on the frontier should be garrison. Hence they were not only encouraged but required to possess arms. Those of them who could provide themselves with a charger, a mail shirt, a spear and sword were ranked as *milites—* and the *miles* was a *Caballero.* Alphonso VII. especially authorized all men who could arm themselves, mount themselves, and serve “ cavalierly ” to live as and count themselves “ cavaliers.” Hence the formation of the class of *Caballeros de fuero,* non-nobles living “ nobly ” with a right to wear the sword. The privilege survived the epoch of the reconquest, and was often extended to gilds which the king wished to encourage. Hence came the practice which caused so much surprise and amusement to French and German travellers of the 16th and 17th centuries—the wearing of the gentlemanly sword by the artisans of towns.

No general law controlled these local usages and *fueros.* The *fuero juzgo (forum judicum)* was accepted by the Mozárabes, and had authority everywhere in cases not provided for by the charters, or where no privilege had been granted by the king. But it was subject to innumerable exceptions, and particular jurisdictions. There was no common tribunal. Nor was any material change introduced after the epoch of the reconquest. Alphonso X., El Sabio or Learned, made a *fuero real,* which was formed by combining the best parts of existing charters. It was accepted by towns and districts not already chartered, but by them only. The famous *siete partidas* (the seven divisions), drawn up about 1260, is often spoken of as a code of laws. It was never so treated till it was promulgated at the Cortes of Alcalá in 1338, in the reign of his great grandson, Alphonso XI. Even then it was subject to the restriction that it was not to prevail against any *fuero,* or the *fuero real.* The Cortes might have been expected to forward the work of unification. But without going into details on a subject which requires particular treatment, it may be noted that the Cortes was no more coherent, or fixed in constitution or working, and was no more national, than any other of the institutions of the country. The crown of Castile and Leon had indeed a common Cortes after 1301. Aragon never advanced so far. It, Catalonia and Valencia had each their Cortes, which never united. When King Philip IV. (1621-1665) wished to secure grants of money from these parts of his dominions he had to summon three separate Cortes, which sat in different frontier towns, and he had to negotiate simultaneously with all three. Then the Spaniards, in their carelessness of form and regularity, never fixed any rule as to the constitution of a Cortes. The third estate secured representation in the Cortes of Leon (1188), and then in Castile and the Common Cortes. In the kingdom of Aragon the right was secured about the same time. It was decided that no new tax could be imposed save with the consent of the commons, and that therefore they must be represented. But no rule was ever made as to whom the king was bound to summon, nor even that the presence of the clergy and the nobles was necessary to constitute a true Cortes. It was never claimed by the Cortes that its consent was necessary to the making of laws. The Roman maxim that what the “ prince “ wills has the force of law was not disputed—nor did the Spaniard doubt that the king acting by himself was “ the prince.” The check which the *justiza,* or chief justice, of Aragon imposed on the king was supported by the force of nobles and cities, but it was an exception in Spain. The representatives of the commons were the *personeros* and *procuradores, i.e.* attorneys of the cities. There was no knight of the shire in any Spanish Cortes. The great cities in Castile and Leon succeeded finally in reducing the right of representation to a privilege of eighteen among them, with the good will of the king, who found it easier to coerce or bribe the procurators of eighteen towns than the representatives of a hundred and fifty. The legislative work of such bodies was necessarily small. Their practical power might be great when the king was weak and necessitous, but only then.

It ought to have been easy for kings whose authority was confessedly so great to have made themselves effectively despotic amid all this division and weakness. Nor would they have faded so to do if the sovereigns of Castile had not been either incapable or short-lived, and if there had not been an extraordinary succession of long minorities; while the kings of Aragon were tempted to neglect their Spanish possessions because they were in pursuit of their claims and ambitions in Italy. Alphonso X. of Castile (1252-1284) was an admirable writer, and a man of keen intelligent interest in science and law. As a ruler he was at once weak, unstable and obstinate. He wasted much time and great sums of money in endeavouring to secure his election as emperor—not in Spain, but in the Holy Roman Empire. He did indeed add the town of Cadiz to his possessions with the help of his vassal, the Moorish king of Granada, but his reign is filled with quarrels between himself and his nobles. The nobles of Castile and Leon were not feudal vassals, but great landowners claiming and exercising rights or jurisdiction on their estates. Their name of *ricos hombres,* which first appears in written documents of the 12th century, has been credited with a Teutonic origin, but it was in all probability nothing but a “ romance ” or Castilian translation of the *seniores* and *senatoresi potentiores* and *posses sores* of the Visigoth councils and code. They represented a nobility of wealth and not of blood. In the earlier times their possessions were divided among their sons. It was only at the end of the 13th century and later that they began to form *mayorazgos* or entails, to preserve their name and family. It was then that *segundones,* or younger sons, began to be known in the social life of Spain. But whatever their position may have been legally, they were as grasping as any feudal nobility in Europe, and they were singularly destitute of any capacity for combined political action. In Aragon, indeed, the nobles did extort a promise from the king that they should not be put to death or deprived of their estates by his mere decision. In Castile they never went beyond begging or extorting grants of the crown lands, or pensions charged on the royal revenue. Alphonso X. ended his life in a civil war with his son Sancho, who claimed the succession in preference to the children of his elder brother, Fernando de la Cerda, and in virtue of a doctrine of which much was heard in the middle ages elsewhere than in Spain. He maintained that the younger son, being nearer to the father than the grandson, had a right to succeed in ρre- ference to the children of an elder brother who had died before the succession was open. Alphonso, after first accepting Sancho’s claim, repudiated it, and made a will by which he not only left the crown of Castile to the eldest son of Fernando de la Cerda, but cut vassal kingdoms out of the southern parts of Spain for Sancho’s younger brothers. The reign of Sancho IV., surnamed El Bravo, or the Fierce (1284- 1296), was one constant struggle with the very nobles who had helped him against his father, with his younger brothers, and with the sons of Fernando de la Cerda. Murder and massacre were his familiar methods. He was succeeded by his infant son Fernando (Fer- dinand IV.), whose long minority was an anarchy, tempered by the courage and the tact of his mother, Maria de Molina. Fernando, ungrateful to his mother and incapable as a king, died in 1312, leaving a son of less than a year old, Alphonso XI. (1312-1350). After another minority of confusion, Alphonso, surnamed “ of the Rio Salado,” from the great victory he won over an invading host from Africa, ruled with energy and real political capacity. He was indeed ferocious, but such actions as the murder of his great- uncle, Don Juan El Tuerto—the distorted in body and mind— did not seem to his subjects more than the exercise by “ the prince ” of that right to act for the good of the state *legibus solutus* which is inherent in sovereignty. But Alphonso did not use his freedom to act *legibus solutus* except against such hoary and incorrigible intriguers as Don Juan el Tuerto or the Caballero Diego Gil, whom he beheaded with seventeen of his men after promising them security for their lives. He did something to found the judicial and administrative unity of the country. His death at the age of thirty-eight, during the great plague, and while he was besieging Gibraltar, was a misfortune to Spain. His successor, Peter, surnamed the Cruel (1350- 1368) was destined to show the Castilians exactly what the constant use by “ the prince ” of the reserved rights of the sovereign authority could be made to mean, when they were exercised by a passionate man maddened by suspicion of all about him. Administering the civil side of his government through Jewish tax-gatherers and farmers of the taxes, and surrounded by the Mudéjar guard, who were the executors of his justice, his path is marked by one long succession of murders. With all his appearance of energy, he shrank from action at the critical moment of his wars out of utter want of trust in all about him. His expulsion by his brother, Henry of Trastamara, the eldest son of Leonora de Guzman, his restoration by the Black Prince *(q.v.),* his treachery