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Carta Executoria de Hidalguía (Patent of Nobility) of Andres Marquez de Omaña In Spanish, illuminated manuscript on parchment Southern Spain (Granada), April 14, 1590

ii (contemporary paper) + ii (parchment) + 54 + ii (contemporary paper) folios on parchment, early modern foliation in brown ink, 1-54, complete (collation i-xxvii²), no catchwords or signatures, ruled in red ink (justification 199 x 127 mm.), written in black ink in a round Spanish textualis bookhand (*rotunda*) on 29-35 lines, 3- to 6-line initials in liquid gold on grounds alternating in red, blue, yellow, green or pink, one very fine initial depicting the Immaculate Conception of Mary (106 x 82 mm.), accompanied by a full floral border in rich colors on a liquid gold ground (f. 1v), ink slightly faded on f. 21 but text still legible, a tear in the lower margin of f. 21, lacking the upper corner of f. 53 (no loss of text), some stains and signs of use, otherwise in excellent condition, a single paper bifolium laid in the book, written on the first leaf only, in brown ink in a clear hybrid script on 28 lines on July 8, 1590, in excellent condition. Bound in the seventeenth century in light brown calf over pasteboards, blind-tooled with fillets, including the original seal, the leather of the binding and the metal of the seal worn on the surface, but both still in good condition. Dimensions 316 x 204 mm.

This *carta executoria* authenticates the nobility of Andres Marquez de Omaña (1566-?), thereby granting him exemption from taxes along with other perks. It is an excellent example of this genre of illuminated document, skillfully painted with a full floral border and a large initial depicting the Immaculate Conception of the Virgin Mary. Our document is a rare example of a *carta executoria* that still includes its original seal of King Philip II of Spain.

PROVENANCE

1. Issued by the Royal Chancellery of Granada (Real Chancillería de Granada) on April 14, 1590. The place and time of completion are given at the end of the text on f. 53: "...Granada en catorze dias del mes de Abril de mill y quinientos y noventa annos." The manuscript was made for Andres Marquez de Omaña from the city of Jerez de la Frontera in Andalusia, southern Spain. The manuscript may have been illuminated in Jaén, which was an active center of illumination (cf. Hidalgo Ogayar, 1978), or perhaps in nearby Seville, where a number of nobles in Andalusia sought illuminators for their *carta executoria*, issued in Granada (Matilla, 2000, p. 191).
2. No. 27 in an unknown modern collection, as suggested by this number written in pencil on the front pastedown and on the first front flyleaf.

TEXT

ff. 1-53, [Patent of Nobility issued by King Philip II of Spain (1556-1598) to Andres Marquez de Omaña], incipit, [signed at the top by two notaries], "Carta executoria de hidalguia Apedimento de Andres Marquez de Omaña e Rivadeneyra Vezino de la ciudad de Xerez de la frontera ... Andres Marquez de Omaña e Rivadeneyra esta nuestra carta de Executoria escribta en pergamino de cuero y sellada con nuestro Real Sello de plomo pendiente en fillos de seda a

colores Dada en la nombrada y gran Ciudad Granada Granada en catorze dias del mes de Abril de mill y quinientos y noventa annos"; [signed by three notaries];

The six testimonies giving evidence of the nobility of Andres Marquez de Omaña are Luis Chirmo ("caballero hijo dalgo", gentleman), Baltasar de Quero de Vargas ("hombre hijo dalgo", gentleman), Albaro Lopez Ortiz de Gatica ("cavallero hijo dalgo"), Luis Pede ("clerigo presneficiado de la iglesia de Santa Maria de Irabada hombre hijo dalgo"), Melchor Diaz Rigollo ("hombre hijo dalgo"), and Rodrico Sánchez de la Mota ("hombre hijo dalgo").

ff. 53v-54, Confirmatory testimonies added by the *cabildo* (municipal council) of Jerez de la Frontera regarding Andres Marquez de Omaña and his family; [f. 54v, ruled, otherwise blank].

[Inserted paper bifolium, laid in, written on July 8, 1590, adding further information about the family], incipit, "En la Ciudad de Xerez de la Frontera en 8 dias del mes de Julio del Anno del Nacimiento de nuestro Salvador Jesu Cristo de 1590"

ILLUSTRATION

One large initial (106 x 82 mm.), f. 1v, of the Immaculate Conception. The image shows the Virgin Mary standing on a snake coiled around a globe, depicting the Marian dogma that she was conceived free of original sin. The snake has an apple in its mouth referring to the forbidden fruit, with Mary vanquishing the snake of Eden. The iconography was popular from the late sixteenth century onwards.

The page is surrounded by a full border with flowers, leaves, and maiolica in a candelabra formation in rich colors against a liquid gold ground. The shield in the middle of the lower part of the border, intended for the armorial bearings of Andres Marquez de Omaña, was simply filled with yellow paint.

This document, issued by Philip II, king of Spain and Portugal, also of Naples and Sicily, lord of the Netherlands and titular king of England and Ireland during his marriage to Mary I (1554-1558), formally acknowledges the rank of hidalgo (gentleman or nobleman) of Andres Marquez de Omaña. The beautifully executed initial on f. 1v begins the opening words of the document, written in gold capitals, "Don Phelype." It still includes its original royal seal of Philip II, suspended from a three-color braided cord. On the obverse, the enthroned king holds a globe (the image is abraded); on the reverse is his heraldic shield (no longer legible). Andres Marquez de Omaña, Lord of Luaces, resided in Jerez de la Frontera (Cadiz) in Andalusia, where he held an office at the city council in 1588 (Online Resources). He was registered as state nobleman of the town of Palomares del Rio (Seville) on December 18, 1600, and on February 12, 1597, he married Maria de Mendoza y Ponce de Leon in Seville.

A *carta executoria* was a legal document issued in the name of the king, stating a citizen's noble lineage and status. It is an acknowledgement, not a grant, of nobility. The document served as tangible proof of nobility with practical implications. During the early modern period in Spain the nobility and the clergy formed an estate far removed from the rest of the population. The property of the nobility was exempt from taxation and protected from civil suits. Nobles could not be imprisoned for indebtedness, or tortured (except for treason), and, if sentenced to death, had the option of decapitation rather than hanging. The proportion of the population

that could make a claim to nobility varied in relation to geography. In the north, nearly half the inhabitants could claim noble blood, whereas in the recently conquered south, where Andres Marquez de Omaña lived, less than one percent of the population was noble.

The process of receiving a *carta executoria* was always instigated by the family, who usually submitted a request, "pruebas de hidalguia," because the local authorities were trying to charge them taxes. In the petition the family would provide evidence of their noble ancestry. In addition, various local people (commoners and nobles), as well as the town officials gave testimonies about the family's nobility. The request was submitted to the Real Chancillería de Granada, or Valladolid (in Northwestern Spain), which were the two chancelleries that handled lawsuits of nobility. If the Chancillería considered the material satisfactory, they would issue the *carta executoria*, appending all the evidence and testimonies.

This manuscript sheds light on the royal control of nobility in early modern Spain and the work of the Royal Chancellery of Granada; it will be of particular interest to students of history and legal studies. Interesting details of notarial practice are provided by the pen flourishes in the margins. In the upper margin throughout the book are two slanted lines. These, and the pen flourishes in the lower margins, are typical in *cartas*, and were added to prevent unauthorized additions of testimony.

The manuscript will also be of special interest to students of Spanish art history. The second half of the sixteenth century has been recognized as a particularly rich period for the illumination of documents in Spain (Matilla, 2000, pp. 52-58). More work would be required to identify the artist. He was a contemporary of Francisco Pacheco (1564-1644), a painter from Seville and the master and father-in-law of Diego Velázquez. Pacheco illuminated a *carta executoria* issued from Granada in 1596 (Matilla, 2000, no. 38, pp. 191-194).

LITERATURE

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and:

<https://www.heraldrysinstitute.com/lang/en/cognomi/M%C3%A1rquez+De+La+Plata/idc/615736/>

Andalusian Archives, "Patents of Nobility,"

https://artsandculture.google.com/exhibit/patents-of-nobility-archivos-de-andalucia/KwJCBMsyJ_ZtKw?hl=en

Hidalguía (in Spanish):

<http://www.heraldaria.com/hidalguia.php>

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