
*Public Authority and Popular Crime: Banditry in Valencia 1660-1714**

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Social delinquency in the form of banditry was already common in Valencia in the early sixteenth century, intensified in the later years of Philip II, and built up to a climax in the second half of the seventeenth century. Little is known about the question. Some very important suggestions may be found in Braudel's classic on the Mediterranean,¹ but for most scholars the real centres of Spanish banditry have been not so much Valencia as Catalonia² and Andalusia.³ In Andalusia the activities were apparently only sporadic, and heavily localised, so that they posed few serious problems for central government. In Catalonia, on the other hand, banditry was an extremely serious threat; but it failed to survive beyond the mid-seventeenth century. Valencian banditry has the unique distinction of thriving with ever-growing intensity throughout the seventeenth century, and of having played an active political role in the early years of the eighteenth.

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¹ *La Méditerranée et le Monde méditerranéen à l'époque de Philippe II* (Paris 1949), esp. p. 659.

² The best single study on Catalonia is that by Juan Reglá, a great scholar and good friend, whose recent death is a major blow to historical scholarship in Spain: *El bandolerisme català del Barroc*, 2nd edn. (Barcelona 1966).

³ J. DELEITO Y PIÑUELA, *La mala vida en la España de Felipe IV* (Madrid 1951), has a few details. Otherwise, banditry in early modern times in Castile and the Basque lands remains unstudied.

The first exploratory studies to have been done on Valencian banditry are those by Sebastian García Martínez in a recent article on Philip II,⁴ and in his doctoral dissertation, presently being published, on Valencia during the reign of the last Habsburg, Charles II.⁵ The sixteenth century was the heyday of noble banditry, when a viceroy of Valencia was moved to decree pardons to the «nobles, knights, gentry and citizens and *all the other* bandits and their supporters»,⁶ a phrase significant for its association of the noble class with banditry. More crucial in its consequences for Spanish history is the fact that the Morisco community was itself responsible for a wave of banditry towards the end of the sixteenth century, and that this social threat must have played a greater part than has hitherto been suggested in precipitating the expulsion of the race. A decree of Philip II in 1586 made special reference to the crimes of violence committed in Valencia and to the fact that «these crimes and banditries are committed in particular by the New Christians and Moriscos».⁷ The expulsion of the Moriscos completely altered the character of banditry in Valencia. Morisco banditry vanished at a stroke. The lands relinquished by Moriscos were resettled on terms that may originally have seemed attractive to the new peasant holders, but were in the long run to prove more favourable to the lords.⁸ All authorities agree that the nobles, who had suffered considerably from the expulsions of 1609-14, were well compensated by the new landholding structure imposed on Valencia in the early seventeenth century. Economic security on

⁴ *Bandolerismo, piratería y control de moriscos en Valencia durante el reinado de Felipe II*, «Estudios» (Valencia), I, 1973.

⁵ Dr. GARCÍA MARTÍNEZ has kindly let me consult the summary of his thesis, printed as *Valencia bajo Carlos II. Bandolerismo, reivindicaciones agrarias y servicios a la monarquía* (pp. 26, Valencia 1971). Many factual details ignored in this article will certainly be discussed more fully by Dr. Martínez in his thesis.

⁶ My italics. Decree of 1553, cited in GARCÍA MARTÍNEZ, *Bandolerismo, piratería*, p. 97.

⁷ *Ibid.*, p. 150.

⁸ JAMES CASEY in his article *Moriscos and the depopulation of Valencia*, «Past and Present», 50 (1971), esp. pp. 32-34, speaks up fairly on behalf of the landlords. For some consequences of the expulsion, see JUAN REGLÁ, *Estudios sobre los Moriscos* (Valencia 1971).

I have been unable to consult J.R. TORRES MORERA, *Repoblación del reino de Valencia después de la expulsión de los moriscos* (Valencia 1969).

their estates may have been one of the main reasons for the rapid disappearance of noble banditry and interfamily warfare. Aristocratic violence on a personal level was still extremely common by the mid-seventeenth century, but blood feuds were rare. The disappearance of Moriscos and nobles from the scene meant that for most of the seventeenth century popular banditry was the predominant type to be found in the kingdom of Valencia.

So long as the Moriscos remained in Valencia, they aided and abetted piracy organised from north Africa. After the expulsion the external threat diminished in importance and the government was able to give its attention to maintaining internal order. Responsibility for repression of violence continued to be undertaken directly by the viceroy, and viceregal decrees of the seventeenth century differed in no way from those of the sixteenth.⁹ As before, they denounced acts of violence and the banding together of outlaws, and issued long lists of malefactors on whose heads a price had been put. The decrees remained for the most part ineffective. One regulation the authorities were at pains to enforce was that prohibiting all possession or carrying of arms save by special licence. This was rigorously observed,¹⁰ but there was no apparent decline in the level of violence. Over two-thirds of all the criminal cases coming before the justiciar for crime in 1692, Don Vicent de Cordona y Milán, involved use of firearms.¹¹ Commenting on the very firm attitude taken by one viceroy, the duke of Ciudad Real (in office 1675-78), a contemporary diarist observed that «he prosecuted pistols and carabines and would not let anyone carry them, not even the police officials when they did their nightly rounds». The diarist, Joachim Ayerdi, believed that such firmness was necessary «because in Valencia every gentleman wants a viceroy after

⁹ See the collection of royal *pragmáticas* in B[iblioteca] M[unicipal de] V[alencia] Ch. 1636-105.

¹⁰ E. g. the cases in 1678 when the criminal justiciar (*Justicia*) of Valencia fined a shepherd £14, a student £25 and a doctor £15 (all in Valencian pounds) for carrying pistols: A[rchivo del] R[eino de] V[alencia], section Maestre Racional, criminal, leg. 266 exped. 6415. A major part of the justiciar's time was spent in hunting down weapons.

¹¹ *Ibid.*, leg. 267 exped. 6429.

his own heart, to let him live intemperately and scandalously and tyrannise the countryside ».¹²

It is possible that some administrators were more successful than others in reducing the level of violence by taking away the means for inflicting bodily damage. Since the noble class retained certain customary rights to bear arms, one would therefore expect that the capacity for violence was in effect taken away from the people and reserved mainly for the upper classes. This was patently not true in the kingdom of Valencia. There was a high level of noble violence, but an equally high one among the common people. Joachim Ayerdi's own report for the year 1678, which does not appear on other evidence to have been an unusual year, is significant. His diary notes an average of about two murders a month in the region around the city of Valencia. The record for the month of March 1678 was a dismal catalogue of violence. On the fourth a watchman in Rovella was murdered; on the sixteenth a woman was slashed by a man, another was publicly flogged for prostitution, and a farmer in Quart murdered his wife; on the twentieth a notary was murdered, and another man was stabbed in the face; on the twenty-second a woman was found dead; on the twenty-sixth the seven-year old son of a leading nobleman stabbed another boy.¹³ The bandits were thus not the only progenitors of violence. They came from a background where a variety of causes contributed to social tensions and aggression. So widespread was petty violence that the viceroys regularly applied to Madrid for special dispensing powers enabling them to pardon crimes such as banditry and arms-carrying.¹⁴

The viceroys were in an unenviable position as far as peace-keeping was concerned. Their powers in Valencia were irksomely

¹² MOSÉN JOACHIM AYERDI, *Noticies de Valencia i son Regne de 1661 a 1664 i de 1667 a 1679*, MS. 39 of the B[iblioteca de la] U[niversitat de] V[alencia], under the date March 1678.

¹³ *Ibid.*, *loc. cit.*

¹⁴ E. g. the viceroy, the count of Cifuentes, applied in 1684: letter in A[rchivo de la] C[orona de] A[ragón, Barcelona], section C[onsejo de] A[ragón], leg. 668. The most cogent reason given by Cifuentes for exercising the prerogative of pardon was that it was cheaper to pardon than to prosecute. The unprofitability (in fiscal terms) of criminal justice was a serious administrative problem, as an undated paper by Don Pedro Borja in ACA, CA leg. 929 shows at length.

restricted by the constitutional privileges (known as *furs* in Valencian and *fueros* in Castilian) of the realm. They were unable to raise any sizeable body of troops to fight the bandits, nor could they normally divert monies to this purpose, nor could they infringe any regional rights and jurisdictions without risking severe reprimand from the Valencians, whose wishes during the reign of Charles II were usually expressed through the city council of Valencia and through the standing commission (the *Diputació*) of the *corts*. It would be unfair to consider the Valencians obstructive. When the marquis of Astorga y San Román (viceroy from 1664 to 1666) bravely ventured out in pursuit of bandits in October 1665 «despite the difficulty in administering justice caused by lack of funds»,¹⁵ the Valencian authorities were so impressed that they generously voted him a special grant, but for six months only. Viceroys lacked troops of their own to keep the peace or even to put down possible risings. A special committee reported to Madrid in 1693 that «in this kingdom the viceroys have no forces of garrison troops to repress popular riots; the only recourse they have is the foot and horse provincial militia, the mounted coast-guard, and the fifty horse of the viceregal guard».¹⁶ There is no doubt that all the viceroys felt themselves severely restricted by the *furs*. When the duke of Veraguas (1679-80) exercised rough justice on an Augustinian friar-bandit in September 1680 by hanging him from a wall of the prison, he was excommunicated, made to do penance barefooted, and was summarily recalled to Madrid.¹⁷ Time and again, efforts to apprehend bandits met with failure because of the lack of law-officers and troops. The extensive number of independent feudal jurisdictions in the kingdom impeded the authority of the justices. A band being pursued needed only to cross

¹⁵ Consulta of Council of Aragon, 27 Oct. 1665, ACA, CA leg. 563 f. 15. The diarist JUSEPE AGRAMUNT, in his *Libro de casos sucedidos en la ciudad de Valencia*, MS. 49, pp. 270-376, of the Archivo del Real Convento de Predicadores, Valencia, was impressed by San Román's activity and the fact that «he himself mounted his horse and went in pursuit of the bandits» (p. 333).

¹⁶ Report by committee dated 21 July 1693, ACA, CA leg. 581 no. 17.

¹⁷ Details of the Veraguas affair are given in the manuscript diary of IGNACIO BENAVENT, *Cosas más notables sucedidas en Valencia*, MS. 41 of Archivo del Real Convento de Predicadores, f. 8; and especially in ARV, section R[eal] C[ancillería], Estamentos lib. 546 f. 323 onwards.

the border into Castile or Aragon to be out of the reach of the Valencian officials. Banditry, claimed the viceroy marquis of Castelrodrigo in 1692, « is like grass which springs from the soil and is watered by the judicial administration », a comment directed at the inefficacy of the system he was obliged to work with. The viceroy summed up his views in a significant observation: « It goes without saying that there will be bandits so long as there are *jueros* ». ¹⁸

To comprehend viceregal frustration we need only look at the generally successful history of the bandits of this period, and in particular at two bandit leaders. The career of Matheu Benet Vicent ¹⁹ began in 1654, when he shot Roque Fabra one night after a quarrel, then subsequently shot Pedro Cuñat on the highway. He claimed privilege as a familiar of the Inquisition and was put into its cells in Valencia, where however he enjoyed not only freedom of movement but also access to arms. In June 1655 he left the cells to go out and shoot Don Galcerau Anglesola. For this he was condemned to death a second time. Some while later he left the same cells to go out and shoot Miguel Carcera, who had testified against him over the Cuñat murder. Benet then fled the city and formed a band with four other condemned escapees. In June 1657 these five murdered Jaime Daroqui, who had been commissioned to capture Benet. In August they killed Esteban Coñil, an official of criminal justice in Valencia. By October the band numbered twenty. They then went to the town of Villavieja near Nules, with the intention of murdering the Cuñat family, one of whose members had in 1654 killed Benet's brother-in-law and had thus provoked the killing of Pedro Cuñat that year. The band pretended to be law officers, lured out Jusepe Cuñat, his son and his nephew, from their house and shot all three. In subsequent months they killed others, and increased their numbers to a total of forty-five by 1659. Their area of activity lay in the region of the towns of Segorbe, Liria and Alcublas, territory which they knew well since they had their homes there. Early in 1660 a large

¹⁸ Viceroy to the king, 25 Mar. 1692, ACA, CA leg. 930. Castelrodrigo was viceroy for two terms, from 1690 to 1696.

¹⁹ Benet's career is detailed in ACA, CA leg. 584 f. 38 and in *ibid.* leg. 665 in a copy of a letter from the viceroy dated 25 May 1660.

force was sent out in pursuit of the band but after three fruitless days the only result was that the bandits captured one of their pursuers.

One of the most enterprising bandit leaders of the period was Joseph Artus, who operated in the north of Valencia in the territory bordering Aragon, and had close links with the Aragonese bandit Mathias Domingo.²⁰ In 1664 a price of £600 (Valencian pounds) was put on his head. His most daring exploit took place on 27 January 1666, when he appeared under the city walls with six of his men, «all armed, wearing the dress and costume of bandits, all mounted on horses and carrying long and short fire-arms».²¹ He left thirty of his men farther off. The aim was nothing less than to seize the viceroy during a mid-afternoon walk that he frequently took incognito on the road by the river.²² The attempt failed, because the viceroy happened to be visiting the archbishop instead. Artus and his men made off and killed two men in the neighbouring village of Borbotor. The viceroy promptly issued an edict adding £500 to the price already on Artus's head. Although Artus' band was never caught, the pressures on them were heavy. In July 1665 the marquis of San Román had put a price of 200 ducats on the heads of over one hundred bandits (including Artus' band) then in action.²³ In March 1666 a leading official, the count of Umanes, happened to meet a member of the band in Aragon and persuaded him and eleven others to surrender and enter the royal service on the frontier with Portugal.²⁴ Then in October that year Artus himself made overtures to the new viceroy, the marquis of Leganés, offering to take his men to serve in Orán.²⁵ The long negotiations that followed were terminated in 1668. On 10 October 1668 Artus and thirty-five members of his band set sail

²⁰ For Domingo, see the consulta of the Council of Aragon, 20 Sept. 1665, A[rchivo] H[istórico] N[acional], Madrid], section Consejos leg. 7175 f. 42.

²¹ Royal decree in BMV Pragmáticas Ch. 1636-105 no. 2.

²² Details in consulta of Council of Aragon, 1 Feb. 1666, AHN Consejos leg. 7176 f. 78.

²³ Diary of Agramunt, f. 333.

²⁴ Count of Umanes to Council of Aragon, 15 Mar. 1666, ACA, CA leg. 913. Spain was still engaged in the fruitless attempt to win Portugal back.

²⁵ Marquis of Leganés in AHN Consejos leg. 7176 f. 15.

from Catalonia for Naples, where they contracted to serve for three years.²⁶

Throughout the period 1660-1714 there appears to have been no significant fluctuation in the intensity of banditry, apart from the period of the War of Succession. Benet's activities around 1660 were succeeded by those of Luis Peyró and Joseph Aranda, both active in the vicinity of Torrente in 1663. In 1666 the most notable bandit other than Artus was Marcelino Zabala, who headed a large body of men known as «The Commission».²⁷ This name had a sinister ring. It was the term normally used for outlaws who received a special commission from the viceroy to eliminate other bandits, a practice which was used when other means failed. Over the next few years the manuscript diary of Ignacio Benavent recounts the regular execution in Valencia of the few bandit leaders whom the authorities managed to capture; men such as Senent Ramón, of Sueca, hanged in January 1667; Francisco Colomina and Juan Bautista Bosquet, both hanged in January 1671; and Don Miguel Font, of Nules, a rare nobleman in this category of bandit, who was served with the privilege of his class and beheaded publicly in 1671.²⁸ During the viceroyalty of the count of Paredes (1668-75) the bandits were active mainly in the north of the kingdom, in the vicinity of Castellón de la Plana. In October 1674 the authorities captured Sebastianillo, «head of a band (*cap de quadrilla*) and the most notorious of the bandits»; and the following month the Catalans captured Crisanto Gorriz, another leader, and handed him over to Valencia.²⁹ In May 1675 a priest, Mosén Pedro Monzonis, described by the bishop of Segorbe as «a vicious and dangerous criminal», was taken. He had escaped from the prison fortress at Orán (Africa), and had joined the Valencian bandits, «robbing and doing whatever they did: and recently he kidnapped a girl from the town of Olocau and is now living with

²⁶ Viceroy, count of Paredes to king, 16 Oct. 1668, ACA, CA leg. 582 f. 70.

²⁷ «Zabala, a notorious bandit and head of the band known as The Commission»: letter from Leganés to the Council, 7 Sept. 1666, ACA, CA leg. 912.

²⁸ Diary of Benavent, ff. 3-4.

²⁹ Letters of viceroy to the king, 23 Oct. and 13 Nov. 1674, ACA, CA leg. 936.

her ».³⁰ In September 1676 three bandits from the band of Francisco Serrador, active near Castellón, were hanged.³¹ In February 1677 the « student » Antoni Estruch was hanged. « He confessed to thirty-three major robberies and several murders, and died like a saint ».³²

Failure to capture any substantial number of bandits or to eliminate the leaders, showed that tough policies — followed notably by the archbishop of Valencia, interim viceroy in 1678-1679 — were of little avail. The duke of Veraguas (1679-80) had to deal with two difficult bandit leaders, Mosén Vicente Senent and Joseph Cases. He attempted to solve the problem by commissioning Cases to bring in Senent. The policy was unpopular, and failed. Senent eventually surrendered in 1680 on condition of taking his men to serve in Italy.³³ Before the unfortunate affair which brought about his dismissal, Veraguas also succeeded, through the good offices of the duke of Gandía, in persuading a large group of bandits led by Juan Berenguer to surrender and go to Milan. The centre of bandit activity in Valencia had moved back to the marine peninsula (the « Marina », in general the territory between Valencia and Alicante), and the removal of Berenguer, who led the largest band in the area, was a notable achievement. Some 118 bandits led by Berenguer took ship in 1680.³⁴ It now became clear that the policy of compromise was working where others had failed.

Veraguas' successor, the count of Aguilar, managed during the three years of his viceroyalty to wipe out virtually all the major bands in the country. Two bandit groups led respectively by Domingo Adroguer and Bartholomé Tormo had been feuding in the vicinity of Castellón de Játiva. The leaders were successfully ar-

³⁰ Viceroy to the king, 26 Jan. 1677, *ibid.* leg. 919.

³¹ Diary of Benavent, f. 6.

³² Diary of Ayerdi, under February 1677.

³³ The king to Veraguas, 30 Apr. 1680, ARV, RC, libro 591 f. 145, observes that the agreement was for Naples; but Benavent, f. 8, says specifically that Senent and his band went to Milan.

³⁴ The king to Veraguas, 20 June 1680, ARV, RC, libro 591 f. 147v-52, refers to 125 men, and f. 148-52 includes a list of them; but it seems from f. 197 of the same source that only 118 at the most were shipped. Of these, eighteen fled back to Valencia, but were recaptured and sent to Orán.

rested after a initial effort at pacification by clergy³⁵ in January 1681. That same month the justiciar of Alcira succeeded in capturing Joseph Cases and two of his men. Cases was hanged promptly, on 10 January.³⁶ In April two more bandit leaders, Vicente Porcell and Ramón Valencia, presented themselves at the city prison in response to an offer of pardon, and agreed to go and serve for three years in the fortress of Orán with eleven of their men.³⁷

A report drawn up by the viceroy for the king on 15 April 1681,³⁸ on the current state of lawlessness in the marine peninsula, commented that « bandit movements in this part of Valencia are ancient and well-known, and although they are made up of different bands, each with its own head, such as Cruanyes, Xolvi, Yzquierdos, Ponzoda, Guardiolas, Linaras and others, for active operations they join together to form only two ». The report went on to say that direct negotiations with the bandits had begun during the vicereignty of the duke of Ciudad Real, through meetings in Alicante between the leaders and a government minister, Don Francisco Pasqual de Ibarra. « He held several meetings with them and this went on for a long time and for many months, but nothing came of it nor was there hope of the desired result, and meanwhile several crimes were committed ». It was at this juncture that the duke of Gandía's good services managed to secure the surrender of Berenguer. Further efforts were subsequently made to send other bands abroad to serve, and eventually Cruanyes agreed to go. « So Eugenio Cruanyes left with a company of 112 men, but of these only 59 were from his bandits ». This was a blow to the duke, since Berenguer had originally agreed to serve in Italy only on condition that his enemy Cruanyes would do the same with *all* his men. Seeing that only half of Cruanyes' men had surrendered, Berenguer pressed to be released from his contract. The sequel is not known. The duke, however, scored another success in January 1682 when he obtained an agreement from

³⁵ Consulta of the Council of Aragon, 14 Jan. 1681, ACA, CA leg. 584 f. 39 no. 1.

³⁶ Diary of Benavent, f. 8. « He was a very turbulent man », reported the diarist.

³⁷ Viceroy to the king, 8 Apr. 1681, ARV, RC libro 591 ff. 193-4.

³⁸ « Informe que se embio a Su Magestad », *ibid.* ff. 196-8.

Felipe Torregrosa, « one of the most dangerous bandits in Valencia », ³⁹ to go to Milan with the rank of army sergeant.

These agreements between the authorities and bandits, though traditional ⁴⁰ and accepted as honourable, reveal a clear lack of control over law and order. The crimes pardoned in this manner were often atrocious ones. Moreover, a brief period abroad was no guarantee that the exiles would stay away, and many returned well before their time had expired. In these circumstances it was not surprising that outlaws should feel they could operate with some measure of impunity. Bands as large as those of Cruanyes and Berenguer were not common in subsequent years, but it would be unwise to measure the intensity of banditry only by the size of gangs. The next viceroy of Valencia, the count of Cifuentes (1683-1688), faced a situation that was basically unchanged. His chief problem, as he reported to the king, was

Mathias Oltra, a notorious bandit who has for many years disturbed the peace of the realm and defected from public agreements which he twice made under my predecessors the duke of Veraguas and the count of Aguilar, whereby he was granted pardon on condition he served first in Milan and on the second occasion in Oran. The number of bandits in his group has increased to over thirty; they are all mounted and operate as highwaymen. The crimes which they have committed in this short while are many robberies and murders and in particular they kill the law officials who carry commissions against them.⁴¹

All the viceroy's efforts, whether by troops or inducements, proved fruitless. In August 1684 the officials learnt that Oltra and his band were in the Trinitarian monastery in Liria and besieged the building. They suffered a loss of five lives, and the viceroy arrived on the scene after the bandits had all escaped. On 6 October Oltra organised a mass escape from the principal prison in Valencia, the Serranos tower, when fifteen men caused an explosion in the

³⁹ Copy of consulta of the Council of Aragon, 19 Jan. 1682, ACA, CA leg. 582 f. 50 no. 2.

⁴⁰ For the cases of Rocaguinarda in Catalonia, Sciarra in Italy, and Grelley in France, all of whom accepted military service as an alternative to punishment, see HENRY KAMEN, *The Iron Century: social change in Europe 1550-1660* (London 1972), pp. 343-4.

⁴¹ Viceroy to the king, 8 Aug. 1684, ACA, CA leg. 570 f. 40.

latrines, jumped down in the confusion, and made off to join Oltra.⁴² Oltra eventually surrendered with fifty of his men in 1685. They accepted a term of service for three years in Naples.⁴³ This was by no means the last of Oltra's colourful career. His end, early in 1696, was noted as follows by a contemporary diarist:

At this time the soldiers of the (viceregal) guard caught the famous bandit Mathias Oltra in the village of Torres Torres, and after he had killed a soldier they took him, gravely wounded, to the prison. He died there repentant, and was buried in San Bartholomé.⁴⁴

The frequency of bandit outrages was such that the archbishop of Valencia published throughout his diocese a bull of pope Gregory XIII denouncing banditry. The king in August 1685 instructed the viceroy that the bull was to be published in all the dioceses of Valencia and also in those of Murcia, Cuenca and Teruel, where bandits were particularly active.⁴⁵ The proximity of these provinces to the Valencian frontier speaks for itself.

Lawlessness continued in the Marina with the activities of Juan Ponzoda, «one of the most notorious criminals that there have been in the realm, whose house is the centre for the bandits in the area».⁴⁶ One success registered at this period was the capture in Madrid in 1686 of the bandit Vicente Pastor, known as el Sardo, from Ruzafa.⁴⁷ He was kept in prison in Madrid for two years and was eventually taken to Valencia in 1688 and hanged there on 29 November: «he died in the deepest repentance».⁴⁸ Another success of the count of Cifuentes was an agreement entered into by the notorious bandit leaders Antonio and Francisco Palacios, to take their men to serve in Milan for four years.⁴⁹

The vicerealty of the count of Altamira (1688-90) was the most successful of those in the late seventeenth century, if we are

⁴² Both events recorded by Benavent, f. 10v.

⁴³ Cifuentes to the king, 25 Sept. 1685, ACA, CA leg. 581 f. 44.

⁴⁴ Diary of Benavent, f. 26.

⁴⁵ The king to the viceroy, 31 Aug. 1685, ARC, RC libro 592 f. 244.

⁴⁶ Viceroy to the king, 10 Sept. 1686, ACA, CA leg. 926.

⁴⁷ Capture noted in ACA, CA leg. 925.

⁴⁸ Diary of Benavent, f. 13.

⁴⁹ Viceroy to the king, 27 June 1690, ARV, RC libro 593 f. 136-8. The Palacios, father and son, seem to have gone to Italy in the summer of 1689; they returned to Valencia illegally in 1690.

to believe Valencian sources.⁵⁰ When his term of office expired, strong pleas came from Valencia for a renewal. There is little doubt that he adopted some original measures, and was responsible for reforming the structure of the viceregal guard, which was used regularly against bandits. A notable plea to keep Altamira was sent to Charles II in 1690 by the marquis of Albaida, on behalf of the realm.⁵¹ Perhaps the most interesting point made by Albaida was that Altamira had realised the death penalty was not a deterrent. The viceroy had therefore divided crimes into those punishable by flogging and those punishable by death. He had found that bandits feared the dishonour of flogging more than death:

The count realised (reported Albaida) that the familiarity and frequency of the extreme penalty had made it less fearful, and in his wisdom ruled that whenever an accused was involved in crimes of theft or homicide, the trials and sentences should be separated; inflicting flogging as the penalty for theft and death as that for homicide; so that the fear of infamy brought on by the former, should serve as a restraint to their audacity in a way that the fear of death could not. This was carried out in a few cases and produced such favourable results that many delinquents fled to other realms in order to be free of this risk.⁵²

The policy of more flogging seems to have been relatively successful, and was followed after Altamira. The verdict of Albaida that « the realm is now free of all bandit groups » seems somewhat sanguine, but was certainly supported by the Council of Aragon. That august body admitted in 1692 that « when he (Altamira) went to that kingdom he found it inundated with bandits, but

⁵⁰ « He was greatly liked and loved by all for his great quality and good government, and because he was so good they removed him »: diary of Benavent, f. 15v.

⁵¹ « Don Ximen Perez Milán de Aragón, Marqués de Albayda, en nombre del Reyno de Valencia... », BMV Pragmáticas, Ch. 1636-105 no. 3.

⁵² In 1691 the marquis of Castelarodrigo informed the king that « in this realm the punishment of public shame (i. e. flogging) is considered by public opinion to be graver than that of the gallows or the galleys »: letter of 23 Jan. 1691, ARV, RC libro 593 f. 264. The impact of a resort to flogging cannot be overestimated. It led in 1691, when Castelarodrigo was writing, to a major dispute as to whether the use of flogging contravened the *furs*. The punishment was in fact sparingly used, if only because the dishonour automatically fell on a victim's whole family, a consequence which the authorities were often keen to avoid.

within a few months he caught, punished and pursued them in such a way that for the rest of his period of office there was the greatest quiet ».⁵³

The marquis of Castelrodrigo, viceroy for two terms (1690-1696), was faced with a recrudescence of the problem. Bandits who had fled the realm under Altamira now came back. On 6 April 1691 Antonio Gil was executed in Valencia after being captured in Saragossa.⁵⁴ Two days later Pedro Andreu, who had left Valencia in order to operate in the region of Toledo but had then come back to the area round Onteniente, was also hanged.⁵⁵ Among the important captures at this time was Ignacio Piquer, a university student who became famous as a bandit; he was executed on 23 March 1692.⁵⁶ In April, Castelrodrigo reported to the king a rash of banditry on the Aragonese border, near Tortosa; in December he announced the capture of Bartholomé Orozco, of Polop, who had been active for about four years with a band of one dozen, « disturbing the public peace in the vicinity of Alicante and other towns of the Marina ».⁵⁷ These cases show that all parts of the realm, including both the extreme north and extreme south, were infected with disorder. A resident in the capital reported gloomily in August 1692 that « in these days there reigned many bandit robbers in several bands, and one could not travel on the roads by day or night; they even penetrated the city ».⁵⁸ Almost identical words appear in a report made by the Council of Aragon that month. The councillors severely criticised Castelrodrigo, and remarked « how many are writing from the city of Valencia, churchmen, laymen, men in authority and ordinary people, expressing their dismay at seeing how this disorder is tolerated and reduces

⁵³ Consulta of the Council, 29 Aug. 1692, ACA, CA leg. 581 f. 11 no. 1.

⁵⁴ Diary of Benavent f. 16.

⁵⁵ JUAN PERALES, *Décadas de la Historia de la insigne y coronada ciudad y Reino de Valencia*, 5 vols. (Valencia 1880), iii, p. 808. The name « Pedro Andreu » had a respectable bandit ancestry. It seems to have been originally the name of a bandit in Murcia, then later adopted (in 1644) by one in La Mancha, and lastly taken by the one noted here, if this was not really his own name.

⁵⁶ *Ibid.*, iii, p. 809.

⁵⁷ Letters from viceroy to the king, 8 Apr. and 9 Dec. 1692, ACA, CA leg. 930.

⁵⁸ Diary of Benavent, f. 18v.

them not only to being deprived of public trade but of not daring to go beyond the gates of the city». ⁵⁹ The year 1693 found the viceroy still absorbed in the pursuit of delinquents. In June and July he issued decrees putting a price on the heads of some of the principal bandits operating around Valencia. ⁶⁰ In September the capture was achieved of Antoni Remolar of Onda, Gregorio « el Castellano » of Antequera, Ponciano Marti of Murviedro, Joseph Badiá, and others. ⁶¹ They were among the many then serving with the two bands most active in the Marina, those of Pere Cortés and Vicente Ferrer. The letter of Castelrodrigo to the Council on 30 December shows that he was adopting a tough policy:

From January till now, twenty-one men have been sent to the galleys, and five have been punished with the death penalty. In the week before Christmas Bartholomé Orozco, bandit of the Marina, was executed; and Vicente Belloch, from the band of Antoni Ximeno, was flogged. ⁶²

Perhaps Castelrodrigo's most notable success was reflected in his letter to the Council of 19 January 1693. The viceroy described it as « one of the most fortunate events that divine grace could have granted us against the bandits of this kingdom ». ⁶³ Antoni Ximeno's band tried to enter Liria and had an encounter with the guard. They retired to the large Carthusian monastery at Valdechristo, but the viceroy sent a troop of cavalry and laid siege. All the bandits surrendered except for Ximeno, who held out for some time before giving up. On 21 January, Ximeno and two of his

⁵⁹ Consulta of Council, 29 Aug. 1692, ACA, CA leg. 581 f. 11 no. 1.

⁶⁰ *Ara ojats* of 6 July 1693 in BMV Pragmáticas Ch. 1636-105 no. 41. The bandits named were Vicent Ferrer (« lo Torrenti »), Jaume Marti (« Tarasò », called « the Friar ») of Castellón de la Plana, Pere Cortés of Benisanó, Miguel García « Sardineta » of Liria, Alexos Escrig of Castellnou, Ponciano Marti of Murviedro, and Bartholomeu Esteve of La Llosa de Almenara. For the decree of 14 June, listing some twenty bandits, see ACA, CA leg. 849.

⁶¹ Letters of viceroy to the king, 20 Oct.; of the Council to the viceroy, 23 Sept.; of viceroy to the Council, 23 Sept. and 6 Oct. 1693, all in ACA, CA leg. 841; also letters to king of 27 Sept. and 29 Sept. 1693 in ARV, RC libro 594 ff. 247-8.

⁶² ACA, CA leg. 841. *Cf.* diary of Benavent f. 19. Belloch, a butcher from the town of Chilches, was eventually hanged on 3 Aug. 1693. Orozco, a labourer, had committed a murder in Chilet: Benavent f. 18v.

⁶³ Letter included in consulta of Council, 26 Jan. 1693, ACA, CA leg. 584 f. 49.

companions were hanged. His career is summed up by our contemporary diarist:

Ximeno, otherwise called Gasta, was born in Museros. He once shot at Thomas Martínez of the same town, and killed Joseph Andreu, Francisco Salvà, Manuel Salvà and Francisco Martínez son of Thomas, and Juan Callau of Vall de Uxó. He resisted the king several times, and in La Llosa de Almenara he killed Martín Flench, soldier of His Excellency's guard. When he surrendered he asked for terms, not to be tortured or flogged or quartered, and all was granted. His hand was put on the Puerta del Mar, since he once robbed several pieces of cloth from the cloth-merchants and sent a message to say that if the customs asked them for the duty on it, he would send his hand. He was taken to Carrajete but one night later his body was stolen.⁶⁴

By 1696, at the end of Castelrodrigo's two terms in office, there were signs of a diminution in the scale of banditry (bands were smaller) but not in its regularity.⁶⁵ Among the viceroy's successes this year were the death of Oltra, referred to above, and the capture and execution of the notorious Yuanyes brothers, Francisco and Joseph.⁶⁶ Nevertheless, when the new viceroy, Don Alonso de Guzmán, came to Valencia, he painted a bleak (and perhaps exaggerated) picture of the tasks facing him, in particular

the disorganisation of justice, caused by the frequency of crime; the innumerable bandits who in their gangs dominate both the countryside and the towns; their accomplices; the insecurity of commerce..., no official daring to go out on his normal duties...⁶⁷

The picture was undeniably bad. «He was very unfortunate to have had so many bandits disrupt his government»,⁶⁸ a contemporary observed of the outgoing viceroy. The legacy he left to Don Alonso was not entirely a peaceful one, and the latter was obliged during his period of office to pursue the same round of

⁶⁴ Diary of Benavent, f. 19.

⁶⁵ Cf. the kidnapping case detailed in AHN section Osuna, leg. 1030 no. 10/1, in 1696, when a young man was held to ransom for £ 2,000 by the bandits, but later released.

⁶⁶ Details in ACA, CA leg. 849. Joseph Yuanyes was a labourer from Foyos, and guilty of seven murders; he was hanged and quartered: diary of Benavent f. 26.

⁶⁷ Viceroy to the king, 11 Dec. 1696, ACA, CA leg. 935.

⁶⁸ Diary of Benavent, f. 27.

floggings and hangings. Some impression of the higher rate of executions in the 1690s, as recorded in the diary of Ignacio Benavent for the years 1675-1700, may be gained by looking at Diagram III.⁶⁹ The 1690s were difficult years in Valencia, and the crisis of 1693, which we shall touch on presently, is reflected in the severity of the forces of order. Don Alonso was a vigorous pursuer of bandits.⁷⁰ He made it his personal duty to chase them, even into the mountains. By February 1697 he was able to write to the Council on a changed note:

Since my coming the pursuit of the bandits has been taken up with pertinacity, and though not many have been captured at least the roads are safe; trade continues without interruption; and there is no sign of that host of killings which once marred the reputation of the Valencians and the government. It is known that many of these criminals have taken ship for Italy, and others have sought refuge in neighbouring realms.⁷¹

His systematic persecution of the bandits wore down the strength of the two largest remaining bands in Valencia, those of Cortés and of Ferrer.⁷² Under the marquis of Villagarcía, viceroy from 1700, the pace of events was overtaken by the War of Succession.

In Valencia the war had profound repercussions among the people. The popular movement was on the whole anti-French. Crucial support for the anti-Bourbon cause came from the bandits. One of them — José Marco, nicknamed «Penjadet» or «the hanged man» — served as an officer in the rebel army.⁷³ The

⁶⁹ The figures recorded by Benavent have a few omissions, but I have let his record stand. The figures from 1684 to 1688, and for 1694-95, are incomplete because of missing pages in the diary. The great majority of the executions were of bandits.

⁷⁰ Some consequences of the fight against bandits may be seen in a memorial from the town of Catarroja (just south of Valencia) in 1699, in ACA, CA leg. 937. The town complained that the quartering in it of soldiers engaged in the pursuit of bandits, was primarily responsible for the fall in its population to only 150 households (*vecinos*).

⁷¹ Viceroy to the count of Villafranca, 19 Feb. 1697, ACA, CA leg. 852.

⁷² Those executed from these bands included Julián Gelós, of Bétera, hanged on 24 Oct. 1698 for ten murders; and Miguel García «el Sardineta» of Liria, hanged and quartered on 18 Jan. 1700 «for having killed the constable of the governor of Segorbe and many other men, in particular a brother of his, and for having been a bandit for eighteen years»: diary of Benavent f. 31v and f. 33.

⁷³ HENRY KAMEN, *The War of Succession in Spain, 1700-15* (London and Bloomington, 1969), pp. 282-283.

admittedly partisan evidence of a contemporary chronicler, Father José Miñana, is our chief source for the political orientation of the outlaws.⁷⁴ The garrison of the rebel town of Játiva was partly made up of thieves (*ladrones*), according to Miñana; and during the war «various bands of thieves occupied the roads, gravely endangering Valencia city».⁷⁵ After the war, when Valencia had been subdued, its *furs* abolished and its population disarmed, the bandits appear to have been at an advantage, since they were the only ones who could not be easily deprived of weapons. Their audacity grew, says Miñana, so that «they even penetrated with the greatest ease into the largest towns».⁷⁶ In the north, on the Catalan border, they attacked supporters of Philip V. The lawlessness continued well after the war. But the old days had gone. Spain was united, a substantial military presence was established in Valencia, the bandits could no longer hide behind regional privileges. New officials, the intendants, made it their duty to eradicate banditry. The marquis of Castelrodrigo's judgment, that without the *furs* banditry would decay, seemed to have been proved true.

The bandits of Valencia were notorious throughout Spain. The countess d'Aulnoy, in her account of her journey through the country at this period, went so far as to claim that it was common (*d'ordinaire*) practice in Madrid to hire bandits from Valencia whenever an assassination was required.⁷⁷ What is true is that the Valencians extended their operations well beyond the confines of the kingdom. As we have seen, they often ventured over the border into the realms of Catalonia (around Tortosa), Aragon (towards Teruel), Castile (around Cuenca and Yecla) and Murcia. The Castilian authorities had no scruples about returning bandits to Valencia; they did this with Vicente Pastor, sent from Madrid

⁷⁴ *De bello rustico valentino* (1707-23) by Padre JOSÉ MANUEL MIÑANA, trans. into Castilian in the «Revue Hispanique», 1v (1922), from which I cite.

⁷⁵ *Ibid.*, pp. 559, 567.

⁷⁶ *Ibid.*, p. 581.

⁷⁷ COMTESSE D'AULNOY, *La Cour et La Ville de Madrid vers la fin du XVII^e siècle. Relation du voyage d'Espagne*. 2 vols. (Paris 1874), i, pp. 393-395.

in 1686, and with Alexos Escrig, sent from Granada in 1694.⁷⁸ The Aragonese and Catalans, however, had their own *fueros* and were less eager to cooperate. From the sixteenth century the Catalan city of Tortosa had had an agreement with the Valencian town of Traiguera for the repatriation of criminals.⁷⁹ Such agreements between border towns were bound to be mutually beneficial. But they were exceptional. Only a few cases are on record of Catalans handing over bandits, as with the example of Gorriz in 1674.⁸⁰ The Aragonese could be just as difficult. In June 1679 they handed over a bandit captured in Aragon,⁸¹ and we have seen that they surrendered Gil for execution in 1691. But in 1697 such obstacles were put in the way of returning two men from Saragossa that the viceroy lodged a complaint with the Council of Aragon. «So many difficulties are usually put in the way by Saragossa in cases as clear as this one, and so excessive are the expenses involved in overcoming them», he wrote, that government intervention was essential.⁸² The king made a compromise decision: the delinquent was to be sent to Valencia, but with full attention to the *fueros* of Aragon. These constitutional arguments are testimony to the problems caused by the mobility of Valencian bandits. The most extraordinary example of this mobility comes in a report of March 1694 from Extremadura, at the other extreme of Spain. 'Yesterday', a correspondent informed the Council of Castile, 'I received a report from the civil governor (*corregidor*) of Trujillo that on the road from Madrid to that region there are a dozen Valencian bandits robbing all travellers and local inhabitants'.⁸³ These men were clearly not afraid to contravene the rule that one should operate only on home territory. In the circum-

⁷⁸ Diary of Benavent, f. 22. The diarist commented: «It profits delinquents little in these days to go to foreign realms: justice finds them where it wills».

⁷⁹ Cf. GARCÍA MARTÍNEZ, *Bandolerismo, piratería*, pp. 95-96.

⁸⁰ The marquis of Castrolodrigo, writing to Don Bartholomé Ordoñas on 6 Dec. 1695, ACA, CA leg. 847, noted with satisfaction that a bandit had just been brought from Tortosa and was to be flogged.

⁸¹ Diary of Ayerdi, under June 1679.

⁸² Viceroy to the count of Villafranca, 19 Feb. 1697, ACA, CA leg. 852. The chief delinquent involved, Antoni Alós of Benimodo, was eventually hanged in Valencia on 9 Feb. 1699 (diary of Benavent, f. 32v).

⁸³ Letter of 12 Mar. 1694, AHN Consejos leg. 7201 f. 21.

tances, it is not surprising to find that bandits in Valencia covered a fairly wide area when they operated. The whole realm was in effect bandit territory. There were nonetheless two main areas where most of the bands at this time seem to have roamed: the marine peninsula, particularly the area between Gandía, Játiva and Villajoyosa; and the area around Liria, going northwards to Segorbe and southwards to Torrente.

The bandits worked in groups of varying size. Normally these were fairly large. Peyró in 1663 led one numbering forty-five, Aranda one of thirty-two: both were active near Torrente.⁸⁴ Artus around 1668 had at least thirty-five men under him.⁸⁵ Oltra when he surrendered in 1685 had fifty. During important operations the numbers tended to rise. As we have seen from the report presented by the viceroy in 1681, bands tended to work together for special activities, and when this happened they accepted an overall leader. Diagram I plots the places of origin of most of the members of Artus's band in 1666-68, as well as the origins of nearly eighty bandits serving under the overall command of Juan Berenguer in 1680. What emerges clearly from the diagram is the heavily regionalised recruitment of the bands. The clustering around certain towns was often based on ties of kinship. At least five of the bandits from Callosa (north of Villajoyosa) in 1680, for example, were members of Berenguer's own family; and at least three of those from Villajoyosa were from the Izquierdo family. An interesting feature of Berenguer's obviously successful leadership was the high proportion of members coming from outside Valencia. Twenty-four out of a listed total of 125 in his band, came from places as diverse as Saragossa (three), Córdoba, Madrid, Medina de Rioseco, and Sicily and Genoa.⁸⁶ It is no coincidence that the members of the groups led by Artus and Berenguer were recruited from those very areas which had the highest intensity of bandit activity, the Marina and the Liria region. Diagram I thus shows

⁸⁴ Consulta of the Council of Aragon, 9 Aug. 1663, ACA, CA leg. 582 f. 37.

⁸⁵ ACA, CA leg. 582 f. 70 no. 6. All other references to his band come from this source.

⁸⁶ All details for Berenguer's band come from the « Lista de los Bandidos » in ARV, RC libro 591 ff. 148-152.

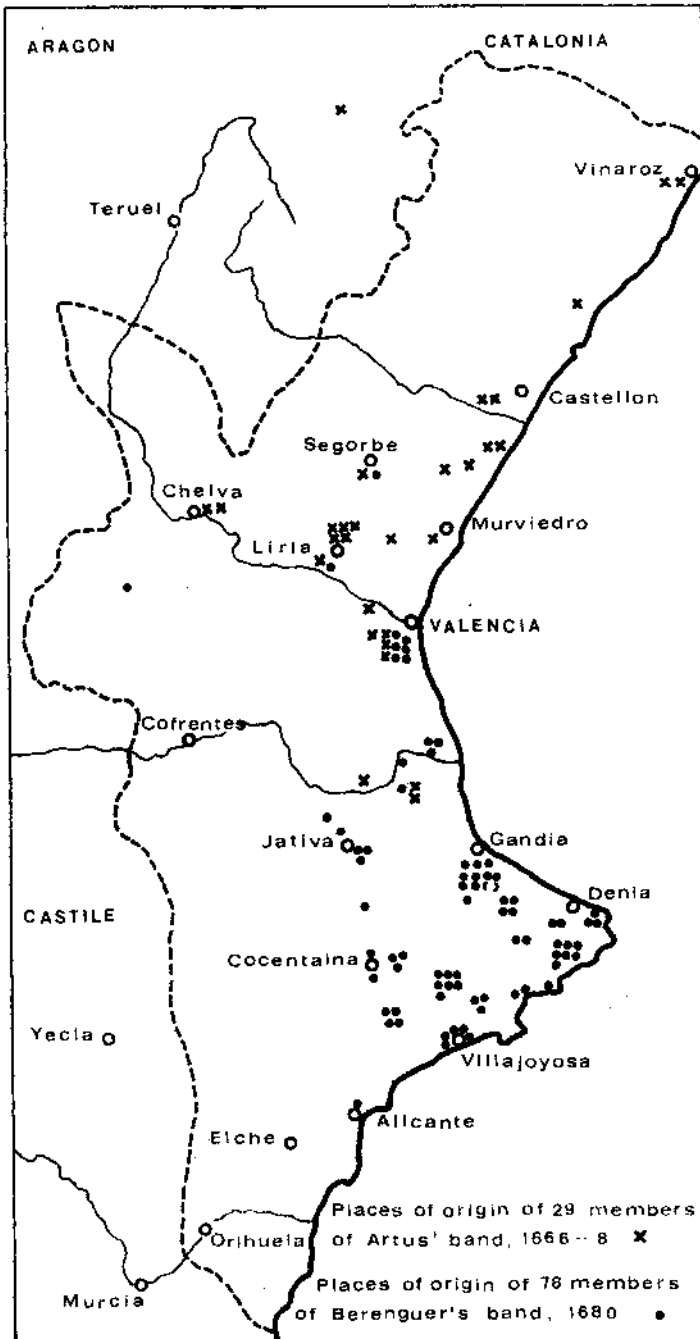


Diagram I

The regional recruitment of bandit groups

emphatically that bandits invariably operated in their native territory.

They were always in the prime of their life. The average age of the thirty-five members of Artus's band shipped from Catalonia in 1668, was thirty years. The youngest was aged only nineteen; the eldest, aged fifty, and the only one in that age group, was Artus himself. The age distribution of 112 members of Berenguer's band is set out in Diagram II. The youngest of them was aged twelve; the eldest, forty-six. The median age of this sample was twenty-four years, and the principal age-group, as the diagram shows, was that of twenty years.

The original callings of the bandits show little variety. Colomer and Bosquet, executed in 1671, were students; Miguel Font in 1671 had noble rank; Belloch in 1692 was a butcher; Vicent Llobregat, of Quartell, a member of Ximeno's band executed in 1693,⁸⁷ was a « surgeon ». Students were notorious in Valencia for their lawlessness, but their intelligence helped them to become bandit leaders, and several were executed as such. Apart from the callings mentioned, a few others appear in the sources, such as a notary, a miller, a weaver, a fisherman, and a shoemaker. But the overwhelming majority of bandits came from a rural background. Most of the accused coming before the courts on charges of banditry were described in depositions as labourers or peasants (*llavrador*).⁸⁸ The essentially rural character of banditry in Valencia is in no doubt whatsoever.

One profession in particular, that of the Church, had an equivocal relationship with banditry. Parish and monastic clergy frequently gave shelter to the outlaws. The marquis of Leganés in 1666 complained of a priest connected with the nobility who was affording shelter to Marcelino Zabala, head of « The Commission ».⁸⁹

⁸⁷ Diary of Benavent, f. 19v. In other sources this bandit's surname is given as Fabregat.

⁸⁸ This generalisation is based on the documentation in ARV section Maestre Racional: Tesorería, Informaciones de Pobreza leg. 365 expedientes 8733-34. The term *llavrador* is used imprecisely in the documentation, and seems to apply mainly to unskilled rural labourers. In court depositions made in Latin, the term *llavrador* is replaced by *agricola* or *agricultor* indifferently.

⁸⁹ Viceroy's letter of 7 Sept. 1666, ACA, CA leg. 912.

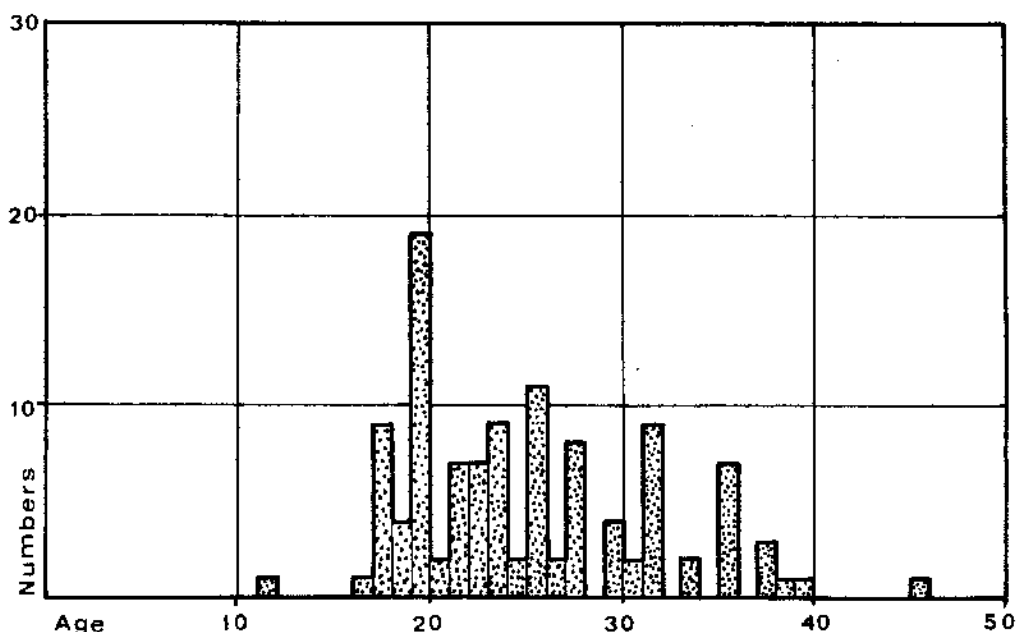


Diagram II

The age distribution of 112 members of a bandit group
in 1680

Mathias Oltra almost fell foul of the viceroy when visiting his friends of the Carthusian monastery at Liria in 1684. In 1693 a bandit named Martín Folgado («one of the most pernicious in the realm», according to the viceroy)⁹⁰ entered the monastery of San Francisco in Valencia city to have some wounds treated; when a law officer turned up to arrest him, the monks used force to resist him. Shelter given out of charity was obviously important and widespread. It did not necessarily imply sympathy. But a modern historian might well find it difficult to understand the difference between charity and condonation in such a case as that of the bandit Serra, or «Caragol», «a notorious bandit and *cap de quadrilla* who had killed many men both in Madrid and in the vicinity of Valencia»,⁹¹ who was allowed to repent and to take

⁹⁰ Marquis of Castelrodrigo to the king, 3 Mar. 1693, *ibid.* leg. 841.

⁹¹ Diary of Ayerdi, under 29 Sept. 1679.

the religious habit. Bandits who became monks were nevertheless rare, monks who became bandits all too common. We have already encountered Mosén Monzonis, who was captured in 1675. Long after his bandit career was well known, he continued to be welcomed in ecclesiastical houses, and was actually arrested while visiting a monastery whose rector was a friend of his. In 1693 we hear of a Franciscan friar, Francisco Sánchez, who was responsible as a bandit leader for several robberies and killings, and was ultimately exiled to Naples.⁹²

The crimes committed by Valencian bandits were the normal ones of violence to officials, homicide, illegal weapon-carrying, and theft. Highway robbery was a common pursuit, from which rich and poor alike suffered. Some bandits, as we have seen, had several deaths on their consciences. Criminal activities of this sort might well have led to the terrorisation of the community. It is strange, then, to find that one of our contemporary diarists, a respectable public official, admired some of them. The students Colomina and Bosquet, executed in 1671, were described by him as «great friends of Valencia».⁹³ Ignacio Piquer, likewise a university student and executed in 1692, was famous and admired by the people.⁹⁴ In general, there seems to have been grudging admiration, even from the authorities, of the daring of the bandits. This might suggest that their crimes were not after all so atrocious, and we must therefore look at the circumstances in which they occurred. The killings of which we have record fall into two main categories: those that were personally motivated, and those involving law officers. The «personal» crimes tended to come at the start of a bandit's career. A quarrel, affray or feud in the village might lead to sudden death. In 1678 Joseph Durbà, a labourer of Masarroches, killed Mauro Domenech in one such incident; he fled and by 1679 he had joined a band that roamed round the country allegedly committing crimes. A sentence of death is also on record in 1679 against Joseph, Gaspar and Juan Izquierdo, who absented themselves from Villajoyosa after a killing and eventually went with

⁹² Consulta of the Council of Aragon, 16 Oct. 1693, ACA, CA leg. 844.

⁹³ Diary of Benavent, f. 4v.

⁹⁴ PERALES, *Décades*, iii, p. 809.

Berenguer's band to Italy.⁹⁵ A serious crime such as murder was thus very commonly the start to a bandit's career. Homicide might continue to be an important part of a bandit's activity if he were pursuing a vendetta, as was the case with Benet Vicent in the mid-century. But since such crimes were directed against specific persons only, they did not represent a threat to the population at large. The same is true of killings involving law officers. Joseph Cases was sentenced to death *in absentia* in April 1679 for murdering the chief law officer of Manises, his home-town; in June for the murder of Pere Mayans of Algemesi; the sentenced was confirmed again in August for the murder of the law officer in Quart, and repeated in November for other murders.⁹⁶ In so far as theft is concerned, bandits seem to have relied principally on highway robbery for the seizure of property. In July 1679, for example, sentence of death *in absentia* was passed on Baptista Iborra, Domingo Badià (a butcher) and Martín Pedrón (a clothier), all of Játiva, for robbing three merchants on the highway.⁹⁷ There is no record in the documentation of any theft ever being perpetrated on ordinary villagers and townspeople. It can fairly be said in consequence that there was little to be described as anti-communal in the criminal behaviour of the Valencian bandits. Moreover they appear always to have been pious Catholics, ready to respect the sacraments. The lower clergy saw no danger where there was no threat to the faith.⁹⁸ It was not uncommon, as we have seen, for bandits to be described as having died like saints.

The foregoing observations may help us to understand why some bandits enjoyed the active support of their local communities. The indications from Diagram I suggest that refugee criminals tried to stay as close to their native villages as possible, in order to draw on this local support. There is not and could not have been much documentary evidence for help given to bandits, since villages had

⁹⁵ These cases come from ARV section Audiencia: Conclusiones Criminales, libro 1837 ff. 2-3, 44-5, 51-2.

⁹⁶ *Ibid.*, ff. 6-7, 14-16, 37-8, 64-5.

⁹⁷ *Ibid.*, ff. 24-5.

⁹⁸ Cf. the favourable judgment on the famous Catalan bandit, Rocaguinarda, by a contemporary: « never did he dishonour or touch the churches, and God aided him »: quoted in REGLÀ, *El bandolerisme català*.

to be careful to cover their traces. The authorities were aware of this and complained continually that bandits were sheltered by local people, but they were seldom able to capture the offenders. In 1696 the viceroy sent abroad for service in garrisons a number of men including several shielders of bandits (*valedores de bandidos*).⁹⁹ The link between banditry and the villages was, however, far too profound to be eliminated by the punishment of a few individuals; it arose, as we shall see, out of the problems of the Valencian countryside. The local antagonisms and family feuds of rural Valencia often expressed themselves through banditry, and regional blood hatreds worked themselves out in conflict. The diarist Agramunt reported on 1 August 1663 an encounter between two opposing bands in the village of Aldaya, near Valencia. The battle lasted four hours and left about thirty men dead.¹⁰⁰ In their internecine conflicts the bandits were their own worst enemies. Berenguer in 1680 was a mortal foe of Cruanyes. Adroguer in 1681 was an enemy of Tormo. The bandit leader Jusepe Cortés, known as «the bailiff of Benisanó» was murdered by two rivals in an inn on the road near Segorbe.¹⁰¹ The gang struggles could be grim. «This year», reported Benavent's diary in 1695, «there was a great crop of thieves, since on several days there were found in different parts of the plain of Valencia men naked and tied up and usually dead».¹⁰² In September 1700 the bodies of two bandits murdered by their own comrades were brought in from the town of Silla.¹⁰³

The problem of punishment was a complex one. Banditry and violence were, as the evidence has indicated, so widespread that a literal application of the laws in every case was out of the question. It was therefore important for every viceroy to possess the prerogative of pardon. «Pardoning thieves is nothing new in Valencia», as Benavent commented on one occasion.¹⁰⁴ The death penalty was

⁹⁹ Diary of Benavent, f. 27.

¹⁰⁰ Diary of Agramunt, f. 323. Among the dead was Juan Peyró of Alaguas, leader of one of the bands.

¹⁰¹ Diary of Benavent, f. 13v.

¹⁰² *Ibid.*, f. 24v.

¹⁰³ *Ibid.*, f. 34v.

¹⁰⁴ *Ibid.*, f. 9v.

decreed almost automatically whenever a crime had been committed and the offender had fled. It was not used quite so freely in practice.¹⁰⁵ Diagram III, which has several omissions, offers a perspective of the number of public executions noted down in Benavent's diary from 1675 to 1700.¹⁰⁶ Virtually all these were of bandits. The gap between the theory and practice of the death penalty was usually very wide. Between January and December

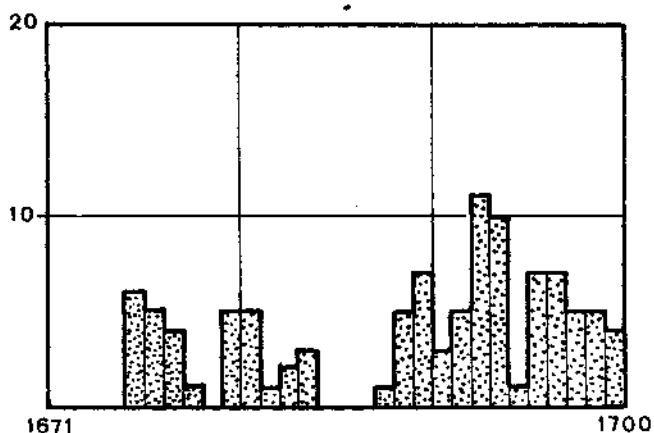


Diagram III

Public executions in Valencia
1675 - 1700,

according to the diary of Ignacio Benavent

1679 the high court (*Audiencia*) at Valencia condemned forty-three persons to death in their absence,¹⁰⁷ yet if we may trust Benavent's record not a single execution took place that year. A rather more useful way of employing young criminals was to send them overseas to serve in Spanish garrisons, mainly in Italy, the Balearic islands,

¹⁰⁵ For the punishment of banditry and its incidence in mid-century Castile, see FRANCISCO TOMÁS Y VALIENTE, *El derecho penal de la Monarquía absoluta (siglos XVI-XVII - XVIII)* (Madrid 1969), esp. pp. 260-267.

¹⁰⁶ The omissions are for 1684-88, and for 1694-95; pages from the diary for these years are missing.

¹⁰⁷ ARV Audiencia: Conclusiones criminales libro 1837.

Gibraltar or Orán. Escape from these places was usually easy, and the delinquents soon turned up again in Valencia, to the constant rage of the authorities. Escape from Ibiza was notoriously easy, and from Orán all too common. A letter of protest from the viceroy in February 1690 claimed that in view of these failures the only remaining reliable fortress was Gibraltar, « which is considered the ultimate in rigour and security ». ¹⁰⁸ The viceroy had good cause to worry. In the preceding October he had sent to Gibraltar no less than thirty-two prisoners, all of whom had committed crimes incurring the death penalty. The case is evidence of official reluctance to use the death penalty. But bandits were only one, and not necessarily the most numerous, of the many groups transported to garrisons overseas. In a shipment of fifty-eight prisoners sent to Orán in 1681, only twenty-two were bandits. ¹⁰⁹ The transport of bandits in any large numbers was only workable if they went voluntarily, as part of an agreement. So many of the bands in Valencia accepted an indult on comparable terms that there can be no doubt it was the only practical way of solving the problem.

No Valencian bandit has left any record of his beliefs or aspirations. It would be absurd to expect any reflection of a social conscience in the bandits' activities. But the facts alone speak eloquently enough. The intensity of banditry varied according to the intensity of rural agitation. In the period we are discussing there were two peaks of rural unrest, during the revolt of 1693 and in the War of Succession: on both occasions the bandits were exceptionally active. If the bandits had a voice, their aspirations cannot be divorced from those of the peasantry. Rural poverty was the root cause both of crime and of agitation. The price-curve is in itself of little help in assessing this poverty. Both commodity prices and grain prices were either steady or falling in the late seventeenth century in Valencia. ¹¹⁰ Small producers such as the peasantry were unlikely to have suffered any impoverishment from these

¹⁰⁸ Viceroy to the king, 28 Feb. 1690, ARV, RC libro 593 f. 112v-3v.

¹⁰⁹ Viceroy to the king, 29 Apr. 1681, ACA, CA leg. 921.

¹¹⁰ EARL J. HAMILTON, *War and Prices in Spain 1651-1800* (Cambridge, Mass. 1947), graphs on pp. 129 and 184, tables on pp. 121 and 183.

moderate price levels, and the consuming classes as a whole would certainly have benefited. If we look at institutional wages in the period (Hamilton's data come from a hospital and a college), there was actually an increase in the level of real wages, from an index of 88.2 in 1656-60 to one of 121.3 in 1691-95.¹¹¹ Valencia did not suffer from any sudden shocks to its standard of living.

The relative improvement in economic conditions during the late seventeenth century was in glaring contrast to the demands made by aristocratic landlords. Villagers were hurt by bad weather, poor yields, fluctuating markets and moneylenders (to take four principal grievances); but when the root cause was sought out, they invariably blamed the landlords.¹¹² Some communities were not too badly off. The town of Burriana, in the region of Castellón de la Plana and in royal jurisdiction, had not been a Morisco settlement and therefore did not suffer from the resettlement rules imposed in the early seventeenth century by nobles on towns that were repopulated. Yet it was in severe straits. By 1664 it claimed to have only 150 families; by 1688 it claimed to have an annual income of only £1,500 and annual obligations of twice that sum, by way of interest repayments on an accumulated debt of 50,000 ducats.¹¹³ It was from this decaying town that two members of Artus's band came. The disaffection in this period seems to have concentrated more, however, in the aristocratically-controlled marine peninsula, where the uprising of 1693 took its origin.¹¹⁴ In a memorial sent to the king that year, representatives of several villages in the region complained that the lords were « exacting from their vassals such heavy and extraordinary tribute that they have reduced them to the utmost poverty and misery ». ¹¹⁵ They

¹¹¹ *Ibid.*, p. 215.

¹¹² To be treated at length in my forthcoming study on *Spain in Decline 1665-1700*.

¹¹³ Statements from the *sindich* and town, in ACA, CA leg. 927.

¹¹⁴ For outline accounts of the 1693 uprising, see JOHN LYNCH, *Spain under the Habsburgs*, 2 vols. (Oxford 1964-69), ii, pp. 257-260; and KAMEN, *The War of Succession*, pp. 275-276. The best Spanish accounts are FRANCISCO DE P. MOMBLANCH Y GONZÁLEZ, *La segunda Germanía del Reino de Valencia* (Alicante 1957) and ADOLFO SALVÁ BALLESTER, *Sedición del año 1693 en el reino de Valencia* (Valencia 1941).

¹¹⁵ The duke of Gandía in Orba and Sibeta, for example, took one-sixth of all grain; one-fourth of all oil, wine, almonds and carob-beans; and one-sixth of all raisins.

claimed that the fault lay with the terms of resettlement imposed on the rural communities after the expulsion of the Moriscos, and with new demands made in excess of the original terms. The rising in 1693 originated on the estates of Villalonga, belonging to the duke of Gandía. In Villalonga one of the leading rebels was Jaime Boigues, whose brother-in-law Jusepe Mascarell was already a bandit active in those parts. When the rising failed, Boigues fled and joined the bandits.¹¹⁶ Other participants in the rebellion also had close links with the bandits, whose function seems to have been to siphon off and organize dissident elements in the region. The discontent aroused in these years, and the close understanding reached between bandits and peasants, were to play a crucial role in the War of Succession.

It would be wrong to conclude that bandits were little more than the military arm, as it were, of rural agitation. It must be remembered that they were outlawed criminals, and as such were no less likely to attack their own people should the need arise. The case in 1665 of Mathias Domingo, the Aragonese bandit who operated on the frontiers of Aragon and Valencia, shows a man whose enemies included not only local people, but also a local seigneur. With a force of some thirty-six men, he murdered two people who had originally helped the mayor of the town of Moya to arrest him:

They then went to the fields of the inhabitants of the village of Salvacañete to execute the same on them because they had been with the mayor. They announced that those who had helped the law officer would be killed and their houses burnt, and that they were going to enter the town of Moya and set fire to the mayor's house. At this everybody has become terrified, and many who have allotments in the fields are leaving them, and neither sowing nor reaping the fruits, because of the risk to their lives. Although we have always suffered a great deal from the bandits, matters are worse now because of the aforesaid and because of the quarrel between Don Jaime Ruiz de Castilblanque, seigneur of La Torrebaja in Valencia, and the said Mathias Domingo, over the rights to sow and reap corn in the plot called « the middle water » situated in the marquisate of Moya on

¹¹⁶ Report given in AHN Osuna leg. 1036 no. 16.

the borders of Aragon. Each of them has recruited over fifty bandits and twenty horse, and the territory is oppressed, burdened and laid waste with their violent activities.¹⁷⁷

In circumstances such as these, the bandits emerge not as popular heroes but as protagonists and even mercenaries in the perennial struggle over landed rights. No single bandit leader in this period appears to have achieved any significant moral stature among the populace, and no folk songs survive in which their deeds are commemorated. The bandits robbed from the rich; but there is no direct evidence that they gave to the poor. If they redistributed wealth, they did it in their own favour.

The cases for which we have documentation tend to be of men who had spent some time struggling for a meagre living, and had then given up the struggle, and joined « the vagabonds and delinquents who wander through the kingdom and this city, committing excesses and crimes and perhaps giving greater body to popular movements », to quote a report from the viceroy in 1693.¹⁷⁸ At the trial of Luis Isach Ferrer of the Vall de Uxó in 1693, testimony¹⁷⁹ given on his behalf by two fellow labourers from the town claimed that « he had no fixed goods or furniture other than his working tools with which (in order to maintain and feed his house and family) he in effect had to work continuously at the forge ». In the context from which these words are taken, the emphasis on « continuously » implied that his earnings were so low that he was driven to the extremity of having to work all day, an unacceptable situation for a free man. It was stated of Vicent Ferrer « lo Torrenti » of Torrent, that « in order to meet the obligations of his household he had to apply himself to earn a daily wage (*jornal*) ». Again, there is the implication of a loss of independence and a decline in economic status. Both these men were members of Ximeno's band.

¹⁷⁷ Consulta of Council, 20 Sept. 1665, on a letter from D. Pedro de Vivar, *alcalde mayor* of Moya, AHN Consejos leg. 7175 f. 42.

¹⁷⁸ Marquis of Castelrodrigo to the king, 12 May 1693, ACA, CA leg. 841.

¹⁷⁹ This and all subsequent testimonies here are taken from the sworn deposition made before the judicial authorities in ARV, Maestre Racional, Tesorería, Informaciones de Pobreza leg. 365 expediente 8733, year 1693: « Primer quadern de miserabilitat y altres actes ».

Christofol Montesinos, sandal-maker (*espartenyer*) from Vall de Uxó, and Pere Cortés, labourer of Benisanó, served together as bandits. A fellow-villager from the Vall de Uxó¹²⁰ testified of Montesinos that «in order to maintain and feed his household he had to be working at his job for the most part, or making journeys as a sandal-vendor (going through the towns and villages of this kingdom)». Another witness confirmed that «he made journeys through the mountains and other parts, carrying as he used to do sandals to sell». On behalf of Cortés, a peasant of Liria testified that he was totally poor and «had to be working continuously with his hands to earn a daily wage, and after he changed this way of living he went about in a band in the dress and costume of a bandit, wandering through the kingdom».

Joseph Vicent, who had a mill in the town of Paterna, received the following testimony from a labourer of Cuart:

He was a poor man, so impoverished that in order to maintain his household it was necessary for him to work continuously, and since he was unable to meet the obligations of the mill he had to sell it as well as the goods he possessed, and to break up his household, and then he went to serve His Majesty in Naples.

Another witness added that «in Lent 1693 he returned from Naples and was arrested for killing his wife». After that he fled and became a bandit. Luis Remolar, labourer of Onda,¹²¹ became a bandit mainly, it seems, because he could find nothing else to do. The evidence of a fellow-townsmen said «he was always a lone bachelor son and a wanderer who never settled down (*en james tingue asiento*)... and afterwards, when he became a bandit and

¹²⁰ On the situation in this area, a memorial of October 1682 from «the towns of the Vall de Uxó» reported that «their population is composed of 350 households (*vecinos*), and over 250 of these consist of the old, widows, the poor, the privileged, clergy, and soldiers, who are all exempt from contribution to local obligations, lodging and food for troops, and ordinary taxation, and from the allocation of impositions due to Your Majesty, and from maintenance of one soldier in the fortress of Peñíscola for eight months a year...»: ACA, CA leg. 924.

¹²¹ The parish priest of Onda complained in 1665 of «the calamities and great travails suffered by this town, since its debts are so great and its income so small, that it is morally impossible for it to pay even half its obligations»: letter to the Council, 25 Nov. 1665, ACA, CA leg. 912. He calculated the town's accumulated debt at over 100,000 ducats.

went with the group of bandits led by Pere Cortés of Benisanó, he always went roaming through the kingdom ».

Jaume Marti, «Tarasó», of Castellón de la Plana, spent his time in the prisons of St. Narcis in 1693 with a fellow townsman, Jusep Christofol, who testified of him:

He has always known him to be very poor and wretched... and through all the time he went in the group of bandits led by Pere Cortés of Benisanó he has had no house or fixed domicile, neither in the said town nor in other parts of this kingdom... The said Tarasó, finding himself as wretched and poor as he was, betook himself to the protection of the Justicia, both to maintain and feed himself as well as to seek protection against his adversaries. The witness says he knows all this because he has known, spoken to and had dealings with the said Tarasó, and both come from the said town.

These testimonies confirm that poverty was the prime source from which banditry rose, just as it was frequently poverty that provoked the crimes committed by the bandits. The experience of «Tarasó», homeless and with no reliable supplies because of government harassment, helps to explain why bandits could be persuaded to compound with the authorities and accept a term of service in exile. «It is certain, Your Majesty», reported the members of the Council of Aragon in 1692, «that the soil of Valencia is fruitful not only in wheat and barley but also in delinquents, since the seed of these last is almost inextinguishable throughout that realm».¹²² Once the seed of banditry had been sown, it continued to thrive. Support from the villages may have been an important factor, though here the law officers could at least intervene. They remained helpless however when faced with the multitude of ecclesiastical and noble jurisdictions in the Valencian countryside. In 1690 the viceroy explained to the king how Antonio Palacios and his band had managed to elude officials:

Living as a tenant in the house of the lord of the barony of Alcalali, he formed his band and lodged it there, secure in the knowledge that in the marine peninsula the ruggedness of the terrain and the multiplicity of baronies make it impossible to administer justice. The many killings perpetrated by Antonio Palacios and his band, which

¹²² Consulta of the Council, 29 Aug. 1692, ACA, CA leg. 581 f. 11 no. 1.

included Francisco his son, made him a serious threat, and it was judged absolutely necessary for the peace of the realm to form a company for Milan out of the members of his band.¹²³

The revocation of the *furs* of Valencia in 1707 changed this situation significantly. Feudal jurisdictions were now overruled by the intendant in cases where — as with banditry — responsibility clearly lay with the central authority. In September 1711¹²⁴ new regiments of militia to police the kingdom were formed. The privileges of the clergy, notorious for their sympathies with banditry, were restricted by ministers from Melchor de Macanaz onwards. In both Catalonia and Valencia an occupying army took vigorous steps to subdue «all those peasants who had been ruined and remained in revolt»,¹²⁵ and effective action was also taken against the several Valencians who had turned to piracy.¹²⁶ The environment that had once nourished lawlessness now conspired to repress it. Banditry of the Baroque age was doomed.¹²⁷

¹²³ Count of Altamira to the king, 27 June 1690, ARV, RC leg. 593 ff. 136-8.

¹²⁴ KAMEN, *The War of Succession*, p. 340.

¹²⁵ MIÑANA, *De bello rustico*, p. 567.

¹²⁷ KAMEN, *The War of Succession*, p. 364.

