

# THE MESTA

A STUDY IN  
SPANISH ECONOMIC HISTORY  
1273-1836

BY

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## PREFACE

OF the many economic problems brought forth by the war, two have stimulated especial interest and have already been made the subject of considerable research. One of these is the national control of raw materials, and the other the economic foundations of newly organized states. It may not be altogether inopportune, therefore, at a time when so much thought is being given to these fundamental matters, to invite attention to the same questions as they appeared in another age and under far different circumstances.

Spanish merino wool was for generations one of the great staples of commerce during the period when modern Europe was in the making. The history of 'the Honorable Assembly of the Mesta,' the Castilian sheep raisers' gild, presents a vivid picture of some six hundred years of laborious effort on the part of one of the great European powers to dominate the production and marketing of that essential raw material. This policy, though primarily concerned with the agrarian affairs of the realm, had, nevertheless, a far wider significance because of its part in the mercantilistic ambitions of the greatest of the Castilian monarchs. The high unit value of wool, its compact, exportable form, and the universal demand for it made it one of the most valued means for determining the relative status of rival monarchies.

As a factor in the laying of the foundations of the Castilian state which rose from the ruins of the Reconquest, the Mesta played an inconspicuous but important part. It was used by each of the stronger sovereigns in turn to carry on a prolonged struggle against the ancient traditions of Spanish separatism — political, racial, and economic provincialism — and to work toward a united peninsula. Its rise synchronized with the successful efforts of the warrior monarchs of the Reconquest to weld their newly won dominions into a nation. Its decline began with the collapse of the monarchy and the triumph of separatist influences under the seventeenth-century Hapsburgs.

The study of the economic development of Spain, and more particularly of its declining centuries, has occupied the attention of many investigators, but their interest has centred chiefly upon the use of economic conditions as convenient explanations of political phenomena. This has been especially true of the general works dealing with the great days of Spanish absolutism in the sixteenth century. A clearer understanding of the interrelation of economic and political factors can be possible only after considerably more attention has been paid to the study of certain special topics which are illustrative of the economic development of the country. Among these lacunae in Spanish historiography there is none more important than the account of the Mesta. The long and active life of this body from 1273 to 1836 has been a notable and in many ways unique feature of Spanish economic history. For hundreds of years it played a vital part in the adjustment of problems involving overseas trade, public lands, pasturage, and taxation.

The extant descriptions of the Mesta are, for the most part, based upon prejudiced discussions and fragmentary documents originating with its numerous opponents. In no case has any use been made of the rich treasury of the Mesta's own archive, which has been in Madrid for nearly three hundred years, untouched and practically unknown. Whether the institution was but a product of strongly entrenched, cunningly directed special privilege pursuing its selfish ends, is a question which even the most recent investigators have too readily answered affirmatively. In its later centuries it unquestionably did contribute much to the agricultural decay of the country; but that circumstance should not obscure an appreciation of its earlier stimulative and constructive influence, both political and economic. Present day scholarship has been too ready to accept the point of view expressed in such seventeenth-century couplets as

“¿Que es la Mesta?  
¡Sacar de esa bolsa y meter en esta!”

or

“Entre tres ‘Santos’ y un ‘Honrado’  
Está el reino agobiado.”

The latter voices the popular contempt for such ancient and once revered institutions as the Santa Cruzada, the Santa Hermandad, the Santo Oficio de la Inquisición, and the Honrado Concejo de la Mesta. It would be safer to accept the observation of Ambrosio de Morales, a distinguished scholar of the period of Philip II: “What foreigner does not marvel at the Assembly of the Mesta, that substantial, ably administered body politic? It not only gives evidence of the infinite multitude of sheep in Spain, but a study of it helps toward a better understanding of our country, if it be possible to understand her.”<sup>1</sup>

The almost entire absence of reliable investigations in the field of Spanish agrarian history has made it necessary to base the present study very largely upon hitherto unused manuscript materials, found in the archives of the Mesta and of small towns in remote parts of Castile. For this reason the references in the bibliography and footnotes have been made more extensive than might ordinarily seem necessary, in the hope that suggestions might thus be given for subsequent investigations of such subjects as the domestic and foreign trade of mediaeval Spain, the enclosure movement in the peninsular kingdoms, or Castilian field systems and commons.

The researches upon which this book is based were made possible through two liberal grants from Harvard University for studies in Spain and elsewhere in Europe in 1912-14: the Woodbury Lowery and Frederick Sheldon Fellowships. Whatever merits the volume may have as the first fruit of the Mesta archive as a field for historical study are due entirely to the unflinching courtesies of the Marqués de la Frontera, the late Señor Don Rafael Tamarit, and their colleagues of the Asociación General de Ganaderos del Reino of Madrid, the successor of the Mesta. These gentlemen interrupted the busy affairs of their efficient organization in order to provide every facility for the exhaustive examination of the valuable collection in their possession. Without their cordial coöperation and expert advice upon Spanish pastoral problems this study could not have gone

<sup>1</sup> *Las Antigüedades de las Ciudades de España* (Alcalá de Henares, 1576), p. 40.

beyond the limits of a perfunctory essay. The search for supplementary material was carried into several obscure archives in different parts of the peninsula, where little could have been accomplished without the aid of such helpful friends in Madrid as Professor Adolfo Bonilla y San Martín, Professor Rafael Altamira y Crevea, and Señor Don Arturo G. Cardona. I am especially indebted to Professor Bonilla for many pleasant and invaluable hours of counsel upon mediaeval Spanish law and local institutions. My sincerest thanks are due to the officials of the Real Academia de la Historia and of the great national collections in Madrid, and particularly to the courteous archivists of the Casa de Ganaderos in Saragossa and of the estate of the Duque de Osuna in Madrid. The library of the Hispanic Society of America generously secured copies of scarce volumes and pamphlets which would otherwise have been inaccessible. I am under obligation to Professor Alfred Morel-Fatio of the Collège de France for many thoughtful kindnesses while I was working in the various archives of Paris; to Dr. Constantine E. McGuire of the International High Commission in Washington for advice upon doubtful passages in certain important manuscripts; to Professor Charles H. Haskins of Harvard for constructive suggestions regarding several shortcomings of the investigation; and to Mr. George W. Robinson, Secretary of the Graduate School of Arts and Sciences at Harvard, for assistance in preparing the manuscript for the press.

Among the many friends who have given freely of their valued counsel I must acknowledge especially my great indebtedness to three teachers at Harvard, to whom it has long been my good fortune to be under the heaviest obligations. Professor Archibald C. Coolidge first suggested the subject, and his constant encouragement and confidence in its possibilities made many difficulties seem inconsequential. Professor Roger B. Merriman gave abundantly of his sound scholarship and of his inspiring enthusiasm for Spanish history, two contributions which have been of inestimable help to me, as they have been to many others among his pupils who have had the rare privilege of intimate association with him in studies in this field. Professor Edwin F.

Gay has been in close touch with this investigation since its inception some seven years ago, and any merits which it may have as a contribution to economic history are due entirely to his sympathetic understanding of the problems encountered, and to his unfailing interest in the progress of the work in spite of his many serious and urgent duties during the war.

To my wife the work owes more than any words of mine can express. Every page, I might almost say every line, has benefited from her patient scrutiny and judicious criticism.

J. K.

WASHINGTON, D.C.  
April, 1919.

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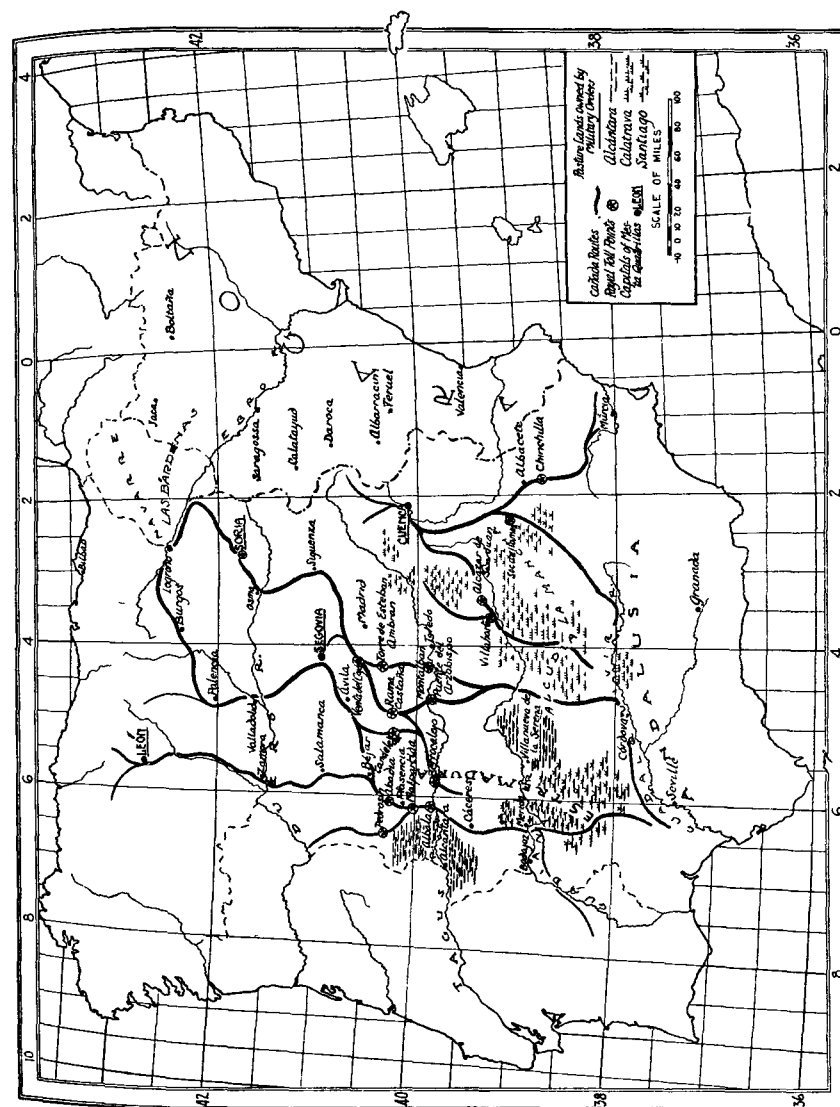
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 MESTA CHARTER OF 1443

## ABBREVIATIONS

(The numbers refer to items in the Bibliography.)

Acad. Hist.	Real Academia de la Historia, Madrid.	25-32
Arch. Ayunt.	Archivo del Ayuntamiento.	48-61
Arch. Hist. Nac.	Archivo Histórico Nacional, Madrid.	33-35
Arch. Mesta.	Archivo de la Mesta, Madrid.	17-24
Arch. Osuna.	Archivo del Duque de Osuna, Madrid.	62-68
Berlin Kgl. Bibl.	Königliche Bibliothek, Berlin.	
Bib. Nac. Madrid.	Biblioteca Nacional, Madrid.	
Brit. Mus.	British Museum, London.	69-70
<i>Bull. Ord. Milit.</i>	<i>Bullarium Ordinis Militiae de Alcantara.</i> Ortega, Brizuela, and Zúñiga, eds. Madrid, 1759.	127
<i>Alcant.</i>		
<i>Bull. Ord. Milit.</i>	<i>Bullarium Ordinis Militiae de Calatrava.</i> Ortega, Baquedano, and Zúñiga, eds. Madrid, 1761.	128
<i>Calat.</i>		
Cárdenas.	Francisco de Cárdenas. <i>Historia de la Propiedad territorial en España.</i> Madrid, 1873-75. 2 vols.	
Colmeiro.	Manuel Colmeiro. <i>Historia de la Economía política en España.</i> Madrid, 1863. 2 vols.	
<i>Concordia de 1783.</i>	<i>Memorial ajustado del Expediente de Concordia que trata el Honrado Concejo de la Mesta con la Diputación . . . de Extremadura.</i> Madrid, 1783. 2 vols.	79
<i>Cortes.</i>	<i>Cortes de los antiguos Reinos de León y de Castilla.</i> Real Academia de la Historia, eds. Madrid, 1861-1903. 5 vols.	132
<i>Expediente de 1771.</i>	<i>Memorial ajustado hecho en Virtud de Decreto del Consejo del Expediente consultivo . . . entre D. Vicente Páino y Hurtado de Extremadura y el Honrado Concejo de la Mesta.</i> Madrid, n. d. (1771).	78
González.	Tomás González. <i>Colección de Privilegios, Franquezas, y Fueros.</i> Madrid, 1829-33. 6 vols.	83
Larruga.	Eugénio Larruga. <i>Memorias políticas y económicas sobre los frutos, comercio, fábricas, y minas de España.</i> Madrid, 1785-1800. 45 vols.	85
Muñoz.	Tomás Muñoz y Romero. <i>Colección de Fueros municipales y Cartas pueblas.</i> Vol. i (no others published). Madrid, 1847.	84
<i>Nov. Recop.</i>	<i>Novísima Recopilación</i> (codified by Charles IV, 1805).	122
<i>Nueva Recop.</i>	<i>Nueva Recopilación</i> (codified by Philip II, 1567).	142
Paris Bib. Nat.	Bibliothèque Nationale, Paris.	71
<i>Quad. 1731.</i>	Andrés Díez Navarro. <i>Quaderno de Leyes y Privilegios del Honrado Concejo de la Mesta.</i> Madrid, 1731.	77



**PART I**  
**ORGANIZATION**

# THE MESTA

## CHAPTER I

### ORIGINS

The pastoral industry of the Moors. The origin of the merino sheep. Sheep raising in mediaeval Spain. The early meetings or *mestas* of shepherds for the disposal of strays.

AMPLE evidence of an extensive sheep raising industry in Spain and of the high quality of Spanish wool is found in the earliest sources of recorded history in the peninsula. A widely prevalent pastoral life, including the practice of semiannual migrations, is believed by some investigators to have existed in times as remote as the primitive Iberian period.<sup>1</sup> The Roman era has left several specific references to the reputation of the fine wools of Turdetania and Baetica, which comprised the region of the Guadalquivir valley.<sup>2</sup> In general, however, the wool of this period was quite different in quality and nature from the merino of later times, and notably so in color, for the earlier fleece was a reddish brown. Furthermore the wool of Roman Spain had an unusually long, smooth staple, which did not resemble the famous short, crinkled product of the merino flocks of later years. This difference provokes the inquiry as to the circumstances of the change and the origin of the merino.

The origin of the merino sheep has been much debated, and yet very little substantial evidence has been produced thus far to support any of the views advanced. The notion that the name as applied to the sheep comes from the *maiorinus* or *merino*, a royal magistrate of mediaeval Castile, who, according to some writers,

<sup>1</sup> The most scholarly examination of this early period is to be found in J. Costa, *Estudios Ibéricos* (Madrid, 1891-95), pp. i-xxxii. See also Paredes Guillen, *Historia de los Framontanos Celtíberos* (Plasencia, 1888).

<sup>2</sup> References to the writings of Varro, Strabo, Columella, and Martial (himself a Spaniard) in this connection, are given in Diez Navarro's introduction to the *Quaderno* or Mesta code of 1731; see Bibliography, no. 77.

served as a 'judge of the sheep walks,'<sup>1</sup> may be dismissed at once. There is not the slightest indication in any of the Castilian codes that this official, either as the classical *maiorinus* or the Romance *merino*, ever performed any duties concerned with sheep.<sup>2</sup> If such had been the case, he would certainly have been used to draw the industry under the control of Alfonso X, Alfonso XI, and other monarchs with ambitions for centralized government. Equally nebulous is the naïve conception that the name is due to the supposed introduction of sheep from across the sea (*marina*), as the dowries of the English brides of Castilian kings. Eleanor Plantagenet, queen of Alfonso VIII (1158-1214), and Catharine, daughter of John of Gaunt and queen of Henry III (1390-1406), were commonly believed to have brought to Spain the progenitors of the famous breed.<sup>3</sup>

The most plausible view, however, is that the merinos were introduced by and named after the Beni-Merines, one of the North African tribes which figured in the Berber movement into Spain during the Almohad period (1146 ff.).<sup>4</sup> It is quite certain that the merino breed was not known in Spain before that time, for

<sup>1</sup> *Chronicle of James I of Aragon*, tr. by John Forster (London, 1883), ii, p. 707; Covarrubias, *Tesoro*, s.v. *Merino*.

<sup>2</sup> Arch. Hist. Nac., *Índice de los documentos del Monasterio Sahagun* (Madrid, 1874), cites documents showing the change from the Latin form to the Romance. Blancas, *Comentarios de las Cosas de Aragon* (1588), offers some curious theories as to the origin and early functions of the *maiorinus* or *merino*. His duties as a royal judicial and administrative officer in the towns are outlined in the *Fuero Viejo*, lib. 1, tit. 5, ley 11, and tit. 6, leyes 1, 2; *Siete Partidas*, part. 2, tit. 9, ley 23, and part. 7, tit. 1, leyes 2, 5; *Ord. de Alcalá*, tit. 32, leyes 45, 54, 55; and ley 4, tit. 20; *Leyes del Estilo*, ley 222; and in the *Ordenanças reales por las quales . . . los pleitos civiles y criminales* (Salamanca, 1500), lib. 2, tit. 13.

<sup>3</sup> Diez Navarro, *op. cit.*, p. 11; Acad. Hist., Ms. est. 27, gr. 1, E-10: Bañez de Ribera, *Planta de . . . Espinar* (1649). See also Alonso Cano, "Noticia de la Cabaña real" (p. 408, below), whose views were accepted by many later observers, among them Ponz, Laborde, and Bourgoing (see Bibliography). Even the usually accurate Capmany seems to have lapsed on this point (*Cuestiones críticas*, p. 9). Cano's essay exists in manuscript in the Brit. Mus., Eg. 505, fols. 1-40, and in the Bib. Nac. Madrid, Ms. 17708, no. 4. Parts of it were printed in the *Biblioteca general de Historia, Ciencias*, . . . (Madrid, 1834), pp. 5-32.

<sup>4</sup> Huart, *Hist. des Arabes* (Paris, 1912-13), ii, p. 212; *Ensayo de la Sociedad Vascongada de los Amigos del País* (Victoria, 1768); Lasteyrie, *Histoire de la Intro. Merinos* (Paris, 1812); Eguilaz y Yanguas, *Glosario de Palabras . . . de Origen oriental* (Granada, 1886), p. 450; Colmeiro, i, p. 282.

the famous Moorish classic on agrarian life in the peninsula, Abu Zacaria Ben Ahmed's "Book of Agriculture,"<sup>1</sup> written shortly before the coming of the Beni-Merines, makes no mention of any sheep resembling the merino. Then, too, the marked similarity of some ancient practices in the handling of migratory flocks in Spain and in those sections of Africa from which the Beni-Merines came, indicates a distinct association of the Castilian industry with that of the Moors.<sup>2</sup> The fact that the greater part of the mediaeval pastoral terminology of Spain was Arabic is further evidence on the same point. Such examples may be cited as *zagal* and *rabadan* (shepherd's assistants), *rafala* (a pen for strays), *morrucco* (breeding ram), *ganado* (domestic animal), *cabaña* (herd, sheepfold, shepherd's cabin; the term was left in southern Italy by the Saracens as *capanna*), and *mechta* (winter sheep encampment, probably related to *mesta*).

In this connection it should be noted that the word merino as applied to sheep or wool did not appear in Castile until the middle of the fifteenth century. Among the earliest instances of it were those in the tariff schedules issued by John II in 1442, and by Henry IV in 1457, in which duties were fixed for cloth made of 'lana merina.'<sup>3</sup> In the two thousand odd documents of the Mesta archive bearing dates previous to 1600 there are less than a dozen references to 'merino wool' as such. In fact, the name does not seem to have come into general use until the latter part of the seventeenth century. This refutes the theory that the name originated in the pastoral functions of an early mediaeval judge, the merino or maiorinus. If the activities of that official had had anything to do with the naming of the merino sheep, the term would have been applied to the animal far back

<sup>1</sup> This author is sometimes cited as Ebn el Awam. The best edition is that of Banqueri, Madrid, 1802, 2 vols. See Ramirez, *Bibliografía agronómica* (Madrid, 1865), p. 207, no. 517.

<sup>2</sup> The methods used in mediaeval Spain to select breeding rams, to castrate and to prepare sheep for slaughter, and to clip and wash the wool, were strikingly like those of the North African tribes, and were, in fact, commonly believed by the Spanish herdsmen to be of Berber origin. Cf. Manuel del Rio, *Vida pastoril* (Madrid, 1828), *passim*.

<sup>3</sup> Brit. Mus. Add. Mss., 9925, p. 96; Liciniano Saez, *Apendice á la Crónica del Rey Juan II* (Madrid, 1786), p. 109.

in the Middle Ages, when the maiorinus first appeared, instead of at the very close of the mediaeval period. Similarly, a theory that 'merino' is derived from a combination of certain early Iberian and primitive Navarrese words<sup>1</sup> is disposed of by the much later date of the appearance in Castile both of the species and of its name.

Furthermore, from the earliest times the Spanish stock had been periodically improved by the introduction of African rams,<sup>2</sup> and from the thirteenth century onward by the investigation and application of Berber pastoral practices. During the later Middle Ages every lull in the Moorish wars found the more able Spanish monarchs alert to improve native stock by crossing with North African animals. This subject was of particular interest to such progressive administrators as Peter IV of Aragon (1336-87) and Cardinal Ximenes (1436-1517). The latter was especially persistent in turning the attention of his royal patrons to the resources and possibilities of the adjoining North African coast. In this he was ably assisted by Palacios Rubios, the gifted legal adviser of Ferdinand and Isabella, who, during his twelve years of service as President of the Mesta, gave invaluable aid by facilitating importations from Africa and by codifying old regulations on breeding.<sup>3</sup> After the extensive introduction of Berber stock, every effort was made to eliminate the so-called *churro*. This was the ancient native Iberian species, which produced the reddish Turdetanian wool known to the Romans. By careful breeding and selection the pure merino strain was strengthened and spread, and the famous white, kinky staple gradually found its way overseas and became Spain's great contribution to international trade and to the pastoral industry of the world.<sup>4</sup> Thence-

<sup>1</sup> Costa, *Estudios Ibéricos*, pp. xv-xvi.

<sup>2</sup> Columella's classic work on ancient agriculture, *De Re Rustica Libri XII*, vii, 2, 4, mentions the importation of African rams into Spain for breeding purposes.

<sup>3</sup> *Ensayo de la Sociedad Vascongada*, pp. 128-129; Zapata, *Noticia de lanas finas* (Madrid, 1820); Paris Bib. Nat. Res. Oa 198 ter. no. 33: a carefully prepared anonymous account of early sheep importations from Africa into Spain.

<sup>4</sup> On the methods used by the herdsmen to improve the *churro* wool and to develop the merino stock, see *Gaceta de Madrid*, 10 August 1846; *Semanario de Agricultura*, no. 125 (Madrid, 1799), p. 330; and Mohedano, *Historia literaria de España*, iv, p. 338 (Madrid, 1772).

forth the merino became the pampered favorite of kings; everything was done to meet its needs; perennial pasturage was provided in different parts of the realm, in order that the rigors of the climate might be avoided; and finally the formidable organization of the Mesta was developed to insure the further protection of the favored animal. The *churro*, the unkempt, despised, meagre-fleeced native stock, was neglected and survived only in the non-migrating flocks, the object of scorn and abuse from the itinerant herdsmen. It seems reasonably certain, then, that, like so many other elements contributing to the development of Spain, economic as well as cultural and political, the merino and many features of the migratory sheep industry were introduced by the Moors.

It must not be presumed, however, that the whole industry was unknown in Spain before the Moorish period. The practice of semiannual sheep migrations in the peninsula goes back to the times of the Goths, and probably even to the times of the aboriginal Iberians, whose wandering shepherds were reported to have rendered valuable assistance to the Carthaginians in their marches across the peninsula.<sup>1</sup> Various reasons have been advanced for the early appearance and rapid increase of the *transhumantes*, *cañariegos*, *caminantes*, *pasantes*, or *pasajeros*, as the migrants have been called. It has been suggested that the constant state of warfare between Moors and Christians was largely responsible for the development of this form of movable property, which might readily be taken out of danger in times of hostility.<sup>2</sup> The devastation wrought by plagues, notably the Black Death of 1348-50, has also been held responsible for the spread of the industry over the depopulated territory. The Mesta, according to this view, was "the child of pestilence, to be classed with the locust and syphilis as one of the three great curses of humanity, all bred by the hated Berber infidels, and, like them, sweeping out of Africa and bringing further devastation to Spain in the wake

<sup>1</sup> Costa, *Estudios Ibéricos*, p. ii. On the evidence of Visigothic sheep highways and communal pastures for migratory flocks, see *Fuero Juzgo (Lex Visigothorum)*, lib. 8, tit. 4, leyes 26-27, and tit. 5, ley 5, which are discussed below (p. 18).

<sup>2</sup> Sugenheim, *Geschichte der Aufhebung der Leibeigenschaft* (1861), p. 42; Muñoz, pp. 39-41; *Canciones de mio Cid*, v, pp. 280-291.

of the Black Death."<sup>1</sup> But in this, as in many other respects, the effects of the Great Plague have been considerably overestimated. There is ample evidence that Castile was producing an unusually high grade wool of the merino type fifty years before the Black Death, and that the latter did not usher in any radical change in the agrarian life of the country, but at the most only gave opportunity for the extension of an already firmly established and widely prevalent industry.<sup>2</sup>

The real cause for the development of sheep migrations was the same in Spain as in other Mediterranean countries, namely the sharp contrasts of climate and of topography which made semi-annual changes in pasturage desirable.<sup>3</sup> Curiously enough, the Spaniards themselves were among the last to appreciate the influence of these factors. Although most of their writers on pastoral subjects previous to the eighteenth century understood the advantage of perennial pasturage for the merino, that phase of the migrations was regarded by them as purely incidental. The long marches were considered primarily as a conditioning process which kept the animals sturdy and sound and thus improved the quality of the wool.<sup>4</sup>

A vivid illustration of the inadequacy of this opinion is found in the effort to introduce the Mesta into colonial Spanish America. In fact, the inability of the sixteenth-century Spaniards to appreciate the real cause or basis of this industry explains another of the many economic misconceptions of those redoubtable pioneers in overseas administration. It has been frequently remarked that the colonial experience of a nation serves to reveal the fundamental character of the institutions and civilization of the motherland. A new light is thus thrown upon old world practices, laws, and organizations as they are worked out amid

<sup>1</sup> Sarmiento, in *Semanario de Agricultura*, no. 16 (Madrid, 1765), pp. 273 ff.; reprinted in part in Ponz, *Viage* (2d ed., Madrid, 1784), viii, pp. 190 ff. See also another paper by the same author in *Acad. Hist.*, Sarmiento Mss. v, pp. 311-313.

<sup>2</sup> The town charter (*fuero*) of Sepúlveda, which appeared shortly after 1300, classifies the various wools of Castile and gives that of Segovia first place, a position which it continued to hold for centuries after. Segovia was long the centre of the merino wool trade; in fact, by the middle of the thirteenth century it had become one of the four headquarters of the Mesta. See below, p. 50.

<sup>3</sup> See below, pp. 68 ff.

<sup>4</sup> *Partida* 1, tit. 20, ley 9.

strange surroundings and applied to unaccustomed conditions. No better illustration of this fact can be found than the determined attempts of the conquistadores to legislate the old Castilian Mesta into existence in the New World, quite regardless of insurmountable topographic and climatic obstacles. The first of these experiments were made in Santo Domingo, the oldest permanent European colony in America, in the early years of the sixteenth century, when the Mesta was at the height of its prestige in Castile. The results were ludicrous failures, because, as the learned Bishop Fuenleal, president of the audiencia of Santo Domingo, later pointed out, the island had no such vast stretches of pasturage, in regions with sharply contrasting climates, as had made sheep migrations necessary and possible in the mother country.<sup>1</sup> The same outcome followed the introduction of the Mesta code into New Spain or Mexico by Cortez and his successors, many of whom were especially familiar with the migratory pastoral industry, because their homes were in the pasture lands of Estremadura and Andalusia.<sup>2</sup> In Mexico, as in Santo Domingo, all efforts to introduce sheep migrations were frustrated by the absence of favorable geographic conditions and by the greater attraction of other industries, notably mining. The only part of the Mesta code which survived was the ancient arrangement for the semiannual meetings to dispose of stray animals.

In the course of the pastoral history of Castile, during the early Middle Ages, there appeared in various towns certain stated meetings of the shepherds and sheep owners of a given locality. These gatherings were usually called two or three times a year to administer such clauses of the local *fuero* or town charter as pertained to the pastoral industry, and especially to assign stray animals to their rightful owners. All townsmen interested in the

<sup>1</sup> Alonso de la Rosa, *Memoria sobre la manera de transhumación* (Madrid, 1861: 32 pp.). This monograph gives the text of Fuenleal's communication, with the comments made upon it by Icazbalceta, the famous Mexican historian.

<sup>2</sup> *Actas de Cabildo de Ayuntamiento de Tenextilan, Mexico de la Nueva España* (Mexico, 1859), iv, pp. 313-314. ordinances of the town council of Mexico City, 1537-42, introducing the laws of the Castilian Mesta; see also *Recop. Leyes Indias* (Madrid, 1774, 4 vols.), lib. 5, tit. 5, leyes 1-20.

industry were required to attend the meetings, and because of the extensive jurisdictions of some cities — Seville, for example, controlled seventy-six towns and villages — the attendance ran up to hundreds and even thousands in the larger centres. The right to vote in the meetings was limited in most cases to those owning fifty or more sheep, women being eligible to membership on an equal footing with men.<sup>1</sup> No distinctions were drawn between migratory and non-migratory flocks. These assemblages or *concejos* were called *mestas*, probably because of the fact that the strays to be disposed of had become *mezclados* or mixed with strange flocks.<sup>2</sup> Other derivations of the name have been suggested, such as “the *amistad* or amity prevailing among the shepherds.”<sup>3</sup> The ancient use of the name *mechta*, among the nomads of the Algerian back country, to indicate their winter sheep assemblages or encampments,<sup>4</sup> suggests further possibilities for speculation as to the Berber origins of the name *mesta* and of this practice of periodic meetings of migratory sheep owners. Occasionally the strays themselves were called *mestas*, though this was not common;<sup>5</sup> they were usually designated as *mesteños*<sup>6</sup> or as *mostrencos*, the general term applied to all ownerless property.

The business transacted at these local *mestas* comprised all matters pertaining to the pastoral industry.<sup>7</sup> Shepherds were engaged for the year, beginning on June 24, and uniform wages were agreed upon. The herdsmen were also to be supplied with food by their employers and were allowed to maintain certain animals of their own with the master's flock free of pasturage and other charges. The old gild spirit of strict regulation to prevent competition among owners for the services of shepherds was everywhere in evidence. Bargaining between sheep owners and

<sup>1</sup> Arch. Mesta, B-1, Badajoz, 1560.

<sup>2</sup> In Cáceres the meeting was called *otero*: Ulloa, *Privs. Cáceres*, tits. 395, 426, 461 of the twelfth-century fuero.

<sup>3</sup> Covarrubias, *Tesoro*, s.v. *Mesta*.

<sup>4</sup> Bernard and Lacroix, *L'Évolution du nomadisme en Algérie* (Paris, 1906), p. 82.

<sup>5</sup> Ulloa, *op. cit.*, p. 83; Ureña and Bonilla, *Fuero de Usagre*, cap. 463.

<sup>6</sup> Connected with ‘mustang,’ the half-wild horse of our southwestern cattle ranges.

<sup>7</sup> See below, p. 58, on wages of shepherds.

herdsmen outside the *mesta* meetings and any arrangements or inducements not authorized by the assemblage were punishable with heavy fines. Particular attention was paid to brands, which were in many cases carefully recorded by the town or by the local *mesta*. Unauthorized alterations of brands and the sale or sequestration of strays were severely punished.<sup>1</sup>

It is evident from the law code of Visigothic Spain that such local gatherings to distribute the stray animals in the town pound were common at least as early as the sixth or seventh century.<sup>2</sup> There is no indication, however, that the name *mixta* or *mesta* was associated with the custom until the twelfth century.<sup>3</sup> These regular meetings of herdsmen and sheep owners were prevalent not only in Castile but throughout the peninsula during the Middle Ages. In Navarre they were called *meztas*<sup>4</sup> and in

<sup>1</sup> See below, Appendices A and B, for texts of ordinances of the town *mestas* of Úbeda (1376) and of Granada (1520). Ordinances of other local *mestas* are found in González, *Colec. de Privs.*, vi, pp. 142-145 (Alcaraz, 1266); Ulloa, *Privs. de Cáceres*, pp. 78 ff. (twelfth century fuero); Bib. Nac. Madrid, Ms. 714, pp. 208-210 (fuero of Plasencia, thirteenth century); *Boletín Acad. Hist. Madrid*, xiv, pp. 302-355 (fuero of Uclés, 1179; tits. 192-195); *Concordia de 1783*, i, fols. 121 ff., citing excerpts from the fueros of Sepúlveda; Valverde Perales, *Ordenanzas de Baena* (Cordova, 1907), pp. 127-136; *Ordenanzas para . . . Toledo* (Toledo, 1858), pp. 4-14; *Ordenanzas de Sevilla* (Seville, 1527), fols. 115-123; Arch. Mesta, G-1, Granada, 1533 (early *mestas* of Úbeda and Granada); Arch. Simancas, *Diversos Castilla*, Mss. 993-997 (data on the local *mesta* of Alcaraz); Paris Bib. Nat., Mss. Esp. 66 (ordinances of the *mesta* of Baeza, with regulations for local flocks which migrate); T. D. Palacio, *Documentos del Archivo General de la Villa de Madrid*, i (cf. index, *Mesta*). In 1612 a census of local *mestas* was undertaken by the national organization; cf. Arch. Mesta, Prov. iv, 30.

<sup>2</sup> *Fuero Juzgo*, lib. 8, tit. 4, ley 14. Paredes Guillen, *Framontanos Celtiberos*, p. 101, accepts this as the origin of the *Mesta* itself, though there is no indication of anything more than meetings of local shepherds for the above mentioned purposes.

<sup>3</sup> Arch. Hist. Nac., Sala vi, caj. 408, Docs. Reales de Beruela, 1125: “si vero ganatum vestrum cum alio extraneo mixtum fuerit . . .” The name seems also to have been applied to lands of mixed or dual jurisdiction. In this connection two references will suffice to indicate the change from the Latin to the Romance form: Arch. Hist. Nac., Tumbo del Mon. de Lorenzana, fol. 128, no. 185 (A.D. 933) — “per suos terminos antiquos de ambas mixtas usque in petras negras;” and fols. 128-129, no. 186 (A.D. 1112) — “illo canto est per rio Malo et per ambas *mestas*.” Arch. Mesta, F-2, Fuente el Saucó, 1511, contains a similar use of the word in a sixteenth-century pasturage suit, which shows the persistence of this ancient meaning of the term down to modern times.

<sup>4</sup> *Nov. Recop. Leyes Nav.* (Pamplona, 1735, 2 vols.), lib. 1, tit. 24; *Cuaderno Leyes Nav.: Cortes 1817-1818* (Pamplona, 1819), ley 54.

Aragon *ligallos* or *ligajos*.<sup>1</sup> In these kingdoms the Castilian form, *mesta*, was not adopted until the middle or close of the eighteenth century.

It is highly important to note that these local *mestas* had nothing whatever to do with migratory sheep as such. They were concerned only with the assignment of stray animals, both migratory and sedentary, to their rightful owners, and with the sale of all unclaimed strays or *mesteños*. The receipts from such sales were usually, though not always — as will be explained below — deposited in the town treasury. If there chanced to be migrants among the local flocks, they were subject to the rules of the town *mesta*; which in addition, in some cases, was accustomed to hold meetings and draw up rules to govern their migratory practices. These meetings, and sometimes the rules adopted by them, were called the *rahala* or *rafala*.<sup>2</sup> Among the towns whose flocks were so organized the most prominent was Soria, whose herdsmen were to become the founders and leaders of the national *Mesta*.<sup>3</sup>

In 1273, when Alfonso the Learned brought “all of the shepherds of Castile” into one national association and gave them a charter, it was quite natural that he should use the name already connected with meetings of herdsmen and sheep owners, and call the organization the “Honorable Assembly [*concejo*] of the *Mesta* of the Shepherds.”<sup>4</sup> The ordinances of the local *mestas* were evidently examined with care, and many of their chief features

<sup>1</sup> Arch. Corona Aragón (Barcelona), Escrituras Jayme II, Ms. no. 187: charter of a local *ligallo* of sheep owners in 1317; *Ordinaciones de la Comunidad de Teruel* (Saragossa, 1685), p. 121; *Docs. Inéd. Arag.*, xl, p. 128 (1333); *Ordinaciones de la Mesta de Albarrazin* (Albarrazin, 1740, 42 pp.); Borao, *Voces Aragonesas* (Saragossa, 1884), p. 266.

<sup>2</sup> Illustrations are found in Ureña and Bonilla, *Fuero de Usagre*, pp. 153–161, and in Ulloa, *Privs. de Cáceres*, tits. 396–408; the former was patterned in part after the latter. See above, p. 11, n. 1, reference to the pastoral regulations of Baeza.

<sup>3</sup> Ureña and Bonilla, *Fuero de Usagre*, p. 307, cite a line (c. 122 a, ed. Ducamin) from the classic verses of the Arcipreste de Hita referring to the “Rehalas de Castilla con pastores de Soria.” In Cáceres the *rafala* was made up largely of migratory herds of horses. See also *Concordia de 1783*, i, fol. 121, on such pastoral organizations in the twelfth century.

<sup>4</sup> The details of this charter of 1273 are discussed below, pp. 78 f., 176 ff.

were incorporated into the later codes of the national body,<sup>1</sup> and this resulted inevitably in serious friction and confusion.

As the national *Mesta* grew in strength and importance it undertook to assert claims upon all stray sheep in the realm, since these animals were, according to the local *fueros* themselves, *mesteños* and therefore under the jurisdiction of the *Mesta*. In other words, the national organization calmly ignored the fact that it had preëmpted the name of the older local pastoral associations; it undertook to capitalize that name wherever and whenever expediency required. It appointed officers called *alcaldes de Mesta*, *alcaldes de corral*, or *alcaldes de cuadrilla* to serve in various *cuadrillas* or districts with jurisdiction over all strays found in the migratory herds.<sup>2</sup> These officers occupied themselves, during the earlier centuries of the *Mesta*, particularly with the enforcement of laws regarding branding, and the punishments for altering brands so as to facilitate the disposal of *mesteños*.<sup>3</sup> Where the local flocks were sedentary, no difficulties developed; the officers of the town *mestas* disposed of their local strays,<sup>4</sup> and the *alcaldes* of the national *Mesta*, until they became arrogant and ambitious under the patronage of the sixteenth-century autocrats, were interested only in the *mesteños* of the migrants. During the reign of Ferdinand and Isabella, however, the local sedentary pastoral industry began more and more to assume important proportions. The local flocks, as we shall see later, undertook limited overnight migrations beyond the *riberas* or borders of the town jurisdiction, and the strays from these *riberiegos* soon attracted the attention of the *Mesta* officials.

<sup>1</sup> See below, pp. 55, 74, 75.

<sup>2</sup> See below, p. 55. In the sixteenth century the number of such *alcaldes* was greatly increased and each was given a district of ten square leagues. Their functions were similar to those of the ‘hog reeves’ of colonial New England. The custodian or pound keeper in actual charge of the strays was called the *reusero*.

<sup>3</sup> Early laws on branding are found in the *Fuero Juzgo*, lib. 8, tit. 5, ley 8, and *Quad. 1731*, pt. 2, tit. 20, ley 1.

<sup>4</sup> It was commonly the practice for a town to grant as a concession the right to dispose of all *mostrencos* within its jurisdiction. Abraham el Barchilon held such a concession in Burgos in 1287: Arch. Ayunt. Burgos, Ms. 242. See below, Appendix C, for the text of a *mostrenco* concession, dated 1304.

Previous to the reign of the Catholic Kings the disposal of *mes-  
teños* or *mostrencos* had not caused any serious difficulty. The officials of the towns and of the Mesta handled those of their respective flocks, sedentary and migratory. Occasionally, however, royal officials disposed of unclaimed stray animals, on the theory that the king as lord of the whole realm had title to all ownerless property.<sup>1</sup> On a similar basis, the lords of various towns laid claim to all or part of the local *mostrencos* as one of their seigniorial privileges.<sup>2</sup> The marked increase of the pastoral industry during the first half of the sixteenth century, the growing importance of the Mesta, and the new claims to *mostrencos* advanced by the increasingly powerful church element all served to make this question of the disposal of *mostrencos* one of the difficult problems of the pastoral industry at that time.

The accounts of the Mesta after about 1525 show steadily growing returns from the farming out of *mostrenco* privileges in various districts. During the reign of Charles V the incomes from this source contributed largely to the affluence of the Mesta treasury in that period.<sup>3</sup> But the penury and weakening administrative powers of later monarchs gave various rivals of the Mesta an opportunity to obtain titles to stray animals in different parts of the country. The towns, military orders, and nobles began to reassert their claims to local *mostrencos*, of which they had been deprived by the avidity of the Mesta during the earlier decades of the century.<sup>4</sup> The most formidable of its rivals was the church,

<sup>1</sup> Bib. Nac. Madrid, Ms. 13126: a grant of the *mostrencos* of Burgos by the crown to certain royal creditors (1287). *Cortes*, Toro, 1371, pet. 17: protests regarding the disposal of the *mostrencos* by royal officers. Cf. Jordana, *Voces Forestales*, p. 186.

<sup>2</sup> Arch. Osuna, Mss. Béjar, caj. 6, no. 52; caj. 9, nos. 61, 63: royal recognition of the title of the Dukes of Béjar to all *mostrencos* on their estates. *Ibid.*, Mss. Infantazgo, caj. 3, leg. 2, no. 19, and leg. 5, nos. 7, 19, 20, 22, 23, 25: a series of fifteenth and sixteenth century agreements between the Mesta and the Dukes of Infantazgo, by which the latter received a third of the proceeds from the sale of *mostrencos* on the ducal estates and the Mesta two thirds.

<sup>3</sup> See below, pp. 284-285.

<sup>4</sup> Arch. Burgos, Ms. 4332, and Arch. Hist. Nac., Calatrava Mss. Reales 341: royal orders of 1580 ff. confirming claims to *mostrencos* in spite of protests from the Mesta. *Concordia de 1783*, ii, fols. 65-82: summaries of a series of royal decrees, mostly of the period 1561-99, assigning sedentary *mostrencos* to local authorities and restricting the Mesta's authority to strays of the migratory flocks.

which had been granted title to certain *mostrencos* by the Catholic Kings in 1484, 1496, and 1502 as a means of assisting the fund of the *cruzada*, the propaganda work for the Faith against the Moors and the pagans of the New World.<sup>1</sup> The Mesta fought this concession vigorously, but without success; in fact, the campaigns of the devout Philip II against Turks, Protestants, and American pagans resulted in further concessions of *mostrenco* rights to the church and corresponding losses to the Mesta. By the middle of the seventeenth century there remained for the latter only the right to such stray animals as were actually in the migrating flocks at the time of the semiannual meetings.<sup>2</sup> The ancient right of local *mestas* to deal with *mostrencos*, which had gradually been encroached upon and absorbed by the national Mesta, was thus taken from that body and returned to town *mestas*, churches, and other local bodies.

These were, then, the successive episodes or elements out of which the Mesta emerged and from which it drew inspiration: the migratory sheep industry of Iberian and Visigothic times, the sheep and the pastoral customs of the Berber invaders, and lastly the mediaeval town *mestas*, or gatherings of shepherds to dispose of stray animals. Each of these factors contributed toward the origin of the Castilian Mesta in the latter half of the thirteenth century, and had a fundamental influence upon its character and later history.

The course of that history and the importance of the Mesta may best be studied under two general headings: first, the internal organization of that body; and secondly, its external rela-

<sup>1</sup> Solórzano, *Política Indiana*, bk. iv, cap. 25. The decree of 1484 gave to the 'commissioners of the *cruzada*' a fifth of all *mostrencos*, incomes from bull fights, and properties of persons dying intestate. Ulloa, *Prins. Cáceres*, pp. 308-311.

<sup>2</sup> Arch. Mesta, Prov. i, 107, contains a series of documents, 1496-1640, on the conflict over the *mostrencos*. The claims of the church are set forth in *Concordia de 1783*, ii, fol. 70. The introduction into America of these ecclesiastical titles to *mostrencos* is illustrated in a representation of the bishop of Linares on the subject, from the Archivo del Gobierno de Saltillo, prov. Texas, no. 370 (1784), a copy of which is in the library of Professor H. E. Bolton, Berkeley, California. The laws regarding the disposal of *mostrencos* in the eighteenth century are found in a printed folder in Brit. Mus. 8228. l. 13, i, fols. 345-352, and iii, fols. 137-149.

tions with the crown and with landowners, both private and public. The first of these headings, the internal affairs of the Mesta, will require an examination of the practices connected with the sheep migrations, the use of sheep highways, the organization of the flocks, the marketing methods employed in disposing of the wool, and the constitution of the Mesta itself, its officials and their duties. The second, the external relations of the organization, will involve a group of three problems — judicial, fiscal, and agrarian — which reflect the position of the Mesta in Spanish history and throw light upon the real significance of its long annals as an illustration of the ancient and universal conflict between herdsman and husbandman.

## CHAPTER II

### MIGRATIONS

Sheep highways in Mediterranean countries. The Castilian *cañadas*. Traffic routes of the Teamsters' Guild of Castile. Organization and size of the Mesta flocks. On the march. Wool clipping.

THE first feature to be noted with reference to the general organization of the migratory pastoral industry in Castile is the system of special highways for the use of the flocks. These sheep walks occur in all of the countries where the industry is found. Southern Italy was traversed by the early Roman *calles* and their successors, the *tratturi*.<sup>1</sup> In Provence, Algeria, and the Balkans there were similar routes—some of them probably pre-Roman—reserved for the wandering flocks.<sup>2</sup> In the Spanish kingdoms these highways were known by different names: the *cabañeras* of Aragon, the *carreradas* of Catalonia, the *azadores reales* of Valencia, and, most important of all from the present point of view, the *cañadas* of Castile.<sup>3</sup>

The antiquity of the sheep walks in Castile is a question which has caused much discussion. It has been contended that the curious *framontanos* (pre-Roman stone images of pigs, rams, and bulls) found in many parts of central Spain marked the routes of certain Iberian sheep highways, which were later followed by

<sup>1</sup> See below, p. 69.

<sup>2</sup> Densusianu, *Pastoritul la Popoarele Romanice* (Bucharest, 1913); E. de Martonne, "La vie pastorale et la transhumance dans les Carpates méridionales," in *Zu Friedrich Ratzels Gedächtnis* (Leipzig, 1904), pp. 225-245; Fournier, "Les chemins de transhumance en Provence et in Dauphiné," in *Bull. de géog. hist. et descrip.*, 1900, pp. 237-262; Cabannes, "Les chemins de transhumance dans le Couserans," *ibid.*, 1899, pp. 185-200; Bernard and Lacroix, *L'Évolution du nomadisme en Algérie* (Paris, 1906), p. 69.

<sup>3</sup> In some parts of Castile these routes were called *galianas*, *cordones*, *cuerdas*, and *cabañiles*. The *cañadas* were sometimes merely local sheep walks, running but a short distance into the suburbs, but this use of the name was unusual. *Ordenanzas de Lorca* (Granada, 1713), p. 29 (in Berlin Kgl. Bibl., no. 5725); Acad. Hist., Sempere Ms. B. 125, no. 17.

the great Roman roads.<sup>1</sup> A similar theory has also been applied to some of the early *carraires* or sheep roads of Provence.<sup>2</sup> This hypothesis, so far at least as Spain is concerned, has been quite effectively controverted with evidence which indicates that the monuments in question were either religious or sepulchral,<sup>3</sup> and not in any way connected with sheep raising, even though the migratory pastoral industry was probably prevalent among the Iberians.<sup>4</sup> The first unmistakable proof of definitely marked sheep highways does not antedate the sixth or seventh century, when we find the Visigothic *Fuero Juzgo*<sup>5</sup> prescribing the reservation of certain passageways for the migrants. These roads are further identified by a quantity of data from the early Middle Ages on the taxation of migrating flocks at certain points,<sup>6</sup> thus establishing the use of regular fixed routes, which, by the close of the twelfth century, were known as *cañadas*.<sup>7</sup>

Strictly speaking, the *cañadas* were only such segments of the sheep walks as adjoined cultivated ground. Those parts of the routes which lay across open untilled land were not marked off or specifically designated. In common usage, however, the name *cañada* was applied to any route used by the flocks in their migrations from northern highlands to southern valleys. Only in the narrower legal sense was the *cañada* defined as the measured passageway between the cultivated areas: the orchards, vineyards, and grain fields. In the royal privilege of 1273, given to the Mesta by Alfonso X, the width of this passageway was to be "six *sogas* of forty-five spans each," which was equivalent to ninety *varas*, or about two hundred and fifty feet.<sup>8</sup> These were

<sup>1</sup> Paredes Guillen, *Historia de los framontanos Celtiberos* (Plasencia, 1888), with an interesting map of these Iberian highways, as marked by the *framontanos*.

<sup>2</sup> See below, p. 143.

<sup>3</sup> By far the most scholarly contribution to this discussion has been that of Leite de Vasconcellos, *Religiões da Lusitania* (Lisbon, 1897-1913, 3 vols.), iii, pp. 15-43, with an extensive bibliography.

<sup>4</sup> See above, pp. 3, 7.

<sup>5</sup> Lib. 8, tit. 3, ley 9; tit. 4, leyes 26-27; and tit. 5, ley 5. See also *Concordia de 1783*, ii, fol. 301 v.

<sup>6</sup> See below, pp. 161 ff.

<sup>7</sup> López Ferreiro, *Fueros de Santiago* (Santiago, 1895, 2 vols.), i, p. 366; Bib. Nac. Madrid, Ms. 714, fols. 340 v, 342: Privilegio de Segovia, 1208.

<sup>8</sup> *Quad. 1731*, pt. 1, p. 20; *Nueva Recop.*, lib. 3, tit. 14, ley 4, cap. 22.

the *cañadas reales*, or royal sheep highways, of which there were three principal systems: the western, or *Leonesa*, the central, or *Segoviana*, and the eastern, or *de la Mancha*.

The first named ran south of León through Zamora, Salamanca, and Béjar, where it was joined by a branch of the second or Segovian system, coming down from the northeast by way of Logroño, Burgos, Palencia, Segovia, and Ávila. From Béjar the *Leonesa* extended southward to the rich Estremaduran pasturage below Plasencia, Cáceres, Mérida, and Badajoz, with branches running down along the banks of the Tagus and Guadiana. It should be noted that this route did not stop abruptly at the border, but ran on into Portugal. Although the Mesta's Castilian codes and charters could not be enforced in the neighboring kingdom, nevertheless there had been for centuries, before the wars of 1641 put an end to the practice, a mutual recognition of migration privileges for the flocks of each kingdom in the lands of the other.<sup>1</sup> The second *cañada* system, the *Segoviana*, had, in addition to the above mentioned branch along the northern slope of the Guadarrama range from Logroño to Béjar, another route which was the most used of all Castilian sheep highways. This *cañada* also started at Logroño, crossed the important summer pastures near Soria and lay along the southern slopes of the Guadarrama by way of Sigüenza, Buitrago, the Escorial, and Escalona. It was the principal artery of travel for the thousands of animals which wintered each year on the plains near Talavera, Guadalupe, and Almadén, and in the valley of the Guadalquivir. The eastern route extended from the highlands of Cuenca and the Aragonese border southwest across La Mancha<sup>2</sup> and the upper Guadalquivir to the lowlands of Murcia.<sup>3</sup> In addition to these

<sup>1</sup> Arch. Mesta, L-2, León, 1549.

<sup>2</sup> The valiant Don Quixote's famous encounter was doubtless with *transhumantes* from Cuenca.

<sup>3</sup> These details and the data for the accompanying map are from Arch. Hist. Nac., Calatrava Docs. Reales, iii, 163 (1306), 165 (1308), 220 (1339); Acad. Hist., Ms. E-127, fols. 249-256 (1332); Cortes, Palencia, 1313, pet. 45, and Burgos, 1315, pet. 32; *Concordia de 1783*, ii, fol. 299 v. There is an excellent map of the modern railway lines now used by Spanish migrants and of some of the 'anciennes routes' by Fribourg in the *Annales de Géographie*, May, 1910; but his data for the 'old' routes is evidently from eighteenth and early nineteenth century materials.

cañadas reales there were, of course, many lesser branches and connections, some of which came to be called *cordeles* and *veredas*. In the eighteenth century these were respectively one-half and one-quarter the width of the cañada real.<sup>1</sup>

The protection of these highways from encroachments on the part of adjoining landowners was intrusted to *entregadores*, the wandering judicial protectors of the Mesta, whose itineraries lay along the cañadas.<sup>2</sup> It can be well imagined that the landowners were under an unusual temptation to inclose a neighboring strip of land which lay unoccupied and unused during all but a few weeks of the year. The maintenance of a right of way for the flocks was, therefore, a matter of constant concern to the Mesta members and the entregadores. The integrity of the cañada system was the first prerequisite for the success of the whole industry; hence the solicitude with which that system was watched and defended, and hence the relentless litigation and the repeated guarantees on the part of the Mesta's royal patrons.<sup>3</sup> Evidence of the efficacy of these efforts in defence of the cañadas is found in the frequency and vehemence of complaints by the deputies in the Cortes. The chief object of these protests was the illegal extension of the highways by the entregadores.<sup>4</sup> Ferdinand and Isabella were particularly solicitous in their provisions for the protection of the cañadas. In 1489 they issued the first of a series of decrees which increased the penalties for enclosing the cañadas and strictly forbade any delays to the flocks because of alleged trespasses on lands adjoining those highways.<sup>5</sup>

During the middle decades of the sixteenth century, when the Mesta was enjoying its greatest prestige, the administration of the cañadas was given particular attention. In 1551 careful provision was made for the filing of reports by the entregadores after their inspection of the routes.<sup>6</sup> Furthermore, the crown issued

<sup>1</sup> *Nov. Recop.*, lib. 7, tit. 27, ley 11.      <sup>3</sup> See below, pp. 88-90.

<sup>2</sup> *Quad.* 1731, pt. 1, p. 20 (1284); see below, pp. 86-87.

<sup>4</sup> *Cortes*, Burgos, 1315, pet. 32; Valladolid, 1322, pet. 62; Madrid, 1339, pet. 32; Valladolid, 1351, cuaderno primero, pet. 44; Madrid, 1528, pet. 126.

<sup>5</sup> John II had issued a similar but less emphatic decree in 1454: *Quad.* 1731, pt. 1, pp. 149-163, 195.

<sup>6</sup> Arch. Mesta, *Acuerdos* (minutes of annual meetings), 19 Feb. 1551. These

several important decrees which protected the rights of way of the Mesta, especially by guaranteeing to the flocks definite routes across commons and unoccupied lands.<sup>1</sup> This measure was directed against the military orders and certain large cities, notably Toledo and Madrid, which for centuries had successfully confined the sheep strictly to their cañadas and prohibited their movements elsewhere within the jurisdiction of the town or order in question.<sup>2</sup>

This problem of the sheep marches in uncultivated regions and along unfixed routes, as contrasted with the well marked permanent cañadas, involves two types of routes. First, there were certain temporary ways, called *cañadas de hoja*, which lay across the segments (*hojas*) of land left fallow each year in accordance with a modified three-field system.<sup>3</sup> The intention of this arrangement was apparently to aid the agricultural interest by fertilizing the soil of the untilled strip, as well as to provide a passage for the migratory herds. More important than these, however, were the routes followed quite arbitrarily by the flocks across the open and waste lands, to which they claimed access by right of their royal privileges. Their lines of march in such regions were variable and indefinite, in contrast with the carefully bounded and policed cañadas. It was, therefore, inevitable that the Mesta

entregador reports (*deslindes* or *apeos*) fill over 60 volumes of manuscript and cover the period 1551-1796.

<sup>1</sup> *Quad.* 1731, pt. 1, pp. 167-169, 196 (1561-67).

<sup>2</sup> Arch. Ayunt. Madrid, sec. 2, leg. 358, no. 49: a series of litigations between Madrid and the Mesta, of the years 1300-48, in which the latter's right to cross open lands of the city was denied, because there was no cañada across such lands. Similarly the Mesta was required to obtain the permission of the archbishop of Toledo to open a cañada over certain waste lands of the archbishopric: Arch. Mesta, Prov. i, 2 (1431). The documents of a like case with the Duke of Infantazgo are found in Arch. Osuna, Jadraque, caj. 4, leg. 13, no. 1 (1502). See also Arch. Ayunt. Cuenca, leg. 6, no. 89 (1518): the brief submitted by Cuenca in a case against the Mesta, to force the latter's flocks to keep within the cañadas and not to use the common lands.

<sup>3</sup> Arch. Mesta, C-6, Castrillo, 1712: several sixteenth- and seventeenth-century documents on this subject. The Mesta codes are silent on the practice, which seems to have originated in long accepted custom and tacit agreement between the parties concerned. See below, p. 320, for a discussion of this topic with reference to the pasturage problem of the Mesta.

should come into constant conflict with the towns over alleged trespasses in commons and unenclosed local pastures.<sup>1</sup>

No description, however brief, of the system of national sheep highways would be complete without at least a mention of another and scarcely less important network of highways which was used by an organization closely allied to the Mesta. This body was the *Cabaña Real de Carreteros*, or Royal Association of Teamsters. It received its first official recognition in 1497, when Ferdinand and Isabella endowed it with a set of privileges not unlike those enjoyed by the Mesta. This charter of 1497 guaranteed to the teamsters freedom from nearly all local taxes while on their journeys about the country, the protection of a special judicial officer (*juez conservador*), and the right to pasturage on the common and waste lands in all parts of the realm.

This last point brought the Carreteros into frequent conflict with the Mesta. In 1730 there was fought out between the two a notable suit, in the course of which the former revealed the whole system by which goods were transported about the country.<sup>2</sup> This guild of the Carreteros had been favored with royal privileges, it appears, "because of its value to commerce within the country in times of peace, and as an equipment for the transfer of baggage in time of war." Charters were granted to the teamsters' organization in 1497, 1499, 1516, and 1553.<sup>3</sup> Its members came from Madrid, Valladolid, Toro, Zamora, Salamanca, and Tordesillas, in other words, the same highland towns of northern Castile where most of the Mesta members lived.

Most interesting of all, however, is the picture of the domestic commerce of Castile as it was carried on in the ox-carts of the Carreteros over a regular system or schedule of routes. According to a statement introduced in the above mentioned suit on behalf of the teamsters, "they usually spent the winters south of Toledo, where their oxen rested and regained their strength until April. On the first stage of their annual journey they carried loads of charcoal from the woodlands of Toledo to Talavera, the

<sup>1</sup> See below, p. 319.

<sup>2</sup> Arch. Mesta, Prov. iii, 49.

<sup>3</sup> *Nov. Recop.*, lib. 7, tit. 28, leyes 1-6.

home of the famous potteries, where they arrived about June. Thence they journeyed as far south as Seville [presumably with tiles, terra cotta ware, etc., for shipment to America]. They then started north across the Guadiana valley, bringing salt as far as Coria and Plasencia. Thence their route lay southeast to the highlands of Alcudia with wood for the mines of Almadn, whence they carried quicksilver to Seville for transportation overseas to the Mexican mines. Another circuit, after the wintering near Toledo, led northward to Madrid, to which point grain was brought and exchanged for wool at Segovia. This wool was taken up to Vitoria; and the carts were there loaded with iron for the north coast, where they took on salt and carried it to Vierzo and Ponferrada [in the upland sheep country west of Len]. Then they returned eastward to Poza, near Burgos, where salt was loaded for Valladolid, Salamanca, and other parts of Castile." This picturesque, though practically unknown, system of internal trade has further interest because of its connection with the pastoral industry, notably in the transportation of wool and salt, and in the use of wayside pastures by the oxen. In 1750 the privileges enjoyed by Mesta members in the use of town commons were extended to the Carreteros.<sup>1</sup> This decree was confirmed and extended several times by Charles III (1759-88), who, it appears, was as anxious to encourage the organization of transportation within his realm as he was eager to destroy the Mesta.<sup>2</sup> The teamsters' association continued to handle the bulk of the domestic commerce of Castile until well into the nineteenth century.

We may now turn from this curious organization of migratory ox-cart traffic to the more intricate details of the flock migrations of the Mesta. The preparations for the southward march of the Mesta flocks, which began about the middle of September, did not include any of the formalities common to the beginning of the

<sup>1</sup> Arch. Ayunt. Burgos, Ms. no. 3119.

<sup>2</sup> Arch. Hist. Nac., Mss. Consejo de Castilla, leg. 158, no. 4; leg. 227, no. 9; leg. 434, no. 3; leg. 752, no. 1; leg. 817, no. 26; leg. 819, no. 2; leg. 877, no. 45; leg. 1446, no. 8. The last three of these are dated 1797-1818. As is explained below (pp. 132, 293, 345), the hostility of Charles toward the Mesta contributed largely to the downfall of the organization.

march of migrants in other countries.<sup>1</sup> In Castile the only ceremony was the daubing of the sheep with *almagre*, a reddish earth, thought by some writers to be intended as a dressing for the wool, and by others as a mark of ownership to minimize the confusion during the breaking up of the encampments. The animals of each owner were branded with his mark, and were kept together on the march.<sup>2</sup> All of his flocks, pack train, horses, cows, and swine, taken together as a group, were known as his *cabaña*.<sup>3</sup> The *cabaña real*, however, meant, not the flocks of the king, but the entire pastoral industry of the realm as governed by the king's decrees. This definition was used to check the military orders and powerful ecclesiastics when they undertook to form a great *cabaña* not subject to those decrees.<sup>4</sup> Each *cabaña* was under the general charge of a chief herdsman (*mayoral*), and was divided into flocks or *rebaños* of about a thousand head each.<sup>5</sup> Smaller flocks were called *hatos*, *manadas*, or *pastorias*.<sup>6</sup> The *rebaño* included five rams (*morruecos*) and twenty-five bell-wethers (*encencerrados*), and was in charge of a herder with four boys as assistants (*zagales*, *rabadanes*) and five dogs (*mastines*).

<sup>1</sup> The details here given on the practices of the migrants while on the march are from Manuel del Rio, *Vida pastoril* (Madrid, 1828), a curious account by a shepherd who dedicated his observations on his trade to the Mesta; Cano, *op. cit.*; William Bowles, *Introducción á la Hist. Natural . . . de España* (1782), pp. 520-530. See also Bertaux and Yver, "L'Italie inconnu," in *Le Tour du Monde*, 1899, pp. 270 ff., on practices of migrants in southern Italy, and Martonne, *op. cit.*, on pastoral festivities in the Carpathians.

<sup>2</sup> *Quad. 1731*, pt. 2, p. 244 (1499). There is no ground for the theory, sometimes expressed, that the name Mesta originated in the mixing of the flocks of different owners at the outset of the migrations.

<sup>3</sup> *Ibid.*, pt. 1, p. 49 (1347). The name *cabaña* was also applied to the cabin of a shepherd. See above, p. 5.

<sup>4</sup> *Nueva Recop.*, lib. 9, tit. 27, ley 11.

<sup>5</sup> In documents of the thirteenth century the *rebaño* is frequently called the *grey*; cf. Acad. Hist., Ms. 12-19-1, *Fueros, privilegios . . . municipales*, 1, p. 422 (Alarcon, 1252). A law of 1563 which stipulated that the *rebaño* be made up of a hundred instead of a thousand head, seems to have had no effect: Cerbantes, *Recopilación de reales Ordenanzas de Bosques*, p. 652.

<sup>6</sup> Arch. Osuna, Béjar Mss., caj. 33, no. 11 (1457). The horses, oxen, or mules of a given locality were frequently herded together for short migrations. In Aragon and Navarre such herds were called *adulas*, *dulas*, or *viceras*: Jordana, *Voces Forestales*, p. 10; Borao, *Voces Aragonesas*, pp. 145, 353.

The latter were looked after with special care; in fact, they are still given the benefit of every consideration both by modern Spanish law and by all interested in the pastoral industry. The food allotment was the same as that for the shepherds. Injuries done to them were punishable by fines ranging upward from five sheep. The possession of a stray sheep dog was illegal, unless authorized by the Mesta at one of its annual meetings.<sup>1</sup>

The *rebaño* was accompanied by several beasts of burden which carried the equipment: the long net which served as the sheepfold at night, the leather bottles and primitive cooking utensils, the food for men and dogs, the salt for the flocks, and the skins of animals which died on the march.<sup>2</sup> The quota of salt was about a hundredweight for each *rebaño*, nearly all of which was consumed in the upland pastures. One of the most cherished of the Mesta's exemptions was that which freed it from the heavy salt tax.<sup>3</sup>

The few animals destined to be sold as mutton were given salt frequently in order to have them drink much water, which was supposed to fatten them. The use of mutton, however, was very uncommon in Spain, probably because migrations made the merino very tough<sup>4</sup> and because it was regarded as of greater value for its wool. In place of mutton, much pork was eaten, both because of its high quality, which was due largely to the abundance of acorn fodder, and because its consumption removed suspicions of Judaism.<sup>5</sup> It is curious to note that in a

<sup>1</sup> *Quad. 1731*, pt. 2, p. 222. The present day Asociación General de Ganaderos, the successor to the Mesta, devotes considerable attention to the maintenance of the better breeds of sheep dogs. The Castilian sheep dog was a short haired, heavy, muscular animal, capable of withstanding the fatigue of the long marches and of defending his charges against wolves and thieves, both of which were plentiful. Good types of these animals are shown in some of Velasquez's paintings.

<sup>2</sup> Arch. Osuna, Béjar Mss., caj. 58, no. 19 (1634): an inventory of one of these flocks.

<sup>3</sup> *Quad. 1731*, pt. 1, pp. 99, 101-102 (1528, 1571, 1592).

<sup>4</sup> The breed retains this characteristic today, even in regions where no migrations are undertaken.

<sup>5</sup> J. C. Dunlop, *Memoirs of Spain during the Reigns of Philip IV and Charles II* (1834, 2 vols.), ii, p. 399. Sorapán, in his *Medicina Española* (1616), pp. 130 ff., endeavored to increase the use of mutton by recommending its supposed medicinal qualities.

series of menus prepared in 1529 by a cook of Charles V, three-fourths of the 140 items or courses mentioned were meat and fowl, but only four of these were mutton.<sup>1</sup> The whole organization of the Mesta was shaped toward the growing of wool, and any consideration given to the production of meat was only incidental.

The animals at the head of the rebaño, as it set out upon its long march, were the sick and delicate sheep, the breeding ewes (*parideras*), and the rams (*morruecos*). These were the favored ones, which were thus given first access to the pastures along way. They were subject to special exemptions from confiscation for tolls and taxes, as were also the bellwethers (*mansos* or *encencerrados*).<sup>2</sup>

Any comment upon the number of migratory sheep in Spain must begin with the immediate dismissal of the extravagant and quite unauthenticated estimates of Caxa de Leruela,<sup>3</sup> Bourgoing,<sup>4</sup> Laborde,<sup>5</sup> Randall,<sup>6</sup> and others, who picture the Mesta as being made up of from 5,000,000 to 7,000,000 sheep in the sixteenth century. These imposing figures, we are assured, shrank in the seventeenth century to 2,500,000, largely as a result of the reforms enforced by the Cortes.

Previous to the sixteenth century, few reliable figures can be cited on the size of the migratory herds.<sup>7</sup> Fortunately, however, the account books of the Mesta, which are available from 1512, contain valuable statistics on this topic. Each year, at the winter meeting of the Mesta, the accounts of the previous year were balanced and dues were assessed. These dues were based upon

<sup>1</sup> Acad. Hist., Sempere Mss., Papeles varios Econ. Polit. B-127. See also Martinez Montañón, *Arte de Cocina* (many eds., 1653 ff.); Labat, *Voyages en Espagne et en Italie* (1730, 8 vols.), i, pp. 242-243.

<sup>2</sup> *Quad. 1731*, pt. 1, pp. 16-18 (1285); Arch. Mesta, C-10, Cañaleda, 1488; T-3, Toledo, 1555; Provs. i, 15 (1496), 57 (1554), 59 (1539); ii, 23 (1636); Arch. Osuna, Santillana Mss., caj. 9, leg. 1, no. 7 (1426).

<sup>3</sup> *Restauración de la Abundancia de España* (Naples, 1631). Leruela, who was an entregador in 1623-25, was endeavoring to show the havoc wrought in the industry by the reformers of his time.

<sup>4</sup> *Tableau de l'Espagne moderne* (2d ed., Paris, 1797, 3 vols.), i, p. 89, note.

<sup>5</sup> *Itineraire descriptive de l'Espagne* (3d ed., Paris, 1827-30, 6 vols.), v, p. 248.

<sup>6</sup> *Fine Wool Sheep Husbandry* (New York, 1863), pp. 6-7.

<sup>7</sup> The accounts of the royal sheep toll in the Arch. Simancas, Cuentas, Servicio, y Montazgo, are fragmentary before the reign of Ferdinand and Isabella.

the debit balance, which was distributed among the members in accordance with the number of sheep that each possessed. That number was ascertained by representatives (*procuradores*) of the Mesta, who were present at the royal toll gates along the cañadas. During the greater part of the sixteenth century, when the Mesta was at the height of its strength and importance, this pro rata assessment was fixed as accurately as possible. After 1566 the tendency was to form only a rough estimate of the flocks and use that as a basis for the assessment. The results of this count will serve to indicate the average size of the Mesta flocks during its most prosperous period:<sup>1</sup>

1477. . . . 2,694,032	1531. . . . 2,521,200	1547. . . . 2,693,302
1512. . . . 2,590,661	1532. . . . 2,600,000	1548. . . . 2,738,677
1514. . . . 2,895,471	1533. . . . 2,500,000	1549. . . . 2,705,000
1515. . . . 2,745,546	1534. . . . 2,600,000	1551. . . . 2,227,182
1516. . . . 2,775,250	1535. . . . 2,380,000	1552. . . . 2,863,750
1517. . . . 2,860,632	1536. . . . 2,495,797	1553. . . . 2,857,214
1518. . . . 2,934,057	1537. . . . 2,066,554	1554. . . . 2,750,000
1519. . . . 3,177,669	1538. . . . 2,650,914	1555. . . . 2,372,000
1520. . . . 3,027,608	1539. . . . 2,905,548	1556. . . . 2,622,890
1521. . . . 2,538,270	1540. . . . 2,678,947	1557. . . . 2,180,074
1523. . . . 2,822,264	1541. . . . 2,528,590	1558. . . . 1,903,636
1524. . . . 2,543,961	1542. . . . 2,711,213	1559. . . . 1,746,811
1526. . . . 3,453,168	1543. . . . 2,780,764	1560. . . . 2,034,911
1527. . . . 2,853,648	1544. . . . 2,302,018	1561. . . . 2,128,797
1528. . . . 3,014,440	1545. . . . 2,580,000	1562. . . . 1,673,551
1529. . . . 2,613,000	1546. . . . 2,712,548	1563. . . . 2,303,027
1530. . . . 2,528,883		

Two points of fundamental importance are brought out by these figures: first, in no year did the number of sheep equal even half of the estimate of the writers cited above; and second, the decline began long before the reforms of the early seventeenth century were undertaken. At no later period was the average of

<sup>1</sup> The figures for 1477 are from the *Censo de Población* (Madrid, 1829), p. 108. All are given as 'sheep,' though they include a few cows, horses, goats, and swine, which were resolved into 'sheep' on the basis of six sheep for one cow or horse, with goats and swine counting the same as sheep. The number of these was so few, however, that this point does not materially detract from the value of the figures. During the first half of the sixteenth century the 'sheep' rating of these animals averaged between 250,000 and 300,000 a year. The figures given for the years 1532-35, inclusive, are evidently estimates.





























The interests of the members were also protected by various *procuradores*, or representatives. There were, for example, the *procuradores de Corte*, or *de chancillerías*, a formidable array of legal talent which was kept in constant attendance near the sovereign and at the high courts to protect the interests of the sheep owners. The *procuradores de puertos* were in attendance at the royal toll gates to prevent extortion by the collectors and to levy pro rata assessments upon the flocks, as was explained above. The *procuradores de dehesas* acted as the representatives of the Mesta in arranging leases for its members, and by concerted action were able to gain very considerable advantages in their collective bargaining with the landowners.

One phase of the pastoral industry to which the Mesta ordinances gave special attention was the strict regulation of the duties and behavior of the shepherds.<sup>1</sup> These frequently lawless individuals were the cause of constant trouble, not only with the townspeople along the cañadas, but even with their masters the sheep owners. Every precaution was taken, therefore, to safeguard the interests of the owners and to minimize the possible sources of trouble. No shepherd was allowed to leave his sheep untended, to sell them, or to alter any brands; he was never to buy wine while on duty,<sup>2</sup> nor to indulge in any "violations of good morals." The number and obligations of their boy assistants (*rabadanes* and *zagales*) and dogs were carefully stipulated, the latter being allowed the same food rations as a man.<sup>3</sup>

The life of the shepherds was by no means one of privation and hardship. They and their families, who sometimes, though not usually, accompanied them on their migrations, were assured of special royal protection against the annoyances of town bailiffs.<sup>4</sup>

<sup>1</sup> The shepherds were usually called *pastores* or *cabaños*, though they were sometimes specially designated according to the animals in their charge *vaquerizos* or *vaqueros* (cowboys), *cabrerizos* (goatherds), *porquerizos* (swineherds), *boyerizos* (oxherds).

<sup>2</sup> In the course of the seventeenth-century campaign against the spread of vineyards at the expense of pasturage, the Mesta held forth at great length upon the demoralization caused among its shepherds by the sale of wine.

<sup>3</sup> See above, p. 25.

<sup>4</sup> *Quad. 1731*, pt. 1, p. 8 (1413, 1421).

They could not be imprisoned because of any debts owed by their masters or by the Mesta, and they were exempt from military service.<sup>1</sup> The enforcement of the latter rule was insisted upon by the Mesta, especially during the Portuguese revolution of 1640-41 and the war of the Spanish Succession. In fact, from 1640 to 1726 there were many such exemptions which relieved the shepherds from conscriptions (*quintas*). Any non-migratory herdsman, in order to benefit by this protection, had to have charge of more than a hundred local (*estante*) sheep. Furthermore, in order to avoid abuse of the privilege, it was prescribed that for each *hato* or flock of 400 sheep there were to be only one shepherd and two assistants, and at least one of the latter had to be under sixteen years of age. The shepherds were expressly allowed to carry arms as a protection against wolves, gypsies, and other marauders. In this connection, it may be noted that gypsies were a source of constant complaint from the Mesta. In 1499 that body was largely instrumental in securing the royal decree which expelled them from the country.<sup>2</sup> This edict apparently had little or no permanent effect, however, for the gypsy problem occurred again in later years. Throughout the later decades of the sixteenth century the expulsion or suppression of the wandering *zincali* was taken up as one of the conditions of various subsidies voted to the crown by the Cortes and by the Mesta.<sup>3</sup>

Occasionally special guards were appointed by the crown or by neighboring towns to protect the shepherds and their charges while on the march.<sup>4</sup> These provisions were also intended as a check upon a common custom among the townspeople in the southern and western pasturage regions, where festivals, especially on Christmas eve, included expeditions outside the town walls by crowds of merrymakers. Such celebrations invariably resulted in much loss and discomfiture to the herdsmen and their

<sup>1</sup> *Ibid.*, pt. i, pp. 11, 59; Arch. Mesta, Provs. ii, 43, 51; iii, 44.

<sup>2</sup> Arch. Hist. Nac., Consejo Real, Expedientes, leg. 48 (1499).

<sup>3</sup> Arch. Mesta, Provs. i, 104 (1641); ii, 25, 27; *Quad. 1731*, pt. 1, p. 14 (1533). On other marauders, see below, p. 89. Entregadores were also given special permission to carry arms as a protection against gypsies: *Nueva Recop.*, lib. 3, tit. 14, ley 4, cap. 3.

<sup>4</sup> Arch. Mesta, Prov. i, 104.







































































































































































































































































Among other devices to place more town lands at the disposal of the Mesta herds was the encouragement of the *hoja* system of cultivation.<sup>1</sup> Under this arrangement a section or *hoja* of cultivated land was left fallow each year, and was therefore available for pasturage and fertilization by the passing flocks. Mediaeval Castilian agriculture had never become sufficiently extensive or important to develop an active and methodically administered three-field system. There had, however, been more or less irregular practices regarding the leaving of untilled strips (*entrepanes*), resembling the English balks, between the *panes* or grain fields. Isabella was keenly interested in the pastoral possibilities of these untilled *entrepanes* and the fallow *hojas*, and did much, through instructions to corregidores and various other officials, to encourage these agricultural practices.<sup>2</sup> In a word, the constant purpose was clearly to check any shrinkage of local pasturage which might interfere with the migratory sheep industry.

Even the forestry policy of their Catholic Majesties was shaped toward the same objective.<sup>3</sup> Some of their legislation on this subject at first appeared to be directed toward conservation. It was, however, conservation for the benefit of the flocks, and therefore woefully short-sighted, so far as any assurance of the permanence of the woodlands was concerned. The interest of Isabella in this matter was particularly active.<sup>4</sup> Unfortunately her most important edicts on the subject not only lacked any restrictions on the practice of burning forests to improve pasturage, but they actually stipulated that the welfare of the sheep must be safeguarded, and that herdsmen should be permitted "to cut smaller trees as fodder during the winter, or when pasturage is scarce."<sup>5</sup> In other words, the old Mesta privilege to *ramonear* — 'cut branches' — was fully confirmed and enforced by special royal judges and by the corregidores, in the face of

<sup>1</sup> See above, p. 21.   <sup>2</sup> Arch. Mesta, R-1, Rabanos, 1496; B-2, Barco, 1502 ff.

<sup>3</sup> On the relations between migratory sheep and the forests in the Middle Ages, see above, pp. 306-308.

<sup>4</sup> Clemencín, *Elógió*, p. 248: an edict of 1493 regarding the conservation of *montes*.

<sup>5</sup> Ramírez, *op. cit.*, fol. lxii v, 1496; *Nueva Recop.*, lib. 7, tit. 7, ley 7.

certain commendable old town ordinances which seem until that time to have been moderately successful in protecting forests against the flocks.<sup>1</sup>

This reign was indeed the crucial period in the history of Castilian forestry;<sup>2</sup> and the desolation which was wrought in the wooded areas of the kingdom had its beginnings in the uncompromising partiality of Ferdinand and Isabella for the pastoral industry. Other factors doubtless contributed toward the same end, namely, the spread of population, the construction of the American silver fleets and the naval armadas, and various conditions of climate and soil. But undoubtedly the annual havoc wrought by the migrants under the unrestricted patronage of the new autocracy explains very largely the denudation which so impressed the Venetian ambassadors and other observant travelers in the middle decades of the sixteenth century and by no means escaped the alarmed attention of the Castilians themselves.<sup>3</sup> The few dispirited attempts by the Hapsburgs to remedy the situation proved ineffective for two reasons: first, because contradictory privileges annulling any conservation measures were being bestowed upon the Mesta;<sup>4</sup> and secondly, because the administration of the few forestry reforms proposed in such decrees as those of 1518, 1548, and 1567 was left to the now decadent local governments, and was not given any support by the central authorities.<sup>5</sup> It was not until the coming of Charles

<sup>1</sup> Arch. Mesta, T-7, Trujillo, 1504: litigation between that town and the Mesta, in which the royal courts finally upheld the rights of the sheep owners to free access to the woodlands of Trujillo's jurisdiction. C-1, Cáceres, 1508 ff.; S-5, Solano, 1503: similar material regarding wooded areas of western Estremadura.

<sup>2</sup> Cavallès, "La question forestière en Espagne," in the *Annales de géographie*, 15 July, 1905, pp. 318-331.

<sup>3</sup> Laborde, *Itinéraire descriptif de l'Espagne* (Paris, 1826, 6 vols.), v, p. 328, points out the need of bringing lumber from Flanders and woodsmen and carpenters from Italy in 1534 for the construction of artillery. See also the sixteenth-century description of the country in Cánovas del Castillo, *Decadencia de España* (2d ed., Madrid, 1910), p. 43, and in *Libros de Antaño*, viii, pp. 231-352, paragraphs 20, 66, 68, 88, the latter contrasting the dense forests of the north coast with the desolation of Castile. Cortes, Valladolid, 1555, pet. 67; Toledo, 1559, pet. 78; *Nueva Recop.*, lib. 7, tit. 7, ley 21.

<sup>4</sup> *Nueva Recop.*, lib. 7, tit. 7, leyes 15-17.

<sup>5</sup> *Docs. Inéd. Hist. Esp.*, xx, p. 552; Cavallès, *op. cit.*, pp. 319-320; and Arch.































































































98. Cáceres. *Fueros y privilegios de C.* Pedro Ulloa y Golfín, ed. (1676?). This is the valuable compilation referred to above (No. 43). It is unquestionably — from the point of view of the student of general Spanish history — the most valuable compilation of local materials yet published. There are four known copies, one of which is in the Hispanic Society's library in New York, and another in my possession.

99. Calatayud. *Ordenanzas de la Junta de Gobierno y Pueblos de la Comunidad de C. Calatayud*, 1751. Another of the four Aragonese *comunidades* (see above, No. 87).

100. Cuenca. *Forum Conche*. B. H. Allen, ed. *University of Cincinnati Studies*, 1909-1910. Other editions of this notable fuero, which served as the model for many later ones (it is dated 1177), are by Cerdá and by Catalán. Allen's is the best, though it has many shortcomings. Cuenca's importance in the Mesta gives special significance to the pastoral regulations of this famous charter.

101. Daroca. *Ordenanzas reales de la comunidad de D.* Saragossa, 1741. (See above, No. 87.)

102. Garde (Valle de Roncal). *Ordenanzas municipales de la villa de G.* In *Cultura Española*, February, 1906, pp. 35-44. Has sixteenth-century pasturage laws.

103. Granada. *Ordenanzas que los muy ilustres señores de G. . . mandaron . . .* Granada, 1552. Other ed., 1672. This compilation stands next to those of Cáceres and Seville as the most generally useful of the town ordinances and codes here cited.

104. Huesca. *Apuntes sobre el antiguo Régimen . . . de H.*, by Ricardo del Arco. Huesca, 1910. See No. 53. Has good data on sheep taxes and local wool market regulations.

105. León. *Ordenanzas para el Gobierno . . . de L.* León, 1669. Has pasturage and sheep regulations of importance because of that city's position as centre of one of the four districts or *quadrillas* of the Mesta.

106. Madrid. *Tratado breve sobre las ordenanzas de M.* Madrid, 1660. Torijo, ed.

107. The same. *Ordenanzas de M.* 1791.

108. The same. *Documentos del archivo . . . de M.* Palacios, ed. Madrid, 1888-1909. 4 vols. See No. 55. This collection reprints most of the more important local documents, without notes or citations of sources. Includes a good set of fourteenth-century pastoral laws.

109. Murcia. *Los muy ilustres señores M. mandaron imprimir las ordenanzas*. Murcia, 1695. Important because of the use of the commons of Murcia by the flocks from Cuenca and other Mesta towns.

110. Plasencia. *Fuero de P.* José Benavides, ed. Rome, 1896. Ms. copies of this notable code, which is full of pastoral materials, are in the Academy of History (E-126, fols. 168 ff.) and the Biblioteca Nacional (D-714). See also *Revista de Extremadura*, viii (1906), pp. 481-494; iii (1903), pp. 172-181, 433-441.

111. Salamanca. *Fuero de S.* Diputación provincial, eds. 1877. This edition, which is really the work of Villar y Macías, is better than that by

Sanchez Ruano (1870). The town was on one of the three great routes of the Mesta, and has therefore many important sheep regulations in its charter.

112. San Felipe. *Ordenanzas para el gobierno de S. P.* 1750. Local sheep regulations of one of the important towns on the southeastern route of the Mesta flocks from Cuenca.

113. Santiago. *Fueros municipales de S. y de su tierra*. López Ferreiro, ed. Santiago, 1895. 2 vols. The only attempt at a study of all of the local charters of a given town. A valuable source on pastoral matters

114. Saragossa. *Ordinaciones de la imperial ciudad de Zaragoza*. 1625. Other editions, 1603, 1695. A two-volume reprint, with introductory matter, by Mora y Gaudó, 1908.

115. Seville. *Ordenanças de S.* Seville, 1527, reprinted 1632. Contains a set of ordinances for the local shepherds' guild; on the basis of this, the city long claimed exemption from Mesta laws. Next to the Cáceres collection (No. 98), this is the most comprehensive of any of the local codifications.

116. Soria. *Fuero de S.* Text in Loperraez Corvalán, *Descripción del Obispado de Osma* (Madrid, 1788, 3 vols.), iii, pp. 86-182. Larruga, vols. xx-xxii (see No. 85) gives what purports to be this fuero among other documents on Soria; he omits 237 sections out of 542. Loperraez' copy lacks several important sections as given in the manuscript copy in the Academy of History (12-14-2/37). This code is full of data on pastoral affairs. Because of its date, 1256 (less than twenty years before the foundation of the Mesta), as well as because of Soria's position as the leading city in the Mesta, it is of primary importance.

117. Teruel. *Ordinaciones reales de la comunidad de T.* Saragossa, 1684. See above, No. 87.

118. The same. *Forum Turolii*. Aznar y Navarro, ed. Saragossa, 1905.

119. Toledo. *Ordenanzas antiguas de T.* 1858. See No. 61. Has a number of sections on local sheep laws and the town mesta.

120. Usagre. *Fuero de U.* Ureña and Bonilla, eds. Madrid, 1907. This admirable piece of work stands with Ureña's edition of the Zorita fuero (see below, No. 121) as the best of the larger studies of any single fuero. Cf. López Ferreiro's collection on Santiago, No. 113. This Usagre fuero is equipped with helpful bibliographical data and a good glossary.

121. Zorita. *Fuero de Z.* Ureña, ed. 1911. See above, No. 120.

### 3. Other printed sources

122. Alcubilla, Marcelo Martínez, ed. *Códigos antiguos de España*. Madrid, 1885. Sometimes bound in 2 vols. Contains, among other codes, the *Fuero Juzgo* (*Lex Visigothorum*), *Siete Partidas*, and the *Novísima Recopilación*. It does not give the *Nueva Recopilación* (see No. 142). There are many editions of each of these, but this one, though lacking in extensive commentaries, is accurate and convenient.

123. Aragon. *Colección de documentos inéditos del Archivo General de A.* Vol. xl (1876). Has guild ordinances, notably a set for sheep owners (1333).

124. The same. *Fueros, Observancias, Actos de corte . . . de A.* Parral y Cristobal, ed. Saragossa, 1907. 2 vols.



























