

SECONDARY SCENARIOS OF SEIGNEURIAL POLITICAL COMMUNICATION: THE LAWSUIT BETWEEN PANCORBO AND BRIVIESCA OVER CAPITAL STATUS IN LA BUREBA

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ABSTRACT

The territorial and jurisdictional conflicts that confronted members of the nobility for control of certain villages in the Late Middle Ages constitute an ideal setting for studying processes of political communication. In this paper, I shall examine the long struggle, which lasted for nearly a century (from the mid-15th to the mid-16th century), between the villages of Pancorbo —jurisdictionally dependent on Burgos— and Briviesca —under the control of the house of Velasco— over capital status in La Bureba. I shall analyse the agents and the phases of the conflict, the negotiation processes that took place both within and outside the council of Burgos, the discourses presented by both parts to support their claims, and the mark left by this episode in Burgos' "collective memory".

KEYWORDS

Jurisdiction, Nobility, City, Lawsuit, Memory.

CAPITALIA VERBA

Iurisdictio, Nobilitas, Civitas, Causa, Memoria.

1. Introduction¹

By the mid-14th century, the house of Velasco had climbed to the top tiers of the Castilian nobility owing to the services rendered to the dynasty of the Trastamaras. The support lent by the head of the family, Pedro Fernández de Velasco (†1384), to Henry II in his struggle with Peter I earned him important rewards, notably his appointment as head royal valet (a position that became hereditary) and the cession of the villages of Briviesca and Medina de Pomar in 1369.² In 1430, the Velascos entered the category of titled aristocrats when they received the title of Count of Haro from John II. In 1473, Henry IV awarded them the *condestabla* of Castile, and in 1492 the Catholic Monarchs granted them the Duchy of Frías.

Until 1470, when the family set its sights on the city of Burgos, the focus of the heads of household was to consolidate their presence in the *merindades* of Castile, the territorial base of their power, with Medina de Pomar as their main nucleus. In this village, Pedro Fernández de Velasco and his wife sponsored a comprehensive construction programme, which included the building of the Alcázar, the foundation of the Hospital of Mercy and the reform of the monastery of Saint Clare of Pomar, founded in 1313 by the paternal grandparents of Pedro Fernández de Velasco and the location of the family pantheon.

Once the family had consolidated its presence in the *merindades* of Castile, the Velascos continued expanding to the south, east and west of Medina de Pomar, especially owing to the purchase policy adopted by Juan Fernández de Velasco (†1418). While he was head of the household, the Velascos reinforced their presence to the east, trying to settle in the areas bordering with the *Encartaciones* of Vizcaya, such as the valley of Villaverde. To the west, the family established its control over Villalpando and Herrera del Pisuerga, whereas to the east Juan Fernández de Velasco kept the territories of Arnedo and Haro (La Rioja) in his grip while increasing the family's properties in the area by buying several properties near Briviesca,³

1. This article is part of a research project “Más allá de la palabra. Comunicación y discurso políticos en la Castilla Trastámara (1367-1504) / Beyond the word. Political Communication and Discourse in Trastámara Castille (1367-1504) (PID2021-125571NB-I00, funded by MCIN/AEI /10.13039/501100011033 / FEDER, UE “A way of making Europe”. Used Abbreviations: AGS, Archivo General de Simancas; AHNOB, Archivo Histórico de la Nobleza; AMB, Archivo Municipal de Burgos; ARCV, Archivo de la Cancillería; HI, Sección Histórica; LL.AA., Libros de Actas; RGS, Registro General del Sello.

2. For the growth of the Velasco family in the hinterland of Burgos, see: González, Esther. *Elevación de un linaje nobiliario castellano en la Baja Edad Media: Los Velasco*. Madrid: Universidad Complutense de Madrid (PhD Dissertation), 1981; Estepa, Carlos; Jular, Cristina, eds. *Los señoríos de Behetría*. Madrid: Consejo Superior de Investigaciones Científicas, 2001; and Moreno, Antonio. *Los dominios señoriales de la Casa de Velasco en la Baja Edad Media*, self-published, 2014. See also Montero, Elena. *Arquitectura y nobleza en la Castilla bajomedieval. El patrocinio de los Velasco entre al-Andalus y Europa*. Madrid: La Ergástula, 2020.

3. For the village of Briviesca, see: Ibarra, José Luis; Ortega, Ana Isabel. “La villa de Briviesca en la Baja Edad Media: datos y reflexiones para su estudio”. *Boletín Institución Fernán González*, 77/217 (1998): 331-352; Sagredo, Félix. *Briviesca: su señorío, su arcedianato*. Madrid: Universidad Complutense de Madrid, 1972; Sagredo, Félix. *Briviesca Antigua y Medieval*. Madrid: Industrias Gráficas España, 1979. See also: Sánchez, Rafael. *El régimen señorial en la Castilla Vieja: la casa de Velasco*. Burgos: Universidad de Burgos, 1999.



which gave him a foothold in the district of La Bureba. Between 1369 and 1379, his father had acquired the nearby territories of Terrazos, Quintanaurria, Tobes, Raedo, Arconada, Valdearnedo, Quintanaélez, Las Vesgas, Navas de Bureba, Villeña, Miraveche, Movilla, Piérnigas, Salas de La Bureba and Rojas.⁴ For his part, between 1401 and 1406 Juan Fernández de Velasco gained control over Barrios de Díaz Ruiz, Santaolalla, Aguilar, Cameno, Galvarros, Buezo, Castil de Peones, Cornudilla, Quintanillabón, Hermosilla, Revilla, La Vid and Monasterio de Rodilla.⁵

Briviesca, which linked La Rioja with Bilbao and the estuary of the Nervión, was a strategic enclave for the family. In the 15th century, the *merindad* of La Bureba comprised the territory of Ameyugo, Foncea, Altable, Valluércanes, Quintanilla, San García, Prádanos, Monasterio de Rodilla, Cameno, Galbarrons, Rublacedo, Abajas, Buceña, Hoz, Las Vesgas, Quintanaopio, Hojeda, Cantabrana, Tamayo and Oña.⁶ From early on in their expansion, the Velascos desired to impose their control over La Bureba, which was a rich cereal-producing area.⁷ They had tried, unsuccessfully, to convince the Crown to grant them the villages of Pancorbo and Miranda de Ebro, important milestones in the Way of Saint James and in the commercial axis that linked Burgos with Bilbao and France.

In this expansionist process, the Velascos soon clashed with other lords and the council of Burgos, which was at the time building its estate.⁸ Between 1366 and 1369, the village of Briviesca had belonged to Burgos, and when the village was granted to the Velascos the city received Miranda de Ebro in compensation; its pre-eminence in this territory was completed in 1379 with the acquisition of Pancorbo.⁹ The possession of this village also gave the city capital status over La Bureba, over whose administrative demarcation it extended its authority.

The conflict of interests in this area soon pitched the Velascos against the city of Burgos for capital status in La Bureba: conflict followed conflict, owing to the usurpation of jurisdiction, land, rents and rights.

In this way, between 1430 and 1602 Pancorbo and Briviesca litigated for capital status in La Bureba. Despite its importance, this lawsuit has generally gone unnoticed

4. González, Esther. *Elevación de un linaje...*: 169.

5. Sagredo, Félix. *Briviesca Antigua...*: 189.

6. Sagredo, Félix. *Briviesca Antigua...*: 189.

7. Ruiz, Francisco. "Las villas de La Bureba en la Edad Media", *Mundos medievales. Espacios, sociedades y poder*. Santander: Universidad de Cantabria, 2012: 205-216.

8. Bonachía, José Antonio. *El señorío de Burgos durante la Baja Edad Media (1255-1508)*. Valladolid: Universidad de Valladolid, 1988; Casado, Hilario. *Señores, mercaderes y campesinos: la comarca de Burgos a finales de la Edad Media*. Valladolid: Junta de Castilla y León, 1987; Guerrero, Yolanda. *Organización y gobierno en Burgos durante el reinado de Enrique IV de Castilla. 1453-1476*. Madrid: Universidad Autónoma de Madrid, 1986; Guerrero, Yolanda. "Aproximación a las relaciones campo-ciudad en la Edad Media: el alfoz y el señorío burgalés, génesis y primer desarrollo". *Historia. Instituciones. Documentos*, 16 (1989): 15-45.

9. For Pancorbo see Orive, Miguel, ed. *Historia de la Villa de Pancorbo*. Burgos: Ayuntamiento de Pancorbo, 2002; and Francisco Ruiz Gómez's works on La Bureba and Pancorbo: Ruiz, Francisco. "Las relaciones de dependencia en los concejos castellanos: el pleito homenaje de la villa de Pancorbo a la ciudad de Burgos (1380)", *La ciudad de Burgos: actas del Congreso de Historia de Burgos: MC aniversario de la fundación de la ciudad, 884, 1984*. Burgos: Junta de Castilla y León, 1985: 117-142.



in historiography.¹⁰ The present work aims to redress this: I shall first establish the different periods into which this legal battle can be divided. Second, I shall examine the legal arguments posed by the litigants, the agents directly involved in it and the processes of negotiation that ensued both within and outside the city council of Burgos, as well as the mark left by the lawsuit in the collective memory over the decades. Finally, I shall analyse the strategies implemented by the house of Velasco to establish its control over this territory indirectly, outside the legal process, by using armed men and by mobilising their vassals, the Counts of Salinas.

Although it is true that this lawsuit is typical of the clashes caused by aristocratic usurpation of urban territory and jurisdiction,¹¹ it is of special interest because it

10. The works mentioned above reference the lawsuit but do not describe it in detail.

11. Cabrera, Emilio. "Usurpación de tierras y abusos señoriales en la sierra cordobesa durante los siglos XIV-XV". *Actas del I Congreso de Historia de Andalucía medieval, Córdoba, diciembre de 1976*. Córdoba: Monte de Piedad y Caja de Ahorros, 1987: II, 33-112; Carmona, María Antonia. *Usurpaciones de tierras y derechos comunales en Sevilla y su tierra durante el siglo XV*. Salamanca: Ministerio de Agricultura, Pesca y Alimentación, 1995; Domínguez de la Concha, Alfonso. "Apropiaciones de comunales en La Puebla de Guadalupe (Cáceres) durante la Baja Edad Media". *Espacio, Tiempo y Forma. Serie III. Historia Medieval*, 29 (2016): 279-311; Franco, Alfonso. "El proceso de señorialización de las tierras palentinas en la Baja Edad Media. El caso de Saldaña", *Fuentes documentales y Edad Media. Actas del II Congreso de Historia de Palencia, Palencia 27-29 de abril de 1989*. Palencia: Diputación de Palencia, 1990: II, 511-528; García, Pablo. *Concejos y señores. Historia de una lucha en la montaña occidental leonesa a fines de la Edad Media*. León: Universidad de León, 2006; García, María Dolores. "Conflictos en torno a las tierras comunales en el término de Plasencia hacia finales de la Edad Media". *Espacio, Tiempo y Forma. Serie III. Historia Medieval*, 30 (2017): 359-385; Jara, José Antonio. "Que memoria de onbre non es contrario. Usurpación de tierras y manipulación del pasado en la Castilla urbana del siglo XV". *Studia Historica. Historia Medieval*, 20-21 (2002): 73-104; Jara, José Antonio. "Haciendo frente a las depredaciones señoriales. La defensa de las jurisdicciones municipales en la Castilla de la Baja Edad Media". *Imago Temporis. Medium Aevum*, 1 (2007): 280-299; Monsalvo, José María. "Percepciones de los pecheros medievales sobre usurpaciones de términos rurales y aprovechamientos comunales en los concejos salmantinos y abulenses". *Edad Media, Revista de Historia*, 7 (2005-2006): 37-74; Monsalvo, José María. "Usurpaciones de comunales. Conflicto social y disputa legal en Ávila y su tierra durante la Baja Edad Media". *Historia Agraria*, 24 (2010): 81-121; Montero, Alicia. "Red urbana y red señorial: problemáticas de la expansión señorial de los Velasco en Burgos a finales de la Edad Media", *Paisagens e poderes no medievo ibérico. Actas do i encontro ibérico de jovens investigadores em estudos medievais, arqueologia, história e património*, Ana Cunha; Olímpia Pinto; Raquel De Oliveira, eds. Braga: Citcem-Universidade do Minho, 2014: 351-371; Montero, Alicia. "Defender el privilegio en Burgos: discurso, protesta y negociación en torno a las usurpaciones nobiliarias a fines de la Edad Media". *Sociedades Precapitalistas*, 9 (2019), 1 May 2021 http://www.memoria.fahce.unlp.edu.ar/art_revistas/pr.10715/pr.10715.pdf; Muñoz, Víctor. "Conflictos de límites y aprovechamientos comunales: rivalidad concejil e intereses señoriales en la Extremadura castellana bajomedieval (El caso de Cuéllar y Peñafiel bajo el señorío del infante Fernando de Antequera)", *Conflictos y sociedades en la Historia de Castilla y León*, Adolfo Carrasco, ed. Valladolid: Universidad de Valladolid, 2010: 209-223; Ortega, José Ignacio. "Usurpaciones de términos y abusos señoriales en la jurisdicción urbana de Cuenca a finales de la Edad Media", *La ciudad Medieval y su influencia territorial. Nájera. Encuentros internacionales del Medievo. Nájera, del 26 al 29 de julio de 2006*. Jesús Solorzano; Beatriz Arizaga, eds. Logroño: Instituto de Estudios Riojanos, 2007: 221-238; Plaza de Agustín, Javier. "La usurpación de tierras comunales y baldíos en Guadalajara durante la segunda mitad del siglo XV". *Espacio, Tiempo y Forma. Serie III. Historia Medieval*, 28 (2015): 459-485; Quintanilla, María Concepción. "Marcos y formas de proyección de la nobleza conquense en su entorno urbano y territorial", *Congreso Internacional El tratado de Tordesillas y su época, Setúbal 2 de junio, Salamanca 3-4 de junio, Tordesillas, 5, 6 y 7 de junio de 1994*. Madrid: Sociedad Quinto Centenario del Tratado de Tordesillas, 1995: I, 131-154; Valdeón, Julio. "Resistencia antiseñorial en la Castilla medieval", *Señorío y feudalismo en la Península Ibérica (ss. XII-XIX)*, Esteban Martín; Eliseo Sarasa, eds. Zaragoza: Institución



is revealing of the political dimension of the process. Controlling the capital status of La Bureba meant for these villages not only economic revenue but also, and especially, political capital, since capital status was equivalent to juridical leadership. As we shall see, by defending its rights over Pancorbo, Burgos was fighting for his leadership and political hierarchy in northern Castile from the encroachments of the Velascos. However, the peculiar cooperative policy established between Burgos and the Velascos throughout the Late Middle Ages was to determine the direction the legal process was to take and the nature of communication between both agencies.¹² As such, the conflict was diverted to be waged in secondary scenes as a way to avoid direct confrontation between the city council and the aristocratic household.

2. Development and periods of the conflict for capital status in La Bureba

On 11 December 1561, a Royal Provision ordered some documents, exhibits and judicial decrees concerning various aspects —rights over *rediezm*os, *yantares* and *martiniegas*— of the dispute between Briviesca and Pancorbo over capital status in La Bureba moved to a different location.¹³ These documents, currently held in Burgos' municipal archive, include personal letters and other records, as well as 42 pages of extracts of debates over Pancorbo by the Burgos city council between 1436 and 1513. It is thus certain that the conflict between both villages began in the 1430s.¹⁴ This conflict arose in order to decide which of the two villages was to be considered the capital of the *merindad* of La Bureba, and which would thus be entitled to the rights and privileges that this implied, especially the collection of tax and the exercise of civil and criminal jurisdiction over the *merindad*.

Litigations began during the reign of John II at the request of the village of Barrios, situated in the *merindad*, following the usurpations that both Briviesca and Pancorbo were perpetrating in the territory. In response, the king committed to appoint judges and compelled Briviesca and Pancorbo to submit the titles that certified their capital status. This began a lawsuit that, as noted, was to continue until well into the Early Modern Age.¹⁵

Fernando el Católico, 1993: II, 319-340; Vera, Carlos Manuel. "Los conflictos interjurisdiccionales como factor determinante de la organización espacial: los Arias Dávila frente al concejo de Madrid en el siglo XV", *Organización social del espacio en el Madrid medieval*, Josemi Lorenzo, ed. Madrid: Asociación Cultural Al-Mudayna, 1997: II, 97-112.

12. For this matter see: Montero, Alicia. *Los nobles en la ciudad. La casa de Velasco y la ciudad de Burgos (1379-1520)*. Madrid: Universidad Autónoma de Madrid (PhD Dissertation), 2017.

13. These were taxes due the seigniorial lord. The *yantar* was originally the feudal obligation to economically sustain the lord. The *martiniega* was a manorial agricultural rent.

14. AMB. HI. 2309, ff. 431v-473v

15. AMB. HI. 2309 and 4631 (a copy of this ruling, dated to 1502 can also be found in AHNOB. FRIAS, C. 375, D. 13 and ARCV, Registro de Ejecutorias, C. 172, D. 10).



In 1454, John II suggested that both villages share capital status.¹⁶ However, two years later, the increasing tension between them forced the king to intervene directly. From Badajoz, on 3 April, Henry IV ordered the city of Burgos and all its citizens to get together and help the village of Pancorbo, head of the jurisdiction of La Bureba, whose position was being challenged by the village of Briviesca, which was ruled by Pedro Fernández de Velasco († 1470), first Count of Haro.¹⁷ In this letter, the king admitted that Pancorbo: “Is the head of the said *merindad* of Bureba, and the civil and criminal jurisdiction belonging to it since time immemorial”.

The letter also said that the Count of Haro, “along with other people at his orders”, had attempted to subvert the jurisdiction and royal estate, trying to:

Usurp and perturb those rights, aiming for them to apply to his village of Briviesca, which he cannot and must not do. Some residents in the said village of Briviesca, obeying the count's orders, have gone pressing and bullying the residents of the said village of Pancorbo, to the effect that they no longer dare leave the village, work their land and seek their livelihood.

Confronted by this situation, Henry IV ordered that: “the said village of Pancorbo remains in possession, not allowing any disturbance on the part of the Count or the village of Briviesca, or any other person, which, no matter how powerful and elevated, must be resisted”.

Similarly, he ordered:

Dukes, counts, marquises, rich men, masters of the orders, comendadores, subcomendadores, of castles and strong houses, and you, Pedro de Luxan, my guard, vassal and assistant in the very noble city of Burgos, head of Castile, and my chamber, council, alcaldes, meryno, rregidores, knights, squires, good men in said city of Burgos and its land, and all the other councils, alcaldes alguaciles rregidores knights, squires and good men of all the cities in the region, and the brotherhoods of Alava, Curtango and Bal de Govia, and the other brotherhoods in my kingdoms and estates, and all my other vassals and subjects regardless of state, condition, power and dignity.

To help the village of Pancorbo to continue exercising its right to the *merindad*, resisting the pressure posed by the Count of Haro and his village of Briviesca.

By then, the first Count of Haro had no doubts concerning the primacy of Briviesca, as reflected in the *mayorazgo* created in 1458 by Pedro Fernández de Velasco, in which Briviesca, “head of the *merindad* of Bureba”, was included.¹⁸

In 1484, the councils challenged each other for jurisdiction over La Bureba,¹⁹ and the judicial investigation began in 1485.²⁰ We also know that, in 1485, the residents of Pancorbo complained about the encroachment of their land by people

16. AMB. HI. 4631.

17. AMB. HI. 4604

18. AHNOB. FRIAS, C. 636, D. 134 and C. 236, D. 11-13.

19. AGS. RGS. Leg. 148408, 79.

20. AGS. RGS. Leg. 148511, 75



from de Briviesca.²¹ In addition, the collection of rents was adding another element of conflict, specifically the rents from the hamlet of Altable, which the villages of Pancorbo, Briviesca and Cerezo claimed for themselves.²²

In 1486, the procurators Gómez García de Salazar, on behalf of Pancorbo, and Juan Sánchez and Sancho Sánchez, representatives of Briviesca, with the authorisation of their lords, appointed the *regidor* of Burgos Juan de la Torre and the *bachiller* Juan González de Villadiego as arbiters in the litigation.²³ In May of the same year, the Municipal Acts of Burgos record that the residents of Pancorbo had taken the lawsuit to Valladolid,²⁴ and litigation continued for several years.²⁵

In 1490, both villages seemed to reach an agreement, as Pancorbo was compelled to send the prisoner Juan de Perella to face court in Briviesca, following the pact that the villages had reached in terms of justice administration.²⁶

In 1494, however, tax issues reignited the conflict. On this occasion, the problem was the undue collection of *martiniega* to the Monastery of Our Saviour in Oña, situated in the *merindad*. The *adelantado* of Castile, Pedro López de Padilla, was asked to intervene and, since he was the person in charge of appointing the *merinos*, he was asked to limit their number to one, not two: one for Pancorbo and another from Briviesca, as was the case at the time.²⁷ This matter does not seem to have been solved, because in 1499 the *alcaldes* of Pancorbo and Briviesca and the *merinos* of La Bureba were asked not to extract *yantares* or other dues from the residents twice, even if there were two *merinos*.²⁸

During these years, jurisdictional encroachments from both sides seem to have been constant, as demonstrated by the *seguro* granted in 1494 to the hamlet of Quintanilla de San García, in the *merindad* of La Bureba, under the jurisdiction of Briviesca, Pancorbo and Cerezo, which was defenceless before the acts of aggression perpetrated by the *condestable* of Castile, Bernardino Fernández de Velasco († 1512).²⁹ For his part, in 1496 the *condestable* demanded the council take measures against encroachments in the hamlet of Valluércanes, in La Bureba, which was under his jurisdiction.³⁰ By 1500, the number of offences, some even ending in death, suffered by the residents of Pancorbo at the hands of the residents of Briviesca forced the kings to step in and send the *contino*³¹ Francisco de Lujan to investigate. The record

21. AMB. LLAA. 1485, ff. 37r-v.

22. AGS. RGS. LEG. 148503, 38; 148512, 205.

23. AMB. HI. 3559. The municipal records also follow the lawsuit. See: AMB. LLAA. 1485, f. 37v; 1486 f. 31r-v. The request for a decision by the arbiters issued by the procurator of Briviesca in 1487 can be seen in AMB. HI. 3558.

24. AMB. LLAA. 1486, ff. 37v and 38r.

25. AGS. RGS. Leg. 148903, 359.

26. AGS. RGS. Leg. 149005, 37. Sagredo, Félix. *Briviesca Antigua...*: 197.

27. AGS. RGS. Leg. 149412, 189.

28. AGS. RGS. Leg. 149912, D. 68

29. AGS. RGS. Leg. 149405, 292.

30. AMB. LLAA. 1496, f. 23v.

31. Member of the king's household.



of these investigations states that the *alcalde* of Pancorbo had been attacked by men from Briviesca “carrying a banner and armed with offensive and defensive weapons”.³²

In 1502, the Catholic Monarchs ruled in favour of Pancorbo, establishing that this village was the capital of La Bureba and its term. Similarly, Briviesca was ordered never to bring the issue up again and not to disturb Pancorbo in the exercise of its jurisdiction.³³

Despite this, the confrontation continued during the following years. One example is the conflict over the hamlet of Rojas. The disagreement began when in 1508 Ferdinand the Catholic granted his hamlet, formerly under Briviesca, and its civil and criminal jurisdiction, to Burgos.³⁴ Before the year was over, Briviesca was claiming the hamlet back, and attacking the *alcaldes* that the city council had sent to Rojas to administer justice. The *alcaldes* of Rojas, Juan and Pedro de Salinas, informed the council of this on 12 August 1508, claiming that the fourteen remaining *alcaldes* had been locked in³⁵ by Pedro Ruiz, *alcalde* of the village of Briviesca.³⁶

On 9 February 1509, Fernando de Castro, resident of Briviesca, submitted to the council a letter from Ferdinand the Catholic, signed in Cáceres on 1 January, in which the monarch admitted not to have been adequately informed about Rojas, whose jurisdiction belonged to Briviesca. Therefore, he revoked the grant made to Burgos concerning Rojas.³⁷ In July, the council decided to show the city’s lawyers the letter by which the grant had originally been made, for them to examine the case and determine what were Burgos’ rights according to this document.³⁸ The council also decided to send a committee to investigate whether Briviesca had effectively exercised any jurisdiction over the hamlet. The object of this enquiry was to get “the older people in the village” to reveal that it was Burgos that had been exercising the effective jurisdiction, and thus be able to argue for the continuation of a consuetudinary custom.³⁹ As late as 1515, the lawyers were still studying the issue of Rojas.⁴⁰

A little earlier, in 1512, a new ruling confirmed Pancorbo’s capital status in La Bureba against Briviesca, although it was also requested that the jurisdiction over the *merindad* be shared by both, as had previously been suggested by John II in 1454.⁴¹

32. AGS. RGS. Leg. 150012, 252.

33. AMB. HI. 4631.

34. See more details about this issue in Montero, Alicia. “Defender el privilegio”...

35. AMB. LLAA. 1508, f. 157v.

36. AMB. 1509, f. 113r.

37. AMB. LLAA. 1509, ff. 33r-34v. A copy of the royal letter is inserted. The original document in which Ferdinand the Catholic revoked the grant made of Rojas to Burgos is in AHNOB. FRÍAS. C. 327, D. 7.

38. AMB. LLAA. 1509, f. 113r.

39. AMB. LLAA. 1509, ff. 130v-131v.

40. AMB. LLAA. 1515, f. 137v. Also: AHNOB. FRÍAS, C. 327, D. 7.

41. AMB. HI. 3356.



During the following decades, the record does not contain further references to strife. This resumed in 1530s, when litigation began once more and did not end until 1602,⁴² when Briviesca was finally recognised as the capital of La Bureba, concluding a conflict that had lasted for more than a century.⁴³

3. Legitimacy, memory and political communication of conflict between the city of Burgos and the Velascos

The legal records reveal that the legal discourse of Pancorbo's lawyers during the medieval period was the most elaborate of those presented by both legal contenders. They argued that, from its foundation, and certainly long before Briviesca joined the *merindad* and fell under the control of the Velascos, Pancorbo was considered the capital of the *merindad* and had been acting as such. Three legal arguments supported Pancorbo's primacy: first, Pancorbo, as the head of the *merindad*, was the seat where all lawsuits between its residents were judged; second, in relation to the first, the village was the residence of the *merino*, appointed by the *adelantado* of Castile, and the place where the appointment address was given and the oath of new *merinos* taken; third, Pancorbo argued that the tax-collection system also confirmed its capital status, since it was the place where tax collectors gathered, and *alcabalas*, *tercias*, *pedidos*, *monedas*, *pechos* and other dues of the *merindad* were proclaimed and established. Therefore, Pancorbo often reported Briviesca for unduly collecting taxes in the *merindad* and for leasing out rents – something that could only be legally done in Pancorbo, which was the political and fiscal capital of the *merindad*.

The conflict between both villages was caused not only by the desire to control rents and leases but also by the additional profits that tax collection involved: for instance, through the presence or residence of financiers in the village and the attraction of capital and population for the *almoneda* of the rents. Pancorbo also argued that Briviesca, using violent means, had usurped the civil and criminal jurisdiction of La Bureba. This was a common practice among aristocrats trying to impose their jurisdiction over a given territory.⁴⁴ By controlling the justice system, Briviesca demonstrated its pre-eminence over Burgos, which lorded over Pancorbo, and, ultimately, even the *realengo*. This is behind the constant allusions in the record to the undermining of the royal justice. This was, there can be little doubt, another expression of seigniorial power.

Concerning this issue, it is worth mentioning that a similar process was taking place in Burgos itself. When they finally made the city their permanent base, the *condestables* moved to the city a large part of their judicial system, including the *alcaldes mayores* of the villages over which they had jurisdiction to arbitrate their conflicts

42. Some significant examples in: AMB. HI 2039; 2295; 2349. AHNOB. FRIAS, C. 375, D. 4.

43. Sagredo, Félix. *Briviesca Antigua...*: 198

44. See note 11.



from the city. This led to some disagreement over the use these officials made of the urban space. In April 1501, the council deliberated about the convenience of letting these aristocratic courts operate in the city and decided to ban them for the disruption they caused. Juan de Sarmiento argued, on behalf of the *condestable*, that these courts caused no harm to the city, and should that be the case, the *condestable* would fix it, as he had the best interests of the city at heart.⁴⁵ It seems, at any rate, that these court sessions continued, because in 1506 the council reiterated the ban. On this occasion, councillors and *alcaldes* argued that the *condestables* were using public clerks, which undermined the royal jurisdiction.⁴⁶

Years later, in 1514, the council debated the issue again after the arrival of the new *condestables*, Iñigo Fernández de Velasco and María de Tovar, who decided to move to the city with their *alcaldes mayores*. In order to avoid the problems that this caused, the council decided to write a letter to the Duchess of Frías to request that the aristocratic courts not take place in the city.⁴⁷ It was also debated whether the *corregidor* should punish the *alcaldes mayores* of the Velascos if they did not stop operating.⁴⁸ Be that as it may, the record clearly demonstrates that these court sessions did not cease in 1514, but continued taking place for years thereafter.⁴⁹

As noted, this control over the justice system was ultimately but yet another expression of the aristocratic encroachment over the space of the city of Burgos: first, by grasping the civil and criminal justice system of La Bureba, the Velascos stole some of the urban jurisdiction that belonged to Burgos; second, by basing their own seigniorial jurisdiction in the city they made clients of the city's clerks. It is even known that, in 1520, Juan de Villasante, the solicitor of condestable Iñigo Fernández de Velasco († 1528), was not only managing the condestable's own lawsuits, but the city's as well, despite the fact that Burgos was litigating against villages and cities in the condestable's jurisdiction, such as Frías, the King's Hospital, entrusted to the Velascos in 1436, the Monastery of Huelgas and "other places and people that were the condestable's"; for this reason, the council asked Charles I to depose Villasante as the city's solicitor.⁵⁰

Concerning the arguments presented by Briviesca, the village's lawyers mentioned the issue of taxes, but based their defence mostly around the judicial issue, claiming that the lawsuits had been seen there, as capital of the *merindad*, from time immemorial.⁵¹ Briviesca's discourse was less elaborate, on top of being supported by fake documents as evidence.⁵² Finally, it is necessary to point out

45. AMB. LLAA. 1501, ff. 60v and 62r.

46. AMB. LLAA. 1506, f. 149r-v.

47. AMB. LLAA. 1514, f. 107r-v.

48. AMB. LLAA. 1514, f. 114r-v.

49. AMB. LLAA. 1515, f. 63v.

50. AMB. HI. 3102.

51. ARCV, Registro de Ejecutorias, C. 172, D. 10.

52. AMB. HI. 4631.



that these legal discourses were peppered with the usual references to “the royal service”, the “commonwealth” or “the good government”.⁵³

Naturally, the arguments used by both villages cannot be divorced from their respective lords, which, as we have seen, supervised the different stages in the legal process, although the references to direct communication between both agencies—council and aristocratic house—are few. One example is found in 1508, when the council asked the *condestable* Bernardino Fernández de Velasco directly to intervene concerning the imprisonment of a resident from Rojas.⁵⁴

In contrast, the municipal documentation makes frequent reference to the conflict to express concern for the aristocratic encroachment, not only by the Velascos, into the *alfoz* and the urban jurisdiction. On 6 June 1510, while debating the possible acquisition by the condestable Bernardino Fernández de Velasco of a series of properties adjacent to the *alfoz* of Burgos, the *regidor*⁵⁵ Diego Osorio reminded the council of their “experience” using the example posed by Briviesca.⁵⁶

It is widely known that memory played a central role in medieval and early modern judicial proceedings, especially during enquiries, the purpose of which was only to “mobilise people’s memory”.⁵⁷ We have seen an example concerning the enquiry in Rojas, in which old people were the target of questions, linking reliability with seniority.⁵⁸ It is thus unsurprising that, in 1558, an investigation concerning the lawsuit between Briviesca and Pancorbo asked people whether they had heard from their seniors that the city of Burgos had held civil and criminal jurisdiction over Pancorbo for the previous 180 years. Similarly, the municipal record of judicial proceedings is full of references to past “experiences”. The 1510 example demonstrates that experience, which implies conscious learning, was regarded as a source of memory for the *regidor*, legitimising his arguments against the *condestable’s* acquisition of the new land. In this way, Diego Osorio reminded the council that the residents of Briviesca “on the *condestable’s*” side, had not allowed those of Pancorbo to exercise their jurisdiction over La Bureba, even though it was theirs, and many other bad deeds had been committed, such as the incarceration of *alcaldes* and other officials in Rojas by Briviesca.⁵⁹ In addition the *regidor* warned that, in case of conflict with the *condestables*, they could hardly act against them, owing to all the favours that the house of Velasco had done the city. These same arguments

53. AMB. HI. 2309; 3558 and 4631.

54. AMB. LLAA. 1508, f. 175r.

55. Highest municipal official in Castile.

56. Previous events were analysed in detail by Montero, Alicia. “Defender el privilegio”...

57. Alfonso, Isabel. “Las pesquisas como procedimiento judicial y registro testimonial”, *Construir la identidad en la Edad Media. Poder y memoria en la Castilla de los siglos VII al XV*, José Antonio Jara, Georges Martin, Isabel Alfonso, eds. Cuenca: Universidad de Castilla-La Mancha, 2010: 249. Concerning the issues under consideration here, see: Alfonso, Isabel. “Resolución de disputas y prácticas judiciales en el Burgos medieval”, *III Jornadas Burgalesas de Historia. Burgos en la Plena Edad Media*. Burgos, 1991: 211-243; and Alfonso, Isabel; Jular, Cristina. “Oña contra Frías o el pleito de los cien testigos. Una pesquisa en la Castilla del siglo XIII”. *Edad Media: revista de historia*, 3 (2000): 61-88.

58. Alfonso, Isabel. “Las pesquisas”: 259.

59. AMB. LLAA. 1510, f. 144r.



were being presented by the village of Pancorbo to the Crown. They pointed out that neither the city nor the Crown had solved the issue because of the favours received by this aristocratic house. We must remember that, from the late 14th century onwards, the Velascos had actively cooperated with the city of Burgos, and there had been very few disagreements between them.⁶⁰ Let us note again the fact that the *condestables* had turned many of the members of the urban elite into their clients, and these supported the policies of the house.⁶¹ It is thus unsurprising that the council was warned on several occasions that some residents were trying to undermine Pancorbo's chances of victory.⁶² Similarly, it is likely that, even in this matter, the *condestables* tried to avoid direct confrontation with the city, seeking alternative paths of action. The episodes that we shall examine in the following section responded to this desire to avoid confrontation.

4. The alternative to litigation: the taking of the fortresses of Pancorbo and Miranda de Ebro by the Counts of Salinas, vassals of the Counts of Haro

In 1465, when litigation for capital status in La Bureba was already underway, and a few years after Henry IV had been forced to order his vassals to help Pancorbo against the Count of Haro's jurisdictional encroachments, Pedro Fernández de Velasco met the king in Portillo to deal with the events that followed the Farce of Ávila. At the end of the meeting, the Count of Haro asked the king to be granted Miranda de Ebro and Pancorbo, but he was disappointed.⁶³ At any rate, the desire of the Velascos to incorporate directly these villages into their estate was clear—not only because they were key for the control of La Bureba and its merindad, but also, as previously noted, because of their location in one of the main commercial axes linking the Central Plateau with northern Castile.

Confronted by the king's negative response and the judicial process that was taking place, the Velascos concocted an alternative strategy to impose their jurisdiction over the area more directly, and soon after they were in control of the fortress of Pancorbo, which was taken by force by his vassal Diego Gómez Sarmiento.

From the mid-14th century onwards, the Velascos and the Sarmientos were closely related. This alliance began with the double marriage of, on the one hand, Pedro (I) Fernández de Velasco, Lord of Haro and head valet of Castile, and María

60. For an exception see Montero, Alicia. "Defender el privilegio"...

61. Montero, Alicia. *Los nobles en...*

62. AMB. LLAA. 1486, ff. 31r-v.

63. Urcelay, Hegoi. *Los Sarmiento, condes de Salinas: Orígenes y elevación de una nueva clase señorial (siglos XII-XVI)*. Bilbao: Universidad del País Vasco, 2009: 300-301; Franco, Alfonso. *Entre los reinados de Enrique IV y Carlos V. Los condestables del linaje Velasco. (1461-1559)*. Jaén: Universidad de Jaén, 2006: 25-26. Also: *Crónica anónima de Enrique IV de Castilla 1454-1474 (crónica castellana)*, ed. María Pilar Sánchez Parra. Madrid: Ediciones la Torre, 1991: II, 170.



Sarmiento, sister of the *adelantado mayor* of Galicia, Diego Pérez Sarmiento, and, on the other hand, Diego Pérez de Sarmiento and the sister of the Count of Haro, María de Velasco; this family coalition was to last until the 1520s and beyond.⁶⁴ The alliance soon proved to be advantageous for both families, but especially for the Sarmientos. Their union to the Velascos and the incorporation of the rights that María de Velasco had in the *Merindades* of Old Castile increased the presence of the Sarmientos in that region.⁶⁵ For his part, in 1358 Pedro (I) Fernández de Velasco was appointed *merino mayor* in Galicia, owing to the influence of his brother-in-law, who was at the time *adelantado mayor* in that kingdom.⁶⁶

Despite this closeness of kin, the relationship between both families was not that of peers: the Sarmientos may be regarded as dependent on the Velascos, whose growth in status was very rapid, reaching the ducal dignity before the end of the century and leaving the Sarmientos far behind. Even before the double marriage took place, in the mid-14th century, the Sarmientos seemed to be dependent on the Velascos. Cristina Jular portrayed Diego Gómez de Sarmiento as the “inferior” of Pedro Fernández de Velasco, whose carefully crafted strategy soon put him at the head of the lineage as “patron of clients”. His brother-in-law Sarmiento was one of these clients, and to him Pedro delegated several functions in the territory of the *Merindad*.⁶⁷ This is also Hegoi Urcelay’s conclusion, when he defines the Sarmientos as “vassals of the Counts of Haro”.⁶⁸ Urcelay’s examples clearly reflect the vertical nature of the relationship: the Velascos interceding with the king on behalf of their vassals; the Sarmientos requesting a reward after the *Comunidades*; the Sarmientos requesting prebends from the Velascos; the Count of Salinas, Diego Gómez de Sarmiento, taking part in the Battle of Munguía, in 1471, under the orders of the Count of Haro;⁶⁹ the Count of Salinas, along with the dean of Burgos, Pedro Suárez de Figueroa, helping the village of Medina de Pomar during the *Comunidades*, commanded by the *condestable*; and the Count of Salinas, Diego Gómez de Sandoval,

64. For more information about the Counts of Salinas, see: Fernández, Gonzalo Francisco. *La nobleza gallega entre los siglos XIV-XV. Los Sarmiento Condes de Ribadavia*. Santiago de Compostela: El Eco Franciscano, 2005; Urcelay, Hegoi. *Los Sarmiento...* The latter includes a bibliographic compendium of works about the family on pages 30-35.

65. Some of the territories owned by María de Velasco were Vallejo, Hornillos and Tubilleja. For this matter and the role played by María de Velasco, see the essential: Jular, Cristina. “Nobleza y clientelas, el ejemplo de los Velasco”, *Los señoríos de Behetría*, Carlos Estepa, Cristina Jular, eds. Madrid: Consejo Superior de Investigaciones Científicas, 2001: 145-187. Page 185 includes a map of María de Velasco’s property in 1352. See also: Urcelay, Hegoi. *Los Sarmiento...*: 87-92. Page 88 includes a table with the territories that resulted from the union between María de Velasco and Diego Pérez de Sarmiento.

66. As pointed out by Elena Paulino, following Álvarez Borge: Álvarez, Ignacio. *Poder y relaciones sociales en Castilla en la Edad Media. Los territorios entre el Arlanzón y el Duero en los siglos X al XIV*. Salamanca: Junta de Castilla y León, 1996: 148; Montero, Elena. *El patrocinio arquitectónico de los Velasco (1313-1512). Construcción y contexto de un linaje en la Corona de Castilla*. Madrid: Universidad Complutense de Madrid (PhD Dissertation), 2015: 38.

67. Jular Pérez-Alfaro, Cristina. “Nobleza y clientelas” ...: 181-182.

68. Urcelay, Hegoi. *Los Sarmiento...* : 257-325.

69. Pedro de Cartagena, *regidor* of Burgos and vassal of the First Count of Haro, and his son Álvaro, who was killed, also participated in this battle.



requesting in his will, dated to 1505, that the *condestable* of Castile look after his household.⁷⁰

However, the greatest service that the Sarmientos did the Velascos was to impose their control over Miranda de Ebro and Pancorbo.

From 1441, the Sarmientos were besieging the village of Miranda de Ebro, which belonged to Burgos, taking advantage of the villagers' discontent with the city's rule, which had been growing since the 1420s. The confrontation between the lords of Salinas and the city of Burgos over Miranda was a long-lasting affair that was not resolved until the 1490s, and it was particularly fierce during the 1460s and the 1470s, when the Sarmientos, according to Urcelay Gaona, ruled Miranda *de facto*.⁷¹ The conflict was complex, and witnessed the intervention of different powers that competed for the control of the area, not only the city of Burgos, but other aristocratic lineages such as the Estúñigas and the Mendozas. The urban elite of Miranda itself was divided between those who sided with the Count of Salinas and those who preferred to remain under the authority of Burgos.⁷²

As noted, like Pancorbo, Miranda was a key strategic location, connecting the commercial routes towards the Basque ports and Navarra; the Sarmientos, who had property nearby, in Salinas de Añana, were very keen to extend their control towards Miranda.⁷³

In this context, in 1447 the Count of Haro put himself at the service of the council of Burgos to help relieve the pressure posed by Pedro Sarmiento's actions in Miranda and Pancorbo (towards which the conflict had extended).⁷⁴ Days later, the council debated the convenience of putting Miranda under the protection of Pedro Fernández de Velasco, and wrote to the count to request his aid.⁷⁵ According to Urcelay Gaona, by 1447 Miranda seemed to be effectively under the control of Pedro Sarmiento,⁷⁶ probably the result of a grant by John II, following Pedro Sarmiento's help in the Battle of Olmedo in 1445 and reflecting his increasingly important role at court, where Sarmiento was *repostero*. Hence the city of Burgos' interest in regaining control of the village, despite the growing pressure of Pedro Sarmiento. At any rate, as a result of the revolt against converts in Toledo in 1449, John II must have regretted the grant, which had not been formalised in writing, and ordered the council of Vitoria to help Burgos to recover the village of Miranda.⁷⁷

70. Urcelay, Hegoi. *Los Sarmiento...*: 267-284.

71. Urcelay, Hegoi. *Los Sarmiento...*: 428-440.

72. As concluded by Urcelay Gaona, following Juan Antonio Bonachía's analysis: Urcelay, Hegoi. *Los Sarmiento...*: 428.

73. For more detail, see: Urcelay, Hegoi. *Los Sarmiento...*: 419-440; Bonachía, José Antonio. *El señorío de Burgos...*: 328-341; Guerrero, Yolanda. *Organización y gobierno...*: 66-67; Montero, Alicia. *El linaje de los Velasco y la ciudad de Burgos (1379-1474)*. Madrid: La Ergástula, 2012: 67-68; Peña, Francisco Javier, ed. *Miranda de Ebro en la Edad Media*. Burgos: Ayuntamiento de Miranda de Ebro, 2002: 57-181.

74. On 1 September 1447, the Count of Haro offered his help with the city's problems in Pancorbo and Miranda, AMB. LLAA. 1447, f. 112r.

75. AMB. LLAA. 1447, f. 113v.

76. Urcelay, Hegoi. *Los Sarmiento...*: 424-425.

77. Urcelay, Hegoi. *Los Sarmiento...*: 424-425.



Although in this episode the Velascos ostensibly acted in aid of Burgos, whose control over one of its villages was threatened, there is another side to the story. It must be understood that the Velascos were also tending to their own interests in the region that constitutes the east of the modern province of Burgos, the strategic location of which I have repeatedly emphasised. In this regard, Gaona rightly points out that the actions undertaken by the lords of Salinas forced the Counts of Haro to intervene directly and impose their control over the village, lest they lose the influence of their vassals, the Sarmientos, in the area.⁷⁸

The Velascos' interest in the village led the residents to elevate a protest to the council of Burgos, in which they complained about the presence of the Count of Haro, which seems to have been causing problems.⁷⁹

Finally, the Sarmientos convinced Ferdinand the Catholic to grant them the fortresses of Miranda and Pancorbo, which they must have put at the service of their lords, the *condestables* of Castile, from whom they had received *acostamientos* over the *tercias* that the Velascos owned in Pancorbo.⁸⁰ This is reflected in the will written by the Count of Salinas in 1505, in which both fortresses are included among the divisible assets that his grandson, Diego Gómez Sarmiento, was to incorporate into his *mayorazgo* during the reign of Charles I.⁸¹

In conclusion, the taking of these enclaves by the Count of Salinas presented the Velascos with an alternative way to impose their jurisdiction over La Bureba. The plan did not always run smoothly, however, and the council of Burgos tried repeatedly to regain control over the fortresses in the following years.⁸²

5. Conclusion

In this work, I have presented the various phases of the lawsuit between the villages of Pancorbo and Briviesca, and their respective lords, Burgos and the house of Velasco, for the control of La Bureba from the mid-15th century to the early 16th century. Similarly, I have examined the arguments presented by each village, among which fiscal and judicial matters play a prominent role. I have also demonstrated that interest in La Bureba was not only economic but also involved political recognition and the success of a process of imposing aristocratic jurisdictions. As pointed out by several authors, although keeping its estate was very costly for Burgos, the city

78. Urcelay, Hegoi. *Los Sarmiento...*: 426-427.

79. AMB. LLAA. 1450, ff. 77r and 79v.

80. Urcelay, Hegoi. *Los Sarmiento...*: 302-303.

81. Urcelay, Hegoi. *Los Sarmiento...*: 302.

82. In addition to the works cited concerning the conflict between Burgos and the Sarmiento over Miranda de Ebro, the lawsuits between Burgos and the Count of Salinas over the fortress of Pancorbo in: AMB. HI. 2349.



never ceased to defend it; ultimately, what was at stake was its privileged status and jurisdictional autonomy.⁸³

Finally, I have examined the alternatives developed by the house of Velasco to establish an indirect form of control over the *merindad* without directly confronting what was at the time one of its main allies, the council of Burgos. For this, they used their network of clients and vassals. It is in this context that the help given to Burgos in its struggle against the Sarmientos over Miranda and Pancorbo must be understood.

83. Bonachía, Juan Antonio. "Mas 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, ed. Valladolid: Universidad de Valladolid, 1996: 169-212; Guerrero, Yolanda. "Identidad y 'honor' urbano: Cortes en Burgos, 1391-1392", *Castilla y el mundo feudal*, María Isabel del Val; Pascual Martínez, eds. Valladolid: Universidad de Valladolid, 2009: I, 551-565; Guerrero, Yolanda. "Ser y pertenecer a la élite: estrategias de reproducción del poder en el Burgos bajomedieval", *Ante su identidad: la ciudad hispánica en la Baja Edad Media*, José Antonio Jara, ed. Cuenca: Universidad de Cuenca, 2013: 75-92; Val, María Isabel del. "La identidad urbana al final de la Edad Media". *Anales de Historia Medieval de la Europa Atlántica*, 1 (2006): 5-28.

