

Royal Document, Legal Proceeding against the King of Navarre and the Grand Master of the Military Order of Calatrava

In Latin and Spanish, manuscript on paper

Spain, Zaragoza, dated August 23, 1448

28 folios on paper, watermark similar to Briquet no. 6067, Etoile, Perpignan, 1422, modern foliation in pencil, upper outer recto, 1-26, with first and last leaf unfoliated, complete (collation i^{26} [+1 and 2; first unfoliated leaf and f.1 have been tipped in at the front of the quire, both as singletons]), ruled with full-length horizontal and vertical bounding lines produced by folding the edges of the folded bifolia (justification 158-161 x 95-98 mm.), written in a hand exhibiting features of Gothic hybrida and humanistic scripts, with the same hand writing in a more cursive script on ff. 25v-26, paraps of varying sizes drawn by the scribe, enlarged initials on f. 1, the first with some calligraphic embellishments, one large calligraphic initial with part of the ensuing line written in a large stylized Gothic display script (f. 2), notarial mark on f. 25v, corrections in the scribe's hand, slight staining to the opening pages but with no damage to the text and very slight damage to the lower corner of f. 1, but otherwise in excellent condition. Bound in limp vellum with a smooth spine, with slight soiling of the vellum. Dimensions 225 x 149 mm.

The middle of the fifteenth century was a tumultuous period in Aragonese history. This is a carefully written and corrected document detailing a legal proceeding between the governor and future king of Aragon, his illegitimate son, and two of his subjects. Centered on these subjects's petition for *juris firma*, a legal process unique to Aragon, this document will reward further study with insights into the practical applications of this process. It includes the texts of three earlier documents (one in Spanish) and was validated by Dominicus Augustinus's notary mark.

PROVENANCE

1. As indicated at its opening and closing, this document was produced in Zaragoza by a public notary, Dominicus Augustinus, and records a legal proceeding taking place on 23 August 1448.

TEXT

[first unfoliated leaf, blank]; f. 1, *Copia processus dompni Manuelis darinyo militis domini Castrorum et Ville de Maella et loci de fauara et Franciscij darinyo militis dominij Castri et loci de Calazeyt / Contra / Excellentissimum dominum Regem Nauarre et Reuerendissimum dompnum Alfonsum de aragonia magistrum milicie ordinis Calatraue / Super Juris firma possessionie*; [f. 1v, blank];

ff. 2-25v, *In dei nomine Amen*, incipit, "Nouerint vniuersi Quod Anno A natiuitate dominij Millesimo quadringentesimo Quadragesimo octauo die videlicet Intitulata vicesima tertia mensis agusti apud Ciuitate Cesarauguste Coram Honorabili et discreto dompno Jordano vincencij Jurisperitus locumtenens pro multum Honorabili et circumspecto viro dompno Ferrario d[e] lanuca milite serenissimj dominij Regis consiliario atque Justicia aragonum Comparuit et fuit personaliter constitutus Honorabilis Petrus de casanat scutiffer Habitator dicte ciuitatis ... et Juris firma recipere nisi suum debitum ex emtionis haberent effectum date Cesarauguste die

Tricesima mensis Agusti Anno A natiuitate dominj Millesimo Quodringentesimo Quadragesimo Octauo";

ff. 25v-26, incipit, "SigNum mei dominiti augustinj habitatoris Ciuitatis Cesarauguste Auctoritate Regia Notarii Publici per totam terram ... Ideo petjt per Nos dittam Juris firmam desuper Insertam"; [f. 26v, blank].

This document records a legal proceeding taking place in Zaragoza on August 23, 1448 and recorded by Dominicus Augustinus, who validated it with his notary mark. It concerns a dispute between Francisco and Manuel Darinyo and John, king of Navarre (1398-1479), and Alfonso of Aragon (1417-1495), illegitimate son of the king and grand master of the Order of Calatrava, over lands and properties in the Crown of Aragon, specifically Maella, Fabara, and Calaceite. John, having received these lands from Alfonso, had granted them to Francisco Darinyo and his successors. Here the Darinyos alleged before Jordanus Vincentii, lieutenant of the justice of Aragon, that the king was harassing them, claiming to have been deceived in the transaction.

At the heart of this dispute is the Darinyos' petition for *juris firma*, which they were granted. *Juris firma*, a process specific to Aragon, was intended to safeguard the law from any infringements by the king, and it has to our knowledge received relatively little scholarly attention. This document sheds light on its practical applications. While the Darinyos did not technically have a grievance with the then-king of Aragon, Alfonso V (1396-1458), they might as well have; at the time, Alfonso resided in Italy and left the governance of his Spanish lands to his brother, the same John, de facto king of Navarre, with whom the Darinyos were engaged in dispute. Alfonso of Aragon, the other party concerned in this grievance, wielded similar power, as the Order of Calatrava, a Spanish military order, at that time held abundant resources, including lands in Castile and Aragon, and a corresponding power in the State. This legal proceeding against John and his son took place during a tumultuous period in his tenure; Navarre was poised on the brink of civil war, and John's Aragonese subjects were caught up in the conflict.

Three earlier documents embedded within this legal proceeding (including one entirely in Spanish) attest to its duration and complexity. Dated 13 August 1448 (in Spanish, ff. 2-3v), 9 July 1448 (ff. 9v-12), and 9 July 1448 (ff. 12v-15), all appear to be recorded in full, and each concludes with a different miniature cross-shaped mark where a notary's mark would have been placed to validate each original document (see ff. 3v, 12, and 14v). These may indicate an acknowledgment by the notary that these texts were recorded from originals or notarized copies.

LITERATURE

Holdsworth, William S. "Central Courts of Law and Representative Assemblies in the Sixteenth Century," *Columbia Law Review* 12 (1912), pp. 1-31.

Kagay, Donald J. *War, Government, and Society in the Medieval Crown of Aragon*, Aldershot, Ashgate, 2007.

Rivas Cosgaya, Manuel D. *El recurso de amparo: estudio sobre la historia, naturaleza y fines de este recurso y sobre los efectos que produce*, Mérida, 1896.

Ruiz, Teofilo. *Spain's Centuries of Crisis: 1300-1474*, Oxford, Blackwell, 2007.

ONLINE RESOURCES

Moeller, Charles. "Military Order of Calatrava," *The Catholic Encyclopedia*, vol. 3, New York, 1908
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