

## The Dispersion and Recovery of Municipal Documentation in the Early Modern Iberian Peninsula; the cases of Madrid and Coimbra

*Dispersión y recuperación de documentos municipales en la Edad  
Moderna peninsular; los casos de Madrid y Coimbra*

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### Abstract

In the Early Modern period, it was usual for town councils in the Iberian Peninsula to lose control of large quantities of public documents, often leading to the impairment of legal and property rights. The councils therefore made regular attempts to recover public papers from private individuals. This process is illustrated with examples from Madrid (Spain) and Coimbra (Portugal). The Madrid case study describes the background to the removal and dispersion of documents from the city archive. This is followed by a review of the steps taken by the council to locate and recover these documents from councillors or unknown persons, focusing on the publication of excommunication letters, including the variant known as *paulina*. The degree of effectiveness of this mechanism is explored through witness statements from Coimbra.

**Key words:** Archive, City Council, Writings, Public, Private.

### Resumen

En la Edad Moderna peninsular era común que los concejos perdiesen el control de numerosos documentos públicos, lo cual provocaba el menoscabo de numerosos derechos y propiedades. Por ello periódicamente intentaban recuperar las escrituras públicas del poder de los particulares. Para ilustrar esas circunstancias se exponen ejemplos procedentes de Madrid (España) y Coimbra (Portugal). De Madrid se muestra el contexto en que estaban los documentos dispersos, fuera del archivo. Después, se exponen las medidas adoptadas por el cabildo para buscarlos y recuperarlos de manos de los concejales o de personas

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desconocidas. En éste caso se centra en la publicación de cartas de excomunión, incluyendo paulinas. Para ilustrar si el último mecanismo fue efectivo, se exponen los testimonios hallados al respecto, procedentes a Coimbra.

**Palabras clave:** Archivo, concejo, escrituras, público, privado.

## 1. GENERAL BACKGROUND: TOWN COUNCILS, THEIR OFFICERS AND THEIR DOCUMENTS

The primary power base for urban jurisdictions in the Iberian Peninsula was the town council. It comprised a number of officials. The mayor (*corregidor*), who represented the interests of the Crown, and the aldermen, who represented the interests of citizens. Other officers included proctors, lawyers, general proctors (*procuradores generales*), bachelors and council scribes (*escribanos del concejo*). All these officers used documents and produced new writings in the course of their work, often keeping these written materials in their own homes. This was normal behaviour in certain circumstances –for instance while they were handling council business–. However, it was considered improper to retain documents once they finished a commission or stopped serving the municipality, at which point the council would attempt to recover these assets for the public good. All documents issued or received by the town hall, as well as those addressed to it, appear to have been considered public documents belonging to the council, including all those that concerned the municipality in a fiscal, administrative or legal sense.

Underlying this situation was the complex and confusing issue of *public* documents being kept in *private* hands. Broadly speaking, the term *private* is used to refer to «whatever might be identified as *not pertaining to the state* in the political organization of those centuries» (CHITTOLETTI, 1995: 34). In the cases explored here, the word *state* may be understood as *municipal government*, which served the state, represented by the Crown at that time in the Iberian Peninsula.

Since the role of a city council's documents was to preserve the rights of the city and its citizens, their place, in theory, was the municipal archive. For the councils of the Early Modern Iberian Peninsula, these archives consisted of a collection of documents kept in a lockable receptacle, either fixed or moveable, the keys to which were held by several people as a security measure. The material evolution of archives usually followed this pattern: documents were initially kept in items of furniture, such as shelves, cabinets and, particularly in the early days, chests. Further receptacles were added as documentary holdings increased and, as the archive evolved, whole rooms or buildings were dedicated to this purpose (ZOZAYA, 2014a). In that period, archives ranged from a single chest serving as municipal archive to architectural fortresses such as the Archivo General de Simancas (FERNÁNDEZ-GONZÁLEZ, 2016).

## 2. DOCUMENT DISPERSAL

In the Early Modern period, many public documents were either removed from or never incorporated into the municipal archives. Their dispersal caused irreparable damage to town councils in territorial, legal and financial terms. In

particular, the absence of written testimony attributing ownership of a property created numerous problems (ZOZAYA-MONTES, 2004).

This was a frequent situation, as the many complaints by public and private institutions and citizens throughout the Spanish kingdom attest (RODRÍGUEZ, 1989: 47-49).<sup>2</sup> Indeed, it was such a common issue that the monarchs addressed it in legal compilations.<sup>3</sup> The Crown tried to improve the kingdom's archival situation by forcing town halls to store municipal documentation in chests (ZOZAYA-MONTES, 2008a). Document storage was a problem even for the monarchs themselves. Diego de Ayala, Head Archivist at Simancas in the sixteenth century, paints a clear picture of the situation:

All papers up to the reign of John II are missing, having perished as a result of neglect in collecting them [...] and to ensure that all major things granted by the pontiffs or handled by his majesty be stored here, because if they are left in the hands of ministers many things eventually go missing (RODRÍGUEZ & ÁLVAREZ, 2000: 21-24).

Many rulers seem to have been aware of the fact that documents were as important to protect property rights in the Early Modern period as military weapons were in the Middle Ages. To remedy the loss of records and its negative consequences, the affected parties looked for alternative solutions. In some cases they were able to request authenticated copies from general document repositories that held certain originals (ZOZAYA-MONTES, 2014b).<sup>4</sup> Others, including the Spanish monarchs, attempted to recover documents belonging to the Crown for safe storage in the Simancas Archive (RODRÍGUEZ, 1989: 34-42).

For their part, town councils also tried to recover lost documents, and this is the central theme of the present study. I shall analyse, firstly, the dispersion of title deeds in Madrid; secondly, the steps taken by Madrid city council to find those documents;<sup>5</sup> and thirdly, the recovery of documents according to testimonies found in Coimbra (Portugal).

### 3. DOCUMENT DISPERSAL IN MADRID

In 1561, King Philip II and his itinerant court moved to Madrid in the centre of Spain. The court became established in the city and has remained there ever since, with a few exceptions, such as its relocation to Valladolid between 1601 and 1606. Being the royal seat meant a constantly growing population, and Madrid's city council had to cope with the ensuing complexity in such matters as taxation,

<sup>2</sup> The problems arising from the loss of documents were discussed in the *Cortes*. The *Cortes* was a representative assembly called by the king to deal with national affairs, where petitions were brought before him.

<sup>3</sup> E.g. *Libro de las bulas y pragmáticas de los Reyes Católicos*, vol. I, f. XLVr.

<sup>4</sup> Town councils sometimes applied to the royal *Archivo General de Simancas* (Simancas General Archive) in Valladolid for copies of lost documents, e.g. Archivo de la Villa de Madrid (henceforth AVM), Libros de Actas, 16th March 1563; AVM, Libros de Actas, 8th March 1588; AVM, Libros de Actas, 17th August 1601. As well as from Madrid, there are also examples from the Audiencia de Granada; one such application is mentioned in Archivo Histórico Nacional (henceforth AHN) of Spain, Consejos, Cámara de Castilla, Libro 792, f. 8r.

<sup>5</sup> This study is largely based on information from the minute books (*Libros de Acuerdos*) in Madrid's Municipal Archive (Archivo de la Villa de Madrid, AVM), dating mainly from 1557 to 1608.

supplies, planning and policy.<sup>6</sup> However, these circumstances do not seem to have had such a negative effect on the dispersal of municipal documents as in other populous cities.

As was the case in many other towns in the Iberian Peninsula, municipal archives containing public documents were initially stored in chests located in different places. Between 1495 and 1572, there were two such chests in Madrid. The «script chest» (*arca de escrituras*) sat in the town hall's council chamber, while the «privilege chest» (*arca de privilegios*) was kept in a monastery until 1572, when it was transferred to the town hall (ZOZAYA-MONTES, 2002 & 2011a). Further document chests were added later, one of which contained scribes' documents (ALVAR ET AL., 2005: 174-179). In 1591, council records refer to an archive room where the chests were located (ZOZAYA-MONTES, 2008b: 105).

Despite the existence of these archives, numerous municipal documents were still located elsewhere. For instance, papers tended to pile up in the council chamber itself.<sup>7</sup> This was normal practice, as these documents were often consulted for government purposes. In early 1562, this situation was denounced by Councillor Pedro de Herrera at a council meeting. He complained that the mayor left the council chamber open, whereas the council needed it to be locked «because documents were kept in it, as well as other things that were necessary for council business». He promised that he would not give up and threatened to take his complaint to the king and the Royal Council.<sup>8</sup>

Be that as it may, a large number of municipal documents were kept outside the council's offices, many of them in unknown locations. Documents were sometimes moved by people who worked for the council. The dispersion of paperwork was understandable, given that officials handled documents on a daily basis in order to carry out their political duties and attend to commissions, business and legal cases in Madrid. Thus, the mayor, aldermen, bureaucrats, accountants and general proctors frequently had to carry numerous documents back and forth, both inside and outside the city. The same applied to the council scrivener (ZOZAYA-MONTES, 2013). It was therefore relatively easy for documents to be mislaid or to end up in the hands of officials related to the institution.<sup>9</sup>

Deeds were often kept in the homes of mayors, aldermen and scribes. It was usual for mayors to take documents home after council sessions to study them, as on the occasion when the mayor asked for the minute book (*Libro de Actas*) to be taken to his residence so that he could consider the case under debate.<sup>10</sup> On a different occasion, the mayor needed to give an answer to a problem examined in the council, but said that it was late and asked for the book to be sent to his residence.<sup>11</sup>

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6 Around that time there were other archives and public documents in Madrid, including the paperwork produced by public notaries and scribes, or relating to the *Alcaldes de Casa y Corte*, a judicial authority covering Madrid and the royal court. This research, however, deals exclusively with town council documents and archives.

7 On at least two occasions they were stacked by topic, as is shown, for example in AVM, Libros de Actas, 17th September 1584.

8 AVM, Libros de Actas, 30th January 1562.

9 When the council litigated, it created a commission to look for the relevant documentation. For instance, the town hall hired an extra scrivener to help the general proctor look for papers related to a lawsuit filed by the town against Lucas Martínez. AVM, Libros de Actas, 23th October 1589.

10 AVM, Libros de Actas, 28th July 1561.

11 AVM, Libros de Actas, 6th July 1562. Mayors usually lived in the Town Hall or nearby, AVM,

When aldermen were given a commission, they were expected to look after the pertinent documentation, and hence they took municipal papers and books home,<sup>12</sup> as did scribes (ZOZAYA-MONTES, 2011b: 136-153). For instance, one of the council scribes kept coffers at home containing documentation concerning an important legal dispute between Madrid council and the lordship of El Real de Manzanares. In 1569, the council sent an alderman to the scribe's home to look for related documentation. The councillors, however, were not certain that they would find the documentation there, so they proposed that an application also be made to the Royal Chancery archive in Valladolid.<sup>13</sup> This shows that the council had a range of solutions available in the search for documents.

Many public documents which were at the mercy of those who looked after them were of great importance for the town of Madrid, above all those that dealt with economic affairs; and the council usually lost a percentage of these. Fiscal documentation was essential as without it there was no record of the collection of rents.<sup>14</sup> A similar problem was created by the loss of documentation concerning *censos* (ground rents), since they were a potential source of income.<sup>15</sup> Many of these documents went missing, which made tax collection difficult.<sup>16</sup> If they were not found, the council was obliged to make *reconocimientos de censos* (inquiries into these taxes)<sup>17</sup> but this was not always done.<sup>18</sup>

In short, for one reason or another, municipal documents were often lost or misplaced, to the detriment of the council. A number of measures were taken in an attempt to redress the situation, such as compiling lists, inventories and registers of various kinds recording archive holdings,<sup>19</sup> although these listings

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Libros de Actas, 11th May 1562.

12 There are numerous examples, such as when the town stipulated that the councillor in charge of mountain guards must keep a book in which he listed every procedure (*Libro de las Guardas de los Montes*). In the year 1566, the councillor in charge was Diego Vargas. In 1572, the town hall called on all councillors to nominate a person to take charge of the *Libro de las Guardas de los Montes* for that year; AVM, Libros de Actas, 2nd January 1572. Two days later, Diego de Vargas was elected, AVM, Libros de Actas, 4th January 1572. The council also voted to buy a book in which to record all the letters that the town hall wrote and received, stipulating that this book was to be kept by Councillor Pedro Rodríguez de Alcántara. AVM, Libros de Actas, 13th October 1581.

13 The alderman was Diego de Zorita, AVM, Libros de Actas, 8th March 1569, who also handled other legal disputes in the Royal Chancery Archive in Valladolid (*Chancillería de Valladolid*, Spain).

14 Alderman Marcos de Almonacid, for instance, had to find out how he could recover money which Juan de Galarza owed the town hall for the rent of some pastureland at Arganzuela, because the papers recording the contract were lost. AVM, Libros de Actas, 11th June 1576.

15 Even when the documents were available, they were occasionally so old and difficult to understand that they had to be rewritten in contemporary prose. For this reason, on one occasion the town hall ordered Juan de Paz, *administrador de propios* (administrator of municipal property), to hire a scribe to copy the early censuses. AVM, Libros de Actas, 13th April 1562.

16 For instance, the case of Juan Ramírez de Paz, *mayordomo de propios* (administrator of municipal property) of Madrid in 1561. He owed six thousand *maravedís* to a neighbour of Getafe, in *censo* (ground rent) payments over six years because there was no record of the original transaction. AVM, Secretaría, 3-6-18, unpagued.

17 For this reason, Aldermen Juan Ramírez de Vargas and Pedro de Herrera, and the former steward (*mayordomo de propios*) Francisco Sánchez, were ordered to find out what salary he should receive for sending out notices for the lost *censos*. AVM, Libros de Actas, 10th July 1570.

18 As, for instance, when Alderman Pedro de Herrera investigated ground rent because many properties had been sold but not recorded. AVM, Libros de Actas, 8th May 1560.

19 Madrid's city council kept, on the one hand, a book containing an inventory of the archive, the *Libro*

were not very rigorous (ZOZAYA-MONTES, 2012). Various mechanisms were also applied in order to recover documents illegally held by officials and citizens.

#### 4. STRATEGIES FOR SEARCHING AND RECOVERING MUNICIPAL DOCUMENTS

The means of recovering lost documentation was discussed in council meetings involving those officials who were entitled to vote, namely the councillors and the mayor. The procedures adopted differed depending on whether the person holding the documents was known to the council. If the whereabouts of the material was unknown, they asked for it publicly. If the person who had material in his possession was known, they sent officials to his home to recover the documents. Both systems were used in other Early Modern Castilian cities, such as Burgos (DÍEZ, 1984: 15-18, 21-24) or Valladolid (PINO, 1991: 21-24). More examples will be detailed in the following pages.

##### 4.1. Methods used to search for and recover documents from known parties

When Madrid council knew who was in possession of particular public documents and wished to reclaim them, it made a direct request or traced them through family networks and executors. This either involved asking in person or going directly to the homes of the people who had the municipal documentation, usually because they had worked for the council. The legal basis of this custom can be found in the *Partidas*, the Castilian code laid down by Alfonso X in the thirteenth century:

When a public scrivener dies, the justices of the town must call on the *hombres buenos* (good men) of the town council to go to the scrivener's home and collect all documents and registers and seal them and place them in a safe place, so that they will not be lost or falsified.<sup>20</sup>

In the Early Modern period, Madrid council used to call upon its various officials, depending on the occasion, such as aldermen, scribes, general proctors, mayors, *alguaciles* (constables) and *letrados* (counsellor lawyers) to recover documentation. When a person who was thought to have public documents in his possession died, the appropriate official called at his home to collect the documents or asked other people, such as the suspect's wife, son or executor, to hand them in. If the person holding the documents was alive, he was ordered to take them to the town hall himself.

There were many cases of that nature during this period, but what was in essence a simple procedure could at times become a complex task. At a council meeting in November 1561, for instance, the councillors discussed the recovery of documents written by *Bachiller* (bachelor) Santo Domingo, who had worked for many years as a *letrado* (town hall lawyer), defending the interests of Madrid, and

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*de Inventarios Antiguos*, AVM, Libros Manuscritos, number 19. On the other hand, it used to register documents that were removed from or replaced in the archive in the *Libro de Conocimientos del Archivo*, AVM, Libros Manuscritos, number 68.

<sup>20</sup> Partida III, Título XVIII, Ley LV, in *Las siete partidas del Rey don Alfonso el Sabio*.

thus had handled many official documents. In order to recover the material, the council agreed to send three officials to Santo Domingo's house: Mayor Francisco Argote, Alderman Álvaro de Mena, and Licentiate Herrera de Saavedra, who was both a town hall lawyer and an alderman. Their task was to locate the missing papers and return them to the town hall.<sup>21</sup>

A few months later, in February 1562, this assignment had yet to be discharged, and the town hall once more placed the recovery of the papers in the hands of the same alderman, Álvaro de Mena, together with a council scrivener and Licentiate Preciano,<sup>22</sup> who had replaced the recently deceased Herrera de Saavedra.<sup>23</sup> This team also appears to have taken its time to carry out the initial task.

By this point, the council's priority was the recovery of documents held by Herrera de Saavedra, probably owing to reasons related to municipal politics. Madrid was at the time in a legal dispute with the Crown to avoid paying the *rediezmo* tax.<sup>24</sup> Herrera de Saavedra had been working on this commission until his death, and had therefore held all the relevant documents. Naturally, the town hall now needed these to continue the lawsuit, which had been assigned to Alderman Diego de Vargas. Vargas was to receive the documents from Francisco de Herrera,<sup>25</sup> son of the deceased, who had inherited his father's office of alderman.<sup>26</sup>

By the following year, Herrera de Saavedra's documentation was yet to be recovered. Thus, in a council meeting it was decided that his son Francisco de Herrera should hand over all papers and letters related to the case of the *rediezm*os tax to Madrid's general proctor (*procurador general*), Francisco Solano, after making an inventory of the documents.<sup>27</sup> This issue was not mentioned again in the town hall, which may indicate that it was resolved, but this can only be surmised given the lack of further information in the archival sources. It should be noted that the delay in carrying out municipal commissions was not exclusive to documentary affairs, but a feature of all government business in that period.<sup>28</sup>

Returning to the documents in the late Santo Domingo's possession at the time of his death, the town council's wish to see them returned to its headquarters

21 AVM, Libros de Actas, 26th November 1561. The licentiate had previously been an alderman.

22 AVM, Libros de Actas, 6th February 1562.

23 He was ill, according to AVM, Libros de Actas, 22nd December 1561. His death is recorded in AVM, Libros de Actas, 30th January 1562.

24 The *rediezmo* tax was used to pay for the wars against the Muslims and was a ninth part of the tithe that was collected by the Church. The legal dispute was owing to Madrid council's refusal to pay this tax to the Crown. (The verb *rediezm*ar means to decimate again, to re-tithe.)

25 Vargas was also helped by council lawyers in this business. AVM, Libros de Actas, 30th January 1562.

26 Francisco became an alderman on the death of his father, who had passed the position on to him, although he was under twenty-five. This led to a debate in the council, in which Alderman Francisco Zapata de Cisneros stated that Herrera de Saavedra was not an alderman because he had renounced the position in favour of his under-age son, and he asked the mayor to bar him from the town hall. Pedro de Cárdenas said that he had received a royal licence to serve in that position. Finally, Herrera de Saavedra agreed to remain in the post until his son reached the legal age of twenty-five. AVM, Libros de Actas, 28th July 1561.

27 AVM, Libros de Actas, 27th February 1563.

28 This can be inferred from all municipal activities during this period: litigation, urban works, business, etc.

was not necessarily fulfilled. Several years later, in 1564, Licentiate Juan Franco appeared at a council meeting and announced he had some papers in his possession which concerned the town. Franco was an executor of the will of Santo Domingo's widow, Ana de Arteaga, now deceased. The bachelor's documents had obviously passed to his wife and thence to Franco. The council ordered the general proctor and one or two councillors to view the papers, pay for their return and place them in the town hall archive.<sup>29</sup>

Payment in exchange for documents was provided for in several legal compilations, at least in the event of a scrivener's death. The documentation was valued beforehand in order to pay a fair price, since those papers were often the heirs' most valuable possession (ZOZAYA-MONTES, 2011b: 207). In this particular case, although the late Santo Domingo was not a scrivener, he had worked as a legal advisor for the town hall.

A few years later, in November 1578, the council demanded the return of all paperwork that had been in possession of Juan Ramirez de Vargas,<sup>30</sup> a councillor and town hall archivist until 1576.<sup>31</sup> Alderman Lorenzo de Vargas and a council scrivener were dispatched to Ramirez de Vargas's home to retrieve the documents.<sup>32</sup> The fact that the papers were not requested from Ramirez Vargas himself but through an agent who had the same surname would indicate that the former councillor and archivist was deceased and that Lorenzo de Vargas may have been his relative and possibly his executor. This shows that in some cases kinship networks facilitated the recovery of municipal documents.

A similar case occurred when the council recovered documentation from a former alderman through his wife, presumably because he was dead, following a fairly common *modus operandi*.<sup>33</sup> In March 1584, the council requested papers regarding the felling of trees for wood in the town's jurisdiction. This documentation had previously been held by Marcos de Vega,<sup>34</sup> who had been a councillor until October 1581, when he resigned in favour of another official.<sup>35</sup> In January 1584, Vega's papers were requested in order to hand them over to a council steward who would carry out the appropriate accountancy procedures.<sup>36</sup> In March the same year, however, the council requested the papers again, this time from the wife of Marcos de Vega «or whoever had them in their power». The

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29 This task was given to Alonso de Zárate and Doctor Jerónimo de Pisa. AVM, Libros de Actas, 22nd November 1564.

30 AVM, Libros de Actas, 19th November 1578.

31 He resigned his councillorship and ceased to be archivist in favour of Alderman Pedro de Herrera. AVM, Libros de Actas, 1st February 1576.

32 AVM, Libros de Actas, 19th November 1578.

33 Besides the Madrid cases discussed here, requesting municipal paperwork from an officer's widow is documented in other cities. That was the case in Valladolid, where an alderman and a scrivener were ordered to call at the house of the recently deceased Jerónimo de Salazar in order to ask the widow for any written papers relating to the city that he had kept at home. Archivo Municipal de Valladolid (AMV), Historical Section, Libros de Actas, 14th June 1601, cited by PINO (1991: 22).

34 AVM, Libros de Actas, 8th March 1584.

35 He resigned his position in favour of Hernando (or Fernando) de Mármol, AVM, Libros de Actas, 30th October 1581. His last commission is recorded in AVM, Libros de Actas, 15th September 1581. He may have died a short time later.

36 AVM, Libros de Actas, 16th January 1584.



institution made it clear that it wanted the papers turned over to other aldermen so that they could make use of them in their commissions.<sup>37</sup>

The council adopted a similar measure a few years later, in 1605, when it ordered Antonia de Solís, widow of Alderman Juan de Sosa, to hand any paperwork in her possession related to Madrid affairs to the general proctor, Hernando Méndez. The institution was particularly interested in Sosa's documents because he had handled important business on behalf of Madrid council at the Royal Chancery Court in Valladolid. Although the town hall intended to pay the widow for the papers should she be reluctant to return them, the proctor was ordered to take «adequate measures».<sup>38</sup>

In this case, as in 1564, payment was made in exchange for documents after the death of a person who had worked on legal matters, which seems to indicate that in some cases the same rules regarding the transmission of documentation applied to both lawyers and scribes (ZOZAYA-MONTES, 2011b: 207).

It is interesting that in some instances of document recovery, the sources only mention who should be in charge of the case, but no other details, such as the condition of the recovered documents. For example, in a meeting on 20th October 1593, it was recorded that accountant Luis Vázquez had died.<sup>39</sup> Two days later, the institution sent a proctor and a constable to Vázquez's home to collect the municipal accounts and carry them to the council archive, as they were considered «important papers».<sup>40</sup>

In a similar fashion, several years later the council tried to recover documentation from another staff accountant, Francisco de la Madera. In September 1607, the town hall ordered the documentation to be turned over to the current accountants and to the aldermen who assisted them.<sup>41</sup> A year later, the documents were still missing and the council took decisive action by sending an alderman and a council scribe to the accountant's house to retrieve all municipal papers. They were to place these in a locked room whose key was to be kept by the alderman in charge of the case until a new accountant was found, who would then receive the documents.<sup>42</sup>

#### 4.1.2. Reactions to the non-return of requested documents

In the event of officials failing to return municipal documents, the town council could fine or imprison the culprit. For example, in 1582, council scribe Francisco de Monzón failed to hand in a document related to a *censo* (ground rent) lawsuit. Since he was therefore directly responsible for the council's inability to collect this payment, the possibility of fining him was discussed.<sup>43</sup>

This was a fairly moderate response compared to the one adopted by another

37 AVM, Libros de Actas, 8th March 1584.

38 AVM, Libros de Actas, 9th March 1605.

39 AVM, Libros de Actas, 20th October 1593.

40 AVM, Libros de Actas, 22nd October 1593.

41 AVM, Libros de Actas, 24th September 1607.

42 The alderman was Fernán Rodríguez de Madrid. AVM, Libros de Actas, 29th October 1608.

43 AVM, Libros de Actas, 29th October 1582.

Spanish mayor, who took the law into his own hands when he imprisoned and fined a scrivener who failed to turn over certain documents to his successor.<sup>44</sup> This measure was considered exceptional, to the extent that it alarmed the council of San Clemente, where it took place.<sup>45</sup> Scriveners were legally bound to hand over all documents pertaining to their office to their successor (ZOZAYA-MONTES, 2011b: 205-214).

But imprisoning officials in response seems not to have been so unusual. Rather it was seen as a way of punishing an official for illicit possession of documentation. This type of measure was used occasionally in order to recover material, as in Rivadavia (Orense) in 1643, where some local officers – including the general proctor – were threatened with prison if they did not return the documents (GALLEGO, 1988: 31).

Other Spanish town councils imposed fines on similarly accused officials. This was the case in early-sixteenth-century Valladolid when two scriveners, one of whom was the head scrivener at the town hall, were accused of holding papers belonging to the town council notary's office. They were required to return all material to the municipality under penalty of twenty thousand *maravedís* (DÍEZ, 1984: 15-18). By 1547, many of the city's public-interest documents that concerned the public good of the city were still in the council's head scrivener's home, who was threatened again with a fine of ten thousand *maravedís* (DÍEZ, 1984: 23).

#### 4.2. Systems used to recover documents from unknown parties: from excommunication letters to *paulinas*

Madrid town hall also had to recover municipal documents from unknown parties. In this case, the council used more complex methods to channel information to the entire community. Some of them involved material punishment, as in 1454, when Judge Alfonso Díaz de Montalvo warned that anybody who did not return documents to the council chest within ten days would have all their goods confiscated.<sup>46</sup>

But the main methods used by Madrid town hall involved spiritual punishment. In soft cases, they praised those who cooperated and damned those who did not.<sup>47</sup> On 30th December 1491, the investigating judge (*juez pesquisidor*) required the aldermen, general proctors, council scrivener and other officers to find out who had town hall documents in their possession, so that they could be recovered and placed in the script chest. They were to be returned in three days, and anyone who had a document was to report it to the judge or the scrivener.

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44 Document dated 3rd May 1699. Archivo General de Simancas (AGS), Consejo y Juntas de Hacienda, Legajo 1688, unpagued.

45 Nevertheless, Felipe Antonio de la Torre, scrivener of rents in the town of San Clemente, refused to comply. Taking justice into his own hands, the mayor threw him into the public jail and fined him two hundred ducats. The *Consejo de Hacienda* (Treasury) overturned this decision, arguing that the mayor should not rule on matters beyond his responsibilities, and took legal action against him. Document dated 3rd May 1699. Archivo General de Simancas (AGS), Consejo y Juntas de Hacienda, Legajo 1688, unpagued.

46 «That any persons who have taken, removed and carried away from the council chest any privileges, ordinances, charters or writings must return them within the next ten days, under penalty of perdition and confiscation of all their belongings», source dated 1454 quoted by DOMINGO (1875: 21).

47 A few days earlier, the investigating judge had required the aldermen, general proctors, council scrivener and other persons to find out who was in possession of the municipal documents so that they could be recovered. AVM, Libros de Actas, 9th December 1491.

The judge wished well on all those who followed his order, while hoping that God would punish as perjurers all those who chose to ignore it.<sup>48</sup>

A frequent strategy used as of the sixteenth century, in both Madrid and many other Spanish towns, was to enlist the spiritual coercion of the Church by making public threats of excommunication. This was supposed to be an effective measure: given the power the Catholic Church wielded in Spain during this period, even those who were not sincere believers would follow church dictates in order to avoid being excluded from the community of the faithful.

Demands for municipal documents under threat of excommunication in Early Modern Castile are well documented, including a number of cases in Burgos in the years 1554, 1613, 1643, 1659 and 1677, some of which used general censures issued by certain proctors (DÍEZ, 1984: 23-24, 28). Excommunication letters were also used as a threat in other cities, such as Valladolid in 1663 (PINO, 1991: 22), Santander in 1689 (BLASCO et al., 2002: 26), Santiago de Chile – the Indies – in 1579, Ciudad Real in 1595, Sanlúcar de Barrameda in 1623, Rivadavia in 1643, Oviedo in 1688, Orense in 1743 and 1754, Torrelavega in 1754 (GARCÍA & FERNÁNDEZ, 1999: 72, 281-282), Jerez de la Frontera in 1716, 1723 and 1736 (CERDÁ, 1999: 27).

The method of document recovery based on threats of excommunication in Madrid was used as early as 1508, in a legal case against the lordship of El Real de Manzanares. A scrivener announced that, whereas some of the case documentation was in his keeping, other papers were in Valladolid, while others were missing despite his efforts to recover them. He had written a memorandum referring to the lost documentation, which the general proctor, Miguel de Sazedo, asked to study. Sazedo then asked the head of the town's ecclesiastical authority to have letters of excommunication read in El Real de Manzanares in order to request the missing documentation.<sup>49</sup>

Letters of excommunication were also issued in 1520, according to a report by a deputy mayor (*teniente de corregidor*), who stated that Miguel de Sazedo kept some documents concerning the case, as well as «the letters of excommunication issued on account of certain documents».<sup>50</sup> Sazedo handed them to the scrivener Antón Dávila, who was going to Valladolid to file a legal claim requesting a fine of ten thousand *maravedís*.<sup>51</sup>

In 1562, the council once more resorted to a letter of excommunication. In a meeting in April, councillors were ordered to return any papers that had been removed from the archive and to reinstate all papers that were located outside it.<sup>52</sup> In a meeting on 14th October, however, the order was made more explicit and urgent. This time, Alderman Bartolomé Velázquez complained that many documents related to town affairs were still in the hands of officials. He noted that, without these papers, aldermen would not know how to proceed in certain

48 AVM, Libros de Actas, 30th December 1491.

49 This took place on 2nd September 1508. AVM, Secretaría, 1-480-2.

50 «(...) E las cartas de descomunió que sobre ciertas escrituras se sacaron». AVM, Libros Manuscritos, 68, f. 2v.

51 This money would go to the *Cámara Real* (Royal Council). The order was dated 11th April, 1520. AVM, Libros Manuscritos, 68, f. 2v.

52 Among others, AVM, Libros de Actas, 8th April 1562; AVM, Libros de Actas, 10th April 1562. Several years later, the council, as well as ordering the recovery of documents not archived, commanded that they be inventoried in a book in alphabetical order, and that copies be made of the most important title deeds. Examples can be found in AVM, Libros de Actas, 29th August 1576; AVM, Libros de Actas, 18th September 1577.

administrative matters. But the most serious problem, in his view, was that *public writings were in the power of private individuals (particulares)*, and could thus be easily lost.<sup>53</sup>

Confronted with this situation, Bartolomé Velázquez asked the mayor to notify the steward, the council scrivener, the general proctor and the aldermen to return within three days all the council papers in their possession. To make this demand effective, Bartolomé Velázquez warned of sanctions, including spiritual punishment. He demanded that, should the whereabouts of documentation be unknown, a letter of excommunication must be read in the parish churches of the town to notify everyone of the loss. The mayor agreed and issued a command for the proposal to be carried out. He ordered all the aldermen – who were in agreement – to apply for a letter of excommunication rapidly. The general proctor was entrusted with this task.<sup>54</sup>

Years later, the council contrived a similar but more forceful method: the *paulina*. This was a decree of excommunication issued by the pontifical courts, but it had the added implication that the person had stolen or hidden the document maliciously.<sup>55</sup> Publishing a *paulina* involved a financial cost, in the cases related with the municipality, to the town council.<sup>56</sup> It was applied for by an ecclesiastical delegate on the instruction of a lay official. This final action was first carried out by the general proctor, although later sometimes by aldermen.

The town hall attempted to put this strategy into practice in August 1571, when it tried to publish a *paulina* against anybody who had taken something from the town hall, which obviously included papers. Nevertheless, the council could not publish a *paulina* whenever it wished. It had to rely on the cooperation of the church, and this was not always forthcoming. That was the case on this occasion when it had to be content with a letter of excommunication published by the general proctor, to which the Church consented.<sup>57</sup>

Later, in October 1574, the town hall received notice that many important council documents were missing and in the hands of unknown parties. To remedy this, and to ensure that from then onwards there was more order and control, they decided to issue a letter of excommunication that would be read out in all of the town's churches. They also ordered the general proctor to compile a list of all documents that came to light as a result.<sup>58</sup>

53 «(...) He said that it is a well-known fact that many aldermen and other people who hold positions in the council have many writings and royal documents concerning this town in their possession, which are not being used because many aldermen are ignorant of their content and so cannot arrange for the council to do what they command, and besides this, the worst drawback is that public documents are in the hands of individuals, where they are in danger of being lost.» In the original source: «(...) dijo que bien saben como muchos regidores y otras personas que tienen cargos de esta villa tienen en su poder muchas escrituras y provisiones tocantes a esta Villa, de las cuales no se usa [sic] porque muchos regidores no saben de ellas para que se haga y acuerde en el ayuntamiento lo que por ellas está mandado, y fuera de este inconveniente, es muy mayor [sic] que las escrituras públicas estén en poder de particulares, por el peligro que hay de perderse». AVM, Libros de Actas, 14th October 1562.

54 The complete order can be found in AVM, Libros de Actas, 14th October 1562.

55 *Paulina*: «Letter or decree of excommunication granted by papal tribunals for the discovery of certain things which are suspected of having been stolen or maliciously hidden». *Diccionario de la Lengua Española*, RAE, XXI ed.

56 For instance, a councillor paid 58 reales to Juan Yáñez for a *paulina* that he had applied for in order to find a book related to land taxes (*Libro de la Visita de la Tierra*) as well as other papers, AVM, Libros de Actas, 8th June 1588.

57 AVM, Libros de Actas, 27th August 1571.

58 The expenses were financed with money from court cases. AVM, Libros de Actas, 8th October 1574.

In 1588, the council adopted yet more stringent measures in the search of documents relating to Saint Isidore the Peasant (*San Isidro Labrador*) with a view to his canonization (ZOZAYA-MONTES, 2010). They ordered the search for documents on *San Isidro* both inside and outside the town and court. This time they were able to use a *paulina*, which was to be announced throughout the Spanish realm in churches, parishes, town squares and other public places, including the courts of justice. For good measure, they sent out a call for all town notaries to examine their documents for references to *San Isidro*. If something was found in their registers, they were to make a copy and send it to the municipal archive in Madrid.<sup>59</sup>

The search for documents belonging to Madrid council outside its jurisdiction was nothing new.<sup>60</sup> Nor was the publication of a *paulina* by the town hall in order to recover public property from private parties.<sup>61</sup> However, using this measure for the sole purpose of recovering documents scattered nationwide was an innovation in the court.

That initiative created a precedent in Madrid. Two years later the council issued a *paulina* with a view to obtaining information related to the collection of payments whose documentation had disappeared.<sup>62</sup> Later still, in May 1596, the town hall ordered the general proctor – at that time Hernando Méndez – to apply for a *paulina* in order to recover documents.<sup>63</sup> In September of the same year, yet another *paulina* was used. This time the official in charge of the process was an alderman. His task was to apply to the papal nuncio for a *paulina* so that those in possession of papers, books or documents belonging to the council would reveal them.<sup>64</sup>

The same procedure was used in 1602, when the council ordered two aldermen to request a *paulina* from the papal nuncio to the effect that whoever had archival papers, property, money or any material from the town hall must return them.<sup>65</sup> Here the objective was also to recover money, which suggests that the town hall was in financial straits. This type of crisis was not unusual in Madrid, but was aggravated in 1601 by the transfer of the royal court to Valladolid, as noted in many council meetings.

In 1608, with the court back in Madrid, the council once again resorted to a *paulina* in order to locate a document. The institution had spent a year trying to locate a concession that released the people of Madrid from paying turnpike

59 AVM, Libros de Actas, 7th October 1588.

60 Previously they had looked for books on the area outside the Madrid territory, as in AVM, Libros de Actas, 30th April 1582.

61 For instance, in 1567 the town council asked the nuncio to order a *paulina* asking all those who grew crops on public land to come forward. AVM, Libros de Actas, 19th December 1567. In 1571, another *paulina* was ordered to recover things that had been removed from the town. AVM, Libros de Actas, 3rd August 1571. One year later the court decided to publish a *paulina* for reasons that are not clear in the sources but were related with land property («por lo del Soto de los Abades»), AVM, Libros de Actas, 28th July 1572. Some years later the general proctor had to publish a *paulina* in order to find out who was keeping hidden council property under the care of bread superintendents (*mayordomos del pan*) and their bondsmen (*fiadores*). AVM, Libros de Actas, 11th November 1585.

62 AVM, Libros de Actas, 10th October 1590.

63 AVM, Libros de Actas, 31st May 1596.

64 The alderman in this case was Diego de Olivares. AVM, Libros de Actas, 25th September 1596.

65 The aldermen in this case were Francisco Enríquez and Juan González de Almunia, AVM, Libros de Actas, 28th June 1602.

duty (*portazgo*), on the grounds that it was unjustly applied.<sup>66</sup> To find the paper, the council put an alderman in charge of obtaining a *paulina* from the nuncio who would cover the document in question, as well as any other document, especially if it referred to taxes or payments.<sup>67</sup>

A few final remarks are in order. The methods outlined above continued to be used in the search for missing documents for a very long time. There are witness accounts from the 1710's of a large number of council resolutions endeavouring to discover which documents had been removed from the archive and gone missing and which were necessary in order to compile inventories and registers. In consequence, on 1716 the council agreed that the two commissioners in charge of the archive, with the help of several other officers, were to order the collection of all documents relating to Madrid, including its properties, the tax on foodstuffs (*sisas*) etc., which ought to be in the archive. These papers would be registered as and when they were recovered in their own alphabetically-ordered book.<sup>68</sup>

Scriveners' offices were also to be searched, including, in this particular case, certain private bureaux located outside Madrid. As a result, several protocols were recovered, including minute books dating from 1690. Some council scriveners replied, however, that «it was impossible for them to separate out of their archives all royal licences and other Madrid-related documents that concerned the legal affairs of private individuals (*particulares*)».<sup>69</sup>

The council also agreed that the general proctor, having warned the councillors, would apply for letters of excommunication «because it is known for a fact that papers of all kinds are being concealed, and some have not been handed in to avoid the effort of searching for them».<sup>70</sup> The letters were read out in the course of a council meeting and published in the Church of San Salvador, which stood close to the town hall, and in others.<sup>71</sup> Despite the evidence that times were changing, the customary document recovery methods remained.

#### 4.2.1 Example of a *paulina*

How did excommunication letters known as *paulinas* call for the return of missing things? According to one published in Madrid in 1599, by creating fear and terror. It referred to usurpers and the accomplices of those who had stolen missing documents, requiring those responsible to be deliberately ostracized: no one was to sell them bread, wine, meat, fish, or vegetables, or talk to them. Judges were not to try them, notaries were not write their contracts, nor should anyone associate with them in any way, because they were outside the guild of the Holy Mother Church. This threat precluded charity of any sort; on the contrary, it urged people to treat such offenders with scorn.<sup>72</sup>

That *paulina* involved a complex ritual designed to intimidate the public. Every Sunday and public holiday the clergy would form a procession to mass carrying a cross covered in mourning, and ringing bells. They were to hold

66 AVM, Libros de Actas, 18th November 1607.

67 The alderman in charge was Fernán Rodríguez, AVM, Libros de Actas, 8th July 1608.

68 AVM, Libros de Actas, 15th January 1716, quoted by DOMINGO (1875: 22-25).

69 Quoted by DOMINGO (1875: 22-26).

70 AVM, Libros de Actas, 15th January 1716, quoted by DOMINGO (1875: 25).

71 AVM, Libros de Actas, 15th January 1716, quoted by Domingo (1875: 27-28).

72 The *paulina* studied here is dated in Madrid on 26th June 1599, Archivo de la Chancillería de Valladolid (henceforth ACHV), Sala de Hijosdalgo, Caja 515, Expediente 1, unpagued.

lighted candles which were put out with holy water and dropped on the ground while damning the souls of the culprits, their houses and the ground on which they walked with no commiseration possible. Destitution was wished upon them, as was the loss of their parents and spouses (which leads one to suppose that they were hoping for members of the family to denounce them). The priests also alluded to passages in the Bible, wishing the plagues of Egypt upon them, as well as attacks by wasps that would enter their noses and kill them, hoping that they would be swallowed by the earth like Judas and warning that they would end up like Sodom and Gomorrah, Dathan and Abiron.

After reciting this sermon, the priests prayed to God not to allow these people to come to such a miserable end, and to let them enjoy the benefit of absolution.<sup>73</sup>

#### 4.2.2. *How effective were excommunication letters to recover missing documents? Evidence from Coimbra (Portugal)*

How successful were the methods described above to recover missing council documents? One would assume that they achieved the expected results, although this is difficult to know because council sources tended to record the issuing of orders but did not often clarify whether they were fulfilled. This was the case in Madrid where, nevertheless, the archivist and treatise writer DOMINGO declared that the publication of letters of excommunication was productive,<sup>74</sup> although he had no evidence whatsoever, blaming this silence on sacramental discretion:

We know nothing at all about the result, because the restitutions obtained by these means were usually kept under seal of confession. It is known, however, that some did take place and many others promised (DOMINGO, 1875: 27-28).

Evidence from Portugal indicates that public calls for documents using letters of excommunication were effective. Such was the opinion of the archivist CAMPOS, who considered this resource nearly always «achieves good results in persuading the consciences of people who keep documents and books from the archives» (CAMPOS, 1869: 116).

As is well known, Portugal was part of the Spanish monarchy between 1580 and 1640. Letters of excommunication were also used in this country for various purposes, including, as expected, document recovery, as here too there was a long tradition of losing documents (RIBEIRO, 1798: 43).<sup>75</sup> In 1588, letters of excommunication were issued in Torres Vedras (Lisbon) in order to recover missing records from local authorities and churches. The same method was used in 1621 to recover documents that had been removed from the Torre do Tombo Archive (AZEVEDO & BAIÃO, 1905: 16-18; CAMPOS, 1869: 116; CORREIA, 1943: 281). It is not known, however, whether the desired result was achieved in these cases.

<sup>73</sup> ACHV, Sala de Hijosdalgo, Caja 515, Expediente 1, unpagued.

<sup>74</sup> Perhaps such document restitutions were hidden in reports that simply did not specify the origin of the material. This may have been the case in Valladolid, 1619, when an officer delivered to the council several documents «related to the town, *which have been collected in its name*, to be placed in its archives». Quoted from PINO (1991: 22).

<sup>75</sup> See, for instance, for 1459, Pergaminhos Avulsos, 78, Arquivo Histórico Municipal de Coimbra (AHMC), or for 1515, Pergaminhos Avulsos, 108, AHMC. Documents summarised in CAMPOS (1875: 42, 59).

In Coimbra, however, the use of letters of excommunication was successful according to the sources, although these testimonies are somewhat late and perhaps subjective. Coimbra city council and the municipal archive, like the majority of local authorities in the Peninsula, operated on similar lines to their Madrid counterparts – as mentioned in the introduction.

There is written evidence that, in eighteenth-century Coimbra, documents from earlier centuries were requested and recovered. In the town council meeting held on 27th August 1729, it was determined that the numerous books that were missing from the council archive must be found. Some of them had been removed by known people – such as the scrivener of the weights and measures office – but the whereabouts of the rest were unknown.<sup>76</sup> This step seems to have produced no immediate results.

Several years later, in 1750, a letter of excommunication was issued against all those who had books and documents belonging to the Coimbra municipal archive in their possession. In August the same year, the council scrivener received a royal letter dated 1697 which «appeared with others» that had been sent to him. This recovery was a direct result of the letter of excommunication or that, at any rate, was how the event was interpreted by the scrivener himself, Fernando Martins, who recorded a memorandum to that effect at the end of the royal letter.<sup>77</sup>

A year later, on 17th June 1751, while the councillors were in the town hall, just as they were going into a council meeting, an alderman approached Fernando Martins and handed him «a book that was lost and absent and missing from this archive, saying that it had been given to him by a person who did not wish to be identified».<sup>78</sup>

The recovered volume dated from 1558.<sup>79</sup> It was a *tumbo* or bound set of handwritten copies of records labelled *Foral do Reguengo do Bolão*,<sup>80</sup> a statute book for the Bolão jurisdiction, within Coimbra's municipal territory, containing two authenticated copies of documents on 31 sheets of parchment. The first 30 pages were a duplicate of the *Livro dos proprios da cidade de Coimbra*, a book on municipal rents which at that time was already stored in the national archive at Torre do Tombo in Lisbon. The last page of the *tumbo* was an authenticated copy of the text concerning Bolão in Coimbra's 1516 statute book, the *Foral da cidade de Coimbra* (CAMPOS, 1875: 75-76).<sup>81</sup>

On receiving this sixteenth-century volume, Martins understood that it was the «fruit of the letter of excommunication published last year» with the goal

76 AHMC, Vereações of 1729-1742, fl. 20r, quoted by CAMPOS (1869: 116) and CORREIA (1943: 281).

77 Statements quoted in portuguese by CAMPOS (1869: 116) and later by CORREIA (1943: 281-282). That royal letter must be the currently filled as AHMC, Documentos Originais, 1662-1779, num. 13 (f. 34), since it is the unique royal letter preserved dated that year.

78 AHMC, *Foral do Reguengo de Bolão*, 1558, reverse of the book's title page.

79 The *Foral do Reguengo do Bolão* was dated 8th January 1558. This year is included in AHMC's exhibition «Coimbra 1516: O foral Manuelino» (Coimbra 1516: The Manueline Charter), (20/08/2016-28/10/2017) by Paula França, director of AHMC, and Maria Fernanda Ribeiro, archivist at AHMC. I take the opportunity to thank them for their kind and always valuable help in this and other matters. The *Foral's* date had previously been quoted as 8th January 1588 due to a typographical error in CAMPOS' book (1875: 75), and replicated by CORREIA (1943: 282) and others. The year could only be 1558 because the volume ended with a subscript signed by the archivist at Torre do Tombo, Damiam de Goes, stating the cost of finding the book and details of the work involved (CAMPOS, 1875: 75). Damiam de Goes died in 1574, so he could not have signed the book in 1588.

80 Today the call mark is AHMC, Foral do Reguengo do Bolão, 1558.

81 Today the original is stored under the call mark AHMC, Foral de Coimbra, 1516.



of finding «the many books and documents that are missing».<sup>82</sup> This statement, together with further information about its restitution, was written on the reverse of the book's title page. The text is translated below given the rarity of this type of testimony:

On 17th July 1751, in the town hall, as I was ready to enter a council meeting, the councillor for the university, Dr. Luis de Souza dos Reis, who was also a candidate to the Chair of Legislation, gave me this book which had been lost and absent and missing from this archive, and he said that it had been handed to him by a person who did not wish to give their name, and I understand that it is the fruit of the letter of excommunication which was published last year in an attempt to find the many books and documents that are missing, and this being the truth I write this memorandum in Coimbra, on the above date. Fernando María Martins, scrivener to the Senate, proprietor, wrote and signed it. Fernando Maria Martins (*signature and rubric*).<sup>83</sup>

## 5. CONCLUSIONS

During the period studied, Madrid town hall was conscious of the importance of its documents and archives. Evidence of this is the marked interest taken by the institution in recovering its missing papers, usually in order to solve some pressing governmental or administrative issue. As announced by the council in 1562 and henceforth on a regular basis, it was illegal for *particulares* (private individuals) to hold *public* writings of any kind.<sup>84</sup>

The council used two main strategies to recover municipal documents. When documents were held by individual council members, a simple request sufficed. If, however, the person involved had died, officials were sent to his home to reclaim the material. As a general rule the papers were requested from his family and close social network, or through his executors. This mechanism indicates that the council had a measure of control over the written material in spite of the fact that it was not archived – they knew where some of the material was and how to gain access to it. When the deceased had worked for the town hall in a legal capacity, the council was sometimes forced to pay for the return of material. Nevertheless, outside parties were sometimes reluctant to hand it in.

The second method used to recover dispersed documents was to announce the loss publicly, often under threat of excommunication. This was a major spiritual sanction, which indicates the value of public documentation to the council and the disruption caused by its frequent loss.

At a certain point, the council began to publish *paulinas*. These excommunication letters implied suspicion that malicious robbery was behind the misappropriation of papers. In other words, as the town hall began to place

82 AHMC, Foral do Reguengo de Bolão, 1558, reverse of the book's title page. The note was transcribed firstly by CAMPOS (1875: 76).

83 The original version reads: «Em 17 de Julho de 1751, na caza da Câmara, estando para entrar em vereação, se me entregou este livro pello vereador do Corpo da Universidade, o Dr. Luis de Souza dos Reis, oppozitor as Cadeyras de Leys, que andava disperso e auzente e perdido deste Cartório, e disse que lhe fora entregue por pessoa que não quiz nomear, e entendo ser fruitto da carta de escmunhão que se mandou publicar o anno passado para ver de achar os muitos livros e documentos que faltão, e de ser esta a verdade fiz esta lembransa em Coimbra, Hera ut supra. Fernando Maria Martins, escrivão do Senado, proprietário, o escrevi e o assigney. Fernando Maria Martins (firma y rúbrica)», AHMC, Foral do Reguengo de Bolão, 1558, unpagged (photographs 2 and 3).

84 AVM, Libros de Actas, 14th October 1562.

greater value on its documents, it began to suspect that they had been stolen rather than lost, and to apply harsher punishments to the perpetrators.

Did excommunication letters and their variants, such as *paulinas*, achieve good results? According to two nineteenth-century archivists, they did. One was TIMOTEO DOMINGO, in Madrid, who declared that he was unable to offer examples on the grounds that the people who returned documents could not be identified because they were under the seal of confession. AYRES DE CAMPOS, from Coimbra, stated that letters of excommunication were very effective in Portugal, quoting two testimonies from the seventeenth and eighteenth centuries. Unfortunately, these reports turned out to be nothing but conjecture on the part of a town council scrivener, who had purely surmised that the documents had been returned to him as a result of excommunication threats.

Bearing both accounts in mind, perhaps the very fact that the scrivener reported his suspicions is itself evidence of the success of excommunication letters, even though he was unable to reveal the truth because the seal of confession protected the suspects.

In conclusion, the use of letters of excommunication and their variants appears to have been an effective strategy for the recovery of missing public documents in the Iberian Peninsula.

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