The Lost Privilegio de Alcalá de Henares de 1295

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La pluma es lengua del alma
Ensayos en Honor de E. Michael Gerli

José Manuel Hidalgo
Juan de la Cuesta—Hispanic Monographs

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The Lost Privilegio de Alcalá de Henares de 1295

GEORGE D. GREENIA

IN 1972 SPECIAL COLLECTIONS AT the University of Virginia’s Alderman Library examined a cache of miscellaneous medieval leaves and judiciously took the opportunity, and $11,000 of their reserved funds, to make a strategic purchase of 207 paleographic samples brought together by Bernard Rosenthal, the famed manuscript dealer.1 Rosenthal cultivated the practice of gathering stray folios from various centuries into sampler sets, one of which came to Charlottesville. The university catalog describes it as: “a collection of over 200 original manuscripts specimens illustrating the development of Latin script from the 9th century to ca. 1500... primarily a tool... for teaching medieval Latin paleography and codicology and also useful in musicology, classical studies, diplomatics and medieval art.”1

1 Articles by Arlene Nielsen and Daniel J. Slive, and the unattributed “The Life of Bernard M. Rosenthal,” review “Barney’s” career and his celebrated family of antiquarian bookdealers. From his base in Berkeley, Bernard Rosenthal also assisted in the growth of the important Bancroft holdings now under the care of Charles Faulhaber.

2 On December 3, 1971 Bernard Rosenthal wrote that: “Professor Marvin Colker and I have corresponded over many years, and I am very pleased to see that my announcement in Bulletin 13 has aroused his interest.” Bulletin 13 is among the documents shared with me by the librarians of the University of Virginia (see “Special Collections” in Works Cited) but there is no awareness by any party of the unique character of what came to be cataloged as Rosenthal 138. Another letter of December 13, 1971 states to William G. Ray of the Manuscripts Dept. at the University of Virginia that, “during the past twenty years, I have formed several Paleography Collections — they are being used by Berkeley, Stanford, UCLA, Fordham and Princeton. But this
Because the majority of these items were in Latin, the task of examining and cataloging was taken up by Prof. Marvin Colker of the Classics Dept., a scholar well versed in medieval hands and compositions. As he worked his way through the random leaves he came across two that were in Spanish and because I was on Grounds—as one says at Mr. Jefferson’s University of Virginia—in 1994-1995 as visiting professor of medieval Spanish, he called on me to examine them. One was a private contract from Teruel, dated 1426, complete and interesting in its own right as a testamentary arrangement after an interfaith marriage. The second manuscript proved far more important.


Marvin Colker retired in 1998 and left his carefully organized papers to Special Collections in the University of Virginia’s Alderman Library, totaling seven boxes to date including our own personal correspondence in 1994-1995 concerning the Privilegio de 1295. His catalog of the Rosenthal manuscripts has not appeared yet, only the provisional checklist composed at the time of their acquisition. I searched all seven boxes of the Colker archival materials without finding documentation pertinent to this study. Future donations of his papers may be forthcoming. I wish to express my gratitude to Nicole Bouché, Director of Special Collections at the University of Virginia, Heather Moore Riser, Head of Reference and Research Services, Ellen Welch who cataloged the Colker papers, and former Special Collections Director Michael Plunkett who assisted in the acquisition of the Rosenthal manuscripts in 1972.

This article owes a great debt of gratitude to Francisco J. Hernández of Carleton University, Ottawa who came to Charlottesville in 1993 to help examine the manuscript. All opinions expressed here are my responsibility alone.

4 I taught at the University of Virginia in the interregnum between distinguished Hispanomedievalists Julian Weiss and E. Michael Gerli to whom this article is dedicated with admiration and gratitude.

Provisions are made for the “filios ioidos e cristianos.” The notarial précis on the back of the parchment reads: “Escritura de ajuste, y compromiso entre Dª Pedro Sanchez Munoz, y Carvon, como marido que fue, de Dª Violante Sanchez Munoz, su Prima Segunda llamada por otro nombre, la Munozeta; y Dª Gracia de N? Viuda del honorable Dª Gonzalo Roiz de Najeri?; hecha fue la dicha escritura en la ciudad de Teruel, dia Miércoles, que se contaba a 6 de marzo de el año de 1426. Recivida, y Testificada, por Jayme Navarro Notario de Teruel.” Rosenthal medieval manuscript collection, 9772-a, MS 54.

6 MSS 9772, 9772-a OS Box V-1, MS 138. Handwritten cataloguer’s note,
Rosenthal Medieval Manuscripts 9772, Oversize MS 138 is now identifiable as an authentic medieval privilegio or royal concession of privileges granted to the Spanish city of Alcalá de Henares. The parchment charter, dated August 8, Spanish Era 1333 (CE 1295), was issued by King Fernando IV at his convocation of Cortes de Valladolid or parliament and is signed by his clerks Domingo Pérez de Atienza and Johan García and countersigned by Fernand García, the guardian of the royal seal. The sello plomado that once hung from a silk ribbon laced through diamond-shaped holes on a lower fold is now missing; they rarely survive with their documents because of their independent antiquarian value. Only tatters of the multicolored silk ribbon

probably by Marvin Colker, on paper guard folder: “Valladolid, Spain, 1333 [CE 1295]. Apparently a privilege, granted by King Ferdinand. The accomplished script indicates that the document was executed at the Royal Chancery. Lead seal missing. Notarial minuscule.” There are remnants of silk thread originally affixed to the lead seal which is now missing. Most seals are absent from their companion documents still preserved in the city archives of Alcalá de Henares, but comparable seals for Fernando IV and his period may be found at the Archivo Histórico Nacional in Madrid.

At the time of its first identification, a joint press release with photos concerning this find was released by William and Mary and the University of Virginia dated October 12, 1995, and some print stories appeared locally (e.g., Richmond Times Dispatch, October 26, 1995, B4). A separate press release was issued by EFE, Spain’s International News Agency. Graduate students from the University of Virginia assisted in a transcription and initial description of the charter which I presented, along with a high quality photograph of the manuscript, to the Alcalde of Alcalá de Henares on the occasion of the 1995 Congress of the Asociación Hispánica de Literatura Medieval and the 700th anniversary of the signing of the charter. Later, during a reception hosted by the Mayor’s office, he approached me about the manuscript, which, he correctly pointed out, was only a paleographic sample for Americans and a historic document of tremendous value for his city. He proposed an exchange, with Alcalá authorizing the purchase of a comparable document that would meet the University of Virginia’s needs. I carefully explained that I was a faculty member from a different university and could not represent the owning institution; that public universities of Virginia could not alienate state property without an act of the Commonwealth’s legislature; that the current owning library would not wish to slight any donor who helped fund the original purchase; and that in any case, if every American museum and library surrendered objects with undocumented gaps in their succession of legal ownership, we would completely empty our shelves. To which the Mayor politely countered, “well then, two manuscripts!” The Privilegio de 1295 still resides in Charlottesville.
remain. Sometime in the late 19th or early 20th century an unknown party, probably a Spanish dealer hoping to raise the market price of the unread charter, painted lines and filled in space left for a four-line opening initial in bright red and muted blue inks, as well as a fairly silly red dragon along the initial's left side. The University of Virginia manuscript is one of an invaluable suite of surviving documents issued by the parliamentary convocation of 1295 and has been missing from Spain for perhaps a century.

The municipal archives of Alcalá de Henares have suffered with the passage of time. A former archivist wrote in 1945 how many documents had disappeared since the inventory of 1833, including parchments from the thirteenth and fourteenth centuries, some perhaps rolled into tube to make fireworks. Even in 1978 just before municipal holdings were temporarily transferred to Madrid, they were still being kept in a top floor space subject to damp, dripping water and, shortly after their retrieval, part of the roof of their recent storage space collapsed (Castillo and Sáez 11-13).

The relatively intact state of the Privilegio de 1295 of Fernando IV suggests that it was purloined and promptly passed to a Spanish bookseller who kept it safe and made the colorful enhancements.

The bottom fold of the parchment, marked on the outer face with “EN” inside a circle and “1333,” covers the last lines of the text proper and several of the notarial signature. The document had been folded for storage as a packet with various hands marking exposed panels with “/”, “11.100/300”, “1333” and “alcala de henares.” The most bold inscription is “Num. o2o” — a perfect match among the other numbered charters in the Alcalá city archives — and at right angle in a hand nearly contemporaneous to the main text on the obverse: “Privilejo

8 These privileges were being produced at a furious rate and the space left blank for a decorated initial was more than likely never filled in. The nearly identical copy for Tolosa displays an: “Espacio en blanco a la altura de los tres primeros renglones, probablemente destinado a una E mayú cula miniada” (Roldán Gual 6).

9 Extant documents in the archives of Alcalá are catalogued in Sáez, Los pergaminos. The precious Fuero de Alcalá de Henares (Fuero viejo en romance, Archivo de Alcalá, 1) was also lost but later recovered and edited by Sáez, et al. See Castillo Gómez, “Algunos documentos medievales desaparecidos del Archivo Histórico Municipal de Alcalá de Henares” where the loss of Rosenthal 138 is noted.
del rey don Ferrando de certas / cosas q<ue> ordeno del q<ui>en [?] co<n> / el en la su corte y otras cosas.” A more recent hand below has: “en Balladolid à 8 de Agosto / era de 1333 de año x<tia>no / 1295=.” The single parchment sheet with bottom fold intact measures 33 cm x 47 cm; the bottom folded panel measures 5.5 cm x 47 cm.

In September of 1995 and at the invitation of the city archivist, José María Nogales, I was given full access to all the medieval documents held there once again and in a fine modern facility. Only a handful are older than Rosenthal 138, and I was able to identify its place in the original numbered series: #2 in the late medieval inventory. Antonio Castillo Gómez and Carlos Sáez Sánchez in their Catálogo de la Documentación Medieval del Archivo Municipal de Alcalá de Henares (Siglos XIII-XIV) record the former presence of this document: “Carpetilla vacía con regesto,” the regesto being the archival or notarial summary written on the back or on accompanying folders or guard sheets. They also note the existence of a: “Transcripción del siglo XIX en dos folios. En la parte superior: ‘Documento núm. 2’” (65-67).

***

This type of medieval document has value that is clearly both historical and symbolic. It is among the oldest witnesses naming the city Alcalá de Henares. More importantly, the document proves that the governing town elders of Alcalá, like those of many other town councils, sent representatives to the royal Cortes in Valladolid in 1295. These privileges which confirm specific rights and freedoms are crucial evidence for Spain’s emerging parliamentary democracy which included representatives of cities like Alcalá, town councils which could indeed

10 The city was taken from Moorish control in 1118 by the warrior bishop Bernardo de Sedirac of Toledo and Alfonso VII assigned its fortifications and surrounding lands (terminos) to the same archbishopric in 1129. We know that the city’s now lost Latin fuero was granted by the prelate of Toledo in 1135, but the earliest surviving documentary evidence for the city is a transcript of a declaration of its geographical boundaries in 1209-1214 (Castillo and Sáez 15, 49). Other original witnesses are the Fuero viejo en romance granted by Rodrigo Jiménez de Rada in 1235, and the Aetas de Alcalá de Henares de las Cortes de 1252 convocadas por Alfonso X el Sabio en Sevilla (Sáez 31-46).
at this stage of history leverage Fernando IV’s regents to “expel”—re­
cuse themselves—the normally powerful prelates from the Cortes."

The Cortes of 1295 were especially important since they were the
first parliament celebrated by the newly enthroned Fernando IV. This
child monarch under the joint regency of his resourceful mother,
Maria de Molina, and his scheming granduncle, Enrique, was obliged
to display the prerogatives of his tentative rule in every way he could
even though this meant confirming as much of the status quo as pos­sible. I suing privilegios to his constituents in order to guarantee the
rights they had secured under his ancestors was one of the strategies
employed.

The personage named in the Privilegzo de 1295 are well known.
Fernando IV, el Emplazado’ (December 6, 1285—eptember 7, 1312)
was only nine when this privilege was granted under the co-regency of
his mother, María de Molina (1264?-1321) and his paternal granduncle
Enrique de Castilla, el enador (1230-1303), himself a son of Fernando
III and Beatriz of Swabia and full blood brother of Alfonso X (1221-
1284). Ill disposed to share power with María and oppo ed by astil­
lian procuradores—not to mention the bishops of Cuenca, segovia and
Ávila who almost walked out because of him—Enrique never wanted
these Cortes of Valladolid to take place. María de Molina, during her
57 years of life a resolute defender of her husband Sancho IV, el Bravo
(1258-1295) and her son and grand on, Alfonso XI, was legendary for
having been “Queen of Spain” three times, the last two in the capacity
of queen regent for an acknowledged heir still in his minority.

On his father’s death, Fernando and his family found themselves

11 See O’ allaghan, Procter and Linehan as cited in Pepin (165, n.2), but also
Freedman’s review of Nieto Soria’s Las relaciones monarquia-episcopado castellano in
which Freedman notes Nieto Soria’s departure from, “the condemnatory evaluation
of Peter Linehan” concerning the incompetence of bishops who allied them elves
with the monarchy for protection and mutual benefit.

12 The nickname of “emplazado” was imposed posthumously. Shortly before
his own death, Fernando IV ordered the execution of two knights accused of
murdering one of the king’s favorites. Swearing their innocence, they summoned
him to appear with them before God’s judgment seat within thirty day —and in
fact the king supposedly expired, alone and without witnesses, on the very day of he
was “summoned,” or emplazado.
embattled by the encroachments of his paternal uncle Juan de Castilla, “el de Tarifa,” who himself laid claim to the throne; Alfonso de la Cerda, grandson of Alfonso X and another heir who demanded the crown; and greedy noblemen like Diego López de Haro and Juan Núñez de Lara, among others. These rapacious magnates were buttressed by another paternal grand uncle of great literary fame, Don Juan Manuel (1282-1348). The Cortes of Valladolid in 1295 were a theater of contested power, both of succession as well as preservation of spheres of influence and power. The document concedes openly the controlling aegis of the regents and Masters of the military Orders as virtual cosignatories:

con conseio de la reyna doña maría nuestra madre e con otorgamiento del infante don Enríquez nuestro tío e nuestro tutor e con conseio de don Roy pere de Calatrava nuestro amo e don Johan osores maestre dela caualleria de sant yago.

Later at the close of the document, Enrique is named as guarantor of the promises made:

Et por mayor firmedumbre de todo esto el Infante don Enríquez nuestro tío e nuestro tutor Juro por nos assi como tutor sobre los evangellios e sobre la cruz e fizo pleyto e omenaie que lo mantouiesemos e lo guardassemos en todo tiempo como dicho es.

It is significant that is the master of Enrique’s chancery that prepares the Privilege: “Iohan garcia Chancellor del Infante don Enríquez lo mando fazer por mandado del Rey.”

13 By comparison, a far more impressive document with signo rodado dated May 2, 1305, a grant by Fernando IV, then nineteen years of age, to Ferrand Roys d’Amaya, uses the same hereditary titles (“nos Don FERRANDO por la gracia de Dios, Rey de Caśtiela, de Toledo, de León, de Gallizia, de Sevilla, de Cordova, de Murcia, de Jahen, del Algarbe e Señor de Molina”), and acknowledges the enduring backing of Fernando’s mother and uncle (“aviendo consejo e con otorgamiento de la Reina Donna Maria, mi madre, e del Ynfante Don Enrique, mio tío e mio tutor”) although the grant is now apparently prepared by his own chancery with precisely named and formatted lists of cosignatories both royal and ecclesiastical. The notaries are different
These grandees of Spain overshadowed Church prelates who rou­tinely sided with the monarchy — many were royal appointments and often kin — in defence of: “their libertas ecclesiastica... meaning exemp­tion from royal taxation, the right to judgment in ecclesiastical courts, protection of ecclesiastical property, and payment of tithes” (Pepin 166). The bishops and abbots are not mentioned by name but were supposed to be dispatched to their respective sees and monastic establishments with the sole exception of the royal chaplains as: “the towns-men forced the regents to expel the prelate from the cortes” (Pepin 165):

trossi que todos los Arçobişpos e los obispo e los abades que vayan a beuir asus arçobişpados e asus obispado e sus abadias eslo clerigo asus lugares salvo lo capellane que cumplieren pora nuestra Capiella que anden connusco.

When the line of royal succession was contested by powerful no­ble, from 1284 and the death of Alfonso X until the majority of his great grandson, Alfonso XI, prelates with scant cohesion among them­selves, inadequate administrative structures, and constrained financial resources sometimes scrambled for shelter from: “noble, municipal corporations [like that of Alcalá], and the rebellious Moorish popula­tion in frontier dioceses” (Fredman 446). Castile howed traits dis­tinct from its northern European neighbors in: “the almost complete absence of conciliar meeting and legislation, the persistence of con­cupinage and illiteracy among a large portion of the clergy, and the

as well, because of the new locale, Medina del Campo, and the increased stability of the royal administrative apparatus: “Yo, Gonçalo Martínez de Peñafiel, lo escriuí por mandado del Rey en el año octavo que el Rey sobredicho reinó” (Senent 319-20). Sancho IV died on April 25, 1195. His marriage to María de Molina was finally sanctioned by papal bull in November of 1301 and in the same month Fernando IV is declared both legal heir and of age to rule, so this document’s “en el año octavo que el Rey sobredicho reinó” is confused.
ease with which even weak kings in difficult times had their way with the church” (Freedman 447). Gonzalo García Gudiel, the learned and well traveled archbishop of the primatial see of Toledo, was undoubtedly present in April 1295 when Fernando was acknowledged as king before the high altar of his cathedral. Bishops of most of the other principal sees, Santiago, Sevilla and elsewhere, were probably unable to receive word in time to hasten to the rites of succession which immediately followed Sancho’s demise. Their absence in late April made it all the more imperative that they have their chance to intervene in some later legislative assembly. María convoked a curia regis in May but only a full cortes would provide the assembly of nobles, prelates and town councils she needed to cobble together a sufficient power block in support of her threatened son (Pepin 170).

The parliament of Valladolid started on the Feast of St. John, June 24, and lasted into late August. Royal relations of every stripe, the noble families of Lara and Haro, and leading clergy from throughout the realm took up their residence in the city. Delegations of townsmen from Burgos and Sevilla and elsewhere did not entirely overpowers that of Alcalá whose population was substantial, its location strategic, and its economic value clear to diocesan overlords in Toledo.14 Sensing their rare leverage, they asked María to have the clergy return home. The Memorias de Fernando IV, a principal source for this episode, records how the clergy along with many nobles were cajoled into stepping aside by the queen at the insistence of the concejos:

é otrosy pidieronle que les otorgase sus fueros é otras peticiones muchas; é este día non quisieron que el Arçóbispo nin los Obispos nin los Maestres fuesen en esto que ellos ordenaban, é enbiaron desir á la reyna que los enbiase de su casa, ca sy estudiesen non vernian y en ninguna guisa, é que luego se yrian para sus tierras. É la reyna con su buen entendimiento fabló con ellos é rogoles que so fuesen para sus posadas fasta que pasase aquello. É ellos veyendo

14 Alcalá itself became the scene of later crucial legislative events in Castilian history including the signing of the Treaty of Alcalá in 1308 between Fernando IV and the ambassadors of Jaime II of Aragón, and hosting its own royal Cortes in 1345 and again in 1348, the parliament which promulgated the Ordenamiento de Alcalá.
que lo fasia con bien fisieronlo asy. (Memorias, 10)

If the ranking clergy consented to withdraw to their lodgings (posadas) within Valladolid, it was because they weren’t actually de-parting but simply absenting themselves from deliberations concerning the towns and their hermandades. Beside, many prelates (Osma, Ávila, Túy, Astorga, Badajoz...) were already known partisans of the monarchy who had supported ancho IV in his rebellion against his father in the 1280s leading up to his assumption of the crown in 1284 on Alfonso X’s death. They felt assured of their ability to secure con­cessions and protection before and after the Cortes, something prefig­ured by a donation to loyalist Arias, bishop of Lugo, already on May 4, 1295, the very day Maria de Molina completed her required nine days of reclusive mourning (Pepin 168-71). What the towns were really demanding of the clerical royal relatives and appointees was that they not attach themselves permanently to the itinerant royal court. The privilegios granted to Alcalá de Henares and to most other towns were promulgated on August 8. The prelates would have their own libertas ecclesiastica confirmed by documents issued on August 12 (see Cortes en los antiguos reinos de León y Castilla 133-35).

In the course of confirming Alcalá de Henares’s long standing concessions, exemptions and rights, Fernando invokes his deep parentage:

15 García Gudiel, cardinal archbishop of Toledo, was, conveniently enough, under house arrest in southern France for non-payment of loans and was able to remain neutral when Sancho IV rose up in rebellion. Sancho later courted his support, offering to repay his debts, but the cardinal’s loyalties were with his Church and with Rome, where he died during one of his frequent ad limina visits. His solemn return and reburial in Toledo are recounted in the opening pages of the early fourteenth-century chivalric romance El caballero Zifar, and the putative author of this masterpiece, Ferrant Martínez, was present at the Cortes de Valladolid de 1295 and a confirmante of García Gudiel’s protest of August 16, 1295 (Hernández).

16 “Possibly this charge was directed at such prelates as Alfonso, Bishop of Coria, Sancho IV’s chancellor, who over a thirty-year episcopate had hardly ever visited his see” (Pepin 179).
Primeramente que les guardemos sus fueros e sus priuilleios e cartas e ffranquezas e husos e costumbres e libertades que ouieron en tiempo del emperador [Alfonso VII de León, 1105-1157] e del rey don Alffonso [Alfonso VIII, 1155-1214] que vencio la batalla d'ubeda\(^7\) e del rey don Alffonso [Alfonso IX de León, 1171-1230] que vencio la batalla de meryda [1230] e del rey don fernando su fijo [Fernando III, el Santo, 1199-1252] e delos otros reyes onde nos venjmos.

This affirmation of his legal right to the throne carries with it over a century of baggage of the status quo including, most importantly for Alcalá and the other frontier municipalities present at these Cortes of 1295, recognition of their local fueros, compilations of customary law (leyes consuetudinarias) which Alfonso X had tried to normalize under a Fuero real and to subsume under his great Siete partidas, a code which did not become the Iberian norm until after 1348. Within scant weeks of her husband’s death, María de Molina had taken the preemptive step of sending letters to town councils throughout Castile assuring them that she and the recently, precariously proclaimed heir would honor their fueros (Pepin 170).

Another concern was how certain villas had been disassembled, aldeas within their términos alienated from municipal control and awarded to favorites of the court:

Otrossi quesí el rrey don Alffonso nuestro auello o el rey don Sancho nuestro padre tomaron algunos heredamientos o algumas aldeas a algumas villas o Conçeios a algunos omnes dellos sin razón e sin derecho que sean tornados a aquellos aquien ffue tomado.

Otrossi que los cañiello s e los alcaçares delas çibdades e delas villas e delos lugares de nuestro sennorio quelos ffíemos en Caualleros

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\(^{17}\) Alfonso VII Emperador beseiged the city of Úbeda in 1137 and took and held the city in 1147 for the next ten years before it fell to invading Almohad forces. The Batalla de Úbeda took place in the wake of the Navas de Tolosa and the two battles refer to the same legendary campaign of Alfonso VIII.
e en omnes buenos de cada vna delas villas quelo tengan por nos.

This was a departure from the reigns of Fernando III and Alfonso X when it was part of the king’s job to repopulate territories that were to be bulwarks of his defensive line (Soria, Sepúlveda, Segovia, Ávila, Salamanca) or major urban acquisitions (Córdoba in 1236, Sevilla in 1248). The process was incentivized by royal grants of parcels within the urban enclave or in its embracing términos, as in the famous Repar-timento de Sevilla. As Rucquoi notes:

La politique de conquête et d’occupation des territoires conquis a donc reposé essentiellement sur le phénomène urbain.... Lorsque la Couronne s’adresse au con-céjo des villes de son domaine —et, jusqu’à la fin du XIVe, l’immense majorité des villes appartient au realengo, noble se et ordres militaires dominant essentiellement des zones peu urbanisées— elle s’adresse au petit groupe d’habitants qui dispose de pouvoir au sein de la société urbain et qui parle en son nom... les viles du royaume et leurs représentants constituent un pouvoir solidement établi, pouvoir militaire et financier. (175)

The growth of villas into self-governing towns was a sea change that occurred in the thirteenth century and formalized in chancery documents from 1255 onward, as Alfonso X’s charter address themselves to an incorporated communitas through its designated consiliun or concejo (Rucquoi 173). Of course the greatest concern for the oligarchy of Alcalá de Henares was its own rights, rights which it knew were best defended in solidarity with fellow municipalities coalesced into hermandades. Their representatives were seeking the same guarantees granted when the rulers invoked in this privilegio were negotiating with settlements on a far more tenuous frontier. The celebrated battle of Las Navas de Tolosa was a landmark victory already immortalized in multiple documents like this one, but centuries passed before everyone was certain that African armies would not invade Iberia again. Even in 1295, eighty-three years after Las Navas, the collaboration of town councils was something to be as idiously courted, a factor which required the perpetuation of local fueros and therefore hobbling the
implementation of larger legal codes such as the *Siete partidas*.

Nor do these (routinely Castilian) *concejos* produce written pacts solely with the king, nobles or ecclesiastical officials. They also created corporate entities among themselves as represented in the *cartas de hermandades* between cities, such as those extant from Valladolid-Cuéllar and Valladolid-Medina del Campo (Pino Rebolledo 66-71). A well established practice in Iberia, *hermandades* enjoyed renewed vigor starting in 1282 in the midst of Sancho el Bravo's dynastic revolt. Fernando, María de Molina and Enrique are forced to acknowledge the validity of these supra-municipal alliances in this same *privilegio*:

> Otrossi las hermandades que ffizieron los delas villas de nuestros rregnos de Caístella e de Leon e de Gallizia e de estremadura e del Arçobispado de Toledo otorgamos gelas e confirnamosgelas as[s] i como las ffizieron.

Adeline Rucquoi observes that: “la fréquence des réunions des *Cortes* correspond également à la création et à la grande époque des *hermandades*” (189), and it was precisely at the Cortes de Valladolid that brought them to full stature:

> L’année 1295 nous semble donc marquer le point culminant du processus des relations entre le pouvoir royal et les oligarchies urbaines.... Elles ont enfin obtenu... à la fois l’exclusion de l’Église des réunions des *Cortes* et du centre de décision que constitue la Cour et la confirmation des accords d’*hermandades* signés entre elles. (190)

The towns committed themselves in return to defend their monarchs, such as in the Valladolid-Cuéllar *carta* of 1298:

> A servicio de Dios e de Nuestro Señor el rey don Fernando e de la reyna doña María, su madre, Nuestra Señora... de ser convusco contra todos los omes del mundo que con vos quisieren ir, por vos robar o vos facer algun daño... que vos pechamos en pena seys mill maradevis.... Et que en esto non venga en dubda e sea más
firme, damos esta carta sellada con nuestro sello pendiente. (Pino Rebolledo 67)

It's a gesture of the pretension of a balance of power that these town councils used their own pendant lead just like their lords.

The stated goal written into this privilegio was for the town to be governed by representatives from among their own citizenry, requiring the king to affirm that:

e los omnes buenos delas villas quenos dieron pora ordenar esto allaremos que algunos d'esto officialles legos bien ussaron dessus officios e toujeremos por bien que ayan officios en nuestra ca sa quelos ayan. Otrossi tenemos por bien quelos officialles de nuestra ca sa sean omnes buenos dela villas de nuestros rregnos assi como eran en tiempos del rey don Alfonso.

The goal was to reform the young king's personal administration with reliable townsmen to represent the third estate, rather than noble partisans for the great families or well positioned eccentrics from the Church. The hermandades, of course, knew that they were still vulnerable to pressures from the dioceses to which they were irrevocably tied, so on August 14, 1295 municipal associations like those of Alcalá, Brihuega, Uceda, and Salamanca offered their promise of non-interference in matters unrelated to towns' right, but García Gudiel was to issue his own counter protest on behalf of the Church only two days later (Pepin 181).

There is a disturbing note of anti-Semitism in the parenthetical order “e que non ande y judío,” effectively excluding Jews, close associates and tax collectors in the courts of both Alfonso X and Sancho IV. Despite disputes with María de Molina, the Jew Samuel de Belorado exercised considerable influence in his role of almoxarife or finance minister under both Sancho IV and Fernando IV (González Mínguez 23). They are now ejected from the ranks of royal administrative functionaries. A few lines later Fernando again notes, “porque non anden y judíos nj otros omnes rebelotosos,” lumping Jews and troublemakers into a single scorned mob. That is why the Privilegio de 1295 for Alcalá
and so many other towns insists that: “Otrossi quelas cogechas delos pechos de nuestros regnos quelas ayan omnes buenos de nuestras villas,” and not Jews working on commission or interlopers from outside communities. Alcalá contained one of the largest Jewish quarters in Castile, perhaps numbering some 5,000 inhabitants.

The establishment of a municipal archive had already been formalized in the Siete partidas, and part of many towns’ duties included the maintenance of the cuadernos or transcripts of the Cortes held in them. Despite this legal code’s habitual reference to the relationship of local scribes to the king and his judges, the concejos of Castilla and León clearly wanted the authority to notarize their own documents and guard the seals of those town councils:

Otrossi quelos nuestros sellos sean metidos en poder de dos notaryos que sean legos e el vno que sea delas villas delos regnos de Castiellla e el otro delas villas delos regnos de Leon e estos notaryos que tengan las llaues delos sellos e ayan las vias delas cartas.

The Privilegio de Alcalá de Henares is an enlightening witness to the dynastic struggle which accompanied the nearly failed accession of Fernando IV to his father’s throne, the palace and national—indeed international—intrigues which surged around the beginnings of his reign, the push-back of church officials whose cozy relationship with the crown was being redefined by an aggressive new generation of prelates like García Gudiel, the administration of local municipal councils and inter-urban alliances, ethnic tensions over the collections of taxes, and even the formalities of city record keeping through the institutionalization of the arca del concejo.

The reappearance of this manuscript at the University of Virginia, a document of major historical significance for the modern city of Alcalá de Henares and a royal charter long disappeared from Spain, is a happy find for scholars and an incentive to keep searching collections far from Spain for Iberia’s dispersed treasures.

18 Partida III, Título XIX, Ley IX: “Qué deben facer et guardar los escribanos de las ciudades et de las villas” (638).
Texto de Privilegio de Alcalá de Henares
University of Virginia, Rosenthal Collection 9772, Oversize MS 138, OV Box: V-1

Norms of transcription: While respecting the original spelling, I have resolved most of the (infrequent) abbreviations and cases of apocope, and rendered the copulative as a simple ‘e’. I have not used modern accent marks in the hopes that the few unusual cases may not trouble the well trained reader, such as “y” for “allí.” Many cities within Castilian domains received nearly identical privilegios including Alba de Tormes, Ávila, Avilés, Burgos, Guéjar, Guadalajara, Medina de Río-seco, Medina de Sigüenza, Miranda de Ebro, Oviedo, Tolosa and Valladolid among others (González Mínguez, Fernando IV. La guerra civil y el predominiio de la nobleza). I have chosen the Privilegios of Burgos19 and Tolosa20 to point out some variations in the essential text of which Alcalá de Henares is an excellent example. Numbers indicate renglón in the original document.

1 En el nombre de dios padre e fijo e spiritu sancto que son tres personas · e un dios e de la virgen sancta maria su madre que nos tenemos por señora · e por auogada · en todos nuestros fechos · Queremos que sepan por este nuestro privileio los que
2 agora son · e seran d’aqui en adelante · Como nos Don fernando · por la graci de dios rey de Castiella · de Toledo de Leon de Gallizia · de Seuilla de Cordoua · de Murcia · de Jahen del Algarue · e sennor
3 de Molina · Estando · en las cortes · en la villa de valladolit sseyendo · llamados · a ellas · prelados e rricos · omnes · e Maestros · de Caualleria · e todos los otros de nuestros rregnos · porque sabemos que es serujcio · de dios .
4 e nuestro e muy grant pro de todos · los nuestros rregnos · e meiora-

19 Cortes en los antiguos reinos de León y Castilla (130-33).
21 Tolosa: this copy was planned to have a somewhat fancier format with calderones, etc., but now shows gaps and imperfections in the battered parchment. Here it only reads: “porque sabem[...] et nuestro et muy grant pro.”
mjento · del estado · de toda nuestra tierra · Et ajuendo voluntad ·
de fazer bien e merçet · a todos los Conseios · de nuestros reynos ·
con conseio de la reyna do-
5 ña maria nuestra madre22 · e con otorgamjento del infante don Anri-
que nuestro tio e nuestro · tutor e con conseio · de don rroy perez ·
maestro de Calatraua nuestro amo · e don Johan osorez · maestre
dela caualleria · de sant yago.23 e de los prelados ·
6 e delos rricos · omnes · e delos otros · omnes · buenos · que · y eran ·
connusco · Ordenamos · damos · e confirmamos · e otorgamosles
estas cosas · por siempre · jamas Primeramjente · que les guarde-
mos · sus fueros · e sus · priuilleios · e cartas e ffranquezas · e hu-
7 sos e costumbres · e libertades · que oujeron · en tiempo · del empera-
dor · e del rrey don Alffonso · que vencio la batalla · d’ubeda · e del
rrey don Alffonso · que vencio la batalla de meryda · e del rrey don
ffernando · su fijo · e delos otros reyes
8 onde nos venjmos24 · los meiores · e delos que ellos · masse pagaren ·
Otrossi que todos los Arçobişpos · e los obispos · e los abades
que vayan · a beuir · asus · arçobişpados · e asus · obisipados · e sus
abadias e los clerigos · asus lugares · salvo los cape-
9 llanes · que cumplieren pora nuestra Capiella · que anden · connusco
· Otrossi que todos los priuados que andudieron · con el rrey · don
ssancho · nuestro padre · e todos los otros · officialles · que non
Anden en nuestra cassa · e que den · cuenta · de quanto · llevaron ·
dela tierra
10 porque esto es serviçio · de dios · e nuestro · e pro e guarda · de todala
· tierra Pero · si con conseio dela reyna · donna maria nuestra ma-
dre nos e el infante don Anrrique · nuestro tio e los omnes · buenos
· delas villas · quenos · dieron pora ordenar · esto · ffallaremos · que
11 nos · d’estos officialles · legos bien ussaron · dessus officios · e touje-
remos · por bien que ayan officios · en nuestra · cassa · quelos ayan
Otrossi tenemos por bien quelos officialles · de nuestra cassa · sean

22 Tolosa: “et auiendo voluntad de les fazer bien [...] conseio de la reyna donna Maria.”
23 Tolosa: “Roy Perez, maestre de [...] caualleria de Santiago.”
24 Burgos: “onde nos avenimos.”
En ayos en Honor de E. Michael Gerli

omnes • buenos • delas villa • de nuestros regnos assi como
eran en tiempo • del rey • don • Alfonso • elque vencio • la batalla
de • hubeda • e en tiempo • del rey don Alfonso • elque vencio la
batalla • de merida • e del rey don • Fernandez • e que non ande y
judio • Otrossi quelas cogecha • delos • pechos • de nuestros reg-
nos • quelas ayan omnes buenos • de nuestras villas • assi como las
oujeron en tiempo • del rey • don fernando • nuestro • vissau[e]llo • porque non anden • y judios •nj otros omnes rebolotosos • e
que • non sean Arrendadas • Otrossi quesi el rey • don • Alfonso •
nuestro • auuello • o el rey
don Sancho nuestro padre • tomaron algunos heredamientos • o al-
gunas aldeas • a algunas • villas • o • onceios • a algunos omnes • de-
llos sin rraz6n e sin derecho • que sean tornados • a aquello • aquien
ffue tomado • Otrossi • villa • regalenga • enque aya Alcallde • o
meryno
quela non d mos • por eredat • a Jnffante • nj a rric[o] omne • nj a rri-
ca • ffeembra • nj a orden • nj a otro • llugar njnguno • porque sea ena-
genada • delos nuestros regnos • e denos • Otrossi quelo nuestros
seillos • sean metidos en poder • de do • notaryo • que sean lego
e el vno que sea delas • villas • delos regnos de • astiella • e el otro
delas villas delo • regnos de Leon • e estos notaryos • que tengan
• las llaues • delos seillos • e ayan las vistas delas carta • Et quela
nuestra chancellerya que non sea metida en
arrendamiento • Otrossi que non Ande en la tierra • nuestra carta de
creencia • nyn blanca • e si alguno las traxjera que non obren por
ellas porque es contra ffuero Otrossi que quando fueremos en al-
guna villa • que non tomen vianda • njnguna pora nos quela
<\25 >
demos pagar • e loque tomo el rey don sancho nuestro padre • e la
reyna • nuestra madre quelo mandemos pagar • Otrossi que los

25 Real Academia Española: “Realenga: Dicho de un pueblo: Que no era de
señorío ni de las órdenes. Dicho de un terreno: Perteneciente al Estado; “patromonio real.”
26 Burgos: “éstos dos notarios.”
27 Burgos: “la traxier que non obren por ella.”
28 Tolosa: “Otroso que, quando [...] alguna villa.”
29 Burgos y Guadalajara: “pora nos amenos quelo.”
cañiellos e los alcazares • delas cibdades e delas villas e delos lugares
• de nostro sennorio quelos ffizemos en Caualleros e en
omnes buenos • de cada vna delas villas quelos tengan por nos •
Otrossi • las hermandades que ffizieron • los delas villas de nuestros
rregnos • de Castiella • e de Leon • e de Gallizia • e de estremadura
• e del Arçobicispado de Toledo otor-
gamos • gelas30 e conffirmamosgelas • as[s]i como las ffizieron31 •
Et nos [el] sobredicho • rey don ffernando • rregnante en Castiella • e
en Toledo • e en • Leon • e en Gallizia • e en Sevilla e en Cordoua • e
en Murcia • en Jahan • e en
Baeça • e en Badaioz • e en Algarbe e en Molina • prometemos e otor-
gamos • de tener • e de guardar • todas estas cossas que sobredichas
son • e de non venjr contra ellas njngun tiempo31 • Et por mayor
firmedumbre de todo •
esto • el Jnffante don Anrique • nuestro tio e nuestro tutor • Juro
por nos assi como tutor sobrellos • euangellios e sobrela cruz • e fizo
• pleyto • e omenaie que lo mantouiesemos • e lo guardassemos en
todo tiempo • como dicho es • Et d’esto mandam-
os dar al Conceio • de Alcala14 este priuileio seellado • con nuestro
seello • de plomo • ffchelo el • priuileio • en Valladolit • ocho • dias de
agosto Era de mill e trezientos e treynta • e tres • años • Iohan garcia

30 Burgos: “otorgamoslas.”
31 “Los ordenamientos de estas Córtes remitidos á los concejos de Avilés y
Oviedo contienen, antes de este capitulo, el que sigue: «Otrosi, quelas appellaciones
de nuestra casa de los consejos de los regnos de Leon e de Gallizia que vayan al
Libro judgo a Leon assi como se solie vsar en tiempo [some copies add “del rey don
Alfonso [VIII] que venço la batalla de Úbeda”] et del rey don Alfonso [VIII de
León] que ganó la batalla de Mérida, e del rey don Ffernando [III] su fijo.»” (Cortes
en los antiguos reinos de León y Castilla 132, n.4).
32 Burgos adds: “Otrossi quelos merinos mayores de Castiella e de Leon e de
Gallizia que non sean ricos omes, et que sean tales los que y pusieremos que amen
justicia.”
Tolosa adds: “Otrosi que los merinos mayores de Castiella et de Leon et de
Gallizia que non sean ricos omes, et que sean tales los que y pusieremos que amen
justicia.”
33 Burgos: “en ningun tiempo.”
34 Burgos: “... dar al conçeio de Burgos cabeza de Castiella e nuestra camara
este priuilegio...”. Tolosa: “Tolosa”.

Greenia / The Lost Privilegio de Alcalá de Henares de 1295
Chancellor del Infante don Anrique lo
24 mando fazer por mandado del Rey en el año primero que el Rey
sobredicho Regno. Yo domingo perez de Atiença lo fiz escriuir
[small notarial rubric]
[two modest notarial signatures in different pen and ink, first centered,
second flush right]
25 [small notarial rubric] Iohan garcia [small notarial rubric]
[small notarial rubric] fferrand garcia [small notarial rubric]

College of William & Mary

35 Tolosa: “Yo Domingo Perez de Atiença lo fiz escriuir (rubrica). (Rubrica)
(firmado:) Iohan Garcia (rubrica). (Firma ilegible). (Firmad :) Miguel Martinez
(rubrica).”
Works Cited


Nielsen, Arlene. “Bernard Rosenthal, the Antiquarian, Scholar, and Friend of The Ban-


“Special Collections Dept. Correspondence Box A28-15R, Medieval Manuscripts Folder.” Albert & Shirley Small Special Collections Library, University of Virginia.