

THE CRIMINALS IN THE *COUTOS DE HOMIZIADOS* IN THE ALTO ALENTEJO: MOBILITY, PROFILE AND CRIMES (15TH CENTURY)*

Ana Santos Leitão

Centro de História. Faculdade de Letras. Universidade de Lisboa

E-mail: leitao.ana@netcabo.pt

ORCID: [0000-0003-4541-5931](https://orcid.org/0000-0003-4541-5931)

ABSTRACT

This article is a brief reflection on the coutos de homiziados (territories designated for the forced exile of criminals) that were created in the northeastern Alentejo, i.e. Marvão, Arronches and Ouguela, and how they were a manifestation of a political and military policy during the 15th century. We will determine who the criminals that were sent to those coutos were: their names and functions, the types of crimes they had committed, and above all, their provenance, the flexibility of sentences and the movement of homiziados between Coutos. The letters of pardon are the main source consulted. Although it is a small sampling, a comparative analysis of these three coutos allowed us to establish similarities and differences among them, and to determine the social profiles of the criminals and their mobility in Portugal in the late Middle Ages. On this last point, for example, research showed that most of the outlaws came from the southern part of the realm. In some cases, criminals requested to be transferred to cities controlled by the Portuguese in North Africa.

KEYWORDS: urban history, social history, history of justice, medieval Portugal, criminality, banishment.

CRIMINALES EN LOS *COUTOS DE HOMIZIADOS* DEL ALTO ALENTEJO:
DINÁMICAS DE MOVILIDAD, PERFILES Y CRÍMENES (SIGLO XV)

RESUMEN

Este artículo ofrece una breve reflexión sobre los coutos de homiziados (territorios designados para el exilio forzoso de criminales) establecidos en el noreste del Alentejo, concretamente en Marvão, Arronches y Ouguela, y los analiza como manifestaciones de una estrategia político-militar desarrollada durante el siglo xv. El estudio identifica a los individuos enviados a estos coutos, examinando sus nombres, funciones, delitos cometidos y, especialmente, su procedencia geográfica, la flexibilidad de las penas impuestas y la movilidad de los homiziados entre los distintos coutos. Las cartas de perdón son las fuentes más consultadas. Aunque la muestra es limitada, el análisis comparativo de estos tres coutos permite identificar elementos comunes y divergencias significativas, así como establecer los perfiles sociales de los criminales y de movilidad dentro del reino en la Baja Edad Media. Cabe destacar, por ejemplo, que la mayoría de los homiziados procedían de las regiones meridionales del reino y que, en algunos casos, solicitaron su traslado a ciudades bajo control portugués en el norte de África.

PALABRAS CLAVE: historia urbana, historia social, historia de la justicia, Portugal medieval, criminalidad, destierro.

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INTRODUCTION

The study of *coutos de homiziados*¹ in the Portuguese kingdom has been developed by different authors since, at least, the 1980s. The pioneer of the studies on this topic was Professor Humberto Baquero Moreno (1986: 93-138), followed by Professor Luís Miguel Duarte (1993; 1999), who set the stage for later works that had different approaches and perspectives².

In this article we address the subject of the establishment of *coutos de homiziados* in the area of northeastern Alentejo (Fig. 1). Throughout all of the Middle Ages this region had a constant need to increase its population, which implied efforts of administrative organization (Leitão, 2022: 299-325). We will focus on the *coutos* of the towns of Marvão, Arronches and Ouguela, because these were the ones that were situated on the frontier zone. The chronology of this text covers only the 15th century, since there is documentation from this period which permits us to obtain more relevant results. In fact, from the point of view of royal justice, the towns in this area are often mentioned, which provides information about the profile and mobility of the *homiziados*. In the first part we will cover the actual *coutos*, and then the subject of identification and mobility and/or the connection among them.

The creation of *coutos de homiziados* in Marvão, Arronches and Ouguela was a manifestation of a political and military strategy in the area under analysis. The late 14th century had been a time of great hardship in Portugal, characterized by crises and wars, evidenced by the permanent state of conflict between the kingdom and Castille. Communal life of the border populations included taking on the building and maintenance of walls and towers, whereby residents were involved in the defense of their towns, as well as the logistics of supplying water and provisions. The population was also subjected to ordinances issued in times of war, to the action of the *alcaides* (royal officers entrusted with military responsibilities), and to the role carried out by the Military Orders who had large dominions in these border zones.

Apart from these constraints, the most pressing problem was the settlement of people, and their subsistence. In fact, these communities had to safeguard, on a regular daily basis, a territory whose inclusion in the kingdom of Portugal could not be taken for granted. The role played by the communities who supported the

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¹ Localities typically situated in remote and sparsely populated border regions, to which certain criminals (man and women) were sent to serve their sentence of exile.

² Of which we point out the following ones: Ventura, 1998: 601-625; Braga, Braga, 2004: 78-87; Monteiro, Martins, 2010; Moreira, 2011; Alves, 2011: 39-53; Dias, 2015; Leitão, 2014: 273-289; Gomes, 2015.

borders, and the conditions for the safety of these communities were very important topics for Portuguese historiography³.

This leads us to the subject of the *coutos de homiziados*.

In 1378, D. Fernando I (1367-1383) established the first *couto de homiziados* in Marvão (the fourth to be created in the realm since 1308), a town in the northeastern Alentejo, in the ambit of a royal policy for the defense of the Portuguese border. A few years later, in 1385, D. João I (1385-1433) created a second *couto* to the south of the mountain range of S. Mamede, in Arronches. The *couto* in Ouguela was established in 1420 by D. João I, with a new and different approach in terms of defense.

1. A CONTEXTUAL VIEW OF THE ESTABLISHMENT OF THE *COUTOS DE HOMIZIADOS*

According to Humberto Baquero Moreno, spanning the period from the reign of King Dinis (r. 1279-1325) to that of King João III (r. 1521-1557) at least seventy *coutos de homiziados* were created⁴. Geostrategic and territorial occupation issues that fomented the establishment of *coutos*, were felt especially after the bubonic plague pandemic and major political and military crises, exacerbating the demographic problem. King D. Fernando (r. 1367-1383), and especially the monarchs of the new Portuguese dynasty that was initiated in 1385, were faced with these problems. Despite the various constraints, Portugal began a period of territorial expansion with the conquest of Ceuta in 1415, while expeditions to the coast of Morocco and to the Canary Islands led to the discovery and reconnaissance of the archipelagos of Madeira (1418) and Azores (1427). These events obviously created a demand for people to defend (Ceuta) and colonize (Madeira and Azores), at a time when there was a shortage of manpower.

Resorting to criminals, a «surplus» (of men, i.e. manpower) that would otherwise remain inactive, could contribute to the defense of Portugal and to the

³ See for example: Macedo, 1993.

⁴ Moreno, 1986: 93-138. According to the author, the coutos created in the kingdom were as follows. By King Dinis: Noudar and Sabugal (?); By King Fernando: Guarda, Marvão, Miranda do Douro, Penamacor; By King João I: Arronches, Fronteira, Castelo Mendo, Belmonte, Caminha, Freixo de Espada à Cinta, Penarroias, Chaves, Monsaraz, Monforte de Rio Livre, Ouguela, Mértola, Segura, Outeiro de Miranda, Castro Marim, Penha Garcia, and Melgaço; By King Duarte: Numão; By the Regent Prince Pedro: Bragança, Mirandela, Monforte, Mourão, Vilar Maior, Celorico de Basto, and Palma; By King Afonso V: Mos (?), Lavre (?), Colmeal das Donas, Alcoutim, Vilar de Mouros, Odemira, Adiça de Almada (present-day Fonte da Telha), Monsanto, Meadas, Belver, Idanha-a-Velha, and Vila Nova de Portimão (the precise dates for the establishment of the coutos of Mos and Lavre are unknown, and their attribution to Afonso V remains uncertain); By King João II: Vila Nova de Milfontes, Caldas da Rainha, Vimioso, and Mexilhoeira; By King Manuel I: Sesimbra, Lapela, Lafões, Valença, Beja, Elvas, Castelo Branco, Serpa, Areninha, Ferreira, and Alfaiates; By King João III: Silves. In reality, a few additional coutos also existed, such as Sortelha (Moreno, 1993: 345-350) and Melgaço.

colonization of new territories. Depending upon the crimes they had committed, their punishment could be exchanged for being sent to sparsely populated territories. According to the *Ordenações Afonsinas*⁵, criminals were sentenced to banishment for a great diversity of crimes⁶; the destinations, conditions and duration of their sentences was sometimes related to gender⁷ and to social status, (nobility, clergy, and people related to them had different treatment from that of the “peões” (“common people”). Even religion and/or ethnicity influenced the punishments, i.e. Jews and Moors often had harsher sentences. Underlying this practice was the idea of atonement⁸ for a crime by rendering service to the king during a determined period. This subject was well studied, as noted above, by Luís Miguel Duarte in his works about criminality⁹.

After its conquest, Ceuta also began to be referred to as *couto de homiziados*, although it clearly did not function like the *coutos* in Portugal. However, it should be noted that in numerous cases the sentence of banishment in Ceuta was commuted to other *coutos* in the kingdom, in a ratio of one year in Ceuta for two in Portugal. This situation was studied by Paulo Drummond Braga (1993: 147-153), thereby insinuating that royal clemency was often higher than the need for re-population in Ceuta, or perhaps those needs were fulfilled by other means, i.e. the commutation of harsher sentences for banishment in Ceuta, which is not to say that royal clemency ceased to be occur.

Finally, some *coutos* were established with economic objectives and were adapted to a specific professional profile. For example, in 1439 a *couto* was created in Monforte for four craftsmen¹⁰, and in 1465 a *couto* was founded for agricultural workers in the Quinta de Odemira of D. Sancho de Noronha, authorized by Afonso V¹¹. There were some cases of *coutos* being established for fishermen, emphasizing the concern that these men should not interrupt their professions

⁵ A compilation of royal laws promulgated in the mid-15th century.

⁶ See: Moreno, 1986: 96-99.

⁷ Women enjoyed the same rights as men, except in the case of the couto of Caminha, located in northern Portugal. Moreno, 1986: 99.

⁸ The intention here is not to focus on the proves of royal pardons, nor the questions that lead to their administrative and logistic procedures, since this subject has been well developed by Luís Miguel Duarte (1993, 1999) and well systematized by Margarida Garcez (1998: 601-626) and by Filomena Delgado (2003: 113-120).

⁹ There are several theses and papers that address this topic, in addition to articles and academic studies published both in reviews and in books, which has helped divulge and make this subject attractive: In Portugal, stands out Duarte, 1991: 43-74; 1993, 1996: 231-248, 1999, 2006: 81-102, 2019: 451-474; Moreno, 1985, 1990a, 1990b, 2005; Ventura, 2003: 601-625. Just to mention some of the most relevant ones.

¹⁰ For example, in the Cortes of Lisbon in 1439 the town of Monforte asked King D. Pedro for the creation of a *couto de homiziados* given the lack of manpower and the “grandes soldadas que damos de trigo e denheiros a ferreiros e carniceiros e a outros officios” (great amounts of wheat and money that we give to blacksmiths and to butchers and to men of other trades); D. Pedro gave authorization for Monforte to take in “quatro omiziados mesteirais”(four convicted craftsmen). Moreno, 1986: 121.

¹¹ He was one of the first twenty-seven knights to receive the Order of the Tower and Sword. Sousa, 1946, Tomo III: 7

because of their status of *homiziados*, an example of which was the *couto* of Caminha¹² founded by D. João I in 1406. These *coutos* were destined for sailors and fishermen from Entre Douro and Minho, Estremadura and Algarve, who could dedicate themselves to fishing anywhere in the kingdom, as long as they did not disembark in the ports where they were harbored (Moreno, 1986: 112).

2. THE COUTOS

2.1. COUTO OF MARVÃO

The rocky ridge of Marvão had always been propitious for providing shelter, and as a strategic military point. The physical characteristics of the escarpment offered a significant defensive advantage. However, during periods of peace, they hindered access to the settlement, which, when combined with other factors, contributed to the progressive depopulation of the town. The establishment of a *couto* served to reinforce the number of inhabitants of the urban space. Even so, the harshness of life in Marvão dissuaded certain *homiziados* from choosing to serve their period of banishment there. To make it more attractive, the king would have to grant other privileges to this town and its residents, such as increase the *numerus clausus* of the *couto* and to grant privileges to *homiziados* who undertook trades lacking in the town (Moreno, 1986: 105-107).

Of the three *coutos* in the northeastern Alentejo that we selected, the royal charter that instituted the *couto* of Marvão is the first one to mention the right of asylum, since in earlier *coutos* in the realm the only *homiziados* that were excluded were those who had practiced slander or treason¹³. Thus, asylum was granted in the *coutos* for pragmatic reasons of settlement and defense and could be extended to criminals that the Church did not accept, and even to infidels, a subject that was extensively developed by Margarida Garcez Ventura (1998: 601-625). The earliest information on the *couto* of Marvão is from 1378, in a charter granted by D. Fernando I to the town council of Marvão, which mentions the provision for two hundred *homiziados*¹⁴. In the following century, in 1436, D. Duarte granted to five muleteers *homiziados* living in Marvão permission to travel anywhere, except to where they had done wrong¹⁵.

Regarding the men's process of entry and time spent in the *couto*, we have not been able to glean much from our sources. We did, however, identify some officials associated with the administration of the *homiziados*. For example, in 1451 Diogo Fernandes Caldeira was appointed to the position of clerk of the *homiziados*

¹² "...pera cimquenta lauradores e mais nam que hy vierem pouoar e laurar" ("...for fifty farmers and no more, who may come there to settle and cultivate the land"). Moreno, 1986: 123.

¹³ In this case, it refers to Noudar, Guarda e Sabugal. Ventura, 1998: 605.

¹⁴ ANTT, *Chancelaria de D. Fernando I*, liv. 29, fl. 75v.

¹⁵ ANTT, *Chancelaria de D. Duarte*, liv. 1, fls. 159.

for the town of Marvão by D. Afonso V in 1451, replacing Pero Vasques, who had deceased¹⁶. In turn, when Diogo Fernandes died in 1471, Fernão Pereira, a resident of Portalegre, was appointed to the office¹⁷. Previously, on 2 June 1453, the privilege of granting leaves of absence to the *homiziados* of Marvão by the *homens bons* (“good men”) and judges of the town of Marvão, which had been established at the time of its creation, was withdrawn¹⁸.

2.2. COUTO OF ARRONCHES

The walled town of Arronches was established as a *couto de homiziados* on 3 April 1385, because its population had shrunk as a result of the wars¹⁹, and according to another document, it was very damaged²⁰. The *homiziados* of Arronches and Marvão enjoyed the same privileges and, as in the case of this town, their numbers grew during the 15th century to promote settlement and to attract individuals capable of performing essential trades that were absent, such as muleteers (Moreno, 1986: 109-110).

Regarding officialdom and the *homiziados* in Arronches, we know of a letter from 1439 that alludes to the position of clerk of the *homiziados* of that *couto* (Andrade, 2025: 67). In 1481, during the reign of D. Afonso V, Diogo da Sertá, squire of Diogo Lopes de Sousa,²¹ was appointed to the office of clerk of the royal *sisas* (a sales tax collected from all residents of the kingdom), replacing Afonso Vasques, who had been clerk of the “porto seco” (“dry port”) of the town of Arronches, of the *homiziados* and judge between Christians and Moors of that town, where he lived²². In 1482, D. João II sends two letters to the town council of Arronches, the first of which gave instructions for five *homiziados* to serve as muleteers²³, and the second indicated that this group could bring weapons²⁴.

¹⁶ ANTT, *Chancelaria de D. Afonso V*, liv. 11, fl. 66. See also: (Andrade, 2025: 67)

¹⁷ ANTT, *Chancelaria de D. Afonso V*, liv. 16, fl. 85v.

¹⁸ ANTT, *Chancelaria de D. Afonso V*, liv. 4, fl. 56v.

¹⁹ ANTT, *Chancelaria de D. João I*, liv. 1, fls. 123-123v.

²⁰ ANTT, *Chancelaria de D. João I*, liv. 1, fl. 124.

²¹ Diogo Lopes de Sousa, royal counsellor, *mordomo-mor* (high steward) of the king and *alcaide-mor* of Arronches.

²² ANTT, *Chancelaria de D. Afonso V*, liv. 26, fls. 79-79v.

²³ ANTT, *Chancelaria de D. João II*, liv. 1, fl. 93.

²⁴ ANTT, *Chancelaria de D. Afonso V*, liv. 5, fl. 258.

2.3. COUTO OF OUGUELA

Ouguela is situated on a small hill and was always an advanced stronghold of the border zone. Earlier settlements had existed, but it was after the Christian *Reconquista* that the town played an important role in the defense of the frontier with Castile. Unlike most of the reconquered regions, Ouguela and Campo Maior (a neighboring town) were part of the Leonese *Reconquista*. Only in 1297, under the Treaty of Alcañices, did Ouguela became part of the Portuguese kingdom (Vieira, 1985: 11-14). Although the castle of Ouguela underwent later restoration work, the main part dates to the early 14th century. D. João I established a *couto de homiziados* in Ouguela in 1420, arguing that «[...] a nossa villa d ouguela he despobrada e he no termo de castella em lugar que compre mujo a nosso serujoço [...]» (“our town of Ouguela is depopulated and lies on the border with Castile, in a location of great strategic importance to our service”)²⁵.

On 23 November 1471, Ouguela received confirmation of the privilege for the *homiziados* of its *couto* to travel outside and inside the kingdom and to live in the town and its county²⁶. In 1497, the letter was ratified to include those who lived, then or in the future, in Ouguela, with their houses, wives and property; among other benefits, it permitted them to not serve, nor be called to serve anywhere at sea or on land and not be crossbowmen²⁷.

3. THE *HOMIZIADOS*

3.1. PROFILES

The identification of the men who went to live, permanently or provisionally, in the *coutos* under study was normally limited to knowing their names and, in some cases, their professions, social status, client networks, and places of origin. Ideally, if the *Livros dos Homiziados*, (records that existed in the *coutos* where all these men were inscribed by a specific clerck with this task), had survived, this study would have been more thorough and accurate, and especially, more complete. We therefore had to use what sources were available, such as the royal chanceries, especially the letters of pardon. The small sampling of *coutos* presented in this work shows the difficulty in analyzing this subject, as seen by the lacunae in data and chronologies.

To begin with, we will consider the profiles of the *homiziados*.

In Marvão we find references to 31 *homiziados*, 15 with no other information and 16 with more personal data: one taylor, one cobbler, two farmers, one potter and

²⁵ *Chancelarias Portuguesas*, D. João I, (2004) Vol. I, Tomo I: 275.

²⁶ ANTT, *Chancelaria de D. Manuel I*, liv. 17, fl. 99.

²⁷ Law presented in Lisbon, on 1 November 1485. ANTT, *Chancelaria de D. Manuel I*, liv. 17, fl. 99v.

one *monteiro* (royal huntsman or gamekeeppeer). There were also six squires, one of whom was identified as the squire of the Infante D. Fernando²⁸, and another servant of Fernão de Melo²⁹, who was a nobleman of the Royal Household, *alcaide-mor* in the city of Évora, and a receiver of taxes - *sisa* and *dízima dos panos* (customs tariff levied on imported textiles, in this case, from Castille) in the “dry port” of Marvão. And finally, a young woman, referred to as «*moça de João Mendes*» (“young woman under the service or patronage of João Mendes”), who was a resident of Olivença³⁰. This is the only known case of a woman in the coutos examined in this article.

In Arronches, out of a total of 32 individuals, only 21 were mentioned just as *homiziados*. The remaining 11 have references to professions, marital status, provenance, and connections to clients: one knife-maker, two farmers, one sailor, two jailer, one *alcaide*, two squires (one associated with the Marquis of Valença and the other with a certain D. Garcia) and finally, one servant of D. Catarina de Sousa³¹.

In Ouguela, out of a total of 19 *homiziados*, only nine were referred exclusively in that manner. The others included one carpenter, one *mouro forro* (a freed Moor), a servant of the Count of Vila Real³², four squires of Diogo Lopes de Sousa and the *amo* (master) of a lady-in-waiting to Infanta D. Catarina³³. Finally, one individual is identified solely as the son of Gonçalo Afonso, a butcher, and another as a single man.

Based on these examples we can conclude that the profile of these men was diversified, and included craftsmen, artisans, farmers, members of the royal officialdom, and individuals associated with noble houses and the Royal Household. In Marvão, probably due to the harsh living conditions and scarcity of professionals, most of the *homiziados* were men of the trades, while in Ouguela there was a predominance of individuals from a higher social condition, connected to royal officials and noble houses. In the case of Arronches, there was heterogeneity, which reflects the lack of all sorts of residents. If the number of *homiziados* recorded is representative, there is a bigger population in the *couto* of Arronches, followed by

²⁸ Reference to the Beato Fernando de Portugal, known as Infante Santo (Santarém, 29 September, 1402–Fez, 5 June, 1443). He was the eighth son of King João I of Portugal and of his wife, Philippa of Lancaster, and the youngest of the members of the Illustrious Generation.

²⁹ Married to D. Constança de Castro

³⁰ On 25 September 1475, in Estremoz, Leonor, the girl of João Mendes, a resident of Olivença, had a year pardoned from her sentence. She had been sentenced to the *couto* of Marvão for smuggling files and saws into the prison of the royal court, resulting in the escape of several prisoners, and in subsequent sentences for not completing the term of their punishment. ANTT, *Chancelaria de D. Afonso V*, liv. 30, fl. 24v.

³¹ Probable reference to Dona Catarina de Sousa, wife of João Freire de Andrade, lord of Bobadela and Higher Bailiff of D. João I.

³² Azevedo, 1915, Vol. 1, doc. cxv: 149-150. The Count of Vila Real was D. Fernando de Noronha, second count of Vila Real, held the positions of Counsellor of the king, Lord Chamberlain to the Infante D. Duarte, Captain and third Governor of Ceuta, by royal order received by letter from D. Duarte, where he died in 1445.

³³ Lady in waiting of Infanta D. Catarina of Portugal, who was a daughter of King D. Duarte I and his wife D. Leonor of Aragon, and a sister of the king D. Afonso V.

the *couto* of Marvão, and then the one of Ouguela. The names that were identified in the sources reveal that they were mostly men (Table 1).

In the period of the samples, the years with the highest frequency of letters of pardon that mention *homiziados* (whether they were fugitives, were serving a sentence, or by royal decision there was a commutation of another sentence for remaining in these *coutos*), are also differentiated. For Marvão the most relevant years were: 1439, 1440, 1450, 1471, 1472 and 1475; in Arronches it was: 1450, 1453, 1454, 1464, 1471, 1472, 1473, 1476 and 1480; for Ouguela: 1440, 1443, 1475 and 1491. In the cases of Marvão and Arronches there was a clear predominance in 1471, because the king had granted a general pardon to all fugitives who had served in the navy and army during the conquest of the citys of Asilah and Tangier (1471). This pardon was most noticeable in the case of criminals who were required to serve their sentence in Arronches. In Marvão alone the years 1476 and 1480 were also significant.

In the table below (Table 1) the *homiziados* are identified at least by name, year and connection to a *couto*.

3.2. PROVENANCE OF THE *HOMIZIADOS*

The provenance of the *homiziados* is displayed in Charts 1, 2 e 3.

Regarding the convicts of the *couto* of Marvão, and according to the samplings from the period between 1435 and 1497, the majority of *homiziados* were residents of Marvão (around 30%). Seven percent came, respectively, from Barcelos an Penamacor, and the rest, in an equal proportion of 4% came from other places, such as Loulé, Lisbon, Elvas, Coima, Casal de Sandinho, Casal de Grou (?), Borba, Benespera, Beja, Alenquer, Viana de Alvito, Santiago do Cacém, Posadela and Montemor-o-Novo.

In the case of the convicts of Arronches, for approximately the same period (1439 to 1480), the highest percentage were residents of that town (approximately 19%), followed by 11% from Castelo de Vide and by 8% from Benavente. All the rest in the same proportion of 3% came from different places, such as Alvito, Estremoz, Vila Franca de Xira, Sintra, Tomar, Serpa, Vale de Elvas, Santarém, Lugar do Cerco, Lisboa, Évora, Chão de Ornis, Atalaia, Caldelas and Borba.

In Ouguela, between 1440 and 1496, 21% of the *homiziados* were residents of that town, and another 21% were from Arronches. The rest were from Campo Maior (11%), and Alenquer and Almada (6%). Finally, in the same proportion, corresponding to about 5% each, were the *homiziados* that came from Vila Viçosa, Torrão, Tavira, Beja, Elvas, Montemor-o-Velho and Bombarral.

From what we analyzed, the *homiziados* who lived in these *coutos* (Marvão and Ouguela), were mostly residents from the towns and other regions close by, while in Arronches the provenance of the convicts was more diverse and distant. However, in all three cases, the majority of the *homiziados* were from the Alentejo and Ribatejo, largely due to their proximity, but some cases were also from the Algarve and from Lisbon. Conversely, the areas north of the Tagus is less represented.

The assignment of the destination was based on proximity, and the need for people and trades, but also on the type of crime for which the *homiziados* were

convicted and the punishment that was applied (Moreno, 1986: 93-138). According to the sources we consulted, the most common crime committed by the *homiziados* of Marvão, Arronches and Ouguela was homicide.

The length of sentences in these *coutos* varied. For Arronches we found that sentences mostly fluctuated between one, two and four year, although there were a few cases of sentences of six and seven years months. For Marvão the variation was smaller, with the great majority of sentences having a duration of one and two years, and just a few sentences of three years, and others of two months. In the case of Ouguela, many sentences were of one, three, and four years, with a few extending up to ten years.

3.3. MOBILITY

The most frequent commutation of sentences featured in the letters of pardon that were consulted was the substitution of more onerous punishments for sentences to places where they would be deprived of their freedom, albeit with some flexibility.

We will now examine the mobility and transference of convicts between the *coutos* under study and between them and other. Afterwards, we will present the data that was obtained.

We found that at least three *homiziados* went from the *couto* of Marvão to Arronches, and one went to Caminha. To Arronches went three *homiziados* from Marvão, one from Tangier and six from Ceuta. From Arronches three *homiziados* were moved to Marvão, one was moved to Sabugal, one to Noudar, and at least six to Ceuta. One convict went to Ceuta from Ouguela, and two convicts were transferred from Ceuta to Ouguela. This sampling shows the transference of *homiziados* that took place between the *coutos* of Alto Alentejo and those of North Africa, which fits perfectly in the historical context of the conquest of the Portuguese outposts in North Africa³⁴.

Following are the movements of these convicts, in chronological order, with their names, the crimes they committed (when that information was available), their sentences, and the places where they served those sentences.

In 1439, Fernão Miguéis, a resident of Cadaval, was pardoned four years of a five-year sentence. He had been sentenced to Ceuta after being found guilty of the murders of Vicente Afonso and Vicente Gonçalves Arroído, also residents of Cadaval, under the condition that he would serve two years in the *couto* of Arronches³⁵. In 1444 Vasco Correia, from Ponte de Lima, had a two-year sentence in Ceuta changed to three years in Marvão, due to his age (70)³⁶. In 1450, Fernão Eanes, a farmer and resident in Ordasqueira, a village of Torres Vedras, was granted

³⁴ As can be verified in Braga, 1993: 147-153.

³⁵ ANTT, *Chancelaria de D. Afonso V*, liv. 19, fl. 53v.

³⁶ ANTT, *Chancelaria de D. Afonso V*, liv. 25, fl. 14v.

a letter of security and a change in his sentence from four years in Ceuta to eight years in the *couto* of Marvão, on the condition that for two months he would not enter the place where Álvaro Pires had been killed³⁷. In 1452, Martim Eanes Goulão, a resident of Alcochete accused of homicide, had his sentence changed from seven years in the *couto* of Arronches to one year in Marvão³⁸; on the same date, João Gonçalves, a resident of Alcochete accused of homicide, had his sentence in the *couto* of Arronches (seven years) shortened to one year in Marvão³⁹, and Rui Pais, a royal squire⁴⁰, had his sentence of one year in Marvão prolonged to four years in the *couto* of Mértola⁴¹. In 1453, by request of Álvaro Pires de Távora⁴², a nobleman of the Royal Household, João Afonso-o-Moço, a resident of Aldeia de Galegos (a village of Vila Real) had his sentence changed from three years in Ceuta, to Marvão⁴³, and on the same day, Álvaro Gonçalves, from Ramalde, a village of Vila Real, accused of the death of João Gonçalves, had his sentence changed from Ceuta to the *couto* of Marvão⁴⁴. Also in 1453, in Sardoal, Nuno Fernandes de Morais⁴⁵, a squire and resident of Montemor-o-Novo, had his four-year sentence in the *couto* of Marvão moved to the *couto* of Arronches⁴⁶. In 1454, the four years in Ceuta to which Pedro Eanes, from Gateira, a village of Leiria, had been sentenced, was substituted for six months in the *couto* of Marvão⁴⁷. In 1455, Pedro Eanes, who was a squire of the Marquis of Vila Viçosa⁴⁸, had his sentence changed from Marvão to the *couto* of

³⁷ ANTT, *Chancelaria de D. Afonso V*, liv. 34, fl. 114.

³⁸ ANTT, *Chancelaria de D. Afonso V*, liv. 12, fl. 49v.

³⁹ ANTT, *Chancelaria de D. Afonso V*, liv. 12, fl. 50.

⁴⁰ Reference to the legitimization of João Rodrigues, son of Rui Pais, squire of D. Afonso V and resident in Lisbon, and his lover Catarina Fernandes (1471).

⁴¹ ANTT, *Chancelaria de D. Afonso V*, liv. 12, fl. 43.

⁴² Álvaro Pires de Távora, royal nobleman, second Lord of Mogadouro, *alcaide* of Miranda do Douro, Mirandela and of Alfândega da Fé, he was *reposteiro-mor* of D. João I, D. Duarte and D. Afonso V, from whom he received many privileges. He was the brother-in-law of Martim Afonso de Sousa, nobleman of the house of the Count of Barcelos having married his sister Violante Lopes de Távora.

⁴³ ANTT, *Chancelaria de D. Afonso V*, liv. 3, fl. 57.

⁴⁴ ANTT, *Chancelaria de D. Afonso V*, liv. 3, fl. 56v.

⁴⁵ Squire, married to Margarida Anes, residents and landowners in Montemor-o-Novo, parents of Martim Lopes Lobo and Violante Nunes de Morais. According to André Madruga Coelho in his Master's thesis in Islamic and Medieval Mediterranean History (2015). The estates of Nuno Fernandes de Morais were inheritated by Gomes Martins Lobo and João Lobo, his son (ANTT, *Chancelaria de D. Afonso V*, liv. 34, fls. 54v-55; *Odiana*, liv. 2, fls. 263v-264v), while those of Margarida Anes, part of an entail (morgadio) instituted by her. Went to Garcia Lobo (I), Fernão Lobo (I) and Garcia Lobo (II) (ANTT, *Chancelaria de D. Afonso V*, liv. 9, fls. 145-146; *Odiana*, liv. 1, fls. 261v-263.) Again there was a division of the estate among the heirs, this time in a way that revealed the intention of the grandparents to divide the estate among each of the grandchildren.

⁴⁶ ANTT, *Chancelaria de D. Afonso V*, liv. 4, fl. 59v.

⁴⁷ ANTT, *Chancelaria de D. Afonso V*, liv. 10, fls. 122-122v.

⁴⁸ The title of Marquis of Vila Viçosa was originally instated in 1455, in favor of Fernando I of Bragança, Count of Arraiolos, son of Afonso I of Bragança, Duke of Bragança, as a reward for his service to the Crown.

Arronches, by request of his employer. Pedro Eanes was granted a letter of security on the condition that he would not go to the city of Évora⁴⁹; that same year Rodrigo Eanes, a farmer and resident of the town of Leiria, was authorized to substitute the remainder of his sentence in Marvão for a fine of 2000 *reais brancos* to be paid to the royal Chancellery⁵⁰, which had already been paid; also in 1455 Fernando Eanes, a resident of Ordasqueira (a village of Torres Vedras), was pardoned four years of an eight year sentence in Marvão⁵¹; that same year the king gave a letter of security to Fernando Álvares, a squire of the Marquis of Valença, substituting his two-year sentence in Ceuta for the same amount of time in Arronches, where he was to register in the *livro de homiziados* upon arrival, and remain in there uninterruptedly for the whole period⁵². Beatriz Fernandes, the wife of Gonçalo Fernandes, a sailor and resident in the town of Tavira, had been accused of sleeping with her *compadre*. In 1469 her four-year sentence in Marvão was changed to two years in Ceuta⁵³; in 1473, the sentence of João Franco, a resident in the town of Oeiras, was changed from one year in Tangier to two years in Marvão⁵⁴; and in 1480, Gonçalo Marques, a resident in the town of Avis had his sentence altered from two years in Ceuta to four years in the *couto* of Marvão⁵⁵.

We can, therefore, ascertain that there was actual mobility between the various *coutos*, for several reasons, such as, for example, lack of manpower in certain places⁵⁶, the reduction of sentences, and transfers due to old age⁵⁷; however, the most common reason for transferences was to reward the participation of *homiziados* in the campaigns in North Africa, as revealed in other studies that address the topic of war⁵⁸. Faced with the need to repopulate other towns, the king turned to the surplus of *homiziados* in existing *coutos*, a practice which was usually initiated with 50 men,

⁴⁹ ANTT, *Chancelaria de D. Afonso V*, liv. 15, fl. 40v.

⁵⁰ ANTT, *Chancelaria de D. Afonso V*, liv. 15, fl. 76v.

⁵¹ ANTT, *Chancelaria de D. Afonso V*, liv. 15, fl. 84.

⁵² ANTT, *Chancelaria de D. Afonso V*, liv. 13, fls. 74-74v.

⁵³ ANTT, *Chancelaria de D. Afonso V*, liv. 31, fl. 36v.

⁵⁴ ANTT, *Chancelaria de D. Afonso V*, liv. 33, fl. 131.

⁵⁵ ANTT, *Chancelaria de D. Afonso V*, liv. 32, fl. 127.

⁵⁶ An example was on 3 May 1451, in Santarém, the sentence of João Fernandes, potter, from the city of Évora, was changed from the *couto* of Marvão to that of Arronches because of his profession.

⁵⁷ For example, the case of Vasco Correia, who in 1444, had his two-year sentence in Ceuta changed to three years in Marvão, due to his age (70 years old) (ANTT, *Chancelaria de D. Afonso V*, liv. 25, fl. 14v.)

⁵⁸ As was the case, for example, of the article of João Gouveia Monteiro and Miguel Gomes Martins (2010).

as mentioned above⁵⁹. This happened, for example, in Moura⁶⁰ and in Vila Nova de Milfontes⁶¹, and earlier in Juromenha and Mértola, among others⁶².

This subject need works about *coutos* situated in other regions⁶³, comparative and more extensive studies, that use other types of sources.

3.4. CRIMES

Luís Miguel Duarte (1999: 259-265) established a classification of crimes⁶⁴ for the 15th century: crimes against the king, authority and public order, crimes against God, crimes against human beings, crimes against property and «economic order», and finally, crimes against «morality and good customs». The application of this typology clearly reveals the existence of that there was both differences and common points in the crimes committed by the *homiziados* of Marvão, Arronches and Ouguela, as seen in chart n.º 4.

In the case of Marvão we ascertain that the most common crimes were homicide, followed by various kinds of aggression, escapes from prison, and theft. In Arronches most criminal incidences were homicide and were followed by prison breaks and injuries caused by various kinds of aggression, as well as cases of quarrels and adultery. In Ouguela there is more homogeneity in the number and types of crime, although homicide still leads. In general, the predominance of physical crimes is common, with this type of violence being very frequent in the Middle Ages⁶⁵.

From the sampling that was gathered, we can ascertain that homicide was the main reason why criminals were sentenced to serve exile in these *coutos*. It was to these places of difficult survival that criminals who had committed the most physically violent offenses were sent, a factor that was often considered when choosing the residents who would defend these places. Given the poor conditions of the prisons, it is not surprising that there was a high incidence of escapes, which involved breaking out and beating prison guards. There were notably many cases of corruption, involving even jailers and *alcaides*, at least according to the versions conveyed in the *cartas de perdão*. Finally, quarrels were frequent, often resulting in

⁵⁹ According to royal documentation, in 1450, D. Afonso V favored the good men of the town of Moura, so that it would be populated with 50 *homiziados* from the town of Arronches (ANTT, *Chancelaria de D. Afonso V*, liv. 34, fl. 50).

⁶⁰ ANTT, *Chancelaria de D. Afonso V*, liv. 34, fl. 50.

⁶¹ ANTT, *Chancelaria de D. Manuel I*, liv. 30, fls. 39v-40.

⁶² ANTT, *Chancelaria de D. João I*, liv. 1, fls. 194-194v. a *couto* for 50 *homiziados* was authorized in Juromenha in 1388.

⁶³ First and foremost, a presentation done by Ana Santos Leitão (2023) entitled *The Homiziados, Exiled, and Other Pardoned Individuals from Loulé in the Middle Ages (15th Century)* at the 6th conference on the History of Loulé.

⁶⁴ Like Oliveira Marques had done (1987: 25).

⁶⁵ As we have confirmed from works such as Moreira, 2011; Gomes, 2015.

acts of aggression and injuries, with the sentences in the *coutos* under study providing the clearest indication of that fact.

4. FINAL CONSIDERATIONS

What we could glean from the data that was compiled and analyzed, was that these three *coutos* had some points in common. For example, in terms of provenance, the *homiziados* were mostly residents of the very towns that the *coutos* were in, followed in varying percentages, by residents from nearby locations. The criminals were men, with only a single woman having been identified. This sampling enables us to draw a profile of these men, which included craftsmen and farmers, and people associated with noble or royal households and with officials of the crown. We concluded that homicide was the most punished crime in all three *coutos*. In terms of mobility, and Ceuta being one of the main *coutos* outside of the kingdom, we found that there was some mobility between *coutos* in frontier zones of Alto Alentejo and the North African outpost. After this brief analysis of the three Frontier *coutos*, we reiterate that this subject needs a more in-depth study, and especially more comparing with data from the remaining *coutos*. Both from a regional point of view, and a comparison of the typology of the sources, which need an even more thorough analysis, to firmly confirm the interpretations we have arrived at from this sampling.

Let us finish with the image of the *coutos de homiziados* portrayed by the municipalities, i.e. those of the border. The powerful elite of the cities and towns revealed what they thought in the general chapters of the *Cortes* of Coimbra-Évora de 1472. The «people» complain that the large number of *coutos*, especially the most recent ones to be created, inspire the audacity of criminals, to the point that they become «lairs of the theives» (Ventura, 1998: 601-625). The procurators of the municipalities alleged, in the parliament, that it was only necessary to keep the older *coutos*, confirmed by the king, because the *coutos* (like the ones of Marvão, Arronches and Ouguela) were situated in «extreme places» and were «depopulated and hard to live in». They suggested extinguishing those *coutos* that were in populated areas in the interior of the kingdom. To paraphrase, for example, the residents of Arronches, they «had to perform hard labor in those extremes where they lived, forced to constantly repair and defend the walls of the towns»⁶⁶. Only the danger of depopulation justified the creation of *coutos de homiziados*.

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⁶⁶ ANTT, *Cortes*, m. 2, n.º 14, fls. 57-129 (Capítulos Gerais do Povo, n.º 38).

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APPENDIX

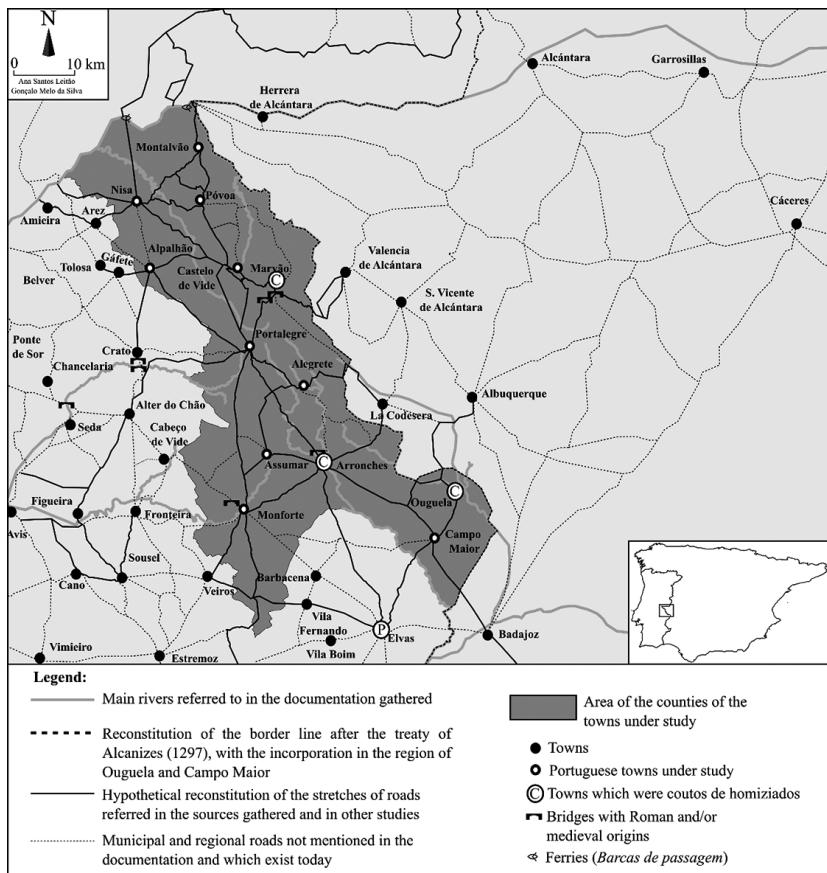


Fig. 1. Coutos de Homiziados in Northeastern Alentejo (14th-15th Centuries).

TABLE 1: LIST OF HOMIZIADOS IN THE COUTOS OF MARVÃO, ARRONCHES, AND OUGUELA (15TH CENTURY)

COUTO DE HOMIZIADOS	NAME	SOCIO-PROFESSIONAL STATUS OR OCCUPATION
Marvão	João Afonso	Tailor
Marvão	Vasco Afonso	
Marvão	João Eanes	

Continued on the next page

TABLE 1: LIST OF HOMIZIADOS IN THE COUTOS OF MARVÃO,
ARRONCHES, AND OUGUELA (15TH CENTURY)

COUTO DE HOMIZIADOS	NAME	SOCIO-PROFESSIONAL STATUS OR OCCUPATION
Marvão	Diogo Gonçalves	Receiver of taxes
Marvão	Diogo Vasques	
Marvão	Vasco Afonso	Judge
Marvão	Gonçalo Eanes	
Marvão	Gonçalo Martins	Squire to Infante D. Fernando
Marvão	Fernando Eanes	Farmer
Marvão	João Fernandes	Potter
Marvão	Fernão Domingues	
Marvão	Nuno Fernandes de Moraes	Royal squire
Marvão	Cristóvão Rodrigues	
Marvão	João Álvares	Farmer
Marvão	João Afonso	
Marvão	Rui Lopes	Squire
Marvão	Álvaro Fernandes Mafrado	
Marvão	Álvaro Lourenço	
Marvão	Lopo Vasques	Monteiro
Marvão	Gonçalo “Monieiro”	
Marvão	Diogo Lopes Calvo	Squire
Marvão	João Lopes Tornay	
Marvão	Fernando Álvares de Marques	
Marvão	João Lopes	<i>Criado</i> of Fernão de Melo, <i>alcaide-mor</i> of Évora
Marvão	Afonso Tomé	
Marvão	Diogo Lopes	Squire
Marvão	João Franco	
Marvão	João de Pica Bilhuço	
Marvão	Leonor	<i>Moça</i> of João Mendes
Marvão	Gonçalo Álvares	Cobbler
Marvão	Lourenço Fernandes	Farmer
Arronches	Estêvão Rodrigues	Cutler
Arronches	Rodrigo Eanes	
Arronches	Gonçalo Vasques	<i>Criado</i> of Dona Catarina de Sousa
Arronches	João Esteves	
Arronches	João Afonso	

Continued on the next page



TABLE 1: LIST OF HOMIZIADOS IN THE COUTOS OF MARVÃO,
ARRONCHES, AND OUGUELA (15TH CENTURY)

COUTO DE HOMIZIADOS	NAME	SOCIO-PROFESSIONAL STATUS OR OCCUPATION
Arronches	Gonçalo Vasques da Pena	
Arronches	Manuel Afonso	
Arronches	Gil de Lamoso	
Arronches	Nuno Gonçalves	Squire to D. Garcia and jailer in Santarém
Arronches	Afonso Eanes	Alcaide of Benavente
Arronches	Rui Vasques	
Arronches	Gonçalves	
Arronches	Fernando Álvares	Squire to the Marquis of Valença
Arronches	João Afonso	
Arronches	Fernando	
Arronches	Gonçalo	
Arronches	Afonso Silva	Jailer in Sintra
Arronches	Luis Álvares	
Arronches	João das Ilhas	
Arronches	Diogo Fernandes Frangalho	Farmer
Arronches	Pero Vasques	
Arronches	João Gonçalves	
Arronches	Diogo Gonçalves	
Arronches	Estêvão Coelho	Jailer in Santarém
Arronches	Nuno Álvares	Farmer
Arronches	Luís Álvares	
Arronches	Gonçalo Martins Rochas	
Arronches	Fernão Dias Rocano	
Arronches	Pero Vaz [Frausto]	
Arronches	João Dias	
Arronches	Lourenço Eanes [dito Freira]	
Arronches	Álvaro Rodrigues	Sailor
Ouguela	João Esteves	<i>Criado</i> of the Count of Vila Real
Ouguela	Azemede	Mouro forro
Ouguela	Fernão Gonçalves	Carpinteiro
Ouguela	Pedro Soudinho	
Ouguela	Fernão Gonçalves	master of a lady-in-waiting to Infanta D. Catarina
Ouguela	Fernão Gonçalves	

Continued on the next page

TABLE 1: LIST OF HOMIZIADOS IN THE COUTOS OF MARVÃO, ARRONCHES, AND OUGUELA (15TH CENTURY)

COUTO DE HOMIZIADOS	NAME	SOCIO-PROFESSIONAL STATUS OR OCCUPATION
Ouguela	Fernando Álvares	
Ouguela	Martim Rodrigues	
Ouguela	João Fidalgo	
Ouguela	João Carvalho	
Ouguela	Afonso Moreno	
Ouguela	Diogo Afonso Belo	
Ouguela	João Lopes	
Ouguela	Rodrigo Anes	
Ouguela	Sueiro Eanes	Squire to Diogo Lopes de Sousa
Ouguela	Gil Soares	Squire to Diogo Lopes de Sousa
Ouguela	Aires Tinoco	Squire to Diogo Lopes de Sousa
Ouguela	Sueiro Tinoco	Squire to Diogo Lopes de Sousa
Ouguela	João Nosqueira	

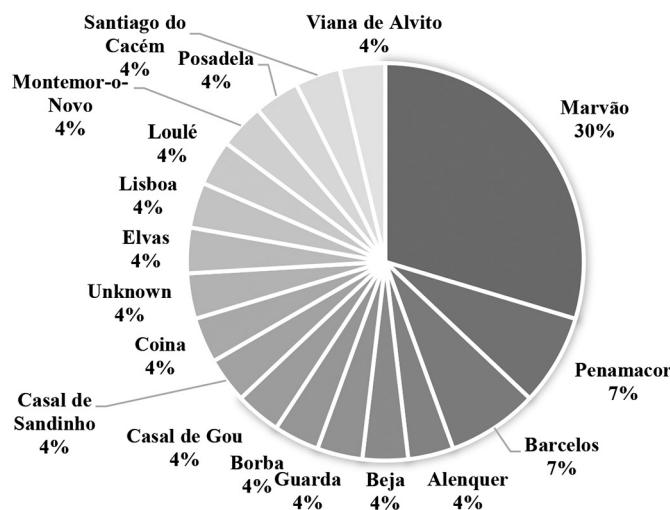


Chart n.º 1. Provenance of *homiziados* sentenced to the Couto of Marvão (1435-1497).

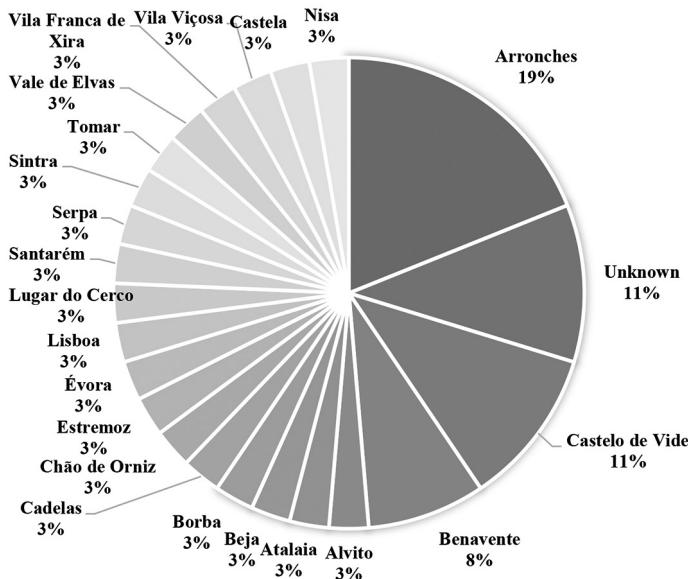


Chart n.º 2. Provenance of *homiziados* sentenced to the Couto of Arronches (1438-1490).

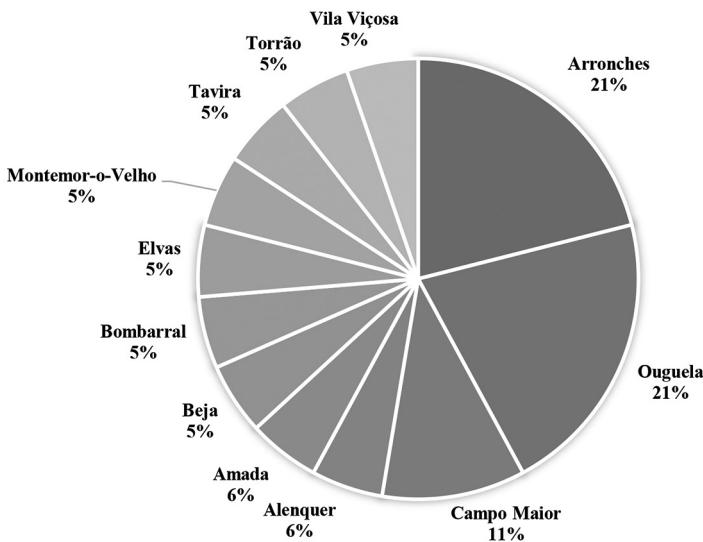


Chart n.º 3. Provenance of *homiziados* sentenced to the Couto of Ouguela (1440-1496).

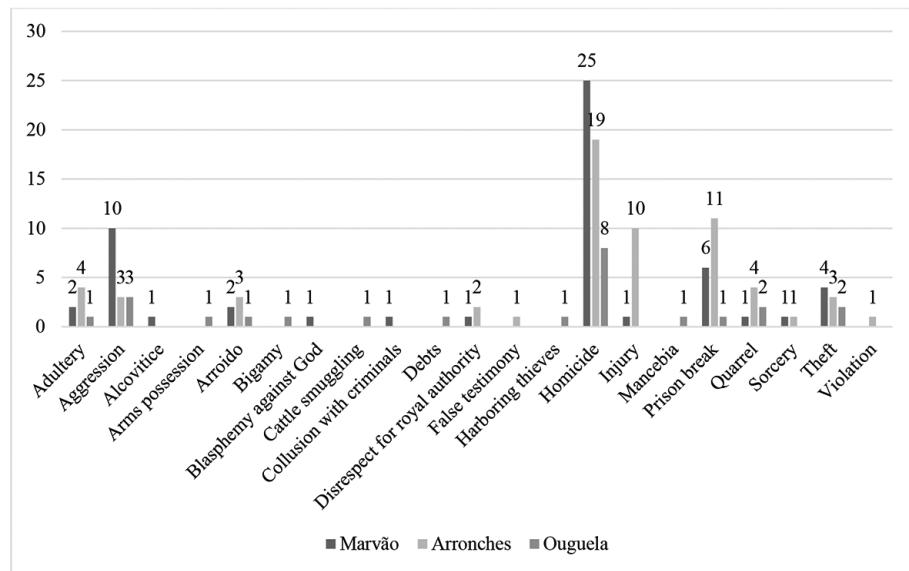


Chart n.º 4: Typology of Crimes committed by *Homiziados* in the Coutos of Marvão, Arronches and Ouguela (15th Century).

