

WIDOWHOOD THROUGH PETITIONS. AN EXAMPLE OF NOTARIAL ACTIVITY IN FOURTEENTH-CENTURY BARCELONA**Mireia Comas-Via¹**

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Resum

La documentació notarial és una font indispensable per a la Història de les dones. Mentre que els testaments, els inventaris i tot tipus de contractes solen ser els documents més utilitzats, els requeriments i els arbitratges no han cridat tant l'atenció dels historiadors i historiadores. L'objectiu d'aquest treball és analitzar, en primer lloc el paper del notari en aquestes tipologies documentals i, en segon lloc estudiar les dificultats de les vídues de la Barcelona baixmedieval que apareixen en aquesta documentació. Les fonts mostren viudes de totes les classes socials defensant els seus drets i els dels seus infants, especialment per aconseguir la restitució del dot, així com resoldre altres qüestions de caràcter econòmic. Tot i que aquestes situacions es devien probablement a la seva vulnerabilitat en tant que dones sense home, les vídues eren capaces de fer sentir les seves veus davant d'un tribunal per tal de trobar una solució als seus problemes.

Paraules clau: activitat notarial, requestes notariales, sentències arbitrals, vídues, Barcelona, Baixa Edat Mitjana

Abstract

Notarial documentation is undoubtedly an indispensable resource for women's history. However, whereas wills, inventories, and all kinds of contracts are frequently used as sources, notarial petitions and arbitration acts do not usually attract scholarly attention, and that despite the fact that these notarial documents provide an effective means to study the difficulties women had to face and the causes of their often challenging situation. In the case of Barcelona, the substantial presence of widows in judicial documents seems to suggest that their rights were not always respected. The fact that widows were usually "women without men" sometimes led the late husband's heirs and relatives to try to take advantage of their difficult position for personal gain. The sources show widows defending their rights, as well as the rights of their children, especially when pursuing the restitution of their dowries, and complaining about the excessive expenses of judicial proceedings, demanding a fair and transparent trial, and expeditious rulings. Even though such situations were probably a consequence of their vulnerability, widows were able to have their voices heard in court to find a solution to their needs.

Key Words: notarial activity, notarial petitions, arbitration awards, widowhood, Barcelona, Late Middle Ages

Notarial documentation is undoubtedly an indispensable resource for women's history. However, whereas wills, inventories and all kinds of contracts are frequently used as sources, notarial petitions and arbitration acts do not usually attract scholarly attention.² In fact, these documents have not even been studied from the perspective of Diplomatics. Maria Teresa Ferrer, in her meticulous work on notarial instruments in which she devotes several pages to listing and describing a great diversity of documentary typologies, mentions petitions only in passing, and includes them within a set of documents that she simply labels as 'acts' (FERRER 2000: 67-68). It is unquestionable though that these documents provide a unique source for the study of the everyday life of medieval women. In the present article, our aim is to analyse the difficulties faced by the widows of Barcelona at the end of the fourteenth century and the causes that led to their situation. Despite the problems inherent to their condition as widows, most of these women did not resign themselves to the circumstances caused by the death of their husband. On the contrary, as shown by the notarial petitions and arbitrations studied here, some of them sought ways and strategies to improve their situation. Thus, while it is true that lawsuits and claims were to a large extent the source of their problems, in many other cases they also provided the key to solving them.

Indeed, the extant documentation provides us with numerous examples of widows across the social spectrum who were involved in legal proceedings, lawsuits, and petitions in order to recover their dowries and assert their own rights or those of their children. In this regard, it is worth highlighting the case of the writer Christine de Pizan, who emphasises this issue throughout her work and especially in *Le Livre de trois Vertus*, in which she devotes four chapters to describing the specific situation of widows (PIZAN 1989). A widow herself from the age of twenty-five, she was well acquainted with this situation, as she had been forced to resort to the courts and, for a long period of her life, was tied up in endless litigation. Thus, in her work, Christine unsurprisingly drew attention to the lawsuits and claims that widows had to face, especially in order to see their rights restored. Obviously, this situation was not only an issue for Christine de Pizan, and it is precisely this aspect of widowhood that will be the object of this study.

The present article proposes a twofold approach to notarial petitions, that is, legal demands made before a notary (VINYOLES, VARELA 1998: 6). On the one hand, we propose to examine this very specific aspect of notarial activity along with other related documentary typologies. Our aim is by no means to carry out a comprehensive analysis of the internal characteristics of these documents,

¹ This research was carried out within the framework of the project "The notary's office in Catalonia, 13th-14th centuries: practice and activity (NOTCAT) (HAR2015-65146-P)", funded by the Spanish Ministry of Economy and Competitiveness, and the Consolidated Research Group "MAHPA. Grup de Recerca en Estudis Medievals d'Art, Història, Paleografia i Arqueologia" (2014 SGR 794), accredited by the Generalitat de Catalunya.

² Two remarkable exceptions to this trend are Teresa Vinyoles and Elisa Varela's work on women's vocations in the fifteenth century (VINYOLES, VARELA 1998) and María del Carmen García Herrero's study on the role of women as arbitrators (GARCÍA 1995).

but to analyse their drafting process. On the other hand, we will focus on the widows of Barcelona, as an example of a certain clientele that turned to notary's offices and, more particularly, on the agency of these women to defend their rights and those of their children.³ On the basis of notarial petitions and arbitrations, our ultimate goal is to analyse the reasons that led widows to enter into a spiral of lawsuits and legal proceedings, as well as the strategies they adopted to defend their rights and interests.

The sources for this research are notarial records, in particular, the special books of petitions, arbitration rulings, and complaints preserved in the Historical Archive of Notarial Protocols of Barcelona, dating from the second half of the fourteenth century. Most of the analysed documents—specifically, 46—are petitions whose author and/or beneficiary was a widow. However, we have also included other types of documents related to arbitrations (rulings, settlements between the parties, and selection of arbitrators) and to judicial proceedings (appeals, filing of letters to the courts, complaints, etc.)—72 documents in total—with the aim of drawing a picture that allows us to determine the nature of widows' claims in late-medieval Barcelona. In sum, we have consulted the following six *Protestacionum et sentenciarum libri*, which are connected to five different notaries.

Joan Eiximenis:

- *Protestacionum et sentenciarum liber* (1377-12/24-1389/03/06)⁴

- *Protestes e sentències* (1390/11/03-1399/11/21)⁵

Francesc de Ladernosa:

- *Llibre de protestacions, requeriments i presentacions de cartes* (1355/01/12-1358/06/13)⁶

Guillem de Santilari:

- *Llibre d'apel·lacions, protestacions, requeriments i presentacions de cartes* (1355-1357)⁷

Guillem d'Orta:

- *Llibre d'apel·lacions i requeriments* (1368-1371)⁸

Francesc de Relat:

- *Llibre de requeriments i protestacions* (1382-1384)⁹

The substantial presence of widows in judicial documents seems to suggest that their rights were not always respected. The fact that widows usually were women who fended for themselves

³ On women's agency, see WESSELL 2013.

⁴ Historical Archive of Notarial Protocols of Barcelona (hereinafter, AHPB), Joan Eiximenis, 29/58.

⁵ AHPB, Joan Eiximenis, 29/59.

⁶ AHPB, Francesc de Ladernosa, 23/35.

⁷ AHPB, Guillem de Santilari, 20/14.

⁸ AHPB, Guillem d'Orta, 25/14.

⁹ AHPB, Francesc de Relat, 27/9.

or “women without men” sometimes led the late husband’s heirs and relatives to try to take advantage of their difficult position for personal gain. The main problems that brought widows before the courts or else before experienced arbitrators to resolve the conflicts in which they found themselves had to do with the restitution of the dowry, the defence of the interests of their children, and the settlement of financial debts, generally incurred by their late husbands. We will analyse all these issues on the basis of concrete examples that serve to illustrate this reality.

The Role of Notaries in Notarial Petitions

First, we will look into the way in which notaries carried out their function, especially in regard to petitions.¹⁰ When it became necessary for the notary to intervene in a lawsuit in order to enforce or prevent the execution of a particular action, the petitioning party would appear at the notary’s office to formalise the petition. This could be done in person or through a procurator, and in fact, in most of the cases studied, the widow was represented by a proxy. Christine de Pizan herself recommended widows to leave their affairs in the hands of a procurator, because, in her opinion, women were unfamiliar with the workings of litigation. However, she warned against the danger of leaving personal matters in the hands of others, adding that it was advisable to keep a close eye on matters, as she considered that men were not very diligent when it came to women’s needs and could end up deceiving them (PIZAN, 1989: 190). Christine de Pizan’s testimony is interesting in that she records her own experience as a widow, so that her work provides a first-hand source for understanding the importance of petitions and judicial proceedings in the day-to-day life of medieval widows.

Indeed, according to the evidence studied, widows turned to a professional to act on their behalf in all kinds of matters. In this regard, there is a wide variety of cases, as we document widows who turned to different procurators to attend to their affairs and also procurators who represented different widows in different petitions.¹¹ Another option for widows was to be represented by someone close to them to whom they entrusted their problems and properties, such as relatives, friends, acquaintances of their late husband, and even priests. However, it should be noted that sometimes widows dispensed with the figure of the procurator and appeared by themselves

¹⁰ On the functions of notary, see the study by Daniel Piñol on notaries public in the Camp de Tarragona region (PIÑOL 2000: 142-163).

¹¹ For instance, Eulàlia, widow of Arnau Angle, successively relied on two different procurators; on 9 December 1357, Arnau Hugueta, a procurator from Barcelona, represented Eulàlia in a petition and, two days later, Pere Rosar, another procurator from the same city, presented a plea on behalf of the widow in relation to the same issue (AHPB, Francesc de Ladernosa, 23/35, f. 138v-139r and AHPB, Francesc de Ladernosa, 23/35, f. 139r-140v, respectively). This same Pere Rosar appears, together with Pere de Treballs, as procurator of Simoneta, widow of Francesc de Busquets (AHPB, Francesc de Ladernosa, 23/35, f. 40r-46v). This is not the only case of a procurator documented as acting as a procurator and agent for more than one widow at the same time; Jaume de Meians is cited as procurator in the case between Francesca, widow of Pere Furiós, and the executors of Pere de Fançar (AHPB, Joan Eiximenis, 29/58, f. 19v-21v). We also document a Jaume de Meians who acted as procurator and agent for Maria, widow of Bartomeu Gomar (AHPB, Joan Eiximenis, 29/58, f. 43v-44v), and as procurator for Cília, widow of Bernat de Puiggenescós, who authorised him to appear before any judge in her name (AHPB, Francesc de Ladernosa, 23/38, f. 5r).

before the notary or the *veguer* —the representative of the comital or royal power— to have their voices heard.¹²

The petition could be presented either in writing or verbally before the notary, and then the notary —or a sworn clerk, by order of the notary— accompanied the petitioner to the home of the respondent or to the place where the respondent could be found. This was a task that notaries usually delegated to sworn clerks, as it was normally these highly skilled officials who carried out the orders outside the notary's offices, not only in the case of petitions, but also in matters concerning complaints, pleas, notifications, filings of letters and other acts, for which the procedure was very similar (PAGAROLAS 1994: 58-59).

A public reading of the document took then place in the presence of the respondent, although the petitioner could also orally present his or her claims to the opposing party. The scene usually unfolded right at the entrance of the respondent's house, where the two disputing parties and the notary or sworn clerk gathered, together with two or three witnesses who attested to the development of the proceedings. Thus, for example, Galceran Calaf, procurator of Caterina, widow of Berenguer Puigalquer, standing at the entrance of the house of Guillemona —mother-in-law of the said Caterina— enjoined her to attend the *encants* (public sale) that Caterina wanted to carry out the following day in order to sell a series of personal possessions of her late husband. Upon finishing the exposition of the petition, the procurator asked the notary to issue a copy of the response of the said Guillemona, who merely replied that “ella parleria ab son advocat e que a hora de vespres hen retria resposta” [“she would speak to her lawyer and that she would respond at the hour of Vespers”]. The same day, around dusk, Galceran Calaf, together with the notary and two other witnesses, went back to Guillemona's house to hear her reply, but as the woman had not been able to speak to her lawyer, “com deien que no eren en la ciutat” [“as she was told they were not in town”], she was unable to respond to the petition of her daughter-in-law's procurator. Assuming that the *encants* were held the following day, we have no means of knowing whether the said Guillemona was present. In any case, as a later petition shows, the conflicts between this widow and her mother-in-law would continue.¹³ We will return to this case in the pages that follow.

The respondent was not always at home and the notary, or the sworn clerk, was then asked to pay a second visit so that the interested party could hear the petition. However, on some occasions, the petition was read to whoever was in the house at the time, so that he or she could pass on the information to the respondent. This was the case when the procurator of Francesca, widow of Bartomeu Salelles, appeared, together with a sworn clerk and the corresponding witnesses, at Pere Ballester's house. His nephew, Jaume Ballester, received the four men and informed them

¹² See, for instance, AHPB, Joan Eiximenis, 29/58, f. 12r; AHPB, Joan Eiximenis, 29/58, f. 63r-64r and AHPB, Joan Eiximenis, 29/58, f. 70r-72r.

¹³ AHPB, Joan Eiximenis, 29/58, f. 147r.

that Pere Ballester was out of town. Faced with this situation, the procurator decided to present the petition to the nephew. After the reading, the young man undertook to inform his father, who was the person in charge of the affairs of the said Pere Ballester.¹⁴ On other occasions, the respondent refused to acknowledge receipt of the petition. The case of Margarida, a widow by her first marriage to Pere Narbonès and wife of Pere de Caulelles is remarkable in this regard. When the sworn clerk attempted to read the petition presented by Pere de Caulelles himself, Margarida walked away from him and from the two witnesses and climbed up a staircase so as not to have to listen to the petition. However, despite this circumstance, the clerk finally read it at the request of Pere de Caulelles. Margarida, from the staircase, shouted: “Grada era com la farine la carta, grada era com la farine la carta,” which could be roughly translated as “the letter is as thin as flour.” As we see it, with this cry she was letting her husband know how little value she attached to the petition. Indeed, the situation must have been desperate for Margarida, since, with this document, Pere de Caulelles informed her that he was evicting from the house the children of Margarida’s first marriage.¹⁵

In the event that the petition was written in Latin, the notary or the clerk had to translate its content into Catalan, so that the interested party would understand the message that the petitioner wanted to convey. This is what Pere Llorenç, the sworn clerk of the notary Joan Eiximenis, reports when he relates that in addition to reading the letter of King Joan I to Bartomeu Forn, he had to translate the contents from Latin into the vernacular language.¹⁶ If necessary, the notary even gave the appropriate explanations so that the meaning of the petition was clear:

Sibilia, uxor Andree Cerdani quondam, munerii civis Barchinone, presentavit ac per dictum scriptorem juratum legi et explicari voluit honorabili Bernardo de Tous, militi, vicario Barchinone et Vallensis, personaliter invento in platea Sancti Jacobi dicte civitatis, quandam papiri cedulam scriptam tenoris sequentis.¹⁷

Once the petition was read out, the petitioner requested the notary or the sworn clerk to draw up a public document to record the deed, and the respondent asked for a copy to be sent to them, which was made by the notary, as required. A reply from the respondent could follow on the same day or a few days later. This response was not always recorded in the petition books, as if no reply was received from the respondent within a certain period of time, which was usually two calendar days (COMES 1826-1829: 164), the instrument was declared closed.¹⁸ We can also find

¹⁴ AHPB, Joan Eiximenis, 29/59, f. 82r–83r.

¹⁵ AHPB, Francesc de Laderosa, 23/35, f. 192 r–193r. Incomplete.

¹⁶ “Quaquidem litera oblata et presentata ac per dictum scriptorem juratum lecta et publicata ac de latino in romancio explanata [...]” (AHPB, Joan Eiximenis, 29/59, f. 25r–25v).

¹⁷ AHPB, Joan Eiximenis, 29/58, f. 70r–72r.

¹⁸ For instance, they waited two days for Bartomeu Forn to respond to the filing of King John I’s letter by Agnès, widow of Joan Floreta, from the town of Castelló: “Et licet dictus Bartholomeus Furni expectatus fuerit per duos dies ad predictam minime respondere curavit nec copiam sumere de eisdem. Et ideo ego igitur requisitus processu ad huiusmodi instrumentum claudendum” (AHPB, Joan Eiximenis, 29/59, f. 25r–25v).

incomplete petitions, in which the clerk only wrote down the names of the petitioner, the notary, the witnesses, and the person to whom the petition was addressed.¹⁹ In other cases, the reply of the respondent was followed by a reply from the petitioner, so that the replies and counter-replies could follow one after the other almost endlessly, which resulted in lengthy documents. Respondents also asked for a copy of the reply as well as all the annexed documents on which the claim contained in the petition was based (COMES 1826-1829: 163).

Notaries in Arbitrations and Appeals

On some occasions, petitions resulted in an arbitration or legal proceedings that could lead to a sentence, whereby the decision of a third person, or third persons, who were neither ordinary judges nor acted as normal organs of the judiciary, allowed for the resolution of the conflict between the two parties. The analysed documentation shows examples of this situation, but it should be noted that it was a common practice in medieval society. Arbitration could be based on law, if it was bound by legal regulations, or on equity, if the dispute was resolved according to the arbitrators' best knowledge and understanding. Arbitration was thus a private way of resolving civil disputes that enjoyed prestige and social acceptance (ROYO 2016: 144). In fact, it was only necessary for the disputing parties to agree on the choice of arbitrators and to undertake, before a notary, to accept the decision of these arbitrators (FERRER 2000: 64-65). Agreements stipulated a period of time for a ruling to be issued, but if, after this time, the arbitrator had not made a decision, the agreement was terminated.²⁰

The arbitrator proceeded to pass sentence on the basis of all the evidence, interrogations and declarations, and in some cases with the advice of other jurists. The ruling was then recorded by the clerk in charge of notarising it and notifying it to the parties. This document began with the date and had to include the names of the arbitrators and the parties, the claim, the response, as well as all the actions carried out by the arbitrators to ascertain the veracity of the versions and evidence provided by the litigants. Finally, along with the arbitrators' decision, the document ended with the notary's validation and the witnesses' signature, as was the case in all public deeds (COMES 1826-1829: 174-176).

Appeals were also drawn up in the notary's offices. If the losing party did not agree with the sentence, they could lodge an appeal with the same judge, either verbally after the verdict had been issued or in writing within ten days.²¹ The purpose of this appeal was to have the case settled

¹⁹ Some examples: AHPB, Francesc de Laderosa, 23/35, f. 11v and AHPB, Francesc de Laderosa, 23/35, f. 13v. We have also documented a petition that ends when the transfer of the sentence to which the petition appealed began, AHPB, Joan Eiximenis, 29/58, f. 12r.víd

²⁰ "Feneyx encara compromís si cert dia és posat que·l pleyt sia deffinit per sentència, e si no u és, que sia finit lo compromís" (COSTUMS DE TORTOSA, 1996: 2.16.7).

²¹ "Dins deu dies comptadors del temps de la appellatio feta, los judges, dels quals serà appellat, dar apostols sien tenguts: e si dats no seran, après lo appellant o encara lo appellat, no sperats los apostols puxan proseguir la appellatio francament axí com si apostols fossen dats." (CONSTITUCIONS DE CATALUNYA 1995: Vol. 1, Llib. 7, Tit. 7, Cons. 4).

by a higher court. Thus, within one month, the appellant asked the judge for the *remissió dels apòstols*—literally, the referral of the apostles—that is, an authenticated copy of the proceedings, so that the higher instance (*ad quem*) could start new proceedings. The *remissió dels apòstols* implied a review of the proceedings, as it was necessary to prove the allegation that the case had not been conducted in accordance with the requirements of the law. Although the judge's response to an appeal was not always what the appellant expected, as this *remissió dels apòstols* was often denied, if the answer was in the affirmative, a new trial began, open to new arguments and evidence from the parties, who could appeal until two consistent rulings had been issued, or until all other instances had been tried and exhausted (FERRO 2001: 134).

The Widows of Barcelona in Notarial Petitions

Notarial petitions enable the study of a wide range of social, economic, and judicial issues. In particular, this wealth of information contributes to our knowledge of medieval widows, as their presence in this type of documents is remarkable. We have mostly looked into petitions filed by widows, but also into those that were addressed to widows or those in which the widow was the reason for the petition. This selection also includes petitions from women who, after a period of widowhood, remarried, but still carried over problems from their previous widowhood. These documents show that the problems for the widow did not end with the celebration of a second marriage, but that they sometimes needed to take action to put an end to possible conflicts. We present here a selection of documents that showcase the variety of circumstances that led widows to use notarial petitions to defend their rights. As shown below, the recovery of dowries, the defence of the rights of their children and economic issues were the most common reasons behind petitions.

The recovery of the dowry was undoubtedly one of the major concerns of Barcelona's widows. For the duration of the relationship, the responsibility for the administration of the dowry, which was a contribution made by the bride to help bear the burdens of the marriage (RECOGNOVERUNT 1927: tit. 56), fell on the husband. After its termination, the dowry was to be returned to the widow or her family, as agreed in the marriage contract. Thus, the dowry provided the widow with the necessary financial means to support herself throughout her widowhood, which has led to it being traditionally presented as widowhood insurance. However, although the law established the obligation to return the dowry to the widow after the husband's death, this was not always done immediately, nor did it always result in the full return of the amount originally contributed by the bride. In this regard, it is necessary to consider the legal institution of the *tenuta*, which complemented the purpose of the dowry, over and above its economic value.²² Thus, the *tenuta* granted widows the usufruct of their husband's assets until the amount owed

²² The *tenuta* was an institution of Catalan civil law whose origin can be traced back to 1351 and the constitution *Hac nostra* (CONSTITUCIONS DE CATALUNYA 1995: Vol. 1, Llib. 5, Tit. 3, Cons. 1). On the legal framework of widowhood, see COMAS 2015: 26-40.

to them was restored, which means that, by benefit of inventory, the widow's rights effectively mortgaged the properties of the husband (COMES 1826-1829: 140). Despite the legal stipulation that the *tenuta* made the widow the usufructuary of her husband's property, this usufruct was often simply a guarantee from the courts that her needs would be provided for. This suggests that the dowry system was not always sufficient to guarantee a proper widowhood, and indeed many women had to resort to the courts to have their rights respected.

Well aware of the importance of the right of *tenuta*, all widows referred to it in the analysed petitions. For instance, in 1388, Sança, the widow of Guillem de Seriol, appeared before the *veguer* of Barcelona, Bernat de Tous, to denounce that forty-eight *somades* (loads) of wine had been confiscated from her in order to satisfy a debt incurred by her father-in-law.²³ The problem was that said wine came from vineyards owned by her late husband, and since she had not recovered her dowry yet, the confiscated goods belonged to her by the right of *tenuta*. Sança's words were as follows:

Tum etiam quia dicta domina Sancia dictum vinum habuerat et conreaverat in vineis dicti viri sui fructus quarum vinearum dicta Sancia facit et fecit suos ex eo quia juxta privilegia Barchinone et Constituciones Cathalonie Generales consetur posside bona mariti et, post annum luctus, facit fructos suos nisi satisfactorum fuerit sibi in dote et in sponsalicio et aliis iuribus suis.²⁴

Widows constantly referred to the privileges of the city of Barcelona and the General Constitutions of Catalonia in this type of documents, as in this case, in which Sança claimed to hold the right of *tenuta*. This shows how the properties of the deceased husband were mortgaged and tied to the wife's dowry. Sança also alleged that neither she nor her husband were bound by any agreement with the creditors of her father-in-law, and therefore the wine seized by the authorities could not be used to satisfy the debts of the latter. The *veguer* ruled against Sança, but she persisted in her demand, urging the judge to summon the creditors to court to resolve the conflict, to which Bernat de Tous agreed. This petition is a clear example of the fact that, despite the stipulations of the law regarding the rights of widows, their interests were not always respected. As a result of this situation, the widows of Barcelona had no choice but to appeal to the competent authorities to have their rights recognised, but as this case proves, sometimes that was not enough either.

Widows also appeared in court to defend the rights of their sons and daughters. The conflicts in this regard often had to do with the fact that widows were not always the legal guardians of their own children. Thus, one of the most contentious issues was the provision of sustenance. In 1389, Caterina, the widow of Berenguer Puigalquer, filed a notarial petition addressed to his mother-in-law Guillemona, who was the legal guardian and tutor of Caterina's children. She demanded that her mother-in-law, also a widow, attended the auction where part of the inheritance of the

²³ AHPB, Joan Eiximenis, 29/58, ff. 142r-144v.

²⁴ AHPB, Joan Eiximenis, 29/58, f. 142r.

children was to be sold in order to obtain money to feed them. The sale of these properties was the result of a previous court decision in which Guillemona was accused of not taking care of her grandchildren and not allowing Caterina to feed them using her late husband's estate. In fact, in the same petition Caterina bitterly wondered whether Guillemona really wanted her grandchildren to starve to death.²⁵

Another issue that often pitted widows against their children's guardian was the administration of their properties. Antonieta, widow of Berenguer de Vilalta, took various actions against Francesc de Castelló —the legal guardian of her son Franciscó and her daughter Claretà—to stop him from squandering their inheritance, as he had decided to sell part of it.²⁶ In order to dispose of property belonging to minors, guardians needed prior judicial authorisation from the *veguer*, and so Francesc de Castelló requested that he be granted permission to sell part of the estate belonging to Antonieta's children. The judge ruled in favour of the guardian, but the widow appealed the ruling to prevent the sale.²⁷ In the meantime, she petitioned all those who had made deals with the guardian to get hold of some of the properties; the list was long: a tower and several lots of lands located in the orchard of Sant Pau del Camp, two houses in Flassaders' Street and another in Blanqueria Street, as well as a rent of two *morabatins*. Understandably, the widow was opposed to the sale of all these properties, as it represented a significant reduction in the inheritance that her children were to receive. As far as we know, the last step Antonieta took in this matter was a petition addressed to the *veguer* Francesc de Togores with the intention of prohibiting Francesc de Castelló from selling, alienating or dividing any of the children's property until the appeal of the sentence dictated by Jaume Llena had been resolved.²⁸

Finally, special attention needs to be paid to petitions related to economic problems. Some widows lost everything they had because the circumstances overwhelmed them (GARCÍA 2006: 461). Burdened with their own debts as well as with those incurred by their husbands, they had to cope with the new situation, for instance, by selling their possessions. Therefore, it is not surprising to see that widows exhausted all the possibilities they had to improve their economic situation which, in most cases, mainly depended on their dowry. Since, as mentioned above, the dowry was not always properly returned, widows needed all the means at their disposal to support themselves. In this event, the judge had to recognise that the dowry had not been returned, so that the widow's rights as the husband's first creditor were respected, with the aim of enabling her to exercise their right of preeminence and recover the dowry and the *escreix* or dower (COMAS 2015: 29-32). This is what Francesca, the widow of Pere Pasqual, did in 1396 when she decided to exercise her right of preeminence before the rest of her late husband's creditors. It was for this

²⁵ AHPB, Joan Eiximenis, 29/58, f. 147r.

²⁶ Several documents are connected to this case: AHPB, Francesc de Ladernosa, 23/35, f. 13v. Incomplete; f. 18r-20r; f. 24v-26v; f. 30r-30v; f. 31r-31v; f. 31r-31v; f. 31v-32v; f. 32v-33r; f. 33v; f. 33v-34v; f. 34v-35v; f. 36v-38r.

²⁷ AHPB, Francesc de Ladernosa, 23/35, f. 18r-20r.

²⁸ AHPB, Francesc de Ladernosa, 23/35, f. 36v.-38r.

reason that she objected to the sale of the house where she had lived during her marriage, alleging that she was the first creditor in terms of both time and rights. The notarial petition related to this case states that Francesca's dowry was larger than the value of the house, while the amounts owed by the late Pere Pasqual did not exceed fifty *sous*. In the end, once the judge heard the widow's arguments, she managed to keep her house.²⁹

In contrast, other widows claimed wages or money owed to their deceased husbands. At the end of 1399, Caterina, the widow of Martí Ferrer, had to confront the *veguer* and the rest of his court officials as her late husband's heir. The widow demanded payment of the sums owed to Martí Ferrer for the sustenance of the king's lion, which had been in his care. The ruling was favourable to Caterina and recognised the debt owed to her by the royal officials, although, in her opinion, this was not enough to settle the matter for she was not to be paid the sum she had demanded. She therefore decided to appeal the sentence, which was accepted by the corresponding judge, although unfortunately we do not know how her story ended.³⁰

Also within the scope of economic matters, we must include those related to widows who had to take care of the debts incurred by their husbands while they were still alive, either as sole heirs, as executors or as guardians of their children. For example, Maria, widow of the notary Bartomeu Gomar, was sentenced to pay Galceran s'Estrada, former mayor of Barcelona, the sum of 22 *sous*, which Galceran had given Maria's late husband to notarise some deeds. As death had befallen the notary before he had completed the work, the former mayor demanded that the widow returned the 22 *sous* he had paid in advance. Therefore, Maria, burdened by her husband's debts, was forced to pay.

At the same time, the sources also show widows complaining about the high cost of litigation,³¹ demanding a fair trial,³² and swift rulings.³³ Although these attitudes towards widows were probably a consequence of their vulnerability as women without men, the selection of cases presented above evince that they were able to make their voices heard in court in order to find a solution to their needs.

By way of conclusion

Notarial petitions and arbitrations provide valuable insights into the economic, legal, and sometimes also emotional difficulties in which widows could find themselves. At the same time, they allow us to approach the options these women had to defend their rights and make their

²⁹ AHPB, Joan Eiximenis, 29/59, f. 100r.–102r.

³⁰ AHPB, Joan Eiximenis, 29/59, f. 123r–127v.

³¹ AHPB, Francesc de Laderosa, 23/35, f. 139r–140v.

³² AHPB, Francesc de Laderosa, 23/35, f. 186v–187v; f. 188r–190r.

³³ AHPB, Joan Eximenis, 29/58, ff. 144v–146v.

voices heard. On the basis of these sources, we have also discussed the role and presence of notaries in these instances.

By studying specific cases, we have drawn the conclusion that conflicts most often arose from the defence of the dowry, the dower, and other rights that widows might have over their husband's property. Although the law protected them, it was not always easy for them to have their rights respected, especially the right of *tenuta*. For all these reasons, they appeared in court to defend what was theirs, but also what was due to their children. To a large extent, most conflicts occurred when the heirs of the husband were not the widow's children, but her stepchildren or in-laws, who saw the restitution of the widow's dowry as a dismemberment of the inheritance they had received.

Ultimately, these documents show that the difficulties of widows were basically economic in nature. It is not surprising, then, to find in the petitions studied here frequent appeals to their condition of widows, often mentioning their status as "miserable persona" (destitute). They were unquestionably aware of their rights and asserted them, but unfortunately, due to the very nature of notarial petitions, it is only on rare occasions that we can find out whether they were successful in their claims.

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