Forum Shopping Pirates?
Litigation strategies to address maritime plunder in late medieval Flanders

In 1422, Portuguese merchants in Flanders suspected the Genoese shipmaster Francesco De Caffa of partaking in the maritime plunder of Portuguese vessels. Maritime plunder, or an event where the sailors of one ship seize another ship and its merchandise for themselves, could lead to capital punishment, or at least compensation, when determined as unjustified. The questions for medieval Flanders were: Who decided what was unjustified? When was it unjustified?

The Zwin area in Flanders was a patchwork of jurisdictions. Plunderers could be arrested by officers of the Count of Flanders in Damme, Sluis, Bruges, the Liberty of Bruges (the rural area surrounding Bruges), and the water bailiff, who was specialised to handle events 'on the water'. Municipal courts in Sluis, Mude, Bruges, and the Liberty were all eager to try these pirates as it demonstrated to their inhabitants that they would assume a strong stance against maritime plunder. In addition to these courts, princely courts like the Council of Flanders (competent for the County of Flanders) and the Great Council of the Duke of Burgundy (competent for all dominions of the Duke of Burgundy) often considered cases of maritime plunder. The problem was that none of these courts were exclusively competent for the assessment of maritime plunder, which prompts the question of whether this web of courts gave litigants the ability to choose between these courts (forum shopping), what choices could be made, and what limits were placed on this forum shopping. As we will see in sections II and III, no court had sole jurisdiction over maritime events, so various courts could accept these cases, or even bring the cases before them.

Bruges, in particular, had an acute interest in maritime conflicts. In the case of De Caffa, the Portuguese had asked the bailiff of Sluis to apprehend the shipmaster once he was in the port of Sluis and make sure that justice would prevail. The bailiff arrested and incarcerated him with the intention of summoning him before the aldermen of Sluis. However, the Genoese merchant community in Bruges intervened. The Genoese argued that they had privileges stating that Genoese merchants were only liable for their own debts. They claimed, the merchant, Leonardo de Rapallo was responsible in this case, whereas De Caffa worked only for de Rapallo. In brief, the Portuguese had the wrong man arrested. To make matters worse for the

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2 Jacques Paviot, Portugal et Bourgogne au XVe siècle (1384-1482): recueil de documents extraits des archives bourguignonnes (Paris, 1995), 495; General State Archive Brussels, Chambre des Comptes, no° 13926, Accounts of the Bailiff of Sluis, Jan Geldhof, fol. 6 v. – 7 r.

3 Jean-Marie Cauchies, Ordonnances de Jean sans Peur, 1405-1419 (Brussels, 2001), 321.
Portuguese, the Genoese sought the help of the aldermen of Bruges, who believed that Sluis was within their sphere of influence, even though the aldermen of Sluis had another opinion on the matter.⁴ As the bailiff accounts mention, both the aldermen of Bruges and Sluis had some serious disagreements. The reason for the quarrel between Bruges and Sluis was not mentioned, but an educated guess would be competency. Sluis was proud of its own jurisdiction and court, whereas Bruges envisioned a far more submissive role for Sluis. The Duke of Burgundy and Count of Flanders sent ducal commissioners to calm the situation down, but the bailiff of Sluis saw the evolving stalemate and proposed a deal.⁵ De Caffa or the Genoese nation would pay a sum of money and he would drop the charges against him: A financial arrangement known in Flemish law as a composition.⁶

For the bailiff of Sluis, the matter was simple. When justice was improbable because of the lack of evidence or anything else, he often proposed a deal and terminated the case with it. For the city of Bruges and the Portuguese, it is unlikely that the matter was resolved as easily. Although we do not know how they solved this particular problem, the case illustrates how quickly maritime plunder became a web linking different stakeholders. By the fifteenth century, Bruges was one of the most important commercial hubs in the County of Flanders and by extension, in Northern Europe. Merchants from the Hansa, England, Scotland, Portugal, Castille, Aragon, Genoa, Venice, Florence, and Lucca all visited the city. However, together with their merchandise, these merchants sometimes robbed each other in the open seas, which was an area without clear jurisdiction. As these merchants came together in Bruges, their enmity had the potential to destabilise the city.

Yet, maritime plunder was a fact of life in late medieval Flanders. From low-born fishermen to high-born noblemen, taking a ship, its merchandise, and even its sailors could be both an honourable and a dishonourable enterprise. It was up to the court to determine which one it was.⁷ However, for medieval Flanders before 1488, there was no court that was solely competent to conduct this assessment.⁸ From 1488 onwards, Maximilian founded the admiralty at Veere that assessed the taking of ships.⁹ Before this evolution, it was open to a plethora of

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⁵ Mude was the competent court, but was also subaltern to Bruges. This was the case for Sluis, too. However, Sluis being a bigger city was more resistant to the interference of the Bruges aldermen; (…) et plusieurs autres du conseil de mondit seigneur furent a l’Escluse pour traitter l’accord entre ceux de Bruges et lesdits de l’Escluse (…); ARA, CC 13926, Accounts of the Bailiff of Sluis, Jan Geldhof, fol. 6 v. – 7 r.;


⁷ Jacques Paviot, La politique navale des ducs de Bourgogne 1384-1482 (Lille, 1995), 22; City Archive Bruges (SAB) 157, Civiele Sententiën, 1465-1469, fol. 91 r.

⁸ There was an admiral, but he mainly had a military function: Roger Degryse, De admiraals en de eigen marine van de Bourgondische hertogen (1384-1488) (Antwerp, 1965); Louis Sicking, Neptune and the Netherlands: state, economy and war at sea in the renaissance (Leiden, 2004), 19-20, 22-31.

⁹ Although it is clear this admiral theoretically became the central point for maritime plunder, it is likely that the aldermen benches continued their practice as before. Most of the cases the admiralty treated in Vierschaar
courts. Several princely officers could arrest plunderers and several courts could assess their guilt. As cases of maritime plunder were often considered as high-stake, several courts tried to bring cases within their competency and out of the sphere of influence of others. This gave merchants the rare opportunity to play the courts against each other, and make the system work for them.

Most princely officers summoned the people they arrested before their provincial court. For example, the bailiff of Sluis would bring plunderers before the aldermen of Sluis. In those cases, it would be trailed according to a criminal procedure. However, there were more stakeholders that were interested in the plundering on the sea. Bruges and by extension the Four Members, an informal gathering of the three biggest cities of Flanders and the Liberty of Bruges, the Council of Flanders, and the Great Council of the Duke could assess the guilt of these plunderers. The same crime could be assessed before these courts in a civil procedure. If this was the case, the procedure would not deal with the crime, but with the inflicted damages since the courts wanted to restore and appease relations. However, this only happened if one the parties (plunderer or plundered) believed that this was probably in their interest. In contrast to the lower aldermen benches, these courts had no ducal officer summoning either party to court and thus relied on one of the parties to initiate a case. In addition, the aldermen, for example, had to hinder the criminal procedure before the water bailiff and the aldermen of Mude. The obvious questions are: How, in such an unsystematic web of courts, did merchants and plunderers try to reach the most profitable judgement? How did they use these courts to their advantage? What parameters did they take into account? To what extent could they forum shop within these courts? Forum shopping is the ability to choose between the different fora available with the purpose of obtaining a favourable decision. This may certainly have been acute in late medieval Flanders for the stakes in maritime plunder were often very high. Robbed merchants sought compensation for their losses. The robbers wanted to outrun any penalty – be that paying a compensation, being hung at the gallows, or being put to death by the sword or at the stake.

Whether or not someone appeared before the gallows was a consequence of the qualification of the delict. This contribution adds to the debate on how the municipal courts classified and determined their relation with the events happening on sea. The historical literature points out the concept and perception of piracy in the late medieval period. Being classified as a ‘pirate’ was probably the worst scenario for a robber. Pirates were framed as an unwanted menace to the common people, and were often punished in a terrible manner. According to Pierre Prétou, the prince displayed his power in piracy cases and was determined

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10 On the Four Members see: Wim Blockmans, De volksvertegenwoordiging in Vlaanderen in de overgang van middeleeuwen naar nieuwe tijden (1384-1506) (Brussel, 1978).
to set an example.\textsuperscript{12} However, as Gregor Rohmann, Philipp Höhn, and Thomas Heebøll-Holm have shown, piracy was a mouldable concept that could be used to stigmatise other merchants or places.\textsuperscript{13} In addition to the complicated web of courts, there was a complicated system of classifications that could be used before a court in the late medieval period. This presented strategies to be played. This article argues that in late medieval Flanders, there was an ambiguous position among merchants, pirates, and the groups in between. The specific context gave way to a diversified framework through which these maritime plunders were perceived. This classification and how a court reacted against it was important for litigation strategies for both robbers and the robbed. In this article, we will explore the different flavours of piracy (I) and determine the importance of this for the courts of aldermen, notably Bruges, (II) and the princely courts, notably the council of Flanders and the Great Council of the Duke of Burgundy (III).

I. Troublemakers, Sea Roamers, and Pirates.

The act of assaulting a ship, attacking its crew, and taking its cargo was not necessarily repugnant in the eyes of society.\textsuperscript{14} Maritime plunder could amount to lawful or unlawful violence. The first was born out of necessity, the latter, out of opportunity.\textsuperscript{15} In pre-modern times, princes could not rely on organised fleets and sought refuge in entrepreneurial sailors. These fishermen attacked enemy vessels, took their cargo and, in the process, harmed the enemy at a far larger scale.\textsuperscript{16} When war erupted between two states, their subjects were allowed to take their enemies’ cargo as a rightful prize. The assessment of whether or not a prize was lawfully obtained was up to a court. A variation of this was the Letters of Marque or reprisal letters. By the end of the seventeenth century, the Letter of Marque was a licence issued to privateers to

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operate against enemy vessels in war. Before this evolution, the term denominated a licence to arbitrarily apprehend merchandise as compensation for a previous injury. In several cases, these letters were issued as retribution for maritime plunder. As maritime plunderers operated in international waters, they were not easily caught. Owing to this lack of justice, reprisal letters were a useful device for the prince to appease his subjects. Once issued, the victims of maritime plunder could arrest the goods of, in most cases innocent, compatriots of the maritime predators. It was a form of retaliation that only a prince could issue.

The damage these letters could do was limited, although war was not a prerequisite. The arrest could be executed on the sea by attacking foreign vessels, but especially in medieval Flanders, these arrests were mostly executed in the ports. With all the valuables amassing in a port like Sluis, it was tempting to distrain the cargoes of compatriots of the wrongdoers instead of catching slippery maritime predators. Most merchant communities were aware of this threat and had obtained privileges protecting them from such arbitrary arrests. When threatened by reprisal letters, they called on their charters granting them specific protections, commonly known as “privileges”, to protect them. The prince was, however, not always so reminiscent of these privileges and, once these letters were issued, they could lead to long legal procedures. For the Flemish cities, reprisal letters were a nuisance. The prince intervened in what they believed was their sphere of influence. The prince disturbed existing relations and many merchants complained vehemently before their courts once reprisal letters were issued. Not unsurprisingly, in 1453, Duke Fillips the Good issued a formal promise to the cities not to issue any Letters of Marque. In effect, the letters largely disappeared until the end of the fifteenth century when Maximilian of Austria was less scrupulous. When he wrote to the Scottish King James III to seek compensation for taking the ship La barge (sic), he did not hesitate to threaten with reprisal letters.

19 They were protected by the clause that nobody could be apprehended for a crime they had not committed, but some nations felt like they needed an extra assurance against the issuing of reprisal letters; See for example the Spanish in 1428; SAB, Spanish Consulate, no° 4.
21 National Archives Scotland, State Papers, 13/20.
When war and/or reprisal letters were absent, the violence was illegitimately committed. However, even here, these plunderers appeared in our sources in several variations. In Middle-Flemish, we most commonly see the term ‘seeroomers’ or ‘seeschuimer’ (sea roamers).\(^{22}\) In Middle French, these same people were designated as ‘écumeurs du mer’. There is a difference between sea roamers and being designated as sea robbers. The former did not comprise an existential threat, whereas the latter was seen as a harmful brigand.\(^{23}\) To some degree, sea roamers were seen as a fact of life. Pillaging at sea was not a top priority but was considered a nuisance that had to be dealt with occasionally.\(^{24}\) Even when these people were designated as rovers, robbeurs du mer, or robbers, the authorities spoke about a legal offence that was punishable with a public execution by the sword.\(^{25}\) People who were designated as ‘sea roamers’ and ‘sea robbers’ could be executed by the local bailiff. However, even if sea robbers was a slightly more pejorative term, it did not call for large-scale action to eradicate the threat to commerce.

On the other hand, ‘likedeelers’ (equal distributors) were something else. There was nothing honourable about their profession; they were only a threat to society. This category appeared in the early 1400s in Flemish waters and were seen as an existential threat that had to be dealt with. The term called for action. The sailors who came from the Baltic sea provoked a spike in the piratical activity in the North Sea and engendered the cities to complain vehemently about their activities.\(^{26}\) From the second half of the fifteenth century, this term likedeeler changed to the familiar denomination of ‘pirate’: a term that is often used in connection with something that was a menace.\(^{27}\) Historians have often brought the concept of medieval piracy in contact with Cicero, who stated that the pirate was the enemy of mankind.\(^{28}\) He was a universal enemy who presented an existential threat to everyone. Pierre Prétou argued that the


\(^{26}\) The last one was often (but not solely) linked to the Vickalienbrüders or Vitalian Brethren who were driven away from the Gotland at the end of the thirteenth century. These *Pirates* and *Likedeelers* are similar: Nicolaas Despars, ‘Cronijcke van den lande en graefscepe van Vlaendren gemaeckt’, vol. III, ed. J. De Jonghe (Rotterdam, 1840), 424: “Doe besproghen die Zeeuwse Pijraten ende lijken elhaelers XV Spaensches schepen”.


Parliament of Paris was inspired by this notion and gave the King of France a pretence to pursue pirates beyond his jurisdiction and, by so doing, enlarge it.\textsuperscript{29} Often, when piracy was alluded to, it was either in the sense that the activities were harmful or to provoke other parties into action and deal with the problem.\textsuperscript{30}

In the sources of medieval Flanders, we see ill-behaved merchants, harmful \textit{seeroomers}, and loathed pirates. The major question of course is: Who is who? There is a very curious division to be noted: a difference in the leverage these sailors had over medieval Bruges. For example, though the Portuguese, Castilian, Genoese, or Hanseatic merchants committed acts of maritime plunder, they were never called pirates. The category for ‘sea roaming’ was often used to describe French and English maritime predators. There is a clear reason for this: As the English and the French neighbours were very close to Flanders, they were the usual suspects of maritime plunder. Both had close access to the English Channel and numerous fishing villages saw these ships fill up with cargo heading to Bruges. The Counts of Flanders were often involved in the conflict-ridden politics between France and England in the fourteenth and fifteenth centuries, and maritime plunder unfolded alongside the wars that followed. Even when there was peace between the Flanders and these kingdoms, the English Channel was filled with these predators acting on their own.\textsuperscript{31} For example, after King Charles VII reconquered the Norman coastal cities of Dieppe (28 October 1435), Harfleur (1 January 1450), and Honfleur (18 February 1450), he almost immediately provided the perfect conditions for entrepreneurial seamen to take the war to the English at sea. The result was uncontrolled violence that was greatly damaging to the commerce in the Low Countries.\textsuperscript{32} Despite peace between France and Flanders, several vessels sailing on the Sluis and Bruges were attacked. The Hansa complained several times about the unsafe nature of the Flemish waters and the maritime predators operating in the Zwin area.\textsuperscript{33} Nevertheless, the people who were arrested in this context were often described as ‘\textit{seeroomers}’. If captured, they could be executed, but their presence did not entail any existential threat for Bruges.

The political context was essential. Let us take the anonymous English sailors who were captured by the water bailiff, the comital officer responsible for the safety of the Flemish waters. He had to arrest these predators and bring them to justice via the aldermen of Mude, a small town in the Zwin. The aldermen of Mude described these sailors as ‘people who had committed sea-roaming’. However, they were not immediately condemned, which was the result of the


\textsuperscript{30} Rodger, ‘The law and language’, 5-6.

\textsuperscript{31} In the 1420s, English attacks on Flemish vessels were endemic and resulted in the Flemish petitioning their duke several times to ensure that the situation was remedied. The Duke petitioned the Duke of Bedford, regent for the English King in France, but clearly could not halt this; Blockmans, \textit{Handelingen van de leden}, 329, n. 276. For the claim of compensations: Blockmans, \textit{Handelingen van de leden}, 336, n. 285.

\textsuperscript{32} Paviot, \textit{La politique navale}, 153-154.

\textsuperscript{33} See for petitions to the four members; Goswin von der Ropp, \textit{Hanserecesse}, II, vol. 2, (Leipzig, 1870), 360-361, no\textsuperscript{a} 439.
specific circumstances at that time. In 1471, England and Burgundy were at war, but not entirely. In the context of the Wars of the Roses, Edward IV had lost his throne and had to seek refuge with his brother-in-law, Charles, the Duke of Burgundy. The King who had regained his throne, Henry VI, declared his predecessor a traitor. Formally, the Duke of Burgundy supported, according to him, the rightful King of England. Edward IV reclaimed the throne in 1471, but it is unlikely that these unfortunate Englishmen were staunch supporters of Edward IV. The aldermen of Mude shared this doubt, and after the examination of the English sailors, four of them were executed by the sword. What the aldermen had to do with the eight others was unclear and the city of Mude asked the Duke for advice. Their doubt highlights the diplomatic sensitivity in these cases. Even the ones that were executed by the sword received rather honourable treatment. Robbers could also be broken on the wheel.

The use of words like ‘piracy’ may not have been as frequent, but when it was used, it was for a reason. In 1478, Bruges obtained a charter from Maximilian of Austria. In this charter, the Bruges aldermen complained about the plundering conducted by ‘pirates’ from Groningen and East Frisia. The Bruges aldermen asked the Archduke to take action against these pirates and proposed a solution. The real problem were not these pirates per se, but the ports of Holland and Zeeland which harboured these pirates and condoned their activities. Therefore, the city of Bruges asked the Archduke to send letters to the ports of Holland and Zeeland to ban these pirates and forbid the provision of any form of help to them. Although this is, at first glance a legitimate concern, the aldermen of Bruges were very devious. Whereas Holland and Zeeland were prominent members of the Burgundian Netherlands, Groningen and East Frisia were not. Maximilian could safely condemn these sailors as pirates, while this was impossible for its own subjects. The action that was taken was not against these pirates, but against the ports supplying these pirates. The ports of Holland and Zeeland were affected and had to limit their commerce with these people suspected of piracy. How Bruges planned to enforce this is uncertain, but this must have been quite the symbolic statement.

While the threat from these coastal towns along the Dutch shore was real, the use of the word ‘piracy’ had political implications. As the Hanseatic merchants sailed along the coast of Holland and Zeeland, it was mostly the Dutch fishermen who attacked their vessels as they

34 General Archive Brussels (ARA) 36602, Stadsrekeningen Mude, 1471, fol. 9 r.
35 (…) Joos vanden Eeke huutgesonden te Rijsele mijnen gheduchten heere omme te wetene was hem gheliefde ghedaen te hebbene met VIII persoonen huut Ingheland die hier ghevanghen waren van zeeroome (…); ARA 36602, Stadsrekeningen Mude, 1471, fol. 9 v.
36 Wielant, Instructie materie criminele, 104/1-7, p. 232-3.
37 (…) an diversche steden ende baillius in Zeeland bijden welken hemlieden bevolen was datmen den voorscreven roovers gheen secours doen en zoude van vitelgen noch andersins (…) SAB 216, Stadsrekeningen Brugge, 1478-1479, fol. 73 v.
38 The gatherings of the Four members mention the occasional nuisance of Hollanders and Zeelanders being maritime predators; Walter Prevenier, Handelingen van de leden en van de staten van Vlaanderen (1384-1405). Excerpten uit de rekeningen der steden, kasseltijen en vorstelijke ambtenaren (Brussels, 1959), 190.
passed by.\textsuperscript{39} The Hansa saw merchants from Holland and Zeeland sailing into the Baltic as pure competition. They branded these merchants as pirates and felt justified in acting against them. The Hansa expected Bruges to protect her economic interests and passed on the message.\textsuperscript{40} Nevertheless, Bruges may also have nurtured its commercial interest in branding these cities as ‘criminal’. As is apparent from the sixteenth century, this network of towns of Holland and Zeeland was also booming with its own industry in draperies, and thus becoming more and more of an existential threat to the industries of Flanders.\textsuperscript{41} Branding them as pirates was not a bad strategy to curb the economic activities in these towns. The Duke could not directly curb the growth of these merchant towns, but would surreptitiously hinder their economy if Bruges could prove that they were pirates' nests.

This never succeeded. However, curiously enough, if sailors were branded as pirates, they often came from Holland and Zeeland. For example, in the case of the aldermen of Bruges, sailors from England and France, once captured, were often executed by the sword as seeroomers. If the water bailiff captured sailors from Zeeland or Holland, they were brought to Bruges to be burned publicly at the stake.\textsuperscript{42} From the fifteenth century, the Bruges aldermen started describing them as ‘pirates’ in the sense of being illicit, unwanted, and very dangerous.\textsuperscript{43} It also brought these people into an unwanted legal category. For most of the Middle Ages and the Pre-modern eras, people accused of piracy were also tried in the most violent way.\textsuperscript{44}

Bruges made a statement by branding these sailors as pirates. They were unwanted and the prince had to intervene, by actively hunting these pirates and bringing them to justice in order to safeguard commerce in Bruges. This was a highly hypocritical approach to maritime plunder. Although each case was different, there was a rough divide between political enemies from France and England, who were punished but not stigmatised, and Dutch-speaking sailors whose fate was less enviable. The question is how both used this situation to their advantage in the litigation strategies they spun.

II. Litigation Strategies Before the Aldermen Court of Bruges.

\textsuperscript{39} See, for example, a letter from Danzig to the Burgundian Duke in 1438. Ships from Holland had seized some merchant's vessels and Danzig demanded compensation: Von der Ropp, \textit{Hanserecesse}, II, vol. 2, 360-361, no° 439; 210-212, no° 264.


\textsuperscript{42} ARA 36599, \textit{Stadsrekeningen van Mude}, 1468, fol. 8 v.

\textsuperscript{43} SAB 216, \textit{Stadsrekeningen Brugge}, 1476-1477, fol. 46 v.

The competence of the Bruges aldermen court to handle cases of maritime violence was hazy at best. On the issue of *ratione materiae*, they were competent to deal with cases like manslaughter or robbery, though had no competence on matters that happened at sea.\(^{45}\) There, the water bailiff could capture and bring culprits before the aldermen of Mude. On the issue of *ratione personae*, they could not claim jurisdiction over these maritime violators. In almost all cases, foreign merchants and fishermen from the coast were involved in violence at sea. However, the unwanted consequences were borne by Bruges. As all merchants sailing through the English Channel and the North Sea traded their wares in Bruges, it was not uncommon that they settled scores once they were in the city. They could attack, sabotage, and possibly kill people in Bruges.\(^{46}\) Therefore, it was in Bruges’ best interest to deal with these cases as swiftly as possible.

International merchants knew this. Merchants coming from the open waters first docked a Sluis before they disembarked their wares into smaller vessels and sold them in the Bruges’ market. The first officer of justice these merchants encountered was often the water bailiff residing in the port city of Sluis. He was responsible for the defence of the princely rights in the Flemish stream, the rivers, and territorial waters before the Flemish coast. Not only was he an important and powerful figure, his responsibilities included arresting people who committed violence at sea.\(^{47}\) He arrested and incarcerated people who had committed maritime plunder, and initiated criminal proceedings before the aldermen of Mude. However, both the water bailiff and the aldermen of Mude were within the sphere of influence of Bruges. Officially, Bruges was the *chef de sens* or the legal head of Mude. In case of any doubts vis-à-vis legal matters, the aldermen of Mude had to consult the Bruges aldermen.\(^{48}\) This gave Bruges at least an unofficial right of supervision over the actions of the aldermen of Mude. The aldermen of Mude also depended on the yearly ‘subsidy’ that Bruges gave them.\(^{49}\) Although they considered this a right, Bruges used it as leverage to pressure them into doing their bidding.

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\(^{45}\) This was for the water bailiff and his aldermen of Mude or the admiral; Paviot, *La politique navale*, 33.

\(^{46}\) See for example in the accounts of the Schout of Bruges, the comital officer with the jurisdiction in Bruges: ARA 13775, *Comptes rendus par Josse de Varssenare*, fol. 17 v. and 43 r.

\(^{47}\) ADNB 6095, *Accounts of the water bailiff*, fol. 1 r. – 1 v.

\(^{48}\) Their intervention could be sought by both aldermen of Mude or one of the parties; R. Monier, ‘Le recours au chef de sens, au moyen âge dans les villes flamandes’, *Revue du Nord* 53 (1928), 9, 11, 13, 15.

\(^{49}\) ARA 36595, *Stadsrekeningen Mude*, fol. 12 r.
The water bailiff was closely associated with Bruges. The aldermen of Bruges tried to maintain a good working relationship with him. Gifts were sent to the water bailiff who enjoyed a position of prominence in Bruges. This was exacerbated because most water bailiffs already had strong connections with the Bruges magistrate before they received the office. He was a very powerful figure, able to drop a criminal procedure and allow the aldermen to discretely solve matters in a civil procedure. Tellingly, when the cities were able to dictate policy in 1477, the Flemish privileges seriously lamented the ‘abuses’ of the water bailiff. The water bailiff had an interest in maintaining a good relationship with the Bruges aldermen. He arrested merchants, but could not try them himself. He had to bring them before the aldermen of Mude, who were, as indicated above, under the influence of Bruges.

Merchants from the Hansa, Portugal, Castile knew that they were of vital importance to Bruges. The Hansa had received privileges that exempted their merchants from any persecutions resulting from maritime violence. If they were arrested by the water bailiff and criminal proceedings followed, members of their community often demanded that the aldermen of Bruges intervene. The aldermen reacted in sensitive cases and sent messengers to ‘discuss some people who were captured on the water’. Although it is impossible to know exactly what these people did or what the aldermen planned to do about it, they negotiated with the bailiff on ways to handle these merchants. This sometimes resulted in merchants getting off the hook despite clearly crossing any reasonable lines.

For example, when Pedro Sanches (Pierre Senses) was travelling in 1400 towards the County of Flanders, he bumped into a German vessel transporting pilgrims to Santiago de Compostela. Not aware of their holy mission, Pedro boarded, killed the pilgrims and sank the ship. Once he was in Bruges, word had reached the water bailiff, who decided that such actions should be punished. As there was no war between the Hansa and Castile, the attack was unjustified. The bailiff arrested and imprisoned Pedro Sanches. However, Pedro Sanches, as the bailiff claimed in his accounts, said that he was not aware of the pious mission of the vessel but believed that they were Portuguese with whom the Spanish were at war. The water bailiff concluded that this was an honest mistake and suggested a financial arrangement. Pedro Sancho paid 28 lib. 19 s. and the bailiff did not pursue the case.

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50 The water bailiff was actively involved in the policy of Bruges. In the city accounts, several meetings among the schout, water bailiff, and aldermen of Bruges are attested; SAB 216, Stadsrekeningen Brugge, 1445-1446, fol. 49 v.
51 SAB 216, Stadsrekeningen Brugge, 1447-1448, fol. 42 v.
52 This was against the formal rules; Paviot, La politique navale, 32.
54 ADNB 6087, Accounts of the water bailiff, fol. 1 v. – 2 r.
55 SAB 216, Stadsrekeningen Brugge, 1440-1441, fol. 57 v.
56 About two years and half years of work for a master stone mason; ADNB 6086, Accounts of the water bailiff, fol. 2 v.
Hansa would have been very pleased with this, the right of composition offered a handy way out of violent cases.  

By penalising these perpetrators without executing them publicly, merchant communities did not suffer any damage to their honour. The water bailiff mediated between justice and diplomacy when he did not condemn them as pirates. The same can be observed for the bailiff of Sluis. Although he often arrested important merchants, he chose to give them a composition, while sailors from Holland and Zeeland were executed. In 1421, Bartolomeo of Venice was accused of robbing wine, but after the intervention of ‘bonnes gens de Bruges’, he was acquitted with just a fine. That year, Estene John of Portugal was accused of robbing Gauthier Roedbeen, but was offered a composition at the request of Jan van Aertrijke, a member of one of the leading hosteller families, and Pieter de Langhe of Bilbao in Biscaye was released after he paid the bailiff, which was done at the instigation of the Spanish nation and the aldermen of Bruges. Conversely, Jan Wulfert of Zeeland was executed in 1427, and Coenraet Wijs and Diederic van Gisterle followed in 1431.

Not all international merchants were acquitted. The financial arrangement with the water bailiff only entailed the promise to not move forward with any criminal proceedings. The victims of these actions could nevertheless still demand compensation for the harm that was done. Bruges handled these cases through legal fiction. First, these cases were not dealt with as ‘piracy’ cases or even ‘seeroome’. While dealing with cases of maritime violence, Bruges used euphemisms, such as that there had been ‘a capture on the sea’ (eene prise gedaan up zee), or ‘a ship was taken’ (schip genomen), or that ‘commodities were seized on the sea’ (goed op zee ontvremdt). Bruges classified these actions as simple seizures and assessed whether or not the people arresting these goods were justified in doing so. There was a logic to this. This damage could be dealt with as a debt and thus appear before the aldermen court. They lost the criminal side and tried their best to make both parties reconcile.

The task of the aldermen of Bruges was finding a solution between merchant communities without offending either of them. When nations, notably the Hanseatic, felt that their merchants were too vulnerable to piracy, they threatened to leave Bruges on multiple occasions if the city did not compensate them. Therefore, it was vital for the aldermen to find a workable solution as quickly as possible. One example is the relationship between the Hanseatic and Castilian merchants. In 1466, the Hansa was in conflict with a few Spanish captains. The Spaniards had attacked some English vessels and brought their merchandise to the harbour of Sluis. However,

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57 The Hansa complained several times of the lack of justice in cases of maritime plunder before the Four Members; Prevenier, Handelingen van de leden, 178, 182-3, 186.
58 ARA 13926, Accounts of bailiff of Sluis, Jan Gherlof, Jan 1422 – May 1422; ARA 13926, Accounts of bailiff of Sluis, Jan Gherlof, Sep 1422 – Dec 1422.
59 ARA 13926, Accounts of the bailiff of Sluis, Florent Deschamps, sept 14227 – Jan 1428, fol. 5 v.; ARA 13926, Accounts of the bailiff of Sluis, Florent Deschamps, jan 1431 – May 1431, fol. 5 r.; ARA 13926, Accounts of the bailiff of Sluis, Florent Deschamps, Sept 1431 – Jan 1432, fol. 5 r.
60 SAB 157, Civiele Sententiën, 1465-1469, fol. 53 r.
61 SAB 157, Civiele Sententiën, 1465-1469, fol. 29 v.
62 SAB 157, Civiele Sententiën, 1465-1469, fol. 60 r.
the German Hansa claimed that these goods included Hanseatic merchandise. While the case was first brought to the Great Council, both parties agreed to bring it before the aldermen of Bruges who acted as arbiters. All parties involved preferred the rapid solution of the aldermen of Bruges over the long and costly procedure of the Great Council.

The solution the aldermen found speaks volumes about their behaviour towards the privileged nations. They prioritised finding a workable solution and affirmed that the merchandise did indeed belong to the Hanseatic merchants who had no connections with the enemies of Castile. The aldermen thus concluded that the merchandise should be returned to the Hanseatic merchants. However, the aldermen considered the damages that the Spaniards had incurred. The Hanseatic merchants had caused some ‘commotion’ in Bruges and had to pay indemnity of 200 lib. 4 s gr. In the end, nobody was happy. The Spaniards had to return the stolen merchandise and the Hanseatic merchants had to indirectly pay for them. The case shows us how the aldermen tried to contain these highly volatile situations as they shoved the law (and thus all accusations of piracy) away and dealt with the matter as a win-win for both; or at least a lose-lose in which both parties could live with each other.

The aldermen had a good reputation in dealing with matters of piracy. They had a policy of no naming, and no shaming. When their clerks described in their registers the action and violence that went with it, they used terms like ‘troublemakers’ committing ‘brutalities’ or ‘irregularities’. If ‘sea roamers’ from important nations were arrested by the local bailiffs, the aldermen would quickly send a delegation to deal with these cases. Given that the aldermen had a good working relationship with the water bailiff, it can be assumed they could often force a compromise between the bailiff and the arrested maritime predators.

III. Litigation Strategies Before Princely Courts.

The complex system in medieval Flanders meant that different courts and people considered themselves competent in assessing piracy claims. Bruges could not keep all cases within its own sphere of influence. Merchants could appeal against the (civil) decisions made by the aldermen and try their luck before a princely court like the Council of Flanders, the Great Council of the Duke of Burgundy, or even the Parliament of Paris. All three were competent in the County of Flanders, and as they all protected the Count of Flanders or in the case of the Parliament of Paris, the King of France and his prerogatives, they could assess cases of maritime

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64 (...) se soient ou jour duy pour éviter longueur de procès et despens et entretenir paix et avoir entre eulx de leur bon gré et certaine science comprimis et soubsmis entièrement a causes des dits quatre pacquets de draps (...); SAB 157, Civile Sententiën, 1465-1469, fol. 91 r. While the sentence does not clearly state this, it is to be suspected that the aldermen approached these parties.

65 SAB 157, Civile Sententiën, 1465-1469, fol. 91 r. -v.

66 About 16 years of work for a master stonemason

67 (...) les aldermans payeront reelement et de fait ausdit capitains et maistres de neifz despaigne a cause des despens molestations et vexations quiz on eu en la poursuyte dudit proces (...) SAB 157, Civile Sententiën, 1465-1469, fol. 91 r. -v.

68 SAB 216, Stadsrekeningen Brugge, 1440-1441, fol. 57 v.; SAB 216, Stadsrekeningen Brugge, 1442-1443, fol. 55 r.; SAB 216, Stadsrekeningen Brugge, 1476-1477, fol. 56 r.
plunder. The Great Council of the Duke of Burgundy was often looked upon as the prime court where prize cases appeared, but as we will see, the Council of Flanders was also able to assess these cases deep into the fifteenth century. All of this depended on the litigation strategy of the merchant, the leverage he had, and of course the attitude the court had towards the merchant.

The case of Jean Marchant of Dieppe illustrates this ambiguous position. Jean Marchant was a cunning captain who sailed under the French flag and had an unruly opinion on whom to attack and how. He was accused of using false flags and other deceitful tricks to trap his opponents, but also proved to be a real menace to trade in the Zwin area. With a fleet of about four warships and 500 sailors, in the 1450s, he made the English Channel unsafe by seizing merchants and gaining loot. In October 1455, he and his sailors were gathering provisions in the Zwin area, when they were all seized in a raid by Charles, Count of Charolais and the future Duke of Burgundy. Owing to Charles’ intervention, a unique situation arose wherein victims of Jean Marchant could claim damages against these French maritime plunderers. Unfortunately for these merchants, the King of France petitioned the Duke that he wished to bring Jean Marchant to justice before his court. The Duke of Burgundy, Philips the Good, accepted but demanded that the French provide pledges and compensate his subjects if they were victimised. To ensure that this was handled properly, Jean Marchant was incarcerated in Bruges, and everyone with a claim could provide an oath upon his honour and demand compensations before the aldermen of Bruges.

There were several victims, but Lauwers Claiszone was perhaps the most interesting among them. Lauwers claimed that he was a shipmaster who had started his journey in Southampton and was unfortunate enough to encounter Jean Marchant and his ships on their way to Flanders. Jean Marchant and his fellow culprits boarded his ship, took all the valuables, and even threw six crew members overboard. Lauwers claimed that he was left behind and lonely, and his vessel, half-submerged, was floating without a course for three days and nights. It was only by a stroke of luck that he eventually reached Sandwich. Once there, he heard that Jean Marchant and his accomplices were arrested by the Count of Charolais. He hurried back to the Flanders to swear that he had suffered damages and demanded compensation for his losses. The aldermen considered the oath insufficient. They asked Lauwers to find certificates confirming his losses. Despite Lauwers’ first indignation and claim that it was impossible, he succeeded in obtaining two letters stating that his claims were valid: one from Amsterdam and

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69 SAB 157, Civiele Sententiën, 1453-1461, fol. 125 r.
70 This was a rather small fleet. In 1451, the French came with 26 ships in the Swin to raid the area, and with 36 ships in June; SAB 157, Civiele Sententiën, 1453-1461, fol. 125 r.; See Philip the Good complaining to the French King about such acts: BNF, Manuscrits Français, 26081, no° 6563.
71 de svorsc Jehanin Marchant metgaders zijne complicen tot vijfhondert toe zeeroomers waren ghevanghen ter Sluus int Zwijn bij mijnen gheduchten heere van Charolais ende ghevanghen ghebrocht binnen den lande omme hemlieden justicie (…) ghedaen te zijne (…) SAB 157, Snaggaertsvonnissen, fol. 8 r.; zie ook SAB 157, Civiele Sententiën, 1453-1461, fol. 125 r.
72 SAB 157, Civiele Sententiën, 1453-1461, fol. 125 r. – 127 v.
73 (…) zij wierpen over boort inde zee zes vrome mannen wesende in zijn voorscreven scip daer zij verdoncken want men van hemlieden noyt zicht niemant ende horde (…); SAB 157, Snaggaertsvonnissen, 8 r.
When Lauwers came to the aldermen court claiming his compensation, he found that the aldermen had released Jean Marchant from prison without offering any form of compensation to the unfortunate shipmaster. Lauwers sued the aldermen for the Council of Flanders. Before the Council, the aldermen explained that they had evaluated every claim that came before them. In concreto, these were claims came from merchants from both Holland and Mechelen. The claims from Mechelen were accepted, whereas those from Holland were dismissed. Lauwers was too late to claim his damages, and he provided, or so the aldermen claimed, very sketchy documents. The Council of Flanders agreed with the aldermen and dismissed the case after condemning Lauwers Claiszone to pay the costs of the procedure.

This case indicates two points. First, the aldermen acted in a restrained manner when they settled the case of a notorious maritime predator like Jean Marchant, who stole and killed people. He was imprisoned, but the aldermen did not consider him an outlaw. The aldermen assessed the claims and did not accept them immediately. When the merchants from Mechelen claimed their damages, Jean Marchant said that he believed that they were carrying German soldiers and were thus a rightful bounty. The shipmasters of Mechelen received their claims and Marchant had to pay. It may have something to do with the documents Lauwers presented. The claims from the merchants of Holland were dismissed as were the letters Lauwers provided from the cities of Holland. Nevertheless, Lauwers in his turn did not shy away from bringing his claim before the princely court. He stood a reasonable chance, but the case was dismissed on a procedural fault.

There was a group of merchants that did not believe in the due diligence of the aldermen, and were keen to avoid the Bruges court altogether. One such person was the mayor of Gouda, Willem Dapper. Willem Dapper was the wrong person at the wrong time in Bruges. When he was in Bruges, some ships from Holland had stolen a net worth of 350 lib. gr. from the wealthy merchants Lazarro Lomellini and Jenoit Spinola, both of whom were from Genova. When they arrested Willem Dapper in 1479 for a supposed debt, he was stunned. The Genoese believed that Willem, as the mayor of Gouda, was responsible for the maritime predators who came (or so they claimed) from Gouda. The Genoese hoped that the aldermen would recognise the mayor’s liability for his citizens. If that was the case, the aldermen had to condemn Willem Dapper to compensate for the losses of the Genovese merchants. The claims were far-fetch and it is unlikely that the aldermen of Bruges would accept these arrests.

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74 His nationality is unmentioned in the decision. However, as he sought letters from Dutch cities, he might have been Dutch; (…) hij dede zo vele dat hij vercreech twee letteren van certificacien dene onder den zeghele vanden stede van Hamsterdamme ende andere van den stede van Herlam (...), SAB 157, Snaggaertvonnissen, 8 v.
75 Mechelen is located between the county of Flanders and Brabant. The Duke of Burgundy was also the Lord of Mechelen.
76 SAB 157, Civiele Sententiën, 1453-1461, fol. 125 r. – 127 v.
77 (…) moeyen zeyden tot hem dat de voorscreven letteren donckere ende diffuus waren omme yement daerup te condempnieren (...); SAB 157, Snaggaertsvonnissen, 9 v.
78 They were forbidden to follow criminal procedures against these pirates. In this case, that right was for the French king, SAB 157, Civiele Sententiën, 1453-1461, 125 r.
79 SAB 157, Civiele Sententiën, 1453-1461, fol. 127 r. – v.
81 ARA, Fonds Grote Raad, 794.22, Fol. 89 r.; ARA, Fonds Grote Raad, 796.93, fol. 135 r.
Nevertheless, Willem Dapper was determined not to find out. He fought the competence of the aldermen as the court to discuss the problem. He claimed that the aldermen of Bruges could not take notice of the case because 1) he was a citizen of Gouda and hence had to be brought before the princely central Court of Holland, and 2) neither Lomellini nor Spinola were in the possession of reprisal letters and could therefore not arrest based on nationality, but only personal debt, which Willem Dapper did not have. Notwithstanding these reasons, the aldermen of Bruges decided that they were the competent court and Willem Dapper had to answer to the demands that both Lomellini and Spinola made. This was only an interlocutory sentence, but it was already enough for Willem Dapper to appeal against it before the Council of Flanders, where he maintained that he should be tried before the Court of Holland and that he should at least be held without damages from the previous arrest.\(^2\) As appeals against interlocutory arrest were not allowed since 1459, the Council members condemned Willem Dapper to a frivolous appeal and fined him 60 lib. gr. par.\(^3\) Willem Dapper proceeded to the Great Council of the Duke of Burgundy, but had no success. The Council declared that Willem should answer before the aldermen court of Bruges on the claims made by Lomellini and Spinola.\(^4\)

The complexity of the case leaves us wondering why Willem Dapper was so eager to escape the jurisdiction of the aldermen of Bruges. He had to appear in a civil proceeding to answer for the damages inflicted by his citizens. It was not confirmed that the damages were inflicted by the citizens of Gouda, or that Willem Dapper was responsible for them. Still, Willem Dapper went so far as to escape the jurisdiction of Bruges by litigating before the princely courts, starting with the Council of Flanders, while probably investing hope in the Great Council. Before the Great Council, as a subject of the Count of Holland, he would see his case discussed by a court that had both jurisdiction in the counties of Flanders and Holland. It was not unlikely that they would decide that Willem Dapper should appear before the Court of Holland. The rashness and flagrant disrespect for the lower courts did not benefit him and the council members decided that the aldermen of Bruges should have at least the chance to consider the case.

The desire to not be tried by these aldermen is strange to say the least. It was probably Willem Dapper’s intention to escape the narrow-minded enmity of Bruges against Dutch-speaking seafarers and petition his court, namely the Council of Holland, for fair treatment. As we have seen, Dutch sailors plundering on the routes to Bruges were the cause of many meetings of the Flemish cities, in which they were sometimes even branded as ‘pirates’. When these plunders were arrested, they received no help from the aldermen, and suffered cruel executions. No special interventions were made, and Willem Dapper was probably not counting on any future help from the aldermen. Instead, he (fruitlessly) tried to move the case to the Council of Holland.

The higher courts had a different vision of piracy than Bruges. Some merchants had limited opportunities to appear before these princely courts, and sometimes, if they were captured, they were hanged quite quickly. For example, the souverain-bailiff of Flanders was

\(^2\) State Archive Ghent (RAG) 2411, Raad van Vlaanderen, Acten en Sententien, 1480-1480, fol. 9 r. and 37 r.
\(^3\) (… derzelve appellant over zijn frivol appel ghecondepneert zijn ende boete van LX lib parisis (…) ); ARA, Fonds Grote Raad, 794.22, Fol. 89 r.; ARA, Fonds Grote Raad, 796.93, fol. 135 r.
\(^4\) ARA, Fonds Grote Raad, 794.22, Fol. 89 r.; ARA, Fonds Grote Raad, 796.93, fol. 135 r.
such a powerful figure that he could be both questioner, and judge and executioner. If sailors or merchants were arrested by him, their options for litigation were limited.\textsuperscript{85} However, the merchants that could, would also use it to their advantage.\textsuperscript{86}

Yvon Lorens was a merchant who faced the odds and achieved, compensation through his litigation strategy. On 24 July 1472, the Breton merchant, Lorens decided to bring his claim to the Great Council. He had been attacked and robbed by Dunkerque pirates who had brought their bounty to the Lord of Veere, who was an admiral of the Burgundian Duke. Lorens went immediately to Veere to claim his goods back, ‘because he was a good merchant.’ Once he was at Veere, he was quickly disappointed as the Lord of Veere claimed that the Duke of Burgundy was at war with the Duke of Brittany, and as a consequence, the prize was legitimate.\textsuperscript{87} The Lord of Veere was a very influential member of the Burgundian society, but also had a questionable reputation in matters of maritime violence, sometimes having committed it himself.\textsuperscript{88} Lorens brought the case before the Great Council. By doing so, he not only escaped the jurisdiction of the aldermen of Veere but also brought it before the university-trained lawyers and the Duke of Burgundy. This was not a bad call because the Breton merchants did not enjoy concrete privileges like the other nations. These lawyers were more profoundly trained in the \textit{ius commune} than were the aldermen of Bruges.\textsuperscript{89} Lorens delivered a moving speech on how it was impossible for the Burgundian Duke and his subjects to not be associated with ‘pirates’.\textsuperscript{90} The argument stuck. The Council of the Duke deemed it a sensible argument for the associations of the Lord of Veere with the Dunkerque pirates and ordered the restitution of the properties of Yvon Lorens.\textsuperscript{91}

The discourse of piracy was consciously used in these higher courts by the litigants. We will end with a last case between the water bailiff and the bailiff of the Liberty of Bruges, the

\textsuperscript{85} \textit{(...) Qui ont desrobes marchants sur mer (\ldots);} ADNB, \textit{Lettres missives et depeches}, 17670, Soereen-Baljuw.


\textsuperscript{87} ARA, Fonds Grote Raad, Vonnissen, 791.98, 317 r.


\textsuperscript{89} See Bartolus’ \textit{Tractatus repressalarium} (1354), where he systematised the law of reprisals; Rohmann, “The making of connectivity,” 214; Wampach, Armed reprisals, 59-70.

\textsuperscript{90} \textit{(...) que depuis la publication et defense facte de par nous a tous noz subgetz; et autres estans en nos dits pays de non soustenir recepter (...) aucuns pirates de mer ne autres gens de guerre aient fait prinses, pilleries ou roberies sur noz amis aliez et don vueillains ou sur les merchans hantans merchandement a puisbilement nos dits pais et seignouries ne de acheter les biens ainsi prins et robéz mesmement quant les dits prinses estomment faicts sur les coste de la mer de nos dits pays (\ldots);} ARA, Grote Raad, Vonnissen, 24 juli 1472, no° 791.98, fol. 317 r.

rural area surrounding the city of Bruges. The water bailiff was notified by some merchants about, according to him, ‘vicious pirates harassing the Zwin’. As a faithful officer of justice, he gathered his men, boarded his vessels, and started pursuing these pirates. The pirates ran once they saw this show of force and docked at Cadzand. Unshaken, the water bailiff followed the pirates and claimed that he personally arrested two while his men had arrested five others. Satisfied, he returned to Sluis, incarcerated the pirates, and wanted to initiate proceedings before the aldermen of Mude. To his indignation, the bailiff of the Liberty showed up and claimed that these sailors should be tried by him. According to the latter, the arrests were performed on the island of Cadzand, which was within his jurisdiction. According to the bailiff of the Liberty, the water bailiff had not followed these pirates in the heat of the moment, but only disembarked because he lacked success on water. They had to be brought to him and their guilt had to be assessed by the aldermen of the Liberty of Bruges. The water bailiff stated that the arrest of such ‘pirates’ had to be done without any regard for jurisdiction. The Council of Flanders decided that both should form a composite court and if these sailors were guilty, the bailiff of the Liberty could execute four and the water bailiff three. However, with his claim that these men were pirates and therefore ‘harmful’, and ‘speed’ was necessary ‘without regard for jurisdiction’, he spoke prophetically. The Admiralty of Veere was formed eight years later and was (theoretically) competent in the assessment of prize cases for the entire Burgundian Netherlands.

IV. Conclusion

What happened at sea, did not stay at sea. Several courts could assess maritime plunder. The Great Council of the Duke of Burgundy was the most logical solution as piracy was closely related to the sauvégarde of the prince. This was not institutionalised and most coastal towns had long traditions of prosecuting maritime plunder and assessing prize claims. This diversified landscape allowed merchants to choose the courts that lay in their interests. If apprehended by the water bailiff, most cases were referred to the aldermen of Mude. Bruges could, however, intervene and bring the case before its court; something the aldermen did for high-profile merchants. We do not have records of the criminal proceedings in Bruges, but the evidence suggests that they frequently turned a blind side in matters of violence and were keen to guard the peace between powerful merchant nations. The French, English, and the poorer townspeople from the nearby areas in Holland and Zeeland fell out of this scheme. The first two were considered a nuisance, where diplomatic realities barred the Bruges aldermen from taking action. In a way, they were part of the daily dangers of life. The maritime Dutch-speaking

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92 RAG 2411, Council of Flanders, Sentences, 1480-1480, fol. 205 v.
93 (…) Alder hij ter stont voot hem vant loopende twee van den voorscreven piraten die hij ghevolcht es inde heestere loopende met zijnder volk achterhaelt ende ghevanghe (…) RAG 2411, Raad van Vlaanderen, 1480 – 1480, fol. 205 v.
94 (…) de voorscreven bailliu van den watre of zijne dienaers hoewel in gheene jurisdiectie ende heeft macht of auctoriteitte te vanghene int vrye (…) RAG 2411, Raad van Vlaanderen, 1480-1480, fol. 206 r.
95 (…) Tvangst van den voorscreven piraten ende zeeroomers twelke meer ghepriviligiert es dan andre (…) RAG 2411, Raad van Vlaanderen, 1480-1480, fol. 205 v.
predators operated in a more than occasional basis in the Zwin, and were thus a bigger problem. These sailors were branded as pirates and met with violence. The hostile attitude of Bruges made these pirates evade the Bruges aldermen court. The Bruges aldermen tried to petition the Duke to take resolute action against these acclaimed pirates. Although it went unmentioned, these economic competitors were hurt in the process. For robbers, the robbed ones, and the aldermen, the site of litigation mattered significantly.