

The Articulation of Courtly Jurisdiction at the Royal Sites: the Shaping of a Complex Patchwork

Ignacio Ezquerro Revilla

1 Introduction

The territorial jurisdiction of the Court has often been overshadowed by a biased view of the concept that is more focused on aspects of magnificence such as the pomp and cultural traces associated with palace life, the solemnity and ceremonial duties related to the royal person, or the role played by the nobility. Such a consideration has not been aided by the jurisdictional reality of the Corporate Monarchy, which has hindered the appreciation of a broader reality that provided a backdrop to political and administrative life in the kingdoms of Spain. And yet, as I hope to demonstrate, in spheres with their own doctrinal coherence, such as that formed by the Court and the kingdoms in Castile, it is legitimate to ask whether both constituted a united reality. The interpretation of the Court has been hindered by the jurisdictionalist paradigm (from an internal viewpoint) or the consideration of the whole monarchy as a corporate reality (from an external viewpoint),¹ to such an extent that it has tended to be given an interstitial meaning, articulating different actors and previous domains. But the concept of the Court was inherent in the king himself; it was the tool that enabled him to convey his decisions to the territorial sphere over which he exercised authority – a kind of semantics based on the charisma of the royal person himself, which encouraged obedience and transferred the agreements made in his most restricted sphere to the kingdoms.

When a region was conquered, all uncultivated land belonged to the king, who then legalized the transfer of part of it to the clergy and nobility for war services. Accordingly, from the Reconquest episode onwards, the proportion of territory that both powers held increased while that of the Crown decreased.² But this was consistent with the fact that:

1 For both concepts, see, among the extensive literature, António Manuel Hespanha, *Vísperas del Leviatán: instituciones y poder político (Portugal siglo XVII)* (Madrid: Taurus, 1989).

2 The donations given by Alfonso IX and Ferdinand III to the Order of Alcántara in exchange for its assistance in conquering Cáceres, Montánchez, Mérida, Badajoz, Elvas, La Serena, and

Tienen los príncipes, por razón de la suprema potestad, un dominio general en todas las tierras, montes, leñas, yerbas y pastos de sus reinos, en virtud del cual todas estas cosas se entienden y presumen ser suyas e incorporadas a la Corona: de tal manera, que siempre que se ofrece duda sobre el todo o parte de ellas, entran fundando su intención contra qualquiera que no exhiba privilegio o título que acredite la legítima pertenencia.

Princes have, by reason of supreme power, a general dominion over all the lands, mountains, woods, grassland and pastures of their kingdoms, by virtue of which all these things are understood and presumed to be theirs and incorporated into the Crown: in such a way that whenever doubt arises as to the whole or part of them, they intervene, grounding their intention against anyone who does not exhibit a privilege or title that proves legitimate ownership.³

At the time it was written, this statement aimed to reconstruct and protect royal heritage in the kingdom of Valencia.⁴ However, it is broad in scope, encompassing diverse regions and periods of the Spanish Early Modern Age, such as Castile, where the aforementioned process was grounded in different laws set out in the *Partidas*, the legal text drawn up during the reign of Alfonso X the Wise to regulate the organization of the Court, governance and justice in Castile.⁵ That is how the conventional concept of territory should be understood: not only as a physical or geographical actuality but also as a

Magacela serve as a prime example. The outcome of these contributions resulted in what Carlos de Ayala describes as the 'process of territorialization of the Alcantarine lordship' ('proceso de territorialización del señorío alcantarino'), Carlos de Ayala Martínez, "Pérez, Arias," in *Diccionario Biográfico Español*, XL (Madrid: Real Academia de la Historia), 716–17, and the sources quoted there.

3 Vicente Branchat, *Tratado de los derechos y regalías que corresponden al Real Patrimonio en el reyno de Valencia y de la jurisdicción del intendente como subrogado en lugar del antiguo Bayle General* (Valencia: Imprenta de Joseph y Tomás de Orga, 1786), vol. III, 207; Erich Bauer Manderscheid, *Los montes de España en la Historia* (Madrid: Servicio de Publicaciones Agrarias, 1980), 49.

4 Eduardo Ortega de la Torre, "Carlos III y la lucha por el Real Patrimonio en el País Valenciano: el informe Branchat (1784)," in *De la Ilustración al Romanticismo: IV Encuentro, Carlos III, dos siglos después. Cádiz, 7–9 de abril de 1988*, coord. Mariano Peñalver (Cádiz: Universidad de Cádiz, 1994), 111–18.

5 Title XI of the Second *Partida*, 'Cuál debe el Rey ser a su tierra,' which provided the spatial basis for the task of reigning, and thus complemented the well-known dual description of the Court contained in Law XXVII, Title IX of the Second *Partida*, 'Qué cosa es Corte porqué ha assí nome e cuál deue ser,' *Las Siete Partidas, del Sabio Rey don Alonso el nono, nuevamente*

political category that precisely designated a 'politically equipped space.'⁶ But Covarrubias had already pointed out this meaning in his dictionary, *Tesoro de la lengua castellana*, where he defined territory as 'the space of land taken up by an estate or jurisdiction.'⁷ In the case of royal jurisdiction, it referred to kingdoms in which the political equipment was undoubtedly the tendency to confuse the idea of Court with the territory itself.

Accordingly, the continuous creation of royal sites in various regions of the kingdom cannot necessarily be viewed as an expansion of the Court, but rather as a limitation on a previous, extensive continuity in which the king displayed his most patrimonial side, and in which the patrimonial essence of the dominion he exercised over his kingdoms was direct and subjected to a more restricted jurisdiction than that of the Royal Council: the *Junta de Obras y Bosques* (Board of Works and Woodlands).⁸ Though as an ideal approach, it was imperfect and, paradoxically, clashed with the reality of the monarchy's governance as an extension of domestic governance, manifested in the multiplication of the *Palatium* and the values it spread, represented by the creation of royal households and sites, and translated into the dissemination of the idea of the Court. Thus, interactions between the *Junta*, on one hand, and the Council and the *alcaldes de Casa y Corte* (judges of the royal household and court, active in the courtly space), on the other, were frequent, starting with the active presence of the latter in the former.⁹

While the governance of the kingdoms resulted from the conjunction of domestic and administrative affairs, with a modulated and changing composition related to its dependence, the royal sites were the places where a patrimonial sense was most prominent. As stated above, the process from the monarch to the royal sites was not extensive but restrictive, starting with the acquisition of a more or less large portion of territory by the king. An example is the history of the Monte del Pardo, which went from being initially limited

glosadas por el Licenciado Gregorio López del Consejo Real de las Indias de Su Magestad (Salamanca: Andrea de Portonariis, 1555), fols. 31v–32r and 29r.

6 António Manuel Hespanha, "El espacio político," in *La Gracia del Derecho*, coord. António Manuel Hespanha (Madrid: Centro de Estudios Constitucionales, 1994), 85–121.

7 'el espacio de tierra que toma algún pago o jurisdicción', Sebastián de Covarrubias, *Tesoro de la Lengua Castellana o Española según la impresión de 1611, con las adiciones de Benito Remigio Noydens publicadas en la de 1674* (Barcelona: Alta Fulla, 1998), 959.

8 Fernando Cos-Gayón, *Historia jurídica del Patrimonio Real* (Madrid: Enrique de la Riva, 1881), 76–86.

9 Cos-Gayón, *Historia jurídica, ibidem*. On this double role of the *alcaldes*, courtly and domestic, see Ignacio Ezquerro Revilla, "La integración de la Casa en la Corte: los *alcaldes de Casa y Corte*," in *La Monarquía de Felipe II: la Casa del Rey*, coord. José Martínez Millán and Santiago Fernández Conti (Madrid: Fundación Mapfre-Tavera, 2005), vol. 1, 697–800.

in usage by the king to being a fully owned, 'perfectly demarcated area.'¹⁰ Additionally, the annexation of El Campillo and Monasterio to the Royal Site of San Lorenzo resulted in their evacuation and closure.¹¹ However, regardless of any patrimonial aspirations harboured by past monarchs, the royal sites remained closely connected to their surroundings, particularly in the geographical, spatial and jurisdictional sense. Although their uniqueness was undeniable, they were additions to a previous reality characterized by its more or less obvious uniformity. The conventional territories delimited by the royal sites interacted unequally with their surroundings, which resulted in a clear definition of the jurisdictional specificity sought by the Crown through the *Junta de Obras y Bosques*. This fact determined the intervention of the jurisdictional agents who operated halfway between the domestic and the administrative spheres, such as the *alcaldes de Casa y Corte* and the Royal Council itself, which also had important responsibilities within a perimeter of five leagues. The direct and indirect royal patrimony interacted constantly.

The definition of the royal sites' spatial and jurisdictional boundaries played a role in the progressive development of the Court area. Acquiring, defining, and safeguarding an area with more direct patrimonial dependence on the Crown – that is, less interactive than the entire kingdom over which the monarch exerted sovereign power – was also part of the same expansion process of the governance of the royal household. In the first case, its expression can be described as immediate, and in the second as extended. Nonetheless, both instances of exerting power were responses to the same internal form, as they represented sequential stages of development rooted in the shift from smaller dimensions of kingship to larger ones. This process of expansion, however, entails similar features, modified to apply to a more complex context.

In a transversal way, this fact meant that household officials acted in both areas, regardless of their level of integration into the king's direct patrimony and the effective definition of institutional formulas to articulate it, as illustrated by the example of the *alcaldes de Casa y Corte*. That the aforementioned process followed such domestic features is not only shown by the fact that these ministers' intervention, commissarial in nature, was distributed between the immediate patrimonial domestic and the extended spaces. Furthermore, in the first case they did so both in an incipient state of development of the

10 Francisco Javier Hernando Ortego, "La lucha por el Monte de El Pardo. Rey, municipio y uso del espacio en el Madrid del Antiguo Régimen," *Cuadernos de Investigación Histórica* 12 (1989): 170.

11 Gregorio Sánchez Meco, *El Escorial: de Comunidad de aldea a villa de Realengo* (Madrid: Ayuntamiento de El Escorial, 1995), 244–53.

royal sites and at a more advanced stage, when their governance depended on a more stable institutional formula, that represented by the *Junta de Obras y Bosques*.

2 Defining a Special Jurisdiction

During the initial phases of the shaping of the royal sites, sources indicate that the famous *alcalde de Casa y Corte* Rodrigo Ronquillo was involved in this branch of the royal patrimony. At the start of 1539, the judge was engaged in protecting the hunting grounds at Valsaín and other parts of the royal estate, as well as optimizing the use of the forests.¹² Three years later, he notified the emperor of the benefits of carrying out forest clearance at El Pardo and recommended putting it into practice in areas of the Madrid region, primarily for economic reasons. His words demonstrated that forest clearance was then regarded as a fitting measure to support the needs of the royal households.¹³

Likewise, when Philip II ascended to the throne, the construction of royal palaces and sites led to institutional clarification and confirmed the role of the *alcaldes* in such functions. On 10 December 1556, he issued a series of decrees to the regent Doña Juana, the president Antonio de Fonseca and Cristóbal Morillas, *alcalde de Casa y Corte*, instructing the latter to penalise people who had hunted at El Pardo and the adjacent areas. The structure of the commission entrusted to the *alcalde* is noteworthy, as it exemplified the shape of the royal household administration and the resulting impact of territorial cohesion stemming from the theological concept of “transubstantiation.” For when judges were appointed to the post they were not merely assigned duties, as in modern practice; rather, these duties were considered to be performed by the royal person himself in the form of another biological entity, so to speak. Therefore, the *Cédula Real* (royal decree) establishing Morillas’s commission regulated in detail his actions and particular aspects.

The king stated his intention to sign the commission himself in order to assert greater authority and maintain secrecy. This signifies a wish for his *persona* to be more faithfully embodied by his minister. Furthermore, the king did not delegate the appointment to the president of the Council. Instead, he issued it directly to Morillas, also sending notifications to Fonseca and the

12 Archivo General de Simancas (AGS), Estado, leg. 45, no. 180, letter of the Emperor Charles V, Madrid, 18 June 1539.

13 Eduardo Ruiz Ayúcar, *El Alcalde Ronquillo. Su Época. Su Falsa Leyenda Negra* (Ávila: Institución Gran Duque de Alba, 1997), 26.

regent for reinforcement. The king regarded Morillas' duties as an extension of his own criminal jurisdiction, seeking his advice on sentences to be passed before they were pronounced.

It can be inferred that the king's decision was influenced by domestic and patrimonial considerations when he suggested to President Fonseca that Morillas should be accompanied by some of the *Guardas de a pie o caballo* (guards on foot or horseback). He considered poaching at the royal sites to be a violation of the royal privilege of exploiting their resources. This fact indicates the existence of a specific structure underpinning the aforementioned style of governance, which combined both domestic and administrative aspects. For similar reasons, he urged the president to send Morillas and inform the governor (*alcaide*) of El Pardo about the locations where he should initiate his investigations. Philip II considered Torrelaguna, Colmenar Viejo and other areas of the Real de Manzanares to be appropriate.¹⁴

The issuance of commissions of this type also hints at other characteristic features of a transpersonalized form of governance, such as the unity of royal jurisdiction exercised at several levels by different officials (*corregidores*, *alcaldes de Casa y Corte* and *chancillerías*) or the Royal Council. This explains why the regent Doña Juana entrusted Ortiz, *alcalde* of the *chancillería* of Valladolid, with dealing with the aforementioned poaching excesses at El Pardo. Ortiz took advantage of his prior visit to the region to attend to other matters, apprehended those responsible and handed them over to the *alcaide* of El Pardo, who turned them over to the *corregidor* of Madrid. Following Ortiz's departure, the *corregidor* released the main suspect and requested further guidance on how to penalize the rest. In reply, the regent Doña Juana instructed Ortiz to return to his post,¹⁵ where he was to oversee the mission until Morillas could take over fully.

The *alcalde de Casa y Corte* submitted his conclusions to the king on 8 February 1557. According to the report, he had failed to arrest the main culprits, Juan Vélez and the Domingos brothers, although he had sent two *alguaciles* (bailiffs) in advance. He proposed penalizing all those implicated without prior consultation. Philip II authorized Morillas to make decisions independently, without consulting the regent or the Chamber. He was, however, to delegate the confirmation of the incomplete trials to the *corregidor* of Madrid, as he would soon be moving to Seville to perform a new commission.¹⁶ The king's

14 Archivo General de Palacio (AGP), Sección Registros (SR), libros de cédulas, II, fols. 17v–18r.

15 AGS, Estado, leg. 121, n° 89–90, Princess Joana to Philip II, 15 January 1557.

16 AGP, SR, libros de cédulas, II, fols. 29v–30r.

dissatisfaction with the lenient handling of the offenders, who were released on bail, led to the reestablishment of prior proceedings for such offences at the Royal Site of El Pardo. They were initiated by the warden and convictions were issued by the *corregidor* of Madrid.

Despite some uncertainties and setbacks, a distinct section dedicated to handling claims and concerns pertaining to *Obras y Bosques* (works and woodlands) began to emerge spontaneously, maintaining unity with the exercise of jurisdiction at the Court. In accordance with its judicial character, it inevitably called for the involvement of the *alcaldes de Casa y Corte*. Thus, on 11 August 1557, Céspedes de Oviedo was tasked with a new assignment: to evaluate the harm caused by hunting at Aranjuez, El Pardo and Valsaín.¹⁷

Similarly, when Philip II returned to Spain in 1559, his focus on protecting the royal sites was directed through specific assignments given to an *alcalde de Casa y Corte*. One of these commissions was issued to doctor Hernán Suárez de Toledo and secretary Pedro de Hoyo to take action against those who had been hunting in the Aranjuez area since 1552. As many of the offenders were challenging to locate, the commission was renewed in Toledo on 22 June 1560.¹⁸ Likewise, in late February 1561, the *alcalde* Céspedes de Oviedo was entrusted with investigating poaching at El Pardo. The Martín brothers, residents of Colmenar Viejo, were charged and finally sentenced to six months' banishment. However, their term was reduced to one-third by the Royal Decree of 15 April 1561.¹⁹ As attested by the two preceding cases, the management of *Obras y Bosques* could also show clemency, which was in line with the distributive and domestic framework of the political-administrative system.²⁰ This was demonstrated by the promulgation of the aforementioned decrees through the *Cámara de Castilla* (Chamber of Castile), a body that became a Council in 1588 and facilitated the king's exercise of such an important attribution reserved for him.

17 Historiographical attention to royal sites has increased in recent years. Apart from the work of the IULCE-UAM or the CINTER-URJC, the research group of which I am in relationship, and those cited in the text, see Magdalena Merlos Romero, *Aranjuez y Felipe II. Idea y forma de un Real Sitio* (Madrid: Comunidad de Madrid-Ayuntamiento de Aranjuez, 1998) and Carlos Manuel Valdés, *Estudio Histórico-Selvícola del Monte de Valsaín (Siglos XVI–XX)* (Madrid: Organismo Autónomo Parques Nacionales, 1997).

18 AGP, SR, libros de cédulas, II, fols. 219v–220v, and 473v–474r; Antonio Marichalar, "Tres figuras del XVI. Hernán Suárez de Toledo, Felipe de Borgoña y Briviesca Muñatones," *Escorial 17* (1944): 29.

19 AGP, SR, libros de cédulas, II, fols. 98v–99r.

20 On the idea of distributive justice, see Juan de Mariana, "Del Rey y de la Institución Real," in *Obras del padre Juan de Mariana*, II (Madrid: Rivadeneyra, 1854), 560.

The involvement of the *alcaldes* in settling conflicts arising from the interaction or friction between the royal sites and their surroundings was ratified by the Royal Council through an order of 22 February 1561 stipulating that appeals against commissaries' verdicts must be directed to the *alcaldes de Casa y Corte*.²¹ Following the establishment of the Court in Madrid in May 1561, the abovementioned dynamics of commissions and their judicial effects continued. In 1562, Secretary Hoyo carried out a *visita* (inspection) of the governor and officials of Aranjuez, with the assistance of doctor Hernán Suárez de Toledo.²² Another *Cédula Real*, dated 24 July 1563, instructed *licenciado* Salazar, *alcalde de Casa y Corte*, to punish poaching in the Aranjuez district. Some clergymen were mentioned as being responsible, who theoretically were supposed to be judged by the governor of the archbishopric of Toledo.²³

In short, the courtly nature of the royal sites meant that this aspect of their administration was mainly entrusted by commission to the *alcaldes de Casa y Corte* – though not exclusively, since other simple *letrados* continued to receive commissions of this kind until very late in Philip II's reign. On 12 November 1577, Gonzalo de Parada, a resident of Ocaña, was appointed to replace Diego de Carvajal in investigating the damage caused by royal hunting in the Aranjuez area.²⁴

3 The Addition of Court Jurisdiction to Special Jurisdiction: the Definition of the *Alcalde-Juez de Bosques*

The shaping and establishment of the royal sites demonstrates the continuity and permanence of these commissions, to the point that a specialized attribution was created, exercised by a so-called *juez de bosques* (judge of the woodlands). Though, as we will see, the courtly nature of these sites meant that they always remained under the jurisdiction of the *alcaldes de Casa y Corte*, as evidenced by the fact that the latter were granted responsibility for issuing appeal judgments at first instance. The *jueces de bosques* received the additional title

21 Luis Sánchez, *Autos y acuerdos del Consejo, de que se halla memoria en los libros, desde el año de 1532, hasta el presente de 618. Mandados imprimir por el ilustrísimo señor don Fernando de Azevedo, Arçobispo de Burgos, Presidente del Consejo, y señores dél* (Madrid: Luis Sánchez, 1618).

22 Instituto Valencia de Don Juan (IVDJ), envío (e.) 99, caja 140, Juan de Ibarra to Philip II, 3 May 1580, 'Sobre la uisita del Escorial y el poco efecto de que han sido las q[ue] se han hecho.'

23 AGP, SR, libros de cédulas, II, fol. 332r.

24 AGP, SR, libros de cédulas, v, fols. 128v–129r.

of *alcalde de Casa y Corte* to enhance their jurisdiction, for the very same reasons that these ministers had been given the majority of these commissions from the time they were first established. However, although they were granted this title, this part of their jurisdiction related to the royal *Obras y Bosques* did not cease to be commission based.

3.1 *Licenciado Ortega*

As for the evolution of the figure of judge of the woodlands, we know that *licenciado* Jerónimo de Ortega undertook this commission in 1564, when he was appointed to inspect the officials of the Alcázar palace in Madrid and the residence at El Pardo, as part of the ongoing reorganization and consolidation of the royal sites. Similarly, on 20 May 1565, Ortega was appointed to investigate poaching at El Pardo, Aranjuez, and the Segovia forests, and to evaluate the ensuing damage to neighbouring estates. On 3 November of the same year, the Segovia authorities tasked him with investigating the excessive felling of pine trees in the Valsaín forest. Consequently, he initiated proceedings against residents of nearby towns, namely Cercedilla, Navacerrada, Becerril and Collado Mediano, all located in Real de Manzanares. In 1567, *licenciado* Ortega inspected the warden (*alcaide*) and officials of the Bosque de Segovia (Forest of Segovia, another name given to Valsaín), and removed some of them from their posts, which in 1580 were still being filled on a provisional basis. Soon afterwards, officials of the works (*obras*) of the Alcázar of Madrid were also subjected to *visitas*.²⁵

The direct royal jurisdiction in this incipient 'territorial dominion of the royal household' received a notable boost given that in the aforementioned commission of 20 May 1565 and other similar ones jurisdiction was granted to Ortega, pre-empting that of the *corregidor* of Madrid (in relation to the forest of El Pardo) and that of Segovia (in relation to the Bosque de Segovia), and the *Cédula Real* signed in Madrid on 3 February 1569 decreed that only Ortega would hear hunting and fishing complaints relating to El Pardo.²⁶ There are indications that this decision stemmed from Ortega's efficient performance of his duties, as another document from the same date that mentions the need to plant pines, holm oaks, and oaks in the Bosque de Segovia for the benefit of the city of Segovia can be viewed as a consequence of his work.

With this endorsement, Ortega inspected the officials of the *obras* of the Alcázar Real in Madrid and the residence at El Pardo, starting on 31 March 1569, and appointed the *alguacil de Casa y Corte* Martín de Múgica as *alguacil*.

25 IVDJ, e. 99, caja 140, fols. 206r–207r, Juan de Ibarra to Philip II, Madrid, May 3 1580.

26 AGP, SR, libros de cédulas, III, fols. 103v–104r, Royal Decree, 3 February 1569.

But the crucial point to note is that the courtly nature of the post of *juez de bosques* required him to be given an additional appointment as *alcalde de Casa y Corte*, which Ortega received, and responsibility for hearing appeals against his sentences. This, after a period in the 1570s when this right was reserved for various members of the *Cámara de Castilla* (Chamber of Castile), constituted a sort of specialised board on *obras y bosques* matters. In practice, the handling of these cases by the Chamber of Castile was a more accurate representation of the domestic aspect of the *obras y bosques*. In fact, the initial work of the *Junta* was consistent with the Chamber's handling of matters involving the Alcázares and the Alhambra of Granada. As a result, the related documents contained the signature or mark of one or more members of the Chamber.²⁷

This jurisdictional framework was subsequently endorsed by the Instruction for the Guarding and Preservation of El Pardo, published on 23 July 1572. This document also governed the jurisdiction of Aranjuez, which was considered an extension of El Pardo, authorizing its guards to report on the Aranjuez district. This document outlined the role of *juez de obras y bosques*, modelled on that previously held by Ortega, with jurisdiction over the Alcázar of Madrid, the palace, forest and woodlands of El Pardo, and the royal residences in the surrounding area, including Aranjuez. This minister would have exclusive authority over all matters related to royal works. This included any overindulgences in hunting within the El Pardo preserve, which extended for five leagues around, as well as hindrances from the ordinary judges of the neighbouring towns. The appeals against his sentences continued to be heard by the *alcaldes de Casa y Corte*. It was agreed that when appeals were heard this judge would sit among them, based on his seniority, with a deciding vote in cases sentenced by other judges at first instance, and a consultative vote in cases he himself had sentenced. His salary amounted to 300,000 maravedis, which was paid out of the income from the *mesa maestral* (land owned by the order of Santiago) and his court would have a notary, an *alguacil* and a *fiscal* (public prosecutor) appointed by the king.²⁸

As a consequence, a more specific jurisdictional pathway was established for these affairs, as demonstrated by the Royal Council members' incapacity to bring to attention or release prisoners detained for matters related to *obras y*

27 IVDJ, e. 99, caja 140, fol. 361r–v, Juan de Ibarra to Mateo Vázquez, 27 February 1581.

28 Juan Antonio Álvarez de Quindós, *Descripción Histórica del Real Bosque y Casa de Aranjuez* (Madrid: Doce Calles, 1993), 413–14; Pedro de Cervantes-Manuel Antonio de Cervantes, *Recopilación de las Reales Ordenanzas de los Bosques del Pardo, Aranjuez, Escorial y Bal-saín ...*, (Madrid: Melchor Álvarez, 1687).

bosques during their *visitas* to the Court prison.²⁹ The jurisdictional framework in which the recently appointed judge exercised his authority meant that Ortega promptly assumed the combined roles of *alcalde de Casa y Corte* and *juez de bosques*, taking office as such on 5 September 1575 and ceasing to be paid as the latter.³⁰ The exercise of jurisdiction was strengthened by the introduction of a regulated penalty system designed to punish poaching.³¹

The doctrinal and transcendental questions concerning the transfer of royal attributes as a charismatic pole provide the context for a complex and potentially challenging issue. The question concerns the compatibility of simultaneously holding the formal position of *alcalde de Casa y Corte* and performing duties as *juez de bosques*, as well as continuing with special commissions to hear cases of damage caused by poaching at the royal sites or by animals beyond their boundaries. The appointment merely restricted the minister who could carry out the tasks outlined in each commission, which specified the transfer of the exercise of royal powers. All of this took place during a process of institutionalization, in which the means of processing these instruments shifted from the Royal Chamber or an informal and occasional committee of ministers to a regulated and permanent one, the *Junta de Obras y Bosques*. By the end of Philip II's reign, this board was hearing appeals against the sentences handed down at first instance by the *alcaldes*, as we will see.

However, Jerónimo de Ortega's performance of his duties based on this duality was generally affected by the political context and, particularly, by his own personal trajectory, which were interrelated. Ortega's rise to public prominence was associated with the Castilianist party, which gave priority to the kingdom of Castile in the general organization of the Spanish monarchy, but it was abruptly halted by his removal from the Court in 1577. On 1 November, a Royal Decree was issued ordering Ortega to surrender all his documents related to *Obras y Bosques*. They were to be recorded 'in an inventory and before a public notary' and given to the royal servant Antonio Montaña. The documents included those that Ortega had received from his predecessor in the post of *alcalde de Casa y Corte*, *licenciado Céspedes de Oviedo*.³²

The cause was a sensitive and rarely excusable issue: one of his daughters had wedded an aristocrat without prior approval from the king. This action contravened the unspoken norms of familiar governance and was significant

29 *Cédula Real* of 9 July 1575, mentioned by Cos-Gayón, *Historia jurídica*, 83.

30 AGP, SR, libros de cédulas, IV, fols. 284v and 309v, *cédulas* of 29 November 1575 and 3 March 1576.

31 IVDJ, e. 99, caja 140, fol. 361r-v, Juan de Ibarra to Mateo Vázquez, 27 February 1581.

32 'por inventario y ante escribano', AGP, SR, libros de cédulas, V, fol. 126r.

enough to be recorded in the diary of imperial ambassador Khevenhuller.³³ Moreover, the episode did not portray Ortega's political loyalties in a very good light, as it brought him into contact with the papists, enemies of what was theoretically his political group: it seemed that his daughter's marriage had been engineered to satisfy the Admiral of Castile and the Dukes of Infantado, Francavila and Pastrana, members of the abovementioned political group.

Initially, the imposed sanction led to other *alcaldes de Casa y Corte* assuming responsibility for the *obras y bosques* commissions entrusted to Ortega. Among these commissions was that authorized by the king in Madrid on 24 November 1578, which was assigned to *licenciado* Juan Gómez. It involved completing the assessment of the compensation due for the incorporation of various estates into the Casa de Campo and seeing to its payment.³⁴ However, it is likely that Ortega was only imprisoned for a short time, while awaiting the final verdict of the Royal Council, and he returned to his duties. On 1 August 1579, Philip II entrusted him with investigating the damage caused by hunting at El Pardo to the properties located in the city of Madrid, from the beginning of 1573 to the end of 1579,³⁵ without reducing his commissarial activity at all in the following years. On 8 October 1581, the king issued an order in Lisbon for Ortega to investigate the damage caused by royal hunting in the area around Aranjuez since late 1572 until then, and the following year, on 1 April, he received an allowance of 375,000 mrs. to investigate the harm caused by poaching in the forest of El Pardo, as well as for the commission he was about to start on in Aranjuez and another carried out the previous year in El Bosque de Segovia.³⁶ In July 1582 he was in Carabanchel de Abajo dealing with the damage caused by hunting in the forest of El Pardo area during the previous seven years.³⁷

This sequence indicates that, during this period, *obras y bosques* affairs were more effectively articulated through the institutional channel of the board, but continued to be dealt with through commissions. On 5 August 1582, when Ortega's enquiries were completed and various poachers had been charged, the king commissioned the *alcaldes de Casa y Corte* to hear their appeals, by means of a Cédula Real issued in Lisbon and signed by the Count of Barajas, *licenciado* Fuenmayor and the accountant Garnica,³⁸ who was then handling

33 Félix Labrador Arroyo (ed.), *Diario de Hans Khevenhüller: embajador imperial en la Corte de Felipe II* (Madrid: Sociedad Estatal para la Conmemoración de los Centenarios de Felipe II y Carlos V, 2001), 120–21.

34 AGP, SR, libros de cédulas, v, fol. 188v.

35 AGP, SR, libros de cédulas, v, fols. 238r–239r.

36 AGP, SR, libros de cédulas, VI, fol. 72r.

37 IVDJ, e. 99, caja 140, licenciado Ortega to Mateo Vázquez, 13 July 1582.

38 AGP, SR, libros de cédulas, VI, fol. 191r.

the affairs of the so-called 'Consejo de Obras y Bosques' (Council of Works and Woodlands). However, this course of appeal did not receive unanimous agreement from the injured parties. The question was discussed in a *memorial* (report) submitted by Fray Lorenzo de Villavicencio, the royal confessor, to Mateo Vázquez in Madrid on 20 January 1581. The *memorial* placed various aspects of the management of *obras y bosques* under the scrutiny of the royal conscience.³⁹

This document was linked to the administrative upheaval at the Court caused by Philip II's stay in Portugal. The confessor considered the monarch's obligations as *paterfamilias* to be inconsistent with an excessive defence of hunting at the royal sites, particularly given the evident inadequacy of the compensation mechanism for appraising the damage caused by royal hunting in the areas surrounding the royal sites. For this reason, he suggested that Philip II should confine hunting to a smaller area, as he and Ortega had done at Valsaín, where the boundaries had been reduced. He also proposed that the hunting of royal deer that invaded private estates should be tolerated, and that the owners of such properties be given licences to possess and use hunting equipment. Interestingly, the ethical justification for this proposal had a very practical reason, since it aimed to reduce the hefty expenses that resulted from the compensation paid out by the Crown.

Regarding the appeals of these cases before the *alcaldes de Casa y Corte*, the city of Segovia and surrounding area demanded that they be handled instead by the *chancillería* of Valladolid. They argued that the *chancillería* was their ordinary court whose jurisdiction had been taken over by the *alcaldes*, resulting in a series of disadvantages: the local judges now needed the *alcaldes* to issue a judicial order (*Provisión Real*) in order to be able to proceed with cases. It is important to note that the jurisdiction of the *alcalde-juez de bosques* preempted that of the *corregidor* of Segovia, though both were equally competent. In most cases, the accused were unable to obtain this document, either because they were still in prison or because they lacked the means to travel to the Court. Even when they did manage to get it, Segovian justice was in the habit of releasing them only after they had paid the fine imposed on them, which meant that they remained in prison for months, with all the personal hardship that this entailed. Though defendants who did manage to appear before the *alcaldes de Casa y Corte* did not fare much better:

Y si tienen hazienda para uenir a proseguir su causa aquí adelante los alcaldes como tienen tantos negocios no los despachan en mucho

39 IVDJ, e. 99, caja 140, fol. 376r.

tiempo, cómense sus haziendas sin acabar nada no por más de hauerles hallado una red u otra cosa como esta.

And if they have the wealth to pursue their cause here and now, the *alcaldes*, as they have so much business, do not dispatch them for a long time, and their wealth is used up without anything being finished, for no more than having been found with a net or something else like this.

Villavicencio also asserted that it was unacceptable for Court jurisdiction to be more influenced by the interests of the deer in the royal hunting grounds than by those of the royal subjects. *Alcalde* Ortega opposed the royal confessor's opinion, deeming that in Valladolid defendants were given lenient sentences for such offences.⁴⁰ Strictly speaking, the aforementioned unity of jurisdiction rendered the intervention of the *alcaldes de lo criminal* (criminal judges) of the *chancillerías* and the *alcaldes de Casa y Corte* indistinct and the former did indeed hear such appeals in the case of the royal sites near Valladolid (Abrojo) and Granada (Soto de Roma).

As for penal matters, the situation of *licenciado* Ortega improved with a gradual royal pardon; its first phase was in April and May 1583, when, with the help of Mateo Vázquez, he drew up a list of his services to the king, and others that he could perform thenceforth. Among the former, he cited His Majesty's lawsuit with Juan de Orbea, for which a sentence had been issued but not yet executed due to Ortega's imprisonment in Pinto, and it was expected to be very lucrative for the Crown. Another example was the revenues from the lands of Amaniel, which provided an annual income of 1,000 *ducados*, and another related to the Quejigal wood-pasture land (*dehesa*). He anticipated that this process would be advantageous for the monastery of El Escorial and would not require referral to ecclesiastical justice. From that point onwards, *licenciado* Ortega proposed intervening in two issues that called for exceptional consideration. The first was the deplorable state of the royal site of El Pardo.⁴¹ The second was a point of particular importance for the Castilianist party within the framework of the extended royal domestic governance: the enforcement of social discipline in the area of the royal sites.⁴²

40 IVDJ, e. 99, caja 140, fols. 379v–380r.

41 IVDJ, e. 99, caja 140, fols. 116r–117v, Madrid, 16 April 1583, 'Las cosas en que el licdo. Ortega diçe podría seruir a Su Mag[esta]d de presente son las siguientes, y en las que particularmente a seruido' ('The things in which licenciado Ortega says he could serve His Majesty in the present are the following, and in which he has particularly served').

42 IVDJ, e. 99, caja 140, fols. 116r–117, Madrid, 16 April 1583.

Having resumed his regular duties, Ortega expressed his gratitude to the secretary and the king for his return to more important matters. And in the same letter, he also reported on the inappropriate behaviour of certain servants of the Marquis of Aguilar in Carabanchel, who had undermined the reputation of several local ladies with the sole intention of marrying advantageously.⁴³ Ortega's collaboration with Rodrigo Vázquez de Arce on the Quejigal issue was also noted at the time.⁴⁴ But the *alcalde-juez's* main concern was that his partial pardon by the king should be completed and acquire legal force.⁴⁵

This moment was still some time in coming, and meanwhile he took on new commissions. On 7 March 1584, he was entrusted with inspecting the officials of the Alcázar and Bosque de Segovia.⁴⁶ It took a year to perform the task, which coincided with the continued investigations into the harm caused by hunting at El Pardo in 1583 and 1584.⁴⁷ Likewise, a report by Mateo Vázquez on the Count of Santisteban, who was caught red-handed hunting in El Pardo, enables us to assess Ortega's intervention.⁴⁸ This marked the beginning of his full reinstatement to his duties by means of a royal decree issued in Monzón on 19 July 1585, which was undoubtedly aided by his zeal in prosecuting, in accordance with his attributions, a person as important as the count, as well as the protection offered by the Castilianist group, especially its secretary, Mateo Vázquez. It is possible that Ortega's expertise in *obras y bosques* affairs was a valuable aid for the secretary when he denounced the activity of the secretary Martín de Gaztelu and advocated the reform of his office and the management of *obras y bosques* by a specialised secretary. The *alcalde's* zealous defence of the royal patrimony, which led him to consider a simple cart and its mules to be proper hunting equipment, prompted him to denounce the inactivity of the *Junta de Obras y Bosques*. The cancellation of one of its sessions had prevented it from dealing with certain cases, such as that of Diego López, the priest of Carabanchel for whom holy orders were no obstacle to poaching. In this case, Ortega requested an order from the *Junta* making it possible to take action against López, and in doing so, despite the clergyman's excesses, he showed

43 IVDJ, e. 99, caja 140, fols. 111r–113v, licenciado Ortega to Mateo Vázquez, 21 May 1583.

44 IVDJ, e. 99, caja 140, fol. 119r, licenciado Ortega to Mateo Vázquez, Carabanchel, 3 August 1583; *ibidem*, fol. 118r–v, Mateo Vázquez to Rodrigo Vázquez and his answer, 10 August 1583.

45 IVDJ, e. 99, caja 140, fol. 119r, licenciado Ortega to Mateo Vázquez, Carabanchel, 10 August 1583.

46 AGP, SR, libros de cédulas, v, fols. 309r, and 324v–325v.

47 AGP, SR, libros de cédulas, v, fol. 397r–v.

48 Carlos Riba García, *Correspondencia Privada de Felipe II con su Secretario Mateo Vázquez, 1567–1591* (Madrid: CSIC, 1959), 335, Philip II to Mateo Vázquez, San Lorenzo de El Escorial, 11 September 1584.

that he was not entirely neutral in his role as *alcalde-juez*, as this case appeared to be tinged with political interest.

The priest was a first cousin of Jerónimo Pablo, Cardinal Quiroga's secretary, and Mateo Vázquez's support for Ortega in this matter was fuelled by this fact. The secretary and the *alcalde* aimed to highlight the poor governance and the lack of control among the prelate's clients by emphasizing that this poaching case, given its specific circumstances, was the only one that could go unpunished. In the case of Ortega, after his rehabilitation, it may be possible to discern the determination of someone who had himself experienced harsh judicial scrutiny that was not impartial and had suffered as a result. In any case, he took advantage of his involvement in the affair to request complete exoneration from Philip II. However, the king was concerned with avoiding mounting political tensions at the Court and instead referred the matter to Quiroga.⁴⁹ At the insistence of Ortega, Vázquez recommended that the king also seek the advice of Fray Diego de Chaves.⁵⁰ However, at this point, the confessor and the secretary were losing sway to a king who, as early as April 1586, complained about the large number of papers and petitions sent to him by the confessor.⁵¹ This political context undoubtedly contributed to Ortega's request for an early departure from the Court and the subsequent withdrawal of his duties related to *obras y bosques*.⁵²

3.2 *Licenciado Belvis Galarza*

The tasks of *alcalde* Ortega reveal the lack of involvement of the *Junta* during this period. The evidence indicates that, as with many other matters, the monarch reserved for himself the right to deal with affairs relating to *Obras y Bosques*, in accordance with their patrimonial nature. In this regard, it is worth mentioning that these matters were discussed with the confessor, Chaves, rather than involving the *Junta de Obras y Bosques* to a greater extent. The monarch's interest in maintaining direct and immediate control over his assets helps to understand the continuation of the commissional system in this area of administration, and the consequent difficulty of perceiving the *Junta* beyond the documentary trace of its agreements validating this commissional functioning. However, the administrative reform dynamics being implemented

49 IVDJ, e. 90, caja 129, no. 609. On Quiroga's courtly and political role, Henar Pizarro Llorente, *Un gran patrón en la Corte de Felipe II: Don Gaspar de Quiroga* (Madrid: Universidad Pontificia de Comillas, 2004).

50 IVDJ, e. 90, caja 129, nº 608, licenciado Ortega to Mateo Vázquez and his reply, Carabanchel, 28 September 1586.

51 Riba García, *Correspondencia Privada*, 379, Philip II to Mateo Vázquez, 12 April 1586.

52 Díaz González, *La Real Junta*, 109–10.

by the monarchy since Philip returned from his Aragonese journey of 1585–86 suggest a shift towards the institutionalisation of the *Junta*. This tendency is reflected in the appointment of Francisco de Belvis Galarza as *juez de bosques* and the specification of his duties, issued on 30 June 1588. Belvis, previously *corregidor* of Oropesa and its territory, was made *alcalde mayor* of El Escorial at the suggestion of the prior Fray Miguel de Alaejos, and as a result of certain conflicts triggered by his predecessor, Doctor Camargo.⁵³

However, the method of jurisdictional application within the ‘territorial dominion of the royal household’ continued to be commissional. Belvis was tasked with investigating the damage caused by royal hunting in the estates around Madrid from 1586 to 1588. In addition, he was also instructed to assess damage occurring around El Pardo (excluding some villages), Aranjuez, Valsain and El Escorial. The judge was to examine their boundaries twice a year and his reports would be sent to the secretary, Juan de Ibarra, for the purpose of processing compensation. At the same time, he was to investigate and punish cases of poaching, carrying the rod of royal justice. For this, he would receive an annual salary of 300,000 mrs. with an allowance (*ayuda de costa*) of 75,000 mrs.⁵⁴ The appointment as *alguacil* of Juan de Gorbalaín, a royal servant, to implement the orders of Belvis Galarza as judge of the woodlands of El Pardo by means of a Cédula Real of 12 December 1589, was evidence of the desire to reinforce the authority of the Court jurisdiction in the royal sites. This decree also designated Gorbalaín as the public prosecutor in legal cases brought before the judge of *bosques* and in appeals filed with the *alcaldes de Casa y Corte* against sentences pronounced by the governor of Aranjuez and the *corregidor* of Segovia.⁵⁵

These series of documents refined and made permanent the commissions described above. And the task of the *juez de bosques* also depended on the issuance of a wide-ranging and preliminary commission at a high level. As far as is known, Belvis Galarza received the first one on 24 September 1588, which enabled him to take action against poachers in Aranjuez.⁵⁶ The commissional game played by the *alcaldes* was varied: another decree, dated 19 April 1589, appointed Martín de Espinosa as the first instance judge for offences relating to the surveillance of hunting, fishing and firewood at El Pardo and the Casa de Campo, when Belvis had to attend to other commissions by royal order,

53 IVDJ, e. 99, caja 140, fol. 174r–v, Fray Miguel de Alaejos to Mateo Vázquez, San Lorenzo de El Escorial, 14 April 1583.

54 AGP, SR, libros de cédulas, VII, fols. 43r–v and 213r–v.

55 AGP, SR, libros de cédulas, VII, fols. 203v–204v.

56 AGP, SR, libros de cédulas, VII, fols. 97r–98r.

as had previously occurred during Ortega's time in office.⁵⁷ This order can be explained by the fact that on 8 March of 1588, another royal order was issued tasking Belvis Galarza with investigating an attack on Juan Fernández de Villarreal, a priest from Mocejón. Some poachers' relatives had accused the priest of being responsible for their imprisonment, and he sought the jurisdiction of the *corregidor* of Toledo or any other judge to plead his case.⁵⁸

The administrative changes that took place around 1588 and 1592 coincided with a personal change in royal grace. This situation led to confusion and delays in the functioning of important institutions, such as the Royal Council and the Chamber, which extended to the management of *Obras y Bosques*. These circumstances highlighted the need to reinforce royal jurisdiction, and the appointment of Belvis Galarza as *alcalde de Casa y Corte* on 4 November 1591 was part of this context. He retained the post of *juez de Obras y Bosques*, the obligation to reside in El Escorial whenever the king was in San Lorenzo, and a condition that reflected the administrative lessons learned from years of accumulating commissions: to abstain from hearing civil and criminal cases related to the office of *alcalde*.⁵⁹ In a similar manner, his jurisdiction was completed by a royal decree signed in Valladolid on 20 July 1592, which, as in previous cases, required his presence at the hearing by the *alcaldes de Casa y Corte* of appeals against sentences that he had not pronounced at first instance, that is, those of the governor of Aranjuez and the *corregidor* of Segovia.⁶⁰ Therefore, appeals against sentences he had originally handed down at the first instance regarding the district of El Pardo would not be heard by him.

As had been the case with Ortega, this decision demonstrated the suitability of the jurisdictional supplement the post of *alcalde* entailed for the area of *Obras y Bosques*, which was characterised by its courtly nature. Notably, Galarza's promotion followed his assignment to inspect the royal sites under his jurisdiction, revealing the need for jurisdictional reinforcement.⁶¹ To this task was added a new commission of inspecting the officers of the forest and Alcázar of Segovia⁶² and the order given by the king on 29 June 1592 to attend to the needs of the *obras reales* (royal works), so that on the same day a commission was issued to *alcalde* Ayala to handle the matters in his charge during

57 AGP, SR, libros de cédulas, VII, fols. 155v–156r.

58 AGP, SR, libros de cédulas, VII, fols. 138r–139v, *Cédula Real* in Madrid, 8 March 1589.

59 AGS, Contaduría Mayor de Cuentas (CMC), 1ª época, leg. 1688, s.n.; Archivo Histórico Nacional (AHN), Consejos, lib. 707e, fol. 211r.

60 AGP, SR, libros de cédulas, VIII, fol. 156r.

61 AGP, SR, libros de cédulas, VIII, fols. 25r–26v.

62 AGP, SR, libros de cédulas, VIII, fols. 74v–75v.

Galarza's absence.⁶³ It is obvious from the simultaneous issuance of these last two decrees that the *alcalde* Pedro Bravo de Sotomayor had previously encountered difficulties in reconciling the latter task with searching for materials for the royal works. At that time, as a testament to his growing involvement, the king signed an order in Aranjuez on 15 May 1593 for paymaster Diego Lacorzana to indemnify the claimants for the damage caused to neighbouring estates by hunting at El Pardo in 1592.⁶⁴

Despite the increasing responsibilities, in the case of Belvis Galarza the Court's jurisdiction showed its functionality and effectiveness in a wider sphere than that of the royal sites, since he was granted the title of *juez conservador de montes* (judge responsible for woodland conservation) on 29 September 1593.⁶⁵ It was thought that the limited effectiveness of Roque de Huerta since 1574 as *guarda mayor de los montes* (chief warden of the woodlands) in promoting forestry could be corrected by implementing greater royal domestic governance through the commissional route. The domestic and courtly nature of his position enabled Belvis Galarza to articulate a spatial cohesion with a wider radius.

On 2 October 1593, a commission was granted to Belvis Galarza to judge those guilty of stealing gold from the site of the Alcázar of Segovia,⁶⁶ and on 11 February 1594, he was appointed to judge the case of certain inhabitants of Yepes, Borox, Añover and other towns around Aranjuez, who had fought their guards with arquebuses when they were caught trespassing.⁶⁷ Once he had been granted complementary powers, the addition of new commissions would not have helped to improve the exercise of jurisdiction at the royal sites. Among the occupations that Galarza had to combine was taking possession of places incorporated into the king's patrimony. On 11 March 1595, together with Bernabé de Ávila, *alcalde mayor* of El Escorial and judge of the *fábrica* of San Lorenzo, he received a commission to take possession of the villages of Campillo, Monasterio and their annexes, until then owned by the Duke of Maqueda, Don Bernardino de Cárdenas.⁶⁸ Shortly afterwards, *licenciado* Belvis Galarza was commissioned to oversee the lawsuits arising between the two villages and the towns of Madrid, Guadarrama, Galapagar, and the places

63 AGP, SR, libros de cédulas, VIII, fols. 138r–139r.

64 AGP, SR, libros de cédulas, VIII, fols. 311r–312r.

65 AGP, SR, libros de cédulas, VIII, fols. 368v–370r.

66 AGP, SR, libros de cédulas, VIII, fols. 374v–375v.

67 AGP, SR, libros de cédulas, VIII, fols. 403v–404r, 412v–413r and 414v–415r.

68 AGP, SR, libros de cédulas, VIII, fols. 535v–536r.

of Navalquexigo, Collado Villalba and others over pastures, tree felling, boundaries, and jurisdiction.⁶⁹

Despite his jurisdictional role and higher remuneration,⁷⁰ Belvis Galarza's struggles in fulfilling all his commissions meant, as on previous occasions, that the king had to simultaneously rely on his colleagues. On 2 March 1596, a Cédula Real appointed Francisco Mena de Barnuevo as a substitute for matters concerning *Obras y Bosques*, in the event that Belvis was absent from Court on royal commission. This was done in the same manner as with *alcalde* Ayala on previous occasions. Although it was a temporary appointment, subject to the presence of Belvis Galarza at the Court, it had a clear institutional profile, as Mena was entrusted with the task of replacing him in all the commissions he was leading.⁷¹

4 Conclusion: the Contribution of the *Alcalde-Juez de Bosques* to the Institutionalisation of the *Junta de Obras y Bosques*

The *Junta de Obras y Bosques*, which took on institutional shape during the reign of Philip II,⁷² supported the empowering of the jurisdiction of the *alcalde-juez de bosques* in a commissional manner. Its indisputable permanence from that time onwards was unwittingly anticipated by several authors much earlier. The practice of hunting was supported by Charles V through the consolidation of royal forests in El Pardo and Aranjuez, among others, with different regulations to those previously used. A special board was set up in this context to organize and protect the forests, plantations, and *Obras Reales*. It was attended by the main ministers in royal service (*mayordomo mayor* [lord steward] *caballerizo mayor* [master of the horse], *montero mayor* [master of huntsmen]), the presidents of Castile and *Hacienda* (the Treasury) and two councillors of the *Cámara de Castilla*, and must have taken place in 1545, as stated by numerous credible authors.⁷³ However, Álvarez de Quindós pointed

69 AGP, SR, libros de cédulas, VIII, fols. 542r–543v, *Cédula Real*, Madrid, 28 April 1595.

70 AGP, SR, libros de cédulas, IX, fols. 10v–11r.

71 AGP, SR, libros de cédulas, IX, fol. 25r–v.

72 While I was making the last correction to this chapter, a very pertinent article came out on this subject, Félix Labrador Arroyo, “La administración de los sitios reales castellanos en la década de 1580: la institucionalización de la Junta de Obras y Bosques”, *e-Spania* [online] 47 (2024) <http://journals.openedition.org/e-spania/49512>; DOI: <https://doi.org/10.4000/e-spania.49512> (consulted on 5 March 2024).

73 Gil González Dávila, *Teatro de las Grandezas de la Villa de Madrid Corte de los Reyes Católicos de España* (Valladolid: Maxtor, 2003), 521; Alonso Núñez de Castro, *Libro Histórico*

out that this was the date of the oldest surviving documentation, according to a paper drawn up by the *Junta* itself during the reign of Philip III.⁷⁴ It appears that the initial request lacked institutional significance or continuity. Consequently, the issues of poaching and the susceptibility of the royal hunting grounds were left unaddressed. This is evident from Juan de Castilla's report to the emperor on hunting at Aranjuez and the management of the hunting grounds and royal sites, as well as Charles V's directive to regents Maximilian and Maria in 1548.⁷⁵ These indications support Díaz González's view that the *Junta* was no more than an *ad hoc* and informal convocation of the members of the king's Chamber. It lacked an institutional profile until very late in Philip II's reign, despite its domestic importance.

This evolution followed a logical progression: the shaping of the *Junta de Obras y Bosques* was gradual and dependent on the definition and consolidation of the royal sites. These sites were embedded in a dense network of jurisdictions and added a 'household state,' a royal territorial domain, to the pre-existing jurisdictional space. As a result, more direct forms of patrimonial dependence were imposed, in contrast to extended royal domestic governance. Thus, for instance, following the Instructions of 1543 and 1563, the *Junta* had issued the Instruction for the governance of Aranjuez on 7 June 1582. The board was the result of a process that had started at the beginning of the reign, with Philip II directing one of his secretaries to handle these affairs. In 1561, he assigned this duty to Pedro del Hoyo, who was subsequently replaced by Martín de Gaztelu after the latter's passing.⁷⁶ They served as royal secretaries with a clear mandate from the king to work within their respective

Político Sólo Madrid es Corte y el Cortesano en Madrid (Madrid: Roque Rico de Miranda, 1675), 111.

74 In addition to those already mentioned, the author included the governors of Casa de Campo and El Pardo, by virtue of their offices, the royal confessor, the dean of the Royal Council and a member of the chamber, the latter two acting as legal advisers. Later, the warden of the Buen Retiro and the governor of Aranjuez were added, both by special grant. Officers included the public prosecutor, the secretary, the notary of the chamber, the reporter, the procurator, the accountant and the gatekeeper, but this composition corresponded to a later phase, when the *Junta* was fully active at the institutional level, Álvarez de Quindós, *Descripción Aranjuez*, 411–12.

75 Report in Aranjuez, 11 April 1549, and Instruction in Brussels, 4 July 1549, *Corpus Documental de Carlos V*, 111 (Salamanca: Universidad, 1977), 116 and 137.

76 José Antonio Escudero, *Los secretarios de Estado y del Despacho*, (Madrid: Instituto de Estudios Administrativos, 1976), vol. 1, 182–83; José Martínez Millán, "Gaztelu, Martín de," in José Martínez Millán and Carlos Javier de Carlos Morales (coords.), *Felipe II (1527–1598). La configuración de la Monarquía Hispana* (Valladolid: Junta de Castilla y León, 1998), 383–84.

functional areas. It is unclear whether any additional duties were attributed to the position of 'secretary of *Obras y Bosques*' beyond that commission. That tasks, positions and negotiations were concentrated in Gaztelu's hands is a well-known fact, and after Francisco de Eraso died his duties were further extended to 'Orders, *Encomiendas*, religious houses and Churches [...] and he shall enter the Chamber'.⁷⁷

When Gaztelu passed away in 1580, it was decided to distribute his extensive responsibilities among several secretaries. However, they were initially taken on by Mateo Vázquez in addition to his existing duties, despite his request to the king that Antonio Gómez de Eraso be appointed as *secretario de Obras y Bosques*. In 1581, a 'Council of *Obras y Bosques*' was formed, which later evolved into the *Junta*. It is unclear how independent this 'council' was from the Chamber. Mateo Vázquez was appointed as its secretary.⁷⁸ The desire of the Castilianist group to ensure the continuity of this committee was a clear indication of its incipient and discontinuous nature, as can be seen from the statement made in 1580 to Mateo Vázquez by one of its members, the Count of Barajas, president of *Órdenes*: 'in this matter of woodlands and works I will need the commissaries to truly believe that the day of the week that is designated will not be missed'.⁷⁹ This approach, following the administrative restructuring, was upheld by political associates such as Rodrigo Vázquez de Arce, who as the president of the *Consejo de Hacienda* (Treasury Council) participated in guiding the panel.⁸⁰ It is worth considering whether the institutionalization of the administrative field of *Obras y Bosques* occurred simultaneously with that of the Chamber, as separate entities within a shared domestic context.

Although a precise date cannot be given, it appears that over the last two decades of Philip II's reign, the *Junta de Obras y Bosques* consisted, more out of custom than a result of precise regulations, of three permanent members (an *alcalde*, a public prosecutor and a secretary) who met with the ministers and officials of the *Casa y Corte* appointed for this purpose, namely the *mayordomo mayor*, the *cazador mayor*, the presidents of the Royal and Treasury Councils and two chamber councillors. However, the composition of its minimum of three members could vary greatly. In any case, the institutional consolidation

77 'lo de Órdenes, Encomiendas, háuitos y Iglesias [...] y que entre en la Cámara', Real Academia de la Historia (RAH), Salazar y Castro, A-67, fol. 221v, published by Santiago Fernández Conti, *Los Consejos de Estado y Guerra de la Monarquía Hispana (1548-1598)* (Valladolid: Junta de Castilla y León, 1998), 111.

78 Díaz González, *La Real Junta*, 70-74.

79 'en esto de bosques y obras tendré neçesidad que los comisarios crean de veras que el día que se señalare en la semana no se a de faltar', IVDJ, e. 56, caja 74, n.n.

80 IVDJ, e. 100, caja 141, fols. 161r and 162r.

of the *Junta* meant that it was finally staffed by an accountant, a notary, a fiscal agent, two doorkeepers and an *alguacil*.⁸¹ Its purpose was to manage the royal residences, estates, sites, and woodlands, including selecting candidates to fill staff vacancies.⁸² But this function extended beyond administrative tasks through its gradual jurisdictional consolidation. It served as a management body, as well as exercising governmental and judicial prerogatives. As a body, it held authority over the governance, justice, grace, and finances of the royal sites.⁸³ The larger the *Junta* was as an institution, the more evident its multiple roles were: it was not only responsible for the upkeep of the residences, palaces and royal forests, but also for the personnel under its jurisdiction, including the appointed judges, who were responsible for enforcing the decrees for the preservation of the forests and the obligations of the inhabitants of the surrounding areas. It also awarded titles such as *cazador mayor*, *montero mayor*, *marcador mayor*, and others, thus shaping the state of the royal sites. The *Junta de Obras y Bosques* provided clear evidence of the government's close ties to the administration of the household, making the two entities practically indistinguishable.

Among the activities that highlight this are the handling of exceptions to general laws on royal properties, as evidenced in a Cédula Real dated 19 January 1594, signed in Madrid and granting permission to the governor of Aranjuez, Vázquez de Cepeda, to use a carriage pulled by two mules for visiting the estate and travelling to Ocaña or other surrounding areas.⁸⁴ On occasions, the *Junta de Obras y Bosques* was even perceived to increase its involvement in a purely jurisdictional sense with respect to the *juez de bosques* and the *alcaldes de Casa y Corte*.

After consulting with the *Junta*, the king reduced the penalties imposed by the former on those who violated the royal hunting regulations, as proven by the case of Juan de Colmenarejo, a resident of Colmenar Viejo, who was caught hunting three times within the protected perimeter of El Pardo. As a result, Francisco Mena de Barnuevo sentenced him to a fine of 10,000 mrs, a four-year banishment from Colmenar and the limits of the forest of El Pardo and a three-league space. The convicted man appealed on the grounds of poverty to have

81 Cos-Gayón, *Historia Jurídica*, 77.

82 IVDJ, e. 99, caja 140, fols. 152r–153v.

83 Núñez de Castro, *Libro Histórico-Político*, 111–13.

84 AGP, SR, libros de cédulas, VIII, fol. 400r–v.

his fine reduced, and Philip II commuted it for a further two years' exile, to be spent with his entire family.⁸⁵

However, it can be argued that in the field considered here, at the time the *Junta de Obras y Bosques* did not extend beyond the agreements signed by its secretary Juan de Ibarra. It played a coordinating role that was confined to the exercise of jurisdiction, which was carried out by the commissaries at first instance. Though there are significant exceptions to this perception. First, the drafting and processing of the regulatory instruments that governed the functioning of the different royal sites. Second, the issuing of the mandates for the creation and daily maintenance of the forests, gardens and royal palaces. And, third, the organization, dispatch and review of the inspections (*visitas*) to which they were subject.⁸⁶ But solely on a jurisdictional level, this restricted responsibility resulted in an inability to fulfil the *Junta de Gobierno's* call for efficiency, diligence, and coordination within its area of competence. Indeed, it is difficult to take stock of the *Junta de Obras y Bosques* during the last part of Philip II's reign, and the situation does not seem to have changed during that of his son.

In addition, there is evidence of Belvis Galarza's activity up to at least 1597.⁸⁷ However, it is clear that action in this field had been weakened for some time, as indicated by the fact that in 1599, Philip III instructed his confessor, *alcalde* Francisco Mena de Barnuevo, and the secretary Juan de Ibarra to assemble in Santo Tomás (which may represent the initial formation of the *Junta* during the new king's reign), to entrust Gil Negrete, *alcalde* of El Escorial, Francisco Gómez, notary of the *bosques*, Juan de Gorbacán, his public prosecutor, and Francisco del Basto with investigating hunting damages that had remained unpaid in the area of the forests of El Pardo, Escorial, Valsain and Aranjuez since the time of the emperor.⁸⁸

Likewise, the reports that Philip III requested from the start of his reign enable us to deduce a subtle involvement of the *Junta* since his father's reign. They indicate that he not only resolved such matters with the aid of a solitary councillor, but also unequivocally affirmed that 'I have not seen that a warrant or any other measure has been issued to enter this *Junta*'.⁸⁹ They did so in

85 AGP, SR, libros de cédulas, IX, fol. 312r, Madrid, 20 February 1598, signed by the prince Philip, future Philip III.

86 IVDJ, e. 99, caja 140, Doctor Pérez Manuel, Aranjuez visitor, to Mateo Vázquez, Ocaña, November 4 1583.

87 AGS, CMC, 1ª época, leg. 1688, s. n.

88 AGP, Sección Administrativa (SA), leg. 344.

89 'no he visto que se haya despachado cédula ni otro recaudo para entrar en esta junta', AGP, SA, leg. 853, year 1610, cited by María Victoria García Morales, "Los artistas que trabajan

the same manner as the lawyers Pedro and Manuel Antonio de Cervantes did during the time of Philip IV, when they cautioned against transforming the position of *juez de bosques* into that of *alcalde de Casa y Corte* in their renowned treatise.⁹⁰ In their argument, they demonstrated a lack of understanding of the jurisdictional development thus far, consequently leading astray many historians who have carried out research on the *Junta de Obras y Bosques*. The *Junta* appears to have been little more than the commissions that derived from it, whose execution was advisable, given the courtly nature of its administrative space, to complement the jurisdiction of the commissary judges with the title of *alcalde de Casa y Corte*.

However, it has been highlighted that although this was a significant aspect of the jurisdictional activity hosted by the royal sites, it did not account for it entirely. During the reign of Philip IV, the *Junta de Obras y Bosques* gradually evolved into a body responsible for governance, jurisdiction and administration within the royal sites, resulting in modifications to the aforementioned appeal process. The 1639 edition of the *Autos y Acuerdos* summarised it as follows: "The appeals pertaining to what is provided for in matters and damages relating to hunting at El Pardo and Aranjuez shall be submitted to the *alcaldes*" ("Que las apelaciones de lo que se proveyere en las cosas, i daños de la caza del Pardo, i Aranjuez, vengán a los alcaldes"). However, it added a very important point, which indicated that the provision was revoked: "This ceased with the *Junta de Obras y Bosques*" ("Esto cessó con la Junta de Obras i Bosques").⁹¹ And it achieved this through the final formalisation of the *Junta de Obras y Bosques* during the reign of Philip IV. The account of the authority exerted by the *Junta*, as presented by Álvarez de Quindós, exemplified this consequence. With regard to jurisprudence, the *Junta* acted punitively, imposing penalties on the officials and servants of the royal sites and forests who did not comply with their duties, both through the ordinary courts and through *visitas* to their offices. And when deemed appropriate, it pursued legal action against individuals who violated the royal regulations regarding the preservation of wildlife, fishing, vegetation and firewood resources within the royal woods.⁹² This was the result of an institutionalization process based on a system of commissions.

para el rey: la Junta de Obras y Bosques", *Espacio, Tiempo y Forma. Serie VII. Historia del Arte*, 3 (1990): 131.

90 AGP, Expedientes Personales (EP), caja 226/11.

91 *Autos i acuerdos del Consejo*, f. 5.

92 Álvarez de Quindós, *Descripción Aranjuez*, 415.

Abbreviations

AGP: Archivo General de Palacio

SA: Sección Administrativa

SR: Sección Registros

EP: Expedientes Personales

AGS: Archivo General de Simancas

CMC: Contaduría Mayor de Cuentas

E: Estado

IVDJ: Instituto Valencia de Don Juan

E: Envío

C: Caja

RAH: Real Academia de la Historia

SC: Colección Salazar y Castro

Acknowledgements

This chapter is part of the Postdoctoral Project ‘La Corte difusa. La articulación territorial de la jurisdicción real (Siglos XVI–XVIII) – The Diffuse Court. The territorial articulation of royal jurisdiction (16th–18th centuries),’ under the ‘Margarita Salas-María Zambrano’ Programme, developed at the Universidad Rey Juan Carlos and funded by the Spanish Ministry of Universities and the European Union. The author is assistant professor doctorate in the Universidad de Cantabria and a collaborating researcher in the CINTER Group (Court, Image, Nobility and Territory) at the URJC, as well as a researcher at IULCE (UAM) and a collaborating researcher at CEDIS (NOVA School of Law, Lisbon).

Bibliography

Álvarez de Quindós, Juan Antonio. *Descripción Histórica del Real Bosque y Casa de Aranjuez*. Madrid: Doce Calles, 1993.

Autos y acuerdos del Consejo, de que se halla memoria en los libros, desde el año de 1532, hasta el presente de 618. Mandados imprimir por el ilustrísimo señor don Fernando de Azevedo, Arçobispo de Burgos, Presidente del Consejo, y señores dél. Madrid: Luis Sánchez, 1618.

Ayala Martínez, Carlos de. “Pérez, Arias”. In *Diccionario Biográfico Español*, XL, 716–717. Madrid: Real Academia de la Historia.

- Bauer Manderscheid, Erich. *Los montes de España en la Historia*. Madrid: Servicio de Publicaciones Agrarias, 1980.
- Branchat, Vicente. *Tratado de los derechos y regalías que corresponden al Real Patrimonio en el reyno de Valencia y de la jurisdicción del intendente como subrogado en lugar del antiguo Bayle General ...* Tomo III, Valencia: Imprenta de Joseph y Tomás de Orga, 1786.
- Cervantes, Pedro de and Manuel Antonio de Cervantes. *Recopilación de las Reales Ordenanzas de los Bosques del Pardo, Aranjuez, Escorial y Balsaín ...* Madrid: Melchor Álvarez, 1687.
- Cos-Gayón, Fernando. *Historia jurídica del Patrimonio Real*. Madrid: Enrique de la Riva, 1881.
- Covarrubias, Sebastián de. *Tesoro de la Lengua Castellana o Española según la impresión de 1611, con las adiciones de Benito Remigio Noydens publicadas en la de 1674*. Barcelona: Alta Fulla, 1998.
- Díaz González, Francisco Javier. *La Real Junta de Obras y Bosques en la época de los Austrias*. Madrid: Dykinson, 2002.
- Escudero, José Antonio. *Los secretarios de Estado y del Despacho*. Vol. 1, Madrid: Instituto de Estudios Administrativos, 1976.
- Ezquerria Revilla, Ignacio, "La integración de la Casa en la Corte: los alcaldes de Casa y Corte." In *La Monarquía de Felipe II: la Casa del Rey*, coordinated by José Martínez Millan and Manuel Rivero Rodríguez, 697–800. Madrid: Fundación Mapfre-Tavera, 2005.
- Fernández Álvarez, Manuel, ed. *Corpus Documental de Carlos V*. Vol. 3, Salamanca: Universidad de Salamanca, 1977.
- Fernández Conti, Santiago. *Los Consejos de Estado y Guerra de la Monarquía Hispana (1548–1598)*. Valladolid: Junta de Castilla y León, 1998.
- García Morales, María Victoria. "Los artistas que trabajan para el rey: la Junta de Obras y Bosques," *Espacio, Tiempo y Forma. Serie VII. Historia del Arte*, 3 (1990): 121–136. <https://doi.org/10.5944/etfvii.3.1990.2161>.
- González Dávila, Gil. *Teatro de las Grandezas de la Villa de Madrid Corte de los Reyes Católicos de España*. Valladolid: Maxtor, 2003.
- Hernando Ortego, Francisco Javier. "La lucha por el Monte de El Pardo. Rey, municipio y uso del espacio en el Madrid del Antiguo Régimen," *Cuadernos de Investigación Histórica* 12 (1989): 169–96.
- Hespanha, António Manuel, *Vísperas del Leviatán: instituciones y poder político (Portugal siglo XVII)*. Madrid: Taurus, 1989.
- Hespanha, António Manuel, "El espacio político." In *La Gracia del Derecho*, edited by Antonio Manuel Hespanha, 85–121. Madrid: Centro de Estudios Constitucionales, 1994.

- Labrador Arroyo, Félix, ed. *Diario de Hans Khevenhüller: embajador imperial en la Corte de Felipe II*. Madrid: Sociedad Estatal para la Conmemoración de los Centenarios de Felipe II y Carlos V, 2001.
- Labrador Arroyo, Félix, "La administración de los sitios reales castellanos en la década de 1580: la institucionalización de la Junta de Obras y Bosques", *e-Spania* [online] 47 (2024) <http://journals.openedition.org/e-spania/49512>; DOI: <https://doi.org/10.4000/e-spania.49512> (consulted on 5 March 2024).
- Las Siete Partidas, del Sabio Rey don Alonso el nono, nuevamente glosadas por el Licenciado Gregorio López del Consejo Real de las Indias de Su Magestad*. Salamanca: Andrea de Portonariis, 1555.
- Manuel Valdés, Carlos. *Estudio Histórico-Sevícola del Monte de Valsain (Siglos XVI-XX)*. Madrid: Organismo Autónomo Parques Nacionales, 1997.
- Mariana, Juan de. "Del Rey y de la Institución Real." In *Obras del padre Juan de Mariana*, Vol. II, 463–576. Madrid: Rivadeneyra, 1854.
- Marichalar, Antonio. "Tres figuras del XVI. Hernán Suárez de Toledo, Felipe de Borgoña y Briviesca Muñatones," *Escorial* 17 (1944): 9–67.
- Martínez Millán, José. "Gaztelu, Martín de." In *Felipe II (1527–1598). La configuración de la Monarquía Hispánica*, coordinated by José Martínez Millán and Carlos Javier de Carlos Morales, 383–84. Valladolid: Junta de Castilla y León, 1998.
- Merlos Romero, Magdalena. *Aranjuez y Felipe II. Idea y forma de un Real Sitio*. Madrid: Comunidad de Madrid-Ayuntamiento de Aranjuez, 1998.
- Núñez de Castro, Alonso. *Libro Histórico Político Sólo Madrid es Corte y el Cortesano en Madrid*. Madrid: Roque Rico de Miranda, 1675.
- Ortega de la Torre, Eduardo. "Carlos III y la lucha por el Real Patrimonio en el País Valenciano: el informe Branchat (1784)." In *De la Ilustración al Romanticismo: IV Encuentro, Carlos III, dos siglos después. Cádiz, 7–9 de abril de 1988*, coordinated by Mariano Peñalves, vol. 2, 111–18. Cádiz: Universidad de Cádiz, 1994.
- Pizarro Llorente, Henar. *Un gran patrón en la Corte de Felipe II: Don Gaspar de Quiroga*. Madrid: Universidad Pontificia de Comillas, 2004.
- Riba García, Carlos. *Correspondencia Privada de Felipe II con su Secretario Mateo Vázquez, 1567–1591*. Madrid: CSIC, 1959.
- Ruiz Ayúcar, Eduardo. *El alcalde Ronquillo. Su época. Su falsa leyenda negra*. Ávila: Institución Gran Duque de Alba, 1997.
- Sánchez Meco, Gregorio. *El Escorial: de Comunidad de aldea a villa de Realengo*. Madrid: Ayuntamiento de El Escorial, 1995.