

To Professor António Manuel Hespanha†

From a group of scholars inspired to discover more about  
the eve of the *Vésperas do Leviathan*, with all our admiration

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*In copertina: ???*

# **MEETING THE JUDGE**

**The late medieval Portuguese  
peripheral justice in geographical  
and chronological context**

Edited by  
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## *The Late Medieval Portuguese peripheral justice. An Introduction*

ADELAIDE COSTA - MÁRIO FARELO - GONÇALO MELO DA SILVA

The objective of this book is to divulge the state of the art and the lines of research that are being developed (or are still open), regarding the Portuguese Crown's increasing control of local power during the Late Middle Ages. This process is evident both in the regulatory mechanisms that were implemented, and the action of men who operated on the ground in the king's name.

The present volume is the final result of a project entitled *Meet the judge. Justice and communities in a transitional period (Portugal, 1481-1580)*.<sup>1</sup> This work intends to analyse the process of expansion of the Crown's peripheral judicial apparatus (in number and complexity), which entailed an irreversible loss of autonomy for the communities. The question we wanted to address was how the sporadic nomination of royal judges who operated with local governments in the Middle Ages evolved into systematic and permanent institutions of erudite officials in the main Portuguese cities and towns of the Modern Age. Throughout the book, several authors concentrate on this issue, based on the data obtained by the project.<sup>2</sup>

The object of the book, and the project, is not, however, completely coincident. Without ignoring the subject of the increasing presence of *juízes de fora* in local communities, this collective volume offers a general overview of the relationships established between the municipalities and the Crown during the Middle Ages in Portugal. This work includes: (I) an organogram of central and local judicial instances; (II) the Crown's use of other peripheral magistrates, especially *corregedores*; (III) the intense legislative activity involved in defining the competences of royal judicial agents, which prevailed from the 14<sup>th</sup> to the 16<sup>th</sup> centuries. In terms of the Crown's peripheral officialdom, the book not only focusses on individual practices revealing biographical data, but also characterizes groups of officials using a prosopographical method. Two texts about Castilian judicial norms and agents in the Late Middle Ages have been included, enabling a comparison to be made of the institutional experiences of the two neighbouring kingdoms. There are also two articles that do not pertain to the chronology of the Middle Ages, nor to Portugal's geographic European territory; they focus on vestiges of medieval local justice organisation

<sup>1</sup> Developed between 2013 and 2016, financed by the Fundação para a Ciência e a Tecnologia (PTDC/EPHHS/4323/2012).

<sup>2</sup> And available online in the database of the project JUSCOM, in the site of the Instituto de Estudos Medievais.

and royal control in North Africa and in the Orient.

The authors' contributions enabled a volume with five distinct parts to be put together, each one comprising two chapters. An initial block, dedicated to the state of the art and to problematization, is articulated with counterpoints of a geographical, chronological, and methodological nature. Although each chapter stands alone, it contributes to creating a coherent structure, resembling different stages of a voyage of discovery of the Crown's peripheral officialdom.

Let us consider the section *State of the Art and Questions*. The common characteristic of both texts is that they demonstrate the fragility of knowledge, (believed heretofore to be solid), about the early days of nominating *juízes de fora*. We refer to the actual definition of this magistrature: were these individuals unvaryingly strangers to the city or town where they were posted, or to the source of their power (the Crown), even when they were members of the community where they exercised their functions? We also refer to the practical consequences that the arrival of these magistrates had in municipal governments (the immediate removal of judges elected by the community, or their continuation in service?).

After reading these two texts we learn about: (I) the organogram of justice, both locally and in courts of appeal in the Portuguese kingdom between the 13<sup>th</sup> and 15<sup>th</sup> centuries (M. H. Coelho); (II) the increasing complexity of municipal administrations in the Late Middle Ages (M. H. Coelho); (III) the version of «the Peoples» in the *cortes* about the *juízes de fora*, identifying differences from town to town and between official representations of municipalities and *parallel delegations* (M. H. Coelho e L. M. Duarte); (IV) the impossibility of learning about the role of *juízes de fora* without articulating it with that of the *corregedores* and seeing them as part of the Crown's centralization strategy in territorial administration (L. M. Duarte); (V) the importance of King D. Manuel I's reign (1495-1521) in the increase, (in terms of numbers and territorial expansion), of assigning *juízes de fora*.

The previous summary of the organisation of the Portuguese judicial system at local and peripheral levels becomes clearer when compared with the «data from Castile», presented in the two chapters by M. Asenjo. These texts address the subject from a non-traditional perspective. The first one focusses on the conciliatory role of the *corregidores* up to 1480, studying the officials from an urban point of view. The second one shows the nature of popular resistance to the Crown's justice, in studying the agents on the ground, (including the *corregidores*). The latter also presents an overview of the different judicial regulations prevalent in Castile, and how justice functioned in the different tribunals.

The two texts by M. Asenjo are particularly significant because they allow us to identify the similarity with judicial practices in the nearby kingdom of Castile. Although the functions were not entirely analogous, it is obvious that the Portuguese *juízes de fora* were very similar to the Castilian *corregidores*.

In Castile the magistrature's precursors can be traced to the 13<sup>th</sup> century with

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the *jueces de salario* and the *alcaldes del rey*, sharing a similar nomenclature with Portugal's *juízes de salário* or *juízes do rei*, whose appointment dated back to King D. Dinis (1279-1325). The first references to *corregidores* in Castile emerge in the first half of the 14<sup>th</sup> century. Although in Portugal they are mentioned earlier, their appointment by the Crown was legitimized in the parliament, at the time of the black plague. Throughout the Middle Ages these magistrates were deployed by the Crown sporadically, both in Castile and in Portugal, to solve occasional problems that arose in cities and towns. However, in Portugal, there are few examples of requests from municipalities for their services.

The evolution of the medieval *corregidores* and *juízes de fora* into their modern counterparts seems to be divergent in the two Iberian kingdoms. While in Castile the transformation of the *corregidor* is considered to have been established in the Courts of Toledo in 1480, in Portugal there is no symbolic date for the initiation of this process. In Portugal the appearance of the modern *juiz de fora* was more fluid, prolonged, and delayed. Data shows that the appointment of *juízes de fora* intensified during the reign of King D. Manuel I.

The texts pertaining to the third part of this book are uniform in that they both use the same prosopographical method to contemplate two royal agents of peripheral justice in Portugal: the *corregedores* and the *juízes de fora*.

Prosopographical studies imply both the characterization of a group of individuals and the functions they carry out, and these two chapters provide a deeper insight into the competences, the practices, and the specific conditions of fulfilling their role, focusing more on the offices and specific knowledge of these professionals.

The text by C. Cerejo, M. Farelo and N. Ivo studies the *corregedores* from the 1320s to the end of the 15<sup>th</sup> century, providing an extensive list of these professionals and a detailed explanation about the territories under their jurisdiction, which they were obliged to visit during their mandates, and which were not always within the six *comarcas* of the kingdom. These three authors address a specific aspect of the *cursus honorum* (course of honours) of the *corregedores*, namely the circulation of these officials between districts, and their reappointments in a same district. This analysis is done in both chronological and territorial terms.

The study by D. Faria focuses on the *juízes de fora* during the long reign of King Afonso V (1438-1481). Faria analyses extensively their *cursus honorum*, including the duration of their mandates, as well as their remuneration, the geographic and chronological distribution of their assignments, and their social profile. The author concludes that there were few cities and towns supervised by the *juízes de fora* during this period, with particular attention to urban centres in frontier zones. The scant and varied data regarding the characterisation of the careers of *juízes de fora* does not allow for conclusions to be reached based on tendencies.

We believe that these studies can be enhanced by an articulated approach to the two offices, identifying possible links, and collecting further evidence about the

careers of these officials. The states of the art demonstrate permanency in many matters pertaining to peripheral officialdom, and a comparison with Castile shows parity in the professional competences of magistrates but differences in their implementation. However, these two chapters reveal that it is difficult to delineate structured (judicial) careers in medieval Portugal, and that there was great diversity in these careers.

The texts in the fourth section provide complementarity through paradox, associating a more specific subject – the biography of an individual, with a more abstract topic – regulations regarding the *juízes de fora* and *corregedores* in the administrative compilations of the 15<sup>th</sup> and early 16<sup>th</sup> centuries. Obviously, all the previous chapters mention the legislation pertaining to the two offices, particularly the different *regimentos dos corregedores* and laws in the afonsine compilation. However, A. Costa does a combined study of the ordinances about *juízes de fora* and *corregedores*, concluding that there is a strong legislative connection between these two peripheral offices. It is not known how long it took for the law to change, but the fact is that the official assignment of *juízes de fora* was gradual and was only clearly established in the late 16<sup>th</sup> century.

In turn, the biography of Heitor Lampreia, by D. Faria shows an intersection of central and peripheral areas in the career of one royal official, an unusual *cursus honorum* for someone who was rising in the ranks of officialdom. Heitor Lampreia had been a clerk in the chancellery of the court, a clerk in the higher courts, a solicitor of the *Casa do Cível* (Superior Court of the Crown), and by all accounts, concurrently and continuously a *corregedor* in the navy and *juiz de fora* in several towns and cities. Twenty years after the first evidence of his connection to central institutions, this status is confirmed while he carries out the functions of *juiz de fora*. The activity of central officials on peripheral «commissions» had a long tradition and would carry on for some time, as the following section reveals.

In this examination of the Crown's peripheral officialdom, we will turn to the characteristics of mediocrity in the post-Middle Ages. One of the objectives of the project JUSCOM is to go beyond set chronological limits, which this book has done.

F. Roldão steers us to medieval vestiges in the Modern Period in a distant city under several jurisdictions, taking us from the Iberian monarchies to China during the Ming dynasty. We are referring to Macau; in the late 16<sup>th</sup> century, the Portuguese community adopted a municipal model, «importing» the privileges and freedoms of Evora that were a part of 14<sup>th</sup> century laws. Moreover, the Portuguese monarchy sent royal agents to Macau – *ouvidores* – who replaced the *juízes de fora* and the *corregedores*. Comparable to the Middle Ages in Portugal, there is evidence of discord and conflict between the senate and the officials of the Crown, both in day-to-day life and on feast days, such as in the case under study – the procession of Corpus Christi.

In the second article F. Roldão describes an inspection that Jorge Seco, a senior magistrate of a high court carried out in the city of Ceuta in 1585-1586, just as

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his counterparts had done for centuries, and would continue to do so. The aforementioned individual, a doctor by academic training, makes a connection between different bodies of power, since he was part of both the central power (apparatus), and the city hall in Lisbon, and had long established links to the autarchy. F. Roldão reveals the process of collecting information in this visit to Ceuta, which included reports obtained by the visitor, as well as what he «saw from experience». Jorge Seco ultimately produced a detailed document to be sent to the Crown about problems detected in Ceuta in terms of justice, treasury and war.

Collecting information about problems that arose from the implementation of royal orders and rules, particularly in the ambit of justice, was one of the issues that magistrates sent by the Crown had to deal with. For example, since the Middle Ages, the *comarcas* had been attempting to gain control of over the territory.

...

The publication in English of this work is intended to disseminate information about the institutional history of Portugal in the Middle Ages among foreign readers. The texts are written by members of the JUSCOM project (by the team and the adviser). Five of these texts have never been published, whereas the other five have been published in a first edition in their original languages (Portuguese and Spanish). These last five chapters have been revised, updated, and enhanced with explanatory notes. A glossary of the offices, institutions and rules of central, peripheral and local justice in medieval Portugal has been included, as well as seven maps, to help achieve the aforementioned objective of this work. We hope to be successful in our endeavour and that our goals are achieved.



# I. State of the art and Questions



# *Justice and Juízes de Foro. Justice and Juízes de Fora*<sup>1</sup>

MARIA HELENA DA CRUZ COELHO

## I. Introduction

In this study we shall attempt to outline the organs and agents of justice active in Portuguese municipal institutions during the fourteenth and fifteenth centuries, although due consideration of some aspects will require reference to earlier periods.

For the avoidance of doubt, let us be clear from the outset that by *de foro* justice and *juízes de foro*<sup>2</sup> we mean to indicate everything pertaining to justice as specified in the clauses of the *forais*<sup>3</sup> and *foros longos*,<sup>4</sup> together with the relevant municipal officials who put these clauses into practice (although for clarity herein we shall mostly refer to this simply as “local” justice). By contrast, “external” justice is that administered by individuals delegated by external powers, especially the monarchy, and enforced by various officeholders operating within the *concelhos*,<sup>5</sup> including, but not limited to, the figure known as the *juiz de fora*.<sup>6</sup>

## II. The formation of the administrative network in the kingdom

It is well known that King Afonso III (1248-1279) strove to bring cohesion to the territory and the kingdom by means of a network of officials delegated under his

<sup>1</sup> This paper is part of the research carried out in project PTDC/EPH-HIS/4323/2012, financed by FCT. An abridged version of this study was published in Portuguese in A. COSTA, *Justicia y comunidades en Portugal (Edad Media y Moderna). Sección Monográfica*, in «E-legal History Review» 22 (enero 2016), [https://www.iustel.com/v2/revistas/detalle\\_revista.asp?id\\_categoria=11416](https://www.iustel.com/v2/revistas/detalle_revista.asp?id_categoria=11416) (last login: 21/06/2022). The present text has been revised, updated, and adapted for an international readership with no specialist knowledge of Medieval Portugal.

<sup>2</sup> Local elected judges according to the municipal charters; these magistrates are also named *Juízes ordinários*. For more information see glossary.

<sup>3</sup> Municipal charters. For more information see glossary.

<sup>4</sup> Local legal rules. For more information see glossary.

<sup>5</sup> The same as municipalities. For more information see glossary.

<sup>6</sup> Literally outsider judge. For more information see glossary.

authority to act in his name and in the common good, with a view to pursuing the interests of the realm in the defence of justice, order, and peace.<sup>7</sup>

In accordance with this royal objective, there were significant developments in the organs of central power, with a very significant role for the king's counsellors and the *homines sapientes* who assisted the monarch, resonances of whose ideology and praxis are to be found also in local administration.

Justice was the supreme royal attribute and D. Afonso III strove to reorganize the judicial system and perfect the exercise of justice, which fostered the strengthening of royal power. The royal court functioned as a court of appeal for all the kingdom's judicial districts, from seignorial domains to the *concelhos*, thus creating specialized judicial officers, such as the *sobrejuizes*.<sup>8</sup>

Yet, besides this, the monarch sought to establish a connection between the royal court and local administration. To that end, judicial officers were created who could act judicially either in the royal court or in the regions to which they had been appointed, with a view to supervising and correcting abuses. These were the *meirinhos*, judicial office-holders recruited from among the knights of the royal household, who belonged both to the central and to the regional administration, but who, increasingly, tended to prolong their temporary missions and to remain in the territories for which they had been commissioned.<sup>9</sup> The *meirinhos* in *Entre Douro e Minho*, *Entre Douro e Tâmega*, and *Entre Douro e Mondego*<sup>10</sup> were thus officials delegated by the king and his representatives who exercised judicial functions but also financial, military and administrative duties, with which the *concelhos* would have to contend during the second half of the thirteenth century.

Just as the council leaders would encounter the collectors of the crown's revenues, the *almoxarifes*.<sup>11</sup> who supervised the *almoxarifados*,<sup>12</sup> fiscal districts that cov-

<sup>7</sup> For further information, see L. VENTURA, «Afonso III e o desenvolvimento da autoridade régia», in M. H. COELHO-A. L. HOMEM (eds.), *Nova História de Portugal. III. Portugal em Definição de Fronteiras. Do Condado Portucalense à Crise do Século XIV*, Editorial Presença, Lisbon 1996, pp. 128-144. Cf. M. CAETANO, *História do Direito Português. Fontes-Direito Público (1140-1495)*, Editorial Verbo, Lisbon and São Paulo 1985, pp. 320-322.

<sup>8</sup> High court judges. For more information see glossary.

<sup>9</sup> For more information about *meirinhos* see glossary.

<sup>10</sup> Areas in the kingdom of Portugal delimited by spaces between the River Douro, and respectively the Rivers Minho, Tâmega, and Mondego. For more information see J. DOMINGUES, *Os primórdios do ius corrigendi em Portugal: os meirinhos-mores de D. Afonso III*, in «Lusiada. Direito» 1-2 (2011), pp. 171-203. See Portuguese major rivers on Map 2: *Comarcas* of Portugal in the 14th and 15th centuries.

<sup>11</sup> For more information see glossary. On the powers of these officials, see R. VICENTE, *Almoxarifes e almoxarifados ao tempo de D. Afonso IV. Uma instituição em evolução*, M. A. in *History, specialization in Territórios, Poderes e Instituições*, Faculdade de Letras da Universidade de Coimbra, Coimbra 2013.

<sup>12</sup> Additionally, for the fourteenth and fifteenth centuries, see the location and areas of the *almoxarifados* in A. H. MARQUES, *Nova História de Portugal. IV. Portugal na Crise dos séculos XIV e XV*,

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ered the kingdom. However, given their education and duties, in addition to being tax collectors, they were also often appointed as arbitrators or judges in conflicts concerning the crown's property and rights.

D. Dinis, who increased the number of *sobrejuizes* in the court system and assigned them essentially to civil matters, creating criminal *ouvidores*,<sup>13</sup> also strengthened the body of judicial officers empowered to act regionally.<sup>14</sup> In this way, *meirinhos* were appointed for Beira, Aquém and Além Douro, and *corretores* were commissioned also in order to correct anomalies arising from the application of royal legislation or the actions of royal agents. Further D. Dinis himself appointed king's judges (*juizes por el rei*) for particular *concelhos*, hence judicial officers from outside the region performing judicial functions within the region as delegates acting under royal authority.

These steps implemented under the reigns of Afonso III and Dinis ultimately gave way to the truly institution-building measures undertaken by King Afonso IV in a full affirmation of royal power.<sup>15</sup>

For the *comarcas*,<sup>16</sup> the king named regional *corregedores*<sup>17</sup> with broad investigative and judicial powers. These were court noblemen or educated men, the *letrados* (mostly trained in Law), whose powers were defined in the *regimentos*,<sup>18</sup> produced in the fourteenth century<sup>19</sup> later codified in the *Ordenações Afonsinas*.<sup>20</sup> When they visited the cities and towns within their districts, they were able to intervene in any

Editorial Presença, Lisbon 1987, pp. 300-305. For more information see Map 1: Portuguese almoxarife's network in 15th century.

<sup>13</sup> High court judges. For more information see glossary.

<sup>14</sup> For a summary of government and officialdom during the reign of D. Dinis see A. L. HOMEM, «A dinâmica dionisina», in M. H. COELHO-A. L. HOMEM (eds.), *Nova História de Portugal. III. Portugal em Definição de Fronteiras*, cit., pp. 151-156.

<sup>15</sup> See A. M. HESPANHA, *História das Instituições. Épocas medieval e moderna*, Livraria Almedina, Coimbra 1982, pp. 251-255; M. CAETANO, *História do Direito Português*, cit., pp. 322-325; M. H. COELHO-J. R. MAGALHÃES, *O poder concelhio. Das origens às cortes constituintes. Notas de história social*, Centro de Estudos e Formação Autárquica, Coimbra 2008<sup>2</sup>, pp. 10-12.

<sup>16</sup> Administrative and judicial districts of the kingdom, that were six in these centuries. For a general description of these administrative divisions, see A. H. MARQUES, *Nova História de Portugal. IV. Portugal na Crise dos séculos*, cit., pp. 295-297. For more information see glossary and Map 2: Comarcas of Portugal in the 14th and 15th centuries.

<sup>17</sup> Magistrates in charge of *comarcas* (administrative and judicial districts). For more information see glossary.

<sup>18</sup> Rules of procedures.

<sup>19</sup> These rulings from 1332 and 1340 were published in M. CAETANO, *A administração municipal de Lisboa durante a 1ª dinastia (1179-1383)*, Livros Horizonte, Lisbon 1990, pp. 131-154.

<sup>20</sup> Legislative compilation. For more information see glossary. *Ordenações Afonsinas*, with preambule by M. J. Costa and E. Nunes, Fundação Calouste Gulbenkian, Lisbon 1984 [reprint of the 1792 edition], vol. I, pp. 116-150 (Title 32).

and all matters, whether judicial, military, administrative, or fiscal – presiding over matters that involved individuals in receipt of privileges; inspecting the actions of royal officers and local magistrates; supervising the election of municipal officials; being appraised of municipal taxation and the internal problems of the area from supply and monitor the state of military buildings to matters related to life in society.

This was an external power, that with which the ruling elites who governed the *concelhos* in the fourteenth and fifteenth centuries had to contend. This power sometimes restored legality to abusive situations,<sup>21</sup> and sometimes exaggerated its jurisdiction and overstepped it. Thus, in the *Cortes*,<sup>22</sup> as we shall see, we find both complaints against the *corregedores*, as well as examples where it was from the *corregedores* that justice was expected to redress wrongs done to the people, especially by members of the nobility.

### III. Juízes de Fora

D. Afonso IV sought to apply the judicial arm of his power to the *concelhos* in a more incisive and direct manner through the use of so-called *juízes de fora*.

#### III.1. *State-of-the-art, doubts and incongruities*

Whilst our knowledge of these royal judges has received a boost over recent decades thanks to an upsurge in municipal historiography,<sup>23</sup> many doubts still linger.

Let us begin with their appointment. If it was at one time commonly accepted, even following Alfonso IV's statement in the courts of 1352 (see below),<sup>24</sup> that their

<sup>21</sup> The energetic actions of Afonso Domingues, regional magistrate for the district of Entre-Douro-e-Minho in the 1341 case concerning the jurisdiction of Archbishop Gonçalo Pereira of Braga, and the activities of João Jusarte, magistrate of Beira district in the 1433 case concerning the jurisdiction of the bishop of Coimbra in the Beira region, have been analysed, respectively, in M. H. COELHO, «O Arcebispo D. Gonçalo Pereira – um querer, um agir», in *Actas do Congresso Internacional do IX Centenário da Dedicção da Sé e Braga*, Universidade Católica Portuguesa. Faculdade de Teologia (Braga), Cabido Metropolitano e Primacial de Braga, Braga 1990, vol. II.1, pp. 389-462; M. H. COELHO, *Entre Poderes – Análise de alguns casos na centúria de Quatrocentos*, in «Revista da Faculdade de Letras» 4 (1989), pp. 103-135.

<sup>22</sup> The Portuguese parliament. For more information see the glossary.

<sup>23</sup> An overview of municipal historiography is to be found in M. H. COELHO, «Municipal Power», in J. MATTOSO (ed.), *The Historiography of Medieval Portugal, c. 1950-2010*, Instituto de Estudos Medievais, Lisbon 2011, pp. 209-230, and may be paired with the historiography on central power in A. L. HOMEM, «Central Power: Institutional and Political History in the Thirteenth-Fifteenth centuries», *ibid.*

<sup>24</sup> As the monarch states: «E porem nos mouemos de poer hi esses Juyzes especialmente por razom dos testamentos dos que hi passarom nom (sic) tempo da pestilencia que deus deu pouco tempo

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appointment to the *concelhos* was due to an urgent need to monitor compliance with wills arising from the Black Death, i.e., c. 1348-1349, today, considering the evidence of their presence during previous years, this direct relationship is in doubt. Although their appointment may have increased during this period of crisis, these officials were certainly a continuation of the measure begun by King Dinis of appointing royal judges to certain *concelhos*, a practice which later became more assiduous.<sup>25</sup>

In the 1352 Cortes of Lisbon, when faced with complaints from the *concelhos* against these judges, to whom they even had to pay salaries, King Afonso IV, in justifying their appointment, stated that, as men from outside the region, they would be more impartial in their judgments and would endeavour to make justice swifter and more timely, precisely in the crucial matter of the execution of the wills of plague victims or further, in disputes over municipal debts and revenues. However, in response to the people's demands, the monarch determined that the counties could continue to elect their own judges, who had to be suitable and apply justice effectively.

In reality, these *juízes de fora* were not appointed for all the *concelhos* in the kingdom, nor did they receive continuous appointment over time.<sup>26</sup> They were agents used by the crown to impose its judicial authority whenever it felt that the local county authorities did not have the capacity to enforce justice, especially when dealing with privileged people, or when the best interests of the crown were at stake and to reinforce the affirmation of a royal power that aimed to impose itself on all spaces and subjects of the kingdom.

Thus, if conflicts arose in the *concelhos* between internal factions, or due to seigneurial pressures, which disturbed the normal exercise of justice, or if the monarch, during periods of war or internal or external threats to his power, wanted to ensure the loyalties and services of strategic cities and towns, he appointed *juízes de fora* to these *concelhos*, who would ensure peace and order and the subordination of local rulers to the political goals of the royals and the crown.

The presence of these *juízes de fora* appointed by the king suspended the functions of the ordinary judges. Yet, having already noted the coexistence of munic-

ha em na terra» («And so we move to place those judges, especially because of the wills of those that passed away in the time of plague, to whom God gave little time on Earth»), in T. C. RODRIGUES (ed.), *Livro das Leis e Posturas*, N. G. Silva's pref., Universidade de Lisboa/Faculdade de Letras, Lisbon 1971, p. 468, 7<sup>th</sup> article of the parliament of 1352.

<sup>25</sup> The presence of royal judges in Lisbon is recorded in 1333-34, 1334-35, 1337-38, 1338-39, 1339-40, 1340-41 and in Torres Vedras in 1341. See M. FARELO, *A oligarquia camarária de Lisboa (1325-1433)*, Ph.D. thesis in History presented to the Faculty of Arts of the University of Lisbon, Lisbon 2008, pp. 275-282, 712.

<sup>26</sup> The relevant statutory provision is found codified in *Ordenações Afonsinas*, cit. (1984), pp. 155-164, Title 25.

ipal judges (i.e. *de foro*, as mentioned earlier) and *juízes de fora* in several locations – Évora, Guimarães, Lisbon<sup>27</sup> – we must certainly consider their competencies to have been distinct and that they acted in different judicial spheres. An indication of this is to be found in the spatial segregation of their activities at Évora, with the *juízes de fora* working in the courtroom of the town hall and the ordinary (*de foro*) judges dispensing justice in the *alpendre* (porch) or at the door of the house.<sup>28</sup>

The *juízes de fora* were required to be men who were strangers to the *concelhos* to which they were appointed, which, in theory, freed them from «affections» through various ties with the natives, ensuring the impartiality of their decisions. In addition, they had to be literate and competent in order for justice to be promptly rendered in accordance with the legislation in force.

However, this rule was not always applied. Indeed, whilst we know that *juízes de fora* circulated through various cities of the kingdom in order not to be corrupted by the stability that fostered partialities and alliances – such as Afonso Martins Alvernaz I who was a *juíz de fora* in Coimbra and Santarém or Pedro Tristão who dispensed the king's justice in Lisbon and Santarém<sup>29</sup> – we also know that *juízes de fora* were appointed who were natives of the relevant *concelhos* and had even held municipal positions there, such as João Afonso da Agrela, in Oporto.<sup>30</sup>

In the case of Lisbon, the prosopographical survey undertaken by Mario Farelo presents a more comprehensive picture.<sup>31</sup> Thus, of the *juízes de fora*, or judges appointed by the king, in the city between 1325 and 1433, half were residents of Lisbon. Further we discover that, of this group, 42.9% had held municipal positions either before or after holding the position of the king's judge. Additionally, analysis of information concerning their education reveals that 52.2% were scholars, essentially in Law,<sup>32</sup> and, when socially profiled, they turned out to be vassals of the king in equal proportion. Also among the appointees were two clerics and two townsmen.

<sup>27</sup> See M. FARELO, *A oligarquia camarária de Lisboa (1325-1433)*, cit., p. 278, note 1539.

<sup>28</sup> See M. Â. BEIRANTE, *Évora na Idade Média*, Fundação Calouste Gulbenkian and Junta Nacional de Investigação Científica, Lisbon 1995, p. 686.

<sup>29</sup> See M. FARELO, *A oligarquia camarária de Lisboa (1325-1433)*, cit., Appendix I (prosopographic corpus), note 16-Afonso Martins Alvernaz I, pp. 327-335; note 305-Pedro Tristão, pp. 701-703.

<sup>30</sup> Cf. “*Vereações*”: *anos de 1390-1395. O mais antigo dos “Livros de Vereações” do Município do Porto existente no seu Arquivo*, Câmara Municipal do Porto, Porto 1937, pp. 173, 185; see M. H. COELHO-J. R. MAGALHÃES, *O poder concelhio*, cit., p. 13. In turn, João Beleáguas (*almotacé, escrivão do concelho e vereador* [see glossary] of Porto between 1475 and 1504) was appointed by the king as *ouvidor* for the *juiz de fora* in 1499. A. COSTA, “*Vereação*” e “*Vereadores*”: *O governo do Porto em finais do século XV*, Arquivo Municipal do Porto, Porto 1993, Appendix, biographical note 50-João Beleáguas, p. 145.

<sup>31</sup> M. FARELO, *A oligarquia camarária de Lisboa (1325-1433)*, cit., Appendix I.

<sup>32</sup> Some were also vassals, clerics and, in one case, a lawyer.

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Indeed, in reality there could have been even more judicial complexity, since it is possible future research will unearth more cases similar to the situation revealed at Esgueira<sup>33</sup> of an *almoxarife*<sup>34</sup> nominating a *juíz de fora*. In Lisbon we often find the appointment of an *alvazil*<sup>35</sup> by the *corregedor* either acting alone,<sup>36</sup> or in conjunction with the *regedores*<sup>37</sup> and *vereadores*,<sup>38</sup> and these could, in some instances, be *juízes de foro* (local judges) in cases of a vacancy in the absence of elections, whilst other situations may refer to royal judges. In one case a *juiz do cível* (civil court judge) was appointed with the consent of the crown and the *concelho*.<sup>39</sup>

### III.2. Local administration becomes more complex

Within the internal life of the *concelhos*, municipal and external justice intersected at other levels during the fourteenth and fifteenth centuries.

Without analysing, herein, the evolution of the municipality at that time underway, it is worth remembering that in the first decades of the fourteenth century, there was the appearance of new officials, the *vereadores*,<sup>40</sup> whilst at the same time the corps of officials and judicial appointees was becoming more concentrated and specialised. In the same vein, we begin to see the indirect election of officials in town council meetings, at least from the time of the law of 1391 governing municipi-

<sup>33</sup> Portuguese village near the town of Aveiro. See Map 3: Portuguese cities and towns with seats in *Cortes* (1481-1482).

<sup>34</sup> In fact, it was the *almoxarife* who nominated the royal judge in Esgueira, in the territory of monastery of Lorvão, from whom Afonso IV withdrew jurisdiction over criminal matters in 1340. M. J. SILVA, *Esgueira. A vida de uma aldeia do século XV*, Patrimonia, Redondo 1994, pp. 238-239.

<sup>35</sup> Local judges. For more information see glossary.

<sup>36</sup> See M. FARELO, *A oligarquia camarária de Lisboa (1325-1433)*, cit., Appendix I (prosopographic corpus), note 132-João Domingues, p. 476.

<sup>37</sup> Office holders in local government. For more information see glossary. See *ibid.*, Appendix I (prosopographic corpus), note 90-Gil Martins I, pp. 431-432; note 158-João Martins de S. Mamede, pp. 504-509; note 284-Vicente Domingues de Évora, pp. 671-673; note 296-Gonçalo Fernandes II, pp. 689-690.

<sup>38</sup> Aldermen. For more information see glossary. *Ibid.*, Appendix I (prosopographic corpus), note 1-Afonso André, substitute of the general *alvazil*, p. 315; note 51-Domingos Eanes, pp. 387-388; note 63-Estêvão Peres de S. Brás, substitute of the civil *alvazil*, pp. 398; note 136-João Eanes de Coina, pp. 479-480; note 158-João Martins de S. Mamede, pp. 504-509; note 259-Rui Peres de S. Miguel, substitute of the civil *alvazil*; note 284-Vicente Domingues de Évora, pp. 671-673; note 296-Gonçalo Fernandes II, pp. 639-640, 689-690.

<sup>39</sup> Cf. *ibid.*, Appendix I (prosopographic corpus), note 284-Vicente Domingues de Évora, pp. 671-673.

<sup>40</sup> P. PINTO-J. DOMINGUES, *Nos primórdios da administração pública portuguesa: as origens dos vereadores municipais*, in «Revista General de Derecho Administrativo» 41 (2016), pp. 1-51.

pal elections,<sup>41</sup> with a greater or lesser interference by crown delegated officials, be it the *alcaide*, the *corregedor*, or the *juíz de fora*, and with sanctioning of the list of those eligible by the crown.<sup>42</sup> These mechanisms led to the reproduction of power in the hands of a small elite of local leaders, who rotated in the various municipal positions, who reinforced their cliquey solidarity with sinuous hereditary ties of blood or marriage alliances, perpetuating themselves in the government of cities and towns on diplomatic missions, especially at court, or in municipal political functions, including the supervision of works, the surveying of collection of extraordinary taxes, and the direction of welfare institutions.<sup>43</sup>

Perhaps unsurprisingly, the *vereadores*, whose functions were essentially administrative, would come into conflict with the *regedores*, appointed by the king to manage, and therefore to control and adjudicate, issues arising from the stewardship of the relevant municipal region.<sup>44</sup>

However, focussing here on the judicial magistrature, we find the encounters and reencounters were even more significant.<sup>45</sup> Local judges or *alvazis* became specialized as civil and criminal judges. Other judges, who only operated in very

<sup>41</sup> Law entitled, *Ordenação dos pelouros*. For more information see glossary and M. H. COELHO-J. R. MAGALHÃES, *O poder concelhio*, cit.

<sup>42</sup> An overview of this evolution is given in *ibid.*, pp. 14-19.

<sup>43</sup> Research on the élites has been consistent, above all for Porto and Lisbon, including the works already mentioned by Adelaide Costa and Mário Farelo. Also worth noting: F. BARATA (ed.), *Elites e Redes Clientelares na Idade Média. Problemas Metodológicos*, Colibri and CIDEHUS, Lisbon 2001; R. GOMES, «As elites urbanas no final da Idade Média. Três pequenas cidades do interior», in *Estudos e Ensaios de Homenagem a Vitorino Magalhães Godinho*, Livraria Sá da Costa Editora, Lisbon 1988, pp. 229-237; M. H. COELHO, «O Estado e as Sociedades Urbanas», in EAD.-A. L. HOMEN (eds.), *A Génese do Estado Moderno no Portugal Tardo-Medieval (séculos XIII-XV). Ciclo de Conferências*, Universidade Autónoma de Lisboa, Lisbon 1999, pp. 269-292; M. G. MARTINS, *Os Alvernazes. Um percurso familiar e institucional entre finais de Duzentos e inícios de Quatrocentos*, in «Cadernos do Arquivo Municipal» 6 (2002), pp. 10-43; J. B. SERRA, *Governar a cidade e servir o rei: A oligarquia concelhia em Évora em tempos medievais (1367-1433)*, new online edition, CIDEHUS, Évora 2018; A. COELHO, *Poder e estatuto em Portugal no final da Idade Média – os Lobo entre a cavalaria e baronia*, Edições Colibri/CIDHEUS, Lisboa 2017; M. H. COELHO, «A Cidade na Baixa Idade Média – uma sociedade e um centro», in *A Cidade Medieval*, II Congresso Histórico Internacional. “As Cidades na História: Sociedade”, Câmara Municipal de Guimarães, Guimarães 2019, vol. IV, pp. 18-21.

<sup>44</sup> On the presence of *regedores* in Lisbon, see M. FARELO, *A oligarquia camarária de Lisboa (1325-1433)*, cit., pp. 282-290. and for the case of Évora see J. B. SERRA, *Governar a cidade e servir o rei*, cit., chapter «O período fernandino: as lógicas interventivas dos oficiais régios na cidade»; H. VILAR, «Ofícios, oficiais e prestação de contas: regedores, vereadores e corregedores no início de Quatrocentos», in R. MARTÍNEZ PEÑÍN-G. CAVERO DOMÍNGUEZ (eds.), *Poder y Poderes en la Edad Media*, Sociedad Española de Estudios Medievales, Murcia 2021, pp. 237-244.

<sup>45</sup> Let us not forget that many other officers of a military or fiscal nature also exercised certain judicial powers, however due consideration of these falls outside the scope of this present article.

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specific fields, emerged, namely the the *juizes dos ovençais*,<sup>46</sup> *juizes dos judeus*,<sup>47</sup> *juizes dos mouros*,<sup>48</sup> *juizes dos órfãos*,<sup>49</sup> *juizes das sisas*,<sup>50</sup> among others.<sup>51</sup> This world of local judicial agents would lead to grave problems which were multiplied by the exponential weight of the bureaucratization of all these offices which required continuous recordkeeping and writing agents assigned to the task.<sup>52</sup> Not to mention that some oligarchs rotated through all these judicial areas during their careers, and some of them even combined the holding of office in the *concelho* with holding an office of royal delegation.<sup>53</sup>

Furthermore, there tended to be a very promiscuous lack of definition as to whence the authority for these judicial appointments – by appointment of the king, or by election in the *concelhos*.<sup>54</sup> Even when it was established that a right of appointment rested with the local authorities, kings and lords continuously petitioned, even coerced, the leaders of the relevant *concelho* to appoint their vassals and retainers to these positions who, once appointed, unsurprisingly proceeded to act in accordance with the interests of their patrons.

<sup>46</sup> Judges of the administration of royal property. For more information see glossary.

<sup>47</sup> Judges for Jews. For more information see glossary.

<sup>48</sup> Judges for Moors. For more information see glossary.

<sup>49</sup> Judges for orphans. For more information see glossary.

<sup>50</sup> Judges of the *sisas*. For more information see glossary.

<sup>51</sup> For Lisbon during the 1300s and 1400s, a city of considerable sophistication due to the continuous presence of the royal court, the evolution from generalist *alvazil* to specialised civil or criminal *alvazil* is well-known, and in this same vein, notable are the appearances of the *alvazil* for royal property management, the *alvazil* for Jews, and the *alvazil* for orphans, M. FARELO, *A oligarquia camarária de Lisboa (1325-1433)*, cit., pp. 38-52. With them overlap the royal officials appointed to the municipalities – royal judges, *regedores*, and the *procurador dos feitos do rei* (attorney acting for the king) –, as do the royal officials with or without effective duties in a particular municipality (*ibid.*, pp. 38-52, 275-301).

<sup>52</sup> See M. H. COELHO, *Relações de domínio no Portugal concelhio*, in «Revista Portuguesa de História» 25 (1990), pp. 265-266; EAD., «Práticas e memórias da governança: escrever, comunicar, arquivar», in A. AGUIAR ANDRADE-G. MELO DA SILVA (eds.), *Governar a Cidade na Europa Medieval/ The Governance of Medieval European Towns*, Instituto de Estudos Medievais/Câmara Municipal de Castelo de Vide, Lisboa 2021, pp. 21-39

<sup>53</sup> As was the case in Lisbon, for example – Afonso Martins Alvernaz I, Filipe Daniel, João Eanes Palhavã, João Esteves Pão e Água, Rui Peres, Vasco Afonso Carregueiro, Mário Sérgio da Silva. See M. FARELO, *A oligarquia camarária de Lisboa (1325-1433)*, cit., Appendix I (prosopographic corpus), notes 16, 79, 137, 143, 258, 264.

<sup>54</sup> A. COSTA, “*Vereação*” e “*Vereadores*”, cit., includes notes, for certain officials in Porto, including positions attributed by royal appointment, such as judge of the orphans (note 6-Afonso Vaz de Caminha and note 73-Lopo Rabelo, substitute judge of the orphans) or the *juiz dos residuos* (note 66-João Sanches, substitute *juiz dos residuos*. For more information see glossary).

#### IV. Juízes de Fora in appeals presented in the Cortes

The full extent of this picture can be detected very often in the grievances brought before the *Cortes*, which give vent to various points of view.<sup>55</sup> Yet, as we well know, most of the elected representatives (*procuradores*) of the *concelhos* sitting in the *Cortes* had been recruited from among the *optimates*, the ruling elites, echoing their claims and defending their status and power. Nevertheless, in some cases, appeals came from parties seeking to break the closed circle of this group or, even more significantly, sometimes there were delegations sent by ordinary townspeople, the so called, parallel delegations (*delegações paralelas*),<sup>56</sup> present in the *Cortes*. Indeed, at certain *Cortes*, some of these common folk of the *concelhos*, those who, not being members of the local circle of power, were almost always on the receiving end of it – farmers, townsfolk, craftsmen (*mesteirais*, sing. *mesteiral*), people from the outskirts – managed to make themselves heard by the highest authorities. They certainly never had a proper “voice” in the grand sessions of the *Cortes*, but it is of no small significance that they succeeded in presenting their requests to the royal officials and were able to obtain a royal decision.

Let us first examine those grievances brought by the elite, or factions within that group. Detectable in their complaints or petitions, are two lines of interests, the internal and the external, even if they do tend to converge.

Internally, they fought to keep their positions, especially that of judge, inside the closed, family-oriented group of hereditary succession of local power elites, with some wanting to remain in this group and others wanting to ascend to it.

<sup>55</sup> See M. H. COELHO, «‘Em prol do bom governo da cidade’: a presença das elites urbanas nas Cortes medievais portuguesas», in J. A. SOLÓRZANO TELECHEA-B. ARIZAGA BOLUMBURU (eds.), *La Gobernanza de la Ciudad Europea en la Edad Media*, Instituto de Estudios Riojanos, Logroño 2011, pp. 299-322; A. COSTA, *Nobres, agentes periféricos da coroa e homens dos concelhos: desarmonias discursivas e articulações factuais (Portugal, finais do século XIV*, in «Edad Media. Revista de História» 19 (2018), pp. 47-73.

<sup>56</sup> Emissaries not formally sent to the *Cortes* by the governing bodies of the *concelhos*, but delegates of groups of individuals (farmers, ordinary townspeople, craftsmen) who organized themselves. These emissaries became known as parallel delegations (*delegações paralelas*). Further information about this and the medieval portuguese parliament can be found in A. SOUSA, *As Cortes Medievais Portuguesas (1385-1490)*, Instituto Nacional de Investigação Científica and Centro de História da Universidade do Porto, Porto 1990, vol. I, (pp. 210-214); M. H. COELHO, «O relacionamento do Poder Municipal com o Poder Central em Cortes», in *III Seminário Internacional “História do Municipalismo. Poder Local e Poder Central no Mundo Ibérico”*, Secretaria Regional do Turismo e Cultura-Centro de Estudos de História do Atlântico, Funchal 2006, pp. 297-301. For a more recent historiographical examination of the subject in the case of Portugal, see A. COSTA, «As Cortes medievais portuguesas como lugar de discurso: a longevidade de uma interpretação historiográfica», in G. NAVARRO-C. VILLANUEVA (eds.), *Cortes y parlamentos en la Edad Media peninsular*, Editum-Sociedad Española de Estudios Medievales, Murcia 2020, pp. 265-290.

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Thus, in Valença,<sup>57</sup> some village men who were biased towards (*afeiçoados de*) certain noblemen, placed a *juíz de fora* in the *concelho*, when most of the ordinary folk wanted their usual local judge.<sup>58</sup>

In turn, the men of the governorate of Braga<sup>59</sup> protested at the Lisbon *Cortes* of 1439, against the royal imposition of the *juíz de fora*, because they were thus “deprived of the office of judging, who is the most honourable of those before us”.<sup>60</sup>

So desirable was the office that everyone wanted to compete for the position of judge. For this reason, those who married and went to live in Setúbal<sup>61</sup> wanted to be immediately cast in the role of judge, without even having previously held other posts, and to this end they did not hesitate to harass kings, *infantes*, and even *corregedores* and *ouvidores* (note the permissiveness of the internal judges with the external judges), an accusation that obviously came from those in power. In turn, a group of illiterate men from Torres Novas,<sup>62</sup> who called themselves «honourable, discreet and knowledgeable», wanted the office of judge to be held not only by those who could read and write, because there were few literate people in the *concelho* and so always the same individuals would rotate in the office, and, indeed, they managed to get one judge appointed to the region who could read and another who could not.<sup>63</sup>

All the local bigwigs, from those in power to those who wished to rise to power, denounced the external justices generally who competed for their positions and curtailed their power.<sup>64</sup> Accordingly, they accused the *corregedores* of staying in the municipalities longer than they should, of arresting men and taking them out of their lands, forcing townfolk to watch over them, of interfering in municipal elections, of judging matters that were not within their competence, even of drafting ordinances,

<sup>57</sup> A Portuguese town.

<sup>58</sup> Lisbon *Cortes* of 1439, special chapter for Valença, n. 3 (J. J. A. DIAS-P. PINTO [eds.], *Cortes Portuguesas. Reinado de D. Afonso V [1439]*, Centro de Estudos Históricos-Universidade Nova de Lisboa, Lisbon 2016, pp. 462-463).

<sup>59</sup> A Portuguese city.

<sup>60</sup> In the document: «Priuados do ofício de lugar que he o mais honrado dos que antre nos ha» Lisbon parliament of 1439, special chapter for Braga, n. 5 (J. J. A. DIAS-P. PINTO [eds.], *Cortes Portuguesas. Reinado de D. Afonso V [1439]*, cit., pp. 197-198).

<sup>61</sup> A Portuguese town. Lisbon *Cortes* of 1439, special chapter for Setúbal, n. 5 (J. J. A. DIAS-P. PINTO [eds.], *Cortes Portuguesas. Reinado de D. Afonso V [1439]*, cit., pp. 407-408).

<sup>62</sup> A Portuguese town.

<sup>63</sup> Lisbon *Cortes* of 1439, special chapter for Torres Novas, n. 2 (J. J. A. DIAS-P. PINTO [eds.], *Cortes Portuguesas. Reinado de D. Afonso V [1439]*, cit., p. 443).

<sup>64</sup> On the conflict with, and control over, the locally acting royal officialdom, see respectively: D. FARIA, *Juízes indesejados? A contestação aos juízes de fora no Portugal medieval (1352-1521)*, in «Cadernos do Arquivo Municipal» s. II, 2 (2014), pp. 19-37 and J. DOMINGUES, «O controlo do Poder Judicial em Portugal entre a Idade Média e a Idade Moderna», in J. SÁNCHEZ-A. BERNAL (eds.), *Control y Responsabilidad de los jueces (Siglos XVI-XXI)*, Dickinson, Madrid 2017, pp. 21-39.

and, the worst evil, of never correcting themselves even if there were royal decisions to that effect.<sup>65</sup>

They denounced the multiplicity of *juizes – dos órfãos, dos judeus, dos mouros, das sisas de fora* – that the specialization of the law and the complex social fabric required, which overloaded the judicial process, lengthening the proceedings, burdening men in time and money.

Furthermore, the councils claimed the right to elect many of these judicial officers, whilst conversely, the monarchs sought to appointed them in order to award the positions to men of their clientele, thus one can well understand the considerable tensions arising between external (*de fora*) and local (*de foro*) justice.<sup>66</sup>

However, albeit exceptionally or occasionally, their discourse could be different. Thus, at the Lisbon *Cortes* in 1439, the representatives for Bragança,<sup>67</sup> feeling «very deprived»<sup>68</sup> of justice, begged the king to authorize them to place a *juíz de fora* in the *concelho* so that he could correct the abuses of D. Duarte, the king's nephew,<sup>69</sup> whom nobody dared oppose. They proposed for the position a man from Freixo de Espada a Cinta,<sup>70</sup> who was a «comarcão» (of the neighbouring district) and therefore knowledgeable of the facts, but above all, who was a Bachelor of Law.<sup>71</sup> Thus, they petitioned to have someone from outside the *concelho*, but who was aware of the situation and knew enough about the laws to know how to apply them, to whom they were even willing to pay a salary, to resist the seignorial powers that the natives were unable to combat, and they obtained the regent's<sup>72</sup> consent to their request. Under these circumstances, it would be difficult in practice to ascertain from which authority the judicial power of such a magistrate emanated,

<sup>65</sup> The complaints of various cities and towns at the Lisbon parliament of 1439 are listed in M. H. COELHO, *Relações de domínio no Portugal concelhio*, cit., p. 260, and the warranties regarding all those appeals in notes 58 to 63. See also the complaints raised by the city of Guarda (a Portuguese town) (in the parliaments of Coimbra-Évora in 1472-1473, and of Évora-Viana, 1481-1482) against the multiple excesses of the *corregedor* Fernão Cabral. M. H. COELHO-L. M. RÊPAS, *Um cruzamento de fronteiras. O discurso dos concelhos da Guarda em Cortes*, Campo das Letras, Porto 2006, pp. 37-38.

<sup>66</sup> Municipal appeals, concerning both royal appointment to the posts considered to be within their jurisdiction, and the installation of royal protégés or vassals, were very frequent in the *Cortes*. M. H. COELHO, *Relações de domínio no Portugal concelhio*, cit., p. 264, note 81; EAD.-L. M. RÊPAS, *Um cruzamento de fronteiras*, cit., pp. 40-41.

<sup>67</sup> A Portuguese town.

<sup>68</sup> In the document: «muijto fallida» (the town).

<sup>69</sup> D. Duarte of Viseu, son of D. Fernando and D. Beatriz, and brother of the powerful Diogo, duke of Viseu.

<sup>70</sup> A Portuguese town.

<sup>71</sup> Lisbon *Cortes* of 1439, special chapter for Bragança, n. 1 (J. J. DIAS-P. PINTO [eds.], *Cortes Portuguesas. Reinado de D. Afonso V [1439]*, cit., p. 204).

<sup>72</sup> King Afonso V (1438-1481) was a minor at the time, and the regent until 1449 was his uncle *Infante* D. Pedro.

which brings us back to the problems of complexity of these networks of local governance.

In the «parallel delegations» (see above) we find this same expectation of external justice and a no less harsh criticism of local justice.

Thus, the simple people demanded the presence of the *corregedor*, the active, executive arm of royal power, as did the craftsmen (*mesteirais*) of Santarém. As such, they wanted him to be in the town for two months – and not just for two weeks as the ruling elites wanted – because «those who hardly live here have no love of this land and the good people desire this, in service of the land and for the good of the community».<sup>73</sup> They then specify that «he shall execute the orders and decisions of the municipality better than its officials and keep better order and watch of the officials [...] balance the accounts without favouritism [...] and] administer justice more swiftly».<sup>74</sup> This vice of «affection» (*afeição*), in other words, of the favours that secured the clientele that supported the ruling aristocracies, was continually being raised in the discourse of the common people and likely it was an obvious fact of life, as its persistence over time tends to corroborate.

Local justice was permeable to these alliances, and those who suffered the consequences of them expected external justice to be unsusceptible to them, and powerful enough to oppose them. It is understandable, therefore, that the people did not hesitate to point the finger at the governing elites. Undeniably, those who are commanded always tend to accuse those who give the commands. And accompanying them there could also be certain factions of younger people or those excluded from a position on the town council, due to enmities and rivalries, and who wanted to rise to power. Certainly, the «little ones» (*pequenos*)<sup>75</sup> of Ponte de Lima expressed it very plainly saying that the elders of the place were all brothers, uncles, cousins and brothers-in-law of each other and that for this reason the offices «never (left) their hands», especially that of judge, when there were many others qualified to exercise the posts, so they requested to have a judge of the town and another of the outskirts, to avoid oppressive control and favouritism («affections»)<sup>76</sup>.

<sup>73</sup> In the document: «Os que mall vyvem nom ho desejam na terra e os boos que avyam vosso serviço e prol comunall o desejam». Lisbon parliament of 1459, chapters of the craftsmen of Santarém, n. 1 (Lisbon, Arquivo Nacional da Torre do Tombo [= ANTT], *Chancelaria de Afonso V*, vol. 36, f. 229-229v).

<sup>74</sup> In the document: «Elle executa milhor as hordenaçoos e pusturas do concelho que os offyciaes della e dá milhor hordem e maneyra e repario aos offyciaes [...] toma as comta mais sem afeiçoos [...] faz mais asinha comprimento de direito...».

<sup>75</sup> In the document «pequenos» (= «the little/small ones», in social sense).

<sup>76</sup> Lisbon *Cortes* of 1459, chapters of the people of Ponte de Lima, n. 1 (Lisbon, ANTT, *Leitura Nova. Além Douro*, vol. III, ff. 31v-32v). In so granting, the monarch went even further, determining that, in each year, there will be as many officials from the town as from the surrounding lands.

Furthermore, they denounced the vice of collusion to which a closed power gave rise, riddled with family alliances, and secured by a rotation in the exercise of offices. Thus they said that the municipal ordinances only applied to poor and «miserable» people, with the privileged and powerful always acquitted, even if guilty. And thus because the rulers «expected to be treated similarly as when the others [privileged and powerful] were in office».<sup>77</sup> And the scenario of the oppressiveness of the local aristocracies that governed the cities and towns of the kingdom expanded – they imposed heavy fines and extraordinary taxes on ordinary people,<sup>78</sup> making unauthorised collections of royal and municipal taxes,<sup>79</sup> oppressed the small farmers when selling their products,<sup>80</sup> charged taxes on uncultivated land,<sup>81</sup> and confiscated bulls from small farmers who needed them for breeding purposes, and in so doing, they made the common people pay for the feasting that honour the rich.<sup>82</sup>

These common folk even claimed certain offices for themselves, such as that of judge of the orphans, which was always opposed by the *concelho* leaders, because a full jurisdiction over such helpless people ensured the landowners had manpower to work their ploughs and tend their cattle, or labourers to carry out the *concelho* works and tasks, or yet armed men in times of war.<sup>83</sup>

And indeed, we could continue to reel off these types of grievances, however space herein dictates we must conclude.

## V. Conclusions

Lines of research into local (*de foro*) and external (*de fora*) justice – still a largely wide-open field – has proceeded thus along various approaches.

<sup>77</sup> In the document: «Espera(va)m outro semelhante (tratamento) quando (aqueles) for(ss)em officyaees». Lisbon *Cortes* of 1459, chapters of the craftsmen of Santarém, n. 3.

<sup>78</sup> Lisbon *Cortes* of 1459, chapters of the people of Ponte de Lima, n. 4.

<sup>79</sup> Lisbon *Cortes* of 1439, chapters of the common people of Évora, nn. 2, 3 and 5 (J. J. A. DIAS-P. PINTO [eds.], *Cortes Portuguesas. Reinado de D. Afonso V [1439]*, cit., pp. 260-264); Guarda *Cortes* of 1465, chapters of the labourers and people of Guarda, nn. 1, 2 and 6 (Lisbon, ANTT, *Leitura Nova. Beira*, vol. II, ff. 28v-29).

<sup>80</sup> Lisbon *Cortes* of 1439, chapters of the common people of Évora, n. 6 (J. J. A. DIAS-P. PINTO [eds.], *Cortes Portuguesas. Reinado de D. Afonso V [1439]*, cit., p. 264); Guarda *Cortes* of 1465, chapters of the labourers and people of Guarda, n. 5.

<sup>81</sup> Lisbon of *Cortes* 1459, chapters of the labourers of Torres Novas, n. 12 (Lisbon, ANTT, *Leitura Nova*, Estremadura, vol. VII, ff. 259v-261v).

<sup>82</sup> Santarém *Cortes* of 1468, chapters of the common people of Estremoz, n. 4. (Lisbon, ANTT, *Leitura Nova*, Odiana, vol. IV, ff. 233-234).

<sup>83</sup> Lisbon *Cortes* of 1459, chapters of the labourers of Torres Novas, n. 9. An appeal against the recruitment of orphans as archers took place there.

## **Justice and Juízes de Foro. Justice and Juízes de Fora**

It is important to know in depth what was legislated and then to find out what was actually the practice.

We need a better understanding of who these men in charge of justice were in reality. The prosopographical method, which allows us to ascertain the families and lineages, culture and knowledge, wealth and social prestige, offices held, and careers of these men, seems to us, in all respects, the safest and most fruitful way of progressing.

Then, it would be necessary to investigate the concrete exercise of justice by these judges (here the documentation of the *Cortes*, along with other documentation, will be invaluable) in order to contemplate the legal and illegal actions, to analyse the alliances and collusions, and to understand the oppositions and tensions between external and local justice.

Even so, perhaps we will be left with only an impressionist's canvas, painted in tiny dots, but which once accumulated into an overall view, will allow us to sketch out the panorama of justice, woven into the interlinked network of royal, seigneurial, and municipal powers, which took shape in the multiple and complex territorial units of the kingdom.



## *Juiz de Fora: an instrument of royal centralization?*<sup>1</sup>

LUÍS MIGUEL DUARTE

### I. Introduction

The project, of which this essay forms a part, aims to chronicle the history of a Medieval/Early-modern judicial officer: the *juiz de fora*,<sup>2</sup> that is, a judge who was external to a particular township or locale (lit. «judge from the outside»), in opposition to (or at least different from) ordinary local judges who were «elected»<sup>3</sup> within the communities and who happened to possess the requisite characteristics and attributions. The *juiz de fora*, on the other hand, was expressly appointed by the king, received a salary, and exercised the office full-time, therefore being a professional magistrate.

### II. Juiz de fora: *the creation of the office*

#### II.1. *The people's complaints at the cortes*<sup>4</sup> of 1352

We do not know exactly when this post made its first appearance, nor in which city or town, nor under what circumstances. Neither do we know if it was a development from some previous judicial office. Its inception has been attributed to the reign of King Dinis (1279-1325),<sup>5</sup> but it was only consolidated under his son. Sadly, the disappearance of nearly half the Chancellery of Afonso IV, espe-

<sup>1</sup> A simplified version of this study was published, in Portuguese, in A. COSTA, *Justicia y comunidades en Portugal*, cit. This text has been revised, updated and adapted for a foreign audience, not familiar with Portuguese medieval history.

<sup>2</sup> Literally outsider judge. For more information see glossary.

<sup>3</sup> Knowing the process of choice determined by the so-called *Ordenação dos Pelouros* (law for electing municipal office-holders) of 1391, I must speak first of a selection from a minority of candidates defined by a minority of decision-makers. For more information about the *Ordenação dos Pelouros* see glossary and J. DOMINGUES-P. PINTO, *Nos primórdios da administração pública portuguesa*, cit., pp. 41 ss.; A. COSTA, *Nobres, agentes periféricos da coroa e homens dos concelhos*, cit., pp. 50-51.

<sup>4</sup> The Portuguese parliament. For more information see glossary.

<sup>5</sup> I will return to this question later.

cially covering the years 1343 to 1357, hardly aids the solving of these problems. The traditional explanation has been to attribute the creation of the new post to a «dialogue» between King Afonso IV and the representatives of the municipalities during a meeting of the *Cortes* in 1352 (the 7th *capítulo geral*).<sup>6</sup> Yet, this source, like most any other of the period, raises some problems. As Armindo de Sousa has shown,<sup>7</sup> the *capítulos gerais* of the *Cortes* and the king's replies are the product of very tough negotiations, prepared and conducted by very experienced men on both sides; and what has survived for us to read today is a kind of minute of the proceedings, a scripted, filtered version of the outcome of those negotiations. Political objectives are presented as general claims of the «Peoples»<sup>8</sup> that might indeed have been «general», then there were others that were certainly only in the interests of some municipalities represented at the *Cortes*, possibly a minority, and still others that probably only benefited those five *concelhos*<sup>9</sup> with a seat on the top bench in the parliamentary assembly: Lisbon, Évora, Coimbra, Santarém and Porto.<sup>10</sup> Moreover, the municipal advocates, the king's *desembargadores*,<sup>11</sup> and the monarch himself could – and indeed usually did – have motives they preferred not to make public, let alone commit to paper.

If there was indeed an *ex novo* creation of *juízes de fora*,<sup>12</sup> as I believe there was, we do not know whether this creation took place by means of an original ordinance or, as was often the case, by the appointment of a first *juiz de fora*, with this appointment being accompanied by specific instructions, i.e. a *regimento*.<sup>13</sup> Due to the enforced silence of the Chancellery, we also do not know how many *juízes de*

<sup>6</sup> General chapter. At meetings of the *Cortes*, *capítulos gerais* were presented on behalf of all the *concelhos* represented and special chapters on behalf of each *concelho*.

<sup>7</sup> A. SOUSA, *As Cortes Medievais Portuguesas*, cit.; ID., *O Parlamento Medieval Português e outros estudos*, L. M. Duarte, L. C. Amaral and A. E. Marques eds., Fio da Palavra, Porto 2014.

<sup>8</sup> This expression adopted from the documents «chapters of the peoples» is used, as Armindo de Sousa did.

<sup>9</sup> The same as municipalities. For more information see glossary.

<sup>10</sup> More accurately, four cities and a town, since Santarém was not the seat of a bishopric and had therefore not yet been awarded the status of city. For more information see Map 3: Portuguese cities and towns with seats in *Cortes* (1481-1482). Concerning these municipalities actions in this specific *cortes*, see among others F. A. S. SILVA, *O Porto em Cortes (1331-1406)*, M. A. Dissertation in History, Faculty of Letters, University of Porto, Porto 1999, pp. 61, 100; M. FARELO, «Lisboa nas Cortes da Primeira dinastia (1254-1383)», in *As Cortes e o Parlamento em Portugal. 750 Anos das Cortes de Leiria de 1254. Actas do Colóquio internacional, Leiria, 26-28 de Novembro de 2004*, Assembleia da República-Câmara Municipal de Leiria, Lisbon 2006, pp. 140-141; J. S. SOUSA, «Lisboa em Cortes de 1352/1371», in L. KRUS-L. F. OLIVEIRA-J. L. FONTES (eds.), *Lisboa Medieval. Os rostos da Cidade*, Livros Horizonte, Lisbon 2007, pp. 413-418.

<sup>11</sup> Members of the central administration. For more information see glossary.

<sup>12</sup> And not the mere evolution of existing offices.

<sup>13</sup> Rules of procedures.

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*fora* King Afonso IV appointed, on what dates, at what intervals, and for what localities. But he certainly appointed some (perhaps even a substantial number).

Let us analyse in detail the complaint of the «People», in the Cortes of 1352. The king says that, according to the council representatives, «we have put our judges from outside in these cities, towns and places»,<sup>14</sup> in violation of the *foro*,<sup>15</sup> which provided for the local election of annual judges,<sup>16</sup> who were then duly confirmed by the sovereign. The new practice of the Crown therefore went against the ancient liberties and privileges of the *concelhos*.

Secondly, these municipalities already laboured under excessive burdens and expenses, yet, whilst knowing this, the king had nevertheless ordered them to «pay salaries to these judges, from the revenues of the municipalities».<sup>17</sup> Here then is an example of an innovation that cities and towns could happily do without. Local magistrates – *alvazis*,<sup>18</sup> judges, and later *vereadores*<sup>19</sup> and *procuradores*<sup>20</sup> – were unpaid. At that time, the Roman theory of office was still in force, according to which those who had political experience, social pre-eminence, and sufficient wealth, were obliged to give back to the community some of that education and experience by serving it in administrative positions. However, these new external judges received a salary, which was to be paid in varying proportions by the Crown and the municipality.<sup>21</sup> To what extent did this complaint reflect real difficulties, rather than simply being an argument to influence the king? We know that municipal finances are almost always in deficit. As Iria Gonçalves has shown in the example of Porto during the 1400s,<sup>22</sup> whilst the city might well have been governed by very rich men, the council coffers were meagre; and because of this the burgers often chose as their advocate a member of the *nouveaux riches*, without social pedigree yet with enough liquidity to cover the monetary requirements of his charge from his personal fortune. Thus, for two reasons – the added burden on their dwindling finances and the fact that the innovation violated their ancient rights – the representatives of the «People» at the

<sup>14</sup> «Púnhamos nossos juizes de *fora parte* em essas cidades, vilas e lugares», in T. C. RODRIGUES (ed.), *Livro das Leis e Posturas*, cit., p. 468, 7<sup>th</sup> article of the parliament of 1352.

<sup>15</sup> The municipal charter or a usage that formed a right or privilege.

<sup>16</sup> I have stated previously that a lot could be said about this «election»; although «the people» means, naturally, that the choice of their judges was local.

<sup>17</sup> «Pagar *solairos* a esses juizes dos bens do *concelho*».

<sup>18</sup> The same as an ordinary judge. For more information see glossary.

<sup>19</sup> Councillors. For more information see glossary

<sup>20</sup> Procurators. For more information see glossary.

<sup>21</sup> Will they have been the first administrative officials to receive it? Would they and the regional magistrates (*corregedores*) have received it roughly at the same time?

<sup>22</sup> I. GONÇALVES, *As finanças municipais do Porto na segunda metade do século XV*, Câmara Municipal do Porto. Arquivo Histórico, Porto 1987 (Documentos e Memórias para a História do Porto, 45).

1352 *Cortes* petitioned Afonso IV to allow them to continue to «operate according to the *foro* and its contents».<sup>23</sup>

I repeat the question: how truly «general» was this *capítulo geral*? Which were the *concelhos* whose representatives were the first to voice this protest? As we have just seen, the complaints were simple enough: infringement of ancient rights and the obligation to pay salaries. Was it that the councils had not yet understood what the new position of *juiz de fora* really entailed? Had they failed to read the signs of the times and not understood what was coming? After all, what really could, and indeed did, present a novel and far more serious problem for traditional municipal government was this innovating appearance of the «professional» judge.<sup>24</sup>

## II.2. Responses of Afonso IV

The king's reply to the 7<sup>th</sup> general chapter of the «People» in the 1352 *Cortes* is very lengthy, fortunately for us, because this is the first and most extensive attempt to justify the creation of this new office. The sovereign begins with a rhetorical banality, yet indispensable in a formal opening, a kind of *captatio benevolentiae*: if he appointed outside judges to various cities and towns, he did so not to aggravate them, but for their benefit («prol»). A kind of «everything I do is for your good», as parents are apt to tell their children.

Then comes the first real justification: «The law presumes» that outsiders will dispense better justice than the locals. This is a maxim, a long-standing principle, that to a substantial extent prevailed in Portugal until recent years.

Following the theoretical justification comes the circumstantial: four years earlier, in 1348, the «black plague» had devastated the country. We are not in a position to give an estimated number of deaths,<sup>25</sup> not even an approximation, but there were certainly many tens of thousands of victims.<sup>26</sup> Afonso IV explained that the

<sup>23</sup> «Husar segundo no dicto seu foro he conthudo». A. H. MARQUES-M. T. RODRIGUES-N. DIAS (eds.), *Cortes Portuguesas. Reinado de D. Afonso IV (1325-1357)*, Instituto Nacional de Investigação Científica, Lisbon 1982, p. 128.

<sup>24</sup> It is always with the greatest care that I use certain concepts, especially when referring as far back as the mid-fourteenth century. However, I believe it is not out of place to designate a judge as «professional» if they earned wages for their work and devoted themselves exclusively to that work.

<sup>25</sup> All the more so because there is no approximation of a reliable population size before the plague, i.e. the Portuguese population in the mid-fourteenth century. New insights on this subject can be drawn from the recent thesis of A. F. O. SILVA, *A peste Negra em Portugal. Os casos do Entre-Douro-e-Minho e do Entre-Tejo-e-Odiana*, PhD in History, Faculty of Letters, University of Porto, Porto 2021.

<sup>26</sup> If the Portuguese population at the time was around one million, and the plague had eliminated as much as a third, as was the case in some regions of Europe, that would mean more than three hundred thousand deaths.

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ordinary judges<sup>27</sup> could not enforce the resulting overwhelming number of wills nor solve the problems and conflicts arising from intestacy.<sup>28</sup> I for one find it somewhat difficult to accept this justification. If the reason really was to speed up the processing of the mountain of unfulfilled wills and unresolved disputes, the judge from outside would not come to replace those already existing in the locale, but surely to reinforce them. Moreover, if there was a temporary need for full-time judges (and therefore paid for their services), what was to prevent them from being good men of the municipality, chosen by the municipality?

But the King of Portugal continues: «Before this, in many places, what should have been done was not done as was necessary for the resolution of old cases».<sup>29</sup> The new judges appointed by the Crown were to tackle this problem and to try to restore justice and truth. This being the case, the situation changes. The king finally says what he is getting at – concern for the good of the people was routine, the pressure of the plague timely – but there was an underlying argument: justice was poorly administered in many of the municipalities of the kingdom mainly because it took so long, which was why there was a backlog of unresolved cases. Further, Afonso IV added another equally important argument: the new judges sent by the king from outside would be able to collect the old debts owed to the *concelhos* and ensure that the land was better tilled and used. In this way, the *concelho* would recover, with high interest, the portion of the salary of the *juiz de fora* that it was required to pay. The new judge therefore promised more efficient *concelho* management because he would be full-time; he would be a kind of «mayor» rather than only a judicial officer.

Then there is what the king does not say but that we must say: in a process that, with progressions and regressions, had been going on since Sancho I and then most evidently from the reign of Afonso II, which we have called «royal centralisation», and by which the king of Portugal strove to superimpose his own jurisdiction, and the right and obligation to appeal to his courts, over all the ecclesiastical and seigneurial spheres of jurisdiction, on the one hand, and, on the other, to achieve a better control over the largest possible extent of the kingdom, the turn of the *concelhos* would surely have to come.

As I said above, we do not know the exact date of the first appointment of a *juiz de fora*. During the reign of D. Dinis, some important steps were taken to tighten the Crown's judicial control over the territory: the proliferation and greater

<sup>27</sup> The judges elected by the community were called ordinary judges. For more information see glossary.

<sup>28</sup> They did not even manage to combat resistance from the clerics, who wanted to be the only authorized executor.

<sup>29</sup> «Antes disso, em muitos lugares não se fazia o que se devia para desembargar feitos antigos». T. C. RODRIGUES (ed.), *Livro das Leis e Posturas*, cit., p. 468.

specialisation of *sobrejuízes*<sup>30</sup> more concerned with civil litigation, and the creation of *ouvidores* (sing. *ouvidor*)<sup>31</sup> specialised in criminal cases and cases concerning royal patrimony, as well as, previously, *meirinhos mores das comarcas*<sup>32</sup> («heralding» the *corregedores*),<sup>33</sup> are all part of the same coherent strategy.<sup>34</sup> Added to this was the appointment of certain *juízes por el-rei*,<sup>35</sup> which we shall discuss later.

### II.3. Juízes de fora and corregedores

I am convinced that it only makes sense to think of the creation of the new magistracy of the *juízes de fora* in conjunction with the institution of *corregedores*.<sup>36</sup> A brief analysis of the various «Regimentos de Corregedores» (Corregidor Regulations), which are clustered in time (1332, 1338 and 1340 – probably successive refinements of a prototype document) reveals that this new royal official, responsible for a *comarca*, in each municipality he entered, «had to correct both the deeds of justice» and the «town council of the land».<sup>37</sup> Thus, from the outset, we find this double dimension, that of the application of the law and that of government or administration – control of revenues, expenditure, land-improvements, defence – as would be the case with the the *juízes de fora*. The «Regimento» placed great emphasis on vigilance over local justice: before entering a municipality, the *corregedor* had to ask all the notaries to inform him of the *estados*<sup>38</sup> and *querelas* (claims) lodged in that municipality, either before the notaries or before the judge. There is a special concern for criminal complaints,<sup>39</sup> thus the *corregedor* is to ascertain if there are powerful people who have committed crimes but have not been punished because of

<sup>30</sup> High court judges. For more information see glossary.

<sup>31</sup> High court judges. For more information see glossary.

<sup>32</sup> Judicial officeholders who belonged to both the central and regional administration. For more information see glossary and J. DOMINGUES, *Os primórdios do ius corrigendi em Portugal: os meirinhos-mores de D. Afonso III*, in «Lusiada. Direito» 1-2 (2011), pp. 171-203.

<sup>33</sup> Regional magistrates. For more information see glossary.

<sup>34</sup> See J. A. SOTTOMAYOR-PIZARRO, *D. Dinis*, Círculo de Leitores, Lisbon 2005, especially p. 135. This author follows on naturally from the various studies by A. L. Carvalho Homem on the subject, mainly M. H. COELHO-A. L. HOMEM (eds.), *Nova História de Portugal. III. Portugal em Definição de Fronteiras*, cit., pp. 151-156.

<sup>35</sup> The same as *juiz de fora*.

<sup>36</sup> This was very similar to Castile, although in Castile the role of the «corregidores» was different from the Portuguese ones. I would like to thank Prof. María Isabel del Val Valdivieso, of the University of Valladolid, for the information she generously provided.

<sup>37</sup> «Há de correr tanto nos feitos de justiça» como no «vereamto da terra». M. CAETANO, *A Administração Municipal de Lisboa*, cit., p. 137.

<sup>38</sup> In other words, the documents relating to court proceedings that the notaries had drawn up.

<sup>39</sup> That they should be formally and duly recorded by the notaries; that the necessary witnesses should be heard; that the notary should read those complaints to the judge at least once a week.

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the fear engender by them, if there are indictments still pending in the hands of the notaries, if there are prisoners rotting-away in jail awaiting trial, if there are cases that are excessively delayed.

The *corregedor* is to be merciless with defaulting judges, that is, those who do not arrest known and notorious wrongdoers or who do not proceed with their cases through foul play or simple negligence, holding offending judges responsible in their assets or punishing them physically.<sup>40</sup> What seems most significant to me is that, when he enters a locality, the *corregedor* should have it proclaimed – therefore, making it heard loud and clear to everyone, even the illiterate, ignorant and «rustic» – that he will ensure that justice is done, in the name of the king, including making it clear to those who have made complaints against the *alcaide*,<sup>41</sup> judges, or other powerful people. Let us not underestimate the importance of this proclamation,<sup>42</sup> even if only in symbolic terms: basically, the town-crier shouts through the main squares and streets of the town that a direct representative of the king has arrived on the scene and will ensure that the king's justice is carried out, even if the aggrieved parties are the humble and the accused are the rich and the strong. As with the universalisation of royal jurisdiction, the appeals to the two central courts, and the curtailment by King Afonso IV of many a nobleman's criminal jurisdiction,<sup>43</sup> everything contributed towards the same objective: to achieve the Crown's greatest possible judicial control over its subjects and the lands of the kingdom.

The «Regimento» is clear: the *corregedor*, who represents the king, should not take charge of any civil or criminal cases which are normally handled by local judges, except those involving «powerful» persons or agents in the judicial process.<sup>44</sup> It is only at a very late stage in the document (after having talked about issues such as notaries or council revenues, for example) that there is a well-known heading relevant to the problem we are dealing with: «How could [the *corregedor*] know who was deserving of the title of judge, and *how could they inform the necessary powers*

<sup>40</sup> It can be assumed that this punishment was carried out with whips, the only «appropriate» physical punishment, since «amputating limbs» or marking with a hot iron does not appear likely.

<sup>41</sup> Castle governor. For more information see glossary.

<sup>42</sup> In practice, the final result is debatable: what would be the point of the *corregedor* agreeing with a member of the population in their dispute with the senior magistrate (the *alcaide-mor*) of their district's castle? When the *corregedor* left, they would go back to being alone in the dispute with the governor and his men. This example uses a magistrate, but the same would apply to a nobleman, or even a judge.

<sup>43</sup> See the important study by J. Marques on this subject: J. MARQUES, «D. Afonso IV e as jurisdições senhoriais», in *Actas das II Jornadas Luso-Espanholas de História Medieval*, Instituto Nacional de Investigação Científica, Porto 1985, vol. IV, pp. 1527-1566.

<sup>44</sup> Castle governors, judges, as stated above, *filhos d'algo* (the «sons of someone significant»), lawyers and procurators. The understanding of who was «powerful» could naturally vary from one place to another.

*so that they may be elected?».*<sup>45</sup> It is then stipulated that in all the towns and places of his district, the *corregedor* should be fully informed as to who are the «best» to be judges, and his clerk is to record these names in a book. In other words, if this heading of the «Regimento» were duly fulfilled, the six *corregedores* of the six *comarcas*<sup>46</sup> of the kingdom would have in their possession the names of all those eligible to be local judges;<sup>47</sup> moreover, the newly elected judges would no longer have to go to the royal chancery to solemnly take their oath of office, because now they could do so directly before the *corregedor*.<sup>48</sup> Only at the very end of the «Regimento» is there the rule that stipulates «five or six men of standing should be made *veedores*»<sup>49</sup> (future municipal *vereadores* or aldermen), and then the rule referring to the choice of judges. «And let them all be sworn that neither for fear nor for love nor for lack of love of which there should be none...» that they will not fail to do justice and pursue the good of the land.<sup>50</sup>

In short, in the 1430s, with the creation and regulation of the office of *corregedor*, the king was seeking to entrench and reinforce his power and authority throughout the kingdom, ordering the compilation and written-recording in books to which he would have access of lists of good men who were «fit and proper» (*autos e pertencentes*) to be judges, that is, who were competent according to the sovereign's criteria,<sup>51</sup> and ordering them to swear an oath before him through the intermediation of the *corregedor*. The Portuguese monarch thus sought direct intervention in the government of the lands.

Indeed, if I am looking at things correctly, the appointment of the first *juiz de fora*, perhaps in the same period,<sup>52</sup> is a move in exactly this same direction. The way it is advocated by Afonso IV in the *Cortes* of 1352, it seems to have mixed implications for the *concelhos*: like the *corregedor*, this man is not bound by family ties or other commitments, nor is he afraid of anyone, since his consulship will in principle only last a year and the king is directly protecting his back. Hence, he can bring to order the «mighty ones» or some dreaded evildoer who plagues the land with his gang.

<sup>45</sup> Italics added subsequently. «Como [o corregedor] deve saber quais merecem de seer juizes e como lho devem fazer saber quando os enlegerem».

<sup>46</sup> Districts. For more information see glossary and the representation of the districts in Map 2: *Comarcas* of Portugal in the 14th and 15th centuries.

<sup>47</sup> Except, of course, for the protected and honored lands.

<sup>48</sup> This is one of the norms that would have been difficult to uphold. In time, the new officials would be solemnly sworn in, in the town hall, before their fellow councillors. Sometimes the *corregedor* would be present, but rarely.

<sup>49</sup> In the original: «Como se devem poer cinco ou seis homens bons por vedores».

<sup>50</sup> «E estes todos sejam jurados que por temor nem por amor nem por desamor que haja nenhum».

<sup>51</sup> Which in some ways would coincide with those of the local communities, but in others not.

<sup>52</sup> If not a little earlier or a little later.

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That is the good part for the locals; the bad part is that this magistrate will «live» in the town hall, will spend his days going through the files, scrutinizing the town hall accounts (especially the town hall expenses), controlling the use of the town's patrimony (immovable and movable – for example, the revenues and the respective tenders), checking the state of the walls, the weapons and other military equipment.<sup>53</sup>

The *concelhos* are against it on principle. Whilst their declared intentions may be of the best, they are always wary of outsiders meddling in the affairs and daily life of the land; especially an outsider closely in the confidence of the monarch, who is therefore less than reverential towards local dignitaries and their various arrangements of influence and business interests. He was a nuisance in any municipality, and very much of a nuisance in the kingdom's main cities which were the leading political players.

The new *juízes de fora* are, as I mentioned, full-time magistrates who live on a salary (very rare in the mid-fourteenth century) and are entitled to a number of benefits (*tomadias e aposentadorias*). The previous judges and *vereadores* had to attend the municipal meetings (one or two mornings per week) and occasionally monitor the execution of some decisions afterwards, but little else. The *juiz de fora* has the time and, in principle, the training, to oversee all aspects of municipal management: the maintenance of public facilities (bridges, pavements, paths, butcher's shops, bathhouses), the activities of the *almotacés*,<sup>54</sup> the management of the real estate of the *concelho*, the collection and occasional tendering of local duties, supplies, the use of weights and measures, prices and salaries, the administration of justice, the work of the notaries, municipal income and expenditure, communication with central power (the *concelhos* a little further from the capital liked to use this distance to their advantage, delaying the application of measures dictated by the Crown, or responses to questions from the king; the *juiz de fora* would always have an easier and swifter contact with the monarch).

Certainly, either the opposition of the municipalities' advocates to the *juízes de fora* was very forceful and succeeded in prevailing in the collective negotiations in the *capítulos gerais*, or simply the king, astute and well advised, managed to get around the issue. He granted the request of the «People» so that there would be no more *juízes de fora*, provided that the judges *do foro*, that is, the locally chosen ordinary judges, rigorously observed three conditions: that they would possess the

<sup>53</sup> This charge could be inconvenient for the municipalities, as the judge could call on locals to work on repairing the wall or to pay the corresponding tax.

<sup>54</sup> Urban trade and hygiene inspectors. For more information see glossary. For this office, see S. M. G. PINTO, «A instituição da almotaçaria, o controlo da atividade construtiva e as singularidades de Lisboa em finais da Idade Média», in J. L. FONTES-L. F. OLIVEIRA-C. TENTE-M. FARELO-M. G. MARTINS (eds.), *Lisboa Medieval: Gentes, Espaços e Poderes*, Instituto de Estudos Medievais, Lisbon 2017, pp. 287-312.

necessary know-how to enforce the law and execute justice; that they would correctly administer the revenues of the municipality, and that they would carry out the «vereamento» of the land. If they fail to fulfil any one of these requirements, the governor «will react in a tough way». In other words, Afonso IV set such conditions that he could always argue that he had agreed to do without the *juízes de fora*, but that in this or that town or city the ordinary judges were not discharging their office as they should, so he was obliged to reinstate the *juiz de fora*.

### III. *Subsequent History*

Thus, created at an unknown date, proliferating after the «black plague», contested with apparent success in the *Cortes* of 1352 but continuing to be appointed thereafter, we know little about the true quantitative and territorial extent of the exercise of this new magistracy during the following four reigns: D. Pedro (1357-1367), D. Fernando (1367-1383), D. João I (1385-1433) and D. Duarte (1385-1433) – some eight decades. I venture to suggest that D. Pedro would be one king to make good use of this office, as would Dom João I, especially from 1411 onwards, with the country pacified, the «debts» to those who had supported him paid-off, and the *Infante* D. Duarte collaborating with his father (rather than trying to substitute him) in government. By contrast, certainly King Fernando and also King João I in the early decades of his reign, hardly made the «taming» of the most troublesome *concelhos*, one of their top priorities.

Under King Afonso V (1438-1481), there were many appointments of *juízes de fora*.<sup>55</sup> It was a long reign, let us not forget. And the regress in the process of centralisation and, in particular, in the submission of the nobility, which followed the battle of Alfarrobeira in 1449,<sup>56</sup> did not imply any special concessions to the *concelhos*. During this reign, there seem to be periods with a greater volume of appointments. In the few years during which his son D. João II reigned, researchers from the JUSCOM project have compiled an inventory of only ten.<sup>57</sup> As we know, this king's wars were different: he fought hard against some noble houses; in the

<sup>55</sup> Although they are not all identified, access has only been granted to some of the chancellery books.

<sup>56</sup> Battle between the troops of Afonso V, who had come of age in 1446, and the former regent, Prince Pedro, which began a period of intensified royal grants of rights, rents, properties, and jurisdictions to the nobility. Concerning the multiple contexts of this battle, see H. B. MORENO, *A batalha de Alfarrobeira: antecedentes e significado histórico*, 2 vols., Biblioteca Geral da Universidade de Coimbra, Coimbra 1979-1980.

<sup>57</sup> For the towns of Alcácer, Elvas, Estremoz, Évora, Mértola, Monção, Montemor-o-Novo, Moura, Olivença, Ponte de Lima, Santarém, Tavira e Vila Viçosa. Cf. JUSCOM database.

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*Cortes*, he treated the *concelhos* with a certain aloofness. He does not seem to have needed them.

With the information we have at the present time, I would say that it is with King Manuel (1495-1521) that the great change takes place with regard to *juízes de fora*:<sup>58</sup> this king has all the money he needs and much more. In this case, this is doubly important: he is not dependent on the goodwill of the representatives of the «People» in the *Cortes* to finance himself, i.e., he does not need to buy their political support, and he can easily pay the salaries of as many *juízes de fora* as he wishes. It was also with this monarch that a much tighter and more regular control of municipal finances was put. It is during the reign of Manuel that we begin to find *juízes de fora* in the main cities of the kingdom on an almost systematic basis.

### IV. Possible avenues for research

We should never forget that the *juízes de fora* were created, at least if we are to believe the king who appointed the first ones, for the «regulating, stewardship, fiscal management, and protection of the land»:<sup>59</sup> the two dimensions – that of judge and that of municipal supervisor – will always be present, as well as the quality of impartiality in the land through his not being embroiled in any ties of «love, fear, or disdain».<sup>60</sup>

The strong attachment of these magistrates to the Crown should be highlighted, namely the large number of knights and squires of the king or of the king's household who held office. As men of the sovereign's close, if not personal and direct confidence, it is hardly surprising that many of them were repeatedly called upon to serve in neighbouring or even more distant lands. I have had the opportunity to study some of the careers of these *juízes de fora* and the cases heard by them at the end of the reign of King John II and King Manuel:<sup>61</sup> these individuals seem to

<sup>58</sup> For the towns of Abrantes, Alandroal, Alverca, Arronches, Avis, Beja, Caminha, Coimbra, Castelo de Vide, Covilhã, Elvas, Estremoz, Évora, Funchal, Guarda, Lafões, Lagos, Lamego, Leiria, Lisbon, Monforte, Montemor-o-Novo, Moura, Olivença, Penamacor, Pinhel, Ponte de Lima, Portalegre, Porto, Santarém, Serpa, Setúbal, Tavira, Terceira (Ilha), Tomar, Torre de Moncorvo, Torres Novas, Torres Vedras, Viana, Viana do Alívito, Viseu. Cf. JUSCOM database.

<sup>59</sup> «Regimento, vereamento, percebimento e guarda da terra», T. C. RODRIGUES (ed.), *Livro das Leis e Posturas*, cit., p. 468.

<sup>60</sup> An idea that prevailed in Portugal until quite recently. Judges circulated among the districts, working a six-year period in each, although the practice was becoming obsolete due to the existence of mal-practice or circulation among small, neighbouring towns or cities. The «Almeida Santos Reform» put an end to this at the end of the 1970s.

<sup>61</sup> In my PhD dissertation: L. M. DUARTE, *Justiça e Criminalidade no Portugal Medieval (1459-1481)*, Fundação Calouste Gulbenkian and Fundação para a Ciência e Tecnologia, Lisbon 1999.

have been what the Americans call «a man with a mission». They both understand intellectually and feel spiritually that they are the personal envoys of the king who have a mission to accomplish. They write to the monarch with some familiarity to inform him of how that mission is going. They have no problem at all in disagreeing with or harassing the «elders of the land». They went to Tomar<sup>62</sup> to restore morals to a town where the Convent of Christ, for example, did not excel (to say the very least!) in the practice of chastity; they went to Viseu<sup>63</sup> to put in order a family of noblemen who claimed – quite rightly – that the land was theirs. In this particular case, which occurred in 1504, the head-on collision between the traditional rule of the nobles and the regime of officials, scholars and notaries who sided with the king, is particularly visible.<sup>64</sup>

In this *missi dominici* function, it could be advisable that in one municipality a more knowledgeable and experienced juridical profile would be preferable in a candidate, but in another, a more intimidating social lineage might be necessary (the agents of justice in the *comarca* of Beira<sup>65</sup> were, as a rule, high-ranking noblemen, *et pour cause*).

There is one line of research which I believe is essential to explore: suspicion of silence in the sources about the the *juízes de fora* and a watchfulness for any signs of divisions in the lands,<sup>66</sup> contrary to our naive and somewhat angelic vision of these communities of the *Ancient Regime*, especially the smaller ones. When King John I, to justify the «Ordenação dos Pelouros» of 1391, argues that divisions and confrontations between «bands» and «parties» are frequent in the lands, especially when it comes to choosing the leaders of the *concelho*, I do not believe he is exaggerating, much less inventing. In fact, we know of several cases of cities being almost permanently torn apart by gang warfare;<sup>67</sup> just as we know of fighting between those of lesser means and those of greater means; or, following Armindo de Sousa's work, the revealing *delegações paralelas* (parallel delegations)<sup>68</sup> of some municipalities to

<sup>62</sup> A Portuguese town. See Map 3: Portuguese cities and towns with seats in *Cortes* (1481-1482).

<sup>63</sup> A Portuguese town. See Map 3: Portuguese cities and towns with seats in *Cortes* (1481-1482).

<sup>64</sup> I dealt with this subject in L. M. DUARTE, «Retalhos da Vida de um Reino», in D. R. CURTO (ed.), *O Tempo de Vasco da Gama*, Difel, Lisbon 1998, pp. 305-318.

<sup>65</sup> See Map 2: *Comarcas* of Portugal in the 14th and 15th centuries.

<sup>66</sup> As mentioned by Maria Helena da Cruz Coelho in her presentation in one of the workshops held as part of this project.

<sup>67</sup> Like the studies conducted by H. B. MORENO (among others, *Bandos nobiliárquicos em Oliveira nos fins do século XV*, in «Revista de História – Centro de História da Universidade do Porto» 6 [1985], pp. 121-144; H. B. MORENO, *Conflitos em Loulé entre os Barretos e os seus opositores no século XV*, in «Revista da Faculdade de Letras – História» 12 [1995], pp. 125-133, or by M. C. F. FERREIRA, *Pinheiros e Mendanhas de Barcelos em confronto por finais do século XV: 1489-1490*, in «Revista de Ciências Históricas. Universidade Portucalense» 5 [1990], pp. 47-69).

<sup>68</sup> These were delegations which had not been formally sent to the courts by the governing bod-

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the *Cortes*. Therefore, when we come across *capítulos gerais* ou *particulares*,<sup>69</sup> in those *Cortes*, against the *juizes de fora*, we would need to know if everyone in the land thought the same way, or if there were not in fact many who yearned for the nomination of a *juiz de fora* for their town to put an end to the nepotism and tyranny of those who ruled it.

The type of information we have – and therefore the idea we can get of the new magistrates and how they were seen and received at a local level – depends directly on the type of documentation that has survived to us. In the first place, we have documentation produced by the urban elites, who were fairly hostile to this royal official, for the reasons I have set out. However, we would like to know what the lower social strata thought of the arrival of a *juiz de fora* in the city. Secondly, the minutes of the town council meetings – with rare exceptions – convey a rather sterile image of local political life. Reading them, and only them, we could believe that, despite everything, the *juiz de fora* ends up integrating and being well accepted among the notables, notaries, and other officials of the land, and that all decisions are taken in an atmosphere of the greatest harmony and in total consensus. But sometimes (I am thinking of an example from my own city, Porto, at the beginning of the sixteenth century, studied in depth by Maria de Fátima Machado) different documentation has survived, and we find that, contrary to what the municipal minutes suggest, all the officials of the *concelho* are involved in bitter conflict among themselves.<sup>70</sup>

Any conclusion will have to be based on as thorough a knowledge of the position as possible. Were the outside judges appointed for one year? For three years? «As long as it is our [the king's] will»,<sup>71</sup> that is to say, as long as the monarch understood that the exceptional state of affairs which had led him to appoint a magistrate from outside the land continued? Did time begin to run from the date of the royal appointment? How was the payment of this controversial salary distributed? Was half paid by the Crown, half by the council? And it would be of the utmost interest to know the figures. In this project a salary of 12,000 Reals per year was calculated, to be paid every quarter of the year;<sup>72</sup> but it is not recorded where this payment was

ies of the *concelhos*, but which were delegates of groups of individuals (agricultural workers, townsfolk, craftsmen) who had organised themselves.

<sup>69</sup> General or particular complaints. Further insights into the complaints against the *juizes de fora*, in D. FARIA, *Juizes indesejados? A contestação aos juizes de fora no Portugal medieval (1352-1521)*, in «Cadernos do Arquivo Municipal» s. II, 2 (julho-dezembro 2014), pp. 19-37.

<sup>70</sup> M. F. MACHADO, *O central e o local: a vereação do Porto de D. Manuel a D. João III*, Editora Afrontamento, Porto 2003, p. 78, says a coexistence resulted that, in a reading of the council minutes, seemed peaceful, but that the records and provisions made by the city that reached the monarch showed to be troubled.

<sup>71</sup> «Enquanto for nossa vontade» (do rei). Usual form of wording found in charters of appointment of *juizes de fora* during the fourteenth and fifteenth centuries.

<sup>72</sup> For the reign of Afonso V, see the data presented in subchapter 1.4. of chapter «Juizes de Fora

made, which, as we know, is no small problem. For once, the arguments of the towns in the *Cortes* make perfect sense when they complain to the king: whoever asked for, or is interested in, the appointment of the *juízes de fora* should be the ones to pay them. This almost never happened.

Another obvious question that needs to be answered is: were there places that were more prone to receive foreign judges? It would seem so: Elvas, Évora, or Estremoz, for example, but especially, among others, Viseu and Tavira,<sup>73</sup> localities that were more divided? more conflictive? with greater rivalry between powerful families or groups? Ports of embarkation for soldiers and convicts to Africa and, therefore, more restive, such as Tavira?

Despite all the above, *juízes de fora* rarely appear in the *capítulos gerais* of the «People», unlike, for example, the *corregedores*, who pop-up in every parliamentary meeting, and often take-up several chapters. Yet, between 1385 and 1490, according to the survey made by Armindo de Sousa, *juízes de fora* are only a topic in five *capítulos gerais*, which is virtually insignificant and should prompt us to draw some conclusions.

Then, more than problematisations and questions as such, there are real difficulties: it is often not easy to know who the *juízes de fora* were. All the ordinary judges of the land are «judges of the king» or sometimes «judges by the king»;<sup>74</sup> in many cases I was unsure whether I was dealing with a *juiz de fora* or an ordinary judge. Then there were also intermediate situations: men of the land, and therefore not from outside, but appointed ad hoc by the king (and therefore from outside?), I believe with no right to a salary and for indeterminate periods. I also believe that there is some uncertainty among scholars as to how this magistracy came into being: should it be located in the reign of D. Dinis or that of his son Afonso IV? In his biography of the former, for example, José Augusto Pizarro does not refer to the creation of the new post in the main body of the work, but he does mention it in the conclusion.<sup>75</sup> Maria Helena da Cruz Coelho helps elucidate the problem: «King Dinis had already appointed judges for certain municipalities, but King Afonso IV imposed them definitively...».<sup>76</sup> The doubt – which does not seem overly important

in the time of King Afonso V».

<sup>73</sup> See the location of these urban centres on Map 3: Portuguese cities and towns with seats in *Cortes* (1481-1482).

<sup>74</sup> Not included here are those of protected and honored lands, as is understandable.

<sup>75</sup> J. A. SOTTOMAYOR-PIZARRO, *D. Dinis*, cit., p. 261.

<sup>76</sup> M. H. COELHO-J. R. MAGALHÃES, *O poder concelhio*, cit., p. 26. To back up her statement, the author quotes M. CAETANO, *História do Direito Português*, cit., pp. 323-324 (although this only speaks about the *juízes de fora* appointed by Afonso IV); by the same author, Id., *A Administração Municipal de Lisboa durante a 1ª dinastia (1179-1383)*, in «Revista da Faculdade de Direito da Universidade de Lisboa» 7 (1951), pp. 88-91, and by A. M. HESPANHA, *História das Instituições*, cit., p. 254. In another study, M. H. COELHO-A. L. HOMEM (eds.), *Nova História de Portugal. III. Portugal em Definição de*

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to me – is therefore whether these judges *per el-rei* that D. Dinis<sup>77</sup> appointed are the same magistrates that D. Afonso IV sends to a series of localities after the «black plague»; or whether they could at least be their immediate precursors.

One last observation: this idea makes perfect sense that a judge who is not from the city or town, and therefore not entangled in family or client ties or commitments, can administer justice impartially. It is a topic of ancient law and one that has always been defended and applied, in Portugal, right up to the present day. But the opposite position also makes sense: the fact that a judge was from the land, «rooted», allowed him to be more just, because he knew the customs and people involved in the cases well, he could better appreciate the aggravating and mitigating circumstances, the responsibilities of each one, and could decide in such a way that, the following day, plaintiff and defendant and their families could continue to live with honour in the land.

To conclude as I began, I believe that we should always think deeply about the implications of the arrival in a town or city of a well-paid man of the king who would exercise justice and administer the *concelho* full-time, as a professional, with total or substantial independence from the local factional powers. The idea is not to remain content with the erudite and monographic study of a specific position, in the case of this project the *juiz de fora*, during the transition from the Medieval to the Early-modern era, a study that is indispensable and a prerequisite for any more theoretical considerations, but rather, through this study, to seek a better understanding of the process of royal centralization in Portugal, the relations between the power of the Crown and local powers, the different and ever-changing ways in which government and the application of justice were understood by the various political agents, the different regions and communities, and the various social strata. The creation, appointment and proliferation of *juizes de fora* has proved to be an excellent observatory from which to contemplate all of these issues.

*Fronteiras*, cit., pp. 128-144, in the sub-chapter «Os Concelhos», Maria Helena da Cruz Coelho adds the comment that for justice to be swifter and more impartial, at the beginning of the fourteenth century, King Dinis also appointed judges who were from outside the territory (*juizes de fora*) to certain municipalities, who were designated (judges by the King) *juizes por el-rei* (p. 584).

<sup>77</sup> And for them it would have been important to know the names, places and dates of the appointments.



## II. The counterpoint of Castile



# *The peace-making and judicial function of the corregidores in the towns and cities of Castile before 1480<sup>1</sup>*

MARÍA ASENJO-GONZÁLEZ

## I. Introduction

The presence of the *corregidor*<sup>2</sup> in Castilian cities and towns, as a royal envoy, is documented from the first half of the fourteenth century, although we know that before 1480, he intervened by request of a party. Those first interventions would lead to a generalised dispatch of *corregidores* to cities and towns, where they assumed competences of vigilance and enforcement of justice, without changing the aims that were of interest to the monarchy. The recognition of judicial competences to Castilian cities and towns made resorting to the *corregidor* exceptional and he only appeared as mediator and peacemaker in light of the inability or incompetence of local justice and powers, engulfed in differences and conflicts.<sup>3</sup>

For this reason, this essay will address the figure of the *corregidor* from the perspective of his function and utility in the cities and towns of the kingdom, to justify the reasons for his presence, and to acknowledge the contribution of his mediation to the urban political context. Thus, far from understanding this figure as the result of royal intervention and the implementation of power attributions, the arrival of the *corregidor* requires a reason to explain his presence in the urban context,

<sup>1</sup> This work has been carried out in the framework of the project HAR2017-82983-P, funded by the Ministry of Economy and Competitively of the Spanish Government and directed by the author from the Universidad Complutense of Madrid. An abridged version of this study was published: M. ASENJO GONZÁLEZ, *Función pacificadora y judicial de los corregidores en las villas y ciudades castellanas, a fines de la edad media*, in «Medievalista on line» 18 (July-December 2015), pp. 1-28, <http://iem.fcsh.unl.pt/revisao/iem/medievalista/medievalista18/gonzalez1804.html> (last login: 29/06/2022). The present text has been revised, updated, and adapted for an international readership with no specialist knowledge of Medieval Castille.

<sup>2</sup> Governor and keeper of the city and its district with judicial, civil and military competences, appointed by the Crown.

<sup>3</sup> After 1480 new task and responsibilities were assigned to the *corregidores* in order to defend the *realengo* (royal jurisdiction). See M. ASENJO GONZÁLEZ, *El corregidor en la ciudad. Competencias y dificultades en la gestión de su oficio a fines del siglo XV y principios del XVI*, in «Studia Historica. Historia Moderna» 39.1 (2017), pp. 89-124 (Dossier *El «habitus» del oficial real. Ideal, percepción y ejercicio del cargo en la Monarquía Hispánica [siglos XV al XVIII]*).

that justifies not only the dispatching and the attributions shown, but also the urban political reasons which required his mediation. In this sense, as much as the connection between the presence of the *corregidor* in the cities and royal authority has been emphasised, the truth is that his mediating role has not been stressed enough, giving context to his existence and growing position in the urban setting. The uneven recognition and an alleged generalising policy show the difficulties of implementation, as it was certainly not something imposed, but an optional way out, sought after by the cities and towns to solve their internal problems. Nevertheless, it has been considered that «the repeated request to be sent only by request of the towns is no more than a formal clause upheld at times».<sup>4</sup>

The capacity in which *corregidores* acted allowed them to manage the town's resources, to face the provisioning needs of their denizens, and to carry out the royal orders and writs on different affairs, such as the arrest of criminals and the publishing of information. Thus, through their work, the Crown intervened in urban government, restraining the hegemonic aspirations of the local aristocracy and amending the consequences of the rivalry of powers of opposing interests in the same space.<sup>5</sup>

Their action soon developed in late medieval Castilian cities and towns, then «decentralised» or «corporate» political societies, in which power management was fragmented in a *continuum*, which knew no division between the private and public spheres.<sup>6</sup> It is thus understandable that the political and social detachment expected from the *corregidores* was not easy to accomplish. Therefore, it was frequent to find royal prohibitions banning *corregidores* from living with *regidores*<sup>7</sup> or any other

<sup>4</sup> «La reiterada petición de que sólo sean enviados a petición de las ciudades no pasa de ser una mera cláusula de estilo respetada en ocasiones». See B. GONZÁLEZ ALONSO, *El corregidor castellano (1348-1808)*, Instituto de Estudios Administrativos, Madrid 1970, p. 40.

<sup>5</sup> An overview of government in Castile and Aragon cities and towns in J. CERDÁ RUIZ-FUNES, *Jurados, iurats, en municipios españoles de la Baja Edad Media (reflexiones para una comparación)*, in «Historia, instituciones, documentos» 14 (1987), pp. 27-39. Regarding the Castilian case, we can highlight several classic studies such as those of B. GONZÁLEZ ALONSO, *El corregidor castellano (1348-1808)*, cit., and A. BERMUDEZ AZNAR, *El corregidor en Castilla durante la Baja Edad Media (1348-1474)*, Universidad de Murcia, Murcia 1970, summarised in «El asistente real en los concejos castellanos medievales», in *Actas del II Symposium de Historia de la Administración*, Instituto de Estudios Administrativos, Madrid 1971, pp. 223-251; N. GUGLIELMI, *Los alcaldes reales en los concejos castellanos*, in «Anales de Historia Antigua y Medieval» 8 (1956), pp. 79-109. See also the remarkable monography, F. ALBI, *El corregidor en el municipio español bajo la Monarquía absoluta*, Instituto de Estudios de la Administración, Madrid 1943.

<sup>6</sup> P. IRADIEL MURUGARREN, «Señoríos jurisdiccionales y poderes públicos a finales de la Edad Media», in E. RAMÍREZ VAQUERO (ed.), *Poderes públicos en la Europa Medieval: Principados, Reinos y Coronas. Actas de la XXIII Semana de Estudios Medievales de Estella (22-26 julio 1996)*, Gobierno de Navarra, Pamplona 1997, pp. 69-116.

<sup>7</sup> Town aldermen.

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influential individuals or who had a vote in the *cabildo*.<sup>8</sup>

However, during the reign of the Catholic Monarchs (1474-1516) the *corregidor* stopped being an exceptional figure to become the representative of royal interests in the municipalities.<sup>9</sup> In this sense, the *cortes*<sup>10</sup> of Toledo in 1480 was a turnaround from the medieval *corregidor* approach to what it would become the modern Castilian *corregidor*, as there it was agreed to count on their presence for vigilance and security purposes as well as for other competences such as taxation or defence.<sup>11</sup> Thus, the generalisation of their presence can be considered in the framework of a great political agenda agreed and endorsed by Toledo parliament, which indeed had a constituent character for the kingdom's government after the 1476 civil war.<sup>12</sup> From this agreement, the generalised presence of the *corregidor* was implemented without haste, waiting to find the opportunity to justify the measure to later maintain their presence there.<sup>13</sup>

### II. A study of the figure of the *corregidor*

The figure of the Castilian *corregidor* in the medieval and modern ages has been the object of interesting studies.<sup>14</sup> Following the prevailing approaches, the

<sup>8</sup> J. M. RUIZ Povedano, *Poder, oligarquía y parcialidades en Alcalá la Real: el asesinato del corregidor Bartolomé de Santa Cruz*, in «Historia, instituciones, documentos» 29 (2002), pp. 397-427: 414.

<sup>9</sup> I. VAL VALDIVIESO, *La intervención real en las ciudades castellanas bajomedievales*, in «Miscelánea Medieval Murciana» 19-20 (1995-1996), pp. 67-78: 73.

<sup>10</sup> The legislative assembly as the Parliament.

<sup>11</sup> M. ASENJO GONZÁLEZ, *El corregidor en la ciudad*, cit., pp. 88 ss. *Cortes de los antiguos reinos de Castilla y León*, Real Academia de la Historia, Madrid 1882, vol. IV, pp. 57, 65 ss., 136, 140 ss.

<sup>12</sup> Armed conflict between the successors of the Castilian king Enrique IV. From this perspective, the *corregidores* have been studied in J. CARRETERO ZAMORA, *Cortes, monarquía, ciudades. Las cortes de Castilla a comienzos de la época moderna (1475-1515)*, Siglo veintiuno, Madrid 1988, p. 150. Y. GUERRERO NAVARRETE, *Orden público y corregidor en Burgos (siglo XV)*, in «Anales de la Universidad de Alicante. Historia Medieval» 13 (2000-2002), p. 6, rightly believes that this measure could not have been carried out without the complicity of the urban societies involved.

<sup>13</sup> When the *corregidor* Bartolomé de Santa Cruz arrived at Alcalá la Real in 1489 the institution was unprecedented and new in the area: J. M. RUIZ Povedano, *Poder, oligarquía y parcialidades en Alcalá la Real*, cit., pp. 397-427: 410.

<sup>14</sup> Some relevant works: F. ALBI, *El corregidor en el municipio*, cit.; B. GONZÁLEZ ALONSO, *El corregidor castellano (1348-1808)*, cit.; A. BERMUDEZ AZNAR, *El corregidor en Castilla*, cit.; J. A. BONACHÍA HERNANDO, *Materiales para el estudio del régimen de corregidores (Burgos 1458-1465)*, in «Cuadernos de Historia de España» 75 (1998-1999), pp. 135-159; M. LUNENFELD, *Los corregidores de Isabel la Católica*, Labor, Barcelona 1989; E. MITRE, *La extensión del régimen de corregidores en el reinado de Enrique III de Castilla*, Universidad de Valladolid, Valladolid 1969; P. RUFO YSERN,

bibliography can be grouped in three sections:

1. Institutional approach studies, which have insisted on the idea that in cities and towns, the figure of the *corregidor* appears to have solved the problems generated by the introduction of the *regimiento*,<sup>15</sup> understanding that the *corregidor* is an official, an authority chosen and appointed by the king who, besides governing, dealt out justice on behalf of the king.<sup>16</sup> Thus, the institution of *corregimiento* would be justified in the context of the emergence of the *regimiento*, and linked to the measures leading to the centralisation of monarchical power over cities and towns. This perception of the role of *corregidores* as «royal envoys» linked to monarchical authoritarianism emerged during the reign of Enrique II (1369-79), the first Trastámara king, and would be strengthened during the reign of the Catholic Monarchs. But this approach was necessarily justified within the context of the decadence of the autonomy of the first *concilium* in the late Middle Ages, highlighted by the institutionalists.<sup>17</sup> It was associated also to the reception of Roman law, *ius commune*, from the twelfth century, and some discord, such as the clash among urban lineages, as a pretext to justify the presence of the controversial royal envoy. The institutionalist model analysis focused on the *corregimiento* mechanisms and methods, linking it to royal institutions and considering its presence and intervention as a consequence of a rising royal power determined to expand its control to the local sphere.
2. From a more political approach, focused on social divisiveness, other authors contemplate the nature of power and its means of action.<sup>18</sup> Thus, I. del Val maintains that the *corregidor* was a part of the strategy in the dialectic conflict between «royal centralism» and «local autonomy», as the centralisation shown by the «state» made royal interventionism possible; despite facing resistance in cities and towns, the trend was for urban

«Extensión del régimen de corregidores en Andalucía en los primeros años del reinado de los Reyes Católicos», in J. E. LÓPEZ DE COCA CASTAÑER-A. GALÁN SÁNCHEZ (eds.), *Las ciudades andaluzas (siglos XIII-XVI). Actas del VI Coloquio Internacional de Historia Medieval de Andalucía*, Universidad de Málaga, Málaga 1991, pp. 55-75.

<sup>15</sup> The urban closed council.

<sup>16</sup> J. M. FONT RIUS, *Instituciones medievales españolas. La organización política, económica y social de los reinos cristianos de la Reconquista*, Consejo Superior de Investigaciones Científicas-Instituto «San José de Calasanz», Madrid 1949, pp. 44-48, and L. GARCÍA DE VALDEAVELLANO, *Curso de Historia de las Instituciones españolas. De los orígenes al final de la Edad Media*, Ediciones Revista de Occidente, Madrid 1968, pp. 550-551.

<sup>17</sup> E. MITRE, *La extensión del régimen de corregidores*, cit., pp. 16-17.

<sup>18</sup> I. VAL VALDIVIESO, *La intervención real en las ciudades*, cit.

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oligarchy domination.<sup>19</sup> This royal involvement approach, favouring the wealthy elites by sending the *corregidor* to the city, would stress the existence of an urban resistance between the State, the Crown, and the urban oligarchy.<sup>20</sup> That alienated the local oligarchy from the urban social reality in which it was rooted, presenting it as an anomaly, both from a social and political perspective. In addition, this perception makes the *corregidor* a mere tool at the service of the centralising power, which frequently acted in collusion with the members of the urban oligarchy and against the interests of the urban population. That very idea of increasing royal authoritarianism, where the king imposed a *corregidor*, is in studies on the modern State from the 1980s and 1990s, which maintained that the figure backed the social minority benefitting his interests.<sup>21</sup>

3. From a less defined analysis, following the institutionalist model and acknowledging an increase in social unrest, some studies have focused on the attitude of the *corregidores*, their pertinence and capability to solve conflicts, or highlighted their vested interests. This analysis proves that the institution did not work in an official and uniform way in all the cities and towns, as some *corregidores* were not impartial when intervening in conflicts.<sup>22</sup>

It is also worth noting that over the last decades both the role and scope of action of the *corregidor* has been redefined, presenting him as a necessary circumstantial mediator, endowed with fragmented judicial competences and subjected to the fluctuations of political alliances and rivalries.<sup>23</sup> An approach, therefore, that reveals

<sup>19</sup> The figure of the *corregidor* backed the minority that favoured his interests and enhanced cooperation among government agents and the dominant social class «que beneficia a ambos y garantiza el sometimiento a su poder del resto de los habitantes de la ciudad», *ibid.*, p. 69 («that benefits both and guarantees the submission of the rest of the town denizens to his powers»).

<sup>20</sup> Y. GUERRERO NAVARRETE, *Orden público y corregidor en Burgos*, cit., p. 95.

<sup>21</sup> H. CASADO ALONSO, «Las relaciones poder real-ciudades en Castilla en la primera mitad del siglo XIV», in A. RUCQUOI (ed.), *Génesis medieval del Estado Moderno – Castilla y Navarra (1250-1370)*, Ámbito, Valladolid 1987, pp. 193-215; D. MENJOT, «La ville et l'Etat moderne naissant: la monarchie et le Concejo de Murcie dans la Castille des Trastamares d'Henri II à Henri IV», in A. RUCQUOI (ed.), *Realidad e imágenes del poder. España a fines de la Edad Media*, Ámbito, Valladolid 1988, pp. 115-135.

<sup>22</sup> M. DIAGO HERNANDO, *El papel de los corregidores en los conflictos políticos en las ciudades castellanas a comienzos del siglo XVI*, in «En la España medieval» 27 (2004), pp. 195-223.

<sup>23</sup> The following are focused on showing *corregidores* in local conflicts management or from social and political approaches within the same context: J. M. MONSALVO ANTON, *Centralización monárquica castellana y territorios concejiles (Algunas hipótesis a partir de las ciudades medievales de la región castellano-leonesa)*, in «Anales de la Universidad de Alicante. Historia Medieval» 13 (2000-2002), pp. 157-202; R. G. PEINADO SANTAELLA, *Una propiedad latifundista en el reino de Granada: la hacienda del corregidor Andres Calderon (1492-1500)*, in «Chronica Nova» 22 (1995), pp.

that the office of *Corregidor* was initially assigned to people of prestige, of high social status, who could assert their position in situations of conflict, considering the alien and mediating nature of their competence.

### III. Competences of the *corregidor*: from royal envoy to royal judge

*Corregidores* and royal assistants have been documented from the first half of the fourteenth century, and there is evidence of their forerunners, the so-called *alcaldes del rey* and *jueces de salario*,<sup>24</sup> as opposed to the *alcaldes foreros*<sup>25</sup> of the previous century. We must bear in mind that judges and *alcaldes*, with the help of *jurados*,<sup>26</sup> watched over the compliance of court legislation, so they were attributed competences in issues where justice was identified with ruling, always on the ground that a good government was a fair one, bound to the common good. In this sense, the figures of *juez de salario*, governor and assistant can be considered to be forerunners of the *corregidor*, although the first was more of a judge, the second of a more martial nature, and the third a controller of a normative dimension.<sup>27</sup> In this sense, the parliament of 1480 consolidated the figure of the modern Castilian *corregidor*, in the cities and towns of the kingdom, although the competences and the practical functions of the fourteenth and fifteenth century *corregidores* were outlining and defining their future responsibilities.

Their intervention in judicial matters is one of the most relevant issues, although admittedly, justice in the societies of the past required mediating and managing functions.<sup>28</sup> But the complex developments linked to royal power competences or the com-

303-355; R. POLO MARTÍN, *Términos, tierras y alfoques en los municipios castellanos de fines de la Edad Media*, in «Anuario de Historia del Derecho Español» 72 (January 2002), pp. 201-304; J. M. RUIZ Povedano, *Poder, oligarquía y parcialidades en Alcalá la Real*, cit., pp. 397-427; J. Á. SOLÓRZANO TELECHEA, *Violencia y conflictividad política en el siglo XV: el delito al servicio de la elite en las Cuatro Villas de la Costa de la Mar*, in «Anuario de Estudios Medievales» 35 (2005), pp. 159-184.

<sup>24</sup> Peacemaker judge, foreigner and precedent of the *corregidor*.

<sup>25</sup> Judges elected locally, according to the *fuero*.

<sup>26</sup> Representatives before the City Council of the common people of the city or town, without the right to vote the decisions of this institution.

<sup>27</sup> J. A. BONACHÍA HERNANDO, *La justicia en los municipios castellanos medievales*, in «Edad Media. Revista de Historia Medieval» 1 (1998), pp. 145-182: a bibliographic revision that follows the development of local justice in light of growing royal power, beginning with the reign of Alfonso X and confirmed with the *ordenamiento* of Alcalá, which subordinates the *fueros* (p. 156).

<sup>28</sup> J. A. BONACHÍA HERNANDO, *La justicia en los municipios castellanos*, cit.; I. ALFONSO ANTÓN, «Resolución de disputas y prácticas judiciales en el Burgos medieval», in *Burgos en la Plena Edad Media, III Jornadas burgalesas de Historia. Monografías de Historia Medieval castellano-leonesa*, Asociación Provincial de Libreros de Burgos, Burgos 1994, pp. 211-243.

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mon good have overshadowed the reflection on the basic function of justice in the first urban societies, as they appeared in the *fueros*.<sup>29</sup> By then, charter justice was perceived as something organic, derived from covenants and law enforcement, subjected to the constraints of government action. After 1348 the legal landscape in Castile changed, and the attributions of royal law and justice increased, without forgetting that justice and governance were part of an indisputable pairing in the framework of any political and social situation. This must be taken into account when analysing *corregidores*' actions, with the weight of the institutional approach notions, which highlights the competences of superior powers, backed by theoretical and doctrinal argumentation, and justify their competences in the legal sphere more in a theoretical way than as a result of the study of the practices and the implementations of solutions to the legal conflicts. A different assessment of the exercise of justice would involve discriminating between *de jure* and *de facto* powers, to ascertain the scope of justice in different times and contexts.<sup>30</sup>

We know that, in the Castilian case, the claim of justice competences was linked to the demand of domain over vassals and land, in the exercise of jurisdiction, which was also acknowledged in the case of city and town councils from the Crown (*realengos*), in equivalence with the competences of lay and ecclesiastical lords. Those attributions were more than a formal statement of political autonomy of elaborate theoretical construction, as they involved responsibilities and powers, which enabled the development of the collective urban lordships as complex political societies. The difficulty of ensuring fair and distributive justice for everyone is perceived in the third *Partida*,<sup>31</sup> in which King Alfonso X (1252-1284) mentions theoretical justice notions when he states that it is linked to sound judgement and offers the intervention of the royal courts in appeal.<sup>32</sup>

But it was in the course of the fourteenth century that the power struggles amidst most Castilian municipalities introduced elements that challenged the guarantees and legal securities of justice application, because justice was undermined when misrule situations arose.<sup>33</sup> In many cities, those conflicts were linked to the ap-

<sup>29</sup> Charters of liberties.

<sup>30</sup> See the following reflections on the enforcement of justice in the framework of the city of Florence: A. ZORZI, *L'amministrazione della giustizia penale nella repubblica Fiorentina*, Leo S. Olschki Editore, Firenze 1988, p. 12.

<sup>31</sup> King Alfonso X compiled a set of laws for the governance of the kingdom, the *Siete Partidas*.

<sup>32</sup> According to Alfonso X, justice «se debe hacer ordenadamente por seso y por sabiduría, y demandando y defendiendo cada uno en juicio lo que cree que sea su derecho, ante los grandes señores e los oficiales que han de juzgar por ellos», *Las Siete Partidas. Antología*, Castaglia, Odres Nuevos, Madrid 1992, pp. 239 ss. («Justice must be done through sense and wisdom, each one demanding and defending in court what they think is their right, before the great lords and officers who are to hear the case»).

<sup>33</sup> The mocking of justice, the lack of civil security and the harsh disputes in the council of Burgos led to lawsuits filed to royal officers, Y. GUERRERO NAVARRETE, *Orden público y corregidor en Burgos*, cit., p. 39.

partition of the *regimiento* as an oligarchic government model, since unrest situations arose at the time, justifying the establishment of *regimiento* or closed government in the municipality, as well as the acceptance of the *ordenamiento* de Alcalá of 1348,<sup>34</sup> which brought changes to the enforcement of justice and the strengthening of royal actions to restore peace.<sup>35</sup>

Requests for the dispatch of *corregidores* have not been preserved, although there is an indirect knowledge of them, through royal documents and other references, which prove the fact that the *corregidor* only arrived after being requested. The kings dealt with the application, appointing the *corregidor*, and it is interesting to note that in the first appointments the *Consejo Real*<sup>36</sup> also took part.<sup>37</sup>

At the destination, the *corregidor* acted as the sole judge, overriding the *alcaldes foreros*, in the competences over the designated matter as well as any other lawsuits.<sup>38</sup> It is not known with certainty whether their presence completely overrode or extinguished the competences of the *alcaldes* and council officials, but according to A. Bermúdez Aznar their intervention was in keeping with the wide concept of justice in the Middle Ages, qualified to intervene in many of the social aspects regarded as being within the competence of the royal justice.<sup>39</sup> For this reason it is possible to think that *corregidores* would have more leeway than their appointment assignment, since they would punish crimes and preserve law and order, as well as take part in the good government and avoid unrest, rivalries and the differences that might arise.<sup>40</sup>

Thus, if local political rivalry overrode the council justice function, it would only be recovered with the arrival of the *corregidor*, who restored it and, somehow,

<sup>34</sup> A set of laws enacted at the cortes of Alcalá de Henares in 1348 by Alfonso XI. They supposed the recovery of the Fuero Real and the Partidas, codes proscribed since 1284.

<sup>35</sup> The link between the establishment of *regimiento* and the transformation in justice management applied with the Alcalá ordinance is studied in M. ASENJO GONZÁLEZ, «La aristocratización política en Castilla y el proceso de participación urbana (1252-1520)», in J. M. NIETO SORIA (ed.), *La monarquía como conflicto en la Corona castellano-leonesa (1250-1450)*, Silex, Madrid 2006, pp. 133-196: 134, and put into relief earlier, in J. M. MINGUEZ FERNÁNDEZ, «La transformación social de las ciudades y las Cortes de Castilla y León», in *Las Cortes de Castilla y León en la Edad Media: actas de la primera etapa del Congreso científico sobre la historia de las Cortes de Castilla y León, Burgos, 30 de septiembre a 3 de octubre de 1986*, 2 vols., Cortes de Castilla y León, Valladolid 1988, vol. II, pp. 13-43.

<sup>36</sup> Institution of administration and government, high justice court with competence in disputes between councils on the use of natural resources, communal assets, inquiries and accountability of officials.

<sup>37</sup> A. BERMUDEZ AZNAR, *El corregidor en Castilla durante la Baja Edad Media (I)*, in «Anales de la Universidad de Murcia. Derecho» 30.1-2 (1971-1972), p. 87.

<sup>38</sup> *Ibid.*, p. 62.

<sup>39</sup> Some authors, such as Sacristán, consider local justice was overridden (*ibid.*, pp. 361-362), and Gibert believes that the *corregidores* reabsorbed functions of the *alcaldes foreros* («La ciudad castellana», pp. 12-14), Font Rius and García Gallo also maintain the displacement of local judges.

<sup>40</sup> *Ibid.*, p. 66.

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ensured the royal jurisdiction in the city and its land. Certainly, the peacemaking and judicial success of the *corregidor* would prevent the municipal jurisdiction from falling into seigneurial jurisdiction, as a way out of political violence in the municipality during the Trastámara period.<sup>41</sup> For this reason, towns are believed to have not hesitated to yield competences to the *corregidor* in extreme situations, with the aim of restoring them after appeasement, thus preserving the political shape of oligarchic power.<sup>42</sup> But the intervention of *corregidores* by request allowed them to extend their presence in the *regimiento*, limiting and conditioning the prevalence of *regidores* and their oligarchic government. In this sense, some authors have considered that the intervention of *corregidores* would somehow represent the safeguard of the council's legality, backed by the king and separate from the power of the *regidores*.<sup>43</sup>

The mediating character of the position and the competences of *corregimiento* were highlighted from the outset. Thus, in the time of Enrique III (1390-1406), the positions were assigned to members of nobility and men trusted by the king, adding status and respect to their actions. These values were unchallenged in a hierarchical society. Their task was to make peace and dispense justice, and cities and towns were the first to request their presence. But as it was said before, the presence of the *corregidor* and his *alcaldes* was used to hear other cases of interest for the neighbours and which required not only of recognition and mediating *status*, but also knowledge in the management of the law to impart exemplary justice.<sup>44</sup>

<sup>41</sup> Handing jurisdiction over royal cities and towns over to members of the nobility was another method to contain rivalries and internal conflicts. This interpretation belongs to the «nobility versus monarchy» rivalry, which is believed to have presided over the Trastámara era in Castile. Towns are believed to rather submit to the king than to the nobility. *Ibid.*, p. 65. On the topic of nobility-monarchy, see L. SUAREZ FERNANDEZ, *Nobleza y monarquía. Puntos de vista sobre la historia castellana del siglo XV*, Universidad de Valladolid, Valladolid 1975.

<sup>42</sup> Appointment letters «constaban de un protocolo inicial, una parte expositiva, otra dispositiva y el protocolo final. La primera parte se inicia siempre con la tradicional intitulación, seguida de la dirección, salutación y notificación. La expositiva mencionaba los motivos que habían sido tenidos en cuenta para proceder al nombramiento tales como perturbaciones del orden público, mala administración de justicia, etc.», A. BERMUDEZ AZNAR, *El corregidor en Castilla durante la Baja Edad Media*, cit., p. 98 (Appointment letters consisted of an initial protocol, an exposition part, a disposition part and closure. The first part always began with the traditional titles, followed by the address, the salutation and notification. The expositive part mentioned the reasons taken in consideration to proceed to the appointment such as unrest, maladministration of justice, etc.)

<sup>43</sup> *Ibid.*, p. 67.

<sup>44</sup> This is what we also see in the documents of the late fourteenth and early fifteenth centuries: E. MITRE, *La extensión del régimen de corregidores*, cit., pp. 47 ss., as the first *corregidores* were noblemen or *hombres buenos* and close to the king but in some *alcaldes* their legal expertise was appreciated. Thus in 1406 the Murcia municipality sent a letter to King Enrique III praising the *alcalde* Sancho Ruiz, who acted as justice officer of the *corregidor* Juan Rodríguez (n. 9, pp. 88-89).

Juan II (1406-1454) sent *corregidores* to mediate in towns' power struggles, but we know that frequently they were caught up in internal divisions, so they were insistently ordered to act thoroughly and to draft a report of the facts in order to bring the offenders immediately to the royal courts. The misrule requesting their presence was clearly reflected in the chronicles:

As there were many factions in the towns and villages of his [the king's] kingdoms, causing much manslaughter, many thefts and other great evils, which caused harm to all his kingdoms, and for this reason he quite often sent his *corregidores*, most of whom behaved in such guise in their *corregimientos* that they left more division than before their arrival; and for this reason the king ordered that all the *corregidores* sent to any village or location of his kingdom to report to His Majesty which individuals spurred turmoil. And the king having this report, he summoned them to his court in person, assigning them with judges to hear their case, and ordering his prosecutor to press charges; which was done accordingly, and after some time, justice was carried out on some, and others were banished for periods of time, according to the guilt that was found in them.<sup>45</sup>

In order to avoid any mistake on the part of the *corregidores*, the chronicle says that they were instructed in the precautions advisable for judicial functions and for this reason they were ordered to rely on suitable assistants and to act impartially in their official capacity:

We order and command that when Corregimientos were to be granted to towns or villages of all my Kingdoms, the letter of the law be upheld, and that the *Corregidor* carry out and execute my justice under my service, respecting

<sup>45</sup> F. PÉREZ DE GUZMÁN, «Crónica del Serenísimo Príncipe don Juan, segundo Rey deste nombre en Castilla y León», in *Crónicas de los Reyes de Castilla*, Ediciones Atlas, Madrid 1953 (Biblioteca de autores españoles), vol. II, pp. 516 ss. Banishment was the most frequent penalty in such cases. See M. ASENJO GONZÁLEZ, *La exclusión como castigo. La pena de destierro en las ciudades castellanas a fines del siglo XV*, in «Anales de la Universidad de Alicante. Historia Medieval» 18 (2012), pp. 67-97. «Que por quanto en las cibdades é villas de sus Reynos habia muchos vandos, por los quales se seguian muchas muertes de hombres, é robos é quemas é otros grandes maleficios, de lo qual se seguia daño en todos sus Reynos, é por esta causa muchas veces él embiaba sus Corregidores, los mas de los quales usaban de tal manera en los Corregimientos, que dexaban en los lugares mayor division que quando á ellos venian; é que por esto el Rey mandaba que todos los Corregidores que él embiase á qualesquier villas ó lugares de sus Reynos, fuesen tenidos de hacer verdadera relación a Su Merced de quien ó quales personas eran los que revolvian los tales vandos. E habida esta relacion por el Rey, luego los mandase venir á su Corte personalmente, dándoles Jueces que los oyesen, é mandando á su fiscal que los acusase; lo qual asi se puso en obra, é se guardó algun tiempo, é fue hecha justicia de algunos, é otros fueron desterrados por ciertos tiempos, segun la culpa en que los hallaron».

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more the office than the person, and to take oaths that he did not give or promise, nor shall give or promise for this reason, nor shall give any part, thing or rent from this office to anyone, under penalty of perjury and disgrace, banned permanently for this or any other office; and this oath shall be made before Notary public in the town, village or place where We sent Corregimiento; and this be done as well in Alcaldías and other justice offices and *Alguacilazgos*<sup>46</sup> and *Merindades*<sup>47</sup> that We shall provide.<sup>48</sup>

Members of the lesser nobility and urban patricians were taken into account for the position, although other possible provenance of the *corregidores* was the military, resorting to members of the army with responsibilities as keepers of a fortress or *adelantados*<sup>49</sup> from certain regions. At the same time, *corregidores* took over military competences wherever they were appointed and usually were in charge of the defence and upkeep of the fortresses and military forces within their territories. That was the case, for instance, of the captains general of the Navarrese borders, who not only lobbied before *corregidores* of towns such as Logroño to act according to their interests, but also acted as *corregidores* themselves in several moments when none was explicitly appointed.

But not everything was advantageous for the towns because, in case of unrest and violence, the royal intervention through the *corregidor* ended up strengthening his jurisdictional power, subduing any other existing jurisdiction to royal justice. Those measures would restrain violent outbursts but did not guarantee a solution to the conflict. In addition, the *corregidor*'s salary was high (200 *maravedís*<sup>50</sup> a day) and the pay was the responsibility of the city or town. This was burdensome, so different estates of the *concejo* went against his presence. It was generally paid for

<sup>46</sup> Officer in charge of judicial affairs, citations, arrests and public order, as well as the execution of the executive aspects of sentences.

<sup>47</sup> Territorial demarcation under the authority of a *Merino*.

<sup>48</sup> F. PÉREZ DE GUZMÁN, «Crónica del Serenísimo Príncipe don Juan», cit., p. 531: «Ordeno é mando que quando algunos Corregimientos se ovieren a dar en las çibdades e villas e lugares de los mis Reynos, se guarde la forma de la ley sobrello ordenada, é que el Corregidor sea tal qual cumpla al mi servicio é á execucion de la mi justicia, proveyendo el oficio mas que á la persona, é que jure que no dio ni prometió, ni dará ni prometerá cosa alguna por esta razon, ni dara cosa ni parte de lo que rentare el oficio á persona alguna, so pena de perjuro é de infame, é de haber perdido el oficio á persona alguna, so pena de perjuro é de infame é de haber perdido el oficio, é nunca poder haber otro, é que este juramento haga en la ciudad, ó villa, ó lugar de que lo que yo proveyere de tal Corregimiento por ante Escribano público; é eso mesmo se haga é guarde en las Alcaldías é otros oficios de justicias é Alguacilazgos é Merindades de yo he de prover».

<sup>49</sup> High-ranking regional official with judicial and military functions, located in border cities of the Kingdom.

<sup>50</sup> Castilian money of remote Islamic origin what was used in Later Middle Ages mainly as accountancy unit.

from fixed incomes, as Segovia did by leasing the Valsaín meadows, or with taxes on urban consumption products which ensured the collection. In municipalities such as Alcalá la Real the debate created a clash between *regidores* and the common population, as the former put the *corregidor* salary on a tax paid for by all the inhabitants as consumers.<sup>51</sup>

The absence of *corregidores* in the cities and towns where they had been sent was compensated by appointing a lieutenant and officers who could stand in for them, so that they might pay attention to other offices and interests they held, as some were also the *regidores* of other towns and had estates and duties in those regions. It is curious that the lieutenants and officials used to be neighbours of the town, as it happened in Calahorra, so their impartiality was compromised.<sup>52</sup> Furthermore, it could also happen that a *corregidor* were appointed to act in two or more cities and towns at the same time, although between municipalities of uneven relevance and political weight, which shared him for proximity reasons. That was the case of Andújar, which shared a same *corregidor* with Jaén, and Huete with Cuenca.<sup>53</sup>

The tumultuous political life documented in the second half of the fourteenth century can be tied to the recent repopulation of Andalusia and Murcia, and with the unstable and quarrelsome oligarchy who ruled them. In them, the presence of the group of knights was justified by the proximity of the borders, and the *hombres buenos*<sup>54</sup> did not represent more than a part of the hierarchy, fighting to establish their social status.<sup>55</sup> In addition, in Murcia, the figure of the *adelantado mayor* would become a polarising factor of affinities, throwing urban politics off balance and creating a ripple of attachment and divergence in town.<sup>56</sup> In this political context, royal interventions in order to remedy misrule took place until Enrique III allegedly sent a *corregidor*, whom the council opposed, in 1398.<sup>57</sup>

<sup>51</sup> J. M. RUIZ POVEDANO, *Poder, oligarquía y parcialidades en Alcalá la Real*, cit., p. 415.

<sup>52</sup> M. DIAGO HERNANDO, *El papel de los corregidores*, cit., p. 202.

<sup>53</sup> In 1484, Diego López de Ayala was *corregidor* of Úbeda and Baeza, and Francisco de Bobadilla of Jaén and Andújar, J. MARTÍNEZ MAZAS, *Retrato al natural de la ciudad y término de Jaén*, Pedro de Doblas, Jaén 1794, p. 109.

<sup>54</sup> Good men. The first level of social hierarchy in urban society.

<sup>55</sup> Regarding the precedents of *regimiento* as a model of government, they can be found in thirteenth-century Andalucía, and in Murcia there existed a closed council in 1325, with forty knights and *hombres buenos* appointed to deal with municipal matters. Before 1350 there were fewer than thirteen *regidores*, and this number fluctuated until the end of the fifteenth century, J. TORRES FONTES, *Evolución del concejo de Murcia en la Edad Media*, in «Murgetana» 71 (1987), pp. 5-47: 22-26.

<sup>56</sup> D. MENJOT, «La ville et l'Etat moderne naissant», cit., pp. 115-135.

<sup>57</sup> A. BERMUDEZ AZNAR, *El corregidor en Castilla durante la Baja Edad Media (II)*, in «Anales de la Universidad de Murcia. Derecho» 30.3-4 (1971-1972), p. 460. In Murcia, January 13<sup>th</sup> 1398, fear was expressed by the municipal council in light of the *corregidor*'s arrival. We must bear in mind that the offices of *corregidor* and *justicia mayor* first appeared in Murcia as befalling on the same individual, which highlights their identical function.

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In Seville, royal intervention in connection with justice in the times of Enrique III stopped the *alcalde* from being appointed by the steward, instead being replaced by five *fieles/alcaldes*; two elected among the group of twenty-four *regidores*, another two among the citizens and another one among the *jurados*. At the same time, it was decreed that those *fieles* called for Manuel Ferrand Dantes, master of the order of Santiago in Portugal, who was appointed assistant and executor from May to January plus another year, on a salary of 15,000 maravedís.<sup>58</sup>

But the connection between the presence of *corregidores* in the municipalities and the maintenance of law and order, linked to the establishment of the *regimiento*, has been one of the aspects highlighted by scholars to justify their spreading – although this does not seem to be true in all cases, since some towns consented to *regimiento* without serious unrest, and they did not need a *corregidor*.<sup>59</sup> We must keep in mind that, although there were reasons for dissent and internal conflict in towns in the middle of the fourteenth century, peace solutions were needed to rule the council. This involved reducing the number of people attending the meetings and adapting that presence to the new social model, which was mainly oligarchic. It must be acknowledged that the *regimiento* government model meant a step ahead to an oligarchic institution more in keeping with the times and with the economic and social transformations of the Castilian cities of the period. In this sense, royal intervention offered a mediating solution without making use of the *regimiento* as a tool at the service of the «central administration», a concept that went far beyond the political ambitions of monarchy in the mid-1300s. It could, however, endorse with recognition the new power distribution at the heart of the *concejo*, because of the agreement (such as in Burgos, in 1345), or as a result of the victory of one of the rivals in the struggle between knights and *hombres buenos*, which needed the peace-making presence of the *juéz de salario*, in the same year, in Segovia.

In Segovia, the *juéz de fuera*<sup>60</sup> comes mentioned already in the *regimiento* constitution of 1345.<sup>61</sup> This intervention was linked to difficulties in understanding among the emerging oligarchy. Rivalry took place between the two natural hierar-

<sup>58</sup> E. MITRE, *La extensión del régimen de corregidores*, cit., pp. 80-81.

<sup>59</sup> *Corregidores* sent to cities and towns are documented in the fifteenth century, linked in many cases to the establishment of the *regimiento*, A. BERMUDEZ AZNAR, *El corregidor en Castilla durante la Baja Edad Media (I)*, cit., p. 70.

<sup>60</sup> Judge of outside or pacifying judge. See note 63.

<sup>61</sup> A. REPRESA RODRÍGUEZ, *Notas para el estudio de la ciudad de Segovia en los siglos XII-XIV*, in «Estudios Segovianos» 1-3 (1949), pp. 26-30: 30. The constitution of the Segovia *regimiento*, granted by Alfonso XI (5 May 1345): «E pues que estos an de tener cuydado de los ofiços del Concejo que de aqui adelante non se ayuntan nin se faga Concejo ni ayuntamiento ninguno en la dicha villa, salvo por nuestras cartas, quando estos sobredichos con el Jues de fuera o con los alcalles e el alguasil que y fueren, vieren que cumple de les faser ayuntamiento».

chies of the *hombres buenos* and the *caballeros villanos*,<sup>62</sup> grouped into lineages. For the latter, the establishment of the *regimiento* was a victory, since both lineages could appoint ten out of the fifteen *regidores* of the municipality.<sup>63</sup> The almost permanent presence of the *juez de fuera* came with the generous salary of 8,000 maravedís, and we can suppose that the city appealed to him whenever necessary. This shows the permanence of the *juez de salario* in the city, linked to the sequels of rivalry and conflict.<sup>64</sup>

Under the institutional approach of the royal office, it has been noted that this *juez de fuera* or *juez de salario* had the same functions of a municipal judge with supervisor competences,<sup>65</sup> but the fact must be highlighted that he was mostly an element mediating within a conflict, which required arbitration by an alien of proven neutrality. This arbitrating function would fit better as a secondment than as an *ex officio* position: an institutional transformation that would not take place before the Catholic Monarchs.<sup>66</sup>

It has been said that the difficult situation in Segovia was not equivalent to that of Burgos, which in the same year, 1345, received letters patent (*carta plomada*) regulating the composition of the municipal council in the *regimiento*.<sup>67</sup> The distribution of appointments fell onto sixteen *hombres buenos*, and were held for life, without mention being made of lineage or the presence of knights in the city. It is possible that, as stated in the document, the reason to reduce to sixteen the number of council members was linked to frequent discords arising in the meetings, although the reasons of conflict were not insurmountable. For this reason, the solutions of

<sup>62</sup> Urban knights.

<sup>63</sup> M. ASENJO GONZÁLEZ, *Segovia. La ciudad y su tierra a fines del medievo*, Diputación Provincial, Segovia 1986, pp. 436-453.

<sup>64</sup> N. GUGLIELMI, *Los alcaldes reales en los concejos castellanos*, cit., pp. 79-109. On *jueces de salario* and *jueces de fuera*, the author states that both were appointed annually by the king, not by denizens of the city or town, paid for by the council and helped in their functions by clerks and executors (pp. 86, 89 and 108).

<sup>65</sup> N. GUGLIELMI, «La figura del juez en el concejo (León-Castilla siglos XI y XIII)», in P. GALLAIS (ed.), *Melanges offerts à René Crozet: à l'occasion de son soixante-dixième anniversaire*, Société d'Études Médiévales, Poitiers 1966, vol. II, pp. 1003-1024: 1007, 1010 and 1022, and A. BERMUDEZ AZNAR, *El corregidor en Castilla durante la Baja Edad Media (I)*, cit., p. 77.

<sup>66</sup> The doubt whether we are in the presence of permanent or temporary appointment can be solved through the analysis of appointment documents and not from the assessment of the context of rivalries and conflicts which would make intervention necessary (A. BERMUDEZ AZNAR, *El corregidor en Castilla durante la Baja Edad Media [I]*, cit., p. 78). There is a contradiction in the *corregidor*, as when acting through a secondment he was considered an officer, which is in keeping with the inconsistencies prior to institutionalization. *Ibid.*, p. 79.

<sup>67</sup> E. GONZÁLEZ DÍEZ, *Colección diplomática del concejo de Burgos (884-1369)*, Ayuntamiento de Burgos, Burgos 1984, pp. 360-367 and J. A. BONACHÍA HERNANDO, *El concejo de Burgos en la Baja Edad Media (1345-1426)*, Universidad de Valladolid, Valladolid 1978, n. 5, pp. 151-154.

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governance in closed council would have ripened among the city powers, awaiting royal assent. In addition, the dispositions of the document proved that the most controversial issue of the internal debate would have been the appointment of officers, as the document details even the appointment of *mandaderos*.<sup>68</sup> But the antagonism concerning officers' appointment would not be quiet for long, as in 1411 a complex agreement among neighbours and *regidores*, in the well-known court ruling of the count of Castro, was required.<sup>69</sup> The political development of Burgos abode by the agreements of its *hombres buenos* and it did not require the presence of the *juez de salario* or the *corregidor*.<sup>70</sup>

The *corregidor* does not seem to have been the key element in establishing *regimiento* and his presence is not documented in all the cities and towns that requested him. Thus, without belittling Cerdá Ruiz Funes's considerations on unrest in towns, springing from the changes linked to demographic growth, the lack of interest from neighbours in attending municipal meetings, and the precedents of good operation of closed council in Andalusian towns,<sup>71</sup> we must acknowledge that it was the urban society's own political dynamics that created differences and turmoil, confronting knights and *hombres buenos*, and carrying with them their clients. However, although the background of conflict had different levels, in no way did differences lead to the loss of municipal autonomy loss, nor to its progressive weakening, as a result of the presence of the *corregidor*. This interpretation seems to be based on a simple, utopic and assembly-like vision of municipal life, which perceived the *regimiento*'s inception in the fourteenth century as a step back in the political and social development of cities and towns, whose neighbours' rights would have been lost governing competences for the monarchy. But municipal society was also hierarchical, according to mutual dependence and the existence of *clienteles*. In it, *hombres buenos* and knights fought for prevalence. Since the twelfth century, this had fed on supporters attracted through new ways of recruitment from clientelism and vassalage. Among the *hombres buenos*, there were merchants and wealthy craftsmen that did not belong to the military profession which defined the social profile of the *caballeros villanos*.

<sup>68</sup> Local messengers. J. A. BONACHÍA HERNANDO, *El concejo de Burgos*, cit., p. 152: «E que estos sobredichos ayan otrosy poder de dar e partir en cada anno los ofiçios, de la villa que el Conçeio e las vezindades de la dicha çibdat solien dar e partir en cada anno entre sy en el tiempo que el Conçeio e las vezindades lo solían dar e partir, e que non aya y otros ofiçiales de los que el Conçeio e las collaçiones solían dar e poner en la dicha çibdat nin los doze nin los quatro nin los veynte e seys, saluo los que estos sobredichos ordenaran e dieren con los alcaldes ordinarios e merino e escriuano mayor».

<sup>69</sup> *Ibid.*, n. 13, pp. 164-168.

<sup>70</sup> The first mention known of the presence of a *corregidor* in Burgos dates back to 1400, J. A., BONACHÍA HERNANDO, *Materiales para el estudio del régimen de corregidores*, cit., pp. 135-159: 136.

<sup>71</sup> J. CERDÁ RUIZ-FUNES, «Hombres buenos, jurados y regidores en los municipios castellanos de la Baja Edad Media», in *Actas del I Symposium de Historia de la Administración*, Instituto de Estudios Administrativos, Madrid 1970, vol. I, pp. 161-206.

The scarcity of documental sources dwelling on urban differences and discord makes it difficult to monitor the process thoroughly but, with the appropriate reservations, within the urban framework the privileges coming with a *regimiento* were coherent with the social and political conflict background before it was granted. The dispositions introduced were supposed to improve the development of urban life, providing the means to prevent discords from arising, and the knowledge of these details can also help us understand the need of the *corregidor* in a municipality at a certain moment in time.<sup>72</sup>

#### IV. Other interpretations: the peacemaking function of the *corregidor*

Against this background, it is possible to wonder about the pertinence and function of the *corregedor* within the urban political life, where his presence is testified in the light of his – necessary and useful – intervention, highlighting his role as a figure of peace at critical times. This begs the question of whether resorting to the *corregidor*'s intervention would stress urban paralysis and political exhaustion, a mark of the ungovernability problems that Castilian cities and towns went through, in many cases linked to justice attributions. The complexity of oligarchic society and the difficulties that conflict-solving faced within it required the action of mediators, as in these conflicts the *fuero* was of no help in light of societies that had changed and distanced themselves from the hierarchical and group model of the *concejo abierto*.<sup>73</sup> Polarisation and clientelism, spurred by the presence of nobility in cities and towns, demanded new legal ways and agreement tactics, although at times conflict persisted. The appearance of lineages of knights, who challenged the hierarchies of the *hombres buenos* for power, made it a dual rivalry. This duality seemed less operative in judicial action, when agreements were not reached, or when they were tarnished by bias, proximity, interest, or favour towards one of the parties. In light of this incapability of *fueros* and local justices to close lawsuits with fair and impartial court rulings, the intervention of royal courts became an option, as it was stated in the *ordenamiento* of Alcalá (1348), as well as the mediating presence of a peacemaker to act in urban spheres. But the attempt to expand the *corregidores* system is attributed to Enrique III,<sup>74</sup> although later, the *cortes* of Madrid in 1419 asked Juan II

<sup>72</sup>Chronicles are clear as to the connection between the presence of the *corregidor* and conflicts in the city, D. ORTIZ DE ZUÑIGA, *Anales eclesiásticos y seculares de la Muy Noble y Muy Leal ciudad de Sevilla*, en la Imprenta Real, Madrid 1795, vol. II, p. 353.

<sup>73</sup>The urban open council.

<sup>74</sup>That is referred by the chronicler Pedro López de Ayala, P. LÓPEZ DE AYALA, *Crónica de don Enrique III*, in *Colección de las crónicas y memorias de los Reyes de Castilla*, En la Imprenta de Don Antonio de Sancha, Madrid 1779-1780 (Biblioteca de autores españoles, 68 [reprint 1953]), p. 247.

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not to send *corregidores* unless asked by the cities and towns. In the *cortes* of León in 1349, the members asked for the *jueces de salario* not to be sent, unless asked by the council or its majority. But to this, Alfonso XI (1312-1350) added «whenever we choose to have it, as it is in our service»,<sup>75</sup> thus opening the doors to answering non-institutional claims within the municipality itself, as long as the members of the royal council approved. Therefore, the monarchy would answer any claim to send over the *corregidor*, thus diminishing the chances to sort conflicts out internally within the towns and favouring the action of royal justice.<sup>76</sup>

From a local perspective, resorting to the intervention of an agent alien to the set framework of conflict resolution would be justified by the insurmountable differences or limitations of the judicial actions within reach.<sup>77</sup> But, in light of certain conflicts, the powers affected seem to have made use of techniques of a double nature, practical and ideological, and resort to complex normative, political and institutional instruments.<sup>78</sup> That intricate net of operations was quite often imperceptible in the monitoring of the processes that demanded the intervention of the *corregidor*, but it is advisable to bear it in mind in order to understand the municipal argumentation and reasoning before the king about the *corregidor*'s functions and competences, since to sort out some of the conflicts it became necessary to resort to an agreement.

The mediating action of the *corregidor* was based on his prestige, social *status* and origin, to which he added personal authority, since many *corregidores* were elected among the members of the urban elites and the lesser nobility. All these aspects were reinforced by the «foreign extraction» of the elected, which ensured his impartiality on the affair in question. Those circumstances highlighted his role and endorsed the mediating solution of his intervention to put an end to the conflicts and clashes among the municipal power groups. The reign of Enrique IV (1454-1474) frequently resorted to the figure of the governor (*gobernador*), a municipal office that bore resemblance to the *corregidor*, since it had also been created to maintain law and order in the cities when altered or endangered. For this reason, towns such

<sup>75</sup> «O quando entendiéremos de lo poner que cumple a nuestro servicio».

<sup>76</sup> A. BERMUDEZ AZNAR, *El corregidor en Castilla durante la Baja Edad Media (I)*, cit., p. 27. The interpretation linked to the competences of monarchy complements this approach of the local interest in maintaining the nomination under the control of urban power.

<sup>77</sup> In the course of the fourteenth century, disagreement in cities and towns between *hombres buenos* and knights was at the heart of the *regimiento* as a government model, and the rivalries between knights and squires sprung in towns such as Segovia in 1302, originating the assignation of *quiñones* (landholds) in the lands south of the Guadarrama Mountains, A. ASENJO GONZÁLEZ, *Los Quiñoneros de Segovia (siglos XIV-XV)*, in «En la España Medieval» 2 (1982), pp. 59-82.

<sup>78</sup> Far from dealing with the specific operations of certain political systems subject to strict institutional schemes, Massimo Vallerain has suggested re-examining the conflicts on the technical level of the instruments of power and governance, «Introduzione», in M. VALLERANI (ed.), *Tecniche di potere nel tardo Medioevo. Regimi comunali e signorie in Italia*, Viella, Torino 2010, pp. 7-24: 15.

as Burgos, Toledo and Seville had governors, due to the existence of local factions which threatened law and order, and others such as Jaén and Murcia, due to their condition as border towns.

Besides, the action of the *corregidor* in cities and towns was not easy, despite the support of officers, coercive means, and a decisive capacity endorsed by the royal justice and the *Consejo Real*. At the same time, the *corregidor* would be subjected to the temporality of his position and the obligation of residence, which could betray potential irregularities in the performance of his duties.<sup>79</sup> Thus, his actions in defending the common good as they appear in the second half of the fifteenth century seem linked to the protecting guarantees of the *corregidor* in Segovia.<sup>80</sup> In Logroño, the *corregidor* was accused of being biased in favour of the citizens, against the interests of the other two estates into which the lay population was divided: the *hidalgos*<sup>81</sup> and *labradores* (ploughmen).<sup>82</sup> At other times, it was frequent to find claims accusing the *corregidor* of having an alliance with some member of the oligarchy or the *regidores*. In the period of the *Comunidades*,<sup>83</sup> the *comuneros* opposed the *corregidores* and in the *capítulos por la reforma del reino* (chapters for the kingdom's reformation) that the so-called *Santa Junta* unsuccessfully tried to pass on to the king in Flanders, it was suggested that from that moment onwards *corregidores* should not be sent to towns unless they explicitly asked for their dispatch. As an alternative, the *comuneros* advised that the towns should have «enough» *alcaldes ordinarios*.<sup>84</sup> We must keep in mind that the *corregidores*'s salary was quite burdensome for the municipalities, so it could lead to unpopularity.

<sup>79</sup> J. M. MONSALVO ANTON, *El reclutamiento del personal político concejil. La designación de corregidores, alcaldes y alguaciles en un concejo del siglo XV*, in «Studia Historica. Historia» 5 (1987), pp. 173-195: 175.

<sup>80</sup> Frequently his presence was used to confer legal value to meetings of the commons, M. ASENJO GONZÁLEZ, «Ambición política y responsabilidad de gobierno. El “común” en Segovia y Valladolid a fines de la Edad Media», in H. R. OLIVA HERRER-V. CHALLET-J. DUMOLYN-M. A. CARMONA RUIZ (eds.), *La comunidad medieval como esfera pública*, Universidad de Sevilla, Seville 2014, pp. 73-106.

<sup>81</sup> Lower noble and lower rank of nobility. The noble status could be conceded by the King.

<sup>82</sup> M. DIAGO HERNANDO, *El papel de los corregidores*, cit., p. 206. In 1509, the captain of the Navarrese borders, Juan de Silva, had the support of the citizens of Logroño to ask from the king an extension of the office as *corregidor* of the town for the licenciado Peñalver, thus causing the two remaining estates anger, as they denounced Peñalver's bad management and asked for the dispatch of a *juex de residencia*, officer in charge of revising and correcting the misgovernment of the *corregidores*, after exercising his office in a city.

<sup>83</sup> Period of revolt in the Castilian cities between 1520-1522.

<sup>84</sup> Elected judges.

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### *V. Breach of peace as a royal matter*

Municipal powers had a wide range of measures destined to maintain peace («their» peace), ranging from the maintenance of public health, the safeguard of commerce and trade, and the improvement of the productive system, supplying basic necessities and developing laws against violence. They relied on ordinances to limit the use of weapons, there were curfews at dusk (town gates were closed and transit banned unless in exceptional circumstances, unless carrying a light and unarmed), they regulated the control of taverns, inns and brothels, gambling taxation, night-watches, the expulsion of homeless and pimps, limits to retaliation and private justice; they issued orders to the neighbours (to be ready to act in case they were needed to chase a criminal), etc. These were preventive measures accompanied by other of a punitive nature, such as imprisonment, death by execution, mutilation, economic fines or pardon and amnesty – so important to settle a truce or a sound and lasting peace.<sup>85</sup>

Since the twelfth century, there was fear towards disturbers of the peace such as criminals, thieves, coin counterfeiters, traitors to the lord, murderers, abettors, adulterers and those guilty of incest.<sup>86</sup> To breach the peace – either established through a treaty or out of respect to national institutions – meant a triple offence: individual (against the direct victim of the action); social (against the community as a whole); and political (against the authority which represented, defended, and instituted the infringed peace).<sup>87</sup> Peace had many enemies, however, and the elements challenging it included war, faction struggle, conflicts among *omes poderosos* (powerful men), common oligarchic tension, fraudulent conveyance, rivalry between neighbouring powers, and resistance to the local lord.<sup>88</sup>

But soon the *quiebra de la paz* (breach of peace) in the kingdom became a royal matter, and precautions were taken in special moments and in symbolic spaces.<sup>89</sup> Peace disturbers were people (known or unknown) who took part in riots and turmoil, and they appear in lawsuits before the royal officers and the *corregidor*,

<sup>85</sup> R. CÓRDOBA DE LA LLAVE, «Violencia cotidiana en Castilla a fines de la Edad Media», in J. I. IGLESIA DUARTE (ed.), *Conflictos sociales, políticos e intelectuales en la España de los siglos XIV y XV*, Instituto de Estudios Riojanos, Logroño 2004, pp. 393-443:428-432.

<sup>86</sup> T. B. LAMBERT, *Theft, Homicide and Crime in Late Anglo-Saxon Law*, in «Past and Present» 214 (2012), pp. 3-43: 40.

<sup>87</sup> Y. GUERRERO NAVARRETE, *Orden público y corregidor en Burgos*, cit., pp. 63-64.

<sup>88</sup> I. VAL VALDIVIESO, «La perturbación de la paz urbana en la Castilla del siglo XV», in B. ARÍZAGA BOLUMBURU (ed.), *La convivencia en las ciudades medievales. Encuentros internacionales del Medioevo 2007, Nájera, del 24 al 27 de julio de 2007*, Instituto de Estudios Riojanos, Logroño 2008, pp. 23-51.

<sup>89</sup> O. LÓPEZ GÓMEZ, *Pas e sosiego. Un argumento de acción política en la Castilla bajomedieval*, in «Medievalismo. Boletín de la Sociedad Española de Estudios Medievales» 16 (2006), pp. 41-71.

mocking justice and presenting a threat to law and order. They were usually blamed for being behind rumor, conspirations and illegal assemblies which endangered the *status quo*.<sup>90</sup>

The action of the *corregidor* was favourable to the restoration of peace, but if he took political sides his mediating action vanished and he could be accused of bias and unfairness. Certainly, the extended stay in the same city or town was prone to connivence as it happened in Soria with the *corregidor* Vázquez de Cuéllar, since he and his father held the position from the time of Queen Isabel the Catholic (1474-1504) until 1517, which created great discontent in the city.<sup>91</sup> The truth is that quite often *corregidores* did not act as moderating powers, able to find conciliatory solutions to antagonising factions in each city or town; on the contrary, they were biased and upset those who felt wronged by their irregular behaviour.

But *corregidores* might also fall victim of the political changes at the court and the kingdom, which affected their safety and trustworthiness. Thus, between 1506 and 1507, after the death of Felipe of Hapsburg (1504-1506) who had appointed new *corregidores* in many cities and towns and removed those appointed by King Fernando the Catholic, they were dismissed, but many refused to leave their position. During that time, Cuenca, Segovia, Oviedo, Córdoba and Toledo went through episodes of violence and riots due to the changes imposed after King Felipe's death.<sup>92</sup>

The great change to the figure of *corregidor* came as a consequence of the chapters passed in the Toledo parliament of 1480, which contributed to raise awareness about the fact that the new monarchy had a government programme and had succeeded by force of will in breaking with the former policies, ridden by disorder, insecurity and injustice.<sup>93</sup> *Corregidores* were given important judicial functions, and they took such a prominent position that some authors mention *jueces-corregidores*. In this way, they eventually became the mainstay of local ordinary jurisdiction, with some of their competences being fixed by parliamentary ordinance. Before 1480, within the context of the civil war, kings intervened directly in city or town conflicts,

<sup>90</sup> S. K. (Jr.) COHN, *Lust for Liberty: The Politics of Social Revolt in Medieval Europe, 1200-1425*, University Press Cambridge, Harvard 2006, p. 4.

<sup>91</sup> M. DIAGO HERNANDO, *El papel de los corregidores*, cit., p. 206.

<sup>92</sup> M. ASENJO GONZÁLEZ, «Ciudades y oligarquía urbana en Castilla en los años de la “Gobernación” de Fernando el Católico (1506-1516)», in B. ANATRA-G. MURGIA (eds.), *Sardegna, Spagna e Mediterraneo. Dai re Cattolici al Secolo d'oro*, Carocci Editore, Roma 2004, pp. 125-142.

<sup>93</sup> On the concept of «common good»: P. BLICKE, *El principio del “bien común” como norma para la actividad política (La aportación de campesinos y burgueses al desarrollo del Estado Moderno temprano en Europa Central)*, in «Edad Media. Revista de Historia» 1 (1998), pp. 29-46; J. A. BONACHÍA HERNANDO, *La justicia en los municipios castellanos*, cit., pp. 145-182, stating that good governance comes from a just government that looks to the common good. See: J. M. NIETO SORIA, *Fundamentos ideológicos del poder real en Castilla (siglos XIII-XVI)*, Universidad Complutense Eudema, Madrid 1988, pp. 146-151.

## *The peace-making and judicial function of the corregidores in the ...*

making the most of them to replace non-supportive *regidores* and remove enemies.<sup>94</sup> Although the truth is that dispatching *corregidores* became a first-class political weapon for the Catholic Monarchs, proving to be privileged agents for any royal actions.<sup>95</sup> Their number grew: in 1494 there were 54 *corregimientos*, in 1515 there were 61. In 1575 there were 63, and 68 in 1597. The office would further expand and be regularised to the point of institutionalising presence in the most relevant urban locations.<sup>96</sup>

### VI. Conclusion

Towards the end of the Middle Ages, the *corregidor* became necessary for the royal government because *corregidores* acted on the central issues of justice and peace, assuming supervision competences in taxation and military organisation as well. All these responsibilities were linked to the monarchy's interest in given towns, so *corregidores* achieved great influence in municipal life, concurring with the government's *regimientos*. This analysis has studied *corregidores* from a perspective of urban interest and peacemaking, as well as the projection of municipal political life, under an oligarchic government model. The soundness of their actions was linked to the growing social belief in finding protection in justice separate from local powers and the disruption of perpetual conflicts. Thus, justice and peace would arise as modern values which had an open connection with the government aims of royal power since the end of the Middle Ages.

In the fifteenth century, until the mid-sixteenth century, peacemaking was a fundamental function of the *corregidores*. The role of mediator in conflicts granted them acceptance, to which the condition as royal envoys had to be added. Their presence was not always supported by all those involved, and thus they faced rejection and opposition in the communities in which they were to intervene. The change in functions and competences would come in 1480, when actions became normalised within the framework of the defence of the interests of the monarchy in the town, which granted *corregidores* extended tenure and presence in towns and villages around the kingdom. It could be said that both the office and its functions were transformed from that point onwards, and these officials' actions became key in

<sup>94</sup> M. LUNENFELD, *Los corregidores de Isabel la Católica*, cit., pp. 41-45.

<sup>95</sup> J. I. FORTEA PÉREZ, *Los Corregidores de Castilla bajo los Austrias: Elementos para el Estudio Prosopográfico de un Grupo de Poder (1588-1633)*, in «Studia historica. Historia Moderna» 34 (2012), pp. 97-144 (Special volume on *Perspectivas del mundo urbano, siglos XV-XVII*).

<sup>96</sup> B. GONZÁLEZ ALONSO, «Monarquía, ciudades, corregidores (Castilla, 1480-1523)», in E. BELENGUER CEBRIÁ (ed.), *De la unión de coronas al Imperio de Carlos V*, Sociedad estatal de la conmemoración de los centenarios de Felipe II y Carlos V, Madrid 2001, pp. 281-298: 285.

the municipalities and in the management and government of the kingdom, carried out on behalf of the royal power. Some *corregidores* were royal «*continuos*»,<sup>97</sup> right-hand-men of the court, and at the same time *regidores* or members of the military. Among them was a growing prevalence of lawyers, instructed in the universities of the kingdom and versed in common law. But the importance of their function seems to have grown in a political context with new agents who claimed political participation, as shown by the actions of the common people or the *Comunidad*, a very active group towards the end of the fifteenth century. The permanence and growing demand of *corregidores*'s intervention in urban affairs contributed to the generalisation of appointments and the official character of the position which, since 1480, increased their competences.

The relevance of a new approach of the figure of the *corregidor* remains from the perspective of social behaviour of the urban oligarchy, which was active at all times and which conditioned the *corregidor*'s mission and institutional action. As royal envoys, the *corregidores* of the fifteenth century still show a direct vassalage bond with the monarchy. Their behaviour and activity are still poorly known aspects, such as the concurrence with local judicial instances, the benefit of their social extraction over the legal training that others showed and that was key in the dissemination and enforcement of «common law» in their affairs. Another element for further study is to determine how long the *corregidores* and their assistants remained in their positions, their professional path and the *cursus honorum* which defined them and assisted their elevation.

<sup>97</sup> Close servants who managed matters of the Royal House as royal delegates, reported directly to the monarchs and received annual payroll payments from the Crown. See: M. F. GARCÍA ALCÁZAR, *Los "continuos" reales de Castilla durante la baja Edad Media. Estado de la cuestión*, in «Espacio, Tiempo y Forma. Historia Medieval» s. III, 30 (2017), pp. 335-358.

*Jurisdictional coupling: compliance and resistance in justice management  
in Castilian cities and towns (1450-1520)*<sup>1</sup>

MARÍA ASENJO-GONZÁLEZ

Medieval Castilian justice was based on privilege and built upon differentiated legal frameworks, which coexisted and respected each other. The king was at the pinnacle of Castilian justice with different jurisdictions – he sanctioned and allowed recognition in turn, at the same time that the royal courts took appeals from below. However, jurisdictional diversity, which was the result of the proliferation of *fueros*,<sup>2</sup> was at the core of the judicial system. Each land had its privileges expressed through the judicial action. Consequently, jurisdictional privileges heightened the inequality of the estates of the realm.<sup>3</sup> Although the exercise of justice mainly followed the particular regulations set by *fueros*, documents indicate an increase of lawsuits and appeals to royal justice towards the end of the Middle Ages,<sup>4</sup> especially in times of turmoil and insecurity.

The late Middle Ages also saw an increasing «culture of litigation» in the social, political, and economic life of Castilian cities and towns. Municipalities enacted many new ordinances regulating even the simplest aspects of daily life. The growing legal regulation of life increased the chances that a breach of law would end up in court. Though ignorance of the law did not offer protection to those who broke it, officials at all levels had town criers immediately proclaim new ordinances to make sure that such claims were not made. However, compliance was still difficult to ensure due to illiteracy and distrust, which made people reluctant to accept regulatory change as well as to comply with sentences or court rulings at once. For this reason, resistance to judicial rulings was an inherent part of Castilian political life, especially

<sup>1</sup> This paper is part of the research carried out in project HAR2017-82983-P (2018-2021), financed by the Ministerio de Economía y Competitividad of the Spanish government and directed by María Asenjo-González and David Alonso from the Universidad Complutense de Madrid. I would like to thank Sean Perrone for his comments on earlier versions of this article. The work includes some issues and approaches that were already discussed in: M. ASENJO GONZÁLEZ, «Resistencia a la justicia y desacato en las ciudades castellanas (1450-1520)», in M. CHARAGEAT-M. SOULA-M. VIVAS-B. RIBÉMONT (eds.), *Résister à la justice. XII<sup>e</sup>-XVIII<sup>e</sup> siècles*, Classiques Garnier, Paris 2019, pp. 75-105.

<sup>2</sup> Charters of liberties.

<sup>3</sup> B. GONZÁLEZ ALONSO, s.v. *La justicia*, in M. ARTOLA GALLEGU (ed.), *Enciclopedia de Historia de España. Instituciones políticas. Imperio*, Alianza, Madrid 1988, vol. II, p. 382.

<sup>4</sup> M. ASENJO GONZÁLEZ, *Función pacificadora y judicial*, cit., pp. 1-28, and EAD., *El corregidor en la ciudad*, cit., pp. 89-124.

in legal cases with complex and vague regulations, and potentially overlapping jurisdiction, in which cases could go before different tiers of power: king, parliament, council, Church, bishop, or lords. In this framework, resistance to justice in general happened spontaneously and opportunistically, and this often was beneficial to royal justice by extending the royal writ.<sup>5</sup> That said, on a theoretical level resistance to the law has been justified in cases of tyranny in which the ruler's despotic actions tainted the judicial power.<sup>6</sup> In fact, Christianity encouraged such resistance in the shape of popular actions, while at the same time elevating the higher ecclesiastical hierarchy, such as the pope, as an arbiter. In a similar way, medieval thought also elevated the emperor and in certain cases even local rulers.<sup>7</sup>

The focus here, however, is not resistance to tyrannical laws, but rather everyday resistance to the proliferation and hierarchy of laws. Such everyday resistance has been overlooked, even though it is clear that the history of law-abiding states is made not only with the enactment of laws, but with resistance to those laws. Resistance tested the coercive system and highlighted the inability of courts to enforce the laws and judicial acts. Moreover, resistance to the enforcement of laws often lessened the likelihood of uprisings and violent conflicts.<sup>8</sup> In fact, the laws foresaw some of the resistance to justice. So, in certain cases, resistance to the law was redirected within the law, so that aggrieved parties could reach satisfactory ends through judicial intervention. Consequently, the legal system and the different powers strengthened themselves. It is possible, then, to understand that resistance to justice was partly the result of discontent with both the officers of jurisdictional powers and the power of the king, whereas other resistance, namely contempt, was initially a quasi-political crime which involved the non-compliance and non-acknowledgement of the law and its enforcement mechanisms.<sup>9</sup>

In order to appreciate the importance of resistance to justice in the Castilian urban framework in the transition from the late Middle Ages to the early modern

<sup>5</sup> J. M. NIETO SORIA, *La gestación bajomedieval del derecho de resistencia en Castilla: modelos interpretativos*, in «Cahiers d'études hispaniques médiévales» 34 (2011), pp. 13-27.

<sup>6</sup> D. NEGRO PAVÓN, *Derecho de resistencia y tiranía*, in «Logos: Anales del Seminario de Metafísica» 26 (1992), pp. 683-707; P. CARVAJAL, *Derecho de resistencia, derecho a la revolución, desobediencia civil. Una perspectiva histórica de interpretación. La formación del derecho público y de la ciencia política en la temprana Edad Moderna*, in «Revista de Estudios Políticos» 76 (1992), pp. 63-101.

<sup>7</sup> D. CECILIA, *Aproximaciones teóricas al derecho de resistencia: un breve recorrido desde la Antigüedad hasta el presente*, in «Roda da Fortuna. Revista Eletrônica sobre Antiguidade e Medieval» 3.2 (2014), pp. 10-39.

<sup>8</sup> As expounded in C. NUBOLA-A. WÜGLER (eds.), *Operare la resistenza: suppliche, gravamina e rivolte in Europa (secoli XV-XIX)*, Duncker & Humblot and Soc. Ed. Il Mulino, Berlin-Bologna 2007.

<sup>9</sup> O. LÓPEZ GÓMEZ, *Abusos de poder y desacato a la justicia en el ámbito urbano medieval: Toledo (1085-1422)*, in «Historia. Instituciones. Documentos» 32 (2005), pp. 211-245.

period, it is advisable to pay attention to the peculiarity of the Castilian legal system. Documentation regarding resistance to the law allows us to determine its existence and to ascertain that contempt, which comprised many of these cases, was a political crime. For this reason, defiance of the law was equated to treason to royal or lordly power, the highest expression of this kind of crime. But by the end of the Middle Ages the crime of contempt came to encompass defiance to any royal, seignorial, or council justice officer, as well as any minor breach of law.<sup>10</sup> Essentially, contempt went from being treasonous to becoming a lesser crime – one that was more widespread in its use.

Regarding the cities and towns, the urban oligarchy resisted increasing royal intervention in council life, especially the permanent presence of the *corregidor*<sup>11</sup> in many towns after 1480.<sup>12</sup> Originally, the Crown dispatched a *corregidor* to deal with an exceptionally conflictive issue at the heart of the town life. From the beginning, though, there was always some opposition to the arrival of *corregidores* – either by the entire town or a faction within it. The *corregidor*, whose origin was the *juez de salario*,<sup>13</sup> essentially inserted royal justice into the municipal legal framework.

There was no shortage of situations where a royal law or court ruling applied in a local setting either went against the local charter (*contrafuero*) or came into effect when its compliance was no longer pertinent (i.e., the crisis precipitating appealing to the Crown had passed), which was the case for many laws that would arrive in America. For these situations the legal postscript was coined, «be it observed, but not obeyed»,<sup>14</sup> in order to avoid the crime of contempt. It was always accompanied with the ritual gesture of placing the paper with the legal disposition over the heads of those concerned as a token of submission and compliance.

The complexity of bonds and obligations in late medieval urban societies must be considered in relation to the law as well. The nature of the relationships of oligarchic power, within a system of contractual obligations and bonds of loyalty and

<sup>10</sup> The documentation preserved in Valladolid, Archivo de la Real Chancillería de Valladolid [=ARChV], *Cédulas y Pragmáticas*, box 1, 1 proves the monarchs' concern to avoid tensions and conflicts caused by their officials in the management of justice.

<sup>11</sup> Governor and keeper of the city and its district with judicial, civil and military competences, appointed by the Crown.

<sup>12</sup> M. ASENJO GONZÁLEZ, *Función pacificadora y judicial*, cit., p. 25; Y. GUERRERO NAVARRETE, *La política de nombramiento de corregidores en el siglo XV entre la estrategia regia y la oposición ciudadana*, in «Anales de la Universidad de Alicante. Historia Medieval» 10 (1994), pp. 99-124. The resistance of the towns to receive the *corregidor* was manifest since soon after the appearance of this office, in the second half of the fourteenth century. It was a sign of opposition from the urban oligarchy and any other power factions; M. LUNENFELD, *Los corregidores de Isabel la Católica*, Labor, Barcelona 1989.

<sup>13</sup> Peacemaker judge, foreigner, and precedent of the *corregidor*, before 1480. In Andalusia he was known as *asistente*.

<sup>14</sup> «Acátese pero no se cumpla».

service, made it difficult to deny the demands of patrons and lords, as refusal to obey could mean incurring charges of contempt. But in some cases it is possible that people did not always understand the precise relations within the different claims of legal authority. For this reason, it is difficult to locate actions of resistance to justice without drawing the line between disobedience, breach, and contempt in the framework of dependence, patronage, and fealty relationships, which encompassed society taken as a whole, understood as the antechamber of the legal aspect.

### I. *The normative outlook in medieval Castile*

In Castile, justice was applied according to different legal texts and orientations. Thus, judges resorted to customary law in the first place, and only then to the *fueros*, laws and privileges granted by kings and lords. They also considered special jurisdictions exhibited by the nobility, clergy, gentry and other estates as proof of their privileged status. Finally, judges looked to the law created through *acuerdos de Cortes*<sup>15</sup> (parliamentary agreements) and, from the fourteenth century onwards, dispositions and agreements set in council ordinances. In this context, in the middle of the thirteenth century, Alfonso X (1252-1284) enacted a new *fuero*, the *Fuero Real*, and compiled a set of laws for the governance of the kingdom, the *Siete Partidas*, which from 1256 set a new basis for common law to be applied to the court cases of cities and towns of the kingdom, although they were not enforced until 1348.<sup>16</sup>

In the council instance, local judges applied *fuero* law and the privileges granted and ratified by the Crown in a legal background, in which the *Liber Iudiciorum*<sup>17</sup> or the *Fuero Juzgo*<sup>18</sup> coexisted with customary law. But when appealing to royal justice, the *Fuero Real* and the *Siete Partidas* were used, which involved applying common law.

<sup>15</sup> Cortes was the legislative assembly as the Parliament.

<sup>16</sup> Castile's customary law was alien to the tradition of the *Liber*, one that was based more on tradition and jurisprudence, as a result of the judges' activities. This jurisprudence joined the so called "good charters" (*buenos fueros*), granted by counts and kings, to form the legal background in force before the drafting of the *Partidas*, the *Espéculo* and the *Fuero Real* during the reign of Alfonso X, in the mid thirteenth century. See F. TOMAS Y VALIENTE, *Manual de Historia del Derecho Español*, Tecnos, Madrid 1983, pp. 162-164.

<sup>17</sup> A compilation of laws extracted from the Visigoth codes drafted towards the year 654 by command of Recesvindus. *Ibid.*, pp. 126-134.

<sup>18</sup> Code of laws of the Visigothic Hispania known as *Liber Iudiciorum* o *Fuero Juzgo*, *Fuero Juzgo* o *Libro de los Jueces*, in «Los Códigos Españoles concordados y anotados», in J. FRANCISCO PACHECO-F. DE LA PUENTE Y APEZECHEA (eds.), *De la monarquía visigoda y de su código, el Libro de los jueces o Fuero juzgo*, Imprenta de la Publicidad, Madrid 1872<sup>2</sup>, vol. I.

### *Jurisdictional coupling: compliance and resistance in justice ...*

In legal terms, the territories of the old kingdoms of Castile and León followed legal traditions from different coexisting sources, practised since the late medieval period. Between the eighth and the thirteenth centuries, Spain lived in what Jesús Lalinde has called «normative dispersion». This definition encompasses the diversity of codes and traditions which had an impact on the Castilian justice, some of which having a strictly political provenance, while others were a result of the intersection of legal traditions. But all of them bore the imprint of the social organisation and the constraints of the relationships of power.<sup>19</sup> In this previous stage of normative dispersion and legal localism, the Kingdom of León made more frequent use of the *Liber Iudiciorum* as a reference legal code, whereas the County (later Kingdom) of Castile followed the *juicio de albedrío*<sup>20</sup> – which created a precedent and did not keep written legal codes as reference. But in both cases legal life relied heavily on customary law, which had been in effect among both Mozarabics and *hispanii*.

The great transformation in law in the Crown of Castile came in the thirteenth century with the spreading of the *Liber* or *Fuero Juzgo*, between the conquest of Toledo (1085) and the conquest of Andalusia in the mid thirteenth century, and the *Fuero Real*, as granted by Alfonso X in 1262. This functioned as a municipal charter for cities and towns, such as Madrid and Guadalajara, which already had a *fuero*, as well as bearing on others which did not. The *Fuero Real* tried to unify municipal law, but the king certainly saved competences in the appointment of officials for himself, which in the previous *fueros* had belonged to the towns and cities. This accounts for the rejection it stirred, expressed in the shape of disciplined dissent, in the uprising of the *Hermandades*,<sup>21</sup> which were city and town associations willing to confront the king to stop the legal reform.<sup>22</sup>

Kings and lords assimilated customs and customary law in the privilege grants, although they tried to impose their power whenever they could, banning certain laws and confirming others. The rulers made such decisions with regard to the power balance to ensure compliance with what was granted. Furthermore, confirmation of

<sup>19</sup> F. TOMAS Y VALIENTE, *Manual de Historia del Derecho Español*, cit., pp. 32-33.

<sup>20</sup> The *Juicio de albedrío* or *fuero de albedrío* (judgement of will) was the system used in Castile to resolve lawsuits, in the understanding that judges should not make their ruling based on any legal text, but on the free interpretation of the legal customs, called *fazañas* (feats) or *exemplos* (examples) – a system that corresponded to the judicial creation of Law. J. M. MINGUEZ FERNÁNDEZ, *Pervivencia y transformación de la concepción y práctica del poder en el reino de León (siglos X y XI)*, in «Studia Historica. Historia Medieval» 25 (2007), pp. 15-65.

<sup>21</sup> Brotherhood and fraternity of towns, M. ASENJO GONZÁLEZ, *Ciudades y hermandades en la Corona de Castilla. Aproximación sociopolítica*, in «Anuario de Estudios Medievales» 27.1 (1997), pp. 103-146.

<sup>22</sup> EAD., «Political dissent through complaints and petitions to the royal power in the towns and cities of Castile-León (13th-14th Centuries)», in F. TITONE (ed.), *Strategie di dissenso disciplinato, secoli XII principio del XVI*, Viella, Roma 2016, pp. 67-89.

legal custom was not based as much on legal reason as on how old the custom was. Thus, law, which was customary, would have more standing if it were conceived as the tradition and heritage of the ancestors; something that did not happen with newly created law, thus old law prevailed over new.<sup>23</sup> For this reason, law was understood as permanent and unchangeable.

In this way, the laws of Castilian cities and towns had an important normative background, which the archives have preserved. However, by focusing on this rich legal background, useful for the historian to learn about the past, the enforcement of laws allowing us to track compliance with the law as well as the resistance (or noncompliance) with the law or with court rulings might be overlooked. Therefore, some of the aspects connected with our subject come from indirect sources, from appeals of royal legal proceedings, or from claims, petitions and dispositions which document resistance only in a random and incomplete way.

As to law as it was applied in individual cases, there are the sources found in the local archives, whereas the testimony from royal justice can provide some clues regarding compliance with the law. However, it has to be acknowledged that limitations of coercion –linked to the scope of the king’s justice – and the capability of his courts for coercion ensured the implementation of court rulings in appeal (the most exemplary of all, as the appeal was the most sought after competence of the royal courts).<sup>24</sup> This happened in the whole kingdom and especially in royal cities and towns, where the king’s courts were present, exerting «*ius apelationes*», when the parties in dispute were not satisfied with the lower court rulings. The column at the portico of Leon cathedral marked the spot in which the king originally judged the appeals that went before him. This right of appeal was strengthened in the fourteenth and the fifteenth centuries, as society became more complex as a result of economic growth and rivalries.<sup>25</sup> But due to pleas for royal justice there is enough documentation for sketching out resistance to the enforcement of court rulings in medieval Castilian towns.

## II. *Legal resistance and usage of the hierarchical appeal*

Legal resistance often manifested as non-compliance with the law. This took place because of contradictions within the legal system. Every region and social seg-

<sup>23</sup> F. TOMAS Y VALIENTE, *Manual de Historia del Derecho Español*, cit., p. 134.

<sup>24</sup> M. A. PÉREZ DE LA CANAL, *La justicia de la Corte de Castilla durante los siglos XIII al XV*, in «Historia. Instituciones. Documentos» 2 (1975), pp. 383-482: 389.

<sup>25</sup> More focused on the peasant world, see I. ALFONSO ANTÓN, «Resolución de disputas», cit., pp. 211-243.

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ment had their own privileges, laws, and customs, which had to be coordinated and respected. Moreover, the genesis of local law created multiple acts and dispositions which eventually contradicted royal laws. The chance of incurring in contradictions or *contrafueros* was foreseeable and excusable within the system. Although the term *contrafuero* usually referred both to anything against the law and to the conflict from different instances, it could also include the writs, thus called *cartas desaforadas*, a law against the *fueros*. The reason for the existence of these writs had to do with the royal will to legislate for the whole kingdom and, in doing so, to be able to go against the customs preserved in *fueros* and privileges. Facing this situation, safeguarding the local law were the king and *cortes*, before which the parliament representatives requested the cessation of this *cartas desaforadas*. However, as the Crown repeatedly ignored those petitions, the *cartas desaforadas* were obeyed but not observed,<sup>26</sup> solving in this way the problem of accepting obedience without enforcing observance, thus avoiding frequent *contrafueros*.

The other way for legal resistance was implicit in the very act of appeal, as an allowed reaction to a court ruling deemed unfair and unsatisfactory for the plaintiff. These cases were solved through the appeal enshrined in the normative development, which regulated the competences of the *alcaldes de alzada*.<sup>27</sup> But not all the court rulings could be appealed, as those cast by the king, the tutors and other representatives were the last instance, as the king was at the top of the judicial hierarchy. This was backed by the belief that the rulings of the royal high courts were allegedly the best due to the moral worth of the royal officials as well as the legal experts that assisted them.<sup>28</sup> In the Alfonsian codifications it has highlighted that this judicial competence was unipersonal belonging to the *Adelantado Mayor de la Corte*.<sup>29</sup> But that rank was modified by Alfonso X in Zamora Parliament of 1274, stipulating that Castilian appeals had to go before the *Adelantado*, and those of León, Toledo, the Extremaduras and Andalucía had to be entrusted to three good men (*boni homines*) with a deep understanding of the *fueros*. Since 1371, the system goes back to the *alcaldes de alzada*, as a one-person position. Besides, the rulings cast by the *Oidores*<sup>30</sup> in supplication appeal could not be further appealed when they confirmed the decision of lower courts; in case they did not, or when they were the first to hear the case, their ruling could be appealed to the king. But since 1390 that option was left only

<sup>26</sup> J. L. BERMEJO CABRERO, *La idea medieval de contrafuero en León y Castilla*, in «Revista de Estudios Políticos» 187 (1973), pp. 299-306: 302.

<sup>27</sup> Local justice that had jurisdiction over appeals in the second instance.

<sup>28</sup> They were officials trained in the kingdom's universities, as experts in Roman and Canon law, M. A. PÉREZ DE LA CANAL, *La justicia de la Corte de Castilla*, cit., p. 408.

<sup>29</sup> High-ranking regional official with judicial and military functions, located in cities bordering the Kingdom of Granada.

<sup>30</sup> Judges of the royal Courts and Chancery, high royal courts.

for cases of utmost importance.<sup>31</sup> As recommended in the *Espéculo*<sup>32</sup> and the *Partidas*, the kings were to hear supplication procedures, but since the Toro parliament of 1371 they were included among appeals.

### III. *The king's noncompliance: contrafuero*

The *Partidas* normative system lasted until the end of the ancien régime, at which time innovations introduced by canonical law took place, including the creation of two high justice courts: the *Audiencia* and the *Consejo Real*. The *Audiencia* was organised in the *cortes* of Toro in 1371, although it had existed since the time of Alfonso XI (1312-1350). It started as a transformation of the high court, established in the Zamora ordinances of 1274, following the model of the ecclesiastical courts. It was the quintessential regular court, before which anyone could go to report all grievances perpetrated in the kingdom, with the exception of those committed by the king and his officials.<sup>33</sup>

The *Consejo Real* was reorganised during the reign of Juan I (1379-1390). It had exclusive competence in disputes between councils on the use of natural resources, communal assets, inquiries and accountability of officials as well as other matters of lesser importance. During the late Middle Ages, the *Consejo Real's* judicial autonomy and powers were strengthened. For instance, under the threat of harsh punishment local officials had to submit to the orders of the *alcaldes*.<sup>34</sup> Moreover, the king must not interfere in the judicial processes, by claiming court cases from other instances, or by declaring court rulings null and void. For this reason, it was decreed that justice writs interfering with pending court cases had to be obeyed but not observed («obedecidos [acatados] pero no cumplidos»)<sup>35</sup>.

Those means guaranteeing the legal validity, which were inserted in a «corporate regime», were the ones that kept it effectively protected due to the prevention

<sup>31</sup> M. A. PÉREZ DE LA CANAL, *La justicia de la Corte de Castilla*, cit., pp. 425-426.

<sup>32</sup> Another set of laws by Alfonso X. *Espéculo*, in *Los Códigos Españoles concordados y anotados*, Imprenta de la Publicidad, Madrid 1849, vol. VI.

<sup>33</sup> L. DÍAZ MARTÍN, *Sobre los orígenes de la Audiencia Real*, in «Historia. Instituciones. Documentos» 21 (1994), pp. 125-308, and C. GARRIGA, *La Audiencia y las Chancillerías castellanas (1371-1525). Historia política, régimen jurídico y práctica institucional*, Centro de Estudios Constitucionales, Madrid 1994.

<sup>34</sup> Local judges. D. I. J. DE ASSO Y DEL RÍO-D. M. DE MANUEL Y RODRIGUEZ (eds.), *El Ordenamiento de leyes que D. Alfonso XI hizo en las Cortes de Alcalá de Henares, el año de mil trescientos y quarenta y ocho*, por D. Joachin Ibarra, Madrid 1774, tit. XX, leyes 4 y 7.

<sup>35</sup> Cortes de Toro 1369, pet. 21, *Cortes de los antiguos reinos de Castilla y León*, cit., vol. II, pp. 170-171.

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of public utility and the defence of the rights and interests of particular jurisdictions. This control certainly bound the monarchy and *cortes* of the kingdom and the *hermandades*, which had had competence over normative and legal matters since the thirteenth century. It must be added the social pressure exerted by the nobility, clergy and cities and towns. Therefore, grievance redress orbited around the same idea: the power of the king, officials, estates and local authorities was limited and had to be exerted within certain boundaries, quite often not clearly drawn.<sup>36</sup>

That said, when the enforcement of the law undermined the monarch's interests, the king would manifest himself against its observance under the pretext of the common good.<sup>37</sup> But noncompliance with the law, when attributable to the king, did not involve a direct punishment for contempt – as the monarch was not punishable – and could indeed bear a political cost. The monarch was the prototype of values and a role model for other powers such as the nobility, which could emulate him in their own sphere of jurisdictional power. The same held true for other minor instances of local and municipal powers. So an incoherent and capricious attitude by the monarch toward the law could lead to a misruling of the realm.<sup>38</sup> Consequently, monarchs would take such a position only in exceptionally.

For this reason, late medieval kings exhibited, rather than practised, an «absolute power» which placed them on a theoretical peak, where they continuously sought the shield of agreement and covenant policies.<sup>39</sup> This was an «absolute power» that, in actual practice, answered to requests, petitions, appeals and pressure from the nobility, clergy and the urban oligarchies of knights and *hombres buenos*.<sup>40</sup> But the exercise of such power required a detachment as well from the law which, in the case of Castilian kings, was justified by the *Segunda Partida*.<sup>41</sup> It must be added

<sup>36</sup> J. M. MONSALVO ANTON, «Aspectos de las culturas políticas de los caballeros y los pecheros en Salamanca y Ciudad Rodrigo a mediados del siglo XV. Violencias rurales y debates sobre el poder en los concejos», in I. ALFONSO-J. ESCALONA- G. MARTIN (eds.), *Lucha política, condena y legitimación en la España medieval. Annexes des Cahiers de Linguistique et de Civilisation médiévales*, ENS Éditions, Lyon 2004, pp. 237-296.

<sup>37</sup> On the “variable geometry” or versatility of the common good, see A. ZORZI, «Bien Commun et conflits politiques dans l'Italie communale», in É. LECUPPRE-DESJARDINS-A.-L. Van BRUAENE (eds.), *De bono communi. The discourse and practice of the common good in the European City*, Brepols, Turnhout 2010, pp. 267-290: 268.

<sup>38</sup> O. LÓPEZ GÓMEZ, *Abusos de poder*, cit., p. 213.

<sup>39</sup> Under the formula «absolute royal power», used by the last Trastámara kings, there were explicit attributions which disassociated the king from positive law, as well as avoided other legal controls, J. M. NIETO SORIA, *El “poderío real absoluto” de Olmedo (1445) a Ocaña (1469): La monarquía como conflicto*, in «En la España Medieval» 21 (1998), pp. 159-228; M. DIEZ PICAZO, *La criminalidad de los gobernantes*, Crítica, Barcelona 1996, pp. 163, 182.

<sup>40</sup> *Boni homines* or Good men. The first level of social hierarchy in urban society.

<sup>41</sup> S. DE DIOS, *Sobre la génesis y los caracteres del estado absolutista en Castilla*, in «Studia historica. Historia Medieval» 3 (1985), pp. 11-46.

to these considerations about the «just law», which was connected to enactment by a fair king and to supporting the common good. In these situations, the question was what kind of resistance was deemed legitimate and who could pronounce it so. This duality between fair law and legitimate resistance created the dilemma which allowed justification of any action against any tyrannical and unlawful power. This certainty lasted throughout the late Middle Ages and that dealt with both the political and the juridical possibilities of resistance and the different legal meanders of pretext in face of observing and obeying the law.

#### IV. *Noncompliance and refusal to requests from the authority*

One of the most common ways to resist justice was simply not to comply with a request or demand of the king or other legal power, thus rejecting authority. Noncompliance was unthinkable particularly when the request was framed as an obligation, or reciprocity, due to a patron, protector, lord, or king. Resisting a demand from the king or a lord put into question the loyalty of the client, vassal or dependant in a society based on trust and reciprocity, which forcefully compelled the members of the different estates to fulfil their obligations and services.<sup>42</sup>

We must not forget, however, that disobedience was common, and scholars have studied it from different perspectives – support of, and opposition to, the authority of the courts and the laws, and framed within the social disputes and conflicts which encouraged them.<sup>43</sup> The lighter forms of resistance challenged notions of obligation but did not threaten the structure of civil society. Rather, such resistance was hidden under the rhetoric of obedience and submission, appealing to royal mercy and justice and even asking for favour. Thus, the delays, avoidances or stubbornness of individuals or corporations were masked and could hardly be perceived as acts of resistance in the eyes of contemporaries. But justice demanded compliance, and threats of punishment for noncompliance were deliberately included in the executive orders of courts.

For this reason, outright refusal to comply with a judicial ruling is hard to find in the documents. We know more about such resistance from the responses of people to the rulings and orders. Such responses often required a tactful display of obedi-

<sup>42</sup> A study on service and its political reach is R. HORROX, *Richard III: A Study of Service*, Cambridge University Press, Cambridge 1989, and «Service», in EAD. (ed.), *Fifteenth-century attitudes. Perceptions in Late Medieval England*, Cambridge University Press, Cambridge 1994, pp. 61-78.

<sup>43</sup> H. PIETSCHMANN, *El problema del nacionalismo en España en la Edad Moderna. La resistencia de Castilla contra el emperador Carlos V*, in «Hispania» 52.180 (1992), pp. 83-106; J. VALDEÓN BARUQUE, «Resistencia y estado moderno en Castilla 1350-1521», in M. GONZÁLEZ JIMÉNEZ (ed.), *La Península Ibérica en la era de los descubrimientos*, Junta de Andalucía, Seville 1997, pp. 499-514.

ence in order not to upset the lord or the king. In many cases, noncompliance with a court ruling also required the intervention of a superior or an equal. For example, in an apparently minor issue, *don Per Afán de Ribera* conveyed his refusal to lend the queen a book that she wished to have printed.<sup>44</sup> The striking aspect of this document is the ritual formalism that an indirect negative to the queen's wish – made through the count of Cifuentes – involved. First, Per Afán made a show of obedience and observance through the ritual of placing the letter over the head as a sign of submission to the request.<sup>45</sup> Per Afán then stated that he had not formed the library in which that book was located. Rather, it was his father's library.<sup>46</sup> Therefore, it was impossible for him to satisfy her wish, because despite knowing of the book's existence he could not be sure to have handled it and he did not know whether his father still kept it, noting that somebody could have taken it without him knowing.<sup>47</sup> For this reason, he could not give it to the queen, although he did not refuse outright, aware that

<sup>44</sup> Archivo General de Simancas [= AGS], *Estado (Castilla)*, legajo 1.II, n. 300. Dated 7 March 1503, location unknown. Published in the Appendix of J. M. NIETO SORIA (ed.), *Orígenes de la Monarquía Hispánica: Propaganda y Legitimación (C.A. 1400-1520)*, Dyckinson, Madrid 1999, doc. 5 (M<sup>a</sup> C. Quintanilla Raso). It seems it was a work by St. John Chrysostom about St. Matthew. It was widely known how fond the nobles were of their books and how they pampered their libraries. Works on the libraries of the nobility include: A. ANTELO IGLESIAS, *Las bibliotecas del otoño medieval con especial referencia a las de Castilla en el siglo XV*, in «Espacio, tiempo y forma. Historia medieval» s. III, 4 (1991), pp. 285-350, and I. BECEIRO PITA, *Libros, lectores y bibliotecas en la España medieval*, Nausicaa, Murcia 2007.

<sup>45</sup> AGS, *Estado (Castilla)*, legajo 1.II, n. 300. Dated 7 March 1503, location unknown, location unknown. Published in the Appendix of J. M. NIETO SORIA (ed.), *Orígenes de la Monarquía Hispánica*, cit.: «Que esta carta de su alteza yo la reçibo con mucha reverençia e humilldad, e veso e pongo sobre mi cabeça, commo de mi Reyna e señora». («That this letter from Your Highness I receive with reverence and humility, which I kiss and I place over my head, as from my queen and mistress»).

<sup>46</sup> On family, see M. A. LADERO QUESADA, *De Per Afán a Catalina de Ribera. Siglo y medio de la historia de un linaje sevillano (1371-1514)*, in «En la España Medieval» 4 (1984), pp. 447-497.

<sup>47</sup> *Ibid.*, «Lo que yo respondo es que esta carta de su alteza yo la reçibo con mucha reverençia e humilldad, e veso e pongo sobre mi cabeça, commo de mi Reyna e señora. Et que su alteza sepa que en verdad puede aver quinze años, poco más o menos que, seyendo vivo Perafán de Ribera, mi padre, que Dios nuestro señor ponga en gloria, le oy dezir lo que era este libro, et que lo tenía e estudiava, et que commo yo no soy letrado porque oviese nesçesidad de lo ver e buscar, e tan bien los libros e otros muebles que mi padre dexó, han andado en mano de diversas personas de los míos, que juro por Dios Nuestro Señor e por los Santos Evangellyos, que non sé sy lo tengo o sy no, ni nunca lo he visto ni conosco, que ya podría ser averse hurtado de mi cámara, tan bien como hallalle...». («What I answer is that this letter from Your Highness I received with reverence and humility, which I kiss and I place over my head, as from my queen and mistress. Let Your Highness know that it could well be fifteen years, more or less, that, Perafán de Ribera, my father, being alive – may God rest his soul – I heard from him about this book, and that he had it and studied it, and as I am not educated, not having need of it as of many other books and furniture that my father left me, they have been in the hands of different relatives, and I swear to God our lord, and on the Holy Gospel, that I know not whether I have it or not, as I have never seen it or know its whereabouts, as it might have been stolen from my chamber, or be found there...»).

refusing a queen, even though it was through an intermediary of the stature of the count, required more than the formulation and the respect patented in the document. The answer offered was not intended as being categorically negative, but with the arguments expressed he made use of the count as a mediator before the unsatisfied wish of the queen.<sup>48</sup> It is possible to believe that, in order to avoid a direct refusal to the request, the mediation of a shrewd figure close to the queen was intentionally sought after to preserve her royal favour – an advantage not to be risked voluntarily.

#### V. Reactions to resistance to justice

Documents mentioning crimes of resistance taken before the king's court gave these attitudes a treatment of what might be called «juridical benevolence». There are thirty-one cases of which we can keep track of between 1450 and 1520. It is observed in them that the enforcement of punishments was harder in lower instances, as with the case of the bishopric of Segovia, which in 1508 imposed an ecclesiastical interdiction on the residents of the town of Cuéllar to punish resistance to their *corregidor*, so those concerned asked for royal mediation to avoid the consequences of the punishment.<sup>49</sup>

The sorts of issues that prompted resistance and that were denounced before the royal courts varied. They could include crimes against morals and decency, in which those resisting did not accept the intervention of justices or ecclesiastical authorities. For example, in 1494, the locality of Frafión (La Rioja) refused to surrender a woman accused of cohabiting with a clergyman; when she was summoned by the *Merinos*<sup>50</sup> and justices of the *concejo* of Santo Domingo de la Calzada.<sup>51</sup> The cooperation between the secular and the church authorities to punish the indecency of the clergy is seen in another case from 1499. In it, the bishop of Salamanca set out to punish the lewdness and lack of chastity of some of the clergymen of the city.

<sup>48</sup> *Ibid.*: «Magnífico señor, esto puede vuestra merçed escrevir a su alteza e aún enballe esta carta. Nuestro Señor la magnífica persona de vuestra merçed guarde, e su estado acreçiente. Fecha martes syete de março, año de quinientos e tres años» («Most excellent sir, you may write this to Her Highness and even send this letter. Our Lord may preserve your grace with increasing blessings. Dated Tuesday the seventh of March, year five hundred and three»).

<sup>49</sup> AGS, *Cámara de Castilla (Cédulas)*, 7, 81, 2. Dated June 28, 1508 in Valladolid: to the Vicar of Cuéllar, by petition of Gonzalo López in the name of the aforementioned town, to lift the injunction imposed on Juan de Vargas, mayor, to Gracián de Espinisa, and to other residents, for resistance to a bailiff of the bishop of Segovia.

<sup>50</sup> Royal officer of the administration of medieval justice with executive and punitive powers.

<sup>51</sup> AGS, *Registro Geral del Sello* [= RGS], Legado [= leg.], 28 October 1494/29 October 1494, in Madrid.

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He fully anticipated resistance from the dissolute clergymen, who had organised themselves and counted on the support of important families of the urban oligarchy. Consequently, the bishop asked the Catholic Monarchs (1474-1516) for the help and the support of the *corregidor* of the city.<sup>52</sup> In this way, he sought to use the coercive power of civil authority to assist in a matter of ecclesiastical jurisdiction. Royal authority was then used at the request of the Church hierarchy but with wider implications for urban political life.

Another example of resistance, this time to royal authority, took place in 1476 when the towns of San Vicente de la Barquera and Castrourdiales closed their gates to the arrival of the *corregidor* Juan de Luna. The interesting point in this matter, which shows resistance to royal justice, is that the rebels, as well as residents of the nearby municipalities sought to be assured that his arrival would not reopen cases already judged or settled, nor past disputes would be brought to justice again; in addition, the promise that the *alcaldias*<sup>53</sup> and the *prebostazgos*<sup>54</sup> would be filled by local residents and that the town of Castrourdiales could continue under the supervision of the *corregidor* of Biscay as it had been until then. Thus, they expressed clearly their reluctance to accept the arrival of a *corregidor*, as a royal agent with full authority in the municipality, without a previous covenant on what they considered fundamental. In light of this attitude of resistance, the royal provision warned that they had committed serious crimes, but as the monarchs wanted to please the residents, they chose to grant those requests. Thus, in this case, the initial resistance did not lead to a harsh punishment. Considering that both San Vicente de la Barquera and Castrourdiales refused the *corregidor* (Juan de Luna, sent by the monarchs and both jointly to negotiate the terms of his arrival),<sup>55</sup> their attitude was not strictly perceived as rebellion, as this document proves, but more leniently, linked to the function of the *corregidor* in the city before 1480.<sup>56</sup> Tolerance and forgiveness prevailed, in spite of the insistence in accepting the presence of the *corregidor*.<sup>57</sup> This presence is connected to the violence that two

<sup>52</sup> *Ibid.*, leg., 1499-10, f. 446, 31 October 1499, in Granada: the *corregidor* of Salamanca helped the bishop of Salamanca, Juan de Castilla, against the clergymen and benefit-recipients he wanted to punish for their way of life, who resisted heavily and have allied to oppose him. In his allegation he said that the events took place when bishopric see was vacant. He feared resistance from the clergy in important families, so he asked the *corregidor* for help.

<sup>53</sup> Position of *alcaldes*.

<sup>54</sup> This position was closely linked to both the tax and executive function in territories under royal seigniorial jurisdiction like Basque towns.

<sup>55</sup> AGS, RGS, leg., 1476-01, 21/22 January 1476, in Burgos. Letter to the councils and residents of the towns of San Vicente and Castro Urdiales, to grant installation to Hurtado de Luna, unto the *corregimiento* and *juzgado*, to which they had previously opposed.

<sup>56</sup> M. ASENJO GONZÁLEZ, *Función pacificadora y judicial*, cit.

<sup>57</sup> *Ibid.*, «En menosprecio de las dichas nuestras cartas en mandamientos non curando de las pe-

out of four of the *Cuatro Villas de la Mar* (San Vicente de la Barquera, Santander, Laredo and Castrourdiales) went through in the second half of the fifteenth century. But the royal writ makes it clear that these two towns had not asked for his presence, and they feared that criminal lawsuits from previous years which had arisen due to faction struggles would be reopened.<sup>58</sup>

We see that, although the resistance included rebellious attitudes generally linked to groups or communities interests in light of the imposition of justice, it was also called resistance when a lord prevented its compliance. That was the case of the Sevilla municipality in 1491, which could not recover the *términos*<sup>59</sup> granted in a court ruling due to the intervention of the count of Medina Sidonia. The duke's son, Juan de Guzmán, had captured the *Jurado*<sup>60</sup> (a municipal official) of Sevilla, Rodrigo Catano when he went to examine the *términos* in Andévalo. In light of this violent attitude and the apprehension of the Sevillian *jurado*, the monarchs entrusts the royal *contino real*,<sup>61</sup> Francisco de Ulloa, to search into the matter, avoiding the intervention of justice.<sup>62</sup> Once again the figure of the *contino real*, vassal of the king and recipient of his trust in the city, which in a certain way forestalled the functions of the *corregidor* from 1480 onwards, acted as a mediator and messenger to investigate and carry out the royal will, thus avoiding the gravity of the punitive action of ordinary justice. In this way, the *Consejo Real* tried to find a way out which would not involve confrontation and the consequences of the punitive action of a court ruling; a situation that proved the weakness of the coercive

nas en ellas contenidas con gran pertinancia e rebeldia lo non quesisteys acoger. Antes dis que çerrastes e desistes cerras las puertas dellas e que comoquier que algunos de vos salistes a fablar con el e vos notefico». («In disdain of our writs and orders, not considering the punishments there contained, with obstination and rebely you did not want to accept him. Moreover, you closed your doors and when some of you went out to speak to him he notified you»).

<sup>58</sup> Faction violence was at the origin of these conflicts. See J. Á. SOLÓRZANO TELECHEA, *Violencia y conflictividad política en el siglo XV: el delito al servicio de la elite en las Cuatro Villas de la Costa de la Mar*, in «Anuario de Estudios Medievales» 35 (2005), pp. 159-184 and J. Á. SOLÓRZANO TELECHEA-R. VÁZQUEZ ALVAREZ-B. ARIZAGA BOLUMBURU, *Archivo de la Real Chancillería de Valladolid. Documentación medieval (1241-1500)*, Consejería de Cultura del gobierno de Cantabria, Santander 2004, p. 11.

<sup>59</sup> Territorial demarcations of the cities.

<sup>60</sup> Representative before the City Council of the common people of the town, without the right to vote the decisions of this institution.

<sup>61</sup> Close servants who managed matters of the Royal House as royal delegates, reported directly to the monarchs and received annual payroll payments from the Crown. See M. F. GARCÍA ALCÁZAR, *Los "continios"*, cit.

<sup>62</sup> AGS, RGS, leg., 1491-12, 293/30 December 1491, in Real de la Vega de Granada. Due to the complaint made by the town, we know he arrested that *jurado* and took him prisoner to the town of Niebla, where he handed him to the bailiff of the household of the king; of which the town of Seville took grievance and harm. They commanded an enquiry about what happened.

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power of royal justice, in particular before the demands of powerful vassals, which resorted to mediation in the conflict through the handling of the royal *contino*.

### VI. *Crimes of contempt*

Contempt was the disobedience form which best expressed the resistance committed when an authority was insulted, not obeyed or not submitted to. Contempt crimes involved a serious offence to authority and power, and surprisingly it was hardly mentioned in the documents of the royal chancery, towards the end of the fifteenth and the beginning of the sixteenth centuries. In the royal archives, only 103 documents between 1465 and 1520 referred to cases of contempt. Of these, only 30 arose in cities and towns, and will be the focus of the remainder of this section (see Table 1). In them, the addition of forms of resistance in contempt crimes had to do with the growing intervention of royal power, by means of justice officials, in the political life of the city and the institutional and legal protection that it received. Curiously enough, in this situation they were sheltered in the exercise of office by the protecting halo that surrounds contempt crimes, at the same time modulating the gravity of disobedience, connected with treason and as an affront to royal power.

The seriousness of contempt was linked to the lack of respect for authority and efforts to undermine it, all people being expected to show an attitude of submission. Crimes of contempt were regarded as particularly serious and grievous when committed by more vulnerable groups of people, such as the foreigners. For example, in 1478, the Genovese merchant Juan Rótulo was hanged in the city of Toledo for contempt of the king.<sup>63</sup> The courts did not waste the opportunity to apply extreme punishments on vulnerable groups, such as the foreigners, who did not have protectors and advocates to mediate on their behalf in the courts. We must not forget that chastisement, linked to the public exhibition of the punishment, helped to spread the fear of justice. The spectacle of public execution in the exercise of royal justice was thought to increase respect.<sup>64</sup>

Yet, as already discussed, the judicial process allowed for formal observation of laws or decrees even when they were not going to be applied and obeyed. By showing respect for authority in the rituals of submission, which consisted in placing

<sup>63</sup> AGS, RGS, leg., 1478-07, 56/30 July 1478, in Seville: Gift to Gómez Manrique, *corregidor* of Toledo, in payment of his good service and expenses in the conservation of the walls of the town, of 150,000 maravedís at the expense of the properties confiscated to Juan Rótulo, Genoese merchant, hanged in the town for contempt of royal authority.

<sup>64</sup> The work of the eighteenth-century erudite Beccaria regarding the enforcement of justice and its social impact is interesting, C. BECCARIA, *De los delitos y las penas*, Alianza, Madrid 1968. See also: M. FOUCAULT, *Vigilar y castigar: nacimiento de la prisión*, Siglo XXI, Madrid 1981.

the piece of the law or its symbol over the head of the person concerned, the individual or group could avoid the serious consequences of contempt, by indicating their predisposition to legal authority.

A sampling of documentation preserved allows us to come at some common aspects in connection with the contempt in towns and cities.<sup>65</sup> First, in almost all of the contempt cases collected, the cases arose from disobedience to the officials enforcing the compliance with court rulings. So, such disobedience was now a crime that undermined the royal or lordly authority, represented by those court officials. Disobedience to justice officials was seen in individual<sup>66</sup> and collective<sup>67</sup> actions.

Disobedience was significantly higher in individual actions than in collective ones, in which the names of the defendants were accompanied by mentions to «associates» who identified relatives or kindred. It is also noteworthy that most cases of disobedient actions took place in times of political unrest – twelve documented cases in 1504-1507 and fifteen in 1516-1520. Disobedience likely increased in those times because the legitimacy of authorities and the officials who represented them was in question. This made obedience difficult, especially as rivalry among factions was encouraged, and justice officials of any provenance were questioned.

<sup>65</sup> The queries have been made through PARES, and most of them come from the AGS and the Chancillería de Valladolid [= ARChV].

<sup>66</sup> AGS, *RGS*, leg., 1486-06, 99 (1486-06-21); *ibid.*, 1493-07, 26 (1493-07-04); *ibid.*, 1497-04, 246 (1497-04-23); *ibid.*, 1478-07, 56 (1478-07-30); *ibid.*, 1492-02, 309 (1492-02-14); *ibid.*, 1492-05, 567 (1492-05-16); AGS, *Consejo Real de Castilla* [= *CRC*], 6, 1 (1503); *CRC*, 64, 8 (1480); *CRC*, 2, 44 (1508); *CRC*, 78, 7 (1505); *CRC*, 70, 12 (1514); ARChV, *Registro de Ejecutorias* [= *RE*], box 71, 14 (1494-07-18); *ibid.*, 164, 28 (1501-11-12); *ibid.*, 72, 14 (1494-07-05); *ibid.*, 113, 34 (1497-08-17); *ibid.*, 308, 23 (1516-03, s.d.); *ibid.*, 319, 25 (1517-06-27); *ibid.*, 330, 28 (1518-08-21); *ibid.*, 11, 12 (1487-11-06); *ibid.*, 187, 19 (1504-01-24); *ibid.*, 156, 51 (1501-03-15); *ibid.*, 332, 14 (1518-10-29); *ibid.*, 130, 15 (1498-12-04); *ibid.*, 296, 54 (1514-06-09); *ibid.*, 309, 25 (1516-05-23); *ibid.*, 135, 1 (1499-07-09); *ibid.*, 136, 25 (1499-08-17); *ibid.*, 72, 27 (1494-07-11); *ibid.*, 207, 43 (1506-08-12); *ibid.*, 338, 4 (1519-06-17); *ibid.*, 314, 26 (1516-12-03); *ibid.*, 118, 16 (1498-01-05); *ibid.*, 290, 5 (1513-11-24); *ibid.*, 272, 72 (1512-03-12); *ibid.*, 196, 10 (1504-12-06); *ibid.*, 45, 20 (1492-04-30); *ibid.*, 236, 22 (1509-06-19); *ibid.*, 319, 57 (1517-07-07); *ibid.*, 278, 36 (1512-09-14); *ibid.*, 287, 1 (1513-08-27); *ibid.*, 347, 49 (1520-11-14); *ibid.*, 71, 11 (1494-07-30); *ibid.*, 72, 1 (1494-07-30); *ibid.*, 82, 55 (1495-04-10); *ibid.*, 127, 21 (1498-09-17); *ibid.*, 298, 12 (1514-09-09); *ibid.*, 64, 20 (1493-12-19); *ibid.*, 146, 29 (1500-05-07); *ibid.*, 300, 34 (1515-03-14); *ibid.*, 287, 40 (1513-08-29); *ibid.*, 328, 28 (1518-05-08); *ibid.*, 212, 11 (1507-01-18); *ibid.*, 318, 21 (1517-04-03).

<sup>67</sup> AGS, *RGS*, leg., 1492-12, 98 (1492-12-12); *ibid.*, 1497-06, 69 (1497-06-03); *ibid.*, 1489-01, 389 (1489-01-10); *ibid.*, 1497-10, 21 (1497-10-19); *ibid.*, 1489-06, 275 (1489-06-27); AGS, *CRC*, 58, 8 (1504); ARChV, *RE*, box 317, 34 (1517-03-31); *ibid.*, 325, 38 (1518-02-13); *ibid.*, 277, 41 (1512-08-11); *ibid.*, 147, 36 (1500-06-12); *ibid.*, 328, 55 (1518-06-16); *ibid.*, 200, 24 (1505-07-01); 210, 43 (1506-11-03); *ibid.*, 210, 20 (1506-11-26); *ibid.*, 325, 51 (1518-02-08); *ibid.*, 138, 17 (1499-10-s.d.); *ibid.*, 153, 45 (1500-11-25); *ibid.*, 340, 35 (1519-10-26); *ibid.*, 51, 20 (1492-12-20); *ibid.*, 18, 15 (1488-12-02); *ibid.*, 135, 1 (1499-07-09); *ibid.*, 17, 41 (1488-11-14); *ibid.*, 275, 20 (1512-06-07); *ibid.*, 213, 26 (1507-03-09).

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To properly focus on the documents affecting towns and their residents, the following table shows a summary of their contempt charges.

Table I – Description of documentation on contempt from AGS and ARChV (1450-1520)

Gift to the Toledo <i>corregidor</i> of the goods confiscated from the hanged Genovese	AGS, <i>RGS</i> , leg., 1478-07, 56	1478-07-30
Contempt to the bishop of Ciudad Rodrigo by the dean and chapter of that cathedral.	AGS, <i>RGS</i> , leg., 1489-01, 389	1489-01-10
Order to <i>bachiller</i> Sebastián de Lobatón, petitioned by <i>bachiller</i> Pedro Díaz de la Torre, prosecution attorney, to go to the village of Jimena and, after enquiry, do justice to the people who, in contempt of court, removed the border markers and took up the borders allocated to Jerez de la Frontera.	AGS, <i>RGS</i> , leg., 1489-06, 275	1489-06-7, Jaén
Alonso de Vargas is suspended for six months as <i>Carmona regidor</i> , for contempt to the authority of the <i>corregidor</i> .	AGS, <i>RGS</i> , leg., 1492-05, 567	1492-05-16
Commission to Palencia <i>corregidor</i> , to go to Iglesias, take the justice rods and act accordingly on the contempt committed against Alonso de Villanueva, Burgos <i>regidor</i> , against a <i>merino</i> and a scribe when they were there enquiring about a crime committed there.	AGS, <i>RGS</i> , leg., 1497-06, 69	1497-06-03
Enforcement of the lawsuit litigated by Fernando Gómez de Ágreda, prosecution attorney, and Juan de Pamames, residents of Santander.	ARChV, <i>RE</i> , box 46, 48	1492-07-21
Enforcement of the lawsuit litigated by Juan de Lubiano, resident of Vitoria (Álava), with the council, justice and governance of Vitoria, on contempt.	ARChV, <i>RE</i> , box 50, 10	1492-11-20
To the judge sitting in Ciudad Rodrigo, to enquire about the contempt committed by Francisco Estévez, Cilleros resident.	AGS, <i>RGS</i> , leg., 1493-07, 26	1493-07-04
Enforcement of the lawsuit litigated by Juan Escalante with Juan de Pámanes and associates, residents of Santander (Cantabria) on contempt of court, assault and murder attempt of Juan Escalante.	ARChV, <i>RE</i> , box 69, 2	1494-05-12

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Enforcement of the lawsuit litigated by Juan de Villafraña, resident of Valladolid, with García Rodríguez and associates, servants of the marquis of Astorga, residents of Astorga (León) on contempt, assault and libel.	ARChV, <i>RE</i> , box 108, 1	1496-01-12
Licence so that Luis Álvarez de Toledo can return to his home in that town and recover the governance as he had it before being punished for contempt against the <i>corregidor</i> of the city, Pedro de Castilla.	AGS, <i>RGS</i> , leg., 1497-04, 246	1497-04-23
For the <i>corregidor</i> of Segovia to ascertain if the noblemen of Robledo de Chavela must pay accordingly to contribute to the fines imposed on the land of the mentioned village owing to certain contempt against the king Enrique IV.	AGS, <i>RGS</i> , leg., 1497-10, 21	1497-10-19
Enforcement of the lawsuit litigated by Juan de Orduña, doublet-maker, resident of Valladolid, with the prosecuting attorney, on libel and contempt.	ARChV, <i>RE</i> , box 118, 16	1498-01-05
Enforcement of the lawsuit litigated by Pedro Cabeza, resident of Aranda de Duero (Burgos) with Álvaro de Salcedo, mayor of Aranda de Duero, on contempt.	ARChV, <i>RE</i> , box 133, 29	1499-04-09
Enforcement of the lawsuit litigated by the residents of Iglesias (Burgos) and council, justice and governance of Iglesias, with Juan de Lerma, mayor of Muñó and the council, justice and governance of Burgos, on contempt and assault.	ARChV, <i>RE</i> , box 137, 5	1499-09-28
Enforcement of the lawsuit litigated by the council, justice and governance of Oviedo (Asturias), with the shoemakers guild of that town, on alleged contempt to the town ordinances, as they did not want to accompany the Corpus Christi day procession.	ARChV, <i>RE</i> , box 147, 36	1500-06-12
Enforcement of the lawsuit litigated by Diego Sánchez Mejía, resident of Toledo, with the prosecution attorney, on libel and contempt.	ARChV, <i>RE</i> , box	1501-03-15
Enforcement of the lawsuit litigated by Pedro de Gutiérrez de Sevilla, resident of Salamanca, with Fernando de Falces, resident of Salamanca, on contempt to the regulations on dress code and horse use.	ARChV, <i>RE</i> , box 157, 43	1501-04-20

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Enforcement of the lawsuit litigated by Pedro de Tobilla, resident of Zamora, with Juan de Vadillo, warden of Almensual fortress, on assault and contempt.	ARChV, <i>RE</i> , box 165, 23	1501-12-15
Enforcement of the lawsuit litigated by Juan, servant of Marina Gómez, resident of Palencia, with Diego Gutiérrez, bailiff of Palencia, on contempt and assault.	ARChV, <i>RE</i> , box 211, 20	1506-12-03
Pedro López de Ayala, great bailiff of Toledo, commands the <i>jurados</i> (constables) of the town not to obey Pedro de Castilla, so called <i>corregidor</i> of Toledo, and to help him, as envoy of the Queen Juana to bring peace to the town. The <i>jurados</i> reply that they do not admit his protests.	Archivo Historico National [= AHN], <i>FRIAS</i> , C. 847, D.18	1506-1-1/1506-12-31
Royal writ of the Queen Juana commanding bachiller Jerónimo Gallegos to enquire on the turmoil caused by Pedro López de Ayala, count of Fuensalida when he went out carrying the great bailiff rod stating that he did not acknowledge Pedro de Castilla as <i>corregidor</i> .	AHN, <i>FRIAS</i> , C.18, D.138-139	1506-1-1 Burgos/ 1507-12-31 Burgos
Enforcement of the lawsuit litigated by Martín de Pemia, resident of Palencia, with Diego Gutiérrez, merino of Palencia, on contempt.	ARChV, <i>RE</i> , box 217, 36	1507-08-09
Enforcement of the lawsuit litigated by Pedro Ruiz, prosecution attorney, with Rodrigo de Barcenilla and associates, residents of Santander (Cantabria) on abduction of a prisoner and contempt.	ARChV, <i>RE</i> , box 220, 1	1507-12-23
Information on excesses committed in the town of Cádiz by Biscayan sailors in contempt and scorn of justice harming the town.	AGS, <i>CRC</i> , 2, 4	1508
Enforcement of the lawsuit litigated by Pedro de Vinueza with Juan Rodríguez de Molina, residents of Soria, on contempt and riot.	ARChV, <i>RE</i> , box 271, 84	1512-02-12
Lawsuit of Juan de Arostegui, provost of Bermeo (Biscay) with Rodrigo de Zárate, lieutenant <i>de prestamero</i> of Bermeo and Pedro Venquea, on turmoil they caused owing to contempt against the provost.	AGS, <i>CRC</i> , 70, 12	1514
Enforcement of the lawsuit litigated by Luis Morán de la Ribera, warden of Priollo fortress, with Juan Méndez Trubía, town-crier, residents of Oviedo (Asturias) on jurisdiction misappropriation and contempt.	ARChV, <i>RE</i> , box 314, 1	1516-12-29

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Enforcement of the lawsuit litigated by Juan Rodríguez de Sosa, tailor, resident of Plasencia (Cáceres) with the prosecution attorney, on assault and contempt.	ARChV, <i>RE</i> , box 319, 57	1517-07-07
Enforcement of the lawsuit litigated by doctor Villaroel with Diego Serrano, resident of Ávila, on contempt.	ARChV, <i>RE</i> , box 332, 14	1518-10-29

Certainly, the documentation proves that the judicial and social perception of the crime of contempt had evolved in the late Middle Ages, especially in regard to justice officials and other representatives of the Crown. That extension of power, with its safeguard of respect and obedience, spread to the law representatives with executive competences. Now, the crime of contempt was widespread and separate from political disloyalty and high treason. Contempt was any manifestation of resistance to the royal power or interference with judicial actions. In this sense, contempt channelled discontent expressed by some social sectors. Such discontent is not surprising in light of the coexisting legal frameworks and different options in the exercise of justice (e.g., local vs. royal). Thus, the explanation to these behaviours could be linked to the so-called «social capital» of the «civil society». This social capital would represent the bases of social organisation which were contributed by the usage of *fueros* and municipal justice and which benefitted from trust, from rules and social networks which improved the efficiency of society and make coordination easy among individuals and groups.<sup>68</sup>

For example, when he was notified of a writ by the deputy of the *corregidor*, Francisco Estévez, a resident of Cilleros, showed little fear of justice or punishment for disobeying. Rather, he responded in a provocative and violent way, actually kicking the writ around to show his anger. To cause a bigger offence to justice, he urinated on it. Needless to say, the Crown ordered the incident investigated as a crime of contempt.<sup>69</sup>

Lack of cooperation with royal justice could also be considered resistance to justice. A document of 1486 recounting how Alfonso Rodríguez de Segura, on behalf

<sup>68</sup> «Civil society» represents the citizens as a whole, as stated by N. TEPSTRA-N. A. ECKSTEIN, «Sociability and its Discontents», in N. TEPSTRA-N. A. ECKSTEIN (eds.), *Sociability and its Discontents. Civil Society, Social Capital, and their alternatives in Late Medieval and Early Modern Europe*, Brepols, Turnhout 2009, pp. 1-22: 3.

<sup>69</sup> AGS, leg., 26 July 1493/4 July 1493, in Valladolid. To the resident judge of Ciudad Rodrigo, to find out about the contempt committed by Francisco Estévez, resident of Cilleros, when he was notified an order from the lieutenant of the *corregidor* of the said town. *Consejo* of Castilla and León. It says that when he took the order he threw it away: «Acoçio [e dio de çoçes] al dicho mandamiento dixo que estava en puntos de se la poner el [so linard en el] en lo qual que por lo qual diz quel dicho Francisco Estevez cayo e yncurryo en grandes y graves penas, las cuales debía padescer en su persona e bienes e nos suplicaba las mandasemos executar». An investigation was ordered.

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of the *corregidor* of Badajoz, went to take statements in a legal proceeding from some witnesses, the Jew Jaco Çumal, a resident of Atalaya, refused to testify. Reportedly, the official had with him a writ and his purpose had been proclaimed in Atalaya to prevent any mischief or disobedience on the part of some residents. Another reason, Rodríguez had the writ announced by the crier was his fear of Diego González y Juan Fernández, the *alcaldes* of the place in the previous year. In that context:

Jaco Çumal, resident of Atalaya, said that he swore to God that letters carried by Alonso Rodrigues about us were not worth more than a little dust and mud in that land, and that no one should mention the king or the queen, but the duchess, who owns the place, and he added many other unfair words.<sup>70</sup>

The wording of the document makes it clear that Çumal's refusal to testify was connected to the defence of lordly jurisdiction against royal justice, represented by the envoy of the *corregidor*. This lack of cooperation highlights the concern caused in seigneurial domains by the advance of the royal powers during the reign of the Catholic Monarchs, especially regarding taxation and justice. Jewish communities were particularly vulnerable as they depended on the hospitality privileges that they agreed to with their lords and which they scrupulously paid. But that agreement of lordly protection absolved Jewish communities from other obligations linked to the royal justice. For this reason, Jaco Çumal, knowing his rights, was confident in his remarks rejecting cooperation with royal justice, in a domain alien to its jurisdiction.<sup>71</sup> As it was proved, after this rejection Alonso Rodríguez returned to the same place with a writ from the *corregidor* of Badajoz and a legal warrant to take statements from some witnesses, regarding certain horses that in that place he had taken away from Alonso Castillo. Once again, Jaco Çumal told the *alcaldes* that they «should not take such statements, but he should be taken to the town of Burguillos to inform». <sup>72</sup> It is interesting to witness how Jaco Çumal declared himself a categorical

<sup>70</sup> AGS, RGS, leg., 1486-06-99/1486-06-21 June 1486, in Córdoba: to Esteban de Vargas, gatekeeper of the monarchs, on contempt committed by a Jew, resident of Atalaya, against Alfonso Rodríguez de Segura, who on behalf of the *corregidor* of Badajoz went to take statements to certain witnesses. An enquiry was also requested to find out the truth about what the Jew had said. The original text reads: «Jaco Çumal judio vesino del dicho lugar de la Atalaya dixo que juraba a Dios que las cartas que el dicho Alonso Rodrigues llevaba de nos no davan más que un poco de polvo e de lodo en aquella tierra, e que ninguno mentase allí al rey ni a la reyna salvo a la duquesa cuyo es el dicho lugar dis quera e otras muchas palabras injustas».

<sup>71</sup> E. CANTERA MONTENEGRO, *Aspectos de la vida cotidiana de los judíos en la España medieval*, UNED. Aula Abierta, Madrid 1998.

<sup>72</sup> «No tomasen tales testimonios sino que llo levasen a informar a la villa de Burguillos». Burguillos del Cerro is in the northern border of the Sierra range, halfway between Zafran and Jerez de los Caballeros. In that time, it was a domain of the Estúñiga, G. LORA SERRANO-E. CABRERA MUÑOZ, *Datos*

defender of the lordly jurisdiction, against the advances of the competences of Badajoz *corregidor* in those territories. He did so because the Jews, as protected people, where under the shield of the Estúñiga lordly jurisdiction.

In 1492, a case of contempt to the *alcalde of the Hermandad* – another royal official – is documented. At the background there was a clash between two great nobles, the marquis of Moya and Gonzalo Chacón, for *términos* in the town of Casarrubios, near Madrid. It seems that the intervention of the *Hermandad alcalde* tried to avoid greater problems and stop wood appropriation in the disputed *términos* with violence and scandals in the town of Casarrubios, but he was not obeyed.<sup>73</sup>

We have seen that preventing justice officials from carrying out investigations within the context of a lawsuit was regarded as a contempt crime, as it also happened in 1497, in the locality of Iglesias (Palencia), when Alonso de Villanueva, alderman of Burgos, together with a *merino* and a scribe, were prevented from investigating a crime committed there.<sup>74</sup>

Another variety of contempt crimes were those committed by *regidores*<sup>75</sup> opposing the *corregidor*. That is proved by the pardon letter granted to Luis Álvarez de Toledo owing to contempt to Pedro de Castilla, *corregidor* of Toledo, which had resulted in his banishment. The pardon, granted in 1497, allowed him to return to his home in Toledo and recover his position in the city.<sup>76</sup> That circumstance confirms the possible conflict linked to the novel competences of justice and governance acknowledged to the *corregidor* in this municipality since 1480, and which the oligarchy of *regidores* found difficult to accept.

*sobre la población y la configuración jurisdiccional de Extremadura en el tránsito de la Edad Media a la Moderna*, in «Ífigea: revista de la Sección de Geografía e Historia» 1 (1984), pp. 63-76.

<sup>73</sup> AGS, RGS, leg., 1492-12, 98/12 December 1492, in Barcelona. To the *términos* judge of the town of Madrid: to make an enquiry about the pledge that the bailiff of Canales had taken from the residents and inhabitants of the locality of Alamo, and to punish the perpetrators of violence and scandals in the town of Casarrubios; who, with manpower and carts felled their hills and ploughed their lands, taking their wood, with contempt against the *Hermandad alcalde* who tried to prevent it.

<sup>74</sup> AGS, RGS, leg., 1497-06, 69/3 June 1497, in Valladolid. He complained that a certain Martín de [Presines] resident of that place was arrested with others because they said no-one could in there carrying justice rods. They were kept as prisoners and were taken at night to a fortress, receiving abuse and beatings («e porque lo suso dicho es cosa de mal enxemplo e digna de pugnición e castigo») – and because the aforesaid is not exemplary and worth of punishment). He was summoned before the court to bear witness before three periods.

<sup>75</sup> Aldermen.

<sup>76</sup> AGS, RGS, leg., 1497-04, 246/23 April 1497, in Burgos: licence so that Luis Álvarez de Toledo can return to his home in Toledo, and recover the *regimiento* of the city, as he had it before he was punished for contempt committed against the *corregidor*, don Pedro de Castilla. He obtained this pardon after acknowledging the excess he incurred when he was reprimanded by the *corregidor* and summoned to court, where he showed his repentance; thus, he got permission to return to Toledo and recover the *regimiento*.

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In this same line of remonstrance, we would place the upheaval against the *corregidor* in the city of Toledo on 26 November 1506. We know it was instigated by the count of Fuentesalida, *alguacil mayor*<sup>77</sup> of the city, together with his knights, relatives, and friends, to oppose the appointment of Pedro de Castilla as *corregidor* of the city.<sup>78</sup> Then a substitution ritual started, to deny the authority of the *corregidor* in the city, and four *alguaciles* with other men marched down the main streets proclaiming that Pedro de Castilla was not the *corregidor*. After crossing the city, these four *alguaciles* and their retinues converged on Zocodover square, the main one there, from the main streets.<sup>79</sup> In the face of these developments, we know that the council of *jurados* of Toledo sent the *jurado* Tomé Sánchez to inform the queen of what was happening, construing it as lordly rebelliousness and contempt to her

<sup>77</sup> Position of honor, granted by the Crown to the Count of Fuensalida in Toledo, which is associated with powers of executive justice, defense and also spokesman before the king of the requests of the council, defender of the privileges, the mercedes and the exemptions of the city.

<sup>78</sup> The *corregidor* Pedro de Castilla, a man of Fernando the Catholic, who, as governor of the realm, found enemies in the followers of the late Philip the Handsome. See: Ó. LÓPEZ GÓMEZ, *La sociedad amenazada. Crimen delincuencia y poder en Toledo a fines del siglo XV*, Ayuntamiento de Toledo, Toledo 2006, pp. 298 ss. Pedro López de Ayala, *alguacil mayor* of Toledo, ordered all *jurados* of the city not to obey Pedro de Castilla, so called *corregidor* of Toledo, nor to help him, who has been sent from queen Juana to pacify the city. The *jurados* answered that they do not admit his protests.

<sup>79</sup> AGS, *Cámara de Castilla (Pueblos)*, leg. 20-s.f.: «Muy alta e muy poderosa princesa, reyna nuestra señora: El cabildo de los jurados de la muy noble çibdad de Toledo, besamos las reales manos de Vuestra Alteza, a la qual plega saber que ayer jueves, veynte e seys días deste presente mes de noviembre, el conde de Fuensalida con otros muchos cavalleros parientes e amigos e valedores, con muchas gentes armados, queriendo usar de su ofiçio de alguaçil mayor salió de su posada con la vara de justiçia. E otros muchos con varas de alguasiles por las calles públicas desta dicha çibdad, so color que dise que don Pedro de Castilla no es *corregidor*. E por nosotros de parte de Vuestra Alteza fue requerido al dicho conde y algunos de los cavalleros de los que yvan con él, que se tornasen e çesasen de tan grande alboroto y escándalo, y non diesen lugar a tantas feridas y muertes de ombres commo estavan aparejadas porque non se perdiere esta çibdad. Pidiéndolo por testimonio ante escrivano e non curando dello, pasaron adelante por las quatro calles fasta la plaça de Zocodover, que es la prinçipal desta çibdad» («Most high and powerful princess, our queen and mistress: the council of the *jurados* of the most noble city of Toledo, we kiss the royal hands of Your Highness, to whom we request to inform that yesterday, Thursday, 26<sup>th</sup> of this month, the count of Fuensalida, with many other knights relatives and friends, with an armed multitude, in use of his position as *alguacil mayor*, left his lodgings with the justice rod. And many other with bailiff rods on the streets of this town, claiming that don Pedro de Castilla is not *corregidor*. And we, in Your Highness's name, commanded him and some of his knights to return and cease that turmoil and scandal, stop the beating and killing of men as they were doing, for the town not to be lost. That request being made before witnesses and before an scribe, they ignored it, roaming the four streets to Zocodover square, the main one of this town»).

justice.<sup>80</sup> Around the same dates, after the death of Philip the Handsome,<sup>81</sup> we know of similar upheavals in other cities of the kingdom, and Toledo felt the change of alliances from the deceased King Philip to King Fernando, who would become ruler of the kingdom, together with his daughter Queen Juana.<sup>82</sup>

Contempt as a crime consisting in disobedience to the *corregidor* is repeated in the clash between the *regidores* of Carmona and their *corregidor* in 1492. In this case, a meeting of the *regidores* in the absence of the *corregidor* was considered to be disobedience.<sup>83</sup> Thus, there were serious consequences for those *regidores* who

<sup>80</sup> *Ibid.* «E se dieron pregonos publicamente so grandes penas, que ninguno traxese varas de alguasil de las que las trayan por el corregidor don Pedro de Castilla y otras cosas, y se volvieron por otras calles fasta venyr a la yglesia Mayor. Y de allí, ya noche, se tornaron a su posada, y algunos cavalleros, servidores de vuestra alteza entienden en la pas e sosiego desta çibdad con el dicho conde, cumpliendo nuestro ofiçio e cargo, porque esta es la mayor cosa de que se puede seguir grand deservio a vuestra alteza y perdimiento desta çibdad, acordamos de lo faser saber a vuestra alteza, a vuestra real magestad suplicamos muy umillmente mande luego proveer y remediar çerca dello lo que mas viere que cumple a su servio e al bien y sosyego desta su çibdad, porque en ello Dios Nuestro Señor será muy servido, y a nosotros y a toda esta çibdad fará grand merçed, sobre lo qual enbiamos a nuestro hermano Tomé Sánchez, jurado desta çibdad. Suplicamos a V.A. le mande oyr y dar fe a lo que nuestra parte dirá çerca de lo suso dicho porque no podemos escribir el grande escándalo y alboroto desta çibdad, y el daño y perdiçion della que se espera. Al muy alto y muy poderoso Estado de V.A. ensalçe y prospere por largos tiempos con acreçentamiento de muchos más regnos e señoríos. De lo qual enbiamos la presente firmadas de los mayordomos de nuestro cabildo e del escrivano, y sellada con el sello de nuestro cabildo que es fecho a veynte y syete días de Noviembre, año del Señor de mill e quinientos e seys años. Humildes servidores de Vuestra Alteza que sus reales manos besa. El Bachiller Ortega, Salazar y Fernando de Segovia». («And it was publicly proclaimed, under great punishment, that no one should bring bailiff rods that they [usually] carry from cause of *corregidor* Pedro de Castilla, and they took other streets to the Iglesia Mayor. And from them, at night, they returned to their lodgings, and some knights, servants of Your Highness understand that the peace of this city, in pursuance of our position and duties, as being at risk failing at the service of Your Highness and the ruin of the city, we arrange to let it be known to Your Highness, and to Your Royal Majesty we humbly beg to provide and seek remedy for Your Highness's interests and the peace of the city, may God be pleased, and we and the whole town would be made a great service, so we send our brother Tomé Sánchez, *jurado* of this town. We beg of Your Highness to state all which we cannot write about; the turmoil and upheaval of the city, and the ruin it is forecast. To the most high and powerful Estate of Your Highness, may it be extolled and prosper for many years with increasing kingdoms and domains. So we sent this letter signed by the stewards of our chapter and the scribe, sealed with the seal of our chapter, dated on the 27<sup>th</sup> of November AD 1506. Humble servants of Your Highness, whose royal hands we kiss. The *Bachiller* Ortega, Salazar and Fernando the Segovia»).

<sup>81</sup> The first husband of Joan the Mad (daughter of the Catholic Monarchs), died in 1506.

<sup>82</sup> M. ASENJO GONZÁLEZ, «Ciudades y oligarquía urbana en Castilla en los años de la “Gobernación” de Fernando el Católico (1506-1516)», in B. ANATRA-G. MURGIA (eds.), *Sardegna, Spagna e Mediterraneo, cit.*, pp. 125-142; EAD., *Las ciudades castellanas al inicio del reinado de Carlos V*, in «*Studia Historica. Historia Moderna*» 21 (1999), pp. 49-115.

<sup>83</sup> AGS, *RGS*, leg., 1492-05, 567/16 May 1492, in Santa Fe. Alonso de Vargas is suspended for six months from his position as *regidor* of Carmona, for contempt to the authority of the *corregidor*. The conflict between Juan de Ulloa, *corregidor*, and certain *regidores* with the *alguacil mayor* of the

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tried to avoid the supervision of the royal representative and maintain their autonomy. Again in 1492, the crime of contempt seemed to spring forth from the attempt to undermine the authority of a local justice official, as it happened to Pedro Gómez, *alcalde* of the town of Villasantino (Burgos), who complained that, carrying the justice rod, he reprimanded Alonso Colmenares for carrying weapons, that being forbidden, and he, with the intention of vilifying him «called him a drunkard»,<sup>84</sup> and he uttered other insulting and ugly words. In this case, the insult and abuse to a town *alcalde* was also regarded as a crime of contempt.

Quite a few of the contempt actions were linked to misunderstandings about the hierarchical status of local powers, which did not accept the justice officials' intervention. That was the point from which those who resisted acted, under the shield of the collective strength and support, emboldened acted with contempt. For example, in 1487, townsfolk in Jimena ignored a court ruling regarding the *términos* with Jerez de la Frontera, removed boundary markers, and occupied lands allotted to the town of Jerez.<sup>85</sup> This case shows the dissatisfaction and rejection of a ruling from a royal equity court, which was unacceptable to the municipality and residents of the *concejo* of Jimena.

Regarding the reactions of repression and punishment of contempt crimes, these show the capability of the coercive power that, whenever possible, was intended to chastise and provide an example. But these sentences of contempt crimes also served the purpose of showing clear support to the interest of the lords, when they were challenged by their vassals and dependants.<sup>86</sup> However, when nobles acted against royal officials and created a contempt situation, we see that the intervention of justice was expressed in a more lenient way regarding the crime committed, as it happened with the count of Urueña in 1517. In this case, Rodrigo, the count's

said town, started because they had gathered in the lodgings of Alonso Vargas in the absence of the *corregidor*. An enquiry was carried out and it was decided to depose Alonso Vargas from his position for six months.

<sup>84</sup> «Llamó borracho y que se fuese para tal». AGS, RGS, leg., 1492-02, 309/14 February 1492, in Burgos. He said that for this reason he ordered his arrest and was kept imprisoned for three days, and when he managed to get out with three bondsmen, he got on his horse and with a sword and a buckler he uttered abusive words and tried to hit the bailiff; and he would have managed to, had it not been for some people who prevented it. For this reason he returned to prison and when he got out with a horse and a spear and a leather shield he roamed the village to kill him. In addition to this, he gathered his relatives, implying he was plotting turmoil and upheaval in said village.

<sup>85</sup> AGS, RGS, leg., 1489-06, 275/27 June 1489, in Jaén, Order to *bachiller* Sebastián de Lobatón, by petition of *bachiller* Pedro Díaz de la Torre, prosecution attorney, to go to the village of Jimena, and after enquiry, do justice on the people who, with contempt of court, removed the border markers and took up the borders allocated to the town of Jerez de la Frontera.

<sup>86</sup> The options of claims and the affected matters have been the object of study in H. R. OLIVA HERRER, *Justicia contra señores. El mundo rural y la política en tiempos de los Reyes Católicos*, Univ. de Valladolid, Valladolid 2004.

son, slandered the scribes bringing him a ruling that limited his rights in a *términos* lawsuit.<sup>87</sup> *Don Rodrigo's* violent reaction to the ruling resulted from an appeal to royal justice from the peasants subjected to his vassalage. So in this jurisdictional conflict Rodrigo sought to prevent the enforcement of royal justice by intimidating the scribes.

But the crime of contempt was also linked to the attitudes against social behaviour, and following this principle, residents who breached sumptuary laws were punished. Thus, the craftsman Pedro de Gutierrez de Sevilla was disciplined for wearing a velvet doublet and a silk-lined Courtrai hood, not owning a horse, just for being the brother of Alonso de Salamanca, tailor in that city.<sup>88</sup>

Thus, although noncompliance with the law was considered to be a serious crime, it would only happen in exceptional situations, and it would become a contempt crime only when substantiated and proved by lawsuit, enquiry or investigation, as it can be gathered from the details of the development of the judicial procedure. The historical circumstances of royal cities and towns in Castile, as well as their jurisdictional and legislative capabilities give us the chance to analyse this matter from different angles: in the political framework of a monarchy of an increasing authoritarian power which had reached justice management positions in matters of royal competence, in Castilian towns and cities, introducing the *corregidor* as an agent of the king and as a bulwark of the enforcement of royal-enacted law, as a complement of common law.<sup>89</sup> It is a shame that municipal archives have not preserved the documents pertaining to the enforcement of urban and municipal legislation, which makes it difficult to get a feel for the obedience and observance of local court rulings. Although we know that political peace was a key factor in justice management and any conflict was considered to sink the town into misrule and chaos.<sup>90</sup> However, as it appears in royal documentation, most of the documented manifestations of contempt took place within the local framework to the opposition to the court officials, either when they wanted to carry out an enquiry for a lawsuit, or when they wanted to arrest people from the neighbourhood. They were particularly intent against the officials investigating resistance cases against the *corregidor*, as it happened in 1494

<sup>87</sup> AGS, *Cámara de Castilla (Diversos)*, 39, 57/1517. Verdict against the count of Urueña for certain contempt and resistance he made to a writ from the king. The count, with his son *don Rodrigo*, insulted the scribes who carried the conviction writ on a borders issue.

<sup>88</sup> ARChV, *RE*, box 157, 43/20 April 1501.

<sup>89</sup> M. M. TIZÓN FERRER, *Justicia ciudadana y justicia regia en la monarquía hispana: el modelo sevillano*, Phd, Faculty of Law, University of Seville, Seville 2015. <https://idus.us.es/bitstream/handle/11441/40937/Tesis%20completa%20Mar%20Tiz%20c3%b3n%20%281%29.pdf?sequence=1&isAllowed=y> (last login: 16/04/2022).

<sup>90</sup> M. ASENJO GONZÁLEZ, *Función pacificadora y judicial*, cit., pp. 5 and 7.

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to Alfonso de Parayso, in the *concejo* of Cudillero (Asturias).<sup>91</sup> Then, the defendants pleaded innocent because they refused to acknowledge Alfonso de Parayso as *alcalde*. It was again a jurisdiction and jurisdictional competences conflict between the local *alcaldes* and the monarchy that led to contempt.<sup>92</sup>

A direct affront against a local *alcalde* took place against Alonso Andrés, judge and resident of the municipality of Quintanilla (Valladolid) in 1501, when the residents had assembled in council. The perpetrator was Alonso Benito, before the council and while the judge carried the justice rod, calling him a drunkard with no reason.<sup>93</sup> This case proves again that the contempt lawsuit before the royal chancery was used to force an exemplary punishment, which in this case consisted on forcing Alonso Benito to retract publicly and in writing, to pay the litigation costs and an 800-maravedí fine. A harsh punishment which no doubt aimed at recovering the dignity of the office.

Noncompliance to local judges' bans constituted contempt and unlawful opposition, even in minor issues. In a 1512, a judge banned entrance in a certain saffron field by all parties during the legal proceedings. The defendants disobeyed this injunction and were cited for contempt.<sup>94</sup> In the same way, there was opposition to

<sup>91</sup> ARChV, RE, box 71, 14/18 July 1494, a lawsuit by Alfonso de Parayso against Juan de Santibáñez and Juan de Arce son of Gonzalo Gutiérrez de Arce, and Pedro de Hedilla, residents of the *junta* of Cudillero on some days of March, 1493, f. 1v: «E estando salvo e seguro con la vara de justiçia e en sus manos como alcalde que hera en la residençia para [encoçenas] que es en la dicha junta de Cudeyero que avian recudido algunas personas contra el fabla fecha e consejo avido con intençyon e proposityo del diablo e con poco temor de Dios e de las personas en derecho estytuidas de le privar de alcaldia ni poder en volynpendio de nuestras reales personas e en perjuyzio nuestro e en grand dapno e desonrra suya que le travaron de la vara e ge la quitaron e privaron del dicho ofiçio de alcaldya e despues de asy privado le avyan prendido e levado preso a la carçel publica de la dicha Junta de Cudeyero disyendole muchas palabras ynjuriosas e que lo fisieron en muchas deshonnras e que lo havyan tenido preso fasta que lo fesyeron dar fianças» de 200 doblas y luego robaron en su casa por valor de 100.000 mrs. Despues de lo qual...f 2r/ «le avia tornado a prender sobre seguro e que le avian fecho faser çierto compremiso lo qual todo dis que avyan fecho con gran alboroto e juntamiento de gentes e a campana repicada e armados de diversas armas dandose favor e ayuda los unos a los otros. Los otros a los otros en lo qual e por lo qual dis que avyan acydo e yncorrydo en grandes e graves penas cryminales e estableçidas en fuero e en derecho e a perdimiento de bienes, las quales dichas penas pidio ser executadas en sus personas en bienes».

<sup>92</sup> See also ARChV, RE, box 164, 28/12 November 1501: enforcement of the lawsuit litigated by Alonso de Paraiso, resident of Valmaseda (Biscay) with García González de Setièn, resident of Ribamontán (Cantabria), on assault and contempt.

<sup>93</sup> ARChV, RE, box 164, 28/12 November 1501.

<sup>94</sup> ARChV, RE, box 277, 41/11 August 1512: enforcement of the lawsuit litigated by the council, justice and regimiento of Esguevilla de Esgueva (Valladolid), with Alonso Zazo and associates, residents of Esguevillas de Esgueva, on turmoil and contempt caused by the possession and lease of a saffron field. The reason was a dispute about a certain saffron field; while the dispute was pending it was decided that neither of the plaintiffs could have access to it, but the defendants disobeyed that

council orders by the shoemakers guild of Oviedo, in 1500, who refused to organise the Corpus Christi celebrations.<sup>95</sup> The reason of the lawsuit was the guild's refusal to march in the parade and to organise games, as stipulated in a council order. The members of the guild claimed that in previous years the council had given them 400 maravedís to prepare the festivities. In 1500, the municipality asked them to cover the cost themselves. The shoemakers claimed that the cost of their charitable work for the poor did not leave them any money to fund the celebrations. Consequently, they could not take part. Initially, a local court ruled against them. However, in their appeal, the shoemakers were declared not guilty, with the court ruling that the cost had to be shared among those who enjoyed the banquet, not among all guild members. However, the guild was ordered to pay the cost of the proceedings for the incorrect formulation of their appeal.

Finally, it is worth noting that abusive words against officials and institutions were present in many contempt lawsuits, and sometimes were the sole cause of a lawsuit. This underlined the willingness to respect justice officials and institutions. In 1518, for example, Diego López de Montoya, resident of Laguardia (Álava), was charged with contempt and libel by the council of the town. He was sentenced to banishment from the town for four months, due to certain abusive words against the council and government of the town<sup>96</sup> – a sentence which again highlights that the rules of co-habitation and respect were integrated within the orbit of the justice actions, and transgression was understood as a crime of disobedience and contempt.

### Conclusion

Resistance to justice had many manifestations, depending on the law and the coercive system. To begin with, every appeal involved a first resistance to any given sentence, which was dealt with within the legal channel. Through appeals and the documentation preserved in the royal archives, resistance can be known, and, being expressed as non-compliance, affront or opposition to authorities, was channelled as a contempt crime. Thus, the term compliance, which involved acceptance and submission to the law, as an expression of the acknowledged and accepted power, had in its opposite a framework that contained forms of resistance of a diverse nature.

injunction and defied those who warned against entering.

<sup>95</sup> ARChV, RE, box 147, 36/12 June 1500. On the festivity and the refusal to take part in the organisation of the Corpus Christi, see my article *Fiestas y celebraciones en las ciudades castellanas de la Baja Edad Media*, in «Edad Media. Revista de historia» 14 (2013), pp. 35-61.

<sup>96</sup> ARChV, RE, box 328, 55/16 June 1518.

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Attitudes that fit into the complex framework of conflict of jurisdictions. Legal theory sustained that the noncompliance with a law did not involve necessarily contempt, as difficulties in its application were foreseen. For example, there existed an old tradition in Castile of the ritual submission to a law and the subsequent nonobservance of that law. In the second half of the fifteenth century, however, we witness an expansion of the competences of the monarchical power and of its courts, which required tougher punishments to ensure compliance with the laws through deterrence and exemplary punishment. The costly appeal to the higher, royal court was a deterring factor which only those with middle or high fortunes or municipal councils with means to sustain collective litigation could afford. But the heavy machinery, in its daily endeavours, made it clear that it would not go radically against seigneurial or urban judges' decisions, although it would introduce some improvements for the plaintiff.

From another point of view, contempt crimes as a whole prove the capability to rebel of a society amidst economic growth, as was the case with the Castilian society, and keeping dissent and conflict within the law. The rural and lordly areas were those registering the highest number of cases, whereas the royal towns did not stand out for their resistance, which, in a way, confirms the success of urban models as co-habitation and pacification environments.

The highest activity is present at political upheaval times, where friction arose and conflicts became evident. However, in these cases we cannot speak of a coalescent disobedience. On the contrary, tensions would arise here and there and for different underlying reasons, such as control over the land, rivalry and simmering conflicts. At other times, resistance was anchored in disobedience to justice officials, leading to contempt convictions, which gave greater importance to this kind of crimes. Those who did not respect justice by showing the appropriate detachment and reverence, obeying and bowing to it, were severely punished.



### III – The prosopography of the peripheral agents of the Crown



## *The circulation of the corregedores in late medieval Portugal: a first approach<sup>1</sup>*

CARLOS SEREJO - MÁRIO FARELO - NUNO IVO MAGALHÃES

### *I. Introduction*

Although studies on political societies of medieval Portugal have been carried out since the 1980s, particularly regarding central bureaucracy of the monarchy, until now little is known about the sociology behind the recruitment of officers. This is the case of the regional magistrates (*corregedores*)<sup>2</sup> in late medieval Portugal.<sup>3</sup>

To fill this information gap, an informal work group was created in the Instituto de Estudos Medievais of the NOVA University of Lisbon to promote the study of the recruitment and sociological profiles of the *corregedores*, and how these agents exercised their functions.<sup>4</sup> After preliminary research into these royal officials' ac-

<sup>1</sup> This paper is part of the research carried out in project PTDC/EPH-HIS/4323/2012, financed by FCT.

<sup>2</sup> See Map 2: Comarcas of Portugal in the 14th and 15th centuries. It represents the administrative and judicial districts that these magistrates oversaw.

<sup>3</sup> For more information about this topic, refer to the progress reports produced over recent decades, more specifically A. HOMEM-J. FREITAS-A. PEREIRA, *Oficiais régios e oficiais concelhios nos finais da Idade Média: balanços e perspectivas*, in «Revista de História Económica e Social» 24 (1988), pp. 27-53; A. L. HOMEM, «O Estado Moderno na recente Historiografia Portuguesa: historiadores do Direito e historiadores “tout court”. Uma “nova História política” da Idade Média portuguesa», in M. H. COELHO-A. L. HOMEM (eds.), *A Génese do Estado Moderno*, cit., pp. 63-76; A. A. ANDRADE, «Estado, territórios e “administração régia periférica”», *ibid.*, pp. 151-188; M. H. COELHO, *O Poder Concelhio em tempos medievais – o “deve” e “haver” historiográfico*, in «Revista da Faculdade de Letras. História» 7 (2006), pp. 19-34; A. L. HOMEM, «Central Power: Institutional», cit.; J. FREITAS, «Le pouvoir royal au Portugal au XV<sup>e</sup> siècle: coexistence et coopération entre les secteurs de l'administration royal», in *Coesistenza e Cooperazione nel Medioevo. In memoriam Leonard E. Boyle (1923-1999). Atti del IV Congresso Europeo di Studi Medievali della FIDEM*, Officina di Studi Medievali, Palermo 2014, pp. 625-639.

<sup>4</sup> This work group emerged from activities carried out under the JUSCOM Research Project (PTDC/EPH-HIS/4323/2012), coordinated by Adelaide Millán da Costa, as well as the scientific interests of its members and the authors of this article.

ademic backgrounds,<sup>5</sup> the aforementioned group took an interest in the travel associated with their functions, a subject that historiography has seldom addressed, and will be discussed in the first part of this paper.

The lacuna of knowledge is due, among other factors, to the limited amount of research that has been carried out regarding the lives of those who occupied the *corregedorias*<sup>6</sup> between the early fourteenth and late fifteenth centuries. A preambular gathering of information was carried out as exhaustively as possible, to identify these magistrates and their passage through the various court districts of the kingdom. Such survey served as the basis for the data analysis that constitutes the second part of this text. Although necessary it is, incomplete,<sup>7</sup> its value for both compilation purposes, and as a meta-source, justifies a first publication. Future updates are expected from the research carried out by the members of this work group, as well as from potential collaborative work with other researchers interested in this subject.<sup>8</sup>

## II. *The movements of the corregedores: historiographical notes*

For the case under study, it is more important to establish a systematic plan of inquiry than to simply report on the state of the art of historiography. We will also contemplate how these royal officials circulated in the performance of their functions.

The position of *Corregedor* was one of a series of offices that were instruments of royal organisation and control over seignorial and local powers – cogs in a

<sup>5</sup> Presented in the form of a talk entitled «A learned body? Peripheral royal officers and the University (Portugal, fifteenth century)», presented at the *Leeds International Medieval Congress*, Leeds, 6-10 July 2015.

<sup>6</sup> The jurisdiction of a *corregedor*.

<sup>7</sup> Since it was not possible to consult all the available sources, priority was given to those produced in a royal context, specifically (published and unpublished royal chancelleries), as well as published *cortes* chapters. The information gathering was completed with archives recorded in digital format, namely the archives of the Portuguese Archives Network with information in the DIGITARQ portal, as well as in the portals of the municipal archives of Lisbon, Porto, Viana do Castelo, Ponte de Lima, Bragança and Coimbra. At a bibliographical level, we prioritised master's degree dissertations and doctoral theses that included the prosopography of officials in the royal chancellery and members of the municipal oligarchies. To create the Appendix, we used records closest to time of entry and exit of the *corregedor* in each *comarca*, so we generally did not consider documents and bibliographical references that indicated dates in office that were within previously established chronological periods.

<sup>8</sup> In addition to the authors of this paper, Nuno Santos also participated in the documentary and bibliographical information gathering. Likewise, we are grateful for the information provided by Pedro Pinto, which enabled us to increase the mass of data compiled by the authors and recorded in the abovementioned inventory.

## The circulation of the *corregedores* in late medieval Portugal: a first approach

system of competitiveness with various territorial «configurations and outcomes».<sup>9</sup> Its importance is, therefore, immediately measurable by the data obtained: between the date of the first documental reference (from the end of the first decade of the fourteenth century to the end of the following century), 225 *corregedores* were identified in a well-defined territory (*comarca*,<sup>10</sup> part of a *comarca* or city or town,<sup>11</sup> for example Lisbon or Santarém).<sup>12</sup>

It is impossible to show potential similarities of this office with other magistratures without mapping out a genealogy of the position of *corregedor*.

A result of the kingdom's misrule during the reign of Sancho II (1223-1248), his brother and successor, Afonso III (1248-1279), initiated a new set of inquiries in 1258 (replacing those carried out in 1220 by his father, Afonso II (1211-1223)).<sup>13</sup>

<sup>9</sup> J. MATTOSO, «1258-1264: o triunfo da monarquia portuguesa. Ensaio de história política», in ID., *Naquele Tempo. Ensaio de História Medieval. Obras Completas*, Círculo de Leitores, Rio de Mouro 2000, vol. I, p. 531.

<sup>10</sup> One of the administrative and judicial districts of the kingdom. For more information see glossary and Map 2: Comarcas of Portugal in the 14th and 15th centuries.

<sup>11</sup> This considered the presence of the *corregedor* in each *comarca*, so the same individual was counted for each change of district. Had we considered the entire period of service of each *corregedor*, the figures would obviously be lower.

<sup>12</sup> See the location of these urban centers on Map 3: Portuguese cities and towns with seats in *Cortes* (1481-1482).

<sup>13</sup> M. F. MAURÍCIO, *Entre Douro e Tâmega e as Inquirições Afonsinas e Dionisinas*, Edições Colibri, Lisbon 1997, 1<sup>st</sup> ed.; J. C. P. S. SOUSA, *A Nobreza e o Processo de Senhorialização nas Terras de Basto (Séculos XIII e XIV)*, M. A. dissertation in Medieval and Renaissance, Faculty of Letters, University of Porto, Porto 2008; A. A. ANDRADE, «Les enquêtes royales au Portugal, 1220-1343» in T. PÉCOUT (ed.), *Quand Gouverner c'est Enquêter. Les Pratiques Politiques de l'enquête princière (Occident, XIII-XIV siècles)*, De Boccard, Paris 2010, pp. 23-42; V. A. SISTELO, *A Nobreza e o Processo de Senhorialização do Vale do Neiva (Séculos XIII a XIV)*, M. A. dissertation in Medieval Studies, Faculty of Letters, University of Porto, Porto 2010; A. A. ANDRADE, *Une source privilégiée pour l'étude de l'espace à échelle régionale dans le Portugal médiéval: les enquêtes royales. Historiographie et suggestions de recherches*, in «Cahiers de Recherches médiévales et humanistes» 21 (2011), pp. 9-21; I. GONÇALVES, *Por terras de Entre Douro e Minho com as Inquirições de Afonso III*, CITCEM, Porto 2012; C. D. M. SILVA, *Povoamento e organização de um território transmontano: o Julgado de Panóias nas Inquirições régias de 1258*, M. A. dissertation in Medieval and Renaissance, Faculty of Letters, University of Porto, Porto 2012; H. N. A. BARCELOS, *Os julgados de Lanhoso, São João de Rei e Vieira em meados do século XIII. O testemunho das Inquirições de 1258*, M. A. dissertation in History. Especialisation in Medieval History, NOVA University of Lisbon – School of Social Sciences and Humanities, Lisbon 2013; H. VILAR, «As Inquirições no contexto do reinado de Afonso II», in A. A. ANDRADE-J. L. FONTES (eds.), *Inquirir na Idade Média: espaços, protagonistas e poderes (sécs. XII-XIV). Tributo a Luís Krus*, Instituto de Estudos Medievais, Lisbon 2015, pp. 81-98; L. SARAIVA, *Património e Proprietários no Julgado de Penafiel de Sousa, no século XIII, segundo as Inquirições Régias*, M. A. dissertation in Medieval Studies, Faculty of Letters, University of Porto, Porto 2015; R. J. B. SILVA, *As Ordens Militares do Hospital e do Templo no Entre-Cávado-e-Minho nas inquirições de Duzentos*, M. A. dissertation in Medieval Studies, Faculty of Letters, University of Porto, Porto

With this instrument of patrimonial demarcation the monarch sought to assess the state of royal assets and property so as to prevent usurpation of the Crown's rights and income.<sup>14</sup> The deployment of royal officials *in situ* was followed by the creation of *meirinhos-mores*,<sup>15</sup> an office that was part of a territorial system of legal and administrative powers instituted by the king.<sup>16</sup> Although they were not «one and the same»,<sup>17</sup> these magistrates were referred to together with *corregedores* in subsequent documentation as the modern period emerged.

However, it is possible that the *corregedores* that appeared sporadically in documentation at the end of the reign of King Afonso III had different functions than those of their successors in the fourteenth century. Recorded for the first time in 1278 as «*corregedores* of the deeds of the kingdom»,<sup>18</sup> they were responsible for managing conflicts on behalf of the monarch within the specific context of his excommunication. In this sense, these officials should not be confused with their homonymous, holding a territorial jurisdiction. The latter emerged with territorial projection only at the end of the reign of King Dinis (1279-1325), «to do justice over all miscreants»

2016; J. A. SOTTOMAYOR-PIZARRO, «Aristocracia em Portugal (Séculos XII-XIV). Forais e Inquirições na construção de uma Geografia do Poder Régio», in F. ARIAS GUILLÉN-P. MARTÍNEZ SOPENA (eds.), *Los Espacios del Rey. Poder y territorio en las monarquias hispánicas (siglos XII-XIV)*, Universidad del País Vasco, Bilbao 2018, pp. 133-183; G. M. M. C. S. CARVALHO, *As inquirições régias entre 1220 e 1307: o exemplo do julgado de Cabeceiras de Basto*, M. A. dissertation in History. Especialisation in Medieval History, NOVA University of Lisbon – School of Social Sciences and Humanities, Lisbon 2019; D. F. C. MARQUES, *Usurpação de direitos, foros e outras formas de conflitualidade na segunda alçada das Inquirições Gerais de 1258*, M. A. dissertation in Medieval Studies, Faculty of Letters, University of Porto, Porto 2019; A. A. ANDRADE-J. L. FONTES-F. ROLDÃO-J. A. SOTTOMAYOR-PIZARRO, *DOMINUS REX – As Inquirições Medievais dos Reis de Portugal. Catálogo da mostra documental*, Instituto de Estudos Medievais/Centro de História da Universidade de Lisboa, Lisbon 2020. For its publication, see *Portugaliae Monumenta Historica a saeculo octavo post Christum usque ad quintum decimum. Inquisitiones*, Academia das Ciências, Lisbon 1888-1977, vol. I.1-2; J. A. SOTTOMAYOR-PIZARRO (ed.), *Inquirições do Reinado de D. Dinis. Inquirições de 1284*, in *Portugaliae Monumenta Historica. Inquisitiones*, Academia das Ciências, Lisbon 2007, vol. III; Id. (ed.), *Inquirições Gerais de D. Dinis de 1288, Sentenças de 1290 e Execuções de 1291*, Academia das Ciências, Lisbon 2012-2015, vol. IV.1-2; Id. (ed.), *Inquirições Gerais de D. Dinis de 1301, 1303-1304 e 1307-1311*, Academia das Ciências, Lisbon 2019, vol. X.

<sup>14</sup> J. MATTOSO, «1258-1264: o triunfo da monarquia portuguesa», cit., p. 535.

<sup>15</sup> For more information about *meirinhos-mores* see the glossary.

<sup>16</sup> J. MATTOSO, «1258-1264: o triunfo da monarquia portuguesa», cit., p. 538; M. J. TRINDADE, «Os oficiais régios nas Inquirições Gerais de Afonso III», in *Estudos de história medieval e outros*, História & Crítica, Lisbon 1981, pp. 115-127; M. H. COELHO, *O Baixo Mondego nos Finais da Idade Média*, Imprensa Nacional-Casa da Moeda, Lisbon 1989, vol. I, p. 480, note 3. Revision has been offered recently in J. DOMINGUES, *Os primórdios do ius corrigendi*, cit., pp. 171-203.

<sup>17</sup> M. CAETANO, *A Administração Municipal de Lisboa*, cit., p. 52.

<sup>18</sup> H. B. MORENO, *A presença dos Corregedores nos municípios e os conflitos de competências (1332-1459)*, in «Revista de História» 9 (1989), p. 77.

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in the context of the conflict that arose between this king and his son, Prince Afonso.<sup>19</sup>

This essay will, therefore, examine the office of the *corregedores*, identifying modes of geographical movement and the rationale behind the lengths of stays, rotation, and exclusivity, to reveal the dynamics of progression, the construction of careers, their duration, periods of stability, and interruptions.

The characterization of the office of *corregedor* has been one of the preferred approaches to studying regional royal bureaucracy, mainly through the analysis of regulations regarding the competencies of these royal officials in the Middle Ages. Conflicts between these magistrates and municipal representatives,<sup>20</sup> and their negative image among urban and rural communities have been prominent topics in Portuguese historiography, derived mainly from information pick up in the general and special chapters<sup>21</sup> of the *cortes*.<sup>22</sup> Although research regarding the interests of the delegates to these parliamentary assemblies<sup>23</sup> is still incomplete, their voice, albeit of an oligarchic nature, indicated a desire by certain authorities to have these magistrates removed, to make them «move around». And there was plenty of territory in which to do so, since there were six *comarcas* – Entre Douro e Minho, Trás-os-Montes, Beiras, Estremadura, Entre Tejo e Odiana, and the Algarve – where the medieval *corregedores* intervened «doing justice and overseeing the land».<sup>24</sup> In addition to these *comarcas* there were

<sup>19</sup> «Para fazer justiça sobre todos os malfeteiros», *ibid.*; M. VENTURA, *A justiça no quotidiano: os corregedores do reino*, in «História (São Paulo)» 34.1 (2015), p. 64; J. DOMINGUES-P. PINTO, *Nos primórdios da administração pública portuguesa: as origens dos vereadores municipais*, in «Revista General de Derecho Administrativo» 41 (2016), p. 16, and above all J. DOMINGUES, *Dos Meirinhados às Comarcas Medievais Portuguesas*, in «*Initium*. Revista catalana d'história del Dret» 14 (2009), pp. 195-236.

<sup>20</sup> H. G. BARROS, *História da Administração Pública em Portugal nos Séculos XII a XV*, Sá da Costa, Lisbon 1954, vol. XI, pp. 191-203 and the «Observação» XXXVII (by Torquato de Sousa Soares), *ibid.*, pp. 454-456; M. CAETANO, *História do Direito Português (Sécs. XII-XV)*, Verbo, Lisbon-São Paulo 2000, p. 493; A. M. HESPAÑA, *História das Instituições*, cit., p. 253; H. B. MORENO, *O poder real e as autarquias locais*, in «Revista da Universidade de Coimbra» 30 (1983), pp. 380-382; A. SOUSA, *As Cortes Medievais Portuguesas*, cit., pp. 518-527; H. B. MORENO, *A presença dos Corregedores*, cit., pp. 77-87; M. H. COELHO, *O Baixo Mondego*, cit., pp. 480-482; L. M. DUARTE, *Justiça e Criminalidade no Portugal Medieval*, cit., pp. 230-238.

<sup>21</sup> At Cortes, the municipalities could present grievances collectively (general chapters) or singly (special chapters).

<sup>22</sup> Cortes was the Portuguese parliament. For more information see the glossary. M. G. VENTURA, *A justiça no quotidiano*, cit., pp. 60-74; A. COSTA, *Nobres, agentes periféricos da coroa e homens dos concelhos*, cit., pp. 47-73.

<sup>23</sup> A. SOUSA, *As Cortes de Leiria Santarém de 1433*, in «Estudos Medievais» 2 (1982), pp. 80-82; *Id.*, *As Cortes Medievais Portuguesas*, cit., vol. I, pp. 206-214; J. MATTOSO, «Perspectivas Económicas e Sociais das Cortes de 1385», in *Id.* (ed.), *Fragmentos de uma Composição Medieval*, Estampa, Lisbon 1993, pp. 263-265; M. H. COELHO, «Entre Poderes» – análise de alguns casos na centúria de Quatrocentos, in «Revista da Faculdade de Letras» 6 (1989), pp. 107-108.

<sup>24</sup> «No fecto da justiça commo no enuereamento da terra» – As mentioned in the *Regimento dos Corregedores* of 1332 and 1340. M. CAETANO, *A Administração Municipal de Lisboa*, cit., p. 138; A. H.

others, like Lisbon, as well as seemingly episodic jurisdictions found in the documentation, such as Santarém and Ribacoa.<sup>25</sup> Gama Barros also indicated *corregedores* who were alienated from their usual district jurisdiction when he pointed out their presence «from Montemor-o-Novo» and «from Almeirim».<sup>26</sup>

It should also be noted that little attention has been given to the movements of such magistrates. Like other topics related to the Middle Ages, this vein of research is limited by chronological, regional, and thematic gaps in the sources. From the start, the *regimentos*<sup>27</sup> that regulated this office are largely silent in this regard. The action of the *corregedores* in the Middle Ages was regulated in seven known regiments. The six oldest (the regiments of 1332, 1338, 1340, 1361, 1375 and 1418) do not refer to movements or transfers of these magistrates between *comarcas*, which is the focus of this inquiry.<sup>28</sup> The only suggestion of transfer arises in the *Ordenações Afonsinas*.<sup>29</sup>

Previous *regimentos* show that the *corregedores* were obliged to be itinerant within the districts they were assigned to as part of their responsibilities. These officials, as emphasized in different parts of these bylaws, were required to travel around to get to know the regions, people, and documents that fell within their territorial jurisdictions.

And this began early on, with the *regimento* of 1332, when the *corregedores*' activities were probably not yet widely routinised: «Firstly, each of them must travel around his district two or three times a year and not more»,<sup>30</sup> as stated at the end of the paragraph about how a *corregedor* «should visit the prisoners and the prisons and those who guard them».<sup>31</sup> In 1340, this important provision was put in a separate chapter: «How the *corregedor* should travel around the territory two or three times a

MARQUES, *Nova História de Portugal. IV. Portugal na Crise dos séculos*, cit., pp. 202-203.

<sup>25</sup> See the list in the Appendix. Ribacoa is a Portuguese region that includes several towns that were, before the end of the 13th century, under the jurisdiction of Castile, nowadays roughly spanning from Guarda, in Portugal, to Ciudad Rodrigo in Spain.

<sup>26</sup> H. G. BARROS, *História da Administração Pública*, cit., pp. 203 and 205.

<sup>27</sup> Rules of procedures, which could also be translated in English as bylaws.

<sup>28</sup> Two Portuguese towns. H. G. BARROS, *História da Administração Pública*, cit., pp. 138-154; H. B. MORENO, «O Regimento dos Corregedores no trânsito da Idade Média para a Idade Moderna», in *III Congresso Histórico de Guimarães. D. Manuel e a sua época*, Câmara Municipal de Guimarães, Guimarães 2004, vol. I, pp. 217-229. It has been edited in M. CAETANO, *A Administração Municipal de Lisboa*, cit., pp. 131-154; J. P. RIBEIRO, *Dissertações Chronologicas e Criticas*, Academia Real das Sciencias, Lisbon 1813, vol. III, pp. 93-112; E. F. OLIVEIRA, *Elementos para a História do Município de Lisboa*, Typographia Universal, Lisbon 1885, vol. II, pp. 29-38. The matter is further debated on the CLIMA website: <http://www.ulusiada.pt/clima/> (last login: 10/02/2023).

<sup>29</sup> Legislative compilation. For more information see glossary. The *Ordenações Afonsinas* used is a reprint of the 1792 edition, cit. (1984).

<sup>30</sup> «Primeiramente deue andar per cada hũu de sa comarca duas ou três uezes no ano e nom mais»; «Commo deue [o corregedor] ueer os presos e as prisões e os que as guardam. Quais som». M. CAETANO, *A Administração Municipal de Lisboa*, cit., p. 137.

<sup>31</sup> «Commo deue [o corregedor] ueer os presos e as prisões e os que as guardam. Quais som».

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year»,<sup>32</sup> thus fulfilling all the duties of his office. After it was updated, the paragraph remained in the *Ordenações Afonsinas*, with this magistrate having to «go around each of the places of his jurisdiction two or three times a year, or at least once»,<sup>33</sup> to ensure compliance with the matters pertaining to his office. However, it is important to note that this clause opened a possibility for less itinerancy.

In addition to this general, prescriptive formula, the statutory texts are dotted with evidence of the mandatory nature of the magistrates' displacement throughout the *comarca*, in terms of inspecting the physical state of castles, towers, fences, armaments, and prisons, as early as 1418, when the role of the *corregedor* in the election of municipal offices was regulated.<sup>34</sup> Without being exhaustive, examples can be found in the *regimento* of 1332, «when the *corregedor* arrives at the place where he must do his work», or what «the *corregedor* must proclaim as soon as he arrives at the place».<sup>35</sup> It indicates what he must do «afterwards when he goes back there»<sup>36</sup> and finds issues which have not been dealt with. A paragraph title in the 1340 *regimento* indicated that the magistrate should check «if there are any gangs in the places where he goes».<sup>37</sup> It also stated that «he must find out in the cities and towns who the best people to become judges are».<sup>38</sup> Further examples can be found in the stating that *Ordenações Afonsinas*, circulation might contribute to ease the collusions resulting from the *corregedores*' longer stays in the main urban centres: «He must not extend his stays in good towns or live there unless something happens».<sup>39</sup>

These references suggest that a pattern of movement emerged that could have led to a model of internal circulation of the *corregedores* in their *comarcas*, that is, a process of «professionalization», of a *habitus*, of learning a role, a language, of access to specific knowledge, practices and ways of working acquired on the job, and which necessarily the Crown took advantage.<sup>40</sup>

As mentioned above, the first reference to any «professionalization» of the position of *corregedor* appeared in the *Ordenações Afonsinas*, implying that the

<sup>32</sup> «Commo o corregedor deue andar pela terra duas ou três uezes no anno», *ibid.*, p. 147.

<sup>33</sup> «Andar per cada huu lugar de seu julgado duas, e três vezes no anno, ou huã ao menos», J. DOMINGUES, *As Ordenações Afonsinas – Três séculos de Direito Medieval (1211-1512)*, Zêfiro, Sintra 2008, p. 254 [vol. I, title 23].

<sup>34</sup> E. F. OLIVEIRA, *Elementos para a História do Município de Lisboa*, cit., pp. 30-31.

<sup>35</sup> «[Q]uando o corregedor chegar em aquela terra que ouuer de correger»; «o corregedor deue logo tanto que chegar a terra mandar apregoar», M. CAETANO, *A Administração Municipal de Lisboa*, cit., pp. 131-132.

<sup>36</sup> «Depois quando hy tornar», *ibid.*, p. 132.

<sup>37</sup> «Se a bando nos lugares por hu andar...», *ibid.*, p. 142.

<sup>38</sup> «Deue saber nas uilas e nos logares. quaes som melhores pera juizes», *ibid.*, p. 144.

<sup>39</sup> «Nom deve fazer morada grande nas Villas boas, nem morar hi, salvo se acontecer hi alguma cousa», J. DOMINGUES, *As Ordenações Afonsinas*, cit., p. 254.

<sup>40</sup> P. BOURDIEU, *O Poder simbólico*, Edições 70, Lisbon 2011, pp. 86, 174 and 228.

*corregedor* had the resources to determine what his predecessor had accomplished before him: «As soon as the *corregedor* returns to his administrative functions, he shall enquire about the *corregedor* who preceded him, at each one of the places».<sup>41</sup> Although previous rulings mentioned the arrivals of *corregedores* to the area of their jurisdiction, this disposition, when specifying what he should do upon arriving in the *comarca* where he was to take up office for the first time, allows for a different understanding of the text. At that time, the expression «return» was used in the *Ordenações Afonsinas* to indicate that the *corregedor* was new to the *comarca*. The likelihood of his arriving «in his *correiçom*» from other *comarcas* is confirmed by the empirical data of this study.

In the time frame considered herein many medieval offices were temporary, but the prescribed time limits were not always adhered to. This is corroborated by the data analysis, although it is important to note that the regulatory documentation of the fifteenth century allowed for reappointments.<sup>42</sup> In the *cortes* of Santarém in 1451 delegates complained that *coudéis*,<sup>43</sup> *corregedores* and *ouvidores*<sup>44</sup> remained in office longer than the five years stipulated in the ordinances. However, the king responded only with regard to the position of *coudel*.<sup>45</sup> In any case, limiting a *corregedor*'s mandate to three years had become common practice by the end of the fifteenth century; it would have been illogical for the royal power not to take advantage of the experience of those magistrates. Revocability and mobility would provide more control over them as a way of tightening up on discipline.<sup>46</sup>

Putting into perspective the length of time that *corregedores*' held office is, thus, one of the objectives of the following analysis of the provisional information collected on the *corregedores* in the medieval kingdom of Portugal.

<sup>41</sup> «Outro sy tanto que o Corregedor novamente chegar à sua Correiçom, tirará Inquiriçom sobre o Corregedor, que ante elle foi, em cada huu lugar», J. DOMINGUES, *As Ordenações Afonsinas*, cit., p. 271. These inspections (*residências*) will be regulated in the Seventeenth century by way of *Regimentos (Regimento de como se há de tomar Residência aos Provedores das Comarcas)*.

<sup>42</sup> L. M. DUARTE, *Justiça e Criminalidade no Portugal Medievo*, cit., p. 231.

<sup>43</sup> Officials appointed by the Crown to assess local conditions of military recruitment. For more information see the glossary.

<sup>44</sup> Literally meaning «listener». At the regional level, he could be either a substitute for the *corregedor da comarca* or the equivalent in the manorial lands. For more information see the glossary.

<sup>45</sup> H. B. MORENO, *O Poder Central e o Poder Local: Modos de convergência e de conflito nos séculos XIV e XV*, in «Revista de História» 8 (1988), pp. 62 and 66.

<sup>46</sup> L. M. DUARTE, *Justiça e Criminalidade no Portugal Medievo*, cit., p. 163.

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### III. Movements between districts and length of stays<sup>47</sup>

For sake of analysis, the six known *comarcas* referenced in the documentation (Entre Douro e Minho, Trás-os-Montes, Beira, Estremadura, Entre Tejo e Odiana, and the Algarve) were used. Also considered were cases in which *corregedores* carried out their duties in more restricted jurisdictions, such as Lisbon, Beja and Estremoz. References to the magistrates' work in specific jurisdictional spaces, generally located in the north of the kingdom were also collected, examples of which are Entre-Douro-e-Mondegó in 1328, Entre-Douro-e-Ave in 1328-1331 and in 1409, Entre-Douro-e-Tâmega in 1494, the *meirinhado* of Beira in 1335 and 1343-1344, and from Beira do Caia and Riba de Coa in 1341.<sup>48</sup> In fact, the inclusion of the latter territory into the Kingdom of Portugal following the Treaty of Alcanices in 1297,<sup>49</sup> may perhaps help to explain such specificity, since the documentation sometimes mentions an official who was referred to as *corregedor* in Riba de Coa (1363, 1365 and in the fifteenth century in 1455, 1487-1488), or in connection with the territory of Entre-Douro-e-Tejo in the mid-fourteenth century (1352, 1354, 1356, 1358, 1361-1363). The presence of *corregedores* was recorded in relation to manorial domains, which were either secular (lands of the queen and of the prince) or ecclesiastical (jurisdictions of the bishop of Coimbra or of the Alcobça monastery, lands of the Order of Santiago and others Military Orders). Other offices connected with the exercise of justice were registered, with a view to their future study (*ouvidor*, *vedor da justiça*,<sup>50</sup> *regedor de Justiça*,<sup>51</sup> *adiantado*<sup>52</sup>).

The *corregedor of the court*<sup>53</sup> was also contemplated, although this position comprised a «central» office with a less defined «territoriality», since they carried out duties like those of the *corregedores* in locations where the monarch was present.<sup>54</sup>

Given the fact that this is a first approach, with no ambition of being a definitive research, it is particularly important to mention the representativeness of the references found, before proceeding to a succinct and very provisional data analysis on the movements of *corregedores* and the periods in which they carried out their duties, based on each district entries.

<sup>47</sup> So as not to overload the critical apparatus of the work, the data obtained was based on the Appendix.

<sup>48</sup> For a more accurate understanding of these district boundaries and major rivers, see Map 2: Comarcas of Portugal in the 14th and 15th centuries.

<sup>49</sup> Treaty between Portugal and Castile establishing the borders between the two kingdoms which, with a few alterations, remain to this day.

<sup>50</sup> Regional justice officer. For more information see glossary.

<sup>51</sup> Regional justice officer. For more information see glossary.

<sup>52</sup> Regional justice officer. For more information see glossary.

<sup>53</sup> Central power magistrate. For more information see glossary.

<sup>54</sup> H. B. MORENO, *O Poder Central e o Poder Local*, cit., p. 55.

Regarding the distribution of data, the first decades of the fourteenth century are particularly well represented, with the largest information gaps being observed for the reign of King John I (1385-1433).<sup>55</sup> By drawing upon existing research and original documentation from the royal chancellery from the reign of King Afonso V (1438-1481) onwards, it is possible to obtain more exhaustive lists of *corregedores* and thus reduce the periods for which there is no information on the *corregedorias*. Even so, it should be noted that these periods may have been longer, since it was not always possible to obtain absolute time intervals, only a reference year.

In relation to the circulation between jurisdictions, there is no doubt that the transfer of these officials from one *comarca* to another was a reality throughout the period in question, although it was not possible to establish a standard profile of this flow. This inter-district movement is shown to be particularly operative in the first decades the office. For example, between 1362 and 1364, João Peres de Arangões passed through the districts of Entre Douro e Minho (1363 to 1364); Aquém dos Montes (1362); Entre Douro, Tejo e Riba de Coa (1363) and Beira (1363). The same can be said of *corregedores* such as João Alho, Afonso Eanes and Vasco Gil: the first travelled through Beira (1338, 1358 to 1359, 1362), Entre Douro e Tejo (1359) and Entre Douro, Tejo e Riba de Coa (1358, 1361 to 1362); the second was *corregedor* in the Algarve (1336), Tejo e Odiana (1339), Beira (1342 to 1343) and Meirinhado da Beira (1344), while Vasco Gil moved through the court districts of Entre Tejo e Odiana (1381, 1383), the Algarve (1383), Entre Tejo e Odiana and lands of the Order of Santiago (1388) and Estremadura (1391, 1392).

Such circulation, as seen from these cases, did not prevent the magistrates from returning to places they had previously visited. This may have been a way to take advantage of the knowledge that they possessed about the business carried on the various *comarcas*, while it was also possible that they worked their way through the king's *corregedorias*. The case of Gil Eanes is enlightening. He was a court *corregedor* between 1377 and 1382, in 1383 and between 1391 and 1401. He was also mentioned as *corregedor* in the Algarve in 1392. Another illustrative case is that of the aforementioned João Alho, who carried out his duties in the Beira district in 1338, between 1358 and 1359, and in 1362.

In the fifteenth century, the number of deployments between *comarcas* decreased considerably, since these magistrates staying in the same districts for longer periods of time. It is difficult to determine the reasons for this change, so it remains to be seen whether this is enough evidence to suggest a growing territorial «specialization» of these officials.

<sup>55</sup> For example, for Entre-Douro-e-Minho there are information gaps from 1374 to 1383 and from 1388 to 1400; in Beira information lacks for the periods between 1370 and 1383 and between 1386 and 1400.

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The length of mandates became longer over time, although there were also some very short terms that lasted only a few months, as in the case of João Mendes in the *comarca* of Entre Douro e Minho, and of Lourenço Afonso in Estremadura. This is not surprising, as there was no single model of duties; frequently fortuitous events influenced how long the *corregedores* remained in a *comarca* – including dismissal due to malpractice, promotion, or demotion, and even their death in office. However, it seems clear that, in the fourteenth century a practice was consolidated of a triennial rotation, while reappointment was also possible, as in the cases of João da Costa, *corregedor* of Estremadura between 1468 and 1475, and João Mendes Aguado, *corregedor* between 1439 and 1446 in the district of Entre Tejo e Odiana. The case of Cristóvão Mendes da Espargosa, *corregedor* of Entre-Douro-e-Minho between 1488 and 1499, also illustrates the possibility of successive terms of office of more than one decade in the late fifteenth century.

A very brief analysis by *comarcas* reveals that Entre-Douro-e-Minho had the highest recorded number of *corregedores*, and almost the same number in the fourteenth and fifteenth centuries. During the fourteenth century, 80 percent of individuals only operated in this district, while the remaining five percent served in other territories, namely the abovementioned João Peres Arangões, who was also carrying out duties in three other *comarcas*. This profile remained the same throughout the following century, which suggests there was some stability in the manner that these officeholders were appointed.

In the fourteenth century, the district of Beira had the highest rates of movement, resulting in only six *corregedores* not having held the position in another district. The circulation of the officials did not adhere to a specific model, but one noteworthy case was that of Diogo Gil, who served in three *corregedorias* (Lisbon in 1380 and 1382, the court in 1382, and Riba Coa in 1383). This situation was repeated in the next century, although there are still some information gaps. Considering that there are four intermittences and a high number of movements in the *corregedores*, it is possible to conclude that the Beira district does not deviate from a circumscription where these peripheral officials did not stay for long.

In the case of Trás-os-Montes there are large periods with information gaps (1395 to 1420, 1426 to 1432, 1432 to 1438, 1456 to 1460, 1486 to 1490, 1494 to 1499), so great care must be taken when analysing the fifteenth century in this *comarca*. However, as there are several years for which no information can be found, as well as the fact that 33 of these magistrates were registered, it can be concluded that the time spent in office in this district was seemingly very short.

Estremadura is one of the *comarcas* for which the information is the most complete, although there are some periods for which no information could be found (1371 to 1383, 1399 to 1406, 1429 to 1433 and 1492 to 1498). For the 38 officials who were registered, there seems to have been a fair number of intermittences and movements, indicating that, like Trás-os-Montes and Beira, there were *comarcas*

with some instability when it came to securing their *corregedores*.

The same can be seen in the districts of Entre-Tejo-e-Odiana and the Algarve, where there are also important time gaps with no information for the fifteenth century.<sup>56</sup> However, the existing data suggests significant movement in the Alentejo district, since almost half of its *corregedores* during that century served in another court district before or afterwards. In the Algarve district one can observe numerous cases of intermittence in holding these positions.

The greatest stability was found in Lisbon and in the Court. This was certainly facilitated by the long periods of time during which João Afonso Fuseiro (1402 to 1418) held the office in Lisbon, and João Mendes de Góis (1402 to 1433), Álvaro Peres da Mão Inchada (1463 to 1480) and Martim Pinheiro (1487 to 1506) were *corregedores* at the court. In the fifteenth century, the number of these officials who did not circulate through other districts was almost 100 per cent. This scenario indicates a rationale regarding lengths of stays, which diverged somewhat from that of the *comarca corregedores*, possibly due to a need for deeper knowledge (or mastery) of circumstances, which required greater stability to perform these duties. As in other cases, to fully clarify this issue, a specific study is required.

#### IV. Conclusions

Obviously, such an analysis is circumstantial considering the above-mentioned information gaps. Nonetheless, it evidences the existence of an office performed by officials who tended to become «professionalized», as suggested by their numerous movements across more than one *comarca*.

However, a more in-depth perception of the social, political, and administrative effects of the work of the *corregedores* (and others) goes beyond the length of time they spent serving in the *comarcas* of the kingdom. It also depends, to a large extent, on an examination of the conditions of the daily performance of their duties.<sup>57</sup> In a fuller study, the analysis would require an examination of the organisation of the *corregedores*' missions, their capacity to enforce decisions, the way they managed occasional violence within the communities they visited, how they served their office, upon which officers they exercised jurisdiction, which administrative, legislative and coercive means they had at their disposal, and even their remuneration. These and other questions may be answered in the future with the aid of the information that follows in the Appendix.

<sup>56</sup> For further information, see the appendix below.

<sup>57</sup> A. M. HESPAÑA, *Centro e Periferia nas Estruturas Administrativas do Antigo Regime*, in «Ler História» 8 (1986), p. 36.

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### Appendix – The *corregedores* in the Kingdom of Portugal (14<sup>th</sup> and 15<sup>th</sup> centuries)<sup>58</sup>

<sup>58</sup> List of abbreviations: ADB = Arquivo Distrital de Braga; ADBGC = Arquivo Distrital de Bragança; ADV = Arquivo Distrital de Viseu; AHMC = Arquivo Histórico Municipal de Coimbra; AHMP = Arquivo Histórico Municipal do Porto; AMAP = Arquivo Municipal Alfredo Pimenta; AML-AH = Arquivo Municipal de Lisboa – Arquivo Histórico; AMTM = Arquivo Municipal de Torre do Moncorvo; ANTT = Lisbon, Arquivo Nacional da Torre do Tombo; BITAGAP = *Bibliografia de Textos Antigos Galegos e Portugueses*, [http://bancroft.berkeley.edu/philobiblon/bitagap\\_en.html](http://bancroft.berkeley.edu/philobiblon/bitagap_en.html) (last login: 02/02/2023); BNP = Biblioteca Nacional de Portugal; BPE = Biblioteca Pública de Évora; Brito, 1918 = M. J. C. BRITO, *Os pergaminhos da Câmara de Ponte de Lima*, in «O Archeologo Português» 23 (1918), pp. 9-26; Brito, 2001 = I. C. BRITO, *A burocracia régia tardo-afonsina: a administração central e os seus oficiais em 1476*, M. A. dissertation in Medieval History, Faculty of Letters, University of Porto, Porto 2001; Carvalho, 2001 = E. CARVALHO, *A chancelaria régia e os seus oficiais em 1478*, M. A. dissertation in Medieval History, Faculty of Letters, University of Porto, Porto 2001; CC = TT, *Corpo Cronológico*; ChAV = ANTT, *Chancelaria Régia. Chancelaria de D. Afonso V*; ChD = J. J. DIAS (ed.), *Chancelarias portuguesas: D. Duarte*, 3 vols., Universidade Nova-Centro de Estudos Históricos, Lisbon 2002; ChDP = A. H. MARQUES (ed.), *Chancelarias Portuguesas: D. Pedro I*, Instituto Nacional de Investigação Científica, Lisbon 1982; ChDi = R. MARREIROS (ed), *Chancelaria de D. Dinis. Livro III*, Imprensa da Universidade de Coimbra, Coimbra 2019, vol. II; ChF = ANTT, *Chancelaria Régia. Chancelaria de D. Fernando*; ChJII = ANTT, *Chancelaria Régia. Chancelaria de D. João II*; ChMI = ANTT, *Chancelaria Régia. Chancelaria de D. Manuel I*; CLIMA = *Corpus Legislativo da Idade Média Anotado* [<http://www.ulsiada.pt/clima/>]; Coelho, 2015 = A. COELHO, *As elites urbanas medievais. O exemplo de Évora e dos Lobo (sécs. XIII-XV)*, M. A. dissertation in the History of the Islamic and Medieval Mediterranean, Universidade de Évora and the Faculty of Letters of the University of Lisbon, Évora 2015; Costa, 1999 = A. COSTA, *Projecção espacial de domínios. Das relações de poder ao burgo portuense (1385-1502)*, PhD thesis in History, Universidade Aberta, Lisbon 1999; Coutinho, 1909 = F. M. COUTINHO, *Um documento da história de Bragança*, in «O Archeologo Portuguez» 14 (1909), pp. 308-310; CUP = A. SÁ et alii (eds.), *Chartularium Universitatis Portugalensis*, 15 vols., Instituto de Alta Cultura, Lisbon 1961-2006; Domingues, 2008 = J. DOMINGUES, *As Ordenações Afonsinas*, cit.; Domingues, 2016 = J. DOMINGUES, *O Braço Secular em Portugal na Baixa Idade Média (Séculos XIII-XV)*, in «Historia del Derecho Europeo. Revista de Estudios Históricos-Jurídicos» 38 (2016), pp. 99-121; DP = Documentos Particulares; DR = Documentos Régios; Duarte, 1993 = L. M. DUARTE, *Justiça e Criminalidade no Portugal Medieval (1459-1481)*, PhD thesis in History, Faculty of Letters, University of Porto, Porto 1993; Durão, 2002 = M. DURÃO, *1471. «Um ano africano» no desembargo de D. Afonso V*, M. A. dissertation in Medieval History, Faculty of Letters, University of Porto, Porto 2001; Farelo, 2008 = M. FARELO, *A oligarquia camarária de Lisboa (1325-1433)*, PhD. thesis in History, Faculty of Letters, University of Lisbon, Lisbon 2008; Fernandes, 2011 = A. G. FERNANDES, *Os Cónegos Regrantes de Santo Agostinho no norte de Portugal em finais da Idade Média. Dos alvares de Trezentos à Congregação de Santa Cruz*, PhD thesis in History (Medieval History), Faculty of Letters, University of Coimbra, Coimbra 2011; Figueiredo, 1996 = M. S. FIGUEIREDO, *A administração municipal do Porto entre 1488-1498, segundo o Livro 6 de Vereações*, M. A. dissertation in Medieval History, Faculty of Letters, University of Porto, Porto 1996; Gomes, 1994 = S. A. GOMES, *Corregedores da Comarca da Estremadura e suas intervenções no concelho de Leiria na Idade Média*, in «Boletim da Biblioteca da Universidade de Coimbra» 42 (1994), pp. 253-279; Gomes, 2005 = S. A. GOMES, *Porto de Mós – Coletânea Histórica e Documental – Séculos XII a XIX*, Câmara Municipal, Porto de Mós 2005; Homem, 1990 = A. L. HOMEM, *O Desembargo Régio (1320-1433)*, Instituto Nacional de Investigação Científica

Entre-Douro-e-Minho

Aparício Domingues	1323	Farelo, 2008, p. 757; AMAP, <i>Colegiada de Sta. Maria da Oliveira de Guimarães</i> , Pergaminhos, nn. 8-1-4-22
Afonso Rodrigues	Before 1325-1326	Ribeiro, 1835, p. 47

and Centro de História of the Universidade do Porto, Porto 1990; m. = «maço» (bundle); *LN* = *Leitura Nova*; *MH* = A. DINIS (ed.), *Monumenta Henricina*, 16 vols., Comissão Executiva das Comemorações do V Centenário da morte do Infante D. Henrique, Lisbon 1960-1974; Meireles, 1942 = A. MEIRELES, *Memórias do Mosteiro de Paço de Sousa & Index dos Documentos do Arquivo*, Academia Portuguesa da História, Lisbon 1942; Monteiro, 1997 = H. MONTEIRO, *A chancelaria Régia e os seus oficiais: 1464-1465*, M. A. dissertation in Medieval History, Faculty of Letters, University of Porto, Porto 1997; Moreira, 2011 = F. M. A. MOREIRA, *Criminalidade e Violência nos Concelhos Portugueses do Século XV*, M. A. dissertation in History, Universidade Aberta, Lisbon 2011; n. = number; Pinto, 2014 = P. PINTO, *Fragmentos de pergaminho na Torre do Tombo: um inventário possível (1315-1683)*, in «Revista de história da Sociedade e da Cultura» 14 (2014), pp. 31-84; Pinto, 2020 = P. PINTO, *Quitação dada pelo corregedor Afonso Gil das contas do procurador da câmara do Porto João Eanes relativas ao ano de 1443-1444 (1447)*, in «Fragmenta Histórica» 8 (2020), pp. 85-87; *PMM2* = J. P. PAIVA (ed.), *Portugaliae Monumenta Misericordiarum. II. Antes da fundação das misericórdias*, Centro de Estudos de História Religiosa da Universidade Católica Portuguesa – União das Misericórdias Portuguesa, Lisbon 2013; Rêpas, 2021 = L. RÊPAS, *Esposas de Cristo. As Comunidades Cistercienses Femininas na Idade Média*, 2 vols., PhD in History, specialisation in Medieval History, Universidade de Coimbra, Coimbra 2021; Ribeiro, 1835 = J. P. RIBEIRO, «Memória sobre a Subdivisão das Correições no Reinado do Senhor D. João III e Cadastro das Províncias a que se procede no mesmo Reinado», in *Reflexões Históricas*, Imprensa da Universidade, Coimbra 1835, pp. 1-26, 39-70 (Part II, n. 1); Ribeiro, 2019 = M. A. RIBEIRO, *As Atas de Vereação do Porto de 1485 a 1488. Leitura Paleográfica, Publicação e Estudo Prévio*, M. A. dissertation in Medieval Studies, Faculty of Letters, University of Porto, Porto 2019; Saraiva, 1997 = M. T. SARAIVA, *Figueira, Comenda da Ordem de Avis. Publicação de Fontes*, Edições Colibri, Lisbon 1997; Saraiva, 2008 = A. SARAIVA, «Viseu no rasto da guerra: dos conflitos fernandinos à paz definitiva com Castela», in *VI Jornadas Luso-Espanholas de Estudos Medievais. A Guerra e a Sociedade na Idade Média*, Sociedade Portuguesa de Estudos Medievais, Campo Militar de S. Jorge (CIBA)-Porto de Mós-Alcobaça-Batalha 2009, vol. I, pp. 323-359; Sequeira, 2021 = J. SEQUEIRA, *Um olhar sobre o cartório medieval da câmara de Elvas (com transcrição integral do livro de receitas e despesas municipal de 1432-33)*, in «Boletim do Arquivo da Universidade de Coimbra» 34.1 (2021), pp. 43-84; Serra, 2015 = J. B. SERRA, *Governar a cidade e servir o rei: a oligarquia concelhia de Évora em tempos medievais (1367-1433)*, PhD thesis in History, Universidade de Évora, Évora 2015; Silva, 2020 = G. SILVA, *As Portas do Mar Oceano. Vilas e Cidades Portuárias do Algarve na Idade Média (1249-1521)*, 2 vols., PhD thesis in History, Specialisation in Medieval History, NOVA University of Lisbon – School of Social Sciences and Humanities, Lisbon 2020; Testos, 2011 = J. TESTOS, *Sentenças régias em tempo de Ordenações Afonsinas (1446-1512). Um Estudo de Diplomática Judicial*, M. A. dissertation in Paleography and Diplomatics Universidade de Évora and the Faculty of Letters of the University of Lisbon, Lisbon 2011; Vicente, 2013 = M. VICENTE, *Entre Zêzere e Tejo. Propriedade e Povoamento (séculos XII-XIV)*, PhD thesis in Medieval History, Faculty of Letters, University of Lisbon, Lisbon 2013.

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Gomes Martins	1327 <sup>59</sup>	Rêpas, 2021, vol. II.1, pp. 479, 867
João Eanes de Marvão	1328-1330 <sup>60</sup>	Farelo, 2008, pp. 698-699, 757; Ribeiro, 1835, pp. 47, 54; AMAP, <i>Colegiada de Sta. Maria da Oliveira de Guimarães</i> , Pergaminhos, nn. 8-2-3-14
João Eanes Melão	1332	Farelo, 2008, p. 757
Afonso Domingues	1333	ADB, <i>Coleção Cronológica</i> , «pasta» 14, n. 555
Afonso Rodrigues	1335	ADB, <i>Coleção Cronológica</i> , «pasta» 17, n. 672
Vasco Eanes Pereira	1339	Farelo, 2008, p. 758
Afonso Domingues	1341-1342	ADB, <i>Coleção Cronológica</i> , «pasta» 18, n. 727, «pasta» 19, n. 755; Farelo, 2008, p. 759
João Eanes de Marvão	1342-1343	Farelo, 2008, pp. 698-699, 757; Ribeiro, 1835, p. 47
Vasco Eanes Pereira	1343	Farelo, 2008, p. 758
Afonso Domingues	1344	Farelo, 2008, p. 759
Martim Pestana	1344-1346	Farelo, 2008, p. 760; Ribeiro, 1835, p. 47
Pedro Esteves	1346	ANTT, <i>LN, Livro das Demarcações</i> , ff. 62-63v
João Martins	1347-1348	Ribeiro, 1835, p. 47; AMAP, <i>Pergaminhos da Câmara</i> , nn. 8-1-1-12
Gonçalo Dias	1349	ADB, <i>Coleção Cronológica</i> , «pasta» 22, n. 823
Fernão Martins	1350	Ribeiro, 1835, p. 48
Estevão Eanes	1351	AMAP, <i>Colegiada de Sta. Maria da Oliveira de Guimarães</i> , DR, m. 2, n. 1
Pedro Afonso	1352	AMAP, <i>Pergaminhos da Câmara</i> , nn. 8-1-4-14
Fernão Martins	1353	Ribeiro, 1835, p. 48

<sup>59</sup> Mentioned as *corregedor por el rei* e fazedor da sua justiça desde Lima até Sousa.

<sup>60</sup> Also *corregedor* in Entre-Douro-e-Ave between 1328 and 1331.

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João Lourenço	1355	Farelo, 2008, p. 761
Álvaro Pais	1358-1360	Ribeiro, 1835, p. 48; AHMP, <i>Pergaminhos</i> , n. 78
Pedro Tristão	1362	Farelo, 2008, pp. 701-703, 761; Ribeiro, 1835, p. 48
Pedro Esteves	1362	Ribeiro, 1835, p. 48
João Peres Arangões	1364 <sup>61</sup>	AHMP, <i>Pergaminhos</i> , n. 71; Ribeiro, 1835, p. 48; Farelo, 2008, p. 762
Gonçalo Peres	1365-1366	ANTT, <i>Colegiada de Sta. Marinha do Outeiro de Lisboa</i> , m. 7, n. 262; AHMP, <i>Pergaminhos</i> , nn. 77-79; Farelo, 2008, p. 763
Domingos Peres	1369-1371	Ribeiro, 1835, p. 48; Fernandes, 2011, p. 436
Gil Eanes	1373-1374	Farelo, 2008, pp. 423-425, 764; AHMP, <i>Pergaminhos</i> , n. 102; Ribeiro, 1835, p. 48
Afonso Martins Alvernaz I	1383	Farelo, 2008, pp. 327-335, 765
Diogo Gil	1388	Ribeiro, 1835, p. 48
Gonçalo Eanes de Carvalho	1400-1402	AHMP, <i>Pergaminhos</i> , n. 218; AMAP, <i>Colegiada de Sta. Maria de Guimarães</i> , DR, m. 2, nn. 14, 19-20; Ribeiro, 1835, p. 49
Fr. Álvaro Gonçalves Camelo	1403 <sup>62</sup>	AHMP, <i>Pergaminhos</i> , n. 177
Pedro Afonso da Costa	1403-1409 <sup>63</sup>	Ribeiro, 1835, pp. 49-50, 54; Homem, 1990, pp. 361-362; AHMP, <i>Pergaminhos</i> , nn. 188, 237, 244; Costa, 1999, p. 648

<sup>61</sup> Designated *corregedor* in Entre Douro, Tejo and Riba de Coa in 1363.

<sup>62</sup> Designated *meirinho-mor* in Entre-Douro-e-Minho and Trás-os-Montes in 1403.

<sup>63</sup> Designated *corregedor* in Entre-Douro-e-Ave in 1409.

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Gonçalo Vasques Vieira	1410-1412	ADB, <i>Gaveta 2<sup>a</sup> das Propriedades do Cabido</i> , n. 48 ( <i>apud</i> CLIMA); AHMP, <i>Livro das Vereações</i> , ff. 38v-47v ( <i>apud</i> CLIMA); AMAP, <i>Colegiada de Sta. Maria da Oliveira de Guimarães</i> , DR, m. 2, n. 24
Martim Gomes <sup>64</sup>	1412-1413	Ribeiro, 1835, pp. 50, 57; Costa, 1999, p. 648
Pedro Afonso da Costa	1412-1414	Ribeiro, 1835, pp. 49-50; Homem, 1990, pp. 361-362; AHMP, <i>Pergaminhos</i> , nn. 188, 237, 244; AMAP, <i>Colegiada de Sta. Maria da Oliveira de Guimarães</i> , DR, m. 2, nn. 26, 29
João Fernandes	1414-1415	AHMP, <i>Pergaminhos</i> , n. 250
Pedro Afonso da Costa	1415-1417	Ribeiro, 1835, p. 49; Homem, 1990, pp. 361-362; AHMP, <i>Pergaminhos</i> , n. 188, 237, 244; AMAP, <i>Colegiada de Sta. Maria da Oliveira de Guimarães</i> , DR, m. 2, nn. 30-31
João Fernandes	1420	Costa, 1999, p. 228
João Fogaça	1421-1422	AHMP, <i>Pergaminhos</i> , n. 250; Ribeiro, 1835, p. 50
Gonçalo Vasques Vieira	1422	Farelo, 2008, p. 770
Lourenço Eanes de Évora	1424-1426	Ribeiro, 1835, p. 51
Rui Fernandes Homem	1426-1428	Ribeiro, 1835, p. 51; AHMP, <i>Pergaminhos</i> , n. 188; Ribeiro, 1835, p. 49; Costa, 1999, p. 648
João Mendes	1428	Costa, 1999, p. 648
Pedro Afonso	1428	Ribeiro, 1835, p. 51
Aires Gomes da Silva	1433-1437 <sup>65</sup>	AHMP, <i>Pergaminhos</i> , n. 214; <i>ChAV</i> , vol. XVIII, f. 53
João Mendes de Aguada	1438-1440	<i>MH</i> , vol. VI, p. 307

<sup>64</sup> Designated *ouvidor* in the lands of the Count D. Afonso.

<sup>65</sup> Designated *regedor* of justice in Entre Douro e Minho in 1439.

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Pedro Afonso	1443	Ribeiro, 1835, p. 51
Estêvão Eanes da Ponte	1443-1444	Ribeiro, 1835, p. 51; <i>ChAV</i> , vol. XXIV, f. 90v; vol. 11, f. 42
Afonso Gil	1444- 1447	<i>ChAV</i> , vol. XXIV, f. 90v; Pinto, 2020, p. 86
Pedro Afonso	June 1448	<i>MH</i> , vol. X, p. 101; <i>ChAV</i> , vol. XX, f. 125
Filipe Eanes	1448-1449	Ribeiro, 1835, p. 52; <i>MH</i> , vol. X, p. 47, n. 39; 101, n. 66
Vasco Martins de Resende	<sup>66</sup>	<i>AMP, Pergaminhos</i> , nn. 292, 330, 346; <i>ChAV</i> , vol. XI, f. 154v; vol. XII, f. 24; vol. XXXVI, f. 241; vol. VIII, f. 32v; vol. XIV, f. 25; vol. VII, ff. 16, 51; Duarte, 1993, p. 277
Pedro Afonso da Costa	1454	<i>TT, Colegiada de Santa Maria da Oliveira de Guimarães</i> , DP, m. 53, n. 25
Lourenço Vasques Margalho	1473-1475	Duarte, 1993, vol. I, p. 277
Gonçalo Camelo	1475-1481	Duarte, 1993, vol. I, p. 277
Pedro Eanes	1481-1485	Ribeiro, 2019, p. 61
Lisuarte Gil	1486-1488	Ribeiro, 2019, pp. 43, 103-104, 237; Figueiredo, 1996, p. 48
Cristóvão Mendes	1488-1491, 1494-1497	Figueiredo, 1996, pp. 25, 113, 182; <i>ChMI</i> , vol. XXXIV, f. 69v; Brito, 1918, p. 9
Rui Gonçalves Maracote	1500-1503	<i>ChMI</i> , vol. XIV, f. 79, vol. XLV, f. 10; Ribeiro, 1985, p. 53

Trás-os-Montes

João Eanes	1319	<i>ChDi</i> , p. 326
Aparício Domingues	1323	<i>AMAP, Pergaminhos</i> , nn. 8-1-4-22

<sup>66</sup> Designated *regedor* of justice in Entre Douro e Minho between 1450 and 1476.

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Fernão Martins da Fonseca	1329-1332 <sup>67</sup>	ADB, <i>Coleção Cronológica</i> , «pasta» 12, n. 498; Ribeiro, 1835, p. 55
Vasco Peres de Lamego	1343	Farelo, 2008, p. 759
Pedro Esteves	1344-1345	Farelo, 2008, pp. 759-760; BITA-GAP, «manid» 3866
Vasco Gomes	1350 <sup>68</sup>	Ribeiro, 1835, p. 54; Farelo, 2008, p. 760
João Aires	1355	Farelo, 2008, p. 761
João Peres Arangões	1362 <sup>69</sup>	Farelo, 2008, p. 762
Júlio Geraldês	1364	Coutinho, 1909, p. 309
João Esteves do Sul	1365	Farelo, 2008, p. 763
João Peres	1395	<i>CUP</i> , vol. II, pp. 234-235
Diogo Afonso	1420	Domingues, 2016, p. 108
Lourenço Eanes	1422	<i>ChMI</i> , vol. XLIV, ff. 97-97v
João Peres	1426	Ribeiro, 1835, p. 54
Rui Fernandes Homem	1432	AMTM, <i>Coleção de Pergaminhos</i> , n. 90
Estevão Fernandes	1438-1440 <sup>70</sup>	ADBGC, <i>Pergaminhos</i> , n. 68P; <i>ChAV</i> , vol. XXVII, f. 57; Moreira, 2011, p. 195
Afonso Gil	1443-1444	<i>ChAV</i> , vol. XXVII, f. 57; vol. XXIV, f. 42
Estêvão Eanes de Ponte	1444-1448 <sup>71</sup>	Ribeiro, 1835, p. 55
Paio Rodrigues de Barros	c. 1449	ANTT, <i>Gavetas</i> , «gaveta» 15, m. 24, n. 6 ( <i>apud</i> BITAGAP «manid» 6199)
Gomes Eanes Aranha	1451-1456	<i>ChAV</i> , vol. X, 22v; vol. XV, 117v; <i>CUP</i> , vol. VI, p. 95; Duarte, 1993, vol. II, pp. 121-122
Pedro Teixeira, contador do rei	August 1456	BNP, <i>Coleção de Pergaminhos</i> , n. 9R

<sup>67</sup> Designated vedor of justice in Além dos Montes in the lands demarcated by the king between 1329 and 1332.

<sup>68</sup> Designated *corregedor* in Além/Aquém dos Montes in 1350.

<sup>69</sup> Designated *corregedor* in Entre Douro, Tejo and Riba de Coa in 1363.

<sup>70</sup> Designated *corregedor* in Tejo e Guadiana in 1428.

<sup>71</sup> Designated *corregedor* in Entre Douro e Tâmega in 1444.

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Rui Dias do Pao, escolar em Leis	†1456	<i>ChAV</i> , vol. X, 22v; vol. XV, f. 117v; vol. XIII, f. 40v; BNP, <i>Coleção de Pergaminhos</i> , n. 18R
Martim Vicente de Vilalobos	1456	<i>ChAV</i> , vol. XV, 105, 117v
Gomes Eanes Aranha	1460-1462, 1464	<i>CUP</i> , vol. VI, p. 174; AMAP, <i>Colegiada de Sta. Maria da Oliveira de Guimarães</i> , DR, m. 2, n. 14; <i>ChAV</i> , vol. I, f. 95v; vol. VIII, f. 37v; Duarte, 1993, vol. II, p. 101
Paio Varela	December 1464 - † October 1469	<i>CUP</i> , vol. VI, p. 320; <i>ChAV</i> , vol. XXVIII, f. 74; Duarte, 1993, vol. I, p. 277; vol. II, pp. 122-123
Luís Afonso	12 October 1469-6 November 1471	<i>ChAV</i> , vol. XXI, f. 6; vol. XXXI, f. 118; Duarte, 1993, vol. I, p. 277, vol. II, p. 122
Pedro Teixeira	6 November 1471-† December 1472	<i>ChAV</i> , vol. XXI, f. 6, vol. XXIX, f. 162; Duarte, 1993, vol. I, p. 277, vol. II, p. 123
Rui de Abreu	24 December 1472	<i>ChAV</i> , vol. XXIX, f. 162; Duarte, 1993, vol. I, p. 277, vol. II, p. 123
Luís Afonso	1473-1476	Duarte, 1993, vol. II, p. 122
Gonçalo Vasques Pinto	<sup>72</sup>	Duarte, 1993, vol. I, p. 277, vol. II, pp. 109, 122; Brito, 2001, vol. II, p. 119
Afonso Coelho	1482-1485	<i>ChIII</i> , vol. I, f. 1-1v; Duarte, 1993, vol. II, p. 109; Brito, 2001, vol. II, p. 119
Pedro Eanes	1486	Pinto, 2014, p. 55
Diogo Borges	1490	<i>ChIII</i> , vol. XIII, f. 108; vol. V, f. 15
Lopo Vaz	1491-1494 <sup>73</sup>	<i>ChIII</i> , vol. XI, f. 37; <i>CC</i> , part III, m. 1, n. 16
Pedro Eanes da Espinheira	1499-1504	<i>ChMI</i> , vol. XIV, f. 79v; vol. II, f. 56

<sup>72</sup> Designated *regedor* of justice between 1476 and 1481.

<sup>73</sup> Designated *corregedor* in Entre Douro e Tâmega in 1494.

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### Beira

Afonso Rodrigues Ribeiro	1325	Ribeiro, 1835, p. 55
João Eanes Melão	1328 <sup>74</sup>	ADV, <i>Pergaminhos</i> , m. 37, n. 6
Lourenço Martins Calado	1332-1333 <sup>75</sup>	Farelo, 2008, p. 757
João Gil do Avelar	1335 <sup>76</sup>	Farelo, 2008, p. 759; Domingues, 2008, p. 158
João Alho	1338	Farelo, 2008, p. 759
João Coelho	1338-1339	Farelo, 2008, p. 758
Lopo Esteves	1340-1341 <sup>77</sup>	Rêpas, 2021, vol. II.2, p. 392; ANTT, <i>Gavetas</i> , «gaveta» 1, m. 4, n. 12
Gil Soares	1341 <sup>78</sup>	Farelo, 2008, p. 759
Estêvão Lobato	1342 <sup>79</sup>	Rêpas, 2021, vol. II.1, p. 932
Afonso Eanes	1342-1344 <sup>80</sup>	Farelo, 2008, pp. 758-759; Ribeiro, 1835, p. 56; BITAGAP, «manid» 5374, Meireles, 1942, p. 273, n. 29
Vasco Eanes	1345-1347	ADV, <i>Pergaminhos</i> , m. 28, n. 80; m. 30, n. 3; m. 32, n. 18a); <i>Pergaminhos Devolvidos</i> , m. 2, n. 64
João Lourenço	1350	Ribeiro, 1835, p. 56
Gonçalo Eanes Lobo	1352-1356 <sup>81</sup>	ADV, <i>Pergaminhos</i> , m. 29, n. 41; Ribeiro, 1835, p. 56; Farelo, 2008, pp. 760-761; Coelho, 2015, p. 125; Serra, 2015, p. 572; Rêpas, 2021, vol. II.1, p. 327.
João Alho	1358-1359. 1362 <sup>82</sup>	<i>ChDP</i> , p. 479; ANTT, <i>LN</i> , Padroados, n. 2, 136; ADV, <i>Pergaminhos</i> , m. 15, n. 35; m. 16, n. 20; m. 9, n. 17, 37; m. 28, n. 42a) and b); Farelo, 2008, p. 759

<sup>74</sup> Designated *corregedor e ouvidor* in Entre Douro e Mondego in 1328.

<sup>75</sup> Also *vedor* of justice in the *meirinhado* da Beira in 1332.

<sup>76</sup> Designated *corregedor* in the *meirinhado* da Beira in 1335; *vedor* da justiça por el-rei no *meirinhado* da Beira in 1337.

<sup>77</sup> Designated *corregedor* in the *meirinhado* da Beira in 1341.

<sup>78</sup> Designated *corregedor* in Beira do Caia and in Riba de Coa (1341)

<sup>79</sup> Designated *corregedor* in the *meirinhado* da Beira in 1342.

<sup>80</sup> Designated *corregedor* in the *meirinhado* da Beira in 1343-1344 and in the *meirinhado* da Beira and Beira do Caia in 1344.

<sup>81</sup> Designated *corregedor* in Entre Douro e Tejo and in Tejo and Riba Coa in 1352, 1354 and 1356.

<sup>82</sup> Designated *corregedor* in Entre Douro and Tejo and Ribacoa in 1358 and in 1361-1362.

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João Peres Arangões	1363 <sup>83</sup>	ANTT, <i>Sé de Viseu</i> , DR, m. 1, n. 28; ADV, <i>Pergaminhos</i> , m. 20, n. 65; m. 19, n. 47; Farelo, 2008, p. 762; Ribeiro, 1835, p. 56
Júlio Gerales	1365-1366 <sup>84</sup>	Farelo, 2008, p. 763
Vasco Lourenço	1368	ANTT, <i>Cabido da Sé de Coimbra</i> , 2 <sup>nd</sup> incorporation, m. 53, n. 2091; ADV, <i>Pergaminhos</i> , m. 19, n. 47
Júlio Gerales	1370	Saraiva, 2009, vol. I, p. 353
Diogo Gil	1383	Farelo, 2008, pp. 678-679, 764
Gonçalo Eanes de Vouzela	1385	ANTT, <i>Sé de Viseu</i> , DP, m. 10, n. 24
Afonso Martins	Before 1386	<i>ChF</i> , vol. I, f. 197v
Diogo Afonso	1392	ANTT, <i>Gavetas</i> , «gaveta» 10, m. 3, n. 5
Gonçalo Mendes Escobar	1393-1398	ANTT, <i>Ordem de Avis e Convento de São Bento de Avis</i> , m. 6, n. 645 e n. 615
Martim Mendes	1400-1401	Farelo, 2008, p. 769; Vicente, 2013, p. 333
Vasco Peres	1406	Farelo, 2008, p. 768
Fernando Afonso de Lamecido	1407-1408	<i>ChMI</i> , vol. XXVIII, ff. 121-123v; ADV, <i>Pergaminhos</i> , m. 22, n. 62; m. 33, n. 48
	1414	
	1417	
Rui Salvado	1418-1421	ANTT, <i>Cabido da Sé de Viseu</i> , DR, m. 2, n. 10; Farelo, 2008, p. 769
João Fogaça	1421-1422	Farelo, 2008, p. 770
Rui Salvado	1422	ADV, <i>Pergaminhos Devolvidos</i> , m. 3, n. 100
João Fogaça	1423	Farelo, 2008, p. 770
Lourenço Eanes de Évora	1427-1429	Ribeiro, 1835, p. 56; 1985, p. 659
Diogo Afonso Carvalho	1431-1432 <sup>85</sup>	ADV, <i>Pergaminhos</i> , m. 27, n. 94
João Juzarte	1433 <sup>86</sup>	Farelo, 2008, p. 770
Rui Fernandes Homem	1433	Ribeiro, 1835, p. 56

<sup>83</sup> Designated *corregedor* in Aquém dos Montes in 1362 and in Entre Douro e Tejo and Riba de Coa in 1363.

<sup>84</sup> Designated *corregedor* in Riba Coa in 1365.

<sup>85</sup> Designated *corregedor* in Riba Coa in 1432.

<sup>86</sup> Designated *corregedor* in the properties of the bishop of Coimbra in lands in Beira in 1433.

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Gonçalves?	1440	<i>ChAV</i> , vol. II, f. 71v
Mendo/Martim Afonso de An- tas	1441-1443	<i>ChAV</i> , vol. II, ff. 71v, 106
Lopo Álvares	1443-1444	<i>ChAV</i> , vol. XXVII, f. 115; <i>CUP</i> , vol. IV, pp. 387-378; <i>ADV, Pergaminhos</i> , m. 47, n. 44
Fernando Afonso	1448-1449	ANTT, <i>Gavetas</i> , «gaveta» 14, m. 8, n. 16; <i>ADV, Pergaminhos</i> , m. 21, n. 78
João Rodrigues Mealheiro	1449-1451	<i>MH</i> , vol. X, p. 117; <i>CUP</i> , vol. V, pp. 179, 212; <i>Testos</i> , 2001, p. 161
Fernão Aranha	1453	<i>ChAV</i> , vol. III, f. 35; ANTT, <i>LN</i> , Beira, n. 2, f. 57v
Rui Dias do Pao	1454-†1456 <sup>87</sup>	<i>ChAV</i> , vol. XV, 117v; <i>CUP</i> , vol. V, p. 390; Costa, 1989, p. 139
Martim Vicente de Vila Lobos	1456-1460	Ribeiro, 1835, p. 56
Aires Fernandes Barroso	1461-1463	<i>ChAV</i> , vol. I, f. 131v; Ribeiro, 1835, p. 56; Duarte, 1993, vol. II, pp. 102-103
Vicente Egas	1463	Duarte, 1993, vol. I, p. 278; vol. II, p. 107
Lopo Gonçalves II	1463-1464	Duarte, 1993, vol. I, p. 278; vol. II, p. 106
Fernão Cabral	<sup>88</sup>	Duarte, 1993, vol. I, p. 278; vol. II, pp. 103-104
Martim Vicente de Vila Lobos	1469	Duarte, 1993, vol. II, p. 106
Pedro de Resende	1471	Duarte, 1993, vol. II, p. 107
Gonçalo Gonçalves	24 March 1473-1476 <sup>89</sup>	Duarte, 1993, vol. I, p. 278; vol. II, pp. 105-106; <i>ChJII</i> , vol. II, f. 128v
Pedro da Costa	1481	Duarte, 1993, p. 278; vol. II, p. 106; Monteiro, 1997, vol. II, p. 111; Durão, 2002, vol. II, p. 84
Pedro Teixeira	1482-1484	<i>ChJII</i> , vol. II, f. 128; vol. III, f. 33
Afonso Coelho	1485-1487 <sup>90</sup>	<i>ChJII</i> , vol. I, f. 116, vol. XIII, ff. 18v-19

<sup>87</sup> Designated *corregedor* in Riba Coa in 1455.

<sup>88</sup> Designated *regedor* of justice in the district and *correição* of Beira e Riba Cõa between 1464 and 1471.

<sup>89</sup> Designated *ouvidor* of the district of Beira in 1482.

<sup>90</sup> Designated *corregedor* in Riba Coa in 1487.

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Rui Martins do Carvalho	1488-1491 <sup>91</sup>	Costa, 1989, p. 368; <i>ChIII</i> , vol. XV, ff. 17-17v; vol. XII, f. 3v; vol. IX, f. 55v
Pedro Teixeira	1494	<i>ChMI</i> , vol. XIV, ff. 79v-80
Estêvão Dias	1499-1500	<i>ChMI</i> , vol. XIV, ff. 43, 84v

Estremadura

Rui Peres	1340-1341	Farelo, 2008, pp. 637-639, 758
Afonso Domingues	1344	Farelo, 2008, p. 759
João Afonso	1348 <sup>92</sup>	Farelo, 2008, p. 760
João Gonçalves	1354-1356	Farelo, 2008, pp. 699-700, 760
Pedro Tristão	1357-1359	Ribeiro, 1835, p. 57; Farelo, 2008, pp. 701-703, 761
Geraldo Eanes	1364-1367 <sup>93</sup>	Gomes, 1994, p. 266; Farelo, 2008, pp. 680-682, 762-763
Domingos Bartolomeu	†1371	Farelo, 2008, p. 763
Geraldo Eanes	1383	Gomes, 1994, p. 266; Farelo, 2008, pp. 680-682, 762-763
João Afonso de Abrantes	1388	Farelo, 2008, p. 767
Vasco Gil	1391, 1392 <sup>94</sup>	Farelo, 2008, pp. 764-765
James Lourenço	1394-1399	Farelo, 2008, p. 768; AHMC, <i>Pergaminhos, avulsos</i> , n. 47
Martim de Santarém	1406-1414	Ribeiro, 1835, p. 57; Farelo, 2008, pp. 591-593, 769; Gomes, 1994, p. 266
João Lourenço	1417	ANTT, <i>Feitos Findos</i> , Diversos, m. 1, n. 25
Fernão Martins Pestana	1420-1421 <sup>95</sup>	Farelo, 2008, p. 769; Serra, 2015, p. 491

<sup>91</sup> Designated *corregedor* in Riba Coa in 1488.

<sup>92</sup> Designated *corregedor* in the properties of Alcobaça in 1346.

<sup>93</sup> Designated *corregedor* in the lands of the queen and the prince in 1383.

<sup>94</sup> Designated *corregedor* in Entre Tejo e Odiana and in the lands of the Order of Santiago in 1388.

<sup>95</sup> Designated *corregedor* by the prince in his lands in 1420.

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Martim de Santarém	1423	Farelo, 2008, pp. 591-593, 769, Gomes, 1994, p. 266
Martim Afonso de Paiva	1425-1427	Farelo, 2008, p. 770; Serra, 2015, p. 607; ANTT, <i>Ordem dos Pregadores. Convento de S. Domingos de Santarém</i> , vol. XV, f. 83
Vasco Domingues	1428	<i>ChMI</i> , vol. XXVIII, f. 73-73v
João Mendes Aguado	1428-1429	AHMC, <i>Cartas originais dos Infantes</i> , n. 10
João Domingues	1433	Gomes, 1994, p. 266; Farelo, 2008, p. 770
João Mendes	1435-1437	AHMP, <i>Pergaminhos</i> , n. 214; Ribeiro, 1835, p. 57, Farelo, 2008, p. 768; Gomes, 1994, p. 266
João	1439	<i>ChAV</i> , vol. XIX, f. 97v
Mendo Afonso de Antas	1439-1441	<i>ChAV</i> , vol. II, f. 106; AHMC, <i>Cartas Originais dos Infantes</i> , n. 50, 64; Gomes, 1994, p. 267
Vasco Dias	1441	<i>ChAV</i> , vol. II, f. 106
Vasco Domingues	1443	ANTT, <i>Colegiada de S. Pedro de Torres Vedras</i> , m. 3, n. 136; Gomes, 1994, p. 267
Egas Gonçalves	1444-1447	<i>ChAV</i> , vol. XXV, f. 23v; vol. V, f. 79; Ribeiro, 1835, p. 58; Gomes, 1994, p. 267
Diogo Gomes de Abreu/Aveiro	1449-September 1452	ANTT, <i>Mosteiro de Santos-o-Novo</i> , n. 45; <i>ChAV</i> , vol. XII, f. 107; Ribeiro, 1835, p. 57; Gomes, 1994, p. 267
Lourenço Afonso	September 1452-October 1452	<i>ChAV</i> , vol. XII, f. 107
Afonso Gil	October 1452-1453	<i>ChAV</i> , vol. XII, f. 116; <i>PMM2</i> , p. 96
Diogo Gomes de Abreu	1453	<i>ChAV</i> , vol. III, f. 40
Afonso Gil	1455	<i>PMM2</i> , p. 351
Álvaro Mendes Godinho	February 1456-1458	<i>ChAV</i> , vol. XV, f. 117v; <i>CUP</i> , vol. VI, p. 9; Gomes, 1994, p. 267; Testos, 2011, pp. 144-145

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Egas Gonçalves	1459-1460	<i>CUP</i> , vol. VI, pp. 105, 117, 197; Duarte, 1993, vol. II, p. 116 (Entre Douro e Mondego em 1460)
Pedro Godins	1460-1464	Monteiro, 1997, vol. II, p. 116; Duarte, 1993, vol. I, p. 278; vol. II, pp. 19, 116, 118
Lopo Gonçalves	1464-1468	Duarte, 1993, vol. I, p. 278; vol. II, pp. 106, 118
João da Costa	1468-1475	Duarte, 1993, p. 278; vol. II, pp. 117-118; Gomes, 1994, p. 267
Afonso de Vasconcelos	<sup>96</sup>	Duarte, 1993, p. 278; vol. II, pp. 113-114
Fernão de Lamego	1480-1481	<i>ChAV</i> , vol. XXVI, ff. 152-152v; Duarte, 1993, p. 278; vol. II, pp. 116-117; Gomes, 1994, p. 168
Pedro de Gouveia	1482-1484	Testos, 2011, p. 169
Álvaro Dias	1487-1492	ANTT, <i>Ordem de Cister, Mosteiro de Santa Maria de Seixa</i> , m. 1, n. 10; <i>ChJII</i> , vol. XII, f. 122-122v; vol. V, ff. 52, 129
João Mendes	1498-1501	<i>ChMI</i> , vol. XXXI, f. 148; vol. XIV, f. 20; <i>CC</i> , part II, m. 3, n. 63; Ribeiro, 1835, p. 58

Entre Tejo e Odiana

Afonso Eanes	1339-1341	Farelo, 2008, p. 757; Saraiva, 1997, p. 113
Gonçalo Eanes	1344	Saraiva, 1997, p. 42
João Gonçalves	1350	Farelo, 2008, pp. 699-700, 760
João Correia	1358, 1361	Farelo, 2008, pp. 471-475, 762
Gonçalo Eanes Lobo	1362-1364	Farelo, 2008, pp. 760-761; Coelho, 2015, p. 125; Serra, 2015, p. 572; <i>ChDP</i> , p. 384
Pedro Tristão	1365-1366	Ribeiro, 1835, p. 57; Farelo, 2008, pp. 701-703, 761

<sup>96</sup> Designated *regedor* of justice in 1473-1476.

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Gomes Martins	1366	Ribeiro, 1835, p. 57
Vasco Gil	1381-1383	Farelo, 2008, pp. 764-765
Vasco Gil	1388	Farelo, 2008, pp. 764-765
Gil Martins	1390	Farelo, 2008, pp. 767
Mendo Afonso	1401	BPE, <i>Pergaminhos avulsos</i> , «pasta» 2, n. 28, «pasta» 21, n. 8
Gil Martins Rei	1401-1402	ANTT, <i>Ordem de Avis e Convento de São Bento de Avis</i> , m. 8, nn. 708, 724; Farelo, 2008, p. 767
Gil Afonso	1403 <sup>97</sup>	BNP, COD. 1766, f. 132; <i>ChDJI</i> , vol. II.3, pp. 294-295
Lopo Dias de Espinho	1405 <sup>98</sup>	ANTT, <i>Ordem de Avis e Convento de São Bento de Avis</i> , m. 8, n. 770
Gonçalo Mendes	1408 <sup>99</sup>	Farelo, 2008, p. 768
Afonso Vasques de Antas	1415-1418	BITAGAP, «manid» 1628, «texid» 8220
Gonçalo Mendes	1421	<i>ChMI</i> , vol. XL, f. 23-23v
João Mendes	1421	Serra, 2015, p. 551
Estevão Fernandes	1428	Duarte, 1993, vol. III, p. 12
Bento Domingues	1435	Sequeira, 2021, p. 83
Vasco Domingues	1436-1439	<i>ChD</i> , vol. I.2, p. 293; ANTT, <i>Gavetas</i> , «gaveta» 14, m. 5, n. 1
João Mendes Aguado	1439-1446	<i>ChAV</i> , vol. XXVI, f. 163v; vol. XIX, f. 15v; vol. V, f. 31v
Álvaro Mendes Godinho	June 1446-1450	<i>ChAV</i> , vol. V, f. 31v; <i>MH</i> , vol. X, p. 243; Duarte, 1993, vol. II, p. 131; Testos, 2011, pp. 144-145
Pedro de Coimbra	1450-March 1451	<i>ChAV</i> , vol. XI, ff. 23, 37; Duarte, 1993, vol. II, p. 131

<sup>97</sup> Designated *corregedor* in the lands of the military orders in 1403.

<sup>98</sup> Designated also *corregedor* in Estremoz in 1405.

<sup>99</sup> Designated also *corregedor* in Beja and in other places in 1405.

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Fernão Aranha	March 1451-February 1453	<i>ChAV</i> , vol. XI, ff. 23, 37; vol. IV, ff. 31v-32v
João Rodrigues	1453	<i>ChAV</i> , vol. III, f. 35; vol. IV, ff. 42v-43; BNP, <i>COD</i> . 1766, ff. 77v-78v
Martim Vicente de Vila Lobos	September 1453-February 1456	<i>ChAV</i> , vol. IV, ff. 42v-43; BPE, <i>Pergaminhos avulsos</i> , «pasta» 2, n. 21
Afonso Gil	1456	<i>ChAV</i> , vol. XV, f. 105v; <i>ChMI</i> , vol. XXVIII, f. 50v
Pedro Godins	1457?. 1459- 1460	BPE, <i>Pergaminhos avulsos</i> , «pasta» 15, nn. 44, 64; Monteiro, 1997, vol. II, p. 116
Sancho de Noronha	<sup>100</sup>	Duarte, 1993, p. 279; vol. II, p. 113
Pedro Machado	1462-1464	<i>CUP</i> , vol. VI, p. 308; Carvalho, 2001, p. 118; Capas, 2001, p. 132; Testos, 2011, p. 171
Martim Vicente de Vilalobos	1464	<i>ChJII</i> , vol. V, f. 60
Rodrigo Eanes de Carvalho	1469	Duarte, 1993, vol. II, p. 112
Pedro Machado	1471	<i>ChAV</i> , vol. XXI, f. 76-76v
Diogo Varela	1471-1476	Duarte, 1993, vol. I, p. 279; vol. II, p. 111
Afonso de Noronha	<sup>101</sup>	Duarte, 1993, vol. I, p. 279; vol. II, p. 99
Antão Sodrê	1482	<i>ChJII</i> , vol. II, f. 169
Afonso Coelho (...)	1490-1491 <sup>102</sup>	<i>ChJII</i> , vol. XII, f. 152-152v; vol. XIII, f. 53-53v
Vasco da Mota	1492	BPE, <i>Pergaminhos avulsos</i> , «pasta» 8, n. 232; <i>ChJII</i> , vol. V, f. 82v
Aires de Almada	1496	<i>ChMI</i> , vol. XXXII, f. 100v
Pedro Jorge	18 August 1499-1501	<i>ChMI</i> , vol. XIV, f. 60; vol. I, f. 16; vol. XXXVII, ff. 24v-25

<sup>100</sup> Designated *adiantado* between 1459 and 1471.

<sup>101</sup> Designated *adiantado* from 1475.

<sup>102</sup> Designated *corregedor* in Riba de Odiana in 1490.

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### Algarve

Afonso Peres	1320	Ribeiro, 1835, p. 58; BITAGAP, «manid» 5780
Pedro Domingues	1332	Farelo, 2008, p. 757
Afonso Eanes	1336	Farelo, 2008, p. 757
Rui Soares	1340	Farelo, 2008, p. 758
Afonso Domingues	1347	BITAGAP, «manid» 5780
Martim Alvernaz	1351-1353	Farelo, 2008, pp. 571-576, 760
João Correia	1363	Ribeiro, 1835, p. 58
João Correia	1368	Farelo, 2008, pp. 471-475, 762
Lourenço Gil	1372	Silva, 2020, vol. I, p. 173
Martim Vicente Godinho	1378-1383	Homem, 1990, p. 368; Farelo, p. 764; Serra, 2015, p. 495
Vasco Gil	1383	Farelo, 2008, pp. 764-765
Airas Gonçalves	1391	Farelo, 2008, p. 768
Mem Gonçalves Carvoeiro	1391	Serra, 2015, p. 439
Gil Eanes	1392	Farelo, 2008, pp. 423-425, 764
Mem Gonçalves Carvoeiro	1393-1394	Silva, 2020, vol. I, p. 178; Farelo, 2008, p. 768
Gonçalo Mendes	1402-1403	BITAGAP, «manid» 2539, 4096
Gil Vasques	1404	BITAGAP, «manid» 2119
Gonçalo Mendes	1414	Ribeiro, 1835, p. 58; Farelo, 2008, p. 769
Afonso Vasques de Antas	1421-1422	Ribeiro, 1835, p. 58
Mem Gonçalves	1431	Ribeiro, 1835, p. 58
Gonçalo Peres	1436	<i>MH</i> , vol. V, p. 198, n. 99
Nuno Gonçalves	1439	<i>ChAV</i> , vol. XIX, f. 78v
Gonçalo Peres	1440	<i>ChAV</i> , vol. XX, f. 68
Fernão Barreto	1442-1446	<i>ChAV</i> , vol. XXIII, f. 61v; vol. XXIV, f. 43; vol. XXV, f. 90; vol. V, f. 34v

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Gonçalo Vasques Garcia	April 1446	<i>ChAV</i> , vol. V, f. 34v
Estevão Dias	1447	Ribeiro, 1835, p. 59
Pedro de Coimbra	January 1450	Duarte, 1993, vol. II, p. 100; Monteiro, 1997, vol. II, p. 10
Álvaro Mendes Godinho	January 1450-February 1456	<i>ChAV</i> , vol. XV, f. 117v; <i>CUP</i> , vol. VI, p. 9; Ribeiro, 1835, p. 58; Monteiro, 1997, vol. II, p. 10
Gomes Eanes Aranha	February 1456-1458	<i>ChAV</i> , vol. XV, f. 117v; <i>CUP</i> , vol. VI, p. 95; Ribeiro, 1835, p. 59
Sancho de Noronha	<sup>103</sup>	Duarte, 1993, vol. I, p. 279
João de Elvas	1468-1469	Duarte, 1993, vol. II, p. 101; Monteiro, 1997, vol. II, p. 57
Gomes Eanes Aranha	1471	Duarte, 1993, vol. II, p. 100
Vicente Egas	1471-1474	<i>ChAV</i> , vol. XVII, f. 8-8v; Duarte, 1993, vol. I, p. 279; vol. II, pp. 101-102; Monteiro, 1997, vol. II, p. 10
Brás Afonso	1474-1476	Duarte, 1993, vol. II, p. 100; Monteiro, 1997, vol. II, p. 168; Testos, 2011, p. 147
Afonso de Noronha	<sup>104</sup>	Duarte, 1993, vol. I, p. 279; vol. II, p. 99
Álvaro Mendes Godinho	1476	Duarte, 1993, vol. II, p. 99
João de Elvas	1481	Duarte, 1993, vol. II, p. 101
Afonso Coelho	1482	<i>ChIII</i> , vol. VI, f. 114
Pedro de Resende	1482-1484	<i>ChIII</i> , vol. III, f. 18; Ribeiro, 1835, p. 59
Garcia Rodrigues	6 August 1487	<i>ChAV</i> , vol. XX, f. 181v
Gonçalo de Barros	c. 1487-1488	Ribeiro, 1835, p. 59
Pedro Eanes de Espinheiro	1490-1491	<i>ChIII</i> , vol. X, ff. 73; vol. XXXII, f. 87v

<sup>103</sup> Designated *adiantado* between 1459 and 1471.

<sup>104</sup> Designated *adiantado* in 1475.

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Vasco Pereira	1491-1492	<i>ChIII</i> , vol. XI, f. 25; Silva, 2020, vol. I, p. 386
Francisco Lopes	1495	Ribeiro, 1835, p. 59
Estêvão Dias	c. 1498	<i>ChMI</i> , vol. XXXII, ff. 53v-54
Francisco Lopes	1499-1501	<i>CC</i> , part II, m. 2, n. 118; <i>ChMI</i> , vol. I, f. 46v

#### Lisbon

Afonso Domingues	1350	Farelo, 2008, pp. 736, 759
Gomes Martins de Setúbal	1373-1377	Farelo, 2008, pp. 736, 764
Diogo Gil	1380	Farelo, 2008, pp. 678-679, 736, 764
Lopo Martins da Portagem	1381-1382	Farelo, 2008, p. 736
Diogo Gil	1382	Farelo, 2008, p. 736
Geraldo Eanes	1382-1383	Farelo, 2008, pp. 680-682, 736, 762-763
Nuno Fernandes de Chaves	1383	Farelo, 2008, pp. 601-604, 736, 766
Lopo Martins da Portagem	1385	Farelo, 2008, pp. 541-547, 736, 766
Rodrigo Esteves	1387	Farelo, 2008, pp. 703-705, 736, 766
João Afonso Fuseiro	1389	Farelo, 2008, p. 736
Rodrigo Esteves	1389-1390	Farelo, 2008, p. 736
Afonso Martins Alvernaz II	1391-1401	Farelo, 2008, pp. 335-338, 736, 768
João Afonso Fuseiro	1402-1418	Farelo, 2008, pp. 693-698, 736, 767
Vasco Esteves de Santarém	1418-1420	Farelo, 2008, pp. 736, 769
João Afonso Fuseiro	1420-1429	Farelo, 2008, pp. 693-698, 736, 767
Lopo Gonçalves I	1432-1433	Farelo, 2008, pp. 736, 770
João Afonso Fuseiro	1433	Farelo, 2008, pp. 736
Lopo Gonçalves I	1434	BPE, <i>Pergaminhos avulsos</i> , «pasta» 2, n. 25a; <i>ChAV</i> , vol. XIX, f. 91
João Mendes Aguada	1435-1437	Gomes, 1994, p. 266; AHMP, <i>Pergaminhos</i> , n. 214

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Lopo Gonçalves I	May 1439- †1441	Carvalho, 2001, p. 101; <i>ChAV</i> , vol. XIX, ff. 55, 91; vol. II, f. 77v; ANTT, <i>Ordem dos Pregadores. Convento de S. Domingos de Lisboa</i> , vol. XXI, f. 344; Farelo, 2008, p. 770
Diogo Gil Ferreira	7 April 1441	<i>ChAV</i> , vol. II, ff. 77v-78
Lopo Vasques de Serpa	1443-1448	<i>CUP</i> , vol. IV, p. 364; vol. V, p. 53; <i>ChAV</i> , vol. XXV, f. 10; Monteiro, 1997, p. 106; Testos, 2011, p. 165
Pedro Faleiro	1448-1451	<i>ChAV</i> , vol. XI, f. 40
Diogo Gonçalves Lobo	1451-1457	<i>ChAV</i> , vol. XI, f. 40; vol. XII, f. 46; vol. X, f. 118v; Duarte, 1993, vol. II, p. 119
Álvaro Peres Vieira	1460	Duarte, 1993, vol. II, pp. 119-120; Monteiro, 1997, vol. II, p. 13
Diogo Gonçalves Lobo	1463-1468	AML-AH, <i>Livro dos Pregos</i> , n. 352; <i>Livro I de Serviços a El-Rei</i> , n. 24
Rui Lobo	1469-1476	<i>ChAV</i> , vol. XXXI, f. 104v; Duarte, 1993, vol. I, p. 280, vol. II, p. 120
Brás Afonso	1478-1479	Duarte, 1993, vol. I, p. 280; vol. II, pp. 18, 52, 69, 81, 119; Monteiro, 1997, vol. II, p. 18
Rui de Ávila	1480-1481	Duarte, 1993, vol. I, p. 280; vol. II, p. 120
Lopo da Fonseca	1481-1490	AML-AH, <i>Livro II de D. João II</i> , n. 46; Testos, 2011, p. 163
Rui Lobo	1491-1492	AML-AH, <i>Livro III de D. João II</i> , n. 39, 44
Fernão Álvares	1494	AML-AH, <i>Livro I do Provimto da Saúde</i> , n. 22
Fernão Eanes	In or before 1496	<i>ChMI</i> , vol. XL, f. 104v
Brás Afonso Correia	1497-1501	<i>ChMI</i> , vol. XXVIII, f. 26v; vol. XXIX, ff. 124v-126; vol. II, f. 2v

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### The Court

Lourenço Gonçalves	1357-1366	Homem, 1990, pp. 361-362; Farelo, 2008, p. 761
Álvaro Gonçalves	1369-1379	Homem, 1990, pp. 275-279; Farelo, 2008, p. 763
Gil Eanes	1377-1382	Farelo, 2008, pp. 423-425, 764
Diogo Gil	1382	Farelo, 2008, pp. 678-679, 764
João Afonso de Avis	1382-1383	Farelo, 2008, pp. 691-692, 765
Gil Eanes	1383	Farelo, 2008, pp. 423-425, 764
Álvaro Gonçalves Machado	1387-1388	Farelo, 2008, pp. 358-359, 767
Gil Eanes	1391-1401	Farelo, 2008, pp. 423-425, 764
João Mendes de Góis	1402-1433	Farelo, 2008, p. 768
João Afonso	1438	ADV, <i>Pergaminhos Devolvidos</i> , m. 4, n. 127
Lopo Gonçalves I	1439-†1441	<i>ChAV</i> , vol. XIX, ff. 55-55v, 91; <i>MH</i> , vol. VII, p. 134
Gonçalo Fernandes	1443-c.1448 <sup>105</sup>	<i>CUP</i> , vol. IV, pp. 273, 275, 437; AMAP, <i>Pergaminhos da Câmara</i> , nn. 8-1-4-7; Testos, 2011, pp. 31, 155
Álvaro Peres Vieira	1450-1456	Monteiro, 1997, vol. II, pp. 13-14; Testos, 2011, pp. 32, 146; Carvalho, 2001, p. 106
Álvaro Peres [da Mão Inchada]	1463-1480	Duarte, 1993, vol. II, p. 68; Monteiro, 1997, pp. 20, 42; Brito, 2001, p. 15; Carvalho, 2001, p. 94; Durão, 2002, vol. II, p. 12; Testos, 2011, pp. 32, 145
João de Elvas	1480-1487	<i>ChAV</i> , vol. XXXII, f. 117; Duarte, 1993, vol. II, p. 34; Monteiro, 1997, vol. II, p. 57; Brito, 2001, p. 15; Carvalho, 2001, pp. 67-68; Durão, 2002, vol. II, p. 53; Testos, 2011, p. 32
Martim Pinheiro (crime)	1487-1506	Testos, 2011, p. 32
Aires de Almada (cível)	1487-1492	Testos, 2011, pp. 32, 143
João Fernandes Godinho (cível)	1493-1495	Figueiredo, 1996, p. 183; Testos, 2011, pp. 32, 159-160

<sup>105</sup> He was in charge of the *correição* of the court in 1440 and 1443.

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Estevão Gago de Andrade (cível)	Before 1500	Testos, 2011, pp. 32, 152
João Cotrim (cível)	1500	Testos, 2011, pp. 32, 157

Other locations

Afonso Rodrigues	1335	Indeterminable	Farelo, 2008, p. 758
Vasco Olhalvo	1343	Coutos de Alcobça	Farelo, 2008, p. 758
Bartolomeu Peres	1355, 1359	Coimbra	Farelo, 2008, p. 761
Afonso Esteves Alvernaz	1362	Pelo Abade de Alcobça in his <i>coutos</i>	Gomes, 2005, p. 311
Lopo Esteves	1381-1382	Coimbra	Farelo, 2008, p. 765
João Gomes de Abreu	1383	Santarém	Farelo, 2008, p. 766
Estêvão Peres	1384	Guarda	<i>ChJI</i> , vol. I.1, p. 120
Lopo Vasques	1471	Idanha	<i>ChAV</i> , vol. XXI, f. 8
Lopo de Barros	1499	Évora	<i>ChMI</i> , vol. XIV, f. 69
Pedro Eanes Colaço	1500	Santarém	<i>CC</i> , part II, m. 3, n. 60

## I. Introduction

Between 1481 and 1482, in the first *Cortes*<sup>2</sup> held during King João II's reign (1481-1495), the «Peoples»<sup>3</sup> complained to the king that both he, and his father before him, had sent judges with jurisdiction to some *comarcas*,<sup>4</sup> cities and towns who, because of their scant knowledge of the Law, «had made some major, irreparable mistakes».<sup>5</sup> The purpose of this paper is to provide an introduction to the men who, during King Afonso V's long reign (1438-1481) and the regency of the *Infante* Pedro (1438-1448), were appointed by the monarch, or regent, to several locations in the kingdom, mostly without the populations' knowledge or consent. We will determine how many judges were assigned during this period, their names and social profiles, the places they were posted to, the durations of their mandates, and the salaries or payment, they received for their work, among other matters.

In order to achieve these aims, the individuals who served in this office during the period under study were identified.<sup>6</sup> Much of this work had already been done for the period between 1459 and 1481 by Luís Miguel Duarte, who included this judicature in the «Índice de titulares de cargos de Justiça e Administração» from his doctoral thesis.<sup>7</sup> In order to carry out this research relating to the first two decades of Afonso V's reign, it was necessary to collect letters of appointment, which are re-

<sup>1</sup> This paper is part of the research carried out in project PTDC/EPH-HIS/4323/2012, financed by FCT.

<sup>2</sup> *Cortes* was the Portuguese parliament. For more information see the glossary.

<sup>3</sup> This expression adopted from the documents «chapters of the peoples» is used, as Armindo de Sousa did.

<sup>4</sup> Administrative and judicial districts of the kingdom. For more information see glossary and Map 2: *Comarcas of Portugal in the 14th and 15th centuries*.

<sup>5</sup> «Fezerom allguãs grandes erradas yrreparavees», ANTT, *Cortes*, maço [= m.] 3, n. 5, f. 10.

<sup>6</sup> 62 men were identified as *juízes de fora* during this reign. In total, they were appointed to this position 80 times (since several of them served more than once). This data is displayed in the table attached.

<sup>7</sup> L. M. DUARTE, *Justiça e Criminalidade no Portugal Medieval*, cit. (1993), vol. II, pp. 186-195.

corded in the volumes of the royal chancellery.<sup>8</sup> These documents, which are related to both general and exceptional summons of the *Cortes*,<sup>9</sup> are the fundamental source of this work, so it is useful to briefly discuss their structure, as well as their content.

The judges' nomination letters that were consulted appear as an integral record, as well as in separate entries. The texts are more or less uniform: in the protocol, the customary title was followed by an address, usually made up of the authorities and the political elite of the locality where the magistrate would hold office; the text itself identified the individual and sometimes contained a reference to a dependence on the king or a great lord, the duration of the mandate, the salary, a summary of the tasks associated with the position, and an exhortation to the residents of the district to respect the new official; the eschatocol contained the usual elements found in royal letters from the late Middle Ages. Despite their common structure, the documents did not always include all this data, which, as will be seen, makes it difficult to process them systematically. The shortcomings of this *corpus* were mitigated as much as possible by consulting other sources, such as legislation and *Cortes* chapters.<sup>10</sup>

This study is divided into two parts. The first part characterizes the office of *juízes de fora* during this period by looking at the different ways in which they were designated and indicating the roles they played, the reasons that led to their appointments, the duration of their mandates, and their salaries. In the second part, the nomination of *juízes de fora* during the reign of Afonso V will be analysed, and the number of officials assigned and *concelhos*<sup>11</sup> in which they were posted discussed. In addition, an attempt will be made to characterize these men and their careers from a social perspective.

## II. *The office of juiz de fora*

It is not easy to categorically define a *juiz de fora* in the time of Afonso V. The designation of this office was variable, as were the reasons for the appointment of a *juiz*, the duration of their mandate, and the salaries. Taking this into account, the first part of the study aims to clarify, as far as is possible, the multiplicity of situations associated with the many fundamental elements of this office.

<sup>8</sup> These 49 could not have been identified without consulting the index of common names of the chancellery of Afonso V, preserved in the Torre do Tombo: see ANTT, *Instrumentos de Descrição, Índice da Chancelaria de D. Afonso V: comuns*, vol. XXXVII.

<sup>9</sup> I would like to thank Pedro Pinto for providing the transcripts of most of these documents.

<sup>10</sup> At meetings of the *Cortes*, *capitulos gerais* were presented on behalf of all the *concelhos* represented and special chapters on behalf of each *concelho*.

<sup>11</sup> The same as municipalities. For more information see glossary.

## Juízes de Fora in the time of King Afonso V

### II.1. Functions and designations

Approximately 50 years ago, and in accordance with previous studies by José Anastácio de Figueiredo, Henrique da Gama Barros and Marcelo Caetano, Rui de Abreu Torres characterized the office as follows:

The ‘judges by the king’, *juízes de fora*, or ‘judges from outside parts’, as the name implies, were individuals who were outsiders in the municipalities where they worked, who were not influenced by their neighbours and were in many cases learned men, i.e. they held university degrees. Their authority was bestowed upon them by the monarch, and the municipality was forced to pay them a regular salary, which was not the case with local judges.<sup>12</sup>

It is important to clarify the scope of the authority that was implied in this definition. A *juiz de fora* had full civil and criminal power in the localities to which they were designated, which meant they held control over both justice and municipal administration.<sup>13</sup> As such, the assignment of these magistrates nullified the political, administrative, and judicial powers of local officials.<sup>14</sup>

Regarding terminology, the excerpt quoted by Rui de Abreu Torres’ immediately reflects the diversity of the names given to this office. In his study on justice during the final decades of Afonso V’s reign, Luís Miguel Duarte discusses the confusion that can arise between *juízes de fora* and ordinary judges thanks to this multiplicity of denominations:

The terminology is not clear: when we speak of ‘ordinary judges’, there are no doubts; but when we come across ‘judges of the king’ or ‘judges by the

<sup>12</sup> R. A. TORRES, s.v. *Juízes de fora*, in J. SERRÃO (ed.), *Dicionário de História de Portugal*, Livraria Figueirinhas, Porto 1971, vol. II, pp. 641-642. Translations are my own. («Os *juízes por el-rei*, *juízes de fora*, ou *juízes de fora parte* eram, como o próprio nome indica, indivíduos estranhos ao concelho, sem o foro de vizinhos, em muitos casos letrados, isto é, com graus universitários, que recebiam do monarca a autoridade e a quem os concelhos tinham de pagar ordenado certo, ao contrário do que sucedia com os *juízes da terra*»).

<sup>13</sup> L. M. DUARTE, *Justiça e Criminalidade no Portugal Medieval*, cit. (1999), p. 245.

<sup>14</sup> In this regard, it is established in the *Ordenações Afonsinas*: «And since we now send some judges appointed by us to some cities and towns, or by request of their inhabitants, or because we consider that this is in God’s service as well as our own, and for the good of the land, ordinary judges cease to perform duties and there shall be no other than the one sent by us and he must learn about all the cases that the previous judges knew about» («e posto que quando ora mandamos alguõs Juizes por Nos a alguãs Cidades ou Villas, ou per requerimento dos moradores dellas, ou por entendermos assy por serviço de DEOS e Nosso e prol da terra, os Juizes Hordenairos cessam, e nom deve hi aver outro, salvo aquelle que por nos he enviado, e elle deve tomar conhecimento de todallas cousas e feitos de que tomavam conhecimento os hordenairos»). See *Ordenações Afonsinas*, cit. (1984), title 25, p. 155.

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king’, this may refer to an ordinary judge who, like everyone, needs royal confirmation and therefore should be called ‘of the king’, or it may mean a judge who is directly appointed against the will of (at least some) local rulers; in this case, he is an ‘outside judge’ because he was chosen elsewhere, even if he lived locally.<sup>15</sup>

In the *Ordenações Afonsinas*<sup>16</sup> these magistrates are referred to as «judges whom the king sends to some towns for his service» and «judges by Us». <sup>17</sup> In the documentation that this paper is based on, particularly nomination letters, there are essentially three designations:

- a) *juiz de fora*: a sufficiently clear term that leaves no doubt as to the nature of the office;
- b) «judge of the locality and its surroundings in civil and criminal cases and in the municipality’s council»;<sup>18</sup> in this case, it is the scope of the functions named, associated with other elements of the document such as indication of a salary,<sup>19</sup> which makes it possible to ascertain whether or not it referred to a *juiz de fora*;<sup>20</sup>
- c) «judge in ...»:<sup>21</sup> a term that is rather vague, although, as in the previous case, can be deciphered as referring to a *juiz de fora* by analysing other elements in the document.<sup>22</sup>

During this period there were two dubious cases, which were previously an-

<sup>15</sup> «A terminologia não é clara: quando se fala em *juizes ordinários*, não restam dúvidas; mas quando encontramos *juizes do rei* ou *juizes pelo rei*, podemos estar perante um juiz ordinário que, como todos, precisa de confirmação régia, e portanto se deve chamar *do rei*, ou perante um juiz de nomeação direta, contra a vontade dos regedores locais (ou de parte deles); neste caso, é um *juiz de fora*, porque a sua escolha é feita de fora, mesmo que recaia sobre um vizinho da terra», L. M. DUARTE, *Justiça e Criminalidade no Portugal Medieval*, cit. (1999), p. 246.

<sup>16</sup> Legislative compilation. For more information see glossary and J. DOMINGUES, *As Ordenações Afonsinas*, cit.

<sup>17</sup> *Ordenações Afonsinas*, cit. (1984), vol. I, title 25, p. 157.

<sup>18</sup> «Juiz della [da terra] assi em ella como no termo e nos feitos crimes e civees e regimento e vereação desse concelho».

<sup>19</sup> The existence of a salary is one of the fundamental factors that distinguish *juizes de fora* (who would receive one) from ordinary judges («juizes ordinários»).

<sup>20</sup> See, for example, the nomination letter of Martinho Vicente de Vila Lobos as outside judge of Serpa, ANTT, *Chancelaria de D. Afonso V*, vol. III, f. 58v-59.

<sup>21</sup> «Juiz em ...».

<sup>22</sup> See, for example, the letters of appointment of João Fernandes de Velez and Lopo Mendes as *juizes de fora* of Serpa and Estremoz respectively, published in A. DINIS (ed.), *Monumenta Henricina*, cit., vol. VII, pp. 302 (n. 209) and 303 (n. 210).

## Juízes de Fora in the time of King Afonso V

alysed by Luís Miguel Duarte and classified by him as «intermediate», where it is difficult to determine whether they were *juízes de fora*: in 1471, some residents of the city of Braga asked the king to assign Pedro Teixeira, a knight of the king's household, as an ordinary judge for three years; the king appointed him for one year, leaving the possibility open for his mandate to be extended for two more; however, another faction of the local political elite asked the monarch to dismiss the magistrate; this request was denied, and the mandate was actually prolonged; secondly, in 1480, the municipality of Viseu<sup>23</sup> asked Afonso V to designate two local squires as judges, as a way of contending with the instability that prevailed at the time; the request was accepted by the king, who nominated them for three years. These two cases are neither typical *juízes de fora* nor traditional ordinary judges, they are hybrid assignments where sometimes, especially in the case of Braga, the judges are actually classified as ordinary, but their selection «had a strong outside component».<sup>24</sup> Because they are not clearly *juízes de fora*, they will not be analysed in the study that follows.

### II.2. Grounds for appointment

Let us begin by examining how the normative sources justify the designation of *juízes de fora*. The *Ordenações Afonsinas*, which were concluded during the reign of Afonso V<sup>25</sup> but included laws written by previous monarchs, contain an ordinance about this office issued during the time of João I (1385-1433). It registered the appointment of judges by the king for seven localities in the Beira district<sup>26</sup> and regulated the activities of these officials. The king founded these assignments based on the news he had received, that instability was rife in the region. Without going into too greater detail, the monarch referred to «things [...] that were done in the Beira region that should not be done», specifically «damage and wrongdoing [carried out...] by knights and squires and men-at-arms and their [dependants] and also by notaries» and the need to «find the guilty parties so that they may serve as an example to others not to commit such acts» and «bring peace to the district».<sup>27</sup> In short, political and

<sup>23</sup> A portuguese town.

<sup>24</sup> L. M. DUARTE, *Justiça e Criminalidade no Portugal Medieval*, cit. (1993), pp. 195 e 209-210; Id., *Justiça e Criminalidade no Portugal Medieval*, cit. (1999), p. 247.

<sup>25</sup> In 1446, still during Infante Pedro's regency.

<sup>26</sup> Lamego, Viseu, Guarda, Trancoso, Pinhel, Coimbra e Castelo Branco (Portuguese cities and towns). See *Ordenações Afonsinas*, cit. (1984), vol. I, title 25, p. 157.

<sup>27</sup> «Cousas [...] que se faziam nas Correições da Beira como nom deviam», namely «mallefícios e malfetorias [praticados] pelos Cavalleiros, e Escudeiros, e Homeês d'Armas, e pelos seus, outro sy pelos Tabaliaaês», and the need to «acharmos culpados de guissa que fosse eixemplo a outros que taees coussas nom cometessem» and «poermos asesequo na dita Comarca», *ibid.*, pp. 155-156.

social upheaval in a part of the kingdom justified strong intervention by the king, which in this case materialized in the selection of trusted officials who, in theory, had no interests in those localities and who might work closely with the Crown and with the *corregedores*<sup>28</sup> to ensure the best governance of the land.

This justification is not very different from those offered by previous monarchs when they were confronted by the «Peoples» in the *Cortes*, requesting the extinction of this position: in 1361, King Pedro I (1357-1367) alleged that he only appointed *juízes de fora* «for our service and for the sake of our land»;<sup>29</sup> ten years later, King Fernando (1367-1383) spoke of the necessity for «the cities and towns be better governed [and] to fully uphold the law because this is the aim of all the inhabitants of the towns and villages»,<sup>30</sup> and one year after that he said again that «if we nominated them to some places it was for a just reason and for the good governance of those places».<sup>31</sup>

Let us look at the reasons stated for the appointment of *juízes de fora* during the reign of Afonso V. The most common justification is similar to those already mentioned during previous reigns. For example, in 1446 the *Infante* Pedro explained the assignment of Dinis Anes da Grã as the *juiz de fora* of Serpa and Moura:<sup>32</sup> «For our service, the good and honour of those towns and for them to be better governed».<sup>33</sup> These were, to a certain extent, the «standard grounds» for these acts, and did not usually indicate the reasons why the localities needed to be «better governed». There are only three cases where we have further information: in December 1439, Álvaro Pires, a resident of Freixo de Espada à Cinta,<sup>34</sup> was appointed *juiz de fora* of Bragança,<sup>35</sup> following a request from the town's delegates in the *Cortes* of Lisbon because the justice system was not working properly in the area.<sup>36</sup> A few months later, in April 1440, Egas Gonçalves was nominated *juiz de fora* of the same town, also at

<sup>28</sup> Magistrates in charge of *comarcas* (administrative and judicial districts). For more information see glossary and the chapter of this book: «The circulation of the *corregedores* in late medieval Portugal: a first approach».

<sup>29</sup> «Por nosso seruiço e prol da nossa terra», A. H. MARQUES-N. DIAS (eds.), *Cortes Portuguesas. Reinado de D. Pedro I (1357-1367)*, Instituto Nacional de Investigação Científica, Lisbon 1986, p. 35.

<sup>30</sup> «Serem as çidades e villas mjlor uereadas [e de] se fazer direito mais compridamente E porque este he prol de todos os moradores Das vilas e logares», *ibid.*, pp. 28-29.

<sup>31</sup> «Se os posemos em Algũs logares foj per Razom Aguisada e por boom Regimento e vereamento dos logares», *ibid.*, p. 89. For an extended view on this, D. FARIA, *Juízes indesejados?*, cit., pp. 19-37.

<sup>32</sup> Portuguese towns.

<sup>33</sup> «Entendendoo asy por nosso seruiço e prol e honrra dessas villas por serem melhor regidas», ANTT, *Chancelaria de D. Afonso V*, vol. V, f. 24v.

<sup>34</sup> A Portuguese town.

<sup>35</sup> A Portuguese town.

<sup>36</sup> M. C. ALEGRE-P. COSTA (eds.), *Trás-os-Montes Medieval e Moderno. Transcrição de fontes documentais*, Arquivo Distrital de Bragança, Bragança 2004 [CD-ROM], n. 84.

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the request of the municipal elite, for «evident reasons».<sup>37</sup> The following year, Pêro Vaz, a clerk for the *Infante* João,<sup>38</sup> was confirmed as *juiz de fora* of Serpa, following «some upheavals and unions he had learned of in the town between some of the privileged members of the town and others of lesser status».<sup>39</sup>

It is evident that during the reign of Afonso V there were no substantial changes in the reasons that led the king to appoint *juízes de fora*. On the contrary, in the same way that it was thought during the reign of Afonso IV (1325-1357) that local judges could not govern properly<sup>40</sup> because they had relatives, friends and enemies in the communities they served, approximately one century later the Crown still held the belief that appointing men close to the monarch with no connections to the localities was a more effective way of putting an end to the social unrest that occasionally arose in the kingdom.

### II.3. Duration of the mandates

The duration of the mandates of *juízes de fora* does not seem to have ever been subject to regulations in the later Middle Ages. At least, no norm concerning them was found either in the *Ordenações Afonsinas*<sup>41</sup> or in the two best-known records of the *Ordenações Manuelinas*.<sup>42</sup> In the *Cortes*, the issue of the duration of these magistrates' terms of office was raised only once, in 1481-1482, when the people requested of King João II that if he were to appoint a *juiz de fora* to a locality, he would do so «with a time limit». The monarch's reply did not address the matter.<sup>43</sup>

<sup>37</sup> «Razões evidentes», ANTT, *Chancelaria de D. Afonso V*, vol. XX, f. 77. Apparently, a failure in communication, perhaps due to the excessive amount of time that news of the first appointment took to arrive in Bragança, coupled with the local elite's insistence on appointing a *juiz de fora* to the town, led to the monarch appointing two officials to the same place within a very short period of time.

<sup>38</sup> Son of King D. João I and, therefore, uncle of King Afonso V.

<sup>39</sup> «Alguuns alvoroços e uniões que achara que em essa villa [havia] antre alguuns grandes e outras pessoas de menos condiçom», ANTT, *Chancelaria de D. Afonso V*, vol. II, f. 91v.

<sup>40</sup> A. H. MARQUES-M. T. RODRIGUES-N. DIAS (eds.), *Cortes Portuguesas. Reinado de D. Afonso IV*, cit., p. 128.

<sup>41</sup> *Ordenações Afonsinas*, cit. (1984), vol. I, title 25, pp. 155-164.

<sup>42</sup> Legislative compilation. For more information see glossary and the chapter «The peripheral officials of justice in Portuguese legislation (1446-1521)» of this book. In this code, unlike what can be seen in the *Ordenações Afonsinas*, there is no specific article on *juízes de fora*. The rules regarding these officials are included in the article on ordinary judges. See *Ordenações Manuelinas* [system of 1512-1513], Centro de Estudos Históricos da Universidade Nova de Lisboa, Lisbon 2002, vol. I (titles 35, 69-84); *Ordenações Manuelinas* [system of 1521], Fundação Calouste Gulbenkian, Lisbon 1984, vol. I, title 44, pp. 286-314.

<sup>43</sup> ANTT, *Cortes*, m. 3, n. 5, f. 10-10v.

The nomination letters of *juízes de fora* did not always indicate the length of the official's term of office, although this piece of information is found in 42 of the 80 cases reported in this paper. Judges were assigned for one-year terms 27 times, and in two cases the term was renewed for a further year.<sup>44</sup> In eight cases, the magistrate was to perform his duties as long as the king wished, that is, indefinitely.<sup>45</sup> Appointments for two years (two cases), and three years (four cases), were more sporadic. It is therefore clear that in the absence of a rule defining the duration of the mandates of these officials, it was up to the monarch to determine (or not) a duration that suited him. It appears that the most common option was to limit the mandate to one year. This duration makes sense if the nature of the post is considered: if one of the most distinctive features of this position was the fact that the office holder did not have local connections – which could ensure a higher degree of independence vis-à-vis local interests – it was natural that these men should not remain in the same place for long, or they might develop the kind of interests the post sought to avoid. Two other factors provide further reasoning as to why these mandates were usually short: *juízes de fora* were often appointed to solve short-term problems within the local area, so there was no need for them to remain locally once those problems were solved; unlike ordinary judges, *juízes de fora* were paid and this, in part, meant an expense to the Crown.

#### II.4. Salary

*Juízes de fora* therefore received salaries. This burden on the municipal coffers would be the subject of protests by municipal representatives at the *Cortes* from the reign of Afonso IV onwards.<sup>46</sup>

It has not been possible to gather much data on the remuneration paid to *juízes de fora* at the time of Afonso V, since in most cases the nomination letters did not mention this factor. The Table that follows summarizes the information that was

<sup>44</sup> See L. M. DUARTE, *Justiça e Criminalidade no Portugal Medieval*, cit. (1993), pp. 188 and 193.

<sup>45</sup> The systematization of this data is greatly thanks to Sérgio Carlos Ferreira, to whom I am very grateful.

<sup>46</sup> The encumbrance of paying salaries to *juízes de fora* was pleaded several times by municipalities in the *Cortes* between the reigns of Afonso IV and Manuel I. See A. H. MARQUES-M. T. RODRIGUES-N. DIAS (eds.), *Cortes Portuguesas. Reinado de D. Afonso IV*, cit., p. 128; A. H. MARQUES-N. DIAS (eds.), *Cortes Portuguesas. Reinado de D. Pedro I*, cit., p. 35; A. H. MARQUES (ed.), *Cortes Portuguesas. Reinado de D. Fernando I (1367-1383)*, Instituto Nacional de Investigação Científica, Lisbon 1990, vol. I, pp. 28 and 88; A. SOUSA, *As cortes de Leiria-Santarém de 1433*, cit., pp. 109-110; Arquivo Municipal de Elvas, *Coleção de Pergaminhos*, n. 31 (concerning the *cortes* of Lisbon in 1446); ANTT, *Cortes*, m. 2, n. 14, f. 2v (concerning the *Cortes* of Santarém in 1451); J. J. DIAS-A. H. MARQUES-J. PEREIRA-F. PORTUGAL (eds.), *Cortes Portuguesas. Reinado de D. Manuel I*, cit., p. 77.

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obtained. In addition to the salary, as mentioned in the relevant document (i.e. in pounds or white *reais*, in annual or monthly amounts), the annual amount in white *reais*<sup>47</sup> and the equivalent in grams of silver is indicated,<sup>48</sup> allowing for a comparison of the amounts paid in different years.

Table 1 – Livelihoods of seven of Afonso V's *juízes de fora*

Year	Name	Locality or localities	Salary			Source
			Reference in the document	Annual amount in white <i>reais</i>	Annual amount in grams of silver	
1438	Lopo Mendes	Elvas	21 000 l./m. *	7,200	1,792.8	CAV, XIX, 6
1440	João Vaz	Coja	500 r./m. *	6,000	1,494	CAV, XX, 114
1442	Lopo Mendes	Beja	30 000 l./m. *	10,286	2,262.9	CAV, XXIII, 55v
1443	Rodrigo Esteves	Tavira	600 r./m. **	7,200	1,584	CAV, XXVII, 44v
1455	Gonçalo Rodrigues Murzelo	Serpa	12 000 r./a. **	12,000	2,640	CAV, XV, 61v
1456	Pero da Cruz	Portalegre, Arronches, Alegrete Marvão	12 000 r./a. *	12,000	2,640	CAV, XIII, 35
1461	Fernão Brandão	Tavira	12 000 r./ a. **	12,000	2,100	CAV, XIV, 4-4v

Legend: r./a. = *reais* per annum; r./m. = *reais* per month; l./m. = pounds (*libras*) per month; \* = salary paid by the municipality; \*\* = salary paid in equal parts

<sup>47</sup> Considering that a white *real* was the equivalent of 35 pounds.

<sup>48</sup> Calculated from the table «Equivalência em prata (g Ag) da moeda medieval (1300-1500)», available in S. C. FERREIRA, *Preços, salários e níveis de vida em Portugal na Baixa Idade Média*, PhD thesis in History, Faculty of Letters, University of Porto, Porto 2014, p. 13.

by the municipality and the king; CAV = ANTT, *Chancelaria de D. Afonso V* (followed by an indication of the volume and folio numbers).

A general analysis of the Table highlights the following aspects: during this period, the salaries paid to *juizes de fora* ranged from 6,000 (in 1440) to 12,000 white *reais* per year (the single, constant amount paid from 1455 onwards); if we take into account the value of one gram of silver, we can see that João Vaz earned the lowest salary as the *juiz de fora* of Coja<sup>49</sup> (1 494 g/Ag in 1440), and Gonçalo Rodrigues Murzelo and Pero da Cruz received the highest amount (2 640 g/Ag) while they were in Serpa (in 1455) and in Portalegre, Arronches, Alegrete and Marvão<sup>50</sup> (in 1456) respectively; the drop in price of the silver gram implied the deprecation of salaries by 12,000 *reais*; at least between 1438 and 1461, the salaries of the officials who were paid in full by the *concelhos* alternate with the salaries shared between the municipality and the monarch.

If an attempt is made to interpret this data in more detail, even taking into account its scarcity and chronological discontinuity, and consequent its ambiguity in representing Afonso V's reign as a whole, an initial stage can be noted, between 1438 and 1443 where the salary paid to *juizes de fora* could vary considerably.<sup>51</sup> This period was followed by another, which had already begun by 1455, when the amount was constant. Although there are only three cases where the remuneration of these officials amounted to 12,000 *reais*, it is possible that from a certain point onwards this became the standard salary for all *juizes de fora*. This is suggested by the letter of appointment of Pero da Cruz, which states: «And that he shall receive each year from the income of said places twelve thousand white *reais* as his salary, in accordance with what it has always been customary to pay the *juiz de fora*». <sup>52</sup> However, this sentence raises further questions: does his statement of «in accordance with what has always been customary to pay the *juiz de fora*» apply to all officials? Or only to those who were sent to the localities where Pero da Cruz was appointed? The triple repetition of this amount, coupled with the tendency of medieval public wages to be institutionalized and to remain at the same face value

<sup>49</sup> A Portuguese town.

<sup>50</sup> Portuguese towns.

<sup>51</sup> Depending on what? The location of the town where the judges were appointed? The distance between the officials' hometowns and the places where they would serve? The social circumstances of the locality where these men were appointed and, consequently, the degree of difficulty they could expect in their work? These are issues where the scarcity of data available does not allow for definitive answers.

<sup>52</sup> «E que elle aja em cada huum anno pellas rendas dos dictos lugares doze mil reais brancos de seu mantimento, segundo se sempre costumou pagar ao juiz de fora», ANTT, *Chancelaria de D. Afonso V*, vol. XIII, f. 35.

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for several years,<sup>53</sup> allows us to assume that this was the salary paid to many other *juízes de fora*.

An important aspect regarding this remuneration concerns the entity or entities responsible for making the payment. The table shows four cases in which the salary was paid by the municipality exclusively, and three cases where it was split between the municipality and the king. The Table at the end of this study mentions ten letters in which, although the amount of the salary is not indicated, there is an indication that the responsibility for paying it would be shared between the monarch and the municipal institution. This serves as proof that sharing payment of the salary was the most common procedure in the time of Afonso V. No justification for choosing one form of remuneration or another can be found in the appointment documents, although one summoning of the *Cortes*, in 1433, may provide the answer as to what might have influenced the monarch's decision. That year, the people complained again to King Duarte (1433-1438) that paying the salaries of *juízes de fora* was detrimental to the *concelhos*' accounts, requesting that these officials be paid by the Crown or whoever had taken the initiative to have them appointed.<sup>54</sup> King Duarte granted their request, but set forth an exception: «Should the Lord King appoint a judge due to the municipalities' insolence and upheaval, then he must be paid at the expense of the municipalities».<sup>55</sup> That is, the city or town council would be solely responsible for paying the salary of a *juiz de fora* if the latter were to be assigned because of disturbances in the urban center. Since these kinds of local problems continued to be the reason for the nominating these officials in the time of Afonso V, it is possible that this was also a factor in deciding who would pay these men's salaries.

One last question must be asked before this point is concluded: were *juízes de fora* well paid? Merely stating the amount paid to them as a salary is insufficient information with which to answer this question, but by comparing their salaries with the salaries of other officials, an approximation of the economic and social status of these individuals can be made. Taking the annual amount of 12,000 white *reais* as a reference, an amount earned by several *juízes de fora*, in comparison with other salaries it can be concluded that this amount was: 1) the same as the amount received by district *corregedores* in 1437-1438 and in 1473, and very close to what a university professor in the *Estudo Geral* earned in 1460; 2) around triple the salary of a *procurador*<sup>56</sup> of Lisbon's city council in 1471 and of a physicist in Tangier in 1472; 3) not much higher than that of a carpenter in Oporto who, in 1473, received 35

<sup>53</sup> See S. C. FERREIRA, *Preços, salários e níveis de vida em Portugal*, cit., p. 214.

<sup>54</sup> Whether that had been the municipality itself or the noble and powerful individuals of the town.

<sup>55</sup> «Se o dicto Senhor Rey mandar poer Juiz por ousom ou aluoriço que elles façam, que entom sse pague aa custa dos Conçelhos», A. SOUSA, *As Cortes de Leiria-Santarém*, cit., pp. 109-110.

<sup>56</sup> Procurator. For more information see glossary.

*reais* per day.<sup>57</sup> These observations confirm Sérgio Ferreira's analysis, that recently classified public wages at the end of the Middle Ages as meagre, institutionalized and declining, and rarely awarded in a clear manner and in direct proportion to the importance of the office and the prestige of its holders.<sup>58</sup>

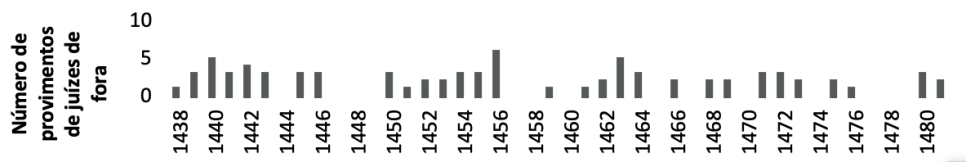
### III. *The appointment of juízes de fora (1438-1481)*

Having examined the fundamental aspects of the position of *juiz de fora* in the mid-fifteenth century, it is time to consider the assignment of these officials during the reign of Afonso V. Essentially, an attempt will be made to understand how the nomination of these magistrates evolved chronologically and geographically, and to identify their social profiles.

#### III.1. *Chronological and geographical distribution*

The chart that follows shows the number of *juízes de fora* appointed each year during the reign of Afonso V.<sup>59</sup>

Chart 1 – Number of *juízes de fora* nominated during the reign of Afonso V (1438-1481)



An initial reading of the chart reveals that there is no record of nominations of *juízes de fora* during fourteen of the 44 years of Afonso V's reign, although this does not mean that there were none. In fact, there are currently no records for thirteen of these fourteen years from the chancellery of Afonso V.<sup>60</sup> Among these gaps in the documentation, it is particularly noteworthy that there were no records between 1447

<sup>57</sup> See S. C. FERREIRA, *Preços, salários e níveis de vida em Portugal*, cit., pp. 277-311.

<sup>58</sup> *Ibid.*, p. 213.

<sup>59</sup> In a few cases, we only know that the *juiz de fora* was in office in a given year, not whether he was appointed that year or shortly before. These figures were included in the chart because it was considered that they would not jeopardize the conclusions drawn from it.

<sup>60</sup> The only exception is 1444, for which records can be found in vol. XXIV. See the list of books and respective years of the chancellery of Afonso V in A. H. MARQUES, *Guia do Estudante de História Medieval Portuguesa*, Editorial Estampa, Lisbon 1988, pp. 190-191.

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and 1449, when Afonso V came of age, resulting in the troubled transition of the regency and his actual rise to power, which culminated in the battle of Alfarrobeira<sup>61</sup> and resulted in a purge of all documentation.

If only the years for which there are records from the chancellery of Afonso V<sup>62</sup> are considered, an average of 2.5 *juízes de fora* were designated each year. Most years, only two or three of these officials were assigned, while the years with the highest numbers were 1440 (five), 1456 (six) and 1463 (five). There seems to be no direct link between the conjuncture of events in the kingdom and the appointment of *juízes de fora*,<sup>63</sup> because, as mentioned above, what dictated the need for selecting these officials were local circumstances in the cities and towns where they took office. This data also reveals that, although from the middle of the fourteenth century onwards the nomination of *juízes de fora* was «one of the principals means of violating municipal autonomy»<sup>64</sup> and ensuring more direct control over the governance of the *concelhos* by monarchs, the truth is that only a small minority of cities and towns were supervised by these officials in the kingdom as a whole.<sup>65</sup>

The geographic distribution of *juízes de fora* during Afonso V's reign will now be analysed.

An examination of Map 6: *Juízes de Fora* in the time of Afonso V shows the following general aspects: during the reign of Afonso V there were no *juízes de fora* in Lisbon or in Oporto; amongst the kingdom's main cities and towns, only Santarém and Évora were governed by these officials;<sup>66</sup> the regions with the highest

<sup>61</sup> Battle between the troops of Afonso V, who had come of age in 1446, and the former regent, *Infante* D. Pedro.

<sup>62</sup> That is, all those for which there is a bar on the chart, and also 1444.

<sup>63</sup> In particular, there are no great differences between the regency of the *Infante* Pedro and Afonso V's reign in terms of the number of *juízes de fora* appointed annually.

<sup>64</sup> «Um dos meios principais de violar a autonomia municipal», A. H. MARQUES, *Nova História de Portugal. IV. Portugal na Crise dos séculos*, cit., p. 202.

<sup>65</sup> Circumstances that would endure over the following centuries. According to António Manuel Hespanha, in 1640 *juízes de fora* ruled less than 10% of the municipalities. From then on, this figure increased progressively until the end of the ancien régime, and by 1811, 76% of the Portuguese population lived in municipalities presided over by *juízes de fora*. Interestingly, at the end of the sixteenth century, an Italian who described Portugal mistakenly mentioned that there was a *juiz de fora* in every municipality: «In all cities and towns, except for those that are a private lordship, there is a judge known as *outside judge*, so named (I believe) to distinguish him from the other ordinary judges elected every year among the locals, and who are confirmed by the king». See A. M. HESPANHA, *História das Instituições*, cit., p. 268; N. G. MONTEIRO, «Os concelhos e as comunidades», in A. M. HESPANHA (ed.), *O Antigo Regime. História de Portugal*, Editorial Estampa, Lisbon 1998, vol. IV, pp. 269-295: 279-281; A. H. MARQUES, «Uma descrição de Portugal em 1578-1580», in *Portugal Quinhentista (ensaios)*, Quetzal Editores, Lisbon 1987, pp. 127-245: 159.

<sup>66</sup> The kingdom's main cities and towns should be understood as those that had a seat on the first

number of *juízes de fora* were the border areas of the Alto Minho and Alentejo, the Algarve and Beira Alta. The following section contains a more detailed analysis of what could justify the abundance or scarcity of these officials in each of the districts of the kingdom.

a) *Juízes de fora in Entre Douro e Minho*

Between 1441 and 1459, in the district of Entre Douro e Minho, there were *juízes de fora* in Braga (one), Caminha (one), Monção (three), Valença (two) and Viana (one).<sup>67</sup> With the exception of Braga, all these officials worked either at, or very near, the border.

In the fifteenth century, the Alto Minho region was very far away from the country's main power centres, which included those of royal power, leading to the possibility of it being classified as a peripheral region. However, this does not mean that it was insignificant. The strategic importance of this region was largely due to the urbanization of the lands at the border between Galicia and Minho (Viana, Caminha, Cerveira, Valença, Monção, Melgaço),<sup>68</sup> which had been conducted by the first Portuguese monarchs, enabling this region to be clearly distinguished from the neighbouring country. These urban centres were developed as «poles of power that were faithful to the royalty and liable to counterbalance the lordships» that was typical of Entre Douro e Minho.<sup>69</sup> Towards the end of the Middle Ages, however, the area became more difficult to govern: Caminha (in 1406), Melgaço (in 1431) and Vilar de Mouros (in 1462) became *coutos de homiziados*,<sup>70</sup> i.e., places where, under special legislation, delinquents took shelter and were pardoned for their crimes in exchange for limited freedom subject to them taking up residence in the area. In the time of Afonso V, Valença was a major smuggling centre between Portugal and Castile, Monção witnessed a violent family conflict in the mid-fifteenth century, involving several murders, robberies and an escape from jail, and raids by Castilian bandits

bench of the *Cortes* during the fifteenth century: Lisbon, Coimbra, Évora, Santarém and Porto. See A. SOUSA, *As Cortes Medievais Portuguesas*, cit., vol. I, p. 192.

<sup>67</sup> Portuguese towns.

<sup>68</sup> Portuguese towns.

<sup>69</sup> «Pólos de poder fiéis à realeza, suscetíveis de contrabalançarem o senhorialismo», A. A. ANDRADE, *Vilas, poder régio e fronteira: o exemplo do Entre Lima e Minho medieval*, PhD thesis, School of Social Sciences and Humanities-New University of Lisbon, Lisbon 1994, p. 375.

<sup>70</sup> See the representation of *coutos de homiziados* in Map 7: *Coutos de homiziados* founded in Portugal in the 14<sup>th</sup> and 15<sup>th</sup> century; H. B. MORENO, *Elementos para o estudo dos coutos de homiziados instituídos pela Coroa*, in «Portugaliae Historica» 2 (1974), pp. 13-63.

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were a constant hazard in Melgaço.<sup>71</sup> In view of the circumstances, it is understandable that Afonso V sometimes had to assign *juízes de fora* to this region. In Valença, some of the townspeople asked the regent, the *Infante* Pedro to nominate one of these officials, although the town's noblemen may have instigated this request. This was reported to the regent, by the indignant representatives of the town in the *Cortes* of Lisbon held in 1439. Pedro ordered the town council to convene in order to discuss the possibility of appointing a *juiz de fora* who would implement the will of the majority.<sup>72</sup> The result of this meeting is unknown, although there is proof that two years later Egas Gonçalves was appointed judge in Valença, by the king.<sup>73</sup>

In the region of Entre Douro e Minho, there were also *juízes de fora* in Braga.<sup>74</sup> Between 1112 and 1790, Braga city was the seat of the archdiocese, except during the period between 1402 and 1472. During the 70 years in which the archdiocese did not govern the city, municipal administration was placed in the hands of the local political elite, whose trial governing was described as «a failure» by Armindo de Sousa.<sup>75</sup> The first *juiz de fora* of Braga was appointed between 1434 and 1436 due to a conflict between King Duarte and the archbishop Fernando da Guerra, which was resolved in 1436 after pontifical intervention.<sup>76</sup> At the *Cortes* held in 1439, the local political elite informed the regent of their displeasure with the royal official, using four arguments to request his dismissal: the localities were prevented from governing and enforcing justice, which they considered to be one of their greatest honours; at that time relations between the men of the municipality and the archbishop were excellent; the *juiz de fora* who had been appointed lived near the city, thus not fulfilling the requirement of being «from outside»; and finally, they did not consider

<sup>71</sup> See H. B. MORENO, «Áreas de conflito na fronteira galaico-minhota no fim da Idade Média», in ID., *Marginalidade e conflitos sociais em Portugal nos séculos XIV e XV. Estudos de História*, Editorial Presença, Lisbon 1985, pp. 161-171.

<sup>72</sup> J. J. A. DIAS-P. PINTO (eds.), *Cortes Portuguesas. Reinado de D. Afonso V (1439)*, cit., pp. 462-463.

<sup>73</sup> ANTT, *Chancelaria de D. Afonso V*, vol. II, f. 102v.

<sup>74</sup> Both on the map (Map 6: *Juízes de Fora* in the time of Afonso V [1438-1481]) and in the table accompanying this study, only one *juiz de fora* is indicated in Braga: João Afonso de Bouro, who was appointed for one year in 1445. However, special chapters of the *Cortes* reveal that there were others, whose names and appointment dates could not be ascertained.

<sup>75</sup> A. SOUSA, «A governação de Braga no século XV (1402-1472). História resumida de uma experiência fracassada», in *IX Centenário da Dedicção da Sé de Braga. Congresso Internacional. Actas*, Universidade Católica Portuguesa, Cabido Metropolitano e Primacial de Braga, Braga 1990, pp. 589-616; R. O. MARTINS, «Power networks in Braga (Portugal) in late fifteenth century: town council, archbishop and the cathedral chapter relationships», in R. MARTÍNEZ PEÑÍN (ed.), *Braga and its territory between the fifth and the fifteenth centuries*, Universidade do Minho e Universitat de Lleida, Braga-Lleida 2015, pp. 75-89.

<sup>76</sup> See J. MARQUES, *A Arquidiocese de Braga no século XV*, Imprensa Nacional Casa da Moeda, Lisbon 1988, pp. 85-87.

him to have any special quality that entitled him to the position. The *Infante* Pedro's response to this grievance was evasive: he would delay the decision until he could gather more information about the case.<sup>77</sup> No document has been found that contains this decision, although it is known that between the *Cortes* held in 1439 and 1446 a *juiz de fora* served a mandate of three years in Braga, which was later renewed for a further three years.<sup>78</sup> It appears that the regent did not make a decision about the matter in the *latter* *Cortes* session and there is no record of any judges being assigned by the king to the city in the last decades of secular governance.<sup>79</sup>

Lastly, one city in the Entre Douro e Minho region is conspicuous for its absence from this map: Oporto. During the Middle Ages, Oporto was zealous of its autonomy. The first nominations of *juizes de fora* took place during João I's reign, and with them, the first protests against these officials.<sup>80</sup> During the reign of Afonso V, there were two very distinct periods in the relationship between the city and the royal centre of power: if, during the *Infante* Pedro's regency their coexistence was positive, the same could not be said once King Duarte's heir ascended to the throne. Under Afonso V, and with the duke Afonso of Bragança<sup>81</sup> as the *fronteiro*<sup>82</sup> of Entre Douro e Minho as of 1448, an «attack on municipal positions» took place which resulted in the selecting of men trusted by the monarch, or by duke Afonso, to various positions of municipal administration. The absence of municipal government records about these years does not allow for this situation to be examined in detail, but the fact remains that there is no record of a *juiz de fora* being designated to Oporto during this troubled period.<sup>83</sup>

<sup>77</sup> Arquivo Municipal de Braga [= AMB], *Coleção de Pergaminhos*, n. 17.

<sup>78</sup> This is mentioned by the town's delegates in these *Cortes*. It can be assumed that the letter of appointment of João Afonso de Bouro as *juiz de fora* for Braga on 23 February 1445 corresponds to this renewal. AMB, *Coleção de Pergaminhos*, n. 21; ANTT, *Chancelaria D. Afonso V*, vol. VII, f. 137.

<sup>79</sup> See R. O. MARTINS, *O concelho de Braga na segunda metade do século XV: o governo d'Os homrrados cidadaaos e Regedores*, M. A. Dissertation, Universidade do Minho, Braga 2013, pp. 43-75.

<sup>80</sup> As far as can be seen, the last *juiz de fora* in Porto appointed by João I was Lopo Dias de Espinho, who took office in 1401. After him, it was only in 1518 (almost 120 years later) that Porto was governed again by a *juiz de fora*, when King Manuel I succeeded in imposing university-educated João Lourenço on the city. See M. F. MACHADO, *O Central e o Local*, cit., pp. 33-34.

<sup>81</sup> Illegitimate son of King D. João I, the main noble of the kingdom and opponent of the regent D. Pedro.

<sup>82</sup> Royal officer with responsibilities for the military defense of a region. For more information see glossary.

<sup>83</sup> See F. MIRANDA-J. SEQUEIRA-L. M. DUARTE, *A Cidade e o Mestre. Entre um rei bastardo e um príncipe perfeito. História do Porto*, Quidnovi, Matosinhos 2010, vol. IV, pp. 75-80.

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### b) Juízes de fora in Trás-os-Montes

Within the district of Trás-os-Montes, the only town with *juízes de fora* was Bragança – Álvaro Pires in 1439 and 1441, and Egas Gonçalves in 1440.<sup>84</sup> As mentioned above, this was one of the *concelhos* that took it upon themselves to ask the regent to appoint a judge because the town's representatives claimed that «this land of ours is very much lacking [justice] for many reasons».<sup>85</sup> Soon after that, in 1442, the town, which in 1464 would be elevated to the category of city, became part of the lands owned by Afonso, the first duke of Bragança, which put an end to royal intervention in the town's governance.<sup>86</sup>

### c) Juízes de fora in Beira

Between 1438 and 1481, there were at least eight *juízes de fora* in Beira: one in Coja, one in Guarda, one in Lafões, one in Lamego, two in Sabugal, and two in Viseu.<sup>87</sup> According to Humberto Baquero Moreno, during Afonso V's reign this region was plagued by the abuse and violence committed by noblemen against their populations.<sup>88</sup> One such example is Gonçalo Vaz Coutinho, second count of Marialva, who led gangs of armed men in attacks against several localities in this district during the mid-fifteenth century.<sup>89</sup> This climate of social unrest would have been conducive to the nomination of *juízes de fora* to several *concelhos*.

Under Afonso V's government, Viseu experienced several periods of unrest. One chapter of the *Cortes* of 1439 reported major rifts in Viseu's society, when the townspeople's loyalties were divided among several noble rivals and the bishop.<sup>90</sup> The climate was probably not much better in 1480, when the town council asked the

<sup>84</sup> As mentioned above, some confusion led to the practically simultaneous double appointment of *juízes de fora* to Bragança between late 1439 and the first months of 1440. See section II.2., «The grounds for appointments».

<sup>85</sup> «Esta nossa terra he muito fallida dela [justiça] por muitas razoes», M. C. ALEGRE-P. COSTA (eds.), *Trás-os-Montes Medieval e Moderno*, cit., [CD-ROM], n. 84.

<sup>86</sup> See I. FREITAS, «Bragança na Idade Média. Muito mais que uma terra da raia», in A. FERNANDES (ed.), *Bragança marca a História. A História marca Bragança*, Câmara Municipal de Bragança, Bragança 2009, pp. 123-134.

<sup>87</sup> Portuguese cities and towns.

<sup>88</sup> H. B. MORENO, «Abusos e violências na região da Beira Interior durante o reinado de D. Afonso V», in ID., *Exilados, marginais e contestatários na sociedade portuguesa medieval*, Editorial Presença, Lisbon 1990, pp. 108-123.

<sup>89</sup> A. B. FREIRE, *Brasões da Sala de Sintra*, Imprensa Nacional Casa da Moeda, Lisbon 1996, vol. III, pp. 277-279.

<sup>90</sup> Arquivo do Museu Grão Vasco, *Coleção de Pergaminhos*, n. 44.

monarch to select two local squires as judges in order to put an end to the turmoil. The monarch accepted the request and assigned the squires for three years.<sup>91</sup> By the end of the first year, the situation had not improved, and it became necessary to appoint a *juiz de fora*.<sup>92</sup> Although Viseu was in territory that belonged to important members of the royal family,<sup>93</sup> the city had been a cause of great concern to the Crown over several decades, both due to pressure from the nobility and because of conflicts between the municipality and the bishop.<sup>94</sup> The nomination of judges by the king was therefore an attempt to subject the various parties to a stronger authority that was removed from local interests.

Baquero Moreno classified Lamego as one of the localities most afflicted for the entirety of the fifteenth century by feudal lords.<sup>95</sup> Around 1453 a conflict erupted in the city between the political elite and the aforementioned count of Marialva, who refused to comply with the rules on the monopoly of wine sales. At the time, the monarch determined that the localities should present the case to the *corregedor* of the *comarca* in order to restore law and order.<sup>96</sup> This probably resulted in the king's appointing Luís Vaz as judge in Viseu on Christmas Eve of 1454.

The history of Guarda in the Middle Ages was strongly conditioned by its position as a border city. Isolated and sparsely populated, Guarda was greatly affected by the fourteenth-century social and demographical crisis and by the war with Castile, having gone through a particularly difficult period between 1380 and 1410.<sup>97</sup> In 1371, it became a *couto de homiziados*.<sup>98</sup> Little is known about its municipal administration: it received its first *juiz de fora* in 1394, at the latest, and its political elite lodged complaints about him at the *Cortes*:<sup>99</sup> only one judge served in Guarda on behalf of the king during Afonso V's reign – Pero Godins, who was assigned in November 1454 and began his mandate in January of the following year.

Not much information can be accessed about the nomination of *juizes de fora*

<sup>91</sup> See L. M. DUARTE, *Justiça e Criminalidade no Portugal Medieval*, cit. (1999), p. 247; ANTT, *Chancelaria de D. Afonso V*, vol. XXXII, f. 16v.

<sup>92</sup> The appointment document has not been located, although it is mentioned in a letter of pardon dated the 23<sup>rd</sup> of April 1481. See ANTT, *Chancelaria de D. Afonso V*, vol. XXVI, f. 69v.

<sup>93</sup> The *Infante* Henrique up until 1460, followed by the *Infante* Fernando.

<sup>94</sup> See H. B. MORENO, «Abusos e violências na região da Beira Interior», cit., pp. 114-115.

<sup>95</sup> *Ibid.*, p. 123.

<sup>96</sup> Actually, Lamego was not the only city in the kingdom that had grievances against Gonçalo Vaz Coutinho, count of Marialva. Later, in 1459, the town representatives also reported problems with the bishop of Lamego to the *Cortes*. *Ibid.*, pp. 119-123.

<sup>97</sup> R. C. GOMES, *A Guarda Medieval. Posição, morfologia e sociedade (1200-1500)*, Livraria Sá da Costa, Lisbon 1987, pp. 11-29 and 139-140.

<sup>98</sup> H. B. MORENO, *Elementos para o estudo dos coutos*, cit., pp. 27-28.

<sup>99</sup> M. H. COELHO, *A Guarda em Cortes nos séculos XIV e XV*, in «Revista Portuguesa de História» 35 (2000-2001), pp. 123-142: 131.

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to the remaining municipalities of the Beira district that are represented on the map. However, the situation of Sabugal is worth noting. Sabugal was a border municipality and one of the first *coutos de homiziados* created by the Crown before 1369.<sup>100</sup> As has already been discussed, these factors tended to trigger social unrest, which could justify the monarch's intervention in the administration of the town by designated *juízes de fora*.

### d) Juízes de fora in Estremadura

Along with Trás-os-Montes, Estremadura was one of the *comarcas* with the least *juízes de fora* during Afonso V's reign, (there appear to have been only six). Two factors may help to explain this: on the one hand, despite their itinerancy, the monarchs spent much of their time in this district,<sup>101</sup> enabling them to monitor the governance of the *concelhos* in this territory more closely with little need for intervention of officials other than the *corregedores*; on the other hand, Estremadura included a large part of the property owned by the queens' house,<sup>102</sup> which had a «special and independent»<sup>103</sup> administration, although it was generally similar to that of lands owned by the royal family.<sup>104</sup>

Among the towns in this *comarca* represented on the map, two stand out: Torres Vedras, the only one to have received two *juízes de fora* during the reign of Afonso V, appointed to restrict municipal autonomy (circumstances which have previously been indicated by Ana Maria Rodrigues);<sup>105</sup> and Santarém, one of the most

<sup>100</sup> H. B. MORENO, *Elementos para o estudo dos coutos*, cit., pp. 24-26.

<sup>101</sup> In localities such as Lisbon, Sintra, Santarém and Almeirim. Afonso V was no exception, as can be seen from his itineraries, S. A. GOMES, *D. Afonso V. O Africano*, Círculo de Leitores, Lisbon 2006, pp. 291-307.

<sup>102</sup> Specifically, towns like Alenquer, Óbidos and Torres Vedras.

<sup>103</sup> R. TORRES, s.v. *Rainhas, Casa das*, in J. SERRÃO (ed.), *Dicionário de História de Portugal*, cit., vol. III, pp. 532-534: 533. Cf. A. M. RODRIGUES, «La reine, la cour, la ville au Portugal médiéval», in L. COURBON-D. MENJOT (eds.), *La cour et la ville dans l'Europe du Moyen Age et des Temps Modernes*, Brepols, Turnhout 2015, pp. 77-90; M. SILVA, «Small Towns Belonging to the Medieval Queens of Portugal Distinctiveness, Taxation, Jurisdiction», in A. COSTA (ed.), *Petites villes européennes au Bas Moyen Âge: perspectives de recherche*, Instituto de Estudos Medievais, Lisbon 2013, pp. 125-136; A. SILVA, «Itinerancia y paso por las ciudades de la corte real portuguesa en la baja Edad Media. Reinados de Fernando I y Juan I (1367-1433)», in A. BEAUCHAMP-A. FURIÓ-G. GAMERO IGEA-M. NARBONA CÁRCELES (eds.), *Acoger, abastecer y financiar la corte: las relaciones entre las Cortes Ibéricas y las sociedades urbanas a finales de la Edad Media*, Universitat de València, Valencia 2019.

<sup>104</sup> A. M. RODRIGUES, *Torres Vedras: a vila e o termo nos finais da Idade Média*, Fundação Calouste Gulbenkian e Junta Nacional de Investigação Científica e Tecnológica, Lisbon 1995, p. 478.

<sup>105</sup> *Ibid.*, pp. 493-500.

important urban centres in the kingdom and possibly one of the first to receive *juízes de fora* during the reign of Afonso IV.<sup>106</sup>

Lisbon is conspicuous for its absence from the map. The city was protected by judges assigned by the king<sup>107</sup> several times during the fourteenth century, which led to protests by its representatives in the *Cortes* of Coimbra held in 1385.<sup>108</sup> In the fifteenth century there were no officials of this kind in the city, which does not mean that there was no royal intervention in its governance. On the contrary, interventions did take place and were uncompromising: throughout the century, a private *corregedor* of the municipality supervised its administration.<sup>109</sup>

e) Juízes de fora in the *Alentejo*

The *Alentejo* is by far the district that received the most *juízes de fora* during the reign of Afonso V. These officials played a very important role in governing the land near the border, but that was not all.

The specificity of the administration of municipalities on the border has been emphasized several times in this paper, due to their position as hotbeds of smuggling with high levels of criminality.<sup>110</sup> An analysis of the map and table attached shows that the appointment of *juízes de fora* was clearly a strategy used to control the *Alentejo* hinterland, both in terms of the number of localities that received *juízes de fora* and the number of judges that some of these localities had during the time of Afonso V. At various times the monarch sought to have trusted men govern towns such as Alegrete, Arronches, Castelo de Vide, Elvas, Marvão, Moura, Mourão, Olivença, Portalegre and Serpa. It was not surprising that several of these localities were, or would shortly become, *coutos de homiziados*.<sup>111</sup>

<sup>106</sup> See M. Â. BEIRANTE, *Santarém Medieval*, Universidade Nova de Lisboa, Lisbon 1980, p. 231.

<sup>107</sup> Particularly in the 1330s, 1370s and 1390s. See M. FARELO, *A oligarquia camarária de Lisboa (1325-1433)*, cit., pp. 279-281.

<sup>108</sup> I. M. VIEGAS-M. GOMES (eds.), *Livro dos Pregos*, Introductory study by E. M. Alberto, paleographic transcription, summaries and indexes by M. G. Martins and S. M. Loureiro, Câmara Municipal de Lisboa, Lisbon 2016 (*Documentos do Arquivo Municipal de Lisboa*, 2), n. 134 [= *Livro dos Pregos*]; D. FARIA, *Juízes indesejados?*, cit., pp. 19-37: 27.

<sup>109</sup> See M. T. RODRIGUES, *Aspectos da Administração Municipal de Lisboa no século XV*, Imprensa Municipal de Lisboa, Lisbon 1968, pp. 46-50 and 54-57.

<sup>110</sup> It has been proved that this was the case in, for example, Castelo Vide. See J. A. OLIVEIRA, *Castelo de Vide na Idade Média*, Edições Colibri and Câmara Municipal de Castelo de Vide, Lisbon 2011, pp. 149-158.

<sup>111</sup> This was the case in Marvão, Arronches, Elvas, Mourão and Serpa. Further from the border, Beja was also a *couto de homiziados*. See H. B. MORENO, *Elementos para o estudo dos coutos*, cit., pp. 23-63.

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The city of Évora deserves special mention. Having had *juízes de fora* virtually since the time the office was created, it received at least six during the reign of Afonso V, although they were not always dealt with in the same way. In 1441, or just before, something rather unusual took place. According to summaries from the city chapters of the *Cortes* that year, the judge was killed in the wake of disagreements among the local political elite, and it was decided that the municipality should have jurisdictional justice again,<sup>112</sup> a proposal which was accepted by the regent.<sup>113</sup> Martim Martins Cerveira had been appointed *juiz de fora* in April 1440.<sup>114</sup> Was this the official who was murdered? By all accounts, it was. However, it would not have made much sense for the *Infante* Pedro to eventually restore the privilege of being governed by local judges to Évora, following the murder of a knight of his house whose function was to govern the city. By 1463, the relationship between the population of Évora and the *juiz de fora* seemed to have greatly improved so much so that those same citizens even asked the king to prolong the mandate of university-educated João Jorge, which was about to end.<sup>115</sup> The request was accepted, although for some reason that cannot be ascertained, did not come to fruition, for at the end of October that year Rui Varela was appointed and took office immediately.<sup>116</sup> It seems that this alternation between *juízes de fora* and ordinary judges governing the city of Évora, circumstances that can be observed continually throughout the fifteenth century,<sup>117</sup> was accompanied by a volatility in the position of its political elite regarding these officials.

### f) Juízes de fora in the Algarve

In the Algarve there were at least twelve *juízes de fora* during the reign of Afonso V. If the size of the region is taken into account in comparison to the number of these officials appointed to other regions, twelve is a high number. In the late Middle Ages and the early modern era, the Algarve was both closely connected to the entire region of the gulf of Gibraltar, and isolated from the rest of the Kingdom of Portugal.<sup>118</sup> The monarchs themselves very seldom went there, and when they did,

<sup>112</sup> Arquivo Distrital de Évora, *Fundo da Câmara Municipal de Évora*, vol. CXLVI, f. 184v.

<sup>113</sup> ANTT, *Suplemento de Cortes*, m. 2, n. 19, f. 4v.

<sup>114</sup> ANTT, *Chancelaria de D. Afonso V*, vol. XX, f. 114.

<sup>115</sup> Arquivo Distrital de Évora, *Fundo da Câmara Municipal de Évora*, vol. LXXI, f. 151.

<sup>116</sup> ANTT, *Chancelaria de D. Afonso V*, vol. IX, f. 157.

<sup>117</sup> M. Â. BEIRANTE, *Évora na Idade Média*, cit., pp. 684-686.

<sup>118</sup> J. R. MAGALHÃES, *Para o estudo do Algarve económico durante o século XVI*, Edições Cosmos, Lisbon 1970, p. 233; G. SILVA, *As Portas do Mar Oceano*, cit., pp. 120-252.

they were usually on their way to Africa.<sup>119</sup> The fact that the Algarve was a point of departure for those travelling to Morocco, including the military and those who were exiled, was precisely one of the main reasons for the social instability of the region, where several gangs plagued the population during the reign of Afonso V.<sup>120</sup> Because of these circumstances, the monarch felt it necessary to designate *juízes de fora* to Faro, Lagos, Loulé and Tavira.<sup>121</sup> The latter is of particular note, having received at least eight of these officials.<sup>122</sup> The fact that it contained one of the main harbours connecting the kingdom to the land it had conquered in Africa must surely have influenced these nominations.

### III.2. *The social profile of juízes de fora*

The number of *juízes de fora* during the reign of Afonso V has already been discussed, as well as the locations to which they were appointed and the duties they performed. The following will help reveal who these men were.

The social profiles of fifteen judges by the king are known from the *Infante Pedro's* rule. Of these, eight were knights or squires of the regent's house, four were knights, squires, or vassals of the king's house, and three were squires of the *Infante Henrique's*<sup>123</sup> house. In other words, these officials were mainly men who were close to Pedro or one of his brothers and who supported him in governing. None of them had a university education.

After the battle of Alfarrobeira, this changed. The social profile of 31 *juízes de fora* who were in office between 1449 and 1481 has been determined; 22 were knights, squires, or vassals of the king's house; six were university graduates, holders of bachelor's degrees or scholars of religion and law;<sup>124</sup> two were squires, and one was a knight, although it is not certain whether they were part of the king's household. As can be observed, officials who had associations with the *Infante Pedro* naturally disappeared and were replaced by the monarch's men. There were sporadic

<sup>119</sup> This is what happened during the reign of Afonso V. See S. A. GOMES, *D. Afonso V. O Africano*, cit., pp. 291-307. Another revealing aspect of the Algarve's isolation from the rest of the kingdom is the fact that, at least between 1385 and 1490, no meetings of the *Cortes* were held there. See A. SOUSA, *As Cortes Medievais Portuguesas*, cit., vol. I, p. 467.

<sup>120</sup> See H. B. MORENO, «Abusos e violências na região da Beira Interior», cit., pp. 93-103.

<sup>121</sup> Portuguese towns.

<sup>122</sup> Protests against this in the *Cortes* of 1459 had little effect. See ANTT, *Leitura Nova*, Odiana, vol. III, f. 130v. The research carried out by Gonçalo Melo da Silva on the appointment of *juízes de fora* to Algarve's towns, between 1382-1521, showed the preponderance of Tavira. G. M. SILVA, *As Portas do Mar Oceano*, cit., pp. 215-216.

<sup>123</sup> Son of D. João I and, therefore, brother of *Infante Pedro*.

<sup>124</sup> One of them, Gil Vasques, was also the king's vassal, while another, João Fernandes, was a servant of the *Infante Fernando* (another son of D. João I and brother of *Infante Pedro*).

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cases of individuals with academic backgrounds, but these became more and more numerous among *juízes de fora* during the reigns that followed, until they formed the majority by King João III's rule.<sup>125</sup>

In short, during this reign, the judges from the king were almost always members of the lower or middle nobility<sup>126</sup> and men close to those in power, which makes sense if the nature of this office is taken into consideration. As has been established, the main purpose of designating a *juiz de fora* was to bring order to the locality where he was deployed, by means of an official with reinforced authority. At the time, being close to the regent or the monarch implied that the official was invested with more authority than if he only had a solid academic education. On the other hand, from the perspective of someone who rules over not only a kingdom but also a house of many people expecting to receive something, the nomination of *juízes de fora* was also an opportunity to strengthen ties of dependence.

#### III.3. *The careers of juízes de fora*

It would be of great interest to find out more about the careers of individuals who were *juízes de fora*: to try and understand how they began their careers in administration, which positions they occupied, how their incomes evolved, and so on. Although the data collected for this study does not allow for an extensive elaboration of this subject, three ideas will be presented, that can only be confirmed or refuted with much more in-depth studies:

- a) There were individuals who held the position of *juiz de fora* in several separate localities in different years. For example: Egas Gonçalves was appointed *juiz de fora* of Bragança in 1440,<sup>127</sup> of Valença in 1441<sup>128</sup> and of Olivença in 1442;<sup>129</sup> Gonçalo Pires was named judge of Serpa by the king in 1453,<sup>130</sup> of Elvas in 1454<sup>131</sup> and in 1455,<sup>132</sup> and of Estremoz in 1456.<sup>133</sup> This seems to suggest a certain specialization in the role. It remains to be seen whether some sort of regional specialization could also be associated with the position, as the sec-

<sup>125</sup> According to data collected under the JUSCOM project's database.

<sup>126</sup> Their being designated as squires or knights allows for this to be assumed. Moreover, among the *juízes de fora* appointed by Afonso V, there seem to have been no fifteenth-century members of any important lineages.

<sup>127</sup> ANTT, *Chancelaria de D. Afonso V*, vol. XX, f. 77.

<sup>128</sup> *Ibid.*, II, f. 102v.

<sup>129</sup> *Ibid.*, vol. XXIII, f. 38v.

<sup>130</sup> *Ibid.*, vol. IV, f. 45v.

<sup>131</sup> *Ibid.*, vol. X, f. 114.

<sup>132</sup> *Ibid.*, vol. XV, f. 106v.

<sup>133</sup> *Ibid.*, vol. XIII, f. 103.

ond case implies, or if the officials circulated throughout the kingdom, as with the first case.

- b) When the same individual was a *juiz de fora* more than once, the period for which he performed those duties was relatively short, and there are no examples of a judge from the king with a decades-long mandate. Is it possible that serving as a *juiz de fora* was only a brief part of a certain careers, serving in an administration that would then include other offices?
- c) Although the information collected is scarce, an educated guess to answer the question above would be that it was, indeed, the case. It seems to be that serving as a *juiz de fora* was often one step in a career in the peripheral administration of the Crown, which would include performing other functions in the administrative structure of the *comarcas*. This path can be seen with: João Afonso, *juiz de fora* of Monção, Viana and Caminha, who was also *chanceler da correição*<sup>134</sup> of the Entre Douro e Minho district;<sup>135</sup> Rodrigo Esteves, *juiz de fora* of Tavira and chancellor of the *correição* of the Algarve;<sup>136</sup> and Paio Varela, who, after having been *juiz de fora* of Viseu and Évora, became a *corregedor* in the district of Trás-os-Montes.<sup>137</sup> This kind of career is by no means surprising if we take into account that the creation of the positions of *corregedor* and of *juiz de fora* fall within the same development process of the peripheral administration of the Crown, which originated in the first decades of the fourteenth century.<sup>138</sup>

#### IV. Conclusion

During the last few centuries of the Middle Ages, *juizes de fora* were almost always unwelcome. They were unpopular in the time of Afonso V, although they were few in number and some localities only had to deal with them sporadically, if ever. However, their widespread unpopularity was a result of their high cost at a time when local authorities had little revenue to spare. From the viewpoint of the *concelhos*, they inhibited local people from exercising justice and governing in their own hometowns. From the king's perspective, these officials were a means of controlling troublesome localities – border towns and smuggling havens; lands where soldiers, sailors and fugitives from justice were concentrated; places where citizens clashed with local nobility. It would be easier for someone from outside to do what needed

<sup>134</sup> Regional agent worked under the orders of the *corregedor*. For more information see glossary

<sup>135</sup> ANTT, *Chancelaria de D. Afonso V*, vol. XXXVI, f. 71v.

<sup>136</sup> *Ibid.*, vol. XXVII, f. 44v.

<sup>137</sup> L. M. DUARTE, *Justiça e Criminalidade no Portugal Medieval*, cit. (1993), p. 195.

<sup>138</sup> See M. H. COELHO-J. R. MAGALHÃES, *O poder concelhio*, cit., pp. 9-19.

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to be done, regardless of the interests that undermined the community. The king would gain more authority, authority reinforced by the fact that most of these men were close to the monarch or the regent. During the time of Afonso V, *juízes de fora* continued to be an instrument in the process of centralization of royal power.

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The king replies that he is grateful for what he has been told of this, and that he has no intention of sending anyone with jurisdictional powers, unless he particularly concludes that it is good for his service; and in that case, he shall send persons with scholarly training and the necessary skills; and if any such officers have a remit, then they should be identified and he will see what to do about it, for the sake of his service and of justice; and as for those whom he knows to have such a remit, he orders that it be removed from them, for he does not feel it is right for them to have it.<sup>139</sup>

This was King João II's reply to the grievance stated at the beginning of this paper. Apart from exceptional cases, he committed to ending the deployment of judges with jurisdiction to govern the kingdom's territories. When he had to make an exception, he would choose men who were educated and well-prepared to make the right decisions. Therefore, he seemed willing to initiate a new phase in his relationship with the *concelhos* on the subject of *juízes de fora*. Whether this was an empty promise is a matter for further research. If it was, this would not have been the first time.

<sup>139</sup> «Responde el Rey que lhe tem em serviço o que lhe apomtaram sobre isto e que elle nom tem emtemçom de mamdar nenhũas pessoas com alçada sallvo quamdo vir que em particular compre a seu serviço em allguuns taees casos que cumpra de se fazer e seram taees pessoas leteradas e emtemdidõs que pera ello sejam pertemcentes e se allguuns ofeciaes semelhantes teem alçada os apomtem e que elle proveera acerqua dello como lhe parecer seu serviço e bem de justiça e que allguuns que elle sabe que a teem lha mamda tirar por lhe nom parecer beem de a teerem», ANTT, *Cortes*, m. 3, n. 5, f. 10-10v.

Appendix – The *juizes de fora* of King Afonso V

Name	Social profile	Date	Locality	Mandate	Livelihood	Comments	Source	Bibliography
Afonso Domingues Barreto	King's squire and vassal	26/04/1442	Estremoz	As long as the king decides	30 000 pounds per month paid by the municipality		CAV, XXXV, 97	
Afonso Eanes de Elvas	Squire. King's vassal	16/12/1466	Loulé	2 years		Residing in Ceuta	CAV, XXXV, 12v	Duarte, 1993, II, 190
Afonso Gil	King's vassal	26/01/1450	Elvas	1 year			CAV, XXXIV, 2v	
Afonso Gomes	Knight of the house of the <i>Infante</i> Pedro	20/02/1445	Évora	1 year			CAV, XXV, 68v	
Aires Fernandes Barroso	Squire of the king's house	15/03/1456	Tavira	1 year	Unknown, but borne equally by the king and by the municipality.		CAV, XIII, 180v	
Álvaro de Abreu	Squire of the house of the <i>Infante</i> Pedro	22/08/1443	Valença			Appointed at the request of the local political elite.	CAV, XXVII, 144	
Álvaro Pires		12/1439	Bragança			Residing in Freixo de Espada à Cinta.	<i>Trás-os-Montes Medieval e Moderno</i> ..., n. 84	
		22/04/1441						

## Juizes de Fora in the time of King Afonso V

Name	Social profile	Date	Locality	Mandate	Livelihood	Comments	Source	Bibliography
Brás Afonso		13/01/1471	Faro			In office. <sup>140</sup> He was a clerk before the <i>Corregedor</i> of the Court.	CAV, XVI, 12-12v	Duarte, 1993, II, 188-189
Brás Afonso <sup>141</sup>		31/03/1475	Tavira			In office. He was <i>Corregedor</i> of the Algarve. On 14/10/1476, he was only an <i>Ouvidor</i> in the Algarve.	CAV, XXX, 99v-100	Duarte, 1993, II, 191-192
Brás Eanes		1/04/1476	Tavira			In office	CAV, VI, 67-67v	Duarte, 1993, II, 192
Diogo Afonso Alcoforado		4/04/1480	Évora			In office. He was an <i>Ouvidor</i> at the Court and interim Court <i>Corregedor</i>	CAV, XXXII, 61v	Duarte, 1993, II, 187-188
Diogo Nunes de Aveiro	Knight of the house of the <i>Infante</i> Pedro	1440 <sup>142</sup>	Beja				CAV, XX, 28v	
Diogo Varela		5/05/1464	Tavira			In office two years before.	CAV, VIII, 138v	Duarte, 1993, II, 192-193

<sup>140</sup> Whenever this comment appears, it means that the document(s) that allowed us to identify the judge in question is not his letter of appointment but another act that shows him performing his duties. In this case, it is a letter of pardon.

<sup>141</sup> Luís Miguel Duarte discussed the possibility that this Afonso Brás was the same person who was an outside judge in Faro in 1471, but no definite conclusion was arrived at. Cf. L. M. DUARTE, *Justiça e Criminalidade no Portugal Medieval*, cit. (1993), vol. II, p. 189 (note 390).

<sup>142</sup> The eschatocol of this document is illegible. The other documents in this folio, as well as the overwhelming majority of the acts recorded in this book, are from 1440. Cf. A. H. MARQUES, *Guia do Estudante de História Medieval*, cit., p. 191.

## Diogo Faria

Name	Social profile	Date	Locality	Man-date	Livelihood	Comments	Source	Bibliography
Dimis Anes da Grã	Knight of the house of the <i>Infante</i> Pedro	5/04/1446	Serpa and Moura	1 year	Unknown, but paid equally by the king and by the municipality		CAV, V, 24v	
Egas Gonçalves	Squire of the <i>Infante</i> Pedro	4/04/1440	Bragança	3 years		Substituting Álvaro Pires, appointed to the same post shortly before. <sup>143</sup>	CAV, XX, 77	
		16/06/1441	Valença				CAV, II, 102v	
Fernão Álvares	King's vassal and servant	30/08/1442	Oliveira				CAV, XXIII, 38v	
		10/12/1450	Laiões	3 years		He was already serving in this capacity.	CAV, XXXIV, 187v	
Fernão Álvares de Portocarreiro	King's vassal and servant	10/07/1455 <sup>144</sup>	Marvão				CAV, XV, 174	

<sup>143</sup> Egas Gonçalves was appointed outside judge of Bragança, at the request of the local municipal elite, for «evident reasons». He replaced Álvaro Pires, who had been appointed shortly before at the request of the town's representatives at the Cortes of Lisbon in 1439. The appointment of Álvaro Pires had been requested at a time when it was not known that Egas Gonçalves had already been nominated for that municipality: «Since at the time we nominated the said Álvaro Pires we did not know that the said Egas Gonçalves was already appointed» – «porquanto ao tempo que nos assy deramos o dicto Alvaro Pirez nom sabiees que o dicto Egas Gonçalvez era ja doado». Cf. ANTT, *Chancelaria de D. Afonso V*, vol. XX, f. 77; M. C. ALEGRE-P. COSTA (eds.), *Trás-os-Montes Medieval e Moderno*, cit., n. 84.

<sup>144</sup> The eschatocol of this document is practically illegible. The day and month do leave much room for doubt, but it is not possible to read the year. The overwhelming majority of the documents recorded in this book of the *Chancery of King Afonso V* concern 1455. Cf. A. H. MARQUES, *Guia do Estudante de História Medieval*, cit., p. 191.

## Juizes de Fora in the time of King Afonso V

Name	Social profile	Date	Locality	Mandate	Livelihood	Comments	Source	Bibliography
Fernão Brandão	Knight of the king's house	17/01/1461	Tavira	1 year	12 000 <i>reais</i> a year, borne equally by the king and by the municipality.	He was already an outside judge in Tavira at the time of this appointment and possibly still on 17/03/1464.	CAV, XIV, 4-4v	Duarte, 1993, II, 193
		12/12/1466	Castelo de Vide	1 year	Unknown <sup>145</sup> , but borne equally by the income of the town and by the king.		CAV, XXXV, 11	Duarte, 1993, II, 186
Fernão de Figueiredo	Graduate	21/07/1481	Terra de Santa Maria			From the High Court.	CAV, XXVI, 133v	Duarte, 1993, II, 194
Fernão Gomes	Squire of the king's house	12/03/1450	Serpa	1 year			CAV, XXXIV, 24	
Gil Fernandes de Morais	King's squire and vassal	30/03/1446	Tavira				CAV, V, 16	
Gil Simões		1439	Torres Vedras		Unknown, but paid in full by the municipality	In office.	CAV, II, f. 20v	
Gil Vásques	Law scholar. King's vassal.	11/01/1451	Elvas	1 year		Residing in Santarém.	CAV, XXXV, 13	
Gonçalo de Andrade	Squire of the king's house	27/01/1463	Sabugal	1 year			CAV, IX, 3v	

<sup>145</sup> Possibly he would receive the same as when outside judge of Tavira.

## Diogo Faria

Name	Social profile	Date	Locality	Mandate	Livelihood	Comments	Source	Bibliography
Gonçalo Botelho	King's squire and vassal	28/06/1440	Portalegre				CAV, XX, 114	
		6/09/1453	Serpa				CAV, IV, 45v	
Gonçalo Pires	King's squire and vassal	15/11/1454	Elvas	2 years and 1 month		Residing in Évora	CAV, X, 114	
		1/12/1455	Elvas	1 year	Unknown, but borne equally by the king and by the municipality		CAV, XV, 106v	
		28/06/1456	Estrémoz	1 year			CAV, XIII, 103	
Gonçalo Pires		22/04/1463	Elvas			In office seven years before	CAV, IX, 51-51v	Duarte, 1993, II, 186
Gonçalo Rodrigues Murzelo	Squire of the king's house	18/05/1452					CAV, XII, 58	
		17/07/1455	Serpa	As long as the king decides	12 000 <i>reais</i> a year, borne equally by the king and by the municipality		CAV, XV, 61v	
		15/02/1471	Elvas	As long as the king decides			CAV, XVI, 28	

## Juizes de Fora in the time of King Afonso V

Name	Social profile	Date	Locality	Man-date	Livelihood	Comments	Source	Bibliography
Gonçalo Rombo	Squire	8/06/1468	Elvas	1 year		He was a judge in Portalegre.	CAV, XXVIII, 50v	Duarte, 1993, II, 186
Henrique Lopes	Holder of a Bachelor's degree	11/02/1480	Tavira			In office	CAV, XXXII, 138	Duarte, 1993, II, 193-194
João Afonso	King's squire and vassal	10/03/1459	Monção, Viana do Castelo and Caminha		Unknown, but paid equally by the king and by the municipality	He was chancellor of the <i>correição</i> of the Entre Douro e Minho district.	CAV, XXXVI, 71v	
João Afonso de Bouro	Squire of the house of the <i>Infante</i> Pedro	23/02/1445	Braga				CAV, XXV, 70	
João Barbosa	Knight of the king's house	16/12/1472	Portalegre	1 year			CAV, XXIX, 270	Duarte, 1993, II, 191

## Diogo Faria

Name	Social profile	Date	Locality	Mandate	Livelihood	Comments	Source	Bibliography
João Delgado	Squire of the king's house. Canon Law scholar.	8/01/1463	Santarém	As long as the king decides		A change of plans will have caused João Delgado's failure to serve in this capacity in Santarém. <sup>146</sup>	CAV, I, 131	Duarte, 1993, II, 191
		27/01/1463	Estremoz and Portalegre	As long as the king decides			CAV, IX, 30	Duarte, 1993, II, 187
João de Elvas	Squire	29/04/1480	Loures	As long as the king decides		Residing in Elvas	CAV, XXXII, 55	Duarte, 1993, II, 190
João Fernandes	Servant of the <i>Infante</i> Fernando. Holder of a Bachelor's degree in Law.	3/05/1462	Estremoz	1 year			CAV, I, 14	Duarte, 1993, II, 187
		7/09/1463	Évora			In office. The Évora council asked to have the mandate extended for a further year. The king agreed.	Arquivo Distrital de Évora, <i>Câmara</i> , vol. XVII, f. 151	Duarte, 1993, II, 188

<sup>146</sup> Given the two appointments to three districts within a few weeks, Luis Miguel Duarte considers this hypothesis more plausible than the accumulation of functions. L. M. DUARTE, *Justiça e Criminalidade no Portugal Medieval*, cit. (1993), vol. II, p. 191 (note 397).

## Juizes de Fora in the time of King Afonso V

Name	Social profile	Date	Locality	Mandate	Livelihood	Comments	Source	Bibliography
João Fernandes de Velez	Squire of the house of the <i>Infante</i> Henrique	6/04/1442	Serpa		Unknown (the same he had earned as a judge in Évora), but paid by the municipality.	He had already been an outside judge in Évora.	CAV, XXIII, 95	
João Gonçalves	Squire of the <i>Infante</i> Pedro	11/04/1443	Estremoz		Unknown, but paid by the municipality		CAV, XXVII, 74	
João Jorge		30/08/1442	Monção				CAV, XXIII, 38v	
João Pinto	Squire of the king's house	23/04/1481	Viseu			In office. Clerk of the Court and of the High Court.	CAV, XXVI, 69v	Duarte, 1993, II, 194-195
João Vaz		26/03/1463	Oliveira	1 year			CAV, IX, 39	Duarte, 1993, II, 190
		8/06/1464	Sabugal	1 year			CAV, VIII, 142	Duarte, 1993, II, 191
		24/05/1440	Coja		500 white <i>reis</i> a month paid by the municipality.		CAV, XX, 114	
Lopo Afonso de Teive	Squire of the house of the <i>Infante</i> Henrique	15/02/1445	Monção	1 year			CAV, XXV, 74v	
Lopo Lourenço		15/06/1469	Torres Vedras	1 year		Residing in Sintra	CAV, XXXI, 52	
Lopo Lourenço		14/05/1472	Leiria			In office	CAV, XXIX, 38v	Duarte, 1993, II, 189-190

## Diogo Faria

Name	Social profile	Date	Locality	Mandate	Livelihood	Comments	Source	Bibliography
Lopo Mendés	Squire of the house of the <i>Infante</i> Henrique	4/12/1438	Elvas	As long as the king decides	21 000 pounds a month paid by the municipality.	Residing in Estremoz. He was already an outside judge in Elvas in the time of King Duarte.	CAV, XIX, 6	
		20/04/1439					CAV, XVIII, 56v	
Lopo Mourão	King's squire and vassal	16/04/1442	Beja		30 000 pounds a month paid by the municipality		CAV, XXIII, 55v	
Luis Vaz	Squire of the king's house	4/10/1475	Elvas	3 years	Unknown, but paid equally by the king and by the municipality.		CAV, XXX, 25v	
Martim Martins Cerveira	Knight of the <i>Infante</i> Pedro	24/12/1454	Lamego				CAV, X, 132	
Martinho Vicente de Vila Lobos	Knight of the king's house	24/05/1440	Évora				CAV, XX, 114	
		9/01/1452	Moura				CAV, XXXVII, 15v	
Nuno da Silveira	Squire of the king's house	4/05/1453	Serpa		Unknown, but paid equally by the king and by the municipality		CAV, III, 58v-59	
		28/03/1473	Estremoz				CAV, XXXIII, 93	Duarte, 1993, II, 187

## Juizes de Fora in the time of King Afonso V

Name	Social profile	Date	Locality	Man-date	Livelihood	Comments	Source	Bibliography
Paio Varela	Squire of the king's house	7/06/1463	Viseu	1 year		Afterwards he was <i>Corregedor</i> of Trás-os-Montes	CAV, IX, 85v	Duarte, 1993, II, 195
		11/08/1464	Évora	1 year			CAV, VIII, 10	Duarte, 1993, II, 188
Pero da Cruz		18/09/1456	Portalegre, Arronches, Alegrete and Marvão	3 years	12 000 <i>reais</i> , borne by the income of the municipalities.	Bedel at the <i>Estudo Geral</i>	CAV, XIII, 35	
Pero Godins	Servant and squire of the king's house	6/11/1454	Guarda	1 year			CAV, X, 111-111v	
Pero Teixeira	Knight	4/10/1473	Mourão		Unknown, but borne equally by the king and by the municipality		CAV, XXXIII, 213	Duarte, 1993, II, 190
Pero Teixeira		30/11/1472	Lagos			In office	CAV, XXIX, 229	Duarte, 1993, II, 189
Pero Vaz		22/06/1441	Serpa			Confirmed in the position, after being appointed by the Infante Dom João after disturbances in the town.	CAV, II, 91v	
Rodrigo Afonso	Squire of the king's house	4/01/1471	Estremoz	1 year			CAV, XVI, 2v	Duarte, 1993, II, 187

## Diogo Faria

Name	Social profile	Date	Locality	Mandate	Livelihood	Comments	Source	Bibliography
Rodrigo Esteves		15/03/1443	Tavira	1 year	600 white <i>reais</i> a month paid equally by the king and by the municipality.	He was a chancellor of the <i>correiçáo</i> of the Algarve.	CAV, XXVII, 44v	
Rodrigo Esteves de Aragão	Squire. King's vassal.	30/03/1446	Estremoz	1 year			CAV, V, 16	
Rui de Castro	Knight of the king's house	2/05/1468	Tavira	1 year			CAV, XXVIII, 26v	Duarte, 1993, II, 194
		19/10/1469	Faro	1 year			CAV, XXXI, 109v	Duarte, 1993, II, 188
Rui Varela	Squire of the king's house	29/10/1463	Évora	1 year			CAV, IX, 157	Duarte, 1993, II, 188
Vicente Egas	Holder of a Bachelor's degree	5/04/1462	Elvas	As long as the king decides		He will have been outside judge of Setúbal in the time of King João II.	CAV, I, 18	Duarte, 1993, II, 186

## IV – The rules of law and the individual practice



## *The peripheral officials of justice in Portuguese legislation (1446-1521)*<sup>1</sup>

ADELAIDE COSTA

### *I. Issues and sources*

The general opinion among researchers regarding peripheral officials of justice in Portugal during the ancien régime, *corregedores*<sup>2</sup> and *juízes de fora*,<sup>3</sup> is that they should be studied together. Furthermore, as far as the late medieval period and the beginning of the modern era are concerned, there is no detailed comparative analysis of the texts of the legislative compilations concerning these agents of the Crown.<sup>4</sup>

These two factors led me to choose, as a point of observation for this work, the normative articles for these offices set forth in the official collections of laws – known as *ordenações*, or ordinances – namely the *Ordenações Afonsinas* (1446),<sup>5</sup> and the *Ordenações Manuelinas* (in the 1512/13<sup>6</sup> and the 1521<sup>7</sup> editions), as well as in rulings of the competencies of members of municipal governments, i.e., the regu-

<sup>1</sup> This paper is part of the research carried out in project PTDC/EPH-HIS/4323/2012, financed by FCT.

<sup>2</sup> See glossary and previous chapters of this book.

<sup>3</sup> See glossary and previous chapters of this book.

<sup>4</sup> However, there are works comparing the content of titles of these compilations which cross-reference *juízes de fora* but are not aimed exclusively at these officials. They will be mentioned in a subsequent note.

<sup>5</sup> *Ordenações Afonsinas*, cit. (1984). This designation derives from the name of the reigning monarch at the time they were completed, King Afonso V (1438-1481).

<sup>6</sup> *Ordenações Manuelinas*, cit. [system of 1512-1513], (henceforth referred to as *Ordenações Manuelinas 1512*). As with the *Ordenações Afonsinas*, the name derives from the reigning monarch at the time they were written and concluded, King Manuel I (1495-1521). A 1514 edition of the *Manueline Ordinances* was not considered in this analysis, since no changes were detected between them (See M. SANTOS-M. ROMÃO, *Diferenças encontradas na comparação entre os livros I e II das Ordenações Manuelinas: edição 1512-1513 – editor Valentim Fernandes: edição de 1514 – editor João Pedro Bonhomini*, in «Revista da Faculdade de Direito da Universidade de Lisboa» 43.1 [2002], pp. 349-375). Similarly, the fragments found in another edition from 1517-18 do not refer to matters of interest to us (See J. J. DIAS, *Ordenações Manuelinas 500 anos depois. Os dois primeiros sistemas [1512-1519]*, Biblioteca Nacional de Portugal. Centro de Estudos Históricos – Universidade Nova de Lisboa, Lisbon 2012, pp. 117-132).

<sup>7</sup> *Ordenações Manuelinas*, cit. [system of 1521], (henceforth referred to as *Ordenações Manuelinas 1521*).

lations of the judges (*Regimento dos Juizes*, of 1496)<sup>8</sup> and the regulations pertaining to officials of cities, towns and localities (*Regimento dos oficiais das cidades, vilas e lugares*, 1504).<sup>9</sup>

Let us examine the timeline. This period marked a turning point in the organisation of powers. For some authors, this was a time of progressive acceleration of the Crown's administrative control of the territory; for others, it represented a profound break with the medieval *status quo*.<sup>10</sup> We will not dwell on the topic of the introduction of «modernity» into the kingdom's political system.<sup>11</sup> Our interest is to ascertain, in the sources previously identified, if and when it is possible to detect any sort of alteration in the legislator's understanding concerning these offices.

It is because *corregedores* and *juizes de fora* were two «peripheral pivots of royal administration»,<sup>12</sup> i.e., convergent pieces in the Crown's strategy of territorial control,<sup>13</sup> the authors assert the need to apprehend them as a whole.<sup>14</sup> However, it should be noted that these officials were at different levels of the judicial apparatus: the *corregedores* supervised the implementation of justice and of local governments, while the *juizes de fora* were executors of that same justice and external elements that formed part of the municipal government.

<sup>8</sup> Included in a letter passed down by King Manuel I in Montemor-o-Novo on 8 January, 1496 (published by J. P. RIBEIRO, *Dissertações chronologicas e criticas sobre a história e jurisprudência eclesiástica em Portugal*, Academia Real das Sciencias de Lisboa, Lisbon 1867<sup>2</sup>, vol. IV.1, pp. 192-199).

<sup>9</sup> *Regimento dos oficiais das cidades, vilas e lugares destes reinos: Edição facsimilada do texto impresso por Valentim Fernandes em 1504*, with a preface by M. Caetano, reprinted by the Fundação de Casa de Bragança, Lisbon 1955 (henceforth referred to as *Regimento dos oficiais das cidades, vilas e lugares destes reinos*).

<sup>10</sup> Specifically on the organisation of powers in this period, see: J. SUBTIL, «Modernidades e arcaísmos do Estado de Quinhentos», in M. H. COELHO-A. L. HOMEM (eds.), *A génese do Estado Moderno*, cit., pp. 317-370, and A. L. HOMEM, *Ofício régio e serviço ao rei em finais do século XV: norma legal e prática institucional*, in «Revista da Faculdade de Letras. História» s. II, 14 (1997), pp. 123-137. Regarding the chronological wedge that general works on the History of Portugal have driven into this period, see J. R. MAGALHÃES, *No Alvorecer da Modernidade (1480-1620)*, in J. MATTOSO (ed.), *História de Portugal*, Círculo de Leitores, Lisbon 1998, vol. III, p. 8; J. J. DIAS (ed.), *Nova História de Portugal. V. Portugal do Renascimento à Crise Dinástica*, Editorial Presença, Lisbon 1998, pp. 7-10.

<sup>11</sup> Examined, regarding the legislative codes, in A. BARBAS-HOMEM, «As Ordenações Manuequinas: significado no processo de construção do Estado», in *Estudos em Homenagem ao Prof. Doutor Raúl Ventura*, Universidade de Coimbra, Coimbra 2003, *passim*.

<sup>12</sup> In the expression used in A. M. HESPAÑA, *As Vésperas do Leviathan. Instituições e poder político – Portugal, século XVII*, Almedina, Coimbra 1994, p. 171. This author was a researcher in the JUSCOM Project.

<sup>13</sup> A clear distinction should, however, be made between the royal strategy and its results. On this subject, see *ibid.*, p. 199.

<sup>14</sup> At least for this turning point between the Middle Ages and the Modern period, the potential cross-reference is not studied in the *cursus honorum* of the two officials.

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The evolution of this process of administrative practice is well known.<sup>15</sup> The territorial scope of action of the *corregedores* gradually dwindled and altered their capacity for actual supervision – increasing from six large medieval territorial divisions<sup>16</sup> to twenty-seven (1527-32),<sup>17</sup> then to thirty-two (1640), and finally to forty-eight (1826).<sup>18</sup> In contrast to the episodic character of the provision of *juízes de fora* during the Middle Ages, in the seventeenth century *juízes de fora* were systematically appointed in the main urban centres, although they were quantitatively insignificant in the computation of territorial communities with some degree of autonomy.<sup>19</sup> Since one of the objectives of the JUSCOM project has been to deconstruct their evolution from the aforementioned initial stage to the latter one, let us focus on what is conveyed in the legislation.

The kingdom's various *Ordenações* – in this case, the *Afonsinas* and the two versions of the *Manuelinas*<sup>20</sup> – are each made up of five volumes thematically organised, similarly to the *Decretals* of Gregory IX; each volume is divided into titles, and the titles into paragraphs. The *Ordenações Afonsinas*<sup>21</sup> have been subject to different interpretations by researchers regarding the following topics: I) the period of preparation of the collection of laws (even though everyone agrees that it was a lengthy operation that lasted at least thirty years); II) the difference in the writing style of the first volume – decretal – compared to the other four –

<sup>15</sup> For an overview of the exercise of justice by judges and *corregedores* in the seventeenth century, see A. M. HESPAÑA, *As Vésperas do Leviathan*, cit., pp. 196-206; for the eighteenth century, N. CAMARINHAS, *Juízes e administração da justiça no Antigo Regime: Portugal e o império colonial, séculos XVII e XVIII*, Fundação Calouste Gulbenkian, Lisbon 2010, pp. 95-103. This author is a researcher in the JUSCOM Project.

<sup>16</sup> See Map 2: Comarcas of Portugal in the 14th and 15th centuries.

<sup>17</sup> J. J. DIAS, *Gentes e espaços (em torno da população portuguesa na primeira metade do século XVI)*, Fundação Calouste Gulbenkian-Junta Nacional de Investigação Científica e Tecnológica, Lisbon 1996, pp. 197-238.

<sup>18</sup> J. SUBTIL, «Modernidades e arcaísmos do Estado de Quinhentos», cit., p. 328. This author is a researcher in the JUSCOM Project.

<sup>19</sup> According to António Manuel Hespanha, in the mid-seventeenth century there were 65 judges out of a total of more than 850 municipalities (A. M. HESPAÑA, *As Vésperas do Leviathan*, cit., pp. 171-172). According to Nuno Camarinhas, in the decade of 1720-30 there were 120 municipalities with outside judges and 180 in the first decade of the nineteenth century (N. CAMARINHAS, *Os juízes de fora na época moderna. Porta de entrada ou núcleo duro dos lugares de Letras?*, in «E-legal History Review» 22 [2016]).

<sup>20</sup> See notes 5 and 6.

<sup>21</sup> See on the *Ordenações Afonsinas* and the compilation process: M. ALBUQUERQUE, *O Infante D. Pedro e as Ordenações Afonsinas*, in «Biblos» 69 (1993), pp. 157-171; A. L. HOMEM, «Estado Moderno e Legislação régia: Produção e Compilação Legislativa em Portugal (séculos XIII-XV)», in M. H. COELHO-A. L. HOMEM (eds.), *A génese do Estado Moderno*, cit., pp. 111-130; L. M. DUARTE, *Justiça e Criminalidade no Portugal Medieval*, cit. (1999), pp. 114-130; J. DOMINGUES, *As Ordenações Afonsinas*, cit., pp. 67-78, [http://www.academia.edu/3123263/As\\_Ordenacoes\\_Afonsinas\\_-\\_Tres\\_Seculos\\_de\\_Direito\\_Medieval\\_1211-1512\\_\(last\\_login:\\_25/07/2022\)](http://www.academia.edu/3123263/As_Ordenacoes_Afonsinas_-_Tres_Seculos_de_Direito_Medieval_1211-1512_(last_login:_25/07/2022)).

compilation style – of those responsible for the compilation; III) the reception of the work, given the «animosity» that it may have caused due to the involvement of *Infante Pedro*,<sup>22</sup> as well as its actual validity;<sup>23</sup> IV) the modernity or mediocrity of the norms collected.

For the purposes of this study, of all the points mentioned above we need only remember that Book I – which deals with the central, regional and local offices assigned by royal and municipal appointment and is the only one to be explored here – is written in a decretal style (with some exceptions) while the other four volumes consist of compilations of laws issued by various monarchs.

This first code was subject to corrections and additions. King João II (1481-1495) probably ordered that the *Ordenações* be «shortened», although researchers do not agree as to the meaning of this procedure,<sup>24</sup> and in 1498, during the reign of King Manuel I (1495-1521), a new legislative collection was most likely made (or at least, that would have been the intention).<sup>25</sup> What we know for sure is that in 1506 the laws were being reformulated, leading to the first version of the *Ordenações Manuelinas* printed in 1512/13<sup>26</sup> and in 1514;<sup>27</sup> there was a second version of ordinances in 1517/18<sup>28</sup> and a final one in 1521,<sup>29</sup> this time accompanied by the royal determination that all previous copies were to be destroyed. In order to keep the legislation up to date, King Manuel I decided that any new laws that arose should be included in the *livrinho da rolaçom* (a record book of extravagant legislation).<sup>30</sup> The division into five books was retained, but the decretal writing style was standardised, with several changes in content, deletions, changes in titles and the introduction of new laws.

The publication within a short period of three versions<sup>31</sup> of the *Ordenações*

<sup>22</sup> *Infante Pedro* was the brother of King Duarte (1433-1438). He was the regent of the kingdom as from 1339, because the heir to the throne was a minor, and was to die in the Battle of Alfarrobeira in 1449, fighting against the new monarch, King Afonso V, when the latter came of age.

<sup>23</sup> See M. CAETANO, «Preface», in *Regimento dos oficiais das cidades, vilas e lugares destes reinos*, cit., pp. 12-14.

<sup>24</sup> N. SILVA, *Sobre o abreviamento dos Cinco Livros das Ordenações ao Tempo de D. João II*, in «Boletim do Ministério da Justiça» 309 (1981), pp. 3-26; J. J. DIAS, «Introduction», in *Ordenações Manuelinas 1512*, vol. I, p. XII; J. DOMINGUES, *As Ordenações Afonsinas*, cit., pp. 186-193; ID., *A última reforma do Direito Medieval Português*, in «Lusiada, Direito. Porto» 1-2 (2010), pp. 367-369.

<sup>25</sup> J. J. DIAS, «Introduction», cit., vol. I, p. XII.

<sup>26</sup> *Ibid.*, vol. I, pp. XV-XXII.

<sup>27</sup> *Ibid.*, vol. I, pp. XXV-XXIX; M. SANTOS-M. ROMÃO, *Diferenças encontradas na compilação*, cit.

<sup>28</sup> J. J. DIAS, *Ordenações Manuelinas 500 anos depois*, cit., pp. 117-132.

<sup>29</sup> A. BARBAS-HOMEM, «As Ordenações Manuelinas», cit., pp. 289-320.

<sup>30</sup> *Ibid.*, pp. 302-303; J. J. DIAS, *Ordenações Manuelinas 500 anos depois*, cit., p. 159.

<sup>31</sup> These are three versions or systems, since it should be noted that one was printed in 1521/13, another in 1517/18, and finally in 1521 (J. J. DIAS, *Ordenações Manuelinas 500 anos depois*, cit., pp. 117-132).

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*Manuelinas* also gives rise to different explanations on the part of historians, although they all acknowledge that when they were promulgated the political context was much less tense than the one that prevailed when the *Ordenações Afonsinas* were finalised.<sup>32</sup> Despite numerous changes, there is a line of continuity between the various legislative collections from 1446 to 1521.<sup>33</sup>

Two pieces of evidence that are relevant for enquiring into the chronology of changes in the formulation of the titles of the *Ordenações*, and which allude to the peripheral agents of the Crown – in the case at hand, to *juízes de fora* – are the *Regimento dos Juízes*, of 1496 and the *Regimento dos oficiais das cidades, vilas e lugares*, known from a 1504 edition.<sup>34</sup> And it was precisely the latter (followed by many others)<sup>35</sup> that was the first legal/administrative copy to use a revolutionary new technique – the printing press. In terms of dissemination of the rules, it was the discovery of typography that created a profound break with the previous mechanisms used to broadcast the legislated law throughout the territory.<sup>36</sup>

The titles referring to *comarca*,<sup>37</sup> *corregedores* and *juízes de fora*<sup>38</sup> in the collections of laws already briefly presented will be subject to a detailed contrastive study.<sup>39</sup> Let us begin with one observation: the legislation undeniably assigned a

<sup>32</sup> See below regarding the reception of the *Ordenações Afonsinas*.

<sup>33</sup> See a general comparison between entries in the *Ordenações Afonsinas*, cit. (1984), and the *Ordenações Manuelinas* of 1512 in J. DOMINGUES, *A última reforma do Direito Medieval Português*, cit., pp. 376-390.

<sup>34</sup> According to Marcelo Caetano, this must have been the *regimento* organised in 1502 because in early February they had already been printed (*Regimento dos oficiais das cidades, vilas e lugares destes reinos*, cit., p. 21). Compare this to what is said about the first print of the regulations before February 1503, differing from what was known, in J. J. DIAS (ed.), *No Quinto Centenário da Vita Christi. Os primeiros impressores alemães em Portugal*, Instituto da Biblioteca Nacional e do Livro, Lisbon 1995, pp. 23-24.

<sup>35</sup> Only until the promulgation of the *Ordinances* in 1521 were the following published: 1504 (Regiment of Chapels, Hospitals, Inns and confraternities in the City of Lisbon) (*Regimento das Capelas, Hospitais, Albergarias e confrarias da Cidade de Lisboa*) (and also the one for the *Hospital de Todos os Santos*); 1509 (Regiment of the Houses of Guinea and India) (*Regimento das Casas da Guiné e da Índia*); 1512 (Articles of the sisa taxes) (*Artigos das sisas*); 1514 (Regiment of the *contadores*, or auditors, of the *comarcas*) (*Regimento dos contadores das comarcas*); 1516 (Regiment of the ordinances of the Treasury) (*Regimento e ordenações da Fazenda*). See *Regimento dos oficiais das cidades, vilas e lugares destes reinos*, cit., p. 43; A. BARBAS-HOMEM, «As Ordenações Manuelinas», cit., pp. 294 ss. See M. L. CRUZ, «Tradition and innovation in practices and functional adjustments of the Royal Treasury in Portugal in the 16th century (1512-1560)», in *Tradition and Innovation*, CRC Press, London 2021, pp. 433-440.

<sup>36</sup> J. J. DIAS, «Introduction», cit., vol. I, p. XIII.

<sup>37</sup> Administrative and judicial districts of the kingdom. For more information see glossary and Map 2: *Comarcas of Portugal in the 14th and 15th centuries*.

<sup>38</sup> As well as other titles of the *Ordenações* which in any way mention these officials.

<sup>39</sup> Referring only to historians from the twentieth century, I would like to emphasise that Marcelo Caetano carried out a comparison of the legislative texts set forth in the *Regimento dos oficiais das*

different weight to each of these offices.

## II. *The structure of territorial offices in the light of the Ordenações*

The *corregedor*, a royal territorial agent, was formally recognised in the organisation chart of the peripheral administration of the Crown from an early stage, as were the municipal officials whose activities he supervised.<sup>40</sup> His powers were subject to the first regulations in 1332, which were followed by new revised and enlarged versions in 1338, 1340, 1361, 1375 and 1418.<sup>41</sup> In the *Ordenações Afonsinas*, the regulations have a more elaborate and complete formulation compared to the previous versions. Since the conditions of appearance of this office have already been explained throughout this book,<sup>42</sup> and its functions have been systematised in the

*ciudades, vilas e lugares* and in the *Ordenações Manuelinas* of 1512 (M. CAETANO, «Preface», cit., pp. 39-42); Armando Luís de Carvalho Homem and Judite Gonçalves de Freitas analysed the alterations regarding the organisation chart of the «central administration» evidenced by the two legislative compilations – *Ordenações Afonsinas* and *Ordenações Manuelinas* – respectively in A. L. HOMEM, *Ofício régio e serviço ao Rei em finais do século XV*, cit., pp. 123-138; J. FREITAS, *Tradição legal, codificação e práticas institucionais: um relance pelo Poder Régio no Portugal de Quatrocentos*, in «Revista da Faculdade de Letras. História» s. III, 7 (2006), pp. 51-67. In turn, José Domingues establishes a comparison between several entries in the *Ordenações Afonsinas* and the first edition of the *Ordenações Manuelinas*, including the title of ordinary judge (J. DOMINGUES, *A última reforma do Direito Medieval Português*, cit., pp. 399-412).

<sup>40</sup> As a matter of fact, it is in the respective regulations that in 1338 *vereadores* (aldermen) are first referred to.

<sup>41</sup> 1332: ANTT, *Feitos da Coroa*, Núcleo Antigo 458, ff. 31-36v (published in M. CAETANO, *A administração municipal de Lisboa*, cit., pp. 151-157); 1338: ANTT, *Feitos da Coroa*, Núcleo Antigo 458, ff. 47v-49v; 1340: ANTT, *Feitos da Coroa*, Núcleo Antigo 458, ff. 37-41v (published in M. CAETANO, *A administração municipal de Lisboa*, cit., pp. 158-174); 1361: J. P. RIBEIRO, *Dissertações Chronologicas e Criticas*, cit., vol. III.2, n. 37, pp. 93-112; 1375: *ibid.*, pp. 122-141; 1418: *Livro dos Pregos*, pp. 405-411.

<sup>42</sup> In addition to the chapters in this book, consult about the peripheral officialdom of the Crown, namely the *corregedores* and their attributions: M. H. COELHO-J. R. MAGALHÃES, *O poder concelhio das origens às cortes constituíntes. Notas da História Social*, Centro de Estudos de Formação Autárquica, Coimbra 1986, pp. 10-14; H. B. MORENO, «A evolução do município em Portugal nos séculos XIV e XV», in *Id.*, *Os municípios portugueses nos séculos XIII a XVI. Estudos de História*, Editorial Presença, Lisbon 1986; H. B. MORENO, *A presença dos corregedores nos municípios e os conflitos de competências (1332-1459)*, in «Revista de História» 9 (1989), pp. 77-88; *Id.*, «O regimento dos corregedores nos primórdios da Idade Moderna», in J. M. PÉREZ-PRENDES Y MUÑOZ DE ARRACO (ed.), *1<sup>as</sup> Jornadas de História do Direito Hispânico. Homenagem ao Académico de Mérito Prof. Doutor José Manuel Pérez-Prenes*, Academia Portuguesa de História, Lisbon 2004, pp. 203-219; A. COSTA, *Nobres, agentes periféricos da coroa e homens dos concelhos: desarmonias discursivas e articulações factuais (Portugal, finais do século XIV)*, in «Edad Media. Revista de História» 19 (2018), pp. 47-73.

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light of the various regulations and of the *Ordenações Afonsinas*, I will focus only on the adjustments introduced in the various editions of the *Ordenações Manuelinas*,<sup>43</sup> and even this analysis will be brief.

Let us begin by looking at the indices of the three codes under analysis (1446, 1512 and 1521). A title is inserted with the regulations of the office of *corregedor*,<sup>44</sup> followed by another on the appraisal of the exercise of his mandate.<sup>45</sup> However, in the *Ordenações Manuelinas* of 1521 a third title was introduced, also on vetting the office, thus duplicating the forms of inspection.<sup>46</sup> In the *Ordenações Filipinas*<sup>47</sup> (1603) only two titles are dedicated to the *corregedor*.<sup>48</sup>

Among the three legislative collections, there are changes in the articles of the long entry referring to the competencies of the *corregedores*.<sup>49</sup> It may be said that the functions of this Crown agent were defined early on, even though their coding underwent changes in formulation between 1332 and 1521, along with the process of developing the peripheral administration of the Crown. Therefore, in the *Ordenações*

<sup>43</sup> There are alterations, already noted, among the 1446, 1512, and 1521 versions. The most important one is probably that the paragraph on the elections of municipal officials was moved to the entry on *vereadores* (aldermen). For the history of these compilations, see J. DOMINGUES, *As Ordenações Afonsinas. Três séculos de direito medieval (1211-1512)*, cit.

<sup>44</sup> «Dos corregedores das comarcas e cousas que a seus officios pertencem» (Of the *corregedores* of the *comarcas* and the things that pertain to their office) (*Ordenações Afonsinas*, cit. [1984], vol. I, title 33, pp. 116-150); «Dos corregedores das comarcas e as cousas que a seu officio pertencem» (Of the *corregedores* of the *comarcas* and the things that pertain to their office) (*Ordenações Manuelinas 1512*, vol. I, title 32, ff. 60-66); «Dos corregedores e do que a seu officio pertence» (Of the *corregedores* of the *comarcas* and the things that pertain to their office) (*Ordenações Manuelinas 1521*, vol. I, title 39).

<sup>45</sup> «Em que modo hão de enquerer sobre o Corregedor da Comarca, quando acabar ho tempo de seu Officio» (How a new *corregedor* should carry out an inquiry of the outgoing *corregedor* when his time in office ends) (*Ordenações Afonsinas*, cit. [1984], vol. I, title 24, pp. 150-154); «Em que modo ham de enquerer sobre o corregedor da comarca quando acaba o tempo de seu officio» (How a new *corregedor* should carry out an inquiry of the outgoing *corregedor* when his time in office ends) (*Ordenações Manuelinas 1512*, vol. I, title 33, f. 67); «Em que modo hade enquerer o corregedor novo sobre o corregedor da comarca passado quando caba o tempo de seu officio» (How a new *corregedor* should carry out an inquiry of the outgoing *corregedor* when his time in office ends) (*Ordenações Manuelinas 1521*, vol. I, title 46, pp. 271-274).

<sup>46</sup> «Das residências que os corregedores das comarcas e ouvidores ham de fazer acabados os três anos de seus officios» (Of the inspections the *corregedores* of the *comarcas* and *ouvidores* must do after their three years in office) (*Ordenações Manuelinas 1521*, vol. I, title 42, pp. 275-278 as previously stated in M. VENTURA, *A justiça no quotidiano*, cit., pp. 60-74).

<sup>47</sup> Legislative compilation taking its name from Felipe II of Spain/I Portugal (1581-1598).

<sup>48</sup> ALMEIDA, C. (ed.), *Codigo Philippino ou Ordenações e Leis do Reino de Portugal recopiladas por mandado d'El-Rey D. Philippe I*, Tipografia do Instituto Filomático, Rio de Janeiro 1870, vol. I, titles 58 and 60 (henceforth referred to as *Ordenações Filipinas* and available online at <http://www1.ci.uc.pt/ihti/proj/filipinas/11p112.htm> [last login: 15/09/2022]).

<sup>49</sup> The 71 paragraph texts of 1446 were reduced to 44 paragraphs in 1521, due to deletions that had become archaic and paragraphs that were moved to other sections.

*Manuelinas* the judicial scope of the *corregedor* increases, but his administrative functions are blurred.<sup>50</sup> An analysis of the entry on the performance appraisal of the *corregedor*, as well as of the *juiz de fora*, will be carried out later.

Now let us look at the *juiz de fora*.<sup>51</sup> This official was not subject to any regulations prior to the legislative collections under analysis. He only deserves an autonomous title in the *Ordenações Afonsinas*,<sup>52</sup> is ignored in both editions of the *Ordenações Manuelinas* and is again included in the index of the *Filipino* code, together with ordinary judges.<sup>53</sup>

This absence of directives is obvious. The *juiz de fora* did not correspond to an agent of the Crown's peripheral royal administration whose competences needed to be defined, but to a «double» of a municipal official, the ordinary judge. The difference was only in the origin of his power (as appointed by the monarch rather than elected by the community), and the fact that he earned a salary (mostly paid at the expense of the municipality).<sup>54</sup> It is strange, however, that this official is mentioned in the *Ordenações* of 1446 at a time when such nominations were episodic,<sup>55</sup> omitted in 1512 and 1521 when appointments were intensified,<sup>56</sup> and only set forth once again in the letter of the law in the early seventeenth century in the *Ordenações Filipinas*. I will come back to this point later on.

But if in the indices of the legislative codes the mention of *juizes de fora* are negligible, the same is not true of the articles in these works, where a clear and exclusive connection is not always maintained between the title and the content of its respective paragraphs. This inconsistency is exacerbated in the 1512 and 1521 editions of the *Ordenações Manuelinas*.<sup>57</sup>

<sup>50</sup> See I. GRAES, «Para uma reflexão sobre o estatuto dos corregedores no ordenamento jurídico português», in *Estudos em homenagem ao Professor Martim de Albuquerque*, Coimbra Editora, Coimbra 2010, vol. I, pp. 745-812: 762-763.

<sup>51</sup> On *juizes de fora* in the Middle Ages, see several chapters of this book, L. M. DUARTE, *Justiça e Criminalidade no Portugal Medieval (1459-1481)*, cit. (1999) and D. FARIA, *Juízes indesejados?*, cit., pp. 19-37.

<sup>52</sup> «Da maneira, que ham de teer os Juizes, que El Rey manda a alguas Villas per seu serviço, e do poder, que ham de levar» (Of the way the Judges that The King sends to some Towns for his service should act, and of the power they hold) (*Ordenações Afonsinas*, cit. [1984], vol. I, title 25, pp. 155-164). This idea has already been raised in this book by Diogo Faria, in his article on *juizes de fora*.

<sup>53</sup> «Dos Juizes ordinários, e de fôra» (Of the ordinary Judges, and the outside judges) (*Ordenações Filipinas*, vol. I, title 65).

<sup>54</sup> As we will see below, however, the functions did not remain within the group of similar Ordinances *juizes de fora* and ordinary judges. See with regard to its attributions set forth in the *Ordenações Afonsinas*. N. CAMARINHAS, *Juízes e administração da justiça no Antigo Regime*, cit., pp. 95-98.

<sup>55</sup> See the article in this book on *juizes de fora* during the reign of Afonso V, by Diogo Faria.

<sup>56</sup> According to the results of the JUSCOM Project.

<sup>57</sup> Insofar as *juizes de fora* were included in the sections on ordinary judges as well as in those on *corregedores* and *corregedores' residencias*.

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In the *Ordenações Afonsinas* the title about *juízes de fora* is one of the few within Book I to be written in the compilation style,<sup>58</sup> and this does not appear to occur by chance. It consists of a short prologue and the transcription of a letter of King João I (1385-1433). The purpose of this prologue was to clarify that the practice of appointing *juízes de fora*, which was intended to be maintained, did not coincide with what was established in the letter; it insisted on explaining that when the king appointed *juízes de fora*, ordinary magistrates had to cease their duties. This initial proviso made it explicit that King João I's diploma was not intended as a guide for routine matters, but to provide for the possibility that an exceptional situation might apply.

Let us follow the letter. King João I was facing an emergency situation in the Beira *comarca*,<sup>59</sup> caused by the violence of noblemen who owned seigneurial property in that region. Before sending in *juízes de fora*, the monarch attempted to resolve the situation through the *corregedor* and other royal officials, and even by his own presence in the area, but his efforts were unsuccessful. As a last resort, the king appointed *juízes de fora* judges to the seven major urban centres of the *comarca*; these cities and towns functioned as central points of a network into which the district's territory was now divided under the authority of the magistrate. In effect, this official operated not only within the urban centre and the area covered by its jurisdiction, but within a wider territory whose delimitations would be specified in the appointment letters of each *juiz de fora*. In order for this system to function, various justice officials were to act in the field collaborating with each other. The magistrates elected by the municipalities would be kept on, while the *juízes de fora* and the *corregedor* exercised similar powers, the former in a group of towns and *julgados*<sup>60</sup> and the latter throughout the *comarca*. Finally, the *corregedor* supervised the activities of the *juízes de fora* and of the local magistrates.

In addition to this specific ruling, *juízes de fora* are also mentioned in the *Ordenações Afonsinas* in the section referring to the *corregedores da comarca*, but in a somewhat cryptic, or unclear manner. Thus, the good performance of previous judges appointed by the king was considered the model to be followed by the judges elected by the municipalities;<sup>61</sup> the *corregedores* were also ordered to find out whether municipal incomes had decreased since their management passed from the *juízes de fora* to the elected judges and *vereadores*.<sup>62</sup>

<sup>58</sup> *Ordenações Afonsinas*, cit. (1984), vol. I, title. 25, pp. 155-164. Only 10 from the 72 titles use the compilation style (L. M. DUARTE, *Justiça e Criminalidade no Portugal Medieval (1459-1481)*, cit. [1999], p. 119).

<sup>59</sup> One of the administrative and judicial districts of the kingdom. For more information see glossary and Map 2: *Comarcas of Portugal in the 14th and 15th centuries*.

<sup>60</sup> The district of a judge. For more information see glossary.

<sup>61</sup> *Ordenações Afonsinas*, cit. (1984), vol. I, title 23, paragraph 35, pp. 132-133.

<sup>62</sup> *Ibid.*, paragraph 36, p. 133.

It is likely that the origin of these marks of circumstantiality can be found in the *corregedores*' regulations (the *Regimento dos Corregedores*) of 1418, where it says that «because in some places there are *juizes de fora*, send them home and they must not exercise the said offices».<sup>63</sup> If this is true, paragraphs 35 and 36 of the entry on *corregedores* of the *Ordenações Afonsinas* maintained the conjunctural situation of suppressing the magistrates appointed by the king, in certain localities.

The number references to *juizes de fora* in the legislative codes of the early sixteenth century is greater, although, as I wrote, these officials are not mentioned in the indices of those documents. In the entry on ordinary judges of the *Ordenações* of 1512 and 1521, it is noted at the outset that the guidelines extended to those judges and to «any others who are sent from outside by us».<sup>64</sup> This clause already existed in *Regimento dos oficiais das cidades, vilas e lugares* (1504).<sup>65</sup> In the *Ordenações* of 1521, the text concerning elected magistrates went further: it expressly stated the normality of a *juiz de fora* being in office,<sup>66</sup> it established the difference in colour between the rods of the ordinary judges (red) and of the *juizes de fora* (white),<sup>67</sup> and differentiated between elected officials and outside magistrates regarding sentences to pay legal costs.<sup>68</sup>

In the entry on *corregedores* in the two legislative compilations of the sixteenth century, the articles corresponding to the aforementioned paragraphs 35 and

<sup>63</sup> «E porque em alguns lugares ora sam juizes de fora vos logo lhe direis que se vam para suas casas he nam usem mais do officio» (*Livro dos Pregos*, p. 406).

<sup>64</sup> «Dos juizes ordenairos e do que a seus officios pertence» (Of the ordinary judges and what the duties of their office are), *Ordenações Manuelinas 1512*, vol. I, title 25, f. 69; «Dos Juizes Ordinários, e do que a seus Officios pertence» (Of the ordinary judges and what the duties of their office are) (*Ordenações Manuelinas 1521*, vol. I, title 44, p. 286).

<sup>65</sup> See M. CAETANO, «Preface», cit., p. 23; J. J. DIAS, «Introduction», cit., pp. VII-XXV; J. DOMINGUES, *A última reforma do Direito Medieval Português*, cit., p. 399.

<sup>66</sup> By using the expression: «E QUANDO hi ouuer Juizes de Fóra» (AND WHEN there are *Juizes de Fora*) in *Ordenações Manuelinas 1521*, vol. I, title 44, paragraph 33, p. 296.

<sup>67</sup> *Ordenações Manuelinas 1521*, vol. I, title 44, paragraph 55, p. 305.

<sup>68</sup> «We want no ordinary judge to be sentenced to pay the expenses of legal proceedings unless it is proved that he intervened with malice. And this does not apply to the judges of the cities and notable towns or to other places where we have usually appointed outside judges, nor to the judges of other villages of our kingdoms which are inside walls and large and similar to the notable towns: for those judges may be sentenced to expenses, according to their malice or negligence» (my translation of «E QUEREMOS, e Nos praz, que ninhuu Juiz Ordinario, que por eleição sahir por Juiz, non seja condenado em ninhuas custas, saluo quando constar que interueo sua malicia, no caso em que merecer seer condenado. E esto esto nom auerá lugar nos juizes das Cidades, e Villas Notauéis, e outras, onde algua ora já Mandamos, ou Acustumamos mandar Juizes de Fóra, nem em os Juizes d'outras Villas de Nossos Reynos, que sam Villas cercadas, e grandes, e semelhantes aas sobreditas Villas Notáuéis: porque os taees Juizes poderam seer condenados em custas, segundo sua malicia, ou culpa, ou negligencia for»), *Ordenações Manuelinas 1521*, title 44, paragraph 71, pp. 313-314.

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36 of the *Ordenações Afonsinas* eliminate circumstantiality and «purify» the content by stating that *corregedores* must ascertain whether royally-appointed judges or those chosen by the municipality hear civil and criminal cases,<sup>69</sup> while the following paragraph omits the distinction between *juiz de fora* and ordinary judges in favour of mentioning magistrates exclusively<sup>70</sup>.

The conclusion is that there was an evolution in the treatment of the office of *juiz de fora* in the legislation produced and/or compiled between 1447 and 1521. Therefore, this office was initially mentioned in an almost veiled manner with interpolations to previous normative texts, and then gradually gained legislative ground. It was, however, only with the *Ordenações Filipinas* (1603) that this office finally acquired a permanent structure when it was set forth in the index.

Let us return to a topic already alluded to: the strangeness of the fact that a title on *juizes de fora* was included in the *Ordenações Afonsinas* but omitted from the *Ordenações Manuelinas* of 1512 and 1521. In the fifteenth-century legislative code, the record of King João I's letter about *juizes de fora* was an archaism, including the formulation of its writing, and was omitted in following *Ordenações*. However, in the 1521 edition a new title was included on *ouvidores*<sup>71</sup> immediately after the one on *corregedores*, and it was maintained in the *Ordenações Filipinas*.<sup>72</sup> Let us examine it.

The office of *ouvidor* appointed by the monarch<sup>73</sup> was performed by the *juizes de fora* of another locality and had competencies that distinguished it from other territorial agents, although it was exercised by one of them. When the *ouvidor* was sent to a city or town he was mandated with the powers of the *corregedor*: the elected judges remained in office and while the *ouvidor* was present the local magistrates could take matters to him only. If the *ouvidor* was not present in his jurisdiction, the municipal officials could report to him or to the *corregedor*; if the *corregedor* was in that locality, the *ouvidor*'s functions were adjourned.

<sup>69</sup> *Ordenações Manuelinas 1512*, title 23, f. 65; *Ordenações Manuelinas 1521*, vol. I, title 39, paragraph 32, p. 263.

<sup>70</sup> *Ibid.* *Juizes de fora* were also contemplated in the entry on the *residencias* of the *corregedores* and *ouvidores* in the *Ordenações Manuelinas 1521*, analysed below

<sup>71</sup> See the various types of *ouvidores* referred to in the glossary. See *Ordenações Manuelinas 1521*, vol. I, title 40, p. 270.

<sup>72</sup> *Ordenações Filipinas*, vol. I, title 59.

<sup>73</sup> Naturally I am referring to officials appointed by the Crown, not to seigneurial officials (see F. SILVA, *Corregedores/Ouvidores e correições nos concelhos portugueses: um exemplo setecentista do Condado da Feira*, in «Revista da Faculdade de Letras. História» s. III, 8 [2007], pp. 421-442: 425). António Manuel Hespanha has claimed that the attempt set forth in the *Ordenações Afonsinas* to turn *juizes de fora* into supervisors of elected judges was unsuccessful. However, he reports that in the seventeenth century there was a practice of *juizes de fora* having jurisdiction over neighbouring municipalities (A. M. HESPANHA, *As Vésperas do Leviathan*, cit., p. 97).

The documentation shows us that there were in fact *juízes de fora* of certain municipalities who were appointed as *ouvidores* of towns nearby.<sup>74</sup> Although the functions do not exactly coincide with those of the *juízes de fora* with broader territorial powers referred to in King João I's letter in the *Ordenações Afonsinas*, it is perhaps not unreasonable to establish a certain parallelism between the two figures. That is to say, what appears to be anomalous in the *Ordenações Afonsinas* – *juízes de fora* with more extensive territorial competencies – eventually finds some continuity in the functions of the *ouvidores*.

In the *Ordenações Manuelinas* there are other references, namely procedural ones, for *corregedores* and *juízes de fora*, and some of them will be analysed below. I would like to just point out one. In 1512, an oath for judges of the *Casa da Suplicação*<sup>75</sup> was established, including *corregedores* and *juízes de fora*.<sup>76</sup> In the *Ordenações* of 1521, a topic was inserted with an express reference to *corregedores*, *juízes de fora*, and royal *ouvidores*,<sup>77</sup> in consonance with the emergence of that office.

### III. *The evolution of control procedures for royal territorial agents*

The system for appraising the performance of the Crown's territorial agents is included in the *Ordenações* after the section referring to the powers of the *corregedor*. It will be studied independently, since it allows us to apprehend the progress in the structuring of these offices, which is complementary to what has been analysed previously.

According to the three legislative codes, the inspection of the *corregedor's* mandate took place after he had ceased to exercise his functions, and consisted of an enquiry carried out by the next holder of the office.<sup>78</sup> However, in the *Ordenações*

<sup>74</sup> Por example, Rui Fernandes, licenciante, appointed *juiz de fora* of said town of Portalegre and *ouvidor* in the towns of Castelo de Vide, Marvão, Alegrete, Assumar and Portalegre (ANTT, *Chancelaria de D. Manuel I*, vol. XLII, f. 5v [1513]). Domingos Lourenço, knight of the royal household, was in 1511 appointed *juiz de fora* of the town of Olivença, and overseer of the town of Terena (ANTT, *Chancelaria de D. Manuel I*, vol. VIII, f. 41).

<sup>75</sup> A high court. For more information see glossary.

<sup>76</sup> *Ordenações Manuelinas 1512*, vol. I, title 1, f. 3.

<sup>77</sup> *Ordenações Manuelinas 1521*, vol. I, title 1, paragraph 6, p. 8. Judite de Freitas had already emphasised the importance attributed in the *Ordenações Manuelinas* to the oath taken by officials before embarking on their duties, even if she was not referring to *corregedores* and *Juízes de fora*, J. FREITAS, *Tradição legal*, cit., p. 12.

<sup>78</sup> *Ordenações Manuelinas 1521*, vol. I, title 1, paragraph 6, p. 8. For this subject, see also H. VILAR, «Prol comunal e bom regimento: política, governo e comunicação entre o rei e a cidade em Portugal no final da Idade Média», in A. A. ANDRADE-C. TENTE-G. M. SILVA-S. PRATA (eds.), *Inclusão e Exclusão na Europa urbana medieval*, Instituto de Estudos Medievais, Lisbon 2019, pp. 43-66.

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of 1521 a new title was added, implementing the mechanism of *residencias*:<sup>79</sup> the collection of information on the work of the *corregedor*, carried out for one month towards the end of his mission, by a higher magistrate. In the *Ordenações Filipinas* the article on the enquiry conducted by the newly appointed officer disappears, and only the *residencias*, which applied to all officials appointed by the king, were included. More guidelines on this process are found in several paragraphs of the entry on the functions of the *corregedor*, in all of the collections.

Let us begin with the enquiry. It should be noted that both the steps of this procedure and the list of topics on which the respondents were questioned remained stable (but not immutable) in 1446, 1512 and 1521. The enquiry had to be done in all the localities of the district with more than 100 households, and the witnesses were members of the previous year's municipal government, notaries, and four or five of the «main men of the place», as well as the officials of the *correição*.<sup>80</sup> In all three collections it is determined that the enquirer was to publicly explain that the outgoing *corregedor* would not exercise functions in that district again. The *Ordenações Afonsinas* even stipulated that when the new *corregedor* took over the office he was to prevent his outgoing colleague from entering the district until the enquiry was completed.<sup>81</sup> The *Ordenações Manuelinas* of 1512 and 1521 allowed a period of one year for the new *corregedor* to send the results of the enquiry to the higher courts; this had been omitted in 1446, which shows an improvement in the procedure. Now the enquiry would be carried out as the new *corregedor* performed his duties in the various localities of the district, i.e., it proceeded while the Crown's agent completed the first year of his mandate, since it was compulsory for him to visit all the localities of the region under his responsibility. Therefore, this was not a specific inspection procedure, let alone a swift one.

In both the *Ordenações Afonsinas* and the *Manuelinas*, the questions to be asked of the local communities' representatives regarding the outgoing *corregedor* included the various areas of his powers as set forth in the regulations. This consisted of fifteen topics in the compilations of 1446 and 1512 and fourteen in the 1521 com-

<sup>79</sup> *Residencia* was a control procedure for accountability of the officers which will be explained throughout this text «Das residências, que os Corregedores das Comarcas, e Ouvidores ham de fazer, acabados os tres anos de seus Offícios», *Ordenações Manuelinas 1521*, vol. I, title 42, pp. 275-278 (as M. Ventura had already stated, in *A justiça no quotidiano*, cit.). See A. COSTA, «Royal Judicial Officials held to account by Local Communities (early sixteenth-century Portugal): Fact or Fiction?» in M. Á. MARTÍN ROMERA-H. ZIEGLER (eds.), *The Officer and the People: Accountability and Authority in Pre-modern Europe*, Oxford University Press, Oxford 2021, pp. 177-200.

<sup>80</sup> Officials who worked together with the *corregedor* and under his orders, but with mandates independent from those of the *corregedores*.

<sup>81</sup> In the event that the outgoing *corregedor* was a resident in the region, he was forbidden to travel to the localities where the enquiries were carried out (*Ordenações Afonsinas*, cit. [1984], vol. I, title 23, paragraph 70, p. 149).

pilation, most of which were very specific questions. The last two allowed witnesses to widen the range of accusations and include unlisted issues.

The first question consisted of an assessment of the compliance with the spatiotemporal coordinates of the *corregedor*'s mandate, enquiring if he travelled to all the localities in the district and whether he did not remain in each one longer than was determined. Information was also obtained as to: (i) his respect for the jurisdictions of the Crown, the clergy, the noblemen and the municipalities; (ii) the regularity of hearings and the swiftness with which judicial proceedings were dispatched; (iii) any potential dishonesty demonstrated by the Crown's agent, either by unduly receiving goods from persons of power in order to influence his judicial decisions<sup>82</sup> or by engaging in behaviour that oppressed the population; (iv) the *corregedor*'s policing and judicial performance against malefactors in general, noblemen's gangs, or town councils; (v) screening the areas of the *corregedor*'s executive actions, translated into surveillance of repairs of infrastructures, settlement of uninhabited places, etc;<sup>83</sup> (vi) control over the rectitude of the notaries and clerks in the district in general, and of those he worked with in particular.

It should be noted that in the three legislative collections the new *corregedores* were ordered to carry out the enquiry into the mandate of the outgoing *corregedor* «if it was not performed by another person by our special order».<sup>84</sup> In other words, provision was made for the possibility of an extraordinary prior inspection.

I have stated that in the *Ordenações Manuelinas* of 1521 the *residencias* were set forth in an autonomous paragraph. That does not mean that preliminary methods did not exist prior to this evaluation mechanism. On the contrary, there was a process for modelling this practice in the legislation's articles. Thus, in the *regulations of judges* of 1496 it is stipulated that in the interest of speeding up the execution of justice, outgoing *corregedores* should remain for one month where the new office holder was located, so as to be summoned by inhabitants of the jurisdiction who considered they had been harmed by him.<sup>85</sup> In the entry on the *corregedores* of the *Ordenações* of 1512 this directive was maintained,<sup>86</sup> as it was in the code of 1521,

<sup>82</sup> It should be noted that when witnesses were questioned on this topic, in the two editions of the *Ordenações Manuelinas* bribes and gifts received by a *corregedor* also included loans, purchases or exchanges, specifically by great noblemen, in order to gain favour in judicial acts.

<sup>83</sup> In 1446 and 1512 a point was included on the execution of the ordination regarding clergymen's concubines.

<sup>84</sup> «Se per outra pessoa nom for primeiramente non for tirada por Nosso special mandado», *Ordenações Afonsinas*, vol. I, title 23, paragraph 69, p. 149; *Ordenações Manuelinas 1512*, vol. I, title 32, f. 66; *Ordenações Manuelinas 1521*, vol. I, title 39, paragraph 42, p. 266.

<sup>85</sup> J. P. RIBEIRO, *Dissertações chronologicas e Criticas*, cit., p. 197.

<sup>86</sup> *Ordenações Manuelinas 1512*, vol. I, title 32, f. 66.

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with the proviso that this would not apply if the *corregedor* had already been in *residência* before a high court judge.<sup>87</sup>

Going back even further, we find that the issue of *corregedores* being evaluated by agents of the Crown other than their successors was already a subject of discussion in the parliament of 1472.<sup>88</sup> Baquero Moreno considered that that text, presented to parliament on behalf of the people, set out the *corregedor's* profile.<sup>89</sup> It was proposed that at the end of his three-year term of office an enquiry be conducted according to the following method: in the last three months before leaving office, the *corregedor* would be suspended and two court clerks would question the inhabitants of the district according to the queries included in the *Ordenações Afonsinas*, one of these clerks acting as an *ouvidor* in the name of the king during that period. This proposal stated that it would be preferable that the information on the conduct of the *corregedor*, to be punished or rewarded, be obtained by two high court judges.

The entry on *residências* in the *Ordenações* of 1521, under the responsibility of a higher official, is called «Das residências, que os Corregedores das Comarcas, e Ouvidores ham de fazer»,<sup>90</sup> but according to a known practice, *juizes de fora* were also included in its articles, this time in a specific paragraph. The initiative was to come from the person under enquiry. Thus, *corregedores*, as well as *ouvidores* of seigneurial lands where *corregedores* did not have jurisdiction, were obliged to inform the *regedor* of the *Casa da Suplicação*<sup>91</sup> that their term of office was coming to an end, and the latter was to send a magistrate to the *comarca* or *ouvidoria*.<sup>92</sup> As for *juizes de fora* and *ouvidores* of manorial lands over which the *corregedor* had jurisdiction, they were to write to this agent of the Crown to go and take their *residência*.

The higher official, a high court judge or *corregedor*, as the case might be, travelled to a central locality in the district or to the city or town in question, and had the performance of the *residência* announced. During the period of inspection, the *corregedor* or *ouvidor* was suspended from his duties and replaced by the high court judge; in the case of *juizes de fora* and *ouvidores* of seigneurial lands under the jurisdiction of the *corregedor*, the officials under enquiry were to hand over their rods, the symbols of their office: the *juizes de fora* was to be handed over to the eldest

<sup>87</sup> It refers back to the entry on *residências* (*Ordenações Manuelinas 1521*, vol. I, title 39, paragraph 44, p. 267).

<sup>88</sup> Petition (*capítulo*) 16 on Justice, published through parliament in 1472, pp. 260-261.

<sup>89</sup> H. B. MORENO, «O regimento dos corregedores nos primórdios da Idade Moderna», cit., pp. 206-207.

<sup>90</sup> «Of the inspections, which the Corregedores of the comarcas (districts) and the Ouvidores must do».

<sup>91</sup> The official of the central government on whom they depended. For more information see glossary.

<sup>92</sup> *Ouvidoria* was the manorial territory that was under the administrative and judicial domain of the *ouvidor*, a seigneurial official equivalent to the *corregedor*.

*vereador* and the *ouvidor*'s would go over to the *corregedor*'s possession. Undoubtedly with the intention of reconciling the internal articles of the *Ordenações* of 1521, it is explicitly mentioned that this guideline did not prevent the new *corregedores* and *ouvidores* from carrying out enquiries about their predecessors at each locality in the district.

If we take this approach, we can further conclude that it is in the *Ordenações Filipinas* that *juízes de fora* were eventually mentioned, both in the chapters and in the body of the text.<sup>93</sup>

Until its final and exclusive version the *residência* underwent a process that, at least in theory, moved towards increasing inspection by the Crown: from enquiries made over a period of one year, they were held over one month, during which time the previous office holder was prosecuted; the next step would be for this system to be coordinated by a higher official rather than by an equal.

#### IV. Conclusion

Let us recapitulate the train of thought in this chapter. We adopted the premise that the offices of *corregedor* and *juiz de fora* should be studied together, and we began this analysis with the legislation. The proposed aim of this paper was to enquire if and/or when it is possible to see changes in the legislator's understanding of these two offices, and their articulation. Rather than estimating whether or not the law was observed in practice, it was important to me to deconstruct the process by which the normative system regarding these offices was codified.

By analysing the changes introduced in the legislative collections that were promulgated between 1446 and 1521, we were able to follow the progressive institutionalisation of the office of *juiz de fora* as an agent for the exercise of the Crown's dominion (or desired dominion) over the kingdom's territories. The position of *corregedor* had already been set out in regulations since the 1330s and its competencies had been defined, even though they subsequently underwent minimal adjustments. The office of *juiz de fora* was structured later, although the traces of its existence date

<sup>93</sup> «Como os corregedores das Comarcas, Ouvidores dos Mestrados, e de Senhores das Terras e juizes de fora darão residência» (How the *corregedores* of the Comarcas, the Ouvidores of the Masters, and the Lords of the Lands and *juizes de fora* [outside judges] will do the residences), *Ordenações Filipinas*, vol. I, title 60, pp. 112-115. See on inspections (*residências*) in the early modern period, N. CAMARINHAS, «As residências dos cargos de justiça letrada», in R. STUMPF-N. CHATURVEDULA (eds.), *Cargos e Ofícios nas Monarquias Ibéricas: Proveniente, Controlo e Venalidade (Séculos XVII-XVIII)*, CHAM, Lisbon 2012, pp. 161-174; I. GRAES, *Das residências e outros actos de correição nas Ordenações Manuelinas*, in «E-legal History Review» 22 (enero 2016), [https://www.iustel.com/v2/revistas/detalle\\_revista.asp?id\\_noticia=416913](https://www.iustel.com/v2/revistas/detalle_revista.asp?id_noticia=416913) (last login: 15/09/2022).

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back to the fourteenth century. And this structuring seems to have unfolded in the shadow of the *corregedor*: omitted in the index of legislative codes, the magistrate appointed by the king to exercise first-instance justice in the most important cities and towns appears in the articles of the sections regarding *corregedores*, until he gradually acquired more weight. The primacy of the *corregedor* within the group of peripheral officials is also perceptible because the evolution of the system of supervision of his performance in office progressively extended to other territorial officials of the Crown (*juízes de fora*) and of seigneurial properties (*ouvidores*).

As for the connection between the promulgation (or compilation) of the law in the *Ordenanças* and the law that was actually practiced, this is an issue that remains pending until further work is carried out under the JUSCOM project. Let us merely formulate the question: did the law set forth a previous practice, or is it possible that by establishing a rule it attempted to influence administrative practice?



## *The careers of a juiz de fora: the case of Heitor Lampreia<sup>1</sup>*

DIOGO FARIA

### *I. Introduction*

Heitor Lampreia was not a notable figure of Portuguese society, not in the last decades of the fifteenth century nor in the first decades of the sixteenth. He was not a distinguished nobleman, nor did he hold any of the most distinguished positions in the administration of the kingdom. He did, however, have a career in the service of the monarchs, a career that spanned several decades and that can, to a reasonable extent, be reconstructed. He was a scribe, a staff member in the high court, a *juiz de fora*<sup>2</sup> in several locations, and he performed special duties assigned to him by King Manuel I (1495-1521). He seems to have been a man whom Manuel trusted. In consideration of all these factors, Heitor Lampreia is a potentially interesting case with which to study the career paths of intermediate officials in the royal administration. Whether or not that interest lies in the fact that his case is particularly significant (which can only be confirmed by more detailed studies of the group of officials who performed similar duties), it is at least evident that this concrete example of a royal servant can help to raise some questions (more than to offer answers) and to discuss certain clues that may be useful to gain an understanding of this sector of late medieval political society.

Excluding the research work on the royal chancellery and its officials, which were either developed or supervised mostly by Armando Luís de Carvalho Homem,<sup>3</sup> there is no abundance of studies on members of the kingdom's administration in the late fifteenth and early sixteenth centuries, especially with regard to peripheral and local administrations. Luís Miguel Duarte dedicates the second volume of his doctoral thesis to an «Index of holders of positions in justice and administration».<sup>4</sup> In

<sup>1</sup> This paper is part of the research carried out in project PTDC/EPH-HIS/4323/2012, financed by FCT.

<sup>2</sup> See glossary and previous chapters of this book.

<sup>3</sup> A. L. HOMEM, «Central Power: Institutional and Political History in the Thirteenth-Fifteenth Centuries», cit., pp. 179-207: 190-197.

<sup>4</sup> L. M. DUARTE, *Justiça e Criminalidade no Portugal Medieval (1459-1481)*, cit. (1993), vol. II, pp. 186-195. This volume is not included in the version of the thesis that was later published: L. M. DUARTE, *Justiça e Criminalidade no Portugal Medieval (1459-1481)*, cit. (1999).

addition, the JUSCOM project *Justice and communities in a transition period (1481-1580)* has developed but has yet to publish a biographical dictionary of the *juízes de fora* who were in office between 1481 and 1580, under the auspices of the Instituto de Estudos Medievais at the Universidade Nova de Lisboa.<sup>5</sup> Notwithstanding, so far very little is known about the profiles of these men: we do not know their social origins, their academic backgrounds, how their careers developed, their economic situations, etc. Considering this historiographical fact, it seems pertinent both to examine groups of justice officials more generally, and to look at specific examples of officials. The conjunction of these two perspectives will facilitate the revelation of information about individual careers (which are not always perceived when only the collective panorama is observed) and to open perspectives that will assist a deeper research assessment of the group.

The choice of Heitor Lampreia for this case study is easy to justify: there is more concrete information about him than about most of the officials who were his contemporaries, for the simple reason that more documents about this individual have survived to this day than about most of his coevals who performed the same functions.

## II. *The documentary corpus*

The documentary *corpus* that supports this work is not, however, as exhaustive as it should, ideally, be. The starting point consisted in the documents relating to Heitor Lampreia, which were flagged in the project database and mainly come from the royal chancellery records. In addition, the sections *Gavetas* and *Corpo Cronológico* at the *Torre do Tombo* national archive were explored, which resulted in approximately fifteen pieces of evidence being gathered from unpublished data on the career of this official. What remains to be investigated are essentially the municipal archives of the locations where Heitor Lampreia was in office, which in some cases could shed light on the performance of his duties as a *juiz de fora*.

The typology of the documents consulted is relatively diverse: in general, it includes letters of assignment to office, correspondence issued and received by the official, and records of wages paid. In most cases, these documents were issued in the name of the monarch, and therefore share the usual characteristics of royal documentation: they are texts of high public value, written by officials trusted by the

<sup>5</sup> Meanwhile, see the works on peripheral officialdom of the Crown at this period by Adelaide Millán da Costa: A. COSTA, «Royal Judicial Officials», cit., pp. 177-200; EAD., «A expressão das emoções no circuito comunicacional da periferia para o centro político (Reino de Portugal, início do século XVI)», in J. A. JARA FUENTE (ed.), *Emociones políticas y políticas de la emoción: Las sociedades urbanas en la Baja Edad Media*, Dykinson, Madrid 2021, pp. 37-60.

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sovereign, almost always based on rigid formulations and therefore containing more or less typified data. These formulation rigidities greatly constrained the nature of the information that was gathered about Heitor Lampreia: primarily, the information referring to him were the positions he held in the service of the kings, the places in which he held office, and the wages he received.

#### III. The career of Heitor Lampreia

The earliest reference to this individual dates back to 13 March 1481. That day, he was the actual author of a royal letter drafted in the chancellery of King João II,<sup>6</sup> suggesting that he was probably a clerk at the chancellery. Information about when Lampreia would have begun this position has not yet been found, although it might be determined through a more exhaustive examination of the records of King Afonso V's (1438-1481) chancellery.<sup>7</sup> In the several Masters' dissertations supervised by Armando Luís de Carvalho Homem that deal with the documentary nucleus in question,<sup>8</sup> no references to this individual have been found. However, this is not surprising, as the study by Eugénia Pereira da Mota that covers the last years of King Afonso V's reign does not consider the actual authors of the documents.<sup>9</sup> The remaining clues are as follows: it is likely that Heitor Lampreia began his career as an official amanuensis in the main nucleus of the kingdom's bureaucratic seat during the final years of Afonso V's reign. This is the first piece of information deserving of reflection and debate. Rare indeed are the cases where the functions an individual performed before becoming a *juiz de fora* are revealed. Could the king's clerks be a favored group from which these officials were recruited? Or is Heitor Lampreia an exceptional case?

The following reference to Heitor Lampreia was found from almost twenty years after he wrote the aforementioned letter, when on 13 April 1498 he was appointed clerk before the *ouvidores* of the *Casa do Cível*.<sup>10</sup> This means that he continued to be an official amanuensis, this time in one of the higher courts of the kingdom, and for the first time a dependence on the monarch was mentioned: Lampreia was a squire of

<sup>6</sup> ANTT, *Chancelaria de D. João II*, vol. III, f. 102.

<sup>7</sup> Although this chancellery's 38 vols. of records are probably only a minor part of the documentation that was actually issued in the name of the monarch.

<sup>8</sup> A list of these works is available in A. L. HOMEM, «Central Power: Institutional and Political History in the Thirteenth-Fifteenth Centuries», cit.

<sup>9</sup> M. E. MOTA, *Do Africano ao Príncipe Perfeito. Percursos na burocracia régia (1481-1483)*, M. A. dissertation in History, Faculty of Letters, University of Porto, Porto 1989.

<sup>10</sup> High court judges. For more information see glossary. ANTT, *Chancelaria de D. Manuel I*, vol. XXXI, f. 150v.

the king's household. Almost two years later, on 29 January 1500, he was nominated to another position: judicial solicitor at the *Casa do Cível*.<sup>11</sup> This position was not regulated in the *Ordenações Afonsinas* or the *Ordenações Manuelinas*, although it is possible that the functions associated with it were analogous to those of the solicitor of the *Casa da Suplicação*.<sup>12</sup> If this was the case, this official's duties were: to prepare lists of prisoners, the crimes they were accused of and their prosecutors; to be present at all court hearings; to identify relevant witnesses for each case and have them called; and to have letters relating to the decisions of the court written.<sup>13</sup> As he continued to perform the function of clerk in the same court, Heitor Lampreia was promoted to chief clerk of the *Casa do Cível*. His wages would have been 4,200 *reais* per annum, a very low sum if compared to the senior officials in the same institution (the governor earned approximately twenty times more and a high court judge seven to nine times more), although his wages would have been higher than those of other clerks (almost double, for example, the salary of Pero Tavares, the municipal magistrate's office scribe).<sup>14</sup>

Almost two years later, on 11 December 1501, Heitor Lampreia was, for the first time, selected for a position in the periphery of the central administration. He was named *juiz de fora* of Beja,<sup>15</sup> nearly quintupling his salary to 20,000 *reais* per year, paid in equal parts by the royal treasury and the municipality where he was to perform his duties. The letter of appointment contained no reference to the duration of the mandate,<sup>16</sup> which, was not uncommon. Having examined eighty nomination letters of *juizes de fora* in King Afonso V's chancellery, I found that only 41 of them mention the length of the mandate: in 27 cases it was of one year; in two cases of two years; in four cases of three years; and in eight, for as long as the king wished. It is also worth noting that the duration of the mandates of *juizes de fora* was not regulated in the *Ordenações Afonsinas* or the *Ordenações Manuelinas*. Since access to other documents in which Heitor Lampreia was referred to as *juiz de fora* of Beja has not been possible, the length of time he remained in office is unknown. It is possible that an examination of municipal documentation would prove enlightening on this matter.

Five years later, on 23 May 1506, Heitor Lampreia was referred to as a judge in Silves,<sup>17</sup> in a letter that the dowager queen Leonor, sent to local officials.<sup>18</sup> Once

<sup>11</sup> ANTT, *Chancelaria de D. Manuel I*, vol. XIV, f. 87.

<sup>12</sup> Court of appeal. For more information see glossary.

<sup>13</sup> *Ordenações Afonsinas*, reprint of the 1792 edition, with preamble by M. J. Costa and E. Nunes, Fundação Calouste Gulbenkian, Lisbon 2006<sup>2</sup>, vol. I, title 21, pp. 166-167.

<sup>14</sup> L. M. DUARTE, *Justiça e Criminalidade no Portugal Medieval (1459-1481)*, cit. (1999), pp. 669-671.

<sup>15</sup> A Portuguese town.

<sup>16</sup> ANTT, *Chancelaria de D. Manuel I*, vol. I, f. 61v.

<sup>17</sup> A Portuguese town.

<sup>18</sup> ANTT, *Leitura Nova*, Odiana, vol. VII, ff. 40v-41.

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again, we have before us the only document referring to this official in the role of judge. It was therefore not possible to ascertain when he was assigned, what his wages were, or for how long he was a part the government of this urban centre in the Algarve. Regarding this dearth of information and referring only to the records in the royal chancellery, it should be remembered that only a very small part of the documentation produced has survived to this day. If we take the example of the chancellery of Manuel I, we can see that according to a 1532 inventory its volumes amounted to 12,771 folios; currently, only 5,320 remain. In other words, 60% of the records were lost.<sup>19</sup> It is therefore highly likely that a very large number of documents concerning the appointment and exercise of the office of *juizes de fora* have been lost over time.

It is for certain that, Heitor Lampreia was a *juiz de fora* in Moura<sup>20</sup> in 1514 and 1515. Other documentation shows that this was not the only office he held during this period. His nomination is dated 28 August 1514, but the document does not mention the term of his mandate or his wages.<sup>21</sup> On 12 May 1515, he was referred to in the eschatocol of the new charter granted to the *concelho*<sup>22</sup> of Moura.<sup>23</sup>

Shortly after that appointment, on 13 September 1514, Hector Lampreia, still a squire of the royal household, was selected for a different task: he was to become *corregedor* of an armada captained by the count of Borba, which was to build the fortress of Anafé (today Casablanca).<sup>24</sup> No bibliography that refers in detail to this type of position has been identified, but in this case the official's designation was accompanied by a regulation with two items: Lampreia would have jurisdiction over criminal cases and was authorized to enforce various types of sentences, including the death penalty. In civil cases, he would have powers and jurisdiction of up to 10,000 *reais*.<sup>25</sup>

A few weeks later, on 23 October 1514, King Manuel sent a letter to Heitor Lampreia asking him to intervene in an issue between the colonels and the paid workers of Azemmour, a Moroccan city that had been conquered the previous year. The monarch directed his official to identify witnesses, hear them and ascertain the truth about the problems that had reached his ears.<sup>26</sup> This letter thus conveys the idea

<sup>19</sup> D. FARIA, *A Chancelaria de D. Manuel I. Contribuição para o estudo da burocracia régia e dos seus oficiais*, M. A. dissertation in History, Faculty of Letters, University of Porto, Porto 2013, pp. 16-18.

<sup>20</sup> A Portuguese town.

<sup>21</sup> ANTT, *Chancelaria de D. Manuel I*, vol. XV, f. 165v.

<sup>22</sup> The same as municipality. For more information see glossary.

<sup>23</sup> Arquivo Municipal de Moura, *Foral de Moura*.

<sup>24</sup> D. DE GÓIS, *Crónica do felicíssimo rei D. Manuel*, Imprensa da Universidade, Coimbra 1926, vol. III, pp. 243-246, chapter LXXVI.

<sup>25</sup> ANTT, *Corpo Cronológico*, part III, m. 5, n. 76.

<sup>26</sup> ANTT, *Corpo Cronológico*, part I, m. 16, n. 57.

that Hector Lampreia was trusted by the king, and although this time he was appointed to an unprecedented position, that of *corregedor*<sup>27</sup> of an armada, his duties were unlike those he had performed as *juiz de fora* in Beja and Silves: he was to be the king's eyes and ears in a land where the king was not present and where there were problems, and he was to communicate directly with the king about what he discovered, and make decisions in his name. It seems that this relative proximity between officials and monarchs is one of the main distinguishing factors of the position of *juiz de fora*.

Moving forward six years, to 1521, Heitor Lampreia is referred to again, this time as the *juiz de fora* of Castelo de Vide.<sup>28</sup> He performed these duties at least from 29 January of that year.<sup>29</sup> At the time, he was already a knight of the royal household. On 21 March, the king gave orders to the *almoxarife* of Portalegre<sup>30</sup> to pay Lampreia's wages, which continued to be 20,000 *reais* per year – the same as it had been in 1501 when Heitor Lampreia was first assigned *juiz de fora* of Beja.<sup>31</sup> The question remains: how is it that the wages of an official in the king's trust, a trust that is proven by the type of positions to which he was appointed and by the regularity of his nominations, remained unchanged for twenty years? Is something eluding this analysis? For example, was his salary augmented by a service pension? Or was he granted special rights, privileges, or property? It is tempting to hazard a guess that Heitor Lampreia benefited from other sources of income, although there is no evidence to prove this supposition. However, moving forward to 1527, two royal charters provide proof that the *almoxarife* of Coimbra<sup>32</sup> was ordered to pay Heitor Lampreia what he was owed for two service pensions - one amounting to 2,000 *reais* and the other to 10,000.<sup>33</sup> It seems likely that he had also benefited from this type of income in previous years.

Curiously, in the same month, March of 1521, Heitor Lampreia received a royal licence to travel by mule, although this time he was referred to as a knight of the royal household and solicitor of the *Casa do Cível*.<sup>34</sup> This record implies that Heitor Lampreia never definitively left his position in the Lisbon high court, to which he was appointed in 1500 while he performed the duties of *juiz de fora*, as a sort of “service commission” whenever the monarch deemed it necessary. Did the same happen

<sup>27</sup> About *corregedores* of the comarcas see glossary and previous chapters of this book.

<sup>28</sup> A Portuguese town.

<sup>29</sup> ANTT, *Chancelaria de D. Manuel I*, vol. XXXIX, f. 6.

<sup>30</sup> Collectors of the Crown's revenues in the fiscal districts that covered the kingdom. For more information see glossary and Map 1: Portuguese *almoxarifado*'s network in 15th century.

<sup>31</sup> ANTT, *Corpo Cronológico*, part II, m. 94, n. 221.

<sup>32</sup> See Map 1: Portuguese *almoxarifado*'s network in 15th century.

<sup>33</sup> ANTT, *Corpo Cronológico*, part II, m. 142, nn. 106 and 111.

<sup>34</sup> ANTT, *Chancelaria de D. Manuel I*, vol. XLIV, f. 45v.

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with other *juizes de fora*? In other words, did they keep their careers, possibly in central administration, while occasionally holding other positions in the peripheral administration? Or, as the appointments of *juizes de fora* increased during the sixteenth century, was a different career created, which was associated with that office?

As time went on, the public life of Heitor Lampreia was approaching its end. On 27 September 1524 he became the *juiz de fora* of Coimbra,<sup>35</sup> a position he would keep for at least four years. This is evidenced by two letters written by him in 1528 while he was in that role. In one, he sent King João III (1521-1557) a list of the city's merchants.<sup>36</sup> In the other, he informed secretary António Carneiro about the estate of the prior of the São Fagundo church.<sup>37</sup> Since the minutes of the Coimbra council are available for that year, it is likely that further information can be obtained on this official's activities in the field.<sup>38</sup>

### IV. Conclusions

Heitor Lampreia, first a squire and later a knight of the royal household, probably began his career towards the end of Afonso V's reign as a scribe in the royal chancellery. He moved on to the *Casa do Cível*, an institution where, in 1500, he was promoted to the post of solicitor of justice. He was appointed *juiz de fora* on at least five occasions: in Beja, Silves, Moura, Castelo de Vide, and Coimbra. He was also *corregedor* of an armada in 1514. He probably never left his desk in the civil court, therefore making it likely that he was a loyal servant to the kings of Portugal, especially to Manuel I. He was an official the king trusted, the ideal man to perform functions of an eminently exceptional, and of occasional and provisional nature – the ideal man, therefore, to be a *juiz de fora*.

The reconstruction of this career leaves some questions unanswered when it comes to this group of officials in Portugal's peripheral administration in the late Middle Ages and the renaissance:

1. What was the basis on which *juizes de fora* were recruited? What functions did the men who were called upon to hold this office usually perform?

<sup>35</sup> J. P. LOUREIRO, *Coimbra no Passado*, Câmara Municipal de Coimbra, Coimbra 1964, vol. II, p. 244.

<sup>36</sup> ANTT, *Corpo Cronológico*, part I, m. 41, n. 81.

<sup>37</sup> *Ibid.*, n. 131.

<sup>38</sup> See R. FEIO, «D'as coisas da honra da cidade: elementos para o estudo da produção documental na Câmara de Coimbra nos inícios do século XVI», in A. A. ANDRADE-G. M. SILVA (eds.), *Governar a cidade na Europa medieval*, Instituto de Estudos Medievais-Câmara Municipal de Castelo de Vide, Lisbon 2021, pp. 41-60.

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2. Which criteria were most heavily weighted when selecting the men who were chosen as *juízes de fora*?
3. Were the progressive institutionalization of the position and the multiplication of assignments of *juízes de fora* accompanied by the development of a specific career? Or was this function always performed on an occasional basis?
4. Were the careers of the men who were *juízes de fora* horizontal? Or was there a *cursus honorum* and a typical vertical progression?
5. Was holding the position of *juiz de fora* worthwhile? Was there social progression? Were the financial and material earnings attractive?

Only more in-depth studies of a comparative nature, based on a more diversified range of documentary sources from central and local administrations, including broader populations, would enable us to confirm whether Heitor Lampreia's career was unique, or would they point to more sustained answers to the questions that still remain open.

## V. Medieval survivals in other times and spaces



# *From the kingdom to the empire: Judges in Macao in the sixteenth and seventeenth centuries<sup>1</sup>*

FILIPA ROLDÃO

## *I. Introduction*

The institutional structuring of overseas territories was largely accomplished by transferring the kingdom's models and practices to the Portuguese settlements, where these same models and practices naturally underwent processes where it mutated and adapted to the circumstances it encountered.<sup>2</sup> The study proposed here aims to reflect on this theme, focusing on the dimension of justice in the city of Macao through the sixteenth and seventeenth centuries. With this in mind, the aim will be to understand which components of the functioning of justice and of the praxis of its agents were transferred from the kingdom to an overseas territory equipped with a municipal experience, like Macao, and how they adjusted to the specific circumstances of an Asian city.

## *II. State of the Art*

Municipal administration as implemented in Portuguese overseas territories has not been a niche into which abundant, nor recurring, research has been carried out. However, in the area of historiography about the Portuguese Empire, Charles

<sup>1</sup> This paper is part of the research carried out in project PTDC/EPH-HIS/4323/2012, financed by FCT. An abridged version of this study was published in Portuguese in A. COSTA (ed.), *Justicia y comunidades en Portugal*, cit. The present text has been revised, updated, and adapted for an international readership with no specialist knowledge of Medieval and Modern Portugal.

<sup>2</sup> For a general overview of this dimension of Portuguese expansion, see, among others, L. F. THOMAZ, *De Ceuta a Timor*, Difel, Lisbon 1994; F. BETHENCOURT, «A administração da coroa», in F. BETHENCOURT-K. CHAUDHURI (eds.), *História da Expansão Portuguesa*, Círculo de Leitores, Lisbon 1998, vol. I, pp. 387-411. For a comparative perspective on this, see P. CARDIM-A. M. HESPAÑA, «A estrutura territorial das duas monarquias ibéricas», in Â. B. XAVIER-F. PALOMO-R. STUMPF (eds.), *Monarquias Ibéricas em Perspectiva Comparada (sécs. XVI-XVIII)*, Imprensa de Ciências Sociais, Lisbon 2018, pp. 51-96; P. PONCE LEIVA-A. PONSEN, «Administration and government of the Iberian empires», in F. BOUZA ÁLVAREZ-P. CARDIM-A. FEROS (eds.), *The Iberian world: 1450-1820*, Routledge, Abingdon-New York 2019, pp. 300-318.

Boxer's pioneering study and, more recently, Liam Mathew Brockey's, have demonstrated the scientific pertinence of the topic, not only in terms of the chronology of expansion but also for a broader and more well-founded understanding of the municipal matrix present in medieval Iberian kingdoms.<sup>3</sup> This is also the direction taken by the numerous studies carried out on the municipal experience for the territories of Ibero-American expansion.<sup>4</sup>

In effect, if on the one hand theoretical and legal assumptions about the creation of municipalities and their operating practices are well established for several cities and towns in the Portuguese kingdom, particularly by means of studies on urban history of the medieval period<sup>5</sup> and of specialists in municipalism in the modern era,<sup>6</sup> on the other hand there is a shortage of research that can use this historiographical legacy to foster understanding of the municipal experience in Portuguese cities outside the kingdom.<sup>7</sup>

In the case of Macao, however, there is a major study on the institutional and legal dimension of the city over a wide chronology, placing it within the building and consolidation processes of the kingdom and of an empire, and defining its specificities.<sup>8</sup> The author of this study, António Manuel Hespanha, provides broad frameworks

<sup>3</sup> C. BOXER, *Portuguese Society in the tropics. The municipal councils of Goa, Macao, Bahia and Luanda, 1510-1800*, The University of Wisconsin Press, Madison-Milwaukee, Minnesota 1965; M. BROCKEY (ed.), *Portuguese Colonial Cities in the Early Modern World*, Ashgate, Farnham 2008, among others.

<sup>4</sup> Among others, see the classic study, J. OTS Y CAPDEQUÍ, *Apuntes para la Historia del municipio hispanoamericano del periodo colonial*, in «Anuario de Historia del Derecho Español» 1 (1924), pp. 93-157. More recently, some studies have highlighted the historiographical dialogue between municipal experiences in the European West and in the areas of expansion, for example the following: G. SALINERO, *Une ville entre deux mondes: Trujillo d'Espagne et les Indes au XVI<sup>e</sup> siècle. Pour une histoire de la mobilité à l'époque moderne*, Casa de Velázquez, Madrid 2006; J. LÓPEZ VILLALBA, *Los fueros y ordenanzas medievales: embrión del gobierno de los cabildos coloniales hispanoamericanos*, in «Historia. Instituciones. Documentos» 33 (2006), pp. 339-363; B. GRUNBERG (ed.), *Enjeux et difficultés d'un modèle européen dans les sociétés coloniales*, L'Harmattan, Paris 2007.

<sup>5</sup> Among the many studies that have been carried out, see a historiographical balance in M. H. COELHO, «Municipal Power», cit., pp. 209-230; and a collection of studies with renewed perspectives on the subject in A. A. ANDRADE-A. COSTA (eds.), *La ville médiévale en débat*, Instituto de Estudos Medievais, Lisbon 2013.

<sup>6</sup> For a new take on this theme, see M. CUNHA-T. FONSECA (eds.), *Os municípios no Portugal moderno. Dos forais às reformas liberais*, Edições Colibri/CIDEHUS-EU, Lisbon 2005, and M. H. COELHO-J. R. MAGALHÃES, *O poder concelhio*, cit. (2008).

<sup>7</sup> My postdoctoral project on the subject of *Cities of the Kingdom, Cities of Asia: Models and Practices of Municipal Administration (16<sup>th</sup>-17<sup>th</sup> Centuries). From Évora to Cochín and Macao*, funded by the Foundation for Science and Technology (2012-2019), sought to contribute to this historiographical niche, more specifically concerning the municipal experience in the East.

<sup>8</sup> A. M. HESPANHA, *Panorama da História Institucional e Jurídica de Macau*, Fundação de Macau, Macao 1995.

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of intelligibility on the objects of study he observes, favouring spatial and temporal approaches which are unconstrained by classic historiographical divisions, tending to fragment the understanding of historical objects.<sup>9</sup> In this work, which is essentially didactic, the understanding of the institutional and legal framework of Macao is achieved with a commitment to the medium and long term, based on a perspective that includes historical phenomena in previous and/or coeval paradigms and an observation of their particularities. More than twenty-five years after the study was published, its «panorama» on Macao remains as up-to-date as it is challenging.

### III. The municipal model in Macao

Among the distinct institutional solutions implemented in different parts of the Portuguese Empire, the municipal model was adopted in some territories of the expansion, as was the case in Macao.<sup>10</sup> In response to the insistent requests of a growing and powerful Portuguese trading community who wanted to have their political status recognised, in 1586 Macao received recognition as a municipality in its own right from the Portuguese *vice-rei*,<sup>11</sup> adopting the privileges and freedoms that were in use in the Portuguese kingdom at the time, more specifically in the city of Évora. From then on, some of the most characteristic municipal institutions of the Iberian kingdoms were created, such as the municipal council, known as the *senado*, where administrative and judicial officials met with the citizen representatives to resolve the most important issues in the city. This *senado*<sup>12</sup> was mainly made up of three *vereadores*,<sup>13</sup> two ordinary judges and a *procurador*;<sup>14</sup> a council clerk was responsible for writing up the council's documents.<sup>15</sup>

The recognition of a municipal political and judicial power with its own mag-

<sup>9</sup> As an example of this, see ID., *As Vésperas do Leviathan*, cit.

<sup>10</sup> On the different institutional solutions found, see, among others, L. F. THOMAZ, *De Ceuta a Timor*, cit., pp. 207-244; F. BETHENCOURT, «A administração da coroa», cit., pp. 387-411; P. CARDIM-A. M. HESPAÑA, «A estrutura territorial das duas monarquias ibéricas», cit., pp. 51-96. On the municipal model, see J. R. MAGALHÃES, «Uma estrutura do Império português: o município», in *Portugal e o Oriente. Primeiro ciclo de conferências*, Fundação Oriente/Quetzal, Lisbon 1994; F. BETHENCOURT, «As câmaras», in F. BETHENCOURT-K. CHAUDHURI (eds.), *História da Expansão Portuguesa*, cit., pp. 343-350.

<sup>11</sup> Viceroy. See the glossary for further information on such office.

<sup>12</sup> Town council. See the glossary for further information on such office.

<sup>13</sup> Aldermen. See the glossary for further information on such office.

<sup>14</sup> Procurador. See the glossary for further information on such office.

<sup>15</sup> See C. BOXER, *Portuguese Society in the tropics*, cit., pp. 42-71. See also F. ROLDÃO, «La documentación municipal de la ciudad de Macao a lo largo de los siglos XVI y XVII», in P. PUEYO COLOMINA (ed.), *Los lugares de la escritura: la ciudad*, Institución «Fernando el Católico», Zaragoza 2015, pp. 347-356.

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istratures in Macao and in the empire, however, took place at the same time as the reinforcement of the power and competencies of the most prominent officials who were already present in the city by royal appointment – i.e., the *capitão* of the «Japan voyage»,<sup>16</sup> or later the *capitão geral*,<sup>17</sup> the *capitão local*<sup>18</sup> and the *juiz ouvidor*.<sup>19</sup> These two officials, alongside the public legal clerk, were regarded as the three most important positions in the Portuguese hierarchy in Macao, as is presumed from reading the official information manuscript about the situation of the empire and of Macao specifically, written in 1582 for Felipe I of Spain (Filipe II of Portugal) (1581-1596), at his request.<sup>20</sup>

The same can be said of the actual power that Ming China's officials in Macao continued to have. As the two brief reports transcribed below seem to confirm, over the centuries they merely tolerated the presence of the Portuguese in the city. In 1582, a former governor of the Philippines informed that:

The Portuguese in Macao continue to have no weapons or ammunition or forms of justice. There is a Mandarin official who searches their homes to see if they have weapons or ammunition. Because it is a medium-size city with about 500 houses, and because there is a governor and a bishop, they pay around 100,000 ducats every three years to the *vice-rei* of Canton in order to avoid being expelled from the place; the *vice-rei* shares this amount with the grandees of the emperor of China's house. However, it is continually said that the emperor has no idea there are Portuguese people in his country.<sup>21</sup>

Years later, in the seventeenth century, a traveller stated that:

The fortifications are governed by a *capitão geral* and the city by a member of the bourgeoisie who is called a *procurador*, but in fact both are governed by a

<sup>16</sup> Military commander. See the glossary for further information on such office.

<sup>17</sup> Chief military commander. See the glossary for further information on such office.

<sup>18</sup> Local Military commander. See the glossary for further information on such office, as the information gathered below.

<sup>19</sup> Magistrate See the glossary for further information on such office.

<sup>20</sup> F. P. LUZ (ed.), *Livro das Cidades e fortalezas que a Coroa de Portugal tem nas partes da India, e das capitãcias, e mais cargos, que nelas há, e da importancia delles*, Centro de Estudos Históricos Ultramarinos, Lisbon 1960, pp. 104-107.

<sup>21</sup> «Os portugueses em Macau continuam até hoje sem quaisquer armas ou munições, ou formas de justiça, havendo um Mandarin que faz buscas em suas casas para ver se têm armas ou munições. E porque se trata de uma cidade média com cerca de 500 casas, e porque existe aí um governador e um bispo, eles pagam a cada três anos ao vice-rei de Cantão cerca de 100,000 ducados a fim de evitarem serem expulsos da terra; o vice-rei divide esta quantia com os grandes da casa do Imperador da China. Contudo, diz-se constantemente que o Imperador não faz ideia de que há portugueses na sua terra», C. BOXER, *Portuguese Society in the tropics*, cit., p. 43.

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Chinese Mandarin official who lives outside the city, about a league away, at a locality called Casa Branca.<sup>22</sup>

These two reports come from distinct periods of the constitution of the political and legal status of Macao and its inhabitants. On the one hand, the first report was from a period that was defined as beginning around 1557 and continuing until the early 1580s, when there were increasingly permanent settlements of the Portuguese community on the coast of Guangdong, who, in defence of their economic interests in the lucrative Sino-Portuguese-Japanese mercantile consortium, expressed an increasing need for collective legal and socio-political organisation.<sup>23</sup> The Luso-Asian community – the Asianised and miscegenated – was constrained on one side by the Chinese authorities through the payment of customs duties, the *foro do chão*<sup>24</sup> and the construction of the *Portas do Cerco*,<sup>25</sup> and on the other by the increasingly effective official information tools produced about the city by the Iberian dynastic union, and the opportunity of the Manila route. The second report is from the seventeenth century, which was characterised by the creation and existence of the most important deliberative body of the city's political power, the *senado* of Macao, with its growing conflicts of interest between the Macanese merchant elite and the officials of the central power sent by Lisbon and Madrid, notably the *capitão geral*, and where the recognition of Ming China's sovereignty over the city was proclaimed. Particularly up until 1640, Macao had to redefine strategic partnerships due to changes in the intra-Asian space (a decline in the route with Japan and later with Manila), the context of growing intra-Asian and European trade competition in East Asia (the English and Dutch threat) and the disintegration of the Ming dynasty's power. During this period, the survival of Macao depended on the articulation between the Iberian powers and the Chinese powers in the political and economic life of the city,<sup>26</sup> since the latter was essential for European and Asian finances.<sup>27</sup>

<sup>22</sup> «As fortificações são governadas por um capitão-geral e a cidade por um burguês, chamado procurador, mas, de facto, ambos são governados por um Mandarin chinês, que mora fora da cidade, a cerca de uma légua, num lugar chamado Casa Branca». *Ibid.*, p. 50.

<sup>23</sup> Above all, in order to face the political and economic interests of the Crown and of Ming power in Macao.

<sup>24</sup> Tax on the usufruct of a certain asset. See the glossary for further information.

<sup>25</sup> Territory in the northern part of the Macao peninsula. See the glossary for further information.

<sup>26</sup> On this subject, see R. PTAK (ed.), *Portuguese Asia. Aspects in History and Economic History*, Steiner Verlag Wiesbaden, Stuttgart 1987; P. J. S. PINTO, *Manila, Macao and Chinese Networks in South China Sea: Adaptive Strategies of Cooperation and Survival (16th-17th centuries)*, in «Anais de História de Além-Mar» 15 (2016), pp. 79-100; L. F. R. THOMAZ, *O sistema das viagens e a rede comercial portuguesa na Ásia Oriental*, in «Anais de História de Além-Mar» 19 (2018), pp. 53-86.

<sup>27</sup> On the definition of this chronology in the history of Macao, see L. F. BARRETO, *Macao: poder e saber (séculos XVI e XVII)*, Editorial Presença, Lisbon 2006, pp. 132-221.

However, in spite of the distinct political and legal conjunctures, Macao continued to be a city of powers shared between the power of Lisbon/Madrid/Goa and the power of Ming China in its different instances. As is well described by Luís Filipe Barreto, Macao was a «Chinese territory where Chinese sovereignty is exercised through the fiscal power of the Mandarins, but at the same time it is a community and port city governed also by the Portuguese political judicial apparatus and with an institutionalised Christian religiosity».<sup>28</sup>

#### IV. *The administration of justice in Macau*

Justice is one of the fields from which one can clearly observe the ambiguous or hybrid legal-political status of the city.<sup>29</sup>

The administration of justice in Macao was the responsibility of the magistrates of four distinct jurisdictions that coexisted in the city. On one side, there were court officials who represented Ming China and had the power to judge crimes perpetrated only by the Chinese, and the power to participate, together with a Portuguese judge, in sentences of crimes in which, among other people, the Chinese were included. These judges applied Chinese law and maintained cordial relations with the Portuguese community.<sup>30</sup> On the other side were officials of the peripheral

<sup>28</sup> «Território chinês onde se exerce soberania chinesa através do poder fiscal dos mandarins, mas, ao mesmo tempo, comunidade e cidade portuária governada também pelo aparelho judicial político português e com uma religiosidade cristã institucionalizada», *ibid.*, p. 146. See an earlier, more specific study in L. F. BARRETO, *The status of Macao during the sixteenth and seventeenth centuries*, in «Review of Culture» 36-37 (1998), pp. 63-79. For a global view of the sources that support some aspects of this relation of powers, see F. R. OLIVEIRA, *Na aba da vestidura: bibliographical essay on the relations between Portugal and Ming China*, in «Bulletin of Portuguese/Japanese Studies» 17 (2008), pp. 21-78; F. ROLDÃO, «Goa e Macau no século XVII: uma relação epistolar entre instâncias de poder», in F. REYES MARSILLA DE PASCUAL-D. BELTRÁN CORBALÁN (eds.), *De scriptura et scriptis: consumir*, Fundación Cajamurcia-Universidad de Murcia (Servicio de publicaciones), Murcia 2021, pp. 599-628. On the political and social tensions in Macao during this period, see E. PENALVA, *As lutas pelo poder em Macau (c. 1590-c.1660)*, 4 vols., PhD thesis in History, University of Lisbon, Lisbon 2005 and also J. FLORES, «Colonial societies in Asia», in F. BOUZA ÁLVAREZ-P. CARDIM-A. FEROS (eds.), *The Iberian world*, cit., pp. 393-415.

<sup>29</sup> The adjective «hybrid» is used by Mathew Liam Brockey in a generalised way in the following context: «Colonial cities were always hybrid environments. They were crossroads of cultures, and were strongly marked by the particularities of the areas that surrounded them», M. BROCKEY (ed.), *Portuguese Colonial Cities in the Early Modern World*, cit., p. 8.

<sup>30</sup> See A. M. HESPANHA, *Panorama da História Institucional e Jurídica de Macau*, cit., pp. 38-45. On Chinese law, consult J. YONGLIN (ed.), *The Great Ming Code: Da Ming lü*, University of Washington Press, Seattle-London 2005, and the recent studies on the subject in L. CHEN-M. ZELIN (eds.), *Chinese Law: Knowledge, Practice and Transformation, 1530s to 1950s*, Brill, Leiden-Boston 2015.

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administration, such as the *capitão* of the «Japan voyage», or later, in the 1620s, the *capitão geral* or the *capitão local*, who was the most important official representing Goa's semi-central power and Lisbon and Madrid's central power, and held exclusively military and civil functions in the city for several decades during the sixteenth and seventeenth centuries. Concomitantly, he also had jurisdiction over the most serious crimes, including as an instance of appeal. His functions as judge were restricted to the criminal sphere, since the civil cases were presided over by local judges or by those considered to be of the third jurisdiction, the *juízes ouvidores*. However, the 1587 *ouvidores* regulations<sup>31</sup> would lead to the discharge of some of the functions of the *capitão geral* in the executive, administrative and judicial dimensions.<sup>32</sup>

The abovementioned court-appointed *juiz ouvidor* who resided in Macao for three-year terms and had jurisdiction over civil and criminal matters concerning Portuguese residents was therefore a peripheral official of the administration of justice.<sup>33</sup> In fact, it mainly consisted in a second-instance appeal court. However, whenever a conflict involved Chinese citizens, the *ouvidor* had to accept the intervention of Chinese magistrates. In order to clarify the duties of these *ouvidores*, particularly vis-à-vis the office of the *capitão local* the *Filipina* chancery decreed the *Regimento dos Ouvidores da Cidade de Macau* in 1587.<sup>34</sup> According to António Manuel Hespanha, this document assigned functions similar to those of the peripheral royal justices (*juízes de fora*<sup>35</sup> and *corregedores*)<sup>36</sup> in Portugal to *juízes ouvidores*.<sup>37</sup> This legisla-

<sup>31</sup> See note 80.

<sup>32</sup> See A. M. HESPANHA, *Panorama da História Institucional e Jurídica de Macau*, cit., pp. 70-71; L. F. BARRETO, *Macau: poder e saber (séculos XVI e XVII)*, cit., p. 156.

<sup>33</sup> On this official, see A. M. HESPANHA, *Panorama da História Institucional e Jurídica de Macau*, cit., pp. 72-75.

<sup>34</sup> Regulations of the *Ouvidores* of the City of Macao. See the edition of the document *ibid.*, pp. 126-130.

<sup>35</sup> Literally outsider judge. For more information see glossary.

<sup>36</sup> Magistrates officing within a *comarca*. For more information see glossary.

<sup>37</sup> See A. M. HESPANHA, *Panorama da História Institucional e Jurídica de Macau*, cit., p. 72. Here follows a list of the excerpts from the regulations which explicitly refer to the comparison between these offices and that of the *ouvidor*: «Passará carta de seguro nos casos em que as podem passar os corregedores das comarcas e assim em todos os casos em que as possam passar os corregedores da corte» («he shall issue a *carta de seguro* in cases where the district *corregedores* may do so, and thus in all cases where the court *corregedores* may do so»), *ibid.*, p. 127; «Fará as audiências que são obrigados a fazer os corregedores das comarcas e isto do dito lugar público de Macau; e não havendo as fará em sua casa» («he shall hold the hearings that the district *corregedores* are obliged to hold in the said public place in Macao; if there is no such place, he shall hold them at his house»), *ibid.*; «Tirá todas as devassas que os corregedores das comarcas são obrigados a tirar por bem das minhas Ordenações e leis extravagantes destes Reinos sob as penas nelas declaradas» («he shall make all the inquiries that the *corregedores* of the court districts are obliged to make, in fulfilment of my Ordinances and uncodified laws of these kingdoms, under the penalties declared therein»), *ibid.*, p. 128; «E o ouvidor levará

tion also stipulated that the *ouvidores* were autonomous in judicial matters and that the *capitão local* did not have any jurisdiction over them. In addition to these duties, the *ouvidor* was also the judge of orphans' courts.<sup>38</sup>

Lastly, there were ordinary judges, or local judges, who were elected by the collective municipality, and who, as noted above, took part in *senado* meetings. This was one of the most important magistratures of the city, together with the *vereadores* and the *procurador*, who were responsible for judging all the matters in the first instance. Ordinary judges were subject to a minimum age in order to hold office: they had to be at least thirty years old.<sup>39</sup>

The coexistence of these four jurisdictions in the city of Macao was not peaceful, especially between, on one side, jurisdictions by royal appointment, which were represented by the *capitão local* / *capitão geral* and the *ouvidor*, and, on the other, by the municipal jurisdiction, i.e. the ordinary judges. In the documentation examined on Macao<sup>40</sup> different situations were found that testify to this statement, mainly as a result of decisions by the Crown's representatives, which were prejudicial to the freedom and privileges of the municipality. The recurrent themes of these tensions were mercantile activities, the municipality's treasury, and the defence of the citizens.

A paradigmatic episode of this conflict that occurred in 1624 shall be examined, when the newly-appointed *capitão geral*, Francisco Mascarenhas, argued that no voyage to Manila should be undertaken that year. Almost the entire local political elite held the opposite view, claiming that the *senado* could not support itself solely by the «voyage to Japan», as well as honour commitments like carrying out fortifications and paying for the prison.<sup>41</sup> To the municipality, the *capitão geral*'s position was seen as «a certain displeasure that he had wished to have with this city by requiring the *ouvidor*, the graduate Francisco Cardim Frois, not to handle the Manila voyage».<sup>42</sup> It was documented that in one of several meetings between the

assinaturas como as podem levar os corregedores das comarcas por bem de seus regimentos e minhas Ordenações» («and the *ouvidor* may have signatures, as may the *corregedores* of the court districts, in fulfilment of their regulations and of my Ordinances»), *ibid.*, p. 129.

<sup>38</sup> According to the Regulations, the *ouvidor* should perform his function as judge of the orphans: «Guardando em tudo o regimento declarado em minhas Ordenações e nas minhas leis extravagantes que nos juízos dos órfãos falarem» («they will always obey the regulations contained in my Ordinances and uncodified laws concerning what is said before the judges of the orphans»), *ibid.*, p. 126.

<sup>39</sup> Regarding these officials, see *ibid.*, pp. 76-77.

<sup>40</sup> I focused on the source Évora, *Biblioteca do Arquivo Distrital de Évora* [= *BADE*], «Papéis de D. Francisco de Mascarenhas», vol. CXVI.2-5, ff. 27-300v, as published in E. PENALVA-M. LOURENÇO (eds.), *Fontes para a História de Macau no século XVII*, Centro Científico e Cultural de Macau, Lisbon 2009, pp. 35-305.

<sup>41</sup> *Ibid.*, pp. 84-132.

<sup>42</sup> «Serto desprazer que qujzera ter com Esta cjdade mandar-lhe fazer Requerjmeto pello senhor oujodor o Licenciado Francisco Cardjm Froeis que não tratase desta uiagem de Manjlha», *ibid.*, p. 138.

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*vereadores* and the *capitão* «there were great altercations among the *vereadores* so that he [the *capitão geral*] rose and went home, accompanied by myself [the *ouvidor*] [...]».<sup>43</sup> During that year, the municipality entrenched its position and decided to try and forcibly thwart the *capitão geral*'s decision. Note the *ouvidor*'s testimony, written at the request of the *capitão geral*:

I heard the city bell ringing, and upon hastening there I found many armed people. [...] I was warned that the city was coming with poles in their hands and many local people armed with objects and devices made for war, all of them coming down the high street towards the place where the said *capitão geral* was, and I met them in front of the Misericordia building, where, once I arrived, I approached the *vereadores* and asked them to leave the city.<sup>44</sup>

According to the same report, the *capitão geral* had gone to confront the furious populace «alone, with no-one for company, with his sword at his waist as he usually wore it».<sup>45</sup>

As the documentation concerning this conflict was consulted, it could be seen that even before it was expressed in the streets, it was already evident in the archives.<sup>46</sup> In effect, the *senado* refused to record the determinations of the *capitão local* regarding the use of the municipality's money and the appointment of municipal officials in the municipality's books.<sup>47</sup> This was how the *senado* justified its protest to the *vice-rei* of India:

Since all cities want their kings and lords to give them liberties and privileges to support themselves and to grow, this city deserves the same and must rightly claim it, for it is at the end of the world, subject to its king, defending itself from its enemies, supporting prisons, fortifying itself with walls, bulwarks and artillery at its own expense, with no expenditure on the part of His Majesty;

<sup>43</sup> «Ouue entre os uereadores grandes alterquasois de maneira que elle [capitão geral] se aleuanto e se ueio para sua caza acompanhando-o eu [ouvidor]», *ibid.*, p. 96.

<sup>44</sup> «Ouui piquar o sino da cidade e acodindo com muita pressa achei muita gente com as armas nas mãos [...] fui auizado que uinha a cidade com suas uaras nas mãos com muita parte do pouo muitos delles armados com peitos e moriois sahias malha couras dantas, pistolas, arcabuzes, e muitos mosos seus com ffatamonos lansas e alabardas os quoaís todos uinhão pella rua direita emdireitando para ho lugar onde estaua ho dito capitão geral e eu os encontrei defronte da caza da Misericordia aonde chegando peguei nos uereadores e lhes requeri que se retirassem a cidade», *ibid.*, p. 169.

<sup>45</sup> «Só, sem pesoa que ho acompanhace com sua espada na sinta como sempre costuma trazer».

<sup>46</sup> This double dimension seems to occur whenever the city felt its identity threatened. See the case studied in F. ROLDÃO, «Na rua e no arquivo: a construção da memória portuguesa da Batalha de Toro no século XV», in *VI Jornadas Luso-Espanholas de Estudos Medievais*, cit., pp. 319-327.

<sup>47</sup> On the municipal documentation of Macao, see EAD., «La documentación municipal de la ciudad de Macao a lo largo de los siglos XVI y XVII», cit.

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and so it was the intention of the previous officials to ask His Majesty for a captain to govern only in case of war, and not by tribute, subjection and captivity. Therefore, as the city's *procuradores*, on behalf of the people we represent, it seems to us that we have an obligation not to accept or consent to registering in the books of this city council the provisions that captain Francisco Mascarenhas presents, as they are harmful to the city and against the liberties it has enjoyed thus far, being of great benefit to the state of India.<sup>48</sup>

In this particular case, the symbolic but nevertheless real importance of including in the town council's books should be emphasised, i.e., in the written support of the municipalities' power and identity,<sup>49</sup> the decisions that went against their privileges which were considered to be intrusions of royal power into municipal autonomy.

Although there were conflicts of interest and abuse of the prerogatives of various officials, the ceremonial regulations existing in the council's archives demonstrate how each official had his well-defined place in the meetings inside and even outside the municipality, in the processions, i.e., in crucial moments of affirmation of municipal identity.<sup>50</sup>

This is a document entitled *Regimento dos lugares que os oficiais deste tribunal desta Cidade do Nome de Deus da China tem, e dão as pessoas, que a ella vem, escripto aqui per mandado verbal dos sobreditos officiais*,<sup>51</sup> which was copied into the chamber's books at the request of its officials in 1614, from an earlier testimony

<sup>48</sup> «Porquanto as Cidades todas pretendem de seus Reis e Senhores liberdades e preuilegios pera se auerem de conseruar, e augmentar, com muita rezão os deue esta pretender e as mereçe pois esta no cabo do mundo sogeita a seu Rey defendendose de seus inimigos, sostentando presidios fortificando-se com muros, Baluartes y artelharia a sua custa sem gasto algum de Sua Magestade e assj que esta foy a tenção dos officiais passados em pedirem a Sua Magestade capitão que gouernasse so na guerra, e não trebutos, sogeições, e catiueiros, Pello que como procuradores da Cidade em nome do pouo a quem representamos nos pareceo teremos obrigação de não açeitaremos, nem consentiremos que se registem nos liuros desta Camara as prouisões que o senhor capitão Dom Francisco Mascarenhas apresenta por ser em prejuizo da mesma cidade e contra as liberdades com que athe agora se sustentou e foi grande creçimento en proueito do Estado da India», E. PENALVA-M. R. LOURENÇO (eds), *Fontes para a História de Macau no século XVII*, cit., pp. 283-285.

<sup>49</sup> On this subject, see F. ROLDÃO, *A memória da cidade: escrita e poder em Évora (1415-1536)*, Publicações do Cidehus, Évora 2017, available at <http://books.openedition.org/cidehus/3158> (last login: 15/09/2022).

<sup>50</sup> On the specific topic of processions, Macao holds in its archives a reproduction of the regulations of processions which was probably kept in the municipal archives of Évora, the same one published in G. PEREIRA, *Documentos Históricos da Cidade de Évora*, Imprensa Nacional-Casa da Moeda, Lisbon 1998, pp. 372-373. See *Foral, regalias e privilégios concedidos à cidade de Macau, na China, 1596-1756*, in «Boletim do Arquivo Histórico de Macau» s. IV, 8.1 (1988), pp. 26-28.

<sup>51</sup> *Regulations of the places that the officials of this court of this city of the name of God of China have, and give to the people who come to it, hereby written by verbal order of the abovementioned officials.*

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that existed in the *senado* chamber.<sup>52</sup> I shall focus on the sections concerning the *capitão geral*, the *juiz ouvidor* and the ordinary judges. The following is said about the captain:

The *capitão mor*,<sup>53</sup> when he comes to the city, sits in the velvet chair on the right side of the court, and the prelate in the chair on the other side, and any of these persons are upon entering received by the *procurador* at the door, as the latter receives *vereadores* and officials only at the rails of the courtroom; when the *capitão mor* or the prelate leave, the same takes place. In processions, the latter takes the city in his right hand, as Princess, and the king gives it the same place; when the *capitão mor* is not present, the eldest judge goes in his place, followed by the other officials, as they are in court.<sup>54</sup>

The *capitão* occupied one of the most prominent places in the *senado*, along with the bishop, and the same was true regarding religious processions. In the *senado*, everyone received him at the railings that divided the room.<sup>55</sup> This was a privilege that the *juiz ouvidor* did not have, as can be seen in the quote: «When the *ouvidor* comes to the city, he has his place at the head of the bench of the ordinary judges; he is received by the officials of the court, who only rise from their seats; and when he leaves, the same takes place».<sup>56</sup> The *ouvidor* shared his place with the judges, but in a higher position. As for the processions, the document is explicit: «And the *ouvidor* in these processions has no place within the city».<sup>57</sup>

<sup>52</sup> These regulations are published in A. M. HESPANHA, *Panorama da História Institucional e Jurídica de Macau*, cit., pp. 138-139.

<sup>53</sup> Chief captain. See the glossary for further information.

<sup>54</sup> «O Capitão-mor quando vem à cidade senta-se na cadeira de veludo, que está à mão direita do Tribunal, e o Prelado na cadeira que está da outra banda, e qualquer destas pessoas, sai o procurador a recebe-las à porta, e os Vereadores, e mais Oficiais somente até às grades do Tribunal. A mesma ordem se tem, quando o Capitão ou o Prelado se vão. Nas procissões, o Capitão-mor, leva a Cidade à mão direita, como Princesa, e el Rei lhe dá o mesmo lugar, e não se achando o Capitão-mor, presente, e for impedido, o Juiz mais velho irá no lugar do Capitão, e os mais Oficiais, como estão no Tribunal» in A. M. HESPANHA, *Panorama da História Institucional e Jurídica de Macau*, cit., pp. 138-139.

<sup>55</sup> The architecture of the audience room in Macao city does not seem to differ from what the Portuguese model had been, as evidenced by the work of Carlos Manuel Ferreira Caetano, whom I thank for this information. See C. CAETANO, *As Casas da Câmara dos concelhos portugueses e a monumentalização do poder local (séculos XIV a XVIII)*, PhD thesis in History of Modern Art, NOVA University of Lisbon – School of Social Sciences and Humanities, Lisbon 2011. See also T. ESPANCA, *Evolução dos Paços do Concelho*, in «A Cidade de Évora: Boletim de Cultura da Câmara Municipal» 12 (1947), pp. 115-162, of interest for comparison with the Évora case.

<sup>56</sup> «O Ouvidor, quando à cidade vem, tem o seu lugar na cabeceira do banco dos Juizes ordinários. Recebem-no os Oficiais do Tribunal somente levantado-se em seus lugares, e quando se vai da mesma maneira», A. M. HESPANHA, *Panorama da História Institucional e Jurídica de Macau*, cit., p. 139.

<sup>57</sup> «E o Ouvidor nas tais procissões não tem lugar com a Cidade», *ibid.*

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With regard to the ordinary judges, in addition to what has already been mentioned, this document informs us that in the churches «The judges, *vereadores*, *procurador* and clerk of the city council (who, in the absence of an *alferes*,<sup>58</sup> carries the city's flag) shall all sit on a bench, so that the entire city appears to be represented».<sup>59</sup>

In short, among the officials mentioned, the *capitão geral* clearly took a more prominent position in town hall meetings, both in terms of the place he occupied and the way in which he was received. Only foreign ambassadors, or perhaps a Mandarin official, were better received, since the *procurador* and the council clerk would go beyond the room's railings: «When an ambassador comes to town, from the republic or from a city, he shall be given a place at the head of the *procurador's* bench, and the clerk of the town council and the *procurador* shall receive him outside the rails».<sup>60</sup>

### V. Conclusions

Considering the objectives presented in the opening pages of this article, and after examining the brief information discussed here, it was found that the administration and operation practices of justice in Macao partly reflected some of the structural aspects of justice in the coeval and medieval Portuguese kingdom.

These circumstances were observed with regard to the peripheral royal offices that existed in the city, within the scope of their attributions and their praxis. In truth, the office of *ouvidor* shared some functions with that of *juiz de fora* or of *corregedor*, that is to say, with officials from the peripheral royal administration, whose genesis in Portuguese territory presumably took place in the first half of the fourteenth century.<sup>61</sup> Although this official held a prominent position in council meetings, he had

<sup>58</sup> Municipal officer with military responsibilities. See the glossary for further information on this office.

<sup>59</sup> «Nas igrejas se assentarão todos num banco Juizes, e Vereadores, Procurador e Escrivão da camara (o qual não havendo Alferes, levará a bandeira da Cidade). Assentar-se-ão da maneira dita, que pareça estar a cidade encorpada», A. M. HESPAÑA, *Panorama da História Institucional e Jurídica de Macau*, cit., p. 139.

<sup>60</sup> «Quando à cidade vier algum Embaixador, da república, ou Cidade, dar-lhe-ão lugar na cabeceira do banco do Procurador; e o Escrivão da Camara e o Procurador o recebem fora das grades, à ida o mesmo», *ibid.*

<sup>61</sup> On this subject, see M. H. COELHO, *Relações de domínio no Portugal concelhio*, cit., pp. 265-266; A. M. HESPAÑA, *As Vésperas do Leviathan*, cit., pp. 195-212; A. COSTA, «State-building in Portugal during the Middle Ages: a royal endeavour in partnership with the local powers?», in W. BLOCKMANS-A. HOLENSTEIN-J. MATHIEU (eds.), *Empowering Interactions: Political Cultures and the Emergence of the State in Europe, 1300-1900*, Ashgate, Aldershot 2009, pp. 219-233; N. CAMARINHAS, *Juizes e administração da justiça no Antigo Regime*, cit., pp. 93-117; M. FARELO, *A oligarquia camarária de*

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no place in city processions, as if to emphasise that the sphere of power he belonged to was not municipal. As evidenced above, this judge seemed to attempt to resolve the many conflicts that arose between the *capitão geral* and the council, and in almost every case it was found that he sided with the *capitão geral*.<sup>62</sup> His cumulative role as *juiz das justificações por sua Magestade nesta cidade*<sup>63</sup> nevertheless imposed a desirably equidistant function on him, between the exercise of his power and all those who might ask him to publicly certify a document, such as the *capitão geral* or the municipality.

In any case, the legal basis of his office<sup>64</sup> and the operational rationales seem to corroborate the idea that the central and semi-central power of the Portuguese State of India adopted solutions that had been tried and tested both within and outside the kingdom in Macao, solutions which were meant to extend his authority to the municipalities, in this case taking advantage of a double presence – the *capitão geral* and the *ouvidor* – of mutual surveillance. The institutional solution that was found would necessarily trigger political and legal tensions between the council and the magistrates appointed by royal power, a circumstance that once again reflected what was taking place within the kingdom. In the specific field of city justice, this replicated the matrix of urban justice that was based on a local dimension – with local judges – as well as on a peripheral dimension – with *juizes de fora*. However, this reproduction of models was not exempt from adapting to the circumstances of the city, especially the most particular aspect that Macao finds in its institutional history: the validity of Chinese law in parallel with Western law, and the actual presence of magistrates belonging to the power of Ming China. Among others, it is in this regard that the model of administration of justice transferred from the kingdom of Portugal to Macao was «Asianised».

*Lisboa (1325-1433)*, cit., pp. 275-282, 712.

<sup>62</sup> It should be noted that I am referring only to the 1624 episode, in which the protagonists were the captain-general of the city, Francisco de Mascarenhas, and the *ouvidor*, Francisco Cardim de Fróis. With other officials occupying these positions, i.e. with different personal and political interests, this situation may or may not have occurred.

<sup>63</sup> «Judge of the justifications by His Majesty in this city». See the glossary for further information on this office.

<sup>64</sup> In the 1587 regulations for *ouvidores*, there are constant cross-references to the codified *corpus* of the kingdom (Ordinances and uncodified laws), either globally or actually indicating the respective title. Compare this with C. ALMEIDA (ed.), *Código Philippino ou Ordenações*, cit., chapters XVIII, LIX, LXV.



*Between the king and the Iberian Empire: The visitation of judge Jorge Seco to Ceuta in 1585<sup>1</sup>*

FILIPA ROLDÃO

I. Introduction

On 14 June 1585 Jorge Seco, a judge *desembargador dos feitos da Coroa e da Fazenda*,<sup>2</sup> was in the city of Ceuta by order of King Felipe II of Spain (King Filipe I of Portugal, 1581-1596) for the purpose of carrying out a visitation in matters of justice, war and treasury.

Dr. Jorge Seco of the high court of our lord the king, judge in matters of the treasury and the Crown, by order of His Majesty has come to visit and provide jurisdiction over the places of Africa in matters of justice, war and treasury. I make it known to the current *capitães*<sup>3</sup> of this city of Ceuta and to those who are to come, and to the *contadores*,<sup>4</sup> *escrivães dos contos*<sup>5</sup> of the *almoxarifes*<sup>6</sup> and any other officials of the treasury of the said lord and to the *capitães*, and to those of the companies of this city of Ceuta, and to the *ouvidor*,<sup>7</sup> the judge and the city's justice officials that, having visited this city according to His Majesty's regulations in matters of justice, war and treasury and carried out the inquiries and other orders of His Majesty in accordance with the manner contained in his regulations, I found that in the items declared below, it would fulfil His Majesty's service to proceed in the following manner.<sup>8</sup>

<sup>1</sup> This paper is part of the research carried out in project PTDC/EPH-HIS/4323/2012, financed by FCT.

<sup>2</sup> High court judge in matters of the Crown and the treasury. For more information see glossary.

<sup>3</sup> Military commander of a fortress. For more information see glossary.

<sup>4</sup> Accountants. For more information see glossary.

<sup>5</sup> Clerks of the accounts. For more information see glossary.

<sup>6</sup> Peripheral royal agent in the tax area. For more information see glossary.

<sup>7</sup> Judicial magistrate. For more information see glossary.

<sup>8</sup> «O doctor Jorge Seco do desembargo del Rej nosso senhor juis de seus feitos da fazenda e coroa que por mandado de sua Magestade vi a uestitar e prouer com alcada os lugares de africa nas cousas de justiça guerra e fazenda Eu faso saber aos senhores capitais desta cidade de cepta que hora he e ao diante forem e aos contadores escriuais dos contos dos almoxarifes e quais quer outros oficiais da fazenda do dito senhor e aos capitais e aos das companhias desta cidade de cepta E ao ouuidor

Taken by the Portuguese in 1415, the North African city of Ceuta, located near the Strait of Gibraltar, was a major gateway to the African continent, particularly to the north and west coast, due to its important geo-strategic position within the context of the political-military coexistence between the Maghreb and Iberian forces in the Mediterranean.<sup>9</sup> Almost a century and a half after the start of Portugal's sovereignty over Ceuta, it continued to be of interest to King Felipe II – during, therefore, the dynastic union between Portugal and Spain from 1580 to 1640 – particularly as a way of safeguarding the southern border of the Iberian Peninsula and strategic bastions in North Africa such as Asilah, Tangier and Mazagan.<sup>10</sup> In addition, Ceuta was one of the towns in the vast Iberian Empire about which a deeper knowledge and understanding was required, as well as closer supervision, more than ever under the aegis of the dazzling bureaucratic machine of the Habsburgs.<sup>11</sup> It is within this broad

juis e oficiais da justiça dela que tendo eu uestitado conforme aos Regimento de sua magestade esta cidade nas cousas da guerra justiça e fazenda e tiradas as deusas e feitas as mais deligencias que sua majestade manda conforme a maneira que en seu Regimento se contem achej que nas cousa abaxo declaradas conpria ao seruido de sua Magestade prouuer na maneira seguinte», «Treslado da uestitacão que o senhor doctor Jorge Seco fes nesta cidade de cepta aonde chegou aos 14 de junho de 1585 que esta Registada no dito livro a fs 57», in J. ESAGUY (ed.), *Libro de los Veedores de Ceuta (Libro Grande de Sampayo). 1505-1670*, Editorial Tânger, Tangier 1939, p. 65.

<sup>9</sup> On the conquest of Ceuta in the early fifteenth century, see G. ZURARA, *Crónica da Tomada de Ceuta*, Academia das Sciencias de Lisboa, Lisbon 1915; L. F. THOMAZ, *De Ceuta a Timor*, Difel, Lisbon 1998; J. G. MONTEIRO-A. M. COSTA, *1415. A conquista de Ceuta*, Manuscrito, Lisbon 2015; L. M. DUARTE, *Ceuta. 1415. Seiscentos anos depois*, Livros Horizonte, Lisbon 2015; G. M. RAMOS, *Nova ou velha História? Revisitação da historiografia sobre a tomada de Ceuta: esboço de uma viragem metodológica*, in «Roda da Fortuna. Revista Eletrônica sobre Antiguidade e Medieval» 5.1 (2016), pp. 202-225. For a broader chronology, see I. BRAGA-P. BRAGA, *Ceuta Portuguesa (1415-1656)*, Instituto de Estudios Ceutíes, Ceuta 1998 and F. RODRÍGUEZ MEDIANO, «Iberia, North Africa and the Mediterranean», in F. BOUZA ÁLVAREZ-P. CARDIM-A. FEROS (eds.), *The Iberian world*, cit., pp. 106-125.

<sup>10</sup> Between 1558 and 1640 the two most imminent dangers to the city that King Felipe II wanted to address were the Muslim incursions by land and the English fleet's attacks from the sea. A. CARMONA PORTILLO, *Ceuta española en el antiguo régimen (1640-1800): análisis demográfico y socioeconómico del segundo período de la presencia española en la ciudad*, Consejería de Cultura, Ceuta 1996; ID., «Ceuta bajo los Austrias», in F. VILLADA PAREDES (ed.), *Historia de Ceuta. De los orígenes al año 2000*, Instituto de Estudios Ceutíes, Ceuta 2009, vol. II, pp. 12-63. See also, of interest for the Portuguese case: E. BECERRA PEÑAFIEL, «Historia y derecho en Ceuta: la pervivencia de la legislación y las instituciones portuguesas. El fuero de Baylio», in *Ceuta en los siglos XVII e XVIII*, Instituto de Estudios Ceutíes, Ceuta 2004.

<sup>11</sup> F. BOUZA ÁLVAREZ, *Portugal no tempo dos Filipes: política, cultura, representações (1580-1668)*, Cosmos, Lisbon 2000; P. DOVER, «Philip II. Information Overload and the early Modern Moment», in T. ANDRADE-W. REGER (eds.), *The Limits of Empire: European Imperial Formations in Early Modern World History. Essays in Honor of Geoffrey Parker*, Ashgate, Farnham 2012, pp. 99-120. For an overview, see P. CARDIM-T. HERZOG-J. J. RUIZ IBÁÑEZ-G. SABATINI (eds.), *Polycentric Monarchies. How Did Early Modern Spain and Portugal Achieve and Maintain a Global Hegemony*, Sussex Academic Press, Brighton-Portland 2012.

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geo-political and cultural context that the visit of Jorge Seco to Ceuta, between 1585 and 1586, should be placed. The issues that the *visitador*<sup>12</sup> was called upon to inspect were not ingenuously chosen; justice, war and the treasury were the major domains that concerned the king, in terms of defending his interests and those of the Crown, but which tasks were specifically attributed to Jorge Seco, the high court judge? The act of visiting or carrying out a visitation consisted of an inspection of a certain place in order to identify situations that might be detrimental to the interests of the representing agent of the visit and, in some cases, to correct those same situations by reinstating a legal, or other, order, that the place would thenceforth be subject to. A visitation relied heavily on observation and inquiry. It was a means of obtaining information that was used by various institutions, including the ecclesiastical milieu and royal power, and was consecrated as a strategic instrument of governance. Jorge Seco's visit to Ceuta formed part of the wide range of strategies used to obtain information about cities and other colonial territories, instituted by imperial powers and of which the act of visiting was one of the preferred means of action.<sup>13</sup>

Considering his own words at the beginning of the text regarding his visitation, Jorge Seco would be responsible for obtaining information and correcting situations that were inconsistent with the legal order of the time, or with royal interests. He was therefore empowered with a duty of trust, for his word was the only trusted source of information about what was going on in Ceuta. Jorge Seco was the intermediary between the kingdom and the empire; in other words, he would be the eyes and ears of the king in the Maghrebi city.<sup>14</sup>

The aim of this study is, precisely, to emphasise this point, seeking to understand the role of judge Jorge Seco in the relationship between local and central institutions.<sup>15</sup> So we are interested in finding answers to the following questions: who was Jorge Seco and why was he chosen to perform this visit? How did he get his information and pass it on to the kingdom? What were the limits of his actions as a visitor? What was the judge's concrete contribution to the city and the empire?

The following pages are an attempt at providing information that may answer these questions.

<sup>12</sup> Visitator. See the glossary for further information about this office.

<sup>13</sup> The use of visitations in the management of overseas territories is well known, as in the case of the Spanish colonial empire at the time of Charles V and Felipe II. The special case of Juan de Ovando and his contribution to the bureaucratic machinery in Spain may be recalled. J. BUSTAMANTE, *El conocimiento como necesidad de Estado: las encuestas oficiales sobre Nueva España durante el reinado de Carlos V*, in «Revista de Indias» 60.218 (2000), pp. 33-55; A. BRENDENCKE, «Informing the Council: Central Institutions and Local Knowledge in the Spanish Empire», in W. BLOCKMANS-A. HOLENSTEIN-J. MATHIEU (eds.), *Empowering Interactions*, cit., pp. 235-252.

<sup>14</sup> On this idea, see *ibid.*, pp. 235-252.

<sup>15</sup> On this topic, see F. BOUZA ÁLVAREZ, *Entre archivos, despachos y noticias: (d)escribir la información en la Edad Moderna*, in «Cuadernos de Historia Moderna» 44.1 (2019), pp. 229-240.

## II. Jorge Seco, a Portuguese judge in Ceuta

At the beginning of his account on his visit to Ceuta, Jorge Seco describes himself as «Dr. Jorge Seco of the high court of our lord the king, judge in matters of the treasury and the Crown». The title of high court judge was reserved for individuals who had progressed a significant amount in their career as magistrates; in addition, performing duties in matters of the treasury and the Crown most probably place Jorge Seco as a magistrate of the *Casa da Suplicação*, the court of final appeal.<sup>16</sup> If he had already reached this high office within the judicial apparatus of the Crown by the time he went to Ceuta, what would Jorge Seco be doing on a mission to Northern Africa? In fact, as Nuno Camarinhas tells us, «in addition to their mission of judging, magistrates accumulate the duties of policing, inspecting and supervising, and providing information to the Crown».<sup>17</sup> The function of visitator to a colony is in line with the duties expected of a magistrate, thus justifying the choice of a judge with such powers to visit Ceuta.

It is, however, very probable that Jorge Seco reached this status not only via his academic and professional career, but also through his family and geographical origins. Although not much precise information is available about Jorge Seco's private and family life, he is likely to have been the son of Pedro Álvares Seco, a high court judge who was a member of the *Casa da Suplicação* and had always lived among Lisbon's elite. The Seco family likely played an important role in Lisbon's oligarchy, especially during the sixteenth and seventeenth centuries.<sup>18</sup> With a background that connected him to the highest level of the magistrature, Jorge Seco probably attained a prominent position in the Crown's apparatus, as well as locally in the Lisbon city council, where he might already have been a *vereador*<sup>19</sup> at the time of his visit to Northern Africa.<sup>20</sup> His work as *vereador* can be attested to between 1590 and 1593, since municipal documents have been found of which he was a legal

<sup>16</sup> See the glossary and A. M. HESPAÑA, *As Vésperas do Leviathan*, cit. Although this is for a subsequent period, see N. CAMARINHAS, *Juízes e administração da Justiça no Antigo Regime*, cit., pp. 72-77.

<sup>17</sup> «[...] Os magistrados acumulam, com a sua missão de julgar, funções de polícia, de inspeção e fiscalização e de fornecimento de informações à Coroa [...]», *ibid.*, p. 129.

<sup>18</sup> It is also known that he probably had a brother, Fernando Álvares Seco, who married Dona Inês de Veloso and lived in Santo Estêvão de Alfama. See F. DE VASCONCELOS, *O Primeiro mapa impresso de Portugal e notas genealógicas sobre a família Seco*, in «Arqueologia e História» s. VI, 8 (1930), pp. 31-33.

<sup>19</sup> Alderman. See the glossary for further information on such office.

<sup>20</sup> According to Nuno Camarinhas, the *desembargadores* of the *Casa da Suplicação* were inherently councilmen in the Lisbon city council, where a place was reserved for them. N. CAMARINHAS, *Juízes e administração da Justiça no Antigo Regime*, cit., p. 336.

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author.<sup>21</sup> It has also been established that in the latter year he was put in charge of the health department and given the title of *provedor da saúde da Corte e do Reino*.<sup>22</sup> Approximately thirty years before his mission to Ceuta, in 1550, Jorge Seco was already an underwriter in transcripts of royal documents in cartularies of the Lisbon city council, which proves his connection to the municipality.<sup>23</sup> Although no proof exists that Jorge Seco had a career as a magistrate overseas – at least not according to the data available – the fact that he was assigned to some missions in Northern Africa, specifically in Asilah and Ceuta, follows a pattern that was common in the Portuguese justice system of the time, where the presence of magistrates in the colonies was a way in which to represent the Crown's interests at the highest level. Jorge Seco likely performed these functions as part of his career progression, which also seems to coincide with career trends as a whole: his overseas mission preceded the prominent position he held in the Lisbon city council. That is to say, this affords us a glimpse into the most common direction taken by a magistrates' career progression, from serving overseas to gaining a position within the metropolis itself.<sup>24</sup>

In truth, the experience he had already acquired as a bureaucrat when working with the Lisbon council, coupled with his ancestry, honourability and competence, may have justified his being chosen as a visitator of a city overseas. This is especially true if some of the matters he attended to in Ceuta are taken into account, specifically the production and preservation of the city's documentation and that of its officials, which were aspects he had also dealt with within the administration of the city of Lisbon.

### III. *The visit: fact-finding, deciding, writing*

The written account of Jorge Seco's visit to Ceuta serves as the main source of information about the actual work he carried out in the city and the facts he en-

<sup>21</sup> AML-AH, *Chancelaria Régia*, Livro dos regimentos dos vereadores e oficiais da câmara (Livro Carmesim), f. 1; *Provimto da Saúde*, Livro II do provimento da saúde, ff. 14-30v; *Chancelaria da Cidade*, Livro II de assentos do Senado, n. 3, f. 13; n. 41, f. 19v; n. 43, f. 20; n. 54, f. 25v; n. 55, f. 26; n. 56, f. 26; n. 58, f. 27; n. 59, f. 27; n. 61, f. 28; n. 72, f. 32; n. 73, f. 32v; *Provimto da Saúde*, Cópia do Livro II do provimento da saúde, ff. 15v-32.

<sup>22</sup> Health ombudsman of the Court and the Kingdom. See the glossary for further information on such office. AML-AH, *Chancelaria da Cidade*, Livro I de registo de posturas, regimentos, taxas, privilégios e ofícios, n. 19, f. 33-33v; *Chancelaria da Cidade*, Livro II de assentos do Senado, n. 59, f. 27.

<sup>23</sup> AML-AH, *Chancelaria da Cidade*, Livro I de registo de posturas, regimentos, taxas, privilégios e ofícios, n. 19, f. 33-33v.

<sup>24</sup> N. CAMARINHAS, *Juízes e administração da Justiça no Antigo Regime*, cit., p. 334; N. CAMARINHAS, *Administração da Justiça em espaços coloniais. A experiência imperial portuguesa e os seus juízes, na época moderna*, in «Jahrbuch für Geschichte Lateinamerikas/Anuario de Historia de América Latina» 52 (2015), pp. 109-124.

countered, as well as the way he wanted to convey them to those he was in contact with. First, an analysis will be carried out of the written account. As for the evidence available, the text regarding the visit was transcribed in a vast codex named *O Livro Grande de Sampayo ou Livro dos Vedores de Ceuta*<sup>25</sup> (1505-1670) which has two editions, one in Castilian and another in Portuguese.<sup>26</sup> The Castilian edition will be the one used for the purposes of this analysis, as it is the older of the two.<sup>27</sup> This book is initialled by the *desembargador* Bernardo Sampaio de Morais and includes transcripts of some of the main documents in an older book known as *O Livro do Doutor Jorge Seco*.<sup>28</sup>

An unpublished manuscript has also been preserved in the Torre do Tombo (Portuguese national archive) where the text on the visitation coincides with the one in the *Livro Grande de Sampayo*, although the correct sequencing of its sections was probably lost when the folios were bound together.<sup>29</sup> The result is that three pieces of evidence of the same text are available for study, although there are some textual discrepancies.

The visitation includes some sections that are duly marked, and which are the following: construction officials and service men, officers and their bylaws, warehouse of artillery weapons and ammunition, *almoxarife do armazém*,<sup>30</sup> visitation of the walls, of the accounts, *almoxarifes*, and visitation of customs and, lastly, justice.

The text that recounts Jorge Seco's visit to Ceuta has been subject to different levels of interpretation that do not coincide chronologically and which deserve to be examined separately.

Firstly, the level of interpretation that seems to be the most basic will be detailed: the judge's fact-finding activities as to the realities of war, justice and the treasury in the city of Ceuta. The question that must be asked is: how did Jorge Seco acquire information about these matters during his visit? Once he was in Ceuta, Jorge Seco probably obtained information in one of four main ways. Firstly, and as he himself announced at the beginning of the visitation, it was essential to hold formal and informal inquiries with the officials present in the city.<sup>31</sup> Although we do not have a list of Jorge Seco's questions to the many officials he met, or any first-hand reports of these inquiries, the fact remains that many of the judge's decisions

<sup>25</sup> *The Great Book of Sampayo or Book of the Inspectors of Ceuta*.

<sup>26</sup> «Treslado da uesitação que o senhor doctor Jorge Seco fes nesta cidade de cepta», cit., pp. 65-83, 124-158.

<sup>27</sup> In some cases the Portuguese edition will be utilised, when necessary.

<sup>28</sup> *The Book of Doctor Jorge Seco*.

<sup>29</sup> ANTT, *Corpo Cronológico*, part II, m. 257, n. 4.

<sup>30</sup> Warehouse supervisor. See the glossary for further information on such office.

<sup>31</sup> The original expression «tiradas as devassas» means to carry out inquiries in order to obtain information about a crime.

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were based on the words he heard from these men. This was the case, for example, when he held inquiries on the provision and exercise of the office of justice officials, or when, on another occasion while visiting the artillery and ammunitions warehouse, he asked the *almoxarife* why it was so dilapidated.<sup>32</sup> In any of these and in other cases, it is possible to adduce, Jorge Seco was likely informed of what was happening, and in many situations he himself probably confirmed what he was told. In these circumstances, his narrative almost always begins with the expression «I found that», i.e., I encountered this situation, implying that he was made aware of it. Also in the section on justice, he informs of two other means by which he was able to observe the real nature of events in Ceuta. Regarding the jailer's salary, the visitator stated the following: «I found neither provision nor custom that could compel the *alcaide-mor*<sup>33</sup> to pay him the salary he should have».<sup>34</sup> The allusion to the law, or rather to the normative provisions in force both in the city and in the kingdom, is a recurring feature in the words of Jorge Seco, who is understood not only by the judicial office he held, but also because he was in Ceuta mandated by the king, according to very precise instructions contained in the regulations he had in his possession and to which he referred several times.<sup>35</sup> In addition, he sometimes mentioned past visits to Ceuta and to other cities in North Africa,<sup>36</sup> as well as both previous and current provisions of royal law, which, as a whole, made up the prevailing legal framework that Jorge Seco had to uphold. Along with the written legal dimension, Jorge Seco did not forget the weight of custom in urban life. Lastly, the fourth way by which the visitator obtained information during his visit was actually experiencing the facts and situations himself. The expression «I saw by experience»<sup>37</sup> was used at least twice in his text and eloquently describes the personal and empirical dimension of

<sup>32</sup> «Treslado da uestitação que o senhor doctor Jorge Seco fes nesta cidade de cepta», cit., p. 69.

<sup>33</sup> Military commander in a city or town. See the glossary for further information on such office.

<sup>34</sup> «[...] não achej nem prouisão nem costume por onde pudesse obrigar o alcaide-mor a lhe pagar ordenado que deve ter [...]», «Treslado da uestitação que o senhor doctor Jorge Seco fes nesta cidade de cepta», cit., p. 82.

<sup>35</sup> It was quite common to justify his actions with expressions such as «according to [the] regulations» («segundo Regimento»). Some sections of these regulations are transcribed in a codex kept in the Archivo General de Ceuta, which shall be discussed further on in the text.

<sup>36</sup> «Que se executase inteiramente os Regimentos e prouisoes de sua majestade e de seus antecessores como se executarao e mandarao executar e conprir pelas pessoas que uieram a uisitar os lugares de africa don alejxo de meneses, loup de sousa coutinho, francisco de barros pauia e o licenciado lorencos correa» («that the regulations and provisions of His Majesty and his predecessors should be entirely executed, as they were executed and ordered by those visiting of places os Africa, D. Aleixo de Meneses, Lopo de Sousa Coutinho, Francisco de Barros Pavia and the licenciado Lourenço Correia»), «Treslado da uestitação que o senhor doctor Jorge Seco fes nesta cidade de cepta», cit., p. 66. We know from the regulations attributed to Jorge Seco that Lopo de Sousa Coutinho and Francisco de Barros de Paiva visited the city of Tangier, for example.

<sup>37</sup> «Ui por experiencia»

his considerations.<sup>38</sup> This expression acquires additional relevance in this visitation when it is taken into account that for several decades it had been present in most reports written by Spanish visitators to their overseas territories, in order to assure the sovereign of the total reliability of what was described.<sup>39</sup> In this sense, it does not seem arbitrary to use it here, but rather appropriate.

Therefore, it can be concluded that inquiry, the law, custom and experience were the four main means of obtaining information during the visit to the city. At the same time, they are also the means that could justify the decisions taken by the visitator. This leads very concisely into another interpretive level of the visitation text that is subsequent to the moment the information was obtained. In effect, once the facts were established and known, Jorge Seco would make decisions, always within the context of the responsibilities conferred to him by the visitation regulations and taking into account the limits imposed on him by his duties as visitator and judge. His decision-making mainly focused on his general obligation to enforce the law in various domains, and to restore, or promote, the legal and judicial order that might have been corrupted. However, in the latter case, Jorge Seco did not have the necessary competence to make a decision and act alone. The Ceuta visitator's actions were limited to creating, revoking or changing the law, and he was always under the obligation of referring the matter to the kingdom and to the king himself.<sup>40</sup>

Lastly, one further interpretive level of the visitation is still to be considered: the act of putting his visit down in writing; in other words, the moment of writing the text that we now know as the visitation of Jorge Seco to Ceuta. Notwithstanding the textual and formal mismatches between the various surviving pieces of evidence available, which prevent the most reliable source from being detected, at least for now, what is important here is the process of construction of the text about the visit to Ceuta, within the context of it being a document with clear objectives and intended recipients, which occupied a well-defined place in a sequence of documents produced about the city of Ceuta. The first two interpretive levels defined above – information gathering and decision-making – are to be expected for a text that aimed to identify problematic situations and their solutions. Jorge Seco would have to live up

<sup>38</sup> «Treslado da uestitação que o senhor doctor Jorge Seco fes nesta cidade de cepta», cit., p. 74; «Achej que por regimentos he ordenado que aia nesta cidade sesentta bonbradeiros e pelo que ui todos são necessários» and «pelo que ui por experiencia de alguma obra que fis por mandado de sua majestade me parece que he seu serviço» («I think, by regiment, this city must have sixty bombers, all of them necessary from what I have seen» and «from what I have seen through experience of some work done by order of His Majesty, it seems to me that it is in his service»), *ibid.*, pp. 129-130.

<sup>39</sup> They sought to ensure the communication of the *entera noticia* to the monarch. A. BRENDENCKE, *Imperio e información. Funciones del saber en el dominio colonial español*, Iberoamericana-Vervuert, Madrid-Frankfurt 2012.

<sup>40</sup> «Treslado da uestitação que o senhor doctor Jorge Seco fes nesta cidade de cepta», cit., pp. 66, 68-69, 71, 72, 78, 79 and 81.

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to the role he had been assigned, without exceeding the limits of his duties as a visitor. However, access to the just measure proposed would only be granted through the text about the visitation, which was written by the visitor himself, as a faithful reflection (or a reflection of what he intended) of his mission to Ceuta. This aspect is particularly interesting and disconcerting because it reflects not only the traditional constraints present between historians and their sources, but also with how these same constraints were not so different between, for example, King Felipe II and the Portuguese visitor, who conveyed information, that he himself had acquired and managed, to the king. The possibility that the legal author of a visitation text had the opportunity to manipulate the information he conveyed was real, and not unusual. In this sense, recurring expressions such as «I found that» or «I saw by experience» tend to reinforce the author's commitment to the information conveyed, creating greater trust between author and recipient. The written record of the visitation also established a dimension with a cultural impact' In effect, the act of writing about the visitation required, in itself, a new documentary order. This was because on the one hand, other written acts would be produced because the visitation so ordained; and on the other hand, the text of the visit would move outside itself whenever it was reproduced in another document. We are so informed of these happenings by Jorge Seco himself.

### IV. Administrative culture and political communication

Judge Jorge Seco arrived in Ceuta with the well-defined purpose of defending the interests of the Iberian monarchy in Northern Africa. The regulations that were applied to his visit probably contained some explicit orders, to which Jorge Seco had to respond immediately. This was the case with the above-mentioned registration book.<sup>41</sup> Although the full text of those regulations is not available, there is reason to believe that Jorge Seco was given some precise guidelines that required that he look into what was happening in some specific aspects in the areas of war, justice and the treasury.

For now, the main problems encountered by the *visitador* and the solutions that he attempted to put into practice according to the categories he chose, *lato sensu*, will be succinctly identified.

As far as war was concerned, Jorge Seco found that many offices had not been provided with regulations from the king, and the duties of these positions were not properly stipulated; the artillery and other objects of warfare and defence were

<sup>41</sup> Archivo General de Ceuta, *Ayuntamiento de Ceuta*, Libro de la Visita efectuada por el Dr. Jorge Seco.

badly packed in dilapidated and disorganised warehouses, and some were in smaller quantities than was to be expected; pieces of artillery were missing from the city walls, leaving the city vulnerable to enemy attack. As for the treasury, money and revenues from customs were not kept in a chest with three locks, as stipulated; in addition, the valuation of goods was not properly put into writing. The receipt and expense books for the *almoxarifes* lacked some of the compulsory royal provisions; the *casa dos contos*<sup>42</sup> did not keep its ledgers and payrolls in chests with three locks and several complaints were addressed to the *escrivães dos contos e dos almoxarifes* about forged signatures. With regard to justice, the visitor encountered officials who had served in the same position for more than three years, as well as *ouvidores* who combined the position with that of ordinary judges or *juizes dos órfãos*;<sup>43</sup> money for orphans was kept in an inappropriate location. In addition, in relation to the municipal officialdom he detected irregularities in the election and length of office of *alcaide*<sup>44</sup> and of *almotacé*,<sup>45</sup> as well as in other cases where some officials had no regulations to guide them.

In all of these cases, it seems obvious that Judge Jorge Seco identified the city's main problems according to a pre-conceived idea of how the municipality should be run, and how it should operate in terms of war, justice, and the treasury. This idea had naturally been engendered by royal power within the framework of a broader colonial policy, which had, for several decades, been committed to having access to detailed knowledge about the cities beyond the Iberian Peninsula, and to proposing an organisational model for their various spheres of activity. When the Spanish Habsburg kings, Felipe II, Felipe III and Felipe IV came into power of the Iberian Union, this policy was reinforced and intensified. The adoption of effective and sustained administrative and bureaucratic practices and an increase in permanent written communication between the various parts of the empire were two of the main guidelines of Iberian colonial policy throughout the sixteenth and seventeenth centuries.<sup>46</sup> This was also the case in North African cities, like Ceuta, which belonged to the Iberian Union, particularly with a view to defending the Mediterranean and the south of the Iberian Peninsula. Jorge Seco executed these policies in Ceuta, always acting in accordance with the regulations of his visit and with the existing legal framework for many of the issues that he contended with, namely the matter of the possession and performance of municipal offices. However, it would not be surpris-

<sup>42</sup> Royal Exchequer. See the glossary for further information on such office.

<sup>43</sup> Orphan's judge. See the glossary for further information on such office.

<sup>44</sup> Military commander. See the glossary for further information on such office.

<sup>45</sup> Municipal officials who supervised the markets and other economic matters. See the glossary for further information on such office.

<sup>46</sup> F. BOUZA ÁLVAREZ, *D. Filipe I*, Temas e Debates, Lisbon 2008; Id., *Corre manuscrito. Uma historia cultural del siglo de oro*, Marcial Pons, Madrid 2001.

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ing if the visitor put a personal mark on the way he solved some of the problems he faced. In fact, Jorge Seco was responsible for some administrative reorganisations as *vereador* of the Lisbon city council, showing particular propensity and knowledge for imposing a bureaucratic urban culture, which was not unrelated to his legal education.

It is precisely in the domains of bureaucratic culture and political communication that it seems important to emphasise the figure of Jorge Seco as an intermediary between the policies of the kingdom and the colonial space. In effect, the decisions he made in the city fulfilled Iberian colonial policy.

The way in which the visitor sought to provide the city with effective administrative practices by promoting the production, use and archiving of information will now be analysed.

One of Jorge Seco's major concerns was related to the creation of written records for all the activities for which they were not yet produced. The most interesting case found was an order for the production of a registration book «of all the people who in this city earn wages in money and wheat so that it can be known at any time how many people from this city can be had on horseback or on foot, the manner in which they serve and with which weapons».<sup>47</sup> The order to have this book made is mentioned in one of the chapters of the visitation regulations given to the judge by the king. What makes this case interesting is that the registration book has been preserved to this day and, moreover, it contains a transcript of the relevant chapter of the regulations.<sup>48</sup> In fact, a veritable genealogy of written acts can be reconstructed from the text about the visitation, which has been preserved until now, and which provides the benefit of a more sustained reading of its information.<sup>49</sup>

In addition to this case, Jorge Seco presented a list of offices that did not have regulations for the office holders to follow in their assignments, and requested that the king be asked for them;<sup>50</sup> he ordered a record book for convicts sentenced to exile, and another for prisoners; in matters of the treasury, he ordered a book with

<sup>47</sup> «De todas as pessoas que nesta cidade uencen soldo de dinheiro e trigo para por ele se saber en todo o tempo que gente de gouernanca ha de caualo e de pe nesta cidade, como da maneira en que ande seruir e con que armas [...]», «Treslado da uesitação que o senhor doctor Jorge Seco fes nesta cidade de cepta», cit., p. 66.

<sup>48</sup> Archivo General de Ceuta, *Ayuntamiento de Ceuta*, Libro de la Visita efectuada por el Dr. Jorge Seco, ff. 156-158. On the background of this archive, see M. VALRIBERAS ACEVEDO-J. GÓMEZ BARCELÓ, *Funds of the Municipal Archives of Ceuta*, in «Almoraima – Revista de Estudios Campogibraltareños» 15 (1996), pp. 389-403. I would like to thank Fernando Villada (Instituto de Estudios Ceutís) for his prompt assistance, which made it much easier for me to consult this codex.

<sup>49</sup> This registration book is particularly relevant in allowing for us to find out more about those who occupied municipal posts, in terms of their anthroponyms, geographical origins, ages at the time, their offices and salaries.

<sup>50</sup> «Treslado da uesitação que o senhor doctor Jorge Seco fes nesta cidade de cepta», cit., pp. 68-69.

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provisions for favours and such matters; he ordered a new book of records because the one used at the time was confusing.<sup>51</sup> Parallel to the production of written acts, Jorge Seco provided guidance for the proper keeping and preservation of the existing books<sup>52</sup> and sought to implement practices for cross-checking and corroborating information when written by various officials, and for the formal and informal validation of documents.<sup>53</sup>

At the same time, Jorge Seco strived to establish permanent communication between various offices, between them and the king, and between the king and the city. The communication he sought to impose was always two-way, committing all those involved to previously established deadlines.

The importance he attributed to political communication, broadly speaking, was clearly evident in the requirement of a dialogue between the central power and the colony, for example in the case establishing regulations for municipal offices. Those who held such offices had to send notes regarding their functions to the king, so that they would receive regulations within a certain period of time.<sup>54</sup> He ordered that royal provisions be transcribed to the *almoxarifes* books; conversely, the city was to send transcripts of its account books to the kingdom so that their contents could be widely known.<sup>55</sup> Jorge Seco himself informs us that when he left Ceuta, he was carrying many notes on various subjects to be submitted for royal consideration and decision. These concrete cases are evidence of a fundamental idea about political communication in overseas empires: the central bureaucracy used the information that was sent from the colonies to build a global legal framework that served their interests in those territories. The state, even the modern state, continued to be built from the bottom up.<sup>56</sup>

Wherefore I require the captains of this city now in office and those who are to come, on behalf of His Majesty, and I notify the accountant, and the other officials of the city's treasury and justice, that in all that is mentioned above, they comply with their regulations and the provisions of the said lord his ordinations, which in this visit are contained. 26 December 1586. Jorge Seco.<sup>57</sup>

<sup>51</sup> *Ibid.*, p. 75.

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*, pp. 75-83.

<sup>54</sup> *Ibid.*, p. 69.

<sup>55</sup> *Ibid.*, p. 77.

<sup>56</sup> See A. COSTA, «State-building in Portugal during the Middle Ages», cit., pp. 219-233.

<sup>57</sup> «Pelo que requero aos senhores capitais que hora he e aos que diante foren desta cidade da parte de sua majestade, e notifico ao contador, e aos mais oficiais da fazenda e justiça dela que en tudo o asima dito cunprao seus regimentos e as prouisois do dito senhor suas ordenaçois que nesta vesita se conten. En cepta a 26 de dezembro de 1586. Jorge Seco», «Treslado da uestitacão que o senhor doctor Jorge Seco fes nesta cidade de cepta», cit., p. 82.

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With the same plea as is present at the beginning of his written account, the end was as follows: Jorge Seco strives for established order, being, himself, an agent of that order. From his figure as a magistrate and a member of the Lisbon elite in the second half of the sixteenth century, only some traits could be outlined, as the aim was not to create a biography. The focus of the present study has been the written record of Jorge Seco's actions as a visitator, in an effort to understand the multiple meanings and intentionalities that one source can provide. The intention was an internalised reading of the text.



ADELAIDE COSTA - MÁRIO FARELO - GONÇALO MELO DA SILVA

- Adiantado** – Title given to a nobleman appointed to exercise the functions of military commander in one or more comarcas, in lieu of the *corregedor* of said comarcas.
- Alcaide** – Royal official exercising military, administrative, and judicial powers in Portuguese medieval cities and towns. With the creation of other royal offices of peripheral activity in the late medieval period, the alcaide's duties tended to be restricted to defending and policing the burghs to which they had been appointed.
- Alcaide-mor** – Royal official endowed with military, administrative, and judicial powers in certain medieval Portuguese cities and towns. The complexity of the post required the constitution of a group of subordinate officers. In the late Middle Ages, this position became more honorific, prestigious and profitable than functional.
- Alferes [municipal]** – Officer with military functions, namely carrying the municipal banner in battle and at ceremonies.
- Almotacé** – Official appointed by the municipality, usually with the consent of the local royal authorities, with the task of supervising construction, urban hygiene and urban economic activities, particularly in terms of sales conditions and price control.
- Almoxarifado** – Administrative and fiscal circumscription of variable extension, based in a city or town, under the responsibility of a specific royal official (*almoxarife*).
- Almoxarife** – Royal official responsible for levying and collecting taxes and administering the royal patrimony within a specific circumscription (*almoxarifado*).
- Almoxarife do armazém** – Officer responsible for the management of storage structures.
- Alvazil or juiz** – Magistrate appointed by the municipality, responsible for administering municipal justice and performing executive functions in the governments of medieval Portuguese cities and towns.
- Capitão [de fortaleza]** – Supreme magistrate with judicial and fiscal powers in an overseas Portuguese fortress.
- Capitão-geral or capitão-mor or capitão local** – Magistrate representing the Portuguese and Spanish Crowns in the overseas possessions, in which they exercised judicial and military powers.

- Capítulos de Cortes (Cortes Chapters)** – Petitions presented by municipalities or social groups in the Portuguese Parliament. These could be in the form of general chapters or petitions (*capítulos gerais*) drafted and presented by all the municipal delegations present, or by self-representing Church dignitaries and members of the Nobility, and from 1331 onwards, through general chapters or petitions (*capítulos gerais*) drafted and presented by a municipality. In the late 15<sup>th</sup> century, some groups presented special chapters to the king outside parliament, and these became known as parallel delegations (*delegações paralelas*).
- Casa de Justiça da Corte, Relação or Casa da Suplicação** – Superior Court of the Crown, which in the medieval period was characterized by its itinerancy, as part of the royal movements around the kingdom. It was headed by a president or *regedor* and had two committees (*mesas*). The most important table was presided over by the *regedor*, who had to answer petitions by criminals hoping to obtain royal pardon for their offences. The other was headed by the *Corregedor da Corte*, and dealt with appeals for criminal acts from all corners of the kingdom, except Lisbon and its territory (*termo*). It served as court of appeal for judgements delivered by the magistrates of the *Casa do Cível*.
- Casa do Cível** – Superior Court of the Crown located in Lisbon from the 15<sup>th</sup> century until its extinction in 1582, responsible for judging appeals of civil cases from all over the kingdom, except for places where the court was located, since these cases fell under the jurisdiction of the *Casa da Suplicação*. This court was presided over by a *regedor*.
- Casa dos Contos** – Royal institution created at the beginning of the 14<sup>th</sup> century and based in Lisbon, responsible for receiving, verifying and archiving the accounts relating to revenues and expenses incurred by the *almoxarifes* during their terms of office, and other documents related to sources of Crown income. Towards the end of the medieval period, the verification of the Royal Household's revenue and expenditure became autonomous within the *Contos del Rei*.
- Chanceler da Correição / Chanceler da Comarca** – Officer responsible for the financial management of the comarca (*correição*) and for verifying and sealing documentation issued by the *corregedor* or the holder of the respective judicial circumscription.
- Comarca** – Major judicial and administrative circumscription created in Portugal in the last centuries of the Middle Ages. From the 14<sup>th</sup> to the early 16<sup>th</sup> century, Portugal was divided into six comarcas: Algarve,

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Entre Tejo e Guadiana (Alentejo), Estremadura, Beiras, Entre-Douro-e-Minho and Trás-os-Montes.

- Concelhos** – The smallest territorial communities with legislative and executive jurisdiction over certain matters in their territorial area (particularly provisioning, hygiene, safety and supervision of economic activities). They also exercised justice at first instance.
- Contador** – Royal official in charge of auditing the accounts presented by peripheral and local royal officers.
- Corregedor** – Magistrate appointed by the king responsible for supervising and correcting the exercise of justice and the functioning of the municipal governments in a *correição* (a *comarca*), which he was obliged to visit during his term of office. For this purpose, he had powers to intervene at administrative, policing, military and judicial levels in the areas through which he passed.
- Corregedor da Corte** – Magistrate with the same competencies as the *corregedores das comarcas* in the places where the King and the Court stayed.
- Corregedoria** – Territory under the jurisdiction of a *corregedor*. The term was also be used to refer to the office of a *corregedor*.
- Correição (oficiais da)** – Term generically used to designate officials appointed by the king, who worked in the judicial districts of the kingdom under the orders of the *corregedores*.
- Corretor** – At the end of the 13<sup>th</sup> century, officials sent by the king to correct problems that arose from the implementation of legislation and/or royal decisions, and questions relating to the action of other royal officials.
- Cortes** – Deliberative and consultative assemblies with the participation of Church dignitaries, members of the Nobility and the *People*, the latter represented by the municipal councils. The participation of these social groups in the *Cortes* was dependent on a prior convocation by the monarch.
- Coudéis** – Officers appointed by the king to evaluate the property of *aquantiados*, and identify their military rank and the weapons they needed to serve the king in war. The *aquantiados* were all the inhabitants of the kingdom who had their own house, with the exception of clergymen, squires and noblemen.
- Couto de homiziados** – Territory, usually a locality, to which criminals were banished to serve a sentence, with the exception of those guilty of specific crimes such as sodomy and heresy.
- Desembargador** – Magistrate belonging to the monarch's central administration responsible for drafting laws and dealing with cases of treason to the king and petitions received by the Court, as well as for their

publication through royal letters. From the 15<sup>th</sup> century onwards, this became a common designation for magistrates of the superior courts of the Crown.

**Desembargador dos feitos da Coroa e da Fazenda** – Magistrate responsible for delivering justice in the court of causes involving the royal estate and finances established in the Casa da Suplicação

**Escrivão do concelho** – Officer responsible for drafting documents on behalf of, and pertaining to municipal institutions, with the possibility of specialization in municipalities with a more complex bureaucracy.

**Escrivão dos contos** – Official responsible for drafting documents within the fiscal office of a municipality (*Contos*).

**Forais** – A charter granted by a lord or king to a community describing its fiscal, military and jurisdictional duties, and the privileges and franchises to be enjoyed by the members of the community.

**Foro do chão** – A fee paid annually to the Emperor of China by the Portuguese in Macao, from the middle of the 16<sup>th</sup> century onwards, for the usufruct of a certain asset.

**Foros longos** – Legal ordinances based on custom, dating from the late 12<sup>th</sup> century in the kingdom of Leon and Castile and the following century in Portugal, generally associated with the Riba Côa region (roughly from the Portuguese city of Guarda to the Castilian city of Ciudad Rodrigo) and in Alentejo, which are characterized by an unusual completeness of the norms recorded therein.

**Fronteiro** – Military commander appointed by the monarch in charge of a certain defensive structure (castle) or circumscription (locality, land) situated in a frontier region

**Governador da justiça** – Magistrate responsible for the organisation, supervision and leadership of the Casa do Cível.

**Juiz das justificações** – Royal magistrate responsible for examining evidence and deciding on the petitions submitted by petitioners in the context of the various institutions involved in the concession of grace or contentious justice.

**Juiz das sisas** – Magistrate appointed by the monarch or by municipal authorities, responsible for hearing at first instance cases relating to *sisas*, (taxes on the purchase and sale of goods).

**Juiz de fora** – Magistrate appointed by the monarch to replace judges appointed by municipalities in the provision of justice that falls under the jurisdiction of the latter.

**Juiz de foro ou Juiz ordinário** – Magistrate chosen by the borough's authorities, responsible for dispensing justice in his name.

**Juiz dos judeus** – Magistrate appointed by the municipality to judge legal cases

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between Jews, and between Jews and Christians and Moors. The office could be associated with that of a judge of the *juiz dos mouros e dos órfãos*.

**Juiz dos mouros** – Magistrate of municipal or royal appointment responsible for judging legal cases between Moors, and between Moors and Christians and Jews. The office could be associated with that of judge of the *juiz dos judeus e dos órfãos*.

**Juiz dos órfãos** – Magistrate of municipal or royal appointment who acted in a town or city, specifically ordering inventories of orphans and carrying out asset partitions, contracting the work of orphans and granting them letters of emancipation. This official was also responsible for appointing or dismissing guardians and curators, supervising patrimonial management and the accounts provided by them, granting them discharge letters and judging claims related to orphans.

**Juiz dos resíduos** – Magistrate of royal or archiepiscopal appointment in charge of the execution and accounting of wills of deceased testators in the months belonging to ecclesiastical jurisdiction.

**Juiz ouvidor** – Magistrate residing in Macao for three-year terms, responsible for judging civil and criminal matters concerning Portuguese residents there, with some similar powers to those of the peripheral royal justices in Portugal.

**Julgado** – A territorial administrative and judicial subdivision which depended jurisdictionally on a city or town.

**Juiz dos ovençais or Alvazil dos ovençais** – Magistrate of municipal or royal appointment responsible for judging legal cases related to royal officials, to tenants with royal rights in the municipalities, and to the Muslim and Jewish communities.

**Meirinhado** – A territorial administrative area under the responsibility of a *meirinho*.

**Meirinho** – Judicial officer recruited from among members of the royal household, which exercised judicial, administrative and military powers in *meirinhados* without autonomous jurisdiction. In the late Middle Ages, these were minor officers of justice, who exercised their functions under the orders of the *corregedores* and the *juizes de fora*.

**Meirinho-mor** – The *meirinho-mor do reino* was a nobleman with a magistracy of royal appointment, created during the reign of Afonso III (1245-1279), with jurisdictional powers in terms of judicial correction and supervision of the royal finances of the kingdom. This magistracy is not to be confused with the *meirinhos-mores* and *meirinhos* who exercised their functions, distinct from those of

the *corregedores*, at the territorial level of a meirinhado and a comarca.

- Ouvidor da Casa do Cível** – Magistrate of the Casa do Cível responsible for processing civil cases on appeal from the places where the Courts assembled and within a five-league radius; he received the appeals of criminal cases from this judicial institution, that originated from all over the kingdom, with the exception of the Lisbon region, and those cases sent to him by the king.
- Ouvidor da comarca** – Royal magistrate responsible for the instruction of judicial processes presented to the *corregedor*, having the capacity to substitute or represent the latter.
- Ouvidor das terras senhoriais** – Magistrate appointed by the lord of a land originally responsible for the instruction of judicial processes and the issuing of sentences in the name of the respective lord.
- Ordenação dos Pelouros** – Law promulgated by King João I in 1391 to regulate the system of elections of the main council offices, such as *juizes*, *vereadores* and *procurador*.
- Ordenações Afonsinas** – Official legislative compilation organized by order of Afonso V (1438-1481), published c. 1446.
- Ordenações Manuelinas** – Official legislative compilation organized by order of Manuel I (1495-1521), last published in 1521.
- Ordenações Filipinas** – Official legislative compilation organized by order of Felipe II of Portugal (1581-1598), but only published in the beginning of the 17<sup>th</sup> century (c. 1603).
- Portas do Cerco** – A territory located in the northern part of the Macao Peninsula; it has long marked the border with mainland China.
- Procurador do concelho** – Municipal officer responsible for representing the community in legal proceedings and before other powers, such as the Crown. It may also designate the officer responsible for the the municipality's accounting, the collection of municipal revenues, the financial execution of the council's decisions and for checking the state of conservation of the municipality's property.
- Procurador dos feitos do rei** – Magistrate responsible for representing the monarch in judicial proceedings involving the interests of the Crown.
- Provedor da Saúde da Corte e do Reino** – Royal magistrate created in 16<sup>th</sup> century Portugal with executive functions in the supervision of public health, as well as the supervision of ports and borders.
- Regedor (of cities and towns)** – Officers appointed in contexts of crises by Ferdinand I (1367-1383) and John I (1385-1433) to serve in the municipal government of some of the kingdom's cities. The position especially entailed drafting municipal legislation, taking part in

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town council meetings and overseeing urban administration in clear coordination (or even competition) with other municipal officials, such as the *vereadores*.

**Regedor da justiça** – Magistrate responsible for the organisation, supervision and leadership of the Casa da Suplicação.

**Regedor da Casa da Suplicação** – Magistrate responsible for the organisation, supervision and leadership of the Casa da Suplicação.

**Regimento** – Document laying out the principles and rules for the operation and organisation of an institution or office, as the *Regimento dos Corregedores*.

**Regimento dos oficiais das cidades, vilas e lugares destes reinos** – Document published in 1504 by order of King D. Manuel I (1495-1521) in which the competencies and obligations of the officials in service in the cities, towns and places of the kingdom of Portugal are detailed.

**Senado** – Modern designation of the medieval town council.

**Sobrejuiz** – Magistrate of the Casa do Cível responsible for handling civil cases received on appeal. This office was still extant in the 15<sup>th</sup> century, despite historiography strongly indicating that the title was replaced by that of *Desembargador*.

**Vedor da justiça** – Magistrate with judicial competencies, whose designation was registered mainly at the beginning of the reign of Afonso IV (1325-1357), thus probably constituting the precursor of the position of *corregedor*.

**Vereador** – Magistrate appointed by the municipality, created in the mid-14<sup>th</sup> century. This official was mainly responsible for municipal administration and its financial management, but could also participate, along with the judges, in the application of justice by the municipality in specific cases.

**Vice-rei** – Governor of a remote European province or overseas territory. Viceroys represented the monarch of their respective European kingdom.

**Visitador** – Officer who performed visits to inspect a lay or ecclesiastical institution or circumscription.

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**Adelantados** – High-ranking regional official with judicial and military functions, located in border cities of the Kingdom.

**Alcaldes** – Judges elected locally, according to the fuero.

**Alcaldes de alzada** – Local justice that had jurisdiction over appeals in the second instance.

**Alcaldías** – Position of *alcaldes*.

**Alguacilazgos** – Officer in charge of judicial affairs, citations, arrests and public order, as well as the execution of the executive aspects of sentences.

**Caballeros** – Urban knights.

**Consejo Real** – Institution of administration and government, high justice court with competence in disputes between councils on the use of natural resources, communal assets, inquiries and accountability of officials.

**Concejo abierto (Concilium)** – The urban open council.

**Contino real** – Close servants who managed matters of the Royal House as royal delegates, reported directly to the monarchs and received annual payroll payments from the Crown.

**Cortes** – Cortes was the legislative assembly as the Parliament.

**Corregidor** – Peacemaker judge, foreigner, and precedent of the *corregidor*, before 1480. In Andalusia he was known as *asistente*.

**Fueros** – Charters of liberties.

**Fuero Juzgo** – Code of laws of the Visigothic Hispania known as *Liber Iudiciorum* o *Fuero Juzgo*.

**Hermandades** – Brotherhood and fraternity of towns.

**Hidalgos** – Lower noble and lower rank of nobility. The noble status could be conceded by the King.

**Hombres buenos (Bomi Homines)** – Good men. The first level of social hierarchy in urban society.

**Jueces de salario** – Peacemaker judge, foreigner and precedent of the *corregidor*.

**Jurado** – Representative before the City Council of the common people of the town, without the right to vote the decisions of this institution.

**Juez de fuera** – Judge of outside or pacifying judge.

**Maravedís** – Castilian money of remote Islamic origin what was used in Later Mid-

**María Asenjo-González**

dle Ages mainly as accountancy unit.

**Merino** – Royal officer of the administration of medieval justice with executive and punitive powers.

**Merindades** – Territorial demarcation under the authority of a Merino.

**Prebostazgos** – This position was closely linked to both the tax and executive function in territories under royal seigniorial jurisdiction like Basque towns.

**Regidor** – Town aldermen

**Regimiento** – The urban closed council.

**Términos** – Territorial demarcations of the cities.

*The studies used for this glossary correspond to the bibliography cited by the author in her two book chapters.*



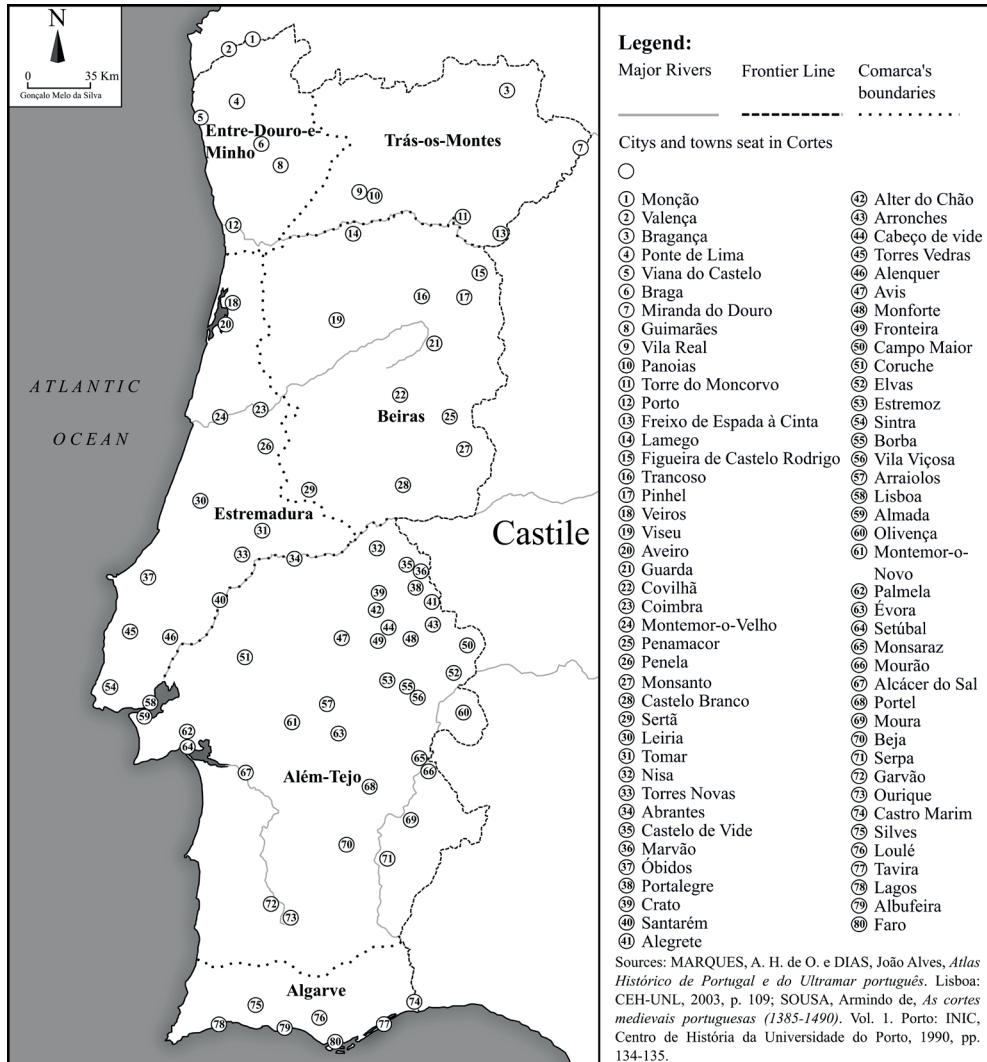
Map 1: Portuguese almoraxifado's network in 15th century

## Maps



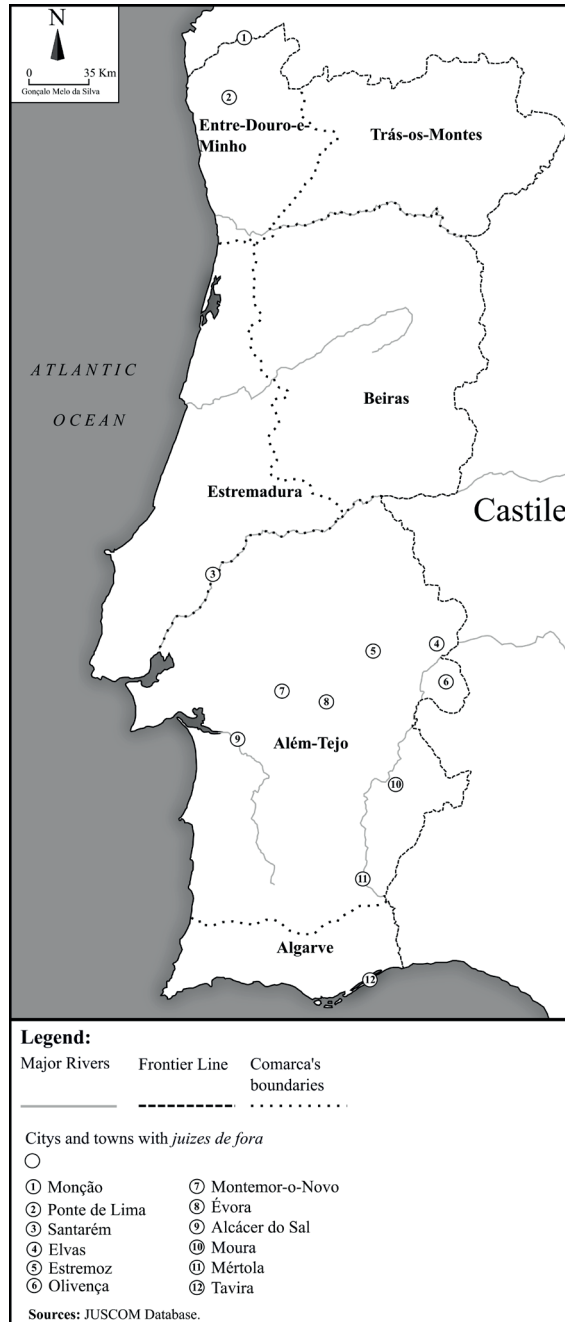
**Map 2:** Comarcas of Portugal in the 14th and 15th centuries

## Maps



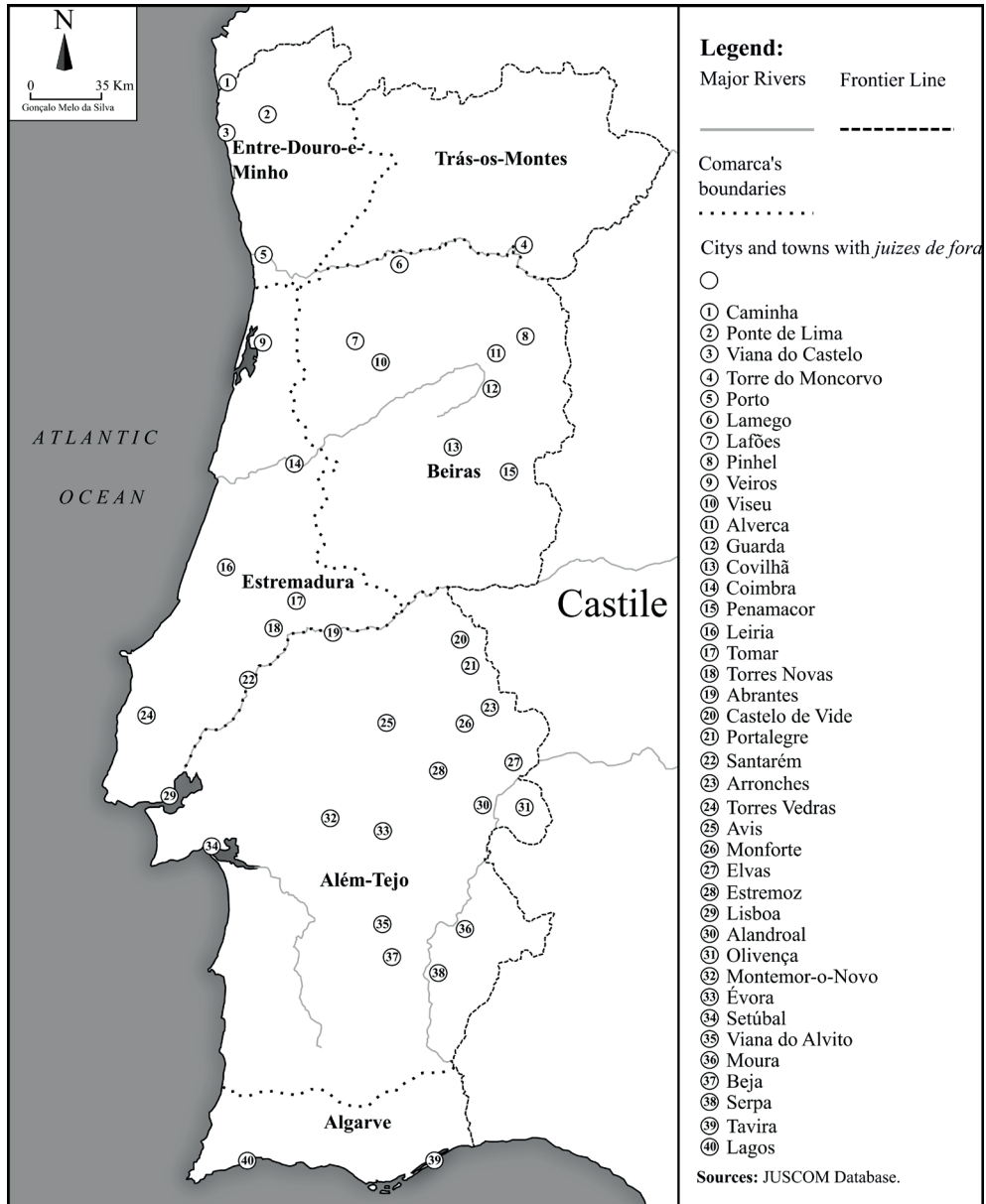
**Map 3:** Portuguese cities and towns with seats in *Cortes* (1481-1482)

## Maps



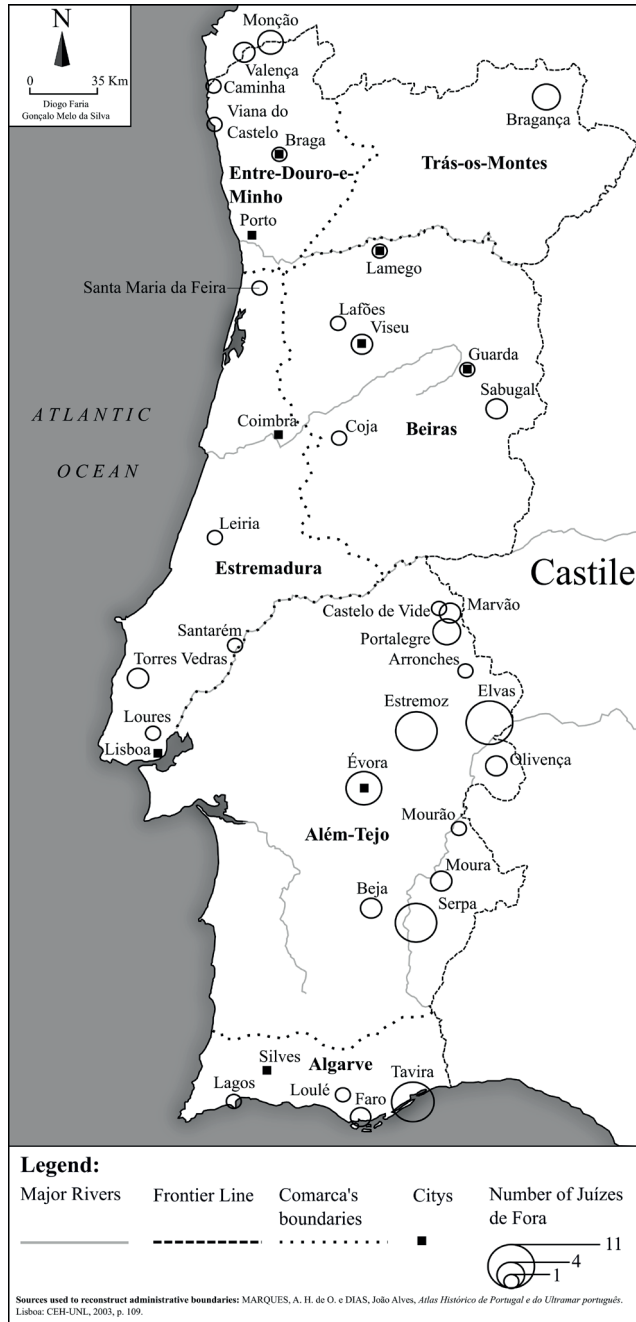
**Map 4:** Towns with *juizes de fora* during the reign of João II (1481-1495)

## Maps



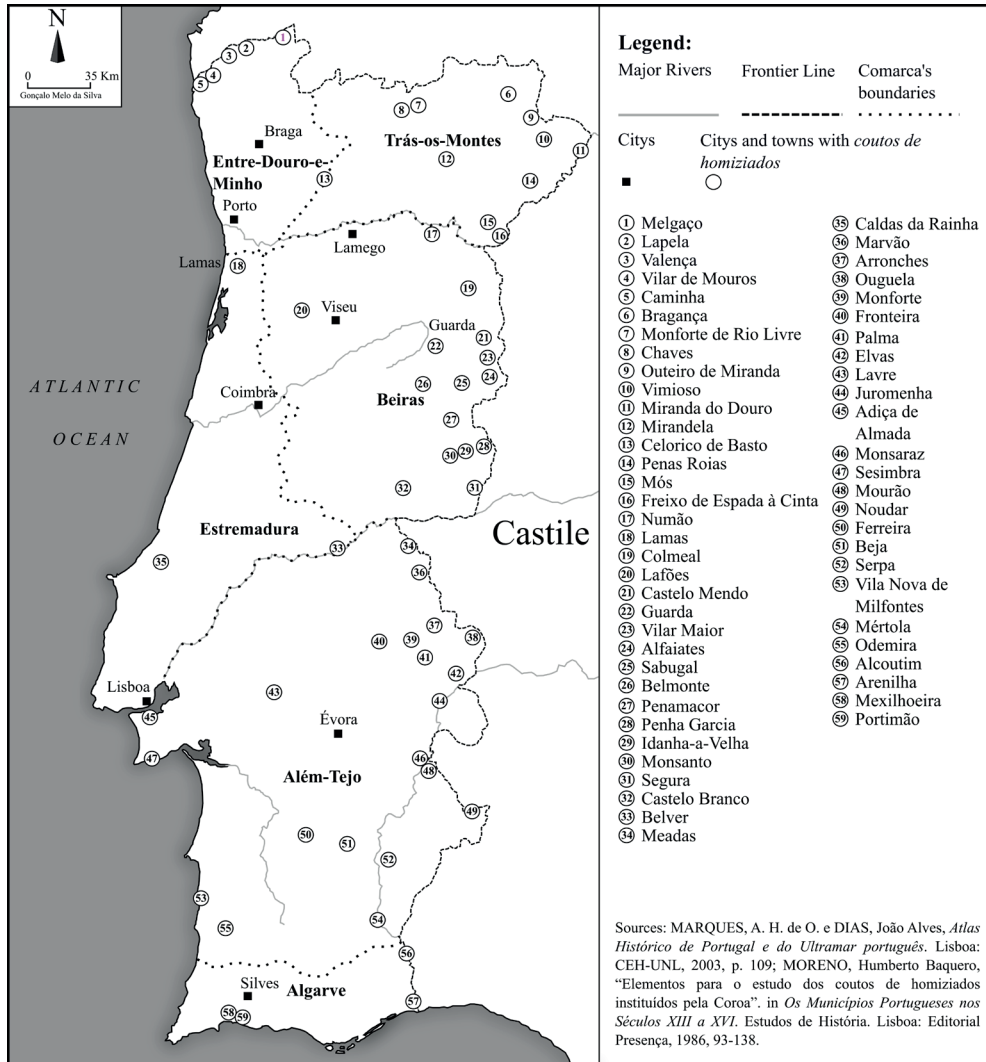
**Map 5:** Towns with *juizes de fora* during the reign of Manuel I (1495-1521)

# Maps



**Map 6:** Juizes de Fora in the time of Afonso V (1438-1481)

## Maps



**Map 7:** *Coutos de homiziados* founded in Portugal between 1309 and 1514



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