

“Women and the construction of rural family heritage. Cases from southern Spain, 17th-19th centuries”.

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Without a doubt, the Spanish society of the Enlightenment has bequeathed to posterity a picture primarily male of itself, in which women were publicly reduced to the sphere of family and domesticity. However, they had been given a role far beyond this space, as Castilian succession laws pointed out the equal rights between women and men as inheritors. In fact, daughters succeeded to their parents' estates and became legal owners in the same conditions as their brothers, and not only when there was no male heir.

In both situations, the transfer of ownership posed serious problems because of women. Obviously, the existence of two or more inheritors always involved a disintegration of the estate, but having female offspring added another kind of concern, since women integrated into another family when they got married, and stopped taking care of their own family interests¹. It was all the more serious when there were just daughters to inherit, because like this the family name got lost forever, and the estate became part of the assets of another family from the following generation onwards.

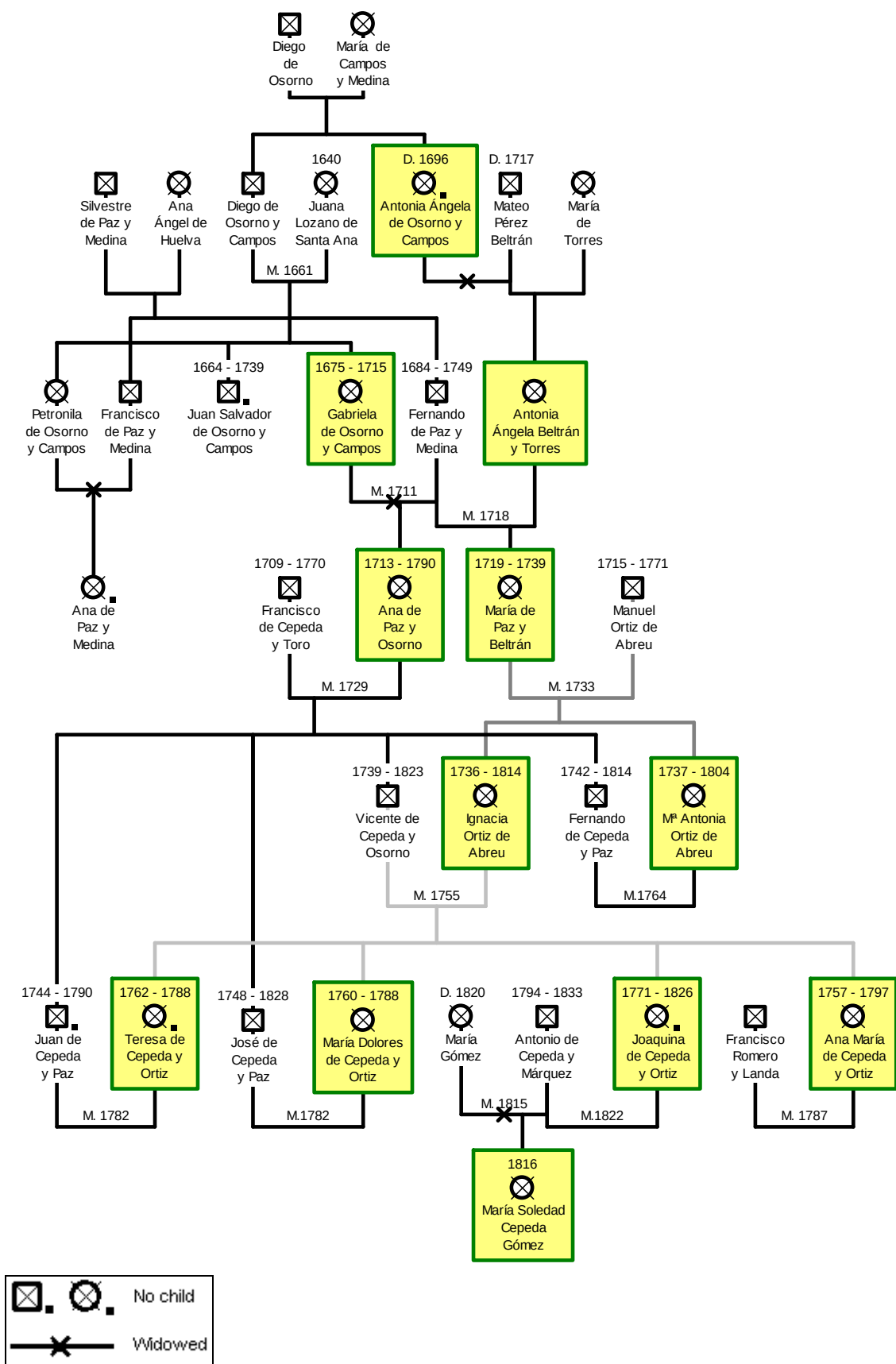
The aim of our communication is to analyze both situations within a sole lineage from the Southwest of Spain, all through six different generations even though it assumed different family names. We will give special relevance to the women that became the last hope of their house, but hardly could we forget the others, not less interested in its family survival, as all of them were part of the same whole (see family tree nº 1).

The main sources for such a research shall be those clearly defined by their economic nature: notarial deeds, both those which can help us to establish the size and structure of the family estate, and those ones reflecting the changes of property through generations. And probably there's not a better reliable one than the probate inventory: on the one hand, the heirs had the greatest interest in getting appraisals that accurately reflected the reality; on the other, these inventories engaged real experts in each field, and finally, the executors always had to verify that the process was carried out as strictly as possible².

¹ LEVI, Giovanni: *La herencia inmaterial. La historia de un exorcista piamontés del siglo XVII*. Madrid: Nerea, 1990, p. 73.

² ÁLVAREZ SANTALÓ, León Carlos et GARCÍA-BAQUERO, Antonio: "Funcionalidad del capital andaluz en vísperas de la primera industrialización", in *Revista de Estudios Regionales*, vol. 5, 1980, p. 106.

FAMILY TREE Nº 1
Six generations of the same family (17th – mid-19th century)



Source: Own elaboration from different deeds and ecclesiastic documents.

However, probate inventories always offer an incomplete picture of the possessions, as they are limited to a specific moment of the marital fortune, that is, the required time to estimate all the deceased's goods, took this process a few hours or several years. Even less can they tell us about the creation of the estate, or the changes occurred between its integration into the family heritage and its inclusion in these probate inventories. Thus, we have to complement this information with other economic deeds that can provide us with particulars about the development of heritage throughout generations: wills, lawsuits, dowries, marriage settlements, grants and advancements on better half, liabilities, lease contracts, transfers of properties and, of course, deeds of sale.

In addition, we must consult the register of marriages between close relatives – better known in Spain as “matrimonios apostólicos”-, including illegitimate relatives, relatives of half blood and simple affinity until the fourth-grade. As this kind of unions required a considerable gathering of personal details because of their special connotations, they are an inestimable source of information for the study of family strategies.

Essentially, our research will be based on the whole of these sources, while considered from some hypothesis to be verified in the following pages:

- o Firstly, all the actions taken by noble families obeyed to a strategy in order to guarantee their social prominence, including the arranged marriages, the creation of *mayorazgos*, the trend to increase the inherited patrimony, or even the public manifestations of charity. Briefly, everything that supported their prestige.
- o Secondly, women were just another part of this strategy, even when they became the last hope of survival for their families, in absence of male heirs. So everything regarding them will always have to do it with the aims looked for the whole of their relatives, and not with a personal circumstance, partially determined by their sex.

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Nobility required a difficult combination of both liberality and skill: the first one was necessary because the noble lifestyle -even though at the lowest stratum of nobility- meant to live in permanent ostentation, marking differences with those who didn't belong to this category. And, of course, keeping such a lifestyle throughout generations called for a special ability in order to perpetuate the material base that sustained it all, despite the Castilian inheritance law, which advocated the compulsory end egalitarian division of a substantial part of heritage between the direct heirs³.

Although the strict application of these laws would condemn any heritage to extinction after just a few generations, the high survival rate of noble families demonstrates their ability to perpetuate themselves despite legal restrictions. Most of them chose to have a numerous offspring to ensure the transmission of wealth and the

³ Once discounted the debts, the deceased's patrimony was divided into five parts, one of them for paying the funeral, the masses and the testamentary legates, while the two thirds of the rest were equally divided into the forced heirs.

continuity of the family, while developing a whole set of mechanisms in order to minimize the disintegration of the estate, such as:

- The discriminatory award of the remaining part of the fifth and of the one-third share at the free disposition of the testator, through “*mejoras*” and inter vivos gifts.
- The amortization of the estate by means of “*mayorazgos*”.
- The development of a matrimonial policy in order to accumulate and concentrate the estate.
- The neutralization of the spare issue by ecclesiastical career or permanent celibacy.

The changing situation of a family throughout generations could encourage the adoption of some of these mechanisms or all of them, depending on the circumstances, and thus we will see how this lineage adapted its strategies to the ever-changing times, particularly whenever its survival depended on women.

1. *Towards the inexorable doom of a family name: the latest Osorno.*

At least since 16th century, the Osorno family was one of the major lineages in the Southwest of Spain, in a region better known as the “Condado”, today belonging to the province of Huelva. The basis of their prominence lied for sure in the marriage strategy they had developed in order to ensure the accumulation of lands and rights, which offered them the possibility of applying for the most important chaplaincies in the region.

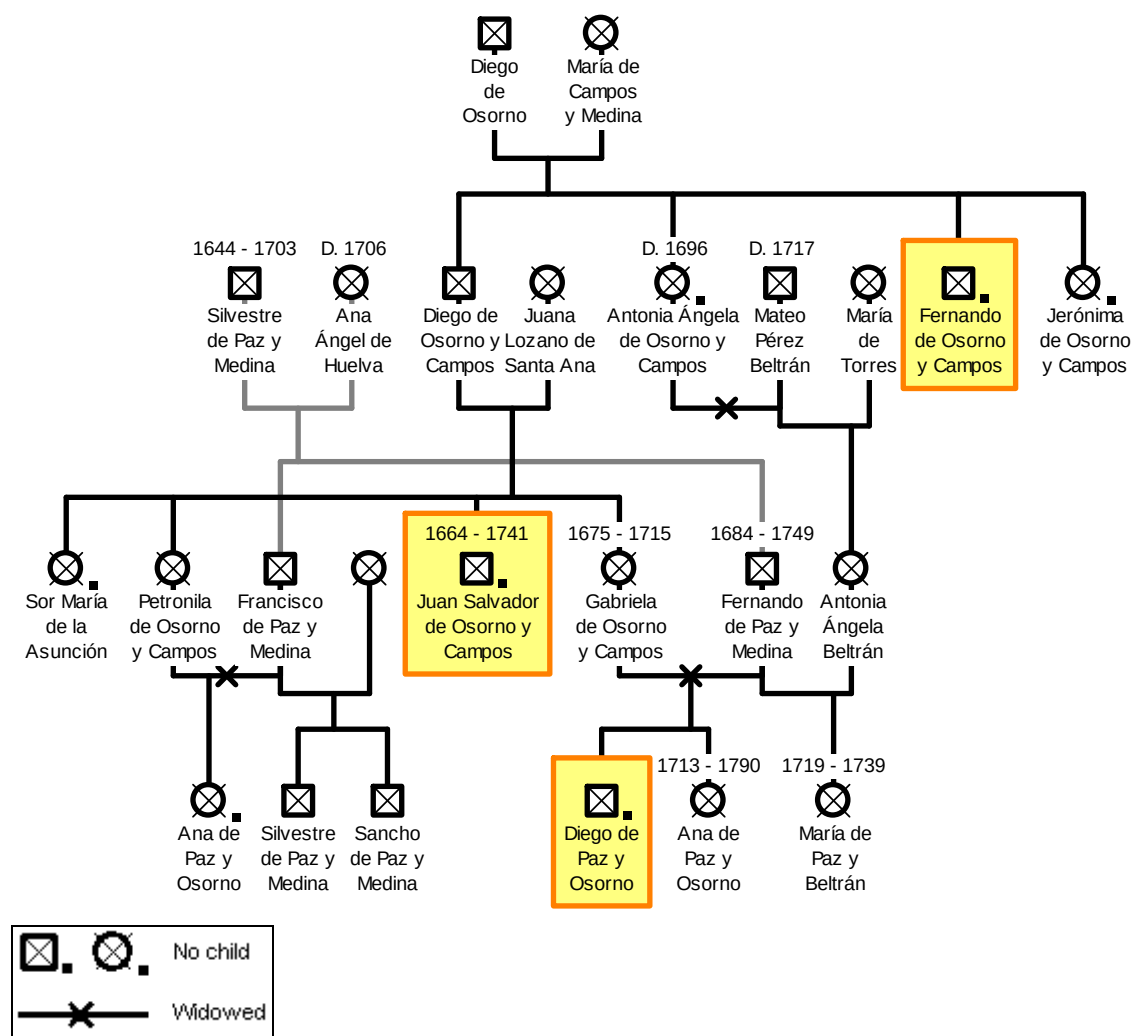
After a few generations, nevertheless, the demographic vicissitudes turned against them, and since the late 17th century the richer they became, the fewer male heirs they had to perpetuate the family name (see family tree nº 2). For instance, in spite of being four brothers and sisters, Diego de Osorno –Ana’s maternal grandfather- was the only one with offspring, while the rest remained single or died without ensuring the continuity of the lineage though married, like his sister Antonia Ángela.

In the next generation, things would get even more difficult, as just one son and three daughters survived Diego de Osorno: the first one, Juan Salvador, was a parish priest and a commissioner of the Holy Inquisition in Seville to be precise, so he would not have his own rightful heirs. On the other hand, the youngest daughter had also taken vows in her youth and consequently was out of the inheritance. Thus far, the continuity of the lineage depended just on Petronila and Gabriela, married respectively with Francisco and Fernando de Paz y Medina. Unfortunately, both of them died quite young, and their respective offspring would be seriously damaged because of infant mortality rate: Petronila’s only daughter would die short after her, and so did Gabriela’s son, remaining just her daughter Ana to inherit all the family estate.

But all this process wasn’t as peaceful as it could seem: the death of Petronila’s daughter converted Francisco de Paz into her sole rightful heir, so he was supposed to be another next to kin in the succession to the Osorno’s estate, and so thought the sons he would have with his second wife. Problems would arise when Juan Salvador gave his last will and testament, in 1739, designating Ana his sole heiress: Francisco’s sons reclaimed the third part of Antonia Ángela’s possessions, as they should have belonged to their step-sister, and after her death, to their father. Instead of that, Juan Salvador,

who had enjoyed all these goods himself, was legating them to Ana, what the Paz brothers found unfair. The legality of their reclamations were at least doubtful, but due to the slightest possibility that the Royal Chancery finally decided they were right, Ana de Paz and her husband chose to end the whole lawsuit giving them 220 silver *pesos* as a compensation. Of course it was a sum quite inferior to what the brothers wanted, but it satisfied both parts, as none of them was sure about the jury's final decision. On papers, however, it was said that both lines of the family took this resolution to avoid further problems and “conservar la paz, unión y buena correspondencia entre nosotros y nuestras familias, que es lo que más apreciamos”⁴.

FAMILY TREE Nº 2
The progressive loss of male heirs in the family Osorno



Source: Own elaboration from different deeds and ecclesiastic documents.

⁴ Compromise settlement between Francisco de Cepeda and Ana de Paz, and Silvestre and Sancho de Paz y Medina, given in Villalba del Alcor on 20 July 1742 before José Sánchez Serrano. Archivo de protocolos notariales de La Palma del Condado (A.P.N.L.P.C., onwards), boundle nº 1.653, pages 148r-153v.

2. *Sisters Ana and María de Paz: the turning point in the family history.*

The choice of the spouses was an extremely difficult decision since it meant entering into partnership with other families, as well as losing a part of wealth by means of dowry. Furthermore, we can not forget that marriage constituted an instrument of social positioning, calculated to ensure the strengthening of the family with strategic alliances. As already pointed out Giovanni Levi, social position was not measured solely on the size of the property, but depended as well on a wide range of strategies designed to act as a filter against the risk of disappearance⁵.

From this standpoint, the marriages of the sisters Ana and María were just one of the mechanisms to ensure the survival of the family, although each of them was the last heir of her own lineage. Eventually, this situation had even more serious connotations in the case of Ana, as the Osorno's fabulous heritage and prestige depended exclusively on the choice of her future husband, so it was not a decision which might be taken lightly.

Actually, the specific circumstances of each sister determined a different plan when choosing a suitable husband (see family tree nº 3): Ana was Gabriela de Osorno's only surviving daughter, and thus she had become the last heir of a family whose nobility dated back to at least three generations before. But the nobility was not the only one of her gifts: in addition to her mother's dowry, Ana was the only heir of her great-aunt's estate, Antonia Ángela, and she should receive as well the her maternal uncle's entire fortune, Juan Salvador de Osorno, which eventually amounted to 880,000 *reales*⁶.

María, meanwhile, was the only child of the second marriage of Fernando de Paz, and she should succeed to all properties belonging to her mother, Antonia Beltrán, plus the half of her father's estate. Here as well, the young María was the last one of her house, but the fortune of the Beltrán and the Torres Cebreros could not resist the comparison with the one amassed by the Osorno family, so her situation was not as good as her sister's .

Fernando de Paz had to weigh all these considerations while choosing both sons-in-law: in the case of the firstborn, the promise of her future fortune allowed a higher aim than expected, hence her wedding with Francisco de Cepeda, the second son of an ancient family from Seville⁷. Although excluded from succession to his family's *mayorazgos* for not being the firstborn himself, Francisco was a very desirable match since his nobility was said to go back to the 15th century, and he had a real saint among his illustrious ancestors, "reformadora de la religión carmelitana, honra y espejo de nuestra España y cristiandad" -Teresa de Cepeda y Ahumada, known in religion as Saint Teresa of Jesus⁸.

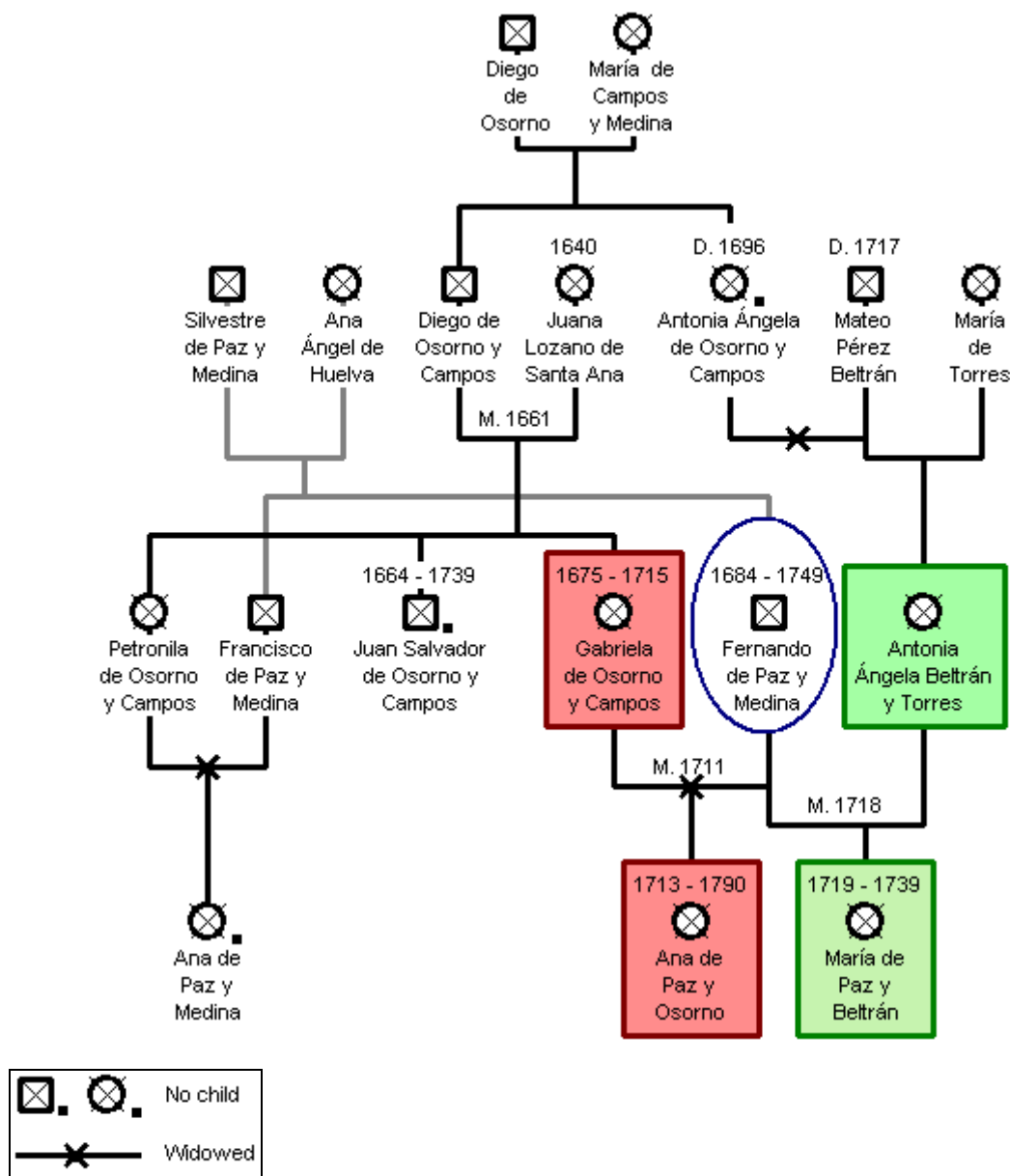
⁵ LEVI: *La herencia inmaterial...*, p. 54.

⁶ Last will and testament of Juan Salvador de Osorno, given in Villalba del Alcor on 20 July 1739 before José Sánchez Serrano. A.P.N.L.P.C., bundle nº 1.651, pages 132r-173r.

⁷ Marriage and trust settlement of Francisco de Cepeda and Ana de Paz, given in Villalba del Alcor on 30 January 1729 before Pedro Pascasio Tirado. A.P.N.L.P.C., bundle nº 1.649, pages 12r-17r.

⁸ Last will and testament of José de Cepeda y Toro, given in Osuna on 08 October 1733 before Miguel Pérez Luna. Archivo de Protocolos Notariales de Osuna (A.P.N.O. onwards), bundle nº 625, pages 178r-192v.

FAMILY TREE Nº 3
Fernando de Paz y Medina's daughters and their different lines of descent



Source: Own elaboration from different deeds and ecclesiastic documents.

For the youngest daughter, instead, Fernando found the heir to a wealthy family in the neighbourhood: Manuel Ortiz de Abreu, who was about to inherit at least four centenary *mayorazgos* after his father's death⁹. Thus Fernando looked more for establishing the economic base of a later promotion for María, rather than seeking instant social advancement. The premature death of María after giving birth to her third child, just six years after getting married, minimizes the relevant role she could have played as a bridge between two radically different periods of the same family, whereas her daughters Ignacia and María Antonia would become the female protagonists par excellence in the next generation, since Ana's offspring was entirely male.

⁹ Last will and testament of Manuel Ortiz de Abreu y Galindo, given in Villalba del Alcor on 12 July 1763 before José Sánchez Serrano. A.P.N.L.P.C., bundle nº 1.667, pages 252r-288v.

Unlike her younger sister, Ana de Paz had a long life and died when she was almost eighty years-old, after burying her husband, two of her six children and several grandchildren and great grandchildren. During those years, she didn't play just the usual role of housewife related to women, since she came in possession of her family's fortune in 1742, after the death of Juan Salvador de Osorno. By desire of the deceased, all his assets were entailed under the institution of *mayorazgo*, with the express purpose of warding off the fear of dispersion through forced inheritances and undesirable sales – something otherwise completely natural, since these kinds of goods were the material basis that allowed a noble family to live according to their quality throughout generations¹⁰.

However, it is obvious that Ana's role as the sole heir was purely circumstantial and not completely desirable to all men in her family. Even though Juan Salvador de Osorno committed himself to entail his possessions when his niece got married in 1729, it took him a whole decade to decide to really do it, just the same time it took Ana to give birth to her first son¹¹. Exactly the day Vicente was born, a healthy child and future guardian of the family continuity, Juan Salvador finally resolved to do what he had been postponing for the last ten years, but on the express condition that, after Ana, the order of succession will continue

“prefiriendo el hijo mayor al menor, y el varón a la hembra, aunque la hembra sea de más edad, en tal forma y con tal ejemplo que si la dicha mi sobrina tuviere dos o más hijos varones y hembras, ha de suceder en este vínculo el varón aunque sea de menor edad, y todos sus hijos e hijas y descendientes prefiriendo el mayor al menor, y el varón a la hembra aunque la hembra sea de más edad”¹².

Moreover, although many years would go by until Vicente inherited the *mayorazgo* from his mother, we cannot say that Ana really administered her own possessions, as all notarial deeds concerning the Osorno's and Paz Medina's wealth would be signed by Francisco de Cepeda “por cabeza y representación” of his wife. Ana didn't even take care of her properties after her husband's decease, since she allowed their four children to administer the family estates by themselves, including her own *mayorazgos*. Actually, from 1781 onwards, she agreed to grant Vicente and Fernando the complete use of these entailed estates, considering that they would be the next of kin to both *mayorazgos*¹³.

The only occasion on which Anna really played her role as rightful owner was in 1759, because of the imbalances in the accounts of the pawnshop she had founded together with her husband in behalf of her uncle Juan Salvador. In that case, Ana was forced to provide her own money in order to cover the debts, but of course she did it trying to “exonerarme de la responsabilidad de dichas faltas que se experimenten en lo

¹⁰ CLAVERO, Bartolomé: *Mayorazgo. Propiedad feudal en Castilla, 1369-1836*. Madrid: Siglo XXI, 1974, p. 234.

¹¹ Marriage and trust settlement of Francisco de Cepeda and Ana de Paz, given in Villalba del Alcor on 30 January 1729 before Pedro Pascasio Tirado. A.P.N.L.P.C., bundle n° 1.649, pages 12r-17r.

¹² Last will and testament of Juan Salvador de Osorno, given in Villalba del Alcor on 20 July 1739 before José Sánchez Serrano. A.P.N.L.P.C., boundle n° 1.651, pages 132r-173r.

¹³ Probate inventory of Francisco de Cepeda and Ana de Paz, given in Villalba del Alcor on 17 December 1781 before Juan Alonso Ramírez. A.P.N.L.P.C., bundle n° 1.672, pages 324r-344v; Probate inventory of Ana de Paz, given in Villalba del Alcor on 19 February 1791 before Juan Alonso Ramírez. A.P.N.L.P.C., bundle n° 1.677, pages 32r-60r.

venidero, más que en mi respectiva parte como una de tres llaveros”¹⁴. As usually, this *montepío* was a pawnshop -“de que ha de resultar el mayor alivio para los vivos, extirpación de las usuras y aumento al culto divino de la dicha iglesia parroquial”-, but it was quite peculiar since its founding clauses specified that the board should always consist of the holder of the Osorno’s *mayorazgo*, and the oldest priest and major of the town, so just Ana could act as the inheritor in such a patch¹⁵.

For all these reasons, Ana de Paz is not at all the best example of an independent woman, aware of her economic power and ready to use it, but rather a woman fully imbued with the mentality of her time. We must also consider, as already did Giovanni Levi, that the family of the Old Regime was not structured “como un grupo uniforme de individuos con deberes y derechos iguales, sino como un conjunto diferenciado y jerarquizado, aunque fuertemente cohesionado”¹⁶. Thus, its members did not have to obey the logic of individualistic, so typical of recent times, and even less in the case of women, who so well assumed their role as guardians of the home.

3. *Laying the foundations of a new family branch: Ignacia and María Antonia Ortiz de Abreu*

We have already seen how the death of María de Paz made her daughters the premature heiresses of the maternal family estate, whereas it should not have been the case at first. In fact, María died after giving birth to her only son, who theoretically would inherit the four *mayorazgos* of his paternal family after the death of his father. However, the young Felipe died himself before reaching the age of eight, and so his sisters, who had always lived in a nearby convent, became the actual inheritors of their parents’ fortune. In addition, the eldest daughter Ignacia would succeed one day to the paternal *mayorazgos*, what made her the most desirable match in the whole region.

Manuel Ortiz de Abreu, nevertheless, prepared for her a marriage much more ambitious than it could be expected, as he engaged his firstborn in her tenderest youth to Vicente de Cepeda -her eldest cousin. Both families were so interested in materializing this engagement that they could hardly wait for the boy to be fifteen years-old before marrying them. It doesn’t seem to have been very important the fact that, being such close relatives, they should ask for a canonical dispensation, or that they hardly knew each other, because Ignacia had always lived in another town, first in a convent and later with her sister and a governess, almost until the very moment of the marriage¹⁷.

Obviously, the sought aim was the social and economic strengthening of the family, not the hypothetical happiness of the couple. And we must admit that both families really got what they wanted, as each one inherited their parents’ *mayorazgos* and transmitted them as a whole to their firstborn son, Manuel de Cepeda: altogether

¹⁴ Last will and common testament of Francisco de Cepeda and Ana de Paz, given in Villalba del Alcor on 20 December 1759 before José Sánchez Serrano. A.P.N.L.P.C., bundle nº 1.661, pages 443r-463v.

¹⁵ Foundation of a pawnshop by Francisco de Cepeda and Ana de Paz, given in Villalba del Alcor on 01 May 1741 before José Sánchez Serrano. A.P.N.L.P.C., bundle nº 1.652, pages 79r-90v.

¹⁶ As a uniform group of individuals with equal rights and duties, but as a differentiated and hierarchical whole, though strongly cohesive. (LEVI: *La herencia inmaterial...*, p. 67).

¹⁷ Secret expedient for the wedding between Vicente de Cepeda and Ignacia Ortiz de Abreu, 1754. Archivo Diocesano de Huelva (A.D.H., onwards), marriages between close relatives, Villalba del Alcor, bundle nº 2, expedient nº 119.

eleven *mayorazgos* which included the five of the Ortiz de Abreu, the Osorno's *mayorazgo* inherited by Ana de Paz, and those five unexpectedly received by Vicente from his paternal uncle in 1779¹⁸.

In spite of the fact that fertility also smiled at the couple, since in the first twenty-five years of their life together they had fifteen children, some details indicate that Vicente and Ignacia were not as happy in their marriage as it could seem, according to a note handwritten by Vicente himself, which is still sewn to the rough draft of Ignacia's testament:

"Osuna, 24 de septiembre de 99.

Muy estimada Ignacia: ayer tuve oportunidad de leer, con el secreto que me encargas, el adjunto papel que reservado me entregó Angulo: hoy lo vuelvo a cerrar en su cubierta con ésta para tenerlo pronto y remitirtelo con él mismo, para que por demora mía no retardes el cumplimiento de tus buenas intenciones. Y nada tengo de consideración que prevenirte sobre él.

Dios haga si conviene que, otorgado y cerrado que sea, pasen muchos años sin abrirse porque tú vivas los dilatados que con salud espiritual y corporal desea éste, que, *a pesar de la desconfianza que de él siempre has tenido, te ha querido, quiere y querrá*. Vicente"¹⁹.

Moreover, even though they were the most favoured by the received inheritances, Vicente and Ignacia always lived in a chronic indebtedness because almost all their assets were entailed, and it seems that ordinary income of land were not enough to maintain the lifestyle they were forced to have as noblemen. While Vicente remained at Osuna administering the great *mayorazgos* of his uncle, his son Rafael and Ignacia herself had to get into debts "para las urgencias de la casa en ausencia de mi marido"²⁰, which not always could pay but in part.

It was not, however, an exceptional situation: as already pointed out Michel Figeac while studying the nobility of Bordeaux, "la richesse nobiliaire est souvent colossale mais elle est « dormante » car il y a peu d'argent liquide et les actifs sont difficiles à réaliser rapidement"²¹. No need to seek examples so far, since other researches have revealed that the lack of liquidity was a commonplace for nobility in the whole area of Seville, where the only bother of being indebted was the permanent harassment of creditors²². In the neighbouring lands of Portugal, for instance, the shortage of non-entailed goods brought most nobles into indebtedness, up to a point that

¹⁸ Codicil of José de Cepeda y Toro, given in Osuna on 16 October 1775 before Diego José Bello. A.P.N.O., bundle n° 770, pages 350r-378v.

¹⁹ Note sewn to the rough draft of the close testament of Ignacia Ortiz de Abreu, given in Villalba del Alcor on 16 March 1804 before Juan José Trabado. A.P.N.L.P.C., bundle n° 1.685, pages 107r-119v.

²⁰ Close testament of Ignacia Ortiz de Abreu, given in Villalba del Alcor on 16 March 1804 before Juan José Trabado. A.P.N.L.P.C., bundle n° 1.685, pages 107r-119v.

²¹ FIGEAC, Michel: *Destins de la noblesse bordelaise, 1770-1830*. Talence: Fédération historique du Sud-Ouest; Maison de l'archéologie; Université de Bordeaux 3, 1996, p. 101.

²² ÁLVAREZ SANTALÓ, León Carlos et GARCÍA-BAQUERO, Antonio: "La nobleza titulada en Sevilla, 1700-1834", in *Historia, instituciones, documentos*, vol. 7, 1980, p. 136.

barely had they the capacity to invest in new purchases or even improving what they already had, but by means of credits²³.

The situation would be different for Ignacia's youngest sister, María Antonia Ortiz de Abreu. She also engaged to a first cousin, Fernando, but we have indications that suggest a greater personal affinity between them: both spouses determined to put in order their financial affairs when their firstborn was about to be given birth, so they gave each other a power of attorney to make a will. They designated each other as universal heir just in case they had no forced heirs at death, something completely new within the Cepeda family, which would never be repeated again, and was simply justified because of

“nuestra correspondencia de cariño y voluntad desde que contrajimos matrimonio [...] por cuanto las bendiciones nupciales parecieron causaron en nosotros el efecto primario como que este sacramento es una de las siete fuentes de gracia que manaron de la llaga del costado de Cristo, Nuestro Redentor”²⁴.

Seemingly, the good understanding between both spouses remained intact during the forty years of their life together, as we can deduce from the decision of María Antonia of leaving the remaining fifth of all her assets to her husband by means of legacy, instead of reserving it for their children, “atendiendo al recíproco amor y cariño que nos hemos tenido desde que se verificó nuestro casamiento”²⁵.

Might one think that marriage between Fernando and María Antonia had really been the result of their own choice, helped by the precedent set by their brothers, rather than a paternal imposition? That is how it used to happen in regions like French Burgundy or the valley of the Saône, where “les mariages doubles y étaient noués de manière quasi accidentelle à la suite d’une première noce qui rapprochait le garçon et la fille d’honneur, frère et sœur des mariés”²⁶. Nevertheless, much as it could seem an attractive interpretation, we cannot forget that most marriages were due to economic and social reasons rather than to personal preference, and this must be applied as well to the marriage of Fernando and María Antonia. Particularly when Francisco de Cepeda and his wife made clear in their common testament that they would force their sons to observe their wishes about marriage or ecclesiastical career,

“con tal circunstancia y condición expresa de que hayan de tomar estado a nuestra voluntad (o a la del que de nos superviviere) cuando lo hubieren de tomar, y en su defecto pase dicha mejora del inobediente a los otros dos, o al uno de ellos que según fuere nuestra voluntad o la del que de nos los otorgantes superviviere. Y si todos faltaran a esta paternal y debida obediencia, quede a nuestro arbitrio o del que de nosotros superviviere revocar o no la dicha mejora en el todo o en parte, como más bien nos parezca”²⁷.

²³ MONTEIRO, Nuno Gonçalo: *O crepúsculo dos Grandes. A casa e o património da aristocracia em Portugal (1750-1832)*. Lisboa: Imprensa Nacional - Casa da Moeda, 1998, p. 356.

²⁴ Power of attorney for a testament, by Fernando de Cepeda and María Antonia Ortiz de Abreu, given in Villalba del Alcor on 13 September 1765 before José Sánchez Serrano. A.P.N.L.P.C., bundle n° 1.664, pages 259r-261v.

²⁵ Last will and testament of María Antonia Ortiz de Abreu, given in Villalba del Alcor on 21 September 1804 before Juan José Trabado. A.P.N.L.P.C., bundle n° 1.683, pages 173r-177v.

²⁶ GONOD, Philippe: "Petite histoire des mariages doubles dans le val de Saône. De l'évolution des mentalités dans une société rurale face au mariage (XVIIe-XIXe siècles)", in *Cahiers d'histoire*, vol. XLI, n° 3, 1996, p. 300.

²⁷ Last will and common testament of Francisco de Cepeda and Ana de Paz, given in Villalba del Alcor on 20 December 1759 before José Sánchez Serrano. A.P.N.L.P.C., bundle n° 1.661, pages 443r-463v.

Since parental authority gave parents an unlimited power over the family, the fate of the offspring was up to them, and in these few lines it is obvious that Francisco de Cepeda and Ana de Paz made use of the instruments they had to ensure their will would prevail²⁸. Thus by no way one of their sons could marry contravening the patriarch's wishes, which makes it easier to interpret this double marriage between first cousins as a vital part of a strategy designed to strengthen even more the family alliances.

In any case, this marriage provided both spouses a lower estate than their siblings', but still it was much more important than the average peasant patrimony in the 18th century. Emancipated two years before their marriage, María Antonia and her fiancé possessed a substantial amount of properties which allowed them to spend their first years in common with some relief, living off the income of their farms and the commercialization of what they produced. Despite this, it would be only after the death of their respective parents that they truly became part of the local elite²⁹.

Regardless of the degree of happiness that each sister could have reached in her marriage, the truth is that neither Ignacia nor María Antonia differed too much from their mother or their aunt Ana, regarding the attitude they adopted as heiresses. Everything indicates that they were wives and mothers rather than owners, and for the first one we have already verified that her work as an administrator was never effective enough to pay off at least the debts that gripped her wealth and her husband's. Their fundamental value rather lies in the economic power that they could actually transfer to their husbands, hence the interest of their parents in marrying off both of them within the family, and thus preventing the disintegration of the assets.

4. *Cepeda, the new family name. When women were no longer the key to the family survival.*

From the following generation onwards, this potential we have just talked about disappeared as there were no more great heiresses, and suddenly the family women were no longer indispensable to ensure the continuity of the lineage, due to the overabundance of males.

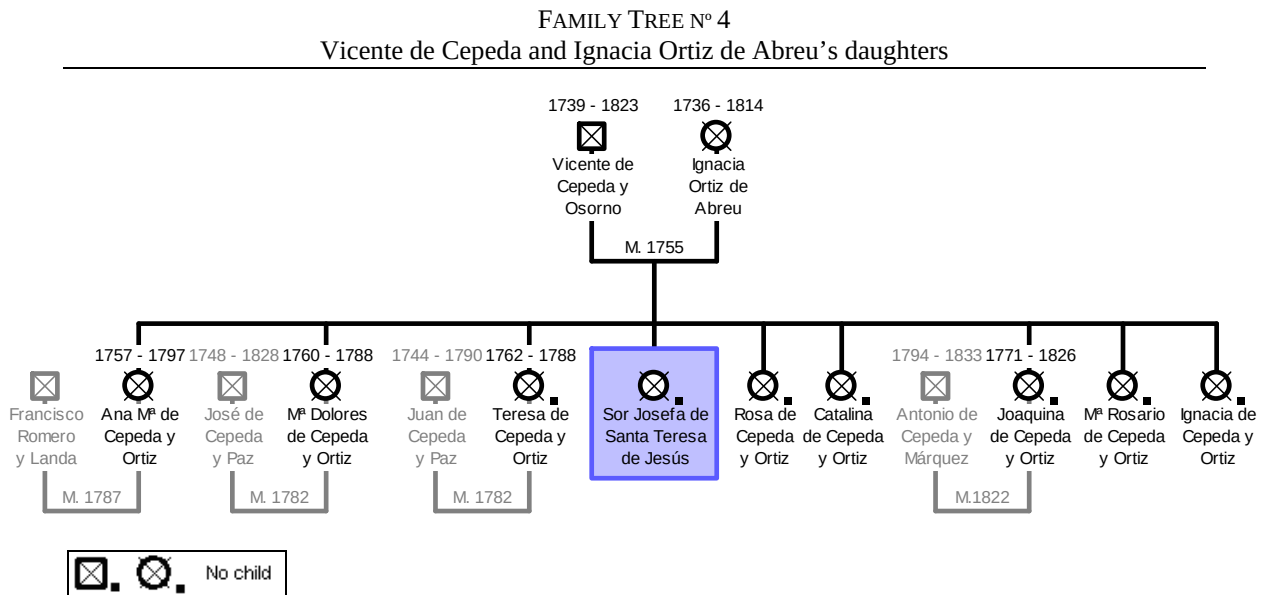
Until then, the main score of family strategies had been to perpetuate two houses that depended solely on women for not perishing, but once assured the continuity under the new surnames of Cepeda and Ortiz de Abreu, the situation changed, and so did the needs. In fact, if we understand by *strategy* the whole of interconnected events whose purpose is "construir, conservar, o acrecentar las diversas manifestaciones de cualquier forma de poder"³⁰, then the marriage policy practiced by the Cepeda would be a carefully planned strategy to ensure the concentration of property, rights and privileges within the family itself.

²⁸ RODRÍGUEZ SÁNCHEZ, Ángel: "El poder familiar: la patria potestad en el Antiguo Régimen", in *Tiempos Modernos: revista electrónica de historia moderna*, vol. 3, nº 6, 2002. Unnumbered pages.

²⁹ Probate inventory of Francisco de Cepeda and Ana de Paz, given in Villalba del Alcor on 17 December 1781 before Juan Alonso Ramírez. A.P.N.L.P.C., bundle nº 1.672, pages 324r-344v; Last will and testament of Manuel Ortiz de Abreu y Galindo, given in Villalba del Alcor on 12 July 1763 before José Sánchez Serrano. A.P.N.L.P.C., bundle nº 1.667, pages 252r-288v.

³⁰ "Construct, maintain, or enhance the various manifestations of any form of power". RODRÍGUEZ SÁNCHEZ, Ángel: "Métodos de evaluación de las estrategias familiares en el Antiguo Régimen", in VV.AA. (ed.): *Fuentes y métodos de la historia local: actas*. Zamora: Diputación Provincial de Zamora; Confederación Española de Centros de Estudios Locales, 1991, p. 142.

The last years of the 18th century witnessed the transformation of Ignacia's daughters into the main figures of their generation, even though not all of them suffered the same fate: among the nine sisters, not less than four died even before the age of marriage, another one took solemn vows, and although the rest got married, just two of them had offspring (see family tree n° 4).



Source: Own elaboration from different deeds and ecclesiastic documents.

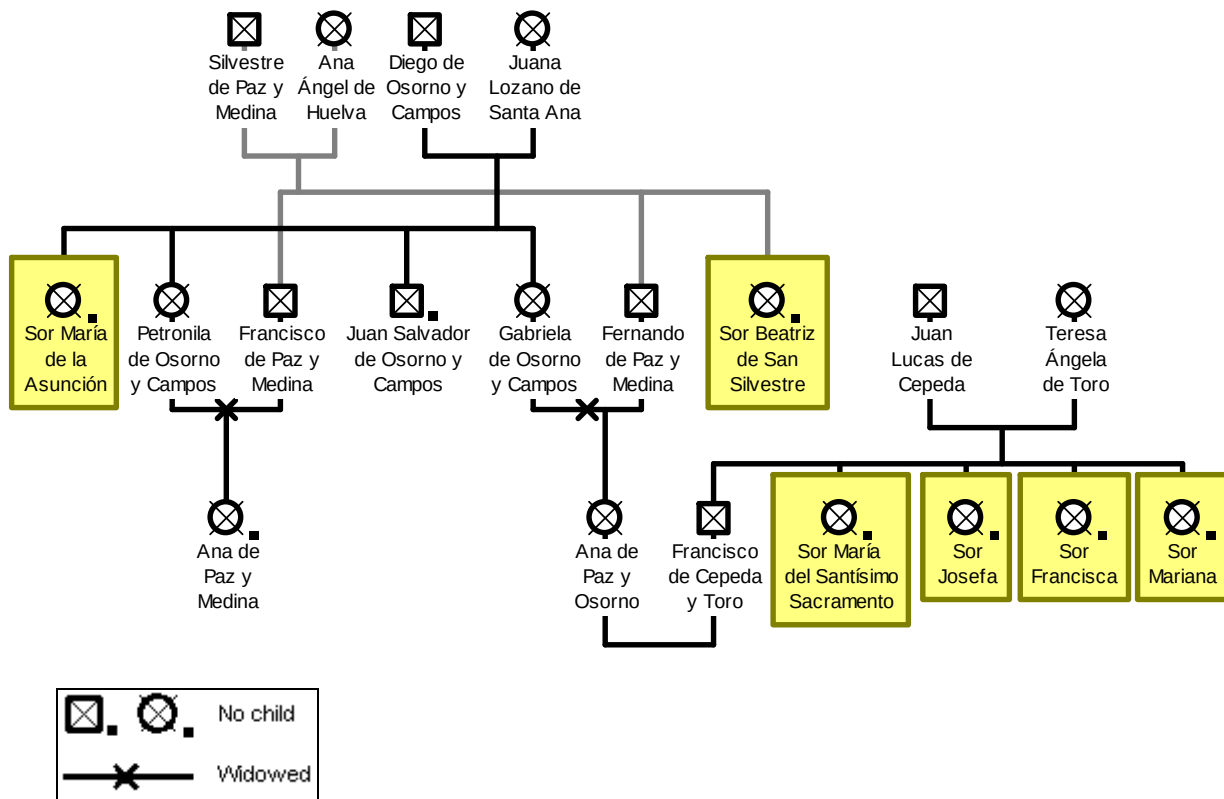
Of course, mortality rates favoured Ignacia and her husband, as if all their daughters had reached adulthood, they would have been in real trouble to ensure the conservation of heritage from the following generation on. We have already seen that children were a blessing for the continuity of the family, but when their number was excessive they could complicate the inheritance to such an extent that the patrimony could disappear through continuous divisions.

Thus, the aim of avoiding this extreme situation became a vital concern for noble families, and the solution was as simple as leading the spare children to permanent celibacy through the ecclesiastical career or the single state. Women were undoubtedly the most affected by this practice, first because marrying off a girl meant providing her with a dowry according to the quality of her lineage, something that very few families could afford with all their daughters. In addition, in the long-term their procreative capacity multiplied the number of heirs to share the fortune, so it was far more interesting to take them off the bridal market, if possible shutting them away in a convent, because like this they had to relinquish their better half and got thus excluded from inheritance³¹.

Although the early death of their minor daughters allowed Ignacia and Vicente to marry off the others more easily, they actually had to use these techniques of neutralization, as their forbears had done previously (see family tree n° 5).

³¹ *Novísima Recopilación*, volume V, book X, title XX, law XVII. Madrid, 1805.

FAMILY TREE Nº 5
Nuns within the lineage



Source: Own elaboration from different deeds and ecclesiastic documents.

Many women among the Cepeda, the Osorno and the Paz Medina families might have ended their days in a convent for this reason: at least four of Ana's sisters-in-law took solemn vows in different convents of Seville³², the third Osorno daughter was for many years the prioress of the convent in Villalba del Alcor³³, and sor Beatriz de San Silvestre, Fernando de Paz' youngest sister, became the Mother Superior of the dominican convent in Almonte³⁴. In spite of the strategic aim often pursued by nobles, we cannot exclude completely the possibility of a genuine religious sensibility, especially considering the environment of confessors, clergy siblings and religious education, so frequent in this kind of families.

In just a few generations, however, the family tradition of shutting their daughters away in convents was almost extinguished, and only one of Ignacia's

³² Mariana, Francisca and Josefa de Cepeda took vows in the convent of Nuestra Señora de la Concepción de Osuna (Power of attorney to make a will of Francisco de Cepeda, given in Villalba del Alcor on 31 January 1736 before José de León Otáñez. A.P.N.L.P.C., bundle nº 1.650, pages 20r-21v), and sor María del Santísimo Sacramento was a nun in a convent in Aguilar (Last will and testament of José de Cepeda y Toro, given in Osuna on 08 October 1733 before Miguel Pérez Luna. A.P.N.O., bundle nº 625, pages 178r-192v).

³³ Last will and testament of Gabriela Josefa de Osorno, given in Villalba del Alcor on 15 September 1715 before Alonso Gómez de Herrera. A.P.N.L.P.C., bundle nº 1.646, pages 89r-90r; Last will and testament of Juan Salvador de Osorno, given in Villalba del Alcor on 20 July 1739 before José Sánchez Serrano. A.P.N.L.P.C., bundle nº 1.651, pages 132r-173r.

³⁴ Testament and foundation of a *mayorazgo* by Fernando de Paz y Medina, given in Villalba del Alcor on 17 August 1749 before José Sánchez Serrano. A.P.N.L.P.C., bundle nº 1.656, pages 140r-148v.

daughters took vows³⁵, whereas neither of her eight sisters, nor her four cousins would continue her footsteps, as those who did not marry actually died before reaching the age of taking state. It seems logical to think that this drought of "vocations" was due to the lack of women within the Cepeda family rather than to a change of mind, as there are several allusions to close relatives who took vows by that time³⁶.

If we talk now about the daughters that really got married, the case of Joaquina de Cepeda is particularly striking, because everything indicates that her parents had always wanted her to be a spinster. Nevertheless, after a sudden and short courtship, Ignacia's eleventh child married in 1822 the newly widower Antonio de Cepeda Marquez, her cousin in the fourth degree of consanguinity.

This marriage was quite unusual because of the difference of age between both spouses, as the groom was not yet twenty-eight years-old, while Joaquina had already surpassed the threshold of her fifties, so it was almost impossible for them to have offspring, as proved four years later after her decease. Furthermore, Joaquina's will assured that Antonio had nothing to contribute to the marriage except for a young daughter to raise, something which made him even less attractive for his second wife's relatives. Neither the desire to strengthen ties between different parts of the family could be the main motivation of this marriage, as they were nearly inexistent though being cousins in the fourth degree.

Thus far, it's not that surprising that her late marriage caused endless friction between the couple and her closest relatives. In fact, not long after the death of Joaquina, the fights between Antonio and her brothers would show that this marriage had been undesirable for most of her relatives. Maybe even for her own father, who had tried to compensate his daughter for the weak dowry he had provided her, leaving her a generous *mejora* in his will, but making sure at the same time that the lands he gave her would always be managed by one or another of his sons, instead of his new son-in-law³⁷.

The real problems began short after the death of Vicente de Cepeda, when Joaquina's brothers refused to divide their father's unentailed goods despite the continuous requests of the couple. The only reason we can deduce from this reaction is a negative to accept Joaquina's decision about designating her husband as her sole inheritor, because this would make him a potential heir of their parents' estate³⁸. After widowing for a second time, in 1826, Antonio de Cepeda chose to enforce his rights as legal heir, appropriating some farms that actually were not included in his parents-in-law's probate inventory, "para subsanar en parte con su goce los perjuicios que se me ocasionaban por la proindivisión del caudal de los antedichos". The consequent reaction of Joaquina's siblings and cousins was not less aggressive, and for what we know, the

³⁵ Relinquishment of sor Josefa de Santa Teresa de Jesús for Vicente de Cepeda and Ignacia Ortiz de Abreu, her parents, given in Villalba del Alcor on 06 September 1784 before Juan Alonso Ramírez. A.P.N.L.P.C., bundle nº 1.673, pages 184r-185v.

³⁶ Two of Ana de Paz's nieces took solemn vows in the convents of Almonte and Seville, each one (Last will and common testament of Francisco de Cepeda and Ana de Paz, given in Villalba del Alcor on 20 December 1759 before José Sánchez Serrano. A.P.N.L.P.C., bundle nº 1.661, pages 443r-463v), and three of Fernando de Cepeda's nieces did it in other three convents in Seville (Last will and testament of Fernando de Cepeda y Paz, given in Villalba del Alcor on 05 July 1814 before Juan José Trabado. A.P.N.L.P.C., bundle nº 1.685, pages 74r-79r).

³⁷ Last will and testament of Vicente de Cepeda, given in Villalba del Alcor on 21 October 1822 before Juan José Trabado. A.P.N.L.P.C., bundle nº 1.686, pages 65r-70v.

³⁸ Last will and testament of Joaquina de Cepeda y Ortiz, given in Villalba del Alcor on 27 March 1826 before Juan José Trabado. A.P.N.L.P.C., bundle nº 1.687, pages 24r-26v.

fight for Vicente and Ignacia's estate continued at least until the mid 19th century, affecting even Joaquina's step-daughter, María Soledad Cepeda³⁹.

The marriages of the other Cepeda sisters were unquestionably much more peaceful, since they married the bridegrooms their parents had chosen for them. Unfortunately, all of them died prematurely, as only one reached her tenth wedding anniversary. One of the most interesting facts is that at least two of these marriages violated consistently the prohibitions established in Trento, as the brides married their own uncles. It is obvious that these consanguineous marriages had the deliberate purpose of maintaining the cohesion between the various lines of the house, in order to prevent the dispersal of the family patrimony⁴⁰. In fact, Ignacia's and María Antonia's marriage with their cousins had only been the basis for a wide range of marriages between close relatives, repeated over and over again in each generation, thus multiplying exponentially the ecclesiastical obstacles and, why not, also the genetic ones.

Because of its uniqueness, we must note in particular the double marriage between the younger brothers of Vicente Cepeda –Juan and José- and two of his older daughters –Teresa and María Dolores- in early 1782 (see family tree nº 6). It was a sort of contracted alliance, the most extreme ever within the possibilities of related inbreeding, since it joined paternal uncles and nieces, something extremely rare before the 18th century and never repeated again within the Cepeda family⁴¹. Undoubtedly, the reasoning on the basis of such an union was perfect in terms of strategy: although a large number of daughters was invaluable in order to establish alliances with other families, it could be counterproductive not only because of the loss of money of their dowries, but also because their procreative capacity would actually complicate the transfer of family wealth, sooner or later⁴².

Marrying off two of them with their own uncles, instead of forcing them to ecclesiastical celibacy or spinsterhood, however, Vicente Cepeda ensured closer ties between the different lines of the family, especially when his continued absence from Villalba could undermine his authority as "pater familias", and called for the unconditional support of his brothers. And, what is even more important, like this Vicente ensured that his brothers' estates would be inherited by his own grandchildren, avoiding excessive dispersal of assets outside the main line of the family.

Thus, in this last generation, the feminine role is emphasized more strongly than ever as a passive element of cohesion within the family: not only their marriages or their ecclesiastical careers were organized following their relatives' whims and calculations - with the honourable exception of Joaquina de Cepeda, although we should ask about the real reasons behind this union-, but also their dowries were used as a bargaining chip from one family into another, without becoming a real part of none of them. In fact, if we look at how free goods passed from one generation to another, there is a natural tendency to allocate maternal and paternal assets for different purposes: broadly speaking, we could assure that Ignacia's dowry passed almost entirely to her daughters' hands when they got married, although it was obviously necessary to complement it as the maternal dowry was not enough to equip four daughters at all.

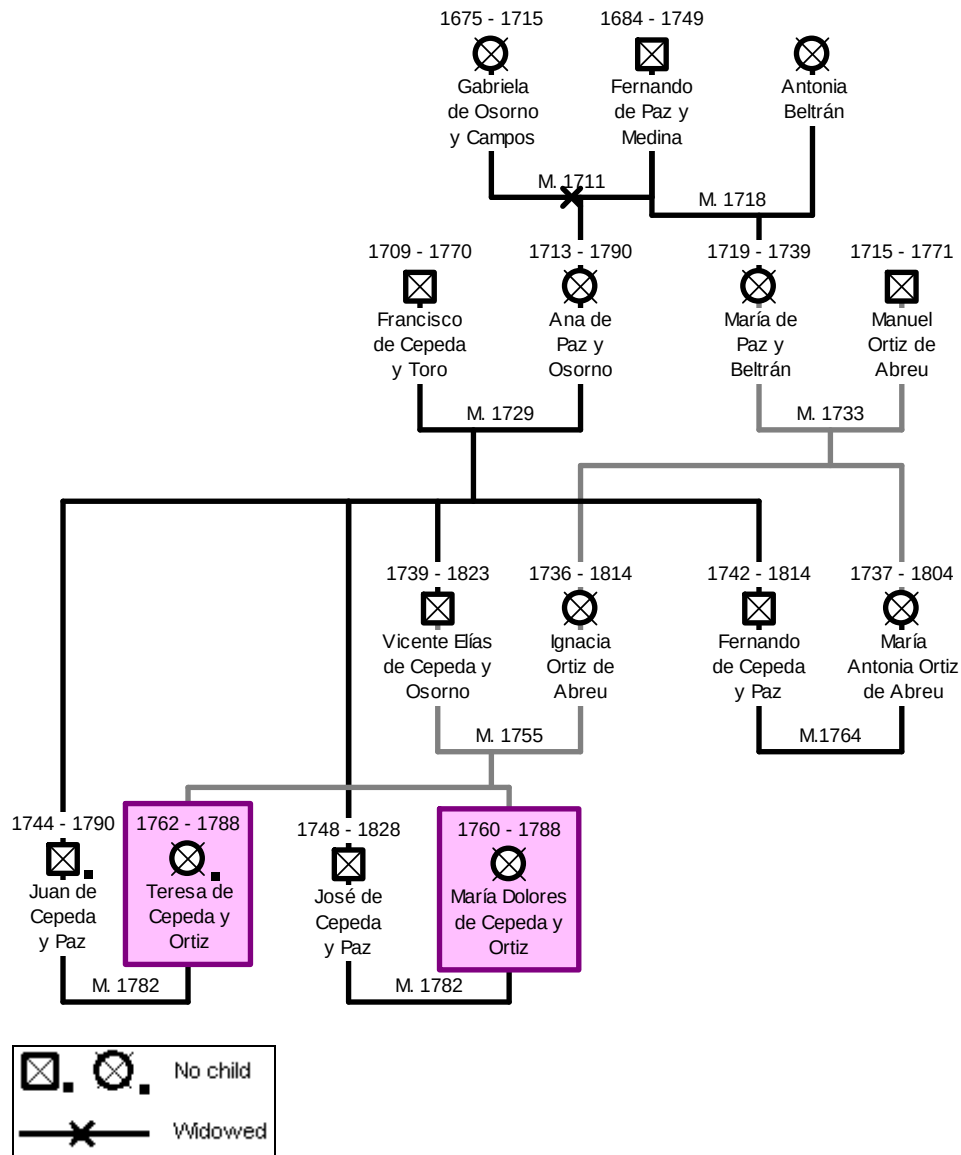
³⁹ Special power of attorney of María Soledad de Cepeda to Vicente Romero Cepeda, given in Villalba del Alcor on 12 February 1842 before José María Trabado. A.P.N.L.P.C., bundle nº 1.689, pages 18r-19r.

⁴⁰ DELILLE, Gérard: *Famille et propriété dans le royaume de Naples: XVe-XIXe siècle*. Rome: École française de Rome Paris; Éd. de l'École des Hautes Études en Sciences Sociales, 1985, p. 281.

⁴¹ DELILLE: *Famille et propriété dans le royaume...*, pp. 279-280.

⁴² RODRÍGUEZ SÁNCHEZ: "Métodos de evaluación de las estrategias...", p. 145.

FAMILY TREE Nº 6
The double consanguineous marriage between Ignacia's daughters and her brothers-in-law



Source: Own elaboration from different deeds and ecclesiastic documents.

Fortunately, all these dowries register every property in detail, firstly because they provided both security and social status for the new couple, and secondly because in case of marital separation, they had to ensure the material survival of the wife, so it was compulsory to take good account of them⁴³. On the one hand, estimated dowries are thought to belong to the husband as a rightful owner, while in non-valuated dowries he would enjoy just its possession and not the ownership⁴⁴. In a wealthy family as the

⁴³ CERRO BOHÓRQUEZ, M^a Paz del: "Los bienes aportados por las mujeres al matrimonio a través de las escrituras de dote (1670-1750)", in ESPIGADO TOCINO, Gloria et PASCUA SÁNCHEZ, M^a José (eds.): *Frasquita Larrea y Aherán. Europeas y españolas entre la Ilustración y el Romanticismo*. Cádiz: Universidad de Cádiz, 2003, p. 332; RODRÍGUEZ SÁNCHEZ, Ángel: "Las cartas de dote en Extremadura" *Actas del II coloquio de metodología histórica aplicada. La documentación notarial y la historia*, I. Salamanca: Europa Artes Gráficas, S.A., 1984, p. 165.

⁴⁴ ZARANDIETA ARENAS, Francisco: "Riqueza y consumo en la Baja Extremadura en el siglo XVII. Análisis a través de las cartas de dote", in *Historia Agraria*, vol. 21, nº Agosto, 2000, p. 64.

Cepeda, indicating the value of property in a dowry was really important, since they had to be aware of the part they had already given in advance to their daughters.

In the case of Teresa, the only property she received because of her marriage in 1782 was a wine cellar that her mother had been given for her wedding in 1755⁴⁵. In those twenty-seven years, its value was increased by nearly 6,000 *reales*, but actually it had remained nearly the same. Furthermore, Ignacia's dowry specified that this wine cellar had belonged to her grandfather, so it was not a property of recent acquisition at all, and all the changes it had had were due to a deliberate desire of increasing its value and productivity⁴⁶.

For their daughter María Dolores, Ignacia and her husband chose three bushels of land they had received as an addition to of her own dowry in 1763, in the municipality of Villalba del Alcor. Less than twenty years later, the value of this property had almost doubled, and what was even more interesting, now bordered by the south to the properties of María Dolores' fiancé, who had received them from his own father several years before. She was given as well more than two hundred olive trees spread over several farms, many of whom had been part of Ignacia's dowry⁴⁷.

Five years after marrying off their daughters Teresa and María Dolores, Vicente de Cepeda and his wife faced a new dowry because of their firstborn wedding with the son of another very important family in the region, the Romero Landa⁴⁸. Ana María would be given a farm acquired by her maternal grandfather in the decade of 1740, and enjoyed by her own mother since 1755, as well as a plot of land of work that had belonged to her family for at least four generations. As long as we know, Ignacia had received it as part of her maternal better half, and her mother had got it from her own grand-mother, so here again there's another property belonging to the same family for at least more than fifty years.

Due to the time gone by since her older sisters' marriage, to the setbacks suffered by the family fortune with the political vicissitudes of the early 19th century, and why not, perhaps also to the unpredictability of a wedding so late in life, Joaquina de Cepeda y Ortiz did not receive such a considerable dowry as her sisters. Even her own father had to admit his inability to provide her properly, and he could only give her a fence recently bought to the local convent⁴⁹. Maybe neither he nor his wife had ever thought about marrying off this fourth daughter, and they hadn't reserved any property for her as she was supposed to remain a spinster all her life long. Something otherwise completely reasonable, as they may have calculated quite carefully the dowries they were able to afford, without reducing their daughters to a status lower than deserved. For sure, it would have been pretty difficult to provide all their nine daughters with dowries according to the family status, especially if they counted on Ignacia's own dowry as the main source for this aim.

⁴⁵ Teresa de Cepeda y Ortiz' dowry, given in Villalba del Alcor on 24 January 1782 before Juan Alonso Ramírez. A.P.N.L.P.C., bundle n° 1.672, pages 1r-7v.

⁴⁶ Part of Ignacia Ortiz de Abreu's dowry, given in Villalba del Alcor on 04 February 1755 before José Sánchez Serrano. A.P.N.L.P.C., bundle n° 1.659, pages 42r-51r.

⁴⁷ María Dolores de Cepeda y Ortiz' dowry, given in Villalba del Alcor on 24 January 1782 before Juan Alonso Ramírez. A.P.N.L.P.C., bundle n° 1.672, pages 8r-17v.

⁴⁸ Ana María de Cepeda y Ortiz' dowry, given in Villalba del Alcor on 16 April 1787 before Juan Alonso Ramírez. A.P.N.L.P.C., bundle n° 1.674, pages 123r-131v.

⁴⁹ Last will and testament of Vicente de Cepeda y Osorno, given in Villalba del Alcor on 21 October 1822 before Juan José Trabado. A.P.N.L.P.C., bundle n° 1.686, pages 65r-70v.

All this shows that, sometimes, the different advances granted to offspring were due to the specific circumstances of time in a family life: if Joaquina had got married by the time her sisters did, probably her parents would have found the way to provide her with the compulsory 6,000 *ducados* they gave to the others, as long as the Cepeda family belonged to that third of Castilian population that, according to Máximo García Fernández “était en mesure d’établir la meilleure cadence dans leurs stratégies nuptiales puisqu’il pouvait compter avec des patrimoines suffisants pour reproduire les biens socialement nécessaires au maintien ou à l’amélioration de leur statut”⁵⁰. In 1821, however, it was a long while that their patrimony was gripped by the debts, and most of their fortune still remained amortized in the *mayorazgos*⁵¹.

How to interpretate this continuity of dowries through generations despite the time elapsed? It seems that the properties reserved to equip the daughters were somehow a parallel heritage that was considered beforehand to be mortgaged in order to marry off the family women, and maybe for that they were part of a comprehensive strategy to preserve intact the core of the lineage’s estate.

* * *

As we have just seen throughout this paper, the consolidation of heritage was of paramount importance to noble families, up to a point that almost all their decisions were conditioned by the necessity of ensuring it, in spite of partitions and Castilian succession laws against it. Thus, they were favourable to the discriminatory award of those parts of estate excluded from compulsory division, and founded *mayorazgos* which forced the transmission of the whole estate from one generation into another.

Actually, marriage policy was just another of the mechanisms used in order to ensure this consolidation, by means of two completely opposing measures but still perfectly complementary: the first one was arranging profitable marriages, both socially and economically, and the second one involved leading the spare offspring to permanent celibacy in order to get their estates less divided.

Perhaps the most remarkable aspect of all these policies is precisely the role given to women, as they were not considered out of their family strategies, but quite the opposite. Their intergenerational leading role depended exclusively on their situation as sole heiresses by chance, or on their value as an essential key to the marriage strategies. And less should we forget that women were a product of their time, and thus they were completely imbued with the traditional mentality of the Old Regime: whenever some of them were able to transcend the strong walls of their houses, it wasn’t due at all to an special character, but just because the system allowed them to act in that way.

⁵⁰ GARCÍA FERNÁNDEZ, Máximo: "Dot et héritage. Les patrimoines familiaux dans la Castille de l’Ancien Régime", in BERTRAND, Michel (ed.): *Pouvoirs des familles, familles de pouvoir*. Paris: CNRS, 2005, p. 675.

⁵¹ Close testament of Ignacia Ortiz de Abreu, given in Villalba del Alcor on 16 March 1804 before Juan José Trabado. A.P.N.L.P.C., boundle n° 1.685, pages 107r-119v; Last will and testament of Rafael de Cepeda y Ortiz, given in Almonte on 29 May 1813 before Juan José Lagares. A.P.N.L.P.C., boundle n° 128, pages 95r-99v.

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