

***Carta Executoria de Hidalguía* (Patent of Nobility) of Bernardino Vaca de Buiza
In Spanish, illuminated manuscript on parchment and paper
Spain (Medina del Campo), June 13, 1602**

35 folios, first 7 leaves parchment plus 28 leaves on paper, modern pencil foliation with one error, 1-8, 8bis-34, missing at least four leaves, one paper stub before f. 1 (possibly cancelled), and three at the end of the manuscript, although it is difficult to tell how these worked with the existing quire structure, and possibly missing parchment leaves at the beginning (collation *i*⁶⁺¹ [1, single] *ii*⁷ [all single] *iii*²¹ [11, f. 24, is a singleton inserted into the middle of the quire]), no catchwords of signatures, layout varies, parchment section ff. 1-7, ruled very lightly, almost indiscernibly, in lead(?), (justification 210-208 x 125 mm.), text framed in triple rules on all side in black ink (the outermost frame quite bold), written in a beautiful humanist bookhand in 28 long lines, cadell initials equivalent to nine lines of text, headings in larger script, opening lines of text copied in gold decorative capitals on bands of blue and red with gold flourishes, with the first letter a large capital in gold on a red ground, ONE FULL-PAGE MINIATURE of the recipients coat of arms; paper section ff. 8-34, frame ruled only in red ink with double rules extending to the margins, (justification 220-215 x 128-126 mm.), copied in a small cursive script in 55 to 38 long lines, headings and beginnings of sections in larger display scripts, f. 13 slightly detached and f. 24 completely so, small smudge to the coat of arms, some stains, especially lower margin, foxing f. 8, slightly cockled, but overall in very good condition. Bound in early limp vellum, perhaps original, decorated with simple fillets in ink, forming a rectangular center panel decorated with fleurons stamped(?) in black ink in the center and at each corner, once fastened with green silk ties at the top, bottom, and fore edge (fragments of silk remain), slightly scuffed, a few stains, and very tiny holes back cover, but in good condition. Dimensions 315 x 220 mm.

This *carta executoria* authenticates the nobility of Bernardino Vaca de Buiza, thereby granting him exemption from taxes along with other perks. It is illustrated with his family's coat of arms, complete with realistic depictions of cows grazing in a field, a visual pun on his name. Of special interest is the fact that this document is in two parts, the first on parchment in a formal humanistic minuscule, and the remainder on paper, copied in a quicker, but still legible, cursive script. Illuminated cartas offer a rich vein for historical and legal research, and are equally interesting as physical objects, continuing the tradition of the illuminated manuscript into the modern age.

PROVENANCE

1. Issued by the Real Audiencia y Chancillería de Valladolid (located in Medina del Campo when this document was issued), for Bernardino Vaca de Buiza de Tora (prov. Zamora) (f. 7, "de pedimiento de la parte del dicho Bernardino Baca de buiza" on June 13, 1602 (f. 7, "fecho en la villa de medina del campo a Treze dias del mes de junio de mill 7 seiscientos y dos anos"). The beginning of the case is recorded on f. 2, "A siete dias del mes de diciembre del ano pasado de mill y seiscientos anos" (December 7, 1600). The second part of the manuscript, copied on paper, records the legal documentation for the case, including the testimony of many witnesses (the final case is dated 1601).

2. Sold by Reiss and Sohn, Auktion 200, October 27-28, 2000, lot 12.

TEXT

[f. 1, blank; f. 1v, coat of arms]; ff. 2-7 [on parchment], incipit, "Yo Martin Saenz de Meave escriuano mayor del os Hijosdalgo desta corte y Chancilleria del Rey nuestro senor de la ciudad de Valladolid que al presente esta erreside enesta villa de medina del campo.... A siete dias del mes de diciembre del ano pasado de mill y seiscientos anos. Estando los senores alcaldes de los hijosdalgo desta dicha re al audiencia en audiencia publica paraescio juan de monrroy procurador del numero della en nombrey con poder de Bernardino vaca de Buiza vezino de la cuiudad de toro hijo legitimo de paulo vaca y dona francisca maldonado ... De pedimiento de la parte del dicho Bernardino baca de buiza y por mandado do los dichos senores alcades de los hijosdalgo diesta fee y testmimonio fecho en la villa de medina del campo A Treze dias del mes de de junnio de mill y seiscientos y dos annos. [Signed below by Martin Saez De Meave, with his notary mark]. [f. 7v, blank].

ff. 8-34v [on paper], incipit, "Muy poderoso. Senor Joan de Monroy en nombre de Bernardino baca ...; f. 8 bis, Don Phelippe Por la gracia de dios Rey de castilla ... hijosdalgo parescio Joan de Monroy en nombre de Bernardino Vaca de boyça Vecino de la ciudad de toro Hijo lixitimo ... [f. 32, final case concludes], Ala primera pregunta dixo ... en la ciudad de toro ... de Jullio de mill y Seyscientos y un Anos ... "; [f. 33, in the hand of the notary, and with his mark], incipit, "Yo alonssso Guerra de bregon escriuano del Rey nuestro senor ... de Pedimiento de los Bernardino Baca de Buiça ... seis dias del mes de ssetiembre De mill y seiscientos <?> anos ..., Alonssso Guerra de bregon; [f. 34rv, two further confirmations].

Carta Executoria de Hidalguía (Executory or Letters Patent of Nobility) granted, on behalf of King Phillip III of Spain (1578-1621), to Bernardino Vaca de Buiza de Tora by Pedro Marmolejo (1567-c.1645), "fiscal del rrey nuestro" (f. 4), who served at various posts at the Audiencia y Chancillería Real de Valladolid from 1599-1611, dated and signed by Martin Saenz de Meave, "escriuano mayor de los Hijosdalgo desta corte y Chancilleria del Rey nuestro senor dela ciudad de Valladolid" (the senior notary of the Chancillería). It seems likely that this Carta now begins imperfectly because it lacks the customary formulaic opening stating that it was issued in the name of the king.

Our document is the copy that was commissioned and retained by the family and begins with an impressive full-page miniature of the family coat of arms, as was customary. Unusually, only part of the document was formally copied on parchment; most of the text, including the long legal documentation with the testimonies of numerous witnesses supporting Bernadino's claim, is copied in a cursive script on paper. This was likely a cost-saving measure for the family (the paper section of the document, it should be noted, is much more formal in script and layout than the paper copies of cartas retained by the archives).

The original archival document may not survive, but a copy of it (*Probanza ad perpetuam rei memoriam*), dated 1610, is found in the archives of the Real Chancillería in Valladolid (Online Resources). The archives preserve the records of three other legal actions involve Bernardino Vaca and his wife, Francisca de Soto, in 1615, 1621, and 1626 (Online Resources).

ILLUSTRATION

One full-page miniature:

f. 1v, Skillfully painted and colorful heraldic device of the family of Bernardino Vaca de Buiza, set in an elaborate green shield and surmounted by a heraldic helm and crest on a light purple ground, all in a handsome red and gold frame.

A *carta executoria de hidalguía* (var. *ejecutoira*) was a legal document issued in the name of the king, recognizing a citizen's noble lineage and status; it was an acknowledgement, not a grant, of nobility. *Hidalguía* is a Castilian word derived from *hijo de algo* (literally "son of something"). The document served as tangible proof of nobility with practical implications. During the early modern period in Spain the nobility and the clergy constituted 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 execution, 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 more recently conquered south, 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 hidalguía," because the local authorities were trying to charge them taxes. Families seeking to prove their nobility had to demonstrate their lineage for several generations. 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 Valladolid (in Northwestern Spain), or de Granada (in the south) 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; these copies were usually on paper, and copied in cursive chancery scripts, and retained by the archives. Families of sufficient means commissioned formal copies on parchment, written in formal text scripts and often illuminated. The text of these documents, which summarize lawsuits (often over a long period of time), including the testimony of witnesses, constitute a rich resource for family history and legal proceedings in early modern Spain (see Lee, 2016; Rhodes, 2020, and Ruiz García, 2006).

LITERATURE

Arribas González, M. S. "Los pleitos del Archivo de la Real Chancillería de Valladolid: Fuentes para la historia," in *La Administración de Justicia en la Historia de España: Actas de las III Jornadas de Castilla-La Mancha sobre Investigación en Archivos*, Toledo, 1999, p. 311-324.

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Rhodes, Alexander. "Heraldry and Religious Symbolism in a Seventeenth-Century *Carta Ejecutoria*," in Robert G. Sullivan and Meriem Pagès, eds. *Art and Violence in the Middle Ages and the Renaissance*, New Castle upon Tyne, 2020, pp. 53-66.

Ruiz García, Elisa. "La carta ejecutoria de hidalguía: un espacio gráfico privilegiado," *En la España medieval* I (2006), pp. 251-276.

Available online, <https://dialnet.unirioja.es/servlet/articulo?codigo=2688784>

ONLINE RESOURCES

Probanza ad Perpetuam rei memoriam a petición de Bernardino Vaca de Bouza, Vecino de Toro (Zamora), (1610), Archivo de la Real Chancillería de Valladolid (España), Sala de Hijosdalgo, CAJA 1399,17, <http://pares.mcu.es/ParesBusquedas20/catalogo/description/12701886?nm>

Ejecutoria del pleito litigado por Juan de Soto Carvajal, vecino de Toro (Zamora), con Bernardino Vaca de Buiza, como marido de Francisca de Soto, de la misma vecindad (1615), Registro de Ejecutorias, CAJA 2187,76 <http://pares.mcu.es/ParesBusquedas20/catalogo/description/5740165?nm>

Ejecutoria del pleito litigado por Alonso Portocarrero, caballero del hábito de Santiago, regidor y vecino de Madrid, con Bernardino de Buiza Vaca, como marido de Francisca de Soto Carbajal, sobre daños y perjuicios derivados de obra en un meson (1621), Archivo de la Real Chancillería de Valladolid (España), Registro de Ejecutorias, CAJA 2322,22 <http://pares.mcu.es/ParesBusquedas20/catalogo/description/5723009?nm>

Ejecutoria del pleito litigado por Francisca de Soto y su marido, Bernardino de Buiza Vaca, vecinos de Toro (Zamora), con Alonso de Portocarrero, caballero del hábito de Santiago, vecino de Madrid (1626), Registro de Ejecutorias, CAJA 2452,17 <http://pares.mcu.es/ParesBusquedas20/catalogo/description/5723135?nm>

Archivo de la Real Chancillería de Valladolid, "Publicación del Registro de Ejecutorias del Archivo de la Real Chancillería de Valladolid"

<https://www.culturaydeporte.gob.es/cultura/areas/archivos/mc/archivos/acv/portada.html>

<https://www.culturaydeporte.gob.es/cultura/archivos/novedades/registro-de-ejecutorias.html>

Andalusian Archives, "Patents of Nobility"

https://artsandculture.google.com/story/WQVBBMsyJ_ZtKw?hl=en%E2%80%9C

Hidalguía (in Spanish)

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

Pedro Marmolejo de las Rodas, *Diccionario Biográfico electrónico (DB~e) de la Real Academia de la Historia*

<https://dbe.rah.es/biografias/34148/pedro-marmolejo-de-las-rodas>

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