

THE PRESENCE OF KINGS AT VALENCIAN PARLIAMENT MEETINGS (XIV-XVI c.)

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I. The king's presidency at Valencian Parliament meetings in the proceedings, the legislation and the doctrine

Throughout the XIII century, Valencian parliament activity witnessed the habitual practice of summoning and presidency of Parliament meetings by the king. Indeed, it was an unquestionable regal prerogative to call Parliament meetings, to choose where and when those meetings were to take place, and to preside over and take part personally in the negotiations undertaken and resolutions adopted by the Assembly.

In tune with this practice, it comes as no surprise that, under the reign of Jaime II, the Valencian Parliament meeting held in Valencia in 1301, approved a provision regulating some issues associated with the parliament institution itself. This provision prescribed the compulsory summoning of the assembly every three years, its celebration in the capital of the kingdom or in any of its localities, and the generic qualitative indication of the members eligible to be summoned (prelates, members of religious orders, rich men, citizens and town dwellers)¹.

The later repeated lack of compliance with this three-year periodicity (that can be easily verified through the subsequent meetings of the Valencian Parliament) must have been a determining factor for the adoption in the Monzón Parliament meeting in 1363 of another law that recalled the previous precept and penalised its lack of

¹ *Rúbrica* (Section) III : “Item, volem e ordenam e otorgam per bon stament del regne que de tres en III anys, ço es a saber en la festa de Apparici en lo mes de jener, façan Cort general en la ciutat de Valencia o en altre loch del regne que a nos sera vigares a prelats, religiosos, rics homens, cavallers, ciutadans, e homens de les viles del regne”. (In *Furs e ordinations fetes per los gloriosos reys de Arago als regnicols del Regne de Valencia*, Valencia, Lamberto Palmart, 1482. Facs. edit. Valencia, 1977, page 228).

compliance by the king with the possible rejection by the arms of the parliament of any financial aids requested by the monarch¹.

But, in addition to this reiterative precept, the above-mentioned Parliament meeting in 1363 added a new regulation on parliament matters. The addition referred to the personal celebration of the Parliament Assembly by the king or, at the most, by his firstborn child in cases of urgent necessity, the agreements reached under the heir's presidency having the same value and scope that they would have had if they had been adopted under the presidency of the king himself².

The possible explanation of the reasons that drove the Parliament to introduce this second, innovative precept might be linked to the fact that the immediately previous Parliament meeting in Valencia in 1360 was actually held under the presidency of Pedro II's firstborn child and heir, the Prince Don Juan, because it was impossible for the monarch to preside over it himself. It is not surprising that, with a view to the future, the different arms should want to fix precisely the maximum acceptable level of regal delegation to preside over Parliament meetings, thus avoiding potential misuses in that practice.

However, with the passing of time, and before the king's repeated lack of compliance with this regulation, an emphasis once again had to be placed on its necessary observance. So it was done in

¹ *Rúbrica* (Section) XXXV : “Item, Senyor, que a be de la cosa publica del regne de València façats privilegi e ordinatio general al dit regne de tenir e celebrar en lo dit regne de Valencia de tres en tres anys personalment corts generals als habitants en lo dit regne. E que aço jurets vos senyor e juren vostres successors reys en lo començament de lur regiment. E si les dites coses no seran feytes ab acabament, vos, ne los vostres successors reys, no puxats fer o demanar subsidi, do o ajuda al dit vostre regne o alcun braç de aquell o singulars dels dits braces en general ne special. E si la dita demanda o subvencio do o ajuda sera feyta, aquella puxa esser e sia denegada per cascun dels dits braces o singulars d'aquells, sens encorriment de alcuna pena per gran necessitat que y fos per alguna manera o rao. Plau al senyor rey e vol quel privilegi sobre les coses en lo present capitol contengudes ordenat sia observat”. (In *Furs e ordinacions. Op. cit.*, page 282).

² *Rúbrica* (Section) XXXVI : “Item que per la dita rao Senyor vos placia fer e atorgar novellament privilegi o ordinatio que algun no puxa tenir o celebrar corts generals o alcun parlament per vos Senyor o per los vostros successors reys en lo dit regne sino vos Senyor personalment o, en cas de necessitat urgent de la vostra o lur persona, vostre o lur primogenit. E aço que per lo dit primogenit en lo dit cas sera feyt proveit e atorgat en les dites corts o parlament haja aquella fermetat e valor que hauria si per vos Senyor o per vostres successors era feyt, proveit e atorgat. Plau al senyor Rey”. (In *Furs e ordinacions. Op. cit.*, page 283).

the 1484/88 Tarazona-Valencia-Orihuela Parliament meeting¹. It is obvious that, on that occasion, the reminder was more than justified, as the summoning of Parliament meetings did not usually keep the three-year periodicity prescribed by the legislation and neither was the presidency held exclusively by the heir prince when the king was not present.

In parallel to this whole regulatory process, the positioning of Valencian legal doctrine on the king's obligatory presence at Parliament meetings converges with the legal precepts. Pedro Belluga, the late medieval Valencian jurist considered by his work *Speculum principum* as a doctrinal reference point on this matter, alleged the already-defined-in-common-law "in curia habet presidere princeps" principle, basing it on the custom of emperors. Nevertheless, this same author alleges the Valencian regional precept of 1363 related to the possibility of summoning by the firstborn heir in case of necessity².

This opinion expressed by Belluga was permanently insisted upon in the Valencian doctrine and appeared in the most outstanding work in the parliament literature of the XVII century, the *Forma de celebrar Cortes en el reino de Valencia* by Matheu y Sanz. However, taking into account the parliament practice during the XVI and XVII centuries, this author flexibilised the criterion for the king's substitution exclusively by its firstborn child, accepting for that presidential role the person freely designated by the king. In any case,

¹ *Rúbrica* (Section) III: "Com per furs del Alt Rey en Pere Segon en lo any MCCCLXIII lo hu qui comença: Item Senyor que a be de la cosa publica, etc. Lo altre apres immediate seguent qui comença: Item Senyor per la dita raho, etc., sia statuhit e ordenat que nos de tres en tres anys personalment hajam a tenir corts generals en lo regne de Valencia als habitants en aquel, e que les dits corts e parlament general no puixa tenir o celebrar algu per nos o per nostres sucesors en lo dit regne sino nos personallment o, en cas de necessitat de nostra persona, lo nostre primogenit. E pera disposicio dels dits furs sien stats fets alguns actes e convocacions contraris a aquells. Per tal provehim, statuhim e ordenam que d'aquí avant los dits furs sien tenguts e inviolablement observats, e que no puixa esser fet res en contrari, revocant e havent per revocat tots los actes de convocacions e enanements fets contra les dites fori diques disposicions". (In Vicent Ernest Belenguer i Cebrià, *Cortes del reinado de Fernando el Católico*, Valencia, 1972, page 7).

² "Et certe de iure communi et ex foris et constitutionibus regnorum communiter et ordinarie in curia habet presidere princeps quia ita ex imperatorum more fuit solitum"... "Et sic fori et constitutiones regnorum disponunt solum principem debere curias congregare, et, in casu necessitatis regiae personae, primo genitus, ut in foris regis Petri anni LXIII". (Pedro de Belluga, *Speculum principum*, Paris, 1530. Fol. II, *rúb.* (sec.) I, No. 2 & 3 respectively).

this should always happen in cases of urgent necessity, the relevant *authorisation for representation* being required as well¹.

II. Historical dynamics of the king's absence at Valencian Parliament meetings

The principle of compulsory presence of the king at Parliament meetings was difficult to comply with specifically. The first hindering factor was the heterogeneous political structure existing within the Crown of Aragón which, as is well known, was formed by separate kingdoms that kept their peculiar, distinct legal public institutions and, therefore, their own differentiated parliament assemblies. But the attendance of the king in person at the Parliament meetings held in each territory, due to their duration, meant that he remained 'immobilised' for long periods of time. In such circumstances, the king's capacity to travel to distant places and solve the increasingly frequent political problems was hindered.

An additional factor which increased this difficulty was the Crown of Aragón's expansion along the Mediterranean and the forced presence of its monarchs in those territories, as is paradigmatically illustrated by Alfonso V's prolonged stay in his Italian possessions. What is more, when the Spanish monarchy started to play an active role in European politics, as was the case during the reign of Fernando the Catholic and, above all, of Emperor Carlos V, the absence of monarchs of peninsular territories was going to become something quite common, which made it necessary to introduce institutional formulas that could solve the problems generated by that absence.

Examples of 'non-regal' celebrations of Valencian Parliament meetings were relatively frequent. They represented ca. twenty per cent of the meetings held until the XVIII century, the reigns of Pedro IV, Alfonso V, Fernando the Catholic and Carlos V being the ones in which cases of absence were more common.

Anyway, one must consider the different degrees of importance that the absence of the king had. In principle, starting from the king's normal, habitual summoning, there were assemblies in

¹ "La presencia de la persona real para celebrar Cortes es necesaria, como hemos dicho, pero en caso de urgente necesidad consienten los Reinos y habilitan la que su majestad dexa con poder especial para celebrarlas o continuarlas, que siempre es de la suposición debida". (Lorenzo Matheu y Sanz, *Tratado de celebración de Cortes Generales del Reino de Valencia*, Madrid, 1677, Facs. edit. Valencia, 1982, page 168).

which the monarch could only be present in part of them and had to designate and authorise a substitute who could continue and finish them. This happened, for instance, at the Monzón Parliament Meeting in 1528, summoned and initiated by Carlos V, but in which, after the parliament procedure of regal acceptance of the Offer, the Emperor had to go away, leaving as a substitute Don Fernando of Aragón, the Duke of Calabria. In other meetings, despite having been summoned by the king too, the latter's absence was practically total from the very beginning. This was the case of the 1373/74 Parliament Assembly, celebrated by the king's firstborn child, the Infante Don Juan. The same situation took place in the 1421 and 1435 Assemblies, celebrated by the Queen Doña María, and in those of 1437 and 1443/1446, celebrated by Alfonso V's brother, the Prince Don Juan (the King of Navarre). Already in the XVI century, the 1547 and 1552 Parliament Meetings in Monzón were summoned by the Emperor but celebrated by the Prince Don Felipe, firstborn child and heir to the throne¹.

A. The medieval precedents

References can already be found during Pedro IV's reign to the presidency assumed by the Infante Don Juan, the Duke of Gerona and Count of Cervera, the king's firstborn child and successor to his throne at the 1360 Parliament Meeting in Valencia². The reason that forced the substitution was no other than the war against the King of Castille, Pedro I the Cruel. The documents show that, in order to make that substitution possible, the Infante was appointed Lieutenant of the Kingdom of Valencia, a high government dignity that, as Lalinde has pointed out, included among its competences the capacity to continue and finish Parliament meetings³.

This was not going to be the only occasion on which Pedro IV's had to attend meetings of the Valencian Parliament on behalf of the king. He did it again at the 1367 meeting in Castellón and in that held in Villa Real/Valencia in 1373/74 ; in the former because the

¹ See the corresponding notes inserted in sections 2.1 and 2.2 of the present study.

² Sylvia Romeo Alfaro, "Cortes de Valencia de 1360", dans *Anuario de Historia del Derecho Español* (1974), pp. 675-711. See also María Rosa Muñoz Pomer, "Cortes y parlamento de 1360. Acuerdos y distribución de donativos", in *Estudios en recuerdo de la Profesora Sylvia Romeo Alfaro*, Valencia, 1989, p. 643-657.

³ Jesús Lalinde Abadía, *La institución virreinal en Cataluña (1471-1716)*, Barcelona, 1964, page 304 and ff.

king's presence was still needed in the war against Castille¹ and in the latter, because King Pedro I had to go and defend the Rousillon territories, which had been invaded by Don Jaime of Majorca. The formal protest made by the Parliament against the King's delegation to his firstborn child to celebrate these assemblies did not stop the Infante's authorisation for representation, and the parliament sessions continued and were finished by the latter in a completely normal way².

During the reign of Fernando I, the 1413/15 Parliament Meeting in Valencia could not count on the king's presidency because the monarch was busy putting down Jaime of Urgell's rebellion and having an active participation in the complex diplomatic negotiations that the Western Schism (also known as the Great Schism of Western Christianity) required on a daily basis³.

The long reign of Alfonso V provides a considerable number of examples of Parliament meetings held without the king's presence during the XV century⁴. The reasons for his absence were, as is well known, the monarch's prolonged stays in Italy, which forced the delegation of extremely wide government faculties to his wife, the Queen Doña María, and to his brother, Don Juan, the King of Navarre, so that the institutional functioning of the different territories of the Crown could be guaranteed, and the risk of 'paralysation' avoided.

Doña María presided over the 1421 Traiguera/San Mateu Parliament Meeting in her capacity as General Lieutenant because the king was personally involved in the Corsica and Naples campaigns. On that occasion, the Parliament facilitated the authorisation for the Queen and the sessions took place with no problems whatsoever⁵.

The Queen had to hold the presidency again at the Valencian Parliament Meeting in 1435/36, during the dramatic period in which Alfonso V was defeated in Ponza and taken prisoner. Faced with this emergency situation, and for the purpose of discussing the best way to

¹ Sylvia Romeu Alfaro, "Catálogo de Cortes valencianas hasta 1410", *Anuario de Historia del Derecho Español*, 40 (1970), page 595.

² Lorenzo Matheu y Sanz, *Tratado de celebración de Cortes. Op. cit.*, pages 168 and 172. See also Romeu Alfaro, Sylvia, "Catálogo de Cortes valencianas", *op. cit.*, page 596.

³ M^a Rosa Muñoz Pomer, "Las asambleas políticas estamentales y la consolidación del poder real (1416-1458)", in *XVI Congreso Internacional de Historia de la Corona de Aragón*. Vol. I, Naples, 2000, page 590, note 39.

⁴ Sylvia Romeu Alfaro, *Les corts valencianes*. Valencia, 1985, page 147.

⁵ M^a Rosa Muñoz Pomer, "Las asambleas políticas estamentales". *Op. cit.*, pages 572 and 573.

defend the kingdoms and help the monarch, Doña María, Lieutenant General, summoned a Parliament meeting in Monzón, the unusual call being accepted by the Parliament, which authorised the Queen to preside over the meeting¹.

In turn, the king's brother, Don Juan of Navarre, assumed the presidency of the Parliament Meetings of 1437/38 and 1443/46 in Valencia as Lieutenant General². During the former, the king was taking part in the Naples campaign ; during the latter, he was leading his troops at the Rome, Calabria and Genoa campaigns.

During the reign of Fernando the Catholic, the monarch had the intention to summon a meeting of the Valencian Parliament in 1483, and it is of interest to highlight about this planned parliament meeting that, foreseeing the possibility that he could not stay for the whole proceedings, the king appointed then as Lieutenant General (with faculties to continue and finish Parliament meetings) his illegitimate son, Don Fernando, the perpetual administrator of the Saragossa archbishopric. The meeting never took place due to a whole set of circumstances, but, in any case, the king's project is very illustrative of his approach to the issue of substitutions at Parliament meetings³.

Apart from this incident, there were two other occasions on which the Valencian Parliament meeting effectively had to be continued and finished through delegation. The first was the one held in Tarazona/Valencia/Orihuela in 1484/88, an assembly that took place during a period of intense war activity of the monarch in the conflict against the Nazari kingdom of Granada. The King was replaced by the Queen Doña Isabel, who had previously been appointed Lieutenant General⁴. The second was the 1495/96 meeting

¹ Jerónimo Zurita, *Anales de la corona de Aragón*. Edit. by Angel Canellas. Vol. VI, Saragossa, 1980, page 103. M. José-Díaz Borrás Carbonell Boria, et Luis Andrés-Guía Marín, "Crisi política i estabilitat institucional. El regne de València i les corts de Montsó de 1435-1436", *XVI Congreso Internacional de Historia de la Corona de Aragón*, Vol. I, pp. 147-158.

² Lorenzo Matheu y Sanz, *Tratado de celebración de Cortes*. Op. cit., pages 172 and 173. See also Muñoz Pomer, Rosa, "Las asambleas políticas estamentales". Op. cit., pages 572 and 573.

³ Manuel Dualde Serrano, "Las Cortes valencianas durante el reinado de Fernando e Isabel", *Revista de Archivos, Bibliotecas y Museos*, 58 (1952), page 12. See also Emilia Salvador Esteban, "Las Cortes de Valencia", *Las Cortes de Castilla y León en la Edad Moderna*. Valladolid, 1989, pages 744 and 772.

⁴ Manuel Dualde Serrano, "Las Cortes valencianas durante el reinado de Fernando e Isabel". Op. cit., page 13. See also Emilia Salvador Esteban, "La precaria monarquía hispánica de los Reyes Católicos : reflexiones sobre la participación de Isabel I en el

in San Mateu, which coincided in time with the king's intervention in Italy ; the delegation to the firstborn child, the Infante Don Juan, who was designated Lieutenant General, made it possible to continue and finish the meeting¹.

B. The practice of authorisation for representation during the XVIth century

As is well known, Carlos V's active intervention in European politics during the XVI century was the reason for his absence at the parliament assemblies that he had summoned.

As far as Valencian Parliament meetings are concerned, three of the six meetings summoned during his reign were held under the emperor's presidency, delegation being required for the other three².

The first of these delegations took place at the Monzón Parliament Meeting in 1528. In that year, the emperor participated in the second military campaign against Francisco I and occupied Rome. On that occasion, he was replaced by Don Fernando de Aragón, the Duke of Calabria³.

The second case corresponds to the Monzón Parliament Meeting in 1547. The confrontation with the Protestant princes was at its height on the dates of celebration of this meeting and the emperor's firstborn child, Prince Don Felipe, was designated to preside over it on his behalf⁴.

Finally, in the 1552 Monzón Parliament meeting, the emperor, who was again waging war on the German princes, decided that the

gobierno aragonés”, *Homenaje a José Antonio Maravall*, vol. III, Madrid, 1985, pages 321 and 322. See, by the same author : “Las Cortes de Valencia”. *Op. cit.*, page 744.

¹ Manuel Dualde Serrano, “Las Cortes valencianas durante el reinado de Fernando e Isabel”. *Op. cit.*, page 18. See also Emilia Salvador Esteban, “Las Cortes de Valencia”. *Op. cit.*, page 744.

² About Parliament Meetings during this reign, see Ricardo García Cárcel, *Cortes del reinado de Carlos I*, Valencia, 1972, preliminary study on p. V-XVI.

³ Lorenzo Matheu y Sanz, *Tratado de celebración de Cortes*. *Op. cit.*, page 173. See also Emilia Salvador Esteban, “Las Cortes de Valencia”. *Op. cit.*, page 763. More precisely Regina Pinilla Pérez de Tudela, “Aproximación a las Cortes valencianas de 1528”, *Estudios en recuerdo de la profesora Sylvia Romeu Alfaro*. *Op. cit.*, page 90.

⁴ Lorenzo Matheu y Sanz, *Tratado de celebración de Cortes*. *Op. cit.*, page 174. Also Ricardo García Cárcel, *Cortes del reinado de Carlos I*. *Op. cit.*, p. V-XVI.

presidency at the Assembly had to be assumed by the Prince Don Felipe once more¹.

Both Felipe II, already as king, and the other monarchs belonging to the House of Austria who summoned and held Valencian Parliament meetings (Felipe III and Felipe IV) attended and presided personally over the Parliament Meetings summoned by them in that kingdom.

III. The institutional mechanisms regulating the king's substitution at Valencian Parliament meetings

The historical dynamics of kings' absence at the meetings of the Valencian parliament reveals the gradual shaping and development of some institutional mechanisms to cope with this type of situations. Such mechanisms established the limits for the king's actions and, at the same time, prove the existence of a whole range of formalities that, through its repeated observance during these centuries, gave rise to the procedure that ended up becoming a regulatory mechanism in this field.

A. Causes motivating authorisations for representation

Once the possibility of a king's absence based on mere whim or arbitrariness has been ruled out, it becomes obvious that the lack of attendance by monarchs at Valencian Parliament meetings was always due to serious and evident reasons.

The Valencian regional legislation had already considered the possibility of absence for "urgent necessity" reasons². And the same approach was adopted in the Valencian parliament doctrine, as can be verified in the works of Belluga and Matheu y Sanz³.

Passing from this legal, doctrinal context to the factual one, the kings' absence at Valencian Parliament meetings is justified by the due attention that they had to pay to important issues related firstly to the Crown of Aragón and then to the Spanish monarchy. Of course, the most significant and spectacular case in this respect was the imprisonment of King Alfonso V, after the battle of Ponza, which led

¹ See the previous note.

² Cortes de Monzón de 1368, *rúb* (sec.). XXXVI.

³ Pedro de Belluga, *Speculum principum*. Op. cit., fol.II, *rúb*. (sec.) I, No. 3 and 7. Lorenzo Matheu y Sanz, *Tratado de celebración de Cortes*. Op. cit., page 169.

the Queen Doña María to summon a Parliament meeting in Monzón in 1435 and to preside over it with the aim of organising the defence of the kingdoms and trying to help the monarch. But, apart from this extreme situation, which would not happen again, the remaining cases of Parliament meetings held without the king's presence were due to war activities undertaken by the monarchs in order to defend their states, as we have already had the chance to explain succinctly.

The fact that the king's absence always had a justified cause and that, therefore, was somehow acceptable, is shown by the attitude that the Valencian Parliament adopted in this respect. It can be said that, on the whole, the Assemblies accepted the exceptionality of each situation and never arrived to the point of expressing a clear contestation about the said absence. Nevertheless, they protested on a formal level and declared their opposition, thus making an attempt to avoid creating a precedent for the future or adversely affecting the kingdom's laws and privileges.

B. Formalisation of the authorisation for representation : the king's proposal and the Parliament's consent

The delegation of the king's presence at Parliament meetings was carried out using two legal instruments : one coming from the King and the other from the Assembly.

Regarding the one coming from the monarch, it contained his decision with respect to the person proposed to replace him. This decision in turn usually appeared in two different documents. One of them was the document related to the appointment of the Lieutenant General, a dignity which was awarded or was already held by the people proposed for the authorisation and included among its faculties the capacity to continue and finish Parliament meetings¹. It can be said in this respect that all the representatives authorised to preside over Valencian Parliament meetings effectively had that Lieutenant dignity and were consequently entitled to assume the presidency at the Assemblies. It suffices to highlight the case of Prince Felipe, the future king Felipe II, who appears mentioned in the documents with the dignity of General Governor, a late medieval title that was

¹ Jesús Lalinde Abadía, *La institución virreinal en Cataluña. Op. cit.*, page 305 and ff.

attached to the condition of heir and successor to the throne¹. But, in any case, although Lieutenants could have this generic faculty, the monarch had to submit a *proposal of authorisation for representation* to the Assembly designating his Lieutenant as the person chosen to replace him.

The other legal instrument required for the authorisation to preside over Parliament meetings came precisely from the latter, since once the king's proposal had been made, the Assembly carried out deliberations in order to give its *consent to the authorisation*. This is reflected in the remaining documentary testimonies about that consent, and in what can be considered a paradigmatic example : the consent given by the royal arm in the 1528 Monzón/Valencia Parliament Meeting to authorise Don Fernando of Aragón so that, in the absence of Carlos V, he could continue and finish that assembly. The text (which can serve as a prototype in this respect) firstly specified the arm conceding the authorisation and the person who benefited from it. Next, a summarised account of the causes for the king's absence which forced his replacement was provided. In this specific circumstance, those causes had a double origin. On the one hand, it was alleged that the emperor had to intervene in important political affairs, and more precisely, in the war against the King of France. On the other hand, it was also argued that the necessities of the Kingdom of Valencia in relation to the administration of justice and its good governance needed to be properly taken into account. After the presentation of those arguments, a formal protest was made by the arm about the potential scope of the consent, namely : that there was no intention either to create a precedent, use or custom with it that might be alleged in the future or to go against the laws and privileges of the Kingdom of Valencia. The text continued specifying the time duration of the authorisation and the scope of the faculties granted to the designated person. A plead was finally made to the king so that the consent formulated in this way could not suffer any modifications².

¹ Jesús Lalinde Abadía, *La Gobernación General en la Corona de Aragón*, Zaragoza, 1963, p. 241, 247 and 249.

² “Lo braç real del Regne de Valencia responnent per servey de vostra Magestat al que per vostra Magestat es estat proposat circa la habilitacio de la persona del Illustrissim Duch don Fernando de Arago, per vostra Magestat demanada per les causes y rahons en dita propositio contengudes. Considerada la necessitat urgentissima de vostra Magestat per raho de la qual nos pot detenir pera celebrar les Corts generals per vostra Magestat convocades en la present vila de Monço, senyaladament per lo desafiú presentat a la Cesarea y Real persona de vostra

In turn, the parliament-related legal doctrine equally referred to the role of the Assembly in the authorisation for representation procedure through the consent that it necessarily had to deliver. To this must be added, though, the formal protests which had as their aim to prevent the authorisation from setting a precedent for the future and damaging the Kingdom's rights and privileges. This is the stance presented by Belluga¹, and also by Matheu y Sanz in the XVII century².

Magestat per lo rey de França, per eser tal, tan gran, tan extrema, e tan notoria. E per les necessitats que ocorren en aquell seu Regne de Valencia, en les quals necessariament se ha de provehir. E axi mateix en la reparacio de la justicia, e en la bona administracio de aquella. Parlant tostemos ab aquell humil e subiecta reverencia e degut acatament ques pertany a tanta Magestat, precehint la salvetat e protestacions infla escrites, es a saber que en lo sdevenidor en ningun temps no puixa esser tret en us ni en consecuencia, e que los furs del dit regne resten salvos e ilesos ab tota sa integritat axi com si la habilitacio no fos estada feta. E que la present habilitacio dure tan solament per temps de tres mesos del dia de la partida de vostra Cesarea Católica Majestad. La qual habilitacio per celebrar les corts generals en la vila de Monço dure per lo dit temps de tres mesos. es content lo dit braç yls plau per servey de vostra Magestat que la persona del Illustrisim duch don Ferrando d'Arago sia per vostra Cesarea Magestat habilitada pera celebrar les dites corts generals en la present vila de Monço axi als Aragonesos com als Cathalans. La persona del dit Illustrisim Duch sia e reste habilitada pera continuar e celebrar les Corts als regnicols del dit regne de Valencia pera temps de tres mesos, los quals correran del dia avant que sera assignat e per vostra Magestat prorrogat pera continuar dites Corts en la dita ciutat de Valencia, dins lo qual terme de tres mesos si les Corts nos poran cloure lo dit terme tenint tal poder se puixa prorrogar ab consentiment empero de tots los braços del dit regne e persones representants aquells una e moltes vegades puix les dites prorrogacionsno puixen excedir lo terme de un any comptador del primer dia del present mes de juny. Al qual dit Illustrisim duch suplica lo dit braç per vostra Cesarea Magestat li sia donat tot aquell poder que vostra Magestat com a Rey e senyor té pera provehir les coses de justicia e pera atorgar les coses que sean de gracia, y fer tots aquelles actes que sien necessaris per a la celebracio y continuacio de les dites corts. Suplicant a vostra Magestat sia de sa merce acceptar lo dit consentiment pera fer la dita habilitacio en la forma damunt dita e ab tota salvetat dels furs e privilegis del dit regne com la mente de vuestra Magestat real sia que aquells no sien derogats... Plau a sa Magestat". (Ricardo García Cárcel, *Cortes del reinado de Carlos I. Op. cit.*, page 5).

¹ "Ideo stante dubio necessitatis, ut fori salventur solent convocati, qui eo casu ante habilitationem stamenta regni et non branchia curiae, se apellant, non obstantibus foris et privilegiis, habilitare praesidentem, pro illa vice, consintiendo sub protestationis quod non trahatur ad usum neque consequentiam neque plus iuris vel possessionibus adquiratur principi, neque praeiudicium regno generetur quodam iure curialitatis". (*Speculum principum. Op. cit., Rúb. [Sec.] 7, No.3*).

² "Para celebrarlas (*las Cortes*) se requiere la persona de su Majestad, y como es mas fácil de suceder que se halle impedido, constando la urgente necesidad, se requiere

C. The authorised representatives :

1. Personal requirements

Of course, the king's delegation of the presidency at the highest political institution in his kingdom (the Parliament Assembly) could not go to any person whose only merit was being trusted by the monarch.

In principle, the legislation foresaw that, should an "urgent necessity" arise, the above-mentioned delegation could only go to the firstborn heir to the throne¹. But it cannot be denied that this provision was very restrictive, especially if one takes into account that there were some kings, e.g. Alfonso V, who failed to have legitimate succession. This is why, seeing that they were left very little leeway, the monarchs tended to enlarge the room for manoeuvre, though it must be said that they did not do it arbitrarily, but trying to delegate to the closest members of their family circle, i.e. (apart from their firstborn child) their wives or their brothers².

Among the queens who received the king's delegation to preside over Valencian Parliament meetings stands out Doña María, Alfonso V's wife, who presided over the Traiguera/San Mateu Assembly in 1421 and over the one held in Monzón in 1435/36. Another example is that of the Queen Doña Isabel, Fernando the Catholic's wife, who assumed the presidency of the Tarazona/Valencia/Orihuela Parliament meeting in 1484/88.

As for brothers of kings, the best known case is that of Don Juan, Alfonso V's brother, who was entrusted with presiding over the Parliament Assemblies held in Valencia both in 1437/38 and in 1443/46.

The only exception to this rule that can be mentioned is the case of a member of the nobility of noble lineage, the Duke of Calabria

la habilitación y consentimiento de los Braços, que es como declaración de aver llegado el caso que las celebre, o el primogénito o la persona que envía su poder especial". (*Tratado de celebración de las Cortes. Op. cit.*, pp. 171-2).

¹ Monzón Parliament meeting in 1363, *rúbrica* (section) XXXVI.

² The Valencian parliament doctrine of the XVII century shows that this was a normal circumstance: "En Valencia siempre que ha sucedido este caso se ha admitido personas de la estirpe real, de las mas cercanas, como muger o hermano o semejante". (Lorenzo Matheu y Sanz, *Tratado de celebración de las Cortes. Op. cit.*, page 172).

who, despite not belonging strictly to the royal family's circle, continued the 1528 Monzón/Valencia Parliament meeting in his capacity as Lieutenant.

2. Titles and treatments/forms of address

The high royal representation assumed by the authorised representative and, at the same time, his/her high nobility rank, implied that the titles had to be made explicit at the Assembly and that this person should be treated and addressed in accordance with them.

Regarding *titles*, in the case of the Infante Don Juan, who celebrated the 1373/74 Parliament Assembly in Valencia, the first reference corresponds to his condition as the king's firstborn child, after which are mentioned the dignity of Lieutenant General in all the kingdoms and his exclusive nobility titles associated with being a duke and a count¹.

When the Infante Don Juan, the King of Navarre, presided over the 1446 Assembly in Valencia, his title description mentions this high royal dignity in the first place ; after that, his condition as an Infante, followed by the position as General Governor of Aragon and Sicily, his exclusive titles related to being a duke, a count or a feudal lord and finally, a mention is made of his condition as the King's Lieutenant General².

His lower category within the nobility explains the shorter title description for Fernando of Aragón, who continued the Monzón/Valencia Parliament meeting in 1528, in which he was succinctly presented as "Duch don Ferrando de Arago, Lochtinent y Capitan General en lo dit Regne de Valencia"³.

Finally, the Prince Don Felipe, who assumed the presidency at the Parliament assemblies held in Monzón in 1547 and 1552, was presented in both assemblies with the title of Prince of Asturias and Gerona, firstborn of the kingdoms of Castille, Aragón and Sicily,

¹ "Johannes, Serenissimi Domini Regis Aragonum primogenitus ac in omnibus regnis et terris suis Generalis Locumtenens, Dux Gerunde et Comes Cervarie". (In *Furs e ordinations. Op. cit.*, page 314 and ff.).

² "Nos en Ioan, per la gratia de Deu, Rey de Navarra, Infant e Gobernador General d' Arago e de Sicilia, duch de Nemoys, de Monblanch e de Penyafeel, comte de Ribagorça, e senyor de la ciutat de Balaguer, Lochtinent General del Mol Alt Senyor Rey frare nostre". (In *Furs e ordinations. Op. cit.*, page 501).

³ In *Cortes del reinado de Carlos I. Op. Cit.*, page 5.

General Governor of the kingdoms of the Crown of Aragón, Duke of Montalvo and Lord of Balaguer¹.

As for the *treatment/form of address* given to the authorised representatives, it is equally in keeping with their respective nobility rank.

The Infante Don Juan is addressed at the 1373/74 Parliament Meeting in Valencia as “Inclitus et Magnificus Dominus”, or, more simply, as “Dominus Dux”, allusions to him with the treatment of “Excelencia²” being frequent too.

The King of Navarre, the Infante Don Juan, is addressed at the 1446 Assembly as “Illustrissimus Princeps et Dominus”, which sometimes alternates with “lo Senyor Rey Loctinent General³”.

The Duke Don Fernando of Aragón is usually treated as “Illustrissim”, “Excelencia”, “Excellentissimus dux” and “Excelent senyor⁴”.

In the case of Prince Felipe, the edition of the Monzón Parliament Meetings in 1547 and 1552 gives him the “Molt Alt y Mol Poderos Princep y Senyor” form of address in the petitions headings and the treatment of “Alteza” or simply “Senyor” in the body of the texts⁵.

Regarding *protocol and ceremonial*, it must be assumed that it would be very similar to that kept with the king himself, because after all the authorised representatives were at the Assembly on his behalf. Consequently, a protocol that resembled very much the one followed with the king would be observed : preferential location, use of the royal seat, etc.

3. Capacity and action faculties

The faculties granted to the authorised representative for the celebration of Parliament meetings tended to be extremely wide, actually as wide as the ones generically exerted by the king himself.

¹ “Philippus, Dei gratia, Princeps Asturiarum et Gerundesis. Primogenitus regnorum Castellae, Aragonum, utriusque Siciliae, etc. Gubernator generalis regnorum coronae aragonum, Dux Montis Ali et Dominus civitatis Balagarii”. (In Ricardo García Cárcel, *Cortes del reinado de Carlos I. Op. cit.*, page 175).

² In *Furs e ordinations. Op. cit.*, page 314 and ff.

³ In *Furs e ordinations. Op. cit.*, e.g. on pages 515 and 516.

⁴ In García Cárcel, Ricardo, *Cortes del reinado de Carlos I. Op. cit.*, page 10 and ff.

⁵ In García Cárcel, Ricardo, *Cortes del reinado de Carlos I. Op. cit.* For the 1547 Assembly see page 175 and ff. About the 1552 Assembly see page 233 and ff.

Various statements and texts coming from the Assemblies prove it. For instance, the Infante Don Juan declared during the Parliament meeting held in 1373/74 that he was acting “*loco et nomine ipsius domini regis et ab special comissio daquell*”¹. In turn, the Infante Don Juan, King Alfonso V’s brother and King of Navarre himself, made a similar statement during the 1446 meeting : “*Nos, en nom, loch e veu del dit Senyor*”². The documents referring to the authorisation for representation given to the Duke Don Fernando of Aragón are even more revealing in this respect. In the consent given by the royal arm to the king’s proposal, he was explicitly asked to endow the authorised representative with the same faculties that the king would have in matters of justice and grace, and even with those inherent to the actions necessary to celebrate and continue Parliament Assemblies. What is more, after the achievement of a double authorisation by the king and by the Assembly, a provision (*act de cort*) was approved which contained a statement about the power that the king effectively gave to the Duke, which is wide as well as vague and is practically assimilated to that which would be exerted by the king if he were present³.

4. Duration of the faculties granted

The faculties granted to celebrate assemblies had a specified time limit.

In the case of Lieutenant Generals, the duration of their office, and therefore of their generic capacity to hold parliament meetings,

¹ In *Furs e ordinations. Op. cit.*, page 314.

² In *Furs e ordinations. Op. cit.*, page 501.

³ “*La Cesárea, Católica y Real Magestat del Emperador y Rey nostre senyor, de voluntad y consentiment dels tres estaments de la present cort, representants los regnicols y habitadors del regne de Valencia, per lo present acte de cort da y conferece al Illustrisimo duque don Ferrando de Aragon, su primo, habilitado por su Magestat y la presente corte del dicho reyno de Valencia para proseguir, tractar y concluir la presente corte del dicho reyno de Valencia y actos de aquella, todo aquel poder y facultat que sea necesario y cumpla para la prosecución de todo lo suso dicho asi como si por su Magestat fuesen las dichas cortes proseguidas, tractadas e concluidas, y como si su Majestad fuese presente, según por los dichos estamentos del dicho Reyno por sus suplicaciones ha seydo demandado y suplicado, poniendo en ello su autoridad y decreto. Y su Majestad prorroga la presente corte del dicho reyno de Valencia para el primero dia del mes de setiembre primero veniente en la dicha ciudad de Valencia*”. (García Cárcel, Ricardo, *Cortes del reinado de Carlos I.* Op. cit., page 9).

depended, the same as the post and dignity, on the king's will, as a result of which the duration was undetermined.

However, there was no such time indetermination for the authorisation specifically granted by the king and the Assembly to hold parliament meetings. This makes a lot of sense because, due to the specific task that it entailed, the authorisation for representation started and finished with the actual celebration of the Assembly and, therefore, the end of the latter meant that the authorisation automatically stopped being valid. It must be said, though, that the time frame for the authorisation could range between the generic and imprecise duration of the Assemblies themselves and the explicit and specific determination of periods and dates. Thus, if dates had not been specified, the authorisation remained valid as long as the parliament meeting lasted ; that time indetermination was a logical consequence of the difficulty to foresee the duration of an assembly accurately, since imponderables of all kinds might delay it and complicate its deliberations. However, in those cases in which the king's substitution was only carried out for the purpose of continuing and finishing assemblies, it seemed more feasible to fix maximum duration limits. This is what happens, for example, in the authorisation for the Duke Don Fernando of Aragón to continue and finish the Monzón/Valencia Parliament meeting in 1528, as is recorded in the consent delivery. The text stipulated that if the meeting continued to take place in Monzón, the duration of the authorisation would be three months starting from the king's departure. But if the meeting was extended and continued in Valencia, as it actually happened, the authorisation would be valid for three months starting from the extension date, permitting, always with the agreement of all three arms, successive extensions of the meeting until it could be finished on condition that the maximum global period allowed for those extensions - one year from June 1 - was not exceeded.

IV. Scope of the decisions adopted in Parliament meetings without the king's presidency

The Valencian regional legislation had specified in *rúb.* (sec).36 of the 1363 Parliament meeting that, if the king had to be absent due to urgent necessity, the assembly could be celebrated by his firstborn and heir to the throne (the only substitute foreseen in the precept), in which case all the decisions adopted in the latter's

presence would have the same value and effect as if they had been adopted by the king himself¹.

Anyway, as the Aragonese monarchs gradually started to widen the framework for this strict delegation process with the passing of time, using other members of their family (e.g. wives or brothers), they endowed those relatives with faculties that were as wide as the ones exerted by the king himself. It thus becomes obvious that the decisions adopted by the authorised representatives during the Assemblies hardly differed or did not differ at all from those made under the king's exclusive presidency.

Indeed, no structural differences of any kind can be found when a comparison is drawn between the regulations derived from Assemblies celebrated with the king and those held by his authorised representatives. Significant differences do exist, though, from a formal point of view.

The first formal difference can be identified in the allocation of the legislative material derived from Parliament meetings held under the presidency of the king's authorised representative, which, as could be expected, refers to the person who sanctioned and enacted those regulations on the monarch's behalf².

Secondly, differences become visible in the formula for sanctioning petitions which, instead of being done with the cliché "Plau a Sa Majestad" or some other similar formula, is done with the form of address corresponding to the authorised representative's nobility title. The "Plau al Senyor Duch" or other similar formulas were used with the Infante Don Juan in 1373/74³. In 1528, the formula for sanctioning the petitions submitted to Don Fernando of Aragón was "Plau a Sa Excelencia" or "Mana Su Excelencia"⁴. And, in the

¹ It is also similarly described by Lorenzo Matheu y Sanz in his *Tratado de la celebración de Cortes. Op. cit.*, page 170.

² "Fori conditi in modum capitulorum et responsionum eorundem oblatorum domino Joahnni Serenissimi domini regis primogenito"... (In *Furs e ordinations. Op. cit.*, page 314). "Furs nous fets per lo senyor rey de Navarra, frare e loctinent general del molt alt senyor rey don Alfonso"... (In *Furs e ordinations. Op. cit.*, page 501). "Furs, capitols, provisions e actes de cort fets per lo Serenisimo don Pehelip Princep e primogenit de la C.R.Mag. del Emperador"... (In Ricardo García Cárcel, *Cortes del reinado de Carlos I. Op. cit.* See page 175 for the 1547 Assembly and page 233 for that held in 1552).

³ *Furs e ordinations. Op. cit.*, page 316 and ff.

⁴ García Cárcel, Ricardo, *Cortes del reinado de Carlos I. Op. cit.*, page 12 and ff.

case of the Prince Don Felipe, the form of address in the 1547 and 1552 meetings was “Plau a Sa Alteza” or “Mana Sa Alteza”¹.

Thirdly, the formal differences also affected the sanction, enactment, subscription and publication of the legislative material derived from the Assembly which is logically composed by actions referring to the authorised representative.

Regarding the sanction, the most appealing formulation is found in the Monzón Parliament meeting, which was held under the presidency of the Prince Don Felipe : “dictos igitur foros, actus curiae, ordinationes et provisiones... facimus, sancimus, statuimus, concedimus et ordenamus”².

The same can be said about the enactment made by the said prince : “Dictas decretationes et responsiones teneant et observent et ab omnibus faciant inviolabiliter observari”³.

As for the subscription of the legal text, this was done by the authorised representatives using both their signatures (“Signum Johannes, Dei gratia, Regis Navarre”⁴ or “Signum Philippi, Dei gratia, Principis Asturiarum”⁵), and their seals. The use of the latter is documented for the Infante Don Juan in 1373/74⁶, for the King Don Juan of Navarre in 1446⁷, or in 1547 and 1552 for the Prince Don Felipe, who used his grand-grandfather Fernando the Catholic’s seal because he did not have his own seal yet⁸.

Finally, in the publication, the enforcement mandate is also referred to the authorised representative, the corresponding order being issued to the Chancery officer. So it happened, for instance,

¹ Ricardo García Cárcel, *Cortes del reinado de Carlos I. Op. cit.* See page 176 and ff. for the 1547 meeting and page 233 and ff. for that held in 1552.

² In Ricardo García Cárcel, *Cortes del reinado de Carlos I. Op. cit.* See page 222 for the 1547 meeting and page 267 for that held in 1552.

³ Ricardo García Cárcel, *Cortes del reinado de Carlos I. Op. cit.* See page 223 for the 1547 Assembly and page 268 for that held in 1552.

⁴ *Furs e ordinations. Op. cit.*, page 514.

⁵ Ricardo García Cárcel, *Cortes del reinado de Carlos I. Op. cit.* See page 223 for the 1547 Assembly and page 228 for that held in 1552.

⁶ “Ad quorum validationem de predicti domini ducis mandato suum sigilum fuit hic appositum in pendente”. (In *Furs e ordinations. Op. cit.*, page 328).

⁷ “Et ad majorem illorum corroborationem bullam plumbeam dicti domini regis facimus eadem impendente munire”. (In *Furs e ordinations. Op. cit.*, page 514).

⁸ “Eidemque bullam plumbeam Catholicae Maiestatis Regis Ferdinandi abui nostri, cum nondum nostra fabricata fuerit, impendenti iussimus apponendam”. (In Ricardo García Cárcel, *Cortes del reinado de Carlos I. Op. cit.* See page 223 about the 1547 Assembly and page 268 about that held in 1552).

with the order given in 1374 by the Infante Don Juan to Bruno de Chaves, his secretary and notary of the Assembly process¹. The same order was issued by the King of Navarre to his secretary in 1446² or by Prince Felipe to his protonotary Miguel Clemente at the 1547 and 1552 meetings³.

¹ “Ego Brunus Deschaves, secretarius dicti domini primogeniti qui fui notarius processus dictarum curiarum, de mandato ipsius dominis primogeniti, feci describi seu reponi in presenti cuaderno pergameneo ad habendum inde in futurum memoriam”. (In *Furs e ordinations. Op. cit.*, page 320).

² “Ego dictus secretarius et notarius publicus qui fui notarius et escriba processus curie supradicte, describi seu reponi feci in processo eodem mandato dicti domini regis”. (In *Furs e ordinations. Op. cit.*, page 517).

³ “Signum Michelis Clementes... de iusdem domini principis mandato”. (In Ricardo García Cárcel, *Cortes del reinado de Carlos I. Op. cit.* See page 224 for the 1547 Assembly and page 269 for that held in 1552).