

# SAILING THROUGH THE BLACK DEATH: THE CROWN OF ARAGON FLEET ORDINANCES OF 1354

LAWRENCE MOTT  
UNIVERSITY OF MINNESOTA  
USA

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## ABSTRACT

When a medieval fleet in the Mediterranean was mustered, it created a situation where men were first crowded together on land and then aboard galleys at sea. These conditions necessitated a body of law to maintain order and deal with the inevitable crimes that would arise. The *Ordinacions sobre lo fet de la mer* of 1354, ordered by Pedro IV, was one of the first military codes of justice for a fleet. The unique political and social circumstances following the Black Death necessitated the recruiting crews from outside the Crown of Aragon and of criminals. The *Ordinacions* were an attempt at a uniform code of justice formed from several traditions and was not simply a codification of existing Aragonese naval custom.

## KEY WORDS

Military justice, *Ordinacions*, Crews, Catalan fleet, Crime.

## CAPITALIA VERBA

Militaris iustitia, Ordinationes, Nautarum turbae, Catalauniensis classis, Scelus.

On January 5, 1354 Bernat de Cabrera, admiral of the fleet of the Crown of Aragon<sup>1</sup>, published by the authority of Pedro IV (Pere III) the *Ordinacions sobre lo fet de la mer*.<sup>2</sup> These laws, also referred to as the *Ordenanzas*, are unique in being one of the earliest set of laws written specifically as a code of military justice for a fleet. In fact this is the only code this author is aware of until well into the Early Modern period. Previous codes, such as the Byzantine *Taktika* in the Constitutions of Leo VI or the *Siete Partidas* of Alfonso X, invariably have laws and punishments for typical infractions, such as theft, desertion or striking an officer, listed in section for the army and are part of a larger general code. The *Ordinacions* of 1354 were written specifically for the fleet and in fact every *cómit* (galley commander) was required to read it to his crew and keep a copy on board his vessel. Several questions arise concerning the *Ordinacions*. First, considering the Crown of Aragon had an organized fleet since the late 13th century, why did Pedro IV suddenly feel the need to promulgate a naval code at this time? Second, were the *Ordinacions* simple a codification of standard practices, as has been suggested, or were they in fact more than a simple copying of old customs?

The reasons for the publication of the code will be explored first, followed by an examination of the evolution of a few laws from the 13<sup>th</sup> century up to 1354 and how they were ultimately incorporated in to the *Ordinacions*. It should be noted that the *Ordinacions* were not just a penal code, but also a set of regulations on how to operate the fleet. Moreover, it was a direct attempt at price fixing to stem the soaring wage inflation cause by the Black Death. For this discussion, however, this study will focus primarily on the laws in the *Ordinacions* regulating the conduct of the officers and crews.

To understand why the *Ordinacions* were published, one has to look at both the political and economic situation prior to 1354. When Pedro IV came to the throne in 1336, he took over a chaotic political situation. Since 1283 the Crown had to deal with the Unions of Aragon and Valencia, as well as the Catalan *corts*, as individual entities. The result was the Crown had to essentially beg and cajole each one for money and support for any project, including naval ones. Jaume II and Alfonso IV had been able to manipulate them up to a point, but it still had left the Crown of Aragon fragmented in many respects. None of this was clearer than in the case of the fleet. Up 1296, the Catalan-Aragonese fleet had been the premier naval force in the Mediterranean. It had defeated or intimidated all of its opponents in large part because it was supported by a Sicilian tax system, held over from the Hohenstaufen regime, which was designed specifically to support a large fleet. When the Crown of

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1. Abbreviations used: Archivo de la Corona de Aragon (ACA).

2. The original ordinances are in the Archivo de la Corona de Aragon (ACA). ACA. Cancillería, register 1541, Varia 21, Pere III 1354, f. 39-43. For those interested in the laws I have referenced: De Capmany y de Monpalau, Antonio de. *Ordenanzas de las armadas navales de la Corona de Aragon*. Madrid: Imprenta Real, 1787. It has a generally good transcription with a Castilian translation.



Aragon had to withdraw from Sicily in 1296 it lost that financial underpinning and the king had to rely on the Unions for support.<sup>3</sup>

Essentially, Valencia, Catalunya and Mallorca each had squadrons which they would lend to the Crown as they saw fit. The Crown of Aragon could call up a large fleet, such as when James II mustered sixty galleys from Catalunya, plus another twenty galleys from Mallorca, for the invasion of Sardinia in 1325. However, the King still had to uphold the *fueros* of each of the Unions and this appears to include on the sea as well as land. This problem of what today is referred to as “unity of command” would get worse as the century progressed and by 1346 the situation was nearly chaotic. The fleet was composed of squadrons from Catalunya, Valencia, and Mallorca, each with its own vice-admiral. Pressure from the Unions was so great that on August 3, 1346 Pedro had to concede that these squadrons did not have to carry the royal banner of the Admiral General nor did they have to follow the admiral’s orders if they decided not to do so!<sup>4</sup>

This situation would change, primarily due to the arrival of the Plague. Up to the arrival of the Black Death in May 1348, Pedro had been embroiled with the Unions who were trying to expand their powers and limit his. He had been coming out the worse from this confrontation and in fact the Unions held him prisoner in Valencia. However by June 1348 the unionists were forced to free Pedro for fear of having him die from the Plague while in their custody. Pedro used this respite to rally the royalists, with the help of the future admiral Bernat de Cabrera, and to then crush the Unions once and for all. The reassertion of royal power obviously had implications for how the fleet would be operated and it is not a surprise Pedro wanted to bring order to an admittedly chaotic situation.

However, the *Ordinacions* were as much, if not more so, a manifestation of the Plague, and particularly the difficulty the Crown had in finding crews for the fleet, as it was of the political situation. The problem of recruitment did not start with the Plague. The first of several famines hit in 1333, called “the first bad year”, and others with unrest followed in 1339 and 1343, culminating in “the year of great hunger in 1347”.<sup>5</sup> While these events were not as devastating as those in Northern Europe, there is a general consensus that between 1300 and 1348 there was a population decline in Catalonia of approximately 5%.<sup>6</sup>

With the arrival of the Plague in 1348 the situation for the fleet became desperate. One general attribute of the Plague throughout Europe was that it tended to hit

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3. For a discussion of the fleet’s organization and financing prior to 1296 see: Mott, Lawrence V. *Sea Power in the Medieval Mediterranean: The Catalan-Aragonese Fleet during the War of the Sicilian Vespers*. Gainesville: University Press of Florida, 2003.

4. De Capmany y de Monpalau, Antonio de. *Memorias históricas sobre la marina, comercio y artes de la antigua ciudad de Barcelona*. Barcelona: Cámara oficial de comercio y navegación de Barcelona, 1961: II, 233 (doc. nº 155).

5. Rubio Vela, Agustín. *Peste negra, crisis y comportamientos sociales en la España del siglo XIV: La ciudad de Valencia (1348-1401)*. Granada: Universidad de Granada, 1979: 20-22; Bisson, Thomas N. *Medieval Crown of Aragon: A short history*. New York: Oxford University Press, 2000: 109.

6. Freedman, Paul H. *The Origins of Peasant Servitude in Medieval Catalonia*. New York: Cambridge University Press, 1991: 162.



maritime communities first and particularly hard, and the cities the fleet relied upon for recruitment were not exempt from this trend. The Plague hit Sardinia in December 1347, followed shortly afterwards by Mallorca, and by mid May the epidemic was ravaging Barcelona.<sup>7</sup> By June 1348, 300 people were dying per day in Valencia and by September Zaragoza was suffering from a similar mortality rate.<sup>8</sup> In the Plain of Vic the mortality rate was a staggering 65%. The traditional estimates for mortality in the Crown of Aragon between May 1348, when the Plague first arrived, and March 1350, when it finally subsided, have been somewhere between 25% and 35%.<sup>9</sup> However, recently researchers have been revising estimates upwards and suggesting death rates from 50% to 70%.<sup>10</sup>

One of the consequences of this demographic catastrophe was wage inflation. The decreased work force meant that workers in virtually every trade could, and did, demand higher wages for their services. This was true throughout Europe and the Crown of Aragon was no different.<sup>11</sup> In a vain attempt to control the spiraling wage inflation, on January 25, 1350 at the Cortes of Zaragoza Pedro IV issued a series of detailed regulations designed to stabilize prices and wages.<sup>12</sup> He also was forced to increase substantially the pay for important positions in order to attract qualified administrators. Similar regulations were issued with the *Ordinacions* of 1354 for the fleet, indicating it was suffering from the same lack of manpower.<sup>13</sup>

The dramatic wage inflation becomes evident when the salaries for crews from 1292 are compared to those in the *Ordinacions*. In 1292, the fleet was paying up to 1 *lliure* per month for *remers simples* (rowers), while the *Ordinacions* of 1354 state a payment of 1.5 *lluïres*, which was a 50% increase. When the wages for the *timoners* (pilots) are compared the inflation rate was between 35% and 65% depending on the pilot's experience. For the *còmits* (galley commanders) the inflation rate between 1292 and 1354 was a staggering 280%! The inflation rate for all of these was probably much higher since the pay rate in the *Ordinacions* was the amount the Crown was trying to hold the wages at, not the actual rate being demanded by

7. Santamaría Arández, Álvaro. "La peste negra en Mallorca", *VIII Congreso de historia de la Corona de Aragón*. Valencia: Caja de Ahorros y Monte de Piedad de Valencia, 1969: II, 108; Benedictow, Ole Jørgen. *The Black Death, 1346-1353: The Complete History*. Rochester, N.Y.: Boydell Press, 2004: 78-80; 94-5.

8. Phillips, William D. "Peste Negra: The Fourteenth-Century Plague Epidemics in Iberia", *On the Social Origins of Medieval Institutions*, Donald J. Kagay, Theresa M. Vann, eds. Leiden: Brill, 1998: 50.

9. Phillips, William D. "Peste Negra...": 50-51; Freedman, Paul H. *The Origins of Peasant Servitude...: 161-2*; Shirk, Melanie Veenboer. *Royal Reaction to the Black Death in the Crown of Aragon, 1348-1351*. Lawrence, KS: University of Kansas (PhD. Dissertation), 1975: 125-133.

10. Benedictow, Ole Jørgen. *The Black Death...: 278-80*; Noymer, Andrew. "Contesting the cause and severity of the Black Death: A Review Essay". *Population and Development Review*, 33/3 (2007): 616-627.

11. Gautier-Dalché, Jean. "La peste noire dans les états de la Couronne d'Aragon". *Bulletin Hispanique*, 64 (1962): 47.

12. López de Meneses, Amanda. "Documentos acerca de la peste negra en la Corona de Aragón". *Estudios de Edad Media de la Corona de Aragón*, 6 (1956): 371-373 (doc n° 89); Shirk, Melanie Veenboer. *Royal Reaction to the Black Death in the Crown of Aragon...: 112-13*; Küchler, Winfried. "La influencia de la peste negra sobre la Hacienda Real," *VIII Congreso de historia de la Corona de Aragón*. Valencia: Caja de Ahorros y Monte de Piedad de Valencia, 1969: I, 65-70.

13. De Capmany y de Monpalau, Antonio de. *Ordenanzas de las armadas navales...: 96-101*.



mariners. In light of these figures, Pedro's complaint that annual and monthly wages had "quadrupled and even quintupled and more" does not seem so farfetched.<sup>14</sup> Inflation undoubtedly put a huge financial strain on the Crown considering that wages composed between 70% and 80% of a medieval fleet's operating costs.<sup>15</sup>

This wage inflation shows that not only had there been a substantial loss of mariners leading to wage inflation, but that there had been a catastrophic loss of skilled personnel. The Crown not only had the concern of how to pay for the fleet, but even more fundamental, how to find sufficient crews to man it. A hint of the crippling affect of the Plague on fleet appears in a request from Mallorca dated May 3, 1348. The epidemic had decimated the anti-piracy squadron there and the councilmen wrote that "many men have died of the disease here and many of those that remain continue to die." Unable to muster a squadron, they feared attack by the King of Tunis and others. "For love of this, very high Sir, we humbly supplicate to your Royal Highness, that it please you to provide two galleys from Barcelona and two galleys from Valencia to be on guard of these seas in order to defend us from corsairs and other enemies."<sup>16</sup> Remember, this is the same island that had provided twenty galleys for the invasion of Sardinia just twenty three years before. The fact an island with an estimated population of 55,000 prior to the Plague could not muster 600 men to man four galleys certainly suggests a high mortality rate.<sup>17</sup> There can be little doubt that by July the fleet in Catalunya was suffering a similar fate to that as the squadron at Mallorca. The Plague already had made paying for the small squadron a problem and there was a great deal of haggling between the king, Barcelona, Valencia and Mallorca before the issue was resolved. It was not until June 28 the king finally appointed Ramón de Vilvavona as squadron commander with orders to arm four galleys for three months. It would take another month to have the galleys actually ready, nearly three months after the original request.<sup>18</sup>

Given this demographic devastation, the Crown had to resort to recruiting farther afield for men. The situation got so bad that on July 28, 1349 Pedro IV ordered that certain criminals could get their sentences remitted if they served in the fleet. However, this did not include the crimes of sodomy, *lèse-majesté*, treason, heresy or counterfeiting, all of which were considered crimes against the Crown and common good.<sup>19</sup> Nevertheless, it is an indication that even by this stage of the Plague the Crown was getting desperate to find crews.

14. López de Meneses, Amanda. "Documentos acerca de la peste negra ...": 371 (doc. n° 89).

15. Mott, Lawrence V. *Sea Power in the Medieval Mediterranean...*: 182.

16. López de Meneses, Amanda. "Documentos acerca de la peste negra...": 292 (doc. n° 2). The actual text of the letter is imbedded in a letter from Pedro IV to his treasurer Jaime Roig, López de Meneses, Amanda. "Documentos acerca de la peste negra...": 295 (doc. n° 5).

17. Santamaría Arández, Álvaro. "Mallorca en el siglo XIV". *Anuario de estudios medievales*, 7 (1970-1971): 105.

18. López de Meneses, Amanda. "La peste negra en las islas Baleares", *VI Congreso de Historia de la Corona de Aragón celebrado en Cerdeña en los días 8 a 14 de diciembre del año 1957*. Madrid: Dirección General de Relaciones Culturales del Ministerio de Asuntos Exteriores, 1960: 334-335.

19. De Capmany y de Monpalau, Antonio de. *Memorias históricas sobre la marina...*: II, 238 (doc. n° 159).



Another example of recruitment problems comes from a letter sent by Pedro IV to Alfonso XI of Castile dated January 29, 1350. In it Pedro IV announced that he was sending Vice-Admiral Bernat de Ripoll with two galleys and four hundred crossbowmen, all of which were paid for the time they would be in Alfonso's service, as had been previously agreed. He goes on to say "By reason of that, we ask that, considering the deaths that God has sent into our lands and the great trouble we have had with them, to be excused for the delays."<sup>20</sup> The loss of men also could be two-edged. The Plague had decimated the fishing fleet which in turn caused a loss in revenue for the Crown. In January 1353 Pedro IV was forced to exempt three men from service in the fleet in Valencia so they could continue their profession due to the lack of fishermen caused by the epidemic.<sup>21</sup> Normally, the Crown would target the fishing communities for skilled recruits for the fleet, but the loss of men to the epidemic now made even that problematic.

A good indication of how desperate the Crown was to find crews for the fleet is found in a comparison between men recruited for a squadron of 6 galleys in 1341 and the composition of the fleet following the Plague. The 6 galleys of 1341 were composed of men from Catalunya and the surrounding area (Barcelona, Mallorca, Manresa, Tortosa, Lerida, Gerona). Only 2 were from outside (Santander and Messina). When we look at the fleet following the Plague we find men from not only from all over the Iberian Peninsula (Pamplona, Seville, Cordoba, Salamanca, Alicante, Toledo, Jerez, Medina del Campo, Madrid) but also the Western Mediterranean. (Sardinia: Alghero, Cagliari and Sassari / Sicily: Agrigento, Syracuse, Augusta, Trapani, Messina / France: Aigues Mortes, Narbonne, Perpignan).<sup>22</sup>

A similar pattern shows up when the crews of two galleys, one from 1342 and the other from 1382, are compared. In the galley of Admiral Pedro de Moncada in 1342 only 10% of the crew was non-Catalan and all of those came from the Western Mediterranean. By 1382, in the galley "Sant Antoni" 45% of the crew was foreign with those members coming from as far away as Lisbon to the West and Pera to the East.<sup>23</sup> As we will see, each of these areas was governed by its own laws, so it is no wonder the Crown felt compelled to issue a uniform code of justice for the fleet to prevent men from appealing to the customary laws of their home regions, and thus creating chaos and unrest in the squadrons.

To understand how the *Ordinacions* evolved two specific crimes will be examined: desertion and theft. They might appear totally different, but in fact were closely related up the time of the *Ordinacions*. It was traditional throughout the Western Mediterranean for recruits, be they *timoners* (pilots/helmsmen), *ballesters*

20. López de Meneses, Amanda. "Documentos acerca de la peste negra...": 374-375 (doc. n° 91).

21. López de Meneses, Amanda. "Documentos acerca de la peste negra...": 414 (doc. n° 136).

22. Simbula, Pinuccia F. "L'arruolamento degli equiaggi nei regni della Corona d'Aragona (secc. XIV-XV)", *Ricchezza del mare ricchezza dal mare: secc. XIII-XVIII: atti della trentasettesima Settimana di studi, 11-15 aprile 2005*, Simonetta Cavaciocchi, dir. Prato-Florence: Istituto Internazionale di Storia Economica 'F. Datini' - Le Monnier, 2006: 1019-1039.

23. García i Sanz, Arcadi; Coll i Julià, Núria. *Galeres mercants catalanes dels segles XIV i XV*. Barcelona: Fundació Noguera, 1994: 176-177.



(crossbowmen) or *remers simples* (rowers), to receive up to four months pay in advance. This was not only a recruitment tool, but it also allowed the families of married men to live while the men were away during the sailing season. When a man deserted not only did the galley and the fleet lose his services, but the captain or admiral lost a substantial amount of money.

How different countries and cities dealt with this situation varied widely. Concerning desertion, Byzantine naval law of the 10<sup>th</sup> century was draconian. A deserter not only could expect execution if caught, but also to have his family driven from their home.<sup>24</sup> In 13<sup>th</sup> century Castile, the issue was handled similarly. In the *Siete Partidas* (circa 1265) desertion was punishable by hanging for men of lower rank and banishment for the nobility. However, this and other regulations concerning crimes are in the section for the army, not the one covering the fleet.<sup>25</sup> The *Siete Partidas* made no distinction between military service on land and sea in regards to crime and punishment.

Recruitment and desertion for the Angevin fleet during the second half of the 13<sup>th</sup> century was a major problem. This was primarily because Charles of Anjou was parsimonious when it came to paying the crews and service in the fleet was often coerced. In 1274 Charles had to issue an order that potential recruits be threatened with having their houses burned down if they refused to join the fleet.<sup>26</sup> In 1282 Charles ordered that anyone who took pay and deserted should be forced to pay back the money and then be returned to serve in the fleet without pay. If he could not pay back the money his house and goods would be seized in lieu of payment. If he deserted again, he would have a foot amputated.<sup>27</sup>

Concerning theft, one of the earliest known cases of naval justice comes from an incident in 1275. A crewman on board a galley operating out of Valencia under a letter of marc from the King Jaume I was found stealing from the ship's stores. The captain had the sailor's ears mutilated, which was the standard punishment for theft in the *furs* of Valencia. The man appealed to the king for redress, but was rebuffed with the explanation that a captain had the right of summary justice while at sea.<sup>28</sup> It should be noted that in civil law mutilation was seen as not only marking the person as a criminal, but also as a deterrent to others.

The *Siete Partidas* state that the old custom of mutilating the ears and cutting off a hand should only be administered in extreme cases. Instead, for the first offense the thief was to be branded on a cheek. If he was caught stealing again, he was to be hanged. Unlike the Angevin law, the *Siete Partidas* does note that amputation of

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24. Pryor, John H. *The Age of the Dromōn: The Byzantine Navy ca 500-1204*. Boston: Brill, 2006: 469.

25. Burns, Robert I., ed. *Las siete partidas*, trans. Samuel Parsons Scott. Philadelphia: University of Pennsylvania Press, 2001: II, Title XXVIII, Laws 1-VII.

26. Dunbabin, Jean. *Charles I of Anjou: Power, Kingship and State-Making in Thirteenth-Century Europe*. London: Longman, 1998: 176.

27. Pardessus, Jean Marie. *Collection de lois maritimes anterieures au XVIIIe siècles*. Paris: Imprimerie Royale, 1839 : V, 255.

28. Burns, Robert I. *Muslims, Christians, and Jews in the Crusader Kingdom of Valencia*. London: Cambridge University Press, 1984: 122-125.



limbs should be avoided as it made the person unfit for service. The implication here was that if one was going to extreme of mutilating the offender you might as well hang him. In any case, while the *Siete Partidas* does state what to do with a thief, it gives no example of what to do in case of theft of enlistment money. One has to assume this situation was to be treated as desertion.

We now come to a case in 1289 of 18 Catalan rowers who enlisted in the Catalan-Aragonese fleet during the War of the Sicilian Vespers. The men had been recruited in Catalonia and the office of the admiral paid to have them brought to Messina to serve in the fleet and given them the standard the 3 months wages. After arriving in Messina, instead of reporting to their galleys for service, they deserted, but were quickly apprehended by officers of the admiral. All but one of the men could pay back the money that had been prepaid. This situation brings up the question: Was their crime theft or desertion? In this case, the 17 men who could pay back the money were simply returned to the galleys. Here the punishment appears to have been simply the loss of pay. The man who could not pay back the money had his ears mutilated and presumably was returned to his galley. The punishment meted out to the deserters by the office of the admiral appears to be a combination of the 1275 example for theft and the law of Charles of Anjou of 1282 for desertion.<sup>29</sup> As the above examples demonstrate, punishment for crimes could vary widely around the Mediterranean, which could create trouble within crews of polyglot composition as in the 1354 fleet, particularly if one group felt, by its standards, it was being punished unjustly.

The issuing of the *Ordinacions* in January 1354 was not by happenstance. The fleet was preparing for a major operation to oust the Genoese from Sardinia, and the situation demanded Pedro IV provide a uniform code of justice for the fleet. Pedro and his admiral, Bernat de Cabrera, were certainly aware of Catalan, Mallorcan and Valencian maritime customs, but they also had to contend with the fact that a substantial part of the crews came from outside of the kingdom. Not only did admiral have to confront the issue that the fleet contained men from different maritime traditions, but also ones whose moral fiber was highly questionable, as exemplified by the proclamation of 1349.

But the contents of the code also indicate that Pedro IV wanted to use the regulations to unify the disparate naval units under the Crown. Pedro had ordered the copying of the *Siete Partidas* into Catalan as part of his program to unify the Crown of Aragon under the royal house.<sup>30</sup> The *Ordinacions* were clearly part of this program to assert royal authority over the provinces and was aimed precisely at

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29. *Item rimeriis Catalanis decem et octo conductis per predictum ammiratum ad navigandum cum predictis galeis custodie ad servicia curie supradicta qui recepta pecunia solidorum suorum aufugierunt a Civitate messane et inveniri non potuerunt ut servirerunt in galeis eisdem ni tam unus ipsorum cui predictus ammiratus propter predictam fugam manduit et fecit mutulari aures nulla apud eum inventa pecunia ex qua satisfieri posset curie de solidis solutis ei per curiam et qui ecciam non potueret inveniri fideiusseres ab eis recepti et in dicto quaterno notati et sic predicta pecunia fuit immissa auri uncias novem et taros novem. ACV. Perg. 737.*

30. Bisson, *Medieval Crown of Aragon...*: 117-118.



their naval assets. The *Ordinacions* of 1354 that resulted from these ruminations by Pedro IV and his admiral reflect all of the above influences.

Concerning the issue of how to treat desertion and theft, the *Ordinacions* make a clear distinction between the two. Desertion by a crewmember was punishable by hanging, period. If a whole galley deserted against the orders of the officers, the entire crew was to be drawn and quartered (Regulation 14).<sup>31</sup> Desertion by an officer, either by himself or ordering his galley to retreat without orders, resulted in the offender being drawn and quartered. If a galley retreated with the Captain General on board against the admiral's orders, the officers were to be drawn and quartered, and the crew was to be hanged (Regulation 15).

However, the issue of taking pay without service was still a concern, though with a twist. It was common for the fleet to set up two or three "Tables of Enlistment" in a city such as Barcelona or Valencia. As Regulation 24 notes there were "some bad men who take a deposit or full-pay from two or more of them." If the person only took a deposit, his goods would be seized to pay back the deposit to the tables and he would be stripped naked and thrown in prison for 2 days. If he took full pay from two or more tables he would lose his goods, as before, but then have the upper parts of his ears mutilated and be thrown naked into prison for 4 days. If he could not pay back the money his time in jail was doubled. The distinction here appears to be that until a person actually reported onboard a galley and had his name entered in the ship's books by the scribe, taking enlistment money and fleeing was treated simply as theft. Once the person reported to the fleet, fleeing became desertion and was treated accordingly.

On the whole issue of mutilation, the *Ordinacions* make an interesting distinction. Regulation 18 specifically states that no sailor should be punished with the loss of a hand or foot, for as the law notes, "because that man then becomes useless and is no more value dead than alive to the fleet."<sup>32</sup> It goes on to note, however, that mutilation of the ears or cutting off a tongue was permissible. A case in point is Regulation 16 which states that a man who verbally abused a captain or shouted for his ship to surrender or flee, should lose his tongue.

The whole issue of punishment varied remarkably. Officers were prohibited from using any weapons to punish a seaman, but were limited to the lash or baton. If he did use a weapon, he had to pay restitution to the sailor (Regulation 9). A watchman caught sleeping on duty was to pay 2 Barcelona *sueldos* and the following day in public dragged through the sea naked (Regulation 26).<sup>33</sup> If harm came from his actions then he had to pay 2 gold florins. However, the regulation specifically states that he was not to be killed under any circumstance (Regulation 26).

What is interesting is that the *Ordinacions* spend a great deal of time concerning the behavior of the officers and the punishment for desertion by them was more harsh than for officers in the Castilian navy which resulted in only banishment.

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31. De Capmany y de Monpalau, Antonio de. *Ordenanzas de las armadas navales...*: 85.

32. De Capmany y de Monpalau, Antonio de. *Ordenanzas de las armadas navales...*: 87.

33. De Capmany y de Monpalau, Antonio de. *Ordenanzas de las armadas navales...*: 92.



The Black Death had devastated the number of qualified persons in every other profession, forcing the Crown to either fill the duties of many with fewer personnel or to promote the less-qualified.<sup>34</sup> These regulations suggest that the loss of competent commanders to the Plague had resulted in the fleet having to resort to the latter option. The regulations concerning the behavior and treatment of the crews appear to have been directed specifically at these new officers who may have not had the training or experience to dictate the proper behavior. For example, Regulation 27 states that the *cómit*<sup>35</sup> should “at least once a week go below deck in his galley in order to examine and arrange it (the hold).” This would seem to be a duty any competent officer would undertake regularly, but obviously the admiral felt he needed to include this admonition. More telling is Regulation 7, whose title is “What the *Cómits* should do for their office,” which starts with the statement: “Item: no *cómit* shall sell wine nor operate a gambling table, as this is not proper for any good person.”<sup>36</sup> These regulations and others directed specifically at the comportment of the *cómits*, which today appear as statements of the obvious, clearly indicate the fleet was having trouble recruiting competent commanders.

None of these regulations were inviolate. While the regulation for desertion states it should not be contravened “if the admiral desired to guard the honor and conservation of his fleet”, the point is that any member of the fleet could plead to the admiral, either to appeal a judgment or to seek redress for an unjust punishment. Moreover, the final Regulation (34) notes that there were sometimes extenuating circumstances and that the Admiral should moderate a punishment if the case warranted it.<sup>37</sup>

As can be seen, in some cases, such as desertion, the punishments were harsher than the practices in the 13<sup>th</sup> century. In some cases, they were a bit lighter. A case in point is the regulation concerning malfeasance on the part of a *timoner* which had been rather uniform. The law in the *Siete Partidas*, as well as the *Consolat del Mar*, was that a pilot who caused the loss of his ship or misrepresented his knowledge of a region could be hung on the spot.<sup>38</sup> In civilian law, the captain of the vessel along with “the good men onboard” (i.e. the merchants) would make the judgment.

In Regulation 23 of the *Ordinacions* of 1354 the punishment had changed. If a pilot, or captain for that matter, caused a collision or grounding, he had to pay for the cost of the damage, and this included the value of the vessel if it was lost. If he could not pay for the damages, which was likely for a pilot, he was to be stripped and dressed in a woman’s shift (*gonella*) and to go barefoot. In this attire, he was

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34. Shirk, Melanie Veenboer. *Royal reaction to the Black Death in the Crown of Aragon...*: 47-50.

35. The term *comit* does not have an exact translation. The *patró* of the galley was technically in command, but the *comit* was actually in charge of navigation, command of the crew and handling of the vessel. This is why the majority of the regulations involving the officers are directed at the *comits* and not the *patrons*.

36. De Capmany y de Monpalau, Antonio de. *Ordenanzas de las armadas navales...*: 82.

37. De Capmany y de Monpalau, Antonio de. *Ordenanzas de las armadas navales...*: 95.

38. Burns, Robert I., ed. *Las siete partidas...*: II, Title XXIV, Law V, 465; Colón, Germà; Garcia i Sanz, Arcadi. *Llibre del Consolat del Mar: edició del text de la Real de Mallorca, amb les variants de tots els manuscrits coneguts*, eds. Germà Colón, Arcadi Garcia. Barcelona: Fundació Noguera, 2001: doc. 250.



forced to sit in irons for a half-day on a wine cask behind the stern of the galley he wrecked holding the rudder of the wrecked ship. He was then to be paraded through the city in that position. There is no comment concerning the punishment if there was a loss of life in the accident. One suspects that if there was a serious loss of life the admiral used his authority to modify penalties to impose the more traditional punishment. One other point concerning Regulation 23; it goes on to state that since the wrecking of a vessel was so undesirable the admiral and captains should insure they had good pilots, which included making sure they were well paid.<sup>39</sup>

It should be noted that not all to the *Ordinacions* were new or an amalgamation of several laws, and clearly some were a statement of established practice. A good example is Regulation 31 which is entitled: "That all Galleys that are armed in the Dominions of the King, they should have the crews and arms contained in this Chapter."<sup>40</sup> The regulation specifies the number of officers, pilots, crossbowmen and other specialized crewmen each galley was to carry, along with the type of weapons each was to be issued. The numbers given in this regulation for manning and arming the galleys in 1354 is virtually identical to that found in the fleet accounts for the 1289 and 1292.<sup>41</sup> This strongly suggests that while the practices and punishments concerning comportment of the officers and crews had been modified, the organization of the fleet had remained essentially unchanged. This is probably true also for other regulations concerning the deployment of the galleys and signaling.

The evolution of the various laws, with harsher punishments for some offenses and less severe ones for others, was not haphazard or capricious. The *Ordinacions* of 1354 reflect the Crown's attempt to regulate a potentially chaotic situation forced upon it by the changing political conditions, the polyglot crews created by the arrival of the Plague and the unavoidable addition of less than desirable individuals to the fleet. It often is said that written regulations for the medieval period were simply a formulation of common practice. In the case of the *Ordinacions* of 1354, the situation is completely reversed. The *Ordinacions* came into being in an attempt to stabilize a chaotic legal situation created by the previous political turmoil in the Crown of Aragon and the demographic disaster of the Black Death. These regulations are not only a reflection of Aragonese maritime traditions at that time, but the melding of those traditions with others to solve the new and immediate problems confronting the Crown and the fleet.

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39. De Capmany y de Monpalau, Antonio de. *Ordenanzas de las armadas navales...*: 89.

40. De Capmany y de Monpalau, Antonio de. *Ordenanzas de las armadas navales...*: 94.

41. Mott, Lawrence V. *Sea Power in the Medieval Mediterranean...*: 154-157.

