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**Constructing a new territory.  
The role of land ordinance in the urban design of the Azorean new towns.**

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**Short abstract:**

This paper proposal aims to present the set of rules, regarding land ordinance, that were available during the settlement process of the Azorean islands and stress how they were applied to this new territory, namely in Angra and Ponta Delgada where the urban pattern resulted strongly geometrized.

**Abstract:**

The Azores islands where discovered and settled by the Portuguese starting on the first half of the Fifteen century, this is a well know fact already.

The goal of this paper is to bring out to discussion how did it allowed to start an innovative settling program that was based in a simple but very efficient set of rules directed to the land regulation.

By law, the Lords (*donatários*), and their delegates the Captains (*capitães*), should distribute the land to the settlers according to the *Lei das Sesmarias*. This law ruled the distribution of unoccupied and not producing ground, either urban and rural, in the mainland Portugal since 1375, and served as a base to the occupation process in all the portuguese atlantic territories - but it was first tried and improved in Madeira and Azores the so called “near Atlantic islands”.

Despite this law was already in use it needed to be added with new rules in order to be efficient in an unoccupied and remote territory, such as the islands.

In fact, in the first place this policy intended to guarantee that the settling process was conducted in a lucrative way. Meaning that, the agriculture production, as well as the tax system should be optimized to its potential level.

The land ordinance became a tool to accomplish that, as well as the donation of land was a way of attract population to this far-off islands.

In result of this regulation process, a rural and urban landscape devised and laid out according to geometrical principals emerged.

## **Paper:**

The Azores islands were discovered and settled by the Portuguese on the first half of the fifteen century. Together with Madeira Islands, they form the nearest group of Atlantic islands and the first Portuguese territorial extension overseas.

The islands geographic complexity, together with historic singularities, require a description of those contexts, even if in a brief way, before presenting Angra and Ponta Delgada, the study cases I bring to discussion.

Nine islands compose the Azores archipelago located in the middle of the Atlantic Ocean, half way between Europe and America. The islands are positioned on the sub aquatic mountains that cross the Atlantic, in an East-West direction, spanning more or less six degrees of longitude. All together, they cover around 2.300 km<sup>2</sup>, although they are not distributed in equal parts. The biggest island, São Miguel, is 37 times bigger than the smaller one, Corvo, which has only 19 km<sup>2</sup>.

Since they are volcanic islands they are formed by many layers of different materials, formed from explosions that took place throughout the times. These are important facts to consider in order to understand the complex geography of these islands as well as the diversity of their landscapes.

To this complex geo-morphological structure it must be added a difficult historical frame due to the scarcity of written sources of information about the original settlement process. And yet, something can already be presented.

1427 is usually accepted as the year when the islands were discovered, based on the information given by the Maiorquine cartographic chart produced by Gabriel Valseca in 1439<sup>1</sup>. In this chart, the islands are represented for the first time in a credible

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<sup>1</sup> Manuel Monteiro Velho ARRUDA, *Colecção de documentos relativos ao descobrimento e povoamento dos Açores*, 3ªedição Instituto Cultural de Ponta Delgada, Ponta Delgada, 1989, pp. XXXIII.

form, yet 8 islands appear instead of the 7 that compose the eastern and central groups, since the two western ones, Flores and Corvo, were only discovered and settled two decades later.

The oldest document known regarding the settlement process in the Azores also dates from the year 1439<sup>2</sup>. It is a royal document authorizing the call for settlers. Furthermore, it describes how the settlement process was already going on, mentioning that various animals and cultures were previously introduced on the islands.

For a very brief time, at least Santa Maria, the first island to be settled, and possibly São Miguel as well, were administrated like a *comenda*<sup>3</sup>, but that administrative formula soon was substituted by the *donataria-capitania*<sup>4</sup> system, an Atlantic-born geo-administrative formula created and applied on the Portuguese Atlantic islands, before being exported to the Brazilian territory in 1534.<sup>5</sup>

This system was based on the transfer of full civil and judicial powers to a *donatario* and then to a captain, except for the application of death penalty, mutilations, declaration of war and currency emission.

Regarding the political and territorial organization, namely land ordinance and town planning, two main phases can be identified after that short initial period.<sup>6</sup>

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2 “Carta de D. Afonso V, de 2 de Julho de 1439 – Licença ao Infante D. Henrique para povoar as sete ilhas dos Açores”, Manuel Monteiro Velho ARRUDA, *Colecção de documentos ...* p.121.

3 José Guilherme Reis LEITE, “O povoamento dos Açores. A comenda inicial”, Avelino de Freitas de MENESES e João Paulo Oliveira e COSTA (coords.), *O reino, as ilhas e o mar oceano. Estudos de homenagem a Artur Teodoro de Matos*, Ponta Delgada e Lisboa, Universidade dos Açores e Centro de História de Além-Mar, vol. II, 2007.

4 António Vasconcelos de SALDANHA, *As capitânias do Brasil: antecedentes, desenvolvimento e extinção de um fenómeno atlântico*, Lisboa, Comissão Nacional para as Comemorações dos Descobrimientos Portugueses, 2001.

5 Avelino de Freitas de MENESES, “Os ensaios de organização política e os seus resultados: as ilhas como modelo experimental para governo à distância”, *Boletim do Instituto Histórico da Ilha Terceira*, Angra do Heroísmo, Instituto Histórico da Ilha Terceira, XLIII, pp. 577-592. Avelino de Freitas de MENESES, “Os Açores na era de D. João III: uma interpretação da 1ª série do Arquivo dos Açores”, Avelino de Freitas de MENESES e João Paulo Oliveira e COSTA (coord.), *O reino, as ilhas e o mar oceano. Estudos de homenagem a Artur Teodoro de Matos*, Ponta Delgada e Lisboa, Universidade dos Açores e Centro de História de Além-Mar, vol. II, 2007. RUSSEL-WOOD, A.J.R., “Patterns of Settlement in the Portuguese Empire, 1400-1800”, *Portuguese Oceanic Expansion, 1400-1800* (ed. Francisco Bethencourt e Diogo Ramada Curto), Cambridge University Press, New York, 2006, pp. 161-196.

6 Antonieta Reis LEITE, *Açores Cidade e Território. Quatro vilas estruturantes*, Dissertação de doutoramento em Arquitetura, especialidade de Teoria e História, apresentada à Faculdade de Ciência e Tecnologia da Universidade de Coimbra, 2012. (policopiado)

The first one includes the creation of the *donataria* and its partition in *capitanias*, with the nomination of captains to lead the process in each newly defined territory. On each one of these *capitanias* a new town was to be founded in order to centralize its management, serving as the “head” of the jurisdiction.

The role of the captains, men on whom the *donatarios* could trust, was central to the settlement process since it was their duty to divide and distribute land among the settlers. Also, they would participate in the decision making process for the location of new towns.<sup>7</sup>

In fact, the captain’s figure gathers in only one man the task of the *Povoador*<sup>8</sup>, a very important actor in the process of town founding during the Middle Ages, and the role of the *sesmeiro*, the person who was responsible for devising the urban and rural land in the mainland Portugal during Middle Ages. The legal base to these procedures was the *Lei das Sesmarias*<sup>9</sup>, a law created in 1375 regulating these activities and the land ordinance. As should be expected it was used in the new Atlantic territories to control the distribution of land among the settlers.<sup>10</sup>

Although this law was already in use, it was indispensable to add new rules in order for it to be efficient in an unoccupied and remote territory, such as the Azores islands, as it will be presented forward.

The second period starts when D. Manuel, fifth Lord since 1486, or *donatário* of the islands, became King in 1495. From that year on, D. Manuel decided to maintain the *capitanias* system, but not the *donataria*, which was extinguished. Therefore, the islands became a *reguengo* or crown’s land. Besides that, he started to reform the territorial organization, overlapping to the *capitanias* jurisdiction with new administrative territories, through the foundation of 10 new towns. These processes happenes during D. Manuel’s reign and also his successor’s, D. João III.<sup>11</sup>

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7 Antonieta Reis LEITE, “Praia. A Portuguese new town in the Atlantic”, a cura di Aldo Casamento (org.), *Fondazioni urbane. Città nuove europee dal medioevo al Novecento*, Roma, Edizioni Kappa.

8 Luísa TRINDADE, *urbanismo na composição de Portugal*. Dissertação de doutoramento na área de História, especialidade de História da Arte, apresentada à Faculdade de Letras da Universidade de Coimbra, 2009 (policopiado), pp. 231-267.

9 Virgínia RAU, *Sesmarias Medievais Portuguesas* (Prólogo e adenda documental por José Manuel Garcia), Lisboa, Editorial Presença, 1982.

10 Jorge FORJAZ, “Cartas de ‘dadas’ do século XV na Ilha Terceira”, *Boletim do Instituto Histórico da Ilha Terceira*, Angra do Heroísmo, Instituto Histórico da Ilha Terceira, 1983, nº 3 e 4, 1983, pp. 825-835, Luís da Silva RIBEIRO (1946), “Influência das sesmarias no povoamento da Terceira”, *Obras. História*, Angra do Heroísmo, Instituto Histórico da Ilha Terceira, vol.II, 1983.

11 I’m working on a pos-doc project entitled: *10 Vilas de Fundação Manuelina e Joanina nos Açores*.

With this procedure, D. Manuel eliminated one level of intermediary power and accomplished a more efficient control over the territory, namely by the dissolution of the captains' power over land ordinance, reinforcing the municipal one. In fact, it is remarkable how during his reign the *sesmarias* just ceased to exist in the Azores. Although D. Manuel's designs on that matter can be proved with historical sources in the case of Madeira Island<sup>12</sup> and in parts of São Miguel island<sup>13</sup>, it is still difficult to find documents that actually state that the *sesmarias* were forbidden on all the Azorean *capitanias*, besides the obvious observation of the fact that no donation documents can be found for that period.<sup>14</sup>

Regarding the first period of the islands' settlement process, as was told, the islands were entrusted for exploitation as *capitanias*. During that period, a particularly dynamic phase can be identified, by the hand of D. Beatriz, widow of D. Fernando (the second Lord of the islands) and mother of D. João, D. Diogo and D. Manuel, heirs of the islands *donataria* and still children at the time their father died.

From 1474 and on, the islands were finally divided into 8 *capitanias*<sup>15</sup>, all given for exploitation to newly nominated captains. This process was framed in a new political strategy implemented by the central power, combining the settlement process with a simple but efficient set of rules regarding land ordinance.<sup>16</sup>

This set of rules consists of 3 points that dictated to the earlier settlers the terms of the occupation:

- Each settler should take a parcel as a land grant. These parcels, depending on different width measurements, could be extended towards the interior direction as much as the settler could clear in a period of five years, in the case of rural or territorial

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*Urbanística e Ordenamento do Território na colonização do Atlântico.*

12 José Manuel Azevedo SILVA, *A Madeira e a Construção do Mundo Atlântico* ...vol. I, pp. 195-202. Joel SERRÃO, "Na Alvorada do Mundo Atlântico", *Temas Históricos Madeirenses*, Funchal, Secretaria Regional do Turismo Cultura e Emigração. Centro de Estudos de História do Atlântico, 1992, pp. 9-27.

13 Urbano Mendonça DIAS, *A vida dos nossos avós* ... vol. I, pp. 96-97.

14 About these theme see: "Sesmarias e Doações", Antonieta Reis LEITE, *Açores Cidade e Território...*, pp. 479-491.

15 *Carta da Infanta D. Beatriz, de 17 de Fevereiro de 1474 – Doação da Capitania a Alvaro Martins Homem*, Manuel Monteiro Velho ARRUDA, *Colecção de documentos...* p. 163-165. And in the same volume: *Carta da Infanta D. Beatriz, de 2 de Abril de 1474 – Doação da Capitania de Angra a João Vaz Corte Real*, pp. 173-176.

16 "O corpo normativo de referência, construção e evolução", Antonieta Reis LEITE, *Açores Cidade e Território...*, pp. 446-457. These procedures are explained by Frutuoso at the end of the XVI century. In fact I believe that his description on these procedures is actually a chapter of the regulation approved by D. Beatriz. Gaspar FRUTUOSO, *Saudades da Terra...* Livro IV, p. 230.

*sesmarias*. In the case of urban *sesmarias*, the granted plots should be occupied with houses during the same period: five years.

- Along the coast line the settler was obliged to leave a strip of land with at least 80 steps for public use. On the urban perspective this rule was applied by the donation of this strip of land to the municipality, which eventually occupied it with streets and blocks.

- Furthermore, settlers should give any land required by municipalities in order to construct roads, or water canals.

At the same time that these rules regarding an efficient settling process were being enabled, a formalization of the administrative functions can also be observed.<sup>17</sup> In fact, from that period on the creation of *capitanias* and the donation of land had to be written in a formal document, the *carta de capitania* and the *carta de sesmaria*. This policy intended to guarantee that the process was conducted in a lucrative way, meaning that the agricultural production as well as the tax system should be optimized to its potential level.

The land ordinance became a tool to accomplish that, just as the donation of land was a way of attracting population to these distant islands.<sup>18</sup> As a result of this regulation process, a landscape devised and laid out according to geometrical principals emerged.

This strategic context must be perceived in order to understand Angra and Ponta Delgada morphological structure, but also their urban history.<sup>19</sup>

The first example, established as a new town, was planned has a headquarter of Angra's *capitania*, a new territory and jurisdiction defined in 1474, when Terceira island was divided in two *capitanias*.

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17 "Regimen Primitivo da Propriedade nos Açores", *Arquivo dos Açores* ... pp. 385, 390, 392, 398 e 399. "Regimentação e práticas", Rute GREGÓRIO, *Terra e Fortuna* ... pp. 122-133.

18 For a synthesis on the settlement process see: Avelino de Freitas de MENESES, "O Arquipélago dos Açores. O povoamento", A. H. Oliveira MARQUES e Joel SERRÃO (dir.), *Nova História da Expansão Portuguesa*, Artur Teodoro de MATOS (coord.), *A colonização Atlântico*, vol. III, Lisboa, Editorial Estampa, 1º Tomo, 2005 and Avelino de Freitas de MENESES, "O povoamento", Artur Teodoro de MATOS, Avelino de Freitas MENESES e José Guilherme Reis LEITE (dir.), *História dos Açores*, Angra do Heroísmo, Instituto Açoriano de Cultura, vol. I, 2008.

19 For more information on this issue see: "Angra" and "Ponta Delgada" chapters on my thesis, Antonieta Reis LEITE, *Açores Cidade e Território...*, pp .41-174 and pp. 319-398.

The foundation of Ponta Delgada took place only in 1499, although the area had been settled before (probably around 1474, when São Miguel island was entrusted for exploitation as a *capitania* and separated from Santa Maria). Despite that first plan, Ponta Delgada was not conceived like an urban space but as an agricultural land. That can still be observed on its urban fabric which is complying with the rules that emerged on that time regulating the occupation process.

In fact, Ponta Delgada was not the chosen place to be the “head town” of São Miguel. Vila Franca do Campo was, for a long time, the only town existing on the island and, according to the settlement policy, all the administrative and representative functions should be concentrate in that one location, reserving all the resources and territory to an intensive exploitation based on an intensive agriculture system.

However, during the process of land occupation on São Miguel island, Ponta Delgada evolved as a more productive area and a better port than Vila Franca and soon revealed itself as a better base to administrater the territory. These facts, in addition to the massive destruction of Vila Franca do Campo in 1522, after a big earthquake, transformed Ponta Delgada into the “capital” of the island.

From the “one street” plan, that structured the early town, a new lay out arose based on the previous existing settlement pattern: the agricultural system of wheat cultivation.

This geometrical pattern clearly orientated on the south- north direction, found its origins on the set of rules mentioned above, especially on those tree items that will define the first moment of the landscape designed on the islands, being flagrant on Ponta Delgada’s area.

Therefore, it is easily observed that from the “sea to the mountains”, as it is mentioned on documents, there is a coastal land reserved with a more or less constant measure of 80 steps, up from here long strips of land, formed parcels on different measures, established perpendicularly to the sea. Finally, these land grants could be crossed by roads that emerged from the settling process taking place.

All these rules can be observed nowadays in Ponta Delgada’s territory, even in its urban fabric. In fact, the town’s morphologic structure absorbed this ordinance, even if it was apparently assigned to a countryside settling.

Near the sea and following the coast line, an initial street was established, joining the land grants given to cultivation. Along this street the early block started to

emerge. Near a place that could be used as seaport a church was built and right after that, in that same area, a town hall with jail and a costumes house were also constructed.

When the town started to grow the pattern was already defined and new blocks and equipments, such as convents, had to subdue to it.

And despite the fact that the local topography is very calm, some restrictions can be observed on the usage of space. In fact, it's quite clear that there is a preference for reserving the land for agriculture uses, using only the minimum essential space for town building.

Ponta Delgada was not conceived to be a town, and the capital town role took a long time to be assumed, but at the same time it could grow integrating on the urban layout a settlement pattern strongly geometrized.

In Angra's case, built up to be a capital town almost since the beginning of the Terceira Island settlement process, a strong geometrized pattern can be observed as well.

That observation led many authors to believe that Angra was the first Portuguese renaissance urban plan. It is true that Angra's town structure is so regular that it could only have been devised and laid out according to geometrical principals, headed for clear regulation on land ordinance. However, the chronology and historical facts suggest that Angra's plan is more compatible to a plan based on the medieval Portuguese tradition of town foundation,<sup>20</sup> than with a rupture moment.

And if there were any doubts left on that, there still exist, in our days, confirming documents on the urban plots donation that bring light to this subject.<sup>21</sup>

Even if only two documents of that kind are known, they are enough to tell a lot about Angra's settlement pattern and urban design, as well as its morphological evolution.

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20 About planned new towns in Portugal during the Middle Ages see: Luísa TRINDADE, *urbanismo na composição de Portugal...*

21 “doaçom que fez ho conçelho da villa d'angra destes chãos ao vigário lujs eanes” documento nº 23, “O Tombo de Pero Anes do Canto (1482-1515)”, “O Tombo de Pero Anes do Canto (1482-1515)” (Considerações introdutórias, transcrição e bibliografia de Rute Dias Gregório. Prefácio de Humberto Baquero Moreno), *Separata do Boletim do Instituto Histórico da Ilha Terceira*, Angra do Heroísmo, Instituto Histórico da Ilha Terceira, 2002, vol. LX. pp. 89-91, and, “chão da villa d'angra que esta junto das casas de joham lopez biscaynho” documento nº 15, “O Tombo de Pero Anes do Canto (1482-1515)”... pp. 77-78.

Both these documents are from the early XVI century, mentioning plots located on the East and on the West side of São Salvador church, that was already built at that time.

The plot donation on the East side was located in front of the church, giving us a clear idea on where São Salvador actually was, since the church was replaced by a new cathedral in the last quarter of the XVI century, leaving no traces of the first building.

The other donated urban plot was located at some distance from the church on the West direction, leaving a gap between them. The group of blocks that fill that space is, most likely, the first one to be built, corresponding, together with São Salvador, to the original town plan.

All of this can be observed on the drawing analysis. These images are presented as a succession of maps where Angra's urban history can be read out much easier. In fact, in these "draughts" of Angra's History a lot more can be explained regarding the land ordinance and urban planning issue. Namely, by observing it, it becomes clear that the same measure unit referred on the two donation documents,<sup>22</sup> can be applied to all the urban fabric, which is built up from straight-sided streets with a predominance of right angles, composed by strips of land with 11 metres of distance between each other.

It is also clear that all the flaws in Angra's medieval regular plan can be justified, even with the local topography or with adaptations to singular situations like in the São Salvador area, where the old church left a "scar" on the block behind the place where the main chapel used to be, as well as a street in front of it's main door, apparently set up not according to the plan.

Furthermore, it is important to stress how the same measure can be found in Angra's and Ponta Delgada's morphological structure, meaning that the same procedures, and most probably the same people (meaning the same knowledge), were responsible for settlement of urban and rural land.

In fact, both cases, Angra and Ponta Delgada, when analysed together, complete each other's interpretation and give a clear version on the overall picture of the

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22 The measure referred is "12 braças de medir" witch corresponds to 11 meters. About the old systems of measurement, both "de medir (pano)" and "craveiro" see: Mário VIANA, "Algumas medidas lineares medievais portuguesas: o astil e as varas", *Arquipélago. História*, Ponta Delgada, Universidade dos Açores, vol. III, tomo 2ª série, 1999. On the application of these old measures, see the chapters already referred of my thesis and also the "Anexo único. As medidas na definição do território", Antonieta Reis LEITE, *Açores Cidade e Território...* pp 507-522.

importance of land ordinance within the colonization of the Azores islands, since they represent the settlement process, not only in the two specific periods, but also its rural and urban strategie

