



The Abolition of the Exempted Jurisdictions of the Collegiate Churches in the Liberal Period

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The aim of this work is to raise awareness of a little-known facet of the history of the Spanish collegiate churches: the abolition, after the application of the 1851 concordat, of the exempt jurisdictions of these institutions. A process that was extremely complicated and which was developed in several phases that lasted for a good part of the nineteenth century. Only after the definitive disappearance of these jurisdictions could the power of the ordinaries within their dioceses be perfected, a wish that the Spanish Church had had since the application of the Council of Trent.

Key words: *Exempt jurisdictions, collegiate churches, diocesan authority, liberalism, Spain*

Introduction

The collegiate churches were very difficult institutions to define and homogenize (Barreiro & Castelao, 2003, p. 281). Their very nature, straddling a parish church and a cathedral, and with canonical timetables that could be equated with some monasteries, was sufficient to generate such confusion on its own (Castillo, 2010, p. 280). It must also be taken into account that this phenomenon lasted for a very long time and that the creation of these churches corresponded to motivations of various kinds (Heredia, 2004, p. 54).

As such, these institutions had notable differences in terms of their foundation, patronage, funding, power, and influence, although all of them, regardless of other external factors, became entities that could not be ignored by the diocesan authorities. Their importance within the ecclesiastical structure of Spain under the Ancien Régime is beyond doubt.

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However, it should be noted that, despite all the differences that the Spanish collegiate churches may have had, there were a series of common criteria that help to understand this reality in its correct dimension. These could be summarized in four points: the existence of a chapter at their heart; an authority figure who was usually called an abbot; a purpose based on the enhancement of divine worship in celebrations and offices and, finally, the existence of its own jurisdiction. This last premise would require, in turn, various qualifications that could only be resolved through case studies. The reason is that, broadly speaking, it is not possible to understand in a homogeneous way the jurisdictional powers that these institutions displayed, or the figures who exercised power within them, since they varied greatly in form and strength. Thus, a rural collegiate church that was effectively controlled by the diocesan ordinary was not the same as a *vere nullius* collegiate church led by a mitred abbot governing a territory, in fact and in law, separate from the diocese in which it was located (Cervera, 1981, p. 42). The latter are, strictly speaking, what are known as exempt jurisdictions, although some collegiate churches that were not, behaved as such during much of the modern period.

With the erection of these collegiate churches, therefore, a new figure of ecclesiastical power was being created, with a privilege and jurisdictional rights that were, in reality, one of the greatest sources of internal destabilization for the diocesan authorities. The different bishops saw how they had to share a power and authority that they considered exclusive to their people and, in addition, how on many occasions the implementation of the prerogatives of these collegiate churches was an obstacle to the proper functioning and governance of dioceses².

That is why, from the beginning of the Modern Age, the prelates fought tirelessly to perfect their authority and to limit the capacity of action of these exempt or privileged jurisdictions, that is, those that were not subject to the ordinary (Muñiz, 1917, pp. 35–36). The key moment occurred with the Council of Trent, when an attempt was made to eliminate any other authority that could overshadow the bishop's power within his province³. In other words, it was intended that they enjoy *plenitudo potestatis* in their territory, something that would allow them to hold a power comparable to that of the Pope, although spatially limited to their own diocese (Rico, 2014, p. 20).

However, not even that powerful regulation managed to impose the desire for authority of the prelates of the Church on some chapters, whether cathedrals or collegiate churches, that clung to tradition and the existence of regulatory texts, and royal and pontifical concessions to maintain their positions and power.

² The jurisdictional multiplicity needs to be taken into account as existing within the ecclesiastical establishment itself “where bishops, cathedral chapters, abbots, and other clerical agents could have their own independent jurisdictions based on a complex casuistry.” (Díaz, 2015, p. 171).

³ *El sacrosanto y ecuménico Concilio de Trento*, Madrid: Imprenta Real, 1785, p. 324.



Liberal Measures and the Attempt to Perfect the Jurisdiction of the Bishops

This jurisdictional reality lasted throughout the modern period, despite the resistance shown by the Spanish prelates. Only with the arrival of liberalism was it possible to put an end to this problem, although it was not quick or easy to fix.

The Spanish Church underwent a profound transformation in the period 1800–1852. The old structures began to show signs of weakness and successive liberal governments decided that the power and patrimony of the Church had to be rationalized (Revuelta, 1973, p. 22). In this interval, measures were taken such as the abolition of the tithe, the Spanish confiscation, or the laws for the reform of the funding of worship and the clergy (Palomares, 1991, p. 157)⁴; there was an intervention of political power in ecclesiastical matters which for a long time was criticized by the hierarchies of the Church (Artola, 2014, p. 179) and which generated currents of disaffection with the State (Cárcel, 1975, p. 106). All these regulative processes crystallized in 1851 with the signing of the Concordat between Spain and the Holy See and the restructuring of a good part of the Spanish ecclesiastical organigram. The process was slow and in many respects traumatic, affecting, as it had to, the exempted jurisdictions. This was compensation in favour of the bishops that came to alleviate losses assumed in other fields.

To track this process of the abolition of exempt jurisdictions, it is necessary to go not only to the regulatory text of the Concordat, but also to the previous reports developed, among others, by what became known as the Ecclesiastical Board (Cuenca, p. 26). This body was created in 1834⁵ with the intention of not leaving the religious reform that was being carried out by the liberal governments in secular hands, but in a board that would be composed mostly of bishops (Revuelta, 1976, p. 181). Their work, as well as that of the Joint Board⁶, took a long time and, in many respects, was widely accepted by the Spanish prelates. Archbishop Cirilo de Burgos, for example, in a letter sent to the nuncio in 1850, demonstrated the acceptance that the creation of these Boards had, since he understood that it was difficult for the bishops to have been able to make their voices heard individually. Only in a “collegiate” way could a negotiation be carried out with which “to restore to our Church all its former splendour”⁷. The union of criteria of the eight metropolitan bishops⁸ and the ordinaries of Córdoba and Barcelona (“occupied as bishops and as Spaniards”) had, in his opinion, a beneficial result, fulfilled the wishes of the

⁴ This period is what Callahan called the “destruction of the Church of the Ancien Régime.” (Callahan, 1989, p. 145).

⁵ RD of 28 April 1834.

⁶ RD 18 December 1837 and RD 10 March 1850. Composed of ecclesiastics and laity, and appointed by mutual agreement by the government of Isabel II and the papal nuncio “on a just and equitable basis and in harmony with the needs of the Church and the State.” Vatican Apostolic Archive (AAV). Arch. Nunz. Madrid, 344, f. 364r

⁷ *Ibidem*, 320, f. 777r.

⁸ These archbishops were, together with the 47 bishoprics, plus the highest dignities of some collegiate churches and monasteries, the major beneficiaries of the Spanish ecclesiastical system during most of the Modern Age. (Barrio, 2010, p. 88).

nunciature, and smoothed out any difficulties that might arise with the Government of Isabel II, with the aim of instilling

“confidence in this eminently Catholic nation that the worries of their conscience would cease forever and the troubles that have long afflicted the Church would soon be repaired”⁹.

The Joint Board was also in charge of preparing a general project that would serve as one of the bases for the writing of the Concordat of 1851 and which is dated in Madrid on 27 November 1848 (Palomares, 1991, p. 157)¹⁰. The good reception that the creation of the Board had by a large part of the Spanish clergy did not extend, however, to the final report that they presented or to some of the aspects dealt with in it. The reactions were immediate and the discontents came out in defence of what they believed were their offended rights and a vilified Church. However, the Spanish episcopate remained firm in many of its decisions, especially in its desire to reinforce its authority within its dioceses and to perfect the judicial and jurisdictional aspects that for centuries had been a clear setback to its governmental capacities (Revuelta, 1973, p. 23). This was established by the Board itself by noting that it had as

“capital base of the organization, the need to strengthen episcopal power and that within the limits of each diocese there is only one ecclesiastical authority and this is the one that corresponds to the diocesan prelate”¹¹.

As such, the principles established in Trent three centuries earlier were being taken up again, and they had as a logical consequence the attempt to abolish any privileged or exempt jurisdiction. This line was drawn, in a forceful way, by the members of the Board in their report of 1848, stating that in all countries – and in many historical periods – renowned writers, jurists, and even Church fathers such as St. Bernard, expressed “how repugnant it still was that the religious were not subject to the bishops”¹².

They also pointed out that the Spanish prelates had already raised their voices energetically in Trent to claim their rights and to denounce the ills that the exemptions caused the Church since their mere existence ostensibly relaxed the austere discipline of the clergy¹³. The members of the Board, however, opted for a benevolent judgment towards the Tridentine Council Fathers. According to them, the provisions that were adopted with respect to this type of jurisdiction were not as radical as they should have been due to “the critical, difficult, and thorny

⁹ AAV, Arch. Nunz. Madrid, 320, f. 777r.

¹⁰ *Ibidem*, 344, f. 364r.

¹¹ *Ibidem*, f. 374v. Chapter of the Report called: “Of the ecclesiastical jurisdiction and of the authorities, courts, and judges who have to exercise it.”

¹² *Ibidem*, f. 375r.

¹³ *Idem*.

circumstances in which the Church found itself then and due to the complications of the time”¹⁴. However, they did dare to consider the exemptions as an element of enormous disturbance within diocesan life and contrary to the jurisdiction of the bishops. For this reason, measures were enacted to try to remedy the major abuses, although with little success.

Thus, in the nineteenth century, the members of the Board saw how these ills persisted in the ecclesiastical structure and how “men eminent for their science” did not stop crying out for the restoration of episcopal jurisdiction¹⁵. This issue was considered important to such an extent by the ecclesiastical hierarchy that it was one of the least discussed points, and generated the greatest consensus within the negotiations that took place over decades to finalize the arrangements for the clergy¹⁶.

In this way, there was a definitive agreement aimed at eliminating said jurisdictional exemptions, of all kinds and in many variants, such as that of the Military Orders, with the sacrifice that implied for the Crown the abolition of a jurisdiction inherent to the churches of its particular patronage¹⁷. The need was also established for the disappearance of jurisdictions of the royal and apostolic court of the grace of the excused, that of the court of spoils and vacancies, and of many other entities. Only the military jurisdiction, that of His Majesty’s pro-senior chaplain, that of crusades in the part that could still be applied, and the disciplinary and correctional jurisdiction of the local *intra claustra*¹⁸ prelates were saved. The reason for these exceptions was that they were of a limited nature that neither affected nor impeded the actions of the diocesan authorities¹⁹.

Those who were not free of these measures were, on the contrary, the cathedral chapters. It was clear that at the head of each diocese there should be a bishop to govern it and that they would need auxiliary bodies and agents to help them in such administration. These would be the auxiliary bishops, the courts of any instance, the general vicariates – receivers of part of the voluntary jurisdiction – the visitors, and the foreign vicariates²⁰. However, the cathedral chapters would not be among this help because they were institutions that, for centuries, acted as a brake on episcopal jurisdiction.

It was understood, however, that the existence of a diocesan bishop was almost²¹ inseparable from cathedral churches with a chapter: “the bishop and the chapter are one body; the first is

¹⁴ *Idem*.

¹⁵ *Ibidem*, f. 375v.

¹⁶ *Idem*.

¹⁷ AAV, Arch. Nunz. Madrid, 344, f. 375v.

¹⁸ *Ibidem*, ff. 376v-377r.

¹⁹ The military, for example, was considered advisable and in harmony with the standing armies. *Idem*.

²⁰ *Ibidem*, f. 377v.

²¹ The three suffragan chairs of the Archbishopric of Manila lacked a chapter, something unique in the Spanish dominions of the time.

the head, the chapter being the limbs”²². Some chapters were understood to be a powerful element when organizing and administering the diocese and, therefore, advantageous for both the Church and the State. Thus, the bishops had to be understood as heads of their chapters, institutions whose existence was fully defended by the Joint Board, but with a jurisdictional reality that would undergo a clear change. Moreover, these legislators understood that the rights and exemptions that the chapters had received in the past implied a denaturalization of the institution²³, which generated more problems than solutions within the diocese.

“Everywhere there are vestiges of the continuous struggles between the chapters and their prelates, with the former wishing to be and having unfortunately become, a rival power more than once, to the point of humiliating episcopal dignity”²⁴.

However, it should be noted that these chapters were not the only collegiate institutions that suffered this fate. The collegiate chapters were, if possible, even more affected, since not only were their jurisdictional prerogatives ended, but most of them were also extinguished and abolished, as was definitively endorsed in the Concordat of 1851. Thus, one of the maxims established by the Joint Board in its final report could finally be fulfilled: “A single bishop, a single chapter. One and not more in each diocese”²⁵.

The reason for this decision was that although the Board deemed the churches and cathedral chapters necessary, it could not say the same about the preservation of their collegiate counterparts²⁶. This issue also generated consensus among the members of the Board, all of them in favour of the abolition. Only a few would be saved, but even their continuance should be understood “with the abolition of any exemption or jurisdiction *vere* or *quasi nullius* which limits, however slightly, the jurisdiction proper to the Ordinary”²⁷.

These decisions of the Board caused a huge reaction within the ecclesiastical estate, especially among the collegiate clergy who sought, through memorials pleading preservation, to survive such a measure. Some prelates even raised their voices to defend these ideas. One of them was the archbishop of Burgos, something truly extraordinary since his was one of the prelatures most affected throughout the Modern Age by the existence of collegiate churches in his diocesan territory (Corada, 2018a; 2018b). In a letter sent to the apostolic nuncio in 1850, Archbishop Cirilo suggested that the ecclesiastical structure be maintained until the appropriate provincial councils had been held, which implied the preservation of, at least, the most distinguished collegiate churches. However, this metropolitan bishop did not forget the centuries of struggle that his predecessors had had to undertake and the discredit that this had

²² AAV, Arch. Nunz. Madrid, 344, f. 384r.

²³ *Ibidem*, f. 386r.

²⁴ *Idem*.

²⁵ *Ibidem*, f. 384v.

²⁶ *Ibidem*, f. 390r.

²⁷ *Ibidem*, f. 393v.

meant for their ecclesiastical authority. For this reason, the archbishop himself warned that, although the collegiate churches could be preserved, “it would be convenient to abolish the privileged and exempt jurisdictions that are the source of no small shocks and whose exemption is not useful to the Church”²⁸.

Thus, the abolition of the exempt jurisdictions set out by the Joint Board was assumed by the negotiators of the new Concordat that was celebrated between the Holy See and Spain and that had as plenipotentiaries Monsignor Brunelli, as apostolic nuncio, and Manuel Bertrán de Lis, Minister of State of Isabel II.

The perfection of the authority of the ordinaries was a fact if the regulatory provisions of the text are taken into account. It was already established in its third article that no one could disturb the prelates in the fulfilment of their sacred ministry²⁹. Their authority would be safeguarded throughout the territory of their diocese³⁰, for which it would be also necessary to cease “all privileged and exempt jurisdictions, whatever their class and denomination”³¹. In this group were included the cathedral chapters, ceasing any immunity, privilege, or exemption that they had and which would damage the ordinary authority of the prelates³².

However, as has already been noted, the institutions most affected were the collegiate churches³³. By virtue of Article 21 of the Concordat, their abolition was stipulated – with some exceptions³⁴ – regardless of their origin, antiquity, or foundation, with them being reduced to parochial churches as long as the circumstances allowed it³⁵.

It might seem, therefore, that with this regulation exempt or privileged jurisdictions were completely abolished. Most of the collegiate churches included in Article 21 accommodated themselves to their new situation, the chapters were dissolved, and their capitulars either joined the ranks of the parish clergy or were relocated to the cathedrals or the remaining collegiate churches. However, there were different cases, as some of these institutions decided to protest in the same way that they had refused to accept the dissolution decreed in the Concordat by

²⁸ *Ibidem*, 320, f. 778r.

²⁹ Concordat of 1851, Article 3.

³⁰ *Ibidem*, Article 10.

³¹ *Ibidem*, Article 11. That of St John of Jerusalem was included, but those of the pro-capellan of His Majesty, the military, that of the four military orders (following a new regulation detailed in Article 9 of the same Concordat), that of the regular prelates, that of the apostolic nuncio *pro tempore* in the church and hospital of Italians in Madrid and the special faculties that corresponded to the general commission of the crusade.

³² *Ibidem*, Article 15.

³³ It also sought to influence the numerical reduction of the clergy (Revuelta, 2005, p. 90).

³⁴ Those collegiate churches located in provincial capitals that lacked an episcopal chair, those of private patronage in which the patron decided to bear the cost of a collegiate with respect to a parochial church, the cathedrals that were abolished due to planned diocesan aggregations and some of special importance for the history of Spain (such as those of Covadonga, Roncesvalles, San Isidoro de León, Sacromonte de Granada, San Ildefonso, Alcalá de Henares and Jerez de la Frontera) were respected. *Idem*.

³⁵ *Ibidem*, Article 21.

sending memorials for their preservation to the Minister of Grace and Justice, to the Queen, to the nuncio or the pope, thereby trying to avoid the abolition of their jurisdictional rights.

The Long Road to the Disappearance of Exempted Jurisdictions

Only a few exempted jurisdictions remained as a witness to the existence of this institutional typology after 1851, once the collegiate churches were abolished and reduced to parishes in most cases. And this was so because, contrary to how it might seem, the superior regulation that was the Concordat did not succeed, by itself, in putting an end to rights as deeply rooted as ecclesiastical exemptions in one fell swoop.

In the Vatican Apostolic Archive is a report sent to the nunciature detailing, by diocese, the set of exempt jurisdictions that remained in Spain after the entry into force of said Concordat, although, obviously, not all of them corresponded to collegiate churches.

Table 1. Territories exempted from the ordinary jurisdiction of bishops (c. 1858)

Archdiocese of Toledo	
Diocese	
Jaén	Abbey of Alcalá la Real. By resolution of 8 September 1853, this abbey was entrusted to the bishop of Jaén with jurisdiction over it as well as in the bishopric.
Osma	Collegiate Church of Peñaranda, whose abbot has jurisdiction <i>intra limites ecclesiae</i> , but the parish is visited and the priest instituted by the diocesan authority.
Segovia	Abbeys of San Ildefonso and Parraces, which was attached to the priory of El Escorial, both <i>vere nullius</i> .
Valladolid	Abbey of Medina del Campo: the abbot is appointed by the diocesan authority, but he exercises jurisdiction by himself, except in matrimonial and sacrilegious matters. Eight towns in even years correspond to this abbey and in odd ones to the bishopric of Avila.
Archdiocese of Burgos	
Diocese	
Burgos	Monastery of Santa María la Real de las Huelgas. Abbey of Lerma. Archdeacon of Briviesca.
Calahorra	The towns of Santa María de Nájera, Valvanera, and San Prudencio, <i>vere nullius</i> .
León	Abbey of San Isidro de León. Several territories of the regular abbeys of Sahagún and San Pedro de Eslonza, <i>vere nullius</i> , (by royal orders the abbey of Sahagún was entrusted to the bishop of León, extending to it the jurisdiction exercised in the bishopric).

Palencia	Collegiate Abbey of Ampudia.
Pamplona	Priory of Roncesvalles and Abbey of Urdax, both <i>vere nullius</i> .
Archdiocese of Santiago	
Diocese	
Astorga	Abbey of Villafranca del Bierzo, <i>vere nullius</i> .
Lugo	Abbey of San Julián de Samos, <i>vere nullius</i> .
Mondoñedo	Several parishes of the Deanery of Santiago, <i>vere nullius</i> .
Salamanca	Archpriesthood of Valdobla, in which the cathedral chapter exercises jurisdiction and alternates with the bishop to carry out a visitation every six years.
Zamora	Six Cameral Churches, governed by a Chamber Judge, appointed by the Orense chapter to which the jurisdiction belongs.
Archdiocese of Seville	
Diocese	
Seville	Abbey of Olivares, <i>vere nullius</i> . By Royal Order of June 1856, the jurisdiction was ordered to be handed over - and subsequently was handed over - by the ecclesiastical governor to the diocesan of Seville. The diocesan objected and as such, the file is still on the table. Vicariate of Carrión de los Céspedes: A file on who had the jurisdiction of this town claimed by the count with this title was also opened. Vicariate of Estepa, to the Marquis of Estepa. Chapel of the Holy Sepulcher of the collegiate church of Osuna.
Archdiocese of Tarragona	
Diocese	
Barcelona	Priory of Santa Ana, in the same city, <i>vere nullius</i> .
Lleida	Archpriesthood of Ager, <i>vere nullius</i> .
Solsona	Three parishes and an annex in said archpriesthood.
Urgell	The archpriesthood of Ager, in thirty-six towns, <i>vere nullius</i> .
Archdiocese of Zaragoza	
Diocese	
Zaragoza	The parishes of San Juan de los Panetes and of Temple in the capital, exempt.
Huesca	Abbey of Montearagón, <i>vere nullius</i> .
Tarazona	Town and Monastery of Fitero, <i>vere nullius</i> .

Source: AAV, Arch. Nunz, 432, ff. 105r–106r.

This shows that there was less difficulty in abolishing collegiate churches than in abolishing special jurisdictions, especially if we consider that these institutions – and other exempt jurisdictions in Spain – clung to both the indecision of the liberal governments when applying some aspects of the Concordat and the legislation that followed its approval to keep their jurisdictional power in force.



In particular, mention must be made of two Royal Decrees, one of 17 October 1851 and the other of 30 April 1852. Both supposed, de facto, an extension in the period of application of the Concordat in terms of the abolition of the exempt jurisdictions and, therefore, in the perfection of episcopal power. The reason for these measures must be found in the adaptation period that would inevitably entail the implementation of all the approved reforms, with special attention to diocesan restructuring.

The first of them, in Article 1, stated that the exempt territories should continue to exist until the new limits that had been established for each diocese were determined and took effect³⁶. It left no room for doubt, however, regarding the continuity of the collegiate churches. Only those that had been decided to be kept should be kept as of up to now, and only until they could be organized in accordance with the provisions of the Concordat³⁷. The second Royal Decree entailed the same idea. The collegiate churches that the Concordat did not retain should be immediately reduced to larger parishes, although, yes, those that were in effect would continue to exercise exempt jurisdiction – if there were one – until the new diocesan division took effect³⁸.

This was a concatenation of regulations that, in reality, came to demonstrate a resistance, perhaps not violent or judicial, but structural, from some institutions that had contributed to channelling the spirituality of the Spanish people for centuries. The dismantling of this reality was not as easy a task as might be expected and the pressure exerted by some prelates was of little use to make it effective immediately, so that their power were not hampered by some lesser entity.

Thus, this situation occurred throughout the Spanish territory, although, unfortunately, direct testimonies have not been found from all of them.

Andalusia, for example, was perfectly represented with the jurisdictional power of two collegiate churches. In Olivares, after the end of the college was decreed, the chapter met for the last time on 30 June 1852. However, it was not so easy to remove its jurisdictional exemption. Specifically, it was necessary to wait until the *Quae diversa* bull, given in Rome by Pius IX on 14 July 1873, for the incorporation of all the exempt jurisdictions to that of the ordinaries. In February 1874, the jurisdiction of the Olivares collegiate church passed definitively to the archbishop of Seville and it became one more parish of the Seville diocese (Amores, 2001, p. 21). This was a very late date, especially considering that since March 1855

³⁶ This measure also affected the dioceses that were to be regulated, eliminating the exemptions of the bishoprics of León and Oviedo, which would become dependent on their metropolitans, Burgos and Santiago, respectively. *Gaceta de Madrid*, RD of 17 October 1851, Article 1.

³⁷ *Ibidem*, Article 2.

³⁸ *Idem*, RD of 30 April 1852, Articles 4 and 5.

the nuncio was more than interested in the vicariate of the archbishopric of Seville taking charge of the administration of the Abbey of Olivares³⁹.

On 8 September 1853, the bishop of Jaén received a letter from the nuncio in which he was urged to take charge of the abbey of Alcalá la Real with the same extension of jurisdiction that he exercised in his own diocese, and to cease the capitular vicariate that had served in a vacant see⁴⁰. The delivery of the exempt jurisdiction to either the contiguous diocesan authority or the metropolitan one was mandatory, but everything was hampered by slowness in the formation of the new diocesan circumscriptions⁴¹. This state of chaos was suffered by both the prelates who had these powers inserted in their dioceses and those who were obliged to exercise the functions of ecclesiastical governors of some jurisdictions, such as that of Alcalá la Real, doomed to disappear within some abolished institutions⁴².

In the archdiocese of Burgos there were also situations of this type. Thus, by 1854 the extinct collegiate church of Lerma still had the figure of an ecclesiastical governor, Segundo Valpuesta, who exercised exempt jurisdiction in that locality⁴³. In this specific case, there was a structural survival of the old jurisdiction of the collegiate church, despite the fact that the governor wanted to withdraw from office. In other words, there was not, under any circumstances, a conscious and combative attempt at jurisdictional conservation. Valpuesta even recognized that the Holy See, in common agreement with the government of Spain, had “sufficiently anticipated the necessary provisions to prepare and facilitate the circumscription of dioceses, entrusting these privileged jurisdictions to the bordering prelates as apostolic delegates”⁴⁴. For this reason, and abiding by the provisions indicated, he believed it appropriate to stop exercising said jurisdiction *vere nullius diocesi*, abandon his position as ecclesiastical governor, and move to reside in the cathedral of León, where he had obtained a prebend⁴⁵.

The archdeacon of Briviesca, on the other hand, was somewhat more resistant and, once again, the archbishop of Burgos saw the need to fight the existence of these powers in his diocese. Thus, in 1854, the exempt jurisdiction of Briviesca continued to function fully, despite the fact that the metropolitan bishop had tried to make it disappear as early as 1852. In this case, the articles of the Concordat and the RD of 30 April 1852 were used. According to the archbishop in a letter sent to the Minister of Grace and Justice in that same year, the continuance of Ciriaco

³⁹ AAV, Arch. Nunz. Madrid, 341, f. 247r.

⁴⁰ *Ibidem*, f. 154r.

⁴¹ *Ibidem*, f. 158r.

⁴² This is the case of Cayetano Romero, Miguel del Corral or Rodrigo Gámez. *Ibidem*, f. 158r, 171r-v and 173v. Letter dated 15 September 1853. Cayetano Romero to the apostolic nuncio.

⁴³ *Ibidem*, f. 5r. Letter dated 22 May 1854. Segundo Valpuesta to the manager of the business of the nunciature. In 1858 this apostolic administration was entrusted to the archbishop himself (Cuenca, 1980, p. 239).

⁴⁴ *Ibidem*, f. 3r. Letter from Segundo Valpuesta to the nuncio on 22 May 1854.

⁴⁵ *Ibidem*, f. 7r.

Martínez de la Fuente, canon prior of the old collegiate church of Briviesca, in the position of governor of that archdeacon, was against the law⁴⁶.

“According to Article 4 of the Royal Decree of 30 April, since 1 July, the collegiate church of Briviesca should have been considered as reduced to a major parish as have been the other collegiate churches of this archbishopric. Article 5 that provides for continuing the exercise of the exempt jurisdiction by those in charge of it does not cover the Archdeacon of Briviesca because it has not been truly exempt”⁴⁷.

The prelate also argued that with these actions he was not usurping any foreign jurisdiction before the deadline established by the Royal Decree, because Briviesca was never a collegiate church with *vere nullius* jurisdiction. On the contrary, what he was preventing was that a territory of his diocese would be left out of the protection of his power from the moment in which the different regulations terminated the jurisdictional exercise of institutions such as collegiate churches⁴⁸.

It was not until 22 February 1853 that the authorities of the public prosecutor's office understood that the circumstances in Briviesca meant that “the appointment of judicial vicar should cease and that the clergy of the greater parish of Briviesca must submit to the vicariate appointed by the very reverend Archbishop, because the archdeacon referred to has never been a *nullius* or truly exempt territory”⁴⁹. References to the case, however, lasted well into 1854⁵⁰. These situations of misinformation and ignorance also occurred in other dioceses. The bishop of Astorga informed the apostolic nuncio on 17 May 1853 that the collegiate church of Villafranca del Bierzo had been abolished and the members of its chapter relocated in different cathedrals⁵¹. However, there was a doubt that assailed the Asturian ordinary, which consisted of knowing who would exercise that jurisdiction in the event that it remained vacant, postulating, in the event of a dispute, for the episcopal dignity of Astorga to assume such a mandate⁵².

This situation generated, as might be expected, harsh criticism within the ecclesiastical authorities, with complaints about the way in which the abolition of the exempt jurisdictions was articulated and the problems derived from them. The letters sent to the nuncio and the

⁴⁶ *Ibidem*, f. 16r.

⁴⁷ *Ibidem*, f. 16r-v.

⁴⁸ In an act of goodwill, the archbishop issued the title of foreign vicariate and archpriest to the former governor, Ciriaco Martínez de la Fuente, on 1 July 1852, so that he began to exercise these positions from the day that his collegiate church was reduced to a major parish by the RD of 30 April. *Ibidem*, f. 17r.

⁴⁹ *Ibidem*, f. 33r-v.

⁵⁰ In the collegiate church of Ampudia, diocese of Palencia, there was still a governor of the abbey – Juan Machuca – in 1863. *Ibidem*, 432, f. 195r.

⁵¹ It was necessary to wait for the *Quo gravior* and *Quae diversae* bulls, in 1873, for the curates dependent on this collegiate church to become part of the diocese of Astorga. (García, 2007, p. 131).

⁵² *Ibidem*, 341, f. 151r.



government inexcusably showed deep unrest. Among all these complaints, that of the Archbishop of Burgos, Cirilo Alameda y Brea, was again the one with the greatest clarity:

“Once the abolition of most of the collegiate churches had been resolved, due to the desire to reduce the budget of Worship and Clergy, it would have been very opportune not to have deferred the cessation of the exempt jurisdictions. Was it not the bishoprics of León and Oviedo that ceased at once when the concordat was promulgated, despite their ancient historical glories? Were this the case, we would not be as hindered as we are, especially in this diocese, to make the parochial arrangement and circumscription of archpriests, due to the exemption of Lerma, the misunderstood exemption of Briviesca and the famous monastery of Las Huelgas”⁵³.

Conclusion

The abolition of the exempt jurisdictions was not an easy task for the legislators of the successive liberal governments. The structures of the Ancien Régime, although weakened, displayed strong ties with nineteenth-century society that saw how the institutions with which they had identified for centuries were disappearing one after another. Permanent institutions, again, showed an enormous capacity for resistance to the new world that was being built.

The Church, obviously, also suffered these consequences and, despite being the entity of permanence par excellence, had to adapt to the liberal model. Within its organigram, not all ranks or institutions suffered the same fate, with the collegiate churches being, without a doubt, one of the entities that suffered the most from the nineteenth-century regulations, in an attempt to eliminate that set of strong jurisdictions and perfect the power of the ordinaries within their dioceses. On the other hand, this was already intended at the Council of Trent.

However, the task was more difficult than expected. Decades of negotiations, struggles, and losses led to a Concordat that, in relation to the collegiate churches, was final. The vast majority of them had to disappear, as well as their exempted jurisdictions.

This last aspect was, perhaps, the most complicated to carry out, since the half-heartedness of the regulations and the need to wait for the application of the new diocesan demarcation caused delays and jurisdictional problems that evoked those of ages past. If we also take into consideration the structural resistance that arose from centuries of exercise of power, and the possession of rights and prerogatives felt to be inherent, the slowness in applying the abolition of exemptions is understandable.

However, the abolition of these jurisdictions was necessary within a time that was clearly marking the end of the Ancien Régime, at least in its most institutional aspect. And, of course, this whole process affected the Church with measures such as the abolition of the tithe, the

⁵³ *Ibidem*, f. 72r. Letter from the Archbishop of Burgos to the nuncio, 14 March 1854.



confiscations, the reform of worship and the clergy and, finally, the Concordat. One blow after another that also forced the Church to move into the present, having eliminated that part of the remains that anchored it in the Ancien Régime. Among those burdens were, without a doubt, the exempt jurisdictions, exemptions that were no longer understandable, that were the product of a different era, and whose make-up did not help to solve the problems that existed in the liberal societies of the nineteenth century, as emerges from one of the reflections undertaken by the members of the Joint Board.

“In their time some of them [exemptions] could be, and were in fact, not only useful and beneficial under certain circumstances, but also necessary, above all, in the long, essentially religious struggle, which alone and abandoned by all, but strong because of their Christian faith, the Spanish people had to bear and gloriously uphold until they expelled the Muslims from their territory. But these times have long gone and belong only to history”⁵⁴.

⁵⁴ *Ibidem*, 344, f. 375v.

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