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Celaya Ibarra, Adrián (Elcano, 30. 48008 Bilbao): Guipúzcoa en la Ley Vasca de Derecho Civil Foral (Guipúzcoa in the Basque law of the Statutory Law) (Orig. es)

In: *Azpilcueta*. 12, 13-20

Abstract: The Basque law of 1st July 1992 opens a setting in which the family customs of Guipuzcoa can reach the rank of law. Such customs were never written down, in spite of the General Board demands. The law covers the claims of the lawyers from Guipúzcoa such as Echegaray, Cillán and Navajas about the article 147, which orders the study of the civil institutions of Guipúzcoa in order to enact them with a law rank.

Key Words: Guipúzcoa. Customs. Institutions.

Lafourcade, Maité (Univer. de Pau et des Pays de l'Adour. Faculté Pluridisciplinaire de Bayonne-Anglet-Biarritz. 29-31, Cours du Comte Cabarrus. F-64100 Bayonne): La recherche du véritable droit des peuples. Application a la province de Guipúzcoa (The search of the real Law of the people. Application to the province of Guipúzcoa) (Orig. fr)

In: *Azpilcueta*. 12, 21-26

Abstract: The customary law, born in the population itself, apart from any systematic orientation, as well as not imposed by a legislative power, is, together with the language, characterizes a population. But the juridical uses are, by nature, oral. When they have not been written down, as it is the case of Guipuzcoa, how can they get to be know? The most expressive and real source consists in notary's deeds. Analysing them in a hard work that has to be carried out for Guipuzcoa to have, as Biscay, its own law and to preserve it.

Key Words: Law. Customs. Guipúzcoa.

Orella Unzué, José Luis (Univ. de Deusto. Facultad de Filosofía y Letras. Mundaiz, 50. 20012 Donostia): Luis Chalbaud Errazquin (Luis Chalbaud Errazquin) (Orig. es)

In: *Azpilcueta*. 12, 27-54

Abstract: Owing to the celebration in 1991 of a cycle of Basque Private Law and the celebration of the 75th anniversary of the foundation of the Commercial University of Deusto 1916-1991, I was offered the opportunity to outline this little features of Luis Chalbaud, one of the first theoreticians of Basque private law as well as founder of the Commercial University of Deusto in Bilbao. The work includes his life, his social work, and investigations about Basque private law. His brothers' biographies, Pedro Chalbaud and Manuel Chalbaud, are also outlined. Both are interesting important people to have a knowledge of the Bilbao social life of the end of the century and the political life of emergent nationalism.

Key Words: Chalbaud. Biscayan private law. Commercial University of Deusto.

Sánchez de la Torre, Angel (Universidad Complutense. Facultad de Derecho. Dpto. de Filosofía del Derecho. 28040 Madrid): Estructuras familiares y sistemas sucesorios (Family structures and successory systems) (Orig.es)

In: *Azpilcueta*. 12, 55-64

Abstract: The successory trunk regimen that with different characteristics comes out in the Basque Country, shows a persistent family structure not only in relation to the disposal about the trunk properties assigned to the heir, but also trough the clause of leaving somebody aside, with explicit mention of the sections. As in this way, the people who could exercise the rights of trunk pre-emption, as well as sharing of the rights of burial and maintenance at the expense of the inheriting owner. In terms of Compared Law, such structure is similar to the Roman archaic law of *successio*, a essentially family law with reference to the family *domus*, and previous to the posterior law of the *ius civile*. This author's theoretical position dates from the study "Truncation and *legitima* in the law from Biscay" (1956) and some posterior ones.

Key Words: Family structures. Successory systems.

Sanza Amurrio, Jesús María (Luis Mariano, 10 - 4º B. 20302 Irún): La sucesión testada en los territorios históricos de Guipúzcoa y Alava (The testate succession in the historic territories of Guipuzcoa and Alava) (Orig. es)

In: *Azpilcueta*. 12, 65-80

The author analyzes, from a Notary's point of view, the form of testaments and mortis causa succession in Gipuzkoa. He also provides a historical insight of the institutions applied in Gipuzkoa. But, above all, what he attempts to establish are his own subjective conclusions drawn from a practical point of view on the possible use and future of the Special Statute (Fuero) in this historical territory. The point of view expressed in this conference already dates to some time after the publication of article 147 of the act on Basque civil law.

Key Words: Succession by means of testament. Special Statute (Fuero) of Gipuzkoa. Notarial Practice. Conclusions.

Sanza Amurrio, Jesús María (Luis Mariano, 10 - 4º B. 20302 Irún): Derecho Foral guipuzcoano: Notas desde un aspecto notarial y práctico (Statutory Law from Guipuzcoa: Notes from a notarial and practical aspect) (Orig. es)

In: *Azpilcueta*. 12, 81-92

Abstract: The conference was held in 1992, before the spreading and publication of the Basque Civil Law. Mainly it tries to analyse the juridical uses and customs of the Guipuzcoa province in relation to the tested succession. It is given a historic view of the ups and downs that this statutory territory has gone through. Besides, taking advantage of the author's nature from Alava, some hints are given about the Ayala's historic territory, its statutory privileges, as well as its uses and customs of Alava. Finally a practical view of the present customs in both territories is given.

Key Words: "Fuero" of Ayala. Statutory law of Guipuzcoa. Statutory law of Alava.

Serrano García, José Antonio (Univ. de Zaragoza. Fac. de Derecho. Dpto. de Derecho Civil Pedro Cerbuna, 12. 50009 Zaragoza): Apuntes sobre la codificación del Derecho civil aragonés (Notes about the codification of the Civil Law from Aragon) (Orig. es)

In: *Azpilcueta*. 12, 93-114

Abstract: After a first panoramic view of the historic evolution of the Civil Law of Aragon since the Kingdom origins, the work is centred on the exposition of the "codifying" process that will take the Aragonese Civil Law to the old autochthonous moulds of "Cuerpo de Fueros y Observancias" state laws: first the one that approves the Appendix of 1925, later the one, in part still in force, that approves the Aragonese Compilation of 1967. Then, this state law will be taken in -what is not modify- by the Aragonese Autonomous Community and integrated as a main part of the new Aragonese juridical ordinance come out after the 1978 Constitution and the Statute of Autonomy of 1982. In the first phase of this process it is underlined the importance of the Aragonese Jurisconsults Congress of 1880 and the projects of appendix -in a general sense-; the second phase, is started as a review of the Appendix and finishes with the writing of a new text: the Compilation of 1967; finally, the third phase, consists in the taking on of the "codifying" product as an autonomic Law and its modification to adapt it to the Constitutional principles.

Key Words: Civil Law from Aragón. History. Codification. Appendix. Compilation.