From *Judici de Taula* to *Visitas.* A Brief Overview of How Catalan Parliaments Made Public Officials Accountable

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I

Three central ideas characterised the Catalan political and legal system of Late Medieval and Early Modern times: the rule of law, public officers' accountability and constitutionalism. In the Catalan case, constitutionalism –defined by Scott Gordon as the political practice that imposes constraints on the exercise of political power (1999, 236-237)– was exemplified through the fact that none of the jurisdictional powers –the king, the estates, the *Generalitat*, the cities or the Church, to mention some– had the power to impose general rules without the previous agreement of all the political contenders gathered in the Catalan Parliament. A political system that Contemporary historiography has called *pactisme,* named after the Catalan word referring to an agreement between two (or more) parts –*pacte* (pact)–.

It was during the second half of the 13th Century when this particular form of government began to unfold, a process that went hand in hand with the reception of Roman Law (Pons 2006, 73-82). The reception and assimilation of *Ius Commune* had therefore allowed the Aragonese kings to endow themselves with public preeminence traditionally attributed to the Roman emperors. By doing so they could begin to differentiate themselves from the rest of the Catalan feudal lords whose power relations at that point started to be considered private, and therefore lower-ranking within the Catalan political system (Rovira 1933, 187). At the same time however, the feudal lords limited the king's power in successive Parliaments. So although the vassals recognised the public predominance of the Aragonese kings, the latter never achieved the universal and absolute character typical of Roman emperors. In fact, Aragonese kings never had the strength to impose such a framework. This led to the creation of a system based on a balance of power between king and kingdom; a situation perfectly displayed every time they met in the Parliament to negotiate both, the kingdom's subsidy to their ruler and the approval of new legislation. This particular organisation of the Catalan public domain established not only the foundations for the development of the rule of law and constitutionalist practices of government during the Late Medieval and Early Modern times; It also decisively contributed to incorporating the concept of public officers' accountability into all sorts of jurisdictions (Sabaté 2017).

This article aims to offer a brief overview of the public officials' accountability practices that were passed by the Catalan Parliament during the Late Medieval and Early Modern times: the *Judici de Taula* (Table Trial) –also known as *Purga de Taula*–, the *Visita* of royal officers, and the *Visita del General –Visita* of the officials of the *Generalitat de Catalunya*–. In order to accomplish this objective, this paper will not only rely on the latest historiographical contributions but also will take into account primary sources and archival registers to get the broadest feasible overview.

II

Among all the mechanisms of public officers' accountability that were put into practice in Catalonia before the implementation of the *Nueva Planta*'s Decree, the oldest was the *Judici de Taula.* The *Judici de Taula* was the end of term audit of the temporary royal officials (Lalinde 1965; Ferro 1987, 404-406; Beauchamp 2021).[1] Considered to be the equivalent of the Castilian *Juicio de Residencia*, the regulation of the *Judici de Taula* was developed thanks to the insistence of the Catalan estates within different Parliamentary sitting from 1283 to 1599 -though the principal law regarding the whole procedure was approved during the Parliament of 1311 (*Constitució* 2/1311)-.[2] The procedure of the Table Trial was simple: once every three years, for each *Vegueria*'s Capital[3] the king –or his General Lieutenant (historiographically also known as *Virrey)*– chose a member of the noble state, a member of the royal state and a law expert who had to inquire about the performance of the royal officers of their district in the time period since the last trial.

After being elected, the three Table Trial judges set up the court in charge of scrutinising the royal officers during the following four months. The judges' inquiries aimed to uncover any acts of negligence or fraud committed by the royal officers concerning their duties. More specifically: they tried to detect whether or not the public officers applied, maintained and observed the royal jurisdiction; if they had accepted or consented to any kind of fraud towards the king's jurisdiction in exchange for money or any other type of gifts; if they had observed the legislation passed by the Catalan Parliament; if they had performed against the interests of the public community or its members; and finally, to broadly investigate if the officers had committed any crimes or offences during their tenure as public servants (Lalinde 1965, 510-513). It is worth mentioning that the king was not allowed to interfere within the whole procedure; in fact, he was in charge of enforcing the sentences pronounced by Table Trial judges. Besides, there was an appeal procedure conducted before two further judges placed in Lleida and Barcelona in case the verdict of the original sentences was considered to be shameful, economically outrageous or implied a corporal punishment (*CADC* 1702, 124-125).

To date, no documental evidence of Table Trial procedures have been discovered which enormously limits any assessment historians can make of the whole system. Contrary to the procedures of both the *Visita* of the royal officers and the *Visita del General* –whose documentation was centrally preserved in the archive of the *Diputació del General de Catalunya*– everything points at the fact that Table Trial procedures' were kept by the notaries *ad hoc* appointed by the judges to record the acts of each of those trials. Therefore, this very likely contributed to the dispersal of the documentation and ultimately to its stray.[4] In the absence of evidence, the global picture that nowadays can be obtained from the *Judici de Taula* can be significantly biased by the accusations made

[1] I would like to thank Dr Alexandra Beauchamp for having the opportunity to consult this book chapter as a preprint.

[2] *Constitucions* 19/1283, 4/1289, 1/1299, 2/1299, 21/1299, 1/1301, 2/1311, 11/1311, 19/1321, 3/1333, 4/1333, 5/1333, 6/1333, 7/1333, 3/1351, 10/1351, 29/1351, 6/1359, 9/1363, 23/1413, 20/1422, 28/1503, 14/1512, 10/1534, 60/1547, 2/1553, 8/1553, 28/1564, 40/1585, 103/1585 & 12/1599; *Capítols de Cort* 8/1564 & 29/1564. (CADC 1702, 121-131).

[3] The *Vegueria* was the territorial administration unit for organising justice and taxation within Catalonia during the Medieval and Early Modern Times.

[4] According to the personal diary of Jeroni Saconomina, a politician from Girona that lived between the end of the 16th and the beggining of the 17th Centuries, the Table Trial that he faced after being Baliff of Girona was kept by Joan Canals, a notary from the very same city (Simon 1991, 228).

by the Catalans of the 16th and the 17th Centuries in regards to its lack of application. For instance, during the Catalan Parliament of 1599 Bernat de Cardona –abbot of the Monastery of Sant Miquel de Cuixà– complained that the Table Trial had not been undergone within the previous twenty years in the *Vegueria* of Vilafranca de Conflent.[5] In the same way, Antoni Alzina –judge of appeals of Table Trial sentences– decried that the convicted used the appeal procedure to block the enforcement of the verdicts by initiating but not pursuing the appeal, a practice that caused «a huge inconvenience since the verdicts of the Table Trial judges are becoming a delusion and are completely ineffective».[6] The situation did not improve even after the Catalan Parliament of 1599. Three decades later, an anonymous memorial presented to the *visitador* of the royal officers reported that

> These judges of Table Trials have been misbehaving when it comes to applying justice. Furthermore, when they make sentences, they do not enforce these sentences in the way that is established within the Catalan Constitutions. Consequently, the Table Trials are no longer useful and being aware of this, the public servants perpetrate several injustices and offences.[7]

Nevertheless, Alexandra Beauchamp (2010, 55-76) has recently stated that there is some evidence that the *Judicis de Taula* were performed effectively during the Late Medieval and Early Modern times. First, the consecutive legislation passed by the Catalan Parliaments between the 13th and the 16th Centuries concerning the Table Trials should warn us about the persistency of this accountability procedure: if the system had not been used, it would have been pointless to pass new legislation concerning its operations and the attributions of their officers. Secondly, countless references are made to the practice of the *Judici de Taula* procedure within the *Inquisitionum* registers of the Royal Chancellery during the reign of Pere III el Cerimoniós (1343-1387), not only for Catalonia but also for the Kingdom of Valencia (Beauchamp 2010, 55; 2021). Thirdly, the fact that the territories under manor jurisdiction also adopted the procedure to guarantee a minimum control over the lord's officials also epitomizes its significance within the Catalan political system (Serrano 1996, 1007-1013). Finally, the partial preservation of some Table Trial procedures at the end of the 17th and the beginning of the 18th Centuries also points towards the validity of the system,[8] even beyond the implementation of the Nueva Planta Decree in 1716 (Serrano 1996, 837, 843).

III

Parallel to the creation and development of the *Judici de Taula* at least since the reign of Pere III el Cerimoniós, the Aragonese kings also established the practice to inquire against their public servants that «*tabularis non tenierunt*».[9] This system, similar

[5] Arxiu de la Corona d'Aragó (ACA), Generalitat, Sèrie N, 1050, ff. 692r-692v.
[6] ACA, Generalitat, Sèrie N, 1049, ff. 112r-113r. "*un molt gran inconvenient per restar il·lusòrias y no ésser de ninguna efficàcia las sentències dels jutges de taula*".
[7] ACA, Generalitat, Sèrie RV, 53, 27. "*Estos officials jutges de taula se han portat tant mal en ministrar justícia, y si la administran en fer sentèntias no las posan en executió com las deuen posar per Constitutions de Cathalunya, dehont se ha seguit que ja los judicis de taula y residèntia no són de profit algú y los jutjas ordinaris, confiats del sobredit, fan moltes injustítias e injúrias*".
[8] Two examples of Table Trials –that did not flourish due to the fact that the whistleblowers renounced to continuing the prosecution against the unruly officials– can be found in Arxiu i Biblioteca Episcopal de Vic (ABEV), Notarials, Josep Coromina (1652-1692), 14-VIII-1686; & ABEV, Notarials, Joan Francesc Coromina i Sallés (1692-1740), 30-VII-1704.
[9] ACA, Reial Cancelleria, Registres, 1495, ff. 113v-114r.

to how the Castilian *Pesquisa* was usually employed when somebody denounced severe misconduct of the royal officers before the monarch (Macri 2008, 389), was probably exploited within the 14th and the 15th Centuries.[10] Thanks to this accountability procedure, the Aragonese kings were able to inquire into the performance of their officers, without having to bear in mind their rank nor whether or not they were appointed to a temporary office. However, these inquiries were not regulated by the legislation arising from the Catalan Parliament. As a consequence, they were conditional on the capacity of the monarch to enforce his preeminence within a given political context. This should explain why it was not until the Parliamentary sitting of 1510 held in Montsó that Ferran II (1479-1516) proposed before the estates an accountability process against the royal officers not affected by the Table Trial –once the pact between the King and the Catalan estates was successively confirmed in 1481 (Constitution of the Observance, 22/1481) and 1486 (Arbitral Sentence of Guadalupe), that is to say, after ending the political turbulences of the second half of the 15th Century–.[11] Thanks to Constitution 60/1510, once every two years a jurist from the Crown of Aragon elected by the king had three months to enforce any complaints against unruly officials. After that, the prosecutions were sent to the king, who also had three months to pronounce the final verdict. Such accountability procedure had to be explicitly renewed at each Parliament, something that only happened at the 1512 gathering.[12]

It was not until the Catalan Parliament of 1547 that a new system aimed to control the behaviour of the higher-ranked royal officials was discussed again. Nevertheless, on this occasion, the estates were the ones who insisted on passing the new legislation (*Capítol de Cort* 1/1547); a situation that was repeated several times within the upcoming assemblies. The king and the kingdom agreed upon a mechanism similar to the one approved in 1510 and 1512. However, for the first time, the *Diputació del General* was appointed to be the guarantor of the whole procedure, since it received the oath of the *visitador* and had to preserve a copy of every prosecution.[13] As it happened with the *Visita* passed by the Parliament of 1510, the new system would have to be confirmed in the following gatherings, something that only occurred in 1564 –Constitution 2/1564–.[14]

Although during the Parliament of 1585 some sectors of the estates insisted on renewing or at least maintaining the erstwhile accountability procedures against the higher-ranked royal officials,[15] it was in the Parliament of 1599 that a new system –valid until 1702– was approved. The *visitador* –a highly regarded jurist from the Crown of Aragon elected by the king– was in charge of conducting an inquiry divided into four phases: the first forty days were dedicated to convoke the inspection; then three months

[10] A nice example of this procedure referring to the misbehaviour of the local authorities of Ciutadella de Menorca denounced before the king by Berenguer de Tornamira, Menorca's Governour, can be found in ACA, Reial Cancelleria, Registres, 1495, ff. 66r-70v. In regards of its usage during the 15th Century, the Constitution of Observance –22/1481– refers to this procedure, but the principal Catalan royal officials are excluded of its scope. (*CADC* 1702, 47-50).

[11] Regarding the Catalan Civil War and its political and economic consequences see Ryder (2007).

[12] ACA, Generalitat, Sèrie N, 1001, ff. 169r-171v (Constitution 60/1510) & Sèrie N, 1004, f. 75r (Constitution 9/1512).

[13] ACA, Generalitat, Sèrie N, 1027, ff. 314r-316v. This explains why the prosecutions of the *Visita* of the royal officers of 1551 have been kept in the Archive of the Crown of Aragon within the *Generalitat* section. An example can be found in ACA, Generalitat, Sèrie RV, 110, 109.

[14] ACA, Generalitat, Sèrie N, 1037, f. 258v.

[15] *Cort General de Montsó (1585). Montsó-Binèfar. Annexos i índex: esborrany del procés familiar del Braç Reial, documentació complementària i índex.* Barcelona: Generalitat de Catalunya – Departament de Justícia, 2010, p. 230.

were intended to receive the grievances against the unruly officials and to consolidate the prosecutions; afterwards, another three months were given to the indicted to present their defences; and finally, an additional ninety days to proclaim the verdicts. The sentences could be appealed before the Supreme Council of Aragon. Even though the Catalan estates requested that the new *Visita* should be celebrated every four years, Philip III of Spain (1598-1621) only agreed to a six-year periodicity.[16]

The historiographical debate concerning the *Visita* of the royal officials approved by the Catalan Parliament of 1599 can be divided into three major groups. First, the researchers that have underlined how difficult it was to implement the new system due to both the collusion of those royal officers affected by the *Visita* and the extreme normative rigidity of the whole process (Lalinde 1964, 250-252; Elliott 2006, 326; Ferro 1987, 407; Martínez 2003, 19-20; Peytavin 2003, 174-178). Secondly, those historians like Sixto Sánchez-Lauro which while taking into account the deficiencies of the system, also have emphasised its capacity to prevent the misbehaviour of public servants (Sánchez-Lauro 2012, 1084-1085). Finally, those researchers who have pointed out that the *Visita* of the royal officers was not successful because the king and the kingdom had a different idea about its scope. While the Spanish Monarchy envisaged the *Visita* as both a method to obtain crucial information regarding their officers and as a platform to implement greater political control within Catalonia (Torra-Prat 2019), Catalans considered the *Visita* an escape route to claim the grievances committed by the officers of the king (Serra 2003, 76).

Such lack of understanding was enough reason for the Catalan estates gathered in the Catalan Parliament of 1701-1702 to suggest a reform of the royal officers' Visita, adducing that the mechanism used between 1599 and 1702 had been «of little impact and huge expenses». The new act –*Capítol de Cort* 81/1702–17 mirrored the functioning of the Visita del General and incremented the participation of the members of the Catalan estates to improve its enforcement. Although the context of the Spanish War of Succession (1701-1715) had a negative influence over the development of the new Visita, a comparative study between the verdicts of the Visitas of 1635-1636 and 1710-1711 shows that the latter experienced a significant increase of the convictions against unruly officials and, what is even more relevant, their execution decrees.[18]

IV

Close at hand with the accountability practices of the royal officers in Catalonia, the Catalan Parliament started to develop strategies of control regarding the public officers of its estates permanent commission –the *Diputació del General*–. In this respect, in Lleida's Parliament of 1375 the estates granted significant accountability competencies to the *oïdors de comptes*, the officers in charge of the economical administration of the

[16] *Constitutions fetes per la S.C.R. Magestat del Rey don Phelip Segon, Rey de Castella, de Aragó, etc. en la primera Cort celebrà als cathalans en la ciutat de Barcelona, en lo Monastir de S. Francesch, en lo any 1599.* Barcelona: Gabriel Graells i Giraldo Dotil, 1603. *Capítol de Cort* 5/1599, ff. 21v-22r.

[17] *Constitucions, Capítols y Actes de Cort fetas y atorgats per la S.C.R. Magestat del Rey nostre senyor don Felip IV de Aragó y V de Castella, Comte de Barcelona, etc., en la primera Cort celebrada als Cathalans en la Ciutat de Barcelona, en lo Monastir de Sant Francesch, en los anys 1701 y 1702.* Barcelona: Rafel Figueró, 1702, pp. 74-77.

[18] The verdicts of the *Visita* of 1635-1636 can be found in ACA, Generalitat, Sèrie RV: 50, 4-12; 51, 13-19; 52, 20-23; 53, 24-27; 54, 28-35; 55, 36-40; 56, 41-49; 57, 50-53; 58, 54-58; 59, 59-65; 60, 66-75; 61, 76-84; 62, 85-94; 63, 96-103; 64, 104-108; 65, 109-116 ; the verdicts of 1710-1711 in ACA, Generalitat, Sèrie G, 8, 18.

Diputació (Montagut 1996, 109).[19] Nevertheless, the integral reform of the *Diputació del General* arranged in the Parliament of 1413 tended to blur the accountability attributions of the *oïdors de comptes* among broader political capabilities. This explains why the Parliament of 1431-1434 agreed upon the creation of a parliamentary commission of nine people –three for each estate represented in the assembly– committed to a structural inspection of the *Diputació del General*, both at the economic and the personnel levels, that led to the publication of new legislation concerning the institution.[20] The same scheme –a parliamentary commission followed by an in-depth inspection of the *Diputació* and, finally, a reform of the institution– was used during the Catalan Parliament of 1519-1520 and, more importantly, in this occasion the parliamentary commission was called "*Visita*" (Torra-Prat 2020, 38-49).

However, in the following Parliaments of the first decades of the 16th Century, the existence of two points of view in regards to the intensity of the visitas split the *Visita* commission' into two sub-commissions: the *Balanç* –economic– and the *Redreç* –political–. Also, from the Parliament of 1542 onwards, the *Visita* was outsourced: at the beginning of their mandate, the highest-ranked officials of the *Diputació del General* –the *diputats* and the *oïdors de comptes*– would have to inquire about the administration of their predecessors (Torra-Prat 2020, 49-59). This new system was utterly inefficient however; a situation that forced the Catalan estates to redesign the whole procedure both in 1585 and 1599.

The reform approved in the Catalan Parliament of 1599 established the legislation of the *Visita del General* used throughout the entire 17th Century.[21] The new law foresaw a *Visita* once every three years, parallel to the beginning of a new triennium in the *Diputació del General* –the period of mandate of the principal officials of this institution–. For nine months, nine *visitadors* elected among the electoral candidates of the *Diputació* were in charge of enforcing the claims against unruly officials, receiving the defences of the indicted and, finally, pronouncing the verdicts, of which there was no possibility for appeal. The relevance of the competencies given to the *Visita* allowed the institution to develop its practices of accountability effectively. Hence, within the 17th Century, the *Visita del General* was characterised by four main ideas: the high index of executed verdicts –around 62% of the verdicts were executed immediately (Torra-Prat 2020, 298-301)–; the reconditioning of the law applicable to the officers of the *Diputació del General* through the *Visita*'s verdicts (Capdeferro 2007); for becoming a fruitful counterbalance to the extensive jurisdictional attributions of the *Diputació del General*; and, finally, for controlling and introducing reforms over the performance of the territorial officials of the *Diputació del General*, adjusting their behaviour to the standards designed by the Catalan Parliament (Serra 2011).

The beginning of the 18th Century witnessed the celebration of the Catalan Parliament of 1701-1702 in which the estates introduced minor reforms to the *Visita del General* to fix the damage inflicted by the royal interventionism of the second half of the

[19] For a historiographical balance concerning the *Diputació del General* see Ferrer (2011).

[20] *Cortes de los antiguos reinos de Aragón y Valencia y Principado de Cataluña, Tomo XVII*. Madrid: Real Academia de la Historia, 1913, pp. 329-426. The legislation arisen from the inspection of 1431-1434 in *Libre dels Quatre Senyals del General de Cathalunya, contenint diversos Capítols de Cort, Ordinations, declarations, privilegis y cartas reals fahents per lo dit General*. Barcelona: Jeroni Margarit, 1634, pp. 250-290.

[21] *Capítols per lo Redrés del General y Casa de la Deputació de Cathalunya fets en las Corts celebrades en lo Monestir de Sant Francesch de Barcelona per la S.C.R.M. del Sereníssim Senyor Rey Don Felip II de Aragó y III de Castella en lo any 1599.* Barcelona: Rafel Figueró, 1704, pp. 4-10.

17th Century to the institution.[22] As a consequence, the Parliament designed an appeal procedure controlled by the *Visita –Capítol del Redreç* 32/1702–[23] which was confirmed again in the gathering of 1705-1706 *–Capítol del Redreç* 31/1706–.[24] Ultimately, according to the majority of the Catalan states, the *Visita del General* had been characterised throughout the entire 17th Century for «producing favourable effects».[25]

V

Judici de Taula, *Visita* of the royal officers and *Visita del General*: from the end of the 13th Century until the beginning of the 18th Century, the Catalan Parliament insisted on creating institutions aimed to control the performance of the public officers in both the jurisdiction of the king and the kingdom. Although it is highly feasible that the first laws concerning the Table Trial were concessions of jurisdiction within the framework of a weak feudal monarchy, it is also true that these concessions acted as a basis for new accountability practices both in and outside the king's jurisdiction in the centuries to come. As this article has shown, putting these accountability systems into practice was by no means easy; as the Early Modern Period moved along, the *Judici de Taula* seemed to lose its strength, especially by 1599 when the *Visita* of the royal officers even started to contest some of its areas of intervention.[26] Even the *Visita del General* – which had a positive implementation between 1599 and 1702– had to deal with significant reforms introduced by the Habsburg monarchy as a consequence of the new constitutional status of Catalonia after 1652 (Torra-Prat 2018). Be that as it may, the three systems outlined above were considered profitable by their contemporaries, especially by those sectors of society that benefited from their footprint. In conclusion, this also should warn us about why several sectors of Catalan society positively recalled these accountability procedures under the new political and legal system of the *Nueva Planta* after 1716 (Torras Ribé 2020, 15).

[22] ACA, Generalitat, Sèrie N, 1065, ff. 161v & 239r-239v.
[23] *Capítols del General del Principat de Cathalunya, Comptats de Rosselló y Cerdanya, fets en las Corts celebrades en lo Monestir de Sant Francesch de Barcelona, per la S.C.R.M. del Rey nostre senyor Don Phelip IV de Aragó y V de Castella, per lo redrés del General y Casa de la Deputació, en los anys MDCCI y MDCCII.* Barcelona: Joan Pau Martí, 1702, pp. 57-64.
[24] *Capítols de Cort per lo Redrés del General y Casa de la Deputació de Cathalunya, fets en las Corts celebradas en dita Casa de la Deputació per la S.C.R.M. del Rey nostre Senyor Don Carlos III en lo any 1706.* Barcelona: Rafel Figueró, 1706, pp. 57-65
[25] «Produïts favorables effectes». *Cort General de Barcelona (1705-1706). Procés familiar del braç militar.* Barcelona: Parlament de Catalunya – Departament de Justícia, 2016, p. 519
[26] ACA, Generalitat, Sèrie G, 8, 18, ff. 85r-90r.

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