

**Arrieta Alberdi, Jon** (Universidad del País Vasco / Euskal Herriko Unibertsitatea): **Lectura entre líneas del *Escudo de la más constante fe y lealtad***. (A reading between the lines of the book *Escudo de la más constante fe y lealtad*). (Orig. es).

In *Iura Vasconiae*, 15, 9-46.

Abstract: The book titled *Escudo de la más constante fe y lealtad de Vizcaya* (*Shield of the most constant faith and loyalty of Biscay*) was printed in Bilbao on the initiative of the Council of Biscay in 1762. After the edition of 2015, with an extensive introductory study, a presentation took place in the Basque Parliament in which we presented an attempt to explain the «mysteries» of the book. In this article a further step is taken which involves a reading between lines to address issues within the *Escudo* that lack the required clarity. We return to the problem of authorship and the manner in which the publication took place, but special attention is paid to what, reading between the lines, can be said about the fourth part of the book, the protectorate regime, the mechanism for the concession for use, and, finally, the 852 notes and thousands of citations included in the text.

Key words: Bizkaia. Biscay. Fuero. Foral system. Andrés de Poza. Juan Gutiérrez. Consultants. Legal doctrine. Protectorate. Concession for use.

**Fernández Belzunegui, Pablo** (Universidad del País Vasco / Euskal Herriko Unibertsitatea): **Recepción de la *lex Anastasiana* en el Código Civil y en la jurisprudencia estatal (y autonómica) y europea**. (Inclusion of the *lex Anastasiana* in the Civil Code and in state (and autonomous community) and European jurisprudence).

In *Iura Vasconiae*, 15, 357-378.

Abstract: The issue of the assignment of receivables and its regulation is one that has considerable importance today. Its economic relevance stands out, but variants now exist, and it is worth tracing the origin of them all: an imperial constitution promulgated by Emperor Anastasius in Constantinople in 506. Thus, the article sets out to analyse the milestones encountered in that process, also taking into account the interpretation that contemporary jurisprudence has made of the regulation.

Key words: ‘Lex Anastasiana’. Assignment of receivables. García Goyena. ‘Código Civil’. Civil Code. New Foral system of Navarre. Reception of Roman law.

**García Martín, Javier** (Universidad del País Vasco / Euskal Herriko Unibertsitatea): **¿El Escudo como *instituta*? *Ius Commune/Ius Proprium* en Escocia y Vizcaya bajo la Ilustración: una comparación.** (The *Escudo* as *instituta*? *Ius Commune/Ius Proprium* in Scotland and Biscay in the Enlightenment: a comparison). (Orig. es).

In *Iura Vasconiae*, 15, 219-294.

Abstract: In contrast to the restrictive interpretation deriving from the *Instituta* of local law as a characteristically Protestant genre that has tended to shape European – and with it Spanish – legal historiography since F. Wieacker, this study compares the different way in which this phenomenon, actually present throughout Europe, developed in Scotland and Biscay. It was, in both territories, a means with which to affirm the land's own law, as opposed to English «common law» in the first case and as opposed to the «common law of the kingdom» in the second. However, there are important differences between the two territories. If, in the Scottish case, the phenomenon of the *Instituta* had an extensive application, which allowed it to be continuously updated from the second half of the 17th century, through the work of the Viscount Stair, and throughout the 18th century, even after the Act of Union of 1707, in the case of Biscay, the restrictions imposed by the censorship that the royalty of printing entailed only allowed the elaboration of a text, the *Escudo de la más constante fe y lealtad* (Shield of the most constant faith and loyalty of Biscay), attributed to the Biscayne jurist Fontecha y Salazar, which, however, it was never possible to print as an independent text. However, censorship alone does not explain the difference between the two territories, since the recourse to one's own history as a means to substantiate this type of publication was very different in the Scottish case – where it did not clash with the dominant conception of a common British history – and in the case of Biscay, which, from the beginning, came into conflict with a 'standardised' legal history of Spain, which, starting from the Visigoth monarchs as legislating kings, the Legal Enlightenment attempted to construct under the Bourbons.

Key-words: Scottish *Instituta*. *Ius municipale*. Foral system of Biscay. Common law in the province. 'Ordenanzas de Chinchilla'. 'Pase foral' (foral right).

**Garriga Acosta, Carlos** (Universidad del País Vasco / Euskal Herriko Unibertsitatea): ***Comunidad v. pueblo. Las elecciones de diputados del común en el Señorío de Vizcaya (1766-1808).*** (*Community v. people. The elections of 'diputados del común' (people's representatives) in the Lordship of Biscay (1766-1808)*). (Orig. es).

In *Iura Vasconiae*, 15, 295-354.

Abstract: Considering that the entire cycle of reforms undertaken in the wake of the riots of 1766 might lead back to the dichotomy of the *tumultuous* exclusion of the plebs - the *corporate* inclusion of the people, here we study the problem of the implementation in the Lordship of Biscay of the new elected offices that were instituted at the time to represent the common people, underlining the contrast between the legally prescribed popular elections and other community electoral practices with a foral origin which, resisting the former, were tried out in order to appoint them.

Key words: Popular elections. ‘Diputados del común’ (people’s representatives). Bilbao (18th. century). Lordship of Biscay (18th century). Local government. Foral order. ‘Machinada’ (people’s revolt) (1766).

**Guerrero Elecalde, Rafael** (Universidad del País Vasco / Euskal Herriko Unibertsitatea): **La acción de José Zavala y Miranda. Proyectos y disputas en torno a la constitución de una compañía privilegiada con Buenos Aires.** (The action of José Zavala y Miranda. Projects and disputes surrounding the constitution of a chartered company to do business with Buenos Aires). (Orig. es).

In *Iura Vasconiae*, 15, 163-194.

Abstract: These pages analyse the disputes arising from the constitution of a trading company to do business with the Province of Buenos Aires in the first half of the 18th century. Its beginnings were in 1737, when the Provincial Council of Biscay appointed José Zavala y Miranda as its agent to begin negotiations in the court with the aim of formally establishing the company with its headquarters in the port of Bilbao. This plan was questioned by different corporate bodies, especially by Las Encartaciones de Vizcaya, showing in a veiled manner that this was part of a much wider conflict. The article explores the complexity of these confrontations, their origins and consequences, paying special attention to the protagonists (and their actions), where the closeness to the ministers and the monarch, a source of special benefits in a composite Monarchy, were fundamental elements for the emergence of new elites in terms of power and resources.

Key words: Bilbao. Las Encartaciones. Biscay. Power. Court. Social networks. Buenos Aires. Commerce.

**Laborda, Juan José** (Universidad Rey Juan Carlos): **Pedro de Fontecha y Salazar (1673-1753), un abogado tradicional.** (Pedro de Fontecha y Salazar (1673-1753): a traditional lawyer). (Orig. es).

In *Iura Vasconiae*, 15, 47-68.

Abstract: This new information about Pedro Fontecha y Salazar is based on a file from the Biscay Court of the Royal Chancery of Valladolid, from a case which was heard between October and December 1736. Pedro de Fontecha y Salazar and other Biscayan lawyers, including his son-in-law, Juan Antonio de Dudagoitia, were brought before the Senior Judge of Biscay, in Valladolid, for contempt. The content of this file goes beyond a typical conflict between lawyers, who see themselves as noblemen, and the chief magistrate of the pre-enlightenment sovereign king. The folios of the judicial file capture an instant in the life of a group of provincial lawyers, whom Fontecha represented in an exemplary manner, defending their privileges as lawyers and Biscayans, during a period in which the values of the merchants and commerce were beginning to dominate life in Biscay. Pedro Fontecha y Salazar was to put all his outstanding intellectual energy into the defence of his idea of the foral system, which Professor Arrieta has studied in his recent publication of the *Escudo de la más constante fe y lealtad (del Muy Noble y Muy Leal Señorío de Vizcaya)*.

Key words: Pedro de Fontecha y Salazar. Lawyers. Lordship of Biscay. Encartaciones. Royal Chancery of Valladolid.

**Madariaga Orbea, Juan** (Universidad del País Vasco / Euskal Herriko Unibertsitatea): **La lengua vasca en tiempos de Pedro de Fontecha y Salazar.** (The Basque language in the times of Pedro de Fontecha y Salazar). (Orig. es).

In *Iura Vasconiae*, 15, 123-162.

Abstract: With regard to the linguistic context in which the *Escudo de la más constante fe y lealtad de Vizcaya* was drafted, we have addressed the following aspects: First, the specific situation of the Basque language spoken in the various Basque territories, with special attention to the percentages of Basque monolinguals existing throughout the eighteenth century. In addition, we looked at the levels of reading and writing that were taught in this language and, finally, we analysed the role played by the Basque language in the argumentative framework of the *Escudo*.

Key words: Basque Country. 18th century. Monolingualism. Basque books. Libraries. Apologists. Basque-Cantabrianism.

**Merino Malillos, Imanol** (Universidad del País Vasco / Euskal Herriko Unibertsitatea): **Oráculos forales. Los consultores del Señorío de Vizcaya: una figura clave en la defensa e interpretación de los fueros (siglos XVI**

**-XVII).** (Foral oracles. The consultants of the Lordship of Biscay: key figures in the defence and interpretation of the *fueros* (16th-17th centuries). (Orig. es).

In *Iura Vasconiae*, 15, 69-122.

Abstract: At the dawn of the provincial era, the provincial institutions of Biscay were equipped with legal advisors to defend and interpret the Biscayan *Fueros* (special charter), while other territorial corporations did the same with their legal systems. With their interventions and actions, these lawyers, trained in the *ius commune* (common law) imparted in the Castilian universities in which they had been trained, contributed to defining and redefining the foral system. In this text we will study the figure of the consultants of the Lordship, explaining their origins and evolution, the profiles of the position and the main tasks they had.

Key words: History of Law and Institutions; Lordship of Biscay; 15th-17th centuries; Biscayan Foral system; lawyers; consultants.

**Portillo Valdés, José María** (Universidad del País Vasco / Euskal Herriko Unibertsitatea): **Imperialización de la monarquía y foralidad a finales del siglo XVIII.** (Imperialisation of the monarchy and the foral system at the end of the 18th century). (Orig. es).

In *Iura Vasconiae*, 15, 195-218.

Abstract: This article explores one of the most successful forms of resistance to processes of imperialisation that various monarchies, including the Spanish monarchy, put into practice at the end of the 18th century. There were several corporations endowed with their own special jurisdiction in the Hispanic society of the Ancien Régime, but this text focuses on those jurisdictions that politically organised territorial communities. Within Spanish historiography, the cases of the provinces of Álava and Gipuzkoa, the Lordship of Biscay and the Kingdom of Navarre are well known, but similar processes in America had not previously been identified. The study of the Indian province of Tlaxcala offers an interesting counterpoint to the foral system in a colonial context.

Key words: Spanish monarchy. Foral system. Tlaxcala (Mexico). Lordship of Biscay. Province of Álava. Province of Gipuzkoa. Kingdom of Navarre.