en fe menys de baralla, que sia daquell feyta justicia corporal, axi com de traydor, mas pusque fer testament de tots sos bens.’ *Furs*, ix. 10, 2.

High Treason, or 'Laesa Magestat,' included:—(1) help given to the sovereign's enemies in any way whatever, as well as attempts to seize his castles or towns; (2) the coining of money without the royal licence. The penalty for both of these offences was death and confiscation¹. It is noticeable that the taking or attempting of the king's life is not included, perhaps because the sovereign was regarded as little more than 'first among equals'².

¹ 'Aquell fa crim de lesa Magestat, qui vol liura la ciutat als enemichs o qui aquella volra de tot en tot destrohir, o qui seu passara als enemichs, o qui donara á aquells ajuda darmes daver o de consell, o qui sesforçara qui faça los castells o los viles que son sotmeses al Princep rebelles, o qui fabricara falsa moneda, o aquella sens manament del Princep batra, o qui fortalces liurara als enemichs o letres o misatge o alcum senyal á ells trametra ols fara . . . E qui aço fara ne fara ço que en les altres cases contengut en aquest fur, jutgam que haja fet crim de lesa Magestat, e que perda lo cap e tots sos bens que haura en nostra terra, levat lesposalici et dret de la muller els altres deutes' (*Furs*, ix. 9, 1). By the *Siete Partidas* (vii. 2, 1) high treason, or 'laesae Majestatis crimen,' was defined as 'traycion que face home contra la persona del rey. Et traycion es la mas vil cosa et la peor que puede caer en corazon de home.' It is arranged under as many as fourteen heads: (1) connivance at the king's death; (2) helping his foes; (3) inciting his subjects to revolt; (4) preventing some foreign lord from committing his land to the protection of the king, or from paying tribute; (5) surrendering a town or fort to the enemy, losing such fief by one's own fault, fortifying it against the king, holding some castle or town inde-

pendently of the king, or, in fine, rebelling against him; (6) deserting the king in battle, leaving the army while bound to serve, or intriguing with the enemy; (7) making conspiracies in the kingdom; (8) killing the royal governors, councillors, judges, or knights of the household; (9) violating the royal safeguard; (10) killing or putting to flight men who have given hostages to the king; (11) assisting the flight of any accused of treason; (12) refusing to surrender an office; (13) mutilating the royal 'images'; (14) falsifying the king's money or seal (*ib.*). Any one guilty of any of the above offences was liable to death and confiscation, while his sons could never be knighted or hold office (*ib.* 2).

² The statute relating to high treason, in the Visigothic code, runs as follows: 'Quicumque ex tempore reverendae memoriae Chintiliani principis, usque ad annum regni nostri Deo favente secundum, vel amodo et ultra, ad adversam gentem vel ad extraneam partem perrexit sive perrexit, aut etiam ire voluit vel quandoque voluerit, ut sceleratissimo ausu contra gentem Gothorum vel patriam ageret, aut fortasse conetur aliquatenus agere, et captus sive detectus extitit vel extiterit, seu ab anno regni nostro primo vel deinceps quispiam intra fines patriae Gothorum quancumque

At Montpellier Roman law may be said to have won its triumph in the code wrung by the burghers from Pedro II in 1204, to the exclusion of any possible influx of Catalan law and custom. But, though this municipal charter is permeated by Roman principles, decisions given in the court of the bailiff were to be based on local custom, and, only in default of this, on Roman law; while some consular ordinances of 1223 enacted that no jurist in Roman or Canon law should plead in the bailiff's court, except with the consent of both sides¹.

Among the chief characteristics of the code itself are simplicity of *will-making*²; the facilities given to the *transference of property*³; and its *devolution*, in cases of intestacy, to unmarried, in preference to married, children⁴; the despotic *power of the father* of a family⁵; severity

conturbationem regni nostri vel gentis facere voluerit, sive ex tempore nostri regiminis tale aliquid agere vel disponere conatus est aut fuerit, atque, quod indignum dictu videtur, in necem vel abjectionem nostram sive subsequentium regum intendere vel intendisse proditus videtur esse vel fuerit: horum omnium scelernm, vel unius ex his, quisque reus inventus irtractabili sententia mortem excipiat, nec ulla ei de cactero sit vivendi indulta libertas. Et si nulla mortis ultione plectatur et pietatis intuitu a principe illi fuerit vita concessa, effossionem perferat oculorum, secundum quod in lege hac hucusque fuerat constitutum, decalvatus tamen ē flagella nscipiat et sub certiori vel perpetuo erit religandus exilio poenae, et insuper nullo unquam tempore ad Palatini officii reversurus est dignitatem, sed servus principis factus, et sub perpetua servitutis cathena, in principis potestate redactus, aeterna tenebitur exilii religatione obnoxius, quatenus nec excidium videat quo fuerat nequiter delectatus, et amarissimam vitam ducere se perenniter

doleat. Res tamen omnes hujus tam nefarii transgressoris, vel ejus qui morte est pro tali scelere perimendus, vel illius cui vita propter suam nequitiam infoelicissime reservabitur, in regis ad integrum potestate consistent' (ii. 1, 7).

¹ Germain, *Hist. Montp.* i. pp. 133, 322.

² 'Omne testamentum, et omnis quaelibet ultima voluntas, inter liberos et parentes vel inter extraneos, in scriptis aut sine scriptis, factum coram tribus testibus, rogatis vel non rogatis, idoneis, solemnitate adhibita vel omissa, valet.' Art. 53, in Aigrefeuille, *Hist. Montp.* pp. 494 seq.

³ 'Homines Montispessulani, quotiescumque voluerint, nniversa bona sua vendere et pretium secum deferre possunt, et abire ubicumque voluerint sine impedimento.' Ib. art. 11.

⁴ Ib. art. 58.

⁵ He was vaguely authorized to chastise domestic offences, and daughters might not marry without his consent. Ib. arts. 65, 85.

against *debtors*¹ and *adulterers*²; and the prohibition of the *duel* and *ordeals*, except when admitted by both parties³.

The code, in fact, was one of the triumphs of Roman law over Feudalism. The rights of the lord were reduced to a minimum. He could levy no forced contribution on the citizens⁴, nor arrest individuals and interfere with the order of justice⁵, nor cite a burgher before any court outside the town⁶. And in 1231 the code was confirmed by the Conqueror⁷.

Code of
Perpignan.

The Customs of Perpignan were compiled towards the end of the twelfth century⁸, and were confirmed by James in 1243⁹. Civil law occupies but little space in them¹⁰: on the criminal side ordeals were subject to the same limitation as was in force at Montpellier¹¹, and adultery went unpunished¹². The Crown could, of course, interfere with greater impunity than in the French town; and in 1243 James declined to confirm a custom permitting witnesses to refuse to give evidence¹³, while in 1250 he annulled a statute on the ground that it violated Catalan custom¹⁴.

Review of
James'
legislation.

A review of James' great legislative works for the

¹ 'Debitores qui fuerint non solvendo creditoribus Christianis tradi debent, eo tenore quod de villa ista non trahantur; qui creditores non coguntur in aliquo illis victum procurare, nisi eis qui non haberent unde viverent, quibus dabitur reffectio arbitrio curiae. Si tamen aliquo fortuito casu sine eorum culpa facti sunt non solvendo, decernere debet curia, utrum sint tradendi creditoribus.' Aigrefeuille, *Hist. Montp.*, art. 35.

² They were beaten through the town. *Ib.* art. 21.

³ 'Duellum vel iudicium candentis ferri vel aquae ferventis vel alia canonibus et legibus improbata nullatenus in curia Montispezzulani rata sunt, nisi utraque pars convenerit.' *Ib.* art. 62.

⁴ *Ib.* art. 61.

⁵ *Ib.* art. 92.

⁶ See p. 99.

⁷ Aigrefeuille, *ib.* v. 2, § 3.

⁸ Massot-Reynier, *Cout. Perp.* introd. p. xxix.

⁹ With the reservation of 'illas videlicet que sint bone et idonee.' *Ib.* Priv. 10.

¹⁰ Tourtoulon, *ib.* ii. p. 112.

¹¹ Priv. 1, dating from some time previous to 1162.

¹² *Cout.* 18.

¹³ *Ib.* introd. p. xliii.

¹⁴ *Ib.* p. xlv. And in 1251 the king ordered the local judges to base their decisions on the Usages of Barcelona (*ib.*)—a flagrant violation of art. i of the code he had himself confirmed: 'homines Perpiniani debent placitare et judicari per consuetudines ville et per jura, ubi consuetudines deficiunt, et non per Usaticos Barchinone neque per legem Gothicam, quia non habent locum in villa Perpiniani.'

countries under his rule shows with sufficient clearness that the code of Aragon, regarded as the product of a civilized community, was far in advance of the corresponding arrangements in Catalonia and Valencia. In spite of the selfish nature of the feudal opposition, the result of their action was at least the saving of Aragon from the imposition of such a code as the 'Furs' of Valencia, the severity of which is unmistakably attested by its unpopularity; while in the absence of torture and mutilation, as well as in the comparative mildness of their criminal provisions generally, the Fueros of Aragon stand far in advance of the Valencian and Catalan codes. In fact, James' legislation for Valencia, it is to be feared, must be taken as expressive of the bent of his own social ideas. The mutilations, the prominence of the stake, the frequent application of torture, and the punishment inflicted for the murder of a near relative, all disgrace the Valencian laws. The Catalan code was, indeed, but little more humane; but, as the majority of its criminal provisions date from the time of Ramon Berenguer, its severity can hardly be laid to James' account. But, when compared with even the Usages of Ramon Berenguer, the Valencian code indicates in many ways a distinct social retrogression, just as the Usages themselves are infinitely less humane than the law of the Visigoths.

Though, however, James' work may be said to compare as unfavourably with the Visigothic code as the English criminal law of the eighteenth century with that of the nineteenth¹, yet, when we come to view the laws of the Conqueror side by side with those of contemporary monarchs, our verdict is, of necessity, more qualified. His legislation would seem, in fact, to occupy a position midway between that of Alfonso the Savant and of Louis the Saint. In form there can be no question of the vast superiority of

¹ Another instance of the mildness of the Visigothic code may be observed in the regulations as to torture,

which on no account was to cause death or weakening of the limbs. i. 1, 2; ii. 3, 4.

the Valencian code to the productions of the holy king of France; and even in their provisions there is little to choose between the 'Furs' and the *Établissements*, the latter being almost as severe as the former on the criminal side¹. In one respect, however, the work of S. Louis stands undoubtedly in advance of that of his contemporary—in the total prohibition of the duel and private war on the royal domain². In James' territories the duel, as we have seen, was general, and private war was allowed with certain limitations. And we shall realize, to some extent, the nuisance into which this very questionable privilege had degenerated, when we remember that the suppression of the practice was one of the first objects of the confederation of Aragonese towns in 1260 and 1261. On the other hand, it cannot be said that James' legislation is inspired by anything approaching the religious, and comparatively humane, spirit which pervades the code of Alfonso of Castile. We have already noticed that the *Siete Partidas*, though, as usual, consigning the heretic to the flames, permitted him to bequeath his property; and the same tendency to a milder spirit is shown in the limitations placed on the application of torture³. Of private vengeance—as distinct from private war—there seems to be no trace, while mutilation is only inflicted on notorious robbers⁴. The whole spirit of Alfonso's legislation is far more humane; the punishments are far less excessive and grotesque than those of the Valencian or Catalan codes; and it is only

¹ Murder, rape, and highway-robbery, were punished by the gibbet, and other forms of robbery by mutilation; while torture was allowed on the evidence of two witnesses. Martin, *H. F.* iv. p. 307.

² Hallam, *M. A.* i. p. 280; Martin, *ib.* pp. 299, 301. Outside the royal domain private war was permitted if preceded by a truce of forty days, the weaker party moreover always possessing the right to refer the point at issue to the decision of the suzerain.

Martin, *ib.*

³ It might not be applied to knights, learned men, royal or municipal councillors, the sons of any of the above, children under fourteen, or pregnant women (vii. 30, 2). The penalty inflicted on jailors, for ill treatment of their prisoners, was death (vii. 29, 8); while recourse to the judge was always open to serfs who were ill treated by their masters. iv. 22, 6.

⁴ vii. 14, 18.

where the royal prerogative is concerned that the Castilian code can be said to exhibit a spirit which is altogether out of harmony with that pervading the rest of the work. But while, in its comparative humaneness, the *Siete Partidas* stands on an altogether higher level than James' legislation, the form, again, of the latter is far superior to that in which the productions of Alfonso, as of S. Louis, were clothed. The *Siete Partidas* is vague: much space is devoted to general topics—such as the mutual duties of a ruler and subject—and it wears the appearance of a long moral and religious treatise, rather than of a compilation of laws¹; while the *Établissements* can hardly be called a code at all, the articles on civil and criminal law being thrown together without any attempt at order, and the whole little more than a supplementary collection of Roman law, the *Decretals*, and *Feudal customs*².

James' legislation was essentially national. He had found a struggle of life and death raging between Roman law and local custom, the one invading, the other resisting. A certain infiltration of Roman law was both inevitable and desirable; but, to satisfy national prejudice, further encroachments, beyond such as had already been permitted, were guarded against by a series of prohibitions. In future the only loophole for Roman law was to be found in the reference to 'natural sense and equity,' where the *Fueros* or local custom failed. The king's work, therefore, was a compromise. But, though a compromise, it was far more original than the productions of any of his contemporaries. Legislative unity was not, indeed, to be the good fortune of the Aragonese countries; but in its nature, as well as in the very diversity of its parts, the whole was in entire harmony with the keynote of the Conqueror's home policy—the development of national and popular liberties to the depression of Feudalism.

¹ Thus, Part i, tit. 3 contains a disquisition on the Trinity, the Sacraments, the articles of the Faith, and

the power conferred on S. Peter.

² Martin, *H. F.* iv. p. 306; *Tour-touillon*, ib. ii. p. 220.

CHAPTER XXI.

REVENUES AND COMMERCE OF JAMES' DOMINIONS.

THE royal revenues may, perhaps, be best examined under two heads: the ordinary, and the extraordinary.

I. Ordinary
revenue.

The first will comprise:—(1) the proceeds of the royal domains throughout the kingdom, including salt mines¹, mills and factories², and the king's staple at Tunis³; (2) the different forms of direct taxation, chief among them being Herbage⁴ and Carnage⁵—taxes on cattle; (3) the indirect taxes, consisting of dues on merchandise⁶; (4) the pro-

¹ Thus, in 1263 the inhabitants of Cervera, Morella, Albalat, and other towns, were ordered to use the salt of Peñiscola only (*Parch.* 1754); and in 1257 Daroca was exempted, till S. Andrew's day, from the compulsory purchase of royal salt (*Reg.* ix. 37). In Valencia, north of the Xucar, salt was a royal monopoly, all Saracens and Christians, from the age of seven upwards, being compelled to receive a certain amount per annum (*Reg.* xix. 104). Some of the salt was extracted from a lagoon ('albufera') at Valencia (*Reg.* xx. 227); while the mines of Xativa were let at a rent of 8,000 sols a year (*Reg.* xiv. 101). In Aragon there were mines at or near Zaragoza (*Reg.* xx. 335).

This salt monopoly was common in mediaeval kingdoms, and it can be traced back to the time of the Roman Republic. Coulanges, *Inst. Polit.* i. p. 189.

² *Parch.* 2040; *Regs.* xi. 198, xv.

334, 335; and *passim*.

³ In 1261 it was let for two years (*Reg.* xi. 206), and in 1267 on a lease of five years. *Reg.* xv. 66.

⁴ Herbage is said to have been a tax of a denier on each sheep or goat, and of four deniers on each ox or horse (*Asso, Econ. Polit.* p. 479). It was evidently of ordinary application, exemptions being frequent; and it was not confined to Catalonia (as Tonrtonllon, *ib.* ii. p. 332), having been collected, in 1262, in Aragon, Catalonia, and Valencia. *Reg.* viii. 75.

⁵ A tax imposed on cattle on their way down from the uplands to the lowlands. *Asso, ib.* p. 480.

⁶ These will be glanced at later. An important source of revenue consisted of a tax imposed on each vat used by dyers ('violaria'), which at Lérida alone brought in an income of 14,000 sols per annum. Gayangos, *i.* p. 76; *Reg.* xv. 110.

ceeds of the administration of justice, which took the shape of fines, confiscations, money for the confirmation of titles to property¹, and legitimations², &c.; (5) taxes imposed on Jews³ and Saracens⁴; (6) the proceeds of the coinage⁵.

These revenues—especially those accruing from the administration of justice—were often farmed out for a lump sum⁶. The system must have lent itself to a good deal of oppression, and may have been one of the causes of James' financial embarrassments.

Extraordinary revenues consisted of:—(1) aids voted by II. Extraordinary revenues.

¹ Their confirmation in their property, in 1272, cost the Valencian knights 13,366 sols. *Reg.* xix. 31.

² As in *Reg.* xx. 258, where a legitimation cost the applicant 50 sols; and *ib.* 306, where a priest pays 230 sols for the legitimation of his two sons.

³ The Jews of Barcelona, Tarragona, and Villafranca, paid a fixed annual 'tribute' of 21,250 sols (*Reg.* xv. 124). In 1273 the Jews of Montpellier raised 10,000 sols (*Reg.* xxi. 88); and in 1269—the year of the king's crusade—their brethren of Gerona and Valencia paid 10,000 sols respectively, and those of Zaragoza 20,000, in return for which they were exempted from all royal exactions for three years. *Reg.* xvi. 152, 158, 161.

These contributions, however, at times were wrung from the victims only by dint of considerable pressure, the Jews of Gerona and Besaldun, in 1272, paying their tax 'compulsi et districti a nobis' (*Reg.* xxi. 37); and reductions, on the ground of alleged poverty, were frequent, as in the cases of the Aljamas of Barbastro, Huesca, Jaca, Gerona, and Besaldun. *Regs.* ix. 51, 33; xi. 177, 228.

⁴ The Saracens were subject to a tax of one-fifth. In 1260, for the payment

of an annual sum of 7,200 sols, the bailiff of Barcelona let, for two years, 'omnes lezdas et quintale domini regis Barchinone et licitus Sarracenorum' (*Parch.* 1615): in 1262 the same items had fallen in value to 5,500 sols a year (*ib.* 1682; cf. Tourtoulon, *ib.* ii. p. 333). In Aragon Jews and Saracens also paid a tax of a tenth on all bequests and on all property held of Christians. *Fueros*, iv 'de Judaeis et Sarracenis,' viii 'de decimis Judaeorum et Sarracenorum.'

⁵ The coinage of the new Valencian reals was let, in 1249, for the sum of 60,000 reals a year (*Parch.* 1152); and in 1270 the money of Jaca was farmed to the Temple for one year, at the rent of 40,000 sols. *Reg.* xiv. 105.

⁶ Thus, in 1276, the revenues and administration of justice in Perpignan and Colibre were farmed, for two years, for the sum of 100,000 sols—'treasure-trove,' the property of heretics, and 'crimina lese majestatis,' being excepted (*Parch.* 2271). The town of Denia, let for ten years, with the administration of civil and criminal justice ('exceptis illis qui ad mortem fuerint condemnati vel ad mutilationem membrorum, de quibus volumus quod pecunia recipiatur') realized

the Cortes, when the privileged classes consented to waive their right to exemption from taxation, the Aragonese voting Monage—a property tax¹—and the Catalans Bovage², a tax on the yoke of oxen; (2) extra-parliamentary grants, wrung by the king from all classes alike, for some enterprise, as the Crusades of 1269³; (3) the king's feudal dues, consisting of Redemptions for default of service⁴, as well as of certain imposts ('cenae') exacted for the sovereign's right of entertainment⁵.

10,000 sols per annum (*Reg.* xi. 197); the revenues of Montpellier, disposed of in 1263 to Rocafull, for three years, 150,000 sols (*Reg.* xii. 92); and the Bailliage of Valencia 50,000 sols a year. *Regs.* xii. 282, xvi. 178.

¹ Monage was first granted at Monzon, in 1236, for the Valencian war, and consisted of a tax of a morabatin, payable every seven years by each owner of a house worth ten golden sols and upwards (Zurita, *An.* iii. 26). In May, 1271, the tax was to be raised in Valencia, at the rate of one morabatin on property worth from 15 to 100 morabatins, at two morabatins on what was worth from 100 to 300 morabatins, and at three on all valued above 300 morabatins. *Reg.* xviii. 80.

² Other cattle—beside oxen—were, perhaps, liable to the imposition of Bovage (Zurita, *Ind.* p. 100), and, if this was so, it was an impost of much the same nature as Herbage, differing from the latter only in its incidence. In any case, the sovereign could claim it, legally, only once in the course of his reign, though the Catalan nobility, as a great favour, granted it to the king for the expeditions to Mallorca and Murcia. *Chron.* 50, 387.

³ Such grants were, of course, purely voluntary: thus, the Primate and the Count of Ampurias contributed, with

others, to the expedition of 1269, the former 'ex mera liberalitate' (*Reg.* xvi. 173), the latter 'gratis et spontanea voluntate et amore maximo ac puro gratuito dono.' *Reg.* xiii. 243.

⁴ These 'Redemptions' or 'Cavalcatae' are of fairly frequent occurrence, but it is improbable that they were exacted except in time of war, as in 1255 (*Reg.* viii. 21, 24), when James' relations with Castile were extremely strained, and in 1275, for the war against the rebels and the Moors (*Regs.* xvii. 1-8, xxiii. 3-10). In the latter year, in Aragon, the list is headed by Calatayud ('cum Aldeis') with 45,000 sols, Zaragoza and Daroca coming next with 30,000 each, and after them Teruel, with 25,000; in Valencia, the capital contributed 19,440 sols, and Xativa 5,000; while the Jews of Zaragoza gave 15,700, and those of Calatayud and Valencia 10,000 and 5,000 respectively. The total for Aragon amounted to 195,000 sols, and for Valencia to 64,740. *Reg.* xxiii. 3-10.

The amounts for Catalonia on this occasion are not given; but in 1255 Barcelona contributed 100,000 sols, Gerona, Lérida, and Perpignan, 30,000 each. *Reg.* viii. 21, 24.

⁵ 'Cenae' were raised in 1252 and 1253—a time of estrangement towards Castile—in Zaragoza, Barbastro, and

Exemptions from taxation were numerous. Thus, Mallorca¹ was freed from all the usual imposts, and Montpellier², Barcelona³, and Valencia⁴, from all taxes on merchandise in the king's dominions; while the nobles and clergy paid, as we have seen, nothing beyond such aids as they chose to vote from time to time, together with the military service due for their fiefs, or the corresponding money payment⁵.

Huesca (*Reg.* viii. 11, 13), as well as in 1275, when they appear to have been exacted in kind, being defined as 'panis scilicet . . . et vini et carnum piscium et aliorum necessariorum sibi et familie sue' (*Reg.* xxiii. 18). It would seem, however, that they could be enforced as an ordinary tax, when this was specified as a condition in a charter, as in the grant of Albalat, which contains the stipulation: 'retinemus . . . cenam quandocumque ibi personaliter fuerimus.' *Parch.* 1053.

¹ 'Ab omni lezda, pedatico, portatico, mensuratico, et penso, et ab omni questia, tolta, forcia, et prestito hoste et cavalcata, et earum redemptione.' *Reg.* xxvi. 117.

² 'Concedo in perpetuum omnibus hominibus Montispessulani presentibus et futuris immunitatem et franchezam in tota terra mea, et per totam terram meam, in toto posse meo, et per totum posse meum, tam in mari quam in terra, de pedaticis, lezdis, et costumis.' Charter of June 15, 1204, in Germain, *Montp.* i. p. 318.

³ Capmany, *Mem.* vol. ii. no. 6.

⁴ Priv. 7. And when, in 1270, James urged the men of Barcelona to colonize Valencia—there being only 30,000 Christians in all that kingdom—he offered, as a bribe, a complete franchise for five years. Capmany, *ib.* p. 35.

Other towns also enjoyed various

immunities: thus, Perasels was exempted from all dues whatever—even including 'Redemptions'—in return for the payment of a sum of 400 sols a year (*Reg.* xii. 4); and Villanueva from all tolls for ten years, and from all feudal dues in perpetuity (*Reg.* xix. 151). The new town of Figueras was to be free from Bovage, Herbage, and taxes on merchandise (*Reg.* xv. 56); [while Miranda was exempted 'ab omni peyta questia pane tolta forcia et omnibus aliis serviciis et exaccionibus, que dici possunt vel nominari, que vos unquam nobis vel alicui seniori estis facere consueti, retinendo nobis et nostris successoribus hostem cavalcata et eorum redemptionem, homicidia calonias et cetera nostre jurisdictioni pertinentia ac monetaticum cum censu L solidorum denariorum jaccensis monete' (*Parch.* 1670; cf. Bofarull, *Doc. Ined.* viii. 41). The tenants of the Temple in Valencia were also free from all royal exactions (*Reg.* xx. 318), while both Temple and Hospital enjoyed the right to free trade in James' dominions (*Reg.* xxi. 71; *Parch.* 1021)—a privilege, which, as we shall see, was also conferred on certain foreign towns.

⁵ That the clergy were liable to military service for their fiefs is clearly shown by *Reg.* xxiii. 27, where the Bishop of Elne, in 1275, pays 3,000 sols as 'redemption' money for the service of six knights; as well as by

James'
indebted-
ness.

The farming of the revenues had developed, as we have seen, into a regular system; and, as the king was usually in debt, he was also often reduced to pledge his revenues to his creditors—some of them Jews¹—a state of things which must almost have reproduced some of the worst evils of the Roman Republican system². We even find the Conqueror pawning his shield³ and jewels⁴: his generous nature was, no doubt, one cause of his financial embarrassments; and, in the year before his death, he bequeathed—

Reg. xxiii. 49, where the bishops of all three countries are summoned to serve (1276). The privileges of the clergy were confirmed at the Cortes of Lérida, in 1257: 'item volem e otorgam á vosaltres, que no sie exigit de vosaltres ne de altres Prelats e clerques e homens religiosos, en tota la terra nostra o en mar, leuda o peatge, per las cosas vostras, e á us vostre compradas tantsolament . . . Item atorgam que los veguers e sot-suegers, halles, e sobrejunters nostres, no facen questa ne exactio de blat, de ovellas, ne de altra qualsenol cosa á vosaltres o altres clerques o homens religiosos o homens vostres o lurs.' *Const. Cat.* i. 3, 4.

It will be noticed that, while this privilege exempts the clergy from the usual dues and tolls, the exemption only extends to their private property, bought for their own use. They were not, therefore, allowed free trade; and, in this respect, the position of the nobles was, of course, the same, as indeed is proved by the special privilege of free trade granted to the Temple and Hospital (above).

In England the landed property of the clergy was subject to the same dues as secular fiefs, though a number of monastic estates enjoyed immunity, as 'tenures of frankalmoign,' part of the feudal services being

excused. Gneist, *Eng. Const.* i. pp. 233, 234.

In France the personal property of the clergy was subject to the same dues as that of the laity; and, though clerical lands were exempt from imposts, the clergy were bound to pay aids for any war in which the Church was thought to have an interest, such wars, between 1247 and 1271, being renewed twenty-one times. Wallon, *ib.* ii. p. 90.

¹ Thus, in *Paroch.* 1379, we have a receipt to a Jew of Huesca for 1,000 sols, in payment of which James makes his creditor bailiff of a place near Huesca, till he shall have repaid himself; in *Reg.* xiv. 22, for a loan of 88,829 sols, the king pledges to Jahuda the revenues of all the towns in Aragon for which he is responsible; in *Reg.* xiv. 25, for 20,000 sols, Peñiscola, 'cum gabella salis,' is pawned to a Jew; and in *Reg.* xiv. 15, security for a debt is given 'in homiciidiis et caloniis Caesaruguste.'

² The Valencians evidently felt it a hardship, for in 1268 they extorted from the king a promise that he would never sell the justiciarship of the capital. *Reg.* xv. 81.

³ *Reg.* xiv. 133; cf. Tourtoulon, *ib.* ii. p. 452.

⁴ 'Pro joyis redimendis que erant pignori.' *Reg.* xiv. 105.

from the revenues of different towns—the sum of twenty sols a year to each of a thousand paupers¹.

Lastly, the revenues were usually collected by the local bailiffs², who transmitted them to the Chancellor, either directly³, or through the medium of a collector-general, like Jahuda⁴.

The royal finances were, of course, largely dependent for their condition on the commercial prosperity of the nation, especially such as took the form of indirect taxes. The great commercial centres were Barcelona and Montpellier, and in each of these we find industrial life in full vigour. At Barcelona the Council of 1258 contained 114 representatives of the trades⁵, the rest consisting of Doctors of Law and Medicine and other citizens⁶.

As early as 1227 voyages to Egypt, Ceuta, and other ports of Barbary, were so frequent, that a royal order was issued to the effect that all traffic with the places mentioned should be carried on by ships of Barcelona alone, to the special exclusion of foreign vessels⁷. In 1243 the trade of the port had so increased that it was found necessary to enlarge the harbour. In 1258 the 'good men' of the town were empowered to elect a superintendent of the coast, acting on whose advice they might take

¹ *Parch.* 2242.

² This appears from a proclamation of September 1274 alone, by which the bailiffs throughout the kingdom are directed to forward any revenues still due 'absque mora.' *Reg.* xviii. 62.

³ This seems to have been the usual system, the country being divided into a number of districts, the bailiff in the largest town of each being responsible for the collection of the revenues in the district. *Regs.* viii. 17-24, xviii. 49.

⁴ In 1274 the Bailiff of Burriana collected for Valencia north of the Xucar. *Reg.* xx. 226.

⁵ These were: six cloth-merchants, four money-changers, eight druggists and apothecaries, nine wool-dealers, nine tanners, eleven mattress-makers, four harness-makers, three brass-founders, six purse-makers, eight saddlers, two armourers, five shoemakers, four flax weavers, two dyers, three tailors, two crossbow-makers, four smiths, four carpenters, two potters, four coopers, three masons, four cotton-spinners, one leather-dresser, two hucksters, two gardeners, two auctioneers. Capmany, *Mem.* ii. App. p. 119.

⁶ *Ib.* i. part 3, p. 19.

⁷ *Ib.* ii. p. 4.

measures for its defence against Christians and Moors by sea and by land—in other words, a coastguard was created¹; and in the same year a Board ('Junta') of 'good men' issued the first of a series of ordinances for the good navigation of the port². In 1266 the municipality was authorized to choose 'consuls' yearly, for the ships that 'went beyond sea'³; and in 1272 we find the city represented by its consul at Alexandria, for the administration of justice to the king's subjects in those parts⁴.

Trade with
Egypt.

The extensive nature of her commercial activity is attested further by the intimate relations of Barcelona with the great trading powers of the Mediterranean. A brisk trade was kept up with the East and especially with Egypt: in 1262 Bernat Porter and Ramon Ricart were despatched on a mission to the new Mameluke Sultan of Alexandria, who gave them a friendly reception, and whose son was knighted by Porter⁵. In May, 1264, Ramon Conques was sent as envoy to Alexandria with power to appoint a consul there, to administer justice to James' subjects trading in the country⁶; but almost immediately a misunderstanding arose with the Sultan—the cause being the seizure by the latter of merchandise belonging to some of the Conqueror's subjects—and the same envoy was instructed to inform the Sultan that his master would not be responsible for any harm done in retaliation, as well as to order all Catalan traders in Alexandria to leave the town with their property⁷. By 1268, however, a good understanding had been once more arrived at, and two citizens of Barcelona were commissioned as envoys to Alexandria, with power to appoint a consul⁸.

Trade with
Tunis.

The king had also a factory of some sort at Tunis,

¹ Some of the words of the decree are significant: 'quia civitas Barchinonae, Divina clementia favente, de bono in melius quotidie ampliatur, propter frequentem usum navium et lignorum.' Capmany, *Mem.* ii. p. 7.

² *Ib.* p. 10.

³ *Ib.* p. 13.

⁴ *Ib.* p. 247.

⁵ Zurita, *Ind.* ann. 1262; cf. *Reg.* xii. 149.

⁶ *Reg.* xiii. 176.

⁷ *Ib.* 208.

⁸ *Ib.* xv. 76.

to which allusions are numerous. An overture had been made by the Emir, in 1260, which took the shape of a present of clothes for the king of Aragon¹; and in the next year we hear of a factory or emporium acquired in the town by the Conqueror, which was at once let to a citizen of Denia on a lease of two years². In July, 1263, on the expiration of the lease, Gruni, of Barcelona, was appointed consul³; but here, too, as at Alexandria, a misunderstanding arose, and in October of the same year Gruni was authorized to inflict any harm he could on the Emir and his subjects⁴: an agreement, however, must have been eventually arrived at, for in 1267 both consulate and factory were once more let for five years⁵. In 1272 or 1273 an embassy was sent to Tunis, with a present of falcons for the Emir⁶; but again, in February, 1274, some subject of dispute had arisen, and Romeo de Castelletto was authorized to seize the men or goods of the Emir with his armed ships⁷. Peace, however, was quickly concluded by the arrival of the King of Tunis in person at Barcelona, where a treaty of alliance was made between the two sovereigns, and James undertook to help his Mohammedan friend against the governor of Ceuta⁸. The real object of the treaty, so far at least as the Emir was concerned, we have already seen.

But the leading commercial power of the Mediterranean, with whose subjects the traders of Catalonia came into frequent contact—and that not always of the most friendly nature—was Genoa. ^{Trade with Genoa.} As early as 1230, at Mallorca, James had confirmed all treaties made by his predecessors with the Italian town, and had granted its traders permission to visit his kingdom ‘with freedom and security,’ besides full liberty of trade, with exemption from tolls and harbour dues; while the Genoese, in return, took under their protection

¹ *Reg.* xi. 235.

² *Ib.* 232.

³ *Ib.* xii. 93.

⁴ *Ib.* 126.

⁵ *Ib.* xv. 66.

⁶ *Ib.* xix. 48.

⁷ *Ib.* 95.

⁸ Capmany, *Antiguos Tratados*.

all subjects of the crown of Aragon from the Rhone eastwards, and promised them similar privileges¹. And in 1233, Genoese merchants were allowed to have their consuls and a civil court in every seaport, appeals going to the vicar or bailiff².

But collisions between the grasping Catalan and the astute Genoese were not unknown, and, indeed, were inevitable. In 1258, one of James' subjects is authorized to exact a due on each pound of Genoese merchandise found in Barcelona, Majorca, and S. Felix de Guixols, till he has repaid himself for some service rendered to the Italian town, and for which its municipality had refused recompense³; in 1264 the king requests the 'Podesta and townsmen of Genoa' to restore the property of one of his subjects, under pain of the seizure of their merchandise⁴; and in 1273 a citizen of Barcelona is authorized to seize the goods of some Genoese who had robbed him⁵. The country was, in fact, overrun by the traders of more than one Italian town. They can hardly have been popular, for in 1265 an order of wholesale expulsion was issued against all 'Lombards, Florentines, Sienans, and Luccans,' trading at Barcelona⁶; and in 1268 all strangers were forbidden to possess banks in the same town, or even to load foreign ships with native merchandise⁷.

Trade with
France and
England.

France was represented by the traders of Marseilles⁸, and others came from Bayonne⁹, there being a regular

¹ *Reg.* xxiv. 49. In *Reg.* xvi. 179 is a safeguard to a Genoese merchant and his wares; and *Reg.* x. 11 contains a licence to a Genoese trader to export 7,000 quarters of corn (1257).

² *Ib.* 53. They seem even to have been allowed, by special licence on each occasion, to acquire land, as in *Reg.* xvi. 163, where we have a grant to a Genoese of land at Algecira (1269).

³ *Ib.* x. 101.

⁴ *Ib.* xiv. 92.

⁵ *Ib.* xix. 53. This system of redress by seizure was common in England and other countries.

⁶ Capmany, *Mem.* ii. p. 12.

⁷ *Ib.* p. 34. Other Italian states trading in Catalonia were Pisa (*Regs.* xi. 189, xii. 121) and Piacenza (*Reg.* x. 12).

⁸ *Ib.* 2.

⁹ *Ib.* 12. In *Reg.* xi. 232, we have a letter, of August 1261, from the king to the mayor and jurats of Bayonne alluding to the murder, at Tarazona, of one of their citizens, whose assassins James had hanged, handing over the dead man's property to John Norton, their representative.

overland route between Aragon and Gascony¹. Even English merchants, with cloth from Stamford and elsewhere, were not unknown².

The exports included salt, flour, lead, iron, steel, arms, wine, honey, saffron, and fruit. Tortosa was the centre for the delivery of wheat coming down the Ebro from Aragon, while the most important Catalan export was wool, and the chief centres of its manufacture were Gerona, Perpignan, and Tortosa³. At Huesca, Jaca⁴, Daroca, Lérida, Valencia⁵, and Barcelona, the dyeing of cloth was an important industry: Lérida, indeed, was noted for its cloth⁶, and at Barcelona the noise coming from the factories was so deafening, that, at the petition of the citizens, the workers were assigned special secluded quarters⁷. The imports included pepper, ginger, indigo, alum, silk, sugar, and incense⁸.

Exports
and
imports.

The system of guilds or 'mysteries' was certainly already in existence at Valencia⁹, and we may safely conclude, from the number of the trades represented on the Grand Council, that the same was the case at Barcelona. There is no trace, however, of any organization at all corresponding to the English merchant Guild, which in many cases ultimately

Guilds.

¹ *Reg.* ix. 46—a safeguard to travellers to and from Gascony 'per vallem de Tena' (? Teria).

² This appears from a charter to certain merchants containing the proviso: 'sit pannus integer de uno capite ad aliud, quod non habeant modo toltum de longo, exceptis Stamfordis pilosis et tota draperia de Anglia' (*Parvch.* 521). This goes far to contradict Capmany's assertion (*ib.* p. 137): 'antes del reynado de Eduardo III todas las lanas de la isla . . . se vendian á los Flamencos y Lombardos.'

³ Capmany, *ib.* i. pp. 241, 252, 253.

⁴ *Asso*, *ib.* pp. 200, 207.

⁵ *Regs.* xiv. 47, xv. 110, xi. 224.

⁶ Capmany, *ib.*

⁷ 'Cum officium bateteriae fustaneorum et quorumlibet aliorum pannorum esset damnosum senis [*sic*] et infirmis die noctuque, propter intolerabiles percussiones, quas cum massis suis batetores et tintorarii faciebant.' (Order by the bailiff of Nov. 18, 1255.) Capmany, *ib.* ii. p. 9.

⁸ *Ib.* i. pp. 241, 252, 253.

⁹ By a royal order of Oct. 23, 1270, the jurats were authorized to choose two good men 'in unoquoque officio ministerio et mercaderiis Civitatis, qui sit [*sic*] de eodem officio sen mercaderiis. Qui dno probe homines videant et custodiant ne fraus aliqua fiat in predictis officiis mysteriis et mercaderiis.' *Reg.* xvi. 227.

became co-extensive with the municipal corporation. The position of the Catalan guilds was rather analogous to that of the English craft guilds, which 'exercised their powers under the constant and friendly supervision of the city authorities¹,' and which were called into existence by the necessary inability of the merchant guild to monopolize every fresh opening for the market. At Barcelona, the guildsmen, as we have seen, possessed seats in the Grand Council; but the latter was representative of the whole body of citizens, and each guild was subject to its control.

Obstacles
to trade.

The commercial interests of the country must have suffered considerably at times from private wars and outbreaks of brigandage², as well as from clerical prohibitions of trade with the Saracens. As early as 1229 a provincial council had excommunicated all who sold weapons, iron, and horses, to the Moors³; and Gregory X wrote to James' confessor complaining of the king's remissness in enforcing the prohibition of such trade by Clement IV⁴. In 1272 a similar letter was sent to the men of Montpellier⁵; and it was probably these complaints which induced the king, in an order of August 3, 1274, to prohibit the conveyance, to Saracen countries, of iron, arms, wood, lead, fittings,

¹ Cunningham, *Commerce*, p. 312.

² In 1258 the neighbourhood of Barcelona was in a very disturbed state, and the king issued what was practically an assize of arms: 'attendentes quod rustici et homines forenses dampnificantur raubantur sive depredantur per fures raptores et per alias personas . . . mandamus quod omnes predicti rustici sive homines constituti per parrochias . . . teneant in domibus eorum arma, scilicet ballistas vel enses et lanzeas, ex quibus possint se defendere, et quod quilibet eorum, si dampnificatur raubatur depredatur ab aliquo fure raptore vel alio, emitat sonum, et omnes homines comorantes in eisdem parrochiis teneantur exire ad sonum predictum, et quod una-

nimiter ad invicem se defendant. Quicumque autem ex eis non exierit ad sonum sive ad deffensionem predictam solvat xx solidos pro pena' (*Reg.* ix. 14; cf. Bofarull, *Doc. Ined.* vi. 23). The outbreak of brigandage in Aragon in 1260 had been grappled with effectually by the formation of Juntas; but in 1275, as we have already seen, a large number of towns in both Aragon and Catalonia were ordered to send representatives to the Cortes of Lérida with estimates of the damage they had suffered at the hands of the rebels.

³ Gams, *K. S.* vol. iii. xi. 6, § 36.

⁴ Escorial, iii. d. 3.

⁵ Potthast, *Reg.* 20594.

hemp-thread, corn, ships, or any materials for cordage. And all trade to the territories of the Sultan of Alexandria was unreservedly forbidden¹.

At Montpellier the affairs of the port of Lattes were in the hands of four 'consuls of the sea,' who were nominated by the greater consuls. Their duties included the maintenance of the road from Montpellier to Lattes, the suppression of piracy, and the general supervision of the commercial interests of the town. Each of the seven great trades had also its consul, who superintended his own corporation, besides joining in the election of the twelve greater consuls².

The native industries of the town were, in all probability, neither numerous nor flourishing. The chief were dyeing and the manufacture of drapery; but the products of neither were much appreciated, and were much less esteemed than similar manufactures of Marseilles, Genoa, and Lucca³. It was not, therefore, to its own productions that the town owed its prosperity, but to its position as the chief Mediterranean port of France. The extent of its trade may be gauged by numerous commercial treaties, such as those with Marseilles, Arles, Ventimiglia, Hyères, Antibes, Nice, Toulon, Pisa, and Genoa; while privileges or safeguards were granted by Venice, Cremona, Pavia, Piacenza, the Count of Provence, Charles of Anjou as King of Sicily, and Bohemond V of Antioch⁴.

¹ Capmany, *Mem.* ii. 17.

² Germain, *Hist. Montp.* i. pp. 166-170; 156-161. The 'consuls of the sea,' among other duties, were entrusted with the collection of the 'Obols of Lattes'—a tax levied on each pound of merchandise 'pro securitate ipsorum et conservatione portus ejusdem a frequentibus incursionibus piratarum' (Germain, *ib.* i. p. 337). The excitement produced by James' claim on this due we have already noticed: his letter abandoning it was read

'toto consilio et consulibus officiorum . . . ad sonum campanarum more solito congregatis.' *Ib.* ii. p. 346.

³ 'Panni in Montispessulano tincti appreciantur multo minus et minore pretio venduntur quam panni qui tinguntur apud Januam, Lucam, et Massiliam'—a striking confession in a royal proclamation of June 3, 1265. Germain, *ib.* p. 203.

⁴ *Ib.* ii. pp. 426-521. One article in the treaty with Genoa shows the independent spirit of the burghers of

Trade of
Mont-
pellier.

It was unlikely, however, that so ambitious a power would never come into collision with any of its maritime rivals, and wars of considerable ferocity were waged with Ventimiglia and Marseilles; and at one time, at least, the relations of the town with its great Italian rival, Genoa, were somewhat strained¹.

But, notwithstanding occasional conflicts with its neighbours, Montpellier was probably the most prosperous town in the south of France², and, indeed, in all James' dominions. This was largely due to its unswerving Catholicism, which saved the prudent burghers from the horrors of the Albigensian wars, and which, perhaps, may justify the Conqueror's boast, that in his day the town was reckoned 'one of the best in the whole world'³.

Duties on
merchan-
dise.

Trade was by no means free, though, as we have noticed elsewhere, the merchants of Montpellier, Barcelona, Valencia, and Mallorca, were exempt from duties on wares delivered by them at any port in James' dominions. Their special exemption is proof in itself that duty was paid by the others, and indeed tariffs of dues on imports, including even foreign corn and wheat, are still preserved⁴. Conversely,

Montpellier—that in which the Republic undertakes not to hold the men of the French town responsible for any acts of the King of Aragon.

¹ In 1262 James had occasion to request the 'captain of the town of Genoa' to compensate some men of Montpellier, whose merchandise had been stolen from their ship by the Genoese after the fall of Constantinople. *Reg.* xii. 49.

² In 1273, when Gregory X thought of holding a council at Montpellier, the consuls reported that the town contained 10,000 houses. *Germain*, *ib.* vol. ii. p. 45.

³ 'Que villa, sub umbra dominationis nostre, divina potentia condonante, crevit nostris temporibus quodammodo in immensum, et una de

melioribus villis totius mundi hodie reputatur.' *Archives of Montpellier* in *Germain*, *ib.* p. 49.

⁴ By a commercial treaty between the King and Mediona, in 1221, 7 sols were to be paid on each piece of white cloth, and on each cargo of pepper; 5 sols on every sale of the same, and on each sale of grain; and a tax, of unknown value (one 'pesa,' see *Du Cange*, *Gloss.* s.v.), on each cargo of foreign wheat (*Capmany*, *ib.* vol. ii. col. dipl. 3). At Valencia a cargo of grain paid 3 morabatins; of pepper, wax, and sugar, one each (*Furs*, ix. 34, 18). At Tortosa the dues amounted to one-sixtieth on all merchandise entering the town by sea or by land, or down the Ebro. *Parch.* 1454.

too, the exportation of corn without the royal licence was strictly forbidden—as appears from some royal letters of 1257, directed to nearly every important town in Aragon and Catalonia, unreservedly prohibiting the exportation of corn to foreign parts, as an offence which caused the king ‘much displeasure’¹.

More than one attempt was also made to fix the price of corn²; while at Valencia anything in the nature of a combination among merchants, to keep up prices, was strictly forbidden³.

From attempts to fix the price of corn to statutes regulating the rate of interest, the step was an easy one. The limit was fixed at twenty per cent. ‘to curb the insatiable avarice of the Jews,’ who were also prohibited from exacting interest on interest due⁴. The Jews were, apparently, the only money lenders, royal officials—as in France—having received special instructions not to compel Christians to pay ‘usury’ to Christians⁵.

It is probable that, whatever degree of prosperity it may

Rate of interest.

Poverty of the kingdom.

¹ ‘Intelleximus quod bladum de terra nostra extrahitur . . . quod nobis multum displicet’ (*Reg.* x. 4). In *Reg.* ix. 46, the men of Exea and Tahuste are forbidden to export bread from the kingdom.

As instances of special licence to export corn may be cited the permission given to some Jews, in *Reg.* ix. 34; to the men of Perpignan (‘exceptis terris Sarracenorum,’ *Reg.* xix. 123); to the men of Cullera (with the same limitation, *Reg.* x. 105); to the Hospital (*Reg.* xxi. 71); to a merchant of Genoa, to export 7,000 quarters of corn (*Reg.* x. 11); and to some traders of Piacenza and Bayonne to export wheat (ib. 12).

² Thus, the Cortes of Barcelona in 1235 fixed the price of the cafiz of corn at 25 Jaccic sols, and o the quarter at 20 sols (Bofarull, *Doc. Ined.* vi. 19). In 1257 the price, for

the next seven months, of the bushel of wheat in Conflant and Cerdagne was fixed at 20 sols, and of corn at 25 sols. *Reg.* x. 13.

³ ‘Mercaders no sien osats fer al-gunes convinences entre ells, que cosas o mercaderies compren o venen a cert preu.’ *Furs*, ii. 3, 3.

⁴ *Const. Cat. Superfl.* iv. 6, 1, 20; *Const. Cat.* i. 5, 2, 1, iv. 6, 6. And the sum of the interest was not to exceed the principal. In England the rate was limited by Edward I to forty-two per cent. Cunningham, *Commerce*, p. 191.

⁵ *Const. Cat. Prags.* iv. 6, 1; *Fueros*, iv ‘de usuris’; Wallon, ib. ii. p. 187. The king’s practice of prolonging the time for payment seems to have caused the Jews a good deal of inconvenience, and promises to different Aljamas not to do so are frequent. *Regs.* passim.

have reached in some respects, the general condition of the kingdom was still one of comparative poverty. It is true that in many cases the amount paid in taxes by different towns shows a steady growth¹; but the Crown itself was always in a state of indebtedness, and the remark contained in a letter of 1268 from Clement IV to the King of France—that the sum of the tithes in all James' dominions barely reached £100,000—is of itself proof that the kingdom was regarded as relatively poor². Even such a fertile country as Valencia does not seem to have realized all that was expected of it; and in 1270 the king found it necessary to urge the men of Barcelona to colonize his conquest, as there were only 30,000 Christians in the kingdom, when there should be 100,000³.

¹ Between 1239 and 1240 the royal revenues derived from Barcelona rose from 24,126 to 25,640 sols (*Parch.* 809). In 1235 Zaragoza paid as Ransom 20,000 sols, Huesca 12,000, Jaca 10,000, Barcelona 20,500, Gerona 8,800, and the kingdom of Valencia 88,500 (*Reg.* viii. 19, 20, 31, 34): in 1273 these items had risen respectively to 34,800, 21,790, 11,300, 21,760, 10,800, 90,950 (*Reg.* xviii. 49). In the case of Barcelona and Valencia the rise is by no means what might have been expected.

² Martene y Durand, *Thes. Nov. Anecd.* ii. col. 564.

³ Capmany, *ib.* ii. p. 16. Before leaving this subject we can hardly pass over without mention the famous 'Maritime Laws' of Barcelona. They seem to have embodied the maritime customs of Venice, Genoa, Naples, Sicily, Provence, Cyprus, and the Greeks, and were compiled by the Catalans by the middle of the thirteenth century. See Capmany, *ib.* i. part 2, pp. 175-180.

CHAPTER XXII.

THE CHURCH, JEWS, AND SARACENS.

THE history of the ecclesiastical province of Tarragona during the Conqueror's reign will be best reviewed if we consider first the external relations of the native Church, and afterwards its internal organization and character. An important item of the advice given by James to his son-in-law Alfonso had been a warning to 'keep the Church in his love'; and the Conqueror's policy towards the Spiritual Estate is, indeed, the true reflection of his character, presenting us, as it does, with an interesting exhibition of the interaction of his mundane and religious impulses.

As the persecutor of the Moors James started with the marked advantage of a reputation for devotion to the Church; and when he died, it was in the odour of sanctity, and as the founder of no less than 2,000 churches in the conquered countries¹. Yet the relations of King and Church were not always happy. As early as 1237 James had been excommunicated by the pope for barring the passage of the Bishop-elect of Zaragoza to Tarragona, to be consecrated²; while the painful incident of 1246 can hardly have tended to improve the relations of king and clergy. Cordial feelings, indeed, could hardly be looked for towards a sovereign, who—whatever his services to the Church might have been—was always ready to repress any tentatives of the clergy in the direction of an increase of their temporal power. This is well illustrated by the king's

¹ Miedes, *Vit. Jac.* 20.

² Potthast, *Reg.* 10293.

action in 1257, when the Primate, Rocaberti, was charged by a royal proctor with several serious offences against the royal authority¹. The issue of the dispute between the Crown and this almost second Becket is not known; but in 1266 James received a letter from Clement IV, full of reproaches, and censuring him for imposing Bovage and other taxes on 'the churches,' as well as for demanding the production of the title-deeds to ecclesiastical estates, and stinting the Church of Valencia in her endowments².

In the statute-books, too, the position of the Church was inconsistent and ill-defined. Persons entering religious orders, without the consent of their parents, were liable to be disinherited³, and in cases of intestacy religious claimants were altogether supplanted by their secular rivals⁴. We have already noticed the relentless warfare waged by the king against any form of mortmain in Catalonia and Valencia, and seen how in Aragon the clergy were forbidden to execute any public instrument at all. Yet, on the other hand, they enjoyed immunity from taxation, and the royal vicars were strictly forbidden to lodge by force in, or take anything from, religious houses⁵; while at Lérida, in 1257, the privileges of the clergy were confirmed—though with

¹ Rocaberti was charged with:— (1) usurping the king's jurisdiction in town and country, and two-thirds of its revenues; (2) raising difficulties about receiving the oaths of the king's vicars; (3) liberating a criminal from the public prison; (4) attacking James' ally, the King of Tunis. *Parch.* 1498.

² Diago, *An. Val.* vii. 58; Raynaldus, *Ann. Eccl.* 1266. This is, apparently, the letter preserved in a fourteenth century MS. in the Escorial (ii. p. 7), the passage relating to the king's exactions running as follows: 'rogamus ut ab injuriis ecclesiarum absteinas, quibus in partibus tuis injuriari diceris supra modum, tam in bovaticis et albergis quam in aliis ex-

actionibus omnino indebitis, et in eo potissime quod ab illis que annorum XL ultra [?] spatio et interdum a tempore, cujus non existit memoria, possiderunt titulum sue, proponis contra rationem et legitimas sanctiones exquiris, quem, nisi probaverunt, propones occupare, juris ordine non servato.' Yet the necessity of the forty years' prescription was acknowledged even by Peñafort: 'contra ecclesias vero omnino est necessaria prescriptio quadraginta annorum.' *Summa*, ii 'de prescriptionibus,' § 29.

³ *Const. Cat.* i. 6, 1, 2.

⁴ *Furs*, vi. 5, 5.

⁵ *Ib.* i. 3, 1, 15.

a general reservation of the 'right and law of the kingdom of Aragon,'—the bailiffs and vicars being ordered in every case to take an oath to the bishop that they would administer justice impartially and defend the clergy¹. In other respects, too, the position of the Church was an honourable one: the Chancellor—as in other mediaeval monarchies—was always a bishop; bishops acted as the king's lieutenants; and, in both Aragon and Catalonia, the clergy formed a separate order in the Cortes. Nor does the question of the jurisdiction of ecclesiastical courts seem to have given rise to any of the formidable complications that it developed elsewhere: in Aragon, at least, the general rule was that grievances of clergy against laity were settled in a secular court, grievances of the laity against the clergy in the bishop's court².

What then was the cause of the honourable and yet unsatisfactory nature of the position in which the clergy found themselves? The answer is undoubtedly to be found in the determined efforts of the king to restrict, as far as possible, the devolution of property to the privileged orders. Hence arose the complaints of the pope as to the poverty of the see of Valencia, the attack on religious heirs in the Catalan and Valencian codes, and the frequent commissions for the examination of clerical title-deeds. On the other hand, the persons of the clergy were specially taken under the royal protection³, and, in other respects, no attempt whatever

¹ *Const. Cat.* i. 3, 1, 15 and 17. The confirmation of clerical privileges runs as follows: 'item atorgam e confirmam a vosaltres esgleyas, e monastirs, locs religiosos, e altres, Bisbes, e Abbats, Prelats, e Clerques, e homens religiosos, e homens vostres, e lurs, tots privilegis e libertats per nos o per predecessors nostres á vosaltres e á aquells atorgats, si doncs no eren tals privilegis, que de dret e de for del Regne de Arago fossen no sens causa revocadors.' *Ib.* i. 3, 4.

² 'Si clericus habuerit clamum de

laico, debet ire ad justiciam secularem. Et si laicus habuerit clamum de clerico, debet ire ad Episcopum' (*Fueros*, iii 'de foro competenti'). Considerable confidence, however, was placed in a clerical oath: 'in omni petitione quae fiat clerico vel religioso statum suo juramento, nec iudex secularis debet se intromittere de negotiis clericorum vel religiosorum, nisi forte de laicis conquerantur.' *Ib.* iv 'de sacramento deferendo.'

³ As in the various Confirmations of the Peace.

was made to curtail any of their privileges. And it is a significant fact that—except on two memorable occasions—the king seems to have possessed the unhesitating support of the clergy throughout his long reign, and at no time do we find them driven to rise in defence of their temporal privileges as a whole. But, though he could count on their support, the love of the clergy the Conqueror could never have had.

Crown and
Papacy.

The relations of the local Church to the Papacy were, naturally, mainly dependent on the relations of king and papacy. Originally, these seemed likely to be close. Pedro II had made his kingdom tributary to the Holy See, and to the Holy See James owed his crown. But the demeanour of the Conqueror towards the occupant of S. Peter's chair was less subservient than that of his father: the spiritual authority of Rome he was always ready to acknowledge: he even submitted to the shelving of his arrangement with the Bishop and Chapter of Barcelona for the appointment of a bishop to the Balearic islands¹, as well as to the rejection of the candidate elected by the church of Tarragona to occupy the Metropolitan's chair—a vacancy for five years being the result².

¹ Gams, *K. S.* iii. 11, 6, § 32. By the original arrangement the first bishop was to be nominated by the Crown, and his successors by the Bishop and Chapter of Barcelona. In spite of this, however, the first bishop was nominated by the pope's representatives—the Bishops of Lérida and Vich, with Raymond of Peñafort—and his successors in like manner.

² In February, 1234, eleven months after the death of Archbishop Sparago (1215–1233), the Bishop of Barcelona was elected by the Chapter to the vacant Primacy. The choice, however, was not confirmed by the pope, and in May, 1234, the Spanish clergy proposed the Cardinal Deacon of SS. Cosmas and Damian, the pope nomi-

nating Raymond of Peñafort, who declined the honour thrust on him. The next step was the selection by the native clergy of the Sacristan of Gerona, who remained content with the title of 'Administrator' of the See; till at last, in 1238, the deadlock came to an end with the selection of Pedro de Albalat, Sacristan of Lérida, and his confirmation by the pope. Gams, *ib.* iii. 11, 7, §§ 38, 39.

Another powerful enemy to the See of Tarragona was the Archbishop of Toledo, who, on the capture of Valencia, demanded the recognition of his Primacy by the new bishop, basing his claims on the inclusion of Valencia in the province of Toledo in the time

In matters temporal, however, the attitude of the king to the Holy See was not so filial. The connexion with Manfred had, as we have seen, caused great offence at the papal court; while a further rebuff was received by the pope at Lyons in the king's curt refusal to pay 'a sort of tribute.' The licentiousness too, which formed so prominent a feature in the Conqueror's character, brought him into serious collision with more than one Holy Father¹; while his treatment of the clergy and his toleration of Jews and Saracens², were viewed at Rome with equal disfavour.

There was therefore much in the king's action calculated

of the Goths. The pope finally decided against him in 1243. For the time, however, the Archbishop did not abate his pretensions, and in May, 1240, a Provincial Council at Tarragona had to protest against his action in having his primatial cross borne before him in the territory of Aragon and giving indulgences. On a repetition of the offence, they threatened to lay the land, through which he passed, under an interdict. Gams, *ib.* iii. 11, 7, §§ 39, 40; Diago, *An. Val.* vii. 26.

¹ In a letter to the king, dated Viterbo, July 5, 1266, Clement IV complains: 'a propria carne sic vinceris ut, divino timore postposito, illicitam tibi copulam non tuæ statuens mulieris, cum multorum scandalo circumducas adulteram, et incestu cumulans adulterium graviter oculos Divinae Majestatis offendas. O quantum in tua gloria ponis maculum! O quantum sanguini tuo detrahis! Quantum honori detrahis regiae majestatis!' (Martene y Durand, *ib.* ii. 509). The lady alluded to was Doña Berenguela Alfonso (*Chron.* 426), and it was probably James' attachment to her that prompted his petition for a divorce from Doña Teresa, on the ground of leprosy—a request which drew on him an indignant refusal from Clement

('miramur plurimum qua licentia, quo instinctu, nobis petitionem obtuleris Deo contrariam, abominabilem angelis, et hominibus monstruosam. Non enim credere debuisti quod verum matrimonium vellemus dissolvere, et conjunctionis illicitæ pollui participio ex consensu. Scire quidem ab olim te credimus quod, cum nobilem mulierem Terisiam per verba de futuro, prout tua littera continet, desponsasti, ut verum et consummatum fieret carnali copula subsequata. Quos ergo Deus conjunxit, Dei Vicarius quomodo separaret? . . . An credis quod, si omnes reginae per mundi climata constitutæ leprosaer fierent, daremus regibus ob hanc causam licentiam cum aliis mulieribus contrahendi? . . . Ea propter, fili carissime . . . ne addas incestui adulterium.' Martene, *ib.* 277). We have also a strongly-worded letter from Gregory X, dated Sept. 22, 1275, ordering the king to put away the wife of one of his subjects: 'alioquin personam tuam excommunicationis, terram vero, ad quam te aut ipsam adulteram pervenire contigerit, donec inibi fueris tu vel ipsa, interdicti sententiis . . . volumus subjacere.' Pott-hast, *Reg.* 21075; cf. 21057, 21076.

² See pp. 115 note, 252.

to alienate the sympathy of a mediæval papacy: indeed his uncompromising attitude in this respect saved the kingdom from sinking into the position of a 'milch cow' of Rome.

II. State of
the Church
itself.

When we come to glance at the life itself of the Church in James' dominions, the picture presented is not altogether an attractive one. It is only too evident that the Spanish clergy were by no means untainted by that moral deterioration, which, in this century, fell, like a blight, on the people of the south—clergy and laity alike—and for which the promoters of the Albigensian wars were largely responsible. In fact—whatever its good qualities—cruelty, bigotry, and rapacity were certainly some of the most marked characteristics of the Church of Tarragona in the thirteenth century. The rejection of the terms offered by the besieged at Mallorca was due to the opposition of the bishops and barons; the auction held on the capture of the city was the work of the same two orders; and it was the house of the Provost of Tarragona which was sufficiently tempting for the rioters to sack. One of the forgers of Tarazona was the Sacristan of Lérida; and, in 1254, Pons, Bishop of Urgel, was degraded for simony, incest, adultery, and other crimes¹. The famous abbey of Ripoll—second only to that of Poblet—was heavily mortgaged to Jews²; and in 1257 the Abbot of Santas Cruzes and Pons de Villanova, a Dominican, were commissioned by the pope to 'correct and reform' it 'in head and members'³. At the synod of 1229, besides the enactment of a canon against pluralities, it was found necessary to take measures against clerical profligacy⁴, while legitimations of the sons of clergy are by no means unknown in the Chancery Registers. And

¹ Potthast, *Reg.* 14534 (papal commission to Peñafort of March 15, 1252). Sentence was passed in 1254 by the Bishop of Praeneste, and was confirmed by the pope in January, 1255. *Ib.* 15621.

² 'Judeis . . . in magnam quantita-

tem et precium specialiter obligatum.' *Reg.* xix, 146 (1274).

³ Potthast, *Reg.* 16775.

⁴ Gams, *K. S.* iii. book xi. ch. 7, § 39; Aguirre, *Concilia*, v. p. 188. Allusions to clerical profligacy are frequent in Peñafort's *Summa*.

at a provincial council of 1274, the extreme luxury of some ecclesiastics is evidenced by a canon forbidding clerks to wear elaborately woven robes, gold or silver buckles to their clothing, sewn shoes with pointed toes, striped garments, or clothes with long hoods¹.

In Montpellier, the orthodox, the manners and morals of the clergy were, if possible, even more depraved. A canon issued at a provincial council of 1258, held by the Archbishop of Narbonne, forbade the clergy to own shops or to engage in trade; secular officials were authorized to arrest ecclesiastics taken in flagrante delicto of homicide, incendiarism, burglary, and rape; while bishops were forbidden to ordain, unless satisfied as to the knowledge and devotion of candidates². As early as 1238, Gregory IX had complained that many priors and rectors 'scorn to be raised to the priesthood'³; and in 1267 Clement IV wrote to the Bishop of Maguelonne urging him to compel the rectors of churches to take orders at the proper time, and to reside at their churches⁴. In a bull of February 15, 1256, Alexander IV complains that 'the canons . . . are said sometimes to commit actions which offend the eyes of the Divine Majesty'⁵; and in 1267 Clement IV was compelled to rebuke the clergy for their avarice in stretching out 'greedy hands' to exact tithes from the glebes of the poor⁶, while in the same year he wrote to the priors and abbesses of convents forbidding them to 'drag' into their orders young boys and girls for the sake of their property⁷. The Chapter of Maguelonne was on the verge of bankruptcy⁸; and if

¹ 'Omnes clerici provincie nostre, sive sunt in sacris sive in minoribus ordinibus constituti, non portent nec induant camisas tunicas vel alias vestes cordatas, nec botones aureos vel argenteos vel alicujus alterius metalli deferant in pectore nec in manicis nec in aliqua parte vestis, nec portent sotulares consuticios nec rota tractos nec aliquas indant seu portent vestes virgatas nec aliquas vestes cum capiciis

in longum fusis.' *Parch.* 933.

² Germain, *H. M.* vol. ii. p. 53.

³ *Ib.* p. 51.

⁴ Potthast, *Reg.* 19982.

⁵ Germain, *ib.* p. 51.

⁶ Potthast, *ib.* 19994.

⁷ Germain, *ib.* p. 58.

⁸ In a letter of August 23, 1257, Innocent IV says: 'nuper nostris exstitit auribus intimatum quod capitulum, prepositura, et alia administra-

we add to all this the hatred with which the rival orders of the Dominicans and Franciscans already regarded one another¹, we shall form some idea of the state of Church life at Montpellier at this time. Papal remonstrances were probably vain; and when, in 1249, a new bishop—Rayner, an Italian monk—attempted to reform his degenerate flock, he was promptly removed by the help of a poisoned Host². No wonder that in 1267 Clement IV found it necessary to request the men of Montpellier to abstain from harassing and vexing the clergy—into such contempt had the latter fallen³.

Persecution of heretics.

Quite in keeping with the character of the clergy of Catalonia and Montpellier were the measures taken, with the approval of the king, against heretics. As early indeed as 1213, Pedro II had outlawed the excommunicated who continued contumacious for more than a year⁴, and in the Conqueror's reign the policy of persecution to silence argument was still more fully developed. The series of measures against heresy, which disgrace the reign, seems to have begun in 1234 at a Council held at Tarragona, in obedience to a papal bull, of May 1232, ordering an inquisition against heresy in the province⁵. By the decrees of the Council, laymen were forbidden to dispute publicly on the Catholic faith; translations of the Bible into Romance were to be given up to the Bishop; the houses of those who knowingly

tionis ac ecclesie Magalonensis capituli tanto premuntur onere debitorum, quod, nisi usurarum voragini, que penitus omnes ipsorum absorbet redditus, per sedis apostolice providentiam celeri remedio fuerit obviatum, dictum capitulum mereus dicere poterit cum profana, se infixum in limo profundi et substantiam jam non esse.' Ib. p. 56.

¹ 'Aegre ferimus et amaro animo vobis admodum recensemus, quod multis nuper accepimus quosdam scilicet ex vestris fratribus in tam illicitam prorupisse licentiam, ut invicem se occulte mordeant et, quod est

gravius, etiam in sermonibus ad clerum habitis vel ad plebem verba effundere praesumerint detractoria in alterutris vestrorum ordinum non levem infamiam et certarum nihilominus personarum'—a letter from Clement (dated Viterbo, June 24, 1266) to the 'Lectors' of the Dominicans and Franciscans at Montpellier. Ib. p. 58.

² Gariel, *Ser. Ep. Mag.* p. 365; Germain, *ib.* p. 47.

³ Potthast, *Reg.* 19981.

⁴ Marca, *Marc. Hisp.* col. 1397.

⁵ Potthast, *Reg.* 8932.

harboured heretics were to be demolished; no one supposed to be unorthodox was to hold any public office; and, finally, in places suspected of heresy, the Bishop was empowered to appoint as inquisitor one priest, and the king, or his representative, two or three laymen¹.

But these measures were not enough to stay the plague of unorthodoxy that had begun to spread in James' dominions; and in 1242, at another provincial Council, it was enacted, 'with the help of Brother Ramon of Peñafort and other wise men,' that obstinate heretics should be handed over to the secular arm—i.e. sent to the stake—while those who recanted were to be imprisoned for life².

Even this infamous canon does not seem to have had the desired effect: in April, 1254, at James' own request, Innocent wrote to the Bishops of Barcelona, Lérida, and Elne, urging them to appoint monks to conduct an inquisition against heretics, and in the same month he wrote in a similar strain to the Archbishops of Tarragona and Narbonne³. The letters were not without result, and by 1263 we find two inquisitors at work in Roussillon⁴; while in 1269 and 1270 a 'very rigorous and severe inquisition' was held in Catalonia, where many heretics were burned, and the bones of the Viscount of Castelnou and his wife Ermesenda were torn up by the fanatical zeal of the champions of the Church⁵. It would seem, in fact, that, with

¹ *Const. Cat.* i. 1, 1, 1; ib. 2, 2; 1, 9, 2, 3; ib. 6, 7. These decrees were issued by the king, on the advice of the Bishop of Zaragoza, the bishops of Catalonia, the Masters of the Temple and Hospital, and 'the abbots and many other prelates of our kingdom' (Marca, ib. col. 1425). In Southern France unlicensed translations of the Bible in the 'vulgar tongue' had already been forbidden at a Council of Toulouse, 1229. Martin, *H. F.* iv. p. 152.

² Gams, *K. S.* vol. iii. xi. 7, § 41. The same punishment was usual in Languedoc. Martin, ib. p. 157.

³ Potthast, *Reg.* 15326, 15343.

⁴ P. de Caderita (?) and G. Sanchez, 'inquisitores dicti criminis auctoritate apostolica designatos in toto regno et dominio nostro.' *Reg.* xii. 25.

⁵ Zurita, *An.* iii. 76—according to which Ermesenda was the Viscount's daughter, and the persecution took place in 1270. But the inquisitors were certainly at work in 1269, for in that year James disposed of the Viscounty to Roger Bernard of Foix, for 45,000 sols (*Reg.* xvi. 163, the month being illegible); and in the Register Ermesenda is styled the Viscount's wife (ib.).

occasional outbursts of energy, the persecution lasted throughout almost the whole reign¹; though it does not appear to have spread to Aragon—for the reason that inquisitions in that country were prohibited by the *Fueros*².

Merits of
the clergy.

It is pleasanter to be able to look at another side of the character of the clergy. Their patriotism was undeniable, and showed itself in their readiness to support the king in his military expeditions—though their zeal was, of course, mainly due to the religious nature of James' undertakings. Nor were they altogether oblivious—at home, at least—of the divine command to 'seek peace and ensue it,' as is shown by the constant reference of the king's disputes with his nobles to episcopal arbitration. And, as was usually the case in the middle ages, the clergy were the only really educated body of men in the kingdom, education, as a result, being entirely in their hands. The famous university of Montpellier was directly subject to the bishop in all matters³; and one of the articles of the Synod of 1229 provided for the institution of grammar schools in each archdeaconry—also under the bishop—besides enacting that

¹ Thus, in 1235 Brother Ferrar, Prior of the Dominicans at Narbonne, condemned, at Perpignan, one Chabert, who, on his own confession, had sheltered and sympathized with heretics (*Paroh.* 762); and in 1243 we find the same monk—who now figures as Inquisitor in Narbonne, Roussillon, and Albi—directing the exhumation of the bones of a heretic (*ib.* 910). In 1257 an inquisition of 'heretical pravity' was held in Lérida, and at least one deceased citizen was found guilty (*Reg.* ix. 35). In 1262 the persecution had reached Morella in Valencia (*Reg.* xii. 1—a grant of the property of four local families, 'que omnia nobis sunt confiscata ratione heretice pravitatis'), and, in 1263 and 1264, Ciurana (*Regs.* xii. 69, 129, xiii. 138—grants of property confiscated for a like reason, one of the

victims, at least, having been 'condempnatus et combustus ratione heretice pravitatis'). It would seem that even the members of the great military orders were not secure, if we may infer this from a royal exemption, of 1262, to a Templar from the necessity of replying to a charge of heresy (*Reg.* xii. 74).

It is but fair to add that—at times, at least—the king seems to have displayed some generosity to the relatives of the condemned: thus, the heirs of the citizen of Lérida, already alluded to, were permitted to inherit his property (*Reg.* ix. 35); and a like privilege was granted to the brother and son of a woman of Perpignan, who had been condemned by the monks to perpetual imprisonment. *Reg.* xii. 25.

² *Fueros*, iv 'de testibus.'

³ See p. 259.

all beneficed clergy should be suspended till they had a competent knowledge of Latin, which was to be gained by attendance at the schools for three years¹. A school or academy—though not a university—was also established, with the papal approval, at Valencia².

And while efforts were thus made to raise the educational standard among the people and the lower clergy, the ranks of the higher ecclesiastics were not without their great luminaries. Vidal de Canellas, Bishop of Huesca and Chancellor, was the first Spanish jurist of his time; and, besides taking a large share in the compilation of the codes of Aragon and Valencia, he was also the author of a work, no longer extant, entitled the *Liber in Excelsis*, which is said to have been full of all kinds of antiquarian information³.

But the most remarkable churchman of the reign was the famous Ramon de Peñafort—scholar, missionary, and saint. Originally a student at Bologna, he was called to Rome in 1230 by Gregory IX, and became the pope's chaplain and penitentiary, in which capacity he undertook the collection of later papal decretals not included in 'Gratian's Decree.' In 1235 he declined the archbishopric of Tarragona, and, on returning home to Barcelona, in 1238, was appointed General of the Dominicans—an order which he had entered some years previously. He soon, however, resigned his office (1240), and busied himself in founding schools for the study of Arabic, so as to facilitate the conversion of infidels. A devoted missionary among the latter⁴, towards heretics his attitude was very

Ramon de
Peñafort.

¹ Gams, *K. S.* vol. iii. xi. 7, § 36.

² Raynaldus, *Ann. Eccl.* 1245. S. Raymond especially insisted on the clergy possessing some knowledge of 'secular sciences,' as well as on the establishment of chairs of theology at the metropolitan churches. *Summa*, iii 'de prudentia ordinandorum.'

³ Vidal is spoken of by Blancas as 'magnae eruditionis vir ac in

priscis nostri regni scitis valde versatus' (*Comm.* p. 656). The 'liber in excelsis' was so called from its opening words: 'in excelsis Dei thesauris.' *Ib.*

⁴ He advocated tender treatment of Jews and Saracens: 'debent autem . . . tam Judaei quam Sarraceni auctoritatibus, rationibus, et blandimentis potius quam asperitatibus, ad

different¹, and, as we have seen, the introduction of the inquisition into James' dominions was largely due to his influence. His active and devoted life is said to have closed on January 6, 1275, and—apart from its activity and devotion—it had played an important part in the history of the reign, as constituting a powerful link with Rome².

Pedro
Nolasco,
Ramon
Nonnatus,
and
Sparago.

Besides Ramon de Peñafort, other holy men were Pedro Nolasco, missionary and saint, the first member, and head, of the 'Order of Mercy'; and Ramon Nonnatus, also an active member of the same order, which had been formed for the ransoming of Christian captives from their Moorish masters. Both were instrumental in procuring the release of large numbers of slaves from Granada and Africa; and it was while working in the fields, in the place of a slave whom he wished to ransom, that Nonnatus was raised to the rank of a Prince of the Church³. Nor can we omit from the list of the luminaries of the Church of Tarragona the name of Archbishop Sparago—'the light of the clergy, the fountain of goodness'—who occupied the primatial

fidem Christianam de novo suscipiendam provocari; non autem compelli, quia coacta servicia non placent Deo.' *Summa*, lib. i 'de Judeis et Sarracenis,' § 2.

¹ The condemned were to be handed over to the secular arm, while those who recanted were to be thrust into perpetual prison.' *Ib.* 'de haereticis et fautoribus eorum,' § 2.

² Gams, *K. S.* vol. iii. xii. 1, § 5. He was canonized in 1601, by Clement VIII (*ib.*). His most important extant work—the *Summa*—contains little that is original, and is characterized by the usual prejudices of the age, as in its treatment of the question of 'usury,' on which he says: 'quid de legibus, quae permittunt usuras exigi? Numquid tenent? Dico breviter quod non: immo sunt omnes abrogatae, quod probo auctoritate, ratione, et civili

jure; auctoritate psalmi, "quia pecuniam suam non dedit ad usuram," &c. (*Summa*, ii 'de Usuris,' § 10), cf. *ib.* § 9: 'de quibusdam autem, qui tempore messis vel vindemiae emunt annonam vel vinum vilium, ut postea vendant carius, dico quod peccant et turpe lucrum est.' Cf. the *Summa* of S. Thomas on the same subject.

³ Gams, *ib.* book xii. 1, § 1. Nolasco resigned the generalship of the Order in 1249 and died in 1256, while Nonnatus is said to have died in 1240 (*ib.*). A history of the Order—which apparently still exists, in much the same way as the English branch of the Hospital—has been written by Don José Antonio Garí y Simell (Cadiz, 1873), who recounts the miracles which favoured it, with, apparently, an implicit belief in their reality. The Church of the Order at Barcelona is tawdry and modernized.

chair during the troubled years of the king's minority, and who lived to see James Conqueror of Mallorca, before his own death in 1233¹.

And to the roll of the scholars and missionaries of the Provincial Church we must also add its martyrs. ^{The Martyrs of Valencia.} The religious fervour, characteristic of the century, received, as might be expected, a great impetus from the enthusiasm of the two newly-founded orders of SS. Dominic and Francis, which soon settled in Barcelona, Zaragoza, and elsewhere². It was the Preaching Orders that supplied the Church with her martyrs, as well as with her inquisitors. The rage for the martyr's crown had not stopped with the victims of Cordova. In the early years of the reign, news came to the ears of two monks that Abu Zeid, King of Valencia, was persecuting the Christians in his kingdom. They decided that the opportunity of suffering for Christ was too good a one to be lost: the divine command, 'when they persecute you in one city, flee to another,' was unhesitatingly set aside, and they repaired to Valencia, where their ambition was soon gratified³.

The position occupied by the Jewish community under ^{The Jews.} the Conqueror's rule was probably more honourable and comfortable than that of their co-religionists in any other European country⁴. It is true that James regarded his

¹ See the epitaph on Sparago's tomb, quoted by Gams, *ib.* xi. 7, § 38.

² On Nov. 15, 1219, a bull issued by Honorius III requests the Spanish clergy to accord a kind reception to the 'preaching brothers' (Potthast, *Reg.* 6160); and in 1220 the same pope specially commends them to the Primate and the Bishop of Barcelona. *ib.* 6246, 6730.

³ Diago, *An. Val.* vii. 2.

⁴ With the exception, perhaps, of Castile, where Christians were forbidden to rob or damage the synagogues, to hail Hebrews before the courts on their sabbath, or to have

recourse to summary procedure against them. Jews were debarred, however, from holding any office which would enable them to bring pressure on a Christian (*Siete Partidas*, vii. 24, 3-5). In France Jews—who were not regarded as a royal monopoly—seem to have been forbidden to grant loans at all, and were twice banished by S. Louis and twice recalled; while their books were burned, and blasphemies were severely punished (Wallon, *ib.* ii. pp. 190-6; Hallam, *M. A.* i. p. 234). From England the whole community was banished by Edward I.

Hebrew subjects chiefly with an eye to the revenue he could extort from them ; but it was precisely for this reason that they were protected with all the care that would be bestowed on a royal monopoly, and were taken under the king's safeguard¹. As men of business and financiers they had, of course, no rivals ; and accordingly—in that spirit of utilitarianism, which so often clashed with his religious principles or prejudices—the king was not slow to prefer Jews to responsible posts, notably that of bailiff².

And while individuals were thus promoted to honour, the mass of the Jews lived, probably comfortably enough, in their own Aljamas or quarters, which were to be found in most of the large towns, one of the most considerable being settled at Gerona³. At Valencia Hebrews were exempted from liability to torture, except when contumacious, as well as from the necessity of lodging Christians in their houses, and were authorized to close the gates of their quarter whenever they chose⁴. In Aragon, and probably in all three countries, they had their own courts for the trial of petty cases among themselves⁵; and at Zaragoza they might appeal to the Crown from death sentences passed by the Zalmedina⁶. In Catalonia charges against Jews were investigated by a court composed of a Christian and a Jew⁷; while the Hebrews of Barcelona,

¹ Confirmations of the peace, *passim*. In Aragon, any one striking a Jew, to the effusion of blood, was liable to a fine of 500 sols. *Fueros*, vii 'de Judaeis et Sarracenis.'

² Thus, Vidal Salomon was Bailiff of Barcelona for at least three years (1247–1250; *Paroch.* 1079, 1120, 1155, 1186)—in direct violation of a statute of 1228, by which no Jew was to be admitted to any public office in Catalonia (*Const. Cat. Superfl.* i. 5, 6, 5). The responsible posts occupied by Jahnda we have already noticed. Other Jews were Bailiffs of Pego, Alfandech, Suyllana,

and Tortosa. *Regs.* xx. 345, xii. 15.

³ Amador de los Rios, *Judios de España y Portugal*, pp. 382, 385.

⁴ *Regs.* xix. 56, xx. 225, 242, xv. 81. The trial of capital cases affecting Jews was transferred in 1275 from the justiciar to the bailiff.

⁵ These judges were the Daien, who could take cognizance of all cases, and the Hedin, who was only concerned with petty suits. Appeals went to the Christian court. Vidal, *ib.* p. 784.

⁶ *Reg.* xix. 77.

⁷ *Ib.* xii. 130.

Tarragona, Perpignan, Villafranca, and other towns in the neighbourhood, possessed the right of direct appeal from the local bailiff or vicar to the Crown¹. At Barcelona suits among the Jews themselves were decided by the bailiff, and those between Jews and Christians by the vicar². At Montpellier Jews were liable to torture only under certain conditions, nor could they be detained in prison on mere suspicion, except in capital cases³.

We see then that James' Hebrew subjects had little to complain of on the score of their judicial privileges. And his esteem for them the Conqueror showed unmistakably, when he offered the bribe of a temporary exemption from taxation to such as would settle in Valencia, Xativa, and Uncastillo⁴, and when he promised a safeguard to Jews of Marseilles who would establish themselves in Montpellier⁵.

On two points only did there arise anything of the nature of an estrangement between the Conqueror and his Jewish subjects. The first cause of difference lay in the frequent 'prolongations' of their time for payment granted by the king to the debtors of Jewish usurers⁶; the second was to be found in the thirst for proselytism which inspired James' spiritual guides. For success in the latter field no pains were spared: Jews and Saracens embracing Christianity were secured from that loss of property which, in the middle

¹ *Regs.* xii. 9, xix. 50.

² *Ib.* xv. 33—an order of 1266.

³ *Ib.* xix. 134, xv. 45.

⁴ For one, five, and four years respectively. *Ib.* xx. 225, xix. 108; Bofarull, *Doc. Ined.* vi. 31.

⁵ *Reg.* xx. 225.

⁶ Thus, in *ib.* xi. 239, the king undertakes to the Jews of Barbastro, for the next two years, not to prolong the time of payment; and in *ib.* xvi. 102, a like promise, for three years, is made to the Jews of Gerona, Perpignan, Conflant, and Cerdagne. And at Ternel, in October, 1259,

James undertook that his 'prolongations' should not hold good: (1) 'si debitum esset ratione matrimonii vel emptionis hereditatis'; (2) 'si ille qui impetrabat literam [sc. elongationis] haberet mobile unde posset solvere' (*Fueros*, i 'de elongatione debitorum'). In England an exactly opposite state of things prevailed: Jews were regarded merely as royal chattels, and, as debts due to them were due to the king, they might not grant releases or compositions without his licence. Cunningham, *ib.* p. 145.

ages, often accompanied such a change of religion¹; and, in addition to this bait, recourse was even had to the unusual expedient of public debates between exponents of the rival persuasions. In this respect the year 1263 was a memorable one, a debate of this kind being held at Barcelona, in July, between Brother Paul—a converted Jew and, at the time, a Dominican—and Moses ben Nachman, a learned Rabbi of Gerona. The conference took place in the presence of the king; but, as might have been expected, both sides claimed the victory, and nothing was gained². One result, however, of the debate was the almost immediate appearance, on August 26, of a royal proclamation ordering all Hebrews and Saracens to come and hear, ‘in silence and diligently,’ any of the ‘preaching brethren’ who might wish to instruct them, under pain of compulsion by the royal officials³; while two days later, on August 28, the bailiffs received instructions to insist on the surrender by Jews, for public burning, of books called *Soffrim*, which Moses, the hero of the debate, had composed⁴. Nor was this all: on August 29, another proclamation was issued to the Jews, to the effect that whenever Brother Paul should visit them to preach or dispute, they were to listen ‘meekly and favourably,’ answer his questions ‘with meekness and reverence,’ produce any of their books he

¹ *Const. Cat.* i. 3; *Priv.* 15; *Fueros*, i ‘de Judaeis et Sarracenis baptizandis.’ They enjoyed the same privilege in Castile (‘despues que algunos Judios se tornaran Christianos . . . hayan sus bienes et sus cosas.’ *Partidas*, vii. 24, 6).

² Two accounts of this debate are preserved, one in *Reg.* xii. 110 (printed by Tourtoulon, *ib.* ii p. 449), and the other—the Jewish version—in Wagenseil’s *Ignea tela Satanae* (ii. pp. 24–60). The latter ends with the king’s command: “revertere in urbem tuam, et sanus ac sospes aetatem agito,” dabatque mihi aureos

trecentos in viaticum. . . Sic ab eo benevolentia magna dimissus sum. Deus aeternus ipsum compotem faciat vitae aeternae. Amen. Selah.’ From the official version, however, it would appear that Ben Nachman was handled so severely by his adversary, as to be obliged to leave the town secretly, before the end of the debate.

³ *Reg.* xii. 107. The order to hear the preachers was but a revival of a statute of 1242 (*Const. Cat. Superfl.* i. 1, 1); and the custom in Aragon was the same. *Fueros*, *ib.*

⁴ *Reg.* xii. 106.

might require, and tear from them any blasphemies against Jesus Christ or the Blessed Virgin, when pointed out by Brother Paul acting on the advice of Peñafort and Sagarra, under pain of a fine of 100 morabatins and the burning of the books¹. The very next day, however, owing, no doubt, to the excitement that would inevitably be produced in the Jewish community by such a series of proclamations, the king gave way so far as to direct that Jews should not be forced to go outside their quarters to listen to the preachers, or be compelled 'by sheer force' to listen to any preaching at all—thereby completely stultifying some of his previous proclamations².

The result, therefore, of the conference had been practically nothing, the only loss suffered by the Jews being the expurgation of objectionable passages from their books. As if, accordingly, neither side were contented with its position, in 1265 another debate was held in the presence of the king—who, no doubt, enjoyed these exhibitions of dialectical fencing—between the irrepressible Brother Paul and Bonastrug de Porta, a Jew of Gerona. The result of this second trial of strength is not known, but, on the conclusion of the debate, de Porta—who had presented a copy of his work against Christianity to the Bishop of Gerona—was accused of blasphemy by Peñafort, Sagarra, and Brother Paul, before a court consisting of the king, the Bishop of Barcelona, and others. Though he based his defence on the licence granted to say what he liked in the debate, the king proposed to banish him for two years and to burn his books; but, on the Dominicans refusing to admit this sentence, the culprit was set at liberty, and was dispensed from having to reply to any such charges again, except in the royal presence (April 12, 1265)³.

Baffled by the king, the enraged Dominicans had recourse to a higher authority, and in the following year there

¹ *Reg.* xii. 107. In March of the following year the fine was raised to 1,000 morabatins. *Ib.* xiii. 196;

cf. Bofarull, *Doc. Ined.* vi. 41.

² *Reg.* xii. 111.

³ Bofarull, *Doc. Ined.* vi. 43.

arrived a letter from Clement IV, indignantly urging the king to repress the 'malice' of the Jews, and to punish Brother Paul's adversary for the lies in his book¹.

What the immediate issue of the matter was, it is impossible to say. Its ultimate result can hardly have been what the pope would have desired, for in 1268 the Jews of Lérida and Barcelona were once more authorized, by a royal proclamation, not to go out of their quarters to listen to preachers—'because insult and abuse were often inflicted on you'—while clergy wishing to preach in the synagogues were to be accompanied by only 'ten good Christian men,' and not by a crowd. The Jews were also authorized to possess cemeteries, and to fit up their synagogues 'with decency,' besides being given full liberty of buying and selling. Similar privileges were also conferred on their brethren of Perpignan and Montpellier².

The anti-Semitic agitation, therefore—so far, at least, as the Jews of Catalonia were concerned—had been a failure. Thanks to the king's liberality of mind, its result was exactly the opposite to what its promoters had intended, and the Jews had now a securely established position, and one which seemed likely to preclude further persecution for the future.

The Moors. The condition of the Conqueror's Moorish subjects can be dismissed in a very few words. They had escaped that unpopularity which their grasping habits had fastened on

¹ 'Favor tuus apertissime invalescat Judeos, de cetero ad aliqua officia non admittens ipsos, in aliquo non extollens, sed in quantum concessa eis a sede apostolica privilegia patiuntur, ipsorum refrenando maliciam deprimas et conculces; nec pretereas illorum blasphemias incorrectas, sed illius praecipue castiges audaciam, qui de disputatione, quam in tua praesentia cum dilecto filio religioso viro fratre Paulo de ordine predicatorum habuerat, multis con-

fictis adjectisque mendaciis, librum composuisse dicitur, quem ad sui dilatationem erroris in varia exempla multiplicans per regiones varias destinavit . . . Ausum temerarium, sic debite censura Justitiae, absque tamen mortis periculo et membrorum mutilatione, castigetur.' Escorial, ii. P. 7; cf. Zurita, *Ind.* 1266; Raynaldus, *Ann. Eccl.* 1266.

² *Reg.* xv. 122, 123; cf. Bofarull, *Doc. Ined.* vi. 45.

the Jews, and the outcry raised on their proposed expulsion from Valencia is proof in itself that they were regarded as inoffensive and even useful members of society. The king himself, towards the end of his reign, had at last recognized this fact, as is shown by a proclamation of April, 1275, announcing that Moorish settlers at Valencia should be exempt from all taxes during their first year of residence¹.

In judicial matters the status of the Saracens was much the same as that of the Jews. Petty suits among themselves were tried in their own courts², appeals—in Valencia, at least—going before the Christian tribunal³. It may, however, be safely assumed that the Christian court only was competent to inflict corporal punishment, or, in any case, the penalty of death⁴.

¹ *Reg. xx.* 225.

² Vidal, *ib.* p. 783. In Aragon the judge for petty cases was an Alamin, the more important suits going before a Zavalachen (*ib.*), these two officers corresponding, therefore, to the Jewish Hedin and Daien respectively. At Valencia there were also Moorish judges called the Alcaid and Almudaçaf. *Reg. xv.* 81.

³ *Reg. xx.* 225.

⁴ At Valencia Saracens were bound to appear before a Christian court

in capital cases only. ('Item concedimus vobis imperpetuum quod Sarraceni aliqui habitantes in Moriria seu aliis locis civitatis et orte Valencie presentes et futuri non teneantur facere jus aliquibus Christianis Judeis vel Sarracenis querelantibus de eisdem nisi posse Alcadii et Alamini et . . . Sarracenorum dicte Morerie seu açunam Sarracenorum . . . nisi esset demanda ut dictum est vel querimonia pene mortis.' *Reg. xv.* 81. Part of this document is illegible.)

CHAPTER XXIII.

LITERATURE, SCIENCE, AND ART.

James'
regard for
Catalonia.

THE bias of the Conqueror in favour of Catalonia and the Catalans has already been illustrated. It will, therefore, be no matter for surprise when we come to remark a like tendency on James' part to exalt—perhaps unduly—the language of the Catalans. Opinions may differ as to its beauty, but the mind of the Conqueror was already made up on the subject. Hence it was that the Valencian code was published in Catalan, arguments of counsel and sentences of Valencian tribunals were to be delivered in 'Romance,' while the *Chronicle* and the *Book of Knowledge* were written in the same language.

Its origin is, no doubt, to be traced to the beginning of the ninth century, when the Visigoths, who had been driven by the Arabs into Languedoc, returned to their native country, by the help of Louis, son of Charles the Great. This conclusion would seem to be borne out by the fact that Catalan was still spoken in later times in Roussillon and Cerdagne.

On the other hand, we must carefully distinguish this prose dialect from the language of the troubadours—the Lemosin proper, a modified form of Provençal, and, possibly, not a spoken language in Catalonia at all¹. The term Lemosin would seem to have been first applied to the

¹ Cf. articles on 'Catalan' in the *Encyclopaedia Britannica*, by A. Morel-Fatio, and on 'Provençal' by Paul Meyer.

compositions of these minstrels by Ramon Vidal, poet and grammarian, who lived early in the thirteenth century ¹.

The Lemosin poetry, then, of the reign is but poetry by Catalans written in Provençal, and its history, therefore, is a mere supplement to that of the literature of Provence ².

The Conqueror himself was a man of no mean literary ability, and his *Chronicle* is distinguished at once by the vigour of its style, as well as by its naïve simplicity. He was also the author of another work, the *Libre de Saviesa*—a medley of a number of proverbs and maxims drawn from Solomon, the Fathers, Aristotle, Socrates, and Arabic writers, of whose ‘good words,’ as profitable for man, the author ventures to avail himself, though, at the same time, he is careful to acknowledge the supreme authority of theology ³. The book has a slightly pedantic flavour, and no very profound knowledge of philosophy is anywhere shown.

An author himself ⁴, James was also a patron of letters in others. It was at his request that Jahuda translated a number of Arab moralists, and by his direction, perhaps, that Ribera de Perpeja rendered into Catalan the *Chronicle* of Roderic of Toledo ⁵, and the *Customs of the Sea* were compiled in the same language, while others translated Cicero’s *Offices*, Seneca’s *Letters*, the *Politics* of Aristotle, Augustine’s *City of God*, and Innocent the Third’s *Explana-*

James’
Chronicle
and *Book*
of *Wis-*
dom.

Catalan
translations
of various
prose
works.

¹ The Romance tongue of the *Limousin* or district about Limoges was used by some of the early troubadours, and hence came to be a synonym for ‘troubadour speech.’

² *Enc. Brit.* ib. Cambouliu, *Littérature Catalane*, p. 13. Catalan, as he observes, is remarkable for the brevity of its terminations, ‘hombre’ becoming ‘hom,’ ‘ciudadano’ ‘ciutada,’ and so on (ib. p. 18). The difference between this and the Limosin can be easily seen by a comparison of a few lines of James’ *Chronicle* with some verses of a Catalan troubadour.

³ ‘Jat sia que en theologia sia tot

compliment d’enteniment e de sen, les bones paraules que dixeren aquels ans es profit, que dice Seneca: “soleo transire in aliena castra non tanquam transfuga sed tanquam explorator.”’ *Escorial MS.*, cf. Cambouliu, ib. p. 25.

⁴ Señor Balaguer’s praise of James as an author is surely exaggerated: ‘fue un consumado literato, un excelente historiador, un cronista elegante y culto, que hizo del Catalan lo que Dante debía hacer mas tarde del Italiano, una lengua literaria.’ *Trovadores*, i. p. 239.

⁵ Cambouliu, ib. pp. 30, 32.

tion of the *Psalms*¹. The historian Desclot, with the famous Mallorquin, Ramon Lull, also lived during the reign, but their literary activity belongs to a later period.

It will thus be seen that the activity of the prose-writers of the reign was mainly confined to the modest work of translating into the vernacular some of the chief philosophic and religious treatises of the pagan and Christian world. And this, indeed, is what we should have expected from such an age of religious restlessness.

Troubadours in Catalonia.

More original in what it produced was the poetic spirit of the day. The persecution of the Albigenses had driven the troubadour south of the Pyrenees, and this may account for the outburst of song which lasted through the reign. The famous satirist, Piere Cardinal, who had sustained the cause of Raymond VII against De Montfort, retired, on the triumph of the Crusaders, to the Court of Aragon, where he continued his satires, and was much honoured by the king. Aimeric de Belenoi, of Bordeaux, also spent his last years in Catalonia²; and other lesser lights were doubtless driven across the frontier. The list of native poets includes the names of Arnalt Catalan³, G. de Cervera, lord of Juneda⁴, G. de Mur, of the house of Pallas, Oliver the Templar⁵, Serveri de Gerona⁶, Hugo de Mataplana, who fell in Mallorca⁷, and Guillem de Bergedan, a noble profligate and murderer⁸.

¹ Cambouliu, *ib.* p. 32. In the Bodleian library at Oxford there is a curious astronomical MS. (Ash. 341), with tables and diagrams, by different persons—two of them monks—and written, apparently, in the years 1263, 1264, 1265, perhaps in Aragon—if we may infer this from the reference to Zaragoza. ('Equatio domorum ad latitudinem quinti climatis de signo arietis a septentrione 41 g^a et 30 mi^a, sub quo sita est Serencogusta.')

² Mila y Fontanals, *Trovadores en España*, p. 185.

³ *Ib.* p. 346.

⁴ Probably the son of G. Cervera,

the second husband of Elvira of Urgel. *Ib.* p. 351.

⁵ *Ib.* p. 357; Millot, *Troubadours*, iii. p. 107.

⁶ Mila y Fontanals, *ib.* p. 367. A specimen of his productions is given in Raynouard, *Choix des Poésies Originales des Troubadours*, ii. p. 443.

⁷ Millot, *ib.* ii. p. 119. Only one of Mataplana's songs is preserved—a 'sirvente,' or satire, in which he challenges Blacasset either to fight or else to renounce 'the beauty I love.' Raynouard, *ib.* v. p. 220.

⁸ Millot, *ib.* p. 125; Ticknor, *i.* p. 287. His pieces are remarkable

And not only had Catalonia become the home of the troubadour, who sang its praises in terms which even to a Catalan must have seemed exaggerated¹, but its Count was regarded, by foreigners at least, as the patron of the Muse, as well as the champion of the South. It is in this spirit that Guillem de Montagnagout and Bernardo de Rovenhac², attack the Conqueror for his indifference to the fate of Provence; Nat de Mons, who was honoured by James, addresses some verses to him full of good advice³;

James held in regard by foreign poets.

for their obscenity. The following is an exception:—

‘Consiros cant e planc e plor
per dol que m’a sasit e pres
al cor per la mort mon marques
en Pons lo preu de Mataplana...

Païans l’an mort, mas dieus l’a pres
a sa part, que li sera garens
del grans forfatz e dels minors,
c’els angels li foron auttors,
car mantene la lei christiana...

E Paradis, el luoc meyllior,
lai o’l bon rei de Fransa es,
Prop de Rolan sai que l’a mes.’

Raynouard, *ib.* v. p. 186.

¹ Guiraldo Riquier, who passed through Catalonia on his way to Castile, about 1270, gives the following glowing description of the country and its people:—

‘Pns astres no m’es donatz
que de mi dons bes m’eschaia;
ni nulhs mos plazers no-l platz,
ni ay poder que-m n’estraia,
ops m’es qu’ieu sia fondatz
en ira d’amor veraia,
e puesc n’apenre assatz
en Cataluenha la gaia,
entrels Catala’s valens
e las donas avinens.

Quar dompneys, pretz e valors
joys e gratz e cortezia,
sens e sabers et honors,
belhs parlars, bella paria,
e largueza et amors,

conoyssensa e cuadia,
troban mantenh e secors
en Cataluenha a tria,
entre’ls Catalas valens
e las donas avinens.’

Raynouard, *ib.* ii. p. 238.

² ‘Si ’l rei Jacme, cui no mentim,
complis so qu’el e nos plevim,
segon qu’ auzim;
en gran dolor
fóran ab plor

Francés, qui qu’o desvnelha:
e quar defalh,
qu’adés no salh,
tot lo mons lo’n reiruelha.’

Mila y Fontanals, *ib.* p. 173.

This was written in a fit of despair, after the flight of the English and their allies at Taillebourg.

‘Rey d’Arago, ses contenda,
deu ben nom aver
Jacme, quar trop vol jazer;
e qui que sa terra -s prenda,
el es tan flax e chanzitz,
que sol es no y contraditz;
e car ven lay als Sarrazis fellós
l’anta e’l dan que pren sai vas
Limós.’ *Ib.* p. 177.

³ He told James that valour is a good quality in kings, but can be counterbalanced by wrongdoing and injustice. Blame is more to be feared than death—and so forth. He also addressed two letters to the king on the origin of good and evil, the nature of the soul, liberty, the composition of a king’s court, &c., and thanks his

and Mateo de Quercy writes an elegy on him when he is dead¹.

The Jongleur.

A satellite of the troubadour was the Jongleur², who went about the country reciting the songs of the poet—the two thus standing to one another somewhat in the relation of author and publisher, or draper and pedlar³. These strolling minstrels seem to have been numerous in Catalonia⁴.

The University of Montpellier.

But a greater glory to Catalonia in the Conqueror's reign than the poems of the troubadours was the famous university of Montpellier. As yet, however, it consisted of an aggregation of schools, and it did not formally receive the title and rank of a university, *studium generale*, till the year 1289, at the hands of Nicholas IV. Its oldest and best-known faculty, that of *Medicine*, was in considerable repute as early as 1181, when William VIII pronounced against all monopoly of the science, promising strict impartiality in the appointment of teachers. In 1220 the school, already celebrated⁵, received its first statutes from a Legate

patron for the honours he has received from him. Millot, *ib.* p. 186.

¹ Mila y Fontanals, *ib.* p. 192.

² Wallon, *ib.* ii. p. 374. He divides the compositions of the troubadours into six classes: (1) 'chansons,' the term applied to miscellaneous pieces: (2) 'planhs' or elegies: (3) 'tensons,' a sort of dialogue between two persons on such subjects as love, morals, chivalry, &c.: (4) 'sirventes' or satires: (5) serenades: (6) 'pastourelles' or eclogues. *Ib.* p. 270.

³ Cf. Balagner, *Trovadores*, i. p. 253: 'los juglares ó cantadores . . . intérpretes populares de las composiciones provenzales . . . Eran los juglares en Provenza los que iban por córtés y castillos cantando y recitando las composiciones de los trovadores; eran los cómicos ó actores, que si encargaban de dar popularidad á las obras de los poetas, extendiendolas por

todas partes.' *Ib.*

⁴ At the Cortes of 1235, in view of the Valencian war, among various sumptuary statutes, the following was enacted: 'item statuimus quod nos nec aliquis alius homo nec domina demus aliquid alicui joculari, vel jocularici, sive soldatarie, sive militi salvatge; sed nos vel alius nobilis possit eligere et habere ac ducere secum unum jocularitorem, et dare sibi quod voluerit' (Marca, *M. H.* 1428, art. 8). Cf. art. 10: 'item statuimus quod nullus jocularor nec jocularix nec soldataria praesentes vel futuri, nec illa que olim fuerit soldataria, sedeant ad mensam militis nec dominae alicujus nec ad gausape eorundem, nec comedant nec jaceant cum aliqua dominarum in uno loco vel in una domo, nec osculentur aliquem eorundem.'

⁵ As is evident from the following passage in the statutes of 1220: 'jam-

—the Cardinal Bishop of Porto and S. Rufine—by which none were to ‘rule’ unless examined and approved by the bishop, who had his own Chancellor for the trial of civil suits, and to whom went appeals as well as criminal cases. By a statute of 1239 it was further enacted that no one should practise unless chosen by the bishop from the ‘College of Masters’; and in 1272 James himself forbade Christians and Jews alike to practise unless they had been examined and were licentiates¹.

The School of *Law* founded in 1160 by Placentin, a Lombard, was thus practically an offshoot from Bologna. In 1268 James appointed a Regius professor of civil law; but his nominee, with all who attended his classes, was excommunicated by the bishop, the latter, moreover, being supported in his action by the pope, who seized the opportunity to claim for the bishop the position of ‘chief head of all the faculties².’

The faculty of *Arts* received definite statutes, in 1242, from the bishop—Jean de Montlaur—acting on the advice of the doctors and disciples of the existing faculty. The general tenour of the statutes was much the same as of those of the other faculties: none was to act as ‘regent’ or ‘reader’ in ‘grammar or dialectic,’ without having been first examined and approved by the bishop or his deputy, while those so examined were to swear allegiance to the prelate³.

The faculty of *Theology* seems as yet to have been in its infancy. In 1263 James granted a site to the Cistercian monastery of Valmagne for the erection of a school; and

dudum medicinalis scientie professio sub gloriosis profectuum titulis in Montepessulano claruerit, floruerit, et fructuum fecerit ubertatem multipliciter in diversis mundi partibus salubrem.’ Germain, *H. M.* iii. p. 418.

¹ *Ib.* pp. 73–91.

² *Ib.* pp. 8–12; Martene, *ib.* 603.

At Paris only Canon Law was studied.

³ Gariel, *Ser. Praes. Mag.* p. 356. Regents of the University of Paris were exempt from examination, but were bound to hold the bishop’s licence.

in 1266, at a provincial chapter of the Order of S. Dominic, held at Limoges, a professor was appointed¹.

The schools of Montpellier, therefore—especially the faculties of Medicine and of Law—by the middle of the thirteenth century were in a flourishing condition. That they were under the jurisdiction of the bishop, as opposed to that of the Crown, well illustrates both the jealousy of the mediæval church and its readiness to encourage learning and research.

School at
Valencia.

Of like establishments in Aragon and Catalonia nothing is known, though it is hard to believe that they were non-existent. There was undoubtedly a School of some sort at Valencia, founded by the Conqueror—an act which elicited the warm approval of Innocent IV, who is said to have bestowed ample privileges on the new establishment².

Architec-
ture.

Of the state of the arts during the reign but little can be said. The greater part of the fine cathedral of Tarragona would seem to have been executed during the latter part of the twelfth, and the first half of the thirteenth, century³; but the church above all others typical of the reign is the cathedral of Lérida, the first stone of which was laid in 1203, though the building was not consecrated till 1278. It is pronounced to be one of the finest early pointed churches in Europe⁴. The present cathedral of Barcelona was not begun till 1298, though a church seems to have existed previously on its site⁵, and it is possible that the doorway, with its grotesque carvings, leading from the

¹ Germain, *H. M.* pp. 63, 413.

² 'Quo etiam tempore Rex Aragonum Valentiae gymnasium condidit, enjus consilium laudibus est prosecutus Innocentius, amplissimisque prerogativis insignivit.' Raynaldus, *ib.* 1245.

³ Street, *Gothic Architecture in Spain*, p. 275. The main arches are pointed, but the east end terminates

in an apse and is clearly Romanesque.

⁴ *Ib.* pp. 349–353. The church is now used as barracks, but Mr. Street gained admission and reports that most of the windows are round-headed, though the main arches are pointed—a characteristic, of course, of a transitional building.

⁵ *Ib.* p. 297.

cloister into the south transept, was built early in the reign. The first stone of the cathedral of Valencia was laid in 1262¹, but this building has unhappily been modernized beyond recognition. Ecclesiastical architecture, on the whole, would seem to have been nearly a century behind what it was in England, being still in a state of transition from Romanesque to Gothic².

It would be rash, however, to conclude that other branches of art were in an equally backward condition, for we should at once find ourselves confronted with such an exception as the remarkable altar belonging, so it is said, to the Conqueror, and still preserved at Valencia, the paintings on which, in artistic finish, far exceed anything we might have expected.

Lastly, it is impossible to trace any considerable influence of Moorish on Christian art³. But of one thing we may be sure, that, as in art, so in morals and almost all the other elements of civilization, the Mohammedans at this time stood on an altogether higher level than their Christian conquerors⁴.

¹ Street, *ib.* p. 261.

² Cf. Street's remarks on the cathedral of Lérida: 'the strange thing is that in a church which was in building between A. D. 1203 and 1278 we should find such strong evidences of knowledge of nothing but twelfth century art; and . . . it affords good evidence of the slow progress in this part of Spain of the developments which at

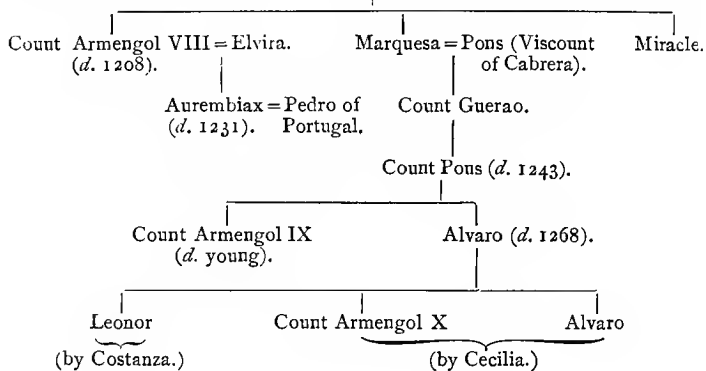
this time produced so great a change in the north of Europe.' *Ib.* p. 354.

³ *Ib.* p. 409.

⁴ Cf. Street, *ib.* p. 410: 'throughout this period (711-1492) any contrast drawn between the Moors and Christians, in regard to civilization, would generally, if not always, have been in favour of the former.'

THE HOUSE OF URGEL.

Armengol VII 'of Valencia' (*d.* 1184) = Dulce (daughter of R. Berenguer IV,
Count of Barcelona).



APPENDIX A.



THE COUNTY OF URGEL.

THE fortunes of the Counts of Urgel have more than once claimed our attention in the course of James' reign. The thirteenth century seemed, in fact, destined to witness the decline and fall of this, the most illustrious of Catalan houses. The first Count is said to have been a brother of the first hereditary Count of Barcelona—Wilfred 'the Hairy'—and for some generations the dignity seems to have been vested in the younger branch of the House of Barcelona. From the third Count of Urgel¹ the title appears, however, to have passed to his descendants, whose prowess against the Saracens and whose favour in the eyes of their suzerains of Barcelona was such, that by the beginning of the thirteenth century the territories of the Countship would seem to have been the most extensive of those of any of the great Catalan houses, occupying almost the whole of the north-western frontier, and cutting off Barcelona from the northern cities of Aragon².

The troubles of the house began in 1208, with the death of Count Armengol VIII, who left one child only—a daughter named Aurembiax. During the minority of the latter the county was to be administered by her mother, the Countess Elvira; but, unhappily, a rival claimant soon appeared in the person of a nephew of Armengol VIII—Guerao, Viscount of Cabrera—who

¹ See pedigree of the House of Barcelona at the beginning of this volume.

² The estates of the family seem to have included most of the country in the southern corner of the debateable

land between the Cinca and the Segre, and about as much south of the latter river—in fact about 20 miles in a radius from Balaguer. The chief towns at this time were Lérida, Balaguer, and Agramunt.

claimed the succession on the ground that the family title and estates could not descend to a female¹.

Guerao seems to have put forward his claims immediately after the death of Armengol, and in the following year Elvira found herself obliged to place the county under the protection of her sovereign, Pedro, with reservation of the rights of Aurembiax, till she should be of age. Soon afterwards Elvira married a second husband—Guillen Cervera, lord of Juneda²—and died herself about the year 1220.

The fortunes of the county during the period of her second union had been varied. On the death of Pedro, in 1213, the irrepensible Guerao lost no time in overrunning the county, which, during the troublous years of James' early minority, he seems to have succeeded in holding, till the year 1217, when, by an agreement with the king, it was decided that Guerao should restore to the Crown all the castles and towns he had laid hands on, for which James was to deposit with him a large sum, leaving Aurembiax the right, for two years, of repurchasing from the Crown the places in question, after which time the option of purchase lapsed to Guerao. Whether this arrangement was carried out may be doubted, for on December 21, 1222, a fresh agreement was come to, by which James made over the county to Guerao in fee, with, however, a reservation of the rights of Aurembiax, on whose appearance as a claimant Guerao was to consent to 'stand to right.'

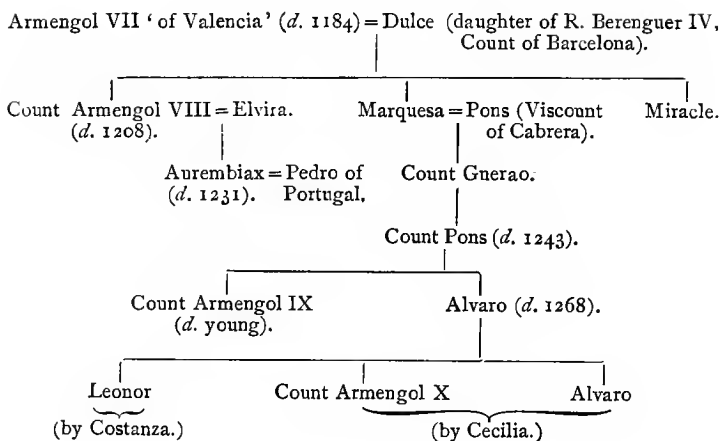
Nearly six years elapsed, and in July 1228 Aurembiax appeared before the king at Lérida, to claim her rights. The nature of her connexion with James we have already ascertained; and, even before the case had been tried, by a treaty of August 1, she promised to make over Lérida to the Crown, of which she was to hold the whole county in fief, undertaking to receive the king into the chief towns in peace and war ('potestas irati et paccati'), and

¹ The claim of Guerao was in direct violation of a clause in the will of Armengol VII, by which his daughter Marquesa, Guerao's mother, was to succeed only 'si . . . obierit filius meus Ermengardus sine infante de legitimo conjugio.' And the will of Armengol VIII left the county to

Aurembiax, though with the reservation: 'si ipsa decesserit absque liberis, substituo ei in omnibus bonis meis Marquesiam sororem meam.' Monfar y Sors, *Hist. Urg.* liii, liv.

² One of the king's councillors. He became a monk of Poblet in 1230. Monfar y Sors, *ib.* lv.

THE HOUSE OF URGEL.



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land between the Cinca and the Segre, and about as much south of the latter river—in fact about 20 miles in a radius from Balaguer. The chief towns at this time were Lérida, Balaguer, and Agramunt.

not to marry without his consent: in return James was to restore to her the towns and castles usurped by Pons, the son of Guerao Cabrera¹. Matters being thus satisfactorily arranged beforehand, Guerao was cited to Lérida: on the second summons, G. Cardona appeared on his behalf, but the king refused to admit his defence that Guerao had held the county for twenty years, and ultimately Cardona left the Court².

It now only remained to dispossess Guerao. This was quickly done. With the forces he had collected, the king marched on Albelda, Menargues, and Linerola, which surrendered in rapid succession, and Balaguer was evacuated by the Count, who was allowed to retire with 'a very good and fine falcon on his hand.' He had not, as James ironically remarks, 'the wisdom of Solomon,' and seems to have made little or no resistance, so that before the end of the year the entire county was in the king's hands. Guerao became a Templar.

Comment on James' conduct in all these transactions is superfluous. The facts—his connexion with Aurembiax, and the agreement made with her before the mock trial had even taken place—speak with sufficient clearness for themselves. And the king's fishing in these troubled waters had been rewarded by the acquisition of Lérida, a town of considerable importance, which had been in the hands of the Urgel family ever since its capture from the Saracens in 1149.

Aurembiax now being reinstated, it remained to give her a husband. One was soon found in the person of the Infante Pedro, a son of Sancho I of Portugal, and an adventurer who had been obliged to leave his native country owing to his differences with his brother Alfonso. The marriage took place at Valls, near Tarragona, in the presence of the king, on July 15, 1229. Aurembiax herself died two years later, September 29, 1231; and, by her will, of August 11, she left Urgel, with her property in Valladolid and Galicia, to her husband Pedro. On the very day, however, of her death, an agreement was drawn up between the king and the

¹ *Parch.* 357.

² Such is the king's version (*Chron.* 39-46). It is probably untrue or exaggerated: all mention of the previous treaty is omitted, and Cardona is represented as indulging in mere taunts,

asking G. Sasala, the counsel of Aurembiax, whether he thought that his special pleading, which he had learned at Bologna, would lose Guerao his countship.

Infante, by which the latter ceded the whole county to the Crown, receiving in return Majorca and Minorca, which he was to hold for life, and of which his successors, on his death, were to inherit a third.

This arrangement was, no doubt, the outcome of a long concerted scheme on the part of the king to get the whole county into his possession, the husband he had chosen for Aurembiax proving a pliant tool in his hands. It was, however, altogether improbable that he would leave Pedro in possession of even the islands; and the second phase of James' policy towards the Infante was directed to the reduction of the latter to the position of an ordinary Catalan lord—an end which was slowly, but surely, gained.

Thirteen years' experience sufficed to weary Pedro of the delights of an island home, and, by a compact of August 18, 1244, he made over the Balearics to the Crown, receiving in return certain towns in Valencia—Murviedro, Morella, Burriana, Segorbe, and Almenara—though the king was careful to retain, in the case of the first two, the fort commanding the town. The possession of such important places naturally gave Pedro considerable influence in the newly acquired kingdom, as was shown by his opposition, in 1247, to the king's proposal for the expulsion of the Moors, and by the bargain through which James subsequently secured his neutrality. When, therefore, in 1250, the Infante joined in the secession to Seville of the king's rebellious son Alfonso, James seized the opportunity to lay hands on all his estates; and, though he was eventually reinstated, in 1254 he resigned his Valencian possessions and once more returned to Mallorca, where he seems to have passed the rest of his life.

Having now followed the fortunes of the Infante of Portugal in Mallorca and Valencia, we must return to the county of Urgel. It would be a mistake to suppose that all had been tranquil there. The summary expulsion of Guerao had not disposed of his claims, which were presently revived by his son Pons, who disputed the donation of Lérida to the Crown, as well as the will of Aurembiax by which the county had been made over to Pedro¹. Many

¹ He was perfectly entitled to do so, for, as we have seen, by the will of Armengol VIII, in the event of the decease of Aurembiax without

children, the county was to revert to Marquesa, of whom Pons was a descendant.

towns were even occupied by Pons, who could rely on the support of the Counts of Foix and Pallas, as well as of many other lords of Aragon and Catalonia. James, on his side, seems to have been equally active, battering Pons' castle, and devastating the country. At last the Bishops of Urgel and Lérida intervened, and, on January 21, 1236, it was agreed that the king should keep Lérida, and that Linerola, Menargues, and Ager—in fact all that he could recover—should go to Pons, who was also to enjoy the title of Count, so that henceforward Urgel would be in the anomalous position of possessing two Counts. This arrangement secured peace for the time, and Pons seems to have remained in undisputed possession of the greater part of the county, till his death in 1243.

He was succeeded by his eldest son Armengol, who died a few days after his father, and the title and estates devolved on Alvaro, the second son of Pons, a boy four years of age. During his minority the county was administered by Jaime Cervera, and, in June, 1253, Alvaro, then fourteen, was betrothed to Costanza, daughter of Pedro Moncada, Viscount of Bearne. The bride being only ten years old at the time, the marriage was not, apparently, consummated, the Count disliking the alliance—he had wept at the ceremony—and eventually in 1256, marrying Cecilia, the second daughter of Roger Bernard, Count of Foix. To Alvaro's peace in this world the step was fatal: the Moncadas at once took up arms and overran the county, and on Alvaro's mother, Maria, appealing to Alexander IV, the decision of the case was committed by the pope to the Bishop of Huesca (1259).

In the meanwhile, troubles were in store for the Count from another quarter. According to Catalan custom, he had put into James' hands, for ten days, the castles of Agramunt, Balaguer, Linyola, and Oliana; and the first two, at least, the king seems to have declined to restore on the expiration of the usual time. What his motives were it is impossible to say with any certainty: probably he was still actuated by a desire to get the county into his hands. In any case, the result was a defiance from Alvaro, who was joined by a number of Catalan nobles—among them the Viscount of Cardona, the Cerveras, Berenguer de Anglesola, and Guillen de Cervellon (1259). Hostilities began at once on both sides, Alvaro and his allies recovering several places in the county,

taking some castles in Ribagorza, and ravaging the country of Barbastro. Against them the king sent the Justiciar of Aragon—Martin Perez de Artassona—and seems himself to have taken the town of Cervera (February, 1260). A truce was, however, presently effected, and Alvaro was ordered to present himself at Barcelona on May 10 for the trial of his case by the Bishop of Barcelona and Oliver de Termes. Whether the trial ever took place may be doubted: at all events its issue is unknown, though a Cortes which the king afterwards held at Barcelona is said to have effected a temporary cessation of hostilities.

Meanwhile the divorce suit had been dragging out its course before the Bishop of Huesca, who on June 1, 1262, gave sentence in favour of Costanza; and this was shortly afterwards followed by a papal bull directing Alvaro to comply. This he did, and in September, 1263, took Costanza to wife, and had by her one daughter, Leonor. But, unfortunately, the matter was not to be allowed to rest here. Cecilia had complained to the pope that she had been unable to obtain a hearing from the Bishop of Huesca; and, in May, 1263, Urban committed the revision of the case to the Bishops of Oloron and Comminges. The result of this second trial was that on February 26, 1264, the Archdeacon of Carcassonne and the Provost of Talabux—acting for the bishops—pronounced in favour of Cecilia, reversing the Bishop of Huesca's sentence.

It was now Alvaro's turn to appeal to the pope; but eventually, harassed by the censures of the French Bishops, he gave way and married Cecilia (September, 1264). The pope, however, for the second time allowed the revision of the case, delegating it in the following year—July, 1265—to the Bishop of Beziers, who did not pronounce sentence, while in November the Bishop of Barcelona decided in favour of Costanza.

Matters were now hopelessly complicated; the ghastly performance had given Alvaro two wives, and the scandal was such that Peñafort wrote urgently to Clement imploring him to decide himself¹. In May, 1266, therefore, the pope finally entrusted the case to the

¹ 'Supplico igitur Sanctitati vestre, Pater, coram vestris sanctis pedibus provolutus, quatenus guerras, strages hominum, scandala gravia, et pericula

animarum, que jam ex hoc snnt secuta . . . misericorditer intendas.' Monfar y Sors, *ib.* lviii, p. 555.

Cardinal Bishop of Praeneste, who decided in favour of Costanza, at Viterbo, April 4, 1267. Alvaro does not, however, seem to have obeyed the sentence, and soon after—early in 1268—he died of a broken heart¹.

So ended one of the many dark stories which lend so gloomy a background to the fascinating picture of the Middle Ages. That the fountain and source of the whole evil was to be found in the original decision of the Bishop of Huesca is evident: it was given notwithstanding the improbability of the marriage with Costanza having been consummated, in spite of the fact that Cecilia and the Count had lived together for nearly six years, and without, apparently, even a hearing of Cecilia. The sentence was, in fact, an attempt to make a religious ceremony performed between two children—the one ten, and the other fourteen, years of age—a guarantee for the final consummation of the marriage when the parties had come to years of discretion. In James' own case a similar betrothal had also produced disastrous results. In view of the facts—especially the long established intimacy between Cecilia and the Count—the French Bishops were fully justified in reversing the sentence of the Aragonese prelate, though it is possible that a national prejudice in favour of the family of Foix had some influence in determining their verdict.

Lastly, the irresolute attitude of Urban deserves the severest censure. His first mistake was in delegating the revision of the case to the Bishops of Oloron and Comminges, and his second in allowing an appeal from their sentence. His action, no less than that of the Bishop of Huesca, brought misery into two homes, war and desolation into Urgel, and cost Alvaro his life².

The death of Alvaro left the county in the most miserable condition conceivable, torn as it was by the two opposing factions. The Count's executors, not being able to meet the demands of his creditors, had deposited most of the chief places in pledge with the

¹ 'La tristeza le consumi6, y los cuidados y pesadumbres le volvieron tísico.' Monfar y Sors, *ib.* lviii, p. 559.

² Alvaro receives a good character from the Monk of Ripoll, though it is impossible to say whether it is of any value: 'fuit armis strenuus, probus, largus, diligens, plurimum gen-

rosus, qui propter discordiam et dimissionem primae uxoris, habuit multas guerras, et pthysi ac febribus est mortuus apud Fuxum, anno domini MCLXVII, et dimisit in magna discordia et tribulatione comitatum.' *ib.* p. 556.

king, who had paid Alvaro's debts to the amount of 250,000 sols. Part of the county was also in the hands of the Viscount of Cardona, and there seemed little prospect of the new Count, Armengol—Alvaro's eldest son by Cecilia—ever succeeding to his father's inheritance. So bad indeed was the outlook, that Armengol's brother, Alvaro, renounced his rights in favour of the Crown, retaining the title of Viscount of Ager—though the town itself had fallen into Cardona's hands—and receiving Vallobar; while, in 1270, the king incorporated Menargues and Albesa with the royal estates.

The stormy years, which marked the close of the Conqueror's reign, were not favourable to Armengol's attempts to recover his patrimony. In James' war with Cardona, the latter was joined by the Count of Urgel and his brother (1274); and it was not till 1278—in the reign of Pedro III—that the county was restored, as a fief, to the representative of its long line of Counts.

Hard had been the fate of the great Catalan county under James' rule, and few its years of peace. Its story illustrates well the 'lack of governance,' from which the country so often suffered in spite of the strong hand of the Conqueror. That James himself had always cast a covetous eye on the county, there can be little doubt. Apart from his exchange with Pedro, we have seen how he attempted to dispossess Pons, and retain possession on the death of Alvaro. He contributed directly, therefore, to the embarrassments of the county by his interference, and indirectly by his passiveness when it was torn by conflicting parties. His action was unprincipled, and it is one of the blots on his name¹.

¹ For the whole of this account, see Monfar y Sors, *Historia de los Condes de Urgel*, chs. 55-59 (in Bofarull, *Doc. Ined.* ix, x).

APPENDIX B.

SIEGE ENGINES.

As the different 'nevrobalistic' engines, mentioned so often in James' *Chronicle*, evidently played an important part in the military operations of the reign, a brief account of them here will, perhaps, be appropriate.

In their simplest form both the *Trebuchet* or *Fonevol*, and *Mangonel*, consisted of a large beam turning on a pivot between two posts, which were fixed in the ground or on a wooden platform. From one end of this beam was suspended a stone in a sling fastened to the ground by cords and pegs, and at the other end was some heavy weight which served as a counterpoise. When they wished to fire, the cords were loosened and the stone was discharged farther than any sling or bow could shoot, the impetus at times being such that the missile was hurled a great height upwards, doing fearful damage by its fall.

From this rudimentary form still more elaborate instruments were developed; but a certain distinction seems always to have been maintained between trebuchet and mangonel, the aim of the latter being much more easily regulated than that of the former, not only because it described a greater arc, but also because its movements could be controlled by the pressure exercised by the men at the cords fastened to the base of the counterpoise. The mangonel also differed from the trebuchet in the fact that the counterpoise was always a fixed weight, instead of a moveable object¹.

¹ Viollet-le-Duc, *Dictionnaire de l'Architecture Française*, Art. ENGIN, where diagrams of these instruments may be seen, as well as in Archer's *Crusade of Richard I.* A good ac-

count of the engines, with illustrations, is also to be found in the *History of Urgel*, by Monfar y Sors (ch. v), reprinted in vols. ix, x, of the *Documentos inéditos de la Corona de Aragón*.

An *Algarrada*¹ consisted of two beams athwart: on the end of one of these was placed a large stone, which was discharged with great force when the beam was bent back. It differed from the trebuchet or mangonel, in that with the latter a counterpoise was employed, whereas the algarrada was worked simply by human energy.

Another instrument, common in siege operations of this period, was the *Mantlet* (vinea)—a kind of portable shed, used to protect sappers in their attacks on a wall.

At the siege of Burriana an important part was played by a wooden moveable tower of two stories: the besiegers attempted to bring it up to the wall on sleepers, but they were unable to get it more than half way, and ultimately it had to be withdrawn, much damaged by the missiles of the townsmen².

James owed his triumph at Mallorca to his siege engines and his mines, which shook down a large portion of the walls, and his success against the Valencian towns was mainly due to the same cause. Without his engines he was quite helpless; and when, as at Cullera, there were no stones to be had, the siege had simply to be raised.

¹ Probably derived from the Arabic Aarada = 'he threw the stone far.'
Gayangos, ii. p. 681.

² *Chron.* 158-63.

APPENDIX C.



THE CURRENCY.

THE 'monetary labyrinth'¹ of the Aragonese countries is too intricate to be fully unravelled here.

The coinage current in James' dominions may be briefly divided into national and foreign moneys, the latter mostly Arabic in their origin.

1. The national silver money current in Aragon was known as the *money of Jaca*, from the name of the town at which it was struck. It was first coined by Pedro II, in the ratio of two parts of silver to ten of copper ('de duplo'), and its various confirmations by James we have already noticed. Eventually, however, it became so bad that no one would receive it, and in 1254 the king ordered a new coinage, in which the ratio of the two metals was to be 3 : 9 ('de terno')².

In Catalonia, Roussillon, Valespir, and Cerdagne, the *money of Barcelona* circulated. In the coinage of 1221 the ratio was to be 2 : 10, and this proportion was confirmed by the king in 1253. But the desirability of assimilating the Catalan coinage to the systems of Aragon and Valencia rendered a change necessary, and in 1258, having first induced the pope to release him from his oath, James ordered the issue of a coinage 'de terno'³.

For Valencia and Mallorca, in 1247, the king ordered a coinage

¹ Campaner y Fuertes, *Num. Bal.* p. 71.

² Heiss, *Mon. Hisp. Christ.* ii. p. 14. Asso (*Econ. Polit.* p. 441) has rightly pointed out that, whereas the Jaccic denier should have weighed 21 Spanish grains, and the mark con-

sisted of 18 sols, the former weighed only 18 grains, the ratio of the metals being as $4\frac{1}{2} : 13\frac{1}{2}$, so that the mark contained 1,152 grains of fine silver and 3,456 of copper, or 21 sols and 4 deniers.

³ Heiss, *ib.* p. 72.

of Reals, also 'de terno.' Hitherto Arabic money had circulated in Mallorca¹.

In Montpellier, for the greater part of the reign, the currency consisted of the *Melgorian money*, part of which was struck by the Bishops of Maguelonne; but in 1273 James issued a coinage with the city arms and his name².

In Catalonia private money was coined by, at least, the Counts of Urgel and Ampurias, as well as by the Bishops of Vich³.

2. The foreign moneys current seem to have included Morabatins⁴, Mazmodinas, and Millares⁵—all of them of Arabic origin—the first two being of gold, the last of silver.

In the thirteenth century, as in the nineteenth, the plague of counterfeit money was not unknown in Aragon. In 1267, while at Tarazona, the king found that an extensive issue of gilded copper morabatins of Aragon and Castile was being circulated from the city throughout Spain. After a long search, the culprits were detected: three of them, two men and a woman—all, apparently, of noble birth—James ordered to be drowned in the river, while the others were executed 'in the way proper in each case.' Among the forgers were the Sacristan of Tarazona and Pedro Perez—sons of the Justiciar of Aragon—the former of whom was handed over to his bishop, who kept him in prison for the rest of his life, while the latter escaped, and was afterwards pardoned at the intercession of the King of Castile⁶.

Both the Catalan and Aragonese coins struck during the reign are extremely rude in their execution, the coins of Montpellier being—as might be expected—far superior in finish to both⁷.

¹ Heiss, *ib.* p. 183.

² *Ib.* p. 324.

³ *Ib.* pp. 125, 177; Potthast, *Reg.* 15462.

⁴ The Morabatin is of frequent mention in the documents of the reign. It weighed about 74 grains, and its intrinsic value was about 10s. ('La linra [sc. de or] val setanta quatre morabatins,' *Const. Cat.* x. 2, Us. 1.) In *Reg.* xvii. 73, the sum of 1,343 morabatins is said to be equivalent to 9,400 Jaccic sols, so that a sol was worth about 1s. 5d., being, of course,

a money of account, of the value of 12 deniers.

⁵ Heiss (*ib.* p. 460) prints a royal licence to two men of Lérida to set up a mint of Millares and Mazmodinas, probably for circulation in foreign countries.

⁶ *Chron.* 457-71; Miedes, *Vit. Jac.* 17, cf. *Parch.* 1,905 and *Reg.* xv. 72 (the confiscation of Pedro's property), and *Reg.* xv. 130 (his pardon).

⁷ Copies can be seen in Heiss (plates 71, 77, 98, 112), and specimens in the National Library at Paris.

APPENDIX D.



JAMES' CHRONICLE.

As James' authorship of the *Chronicle* was impeached, for the first time, by the Marquis of Villarroya, in the year 1800, it may be worth while briefly to review here the present position of the question. Villarroya was very deficient in a sense of humour, and many of his objections have been answered in detail by M. Tourtoulon¹, who took them, perhaps, too seriously.

By authors of the thirteenth century the *Chronicle* is passed over entirely unnoticed, and it is improbable that the historian Desclot, whose *History* was completed in the year 1285, had even seen it. The first definite allusion to the king's work comes early in the following century—in 1314—when a Latin version, by a monk, Marsilio, was presented by its author to the reigning king—James II—at whose request it had been composed². This production was avowedly based on the memoirs of the Conqueror, which, as its author says, had long been compiled and kept in the royal archives, and were trustworthy, if unpolished in style and ill arranged³. The

¹ Don Jaime, i. pp. 349 seq.

² Note prefixed to the preface in the MS.

³ This seems to be the meaning of the words of the preface: 'valderationi consonum in oculis illustrissimi Domini Jacobi regis Aragonum, Valentie, Sardinie, et Corsice, comitisque Barcinone ac sancte Romane ecclesie admiralii et capitanei generalis, apparuit, ut victoriosissimi avi sui gesta, pristinis temporibus veraci stylo sed vulgari collecta, ac in archivis domus regie ad perpetuam sue felicitatis memoriam reposita, reducerentur in

medium atque latino sermone diserta et per capitula, juxta conclusionum varietatem distincta, unum historiale et chronicum redderent codicem, in quo tota dicti regis avi sui magnorum factorum texeretur series. . . Utque avidus lectoris animus, cum ad dictarum chronicarum locum legendo deveniret, hanc unde sue sitim possit ad votum succurrere, ego Frater Petrum Marsilii, de ordine predicatorum, ad ordinationem supradictam illustrissimi Domini Regis, hoc opus ingredior, et quamvis rudi, veraci tamen, stylo praeuro.'

version of Marsilio himself, however, is, as its author confesses, a mere paraphrase¹, and is by no means exact²: its object, no doubt, was to serve as an edition of James' *Chronicle* in countries where Catalan was not spoken.

The next allusion to James' work is to be found in the *Chronicle of Muntaner*, which was begun towards 1330, where reference is made to 'the book which he made of the capture of Mallorca'³ and 'the book which is made of the conquest (of Valencia)'⁴.

Shortly after this appears the first manuscript extant of James' *Chronicle*: it is dated 1343, and, according to its preface, was written—from, of course, an original⁵—by a certain Celesti Des-torrens, at the request of an Abbot of Poblet. It is now kept in the University Library at Barcelona⁶.

¹ 'Virorum illustrium, qui nos presserunt, magna opera et victoriosos cum fidei ampliatione triumphos delectabiliter legere ac mente firmiter retinere . . . delectat et expedit.' Preface.

² As in its treatment of numbers: thus, for the 'year and more,' of *Chron.* 34, Marsilio gives 'two years' (i. 20); the 'four or five' Moors, killed by the king with his own hand, after landing on Mallorca, become simply 'five' (ii. 19; cf. *Chron.* 60); the twenty-five knights mentioned as accompanying the king in *Chron.* 317, are reduced to twenty (iii. 51); the king's visit of nineteen days to Murcia, in 1274, is made a round number, twenty (iv. 36; cf. *Chron.* 522); and the 'full a year and more' of *Chron.* 328 becomes 'after a year' (iii. 54). Other instances might be added. Of a piece with such inaccuracies are the fancy speeches put by Marsilio into the mouth of his characters, as the impassioned oration of the King of Mallorca (ii. 31), James' long prayer when in danger on his crusade (iv. 24), and the eloquent harangue of the pope at Lyons (iv. 40); while in the same category may be included the scene depicted on the breaking

up of the Cortes of 1228 (i. 14), the description of Xativa (iii. 51), and similar pictures.

³ 'Lo libre quis fen de la preso de Mallorques,' vii.

⁴ 'Lo libre qui es feyt de la conquesta [de Valencia],' ix.

⁵ According to Serra y Postius, in his 'Prodigios y finezas de los santos Angeles,' written in 1726 (pp. 291, 318, 329), the copy of 1343 contained the following note: 'està son original recóndit en lo Monesti de Santa Maria de Poblet, del ordre Cisterciense, de el qual se es copiat aquest exemplar en lo mateix Monesti.' This note is not to be found now. Cf. Balaguer, *Doc. Ined.* p. 5.

⁶ The MS. is of parchment, is written in capitals throughout, and is adorned by a number of small illuminations of mediocre execution, besides containing a full-page illustration of the king at Martell's banquet, served on bended knee, with a number of guests sitting round. At the end is a note recording its inspection by Philip II in 1585: 'Philippo tant savi, tant medit i remirat en totes ses paraules i accions.' At the beginning of the seventeenth century this MS. was in the hands of a Catalan

There is also a curious manuscript in the National Library at Madrid, written in Castilian, and dating, apparently, from the first half of the fourteenth century¹. It contains a series of biographies from Antony to the Conqueror², the life of the latter being, in its outline, much the same as that contained in the *Chronicle*, while in some passages the wording of the two books is so similar that there can be little doubt that the author of the Castilian manuscript—Juan Ferrandez de Herredia, Master of the Hospital—had seen James' work³.

Another edition of the *Chronicle* is alluded to in a manuscript of 1371, discovered by Señor André Balaguer, as existing in the royal archives at Barcelona, and as having been handed over to an Infante of Aragon⁴; and another version, of the first half of the fifteenth century, may be seen in the Royal Library at Madrid⁵.

No other reference to James' *Chronicle* has been found in works of the fourteenth century. The monk of Peña, who wrote after 1369, borrowed from Muntaner; and Boades, whose *History of Catalonia* was completed in 1420, drew from the same source.

It would seem, therefore, that for at least 150 years after the Conqueror's death the *Chronicle* was almost unknown to the outer world, and that, with the exception of Marsilio and Herredia, no historian, from Desclot down to Boades, was acquainted with its contents—a fact from which we may perhaps conclude that it was guarded jealously. That it undoubtedly existed during this period has already been shown; yet it was not destined to be published till 1557⁶, and to its obscurity for so long a period it probably

noble, and eventually found its way to the University Library at Barcelona (Balaguer, *ib.* p. 6). It has recently been edited by D. Mariano Aguiló, librarian of the University.

¹ Such too is the opinion expressed to me by the librarian, Señor Paz y Melia.

² The list includes the names of Augustus, Tiberius, Trajan, Severus, Constantine, Theodosius, Theodoric, Attila, Charles Martel, Charlemagne, Vespasian, Titus, Tarik, Musa, and S. Ferdinand.

³ On p. 300 will be found a collation of the speech of the King of

Mallorca, as reported by James, Marsilio, and Herredia.

⁴ The opening sentence of this MS. proves it to have been a different copy to the edition of 1343. Balaguer, *ib.* p. 8.

⁵ There are variations between this MS. also and that of 1343, but it bears a close resemblance to the text of the edition of 1557, of which it was, perhaps, the original. This, too, is the conjecture of Señor J. Massó Torrents. (*Catálogo de los Manuscritos Catalanes de S. M.*)

⁶ From a MS. existing at Valencia, and which Philip II is said to have

owes much in the way of freedom from interpolations and textual alterations.

It remains briefly to consider the internal evidence for the authorship of the *Chronicle*. Villarroja attributed its composition to Marsilio: he had not, however, as he confesses, seen the work of the latter, and, had he done so, we may reasonably suppose that he himself would have been the first to acknowledge that the words of Marsilio's preface are fatal to his theory. Apart from this flaw in his position at the outset, Villarroja's arguments themselves are very poor. The shortcomings of the *Chronicle*, to which he chiefly objects, seem to fall under two headings: (1) its inaccuracies; (2) the amount of its trivial detail.

Typical inaccuracies which he adduces include the date of 1239 given for the fall of Valencia, which, however—apart from the fact that chronology was not James' strong point—is usually explained by the hypothesis that the king is calculating from the Incarnation: the allusion to Violante as the wife of Alfonso of Castile in 1244, when she was only eight years old—an expression which merely has reference to the projected marriage, arranged at least as early as 1241¹; and James' statement that at the Cortes of Lérida in 1214 he was held in the arms of the Archbishop of Tarragona, Sparago, the latter being, in reality, Bishop of Pamplona at the time—an inaccuracy which evidently affords but another instance of the king's recollection of an incident in his childhood failing him.

Among the trivial details, to which Villarroja objects, may be included the account of Pedro's debauch on the night before the battle of Muret, which, the marquis thinks, could hardly have been written by a son about his father; the king's confession to a priest, in 1266, as to his relations with Doña Berenguela Alfonso, which, in Villarroja's eyes, is 'a puerility, a trifle, a matter of no importance;' the king's speech at the Cortes of 1228, which is 'a very holy matter, but far from relevant to the history;' the account of the engine constructed to pull down Atbrand's house at Montpellier; the vision of the monk related at the Cortes of Zaragoza in 1264; and the pretty story of the swallow which built in the

deposited in the Escorial. Gayangos
i. p. xxix; Tourtoulon, ib. i. p. 342.

¹ Cf. James' will of Jan. 1, 1242

(printed in Tourtoulon, ib. ii. p. 424),
where Violante, at the age of about
five, is styled 'wife of Alfonso.'

king's tent¹. All of these objections speak for themselves. If they fail to prove that the king was not the author of the *Chronicle*, they certainly show that Villarroya lacked not only a sense of humour, but also a critical spirit and a proper appreciation of James' character. As a matter of fact, in each case we have James of Aragon 'writ large,' and better samples of the internal evidence for the authenticity of the *Chronicle* could hardly have been adduced. Not one of these stories is in any way out of harmony with the cast of James' character—a character full of the romantic and the sensual, the humorous and the devout. On the contrary, it is this very minuteness of detail² which says so much for the genuineness of the *Chronicle*.

As to the date of its composition, the *Chronicle* itself is divided into four parts: the first is concerned with the adventures of the king's childhood and the reduction of Mallorca; the second with the conquest of Valencia; the third with the Murcian war; and the fourth with the troubles of the king's last years.

It is improbable that the first part was compiled before the year 1230, at the earliest. This may be inferred from James' allusion to his marriage with Leonor, which, he says, took place on the advice of, among others, G. de Moncada, 'who was killed in Mallorca³.' Its chronological inaccuracies, already alluded to, also show that this part of the *Chronicle* was written at a period considerably subsequent to the events it narrates.

The second part, which tells of the conquest of Valencia, was not compiled before about the year 1250. This conclusion may be drawn from the reference to Martin Perez de Artassona as 'he who was afterwards Justiciar of Aragon⁴.' Pedro Perez Tarazona was Justiciar as late as 1247; he was succeeded by his son Juan Perez, and in 1250 we find Artassona presiding at the Cortes of Alcañiz. Artassona was Justiciar till about 1260, and it is probable

¹ Cartas, pp. 27-93, 119-133.

² As in ch. 16, where James, speaking of G. de Puyo, adds: 'who is with us at the moment of writing this book.' Elsewhere (p. 134) Villarroya quotes a letter purporting to have been written by the king to Nolasco, during the siege of Mallorca. This document the marquis claims himself

to have seen in the Convent of Merces at Barcelona; but from its date, Sept. 8, 1229, it is clearly a forgery, for, as we have seen, the king did not land in Mallorca before Sept. 12. And D. Mariano Aguiló tells me that the letter is not now to be found.

³ *Chron.* 18.

⁴ *Ib.* 224.

that the second part of the *Chronicle* was compiled even after this date, for, had the passage quoted been written during Artassona's life, it would most likely have read 'he who is now Justiciar of Aragon.'

There is nothing to show when the third part of the *Chronicle* was written. The fourth part—at least the account of the crusade of 1269—cannot have been compiled before 1273, as is evident from the allusion to the Sacristan of Lérida, 'who became afterwards Bishop of Huesca¹.' The individual in question was Jacme Caroca, elected Bishop of Huesca in 1273, and consecrated in 1274².

We see then that throughout the *Chronicle* there are scattered allusions to events which took place long after the occurrence of the immediate incidents of the narrative. To find a satisfactory solution of the problem is difficult: the simplest explanation, perhaps, is that throughout his reign³ the king was in the habit of keeping, or having kept for him, something in the nature of a diary or notes, in which his words and actions were minutely recorded, and that the whole was arranged and compiled towards the close of the reign, when the references to later events would be comparatively appropriate. We must either adopt this explanation, or suppose that the *Chronicle*, as it now exists, actually represents the king's original daily notes, the passages in question having been inserted later. Apart from the improbability of this last alternative, it is practically precluded by the account of the capture of Minorca and Iviza, which forms a continuous narrative with the story of the conquest of Mallorca; whereas the two smaller islands were really reduced after the beginning of the Valencian war.

The historical value of the *Chronicle* can, of course, be measured fairly accurately by reference to the king's own character. Truthfulness can hardly be said to have constituted one of James' virtues. His failing in this respect we have noticed from time to time: it is illustrated by the king's false assertion that, at the time of the death

¹ *Chron.* 489.

² Gams, *Series Episcoporum*, p. 36.

³ With the exception of the early period of the reign, the inaccuracies of its history, as well as the king's youth at the time, pointing to the

conclusion that for this period James was largely dependent on his memory. Much of it—as the story of the struggle with Ahones—is, perhaps, mere 'padding.'

of Ahones, he had not yet 'seen the Moors in war'; by the story of the clause reserving the rights of Alfonso in the treaty with Sancho of Navarre; and by the false account of James' reason for abandoning the crusade of 1269. Similar instances might, no doubt, be multiplied, were it not that for the events of which he tells us James is, too often, our sole authority.

Apart, too, from the falsehoods of the *Chronicle*, we cannot but be struck by its omissions: no mention whatever is made of the divorce from Leonor, the outrage on the bishop of Gerona, the different agreements with Raymond of Toulouse, the treaty of Corbeil, and the concessions made to the nobles of Aragon at Exea. Other instances of omission might be added: the above serve to show that the king thought himself fully justified in omitting from his *Chronicle* whatever he thought at all discreditable to himself.

The historical value of James' *Chronicle* has, in fact, been overrated. It may be relied on, no doubt, to give us a fairly accurate account of the king's adventures and campaigns, and it also presents us with a valuable picture of the manners and morals of the time, as well as of those of its author. More in its favour can hardly be said: in matters where James' pride or reputation was concerned it is by no means a safe authority, and the more closely it is studied, the more it can hardly fail to be distrusted.

APPENDIX E.



THE BISHOPS OF JAMES' REIGN¹.

	Date of Election.	Bishop.	Date of Death, Resignation, or Deposition.
<i>Taragona</i> . .	1199	R. de Rocaberti	Jan. 1215
	Feb. 1215	Sparago de Barca (Transl. from Pamplona.)	Mar. 1233
<i>Vacancy for five years.</i>			
	1238	P. de Albalat (Transl. from Lérida.)	July 1251
	Aug. 1251	Benedict de Rocaberti	May 1268
	Mar. 1272	Bern. de Olivella (Transl. from Tortosa.)	Oct. 1287
<i>Lérida</i> . . .	Dec. 1205	Ber. de Eril	1235
		1336 P. de Albalat	c. 1238
		1238 R. de Siscar	Aug. 1247
	Mar. 1248	G. de Barberá	Apr. 1255
		1256 Ber. de Peralta	Oct. 1256
	Apr. 1257	G. de Moncada	Mar. 1282
<i>Gerona</i> . . .	1199	Arnald de Crexell	May 1214
	1214	R. de Palafolls	Aug. 1218
	1219	Alaman de Aquaviva	Dec. 1227
	1227	G. de Cabanellas	Nov. 1245
	1245	Ber. de Castellbisbal	Feb. 1254
	1254	P. de Castronuevo	Feb. 1279
<i>Segorbe</i> . . .	1213	Hispano	Dec. 1215
	1216	Juan Gil	1222
	1223	Dominic	1234

¹ Cf. Gams, *Series Episcoporum*, s. v. HISPANIA.

	Date of Election.	Bishop.	Date of Death, Resignation, or Deposition.
<i>Segorbe</i> . .	1235	Guillen	1238
	c. 1238	Ximeno	c. 1247
(<i>Segorbe recovered from Moors, 1245.</i>)			
	1247	P. Garcés	1258
	?	P. Ximenez de Segura	Oct. 1277
<i>Valencia</i> . .	1240	Ferrar de Pallarés	Apr. 1243
	1243	Arnald de Peralta	1248
		(Transl. to Zaragoza.)	
	Dec. 1248	Andreu de Albalat	Mar. 1276
	1276	Jasperto de Botonach	Apr. 1288
<i>Barcelona</i> . .	Dec. 1208	P. de Sirach	Sept. 1211
	1212	Ber. de Palou	Sept. 1241
	1243	P. de Centelles	Mar. 1252
	c. 1252	Arnald de Gurb	Sept. 1284
<i>Zaragoza</i> . .	1201	R. de Castrocol	1216
	1216	Sancho de Ahones	Sept. 1236
	1236	Bern. de Monteacuto	Mar. 1239
	1239	Vincent de Aragon	Feb. 1244
	1244	Rodriguez de Ahones	Feb. 1248
	1248	Arnald Peralta	July 1271
		(Transl. from Valencia.)	
	1271	Saenz Peralta	1272
1272	P. Garcès de Januas	1280	
<i>Huesca</i> . .	Dec. 1201	Garcia	July 1236
	1237	Vidal de Canellas	1252
	Apr. 1253	Dominic Sola	Mar. 1269
	1271	Garcias Perez	1273
	1273	Jacob	1277
<i>Tortosa</i> . .	1212	Pons de Torrella	Aug. 1254
	1254	Bern. de Olivella	1272
		(Transl. to Tarragona.)	
	1273	Arnald de Jardino	July 1306
<i>Mallorca</i> . .	Oct. 1238	R. de Torrelles	June 1266
	1266	P. de Morey	1282

	Date of Election.	Bishop.	Date of Death, Resignation, or Deposition.
<i>Tarazona</i> .	1195	Garcia Frontin I . . .	1218
	1219	Garcia Frontin II . . .	July 1254
		Pedro ?	
	c. 1258	Garcias III	
	c. 1263	Alfonso I	
	1270	Fortunio	1277
<i>Urgel</i> . .	1204	P. de Puigvert	Apr. 1230
	1230	Pons de Vilamur . . .	1257
	1257	Abril	Oct. 1269
	Nov. 1269	P. de Urgel	Jan. 1293
<i>Vich</i> . . .	Apr. 1195	G. de Tavartet	Aug. 1233
	Sept. 1233	Bernard I	Oct. 1243
	1243	Bernard II de Mur. . .	Nov. 1264
	1265	Ramon III de Anglesola	Jan. 1298

DOCUMENTS ¹



1. UNION OF ZARAGOZA, HUESCA, AND JACA, 1226.

IN dei nomine. Notum sit presentibus et futuris Quod nos jurati et probi homines Caesarauguste per nos et per totum concilium et universitatem Caesarauguste civitatis, et nos jurati et probi homines Osce per nos et per totum concilium et universitatem Oscensis civitatis, et nos jurati et probi homines de Jacca per nos et per totum concilium et universitatem Jaccensis ville, considerantes et attendentes perturbacionem regni Aragonie mala dampna rapinas homicidia depredationes stratarum publicarum invasiones et alia plurima malefacta, ad evitacionem malorum predictorum, ut quietam et tranquillam possimus vitam agere et in pace, facimus amicitiam unitatem et societatem firmam integram et perpetuo duraturam. Statuentes ut nos omnes insimul supradicti in perpetuum simus amici et socii unanimes et concordēs, et juvemus nos insimul consilio auxilio alter alterum legitime et fideliter bona fide pleno corde toto posse nostro cum corporibus ac rebus contra omnes homines sublimes medios et infimos qui vellent nos vel aliquem de nobis raubare vel forciare vel injuriam vel violentiam nobis inferre vel auferre nobis nostra vel diminuere foros nostros et bonas consuetudines nostras et alia jura nostra vel vellent a nobis pectas vel parias vel exactiones petere ab omnibus nobis vel a singulis predictorum, salvo in omnibus jure domini regis et domine regine. Volumus etiam et promittimus et convenimus alter alteri et statuimus firmiter omnes insimul supradicti ut ab hac societate unitate et amicitia numquam possimus nos retrahere nec alter alterum

¹ In order to avoid printing documents recently published, or of no special interest, I have quoted such

papers in my notes, and thus curtailed this appendix as far as possible.

absolvere aliquo modo nec aliqua occasione aliquo tempore, et, si alter nostrum vellet absolvere alterum ab hac amicitia et societate, non posset recipere absolutionem, sed semper predicta unitas societas et concordia et amicitia sit et conservetur inter nos qui modo inivimus et inter successores nostros inviolabiliter in perpetuum. Ut autem hec omnia firmiter observentur, nos jurati Caesarauguste, videlicet Brunus de Tarba, W. Bouj, W. de Oblet, F. de Calzada, per nos et per totum concilium et universitatem Caesarauguste civitatis, et nos jurati Osce, scilicet P. Bonanalo, Adam Barbastro, J. de Sessa, et Portotes Zapater, per nos et per totum concilium et universitatem Oscensis civitatis, et nos jurati de Jacca, scilicet J. de Monte Vatera, Belenguer Deza, Guillelmus de Campo Francho, Gauzbertus de Fenesio, Raimundus de Bana, Constantinus Borrelli, J. Dexo, Bernardus de Seres, Sancius Astor, Andreas de Morlans, per nos et per totum concilium et universitatem Jaccensis ville, et omnibus hominibus de istas III^{es} villas a VII annis et supra, juramus super crucem et sacrosancta III^{or} Dei evangelia quod prescriptam amicitiam et societatem et unitatem et concordiam firmiter et inviolabiliter teneamus et conservemus in perpetuum. Addicientes quod si aliquis nostrorum contra supradicta vel singula venire presumpserit, sit perjurus et proditor ad forum Aragonis, ita quod non possit se in curia vel contra curiam cum armis vel sine armis defendere vel salvare. Quod est actum in Jacca sub era M.CC.XL.IIIJ. Idus Novembres.

(*Parchments, 309.*)

2. TREATY OF MUTUAL ADOPTION BETWEEN JAMES AND SANCHO OF NAVARRE, 1231.

IN Dei nomine. Conescuda cosa sea a todos los qui son et son por venir, que io don Jacme, per la gracia de Dios rey de Aragon, desafillo ad todo omne et afillo a vos don Sancho, rey de Navarra, de todos mios regnos et de mias terras et de todos mios sennorios qui ovi ni e ni debo aver et de castiellos et de villas et de todos mios sennorios : et si por aventura deviniesse de mi rey de Aragon antes que de vos rey de Navarra que herededes todo lo mio, asi como desuso esscripto, sines contradizimiento ni contraria de nul omne del mundo. Et por mayor firmeza de est feito et de esta avinencia, quiero et

mando que todos mios ricos omes et mios vasallos et mios pueblos juren a vos sennoria, rey de Navarra, que vos atiendan lealment, como scripto es desuso, et, si non lo fiziessen, que fincassen por traidores et que nos pudiesen salvar ex ningun logar. Et yo, rey de Aragon, vos prometo et vos convengo lealment, que vos faga atender et vos atienda luego, asi como dessuso es scripto, et, si non lo fiziesse, que fosse traidor por ello. Et si per aventura embargo yo ave ninguno de part de Roma o oviere io rey de Aragon, sotenido por conveniencia por defferlo ad todo mio poder: et si nul omne del siglo vos quisiesse fer mal por est pleito ni por est paramiento que io et vos femos que io que vos aiude lealment contra todo omne del mundo. Adunde mas que nos aiudemos contra al rey de Castiella todavia por fe sin es enganno. Et io don Sancho, rey de Navarra por la gracia de Dios, por estas palabras et por estas conveniencias desafillo a todo omne e afillo a vos don Jacme, rey de Aragon, de todo el regno de Navarra et de aquello qui al regno de Navarra pertanne, et quiero et mando que todos mios ricos omes et mios conçellos que juren a vos sennoria que vos atiendan esto con Navarra et con los castiellos et con las villas, si por aventura deviniesse antes de mi que de vos et, si non lo fiziessen, que fossen traidores, asi como scripto es desuso. Et ambos ensemble femos paramiento et conveniencia que si por aventura io en mia terra camiasse ricos omens o alcaydes o otros quales quisier en mios castiellos aquellos a qui io los diere castiellos o castiello quiero et mando que aquel que los receba por mi que venga a vos et vos faga homenaje que vos atienda esto, asi como sobre scripto es. Et vos rey de Aragon, que lo fagades complir a mi de esta gisa misma et por estas palabras en vestra terra: et vos, rey de Aragon, atendiendome esto io don Sancho, rey de Navarra por la gracia de Dios, vos prometo a buena fe que vos atienda esto, asi como scripto es en esta carta, et, si non lo fiziesse, que fosse traidor por ello, vos, rey de Aragon atendiendome esto, asi como sobre scripto es en esta carta. Et sepan todos aquellos qui esta carta veran, que io Don Jacme, por la gracia de Dios rey de Aragon, e io don Sancho, por la gracia de Dios rey de Navarra, amigamos entre nos por fe sin es enganno, et fazimos homenaje el uno al otro de boca et de manos, et juramos sobre quatro evangelios que asi lo atendamos. Et son testimonios de esto feito et de est paramiento, que fizieron el rey de Aragon et el rey de Navarra, et del afillamiento,

asi como scripto es en estas cartas, don Ato Fozes maiordomo del rey de Aragon et don Rodrigo Liçana et don Guillem de Moncada et don Blasquo Maça et don Pedro Sanç notario et repostero del rey de Aragon et fraire Andreu Abbat de Oliva et Exemeno Oliver monge et Pedro Lancheç de Bariellas et Pedro Exemeneç de Valera et Açnar de Vilava et don Martin de Miraglo et don Guillem justicia de Tudela et don Arnalt alcaide de Sanguessa et io Domingo scribano del rey de Navarra qui las cartas screvi. Facta carta domingo segundo dia de febrero en la fiesta de Sancta Maria Candelera in era m^acc^alxxviii^a en el castiello de Tudela. Et io Domingo scrivano per mandamiento del rey de Aragon et del rey de Navarra estas cartas screvi et est signo con mio mano i fiz ✠.

(*Parchments*, No. 445; cf. Bofarull, *Doc. Ined.* vi. No. 18; Tourtoulon, *ib.* i. p. 375.)

3. JAMES' RESIGNATION, 1276.

Hoc est translatum fideliter factum a quibusdam litteris domini Regis Aragonum bonae memoriae quondam, sigillatis sigillo ipsius Domini regis in dorso ipsarum litterarum apostolico, tenor quarum talis est:—

Jacobus Dei gratia Rex Aragonum, Majoricarum, Valenciae, Comes Barchinone et Urgelli et dominus Montispezzulani, venerabili et dilecto B. per eandem Archiepiscopo Terrachonensi salutem et dilectionem. Noveritis quod nos volentes exnunc Dei servitio totaliter intendere, ut paradisi gloriam facilius consequi mereamur, suscepimus modo habitum ordinis Cisterciensis et destituimus ac dereliquimus charissimo filio nostro Infanti Jacobo Regnum Majoricarum et terras, quod et quas hereditare debet, et ipsius regni regimina ac terrarum. Quare dicimus vobis atque rogamus quatenus de dominio et juribus ac aliis omnibus quae in Insula Evissa habemus respondeatis eidem Infanti Jacobo filio nostro sicut nobis teneamini. Unde et ratione castris et Insulae Evissae pro ipso exnunc faciatis in omnibus et per omnia sicut pro nobis facere tenemini et debetis. Datum Algezirae xii Kal. Aug. anno Domini m.c.c.lxxvi.

Signum Raymundi Mascaroni Notarii publici Majoricarum testis.

Sig. Petri de Conars Notarii publici Majoricarum testis.

Sig. Jacobi Mercerii Notarii publici Majoricarum.

Et hoc translatum fideliter translata fecit, et cum originalibus

litteris comprobavit et clausit, vi Kal. Septembr. anno Domini M.CC.LXXVI.

(D'Achery, *Spic.* ix. p. 267.)

4. WRIT OF SUMMONS TO SERVE, 1264.

SCRIPTIT dominus rex de Exea has litteras istis nobilibus et militibus Catalonie inferius scriptis sub hac forma: Jacobus Dei gratia rex Aragonum, &c. Viro nobili et dilecto Gastono per eandem vicecomiti bearnensi et domino castri de Gorechant et Castriveteris salutem et dilectionem. Dicimus et mandamus vobis firmiter quatenus octava die post festum Pasce resurrectionis Domini proxime venturum sitis nobiscum apud Alcannicum cum equis et armis vestris et . . . militum paratus servire nobis feudum quem pro nobis tenetis prout jam per alias literas nostras vobis dedimus in mandatis: et hoc ratione aliqua non mutetis vel diferatis, quoniam nos dicta die ibidem personaliter erimus Deo dante. Datum Exee XIII Kalendas Aprilis anno Domini M.CC.LX tercio.

(*Reg.* viii. p. 66; cf. Bofarull, vi. 38.)

5. WRIT OF SUMMONS TO A GENERAL CORTES, 1275.

JACOBUS, &c., nobili et dilecto tali salutem et dilectionem. Cum in Carniprivo XL proximo venturo apud Iterdam super questionibus que vertuntur inter nos et Richos homines Catalonie et Aragonum, qui nobiscum nuper guerram habebant, debebamus Curiam celebrare; rogamus vos atque vobis dicimus quod dicta die ad dictam curiam intersitis. Et hoc aliquid non mutetis. Datum Barchinone VII Kal. Feb. anno domini M.CC.LXX quarto.

(*Reg.* xxiii. 15.)

6. MUNICIPAL CONSTITUTION OF BARCELONA, 1249.

JACOBUS, Dei gratia, Rex Aragonum, Majoricarum, et Valentiae, Comes Barchinonae et Urgelli, et Dominus Monspeliensis. Als amats e faels en Galceran de Lacera, en Jaume Girart, en Berenguer

Durfort, en Arnau de Sanahuja salut e gracia. Volem e manam realment, que vosaltres aquest any present sian Pahers per la Ciutat e Universitat de Barcelona, e que procuren tota utilitat a ella, e tots los negocis per nos en eixa Ciutat consentits: e en aço no posen alguna excepcio, ni excusa, car aixi es en nostre cor e volentat. E que en dita Ciutat donen bons documents, e que hajan llicencia de poder elegir Consellers per vostre ofici per governar e exigir totes coses a vosaltres necessaries, e per lo Veguer aquelles executades. Datum Valentiae die xvii Aprilis, anno millesimo ducentesimo quadragessimo nono. Jacobus Rex et Comes.

(Capmany, *Memorias*, ii. Col. Dipl. No. 239, from the Municipal Archives of Barcelona.)

7. MUNICIPAL CONSTITUTION OF 1258.

NOVERINT universi: quod Nos Jacobus, Dei gratia Rex Aragonum, Majoricarum, et Valentiae, Comes Barchinonae et Urgelli, et Dominus Montispeulani: volentes circa regimen civitatis Barchinonae provisionem debitam adhibere, et statum ejusdem civitatis in melius reformare, per Nos et nostros successores concedimus vobis universis probis hominibus Barchinonae et vestrae Universitati, quod habeatis et liceat vobis habere octo probos homines de civitate Consiliarios Vicarii, qui in praesentia Vicarii ipsius et aliorum proborum hominum jurent tenere secretum quod inter eos fuerit dictum, et consulere Vicarium bene et legaliter ad fidelitatem nostram et nostrorum et communem utilitatem civitatis quandocumque et quotienscumque ab ipso Vicario fuerint requisiti, et quod pretio, precibus, timore, vel amore, non consulent Vicarium nisi secundum quod melius vel utilius juxta eorum bonam conscientiam eis videbitur expedire; et quod qualibet septimana in die sabbati congregabunt se in aliquo loco ad hoc assignato per se sine monitione Vicarii, et ibi inter se cum Vicario habeant collationem et tractatum de iis quae in ipsa septimana in civitate vel curia fuerint gesta, et Vicarius eorum consilio retractet ea quae fuerint rationabiliter retractanda, et reformet, procuret, tractet, et ordinet ea quae ad fidelitatem nostram et publicam utilitatem fuerint ordinanda vel tractanda: et ipsi octo cum fuerint jurati eligant simul cum Vicario nostro ducentos probos homines de

civitate, qui in praesentia dictorum octo et posse Vicarii jurabunt tenere secretum et juvare Vicarium et dictos Consiliarios, et venire ad ipsum Vicarium omnes vel eorum pars quando per ipsum Vicarium et Consiliarios fuerint demandati. Et isti octo Consiliarii teneantur istud onus sustinere per unum annum; et in fine anni, scilicet in die Apparitionis Domini, teneantur alios octo Consiliarios eligere, qui cum fuerint electi et jurati, simul cum Vicario nostro eligant alios ducentos homines de civitate secundum formam superius comprehensam, et sic fiat de ceteris quolibet anno; et illi qui fuerint electi teneantur jurare et dictum onus suscipere modo superius comprehenso. Quod si facere noluerint per nostrum Vicarium compellantur. Si vero contingeret quod unus vel plures, de dictis octo Consiliariis, vel de dictis ducentis, decederet vel esset absens, vel detineretur infirmitate; ceteri qui remanent locum ejus vel eorum teneant et observent. Volumus autem quod Vicarius noster stet consilii dictorum octo Consiliariorum, et quod eorum consilio irrequisito non congreget parlamentum.

Sunt autem Consiliarii hujus praesentis anni: Poncius de Alesto, G. Monader, Berengarius Adarro, F. de Monresa, P. de Villa Caulium, Berengarius Boneti, R. Romei, et G. Burgesii. Predictam autem ordinationem quamdiu nobis et nostris successoribus placuerit volumus durare. Datum Barchinonae xix Kalendas Februarii, anno Domini millesimo ducentesimo quinquagesimo septimo. = Sig✠num Jacobi, Dei gratia regis Aragonum, Majoricarum, et Valentiae, Comitis Barchinonae et Urgelli, et Domini Montispessullani.

Testes sunt P. de Montcatho, G. de Cervilione, Eximius Petri de Arenoso, Bernardus de Santa Eugenia, Berengarius de Angularia. = Sig✠num Michaelis de Alcoario, qui mandato Domini Regis, pro Domino patre Andraea Episcopo Valentiae Cancellario suo, haec scribi fecit, loco, die, et anno praefixis.

(Capmany, *ib.* 299, from the Municipal Archives.)

8. MUNICIPAL CONSTITUTION OF ZARAGOZA, 1272.

NOVERINT universi quod nos Jacobus Dei gracia rex Aragonum Majoricarum et Valencie comes Barchinone et Urgelli et dominus Montispesulani ad comunem utilitatem totius universitatis seu consilii civitatis Caesarauguste damus et concedimus vobis fidelibus

nostris probis hominibus et toto consilio predictae universitatis Caesarauguste presentibus videlicet et futuris ac etiam statuimus quod de cetero in perpetuum sint XII jurati in dicta civitate Caesarauguste, ipsis bene et fideliter in ipso officio se habentibus, qui quolibet anno mutantur in festo beate Marie medietatis mensis augusti: et dicti jurati in fine sui anni eligant et eligere possint alios duodecim juratos ipsius civitatis et ipsos presentent nobis per suas litteras si nos fuerimus in regno Aragonum vel bajulo nostro Caesarauguste qui pro tempore fuerit loco nostri si nos in dicto regno non fuerimus personaliter constituti. Et sic volumus quod de cetero sint in dicta civitate duodecim jurati dummodo bene et fideliter in dicto officio se habebunt ut est dictum. Datum apud Langam VI kalendas marcii anno Domini M.CC.LXX primo. Signum Jacobi &c.

(*Parchments*, No. 2099; cf. *Bofarull, Doc. Ined.* vi. 48.)

9. APPOINTMENT OF CONSULS FOR BARCELONA, 1266.

NOVERINT universi quod nos Jacobus, Dei gratia Rex Aragonum, Majoricarum, et Valentiae, Comes Barchinonae et Urgelli et dominus Montispessullani, ex certa scientia damus et concedimus plenam licentiam et potestatem Consiliariis et probis hominibus Barchinonae praesentibus et futuris, quod ipsi auctoritate nostra ponant et eligant singulis annis Consules secundum voluntatem dictorum Consiliariorum et Procerum, in navibus et lignis ad partes ultramarinas navigantium. Qui Consules habeant plenam jurisdictionem ordinandi, gubernandi, compellendi, ministrandi, puniendi, et omnia alia faciendi super omnes personas de terris nostris ad ipsas partes ultramarinas navigantes, et in ipsa terra residentiam facientes, et super omnes naves et alia ligna de terris nostris illuc navigantia sive portum facientia et super res earundem personarum quae illuc fuerint, tam in terra quam in mari, sicut habent in illis partibus Consules de aliis provinciis ibi positi seu constituti super personas et navigia et alias res hominum earum provinciarum. Volumus etiam quod, si praedicti Consules vel aliquis eorum noluerint in ipsis partibus exivernare sive moram facere, possint ipsi ibidem eligere et ponere alios Consules, qui eandem jurisdictionem et

posse habeant in praedicta terra et mari et personis et rebus, quam concessimus praedictis Consulibus electis per Consiliarios et probos homines Barchinonae: possint etiam praedicti Consules, a Consiliariis et probis hominibus electi, imponere et ponere poenam praedictis aliis quos ipsi electi eligent, sub qua poena teneantur recipere dictum Consulatum, et tenere et regere ipsum usque in fine temporis, quod eis ab ipsis electoribus ad dictum regimen fuerit praefinitum. Item damus plenum posse et jurisdictionem praedictis Consiliariis et probis hominibus Barchinonae puniendi secundum eorum arbitrium Consules supradictos ab eis electos et illos etiam quos ipsi Consules elegerint si deliquerint quoquomodo. Volumus etiam et constituimus quod praedicti Consules electi per Consiliarios et probos homines Barchinonae jurent tempore electionis in posse eorum ad sancta Dei Evangelia, quod in praedicto Consulatu se bene et fideliter habeant ad honorem et fidelitatem nostri et successorum nostrorum, et ad commodum et utilitatem civitatis et habitantium Barchinonae, et omnium hominum Cathaloniae bona fide, et hoc idem jurent in posse dictorum Consulum alii Consules qui ab ipsis Consulibus fuerint constituti. Hanc autem concessionem, sive privilegium praesens, vobis damus et concedimus quamdiu nobis placuerit duratura. Datum Barchinonae xvii Kal. Septembris, anno Domini millesimo ducentesimo sexagesimo sexto.

(Capmany, *ib.* 13, from the Municipal Archives of Barcelona.)

10. COMMERCIAL TREATY OF VENICE AND MONTPELLIER, 1267.

RAYNERIUS Geno, Dei gracia Veneciarum Dalmacie atque Chroacie dux, dominus quarte partis et dimidie tocius Imperii Romani, nobilibus viris consulibus Montispesulani, amicis dilectis, salutem et dilectionis affectum. Vestre nobilitatis litteras per viros nobiles ambaxatores vestros nobis praesentatas grata manu suscepimus, et earum tenorem ac verba per eos proposita pleno collegimus intellectu, quibus perlectis et plenius intellectis, ad ipsarum continenciam sic vestre nobilitati duximus presentibus respondendum. Cum et vos et homines Montispesulani, divisim et comuniter, satis cum nostro consilio diligamus, placet nobis et ad gratum occurrit ut cum

mercacionibus eorum ad terram nostram et finem secure veniant et utantur, volentes eos omnes per nos et nostros salvos et securos habere in nostra terra forcia et districtu, cum illa vero condicione de daciis sive pedagiis persolvendis, que per ipsos vestros ambaxatores extitit requisita; unde venire poterunt sicut et quando ac quociens de ipsorum fuerit voluntate, recepturi a nobis et nostris fidelibus servicia et honores.

Datum in nostro ducali palacio, anno Domini millesimo ducentesimo sexagesimo septimo, mensis madii die quintodecimo, ineunte indictione decima.

(Municipal Archives of Montpellier, in Germain, *Hist. Montp.* ii. p. 522.)

11. PRIVILEGE TO THE JEWS OF LÉRIDA, 1268.

Hoc est translatum fideliter factum sexto idus julii anno Domini m.ccc. sexto sumptum a quodam instrumento domini Jacobi Dei gracia quondam regis Aragonum sigillo cereo ejusdem domini regis in philo serico pendenti sigillato, cujus tenor sequitur in hunc modum:—

Noverint universi quod nos Jacobus Dei gracia rex Aragonum Majoricarum et Valencie comes Barchinone et Urgelli et dominus Montispesulani, per nos et nostros damus et concedimus vobis aliame Judeorum Ilerde et aliorum locorum ad comune vestrum spectancium et vestris in perpetuum quod non teneamini respondere alicui vel aliquibus personis in aliquibus petitionibus quas vobis moveant super aliquibus que asserant in libris vestris ebraicis contra fidem nostram contineri, nisi ea fuerint desonrries nostri domini Jhesu-Christi vel beate Virginis Matris ejus vel sanctorum eorundem, et quod de hoc simus nos vel nostri et non alii cognitores, auditis prius partium rationibus: que cognicio determinetur per nos vel nostros ubicumque fuerimus et non alibi. Preterea damus et concedimus vobis et vestris imperpetuum quod possitis emere a Christianis et eis vendere omnia quecumque victualia et alia prout actenus facere consuevistis libere et sine alicujus impedimento, et quod carnes que judayce in juderiis vestris interficiuntur vendantur in locis hucusque consuetis et non alibi. Damus etiam et concedimus vobis et vestris perpetuo quod illi vestrum qui officio de coiraterie uti voluerint possint hoc facere libere et absque aliquo

impedimento. Preterea damus et concedimus vobis et vestris imperpetuum quod habeatis et possideatis sinagogas vestras quas hodie habetis et possidetis prout melius et plenius ipsas actenus habuistis et possidistis, et quod ipsas etiam sinagogas decenter aptare possitis cum hoc fuerit ipsis necessarium. Item damus et concedimus vobis et vestris perpetuo quod ciminteria vestra sint in locis quibus modo sunt et non mutantur aliqua ratione nisi de vestra fuerit voluntate. Item damus et concedimus vobis et vestris perpetuo quod pro usuris vestrorum debitorum seu lucro possitis accipere et accipiatis quatuor denarios pro libra in mense et expleta vendere et emere cum Christianis, prout jam vobis concessimus cum cartis nostris ut in eisdem continetur confirmantes vobis omnia debita que vobis debentur, dummodo ad rationem predictam sive lucrum fuerint mutata. Item per nos et nostros damus et concedimus vobis et vestris in perpetuum quod non teneamini ire ad abscultandam predicacionem alicujus patris ordinis predicatorum minorum vel alicujus alterius extra vestras juderias nec ad hoc per aliquem compelli valeatis: et hoc vobis concedimus quia in predicacionibus que vobis fiebant extra juderias vestras fiebant vobis pluries per Christianos vituperium et dedecus. Et si predicti fratres vel alii intus sinagogas vestras voluerint predicare, non veniant ad ipsas sinagogas ad ipsam predicacionem faciendam cum multitudine populi set tantum cum decem probis hominibus Christianis et non cum pluribus. Concedimus etiam vobis et vestris perpetuo quod super aliquibus non possit vobis fieri aliqua innovatio, nisi prius per nos vel nostros judicati fueritis super ipsis rationibus primitus auditis. Predicta autem omnia et singula vobis et vestris concedimus perpetuo ut dictum est, non obstantibus aliquibus cartis per nos in contrarium concessis: mandantes bajulis justiciis curiis paciariis et aliis officialibus et subditis nostris presentibus et futuris quod predicta omnia et singula firma habeant et observent et faciant observari et non contraveniant nec aliquam contravenire permitant aliqua ratione. Datum Ilerde v idus novembris anno Domini m.cc.lx octavo—Sig^xnum Jacobi Dei gratia regis Aragonie Majorice et Valentie comitis Barchinone et Urgelli et domini Montispesulani . . . G. de Angularia . G. de Podio . R. de Montechateno . G. R. de Montechateno . . . Bartholemei de Porta qui de mandato domini regis hec scripsit loco die et anno prefixis . . . publicus ilderdensis notarius hic me pro teste subscribo . . . notarius

publicus ilerdensis hic me pro teste subscribo . . . illerdensis hoc translatum scripsi et clausi et hoc sig^{num} meum feci.

(*Parchments*, No. 1955; cf. Bofarull, *Doc. Ined.* vi. 45.)

12. MARRIAGE TREATY BETWEEN THE INFANTE PEDRO OF ARAGON AND EDWARD I OF ENGLAND, 1273.

IN nomine domini nostri Jesu Christi. Anno domini ducesimo septuagesimo tertio VII¹ Id. Octobres. In villa Sordue, presentibus testibus infra scriptis. Dominus Edwardus Dei gratia Illustris Rex Anglie, dominus Hybernie et dux Aquitanie, et illustris Infans Petrus magnifici Regis² Aragonis primogenitus, volentes inter se dilectionem et veram concordiam firmiter duraturam et eandem per affinitatis vinculum consummare³, convenerunt quod predictus dominus Rex Anglie desponsaret filiam suam et illustris Regine domine Alienore conjugis sue majorem filio majori predicti domini Infantis et illustris domine Constantie uxoris sue. Intelligentes illum et illam majores qui tempore nuptiarum contrahendarum inter eos primi seu majores supererunt. Unde predictus dominus Rex sub forma predicta filiam suam desponsavit per verba de futuro filio predicti domini Infantis, et predictus dominus Infans sub simili forma desponsavit predictum filium suum filie dicti domini Regis. Promittentes uterque eorum sibi invicem bona fide se daturus operam et facturos ac⁴ curaturos ut predicta sponsalia per subsequens matrimonium consumentur⁵. Et ad majorem firmitatem habendam predictus dominus Rex et predictus dominus Infans juraverunt super sancta quatuor Dei Evangelia predicta attendere et complere, ut super⁶ continetur. Promisit etiam predictus dominus Infans prefato domino Regi quod tempore matrimonii faciet augmentum ad dotem quam filia . . .⁷ domini Regis afferet viro suo, secundum quantitatem dotis, scilicet augendo ipsam dotem in tertia parte plusquam sit ipsa dos. Vel dabit arras secundum morem Regni Aragonis⁸, qui est quod assignantur

¹ '8' Rymer.

² 'Magnifici Principis Regis.' R.

³ 'Confirmare.' R.

⁴ 'Et.' R.

⁵ 'Consummentur.' R.

⁶ 'Superius.' R.

⁷ 'Ejusdem.' R.

⁸ 'Aragonum.' R.

domine certa loca, que vivente viro tenet et percipit et habet redditus omnes ipsorum locorum ad voluntates suas inde faciendas. Similiter et post mortem viri quamdiu vidua in terra remanserit, superstitibus filiis vel non, habeat et percipiat quod redditur¹ ad voluntatem suam. Si vero eadem domina ad secunda vota convolare, percipiat ipsos redditus et habeat non computandos² in dote donec sibi fuerit de ipsa dote plenarie satisfactum. Super augmento autem et arris predictis sit in optione ipsius³ domini Regis utrum malit arras predictas pro⁴ filia sua recipere vel augmentum. In cujus rei testimonium predicti dominus Rex et dominus Infans huic carte sigilla sua fecerunt apponi alterutri⁵. Testibus venerabilibus patribus Ausitanensi Archiepiscopo et Episcopo Lectorensi. Ethivardo de Chabbenays comite Bigorre, Aymerico de Rupe Canardi, Imberto Guidonis, Rogero de Clifford, Johanne de Boun, militibus, et Antonio Bek clerico predicti domini Regis. Bernardo Roggerii Comite Palariensi⁶, Blasio de Alagone, Athone⁷ de Focibus, R. Dorthan, P. de Offegato, et Bernardo de Monte Pavonis, militibus predicti domini Infantis. Datum et actum in predicta villa Sordue anno et die prefixis. Regni predicti domini Regis Anglie

Anno

primo.

(*Parchments*, 2173; cf. Rymer, *Foedera* ii. p. 14.)

13. COMMISSIONS OF MORTMAIN, 1263, 1267.

(a) FIDELI suo Po. G. de Villafrancha. Dicimus vobis et mandamus quod emparetis auctoritate nostra in villa et castris ac locis nostris Ceritanie et Confluentis omnes honores et possessiones quos et quas inveneritis fore distractas—ab homine nostro layco qui consueverit in questia [?] pro illis et aliis bonis suis dare—in Clericum aut Religiosum cujuscumque sit condicionis, et eosdem honores tantum et tamdiu teneatis emparatis, quousque totam illam quantitatem que pro eisdem debetur solvi, dum a layco possidentur, in questiis et exactionibus nostris habueritis et extorseritis ab eisdem, et ad condicionem pristinam et modum prestandi in

¹ 'Ipsos redditus.' R.

² 'Computando eos.' R.

³ 'Domini predicti.' R.

⁴ 'Cum.' R.

⁵ 'Alternatim.' R.

⁶ 'Palariensi.' R.

⁷ 'Acone.' R.

predictis questiis et exaccionibus nostris reduxeritis quem habebant, dum a manu layca possiderentur, fructus et expleta eorundem interim recipiendo. Et hoc non mutetis aliqua ratione. Datum Ilerde, xi Kal. Jun. Anno Domini mcc sexagesimo iij.

(Reg. xii. 83.)

(b) DAMUS et concedimus tibi A. de Grevalosa plenam potestatem . . . laudandi ac confirmandi honores . . . pro francho et libero alodio ad eorum voluntates faciendas, hoc salvo, quod si aliqui honores vel possessiones seu jura sita in terminis castrorum villarum et locorum que pro nobis et antecessoribus nostris in feudum teneantur, et predecessoribus nostris irrequisitis alienata inveniantur a castlanis sive dominis, qui pro nobis tenent in feudum, de feudo nostro remaneant semper illa. Item similiter in alio casu, quod si in villis villariis mansariis et locis aliis, tam modo nostris quam aliorum, res alienatas fore de feudo nostro liquido probari poterit, volumus ea semper de feudo nostro remanere. In quibus duobus casibus nolumus quod ea possis pro alodio laudare nec concedere, sed pro feudo. . . Datum Barchinone, xvi Kal. Apriles mcc sexagesimo vi.

(Reg. xv. 50.)

14. SPEECH OF THE MOORISH KING OF MALLORCA (1229), AS REPORTED BY JAMES, MARSILIO, AND HERREDIA.

James.

‘BARONS, ben sabets vosaltres que aquesta terra ha tenguda Miramamoli plus de .c. anys, e volch que yo fos senyor de vos-

Herredia.

‘VARONES, bien sabedes vos otros que Miramabolín ha tenida et possedida aquesta tierra mas de c años, apesar de los Chris-

Marsilio.

‘BENEDICTUS UNUS DEUS, in quem nos credimus et cui testificamus, qui dilatavit terminos nostrarum gentium ab oriente usque ad solis occasum et dedit austrum nobis in venerabile memoriale et precum nostrarum propiciatorium, qui de populo suo eligit reges et principes et gloriam aliarum gentium dedit stratoriam pedibus nostris.

altres, e ela la tenguda a pesar de Chrestians, que hanc negun temps no gosaren escometre aquesta terra tro a ara: e aqui havem nostres moylers, e nostres filles, e nostres parents: e ara dien nos quels lexem la terra, e en tal manera que siam lurs catius, e encara dien nos major cosa part la catiuea, quens guardaran nostres muylers, e guardaran si res ne trahen; e pus siam en lur poder forçar les an, e fer nan a lur guisa. E jo qui so vengut aqui entre vos que tan dura cosa sofferis contra nostra ley, volria mes haver perduda

tianos, los quales non osaron en nengun tiempo venir ne escometer contra esta tierra entro- agora. Et Miramabolin quiso que yo fuese senyor de vos otros. Nos avemos aqui nuestras mul- leres, nuestros parientes, et agora dizen nos los Christianos que les dexemos la tierra en tal manera que seamos lures cativos, et que nos guardaran nuestras mulleres; mas quando seamos en lur poder forçar las han et fazer ne han a lur guisa. Et ante que yo so venido aqui entre vos sufriesse tan dura et vitu- perosa pena contra nuestra ley

Benedictus unus et solus Deus, per cujus manum Miramolinus imperator noster hanc insulam possedit et tenuit jam per c anos gaudiosum iocale in profundo aquarum et refugium miraculosum navigantium a solo Deo muratam, multis benedictionibus repletam, ut etiam nostri emuli invidia crucientur. Benedictus Deus, qui me fecit regem hujus regni et nos ejus populatores comedentes et bibentes ejus bona providentes domibus nostris et in uxoribus filios procreantes et congregantes divitias vestris posteris et in veteres nostros beneficiis sustinentes. O filii prophete, qui dulcem vitam habuistis hucusque, non fuit contra vos alienigena, non intravit terminos vestros alienus, nescivistis jugum alieni dominii, nec domos vestras impia manus discussit. Mulieres vestre nescierunt raptores, uxores vestre ignorant violentiam, non intravit exactor angulos secretorum, vobis fuerunt que de die in diem reservastis. Parvulos vestros non terruit inimicus, nec numerum filiorum diminuit adversarius, mater ab ore lactantis non avertit ubera pre timore. Hucusque invidi Christiani non fuerunt ausi invadere terram istam. Quin [?], O viri, ecce ignis in sinu, ecce in thalamo homicida, ecce venenum in parapside, ecce pacis tempore mors in domo. Venit super nos populus alienigena, petit nos in captivam servitutem, petit bona vestra omnia, civitatem exire compellit, quaerunt uxores

la testa : e vul saber de vosaltres
quens en sembla, e que men
digats vostre sen.'

E crida tot lo poble a una
voce, e dixeren que mes volien
murir que soffrir tan gran onta
con aquesta seria.

E dix lo Rey : 'Donchs pus
jous veg en tan bona voluntat,
pensem nos de ben defendre,
en tal guisa que .i. hom vayla
.ii.'

(*Chron.* 79, from the MS. of 1343,
as edited by Don Mariano Aguiló.)

mas querria aver perdida la
testa. Et quiero saber de vos
otros que es en vuestra voluntat,
et que me digades clarament
vuestra entencion.'

La ora todo el pueblo co-
menço a cridar a una voz, dizi-
endo que mas guerian morir que
sufrir tan grant vituperio como
serie aquel.

Et dixo les el Rey : 'pues
vos veo de tan buena voluntat
et entencion, pensemos de de-
fender nos bien, en tal guisa que
un hombre valga dos.'

(From a MS. of the fourteenth
century in the National Library at
Madrid.)

vestras ut eis serviant, et muliebrem pulchritudinem libertate spoliare
praestolantur, parvulos vestros humanitate oblita perdere, juvenes
vestros ferro onustos per mundum venales exponere, et dare terram
ac vivos ac mortuos in obprobrium sempiternum. Et ego, qui
seni ut viderem haec mala, mori preeligo, quam contra legem
meam hoc patiar, et hanc cervicem tanta canicie aspersatus obligo
in defensionem huius mee dilectissime civitatis. Unus autem sum
similis vobis hominibus, nec viribus potior, nec fortudine coequalis.
Dicite vos igitur mihi propositum quod habetis.' Et clamavit
populus furore repletus, desperatione ravidus, quod multo melius
esset mori quam sui et suorum tot mala cominata expectare.

(Marsilio, ii. 3 ; from the MS. in the library of the University of Barcelona.)

The above extracts are of considerable interest, not only as
illustrating the freedom of Marsilio's paraphrase of the *Chronicle*,
but also as affording a strong presumption, from the resemblance
of the texts, that Herredia had availed himself of James' work.

INDEX

- A.
- Abbasides, 2.
 Ahbots, 164, 165.
 Abderrahman, 2, 3.
 Aben Jucef, 138, 227.
 Abulhamalec, 68.
 Acorella, 27, 31.
 Acre, 123.
 Adelantado, 182.
 Adultery, 202, 208, 212, 216.
 Agde, 95, 119.
 Agnes, 12, 57.
 Aguilon, 63, 72.
 Ahe, F., 158.
 Ahones, P., 16, 17, 19, 20, 22, 24, 25,
 27, 28, 31.
 Aigues-Mortes, 119.
 Aix, 76, 83.
 Alagon, Bl. de, 27, 28, 30, 56-58,
 111, 114.
 — Gil de, 47.
 Alaman, R., 47.
 Alamin, 253.
 Alarcos, 4.
 Alaric II, 1, 199.
 Alarich, J., 116, 117.
 Alazrak, 85, 86, 89, 139.
 Albalat, P., 238.
 Albarracin, 21.
 Albi, 95.
 Albigenses, 13.
 Alcaid, 73, 165, 171, 253.
 Alcalá, 31, 90, 139.
 Alcalaten, 58.
 Alcañiz, Commander of, 57, 73, 118 ;
 Cortes of, 88, 158, 164.
 Alcaraz, 115, 117.
 Alcovera, 30.
 Alcoy, 139.
 Alexander IV, 241, 269.
 Alexandria, 226, 231.
 Alfambra, 56.
 Alfandech, 65.
 Alfonso the Battler, 4, 6.
 — II of Aragon, 7, 96, 160.
 — son of James, 38, 51, 53, 60, 76-78,
 88, 89, 102.
 — James' grandson, 132.
 — VI of Castile, 6.
 — VIII of Castile, 22.
 — X of Castile, 78, 79, 85, 86, 91-93,
 101, 104, 107, 115, 117, 118, 120,
 131, 133, 134, 138, 217-219, 280.
 — VI of Leon, 4.
 — IX of Leon, 38, 50.
 — Berenguela, 117, 119, 280.
 — of Poitiers, 72, 75, 87, 97.
 Algarradas, 43, 57, 274.
 Algecira or Alcira, 77, 140, 141 ;
 Cortes of, 125, 165.
 Alguacil, 181.
 Alhandega, 3.
 Alicante, 86, 114, 139, 140.
 Almanzor, 3, 5.
 Almenara, 64, 65, 81, 268.
 Almerug, 48.
 Almizra, 79.
 Almogavars, 65, 77, 140, 191.
 Almohades, 4, 40, 55, 115.
 Almoravides, 4, 55.
 Almudaçaf, 253.
 Almudaina, 47.
 Alods, 125, 194.
 Alpuente, 37.
 Alvaro, L. d', 21.

- Ampurias, Count of, 21, 30, 36, 41, 42,
44, 46, 48, 95, 109, 118, 130, 131, 133.
- Amyell, P., 65-67.
- Andalucía, 3, 4, 55, 107, 138.
- Andrew II of Hungary, 59.
- Anglesola, B. de, 269.
- Angoulême, Isabella of, 85.
- Anjou, Charles of, 83, 123, 129, 231.
- Antibes, 231.
- Antioch, 231.
- Appeals, 153, 154, 157, 170, 171, 174,
175-177.
- Aragon, passim; Cortes of, 161-163;
legislation of, 205-209; feudal
system of, 186-189, 193-195;
government of, 167, 171-173.
- Arenos, 158.
- Argentona, 41.
- Arians, 1.
- Arles, 231.
- Armagnac, Count of, 123.
- Armengol, 265, 266, 268, 269, 272.
- Art, 260, 261.
- Artana, 77.
- Artassona, 158, 270, 281, 282.
- Aspargo or Sparago, 18, 20, 35, 36,
246, 247, 280.
- Asturias, 3.
- Atbrand, 170.
- Aurembiax, 23, 32, 38, 52, 265-267.
- Avalri, 24.
- Avinroma, 58.
- Aynsa, 103.
- Azagra, 14, 16, 18, 21-24, 31, 37, 56,
57, 88, 132, 140.
- B.
- Badajos, 4.
- Bailiff, 165, 167-178, 225, 237, 248,
249.
- Bairen, 73.
- Balaguer, 269.
- Balearics, 34-49, 52, 54, 61, 76, 81,
88, 105, 121, 267, 268.
- Barbarossa, F., 7.
- Barbary, 45, 139, 225.
- Barcelona, Cortes of, 35, 78, 109;
government of, 167, 168; trade of,
225-230; money of, 275; House of,
5-8.
- Barral, 12.
- Basques, 2.
- Baux, 7.
- Bayalbahar, 48.
- Bayonne, 229, 233.
- Bearne, Viscount of: *see* Moncada.
- Beatrice of Provence, 75, 83, 96.
- of Savoy, 103, 106.
- Beaucaire, Seneschal of, 94.
- Belenoi, Aimeric de, 256.
- Benahabet, 44.
- Benevento, P. of, 15.
- Benifaza, 84.
- Bera, 5.
- Berbers, 4.
- Berengaria, 23, 120.
- Berenguer, Ramon, II, 6.
- Berga, P., 125, 126, 136.
- Bergedan, G., 256.
- Besalu, 95.
- Betera, 65.
- Beziers, 7, 13, 95-97.
- Biar, 79, 81, 114.
- Bigod, 113.
- Bishops, 284-286.
- Blacasset, 256.
- Blanca of Navarre, 131.
- Blanche of France, 83, 120.
- Boades, 279.
- Boatella, 66, 67.
- Bohemond V, 231.
- Bohun, 113.
- Bolea, 29.
- Bologna, 67, 259.
- Bordeaux, 2.
- Borja, Cortes of, 161.
- Borrell II, 5, 185; III, 5.
- Borriol, 58.
- Boulbonne, 123.
- Bovage, 18, 19, 36, 56, 110, 111, 222.
- Bugarra, 79.
- Bulla, 65.
- Bunyola, 48.
- Burbaguena, 28.
- Burghers, 189.
- Burriana, 57, 58, 62, 64, 225, 274.
- C.
- Cabrera, 19, 23, 32, 61, 100, 101, 107,
124, 125, 265-272.
- Caderita, P., 243.
- Cafizada, 69.
- Calamocho, 27.

- Calatayud, 6, 37, 78, 167, 178.
 Calatrava, knights of, 73, 79.
 Camerina, Bishop of, 84.
 Campo, Torre del, 138.
 Canellas, Beltran de, 131, 158.
 — Vidal de, 159, 245.
 Capdets, 79.
 Carcasez, 94, 96.
 Carcassonne, 2, 5, 7, 13, 59, 71, 95,
 96, 124.
 Cardinal, P., 256.
 Cardona, 15, 18, 19, 30, 57, 100, 109,
 118, 125-127, 130-134, 185, 267.
 Carnage, 220.
 Caroca, J., 282.
 Casaubon, 123.
 Castel-Fisel, 95.
 Castellbisbal, B., 43, 84.
 Castelleto, R., 227.
 Castellezuelo, R., 158.
 Castellnou, 88, 136, 243.
 Castellon, 74, 81.
 Castile, 2, 22, 23, 37, 50, 51, 60,
 78-81, 85, 86, 91-93, 101, 107,
 108, 114-120, 125, 131-134, 138,
 149, 161 (Cortes), 181, 182 (muni-
 cipal system), 212, 214, 218, 219.
 Castro, 64.
 Catalan, 254, 255; laws, 201-204.
 — A., 256.
 Cecilia of Foix, 125, 269-271.
 Cellas, 30.
 Cenae, 222.
 Cerdagne, 7, 14, 60, 61, 76, 88, 95,
 105, 121.
 Cervellon, 14, 27, 31, 100, 107, 269.
 Cervera, 17-20, 22, 27, 30, 31, 57, 58,
 100, 107, 256, 266, 269.
 Ceuta, 138, 225, 227.
 Champagne, Theobald of, 51, 59.
 Chancellor, 159, 225.
 Charlemagne, 2.
 Charles Martel, 2.
 — the Bald, 5.
 Chatbert, 244.
 Chivert, 58.
 Christina, Prior of, 57.
Chronicle, James', 277-283.
 Church, 193-196, 235-247.
 Cid, 4, 55.
 Cinca, 16, 18, 19, 26, 36, 77, 78, 88,
 112, 121.
 Ciutadela, 54.
 Clement IV, 115, 117, 126, 129, 230,
 234, 236, 239, 241, 242, 252.
 Clovis, 1.
 Cocentayna, 86, 139.
 Coinage, 221, 275-276.
 Colibre, 61, 72, 105, 121.
 Commerce, 225-234.
 Comminges, Viscount of, 5, 12, 13.
 Comnenus, 11, 12.
 Composition, 200, 201, 204, 207, 212.
 Compostella, 3.
 Conflant, 14, 60, 61, 76, 88, 95, 105,
 121.
 Conques, R., 226.
 Conradin, 123.
 Constantius, 1.
 Constitutions, 150, 203.
 Consuls, 99, 168-170, 176-178, 226-
 228, 231.
 Corheil, 95-97, 124.
 Cordova, 2-5.
 Comeillan, Prior of, 94.
 Cornell, Ximeno, 16, 18-20, 22, 25,
 29; Pedro, 31, 57, 58, 67, 88, 133.
 Cornwall, Richard of, 76, 121.
 Cortes, 15, 17, 18, 19, 26, 35, 56, 60,
 62, 63, 77, 78, 88, 101, 109, 111,
 123, 125, 134, 136, 150, 153, 156,
 160-166.
 Coserans, 5.
 Costanza of Sicily, 103-105.
 — of Moncada, 269-271.
 — of Aragon, 91, 114.
 Councillors, 167-169, 178.
 Counts, 184.
 Courtenay, P., 59.
 Cremona, 231.
 Crown, 149-155.
 Crusade, 103, 118, 119.
 Cuenza, Bishop of, 78.
 Cullera, 37, 60, 68, 81.
 Cuxano, Abbot of, 164.

 D.
 Daien, 248.
 Damascus, 2.
 Daroca, Cortes of, 77, 78; trade of,
 229; government of, 167; capture
 of, 16.
 Delegated judges, 152, 157, 182.
 Denia, 37, 68, 81.

Dertana, 48.
 Descot, 256, 277.
 Desfar, H., 42.
 Desiderius, 84.
 Destorrens, C., 278.
 Dominicans, 43, 109, 164, 242, 244,
 245, 247, 251.
 Donzells, 185.
 Dowry, 203, 207, 211.
 Dragonera, 40.
 Duel, 201, 202, 204, 208, 211, 216,
 218.
 Dulce of Leon, 50.
 — of Provence, 6.
 — of Toulouse, 7.
 Durance, 75, 97, 98.
 Duties, 232.

E.

Ecija, 138.
 Education, 244, 245.
 Edward I, 120.
 Egypt, 225, 226.
 Elche, 114.
 Elda, 114.
 Elne, 109.
 Elvira, 19, 256, 265, 266.
 Engines, 273, 274.
 Enguera, 78.
 Enrique of Navarre, 91, 121, 131.
 — of Castile, 92, 129.
 Entenza, 57, 58, 62-64, 110-113, 140.
 Equity, 202, 206, 210.
 Ermesenda, 243.
 Esclaramunda, 106.
 Eslida, 86.
 Estella, 92.
 Établissements, 186, 189, 218, 219.
 Eugenia, B. de Santa, 49, 61.
 Euric, 1.
 Exea, Cortes of, 103, 111, 150, 152,
 153, 156, 162, 193.
 Exerica, 37, 57.
 Exports, 229, 233.

F.

Fabra, M., 43.
 Faenza, 67.
 Fenoilledes, 94, 95, 97.
 Ferdinand, Infante, 14, 16, 20, 24-26,
 29, 31, 53, 60, 64, 73, 78.
 — James' son, 88, 89.

Ferdinand, King of Castile, 23, 50, 51,
 91, 115.
 — son of Alfonso of Castile, 120, 131,
 138.
 Fernan Sanchez, 104, 108, 110-113,
 119, 123, 125, 133-135.
 Fernandez, P., 109, 118, 123.
 Ferrar, 244.
 Feudalism, 184-198.
 Fiefs, 16, 69, 185, 186, 188, 194, 195,
 196, 198, 223.
 Figueras, 133, 135.
 Florence, 228.
 Foces, A., 25, 27, 30, 88, 111.
 Foix, 5, 13, 14, 95, 106, 123-125,
 243, 269.
 Fonevol, 21, 43, 57, 66, 100, 273.
 Fontenay, 116.
 Fontfreda, Abbot of, 134.
 Formentaria, 61.
 Fraga, 6.
 France, 11-16, 59, 71, 72, 74-76, 82,
 83, 87, 94-99, 105, 121, 123, 124,
 132, 179-183 (municipal system).
 Franciscans, 164, 242, 247.
 Franks, 1, 2.
 Frederick of Castile, 45.

G.

Galicia, 3, 267.
 Galleots, 39.
 Gallinera, 85, 90, 139.
 Garcia, A., 115.
 Gascony, 229.
 Genoa, 6, 7, 35, 39, 227, 228, 231-233.
 George, S., 46, 63.
 Geron, Sacristan of, 61.
 — Bishop of, 84.
 — Serveri de, 256.
 Gevaudan, 61, 94-96.
 Girart, B., 35.
 Gothia, 5.
 Granada, 4, 101, 107, 115, 118, 121,
 138.
 Grau, 65, 66.
 Gregory IX, 56, 59, 76, 241, 245.
 — X, 126-129, 230, 232.
 Grony, P., 36.
 Gruni, 108, 227.
 Guadalviar, 64, 65.
 Gudar, Assalit de, 69.
 Guilds, 229-231.

- H.
 Hakam, 3.
 Hariza, 60, 78.
 Haro, 50.
 Hedin, 248.
 Henry III, 65, 82; II, 7.
 Herbage, 110, 220.
 Heretics, 121, 212, 218, 242-244.
 Herredia, J. F., 279.
 Hisham II, 3.
 Honorius III, 20, 247.
 — Emperor, 1.
 Honours, 110-112, 131, 185, 187, 188, 190, 194, 195, 197, 198.
 Hospital, Order of, 6, 48, 49, 57, 60, 164, 223, 233, 243, 279.
 Huesca, Cortes of, 17, 85; government of, 167; trade of, 229.
 Hyères, 231.
- I.
 Iberians, 1.
 Imports, 229, 232.
 Imprisonment, 211.
 Inca, 48.
 Infantilla, 44.
 Infanzons, 110, 156, 159, 186, 187.
 Inheritance, 203, 206, 210, 215.
 Innocent IV, 84, 243, 260.
 Inquisition, 121, 242-244.
 Interest, 233.
 Intestacy, 203, 206, 215.
 Isabella of Aragon, 95, 105, 121.
 Isola, 30.
 Iviza, 35, 61.
- J.
 Jaca, leagues of, 25, 31, 103; trade of, 229; government of, 167; money of, 20, 26, 62, 275.
 Jahuda, 159, 225, 255.
 James I, *passim*.
 James, the Infante, 77, 88, 89, 94, 100, 102, 106, 121, 130, 141.
 Jews, 115, 176, 177, 221, 224, 233, 245, 247-252.
 Jongleur, 258.
 Juana of Navarre, 131, 132.
 Judicial system, 151-153, 171-183, 248, 249, 253.
 Julian, 2.
 Juntas, 103, 171, 226.
- Jurats, 167, 169, 172, 178, 229.
 Justices, 155, 157, 165, 167-179.
 Justiciar of Aragon, 155-159.
- K.
 Knight's fee, 185, 188.
- L.
 Ladron, 30.
 Languedoc, 15.
 Lara, G. de, 120, 138.
 Las Navas de Tolosa, 4.
 Lattes, 71, 99, 100, 231.
 Lauraguais, 5, 7, 95, 96.
 Lavour, Council of, 14.
 Legislation, 199-219.
 Lemosin, 210, 254, 255.
 Leon, 3, 4, 38, 50.
 Leonor, 22, 37, 60, 79, 281.
 — of Aragon, 8.
 Lérida, Cortes of, 15, 19, 123, 134, 136, 164, 165; trade of, 229; capture of, 7, 269.
 Libre de Saviesa, 255.
 Lientenants, 154, 169, 170, 175-178.
 Limerola, 269.
 Literature, 254-258.
 Lizana, 21, 25, 30, 49, 57, 77, 110, 112, 116, 140.
 Local Government, 166-170.
 Lombards, 228.
 Louis VIII, 71.
 — IX, 72, 75, 94, 95, 105, 116, 121, 131.
 — son of Charles the Great, 5.
 Lucca, 228, 231.
 Lull, R., 256.
 Luna, Artal de, 25, 27, 28, 30, 118, 133.
 Luxen, 140.
 Lyons, Council of, 127-129.
 Lyria, 140.
- M.
 Maguelonne, Bishop of, 63, 72, 94, 99, 119, 170, 177, 241, 242.
 Mahomet, 114.
 Majordomo, 159, 192.
 Mallorca, 6, 34-49, 52-54, 118, 268; government of, 169, 177, 204.
 Manfred, 103-105, 123.
 Mangonel, 43, 57, 273.

- Mantlet, 43, 66, 274.
 Manuel, 114.
 Marche, Count and Countess of, 82, 83.
 Margarita of Navarre, 91.
 Marguerite of France, 95.
 Maritime laws, 234.
 Marquesa, 266, 268.
 Married woman, 207, 211.
 Marseilles, 12, 39, 71, 228, 231, 232.
 Marsilio, 277-280.
 Martel, P., 34, 184.
 Martin, F. S., 69, 244.
 Mary of Montpellier, 11-13.
 Mataplana, H. de, 42, 256.
 Mazmodinas, 276.
 Melgorian money, 276.
 Mercenaries, 191.
 Mercy, Order of, 246.
 Merino, 171, 181, 182.
 Mesnaders, 110, 111, 158, 187.
 Mijares, 62.
 Milan, 67.
 Military system, 185-193.
 Millares, 276.
 Millau, 6, 60, 94-96.
 Minervois, 5, 7, 95.
 Minorca, 44, 52, 54, 118, 268.
 Minorites, 109.
 Minority, 204, 206, 210.
 Miravals, 12.
 Mombaulon, 136.
 Monage, 63, 222.
 Moncada, 13-18, 21-27, 30, 31, 35, 40-42, 45, 60, 102, 109, 124, 130, 160, 269, 281.
 Monredon, 15.
 Mons, N. de, 257.
 Montagnagout, 257.
 Montagut, 56.
 Montalvon, 57.
 Montaragon, 20, 164.
 Montesa, 86.
 Montfort, S. de, 13-15, 71, 96.
 — A. de, 71.
 — G. de, 121.
 Montlaur, 259.
 Montpellier, 6, 11-16, 20, 39, 53, 59, 61, 63, 71, 72, 74, 76, 77, 87, 88, 94, 99, 100, 104, 105, 111, 114, 116, 119, 121, 123, 124, 127, 130, 252; government of, 169, 177, 215, 216; trade of, 230, 232; schools of, 258-260; church of, 241, 242; coins of, 276.
 Monzon, 16, 19, 26, 77; Cortes of, 18, 56, 62, 164, 165.
 Morabats, 276.
 Morella, 37, 56, 81, 268.
 Morocco, 2, 138.
 Municipal Government, 166-170.
 Muntaner, 278, 279.
 Mur, G. de, 256.
 Murcia, 4, 81, 114, 115, 120, 121, 126.
 Murder, 201, 207, 208, 212.
 Muret, 14.
 Murviedro, 81, 268.
 Museros, 60.
 Muxent, 78.
- N.
- Nachman, 250.
 Narbonne, 2, 5, 7, 15, 39, 60, 95, 96, 99, 241, 243.
 Navarre, 3, 4, 6, 91-94, 98, 116, 118, 121, 131-133.
 Nice, 231.
 Nîmes, 2, 7, 71, 94-96.
 Nobles, 110-113, 152, 153, 160-166, 173-176, 184-189, 193-198.
 Nolasco, P., 246.
 Nonnatus, R., 246.
 Norton, 228.
 Nules, 58, 64.
 Nuño Sanchez, 15, 21, 24-26, 30, 36, 40-42, 44, 45, 60, 61, 77, 97.
- O.
- Olit, 132.
 Omeyyads, 2-4, 55.
 Ordeals, 200, 201, 204, 208, 211, 216.
 Ordinances, 150, 203.
 Orella, A., 27, 31.
 Orihuela, 115.
 Orta, 23.
 Osona, 95.
 Our Lady of the Tables, 11, 104.
- P.
- Paeres, 167.
 Palaeologus, Emperor, 118.
 Pallas, Count of, 111, 130, 133, 136, 269.

- Palomera, 39, 40.
 Pamplona, 3, 132.
 Paratge, Hombres de, 185.
 Paris, treaty of, 71, 85.
 Paterna, 65.
 Paternal authority, 204, 206, 210, 215.
 Paul, Brother, 250-252.
 Pavia, 231.
 Pedro, Infante, 76, 77, 88, 89, 94, 97, 102-104, 118, 121, 123, 125, 130-138, 140.
 — II, 7, 11-17, 20, 96, 128, 188, 242, 275.
 — of Portugal, 38, 52, 61, 78, 81, 86, 88, 267, 268.
 Pego, 85.
 Peña, 164, 279.
 Peñacadell, 86.
 Peñafort, R., 102, 104, 238, 243, 245, 246, 251, 270.
 Peñaguilla, 86.
 Peñiscola, 27, 35, 37, 58, 86.
 Pera, Cape, 34.
 Perez, M., 139.
 Perpeja, 255.
 Perpignan, 77, 168, 173, 216, 229.
 Petrer, 114.
 Petronilla, 6.
 Philip Augustus, 16.
 — III of France, 95, 105, 123, 132.
 — of Castile, 120.
 — II of Spain, 278-279.
 Piacenza, 67, 228, 231, 233.
 Piera, 25.
 Pierre Pertuse, 95, 97.
 Pinos, 136.
 Pisa, 6, 35, 228, 231.
 Placentin, 259.
 Pledge, 206.
 Plegamans, R., 39.
 Poblet, 49, 141, 164, 175.
 Poisoners, 207, 212.
 Poitiers, Alfonso of, 72, 75.
 — Jeanne of, 72.
 Pollensa, 40.
 Polpis, 58.
 Pomar, 112, 135.
 Ponsano, 30.
 Ponza, Santa, 40-42.
 Porrassa, 41, 42.
 Porta, B., 251.
 Porter, B., 226.
 Porters, 165.
 Portopl, 41-45.
 Portugal, 4, 267.
 Pragmatics, 150, 203, 213, 218.
 Prescription, 204, 207, 236.
 Private war, 21-24, 89, 189, 213, 218.
 — vengeance, 208, 209, 213, 218.
 Privileges, 150, 151.
 Procurators, 16, 154.
 Proofs, 204, 206, 211.
 Provence, 6, 7, 15, 16, 35, 39, 53, 60, 71, 75, 83, 95, 96, 231.
 Provenzal, *see* Lemosin.
 Puig, 62-65, 192, 193.
 Punishments, 152, 201, 207, 208, 212, 218.
 Puy Laurens, 95.
 Puyo, G. de, 22, 111, 281.
- Q.
- Quercy, 95.
 — M., 258.
 Queribus, 95.
- R.
- Ramirez, Sancho, 6.
 Ramiro II of Leon, 3.
 — I of Navarre, 6.
 — 'the monk,' 6, 7.
 Ramon Berenguer I, 5, 201, 202.
 — III, 96.
 — IV, 6, 7, 96, 111.
 Rasez, 94.
 Raymond Béranger II, 7.
 — III, 7.
 — IV, 15, 19, 60, 71, 72, 75, 76, 83, 95.
 Raymond VI of Toulouse, 8, 13, 14, 19, 20, 71, 96.
 — VII, 8, 71, 72, 74-76, 82, 83, 87.
 — Roger, 13, 14.
 Rayner, 242.
 Reccared, 2.
 Redemptions, 185, 188, 189, 191, 222, 223.
 Redes, 5, 95, 96.
 Revenues, 178, 220-225.
 Ribagorza, 103, 111.

Ricart, R., 226.
 Richard of Cornwall, 76.
 Ricoshombres, 110-112, 156-158, 163,
 172, 173, 187, 188, 196-198.
 Ripoll, 164, 175, 240.
 Riquier, G., 257.
 Robbery, 207.
 Rocaber, D., 135.
 Rocaberti, 236.
 Roderic, 2.
 Rodez, 7.
 Roger Bernard, of Foix, 106, 123.
 Roger I, Count of Coserans, 5.
 Roman law, 199-206, 209, 210, 215,
 219.
 Romeu, 88.
 Roncesvalles, 2.
 Roquefeuille, 94, 106, 109.
 Rosas, 135.
 Rouergue, 95.
 Roussillon, 7, 14, 16, 24, 76, 88, 95,
 105, 121.
 Rovenhac, 257.
 Ruydemeya, B. de, 41.
 Ruzafa, 65.

S.

Sabina, Bishop of, 36.
 Saga, S. de, 140.
 Sagarra, 251.
 Saix, 79.
 Salic law, 200, 201.
 Salomon, 248.
 Salou, 36, 38-40, 52.
 Salsas, 19, 26, 36, 78.
 Salt, 110, 220.
 Sancha of Leon, 50.
 — of Aragon, 8.
 Sanchez, G., 243.
 — P., 158.
 Sancho, Infante, 14-19, 25, 30, 92.
 — son of James, 88, 117, 138.
 — of Navarre, 6, 50-53, 59.
 — of Portugal, 267.
 Sancier, 75, 76, 96.
 Saracens, 221, 230, 249, 250, 252-253,
 and *passim*.
 Sarboz, 25.
 Sault, 95.
 Savoy, 106.
 Segorbe, 37, 57, 81, 268.

Segre, 77, 78.
 Segura, 115.
 Selga, 19.
 Seneschal, 160, 167, 192.
 Septimania, 5.
 Serra, 85.
 Service, 185-189.
 Seville, 4, 5, 88.
 Sheyri, I., 40.
 Siege Engines, 273.
 Siena, 228.
 Siete Partidas, 212, 214, 218, 219.
 Sisebert, 2.
 Slavery, 190.
 Sobrarbe, 103, 205.
 Sobrejuntero, 103, 171.
 Soller, 39, 48, 52.
 Soria, Peace of, 92.
 Sparago, *see* Asparago.
 Stamford, 229.
 Succession, 102, 203, 210, 215.

T.

Tagliacozzo, battle of, 129.
 Tahuste, 25.
 Taillebourg, battle of, 82.
 Tarazona, Pedro Perez de, 27, 58, 156,
 158, 281.
 — P. de, 276.
 — E. P., 69.
 — Council of, 37.
 Taridas, 39.
 Tarik, 2.
 Tarragona, Cortes of, 19, 60; capture
 of, 6.
 Tartary, Khan of, 116, 117, 123.
 Taxes, 155, 220-225.
 Temple, 6, 16, 20-22, 31, 32, 41, 42,
 57, 58, 60, 118, 124, 128, 140, 164,
 223, 243, 244, 256.
 Tenure, 193-196.
 Teobaldo I of Navarre, 59, 91.
 — II, 91-93, 116, 121.
 Termenois, 94.
 Termes, O. de, 101, 270; 7.
 Terraza, 25.
 Theobald of Champagne, 51, 59.
 Theodoric II, 1.
 Toledo, Archbishop of, 2, 37, 117,
 238, 239.
 — Roderic of, 255.

- Torres-Torres, 57.
 Tortosa, 26, 55, 161, 229.
 Torture, 152, 173, 200, 204, 208, 212, 218, 248, 249.
 Toulon, 231.
 Toulouse, 1, 5, 7, 95, 97; *see also* Raymond.
 Tours, 2.
 Tous, 139.
 Trade, 225-234.
 Treason, 149, 150, 208, 213, 214.
 Treasurer, 159.
 Trebnchet, 43, 66, 273.
 Trencavel, 13, 14, 60, 82, 96.
 Trossillo, Pelegrin de, 21, 22.
 Troubadours, 97, 256-258.
 Tudela, 51, 53, 91.
 Tunis, 52, 66, 101, 107, 108, 121, 139, 220, 227.
- U.
- Uclés, Master of, 79, 134.
 Universities, 258-260.
 Urban IV, 103-105, 270.
 Urgel, 19, 23, 52, 61, 95, 100, 118, 124, 240, 265-272.
 Urraca, 6.
 Urrea, E., 57, 58, 67, 109, 110, 123.
 Usages, 150, 151, 201, 202.
 Usury, 249.
 Uxo, 64.
- V.
- Valencia, *passim*; government of, 169; trade of, 229; schools of, 260; laws of, 209; capture of, 68.
 Valespir, 61, 76, 88, 105, 121.
 Valmagne, 259.
 Vavassors, 184.
 Venice, 231.
 Ventimiglia, 230, 231.
 Veruela, 165.
 Vicars, 165, 167-169, 173-177, 237, 249.
 Vidal, R., 255.
 Vidaure, Teresa, 85, 110, 111, 124.
- Vilaroja, 56.
 Villafranca, 19.
 Villa Hamez, 58.
 Villan, 190.
 Villanova, P. de, 240.
 Villarroya, 277-281.
 Villena, 73, 79, 114.
 Vincent, S., 84.
 Violante, wife of James, 59, 60, 64, 76, 88, 89.
 — daughter of James, 79, 85, 280.
 Visigoths, 1-3.
 Visigothic code, 149, 199, 200, 211, 214, 217.
 Vizcaya, 51, 79.
 Voclad, 1.
- W.
- Wallia, 1.
 Wamba, 2.
 Wilfrid I, 5, 95.
 William VIII, 11, 12, 57.
 Wills, 207, 211, 215; James', 38, 53, 76, 78, 87, 89, 121.
 Witnesses, 204, 206, 211.
- X.
- Xativa, 73, 77-79, 86, 139.
 Xuaip, 48, 53.
 Xucar, 68, 73, 75, 77, 81, 97, 98.
- Y.
- Yahya, Abu, 40, 44-48.
 Yusuf, 4, 55.
- Z.
- Zallaka, 4.
 Zalmedina, 171, 172, 248.
 Zaragoza, capture of, 6; leagues of, 25, 31, 103; Cortes of, 8, 109, 161, 163; government of, 167.
 Zavalachen, 253.
 Zeid, 27, 37, 55-57, 62, 247.
 Zian, 37, 55, 63-65, 68-81.
 Zuera, 122.

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