

# WATER. OBJECT OF DESIRE AND SOURCE OF CONFLICT IN CASTILE IN THE LATE MIDDLE AGES

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## ABSTRACT

To the medieval mind, water was a prized asset and one highly sought after both for the personal use to which it could be put and for the benefits it afforded vis-à-vis enhancing the reputation of those able to enjoy it. As a result, late Middle Age Castilian society strove not only to secure itself a supply of water for its survival but also to enhance its prestige. This led to the emergence of conflicting interests surrounding water, sparking clashes involving those in authority, cities, and private citizens. The present article explores these issues in the context of lower medieval Castilian urban society, focusing on the reasons underlying the social rivalry concerning water and the measures taken to stave off such conflict<sup>1</sup>.

## KEY WORDS

Water, Social Conflicts, Castile, Towns, Medieval Mentality.

## CAPITALIA VERBA

Aqua, Conflictus Sociales, Castella, Urbes, Mens Mediaevalis.

## 1. Introduction

15<sup>th</sup> century Castile was a time of sweeping changes affecting all aspects of life, from knowledge —through the emergence of humanism— to the economy. Yet, two areas which are of particular interest due to their relation with the issue at hand, are political power and the nature of society.

In the political arena, the newly arrived Trastámara dynasty came to the throne. The changes which this entailed led to bitter power struggles that were to mark much of the century. Yet, despite this, the monarchy was able to gain sufficient manoeuvring space in which to consolidate its position, bringing together nobles and towns, even though it meant having to overcome fierce resistance. The reign of Isabel I is a clear example of the triumph of the Castilian monarchy, which was able to lay the foundations for the development of a modern society. To achieve this, King Ferdinand and those charged with the task of governing adopted a fresh approach which would not only safeguard the loyalty of the nobles who, in general, were content with their role, but also ensure the support of the towns<sup>2</sup>.

Within this new image of Castilian society, one particularly important aspect was how such facets as rank, prestige as well as personal and family honour were outwardly manifested. Nobles were now keen to show off their titles and coats of arms which reflected their links with other nobles and groups, as well as their position in the social hierarchy and in the kingdom as a whole. They also cultivated knowledge which, amongst other considerations, became a means of drawing attention to their social position, felt to be symbolically superior to the rest. Libraries now began to emerge, coupled with a desire to read, and translations of certain works were keenly sought out. All of this was only within the reach of the most prominent members of society and was a sign of the privileged position they held<sup>3</sup>.

Together with the nobility, another social sector which clearly began to emerge was those who had achieved wealth through trade and business. These were none other than the urban oligarchy whose members likewise felt the need to draw attention to their superior status, honour and prestige. They strove to be awarded tax exemptions, since not being obliged to pay taxes was a sign of rank, even if at times this brought them into conflict with others who were forced to bear a heavier financial burden as a result. This emerging group also sought to gain knighthoods or to join the ranks of the nobility, albeit lower ranking nobility, a position which would be conferred were they able to achieve the status of *hidalgúia* or nobleness. When possible, they sought a position in the administration of the kingdom, which afforded opportunities for social advancement. In addition to attempting to monopolise local

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2. Valdeón, Julio. *Isabel la Católica y la política*. Valladolid: Ámbito-Instituto Universitario de Historia Simancas, 2001.

3. Quintanilla, María Concepción. *Títulos, grandes del reino y grandeza en la sociedad política. Fundamentos en la Castilla medieval*. Madrid: Silex, 2006.



government positions, in towns that were represented at parliament they aspired to be chosen to attend meetings which would provide them with fresh opportunities to improve their socio-political position<sup>4</sup>.

This dominant urban class was also actively involved in the world of knowledge, although they were often driven by a variety of reasons. Not only was knowledge required if their business was to prosper, but was also seen as a way to exhibit their eminent position. It was common to see them owning a number of books and there was also the occasional prominent writer such as Alonso Rodríguez de Montalvo, governor of Medina del Campo and author of *Sergas de esplandian*, a famous late 15<sup>th</sup> century book of chivalry<sup>5</sup>. They also sought to acquire specific knowledge from teachers who offered their services as private tutors or who worked in the schools found in many towns. Intellectual knowledge was at times necessary in order to pursue a career in administration or business, but was also a way of showing off their superior rank to fellow citizens.

In this desire to display their rank and position of honour to the rest of society, the key role played by the towns needs to be borne in mind. Towns enjoyed their own legal status and, like any other gentleman, strove to stand out above the rest. Towns also endeavoured to achieve fame and honour, to appear as attractive and well governed, as well as flourishing, clean and healthy<sup>6</sup>. This required ever-increasing resources, which were not always easily available. The growing economy of the time helped to achieving this, and in general terms the economic situation may be described as good. Once the crisis had been overcome, and despite the occasional moments of hardship, contemporary Castile was a prosperous kingdom in which the monarchy, nobles and urban oligarchy knew how to procure the resources necessary to maintain their rank and to expand. Although certain difficulties did exist, society as a whole, and in particular the towns, the area which particularly concerns us, enjoyed a period of prosperity bolstered by trade. One clear example of this is the emergence of towns such as Seville, Burgos, or Bilbao or the growth of the fairs held at Medina del Campo.

This is the general context in which the issue at hand, social conflict surrounding the use of water, is framed. Yet, before moving on to deal directly with the topic, one further brief consideration concerning urban social conflict needs to be made.

All social relations are determined by the tension which exists amongst opposing interests, such that society may provide the breeding ground which leads to clashes between various factions. In late medieval urban society in Castile the focal point of

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4. Asenjo, María. "Las ciudades", *Orígenes de la monarquía hispánica: propaganda y legitimación (ca. 1400-1520)*, José Manuel Nieto, dir. Madrid: Dykinson, 1999: 105-124.

5. Sales, Emilio. "Garcí Rodríguez de Montalvo, regidor de la noble villa de Medina del Campo". *Revista de filología española*, 79/1-2 (1999): 123-158.

6. Bonachía, Juan Antonio. "'Más honrada que ciudad de mis reinos...': la nobleza y el honor en el imaginario urbano (Burgos en la Baja Edad Media)", *La ciudad medieval: aspectos de la vida urbana en la Castilla Bajomedieval*, Juan Antonio Bonachía, coord. Valladolid: Universidad de Valladolid, 1996: 169-212; Fernández, Manuel. "La competencia por la honra en la Sevilla Bajomedieval. Rey, ciudad, nobles y conventos", *Construir la ciudad en la Edad Media*, Beatriz Arízaga, Jesús Ángel Solórzano, coords. Logroño: Instituto de Estudios Riojanos-Universidad de La Rioja, 2010: 621-640.



this tension, which came to a head in 1520 with the Revolt of the *Comuneros*<sup>7</sup>, is the struggle for power, a struggle which involved at least three sectors; the monarchy which was increasingly keen to intervene in the internal affairs of towns; an urban oligarchy which had managed to secure a position for itself at the head of the local government and which did everything it could to maintain and indeed enhance its position; and the majority of citizens who, enjoying a relatively comfortable financial position, sought to be heard and make their aspirations known amongst the higher echelons, whilst playing a role in local politics, at least in those areas most directly affecting them.

Yet not all the conflicts to emerge at the time were the result of this tension. Indeed, if viewed at a local level, the most common source of conflict was tension arising from everyday problems, rivalry amongst neighbours for reasons which were apparently trivial, yet which often reflected highly symbolic motives; insecurity regarding the supply of basic necessities; the threat to hygiene or the general health resulting from unsociable behaviour. In short, questions related to daily life and coexistence which may involve strong personal feelings but which also jeopardise the economic or political interests of certain sectors.

On both the political as well as the everyday level, water played a key role in social relations in 15<sup>th</sup> century Castilian towns. Those in power used it as a means to gain the support of the people they governed as well as to secure certain advantages for themselves, such as having water available at or near their house. The rest of the townspeople fought to maintain their right to be provided with water in sufficient quantity and with the desired quality, whilst others used it for financial benefit and in an attempt to improve their economic and social position<sup>8</sup>.

All of this caused ill-feeling which at times led to major hostility, but which for the most part was confined to petty quarrels or brawls. However, it did often prove to be at the heart of social conflict which on many occasions interfered with the relations amongst townfolk. Such conflicts were usually dealt with judicially, the related documents providing an insight into what occurred, although appeals to the monarchs and the latter's intervention were not uncommon. Differences amongst residents were often a result of some violent, physical or verbal act, whilst disputes confronting local government and residents tended to be caused by differences of opinion which led to complaints and reluctance to obey orders issued by the local council. All of this will be dealt with in the coming pages.

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7. Perez, Joseph. *La revolución de las Comunidades de Castilla (1520-1521)*. Madrid: Siglo XXI, 1978.

8. One example is the behaviour of Cardenal Mendoza at Sigüenza, where he orders a water supply system to be built and to be kept in good condition, as noted by: Martínez, Pilar. "La ciudad de Sigüenza a finales de la Edad Media: fuentes para el estudio de sus murallas, plazas, infraestructuras y edificios singulares", *Construir la ciudad...*: 153.



## 2. Water in 15<sup>th</sup> century Castilian towns

I have dealt with this issue on other occasions<sup>9</sup>, and so I feel that only a brief overview needs to be given to explain why and how the conflicts which concern us here may have emerged and developed. Our starting point is the actual geography of Castile itself, a kingdom in which, despite its size, and geographical diversity, water generally remains in short supply. Even in the wettest regions such as the Cantabrian coast, water is scarce due to the problems involved in capturing and storing it. Except in a few cases (Duero, Tajo, Guadalquivir), the flow of the rivers is poor and inconsistent, causing problems with provision, particularly in summer<sup>10</sup>.

It should also be remembered that the availability of water is one of the main reasons accounting for the settlement of populations. People sought to ensure they had ample water supplies, which on occasions led them to establish towns near a river, the water from which would be used. One clear example of this, and one which reflects the importance attached to the river flowing close to the town centre, is Benavente, and the dispute it was involved in with a number of neighbouring areas over the use of water from the river Órbigo. In this particular instance, Benavente was opposed to the building of a channel which would divert the course of the river or at least reduce its flow near to the city, arguing that its natural path should be maintained<sup>11</sup>.

Indeed the very layout of a town is often a result of the course of the river. Valladolid, located near the Pisuerga between two branches of one of its tributaries, the Esgueva, is a clear example of this. The city was built close to the main river, although at some distance in order to avoid being affected by flooding. However, in addition to providing the main supply of water, the river also plays a central role in the mind of its inhabitants. To the south, the city wall is restricted by one of the branches of the Esgueva, which prevented the town spreading in that direction. The northern branch of the river runs through the centre of the town, wherein the bridges play a key role, proving essential for circulation and communication between the various districts. As can be imagined, all of this requires the constant intervention of the local council, which must ensure the health, supplies and flow of people and goods around the town<sup>12</sup>.

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9. One reference here is: Val, María Isabel del. "Water in Spain in the 15<sup>th</sup> Century". *Rassegna*, 16/57 (1994): 49-53; Val, María Isabel del. "L'approvisionnement en eau dans les villes castillanes au bas Moyen Âge". *Le Moyen Âge. Revue d'histoire et de philologie*, 104/1 (1998): 73-90. Chapters I have written in collective books that I have published and which are cited in other notes as well as other works that will be cited at the appropriate point may also be consulted.

10. A general overview of studies into water in Castile in Sowina, Ursszula; Val, María Isabel del. "L'eau dans les villes de Castille et de Pologne au Moyen Âge". *Histoire Urbaine*, 22 (2008): 115-140.

11. Val, María Isabel del. "Naturaleza y sociedad. La actitud urbana ante los recursos hídricos en la Castilla del siglo XV". *Natura i desenvolupament. El medi ambient a l'edat mitjana*, Flocel Sabaté, ed. Lleida: Pagès Editors, 2007: 179-180.

12. For medieval Valladolid: Rucquoi, Adeline. *Valladolid en la Edad Media*, 2 vols. Valladolid: Junta de Castilla y León, 1987.



At other times, this impact on the spread and growth of the city is shaped by the features of the area in which the city is built. One clear example is Zamora, since the layout of the city and its expansion is determined by the presence of the river Duero. Firstly, the bridge over the river was soon to become a symbol for the town's inhabitants, so much so that it was chosen to decorate the seal of the town. The river also marks the town perimeter, affording a defence against any unwanted attacks over the whole area. The actual geography of the riverbanks on which Zamora is situated also shape the layout of the streets, the river enabling the town's inhabitants to enjoy ample supplies of water to set up a number of mills as well as other industries such as tanneries that are dependent on water<sup>13</sup>.

One further noteworthy aspect regarding the role played by water in the late Middle Ages is how it was used to honour towns and as a symbol of their prestige, as referred to in the previous section. Beyond this, however, water was a major source of wealth for local councils. Considered a public good, it was often controlled by local governments whose power extended to cover the water which came under their jurisdiction. This enabled them to obtain income and revenue, either by directly exploiting water or, more commonly, by leasing it out to use. Local government was often faced with certain expenses or with the need to undertake certain works, which in the long run would benefit the local coffers. Such is the case of local government owned mills and bridges, the latter proving to be particularly costly in terms of construction and maintenance, yet highly beneficial to the interests of the town. The main benefits to emerge from the existence of a bridge include helping to carry out effective government by favouring communications and eliminating the danger involved in crossing the river by other means, endowing the town with honour by becoming an emblematic symbol of the city, as is the case in Zamora, whose seal bears a representation of the town's bridge over the Duero. In addition, bridges were also a source of income as tolls were charged. For all these reasons local governments had no difficulty in meeting the high costs which building a bridge entailed<sup>14</sup>.

### 3. Social rivalry surrounding water

Taking into account the prominent role which water played in towns in Castile at the end of the 15<sup>th</sup> century combined with the overall situation in the kingdom at the time, we now explore the rivalries that emerged concerning water. More

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13. Hidalgo, Francisco. "El agua como condicionante de la estructura urbana: Lyon y Zamora. Dos ejemplos del Bajo Medievo", *Agua y sistemas hidráulicos en la Edad Media hispana*. Cristina Segura, ed. Madrid: Al-Mudayna, 2003: 124-132.

14. Villanueva, Olatz. "Agua y patrimonio en Castilla: el puente de Itero del Castillo en Burgos y las tenerías de la ciudad de Zamora", *Musulmanes y cristianos frente al agua en las ciudades medievales*, María Isabel del Val, Olatz Villanueva, eds. Santander: Universidad de Castilla-la Mancha–Universidad de Santander, 2008: 15-45.



often than not, these simply involved minor disagreements, although there were occasions when tension grew and led to disputes which may have varied in intensity but which always proved an obstacle to the peaceful existence of the inhabitants. In the following sections I describe some of the aspects of urban life which, related to water and the use thereof, could lead to conflict in towns in Castilian towns towards the end of the Middle Ages.

### *3.1. The desire to control water resources*

Despite being deemed a public good, on numerous occasions a particular institution or individual seized use of water for themselves, either legitimately or surreptitiously. Such an attitude is the result of the desire to expand one's own power to other areas and goods in order to obtain income and gain control over the trades or crafts of the inhabitants in the area in question. On many occasions this led to a clash of interests between the two opposing parts, fishing being one of the most common aspects in which such situations most clearly arose. Without for the moment going into situations in which there was a struggle to take possession of the benefits deriving from the exploitation of water resources, we will now explore how those in power sought to gain control of water as a means to extend and consolidate their power in the area in question.

Those owning land near to places where water flowed tended to use the water for irrigation, as a source of energy, or to fish. Allowances and donations in which water was included as part of the goods ceded or donated were fairly commonplace. Both matters affected those in power as well as towns alike, who were able to acquire water rights by exchange or purchase, as the town of Aranda de Duero did in 1495 when it bought the farm of Milagros. In this case, ritual taking of possession includes fishing in the river Riaza, reflecting how the rights over the river were seized by the town. Aranda de Duero was in fact involved in a conflict with the Count of Miranda immediately afterwards concerning ownership of the area and its water. The Count was a local nobleman who felt that the farm belonged to him, leading him to clash with the town's authorities and indeed occupy the farm of Milagros and set up guards in the woodlands and nears the river, and to prohibit fishing, thus reflecting his conviction that the water was his and that he could do with it as he pleased. As can easily be imagined, the opposing positions of the town and the Count led to an open conflict which raged for a long time<sup>15</sup>.

Similar forceful seizures of water are documented in other towns such as Burgos, which controlled the surrounding fishing areas against the interests of the local population. In 1484 the town council took control of a fishing well belonging to the

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15. Peribáñez, Jesús G.; Abad, Isabel. "La pesca fluvial en el reino de Castilla durante la Edad Media", *Vivir del agua en las ciudades medievales*, María Isabel del Val, coord. Valladolid: Universidad de Valladolid, 2006: 170-171.





town by casting a net over it and fishing<sup>16</sup>. On other occasions, however, in an effort to defend public ownership of the river, the town council sought to use it as if it were part of the town itself, as was the case in Palencia, a city in which, as we shall see later, water was the cause of a number of conflicts between the town council and the lord<sup>17</sup>. In all of these cases, the aim was to show publicly and unmistakably the power which was exercised over water, in other words displaying the ability to decide freely over its use. Yet this desire, which entailed major economic as well as political and social implications, was not always recognised by the other real or possible powers connected with the particular water in question, and it was precisely this that led to confrontation, although in most cases conflict was due to specific interests concerning rights over the use of water resources.

In other instances, this desire for control was expressed differently, by claiming the right to take charge of maintaining the water supply network, as this was a task which reflected who had rights over the water in question. Such was the case in Almería where, at the end of the 15<sup>th</sup> century, a clash broke out between the town council, who assumed responsibility for maintaining the public water tanks, and the church authorities who claimed the task for themselves. After a number of disputes between the two parts, in the early 16<sup>th</sup> century the balance finally swung in favour of the local government<sup>18</sup>.

### 3.2. *The power of towns over villages*

One factor which needs to be taken into account in order to understand the tension brought about by the use of water is that it was sometimes used by those in power as a means of exercising control over those they governed. This is evident in the attitude of local councils towards the villages located in the area, and which came under their jurisdiction. In such instances, urban society imposed its interests on the villagers whilst also bringing its weight to bear on them by controlling the use of all shared resources, including water.

The 15<sup>th</sup> century was rife with clashes between crop farmers and livestock farmers over the use of land, with a growing tendency towards the use of croplands. This at times meant a reduction in grazing lands and woodlands, although this was not the only problem as water was again at the heart of many conflicts. Such was the case in Cuéllar where, whilst the villages wanted to use water to irrigate their vegetable growing areas, to the detriment of the drinking troughs and pastures, the town council sought to defend the interests of livestock farmers, in other words the urban

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16. Casado, Hilario. *Señores, mercaderes y campesinos. La comarca de Burgos a fines de la Edad Media*. Valladolid: Junta de Castilla y León, 1987: 208.

17. Oliva, Hipólito Rafael. "Concejo, cabildo y políticas del agua en Palencia a finales de la Edad Media", *Vivir del agua en la Edad Media*, María Isabel del Val, coord. Valladolid: Universidad de Valladolid, 2006: 66.

18. Segura, Cristina. "El abastecimiento de agua en Almería a fines de la Edad Media". *En la España Medieval*, 4 (1984): 1009-1022.





oligarchy, as opposed to the village peasants. This led them to curb the use of water for agricultural purposes and to protect drinking troughs and pastures<sup>19</sup>.

Yet, not everything involved favouring livestock and restricting other uses. Cáceres provides an example of a situation in which the town, whilst exercising its power over the villages under its jurisdiction, evidenced its desire to protect water resources, seeking to conserve them so as to ensure availability for irrigating the land where water was needed<sup>20</sup>.

Another type of conflict that was fairly common was caused by the town's desire to make villages bear the cost of work carried out to benefit the town. This was for example the intention of Segura who wanted to channel water to the town centre and to force certain nearby villages to pay extra taxes in order to raise the money to pay for the work. In 1448, the villagers protested and took their grievance to the judge, who found in their favour, declaring that they were exempt from paying the extra taxes which Segura had intended to levy on them<sup>21</sup>.

However, it was not only town councils but also other institutions that sought to impose their political will on villages. Such was the case in Burgos, where the church authorities, lord of *Modúbar de la Emparedada*, were in conflict with the villagers, who in 1491 protested because a member of the church authorities, the succentor, wanted to build a mill on common ground, which the millers felt was contrary to their interests. The church authorities initially seemed to support the peasants who had protested, although the following year they themselves ordered the mill to be built. By doing so, not only were the church authorities in Burgos able to impose their will, further their own interests and exercise their feudal power, but were also able to obtain a fresh source of income, however small the revenue from the mill may have been<sup>22</sup>.

### 3.3. The use of water power

Claiming power over water was at times the result of a desire to benefit from and exploit the available fishing resources or to use the water for irrigation purposes, although the most likely reason for wishing to gain control of water was to generate the hydraulic energy required for ensuring economic progress and supplying people in rural as well as urban areas. It should be remembered that it was usually the municipal authorities who had the power to authorise or refuse use of running water, and therefore the installation of mechanical devices of any kind. Yet, there

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19. Olmos, Emilio. "El agua entre agricultura y ganadería a orillas del Duero", *Vivir del agua...*: 206-212.

20. This is reflected in: "Ordenanzas del agua de la ribera" of Cáceres, published by García, M<sup>a</sup> Dolores. *Documentación histórica del archivo municipal de Cáceres (1475-1504)*. Cáceres: Institución cultural "El Brocense", 1988: 376 and 258-262 (doc. n. 196).

21. Arízaga, Beatriz. "El agua en la documentación urbana del Nordeste peninsular", *El agua en las ciudades castellanas durante la Edad Media. Fuentes para su estudio*, María Isabel del Val, coord. Valladolid: Universidad de Valladolid, 1998: 87.

22. Casado, Hilario. *Señores, mercaderes y campesinos...*: 190-192.



were also other powerful bodies such as the lord in the case of towns deemed as noble, for example Palencia, or the privileges awarded by the monarch to other powers or persons, a situation that affected the city of Burgos, reflected amongst other instances by the long-running confrontation between the town council and the powerful monastery at Las Huelgas<sup>23</sup>.

Setting up a water driven mill of any kind was a sign of the use of water and an indication of the power of those who were allowed to do so or those able to grant permission for the construction thereof. This brings us to the area of the exploitation of water power, one of the main uses to which water was put in the Middle Ages, since it related both to the work of certain craftsmen as well as the issue of food, and therefore basic human survival. As I pointed out some time ago in another work, this is precisely why employing water to produce energy was behind most of the conflicts to arise surrounding the use of water, conflicts which might reach the highest court in the land, the Chancellery<sup>24</sup>.

Those in power sought to control, and often monopolise, the use of water energy. The town council in Palencia, a town under church authority, is one clear example when in 1460 it ordered a new mill complex to be built on the river Carrión, putting this work before the construction of a new cathedral which remained unfinished<sup>25</sup>. It was precisely this matter of the mills which, in the early 16<sup>th</sup> century, was to cause a confrontation with the town council when a former governor ordered new ones to be built<sup>26</sup>.

Yet it was not only amongst the ruling authorities, whether ecclesiastical or lay, where conflicts of this nature were to be found. There were also numerous instances in which town councils clashed with individuals or where disputes flared up amongst residents. These differences tended to revolve around the availability of running water, although dissension may also have arisen because of water driven mills, or iron foundries, with corn-mills being the most common, although there were others used for products such as powders or other dyes or colour fixatives employed in textiles or tanning. One such conflict sprang up in the early 16<sup>th</sup> century (in 1512 to be exact), and confronted some inhabitants of Olmedo with a resident of the nearby town of Medina del Campo, who had carried out work on his mill. This may well have entailed raising the level of the weir from which he drew his water, an action which may have proved damaging to owners of the other mills as a result of a drop in the flow of water<sup>27</sup>.

Another common problem was ownership of such facilities, which was disputed by various parties. One example may be found in the so-called "Madalena water mills" in Valladolid, located on the river Pisuerga, ownership of which was claimed for her children by Isabel Muñoz, widow of the governor of Valladolid, Juan de

23. Casado, Hilario. *Señores, mercaderes y campesinos...*: 183-184.

24. Val, María Isabel del. "El agua en la documentación de la Real...": 97-124.

25. Cabeza, Antonio. *Clérigos y señores. Política y religión en Palencia en el Siglo de Oro*. Palencia: Diputación Provincial de Palencia, 1996: 48.

26. Oliva, Hipólito Rafael. "Concejo, cabildo y políticas...": 67.

27. ARChV. Casos civiles, discontinued, box 238-01.



Herrera. In 1488, she reported Rodrigo de Villandrando and some of his servants to the authorities for having attacked the mills armed with swords, daggers and spears, stealing and causing a great deal of damage<sup>28</sup>.

Differences also arose concerning the usufruct of water, as was the case in a village in Valladolid, Tudela de Duero, where two local residents, Diego de Velasco and Rodrigo de Villamañán, built a mill on the Jaramillo stream, which flows into the Duero, without the permission of the village which benefited from the stream's waters. The conflict led to a lawsuit in the 1490s which, after having initially been examined by the town judges in Valladolid, eventually reached the supreme court in the land, the Chancellery<sup>29</sup> after an appeal was lodged.

### *3.4. Conflicting interests surrounding the use of water*

One further aspect which should be mentioned concerning this matter is that in 15<sup>th</sup> century Castilian towns there were numerous instances which evidenced other conflicting interests surrounding the use of water, and in particular rivalry over the right to enjoy such a prized asset in the best possible conditions. In this regard one aspect which may be mentioned concerns the availability of water near homes (and the rivalry it led to amongst individuals), or in certain districts of the town, when some residents enjoyed privileges to the detriment of others. One clear example of this behaviour and of the defiance it caused may be found in Medina del Campo, a town which hosted the most important fairs in the kingdom. In order to safeguard the availability of water in the area where the fair was held, the town council undertook a series of works, which included diverting a spring from one of the outlying areas of the town, the district of San Nicolás, to the square where the fair was held. Although there were two springs in the area of San Nicolás, and although it was decided to divert the water from only one of them, residents of the district protested vehemently against the town council decision, delaying the work. The situation required the intervention of the crown who supported the town council's decision feeling that channelling water to the more central area where the fair was located would benefit the town as a whole<sup>30</sup>.

This need to ensure the availability of water in a specific area in the town centre, to the detriment of others, was commonplace. Such was the case in San Vicente de la Barquera, a small town on the Cantabrian coast, which was supplied by a conduit from a relatively nearby source, Fuentelapeña, one league away. This conduit had been made with wooden tubes running underground, which made it difficult to repair in the event of leaks. Concerned about the devastating effects of the fire that broke out in 1483, the town council decided to cut off the water to the Franciscan

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28. ARChV. Reales Ejecutorias, 27-26. The executing letter dates from 1490.

29. ARChV. Reales Ejecutorias, 84-9. The executing letter is dated 23 May 1495.

30. Val, María Isabel del. "Preocupación urbanística e intereses económico-sociales en el ocaso de la Edad Media", *Terres et hommes du Sud. Hommage à Pierre Tucoo-Chala*, Christian Desplat, dir. Biarritz: J and D Éditions, 1992: 380-381.



convent of San Luis, located outside the walls, in order to ensure supplies to the town. As may be imagined, the monks protested, demanding that their water supply be maintained. However, the town authorities held their ground and refused to give way, arguing that it was necessary to safeguard a supply to the town and to combat any other fires which might break out. In order to find a solution to the problem, they recommended the Franciscans to take water from a different source, since the one they were using which was to be used for the town was not enough to supply the convent as well. The case dragged on from 1491 to 1524<sup>31</sup>.

Rivalry amongst individuals tended to emerge when inhabitants were able to provide themselves with a supply close to their house. This led other residents to protest, either because they felt aggrieved at not having been able to secure the same for themselves or because their own supply suffered as a result. One example may be seen in Segovia, where in 1495 a section of the town complained that certain monasteries, knights and craftsmen had commandeered public water supplies to the detriment of the rest, whose own supplies had been cut back as a result. In order to make sure that this ill-will did not lead to open hostility, the town council intervened by commencing public works and placing a restriction on concessions<sup>32</sup>.

### 3.5. *Hygiene and comfort: washing and dirtying*

One issue which appears to have been of great concern in the everyday lives of citizens in the late Middle Ages was maintaining health and comfort. These were two matters in which water played a key role, leading on occasions to strain and conflict due to opposing interests or rivalry amongst residents.

Preserving public health involves ensuring that supplies of drinking water are available, which not only in turn entails undertaking work that can at times prove costly and complicated<sup>33</sup>, but also exercising control over the use of water so as to prevent it being polluted. This caused problems that led to confrontations amongst some inhabitants of the town. One very clear example was leather workers and dyers, two crafts which relied on water and which caused a great deal of pollution. In order to prevent harming the other inhabitants, town councils often ordered these craftsmen to carry out their work downriver, often sparking resistance amongst the craftsmen involved who preferred to stay where they were. When the town council in Palencia decided to move the dyers, resistance from the latter resulted

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31. Solórzano, Jesús Á. "Infraestructuras e instalaciones portuarias, fluviales e hídricas en las villas del Norte peninsular a finales de la Edad Media: Las obras públicas como instrumentos de poder", *Musulmanes y Cristianos frente al agua...*: 295.

32. Asenjo, María. *Segovia. La ciudad y su tierra a fines del medievo*. Segovia: Diputación provincial de Segovia, 1986: 74-76; Val, María Isabel del. "El abastecimiento de agua a Segovia en el contexto bajomedieval castellano". *Estudios segovianos*, 37/194 (1996): 733-752.

33. An example is the water supply construction work studied by: Carrasco, Ángel. "El *acueducto* de madera de Robledo de Chavela. Abastecimiento y contaminación del agua a finales de la Edad Media", *Agua y sistemas hidráulicos...*: 177-194.



in negotiations that were to last six years (from 1485 to 1491), those who were affected managing to force the town council to provide them with the land they needed to go about their work in the area designated, away from the town centre<sup>34</sup>.

Such a conflict of interests may also lead to disputes with other authorities in the surrounding area, as was the case in Burgos with the monastery at Las Huelgas, or in Valladolid with the monastery of Nuestra Señora de Prado. In the latter case, Hieronymite monks felt aggrieved by the fact that butcher's stalls and tanneries had been set up in Valladolid in the water mill area of Villotilla, near to their monastery. This led them to undertake a lawsuit in 1492, the monarchs requesting information regarding the matter<sup>35</sup>.

However, it was not only the work of certain craftsmen but indeed the consequences of everyday activities that could lead to water being polluted. Such activities included washing clothes, household goods, food (vegetables or the insides of animals) or people's own bodies. Any local resident might be guilty of going against the general interest in terms of health by engaging in certain activities in an unsuitable area. This was particularly true in the case of fountains, although rivers and streams could also be the cause of conflict when people sought to take control of them for themselves. There are numerous examples, such as Ávila<sup>36</sup>, of local ordinances forbidding residents from washing in public fountains or rivers in an effort to avert arguments and quarrels.

### ***3.6. Relations amongst residents: supply points and coexistence with the mudéjares (Muslims permitted to live under Christian rule)***

This brings us to a further point of interest related to the issue at hand, which is none other than the important role played by water as a focal point for social gatherings, since it brought together both many men and women. Areas such as wells, rivers, or fountains were often places where conversations were struck up, but could also spark rows and upset peaceful coexistence.

Transporting water to dwellings was a task that could be performed by the young women in the house, maidservants or otherwise, or by water-carriers. rivers, wells and fountains providing the supply points. As these were often located on the outlying parts of the town and generally outside the town walls, the vicinity of a river could prove to be a potentially dangerous area, as could wells and fountains, despite being inside the walls.

In the late 15<sup>th</sup> century the vast majority of towns had fountains which played a variety of roles in daily life, serving to embellish and honour it, and soon becoming

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34. Oliva, Hipólito Rafael. "L'eau et le pouvoir dans les villes castillanes à la fin du Moyen Âge. Palencia, un exemple de concurrence de pouvoirs". *Histoire urbaine*, 22 (2008): 69.

35. Wattenberg, Eloisa; García, Agustín. *El monasterio de Nuestra Señora de Prado*. Salamanca: Junta de Castilla y León, 1997: 366 (the document may be found in AGS. Registro General del Sello, 149209-196).

36. Monsalvo, José María. *Ordenanzas medievales de Ávila y su Tierra*. Avila: Institución Gran Duque de Alba, 1990: 105.



meeting points, which was also true for wells. This accounts for why their use was controlled, not only as far as the use of water was concerned but also with regard to whom, when and why people could meet there. This was because meetings could not only prove to be friendly but could also give rise to scuffles, abuse and physical aggression, leading to conflict amongst residents. In Córdoba, in January 1498, news of a street fight was reported near the well close to the Church of San Pedro. A carder stabbed in the head and injured a fellow townsman who had previously insulted him. One extreme case is that of a murder in Lebrija, in 1476. The victim was a woman who was murdered by her husband from whom she had separated. According to the report by the murdered woman's mother, the man had waited for her near the well where she had gone to collect water with a pitcher and had then stabbed her to death<sup>37</sup>. Without reaching such violent extremes, meetings at points where water was available could on occasions give rise to unwanted encounters, and friction amongst neighbours which could lead to scuffles.

Yet, there was another side to the conflicts amongst residents over the issue of water, one which was related with the coexistence between two contrasting socio-political groups, the Christian majority and the Muslim minority. In all of the work connected to the supply of water, whether construction or maintenance, there was a strong presence of skilled *mudéjar* workers, as can be seen in Guadalajara, Madrid, Valladolid or Medina del Campo. In this particular field at least, relations between skilled Christian and Muslim workers seem to have been good on the whole, even when problems arose concerning breach of contract, as occurred in Valladolid with the first engineer who was hired by the town council to channel water to the centre of the town from a watering point located outside the walls<sup>38</sup>. Yet, although fairly uncommon, there do seem to have been instances of negative attitudes towards the minority groups by the majority. This was true of Seville where anti-*mudéjar* feeling was at times in evidence, for instance in 1405 and 1412, when it was made difficult for *mudéjares* to ply their trade freely as pipe-layers, a job they had traditionally undertaken, since at least the early 15<sup>th</sup> century<sup>39</sup>. Pipe-layers were in charge of maintaining the water supply network and were often Muslims, as we have seen in Seville, and as was also the case in other towns such as Madrid<sup>40</sup>.

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37. Córdoba, Ricardo. "El homicidio en Andalucía a fines de la Edad Media". *Clío y Crimen*, 2 (2005): 667 and 557-561 (docs. n. 59 and 14).

38. Pino, Fernando. *El primer libro de actas del ayuntamiento de Valladolid. Año 1497*. Valladolid: Ayuntamiento de Valladolid, 1990: 124 and 133-135 (n. 315) and 348-350; Pino, Fernando. *Libro de actas del ayuntamiento de Valladolid. Año 1498*. Valladolid: Ayuntamiento de Valladolid, 1992: 65 (n. 170).

39. Montes, Isabel. "El abastecimiento de agua a la Sevilla bajomedieval: los moros cañeros y el acueducto de los Caños de Carmona", *Construir la ciudad en la Edad Media*, Beatriz Arizaga, Jesús Á. Solórzano, eds. Logroño: Instituto de Estudios Riojanos, 2010: 73-74.

40. Segura, Cristina. "Los oficios del agua", *Historia del abastecimiento y usos del agua en la villa de Madrid*. Madrid: Confederación Hidrográfica del Tajo y Canal de Isabel II, 2000: 129-138.





### 3.7. Town council intervention in urban matters

Wells and particularly fountains were central points in medieval towns. I have already referred to the close link between water and the layout of many towns, and a point which I now feel needs to be highlighted is how within the town walls water could lead to problems that would force local authorities to intervene. In this, as in other matters, the town council sought to avoid problems for the townsfolk as much as possible, although they were not always able to do so, which occasionally led to certain discontent when the ruling authorities proved unable to solve problems. At times, the measures taken to avoid inconvenience to some caused ill-feeling amongst others, who vented their anger as a result.

Complaints arising out of the accumulation of dirt were commonplace as were other grievances caused by the free flow of rainwater or even the dumping of rubbish. One such case involved the monastery of Santa Cruz de Segovia, and led them to complain in 1510 that the rainwater from the town ran towards the Gate of San Martín, causing the convent to flood, as a wall had been built blocking the vegetable garden, preventing the rainwater from flowing freely and diverting it towards the monastery<sup>41</sup>.

Another clear case is that of Aranda de Duero, where the Jews complained because the natural course of the water flowed into the Jewish quarter when there was rain, filling it with all kinds of rubbish which was prevented from going any further by the wall which blocked any possible exit. This is precisely why in 1486 the inhabitants requested that a gap be opened in the wall. Their request was accepted, no doubt in order to avoid disagreements. However, the problem was not fully resolved, as in 1492, those who took possession of the houses after the Jews were expelled, were forced to demand that the gap be left where it was since residents of a nearby street wanted to have it shored up for their own benefit, as they felt that if it were closed they might suffer again as a result. In other words, although the problem was solved, it remained a source of potential conflict and indeed a permanent threat for those living in the area<sup>42</sup>.

Palencia provides us with a further example of conflict arising out of a matter related to town planning. In this town, as in others, the town council sought to relocate certain activities, which were felt to cause pollution, in areas where they would not go against the general interest in any way. They wanted to control how the channel supplying water to the dyers was to be built so that it would not cause harm and lead to protest and ill-feeling<sup>43</sup>.

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41. Asenjo, María. *Segovia. La ciudad y su tierra...*: 70.

42. Peribáñez, Jesús G.; Abad, Isabel. "El control social del agua en la villa de Aranda de Duero. El aprovechamiento del río Aranzuelo a principios del siglo XVI", *Usos sociales del agua en las ciudades hispánicas de la Edad Media*, María Isabel del Val, coord. Valladolid: Universidad de Valladolid, 2002: 128 and 147.

43. Oliva, Hipólito Rafael. "Concejo, cabildo y políticas del agua en Palencia...": 58.





### 3.8. *Confrontations with authorities outside the town*

Whilst problems arising within the confines of certain towns could prove to be serious, other conflicts could be even more so as they occasionally involved prominent figures. Such instances refer to disagreements which confronted one town council with another, or which involved a noble or ecclesiastical institution. I have not found any instances of a conflict with the reigning monarch, although there are cases of disputes with chief magistrates or concerning certain decisions.

One particular instance is towns in which there was a higher lord, and where the town council ruled on matters which may have clashed with the interest of said ruling authority concerning the use of water. Palencia again provides us with a clear example when the town council clashed with the lord, in this case the bishop. One particular conflict arose over the location of the tanneries and control over fishing. The first issue was used by the bishop in an effort to assert his authority over the town council since, when the latter decided to move the location of the workshops in 1451 and those affected refused, seeking the support of the bishop, the latter offered them his assistance, thereby prolonging the problem. In 1481, the town council and tradesmen's guild reached an agreement whereby the craftsmen would move to a new tannery, to be built at the expense of the town council who would in turn receive rent from the tanners working there. However, in 1494 the tanners once again appealed to the bishop, who provided them with new land on which to have a tannery built in return for rent. The other matter which confronted the Palencia town council and the bishop concerned the use of the river, when at the end of the 15<sup>th</sup> century, claiming the water to be a public good, the town council sought to exercise its control over fishing rights and to have mills installed. The ecclesiastical authorities opposed this, intending to impose their monopoly over fishing rights in their mills on the canals, denouncing the wrong they suffered as a result of having their water energy supplies cut back. Both conflicts dragged on well into the 16<sup>th</sup> century<sup>44</sup>.

Conflicts also emerged when the lord was a noble. One such instance is the case of Riaza, which in 1430 was handed over by King Juan II to Constable Álvaro de Luna, including the water from three small nearby rivers, essential for running the nearby iron mines. A few years later, in 1438, the town council complained of the abusive use the governing authority was making of the water, damaging the interests of the local inhabitants, who lacked sufficient water for irrigation or to turn the millstones and fulling mills. In this case, the grievance put to the king failed to have the desired effect, since Juan II, far from heeding their pleas, reaffirmed his decision concerning his donation to the noble in question, who was the main cornerstone of his government<sup>45</sup>.

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44. Oliva, Hipólito Rafael. "L'eau et le pouvoir...": 69-74.

45. Ubieto, Antonio. *Colección diplomática de Riaza (1258-1457)*. Segovia: Diputación Provincial de Segovia, 1959: 72-76, 87-90 and 93-96.



Another source of conflict between two neighbouring towns often arose over a dispute concerning the use of water for mainly livestock purposes. Towards the end of the Middle Ages, livestock was at the heart of economic development in Castile, for which, in addition to grazing land and salt, water was essential. The search for and defence of watering places became a key priority for much of the urban oligarchy involved in the livestock industry as well as for local government who, beyond any private interests that may have been at stake, also received a great deal of income from such activities.

The disagreement to spring up between Peñafiel and Cuéllar, two towns located very near the river Duero, provides an illustration. Both town councils had a vested interest in the matter, sharing a large tract of common land used by livestock, which had numerous streams that ensured grazing land and water for the cattle. As can well be imagined, this situation gave rise to a number of clashes between the two towns over the use and distribution of the available water resources. The main bones of contention were the use of watering places as well as access to the river Duero which, during periods of drought, provided the only guaranteed source of water for the herds<sup>46</sup>.

Another point which should be mentioned is that towns at times suffered the consequences of wars between feuding lords, which might affect water supplies. Such was the case in Seville during the bitter clashes involving the Duke of Medina Sidonia and the Marquis of Cádiz. The latter did everything in his power to prevent water flowing from Alcalá de Guadaíra, from where it was taken by the Carmona pipelines which, as we mentioned earlier, supplied water to Seville, a town allied to the duke. This situation, which lasted from 1471 to 1474, also led to water being stolen on numerous occasions by residents of Alcalá, affecting supply through the Carmona pipeline. As may easily be imagined, this caused the town problems and drew protests from those working the mills located along the route of the pipeline, who sought a reduction in the rent they had to pay since their ability to mill had been seriously affected by the cut in available water power<sup>47</sup>.

Another case in which this kind of confrontation is clear concerned use of water from the river Órbigo for land irrigation in the area of León. In this particular instance the opposing forces were Santa Marina del Rey, a small town ruled over by the church authorities of the cathedral of Astorga, and Count Luna, who had interests in the area through which the canal known as the *presa cerrajera* ran. Using his power, the Count broke up the dykes when there was a shortage of water, thereby ensuring supplies would reach his land. Such behaviour was clearly prejudicial to the interests of the inhabitants of Santa Marina, who protested as a result and complained about the attacks they were occasionally subject to from the Count's men, such violence proving constant if only sporadic. In 1431 Count Diego Fernández de Quiñones was found guilty of attacks against the town of Santa

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46. This issue has been studied by: Olmos, Emilio. "El agua entre agricultura y ganadería...": 204-206.

47. Montes, Isabel. "El abastecimiento de agua a Sevilla...": 81.



Marina, although this did not prevent the abuse and confrontation that were rife throughout 15<sup>th</sup> century<sup>48</sup>.

Conflicts between town councils and ruling lords over fishing rights were also commonplace. Disputes often arose resulting from the exercising of rights over rivers since, as we have seen, although water was considered a public good, those enjoying legal power thereover, whether town councils, church authorities or nobles, frequently conferred such rights on themselves. In the mountains to the west of León, disputes emerged in the town councils of Luna and Canales over fishing rights in the river Luna. The town councils sought to defend their rights over the river against the claims of the monastery of Santa María de Otero de las Dueñas and the Count of Luna, who had conferred on themselves the right to decide over the river and use thereof. In the first instance (the monastery versus Canales), where violence between the parts was commonplace, the affair reached the highest court in the land, the Chancellery of Valladolid, who found in favour of the monastery in 1495. In the case of the town council of Luna, the confrontation was with the Count of Luna, with whom disputes concerning fishing rights had been ongoing since at least 1435. The town complained that the Count had sealed off a section of the river for his own use to the detriment of the townspeople, on whom he also imposed severe punishment when they failed to obey. In this instance, the sentence, dated 1438, found in favour of the town council, although this did not put an end to the conflict, since differences continued throughout almost the whole of the 15<sup>th</sup> century, sometimes merging with problems related to obeying closed fishing season restrictions<sup>49</sup>.

### 3.9. *Water concessions for domestic use and fishing*

Ensuring the public use of the waters under their control and for their benefit was one of the main concerns of town councils, since all urban authorities were aware that abuse in this matter could lead to a shortage in supply and cause tension which might spark social conflict. They therefore strove to block the claims of those who might seek to take advantage of water which in principle was supposed to satisfy the needs of the whole town. Such behaviour tended to involve those in power, whether clergy or lay.

Concessions over a part of public water were some times awarded by royal grace. At other times it was the town councils who conferred such a concession on those they wished to benefit or on those whose support and favour they sought to gain. Yet, as we shall see, there were also occasions when individuals simply appropriated the water, without having any right to do so. In all such instances, those who benefited were monasteries, nobles or prominent figures or families in the town.

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48. Figueira, Lola. "Conflictos en torno a una canalización leonesa: la presa cerrajera en la Baja Edad Media", *Musulmanes y Cristianos frente al agua...*: 331-358.

49. García, Pablo. *Concejos y señores. Historia de una lucha en la Montaña Occidental de León a fines de la Edad Media*. León: Universidad de León, 2006: 224-230.



The supremacy and will of royal power or grace was able to overcome such resistance although on numerous occasions this led to discontent as some of the more egregious members of society were favoured. Examples may be found in many cities such as Seville or Segovia, to cite just two cases. In Seville, the monarchy had for centuries been bestowing concessions over water supplied along the so-called "Carmona pipeline", a situation that was to continue throughout the 15<sup>th</sup> century. Juan II awarded such a privilege to the Duke of Medina Sidonia, Enrique IV to the Countess of Morales, María de Mendoza, and the Catholic monarchs to those who in 1478 helped in the repair of the waterway, which included ecclesiastical institutions, nobles and prominent citizens<sup>50</sup>.

Tension was more clearly in evidence when the town council was involved and particularly when said local authority refused to grant requests. One illustrative example is the monks at the convent of San Francisco in Bilbao, who wanted the town council to allow them to use the water from the public fountain of "Bilbao la Vieja" in 1509. They sought to build a channel from the fountain to their convent so as to, in their words, have water to clean the church. The town council flatly refused, and broke up the channel that the monks had already laid, arguing that the water was needed to maintain supplies to the town, and that therefore nobody had the right to commandeer it for themselves<sup>51</sup>.

Ill-feeling also emerged when allocations or leaks caused by the poor condition or lack of maintenance of the piping led to a reduction in the supply available to users. Such was the case, for example in 1475, when the owners of the mills located along the Carmona pipeline complained to the town authorities, threatening to refuse to pay their rent, as they had been unable to mill due to the lack of water caused by the reasons mentioned above. Faced with what seemed to be such a strong protest, the authorities in Seville examined the case and finally reduced the rent by the amount in which, according to their calculations, the millers had been unable to mill due to the lack of available water power<sup>52</sup>.

Finally, we should refer once again to the tension between crop farmers and livestock farmers arising over the use of water, and add that conflicts emerged concerning matters of irrigation. Wherever crops or vegetable gardens were irrigated, a system involving tight control designed to ensure equal share of available resources was in place. A good example is Plasencia, where the vegetable gardeners joined together to form a corporation to control, amongst other things, all matters related to irrigation. One of the duties of the head of this corporation of vegetable gardeners was to convene all the members whenever disputes arose over the use of water for irrigation, indicating that differences of this nature were commonplace<sup>53</sup>.

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50. Montes, Isabel. "El abastecimiento de agua a la Sevilla...": 84-85.

51. Enríquez, Javier; Hidalgo, Concepción; Lorente, Araceli; Martínez, Adela. *Libro de acuerdos y decretos municipales de la villa de Bilbao (1509-1515)*. Donostia: Eusko Ikaskuntza, 1995: 63-69.

52. Montes, Isabel. "El abastecimiento de agua a Sevilla...": 82 (n. 112).

53. Santos, Elisa Carolina de. "La vida económica de Plasencia en el siglo XV". *En la España Medieval*, 3 (1983): 553-594.



### 3.10. Criminal behaviour: stealing water and smuggling in border areas

When securing the required water proves impossible, either because a request is rejected or because it is not available nor is likely to become available by any other means, certain people at times decide to seize water illegally. In other words, water is stolen, leading to conflict, arguments and tension. This criminal behaviour affects both the pipelines within the town aimed at providing supplies as well as the irrigation channels for nearby land. Water is usually stolen for agricultural or livestock purposes. One example is the case of a resident in Morón de la Frontera who, in the early 15<sup>th</sup> century, seized part of the water from a public spring, causing a watering-hole to disappear<sup>54</sup>. In Segovia, misappropriation or theft of the water which flowed along the aqueduct jeopardised supplies to the *alcázar* (fortress), forcing the king and queen to approach the chief magistrate in an effort to solve the situation<sup>55</sup>.

Further illegal behaviour which caused problems different to those we have seen thus far concerns border areas separated by watercourses, in other words areas where it was possible to pass from one kingdom to another crossing a river. These waters were usually controlled by the two kingdoms, both in terms of how contacts were maintained, and particularly with regard to the passage of goods since, it should be remembered, this proved the greatest concern to those on both sides of the border.

The passage of certain goods may have been conducted outside the law, thus leading to problems. The situation on the border between Portugal and Castile is quite clear in all areas separated by a river, particularly in the region of Galicia, where the river Miño marked the division, and where the towns of Tuy and Valença are the main trading centres and ports. Although relations were mainly friendly, conflicts between the two parts did at times emerge. One such instance is recorded in the Portuguese parliament at a session in 1475, and was brought on by some Portuguese merchants who had been robbed by their Galician counterparts, an action that sparked reprisals. There was a whole series of attacks, thefts, murders and skirmishes. Only after the intervention of the king did peace and good relations return. Yet, aside from these differences, what interests us particularly is illicit trafficking. A number of clashes were caused as a result of smugglers taking advantage of the river flowing between Portugal and Castile, although in these cases it seems that tension was brought on more by the measures taken to prevent or punish it than by the actual smuggling itself. Everyday relations among those living on either side of the border generated trade outside the usual channels, and many of those who lived in border areas felt aggrieved when such activities were curbed,

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54. González, Manuel; García, Manuel. *Actas capitulares de Morón de la Frontera (1402-1426)*. Sevilla: Diputación Provincial de Sevilla, 1992: 45-46.

55. Val, María Isabel del. *Agua y poder en la Castilla bajomedieval. El papel del agua en el ejercicio del poder concejil a fines de la Edad Media*. Valladolid: Junta de Castilla y León, 2003: 72-73.



leading them to protest to the king whenever possible in the belief that they were merely engaging in amicable relations with neighbouring towns and villages<sup>56</sup>.

#### 4. Measures to avert conflict: regulating the use of water

As we have seen thus far, there are many and differing reasons why conflicts arose over water in towns in Castile in the Middle Ages. Exploring these reasons provides us with an insight into the main interests of urban society with regard to such a prized and essential good as water. Yet, we can also see how, had it not been for the solutions provided, the rivalry which sprang up over water would have been the cause of constant rupturing of the peace in towns. However, this does not seem to have been the case. As we have seen, there were no doubt conflicts and yet the general climate of the period does seem to have been one of peaceful coexistence, interspersed with the occasional outbreak of tension, conflict and violence.

In my view, this was so because town councils understood the role that water played and were able to use it to consolidate their position and above all to exercise good government<sup>57</sup>. One means of doing so and of averting possible conflicts concerning water was to lay down rules and ordinances governing the use thereof. For this reason, I feel it necessary to conclude this work with a brief reference to the matter.

Generally speaking it may be said that all towns tended to set out rules governing any issue that might prove to be a source of conflict amongst the townspeople in an effort to avert such problems. Records kept of official town council meetings evidence that these issues were of constant concern to the authorities, who dealt with a wide range of matters related to water and the problems which might arise over its distribution and use<sup>58</sup>. Municipal ordinances, gathered together to form the foundation of legislation based on the decisions taken at various council meetings over a number of years or fresh legislation drawn up, provide an excellent source of information reflecting the work undertaken in all late Middle Age towns to prevent or at least to alleviate as much as possible any social tension which might arise concerning the issue of water<sup>59</sup>.

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56. Medrano, Violeta. *Un mercado entre fronteras. Las relaciones comerciales entre Castilla y Portugal al final de la Edad Media*. Valladolid: Universidad de Valladolid, 2010: 242-262.

57. This topic was dealt with in the book cited in footnote 55 (Val, María Isabel del. *Agua y poder en la Castilla bajomedieval...*).

58. The cases of Guadalajara, Madrid, Burgos, Valladolid, Cuenca and Morón de la Frontera have been studied by: Bonachía, Juan Antonio. "El agua en la documentación municipal de los libros de actas", *El agua en las ciudades castellanas durante la Edad Media. Fuentes para su estudio*, María Isabel del Val, coord. Valladolid: Universidad de Valladolid, 1998: 41-70.

59. Olmos, Emilio. "El agua en la norma escrita. Una comparación de ordenanzas bajomedievales castellanas", *Agua y sistemas hidráulicos en la Edad Media hispana*, Cristina Segura, ed. Madrid: Al-Mudayna, 2003: 27-56.





For almost all the causes of conflict referred to previously, rules were in existence governing or forbidding such behaviour precisely in an effort to avoid quarrels and differences. However, local ordinances set out rules governing other affairs that were also related to water and which pursued similar goals, namely to prevent such behaviour disturbing the peace in towns. We will now deal with some of these.

In my view, the kind of conduct governed or regulated by local councils was precisely that which proved to be the most common source of conflict. In this regard, it should be highlighted that local authorities frequently legislated over the use of and access to water, at least in order to safeguard that it could be used for drinking, and in an effort to ensure that the water used was fit for human consumption<sup>60</sup>. However, local authorities also legislated over other matters such as discharging of foul water, from which we may conclude that such conduct, a source of pollution for all local residents and particularly harmful for some, was commonplace and a cause of conflict. This did not just relate to the usual tipping of waste water out of windows but also to discharge from sewers and drains (where they existed) as well as rainwater dripping from rooftops. In such cases the water might splash passers-by, or prove to be a nuisance to those in nearby houses. One example of this kind of ordinance (in addition to those setting out how water should be thrown from a window to the street) is to be found in Bilbao, where orders were issued to control the water dripping from rooftops so as to avoid causing an inconvenience to adjoining houses, fishmongers also being forbidden from throwing the water used to wash the fish into the street so as not to dirty it<sup>61</sup>.

On other occasions such ordinances sought to ensure that water did not form puddles in the streets, leading the town council in Bilbao to demand that those responsible for paving the streets completed their work in such a way that no inconvenience would be caused by pools of water accumulating when it rained. In such cases, what was an inconvenience for pedestrians was an actual danger for the houses, since puddles could lead to damp<sup>62</sup>. Small surface drains were also built, the work sometimes being undertaken by individuals. Such was the case in Portugalete, where mention is made of drains running from the house of one resident, Juan Sáez de Lalo, when in the early 16<sup>th</sup> century the town council considered building a sewer running from his house down to the sea<sup>63</sup>. Yet, such drains could also be public, as was the case of those planned in Portugalete, or at Paredes de Nava,

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60. González, Vicente. *Alaveses ilustres*. Vitoria: El Alavés, 1900: II, 447 (ordinance 126).

61. Enríquez, Javier; Hidalgo, Concepción; Lorente, Araceli; Martínez, Adela. *Libro de autos judiciales de la alcaidía de Bilbao (1419-1499) y Libro de acuerdos y decretos municipales (1463)*. Donostia: Eusko Ikaskuntza, 1995: 231; Labayru, Estanislao. *Historia general del señorío de Vizcaya*. Bilbao: La Gran Enciclopedia Vasca, 1968: IV, 468-485.

62. Enríquez, Javier; Hidalgo, Concepción; Lorente, Araceli; Martínez, Adela. *Libro de acuerdos y decretos municipales de la villa de Bilbao (1509-1515)...*: 227 (agreement reached in May 1512).

63. Enríquez, Javier; Hidalgo, Concepción; Lorente, Araceli; Martínez, Adela. *Libro de decretos y actas de Portugalete (1480-1516)*. Donostia: Eusko Ikaskuntza, 1988: 52-53 and 34-35 (docs. n. 82 and 56).





whose town council maintained a drainage network around the main gates to the town, to aid rainwater and wastewater runoff<sup>64</sup>.

If such action was mainly aimed at avoiding any inconvenience together with any subsequent conflict it may entail as a result for instance of damp, other decisions sought to avert flooding, one of the most serious and damaging catastrophes that could occur and one which was difficult to combat. In such cases, it is clear that the main goal is prevent water being diverted from its natural course, thus causing destruction. Yet, such decisions also sought to avert the social tension caused by flooding. In the former case, action was taken by the town council at Vitoria, who made sure that canals, irrigation ditches and in general any small water-beds, however small, were kept clean, allowing water to flow freely, thereby averting flooding<sup>65</sup>. In the latter case, Medina del Campo offers a good example when in 1502 the town council decided to knock down the houses on the main San Miguel bridge, as it was felt that the pillars of the houses, which were set into the riverbed, held back the water when the river rose, thereby adding to the danger of flooding<sup>66</sup>. Similar measures were also taken in Valladolid, at least in 1499, when the town council ordered the demolition of the buildings that blocked the span of one of the bridges over the river Esgueva on its way through the town. The agreement was reached after the complaint made by residents of Costanilla street who feared that, as a result of the situation, their houses might be flooded or at least damaged by the rising water<sup>67</sup>.

To conclude this review of the measures taken by town councils to avoid problems concerning the use of water, mention should be made of a further kind of illicit behaviour, quite different from theft or the privileged usufruct of water, but which, nevertheless, does constitute illegal use thereof. This is none other than the adulteration of wine and milk by adding water to the original product. In addition to cheating consumers, such behaviour may also spark quarrels and fights, forcing municipal authorities to intervene in an effort to avert problems. Such behaviour must have been fairly commonplace as there are various ordinances forbidding it, for example in San Sebastián, Vitoria and Guernica<sup>68</sup>.

We could cite many more instances and reasons for local council intervention, although I feel that such an exhaustive list would prove unnecessary. In my view, the examples we have brought to light provide sufficient insight into the issues and problems involved. As we have seen, if 15<sup>th</sup> century towns suffered numerous

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64. Martín, Juan Carlos. "La política municipal sobre el agua en los concejos de la cuenca del Duero a fines de la Edad Media", *Usos sociales del agua...*: 84.

65. González, Vicente. *Alaveses ilustres...*: II, 452-453 (ordinance 139).

66. Val, María Isabel del. "Preocupación urbanística e intereses económico-sociales...": 377-379.

67. Pino, Fernando. *Libro de actas del Ayuntamiento de Valladolid. Año 1499*. Valladolid: Ayuntamiento de Valladolid, 1993: 150 (n. 338).

68. Anabitarte, Baldomero. *Colección de documentos históricos del archivo municipal de la muy noble y muy leal ciudad de San Sebastián*. San Sebastián: 1895, 84 (ordinance 135); González, Vicente. *Alaveses ilustres...*: II, 413 (ordinance 29); Arizaga, Beatriz; Ríos, M<sup>a</sup> Luz; Val, María Isabel del. "La villa de Guernica en la Edad Media a través de sus ordenanzas". *Cuadernos de Sección (Eusko Ikaskuntza)*, 8 (1986): 215 (ordinance 83b).



problems in which water played a key role, town councils throughout the century did everything in their power to prevent such conflicts from arising, and when they did occur, sought to ensure they had as little impact as possible. As a result, both the records containing municipal agreements as well as the ordinances issued reflect many decisions taken on the matter which provide key sources of information to explore the role of water in late Middle Age urban society in Castile.

