Las Siete Partidas

INTRODUCTION

We have long been trained to regard the thirteenth Christian century as one of the great culminations of Western civilization. Extraordinary as it was in other fields, it was particularly important in law. It saw a great outburst of juristic activity, doctrinal, administrative and legislative. In Italy, it was the period of the Glossators. In France, it was the period of St. Louis and the Ordonnances, of the apocryphal Establissements and of the redaction of the Coutumes by Beaumanoir and others. In England it saw the birth of the Royal Courts, the development of the Council and the legislation of Edward I. But if national opinion may be any guide, it nowhere produced a more splendid result than the medieval Code of Spain usually called Las Siete Partidas, The Seven Parts, and attributed to Alfonso X of Castile and Leon, known as the "Wise", El Sabio. It took ten years to prepare, the years 1256-1265, and was received from the first with enthusiastic admiration.

Alfonso was indubitably one of the most picturesque of that century of picturesque princes. Scholar and adventurer, reformer and administrator, he lived and ruled at the meeting place of Eastern and Western culture, since all Southern Spain was still Mohammedan and Moorish, and Christian Spain was in blood, customs and culture saturated with African and Arab elements. It was in this atmosphere that a body of laws was established which has had a traceable and considerable influence on modern American law of the western and southern parts of the United States.

As usual, the part Alfonso himself played, in preparing the Partidas is much disputed. Contemporary and subsequent flattery ascribed the entire work to him. Alfonso "wrote all the Partidas entirely by himself or at least personally examined, revised and corrected them," wrote the monk Burriel in 1751. Later historians were more doubtful. Reguerra Valdemar makes the Code entirely the work of the Bolognese school, and names as its author either Azo himself or Azo's Spanish pupils, Juan de Dios, Bernardo and Garcia. Marichalcar assigns it to the Council of Twelve, established by Alfonso's father, San Fernando. Rafael Floranes ascribes it to the Alcaldes Mayores of Seville and to Ibáñez of Toledo. One of the most authoritative of Spanish legal historians, Martínez Marina, declares the authors to have been Jacome Ruiz, a dis-

tinguished jurist, author of a *Flores de las leyes*, Fernando Martinez, Bishop of Oviedo and Master Roldan. It is very likely indeed that these three jurists were concerned in the matter and it is likely enough that the labor of compilation and arrangement was theirs.

Modern opinion seems to veer back to Alfonso, less for the substance than for the style, since Alfonso was demonstrably the author of other books, and almost certainly cherished the ambition of being the Spanish Justinian.

As a matter of fact, he failed. No royal decree could have the power of abolishing either the feudal privileges, as they were formulated in the 'Fuero Real', nor the ancient general and local customs, as they were described in the *Fuero Juzgo* and the provincial *Fueros*. The *Partidas*, called originally the "Book of the Laws," obtained at best supplementary force by the *Ordenamiento* of Alcalá in 1348 and was treated as purely doctrinal by many jurists, in spite of the imperative tone it assumes and the legislative effect it claims.

This supplementary value it retained until the time of the modern codes, so Mexico and to some extent Louisiana, may be said to have been partly governed by *Las Siete Partidas* until well into the nineteenth century. It is this fact that justifies the summary of its contents which Miss Nichols gives in the following article.

There is an interesting historical combination that cannot have been without significance. Edward the First of England, the English Justinian, the enacter of the Statutes of Westminster, De Donis and Quia Emptores, the King in whose mouth Britton places his statement of the English law, as though the common law gained its effect by being thus uttered, was a cousin and brother-in-law of Alfonso, whose sister Eleanor he married in Castile, and with whom he maintained relations for a long time. It was at Alfonso's hands that Edward had received knighthood and so, by the custom of chivalry, was bound to him in something like filial duty. It is not at all unlikely that in those months of close personal association in Castile, Edward had been somewhat stimulated in his concept of the legislator-king by his kinsman's example, and it is almost impossible that the code of which Alfonso was so proud, had not there been brought to the younger king's notice. It is hardly likely that any specific provision of Edward's legislation owes its substance or form to the *Partidas* but as a factor in the movements which made Edward's reign so important for the history of English law, this Spanish Code should not be altogether ignored.

The best edition is that of the Collection of Spanish Codes published by La Publicidad, to which Gomez de la Serna has added a valuable historical introduction.

Max Radin.
Anyone would enjoy the picture of medieval Spain that is sketched in *Las Siete Partidas*. Composed in the thirteenth century under the direction of the “Wise” Alfonso X, these Partidas not only have their interest as a step in the development of Roman law, but in both content and style they definitely portray the life of the century. When Rome stamped her mark on Spain, she gave her a foundation for law in both the *Fuero Juzgo* and the *Partidas*. Interwoven with this Roman texture, we find in the *Partidas* curious little inconsistencies that reflect the local *fueros* and the law of the Goths. However, to the person who is not interested in a study of law’s development and its adaption to its environment, the *Partidas* offer their interest as a document of human life.

There are seven of these *Partidas* and a prologue. Each *Partida* starts with a letter of the name of the king Alfonso, a name happily containing seven letters, for seven is a most potent number exerting some strange unknown force over mankind. “Seven is a very noble number and much praised by the men of old.” Did not Aristotle say that all created things were divided in seven manners? So we have the soul, the stars and heavens, the elements, man, animals, trees and plants, stones and mineral things. Then, too, all things may be placed or moved in seven manners, for are they not above or below, before or behind, to the right or to the left, or round about? Similarly, there are seven planets, seven heavens, seven days of the week, seven climes. The Bible lends its authoritative support with its quotations on this mystic seven; for example, in that matter of the seven lean years. “Wherefore,” concluded Alfonso, “for all these reasons, which show the many benefits that are granted by this number, we divide this book into seven parts.” Fittingly, one edition says that the book was finished in seven years, even though it spoke with more logic than truth.

As the Roman Church dominated the Middle Ages, so is its influence paramount even in this quaint code of laws. The prologue begins by saying that God is the beginning and center and end of all things, without whom may no thing be. Wherefore should every man who might wish to begin some good work, first praise God in it and ask his mercy that he may well finish it. The whole first *Partida* deals with the laws of God, and while the other six may indeed treat of the laws of man, those laws, even as man’s life, are inevitably related to the doctrines of the Church.

Before starting on his seven branches of law, King Alfonso states his purpose. This seems to be twofold: first, he wishes to promote
justice by enabling men to know the right; second, he is moved by a regard for his family tree, that is, by a regard for his ancestors, including God, a regard for his successors, and a regard for his own reputation. Alfonso says that he writes in gratitude for "the very great favor which God showed to us in willing that we should come from the lineage whence we came, and the position in which he put us." Again, "the King, Don Fernando, our father, would have liked to do this had he lived longer, and he commanded us to do it." That the renown of the family name may be retained, the laws are written "to give aid to those who shall reign after us." Finally, there is Alfonso's very real and earnest desire to succeed in this business of being a king. Not only is it a direct charge from God, which must be fulfilled through the fear of God, but if unsuccessful, shame and affront will be the king's portion from mankind as "the people of the world pass judgment on things."

**FIRST PARTIDA**

The first Partida opens with definitions of law and a few general considerations about it. Alfonso says that the local law, the fuero, is so called as it comes from the Latin word, "forum." It bears this name because it should not be whispered in secret, but rather proclaimed in public. "Ley," the word for law, comes from "leyenda," or legend, "in which lies instruction." Again, a law is called a "ley" for all of its commands should be "leales," true, and according to justice.

The maker of law should love God, should love justice, should possess understanding and should not be ashamed either to change or to improve his laws. It would be well for him to live according to them.

Laws should be made in a quiet place, without distractions and with the counsel of men of wisdom. They should not be written with abbreviations. Revision should be done by the king with the help of many wise men, and these men should come from different sections of the country so that as many as possible may be in accord. Changes in the law should be proclaimed when made.

As the foundation of his law Alfonso says, "The beginning of laws, as well of the temporal as of the spiritual, is this—that every Christian believe firmly that there is a single true God who has neither beginning nor end." The king then states his Credo, ending, "this is the true belief in which lie the articles of the holy Catholic faith which every Christian should believe and keep. He who does not so believe, cannot be saved. Wherefore we command that those of our realm guard it and believe it." In passing, it might be said that the provisions for the enforcement of law in the Partidas are remarkable for their absence.

The question of sin is of especial interest in connection with the
laws about the seven sacraments of the church. It seems that there are large sins, middle-sized sins and little sins. The large ones are killing and heresy; the middle-sized ones are adultery, fornication, theft, pride, avarice, wrath that lasts for a long time, sacrilege, perjury, daily intoxication and deceit. Among the small sins are listed eating or drinking more than one should, talking or keeping silent more than is fitting, speaking harshly to the poor who ask for alms, and coming late to church because of fondness for sleep. The reason why intoxication is a sin is that through it man loses knowledge of God and himself and all other things that be. Eating to excess is a sin for two reasons: first, chastity cannot well be kept with much eating; second, from it are born great infirmities from which men die before their time.

There next follows a discussion of the men of the church: bishops, clergy and monks.

Bishops should be really proper men. They should have good thoughts and customs; their eating, drinking, clothing and general bearing should be above reproach. The correct clothing for a bishop is described in detail. Bishops should not go to see sporting contests, neither should they play with dice, at chess or other games that would draw them from a fitting repose.

The lesser clergy should be physically sound in all the more important and noticeable parts of their anatomy: eye, nose, ear, finger, lip, arm, or foot. Any hidden blemish, however, may pass, especially if occasioned at a doctor’s orders. The loss of relatively unimportant members, such as teeth, will not interfere with reception into Holy Orders.

Certain amusements are allowed to the clergy. They may take part in dramatic performances that illustrate “the birth of our Lord Jesus Christ, in which it is shown how the Angel came to the shepherds and how he said to them that Christ was born. And also of his apparition and how the three Magi Kings came to adore him. And of his resurrection, which shows that he was crucified and rose from the dead on the third day.” Such representations as these may the clergy offer in order to move mankind to well-doing and to devotion. The clergy may also indulge in fishing and other quiet amusements, but not to an extent that would hinder their prayers. They should not enter taverns to drink save in certain exceptional cases. While they may make and sell certain useful articles, they should not make money by buying and selling for profit. Trade seems to be generally regarded with suspicion in the Partidas. The clergy may not be requisitioned for menial labor, such as
the building of castles, but they must share in guarding the towns against the Moors and in the work on bridges and roads.

One of the most interesting regulations in regard to the monks is that they are not to learn medicine or law. "Some there were who through the temptation of the devil, desired to leave their monasteries and wander through the world, in order to act more in accordance with their will, and excusing themselves with these two reasons: first, they learn medicine so that they may be able to maintain in health their brother friars; second, they study law so that they may be able to guard the material welfare of their monasteries. In other words they do evil under the guise of good." The legal profession seems to have aroused misgivings in thirteenth century Spain.

After these general considerations on law, the statement of its religious spirit, a discussion of the sacraments and men of the church, Alfonso turns to the matter of church income. As we would expect, this comes mainly from the benefits of clergy, the primicias, first fruits, the diezmos, tenths that Christians should give to God, and the institution of patronage. That men were quite human is shown by laws intimating that all was not well in this question of income. Under the heading of simony we read, "The masters ought not to sell their knowledge for price, nor should they license scholars to be masters for a price. Knowledge is a gift from God and therefore should not be sold, for just as those who have it, have it without price, so should they give it willingly to others." Then, in the matter of the tenth part that is the Lord's, "Men should choose it not from the worst that they possess, but it should be of average quality." If they were to give of their best, by chance they would become weary and lose interest in their labor. Many are the rewards granted by God to the faithful Christians who produce their just tenths. He gives them fruits in greater abundance, health of body, pardon for sins, paradise everlasting. But if men fail in these Christian duties, their lot will be hunger and poverty; the Lord will reduce them to a tenth part of their possessions; he will consent that tempests come upon the earth and the land be forsaken by its rulers.

Besides these general divisions, there are many interesting miscellaneous provisions in this first Partida.

The questions of heresy and excommunication are discussed.

In the discussion about the building and consecration of churches we learn that they should not be built in a high, strong place with the result that the city might be lost through man's eagerness to obtain strongholds for defense. Neither should churches be located in places as the result of dreams, for it seems that in the past men had been known to improve local trade by deceitfully discovering relics and
having visions with a local setting that would lead folks to town in pilgrimage.

Cemeteries, also, are mentioned. The name “cementario”, cemetery, comes, according to Alfonso, from “ceniza”, ash, as a cemetery is a place where bodies turn to ashes. Cemeteries were to be exclusive to the extent that Moor, Jew, heretic, and public usurer could not be buried there, neither those who wilfully died in mortal sin, robbers or murderers, or those who died fighting in tourneys. This latter provision is a reflection of the weakness of feudalism in Spain. There were four reasons why cemeteries should be located near the churches: first, just as the Christian belief turns to God, so should Christian sepulchers be near his house; second, that relatives coming to church might be reminded of those that had gone before and remember to pray for them; third, that they might also ask the Saints for their intercession; and finally, that the devils might not have such great power over the bodies of the deceased.

The clergy should keep the churches clean in order to show their love of God and to honor the Saints and in order that people would more willingly attend services.

Two short laws imply that all was not well in the matter of pilgrimages.

"Pilgrims should act with devotion, not going trading along the road."

"We command that the pilgrims that come to Santiago go and come safe and sound through the whole extent of our kingdom. We command that no one be so bold as to change the just weights and measures on them."

SECOND PARTIDA

The second Partida deals with “emperors, kings and other great lords.” It is divided into seven main divisions which treat of the king’s position in life, “how the king should be,” the king’s household, the duties of the people, the nobles, war and schools. It portrays society in general.

Alfonso believes the king to be God’s representative on earth, put there for the fulfillment of justice. “It is fitting that a man should be ruler so as to destroy discord among men, to make jueros and laws, to break down the proud and evil-doers and to protect the Faith.”

There are many qualifications necessary to be a king. First, the king should love and fear God. Then we are told how the king should be in his thoughts, how he should not be covetous. According to Alfonso, it is with the thought, pensamiento, that man weighs, pesa, all things.
Having explained how the king should be in relation to God and in regard to his thoughts, Alfonso explains how he should be in his speech. "The use of many words makes common the one who says them and also a loud voice." The king should not say words so briefly and quickly that they may not be understood by those who hear them. The king should guard against saying improper words. He should not speak in great praise of himself or in flattery of others. Neither should he speak ill of his superiors — God, the Saints, even of the lords of the earth. "To speak ill of the Saints is very great madness, for men have them as mediators between themselves and God; and wherefore those who do revile them are like those who spit against heaven and it falls upon their faces."

In his works a king should conduct himself with propriety. He should be temperate in his eating and drinking. Again, eating and drinking must be done in a correct manner, and this is a thing in which men have difficulty because of the great greediness which is in them. The king should eat and drink at a proper time, neither too early nor too late. He should not eat unless hungry and only of those things that do not harm his understanding. One of the noble qualities which a king should possess is the ability to rule himself.

This same propriety should be found in the king also as he walks about, when he stands, when he sits, when he rides, when he lies down, when he speaks. It is not fitting that the king should walk very rapidly, nor in an aimless manner, mucho de vagar. He should not remain standing for a long time except when in Church or for some other thing that may not be excused. He should not sit long in one place, but neither should he move restlessly about. When he rises he should not stop bent over. When the king lies in his bed he should not lie curled up or crosswise, as do some who do not know where their head and feet really belong. Especially should the king see to it that he looks well when he speaks and that he does not move his head and hands about greatly. The king should express himself completely in words and not use signs. Similarly should the king dress properly, for by their clothing are men judged as noble or of low estate.

The king should be more slow to anger than others, for wrath makes one’s body tremble, causes one to lose his understanding, change color and expression, grow old before his time and die before his days are really done. Not only for the sake of avoiding present physical damage to his body should the king avoid wrath, but also because from it are born sadness and long thoughts, which are two things that greatly harm health and understanding.
In order to take comfort from his troubles and cares, the king should listen to songs and the sound of instruments; he should play chess; he should hear stories and ballads. His use of games should be as a means of losing care, not a means of gain.

In order to gain the love of God, the king should possess faith, hope and charity; in order to live aright in this world, wisdom, temperance, fortitude and justice. He should be as zealous as possible in learning to read and in all manner of other knowledge. He should work to know men, He should be gracious and generous. He should be skilled in arms and hunting as that lessens thoughts and wrath, gives health, and makes one eat and sleep well.

The king's household is next discussed. In his marriage, the king should see to it that his wife is of good lineage, is beautiful, of good habits, and rich. When the king shall have obtained a wife that possesses all these qualities, then should he thank God greatly for it.

This royal book of etiquette next discusses the proper way to educate the king's children. The first thing that the tutors should make the youths learn is to eat and drink with cleanliness and propriety. The youths are not to put in their mouths a second mouthful until the first is gone. They must not take the mouthful with all five fingers or they will make it too big, and also what they are eating will come out of their mouths when they wish to speak. They should not eat so quickly that they cannot masticate thoroughly. The tutors should make the royal children wash their hands before eating so that they will be clean of the things previously touched. Again, they should wash after eating so that their faces and eyes may be clean. The boys should not speak much while eating, neither should they sing. When addressed, they should not listen with open mouths; when walking they should not lift their feet far from the ground, but then, neither should they go dragging them. As the sons grow older, they should be taught to read, to write, not to covet, to be happy, to know men, to ride, hunt and play. The daughters should learn good customs and to read. They should also be skillful in doing the fancy work that pertains to noble ladies, for that is a thing that is very suitable for them, as by it they receive joy and are accordingly more quiet. Also it turns them from evil thoughts.

After a short discussion of the other members of the king's household and court, the chaplain, chancellor, counselors, notaries, scribes, and doctors, Alfonso turns to the consideration of the duties of the people to God, to their king and to their land. Man's duty to God lies in loving and fearing him. Similarly, the king is to be loved and feared and, in addition, guarded and honored. No one is to dare to sit with
his back turned to the king; neither, when the king is seated, and one is
standing, should he lean over and whisper in the king’s ear.

The king must be guarded in his children, in his officials, in his
court and in those who come there, in his castles and fortresses. He
must be protected from his enemies. The matter of guarding the king
and his children seems to be largely a question of maintaining the law-
ful inheritance of the oldest son. Even at this point the religious ques-
tion intervenes. The eldest son should rule as he was the one chosen of
God for that purpose. Was it not a sign of the favor of God that he
was the one to be first born? Alfonso says that in olden times fathers
commonly had pity on the other children and did not wish that the
eldest son should have everything, but that each one should have his
part. With all that, the wise men and those of understanding, with
regard for the common welfare and realizing that such division would
mean destruction, have decreed that only the eldest son should inherit
the rule of the kingdom.

Guarding the king in his courtly honor is done by maintaining
peace and security about the king’s person. If some disturbance should
arise in the vicinity of the king, some harm might come to him. The
punishment for such breaking of the peace varies in proportion to its
distance from the person of the king. In the event of such disturbance,
all are required by law to come immediately in aid, just as they would
do if fire were burning the city.

To defend one’s king by holding one of his castles was apparently
a matter fraught with very great danger in the thirteenth century,
since to lose the castle meant to have become a traitor and to have one’s
whole line defamed forever. It also seems to have been difficult to get
rid of a castle once having been so unwary as to have assumed that re-
sponsibility. The Partidas state just how a lord should guard a castle,
even to the matter of its provisioning. There must be plenty of meat in
the castle for “meat is a thing without which men cannot live. There
must also be water, bread and fish; neither should they forget the salt,
oil, vegetables, coal and wood, for without these things, even if they
have meat, they cannot derive full benefit from it.”

It is most important to guard one’s king from his enemies, for in
guarding him, men guard their land and themselves. Even the aged
may not be excused from this duty, for if too old for active service, they
can aid by their counsel. When the king goes to besiege a hostile castle
he has even greater need of protection and aid, and his followers must
come well supplied with arms and food. The commissary department
seems to have been a self-regulating affair. The Partidas then naively
state that “the Spanish were ever very clever in war and much practice
had they in deeds of arms.”
The people have duties to their land as well as to their God and king. These duties are twofold: to add to its extent and to add to its population. In the fulfillment of the second duty, Alfonso believed that his people should see that before marrying both parties should be well; beautiful if possible, or at least the woman; and that they loved each other well, "And this is a thing that conquers all other things."

The next division of the second Partida treats of the knights. They are called caballeros, knights, not because they go on caballos, horses, but just as those who do so ride, go in greater honor than those who are mounted on any other beast, so knights are those who are more honored than others.

The knights must be men of understanding and wisdom, strong and brave in order to terrify their enemies, gentle and humble in order to find favor with their companions. They must be skillful in wielding arms and shrewd so that with a few men they may conquer many. They must be loyal. They must be good judges of horses and armor.

In choosing a horse, a knight must look for three things. The horse must be of good color, of good heart, and have the proper members corresponding to these two things. It should come of good lineage. In order to be a success to his horse, there are three qualifications which the knight must possess: he must know how to maintain it in all its good characteristics; he must know how to turn it away from all evil customs; he must be able to cure it when ill. Armor should be chosen which is well made, strong and light.

The emphasis of the ceremony of knighting as described in the Partidas seems to be one on cleanliness. Similarly should a knight's clothes be clean. Detailed directions follow for the costume, its color and how it should be made. It seems that man's passion for color was not suppressed, for the Partidas suggest that bright colors bringing joy are the proper things for the young knight to wear. Yellows, greens and reds are suggested. In manner, knights are to preserve a proper dignity.

The diet for a knight at war is different from that of times of peace. For one thing, he seems to eat less, but his food is to be coarse and of a high calory content, so that he may eat little of it and it may do him much good. Also, in war-time, sleeping is to be made a bit uncomfortable so that the knight will be encouraged to sleep less. Beds are not to be too soft. When a knight is eating or whenever he cannot sleep, he should hear stories of great deeds of arms so that he may derive inspiration therefrom.

There are advantages in being a knight. For one thing, there is the honor involved. Then no knight can be tormented when brought to
justice, and if he must suffer a death penalty, it must be no ignoble death such as being dragged or hanged or put to shame, but he must be just beheaded or killed by hunger.

One of the most interesting sections of the Partidas deals with war. Waging war is regarded as quite justifiable, for even though obviously it is a means of destruction, if properly conducted, it leads to peace.

We are first told about waging war on land, the qualifications of the leaders, maintenance of military discipline, the standards to be borne, different ways of drawing up one's forces in battle, descriptions of all kinds of engines for waging war, how to move an army from place to place, and how to set up a camp.

Leaders should have two seemingly contradictory characteristics: they should be talkative; they should be silent. The first characteristic will enable them to talk with their armies, show them what they are to do, and encourage them. They should be silent so that their words may not lose their effectiveness; neither should they praise themselves much nor tell things in another way than that in which they really occurred.

Waging war on sea is a far more difficult matter than to do so on land, for one must not only know all the things that are needful there, but in addition he must know about the sea and the winds and how to furnish ships with all the necessary supplies. Moreover, in war on land, the only danger is from one's enemies, but on the sea, in addition to that danger, there is also peril from the water and the winds. There is another danger, too; for "he who falls from his horse can only fall to the ground and if he is armed he will not be hurt; but he who falls from the ship, perforce has to go to the very bottom of the sea and the more armor he wears, the more quickly does he descend and the more rapidly is he lost."

Ships are really much like horses. So one may compare the beneficent influence of spur and of sail upon speed. Then, just as that horse which is long and slender and well made is much lighter and swifter than the heavy, round one, so the ship that is made in this manner is swifter than the other. Boats should be well stocked with men, arms and food. They should carry salted meat and vegetables and cheese, for these are things that with a small amount will nourish many people.

Next there follows a discussion of war insurance. The comparative values assigned to the different parts of the anatomy are interesting. For a wound in the head that cannot be covered with the hair, you receive twelve maravedis. The loss of eye, nose, hand or foot is worth one hundred maravedis, while an ear will only bring forty. It seems to have been considered worse to have lost part of an arm or leg than the whole one, for the loss of an arm to the elbow or the loss of the leg to the knee
will bring one hundred and twenty maravedis. With fingers, a thumb is worth fifty maravedis, the second finger forty, the third thirty, the fourth twenty, and the little finger only ten. However, there are bargain rates obtainable: the loss of four fingers at once brings only eighty maravedis. Each of the four upper or lower front teeth is worth forty maravedis.

There is strict provision for the collection and disposal of the booty won in war, including an interesting account of the auctions held for its sale.

In the matter of military discipline, it seems to have been quite as severe to punish a horse as to punish his rider. In maintaining order, a leader may threaten his men, abuse them orally, or beat them or their horses with a stick or shaft of a lance. A man may of course also be put in prison or in the stocks, or made to ride on an ass, or be tied with a rope to the tail of some beast.

In speaking of captives, Alfonso says that men ought naturally to have pity on those of their law who are deprived of liberty, as that is the dearest thing that men may possess in this world.

The seventh and final section of the second Partida deals with the medieval schools. The basic unit was the estudio, a coming together of masters and pupils. There should be as many teachers in a school as there are subjects taught, so that each subject should have at least one professor. The salaries of the teachers are established by the king and paid at three fixed dates: as soon as work begins, at Easter and at the festival of St. John the Baptist. If a teacher is ill, he nevertheless receives pay for the whole year; if he dies during service, his heirs inherit the balance of his year's wages.

There are two kinds of schools, general and private. The private ones do not have many scholars and seem relatively unimportant. The general ones, under the patronage of King or Pope, are the ones discussed in detail. The curriculum consists of grammar, logic, rhetoric, arithmetic, geometry, astrology and law. The method of instruction is interesting. We are told that the teachers are to teach well and loyally, reading the books and explaining them as well as possible. They should finish the books begun before starting new ones. They should not let others do their reading for them.

The place where the school is to be located should be apart from the city, where the air is good, and in a beautiful locality so that the masters and scholars may live in health and may receive pleasure of an afternoon when they rise awearied from their study. The place should be well provided with bread and wine and good inns in which students may dwell and pass their time without great cost. Estudios should be
located near each other so that a student may take several courses and so that teachers may consult each other in times of doubt.

A rector is in charge of the student body. It is his duty to chastise and reward. Also his task it is to see that the students do not go abroad nights, but remain quietly in their inns studying, learning and leading an honest and good life. Schools are established for that purpose and not so that students may run around day and night armed and fighting or doing other madness or evil to their own harm and the annoyance of the places in which they live.

The final examinations for the master's license are finally described. Students must be of good reputation and manners. They must give before their teachers some lessons from the books of that subject in which they wish to begin their teaching. If they have good understanding of the text and the explanation thereof, present a good appearance, and have a ready tongue in their demonstrations and in answering the questions which the masters ask them, they receive their license. Only they must first swear to well and loyally teach their subject and that neither have they given nor promised to give anything to those having it in their power to give them the license.

With this faintly pessimistic note the second Partida ends.

THIRD PARTIDA

One of the things for which the kings and the other lords who represent God on earth should strive most is to maintain the world in justice, counteracting the evilness of men. So great is the evil of mankind and so many kinds are there that if Justice did not intervene good men could neither live in peace nor obtain their just dues.

The third Partida, then, is to treat of Justice. It discusses judges and lawyers; gives the correct wording for a legal summons; discusses courts of law, the conduct of trials, kinds of proof admissible; provides for the execution of sentences and for appeals. It treats of legal documents and scribes and tells just what things men may possess.

A lawyer is called a bozero because it is by means of his voice, boces, that he exercises his profession.

Not everyone may be a lawyer even though the qualifications stressed seem to be physical rather than mental ones. One who is under seventeen years of age or deaf or mad may not exercise this profession; nor may one who is blind in both eyes and who therefore could not see the judge and render him due respect. Finally, no woman may be a lawyer. It is not a proper or honorable thing for women to enter man's profession and to be publicly dealing with men. Once there was a woman called California who was clever and so shameless that she annoyed the
judges with her words, and they could do nothing with her. When women lose their modesty, it is a difficult matter, *fuerte cosa*, to hear them and contend with them. In general, one should be on guard against lawyers, for many times it happens that with the great enjoyment that they take from winning the suits, they have no regard either for God or their souls.

A good judge should earn a suitable reward, enjoy a good reputation and be loved and honored by king and people. Not only should men honor and trust him, but from God as well he should expect a reward in this world and the next for the good that he may do. The judge should never disclose in his face the movement of his heart. Many come weeping before judges, but although they should have pity on them they should not be so light of heart as to weep with them.

The form of a legal summons is given. "Before you, sir ———, judge of such a place, I, such a man, complain to you about ———, who owes me ——— maravedis which I loaned to him; wherefore, I beg of you that you sentence him to give them to me."

No woman of good repute is to be personally summoned to court. If a judge should wish to ask any questions of such a one in order to know the truth, he should go to her house or send some scribe to question her and write down whatever she may say.

Court should be held in a certain designated place. The judges should be seated there daily from early in the morning until midday, save on the days when it is forbidden to hold court—holy days, national holidays and the two months devoted to harvesting the crops. Judges should not go off and hide though they may withdraw to treat of important matters so that the people will not bother them. It is bad form to give gifts to judges; neither should you whisper in their ears.

Trials are to be conducted by means of questions and answers. The questions should be of such a nature that they pertain to the matter under discussion, and they are to be stated definitely and in few words, not containing many considerations in one. This is so the defendant may understand them and answer with some certainty.

Letters, witnesses, and combats serve as methods of proof. Only that proof should be admitted that pertains to the cause in question. The judge should not allow the parties to spend their time vainly proving things that do not avail even when proved. Alfonso disapproves of trial by combat as a method of proof, saying that wise men believe it poor for two reasons: first, because many times it happens in such battles that the truth loses and the wrong wins; second, because he who wishes to try such a method of proof, seems to will to tempt the Lord.

There is a regular method of procedure for taking down all statements offered by witnesses. The judge, witness and court stenographer
go off together; the scribe takes down the statements made, and they are read back to the witness to see if he will stand by his story. The office of scribe, by the way, must have been a bit difficult, for he had to write in full and not with abbreviations.

When sentence is to be given, it should be done by day, and all parties should be summoned to court. The judge should first have the sentence written in the minutes. Then he himself should read it publicly, if he knows how to read, being seated in that place where he is wont to hear the suits. The sentence should be so worded that it may be understood without any doubt. If the judge does not know how to read, another may read the sentence but in the judge's presence.

There is a possibility of appeal through taking matters to higher courts or through asking the king's mercy. If by chance those against whom judgment has been passed should prove rebellious, so that they might even wish to appeal to force, then should the judges collect armed men and each carry out his sentences—a lamentably weak provision for law enforcement.

The correct and proper wording for all kinds of legal documents is given in this Partida. A bill of sale may serve as an example. "May all who see this letter, know how ——— sells to ——— such a horse, which is of such a color, and he puts him in possession of it, giving it to him by the ear or by the rein, with all the blemishes and evil ways which the horse had at that season in which it was sold, naming them all to him as well the ones that appeared without as the others that he might have within. This sale took place at the price of so many maravedis which he had received. And above all the seller promised the purchaser to protect and defend this horse that he sold him, in court and out of court, from every man who might move suit upon it. Also the purchaser received it in this manner and bought the horse for such as it was, saying that the seller should not be held to answer from then on for any defect that the horse might have within or without, whether or no it should appear. He promised that never would he bring suit for him to return the price that he had given him nor because the horse was not worth as much as it was sold for."

The third Partida ends with an interesting discussion of the things to which men may fairly claim ownership. They may possess those things which commonly belong to all creatures, the air, the rain, the sea and its shore. Each man may make use of the ports, rivers and roads and of the fountains and squares of cities. Men may possess wild animals and fish as soon as they catch them. Possession seems to have included control as well. If a stag, for example, is wounded and others come and take it, it must belong to them, for even though wounded, many things might
have happened to prevent its final capture. Similarly, if a swarm of bees, necessarily wild animals, should settle on the tree of a man, that swarm is not his until he may have shut it up in a hive or some other thing. One may lose ownership of peacocks and pheasants if they wander from home, as they are wild animals, but he may not lose his straying hens and capons. If a man writes a book on another’s parchment, it belongs to the latter, and if he wants his book, he must pay for the parchment. Often in processions, servants throw away money of gold and silver. They do this to show the nobility of their lord, their joy at his coming and also so his carriage may more easily pass through the throngs. In such cases the money belongs to the ones who first get possession of it. If one building should fall over on another when no complaint had been previously made about its evil state, its owner does not have to settle for damages, but he must either carry off all the rubbish at his own expense, or he must leave it all for the advantage of the one who received the damage.

**FOURTH PARTIDA**

Marked honor did our Lord God confer upon man over all the other creatures created by him. He made him in his image and gave him understanding. He gave him the other creatures to do him service. He created woman to be his companion.

As the sacrament of matrimony is the mainstay of the world, making men live an ordered and sinless life, and as without it the other six sacraments could neither be maintained nor guarded, for that reason did Alfonso put it “in the midst of the seven parts of his book just as is put in the midst of the body the heart where is man’s spirit and from whence life goes to all his members.”

The fourth *Partida* does not deal entirely with family relationships, but treats of relationships based on loyalty, *i.e.*, feudalism, and on friendship as well.

In discussing family relationships, Alfonso mentions engagements, marriages, dowries and dependents.

One may become engaged at the age of seven, for that is the age of understanding. An engagement may be broken if one of the parties should take orders, or should go to another land and become lost for three years or more. Again, an engagement would be terminated if one should become a leper or deformed in some way or become blind or lose one’s nose or something worse; if the couple should become related by the marriage of other members of the family before their own marriage should have taken place; if both should agree to separate; if one should marry another. In spite of the absolute power of the father, the daughters may not be married without their own consent.
For actual marriage the man must be fourteen years of age and the woman twelve.

There are many reasons for the appropriateness of marriage. Among these Alfonso states the desirability of having children and of being sure that they are one's own, the desire to cut off enmity between families, the beauty of women or their wealth or family.

Not only is blood relationship a bar to marriage but also relationship by marriage. Alfonso includes two charts, two family trees showing who may and who may not marry. He does this as "the things that men see, more easily do they learn them than the others that they have to learn through hearing."

Concubines were allowed for "the wise men of old permitted some men to have them without temporal punishment, thinking it less evil for them to have one than many." Similarly, separation was allowed on the ground of incompatibility, for "it is good to turn away the greater danger by the lesser, and it is better to leave one's husband than to kill him."

The matter of dowries and gifts is an interesting one. A gift from the bridegroom, while given without condition, should be returned if the marriage is not consummated. If the bridegroom should die before his betrothed kissed him, the gift should be returned intact to his heirs, but if he had kissed her, only one half should go to the heirs. If it should happen that the bride gave a gift to her suitor, which is a thing which seldom occurs for "women are naturally covetous and greedy," and if she should die before their marriage, whether they have kissed or not, the gift should be returned to her heirs. The reason is this: "because the bride gives the kiss to the bridegroom and it is not understood that she receives it from him. Also, when the bridegroom received the kiss, he had pleasure therefrom and was happy and the bride was shamed."

Next follows a discussion of legal, illegitimate and adopted children, orphans and servants. The most notable feature is the extent of the power of the father. If he is hungry he may sell his children into slavery in order to have the wherewithal to eat. According to an old fuero of Spain, if he should be besieged in some castle of his lord, and so oppressed with hunger that he had nothing to eat, he may eat his own son with no damage to his reputation, and this he should do rather than surrender the castle.

In concluding a discussion of slavery Alfonso sums up existing classes of society. "The nobles are honored and judged in another manner than those of lesser estate, and the clergy than the laymen, the legitimate children than the illegitimate, and the Christians than the Moors and Jews. Also of better condition is man than woman in many
things and in many manners." There seems not to have existed perfect equality of justice in thirteenth century Spain.

The emphasis on feudalism in the Partidas is weak, as feudalism itself was weak in Spain. However, this Partida does offer some few details, the formula by which a vassal freed himself of his lord, the method of exiling vassals, and the oath of allegiance to a lord. The first is the most interesting of these. "I take leave of you and kiss your hand and from now on I am no vassal of yours." We here seem to have one case where ceremony was definite and to the point.

The fourth Partida ends with a brief mention of the bond of friendship and the relationship it brings to man.

FIFTH PARTIDA

The fifth Partida treats of matters of trade. It mentions loans, sales, purchases, exchange. High pressure methods of salesmanship are frowned upon for Alfonso says, that force should not be used to make anyone sell his property or buy, should he not wish to do so. Merchants, fairs and markets are mentioned, as well as the duties traders pay for the privilege of transporting their wares.

Merchants should be protected by the lands in which they travel. A gift of gratitude is really due them, as for the very reason of their travel the country is more rich and abundantly populated.

When merchants travel on ships the masters should see that their boats are well protected and stocked with all necessary things such as sails and masts, ropes, anchors and oars. Moreover they should hire men who know how to guide the ships. They should take along a scribe to keep the accounts, writing in a notebook all the things that each one puts in the ship. The owners are required to supply the ships with arms and hardtack and all the other things that may be needed for their food as well as drinking water for themselves and the sailors. The merchants should make similar provisions.

There follows a section dealing with merchants' associations and the rules for the renting of houses.

One of the laws remarkable for its naiveté states that or and and are two words that are very different. It is quite different to say, "I promise to do this and this" than to say "I promise to do this or this."

SIXTH PARTIDA

The sixth Partida treats of wills and inheritances. We are told how wills are made, the number of witnesses necessary for a good will, how property should be divided among the lawful heirs, for what reasons an heir may be disinherited and the care that should be taken of orphans.
“Wills are one of the things of the world in which most should men show wisdom, for after they have made them, if they die, they may not return to correct them.”

Often to accept an inheritance was a dangerous responsibility, for along with a man’s property one inherited his debts. For that reason the heirs were given a period of time in which to investigate the financial condition of the deceased and to consider whether or not they cared to be heirs.

Again, people often begged to be excused from acting as guardians for orphans. They might claim exemption if they already had five live children; whether legitimate or illegitimate was immaterial. If one child had died in battle in the service of God and king, it could be counted as though alive. Exemption could also be claimed if one were employed on the king's business; or if he were a knight; or over seventy years of age or under twenty-five; if he already had three orphans; if he were poor or sick; or even if he didn’t know how to read or write and were so simple that one might not trust him as a guardian; or if he were an enemy of the orphan’s late father.

Again, we have emphasized the danger of a pilgrim’s life. “At times pilgrims become sick when going on their pilgrimages. It has happened in some places that those in whose houses they were lodging, kept them maliciously from making a will, so that if they died they might inherit all those things they brought with them.”

SEVENTH PARTIDA

The final, and possibly the most interesting Partida, deals with criminal law. After discussing the fourteen kinds of treason and their proper punishment, whole sections are devoted to the topics of homicide, honor, robbery, property damage, deceit, prisons, torments and punishments. The Partida ends with a collection of short miscellaneous provisions.

In the matter of self-defense, one should not wait until the aggressor has struck the first blow, for perchance that blow would kill him and once dead there is no redress.

Some men pretend to be more wise than they really are. Especially is this true of physicians and surgeons. It happens at times that because they are not so wise as they claim to be, some of the patients die through their fault. Wherefore, Alfonso decreed that if some physician should prescribe so potent and inappropriate a medicine that his patient died, he is to be exiled in some island for five years, and forbidden to ever exercise his profession again. Of course if he killed his patient wilfully he should die. Similarly, druggists should die if men die from drinking medicines concocted by them without prescription.
Killing off one's own family is an even more delicate matter, and the punishment was planned to be more severe. First, the perpetrator of such a deed was publicly whipped. Then he was put in a leather sack along with a dog and a cock and a snake and a monkey. The mouth of the sack was sewn together, and all were thrown into the nearest sea or river. One cannot help but feel that this method of procedure was a bit hard on the dog, the cock, the snake and the monkey.

Personal honor was defined and protected. One dishonors his fellow by hitting him with hand or foot, stick, stone, arms, or any other thing. Also man is dishonored if seized or if anything is taken from him by force and against his will. If a man in anger tears the clothing of another or forcefully despoils him of it, or knowingly spits in his face, or raises his hand with a stick or any other thing with which to strike him, even though he may not do it, his victim is dishonored.

Dishonor is also involved in the following situations. If two men dwell in two houses that are one above the other, and the one who dwells in the house above knowingly pours water or any other thing in it in order to cause annoyance and dishonor to his neighbor downstairs; similarly, if the one below should make in his house a fire of damp straw or of green wood or of any other thing, knowingly, with the intention of smoking up or of harming the man who lived upstairs; also if a man should give to another some book to illustrate or bind, and the latter, in order to dishonor its owner, should throw it before him in the street in the mud. At times, a knight was dishonored because of cowardice in war. In that case his chief should order that some dishonor be inflicted upon him in guise of chastisement. Appropriate punishments were breaking his armor, or commanding that the tail of his horse be cut off!

There are four main kinds of serious dishonor. First is that when the offense is bad, *fuerte*, in itself, such as wounding so that the blood comes or beating or striking with hand or foot. Second, we have the offense depending upon the particular part of the body injured or the occasion in which the affront took place. For example, it is very bad to hit one's eye or face, or to insult one in the presence of a crowd. Third, the dishonor may depend on the respective persons involved. For example, again, a son should not dishonor his father or a vassal his lord. Fourth, there is the kind of dishonor perpetrated by songs and rhymes.

Under the general discussion of robbery we read, "When a man takes into his home buffoons that they may entertain him there, if they rob him of anything or do any harm to him, the dishonor should be borne as his and the rogues should not be punished." This is because the fault was that of the man who knowingly received such disreputable people into his house. Every man should suspect that jesters who make use of
gambling and the like are necessarily thieves and men of evil life and he who keeps company with them does so at his own risk.

In the section treating of damage done to property, mention is made of the harm which men and beasts do. So holes or ditches or other traps for capturing wild beasts should be placed in deserted places and not in the roads along which men often pass. If anyone should act otherwise and some man or gentle beast should fall into the trap, he must pay damages.

The physician or surgeon must pay damages for the harm that may come to another through his fault, or if he begins to treat some man or beast and afterwards forsakes him.

He who builds a fire on a windy day near straw or wood or in any other similar place must pay damages for any harm arising from his carelessness.

If one keeps in his house a pet lion or bear or wolf or serpent or any other beast that is wild by nature, he should guard it and hold it prisoner so that it may do no harm, for if it does escape the owner is liable for double damages.

At times men throw from the houses in which they live out into the street, water or eggs or other similar things and even if those who throw them do not do so with evil intentions, still if it happens that they harm the clothing of others, they must pay double damages. If by chance the thing thrown should kill someone, he who lives in the house is to be fined fifty maravedis of gold, half going to the heirs and half to the king's treasury.

At times innkeepers and other men hang before their doors certain signs so that their houses may accordingly be better known, such as a likeness of a horse or a lion or a dog. And because those signs are hung over the streets through which men pass, Alfonso commanded that they should be hung with chains of iron so that they might not fall or do harm.

Barbers should shave men and cut their hair in places apart and not in the square or in the streets through which people pass. This is so they may not by any chance harm their victims. If someone should knowingly push the barber while he had in his hands some man shaving him, or should hit his hands or anything else so the barber should for that reason kill or wound that man he was shaving, he whose fault it was is required to make amends for the damage. If by chance the man who was doing the shaving was to blame, being intoxicated while working, or bleeding someone when he did not know how to do it properly, then should he be punished according to the will of the judge.

In discussing the question of deceit, Alfonso says that man could not tell the number of ways in which men deceive each other. He mentions
the deceits of retailers who mingle with the things they sell other similar
but inferior substances. Then some men try to pretend that they possess
something, taking sacks or purses or chests that are closed and filled with
sand or rock or some other similar substance but which have on top,
serving as a sample, coins of gold or silver. Entrusting them to the
sacristy of some church or leaving them in the house of some good man,
they make believe that it is a treasure they leave with them. With this
deciet they borrow money, making it understood that payment will be
made from what has been deposited as security. When they cannot
deceive men in this way, they go to those to whom they entrusted the
chests, and when they receive them, they open them and complain about
them saying that the evil deceit which they themselves had performed is
the work of those that they had trusted.

There is also deceit in games as shown by those who use loaded dice.
Again, people often wilfully stir up trouble at fairs in order to be able
to steal at ease in the resultant confusion.

Fortune tellers also seem to be deceitful people. Men naturally long
to divine the things which are to come, but Alfonso believes this to be
an evil wish involving a desire to assume one of the powers of God.
There are two manners of such prophecy. The first is that which is done
through the art of astronomy, which is one of the seven liberal arts. This,
according to law, is not forbidden to the use of those who are masters
therein and really understand it, because the judgments so deduced are
prescribed by the natural course of the planets and the other stars and
were taken from the books of Ptolemy and the other wise men who
worked in this science. Those who are not skilled in it should not have
any part in it. The second manner is that of the readers of auguries and
those who tell fortunes with cards. Again there are the wizards who draw
their prophecies from birds or sneezes or words; or who cast lots; or
take readings in the water or crystal balls or a mirror or some other
shining thing; or soothsay using the skull of a dead man or of a beast,
or the palm of a child or woman or virgin. And because they are harm-
ful and deceitful men and from their deeds are born many great evils in
the land, such rascals, said Alfonso, "shall not dwell in our land."

Necromancy is a strange science intended for the enchanting of evil
spirits. From the men who labor in it comes very great harm in the
land, especially to those who believe in them and accordingly ask them
things; for this reason is it forbidden. Often those who believe in necro-
mancers die or become mad or lose their memories because of the fright
they receive wandering at night in search of weird things in strange
places. Also it is forbidden that men make images of wax or metal or
any other charms in order to make men enamored of women or in order
to break the affection existing between them. Again is it forbidden to
give herbs or any drink to any man or woman as a love potion, for it
happens at times that from these beverages men die, and that those who
take them get many very great sicknesses therefrom.

After discussing the status of Moor, Jew and heretic, Alphonso passes
to an interesting discussion of the prisons of the time. Prisoners should
be guarded with great surety, more carefully at night than during the
day. At night they should be guarded by putting them in chains and
closing the doors of the prison very well. The head jailer should each
night lock on the chains and shut the door with his own hand and guard
the keys very carefully, leaving lighted candles within and men to watch
the prisoners all night so that they cannot file their way out of the
prisons in which they lie nor can they escape in any other manner. As
soon as day comes and the sun has risen the doors of the prison should
be opened so that the prisoners may see the light. If anyone comes who
wishes to talk with them, they should be brought out one by one, but those
who have them in their keeping should always be present.

The chief jailer should give an account once each month, stating the
names of his prisoners, the reason why they are in prison, and how long
they have been there.

No criminal suit may last more than two years.

As men often seek to do evil to each other through their dislike of
one another, sometimes prison guards give to their prisoners bad food
and drink and poisons. The prison should be for the keeping of prisoners,
not to harm or punish them, for it is more than enough to be a prisoner
and, when judged, receive the punishment you deserve according to the
order of the laws. A casual reference later implies again that there were
two kinds of prisons, those for punishment and those for the keeping of
the prisoners until such time as sentence might be passed.

Men were frequently tormented in the thirteenth century to facilitate
ready confessions. The manners of torment allowed by the Partidas are
two in number: whipping, and hanging by the arms while weights were
fastened to the back and legs. No one could be put to torment who was
under fourteen years of age, nor any knight or master of laws or other
science, nor the king's counselors, nor their sons. The judge should
attend the tormenting in person, as well as the one who was to carry out
the sentence at his command and the scribe who was to note the state-
ments of the ones to be tormented. The torment should be given in a
place apart, the judge himself questioning in this way: "You, ------, do
you know anything about the death of ------? Now, say what you know
and do not fear that they will do anything to you save what is right," a bit
discouraging under the circumstances. He should not ask him if he did
the killing nor should he ask anyone else to so question him, for that
would only be encouraging lying. After the torment was over the victim
was returned to prison and upon recuperation was again summoned.
"——, you know how they put you to torment and you know what
you said when they tormented you; now, when no one is tormenting
you, say the truth." While the principle of having the culprit confirm
his statement, when not in torment, before it might have value was
possibly theoretically sound, still repudiation of it would have been in
bad taste, as the victim could be tormented again two times in two days
if he denied his first confession.

If any judge should torment some man in any other way than that
mentioned in the Partidas or if he maliciously put to torment some person-
al enemy or any one in return for a fair price, if the victim should die or
lose any member through the wounds, the judge that commanded the
torment should receive another such penalty as that which he had ordered
given. There is no indication, however, as to what happened if the
victim did not die or lose some member but was merely made highly
uncomfortable.

The last main section of the seventh Partida deals with punish-
ments. First, man should not be punished for any evil thought which
he may have in his heart, but only for those actually carried into execu-
tion. There follows a list of seven different manners of lawful punish-
ment. It is interesting to note at this point the effect of this attempt at
uniting different legal systems, for punishments stated as proper in
other parts of the Partidas are not included in this list or are banned
altogether. Of the different manners mentioned, the first is death or loss
of some member; the second, to be in irons forever, digging in the king's
mines or working some other labors of the crown or serving others who
are so working; the third, permanent exile with loss of property; fourth,
being cast into irons so that one may ever remain in them or in a prison,
and not in such a prison as the one given to a free man either; fifth,
permanent exile without loss of property; sixth, damaging one's reputa-
tion, or depriving one of some office; seventh, beating or wounding pub-
licly, putting one to shame in the stocks, stripping one and making him
be in the sun, anointed with honey so the flies might eat him some hour
of the day.

The punishments that may not be given are marking the face, brand-
ing it, cutting off the ears or taking out the eyes. The reason given for
this prohibition is that man's face was made in the likeness of the Lord's
and so should not be marred. In the matter of the death penalty, a head
may be cut off with sword or knife, but a man may not be killed by
being burned, hanged, or thrown to the wild beasts. Neither may he be stoned, crucified, nor thrown over a cliff.

The *Partidas* end with a series of short miscellaneous provisions such as the following:

All judges should aid liberty.

He who does a thing that he does not know how to do or that is not suited to him is in great fault.

No one should grow rich at the harm of another.

He who is once proven evil is always held as such until he proves the contrary.

Laws should not be made on matters that seldom occur.

**CONCLUSION**

It is in the implications of this last law that much of the value of the *Partidas* lies, for their two thousand or so pages quite thoroughly cover the life of the time. They show the religious spirit that motivated men, the things they believed and thought were just, their political, judicial, commercial and social organization. They also throw curious little side-lights on intimate, personal details of private life. Civilized in its Roman organization, Christian in its spirit, this code of law reveals a certain primitive, superstitious fear and general ingenuousness of spirit. The *Partidas* present a living picture of the Spain of the thirteenth century, and not the least of their charm lies in the quaintness, directness, and naïveté of their wording.

*Madaline W. Nichols.*

DOMINICAN COLLEGE,
SAN RAFAEL, CALIFORNIA.