Questioning frontiers and comparing perspectives:
noble archival practices in the Iberian Peninsula (15th-19th centuries)

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Resumo

Na Península Ibérica foi produzido um número considerável de Arquivos de Família, também apelidados Arquivos de Nobreza. Este artigo visa compreender se existiram, no universo peninsular destes arquivos, diferenças significativas entre produção, conservação e inventariação de documentos. Relacionando a origem destes acervos com a disseminação e adopção do regime do morgadio, comparámos as diferentes práticas arquivísticas da nobreza em Portugal e em Espanha. Explanando alguns temas-chave como a nobreza ibérica e a configuração dos seus arquivos, bem como a relação dos arquivos com o poder, a memória e a perpetuação linhagística, coloca-se em questão a existência de fronteiras nos reinos ibéricos relativamente às práticas arquivísticas da nobreza.

Palavras Chave: Arquivos de Família; Portugal; Espanha; Práticas arquivísticas; Nobreza.

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Abstract

Iberian world produced a considerable number of nobility's archives, some of them kept by families until today. Connecting the origin of nobility's archives to family entail, we did a preliminary study to compare some nobility's archival practices both in Portugal and Spain. This paper's goal is to understand if there were significant differences in the Iberian Peninsula between production, keeping and inventorying documents. Explaining some key points like: Iberian nobility; configuration of noble archives; archives as a source of power; archive as memory and lineage perpetuation, we can also question "frontiers" between the Iberian reigns concerning nobility archival practices.

Keywords: Family Archives; Portugal; Spain; Archival practices; Nobility.

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Europe was a diverse geographical space in which aristocratic models were exchanged continuously. Ignoring political frontiers, nobility spread a cultural model – a way of life and behaviour – that became recognized (and adulated) in places like Italy, France, Spain or Portugal (Carrasco Martínez 1993, 79).[1] Noble values like honor, fame, glory, family, or lineage were common to all European kingdoms. As regards the Iberian Peninsula, although nationalist authors used to emphasize the existing differences and the unquestionable antagonism between Portugal and Spain, modern historians consider the social Iberian space to be quite fluid and flexible insofar as nobility was concerned. For this reason, we narrowed our view to family archives in the Iberian Peninsula, although this frame can be adjusted to other geographies.

To be part of a noble family in the Iberian Peninsula meant having a lifestyle, a group culture, and a way of dealing with the family that did not depend on political or geographical frontiers. This group was shaped by its residences, properties, household-keeping, but also by patterns of marriage and descent, transmission of patrimony, and the social relations network that somehow linked Iberian nobility. These family paths crossed the political frontier; besides the kinship, cultural affinities, social and political relations held between them, the Iberian nobility also had properties and jurisdictions in different places and regions. Historians like Mafalda Soares da Cunha and Juan Hernández Franco (2010) agree that besides the institutional and political equality that we may find, there is a significant social sameness and connection, particularly where nobility is concerned. It is not difficult to find kinship between Spanish and Portuguese noble families, starting with the royal families of both kingdoms. The emphasis on the study of noble family paths, their kin and social relationships, is a useful way of understanding *ancien régime* society. This is true mostly because the noble family histories are relevant outside the context of nobility, not

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[1]   This 'way of life' finds its best expression in Baldassare Castiglione's book Il Cortegiano, published for the first time in 1528 in Venice, translated into six languages across a number of editions along the sixteenth century.

only at a local level, but also further afield. This is true also because one of the practices that emerged between the fifteenth and the nineteenth centuries was the constitution of archives of noble families, in the Iberian Peninsula. In fact, these archives are one of the most valued sources for both historians and archivists to understand the society in which they were produced. This is particularly relevant because these archives are rare and, as present researchers are well aware, remain at risk of disappearing out of neglect from factors that include lack of awareness of the collections' historical importance, or dispersal amongst heirs.

In this paper, we will be questioning frontiers in the Iberian Peninsula by analysing the archival practices of some noble houses both in Portugal and Spain. In saying this, it is not our goal to compare Spanish and Portuguese noble families, titles, honors, or names, nor the archives themselves, but rather the actual practices that allowed the collection of documentation. Iberian nobility archives are quite unequal to each other in size, composition and preservation as well as in their historical relevance. The aim is to stress the fact that, despite the diversity of these archives, there are general practices which allowed for the production of specific groups of documents which would seem to appear in whatever collection from the Iberian Peninsula. We can generally identify different groups of documents, among documents of a patrimonial, genealogical, personal, and professional nature. The production of similar documents and similar archival practices across the Peninsula has shaped archives of nobility. Furthermore, we can see many kinds of resemblances inside the Iberian world, as Tamar Herzog has stressed (Herzog 2015).

In order to explain this point of view, we will look at the following: the Iberian nobility; the configuration of noble archives; these archives as a source of power; the archive as an instrument for the perpetuation and identification of lineages; the end of the *ancien régime* and its impact on family archives.

The Iberian Nobility. (Non-)Existent frontiers

Like the United Kingdom or the Holy Roman Empire, the Spanish Monarchy was a composite one, joining together under the authority of a king several regions with distinctive types of government, languages, customs, and territories. From 1473 different territories such as Aragon, Navarre, Flanders, Milan and Sicily, came to recognize the same king, but at the same time defended their own laws and privileges. In the case of Portugal,

it had been independent since 1143, but then became part of the Spanish Monarchy for sixty years (1580-1640). Nevertheless, as some authors have stressed, there were more differences between the north and south of Portugal or Spain, than between many Portuguese and Spanish neighbouring territories (Schwartz 2013; Cunha and Hernández Franco 2010).

In medieval times, the Christian *Reconquista* of the Iberian Peninsula offered to a military elite the possibility of becoming socially and economically powerful. As the kings were not able to subjugate the occupied territories sufficiently, they gave some parcels of it to valuable and loyal warriors or to military orders that could subordinate and control local communities and inhabitants with their own armies (Gómez Vozmediano 2007, 131). Although the unification of the two reigns had been a plan of both the Portuguese and Spanish kings on several occasions, as historians agree today, the plan never came through for reasons, such as increasing taxes, the opposition against Spanish authority, or the persistent and unresolved problems existing in the Portuguese empire (Schwartz 2003; Cunha 2010). Moving into the early modern age, government became more centralized and the king had greater control over his subjects, including the old noble families that had served the monarchy since the turbulent times of the past. The court, less itinerant and progressively centralized since the fifteenth century, became the centre of government. Most noble families moved near Lisbon or Madrid.

But this unequal society was not static. To serve the king and to attain his favour became one of the most important ways to rise up the social scale. In fact, the king was one of the key promoters of this scale. We can see, at the base of the pyramid of nobility, a wide range of privileged people (*fidalgos/hidalgos*) who did not work with their hands, who had a given family name and who therefore belonged to a lineage (Crawford 2014). These *fidalgos* could be important at a local level and hold peripheral military or administrative posts. Towards the top of this scale, noblemen occupied the most important military, diplomatic and administrative posts. Noblemen could also be part of the personal staff of the king's household or chamber with the unquestionable advantage of being in the monarch's proximity. At the highest level, these services could be paid for with (new) major military or diplomatic posts, counsellor offices, vice-kingdoms, local or imperial governorships and the corresponding benefits; with new *comendas* or *encomiendas*, more land, rents or rights of jurisdiction. A title of a military order was bestowed often, but the most sought-after was a title – of baron, viscount, count, marquis, or duke. For those who were awarded such a title,

their way of life really differed from that of the "common people", not only in their clothes, consumption habits, or servants employed, but also in terms of the places they frequented, where they sat in church, and the place occupied in religious or public processions. In the lower layers of this "pyramid of nobility" there was greater social mobility and the top – title holders and grandees – tended to be rigid and more closed. The accumulation of titles and honors in the eighteenth century was quite common and in all ranks of Iberian nobility there was fierce competition over status (Cunha and Monteiro 2010, 51).

As the main source of benefits in the sixteenth and seventeenth centuries, the king's service was responsible for most of the benefits awarded to nobility. The establishment of an obligation/chain of reward produced specific loyalties and responsibilities. Noble families needed the king's favour to ascend in the social scale, and the king needed the services of loyal noble families in order to maintain his power and order over all subjects and territories.

Being and staying wealthy was a major requirement for the family to continue rendering good services to the king. After the end of the *Reconquista*, the source of wealth became more stable, predictable and controllable; primogeniture became the main reproductive strategy for the continuance of lineage because the number of descendants carried a distribution factor of wealth. The spread of the remarkable property entails in the Iberian world led to the gradual adoption of the male primogeniture, which, with its process of shaping lineage around its family name and manor under the authority of the father, promoted stability but also circumscribed co-residence and individual benefits, and thus allowed some families to become (and stay) stronger and wealthier. The firstborn male was the one to inherit the estate in order to maintain the patrimony of the lineage as it stood, thus providing for its own survival and being able to compete for the available resources and status (Boone 1986, 868). This system was adopted in several geographical and social layers of the Iberian world, such as Catalonia and the Basque Country, and although it was not exclusive to noble families (Casey 1998, 215-226) it became the main reproductive strategy. Documented since the middle ages, *morgadio* or *maiorazgo* was developed in the Iberian Peninsula during the sixteenth century and lasted until the nineteenth (Clavero 1974). As the *morgado* should pass from father to firstborn legitimate son, the social structure – and social reproduction – became strictly connected to family, kinship and lineage. A family could hold more than one *morgado* and many Iberian noble families

accumulated them, by inheritance or through the king's mercy. Yet, the establishment of a *morgado* required the king's permission; this was a way to control the power and wealth of the nobility. Not only properties but also offices and honors could be attached to an entail estate and became part of the family patrimony to be left to the descendants. In the Iberian Peninsula, the strict family discipline established a very particular economic and social system called *Casa* (household) (Monteiro 1998; Atienza Hernández 1987). The heir of a *Casa* was an administrator who did not really "own" the household. He – or she (Casaus Ballester 2004, 103-122) – should leave it to their heirs: it was the heir's duty to maintain this patrimony untouched and to increase both wealth and honors.

The relationships between families of the elite were based on the possibility of ascending mobility that one or two children (a bride to a more important family, or a groom to add honors or repute to another family) might provide. Against this background, we can easily understand that marriage covenants became a major concern in family strategy.

In the case of the eldest son, the aristocracy set up marriage covenants preferably inside the group (in a broad sense). These matrimonies allowed the integration of noble lineages from the crowns of Castile, Aragon, Italy, Flanders and Portugal. As a result, these families ended up being related by some kind of kinship (Alvariño 2006, 162). On the other hand, the heir of a *Casa* had some obligations towards his youngest brothers and sisters by providing them with some kind of subsistence. Usually the second sons were guided towards church careers, convents, military posts or offices in the king's local or central administration. As far as the daughters were concerned, they were mostly directed into celibate religious roles. Nevertheless, women had an important part to play in this society. We can see them managing the estate as widows, claiming for justice in court, or protecting their minor sons against the pretensions of other family members (namely brothers-in-law) towards the *Casa* (Coolidge 2011). They could also be a key element to family status. Mainly in the fifteenth and sixteenth centuries, if a daughter was meant to marry, the family would be required to choose for her a husband from the upper classes, clearly as an investment in a strategy of upwards social mobility (Cunha and Monteiro 2010, 51). Daughters were also encouraged to marry cousins to preserve family name. As the families saw their young daughters coming to the age of marriage dowries could be a problem: "From the later sixteenth century the dowries of the house of Gandia had reached their peak of 100,000 ducats, virtually twice the annual revenue of the estate." (Casey 1999, 147). On the other hand, some female

heirs with considerable patrimony might be the target of greedy aristo-
crats, like the Spanish count of Contamina. This landowner wrote a letter
in 1740 to his wealthy cousin, Juan Augustín Mateo, informing him of the
need to renew family bonds, by marrying his son to one of Juan Augustín's
daughters. The letter closes with the following sentence: "The only thing
left, is that you will let us know with which one of your daughters it will
be" (Rubio Martín; Benedicto Gimeno and Emilio Benedicto, 2005 153).
Another possible strategy was to marry a daughter to a wealthy fidalgo.
Such was the case of the Portuguese lady Francisca Inês de Lencastre,
daughter of the count of Valadares, who had the chance to marry Pedro
de Figueiredo in 1695. This fidalgo, with no titles, had the advantage of
being a landholder who patiently waited for his father's death to settle his
marriage. By that time, Francisca Inês was already in her thirties, but for
Pedro de Figueiredo, she was a major stepping stone towards entering the
aristocracy (Sousa 1999).

As for the second born sons, each individual path depended on the
family's ability to find a position for them. They could be the means to
gaining more power. This is why we see second-borns occupying second-
ary posts in the court or major posts in peripheral cities (Chacón Jimenez
2006, 56; 149). They would also fight in the dangerous borders, in India or
in the Philippines, in the Americas or in Africa. Should they be successful,
the family would benefit. If not, probably they would be quickly forgot-
ten – even by their family. Correspondence is one of the best testimonies
to these expeditions and missions (if) kept in the archives of the nobility.

The configuration of nobility archives

From the fourteenth and throughout the next century, in Castile and in
Portugal the emerging adoption of the *morgadio* system was strictly linked
to archival practices as highlighted by current authors. The succession
practices compiled in the clauses of the *morgadio* would be expressed by
the Castilian laws of Toro (1505) and by the Portuguese *Ordenações Manue-
linas* (1512-14). This inheritance system triggered the production and main-
tenance of specific documents and originated the maintenance of family
archives (Gómez Vozmediano 2007, 178; Rosa *et al*. 2012, 18).

The processes were similar in both Spain and Portugal. Knowing that
from the division of property would come poverty and the decline a repre-
sentative of a lineage would create a *morgado/mayorazgo*, and would name
his eldest son the heir. He would then build up the identity of the lineage

through the name and coat of arms of the family. These symbols were to be used as the social representation of a family, on chapels, tombs, houses, castles, books, seals or documents. The inheritance of a family entail was also strictly connected to spiritual obligations and to the memory of the ancestors. The heir was supposed to honor, pray for and remember the founder of the lineage. Monasteries under family patronage, private chapels, and family tombs are the physical evidence of a lineage's memory. In any case, since the twelfth or the thirteenth century we can see the close links emerging between noble families and monastic institutions. These provided a safe place to keep important family documents such as *morgados*' institution books or wills.[2] In early modern times, also certified copies of such documents could be kept in monasteries. Such is the case of the Portuguese *Morgado do Castelo*, founded in 1520 by Brás Afonso Correia, whom in addition to keeping its own *morgado* book, asked the king for copies to be kept in the royal archive (*Torre do Tombo*) and in the Monastery of St Aloysius (*Santo Elói*) in Lisbon (Sousa 2007, 90).

The peerage system implied that the successor of a household should be endowed with all this ancestor's honors. The newcomer demonstrated his (or her) rights with the corresponding documents. As the king played a fundamental role in the whole process, it was before him, or before his representatives, that nobles provided the documents to prove their right to inheritance of the privileges and titles. These documents were called *Carta Ejecutoria de Hidalguía* in Spain, and *Cartas de Brasão de Armas* in Portugal. Before them the king, or his agents, would confirm and renew all privileges to the new representative of the lineage.

In Spain, we can see a specific procedure called *Pleitos de Hidalguía*, resulting from the change of residence, of a family that wanted to maintain their status. In these cases, it was necessary to show that in the previous residence they were *hidalgos*. The result of these *Pleitos* – if favourable judgement was achieved – was the king's provision called *Carta Ejecutoria de Hidalguía*.[3] The document could be transformed into a beautifully decorated

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[2]   See the Soria mayorazgo confirmation: founded by Martín de Soria e Inés de Lerma, left to their son Diego López de Soria, (in: Archivo de la Fundación Sancho El Sabio, Accessed in: 18-12-2017: http://archinet.sanchoelsabio.eus:8080/ConsultaWeb/showInformacionNodo/5001748.

[3]   Despite there's a thematic-functional classification chart, it is possible to see several examples of these documents, proceeding from several family archives, whether form Marqués de la Alameda or the Sáens de Tejada family archive. All of them available online in Fundación Sancho el Sabio (http://archinet.sanchoelsabio.eus:8080/ConsultaWeb/index#fakelink).

parchment with a painted coat of arms, according to the nobleman's economic standing (Ruiz García 2007, 251-76). In Portugal, the king gave *Cartas de Brasão de Armas*, granted for singular military deeds, or by recognition of the ancestor's nobility. From the sixteenth century onwards, to obtain this document, the petitioner needed to prove that he, and his relatives before him, had lived like noblemen with servants and horses. This meant that family members who belonged to a military order or were designated as *Fidalgos da Casa Real* (members of the royal household) could acquire a *Carta de Brasão de Armas*. This document represented the acknowledgement of the petitioner's noble qualities (Azevedo 1983) and this was something noblemen valued most, as a clear sign that noble social values did matter.

The ownership of "foundational documents" – such as demonstration manuscripts, *morgado* foundation books, letters of peerage or wills –, guaranteed the possession of a household (*Casa*), with all the entailed estate, honors, rights and privileges from one generation to the next. The archives of nobility were, in this sense, what we may call ownership and management archives (Peña Barroso and Guelfi Campos 2014, 27). This means that the documents were produced, preserved and, like moveable goods, passed on as a whole from father to son (in some cases for centuries). Through documents like *Tumbos* (Spain) (García Martínez and Rodríguez Díaz 2016, 318) or *Tombos* (Portugal) one could find exact information about the lands, its limits, and its returns. Through documents like *Autos de Posse* (Portugal) or *Autos de Tomas de Posesión* (Spain), it was possible to prove the renewal of ownership of a property.[4] In fact, *Autos de Posse* testify the ceremony or ritual – clearing the houses, taking the palace's keys, closing and opening windows and doors, picking up a handful of soil – that assured the possession and peaceful acceptance and welcoming of the newcomer or his representative (Redal s.d., 45-61). But these documents were needed because peaceful acceptance of the new heir was not guaranteed. When the previous owner died without offspring, all the possible heirs fought for the inheritance and the handing over from one household-owner to his successor could lead to a case being filed at court. The potential applicants had to prove, through documents like birth certificates or/and genealogies, the degree of relatedness to the previous owner. After the court had reached a

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4   See for example the "Toma de posesión de una parte de la casería de Sagasticho" of the Barrutia family; AFSS, Accessed in: 18-12-2017, Available in: http://archinet.sanchoelsabio.eus:8080/ConsultaWeb/showInformacionNodo/1574498.

decision, the new owner was to be recognized as such by all people in the household and the estates.

This is why part of the landlord's obligations towards the following generation was to keep documents in order to have good administration and to prove given rights to property. Just to give an example, in the Portuguese *Morgado dos Castilhos*'s "foundation book",[5] we read the following: "I ordered the writing of this book in the year 1764, and here we can find all the document copies concerning the *Morgados dos Castilhos*, founded by Bishop D. Pedro de Castilho. The original documents are in the family [household] archive, where they are to be kept forever. This is because some less careful managers lost many important estates because they did not take enough care in keeping the documents of possession, as they are the only weapons with which estates are to be preserved".[6] The awareness of the importance of the archive as memoir of noble patrimony is very acute.

As will be understood, accumulating patrimony is the same as to say to accumulate documents. In the archives of the Iberian nobility, management documents are usually the most numerous, coming from the need to control the economic basis of the family's maintenance. The increasing complexity and management needs induced the production and accumulation of documents, usually housed in the lords' manors, near their properties. The bookkeeping, balance sheets, revenues, obligations, receipts, documents of sale or purchase, appear in profusion in the archives of Iberian nobility. The Spanish Marqués de Legarda's archive is an example of an archive that, despite containing various typologies, its documents concern mainly to estate's and pious' management issues (Peña Barroso and Guelfi Campos 2014, 26). Concessions, resignations, agreements and permits, also appear frequently in the manor or castle chests. Depending on the size of the archive and the commitment of the landlord to organizing and managing his household, some archives passed from chests to cabinets or to new and customized pieces of furniture. In some cases, archives were settled in a specific room, sometimes a secret and protected one, like the one of the Marquis de Los Vélez, who sent documents to his castle in Mula (in Murcia, Spain), and kept them in a place called "la mazmorra", i. e., the dungeon (Corbalán 2015, 139-189).

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[5]   Arquivo da Casa de Belmonte (ACBL), *Instituição do Morgado dos Castilhos. Cópia dos papéis pertencentes à Instituição do Morgado e suas obrigações. Maço* Iº, livro n.º 32.

[6]   Author's translation from the original document.

As the accumulation of documents continued, it became more and more important to be able to retrieve the information. The production of inventories, mainly since the sixteenth century, was a first step in enabling efficient and quick access to information. In Iberian Peninsula, we can find multiple ways of making inventories and keeping documents. But the preservation and future organization of the archives depended on the needs and mostly on the practical choices and managing skills of each lineage's successors. The production of inventories as an instrument for improving the management of information was an important step in conceptual terms – producing some "archive consciousness" – and in estate management terms, as the retrieval of information was understood to be key to good administration (Iranzo 2010, 87; Head, Rosa, 2015). Inventories reflect the importance of the archive management process, organization skills, practical aspects, as well as the historical knowledge needed to decode all kinds of disused handwriting. The inventories may include not only lists of documents, but also the origin of each family entail, the family history, copies of documents, total or partial, and genealogical trees in a wide range of features that have been recently studied.[7] Usually these inventories reflected a geographical (based on each parcel of the entailed estate), typological and thematic order. The mixed inventories, where we can see partial and full document copies, were common, and their production depended on a family's historical context; besides the retrieval of information, they could also be produced as proof of a document having been handed over to somebody (Corbalán 2015, 130-152).

In fact, the household's future depended on the good administration of both estate and archive. And that is why we can read in the instructions about the Spanish archive given by the landlord Marquis de Los Vélez to his descendants in 1635: "As for the management of papers, like a suitor that keeps his lady's belongings, so they should be in the hands of the secretary. He must see them and care for them [and] every day memorize them and keep them as the most precious jewels" (Gómez Vozmediano 2007, 184-185).[8] We can also see this in the Portuguese *Morgado dos Castilhos*'s Foundation Book.[9] Dating from 1764, the author, possibly D. Tomás de Noronha Ribeiro Soares Castilho (1744-1809) or, more likely, his father D. José de Noronha (born 1720), tells his descendants that he found "the papers" in

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[7] See: INVENT.arq project – http://www.inventarq.fcsh.unl.pt/ Accessed in: 16-12-2017.

[8] Translation from the original.

[9] ACBL, *Instituição do Morgado dos Castilhos. Cópia dos papéis pertencentes à Instituição do Morgado e suas obrigações. Maço* Iº, livro n.º 32, fl. II.

no order, so it was hard to tell which document belonged to which property. This search had to be undertaken, as well as the organization of the whole archive He revealed the problems with reading old documents "that only a few people with the appropriate skill can read". He needed to hire a palaeographer who copied all the documents. When he started to arrange the archive, he also had to spend some money; however, "the big concern is that it has been so much work that I ask my descendants that they keep the archive as it is, to the benefit of their house, because if I was to find it like I leave it, I would spend my time improving it". At this point he asks the succeeding administrator to observe two warnings: "The first one is: do not let any of the original documents leave the archive; only copies. Second: do not imitate the actions of others, who hand over the archive's keys to a servant, to whom they would not trust 50 coins". Knowing that after all his work, delivering the archive to a servant who knew nothing about it would cause the archive to revert to the same chaos, he concludes: "it is not enough to rely on your servant; a large amount of experience and skills are needed."

The problem of organizing an archive led to the same advice and warning being given to the archivist of the Vélez family that had, in the office, a notebook where he should note every output, with date and shelfmark – "In order to know at all times where and when it [the document] was taken, so that it may be put back in its place" (Corbalán 2015, 155). But as the 18th century goes on, palaeographers were more and more needed either in Spain as in Portugal (Gómez Vozmediano 2015, 267-193; Leme and Nóvoa 2015, 164-165).

Archives of power

The document production and archival practices played a major role in the family's social, economic and political position in the Iberian Peninsula. In this sense, the history of noble families is entwined with their archive history, because document production and management were the result of specific familial, social, political and economic contexts. The archives may be seen as a structure that allowed family groups to dominate by guaranteeing economic power and social dominance established by kinship and marrying within the family. These archives granted the family hereditary, social, political and economic control.

As noted previously, the nobility archives were mostly (but not exclusively) *ownership and management archives*. Without land the families did not

needed an archive (Iranzo 2010, 88). The importance of the preservation of documents such as royal grants, wills or *Morgado* foundation documents, could become crucial to the destiny of a family (Casaus Ballester 2004, 103-122). In fact, the right to inherit a *Casa,* could be held on a piece of parchment or paper. This is the main reason that nobility in the Iberian Peninsula held and carefully maintained their documents for centuries.

On the other hand, noble families fought for their rights in different positions: from a lower position if facing the king; in a "one-to-one situation" if facing other privileged groups or equals; or in a privileged situation towards other society opponents. We could say that Iberian nobility was characterized by conflict. Besides the struggle for land, privileges and new sources of income, misappropriation, denial of passage rights and the imposition of old medieval taxes became motives for litigation. Going to court was also a common practice for causes such as debate over fiscal rights, default in payment of rent, ownership of movable and immovable properties, or problems with creditors. For Iberian nobility defending the family patrimony from misuse, usurpation, or to be a candidate for new *morgadio* property, happened routinely. This is why we see in these archives evidence of lawsuits, processes, claims, complaints, charges and proceedings. In fact, it hardly any archive of any Iberian noble family will not include a section containing court sentences. As an example, this was one of the richest sections in the inventory of the Portuguese House of Belmonte, dating from 1807. Between the sixteenth century and the beginning of the nineteenth century, we find 225 court sentences, from a total of around 1200 items. The 1836 inventory of the Portuguese archive of Óbidos, Palma and Sabugal mentions out of a total of 1547 items, 302 court sentences (Leme 2010-2011, 5).

The appeal to courts of justice became almost a "tradition" for some families from the sixteenth century onwards, with the correspondent production of documents and *Pleitos* (Spain) (Casaus Ballester 1999, 256; Peña Barroso and Guelfi Campos 2014, 23) or *Sentenças*[10] (Portugal), which could go on for decades. The representative of the Spanish lineage of Torres y Portugal contested the pretention of Jáen's inhabitants to have tanneries and to be exempted from taxes that should be paid to the landholder. The Torres y Portugal presented at court all the privilege documents and letters of confirmation, as well as the similar sentences previously given to his

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[10] *Sentença* was the word most commonly used in the inventories for Portuguese family archives.

ancestors. The same happened to the inhabitants of the city of Ubeda, who contested medieval taxes which their lord wanted to collect. This conflict continued throughout the sixteenth century (Molina Martínez 1983, 42-53).

In Portugal, the Figueiredo family had problems from the beginning of the seventeenth century with the collection of *Maninhos da Covilhã*'s payments. It all started with the establishment of land boundaries that had to be settled by a judge. The family had enjoyed the right to collect the rent of this king's land since the end of the fifteenth century, but by the end of the eighteenth the conflicts and the refusal by the people to pay rent, led to the loss of this income to the family (Sousa 2007, 162).

One of the reasons for going to a court of justice was the legal dispute for the ownership of a *morgado*'s succession. The conflicts over *morgados*, noble titles, lands and inheritable posts, either in the kingdom or in its overseas territories, required documents such as wills, codicils, certified copies and genealogical information. We can see the fierce competition for the right to inherit an entailed estate, competition that could occur between brothers, uncles, cousins and all kinds of relatives. These claims usually led to courts of justice, and carried the crucial need for the main representatives of the Iberian lineages to prove the direct kinship with the founder or the last owner of a *morgado*.

At the beginning of the sixteenth century, the Portuguese *fidalgo* Rui de Figueiredo designated his second son, Jorge de Figueiredo Correia, as his successor to the *Quinta de Ota*, a farm that was included in the family's *morgado*. This led to a process that lasted almost thirty years (from *c*. 1520 to 1549). Overseas land ownership could also become a motive for dispute. Such was the case with the *Capitania dos Ilhéus*, Brazil, disputed by the heirs of Jorge de Figueiredo Correia in the second half of the sixteenth century. This claim was solved because the complainants withdrew and the *capitania* was sold. Nevertheless, in the eighteenth century (*c*. 1720-1757) the question arose again on the death without heirs of the last owner of the *capitania*. In this case, as in similar cases, the Crown kept the property of the *capitania*. Nevertheless, the traces of this effort are visible in the archive of the House of Belmonte, either in requests or certificates such as a beautiful family tree explaining the connection between the first owner and the representative of the Figueiredo lineage in the eighteenth century.

In the Spanish monarchy, there are several examples of litigation, such as the incorporation of the Medina de Rioseco's entailed estate into the Osuna family between 1779 and 1836. On D. Serafín Augustín Pimentel

Enríquez de Toledo's death, his will left D. Serafín's estate to his nephew
Pedro de Alcántara Téllez Girón y Beaufort, eleventh duke of Osuna who
went to court of justice to be the next heir. This did not occur before 57
years of pleading. On the other hand, the litigation by the ownership of the
Condado de Coruña y Vizcondado de Torija, lasted from 1670 until the nine-
teenth century (Lafuente Urien 2000, 49-50).

Litigation within the family also occurred frequently, but sometimes it
was possible to make agreements and solve the case without going to court.
A document in the Portuguese House of Belmonte Archive, referring to
an entail estate, called *Morgado do Seixal* exemplifies this. The *morgado*
was to be given to female heirs rather than male heirs, and passed from
an aunt (Isabel Coutinho) to her niece, Filipa Coutinho. It became the
cause of a dispute in the Figueiredo family because Rui de Figueiredo
de Alarcão (*c.* 1695-1679), was designated by Filipa to be the heir (despite
the clause in the foundation document) instead of her daughter Mariana
Coutinho. The reason? She had married a "new Christian" (a Jewish con-
vert), without consent from her mother. In the end, it was agreed to give
the *morgado* to the deprived female successor. This unusual case is inter-
esting from several aspects. Firstly, it concerns a female *morgado*. Founded
in the sixteenth century, it gave preference to women heirs. Instituting a
morgado that benefited women was not common, but it was possible. In
fact, this *morgado* indicates the ability of women to choose in a society
where the female role was mostly restricted to male's decisions. This is the
evidence that women also had a voice regarding their own assets and that
there were specific female forms of solidarity. Secondly, the women's deci-
sion to marry was not always controlled by the parents. Filipa's daughter
chose her own husband (Francisco Vaz de Sampayo) and married against
her mother's wishes. Thirdly, the "blood purity" stigma could be over-
looked when economic interest was at stake. Indeed, Mariana Coutinho
reached an agreement where she would pay her mother's debts and give
her a life pension. (Sousa, 2007).

But litigation could overrule "national" political boundaries. Following
Terraza Lozano's argument (2009) presented in an interesting article about
litigation, political frontiers had little meaning for Iberian families. Kinship
and property, an entanglement of local elites, laws, privileges, estates and
noble families could overcome all frontiers. In fact, as landlords could con-
trol different administration centres, their archives reflected the geograph-
ical dispersion of the patrimony, thus gathering information about laws,
legislation, and reports from different political spaces. Lawsuits concerned

properties and titles of their ancestors, lands that belonged to their lineage, and they were there to claim them. Local prosecutors and lawyers who represented their masters before the local audiences or courts they were advising could be very useful. Knowing local agents and members of the elite was a considerable benefit. In these cases, archives of the main household might become a large-scale juridical space where secretaries would be familiar not only with the issues at hand but also with the different local laws, using them to their master's advantage. The production of documents was one of the issues that the secretaries had to deal with, as each local agent could request copies or documents from the main house. The case of the Spanish dukes of Pastrana is very significant as they were pursuing litigation in courts in Castile, Naples, Sardinia, Valencia and Portugal in the seventeenth century, their lawyers dealing therefore with four different national legislations regarding the duke's estate. In 1629, Miguel Gil, the duke of Pastrana's agent in Portugal, advised him to request Portuguese citizenship through claiming the inheritance of the childless duke of Odemira. This way he could become duke and a Portuguese citizen, improving his Portuguese lawsuits. Terraza Lozano compares Spanish nobility litigation to a sort of war where local agents fought symbolically in the name of their lord. "Their knowledge, skills and reports happened to be of high importance and provided the main households in Castile with an important transnational juridical background. As a result of this international background, noblemen and their lawyers could elaborate sophisticated legal strategies that made a big difference in court" (Terrasa-Lozano 2009, 642-644).

The archive as an instrument of reproduction and identification of a lineage

The mechanisms that nobility employed in reproduction and social preservation are strictly connected to the relationship with the social group in power, to matrimonial alliances and to patrimonial accumulation. The construction of an archive stood as a guarantor that memory, identity and symbolic capital would be preserved at any time. To keep a family archive meant that an estate, a name, a reputation, and a social rank existed to keep and to pass on to an heir. As we have seen, this heir is more often than not the firstborn son. Maintaining privileges, inheriting the name and title, properties or position, were strictly connected to memory and lineage. In fact, lineage is the means to gain and to construct the social identity of a noble. In this sense, the genealogical chain is shaped through family name,

biological reproduction, bloodline and (fundamentally) legitimacy. The inheritance of a household, could – and usually did – imply the use of a specific family name. Family name indicates the belonging to a lineage, to be part of the nobility as a social group. It was to be used and exhibited on every possible occasion, in life but also in death. As has been mentioned, besides the common use in palaces and houses, the family coat of arms was displayed in family tombs and chapels (Seixas 2012). It is never too much to emphasize the importance of the political and social status as given by a name or title. A name could signify the difference between recognition and exclusion. This is why it was very common to select, in a genealogy, the "best" family branches and names with the clear objective of underlining social status.

Throughout the early modern age there was the need to communicate and to explain the identity of noble families. A lineage's self-image and reproduction were outlined by genealogy. Genealogical texts were aimed at justifying and legitimizing not the past but the present (Berrendero 2009, 174). In the Iberian Peninsula, it seems that, in the main, family memories were transmitted in speaking until the late Middle Ages. After that, the ancestry and family memories, as well as genealogical texts and narratives, were put into writing. This kind of literature was produced in specific contexts and was valued as an historical source (Calleja Puerta 2010, 125-129; Ketelaar 2008). Besides written genealogies, typologies existed that enhanced this relationship between the useful genealogical data and the exhibition of social standing – family trees. In Iberian archives, there are beautiful examples of depictions of family trees throughout the early modern age. Some were artistic, richly decorated and elaborate, while others were very simple and practical, made to provide the necessary information visually.

Genealogy can be seen not only as a list of lineages, but also as a cultural model, a construction of a family image, a position and power statement, a claim of a place inside contemporary society. We can see genealogy documents as a family's inner gaze, but also as a way of knowing who is excluded from it. Information of kinship was fundamental. Families would know exactly what their position was in the social patchwork through genealogy. This is the reason why we find all sorts of genealogical documents in Iberian nobility archives. The interest in this kind of document relies on its aims: they were texts of memory, remembering the ancestors and their deeds, praising relatives and building up a social reputation. Genealogical memory defines the importance of a family's lineage on a wide scale. It

was one of the main elements that contributed to the nobility's sense of belonging: to the small domestic group, to kinship and the large family group, to the lineage and, in a broad sense, to nobility as a broad group. It showcased the family's strategy towards its peers, because the genealogical information, usually found in Iberian nobility archives, is rarely confined to the same family. These documents extend to other families; small, important, powerful, remote or very close families. Before the alliance to another family (by marriage) "finding" one's kinship was crucial. We must not forget that interfamilial marriage was a common practice in the Iberian Peninsula at that time, although the results of this could be a real problem. The frequent alliances within family branches, which had been taking place since the fifteenth and the sixteenth centuries, reached a peak in the eighteenth century (Rodríguez Pérez 2012, 3-20; Monteiro 1993). As an example, the Portuguese *Puritanos* group in the eighteenth century promoted precise, strict marriage covenants within the aristocracy, and thus the links between noble families are one of the most important ways to understanding the noble kinship system in the Iberian Peninsula.

But genealogy is also related to memory. The ancestors (whether authentic or fictitious) were a source of legitimacy for the family status, and their descendants should honor their memory. Families prized their ancestors and preserved the memory of their legendary origins. Awareness of ancestors became much valued, not just because of the inheritance system, but also as a "noble" reference and a cultural concept. The noble ancestry was valued not only because of the privileges that it carried, but also because it became a significant inequality factor. Knowing your favoured origins was a major condition in accessing important positions. This provided grounds for all kinds of genealogical products, such as family histories, genealogical descriptions and so on (Calleja Puerta 2010, 138-139). Manipulation of genealogical memory was common and offered the possibility of constructing a new identity. We must not forget that an Iberian lineage's "quality" came from its "blood purity", meaning that there should be no Jewish or Moorish ancestors. And although the Iberian world was a melting pot of races and cultures, the prejudice against Jews came from afar and became very intense. The first "purity of blood" laws in Spain dated from 1443 and spread in the Peninsula until 1492, by which time the Jews were effectively banished from the Hispanic Monarchy. Portuguese kings Manuel I and John III accepted some of these Jews and promoted their integration using particular measures. Despite the fact, they were called *New Christians*, some were integrated and some managed

to pass the control of the Inquisition and became "familiars" of this religious court, through the falsification of parish registers and/or the bribing of witnesses (Figueiroa-Rêgo 2015, 51-53). In Spain, there were many that overcame the exclusion and managed to be assimilated. There were cases of king's officers who became members of the aristocracy, like Andres de Cabrera, first marquis de Moya (Rábade Obradó 2006, 356). In this society, based on inequality, to be an *Old Christian* (as opposed to newcomers and all kinds of different races) was a virtue. To prove *purity of blood* trough documents somehow was important because more often than not the *morgadio's* inheritance or the provision of military order status required proof of "clean" ancestry. Obviously, this was a field open to all sorts of genealogical and documentary manipulations. In the sixteenth century, purity of blood became almost an obsession in the Iberian world, because its absence implied a real veto to many privileged positions, such as the regular clergy, the access to the military orders or to university. In order that purity of blood be achieved, one should become a *familiar do Santo Ofício,* or apply for the mantle of one of the military orders (Calatrava, Santiago, or Christ). These would certify someone's "pure" and noble origins. The result was, in many cases, one of genealogical manipulation. The concealment of humble peasants or converts of Jewish origin among ancestors is one of the keys to understanding the obsession with nobility status. This is why we must also be aware that the choice of family names was a key factor in following the social mobility process. In this sense, we can see the "invention" or the forgery of names of noble ancestors. Names could be changed from *Oliveira* to *Silveira* just because they were more refined and distinct, and because people were less likely to be suspicious of the "doubtful" origins of the family.

Obviously, insistence on the importance of lineage (and genealogy) must be seen as a struggle for power, cloaking processes of social mobility. This is very clear during the sixty-year period rule of Portugal by the Spanish Habsburgs, during which competition between Portuguese and Castilian nobles in Madrid was fierce. In this period, to enhance family ties with the Castilian nobility was a major advantage. Once Portuguese independence was restored in 1640, it became crucial to highlight the old Portuguese branches of the family. Genealogy was pliable enough to be adapted to circumstances (Figueiroa-Rêgo 2015). Iberian nobility archives reflected this movement, as genealogies have a well-deserved place in a large part of these document collections. Genealogies might be shaped as narrative texts, enrolments of names, or family trees. Family trees could be

very simple or very artistic, according to the family's wealth. In fact, manuscript genealogies are very common in family archives both in Spain and Portugal. These manuscripts, dedicated in part to family reconstruction and genealogical memory, fill these archives, recalling the glories of the ancestors and evoking a glorious past even if mythical or false altogether (Calleja Puerta 2010, 149; Monteiro 1998, 93). The purpose of these manuscripts was to give family members not only a memory but also knowledge about their ancestors. This could also become crucial in court disputes for the inheritance of a *morgado*. The majority of these documents never passed the manuscript form and were kept in specific files within the archive collection. Others could be printed to honor someone or to disclose genealogical information. Some family histories, created by experts, were produced in order to obtain titles and honors. Sometimes not only had these experts to collect data in the family archive, but also to organize it (Pons Alós 2013, 64). Genealogical works like *Livro de Linhagens do Conde D. Pedro* (Portugal) or genealogical texts produced by Luis de Salazar y Castro (Spain) have great significance in this context.

The Portuguese D. José Maria do Carmo Vasconcelos (so-called *Morgado de Mateus*), who lived between 1758 and 1825, was a diplomat who spent almost all his life abroad. When he became the heir of his *Casa* in 1799, he returned to Portugal to care for the family businesses. He then continued the organization of the archive, a job which his father had started. Gathering the administration's documents in *drawers* (*Gavetas*), the main goal, as he writes to his son, was to protect the family's entail estate. And the first step towards achieving it was to write a genealogy: "The reason I write this document – that starts with our family's genealogy – is to show you what the *Casa* acquired (…). With it, you will learn all about the estate and our privileges, and why this genealogical study is useful to the *Casa*'s future manager".[11] Moreover, one of the drawers (nr 23) had "documents of biographical and genealogical interest" (Albuquerque 2005, 25).

The end of the *Ancien Régime*. Family archives as the remains of an Era

The abolishment of the *ancien régime* in the nineteenth century brought with it the end of the family entail, the untying of the *morgado* properties. This affected particularly Iberian nobility and in most cases resulted in the dismantling of the archives. The timeline for Spain and Portugal was more

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[11]   Author's translation.

or less parallel and the process lasted the whole of the century. Spain came
up with the first laws in 1798, and in 1841 the Madoz Law ended the obliga-
tion to keep property undivided. Portugal started with the laws enacted by
the marquis of Pombal in 1769, that controlled the institution of new *mor-
gados* and required the king's permission to inherit a *Casa*. This resulted in
the archives of Portuguese nobility becoming full of certificates. It was the
beginning of a long journey to the disentail law of 1863.

The dismantling of the archives followed the changes in the nature
of property that enabled the detachment of properties from the *morga-
dio*'s juridical frame. The possibility of selling or dividing properties into
equal parts, and the fact that each son could inherit a parcel of an entail,
led to the division of the related documents. This is the key to explaining
the breakdown of many of these archives. In some cases, the documents
were divided among the heirs. In other cases, at the same time as they
were selling properties and houses, the aristocrats also sold their archives
by auction. This is why some public institutions, national archives, univer-
sities, and public institutions inside and outside the Peninsula were able
to buy them. Such is the case of the Spanish Altamira archive, divided
between the British Museum, the University of Georgia, the *Valencia de
Don Juan* Institute and the *Seccion Nobleza del Archivo Nacional* (Lafuente
Urién 2000). In Portugal the path was similar, as for example in the case
of the Óbidos Palma e Sabugal's archive. After the death of the last count
of Óbidos, in 1995, the archive was sold in parcels, but the largest portion
of it was purchased by the Portuguese national archive, Torre do Tombo.
Nevertheless, at least two inventories of this archive are in private hands.

It must be stressed that national and public Iberian archives play an
important role in this matter, as they are open institutions for hosting fam-
ily archives that are still in private hands. We refer particularly to the *Sección
Nobleza del Archivo Histórico Nacional*, in Toledo, Spain, and the *Arquivo
Nacional da Torre do Tombo* in Lisbon, Portugal.

One must ask what happened to the archives that remained in private
hands. There are several examples of family archives remaining in the hands
of families but there are many stories of their destruction. Some archives
were left behind in the houses that by chance remained in the families.
The establishment of foundations, such as the *Fundação Casa de Mateus*
in Portugal, and the *Fundación Casa Ducal de Medinacelli*, have allowed the
families to keep their archives within reach. These archives are organized
and researched, contributing to further knowledge and information about
the families that produced them and their historical processes. But other

archives have stayed in the hands of the families, in the old manor houses, as part of the family's memory.[12] Some of them are open to investigation, like the archive of Castro Nova Goa that was studied by Patricia Marques, whose description is now online.[13] Another example is the House of Belmonte's archive. It remains in the family, despite misfortunes and losses, holding documents from 1499 until this day, and was a PhD thesis' subject in 2017 (Sousa, 2017). Nevertheless, there are nobility archives still unknown. Despite all the problems associated with locating and maintaining these archives, some positive steps have been taken to ensure their preservation for future generations. The most crucial of these steps is to value archives of this kind in both Spain and Portugal.

In conclusion, Iberian nobility archives were crucial to maintain family's assets but they also project its social position and political power, sustaining its image and the claim of a specific place of noble families in coeval society.

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[12]   See some examples presented in: http://www.congresoarchivosmacaronesia.com/pt/index.html#page-top; Accessed June 18, 2018.

[13]   See: http://pandorabox.iict.pt/pmarques/arquivo-castro-nova-goa-3; isdiah; Accessed December16, 2017.

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