The governance of Atlantic ports in medieval Castile

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Spanish historiography has studied widely the political strategies surrounding maritime affairs, producing numerous volumes on coastal or ports realities, both local and regional. This essay offers a comparative vision of the different modes of administration in the Castilian Atlantic’s ports. Firstly, to analyse the system comprising ports in the Iberian north. Secondly, to explicate the established system in the Guadalquivir’s estuary and in the Bay of Cadiz. Although both systems were constructed independently, they converged in maritime traffic while displaying two distinct models of ports administration. The main differences between both models are determined by the degree of intervention of official bodies, local oligarchies, and mercantile institutions.

Keywords: admiralty, Andalusia, Castile, maritime and mercantile jurisdictions, maritime history, Middle Ages

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La gobernanza de los puertos atlánticos en la Castilla medieval

La historiografía española ha investigado sobre las estrategias políticas en torno a los asuntos marítimos en mayor medida, ofreciendo diversos estudios sobre las realidades costeras o portuarias locales o regionales. En esta propuesta se pretende ofrecer una visión comparativa de los diversos modos de gestión en de los puertos castellanos atlánticos. En primer lugar, aquel que conforman los puertos situados en norte hispánico y, en segundo término, los que se organizan en torno al estuario del Guadalquivir y la Bahía de Cádiz. Estos sistemas se estructuran en forma independiente, aunque confluyen en lo que al tráfico marítimo se refiere ofreciendo dos modelos de gestión portuaria diferenciados por la mayor o menor actuación de las instancias oficiales, oligarquías locales y de las instituciones mercantiles.

PALABRAS CLAVE: almirantazgo, Andalucía, Castilla, Edad Media, historia marítima, jurisdicciones marítimas y mercantiles

La gouvernance des ports de l'Atlantique dans la Castille médiévale

L’historiographie espagnole a étudié les stratégies politiques autour des affaires maritimes dans une plus large mesure, proposant diverses études sur les réalités côtières ou portuaires locales ou régionales. Cette proposition vise à offrir une vision comparative des différents modes de gestion dans les principaux systèmes portuaires castillans. En premier lieu, ceux qui composent les ports situés dans le nord hispanique et deuxièmement, ceux qui sont organisés autour de l’estuaire du Guadalquivir et de la baie de Cadix. Ces systèmes sont structurés indépendamment, bien qu’ils convergent en ce qui concerne le trafic maritime, offrant deux modèles de gestion portuaire différenciés par les performances, plus ou moins grandes, des organismes officiels, des oligarchies locales et des institutions commerciales.

MOTS-CLÉS : amirauté, Andalousie, Castille, histoire maritime, juridiction maritime et commerciale, Moyen Âge
Introduction: the Castilian coastal urban network

For coastal communities, the sea represents a source of sustenance (self-sufficiency), a source of income and a medium for communication stimulating commercial exchanges and technical transfers. During the Late Middle Ages, the sea also became a political object for the authorities whose control over this element represented the consolidation of territorial power of both the coastline and the marine sphere.

Between the twelfth and fifteenth centuries, Castile witnessed an extensive process of creation and consolidation of its coastal urban networks. The inhabitants of these territories recognised their maritime vocation as the kernel of rapid economic growth and development towards an active presence of their ships within European merchant circuits. Being a process consisting of the founding of new towns and re-founding of existing nuclei through the promulgation of foundation or settlement charters, this urban process—considered a late development in Spanish medievalism—displayed singular characteristics. This sustained foundational impulse gave rise to the formation and consolidation of a dense network of burghs (fig. 1) destined to play an active historical role in the northern peninsular periphery.

The network was dependent on several institutions: the monarchy in Cantabrian ports, in the form of the Cuatro Villas de la Costa; the constitution of royal ports on the Asturian seafront; or seigneurial ports of the Basque and

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3 This cartography is based on a previous image published in Arízaga Bolumburu, Bochaca, 2005, p. 76. The creation of GIS cartography present in this article was created in the Agustín de Horozco Seminar of Ancient and Medieval History of the University of Cádiz. The significance of georeferenced spatial depictions has been evidenced by the researchers of the institution, to which one of the authors of this article belongs (Enrique Ruiz), in various publications available in https://agustindehorozco.uca.es/.
5 Solórzano Telechea, 2009-2010; Añibarro Rodríguez, 2013.
Galician coastline. This was a process developed over three phases during the Middle Ages: the first until the death of Alfonso IX in 1230; the second, coinciding with the reign of Alfonso X and the third, covering the first half of the fourteenth century.

There was a radically different situation in the south of the Iberian Peninsula. Alfonso X tried to repopulate the Andalusian Atlantic littoral conquered from the Muslims in the mid-thirteenth century. However, the irruption of the North African Marinids in the transition from the thirteenth to the fourteenth century forced successive Castilian kings to surrender the patronage and custody of most ports of the region to the more powerful Andalusian aristocratic lineages. In 1474, time of the accession of the Catholic Monarchs, only two ports remained in the hands of the Crown. These were the two primary cities of the Andalusian littoral, located further inland and dependent upon two main rivers: Seville on the Guadalquivir and Jerez de la Frontera on the Guadalete. These sites were the object of the repopulation efforts to the detriment of seigneurial coastal towns. In the mid-fifteenth century took place the final conquest of the Strait of Gibraltar, the local commercial development and the repopulation of the littoral took place. The Crown and the seigneurial nobility participated in this process. An example could be the foundation of Puerto Real by the monarchy (1483), and Chipiona by the Marquis of Cadiz (1477) or Trebujena by the Duke of Medina Sidonia (1494) (fig. 21).

This essay aims to present a global and comparative view of the governance of Castilian ports based on the analysis of two aspects. Firstly, the granting of liberties to maritime enclaves in their foundation or refoundation charters. Secondly, the erection of a private mercantile jurisdiction for the «people of the sea», giving them total autonomy over maritime affairs and laying the foundations for maritime mercantile law. The main object of analysis is closely related to the incidence of local conflicts and the instruments to settle disputes. Although the term «maritime» was employed randomly. Further, we will show the administration of private jurisdictions: their development, strategies, mechanisms, and the institutions sustaining them.

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7 Ruiz de la Peña, 2000, 45; Solano Fernández-Sordo, 2017 and 2018.
11 This cartography is based on a previous image published in Martín Gutiérrez, Ruiz Pilares, 2019.
12 On the use of the expression «people of the sea». Bochaca, 2012, pp. 45-47. Of particular interest is the association of this category with the concept of maritime community expounded in Guerber & Le Bouédic, 2013, pp. 8-14.
In the context of a general process of institutionalization of the Castilian monarchy, the Crown tried to gain control of these enclaves by creating the Admiralty in southern Castile in 1247. However, this legal creation—the establishment in Castile of a special jurisdiction for maritime businesses—was a late attempt and not originally intended for the whole kingdom. Admirals held effective jurisdiction solely, over the kingdom of Seville—created in the wake of the conquest of this territory—and the Andalusian Atlantic's littoral. Despite the continued attempts of the monarchs to impose their authority from Cartagena and Murcia to the ports of the Cantabrian Sea; these were barely successful outside the Sevillian sphere, where the authority of the Admirals never really took hold despite the powers granted on paper\textsuperscript{13}. In other words, the Crown, lacking in political, ideological and material resources, renounced the administration of ports, transport, and maritime commerce to private control. The construction by the mercantile communities of these mechanisms, with minimal state intervention, demonstrates the gradual professionalisation of this sector.

\textsuperscript{13} Between 1405 and 1442 we find royal documents demanding the Admiral’s jurisdiction over the northern ports be respected. As an example, Juan II ordered the Galician Governor to allow the collection of taxes in the region, particularly in the port of La Coruña, \textsc{Ladero Quesada}, 2003, p. 76.
Special maritime jurisdiction

Castilian territories in northern Iberia—extending between the estuaries of the rivers Bidasoa and Miño—comprised a vast coastal strip including the present-day territories of Guipúzcoa, Biscay, Cantabria, Asturias and Galicia. Before the twelfth century, this seafront received scant attention from the Castilian-Leonese monarchs and, later, from the Castilian kings. On this northern façade, maritime peasants had already initiated their economic activities as described in the *Historia Compostelana*\(^\text{14}\). However, these territories did not act as a true northern maritime front until the monarchs identified the area as a political object; that is, a territorial space for strategic development\(^\text{15}\). In this context, we find the foundation charters, understood as an agreement between parties, where, among the privileges granted by the king, there was the use and advantage of land, fluvial, and maritime spaces. Land demarcations (*término*) were clearly defined and signalled by landmarks whilst water bodies were generally understood as boundaries, as spatial delimiters, although charters do not specify the liberties granted beyond the shores, riverbanks or coastlines, an omission leading to notorious conflicts\(^\text{16}\).

Thus, through the analysis of foundational charters we find two forms of expression regarding privileges granted to maritime bounds. Some foundational charters imply that estuaries and the sea belonged to the towns; that is, they were part of the jurisdictional demarcation of the town, driving municipal governments to strive for the control of their exclusive use and exploitation. In other charters, jurisdictional rights over the sea were granted to the town directly. Still, sources are generally vague and it is not before the fourteenth century and the early fifteenth that we find clear definitions of the rights held and exercised by port towns over their surrounding areas, and those applied by local institutions, guilds and confraternities\(^\text{17}\).

By the end of the thirteenth century, the Castilian Atlantic space in southern Iberia encompassed a considerably smaller area than its northern counterpart: 294 kilometres. Following the conquest of Tarifa in 1292, Castile imposed its jurisdiction on the littoral from the estuary of the River Guadiana, on the Portuguese border, to Tarifa, in the Strait of Gibraltar. This territory comprises the totality of the coast of the modern-day province of Huelva and a large part of the province of Cadiz. The remaining Atlantic littoral of Cadiz was first conquered decades later: the conquest of the Bay of

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\(^{14}\) *Historia Compostelana*, 1994, verse 1115.

\(^{15}\) The consideration of the sea as a political object constitutes one of the stages of the so-called civilization of the coast, *Laget*, 2017, pp. 23-33.


\(^{17}\) *Laget*, 2017, p. 25.
Algeciras in 1344 and Gibraltar was not concluded until 1462. This littoral rapidly attracted the attention of the Castilian monarchs, namely Alfonso X, who, in the context of his attempts to accede to the imperial throne between 1257 and 1275, attempted to establish the Bay of Cadiz as an ideal platform from which to embark in the *fecho de allende* or African Crusade. This project was thwarted by the irruption of the Marinids on the littoral and frustrated the dream of erecting an empire by 1275, leaving repopulation efforts and the jurisdiction of most of the territory in the private hands of the Andalusian aristocracy.

As occurred in northern Castile, it was not until the end of the Middle Ages that more precise descriptions of maritime jurisdiction are articulated. In some of the extant repopulation charters from the late fifteenth century and the local ordinances until the sixteenth century, we find mentions of the rights of the settlers and inhabitants over coastal waters. To illustrate this, the Chipiona municipal charter of 1477 bans non-residents from fishing *cazón*—a small houndshark typical of the area—, stating a ban on fishing *cazón*, whether by the town shore or in any other fishery, except for dwellers of the town.

### Maritime-mercantile jurisdiction in Castile

The delegation of maritime jurisdiction to the private sector was not new, dating back to Antiquity. This was the result of the inability of the authorities—monarchs, councils and lordships—to administer and control vast coastal territories, the need to provide swift and effective solutions to the disputes that arose in maritime transport and commerce, and the traditional autonomy of the seas.

This concept of maritime autonomy is linked to three realities: firstly, with the powers granted to navigators as architects of their own legal norms. Navigators constructed consuetudinary norms following the evolution of maritime navigation and commerce, as an *ius proprium*, applicable solely to them. Secondly, with the privileges granted to the various political bodies in coastal territories, allowing them under certain circumstances to hold a private jurisdiction (jurisdictional autonomy). In practice, this led to the establishment of a variety of privileged maritime jurisdictions, separate from common territorial jurisdiction. And, lastly, with the capacity for self-regulation that was frequently granted to navigators, a term comprising maritime merchants and seamen. They were free to organise and govern their activities

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18 **Sánchez Saus**, 2017.
through their own institutions. This is the recognition of a maritime law as a differentiated legal domain\textsuperscript{22}. Thus was constructed a maritime legal order characterised by simplicity, immediacy, dependence on consuetudinary law and the risks inherent in maritime ventures\textsuperscript{23}.

In the Castilian Atlantic, the earliest antecedent of the principle of mercantile jurisdiction is found in the foremost early medieval legal code, the \textit{Liber Iudiciorum} (or \textit{Lex Visigothorum}), a Visigoth book of laws promulgated by king Recceswinth in the year 654. The code includes two laws regarding maritime commerce and seamen, signalling an incipient maritime law:

El que recibiere algo encomendado o prestado (commodata) y ha salvado todas sus cosas de una destrucción, de un incendio o de la adversidad de un naufragio, pero perdiere las de los otros, que sea obligado a pagar sin excusa alguna aquello que recibió. Pero, si se sabe que sólo se salvó una parte de sus propios bienes, que restituya a aquél de quien tenía algunas cosas la parte que calcula la estimación del juez según la proporción de lo que se perdió y de lo que se salvó. Pero, si perdió todas sus cosas y, en cambio, salvó las de los otros, que se calcule la misma proporción de las cosas salvadas y de las perdidas, y que aquel que las salvó reciba una parte según el arbitrio del juez. Ya que es justo en casos como éste que no reciba únicamente el daño aquel que se expuso a grandes peligros y, mientras intentó salvar una pequeña parte de los bienes de otro, se sabe que perdió la mayor parte de los suyos.\textsuperscript{24}

\textit{Que los mercaderes trasmarinos pleiteen según sus leyes y ante sus jueces y perceptores de rentas o alcabalas (telonariis). Cuando los mercaderes trasmarinos tienen entre ellos alguna causa, que no pretendan nadie de nuestras sedes (sedibus) darles audiencia (audire), sino que sean únicamente según sus leyes juzgados ante sus jueces y preceptores de las rentas o alcabalas (telonariis suos).}\textsuperscript{25}

\textsuperscript{22} \textit{Serna Vallejo}, p. 205.
\textsuperscript{23} \textit{Bunge, 1914; Aznar Vallejo}, 2018, p. 47.
\textsuperscript{24} \textit{Ramis Barceló}, 2015, p. 423. Libro V «De las Transacciones», Título V, Capítulo V, Ley 5 «De las cosas encomendadas que han sufrido estrago por algún motivo». («If he who is entrusted with the property of another (commodata), saves his own property from destruction, either by fire or the adversity of a shipwreck, but loses the entrusted property, he shall be compelled to render full satisfaction for what was in his charge. But if he is known to have saved any portion of his own property, he must return to him whose goods he had charge of, a sum in proportion to the property lost or saved, which a court shall decide to be equitable. If he should lose all his own possessions, and save the property of another, he shall receive such a part of what he has saved as a judge shall decide him to be entitled to. For it is just in such cases that he who has exposed himself to great dangers not sustain loss alone, and, while he was attempting to save a small part of the property of another, it is known that he lost most of his own.»)
\textsuperscript{25} \textit{Ramis Barceló}, p. 733. Libro XI «De los enfermeros, de lo muertos y de los mercaderes Transmarinos», Título III, «De los mercaderes transmarinos», Ley 2. («Foreign merchants shall be judged by their own laws and before their own magistrates and customs collectors [telonariis]. When any legal cause arises between foreign merchants, it shall not be heard
These laws demonstrate to what degree the Visigoths waived the exercise of their laws in these cases, and the withdrawal of their own officials—nullus de sedibus nostris eos audire presumat—regardless of the actual relationship between the telonariis and the Visigoth treasury. This demonstrates a reality—the existence of maritime traffic—and recognises a special law granted to this traffic, maritime law, whose application was left in the hands of the foreign protagonists. This is the immediate precedent of the legislation applied from the thirteenth century onward.

The Liber Iudiciorum was translated from Latin to Castilian in 1241 at the behest of Ferdinand III, king of Castile, with some modifications and a distinct modernisation of the language employed. The code was granted as a charter to several towns in the southern Iberian Peninsula as the Libro de los Jueces or Fuero Juzgo. This code ratifies the existence of a private jurisdiction, a mercantile jurisdiction of local and foreign merchants, but does however gloss over fiscal intricacies of this jurisdiction, notably because these were considered inherent in this legal formulation: «Ningún Juez de esta tierra juzgue á los mercaderes estrangeros litigantes entre sí: estos respondan según sus leyes y ante sus Jueces». The code establishes thus the foundations of Castilian maritime law, whose common denominator would be the autonomy of the «people of sea» or the tradition of navigators. In this context, in 1250 Ferdinand III granted Seville a variant of the Fuero de Toledo sanctioning the creation of a Barrio de la Mar (Sea District), where a magistrate appointed by the monarchs was to apply private jurisdiction on maritime matters: «fuera ende homezillos e caloña e heredamiento e debdas e empeñamiento e todas las otras cosas que pertenescen a fuero de tierra e no son de mar».

A step further in the construction of the principle of Castilian maritime and mercantile jurisdiction is expressed in the Partidas which, together with

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[audire] by any of our judges [sedibus], but by their own laws, judged before their own judges and customs collectors [telonariis suos]».

26 Bunge, 1914, p. 404. Urela y Smenjaud, 1905. There exists a manuscript in the Spanish National Library (BNE), Sección Manuscrito, Mss. 772 y Mss. 12.924. These are copies of the Liber Iudiciorum of the seventeenth and eighteenth centuries, pp. 381, 776.

27 An eighteenth-century parchment manuscript is held in the Municipal Archive of Murcia, serie 3, nº 53. Also a printed copy in the Digital Library of Castilla y León: http://bibliotecadigital.jcyl.es/es/consulta/registro.cmd?id=12970.

28 Coronas González, 2015, p. 266, Ley 2 del libro XII. («No judge of this land shall hear any litigation between foreign merchants: these are to respond according to their own laws and before their own judges») See also the text of the law in the Fuero Juzgo, Madrid, 1841, p. 402: «Si los mercaderes dultraportos an dalgun pleito entre si, ningun juyz de nostra tierra non los deue judgar, mas deuen responder segundo sos leyes, e ante sos jeyzes». («If any course of legal action arises between foreign merchants, no court of our land will judge, rather they must respond according to their own laws, and before their own judges»).

29 Aznar Vallejo, 2010, p. 65 («other than homicide and calumny and inheritance and debts and pawning and all other things belonging to the jurisdiction of the land and not of the sea»).
the Fuero Juzgo, respond to the growing awareness of the monarchy from the second half of the thirteenth century of the importance of the mercantile activities developed on the Atlantic façade. Alfonso X revolutionised these situations and trends and became the first European monarch to impose the consideration of mercantile and maritime institutions as independent from civil institutions, although the implementation of the Partidas was delayed until the second half of the following century, during the reign of Alfonso XI.

A more detailed regulation on maritime matters is found in the Partidas, namely in II, III and V. Hence, titles 24, 26, 27 of the Partida II is devoted to maritime warfare—making a distinction between the Navy and corsair activity—, and the distribution of spoils of war, and establishing the model for freight charters. A major development in this matter is illustrated in the Partida V, where norms relating to commercial maritime law are collected. This is particularly noteworthy in the titles V and IX, corresponding, respectively, to the regulation of maritime law and the regulation of maritime traffic.

Regarding maritime law, these ordinances regulate the liabilities of those selling ships, shipbuilders, carriers, charterers, and shipowners over lost goods, and the obligations of mariners.

For the regulation of mercantile traffic, the Partidas establish the obligations of the shipmaster in case of negligence, the disciplinary powers of the shipmaster, sanctions arising from shipwreck, liabilities of promoters of shipwrecks. Regarding the chapter on the average, it defines the contribution of merchandise and vessels in case of jettison, contributions in case of jettison followed by shipwreck, contribution for cutting of the mast, contribution in the case of shipwreck, contribution in the case of loss during transhipment and contribution in the case of ransom payment to priva-

32 BOE.
33 BOE, Leyes 35, 8, 13, 26 y 27.
34 BOE, Ley 9.
35 BOE, Ley 2.
36 BOE, Ley 10.
37 BOE, Ley 11.
38 BOE, Leyes 3, 4, 5, 6, 8, 12.
39 BOE Ley 3.
41 BOE, Ley 4, p. 784.
42 BOE, Ley 5, p. 785.
43 BOE, Ley 8; p. 786.
ears, on salvaged goods washed ashore belonging to known owners, and the instruction for judges to act in a summary manner.

During the reign of Pedro I, the Partidas were applied as laws of the Kingdom, becoming one of the most effective instruments of dissemination of Imperial Roman Law. The ordinance sets in writing the tradition of western navigators while incorporating elements of the eastern tradition, by sanctioning the autonomy of the seas and the existence of a private jurisdiction. This promoted the more effective settlement of conflicts arising during transport since, given the nature of the merchandise, these required prompt resolutions. In several Mediterranean territories first and later in Castile and the Atlantic, the same solutions were implemented with the creation of diverse legal instruments such as marine insurance, and freight charters in an attempt to cover the risks inherent in maritime navigation.

In sum, on one hand, the norms clarified that maritime mercantile activities were controlled by its protagonists in the form of common mutualist ventures, by distributing the risk proportional to the participation of each party and thus sharing eventual losses. On the other hand, it consolidates the existence of private tribunals, while leaving the responsibility for ruling in disputes that could not be settled in these tribunals in the hands of the authorities. Further, it demonstrates the extent to which the Crown relinquished all intervention in matters of the sea, delegating the control of «maritime mercantile affairs» in the parties involved in these ventures. In this manner, we can explain the existence of diverse models of port administration throughout the Castilian littoral, that is, the practice of private maritime mercantile jurisdictions.

**The practice of maritime jurisdiction**

*In the north of the Iberian Peninsula*

In the peninsular north, ancient and new towns enjoyed the benefits of the development of Atlantic naval traffic in the wake of wine trade from Aquitaine to the ports of the English littoral and the Low Countries, opening new commercial circuits. From a legal point of view, this traffic favoured the birth of a special maritime law in the area, represented by the Rolls of

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44 BOE, Ley 12, Ley 13, p. 788.
45 BOE, Ley 7.
46 BOE, Ley 15.
47 Fonseca, 1993, pp. 92-94.
48 Vas Mingo, 2005.
Oléron\textsuperscript{49} or their Castilian version \textit{Leyes de Layron}, a collection of maritime ordinances that were in force in multiple territories\textsuperscript{50}.

The integration of seamen from the northern territories of Iberia, albeit being earlier than the period analysed in this essay, was consolidated during the Late Middle Ages, with the Basques as leading players in commercial transport in contrast with the more prevalent fishing activity of the northwestern and Galician territories. Basque coastal towns played a fundamental role within the commercial networks of European Atlantic and Mediterranean ports, armed with strong mutualist institutions catering for maritime transport and seamen through their universities and confraternities\textsuperscript{51}. In time, they would participate in municipal governments, administering taxes and public works, particularly those undertaken in port enclaves\textsuperscript{52}.

Hence, the commercial dynamics themselves generated synergies between the ports of northern Iberia and, following the surge of council confraternities, the \textit{Hermandad de la Marina de Castilla con Vitoria} also known as \textit{Hermandad de las Marismas} emerged. This institution grouped Basque and Cantabrian ports with the purpose of defending their interests and rights before the Crown, and of preserving the liberties and exemptions they held for services rendered in the past. Simultaneously, this instrument served to organise commercial activities and avert possible conflicts between its members in their dealings in the Atlantic commercial circuit.

In the 1296 charter of the confraternity we can clearly discern the existence of a special jurisdiction entrusted to two honest men who had understanding and knowledge of the towns with the mission of settling any disagreements between the councils and private individuals: «\textit{Otro si tenemos por bien que si algunos de estos concejos sobre dichos de esta hermandad habier querella uno de otros por algunas cosas que sean conteçidas fasta aquí o que conteçiese daqui adelante que sea enmendado o mejorado de la manera que aquí será dicha}».\textsuperscript{53} Hence, the document proves that this jurisdiction differs from ordinary jurisdiction, that is, it confirms the existence of a private jurisdiction of seamen and merchants.


\textsuperscript{50} Serna Vallejo, 2018; Porras Arboleda, 2005; Flores Díaz, 2005; Arízaga Bolumburu, 2005.

\textsuperscript{51} For the Atlantic border areas, we have the studies on maritime jurisdiction in Portugal, the object of analysis by Amélia Andrade and Flavio Miranda, who have shown that a single maritime jurisdiction in the hands of the monarchs was progressively consolidated on the Portuguese coast, who looked at both Mediterranean and Atlantic interests, Andrade and Miranda, 2017. See also Andrade, 2004. For the case of the French coast, see Le Bouédec, 2006.

\textsuperscript{52} Rivera Medina, 2011, 2012.

\textsuperscript{53} Coronas González, 1986, p. 28. («Further, we understand that should any conflict arise between councils of this confraternity from any past or future event, it shall be settled or corrected in the manner described herein»).
During the fourteenth century, the *Hermandad* comprised five provinces or *marismas*—Guipúzcoa, Biscay, Old Castile, Asturias, and Galicia—each represented by port councils with the purpose of upholding agreements. The most solid port network was comprised of the first three provinces (the *marismas* of Castile, Biscay and Guipúzcoa), while the *marismas* of Asturias and Galicia were less vigorous. In sum, this was a superregional organisation for mutual protection and the safeguard of their rights, albeit with an uneven presence and development. From this inequality can be gleaned the influence of the dependencies of each province. Whilst Galicia clearly manifested the dichotomy between royal and seigneurial ports, the central and eastern Cantabrian ports erected a potent urban port network where the Crown managed to prevail over autonomous systems thus unifying the legal landscape of the littoral.

Later, the *Hermandad de Guipúzcoa* was born with its own legal order as an «exempt province»54. It was a territorial, provincial body, comprising the towns and administrative territory of Tierra Llana, holding a private and criminal jurisdiction, beyond mere instruments of ordinary justice. As stated in the administrative charter later granted by Enrique IV: «para que de aquí en adelante podades conocer […] y ejecutar de las muertes e robos […] e daños que los vuestros vecinos de la hermandad en el mar fuera de los puertos e juresecciones que las vilas y lugares de la dicha provinçia han en la mar, fizieren unas a otras segund que podriades conocer entre ellas si las fiziesen en la dicha provincia fuera de las villas […]»55.

Meanwhile, the Lordship of Biscay—annexed to Castile since 1379—was ruled by the laws known as *Fuero Viejo de Vizcaya* of consuetudinary origin. These laws are described as a private regulation, stating the independence in maritime matters, their commercial liberty and fiscal exemptions56. Hence, the ports in this territory were freeports subject to the institutional network of municipalities and confraternities of seamen. That is, the *fuero* recognised private regulation in all matters related to the sea.

By the fourteenth century, with the unfolding of the commercial revolution and the rise of wool as a primary commodity in the Castilian international trade, towns branched into two distinct groups, one orbiting around Bilbao, and the other comprising towns on the Cantabrian seaboard, with a predominance of fishing activities complemented with fish salting activities in the north-western and Galician ports57. At this point in time, Burgos and

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55 Casariego, 1947, pp. 177-178. («so that from now on you may hear and rule on the deaths and robberies and damages that your neighbors of the brotherhood at sea suffer outside the ports and jurisdictions of the towns and places of this province»).
Bilbao led the exterior commerce of the Crown of Castile, on the foundations established since Antiquity by coastal towns under the private mercantile jurisdiction minted by the «people of sea», universities and, later, the consulates of Burgos (1494) and Bilbao (1511) founded between the fifteenth and the sixteenth centuries. Thus, private jurisdiction is mirrored in consular ordinances where the demarcation of consular competences are established, which in the case of the Burgos regulations spans both the ports participating in exterior commerce with the North Atlantic, the northern Meseta and the Basque-Cantabrian coastline. Still, the resistance of the Basques to become part of the Burgos orbit would confine these limits to the south of the River Ebro. In the case of the Bilbao ordinances this jurisdiction extended to Álava, Guipúzcoa and Biscay.

In the south of the Iberian Peninsula

After the Mudejar’s Revolt (1264-1267), the final conquest of the Guadalquivir’s valley and the Guadalete’s basin by Alfonso X was achieved. However, most of the Andalusian Atlantic littoral populations maintained the commercial connections inherited from the Andalusí period. The presence and prevalence of Genoese and Venetian maritime commercial routes, connecting Mediterranean and Atlantic markets during the second half of the thirteenth century, has received most of the attention from historians in the latest years.

The port network of the Andalusian Atlantic littoral was distributed into four large divisions. As occurred in the north, with the Bilbao-Portugalete-Burgos axis, the most significant areas were those networks articulated by large fluvio-maritime systems: Seville-Sanlúcar and Jerez-Bay of Cadiz. The most significant and notable being the area of Seville and the River Guadalquivir estuary, with Sanlúcar de Barrameda at its estuary. Seville, although it is located 80 kilometres inland on the Guadalquivir, flourished throughout the Late Middle Ages to become the foremost economic, financial and mercantile centre of the Crown of Castile. Next in significance was the Bay of Cadiz, hailed by navigators—as revealed by the portolans and merchant manuals of the time—as the main strategic anchorage in the south after the Strait of Gibraltar. It was also an important economic centre, on account of its fertile hinterland, particularly in the area surrounding the city of Jerez de la Frontera—the second wealthiest and most populated on the littoral.
after Seville. The third division comprised the port towns of the province of Huelva. With a straight coastline that offered poor protection against the winds, these towns counted less favourable mooring conditions in comparison to those of the Bay of Cadiz. The most important port towns were Moguer or Palos, on the banks of the Tinto and Odiel rivers. Small towns with an ancient fishing tradition partook in significant commercial exchanges generated by the arrival of foreign merchants in the fifteenth century. The last division of this littoral extended from the region known as la Janda, with ports such as Vejer, to the Strait of Gibraltar. Despite having a coastline lacking adequate mooring enclaves, with strong and constant winds whipping its beaches, the southernmost port of Tarifa was a strategic spot for controlling the African coast and the traffic crossings between the Atlantic and the Mediterranean. Of greater significance was the port of Gibraltar, on the easternmost half of the Bay of Algeciras, providing excellent shelter from the winds, although it was not conquered, as mentioned earlier, until 1462.

In these spaces, an economic complementarity becomes evident. Particularly in the Bay of Cadiz, despite the political fragmentation of the area, where the principal Andalusian magnate families controlled the ports on the littoral and conflict was rife. As an example, the Duke of Medina Sidonia, lord of Sanlúcar de Barrameda and several port towns on the Andalusian Atlantic seaboard, banned Breton merchants—who had enjoyed protection and privileges in Sanlúcar since the fifteenth century—from trading in the towns of Moguer or Ayamonte, belonging to other lesser nobles. Interference in fishing activities was also a frequent occurrence. Again, the powerful lords of Medina Sidonia impeded the fishing activities of the Jerez fleet in the Bay of Cadiz in 1467, attacking a fishery known as Casarejos. Jerez fishermen suffered similar aggressions that same year by the Marquis of Cadiz on the La Matagorda, near the Guadalete river.

Together with the aforementioned Italian states, the dominion of commercial exchanges was in the hands of the Castilian Navy, destined to become the main player in the southern ports of the Iberian Peninsula. This explains the creation—at an unknown date—of the Colegio de Pilotos Vizcaínos de Cádiz, an institution whose connections seem to trace back to the role played by Basque pilots in the conquest of the Andalusian coast in the thirteenth century. The College was permanently incorporated by the late fifteenth century, as stated in the confirmation of their ordinances and privileges by the

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63 Ruiz Pilares, 2018.
64 González de la Cruz, Izquierdo Labrado, 2018.
68 Ruiz Pilares, 2018, p. 80.
Catholic Monarchs in 1500\textsuperscript{69}. Still, the Navy based in the Sevillian district of Triana also played a significant role. By the late fifteenth century, extant documents prove they connected Seville with the principal North Atlantic ports with heavy tonnage \textit{naos}\textsuperscript{70}. On a smaller scale, the fleets of the towns of the province of Huelva, or El Puerto de Santa María, in the Bay of Cadiz are also noteworthy\textsuperscript{71}. Nonetheless, there is no evidence of the existence of confraternities or guilds linked to maritime activities, nor of any political participation in contrast with the Cantabrian seamen. Further, there is no evidence of any superregional organisations of mutual protection to safeguard the interests of Andalusian mariners. Urban governments of the southernmost ports of the Castilian kingdom were in the hands of chivalric families engaged in border wars against the Muslims, leaving no space for these associations\textsuperscript{72}.

The legal framework of these maritime activities in Andalusian Atlantic ports differed significantly from that of northern Castile, chiefly since the kingdom of Seville was the sole space where the Admiral of Castile held any real capacity to apply his jurisdiction on matters of the sea, as described above. In this sense, we know that from the creation of this position by Ferdinand III in 1247, its appurtenant duties included the administration of justice over the «people of the sea» and the collection of a series of levies such as the percentage of the royal fifth, levies on bread, oil, on forbidden goods or on naval construction and chartering of vessels\textsuperscript{73}. Still, the ‘theoretical’ jurisdiction of the Admiralty clashed with the complex and multifaceted jurisdictional reality of the Andalusian Atlantic littoral. The Admiral or his delegates—lugartenientes (lieutenants)—«had to either temporize or engage in open conflict, initiating numerous lawsuits and disputes, with variable results»\textsuperscript{74}.

The impediments stemmed from both royal cities and the numerous seigneurial places. Regarding royal cities, we have mentioned the appointment in 1250 in Seville’s \textit{Barrio de la Mar} of a mayor holding private jurisdiction over all maritime matters. In this district boatmen and fishermen’s guilds were also being created, with their own mayors and laws, although they remained under the authority of Admiral\textsuperscript{75}. On their side, among territorial lords, the Duke of Medina Sidonia, the Duke of Medinaceli or the Duke of Arcos—to name the foremost lords of the southern kingdom—employed numerous

\textsuperscript{69} Txueka Isasti, 2016.
\textsuperscript{70} Otte Sander, 1996, pp. 113-114.
\textsuperscript{71} Franco Silva, 1995; Ruiz Pilares, 2019, pp. 199-200.
\textsuperscript{72} Peinado Santaella, 1991.
\textsuperscript{73} For a more thorough study of the institution, see Calderón Ortega, 2003. On this institution in neighboring Portugal see Viana, 2019.
\textsuperscript{74} Lage Estrugo, 2019, p. 147.
\textsuperscript{75} Aznar Vallejo, 2010, p. 65.
stratagems to hinder the Admiral in his collection of levies from the fifteenth century. Extant records of the complaints lodged by the lieutenants and other admiralty officers are numerous\textsuperscript{76}. Among these, the most illustrative are those regarding the collection of levies on seizures at sea, with frequent complaints against the Duchy of Medina Sidonia in the late fifteenth and early sixteenth centuries, when the Catholic Monarchs granted these lords certain liberties\textsuperscript{77}. As an example, we will describe the case involving the collection of taxes on wheat exports.

On 1501, Ruy Peres, a representative of the king of Portugal in the Bay of Cadiz, brought a complaint before the council of Jerez de la Frontera regarding the Admiral’s lieutenant in the Cadiz littoral, Luis Ortiz de Gatica. The latter, on behalf of the Admiral, demanded the payment of fees on wheat exported «by the ports of Chiclana and Bejer […] to be received by the lord Duke of Medina Sidonia». Ruy argued that these amounts were included in the prices paid to the duke, thus exempting him from paying additional fees. On his part, Luis Ortiz claimed that this sum «was his due and not the duke’s». The dispute was settled with the agreement to pay the sum owed the Admiral over the following two months, to be deducted from the amount owed to the Duke of Medina Sidonia. Further, they agreed that thereafter, all ships of the King of Portugal acquiring wheat in the lands of Medina Sidonia would pay «al señor almirante e a él en su nombre por cada vn cahis de trigo que asy rescibiere setenta e vn maravedíes aquí en Jerez»\textsuperscript{78}. A minor victory in a battle where the Admiral and his men rarely succeed in asserting their prerogatives, as proven by historiography\textsuperscript{79}.

Lastly, we must mention the private jurisdiction wielded by foreign communities. These were far more relevant and influential in southern Iberian maritime traffic and commerce than in the north, from their establishment in the Andalusian littoral during the thirteenth century. The Genoese was the largest community with the strongest network. They owned one consulate in Seville since 1251, immediately after the capture of the city in 1248. Among the privileges granted by the monarch Ferdinand III for their support during the conquest, the Genoese enjoyed fiscal benefits in commercial traffic, extensive legal competences over their nationals, properties and facilities or their own quarter, making them the most influential foreign community in the southern markets of Iberia during the Late Middle Ages\textsuperscript{80}. There is evidence of the existence, by the end of the fourteenth century, of another consulate

\textsuperscript{76} Lage Estrugo, 2019, pp. 164-166.
\textsuperscript{77} Aznar Vallejo, 2014, pp. 134-143.
\textsuperscript{78} Archivo Histórico de Protocolos Notariales de Jerez de la Frontera, 1501, escribano Juan de Román, fol. 451r. («to the lord Admiral and those acting in his name, for each cahis of wheat he is to receive seventy-one maravedis here in Jerez»).
\textsuperscript{79} Regarding the Bay of Cadiz, Lage Estrugo, 2019.
\textsuperscript{80} González Arce, 2010.
owned by the Ligurians on the littoral of Cadiz\textsuperscript{81}. The second foreign nation in importance on the Andalusian coast, the Catalans, were equally granted another consulate for the protection of their merchants, and their own quarter in Seville from 1282\textsuperscript{82}. Later, they established a short-lived consulate in Algeciras in the fourteenth century—conquered by the Christians in 1344 and destroyed by the Nasrids in 1379—\textsuperscript{83}, probably transferred at a later date to Cadiz. The town became the epicentre of Catalan commercial activity in the transition from the Middle Ages to the Modern Age on the Andalusian Atlantic littoral\textsuperscript{84}.

By the end of the fifteenth century, consulates were created by other nations rising in prominence within the maritime traffic of the region. There are references to a Venetian consulate in Seville in the late fourteenth century and in Cadiz from 1420. In the latter city from 1460, this institution extended its protection to the Florentines, who had developed their own system of annual fleets, akin to the Venetians fleets of the time\textsuperscript{85}. As regards the Bretons, from the second half of the fifteenth century, they owned a consulate in Sanlúcar de Barrameda, where the Duke granted them a license for the settlement of a large community of their nationals. The consulate held jurisdiction over the Breton population and any conflicts arising between these and the inhabitants of the town\textsuperscript{86}. In the early sixteenth century, there is also evidence of a consulate with similar privileges for the English and Flemish nationals in Sanlúcar\textsuperscript{87}. It is probable that the consulate existed several decades earlier, considering the interest of these nations in purchasing wine from the region during the 1480s\textsuperscript{88}.

By way of conclusion: differences and similarities

This analysis of the different models of port administration in the Castilian Atlantic has allowed us to garner a deeper knowledge of the differences and similarities between the northern and southern contexts in Iberia. These are two large areas marked by vastly different political realities, the Cantabrian ports with a greater involvement in European conflicts, while the southern ports engaged in the conflicts with Nasrid and North African Muslims. These political divergences also influenced the evolution of

\textsuperscript{81} Ríos Toledano, 2021.
\textsuperscript{82} Mutgé Vives, 2004, pp. 5-7.
\textsuperscript{83} Torremocho Silva, 2000, pp. 445-447.
\textsuperscript{84} Bello León, 2010, p. 125.
\textsuperscript{86} Ruiz Pilarés, Bochaca, 2016, p. 23.
\textsuperscript{87} Moreno Ollero, 1983, pp. 129-133.
\textsuperscript{88} Martín Gutiérrez, Ruiz Pilarés, 2019, pp. 127-136.
jurisdictions over maritime matters. The northern façade, well-consolidated in Christian hands, encouraged the development of complex legal regulations to facilitate a greater scope of action in private jurisdictions for both Castilian and European navigators. In the south, regal intervention was more substantial, as evidenced by the fact that the Admiralty was only able to enforce its jurisdiction over this territory. This also explains the prominence of foreign communities—who did enjoy private jurisdiction—over local communities hampered in the development of mutual ventures and strategies, contrary to the Hermandades of the north.

Having established the main differences, we can also verify the existence of common traits. The significance of the people of the sea, whether local or national has been determined for both spaces. We have mentioned the important activities of the fleet of Triana in Seville counteracting the weight of the Italian nations. Furthermore, there did exist a north-south transfer of institutional models, as in the case of the Colegio de Pilotos Vizcaínos de Cádiz, a step further toward the modernisation of a sector controlled by the regional lords. Once again, the people of sea took the initiative, which was to be vital for the later organisation of the Carrera de Indias. What could today be defined as a specialised division of labour.

Bibliography


Añíbarro Rodríguez, Javier (2013), «Conflictos jurisdiccionales y económicos en una villa de la costa cantábrica durante la baja Edad Media. San Vicente de la Barquera (1460-1522)», Jesús Ángel Solórzano Telechea and Mario Viana (coords.), Economia e instituições na Idade Média: novas abordagens, Ponta Delgada, Centro de Estudos Gaspar Frutuoso, pp. 183-198.


AZNAR VALLEJO, Eduardo (2018), «Norma y conflicto en la navegación castellana Bajomedieval», Espacio, Tiempo y Forma. Serie Historia Media- 

AZNAR VALLEJO, Eduardo (2014) «Las rentas del almirantazgo castellano. 
Entre la ley y la costumbre», En la España Medieval, 37, pp. 131-163.


BARRENA OSORIO, Elena (1982) Ordenanzas de la Hermandad de Guipúzcoa 
(1375-1463), San Sebastián, Eusko Ikaskuntza.

BASAS FERNÁNDEZ, Manuel (1994), El consulado de Burgos en el siglo xvi, 
Burgos, Diputación Provincial de Burgos.

BELLO LEÓN, Juan Manuel (2010), «La presencia catalana en la Andalucía 
Occidental a finales de la Edad Media», Anuario de Estudios Medievales, 
40-1, pp. 93-127.

BUNGE, Carlos O. (1914) «Apuntaciones sobre el derecho mercantil marí-
timo de Castilla», Anales de la Facultad de Derecho, 4, pp. 403-425.

BOCHACA, Michel (2012), «Les “gens de mer” dans les villes portuaires de la 
France atlantique à la fin du Moyen Âge: l’exemple de Bayonne, Bordeaux 
et Libourne», en Jesús Ángel SOLÓRZANO TELECHEA, Michel BOCHACA y 
Amélia AGUIAR ANDRADE (coords.), Gentes de mar en la ciudad atlán-

BOE (1999), Las Siete Partidas, edición facsimilar de la edición de 1555, con 
glosas de Gregorio López), Agencia Estatal Boletín Oficial del Estado.

CALDERÓN ORTEGA, José Manuel (2003), El almirantazgo de Castilla: histo-
ria de una institución conflictiva, Alcalá de Henares, Marcial Pons, 2003.

CASARIEGO Y FERNÁNDEZ NORIEGA, Jesús Evaristo, (1947), Historia del 
derecho y las instituciones marítimas, Madrid, Biblioteca Moderna de 
Ciencias Históricas, 1947.

COLLANTES DE TERÁN SÁNCHEZ, Antonio (2008), «Papel del Atlántico en 
la configuración de Andalucía», Historia. Instituciones. Documentos, 35, 
pp. 85-105.

COLLANTES DE TERÁN SÁNCHEZ, Antonio (1979), «Los señoríos andaluces: 
análisis de su evolución territorial en la Edad Media», Historia. Institu-
tiones. Documentos, 6, pp. 89-112.

CORONAS GONZÁLEZ, Santos M. (2015), Fuero Juzgo de Juan de la Reguera 
Valdelomar 1798, Madrid, Editorial Boletín General de Estado.

CORONAS GONZÁLEZ, Santos M. (1986), «Derecho mercantil y Derecho de 
la mar de las Villas vizcaínas medievales», Congreso de Estudios Históri-
cos de Vizcaya en la Edad Media, Bilbao, Eusko Ikaskuntza/Sociedad de 

FERREIRA PRIEGUE, Elisa María (2005), «Galicia en la marisma de Cas-
tilla: la dinámica de los intercambios mercantiles», in Beatriz AríZAGA 
BOLUMBURU and Jesús Ángel SOLÓRZANO TELECHEA, Ciudades y villas 
portuarias del Atlántico en la Edad Media, 2005, pp. 165-186.


González Cruz, David, Izquierdo Labrado Julio (2018), «Astilleros, barcos y construcción naval en tiempos de los descubrimientos: Palos de la Frontera y puertos del litoral onubense (Huelva, Saltes y San Juan del Puerto», in David González Cruz (coord.), *Barcos y construcción naval entre el Atlántico y el Mediterráneo en la época de los descubrimientos (siglos XV y XVI)*, Madrid, CSIC, pp. 51-88.


Guiard y Larrauri, Teófilo (1913), *Historia del Consulado y Casa de Contratación de Bilbao y del Comercio de la Villa*, Bilbao, Imprenta de José Astuy.


Martín Gutiérrez, Emilio (2016), «Paisajes imaginarios y paisajes reales a finales de la Edad Media. Humedales y marismas en las comarcas gadi-
tanas», in María Isabel del Val Valdiviezo (coord.), *El agua en el imagi-


Muñoz Gómez, Víctor (2013), «Para el conocimiento de la costa de Anda-
lucía atlántica (siglos XIV-XVI), descripciones, relaciones y documenta-

Mutgé Vives, Josefina (2004), «Proyección de Barcelona en el ámbito pe-
ninsular: noticias sobre el Consulado de los catalanes en Sevilla, 1282-
1327», in Josefina Mutgé Vives, *Política, urbanismo y vida ciudadana
en la Barcelona del siglo XIX*, Barcelona, CSIC, pp. 3-17.


Pardessus, Jean-Marie (1828), *Collection de lois maritimes antérieures au XVIIIe siècle*, Paris, Imprimerie Royale, t. I.


Porras Arboleda, Pedro A. (2005), «El derecho marítimo en el Cantá-
brico durante la Baja Edad Media: Partidas y Rôles d’Oléron», in *Ciui-


RAMIS BARCELÓ, Rafael (2015), El libro de los Juicios, Madrid, Agencia estatal de Boletín del Estado.

RÍOS TOLEDANO, Daniel (2023), «El Estrecho de Gibraltar durante el reinado de Enrique III de Castilla (1390-1406)», in press.

RIVERA MEDINA, Ana María (2012), «Por tanto reparo y adereço. Las infraestructuras portuarias y la red de intereses de las villas vizcaínas medievales en la ejecución de las obras», in Jesús Ángel SOLÓRZANO TELECHEA, Michel BOCHACA y Amélie AGUIAR ANDRADE (coords.), Gente de mar en la ciudad atlántica medieval, Logroño, Instituto de Estudios Riojanos, pp. 345-357.


RUÍZ DE LA PEÑA, Juan Ignacio (2003), «La atracción del mar en los orígenes de la apertura de la fachada costera galaico-cantábrica al mundo atlántico (1157-1252)», Fernando III y su tiempo (1201-1252), León, Fundación Sánchez Albornoz, pp. 183-208.


RUÍZ PILARES, Enrique José, BOCHACA Michel (2016), «Un exemple de relations commerciales entre le pays de Léon et l’Andalousie au début du xvié siècle, d’après le compte d’un marchand de Morlaix», Annales de Bretagne et des Pays de l’Ouest, 123-4, pp. 7-34.


SÁNCHEZ SAUS, Rafael (2017), «La interacción de fronteras marítimas y terrestres en la Edad Media. La Batalla del Estrecho (1275-1350)», in Jesús CANTERO MONTENEGRO and Magdalena DE PAZZIS PT CORRALES (dirs.), Frontera y fortificación, Madrid, Editorial Actas, pp. 64-89.


Urela y Smenjaud, Rafael de (1905), *La legislación gótico-hispana. Estudio Crítico*. Madrid, Idiomar Moreno.


Viana, Mário (2019), *Estudos e documentos sobre o almirantado português na Idade Média*, Ponta Delgada, Centro de Estudos Humanísticos.