

SANT FELIU DE GUÍXOLS AND ITS JURISDICCIONAL COURT DURING THE FOURTEENTH CENTURY

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With this paper we will try to demonstrate how important changes in the jurisdictional institutions of XIVth c. Catalonia were an opportunity for economic development in small towns. We will do this with the example of the role played by the small town of Sant Feliu de Guíxols and its jurisdictional court over its rural hinterland (five parishes that made up the space called, at the time, Vall d'Aro - Valley of Aro), through one of the main functions of jurisdictional courts, as it was the resolution of debt suits.

But just before going into the analysis of our case of study, we shall notice first those institutional changes that can be documented already from the last decades of the XIIIth c. in the territory situated north of the Llobregat river, known as "Old Catalonia", which would correspond with the area where the old Carolingian counties were settled. This space presents different characteristics if compared to "New Catalonia", the space south to the Llobregat, that through different phases was conquered and colonized to the Muslims of Al-Andalus.

If we take as an example the bishopry of Girona, we can assess that in this space the King was able to maintain a central role in the exercise of jurisdiction because - with the exception of the great and older secular lordly estates (counts and viscounts) - the rest of lords did not succeed in districtualizing the jurisdiction in their areas. This was the result of the Royal project in the second half of the XIIth c., that aimed at monopolizing the jurisdiction of Peace, through the creation of jurisdictional districts - the vicaries- with a court, in head of which a new royal official was placed. This was the vicar. The works of Thomas N. Bisson have already explained all this scenario. At the same time, and in a process we roughly know, the bishop court was also developing. It had an important role in the resolution of nonpayment suits, especially because of its capacity to give excommunication sentences for debts.

Old Catalonia was also a rural space of scattered settlements in *masos* (the rural units of production, usually composed of a central house and the family land), where peasants were submitted to a new serfdom, probably as a seigniorial reaction to the new royal jurisdictional vigor. In any case, serfdom gave the lord a jurisdictional power that was somehow limited to the resolution of conflicts in-between the peasant and his own

lord. That great scattering and fragmentation of lordly estates prevented in this zone the creation of institutions that could be compared to the 'manor court' of contemporary England.

As in the whole medieval West, this area was intensively urbanized through a process mainly led by the lords initiative, who founded small towns, with features that are very similar to the ones that Hilton detailed in his 'small towns' of medieval England. These were tiny settlements of gathered housing, with a permanent market and that usually had no more than 2.000 inhabitants, that spent most of their time in manufacturer or commercial activities. These tiny urban centers were articulated in functional terms with the settlements of their surrounding areas, as Víctor Farías has recently showed in his works. This means that small towns centralized a succession of functions through which they offered services to the population of their rural hinterland. Within those functions, we shall bring out the market, where peasants could sell their agricultural surplus and could purchase any goods, usually on credit, and could obtain capitals to cover their needs or to invest. Another central institution was the notary, which the peasants attended in order to register their contracts, many of which were the result of credit operations contracted by them. Yet another central institution could have been the jurisdictional court, where conflicts - generated by those same functions offered in town - could be solved out. Despite lords that promoted the foundation of new towns placed a bailiff with his own court - the characteristics of which were slightly similar if compared to the court of the vicar in Girona - the functions of this institution were initially dismissed only to resolution of conflicts and suits of civil nature, within the inhabitants of the town; being excluded those conflicts in-between the peasants of the rural surroundings. These had to be dealt in the court of the vicar, in Girona.

All this portrait began to be modified from the second half of the XIIIth c. and specifically during the next century, when we detect an advancing fragmentation of the jurisdiction exerted by the vicar, and the creation of new jurisdictional districts, in the center of which we usually trace a small town. This process can be firstly observed in the foundations of new towns by the King, during the second half of the XIIIth c. In these cases, the monarch gave a district to the town's court, that usually included rural parishes of the outskirts (we have examples of this in Figueres, Palamós or Torroella de Montgrí). But the phenomenon was wide spread during the XIVth c., through the progressive alienation by the King to new and old lords of the jurisdiction that to the moment had been exerted by the Vicar. This process was not a straight one, especially

because the jurisdictions were often sold, recuperated and alienated, again. But finally many of the small towns founded from the XIIth c. onwards, can be spotted in the last period of the Middle Ages as a center of a district that included the rural parishes of their immediate surroundings, the rural space economically articulated with the urban center. We suspect that the adjusting of the jurisdictional scheme to the economic reality was an element of empowerment of economic activities of the small town and its outskirts. As well, it reflects the changes in credit structures, in times of growth and in moments of crisis, and as well, the role played by the city of Girona. The centrality of the city until mid XIVth c. through the vicar court, shows us a stage of growth with a heavy demand of credit partly covered by the financial elites of the city, and specifically by the Jewish community with high interest rates; but the fragmentation of jurisdictions and the growth of local bailiffs' districts reflects another stage, characterized by a great offer of credit that led to a sharp fall of interest rates and a social and geographic dispersion of those groups willing to place their capitals in others' hands.

The case of the small town of Sant Feliu and its rural surroundings, the Vall d'Aro, is a good example of this process we are talking about, and of the positive consequences for the local environment. This town, that made appearance by the homonymous monastery in XIIth c., presents those traits of small towns: No more than 2.000 inhabitants during the second half of the XIVth c., a permanent market, straight connection with urban nets and that had a population mainly dedicated to commerce and crafts. It was, also, a seaport, with shipyards that were important to some point because this was the fastest way to the seashore from Girona and it was, as well, the only seaport controlled by the monarchy between Girona and up to Cotlliure.

The Vall d'Aro, the rural surroundings of this town, were mainly composed by *masos*, except for the small hamlet of Castell d'Aro and possibly some housing surrounding the five parish churches in which this territory was divided (Santa Cristina d'Aro, Santa Maria de Fenals, Santa Maria de Solius, Santa Maria de Bell-lloc y Sant Martí de Romanyà). Practically everyone living in this space were serf peasantry.

This is one of the most well documented cases during the XIVth c., especially from 1348 onwards, when different types of documental series are continuous and have almost no gaps. Within these series we shall mention the notarial casebooks and the court books issued by the bailiff of Sant Feliu de Guíxols court, of which we have non-continuous examples from the first decades of the XIVth c. onwards.

These first casebooks clearly show us how this small town had a jurisdictional court, but that it only exerted its power on the inhabitants of the urban settlement. The bailiff of Sant Feliu de Guíxols did not play any role in the suits that confronted merchants from this town against the peasants of the Vall d'Aro, although we know - because the ordinary notarial records are clear about this - that there was an intense economic activity in-between both groups. Their conflicts had to be solved far away, in Girona, in the Vicar's court.

This situation was modified during the second half of the XIVth c. The first significant modification we trace was in 1354, when the jurisdiction of the town was handed over to royal ownership through a release made by the abbot of the monastery. In 1364, ten years later, in the climax of the war that confronted the Crown of Aragon against Castille, the King sold the jurisdiction of the Vall d'Aro to the abbot. This implied the creation of a rural district. But the new setting did not last a long time: In 1374 the jurisdiction of the Vall d'Aro was handed over to the monarch, again, through the contribution of the peasant families of the valley. But this did not remit the situation to the former status; the valley of Aro was not integrated again to the jurisdiction of the Vicar's court in Girona, but was incorporated to the district belonging to the royal bailiff of Sant Feliu. And it was this situation the one that endured over time. From that point on, the bailiff's casebooks in Sant Feliu are full of suits in-between the citizens of Sant Feliu and the peasants of the valley.

This change coincides in time with an economic revitalization of Sant Feliu. The best indicator of this take off is the indirect tax incomes that were collected by the urban officials. During the five years after 1374 (a specially tough year, with a terrible subsistence crisis) the price of indirect tax leasing grew progressively from a minimum of 6.000 s. (shillings) in 1373 to 8.800 s. in 1379. But in 1380 the price of the renting leaped up to 11.422 s., and was over 11.000 s. during the subsequent three years. In 1384 it descended to 9.000 s., the lowest price of the 1380's decade, but it was still superior if compared to the leasing prices before 1379. In addition, after those years, it continued on growing.

The boost can not be explained with a simple rise of tax tariffs. It is true that some were increased by 1377, but these increases were rented apart. The growth of prices of what are called Old Impositions can only be explained through the expansion of economic activity, especially commercial, in Sant Feliu. This enhancement in fiscal incomes matches chronologically with the integration of the Vall d'Aro inside the

jurisdictional territory of Sant Feliu. There are probably many factors that could explain this change, but some are closely related to the jurisdictional change and the intensification of economic relations between peasantry of the valley and the merchants and craftsmen of the small town. For example, the decade of the 1370's is the moment when the urban officials of Sant Feliu emphasized their policy of drawing qualified craftsmen to town, with tax incentives, and sometimes with direct economical contributions to help them settle in town. But maybe the most meaningful data comes from the proceedings in court that show us who were the clients of these merchants of Sant Feliu.

As Lluís Sales was explain his own contribution in this Conference, every lawsuit concerning non payment was initiated by asking the court to send a steward to claim, personally, to the debtors, asking them the amount of money owed and giving a 10-day limit to satisfy the plaintiff. As Lluís Sales has also shown us, this mechanism was often used not only to demand the restitution of a debt, but also to renegotiate the conditions of a former contract. It was usual, as well, that the merchants that had a substantial amount of peasant clients would make a general claim just before the sow of summer cereals. Documentally, these denouncements generated, in our casebooks, long lists of debtors that gave, as well, the quantities that were due to the merchant. Everything leads to thinking that a constant practice of this mechanism, through time, fostered negotiation in-between the merchant and its debtors, were not only the restitution of the whole debt was asked but also the commercialization of the peasants' crops. The aim of the merchant could have been not a partial or a complete return of debts, but to monopolize as many agricultural surpluses he could, in order to resell them in other markets, probably in Girona.

If we compare the list of debts coming from the claims against the peasants of the Vall d'Aro belonging to one of the best well-off cloth merchant of Sant Feliu, Nicolau Descamps, we can ascertain a considerable growth, comparable to what we've already seen with indirect taxes. In 1369, when the Vall d'Aro was part of a separate jurisdiction from Sant Feliu, Nicolau Descamps presented a claim that affected 36 peasants of the Vall d'Aro, with a total of 1.837 s. that were due. Eight years after this, and only two years after the rejoin of the Vall d'Aro to Sant Feliu's district, the number of debtors had raised to 85 and, the next year, to 97; and the quantities required were already up to 5.027 s. and 6.630 s. respectively.

We should have in consideration, as well, the fact that if we gather the different debtors of both years, 1376 and 1377, we assess that Nicolau Descamps had as clients more than 50% of the peasant families of the whole valley.

This data confirms the hypothesis that we raised in the beginning. These institutional changes were excellent opportunities for economic development in small towns. Changes fostered a consolidation of economic connections between merchants and craftsmen of small towns with peasantry around them, as they lowered transaction costs and the expenses that generated possible conflicts. For instance, we assess that from that point on the number of notarial contracts that registered economic transactions in-between both groups were reduced, while in court casebooks the registration rised. Merchantry and craftsmen gained competitiveness if compared to their colleagues of other places, especially Girona. Jurisdictional changes fixed the economic connections in-between the former and the peasantry, that were based basically on goods offer and capital on credit, that would let them overcome the seasonality of agricultural income and periodic crisis caused by insufficient harvests, and at the same time permit them a certain level of consumption and the chance to make investments in productivity. This relation was based in the capacity of the peasantry from the *mas* to produce commerciable surplus and the control of it was one of the aims of merchants that offered capital and goods, in order to speculate in other markets. This way, a substantial sphere of economic relations between the *mas* peasantry and the small towns' merchant was based on the creation of *clienteles*, through the offering of goods and money on credit in return of becoming themselves the main purchasers of the agricultural and cattle surplus of their clients. The inexistence of solid financial institutions and a context of capital offer with low interest rates offered some guaranties to the peasantry. The need to maintain these customers adjusted out-of-measure executive proceedings in nonpayment suits. The objective of merchantry was neither land seizing nor the gain of incomes trough high interest rates, but to consolidate a complex economic set-up of which they obtained benefits in different ways: making and importing merchandises that were afterwards sold on credit to peasantry, and commercializing with the agricultural and stock farmer surpluses. Obviously, the group that was most dismissed and harmed, to a point, by this changes, were the merchants and credit dealers from Girona, that saw local competitors appear with strength; as it probably forced them to reorientate their businesses.