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Justice in Everyday Life: The Magistrates of the Kingdom

A Justiça no cotidiano: os corregedores do reino

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Abstract: In his famous Letter of Bruges Prince Pedro recommends that the future King Edward adopt a system to reform and tighten scrutiny over the magistrates of the kingdom. In the first quarter of the fourteenth century there was nothing new in a system which ordered its distribution by territory or in the form of required action. However, in order for these officials not to become “damagers” of districts, an entire renovation of the respective regulations and, in particular, surveillance was urgent. Without this, Justice would be nothing more than wishful thinking. As a line of analysis from this era we propose a short account of what these officials represented up until then and what they would come to represent by the end of the Middle Ages: the visible face of Royal Justice in the eyes of the people.

Keywords: Letter of Bruges; Afonsine Ordinances; Justice; Magistrates.

Resumo: Na célebre carta de Bruges, o infante D. Pedro recomenda ao futuro rei D. Duarte um sistema de reformulação e de apertado escrutínio sobre os corregedores do reino. No primeiro quartel do século XIV já não era novidade o sistema que ordenava a sua distribuição pelo território, nem a forma de actuação requerida. Mas, para que estes oficiais de justiça não se tornassem “danadores” das comarcas, era urgente toda uma remodelação do respectivo regimento e, sobretudo, vigilância. Sem isto, a Justiça não iria para além das boas intenções. Servindo-nos deste tempo como eixo de análise, propomos-vos um breve levantamento do que foram até então e do que serão até aos finais da Idade Média esses oficiais, face visível da Justiça régia aos olhos dos povos.

Palavras-chave: Carta de Bruges; Ordenações Afonsinas; Justiça; Corregedores.

The theme proposed in this report speaks of “writings and images”, words soon seized by us – with the deformation of a historian – as a challenge to achieve the correlation between the written word and its projected image as well as the, “wondrous reality of things”¹ or rather, the *facts*. Let’s put to one side the debate on this concept and use it naively in an almost positivist way as what is presented to us in its existence in time and space is sometimes quantifiable, but always witness to political, social, or economic behavior; or indeed, mentality. It is also worth remembering that this

correlation has very different gradations, which have been gauged very unequally by contemporary historiography.

A good laboratory for the study of this correlation can be found in the well-known *Letter of Bruges*.² As known, this is from an epistle that Prince Pedro wrote in 1426 to his brother, the future King Edward (DOM DUARTE, 1982, p. 27-39). This “*escrito d aujsamento*” (DOM DUARTE, 1982, p. 27) which responds to a request from the heir himself, contains a repository of themes of governance which were always at the intersection of plans for political doctrine and the analysis of the situation of the kingdom, supplemented by the indication of appropriate solutions.

Among many other possible themes, let us consider Justice. Here, among the statements of what *should be* and the observation of what is, the Prince, far from the kingdom and with “*pequena teençom de tornar*” (DOM DUARTE, 1998, Ch. 44, p. 173), produced a piece of writing that ran the gamut from the doctrinal requirements of Justice to the description of the fragility of its agents and the necessary remedy to fully achieve such. It is therefore a text of power as a result of the dialog of governance that the sons of King John I of Portugal, in particular Edward, King of Portugal and Pedro I, maintained between themselves.

There is an opportunity here to expound on the substance that medieval people attributed to Justice (DUARTE, 2005, p. 65). It shall suffice to remember, as a framework for our deliberations, what the Bishop of Porto, Antonio Martins de Chaves, wrote to King Edward on December 5, 1433, a few months after his ascension to the throne. “que a vida e regimento do rey deuem ser muyto virtuosos, .s. em Justiça e em uerdade e em mansydão e piedade, em justiça que seJa vista nas obras” (DOM DUARTE, 1982, p. 82-83).

It is therefore from a text of the same chronological area and produced with the same purpose as the Letter of Bruges: words of teaching and exhortation in the tradition of “princes’ regiments”.³ After affirming that the life of a king must abide by, among other virtues, Justice, he calls for this to be manifested in works, i.e. – because more can be done⁴ – in the daily life of royal governance.

The bishop continues in praise of “Holy Justice”, queen of all virtues and the highest obligation of kings because through this, men who have renounced “*liberdade que he bem celestial*” and chosen, “*reis, príncipes e poderios, a fym que o regessem e governassem em direito e Justiça e asy comueo a liberdade sojugar se a Justiça e obedecer ao Juizo*” (DOM DUARTE, 1982, p. 83).

It is clear therefore that the king should seek consistency between the ethical standard and the governing requirements; a very pronounced requisite in the above Letter of Bruges.

This advisory-letter begins by referring to the duties that the Prince has in relation to the Church: duties that involve ample rights; the concept of a kingly office that we have already had the opportunity to put forth in several studies, particularly in Meetings. After having noted the issues

that relate to the Church and the clergy the Prince moves on to “*cousas temporaes*”; King Pedro reminds us that the “*Regymto de toda a terra*” is based on the four cardinal virtues, and believes that in Portugal some of them are not, “*em boa perfeição*”.

It is in the context of cardinal virtues – always considered in their specific socio-political translation – that the Prince refers to Justice: “*A Justiça senhor he outra uirtude me parece que não reyna nos corações daqueles que tem carregado de Julgarem a uosa terra*” (DOM DUARTE, 1982, p. 34). The only exceptions appear to be the *hearts* of King John I and King Edward. However, King Pedro continues with perspicacity: justice exists in the heart of the king and the prince but does not manifest itself as it should. It is not enough to have a clear conscience and good intentions, it is necessary to make such Justice present in the kingdom by ordering and constraining those who are entrusted with the exercise of actually carrying it out, and quickly. An appropriate version of the chain of *virtuous benefits* so remarkable in the writing of King Pedro, affirms that these officials should fear the punishment of God over that of the king, and should instill the desire to receive mercy from the king above any mercy that could be received from any other lord.

It is devastating how the Prince describes the action of most of the justice officials, who were bordering between corruption and negligence. It was imperative, therefore, to reward the good servants and punish the bad “*e quando estes serujsem como deujam Reçebessem conhecidos galardões e os que fizessem o contryro e uos delo fosseis certo como agora sois e fostes d algũs outros naom escaparem d algũa pena*” (DOM DUARTE, 1982, p. 35). It also forced justice officials to begin with the main offenders – judges, appeal judges, court magistrates – in order to produce effective work; there was an urgent need to review and systematize legislation:

[...] e eu veJo em uosa corte muytos offiçiões de Justiça e de todos eles sayr poucos desembargos [...] bem creio senhor que seis tyvesem untade de desembargar e fosse diligentes em seu offiçio que farião mais que çincoenta que tal uontade non tem [...] e yso mesmo de as leys e ordenações do reyno serem proujdas e atituladas cada hũa daquelo a que pertence, e se antre elas fosse açhadas algũas que Já fosse revogadas que as tyrem [...] (DOM DUARTE, 1982, p. 35).

The Justice aspect of theological or political theology, which configures the king to Christ as a righteous judge – this, among others, in the texts of Antonio Martins de Chaves and Prince Pedro – is a visible aspect in the governance of the kingdom, such as in the way royal power intervenes together with its subjects. Defend and reward the good and punish the bad – to use biblical formulas repeated throughout the Middle Ages – requires royal presence and intervention along with their subjects.

We know that King Edward, assuming himself as a “Righteous judge”, produced extensive work at the level of production and legislative systematization, as well as in the reform of judicial

institutions such as the Supreme Court. His profile as legislator and ruler has been researched as someone who knew the law and was diligent in its proper application (DUARTE, 2005, Ch. 11; VENTURA, 2013, p. 137-154).

There is no doubt that the justice reform and that of its servants is one of the lines of a broad process of effective recovery and construction of royal power following the early years of the reign of King John I. This recovery was to subtract *power*, i.e., the possibility of using the force of others (lay and ecclesiastical lords, local authorities) and not the monarch and those acting on their behalf. Thus, the narrative that expresses the reservations of Nuno Alvares Pereira in assuming the definitive task of justice in land of Entre-Tejo-e-Odiana is nonetheless significant: thereafter, in order to quickly make it seem like equal justice for all, making some important figures turn their back on him, “*entendeu que tal carregio lhe nom compria e que somente pertencia a el rei e, porém, pediu a el rei que por mercee que lhe tirasse tal cárrego*” (CRÓNICA, 2011, p. 230).⁵

Book I of the Alfonsine Ordinances begins with the law regarding those who have the task of administering justice. It should be remembered that their compilation, which was concluded July 26, 1446 is due to Prince Pedro (ALBUQUERQUE, 1993).

It should be noted how the importance of law executors is also expressed, reasoning that it should be almost commonplace, and not without substance; it is also mentioned in the foregoing Ordinances:

convinhavel cousa nos pareceo, que em começo de Nossa obra ajamos primeiramente de formar alguns titulos apropriados á sua pessoa [rei], especialmente daquelles, que primeiramente teem carreguo de reger, e ministrar justiça [...] sem as quaees a Leyx feitas pouco aproveitaraõ, porque cousa conhecida he, que toda a principal virtude das Leyx está na boa pratica, e eixecucom dellas (ORDENAÇÕES, 1984, Liv. I, p. 7).

One of the main roles in which its holder participates in the power of royal Justice is that of magistrate. As has been said, the appreciation that Prince Pedro makes of the magistrates is devastating, whom he calls “damagers which are known as district magistrates”. The remedy for the neglect of these officials would force them to become aware of and comply with the regiment that had been bestowed upon them, bringing to light the case of one such Gonçalo Peres

[...] e o remedio desto e doutras muytas cousas seria guardar se bem o regymento que he dado aos danadores que se chamam corregedores das comarças mas eu creio senhor que eles nem também este regimento como ouuvy contar ao senhor rey que Gonçalo perez vyra hũ que lhe ele dera que nunca o tyrou dhũa arca ate que acabou todo o que lhe elle mandara fazer (DOM DUARTE, 1982, p. 34).

King Pedro even suggests the physical presence, in all districts, of the Prince and the court on a yearly basis, or at least every two years. Such an initiative would be to the liking of the court and would be effective in rewarding the good and punishing the bad: once again the formula of political theory (past or modernist) is specifically raised.

[...] e outro muyto espeçial proueyto a todos feitos de uosa terra cada hũ ano ou ao menos de dous em dous anos andardes uos por todalas comarças dela e leuaseis conuosco boa gente e non muyta, e ysto me parece que deuja de ser a uos e aos de uosa corte desenfadamento e aos bos de uoso Reyno proueyto e prazer e aos maos castigo e espanto e os outros bens que se disto seguyrão me seria longo de screuer (DOM DUARTE, 1982, p. 34).

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It is therefore necessary to understand the Prince's regiment and its background.

The role of magistrate – in its definition, reinforcement, execution errors and reform – should be studied in conjunction with the overall policy of strengthening royal power: a process which in Portugal began very early on in relation to other kingdoms of Christendom during the reign of King Dinis (PIZARRO, 2005, p. 12-18; VENTURA, 2012-2013). Thus, we begin our journey with the first definition of the role of magistrate, and close with a brief reference from the reign of King John II (MENDONÇA, 1995, p. 212, 215, 369). However, despite such a long period, we will be placing special emphasis on documentation whose chronology adjoins the Letter of Bruges or its author, as ruler: the regiment of 1418; some chapters from the people's court prosecutors from 1427, 1439 and 1442; and the new magistrates' regiment introduced into the Alfonsine Ordinances.

The position of magistrate emerged in 1278 but only sporadically (MORENO, 1989). King Dinis, in a letter dated January 16, 1323, appoints a subordinate, Aparicio Domingues, as the magistrate for the province of Entre Douro-e-Minho to do justice on all wrongdoers involved in the revolt of his son King Afonso. The magistrate should perform justice and "correction" on all those practicing misdeeds in the region, and his jurisdiction covered bailiffs, judges and notaries, which were required to report all crimes to him so that they could be exemplarily punished. It was still a special appointment in order to address a particular case; however, it was the substance of those functions that would serve as a theme for future regiments.

The strengthening of royal intervention in justice and in the administration of the kingdom underwent, among other solutions, the systematization of the role of magistrate; in other words: its establishment on a permanent basis and its regulation through detailed regiments and revisions where this was deemed necessary. It was King Afonso IV who initiated these regiments as a way to

enforce the law that was being produced at the time. The regulations of the role of magistrate are, therefore, inseparable from legislative and administrative action inherent to his kingly office (CAETANO, 1981, p. 322-323; 374-375; 491-493; SOUSA, 2005, p. 73).

The 1331 Santarem trials allowed assessment of the realm of the state, also with regard to the judicial authority of the monarch throughout the territory, and some chapters allowed the existence of magistrates at all times throughout the kingdom. Thus, 1332 saw the first *Regiment of Magistrates*; followed by another in 1340, which, although based on the foregoing, contained numerous alterations (CAETANO, 1990, p. 131-139; BARROS, 1954, p. 170; SOUSA, 2005, p. 80-81).

In both regiments the monarch sets out in detail how the magistrate should act in the various locations to which he traveled, containing therefore the explanation of royal justice in its own terms and in conjunction with municipal power i.e. the administration of the land, as highlighted in recent studies by Humberto Baquero Moreno, Carvalho Homem, Maria Helena da Cruz Coelho and a group of young researchers in Portugal (p. ex. Mario Farelo) and in Brazil (Rafaella Ferreira de Sousa).

We mentioned some of the provisions of the 1340 regiment starting with the first, which was to order magistrates, upon reaching their destination, to demand that notaries submit to them to the status of pending proceedings; assume tasks relating to public safety, punish those who covered up convicts and criminals and also appoint two guards to control the detention of any disruptive outsiders. They also had to control all who held public offices, such as lawyers, prosecutors, judges or treasurers; oversee everything related to the defense of the realm, from castles, walls and prisons to recruitment and military training (even Military Orders); comply with and monitor economic issues with a direct impact on the people such as the supply of foodstuffs, the cultivation of land or the proper application of the income of municipalities in public interest works (bridges, sidewalks, fountains...); and keep an inventory of royal vassals and their way of life (MENDONÇA, 2005, p. 67).

As mentioned, the 1340 regiment developed some provisions from the foregoing by implementing procedures. One new feature was the obligation of the magistrate to go to their jurisdiction (eyre) two or three times a year. At the same time King Afonso IV was promoting clarification regarding the administration of justice and strengthening its connection with royal power, ordering therefore, that the magistrate have every sentence in writing, as well as all other decisions made as part of their jurisdictions in order to be reported to the king, or to whomever he sent annually to each court. The king's actual presence throughout the kingdom is therefore reinforced through the function of maximizing the administration of justice. At this point, the

presence of outside judges designated as “judges on behalf of the King” would be decisive. However, this issue is tangential to the objective of our work.

Royal presence throughout the kingdom was founded on the deepening development of roles inherent to justice, creating tensions, both with other royal officials, the district council administration and the local nobility, not to mention the clergy. These relationships, although widely studied, do not form part of this work.

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Continuing with our approximation of the chronological area of the Letter of Bruges, it is worth remembering that conflicts around magistrates were accentuated during the reign of King John I, with successive complaints from the people regarding these officials. In fact, it was difficult to oblige these men, renowned by the king whether or not they were of good lineage, to cross the border separating diligence from the abuse of power. This is what the people complained about in successive trials (COELHO, 2005, p. 230 e ss.).⁶

In the Santarem trials of 1406 (SOUSA, 1990, v. 2, p. 258) the people put forward three chapters on magistrates: complaints against their presence, which was accompanied by junior officers, in cities, towns and places with pension benefits for extended months; the obligation to keep prisoners; and the prohibition of notaries empowered in the procedures involved in the processes. In the Evora trials of 1408 (SOUSA, 1990, v. 2, p. 259-260) two chapters give an account of identical abuses. Applications for “remedy” always obtained approval, albeit sometimes partial. There are no chapters on magistrates in the trials of 1410 and 1413 (SOUSA, 1990, v. 2, p. 266-267).

On September 12, 1418 a new regiment appeared (OLIVEIRA, 1885, v. 2, p. 29-38), from the explicit enterprise of King Edward. Months before, between June and August, there had been gatherings at the Santarem trials (SOUSA, 1990, v. 2, p. 340-341). Once again, the people complained about the sojourn of magistrates and their assistants in the land with the right to retirement. The complaint was partially allowed, but the matter was referred to “legal documents” which were lost (SOUSA, 1990, v. 2, p. 270). It is quite possible, therefore, that the magistrates’ regiment of September 1418 is related to the chapters of Justice in the Santarem trials, which were collected about three months before.

Edward, who since 1413 was in charge of Finance and Justice matters, allowed this regiment its first proven legislative intervention (DUARTE, 2005, p. 65 e ss.). It is true that the responsibilities given to the Prince on the eve of the expedition to Ceuta would be broadened, not least due to the governmental expertise that he was acquiring, combined with the age of the

monarch. Perhaps it was in these trials that this had been formalized or announced, which would explain the writing and promulgation of two basic regulations later that year: the magistrates and the cavalry captains.

The magistrates' regiment bears the mark of King Edward, that is, knowledge of the state and the realm and the hope of improving it. No doubt he had the help of legal experts, including João Mendes, law scholar and court magistrate (HOMEM, 1990, p. 346-347; FREITAS, 1996, p. 190-191). However, knowing how King Edward worked, it would have been his intention along with his advisers, men whom he had in his confidence and friendship, whose collaboration has been widely documented in other situations, and among them, Prince Pedro. The overall project in which the regiment of magistrates operated was the reform of local government, that is to say, the reform of royal governance in the kingdom in particular, throughout the kingdom and in all matters.

The regiment of 1418 demonstrates a thorough knowledge of the kingdom and of the institutions and moves forward with bold reforms based on this knowledge as well as being supported by operational concepts of political theory (VENTURA, 2014). King Edward took over the regiment in 1340, focusing on the intervention of magistrates in matters that were still sensitive, that is, under pressure from local authorities and the negligence or corruption of the officials who were in charge of resolving such issues according to the royal will, and the common good of the kingdom.

On one hand the method which followed in the 1418 regiment clarifies the election of various offices and the desire to know who occupies them in each place, as seen in the first item; subsequently in fifteen other items the definition of each trade from its provisioning and detailed description of its duties to the prohibition of charging money for exercising the trade for which they were paid by the crown. Thus, cavalry captains, orphan judges, prosecutors, notaries, surveyors, local mayors, and jailers began to emerge... Everything had to be clear in order to provide the possibility of monitoring and correcting those who carried out such duties. What's more, as this regiment does not nullify the earlier one from 1340, we can assume that they were always on the alert for abuse committed by magistrates themselves, those who should be correcting the people and setting an example of fair behavior.

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Let us return to our course whose axis is the Letter of Bruges dated late 1426. Eight years on from the enactment of the Edwardian regime, it does not appear that magistrates serve the cause of justice, on the contrary: "Damagers" becomes synonymous with "magistrates"... For the kingdom to be sufficiently defended and improved, wrote Prince Pedro, in this matter as in others, that which

was ordered must be fulfilled. It happened, however, that the regiment could not even be known, simply because the magistrate never took up the position, according to the aforementioned testimony.

King Pedro offered the solution: the Prince heir himself should ride through the districts every year or at least every two years, bringing with him few and good people. Surely this would be of benefit to the good and a punishment for the bad: (remember the formula...).

It is due to the Cavalry Captain's correction task that we know of a case in which Prince Edward protested negligence in repairing the stockpiles of fortresses. All regiments – 1332, 1340, 1418 – gave magistrates final surveillance of fortresses and military equipment storage, which incidentally was recorded in the Afonsine Ordinances (ORDENAÇÕES, 1984, Liv. 1, Tit. XXIII, §20). This therefore – and similarly to Prince Pedro... – permits us to bring in a particular case proving that, on the one hand, the multiplicity of responsibilities for the storage of weapons and war materials, and, secondly, the surprising absence of any reference to the magistrate and his responsibilities. In the discharge letter terminating the episode it can be read that through the inventory that Edward had carried out in 1433 or 1434 for the castle of Estremoz, it was discovered that the warehouse door was rotten, the lock was broken, and that all the military equipment – swords, spears, shields, bassinets, sticks and rifle butts – which was stored there was rotten and in pieces, only taking advantage of two “metal bombards” (CARTA, 1435). Would the responsibility be the treasurer's, as his widow (recipient of the letter) could not obtain the desired discharge letter without delay? Or the mayor? Or indeed the warehouse keeper? The fact is that the magistrate is never mentioned.

We therefore doubt the 1418 regiment's effectiveness concerning the intensification of surveillance and amendment exerted by magistrates over other officials. Regarding the quality and behavior of magistrates themselves, this new regiment did not clarify the issues present in the 1340 one, or those frequently brought to trial by councils, such as the status of these officials, the mode of action, the means to remain in places with the right to retirement and various abuses of power often committed in collusion with other justice officials.

There are recurrent complaints brought to the trials by the prosecutors of the people before and after the drafting of the Edwardian regime. However, the chronological proximity – assuming the same context of governance concerned – let us approach the trials gathered in Lisbon in late 1427 (SOUSA, 1990, v. 1, p. 342-343; v. 2, p. 275-282; MORENO, 1989, p. 82). Fifteen chapters were submitted concerning magistrates and all are totally or partially approved by the king, or better of course, by Prince Edward on behalf of the King.

Prosecutors complained about magistrate's lack of knowledge, who often could not read or write. This ignorance contrasted with the power they assumed by handing out death sentences

without appeal to the crown, as if they were kings and not justice officials. People had alleged the abuse committed upon becoming aware of civil deeds without local judges having requested such; they complained that their appeals were denied; and that guarantee letters were refused to wrongdoers for minor crimes. Prosecutors claimed that the King required them to unequivocally accept the orders of contradictory judges; that they were sent to undertake inquiries with the noblemen and those with power, or with bailiffs; that they should not oblige neighbors to transport prisoners further than to the next trial; that they should not interfere in the affairs of the municipalities on the occasion of the election of their officials; that they could not take ownership of the sentences of appeal and grievance to the court. It was also insisted upon that they not remain in the localities longer than necessary.

In the Santarem trials of 1430, prosecutors submitted four petitions concerning magistrates, all partially or fully deferred, with a view to limiting the intervention thereof.

At the beginning of his reign, probably still in 1433, King Edward drew up a memorandum for use regarding the schedule and the way in which various affairs and people should be dispatched. The magistrate is included in this “memorandum”, with the promise of later conferring upon it a “*çerta regra espeçial*” (DOM DUARTE, 1982, p. 15).

On the other hand, among the pressing issues to deal with in the Leiria-Santarem trials (DOM DUARTE, 1982, p. 171), the first of the reign of King Edward, where everyone expected to see the new King’s mode of governance – are “*todolos offiçios de todo o reyno*”, but there is a particular entry for magistrates, not for the way they act in general, but specifically referring to their relationship with bishops and noblemen.⁷

In these same 1433 trials (SOUSA, 1990, v. 2, p. 289-319) eight petitions were presented regarding magistrates, many of them already commonplace, insisting on their legal preparation in compliance with the powers of judges and a maximum limit of stay in office; as well as in the prosecution of wrongdoers in conjunction with the judges of the land and the requirement to treat everyone equally. However, in these chapters an unusual requirement is set out. In fact, despite continued complaints in court on subjects which were for the most part recurring, the people had never put forward any punitive solution for magistrates who were not fulfilling their role. Now, in chapter 38, prosecutors requested that penalties be exacerbated for magistrates that did not abide by the ordinances and regulations promulgated thereby, and that effective executors of these penalties be constituted. Perhaps due to the complexity of implementing this punishment, King Edward postponed the request.

The death of King Edward marked the start of a period of immense and growing disorder, degrading the (apparent) balance between people and power. These tensions obviously brought new relationships at the level of justice officials. However, changes in the official triangle of municipal-

magistrate-king were not so immediate. Nor could we expect anything less from the regent Prince Pedro, i.e., it was not possible to do away with, in such a way, the “damagers” of the people, which would result in the deregulation of the local council powers controlled by the great lords, laymen and clergy who would face widespread conflict and an impending a civil war. Therefore, in the Lisbon trials in 1439 (SOUSA, 1990, v. 2, p. 325-335), Prince Pedro did not accept requests from prosecutors, despite the vehemence of complaints. In fact, what most surprises us is not so much the alleged meddling of magistrates in the municipal offices, but the rejection of the application by the regent in contrast to the vehemence of the complaints. Prince Pedro supported the magistrates, despite the abuses, only granting his approval to the solution proposed by prosecutors with regard to the three-year limit on the exercise of the trade: limitation, as present in previous regimes.

The Evora Trials of 1442 were convened to discuss the political and military issues arising from the fleeing of King Leonor to Castela (SOUSA, 1990, v. 1, p. 362-363; v. 2, p. 335). There was an atmosphere of pre-war, both civil and against Castela such that prosecutors requested remedy for the “failed justice” that existed in the kingdom, requesting obliging magistrates and judges to punish the powerful who commit crimes, use violence or protect wrongdoers. The response of the regent was evasive, certainly given that prosecutors wanted to engage in the restoration of justice, not only with councilors and good men, but all people. King Pedro refused to give prominence to local council powers and feared potentially untoward civil unrest; preferring once more and after all, to uphold the power of all justice officials.

We come to the Lisbon trials of 1446 (SOUSA, 1990, v. 2, p. 338-339), the last to be attended by Prince Pedro. A chapter regarding magistrates was submitted concerning the transport of prisoners; its response is unknown.

Finally, it’s worth noting the new regime of the magistrates presented in the Afonsine Ordinances as although work for new ordinances had begun even during the reign of King Edward and with lawyers at his service, the final compilation, as already mentioned, was the work of King Pedro.

In Book I of these Ordinances the regiments of justice officials were recorded; these were fundamental players in law enforcement, given that the laws had no effect if justice officials did not enforce them:⁸

porque cousa conhecida he, que toda a principal virtude das Leyx esta na boa pratica, e eixecuçom dellas, portanto acostumarom sempre os Reyx, e Princepes da terra fazer seus Officiaaes de Justiça, homees Letrados, Sabedores e Virtuosos, por tal, que per seu boõ, e vietuoso entender as possam ligeiramente trazer a boa pratica, e real eixecuçom em todo caso que lhes seja requerido (ORDENAÇÕES, 1984, p. 7-8).

Among these official figures was the court magistrate (ORDENAÇÕES, 1984, Liv. I, Tit. V), who had various powers of confirmation and surveillance over district magistrates.

Therefore in book I dedicated to justice, the regime of magistrates was introduced (ORDENAÇÕES, 1984, Liv. I, Tit. XXIII); it was a long instrument with seventy-one articles entitled “The Prosecutors of Districts, and things that belong to their dispatches”, and whose novelty lies in the systematization of previous provisions, which are recorded in detail.

However, the greatest innovation consists of the provisions contained in the following title – “How the District Magistrate will be investigated when his time in Office is completed” – which regulates the investigation which should take place, certainly under the court magistrate’s orders, when the various magistrates finish their mandate. This is how it begins:

Este he o Regimento, que Mandamos, que tenhaes em tirardes Inquiriçom sobre o Corregedor de tal Comarca, pera sermos em conhecimento de como usa em seu Officio, pera lhe gualardoarmos seus boõs merecimentos, ou lhe darmos pena, se o mal fez pera todos haverem exemplo (ORDENAÇÕES, 1984, Liv. I, Tit. XXIII).

It follows the exposure of the way in which accountability is to be allowed for in the wake of magistrates, and as in the previous title (§ 69) the hearing of the previous occupant of the office is scheduled.

The “Inquiry” will focus on each of the seventy-one articles of the previous title, acting as a mirror of what was done right and what was done wrong. It is to emphasize the very explicit indication of who will have the task of scrutinizing the performance of the magistrate in each district trial with over one hundred dwellings: judges, officials from the previous year, notaries and four or five of the leading men of the place. Everything had to be written down and certified in order to be submitted to the king.

In May 1449 Prince Pedro died in the Battle of Alfarrobeira. The design of prominent royal power, in which the king and his officials are the key element, did not die along with him but receded somewhat.

We do not intend to continue the search regarding the issue of court magistrates now that Prince Pedro has died. Let us mention, however, that the prosecutors of the people, in the Lisbon trials of 1459 (SOUSA, 1990, v. 2, p. 358-369), requested the extinction of the position of magistrate and the reorganization of the judicial system. King Afonso V dismissed the application.

In conclusion, the image at play and the reality spare us the dialectic between a clear understanding of the principles and the disturbed practice of governance.

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Notes

¹ *The wondrous reality of things*, poem by Fernando Pessoa (alter ego of Alberto Caeiro): “The wondrous reality of things / is my everyday discovery. / Each thing is what it is. / It’s difficult to explain to someone / the joy this brings to me / And how it fills me”.

² Artur Moreira de Sá (1952) questioned the location in which it would have been written but the description, although subsequent to this study, is commonly used.

³ The bishop, in fact, refers to the *Book of Princes’ Regiments* by Gil de Roma, which is known to exist in the library of King Edward.

⁴ We can go further because the “works”, the “good works” to which every Christian is called, manifest themselves in royalty through compliance with the requirements of his kingly office (VENTURA, 2014).

⁵ This is an anonymous chronicle that Mendes dos Remedios assures was written by a companion in arms, being therefore a contemporary of the biography or made immediately after his death (April 1, 1432); Pinharanda Gomes (2009), placing the probable date of its writing as the year 1433.

⁶ Baquero Moreno has summarized the complaints of the people in trials since Lisbon 1352 (MORENO, 1989, p. 79 e ss.).

⁷ Quarrels particularly strong with the prelates in the wake of calls for Jacobinas Laws, published December 19, 1419 (VENTURA, 2012).

⁸ Note the sequence of the wording in the text: God’s grace is necessary for the good practice of the trade of reigning; the dignity and excellence of all men and the right to be governed by good laws; justice officials being the last link in that sequence.

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