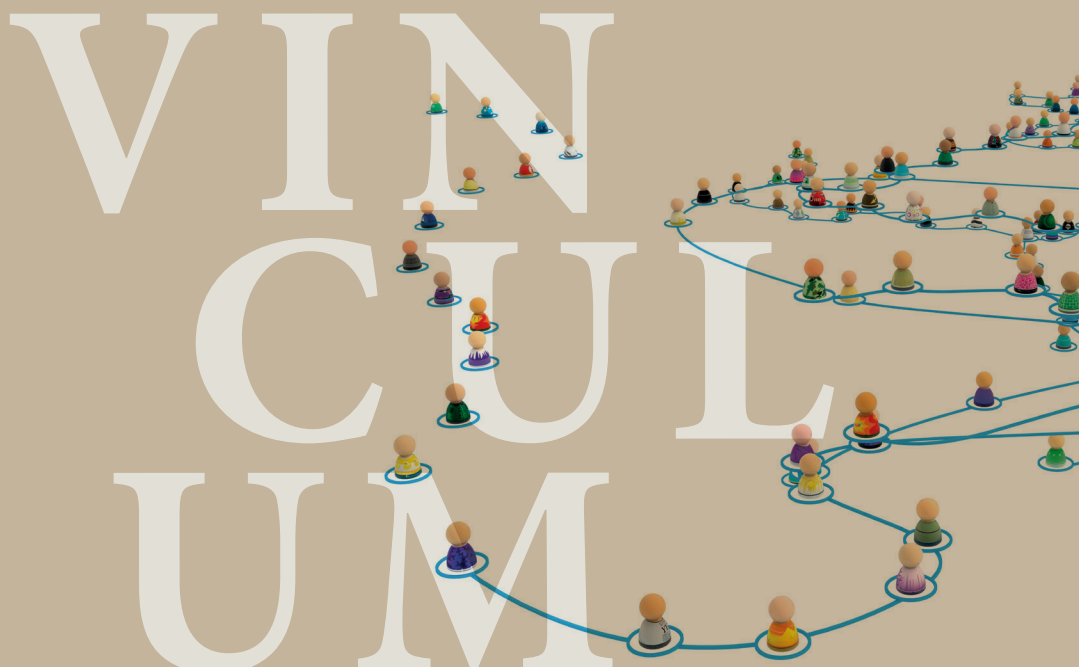


HISTORICAL AND ARCHIVAL STUDIES /
ESTUDOS HISTÓRICOS E ARQUIVÍSTICOS



(dir. Maria de Lurdes Rosa)



**PRIVILEGE, MEMORY AND
PERPETUITY: ENTAILS AND
ENTAILMENT IN EUROPE,
CA. 1300-1800**

Maria de Lurdes Rosa (ed.)

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VINCULUM



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A historiographical review of the *mayorazgo* (entailed estate) in the Crown of Castile (13th–15th centuries) and a digital proposal

Raúl Villagrasa-Elías

(University of La Laguna [ULL])¹

Abstract: This chapter is based on two pillars: first, a state of the question about the *mayorazgos* (entailed estates) in the Crown of Castile in the late Middle Ages, before the promulgation of the Laws of Toro (1505); second, a commentary on the literature on the important lineage of the Fernández de Velasco with a Digital Humanities proposal for the systematization of the data on the entailments of this noble family. Thus, it is proposed to advance in the knowledge of transversal elements of the subject, the application of comparative studies and new ways to analyze the mountains of data generated by the entailed estates in the Ancien Régime.

Keywords: *Mayorazgos*, entailments, Middle Ages, Crown of Castile, Spain, Fernández de Velasco family, nobility, lordship.

¹ This book chapter is part of the research project “*Scripta manent III: From private records to public texts. An online medieval archive*” (PID2020-116104RB-I00) (PI: Cristina Jular Pérez-Alfaro), from the Spanish government’s “Convocatoria Orientada a los Retos de la Sociedad”, funded by the Ministry of Science, Innovation and Universities and the Spanish State Research Agency (MICIU/AEI/10.13039/501100011034), online at www.scriptament.info. I am grateful to Cristina Jular, Víctor Muñoz, Ángel Rozas and Isabel Melero for their help during the preparation of this contribution. Thanks also to the evaluator(s) for their valuable feedback.



Introduction

The exploration of entailed property in late medieval times in the Crown of Castile inevitably leads to a focus on the “*mayorazgo*”. Through this institution, the nobility managed to prevent the dispersal of their estates by linking family properties for the benefit of the main usufructuary. With this review, I have set three interconnected objectives. Firstly, and in a broader sense, I will discuss publications from the last decades centered on the centuries preceding the promulgation of the Laws of Toro (1505), a historical milestone, as well as those following the publication of Bartolomé Clavero's book, a historiographical milestone (first part of this chapter). Secondly, I will reflect on entailments and the literature on the Fernández de Velasco family, an exemplary lineage in terms of patrimonial accumulation and family distribution since the end of the 14th century. Finally, I will conclude with a digital proposal that, hopefully, will help the systematization of information for the study of the late medieval *mayorazgo* using digital resources (second part).

1. Historiographic review

There are two elements that have marked the entailment in the Crown of Castile: first, its regulation in the Laws of Toro (*Leyes de Toro*) in 1505 and, later, the work of Bartolomé Clavero². More than a milestone, the 1505 regulation³ has come to be considered as the start of this institution: “already in Castile, the Laws of Toro will be the initial moment in the history of the entailed estate, as they contain the regulations on succession”⁴, Álvaro Romero⁵ mistakenly notes. As we will see, the

² Clavero, 1974.

³ The characteristics of research in modern times are different, with a greater number of sources, authors and schools dedicated to the study of the elites. In this regard, for the family, the nobility, the House or the entailed estate in this period see the works of Francisco Chacón Jiménez, Juan Hernández Franco or Enrique Soria Mesa. For a bibliometric and historiographic review on the *mayorazgo* in modern Spain I refer to Fernández (2020) and Melero (2023, pp. 26–35), respectively.

⁴ Translation ours. There is no bibliography in English used for this chapter, therefore, all translations of quotations from other authors or historical documentation have been made from Spanish to English and have been carried out by the author. In this way, I avoid the repetition of identifying each quoted passage as a translation and I only add the most important original quotations.

⁵ Romero, 2019, p. 221.



development of the entailment in the decades and centuries prior to Toro is well-documented. The second milestone I mentioned, the historiographic one⁶, corresponds to Clavero's omnipresent essay, always quoted and scarcely criticized. Among the former, Isabel García⁷ pointed out that “the scarce bibliography on the subject will force us to refer continually to the work of B. Clavero”; among the latter, few have really criticized this complicated book⁸. José Luis Bermejo describes this essay as an “aggregate of parts” and heterogeneous sources, “language of the most difficult and convoluted in our historiography” and, perhaps what is of most interest here, the identification of the entailed estate as feudal property. In the words of Bermejo⁹:

“It seems preferable, therefore, to continue more modestly with a traditional type of characterization, in the double aspect of strict entailment of assets in perpetuity and the signaling of a succession order based on substitutions, under the control – it might be added – of the royalty. Although the characterization is less comprehensive and spectacular, it is more precise and calibrated”.

An essential is raised here in a debate that, on the other hand, has not been carried out, which is to include (or not) the *mayorazgo* within a larger entity such as feudal property. Paradoxically, although Clavero's essay is the inaugural quotation in many subsequent works, the literature on the entailed estate in the last decades hardly links “feudal” or “feudalism” with this institution¹⁰.

6 Before Clavero, there were other authors who approached the issues of entailments in Spain in the 19th century: Juan Sempere y Guarinos, Francisco de Cárdenas, José S. de Biedma, and Gumersindo de Azcárate. Nelly R. Porro (1962, 1970) also anticipated this by noting the lack of contributions on the subject.

7 García Día, 1989.

8 For example, José Martínez Gijón's review (1974) serves more as a summary than as a review.

9 Bermejo, 1985, p. 288.

10 Julio Valdeón (1998, p. 135) includes Clavero among the authors in Spain in the 1970s who used the term feudalism differently, distinguishing it from the classical perspective of Sánchez Albormoz. At that time, international historiography was also renewing the landscape, with some advocating for a juridical-institutional conception of feudal-vassal relations, or feudalism as a mode of production. Regarding lordship and feudalism, Álvarez Borge (2010, p. 120) criticizes the juridical rigidity of Clavero's conception of seigniorial power before the 14th and 15th centuries, where the *behetría* was excluded. As a complement, I refer to the historiographical reflections of Víctor Muñoz (2018, pp. 35–49) on seigniorial domination in Castile in the Late Middle Ages.



Due to its brevity and as a starting point, the *Diccionario panhispánico del español jurídico* defines *mayorazgo* as the “institution that subjects property to a privileged regime to avoid its transmission outside a specific line of succession”¹¹. Isabel Melero¹² complements this definition with one of the clearest expositions:

“The *mayorazgo* is defined as an institution of the Ancien Régime that functioned as a system of entailment of the properties and titles of nobility, by which the heirs, commonly the eldest male son, inherited succession rights. The entailed properties were immutable and could not be sold, alienated or subjected to an annual charge, except with prior royal authorization. Thus, the heir of the entailed estate was the representative of the family and was the usufructuary of the patrimony, being able to increase the entailed properties in the *mayorazgo*. In this way, the entailed estate as a legal institution was a key element in the development of the nobility, allowing the conservation of the patrimony and the preservation of the lineage’s memory”¹³.

Before the *mayorazgo*, the Castilian succession regime was already regulated in the 13th century. Alfonso X (1252–1284) established in the *Fuero Real* the possibility of using the fifth part of the donor’s estate freely, as well as the right of legitimate children to inherit equally in cases of intestacy. The *Siete Partidas* also regulated the concepts of “*legítima*” (legitimate portion) and “*mejora*” (improvement). The first corresponded to the right of children to receive the inheritance from their elders. The second applied to the possibility of parents or grandparents to benefit a successor to a greater extent, establishing conditions that the beneficiary had to accept. The origin and generalization of the *mayorazgos* seems to be in the 13th–14th centuries, having precedents both in Roman law (fiduciary trusts) and Germanic law¹⁴.

11 The original: “institución que somete la propiedad a un régimen privilegiado para evitar su transmisión fuera de una determinada línea sucesoria”.

12 Melero Muñoz, 2022.

13 Original: “Los bienes vinculados eran inmutables y no podían ser vendidos, ni enajenados, ni censados, salvo excepción de una previa autorización real. Así, el heredero del mayorazgo se erigía como el representante de la familia y era usufructuario del patrimonio, pudiendo incrementar los bienes vinculados en el mayorazgo. De este modo, el mayorazgo como institución jurídica fue una pieza clave en el desarrollo de la nobleza, ya que permitió la conservación patrimonial y la preservación de la memoria del linaje.”

14 Ayerbe, 2022, pp. 49–51.



Juan Hernández Franco and Antonio Peñafiel Ramón¹⁵ insert this process in one of greater dimensions, such as the crystallization of the agnatic structure of the lineage in Castile, with a certain delay with respect to other European areas such as the north of France and Italy¹⁶. The 12th century allowed a glimpse of the agnatic system with the county families, warrior and military in nature, and holders of command by royal delegation. The 13th and 14th centuries marked the definitive consolidation of previous trends, in which temporary donations became hereditary, mainly benefiting the first-born¹⁷. Marie Claude Gerbet¹⁸ perceptively observes this awareness of lineage when analyzing the nobility of Extremadura in the second half of the 15th century. The economic concentration acquired by way of *mejora* or *mayorazgo* is accompanied by the moral, political, and family value of the *pariente mayor*¹⁹. Although in Galicia the consolidation of the *mayorazgo* was late, well into the 16th century, Ana María Framiñán and Antonio Presedo²⁰ observe changes in social reproduction model that coincide with this type of entailment.

Possibly the aspect that has been most discussed is the origin of the institution or when it functioned in its fullness. Clavero comments on the case of Juan Maté [Mathé] de Luna (1291). In 1292 this entailment was rectified for lacking the approval of the wife and, finally, Fernando IV confirmed it in 1307. This entailed estate was already known by Sempere, who gathered the information from the *Annales de Sevilla* of Ortiz de Zúñiga (17th century) and granted it the title of “first *mayorazgo*”. However, Clavero does

15 Hernández & Peñafiel, 1998, p. 162.

16 “It basically meant establishing the following as organizational values of kinship: primogeniture, masculinity, and lineality, and developing and affirming a consciousness and a symbolism that materialized and reproduced the above through the fixation, repetition and succession of names by a family, identification with a heraldic emblem, and funerary (graves), religious (chaplaincies) and memorial foundations (anniversaries, masses and suffrages)” (Hernández & Peñafiel, 1998, p. 162).

17 Beceiro & Córdoba, 1990, pp. 16–20, 35–107, 231–242.

I cannot delve here into the role of women founding and benefiting from the entailed estates. However, the theoretical consolidation of the agnatic system in the late Middle Ages with the *mayorazgo* did not eliminate women in inheritance and family disputes. Proof of this are the lawsuits in which they participated to claim their rights concerning the *mayorazgo*, dowries and marital property (Montero & Muñoz, 2022).

18 Gerbet, 1989, pp. 95–118.

19 In the same way and in connection with the previous note, it was common to establish more than one *mayorazgo* in certain families to favor the rest of the sons. There are cases of use of goods inherited by the mother for the founding of entailed estates of second lineage (Quintanilla Raso, 2006).

20 Framiñán Santas & Presedo Garazo, 2005.



not consider that the legal constitution of the *mayorazgo* occurred until the second half of the 14th century during the reign of Enrique II (1366–1367/1369–1379) and the arrival of the Trastámara dynasty²¹. In fact, he considers the previous period as “the prehistory of the *mayorazgo*”²².

Clavero's perspective, largely focused on juridical aspects and the use of printed sources, has been reconsidered by several authors in the 1980s. José Ignacio Moreno²³ was the first to do so with the use of the concept of “archaic *mayorazgos*” and the Dávila lineage from 1294. Blasco Ximénez promoted two entailed estates in favor of his eldest sons, granting them Navamorcuende and Cardiel. This author adopts the term again in a successive essay with the *mayorazgo* of Villanueva de Gómez, also in the surroundings of Ávila²⁴. In an article a year later, José Luis Bermejo²⁵ detailed a series of *mayorazgos* established during the reign of Alfonso XI (1331–1350). Thirdly, Jean-Pierre Molénat²⁶ used the term “*pseudo-mayorazgo*” for the case of Alfonso Mateos in the city of Toledo (1266). The French scholar also opposed placing the beginning in 1369, even though royal authorizations for this purpose already existed before 1291²⁷. The dates, to a greater or lesser extent, coincide with the development of entailed estates in other Iberian territories such as Portugal – *morgadios* –, Navarra – *mayoríos* – and the Crown of Aragon. However, the latter two areas had greater freedom to make wills, resulting in less use of entailment²⁸.

21 For this king and the “*mercedes enriqueñas*” see the book by Julio Valdeón, 1965, pp. 117–126 and 274–305.

22 Clavero, 1989, pp. 23–27.

23 Moreno, 1984, 2007.

24 Moreno, 2009.

It refers to other essays of similar chronology for the reigns of Alfonso XI and Pedro I: first, the double confirmation of the *mayorazgo* of Almaraz and Deleitosa (1343 and 1351), founded by Juan Alfonso Gómez de Almaraz (Ávila Seone, 2004); second, the donation of Galve de Sorbe to Iñigo López de Orozco by Pedro I and the authorization to establish *mayorazgo* (1354) (Ávila Seone, 2006).

25 Bermejo, 1985.

26 Molénat, 1986.

27 Clavero published the first edition of his book in 1974. He corrected and expanded his second version in 1989. In this second edition, the considerations of Moreno, Bermejo and Molénat are not included. Clavero (1986) did reply to Bermejo in an article on the origin of the *mayorazgo*.

28 Álvarez Borge, 2016, pp. 93–101.



There seems to be a certain consensus regarding the periodization and social structures from the last decades of the 14th century, seeing the high nobility as the main promoter of the *mayorazgos*²⁹. Gerbet³⁰ presents a similar dialectic by providing data on Extremadura. Of the 51 documented *mayorazgos*, 50 correspond to the Trastámara period. In addition, the high nobility had 24 founding, of which 15 occurred between 1387 and 1474. On the contrary, knights established 27 entailments, with 20 of them falling within the reign of Isabella (†1504) and Ferdinand (†1516). Given this periodization, I consider there are two aspects to consider.

1) Firstly, I believe that there is little appreciation of the forms of preservation of documentation and archival practices around the lineage, that lineage that emerged in the 12th century but did not consolidate until the late 14th century – with the consequent regional and social variations. Where does the information we use in our research come from? If it does so from noble archives – as in the case we will later see of the Fernández de Velasco family –, their archive starts mainly at the end of the 14th century with the assumption of their patrimonial core – Briviesca and Medina de Pomar – and a full conception of the lineage³¹. The archives of other great houses start later. Therefore, it is logical to see in the last decades of the 14th century and the first half of the 15th century, with the Trastámara dynasty and the “*mercedes enriqueñas*”, not so much an intensification of the entails of the high nobility, but rather a greater preservation of charters and wills regarding this aspect in the nascent archives of this social elite. Which families were able to produce a notable mass of documents and develop archival practices over the centuries? If, on the contrary, we have archives and records of the monarchy, the councils, and the notaries, which in Castile, despite local differences, did not become generalized until well into the 15th century, it is normal that we expand the entailed estate to other no

29 Ruiz, 2012, pp. 318–319.

30 Gerbet, 1989, pp. 102–118.

31 Jular Pérez-Alfaro, 2017, 2021.



ble sectors – knights, urban oligarchies, *hidalgos* – in successive stages to the most powerful nobility³².

2) On the other hand, it is worth considering the level of those nobles cited in the bibliography dealing with the early *mayorazgos*. Were they high nobility? At what level did they move: around the kingdom and the court or at regional level? The classification of the nobility with respect to the *mayorazgos* has been done, as in the case of Gerbet³³, when the sources have allowed it, when there is sufficient data, but not so much with respect to the previous entailments. Quintanilla³⁴, as we shall see, deals with the alienation of the entailed property largely using the *Registro General del Sello* of the General Archive of Simancas, a collection with serial sources from the second half of the 15th century. Before the enthronement of Enrique II (1366/1369), the discussion on the origins of the institution has prevailed often using isolated cases.

A topic with many possibilities for study is the social rise of certain urban lineages in which the *mayorazgo* represented, to some extent, their economic-social culmination. Many already enjoyed the status of knights and held positions in the municipal administration. Andalusian cities prove to be the most prolific in this type of studies, where the entailment of the family house within the city walls with a series of agricultural incomes outside them was very common. Rafael Sánchez Saus³⁵ follows Clavero in the periodization of the *mayorazgo* and documents in and around Seville 4 examples before 1370, 16 before the middle of the 15th century

32 Ángel Riesco (2004) details the problems of notarial practices in the late 15th and early 16th centuries, with the reform attempts of the Catholic Monarchs. For this same period, it is convenient to also consider the archival practices of these monarchs (Castillo, 2014). It is worth remembering that the *Registro del Sello* (chancellery) of the General Archive of Simancas has a serialized character from 1475. See the description of the collection in the *Portal de Archivos Españoles*: <<https://pares.mcu.es/ParesBusquedas20/catalogo/description/117090>> [consulted: 2023/11/23]. I leave aside in this reflection the uneven preservation of municipal sources in the Crown of Castile because of their lesser usefulness for analyzing entailments.

33 Gerbet, 1989.

34 Quintanilla Raso, 2004.

35 Sánchez Saus, 1989, pp. 55–64.



and 21 between 1456 and 1504³⁶. Juan Cartaya Baños has recently restart the topic³⁷, focusing on 16th century Seville and analyzing the following evolution: to the high nobility and municipal lineages, many linked to the monarchy, were added numerous beneficiaries of American mercantile trade. From the University of Cádiz and applying efforts to Jerez, several case studies have complemented the more general overview for Seville. First, Enrique J. Ruiz Pilares³⁸ analyzed the *mayorazgo*'s establishment of Pedro Camacho and Teresa de Suazo for the benefit of their grandson Pedro Camacho (1507) and, later, Ruiz himself together with Javier E. Jiménez López de Eguileta³⁹ did the same with that of Gonzalo Pérez de Gallagos (1527). The oldest *mayorazgo* established in Jerez was that of Alonso Fernández de Vargas in 1390, after obtaining the approval of Juan I the previous year to entail the Extremaduran towns of La Higuera and Burguillos. Margarita Cabrera⁴⁰ includes numerous data in her work on the oligarchy of Córdoba. Although the earliest date is 1307, the phenomenon does not become widespread until the final decades of the 14th century with the entailments of Luque (1374), Chillón (1375), Aguilar (1377), Lucena and Espejo (1377), and Fernán Núñez (1382). All of them coincide with the government of Enrique II of Trastámara.

Alongside urban oligarchies, the high nobility has received the most attention. However, and I will later detail with the case of the Fernández de Velasco, much of these analyses are scattered in general studies of each lineage⁴¹. The most important book takes us, once again, to the Sevillian countryside with Federico Devís⁴² and the House of Arcos. The author observes that the centralization of political power of the Castilian monarchy was not to the detriment of the titled nobility. What's more, the *mayorazgo* of this lineage represented the patrimonial culmination between the end

36 Sánchez notes the increase in the time of the Catholic Monarchs and the protagonism of knights and, compared to the previous time, the tendency to found entailments on second sons, daughters, grandchildren and nephews by ecclesiastics or women without direct descendants. An example of this intensification is Gonzalo de Saavedra, founder of three *mayorazgos* in 1475.

37 Cartaya Baños (2018, pp. 23–45) for the *mayorazgos* between 1291 and 1499.

38 Ruiz Pilares, 2012.

39 Jiménez López de Eguileta & Ruiz Pilares, 2022.

40 Cabrera, 1998, pp. 285–299.

41 Include here the abundant essays by María Concepción Quintanilla Raso and the numerous doctoral dissertations she has supervised.

42 Devís, 1999.



of the 14th century and 1492, within a process of conquest by the high nobility: the fief mutated into an entail with the elimination of the reversion of the assets granted in donation. Isabel García's article⁴³ on late medieval Murcia can be included in this section⁴⁴. From the selection of entailments analyzed, the Fajardo stands out, the most important family in the region since Alonso Yáñez Fajardo obtained the charge of *adelantado mayor* of the kingdom of Murcia. The core of the lineage materialized around Librilla, purchased from the Marquis of Villena (1381) with the *tercias* obtained from Juan I, and Alhama, received by royal concession. The *mayorazgo* crystallized in 1438. Perhaps the most characteristic fact, although not extraordinary, is the existence of two *mayorazgos*, one for Librilla and Alhama, and another for Mula and Molina, although the beneficiary was the same person: Pedro Fajardo⁴⁵. García Díaz concludes with three ideas: first, that the increase in noble patrimony in Murcia was carried out at the expense of the royal domain and the town councils; second, that despite all this, at the end of the 15th century the institution of *mayorazgo* had not been imposed in the kingdom of Murcia, and, third, that the Murcian *mayorazgo* was influenced in its application by the Valencian and Catalan forms of entailment.

One of the main characteristics of the analysis of late medieval entailment is the applied perspective of case studies around well-defined lineages, cities, or regions. We have seen essays on Seville and its rural area⁴⁶, Jerez⁴⁷, Córdoba⁴⁸, Extremadura⁴⁹ and Murcia⁵⁰ and to them we can add⁵¹ those related to Toledo⁵², Cuenca-Albacete⁵³, Jaén⁵⁴, Huelva⁵⁵,

43 García Díaz, 1989, pp. 152–162.

44 The author does not include the entailments founded by Juan Pacheco in 1472 and refers to Franco (1987, pp. 158–159) for this purpose.

45 For the Fajardos, see also Franco (1994, pp. 21–30).

46 Sánchez, 1989; Devís, 1999; Cartaya, 2018.

47 Ruiz, 2012; Jiménez & Ruiz, 2022.

48 Cabrera, 1998.

49 Gerbet, 1983, 1989.

50 García, 1989; Franco, 1994.

51 Below, I use toponyms of regions, current provinces or known cities for a better understanding.

52 Molénat, 1986; Romero, 2019.

53 Torres, 1987.

54 Porras Arboledas, 1989; Carmona, 2009. Ángel Reina Aguilar (2021) uses the three *mayorazgos* studied by Porras (1989) to make a legal comparison with the Islamic institution *waqf*.

55 Ladero Quesada, 1983.



Cáceres⁵⁶, Ávila⁵⁷, Soria⁵⁸, Galicia–Asturias–Cuenca⁵⁹, and Vizcaya⁶⁰ – Portugalete⁶¹ and Balmaseda⁶² –⁶³. Undoubtedly, more titles could be added, but this is the main result obtained from the different bibliographic databases⁶⁴. María Concepción Quintanilla Raso's essay⁶⁵ is possibly the most complete and transversal for the chronology used, combining case studies of noble families, especially titled nobility. She addresses topics such as the substitution of equitable inheritances by the *mayorazgo* – a discriminatory and hierarchical form –, the principal and multiple entailments, and the inalienability and alienations of property.

From the previous enumeration it is observed that, except for the Vizcaya and Galicia–Asturias, most essays are limited to the regions south of the Duero River: Extremadura, Castilla–La Mancha, Andalusia and Murcia, both in the countryside and the cities. In fact, this last separation of countryside–city is most of the time fictitious because entails estates combined properties in both spaces, for example, the main house and chaplaincies in cities and towns to which was added the exploitation of rural assets.

Finally, there are two sets of works that emerge from the aforementioned axes – major lineages, urban oligarchies and local⁶⁶ studies. The first

56 Muñoz, 1948; Ávila Seoane, 2004.

57 Moreno, 2007.

58 Rodríguez–Picavea, 2015.

59 Calderón, 1986.

60 Ayerbe, 2022.

61 Díez, 1989.

62 Ayerbe, 2006.

63 In this geographical distribution we cannot include the lords of Maqueda and Torrijos with a main *mayorazgo* created in 1503 and with properties and rents spread throughout multiple kingdoms of the Iberian Peninsula (Palencia, 2002).

64 The search focused on Spanish–language titles in databases such as Dialnet, Google Scholar or Google Books, without considering the indexing or impact levels of the journals or publishers, which have varied greatly over the last four decades. In the selection, priority was given to those essays with the word “*mayorazgo*” in the title, abstracts, or keywords. For this reason, this state of the question has not focused so much on general studies on lineages, families, lordships or nobility, literature that would go far beyond the limits of this chapter. For example, to the titles on Vizcaya we could add the book by Arsenio Dacosta (2003, pp. 191–202) or some of the publications by J. Ramón Díaz de Durana (2009), in this case extensible to the north of Spain. In the case of Dacosta, it is of interest for its exposition of previous or parallel entailments to the legal figure of the *mayorazgo*, as is the case of the transmission of royal grants and offices. This one locates the diffusion of the *mayorazgo* late in Vizcaya, concretely, from 1450.

65 Quintanilla Raso, 2009.

66 I use the term “local” for much of the historiography of the entailed estates or the nobility because of the choice of the historical coordinate referring to space, and not so much to evaluate its scientific quality.



group focuses on the inalienability of the *mayorazgo*. This is an aspect on which there is consensus. In a detailed article María Concepción Quintanilla⁶⁷ addresses the constant alienations of the entailments in the last decades of the 15th century, which would go against the theory and logic of the *mayorazgo* represented in the founding charters and wills. The documentation that she analyzes from the General Archive of Simancas shows the continuous modification of the assets included in the entailments to obtain more benefits or to favor their relatives⁶⁸. This work aligns with the second essay on entails by Nelly R. Porro⁶⁹, who also notes that “the distance from saying to fact is usually always great”. Carmona⁷⁰ in her case study also observes this. Finally, Corina Luchía⁷¹ talks about the constant alteration of the institution, either to avoid fragmentation or to adapt to family evolution. Therein lies its importance for the lineage strategy and for the reproduction of power: in its plasticity and contradictions.

The second group is recent and limited in number, but interesting for approaching the charters of *mayorazgo* due to its materiality and cultural component. The first example is the workshop conducted by Cristina Jular⁷² at the Estella medieval history conference on the nobility in the Iberian Peninsula. The author, who knows the Velasco lineage perfectly, dissects word by word, detail by detail, the entailment established by Mayor de Castañeda for the benefit of her son Pedro Fernández de Velasco (1371). This moves beyond a descriptive approach to historical documentation and revalues elements such as the signature of this 14th century lady⁷³. This perspective is complemented by that of Ángel Fuentes and María Teresa Chicote⁷⁴ in two contributions where the image receives more attention than the written. The authors argue that a notable part of the *mayorazgo*'s charters of the high nobility were excellent scriptural supports in which to invest through artistic decorations and illuminations.

67 Quintanilla Raso, 2004.

68 She returns to this topic in Quintanilla Raso (2006, pp. 159–164; 2009).

69 Porro, 1970.

70 Carmona, 2009, p. 119.

71 Luchía, 2014.

72 Jular Pérez-Alfaro, 2016.

73 The image of the signature can be consulted in the *Scripta manent* database: https://www.scripta-manent.info/?firmas=mc_codices_c1127_dl_4_i3-jpg [consulted: 2023/10/19].

74 Fuentes & Chicote, 2017; Chicote & Fuentes, 2021.



The fact of spending on gold and pigments points to the importance of certain diplomas with symbolic functions beyond the legal aspect so highlighted by historiography. Logically, these proposals by Jular and Fuentes-Chicote are only possible if we go to archives and libraries in search of documentary evolution and paratextual elements, sometimes obscured by copies where the text predominates, and which derive from the infinite lawsuits that the nobility faced during the Ancien Régime⁷⁵.

I conclude this first section with a series of general ideas about the historiography of the *mayorazgo* in the Crown of Castile before its regulation in the Laws of Toro (1505):

- Starting in the 1970s and 1980s there was a certain revitalization of the topic, although, in my opinion, with little academic debate, focused mainly on the *prehistory of the mayorazgo*, the *archaic mayorazgos* or the *pseudo-mayorazgos*.
- Initially, approaches from the history of Law prevailed in which the reflections were more general. A large set of increasingly descriptive and local publications took over, partly due to the legal complexity of the subject and the difficulty of verifying everyday life from social history⁷⁶. Some historians (Gerbet, Beceiro-Córdoba, Quintanilla, Cabrera) depart from this first description by using the founding charters of the *mayorazgos*, not so much for an institutional study, but to understand the historical evolution of the noble families.
- Although Clavero included such a powerful term in the title of his book as *feudal property*, this and feudalism have disappeared from

⁷⁵ Jiménez & Ruiz (2022, pp. 289–292) also highlight the incorporation of a modest coat of arms in the charter of the Gallegos.

⁷⁶ Corina Luchía (2014, p. 309) explains it this way: “social history has shown less interest in its specific study, usually being recovered as another legal tool within the heritage policies of the great houses. It is possible that this is a result of the adoption of the assumptions of the first investigations, which inscribed the *mayorazgo* on a strictly doctrinal level. Outside of the legal fact, it would seem then that there was little to say about this privileged form of heritage; whose appearance in the Castilian sphere is relatively late and presents nuances with respect to other European regions”.



the historiographic discussion. María Concepción Quintanilla⁷⁷ no longer says anything about it in her exhaustive analysis of the academic production on the nobility – not even the list of titles that she attaches⁷⁸.

- In relation to the above and from a terminological point of view, most authors use concepts such as *heritage*, *lineage*, *perpetuation of memory*, *identity*, but very little the *control*, *domination*, and *power* that the establishment of entailments implied.
- The cited bibliography is spatially framed in the territories south of the Duero River, for historiographic but also historical reasons, with differences in terms of the urban framework and associated social structure.
- The latest contributions come from a cultural history of archives and art that has revalued the diploma beyond its textual dimension and legal formulas.

2. The entailed estates of the Fernández de Velasco family and a digital proposal

As a complement and because of my relationship with the *Scripta manent* project, I present below a brief historiographical and historical description of the entailments of the Fernández de Velasco family. Its analysis is interesting due to its proximity to the monarchy, the creation of lineage elements since the beginning of the 14th century in what would become its capital – Medina de Pomar – and, as a counterpoint with the historiography of the previous section, due to its location north of the Duero River. On a general historiographical level, the interest in this lineage in

⁷⁷ Quintanilla Raso, 1997.

⁷⁸ The *mayorazgo* does not appear as a topic of academic debate either. The same can be said of the lines of research analyzed by José Ignacio Ortega Cervigón (2008).



the late medieval centuries has focused on other aspects: firstly, the lordship as a whole⁷⁹; secondly, its artistic and architectural patronage⁸⁰; thirdly, its political activity⁸¹; and fourthly, its developed written culture⁸². The following authors have written the basis for the entailments of the Fernández de Velasco family between the end of the 14th century and the beginning of the 16th century.

- Esther González Crespo⁸³ defended her doctoral dissertation at the Universidad Complutense de Madrid and focused on the three men who settled the lineage from the end of the 14th century, who in turn established various *mayorazgos*: Pedro Fernández de Velasco (†1380: 193–194), Juan (†1418: 264–275) and Pedro (†1470: 336–342).
- Antonio Moreno Ollero completed his doctoral thesis in 1999 at the University of Cádiz, directed by Alfonso Franco Silva. It was entitled *Los dominios señoriales de la Casa de Velasco en la Baja Edad Media* and he published a monograph of the same name in 2014⁸⁴. In the introduction Moreno stated the repeated plagiarism suffered by his academic supervisor. Moreno focused on the *mayorazgos* founded by Pedro Fernández de Velasco (†1380: 31–33) and Juan de Velasco (†1418: 72–79).
- Alfonso Franco Silva, Professor of Medieval History at the University of Cádiz, who died in 2020, published in 2006 the book *Entre los reinados de Enrique IV y Carlos V. Los condestables del linaje Velasco (1461–1559)*⁸⁵. It devotes two sections to the entailed estates. On the one hand, he analyzes those inherited and founded by Bernardino (†1512: 119–127) and Íñigo Fernández de Velasco

79 See essays by González (1984, 1986), Jular (2009), Moreno (2014) and Pereyra (2013, 2017, 2018).

80 Refer to the works of Begoña Alonso and Elena Paulino. To avoid the saturation of bibliographical references, I avoid these citations and those of the two successive notes.

81 I refer to the publication of Alicia Montero's academic essays. Likewise, Ana I. Carrasco has assessed the role of the Count of Haro in the preparation of the Seguro de Tordesillas.

82 I include here the latest essays by Cristina Jular and those derived from the doctoral dissertations of Marta Virseda Bravo and Raúl Villagrasa-Eliás. In fact, complement this chapter about *mayorazgos* with Cristina Jular's chapter in this same book.

83 González Crespo, 1980.

84 Moreno Ollero, 2014.

85 Franco Silva, 2006.



(†1528: 164–182). As far as the description of the entailed estate inherited by Bernardino is concerned, Franco actually goes back to the domains that were already within the entailed estate in the time of the Count of Haro in 1458. With a single footnote, the author develops all the properties of the House of Velasco in the second half of the 15th century, based, precisely, on the aforementioned doctoral dissertation by Antonio Moreno. From the latter author, although also signed by Franco⁸⁶, seems to be the essay on the wills of Sancho de Velasco, brother of Pedro Fernández de Velasco, the Good Count, and uncle of Bernardino and Íñigo. Sancho obtained a *mayorazgo* in 1458 and developed a secondary branch of the family in Arnedo (La Rioja). His wills and codicils (1482, 1490 and 1493) are preserved, in which he planned the succession of the entailed estate and the continuity of his progeny. On the other hand, although it does not focus on the *mayorazgos*, it is worth mentioning here the article by Franco⁸⁷ on the unentailed assets of Pedro Fernández de Velasco. This work is also denounced by Moreno who, in the introduction of his monograph, declared that it was “identical to the sixth chapter” of his doctoral dissertation.

- Osvaldo V. Pereyra defended his bachelor's thesis (*tesina de licenciatura*) at the University of La Plata with the title *El régimen señorial castellano. Estudio del proceso de acumulación patrimonial y político llevado adelante por la Casa de los Velasco en los territorios pertenecientes a la Merindad de Castilla Vieja, entre los siglos XIV y XVI*⁸⁸. He dedicated a section to the institution of the entailed estate in chapter VI *Los medios de acumulación patrimoniales y políticos*⁸⁹, focusing on the period between the entailed estate founded by Mayor de Castañeda (1371) and those of the Good Count of Haro (1458).

86 Franco Silva, 2003.

87 Franco Silva, 2009.

88 Pereyra, 2004.

89 He continued his education and scientific production with his doctoral dissertation (Pereyra, 2014); however, he does not seem to delve into the *mayorazgos*.



The raw material of these authors is different. Esther González largely used the Salazar y Castro Collection of the Royal Academy of History, while Antonio Moreno and Alfonso Franco employed the Archive of the Dukes of Frías, today the Frías collection of the Archive of the Nobility (*Archivo Histórico de la Nobleza*). Therefore, the documentation that we will present below – the codices 1127 and 1128 of the Spanish National Historical Archive (*Archivo Histórico Nacional*) –, although they have been cited on more than one occasion, have not been analyzed in depth beyond the approach of the CRELOC project. The historiographical characteristics of this set of works are as follows:

1) The approaches are not specific⁹⁰, meaning they are studies focused on the lineage or the lordship.

2) A significant portion of the analyses stems from doctoral dissertations that, in many cases, are not included in bibliographic searches⁹¹. At other times, the information is contained in non-digitized books⁹². Accessibility, therefore, is limited.

3) The reflections are scarce and there is a tendency towards a positivist approach which, nevertheless, is essential to advance in the knowledge of this legal institution and the Velasco family. In this sense, the lists of properties within the entailed estate⁹³ prevail.

4) There is clearly a break in the chronology of the lineage around the figure of Pedro Fernández de Velasco, the Good Count of Haro (†1458). Only Alfonso Franco focused on his successors – although regarding his namesake son, the II Count of Haro (†1492), he always follows the works of Antonio Moreno.

This historiographical break coincides with the one proposed by Pedro Fernández de Velasco (1485–1559), this time the Duke of Frías in the 16th century, who ordered the compilation of the genealogical work *Origen de*

90 González Crespo, 1980; Moreno Ollero, 2014; Franco Silva, 2006; Pereyra, 2004.

91 González Crespo, 1980; Moreno Ollero, 2014; Pereyra, 2004.

92 Moreno Ollero, 2014; Franco Silva, 2006.

93 González Crespo, 1980; Moreno Ollero, 2014; Franco Silva, 2006.



la Ilustríssima Casa de Velasco. In this volume I have only once found the word “*mayorazgo*” and it was precisely with his great-grandfather, the homonymous Pedro Fernández de Velasco, first Count of Haro:

Being such a great augments, he reinstated the *mayorazgo* of the House of Velasco once again and excluded women from inheritance. He designated the succession of his house to his male descendants in the line of males, and in their absence, to the male descendants of his brothers in the line of males. After them, the male descendants in the line of females were to inherit.⁹⁴

Finally, in the last decade Cristina Jular has made approaches to the family archive of the Fernández de Velasco family, as I have already mentioned in the previous section. This interest already began when she described codex 1127 of the National Historical Archive for the CRELOC project, an initiative from which I benefit⁹⁵.

2.1. The codices of the National Historical Archive

At the end of the 17th century the House of Osuna faced multiple lawsuits, and because of these judicial processes two diplomatic compendia were compiled and are preserved in the National Historical Archive. In codex 1127, it reads “House of Velasco, year 1697. Here are 23 documents presented by the Lords Dukes of Osuna” and in codex 1128 “eleven privileges on parchment concerning the Estates and Entailments of the House of Velasco”. We find, therefore, a succession of parchments and papers that

⁹⁴ The original: “Y como fue tan gran acrecentador, tornó a ynstituyr de nuevo el mayorazgo de la casa de Uelasco y excluyó de la herençia a las mugeres, que llamó a la suçesión de su casa sus desçendientes uarones por línia de varones y, a falta dellos, los desçendientes uarones de sus hermanos por línia de uarones y, tras éstos, a los desçendientes uarones por línia de mugeres” (National Library of Spain, Mss. 3238). I have handled the CRELOC project version available at <http://creloc.net/los-documentos/> [consulted: 2023/10/19].

⁹⁵ The description of codex 1127 of the National Historical Archive is available on the CRELOC website, section “documentos” and “Casa de Velasco. Instrumentos Varios”. Use the link in the previous note.



recorded the *mayorazgos* established by the lineage and the subsequent royal confirmations, as well as the certificates that accredit the possession of certain towns. These range from large parchment scrolls, for example, multiple *privilegios rodados*, to paper transcripts from the 16th century.

The analysis of this documentation is complex and for the purposes of this book chapter I will limit myself to providing some data:

- Codex 1127 contains 21 diplomas: 14 are directly related to entailments – either founding charters or ratifications by the monarchy – 5 are related to the lordship, and 2 are testaments.
- Codex 1128 has 12 diplomas: the number of texts is reversed with respect to the previous compendium, with 1 diploma relating to the entailed estates and 11 to the government of the manor.
- In terms of documentary production, most of the diplomas are dated between 1369 – the year of the royal donation of Medina de Pomar – and 1383. Most of the successive diplomas refer to the periodic ratifications by the monarchy that resulted in a continuous rewriting of the original diplomas.

Clearly, the House of Osuna was interested in the 17th and 18th centuries in defending certain privileges over Medina de Pomar, Briviesca, Frías (Burgos), Herrera de Pisuerga (Palencia), Cuenca de Campos (Valladolid) and Villalpando (Zamora).

As for the entailed estates, emphasis was placed on the creation of these tied assets: first, with Mayor de Castañeda over Pedro Fernández de Velasco (1371); second, with Pedro Fernández de Velasco over Fernando and then Juan (1380–1392); third, with Juan de Velasco and María Solier over Pedro (1412–1414). Therefore, and as authors such as Esther González and Antonio Moreno have detailed in their studies, numerous entailed estates established by the lineage throughout these centuries, and which were not transmitted through the first-born sons, are left out of this compilation.



2.2. A digital proposal

José Luis Bermejo⁹⁶ stated that the *mayorazgo* was a complex institution that gave rise to multiple conflicts and consequently generated a vast amount of documentation, “fundamentally archival and very difficult to cover as a whole. Few institutional figures have such a mass of documentation. Casuistic and repetitive documentation, enough to overwhelm even the most enthusiastic”⁹⁷. Therefore, considering the complexity of the subject, the overwhelming and challenging archival documentation, the scarcity of comparative studies, the singularity of the Fernández de Velasco in northern Castile, the early *mayorazgos* founding, the difficult accessibility to the bibliography, and the relationship of entailments with lineage and archival policies, we have developed a digital tool from the *Scripta manent* project that complements this state of the art and the brief description of the codices from the National Historical Archive.

With the aforementioned bibliography concerning the Fernández de Velasco family and codices 1127 and 1128 – previously described by Cristina Jular for the CRELOC project – we have designed an HTML document to catalog and systematize the vast amount of data: from the numerous names of men and women who led the clan and formalized the entailment deeds, the firstborn and second sons and daughters, the extensive parchments rewritten with the enthronement of the new monarchs and the authentic patchwork carried out by the House of Osuna in the late 17th century. Just from 1371 to 1522, we can document more than ten entailed estates which, in my opinion, should be comparatively re-studied. However, such an effort requires a prior organization of the available data before the detailed reading of the texts. For this reason, this book chapter has not focused so much on the historical evolution.

The objective of this digital proposal is the systematization of the information contained in the publications, based mainly on the family archive of the Fernández de Velasco (Frías collection of the Historical Archive of

⁹⁶ Bermejo, 1985, pp. 284–285.

⁹⁷ Translations ours. Isabel Melero (2023) has recently published her doctoral dissertation on lawsuits and *mayorazgos* in modern times. See also the work of Carmona (2009).



the Nobility), and the codices 1127 and 1128 of the National Historical Archive, which contain a great deal of information on the entailed estates of this House. Likewise, this proposal is made available to the scientific community for its possible implementation by other researchers and projects and to extend this type of systematization to the large amount of data generated about the entailed property during the Ancien Régime. Finally, it allows to quickly relate the edition of texts and the signatures of leaders and scribes, if any, in an open and updated way, such as the already mentioned Mayor de Castañeda⁹⁸.

Besides, the use of an HTML file as a database is beneficial for multiple reasons: it helps to organize and update the contents, allows for quick web implementation and the relationship with other web pages, provides multiplatform compatibility, integrates with other technologies, and is based on an open and free language.

This database on *mayorazgos* can be consulted at <https://www.scripta-manent.info/mayorazgos/> thanks to the adaptation made by Teresa Jular and her team at XLI design+thinking. In this link users can navigate through the evolution of the entailed estate in this Castilian lineage and easily obtain access to the transcription of certain documents or to the signatures of some of the people involved. At the present time, 18 *mayorazgos* can be consulted, ranging from 1371 – with the one established by Mayor de Castañeda – to 1522.

Conclusion

I conclude by distinguishing the two previous sections of the chapter. In the first section I have presented an overview of historiography on the *mayorazgo* in the Crown of Castile, focusing on its pre-regulation before the Laws of Toro (1505). From the 1970s and 1980s, interest in the topic resurfaced, but without much academic debate, primarily

98 Villagrasa-Elías & Jular Pérez-Alfaro, 2024.



centered on the prehistory of *mayorazgos*. Early works, largely from legal historians, took general, descriptive approaches. Over time, studies became more localized due to the legal complexity of the *mayorazgo* and the challenges of exploring social history aspects. Interestingly, terms like *feudalism* have faded from discussions, replaced by concepts such as heritage and lineage, but with little attention given to the power dynamics inherent in *mayorazgos*. The latest contributions have also incorporated cultural history, valuing archival and artistic elements of founding charters of the *mayorazgos*.

In the second section I have shifted focus to the historiography related to the Fernández de Velasco family. Here, studies tend to lack specificity, either focusing broadly on lineage or lordship. Much of the relevant analysis comes from doctoral dissertations or non-digitized sources, making them difficult to access. The scholarship remains sparse and leans toward positivism, emphasizing property lists within entailed estates, though this approach is crucial for understanding the legal institution and the family's history. Considering the complexity of the topic, the vast and often inaccessible archival material, and the need for comparative studies, the *Scripta manent* project offers along with this chapter a digital tool to organize this knowledge. To the project's databases focused on documents and signatures of notaries, we have added on the occasion of this book, a web page with HTML development for the presentation of the entailed estates related to the Fernández de Velasco, a fundamental lineage for the history of Castile in the 14th and 16th centuries.



Image 1. Enrique III confirms to Juan de Velasco part of the properties of the entailed estate that Juan I had granted in privilege to Pedro Fernández de Velasco for his firstborn son Fernando, Juan de Velasco’s brother (1392, Archivo Histórico Nacional, C.1127, d.8). © MECD, State Archives (Spain).

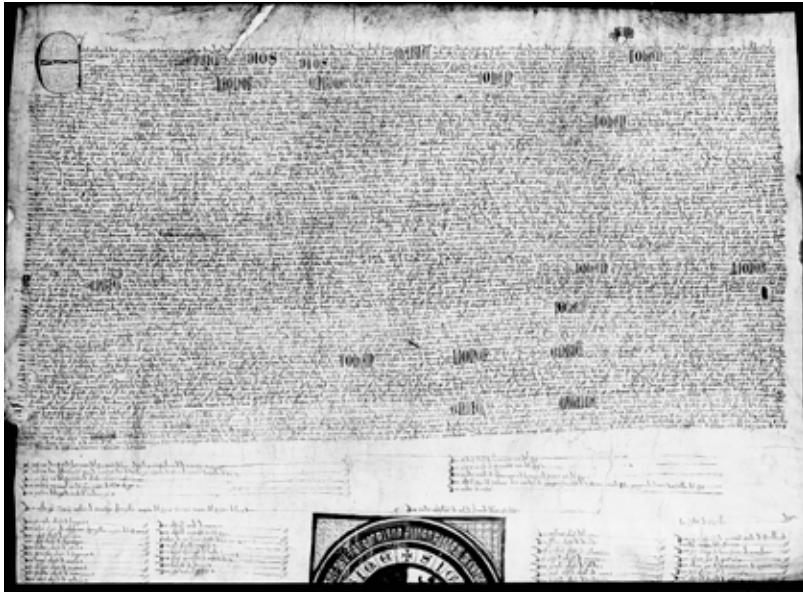


Image 2. Screenshot of the first *mayorazgo* registered on the *Scripta manent* website.

Mayorazgo n.º 1

Año	Otorgante	Beneficiario	Bienes vinculados	Sucesión
1371	Mayor de Castañeda	Pedro Fernández de Velasco (PFV)	Casa de Salas	Hijo (PFV), nieto (Fernando), nieto (Juan), cualquier nieto, cualquier bisnieto, nieta (Mayor), el pariente varón más propincuo en la línea de PFV, el pariente varón más propincuo, la pariente mujer más propincua.

Paradójicamente, fue una mujer la que asentó el liderazgo masculino de los Velasco creando este primer mayorazgo que junto a otros actos fundamentaron el linaje en las últimas décadas del siglo XIV.

Diplomas

- 1371, septiembre, 2. [AHN.C.1127.4.d.1](#). Doña Mayor de Castañeda, viuda de Fernando Sánchez de Velasco, establece el mayorazgo de la Casa de Salas para su hijo Pedro Fernández de Velasco y sus sucesores. **Firma de Mayor de Castañeda.**
- 1371, noviembre, 14, Burgos. [AHN.C.1127.4.d.2](#). Doña Mayor de Castañeda, viuda de Fernando Sánchez de Velasco, establece el mayorazgo de la Casa de Salas para su hijo Pedro Fernández de Velasco.
- 1371, diciembre, 12, Burgos. [AHN.C.1127.4.d.3](#). El rey Enrique II confirma el mayorazgo otorgado por doña Mayor de Castañeda a su hijo Pedro Fernández de Velasco. Firma de Enrique II.



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1392, Archivo Histórico Nacional, C. 1127, doc. 8.

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