

Citation:

Francisco Javier Álvarez-Carbajal: The notarial register of Martín Fernández of Ruiforco (1468). A public scribe in the County of Luna (León), in: *Mittelalter. Interdisziplinäre Forschung und Rezeptionsgeschichte*, 8 December 2014, <http://mittelalter.hypotheses.org/4720> (ISSN 2197-6120).



The notarial register of Martín Fernández of Ruiforco (1468). A public scribe in the County of Luna (León)¹

by Francisco Javier Álvarez-Carbajal

1.- Introduction:²

Studies on royal and municipal diplomatics have successfully documented the notarial profession and its appointment mechanisms in Late Medieval Castile. Seigneurial diplomatic studies, on the other hand, have failed to shed light on the precise conditions under which notarial praxis was performed in Castilian lordships³.

¹ This research was developed within the program “Severo Ochoa”, kindly funded by the Government of the Principality of Asturias (Gobierno del Principado de Asturias). I would like also to convey my acknowledgments to Manuel Carriedo Tejero for his valuable help in the Centro de Documentación del Archivo Histórico de Caja España, as well as to Yolanda Rubio, his successor, for assisting me during the final study of the originals.

² This paper is intended to be an English summary of the original work, whose aims were the critical edition and diplomatic study of the 1468 notarial register held in the Archivo de los Condes de Luna. See F. J. ÁLVAREZ-CARBAJAL, *El registro del notario Martín Fernández de Ruiforco (1468). Un escribano público en el condado de Luna*, Sevilla, 2014. Available online: http://cartulario.es/02_PUBLICACIONES/PUBLICACIONES_PRINCIPAL/PREMIO%20INVESTIGACION/LIBRO%20DIGITAL%20Ganador%20Convocatoria%202012_I%20PREMIO%20SECCTTHH%20F%20JAVIER%20ALVAREZ%20OPTI.pdf

³ The reference work is still M. L. PARDO RODRÍGUEZ, *Señores y escribanos: el notariado andaluz entre los siglos XIV y XVI*, Sevilla, 2002. Yet there is actually a relevant delay in Spain concerning the study of the Castilian seigniorial chanceries. See C.R. BRÜHL (ED.): *Landesherrliche Kanzleien im Spätmittelalter: Referate zum VI. Internationalen Kongress für Diplomatik, München 1983*, München, 1984; PARDO RODRÍGUEZ, *Huelva y Gibraleón. Documentos para su historia. (1282-1495)*, Huelva, 1980; A. J. LÓPEZ GUTIÉRREZ, “Consideraciones sobre la documentación señorial de la Baja Edad Media Castellana. Un modelo: Cogolludo”, *Gades*, 11 (1983), pp. 121-134; ID., “Documentación señorial y concejil del señorío de Cogolludo en el Archivo Ducal de Medinaceli (1176-1530)”, *Historia. Instituciones. Documentos*, 10 (1983), pp. 1-94; ID., “Un documento señorial de nombramiento de escribano en Castilla. 1517”, *Saitabi* (1984), pp. 5-19; ID., *Documentación del señorío de Cogolludo en el Archivo Ducal de Medinaceli (1176-1530)*, Zaragoza, 1989; PARDO RODRÍGUEZ, “Aportación al estudio de los documentos señoriales. El señorío de Medinaceli (1368-1454)”, en *El pasado histórico de Castilla y León 1: Edad Media*, Valladolid, 1983, pp. 127-132; ID., “Notas sobre documentación señorial. El señorío de Medinaceli (1368- 1454)”, en *Celtiberia* (1983), pp. 253-261; ID., “La confirmación de documentos señoriales en la Baja Edad Media. Aportación a su estudio”, *Historia. Instituciones. Documentos*, 12 (1985), pp. 247-275; ID., *Documentación del Condado de Medinaceli (1368- 1454)*, Soria, 1993; M^a J. SANZ FUENTES, “El señorío de Villalón. Aproximación histórico-diplomática”, en *El pasado histórico de Castilla y León*, cit., pp. 221-232; A. B. SÁNCHEZ PRIETO, “Aproximación a la Diplomática señorial. Documentos emitidos por los señores de la casa de Mendoza (siglos XIV y XVI)”, *Revista General de Información y Documentación*, 5 (1995), pp. 39-72; SANZ FUENTES, “Cancillerías señoriales”, in *La nobleza peninsular en la Edad Media*, León, 1999, pp. 325-339. The most recent *status quaestionis* on the matter is M^a M. CÁRCEL ORTÍ, M^a J. SANZ FUENTES, P. OSTOS SALCEDO, I. J. BAIGES I JARDÍ, “La Diplomática en

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Consequently, in this paper we have intended to pay scant attention to the circumstances surrounding the material author of the studied manuscript, seeking to answer the following questions: who he was, how he was appointed to fulfill his charge, what his jurisdictional scope was, what his role within the seigniorial administration was, how his office was transmitted, what his background/professional career was, etc.

This manuscript⁴ can be included into the Castilian medieval register typology, that is, prior to the 1503 *Pragmática* issued by the Catholic Monarchs⁵. Unlike the later modern notarial protocols, Castilian medieval notarial registers only recorded a brief entry or *minuta* summarizing the content of the final business. It seemed relevant to me, therefore, to analyze these abridgments in the writing and how they affected the final understanding of the notes in the elaboration of both, historical and diplomatic works⁶.

Another necessary part of this paper was to identify the mechanisms employed in the authentication of public documents. In this case, it was particularly interesting to

España. Docencia e Investigación”, *Archiv für Diplomatik*, 52 (2006), pp. 541-661, and particularly pp. 584-585.

⁴ León. Archivo Histórico de Caja España (from now onwards AHCE), Condes de Luna, *Papeles*, 246.

⁵ The third *Partida*, in its *título* 19, *ley* 9 and *título* 18, *ley* 54, compelled public scribes to keep a “libro registro” (register book) to write down the “notas” (notes or entries). Once the entry was recorded on the register, the notary, upon customer request, could draft the public instrument by fully developing the *formulae* and legal clauses. This procedure ran until the above-mentioned 1503 Alcalá de Henares General Ordinances. See for instance OSTOS SALCEDO, “Diplomática notarial en la época colombiana: fases de redacción y forma documental”, in *Tra Siviglia e Genova: notaio, documento e commercio nell’età colombiana*, Milán, 1994, pp. 187-212, particularly pp. 191-192.

⁶ A recent state of the question including a list of the edited Castilian notarial registers is J. M^a DE LA OBRA SIERRA, “Los registros notariales castellanos”, in E. CANTARELL BARELLA and M. COMAS VÍA, (eds.), *La escritura de la memoria: los registros. Actas de las VIII Jornadas de la Sociedad Española de Ciencias y Técnicas Historiográficas*, Barcelona, 2012, pp. 73-109. Some studies concerning registers and protocols: R. PÉREZ BUSTAMANTE, *El registro notarial de Santillana*, Madrid, 1984; ID., *El registro notarial de Dueñas*, Palencia, 1985; R. PÉREZ BUSTAMANTE y A. RODRÍGUEZ ADRADOS, *Los registros notariales de Madrid, 1441-1445*, Madrid, 1995; M. D. ROJAS VACA, *Un registro notarial de Jerez de la Frontera (Lope Martínez, 1392)*, Madrid, 1998; L. SAMPEDRO REDONDO, *Escribanos y protocolos notariales de Gijón en el siglo XVI*, Gijón, 2009; M. L. PARDO RODRÍGUEZ ET ALII, *El registro notarial de Torres (1382-1400). Edición y estudios*, Granada, 2012; M^a J. SANZ FUENTES, *Registro de Alfonso González de Bonilla, notario público en Ávila por autoridad episcopal (1465, junio, 17-1468, agosto, 5)*, (forthcoming). A brief study of the registers in San Andrés de Espinareda in M. J. JIMÉNEZ SUÁREZ, *Colección documental del monasterio de San Andrés de Espinareda (1043-1428)*, León, 2005. Finally, a paper studying the way a local register reflected the immediate historical context in M. GONZÁLEZ JIMÉNEZ, “Cuaderno de notas de Gabriel Alfonso, escribano público de Carmona (1466-1468)”, in *Historia, Instituciones, Documentos*, 19 (1992), pp. 215-229.

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bring up what happened in early administration books, whose guarantor and issuer was at the same time, its final holder⁷.

Subordinately, the manuscript's paleographical and codicological studies were conducted in order to understand the conditions and characteristics of the script, as well as the features of the material support confection.

2.- Study.

2.1.- The scribe. Identity, appointment and succession in the office:

The author of the manuscript was Martín Fernández of Ruiforco, who in note 72 introduces himself with the most complete and detailed entitlement of the register:

Martín Fernández de Ruyforco, escrivano e notario público de nuestro sennor el rey en la su corte e en todos los sus reynos e señoríos, e otrosý notario público del valle de Turío por el sennor don Diego Fernández, conde de Luna eçétera. (Martín Fernández of Ruiforco, scribe and public notary of our lord the King in his court and in all his kingdoms and lordships, and as well public notary of the valley of Torío by the lord Diego Fernández, Count of Luna, etc.)

Regarding his appointment, it is essential to bear in mind that King Alfonso X's legislation sought to monopolize the appointment of public notaries, as this was framed as an exclusive royal prerogative⁸. Alfonso's wishes, however, met resistance from many of the institutions and social groups that had been issuing documents prior to the advent of his reign. It was normal for lords to appoint notaries, and this situation was actually legally recognized in 1305 by King Fernando IV in the Cortes of Medina del Campo. Their right to appoint seigniorial scribes was then generally conceded by King

⁷ P. OSTOS SALCEDO "Los escribanos públicos y la validación documental", in *La validación de los documentos. Pasado, presente y futuro*, Huelva, 2007, pp. 27-42.

⁸ Partidas, III, 19, 3. Vid., P. Ostos Salcedo, "Lorenzo Suárez de Figueroa, maestre de Santiago, y los escribanos públicos", in *Castilla y el mundo feudal. Homenaje al profesor Julio Valdeón*, vol.1, Valladolid, 2009, pp. 215-226, particularly p. 217.

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Enrique II (1367-1379), who included the concession formula for scribal appointments in charters concerning the cession of jurisdiction⁹.

When it comes to the relationship between the Quiñones and the public notariate, two different tendencies seemed to have been put into practice by these rulers. This may have depended on whether the notaries were located in the core of their lordship or in outlying regions. An example of the latter situation is perhaps the notaries of Cangas, in the southwest of Asturias. In this particular case, it seems that the Quiñones showed no interest in appointing a notary from their network of trusted men and that they merely collected the taxes attached to that office¹⁰.

Rather different was the situation in Valdetero, very close to the city of León, where a conscious effort on the part of the counts to control and appoint the notariate can be detected, as they were to play an essential role in the administration of the most important territories of the lordship. In fact, in 1398 Pedro Suárez de Quiñones, took possession over the Valley of Torío and clearly and specifically commanded the notaries in the territory not to fulfill the office without owning his permission¹¹.

In Laguna de Negrillos, a Leonese town which operated for a significant part of the 15th century as the centre of the lordship, there was a conspicuous number of Asturian notaries fulfilling the public notariate. On the other hand, in Valdetero we found a more traditional scheme, that is, a single public notary, probably belonging to the seigniorial house, operating throughout a rural valley. He was a local man and was succeeded by his own son. We will address this case more deeply later.

⁹ PARDO RODRÍGUEZ, *Señores y escribanos*, p. 26

¹⁰ M. Calleja Puerta has actually addressed the rather similar case of Tineo (also in the southwest of Asturias, followed a similar trajectory to that of Cangas). Calleja Puerta argues that it was definitely unlikely that every single seigniorial change provoked a consequent variation of the local legal framework. Instead, Calleja Puerta puts forward that in practice the Fuero (local law) of Tineo remained in force while the Quiñones merely appointed officers and collected taxes. See M. CALLEJA PUERTA, “Un privilegio de Fernando III al concejo de la puebla de Tineo (1232)”, in *Fernando III y su tiempo (1201-1252). VIII Congreso de Estudios Medievales*, (Ávila, 2003), pp. 395-419.

¹¹ (...) *mandaua e mandó de parte del dicho sennor rey a los notarios del dicho Valle que non usasen de los offiçios de la escrivanía sien aver su carta de mandamiento para ello*. S. DOMÍNGUEZ SÁNCHEZ, *Patrimonio cultural de San Isidoro de León, II/1. Documentos del siglo XIV. Colección diplomática*, León, 1994, n° 260 and p. 486.

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In short, it could be stated that depending on several features, such as the importance of the territory, its proximity to the territorial seigniorial center, or its historical trajectory of permanence in the lordship, the Quiñones might interest themselves only in the economic functions of the notariate or might demonstrate a clear and obvious intent to gain and maintain jurisdiction over those offices.

The notarial appointment was conceived by lords as a privilege, as it was by the monarchy. Thus, and as Pardo Rodríguez had noted, lords used the format of a formal privilege, copying from the royal chancery, in order to appoint the scribe, indicating his territorial scope and giving him the notarial sign¹². There was therefore a clear attempt to emulate the Crown in this specific aspect (as we also find in other political acts). Lords used notaries as an instrument to make their dominion effective over the administration of justice, local councils and private life; and we must put special attention to these three elements, since the aforementioned 1468 casebook comprises some notes in which the count's scribe wrote down and gave formal validity, not only to those *acta* affecting the private life of the inhabitants of the valley of Torío, but also to those regarding the draft of the proceedings of different judicial authorities operating in that territory (there was a peculiar jurisdictional coexistence in the valley of Torío between the county of Luna, the bishop of León and the abbot of San Isidoro). These notaries even took part in the seigniorial judiciary, which will be addressed below.

Consequently, aside from the ability to fulfill the professional requirements, a certain grade of loyalty to the lord concerned might have been considered before their appointment as public notaries in the lordship. Some of those notaries may have had deeper relationships with the lord, and in fact, we have detected some signs of affection shown by the count to his officials. For instance, in a letter written by the count, the recipient, one of his accountants, is addressed as “my friend Alonso Méndez”. Moreover, he is also called “beloved friend” at the outset of the letter¹³.

Furthermore, the territorial boundaries for notarial jurisdiction were established by the lord himself. In this case, Martín Fernández of Ruiforco operated throughout the

¹² Pardo Rodríguez, *Señores y escribanos*, p. 26.

¹³ AHCE, Archivo de los Condes de Luna (from now on ACL, *Papeles*, 411).

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valley of the river Torío, a territory belonging to the Quiñones' lordship from the late 13th Century. By the end of the 15th Century, Valdeterío seemed to have worked as a territorial division within the seignorial administration, since the count's judges also appeared bound to this same territory, according to their entitlements.

With regard to the period of time during which Martín Fernández worked as seignorial scribe, he was confirmed in charge of the notarial office of the *Infantado* in 6 April 1463. The Count commanded the council of Torío to have him as the only notary, as it was used, under a 600 maravedíes fine in case of default¹⁴. However, we can trace his notarial activity up to 15 June 1453, back to the time when Pedro Suárez II was the ruler of the House of Quiñones, before the county of Luna was even created¹⁵.

This condition as the only scribe operating all over the Valley seems to be supported by other records held in the Archive. In fact, the content of the register itself confirms this possibility, as I shall explain later in this paper, addressing the judicial documents.

The control over the appointment of notaries was indeed an important issue in Late Medieval Castile. In fact, such was the importance of the notariate that clashes between town councils and lords commonly arose over the appointment of these officials. In this particular case, for instance, there is clear evidence of the council of Valdeterío appointing public notaries during the fourteenth century¹⁶. However, when Pedro de Quiñones “*el adelantado*” took control of the valley in 1398, he expressed his wish to have no notaries operating in Torío save those who had received from him a letter of appointment. To his initiative, the council replied that it had enjoyed the right to appoint public notaries “since the memory of men is not contrary”¹⁷. Obviously, the new rulers eventually succeeded in imposing their will and monopolized the appointment of public scribes in the valley. Elsewhere in Castile, some councils did

¹⁴ AHCE, ACL, *Papeles*, 217.

¹⁵ *En Palaçuelo, viernes quinze días del mes de junio del anno de mill e quatroçientos e çinquenta e tres annos, en presençia de mí, Martín Fernández, notario del valle de Turío por el sennor Pedro de Quinone (...)*, A.H.C.E, ACL, *Papeles*, 289.

¹⁶ S. DOMÍNGUEZ SÁNCHEZ, *Patrimonio cultural de San Isidoro de León. Documentos del siglo XIV* (León, 1994), documents 94, 146, 184, 205, 227, 230, 235, 236, 241, 245, 246, 260.

¹⁷ AHCE, ACL, *Papeles*, 289, f. 5r.

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manage to achieve a certain role in proposing or appointing candidates, though mostly it was the lords themselves who decided and limited the territorial scope for the work of notaries.

Thus, and always within the limits of his aforesaid jurisdiction, Martín Fernández drafted and validated not only private affairs, but also judicial and municipal events. This latter aspect is crucial to understand the rural notariate in this Leonese area: there is a relevant number of judicial notes in the 1468 register, which provides an interesting hint about the less-known rural notarial sphere. Martín Fernández constantly took part in the audiences and inquests carried out by the seigniorial judicial officers, which might be regarded as a clear sign of the imitation followed by the Castilian nobility with respect to the royal practices. In other words, while the Crown created the *Chancillería* and the *Contaduría*, the lords employed their notaries in writing down everything concerning justice and economic matters¹⁸. Either way, it is important to highlight that no level of thematic specialization has been detected among the seigniorial notaries of the valley of Torío. In fact, this office was in charge of writing all of the business taking place in the valley, regardless of subject or client. It seems, therefore, that the Quiñones employed notaries as an instrument to make their dominion effective over all the spheres: justice administration, local councils, and private life.

We also have some information regarding the transmission of the notarial registers and instruments after Martín's passing. We know that the process essentially followed what was stated in the third *Partida*¹⁹. When Martín died, the count's judges in the valley of Torío looked over the documents found in his place of work and then

¹⁸ PARDO RODRÍGUEZ, *Señores y escribanos*, p. 50. Pardo Rodríguez also detected in the County of Niebla and the Marquis of Tarifa (both in Andalusia) seigniorial regulations controlling the judicial functions of the scribes, highlighting the duty of the scribe to give support to the judge during audiences. See *Señores y escribanos*, p. 54. With regard to seigniorial administration imitating the royal one, see also G. F. FERNÁNDEZ SUÁREZ, *La nobleza gallega entre los siglos XIV-XV: los Sarmiento condes de Ribadavia* (Santiago de Compostela, 2002), p. 264; BECEIRO PITA, *El condado de Benavente*, pp. 235-248.

¹⁹ The law LV, title XVIII of the third *partida* established that after the death of the scribe, the local *alcaldes* (judicial authorities) were to go to his office accompanied by *homes bonos* (reputable men) from the municipality in order to collect the notes and registers that they would find there. They were then required to seal and guard them until a new scribe was appointed by the king.

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delivered them to his son, Lope. Interestingly, the word “register” in the document describing the whole process was written in plural, which might indicate the existence of other casebooks apart from the 1468 register. Moreover, it seems quite reasonable, in my opinion, to assume that the compilation of notarial registers had been consolidated by that age, since the fact that the preserved book only refers to documents written down during the same year suggests rather a consecutive elaboration of registers on an annual basis, and we have no reason to assume that 1468 represented an unusual year in this respect. Unfortunately, the external folios, which also served as the covers, do not survive so there is no trace of any sort of instruction regarding the closing of a casebook and the opening of a new one.

Martín Fernández de Ruiforco was therefore succeeded as the public notary of Torío by his own son. We know that Lope González obtained the title of “scribe of the King’s chamber and scribe and public notary in his court, kingdoms and lordships” from the King Enrique IV on 28 January 1468²⁰. In practice, that may simply have been a formality, since it was the count who effectively employed him. The social aspect, thus, prevailed over the institutional one, since the kings, far away at their court, held a merely supervisory position, never able to achieve their original goals as prescribed in the *Partidas*. We also know that in 1480 Lope was serving as the notary of Torío, although he may have been active there prior to that date. The document that proves this appointment is in fact quite interesting.²¹ On the front can be read the privilege letter that proves his original appointment as a royal notary in 1468. Then, on 12 February 1482, Lope took that same letter and showed it to the *Consejo Real* (Royal Council), which confirmed it by writing a new document on the back of the same paper. It is exactly there, in the address of this letter, where it can be read “*a vos Lope Gonçález de Ruyforco, fijo de Martín Fernández, notario del valle de Torío*” (to you, Lope Gonçález of Ruyforco, son of Martín Fernández, notary of the valley of Torío)”. It also seems that Lope was still active as a notary in 1495²², but we cannot confirm whether he stayed in

²⁰ AHCE, ACL, *Papeles*, 240.

²¹ AHCE, ACL, *Papeles*, 240, on the back.

²² Archivo General de Simancas, Registro General del Sello, LEG, 149507, 44.

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Torío or not, since another scribe, Pedro García de León, is mentioned in 1488 as the notary of Torío.²³ Regarding his personal life, Lope was married to Catalina de Quirós, *vecina* of León. Some of her possessions are also mentioned in the sources: she was the owner of an estate in Ravaneros, as well as a mill, a field and some gardens and houses in León.²⁴ Besides this reference, we do not know very much about the personal patrimony of the notaries, other than the fact that we have found evidence of one scribe, unrelated to the Ruiforco, owning servants²⁵.

Similarly, there is little to say about the training of these notaries. In Castile, unlike in Italy or even Aragon (where notarial schools were established in the fourteenth and possibly the thirteenth century²⁶), there was no special institution where scribes were trained²⁷, and there are no studies exploring whether they had a university formation. Again, the lack of clear evidence is evidence itself. In the absence of training institutions and corporations, the notarial profession was just another avenue of civil power. Seigniorial notaries might have been raised in the manorial house and trained there as well. The skills were learned in the notarial office itself, as with other professions. The transmission of knowledge and skills remained within the sphere of familiars²⁸. It was likely for a son, then, to follow the professional steps of his father, as he was in close contact with the family profession from a very early age. This may have happened in Torío as well, though unfortunately there is no documentary evidence for it.

²³ AHCE, ACL, *Papeles*, 350, 355.

²⁴ Archivo General de Simancas, Registro General del Sello, LEG, 149507, 44.

²⁵ AHCE, ACL, *Papeles*, 304

²⁶ Issue 13 of the journal *Ius fugit: Revista interdisciplinar de estudios histórico-jurídicos* (Zaragoza, 2003), has dedicated several articles to this subject. See, among many others, J. GÜNZBERG MOLL, “Els col·legis notariais a Catalunya (ss. XIV-XX)”, pp. 11-58; A. PLANAS ROSSELLÓ, “El Colegio de Notarios de Mallorca (Siglos XIV-XVIII)”, pp. 59-98; J. M. CRUSELLES GÓMEZ, “Corporativismo profesional y poder político en la Edad Media. Los notarios de Valencia desde la conquista hasta la fundación del Colegio (1238-1384)”, pp. 99-146.

²⁷ M^a L. PARDO RODRÍGUEZ, “Exámenes para escribano público en Carmona de 1501 y 1502”, *Historia Instituciones, Documentos*, 20 (Sevilla, 1993), p. 305.

²⁸ C. DEL CAMINO MARTÍNEZ, “Aprendizaje y modelos gráficos: entre el ámbito profesional y el privado”, in P. Robinson (ed.), *Teaching Writing – Learning to Write. XVIe Colloque Internationale de Paléographie Latine (London, 2-5 September 2008)*, (London, 2010), pp. 205-222.

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2.2. - The 1468 register: archival context and reasons for its preservation:

The *papeles* section of the *Archivo de los Condes de Luna*²⁹ includes a wide and varied number of documentary sources: over 900 documents dated between 1285 up to the 19th century, with a special high volume of documentation from 14th to 16th centuries. Among its records we find, other than Quiñones', documents issued by the Castilian Monarchy (Crown and Principality of Asturias) and its officers (particularly *corregidores*) and institutions (*Audiencia*, *Contaduría Mayor*); religious institutions (Monastery of Saint Isidoro of León, Oviedo and Astorga dioceses); notarial instruments, municipal records, and even documents generated by other aristocratic families, such as the Enríquez, the Osorio, the Pimentel, the Acuña or the Bazán³⁰.

Despite the existence of notarial documents among these archival records, these are always preserved in their final public instrument version. Consequently, number 246 happens to be the only sample of notarial register in the whole archive. *Registro* is actually the specific term used by Martín himself to denominate the manuscript in notes 4, 19, 36 and 93.

The lucky and uncommon preservation of this sample relies on the fact that, for some strange reason, it ended up incorporated to the seigneurial archive. Interestingly, this is what just happened with the notarial register of Valdecarzana (Asturias), located some years ago in the archive of that seigneurial house. This tendency may indicate a pattern to, hopefully, find new samples in the future. In other words, it is necessary to consider the archival dislocation of notarial registers and their possible preservation in other archives. Either way, the specific reasons for the preservation of this register remain unclear. In my opinion, the most logical explanation, based on other rather

²⁹ C. ÁLVAREZ ÁLVAREZ and J. A. MARTÍN FUERTES, *Catálogo del Archivo de los condes de Luna* (León, 1977); Id., "Addenda al Catálogo del Archivo de los condes de Luna", *Archivos Leoneses: revista de estudios y documentación de los Reinos Hispano-Occidentales*, 71 (1982), pp. 159-189. Some of the documents were already edited, fully or partly, by the Marquis of Alcedo. See MARQUÉS DE ALCEDO Y SAN CARLOS, *Los merinos mayores de Asturias (del apellido Quiñones) y su descendencia. Apuntes genealógicos, históricos y anecdóticos*, vol. 2, (Madrid, 1925).

³⁰ For an historical approach to the history of the lineage, see ÁLVAREZ ÁLVAREZ, *El condado de Luna*; M. CUARTAS RIVERO, *Oviedo y el Principado de Asturias a fines de la Edad Media*. Oviedo, 1983; P. GARCÍA CAÑÓN, *Concejos y señores: historia de una lucha en la montaña occidental leonesa a fines de la Edad Media*. León, 2006; C. JULAR PÉREZ-ALFARO, *Los Adelantados Mayores de León (siglos XIII-XV)*. León. 1990.

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similar cases³¹, is that it may have been incorporated into the lineage archive after having been used during a trial to prove the Count's right over Valdetorío jurisdiction. The preservation itself is, therefore, the evidence of the appropriation of notarial sources by the lord.

This singularity is furthermore increased by the fact of being a register issued from a public writing office configured within a lordship. Very few works analyse this phenomenon³². The study of this register, therefore, allows to focus our research on the field of the seigniorial diplomatics, the documentary power of the late medieval nobility, as well as its relationship with the public notariate. All these elements combined make the register of Valdetorío an undoubtedly singular document³³.

3.- Entries layout in the 1468 register.

Unlike other medieval Castilian registers of which only some folia have been preserved, the register of Martín Fernández adapted the format of a 35 folio small paper book, with no foliation nor binding. Had it had one, the loss must have been early because on the last folio verso, a contemporary hand practiced some pen-trials of an universal *notificatio*. Later, a 18th century archivist mistakenly described it as an ordinance (*Hordenanza del Infantazgo de Torío*)

Its state of preservation is rather good, with few humidity stains or damages, just some minimum tears in the final folia, which in no way affect the text nor its

³¹ M. HERRERO JIMÉNEZ, *Padrones y registros notariales medievales abulenses en el Archivo de la Real Chancillería de Valladolid*, Ávila, 2010; PARDO RODRÍGUEZ, "El libro registro de Torres...". In both cases the preservation of the registers is associated to its use as trial evidences during the Modern Age.

³² Among the edited sources, until very recently we only counted with the edition of the three books of notes of Valdecarzana and two registers belonging to the lordship of the Bracamonte, edited by Herrero Jiménez. However, no detailed study was ever conducted on the features of the manuscripts. Very recently, though, we can point out the already cited register of Torres, in the province of Jaén (Andalucía), which belonged to the Order of Calatrava. See PARDO RODRÍGUEZ, *ET ALII, El registro notarial de Torres*.

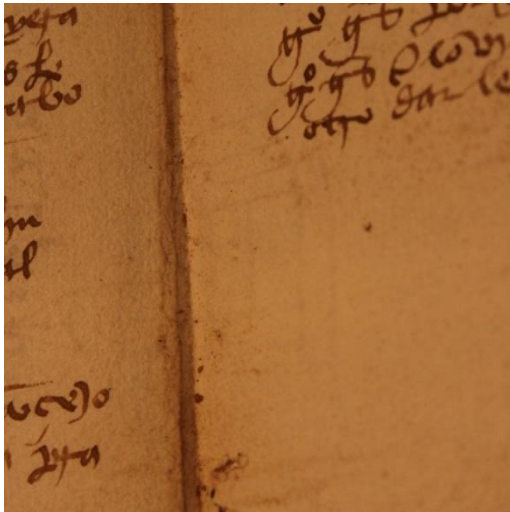
³³ The relevance of the registers for the historians' and diplomatists' research is well proved. See, for instance, the arguments put forward by P. OSTOS SALCEDO, "Los registros. Perspectivas para su investigación", in E. CANTARELL BARELLA and M. COMAS VIA, (eds.), *La escritura de la memoria: los registros. Actas de las VIII Jornadas de la Sociedad Española de Ciencias y Técnicas Historiográficas*, Barcelona, 2012, pp. 13-37.

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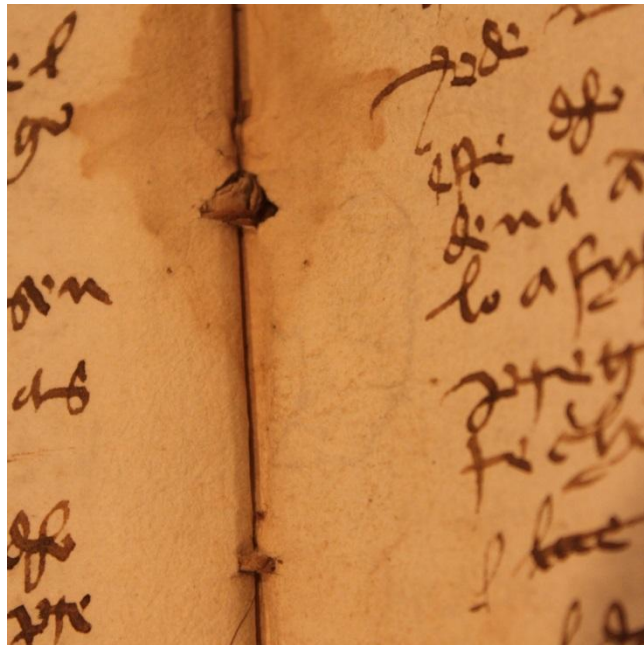
interpretation. The approximate measures of the paper folia are 15,5 by 22 cm, and several watermarks have been detected:



AHCE, ACL, *Papeles*, 246, f. 14r (fragment)



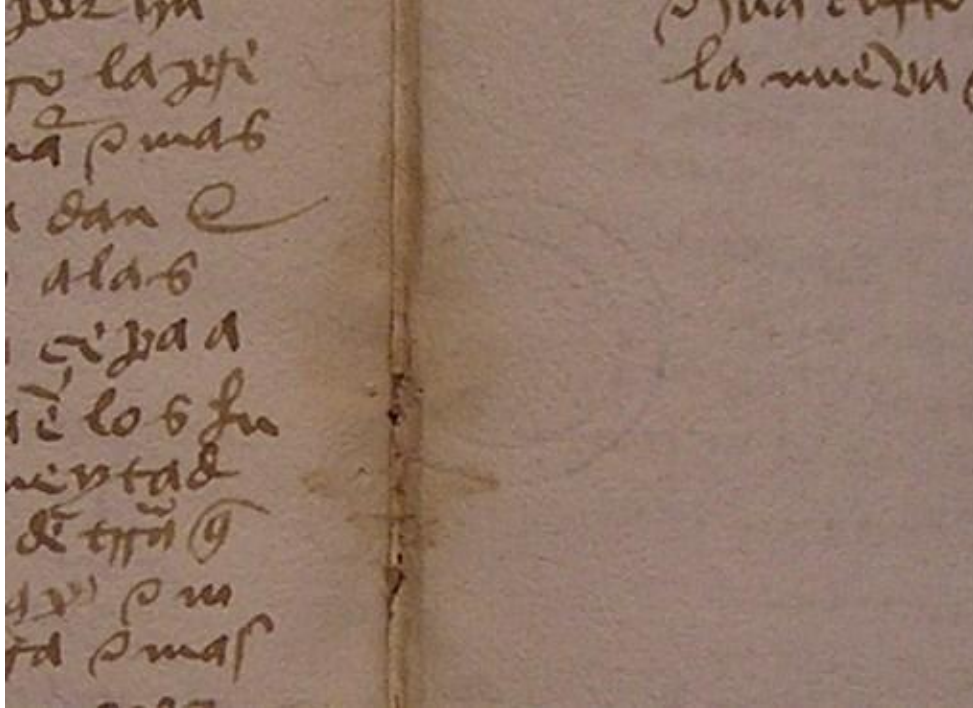
AHCE, ACL, *Papeles*, 246, f. 14v (fragment)



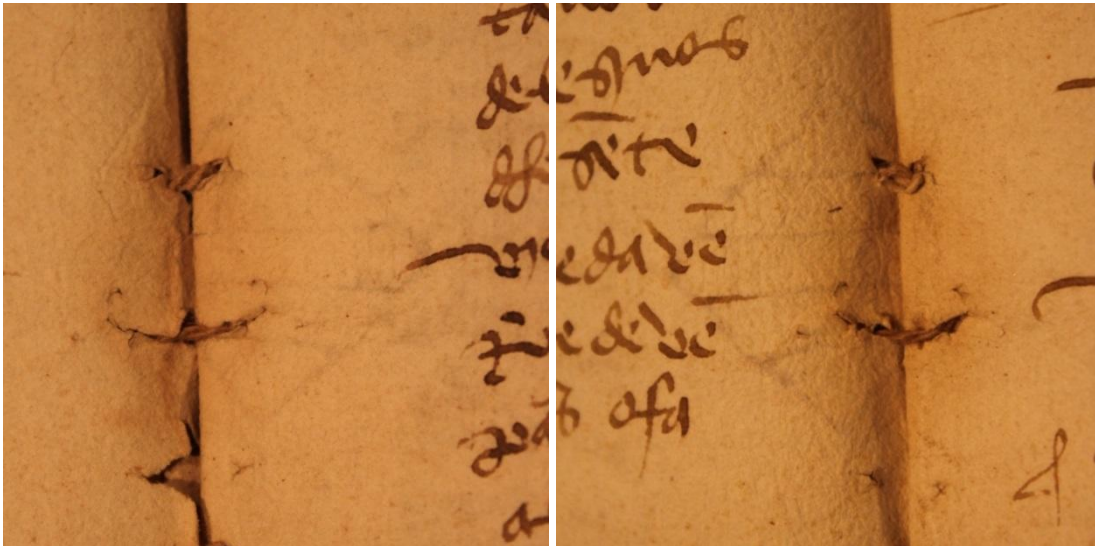
AHCE, ACL, *Papeles*, 246, f. 25r (fragment)

Citation:

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AHCE, ACL, *Papeles*, 246, f. 28r (fragment)

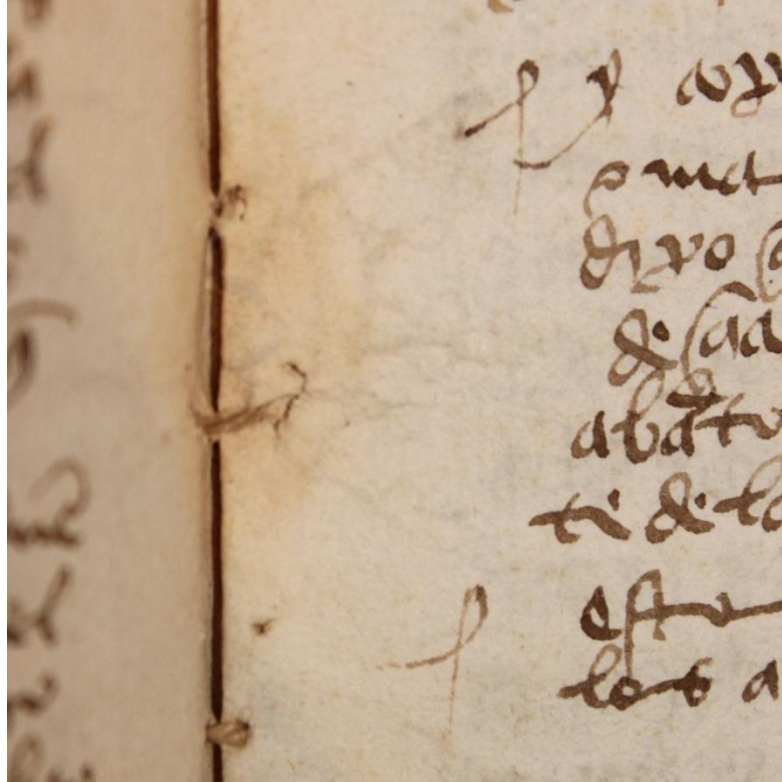


AHCE, ACL, *Papeles*, 246, f. 30r (fragment)

AHCE, ACL, *Papeles*, 246, f. 30v (fragment)

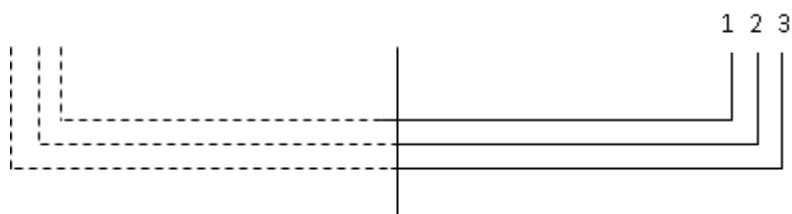
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Francisco Javier Álvarez-Carbajal: The notarial register of Martín Fernández of Ruiforco (1468). A public scribe in the County of Luna (León), in: *Mittelalter. Interdisziplinäre Forschung und Rezeptionsgeschichte*, 8 December 2014, <http://mittelalter.hypotheses.org/4720> (ISSN 2197-6120).



AHCE, ACL, *Papeles*, 246, f. 32r (fragment).

However, after the first approach to its content, the inconsistencies and drawbacks in its composition became more noticeable. It begins *ex abrupto*, proving the consequent loss of text which may have been written in the first folia (three, according to the scheme of the first quire, one of which may have been the cover as well).

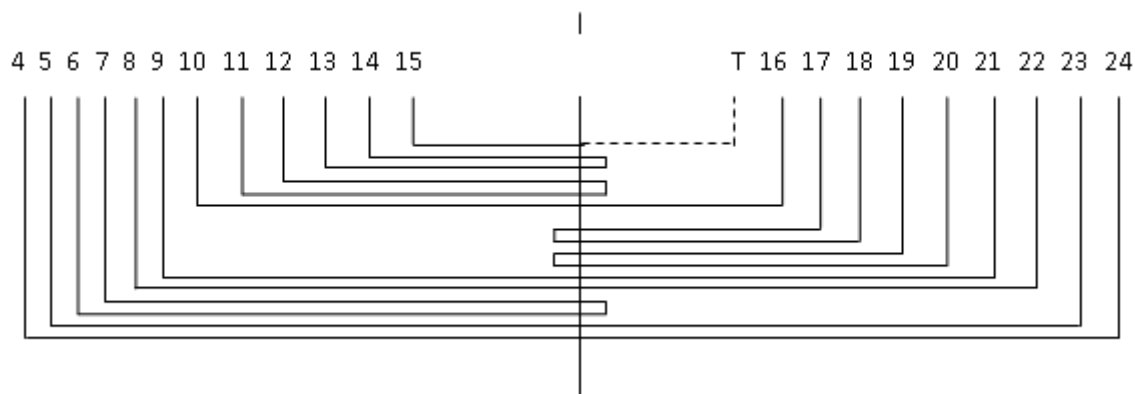


The second quire is far more complex, fully according with the definition of a medieval register as a group of quires which due to its binding acquired the outlook of a book³⁴.

³⁴ J. BONO HUERTA, “Epílogo. Una aportación especializada: El registro notarial de Dueñas y la práctica notarial del reino de Castilla”, en *El registro notarial de Dueñas*, p. 61. Likewise, other Castilian registers

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Such an uncommon group of folia explains some chronological contradictions in the organization of the entries, which not always follow strict temporal order, and helps to better understand the process of elaboration of the register.

The existence of entries suddenly interrupted at the end of the folio and continued nowhere, reveals the loss of more elements of the composition than just the three initial folios. This is what happens with entry 23, at the end of folio 5v.

Folio 16 presents another particular feature, since the text of its recto gets interrupted while in the verso begins a different, new entry. However, an independent, small piece of paper completes its content. Given the noticeable compression of the entry layout in comparison with that of the others in the same page, it seems that the notary drew up the writing in a posterior moment, miscalculating the available space and thus, improvising the addition of a separated sheet in which he summarized the entry.

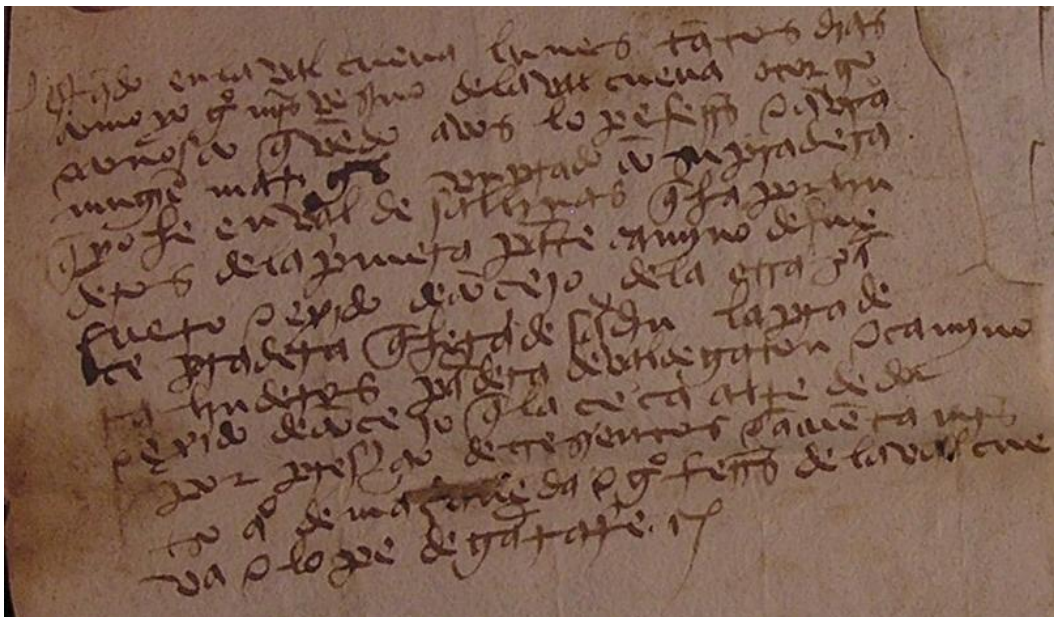
share the same degree of material complexity, see PARDO RODRÍGUEZ, *El registro notarial de Torres*, p. 20; Cuétara Riesgo, *Un registro notarial*, p. 26.

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AHCE, ACL, *Papeles*, 246, ff. 16v and 17r.



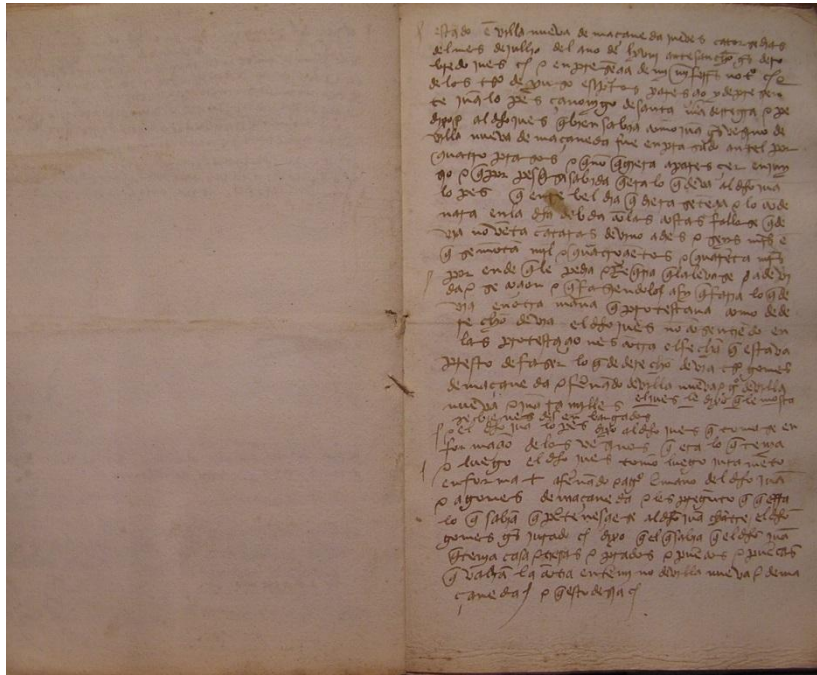
AHCE, ACL, *Papeles*, 246, ff. 16v and 17r.

Citation:

Francisco Javier Álvarez-Carbajal: The notarial register of Martín Fernández of Ruiforco (1468). A public scribe in the County of Luna (León), in: *Mittelalter. Interdisziplinäre Forschung und Rezeptionsgeschichte*, 8 December 2014, <http://mittelalter.hypotheses.org/4720> (ISSN 2197-6120).



The addition of new entries in blank spaces may have not been exceptional, since such spaces are often found throughout the register (for instance in folio 14v, another discontinuity zone in the codicological structure)



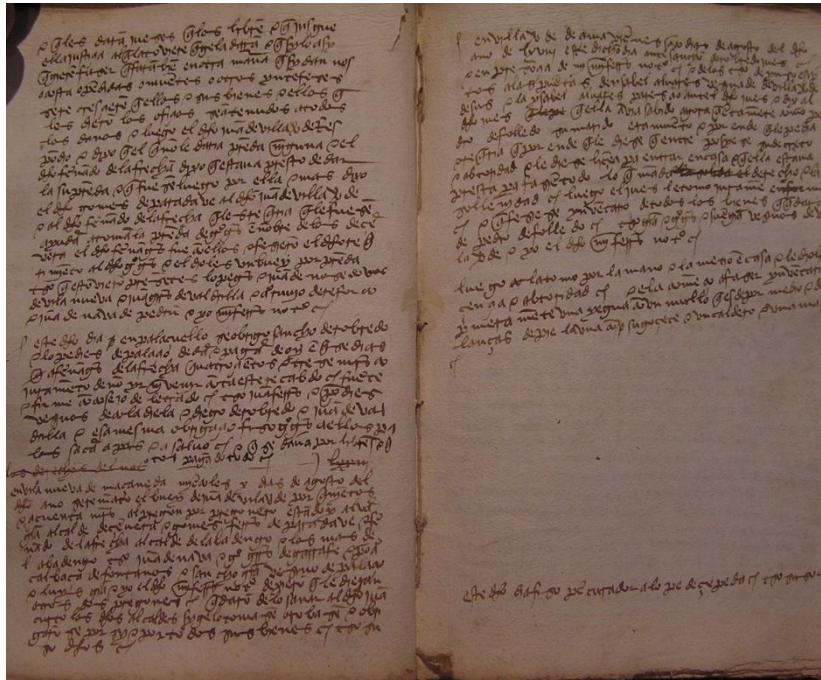
AHCE, ACL, *Papeles*, 246, ff. 14v and 15r.

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Same happens in f. 18r.



AHCE, ACL, *Papeles*, 246, ff. 17v and 18r.

Or in folio 25v, where several additional legacies were written down in a will coming from the previous page, which ended up either way partially finished.

Sometimes the remaining information is incorporated at the end, after a different entry had already been written down³⁵.

Finally, the last two quires insist on the same pattern: a binion for folios 25-28 and an incomplete quaternion for folios 29-35 conclude the structure of the codex, giving the impression of an permanently under-construction book to which new pieces were attached whenever it was necessary.

To sum up, all these evidences indicate that the scribe drafted his notes on an already prepared gathering to which new quires were bound, shaping the book that eventually got to us.

³⁵ For instance at the end of folio 2v, where a new clause was added.

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As for the paleographical notes, the script is the usual for this documentary typology and age: cursive round gothic, easily readable since it does not reach the extreme degree of cursivity of the *procesal* script³⁶. It is indeed a fast hand, compelled by the circumstances, with constant omissions of letters, numerous abbreviations and variations in the spelling of the same word. In some notes the script increases its size considerably, probably due to a worse work environment. Sometimes the text layout adopts a certain degree of tilt, consequence perhaps of the scribe's uncomfortable posture, demonstrating anyway that his work was carried out under no ideal conditions.

There is only one hand throughout the register, and it is highly likely that Martín Fernández worked solo on this book. Given the rural nature of Valdetorío, the scribe would not need extra assistance to deal with the workload. In fact, the workload registered for the whole year is undoubtedly incomparable to that of a bigger city or town³⁷.

With regard to numbering expressing quantities, it is normally literally developed. Only in few exceptions the writer used Roman numbers.

Entries generally follow a chronological order, although in several moments this sought order gets disrupted³⁸ because of several reasons: in some cases they were caused after the inclusion of bifolia used for drafting a particular affair and later bound together³⁹; in other cases, though, the chronological alteration can only be explained by the draft of entries in previous paper notes later disappeared⁴⁰. The use of such notes

³⁶ For Castilian gothic scripts, see M. J. SANZ FUENTES, “La escritura gótica documental en la Corona de Castilla”, en M.J. SANZ FUENTES y M. CALLEJA PUERTA (coords.): *Las escrituras góticas desde 1250 hasta la imprenta*, Oviedo, 2010, pp. 107-126

³⁷ See, for instance, P. OSTOS SALCEDO, *Registros notariales de Sevilla (1441-1442)*. Sevilla, 2010; where up to 3,000 notes a year are estimated. In fact, there were remarkable differences, regarding the notarial activity, between the city itself and its countryside. In the city, public notaries exclusively validated private affairs, while in the surrounding rural areas shared other spaces of writing, fulfilling at the same time the position of *escribano de concejo* or council scribe. In short, increased workload might have implied notarial specialization. See Vid. PARDO RODRÍGUEZ, “El notariado de Sevilla...”, p. 260

³⁸ For example in entries 23, 51, 52, 57, 67 and 98.

³⁹ Clearly seen in the bifolium which comprises folios 13 and 14, used to record a surveying. The notary was likely to just carry the bifolium with him during the surveying (which seems to match with drastic calligraphic deterioration and ink stains) and later bound it to the register.

⁴⁰ In entries 67 and 98, for example.

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points into the possible use of the tri-instrumental system (note-register-public instrument)⁴¹.

Text does not cover the whole quire. Some sheets were left totally or partially unwritten. Only a section mark, slightly similar to a pied-de-mouche, seems to indicate the beginning of an entry, although these marks repeatedly show up throughout the text, making quite difficult the correct distinction, delimitation and identification of the entries, whose final number has been conventionally estimated in 99⁴².

Unlike other contemporary Castilian registers, no chronological headings were used to date entries which were written down the same day or month⁴³. Unlike the public scribes working in bigger towns, Martín Fernández faced a workload which did not justify a meticulous organization of the entries for an easier later consult. In fact, for the most of the days not even a single entry was written down in the register. Because of this, instead of including headings, each entry starts by its correspondent time and place dates. Time dates usually include the day of the week, the day of the month, the month and the year expressed with Roman numbers (normally LXVIII, although it is possible to find LXIII⁴⁴, as well). Entries regarding judicial acts can be even more specific and include the exact moment of the day, normally *prima* or *terçia*. Finally, the chronology follows the Julian calendar, the Christian era⁴⁵ and, probably, the Christmas style.

⁴¹ In the notarial register of Torres (Jaén, Andalucía), some entries are chronologically disordered because of this reason too. See PARDO RODRÍGUEZ *ET ALII*, *El registro notarial de Torres...*, p. 27. On the tri-instrumental system in medieval Castile, see. J. BONO Y HUERTA, *Los archivos notariales*, (Sevilla, 1985), p. 22; L. PAGAROLAS SABATÉ, *Los archivos notariales. Qué son y cómo se tratan*, (Gijón, 2007), p. 44.

⁴² I have also subdivided some of the entries, particularly some referred to judicial audiences. By doing so, I have tried to indicate that those entries could address affaires which, despite being different, were deeply related, either thematically or procedurally. The truth is that poor writing and lack of physical individualization compromised the identification and individualization of some entries. Consequently, the solution I have adopted regarding entry numeration, despite not being totally accurate, seemed to me the most effective one.

⁴³ The same lack of chronological headings can be found in the registers of Torres (see PARDO RODRÍGUEZ *ET ALII*, *El registro notarial de Torres...*, p. 27) or Dueñas (Palencia, Castilla y León) (see BONO HUERTA, “Epilogo”, in PÉREZ BUSTAMANTE, *El registro notarial de Dueñas*, p. 63).

⁴⁴ Entry 4, for instance.

⁴⁵ Iberian kingdoms had its own era, called Hispanic or Spanish era, used in Castile till 1383. To convert from a date in the Christian era to the corresponding year in the Hispanic era, add 38 to the Christian era year.

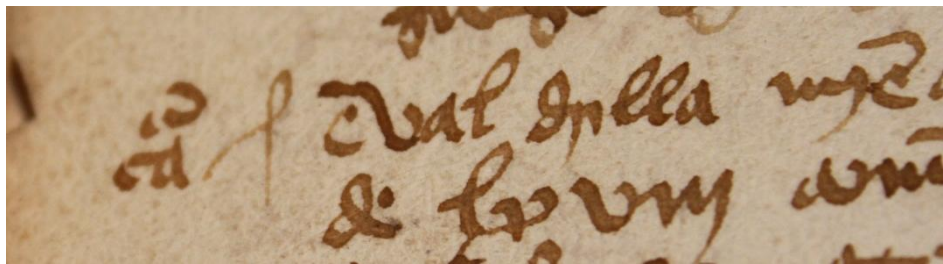
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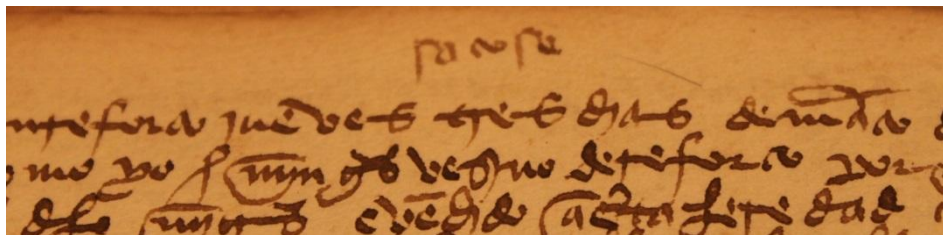


Place dates are constantly modified, which proves that Martín Fernández himself was the one who moved around the valley drafting affairs. Only in very few exceptions he did mention the *locus loci*. When an entry shares time date, place date, or both, with the previous one, the notary did not develop the whole date again, but just included a reference (in the aforementioned day, *en este dicho día*).

There are no thematic headings that allow for an easier identification of the content of the entries, at least they were not used systematically. In very rare exceptions words like *tutela*, *poder*, *carta* were recorded in the margins⁴⁶, and exceptionally there is only one note –*sacóse*– stating the final issue of the public instrument⁴⁷.



AHCE, ACL, *Papeles*, 246, f. 2v (fragment)



AHCE, ACL, *Papeles*, 246, f. 2v (fragment)

The cancellation of some entries seems to have been indicated by crossing them out with vertical or slightly oblique lines, although this procedure does not seem very consistent.

The general impression after having a look at the register is that it was elaborated with a certain lack of order, organization and care. This might have been due

⁴⁶ This sort of marginalia can be found in entries 4, 8, 19, 42, 72, 79, 90. Moreover, there is a quantity expressed in the margin of entry 90.

⁴⁷ Entry 11.

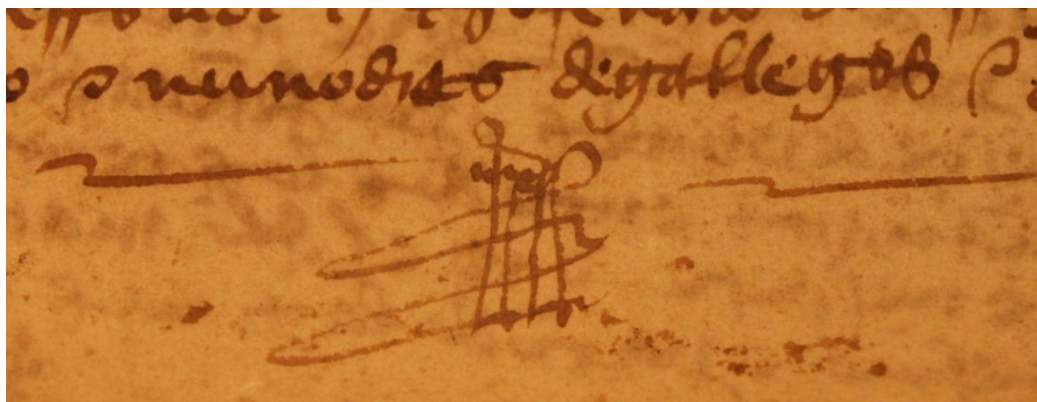
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not to the notary's lack of skill, but rather to his lack of interest. Perhaps the already mentioned attainable workload, along with the traditional absence of concern regarding record preservation, widely spread in the Castilian writing offices, contributed to its final aspect. Some entries seem to have been drafted in a very simple but, particular, personal way, as simple notes to help Martín remembering the basic facts of the affair. This simplification and schematization, with continuous and abundant *etc.*, becomes excessive at certain points, making the text interpretation and study rather difficult.

Authentication is rather succinct, a common feature in medieval Castilian registers⁴⁸. Entries are normally closed by an escathocol including the reference to witnesses (generally three and the notary, although in this register this number may vary between two and five), yet their signatures were never written down. Finally, the half-paragraph was frequently used in the bottom of each sheet, although following no order or system⁴⁹.



AHCE, ACL, *Papeles*, 246, f. 1r (fragment)

⁴⁸ See P. OSTOS SALCEDO, “Los escribanos públicos y la validación documental”, in *La validación de los documentos. Pasado, presente y futuro*, (Huelva, 2007), pp. 27-42, particularly pp. 37-39.

⁴⁹ It appears in folios 1r-5r, then gets interrupted, and appears again in folios 10r-10v, 19r-20v, 22r and 29v.

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4.- Content of the entries.

All the entries were recorded throughout 1468, with just one exception recorded in January 1469⁵⁰. Entries cover the period of time between January and December, although it is impossible to date the first two ones given that the register is incomplete in its beginning. It has already been explained how the entries are merely brief notes, and never the whole final text of the public instrument. Such abbreviations adopt both, objective and subjective styles of writing. Either way, the suspension of form clauses was indeed constant, only indicated by its beginning⁵¹.

The most inconspicuous characteristic of the affaires recorded in the book is the fact that they belong to three different spheres, demonstrating how the lack of specialization became an archetype in the Asturleonese rural world. Indeed, together with private documents, Martín Fernández developed an intense activity as justice scribe and, equally important, he took part in the local council meetings by acting as its scribe⁵².

4.1.- Judicial documents:

Martín Fernández not only recorded the private affairs of his neighbors: he also played an important role as the notary in charge of writing down judicial acts in Valdetero. In fact, the number of entries related to judicial affaires is quite similar to that of private business, which allows to document a rather complex jurisdictional

⁵⁰ Entry 92, probably because it was related to another one recorded at the end of 1468.

⁵¹ J. BONO Y HUERTA, *Los archivos notariales*, (Sevilla, 1985), p. 19.

⁵² For the sake of the length of this paper, only judicial and municipal notes are briefly addressed here, since they constitute one of the most conspicuous features of this register. Entries relating private affaires are predominant in all the Castilian notarial registers studied so far. In this case, they touch the traditional documentary types (following Dr. Bono's classification, see *IBID.*): documents referring the representation of people (representation contracts, marital license deeds, guarantor appointments), documents referring goods (buying and selling contracts, exchanges, donations, leases), documents referring real or personal credit (bonds, arbitral agreements, payment deeds), *mortis causae* donations and hereditary successions (wills, hereditary partitions), etc. Also, I have not included here the thorough diplomatic study of the entries (including the study of its internal clauses and formulae), which actually constitutes a central part of the original study.

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framework running in the valley of Torío. That is, in spite of being a territory belonging to the Count of Luna, there were judges representing alien authorities (the Bishopric of León and the Abbey of San Isidoro, in the same city), whose audiences were interestingly recorded by Martín himself as well.

At this point, it is necessary to address some basic questions: how was this shared jurisdictional situation articulated? How did it actually work? Were there any conflicts among the rival authorities to take over the valley? Luckily enough, the *Archivo de los Condes de Luna* hosts documentation that shreds light on this apparently complex situation. In the first place, it is necessary to clarify that the valley of Torío belonged to the original Quiñones' lordship (in 25 February 1285, King Sancho IV confirmed the mercy). Apparently, in 1480 the existing delicate balance of power broke apart initiating a long trial for the control of the valley. Because of this, Diego Fernández de Quiñones II, first count of Luna, began to collect information about the jurisdictional situation of the valley⁵³.

In spite of being vassals to three different lords, all the *vecinos* (males with properties and thus full rights) of the valley could be summoned to the same general council. The count of Luna appointed two judges with both civil and criminal jurisdiction all over the valley. On the other hand, the jurisdiction of the bishop of León and the abbot of San Isidoro was limited to the appointment of judges within their respective jurisdictions, and it exclusively concerned civil jurisdiction. In fact, several witnesses interrogated during the inquest, reported how the criminals arrested by the bishop's and abbot's officials were to be delivered to the county judges. Moreover, the punishment instruments, like the gallows, the trap and the chain, were placed in Villasinta, a village belonging to the Count's lordship⁵⁴. Likewise, the county judges were the only one able to summon the general council, held in the place called La Matilla, and they were as well the ones responsible for collecting the taxes in the valley. Furthermore, the council seal, measures and weights were guarded by a Count's vassal. Although we have just pointed out how the bishop and abbot's judges had limited civil

⁵³ AHCE, ACL, *Papeles*, 289, 290, and 291.

⁵⁴ ÁLVAREZ ÁLVAREZ, *El condado de Luna*, pp. 305-306.

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jurisdiction, the truth was that the Count's judges could participate in both, civil and criminal affaires concerning all the vassals in the valley, regardless of their lord. The registration of the inhabitants, for example, was another affair exclusively supervised by the Count's judges. Finally, the last question of the interrogatory dealt with a matter of special concern for this study: there was but only one scribe operating in Valdetero, and it was to be appointed exclusively by the Count. According to this statement, Martín Fernández would have been the only notary in the valley.

It seems, therefore, that some sort of shared jurisdictional situation took place in Valdetero. However, it seems quite clear as well that the count's justice was clearly predominant, although it should be interesting to read what other sources, issued by the bishopric and the abbacy, state in this respect.

4.2- Municipal documents (meetings proceedings):

As it has already been put forward in this paper, all the three different writing spheres (private, judicial and municipal) relied on Martín Fernández. In fact, all of the business were registered in the same physical space, that is, this register.

Therefore, Martín Fernández wrote down as well the entries referred to the proceedings of the general council of the Valley⁵⁵, the farmer council⁵⁶ and even the abbacy brotherhood⁵⁷. The delegation of the draft of municipal affairs to public notaries was widely spread in Castile⁵⁸, and in the case Valdetero made perfect sense, since

⁵⁵ Entry 45.

⁵⁶ Entries 5, 6, and 7.

⁵⁷ Entries 60, 61, 62, 63, and 65. Unfortunately I have been unable to confirm what such brotherhood actually was. Was it a reference to the abbey of San Isidoro of León? Or was it rather the village of Abadengo, in the same valley of Torío? The query of the records of the archive of the Real Colegiata de San Isidoro, did not shed light on this matter neither (see. A. VIÑAYO, *Archivo Capitular de San Isidoro de León : índice registro de la documentación en papel y pergamino incorporados (1172-2005)*, León, 2010). However, given the similarities of the diplomatic structure and the fact that they are also meeting proceedings, I took the decision of including them in this group.

⁵⁸ This has been already mentioned (vid. n. 18). The most exceptional case may have been that of Seville, where there was a Major Council scribe owned by the Pineda family in the 15th century. In spite of also being a public notary, the title holder was exclusively in charge of drafting the Council affaires. See M^a L. PARDO RODRÍGUEZ, "La escribanía mayor del Concejo de Sevilla en la Edad Media", in W. PREVENIER AND T. DE HEMPTINNE, (ed.), *La diplomatie urbaine en Europe au moyen âge. Actes du congrès de la Commission*

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both, workload and required level of specialization, were considerably lower than those of bigger urban entities.

Consequently, and despite the fact that in no entry Martín Fernández entitled himself as the council scribe, it can be assumed that in these notes he acted as such. Although no element of validation on behalf of the council was employed to authenticate these affairs in the register, we know they did exist, and thus the council had the capacity to issue and authenticate its own documents⁵⁹.

5.- Conclusion.

Although some scholars have already devoted some of their works to study the role played by the public notariate in Castilian lordships, unfortunately very little has been documented in this respect. Pardo Rodríguez, whose attempt to address this matter has been possibly the most serious and ambitious, wondered if, in effect, the use of registers was a consolidated practice in seigniorial notarial offices⁶⁰.

The study of this casebook proves, on the one hand, the existence of public notaries working for the house of Quiñones, and on the other hand, the use of registers as a common tool in their profession. Moreover, this paper has intended to shed light on professional and social aspects of a seigniorial scribe who operated in a deeply rural territory, far away from the better-documented, urban notarial offices.

Regarding the external features of the manuscript, it can be concluded that it is less elaborated and less internal organized than other Castilian casebooks (Santillana, Dueñas, Seville, Madrid, Jerez). In fact, its outward appearance is characterized by a

internationale de Diplomatie, Gand, 25-29 août 1998, Louvain-Apeldoorn, 2000, pp. 357-381. For an overview on municipal scribe offices in Castile, see E. CORRAL GARCÍA, *El escribano de concejo en la Corona de Castilla (siglos XI-XVII)*, Burgos, 1987. The use of public scribes *of the number* (in reference to the closed number of public scribes allowed to work in any given city or town) as council scribes have been documented in Santiago de Compostela (VÁZQUEZ BERTOMEU, *Notarios, notariás...*, p. 95), Oviedo (at least in the 14th century. A thesis under the direction of Miguel Calleja-Puerta, is being conducted by Olaya Rodríguez Fueyo in the Department of History of the University of Oviedo regarding the beginnings of royal public notariate in Oviedo (1263-1350)) or several Andalusian cities (except from the already mentioned Seville, see OSTOS SALCEDO Y PARDO RODRÍGUEZ, *El notariado andaluz*, cit.).

⁵⁹ AHCE, ACL, *Papeles*, 289.

⁶⁰ PARDO RODRÍGUEZ, *Señores y escribanos*, pp. 51-53.

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permanent lack of care and internal organization, probably caused by the nature of the manuscript and, more specifically, by the surrounding working conditions. On the one hand, it has been already explained how Castilian notarial registers suffered from massive destruction, partly explained by the lack of interest in their preservation showed by their holders, that is, the notaries themselves. On the other hand, the unclear, imprecise composition of some of the notes seems to reveal that the person in charge of writing them down had already all the information he might have needed for the final public instrument issue and, thus, just recorded the elemental data in the register as a personal reminder. This may explain the continuous mistakes made throughout the register, the frequent changes in the style of the composition in the same entry, the substantial variation in the internal structure of the same type of notes, etc. Furthermore, the absence of a clear physical separation of the entries, as well as the scant number of thematic titles for them, might indicate that the visual identification of the notes was not keenly sought by the author, which should make us reflect on the true posterior use of this particular register⁶¹. All these elements, combined with an affordable workload, explain the abovementioned lack of care put in its elaboration.

The annual chronological limit of the manuscript may indicate a widely spread use of registers. Rather than thinking of the uniqueness of this sample, it seems more plausible to think of the elaboration of annual casebooks which have not been preserved. Our hypothesis for its unusual preservation due to its use as an evidence in some trial has already been suggested. Either way, the important and remarkable fact is its preservation in a seigniorial archive. The appropriation of the documentary production might be regarded as the archival result of the effective power exerted by the Count over the notarial offices.

⁶¹ Daniel L. Smail links the absence of indexes in the 15th century judicial registers of Marseille (despite being a well-known practice in the previous century) with an immediate posterior consume by the judge. They were not elaborated with an archival purpose, since no later queries are detected. See D. L. SMAIL, *The consumption of justice. Emotions, publicity and legal culture in Marseille, 1264-1423*, Cornell University Press, 2003, p. 253.

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Finally, we must insist on the role played by Martín as a key element in his lord's administrative apparatus⁶². The original public vocation of these royal civil servants was eventually interfered by the nobility in its lordships⁶³. The office was learnt at home and father-to-son transmitted, making the office patrimonialization easier. Notarial offices, therefore, became a resort of the county by assuring its control within the circle of a family of loyal servants⁶⁴. In fact, Diego Fernández de Quiñones II was the only one with the right to appoint scribes in Valdetrío, which reinforced his predominant position ahead of municipal and religious institutions, actual rivals for the control over the valley jurisdiction. Indeed, Martín performed a crucial role in the administration and justice of the lordship by projecting the authority of the Count over the vassals and the rest of institutions. As the only scribe in the valley, he represented the seigniorial jurisdiction in all three spheres, private, judicial and municipal. We must conclude then, that the Count employed a writing professional for the sake of his administration, but also of his social, political, and juridical legitimation.

The appointment of notaries is as well another dimension of the struggle fought among the late medieval social groups in Castile and proves how writing played an important role as a political weapon as well. On the one hand, nobles refused to accept Alfonso X's attempts to establish the appointment of public scribes as an exclusive royal prerogative. On the other hand, it should not be neither forgotten the fact, perhaps even more important, that the deep seigniorialization of the kingdom (consequence of both, the war campaign standstill in the south of the peninsula, and the ascent of the house of Trastámara to the throne) led to an important loss of municipal influence and

⁶² PARDO RODRÍGUEZ, *Señores y escribanos*, p. 31.

⁶³ In fact other cases of public scribes playing a significant role within the comital administration can be found in the sources. For example, Pedro Rodríguez de Lena was the responsible for drafting Diego Fernández de Quiñones I and his wife's will on the 3 February 1442. Pedro authenticated the will with the traditional formula of royal public notaries. However, 4 years later, he is found again entitled as Diego Fernández's accountant. AHCE, ACL, *Papeles*, 143 and 158.

⁶⁴ In this regard, Ostos Salcedo shows how Lorenzo Suárez de Figueroa, Great Master of the Order of Santiago, had under his control the exam for scribe of the applicants to the notaries within the territories belonging to the Order, as well of those who already worked for its chancery. See OSTOS SALCEDO, "Lorenzo Suárez de Figueroa", p. 216.

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autonomy, since town councils were controlled by this thriving nobility⁶⁵. In their eagerness to take over the resorts of the royal and municipal administration, lords consciously appropriated public offices, writing offices included. As it can be seen in the Quiñones case, they took possession over their lordship making explicit their will to keep the control over the appointment of judges and, precisely, scribes.

Once seen the role played by Martín Fernández in the County of Luna, it is necessary to bring up the true ambition of the lord to raise himself as a source of public faith, at least in his lordship. Moreover, given the considerable jurisdictional fragmentation of the Castilian territory in the Late medieval period and the freedom enjoyed by the nobles to rule and administrate their lordships, it would be interesting to consider more aspects regarding the regulating capacity of public scribes by the nobility, specially considering the loose observation of the kingdom laws touching notarial practice⁶⁶. Could a lord give specific instructions on the elaboration and preservation of registers in his lordship⁶⁷? The words of Pardo Rodríguez stating that the seigniorial power was aware of the importance of the preservation of its memory and the memory of the quotidian facts⁶⁸, would then achieve full significance.

⁶⁵ J. C. MARTÍN CEA, “Poderes públicos y sociabilidad local en la villa de Paredes de Nava en el “Cuatrocientos””, in J. A. BONACHÍA, *La ciudad medieval. Aspectos de la vida urbana en la Castilla Bajomedieval*, Valladolid, 1996, pp. 270 y ss.

⁶⁶ Ostos Salcedo has already addressed the regulation of the Great Master of Santiago, regarding his public scribes, see P. OSTOS SALCEDO, “Lorenzo Suárez de Figueroa, maestro de Santiago, y los escribanos públicos”, in *Castilla y el mundo feudal. Homenaje al profesor Julio Valdeón*, vol.1, Valladolid, 2009, pp. 215-226, in particular p. 218.

⁶⁷ In fact, the 1509 ordinances of Cartaya (Huelva, Andalucía), clearly seigniorial, according to Quintanilla Raso, dedicated its title X to the regulation of the writing offices, which became another lord’s income. Nevertheless, they also addressed the use and preservation of the judicial and private-affaires records. On the proper use and preservation of documents depends “the good and the preservation of the republic”, and therefore, the elaboration of registers and protocols and their correct sealing by the justice were required. See M^a C. QUINTANILLA RASO, “La reglamentación de una villa de señorío en el tránsito de la Edad Media a la Moderna: Ordenanzas de Cartaya (Huelva), fines s. XV-primerá mitad s. XVI”, *Historia. Instituciones. Documentos*, 13 (1986), pp. 189-260, in particular pp.199 and 222-223.

⁶⁸ PARDO RODRÍGUEZ, *Señores y escribanos*, p. 68.

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I am a Marie Skłodowska-Curie Fellow in DiXiT, an Initial Training Network devoted to the study of scholarly digital editions. I am enrolled as a PhD student in the École des Hautes Études en Sciences Sociales, being one of its representatives in its pole in Lyon, particularly in the CIHAM (Histoire, Archéologie, Littératures des mondes chrétiens et musulmans médiévaux). In my current research, “Practice and usability of digital critical editions”, I am addressing the study and digital edition of some 15th Century biblical distinctions.

At the same time, I am still enrolled in the Department of History of the University of Oviedo where I am finishing my PhD dissertation on “The documentary production of the Count of Luna at the end of the Middle Ages. Lordship administration, political clash and social legitimacy”. This paper is a summary of my first book, result of my enquiries in the Archivo de los Condes de Luna.