

Synopsis of legal sources of portuguese *Habeas Corpus* (14th to 16th centuries)*

JOSÉ DOMINGUES, FRANCISCO CASTELO BRANCO

Habeas corpus is today commonly understood as an institute of the Anglo-Saxons, derived from the Common Law and disseminated (i) through by the British colonial power¹, (ii) under the American Revolutionary Constitutionalism (1776) or the French (1789) and, more recently, (iii) through international human rights laws². Nevertheless, the demand of its ancestral origins has overflowed to other epochs and to other legal systems, ending by spreading them to the diverse geographic quadrants of the planet – *v. g.*, the *interdictum homine libero exhibendo* of the Roman law³, the called *habeas corpus visigoth*⁴, the Liberatum English *Magna Carta*⁵, the Aragonese charter process of the *manifestación de las personas*⁶ and the Portuguese assurance letters⁷–.

The Portuguese institute of assurance letters can close in itself one of the oldest legal and legislative traditions and the well-established constitutional principle of the legal *habeas corpus*, held in Portugal for more than five consecutive centuries, from

the 13th century to the year 1830. It should be noted that in the late Middle Ages, the Discoveries brought (i) the multiplication of assurance letters granted to criminals of the kingdom who wanted to serve in the galleys and the conquered territories and (ii) an endemic spread of this institute to the overseas territories of achievements – for example, the paradigmatic case of Brazil⁸ or the Constitutions of the bishopric of Goa⁹–. Taking for granted that the Portuguese *habeas corpus* was not curtailed to this insignificant strip of territory, on the cable of the old continent to abut the Atlantic Ocean, which since the 12th and 13th centuries demarcated the geographical area of the kingdom of Portugal, maybe one day will it locate events documented in any of the five continents.

Taking into account that the Portuguese assurance letters are confirmed since the Middle Ages (*circa* the 13th century) and remained in effect for many consecutive centuries, with a disclosure that extended to large territorial areas and people from



View of the Lisbon palace

various corners of the world, this article intends to register without any intention of exhaustion or *res judicata*, some historical and legal Portuguese sources that can serve as a bulwark for their study and a comparison with similar institutions from other foreign jurisdictions. The time limit, that of the 16th century in the title of this article, appears in reference and in contrast to the Habeas Corpus Act of the British Parliament (1679), allowing to emphasize the Portuguese legislative and doctrinal sources that preceded it. It is not our purpose and it would be unaffordable in a work of this nature, for obvious limitations of time and space, to deal with all historical and legal sources. Therefore, we will limit ourselves to the laws sources of greatest prominence, inevitably leaving out the jurisdictional and doctrinal sources and the registration of the immense concrete cases in which assurance

letters were granted those who requested the competent regal entity¹⁰.

In short, we aim to identify the main historical and legal sources (favouring its publication in print media, but also and especially their online identification, amenable to easy access to any researcher anywhere in the world village) that may allow easy and direct confrontation of the constitutional principle of *habeas corpus* in the current Portuguese law with demonstrations from other legal foreign ones – *v. g.*, best known institute originated from the Common Law – even before the Petition of Rights (1628), the famous Habeas Corpus Act (1679) and its post-revolutionary constitutional consecration from the late 18th century.

The fact that the assurance letters exist only in the Portuguese legal system (and its overseas colonies)¹¹, and also that they arose, quite plausibly, before the English

habeas corpus, deepen our study-power and this will become a "lofty contribution to the infamous euro-western route of the law and underlying principles of *habeas corpus*"¹². It may be possible to set its origin on the German general peace, carved by customary peninsular law of the High Middle Ages, from the *Edictum Rothari* (643), and passing the peninsular curies of the 11th and 12th centuries – v. g., Leon (1017), Coiança (1055), Oviedo (1115) and Leon (1188)–. In summary, peace or safety would prove to be a powerful tool available to the lower-medieval political power in the fight against private vengeance, taking multiple forms, v. g., the peace of home, the peace of the market, the peace of the county, the peace of the church, the peace of the way, the peace of the court and the peace of the General Study¹³.

This manifest plurality of Iberian security is gone, quite plausibly; the Portuguese branch of the assurance letters, which allowed the accused to be taken to court and defend himself in freedom. Although its roots retreat to the 13th century (at least), the incipient legislative treatment, dispensed by monarchical power, begins to appear in the first half of the 14th century. During the reign of Don Dinis (1279-1325) it was necessary to regulate the limits of the legitimacy of the masters of religious-military orders, so that they would respect the right of the monarch himself¹⁴. In the following reign, King Afonso IV's (1325-1357) there is a real legislative proliferation in this area with the unusual enactment of three laws and the inclusion of the assurance letters in the Regiment of "corregedores das comarcas" (magistrates).

The first diploma of D. Afonso IV (3rd October 1329), to prevent the evasion of

justice and abuses committed by holders of assurance letters, required that: (i) the insured should confess to death, just to name the witnesses; (ii) if the accused denied death, two different situations could occur: (a) if there was no accuser, a letter should be passed up letter to the justices of the land where the crime was committed for wanton to conduct the inquiries, safeguarding contradictory to the accused; (b) if there was an accuser, it was for him to name the witnesses. The expenses of the witnesses brought to court is established according to the economic situation of the parties, thus, (i) if the accuser was rich and the accused was poor the witnesses came at the expense of the accuser, as long as the accused agreed; (ii) if they were both rich the witnesses came at the expense of each of the name; (iii) if the accuser was poor and the accused was rich, the witnesses came at the expense of the accused; (iv) if both were poor, send ascertain the truth by justices of the earth. In case of breach of any of the above provisions, the accused would lose his assurance and would be arrested immediately¹⁵.

It was established in a second law (undated): (i) the assured one that does not appear the day pointed out in the assurance letter is to be immediately arrested and imprisoned and if he is already imprisoned shall be heard and set free; (ii) if the assured one appears on the appointed day, the judges send him to call the parties or people who require to make law, setting him on the day that everyone should attend to the court; (iii) if that day he does not attend and does not claim justifying cause, the insurance to be heard will soon be arrested and imprisoned; (iv) the judges are required to register for all subsequent analysis; (v) if the assured ones attend, let them be heard by

the judges when they gather, and proceed as soon as possible, (vi) and that they always be assured according to the law; (vii) otherwise let them be immediately arrested and kept that way until they can be set free according to the law; (viii) and if they proceed and do as they should, let their assurance letters be kept, and not be arrested until their actions impose so; (ix) if the judges let them act wrongfully or otherwise act maliciously, the "corregedor" (magistrate) be surprised and make justice accordingly¹⁶.

In another decree of the same monarch (also undated) it is prohibited for judges or any others who have any judicial capacity from giving assurance letters to those who claim for Justice, for such power is reserved to the king or those he specially empowers to do so. Assurance letters issued without legitimacy are considered invalid and should not be kept by their holders. Wrong acting judges, in turn, would be deprived of the office or leave to the king any private jurisdiction they might have¹⁷.

Finally, in the second regiment (the first was in 1332) of the "corregedores das comarcas" (1340), granted by the referred King Afonso IV, it was recorded that these senior judges, as direct representatives of royal power at the sites were able to give all assurance letters, except in deeds of murder, slander, treason, sodomy, counterfeit and heresy¹⁸. This competence remained in a successive regiment granted by King D. Pedro I (1361)¹⁹ and, with a few nuances, would be compiled for the successive official compendia of *Ius proprium*: Alfonsine Ordinances²⁰, Manueline Ordinances²¹ and Filippine Ordinances²².

By law (undated) of D. João I (1385-1433), to avoid scandal and danger of the accused to walk safe at the scene, deadlines for

grant of assurance letters were established. The king (known as the one of the righteous memory) merely confirmed the usual "long time" in the kingdom, according to which it could not give (i) letters of insurance to those guilty of manifest physical aggression – e.g. open wounds and bloody, black and swollen bumps or other wounds that resulted in some crippling until thirty days had passed from the day of the offense, (ii) neither assurance letter made in death of man or woman within six months from the day of death have elapsed²³. The last term will be reduced to three months during in the second half of the fifteenth century. The halving (three months) is already contained in the regiment of the judge sent to the region of Beira, dated 30 December 1495²⁴ and is reiterated in the determination of April 28th, 1496, addressed to the governor of the Civil House of Lisbon, D. Álvaro de Castro²⁵. These deadlines – thirty days to assaults and three months in cases of death – remained unscathed and began to appear in the official compendia of *Ius proprium*, since the first edition of the Ordinances of D. Manuel I 1512/13 (Liv. V, tit. 42, fl. 32)²⁶ to express repeal of letters held by the decree of 2nd June 1830²⁷.

During the regency of prince D. Pedro (1439-1448), while King D. Afonso V as still a child, two decrees with the value of law were enacted, following the advice of some judges, counselors and scholars of the court. In the first one (17th March 1442), to avoid scandals and bad examples, it was determined that before the past six months, no assurance letters should be given in case of death, even if the accused confessed the crime and legitimate question claimed exclusion of unlawfulness – these are called confess assurance letters²⁸ –. In the second



XVI Century Portuguese map of Africa

decree (15th January 1443), it was established that the accused should be assured if he appeared voluntarily, even if he had no assurance letter²⁹. Interestingly, none of these determinations was upheld on Reform of the Ordinances of D. Afonso V.

The period of the Portuguese Ordinances, initiated by King D. João I, was characterized by the daunting task of collecting and systematizing the legal *corpus* of the kingdom. The compilers of this *corpus*, each in his own time (14th and 19th centuries), reserved a special place to the institute of assurance letters. In Afonsine compilation the title 123 of the Book III was reserved – “From the assurance letters that are demanded per death of man or open wounds and bloody how and when they will be given” –; the title 44 of Book V – “That no as-

surance letters may be given in case of open wounds until thirty days pass away” – and the title 57 of the same book V – “On the the assurance letters that give generally pear to be evildoers right” –; the title 112 of Book V – “Of those who have jurisdiction by the grace of the King these will not give assurance letters in any case” –; the title 115 – “Of the declaration that King Don Duarte has made about the general securities given to some to go to Cepta or any other place” –; to which a fragment is added with the title of “corregedores das comarcas” (book I, title 23, §25)³⁰.

It may be said that, in essence, the Ordinances of D. Manuel I keep, *mutatis mutandis*, the legislation inherited from the previous collection. It was, however expurgated the declaration of D. Duarte on gen-

eral assurances and gathered, the first three titles in a single one – of the book V: «Que nom deem carta de segurança em caso de feridas abertas ataa passarem trinta dias e em caso de morte ata tres meses». Remained as autonomous, also of Book V, the matter «Dos que ham jurdiçam per graça del Rey que nom dem cartas de segurança em caso algum», well as the prerogative of the “corregedores das comarcas” – in Book I –. The final version of these Ordinances added a new subject matter to the letters of insurance in Title 1 of Book V – «Da ordem que o Julguador terá nos feitos crimes»³¹.

The Filippine Ordinances, which remained in force until the emergence of codes, persevere, *mutatis mutandis*, in the legislation of the Manueline Ordinances³².

With the purpose of awarding legitimacy, the monarchy was giving up its regalia in favor of the powerful nobility, as the Duke of Bragança³³ and the Marquis of Vila Real³⁴, or the canon power³⁵. A sitting of the Casa da Suplicação (5 December 1562) imposed the assurance letters for the mistakes of notaries were passed only by the chancery judge and not by the “corregedor” of the court³⁶. By royal decree of 24 May 1688, was abolished the privilege of ombudsmen House of Bragança, the *infantado* and archbishopric of Braga may grant letters of insurance in case of death³⁷.

Leaving out multiple royal diplomas with force of law, one cannot forget a brief reference here to the so-called Law of the Reformation of Justice (6 December 1612). It was this legislative act which (i) created the *negative letters impeded*, for situations where the denial of the wrongdoing is accompanied by a strong evidence of alibi, (ii) determined that those who take confessing assurance letters, could not denial those

facts in their defense (iii) established rules of procedure to the superior court, and, to avoid the great damage that resulted from passes of letters, (iv) ordered that no pass worth itself as assurance³⁸.

The canonical power of the Church was always along with the civil power of the king. In such case, it would be *lapsus calami* do not leave here some remarks, although incomplete, accompanied by brief notes, to the canonical legislative sources of this period. Already in the concordats of the 14th and 15th centuries were detected regulation traces on this issue, especially because of the delimitation of the fields of activity of both jurisdictions³⁹. However, for effective regulation in canonical legislation, assurance letters would have to wait for the Synodal Constitutions of the XVI century and following ones⁴⁰. The comparison of canonical precepts with civil law (which is outside the scope of this article and will be dealt with in another context) reveals a close proximity and agreement exempting a more detailed analysis⁴¹.

Since the Synodal Constitutions of Braga (circa 1506) and the charter of D. Manuel I (23 July 1512) that the legitimacy of the prelates was considered equal to the monarch, as these started to pass assurance letters even in cases of death⁴². The assimilation was recognized by the Ordinances of the kingdom, and the subject of the assurance letters became to be assiduous in the canonical Constitutions. In summary, *mutatis mutandis*, the *Lex ecclesiastica* imposes (i) the same deadlines of the civil law to grant assurance letters in case of physical aggression (thirty days) and in case of murders (three months); (ii) immediate grant of confess letters as defense, in cases of death, (iii) the assurance, in case of death,

does not enter the places of harm during their deliverance – it is only this legislation that does not find a direct correspondence in the civil law –, (iv) the assurance accused presents himself in court, (v) in each case it is not due to pass more than three assurance letters, (vi) within ten days a new assurance letter should be requested; (vii) that the assured will not be arrested for breaking the assurance letter, if against him there are not sufficient grounds to do so.

In awareness that this is just the tip of the iceberg and that are yet to identify many other documentary sources, namely legislative, doctrinal and jurisprudential, but especially those of the individual cases that were processed in the Portuguese courts – this simple study may have been worth, if some benefit may result in opening up new ways for scientific research and the study of the «Portuguese habeas corpus» may ever come to be compared to any foreign counterpart.

References Legal-Historical

I. References Civil Law

1. 1322.May.20 – Law made by D. Dinis of assurance letters.
 - (i) Lisboa, IAN/TT – Chancelaria de D. Dinis, Liv. 3, fl. 145
URL: <<http://digitarq.dgarq.gov.pt/details?id=3813643>> (October 2015).
Ribeiro, João Pedro (1815): *Memorias para a historia das inquirições dos primeiros reinados de Portugal, colligidas pelos discipulos da aula de Diplomatica no ano de 1814 para 1815, debaixo da direcção dos lentes proprietario, e substituto da mesma aula*, Lisboa: na Impressão Regia, doc. 40, pp. 116-117.
URL: <<https://archive.org/details/memoriasparahistorib>> (October 2015).
 - (ii) Lisboa, IAN/TT – Gavetas, Gav. 5, mc. 2, n. 10.
URL: <<http://digitarq.dgarq.gov.pt/details?id=4632878>> (October 2015).
- (iii) Lisboa, IAN/TT – Gavetas, Gav. 13, mc. 1, n. 16.
2. 1329.October.03 – Law made by D. Afonso IV of assurance letters.
 - (i) Lisboa, BN – Cód. 9164, fls. 232-233.
Ordenações de D. Duarte (1988): Edição preparada por Martim de Albuquerque e Eduardo Borges Nunes, Lisboa, pp. 393-394.
URL: <http://iuslusitaniae.fcsh.unl.pt/verobra.php?id_obra=71> (October 2015).
3. 1340/1361/1446 – Law made by D. Afonso IV of “corregedores das comarcas”.
 - (i) Lisboa, IAN/TT – Feitos da Coroa, Núcleo Antigo 458 (Foros ou Costumes de Beja), fls. 37-41v.
URL: <<http://digitarq.dgarq.gov.pt/details?id=4182554>> (October 2015).
Caetano, Marcello (1981): *A Administração Municipal de Lisboa Durante a 1.ª Dinastia (1179-1383)*, Academia Portuguesa de História, Lisboa, pp. 158-174.
 - (ii) Lisboa, IAN/TT – Feitos da Coroa, Núcleo Antigo 365 (Foros de Santarém), fls. 43-51.
URL: <<http://digitarq.dgarq.gov.pt/details?id=4601531>> (October 2015).
Caetano, Marcello (1981): *A Administração Municipal de Lisboa Durante a 1.ª Dinastia (1179-1383)*, Academia Portuguesa de História, Lisboa, pp. 158-174.
 - (iii) Regimento outorgado por el-rei D. Pedro I (1361).
Ribeiro, João Pedro (1813): *Dissertações Chronologicas e Criticas*, Tomo III 2.ª Parte, Lisboa, doc. 37, pp. 93-112.
URL: <<https://archive.org/details/dissertaeschos3ribe>> (October 2015).
 - (iv) *Ordenações do Senhor Rey D. Affonso V* (1972): Real Imprensa da Universidade, Coimbra (facsimile da Fundação Calouste Gulbenkian, Lisboa, 1984/1998).
URL: <<http://www1.ci.uc.pt/ihti/proj/afonsinas/>> (October 2015).
Domingues, José (2008) *As Ordenações Afonsinas – Três Séculos de Direito Medieval (1211-1512)*, Zêrifo Editora, Sintra, pp. 245-259.
URL: <http://www.academia.edu/3123263/As_Ordenacoes_Afonsinas_-_Tres_Seculos_de_Direito_Medieval_1211-1512> (October 2015).
4. 1325-1357 – Law made by D. Afonso IV of assurance letters.
 - (i) Lisboa, IAN/TT – Feitos da Coroa, Núcleo Antigo 458 (Foros ou Costumes de Beja), fls. 45v-46.
URL: <<http://digitarq.dgarq.gov.pt/details?id=4632878>> (October 2015).

- 4182554> (October 2015).
5. 1325-1357 – Law made by D. Afonso IV of assurance letters.
 - (i) Lisboa, IAN/TT – Leis e Ordenações, Núcleo Antigo 1, fl. 107.
URL: <<http://digitarq.dgarq.gov.pt/details?id=4223265>> (October 2015).
 - (ii) *Livro de Leis e Posturas*: Prefácio de Nuno Espinosa Gomes da Silva e leitura paleográfica e transcrição de Maria Teresa Campos Rodrigues, Lisboa, Faculdade de Direito da Universidade de Lisboa, 1971, pp. 280-281.
URL: <http://www.iuslusitaniae.fcsh.unl.pt/verobra.php?id_obra=57> (January 2014).
 - (iii) Lisboa, BN – Cód. 9164, fl. 215.
 - (iv) *Ordenações de D. Duarte*: Edição preparada por Martim de Albuquerque e Eduardo Borges Nunes, Lisboa, 1988, pp. 370-371.
URL: <http://www.iuslusitaniae.fcsh.unl.pt/verobra.php?id_obra=71> (October 2015).
 6. 1385-1433 (s.l.) – Law made by D. João I of assurance letters.
 - (i) *Ordenações do Senhor Rey D. Affonso V* (1792): Real Imprensa da Universidade, Coimbra, Livro III, Título 113; Livro V, Título 44 (fac-simile da Fundação Calouste Gulbenkian, Lisboa, 1984/1998).
URL: <<http://www1.ci.uc.pt/ihiti/proj/afonsinas/>> (October 2015).
 7. 1442.March.17 – Law made by infant D. Pedro of assurance letters.
 - (i) Lisboa, IAN/TT – Feitos Findos, Casa da Suplicação, Liv. 72 (Livro das Extravagantes que até ao tempo presente há na Casa da Suplicação: Compilação feita por ordem do regedor Lourenço da Silva, por Duarte Nunes de Leão), fls. 255v-256.
URL: <<http://digitarq.dgarq.gov.pt/details?id=4162662>> (October 2015).
 8. 1443.January.15 (s.l.) – Law made by infant D. Pedro of assurance letters.
 - (i) Lisboa, IAN/TT – Feitos Findos, Casa da Suplicação, Liv. 1 (Livro Antigo das Posses), fls. 28-28v.
URL: <<http://digitarq.dgarq.gov.pt/details?id=4162670>> (October 2015).
 - (ii) Serra, José Correia da (1793): "Fragmentos de legislação escritos no livro chamado Antigo das Posses da Casa da Supplicação", *Collecção de Livros Ineditos de Historia Portugueza, dos reinados de D. João I, D. Duarte, D. Affonso V e D. João II*, publicados de ordem da Academia Real das Ciências de Lisboa, tomo III, Lisboa, n. 15, p. 560.
URL: <<https://archive.org/details/collecadelivo3corruoft>> (October 2015).
 9. 1446.July.28 – The Reformation of Ordinances of D. Afonso V.
 - (i) *Ordenações do Senhor Rey D. Affonso V* (1792): Real Imprensa da Universidade, Coimbra (fac-simile da Fundação Calouste Gulbenkian, Lisboa, 1984/1998).
URL: <<http://www1.ci.uc.pt/ihiti/proj/afonsinas/>> (October 2015).
 10. 1466.December.10 (Montemor-o-Novo) – D. Afonso V confirms the Duke of Bragança privilege, already established since the reign of King João I and D. Duarte, of giving assurance letters in cases of death and other crimes.
 - (i) Lisboa, IAN/TT – Gavetas, Gav. 2, mç. 11, doc. 12, fls. 3-4.
 11. d. 1474.October.15 – Law made by D. Afonso V of assurance letters.
 - (i) Lisboa, IAN/TT – Feitos Findos, Casa da Suplicação, Liv. 1 (Livro Antigo das Posses), fl. 30.
URL: <<http://digitarq.dgarq.gov.pt/details?id=4162670>> (October 2015).
 - (ii) Serra, José Correia da (1793): "Fragmentos de legislação escritos no livro chamado Antigo das Posses da Casa da Supplicação", *Collecção de Livros Ineditos de Historia Portugueza, dos reinados de D. João I, D. Duarte, D. Affonso V e D. João II*, publicados de ordem da Academia Real das Ciências de Lisboa, tomo III, Lisboa, n. 18:6, p. 562.
URL: <<https://archive.org/details/collecadelivo3corruoft>> (October 2015).
 12. 1495.December.30 – Law made by D. Manuel I of assurance letters.
 - (i) Lisboa, IAN/TT – Gavetas, Gav. 20, mç. 10, doc. 11.
 - (ii) Duarte, Luís Miguel (1999): *Justiça e Criminalidade no Portugal Medievo (1459-1481)*, Fundação Calouste Gulbenkian – Fundação para a Ciência e a Tecnologia, Coimbra, doc. 93, p. 639.
 - (iii) Domingues, José (2013): "As origens do princípio de «habeas corpus» no pré-constitucionalismo português", *Historia Constitucional* 14, p. 351.
URL: <http://www.historiaconstitucional.com/index.php/historiaconstitucional/article/view/363> (October 2015).
 13. 1496.April.28 – Law made by D. Manuel I of assurance letters.
 - (i) Lisboa, IAN/TT – Chancelaria de D. Manuel, Liv. 33, fl. 108.
 14. 1512.July.23 (Lisboa) – Law made by D. Manuel I

of assurance letters.

- (i) Braga, AD – Ms. Rerum Memorabilium Ecclesiae Bracarensis, vol. II, fl. 46v.
 - (ii) Lisboa, IAN/TT – Feitos Findos, Casa da Suplicação, Liv. 72 (Livro das Extravagantes que até ao tempo presente há na Casa da Suplicação: Compilação feita por ordem do regedor Lourenço da Silva, por Duarte Nunes de Leão), fls. 132-132v.
URL: <<http://digitarq.dgarq.gov.pt/details?id=4162662>> October 2015.
 - (iii) Leão, Duarte Nunes de (1569): *Leis Extravagantes collegidas e relatadas pelo licenciado Duarte Nunez do Liam per mandado do muito alto e muito poderoso Rei Dom Sebastiam nosso Senhor*, por Antonio Gonçalvez, Lisboa, p. 104.
URL: <<http://purl.pt/12180>> (October 2015).
(Edição fac-simile da Fundação Calouste Gulbenkian, Lisboa, 1987)
 - (iv) Domingues, José: "As origens do princípio de «habeas corpus» no pré-constitucionalismo português", *Historia Constitucional* 14, 2013, pp. 348-349.
URL: <<http://www.historiaconstitucional.com/index.php/historiaconstitucional/article/view/363>> (October 2015).
15. 1512/13 – Ordinances of D. Manuel I (first system).
 - (i) O primeiro [segundo] liuro das Ordenações, Lisboa: per Valentym Fernandez alemão, 1512-1513.
URL: <<http://purl.pt/14876>> (October 2015).
 - (ii) Dias, João José Alves: *Ordenações Manuelinas: Livros I a V: Reprodução em fac-símile da edição de Valentim Fernandes (Lisboa, 1512-1513)*, com Introdução de João José Alves Dias, Centro de Estudos Históricos da Universidade Nova de Lisboa, Lisboa, 2002.
 16. 1514 – Ordinances of D. Manuel I (first system).
 - (i) Liuro primeiro [-quinto] das Ordenações. Nouamente corrigido na segunda impressam. Lisboa: Ioham Pedro Bonhomini, 1514.
URL: <<http://purl.pt/14708>> (October 2015).
 17. 1521 – Ordinances of D. Manuel I (second system).
 - (i) O primeiro [-quinto] liuro das Ordenações. Évora/Lisboa, Iacobo Cronberguer alemam, 11 Março 1521.
URL: <<http://purl.pt/12182>> (October 2015).
 - (ii) O primeiro [-quinto] liuro das Ordenações. Lixboa: Germão Galharde [depois de 1533].
URL: <<http://purl.pt/14913>> (October 2015).
 - (iii) O primeiro [-quinto] liuro das Ordenações. Lixboa: por Manoel Ioam, 1565.
URL: <<http://purl.pt/14264>> (October 2015).
 - (iv) *Ordenaçoes do Senhor Rey D. Manuel* (1797): Real Imprensa da Universidade, Coimbra (fac-simile da Fundação Calouste Gulbenkian, Lisboa, 1984).
URL: <<http://www1.ci.uc.pt/ihti/proj/manuelinas/>> (October 2015).
18. 1562.December.05 (Lisboa) – Sentence of Casa da Suplicação.
 - (i) Lisboa, IAN/TT – Feitos Findos, Casa da Suplicação, Liv. 72 (Livro das Extravagantes que até ao tempo presente há na Casa da Suplicação: Compilação feita por ordem do regedor Lourenço da Silva, por Duarte Nunes de Leão).
URL: <<http://digitarq.dgarq.gov.pt/details?id=4162662>> (October 2015).
 19. 1603 – Filippine Ordinances.
 - (i) *Ordenações e Leis do Reino de Portugal* (1603): Recopiladas per Mandado do muito alto catholico & poderoso rei Dom Philippe. Impressas em Lisboa: no mosteiro de S. Vicente Camara Real de Sua Magestade da Ordem dos Conegos Regulares, por Pedro Crasbeeck.
URL: <<http://www1.ci.uc.pt/ihti/proj/filipinas/ordenacoes.htm>> (October 2015).
 - (ii) *Ordenações Filipinas* (1797): Real Imprensa da Universidade, Coimbra (fac-simile da Fundação Calouste Gulbenkian, Lisboa, 1984).
URL: <<http://www1.ci.uc.pt/ihti/proj/filipinas/orde nacoes.htm>> (October 2015).
 20. 1612 – Law of Justice Reform.
 - (i) Silva, José Justino de Andrade (1854): *Collecção Chronologica da Legislação Portuguesa, compilada e anotada por José Justino de Andrade e Silva, Bacharel formado em Direito*. 1603-1612. Lisboa, Imprensa de J. J. A. Silva Rua dos Calafates n. 80, pp. 390-393.
URL: <<http://legislacao regia.parlamento.pt/Pesquisa/Default.aspx?ts=1>> (October 2015).

II. References Canonical Laws

1. 1309.August.09 – «Concórdia» between King D. Dinis and the bishop D. João of Lisbon.
 - (i) *Ordenaçoes do Senhor Rey D. Affonso V* (1792) Real Imprensa da Universidade, Coimbra, Livro II, Título 4, artigo XI (fac-simile da Fundação Ca-

- louste Gulbenkian, Lisboa, 1984/1998).
URL: <<http://www1.ci.uc.pt/ihiti/proj/afonsinas/>> (accessed 5 January 2014).
2. 1361 (Elvas) – «Concórdia» between King D. Pedro I and clergy.
 - (ii) *Ordenações do Senhor Rey D. Affonso V* (1792): Real Imprensa da Universidade, Coimbra, Livro II, Título 5, artigo XIII (fac-simile da Fundação Calouste Gulbenkian, Lisboa, 1984/1998).
URL: <<http://www1.ci.uc.pt/ihiti/proj/afonsinas/>> (October 2015).
 3. 1390/91 (Évora) – «Concórdia» between King D. João I and clergy.
 - (i) *Ordenações do Senhor Rey D. Affonso V* (1792): Real Imprensa da Universidade, Coimbra, Livro II, Título 6, artigo I (fac-simile da Fundação Calouste Gulbenkian, Lisboa, 1984/1998).
URL: <<http://www1.ci.uc.pt/ihiti/proj/afonsinas/>> (October 2015).
 4. 1427.August.30 (Santarém) – «Concórdia» between King D. João I and clergy.
 - (iii) *Ordenações do Senhor Rey D. Affonso V* (1792): Real Imprensa da Universidade, Coimbra, Livro II, Título 7, artigo XXV (fac-simile da Fundação Calouste Gulbenkian, Lisboa, 1984/1998).
URL: <<http://www1.ci.uc.pt/ihiti/proj/afonsinas/>> (October 2015).
 5. 1497 – Constitutions of D. Diogo de Sousa to the bishopric of Oporto, approved at the Synod of Oporto 24 August 1496 (*Constituição lvii – Que se nam dem cartas de seguro, salvo aquelles que andavam ante do maleficio em abito e tonsura*).
 - (i) Paço Ducal de Vila Viçosa, BFCB – Res./45 Adq.
 - (ii) *Synodicon Hispanum II – Portugal* (1982): edição crítica dirigida por Antonio García y García, Biblioteca de Autores Cristianos, Madrid.
 - (iii) *Constituições que fez ho Senhor Dom Diogo de Sousa Bispo do Porto* (1997): Távola Redonda: Centro de Estudos de História do Livro e da Edição, Lisboa (Comemoração do V Centenário da introdução da imprensa no Porto, Fac-simile da edição do Porto: Of. de Rodrigo Álvares, 1497 – inc. da Biblioteca do Paço Ducal de Vila Viçosa, da Fundação Casa de Bragança, Res./45 Adq.–), 2 vol.º.
 - (iv) Machado, José Barbosa (2006): *Constituições de D. Diogo de Sousa. Impressas no Porto em 1497 por Rodrigo Álvares*, Introdução, edição semidiplomática e lematização de José Barbosa Machado, Cadernos Culturais da Câmara Municipal, Vila Real (2.ª edição, Braga, Edições Vercial, 2008 e ebook: Amazon, 2010).
 6. c. 1506 – Constitutions of D. Diogo de Sousa to the archbishopric of Braga, approved at the Synod of Braga 15 December 1505 (*Constituição lvii – Do tempo a que se ham de dar as cartas de seguro*).
 - (i) *Constituyções feytas por mandado do Reverendissimo senhor dom Diogo de Sousa Arçebispo e Senhor de Braaga Primas das Espanhas* (s. l., s. d.).
 - (ii) *Synodicon Hispanum II – Portugal* (1982): edição crítica dirigida por Antonio García y García, Biblioteca de Autores Cristianos, Madrid.
 7. 1534 – Constitutions of the bishopric of Évora.
 - (i) *Constituições do Bispado Deuora* (1534): Lisboa: por Germam Galharde, fls. 72-73.
URL: <<http://purl.pt/14928>> (October 2015).
 8. 1537 – Constitutions of the bishopric of Lisbon.
 - (i) *Constituiçoens do arcebisado de Lixboa* (1537): Lisboa: por Germam Galharde, fls. 79v-81.
URL: <<http://purl.pt/14665>> (October 2015).
 9. 1538 – Constitutions of the archbishopric of Braga.
 - (i) *Constituições do arcebisado de Braga* (1538): Lisboa: per Germã Galharde: per mandado do principe o senhor ifante dom Anrique eleito arcebispo senhor de Braga primas das Espanhas, fls. 78-79.
URL: <<http://purl.pt/14701>> (accessed 5 January 2014).
 10. 1541 – Constitutions of the bishopric of Oporto.
 - (i) *Constituições sinodales do bispado do Porto* (1541): ordenadas pelo muito reuerendo e magnifico Senhor dom Baltasar Limpo bispo do dicto bispado etc., Porto: por Vasco Diaz Tanquo de Frexenal, fls. 97-97v.
URL: <<http://purl.pt/14687>> (October 2015).
 11. 1548 – Constitutions of the bishopric of Coimbra.
 - (i) *Constituições synodales do bispado de Coimbra* (1548): Coimbra: per João da Barreira e João Aluarez, fls. 91-91v.
URL: <<http://purl.pt/4066>> (accessed 5 January 2014).
 12. 1554 – Constitutions of the bishopric of Algarve.
 - (i) *Constituiçoens do bispado do Algarue* (1554): Lisboa: em casa de Germão Galharde, fls. 83v-84.
URL: <<http://purl.pt/14796>> (October 2015).
 13. 1556 – Constitutions of the bishopric of Viseu.
 - (i) *Constituyções synodales do bispado de Viseu* (1556): Coimbra: per Ioam Aluares, fls. 76-77.
URL: <<http://purl.pt/15042>> (October 2015).
 14. 1560 – Constitutions of the bishopric of Angra do Heroísmo.
 - (i) *Constituições sinodales do Bispado Dangra* (1560): Lisboa: per João Blavio de Colonia, fls. 84-85.

- URL: <<http://purl.pt/15145>> (October 2015).
15. 1563 – Constitutions of the bishopric of Lamego.
 - (i) *Constituições synodales do bispado de Lamego* (1563): Em Coimbra: per Ioam de Barreira. URL: <http://webopac.sib.uc.pt/search~S17*por?/Xconstitui{u00E7}{u00F5}es+sinodais&searchscope=17&SORT=D/Xconstitui{u00E7}{u00F5}es+sinodais&searchscope=17&SORT=D&extended=1&SUBKEY=constitui%C3%A7%C3%B5es+sinodais/13%2C26%2C26%2CX/1856&FF=Xconstitui{u00E7}{u00F5}es+sinodais&searchscope=17&SORT=D&22%2C22%2C%2C1%2C0> (October 2015).
 16. 1565 – Constitutions of the bishopric of Évora.
 - (i) *Constituições do arcebispado Deuora* (1565): nouamente feitas por mandado do illustrissimo & reuerendissimo señor dom Ioam de Mello arcebispo do dito arcebispado &c., Évora: em casa de Andre de Burgos, fls. 79v-80v. URL: <<http://purl.pt/13348>> (October 2015).
 17. 1565 – Constitutions of the bishopric of Miranda.
 - (i) *Constituições synodales do bispado de Miranda* (1565): Lisboa: em casa de Francisco Correa, fls. 129v-130v. URL: <<http://purl.pt/14686>> (October 2015).
 18. 1567 – Decrees passed in the Provincial Council of Braga of 1566.
 - (i) *Concilium Prouinciale Braccaren* (1567): IIII pontificatus sãctiss. D. N. Pij. V. anno 2 regni vero potentiss. pijsimique regis nostri Sebastiani huius nôis primi anno. 10. praeside [...] patre fratre Bartholomaeo à Martyribus [...], Braccarae: apud Antonium à Maris typographum Reuerendiss. D. Archiepi Hispaniarum Primate, Actio IIII, in fine, cap. 19, fls. 92v-93. URL: <<http://purl.pt/23192>> (October 2015).
 19. 1568 – Constitutions of the bishopric of Goa.

Constituicones [sic] *do Arcebispado de Goa* (1568): aprovadas pello primeiro cõcilio prouincial. – Goa: per João de Endem, fls. 89-89v. URL: <<http://purl.pt/14666>> (October 2015).
 20. 1585/1601 – Constitutions of the bishopric of Funchal.
 - (i) *Constituições synodales do Bispado do Funchal* (1585): feitas & ordenadas por Dom Ieronimo Barreto, bispo do dito bispado, Lisboa: por Antonio Ribeiro, pp. 166-169. URL: <<http://purl.pt/14683>> (October 2015).
 - (ii) *Constituições synodales do Bispado do Funchal* (1601): com as extravagantes novamente impressas, por mandado de D. Luis de Figueiredo de Lemos, Bispo do dito Bispado. Lisboa, por Pedro Craesbeeck.
 21. 1585 – Constitutions of the bishopric of Oporto.
 - (i) *Constituições Synodales do Bispado do Porto* (1585): ordenadas pelo muyto illustre [...] senhor Dom frey Marcos de Lisboa, bispo do dito bispado &c., Agora nouamente acrecentadas com o Estilo da Iustiça, Coimbra: por Antonio de Mariz: á custa de Giraldo Mendez, liureiro, fls. 138v-139v. URL: <<http://purl.pt/15043>> (October 2015).
 - URL: <http://webopac.sib.uc.pt/search~S17*por?/Xconstitui{u00E7}{u00F5}es+sinodais&searchscope=17&SORT=D/Xconstitui{u00E7}{u00F5}es+sinodais&searchscope=17&SORT=D&extended=1&SUBKEY=constitui%C3%A7%C3%B5es+sinodais/13%2C26%2C26%2CX/1856&FF=Xconstitui{u00E7}{u00F5}es+sinodais&searchscope=17&SORT=D&20%2C20%2C%2C1%2C0> (January 2014).
 22. 1588 – Constitutions of the archbishopric of Lisboa.
 - (i) *Constituições do arcebispado de Lisboa* (1588): assi as antigas como as extrauagantes primeyras e segundas – Agora nouamente impressas, Lisboa: por Belchior Rodrigues: vendense na rua noua em casa de Ioam Lopez, fls. 84-85v. URL: <<http://purl.pt/14564>> (October 2015).
 23. 1591 – Constitutions of the bishopric of Coimbra.
 - (i) *Constituições synodales do Bispado de Coimbra* (1591): feitas & ordenadas em synodo pello senhor Dom Affonso de Castel Branco bispo de Coimbra, conde de Arganil e por seu mandado impressas, Coimbra: per Antonio de Mariz, fls. 138v-140. URL: <<http://purl.pt/21747>> (October 2015).
 - URL: <http://webopac.sib.uc.pt/search~S17*por?/Xconstitui{u00E7}{u00F5}es+sinodais&searchscope=17&SORT=D/Xconstitui{u00E7}{u00F5}es+sinodais&searchscope=17&SORT=D&extended=1&SUBKEY=constitui%C3%A7%C3%B5es+sinodais/1,26,26,E/1856~b1490271&FF=Xconstitui{u00E7}{u00F5}es+sinodais&searchscope=17&SORT=D&6,6,1,0> (October 2015).
 23. 1601 – Constitutions of the bishopric of Leiria.
 - (i) *Constituiçoens synodales do Bispado de Leiria* (1601): feytas & ordenadas em synodo pello Senhor Dom Pedro de Castilho e por seu mandado impressas, Coimbra: por Manoel de Araujo, fls. 89-90v. URL: <<http://purl.pt/17440>> (October 2015).

- * List of abbreviations: IAN/TT – Instituto dos Arquivos Nacionais da Torre do Tombo; BN – Biblioteca Nacional de Lisboa (National Library of Lisbon); BFCB – Biblioteca da Fundação Casa de Bragança (Library of Bragança's House Foundation); s. l. – sem local (without local); s. d. – sem data (undated); Liv. – Livro (Book); fl. – folio; doc. – Documento (Document); Cav. – Gaveta (Drawer); mc – Maço (Pack); Cód. – Códice (Codex); Ms. – Manuscrito (Manuscript); AD – Arquivo Distrital (District Archive); c. – Cerca; URL – Uniform Resource Locator.
- ¹ P.D. Halliday, *Habeas Corpus: From England to Empire*, Cambridge, Harvard University Press, 2010.
 - ² B. Farrell, *From Westminster to the World: The Right to Habeas Corpus in International Constitutional Law*, in «Michigan State University College of Law Journal of International Law», n. 17, 2009, 3, pp. 556-565, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1612910> (October 2015).
 - ³ L.F. García López, M. Malagón Pinzón, *Mecanismos de protección de derechos: de la República Romana a la acción pública del siglo XIX en Colombia*, in «Opinión Jurídica» [en línea], 8/16, Julio-Diciembre, 2009, pp. 149-167, <<http://www.scielo.org.co/pdf/ojum/v8n16/v8n16a09.pdf>>, (October 2015); J.C. Costa, *El Habeas Corpus en Roma y su Recepción en el Derecho Argentino*, in «Revista General de Derecho Romano», 16/2011, pp. 1-19, <http://www.iustel.com/v2/revistas/detalle_revista.asp?id=11&numero=16> (October 2015).
 - ⁴ A.G.A. Andreucci, *Origens do Habeas-Corpus: As Cartas de Seguro Portuguesas*, in «Revista de Direito da Faculdade de Ciências Sociais de Florianópolis», n. 2, 2007, pp. 25-45, <<http://virtual.cesusc.edu.br/portal/externo/revistas/index.php/direito/articulo/view/85>>, (October 2015).
 - ⁵ M. Satrústegui Gil-Delgado, *La Magna Carta: Realidad y Mito del Constitucionalismo Pactista Medieval*, in «Historia Constitucional», n. 10, 2009, pp. 250-251, <<http://www.historiaconstitucional.com/index.php/historiaconstitucional/articulo/view/232>>, (October 2015); Farrell, *From Westminster to the World: The Right to Habeas Corpus in International Constitutional Law*, cit., pp. 556-565; Halliday, *Habeas Corpus: From England to Empire*, cit.
 - ⁶ V. Fairén Guillén, *Habeas Corpus y Tortura Oficializada*, Zaragoza: Intitución Fernando el Católico, El Justicia de Aragón, 2005 [Disponível em <<http://www.derechoaragones.es/i18n/consulta/registro.cmd?id=607857>> (October 2015)]; Id., *Manifestación aragonesa y "habeas corpus" inglés*, in «L'Educazione Giuridica», VI Modelli storici della procedura continentale, II Dall'ordo iudicarius al código de procedura, Edizioni Scientifiche Italiane, 1994, pp. 255-292 [Disponível em <<http://www.derechoaragones.es/i18n/consulta/registro.cmd?id=601200>> (October 2015)]; Id., *Notas para el encuadramiento del proceso de "Habeas corpus" como modelo procesal*, in «Franz Matscher» 65, Viena, Manzsche Verlags-und Universitätsbuchhandlung, 1993, pp. 81-95 [Disponível em <<http://www.derechoaragones.es/i18n/consulta/registro.cmd?id=601197>> (October 2015)]; Id., *Los recursos de "reuges", "firmas de derecho" y "manifestación de personas", el "writ de habeas corpus", el recurso de "amparo" y el "mandado de segurança", garantías históricas y actuales de los derechos constitucionales de libertad de locomoción y de movimiento*, in «Revista de Derecho Procesal» 3/1988, pp. 619-704; Id., *Comentarios a la Constitución de 1978: El "Habeas Corpus" del artículo 17-4 y la "Manifestación de personas"*, in «Derecho y Proceso. Estudios Jurídicos en Honor del Prof. A. Martínez Bernal», Murcia, Universidad de Murcia, 1980, pp. 111-165 [Disponível em <<http://www.derechoaragones.es/i18n/consulta/registro.cmd?id=601195>> (October 2015)]; Id., *Los procesos aragoneses medievales y los derechos del hombre*, in «Anuario de Derecho Aragonés» 14, 1968-1969, pp. 343-400. A. Sánchez Aranda, *The English Habeas Corpus or the Aragonese Manifestación de Personas? The Procedural Model to Guarantee the Fundamental Right of Personal Liberty in the Spanish Constitution of 1812*, in «Vom Diener des Fürsten zum Diener des Rechts»: zur Stellung des Richters im 19. Jahrhundert; *Del servicio al Rey al servicio de la Justicia: el cargo de juez en el siglo decimonónico*, 2011, pp. 61-76; Id., *A Consequence of the Political System of the Kingdom of Aragon in the Late Middle Ages: The Aragonese Manifestación de Personas a Posse Iudicum as a Preservative Guaranteeing the Rights of Detained Personas*, in «Zeitschrift der Savigny-Stiftung für Rechtsgeschichte»: Germanistische Abteilung, n. 128, 2011, pp. 361-376; A. Sánchez Aranda, Y.M. Quesada Morillas, *Una institución procesal de Habeas Corpus anterior al Amendment Act inglés de 1679: la manifestación de personas del reino de Aragón*, in «Codex: Boletín de la Ilustre Sociedad Andaluza de Estudios Histórico-Jurídicos» 4, Córdoba, 2010, pp. 71-104.
 - ⁷ M. Caetano, *As Origens Luso-Brasileiras do Mandado de Segurança*, in «Revista da Faculdade de Direito da Universidade Federal do Paraná», n. 21, 1983, o, pp. 1-11, <<http://ojs.c3sl.ufpr.br/ojs2/index.php/direito/articulo/view/8871>> (October 2015); J. Domingues, *As origens do princípio de "habeas corpus" no pré-constitucionalismo português*, in «Historia Constitucional», n. 14, 2013, pp. 333-335, <<http://www.historiaconstitucional.com/index.php/historiaconstitucional/articulo/view/363>> (October 2015).
 - ⁸ In summary, v. g., M.L.R.C. Teixeira, *As cartas de seguro: de Portugal para o Brasil Colônia. O perdão e*

- a punição nos processos-crimes das Minas do Ouro (1769-1831), Tese de Doutorado Apresentada ao Programa de Pós-Graduação em História Social à Universidade de São Paulo, São Paulo, 2011, <<http://www.teses.usp.br/teses/disponiveis/8/8138/tde-15122011-165329/pt-br.php>> (October 2015); Andreucci, *Origens do Habeas-Corpus: As Cartas de Seguro Portuguesas*, cit., pp. 25-45; Caetano, *As Origens Luso-Brasileiras do Mandado de Segurança*, cit., pp. 1-11; P. de Miranda, *História e Prática do Habeas-Corpus*, Rio de Janeiro, Borsoi, 2009; T.B. Amaral, *Considerações sobre a origem e evolução da acção de habeas corpus*, in «Revista Brasileira de Ciências Criminais», n. 35, Julho-Setembro 2001, 9, pp. 101 ss.; Idem in «Doutrinas Essenciais Processo Penal» 5, Junho 2012, pp. 1303, ss.; T.R. da Fonseca, *A Garantia da Liberdade Individual e o Direito Brasileiro: Habeas corpus, enquadramento histórico e realidade hodierna*, com prefácio de J.A.E. Duarte Nogueira, Rio de Janeiro, Lumen Juris, 2013.
- ⁹ Reference II.21.
- ¹⁰ On this theme, vide J. Domingues, *O Habeas Corpus Português na Idade Média: Ius et Praxis*, in «Initium», 20/2015.
- ¹¹ M.H. Leitão, *Do Direito Lusitano Dividido em Três Tratados. I. Dos agravos. II. Das cartas de segurança. III. Das inquirições. Obra útil a todos os Professores de Leis e indispensável aos que trabalham nos tribunais*, Translation of the Latin by F. Ligório Vaz, Prefácio e Revisão Técnica de A.M. Hespanha, Fundação Calouste Gulbenkian, 2009, pp. 213-214. First edition: *De Iure Lusitano. Tomus primus in tres utiles tractatus divisus. 1. De Gravaminibus. 2. De Securitatibus. 3. De Inquisitionibus. Opus universis iurium professoribus utile, & in foro versantibus maxime necessarium*. Auctore Matthaeo Homem Leitão, Olim Bracharensis Curiae Primatialis Senatore, nunc Sanctae Inquisitionis Conim-
- bricensis consultore Deputato. Illustrissimo D. Amplissimoque Praesuli D. Francisco de Castro in Regnis, & Dominijs Portugaliae Inquisitori Generali dicatus. Cum facultate superiorum. Conimbricae. Ex Officina Emmanuelis de Carvalho Universitatis Typographi. Anno Domini M.DC. XLV., <http://webopac.sib.uc.pt/search~S17*por?/Xmateus+homem+leit%7bu00E3%7do&searchscope=17&SORT=D/Xmateus+homem+leit%7bu00E3%7do&searchscope=17&SORT=D&SUBKEY=mateus+homem+leit%C3%A3o/1%2C3%2C3%2CX/1856&FF=Xmateus+homem+leit%7bu00E3%7do&searchscope=17&SORT=D&3%2C3%2C%2C1%2C0> (October 2015).
- ¹² Domingues, *As origens do princípio de «habeas corpus» no pré-constitucionalismo português*, cit., p. 332.
- ¹³ R. Morán Martín, M.C. Quintanilla Raso, *De la paz general al seguro regio. Para la comprensión jurídica de un concepto y su aplicación en la Castilla de los Reyes Católicos*, in «En la España Medieval», n. 36, 2013, p. 42, <<http://revistas.ucm.es/index.php/ELEM/article/view/41417>> (October 2015).
- ¹⁴ Reference I.1.
- ¹⁵ Reference I.2.
- ¹⁶ Reference I.4.
- ¹⁷ Reference I.5.
- ¹⁸ Reference I.3.
- ¹⁹ Reference I.3.
- ²⁰ Reference I.9.
- ²¹ Reference I.15; I.16 e I.17.
- ²² Reference I.19.
- ²³ Reference I.6.
- ²⁴ Reference I.12.
- ²⁵ Reference I.13.
- ²⁶ Reference I.15.
- ²⁷ *Colecção Completa até hoje dos Decretos da regência do Reino de Portugal Algarves e seus domínios nos anos de 1829 e 1830*, na Imprensa do Governo, Angra, 1830, pp. 19-22.
- ²⁸ Reference I.7.
- ²⁹ Reference I.8.
- ³⁰ Reference I.9.
- ³¹ References I.15, I.16 e I.17.
- ³² Reference I.19.
- ³³ Reference I.10.
- ³⁴ Lisboa, IAN/TT – Chancelaria de D. Afonso VI, Livro do ano de 1657, fl. 55.
- ³⁵ Reference I.14 e as References II.6-ss.
- ³⁶ Reference I.18.
- ³⁷ *Colecção de Legislação – D. Pedro II (1667-1706)*, Livro (1683-1700), p. 160. Cfr. Domingues, *As origens do princípio de «habeas corpus» no pré-constitucionalismo português*, cit., p. 349.
- ³⁸ Reference I.20.
- ³⁹ References II.1-4.
- ⁴⁰ References II.5-ss.
- ⁴¹ J. Domingues, *O Princípio Constitucional do Habeas Corpus no Direito Canónico Português*, in «Historia Constitucional», n. 16, 2015 (accepted for publication).
- ⁴² Reference I.14. e Reference II.6.