

The Landed Property of the Spanish Church During the Ancien Régime

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The concept of property during the *Ancien Régime* is difficult to define due to its confusing and disarraying character. This confusion is increased especially in some regions like Galicia or Catalonia where landed property was conceived as the sum of various partial and concurrent rights. However, during the *Ancien Régime* there was a simplification of these kinds of rights, which integrated the concept of property. Then, during the eighteenth century, there are only two kinds of rights: The *directus*, which authorised the right to collect a rent or stipendium, and the *utile*, which was attributed to peasants¹.

The concept of church property is also confusing, because it usually includes not only the goods related to church institutions, but also the clergy's own goods and goods from charity institutions (hospitals, hospices, pious deeds, orphans etc.), whose rents almost completely benefited secular people and military orders. These were joined by the crown during the period of the Catholic Monarchs.

In the following pages I am going to describe the formation and evolution of the Spanish church's landed property, concluding with some words referring to attacks on such property and the decline in this property.

1. Over-View and Historiographical Assessment.

During the *Ancien Régime* the Spanish church became one of the

¹ Concerning this matter I accept the conceptual definitions that B. Clavero, *Mayorazgo. Propiedad feudal en Castilla, 1360-1836*, (Madrid 1974) uses in his written work; and also the studies by R. Villares, *La propiedad de la tierra en Galicia, 1500-1936*, (Madrid 1982), pp. 9-12; P. Vilar, *Catalunya dins l'Espanya Moderna*, III, (Madrid 1964), pp. 551-554; etc.

biggest landlords in the country and some authors consider that half of the country's rents were in its hands; others lessen this proportion by up to 15 per cent, though it was still a sizeable amount when we consider that the clergy made up only 1.5 per cent of the population. By all standards, the Church of this period seemed to be an opulent institution, whose wealth and power continued to increase, despite the difficulties in assessing it.

Very little is known about the size of church property, its origins and development. It has been almost thirty years since Domínguez Ortiz complained about the lack of bibliography in relation to church goods and rents, complaining about the insufficiency of scientific rigour in the opinions about the subject². A political bias had coloured the written works published until then as a result of which they lacked impartiality and a rigorous and documented reasoning and sought only to justify attitudes and behaviour.

The debate about church property began in the sixteenth century, but it spread at the end of the eighteenth century and in the first decades of the nineteenth century. On the one hand we may point to those who criticised church wealth, demanding some kind of government intervention, either to slow down its progressive increase such as the idealists and enlightened reformers, or to seize and to sell church lands as was upheld by the liberals.

Among enlightened thinkers was Rodríguez Campomanes, who was one of the most learned and reasonable on the basis of his opinions³. Of all of them Jovellanos is perhaps the most well known, who thought that church wealth was against civil economy and claimed that church properties should be returned to the people through a kind of contract, the so-called emphyteusis⁴. Among liberal writers we may

² A. Domínguez Ortiz, *La sociedad española en el siglo XVII, II. El estamento eclesiástico*, (Madrid 1963), p. 129.

³ Rodríguez de Campomanes make references in some of his written works to church goods, though the most systematic and important is *Tratado de la regalía de amortización* ..., (Madrid 1765, reimp. Madrid 1975).

⁴ "Informe de la Sociedad Económica de Madrid al Real y Supremo Consejo de Castilla en el expediente de la Ley Agraria", (Madrid 1775): *Obras de don Gaspar Melchor de Jovellanos*, III (= BAE, 50), (Madrid 1952), pp. 101-103. About its elaboration and edition see G. Anes Álvarez, *Economía e Ilustración*, (Barcelona 1969), pp. 97-132.

mention Ros⁵, Sempere and Guarinos⁶, Bernabeu, the Valenciano canonist, so called 'the lonely one of Alicante'⁷, Martínez Marina⁸ and Canga Argüelles⁹ although most of their written works try to defend their political opinions resulting from the religious and policy debate which took place at that time. We ought to point out some data from Canga Argüelles and also the ideas from Martínez Marina, whose book, *Teoría de las Cortes*, became a kind of breviary to reformers at that period of time¹⁰.

On the other hand there were the reactionaries who were equally well known. Their written works are a passionate defence in favour of the *Ancien Régime*, taking their arguments from the holy Bible, church doctrine and tradition. Their written works are a sequence of references. Through them, they try to demonstrate the sacred character of church goods which explained its immunity to civil laws. Among the most important of these were Friar Vélez¹¹, whom Ferdinand VII rewarded with an archbishop's seat¹²; Alvarado, nicknamed 'the rancid philosopher'¹³

⁵ *Historia de las rentas de la Iglesia de España, desde su fundación hasta el siglo presente*, (Madrid 1793).

⁶ *Historia de las rentas eclesiásticas de España*, Madrid 1822.

⁷ *Juicio histórico canónico-político de la autoridad de las naciones en los bienes eclesiásticos ...*, (Alicante 1813).

⁸ *Teoría de las Cortes o grandes juntas nacionales (...). Monumentos de su constitución política y de la soberanía del pueblo ...*, (Madrid 1913).

⁹ *Diccionario de Hacienda*, (Madrid 1826-1827, reimpr. Madrid 1968).

¹⁰ "El primero de todos los medios directos -says Martínez Marina- que reclama la razón, la justicia y el orden de la sociedad es moderar la riqueza del clero en beneficio de la agricultura; poner en circulación todas las propiedades afectas al estado eclesiástico y acumuladas en Iglesias y monasterios contra el voto general de la nación; restituirlas a los pueblos y familias, de cuyo dominio fueron arrancadas por el despotismo, por la seducción, por la ignorancia y por la falta de piedad". *Teoría de las Cortes*, I, c. 13.

¹¹ *Apología del Altar y el Trono, o historia de las reformas hechas en España en tiempos de las llamadas Cortes, e impugnación de algunas doctrinas publicadas en la Constitución, diarios, ...*, (Cádiz 1818).

¹² He was appointed bishop of Ceuta on 14 April in 1818, and was promoted to the archbishopric of Burgos in 1824, having gone to Santiago de Compostela that year. Cfr. Archivo Segreto Vaticano (= ASV), Arch. Concist., Acta Camerarii, vols. 51, f. 274, and 54, ff. 272 and 342.

¹³ *Cartas que escribió el Rmo. P. Maestro Francisco Alvarado del orden de predicadores, o sea, El Filósofo Rancio ...*, (Madrid 1824-1825). These are 46 letters which appeared between May in 1811 and March in 1813. They were reedited in Madrid between 1824 and 1825 in four tomes. In letters 38 and subsequent ones he challenges what was written by the Solitario de Alicante about church goods.

¹⁴ *El dominio sagrado de la Iglesia en sus bienes temporales*, (Cádiz 1813), reedited and completed in Salamanca between 1820-1823.

and Iguanzo Rivero¹⁴, rewarded by the bishopric of Zamora and, three years later the archbishopric of Toledo¹⁵. We should also mention the *Instrucción pastoral de los obispos refugiados en Mallorca*¹⁶, whose essential object was the defence of church property. This property was at that time in great peril because of the threat from Cadiz Courts. Expropriation did not end this debate. Thus all of them continued to publish their own works and to give their opinions. In 1840 Balmes wrote a pamphlet about church property: 'property is not amortizable, nor expropriated, nor commutable, nor dividable, because the greediness of monks and fanaticism of citizens want it, but for other more important reasons'¹⁷. This problem crossed over the borders during the nineteenth century. But still during the first part of the twentieth century, studies on church property continued to be viewed as a matter of importance¹⁸.

Nevertheless during the second half of the nineteenth century a better knowledge of the nature of church property was gained through writers whose works were based on the history of law and which set out to define the character of church property in relation to its origin, expropriation rights and exemption on the basis of church taxation¹⁹.

At the end of the nineteenth century the bibliography concerning the economic history of the regular clergy in the medieval age was the first to be renewed. The work of García Cortazar about the monastery of San Millán de la Cogolla is considered a break with old stereotypes

¹⁵ Appointed as bishop of Zamora on 26 September in 1814, promoted to the archbishopric of Toledo in 1824, having been appointed cardinal on 20 December in 1824. Cfr. ASV, Arch. Concist., Acta Camerarii, vols. 51, f. 55, and 54, f. 304.

¹⁶ *Instrucción pastoral de los ilustrísimos obispos de Lérida, Tortosa, Barcelona, Urgel, Teruel y Pamplona al clero y pueblo de sus diócesis*, (Palma de Mallorca 12 diciembre 1812). The *Instrucción* is divided into four chapters and the third one (*La Iglesia atropellada en su inmunidad*, pp. 92-164) defends economic immunity, affirming that the purpose of reforms was the destruction of the Church, taking away its goods and properties.

¹⁷ *Observaciones sociales, políticas y económicas sobre los bienes del clero*, (Vich 1840).

¹⁸ I. Goma y Tomás, *Por la justicia. Los bienes de la iglesia*, (Barcelona 1932).

¹⁹ Among them we can cite the written works by G. de Azcárate, *Ensayo sobre la historia del derecho de la propiedad y su estado actual en Europa*, (Madrid 1880); F. de Cárdenas, *Ensayo sobre la historia de la propiedad territorial en España*, (Madrid 1873-1876); M. Colmeiro, *Historia de la Economía Política en España*, (Madrid 1863); J. Martín Carramolino, *La Iglesia española económicamente considerada*, (Madrid 1850); etc.

²⁰ *El dominio del monasterio de San Millán de la Cogolla (siglos X-XIII). Introducción a la Castilla altomedieval*, (Salamanca 1974).

and it contemplates monastic property as the unit of an agricultural estate²⁰.

This way of thinking was taken up by other historians like Riu²¹ and Moreta Velayos²², who devised a model of analysis referring to the farming of medieval monastic estates. Their method has been adopted by quite a lot of authors and it has given rise to the view of the monastic economy as one of the best known aspects of the ecclesiastical economy²³, besides the Episcopal committee²⁴ and cathedral chapters²⁵. On the other hand, due to the difficulties in undertaking general studies - not only geographical ones related to divisions between diocese²⁶, province, county and parish, but institutional ones like mitres, cathedral chapters, monasteries and convents, chaplain districts, simple benefits, confraternities - there are

²⁰ "Esquema metodològic per l'estudi d'un monestir": *I Coloqui d'Historia del monaquisme català*, I, Santes Creus 1967, pp. 309-323; and "Aspectes socioeconòmics de la història monàstica": *II Coloqui d'Historia del monaquisme català*, I, (Abadía de Poblet 1972), pp. 27-50.

²² *Rentas monásticas en Castilla: problemas de método*, (Salamanca 1974).

²³ A. L. López Martín, *La economía de las órdenes religiosas en el Antiguo Régimen. Sus propiedades y rentas en el reino de Sevilla*, (Sevilla 1992), offers abundant bibliographical information about these works.

²⁴ Among so many written works published by M. Barrio Gozalo on the economy of Spanish bishops we may mention the following: "Perfil socio-económico de una élite de poder. Los obispos del reino de Galicia, 1600-1840", *Antibològica Annuua*, 32 (Roma, 1985), pp. 58-107; "Los obispos de Castilla la Nueva y Extremadura, 1600-1840", *Ibid.*, 33 (1986), pp. 220-302; "Los obispos de Andalucía, 1600-1840", *Ibid.*, 34 (1987), pp. 84-188; "Los obispos de Pamplona, 1556-1834", *Ibid.*, 38 (1991), pp. 79-106; "Los obispos de Cartagena-Murcia, 1556-1834", *Ibid.*, 39 (1992), pp. 141-166; "Los obispos del reino de Aragón, 1556-1834", *Ibid.*, 43 (1996), pp. 177-211; "La economía de las mitras catalanas en la segunda mitad del siglo XVIII y su relación con el conjunto español", *Pedralbes*, 8-II (1988), pp. 447-457; "La economía de los obispos en la España del Antiguo Régimen (1556-1834)": *Fra Spazio e Tempo. Studi in onore di Luigi De Rosa, I: Dal Medioevo al Seicento*, a cura de I. Zilli, (Napoli 1995), pp. 33-57; and *Los obispos de Castilla y León durante el Antiguo Régimen. Estudio socio-económico*, (Valladolid 2000).

²⁵ Among them we cite the studies by J. A. Fernández Flórez, *El patrimonio del Cabildo catedralicio de León en la segunda mitad del siglo XV*, (Valladolid 1985); L. C. García Figuerola, *La economía del Cabildo salmantino del siglo XVIII*, (Salamanca 1989); I. López Celada, *Evolución de las rentas del Cabildo de la Catedral de Toledo en el último cuarto del siglo XVI*, Toledo 1982; J. M. Latorre Ciria, *Economía y Religión: Las rentas de la Catedral de Huesca y su distribución social (Siglos XVI-XVII)*, (Zaragoza 1992); etc.

²⁶ M. Barrio Gozalo, *Estudio socio-económico de la Iglesia de Segovia en el siglo XVIII*, (Segovia 1982).

²⁷ "El patrimonio eclesiástico": *Diccionario de Historia Eclesiástica de España*, III, (Madrid 1973), pp. 1890-1899.

fewer global works about the church's landed property, in spite of the progress in recent years. Therefore it is quite impossible to give a complete account of this property nowadays. It is certainly true that Aldea²⁷, Domínguez Ortiz²⁸ and especially Bernal and López Martínez²⁹ have addressed the problem of the ecclesiastical economy in a global way. Thus a total assessment of church property could be provided, though these authors' works are only an approach to this subject, as a consequence of the limited and fragmented nature of the sources used by them. Finally, the book by the collective Group '75, through the items of the Ensenada's registry, offers a general appraisal of the church estates in Castile in the middle of the eighteenth century³⁰, although we should bear in mind that the cadastre often shows the holders of *utile* land rights and not the holders of *directus* land rights. If we consider that church institutions, especially in some regions like Galicia, were usually holders of *directus* land rights, church property remains hidden to a large extent and this could lead us to underestimate its real size.

If this happens regarding Castile, the situation is even worse in the case of the Kingdom of Aragon. For Catalonia and Galicia there is still a lack of information about the size and distribution of the clergy's property, as was collected by the Group '75 for Castile. On Valencia, studies will soon offer an approximate evaluation of the size of clergy property without taking into consideration the problems of veracity that documentary sources could pose, such as the cadastre in Catalonia³¹, the visits to Valencia, the confluence of different rights like those in the

²⁷ "Patrimonio y rentas de la Iglesia": M. Artola (dir.), *Enciclopedia de Historia de España*, III, (Madrid 1988), pp. 72-126.

²⁸ "Las rentas de la Iglesia en el Antiguo Régimen": *Iglesia, Sociedad y Estado en España, Francia e Italia (ss. XVIII al XX)*, (Alicante 1992), pp. 15-40.

²⁹ Grupo '75, *La economía del antiguo Régimen. La Renta Nacional de la Corona de Castilla*, (Madrid 1977), pp. 189-203.

³⁰ A. Segura i Mas, "El cadastre. La seva historia (1715-1845) i la seva importancia com a font documental", *Estudis d'Historia Agrària*, 4 (1983), pp. 129-143. In the first note information about the studies considered for the cadastre.

³¹ Concerning the problems about the emphyteusis in Catalonia see the written work by E. Serra i Puig, "Notes sobre els orígens i l'evolució de l'enfiteusis a Catalunya", *Estudis d'Historia Agrària*, 7 (1987), pp. 127-138, which besides contains the basic bibliography about the matter.

emphiteusis contract³², which was typical in the Principality and in other parts of Aragon and in Galicia with the *foros*. Here, it is more difficult to obtain fairly reliable results; only in an exceptional case like that of Cervera in 1744-1745, has it been possible to overcome those obstacles³³.

Due to such limitations, it would be better to consult alternative sources and through them to try and build up a picture of church property. In this respect we should mention *los libros becerros, cabreos, apeos*, etc. (all of them kept in the capitulars, diocesan, monastic and parish files), and also the inventories related to property and rents from monasteries and convents in 1809 and 1820, which give some quite detailed information, not only about real estate but about debts and collecting rights authorising the restoration of ecclesiastical property, from a local and institutional perspective.

Finally, the documentation on expropriation gives us a picture of ecclesiastical property, albeit a static one. Further study is necessary to place it in a dynamic context, that is, considering factors such as the frequency and evolution of donations, collection strategies and their relation to the economic situation and investment alternatives.

2. The Church's Landed Property

All the church land held at the end of the *Ancien Régime* was the result of donations from monarchs, nobility, clergymen and citizens; purchases had no importance and took place later on.

The essential origin of ecclesiastical properties dates from the Reconquest with the donations of lands and the granting of jurisdiction to the church as a reward for its contribution to the crusades undertaken by the monarchs. After the Reconquest, the church continued to maintain properties through the donations of worshippers. During the following centuries, monasteries and convents, bishops and cathedral chapters, parishes and other ecclesiastic institutions continued adding more lands

³² E. Tello, "Propietat agrària i percepció de rendes. El paper de l'endeutament en la distribució de les terres (Cervera 1744-45)", *Estudis d'Història Agrària*, 6 (1986), pp. 57-99.

³³ *Novísima Recopilación*, libro I, tít. 5, ley 1, where the former dispositions are taken up from the *Fuero Real* (libro I, tít. 2, ley 5) and from the *Fuero Juzgo* (libro V, tít. 1, ley 1).

which derived from donation or purchase. The worshippers left their properties to the church, for religious or material reasons, for the purpose of building convents, foundations, chantries and charitable institutions.

Once they had been handed over to the church, these properties were ruled by their own laws, placing them in a special situation since they remained under the control of ecclesiastical institutions for good. They were under the protection of civil law which decreed that 'all things which belonged to or were given to the church by monarchs or christian worshippers, were to be kept under the church's control'³⁴ and established 'that they cannot be taken away nor subdued, nor leased'³⁵. Ecclesiastical law was strict and forbade the sale of ecclesiastical land, unless for a very serious motive. On March 1468 Paul II published the famous *Ambitosae* constitution, which renewed the ancient prescriptions about the subject, extending the restriction on the sale of property and punishing the offenders. The Council of Trent did not modify anything in relation to sales. Successive popes tried to apply strictly the letter of Paul II's constitution. Urban III quelled disorder among the Council and reaffirmed the *Ambitosae* constitution through the Congregation resolution of the Council on 7 September in 1624; as a result of this resolution all apostolic privileges, which had been given to the Regulars to sell ecclesiastical estate, were revoked. At the same time they were told they could not sell ecclesiastical property without a due licence given by the Congregation of the Council. This regulation was in force until the second half of the nineteenth century, when Pius IX published *The Apostolicae Sedis* constitution (1869), which declared the plenum effects of Paul II's Constitution and introduced opportune modifications³⁶.

³³ *Ibid.*, ley 5, which contain the dispositions of Henry II (Toro, 1371) and the Catholic Monarchs (Toledo, 1480).

³⁴ Referring to the matter see the work by M. Cabrerós Anta, "La enajenación de los bienes eclesiásticos": *El patrimonio eclesiástico*, (Salamanca 1950), pp. 155-163.

³⁵ In many dioceses of the Crown of Aragon the foundation of benefits continued during the early modern age, as we can see from the licences requested in the Kingdom of Valencia and in Catalonia to amortize property in the works by P. Fatjo, "El beneficio personado: Un instrumento de promoción entre el clero secular en el siglo XVII", *Analecta Sacra Tarraconensia*, 67/1 (1994), pp. 325-342; and J. M. Marqués, "Fundadores de beneficios en el obispado de Gerona (ss. XII-XVIII)", *Anthologica Annua*, 36 (1989), pp. 493-507.

At the beginning of the sixteenth century most of the secular clergy's real estate (the Episcopal and Capitular committee, donations of minor benefits) and the most ancient monastic foundations seem to have been established in Castile, but not in Aragon where the foundation of ecclesiastical benefits continued³⁷. In the sixteenth and seventeenth centuries ecclesiastical property increased, especially the foundation and maintenance of a large number of monasteries and convents³⁸, chaplain districts³⁹, confraternities, charitable institutions and various charity-related legacies. In the first half of the eighteenth century they continued to increase, according to the words of the attorney of the Treasury Council in 1765⁴⁰.

But what about the extent of ecclesiastical property? We cannot measure it with our present knowledge. In the middle of the eighteenth century the attorney of the Treasury Council, Carrasco, argued that the clergy held one sixth of Spanish lands (16.7%)⁴¹; towards the beginning of the nineteenth century Canga Argüelles declared that *mortmain* owned 16.5 per cent of arable land, while Ignacio Rivero reduces this proportion by 5 per cent. Carrasco's figures are nearer to the data of Ensenada's cadastre, which the latter used and increased with the intention of implementing the law on amortization. But the figures from Canga Argüelles and Iguanzo are, by

³⁸ Of 3189 convents and monasteries of both sexes registered in the census of 1787, more than half were founded between the second half of the sixteenth and first half of the seventeenth century.

³⁹ M. González Ruiz, "Las capellanías españolas en su perspectiva histórica": *El patrimonio eclesiástico*, pp. 413-441. On page 433 he states that "la manía de fundar capellanías llegaba a tal punto, que en las Cortes de Madrid de 1593 se quejaron a Felipe II de que algunos obispos obligaban a los ordenandos a que convirtieran su patrimonio en capellanías eclesiásticas, de lo que resultaba que aquellos bienes eran arrebatados a la familia, y a la muerte del clérigo quedaban en la Iglesia". Philip II forbade the abuse, but it continued to grow, until the time of Vicente Lafuente (*Historia eclesiástica de España*, V, p. 419) who said that there were more than two hundred thousand chaplain districts and simples benefits in the Spanish church at that time.

⁴⁰ At the *Suplemento a la respuesta dada por el fiscal de Hacienda sobre que se ponga límite a la adquisición de manos muertas*, Madrid 16 noviembre de 1765. (A copy at ASV, Arch. Nunz. Madrid, vol. 170, nº 6). The attorney indicates "la baja de los censos y juros (...) ha dado lugar a que las manos muertas, en lugar de imponer censos, se hayan aplicado mucho a comprar en este siglo con preferencia las tierras de raíz, aumentando desmedidamente las labranzas de los regulares".

⁴¹ *Ibid.*

default or from excess, the result of a different position of the Cadiz Courts concerning the problem of ecclesiastical amortization.

Before the drawing up of Ensenada's cadastre, there was not enough quantitative data of the location of landed property in Castile. The cadastre was undertaken at a propitious moment, when mechanisms and government land agents had a fixed structure. It was also a new epoch⁴² in the middle of the eighteenth century, but only the 22 provinces of Castile. Aragon and Navarre did not have such an institution, though there is no real reason to believe that the latter kingdoms behaved in a different way.

The documents contained in the cadastre describe church property, differentiating between property held by the Church as an institution (*beneficial ecclesiastic*) and that held by the clergy personally (*patrimonial ecclesiastic*). Allowing for a margin of error, it tells us the size of church property from a local or provincial viewpoint, leaving out fallow or uncultivated land⁴³ and therefore, the total amount under cultivation. It also gives some information about the net profits earned by the peasants who actually farmed the land belonging to the church and the surplus earned by ecclesiastics from their lands in the form of rent⁴⁴.

In the 22 provinces of the Crown of Castile, the Church was the landlord of 14.7 per cent of land, taking into account registered property (see table 1). Most of this land (12.3 %) belonged to *beneficial ecclesiastic*, for that owned specifically by ecclesiastics was a small percentage (2.4%).

The geographical distribution of ecclesiastical property, according to data contained in the cadastre, show important regional differences. Few properties were held by the church in Galicia (5.8 %) where more properties were owned by ecclesiastics as specific owners. This pattern applies even more in Murcia, although in both cases ecclesiastical property was not

⁴² R. Mata Olmo, *Pequeña y gran propiedad agraria en la Depresión del Guadalquivir*, I, (Madrid 1987), p. 197.

⁴³ For the Kingdoms of Galicia and Murcia, and the provinces of Avila, Burgos, Madrid and Zamora we only have information about utilised lands, that is, arable land, pastures, mountains and grasslands.

⁴⁴ Some of their data at a provincial level has been published by A. Matilla Tascón, *La única contribución y el Catastro de Ensenada*, (Madrid 1947), pp. 185-529.

⁴⁵ For more information, see Grupo '75, *La renta nacional ...*, pp. 190-196.

priced. On the contrary, church holdings were more numerous than specific holdings in southern Spain, especially in Extremadura (21.5 %), made up mainly of grassland, and in Andalusia (18 %). The number of ecclesiastical properties in the Kingdom of Seville was the highest, where ecclesiastical property accounted for 20.1 per cent of registered land. In the northern sub-plateau of the country the number was smaller, except for the region of Leon (15.1 %), though we ought to specify that while there were few properties in the depressed mountainous region of Asturias and Leon, percentages in other regions like Valladolid - a region specialized in vine-growing - were higher (19.1%)⁴⁵.

This is what we know from the cadastre, but it is possible to be more precise. Data contained in the cadastre show that the Church had few properties in Galicia (5.8 %); while García Lombardero⁴⁶ and others say that ecclesiastics from Galicia owned up to 52 per cent of cultivated land (*directus* rights) which were mostly sublet to those who later came to be known as *señores medianeros*; these in turn sublet them to peasants. The explanation for this great difference is that the cadastre did not register those sublet lands under the name of the owner of *directus* rights, but those who let property by *usufruct*. The same situation is found in other

**TABLE 1 - Distribution of ecclesiastical property in Castile
in the middle of the eighteenth century (In %).**

Region	Beneficial	Patrimonial	Total Amount
Andalusia	15.4	2.6	18.0
Castile 'the New'	14.9	2.0	16.9
Castile 'the Ancient'	12.3	1.9	14.2
Extremadura	19.0	2.5	21.5
Galicia	2.2	3.6	5.8
Leon	14.1	1.7	15.8
Murcia	3.9	8.5	12.4
Total Amount	12.3	2.4	14.7

⁴⁵ "Hacia una historia económica de las nacionalidades. Datos para el estudio de la estructura del poder económico del clero gallego en el siglo XVIII", *Hacienda Pública Española*, 38 (1976), pp. 102-103.

⁴⁶ P. Saavedra y R. Villares, "Galicia en el Antiguo Régimen": R. Fernández (ed.), *España en el siglo XVIII*, (Barcelona 1985), pp. 474-475.

regions where ecclesiastical lands were given over as *foro* or *perpetual census*. Other authors, like Saavedra and Villares are more cautious and say that high yields from the 'effects and rents' of the Galician clergy should not lead us to deduce that they were a major landowner nor that 52 per cent of cultivated land belonged to them. In general, it can be said that, due to a system which allowed for the accumulation of rights on the same land, the land belonging to clergy was the most ancient and also the most vast⁴⁷. It is important to understand that, in almost all cases, the controls undertaken by ecclesiastics on their estates aimed to measure their rents, not to control the size of land, which was often unknown, as is borne out by *los libros forales* and *memoriales cobradores*, and as is confirmed later by expropriation. But even by using surveys and distribution means it is difficult to define the size of estates⁴⁸.

In Murcia the percentage of *beneficial* ecclesiastical property registered in the cadastre was also very low at 3.9 %, compared to the 8.5 % of *patrimonial* property, but Lemeunier says that church property greatly increased in Murcia in the first half of the eighteenth century, despite the sale of Jesuit properties. We know that in 1800 the Church held 10 per cent of cultivated land⁴⁹.

In Andalusia church lands accounted for 18 per cent (15.4 % *beneficial* and 2.6 % *patrimonial*) of the registered land area, the Kingdom of Seville having the highest percentage (20.1 %). Moreover, many of its lands were the richest because 53.8 per cent were located in the Guadalquivir valley (Cordoba and Seville)⁵⁰.

All authors agree that the nobility accumulated the most land in Low Andalusia, but they disagree as to the amount of church property. While Bernal, according to the *Libro del Mayor Hacendado*, considers it less significant compared to the property of the nobility⁵¹, others qualify this

⁴⁸ R. Villares, "Los prorratesos de tierras: su utilidad historiográfica": A. Eiras y Otros, *La Historia Social de Galicia en sus fuentes de protocolos*, (Santiago 1981), pp. 387 ss.

⁴⁹ G. Lemeunier, "El reino de Murcia en el siglo XVIII: realidad y contradicciones del crecimiento": R. Fernández (ed.), *España en el siglo XVIII*, (Barcelona 1985), p. 321.

⁵⁰ A. García Baquero, "Andalucía en el siglo XVIII": *Ibid.*, p. 364.

⁵¹ *La lucha por la tierra en la crisis del Antiguo Régimen*, I, (Madrid 1979), p. 307.

⁵² A. López Ontiveros, "La propiedad de la tierra Bética en el tránsito del Antiguo al Nuevo Régimen": *La propiedad de la tierra*, (Alicante 1981), pp. 116-117.

statement. López Ontiveros believes that in 1786 ecclesiastical land in Seville consisted of about 86,717 hectares, which would mean 29.6 per cent of cultivated land. Such property was fundamentally located in the vale, the open county and around Aljarafe, but not in the Morena mountain range, nor in the Marismas, so at the time just before the expropriation of Mendizábal (1836), church property in five Seville towns (Alcalá de Guadaira, Carmona, Ecija, Marchena and Utrera) consisted of 41,881 hectares, about 58 per cent⁵². Here, as in the rest of the country, church lands were the most fertile. For example, in Carmona ecclesiastical lands accounted for 44 per cent of land, and they were usually located in the plains and were large estates⁵³.

A similar picture applies to the district of Cordoba, especially in its southern part, where 31.7 per cent of the district's church lands were situated. Moreover church lands were located in the best part of open country and most consisted of homesteads, as we can see from the data⁵⁴:

Quality	Hectares	%
Homesteads	30,604	89.7
Grasslands	750	2.2
Real estate	860	2.5
Irrigated lands	545	1.6
Olive trees	1,083	3.2
Seeded lands	273	0.8
Total Amount	34,115	100.0

On the contrary, on the unproductive lands of Low Andalusia, Huelva, the presence of ecclesiastical property was quite weak, since the Church owned only 9,230 hectares, although they were mainly located in the most fertile district of the Onubense county⁵⁵.

⁵² J. Cruz Villalón, *Dinámica de la estructura agraria de Carmona (Sevilla). Siglos XVIII-XIX*. Tesis doctoral de la Facultad de Filosofía y Letras de la Universidad de Sevilla. Inédita., p. 140.

⁵⁴ J. M. Moya, "La desamortización de Godoy en Córdoba y su término": *Andalucía Contemporánea (siglos XIX-XX)*. *Actas del I Congreso de Historia de Andalucía*, Córdoba 1976, p. 174.

⁵⁵ M. L. Capelo García, *Contribución a la problemática de la desamortización eclesiástica en la provincia de Huelva (1836-1844)*, (Huelva 1980), pp. 49 ss.

⁵⁶ J. M. Donezar, *Riqueza y propiedad en la Castilla del Antiguo Régimen. La provincia de Toledo en el siglo XVIII*, (Madrid 1984), pp. 378-379.

Finally, in the province of Toledo, the amount of ecclesiastical property registered in the cadastre was 396,194 hectares, which represented 25.6 per cent of total registered land. The land was divided up into 112,626 parcels. In this table they do not appear to be too fruitful, since their yields were only three points higher⁵⁶:

Landlord	Extent (%)	Yields (%)
Beneficial	21.0	23.5
Patrimonial	3.0	4.3
Military Orders	1.6	0.8
Total Amount	25.6	28.6

In the territories of the Crown of Aragon, we do not have any source like the cadastre of Ensenada, which gives us approximately the quantity of ecclesiastical property. Moreover the legal contract of emphyteusis, as the main way of farming the soil, complicates the situation further because land rights were shared with the landlord, the holder of *directus* rights, while *utile* rights⁵⁷ were held by the emphyteuticary. However, with the bench-mark data at hand, we could say that in Aragon⁵⁸ and Catalonia⁵⁹ the extent of church land was similar or slightly higher than

⁵⁷ J. Romero, "La propiedad de la tierra y su dinámica evolutiva en el XIX valenciano": *La propiedad de la tierra en España*, (Alicante 1981), pp. 89-90.

⁵⁸ The studies by G. Colas, "La vida económica: la agricultura": *Historia de Aragón*, VII, Zaragoza 1988, pp. 54-72, and by G. Pérez Sarrión, "Crecimiento sin desarrollo e integración del Mercado. El sector agrario aragonés en el siglo XVIII": *Estructuras agrarias y reformismo ilustrado en la España del siglo XVIII*, (Madrid 1989), p. 238, show that there is no general study about the social distribution of the land in Aragon, and they only tell us that the Church had large properties on the Kingdom's plains. However, A. Peiro, *Regadío, transformaciones económicas y capitalismo. La tierra en Zaragoza, 1766-1849*, (Zaragoza 1988), pp. 42-43, is more specific and states that 30 per cent of the 10,884 hectares of cultivated land in Zaragoza was under church control in 1806.

⁵⁹ More bibliographical information by P. Fatjó, "Las haciendas eclesiásticas en la Catalunya del XVIII": *Església i societat a la Catalunya del s. XVIII*, I, (Cervera 1990), pp. 130-132.

⁶⁰ In the Archivo de la Corona de Aragón (= ACA), Consejo de Aragón, legs. 690-693, there is some information about amortizations in the Kingdom of Valencia from the year 1598 until the year 1700 for the purpose of obtaining ecclesiastical benefits, a memo of mass, etc; and in the Archivo Histórico Nacional (= ANH), Consejos, libro 2031, there is a *Registro de los derechos de amortización en los reinos de Valencia y Mallorca. Años 1738-1826*.

in Castile, although in Valencia and Majorca amortization devices kept the expansion of ecclesiastical property under control during the sixteenth and seventeenth centuries⁶⁰. In Majorca, rural property belonging to the Church seems to have accounted for only one per cent of the island's total area⁶¹, but in Valencia in the course of the eighteenth century a large number of purchases and amortizations were made, which Gregorio Mayans justified because 'the right to amortize does not take place in this Kingdom with the proper controls, but improper ones, because it is against the political thinking of the legislator'⁶².

An example of this behaviour can be seen in the parish of Salvador of Burriana which during the second half of the seventeenth century purchased more than 434 hectares of land. This was especially irrigated land for the purpose of maintaining and increasing rent levels which were being threatened by the credit crisis and the inflation process in the eighteenth century⁶³. Something similar was taking place in Santa Maria de Elche, where in the first half of the eighteenth century the clergy purchased land of the best quality (irrigated lands), near the town, and in the last few decades of the century they made investments in *baciendas* y *bancales* of dry farm land, so the clergy of Santa Maria became one of the main landlords of Elche⁶⁴. These and other similar processes slightly increased the amount of amortized land. Thus in the vast countryside of Valencia, around 1828, ecclesiastical property still accounted for 24.4 per cent of cultivated land⁶⁵.

⁶⁰ J. Ferragut, "La desamortización de Mendizábal en Mallorca (1836-1846)", *Boletín de la Cámara Oficial de Comercio, Industria y Navegación de Palma*, 684-685 (1974).

⁶² Gregorio Mayans informs Miguel Nava, in August of 1765, about the weaknesses in the amortization law and gives an example: "Lo que se adquiere sin tener privilegio de amortización debe confirmarse y, sin embargo de esto, las iglesias adquieren bienes raíces y en las visitas los manifiestan, pagan el derecho del sello y se quedan con ellos, o piden facultad al rey y se les concede si es comunidad poderosa que puede gastar. Cfr. A. Mestre, *Ilustración y reforma de la Iglesia*, (Valencia 1966), p. 495.

⁶³ M. V. Barrera Aymerich, "El proceso de penetración de grupos rentistas en la tierra: el clero de Burriana durante la segunda mitad del siglo XVIII", *Estudis*, 14 (1988), pp. 83-102.

⁶⁴ P. Ruiz Torres, *Señores y propietarios. Cambio social en el sur del País Valenciano, 1650-1850*, (Valencia 1981), pp. 318-322.

⁶⁵ J. L. Hernández Marco y J. Romero González, *Feudalidad, burguesía y campesinado en la buelta de Valencia*, (Valencia 1980), pp. 55-56.

Using the data by Canga Argüelles about the ownership of cultivated land for the first years of the nineteenth century, we can conclude that the Church held 19 per cent of cultivated land in Castile and Aragon (see table 2), although the notable differences between the figures in some provinces and regions according to the data of the cadastre are curious⁶⁶.

TABLE 2. Distribution of ecclesiastic property at the beginning of the nineteenth century.	
Region	Extent %
The Crown of Castile	18,4
- Andalusia	8,1
- Castile 'the New'	17,3
- Castile 'the Ancient'	6,6
- Extremadura	34,2
- Galicia	52,5
- León	12,8
- Murcia	16,8
The Crown of Aragon	21,4
- Aragon	20,9
- Catalonia	27,1
- Valencia	13,5
Total Amount	19,0

But which ecclesiastical institutions benefited from this property? All of them, although on an unequal scale. For example, in the province of Toledo, the property belonging to *beneficial ecclesiastic* amounted to 326,944 hectares, and it could be divided into three almost equal parts: one third for the secular clergy, one third for the regular clergy and one third for the maintenance of buildings and other charity institutions (see table 3)⁶⁷. This pattern, with a few differences, is repeated in Segovia, Seville and Valladolid.

3. Ways of Farming and Profits.

The analysis of the distribution of gross agricultural yields shows that

⁶⁶ *Diario de las Cortes de Cádiz*, VI, p. 469.

⁶⁷ J. M. Donezar, *Riqueza y propiedad* ..., pp. 320-371.

TABLE 3 - Distribution of ecclesiastical property in the province of Toledo in the middle of the eighteenth century

Landlord	Hectares	%
Secular Clergy:	107,894	33.0
- Episcopal Committee	6,104	1.9
- Cathedral Chapter Committee	18,504	5.7
- Parish Benefits	5,057	1.5
- Simple Benefits	5,417	1.7
- Clergy Chapters	4,974	1.5
- Chaplain districts	67,838	20.7
Regular Clergy:	109,269	33.6
- Monastic	53,255	16.3
- Monks	22,313	7.0
- Nuns	33,190	10.1
Buildings and Charity Foundations:	109,781	33.6
- The Cathedral Church Building	11,870	3.7
- Building of parish Churches	22,313	6.8
- Hermitage and Sacelum Buildings	9,227	2.8
- Residences	17,407	5.3
- Confraternities	10,846	3.3
- Hospitals	17,480	5.3
- Mass Memories	18,068	5.6
- Charitable Institutions	2,570	0.8
Total Amount	326,944	100.0

the Church of Castile, though holding just 14.7 per cent of total registered land, earned 24.1 per cent of agricultural profits :

Landlord	% of yields
Laymen	75.9
Beneficial Ecclesiastic	19.4
Patrimonial Ecclesiastic	4.7

Due to the lack of correlation between the extension of land and yields, we have to conclude that church lands were better cultivated and more profitable. This is borne out by all the evidence we have, such as the data contained in the cadastre; the Church gained during the long process of property collecting, either from donations or from purchasing the best

parcels and lands located near towns, some of which were irrigated and which had long been fruitful.

All in all, the documents in the cadastre reveal that almost all lands belonging to the Church of Castile (95.6%) yielded profits since they were cultivated or they were used as grasslands; while 74.3% of those belonging to laymen were profitable. But, considering the distribution of arable land, pastures and woodland, we can deduce that most of the profitable land owned by the Church was under cultivation while there was a small extent of grasslands and pastures⁶⁸.

Thus, we might argue that not only was church land located in the best farming areas, but that the Church chose the best soil, so this meant a higher level of production. Church lands were almost totally cultivated and there were fewer grasslands and wooded areas except in Extremadura. Vast areas were used for vines, vegetables and fruit-farming which yielded a high price in town markets.

Ecclesiastics used two methods for farming their properties: *directus* cultivation and *utile* cultivation by their tenants. *Directus* cultivation was a common practice among monasteries and convents and among those who owned a benefice or a chaplain district. Nevertheless, most of the land was assigned through different kinds of contract: a perpetual assignment or for a long period of time, like the *foro* or emphyteusis; an assignment for a small period of time, between four and ten years long, like the lease; and finally a contract of variable duration. In Galicia the *foro* prevailed, in Catalonia emphyteusis and in Andalusia time-leasing. By way of example, I shall mention the diocese of Segovia in the eighteenth century, where ecclesiastical institutions cultivated only 26.5 per cent of their properties directly, while the other 73.5 per cent was assigned to towns or peasants as a census or as a lease⁶⁹.

Finally, we should specify that of the gross agricultural profits earned by church property, only about 42.5 per cent was collected by ecclesiastics.

⁶⁸ For example, in the Kingdom of Seville 80 per cent of ecclesiastical lands were under cultivation, while laymen have possessed only 60 per cent. Cf. Archivo General de Simancas (= AGS), Dirección General de Rentas, leg. 1977.

⁶⁹ M. Barrio Gozalo, *Estudio socio-económico ...*, pp. 82-83.

The other 57.5 per cent was under tenant control or invested in production costs⁷⁰:

Breakdown of costs	% of the fruit
Farming Expenses	16.4
Tenants' profits	41.1
Ecclesiastics' profits	42.5

With these data at hand, it is certainly true that during the second half of the eighteenth century so many ecclesiastics were interested in agricultural theory and practice and tried to spread knowledge among peasants and to stimulate the development of agriculture. This also explains why laymen were envious of the Church's privileged status as a landlord, and why they sought to become owners of such lands, supposing it was possible to acquire them from *mort manus*.

There was a coincidence between the laymen's interest in the sale of church properties, the Crown's policy to lessen ecclesiastical amortization, and the efforts of the royal treasury to collect revenue for the purpose of paying-off the deficit budget and to amortize public debt. This gave rise to the expropriation process at the end of the eighteenth century, which was interrupted in certain periods, but which was carried out vigorously from 1835.

4. The Attacks against Ecclesiastical Property.

The growing tendency to expropriate church property, especially in rural areas, began to be criticised, generally speaking, in the sixteenth and seventeenth centuries. In Castile the agents of the Courts criticised ecclesiastical amortization, arguing that new expropriations hampered economic development and the rise of new generations and that the rate of new offenders was increasing.

The Courts of Valladolid in 1523 complained against ecclesiastical amortizations, and similar complaints followed in Toledo in 1525 and in Madrid in 1528, when it was argued that through purchases "by the

⁷⁰ Grupo '75, *La renta nacional* ..., p. 198.

Church and monasteries, and donations and orders, in a few years the best land of the Kingdom could be theirs⁷¹. Before the Courts of Madrid in 1598 a *Memorial sobre el acrecentamiento de la labranza y crianza* was submitted, which insisted on the harm caused to tenants in these Kingdoms due to properties being amortized by the Church, sometimes in an unlawful way. Since a lot of people who do not want to pay royal taxes send their sons or relatives to become ecclesiastics thereafter, they simulate a sale of their inheritance for the purpose of defrauding the royal public treasury and harming the rest of the tax payers⁷². Something similar happened at the consultation of the Council on 29th July 1649, for 'many secular persons let their properties come under church control or become churchmen themselves to convert them into chaplain districts for the sake of defrauding your royal rights and becoming a burden and oppressive for the poor⁷³.

Although the Courts continued to complain, the King did not take a fundamental resolution concerning this matter. The Courts of Madrid in 1638, who gave a donation of 24 millions of ducats to be paid over six years to the King, stipulated as condition for receiving this sum, that no new church foundations would be authorised during these years. However it appears that the monarch did not carry it out, because in 1650, on applying for a new donation, the Courts stipulated the same condition.

The problem of church amortization continued to worsen, but in 1677 the Council of Castile declared that regarding goods purchased by the Church, nothing could be carried out without its consent, but that sometimes the King could stipulate about new purchases, although the Council avoided any pronouncement over this matter, because it thought that first of all it was important to ascertain the nature and distribution of goods and then to carry out some reforms⁷⁴. At the consultations in 1681 and 1691 the Council just reiterated its opinion of 1677, and in 1703 when the Council of Aragon was asked about this matter, it argued that

⁷¹ *Actas de las Cortes de Castilla*, IV, p. 379.

⁷² *Ibid.*, XVI, p. 472.

⁷³ AHN, Consejos, leg. 7234.

⁷⁴ *Nueva Recopilación*, libro I, tít. 5, ley 14.

it was not possible to forbid the Church to carry out new amortizations, because such deals were not against the laws of the Kingdom⁷⁵.

In the eighteenth century not only was church property criticised, but its very existence was challenged, and enlightened thinkers proclaimed a return to a church with fewer earthly goods. Underlying such thinking were various motives like economic and social ones for the purpose of fighting against inequality and privileges, and also tax issues concerning the Church's real estate, taking into consideration royal policy to restore to the King the rights over those goods as a consequence of his sovereign rights.

In the first half of the eighteenth century this problem was much debated, because 'friars have been seizing the best properties'⁷⁶, due to decreasing yields. Ecclesiastical amortization was discussed on different occasions by the Councils of Castile, Aragon and Indies. It had been discussed during the previous negotiations of the concordat in 1717⁷⁷, and was included in the concordat of 1737⁷⁸, which in its 8th article stipulated that all goods purchased by the Church were to be subject to the same royal taxes paid by laymen⁷⁹.

However ecclesiastics soon complained about this article. Cathedral chapters played an important role in organising opposition against its application due to its harshness regarding ecclesiastical property⁸⁰. As a consequence of the difficulties in carrying out what had been decided, partly through church opposition and partly for other reasons, Philip V promulgated an instruction in 1745 telling the Council of Treasury to order its tax collectors 'that churches, charitable institutions and ecclesiastical communities should be assisted in making their new purchases, according to the agreement with Rome'⁸¹. But time elapsed

⁷⁵ P. Iguanzo Ribero, *El dominio sagrado de la Iglesia ...*, p. 123.

⁷⁶ AGS, Estado, leg. 6096: Grimaldi a Tanucci. San Ildefonso 25 septiembre 1764, where it is said "en el Consejo se está tratando ahora de los medios para evitar que los bienes raíces entren en poder de manos muertas y no dudo que resulte providencia favorable".

⁷⁷ J. Fernández Alonso, "Un periodo en las relaciones entre Felipe V y la Santa Sede (1709-1714)", *Anthologica Annua*, 3 (1955), pp. 71-78.

⁷⁸ See text by A. Mercati, *Raccolta di concordati tra la autorità civile e la Santa Sede*, I, (Città del Vaticano 1954), p. 324.

⁷⁹ *Novísima Recopilación*, libro I, tít. 5, ley 14.

⁸⁰ F. Cárdenas, *Ensayo sobre la historia de la propiedad territorial*, (Madrid 1875), p. 397.

⁸¹ *Novísima Recopilación*, libro I, tít. 5, ley 14.

and nothing was carried out, according to Charles III after the instruction in 1760⁸². Comptrollers were ordered to inventory the goods purchased by ecclesiastics from 26 September 1737, but ecclesiastical institutions refused to co-operate and the agreement was not carried out again.

In 1764 the problem of amortization was discussed again. On 1 June, the attorney for the Treasury Council, Francisco Carrasco, asked the King about a petition requesting the Council of Castile to study the possibility of imposing a lawful restriction on the purchase of property by clergy and also about the need of sending the Pope the proper apostolic epistle⁸³, in the case of an affirmative decision.

The origins of the bill were explained by the papal envoy in Madrid with some interesting words:

Nel regni di Valencia e Majorica fin del tempo del re D. Giacomo non è stato totalmente libero agli ecclesiastici il far acquisto di quei beni (...); dal tempo però del nominato re fino al presente, molti e molti acquisti hanno fatto gli ecclesiastici in que' paesi, previo il consenso regio, fissatovi, como si ddice, pero diritto di conquista e col consenso di un legato apostolico dal ripetuto re Don Giacomo⁸⁴.

⁸² *Ibid.*, ley 15. "Por quanto se puso en mi noticia —dice la Instrucción— el atraso en que se halla la observancia del artículo octavo del concordato, celebrado en el año de 1737 entre esta Corte y la Santa Sede, para que contribuyesen los bienes adquiridos desde entonces por el estado eclesiástico, y no pudiendo mirar con indiferencia que esté sin efecto (...); estando como estoy informado de que por mi Consejo de Hacienda se dieron estrechas órdenes en los años 1745 y 1746 a los Intendentes, Arzobispos y Obispos, con instrucción para que se dedicasen a su cumplimiento, y que sin embargo nada se ha adelantado en un negocio de tanta importancia y común beneficio de mis vasallos (...), estoy determinado a no permitir que quede sin efecto este artículo del Concordato, y a tomar a este fin todas las providencias que contemple precisas y propias de mi soberanía, y de la obligación en que me veo de atender al alivio de mis vasallos".

⁸³ Examples from the Project, first drafts and different versions are found in ASV, Arch. Nunz. Madrid, vol. 170. Concerning the matter see the studies by B. Clavero, "Derecho de la amortización y cultura de la Ilustración": *Estructuras agrarias y reformismo ilustrado en la España del siglo XVIII*, (Madrid 1989), pp. 331-347; and by J. Fernández Alonso, "El Tratado de la regalía de Amortización de Campomanes y el primer proyecto de ley general de amortización a través de los despachos de la Nunciatura", *Hispania Sacra*, 11 (1958), pp. 65-81.

⁸⁴ ASV, Segr. Stato, Spagna, vol. 294, ff. 187-180v: Despacho del Nuncio. Madrid 5 noviembre 1765.

The envoy continues by saying that, two years earlier, Mr. Carrasco had travelled to Valencia and noticed that the royal licence to purchase goods was too easy to obtain by ecclesiastics, so the royal privilege became useless. Then he asked the King to order the Chamber of Castile not to grant new licences to ecclesiastics in Valencia and Majorca; the King agreed to the attorney's requests, but the Chamber thought that before carrying out the order it was necessary to get the opinion of its lawyers and then to inform the King of its decision. This was done and when Carrasco was informed about the Chamber's opposition to his project, a new petition about ecclesiastical amortization was sent to the Secretary of the Treasury, but extending it to the Kingdom as a whole and requesting it to be discussed at the Council of Castile⁸⁵.

Carrasco's petition was sent by Charles III, through Squillace, to the President of the Council of Castile on 20 August 1764, with orders that reports by the Treasury Council's attorney and the Council of Castile's two lawyers, Campomanes and Sierra, should be sent to him.

Carrasco and Campomanes' reports were simultaneously presented in the Council one year later, on 26 June 1765⁸⁶. Both assured that the accumulation of property in *mort manus* was harmful to the public treasury and to public utility, and they defended the King's need to prevent real estate alienation 'with moderation and tact.'

Shortly before reporting to the Council, Campomanes had finished his *Tratado de la regalía de amortización*, which was published in 1765 with immediate success and became for the first time the indisputable handbook of royal followers, defending a law which stopped purchases by the clergy who, since they did not have to pay taxes and tithes for crops, had more chances than laymen to buy land,

⁸⁵ ASV, Arch, Nunz. Madrid, vol. 170, nº 5: *Representación hecha al rey por don Francisco Carrasco, de su Consejo Supremo de Castilla y Fiscal de Hacienda, sobre Amortización, en 1 de junio de 1764.*

⁸⁶ *Colección de alegaciones fiscales del Excmo. Sr. Conde de Campomanes*, III, (Madrid 1843), pp. 87-108 (from Carrasco) and 103-108 (from Campomanes).

although they paid a higher price than laymen⁸⁷. Campomanes defended royal authority in 'drawing up a law which restrained alienations upon mort manus', arguing that ecclesiastics would not do this on their own⁸⁸, and giving the assurance that 'the present (plan) is directed to limit, not to deprive the Church of purchasing property'.⁸⁹

The Pope wanted to intervene right away, to stop the bill from winning the approval of the Council of Castile and afterwards the king's. On 11 July he sent an epistle about the matter⁹⁰, but the papal envoy did not consider it a suitable moment to present it since the project was at that time being submitted for the Council's opinion. Moreover nothing had yet been done against the rules of strict legality, and no church right had been infringed; besides, the project was not categorically against future purchases by the clergy as would appear from the papal epistle. On the other hand it seemed to the envoy that it was best to wait for the opinion of the attorney Sierra, who seemed to oppose the project.

Lope de Sierra presented his report before the Council on 9 September 1765⁹¹. It did not question the King's right to impose a law without any consent of the Holy See, but it tried to show that the Church had fewer goods than those referred to and, as was pointed out in the *Auto Acordado* in 1677⁹², it argued that there was no 'critical state of extreme need borne by laymen as a consequence of the excess of amortized goods', as

⁸⁷ P. Rodríguez de Campomanes, *Tratado de la regalía de amortización...*, p. 276. A good explanation concerning this matter see F. Tomás y Valiente, *Gobierno e instituciones en la España del Antiguo Régimen*, (Madrid 1982), pp. 296-316; and G. Anes Alvarez, "Campomanes y la regalía de amortización: antecedentes e influencias posteriores", *Torre de los Lujanes*, 23 (1993), pp. 19-26.

⁸⁸ *Ibid.*, pp. 259-260. "Pues si ya en el principio del siglo pasado se juzgaba conveniente (...), cuanto más se verifica esto actualmente, atendiendo al exceso con que en el siglo y medio después ha ido creciendo el desorden de las demasiadas adquisiciones".

⁸⁹ *Ibid.*, p. 265.

⁹⁰ ASV, Segr. Stato, Spagna, vol. 294, f. 175; y Arch. Nunz. Madrid, vol. 126, ff. 214-215, 222, 226, 250-251, 256-257, 259, 263, 265, 270-273, 278, 280-281, 284, 297-298, 304-305, 307, 314, 336, 340, 345-348 y 354, where could be found the correspondence between the envoy and the Vatican Secretary of State concerning the project about the amortization law.

⁹¹ ASV, Arch. Nunz. Madrid, vol. 170, n° 9: *Informe del Fiscal del Consejo don Lope de Sierra sobre el proyecto de ley de Amortización. Madrid 9 septiembre de 1765*.

⁹² *Nueva Recopilación*, libro IV, tít. 1, auto 4.

Carrasco and Campomanes would have everyone believe. Anyway, if it were necessary to establish a law of amortization, this should be done in agreement with the Pope.

Campomanes and Carrasco jointly responded to Sierra on 12 September 1765⁹³, and on 16 November of the same year a plea was made by Carrasco, who tried to prove that laymen and the royal treasury were suffering from grave poverty as the consequence of the excessive purchasing of land by the Church which held one sixth of the country's property⁹⁴. Sierra did not respond to Carrasco until 14 January 1766. This answer did not say anything new and merely insisted again that there was no real justification for stricter legislation against the clergy's purchases⁹⁵.

While this was going on before the Council, other eminent figures like Grimaldi and Tanucci, Secretaries of State in Spain and Naples, also gave their opinion about ecclesiastical amortization. Once Tanucci had examined the bill and the attorneys' reports, he argued that Carrasco, supporting Campomanes, spoke the proper mother tongue of all catholic nations and did so in a manner that was clear and lively; Sierra on the other hand appeared to be a humble and a languid man. It seems that his objective was not to defend the interests of the country, but the interests of the clergy, since 'non é della luce di questo secolo il dubitare si senza il Papa possa un Sovrano far la lege dell'amortizzazione'; adding to an interesting speech about the history of the value of church property which in some parts reproduces the introductory chapter of the *Tratado de la regalia de amortización* by Campomanes, published the previous year⁹⁶.

⁹³ ASV, Arch. Nunz. Madrid, vol. 170, n^o 7: *Respuesta del Sr. Fiscal don Francisco Carrasco y don Pedro Rodríguez de Campomanes sobre la ley de Amortización. Madrid 12 septiembre de 1765.*

⁹⁴ *Ibid.*, n^o 6: *Suplemento a la respuesta dada por el Fiscal de Hacienda sobre que se ponga límite a la adquisición de manos muertas. Madrid 16 noviembre de 1765.*

⁹⁵ *Ibid.*, vol. 133, ff. 274-297.

⁹⁶ AGS, Estado, libro 273, ff. 135r-138r: Tanucci a Grimaldi. Portici 11 marzo 1766. 'La Chiesa dei beni temporali -says Tanucci- nulla ha che non sia concessione di Sovrani. Per tre secoli la Chiesa non possiede beni stabili, e chi voleva dare alla Chiesa vendeva e dava il prezzo alla Chiesa, cioè ai poveri o preti o laici. Nell'anno 318 Costantino aprobó la Religione Cristiana come Religione del Stato e sei anni dopo permise alla Chiesa il possedere (...). La Chiesa che può acquistare e no può alienare ed è perpetua, mentre gli uomini e le famiglie alienano e possono alienare nella Chiesa, deve por conto certo un giorno posseder tutto, onde tutto sarà di quelli che non possono generar e non sono

Grimaldi thanked Tanucci for his support and praised his discourse about amortization, in which he seemed 'to address the matter properly and to point out the most essential things' having been explained in huge tomes by several writers, and informed him that the counsellors of Castile could give their opinion without any restriction to their will, since although the king was aware of the need to restrict the Church's property purchases, he acted independently of the bill for the purpose of carrying out everything with a strict sense of justice. The decision would be taken with the total support of the Council to avoid 'the complaints and hisses from those who have a contradictory interest'⁹⁷.

Grimaldi, Campomanes, Carrasco and other enlightened people believed in the amortization law as just and necessary. They thought that the arguments of the 'humble' Sierra were out of touch with 'the ideas of this century'. However the fact is that the arguments of this humble lawyer persuaded most members of the Council of Castille, who rejected the bill with ten votes against six.

The Council's resolution took up almost entirely the main arguments of Sierra's defence. It reproduced the resolution made in 1677, concluding that as a perilous situation of need did not effectively exist, the King could not legislate against the clergy and their goods. It recommended dealing only with Rome which could enforce a reform concerning ecclesiastical estate; once this was achieved everything would be done to reconcile the interests of the state and the sovereign⁹⁸.

Two years later, in 1768, Olavide wrote his *Informe sobre la Ley Agraria*⁹⁹, but he did not dare mention anything about restricting the amortization of land under church control. He advocated the voluntary alienation of church land by the Church itself, through renting out the land or through a long-term lease contract.

adottati al mantenimento dell Stato (...). Siche basta la presente situazione di acquistare infinitamente e di non alienar mai, nella quale sono gli ecclesiastici, perche le legge della Ammortizzazione sia giusta e necessaria".

⁹⁷ Ibidem, leg. 6099: Grimaldi a Tanucci. Aranjuez 1 abril 1766.

⁹⁸ ASV, Arch. Nunz. Madrid, vol. 170, n^o 4: *Parecer del Consejo Real de Castilla sobre el establecimiento de la ley de Amortización (...). Madrid 18 julio de 1766.*

⁹⁹ Published by R. Carande in *Boletín de la Real Academia de la Historia*, 139 (1956), pp. 357-462.

In 1787, addressing the problematic issue of amortization, the Count of Floridablanca argued against taxing such goods for two more important reasons: that amortization increased the tax burden of other contributors and that amortized goods could fall into ruin, 'as is felt and seen with sorrow and grief everywhere, so there are no lands, nor homesteads nor real estate so ruined and abandoned as in chaplain districts and other perpetual foundations, which is a harm to the Kingdom'¹⁰⁰. Floridablanca urged Rome not to oppose the need to stop future amortizations of church land.

In 1794 Jovellanos, supporting Compomanes, considered the need to check amortization although he gave a naive or perhaps ironic answer since he believed that if the monarch asked the clergy to voluntarily alienate their land for the purpose of returning it to the people, by selling it and adding their earnings to the taxation of rents or to public funds, or by handing over the land through *foro* or emphyteusis contracts, they would render this service to the kingdom with pleasure¹⁰¹.

Anyway, when the enlightened reformers spoke about agricultural matters, they considered the amortization of church land as harmful and as an obstacle to the progress of agriculture and they advocated the expropriation of local property. They defended the need to raise a barrier against church amortization by gentle, peaceful and moderate means, which could not be carried out because of the Church's resistance to making concessions on economic grounds.

These propositions followed in the wake of increasing public debt. On 24 August 1795, a real decree ordered that holders of *mort manus* had to pay 15 per cent of their properties purchased at those places where there was no amortization law 'for the precise and invariable fate of wiping out royal debt'¹⁰². The next step was a tax on ecclesiastical amortization, so that the sale of goods became a means of paying off

¹⁰⁰ J. Moñino, conde de Floridablanca, "Instrucción reservada": *Obras originales del Conde de Floridablanca* (= BAE, 59), (Madrid 1952), p. 214.

¹⁰¹ "Informe de la Sociedad Económica ...", p. 89; and G. Anes Álvarez, "La publicación del Informe sobre la Ley Agraria y el sentir general", *Torre de los Lujanes*, 30 (1995), pp. 93-102.

¹⁰² *Novísima Recopilación*, libro I, tít. 5, ley 18.

public obligations. On 25 September 1798 three real instructions were promulgated with Papal consent, which ordered the rents of six major residences, all remaining properties belonging to the temporalities of the Jesuits, and profits from the sale of real estate belonging to hospitals, hospices, charity institutions, confraternities, chantries, and lay patronages¹⁰³, to be given over to the Amortization Office. This process lasted until 1808, when sales were suspended by the Central Council¹⁰⁴.

With the arrival of the French military forces in Spain and the establishment of Napoleon's monarchy, the regular clergy had to face the first attack on their property and attempt to expropriate their goods¹⁰⁵, a policy which was partly pursued by the Courts of Cadiz. The process was halted with the restoration of Ferdinand VII, but the liberals re-introduced the measures during period of the constitutional monarchy in 1820¹⁰⁶. At the end of 1823 absolutism was once more restored and Ferdinand VII abolished those measures taken during the three-year period, and convents and church property were returned to the regular clergy. However, the seed had been sown and when Ferdinand VII died, the liberals came to power again, not only decreeing the suppression of the regular clergy's convents and the expropriation of their property (1836), but also the expropriation of the secular clergy's property (1837), giving the final blows to the Church's estate¹⁰⁷.

¹⁰³ *Ibidem*, leyes 22 and 24.

¹⁰⁴ See the works by R. Herr, "Hacia el derrumbe del Antiguo Régimen. Crisis fiscal y desamortización bajo Carlos IV", *Moneda y Crédito*, 118 (1971), pp. 55-94; and "La redistribución de la tierra por la venta de propiedades de mainmorte en España, 1798-1808", *Annales E.S.C.*, 29 (1974), pp. 215-288.

¹⁰⁵ J. Mercader Riba, "La desamortización en la España de José Bonaparte", *Hispania*, 32 (1972), pp. 587-616.

¹⁰⁶ M. Revuelta, *Política religiosa de los liberales en el siglo XIX. Trienio Constitucional*, Madrid 1973.

¹⁰⁷ G. Rueda, *La desamortización de Mendizábal y Espartero en España*, (Madrid 1986), which gives abundant bibliographical information.