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*Henry Sherbrooke Esq<sup>r</sup>.*  
*Caton.*

**A** 459888







*J. Herbrule*

A  
**NARRATIVE**

OF THE  
**PERSECUTION**

OF

**HIPPOLYTO JOSEPH DA COSTA PEREIRA  
FURTADO DE MENDONÇA,**

*A native of Colonia-do-Sacramento, on the River La Plata;*

**IMPRISONED AND TRIED IN LISBON, BY THE INQUISITION, FOR THE  
PRETENDED CRIME OF FREE-MASONRY.**

To which are added,

**The Bye-Laws of the Inquisition of Lisbon,**

**BOTH ANCIENT AND MODERN,**

*(never before published,)*

**Taken from the Originals in one of the Royal Libraries in London.**

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**IN TWO VOLUMES.**

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## TO THE ENGLISH READER.

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IN giving the history of my imprisonment at the inquisition of Lisbon, I have deemed it expedient to publish in full the older Bye-laws of the holy office in Portugal; and, in explanation, it will be necessary to quote here a few remarks published by me in the Portuguese language, upon the history of that establishment, which I hope will be acceptable to the English reader.

“Heresies in the christian church have been as ancient as the church itself, for the apostles themselves had to contend against heresiarchs; but the office of the inquisition, by a misname called the holy office, began in the year 1200 of the christian era. The only remedy left by the apostles against heresies was solely this; that the heretics should be admonished, and on their persevering in their obstinacy, should be excommunicated; that is to say, that the catholic christians should abstain themselves from communicating with them.

“This discipline lasted till the end of the third century; for, at the beginning of the fourth century, the emperor Constantine adopted christianity, and

wishing to protect the church, enacted laws against the heretics ; his successors did the same, and fragments of those laws still exist in the Theodosian and Justinian codes. Those emperors, in their laws, fulminated the penalties of banishment and pecuniary fine, according to the nature of the crime ; but the execution of those laws was, as well as that of all other laws, entrusted to the secular judges. The causes, however, of heresy, consisted of two parts ; first, to examine whether the doctrine by which the accused was tried, was or was not heretical ; the second, to examine and ascertain the fact ; that is to say, whether the accused did or did not follow or teach such an heretical doctrine, and afterwards followed the infliction of punishment. It is evident that the first part of this sort of trial was to be decided by ecclesiastics ; and, in fact, whenever there was a doubt in regard to the nature of the doctrine, the emperors used to consult the bishops of the place ; and when the case was of great importance, they summoned a council to decide upon it. The second part of the trial, viz. the ascertaining of the fact, and the infliction of the penalty where the prisoner was found guilty ; or administering absolution in case the prisoner was found not guilty, was always a matter belonging to secular

judges, who acted in conformity to the laws of the emperors.

“ During the arrangement of this system, some bishops, after they had inflicted on the heretics the last ecclesiastical penance that was consistent with the principle of the church, which is excommunication, used to leave the case entirely out of their hands, presuming that their ministers would preach the true doctrine to their people; other bishops, however, went farther, and instigated the civil magistrates to execute on the guilty the laws established against heretics; and, as those magistrates attended more to the seditions and disturbances caused by the heresiarchs, than to the heresy itself, sometimes they went so far as to inflict in these cases capital punishment; but frequently the bishops interfered, sincerely, and with good faith, begging that the capital penalty should not be executed. It is truly gratifying to read, in Sulpicius Severus, in the life of S. Martin, bishop of Tours, the strong opposition he made to the two Spanish bishops, Ithacius and Idacius, whom he even excommunicated, because they solicited the emperor, or usurper of the empire, Maximus, to punish certain heretics, which the emperor did, imposing on them the capital punishment. S. Augustin, this great de-

leader of the orthodox faith, also followed S. Martin in the same ideas; and amongst other documents there is one, which is a letter he wrote to a certain proconsul of Africa, called Donatus, where he says, that if the proconsul would continue to punish heretics with capital punishment, he, S. Austin, and the other bishops, would never declare to the proconsul who the heretics were, and so the imperial laws would go unexecuted.

“ The destruction of the western empire was the abolition of all law, but after the empire was established by Charlemagne, things went on without alteration till the year 1100 of the christian era; then the wars between the emperors and the popes, and the scandalous proceedings recorded by the history of those times, gave rise to many scisms and heresies, which generally began by disputes about the authority of the pope, who, whenever he strived to increase and augment his prerogatives beyond what was due to him, always found opponents ready to deny him even those he possessed before. About the year 1200, the popes, observing that the bishops were somewhat negligent in extinguishing the heresies, began to send to several provinces certain persons commissioned with inquiring into the heresies, and endeavour to bring the heretics to pu-

nishment ; and for this purpose chiefly made use of franciscan and dominican friars, two orders that were just then established ; and thence came the name of inquisitors, as persons sent by the pope to enquire into the heresies. Such inquisitors, however, at the beginning, did not constitute a tribunal, and only when they found out any heretic, informed against him, and carried him, if they could, before the civil magistrate, or any powerful chieftain, to be punished ; and the penalties, according to the despotic custom of the times, were arbitrary and without any other rule than the will of such baron, chieftain, or magistrate, as is exemplified in numberless instances in the wars of the heretics Albigenses, where the trials were made in courts-martial, and punishments summarily inflicted. Those inquisitors, sometimes, when they could not prevail on the public authorities to punish the heretics, instigated the populace against them, distributing to their followers crosses made of red or yellow cloth, which they sewed to their dresses, to distinguish them from the other people, and, thus embodied, attacked the heretics. There is, in the history of Portugal, a striking instance of the horrible consequences of this practice of the priests in exciting tumultuous execution.

“ In the reign of king Emanuel it happened, that in the church of St. Dominick, at Lisbon, when the sacrament was exposed to veneration on the altar, on a day of great festivity, a woman of the congregation cried aloud, miracle! miracle! because she thought she had seen the vase where the sacred host was upon the altar, surrounded by a great ray of extraordinary and unnatural light. A jew, of whose conversion then forcibly converted into christianity, who was present, unfortunately for himself, said, that he could see nothing but the reflexion of the sun shining upon the lid of the vessel where the host was placed; this observation was sufficient for the Dominican friars to insist with the people that they ought to punish this man; and he was accordingly dragged into the streets, and there cut in a thousand pieces. One of the same friars preached a sermon in the middle of the public square of the Rocio, persuading the people that they ought to attack the houses of all the jews newly converted into christianity, and hoisting up, as a banner, a large image of a crucifix, excited the populace to assassinate them, their wives and children, plundering and destroying their property, and committing every kind of atrocity. The king indeed punished

the magistrates, by suspending the charter of the city for some time, in consequence of their neglect in quelling the riot; but no efficacious measures were adopted to prevent the fury of the ecclesiastics in future.

“ In the year 1244, the emperor Frederick II. enacted four edicts upon this subject; receiving the inquisitors under his protection, and establishing against contumacious heretics the punishment of being burnt; a severity which was till then unknown to the laws amongst the christians. However, this had no effect to the extinction of heresies; for, in a short time afterwards, the same emperor quarrelled with the pope, and many new heretics appeared.

“ After a lapse of twenty-three years, pope Innocentius IV. wishing to destroy the heresies already introduced by the past disturbances in Italy, took advantage of the zeal of the franciscans and dominicans, and sent them on missions, not so much to preach as to cause extraordinary executions to be set on foot against the heretics; enjoining them, for the fulfilment of those instructions, to collect together those men who distinguished themselves by the woollen crosses on their dresses; and those men were the first beginning of officers,

or familiars of the inquisition as they are now called : thus the inquisitors erected themselves into a tribunal. This arrangement, however, met with two very great obstacles ; one on the part of the bishops, to whose jurisdiction always appertained the decision about heresies, and this jurisdiction could not be separated from their episcopal offices : the other obstacle was with the secular magistrates, to whom always belonged the power of punishing crimes ; chiefly according to the new and severe laws of emperor Frederick. The pope settled the first point, ordering that the inquisitors and the bishop should form one and the same tribunal, in which, however, the inquisitor should be the principal person, and the bishop, or the ecclesiastical jurisdiction of the place, called the ordinary, should have little more to do with it than assist with their presence. As to the civil magistrates, the pope permitted that they should be appointed by the secular authority, but confirmed by the inquisitors ; and that the third part of the property confiscated to the heretics should belong to them ; in such a manner that, though the civil magistrate appeared as a colleague of the inquisitors, he was in fact but

“ The same pope, Innocentius IV. published afterwards a bull of thirty-one chapters, in which he recommended to the governors of the different cities to incorporate the enactments of this bull into their civil laws, and to observe them inviolably. These and other regulations, however, did not extend further than Italy; and the reason assigned in the same bull of Innocentius is the great regard that pontiff had for the country of Italy, which made him more solicitous about them. But other people say that the true reason is, that as Italy was then divided into many small independent governments, without any subordination to foreign princes, the pope wished, through these means, to keep up a party adhering to him ever since the last war, which facilitated to him the introduction of these new regulations in Italy, when they could not be easily admitted in other countries: but the pope had to encounter great difficulties in the execution of this bull; and his successor, Alexander IV., seven years afterwards, in 1259, found himself obliged to moderate the rigour of this bull; ordering, nevertheless, under penalty of excommunication, that the magistrates should comply with those parts of the bull left unrepealed. For the same reason

Clement IV. made new modifications to this bull in 1265, but even the four following pontiffs could not enforce the execution of the bull, nor conquer the opposition they encountered in the introduction of the inquisition. There were two difficulties to overcome; one was the rash severity of the inquisitors, their extorsions and oppressions; the second was the repugnance of the corporations of the cities in contributing to the expences of the inquisition.

“ After this, in order to moderate the rigour of the inquisitors, more consideration was granted to the bishops in the tribunal, and this caused the inquisition to be received without so many difficulties in Lombardy, and in the Marca Trevisana, from whence it passed to the kingdom of Arragon, and to some cities in Germany and France. In the kingdom of Naples, however, though so near to Rome, the inquisition was never introduced, on account of the misunderstanding existing between the pope and the king of that empire. In Germany and France the inquisition lasted but a very short time; and in some places they even expelled the inquisitors, because of their extraordinary severity and extorsions; in other places they retired of

themselves, because there being no heretics they had nothing to do. In Arragon few inquisitors remained, and in the rest of Spain they had never entered.

“ When the kingdom of Arragon and Castille were united by the marriage of Ferdinand IV. of Arragon with Elizabeth queen of Castille, the reunion of those forces obtained the complete expulsion of the moors from Granada, and many of those and of the jews made themselves christians to avoid being exterminated. The catholic king and queen established the inquisition in 1484, with the permission of pope Sixtus IV., in order to clear his dominions from the said moors and jews; but in the kingdom of Naples, though subject to the same sovereigns, great difficulties arose about introducing the inquisition. In the year 1547, D. Pedro de Toledo being viceroy of Naples, an effort was made to introduce the inquisition, but an insurrection broke out against the Spanish garrison, when many people lost their lives. The viceroy punished the principal rioters severely, but gave up the idea of introducing the inquisition; some say that it was not so much from fear of a fresh insurrection taking place, as on account of

opposition from the court of Rome, which had then pretensions to the sovereignty of Naples ; be it as it may, the fact is, that never till this day was the inquisition introduced at Naples.

“ In the year 1550 the Emperor Charles V. attempted to introduce the inquisition in the Low Countries, and published an edict to that purpose ; but his sister, the Queen of Hungary, who was then governess of Flanders, observed to him that this establishment would deter the foreign merchants from settling in those countries, which would be of great detriment to the commercial cities ; therefore Charles V. published another edict, declaring that the inquisition would not militate against foreigners, and modified the former edict about the natives in such a manner as to render it almost null. Philip II., in 1567, made new regulations about the inquisition, and, attempting to put them in force, produced a revolt in the Low Countries, and this rebellion against Philip ended in a complete separation, and a new nation was established under the name of the United Provinces. In the rest of Flanders, which had not revolted, the inquisition was abolished.

“ In Portugal it appears that the provincials of the dominican friars considered themselves inquisitors

in virtue of their own office of provincial; but, as Portugal and Castille was but one province of the order of dominicans, it cannot be said with propriety that there was an inquisitor for Portugal; for the provincial of the dominicans resided in Castile: there are, however, instances of inquisitors being appointed for Portugal, and of those the first appear to have been one friar Martin, a franciscan; though the dominicans of Portugal dispute them this glory and say that, besides the provincial of the dominicans being *ex officio* an inquisitor, there are particular instances of inquisitors appointed by bulls of the pontiffs, and taken from the order of the dominicans, and this before the said friar Martin. The fact, however, is, that such inquisitors never exercised any authority in Portugal before the reign of King John III.

“ When, during the reign of king Emanuel, many jews were baptised to avoid the banishment and other persecutions intended for them, they obtained from the king a grant, upon paying a certain sum of money, to be free for the period of twenty years, for being punished for crimes of religion, whatever the manner might be, in which they observed the christian religion they had newly admitted; and this

exemption, says the same law, was granted to afford them time to shake off the customs and habitudes of their jewish forms. The celebrated Bishop Osorius, who lived in those times, was one who disapproved of the measures and violences committed against the jews; and he wonders how it is possible for a christian to reconcile with the principles of his religion, of peace and humility, that such religion is to be promulgated and maintained through violent means and sanguinary executions. After the death of King Emanuel the jews had their privilege ratified and confirmed by his successor John III. who even added to it this clause, that, after the twenty years were elapsed, the jews should not be tried for their crimes about religion, but according to the laws of the country, and before the secular courts of justice, and the tribunals established by the king to take cognizance of all other crimes."

It so happened after this, that an impostor of the name of Saavedra came to Portugal, in the year 1530 or 1531, in which year dates the beginning of the inquisition at Evora, and presented to the king some pretended bulls of the pope, which the same impostor had fabricated, in which bulls it was stated that he was sent by Pope Clement VII. to establish

the inquisition in Portugal. The great piety of King John III. induced him to admit the impostor without further enquiry, even without examining the authenticity of the bulls: and thus was introduced into Portugal the tribunal of the holy office, and they granted to the impostor the palace in Lisbon, called *Estaos*, or *Hostaos*, which was a kind of hotel belonging to the king, and devoted to the purpose of receiving the foreign ambassadors before they provided themselves with houses; and here the impostor established his tribunal, and his secret prisons, in which spot they are kept till this day; though the front of the palace towards the square of Rocio has been rebuilt since the earthquake, but the prisons and interior remain the same as it was before.

The jews, then alarmed at the evils that the introduction of the inquisition threatened to them, made strong remonstrances to the king, asking of him the fulfilment of their privilege, which they had obtained, not gratuitously, but by a bargain, and paying large sums of money; but the king referred them to Rome, where they sent a deputation to plead their cause; and the king sent also instructions to his minister there, to justify his conduct in

having received the inquisition after having granted to the jews the said privilege. When those remonstrances were presented to the pope, it was discovered that Saavedra was an impostor; and, having enriched himself with his extorsions, he ran away to Spain, from whence he went to Rome, and, there was imprisoned. The jews, however, obtained no redress of their complaints, and the pope, who was then Paul III. knowing the good disposition of the king of Portugal, issued true bulls to confirm what Saavedra had begun with his forged bulls. This bull of Paul III. which the inquisitors produce as organising and arranging the tribunal of the holy office, is dated 1536, and the inquisition in Lisbon was instituted in 1539; the inquisition at Coimbra was established in 1541; and that of Goa in 1560. The first grand inquisitor appointed for Portugal, was D. Diogo da Silva, bishop of Ceuta, who was succeeded by the Cardinal Infante, who was afterwards king of Portugal; but it was established in the manner it is at present, with a council-general presiding over the several boards of the inquisition, in the year 1547.

The reader will find in the introduction to the new Bye-laws, which I gave in the first volume, an

account of the different Bye-laws, made for the inquisition of Portugal at different periods ; and I have only to add, that the inquisitors invented such expressions and terms in their code, that I found it very difficult to translate them into the English language, as the ideas are peculiar to the inquisition, there being no corresponding names that I know of in the English; I therefore preferred giving the words in the Portuguese language, and subjoining here an explanation of the same; and, even in the phrases, I have thought it preferable to adopt a less pure or less elegant construction, than to run the risk of altering the sense and meaning of the Bye-laws, which I found necessary to give to the world in their natural colours.

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## GLOSSARY.

**ABJURATION DE LEVE,** is what those prisoners are to make who are only slightly suspected of heresy.

**Abjuration de vehemente,** is required of the prisoner when he is so vehemently suspected of being an heretic, that, if again guilty of the crime of heresy, he is to suffer death as a relapse.

**Alcaide.** The keeper of the prisons.

**Apresentado,** is one who presents himself of his own accord to the holy office, to confess his crimes.

**Auto-da-fé.** A public exhibition made upon a platform erected either in a square of the town, or in a church, where all the prisoners of the inquisition go in procession to hear their sentences.

**Carocha.** Is a mitre of pasteboard, as a mark of infamy, put on the heads of certain criminals when they go to the *auto-da-fé*.

**Comissorial** letter. When they write to commit any business to another person under their jurisdiction.

**Confess,** is the criminal who, after being imprisoned, confesses his crimes.

**Confitent.** Is the prisoner who confesses the perpetration of the act he is accused of.

**Contradiction.** Is the answers and replies made to the assertions of the witnesses, which, were they present, would be called cross-examination.

**Diminute.** Is the defendant who confesses only part.

**Heresiarch.** An arch heretic, who is at the head of any new sect of heretics.

**Inconfidence.** A tribunal, or judge, appointed to enquire into crimes concerning government, or state crimes.

**In specie session,** is said when the prisoner is *specially* informed about the crime of which he is accused.

**Libel.** Is the bill of accusation preferred against the criminal.

**Meyrinho.** The officer who takes up the prisoners.

**Nation.** People of nation are the descendants of jews made christians, who are also called new christians.

**Negative.** Is the criminal that pleads not guilty, denying the perpetration of the act.

**New Christian.** Vide *Nation*.

**Old Christian,** a descendant from christian families.

**Ordinary.** The ordinary ecclesiastical jurisdiction of bishop, chapter, &c.

**Preostorial letters.** When the letter only is addressed to a superior tribunal or magistrate; and then is said not to request, but to solicit or beseech.

**Privilegiates.** Those persons who have the privilege of having their crimes, either civil or criminal, tried at the board of the inquisition.

**Pronunciation of the crime, or of a criminal.** Is the same as to find the true bill of indictment against him.

**Qualify,** a proposition; is to determine by the opinion of divines whether any proposition is heretical or not.

**Ratification.** Is the second examination of the witness; or reading to them a second time what they have formerly stated.

**To relax a prisoner,** is to deliver him over to the secular court, that the penalty of death may be there inflicted on him.

**Reincident.** Is the criminal who commits the same crime a second time.

**Requisitorial letters;** those sent by the inquisition to another, or to a magistrate, or tribunal, or inferior rank, requesting them to do any particular thing they want.

**Secret.** Is the place where the records, books, papers, and money of the inquisition are kept; called *secret* on account of its being kept out of the view of every person. See the description of, Book I. tit. 5.

**Sigilism.** The crime of the confessor, who reveals the secrets he was told at the confession.

**Solicitant,** is a confessor who solicits his penitent to indecent acts.

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**WE** the Bishop, D. Francisco de Castro, Inquisitor-general of these Realms and Lordships of Portugal, Councillor of State of his Majesty, &c. do hereby make known to the inquisitors, deputies, and other ministers of the inquisition; that, wishing the affairs of the Inquisition to go on and prosper in the observance and perfection of all things, which are requisite for the greater service of God our Lord, the exaltation of our holy Catholic faith, and the extirpation of heresies; and that having, with this intent, personally, visited the Inquisitions of the kingdom, we perceived that the Bye-Laws by which they were governed, compiled in the year 1613 by order of the Most Illustrious Lord Bishop D. Pedro de Castilho, Inquisitor-general, our predecessor, although well adapted to what was then convenient, had afterwards received great alterations, through the lapse of time and variety of new cases, and from

the visits, provisos, and instructions, newly ordered. And considering the great inconveniences which may result from the existence of orders and particular laws, which sometimes, from the want of their being sufficiently made known, may not be duly executed, we have resolved, that, for the good administration of justice, and the government of the Holy Office, and that their ministers might proceed with the propriety required in matters therein treated of, on the necessity of reducing them into a new set of Bye-Laws : Therefore, we selected from the Ministers of the Council General, Inquisitors, and Deputies, persons of great learning and experience, to whom we gave directions, that, comparing these Bye-Laws with the old ones of the Infante, the Cardinal D. Henrique, and the letters and provisions of the most serene Lord Archduke Alberto, Inquisitors-general, with those that were afterwards issued by the Most Illustrious Lords Inquisitors-general our predecessors, in the visits which have been made, they should arrange other Bye-Laws, conforming themselves, in every respect, to what is ordained in the sacred canons, councils, and apostolic briefs, and to the opinions most generally received amongst the doctors, and agreeable to the

customs and ancient practice of the Holy Office of this kingdom. And the same having been thus put in order by them, we caused them to be read and examined before us; and after having considered, with much study and mature deliberation, all doubts that appeared to exist, were done away with in a convenient manner, and by these means were formed the present Bye-laws, which, with the advice of our general council, we are pleased to approve of and confirm by Apostolic authority, of which we avail ourselves in this case. And we do order the inquisitors, deputies, and other ministers of the Holy Office, that they do entirely fulfil and keep all and every thing therein disposed; as well in what regards matters of justice, the proceedings of trials, and the decision of causes, as also in what belongs to the government of the Holy Office, notwithstanding any other Bye-Laws, provisions, visits, or instructions whatever, which may exist to the contrary, all which we consider as repealed; and it is our will, that the present only should be observed and put in force, and used in all inquisitions throughout these kingdoms, and the lordships of Portugal. Given at Lisbon, in the Holy

Office, under our sign only, on the twenty-second day of the month of October, in the year one thousand six hundred and forty. Diego Velho, Secretary of the Council-General, caused to be written.

THE BISHOP D. FRANCISCO DE CASTRO.

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THE  
**BYE-LAWS**  
OF THE  
**HOLY OFFICE**  
OF THE  
**INQUISITION**  
OF THE  
**KINGDOMS OF PORTUGAL.**

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**BOOK I.**

*Of the Ministers and Officers of the Holy Office, and of  
other Things relating to its Management.*

**TITLE I.**

*Of the Number, Qualifications, and Duties of the Ministers  
and Officers of the Inquisition.*

1. **I**N all the cities of this kingdom, where the holy office may reside, there shall be three inquisitors, four deputies with a salary, and as many as we may think proper without a salary; one promoter, four notaries, two procurators for the prisoners, and so many revedores as may be wanted; one meyrinho, an alcaide, and four guards of the secret prisons; one porter, three solicitors, one steward, three men for the meyrinho, two physicians, one surgeon, one barber, one chaplain, one alcaide, and one guard for the prison of penance.

Moreover, there shall be, in every maritime town, one visitor of the foreign ships, with a clerk for his office; one guard, and one interpreter; and in every city, or consider-

able town, there shall be one commissary, with a clerk ; and such familiars as may be necessary.

2. The ministers and officers of the holy office shall be natives of the kingdom, old christians, of pure blood, without any family mixture of the Moor, or Jew, or of people newly converted to our holy faith, and without reports to the contrary ; they shall not have incurred any public infamy of fact or of law, or have been sentenced to penance by the inquisition, or be descended from persons who might have been guilty of the aforesaid faults ; they shall be of a regular life and habits, capable of being entrusted with any business of importance and secrecy, and the same qualities must be possessed by the person whom the ordinary may appoint to be present, in his name, in the dispatch of the trials of persons under his jurisdiction. The lay officers, viz. meyrinho, alcaide, and all others, shall know how to read and write ; and if married, their wives shall have the same purity of blood, as well as the children whom they may any way have.

3. And as it is convenient that, amongst the ministers and officers of the holy office, there should be no degree of kindred ; we do ordain that, between one inquisitor and another, or between an inquisitor and a deputy and promoter, or between the deputies themselves and the promoters, who are to serve in the same inquisition, there shall be no relationship, within the second degree of consanguinity ; or between all other officers and ministers within the fourth degree ; and these degrees shall be reckoned according to the canon law.

4. To ascertain the aforesaid qualifications which the ministers and officers of the inquisition must have, enquiries shall be instituted by our order, or by that of the council-general, in the places of which they, their fathers and mothers, and grand-fathers and grand-mothers were natives ; but before they are begun, the inquisitors shall

cause a search to be made in the archives, that it may appear whether any crimes are on record in the holy office, against the persons who seek for the employment; and the same search shall be made in the other inquisitions, and on finding any crimes they shall stop the enquiries, and report their nature : but, if no crimes appear against them, they shall certify the same in writing, and such certificates shall be added to the result of the enquiries. And whereas it is convenient that these enquiries should be made with great integrity, and chiefly where they relate to those who seek the offices of inquisitors, deputies, promoter, and notaries, we do ordain, that the inquisitors shall make the necessary inquiries themselves, for the information of such ministers, if in the place where the holy office resides, and those residing in other places shall be committed to a deputy ; and the others shall be done by the commissaries, or by such persons as the inquisitors may nominate, except those that are to be made in places where the inquisition resides ; in which cases the order prescribed in the 3d title of this book, § 14, shall be attended to.

5. When the necessary information has been obtained relative to the persons who are about to enter into the service of the holy office, the inquisitors shall send them to the council-general, for its inspection ; on their being approved of, we shall order letters-of-commission to be issued for holding the employments or offices to which they are appointed, which letter shall be signed by us, and delivered to them by the secretary of the council-general ; and with these, before they enter on service, they shall present themselves to the board of the inquisition, and there they shall take the oath of secrecy, and swear well and faithfully to fulfil the duties of their offices ; and of this a notary shall enter a record, which those appointed to the offices shall sign, together with the inquisitors, in the book called the book of creations, where also the letters of com-

mission shall be registered; and this oath shall not be taken by another person, with powers of attorney, without our especial licence.

6. The ministers and officers of the holy office shall fully observe every thing that they are bound to do, according to what is ordained in these Bye-laws; and whatever may be entrusted to them by us: and moreover, the deputies and promoter notaries and officers, shall obey the orders of the inquisitors, each according to what is prescribed in the Bye-laws, respectively relating to them.

And that both one and the other may always have present the things that they are to execute and observe, we do ordain that the inquisitors, deputies, and promoter, shall have the Bye-laws at their houses; and to all other officers the inquisitors shall give copies of the titles that refer to each of them, that they may have proper notice of them, and may better fulfil the duties of their offices.

7. And whereas secrecy is a circumstance of essential importance to the holy office, we do determine, that all shall maintain it with particular care, not only in those matters from which any prejudice may result if they were discovered, but in those also which may appear to them of less consideration; for in the holy office there is nothing where secrecy is not required.

8. They shall proceed in every thing in such a manner as to set good examples, they shall live with the decency and modesty suitable to their situation; they shall not give any offence, or vex any person with the power of their offices, or under the pretext of their privileges which they enjoy; nor shall they allow their servants or dependants to do the same. They shall talk with such caution about the people of the nation (the descendants of the Jews) that it may never be understood that the hatred all must feel against the crime is extended to the persons also; on the contrary, they will rather shew as much pity as is just to

those who may have committed crimes against our holy faith. They shall not have any dealings or private communications with suspected persons, who have, or may have business with the holy office, nor shall they employ them in any way, or receive any thing from them in the form of presents or donations, however small or of little value they may be, nor under the pretence of buying shall they take from any person any merchandizes or provisions for less than the ordinary price, nor shall they borrow from the people of the nation in consideration of the inconveniences that may result from contrary practices; and they shall endeavour, as much as possible, not to contract any debts which may produce complaints, or detract from the authority due to their persons and offices.

9. No minister or officer of the holy office shall accept of any commission, without first making the same known to us, nor shall he be absent from the inquisition where he serves, without our special leave: but the inquisitors of the places in which we are not present, may grant those licencies to the deputies, promoters, notaries, and officers, for the time and in manner declared in § 49 of the 3d title of this book.

The lay officers shall not marry, without first making their wishes known to the board, and the inquisitors shall observe what is applicable to this case in the § 51 of the 3d title of this book.

10. The ministers and officers who are to be in constant attendance at the board, to keep secret (the place where papers are kept), and the salloon of the holy office, shall endeavour to hear mass with punctuality, which is to be performed at the oratory (the private chapel) of the inquisition, half an hour before they begin business; that through the means of this divine sacrifice, all may be better enabled to fulfil the duties of their offices.

11. Every day, not a holy day according to the table,

which is to be signed by us, and kept in the *secret*, there shall be a dispatch of business at the inquisition, three hours in the morning, and three in the afternoon; except Saturday afternoons, when the dispatch shall last only two hours. From the 1st of October till Easter day the hours shall be from eight till eleven, and from two till five; and after Easter till the last day of September, they shall be from seven till ten, and from three till six; and the ministers and officers of the holy office, in attendance, shall be present at the inquisition during these hours and times, according to what is ordained in the titles relating to each of them.

12. They shall have, every year, such allowances and salaries as we may assign to them in their letters of commission; which shall be paid quarterly, and the letters of commission shall be registered in a book kept for that purpose; and on every day, when they are ordered to go out of the town where the tribunal resides, upon any business of the holy office, the inquisitors shall receive four cruzados, the deputies and promotor three, the notaries two, the meyrinho six testoons, the solicitors five, and the men of the meyrinho two.

## TITLE II.

*Of the Rooms provided for the Dispatch of Business, Audiences, secret Oratory, and Prisons, and the Things belonging to them.*

1. There shall be at every inquisition a room allotted for the board of dispatch, which shall be in so safe a place, that nothing may be heard of what passes there from without: in this room there shall be chairs with backs to them, and without backs; as many as may appear necessary; a bench for the prisoners to sit upon; and in winter the apartment shall be decorated with tapestry of Arras hangings, and in summer with gilt leather hangings.

7

Upon a platform, three inches high, shall be a table covered with a cloth of crimson damask, and upon it a black leather; and the platform shall be large enough to accommodate at least five chairs on each side; and in this table there shall be three drawers, with different keys to them, in which each of the inquisitors may keep his papers; but shall not keep in it the *quires* (stitched memorandum books of the inquisitors) for these must always be locked up in the secret.

Upon this table shall be a mass-book for administering the oaths, a tablet with the prayer of the Holy Ghost, the Bye-laws of the holy office, and of the exchequer of the inquisition, the collection of apostolic bulls, and the privileges of the inquisition; also a sufficient number of inkstands for the ministers who are at the table, and a bell: and in the wall fronting the place where the prisoners are to sit, there shall be an image of our Lord Jesus Christ, in a solid statue, decorated with becoming decency.

2. And whereas, in the room allotted to the dispatch, not all the business belonging to the holy office can be expedited; we do determine, that there be also three other rooms inside of the anti-chamber, where the inquisitors may give audiences to the prisoners, and transact the business of the holy office, and in each of them there shall be a small table, covered with a damask cloth, and upon it a black leather, mass-book, bell, inkstands for the inquisitor, and notary who is to attend him, as many chairs with and without backs to them as may appear necessary, and a bench for the prisoners.

3. There shall also be a room called the *secret*, where are to be kept all documents of trials, records, books, and papers requiring secrecy, and the windows of this room shall have iron grates, very strong and close to each other, that nobody may gain entrance through them; and there shall be only one door to the room of dispatch, very strong and secure, with three locks, and three different keys, one

of which the promoter shall keep, and the other two the two senior notaries; and when either of these is prevented from coming to the office, he shall deliver his keys to such other notary as the inquisitors may appoint.

4. The door of the secret shall not be opened except in the presence of an inquisitor; and when the promoter, or any of the notaries who have keys, are not able to come to the board, they shall send a key in time, that no delay may be occasioned by a person worthy of confidence, to whom they shall recommend not to give it to the porter, nor even to a notary, before any one of the inquisitors is at the board.

Into this room the promoter and notaries only shall be allowed to enter, except any one who may receive our especial permission; and we do very strongly recommend to the inquisitors to go there as seldom as possible, that it may not happen that the notaries may have their attention diverted by their presence from the business in which they are employed.

5. In the secret a sufficient number of shelves shall be placed to hold papers of trials, both pending and past, arranged with such order and distinction as to be easily found when wanted; but the pending shall be more at hand; and whenever any papers of trials are taken from a shelf, they shall there be replaced again as soon as they are done with.

And there shall also be a seal with the arms of the holy office, and with this shall be sealed all the papers, which are to go out of the town where the tribunal resides; but not those that are not to go out of the town, which seal shall never be taken out of the secret, without an order from the inquisitors.

6. In the same secret there shall be two tables, one for the promoter, and another for the notaries, with inkstands, scissars, penknives, sand, pens, ink, thread, needles, wa-

fers, and paper in abundance, lest the want of any of these things may retard the ministry of the holy office. And chests covered with leather shall be provided to take the papers of trials of the *auto-da-fé*; with a large chest of drawers, in which the treasurer may keep the papers which belong to him in consequence of his office; and each of the inquisitors shall have a drawer for keeping those papers which require secrecy, and which may have been particularly given to his care. There shall also be a table, signed by us, of the holy days which are to be kept at the inquisition; and a strong chest, with three keys, in which the money is to be kept that in any way belongs to the holy office.

7. The books belonging to the secret are the following: a general repertory, wherein are to be written down the names of all persons denounced at the holy office, except those that belong to the three particular repertories hereafter described; an index to this same repertory, in a separate book, with the names of the persons entered in the repertory; three particular repertories, with indexes in the beginning of each, one to enter the names of those who are guilty and have confessed nefarious crimes; another to enter the names of the *solicitants* (those priests who during confession solicit their penitents to dishonest acts) who are guilty and have confessed; and the third to enter those persons who have been denounced without a name; the books containing the denunciations and confessions received at the board of the holy office; the books composed of petitions presented in favour of individuals; a book in which orders for imprisonment are to be written, when there is no time to copy the crimes from the original documents; another of a larger size, wherein must be entered, in alphabetical order, all persons whose cases have been dispatched, who have been sentenced by the holy office; a book to enter the lists of the *auto-da-fé*, ac-

ording to the order in which the criminals heard their sentences; another containing a list of the autos sent by the other inquisitions; and a book for registering all business that the inquisition orders to be expedited.

All these books shall constantly be kept in the secret, from whence they shall never be taken, even to the board of dispatch (except that which relates to orders of imprisonment) without our especial permission; and the repertories relating to those guilty of nefarious crimes, and the confessors solicitant shall be always locked up, and the key shall be kept by the promoter.

8. Besides the books before particularized, there shall be at the inquisition a book which is to contain the commissions that the prelates give to persons, who are to be present in their stead at the dispatch of cases affecting any subject to their cognizance; another book containing the creations and oaths of the ministers and officers of the holy office; another for registering the letters of commission, and the respective appointments; a book of all towns belonging to the district, with the names of the commissaries, clerks, and familiars, therein appointed; four books of receipt and expenditure which belong to the treasurer, and are to be made up every year, as shall be stated, under the proper title. There shall be also a book of bonds and securities; a book mentioning the times of entrance of the prisoners into the prisons, in which memorandums shall be made of such clothes, money, and pieces of gold or silver as they may bring, that it may appear by these, that they were debited in the account of the treasurer; another book, in which must be entered, to the debit of the Alcaide, the clothes left by the relaxed (those punished with death) the reconciled, or the dead; another in which must be entered, to the debit of the porter, all the furniture of the rooms of dispatch, audiences, and oratory; and another, to enter lists of such prohibited books as may come into the possession of the holy office.

All these books, as well as those mentioned in the preceding paragraph, shall be numbered and signed by an inquisitor, and at the end of each there shall be a conclusion, declaring how many leaves each book contains; and they shall be kept in the secret, and shall not be taken out of the inquisition without our express order. Moreover, no paper whatever is to be taken out of the secret, nor a copy of any shall be given, though it may not be matter of secrecy, in order to go out of the inquisition, unless it be by an order from the council-general, except in the cases specified in the title 3d of this book, § 49.

9. Whereas, to solve those doubts which may at times occur, some law-books are also necessary, we do determine that, in the most convenient place in each of the inquisitions, there shall be kept the bible, texts of canon and civil law, the ordinances, and their repertory, the Directorium Inquisitorium, and Simanchas de Catholicis.

10. There shall be also, at each of the inquisitions, an oratory, so conveniently situated, that the inquisitors and ministers of the holy office may hear mass therein, with a window opening to the saloon, from whence the officers may also hear it. This oratory shall contain a painting, and on the altar the crucifix, to be used in processions on the days of celebration of *autos-da-fé*.

For the decoration of this oratory there shall be dresses for the priests, and altar ornaments of all colours, two chalices, four candlesticks, and cruets of silver, linen cloth for the altar at the mass, called corporale; cloth for wiping the chalices, towels, and albs, amices in abundance, a carpet, and a mat, in order that the service may be performed with becoming decency and cleanness. The priests' dresses shall be of two sorts, one for the inquisitors, the other for the notaries; and there shall be sufficient chests for keeping the whole.

On every day of business, before the beginning of a dis-

patch, one of the notaries shall say mass at this oratory, as is ordained in titles 7. & 3. of this book 11. The inquisitions shall also have secret prisons, secure, well locked up, and disposed in such a manner that there be separate corridors or passages, some for men, some for women; that all communication between the prisoners may be avoided, and for the better preservation of secrecy, and to avoid the great injury that might result from the contrary to the holy office.

Each of the prisons shall have strong doors, and be well secured; one communicating with the house of the alcaide, another with the board of dispatch and audiences, and another with the yard of the inquisition allotted to the entrance of prisoners, and other persons whose presence may be necessary; and the doors shall always be kept locked, and to all of them there shall be bells, by which the alcaide may be called.

There shall be in each of these prisons a room with doors opening to the pantry, by which the provisions and other necessary things for the prisoners must enter; and in a convenient place there shall be another room, with the necessary instruments for administering torture to the prisoners, when condemned to it; and near the same prisons there shall be two or three rooms, where such persons may be received as by a decision of the board are to be kept in custody, in the mean time while any business is doing, and until it shall be determined whether they are to be confined in the secret prisons.

12. There shall be another prison, in which those persons who are ordered to do penance by the holy office shall receive instructions and the sacrament, and in which also they shall be kept till the inquisitors assign to them the places where they are to go and fulfil their penances. This prison shall contain an oratory, in which mass is to be said, and sacraments are to be administered to the per-

sons sentenced to do penance, and it shall be so contrived that men and women go and be there apart from each other, when instruction is given to them; and in this prison may also be kept in custody, or imprisoned, such persons as have not committed crimes of sufficient importance to render them worthy of imprisonment in the secret prisons, and the privileged who may be guilty of any crimes, of which the inquisitors are the judges.

### TITLE III.

#### *Of the Inquisitors.*

1. The causes of which the tribunal of the holy office takes cognizance are so weighty and of such importance, that the persons whom we may appoint to be inquisitors must not only possess qualifications required according to the canon law, and apostolic brief, with the others specified before in title 1. § 2. of this book, but be licentiaes by private examination in some of the faculties of divinity, canon law, or civil law. It is necessary also, that they should be at least thirty years of age, noble persons, clergymen in holy orders, and have served previously the office of deputy, and given proofs therein of prudence, learning, and virtue, so as to know how to decide in the causes which they are to judge, as also to behave in them with great integrity and equality; that they should be free from those passions and attachments which distract the minds of the judges, in such a manner that favor and pity may not be extended so far as to offend justice, nor rigour exceed the bounds of temperance: but, above all, they shall be persons of such behaviour, and so much authority, that they may answer to our great expectations.

And that they may better fulfil the duties of their situations, and to the end that our conscience and theirs may be satisfied, our orders shall be always at hand, especially

such as are ordained in these Bye-laws, and they shall cause every thing therein contained to be observed.

2. Though equal power prevails among the inquisitors, and all should have equal pre-eminence, still the nature of good government requires that some particular things should be granted and extended to the senior inquisitor. Therefore we do determine that he shall go in and out on the right hand of the other inquisitors and ministers, and have his seat in the first chair in the room of the dispatch fronting the door.

At the board he shall ring the bell, and say the prayers to the Holy Ghost every day when there is to be a dispatch of business, both morning and afternoon, before they proceed to business; he shall give audiences in the room of the dispatch, except when the matter requires a more secret audience; he shall divide, between himself and the other inquisitors, the trials, informations, and other business that are to be transacted at the holy office, and this shall be done in such a manner that all share equally in the work; he shall propose to the board the causes which are to come before it, and shall write down the resolutions of the board, and address the prisoners, except in trials or other matters that have been committed to the other inquisitors; for in these they shall propose to the board, and address the prisoners, and shall write the decisions and orders of the board.

3. All decisions, orders, and papers, that go from the council-general to the board, as also all other papers, letters, and business that may come from abroad, and belong to the cognizance of the holy office, shall be delivered at the board to the senior inquisitor, who, with all possible expedition, shall examine into them, and communicate the same to the other inquisitors, that such resolutions may be come to upon them as may be thought convenient; and

those things may be done which the majority of votes may determine.

4. The senior inquisitor shall impart a due execution to our orders, the decisions of the council-general, and the resolutions taken at the board; and shall cause all other things to be done, which may be determined upon as convenient to expedite the business of the holy office. And that he may have always present what he has to do, he shall provide every week a register book, and a memorandum quire of paper, in which he shall write down what he has to do, that he may proceed in performing it, according as necessity and the order of business may require, and that business may be thus expedited with all possible brevity.

5. He shall take care to observe, and order, that at the board of the holy office all ministers are very composed, and keep always that respect and authority which ought to prevail amongst them for the places they occupy: on any business being proposed to the board, he shall order each to vote in his proper place, never permitting others to disturb him by talking, or to interrupt their voting; and after all have voted, he shall examine who have the majority; and when one is voting, he shall not permit the others to speak; and when the hour strikes, the inquisitors who may happen to be out of the room shall come into it again to go out all together, since it is very convenient to the good government of the office not to exceed the time established for business at the board; except when the importance of the business begun shall otherwise require, as will be hereafter mentioned in the twentieth paragraph of this title; and the quires and other papers which may require secrecy shall be put into the secret; and when this has been locked up, he shall then let the tribunal go out.

6. When the senior inquisitor is absent, or there shall be any impediment to prevent him from attending at the

board, the next inquisitor shall do his duty, and in the absence of both, the third : and if the senior inquisitor is in town, and without any impediment to his attendance, and does not come to the board at the hour prescribed, the other inquisitors shall wait for him a quarter of an hour longer, without proceeding to business ; but after the quarter of an hour has elapsed, the dispatch of business shall be begun by the senior of the inquisitors present at the board.

7. When it so shall happen that the senior inquisitor does not propose to the board such acts of business as he ought to propose, or does not execute what has been ordered to be done, or shall not cause business to be expedited that he had determined on, the second inquisitor shall remind him of this at the board ; and if the senior does not assign a just cause of the delay, such as may be approved of by the majority of votes, immediate orders shall be given that the said things shall be executed within the time limited by the board ; and if he does not execute them within such time, then the second inquisitor shall cause them to be executed, without waiting for any order from us or from the council.

And if when the second inquisitor reminds the first of such things, there be only these two present in the inquisition, and they do not agree among themselves, a deputy shall be called to the board to vote in the business ; because it is to be done as the majority of two votes may agree.

And whereas it is very convenient that the business of the holy office shall not be delayed, the inquisitors shall take particular care in the observance of this order ; and if there happens to be any neglect in this respect, the junior inquisitor shall make it known to us, privately, that we may provide what is more for the service of God, and of the holy office, and we shall remonstrate very severely to him for the neglect he may be guilty of in this point.

8. Whereas it is of great importance to the authority of the holy office that its inquisitors should be very much respected; and it being certain that every body will pay them respect according to their behaviour, we do determine that besides the observance of what is determined in the 8th paragraph of title 1. of this book, they shall endeavour to behave with great integrity and very great modesty, not availing themselves of the power of their offices, except in those cases, and about those things in relation to which such power was granted to them, and is ordained in these Bye-laws: they shall take great care with what persons they associate, and shall visit those only who are very grave, and of good habits in life; they shall not go to funerals or other public solemnities; because, by going there, it might happen that they would be treated with less decency than is due to their persons and employments; they shall not serve in any religious fraternity, except that of St. Peter the martyr; and shall not write any letters, or send any messages in the name of the board; for, experience has shewn that they serve more to risk the authority of the holy office, than to benefit the officers or persons who ask for them.

9. At the inquisition they shall behave with such moderation in every respect, and with so much gravity, that the other ministers may learn from them the manner of behaving themselves; they shall avoid disputing about matters not belonging to the cognizance of the holy office, and in those things which are to be done in its service, they shall agree with each other as much as possible; and when it may so happen, that there is any uneasiness, or difference amongst them, they shall keep it secret, and make the cause known to us, that we may provide in the case as we may think proper and right on the part of justice.

10. Whereas the inquisitors are bound not only to preserve an inviolable secrecy about things relating to the

holy office; but it is also expedient that there should be rules by which the other ministers and officers of the inquisition may know the punctuality with which they must act in this point; we also do determine that they shall not communicate to any subordinate minister, or officer, nor even to the ordinary, any thing that should be kept secret, though they should ask it, except those things in which they are to vote, or which it may be absolutely necessary for them to know in order that they may be enabled to fulfil their respective offices.

And on this same account they shall not allow the deputies, when they go out of the board, to talk about the business therein treated; and if they know that secrecy is not kept, though even in very slight matters, they shall make it known to us with all possible speed, that we may provide in the case, as may be most expedient to the service of the holy office.

11. They shall proceed against all persons, whether ecclesiastical, secular, or regular, of any rank or condition whatsoever, who may be found guilty or suspected, or accused by report, of the crime of Judaism, or of any other heresy; against those who, having confessed their crimes, revoke their confessions; against those who boast of not having committed the crimes they had confessed; against schismatics; against the abettors, receivers, and defenders of heretics; against those who communicate with heretics or infidels, or furnish them with arms and provisions, and without cause go to their country, and settle there; against those who eat meat on prohibited days; against those who, without authority to treat about matters of faith, intermeddle in disputes concerning them; against blasphemers, who utter heretical opinions.

Against those who disregard, or treat with disrespect, the most holy sacrament, the images of Christ our Lord, or our Lady, or the saints; or refuse to pay the veneration due

to them ; or receive the most holy sacrament, after partaking of any food ; against those who apply themselves to the magic art ; against sorcerers ; sacrilegious persons ; diviners ; judicious astrologers, who form absolute predictions of the future ; and against those who invoke the devil to enter into an agreement with him.

Against those who marry a second time, while the first wife, or the first husband, is yet alive ; or maliciously prove the cause of such marriages being effected ; against clergymen in sacred orders, or professed religious, who marry in the manner and form prescribed in the sacred Tridentine Council ; against those who, being married, take sacred orders ; against catholics who intermarry with heretics or infidels ; against those who say mass or hear confessions without being priests ; against confessors guilty of solicitation ; against those who keep and read prohibited books ; against those who worship or offer the veneration due only to saints to persons who are not canonized or beatified ; and against those who write books relating to their miracles and revelations, as stated in book 3. title 20. § 3.

Against those who hinder the business of the holy office ; against those who usurp its jurisdiction ; against those who do not fulfil the penances imposed on them by the holy office, or break its prisons, or escape from them ; against those who swear falsely at the board of the inquisition, or induce any body to do so, or corrupt the witnesses ; against those who are guilty of the crime of sodomy ; against the absent, and dead, who died before or after they were confined in the prisons of the holy office, or killed themselves therein, or became mad ; against those who commit any other crime, the cognizance of which, according to the edict of faith, or by the ordinances of law, or the concession of the apostolic see, now belongs, or thereafter may belong to the holy office ; and in all these crimes they shall proceed according to law, and to

what has been determined by the bulls and briefs of the high pontiff, and to the other things ordained in these Bye-laws.

13. The inquisitors shall not hear any person upon any business belonging to the cognizance of the holy office except at the board: on the contrary, when any person comes to speak to them about it they shall tell him to apply to the tribunal, where any thing he has to say will be heard.

They shall not absent themselves from the board, and much less from the town where the inquisition resides, to transact any business, however important, without having previously made it known to us; and when it shall be necessary to interrogate any person of any rank or quality whatsoever, for the purpose of obtaining from him or her any information, or to execute any other business, they shall summon him to the holy office, where he shall be interrogated at the board, or in any of the rooms allotted to audiences, as may appear convenient to them.

But when such persons are bishops, or females who live in a monastery, or retired places, or of high rank, or married to noblemen, and shall be known as such, they shall order a deputy, with a notary, to go to their houses to transact the business; and the same shall be observed whenever any other person of great rank is so ill as not to be able to come to the holy office; but if they are persons of an ordinary rank, it will be sufficient to commit the business to two notaries.

And when any female shall have a reason, or a just impediment for not being able to come to the holy office, if of a known rank, they shall send a deputy with a notary to hear her at any church, or other convenient place, or if of ordinary rank, the same shall be done by two notaries.

And if the case be such, or shall involve such circumstances, that it shall appear unnecessary to risk secrecy, or

if for any other reasons the business shall not be done by the ministers of the holy office, the inquisitors shall commit the same to two ecclesiastical persons, who may execute it with propriety.

14. Within the tribunal of the holy office they shall not commit any business to another person which they can transact themselves; but if there be any impediment to this, they may commit some things to such deputies as may have an order from us to attend at the board in ordinary; provided it is not to try, receive confessions and denunciations; or to interrogate persons referred to; because this kind of business they shall not commit to them, unless they have obtained our especial permission, which they shall ask from us whenever they may think it necessary, in order to dispatch the business of the holy office.

15. Each inquisitor shall have a *quire*, or stitched memorandum book, for entering the names of those confined in the prisons, and to each prisoner they shall declare his rank, place of nativity, and abode, age, office, state, day of imprisonment, with the names of the witnesses who have deposed against him, the day in which they made these depositions, the time in which they averred the crime to have been committed, its substance, accomplices, and attendant circumstances.

Moreover, they shall declare the sessions made, on what days, and all other juridical terms of the trial; and with respect to the *confitent* (the prisoner who confesses his crimes) they shall add the substance of the confessions, the day in which he made it, the time in which he committed the crime, and how long he remained in the belief of his errors, its author, or accomplices, and attendant circumstances, that by these means they may always bear in mind the merits of the causes of prisoners in their several stages.

16. They shall also have another stitched book, wherein

they shall write the different titles of the sessions that are to be made to the prisoners, viz. the title of those who are for the session of genealogy; the title of those who are for the session in genere, and so on, continuing by titles during all the stages of the trials; and at the end they shall form a particular title of the commissions and business to be done in virtue of the resolutions taken; and all these titles shall be kept separate with great care, and in each of them shall be contained the name of the prisoner for whom any session or other business is to be done, and when finished, the name of the prisoner shall be erased, and passed to the following title; in order that by these means the inquisitors may easily know the sessions they are to make, and the decisions they have to pass; and when the audience is finished, all these *quires* shall be kept in the *secret*.

17. No inquisitor shall be absent from the holy office without our especial permission; and they shall come to the inquisition every day which is not a holy day, and there they remain three hours in the morning, and three in the afternoon, as is determined in title 1. of this book, §. 11.

They shall endeavour to be at the board as much as possible at the hours prescribed, and whenever any one of them has just cause to prevent him from attending at the board, he shall inform the other inquisitors of it, at the beginning of the audience, that the dispatch of business may not be delayed on his account; and after they are all assembled together, before they enter upon business, the senior inquisitor shall say the prayer to the Holy Ghost, that through the divine favour they may act properly in those things which so much concern the service of God our Lord; and immediately they shall confer together amongst themselves as to what each of them has done in the preceding audience, writing in their *quires* the sessions made to the prisoners, and resolutions come

to on their trials, that they may keep them always well adjusted.

18. After this they shall call the alcaide (the keeper of the goal) to the board, and shall question him concerning the state of the prisons, for the purpose of knowing whether there is any thing of them that requires to be attended to; and they shall then write down what business is to be transacted, in consequence of previous proceedings, or the present affairs; and what each of the inquisitors is to do in that audience, observing always that before any thing else is done, the confessions and denunciations are to be received, and such prisoners are to be heard, as have demanded an audience. For this purpose they shall separate themselves, when necessary, to execute what may have been resolved at the board; and if any prisoner is acquainted with any of the inquisitors, and on this account it may be understood that he will hesitate in confessions before him; in such a case another inquisitor shall proceed with his trial.

19. In the declaration or finding out of crimes, and in the decisions come to concerning the contradictions of witnesses, all the inquisitors must always vote, as well as in all other decisions made upon matters that may produce considerable prejudice; and when they shall have to vote altogether at the board, upon no pretence of business shall they send their votes in writing, or by messages from one room to another; and if any of the inquisitors are absent, or labouring under such an impediment that he cannot come to the holy office, the remaining two may make the necessary decisions; and if they do not agree they shall call in one of the deputies; and when there is only one inquisitor at the board, and it shall be necessary to come to any of the aforesaid decisions, they shall call in a deputy, and, if then they do not agree, they shall call in another; and in all those cases, the deputies whom they may call shall be those on whom the board places the greatest reliance.

20. The inquisitors shall endeavour as much as possible to finish the sessions, and other business, in the same audiences in which they began; and when by the pressure of time they cannot do this, they shall order the notary to conclude them by saying, that on account of the striking of the hour the session could not proceed, but at all times before the prisoners and other parties shall sign, what was written in that audience, it shall be read to them. And when the business is such that it may be deemed expedient to the good of the holy office that it should be finished, though the hour has struck, it shall be continued until all is finished; and the business, if a matter of denunciation, shall be immediately ratified.

But as it is not expedient that the whole tribunal should be detained on this account, we do determine that, in such a case, the secret may be locked up, and one inquisitor only, with the notary, may remain to transact the business; after the termination of which, he shall lock up the papers in the drawer he has in the room of dispatch; and if any of the deputies shall transact the aforesaid business, one of the inquisitors shall lend him the key of his drawer for the same purpose, and the porter shall wait to lock up the tribunal.

21. Whereas, by the ratifications, information is obtained of the principal secrets of the holy office, and it is not expedient that these should be trusted to any persons, except those who are approved of by us; the inquisitors shall name to be present at the ratifications, as many honest and religious persons as amount to ten ecclesiastics, whether secular or regular, in order that such only as we approve of, may be called upon and no others; and when any are wanting to complete this number they shall report it to us, naming others in their stead, that there may be no deficiency in the service of the holy office; and the notaries shall not be deemed admissible persons in this respect, except when the confession or denunciation, on account of

its nature or the rank of the persons, is of such importance, and requires such secrecy, that it may appear inconvenient to the inquisitors to let any person have a knowledge of it, who is not a minister of the inquisition.

22. When the prisoners come to the prisons, the inquisitors shall take particular care and attention in what places and rooms they order them to be confined, and in what company, because the least mistake in this matter may be of great prejudice to the holy office. For this reason, they shall determine that any person who comes to the prisons of the inquisition, shall be confined alone in a room at least three or four days, except there should be any cause so cogent as to require the contrary, or the prisoner should be a woman; in which case, another female shall be immediately assigned to her as a companion; and they shall never place in the same room, nor even in the same corridor, persons who may be related to each other; and (as much as possible) they shall arrange the different imprisonments, so as not to leave in the same corridor persons who may know each other, or who may have come from the same country, or those who have committed similar crimes, or prisoners of long standing in the prison with others newly arrived.

23. They shall not remove prisoners from one room to another, particularly those who have begun to confess their crimes, without a sufficient cause; and shall pay great attention, when they ask to be removed on account of quarrels they may have with each other, inquiring whether they are true or fictitious; since experience has shewn, that very frequently they pretend those quarrels in order to effect a removal; and that the prisoners may be removed, with the notice and precautions that are convenient, when such a change is absolutely necessary, they shall obtain information from the alcaide, and shall have a drawing of the prisons, with the name of each prisoner in the respec-

tive rooms, and particulars from what rooms they last came, and to what country they respectively belong: besides this, they shall look into their trials, to ascertain with what company they have associated during the time of their imprisonment.

And whereas, to assign room for the prisoners, or to give them company, or to change them from one room to another, are circumstances which require great consideration, we do determine that they shall always be decided on at the board, as the majority of three inquisitors may resolve. And if any of these is absent, or has such an impediment as not to be able to come to the holy office, when the two other inquisitors do not agree, the promoter shall be at liberty to vote in the room of the absent inquisitor.

24. The inquisitors shall not talk with the prisoners except in the presence of a notary, nor shall they give their consent at any time that any minister or officer of the holy office, or any other person, shall enter into the secret prisons, or talk with the prisoners, except in such cases wherein, by these regulations, it is directed to the contrary, when also a notary shall be present.

They shall not enter into any conversation with or before the prisoners relative to any matters that do not relate to their causes, or are absolutely necessary; they shall address all of them in the second person of the plural, *you*; and shall order them to sit on the bench which is to be placed for that purpose in the rooms allotted to the dispatch and audiences: but, in the manner of treating them, they shall have respect to personal rank.

When they hear them, or talk to them, it shall be with gravity and modesty, never doing or saying any thing which may justly scandalize, or give cause for complaint: on the contrary, they shall appear to pity their misery, and endeavour to lead all into the paths of salvation.

They shall order them to be provided with every thing

that they may be in want of, in due time, particularly such as are sick; and to all they shall behave in such a manner, as to shew that the pity of the holy office is not inferior to its justice.

25. Every month in the year they shall visit the secret prisons, one of the inquisitors remaining always in the mean time at the board of dispatch; and on its appearing that these visits ought to be delayed, they shall propose it to the board, and they shall act as the majority of votes may determine. In visiting the prisons they shall order the alcaide to withdraw, that the prisoners may freely utter such complaints as they have to make against him; they shall take with them also the meyrinho, a solicitor, and a notary.

They shall ask every prisoner, particularly, whether the alcaide and guards have injured them in any respect; if they treat them well, and give to them what the holy office has ordered them to have; whether they attend them when wanted, and chiefly the sick; whether the provisions are good, and the prices of them fair; and whether they are served in due time with the things they want.

26. After the visits, if any thing should arise in disfavour of the alcaide, guards, or steward, which deserves to be punished, the inquisitors shall observe the orders established in § 47 of this title; and immediately shall enter into a discussion at the board for providing for the things deemed necessary at the visits, according to the memorandums that the notary may have taken down, as ordered under the title relating to them; and, for this end, the alcaide shall be present to give information whether the prisoners actually want the things they have asked for; and according to his information, as well as to what they have seen, they shall order the prisoners to be provided for; and the notary shall make a list of all things ordered for the prisoners by the board, which list the inquisitors shall sign

and deliver over to the treasurer, that he may give the same to the alcaide, as determined in title 8. § 11.

27. Whenever it may be necessary for any person to enter the prisons to administer any medicine, or to cure the sick, the inquisitors shall call on them to take an oath of secrecy, recommending to them not to speak to the prisoners, or to converse with them on any other subjects than those for which they were called, under the penalty of a severe punishment; and they shall order the alcaide to accompany them, and be present as long as they are with the prisoners; and whenever any workmen enter the prisons for the purpose of doing any work, they shall take an oath in the same manner, and the inquisitors shall tell them not to talk with the prisoners, under penalty of a severe punishment; but it will be sufficient for one of the guards to be with them. The assistance and trouble such persons may render and take in curing of the sick, as also in the works about the prison, shall be paid according to the prices of the country.

28. To every prisoner who may be in danger of death, the inquisitors shall appoint a confessor, and to the persons who may be imprisoned for crimes, which when proved do not amount to heresy, they shall appoint a confessor every year at the time of Lent, and also to the sick if they ask for one. Except in these cases the inquisitors shall not grant confessors to the prisoners, though they ask for them; because, in such cases, it is regularly expedient for the service of God, and the good of our holy faith; and when in any particular case, besides the aforesaid, they may think it expedient to appoint confessors to the prisoners, they shall make it known to the council, that they may resolve thereon as they may think convenient.

29. To confess the prisoners, the inquisitors shall chuse persons of pure blood, learned, prudent, and virtuous, and worthy of great confidence; and before they enter the

prisons, they shall be desired to take the oath of secrecy, and at the same time they shall be ordered not to converse with the prisoners upon any matters whatever except those which concern their consciences, and to report and declare to the board every thing that the prisoners may tell them besides their confessions, and during the time the confessors may stay with them, no other persons shall be present, on account of the secrecy required in the confessions; and the notaries shall not be called for to hear these confessions, except in cases of such urgent necessity, that there may be great danger in delay.

And whereas it may happen that the sick may be in such imminent danger that no delay can be admitted, and there is not sufficient time to acquaint the inquisitors of it that they may appoint a confessor, and there shall not be any notary to confess such prisoners as are sick, the inquisitors shall have named to the alcaide four persons who are well known, one of whom he may call, in case the aforesaid circumstances should occur.

30. We do determine that the inquisitors shall order the sacrament to be administered to the prisoners in the following cases: first, to him who is guilty of relapse, and the sodomite, agreeably to the manner ordained in book 2. tit. 15. § 5; second, to the confitent, who may have given satisfaction to the information of justice, and have been received at the point of death, in which cases the absolution of the excommunication shall precede, but so far only as regards their consciences; third, that the said sacrament shall be administered every year at the lent, to persons imprisoned for crimes, which, when proved, do not imply heresy; and at the point of death. The prisoners in good health shall take the communion at the oratory of the inquisition; and to the sick, who cannot attend there, the sacrament shall be administered in their prisons, by one of the notaries; and the inquisitors shall take particular care that the

same shall be administered with the requisite decency and authority.

31. The inquisitors shall maintain a good correspondence in relation to the business belonging to the other inquisitions; endeavouring diligently to expedite what may be asked by them; and when there is any delay, they shall make it known to the inquisitors by letter, informing them of the motives of the delay; and a similar correspondence shall be kept up by the inquisitors of Castile; observing, however, that when these request the particulars of the crimes of any person denounced at any of the inquisitions of these kingdoms, they shall not be sent till a communication has been made to the council: and if there be no crimes, they shall certify the same, and send this certificate with the answer of the board.

32. If at any of the inquisitions there should be any denunciations against persons who belong to a different district, the inquisitors shall have them copied immediately, and the copies of them shall be transmitted to the inquisition, to whose cognizance the cases may belong; and they shall send at the same time a certificate of the credit due to the testimony of the witnesses, that their depositions may be proceeded on with greater certainty.

33. On the inquisitors being informed that any person belonging to their district has been ordered to be imprisoned, or has absented himself in another district, they shall make the circumstance immediately known to the inquisition to whose district they may belong, transmitting the crimes and decree of imprisonment, with a full description of their persons, that they may easily be found and imprisoned. When not decreed to prison, they shall pronounce as to the crimes, and shall forward all papers, with the remarks made upon them, to the board, in a similar manner.

And if it is not possible to make copies of the crimes,

the originals shall be examined, and on their appearing to be sufficient to warrant imprisonment, they shall come to some resolution upon the cases, and by letter they shall inform the inquisitors of them; and when business does not prevent, they shall make copies of the crimes, and forward them with the decrees.

And when one inquisition shall solicit information about crimes committed by persons belonging to the district of the former, on whom however the latter have not pronounced judgment, the inquisitors so asked shall order them to be sent, without pronouncing judgment, and with them they shall send also certificates of the credit due to the witnesses; and if there be no crimes, they shall send a certificate of this signed by a notary, and by the promoter.

34. Whereas it is very convenient for expediting the business of the inquisition, that there be always at the holy office a faithful record of the letters, commissions, requisitions, and other papers, that are sent out and made to other inquisitions; we do determine that the inquisitors shall not sign any paper relating to the affairs of the holy office, until they have ascertained, by a note from the notary, written on the same paper, that the same has been registered in the proper book, and at what page.

35. All letters which the inquisitors may address to the council, all informations and consultations sent to them, as well as decisions and resolutions on the trials, shall be written in their own hands; but the letters of a different nature may be written by the hand of a notary, at the dictation of the inquisitors; and when they treat about any business requiring secrecy, such letters shall be written on half of the page of the paper, desiring the persons to whom they write to give their answers in the other half, as great inconveniences might result from such letters being permitted to remain in the hands of those persons.

36. Whenever it may appear to the inquisitors that the proceedings of the trials are so far advanced as to admit of their entering into a general dispatch, they shall call the promoter to the board, and there shall tell him to make up a list of all the prisoners in the prisons, and of the persons who defend themselves out of prison, according to what is prescribed under their title, § 24, which list shall be sent to us, with a letter from the board, that we may order enquiries to be made whether it is expedient to enter into a general dispatch.

37. On the day of the celebration of an *auto-da-fé*, if we are present when the prisoners begin to come out of the prisons to the scaffold, they shall send a list of them to us; and if we are absent, after the prisoners have all quitted the inquisition, they shall dispatch a messenger express with it, and a letter, that with all possible expedition we may receive due notice of the persons who appear in the *auto*, and the promoter shall make out these lists.

And they shall order that as many copies shall be taken from the same lists as are necessary for the ministers of the council, and the other inquisitions, taking care that they be sent to them respectively within eight days; and they shall also send lists to the inquisitions of the persons who have their business dispatched at the board, or in the saloon, or at any church, that in all these cases due notice may be given.

38. When any Jew visits this kingdom, the inquisitors shall desire him to attend the board, and shall order him, under heavy penalties, to wear constantly a yellow hat, and not communicate privately with the people of his nation, (descendants from Jewish families,) and only to converse with those persons with whom they may have business; and as soon as it is dark, to go home to his own house, and shall order a familiar worthy of confidence to accompany him, and oblige him to obey the aforesaid order; and for his

trouble they shall assign to him what salary they may think proper, which the jew himself shall pay.

39. Every year in the latter end of December, the inquisitors shall appoint to serve as treasurer of the inquisition for the following year, such one of the notaries of the holy office as they may think best qualified for this purpose; and shall order, that another notary, who may be more disengaged, shall serve as a clerk in his office; and at the end of the following year they shall remind us of ordering his accounts to be examined and audited, to which end we shall appoint an inquisitor and a notary, whom we may think proper.

40. The inquisitors shall be very diligent in collecting the revenues of the inquisition, and every thing that in any respect relates to this department; always taking care to have sufficient money for the necessary expences of the house, and the maintenance of the prisoners, the business of their trials, and other things which belong to the holy office, in such a manner that its business may be never delayed from want of money. They shall order letters of request to be sent in proper times to the judge of the Exchequer of the holy office, for the maintenance of the prisoners who are rich: and decrees to the treasurer for the poor prisoners; and if he says that he has no money, they shall report it to us with all possible speed, that we may provide in the case as may be expedient. A similar report shall be made whenever there is no money in the coffers to defray the expences of the inquisition.

41. Every Saturday afternoon in the week they shall order the treasurer to lay before them the book of the expences of the house, to see whether they are correct; and if they find that some are unnecessary, or contrary to what is ordained in these Bye-laws, they shall order them to be cancelled; and as to those they may approve

of, they shall sign their names in the book at the end of each sheet.

And the junior inquisitor every three months shall collect all the books of receipt and expenditure by the treasurer, and shall balance his accounts, that the board may be informed of his behaviour, and whether he wants money; and of these balances entries shall be made in the books, which they shall sign.

42. The inquisitors shall order the revenues of the inquisition, the fines, forfeitures, and any other things that may in any way belong to this department, as well as what comes for the provisions of the prisoners, to be entered to the debit of the treasurer, and the money to be kept in the coffer with three keys, which is to be in the *Secret*; and when it is necessary to open this coffer, there shall be present the treasurer, and the two senior inquisitors, who shall have charge of it; and they shall not order any money to be issued, or expended, without our express permission, except in the cases declared by these Byelaws.

They shall order that the money necessary for the maintenance of the prisoners in the prison be issued every month to the steward; and when at the end of the month any balance is due to him, they shall order it to be paid immediately; and when he is the debtor, he shall pay the balance to the treasurer. In the same manner, at the beginning of each month, they shall order that the treasurer shall take out of the coffers such money as may appear sufficient to cover the ordinary expences of the house, which he shall have it in his power to defray; and they may order a sum, not exceeding fifty cruzados, to be expended every year in repairing the buildings of the inquisitions, and making the necessary alterations in the rooms allotted for the dispatch, secret oratory, and audiences; and when it may be expedient to do any work,

or to lay out any money exceeding the said sum, they shall report it to the council, declaring whether the said fifty cruzados have been already expended, and in what they were employed.

43. They shall cause the salaries of all the ministers and officers of the holy office, and all debts and pensions which the inquisition may owe, to be paid with every possible punctuality. All sums to be expended in the business directed by the holy office, shall be defrayed in the following manner: those incurred by individuals shall be paid by the parties themselves; those for qualifying notaries, shall be discharged by the holy office; those occasioned by rich prisoners shall be at their own expence; those of poor prisoners shall be charged to the account of the money that issues from the exchequer for their maintenance; and those that are ordered for the good of justice, and are not incurred in the proceedings on trials, shall be paid out of the money allotted to the household expences: and, agreeably to this order, they shall cause their several sums to be entered in the proper books.

And when they order any enquiries to be made about any person who wishes to be admitted into the service of the holy office, they shall give directions, that the party deposits in the hands of the treasurer the sum necessary to defray the expences of such enquiries: but they shall not order any sum to be deposited, when these informations are taken *ex officio*; with this difference, that if the person is elected before they begin to serve, they shall pay every thing expended in the business; if not approved of, the same shall be charged to the account of the holy office.

44. Whenever an *auto* is celebrated, they shall cause to be entered to the debit of the treasurer all monies arising from fines, paid by such persons as have appeared in the *auto*; and what they can collect they shall carry to the account of cash in hand, which must be in the same

book ; and when they find that any of these fines have not been received they shall enquire into the reason why, They shall observe the same plan in collecting, and entering in the same book the commutations of penances ; and we particularly recommend the inquisitors not to neglect the execution of these orders.

45. They shall give orders that the prisoner, who leaves the inquisition without having his goods confiscated, shall immediately receive the money that the treasurer may be indebted to him, from what he had received for his maintenance, as well as any pieces, or coins, of gold or silver ; or any other things found upon him at the time he entered the prisons, and all shall be delivered to him in the same form as it was found ; and in case the prisoner be indebted in any sum of money, they shall order the treasurer to recover it from him, and not let him go out of the prison of penance without previously paying the same, or, at least, giving pledges, or good securities, for the discharge thereof within a certain time ; and when this period has elapsed, they shall not prolong the time on the securities without an order from the council.

46. They shall order that in the slaughter-house or shambles of the inquisition the meat necessary for the prisoners shall be first served ; then that for the ministers and officers of the house, according to the precedence they have in the list ; and of this they shall give due notice to the person who distributes the meat ; and orders also shall be given to the merchant butchers, that they do not exceed the fixed prices established for the meat markets of the city, and that in every respect they behave so as to give no offence of any kind to the people.

47. Whenever any inquisitor knows, for a certainty, that another has committed any crime deserving of punishment, he shall report it to us secretly ; and on the inquisitors having any notice that any of the ministers or officers of the holy office cannot properly fulfil their duty,

or that with the power of their offices, and under the pretext of their privileges, they molest or vex any person, or commit such crimes as deserve punishment, reprimand, or admonition ; if he be a deputy, or promoter, he shall make it known to us, that we may decide in the matter as we may think proper ; and if he be a notary, and his crime be slight, he shall be admonished or reprimanded, as may be thought necessary, of which a memorandum shall be entered and signed by him, if required ; and if one of the officers in attendance, besides the reprimand he shall be fined in a sum not exceeding the mil-reas in one quarter.

But if the crime be of consequence, they shall make it known to the council, that what is proper to be done may be determined, except when the guilty are the attendants of the meyrnho, or the guards of the prison of penance ; for in these cases the inquisitors may punish them according to the enormity of their crimes, and even to deprive them of their offices until it shall be thought proper to reappoint and readmit them without any previous order or appointment from us, according to the manner prescribed under the title relating to these officers.

And if any person comes to complain of or to depounce at the board of inquisition any minister or officer of the holy office, the inquisitors shall receive such complaint, and as it will be necessary to make some enquiries about it, they shall cause them to be made with all convenient precaution and secrecy ; after which, they shall proceed in the aforesaid manner. And if the complaint is of an inquisitor, deputy, or promoter, they shall also receive it, but not order any steps to be taken therein, without previously making the case known to us.

48. All ministers and officers of the holy office shall be treated by the inquisitors with the courtesy respectively due to each of them, agreeably to their rank and offices ;

but on account of the respect due to the tribunal, we do determine that at the board they shall never speak to the meyrinho by the style of *mercê*, or address the alcaide and other officers except in the second person *you*; and they shall employ no officer in their own service, or order him upon any business that does not belong to the holy office; nor shall they receive from them any gifts or presents.

49. They shall not grant permission to any minister or officer to be absent from the inquisition, when we are present; but in our absence they may grant it, if there is a just cause assigned for twenty days in the year, either together or with intervals, provided it is not to go to court, or to go within four leagues distant from it. They may order certificates of absence from the inquisition, to the ministers, officers, and other persons who may ask them, in the causes of the privileged, who are, or have been tried at the board, and of the ministers and officers who serve, or may have served in the holy office.

50. They shall not summon or admit the deputies to the board, but in such cases as are expressly declared in these Bye-laws, except those who may have a special permission from us to that effect; for if they have this, they may summon them, and entrust some business to them, according to what is ordained in § 14. of this title. They shall not send any deputy or promoter to execute any business (even such as may be declared in these Bye-laws), out of the town where the holy office resides, without previously making the same known to us.

51. Whenever any officer or familiar of the holy office makes known to the inquisitors at the board, that he intends to marry, they shall ask the name of the female, as well as the names of her parents, and grand-father and grand-mother, with the places of their nativity and abode; and they shall inform him that he must not marry till the

board determines what is convenient on the subject ; and then they shall order an information to be taken concerning the purity of blood, according to what is declared in the first title of this book, § 4.; and on this being approved of at the Council, they shall tell him that he may freely marry her ; and if the same is not approved, they shall inform him that if he does marry, he cannot be an officer of the holy office.

And if any officer or familiar marries without previously making it known to the board, the inquisitors shall suspend him from his office till the aforesaid information is taken, and if the marriage is approved by the council, they shall take off the suspension ; and not being approved, he shall be deprived of the office he may hold.

52. They shall commit the business to be transacted at the places where there is no inquisition, to such commissaries and familiars as may reside there (except where there is a just cause for committing it to others) since it is very expedient that the business belonging to the holy office shall be done only by persons who are qualified to transact it : and in those places where there is no commissary or familiar, they shall commit the business to the ecclesiastical justices of the place, and in want of these to the secular justices, except they should be acquainted with a person capable of performing it with greater satisfaction. But that there may not be want of commissaries or familiars, they shall take care to inform us in what towns it may be necessary to appoint them anew, that we may provide in the case as we may deem convenient.

53. Whereas in the Bye-laws respecting the visitors of foreign ships, it is provided that in such maritime towns of the kingdom as contains a convent of the order of St. Dominick, the prior thereof shall be the visitor of foreign ships, and in his absence the reader of cases in the same convent, the inquisitors, whenever the provincial of the

said order is elected, shall inform him that when the prior, or reader of cases, is appointed for such convents, it shall be immediately reported to us who they are; for it may happen that they are persons who cannot serve the holy office; in which case it would be necessary for us to provide others.

54. If any inquisitor, minister, or officer, of the holy office, shall complain at the board of any wrong that has been done to him, or that his privileges, have been violated, the inquisitors shall hear him, and if the case is not reserved for the council, on account of the person to whom it refers, or of the nature of it, they shall see entire justice done; and if the cause be reserved, they shall report it to the council, that they may obtain the necessary orders.

55. The inquisitors shall take cognizance of all civil and criminal cases affecting the ministers and ecclesiastical officers, when there is nothing to prevent them in the canon law, and practice of the holy office, by virtue of the decrees and royal provisions issued in favour of the holy office. They shall also take cognizance of the civil and criminal cases, and of the privileges of the officers in attendance and servants of the ministers, as well as of the privileges granted to the same inquisitors and other ecclesiastical ministers of the Inquisition.

But the cognizance of such cases as may belong to them by virtue of a royal privilege, shall be agreeably to the manner declared in the same provisions and decrees, and according to what is ordained in the ordinances of the kingdom, as in such cases they are to be considered as royal ministers; and if henceforth his majesty shall grant any other privilege to the holy office, they shall also take cognizance of it in the aforesaid manner.

56. At those inquisitions where the council-general does not reside, the inquisitors may order the *conclaves*

sions to be examined, when they are to be argued in their district, by two qualificators of the holy office, or by the other learned persons, and if both should agree that there is nothing in them against the faith, or good morals, they may grant permission for the same to be printed and argued; and when any of the qualificators entertain doubts as to any of the propositions, they shall order the conclusions, with their opinions upon them, to be taken to the council-general, that all doubts may be there satisfied. The same thing shall be done, if, after the conclusions have been printed, but before they are argued, complaints should be made at the board, that they contain any thing subversive of the faith or good morals; in which case, they shall order the president of the conclusions not to argue these points until a new order has been received from the holy office.

57. The actual inquisitors shall take precedence in seats over the person who is present on the part of the ordinary, though he may be a titular bishop; but this person shall precede the inquisitor out of office, and the inquisitor out of office shall precede the deputies, who shall precede the promoter.

The inquisitors of the same district shall have precedence amongst themselves, according to their seniority, which is to be reckoned from the days on which they took possession of their offices.

The inquisitor in his own district, though junior, shall have precedence over a senior inquisitor of another district, when they happen to concur in any act, except we should order any thing to the contrary.

And should the inquisitors of different districts happen to concur at any time, they shall take precedence according to their seniority; but when we may change an inquisitor from one inquisition to another, he shall have precedence according to the seniority of his place, except

he should be an inquisitor from India ; in which case, though changed to Europe, he shall not necessarily take precedence according to the seniority ; but according to what we may determine, so as most expedient to the service of the holy office.

Amongst the deputies he shall have precedence who was before an inquisitor ; and all others shall have precedence according to their seniority, though some of them may be titular bishops. The deputy of a different district, who by our order is present at another inquisition, or is changed into it, shall take precedence according to the seniority of his office.

And if the promoter is a deputy, and in the exercise only of the jurisdiction of deputy, he shall take precedence according to his seniority as deputy ; but if he acts in office of promoter, the deputies shall have precedence over him, though they may be his juniors.

The deputies and notaries out of office, when called to the tribunal, or to take part with it in any public act, shall have the precedences which belong to them according to their seniority.

In conformity to these orders of precedence, the Inquisitors shall direct the aforesaid ministers to take their seats whenever they are present at the board of the Inquisition, at the *auto-da-fé*, or any other acts of the holy office ; and in regard to voting, that order shall be observed which is established in Book 2. tt. 13. § 7.

58. Taking into consideration the respect due to the bishops, in consequence of the great dignity that the Catholic church has granted to them, we do determine that, when the ordinary of the town where the tribunal resides (being a bishop) comes to the board, in those cases when he may do so according to these Bye-laws, the inquisitors and other ministers, in the first instance, shall go to receive him at the saloon, and give him a seat

at the top of the table, where he shall ring the bell, and vote the last of all ; and from thence forward they shall wait for him at the door of the anti-chamber, in the inside ; and when he goes out they shall accompany him to the last door of the saloon : but in his presence, they shall never propose or dispatch any business, or trial, which do not relate to persons under his jurisdiction.

And when any other person not belonging to the holy office comes commissioned by a bishop to be in his place, he shall take precedence in manner before mentioned ; but if any inquisitor or deputy has the same commission, he shall have the precedence only which belongs to him on account of his situation. When the ordinary is not a bishop, and comes to the board for the dispatch of business, he shall have the precedence allotted to the person who comes by commission from an ordinary, who is a bishop ; for this is the precedence which belongs to them by law.

59. The inquisitors shall treat all persons not belonging to the inquisition, who may be summoned to the board, or come there to discharge their consciences, with the courtesy due to their respective dignity and rank. They shall assign seats with backs out of the platform to noblemen, judges of the high court called *desembargadores*, dignitaries, canons of cathedrals, and collegiate ; the judges of ecclesiastical courts of prelates, and religious orders, abbots, priors, *corrigidores*, *provedores*, judges called *de-fora*, *oidores*, doctors, *licenciates*, and others, who, by their nobility and employment, may appear to the majority of votes to be entitled to this mark of distinction. And if any of those persons shall commit any irregularity, for which they may require to be reprimanded or admonished at the board, the inquisitors shall not summon him before it until an information of the case has

been reported to us, that we may determine how they are to proceed. To all other persons they shall assign plain seats without backs.

#### TITLE IV.

##### *Of the Visitors.*

1. One of the most important things in the holy office to the service of God, and the advantage of those guilty of the crime of heresy, and therein suspected, or informed of it, are the visits ordered to be made throughout the several districts. On its appearing, therefore, to us, that any of these districts, or any particular place, requires to be visited, we shall select for the office one of the inquisitors or deputies, to whom business of such great importance may be trusted ; a person of known learning, and of such great authority, that he may thereby increase the respectability of his situation.

2. The visitor, besides our provisions and orders, which he is to take with him, as will be explained in Book II. tit. 1. § 1. shall also take out letters from his majesty to the bishops, judges, and town magistrates in all the places he may have to visit, in order that he may obtain all such help and assistance as he may be in want of for the due execution of his visit ; and that the bishops &c. may come out and receive him outside of the towns, which he is to enter ; together also, with a provision signed by his majesty, as to his lodgings, finding him in board, and all things necessary for himself as well as for the persons who accompany him ; which must be one *meyrinho*, with his two men and a solicitor.

3. He shall endeavour, as much as possible, to commence the visit of every bishopric in the city where the bishop resides ; and before he goes into it, he shall give notice by letter to the justices and city magistrates of the

day of his arrival, sending to them the letters from his majesty, that they may come out and receive him, and may prepare accommodations for him.

4. Before the visit begins, he shall wait on the bishop at his house ; and if he has visited him before, or there shall be such an impediment that he cannot visit him, he shall deliver to him the letter from his majesty, and shall show to him such provisions and powers as he may have with him : but if the bishops, not having a just impediment, shall not come to visit him at his house, he shall send the provisions to be shewn to him by the notary accompanying the visit.

Should it appear necessary to begin the visit in any other place where the bishop does not reside, if it be within three or four leagues distance, the visitor shall send to him the letters from his majesty, and shew the provisions to him by the notary ; but if the distance shall be greater, he shall send the same by the solicitor, and until he receives an answer from the bishop, he shall delay the visit. If the bishop be out of his bishoprick, he shall send the provisions in the aforesaid manner, to be shewn to the persons who may in his name govern the bishoprick ; and in all cases the visitor shall take care to make his powers known to the bishops or persons governing in his stead, lest by the want of an answer the visit may be retarded.

5. When the see of a bishop is vacant, or the prelate of the place is not a bishop, and that prelate, or the governors of the bishopric come to see the visitor at his own house, he shall there inform them that he intends to visit that town or bishoprick, by our orders, on the part of the holy office, and he shall shew to them the powers and provisions in his possession ; and in case they do not wish to see him there, or do not come to visit him, he shall send these powers by the notary accompanying the visit

to the chapter, or house of the prelate, or of the governors; and of all the aforesaid things the notary shall keep a record in the book of visit, which the visitor shall sign.

6. When the visitor has exhibited his powers to the ecclesiastical ministers, and delivered his letters in the aforesaid manner, if the judge of the town (*juiz de fóra*) goes to visit him, he shall tell him, that, on such a day, and at such an hour, he must order the city magistrates (*camara*) to be convened, that he may send his powers for their inspection.

And if the judge of the town does not come to visit him, he shall send him a message to the same effect by the solicitor, and on the day that may be agreed on, he shall send the notary of the visit to shew his powers at the meeting of the town magistrates; and if the town has only a town judge (*juiz ordinario*) he shall send for him to his house, together with the other town magistrates, and there shall show the provisions to them.

7. When this has been done, on the first holy-day following he shall cause the day on which the solemn promulgation of the visit is to be made, to be published in all the churches of the place, and the sermon of faith also to be preached, which shall always be done on a Sunday or holy-day, at which all christian people shall be earnestly recommended to be present, and it shall be ordered, by apostolic authority, that on this day no other procession shall take place, or sermon be preached in any other church; and the friars, priors, curates, and other clergy of the city, town, or place, shall be directed to accompany the procession which is to take place, naming the churches from whence it is to set out, and where the day of the visit is to be published, which shall be in such places as may appear most convenient to him; and he shall also make the same known to the justices, and town

magistrates, that they may accompany him in the procession, and also to the lord of the land, or *Alcaide-Mor*, that he may be present at the publication.

8. On the day appointed for the publication of the visit, a solemn procession shall be held, with the greatest possible demonstrations of respect and authority: the visitor shall go behind the relics, accompanied by all the justices of the land, and the corporation of town magistrates; and on entering the cathedral, near the principal door, the chapter shall come out to receive him, and shall accompany him as far as the sanctuary, where there shall be a chair placed for him, with a back, upon a carpet, and near to it a cushion of velvet: there the visitor shall sit on the gospel side of the altar, except when the chair of the bishop in the cathedral may be on that side, in which case the visitor's chair shall be on the epistle side of the altar: and if the place is so small that the procession cannot be conducted with the requisite solemnity, the visitor shall go from his house, with the corporation of town magistrates, who shall accompany him to the church where the publication is to be made.

9. Then the mass shall begin, which is to be celebrated with every possible solemnity by the deacons and subdeacons, and there shall be a sermon of faith preached, for which the visitor shall select a person of pure blood, approved learning, and known virtue.

The preacher shall bow to the visitor, styling him Very Illustrious Sir; and if the bishop be present, he shall bow first to the bishop, styling him Most Illustrious Sir; and if the lord of the land is present, he shall bow first to the visitor: but if the lord is of such great rank and power, that it may be supposed he will be offended if he does not receive the first bow, the visitor, in the most convenient manner, shall cause it to be signified to him the day before, that, in the performance of this act, the preacher must

how first to the visitor, and that, being thus informed, he may have time to resolve what he is to do in the case.

10. The preacher shall arrange the subject matter of his sermon chiefly in praise of our holy faith; and by stating how much is due to the tribunal of the holy office, declaring its intention to be, that those guilty of the crimes of heresy and apostacy may be induced to come and confess their crimes, and ask pardon for them, and that they may be by those means received into the bosom of, and in union with, the holy mother the church; he shall declare also that the holy office seeks more for the salvation of souls than the punishment of criminals; and moreover, he shall teach the zeal and charity with which all persons ought to denounce and inform against those guilty of such crimes as are mentioned in the edict of faith; and he shall likewise advert to the punishment that will be inflicted to those who may falsely accuse any person, or conceal what they may know of others; besides the heavy penalties and censures which they will incur by law.

11. After the sermon the edict of grace shall be published by a clergyman, in a loud and intelligible voice; and in the same edict the length of time for which that grace is granted shall be declared; and this period shall be assigned by the visitor, according to the size of the place, but it must never exceed thirty days. After the edict of grace, the provision from his majesty shall be read, by which he is pleased to forgive the goods and estates of those who within the said time shall confess their crimes; and lastly, the general admonition shall be read.

12. After this, and when the visitor has been seated in his chair, a table shall be placed before him, having on it a cross, and mass-book, at which table he shall administer the oath to the lord of the land, or *Alcaide-mor*, to the

ministers of justice of his majesty, to the judges and town magistrates; and to each of them separately upon their knees before the table, with their hands upon the mass-book. The notary shall read the oath, and he who swears shall repeat it after him; and the same shall be read to the people upon their knees; and after the oath has been administered they shall be asked if they do so swear; and the notary shall insert in a register that such an oath was administered, and the visitor shall sign it, as well as the principal persons who have sworn; and the formulæ of the oath shall be the same as that prescribed at the end of this book.

And when the act of publication is done, the visitor shall cause to be affixed to the principal door of the church the edict of grace, and the general admonition, with a copy of the provision from his majesty, attested by the notary of the visit, and the same shall remain affixed during the time allotted for grace; and when this is ended, the visitor shall have them taken down.

13. Whenever in the execution of the aforesaid regulations, or in any other matter, any doubt shall arise, the visitor shall report it to us, that we may provide in the case as we may think convenient for the good of the holy office; and as long as the visit shall last, he shall continue to make known to us what may happen; and he shall take cognizance of all cases declared in paragraphs 2, 4, and 5, of the Book II. title 1, and he shall proceed in each of them as is therein determined.

When the visit is finished, he shall come back to the inquisition of which he may be an inquisitor, and from thence he shall make known to us every particular of what he may have done, or have found done during its continuance; but if the visitor shall not be an inquisitor, he shall come in person to do the same before us, that we

may determine what is most for the service of God, and the benefit of souls.

## TITLE V.

### *Of the Deputies.*

1. The deputies of the holy office shall possess all the qualifications declared in the second paragraph of title 1. of this book ; they shall, moreover, be noble persons, clergymen of sacred orders, five-and-twenty years old, licentiates by private examination in one of the faculties of divinity, canon law, or civil law, and of such good qualities, and such behaviour, that they may thereafter be appointed inquisitors.

2. They shall entirely observe what is ordained in paragraphs 6, 7, 8, and 9 of the title 1. of this book. They shall come to the board of the holy office whenever called upon by the inquisitors, and shall remain there all the time they may prescribe to them ; and shall endeavour not to miss coming, chiefly at the time of general dispatch of business, for this is their chief duty, and that the dispatch of the trials may not be delayed on their account : but when they are not called upon they shall not attend at the holy office, except when they have our special licence for that purpose.

3. In their seats and votes they shall take precedence, according to what is ordained in paragraph 57 of title 3. of this book, and in Book II. title 13. § 7. At the board they shall always be very composed, with the authority due to the tribunal ; they shall not say their canonical prayers there, nor write any thing that relates to themselves, nor shall they hold any conversation, except it be very becoming, nor have any dissension amongst themselves ; they shall always be attentive when any business is going forward at the board, or the votes are taking ;

they shall not interrupt those who vote, nor after voting shall they dispute about the votes they have given; and when they shall go out they shall not talk about the matters that have been treated at the board.

4. They shall not take out from the holy office any paper containing any thing of a secret nature; but with the permission of the inquisitors they may see at the board the records of trials, as well of those which are going on, as of those which are already finished, chiefly those which may involve intricate points, that they may thereby instruct themselves as to the order and custom of proceeding in the trials, and passing judgment in the causes, and may better know how to proceed, and vote in similar ones.

5. Those who have our permission to be present at the board when the inquisitors give audience to the prisoners, and the ordinary dispatches of their trials takes place, shall be very attentive, adverting, with all attention, to the manner in which the prisoners are treated, and the forms observed in such matters, that when any similar cases are committed to any of them, they may perform it as may be most convenient. When the prisoners are in the audience, they shall not speak before them in such a manner as to be heard; and should they have any thing to observe to the inquisitor about the business then in agitation, they may do it in writing; but when they come to the board to be finally dispatched, each of the deputies may then ask as many questions as he may think necessary for the better knowledge of their causes, and to vote more decidedly on their trials.

6. They shall vote in all definitive sentences, in interlocutory ones also that have the same force, or may produce irreparable injury; and in any others that may occur after trial has been proposed to the board, as well as in the pronounciation or declaration of those crimes which

may result from propositions that the board has ordered to be qualified, and in cases sent by the ordinary to the holy office. In all these instances, as well as all others in which they may vote, they shall have decisive votes, and they shall sign the resolutions taken at the board on those matters whereon they have voted.

7. At the tribunal, and out of it, they shall transact all business relating to the holy office, when committed to them by the board, according to what is prescribed in title 3. § 13. and 14. of this book : and in this respect they shall keep the same order as the inquisitors are obliged to follow, according to these bye-laws ; and the better to do this, they shall see what is here ordained about such matters as may be entrusted to them.

## TITLE VI.

### *Of the Promoter.*

1. The promoter of the holy-office shall have the same qualifications as are requisite for the deputies, according to the Bye-laws, declared in Title 1. § 2. of this book ; and whereas this situation requires great confidence, and on its proper discharge materially depends the expedition of business, we shall always chuse for it a person in whom we can rely, for readily expediting all causes entrusted to him by those Bye-laws.

2. The promoter shall keep one of the three keys of the secret, and shall endeavour always to attend at the holy office, at the hour prescribed, that the ordinary dispatch of business may not be retarded on his account ; and when, in consequence of any just impediment, he cannot attend, he shall observe the order declared in paragraph 4. of the 2d title of this Book. He shall attend every day, not being a holy-day, at the secret of the inquisition, for three hours in the morning, and three in the afternoon ; and he shall not absent himself therefrom without a very

just cause; nor shall he go to the board of dispatch but when he has any thing to request, or to present any libel, or when he may be called in by the inquisitors.

3. He shall keep all papers, books, and records of trials, with such order and precision in the secret, that they may be easily found, when necessary; and when any of these are taken out of their places, he shall take care that they are again replaced, on account of the inconveniencies that might arise from a contrary practice.

He shall place the papers relating to every trial on separate shelves, containing the year in which each trial took place, and the number and order of the trials; and the proceedings of these trials shall be arranged in an alphabetical order, and all those which come under the same letter shall be placed together, having the letter sufficiently large to be easily seen. The trials of those persons which may not be expedited at the public *auto da fé*, shall be placed in the aforesaid manner, with those of the *auto*, in which they were to have appeared, should the causes be of that nature as to deserve to have appeared in it.

4. Whereas it is necessary that the promoter shall constantly bear in mind the actual state of such causes as proceed at the holy office, that he may with greater facility and expedition present such requests as may be necessary for the good of justice, we do determine, that he shall have two memorandum books, one for containing the names of the persons who are in prison, and another for inserting the terms, sessions, and other business, to be attended to on their trials; and those memorandum books shall be formed in manner declared in title 3. of this Book, § 15 and 16: besides those memorandum books, he shall have another to help his memory, wherein he may write down the names of persons denounced, whenever he finds that

there is sufficient proof for committing them to prison, that he may not happen to forget any of them through the hurry of business.

5. The petitions presented at the board of the holy office, in favour of persons denounced, or who have been apprehended in consequence of being denounced, shall be placed on a file, numbered, and at the margin of each petition he shall declare through what channel the denunciation came, the day when the same was presented at the board, the name of the person to whom it relates, and whether any proceedings took place thereon; and at the beginning of the file, he shall place an index of the names of the persons to whom the petitions belong, alphabetically arranged; and when they relate to persons denounced, he shall mention it in the repertory, at the margin of the title, of the persons to whom they may belong, that he may proceed at all times against them, and may better comply with the regulations prescribed in § 18 of this title.

When this file is made up, he shall desire the inquisitors at the board to number and put their initials to each leaf, and declare the number of leaves at the end of the file, in the manner prescribed in title 2 of this book, § 8. And when the number of petitions increases, he shall form another file, numbering them, file first, second, &c. according to the number of files, the petitions may require.

Of the business done in consequence of these petitions, he shall also make files, from whence he may take copies, to be added to the papers of the several trials to which they may belong; and if it shall so happen that proceedings take place thereon, to these also shall be joined, the copy of the petition by which the business was done. When any petition is presented at the board, in favour of any person already in prison, it shall be immediately added

to the trial, the promoter taking care to declare in the margin who presented it, and on what day.

6. With the denunciations and confessions of the *apresentados* brought before the holy office, the promoter shall form three different books: the first containing a list of those guilty of the crime of heresy; the second, a list of confessors *solicitant*; and the last, a list of those who may have been denounced for a nefarious crime. But if the denunciation relates only to one person, already in prison, the promoter shall annex it to the papers of the trial; and when these books are formed, he shall desire the inquisitors to number and put their initials to the leaves, in manner ordained in § 8. of title 2. of this Book.

And if the confessions and denunciations increase, they shall keep the same order as before stated, when the petitions delivered in favour of parties accumulate in such a manner as to call for the multiplication of the files.

7. The promoter shall annex remarks to all the denunciations received at the holy office, in the following manner, viz. at the top of the denunciation he shall put the names of the denouncer and denounced; at the margin he shall give the oath administered to the informer, with his age, the time and place of the crime, and the substance of it, the circumstances that may aggravate or extenuate the crime, the accomplices, when any, and what he may have to observe on the custom.

In the confessions he shall make the same remarks; and, besides, shall note the doctrines the criminal has taught, at what time, and how long a belief of the errors which he confessed has lasted.

8. In the same manner he shall remark the crimes, which may be copied from the originals, as well as the name of the witnesses; whether they were related to the criminal, and in what degree; whether they deposed under the torture, or have any defect; and whether the accomplices

have any relationship amongst themselves, and in what degree; and in all sections and business, he shall note every thing essential, either beneficial to or against the parties. All these remarks he shall place in the margin opposite to the things to which they relate, and they shall be short: but they shall be framed in such manner that it may be easily understood from them what the contents are; for, by these means, what may be wanted in the papers of the trial, may be found without much trouble.

9. The promoter shall write down, without delay, in the general repertory, the names of all persons denounced at the holy office, or who have therein confessed their crimes, (except when they are *solicitants*, or guilty of the nefarious sin, or denounced without name; for these shall be reported in special repertories, as will be hereafter stated), and he shall place the name of each person separately, declaring, besides the name, the condition, rank, and other particulars, as may be deemed necessary to furnish a knowledge of the persons to whom they refer; and below, he shall put the names of the witnesses, and the crimes alleged in their testimony, and in the margin the place of nativity, and abode of the denounced shall appear; and when he is confitent, absent, dead, or ordered to be imprisoned, or any of the witnesses shall labour under such defects, that no credit is to be attached to them, or their credibility is in part diminished, he shall also say in the repertory whether any petition has been offered at the holy office in favour of the denounced; and should there be any, he shall declare the day in which the same was presented, the file in which it was entered, and the number of the page.

10. When every thing has been thus reported as aforesaid, he shall immediately enter in the index of the repertory, under the proper letter of the alphabet, the name of the person denounced, or confitent, declaring his con-

dition, or office, the place of his nativity and abode, that by these means he may speedily enter in the repertory such crime as may appear to have arisen anew against the criminal, and may also find in the repertory the persons denounced, or who have confessed; and answer to the lists sent from the other inquisitions.

In the same manner he shall enter in one repertory the names of those guilty of a nefarious crime; and in another the names of solicitants; and he shall immediately insert the names of the person thus reported in the index, which must be at the beginning of each repertory; and these two repertories, with the books of confessions and denunciations whence they are extracted, shall always be kept under key, and never be permitted to be taken out of the place, unless they are absolutely required.

Those who have been denounced without name, shall also be reported in the same manner in the repertory kept for this purpose; and in the index of the same repertory the promoter shall insert the name of the town of which the denounced is a native and inhabitant.

11. The promoter shall enter in a book of larger size, according to the letters of the alphabet, the names of all persons dispatched at the holy office, or who appear at the board, or at the saloon, or public *auto-da-fé*, to hear their sentences, or who have been set at liberty, on account of madness, or any other reason; each person being kept separate by himself; and the promoter declaring his name, office, condition, and quality, the county or town in which he had his nativity and abode, with all other circumstances which may appear necessary to be known: and in the margins, which, for the sake of greater convenience, shall be three in each page, he shall put in one the year when the person was dispatched, in another the kind of dispatch, in the third the *auto-da-fé*, to which the papers of the trial are annexed,

12. He shall enter in the book, which is to be kept for this purpose at the holy office, the list of persons therein dispatched, according to the order in which they heard their sentences read at the *auto*; and in the same manner he shall enter in another book the lists of the *auto-da-fé*, sent from other inquisitions.

13. The promoter shall request that all denunciations, from which any proof of crime, the cognizance of which belongs to the holy office, may have resulted, shall be ratified; and if any witnesses are referred to in it, he shall request that they may be interrogated, and that such other business may be done as may be necessary to show whether the witnesses have faithfully deposed. And if the denunciation relates to persons who reside in another district, after entering their names in the repertory, he shall order it to be copied, and apprise the inquisitors of the circumstance, that a letter from the board may be transmitted, with the copy, to the inquisition, to whose cognizance the parties belong; and in the repertory he shall enter a declaration of the day, month, and year when it was sent,

And when the denunciation comes from the ordinary or commissary, he shall request, by writing, therein soliciting a commission to be issued, that the aforesaid may be executed; and as soon as this has been done, the result shall be annexed to the order under which it was done.

14. When witnesses bear testimony from hearsay or report, he shall request that they may be interrogated; and of the latter testimony he shall form articles against the defendants, and shall avail himself of this testimony when it is by law permitted, as will be hereafter mentioned; but with respect to those whose testimony depends on hearsay, he shall cause them to be interrogated as to those to whom their testimony refers, and shall do all other necessary things for the good of justice.

15. When it appears to the promoter that there are sufficient proofs of crimes for proceeding against any person, he shall order the notaries to translate these proofs, and to compare them with the originals; and shall request permission of the board, in writing; to offer them, when he shall declare the name, rank, and place of residence of the criminal; how many witnesses he has to produce, with the substance of the crime imputed to the criminal; and shall plead against him as he may think necessary on the part of justice; and after having joined the request with the records of the crime, he shall direct a notary to make them conclusive, and when this has been done, he shall present the whole in person to the board of the holy office.

16. And when there is no time to copy the originals of the crimes, either on account of the expedition required in proceeding against the guilty, or on account of the pressure of other business, the promoter shall enter a request in the book of the decrees, as mentioned in title 2. § 7. to offer the originals themselves, and the decision taken at the board shall be inserted in the same book; and as soon as the criminals have been taken to prison, the promoter shall direct one of the notaries to give a certificate of their warrants of imprisonment to be added to the proceedings; and if the imprisonment cannot take place on account of the persons being absent, or dead, or on any other account, he shall request that the warrants of imprisonment may be recalled into the secret, as great inconveniences might result from their remaining in the hands of the persons to whom they were entrusted: and in the repertory he shall declare that the criminals have been ordered to prison, and are absent or dead.

17. He shall request that the causes of persons who died in the prisons, or escaped from it, may be continued, and that proceedings also may take place against the ab-

sent or dead, who have not been imprisoned, provided there is sufficient proof against them; and he shall further request that the penalties of the sentences may be executed, that the payment of the securities may be enforced, and that the penalties inflicted on the criminals may be fulfilled. In these matters he shall also present all such requests and petitions as he may think convenient to the good of justice; and if the inquisitors do not grant compliance with their contents, and he thinks that justice is thereby offended, he shall observe the form pointed out in this title, § 23.

18. Before he requests that proceedings may be instituted against any person, he shall examine the files for petitions presented in favour of the parties, and the margins of the repertory, in which these parties may have been reported; and on finding any thing in their favour, or knowing by any other way that there is any thing in their favour at the holy office, he shall declare the same at the board, that entire justice may be done to all, and that the guilty may be punished, and those who are not guilty may be defended.

19. The promoter shall accuse all prisoners *negative*, and the *confitent* who are *diminute*, as to the most material part of their crimes, or as to remarkable ceremonies, or as to the time during which they continued in their errors; except when it is presumed, according to law, that the *diminutions* in such respects do not proceed from malice, but only from forgetfulness. He shall also accuse all those who confess their crimes, but deny the intention, and those likewise who are to receive punishment, though they may have confessed their crimes in the fullest manner: but this shall not be understood with respect to those who confess judaism, or any other heresy, on whom an arbitrary punishment is not to be inflicted, but merely the ordinary penalties of law; nor with respect to the so-

licitant or sodomite, who are *apresentados*, and have not sufficient proof against them for being imprisoned.

But in these cases, when the promoter does not accuse the *confitent*, he shall say by his own hand-writing, in the proceedings, before they are finally concluded, that he does accept the confession of the defendant, on the part of justice, in as much as it bears against him; and he shall request that the criminals may be condemned on that account; and this shall not only take place in the proceedings against prisoners, but in those relating to the *apresentados*.

20. When a new crime of heresy arises against a criminal, differing from that of which he has been previously accused, the promoter shall accuse them a second time for this: as, for instance, when the defendant was first accused of judaism, and then the crime of having espoused the sect of Mahomet arises against him; or when, having been accused of being a Lutheran, he appears to have belonged to another sect.

The promoter shall moreover accuse the negative defendants a second time, who may be accused as believers in, and observers of a particular sect, when afterwards a crime arises against them of practising ceremonies belonging to the same sect: viz. when the defendant is accused of having declared himself to be a Jew or Moor, and it afterwards appears that he kept the Saturdays in the manner of the Jews, or observed the fast of Ramedam, kept by the Moors.

They shall also accuse the negative defendant a second time, who, having been accused of practising ceremonies of any sect, is afterwards found to have observed other ceremonies of the same sect: as, for instance, when the defendant, being accused of keeping Jewish fasts, is afterwards proved to have observed the Saturdays in the same manner as the Jews do. But when the ceremony which accrues

anew is of the same species as that for which he has been already accused ; as, for example, when the defendant has been accused of keeping the fast of Thanis, and he is afterwards found to have observed more fasts of the same Thanis, the promoter shall not accuse him a second time, unless the case involves such circumstances as tend to aggravate the crime.

21. The prisoner shall be accused of all crimes they may commit in the prison, though they may have been already accused of crimes of a similar kind ; in which case the promoter shall draw up the libel with such caution, that the prisoners shall not be able to learn that the time when the crime was committed is known at the holy office ; but the prisoners confessing the crimes of which they are guilty in the prison, declaring that they committed them there, they shall not be accused of them by the promoter.

In all the aforesaid cases the promoter shall accuse the defendants, but always shall obtain a previous order from the inquisitors for that purpose ; and when they do not grant an order, and the promoter may be of opinion that justice is thereby offended, he shall observe the order given in § 23. of the same title, and he shall frame the libels according to what is prescribed in Book 2. tit. 6. and 7.

22. After the defendants are accused, the promoter shall request that the proofs of justice may be made known to them, if the proceedings are already in sufficient forwardness for that purpose ; and when the defendants wish to be informed of the place where the crime was committed, and the inquisitors order the same to be declared, the promoter shall make such declaration, omitting the actual spot where the crime was committed : as, for instance, when the crime was committed in the church of St. Dominick, at Lisbon, he shall declare that the place is Lisbon, omitting the church which is the spot, and so in similar cases.

And when the place where the defendant committed the crime is so small, or involves such circumstances, that if it were declared to the defendant, he might come to the knowledge of the persons who witness against him, the promoter considering the distance from that place to the city, town, or any spot more remarkable, shall say that the defendant committed the crime within a certain distance of the said city, town, or remarkable place: viz. when the defendant committed the crime at a country seat one league distant from Lisbon, he shall say that the defendant committed the crime within one league of Lisbon.

And if the crimes are committed in the prison, and if the persons who committed them are inhabitants of the city in which the holy office resides, or there shall be certain knowledge that they came to it at the time in which the publication of the proofs of justice imputes the crimes to them, the promoter shall declare that the defendants committed the same in the said city; but if they are not inhabitants thereof, and there shall be no certain knowledge that they came there at that time, the promoter shall say that the crimes were committed in the archbishoprick, or bishoprick, in which the holy office resides.

23. When it appears to the promoter, that justice is offended by any decisions or sentences of the inquisitors, he may appeal to the council-general, as is ordained in Book 2. tit. 21. And when the board does not listen to the appeal, or answer to his petitions, he shall petition the council in relation to the case, and request that the papers of trials may be called up before it, to be decided upon, as may be due to justice.

24. Whenever the business and trials are in a state to enter into a general dispatch, the promoter, by order of the inquisitors, shall make a list to the council of all criminals in confinement, and of the persons who defend themselves out of prison, declaring therein the names, ages, and

conditions, of the defendants, with the places of their nativity and abode; the times when imprisoned, or when they presented themselves, the nature of the crimes, the proofs there are against them, and the terms in which the trials are; and before the general dispatch begins, he shall endeavour to learn from the other inquisitions, whether there are any other crimes against the persons who are to be dispatched, and for this purpose he shall make another list, with such necessary descriptions, as may afford a knowledge of what they are. He shall cause the same inquiry to be made by letter, in every instance when any trial is to be finally expedited.

Before the papers of the trials are proposed to the board; he shall examine the repertory, to see whether all the crimes that have appeared against the prisoner are therein copied; and at the end of them he shall declare, in his own hand, that no more crimes have appeared against the defendant than those therein copied.

25. He shall take care that the proceedings are instituted and carried on in such a manner, that when they come to a final dispatch, there may be nothing deficient; and in the front of the papers of each trial, he shall write the name, rank, condition, employment, and place of nativity of the defendant; with the day, month, and year, when he was imprisoned; and if the defendant be a single man, or a married woman, the name, and condition of the father or husband, observing what is declared in § 11. tit. 22. of book 2.; and he shall take a similar care in seeing that the proceedings are formed, as is ordained in book 2. tit. 5. Those that are to go to the council-general, he shall number as soon as they are finally concluded, that he may make his report with less confusion; and each part shall be numbered by itself, that he may continue the numbers with respect to what he afterwards inserted,

without erasing what is already written: but if the proceedings do not go up to the council, it will be sufficient to number them after the *auto-da-fé* is celebrated; and in these cases he may connect the numbers of the second part with those of the first part.

26. Of all the proceedings which go up to the council, a report shall be drawn up, which shall be divided into two parts; in the first of which he shall declare the names, ages, ranks, employments, and conditions of the defendants, with the crimes for which they were imprisoned; whether they are negative or confitent, at what times they were imprisoned, and how many witnesses there are against them, and how many proofs arose afterwards, and how many evidences there are against them.

He shall set down by numbers, with great distinction, the days in which they deposed, the times in which they declared the crimes to have been committed, the accomplices, and ceremonies imputed to them, how many witnesses agree in this respect, and whether the witnesses or accomplices have any degrees of relationship to the defendants.

In the second part of the report he shall set down the sections and terms of the trial, with the several days, months, and years, when they were made, and at what pages they were to be found; and at the end he shall mention the final decisions, the days on which they took place, and in what pages they are to be found. He shall observe the same order when the proceedings come more than once before the council, and new terms and decisions shall occur.

27. When the dispatch finishes, and the time arrives for asking for the *auto-da-fé*, he shall make, by order of the inquisitors, another list for the council, in the manner before declared, of the persons dispatched, adding

only the dispatch or decision appertaining to each of them, and declaring the names of those who suffered torture. By the day on which the *auto* is to be celebrated, he shall prepare another list of the persons who are to appear in it, declaring therein their names, ages, ranks, and the countries of which they are natives or inhabitants, with the nature of their crimes, and the penalties directed for them; which list he shall deliver to the inquisitors, that they may send it to us, in manner prescribed in the third book.

28. The promoter shall make lists also of the persons accused in confessions or denunciations, which he must repeat, although they belong to different districts, declaring the days in which the witnesses deposed, the nature of the crimes, the times and places of the crimes imputed to the criminals, with the necessary remarks as to the custom, and if the accusations be ratified. Those lists he shall deliver at the board, by whom the same shall be sent to the several inquisitions to which they belong, with all possible speed, lest the criminals may absent themselves, to the detriment of our holy faith as well as of their own souls. And when enquiries should be made by another inquisition, in relation to crimes, the promoter shall cause the notaries to copy them, and they shall be sent as soon as possible to the inquisitor that requested them; and in the repertory the days, months, and year on which they were sent, and to what inquisition, shall be declared; and if there are no crimes, the promoter shall cause a certificate of the same to be made by a notary, which he shall also sign, in order to satisfy the inquisition which made enquiries concerning the crimes.

29. He shall proceed with the causes of the privileges of which the holy office takes cognizance, when they are to be prosecuted on the part of justice; and he

shall make charges to all those who are tried at the inquisition, and for the business directed to be done, according to the new Bye-laws prescribed as to these matters.

30. Besides his regular appointments, for such libels as he may draw up he shall receive the following fees. In the causes of heretics, convicted by the proofs of justice, or by their own confessions, he shall have nine hundred *reis*; and the same when the crime is such, when proved, as to deserve capital punishment: in the causes of those who abjure *de vehemente* he shall have six hundred *reis*; in the causes of those who abjure *de leve*, or are dispatched without abjuration, he shall have four hundred *reis*; and in case he should have different libels to frame against the same persons, ~~he~~ shall have for each of them the whole fee: but when the libel is *acomulative*, that is, by articles framed anew, he shall have only the single fees, and for all the trouble that the different libels may occasion, he shall receive satisfaction when the other costs are paid.

## TITLE VII.

### *Of the Notaries.*

1. The notaries of the holy office shall be clergymen in holy orders; know well how to read and write; possess sufficient abilities and adequate capacities to fulfil the duties of their office; and, when learned men can be found, they shall be preferred to others, and all shall have the qualifications required in title 1. § 2. of this book.

2. Whereas, besides the continual attendance of the notaries at the holy office, there is very frequent occasion for their services on days when there is no dispatch of business at the board, we do, therefore, recommend them very earnestly to live as near as possible to the inquisition. Two of them, the seniors, shall keep the keys of the house of secret; and in the absence of either of these, another, whom

the inquisitors may appoint, shall have this care; and when there shall be a just cause for their not coming to the holy office, they shall send the keys in manner directed in § 4. of title 2. of this book.

3. They shall come every day, not being holy-day, to the holy office in the manner prescribed; and one of them in the morning, half an hour before business commences at the tribunal, shall say mass in the oratory of the inquisition; and that they may fulfil this duty with greater facility, which is to be inviolably observed, they shall divide the duty by weeks amongst themselves; and the masses they may apply to whom they please; and for the trouble of saying them they shall receive each of them five mil-reis a-year. If any of the notaries fail in the performance of this duty during the week belonging to him, we will not only cause him to be reprimanded as we may think proper, but he shall be fined in the salary appertaining to each mass.

4. They shall attend in the secret three hours in the morning and three in the afternoon, and during these periods shall not absent themselves, unless there is a very just cause, or the inquisitors call them. They shall employ themselves only in what belongs to their office, without distracting themselves with useless matters and talking, which answers no other purpose but to hinder the progress of business. And when the inquisitors do not employ them at the board, they shall enquire of the promoter what business they are to attend in preference.

5. They shall write in all causes, wherein the inquisitors are the judges, either by virtue of apostolic briefs, or by the royal privilege; they shall attend all judicial acts done to the prisoners, or other persons; they shall copy the crimes and other papers necessary to the trials, and shall write therein all terms, conclusions, and ratification; they shall moreover write all warrants, letters of

enquiry, requests, commissions, solicitations, and certificates, ordered to be made out; they shall stitch together the papers of the trial, shall fold up and seal the letters, and file the letters as well as papers received; they shall seal those that are to be sealed, and shall be present whenever a prisoner is to be heard or talked to; or any business, though the same may be extra-judicial, is to be done to him, except in those cases where those Bye-laws do not allow or prescribe it.

6. They shall enter the receipts and expenditures in the treasurer's books, wind up the accounts, as clerks of his office, and make up the books belonging to this office, as is declared in the following title. They shall write the terms wherein the oaths were taken by the ministers and officers of the holy office, and shall copy the letters patent in the book of creations and of salaries. They shall permit none of the aforesaid papers to be written by a third person, but the same shall be done by their own hands.

7. They shall not address any thing to the parties at audiences, and shall write down punctually every word that the inquisitor says to them, with their answers, writing both the queries and the answers at length, and not contenting themselves with merely saying, "and on being questioned they answered." And when it so happens that the inquisitor goes out at the middle of the audience, with an intent to come back and continue it, they shall stop the proceedings, and without writing any thing more; and on its appearing to them that it is necessary to make some observations to the inquisitor, relating to the business, then presiding, they may do it in writing; with becoming modesty and precaution; and when they cannot finish the business they have begun in that audience, they shall declare the reason why they could not do it.

8. They shall commence the terms of the audiences by stating the days, months, years, and places where they were made; and if they take place in the prison, they shall state the reason why they were made there, and whether in the morning or in the afternoon, declaring by their names the persons who attended as judges; and if, deputies only, they shall mention, besides, the orders or commissions in virtue of which they attended. They shall then write the names of the persons who are heard, and whether they asked for the audiences, or they were called; and whether the oath was administered to them to say the truth and keep secrecy.

When two sessions are allowed on the same day to one person, they shall not begin the second, by saying, "And then on the same day," but they shall always begin in the aforesaid manner, according to the day, month, and year. Before the parties sign the papers they must invariably read what has been written in them; and the same shall be declared in the term, together also with that which the parties may say during its continuance; and at the end they shall conclude by saying, that the judge and the party signed it, and that the notary wrote the same. If the parties are prisoners, they shall say that, after having been admonished in form, they were remanded to prison.

9. Whereas, according to law, and to what is ordained in § 4. tt. 5. of book ii. a curator is to be allowed to minors of five and twenty years of age: at the first audience given to him, the notary shall make a separate term of the curatory, which shall be signed by the curator; and particular care must be taken that a curator be appointed to the minors, before any judicial act is done with them; and that the curator personally attends when the session made with them is read over to the minors; and he shall also sign it; and in the term it shall be mentioned that he was present, and signed the session.

**10.** When the notaries make copies of the original depositions for the processes or papers of trials, or for the purpose of sending them to another inquisition, they shall draw up a report of the testimonies of each witness, in a distinct manner, therein declaring their ages and rank, of what places natives and inhabitants; the days, months, and years, in which imprisonment took place, or the criminals presented themselves, and for what crimes; the state in which their trials were when they began to confess, and if they allude to the criminals, whether they varied in the course of their confessions, or revoked them entirely, or in part, with every thing else that may appear necessary, in order to know better the credit which the deposition of the witnesses deserve. After making this report they shall copy the term of the audience in which the prisoners spoke, and the communications had with them, in the same manner as they find the same already written, without adding or subtracting a word; and at the end they shall declare the reason there was for believing that the prisoners and witnesses had an understanding with each other, if this has been declared, and what they may have said to the custom; and if the testimony is given under the infliction of torture, or after the sentence of it has passed, they shall copy all the audience of the torture, together with that which relates to the prisoner; and also the ratification *ad bancum*. They shall compare the same with what has been written by another notary, in presence of the promoter, declaring that it has been compared, and that they have conferred together.

**11.** When any proceedings are in such a situation as to require any dispatch or sentence to be pronounced upon them, one of the notaries shall write a conclusion on them, saying, that on the business being on such terms, by order of the inquisitors he made it conclusive, in order to have a decision upon it; and if the business be on the point of

receiving a final dispatch, they shall say that they conclude it finally.

12. Of such causes as, according to the Bye-laws, are to go to the council, they shall send the original proceedings and papers, and not the copies of them, with all necessary appendages and warrants, letters of enquiry, commissions, requests, and certificates; all of which shall be done according to the custom and practices of the holy office.

13. They shall not take out any papers from the secret, nor copy any papers to give to another person, nor shall they take them to their houses, nor grant any certificate for their going out of the holy office, without an express order from the council, except in those cases where the Bye-laws declare otherwise; and when, by order of the council, they grant any certificates, or papers out of the inquisition, they shall be strictly compatible with the orders given for that purpose.

14. Whenever any friar, or other ecclesiastical person, attends on a prisoner, to instruct him in what is requisite to his salvation, one of the notaries shall be present; and when the inquisitors go to visit the prisons a notary shall always accompany them, taking a memorandum-book with him, to write down such things as the prisoners may ask, or be in want of; and the inquisitors shall afterwards provide what they have found deficient in their visits, according to these memoranda, which shall be kept in the secret, in a drawer, that it may be known at any time what was therein determined.

15. They shall not write orders, letters of enquiry, commissions, reports, or certificates, nor any other paper that is to go out of the holy office, without a written order from the inquisitors, signed by them (which must always precede the order from the council, in those cases wherein, according to the Bye-laws, such order is requi-

site); and all that is done by virtue of such orders before they are taken to the inquisitors for their signature, or before they deliver them to the parties, shall be entered in the register book, wherein also shall be declared the day, month, and year, in which they were made, and for what purpose, to whom directed, and by what conveyance; and in the original papers they shall make a remark, stating that they have been registered, and at what page; and when this is done at the request of the parties, who have to pay for it, they, the notaries, shall declare therein what the expense amounts to.

16. When the inquisitors order the notaries to attend at any ratification, the notary who attends shall declare in it the reason there was for not calling persons out of the inquisition, from amongst those approved by us for this purpose; but in no case shall the notary, who has written the confession or denunciation, attend or be present as an honest person at its ratification.

17. The notary to whom the *alcayde* may make known (provided the notary does not serve at the time as treasurer) that a prisoner has entered the holy office, shall go immediately to make an entry of the delivery, in which entry he shall declare the day, month, and year, in which the criminal entered the prison, who brought him, and what was found upon him; all which shall be signed by the alcaide, and added to the papers of the prisoner's trial, the notary shall charge to the receipt of the treasurer, in the book prescribed in tit. 2. § 8. of these Bye-laws, such irons, wearing apparel, and clothes, as the prisoner may bring with him for his use; and shall cause the alcaide to sign an entry of this receipt; and shall be present at the search of the prisoner, which is to be made before he enters the prison; and all that may be found upon him, not being his wearing apparel, shall be entered by way of memorandum in the book ordered for this purpose;

and the pieces of gold or silver, money, or bills for money, the notary shall deliver to the treasurer, charging all to his debit in the account of the same prisoner.

18. Whenever the *auto-da-fé* is terminated, one of the notaries shall go to the prisons, and in the presence of the Alcayde shall make an inventory of all the wearing apparel, and clothes that belonged to the *relaxed*, reconciled, and dead, in a book kept for this purpose; and what he may there insert in the inventory shall be delivered to the Alcayde, who shall sign the same inventory, that it may be known he has received it.

19. For each seal they may put to the papers, the notaries shall receive one *vintem*; and for what they write in the papers of trials, they shall receive what the promoter may think proper, which should be paid to them when the other costs are discharged.

## TITLE VIII.

### *Of the Treasurer and his Clerk.*

1. The treasurer of the holy office shall be such one of the notaries as the inquisitors may appoint, and he shall serve for one whole year; reckoning from the first of January; and the other notaries shall be clerks of his office: but, generally speaking, that notary shall serve who has the least to do.

2. The treasurer shall form four books of receipt and expenditure; one relating to the revenues of the inquisition; another to the prisoners, who support themselves at their own expense; another to those who are supported by the exchequer; and another to the fines and commutations for penances, and in the first page of each of these books he shall put the proper title, declaring, at the same time, the year for which each book is intended; and the whole shall be numbered and signed by one inquisitor, agreeably to the manner prescribed in § 8. of tit. 2. of this Book.

3. The clerk of the treasurer shall enter in the second page of the book, relating to the revenues of the house, ~~to~~ the debit of the treasurer, all that may have been received in that year; as well from the current revenues of the inquisition, as from those of former years: declaring in each instance the time when these revenues became due, and that they are to be paid according to custom; and from thence forward he shall enter under separate heads, as cash in hand, all monies which the treasurer may receive; and, at the end of the book, he shall enter all expenses with every possible clearness, stating the days and months wherein they took place; with respect to those not ordinary, he shall say moreover by whose order these sums were expended, and for what purpose; and when the first page is filled up, the treasurer shall present the book to the inquisitors at the board, that they may see the expenses, and sign them, after it has appeared that they are correct, in the manner prescribed in § 41. tit. 3. of this book.

4. In the book relating to the prisoners, who support themselves at their own expense, the clerk shall make a separate entry from each of them; stating on one side the receipt, both of the money given to the treasurer for his maintenance, and of that which was found upon him when he came to the prison; and on the other side the expenditure. In the book relating to the poor prisoners he shall take a sufficient number of leaves for the receipts, and then begin with the expenditures, in the same manner as is directed with respect to the rich prisoners: and as to the expenses incurred both for this one and the other, which are not the ordinary expenses of the prison, he shall declare by order of whom, and for what purpose, they were incurred; and those on the list, he shall immediately enter in the books at the end of the month, that the debits and credits may be always kept balanced, and it

may be easily ascertained when it is necessary to draw money for the prisoners.

5. When, on their entering the prisons, any bills, or orders for money, are found upon prisoners, the treasurer, when these are delivered into his hands, shall, by an order of the board, hand them over to the treasurer of the exchequer, taking from him a formal acknowledgement of the receipt of the same, as his discharge, when he gives in his accounts. The same thing shall take place with respect to those prisoners of whose goods there is a sequestration; but when there is none, such bills and orders for money shall be delivered to such persons as the prisoners may have appointed to take charge of their effects.

6. In the books relating to fines, the clerk shall have two divisions, in one of which he shall enter, by way of memorandum, to the debit of the treasurer, all such money as he is to receive from the fines imposed by the inquisitors, or levied by order of the council; and the money arising from dispensations and commutations, made by virtue of our decrees, declaring at the same time the names of the persons from whom they are to receive, as well as of those from whom the decrees or orders proceeded; and in the same margin of the same decree or order, it shall be declared that the fines have been entered in the book, and at what pages. The other division shall relate to cash in hand, in which the treasurer shall be charged with all he receives; and a reference shall be made in these entries of receipt, to the memorandums of receiving, in the margins of which, the sums received shall appear as they were, and have been charged at such a page.

7. The chief duty of the treasurer is to collect every thing due to the holy office, and to apprise the inquisitors in time what is necessary to be done in these matters; and he shall also remind them in proper time when there

is no money in the coffers, for the common expenses of the house, or for the maintenance of the prisoners, taking such care to attend to his duty in these respects, that business may never be retarded on his account.

8. Whenever the treasurer shall receive any money, he shall report the same to the board, and shall desire his clerk to enter it to his debit, in the book to which it may belong ; and in the entry shall be declared the day, month, and year, when the same was received, the name of the person who paid it to him, and on what account ; and of what he receives a formal receipt shall be given, written by the clerk, and signed by both ; in which receipt the clerk shall declare the book and page wherein the money is entered ; and in the same book, in the margin opposite the entry, he shall remark that a receipt has been given. On no account whatever shall the treasurer receive money without having it previously entered to his debit ; nor shall he give plain receipts for what he receives. On his acting to the contrary, he shall be considered guilty of a crime.

9. All money belonging to the inquisition, which he may receive, shall immediately be deposited in the coffer, having three keys, of which he is to keep one, and from which no money shall be taken out, except by order of the board, and in the presence of two inquisitors, who are to keep the other keys.

At the beginning of the month he shall take out such a sum of money as the inquisitors may determine as necessary to defray the ordinary expences of the house over which he is to have controul, and for the maintenance of the prisoners, which he shall deliver to the steward or butler, from whom he shall take a receipt ; and at the end of the month he shall settle his accounts with him, according to the list made by the alcaide ; and if any balance appears to be due to him, it shall be punctually

discharged; and if the butler be debtor, the treasurer shall receive the balance due, that by these means the accounts may be settled in such a manner, that neither he may have reason to complain, nor any excuse may be made for neglect in providing victuals. The treasurer shall report to the board what may result from the said accounts; and shall take particular care to provide the house of the secret with every thing therein required, and in proper time, agreeably to what is stated in tit. 2. § 6.

10. When the list of payments is made, he shall pay the salaries to all ministers and officers with great punctuality; as also every thing directed to be expended by any decrees or orders of the council. He shall discharge as soon as possible what may be due, on account of business done by the command of the holy office, whether the same relate to the trials, or to persons wishing to serve at the holy office; and the payment of this shall take place in the manner prescribed in § 43. of tit. 3. of this Book.

11. Some time before the day in which the *auto-da-fé* is to be celebrated, he shall make a list of every thing necessary for it, which he shall lay before the board, and if the same be there approved of, he shall cause the things to be brought with such precautions, that no suspicion of the *auto* may take place; and he shall give orders also to the butler to buy every thing that the prisoners who have been ordered in a visit to be provided with, according to the list that the inquisitors shall cause to be given to him; and by the same list he shall deliver them to the alcaide, from whom he shall take a receipt, in order to get a discharge in the books relating to the several prisoners.

12. Whenever the alcaide delivers to him packets of medicines, furnished by the apothecary, to the sick in the prison, he shall show them to one of the physicians of the house, and shall learn from him whether the prices are just; and according as the physician may determine, he

shall cause the medicines to be entered to the debit of the prisoners, to whom they have been furnished after the ordinary expences of the month.

13. Every year he shall give thirteen mil-reis to the porter of the house of the dispatch, and four to a servant who is to sweep the rooms of the inquisition; four for wine and hosts, and washing for the linen of the oratory, two for wood for making fires in the house of dispatch, during the winter, when the inquisitors may wish it; and three for the cloth of the table, which was to belong to him: but this he shall not be allowed to include in the year, when there is a new cloth made; for then he shall have the old one, in lieu of which this fee is allowed to him: he shall pay the postages of letters that come to the holy office, and shall provide for the oratory such candles as may be wanted.

And the treasurer of the inquisition of Lisbon shall moreover give to the porter of the council eight mil-reis every year, four to the servant who is to sweep the rooms of the council, and four for the cloth of the table; which fee shall not be allowed to him in that year wherein a new cloth is made.

14. Besides the aforesaid expenses, the treasurer may, by order of the inquisitors, lay out every year a sum not exceeding fifty cruzados, in the ordinary expenses of the house, such as in works, repairing the houses of the inquisition, and of the ministers, and keeping in good condition the several things used in the oratory, room of the dispatch, secret, and audiences; and when the things necessary to be done shall exceed the aforesaid sum, he shall not do them without an order from us, or a decision of the council. None of the payments or aforesaid expenses shall be discharged out of the money arising from fines, or commutations of penances, for of this money no part shall be laid out, unless by our express order; and on the treasurers'

acting to the contrary, or paying any other sum besides those which are determined by these Bye-laws, they shall not be allowed him in this account.

15. After the celebration of the *auto-da-fé*, the treasurer, by order of the inquisitors, shall settle his accounts with the persons who appeared in it, and were not condemned in the loss of their property, stating what he received for their support, and what he expended for that purpose; and he shall charge in the accounts of each, the visits of the physicians and surgeon, agreeably to the list he is to receive from the alcaide; and on the accounts being balanced, if he owes the prisoners any money, he shall pay the same immediately, or if he has in his possession any pieces of gold or silver, or coins of gold, or any other things belonging to them, he shall deliver all of them up as they are, and ask a receipt wherewith to get his discharge when he renders his accounts: and if the said prisoners owe any balance, he shall likewise receive it immediately from them, and on their not paying, he shall request the inquisitors to order them to be detained in the penance prison, till they have actually paid the balance, as is determined in tit. 3. § 45.

16. At the end of the year, he shall produce his accounts to such inquisitors as we may appoint for the purpose of inspecting them; and if he has any balance in his hands, he shall pay it over in cash to the treasurer who is his successor, who shall not be answerable for the receipt, unless he has actually received it, and placed it in the coffer of three keys; and if the holy office owes any balance to the treasurer, he shall receive no satisfaction for it; because it is our will that the treasurer shall not lend any money of his own to the holy office; nor is it to be presumed that the money which remains over and above the accounts is his; by which means those inconveniences which would follow from a contrary practice, shall entirely cease.

17. But when it so happens from necessity, that the treasurer is forced to borrow some money to assist the holy office; he shall report the circumstance to the board, that he may borrow it by order of the inquisitors, and after the loan has been negotiated they may order it to be repaid out of the first money that may come to hand; and for the trouble of his office, and the deficiency of money, they shall allow him the *douceur* of twelve mil-reis for the year he serves, besides his salary.

## TITLE IX.

### *Of the Procurators of the Prisoners.*

1. The procurators of the prisoners shall be learned persons, possess prudence, and be worthy of confidence, graduates in canon or civil law, and when possible they shall also be ecclesiastics. They shall have all the qualifications declared in title 1. § 2. and shall observe all that is prescribed in § 6, 7, and 8, of the same title.

Whenever they come to the holy office to act for the prisoners, they shall keep the order established in title 8. § 5. of book ii.; and if a prisoner, for some particular reason, does not wish that the ordinary procurators should defend his cause, then such proceedings shall take place as are determined in the same title, § 2.

When a procurator is in the inquisition with a prisoner to speak concerning his cause, the interview shall always be in the presence of a notary; or such other officer of the holy office as the inquisitors may appoint, when the procurator shall not talk with the prisoner about matters irrelevant to his defence; but upon the subject of this defence only, he may ask from him every thing he may conceive necessary to form the articles of defence, or to contradict witnesses, which he shall arrange together in a very clear and distinct manner, without introducing matters foreign to the subject; and he shall form the

circumstances into particular articles in such a manner, that what he has to allege may be readily understood. All the articles he may form, either by way of defence, or contradicting witnesses, he shall sign at the same time with the criminal, and if it should happen that he has no defence to produce, or any thing to say in contradiction of the witnesses, he shall declare the same in writing, and sign the declaration to that effect, which shall be delivered to the board; and any answer which the prisoner may give to the libel, or publication of the proofs on the part of justice, shall be also written down, and signed by the procurator, near the copy of the said libel, or publication, that the board may decide in the case as justice may require.

3. The procurator may ask for and request that all such declarations as he may understand to be necessary to the better defence of prisoners, with every thing else for the good of their causes, may be made known to him, in which respect he shall take particular care; and if he thinks it necessary at the end of the trial to plead in defence of a prisoner, he may do so, after having first asked leave of the inquisitors.

4. And whereas experience has shewn that the prisoners very frequently, either through ignorance or through malice, wish to allege things not appertaining to the point, which so far from doing good to their causes, only serve to embarrass and delay their trials, the procurator shall not form any articles in defence of a prisoner composed of matters, that, if proved, do not absolve him from guilt, or diminish the criminality; and the procurator shall say, in the proper terms, that such articles are not necessary, and that on the contrary they may prove prejudicial to his cause.

5. At the end of the articles of defence the procurator shall name such witnesses as the prisoner may have to

produce in proof of their truth, and shall tell him to name six witnesses to each article ; and if he has not so many to produce, he shall say that on account of the deficiency he does not name them. The procurator shall moreover declare the rank of the witnesses, whether they are related to the prisoner, where they live, with all such other circumstances as may be necessary to ascertain them, and lead to their being easily found : and he shall also observe to the prisoner that the better qualified the witnesses are to give their testimony, the more proofs will arise in his favour. He shall not receive the names of witnesses who belong to the nation, (that is, descendants from Jews), except when the articles are of such a nature that they cannot be proved by any other. In framing the articles of contradicting witnesses, the procurator shall not set down the names of the witnesses, as the defendant must name them before the inquisitors.

6. When the procurator forms articles of defence which prove an *alibi*, he shall put in one article the time when the witnesses deposed, and in which year and month they did so ; and in another article he shall connect the alibi with the time, and the information also he may receive from the prisoner : for instance, if the witnesses say that on the 15th of July, 1630, at such a place, such a defendant committed such a crime about a year and a half ago, the procurator shall state in the first article his intention to prove that the allegation of the witnesses is, that on the 15th of July the defendant committed such a crime, about a year and a half ago, and that on computing the said time, the commission of the crime happened on the 15th of January, 1629. In the second article he shall state his intention to prove that on the said 15th of January 1629, the defendant was in such a place, so many leagues distant from that at which the witnesses testified the crime to have been committed ; therefore, &c.

And when the witnesses do not depose as to a certain day, and adopt the term either more or less, the procurator shall take care, when he forms the articles proving the *alibi*, to include in the second article some time before, and some time subsequent to that named by the witnesses, from which the probability may be inferred that the defendant did not commit the crime.

7. The procurators shall not take out of the holy office any paper relating to the prisoners, nor any memorandum as to those whose causes they are employed to defend; and all that they may write or petition shall be done in the presence of the prisoner, who is interested in the same, and they shall always sign what they do, and petition; and though there are always to be two procurators in each inquisition, they shall not distribute the causes amongst themselves, but each of them shall attend only on such days, and on such prisoners, as the inquisitors may determine. For each audience they may attend with their pleadings, they shall receive two testoons, which shall be paid at the time when the other costs are to be discharged.

## TITLE X.

### *Of the Qualificators.*

1. The qualificators and reviewers of the holy office shall be ecclesiastical persons, well skilled in letters, and of known virtue: they shall possess all the conditions and requisites declared in title 1. § 2; and shall entirely observe what is prescribed in § 6, 7, and 8 of the same title.

2. Their chief duty is to censure and qualify propositions, review books, treatises, and papers, which are to be printed, or come printed from abroad; as also to examine the images and pictures of Christ our Lord; and of our Lady, and of the Saints, that the sculpture and painting

are correct ; but previous to their doing any of these things, there must be an order of the council, or of the board ; and on their finding, or having notice, that in any of the aforesaid things the purity of our holy faith or good morals are offended, they shall communicate the same immediately to the holy office, that it may determine in the case what may be most expedient.

3. They shall have a catalogue of prohibited books ; and when the council or the board may order them to qualify any proposition, or to review any book or paper, they shall do it with all possible expedition ; transmitting the same sealed up, with their opinions, to the council or board, whichever may have entrusted the charge to them ; and they shall never say to the party interested in the book or paper that they have the same in their possession. On finding in books or papers, which are to be printed, any proposition or thing worthy of observation, they shall write their critiques on a paper separate from the order, and shall send the same with it to the council ; but should they not find any thing worthy of remark, they shall say near the order, that there is nothing in that book which militates against our holy faith, or good morals ; and they shall not expatiate in praise of the persons who composed it.

4. In the course of the year they shall occasionally visit the shops of the booksellers, having previously made their intention known to the board, and on finding there any books, treatises, or papers, which are prohibited or scandalous, or that contain any thing against our holy faith and good morals, they shall tell the booksellers to place them apart from the rest, and not to dispose of them without an order from the holy office ; and immediately they shall inform the inquisitors of the circumstance, and declare their reasons for acting so, that they may determine

whatever is most expedient to the service of God our Lord.

5. On receiving notice from the board that any person has died who kept a library, they shall immediately go to inspect the books, and shall report to the board what they found, that they may receive proper orders on the subject; and from the libraries they may visit they shall not take out any book, although it may be prohibited to keep it in their possession, nor shall they accept any from booksellers, though they may voluntarily offer to present them; nor shall they buy from them any book for a less price than the current price of the country; in consideration of the great necessity that exists for proceeding in these matters with great circumspection. They may accept, however, from the author, of one copy of any book they reviewed to be printed, or they may ask for it, in case it should not be offered,

## TITLE XI.

### *Of the Commissaries, and Clerks of their Office.*

1. The commissaries of the holy office, besides the qualifications which are mentioned in title 1, § 2. of this book, shall be ecclesiastical persons, of prudence, and known virtue; and if men of letters are to be found, they shall be preferred to others; and they shall pay attention to what is determined in § 6, 7, and 8, of the same title,

2. They shall execute by themselves all business committed to their charge, and never shall entrust its management to others; and they shall take great care in expediting and transacting it in the manner recommended to them, and that it may not be retarded on their account. They shall endeavour to learn from the witnesses to whom they may put enquiries, what motives have given birth to what they say, and chiefly when they depose as to

articles that contradict other witnesses, if their testimony has arisen from enmity ; in which latter case the commissaries shall oblige them to declare whether the persons objected to, after the misunderstandings, or cause of animosities, concerning which they depose, had happened, again treated them as friends.

3. They shall examine the witnesses in their own houses, unless they are women of quality ; in which case they shall take their testimony at a church. They shall wait on such persons as through sickness or age cannot go out of their habitations, and in this case shall declare in the record what reasons there were for examining them. Whenever any person shall hesitate about attending to depose at his own house, the commissaries shall inform the inquisitors of the circumstance by letter, and follow the order by them pointed out.

4. In all the enquiries committed to their charge concerning the purity of the blood of any person, after interrogating the witnesses, they shall give in their opinions, and declare very particularly the knowledge they may have of the rank of the persons in question, writing every thing with their own hands, without communicating the same to their clerks.

5. In writing on these occasions, the person who is named in the commission shall be employed, and if none be named, then the clerk of the commissary's office shall be called in ; and when there is no clerk for the commissary appointed in the commission, an ecclesiastical person, the most eligible that can be found, shall be chosen ; and if there is none with the requisite qualities, then one of the familiars of the holy office shall be employed. If the witnesses named in the commission are dead, or absent, the commissaries shall order the clerk to make out a certificate thereof, declaring where the absen-

tees live, that the inquisitors may determine in the cases as may be most expedient.

6. If in the countries which they inhabit any thing shall occur that is against the purity of our holy faith, or in any other way belongs to the cognizance of the holy office, they shall inform the inquisitors of it, by letter, that they may provide the necessary remedy; conveniently to the service of god; and if they fear that the criminals may absent themselves, or if the business is of great importance, they shall send the communication by a special messenger, to whom the inquisitors shall cause the expences of his journey to be paid.

7. If any person who keeps a library happens to die in the countries which they inhabit, they shall cause a list to be made of all books and manuscript papers found therein; and shall give an intimation to the heirs of the deceased not to dispose of them without their orders; and they shall inform the board of the holy office of the circumstance, with all possible speed, transmitting the list of books and papers, after which they shall follow the instructions that may be sent to them on the subject.

8. When the inquisitors direct them to commit any person to prison, they shall endeavour to do it with every possible precaution and secrecy, and follow in every respect such orders as may be given to them; and after the imprisonment has been executed, they shall deliver the warrants of commitment to the persons, who may accompany the prisoners in order to present them at the board; and if the imprisonment does not take place, either because the criminals are dead or absent, they shall return the warrants of commitment to the board of the holy office, declaring at the same time the reasons why they were not executed. When they receive any letters from the holy office upon subjects which require secrecy,

**They shall give their answers in the margins of the same letters.**

9. They shall not require any satisfaction for their trouble from the parties on account of any business committed to them by the holy office, nor shall they accept any thing from them, though they may voluntarily offer it; because complete satisfaction will be made to them by the holy office.

10. Whenever any persons condemned to do penance shall present themselves to the commissaries with letters from the inquisitors, in which the places where they are to fulfil their penances are assigned, they shall order them to comply with these in the manner prescribed; and if they neglect to do so, they shall admonish them of their duty in the presence of the clerks of their office; and if they do not behave better, they shall communicate it to the board by letters, and shall follow the orders they may receive.

11. On leaving the places where they reside to execute any business for the holy office, they shall be allowed six testoons daily; and when the business is concluded, shall order their clerks to certify the number of days employed in transacting it.

12. The clerks of the commissaries shall have the qualifications declared in tit. 1. § 2. of this Book; they shall write a very legible hand, and if possible, shall be ecclesiastics, and shall entirely observe what is ordained in paragraph 6, 7, and 8, of the same title. When called upon by the commissaries to do any business relating to the holy office, they shall come with all possible speed, and shall write every thing that the commissaries may ask the witnesses, and their answers, with great fidelity and integrity, without adding to or diminishing the same, either in substance or even in words; and after they have written the testimony adduced, they shall read all of it

to the witnesses before they sign it, declaring in the term that the same was read over to them.

18. On the conclusion of any business transacted out of the places where they reside, they shall declare the number of days they were employed upon it; and shall receive four hundred reis for each day; while for the business transacted in the places where they reside, they shall receive only what the accountant may consider right; and shall not ask of the parties to make them any other satisfaction, nor accept any thing from them. And if the commissaries should order any witness to leave any particular town, they shall also declare the time that was employed by the person who went to summon him; and if the witness is poor, what time he was absent from his house in order to give his testimony as required.

## TITLE XII.

### *Of the Visitor of Foreign Ships.*

1. The visitor of foreign ships shall have the qualifications declared in § 2. tit. 1. of this Book; he shall be an ecclesiastical person worthy of great confidence; shall observe every thing ordained in § 6, 7, and 8, of the same title; and shall have a catalogue of prohibited books, in order to ascertain by it, whether amongst the books introduced into the kingdom there are any which militate against our holy faith, or good morals.

2. The clerk of his office shall also be an ecclesiastic, and shall possess the same qualifications; and when one can be found with a sufficient knowledge of foreign languages, he shall be preferred to others, provided he has the necessary requisites. He shall have a book numbered at each leaf, and signed by one of the inquisitors of the district, in which he shall enter particulars of his visits, and shall sign the same with the visitor and other persons to whom it may belong to do so.

If no person can be found for the office of clerk who has a knowledge of languages, a foreign interpreter shall be chosen, who possesses the qualifications required by the familiars of the holy office, to whom we shall cause letters patent of familiar to be issued, and who shall act likewise as the interpreter. The familiars of the town shall act as guards in each visit, amongst whom the visitor shall apportion this duty in an impartial manner.

3. The visitor, and other officers of the visit, shall perform their duty in person; and when any of them is otherwise wanted, is absent, or labours under any other impediment for a considerable length of time, the visitor shall report the circumstance to the inquisitors of the district, that they may appoint a person to serve in the room of the absentee; but they shall never name of themselves any persons to serve as substitutes for others, except on sudden emergencies, in which there is no time to make a report to the holy office; in which cases they shall appoint a familiar if possible.

4. Whenever any ship arrives at the port, the visitor shall endeavour to visit her as soon as possible, without allowing time for any person to quit her, or to take away any books or images that may be on board; and as his majesty has informed us by his letter, that it is convenient for carrying into effect the good regulations about smuggling, that his officers appointed to visit foreign ships should accompany the visits of the holy office, we do determine that the visitor, as soon as the ship comes in, shall fix with the king's officer the day and hour when both may go together to make the visit, and perform the duties respectively assigned to them.

5. When the visitor goes to make the visit, he shall take with him all the officers before named, and they shall go together in a boat by themselves, which shall be freighted for the purpose, and bear a flag with the arms of

the holy office. On his arrival at the ships, he shall call together the captain, master, pilots, and other officers, and shall explain to them the motive of his visit, by declaring to them that it is for the purpose of ascertaining what persons have come in the ship, and what reasons have induced them to make the voyage, and also of seeing the books and images they have brought, since, if they are prohibited, or indecent, they cannot make use of them, in the manner hereafter declared: and on finding in the ship any persons who do not profess the Roman Catholic religion, they shall observe to them that they cannot communicate about matters of faith with the natives of the kingdom, nor do any public act in observing the ceremonies of their sects, or in disrespect of our holy faith; and that if they should be guilty of any of these things, they shall be proceeded against according to the articles of peace, and be punished with severity.

6. He shall order the clerk and the interpreter to go down into the ship, and examine the chests that may be in it, and to bring up all books they may find, which shall be examined one by one; and on his finding any that are prohibited, or of injurious tendency, or in a language which the interpreter does not understand, the visitor shall seize them, and take them away with him, ordering the clerk to mention it in the book of the visit, and to declare how many books there are, and to whom they belong; and the visitor shall tell the owners the reasons why they are kept, and that they shall be delivered back to them when they leave the port, which shall be done. The same form shall be observed with respect to the images, if any improper ones should be found.

7. And if the books or images are consigned to any merchants or other persons, the visitor shall order the clerk to enter in the book of visit the marks of the boxes in which they have come, with the names of the persons

to whom they are directed, to whom he shall cause it to be intimated that they must not dispose of, or use such books or images without an order from the holy office; and in those towns where the inquisition resides, such books and images shall be taken to the saloons, to be there examined by a reviewer or qualifiicator; and where there is no inquisition, the visitor shall obtain a list of the books, which he shall forward to the holy office, with some information about the images, and he shall follow in every respect the order communicated to him upon the subject; and shall cause an entry to be made in the book of the visit, that all the aforesaid may be upon record.

8. The visitor shall enquire whether any ecclesiastical person, either secular or regular, be in the ship, and for what reason; and if this is not known, or suspicions arise, he shall order him to appear before the inquisition, to account for himself; and if the inquisition is distant, he shall order him to present himself before the ordinary, to whom, or to the holy office, the visitor shall state the reason why he ordered such a person to present himself before them.

9. He shall take down in the book of visit the names of all persons who have come in the ship, with the intention of remaining in the kingdom for some time; and shall inform himself of the places where they mean to reside; and if these should be in large towns or cities, he shall enquire for the quarters in which they are to live, and the same shall be registered in the book of the visit, and reported to the inquisitors, that they may be apprised of it, and act therein as may be most advantageous to the service of God.

10. After the aforesaid business is done, he shall intimate to the captains, masters, and pilots of ships, that they are not to quit the ports which they respectively fill, without first informing him of it, and receiving back

what was taken from them at the visit, and that they must take particular care, when the ship leaves the port, not to carry away any persons who, out of fear of the holy office, wish to absent themselves from the kingdom; and the visitor shall endeavour to find out whether they take out any goods belonging to such persons, and on finding this to be the case, by a judicial information, or by the cargo book of the ship, which he shall examine for this purpose, he shall lay an attachment upon such goods, till the circumstance has been reported to the holy office.

11. Neither the visitor nor the other officers shall demand any thing of the captains, masters, or persons who come in the ships, even though it be made under the pretence of soliciting charity; nor shall they accept any thing, though the same may be voluntarily offered; they shall not eat with them, nor buy any thing during the continuance of the visit; and if they buy any thing afterwards, it must be in subservience to the ordinary price of the country, and not for less.

12. The expences they may incur in complying with the before mentioned regulations shall be charged to the account of the holy office; and in order to obtain their discharge, the visitor shall transmit a certificate thereof to the inquisitors of the district passed by the clerk of the visit.

13. In the sea-ports, where there is a convent of St. Dominick, we determine that the prior of it shall be the visitor of the ships, and in his absence the lecturer of cases, provided they have the qualifications before declared to be requisite; and as, according to the statutes of each province, the election of such persons is triennial, the prior or lecturer, who may be newly elected, shall not serve the said employment before they have reported themselves to us, and have received our orders.

## TITLE XIII.

*Of the Meyrinho.*

1. The meyrinho of the holy office shall be a man of good morals and sufficient capacity; shall possess the requisites and qualifications declared in tit. 1. § 2. of this Book; and shall entirely keep what is ordained in § 6, 7, 8, and 9 of the same title.

2. He shall attend at the saloon of the inquisition every day not a holy day, during the hours in which the inquisitors are at the board, except when they order him otherwise; and he shall accompany them on going in and coming out of the tribunal, and even to their houses when they return to or take leave of it on foot: he shall moreover go with them to the public *auto-da-fé*, or any other places where they may proceed with the forms of a tribunal. In the inquisition, he shall accompany the deputies as far as the door of the anti-chamber, when they go in; and when they go out as far as the staircase; and he shall attend no other person through the city, carrying his staff.

3. Whenever the inquisitors direct him, he shall be present with the advocates during the time they are at the inquisition acting for the prisoners, and he shall observe whether they talk with them upon any matters not relating to their defence; and should he remark any thing that might be prejudicial to the holy office, he shall report it immediately to the board.

4. He shall not allow any disturbance at the saloon of the holy office, but shall take care that all persons in it conduct themselves with a due decorum; and he shall remind them, when necessary, of the reverence they must pay to the ministers when they go in or out; he shall order his men, whenever there is any disturbance, or gambling in the yard or staircase of the inquisition, to report it to him, that he may preserve good order there, as

it is his duty to do: but if the circumstances are of such nature that he cannot remedy them, he shall report the same to the board, from which he shall receive instructions how to act.

5. He shall always have with him the three men allowed by the holy office to accompany him, to whom he shall give orders, when the tribunal is open, not to absent themselves from the yard of the inquisition, that the inquisitors may find them when wanted; and he shall not employ them in any thing appertaining to his own service, since the holy office allows him the salary of another man for his own immediate service.

6. Whenever a place of one of his men is vacant, he shall present to the inquisitors a person capable of filling it, and on his being approved, and having taken the oath at the board, he shall admit him without any necessity of letters patent from us: and if any of the said men shall commit any fault or crime deserving of punishment, he shall report it to the board, that the most proper remedy may be provided; but he shall not punish him by his own authority.

7. He shall not imprison any person, or execute any other business than that entrusted to him, without a previous order signed by the inquisitors; and when he receives this, he shall do it in the same manner as is therein prescribed, and shall not commit it to another person: and if there be any reason why it cannot be executed by himself, he shall report it to the board, and follow its directions; and if in cases of imprisonment, or any other business, he finds it necessary to be assisted by any familiar, or other person, he may require their services, provided he can trust them without prejudice to the holy office; and when he cannot execute the business entrusted to him without delay, he shall report the circumstances to

the inquisitors, and inform them of the reasons of its not being done.

8. When he imprisons any person at their own house, and sequesters his property, he shall remove all other persons who live in the same house, or are there at the time of the imprisonment, if not known, and not suspicious characters, and shall place them in some part distant from the spot where the prisoner is; placing with them some familiar, or person, in whom he may place an equal degree of confidence, in order that they might not converse with the prisoner, or give him any intelligence; and he shall not allow any of his relations or servants to talk with him, nor any other person; and if there are more than one prisoner, he shall take great care that they have no communication with each other; but he shall treat them well, and shall not allow any insults to be offered to them at the time of their imprisonment, nor on the way, nor in the inns where they may stop, particularly as to the women, whom he shall treat with great propriety and decency.

9. As soon as he has executed the imprisonment, he shall send a message to the judge of the exchequer, that he may go to make an inventory of the prisoner's goods, and place his property in a state of security; and if there is no judge of the exchequer, he shall make the same known to the corregidor, or judge called *juiz de fora*; or in case there be none of these, to the magistrate of the town; and in the meanwhile he shall take the keys of the house, and when any of them comes, he shall demand a bed for the prisoner, sufficient wearing apparel for his use, and money for his maintenance, as specified in the warrant of commitment; and all these things shall accompany the prisoner.

10. On arriving at the holy office, he shall deliver the prisoner to the alcayde, and notary who assists him, and shall request that the prisoner's clothes and wearing ap-

parel, his irons, if he has any, and his money, shall be delivered to the treasurer, and he shall take formal receipts for these particulars, one written by the notary present at their delivery, and another by the clerk of the treasurer, which receipt he shall cause to be added to the inventory of the prisoner, that it may appear how he has delivered at the holy office what was given to him.

And when he does not bring what is ordered in the warrant, he shall bring a certificate granted by the authority of the judge, in which shall be declared the reason why the order of the inquisitors has not been complied with, either wholly or in part, as the case may be.

And if the judge delays his coming, or if from any other motive he does not wait for him, he may entrust the house, keys, and goods of the prisoner to some familiar of the holy office; and if he cannot find one, to any other person who may be deserving of equal confidence; taking care, however, that some person in the family of the prisoner be also present, for the greater security of the prisoner's property.

11. After he has delivered the prisoner to the alcaide, as before mentioned, he shall report to the board every thing that happened in effecting the imprisonment; and he shall deliver up the warrant of commitment, though it may not have been executed; and when the imprisonment is not attended by the sequestration of property, the meyrinho shall inform the prisoner that he is to entrust his goods to the care of some person whom he may most approve of, except when the inquisitors should give instructions to the contrary.

12. When the inquisitors shall order him to take any prisoner to the goal of the city wherein the holy office resides, he shall demand a receipt of the goaler of the delivery to him of the prisoner, which receipt he shall present to the board, that the inquisitors may know how their orders were executed.

13. At the *auto-da-fé* the meyrinho shall be placed near the altar of the abjurations, and shall give orders according to the list with which he is furnished, that the prisoners may be ready, so as no delay may be created in their coming to the place where they are to hear their sentences, and where he shall keep them in a proper posture; and with becoming manners; and shall take off the habit (the badge of infamy called *sanbenito*) for those, whose sentences may so determine, which he shall keep for himself; and he shall deliver over to secular justice such prisoners as are condemned to be relaxed.

#### TITLE XIV.

##### *Of the Alcayde of the Secret Prisons.*

1. The alcayde of the secret prisons shall be a married man, and a person of such confidence and virtue, as are proper for him who has continual communications with the prisoners: he shall be of such an age and disposition as to be able to fulfil the duties of his office; and moreover, he shall possess all the qualifications declared in tit. 1. § 2. of this book, and shall entirely observe what is determined in § 6, 7, 8, and 9, of the same title.

2. He shall be generally at the prisons, and principally at the hours allotted to the dispatch, and he shall always be present at the time when the physician, surgeon, or barber visit the prisoner; or any other person of the inquisition comes to do any thing else at the prisons; and when any of his bells ring, he shall diligently attend the calls, to know for what purpose he is wanted.

3. He shall have a book at the prison, wherein to enter the names of all the prisoners; in which he is to declare the days, months, and years of their coming to the prison; and in the same book shall be given in charge to him by the notary, and signed by himself, a list of all the clothes, wearing apparel, and irons, the prisoners might have

brought with them: He shall have a memorandum-book, wherein shall be enumerated, with the necessary distinctions and clearness, all the cells in the prisons, and the names of the persons who occupy them; and when the inquisitors order any of the prisoners to be changed from one cell to another, he shall cancel the number of the cell where he was, and give it to the room whither he may be removed, declaring the day, month, and year when the inquisitors made such alteration; and he shall inform them of such things as he may think necessary to prevent communication among the prisoners.

4. He shall keep the key of the yard of the inquisition, in order to be enabled to receive the prisoners at any hour in which they may come to the prison; and if the porter does not live in the yard, he shall order one of the guards to shut it every night, at the hour wherein the attendant of the meyrinho there stationed makes the signal, which shall be at 9 o'clock in the summer, and at 8 in the winter; and in the morning, after day-light, he shall order it to be again opened: but if the porter lives in the yard, this shall be his duty, as will be hereafter observed under the title relating to him.

5. He shall not trust the keys of the prison to any person; and when he shall labour under such an impediment as not to be able to attend personally to the duties of his office, he shall acquaint the inquisitors of it, that they may appoint a person to receive the keys; and the doors of the room through which he enters into the prison, he shall always keep locked, and he shall carry the keys with him, that the people of his house may not see or hear any thing of what is done in the prisons; likewise he shall always keep closed the doors and grates of the prisons and cells where the prisoners are; and when it is necessary to open them for the ordinary business, this shall always be done in the presence of one of the guards, except on a sudden case

of emergency, when delay may be prejudicial; and if, in order to keep the prisons healthy, it should be necessary to leave open the doors of some of the corridors for some time during the day, he shall report the necessity to the board, and act as may be there determined.

6. He shall not receive any person coming to the prisons without a notary being present, except the prisoner should arrive at such an hour of the night that the notary cannot be called; in which case he shall receive the prisoner, and keep him in one of the rooms before the cells; but in the following morning he shall cause a notary, (not the treasurer) to be called to take an account of the act of delivery, and to charge him with such clothes and wearing apparel as the prisoner may bring for his use.

7. Before the prisoner enters into the cell, if he be a man, the alcajde shall cause him to be searched by two of the guards, in the presence of the notary; and if a woman, this business shall be done by the wife of the alcajde, in the rooms that communicate with his house from the prisons; and all money, pieces of gold or silver, books or papers, found upon the prisoner, or any other thing not immediately of use to him, he shall deliver to the notary, who is to do with them as is prescribed under the title referring to him.

8. Whenever the alcajde receives any prisoner, he shall immediately go to the inquisitors to know in what prison he is to be confined, and he shall not move the prisoner from that place of confinement to another without their express order; and if any thing happens that requires the prisoners to be changed from one cell to another, he shall communicate it to the board, and execute what they may order him to do. He shall treat all prisoners with great kindness, without being particular in his

attentions, taking care that they do not want any thing necessary, and that they are provided with what they need at convenient hours and times.

9. At the beginning of every month, he shall ask the prisoners what they want for their maintenance; and he shall accommodate himself to what they wish, provided it does not exceed the allowance assigned to them, and it does not comprise things that appear to have more of luxury than to be for their maintenance; and he shall enter all these things in a book, from which he shall take a copy, as to the general heads of the things required by the prisoners, and this copy he shall deliver to the steward in sufficient time for him to buy them; and when the steward brings them, he shall see that they are good, and purchased according to the ordinary prices of the country; for if they are not so he may reject them; and if he thinks that any alteration is requisite in such matters, he shall report it to the board, explaining the reasons he has for thinking so; and he shall act in the case as the board may determine.

10. At the end of the month he shall make up the account of the expences of the prisoners, specifying what each of them had in the ordinary allowances, and also in extraordinary, if there were any, such as in sickness, bleeding, &c.; and collecting together all prescriptions from the apothecary, he shall deliver the whole to the treasurer, at the furthest, on the second day of the following month, that on the appearance of the expences of the preceding month he may make up his accounts with the steward. A bill of the bleedings in the prisons shall be given to the barber, to enable him to receive payment from the steward.

11. He shall moreover give the prisoners every thing ordered to be provided in a visit, when he has received it from the treasurer; but independent of this, he shall not

give them any thing, although it belongs to himself the alcaide, nor shall the prisoners give him money to buy it.

Every week he shall give them clean linen, at least they shall not go without it beyond a fortnight; and the clothes that are to be sent to wash, shall be delivered by the guards to the washerwoman, who shall be a well known person; and when she returns them, after an account has been taken of what the expence of washing amounts to, he shall give her a bill for the same on the steward, and he shall place this expence under the head of small sundries.

12. Whenever a prisoner is ill, if there be no danger in delay, he shall report the circumstance to the inquisitors, that they may determine whether the physician is to visit him, and may order every thing to be done for his health; and in the course of his illness, the alcaide shall take particular care that the medicines prescribed by the physicians are given with all possible punctuality at the stated times and hours; and should he be any ways negligent in this respect, he shall be severely reprimanded.

13. He shall arrange with the physician as to the hour in which he is to visit the sick, which shall be that wherein he can accompany him, without being wanted to attend the inquisitors at the board; and the same thing shall be done in regard to the surgeon, barber, and other persons that may be called in to see the sick, since it is very expedient that he should be present whenever such persons are with the prisoners. He shall allow no conversation to pass between them, except as to the affairs for which they are called, nor shall he permit the medicinal men or other persons to see or talk with other prisoners; and if any officer or person before mentioned shall be negligent in his duty, in any respect, he shall report it to the board, that such person may be there reminded of his duty. He shall keep a book for ascertaining the visits of the physician

and surgeon to the prisoners; and after the celebration of the *auto-da-fé*, he shall make a memorandum or extract from the book of all the visits they made to persons who appeared without having their property confiscated, which he shall deliver to the treasurer, that they may receive payment for the same.

14. When the physician is of opinion that an illness is dangerous, and that the patient must have a confessor, if it is an holy-day at the board, he shall wait on the senior inquisitor at his own house, and report the same; or, in his absence, on the second inquisitor, to know what confessor he is to call in; but if there is any danger in the delay, he shall call in one of the persons whom the inquisitor may have appointed for this purpose; and during Leut shall remind the board whether there is any prisoner to whom a confessor should be allowed, and he shall follow the orders he may receive in this respect.

15. If any prisoner dies in the prison, or the alcaide finds that any prisoner has killed himself, he shall report the same to the board; and if it be an holy day, or not in the hours of dispatch, he shall report the same to the senior inquisitor, and in his absence, to any of the others, that he may order the proper investigations to be made; and the prisoner who dies shall be interred in the proper place, with an inscription and sign on his grave, that at any time it may be known where his bones are.

16. The alcaide shall always watch the prisons by himself, and by the guards, in such a manner that nothing shall be transacted in them without his knowledge; and he shall remark particularly in examining whether the prisoners eat what is given to them, and what they do not eat, and on what days; and all the things he may observe, or the guards may inform him of, he shall speedily report to the board.

17. He shall give directions that there is great quiet

and no noise in the prison, and that the prisoners do not quarrel among themselves, nor engage in any sort of gambling, nor use other names than their own, nor have any books, nor keep up communications between one cell and another, by talking or writing, and that they do always speak very low in those cells where they are confined. He shall take great care that no piece of information is sent to the prisoners with the food from the kitchen, so that one may know of the others confinement; and if any of them transgress in any of these things, he shall report it to the board, that they may assign the proper remedy, and condign punishment; but he shall not punish them, nor shall he put them in irons by his own authority.

18. He shall accompany the prisoners when they come to the board and go back again to the prison, having always with him one of the guards; he shall not allow them to talk when passing through the corridors, nor shall he converse with them, nor persuade them to confess their crimes; and when they wish to speak with him about it, he shall tell them that on that subject they can speak only at the board of the inquisition: except when a prisoner is a minor, and he shall be his curator; for in this case he may inform him, in the presence of the guard, of what is most convenient to the good of his soul, and the favourable issue of his cause.

19. He shall not eat or drink with the prisoners, nor have any particular communications with them, nor talk with them when alone, nor employ them if they are artificers in any business of his own. To those who are learned he shall not divulge any of his affairs, nor shall accept a gift from any prisoner, however insignificant in value, nor from his friends or relations, or any persons acting in his behalf; nor shall he keep up any communication, or have any friendship with them, nor visit at their houses.

20. The alcaide shall not employ the guards in any thing foreign to the duties of their office, and shall compel them to perform those duties in a partial manner, and to be careful in attending to the wants of the prisoners, and well treating them; he shall not allow them to do any thing that we have in the preceding section prohibited to the same alcaide; and on his knowing, or suspecting, that they have committed any faults in these respects, he shall report them to the inquisitors, that they may apply a proper remedy without loss of time.

21. He shall direct that out of the four guards, two shall remain during the night in the prisons, and divided in such a manner as to be able to notice every thing that takes place; for which end he shall place lights in such places of the prisons as he may think necessary, and he shall enter the expences incurred in buying oil amongst the small sundries; he shall not allow the guards to leave the prisons at any time, but for a just cause; and when they go to dinner, or to call the physician, surgeon, or barber, or to bring medicines from the apothecary's shop, or execute any other necessary business, he shall desire them to come back as soon as possible; and he shall order the service in the prison to be so distributed that two guards, at least, shall be always there on duty.

22. When the prisoners leave the prisons to go to the *auto-da-fé*, he shall take care that they are decently dressed, and that those who are women have a modest head ornament; and he shall not allow them to wear caps on the badge of penance, so as to conceal it, nor handkerchief over their faces to prevent being known; and some days before the *auto* he shall remind the board of those prisoners who are in want of clothes, that they may be provided therewith, and appear in public in a decent manner.

23. After the *auto-da-fé* he shall direct all the clothes

and finen left at the prisons to be collected together ; and when this has been done, he shall report it to the board, that the inquisitors may order a notary to charge them to him, in the book prescribed for this purpose, which both the alcaide and notary shall sign ; and when the inquisitors afterwards dispose of the same clothing, a discharge shall be entered in the same book, that at any time it may be known when and by whose order it was disposed of.

21. The alcaide shall have a fee of two testoons for each prisoner, besides his salary ; and when a prisoner is changed from one inquisition to another, the whole fee shall be paid in both inquisitions to such alcaide as may be serving at the time of the liberation, though another may have been the alcaide at the time of the prisoners entering the prison ; but the fee for the prisoners who die in the prison shall be paid to the alcaide serving at the time when they died ; and all such fees shall be discharged when the other fees of the trial are paid.

## TITLE XV.

### *Of the Guards.*

1. The guards of the secret prison, besides possessing the qualifications declared in title 1. § 2. of this book, shall be strong men, who can well support the work of their office ; and worthy of so much confidence, and of such fidelity, as may be expected from persons who are to treat the prisoners so familiarly ; and they shall not be admitted if they are related to the alcaide, or follow any degrading business ; they shall keep entirely all that is prescribed in § 6, 7, 8, and 9, of the same title.

2. They shall always keep the corridors of the prison very clean, and free from all bad smells or nuisances, that may be prejudicial to the health of the prisoners ; and every week, or at least once in every fortnight, by the order of the alcaide, they shall give clean linen to the prisoners, and the

foul clothes shall be delivered to the washerwoman, with a bill, by which also they shall receive them when washed ; but they must take care that no piece of information is conveyed with them, and that the washerwoman does not learn from whom the clothes come ; and they shall be very cautious that the clothes are not lost or changed ; and when the washerwoman loses any article, so much shall be deducted from the money which the washing amounts to, as will be sufficient to buy an article of equal value, which they shall give to the prisoner instead of the one lost.

3. All prisoners shall be constantly treated with great kindness, though without particularity ; and they shall have every thing by order of the alcaide that is allowed by the board, in proper time : but beyond this the guards shall not give them any thing, though belonging to themselves, nor shall they take money of the prisoners to buy any thing.

They shall not offer any insult or hindrance to the prisoners, nor give them any occasion of just complaint, but shall attend them with care and diligence when they require it, providing them with necessaries whenever directed by the alcaide, without the permission of whom they shall not absent themselves from the prisons, except when they may receive his orders to go for the physician, surgeon, or barber, or to fetch any medicines, or execute any other business necessary for the prisons or prisoners, in which cases they shall arrange matters in such a manner that two guards, at least, shall be always on duty in the prisons ; and when they go out they shall take care to come back with all possible expedition, and two of them shall sleep in the prisons, in such places as may be pointed out to them by the alcaide.

4. They shall watch the prisons with such care that every thing done or said by the prisoner may be well observed ; they shall remark whether they seem guilty, or

**have** any differences amongst themselves, or quarrel, or **gamble**, or read any books, or use names different from **their own**, or keep up a communication between one cell **and** another, by knocking, talking, or writing; if they **talk** low where they are, and whether any information **accompanies** the things brought in from out doors, or in the food conveyed from the kitchen; and whether they eat the ordinary rations, or when they do not eat them whether it is on particular days; and all they may observe in those respects they shall report to the alcaide.

5. Whenever a prisoner enters the prison, being a man, such two of the guards as the alcaide may name shall search him in the presence of a notary, and shall examine every thing he has about his person, with such care that the prisoner may never take with him into confinement any arms, books, papers, money, pieces of gold or silver, nor any other thing not absolutely necessary for use.

6. Whenever the alcaide takes or brings any prisoner to or from the board, one of the guards shall always walk before; and the same form shall be observed whenever a prisoner is moved from one room to another: and when the prisoner attends the audiences, one of the guards shall bring a bench for him to sit upon; and when the inquisitors shall order the torture, or any other punishment, to be inflicted on the prisoner, the guards shall perform the execution.

7. If the porter of the inquisition does not live within the yard, such one of the guards as the alcaide may appoint shall have it in charge to shut the gate of the yard at night, when the attendant of the meyrinho makes the signal, which shall be at nine o'clock in the summer time, and at eight in the winter. This guard shall open the door at day-light, and when he has opened or shut the gate, he shall deliver the key to the alcaide, and in no

other instance shall he retain possession of it; nor shall any of the guards accept the keys of the prisons from the alcayde in any other case, to open or shut the door, except when the inquisitors shall give express orders in this respect, or on some sudden necessity, when it cannot be otherwise.

8. The guard shall not eat or drink with the prisoners, nor have any private communication with them, nor talk to any of them when alone; and when a guard conveys food to a prisoner, another guard shall be present. They shall not employ prisoners, who are artificers, in working for them, though they may pay them the full price of their work, nor shall they accept of any of their services, nor of any thing presented to them, though of little importance, nor from their relations, or any persons who may plead or act for them in their causes; nor shall they keep up with them any dealings, communication, or friendship; nor visit at their houses; nor shall they convey to, or take from the prisoners any messages, on any account whatever, however innocent their tenour may be; nor shall they give them any information or notice of any thing, under the penalty of being punished with the greatest severity; and if they see or observe that the alcayde does any thing that is contrary to the secrecy and reserve of the holy office, they shall communicate it to the board, or to one of the inquisitors, that a proper remedy may be applied to the case.

## TITLE XVI.

### *Of the Porter.*

1. The porter of the room for dispatch of business shall have the qualifications mentioned in title 1. § 2. of this book; he shall be a man of good understanding, and diligent, and shall faithfully observe what is ordained in § 6, 7, 8, and 9, of the same title; he shall keep the keys of the saloon of the inquisition, of the room allotted for the

dispatch of business, of the oratory, and rooms provided for audiences : and if he lives within the yard of the inquisition, he shall also keep the key of the gate ; and the duty shall devolve on him of shutting the doors at nine o'clock in the evening during the summer, and at eight during the winter ; and of opening them at day-light in the morning.

2. On the days not kept as holy days, he shall attend at the holy office, in the morning one hour, and in the afternoon half an hour before it begins, that he may be in time to order the rooms to be cleaned, swept, and the tables prepared and provided with every thing necessary ; and that no fault may happen in these respects, he shall ask for the keys in time from the treasurer.

3. He shall assist the priest at the mass, which is to be said in the oratory of the inquisition on the days of dispatch, and shall keep a memorandum-book for marking down the days when the notary does not come, which he shall present to the board at the end of each quarter : but if the notary should happen to be absent very frequently, the porter shall inform the inquisitors of it, that they may provide as they think proper ; and he shall take great care as to the repairs and cleanness of the oratory.

4. He shall not allow any person to go into the house of dispatch, except the ministers and officers of the holy office, neither before business begins, or after it is terminated. And when the inquisitors begin business, that he may be better enabled to answer when they ring for him, he shall station himself in the anti-chamber, which is between the saloon and the room of dispatch ; and shall very diligently execute whatever the inquisitors may desire him to do ; and after the audience has begun, he shall not permit any person whomsoever to enter the anti-chamber, nor any other officer except himself to stay there, desiring them to go out into the saloon ; and if they insist on being there, he

shall report the circumstance to the board, that the inquisitors may determine what is to be done.

5. After the inquisitors have seated themselves at the board, and have directed him to shut the door of the room of dispatch, the porter shall not open it, except when called for that purpose : but if he has any message to deliver, or the alcayde brings any prisoner there, he shall make the sign at the door, and shall not go in till the bell rings : and if there is any prisoner at the board, he shall bolt the door inside, that it may not be open before it ; and so likewise when the alcayde brings any prisoner to the board, or takes back any from the board to the prisons, he shall take great care to keep the door locked which connects the anti-chamber with the saloon.

6. He shall treat all persons with civility who come to transact business at the holy office, never giving them any reason to complain, or feel offended ; and if any of them wish to be admitted at the board, or have been summoned to the inquisition, he shall immediately announce them to the inquisitors ; and if he does not know them, he shall enquire in a proper manner who they are, and their rank, and shall report their answers to the board, in order that he may be enabled to give them seats according to these Bye-laws : but before they go in, he shall ask them, with civility, to leave their arms behind, and shall accompany them to their respective seats ; and when they go out, he shall return them with their arms ; and if they hesitate to leave them, he shall on no account permit them to enter with arms, and shall inform the inquisitors of it, and follow what they may determine.

7. He shall present the petitions, and other papers given to him, to the board without delay ; and if any decisions made on these are to be returned to the parties, he shall not demand any thing for his trouble, nor accept any gift, though it may be voluntarily offered to him ; and

when any papers remain on the table of the board, from one audience to another, he shall take the greatest care of them, shall not peruse them, nor allow any person to inspect them.

8. When the hour for finishing the dispatch of business arrives, he shall inform the board of it; and after the ministers are gone, shall shut the doors: but when any inquisitor or deputy remains in the room of dispatch, to continue to transact any business, he shall wait till they go away, though it be beyond the usual hour. When he labours under an impediment that disables him from performing his duty, he shall inform the inquisitors of it, that they may give directions to whom he is to entrust the keys, which he shall not confide to any person without their express order.

9. In the causes of the absent and dead, which pass on without defence, he shall proclaim the cries of the court, when ordered to do so, and shall receive for these what the promoter may calculate for him in the proceedings. And when the inquisitors order him to summon any minister out of the secret, or to ask for any paper there, or to deliver any message in the same place, he shall not enter inside the door, but from the door shall deliver his message outside the door, and there also receive the answer.

10. He shall have under his care all the furniture belonging to the rooms of the dispatch, audiences, and oratory, which shall be charged to his account by a notary, in a book kept for that purpose; and that he may more easily recollect what he has under his care, he shall have a copy of the inventory: and when any articles of the furniture are worn out, he shall request one of the notaries to declare the fact in the margin of the inventory, that he may be discharged from all responsibility on their account.

11. He shall take care of such prohibited books as may

come to the holy office, or may be in his custody at the inquisition, in the places where the inquisitors may determine; and this shall be charged to him in another book, by such one of the solicitors as the inquisitors shall name; and when the inquisitors dispose of the books, he shall desire the clerk who charged him with them in the book, to declare the circumstance of their disposal in the margin thereof, that he may be discharged from them.

12. He shall receive every year, besides his salary, thirteen mil-reis: viz. four for the servant who is to sweep the rooms, three for the cloth of the table, which is to belong to him every year; but this he shall not have in the year, except when a new cloth is made, in which case he shall take the old one; two for wood for the fire in the room of the dispatch, to be lighted whenever the inquisitors shall order it; and four for the wine and the host, and the washing of the oratory; and shall moreover take the habits of those who are condemned to do penance, when the same are ordered to be taken off at the board.

## TITLE XVII.

### *Of the Solicitors.*

1. The solicitors of the holy office, besides the qualifications mentioned in tit. 1. § 2. of this book, shall be persons of activity, and well versed in business; and they shall faithfully observe what is ordained in § 6, 7, 8, 9, of the same title.

2. They shall endeavour to acquire a knowledge of the inhabitants of the place in which they reside, that they may summon without delay such persons as the inquisitors may determine; and if they know that the persons for whom they are sent, have any defect in rank, or that their testimony as witnesses is not worthy of credit, they shall communicate it to the board, that the inquisitors may know how to act with them; and when the prisoners have in-

**Interviews with their procurators, they shall attend them if so desired by the inquisitors, and shall observe whether they speak to them on topics not connected with their causes; and on remarking any thing that may be injurious to the holy office, they shall report it immediately to the board.**

**3. He shall accompany the inquisitors and deputies in the manner prescribed to the meyrinho in tit. 13. § 2. of this book; and shall wait in the saloon every day that is not an holy day, during the continuance of the inquisitors at the board; and when they order them to transact any business, or to do any thing belonging to the holy office, they shall perform it with all possible expedition; but they must endeavour to attend to these concerns when they are not wanted at the board, except when the inquisitors give different orders, that they may be better enabled to proceed with their duties; and if the meyrinho is not in the saloon, the senior solicitor shall execute, in his room, what is prescribed in tit. 13. § 14.**

**9. Whenever they know that any person of the nation intends to absent himself from the kingdom, or they are informed that those who are condemned to do penance do not fulfil their penances, they shall immediately report it to the board, as well as every thing else they may suppose of sufficient importance to be known to the holy office.**

**5. When they summon any person, they shall give certificates thereof, to which certificates full credit shall be ascribed; and for these, as well any other business, they shall receive what may be considered proper; but they shall not ask any thing of the parties, nor shall they accept any thing though voluntarily offered.**

**6. One of the solicitors, whom the inquisitors may appoint, shall be the clerk to the receipts of such prohibited books as come to the holy office, and shall charge them to the porter, in the book ordered for that purpose, which**

shall be locked up in such places as the board may determine ; and when the books are returned to their owners, or they are disposed of by order of the inquisitors, he shall declare the circumstances in the margin of the list, by way of discharge to the porter.

## TITLE XVIII.

### *Of the Steward.*

1. The steward shall be an intelligent person, of good character, and shall have all the qualifications necessary for the other officers of the inquisition, and they shall faithfully observe what is determined in § 6, 7, 8, and 9, of title 1. of this book. He shall attend, in general, in the pantry, and when absent from it, he shall inform one of the guards where he may be found if wanted.

2. He shall keep in the pantry every thing necessary for the maintenance of the prisoners, and shall endeavour always to obtain the best, at the current prices of the country ; and that he may behave always with the necessary integrity, he shall constantly have in the pantry weights and measures approved and marked ; and every Saturday he shall bring a bill of the prices of meat, and every month a bill of the prices of bread ; and he shall not deliver any articles into the prisons, except those declared in the list of the alcayde, though the guards may demand them ; but those ordered by the alcayde he shall deliver as soon as possible. He must never sell any thing out of the pantry to strangers, not even to the ministers or officers of the holy office ; nor shall he allow any one to go into it, except those who bring what is necessary for the prisoners.

3. He shall settle every thing with the barber, and the washerwoman when she brings the clean linen, what appears due to them, according to the list given to him by the alcayde ; he shall purchase every thing that the treasurer

may desire him to procure, as necessary for the holy office ; and every month he shall arrange his accounts with him, by the list of the expences of the prisoners, made by the alcaide, and the receipts given to him for what he purchases ; and whatever balance he may have in his hands he shall pay immediately to the treasurer.

4. He shall pay punctually for every thing he may buy ; and, in purchasing, shall act in such a manner, that no complaint shall take place against him ; and if there is a scarcity, and it is necessary to take any thing by the force of justice, he shall report it to the board, that what may appear most convenient may be determined.

## TITLE XIX.

### *Of the Men of the Meyrinho.*

1. The men of the meyrinho shall be young, of good dispositions, and such as may fulfil the duties of their office with diligence, so as afterwards to become guards ; and they shall be admitted in the manner before prescribed in tit. 13. § 2. of this book ; they shall know how to read and write, and shall faithfully observe what is ordained in § 6, 7, 8, and 9, of the title 1. of this book. In the town where an inquisition resides, they shall always accompany the meyrinho, except when the holy office employs them otherwise : but they shall not go out of the town with him, except when the inquisitors shall order them to do so.

2. On days that are not holy days, and when the tribunal sits, they shall attend at the door of the yard of the inquisition, and shall not allow any gambling, or any other disturbance to take place there, or at the staircase ; and if such things happen, they shall inform the meyrinho, or, in his absence, the senior solicitor in the saloon, that they may remedy it in the manner declared under their respective titles.

4. They shall expedite all business entrusted to them by the inquisitors without delay ; and likewise what the meyrinbo may order them to do, provided it is business belonging to the holy office; but they shall contrive to do this in such a manner, that one of them at least shall always wait at the door of the inquisition, as long as the inquisitors continue in the dispatch of business, except when they are otherwise employed. Such one of them as the inquisitors may appoint, shall keep the door of the yard of the inquisition, and in summer at nine o'clock in the night, and in winter at eight, he shall make a signal that the alcayde may send to lock it; and he shall not allow any suspicious person to be in the yard; and he shall ask those who go in what is their business; and that he may know who go in and out, he shall keep a lamp in the yard at night, for the oil of which the treasurer shall pay him, and he shall receive for this trouble whatever remuneration may be considered sufficient.

4. In the audiences they shall proclaim the cries directed to be made in the causes of the privilegiates; and for each cry they shall receive what may be apportioned to them; and when they go out of the town to do any business, they shall have two testoons a day; but for such business as they may execute in the town, or its vicinity, they shall receive no salary.

## TITLE XX.

### *Of the Physician, Surgeon, and Barber.*

1. The physician, surgeon, and barber, of the holy office, shall have the qualifications declared in tit. 1. § 2. of this book. They shall be persons worthy of great confidence, and the best informed individuals in the town, and shall faithfully perform what is ordained in paragraphs 6, 7, 8, and 9, of the same title.

2. Whenever called to the prisons, they shall attend

with great punctuality at the hours prescribed, that the alcade may accompany them in their visits; observing that they shall not visit any prisoner without his being present. When they visit the prisoners, they shall not converse with them, except upon matters necessarily relating to their infirmities, and about these they shall hear them patiently, and they shall treat them with such kindness, that the prisoners may feel convinced of the care taken with their health. All necessary medicines and remedies shall be directed to be made up and applied in proper time; and when any prisoner is dangerously ill, they shall report it to the board at the beginning of his illness, and in the course of this illness shall frequently make known the actual state of the patient, chiefly when there is danger of death, that spiritual remedies may be provided, a confessor may be appointed, and every thing may be afforded that can administer to his salvation.

3. The physician and surgeon shall be obliged to take great care in their cures, and to attend not only the prisoners, but also the ministers and officers of the holy office, and respective persons of their families, in consideration of which trouble, an adequate salary shall be granted to them in our letters of commission; and they shall be obliged to attend the inflictions of the torture, in order to declare upon oath whether the prisoners are capable of supporting it, and to what degree; and for this trouble and attendance they shall have such a compensation at the end of the *auto* as may be deemed convenient: and when they cure any prisoner of madness, they shall make such remarks during the cure, that they may be able to depose as to his capacity, when interrogated about it; and they shall examine all who die in the prisons, that they may declare the causes of their deaths at the board.

4. The physicians and surgeons, besides the salary

which they are to enjoy by our letters of commission as aforesaid, shall have eighty reis for each visit they may make to the rich prisoners whose goods are not seized ; and the payment of this sum they shall receive from the treasurer, when the other costs are paid ; and for visits to prisoners, both poor and rich, whose goods are seized, they shall not receive any thing. The barber for the bleedings and shaving done in the prisons, shall receive the customary allowances of the country, and the steward shall settle with him at the end of the month, according to the bill of the alcayde.

## TITLE XXI.

### *Of the Familiars of the Holy Office.*

1. The familiars of the holy office shall be persons of good behaviour, worthy of confidence, and of known capacity ; they shall have sufficient property to enable them to live with abundance, shall possess the qualifications declared in tit. 1. § 2. of this book ; and shall faithfully observe every thing ordained in paragraph 6, 7, and 8, of the same title.

2. They shall attend punctually at the holy office, when called thither by the inquisitors ; and shall execute every thing they are directed to do by such inquisitors ; and if they live out of the towns where the holy office resides, they shall go to the commissaries and visitors of the ships when called by them, and shall do as they may be desired. If any familiar comes to the board either to propose some business, or he is summoned thither by the inquisitors, he shall wait in the saloon till he is ordered to go in, and without this order he shall not enter into the antichamber next to the room allotted to the dispatch ; except when the inquisitors shall otherwise direct.

3. On the eve of the day of St. Peter the martyr, they shall attend at the inquisitions of their respective dis-

tricts, if possible, to accompany the tribunal ; and shall attend also in the church where the festivity of the saint is to be celebrated. On the day when the *auto-da-fé* is to be exhibited, they shall proceed early in the morning to the inquisition, in order to accompany the prisoners in the procession: and only on those days, and when they go to take any person into custody, or to bring any prisoner to the holy office, they shall wear the medals which they are to have, as familiars of the holy office, externally displayed.

4. When the inquisitors entrust to them the imprisonment of any person, they shall observe the order established in title 13. § 8, 9, 10, and 11, of this book, in the manner therein disposed ; and moreover, when the prisoner is taken up, (if out of the town where the holy office resides,) they shall bear their staves, and with them shall accompany the prisoners. If in the places where they live, any case happens which appears to belong to the cognizance of our holy faith ; or if those who are condemned to do penance, shall not fulfil their sentences with due expedition and secrecy, they shall personally report to the board of the holy office, if in a town where the tribunal resides, and if not, they shall inform the commissary ; and if there is no commissary, they shall inform the inquisitors of the same by letter ; but they must never act in any other manner than the one prescribed, on account of the many inconveniences that might result from a contrary practice.

5. For the time occupied by them in the business of the holy office, they shall receive five hundred reis a day. They shall not take with them more than one man on foot, who shall be paid according to the custom of the country ; and if more men are necessary, they shall report it to the inquisitors, that they may order them how to act.

## TITLE XXII.

*Of the Alcajde, Guard, and Chaplain of the Prison of Penance.*

1. The alcajde of the prison of penance shall be married man, and worthy of confidence, as to the entire fulfilment of the duties of his office, besides other things mentioned in § 6, 7, 8, and 9, of the first title of this book ; and moreover, he shall have all the qualifications prescribed in the same title, § 2.

He shall keep under key all those condemned to do penance who have appeared in the *auto-da-fé*, and who were delivered to him by order of the inquisitors, to be instructed in the mysteries of our holy faith, which persons he shall not allow to go out of the prison, without their express permission.

2. He shall treat every body with kindness ; and if there is any one so poor as to have nothing to support himself, he shall report it to the board, that the inquisitors may order him to be supplied with what is necessary. He shall cause them to be quiet, and see that they have no quarrels amongst themselves ; but if any should happen which he cannot remedy, he shall report the same to the board, that the business may be attended to in a proper manner ; and never of his own authority shall he punish prisoners when they commit any crimes which may merit punishment.

3. He shall not allow the prisoners who are placed under his care to talk with any stranger, with whom it is not proper that they should talk : nor shall he permit the men within it to have any communication with the women, nor the guard to carry any messages between them ; and he shall accompany those condemned to penance with the staff of office, when the inquisitors send them to any church to attend divine service, and he shall take care then that none escape or abscond.

4. He shall not eat or drink with the prisoners, nor with their relations, nor have any private communication with them, nor accept any thing they may think proper to give him for the time they may remain under his care. He shall have, however, the same prison-fees as the alcaide of the secret prisons, as determined in title 14. § 24. of this book.

5. When the inquisitors order any body to be kept aloof from all communication in the prison of penance, the alcaide shall lock them in separate rooms, with such caution that they can neither communicate with each other nor with persons from out doors; he shall not talk with such persons, nor allow them to talk with the guard, and he shall always go with him when he furnishes them with what they want; and if the inquisitors summon any of these prisoners before the board, the alcaide shall bring them, having the guard in front, to which guard the keys of the prison shall never be trusted.

6. He shall cause the prisons to be well provided with the best provisions in the country, which the guard shall buy; and when he brings them he shall see that they are good, and that no intelligence is conveyed to the prisoners amongst them: and when the prisoners are sick he shall inform the inquisitors of it, that they may order the physician of the house to take care of them, and provide them with every thing that may be necessary; and during the illness the same order shall be observed as is prescribed under the title of the alcaide of the secret prisons.

7. The guard who is to serve in the prison of penance shall be appointed by the inquisitors, but they shall not give him letters of commission, or any document of his office, until he has been approved by the board, and the oath of well and faithfully discharging his duty shall have been administered to him, on which he shall be admitted to serve without there being occasion for any

order or mandate of ours. But he must possess the qualifications mentioned in title 1. § 2. of this book.

8. He shall faithfully observe what is ordained in title 1. § 6, 7, 8, & 9, and shall have no communication with the prisoners, or those condemned to do penance, except what is requisite in providing them with necessaries; and if any of the prisoners desires him to go with any message he shall not carry it, nor bring any to them; on the contrary, he shall inform the alcayde of it, that he may report the same to the board, if he thinks it necessary. He shall treat all the prisoners with much kindness, and shall execute punctually what the alcayde may order him to do, in every thing relating to the prison, and the persons therein confined.

9. He shall not buy any thing for the prisoners and those condemned to do penance, without an order from the alcayde; and every thing he buys by his order shall be of the best kind to be found in the place, and for the common or usual price; and if there are in the prison any persons who are to be kept aloof from all communication, he shall not take the keys of their place of confinement, though the alcayde may offer them to him, nor shall he converse with them, except in the presence of the alcayde, whom he shall accompany when he goes to the board with prisoners, and returns back with them to the prison. He shall not accept any thing from the prisoners, or those condemned to do penance, though they may voluntarily offer it; nor from their relatives or friends; nor shall he have any private communication with them.

10. The chaplain of the prison of penance shall be a person of virtue, and set a good example; and when a learned person can be found he shall be preferred, provided he has the qualifications, which, according to these Bye-laws, title first and paragraph second of this book,

are requisite in the persons who are to serve in the holy office. He shall entirely keep what is prescribed in § 6, 7, 8, and 9, of the same title.

11. He shall say mass every day in the oratory of the prison, when there are any persons condemned to do penance, or any other prisoners, whom the inquisitors may allow to hear it: he shall administer the sacrament of eucharist to those condemned to do penance, having first a certificate in writing from the person to whom their instruction has been committed that they are sufficiently informed in the mysteries of our holy faith: but, to do this, an express order of the inquisitors must be previously issued, without which no person condemned to do penance shall be admitted to the sacred communion; and to those to whom he administers it, he shall give a certificate, for which he shall ask nothing, and he shall deliver this to the alcaide, to present it to the board; and he shall hear the confessions of the prisoners, when so ordered by the inquisitors.

He shall attend in the saloon of the inquisition, when so ordered by the inquisitors, chiefly on the days near to the *auto-da-fé*; he shall bear the crucifix at the procession of the *auto*; and shall do every thing else that the inquisitors may order him to do. When he may have leave of absence from us, he shall leave some person, who must be approved of by the inquisitors, to perform his duty.

# BYE-LAWS

OF THE

## HOLY OFFICE.

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### BOOK II.

*Of the Judicial Order of the Holy Office.*

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#### TITLE I.

*Of the Visit, and how the Visitor is to act in the Dispatch of the Apresentados, and those denounced during a Visit.*

1. WHENEVER it may appear convenient in our eyes to the service of God, to order a visit into the district in which any of the inquisitions are situated, or into any particular part of the kingdom, we shall give orders and instructions to the person whom we may select for a business of such importance, which he must observe during the visit, and who, before he sets out for the place he is to visit, shall take care to enquire what papers there are in the holy office which relate to the same place or district; he shall take them away with him, with every other information he may conceive necessary.

2. On arriving at the place of the visit, and having made known the same, in the manner prescribed in book 1. title 4. § 11. and the following; if any persons come before him, and present themselves to confess crimes from which a slight suspicion in point of faith may result; as, for instance, heretical blasphemies, rash propositions, of injurious tendency or scandalous assertions, that simple

fornication is not a sin, bigamy, superstitions, sortileges, becoming renegades externally in the country of the Moors from fear of the tortures, or being guilty of soliciting during confessions, their confessions shall be received in a book prepared for that purpose; a copy whereof shall be taken by the hand of the notary; and when the session of genealogy, and the examination the visitor may think necessary, have terminated, he shall dispatch the proceedings with the ordinary alone, whom he shall cause to be requested to assist at the board of the visit, either in person or by proxy, provided the person to whom he commits his duty possesses the qualifications required by these Bye-laws; and after resolutions have been come to on the cases, the sentences shall be drawn up, which the notary shall make known at the board of the visit, before the visitor and his officers, to the *apresentados*, who shall there make the abjuration *de leve*, and spiritual penances only shall be inflicted on them, without any public punishment, or other penance through which their crimes may become to be known: and of all these things instruments shall be drawn up in the proceedings, which shall be signed.

And when the vote of the visitor does not agree with that of the ordinary, he shall send the proceedings to the council-general, with the opinions of both of them, and their reasons for voting as they did, that the council may give directions on the subject.

3. The visitor shall not dispatch the proceedings of suspected persons, who may confess heretical blasphemies or propositions of evil tendency, rash, scandalous, or such as may be necessary to be *qualified*; nor those of confessors guilty of solicitation, who are incumbents of parishes, or who confess more than two acts, or one complete; nor those of the sortileges, or renegadoes in the country of the Moors, who can produce witnesses, whose testimony may

alter the presumption arising against them ; and in those cases they shall only receive the confessions, and order them to be copied. When the sessions of genealogy and the examinations have taken place in the aforesaid form, they shall send the proceedings to the council-general, with the crimes, if any, that what is proper may be there determined ; and they shall do the same when the *apresentados* confess themselves guilty of the crimes from which a vehement suspicion of their faith may result.

4. If any person comes during the time of the visit to present himself and confess his being guilty of judaism, or any other formal heresy, his confession shall be taken down in the book ; and after it has been taken, the visitor shall let him have the session of genealogy and belief, and the other sessions of examination, which may appear necessary, according to the custom of the holy office ; and he shall send all papers of the proceedings to the council-general, as before-mentioned in the preceding section ; and to the *apresentados* he shall cause certificates to be granted, of their having presented themselves within the time of grace, should they ask for them.

5. If any person, after he has been reconciled by the holy office, present himself to confess his being guilty of a relapse, his confession shall be taken : and without holding on him any session whatever, it shall be sent to the council-general : and if he intimates through a third person (not declaring his name) that he wishes to present himself, provided mercy is promised to him, the answer shall be given, that his request cannot be attended to until he declares his name ; and the confessions thus presented shall be ratified in the manner prescribed in title 7. of this book, § 14.

6. The denunciations and depositions of persons who come to accuse any criminal, shall be written in the book prepared for that purpose, and at the end of it they shall

be ratified ; and in case any persons are referred to in these, if they are in the same place where the visit takes place, or they can conveniently come there, they shall be summoned to attend, and the visitor shall interrogate them personally : but if they do not reside in the district of the visit, the business shall be committed to the commissary of the holy office residing at the same place, or to any other person worthy of confidence, who shall examine them ; and if they live out of the district wherein the visit takes place, the visitor shall not cause them to be interrogated, until the denunciations have been laid before the council-general, and he receives orders and instructions how to act. This, however, shall not be the practice if any apprehension is entertained of a criminal's escaping ; or there is danger of death or absence in the persons referred to, since in those cases he shall expedite letters of entreaty to the inquisitors of the district wherein such persons reside, that they may be there interrogated.

7. During the time of the visit, he shall not order any person to be imprisoned, though there may be sufficient proof to warrant the commitment, but he shall order the crimes to be copied by the notary accompanying the visit, and sent up to the council-general with information, and also his opinion on the subject in a letter. If the persons accused are suspected of a wish to escape, he shall take a judicial information of the case from witnesses, which he shall send up to the council with the crimes ; and in the meanwhile he shall give orders that the justices, whether secular or ecclesiastical, of that place, shall keep the said persons in custody under some fictitious pretext, without its being understood to be by the direction of the visitor, and they shall remain in prison till an order arrives from the council ; and if, within the time of grace, the persons thus retained shall ask for an audience, and confess their crimes, they shall enjoy the benefit of grace ; but if any

person, who was imprisoned by order of the visitor (previous to a decision of the council) shall ask to be heard, in order that he may confess his crimes, the confession shall be received ; and without any further proceedings in the cause, the imprisoned person, with his crimes and confession, shall be sent to the holy office.

8. And whereas, in the visits of places beyond the seas, a recourse to the council becomes more difficult, and the injury that may result from delay in their answer is consequently greater ; we do ordain, that in his visiting such places beyond the seas, the visitor (besides the cases declared in § 2. of this title) shall dispatch, in conjunction with the ordinary, those persons who confess crimes of formal Heresy, and make an entire and true confession, receiving them into the bosom of and in union with the holy mother the church, in the form and manner declared at the end of these Bye-laws ; and observing also what is prescribed in the following title ; and in Book III. title 1. And if it appears, in any case, that a confession is not complete, and founded on truth, what is ordained before in § 4. of this title shall be attended to. In conjunction with the ordinary he may also dispatch the cases from which a slight suspicion only as to faith results, as declared in § 2 of this title, when the crimes may not be very obvious, forming the proceedings agreeably to what is ordained by these Bye-laws.

9. When the visitor and ordinary differ in their opinions and votes, they shall call in a third vote ; such person as we may have appointed in the instructions the visitor will receive ; and if he agrees with either of the other two, then the case shall be decided by this majority of votes, and if all three are of different opinions, a reduction of votes shall take place according to what is established in title 13. § 10. of this book ; and in this manner we consider the council-general as excused, on account of the

delay that may be occasioned by the distances of the places.

## TITLE II.

*Of the Apresentados, as well during the time of Grace as after it, and the Order to be observed in dispatching their Cases.*

1. Any person, of what quality, state, or condition soever, who having committed crimes of formal heresy against our holy faith, and being sensible of his errors, presents himself and confesses them voluntarily at the board of the inquisition, with signs of true repentance, either within the time allotted to grace, or after it, he shall be treated with lenity, in order that he may be enabled to seek a remedy for his soul; and after the confession is received, a session of genealogy and belief shall be made, as determined in tit. 6. § 2. and tit. 7. § 11. of this book: and after this has been joined to the depositions of the witnesses, if there are any against him, the proceedings shall be inspected at the board, by the inquisitors, deputies, and ordinary; and on its appearing that he makes a full and true confession of his crimes, and that he is thoroughly grounded in disbelieving his former errors, he shall be admitted into the bosom of, and in union with the holy mother the church, in the manner prescribed in book 3. tit. 1.

2. And if there are no witnesses against such a person, but it is understood that there may be some to speak of information received from persons who know of his crimes, and may be examined; though this knowledge may result only from his own confession, before the proceedings are proposed to the board, such persons, if they are not accomplices, shall be examined; and if nothing should arise in the depositions to contradict the confession, or make it appear less true, the said confession shall be re-

ceived in the manner declared in the preceding paragraph.

3. But if it appears that any inconvenience would attend examining such persons, or that from some particular reasons it is not convenient to delay on that account the dispatch of the *apresentados*, after the proceedings have been seen at the board, they shall be sent, with the decision thereon taken, to the council-general.

4. And if it appears to the inquisitors that such a person does not make a full and true confession of his crimes, after the session of belief, they shall immediately hold another, in which they shall merely admonish him to examine his conscience, and to think of discharging it entirely by confessing the whole truth ; and should he not give satisfaction in this session, another shall be made, in which he shall be admonished concerning the deficiencies in his confession, and how important it is for him to supply them, and to what danger he exposes himself by not confessing them entirely ; and when, after such admonitions, he does not give entire satisfaction ; he shall be detained in a room out of the prisons, and the proceedings shall be seen at the board by the inquisitors ; and if a decision is made that he shall be imprisoned, he shall be so, and though he may satisfy immediately after being imprisoned, he shall not enjoy the privilege of any *apresentado*, though in his dispatch some notice may be taken of this circumstance.

5. If any person, who is not of sufficient age to abjure, (according to the dispositions of Book III. title 1. § 12.) shall present himself to the board of the holy office, and there confess himself guilty of formal heresy, after his confession has been received, and he has been examined in it, and the sessions of genealogy and belief have been made, the inquisitors shall order him to be instructed in the matters of faith, and receive the sacrament of confession, and to be absolved from excommunication in such a manner as

they may think proper, and according to what they may judge of his capacity.

6. If any person comes to the board of the holy office, and says that he has been reconciled before, and that he is desirous of presenting himself and confessing crimes of heresy committed since his reconciliation, provided mercy is promised to him, the inquisitors shall observe what is ordained in § 5. of the preceding title.

7. When the *apresentado* confesses crimes which do not amount to formal heresy, though he may not satisfy the proofs which may exist against him, or which may result from his own confession, his cause shall go on without proceeding to imprisonment, till a final decision; and on its appearing that he is liable, by his sentence, to the torture, in such case he shall be imprisoned that the torture may be inflicted.

8. And if the crime be bigamy, though the *apresentado* confesses both his marriages; there shall be no decision in the cause, without their being first verified by witnesses; or by certificated extracts from the book of marriages; and a judicial information being taken of the first wife or first husband being alive at the time when the second marriage was contracted, except when the proof is to be made in places so distant, that great delay must take place; for in these cases the confession shall be seen at the board, and the decision shall be made thereon, and all the proceedings shall be sent up to the council.

9. Whenever any person, who is a native of these kingdoms, comes to present himself to the board of the holy office, for the purpose of confessing himself guilty of judaism, or any other heresy committed in foreign countries, or that there are persons who saw him commit crimes therein, if it appears that he makes a full and true confession, and he is not yet denounced by sufficient proofs to warrant his imprisonment, he shall be received into the

bosom of and in union with the holy mother the church, in the manner prescribed in Book III. title 1. § 10. And on its appearing that the confession is not true, what is ordained in § 4. of this title shall be observed; but should it appear to the inquisitors, from the circumstances of the case, that they ought not to proceed to his imprisonment, as is determined in the said paragraph, they shall send the proceedings to the council with the decision taken thereon; and if the person is already denounced by witnesses whose testimony is sufficient to warrant his imprisonment, then what is determined in Book III. title 1. § 2. shall be observed.

10. Whenever a foreign heretic presents himself to the board of the holy office, and, confessing that he separated himself from our holy faith, requests to be admitted into the bosom of and in union with the catholic church, the inquisitors shall receive him kindly, and shall take his confession, and examine him by it, that it may appear whether he acts thus in consequence of truly repenting his sins; and if during the examination nothing should be proved to the contrary, he shall be reconciled in the form and manner stated in Book III. title 7. § 10.

11. If any person brought up amongst parents and relations, who were heretics, and in a place where he neither had nor could have any true knowledge of the catholic faith, nor obtain sufficient instructions in its mysteries, comes to the board of the holy office to ask to be admitted into the bosom of and in union with the holy mother the church, the inquisitors shall order him to be instructed by some learned friar; and, after he has been so instructed, they shall order him to go to confession, and to be absolved *ad cautelam* from the excommunication he may have incurred; and both as to these, and as to the heretics who may have been reconciled at the board, the inquisitors shall cause that order which is prescribed in

**Book III. title 1. § 6.** to be observed. And if the said person presents himself through the medium of his confessor, and he be such a person as to merit the confidence of the inquisitors in this respect, they may commit to him the instruction of the *apresentado*, with the power of absolving him as to the sacrament of confession. In these two cases no proceedings of trial shall take place against the *apresentado*.

12. If new witnesses come forward against the *apresentado* who has confessed crimes of heresy, after his being reconciled at the board of the holy office, and his having abjured privately, which witnesses shew that his confession has been *diminute*, and the deficiency shall be such as to warrant the imprisonment of the criminal, the promoter shall present his request against him, and he shall be ordered to attend at the board with such security and precautions that he cannot escape, or absent himself; and he shall be examined at the board concerning his crimes, and admonished as to the diminutions in his confession, in the manner explained in § 4. of this title; and should he give immediate satisfaction to the information of justice, he shall be absolved from the excommunication he has incurred for not discovering his accomplices, and such spiritual penances shall be inflicted on him as are declared in **Book III. title 1. § 6.** But when he does not satisfactorily answer, he shall be detained in a room out of the prisons; and if, after the proceedings in his cause have been examined, a decision should be made that he must be imprisoned, he shall be put into the prison.

13. When a person presents himself to the board of the holy office, and confessing crimes of private heresy, *per accidens*, shall ask absolution for the same, the inquisitors may reconcile him judicially, as is ordained in **Book III. title 1. § 11.** and in the decision come to by the board, a memorandum shall be entered that if the same person shall

relapse into the same or other heresies, and the same should appear either by his own confession or by any other legal proof, the case shall be reported to his holiness, that he may not be deemed guilty of relapse; and if the person does not wish to come to the holy office, any one of the inquisitors may reconcile him, and absolve him, at his own house, according to the brief of Clement the VII.; but subject to the conditions therein declared. When he presents himself through the medium of his confessor, and the same confessor says that the said person cannot, or will not, attend the board of the holy office, or any of the inquisitors, if after all possible endeavours have been made to induce him to come personally, he cannot be persuaded to come, and the confessor is a learned person, and deserving of confidence, the inquisitors may give him the power of absolving the *apresentado* inasmuch as regards his conscience.

14. Any person confined in the prisons of the holy office for crimes not amounting to formal heresy, who shall, at the board, confess crimes of formal heresy for which he was not denounced, shall not be considered an *apresentado*, provided he makes his confession before the libel of justice: but he shall be reconciled, and he shall abjure his errors in a public *auto*; since in this case the confession does not partake of the qualities required by law to entitle him to the privilege of an *apresentado*. Should he confess after the libel, he shall abjure at the board; and if he was imprisoned for crimes of heresy, and witnesses himself guilty of others of a different kind, for which he was not denounced, or if denounced it may be only by circumstantial evidence, which was not sufficient to warrant his imprisonment, he shall be deemed an *apresentado*, and shall hear his sentence, as to the particular crime which he confessed, at the board of the holy office, before the inquisitors and notaries only.

15. When persons who have professed the sect of Mahomet, and performed its ceremonies in the country of the Moors, may come to the board of the holy office to solicit mercy and pardon for their crimes, the inquisitors shall receive them with much kindness, and shall dispatch them with all possible expedition, it being of great importance that such persons should be treated with lenity, that others who may have committed similar crimes may be induced to seek the same remedy of their souls; and if any of the said persons are reconciled in form, this shall be done at the place determined in Book III. title 7. § 1. and the inquisitors shall order them to be instructed in the matter of our holy faith, by learned and religious persons; and if they deny a bad intention, what is determined in § 2. of the same title shall be observed.

16. If any one of the said persons is a native inhabitant of another kingdom, after the inquisitors have dispatched his cause, they shall grant letters of his reconciliation or dispatch unto him, in their names, and shall order him, when he returns to resume his residence in the country of which he is a native or an inhabitant, to present himself with the said letter to the tribunal of the holy office, if there be any established in the country; and, if there is none, to the ordinary therein, that the scandal which he may have occasioned by his crimes, may in this manner cease.

17. And if the said persons who come from the country of the Moors, or from any other places of Africa appertaining as conquests to these kingdoms, to present themselves before the commissary of the holy office, or to the provisor or vicar-general, to each of these we do grant permission that he may absolve them of relapse, provided they order them, within a limited period, to present themselves to the holy office; and to this end cause proper instruments to be given to them in due form, in virtue of which

the inquisitors shall receive them in manner before mentioned. That the commissary, provisor, or vicar-general may have due notice of these things, and may avail themselves of the power hereby granted to them in this section, the inquisitor shall send a copy thereof to the bishops of Ceuta, with a recommendation to him to make it known to the officers of the several places in his bishoprick, and the same shall be also sent to the commissary of the holy office.

18. Whereas, according to law, as will be hereafter observed in the beginning of book the third, for the crime of heresy the penalty of confiscation of estates is incurred, and to this end a sequestration of them is directed; we do, therefore, determine, as to the *apresentados* who confess themselves guilty of formal heresy, beyond the time allotted to grace, and who on account of not satisfying are committed to prison, that a sequestration of their goods and chattels shall take place; and, in order to effect this, the judge of the exchequer shall be immediately informed thereof by the inquisitors; and the same thing shall be observed with respect to those who abjure in public at the time when they are remanded to have their sentences published. Those, however, who abjure in private shall not have their property sequestered, since, as their crime is private, it ought not to be made manifest by these means.

### TITLE III.

#### *How Denunciations are to be received.*

1. Whereas denunciation is one of the principal means whereby proceedings at law can be taken against the guilty, the inquisitors shall hear those persons, without delay, who come to denounce any one at the board of the holy office, and shall receive the denunciations in person, without committing the duty to the deputies, as is observed in Book I. title 3. § 14. and there shall examine every

thing there said with particular nicety, and shall cause the informers to declare in their depositions their ages, rank, of what places natives, and of what inhabitants, the times and places where they allege the crimes to have been committed by the persons whom they denounce, what they know of those crimes, with the reason they come to denounce. If a long time has elapsed since the perpetration of the crime, they shall be asked why they did not come sooner, as well as such other circumstances as may appear necessary to ascertain the better what degrees of credit is due to such depositions; and they shall likewise make them declare the ages and rank of the denounced; of what places natives and inhabitants; and whether, at the time they committed their crimes, they were in their perfect senses; or, on the contrary, if they were overtaken by wine, or labouring under any passion that might disturb their senses; if they were reminded or reprimanded by the persons present, and what were their answers, with every thing else that may appear convenient for obtaining a full knowledge of the persons of the criminals, and of the crimes by them committed,

2. When the denunciation is made against any confessor for being guilty of soliciting during confession, the inquisitor shall be exceedingly cautious not to ask the informers any more questions than those which may be necessary to furnish a full knowledge of the crime: on the contrary, they shall observe to them, at the beginning of the denunciation, that they are not obliged to say any thing relating to themselves, but merely to state facts as to the denounced; and those things which relate to the solicited person shall not be written down, except when that person (without being obliged to do it) denounces some act of sodomy, or speaks of some other crime, the cognizance of which belongs directly to the holy office, or any act of fornication, or indecency, that may have been consum-

mated ; since, in this case, it is right to notice circumstances which so much aggravate the crime of the denounced, in order that he might receive a greater punishment.

3. The inquisitors shall summon without delay all persons referred to in the denunciations, and shall examine them with the same caution as they did the informers, asking them, in the first instance, generally, whether they know or have heard any thing against our holy catholic faith, or any other thing, the cognizance of which belongs to the tribunal of the holy office ; and if they refer to the case in which they themselves have been referred to, their depositions shall be taken down with much minuteness, that it may be ascertained whether they agree with the statement of the informer ; and if they do not satisfactorily reply, they shall be asked particularly to state the substance of the denunciation in which they were referred to, though neither the place where the crime was committed, nor the names of the denounced, or informer, must be made known to them ; and when even then they are not satisfactory, it shall be observed to them, that information has been communicated to the board of the holy office, that they know of those things concerning which they have been interrogated, and that they should think of discharging their consciences, by declaring the truth. Both the informers, and the witnesses referred to, who may be interrogated, shall be recommended very seriously, and bound by an oath they shall take, to observe great secrecy in this respect ; and if the witnesses referred to are accomplices, they shall not be interrogated.

If the persons referred to are nuns, or ladies of great rank, or married to noblemen, or live in convents, or persons who have some legal impediment to prevent them from coming to depose it at the holy office, what is determined in Book I. tit. 3. § 13. shall be observed.

And if, by the declarations of the informers and witnesses, any crime should be proved against the denounced, the depositions shall be immediately ratified by the inquisitors in the same audience in which the informers and witnesses are interrogated, though it may be necessary, for this purpose, to stay some time longer at the board than the hours allotted to the dispatch of business.

4. When it appears to the inquisitors, that it is convenient to have some information about the credibility of the informers and witnesses referred to, they shall do it, or cause it to be done, before they propose the denunciations to the board; and if the denounced is a confessor, guilty of soliciting during a confession, this previous information shall always take place, as well as enquiries concerning the name, reputation, and opinion, in which the denounced is held. They must take care, however, as much as possible, in both these respects, to keep such secrecy, that no matter whatever may come to the knowledge of the denounced.

5. The inquisitors shall receive denunciations brought before them, against persons who live in another district; and when the witnesses referred to are interrogated, and their depositions have been ratified, they shall send copies of all the proceedings to the inquisitors of the district to which they may belong, in manner declared in Book I. tt. 3. § 32. and, with the denunciations and answers of the witnesses referred to, they shall send information also about their credibility; and if this is wanted, the inquisitors before whom the crimes are to be laid, shall ask for them by a requisitorial, and not by a simple letter.

6. Though no proceedings can be instituted from the testimony of witnesses who depose only hear-say evidence against the criminal denounced, the inquisitors, however, shall receive such denunciations in writing, to the end, that they might examine the witnesses referred to, and that

it may appear why they were interrogated: but when a denunciation is presented in writing to the holy office against any particular person, and it is without our signature, nothing shall be done therewith, except when the case is of such a nature, that it may appear convenient to the service of God, and the good of the faith, to institute some enquiries concerning it.

7. When it appears, by the denunciations and depositions of witnesses, that a crime has been committed, but it is not sufficiently ascertained who committed it, the inquisitors may confront the informer and the witnesses, by placing them in separate places, where they cannot be seen by, though they can see, the denounced, who shall be summoned to the board for this purpose, and shall be there asked some questions, from which he may not be led to perceive the business that is going on with him; and after he goes out, the witnesses shall be asked whether they have seen him and know him well, and if he is the same person as they denounced; and every thing shall be written down in the proceedings, and shall be ratified in the same manner as the denunciation is ratified; but the informer and witnesses shall not be confronted with the denounced, without its being previously made known to the council.

8. The denunciations sent by the ordinaries shall be examined immediately at the board, and if the inquisitors think that the substances of them are of such a nature as to be under the cognizances of the holy office, and that the witnesses were interrogated in a proper manner, they shall order them to be ratified in the same manner as the others are, and referred to as examined; and if it appears that there was any thing deficient in the manner of interrogating in any case, the witnesses shall be examined again, and they shall write to the ordinary, stating that they keep the papers of the proceedings, and desiring him not to proceed in that instance

against the denounced ; and if he is in prison, and he has not been guilty of crimes of such consequence as warrant his being kept in the prisons of the holy office, they shall tell the ordinary that there is no occasion to keep him in prison on account of his crimes. If they find, however, that the cognizance of any case does not belong to them, they shall send the papers of the proceedings to the ordinary from whom they came, stating by letter, without entering into any decision on the proceedings, that in regard to the holy office, there is nothing to be done upon that subject ; and the same practice that takes place with respect to denunciations which the ordinaries may send, shall be observed in those sent by any secular judge, when it appears to the inquisitors that their cognizance does not belong to them ; but if it does, they shall re-examine the witnesses, as well as interrogate the others referred to ; and the testimonies of both shall be ratified in the manner aforesaid.

9. If information has been taken at the holy office, or information of any person having been imprisoned by the order of a minister, whether ecclesiastical or secular, for crimes belonging to the jurisdiction of the holy office, the inquisitors shall send a precatory letter, that the particulars of the crimes may be sent to them ; and in this precatory they shall direct the prisoner to be kept in prison until a new order is received from the inquisitors ; and when the crimes are remitted, and they find that their cognizance belongs to them, they shall issue a second precatory, demanding the person of the prisoner, who, on being sent, shall be ordered to be kept in custody, and the witnesses shall be seen at the board, after they have been re-examined, and their testimony has been ratified in manner aforesaid ; and should a decision take place that his crimes are sufficient to warrant imprisonment, they shall order the criminal into confinement, and shall proceed in

his cause : but if they are not sufficient, they shall order him to be set at liberty, without remanding him to the prison from whence he came, except when he has been imprisoned for another crime besides that for which he was brought to the holy office, as will be remarked in § 8 of the following title.

10. No proceedings shall take place on account of a denunciation against any person for marrying twice, unless both marriages have been previously ascertained, and it is known that they were contracted in the form of the sacred council of Trent ; and that, at the time the second marriage was celebrated, the first wife or first husband was alive. When all these things have been ascertained in manner stated in tit. 3. § 8. of this book, the same proceedings shall take place in these denunciations as in all others, as will be hereafter explained.

11. And if a denunciation accuses any person of words or facts of a doubtful nature, before the same is proposed to the board, the inquisitors shall cause it to be qualified by two or three qualifications of the holy office, that, on the nature of the crimes being ascertained, they may proceed with more effect against the guilty ; and the decisions taken upon crimes subjected to this qualification, shall be sent therewith to the council.

#### TITLE IV.

*In what way the denounced are to be proceeded against.*

1. In proportion to the greatness of crimes, and chiefly of those committed against our holy faith, the cognizance of which belongs to the holy office, is the importance of proceeding with greater consideration to the imprisonment of the guilty ; therefore we do determine, that after the deposition of an informer has been taken down, when the witnesses referred to have been examined, and the declaration of them as well as of the informer have been ra-

tified, and when in denunciations which come from abroad, the investigations before pointed out have been made, all shall be delivered over to the promoter of the holy office, who having first registered them in the repertory, shall plead against the guilty on the part of justice; and the denunciations shall be joined to his petitions, and made declared to the inquisitors, that they may see them at the board; and in no case shall a crime be pronounced upon, in consequence of a list, or verbal report of the witnesses; and if a case be so important or doubtful, that they may think it right to call in more votes, they may request the attendance of such two of the deputies as they may think best calculated to vote in it. In such cases as may come from the ordinaries, or have been qualified, all the deputies shall be called upon, as declared in tit. 5. § 6. of book 1.

2. And if it appears to all the voters, or to the majority of them, that any person ought to be imprisoned, they shall enter a decision upon his case, and shall cause it to be executed without delay; and it shall be said therein, that it was decided by a majority of votes, or by all the votes, as the case may be; and all the voters shall sign the decision, though some may be of a contrary opinion: but if the business is of such a nature as to require to be sent up to the council, the motives and reasons for such particular decision shall be inserted in the decision, particularly when all the votes do not agree; and the decision shall always be entered in the proceedings by the inquisitor who proposes it, though it may be resolved that the crimes are not sufficiently substantiated to warrant imprisonment.

3. When any person who has been informed against, is of such a tender age as not to have the knowledge required in book 3. tit. I. § 12. for making an abjuration, the inquisitors shall order such a person to be brought to the board, and shall examine him or her by the denunciation

in the office, and on his or her confessing any error against the faith, such proceedings shall take place as are prescribed in tit. 2. of this book, § 5. and on his or her denying the crime for which he or she has been denounced, the inquisitors shall order him or her, as the case may be, to be kept in the house of an officer of the inquisition, and that entreaties or menaces shall be used to induce him or her to confess the crime, inflicting, if necessary, some punishment instead of the torture, as the law determines.

4. We do declare that, to enable the inquisitors to determine upon the imprisonment of any person, such proofs must precede the order of commitment as may reasonably appear to be sufficient to warrant some condemnation; and the testimony of one witness shall not be sufficient to warrant imprisonment, except that witness be a husband or wife, or a relative within the first degree of consanguinity, computed according to the canon law.

But if the witness be liable to no exception, or his testimony be corroborated by some other presumption of law, or he possesses such a good character, and the accused is of so low a rank, that the inquisitors may think he ought to be imprisoned, they shall enter a decision upon the case, wherein they shall declare their reasons for so acting, the rank of the witness as well as of the accused, and whether any degree of relationship exists between them, the particulars of all which circumstances they shall send with the crimes to the council, that what is necessary to be done may be there determined: but this shall not take place when the crime consists of soliciting in the confession, for in this case they shall proceed to imprisonment in no instance by the testimony of a single witness.

5. The inquisitors shall not order any clergyman, or religious or secular person, to be imprisoned, who possesses such a rank as entitles him to sit at the board in a backed chair, according to these Bye-laws, nor a merchant of large

fortune; or any person whomsoever for the crime of sodomy, without previously making known their crimes to the council. The same thing shall be done when there is a doubt whether the criminal is a merchant of large capital, or a person of such rank as to be entitled to a backed seat; if there be any danger, however, of an escape, and a juridical information has been taken of this circumstance, which shall be joined to the crimes, the inquisitors may proceed to imprisonment without waiting for an order from the council.

6. After it has been resolved what persons are to be imprisoned, so many warrants of commitment as there are persons shall be issued; in each of which shall be inserted the name of one person only; and when these have been signed by the inquisitors, they shall be delivered to the meyrinho, familiar, or person, to whom the imprisonment is to be committed, with directions that as soon as the prisoner is taken up, or it is found impossible to apprehend him, the person who executes the warrant shall come to the board to report what he has done; and when warrants of commitment are sent to the commissaries, they shall be particularly desired to send them back again; and in no case shall an imprisonment be ordered without a warrant in writing, signed by the inquisitors.

7. When an imprisonment is to be followed by a sequestration of property, the person to whom the execution of the warrant is entrusted shall be directed to comply with what is ordained in title 13. § 9. book 1.; and if no sequestration is intended, he shall be ordered to observe to the prisoner, that he may leave his house and property to the care of whom he likes; but if there is any probable inconvenience in the prisoner's understanding that no sequestration is to take place, in this case, the house shall be left to some person worthy of confidence, to whom

it may be presumed that the prisoner, if at liberty so to do, would have entrusted the care of his property.

8. If the inquisitors order any person to be imprisoned who is already in prison for crimes, the cognizance of which belongs to the ordinary or secular judge, they shall cause letters of request to be issued for the prisoner to be sent to them, declaring therein, that when the business for which the prisoner is demanded shall be finished, the same prisoner shall be sent back to the place where he was; and we do determine that this shall be done, and punctually executed; and if, after a prisoner has been confined in the prisons of the inquisition, he should be condemned to such a punishment that it cannot be executed well without his going back to the prison where he was, he shall be taken there with a letter, in which it shall be intimated to the ordinary, or secular judge, that after sentence has been passed in their jurisdiction, the prisoner shall be again remanded to the holy office to have his sentence inflicted upon him; and this shall be done in such a manner that the execution of it shall always precede that of any other sentence: except when, from giving the priority to the sentence of the holy office, any prejudice may arise to any person, or to a sentence given in another jurisdiction; since it would not be reasonable, that on account of the prisoner's being remanded a second time, the satisfaction of justice, or the rights of individuals, should be injured.

9. As soon as any prisoner arrives at the holy office, the inquisitors shall order him to be searched, in the manner prescribed in tit. 4. § 7. of book 1. and immediately afterwards he shall be conducted to the board, where he shall be asked his name, the place of his nativity and abode, as well as all such other questions as may appear necessary to furnish a knowledge whether he is the same person as was ordered to prison.

They shall endeavour to learn from him, whether the

ministers or officers who imprisoned him treated him well, both during his imprisonment and on his way to prison, whether they offered him any insult, whether they asked him for any thing, or took any thing away from him : they shall then employ the language of consolation, and shall inform him that nothing there shall be deficient which may be necessary either for the good of his soul, investigating the truth of his crimes, or for the maintenance of his person.

They shall enjoin him to examine his conscience, and to dispose himself to confess the crimes he may have committed, the cognizance of which belongs to the holy office; in order that he may experience the mercy which the holy mother the church usually extends to the good, and true confitent, observing to him, that the sooner he confesses his crimes, the greater will be the mercy observed towards him : but if he has been guilty of a nefarious crime, or has relapsed into the crime of heresy, they shall not promise him mercy, and shall merely desire him to think about discharging his conscience for the dispatch of his cause, and the salvation of his soul.

After having said to him as before mentioned, they shall order him to be very quiet in his prison, and to meditate only on his crimes ; to pray to God that he may enlighten him in what is most convenient for him ; and never to talk in the prison in such a manner as to be heard out of it, nor to try to know what passes in the adjoining prisons ; at the same time intimating to him, that if he acts improperly in any of these respects, he shall be punished, as the case may require. He shall be told, also, on his knowing that any prisoner acts improperly, to come immediately, and inform the board of the same ; and every time that he may think it necessary to come to the board for the good of his conscience, cause, or person, he shall signify his wishes to the alcaide, who shall ask

an audience for him, without declaring why he asks the audience; and this shall be attended to according to the orders given for this purpose.

10. When a prisoner has been admonished in the before-mentioned manner, they shall order the alcayde to take him to the cell which has been previously allotted for his confinement, and shall desire a notary to declare in the proceedings the particulars of the room in which he is placed, the company assigned to him, with the country or town from whence his companions come; and the same order shall be observed when a prisoner is removed from one room to another.

If a prisoner is brought in on an holy day, or at such hours that the tribunal is shut up, when the alcayde goes to the house of any inquisitor to make known to him the arrival of the prisoner, that inquisitor shall order him to put the prisoner into one of the rooms before the secret prisons; and to keep him there in the mean time, until a new order is issued on the subject; and on the first day of transacting business, the board shall determine what is proper to be done.

## TITLE V.

*How the Processes are to be prepared before the Prisoners are admonished.*

1. Whereas it is very expedient that the processes in the holy office should be prepared without any fault or defect whatever, we have in these Bye-laws prescribed a certain form, with particular instructions for every case, which the inquisitors are inviolably to observe in the course of the proceedings in all causes that may be tried before them.

2. After the prisoner has been received into the prisons of the holy office, his cause shall begin with the processes of his trial, which shall be proceeded in till it comes to a final sentence.

This process shall be divided into two parts; the first of which shall contain the warrant of commitment, the record of delivery to the alcayde, a certificate of the room in the prison wherein the prisoner is confined, then the crimes, with the request or petition of the promotor, and the decision of the board, by which the defendant was ordered to prison, and then such other crimes as may have arisen afterwards. The second part of the process shall contain an inventory of the prisoner's effects, in the form prescribed in § 2. and then the sessions, as will be hereafter remarked in title 6 and 7. And in case an absent or dead person is to be accused, for the purpose of condemning his memory and confiscating his property according to law, his crimes only shall be placed in the first part; and the second shall contain: first, the petition of the promotor, and the consequent decision; and then shall follow the letters of edict by which the absentee or the heirs of the deceased were summoned, with a certificate from the notary of the days when the summonses were affixed and taken down; after which, the process shall continue, as is ordained in title 18 and 19 of this book.

3. If any imprisonment be attended by the sequestration of property, the inquisitors shall endeavour with all possible expedition to order an inventory thereof to be taken, in which shall be declared upon oath the property, moveable and immoveable, which was in his possession, with its value and quality, whether it consisted of entailed estates, chattels, or leases for life, or of freeholds or perpetual lands, called in law *fateosi*; and whether ecclesiastical or secular; whether he has any burthen or charge upon such property; what rights or actions he has, and against whom; or whether any actions are depending against him; what debts are due to him or from him; what receipts, bills, or other papers he had in his custody, or

an audience for him, without declaring why he asks the audience; and this shall be attended to according to the orders given for this purpose.

10. When a prisoner has been admonished in the before-mentioned manner, they shall order the alcaide to take him to the cell which has been previously allotted for his confinement, and shall desire a notary to declare in the proceedings the particulars of the room in which he is placed, the company assigned to him, with the country or town from whence his companions come; and the same order shall be observed when a prisoner is removed from one room to another.

If a prisoner is brought in on an holy day, or at such hours that the tribunal is shut up, when the alcaide goes to the house of any inquisitor to make known to him the arrival of the prisoner, that inquisitor shall order him to put the prisoner into one of the rooms before the secret prisons; and to keep him there in the mean time, until new order is issued on the subject; and on the first of transacting business, the board shall determine what proper to be done.

#### TITLE V.

*How the Processes are to be prepared before prisoners are admonished.*

1. Whereas it is very expedient that the holy office should be prepared without defect whatever, we have in these certain form, with particular instructions which the inquisitors are inviolable to follow in the course of the proceedings in all cases before them.

2. After the prisoner has been received into the custody of the holy office, his cause shall be proceeded in by the trial, which shall be proceeded

may be in his possession, and any other person; and when the inventory has been thus made, the second part of the process of trials shall begin therewith in manner aforesaid; and a copy of it shall be made, with all the before-mentioned declarations, which shall be sent to the judge of the exchequer, in order that he may collect and place in safe keeping the goods and property of the prisoner; and if the prisoner has no property, a certificate of the same shall be made, which shall be signed by him, and substituted in the place of the inventory.

4. If the prisoner is under twenty-five years of age before any session is held upon him, a curator shall be appointed, who, after he has taken an oath of the holy gospels, which is to be administered to him in the presence of the prisoner, shall be charged to advise him well and truly, in every thing which is expedient for the good of his soul, and the advantageous proceeding of his cause; and of all this a record, signed by the curator, shall be entered, and added to the beginning of the process, immediately after the inventory, and if there is no inventory, immediately after the declaration made in its stead.

5. All the ordinary sessions and confessions of the prisoners under age shall be read to them in the presence of the curators, who are also to be present when the libel of justice is read over to them, and at the publication of the testimony of the witnesses, and prejudicial decisions that may be intimated to them; and at the ratification of the confession and abjuration which the prisoner under age is required to make; and at the other judicial acts of the process; and the records which the minor may sign, shall be signed also by the curator, where it shall be declared that they are the same; and with respect to those that are not signed, the notary who writes them shall certify that the curator was present.

6. If, in the course of a cause, such impediments hap-

pen to the curator that he cannot continue to perform his office, another curator shall be appointed to the prisoner; a record whereof shall also be entered, in the aforesaid manner, which shall likewise be added to the process, according to the place and time where and when done.

In general the alcaydes of the prisons shall be appointed curators to the prisoners under age; and as to the *apresentados*, the porter of the room of dispatch, or any other officer of the holy office, may perform the duty: but should it appear proper to the inquisitors that a learned curator ought to be appointed to the minor, they may do so, and the curator, in this case, shall always be one of the procurators for the prisoners.

7. After the aforesaid things have been done, the prisoner shall be admonished at the board, and at different sessions, according to the state in which he may be, whether *negative*, *confitent*, or *diminute*, as will be hereafter separately remarked in the following titles.

#### TITLE VI.

*Of the Admonitions and Sessions, which are to be given to Prisoners Negative before the Libel of Justice.*

1. Before the promoter comes with a libel on the part of Justice, against a prisoner who is *negative*, the inquisitors shall give such prisoners three admonitions, with a distinction of time betwixt each of them; and the first of these shall be made in the session of genealogy; the second in the session *in genere*; and the last in the session *in specie*. All the sessions shall begin in the manner declared at title 7. § 8. of the first book; in the first session held with the prisoner, it shall be said that the inquisitor N. or the inquisitors (if there are more of the inquisitors than one at the board), ordered to be brought before him or them, a man or woman, who on such a day of such a month had come to the prisons of the holy office from

such a part; and in all sessions an oath shall be taken by the prisoner to tell the truth, and to preserve secrecy: and he shall be asked whether he has thought of his crimes, and wishes to confer with them, in order to discharge his conscience, and the good dispatch of his business; and if he has been guilty of relapse, or of the crimes of sodomy, he shall be desired to discharge his conscience for the salvation of his soul. If at the time when the session is made there be present at the board more than one inquisitor, all who are present shall sign; but he who conducts the session shall sign last, though he may be the senior.

2. The first session, which is that of genealogy, shall be made to the prisoner within ten days after he has entered the prisons; and in this session he shall be asked for his name, age, and nature of blood; what employment he had; what he lived by; of what place a native; where an inhabitant; who were his father, mother, grandfather, and grandmother, on both sides; what uncles he had, both paternal and maternal; what brothers; and what state both the one and the other had; whether he is married, and to whom; if he is a christian baptized, and confirmed, and where, and by whom he was so, and who were his sponsors; if, after he came to the age of discretion, he used to go to church; if he heard mass, and went to confess and to perform the sacrament of communion; as well as all other acts of a christian. The prisoner shall then be ordered to kneel down, to bless himself with the cross, to repeat the christian doctrines, viz. the lord's prayer, the *Ave Maria*, the creed, *salve regina*, the commandments of God, and those of the church, which shall be done though the prisoner may be known as a learned person: he shall moreover be asked whether he knows how to read and write; whether he has acquired any science, and where; if he has taken any orders; whether he has been out of the kingdom, and where he went to; in what places he had

been, both in the kingdom and out of it; with what persons he conferred and communicated; and if he has been imprisoned before, or condemned to do penance by the holy office, or if he had even any relatives who had been so.

All these declarations shall be taken down with great minuteness; and each of them shall be written in a separate line, that what is to be known at any time may be easier found in the genealogies. He shall be asked besides, whether he knows or suspects the cause why he has been imprisoned, and brought into the prisons of the holy office; and if he says no, and that he suspects he was imprisoned on account of some false accusation, contrived by his enemies, the first admonition shall be made according to the custom of the holy office, in which the nature of the crime for which he was imprisoned shall not be declared to him; and he shall be told only that he is in prison for crimes, the cognizance of which belongs to the holy office; and at the end of the session the inquisitor shall again admonish the prisoner to think of his crimes, and to determine upon confessing them, of which the notary shall enter a record. Before the prisoner is remanded the notary shall read the session to him, afterwards declaring therein that it has been read, and what was said when the prisoner heard it; and then the session shall be signed by the prisoner if he knows how to write, and by the inquisitor or inquisitors present; and if the prisoner be a woman, who does not know how to write, the notary shall sign for them, declaring in the session that he did so by her consent.

3. With respect to those persons who are not imprisoned for crimes of formal heresy, the session of genealogy shall not be made in all its extent, and they shall only be asked for their names, ages, and rank, with those of their

fathers, mothers, grandfathers, and grandmothers on both sides; whether they are christians baptized and confirmed, and every thing else hereafter pointed out; and those who are imprisoned a second time shall be asked only for their own name, and those of their parents; or if married, whether they had more children; and if after they went out of the holy office they quitted the kingdom, and with what persons they had communication.

4. In the second session, which shall be held within a month after the imprisonment, the prisoner shall be interrogated in general concerning his crimes, and the doctrines and ceremonies of the law or sect for espousing which he had been denounced, that in case he finds himself guilty in any respect he may confess it, and think of what is expedient for the salvation of his soul; and in this session the questions shall be multiplied as the nature of his crimes, and the ceremonies of the law or sect espousing which he is denounced may require; and after he has given answers to all the questions, affirming that he has not committed crimes alleged against him, the second admonition shall be given, in which the inquisitor shall conform himself to the practice and custom of the holy office, taking into their consideration the nature of the crimes for which the criminal is imprisoned.

5. And if the crimes are judaical ones, the prisoner shall be asked to reveal those he has committed since the last general pardon; and if the prisoner is denounced for uttering any proposition, or doing any heretical act belonging to any sect of heretics, he shall be asked only generally whether he holds or believes in the errors of such a sect; but he shall be particularly questioned as to the ceremonies adopted by those who follow it; if he has read any books that teach it; if he has travelled, or was brought up in countries wherein such sect was professed; or if he has

treated with any persons who were attached to it ; with every thing else that may appear expedient on account of the nature of his crimes.

6. When the aforesaid sessions of genealogy, and *in genere*, have been made to the prisoners negative, the third session shall then take place within the shortest time possible ; except when it appears to the inquisitors that for some just cause it is expedient to defer it for some time longer. In this session the prisoner shall be questioned in particular as to the sayings of the witnesses who have appeared against him, in the same manner as the same witnesses deposed : but if there be any particular circumstance by which the prisoner may come to the knowledge of a witness, in this case such circumstance shall be omitted ; and in proportion to the number of witnesses shall be the interrogatories put to the prisoner, except when the witnesses perfectly and exactly agree as to the same act ; in which case one general question only shall be formed.

7. If there be little proof against a prisoner, and a variety of ceremonies, or repeated acts, are referred to in the depositions, more than one question may be formed of the testimony of a witness, whose depositions shall be divided, according to what its tenor may permit. But no question shall ever be put to the prisoner in relation to any thing for which he is not denounced, nor concerning a witness who deposes only as to what he has heard ; and in putting these questions the forms and customs of the holy office shall be preserved. When the deposition of the witnesses has been gone through, the third admonition shall be given ; and after it the promoter shall be ordered to bring forward his libel against the prisoner ; and, to enable him to do this, the process shall be delivered to him.

8. The promoter shall draw up the libels in the name of justice ; the first article of which shall be general, accord-

ing to the nature of the crimes for which the prisoner is denounced ; and he shall say therein, that, the defendant being a christian, baptized, and as such obliged to hold and believe what is held believed, and taught by the holy mother the Roman Church, on the contrary, went over to such a creed or sect ; and if the crimes are judaical, he shall say that the prisoner committed them after a general pardon.

He shall then proceed with forming articles according to the questions put to the prisoner at the session in specie, and according to the deposition of the witnesses ; and he shall afterwards form an article of general opinion, if any witness has deposed about it ; and in a separate and particular article he shall plead against the prisoner for not having confessed his crimes, when he was so often admonished so to do it ; and he shall conclude the libel, with a request that the prisoner may be punished as a negative and pertinacious heretic, with all the rigour of law, and that he may be delivered up to secular justice.

And when the witnesses do not depose as to formal heresy, but only allege circumstantial evidence, and presumptions of it, after the promoter has arranged the testimony of the witnesses into articles, he shall draw up another article, in which he shall say, that a presumption has arisen against the prisoner according to law, that he has committed the crime of heresy, and he shall then conclude the libel in the aforesaid form.

If the prisoner confesses during any of the aforesaid sessions, or after the libel has been read to him, his confession shall be received, and his cause shall be proceeded in in the manner directed in the following title.

## TITLE VII.

*How the Confessions of the Prisoners are to be received, and what Admonitions are to be made before they are accused as Diminute.*

1. Whereas the confessions of those who are guilty of the crime of heresy are the only means by which they can entitle themselves to be treated with mercy, and they form the principal foundation which the holy office has for proceeding against the persons therein denounced, we do ordain, that if any prisoner begins to confess his crimes during any of the sessions, which are explained in the preceding title, or in any other part of his trial, the inquisitors shall receive his confession themselves, without committing it to any deputy, except when it happens at such a time, or there is such an impediment that they cannot do it; for in this case they may commit it to those who have a particular permission from us to receive confessions, as observed in Book I. t. 3. § 14. If a prisoner, who is ill, wishes to begin to confess his crimes, or to continue his confession, an inquisitor shall immediately go to hear him, without delaying any time; and when the confession has been received, it shall be ratified in the same session.

2. Whenever a prisoner says that he wishes to confess his crimes, the inquisitors shall particularly admonish him that it is very expedient, both to the good of his soul, and to the successful dispatch of his cause, to say only the truth, without adding or diminishing any thing, or being guilty of false swearing against himself, or against any one else, since if he does not do so he will not only fail in obtaining the mercy which he expects from his confessions, but he will subject himself to the rigorous punishment which the holy office always inflicts upon those persons who say any thing false in their confessions, either of themselves or of any other persons; and they shall also declare to him, that he is obliged to depose as to the

living and dead of criminals in and out of prisons, or who have been reconciled, with whom he may have conspired any thing against our holy faith ; and this admonition shall always be entered in the process, at length, before it is inserted in the first confession.

3. The inquisitors shall pay great attention in examining and ascertaining the intentions of the prisoner who confesses, in order to know whether they be real or pretended; whether he makes his confession for the purpose of escaping the punishment he deserves for his crimes, or out of zeal to free his conscience from their burthen, and to convert himself to the faith of Christ ; and whether the things he confesses are probable, and in every way agreeable to the proofs of justice ; but the inquisitors must observe always the manner and occasion in which the prisoner makes his confession; and at what time ; and must make him declare all circumstances which may be indicative either of the truth of his confession, or of its falsehood ; and must take no notice of things which are useless and inapplicable to the point. In the first place, they shall order the prisoner to declare the person or persons who have taught him the errors of which he accuses himself ; the time and place where he learnt them, and the persons who were present, and every thing that then passed, with all possible minuteness ; whether he received such instructions, and if induced by them he separated himself from our holy faith, and declared such to be the case to the persons then present ; what ceremonies were prescribed to him ; and in what manner he performed them. He must be also desired to tell when he commenced the observance of these ceremonies, and how long he continued in the belief of his errors.

4. If the prisoner, during his first confession, or in any other, confesses himself guilty of crimes committed before the general pardon, his confession of them, nevertheless,

shall be received and written down ; but at the end of a declaration it shall be entered that such confession was received only as an information ; and this practice shall take place with respect to those individuals of the nation of new christians who received the last general pardon that was granted to them.

5. When a prisoner in his confession deposes as to persons to whom he communicated his errors, the particulars of this communication shall be written down with much minuteness, and, at the same time, shall be declared how much of the blood of the nation those persons have of whom he deposes, and from what side, with their places of abode, situations in life, and ages, whether single or married ; and the time also when the declaration was made, with as much accuracy as possible. Care, however, must be taken to avoid confusion in these cases, and the prisoner must be ordered to think, and calculate the years in such a manner as to make his confession agree with the truth, as far as his memory will permit. He must also be asked what was his motive for so declaring ; whether he did it more than once, and when was the last time of his doing it ; whether his accomplices are alive or dead ; whether they were imprisoned by the holy office, and if the communication was before or after the imprisonment ; whether there was any degree of relationship between them ; whether they declared who taught them, or the persons with whom they communicated ; and at the end of each session the inquisitor shall make the prisoner state what reason there was for their trusting each other, and all he has to say to the custom.

And when in the same communication he deposes concerning many accomplices, after the several descriptions of them have been compared and ascertained, together with what passed in the communications, their names shall

be reported to the prisoner, and after this the declaration shall be made.

6. If the prisoner, after confessing his crimes, shall, in the course of his confession, speak of having had more accomplices in any of the communications he has declared, or deposes of matters differing in substance and place of their occurrence from those he has already mentioned, the inquisitors shall not be satisfied with referring one communication to another, but they shall cause the prisoner to declare particularly the names of all persons who were present at each communication, though he may have before stated the substance of the crime which they committed; and, moreover, they shall make him declare the time and place in which the declaration was made, with all attendant circumstances that may appear necessary to render the depositions clear and conclusive, and that the publications of them afterwards made may be done with certainty.

7. Though the prisoner, in this course of his confession, may say some things that are contradictory or repugnant to each other, or, perhaps, improbable, the inquisitors shall not interrupt his confessions by asking questions, or giving replies, and shall merely tell him verbally, that the most expedient way for him, the prisoner, is always to reveal the truth, and to discharge his conscience: but after he has made his confession, it shall be ratified in the same manner as it was made, that it may not happen to be left unratified, and that the prisoner may not have it in his power to revoke what he has stated when he sees that he is examined by the ratified confession. Afterwards, in a different session, the inquisitors shall give the prisoner some audience: in the mean time, they shall examine into the contradictions, repugnances, and improbabilities, of which he has been guilty during his confession; and in the end of this session he shall be admonished in the manner prescribed in the

following section ; and to this admonition shall be added what may appear convenient, in consequence of his having committed the said contradictions, repugnances, and improbabilities.

8. And if the whole confession of the prisoner cannot be received in the first audience, he shall be desired, at the end of it, to examine his conscience well, in order to continue his confession, and the inquisitors shall take great care to lose no time in receiving it. And if the prisoner says afterwards that he has no more to confess, the inquisitors shall inform him, that he has taken a very wise step, in beginning to confess his crimes ; that it is very expedient for him to bring them all into his recollection, and to declare the whole truth, with the names of all persons with whom he communicated, since, by so doing, he will save his soul, and place himself in the situation of having mercy extended towards him.

9. During the time when prisoners are making confessions, attention shall be paid to the manner of their confessing, as before observed, particularly whether they give signs of repentance, and of speaking the truth in what they say of themselves, or against their accomplices ; or, on the contrary, whether they exhibit any indications of impenitence, and of not having adhered to the truth in what they have said ; and after the session is signed, and a prisoner has been remanded to his prison, the inquisitor shall order the notary to enter a record of all that passed, and to declare particularly in the record all the signs and appearances before stated, with the opinions which might have been formed from the confessions of the prisoner, that at all times the degree of credit which it deserves may be ascertained, not only in what may bear against himself, but in what he has said of other persons, which record shall be signed by the inquisitor or inquisitors who may be present at the confession.

10. When the confession is received, and the prisoner has been examined concerning its truth, the session of genealogy shall be made, provided it was not done before a prisoner begins to confess; which session shall be in every respect similar to that made to the negative prisoners, and this shall not be delayed many days after the session has been received. Should it appear to the inquirers that the confession is *diminute*, they shall in this session give the prisoners the first admonition, agreeably to the custom and practice of the holy office, observing to him, that by the confessions he has made, he has not given satisfactory answers in relation to his crimes, and they shall encourage him to confess more fully, but not to impute to himself or to others any false accusations. And if the prisoner satisfactorily replies to the information against him, by a full confession, he shall be merely desired to think of examining his conscience; and, if he finds himself guilty of any thing else, to come and reveal it, with the certainty that much mercy shall be extended towards him.

11. After the session of genealogy, the session of creed shall be held, in which the prisoner shall be desired to state the time when he separated himself from our holy faith, and passed into the belief of the errors he may have confessed; the name of the person who taught them to him, and the ceremonies he observed, (repeating by word what is prescribed in the session *in genere* concerning the *negative*,) in what God he believed during the continuance of his errors; what prayers he used, and to whom he addressed them; (and should he depose as to any prayers that are not in use by the church, they shall be taken down at full length;) whether he believed in the mystery of the most holy trinity, and in Christ our Lord, and whether he held him to be the true God and the Messia, promised in the law of the Jews; or whether he still expected him as the Jews do expect; whether he believed in the sacra-

ments of the holy mother the church, and held them to be good and necessary for the salvation of the soul ; whether he offered any irreverence to them, and chiefly to that of the *eucharist* ; whether he received the sacraments, and performed all other acts incumbent on a christian, and with what intentions he did so ; whether he confessed the errors he declares to his confessor, and considered them to be such ; whether he knew, that, to believe in the law of Moses, or to follow the errors he has confessed, was against the doctrines held, believed, and taught by the holy mother the Roman church, and against the common usages of the Christian Catholics ; how long the belief of his errors may have lasted, and what induced him to abandon them, and in what doctrines he believes at present. And if the prisoner is a priest, he shall be moreover asked, whether, when he said mass, or administered the sacraments of baptism and penitence, he had the intention of consecrating, baptising, and absolving.

12. All questions, and the several answers given by the prisoner to each of them during the session of belief, shall be minutely detailed ; and when the prisoner has fully satisfied the information required by justice, and he appears to be thoroughly convinced of his errors, he shall be informed of what is determined in the preceding section ; but if he does not make a satisfactory reply, or does not appear to be fixed in his creed, a second admonition shall be given to him, in which he shall be reminded in particular of the deficiencies of his confession, and of the repugnances, contradictions, and improbabilities, apparent in it. On this occasion, every thing shall be particularized, and he shall be admonished, on the part of Christ our Lord, seriously to think of confessing the whole truth, and to correct the faults of which he has been reminded, in order to deserve by these means the mercy he desires.

13. The confessions of the prisoners shall be ratified, in

general, before the session of creed is held to them, except when it may appear to the inquisitors that it is convenient to perform the ratification at any other time; and in all cases, if the prisoner who has confessed his crimes should be taken ill, the inquisitors shall wait on him immediately they hear of his illness, to ratify his confession; and in the ratification they shall declare the place where it was made, and the cause why it was so done.

14. The ratifications shall be made in the presence of two ecclesiastical persons, approved by us for that purpose, in manner described in tit. 3. § 21; to whom the oath of speaking the truth and preserving secrecy shall be administered; and before them the prisoner shall be asked, whether he recollects the persons of whom he has spoken in his confession, and the particulars of what he deposed against them; and after he has declared the substance of his confession, and the persons he recollects, all sessions in which he has made any confessions shall be read to him very distinctly, and in the records of the ratification shall be declared the day, month, and year, in which each of them was made; and after they are read, he shall be asked whether those are his confessions or not; whether they are written exactly in the same manner as he made them, and if all therein said is agreeable to what really happened; and whether he has any thing else to declare, or add, diminish, or amend; whether he affirms his confessions, and so ratifies it, and would repeat the same if necessary, because all is true; and if he has any thing to declare to the custom. The notary shall write down any thing in the aforesaid manner, and the prisoner shall sign the same, if he knows how to write, or to make his sign; and if he does not know, the notary shall sign for him, with his consent, as shall the inquisitors and persons present at the ratification. And when the prisoner has been remanded into his prison, the per-

sons present shall be asked, as they are bound by the oath they have taken, if they believe the prisoner to have spoken the truth in what he confessed, according to the manner in which they saw and heard him speak; and what they may answer shall be entered in a separate record, near the ratification, and shall be signed by the inquisitors and ecclesiastical persons.

When the ratifications are made at such a time and place that no ecclesiastical persons are to be found who can be present on these occasions, secular persons may be admitted; provided they are of good conscience, life, and manners.

15. If the prisoner does not entirely satisfy the information received by justice, nor amend the faults and deficiencies which have occurred in his confession; after he has received it, and the session of belief is terminated, the session *in specie* shall be held, in which he shall be questioned as to the depositions of the witnesses, with respect to whose testimony he is *diminute*; in all cases where he does not mention the same witnesses, or he does not declare the accomplices, or the ceremonies, which they have mentioned, or the time of the communication, if the deficiency in this point, or that of the ceremonies, is considerable; and in the questions shall be declared to him the exact time in which the witnesses deposed, but he shall not be interrogated in relation to things for which he is not denounced, or which he has given no cause in his confession to be questioned about; and if he does not give satisfactory answers, the third admonition shall be made, in which shall be declared that his confession must be made before the libel of justice; and in this admonition he shall be again reminded of all the deficiencies, contradictions, repugnances, and improbabilities of his confessions, as has been before observed in the session of belief; and, if after being

thus admonished, even then he proves unsatisfactory, the promoter shall be ordered to bring in the libel against him ; and for this purpose the records of the trial shall be delivered to him.

16. The promoter, as soon as the process has been delivered to him, shall form the libel against the prisoner, the first article of which shall be precisely the same as in the case of the *negative*, as observed before in tit. 6. § 8. and in the second article he shall say, that every thing he has stated is perfectly true, and that the prisoner has confessed it: and in the third article he shall state the substance of the confession, taking the same from those parts of the process to which the prisoner has deposed, and he shall add, that he accepts it, in as much as they operate against the prisoner ; and, in the fourth article, he shall state in general the diminutions, contradictions, and improbabilities, which may be found in the confession. He shall then proceed with forming the necessary articles, according to the questions put to the prisoner during the session *in specie* ; and in the last article he shall plead against the prisoner for not finishing his confession when he was admonished to do it, and he shall conclude with requesting that the libel may be received, and the prisoner, being *confitent diminute*, insincere, and evasive, may be punished with all the severity of the law, and delivered over to the secular justice.

17. If the prisoner, who has made a satisfactory confession, is to be accused only on account of the penalty which he has incurred, the promoter shall form the three first articles of the libel in the same manner as those of the *confitent diminute*, and shall conclude with requesting that the prisoner may be punished with all the severity he deserves, according to the enactments of law ; and he shall adopt the same conclusion in the libels, in which the criminal is not to suffer capital punishments on account of his crimes.

## TITLE VIII.

*Of the Presentation of the Libel of Justice, and Defence of the Prisoner.*

1. When the promotor has finished his libel against any prisoner, he shall make it known to the inquisitors at the board, who shall order the prisoner to be brought before them, and shall inform him, that the promotor wishes to accuse him on the part of justice, and to bring the libel against him; he shall be then desired to think of confessing the truth of his crimes, and reminded that it will be better for the dispatch of his cause, and to obtain mercy, to confess before rather than after the presentation of the libel; and this admonition shall also be recorded in the process. If, notwithstanding this, when a minor *negative* persists in his contumacy of denial; or, when *confitent*, he does not clear up his *diminutions*, the promotor shall be called before the board, and the libel shall be read to the prisoner there standing; and when the promotor has read it, he shall deliver it to the inquisitor holding the audience, who shall receive it, *si et in quantum*; and the promotor shall retire again to the secret: and after the libel has been received, the inquisitor shall administer an oath to the prisoner, to answer to the libel; and shall order the notary to read every article thereof, separately, a second time to the prisoner, and shall desire the prisoner to reply to each of them, and what he may say shall be entered down in the proceedings.

2. In the same audience the inquisitor shall ask the prisoner whether he has any defence to produce, and wishes to produce it, and if he answers yes, he shall name to him the advocates who are accustomed to act for the prisoners, that he may give powers of attorney to all, and each of them, *in solidum*, except when he says that he has an objection to any of them, in which case he shall give the powers of attorney to those only whom he may

approve : but if he says he has an objection to all, and shall request some others to be appointed, the inquisitors shall order this request to be recorded in the process, and the causes which the prisoner may have assigned for not accepting the ordinary procurators ; all which circumstances they shall make known to the council-general, that the case may be determined on according to justice.

3. If the prisoner knows how to read, a copy of the libel shall be delivered to him for his perusal, in order that, being well acquainted with its contents, he may be the better enabled to inform the procurator who is to prepare his defence : but if the prisoner be an ignorant person, or of little capacity, and he does not know how to read, the substance of the libel shall be read to him, with particular distinctness, and the copy the inquisitors shall order to be given to his procurator, when an interview is appointed to take place between them.

4. If the prisoner should ask for any paper to make memorandums of the things which are to help him in his defence, the inquisitors shall cause it to be given to him, with pens and ink, to enable him to write ; and the sheets of paper delivered to him shall be signed with the initials of a notary, which must be recorded in the process, with their number ; and the paper must be returned, whether used or not, when the prisoner proceeds with his defence ; and, in the margin of the same record, the time when he delivered the same back must be declared. This is to be always considered an invariable practice, on account of the inconveniences that might otherwise result from the paper's being left with the prisoners in the prison.

5. After the prisoner has had sufficient time to deliberate on his defence, the inquisitors shall order him to be brought before the board, where such one of the procurators shall also attend as he may have appointed, to

whom, in the presence of the prisoner, a general information of the state of the cause and the nature of the crimes shall be afforded ; and to whom also an oath shall be administered on the holy gospels, charging him to defend the prisoner well and truly, and to solicit and alledge every thing in his favour, which he may conceive likely to procure him justice. It must be moreover observed to him, that if, in the course of the cause, he may chance to know, and feel persuaded, that the prisoner defends himself unjustly, he must desist from proceeding in the cause, and go to declare the same to the board. Of all this a record shall be entered, which the procurator shall sign in the presence of the prisoner, and of such inquisitor as holds the audience.

6. When the procurator has consented to be employed in a cause, and has signed the said record, he shall retire with the prisoner to the room assigned for that purpose, there to draw up his defence; and during the time they are together, the meyrinho shall be present, or in his absence one of the solicitors ; and this practice shall always be observed whenever the prisoner is to have an interview with his procurator.

7. If the prisoner says, that, to enable him to form his defence, it is important for him to know the time and place when and where the crime was committed, and he shall request a declaration of the same to be made to him, though the proper time for him to ask this favour is when he contradicts the testimony of witnesses, the inquisitors, nevertheless, shall order the promoter to make such a declaration, according to law and the customs of the holy office ; but this shall be ordered in a written decision, and in no case whatever verbally, on account of the inconveniences that may result from it; and if the prisoner request it at the board immediately after he has been accused, he shall be desired to make this request through

his procurator, and then he shall be answered as may be due to justice.

8. When the prisoner *confitent*, accused of being *diminute*, requests to have a view of his confessions, in order to consult with his procurator about those things which relate to his defence, the inquisitors shall order him to come to the board, accompanied by his procurator; when every thing he has confessed of himself shall be read to him by one of the notaries, without mentioning any thing concerning his accomplices.

9. As soon as the procurator has prepared the defence of the prisoner, according to the rules ordained in Book I. tit. 9. he shall lay it before the board, together with the copy of the libel given to him; and the inquisitors shall order every thing to be annexed to the process; with which an entry of this presentation, and articles of defence, shall be seen at the board; and if the defence deserves to be received, they shall pronounce that they do receive it *si et in quantum*; and shall order the witnesses to be interrogated as to the particulars they are named to prove, but there must not be more than four to each article; and if the witnesses are inhabitants of a place out of the town where the holy office resides, the inquisitors shall issue a commission to the person who is to interrogate them, and shall always endeavour that the witnesses named by the defendant shall be briefly examined; and though they may not be without exception, they shall be nevertheless interrogated, and at the conclusion such credit shall be given to them as they may deserve, according to law: and if it appears that the defence is not worthy to be received, they shall pronounce their opinion by a resolution entered in the process of the defendant, which shall be notified to him.

10. When a prisoner in his defence says that he is an old christian, the inquisitors, besides interrogating the witnesses he may have named, shall, in the decision made

on the defence of the defendant, give an *ex officio* order for a scrupulous inquiry to be made about his rank, both in the place of his nativity and abode, as well as in those places whereof his parents or grand-fathers and grand-mothers were natives : and to this inquiry a separate commission shall be attached, which shall be afterwards joined to the process, together with that issued for examining into the articles of defence brought forward by the prisoner.

11. If the defendant *confitent* says, through his procurator, that he has no defence to produce, the declaration to this effect, made by the procurator, shall be joined to the process, together with the libel, in manner aforesaid ; and when all is concluded, the inquisitors shall pronounce their decisions upon the case, and shall exclude him from the defence which he might have brought ; the process shall then proceed in the ordinary terms.

12. And when the defendant says, through his procurator, that he wishes to confess his crimes, or to continue his confession, this declaration shall be annexed to the process, and the inquisitors shall direct him to be brought before the board, and shall receive his confession ; and in the record of the session it shall be declared, that they ordered him to be brought into their presence because he said he wished to confess his crimes, or to continue the confession he had made ; and at the end of the session he shall be asked, whether he still wishes to make any defence, and if he says no, he shall be excluded in the same record from doing so : but if he says that he has a defence to produce, he shall be ordered to consult again with his procurator on the subject.

13. When a prisoner, after the libel of justice is read to him, says that he has no defence to produce, or that he does not wish to produce any, if he be *negative*, the inquisitor shall, *ex officio*, order him to appoint a propo-

rator, that he may be defended; and the same thing shall be done when a prisoner is a *confitent diminute*, and the diminutions of which he is accused are such, that it may justly be doubted whether his confession is or is not to be received: but if the diminutions are of little importance, and the prisoner says that he does not wish to defend himself, he shall be excluded from the power of doing it in the same record, and the inquisitors shall order the trial to proceed in its ordinary terms.

And when a prisoner does not wish to appoint a procurator, whether he be *negative* or *confitent*, or guilty of such diminutions as excite some doubts whether his confessions should be received, the inquisitors shall direct him to be waited on by one of the advocates, who shall say in writing what passed between him and the defendant; and on his not producing any defence, if the inquisitors think that the crimes are of such a nature that a defence ought to be made, they shall order it *ex officio* to be made: and should they think such a step unnecessary, they shall exclude the prisoner from it, by a decision: but in every stage whatever of the process, if the defendant expresses a wish to bring in his defence, he shall be permitted to do so; and this permission shall be extended to every defendant who is desirous of amending the defence he has already offered.

## TITLE IX.

### *Of the Publication of the Proofs of Justice.*

1. After the inquisitors have decided on the defence made by a criminal, and the witnesses have ratified their several testimonies against him, the promoter shall request that a publication of them may be made; and when this request has been entered among the records of the process, he shall receive an answer that his request will be provided for according to justice. After this they them-

selves shall extract the depositions of the witnesses in the same manner as they were made, omitting their names, and the days, months, and years, in which they deposed, but computing the time in which the witnesses may allege that the defendant committed the crime to the period when the publication is made, though they must not notice the place where the crime was committed, but merely say that it was in a certain part.

If there are any accomplices named in a deposition, it shall be said in the publication that the defendant was in company with certain persons of his nation ; and, if there are no accomplices, it shall be said that he was in a certain company, mentioning in particular the tenor of the deposition, but omitting, however, the circumstances by which it is possible that the prisoner might come to a knowledge of the witness ; and at the end of each shall be declared what he says to the custom ; or if he says nothing to it, what is expressed in the deposition : and in the margin shall be placed the name of the witness, with the particular day, month, and year, in which he deposed ; and the publication shall be signed by all the inquisitors then present.

If the deposition is long and may be divided, the publication shall be made in chapters, beginning “ and moreover declared the said witness ;” and when various communications have been deposed in different sessions, it shall be said, “ and moreover said the same witness, after being sworn and ratified in the aforesaid manner ;” and if a witness, after his deposition has been published, should allege any thing new of the defendant, it shall be declared when the second deposition is published, that his testimony as one of the witnesses against the defendant has already appeared.

2. If there are many witnesses against a prisoner, who depose as to his guilt of the same crime, or of the same heretical act, though it may appear that the crime is

proved by a few only of these witnesses, nevertheless the publication of all their testimonies shall take place; and the same practice shall be observed even in the case when a defendant is considered as convicted by the proofs of justice, and a record of the same shall be entered, in case that, after entering such record, more witnesses should appear; for all their testimonies shall be published, for this reason, that the prisoner, seeing so many proofs of his guilt on record, may seriously think of confessing them.

3. If any witness has deposed against a defendant concerning a crime committed in the prisons of the holy office, in making the publication, the time of the offence shall be stated to have taken place five or six months before his imprisonment, and said to be not longer than such time ago; and particular care shall be used, that no circumstance is declared in the publication, by which the defendant may come to the knowledge of the place where the crime concerning which the witness deposes was committed.

4. In case that a crime should be formed against a defendant, by any certificates, sentences, or any other instrument, a publication shall be made of its general substance, that, in whatever manner he may think of making a defence, he may be enabled to say whether the crime appears by a certificate, sentence, &c.: but if it be possible to reduce his certificates, sentences, or instruments, into judicial depositions, it shall be done, in order that the publication of the crime may be made more clear.

5. If a defendant *confitent*, accused as *diminute*, shall satisfy the information required by justice, before the publication of the testimony of witnesses, their depositions shall not be made known to him; and the same practice shall be observed, if, after making the publication, some witnesses should appear, who are persons of whom he has spoken in his confession: but when the defendant is a person of sound judgment, and he has made a satisfac-

tory confession, and it may appear to the inquisitors that no injury can result from making the publication, but on the contrary, that some advantages may be expected ; in such case, though the defendant may have proved satisfactory, the publication of the testimony of the witnesses who may have appeared against him shall take place, as well as the publication of the testimony of those who may appear after the first publication is made, provided the defendant has not spoken of them.

6. No publication shall be made to the defendant of the testimony of witnesses produced on the part of justice, until their depositions have been ratified, and a decision has been come to respecting his defence, except when the witnesses are dead, or their depositions cannot be ratified on account of their being absent ; for in these cases the publication shall be made, though the depositions of the witnesses are not ratified ; and it shall be merely said, " a witness of justice sworn according to law." Moreover, no publication shall take place of the testimony of witnesses who have deposed only according to vague hearsay : but if their testimony be founded on public report, whether it relates to heresy or any other crime, or a special act, and the same shall be proved according to the rules prescribed by law, after the depositions of the witnesses have been ratified, the same shall be published.

7. If the inquisitors feel any doubts concerning the credit due to the deposition of any witnesses, in order to prevent the publication of false testimony from being made to a prisoner ; before the deposition respecting which there are doubts is published, it shall be examined at the board by five votes at least ; and if the majority agree that the proofs or indictment of perjury are such that the witness is entitled to no credit, after entering the decision come to on the same in the process, the publication shall not take place : but if it appears, that notwith-

standing the existing doubts, the witness has not forfeited all claims to credit, then his deposition shall be published. The same practice shall be observed with respect to the deposition of any witness who may revoke any thing he has testified.

8. When a defendant is accused of crimes before he commits them, but he confesses before the publication is made; if he gives satisfaction in such a manner that he does not make himself liable to be accused as *diminute*, no publication of the depositions or the witnesses shall be made to him; and if he begins to confess after the publication of the testimony of any witness has been made, and afterwards he is accused as *diminute*, the deposition of the witnesses which have been already published shall not be published to him again, though he may be *diminute* in all, or any of them, or with respect to his accomplices, or the ceremonies by them advertised; but the testimony only of those witnesses shall be published to him, who may appear subsequently to the publication; and if any of these be as *diminute*, and nothing satisfactory appear from him, an admonition shall be given to him, in which the deficiencies and diminutions of his confession shall be declared, that he may think of amending it, and giving satisfactory replies.

9. When the publication is extracted from the process, the inquisitors shall order the prisoner to be brought before them, and shall inform him that the promoter of the holy office has requested that the proofs of justice in his disfavour may be made known to him; and they shall also tell him, that it will be better for him, and he will obtain more mercy, if he confesses his crimes before the publication instead of after it; admonishing him with charity so to do, as such a step may prove very advantageous to the salvation of his soul, and the dispatch of his cause; and if he does not wish to confess,

they shall order him to stand up, and, as he is thus standing, a notary shall read over the publication to him; taking care that the defendant does not perceive the names of the witnesses which are written in the margin.

10. After the publication is read, an oath shall be administered to the prisoner, to answer to it truly; and then he shall be asked, whether the testimony of the witnesses produced on the part of justice is true; and on his answering in the negative, he shall be asked by the inquisitor, if he has any thing to say in contradiction of the witnesses; and on his replying yes, a message shall be sent to his procurator, and a copy of the publication, after it has been examined with the original by another notary, shall be given to the prisoner, all which shall be entered down at once in the same record, which the defendant shall sign, as well as the inquisitor who holds the audience.

11. On a prisoner's saying, that he has nothing to produce in contradiction of the witnesses, or that he does not wish to alledge any thing in opposition to their testimony, if he be *negative*, he must be told to declare this through the medium of his procurator, with whom he shall be ordered to consult; and if he be *confitent diminute*, and the diminutions of which he is guilty are of trivial consideration, in the same act of record he shall be debarred from alleging the contradictions he might have produced: but if the diminutions should be considered of importance, he shall be ordered, *ex officio*, to consult with his procurator, that he may take advice respecting what may be proper in his cause, and he may plead what he thinks convenient for the sake of doing himself justice.

12. If a prisoner should not appoint a procurator to conduct his defence, because he does not like to defend himself, or he should not wish to appoint one to produce

any thing in contradiction of the witnesses in the aforesaid cases, the inquisitors shall order him to be attended by one of the advocates, to whom they shall previously make known the state of his cause, that he may advise and lead him to his advantage. Of all these things the inquisitors shall direct a record to be made, to which shall be annexed the answer of the advocate, after he has been with the defendant; and the same practice shall be observed whenever a new publication of proofs is added to the trial.

13. On a defendant's requesting paper, for making his memorandums of any thing in contradiction of the witnesses, or declarations of the time and place where and when his crime was committed, what is determined in this book, title 8. § 4 & 7. shall be attended to.

## TITLE X.

### *Of contradicting Witnesses.*

1. When the proof of justice is published, and sufficient time has been given to a prisoner to think about his defence, the inquisitors shall direct him to be brought before the board, where he shall be admonished and advised to confess his crimes, because his doing so will prove advantageous to his soul, and the speedier dispatch of his cause. If he says that he has no crimes to confess, nor any contradictions to offer, or that he does not wish to produce them, what is determined in the preceding title shall be observed. If he says, however, that he is prepared to produce contradictions of the witnesses who have deposed against him, he shall be ordered to consult with his procurator, who shall continue with him until he has formed these contradictions into a legal shape, after which he shall sign them, as well as the defendant; and the same shall be offered at the board in his name, and the inqui-

sitors shall order them to be annexed to the process, and a record to be made of their being thus presented.

2. Where the contradictions have been annexed to the process, the prisoner shall be called before the board, where the inquisitors shall direct him to name the witnesses who are to prove them; and then they shall proceed with reading over the articles to him, one by one, to each of which he, the defendant, may name as many as six witnesses, but no more: the defendant shall be informed that he is to name *old christians*, who are not related to him within the fourth degree, or persons of his own family, or infamous persons, or those who have been imprisoned by the holy office, or those who are absent in such remote places that it would be impossible to interrogate them without great delay; but if the substance of the contradictions is of such a nature that they cannot be proved by any other persons, and the prisoner affirms on oath that he has no others to produce in proof of their being well grounded, in such a case all witnesses shall be admitted whom he may name; and, on the final dispatch, such a degree of credit shall be given to their testimony as it may appear to deserve.

And if the subject matter of the contradictions be such, that in the opinions of the inquisitors the witnesses named do not appear sufficient to prove them according to law, they shall order the defendant to name as many more witnesses as they may deem sufficient; and the same practice shall be observed with respect to those witnesses he may have to name, who can prove contradictions, which imply a virtual defence, from the very words of the accusation; and in case any of the persons named by the prisoner to prove his alledged contradictions, should be dead or absent, the inquisitor shall direct him to name others, without declaring to him the reason why.

3. When a nomination of witnesses has been made for

proving the truth of the contradictions, an oath shall be administered to the prisoner on the holy gospels, under which he shall be ordered to declare, whether what he alleges is true; whether he has produced his articles of contradiction with a good motive, and because he understands they tend to the good of his cause, and not to create a delay in the proceedings of his trial; whether he concurred and communed with the persons objected to about what he says has happened in the way of friendship, or whether he always persevered in enmity to them; and the answers given by the prisoner to these questions shall be entered on record, which shall be signed by the inquisitor present.

4. With this act of record the process shall be concluded, and the inquisitors, assembled at the board, or at least two of them, shall examine into the contradictions, and receive all the articles in contradiction of the witnesses produced on the part of justice; whether their testimony is objected to in consequence of a personal defect, or in consequence of any other circumstance, though the contradictions may not prove the existence of a great animosity, or be such that when proved they take away all credibility from the witnesses. They shall receive also those articles, which, though they may not directly affect the witnesses, may contain, nevertheless, such matter as, when proved, may lessen their credibility; in which case, the reason and cause why they were thus received shall be declared in the decision, saying that such and such an article has been received, because it affects such a witness by the contradiction of his testimony.

They shall, moreover, receive all articles in which the defendant alleges circumstances that contradict the time and place assigned to the commission of the crime, though as to the time he may report it to have been either more or less remote; and when the process is finally dispatched,

it will be seen by the proofs thus brought forward, how much the credibility of the witnesses is diminished; and in no case shall the inquisitors receive contradictions which neither directly nor indirectly affect the witnesses, or those which, if proved, can impart no aid in the defence of the prisoner.

5. On the prisoners offering, through the medium of his procurator, to make a defence by contradictions brought forward by any of his relations, who are or have been in prison, after the decision is passed upon the contradictions of which the prisoner himself has been guilty, notice shall be taken in the same decision of the other contradictions thus offered, and the articles thereof shall be received in the aforesaid manner, when they may be considered beneficial to the prisoner's cause; and when the proofs of the articles of those received have been made, they shall be copied with the same articles; and the whole shall be annexed to the process as part thereof: and if the proofs are not then made, they shall be made, or ordered to be made, and joined, in a similar manner, with the other proceedings; provided, however, that the persons who bring forward such articles are in the prison, and the proofs are made in their names; but, if they are not in prison, they shall be done in the name of the defendant, so as the articles are arranged in such a manner, for that purpose, that it may not be perceived they are made in the name of a third person.

6. The decision by which the contradictions of the defendant, or any of the articles which form them, are received, shall not be published to him, in order that he may not, in any way, come to the knowledge of the persons who deposed against him: but when the contradictions are not received, the decision shall be published to him; except when it is to be feared that, from such a publication, the defendant may come to know who the wit-

nesses were, or that any such like inconvenience may be sustained.

If the prisoner has produced contradictions more than once, that is, in two or three, or more instances, and one decision only shall be adopted respecting them, though in some of the cases none of the articles whatever have been received, the decision shall not be made public to the defendant; and if, after a decision has been entered as to some of the contradictions, he adduces others which are not received, though some of the articles of those before presented may have been received, the decision, nevertheless, shall be published to him, and in it shall be declared those things which are not received; except when, from such a publication, any inconvenience may result, as before observed.

7. Of the persons named by the defendant to prove the contradictions he alleges, three only shall be examined, with respect to each of the articles, except in those cases wherein arguments are drawn from the contradictory expressions of the witness; for, in these cases, more witnesses may be examined even, as may be deemed necessary, provided the number is not excessive; and if these witnesses are inhabitants of the place where the holy office resides, the inquisitors shall themselves examine them; and if they are inhabitants of any place within their district, they shall order a commission to be issued to the commissaries of the holy office for the purpose of examining them; but if the case be such that it may appear necessary, for the better ascertaining the truth, to commit any business to one of the deputies, the inquisitors shall report it to us before they act, and shall follow the directions they may receive; and if the witnesses belong to another district, they shall issue letters of request to the inquisitors thereof, who, with all possible expedition, shall execute what they are desired to do; and if the witnesses are out of the kingd

dom, commissions, or letters of request; shall be issued, according to the places where they may be.

8. Whenever the inquisitors find that any of the witnesses named by the defendant to prove the articles received are either dead or absent, and that there is not a sufficient number of witnesses remaining to prove the articles, they shall order the prisoner to be brought before the board; where he shall be told that it is necessary for him to name more witnesses to the articles of *contradictions* he has produced, all which articles, as well as the witnesses he has named, shall be read over to him; that he may name such others besides as he may recollect; and this shall be done with such precautions, that the prisoner may not come to a knowledge of the articles received, or of the witnesses on the part of justice therein objected to.

9. Though the defendant, on producing his contradictions, shall say that he has no others to allege, nevertheless, if he afterwards requests leave to bring some others forward, a record of the same shall be entered in the process, and he shall be admitted to produce them; and this shall be done notwithstanding a final decision may have been come to in the cause: but if, after he has brought forward contradictions in three instances, he should request the assistance of a procurator to enable him to produce fresh contradictions, the inquisitors shall cause him to declare the substance of this new matter at the board, with the names of the persons whose depositions he means to impeach; and should it appear that he takes this step merely to delay his cause, and to obstruct the dispatch thereof, he shall not be permitted to adduce the new contradictions; neither shall he be at liberty to do so, when, after he has been defended according to law, he solicits the assistance of a procurator at a time when it is very obvious that he asks for it for a bad purpose, and merely

with the view of delaying the execution of the punishment to which he is sentenced.

10. No contradictions shall be added to the process when written by the prisoner's own hand, though he may be a learned person : but, in all cases, this shall be done by his procurator, who shall form them in his own hand-writing ; and when they have been signed by him, as well as by the prisoner, he shall offer them in his name, in the manner before prescribed.

11. When a defendant says, that he cannot recollect any persons whom he can name to prove any articles of his contradictions, in order that he may not go undefended in such a case, the inquisitors shall order, *ex officio*, an enquiry to be made relative to the articles received of some persons in the neighbourhood of the place where the prisoner and the impeached have been accustomed to reside, or of any other persons whom they may think competent to give any information on the subject.

12. When the defendant adduces any contradictions which it is not thought proper to receive, because they do not relate to the witnesses produced on the part of justice, if he be in a perilous situation, and it is apparent that he will be found guilty, the inquisitors, by a decision of their own, *ex officio*, shall order enquiries to be made as to the nature and credibility of the contradictions ; and, by another separate commission, they shall procure information whether the prisoner has had any misunderstandings with, or has any motives for animosity against any person or persons imprisoned at the inquisition : but no particular enquiry shall be made as to the testimony of the witnesses themselves, in order to prevent its being known by these means who they were that deposed against him ; and the same enquiries (except as aforesaid) shall be made, when the contradictions produced by the prisoner are received only in part, or when it may appear that he has not been

sufficiently well defended: and further, when he has not offered any contradictions, it shall be ascertained whether he says that he has none to allege, or that he does not wish to produce them.

13. The inquisitors shall accept such papers or articles of contradiction as may be offered to the board of the holy office in favour of any defendant, which shall be added to the process in proper time at the board, and a decision shall be taken upon them, in the manner stated with respect to the contradictions offered by the prisoner himself; and if any witnesses are to be examined on the subject, they shall be persons free from all suspicion, who may not be supposed to have been influenced by the guilty parties; and the witnesses named by such persons for proving the articles shall not be interrogated, except the case should be of such a nature, that it cannot be proved by any other means, or the place where enquiries are to be made is so small, that there are no other persons from whom true information may be collected; and in these two cases particular care must be taken in the final dispatch, as to the degree of credit due to the testimony of the witnesses.

## TITLE XI.

*Of the other Affairs that are to be expedited before the final Dispatch of the Process.*

1. Whenever such diminution takes place in the confession of a defendant, that doubts arise in the minds of the inquisitors whether they do not operate against his being admitted into the bosom of and in union with the holy mother the church; before the process is laid before the board to be finally dispatched, two or three admonitions shall be given to the defendant in different sessions, wherein he shall be particularly informed of the deficiencies, contradictions, repugnances, and diminutions he has been guilty of, that he may amend them, and endeavour

to deserve that mercy which is shewn to the real penitent; and in each of these sessions a very serious caution shall be given to him, as to the dangerous situation in which he has placed himself, and the bad issue he may apprehend if he does not better his cause. In the last sessions all his confession shall be read over to him, that he may not happen to omit the names of any persons, or to correct the errors he may have committed, by imagining that he has already done these things.

2. To prisoners *negative*, and minors under five and twenty years of age, who may have been convicted, by the proofs of justice, of the crime of heresy, two sessions of admonition shall also be given, before the processes relating to them are seen at the board, in order that, being apprized of the hazardous situation in which they stand, they may reflect within themselves, and come to the resolution of confessing their crimes, and thinking on a remedy for their souls.

3. If, from the depositions of witnesses named to prove contradictions, any presumption of prevarication should arise against the witnesses produced on the part of justice, the inquisitors, for the greater justification of the proceedings of the holy office, and the better to ascertain the truth, and to be well convinced of the credit their testimony is entitled to, shall direct them to appear to the board, where they shall be separately re-examined, even though the parties may not have requested this; and though this enquiry is to be made in all processes where the said presumption of prevarication exists, it shall be the more particularly attended to when it appears that the prisoners are likely to be adjudged as convicts, for in these cases the danger is greater: and in all instances, when it may appear necessary that witnesses should be re-examined, this necessity shall be stated in a decision in the process, together also with the reason why they were re-

examined ; and, to effect this re-examination, it shall not be sufficient that the defendants ask for it in any stage of their process, but the re-examination of witnesses shall only take place, when, after a due examination of the depositions of the proofs produced by the prisoners in their defence, and of the contradictions alleged, with all other attendant circumstances, it may be deemed proper by the inquisitors that the witnesses should be re-examined in the aforesaid manner.

4. When the witnesses are re-examined, they shall be interrogated in general whether they recollect the persons of whom they have spoken in their confessions or denunciations ; and on their answering yes, and naming the defendant in question, they shall then be asked in particular to repeat what they have said of him ; and on their answering that they must refer to their former depositions, the inquisitors shall endeavour to make them repeat over the substance of those depositions ; but if they say that they do not recollect their substance, and insist on having their depositions read over to them, the inquisitors shall order this to be done, and all questions and answers put to and given by them shall be written at length, in order the better to ascertain afterwards what degree of credit they are entitled to ; and if it so happen that none of the other persons make any mention of the defendant in question, particular enquiries shall be made of them with respect to him, and the remainder of their examination shall be conducted agreeably to this paragraph.

5. If the defence of a prisoner is so limited, or, in the proof thereof, considering the rank of the defendant, and the witnesses produced on the part of justice, there are such circumstances, that it may appear to the inquisitors that he has not had a proper defence, before the process is laid before the board for its final decision, they may order new proofs to be procured for strengthening his defence ;

and such other inquiries to be prosecuted as they may think requisite, for the better ascertaining of the truth; and this measure shall be directed in the process by a decision of the inquisitors.

6. When any enquiry is directed in the process concerning the purity of the blood of a defendant, whether the same be made *ex officio*, or in consequence of the defendant's having alleged that he is an *old christian*, before the final dispatch, the inquisitor shall examine into this particular at the board, with the ordinary and deputies, and the decision that may be adopted upon the subject shall be forwarded to the council.

7. Before the processes are brought up to the board to be dispatched, the inquisitors shall acquaint the promoter of their nature and substance, that he may provide, in all cases, as is determined under the title of his office; and the inquisitor who has to propose them shall examine whether any enquiries have been omitted, and should he find this to have been the case, he shall cause them to be properly made, in the mean time staying the proceedings until the business is done; and if it appears to him that further enquiries are necessary, he shall communicate the circumstance to the other inquisitors, when whatever they may determine upon shall be executed, whether it be that such enquiries shall be made, or they shall be dispensed with.

## TITLE XII.

*How the Ordinary is to be requested to attend the final Dispatch of the Processes.*

1. The inquisitors, before they enter on a final dispatch, whether it be a general dispatch of processes, or only of some in particular, they shall order the ordinary belonging to the districts where the prisoners resided to be requested to come, or to send each a person in their

names, to attend the dispatch ; and this practice shall be observed, not only in cases of heresy and apostacy, but also in all those cases of which the holy office takes cognizance, by virtue of apostolic briefs. But the processes of the *apresentados*, who may confess themselves guilty of heresy, which was not made public but by accident, may be dispatched without the ordinaries being requested to attend.

2. When an ordinary, on being requested to attend, does not come to the dispatch, the person to whom he may delegate his powers before he is admitted, shall present his commission, signed by the ordinary in regular form; which commission shall be kept in the *Secret*, and put on the file ordered in Book I. tt. 2. § 8 ; and the notary shall enter a record, in which he shall take official notice of the commission ; and in case that the ordinary does not present himself to the holy office, or give a commission to some person to attend the dispatch in his name, a record of the same shall be entered in the process ; and the proceedings shall go on according to the customs and usages of the holy office.

And on his naming a person who wants those qualities, which, according to these Bye-laws, are requisite in the ministers who serve the holy office, they shall signify to the ordinary that he is to name another, and if he does not name a person to attend in his place, then what has been before prescribed shall be observed.

3. In dispatching the causes of religious persons, or of others, who, for some reason or other, are not under the jurisdiction of the ordinary, the ordinary of the place where the inquisition resides shall be requested to attend in the same manner as he would be, if such persons were not free from his jurisdiction; and the same practice shall be observed when the defendant, according to law, has no ordinary within the kingdom.

## TITLE XIII.

*Of the final Dispatch of the Process, and of the Votes thereon.*

1. Whenever the processes can be concluded so as to be finally dispatched, the inquisitors shall send a list thereof to the council, as before prescribed in Book I. tt. 3. § 36. And on their receiving our orders to enter on the dispatch, they shall cause the ordinary to be requested to attend as declared in the preceding title, and also summon such deputies as may be attending the inquisition where the dispatch is to be done.

2. In the dispatch of processes there shall be never less than five votes between inquisitors and deputies, besides that of the ordinary, when he assists personally, or of the person to whom he gives a commission to attend in his place, provided that person does not belong to the board; but if he gives the commission to any of the inquisitors or deputies, five votes alone will be sufficient, without its being necessary to wait for another; and if there is not a sufficient number of deputies to make up the five votes required, the inquisitors shall report the circumstance to us in proper time, that no delay may occur in the dispatch, and that we may provide in the case as we may think convenient.

3. When the inquisitors, ordinary, and deputies, are all assembled at the board, one of the inquisitors shall propose the process which is to be dispatched, reading at length all that is contained in it, both with relation to the measures of justice and the defence made by the prisoner; but in no case shall the depositions of the witnesses produced on the part of justice be read from the memorandum-quires, nor shall any thing be stated in general terms.

4. The ordinary and deputies shall employ themselves

in writing down on memorandum-quires, (given to them for that purpose) the testimony of the witnesses for justice, and all essential particulars connected with the proceedings, and confessions of the defendants; that they may, by these means, acquire a more perfect knowledge of the causes, for a more correct judgment of them, and be enabled to give their votes with greater readiness. When the inquisitor who proposes the process has read over the testimony of the witnesses produced on the part of justice, he shall declare the quality of each witness, with the opinion to be formed as to their testimony, and whether they labour under any defect, so that in these respects just sentiments may be entertained of the credit which the witnesses deserve.

5. When the process relates to any defendant who has been imprisoned a second time for the crime of heresy, whether it be the same nature as his first crime, or of a different sort, after the distinction, if any has been minuted down in the memorandum, the first process shall also be examined; and if the crime for which he is a second time imprisoned was committed before the infliction of his first sentence, the latter proofs shall be added to the preceding ones, that he may be charged with all: such allowances, however, shall be made as to the former proofs as may appear to be required by law, on account of the torture the prisoner may have undergone, and the penalty inflicted on him: and if the second crime was committed after the first sentence, and he was condemned on that account to the abjuration *de leve*, the former proofs shall be added in a similar manner to the latter: but if he has abjured *de vehemente*, or in form, he shall only be judged by the proofs that arise subsequently to the first sentence, since in this case they constitute a relapse, and the preceding proofs belong to the original lapse.

6. After the whole of the process is read over, and

taken down in the memorandum-quires, the inquisitors shall order the prisoner to be brought before them, and, as he is kneeling down, the inquisitor who reads the process shall tell him, that it has been examined, that the ministers there present are about to dispatch it, and that if he has any thing to say for the benefit of his cause, he must avail himself of the opportunity thus afforded him ; and if any of the ministers wish to ask him any questions, they may do so, after having obtained leave for that purpose from the inquisitors ; and when the prisoner has heard and replied to the questions addressed to him, he shall be remanded to prison.

7. On the prisoner's being remanded, the inquisitor who read his process shall recapitulate all therein contained, dwelling with great minuteness on the proofs of justice, the defence made by the prisoner, and every thing else he may think necessary to create a perfect knowledge of the cause, and then he shall give his vote upon it, and next to him the deputies shall vote, beginning with the junior one, and the rest following according to their seniority ; and if the ordinary be present in person, he shall vote last, after the inquisitors ; but if he is not present, the person who attends in his stead shall vote after the deputies, and before the inquisitors have voted ; which practice shall be observed also whenever any one of the deputies attends for the ordinary ; for, in this case, though he may be seated in the place that belongs to him according to his seniority, as is determined in Book 1. tt. 3. § 57. nevertheless, in those processes wherein he votes for the ordinary we do ordain, that, in consideration of his rank as deputy, he shall precede his seniors ; and the inquisitors shall afterwards vote according to their seniority, the junior voting first, and the senior voting last.

8. If after the process is proposed, but before it is put to the vote, or were subsequently to the commencement of

voting, it should appear to any of the inquisitors, deputies, or ordinary, that it is necessary to make any further inquiries, the senior inquisitor shall order the votes to be called ; and if the majority is in favour of the enquiries, a decision shall be entered to that effect, and the dispatch shall be stayed till the result of the enquiries has been ascertained and added to the process. Should it appear, however, to the majority of votes that these enquiries may be dispensed with, they shall proceed with their votes as before, and the process shall be dispatched without such enquiries.

9. The senior inquisitor shall collect the votes, which shall be cast up after all have voted, in order to ascertain what is the sense of the majority, and to write down the decision, which shall be entered immediately in the process, that it may be signed before they proceed to the dispatch of another. But if there is no time to write down the decision immediately, it shall be subsequently done with all possible speed, and shall be signed by all the voters in the same order as they voted, though some of them may have held opinions at variance with those entertained by the majority ; and, on their wishing to alter these, they may do so, even after they have signed the decision, provided they make known to the board what reasons they had for such an alteration.

10. To remove all doubts that may occur when the processes are finally dispatched, as to the actual majority of votes in each cause, we do ordain that from henceforward the following order shall be observed. In the first place, that sentence shall be deemed valid, in which the greater number of voters coincides, whether they vote for torture or for exile, for a pecuniary, or any other penalty ; or for a defendant's being obliged to abjure *de vehementer*, or *de leve*, in consequence of being suspected in his faith ; and it shall be understood, that a sentence in

carried by a majority when there are five votes (which is the least number required for the dispatch of processes), and of that number three agree in the same condemnation, which shall be deemed valid, though the other two votes may differ as to the penalty or absolving the prisoner in that instance; and if the whole number of the votes amounts to six or seven, four of them shall be deemed a majority; and if the number be eight or nine, five of them shall be considered a majority; and if there are ten or eleven, six shall form the majority. But if the votes are equal, that is, if there are as many for absolving as are for condemning; whether those who condemn agree or not as to the punishment to be inflicted, another vote shall be called in, and by his vote it shall be determined whether the prisoner is to suffer punishment or not; and if no other vote is to be obtained, the process shall be sent up to the council with the votes thereon, that what shall appear to be required by justice may be there determined.

If there are only two condemnations which differ as to the degree of torture, or any other penalty; and if the majority of votes do not lean to either of them, as before observed, the decision shall be entered according to the lesser condemnation; or if there are three condemnations differing from each other, the middle one shall be followed; and in case there are four or more, none of which shall agree, that condemnation shall be adopted which is next to the greater.

11. All that has been said about the reduction of votes shall take place in the processes, which are to have sentences passed thereon at the board in the ordinary dispatch; and which, according to these Bye-laws, are not to go up to the council. If it appears, however, to the inquisitors who are at the dispatch of any process, that it would be very difficult to reduce the votes according to the

regulations herein ordered, on account of the variety, or great inequality prevailing among them, or on account of the nature of the case, they shall send up the process to the council, with the decision taken thereon.

12. If the process, in consequence of the operation of these Bye-laws, or for any other reason, is sent up to the council-general, whether the votes agree or not, the reasons and motives of each of the votes shall be entered in the decision; and when all the votes agree it shall be said, "And it appeared to all the votes." But when the case is not so, the detail of the votes shall begin with the inquisitor who proposed the process; and proceed with those who coincided with him, saying, "And it appears to the inquisitor N. and to the deputies N. and N." naming each of them according to their seniority, and not according to the order in which they voted; and the same practice shall be observed with respect to the remainder of the votes, in detailing which the inquisitors, when they are named, shall always precede the deputies, and one the other, according to their seniority; and when the board decides that the defendant shall be absolved by the court in any particular instance, in addition to the aforesaid, it shall be declared in the decision, whether any inconvenience will result from publishing his sentence in the auto, in consideration of the rank of his person, or the circumstances of the case, that the council may determine what is most convenient for the good of justice.

And if the process is not sent up to the council, it shall be said, "And it appeared to the majority of votes," and the foundations and reasons for these shall be declared in the decision; and in all cases the person who attended for the ordinary shall be named. And when in a final decision the defendant is condemned to the confiscation of his property, the time when the crime was committed shall be declared in the decision, noticing whether it ap-

pears by the proofs of justice, or by the confession of the defendant, or by both, that at all times the decision may be known, and the exchequer may produce the necessary documents, when they are asked for the decision in causes which relate to property that is confiscated.

13. Whenever it may be determined that the prisoner shall be put to the torture, either because his crime is not proved, or on account of the imperfections in his confession, in the decision the degree of torture only which he is to suffer shall be recorded, and it shall be said, "according to the judgment of the physician and surgeon, and the will of the inquisitors;" and after this the process shall be laid again before the board, to be finally dispatched; when no voting shall take place on the resolution to come to after the torture has been inflicted; neither shall they sentence a defendant to such a torture as may exonerate him from all suspicion: on the contrary, care shall always be taken that room is left for the abjuration he is to make.

14. The inquisitors shall send to the council, with a final decision, all processes relating to defendants absolved from the instance; and all those in which it appeared to any of the votes that the defendant ought to have been relaxed to secular justice; and also the processes of persons, who, by a decision of the same council, were fully committed for trial; or processes which have received any definitive decision; together, moreover, with the processes relating to persons who have been accused for crimes of perjury; to heresiarchs, dogmatists, or renegados in the country of the Moors; to persons who are old christians, and affirm that in the consecrated host the body of Christ our Lord is not so perfect as it is in heaven; or to any others condemned to the abjuration *de leve*, when a pecuniary fine is added to it; and, besides these, all such other processes as are declared in these bye-laws, and in particular in the

23d title of this book: but those processes which have been already laid before the council with an interlocutory shall not come again before it with a final decision; if there be no other reason, nor those of persons who have been dispatched by a decision of the council, if subsequently they are imprisoned for crimes of such a nature, that the cases were sent up the council for a full commitment.

#### TITLE XIV.

*How Defendants are to be proceeded with who are to be put to the Torture; and of its Execution.*

1. When a decision is come to that a prisoner shall be put to the torture, the inquisitors shall extract the sentence from the process; and when the defendant is negative it shall be said only, if the circumstantial evidence be strong, that "seeing the strong circumstantial evidence;" and if this is not strong, it shall be said, that seeing the circumstantial evidence which results from the process, and the proofs of justice of the prisoners having committed the crime of which he is accused, (the nature of which must be specified,) they shall order that before any other dispatch the defendant shall be put to the torture, during which he shall be asked to reveal his crimes, and to manifest the truth for the salvation of his soul; as well as that of the persons with whom he has committed them, or whom he knows to have committed the said crime; and if a prisoner be confitent, it shall be said, that "seeing the circumstantial evidence which results from the process, from the proofs of justice alledged on the part of the prosecution, and from his own confession, it appears that he has not completely confessed his crimes, (declaring in general the diminutions for which he is ordered to the torture; as, for instance, if he is *diminute* as to persons, or ceremonies, and saying, that in consequence of his not confessing all persons, nor all ceremonies which

he performed, &c.) and they shall conclude the sentence of the negative, by saying, that, "such are their orders, without prejudice to what is proved, and by him confessed."

2. When the sentence has been extracted, and signed by the inquisitors, they shall order the defendant to be conducted before the board, where he shall be asked, whether he will confess or finish the confession of his crimes; and on his saying that he wishes to confess, or to continue his confession, it shall be received as soon as he makes it, and he shall not be apprized of the decision taken against him: on the contrary, as to the negative prisoners who may then begin to confess their crimes, they shall be proceeded against in manner declared in title 7. of this book; and the processes of those who may continue their confession shall be viewed again at the board by the ordinary and deputies, that a new decision may be taken thereon, and that the alteration of the previous decision may be declared.

And on the defendant's answering that he has not committed the crimes of which he is accused, or that he has nothing more to confess, it shall be notified to him that his process has been inspected at the board by learned persons, and of sound conscience, and that a vigorous decision has been taken therein; and that it will be for his advantage to confess his crimes, or to continue his confession before it is executed; and if he does not comply in either of these respects, the promoter shall be called to the board, and the sentence of the torture shall be read to the prisoner, standing up, by a notary; and, if he be a minor, his curator shall be present; and if, after the prisoner has heard the sentence, he should confess any thing, it shall be received at the board, and the infliction of the torture shall be stayed; and the process shall be examined anew with his confession, as before said; and if it should be decided that the torture is still to take place, though in a lesser

degree, the sentence shall not be read over again to him, but he shall be taken from his prison to the room of the torture to have his sentence inflicted.

And on the prisoner's not confessing, the inquisitor shall order the alcaide to take him to the room of torture, in which there shall be no other present but the guards of the prison, who are to execute the sentence.

3. When the promoter appeals on the part of justice, or a prisoner does the same against the sentence of torture, the execution shall not be proceeded in; and, in this case, the promoter shall have a view of the process, in order to request what he may think proper; and the prisoner shall be attended by his proeurator, for the purpose of forming his appeal; and to whatsoever each of them may say or allege, an answer shall be given agreeably to what is prescribed in title xxi of this book; and if the prisoner should request time to deliberate, he shall have it, except when it appear that he asks for it with a bad design, and with a view to delay the execution of his sentence.

4. To witness the execution of the torture, the ordinary shall be called in, or the person appointed in his stead, and if either of these be there, two inquisitors shall also be present, or at least one inquisitor and one deputy; and if the ordinary does not attend, two inquisitors and a deputy shall be present, so as there may be always three votes present when the torture is to be inflicted.

5. After the inquisitors and ordinary have seated themselves at the board in the house of torture, they shall order the prisoner on whom punishment is to be inflicted to be brought before them, when an oath shall be administered to him to reveal the truth in every respect; and they shall immediately admonish him to think of discharging his conscience, and avoid by those means the trouble and uneasiness in which he finds himself; and on his not con-

essing his crimes for which he was intended to receive the torture, the executioners shall be called in, together with the physician and surgeon, who are also to be present, though they must not be informed of the degree of torture to which the prisoner is condemned ; and who shall take an oath to do their duty well and truly, and to observe secrecy, and of all this the notary shall make mention in the record of the session then made ; in which record the names of the inquisitors present, and of the ordinary, or person attending in his stead, shall be declared. They shall then order the prisoner to be taken to the place of torture, where it shall be inflicted agreeably to the manner pointed out in the decision ; and when they begin to tie up the prisoner, the notary shall go to him and protest, in the name of the inquisitors and other ministers who attended the dispatch of his process, that if he, the prisoner, dies, or breaks any limb, or loses any sense, during the infliction of the torture, the fault shall be his ; for he voluntarily exposes himself to a danger which he might avoid, by confessing his crimes ; and no blame shall be imputable to the ministers of the holy office who, doing justice according to the merits of his cause, adjudged him to the torture.

6. The torture shall be executed in general by the pulley ; and when the physician or surgeon are of opinion that a prisoner, either through weakness or indisposition, cannot suffer the *pulley*, it shall be inflicted on the *colt*, to which he shall be immediately carried ; but, for the sake of decency, no woman shall receive the torture on the colt ; and in case they are not able to endure the torture of the pulley, or there should be any reason for dispensing with it, the inquisitors shall make it known to the council, that what is required by justice may be there determined. Whenever it shall be necessary to inflict a sharp torture within the fortnight before the *auto*, it shall be done on

the colt, that the prisoners may not appear in the *auto* with the mark of the torture ; and in the session held in the room of the torture the inquisitors shall always specify the reason there was for giving the torture on the colt instead of on the pulley ; and in all sessions the hour in which the torture began and ended shall be specified.

7. If a defendant is *negative*, and, in the room of the torture, before or after the punishment begins, expresses a wish to confess his crimes, the executioners shall be sent out of the room, that his confession may be received in the place where he then is ; and if the prisoner is already hoisted up, he shall be lowered down again, and seated on the bench where he was previously tied, in order to be heard ; and when his confession has been received, the torture shall be discontinued, that the process may go on. If the defendant be a *confitent*, and wishes to continue his confession, it shall be received in the same manner, and the inquisitors shall not be satisfied with receiving what the prisoner, in general terms, may say, but, on the contrary, they shall receive his confession with all particular attendant circumstances ; and on his not proving satisfactory, they shall order the torture to be continued ; and after altering the decision previously taken, the voters who may be present in the room of torture shall give their opinion in the cause, and what they agree to shall be immediately executed.

8. If the prisoner faints in the room of torture before it begins, or any other cause happens to prevent the execution of the sentence, the inquisitors shall order the prisoner to be taken back again to his prison, declaring in the session begun with him, what reasons there were for not inflicting the torture ; and, if the impediment ceases, the prisoner shall again be brought into the room of torture, where the new sentence shall be read to and inflicted upon

him ; but if the impediment happens after the torture has begun, the inquisitor shall order it to be suspended, making a declaration of the same in the session, and the process shall be again examined at the board, in order to decide whether the torture is to be continued or not, and in what form.

9. All confessions which prisoners make in the room of torture, or after the notification at the board of rigorous decisions, entered against them in their process, shall be ratified as soon as four-and-twenty hours have elapsed, whenever this may appear convenient, according to the rank of the prisoner, and the state in which he remained ; but it shall not be done on any account before the twenty-four hours have elapsed ; nor shall it be delayed for a longer period. No religious person shall be present at this ratification, and when it takes place the prisoner shall be asked, whether he remembers the confession which he made on a certain day, and in such a situation ; whether what he then said was true ; and whether he affirms, ratifies, and repeats it again, without being under the operation of fear, force, or violence ; and subsequently, in another audience, be allowed to the prisoner a ratification before religious persons shall be made.

10. If any new circumstantial evidence arises against the prisoner, after the torture has been inflicted, his cause shall be proceeded in according to the nature of this evidence, and the process shall be examined again at the board ; and on its being decided that the torture ought to be repeated, a new sentence shall be extracted from the process, in which sentence shall be said, " seeing the new circumstantial evidence which arose against the prisoner, they order the torture to be repeated," and they shall carry the sentence into execution in manner aforesaid ; but the torture shall not be repeated to the prisoner

for more than once ; and if, after it has been repeated, such circumstances occur, that it may be thought advisable to repeat it, the same shall be reported to the council.

11. When a prisoner, either *negative* or *confitent diminute*, has begun to confess, or continued the confession of his crime after the sentence of torture has been notified to him at the board, or after his having already undergone that punishment, and in all respects, or in part only, he gives satisfaction, and if afterwards, in the same place, he revokes such a confession, he shall be considered equally liable as if he had been always *negative* or *diminute*, to receiving the torture in the manner determined upon. If, after the prisoner has confessed, and been remanded to prison, he says that he wishes to revoke his confession, and the four-and-twenty hours are not yet elapsed, the inquisitors shall desire him to be quiet, to consider what is to his advantage, and to expect their answer in proper time : they shall then order a record of these proceedings to be entered in the process, declaring the hour when the defendant said that he wished to revoke his confession ; and on his persisting in this wish to revoke, even after the four-and-twenty hours are elapsed, the revocation shall be held as if done immediately before the prisoner was remanded to prison, and shall be so entered in the records of the process ; and without any other sentence they shall proceed with the execution of the decision thereon taken ; and when, during its execution, the defendant makes a similar confession a second and a third time, and he should revoke it as many times, without ratifying it after the expiration of four-and-twenty hours, he shall be put to the torture ; and though he may say that he is willing to confess his crimes, he shall suffer such a part of the punishment to which he had been condemned as may appear proper to the inquisitors ; and on his continually repeating that he wishes to confess his crimes, the torture shall

cease, and his confession shall be received : but if, before the four-and-twenty hours have elapsed, he revokes it again, he shall not again be put to the torture, but regard shall be had in the end to his deficiencies and revocations, and as to what punishment shall be inflicted upon him.

12. When a defendant, after the four-and-twenty hours are elapsed, revokes a confession made during the infliction of the torture, the inquisitors shall receive such a revocation, and he shall be examined again by it, and accused for the new circumstantial evidence thereby produced : and the process shall be inspected at the board, in order to enable it to come to a decision whether the sentence is to be executed, repeated, or increased ; and this is to be understood as the case when the confession relates to such things as the prisoner was suspected of by circumstantial evidence ; because, if it relates to a crime of which the prisoner was not suspected, no notice shall be taken of such a confession, nor of its revocation, but the first sentence shall be executed ; and if the defendant revokes his confession after it has been ratified according to law, and the ninth paragraph of this title, what is prescribed in Book III. title 5, shall be observed.

13. Whenever any defendant has been convicted by proofs alledged on the part of justice, and at the same time he is suspected, by circumstantial evidence, of having had many accomplices in the same crime, though he may be in a state to be relaxed to secular justice, he may be put to the torture *in caput alienum*; and in the sentence made known to him shall be said, that, seeing in the circumstantial evidence, which results from the proofs of justice, that he knows other persons who have committed the crime of which he has been accused, it is ordered that he be forced by the torture to declare them ; and in the admonitions made before the infliction of his sentence in the room of torture, he shall not be interrogated concerning things

which relate to himself as a party, but concerning those which relate to his accomplices, and it shall be declared to him that this is the only cause why he was sentenced to the torture ; but the inquisitors shall observe that they shall not deliver their votes as to this kind of torture, except in cases of very great importance, when particular advantages may be expected ; and when they have delivered their votes they shall send the process to the council, before the execution of the sentence.

14. After the torture is inflicted, the process shall be again inspected at the board, by the ordinary and deputies, and a final decision shall be taken upon it, according to the merits of the case.

#### TITLE XV.

*How to proceed with Defendants convicted of the Crime of Heresy, until their Sentence have been published.*

1. Whenever any defendant is convicted or found guilty of the crime of heresy, fifteen days before the *auto-da-fé* is celebrated he shall be called to the board, where the decision taken in his cause shall be notified to him, and he shall be informed that it has been seen at the board by learned persons, of a sound conscience ; and if he be *negative* he shall be told, that, considering the proofs of justice, it has been decided that he is found guilty of the crime of heresy, and that he is pronounced an heretic, and contumacious : and he shall be admonished to think of discharging his conscience, by confessing the truth of his crimes, that he may experience that mercy which the holy mother the church always extends to those who are sincere converts. If he be *confitent diminute* he shall be informed, that, seeing his process, and considering the proofs alledged on the part of justice, as well as the nature of his confessions, it has been decided that he is found guilty of the crime of heresy ; that his confessions are not

to be received ; and that he is declared a convicted heretic, and an impenitent offender : he shall be, at the same time, admonished to think of confessing his crimes, and of declaring the whole truth, in order to deserve that mercy to which he aspires ; and a record of this notification shall be entered in the process by the notary who may be present.

2. If there is any particular reason why this notification should take place either before or after the fifteen days, a report of the circumstance shall be made to the council in proper time, that what shall be most convenient to the service of God, and the good of the holy office, may be directed.

3. This notification shall not extend to those who are found guilty of relapsing into crimes, whether they be confitent or negative, nor to those who are convicted of the crime of sodomy.

4. If any prisoner, after he has received a notification in the aforesaid form, should demand an audience, the inquisitors shall listen to him with great attention ; and, if he wishes to point out any contradictions, what is determined in this book, title 10. § 9, shall be attended to ; and, if he is willing to confess his crimes, or to continue his confession, he shall be permitted to do so without delay ; and, being negative, his process shall go on, in the manner prescribed in title 7 of this book, until its final conclusion ; and the process shall again be seen at the board by the ordinary and deputies, after which the whole proceedings, together with the decision thereon taken, shall be laid before the council ; and the same practice shall be observed with respect to the confitent, who may continue their confessions after receiving a notification.

5. When the confessions of such defendants as have already received a notification are taken into consideration by a decision of the council, and if any enquiry is or,

dered to be made in the torture, it shall be done in manner declared in the 6th § of the preceding title. Should it be decided that the confessions are not to be attended to, and that the prisoner must be relaxed to secular justice, on the Friday previous to the *auto*, and before the afternoon audience begins, a notary shall go to the prisoner, and there shall notify to him, that, on account of his crimes, he is relaxed to secular justice, and that on the Sunday following he shall be taken to the *auto* to hear his sentence, and recommend him to think of what may be for the good of his conscience, and the salvation of his soul, and to pray God to guide him into the knowledge of the truth; and one of the guards which the notary shall take with him shall order the prisoner's hands to be tied up. The same proceedings shall take place with respect to defendants *negative*, who may have been notified as such, and those who may be convicted of the crime of sodomy, or of relapsing into the crime of heresy; and of the notifications the notary shall enter a record in the process, and at the same time it shall be declared to those guilty of relapse, who may have satisfied in such a manner that if they had not been guilty of relapse they would have been reconciled, as well as to the sodomites, that on the following day the sacrament of eucharist will be administered to them, which shall be done by one of the notaries in the oratory of the inquisition.

6. The inquisitors shall select as many religious persons as there are prisoners under sentence to be relaxed, to attend them, to hear their confessions, and to guide them in what may be convenient for their salvation; to which religious persons, before they enter into the prisons, the inquisitors shall give instructions at the board how they are to behave to the prisoners; and that they must converse with them only concerning what regards their conscience, and not endeavour to persuade them to confess when it

may be evident that they do not do it from their heart ; nor ask them any questions about any of their relations who may be imprisoned ; nor tell them that they are in prison, in order to facilitate their confessions : neither must any religious have any thing to do with the other prisoners, but only with the one whom he is appointed to attend ; and when any prisoner solicits an audience, the religious shall inform the alcaide of it, that he may carry the message to the board, as well as any other circumstances that may be thought necessary. That the religious may fulfil the aforesaid regulations, and preserve secrecy in every respect, an oath shall be administered to them on the holy gospels ; and when the notary intimates a decision to a prisoner, whose hands are tied, a religious, whom the inquisitors may appoint, shall be placed with him.

7. If any prisoner solicits an audience after his hands are tied up, whenever it may be, before he goes out to the *auto*, the inquisitors shall listen to him with great attention, when he has been brought to the board for that purpose ; and on his confessing his crimes, or continuing his confession, when diminute, what he says shall be received and ratified without delay ; but the religious who has attended the prisoner shall not be present at this ratification ; and when his confession has been examined, his process shall be seen immediately at the board by the ordinary and deputies ; and, on his satisfying the information of justice, he shall be received into the bosom of and in union with the holy mother the church ; subject, however, to such penalties and penances as are declared in Book III. title 3. § 8 ; and this practice shall take place though the prisoner may be an heresiarch or dogmatist ; but the inquisitors shall pay great attention to the substance and manner of a confession made at such a period ; and to the signs which the prisoner may give of his conversion and

penitence, on account of the great probability there is of such confession being made rather with the intention of escaping the punishment the prisoner has deserved for his crimes, than with a sincere repentance of having committed them. And should it appear to the majority of votes that the confession of the prisoner, notwithstanding its evident truth, must, however, be examined judicially, the defendant shall be reserved for another *auto*, and his process shall be continued in the manner stated in title 7 of this book.

8. Whenever the processes of persons who are found guilty by decisions of the council, and ordered to be relaxed to secular justice, are altered after the said decisions have been intimated to them, and this should be the case in the inquisitions where we are present, the inquisitors may make a final dispatch with the ordinary and deputies, and proceed with the execution of the sentences, without sending the proceedings to the council; except when, on some other account, it may appear necessary to the majority of votes that they ought to be laid before the council; for, in this case, the prisoners shall be reserved for another *auto*; but we do earnestly recommend to the inquisitors, that in all cases where there is sufficient time for receiving an answer from the council before the *auto*, they should send to it all processes, which it ought to see, and by no means dispense with the dispatch of the council, when there is sufficient time for the processes to be forwarded to it for inspection; and if the prisoner or the promoter should appeal at the time for any decision of the inquisitors, what is prescribed in title 21 of this book shall be observed.

9. If any prisoner, whether *negative* or *confitent diminute*, wishes to confess his crimes, or to continue his confession after he is on the scaffold, before the sentence of relaxation is read over to him, one of the inquisitors shall go

to hear his confession in the room which is to be prepared for such purposes ; and his confession shall be received, and the inquisitors shall assemble together, with the ordinary and deputies, in some secret place on the same scaffold, and there the confession newly made shall be examined again ; and should it appear to the majority of votes, which must comprehend at least one of the inquisitors, that the publication of the sentence must not take place, they may direct the prisoner to be taken back to his cell, and have his confession again judicially examined ; and this alteration shall be communicated to the council-general, if present ; and what the council-general may decide shall be executed, whether we are present or not. But, as it may be presumed that such confessions are feigned and pretended, and only made from a fear of death, or because the prisoners see upon the scaffold those persons who had deposed against them, or with whom they may have been connected, such an alteration shall be made with great caution, and very rarely : and only in cases where, in consideration of personal rank, or circumstances attendant on the confession, great advantages may be expected to arise from it, both as to the salvation of the prisoner, and that also of the accomplices with whom he had been denounced.

And the individual thus reserved shall be locked up in the room where he made his confession, and shall not again be placed with those condemned to do penance ; and he shall be watched in such a manner that no communication may take place between them. The dress also of a *relaxed*, which he had on, shall be taken from him, and he shall be conducted to prison by two familiars, worthy of great confidence, from among those condemned to penance, with such precautions, that, in his way to prison, he may not be enabled in any way to give or receive any information whatever to or from any person.

10. Whenever a prisoner, after the sentence has been published to him, and he has been delivered over to secular justice, should request the inquisitors to hear him, because he wishes to discharge his conscience, if he be still on the scaffold, one of the inquisitors shall hear him, as is directed in the preceding paragraph ; and if he has quitted the scaffold, they shall order one of the deputies to go to hear him, accompanied by a notary, in the house or room of the *relação* (the secular court), or wherever else it may appear most convenient ; and his confession shall be ratified, and added to the process : and such a degree of credit shall be attached to his deposition as it may deserve in law.

## TITLE XVI.

### *Of Affirmative Heretics.*

1. If there be any prisoners in confinement for the crime of heresy, who may affirm that they believe in the errors for which they have been denounced ; or in any other errors that militate against our holy catholic faith, after their confessions have been taken down in writing in their processes, and they have been admonished with kindness to give up the belief of their errors, the inquisitors, by all means possible, shall endeavour to lead them to the knowledge of the truth, and the path of salvation, and if they cannot effect this by admonitions, they shall ask the prisoners, whether they wish that learned persons should be called in to attend upon them, to whom they may communicate their belief, and its foundations ; and on their answering yes, they shall select for this purpose some friars, or other ecclesiastical persons, of whom they may have the best opinion, as to their learning and virtue, as well as to their capacity ; and having previously given to them at the board every necessary information relative to the

situation of the prisoners, and the nature of the errors they affirm, or the belief they hold, instructing them, at the same time, how to act towards the prisoners, and charging them, under an oath on the holy gospels, to preserve secrecy, the inquisitors shall order them to be put with the prisoners, each separate, in a different room of audience, a notary being present ; and after they have been with the prisoner for as long a time as may appear necessary, the inquisitor shall order the friars to come to the board : and there they shall be judicially interrogated concerning what has passed between them and the prisoners ; and the opinions they have formed of their belief and capacities ; and should any crimes arise in proof against the prisoners, the depositions of the friars shall be ratified according to the prevailing custom.

2. After all that each friar says has been written down, the inquisitors shall order the prisoner on whom he has attended, to be brought to the board ; and shall ask him, whether he has been with the friar, and what passed between them, with such other questions as they may think necessary to propose to him, according to the situation in which he may stand ; and they shall admonish him to think of separating himself from his errors, and to conform to the opinions of his learned adviser, in the points necessary for his salvation.

3. And though a prisoner may say that he does not want to be attended by a learned person, in order to take advice, nevertheless the inquisitors, *ex officio*, and as ministers of the church, whose principal purpose must be to effect the salvation of souls, and lead them to the knowledge of truth, shall order some learned person to attend upon him in the manner before prescribed ; and this duty shall be performed twice, once before the promoter of justice brings in his libel, and then after the process is finally

concluded ; but before it is laid before the board for a sentence, except when a more frequent performance of the duty may appear necessary.

4. And whereas it may be presumed, that, for want of judgement, or some defect in his understanding, a prisoner may persist in affirming the errors or belief which he holds, the inquisitors shall order an exact inquiry to be made concerning his capacity, in the place where he was born, or of which he was an inhabitant at the time of his imprisonment; and similar inquiries shall be directed to the alcaide, and guards of the prison, in order that it may appear whether, since his confinement, any strong passion has taken possession of his head, so as to affect his judgment or mental faculties; and those enquiries shall be made before the promoter of justice presents his libel; and should it appear from their result, that the prisoner, not only before his imprisonment, but after it took place, possessed a sound judgment and a good capacity, his cause shall proceed in the ordinary form; sufficient time, however, being allowed for the prisoner to come to a knowledge of his errors; and, with the decision taken thereon, the inquisitors shall send the process up to the council; and if any witness or witnesses should depose with doubt concerning the mental faculties of the prisoner after the process has been concluded, but before it is proposed to the board, new enquiries shall be made of the alcaide and guards, of the other prisoners who might have been his companions, and of the physicians who may have been ordered to visit and talk with him, for the purpose of ascertaining the state of his faculties.

#### TITLE XVII.

*Of Prisoners who become insane during their Imprisonment.*

1. If any prisoner, whether confitent or negative, becomes insane during his imprisonment, the inquisitors shall

make, or cause to be made, all necessary enquiries and examinations, as well of the persons in the prison as of those resident in the place of which the prisoner was an inhabitant, in order to ascertain whether the madness is real or pretended : and on their finding it to be feigned, they shall proceed in his cause according to the ordinary forms ; and if they discover it to be real, they shall stay the proceedings, and order the prisoner to be cured by all possible means, administering to him all medicines that the physicians may think necessary for the purpose of restoring him to his senses ; and if the remedies cannot be administered to him with effect in prison, the inquisitors shall order him to be taken to the hospital of All Saints, in Lisbon, where every convenient attention shall be paid to him.

2. When the prisoner is so far cured as to be returning to his senses, his cause shall proceed in the ordinary form ; but if he does not get better, the proceedings of his cause shall stop in the stage where they may be, and the inquisitors shall order the prisoner to be delivered to his nearest relatives, who shall give bail for his appearance whenever it may be required, and make reports to the board of the holy office, at such times as he may be directed, of the state of the prisoner. Should the prisoner die in a state of insanity, his relations shall produce a certificate by the physician who attended him in his illness, and another certificate by the clergyman of the church where he was interred ; and should the prisoner get better, his relations shall report it to the inquisitors. But in case no relation of the prisoner can be found who will give bail for his appearance, a simple promise upon oath shall be taken ; and in case, even on these terms, his relations will not receive him, if the prisoner has any estates, the hospital shall take him, on being allowed for his maintenance, and he shall remain there ; and if the prisoner has no es-

tates or goods to pay for his maintenance, he shall be set at liberty from his imprisonment.

3. Should the inquisitors receive information that the prisoner, after being released under bail, or a promise upon oath, after being set at liberty from his imprisonment has acquired his senses, they shall order him to be brought back to the prison, and his cause shall proceed in the ordinary form; and if they find that he died under similar circumstances, they shall order a record of his death to be entered, and witnesses shall be examined on this point, so that his death may appear judicially; and his cause shall proceed as is determined in the following title.

## TITLE XVIII.

### *Of the Dead.*

1. If any prisoner dies during his confinement, before the body is removed from the room wherein he died, the inquisitors shall order his remains to be inspected by two notaries and one of the physicians of the holy office; and, if it can conveniently be done, all being assembled together, shall examine and see if they can identify him, and if his death has been natural, or whether there are any signs on the body from which it may be presumed that his death was violent; and when one of the notaries has entered in the process of the prisoner a record of his death, he, as well as the other notary, shall certify that they have seen the body of the deceased, and identified it, with all the circumstances which they discovered; and afterwards the physician shall be interrogated, as well as the alcaide, guards, and the persons whom the prisoner may have had with him in the prison, in order that it may be ascertained, from their information, whether his death was natural or violent; and whether he went to confess during his illness, or did any other act incumbent on him as a christian.

2. The causes of persons deceased in the prisons shall be examined into by the inquisitors with all possible speed, though there may be little proof against them, and they shall not delay dispatching them by waiting for further proof, except when there is a very probable expectation that a speedy opportunity will enable them to acquire additional proof; as, for instance, if the deceased came from a country of which many natives are confined in the prisons; or if he was suspected of being concerned with any of them as an accomplice, or if he had any relations in the prison, to whom it is presumed he may have committed his errors. The proceedings also shall be delayed when there are any persons in the prison to whom the defence of the prisoner belongs according to law, and who ought to be summoned for this purpose; since, in such cases, the inquisitors shall wait till they leave the prison; and immediate attention shall be paid to the proceedings in the causes of such prisoners, that the causes of the deceased may not be delayed on their account.

3. If the deceased has been imprisoned for crimes of heresy, whether confitent or negative, after the record of his death has been entered, and witnesses have been examined, according to the form of section 1. of this title, the inquisitors shall order the process to be made conclusive, and shall examine it at the board with the ordinary and deputies; and if the deceased was confitent, and it is thought that his confession is satisfactory, and ought to be received, the cause shall be dispatched without his heirs being summoned to attend, for no-power of defending him belongs to them; and a similar practice shall be observed, if he was negative, and it should appear from the proofs of justice, that he would have been absolved from the instance of the court, except when any doubts prevail as to the quality of the deceased; since, in this case, a decision shall be entered for summoning his rela-

tions, to whom belongs the power of alledging what they may think proper, and of defending the quality of the deceased, in which they are also interested: but this shall not take place, when, considering the quality of the deceased and of his relations, it shall appear that some infamy may arise to them from such enquiries, in which case it shall not be done. And should it be agreed that the confession is not satisfactory, and that it ought not to be received, or if any doubts prevail on this point, a decision shall be entered thereon, that the heirs of the deceased, and other persons to whom the defence of the deceased belongs by law, be summoned for that purpose—those who are in the kingdom, in their proper persons, and those who are absent by edicts; and if they attend on being summoned, the cause shall be proceeded in, though the deceased may have defended himself, and his cause may have been finally concluded; and if they do not attend on being summoned, a defender shall be appointed *ex officio*; and the same practice shall be observed if the defendant was negative, or when it appears that there was sufficient proof to convict him when alive, or there are any doubts whether he would have been absolved of the instance of the court; and, in any of the aforesaid cases, when the final decision has been entered, the process shall be sent up to the council.

4. When the heirs of the deceased, or other persons to whom his defence belongs in any way, on being summoned, appears to defend his memory, fame, and property, they shall give a power of attorney to one of the procurators accustomed to act as advocates for the prisoners (which power of attorney shall be entered in the process, and they shall be permitted to examine them after the libel of justice and publication of the witnesses have taken place,) that the procurator, after having received the necessary information from his constituent, may alledge what he

thinks convenient for the defence of the deceased ; and if the heirs or other persons are individuals of such quality that they cannot come and sign the power of attorney in the process, their power of attorney, made by a public notary, or in their own hand-writing when they are of such rank as to have a right to do it, shall be accepted instead, and united to the process ; and in the case of their not coming or sending a power of attorney, if a defender *ex officio* must be appointed, he shall also be one of the said procurators.

5. If an affirmative heretic, who professes the law of Moses, or any other heresy militating against our holy faith, should die during his imprisonment, saying that he lived and wished to die in his belief, though it may appear that he is not entitled to any defence, nevertheless his heirs shall be summoned, and such proceedings shall take place as are prescribed in section 3. of this title, since these heirs may alledge and prove something that may prevent his condemnation.

6. If any prisoner, whether negative or confitent, is found dead in his prison, and on account of his death being sudden, and other circumstances, it may be thought likely he died by violence, the inquisitors shall immediately go to where his body, is taking with them two notaries, one physician, and one surgeon, and in their presence they shall order an examination of the corpse to be made, that it may appear whether the prisoner died by his own hand or was killed by another ; and after this examination has taken place, and a record of the same has been entered in the process, the physicians, surgeon, alcaide, guards, and companions who were with the prisoner, or in the neighbouring prisons, shall be examined, and such questions shall be put to them as may be necessary to ascertain whether his death happened in the day-time or during the night, and how it happened ; and should it appear by the proofs that the prisoner killed himself, the inquisitors shall order an inquiry to be made in the place of which the prisoner

was an inhabitant, concerning his capacity, and for the purpose of ascertaining whether he laboured under any mental malady or want of judgment, from which his death might have proceeded; and when the examination and necessary enquiries have been made, his process shall go on in the manner prescribed as to the rest of the deceased.

7. If the deceased was imprisoned for crimes not amounting to heresy, after the record of his death has been entered, and the witnesses have been examined in the aforesaid manner, the process shall be examined at the board, with the ordinary and deputies; and should the crime be of such a nature that no confiscation of property will take place, a decision shall be entered in the process to this effect, in order that, in consideration of the crimes being rendered extinct by death, the causes may not proceed, but stop in the situation in which it is; and that notice may be given to the heirs of the deceased of his death, that they may take away his body, and bury him in consecrated ground, and perform all the suffrages of the church for his soul; and a certificate shall be granted to them, by which it shall appear that the deceased was not imprisoned for crimes of heresy; since, as his imprisonment is made public, it is also convenient to make some satisfaction for this publicity; and if the crime of which he was accused was one liable to confiscation, though it was not proved, the same thing shall be done; and in none of these cases shall sentence be entered in the process. In case the crime of which the deceased was accused was proved, or there are doubts about it, his heirs shall be summoned, as well as the persons to whom his defence may belong; and with them, if they come, or with the defender appointed in the cause if they do not come, the process shall proceed till a final sentence; and where a decision has been entered, that for such a crime the deceased incurred a confiscation of his goods and chattels, the sentence shall be published at the board, as stated in Book

III. title 26. § 10, and the inquisitor shall direct a certificate to be issued to the judge of the exchequer, to enable him to sue out an execution on the said goods, and the body of the deceased, as well as the certificate, shall be delivered to his heirs in the aforesaid manner.

8. If there be in the holy office sufficient proof to be furnished by witnesses, by which it appears that any person deceased might have been convicted of heresy, the inquisitors, at the request of the promoter, shall direct a certificate to be extracted from the books of christenings, in order to ascertain whether the deceased was a christian baptized ; and if no record of this is to be found, a proof of the same shall be furnished by witnesses, in which proof it shall be made evident that he was a native of the kingdom, and considered and deemed by all as a christian baptized ; and when the certificate of this has been added to the other proofs, and the promoter has presented his request, the inquisitor shall examine the whole at the board, together also with the crimes of the deceased, and shall pronounce their decision that his heirs, or the persons to whom his defence belongs by law, shall be summoned, and summonses accordingly shall be served on the persons of those who are in the kingdom, and given, by edicts, to those who may be absent ; and the cause shall proceed in the manner prescribed for the rest of the deceased ; and when the same is concluded, the inquisitors shall see the process at the board, with the ordinary and deputies, and if they find that the crime is proved, they shall condemn the deceased in the manner declared in Book III. title 26, § 5. The inquisitors, however, shall pay great attention to the proofs, under whose sanction they are to proceed against the dead ; and see that they are greater than those that would have been necessary had the prisoner been alive, for the deceased cannot defend themselves, and their defence by a third person is rendered more difficult by their

decease ; and on finding that the crime is not proved, they shall absolve, in that instance, the memory and fame of the deceased.

## TITLE XIX.

### *Of the Absent.*

1. If any persons, being guilty of the crimes of heresy or apostacy, shall absent themselves from this kingdom, the inquisitors, by request of the promoter, shall order a summary proof to be afforded of their absence, to which shall be added a certificate from the books of christenings, to make it appear whether they have being baptized, and should no record be found of their baptism, the inquisitors shall order some witnesses to be examined on this point, in order to learn whether the absentees were considered and deemed baptized christians, whether they have absented themselves in some places not known, or whether they are in places where they cannot be summoned in their proper persons; and the promoter shall accordingly present his request to proceed against them.

2. If it appears to the inquisitors that there are sufficient proofs against the absentees for convicting them of the crimes of heresy and apostacy, they shall order letters of edict to be issued, for the purpose of summoning and desiring them to come personally before the board of the inquisition to confess the crimes of which they are accused, and to solicit mercy and pardon for the same, and to defend themselves, and to prove that they are innocent ; and this must be done within the period assigned, which shall be more or less, according to the distance of the places where it is presumed the absentees may be ; and they shall be summoned in the said edicts to attend all terms and judicial acts, inclusive, of the process, until a definitive sentence has been pronounced.

3. The letters of edict shall be published at the doors

of the house wherein the absentee lived at the time when he absented himself; and the persons in the house shall also be notified, if there are any there, and if not, the nearest neighbours; and after this they shall be published on a Sunday, or usual holiday, at the principal mass in the parish church of the place of which the absentee was a parishioner; and after the edicts have been published, they shall be affixed to the principal door of the same church, where they shall remain during all the period therein assigned to the absentee for his appearance; and certificates of their publication and affixing shall be pasted on the back of the same letters of edict, wherein shall be declared some of the persons present when they were published, both at the door of the absentee's house and in the church; and when they were affixed to the doors thereof, which persons shall sign their names near the certificate. All these things shall be added to the process, and two copies of the letters of edict shall be sent, that one of them may be left affixed, in such a manner as to be read by all.

4. When absentees come personally to the board of the holy office, either within the time assigned or after it, before the cause has received a sentence they shall be heard, that the measures required by law may take place; and the inquisitors shall order them not to go out of the city wherein the holy office resides, without leave from the board, which must assign to them fixed days for attending the audiences; and if, during the prosecution of the cause, information should be received that they wish to absent themselves, they shall be kept in custody wherever it may be thought proper. And if the absentees do not appear before the holy office after the period assigned in the letters of edict, their non-appearance shall be proclaimed three different times, with intervals between each; and these proclamations shall be made by the porter of the room of

dispatch, who shall certify that they do not appear, and the notary shall enter a record of the same in the process as a term of non-appearance : and after the three proclamations have been made, the promoter shall present his libel, and the publication of the proofs of justice shall take place in different periods ; but on such days as the inquisitors shall consider most proper, in which publication the non-appearance of witnesses shall be notified in manner aforesaid ; and when the process has been finally concluded, it shall be dispatched at the board in the presence of the ordinary and deputies, as may be consonant to justice ; and all the proceedings, with the decision taken thereon, shall be sent to the council.

5. When there is no sufficient proof for convicting the absentees, and yet some grounds exist for presuming that they have committed the crime of heresy, if previous information has been received of their absence, and that they are christians baptised in the manner prescribed in the first paragraph of this title, the inquisitors may proceed against them according to the forms enjoined in the chapter *Cum contumacia, hereticis*, in 6 ; and they shall direct letters of edict to be issued for summoning the absentees to come and appear personally, to defend themselves ; and alledge the truth as to certain articles belonging to the faith, and a certain crime of heresy ; and in those edicts the penalty of greater excommunication, *ipso facto incurrenda*, fulminated if they do not appear within the period assigned, which period shall be greater or smaller, agreeably to what is declared in the second paragraph of this title ; and the letters of edict shall be distributed in three equal intervals, regulated by the three canonical admonitions ; and they shall be published and affixed in the form stated in the third paragraph of this title.

And if the absentees do not appear within the term assigned to them, the promoter, availing himself of his

power to accuse them for their non-appearance, shall request that they may be declared excommunicated, and have heavier censures imposed upon them ; and the inquisitors shall pronounce a decision upon this request, ordering a declaratory letter to be issued, which shall be issued and affixed in the same manner as aforesaid ; and no farther proceedings shall be had in the cause for one year ; and after this, if the absentees continue to be contumacious in their non-appearance, they shall be proceeded against, by being accused for their neglect in this particular, and the other terms of the process shall be followed in the manner prescribed in section 4. of this title ; and these absentees, as well as all others, shall be condemned according to what is declared in Book III. tit. 26.

6. If the absentees, after being legally summoned in the aforesaid manner, do not appear, but, persevering in their contumacy, no defender shall be appointed in their causes ; but should any persons appear on their behalf, who, according to law, has a right to defend them, with a wish to prove at the board of the holy office, that the said absentees are either dead, or have some just cause for their absence, they shall be admitted to make their allegations, and the cause shall proceed according to law.

7. If the absentees appear after their causes have received sentence, or after they have been relaxed in statue to secular justice, and present themselves to the board of the holy office ; or if, being imprisoned, they should confess their crimes, they shall be admitted and heard, provided they are desirous of defending themselves, and their causes shall be continued according to law, and in what respects the confiscation of their goods what is determined in Book III. tit. 26. § 3. shall be observed.

8. If any person, after having presented himself to the board of the holy office, to confess himself guilty of heresy, shall absent himself before a decision has been

entered in his cause, and it is not known with certainty to what place he is gone; or the place, though known, is such that he cannot be imprisoned nor summoned there, the inquisitors shall proceed against the absentee, by summoning him by letters of edict, in the manner aforesaid, and the process shall be formed according to chap. *Cum Contumacia*; but if, besides his confession, there are witnesses against him, though nothing more than a presumption may result from their testimony of his having committed the crime which he has confessed, the inquisitors may form his process in either of the two before mentioned forms.

## TITLE XX.

### *Of Suspitions.*

1. Whenever a defendant alleges that he has lawful causes for suspicion, and that he wishes to refuse any of the inquisitors, ordinaries, deputies, notary, or commissary of the holy office, because he suspects them, he shall be desired to declare the reasons he has for entertaining such suspicions; and informed that, in order to prepare the articles thereof, he must be attended by his procurator, whom the inquisitors shall send for, and after they have declared to him for what purpose he is summoned, and have administered to him the oath, if he has not yet taken it as procurator in the cause of the defendant, upon that oath he shall be told not to bring on the alleged suspicions, if he does not conceive them to be lawful; or imagines them to be contrived only for the purpose of delaying the cause. The procurator shall then go to wait on the prisoner, and to assist him in drawing up the articles of suspicion, which shall be written and signed by the procurator, and laid before the board, where, after it has been entered in the records, and added to the process, it shall be seen by the inquisitors, who should they be of

opinion that the articles do not contain matter of such a nature that they affect the suspected party, even if proved, shall enter a decision near the articles, that the suspicions do not hold good: but if all the articles, or any of them, should appear worthy of being received, it shall be stated in the decision, that, in consideration of their matter, they are received, and that such witnesses shall be examined concerning the articles as the defendant may name; for which purpose the defendant shall be summoned to the Board, where he may name five witnesses to each of the articles, or fifteen to all, but no more; and when the examination of the witnesses has taken place, it shall be seen at the board; and, according to the result, after it has been examined, the inquisitors shall state in their decision that the suspicions are either proved or not proved, at least as much as is necessary to determine the point between the suspecting and suspected, whether they must or not vote or write in his process.

2. If a defendant alledges any suspicions against any one of the inquisitors, the others who are free from them shall be judges of the case; and if the suspicions include two inquisitors, the third shall be the judge; and if the suspicions are alledged against all, they themselves shall examine into the business at the board; and if it appears to them that the suspicions are notoriously frivolous, and brought forward only with a view to impede or delay the course of the process, they shall pronounce them so; and shall proceed with the cause as if it had not been attempted to exclude them as suspicions: but should it appear to the inquisitors that the suspicions are so well founded, that, if proved, they would be excluded and held as suspicious, they shall send the case to the council-general, to be decided according to justice.

3. The same inquisitors shall be the judges of suspicions alledged against the person who attends on the part of the ordinary, or against any of the deputies, nota-

ries, or commissaries, or any other officer ; and they shall endeavour to pass a sentence in such cases of suspicion with all possible speed, but pending these cases, the course of the processes shall not be suspended ; on the contrary, the inquisitor or inquisitors who do not labour under any suspicion, shall proceed with them, and may vote in the interlocutory sentences, (sentences upon matters incident to the trials,) which may be pronounced in the course of these processes. It is only in definitive sentences that they shall not vote, without the causes of suspicion being first ascertained, and its being known who can and who cannot vote in this respect.

4. And none of the aforesaid persons can vote, write, or do any thing in the cause of a defendant whenever they may incur any suspicion, and every thing they may do in his cause shall be null and void ; and if it be an inquisitor, an ordinary, or a deputy, who incurs suspicion, he shall never any more be the judge of a recusant ; and if the person accused of suspicion is the person whom the ordinary has sent in his stead, they shall desire him to name another who may not be suspected ; and if it be a notary, he shall no longer write in the process of the defendant, but all he has written until the period of his being excluded shall be good and valid. But when the commissaries have excited suspicions, if they have made any enquiries, or done any business relating to the process of the defendant who suspects them, all transacted by them shall be null, void, and of no effect ; and the business shall be done over again by other persons without suspicion ; and from thenceforth the commissaries shall not be entrusted with the transaction of any other business that may be necessary during the process of the defendant.

5. In the processes which may receive a final sentence by a decision of the council-general, no prisoner shall be admitted to alledge any suspicions whatever, though he may assert upon oath, that they are founded on new

grounds; since, in this case, it may be justly presumed, that the suspicions are brought forward with the sole view of embarrassing or delaying the cause; and so likewise after the defendant has produced some former suspicions, which the inquisitors have declared not to be well founded, or which could not be proved, he shall not be admitted to adduce any more, except when, by a short information, extra-judicially obtained before the defendant is permitted to bring forward his suspicions, it may appear to the inquisitors that they are founded on some new matter.

And if any defendant alleges that all the board, or all the ministers of the holy office have incurred his suspicions, and he expresses his wish to bring articles of suspicion against them all, he shall not be heard upon such a request.

6. Whenever any one of the inquisitors, the ordinary, or person who attends in his stead, the deputy, notary, or any other minister of the holy office, shall understand that he is suspected by any prisoner, he may excuse himself from doing any thing in his cause; and in this case it will not be sufficient for him to say that he has an objection to it, but it will be necessary for him to declare in writing, in the process, that he is suspected *jure jure* *jurando*.

7. If the prisoner says that he has legitimate cause of suspicion against any deputy or secretary of the council-general, and the process is of such a nature as to require that it should go to the council, the inquisitors shall report the circumstances to us, that we may provide in the case as justice shall require.

8. In all causes that occur between parties, of which the inquisitors take cognizance, by virtue of royal orders and privileges; if any of the parties alledge suspicions against any of them, or against a notary who writes in a cause, they shall decide upon them in the manner prescribed in section 2. of this title; and in every other res-

pect they shall observe what is prescribed in the ordinances of the kingdom, Book IIF. tit. 31.; granting appeals and petitions of grievances to the council, in all such cases as are permitted by the said ordinances.

## TITLE XXI.

### *Of Appeals.*

1. From the sentences which the inquisitors may pronounce on processes dispatched at the board of the holy office, whether they may be definitive or interlocutory, the promoter may appeal to the council-general, alleging in writing the reasons by which he intends to prove on the part of justice that he has been aggrieved; and this practice shall take place not only in sentences delivered on those processes that are not of a nature to go up to the council, but also in those which, by virtue of these by-laws, are to be carried there, though it might have been declared in the decisions that the processes should be laid before the council.

2. Those reasons which the promoter may have to allege, in order to prove the grievance that is the case of his appeal, shall be written on a separate paper, which shall be added to the process; and after this has been seen at the board, the inquisitors shall also state near to it, in writing, the principal reasons on which their decision was founded, should they not be already declared, with all such other information as may appear necessary, to furnish a full knowledge of the case, and to render its decision the easier; and if they have no other reasons to allege than those stated in the decision, they shall answer that they refer to them.

3. The same order which is to be observed by the promoter on his interposing an appeal, and in the reply of the inquisitors, as well as in every thing else going to the council, together with the documents relating to

the trial, shall be attended to in the appeals interposed by the defendants in their processes, and the inquisitors shall order the defendants to be attended by their procurators, in order to interpose these appeals, which shall be formed by the procurators in writing, with the reasons and causes on which they are grounded.

4. The prisoners may appeal from all decisions and sentences, published to them, when they comprehend irreparable injury, or have the force of definitive sentences; as, for instance, when it is published to them that their defence shall not be received, or the contradictions they have produced, or the sentence of torture; and they may also appeal from any other decisions that may be published to them, or of which they may have judicial information, though the same is not made known to them, nor comprizes more than an interlocutory sentence, and should appear on that account to belong only to the arrangement or formation of the process; since it is just, that, by the means of appeal, all grievances done to prisoners during their causes may be redressed before their trials proceed. This is also exemplified in the following instances: if a prisoner sees in the libel of justice which the promoter brings forward against him, that he is accused of having relapsed, and he feels himself aggrieved by this; alledging that the first abjuration was null, or was only made *de leve*, or any other similar reason; also if a defendant, after having alleged that he is an old christian, and has no mixture of blood, should be informed by the inquisitors who have made enquiries on the subject, and endeavoured to ascertain the point, that they consider him to belong to the Hebrew nation;—also, if a defendant should request a declaration of the time and place when and where his crime was committed, or any other circumstance in relation to his case, and this should be refused to him; for, in all these cases, as

well as those that may resemble them, the appeal of defendants shall be admitted. But they shall not be allowed to appeal against definitive, or any other sentences, of which they either have not received or ought not to have judicial information.

5. If a defendant avails himself of his power to appeal in those cases wherein he may do so, at such a short period before the *auto* that there is not sufficient time for an appeal to be laid before the council, the inquisitor, with the ordinary and deputies, shall examine it at the board; and if, after considering the reasons therein alleged, and every thing else inserted in the process, they should appear to them to be of a frivolous nature, they shall pronounce them such, and shall direct their decision to be executed notwithstanding the appeal, as well as all other things against which it might have been levelled: should they be of opinion, that, in consequence of the appeal, and of new matter brought forwards, the sentence ought to be revoked either wholly or in part, it shall be revoked or modified agreeably to what may be decided by the majority of votes: and should the promoter appeal at such a time that the appeal cannot be preferred to the council, and be decided upon before the *auto* takes place, it shall be examined at the board; and if there are at least two votes in favour of the appeals being received, the prisoner shall be reserved for another *auto*.

6. Whenever it may be determined by a final decision, pronounced either in the council or out of it, on the appeal of a prisoner, that the inquisitors have done right, and that the appeal is to be rejected, a publication of such decision shall take place; except when any inconvenience may result from its being published, in which case the inquisitors may think it expedient to withhold the publication.

## TITLE XXII.

*How the Things wanted for the auto-da-fé are to be provided, and of the Order to be observed therein.*

1. Whenever it may appear to the inquisitors that the dispatch is in a situation to be soon concluded, they shall name to us three preachers, whom they think best calculated to preach the sermon required at the *auto-da-fé* in sufficient time before the *auto* for notice to be given to such one of the three as we may select ; and if there may be any persons who are condemned to relaxation, the inquisitions that do not reside at the court shall likewise propose to us three *desembargadores* (judges of the secular high court of justice), in order to enable us to make choice of one of them whom we may think proper to be present at the dispatch of the relaxed, and we will take care that his majesty shall give him the necessary commission for this purpose. And should there be any person in sacred orders to be relaxed to secular justice, information must be given to us of the bishop who can perform the degradation, and also of the day on which the *auto* can be celebrated ; and when this has been fixed by us, the inquisitors shall direct every thing that may be necessary for the *auto* to be got in readiness ; and if there are any *apresentados*, who are to appear therein, they shall give them notice in time that they may not fail in their attendance on that day.

2. Before the first notification is made to persons convicted, the prison shall be arranged in such an order, that the prisoners therein, who may be under a final decision, shall be placed in different corridors from those summoned for the last time, that one may not learn any thing from the other. Those summoned for the last time, the inquisitors shall order to be placed together in one corridor, if possible ; and they shall enjoin the guards to

watch them with every care ; and they shall also give directions that the prisoners who are to remain in confinement shall be separated as much as possible in different rooms, that they may not receive any information from those who are to appear in the *auto*, or from those who have recently come into the prison.

3. They shall give orders that all persons condemned to do penance shall go decently dressed, and to this end they shall make enquiries of the alcajde, eight or ten days before the *auto*, what prisoners are in want of clothes, and they shall order them to be provided therewith according to their rank ; but they shall not allow them to have silk dresses, nor to wear their hair or their beards long ; and they shall desire the treasurer to have prepared a sufficient number of penance-dresses, and sufficient wax candles for the performance of the ceremony ; and should the prisoners who are to be relaxed be many in number, he shall also be desired to call in the painter in sufficient time to draw their portraits, and the fire devices in the penance dresses ; and if there are any prohibited books to be burnt, or any bones of deceased criminals to relax, he must employ some carpenters to make the boxes in which they are to be conveyed, as well as chairs for infirm prisoners, and every thing else that may be necessary ; and the inquisitors shall prepare and arrange every thing with such care, that there may be nothing wanting. They shall, moreover, call in the judge, and treasurer of the exchequer, some days before the publication of the *auto*, and tell them that it will be published very shortly, and that they must be ready, and order the scaffold to be prepared.

4. The *auto* shall be published eight days before it takes place in all the churches of the city, and the inquisitors shall cause edicts thereof to be issued in time, which, on the Saturday before the day of publication,

shall be delivered to the familiars, who are to affix them to the several churches; and in these edicts they shall give orders, under apostolic authority, that, on the day of the *auto*, no sermon shall be preached in any church of the city, nor any procession be permitted to take place, and they shall exhort the faithful to attend the sermon at the *auto*.

5. At the inquisition which resides at the court on the Sunday morning, the day in which the *auto* is to be published, the senior inquisitor shall go to inform the king, or the person who may then hold the government of the kingdom, that the *auto* is to be published on that day; and should it happen that they are not in town, a message shall be sent to them by one of the deputies, in time sufficient for them to be informed of the publication of the *auto* before it takes place, and the king or other person shall then be solicited to order the captain of the guards to cause the *tudescos* (German body guards) to keep the door of the scaffold, and not to admit any person without an order from the corregidor of the court, who is to attend there.

6. After the *auto* is published, they shall order the chaplain belonging to the prison of penance to attend at the saloon every day, and to the procurators of the familiars they shall give orders, directing them to cause some of the familiars to attend there also, and to execute what the inquisitors may enjoin them to do; and to make out a list of all the familiars in the city capable of accompanying the persons condemned to penance, in which list must be declared the old men amongst them who may attend the women. They shall also send for some clergymen, to read the sentences to be published in the *auto*, and amongst these they shall select such for that purpose who can read best, and have the best voices, to whom they shall shew some of the sentences, without the names of the prisoners, that they may make themselves acquainted with the hand-writing and contents thereof.

7. On the Thursday before the *auto*, they shall send a message by one of the notaries to the collector of the pope, and to the bishops who may be in the city; and by one of the solicitors to the chapter of the see to request them to come and be present at the *auto*; informing them, that if they come, they shall have proper places assigned to them and messages also shall be carried by the familiars to the prelates of the religious orders, that they each send one of their society to attend the *auto*. On the morning of Friday, they shall inform the *regedor* (chief justice) by the *meyrinho* of the holy office, that in consideration of there being some persons to be relaxed at the *auto*, he must give the necessary orders for their being sentenced, and for the execution of their sentences, which must be complied with; and they shall request him to order the ministers and officers of justice to accompany the procession and attend at the scaffold, as well as at the gate of the inquisition; and in such places where there is no resident *regedor*, similar orders must be given by the board to the *desembargador*, who is to preside at the dispatch of the *relaxed*, and who must be desired, if the officers of the city are not sufficient, to swear in as many more officers as may be necessary. If a *desembargador* does not attend because there are no prisoners to be relaxed, this shall be given to the judge of the exchequer, and they shall summon to the board the *corregidores* in criminal law, as well as of the court; or the *corregidor* and *juiz-de-fora* of the city, that the senior *corregidor* in criminal law or of the court, or the *corregidor* of the city, may take upon himself to guard the scaffold; and the other *corregidor*, or *juiz-de-fora*, shall undertake to protect the gate of the inquisition, and he must be ordered not to suffer any persons to be admitted to the scaffold but the persons called and wanted there; nor any persons

to go into the yard of the inquisition, except the ministers, familiars, and persons whose duty it may be to accompany the prisoners condemned to do penance; and of these persons he shall have a list. On the same day when the inquisitors leave the board in the morning, they shall order the religious appointed to attend the prisoners in their final punishment, to be called in, and they must be in readiness at the inquisition at two o'clock. They shall moreover send a message to the treasurer of the royal chapel; and if there be none, to the treasurer of the see, that he may cause the altars of the scaffold to be prepared; and another order shall be given to the grand chamberlain, or person who provides the tapestry, to cause the same scaffold to be decorated with the necessary hangings.

8. On Friday they shall order the promoter to make up his list of the persons who are to appear in the *auto*, that it may be completed by Saturday evening, and from this list the necessary copies shall be taken. They shall, first, place upon the list the men dead, the absolved from the instance, and the living also absolved, who are to go to the *auto*: then those who are not to make any abjuration; afterwards those who are to abjure *de leve*, and *de vehemente*, and next those who are to abjure *in form*: and if there are any confitent dead, who are to be received into the bosom of, and in union with the holy mother the church, their names shall stand after those of the living who abjure *in form*. A similar order shall be observed with respect to the women; and, in the last place, the men and women living *relaxed* are to be mentioned; and after them the statues and boxes of books, if any; and in every abjuration, those shall be placed first who have only slight abjurations to make. And when there are any persons to appear in the *auto* who have been imprisoned for the second time, after having been once reconciled, if they wear the penance dress they shall be put in the list, and shall

hear their sentences after those who abjure *de vehemente*, and before those who abjure *in form*; and if their penance dresses be painted with fire devices, they shall hear their sentences after the others; and lastly shall come those who wear a penance dress without redemption.

9. If there are any sick prisoners who are to go in chairs, statues, or cases of prohibited books, on the Saturday afternoon the inquisitors shall order men necessary to carry them to be called in, who shall sleep the preceding night in the yard of the inquisition, that they may be in readiness, and likewise the men who are to carry the chests containing the processes, which shall be conveyed with great order and arrangement: within the same chests shall be carried the Bye-laws of the holy office, one of the memorandum-quires of the inquisitors, the book containing the form of absolution for the reconciled, and ink-stands and paper to use in the *auto* when necessary.

10. When it has been decided by the inquisitors how many persons are to appear in the *auto*, they shall ascertain how many familiars there are to accompany them; and if there is not a sufficient number, they shall cause the necessary persons to be called in, provided they are of known purity of blood, of good behaviour, and the greatest respectability that can be found; to which persons, as well as to the familiars, the inquisitors shall issue summonses on the Saturday, requiring their attendance at the yard of the inquisition early in the morning of the following Sunday; and they shall further order the prior of the convent of St. Dominick to send his community at the hour prescribed, to bear the standard of St. Peter the martyr, and accompany the procession.

11. The sentences of the persons who are to appear in the *auto* shall be extracted in time, so as they may be added to the processes on the Saturday; but previous to this, the inquisitors shall examine them at the board, in

order to prevent any thing from appearing in them which it may be improper to divulge, or that may not be stated in the documents of the trial, and particularly such passages as may excite scandalous animadversion, or occasion laughter in the audience. In the sentences of married women, or prisoners who are single, the purity of blood in their parent or husband shall not be adverted to; and it will be quite sufficient to ascertain them, by specifying their several employments, in the sentences or in the frontispiece of their processes; and similar precautions shall be used with respect to the sentences of persons whose crimes do not amount to judaism; except when, by any enquiries made during a process, the purity of the blood is ascertained.

12. On the Saturday night, the inquisitors shall order four copies to be taken of the list of those prisoners who are to appear in the *auto*; one for the alcaydé, in which the names only of persons alive shall be written in the same order as they are to walk in the procession, and in which also those shall be mentioned who are to wear the penance dress with fire devices, or to undergo the gag, or *carocha*; or any penance; as well as those intended to be relaxed; that he may know how to provide each of them with what he is to have according to his sentence: another for the inquisitor appointed to attend the delivery of the prisoners to the persons who are to accompany them to the *auto*, which shall be written similar to the preceding; the third for the meyrinho, which, besides the names of persons alive, shall contain those also of the dead whose sentences are to be read at the *auto*; and a distinct account of the different abjurations to be made, that he may call them up, in proper order, to the place where they are to hear their sentences, and put those together who are to make the same kind of abjuration: the fourth for the notaries, agreeably to that of the meyrinho, that they may

be enabled to give out the processes in due time, to the clergymen appointed to read the sentences and the abjurations. All these four lists shall be compared together before they are sent out of the secret, that they may all correspond and have no difference.

13. The list for the alcayde shall be delivered to him before twelve o'clock at night, that he may arrange the prisoners in proper order, and that for the meyrinho, shall be delivered to him after the prisoners have left the prison; and at a convenient hour the junior inquisitor shall go to the door of the prison, accompanied by a notary, having his list, and a list also of the names of the familiars and persons who are to accompany the prisoners; and he shall order the alcayde to bring them out; and deliver them up to the meyrinho, and to the familiars, and other persons employed for the purpose of receiving them, to whom the inquisitor is to give instructions that they are not to leave the prisoners entrusted to them, either during the procession or the *auto*, under pain of being punished for it; and the junior inquisitor shall moreover observe whether the prisoners wear the dresses, and perform the penances imposed on them; and that the women, and particularly those who are young, walk with old men; and that no person accompanies the prisoners, from whose presence any scandal might arise.

14. After the prisoners have all left their cells, the chaplain belonging to the prison of penance shall follow; and where there is none, one of the clergymen who enjoy benefices in the parish church, shall go with the crucifix exalted in his hands, accompanied by six familiars, or clergymen, with torches or flambeaus, according to the custom of each of the inquisitions, and behind the crucifix the relaxed shall be placed, with the friars appointed to attend them; and then shall follow the ministers of justice, in order to defend the prisoners against the mob;

and after the procession has quitted the yard, the chests containing the processes shall be conveyed to the *auto*, and two familiars shall accompany each chest; and one of the deputies shall cause a list to be sent to the king, or person at the head of government, and to the collector of the pope, the archbishop or bishop of the city, by the familiars. When it is understood that the prisoners have arrived at the *auto*, the inquisitors and other ministers of the inquisition shall proceed thither on horseback, having the meyrinho before them with his staff of office, and they shall order the senior solicitor to follow in the procession, carrying with him, on that day, his official staff, with which he shall take his post between the last of the friars of St. Dominick and the first prisoner, and he shall be attended by one of the guards of the prisons, who is best acquainted with the prisoners, and may readily know how to call them when the meyrinho orders them to be fetched to hear their sentences; and this guard shall take with him some gags, to put in the mouths of those who may improperly conduct themselves, if the inquisitors should order it.

15. When the procession of the tribunal has arrived at the scaffold, and the ministers are seated in their places, the sermon shall begin, at the commencement of which the preacher shall, if we are present, first bow to us; and if we are not, to the inquisitors; and after the sermon, the edict of faith shall be read from the pulpit, as well as the general admonition. Then they shall proceed with reading the sentences in the order of the list of the notaries; and when all the sentences of the reconciled have been read, the senior inquisitor shall put on a surplice, stole, and priest's violet cope, and with all the solemnity required in such an act, perform the absolution, assisted by the clergymen of the parish, those who read the sentences, and the chaplain belonging to the prison of penance, who

shall touch those sentenced to do penance with the rods. The notaries shall not accompany the inquisitor on this occasion; and after the absolution is performed, the inquisitor shall return to his seat, when the sentences of the relaxed shall be read; and the meyrinho, as they are severally named, shall deliver them up to the ministers of secular justice, who may be in the *auto*.

16. After the sentences have been read, and the relaxed have been delivered up to secular justice, one of the notaries shall take their sentences to the senior inquisitor, when they shall be signed by the inquisitors, and sealed with the seal of the holy office, and the inquisitor shall deliver them with his own hand to the senior corregidor of crime of the court, or to the desembargador appointed to preside at the dispatch of the relaxed, who shall go to receive them at the place where the inquisitor is, and the sentences shall be delivered to him with all due and necessary civility.

17. When the relaxed have left the scaffold, the procession of the penitent and reconciled shall return in the same order of arrangement as it went to the *auto*, and it shall proceed to the saloon of the inquisition, where the alcaide of the prisons of penance shall receive them from the hands of the meyrinho, and take them into his custody; and in these inquisitions wherein there is no particular prison of penance, this delivery shall be made to the alcaide of the secret prisons, to whom the inquisitors shall give orders for putting those condemned to do penance into cells, where they cannot communicate with the other prisoners, nor give them any information concerning the persons who have appeared in the *auto*; and the guards also shall receive directions to be very particular in watching during the following night.

18. When the procession has departed altogether from the *auto*, the inquisitors and other ministers shall return

home, each in the way he likes, without going together in the form of a tribunal, and in the morning of the following day, the inquisitors shall order those condemned to do penance to be brought before the board, together with those also who have made abjurations, which they shall sign in the presence of the notary and two witnesses, agreeably to the manner prescribed in Book III. tit. 1. § 1. and an oath shall be administered to all, for their preserving secrecy, and not to reveal what they have seen or heard in the prisons, nor what passed with respect to them at the board of the holy office, of which oath a record shall be entered signed by them. When this has been done, they shall be recommended to separate themselves from the company of suspicious persons, who may endanger their consciences; and to conduct themselves in every respect in such a manner as to give signs of their conversion, and feeling a true repentance of their crimes. They shall then be informed of the punishments they have incurred, according to law, as determined in Book III. tit. 1., and the inquisitors shall order them back to the places where they are to be instructed.

19. The inquisitors shall select for this purpose a learned and prudent friar; who shall be called to the board, and there charged to attend, for their instruction at the prison of penance, or the church assigned. He must be told of every thing that may appear necessary, and an oath must be administered to him, that he will constantly communicate every thing learnt from the prisoners out of the sacramental confession, which he may think right to be known to the board of the holy office; and that he will hear the confessions of those who are sufficiently instructed, and give them certificates thereof, which shall be delivered to the alcayde, to present at the board; and the chaplain belonging to the prison of penance shall say mass every day, to those who are desirous of hearing it, as

is determined in Book I. tit. 22. § 11. and he shall also administer to them the sacrament of eucharist, having a previous order from the inquisitors to that effect, and he shall give a certificate of the same, to be joined to the process. After this, the inquisitors shall enjoin the spiritual penances prescribed in Book III. tit. 1. § 6. which shall be fulfilled in the manner declared in the same book; and concerning these, letters shall be delivered to them in the name of the inquisitors, ordering them to present themselves with such letters before the commissaries, or, where there are none, before the clergymen of their respective parishes; and, in these letters, both the spiritual penances inflicted on them, and the things which are prohibited to them, as determined in Book III. tit. 3. § 12. shall be declared.

20. On the Tuesday following the day of the *auto*, the sentences of those condemned to do penance, and to be whipped, shall be executed; and they shall go out by the door of the yard of the inquisition, and shall be led through the streets, according to the usual custom; and, on the same day, those condemned to banishment shall be sent to the public goal, where there is no prison of penance, from whence the meyrinho shall convey them to the church, where they are to receive instruction, and after they are instructed, they shall be sent to the gaol of the court, with letters of request to the judge of exile, declaring the length of time for which they have been condemned to suffer banishment, and requesting him to cause this banishment to be executed according to their sentences.

#### TITLE XXIII.

*Of the Things reserved for the especial Cognizance of the Inquisitor-general, and the Council.*

Of the many things adverted to in these Bye-laws some we reserve to ourselves; others we refer to the council-

general, because such a practice is convenient to the holy office: and though all matters are placed under the several heads to which they respectively belong, yet to give a better information thereof, and that each matter may be easier found when necessary to be known, we have ordered the whole to be placed together in this title, in the form of a summary, and from hence we shall refer them to the proper titles, under which they are respectively noticed.

Those things which are specially reserved for our cognizance the inquisitors shall report it to us, either by letter or by way of consultation, to be sent sealed up, that we may resolve as we may think proper, and as may be most advantageous to the service of God our Lord; and of those things which are reserved to the council, some shall go there as consultations from the board, and others with the original papers of the trials, whether accompanied by the decisions of the board, or without them, according to the nature of the trials, and to what has been ordained. All these documents shall be directed to the secretary, in order to be presented to the council wherein such resolutions shall be taken respecting them, as may appear consonant to justice.

*By Letter to the Inquisitor-general.*

When informations of crimes have been laid at the holy office against persons, concerning whom inquiries have been directed, in order that they might be admitted into the service of the inquisition, as is observed in Book I. tit. 1. § 4.

When a commission is offered to any minister of the holy office, and he wishes to accept of it; as noticed in Book I. tit. 1. § 9.

When there has been any neglect in proposing business to the board, or in executing its decisions, that the junior in-

quisitor should give private information, Book I. tit. 3. § 7.

When any disturbance or difference of opinion takes place amongst the inquisitors, or when any of them receive information that one of their body has committed any crime deserving punishment : Book I. tit. 3. § 10.

When information is given that the secrecy is not observed, though it may be only in slight matters : Book I. tit. 3. § 10.

That the visitor shall from time to time report what he discovers during the visit, and the doubts he may have : Book I. tit. 4. § 13.

#### *By Consultation.*

When it is necessary for any of the inquisitors to transact any business out of the holy office : Book I. tit. 3. § 13.

When it may appear convenient to commit to the deputies any process, receiving confessions and denunciations, or interrogating persons referred to : Book I. tit. 3. § 14.

When there is a want of persons to attend at the ratifications : Book I. tit. 3. § 21.

When there is no money in the chest, or the treasurer of the exchequer says that he has no funds for the maintenance of the prisoners : Book I. tit. 3. § 40.

When any inquisitor, deputy, or promotor, commits a grievous crime, or does any thing deserving of punishment, reprimand, or admonition ; or when it is necessary to do any business in consequence of complaints against an inquisitor, deputy, or promotor : Book I. tit. 3. § 47.

Whenever it is necessary to entrust any business out of the city wherein the holy office resides, to any deputy or promotor : Book I. tit. 3. § 50; and Book II. tit. 10. § 7.

Whenever it appears convenient to give a reprimand at the board to any person, who, according to these Bye-

laws, is entitled to have a seat there with a back to it :  
Book I. tit. 3. § 59.

When there is not a sufficient number of votes for the  
dispatch : Book II. tit. 13. § 2.

When any prisoner says he entertains suspicions  
against any deputy of the council-general : Book II. tit.  
20. § 7.

*By Consultation to the Council-general.*

Whenever it is necessary to appoint a confessor to a  
prisoner in cases not declared in Book I. tit. 3. § 28.

When any of the inquisitors of Castille solicit informa-  
tion relative to the crimes of persons denounced in this  
kingdom, Book I. tit. 3. § 31.

List of the prisoners to begin general dispatch, Book I.  
tit. 3. § 36.

When it may be necessary to incur expenses, which  
exceed the amount stated in Book I. tit. 3. § 42.

When it may appear expedient to prolong the time of  
recognizances entered into by persons who are indebted to  
the holy office : Book I. tit. 3. § 45.

Whenever it is necessary to confront a criminal with  
the witnesses brought forward on the part of justice :  
Book II. tit. 3. § 7.

When any officer belonging to the holy office com-  
mits a grievous offence : Book I. tit. 3. § 47.

Whenever a prisoner is desirous of having a procura-  
tor not belonging to those who act in ordinary at the  
holy office : Book II. tit. 8. § 2.

When it appears necessary to anticipate or postpone  
the first notification to convicts : Book II. tit. 15. § 2.

Whenever it appears that any part of their goods should  
be remitted to the *apresentados*, who abjure in public :  
Book III. tit. 1. § 5.

When there is occasion to submit to the holy office the

crimes of any blasphemers, condemned at an ecclesiastical court : Book III. tit. 12. § 13.

*Processes sent to the Council without a Decision of the Board.*

The informations relating to persons who wish to be admitted into the service of the holy office : Book I. tit. 1. § 5.

The *theses*, which the inquisitors may order to be reviewed when any of the qualificators feel doubts concerning any proposition contained in them : Book I. tit. 3. § 56.

The processes of suspicious persons, who confess themselves guilty, before the visitors, of the crimes declared in paragraph 3. tit. 1. of Book II.

The processes of persons who confess before the visitor of the holy office, with respect to crimes of formal heresy : Book II. tit. 1. § 4.

The processes of persons, who, before the inquisitor, confess themselves guilty of crimes of relapse : Book II. tit. 1. § 5.

The causes comprising legal suspicions against all the inquisitors, when it may appear that they are worthy of attention : Book II. tit. 1. § 2.

*Warrants of Imprisonment sent to the Council.*

Crimes discovered during a visit, when it appears that they are sufficient to justify proceeding to imprisonment : Book II. tit. 1. § 7.

Crimes in which there are qualified propositions : Book II. tit. 3. § 11.

Crimes of those who have been committed to prison upon the evidence of only a single witness, who is not a relation in the first degree, in the manner prescribed in Book II. tit. 4. § 4.

Crimes committed by clergymen, or religious, or by

secular persons, to whom, according to these Byc-laws, seats with backs to them is to be given at the board of the holy office, or by merchants of great capital : Book II. tit. 4. § 5.

All cases of sodomy, and where there is a doubt whether a merchant possesses a great capital, or a person is of sufficient rank to be entitled to have a seat with a back : Book II. tit. 4. § 5.

*Processes sent to the Council with a Decision.*

The processes in the dispatch of which the visitor of the holy office and the ordinary do not agree, as to their votes : Book II. tit. 1. § 2.

The processes of the *apresentados*, with whose crimes any persons not accomplices are acquainted, when it appears likely that there would be inconvenience in examining them : Book II. tit. 2. § 3.

The processes of bigamists, when nothing appears against them but their own confessions : Book II. tit. 2. § 3.

The processes of *apresentados* for crimes committed in foreign countries ; when their confession is not satisfactory, and it may appear that they ought to be imprisoned : Book II. tit. 2. § 9.

The processes in which enquiries are made concerning the purity of blood in a defendant ; whether such enquiries were instituted at his own request, or *ex officio* : Book II. tit. 11. § 6.

The processes in the final decision of which the votes are even : Book II. tit. 13. § 10.

Whenever there is any difficulty in reducing the votes, to ascertain the majority : Book II. tit. 13. § 11.

The processes of those absolved of the instance : Book II. tit. 13. § 14.

The processes in which there is a vote of *relaxation* : Book II. tit. 13. § 14.

The processes of persons who were committed to prison by the orders of the Council, or processes that have gone up to the Council with any definitive decision: Book II. tit. 13. § 14.

The processes of those who have proved themselves false witnesses, heresiarchs, dogmatists, and renegados, in the country of the Moors: Book II. tit. 13. § 14.

The processes of persons, old christians, who affirm, that the body of Christ our Lord is not in the consecrated host as perfectly as it is in heaven: Book II. tit. 13. § 14.

The processes of all persons who may have been condemned to abjure *de leve*, when pecuniary fines are inflicted on them: Book II. tit. 13. § 14. and Book III. tit. 2. § 9.

Whenever it is necessary to inflict torture by the *Colt* on a woman, Book II. tit. 14. § 6.

When it may appear convenient to inflict the torture on any prisoner in more than one instance; Book II. tit. 14. § 10.

The processes in which there is a vote of torture *in caput alienum*: Book II. tit. 14. § 3.

The processes of persons who confess, after it has been notified to them that they are convicted: Book II. tit. 15. § 4.

The processes of persons who confess at the *auto*, when the Council is present: Book II. tit. 15. § 9.

The processes of heretics who affirm: Book II. tit. 16. § 4.

The processes of all deceased: Book II. tit. 18. § 3.

The processes of absentees: Book II. tit. 19. § 4.

The processes in which the promoter or the parties appeal, according to the form prescribed in Book II. tit. 21.

The processes of *apresentados* guilty of relapse a second time: Book III. tit. 1. § 9.

The processes of *apresentados* during the time of grace ; in which processes it may appear to any of the votes that they must abjure in public, without wearing a penance dress : Book III. tit. 1. § 4.

The processes of *apresentados* who confess crimes committed in foreign kingdoms, whenever there is a doubt entertained whether they shall abjure in public : Book III. tit. 1. § 10.

The processes of *apresentados* beyond the time of grace, in which processes it may appear to the majority of votes, that they are to abjure in public, without wearing a penance dress : Book III. tit. 1. § 4.

The processes in which it may appear that criminals condemned to abjure *de leve*, or *de vehemente*, ought not to attend the public *auto* : Book III. tit. 2. § 12.

The processes of persons suspected of receiving the holy sacrament, after eating any food : Book III. tit. 13. § 4.

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## BOOK III.

*Of the Penalties to be inflicted on those guilty of the Crime of Heresy, of which Crime the Holy Office takes Cognizance.*

Against heretics and apostates, who, after receiving Christian baptism, renounce their belief and reliance on our holy catholic faith, and separate themselves from the bosom of, and from an union with the holy mother the church, by common law, and apostolic briefs, the penalties of excommunication have been determined, *lata sententie* reserved to the holy Pontiff, by the bull entitled the Lord's Supper; from which, however, the inquisitors may absolve, so far as their external jurisdiction is concerned, by the apostolic permission to them granted; and with respect to irregularities which impede the exercise of orders already received, or prevent any from being granted, infamy and privation of offices and benefices already obtained, as well as inability to obtain others, *relaxation* to the secular court, and confiscation of property from the day when the crime was committed, shall take place. Besides those penalties, there are others of less severity, such as abjuration, exile, whipping, imprisonment, solitary confinement, wearing the penance dress, pecuniary fines, and spiritual penances. With any or either of these it is customary for the holy office to punish the guilty, according to the different nature of crimes, state of the causes, proportion of guilt, and rank of the persons who committed the crimes. The manner of proceeding in these cases at the holy office is declared in the following titles,

## TITLE I.

*Of Heretics and Apostates from our Holy Catholic Faith, who are Aparentados.*

1. Though all persons, whatsoever may be the class or condition to which they belong, who are guilty of heresy and apostacy, and persist in separating themselves by the word and deed from our holy catholic faith, incur, as to the aforesaid penalties of the greater excommunication, imputations of irregularity, infamy, privation of honours, offices, and benefices, as well as the confiscation of their property, and relaxation to secular justice; nevertheless, if they come and present themselves to the board of the holy office, not only during the time of grace but after it, and there confess themselves guilty of crimes of judaism, or of any other heresy or apostacy; and declare the accomplices with whom they were convicted in committing them, they shall be received into the bosom of and in union with the holy mother the church; provided, that at the time of presenting themselves they had not been denounced, (though witnesses may afterwards give testimony against them,) and their confessions appear to be true; and they shall abjure at the board in form, without wearing the penance-dress, before the inquisitors, one notary, and two witnesses, who shall be officers of the holy office, and unite with the prisoners in signing the records of abjuration.

2. And the *apresentados* who, at the time of presenting themselves, are denounced by one witness, shall enjoy a similar favour, except when such circumstances as are mentioned in Book II. title 4. § 4. concur in the person of the witness; for, in that case, the *apresentado* shall perform his abjuration in public, at such place as the inquisitors may choose, according to the rank of the person, and the nature of the crimes and of the confession: and

they shall wear the penance-dress, and be liable to all other penalties and spiritual penances that may be deemed convenient for the salvation of their souls, as well as to what is declared in § 6. And they shall likewise perform the abjuration in public, when they have been denounced by any witnesses, though they may be accomplices, or by circumstantial evidence, which may not appear to the inquisitors to furnish sufficient evidence or authority for committing them to prison.

3. And if by the confession of an *apresentado*, or by any other means, it becomes known to the inquisitors that there may be more than one witness against him, who can depose concerning crimes in which they were not accomplices, in this case he shall be examined in manner prescribed in Book II. title 2. § 2. and if nothing arises from their depositions to contradict the confession of the *apresentado*, or the witnesses cannot be found to be examined, the *apresentado* shall abjure privately at the board of the holy office, since, in order to render his abjuration public, it was necessary that he should have been denounced before he presented himself, or have been informed against at the court, or that some witnesses should have seen the crime committed, and made it public: and the circumstances of the witnesses being accomplices, when they have not deposed at the court, shall not be sufficient to compel the *apresentado* to abjure in public; since it is not to be supposed that those who were accomplices in the crime should have made it public; and as the crime remains secret, it is but just that the criminal should enjoy the benefit of an *apresentado*.

4. And if the crimes are well known, and of such a nature as to require a public satisfaction, though the criminal who comes to present himself may not have been denounced, he shall abjure in public, and in such a place as

the inquisitors shall appoint for that purpose ; regard being had to the rank of the person, and the circumstances of the crime ; and both during the time of grace as well as after it, all *apresentados* who, in consequence of having been denounced, abjure in public in the penance dress, shall be allowed the privilege of throwing off the penance dress as soon as they have finished their abjurations ; and should such circumstances concur, either as to the person or the confession made by an *apresentado* during the time of grace, as to render it evident to any of the votes that he must perform the abjuration in a public place, without the penance dress, the same shall be reported to the council-general, in order that the case may be provided for as justice requires ; and when, on account of those particular circumstances in the persons or confessions of an *apresentado*, after the time of grace has expired, it may appear to the majority that he must abjure in public, without the penance dress, the process shall be sent to the council, with the decision taken thereon.

5. All *apresentados* coming during the time of grace, who have incurred the aforesaid penalties for heresy, shall be absolved by the inquisitors of the greater excommunication, when they perform their abjurations ; and confiscation shall be remitted to them in manner declared in the edict of grace, as well as the privation of offices and benefices, and the penalty incurred for their irregularity shall be dispensed with. A similar practice shall be observed concerning *apresentados* exceeding the time of grace, who abjure at the board of the holy office, on whom no sequestration of their goods shall be inflicted, nor shall they be confiscated, for such measures are proper on account of their spiritual good, and for the sake of that secrecy in which their confessions must remain : but if they abjure in public, then they shall lose their goods from the

time when they committed the crime; and should it appear to the inquisitors, on considering the personal rank, time, manner, and circumstances of the confession, that their goods, or any part of them, ought to be remitted, they shall hold a consultation thereon, the result of which shall be sent to the council-general, in order that a determination may be there formed concerning the expediency of applying to his majesty to extend his pardon to the criminals, so far as to restore either the whole or part of their confiscated property.

6. And to all the above-mentioned *apresentados* the inquisitors shall inflict those spiritual penances which may appear necessary; enjoining them to separate themselves from such company, and avoid all opportunities which may induce them to fall again into the same crimes as those which they confessed, or similar ones: and they shall recommend to them to hear the sermons; and attend the divine service in the churches; and commune with virtuous and learned persons, who are able to instruct them in the matters of faith; and for the better ascertaining of their consciences, they shall order them to go to the sacrament of confession, at the four grand festivals of the year, viz. Christmas, Easter, Whitsuntide, and the Festivity of the Ascension of our Lady; and they shall not inflict penances on them, though their crimes may deserve such punishment, that it may not be known what they have confessed.

7. Those that come to present themselves to the board of the inquisition within the time of the edict of grace, or out of it, and confess crimes of judaism, or any other heresy, if they are denounced for other crimes, whose cognizance also belong to the holy office, they shall be received to a reconciliation, and shall abjure at the board without the penance-dress, in the manner mentioned in § 1: and the same lenity shall be shewn as to the union with the

church, by spiritual penances, in the manner stated in § 6, and abjuring at the board without penance-dress : those who have been denounced for the same crimes they come to confess by only one witness, except when there is, besides, such circumstantial evidence, or the degree of relationship, as declared in Book II. title 4. § 4 ; because, in this case, what is determined in § 2 of this title shall be observed. And if the *apresentados* are imprisoned in the prisons of the holy office for any other crime, and confess at the board crimes of heresy of which they were not denounced, what is determined in Book II. title 2. § 14, shall be observed.

8. The heresiarchs and dogmatists who at any time come to present themselves, and confess their crimes, with signs of repentance and true conversion, shall be received into reconciliation ; but though they may not be at that time denounced, they nevertheless shall abjure in a public place, with a penance-dress, on account of the injury and scandal they have caused by their false doctrine ; and they shall have, besides, the other penalties and spiritual penances inflicted on them, with a seclusion for some time in a monastery, or any other place the inquisitors may appoint, that they may be instructed, and delivered from the errors in which they believed and were taught ; great attention being paid to the risk there may be of their returning again to the same ; and so in the reclusion, as well as in the other penances, they may add what may appear expedient to those who present themselves out of the time of grace.

9. The confessions of those persons who present themselves with crimes of relapse in judaism, or any other heresy, if they are not yet denounced for it, they shall be received, and examined in the form stated in Book II. title 2. § 1 : and if it is agreed that they are true, and that the criminals are truly converted to our holy faith, they shall

not abjure *dè novo*, if in the first lapse they abjured in form, but shall be absolved at the board of the greater excommunication which they incurred, and the inquisitors shall inflict on them such spiritual penances and penalties as may appear expedient, according to the nature of their crimes, and shall appoint a virtuous and learned person, who may hear them confess, to instruct them in the matters of faith. But if they present themselves after being denounced, their cause shall remain in the disposition of the law and apostolic briefs.

When it happens that any relapse, after being once *apresentado*, presents himself for the second time, and confesses crimes of heresy, committed in a third lapse, if at the time when he so presents himself he is not denounced, his confession shall be received, and the process shall be sent up to the council-general, with the opinion of the inquisitors thereon, that it may be determined how to proceed in the case.

10. The *apresentados* out of the time of grace, who confess crimes of Judaism, heresy, or apostacy, committed in foreign countries, or with accomplices, or of which other persons know, who have seen it committed, if they are not yet denounced, and it may appear that their confessions are true, shall be received to the bosom of and in union with the holy mother church, and shall abjure at the board before the inquisitors, notaries, and officers, without penance-dress, that in consequence of this favour the guilty may be induced to confess their crimes; and if the case is such that there is a doubt whether it is expedient that they may abjure in public; a report of the same shall be made to the council-general, that it may be determined what is to be done.

11. Though crimes unseen or unknown are not subject to the judgment of the church, nevertheless if any person comes to the board of the holy office to beg pardon of

crimes accidentally unknown, in cases of heresy and apostasy, of which no proof could be produced against him, because, though shown by some external act, had not been seen or known by any other person, he shall be absolved of the greater excommunication which he had incurred; and judicially reconciled; and such spiritual penances shall be inflicted on him as may appear expedient, according to the 6th section of this title, observing what else is ordered in Book II. title 2. § 13.; and on account of the crimes being seen by accident, and spontaneously confessed at the board, no sequestration shall take place in the goods of the person who committed the crime, nor shall they be confiscated.

12. To clear all doubts about the abjuration of minors, we do declare, that the man who is under ten years and a half, and the female under nine years and a half, shall not abjure in public nor in private at the board, whether they are *apresentados*, or have been denounced by others; and above the said age, till the years of discretion, which is fourteen with the male, and twelve with the female, it appearing judicially, by witnesses, and together with an examination of the persons, by a certificate of the notary, then present, that he has understanding, and is capable of malice to sin, and commit the crime, he shall abjure at the board, if under the age of twelve or fourteen years; for, in these circumstances, malice supplies the age, according to law; and when the female arrives at the age of twelve years, and the male at fourteen, they shall abjure in public, as well as those at the age of maturity.

## TITLE II.

### *Of the Negative.*

1. Whenever there is lawful proof of any person having declared himself as a believer and observer of the law of Moses, or of any other sect, though the same may only

appear by single witnesses and accomplices in the same crime, if the number and quality of them is such as is required according to the law and practice of the holy office, on its appearing that the witnesses depose truly, and with the necessary circumstances; if such a person denies to have committed the crime, and persists in his denial, so as to be judged as convicted in the same crime, such a person shall go to the public *auto-da-fé*; and shall wear a penance-dress with fire, in the usual manner; and the goods of such person shall be confiscated from the time when it may appear by the proofs of justice that he committed the crime, and shall be relaxed to the secular justice, according to the dispositions of law, and briefs of the holy office.

2. And in remembrance and detestation of the crime, the dresses with which such negative, or any other convicted as heretics, are delivered to the secular justice, shall be placed, together with their names and places of nativity, according to custom, in the parish of their place of nativity or abode, that it may at all times be known to whom they belonged; and the same shall be done at the place where the holy office resides, in one of the principal churches, secular or regular, where they may be seen by all.

3. The above punishment shall be inflicted on the *negative* who may have been convicted of any heretical ceremonies, which may be proved to have been done by reiterated acts, as judaism; the keeping of the passover, which falls in the month of March; the fast of the Thanniz on the Monday or Thursday, or of the Quipor, on the grand day of the month of September, or in keeping the Saturday.

4. And if the negative are heresiarchs, or dogmatists, they shall go to the *auto-da-fé* with a *carocha*, having on it the inscription of heresiarch, or dogmatist; and the house in which it is proved they had their synagogue, or

meeting, to teach their errors, shall be rased to the ground and salted; and on the scite thereof a stone shall be erected, with an inscription, declaring the cause why the house was rased, and the ground salted.

5. When there is a person to be *relaxed* to the secular justice, who has sacred orders, such person shall go to the *auto-da-fé* dressed with a clerical gown; and as soon as the sentence of *relaxation* is read over to him and made public, he shall be actually degraded in the same *auto* from the sacred orders he held from a bishop, according to law, and the Romish book of ceremonies; and the degradation being made, the penance-dress of *relaxed* shall be put on him, and with it he shall be delivered over to the secular justice.

6. A religious, of any approved order or religion, shall not go to the *auto-da-fé* with the dress of their religion, but shall go dressed in a clerical gown; and the nuns who are relaxed shall go with a secular dress; and in the sentences of their *relaxation*, which are read in public, they shall only be named as religious, or nuns of a certain religion, without declaring in particular the name of their order.

7. Whenever any persons are imprisoned for crimes of heresy for which they were accused or denounced, if the proofs are not sufficient to convict them, and they deny having committed such crimes, making such defence as they may think proper; before their processes are finally dispatched they shall be ordered to the torture, to endeavour by this means to discover the truth of their crimes, in the manner ordered in Book II, tit. 14.

8. And if, after having undergone the torture, they deny the crime, and the inquisitors think they have been sufficiently tortured, they shall be sentenced to perform a public abjuration, according to the nature of the proof that may appear against them, and what may be allowed for the torture, and may also be sentenced to confine-

ment, or reclusion in a monastery, where they must perform penances, according to the nature of their crimes; and during the penances they shall be ordered to hear sermons, and go to confess on the four festivals of the year, with confessors, who will instruct them in the matters of faith, and receive the sacrament of communion; likewise such arbitrary penalties and spiritual penances may be imposed on them as may appear convenient for the salvation of their souls.

9. And those who abjure *de vehemente* may be condemned in some pecuniary fine, provided it does not exceed one third of their property; and if it appears that a pecuniary fine is to be inflicted on those who abjure *de leve*, it shall not be executed till the process goes up to the council, with the decision thereon, taken at the board, as ordered in Book II. tit. 13. § 14.

And if the criminal is a priest, or has sacred orders, besides the abjuration and pecuniary fines, they shall be suspended from the exercise of the orders they possess, and precluded from receiving others for the time that appears proper to the inquisitors, according to the nature of the proof and of the abjuration they have performed, by which, in part, the suspicions against them are to be estimated.

10. And having any dignity, office, or benefice, to which is annexed any ecclesiastical jurisdiction, they may also be suspended therefrom, in the aforesaid manner; and, if it appears proper, they may also oblige those who are curates of souls, and abjure *de vehemente*, and suspected in the faith, to resign their benefices within a certain time assigned to them, of which a record shall be entered in the process signed by them; and in all this the inquisitors shall act with great attention, never proceeding to the punishment of suspension and resignation but when the quality of the person, and the strength of the proofs require

it: this must never be put in practice but when circumstances occur that render it not only lawful but necessary.

11. When those who abjure *de vehemente* are religious, or nuns of any approved religion, besides the above penalties, they shall be deprived of the right of ever being elected, and of voting as long as the board may think proper; and they shall be ordered to serve in their monasteries the humble offices of their religion.

12. If the person convicted of heresy has such qualities that it may appear to the inquisitors he ought not to go to the public *auto-da-fé* to perform his abjuration *de leve*, or *de vehemente*, and that it will be sufficient, for the satisfaction of justice, to abjure at the saloon of the inquisition, or any other convenient place not in the public *auto*, they shall send the process to the council, with the decision thereon.

13. Whenever any prisoner imprisoned for crimes of heresy is absolved by the court, he shall hear his sentence at the board of the holy office, before the inquisitors and officers; but if, by the decision of the council, it is determined that the sentence shall be published to him at the *auto-da-fé*, in case the defendant should so desire it, the inquisitors shall inform him that he is absolved from the crime, and that he may determine where he wishes to have his sentence published, either at the board or at the public *auto*; and if the defendant chuses to have it read at the *auto-da-fé*, in that case he shall attend the *auto*, and it shall not be published at the board.

### TITLE III.

#### *Of the Confitent.*

1. All those who, after being denounced, imprisoned, and accused at the holy office, for crimes of heresy, shall confess the same, with signs and appearances of a true

conversion, satisfactory to justice, shall be received into the bosom of, and in union with, the holy mother church, and shall go to the public *auto-da-fé* with a burning candle in their hands, and with penance-dress; and there shall hear their sentences, standing up, uncovered, in the accustomed manner, and shall abjure in form, and their goods shall be confiscated from the time when they committed the crime, and such penalties and spiritual penances shall be inflicted on them as may appear necessary to the inquisitors; such as imprisonment and penance-dress, according to the nature of their crimes, and the situation of the cause when they confessed, as hereafter shall be declared; and they shall be instructed in the matters of faith, and they shall also be ordered what is directed in § 6. tit. 1. of this book; declaring to them, that they shall be obliged to send a certificate, whether they went to confess at the grand festivals of the year, in the manner stated in the said § 6.; but they shall be ordered not to receive the most holy sacrament of the eucharist, without a particular permission from the holy office.

2. And after being instructed in the matters of faith necessary for the salvation of their souls, they shall be ordered to fulfil their penances at the places where they were inhabitants, and taken to prison, to satisfy with their conversion and penance the scandal they caused with their crimes; and in this respect, particular care shall be taken to oblige them to act accordingly, recommending the same to the commissaries of the district, as is expedient.

3. Those who confess their crimes as soon as they are imprisoned, or at the first sessions held, if the confessions are made before they are accused by the justice, and are satisfactory, shall be punished with imprisonment and penance-dress, at the pleasure of the inquisitors; which may be either favourable, ordinary, or long, according to

the stage of the trial when they made their confessions, and according to its nature and circumstances: the time favourable shall last for the space of three months; the ordinary six; and the long nine.

4. The prisoners for the crime of heresy who begin to confess after the justice has presented the libel against them, if, in the confessions they have made, they confessed all their errors, and all heretical ceremonies that they have practised; and also what they know of other persons; should it appear that the confession is full, and that they do not conceal any thing, but, on the contrary, that their hearts are converted to our holy faith, they shall be received with imprisonment and perpetual penance-dress, besides other penalties and penances, as may appear to the inquisitors to be proper; which penalties and penances shall be greater than those who confessed before they were accused, and the perpetual penance-dress shall last for three years.

5. But when any criminal, after being imprisoned and accused by the justice, confesses his crimes before the depositions of the witnesses are published to him, and the confession is satisfactory, by the signs of conversion and repentance, and by the declaration of the crimes of the accomplices which he has made and discovered, the inquisitors shall not inflict the penalty of imprisonment and perpetual penance-dress, but may inflict a minor punishment, at their pleasure; and the same plan shall be adopted with prisoners who, though they do not deserve so much favour, considering the time when they made their confessions, however may deserve some consideration from the manner they made it, and the signs they give of their repentance, and the declarations they make of their crimes, and of others guilty of the same crimes.

6. When a prisoner confesses immediately after his

imprisonment, during the first sessions held to him, and afterwards is accused of any diminution ; if he replies immediately and satisfactorily to it, the inquisitors may also adopt the same lenity of imprisonment and penance-dress at pleasure ; and if it appears that he does not deserve a mitigation of punishment to the full extent, it shall be entered in the decision, that after a year has elapsed they be reminded of the case, to impose such further imprisonment as they may think proper.

7. If any criminal confesses his crimes after it has been notified to him fifteen days before the *auto-da-fé*, that he stands convicted of the crime of heresy and apostacy ; if he gives satisfaction by his confession, as is required by law, he shall be inflicted with imprisonment and perpetual penance-dress without remission, besides other penalties and spiritual penances, which shall be heavier than those who are inflicted with imprisonment and perpetual penance-dress simply ; and the imprisonment and perpetual penance-dress without remission shall last for the period of five years.

8. If the prisoner confesses after he has been served with a notification three days before the *auto*, and it is believed that he confesses with true repentance, and knowledge of his errors, and that he discovers all his accomplices in such a manner that his confession does not appear feigned, and made out of fear of the relaxation, he shall be inflicted with imprisonment and perpetual penance-dress without remission ; which penance-dress he shall wear at the *auto*, with fire devices upon it, in the accustomed form, and shall be condemned to the gallies for the period of from three to five years, according to the nature and circumstances of the confession he may make, and the signs he may give of his conversion ; and if a female, the condemnation to the gallies shall be changed

for exile to S. Thomé, Angola, or part of the Brazil, from the period of from five to seven years.

9. And if the crimes which the prisoners confess at any time are of fasts or other heretical ceremonies, performed within the prisons of the inquisition, after being therein imprisoned, and they confessed them with signs of true conversion and repentance, declaring the accomplices of them, their confessions shall be inflicted with imprisonment and perpetual penance-dress, without remission.

10. The confessions of heresiarchs and dogmatists, though they may have been made before they are accused by the justice, shall always be examined with greater care, to ascertain their truth; and whether the signs they give of their conversion shew them to be entirely free from the errors in which they believed and taught; and upon those circumstances concurring together, they shall be inflicted with imprisonment and perpetual penance-dress without remission; and reclusion for the time that may appear proper for their instruction in the matters of faith, as declared in § 8. tit. 1. of this book; and with the penance-dress they shall also appear in the *auto-da-fé* with a *carocha*, and upon it the inscription "heresiarch" or "dogmatist," as the case may be.

11. If the prisoners confitent are clergymen, besides the penalties aforesaid with which they are inflicted, according to the time and stage of the trial when they confessed their crimes, they shall be suspended for ever from exercising the orders they possess, that they may not be able to receive those they want; and shall be deprived of the offices and benefices, honors and dignities they may possess, and shall be incapacitated from obtaining others; and if religious, or nuns, shall have the same penance of penance-dress and imprisonment; and, instead of the exile, shall be recluded in the prisons of their convents for the same period, and shall be deprived for ever of voting

and of being elected, and they shall be compelled to perform all the interior offices of their respective monasteries; all which shall be declared in their sentences, and in which their names shall be inserted, as stated in tit. 2. § 6. and shall wear a dress, as declared in the same section.

12. And that the prisoners content in the crime of heresy, who had been received in the bosom of, and in union with the holy mother church, may fulfil with humility their penances, and show externally the sorrow they feel for the errors in which they fell, the inquisitors shall order that after they have abjured in public, they shall not exercise any public office of dignity or jurisdiction, or otherwise, as, for instance, procurators, advocates, physicians, surgeons, apothecaries, blood-letters, pilots, or masters of ships, nor even bombardiers; nor wear on their persons or dresses gold or silver, nor jewels, or silk dresses, nor go on horseback, except it is on a journey; nor wear any offensive arms, though they may be obliged to have them; and that they may only wear a sword, after obtaining a dispensation; all which orders they shall observe, or be subject to such penalties as the inquisitors may think proper; and in the record of their discharge shall be specified those things that are forbidden, and that they cannot adopt them without special permission from the inquisitors for that purpose.

13. And as to the sons whose fathers or mothers are condemned by the holy office as heretics, or relaxed to secular justice, as well as the grandsons descending by the masculine line from a grandfather relaxed, they shall be restricted from being judges, sheriff's officers, notaries, clerks, procurators, factors, bailiffs, secretaries, accountants, chancellors, treasurers, physicians, surgeons, apothecaries, blood-letters, contractors of royal revenues; or of obtaining any other honours, or of holding any office whatever, that may be called public, either personally

or by deputy, nor wear upon their persons, dresses, or clothes, any mark of dignity, military, ecclesiastical, or secular.

14. Though in the prohibition aforesaid from holding public offices, both confitent, reconciled, and sons and grandsons of relaxes are to be treated alike; nevertheless with such sons and grandsons (particularly if they are of a relapse who, before being relaxed, confessed his crimes, and shewed his repentance) a greater lenity shall be shown, for the purpose of dispensing with them in the said prohibition.

#### TITLE IV.

##### *Of the Confitent Diminute.*

1. When the prisoner who confessed crimes of heresy for which he had been imprisoned, shall omit to make a full confession, and this deficiency shall take place with his accomplices, which is legally proved, and such accomplices are either parents or children, husband or wife, the confession shall not be received; and if it is considered to have been made with some artful view, the prisoner shall be delivered up to the secular court, as diminute, guilty of subterfuge and dissimulation; and if the accomplices are persons related to the criminal in the first degree transversal, it shall be at the option of the inquisitors to decide whether the confession shall or shall not be received; in which respect, regard shall be had to the quality of the defendant, the time in which he made his confession, and its circumstances.

2. And if the deficiency is of fasts, or other judaical ceremonies, made in the prisons of the inquisition, if the prisoner had done it in the state of negative, and if such fasts and ceremonies are proved according to what the law and custom require, he shall be delivered over to the secular justice, on account of the strong presumption

there is that the confession is feigned, and made with dissimulation; and the relaxation shall take place as a confitent diminute, and guilty of dissimulation. But if the prisoner, after having performed the said fasts and ceremonies, begins to confess his crimes, with signs of true conversion, and declares in his confessions that he has performed such fasts and judaical ceremonies at a time when he believed in his errors, though he may not declare them to have been made in the prisons of the holy office, his confession shall be received; because it is to be presumed, that, on the prisoner mentioning the fasts and ceremonies for which he had been accused, he does not conceal by malice the place where he did it, and if he performs those fasts and ceremonies after he has made his confession, though he may have therein declared of some fasts and ceremonies of the same description as those he practised in the prisons, his confession shall not be received, if he does not declare that he committed the crime of the said fasts ceremonies also in the prisons of the holy office.

3. If in the confession at any time made there is a diminution or deficiency as to time, called *a parte post*, this deficiency being proved by witnesses of justice, and in the manner practised at the holy office, the inquisitors shall examine the confession with great attention, and whether it is expedient to receive such confitent with a deficiency as to time, as they are diminute; or whether this deficiency is so considerable that it does not appear probable that, should they be really converted to the faith, they would omit to confess and beg for the entire absolution of their crimes; particularly when, before confessing them, they had pertinaciously denied them.

4. And if those who confess crimes of heresy for which they were imprisoned had such diminutions, deficiencies, and contradictions in the confessions of the belief of their

errors, that it may be understood (the capacity of the prisoner being taken into consideration) that what they state as to the belief of their errors is improbable ; in such cases, the disposition of law and the practice of the holy office shall be observed.

5. If, after any person has presented himself, and is reconciled on account of his confession of crimes of heresy, it is found out by witnesses, who come afterwards to denounce him, that he did not state the truth in the confessions he made ; in such a case he shall be proceeded against in the manner specified in Book II. tit. 1. § 12 ; and if he confesses, he shall be treated with mercy, inflicting on him those spiritual penances that may appear convenient for the good of his soul ; and he shall not abjure a second time, but shall be absolved at the board of the excommunication attached to him, for not having stated the truth in his confessions, and not having discovered his accomplices. But in case he is imprisoned for not confessing, though he may afterwards as to the deficiencies, he shall go to the public *auto-da-fé* with a penance-dress for a time, at the pleasure of the inquisitors, or even perpetual, as he may deserve it.

6. Whenever any person, who had been before imprisoned and reconciled, is a second time imprisoned for diminutions or deficiencies ; and satisfies to them, he shall go in the same manner to the *auto* with penance-dress ; and if the penance-dress of the first time was at pleasure, on the second time it shall be perpetual ; and if the first time it was perpetual, on the second it shall be without remission ; and if the first was without remission, the second shall be with fire-devices.

7. And if the deficiencies of the said confessions are proved by the witnesses of justice, which have come to depose after the criminal has abjured, and are of such a quality, that if the criminal would not have confessed

them, should be on account of them delivered over to the secular justice; in such case, on his satisfying, the imprisonment and penance-dress shall be perpetual without remission, which penance-dress taken to the *auto* shall be with fire-devices on it: and on his declaring in his confession, that he persevered in the belief of his errors till the time in which he satisfies to the deficiencies, he shall moreover be condemned in the loss and confiscation of his goods, till the publication of the last sentence; and if the diminution is not of such a nature as to deserve the ordinary penalty; or if the knowledge of accomplices is not lawfully proved, or on his stating that the belief only lasted till the time of the first confession, he shall not suffer confiscation of his goods.

8. With the *affirmative* heretic they shall proceed in the manner prescribed in Book II. title 16; and on their insisting in their errors, they shall be delivered over and *relaxed* to the secular justice, according to the disposition of the law, and to what is stated in § 1. of title 2. and if the case is such that it is to be feared they may utter in public any thing against our holy faith, they shall go to the *auto* with gags in their mouths, and with the dress of the relaxed.

But if they acknowledge their errors, and adopt our holy catholic faith, making an entire and true confession of their crimes, they shall be received to the bosom of and in union with the holy mother the church, with imprisonment and penance-dress, according to the time and situation when they made their confessions, in the manner disposed in title 3. of this book, § 3. and the following; and shall suffer reclusion for such time as may appear necessary in a monastery, or other convenient place, that they may be there instructed in matters of faith; regard being paid to the risk there is of their returning again to errors they once professed.

## TITLE V.

*Of those who revoke their Confessions judicially made at the Holy Office.*

1. Whereas those who revoke their confessions of crimes of judaism, or of any other heresy, are held as *negative* impenitent; if any person spontaneously confesses at the holy office crimes of judaism, heresy, or apostacy, for which he had been denounced, and after some interval revokes his confession, without proving that there was a mistake in it, or any other cause to justify the revocation; the inquisitors shall examine the strength of the proof there is against him, and having taken what is required by law, together with his confession, if he is not contrite and repentant, he shall be proceeded against according to law, and the practice of the holy office; and shall be relaxed to the secular court as negative and impenitent; and the same shall be understood with him who revokes the confession he has made with any degree of torture, being ratified after four-and-twenty hours are elapsed, as the law and practice requires; and if he revokes it before the said ratification, he shall be put to the torture, and he shall be proceeded against in the manner declared in Book II. title 14. § 11; and on his revoking it three times without deciding on it, he shall suffer the punishment of whipping, or be sent to the galleys, or any other penalty that may appear proper, regard being paid to the torture to which he had been adjudged, and to such part of it that he did not suffer.

2. Whenever any criminal, who was not denounced, confesses crimes of judaism, heresy, or apostacy, and afterwards, with some interval, revokes his confession; if before the revocation some proof appear of the same crime, which, together with his confession, may be deemed sufficient, according to law, to convict him, they shall

proceed against him in the manner aforesaid, and on his insisting contumaciously in his denial, he shall be relaxed to secular justice.

3. But if the case is, that after making the confession, and with some interval of time revoking it, without being denounced for the same crime, proof may appear afterwards, the inquisitors shall examine it with great attention, that, joined with the presumption resulting from his confession, they may see whether there is sufficient proof to proceed to the ordinary penalty of relaxation.

4. And when neither before or after the revocation of the confession there are any proofs against the revoking, besides what results from the same confession of him who revoked it ; though the revocation be done after some interval, and no mistake in it be proved, or any other cause to exonerate him from it, he shall not receive the ordinary penalty ; but shall abjure *de vehemente*, and, suspected in his faith, shall be exiled, and suffer such other arbitrary penalties and spiritual penances as to the inquisitors may appear necessary.

5. Any person who revokes his confession wholly or in part, though he may afterwards determine upon it, and be received into the bosom of and in union with the holy mother the church, shall suffer imprisonment, and perpetual penance-dress without remission, and such other arbitrary penalties and spiritual penances as may appear necessary to the inquisitors, in manner stated in title 1. of this book, § 6. But if he revokes what in his confession he may have stated of other persons, proving that he did so inadvertently, or because his recollection is better at the time when he comes to declare his confession ; if it appears that he tells the truth, and there is no presumption to the contrary, he shall not be condemned in the said penalties.

6. And he who, at the board of the holy office, revokes his confession, and, on account of it, is reconciled to the holy mother the church, being examined by his revocation, and insisting on it, shall be held as impenitent heretic : and if he does not insist in the revocation, shall be punished for the same crime with imprisonment and perpetual penance-dress without remission ; which shall begin from the time of the publication of the last sentence, and shall suffer, whipping, exile, and such other arbitrary penalties and spiritual penances as the inquisitors may think proper.

7. Any person who, after being reconciled by the holy office, shall state in public, or at least before any persons, that he did not commit the heresy or crime which he confessed, or any part thereof, shall be immediately got into the prisons of the holy office ; and on being convicted by the proofs of justice, or by his own confession, if he has not as yet fulfilled the penances inflicted by his sentence, he shall be condemned to imprisonment and perpetual penance-dress without remission ; also to the penalty of whipping, and be sent to the galleys for the period of from five to eight years, and shall go to the public *auto-da-fé* to hear his sentence ; and, moreover, shall suffer such other penalties and penances as the inquisitors may think proper ; and if a female, shall be exiled for as many years to the Brazils or Angola. And if the crime is committed after the penances prescribed in the sentence have been complied with, the criminal shall be punished as rash, in the aforesaid penalties of galleys, exile, and whipping ; but some mitigation may be allowed as to the exile.

And if the proofs are not sufficient to convict of the crime alledged, the person who committed it shall be condemned to go to the *auto-da-fé* to hear his sentence with penance-dress, which shall be a degree more severe than that imposed at the time of the reconciliation, pro-

vided it is not less than perpetual ; and it shall commence from the publication of the sentence ; and this shall be understood, though at the time he committed the crime he had already fulfilled the enjoined penance, and shall have such other penalties inflicted upon him as may appear proper to the inquisitors, according to the nature of the proof, and the circumstances of the crime. And if the prisoner, after being taken to prison, insists upon revoking himself, he shall be condemned in those penalties which are by law imposed on the impenitent and revoker, according to what is stated in the first paragraph of this title.

## TITLE VI.

### *Of the Relapse.*

1. According to law he is held as a manifest relapse, who being, for the first time, convicted, by a legal proof, of having fallen into some heresy, which he abjured in form ; but nevertheless, by his confession, or by some legal proof, it appears that he fell a second time into heresy, though not of the same species ; and also, by a fiction of law he is held as relapse, who, having abjured *de vehemente*, and suspected in the faith a second time, is convicted in the crime of heresy ; and likewise he is held as relapse who, after having abjured in form, becomes an abettor of heretics, from the strong presumption there is that in approving this crime he adopts the first error, which he had abjured.

2. All heretics guilty of relapse shall be proceeded against according to the law and practice of the holy office, and be inflicted with the severest penalties, as stated in the beginning of this book : therefore, if any person imprisoned for the crime of heresy is convicted of relapsing in any of the aforesaid cases, he cannot be reconciled, nor received into the bosom of the holy mother the

catholic church, though he may show signs of repentance and conversion ; but, on the contrary, shall be relaxed and delivered over to the secular court, and shall lose his goods, which shall be confiscated to the Royal Exchequer from the time that he again committed the crime.

8. But in case he shews such signs of repentance, and makes his confession in such form as to appear to be truly converted to faith, the inquisitors shall order him to be absolved, sacramentally, from the greater excommunication which he incurred by the crime of relapse, and shall order the most holy sacrament of the eucharist to be administered to him in the manner stated in Book II. tt. 15. § 5 ; and as to what regards the relaxation and form of the sentence, the same shall be observed with the relapse as with the convicted negative, according to what is stated in title 2. of this book, § 1.

5. And when the case is, that the crime of relapse, for which the defendant has been imprisoned, have not been legally proved, at least not sufficient to subject him to be relaxed to the secular justice, he shall be condemned to torture, according to the nature of the proof ; and if he confesses, he shall be held as convict ; and if he does not confess, he shall go to the *auto-da-fé* to hear his sentence, and shall not abjure again ; and if the presumption resulting from the evidence be very strong, they may impose on him a pecuniary fine, provided it does not exceed a third part of the goods he may possess, and shall exile him out of the kingdom for the time that may appear proper, regard being had to the nature of the proof, and the warning his communication may be to others ; and if the presumption which may result from the proof is only slight, he shall be inflicted with such penalties and penances as may be thought expedient for the salvation of his soul.

6. In case that the time of the penance-dress enjoined to him in his reconciliation is then elapsed, he shall not go to the *auto* with penance-dress ; but if it is not yet elapsed he shall go to the *auto* with the penance-dress, which shall be perpetual without remission, from the time when the last sentence was published to him, with the other penalties mentioned in the preceding section:

## TITLE VII.

*Of the Apostate, Renegados, foreign Heretics, and Infidels, who commit Crimes in this Kingdom.*

1. Whenever a person presents himself to the board of the holy office, being an apostate renegado, who, after he was a baptized christian, confesses to have separated himself from our holy catholic faith, and went over to the sect of Mahomet, he shall be received with great mercy, and shall abjure at the board, without the penance-dress, before the inquisitors and their officers, and be absolved of the excommunication which he incurred, and they shall enjoin him such spiritual penances as may appear necessary, and shall order him to be instructed in the matters necessary for the salvation of his soul ; and his goods shall be remitted to him, as stated in title 1. § 5.

2. And if the said renegado, who thus presents himself, confesses that out of fear or ill treatment he became renegado of our holy faith only in words and not in sentiment, stating that he always kept it in his heart, his confession shall be received, and he shall hear his sentence at the board of the holy office, and there shall abjure only *de leve*, and shall be absolved *ad cautellam* from the excommunication which he might have incurred, and shall have such spiritual penances only that may be deemed necessary for the good of his soul. But if he is a suspicious person, regard shall be had to his quality, and to the circumstances

of his crime, that, accordingly, he may be adjudged to the abjuration he may deserve.

3. And if the renegado, after being taken into prison, or sent to the holy office by the secular justice, confesses his crimes there, stating, that out of violence, through fear, or on account of ill treatment, he went over to the Mahometan sect, never renouncing in his heart our holy faith, he shall also abjure *de leve*, but it shall be in the public *auto-da-fé*; and he shall suffer such penances as the inquisitors may think proper.

4. But on his confessing his crimes in the manner aforesaid, if it appears that he became a renegado, and went over to the moors, and professed the said sect of Mahomet at such an age and time that he had not sufficient instruction about our holy catholic faith, he shall only be absolved *ad cautelam* from the excommunication, and he shall be ordered to be instructed in such matters of faith as may be most conducive to the salvation of his soul.

5. When such renegadoes do not come to present themselves, nor confess their crimes, but on being imprisoned for them they deny them, they shall be put to the torture, on account of the presumption that arises against them, that they do not think well of our holy faith, as they have gone over to the moors, and renegadoed internally; and persisted in their denial, shall abjure at such place as may appear proper to the inquisitors, according to the quality of the persons, and the nature of the crimes they may have committed.

6. And if, after they are imprisoned, they confess their crimes; stating, however, that by violence, through fear, or ill treatment, they renegadoed externally from our holy catholic faith, having it always in their hearts; in such case, if there is no proof to the contrary, though from the crime for which they were imprisoned may result a presumption, they being sons of catholics, and brought up

amongst them, they shall abjure *de leve* at such public place as the inquisitors may think proper; and moreover, shall be inflicted with such penalties and spiritual penances as may be thought necessary by the inquisitors, who shall order them to be absolved *ad cautelam* from the excommunication, and shall instruct them in matters of faith.

7. But if they are suspicious persons, and confess after being imprisoned in the aforesaid manner, they shall be put to the torture, on account of the presumption remaining against them from the crime, and for not coming to present themselves and to confess it at the board of the holy office; and on their suffering the torture they shall abjure in public, according to the suspicions formed against them, and every thing else shall be observed, as ordered in the preceding §.

8. And when it happens that there is proof against such criminals that they renegadoed externally from our holy catholic faith, without violence, fear, or ill treatment; and that of their own will they went over to the sect of Mahomet, practising their rites and ceremonies; they shall be proceeded against in the manner as other heretics and apostates of our holy faith are proceeded against.

9. And those who may fall again into the same crimes, if in the first lapse they abjured *de leve*, in the second they shall abjure *de vehemente*, and shall be subject to all other penalties and penances at the will of the inquisitors; and if in the first lapse they abjured *de vehemente*, in the second they shall not abjure at all; but they shall be proceeded against according to law.

10. When any foreign heretic presents himself to the board of the holy office, and asks there for the pardon of his crimes, he shall be examined in the manner stated in Book 2. tit. 2. § 10. and shall be admitted into the union of

the holy mother church, abjuring at the board before the inquisitors and their officers, without penance-dress, and shall by them be absolved of the excommunication which he incurred, and such spiritual penances shall be inflicted as may appear convenient ; and he shall be ordered to be instructed in matters of faith, and to separate himself from the communication of suspected persons, who may be dangerous to their souls, and shall be desired to go and confess on the four festivities of the year ; and send a certificate from the parson that he has done so. And though he may present himself after the time of grace, no sequestration in his goods shall take place, nor shall they be confiscated, for the reason stated in § 5. of tit. I. of this Book.

11. And on finding that such foreign person has not been sufficiently informed on matters of faith, what has been ordered in Book II. tit. 2. § 11. shall be observed ; and being absolved *ad cautelam*, he shall not be judicially reconciled ; as it does not appear that he had sufficient knowledge of the mysteries of our holy faith.

12. If any foreign heretic is imprisoned by the holy office for having committed a crime in this kingdom against our holy catholic faith, he shall be punished according to the order made in the bull of Gregory XIII. ; and though there may be a treaty, or concordat, that those who come to these kingdoms shall not be molested on account of their conscience ; nevertheless, if they commit a crime here with public scandal, they may be punished according to the crimes they have perpetrated. Therefore, if the said heretic who commits a crime in this kingdom in the aforesaid manner, has a sufficient knowledge of our holy catholic faith, and wishes to conform to it, he shall be received and shall abjure in public, and shall suffer imprisonment and penance-dress, according to the situation and time in which he was converted, and begged for mercy and pardon of his crimes,

as stated in tit. 3.; and if he has not a sufficient knowledge of the catholic faith, but wishes to be instructed therein, he shall be accepted, and shall be ordered to have the catholic doctrine expounded to him, and after being thus instructed, shall be absolved *ad cautelam* from the excommunication which he might have incurred, and upon those terms his crimes shall be pardoned without receiving any corporal punishment for them, except his committal of them is attended with such circumstances that it may be necessary to give public satisfaction for the scandal resulting from them.

13. And if he possessed sufficient knowledge of the catholic faith, and committed the crime against them in this kingdom in the aforesaid manner, and does not wish to conform himself, he shall be proceeded against as an impenitent heretic, according to law, and the bull of the holy office; and if he be not sufficiently instructed in matters of faith, and wishes to receive instruction, to which he was obliged by the baptism, he shall be dealt with according to law and the practice of the holy office.

14. And as to infidels who were not baptised, if they commit any crime in these kingdoms against our holy catholic faith, in the cases contained in the said bull of Gregory XIII., they shall be condemned in the penalty of whipping, the galleys, and such other arbitrary penalties as may appear necessary to the inquisitors, unless the crime be of such a nature, that by it they would have to suffer the ordinary penalty.

## TITLE VIII.

### *Of the Schismatic.*

1. Though sometimes it is possible to commit schisms without the persons separating from the creed of our holy faith, and for this reason will not be properly held as heretics; however, as the division is contrary to the union

of the catholic church, they are not altogether free from some suspicion of heresy, for which the holy office may proceed against them as against persons suspected in the faith. And so any person who separates himself from the Roman catholic church, and from the obedience due to the holy pontiff as head of it, and vicar of Christ our Lord, and true successor of saint Peter; besides incurring the censures and penalties imposed by the canon laws, and the bull called of the Lord's Supper, he subjects himself to be proceeded against at the holy office as suspected in the faith, and obliged to abjure, according to the quality and circumstances of the crime, and the time he persevered in it.

2. But if the aforesaid persons not only separate themselves from the obedience due to the holy Roman pontiff, but likewise separate themselves from the church in the belief and creed of our holy faith, they shall be proceeded against in the same manner as against all other heretics, as stated in the preceding titles of this book.

#### TITLE IX.

##### *Of the Abettors, Defenders, and Receptors of Heretics.*

1. Against the abettors, defenders, and receptors of heretics, such proceedings shall take place at the holy office, according to law, and the bull of the Lord's Supper, as against persons suspected in the faith; and by the presumption there is, that they do not think well of it, favouring and harbouring the enemies of the catholic church; therefore any person, of any rank whatsoever, state or condition, who in matters of faith favours the heretics, affording them aid that they might not be imprisoned and condemned, and not giving information of the heresies they know them guilty of, or in any other manner concealing or defending them, besides incurring the greater excommunication, and the censures of the bull of

the Lord's Supper and of the canon law, the holy office shall inflict upon them the same penalties which are applied to the receptors of heretics, and shall perform the abjuration according to the quality of the defence set up, and of the suspicion thereby created against the faith; and shall suffer, moreover, such other arbitrary penalties that may appear necessary to the inquisitors, regard being paid to the quality of the person and the circumstances of the crime.

2. And he who in any manner impedes the punishment and execution of justice against an heretic, and harbours him or conceals him in his house, or in any other place, or does any other act by which he shows himself his defender or receptor, shall abjure in public, according to the suspicion which may appear against him, and shall be whipped and sent to the galleys for such period as the inquisitors may determine.

3. Those who, from their office or oath, are obliged to proceed against heretics, or to look for them, imprison them, or keeping them, or affording aid and assistance against them, shall, out of malice, neglect so to do, shall suffer the penalties of abettors of heretics, besides being condemned in the loss of their offices; and when they notoriously neglect their duty, they shall suffer such penalties as may appear proper, regard being paid to the quality of the person and the circumstances of the crimes.

4. The persons who, being accomplices, will not give evidence against the heretics, or, in giving their evidence, deny or conceal the truth in being interrogated on the part of the holy office, shall be punished as abettors, and both shall suffer the same penalties, and shall perform the same abjuration as the defenders and receptors, according to the strength of the suspicions that may arise against them.

5. All public, ecclesiastical, or secular ministers, who, being requested by the inquisitors, or their officers, to pro-

ceed against the heretics, and refuse, shall be compelled to it, and be subject to censure, and other proceedings of the law, till they have effectually complied with the request.

6. So also any private individual who may be requested by any minister or officer of the holy office to aid in any imprisonment or business respecting it, and out of malice neglect affording the aid and assistance requested of him, shall be liable to the jurisdiction of the holy office, and to the same proceedings as are taken against those who afford aid and assistance to the heretics, and such penalties shall be imposed on them as may appear convenient, according to the quality of the person, and the circumstances of the crime.

7. With the *apresentados*, who voluntarily come to confess the aforesaid crimes at the board of the holy office, the same proceedings shall be taken as declared in tit. 1. of this book, respecting the crime of heresy.

## TITLE X.

*Of those who communicate with Heretics, and give them Arms or Provisions; and those who eat Meat on prohibited Days.*

1. To communicate with infidels, jews, moors, or heretics, on those things which belong to their impious sects, rites, and ceremonies, is an act of idolatry or heresy; and for that reason the holy office must proceed against those who shall so act as against heretic idolaters; and though the communication may be about indifferent matters, if they are such that they may use them for the rites, ceremonies, and superstitions, a suspicion arises against the faith in those persons who shall so act against one or the other, as well as against those who shall carry arms or provisions, and they shall be proceeded against according to the bull of the Lord's Supper, and the briefs of Clement VIII. and Gregory XV.;

also those who eat meat on prohibited days, when it is forbidden by the church.

2. Any person who, being a catholic, go to the country of the heretics, moors, jews, or infidels, and remains without just cause, and communicates with them in matters which belong to their rites, superstitions, and ceremonies, performing them together, and assisting with them, if they do not alledge and prove just cause to be excused, they shall be proceeded against as heretics and idolaters, for the violent presumption which results of being separated from our holy faith.

3. And if the communications relate to matters approaching to acts of infidelity and superstition, and the crime be proved, and the criminal is a suspicious person, the inquisitors shall proceed against him according to law, paying due consideration to what is expedient, ordering him to perform the abjuration, which shall be *de vehemente*, (except when circumstances arise to require a lesser abjuration) which shall be done in a public place; and he shall suffer the other penalties that are declared in tit. 2. § 8. of this book.

4. Any person who resides with an heretic, jew, or infidel, and is present at their feast or synagogues, and frequents it, hearing their sermons, prayers, and superstitions; or eats, without necessity, their unleavened bread, or abstains himself from those things prohibited in their laws or sects, from the strong presumption there is for suspecting him in the faith in the aforesaid cases, and others of similar nature, he shall abjure *de vehemente*, except the quality of the person, and the circumstances of the case require a lesser abjuration; and besides the penalties, which, according to law, they are to suffer, they shall receive such other arbitrary and spiritual penances as to the inquisitors shall appear necessary.

5. All those who carry or send to heretics, moors,

or infidels, arms, provisions, or merchandizes, which the sacred canons and the bull of the Lord's Supper forbid, with severe penalties and censures, and as such conduct is a great prejudice to our holy catholic faith and christian religion, in favour of the said moors, heretics, or infidels, and of their cursed sects, shall be punished by the holy office with the penalties contained in law, and in the said bull, according to the nature of the crime and the quality of the persons. And besides having to abjure in public, according to the suspicion that may result against them, if they are low or plebeian persons, they shall suffer the punishment of whipping, and exile out of the kingdom, and shall be condemned in the loss of every thing they carried or sent to the heretics or infidels; and in case the aforesaid things are in their power, they shall pay double their value; and if they are persons of rank, the punishment of whipping shall be changed to any other.

6. Any person who, with public scandal, eats meat on the days forbidden by the church, without just cause to be excused, if an old christian, shall, for the first offence, be called to the board, and there reprimanded and admonished not to commit the same offence again, under penalty of being punished with rigour; and some spiritual penances shall be enjoined him, of which he shall sign a record: and afterwards, if he be again apprehended in the same crime, and he be a person of rank, he shall have a pecuniary fine imposed upon him, with such other penalties as may appear proper; and if it is a person of ordinary condition, the penalty shall be at the pleasure of the inquisitors, that satisfaction for the crime and scandal may be made.

7. And if a suspected person, for the first offence he shall suffer the same penalties as an old christian; and for the second shall perform the abjuration, according to

the nature and circumstances of the crimes, and the scandal thereby produced.

8. Those who voluntarily present themselves to the board of the holy office, and confess any of the above crimes, shall be treated in the manner declared intit. 1. of this book.

## TITLE XI.

*Of those who enter into a Dispute, or argue in Matters of Faith, on Points prohibited by Law.*

1. Though to dispute or argue in matters of faith is lawful of itself, amongst catholic persons, both for exercise in schools, and to illustrate and defend its truth; yet, in some cases, it becomes unlawful, and the holy office must proceed against the persons, who, being baptised christians, and having sufficient instruction in the faith, dispute about matters belonging to it, doubting of its truth and firmness: and if the doubt is asserted with pertinacity, they shall be punished as heretics, or at least as suspected in the matters of faith, according to the quality of the person, manner of disputing, and suspicion which results from it, in the manner declared under their respective heads.

2. And if he disputes or argues without doubts, if he be a lay person, to whom it is prohibited so to do by law, under penalty of the greater excommunication, if the argument takes place with an heretic, jew, or infidel, besides the greater excommunication which he thereby incurs, he shall be condemned in such other penalties as may appear necessary to the inquisitors, regard being paid to his quality.

3. But this shall not take place in cases of great necessity or utility; as when there is an heretic perverting the catholics with his doctrines, and there not being any learned ecclesiastical person present, who may defend and

speaking in favour of the truth and doctrine of the holy mother church; or the dispute taking place where the crime of heresy is spreading; for, in those cases, and in similar ones, a lay person, if learned, may dispute with the heretics about the faith, without incurring any penalty, or committing any crime.

## TITLE XII.

*Of the Blasphemer, and those who utter heretical, rash, and scandalous Propositions.*

1. The blasphemy which doctors call heretical, belongs to the jurisdiction and tribunal of the holy office; because it is against the creed and confession of faith; and contains in itself error, or suspicion of error, against the faith; therefore the blasphemers must be punished, as well as those who utter rash or scandalous propositions, according to the brief of Julius III. and the constitution of Sixt. V. and each shall be punished with the penalties declared in this title.

2. All persons, of any rank whatsoever, who utter any heretical blasphemy, affirming any thing of God which does not belong to him, or denying any thing which does belong to him, or attributing to any creature what is due only to God, such person shall abjure in public *de leve*, as suspected in the faith; provided that the quality of the person, and the nature of the crime do not require a greater abjuration, and shall moreover be subject to such other arbitrary penalties and spiritual penances which to the inquisitors may appear necessary, and who shall thereon pay regard to the gravity of the blasphemies, the quality of the person who utters them, and the place, time, and occasion when uttered.

3. If the same person is accustomed to utter heretical and atrocious blasphemies on any slight irritation or perturbation of mind that may occur to him, he shall go to

the public *auto-da-fé*, where he shall abjure *de vehemente* as suspected, (if there are no circumstances which may induce mitigation,) and shall go with a gag in his mouth, and shall be condemned in the penalty of whipping and exile, and such other penalties and spiritual penances shall be imposed on him as may appear convenient; which shall be more severe than those inflicted upon others who are not accustomed to blaspheme, but only occasionally fall into that error.

4. If any person utters an heretical blasphemy against the mystery of the most holy trinity, or the divinity of Christ our Lord; or as to his being conceived by act of the holy ghost, or about his having redeemed us with his sacred death and passion; or uttering against his incarnation, or against the purity of the Virgin Mary, our Lady; if a person of low degree, besides the abjuration which he is to perform in a public *auto*, where he shall go to hear his sentence, he shall be publicly whipped, and condemned to the galleys; and if a female of the same class, she shall also be whipped and exiled to the island of St. Thomé, Principe, or Angola, because such blasphemies, or any of the like description, are reputed atrocious, according to the bull of Clement VIII.; and he or she being a noble person, and honest, shall abjure in the same manner in any public place the inquisitors may think proper, and instead of the penalty of whipping and galleys, shall be condemned in a pecuniary fine, and in exile, according to the nature, extent, and circumstances of the crime, and the scandal thereby produced; and to all such offences such spiritual penance shall be imposed as may appear necessary.

5. Ecclesiastical or religious persons who may utter atrocious blasphemies, shall abjure *de leve* or *de vehemente*; and if they are learned, the presumption is greater against them; and greater, therefore, must be the degree

of abjuration, and other penalties and penances imposed on them, in such a manner, that they shall be punished according to the scandal they might have propagated, and they shall be reclused for some time in such place or monastery as may appear most convenient.

6. On their denying having uttered the blasphemies for which they are imprisoned and accused at the holy office; and if from the proofs of justice such circumstantial evidence arises, and such a presumption, that they appear to conceal some error of the understanding, with the denial of the crime, the prisoner shall be put to the torture, and if, after the execution, he perseveres in his denial, he shall abjure in public, in the manner above stated in the preceding paragraphs.

7. And on their confessing the said blasphemies in the torture, or before it, but denying the intention, if it is a person suspected of belonging to the infected nation, if the blasphemies are atrocious, and of such quality as to induce a presumption of the criminal harbouring an error against the faith, he shall be examined and accused for the intention, and for this also put to the torture, that he may by these means discover the truth of his crimes; and upon his confessing to have committed them because he laboured under an error of understanding against the faith, he shall be proceeded against as stated in the following paragraph; and if he denies this, he shall abjure in public, according to the preceding paragraph.

And if he is not a suspected person, though he may be accused of the crime and intention, on account of the penalty which is to be inflicted on him; nevertheless, he shall not be put to the torture, but shall abjure in public, and shall moreover suffer such other penalties and penances mentioned in the first and following paragraphs of this title.

8. If the prisoner confesses the blasphemies, and like-

wise affirms that he utters them because he was separated from the faith, and had a belief in the law of Moses, or in any other impious and damned sect, whether the confession is made before or after the torture, he shall be proceeded against as formal heretic, according to tit. 2. § 3. of this book, and if any of the blasphemies are atrocious, as against Christ our Lord, against the purity of the most holy virgin his mother, or similar ones; if the crime is public, the criminal shall be received into the union of our holy mother church, and besides suffering imprisonment and penance-dress, and going to the *auto* with a gag in his mouth, he shall be condemned in the penalty of whipping and exile, that satisfaction be given for the scandal that the faithful received from his crimes; but regard shall always be paid to the quality of the criminal, and the blasphemies he uttered, according to what has been stated above.

9. Whenever any person, after having been condemned by the holy office for heretical blasphemies, is a second time imprisoned and accused for having again fallen into the same crime; if, in the first instance, he had abjured *de leve*, as suspected in the faith, in the second he shall abjure *de vehemente*, and the penances imposed on him shall be more rigorous; regard being paid to the quality of the criminal, and the nature of the crime; and if he has in the first instance abjured *de vehemente*, he shall not abjure a second time; but if he be a person of low rank, for the second offence he shall be whipped and condemned to the galleys for the period of from seven to ten years; and women shall suffer the same penalty of whipping, and exile to the island of Principe, S. Thomé or Angola. But if a noble person, and honest, shall be condemned to exile, and shall be subject moreover to the other arbitrary penalties, such punishment shall be inflicted as may be approved, according to the extent of

the blasphemies, and the presumption there may be of guilt, or a pecuniary penalty may be imposed.

10. If, in the first instance, he abjured *de vehemente*, or is otherwise suspicious, and the blasphemies, both in the first and in the second lapse, be atrocious, and often repeated, and the criminal do not produce any thing in proof of his excuses, the inquisitors shall examine him with great consideration, that on his confessing the crime, and denying the intention, such a penalty may be inflicted as he may deserve.

11. The person who says and affirms that simple fornication is not a sin, if a rude or ignorant person, and an old christian, he shall be condemned, in the accustomed form, to go and hear his sentence at the public *auto*, where he shall perform the abjuration *de leve*, as suspected in the faith ; and shall also suffer such spiritual penances as may appear necessary for the good of his soul ; and he shall receive the ordinary instruction in the misteries of faith ; and the same shall be observed with him who says that usury and simony are not sinful ; but if a person of rank, he shall abjure in such place as the inquisitors may think proper.

12. The blasphemers who present themselves to the board of the holy office, and confess their crimes before they are denounced, shall abjure at the board *de leve*, or *de vehemente*, according to the distinction of the preceding paragraphs : and the same rule shall be observed with them as is observed with regard to the *apresentados* guilty of the crime of heresy ; regard being paid to the time and place where the crime was committed, and the scandal produced by it, and for which a public satisfaction may be due, according to what is stated in title 1. of this book, as to crimes of heresy and apostacy.

13. Pending the cause of any heretical blasphemer before the ordinary, ecclesiastical, or secular jurisdiction, the

inquisitors shall call it up to the board of the holy office ; because, on account of the suspicion which arises against the prisoner accused of heretical blasphemies, that he does not think well of our holy catholic faith, belongs to the holy office the cognizance of this crime : and here only the said blasphemers ought to be examined and punished for their crimes ; which shall also take place even in cases where the heretical blasphemers are accused, examined, and sentenced in the ecclesiastical courts ; but previous to this it shall be submitted to the council-general.

14. And when such heretical blasphemers are punished by the secular justice, they shall be again examined at the board of the holy office, and there cognizance shall be taken of their crimes, on account of the suspicion of heresy which arises from such blasphemies, to ascertain the intention of their utterance, and whether it was on account of having committed any error in matters of faith ; because, in these cases, the cognizance of this crime belongs entirely and exclusively to the holy office : but if the blasphemers have been sufficiently punished by the secular justice, no new corporal punishment shall be inflicted on them ; but they shall perform the abjuration, and shall suffer such spiritual penances as may appear expedient.

15. Whereas the brief of Julius III. and the constitution of Sixt. V. commit to the holy office the cognizance of any blasphemies, though not heretical, for the purpose of avoiding the scandal thereby resulting amongst the faithful christians, as much to the prejudice of good morals as to the purity of our holy catholic faith ; we do ordain, that if any person is apprehended for uttering any rash and scandalous blasphemies, which may virtually contain error, or suspicion against the faith, though not formally heretic, the inquisitors shall proceed against him ; and being low persons, and the crime public and scanda-

lous, they shall order the sentence to be read at the parish of the prisoner, and that he shall hear it uncovered, without a cloak, and with a burning candle in his hand; and if he be a person of quality, the sentence shall be read at the saloon of the inquisition, in the same manner, and to each of them such other penalties and spiritual penances shall be inflicted as appear expedient, according to the nature of the crime and the scandal resulting therefrom. But if the said blasphemers are already punished in another court, they shall not be proceeded against at the holy office.

### TITLE XIII.

*Of those who disrespect, or treat with Irreverence, the most Holy Sacrament of the Altar, or the sacred Images, or receive the most Holy Sacrament after eating or drinking.*

I. Whereas the worship of *latria*, which is due to the most holy sacrament, and to the images of Christ our Lord, and of his sacred cross, and the worship and veneration due to the images of the Virgin our Lady, cannot be denied without committing error in the faith, it becomes certain that all those who commit such irreverence or disrespect ought to be punished at the holy office. Therefore, if any person is so presumptuous as to harbour a disrespect of the most high sacrament of the altar, to break, put down, take away, or do any other act of contempt to the consecrated host, or to the consecrated chalice, or to any image of Christ our Lord, and of the Virgin Mary our Lady, he shall be examined for the same crime, and put to the torture, for the presumption which arises against him of not thinking well of our holy catholic faith, and on his confessing that he committed the crime because he was separated from the faith, he shall be proceeded against as against a formal heretic, in the

manner described tit. 3. of this book : and besides the penalties therein imposed on heretics, if the crime has been public, and requires a public satisfaction, he shall be condemned to whipping, and the galleys, according to the nature of the crime ; and if he denies the crime, or though he confesses it, denies the intention, he shall abjure *de leve*, or *de vehemente*, in a public place ; but if the crime has been public, it will not be sufficient that he denies the intention, to escape the punishment of galleys and whipping ; and each of them shall suffer such other arbitrary penalties and spiritual penances as are commensurate with their crimes.

2. But if the prisoner be a suspicious person, and commits the crime publicly, but confessing the fact denies the intention, and such circumstances occur, both as to the crime and quality of the criminal, that it appears to the inquisitors that he is not to suffer arbitrary penalty, but to suffer that of relaxation, they shall examine the case with great attention ; and they shall proceed in the decision of it according to law.

3. Any person who, in contempt of the sacred images, breaks, puts down, or in any other manner treats with irreverence and disrespect the image of any saint, shall abjure *de leve* in a public place ; except the quality of the person and the circumstances of the crime requires a greater abjuration. And if the crime is of great consequence, and such as to have caused great scandal at the place where it was committed, he shall be exiled to one of the settlements in Africa, or to Castro-Marim ; and shall suffer such other penalties and spiritual penances as to the inquisitors may appear proper.

4. Whenever it is proved that any person received the most holy sacrament of the eucharist, after eating or drinking any thing, if he be a suspicious person, his crime shall be entered in the repertory ; and on his com-

mitting the same crime a second time, he shall be proceeded against as may appear proper, sending the records of the process, with the decision therein taken, to the council.

#### TITLE XIV.

*Of Wizards, Sorcerers, Diviners, and those who conjure the Devil, and have a Contract or Agreement with Him, or use the Art of judiciary Astrology.*

1. Though, according to law, the crimes of witchcraft, sorcery, divination, or any others of this kind, come under the cognizance of the inquisitors, only when they contain in themselves a manifest heresy; nevertheless, by the bull of Sixtus V. was committed to the inquisitors the cognizance of all these crimes, though not heretical; because, at least, they are not free from suspicion, and because there is in them superstition, which is so contrary to the christian religion. Therefore, if any person practises witchcraft, sorcery, or divinations, or using of heretical things and superstitions, he shall incur the penalty of excommunication, confiscation of his goods, and all others which are established by law against the crime of heresy; and the inquisitors shall proceed against such person in the same manner as against the heretics and apostates of our holy faith; and if there is lawful proof for convicting and inflicting on the criminal the ordinary penalty, should he not convert himself, confessing entirely all his crimes, shall be relaxed to the secular justice, in the manner stated in tit. 2. of this Book, and shall go to the *auto-da-fé* with the dress of the relaxed, *carocha* on the head, and an inscription thereon. of "wizard," or "witch" in the accustomed form.

2. But on the criminal confessing his crimes, he shall be received into the bosom of, and in union with, the holy mother church, and shall go to the public *auto* to

hear his sentence, with penance-dress and *carocha* in the same manner; and at the *auto* shall perform the abjuration of his errors in form, and shall have his goods confiscated from the time which, by the said crimes, he separated himself from the faith; and shall be sent to the galleys; and if a female, she shall be exiled to the island of Principe, St. Thomé, or Angola; and each shall suffer the punishment of whipping, and shall be instructed in the matters of the faith necessary for their salvation; and shall perform such spiritual penances that may appear proper to the inquisitors, and shall be forbidden to enter the place where the crime was committed.

3. When the person condemned for this crime is noble, or of such quality that it appears he ought not to undergo the punishment of whipping, or the galleys, he shall be exiled to Angola, St. Thomé, or parts of Brazil; and if a clergyman, or religious, shall have the penalty of exile, as in the preceding paragraphs; and though he is to go to the *auto* to hear his sentence, he shall not carry a *carocha*, but shall be for ever suspended from the exercise of his orders, and deprived of any office, benefice, or dignity he may have; and being religious, shall moreover be deprived of voting, or of being elected; and, care being paid to the quality of the person, the exile may be changed into reclusion in one of the most remote monasteries of his own religion, with some years of imprisonment added to it.

4. And in the decision that the inquisitors are to make of the penalties they are to inflict upon persons guilty of the said witchcraft, sorcery, or divinations, they shall pay regard to any death having arisen from it, or any other evil of great consequence, that in this case the punishment may be more severe; because, though the holy office apparently has only jurisdiction to punish witch-

craft, and similar crimes, but not deaths, losses, or damages that ensue from it; nevertheless, as those crimes become thus much more aggravated, it is but just that the penalty should be increased, according to its circumstances.

5. If it appears that the arts practised by the wizards, or witches, diviners, or sorcerers, are such that heresy may result therefrom, on account of the great presumption that arises of such persons being separated from our holy catholic faith, they shall be put to the torture; and if they do not confess in it the intention, they shall go to the public *auto-da-fé* to hear their sentence, and there shall abjure *de vehemente*; when in their witchcraft, sorceries; and divinations they have used the consecrated host, or part of it, or the blood of Christ our Lord, or the altar-stone taken from that sacred place, or the altar, sacred linen, or other sacred things, or if they invoke expressly the diabolic spirits, and require things of them which only God Almighty can do, or invoke the devil with imprecations, and offer him sacrifices, or any other worship of *latria* or *dulia*, or baptise images, or corpses, or rebaptize children, or amongst the saints invoke also the devils by their names, or offer up incense to any head of a corpse, or anoint it with sacred oil; because from such acts arise a strong suspicion of heresy. But if the criminals, in their defence, exculpate themselves so much from the enormity of the crimes, that regard being had to the quality of the person, manner and place where the crime was committed, and other circumstances offered in extenuation, it appears to the inquisitors that they ought to abjure only *de leve*; in this case they shall be excused from a greater abjuration.

6. Whenever from those acts of witchcraft, sorcery, or divination, result only a slight presumption of being suspected in the faith, the criminals shall also be put

to the torture; and on their making a further confession they shall hear their sentence at the public *auto-da-fé*, and shall abjure *de leve*; and these, as well as the others who abjure *de vehemente*, shall be condemned in such arbitrary penalties and spiritual penances as to the inquisitors may appear necessary, according to what is stated in the preceding paragraphs; and if the condemned are religious, or persons of such quality, that it may appear they ought not to go to the public *auto-da-fé*, they shall abjure at the saloon of the holy office, or at such other place as the board may determine.

7. If any person is apprehended in a second lapse of witchcraft, sorcery, or divination; and in the first instance had abjured *de leve*, in the second he shall abjure *de vehemente*, and shall be condemned in whipping, exile, and other penalties, according to what is stated in paragraphs 2. and 3. And if in the first lapse they have abjured in form, or *de vehemente*, and in the second be convicted of the crime which appears to produce a strong suspicion of living separated from our holy faith, in this case, they shall be proceeded against according to law, with due consideration: but if in the second lapse there is no conviction, they shall be condemned according to the presumption which may arise of their crimes, and in regard to the penalties which would have been inflicted had they been convicted; but they shall not perform the abjuration.

8. Those who voluntarily come to present themselves to the board of the holy office, whether during the time of grace; or after it, and confess crimes of witchcraft and sorceries, shall be dispatched according to what is ordered in tit. 1. of this Book, in as much as it may be applicable to this crime.

9. Whereas the brief of Sixtus V. and the constitution of Urbanus VIII. commit to the holy office of the inquisition

the prosecution of judiciary astrologers who make use of this art, prognosticating absolutely, in particular cases of futurity, in a certain and determined time : We do ordain, that if any person is apprehended for the same crime, they shall be examined for it at the holy office, and for the first time shall be admonished, that he might not commit a similar offence, except when the quality of the person and the circumstances of the crime require a greater condemnation ; and being apprehended a second time, for the same crime, he shall be subject to such penalties as the inquisitors may think proper, regard being paid to those established by law.

#### TITLE XV.

##### *Of the Bigamist.*

1. The holy office takes cognizance of the crime of bigamy by virtue of a declaration from the holy pontiff, and the presumption that arises against the bigamist, of not thinking well of the sacrament of matrimony, by which they become suspected in the faith. Any male, or female, therefore, of any quality whatsoever, who having contracted matrimony by words of present, in the form of the holy tridentine council, shall marry a second time, the first wife or the first husband being yet alive ; or without having a probable certitude of his or her death, as is required by law to enter into the second matrimony ; shall be interrogated at the holy office as to the intention and spirit with which they committed this crime, and shall be condemned to the public *auto-da-fé*, there to abjure *de levé*, as suspected in the faith ; except when the quality of the person and circumstances of the crime require a greater abjuration : moreover, if the criminal is a plebeian, he shall be publicly whipped through the streets, and shall be sent to the galleys for the period of from five to seven years ; and being a woman of a low

class, shall be condemned to the same punishment of whipping, and shall be exiled for the same period to the kingdom of Angola, or some parts of Brazil, as it may be determined by the inquisitors, regard being paid to the quality of the person and the nature of the crime; and, moreover, shall receive the ordinary instruction, and such other spiritual penances as may appear necessary.

2. And if a noble person, who, according to the ordinances of the kingdom is exempt from an infamous punishment, he shall be exiled for the period of from five to eight years to Africa, or to some part of the Brazils.

3. If any single person shall marry another by words of present, and such person knows with certainty of their being married, and the husband or wife to be alive; on this being proved in the manner required by law, the said person shall abjure *de leve* in a public place, and be condemned in whipping, and be sent to the galleys for the period of from three to five years.

4. If any person is punished by the holy office for bigamy, and falls again into the same crime, having in the first lapse abjured *de leve*, in the second he shall abjure *de vehemente* at the public *auto-da-fé*, and shall suffer (if not noble) the punishment of whipping, and be sent to the galleys for the period of from eight to ten years; and if a female, shall also suffer punishment of whipping, and be exiled to Angola or the Brazils: and to the relapse in this crime the spiritual penances shall be more severe than those inflicted in the first lapse; and if in the first lapse he abjured *de vehemente*, in the second he shall not perform any abjuration, but suffer the punishment of whipping and exile; and being a noble person, instead of whipping, he shall be exiled for a longer period, according to § 2. of this title.

5. Any witness who swears falsely, or utters any falsity in aid of the crime of bigamy, swearing the first husband

or wife to be dead, and knowing it would contribute to a second marriage being solemnized; if such crime is committed in such a manner that the holy office can take cognizance of it, the inquisitors shall take notice of the crime committed by the witnesses, who with their oath gave cause for the second matrimony to be effected; and for the suspicion which arises against them of the ill opinion of the sacrament, they shall be punished by the holy office, as well as those who may advise the second matrimony, being certain of the first husband or first wife still living. Therefore those who may be convicted of this crime, not shewing cause why they should be excused, shall abjure *de leve*, as suspected in the faith; and shall be exiled for the period of from three to five years to Castro Marim, or to any of the settlements in Africa; and shall suffer spiritual penances.

6. Any clergyman, who, having sacred orders, shall marry by words of present, in the form of the sacred council of Trent, shall perform an abjuration *de leve*, as suspected in the faith, at such public place as the inquisitors may appoint, should the circumstances of the crime and the quality of the person not require a greater degree of abjuration; and besides the greater excommunication which he incurred, he shall be deprived of the offices and benefices he possesses, and shall be suspended for ever from the exercise of his orders, and be incapacitated from being promoted to those he may want; and shall be sent to the galleys for such time as may appear proper; regard being paid to the quality of the person and the enormity of the crime.

7. And if he is a religious, and a professor in any religious order, though expelled from it, if he has judicially annulled his profession and vow, he shall perform the same abjuration, and be sent to the galleys, or to any of the settlements of this kingdom.

8. Any man who shall marry by words of present to any nun professed in any approved religious order, shall abjure *de leve* as suspected in the faith, and shall be subject to the penalties declared in § 5. of this title.

9. If any person who has committed the crime of bigamy, voluntarily presents himself, and confesses his crimes at the board of the holy office, he shall be dispatched in the manner declared in tit. 1. in regard to the *apresentados* for the crime of heresy; with this difference, that though he may be already denounced at the time when he presents himself, and with sufficient proofs to be committed to prison, nevertheless he shall proceed in his defence without being imprisoned; but shall abjure *de leve* in a public place, according to the quality of the person, and the scandal he may have propagated with his crime, and shall be condemned in exile to the Brazils, or to any place in Africa, for the period of from four to six years; and if a female, shall be sent to to Castro-Marim.

#### TITLE XVI.

*Of those who, being married by Words of Present, take sacred Orders; and of the Catholics who marry as Heretic or Infidel.*

1. He who, being married by words of present, in the form of the holy council of Trent, shall leave his wife, and without her consent, or other requisites of law, shall take sacred orders, shall be punished by the holy office as a person suspected in the faith, from the presumption arising therefrom, that he thinks ill of the sacrament of the order, to which is annexed the vow of chastity; and as such he shall abjure *de leve*, in such public place as may be appointed, according to the quality of the person, and the enormity of the crime which he committed; and shall be incapacitated from being promoted at any

time to the other orders, and if he holds any ecclesiastical benefit, he shall be deprived of it, and shall suffer such other penalties and spiritual penances as to the inquisitors may appear proper.

2. In like manner shall be held as suspected in the faith that person who, being a catholic, shall marry an heretic or infidel, knowing him to be so, with a certainty required by law; for which, if there is no cause to excuse, he shall abjure *de leve* in the place appointed, regard being paid to the quality of the person and the extent of the crime; and, moreover, shall perform such other spiritual penances as may be deemed necessary.

And those who voluntarily present themselves and confess any of the said crimes, shall be dispatched in the manner disposed in tit. 1. of this book, and the last section of tit. 15.

## TITLE XVII.

### *Of those who say Mass or hear Confessions, not being Priests.*

1. The crime of those who say mass, not being priests, appertains to idolatry, as declares the pope Clement VIII., in the brief which he passed on this subject; because these persons induce faithful christians to adore the bread of the host and wine of the chalice, as if they were the true body and blood of Christ our Lord, consecrated under those *species*; and those who confess without being priests, abuse the sacrament of confession, to the great injury of our fellow-creatures, who think themselves absolved sacramentally of their sins. The holy pontiffs Paul IV., Gregory XIII., Sixtus V., and Clement VIII., have declared them to be suspected in the faith, and have referred them to the jurisdiction of the holy office, to be therein punished.

2. Therefore the secular clergyman, who having only

the orders of sub-deacon, or deacon, says mass or hears confessions, on his being apprehended for any of those crimes shall abjure *de leve*, as suspected in the faith, in the public *auto*, if the quality of the person or circumstances attending the crime do not require a greater degree of abjuration; and shall be suspended for ever from the order he possesses, and incapacitated from receiving any others he may want; and shall be sent to the galleys for the period of from five to ten years, and shall receive the ordinary instructions and spiritual penances.

3. And if a regular, he shall abjure in the same manner; and besides suffering the said penalties, shall be deprived for ever from having any vote, or of being elected. But if the quality of the person and the circumstances of the case are such as to render it necessary to mitigate the penalty, he shall abjure at the saloon of the holy office, and shall be exiled for the period of from seven to ten years to Angola; or to any of the other settlements of the kingdom, where there is a convent of his religion; and he shall be committed to the prisons thereof, for one or two years, fasting upon bread and water, and suffering other spiritual penances; and if there is a monastery of his religion in any of the said settlements, he shall be immured in the most remote convent of the province, for the period of ten years; and the first two or three years shall be committed to the prison of the convent, where he shall perform the said penances, and such others as the inquisitors may please to appoint.

4. Those who commit any of the aforesaid crimes, not having received sacred orders at all, if persons in a low situation of life, shall abjure *de leve* in the public *auto-da-fé*, and shall be incapacitated from ever receiving any orders; and shall be condemned to the galleys for the period of from six to ten years, and publicly whipped; and, moreover, shall suffer such penalties and penances as

may appear proper : and if they are persons of noble birth, who, on account of their quality, it may appear proper that they should not go to the *auto-da-fé*, nor suffer the penalty of whipping and galleys, they shall abjure at the saloon of the holy office, [or at any place that may appear expedient ; and shall be exiled to one of the settlements of the kingdom for the period of from eight to ten years.

5. When any person, secular, ecclesiastical, or regular, of any quality or rank whatsoever, after being condemned and punished at the holy office for the aforesaid crimes, shall again fall into the same ; having on the first lapse abjured *de leve*, either in the public *auto* or at the saloon of the holy office, in the second lapse shall abjure *de vehemente* in a public *auto*, and shall be sent to the galleys for the period of ten years, and shall perform the other spiritual penances of § 2. And when in the first instance they abjured *de vehemente*, in the second they shall be proceeded against according to law, regard being paid to what is ordered in the apostolic briefs as to these crimes.

6. When any person comes to present himself voluntarily, and confesses his having committed any of the said crimes, whether within the time of grace or after it, or before it, being already denounced, he shall be treated in every respect as is ordered with respect to the *apresentados* guilty of the crime of heresy, as far as is applicable to this crime.

### TITLE XVIII.

*Of the Confessors, Solicitant, in the Sacrament of Confession.*

1. By the briefs of the holy pontiffs Pius IV. and Gregory XV., it belongs to the holy office exclusively to take

cognizance of the crime of those who solicit in the confession, and to punish the guilty for this crime. Therefore, if any confessor in the act of hearing a sacramental confession, before, or immediately after it; or on the motive or pretext of hearing the confession in the confessional, or other place deputed for this purpose, pretending to hear a confession, shall solicit, or in any manner provoke to illicit and immodest acts, by word or actions, for himself or for another, the person whose confession he hears, either woman or man; if there is sufficient proof to judge the crime proved, though only by a single witness; if the accused is a secular clergyman, he shall abjure *de leve*, as suspected in the faith (except there is cause to render a greater abjuration necessary) shall be deprived for ever of the power of confessing, suspended from the exercise of his orders for the time of from eight to ten years; and for the same period of time shall be exiled to any place out of the bishopric; and for ever from the place where the crime was committed; where he shall not be permitted to enter, on account of the scandal he there produced with his crimes.

2. And if such a confessor be convicted of having continued in the said crime with licentiousness, besides the aforesaid penalties, he shall be exiled to one of the settlements of the kingdom; and he shall suffer the same penalty if he has committed with the solicited person the sin of fornication, pollution, or a detestable crime.

3. And if the confessor is a religious, he shall perform the same abjuration, and shall be for ever deprived of the power of hearing confessions, and of voting or being elected, and be suspended from the exercise of his orders for the period of from three to five years, and shall be exiled to one of the most remote monasteries of his religion for eight or ten years, with reclusion for one or two years in the prisons thereof; and there shall fast upon

bread and water, and perform other spiritual penances, according to the enormity of his crimes : and if he be licentious in the crime, the said penalties shall be increased in such a manner as the inquisitors may think proper.

4. The abjuration made by the confessors solicitant, whether secular or regular, shall always be at the saloon of the holy office, before the inquisitors, deputies, promoters, notaries, officers, some familiars, and some ecclesiastical persons also shall be called to be present, secular as well as regular ; and after they have heard their sentence at the saloon of the holy office, a notary shall go and read the same at the chapter of their convents, in the presence of the prelates, and of the religious inhabitants thereof.

5. When the confessors solicitant are not licentious, nor have committed the crime of any consummate act, nor guilty of crimes of great magnitude, the aforesaid penalties may be moderated, in such manner as to the inquisitors may appear proper, regard being paid to the quality of the persons, number of acts, and circumstances attending its perpetration.

6. If any of the confessors who shall be imprisoned and accused at the holy office for this crime, shall deny the crime of which they are accused, and it be found out that there are not sufficient proofs to adjudge the crime as proved, according to the custom and practice of the inquisition, he shall not perform any abjuration ; but may be deprived of the power of hearing confessions, and be exiled from the place where the crime was committed ; and (if it appears to be necessary) shall be suspended from the exercise of his orders for the time agreed upon at the board, and shall suffer such other spiritual penances as, according to the proof and the nature of his crimes, may appear necessary.

7. If any confessor is apprehended in a second lapse of

the crime of solicitant ; if on the first lapse he abjured *de leve*, as suspected in the faith, on the second he shall abjure *de vehemente*, and shall be suspended from the exercise of his orders for ever, and deprived of any office, dignity, or benefice he may enjoy, and be incapacitated for ever from obtaining others, and shall be sent to the galleys for the period of from eight to ten years ; and if religious, besides the aforesaid penalties, he shall be for ever deprived of his vote, and of being elected. And when, on the first lapse, he abjured *de vehemente*, on the second he shall not perform any abjuration, but shall suffer all the penalties and arbitrary penances as the inquisitors may think proper.

8. Those who come voluntarily to present themselves and confess the crime of soliciting in the confession, if they come during the period established by the edict of grace, and before they are denounced by the holy office, by two witnesses at least, they shall abjure at the board, before the inquisitors, notaries, and two witnesses, and shall be ordered to abstain themselves as much as possible from hearing confessions, enforcing this to them with a precept as to their conscience, and shall only suffer spiritual penances. And if the said *presentados* are clergymen, and licentious in the crime, they shall be ordered to appoint a curate immediately, and within the period to be assigned to them to resign the benefice ; and if they cannot resign it, on account of any legal impediment of law, they shall be ordered to abstain from confessing persons with whom there may be a danger of falling again into the same crime.

9. And if such confessor solicitant presents himself out of the time of the edict of grace, without being denounced by two witnesses at least, as aforesaid, he shall abjure in the manner directed in the preceding section, and shall be suspended from hearing confessions for such time

as to the inquisitors may appear proper, regard being paid to their quality and the nature of their crimes.

10. Whenever the solicitants, at the time when they present themselves, are already denounced by more than one witness, whether they present themselves within the time of grace or out of it, they shall abjure at the saloon of the holy office before the inquisitors, deputies, promoter, notaries, and other ecclesiastical persons; and shall be debarred from hearing confessions, shall be suspended from the exercise of their orders, and be exiled from the place where the crime was committed, for such period as the quality of the person and the nature of the crime may deserve.

11. Those confessors who shall profess and teach to the persons whose confessions they hear, that they are not obliged to denounce to the holy office such confessors as they know to have solicited in the sacrament of confession, in manner stated in § 1. of this title, shall be punished according to the apostolic briefs above quoted, and be inflicted with such penalties and arbitrary spiritual penances as may be thought necessary, according to the quality and circumstances of the crime.

#### TITLE XIX.

*Of those who read and keep Books of Heretics, or of any impious Sect.*

1. Any person of rank, quality, or condition whatsoever, who, contrary to the prohibition of the bull of the Lord's Supper, and edicts of faith, which the holy office causes to be published, intentionally reads and keeps heretical books, in the manner declared in the Romish Catalogue, and in that of this kingdom, over and above incurring the penalties established by the said bull of the Lord's Supper, apostolic briefs, and aforesaid edicts, shall be held as suspected in the faith, and shall be condemned to

perform the abjuration *de leve* ; except the quality of the books and the rank of the person are such, as, with other circumstances, to induce a suspicion of heresy, that it may appear to the inquisitors to be necessary to inflict a greater abjuration ; in which case they may impose other penalties at their pleasure ; and all this shall take place whether the books are printed or manuscript.

2. And if the books are expressly composed by the person in whose possession they were found, and he is actually the author of them, on his not shewing cause, or lawful defence, why he should be relieved, he shall be proceeded against according to law as against an heretic, as is declared in title 2. of this book, for the great presumption resulting against him. And in like manner he shall be the reputed author of a book who retains in his possession a manuscript of any heretical work without giving up the name of the author, and does not declare and prove from whence he obtained it.

3. Any person who brings, or orders to be brought, to a country of catholics, any heretical books, or books of magic, art, or sorceries, or witchcraft, besides incurring the penalties of excommunication as an abettor of heretics, according to the brief of Clement VIII. shall forfeit such books, and shall be condemned in a pecuniary fine, and suffer such other arbitrary penances as to the inquisitors may appear necessary, according to the quality of the persons and the extent of their crime ; and the same penalties shall be imposed on those who bring, or cause to be brought, any books of judiciary astrology, as stated in the constitutions of Sixtus V. and Urbanus VIII.

4. Any heretic, jew, or infidel, who, living in a catholic country, shall circulate any works of their heresiarchs, or the thalmud of the jews, or the Koran of the moors, or any other work of a similar description, shall be con-

demned in the loss of all the books, and suffer such other arbitrary penalties as may appear commensurate to the crime.

5. The printers who, without permission, or approbation of the holy office, shall print any book, or any other writing, besides incurring the penalty of the greater excommunication, shall be deprived for one whole year from the exercise of their business; and, moreover, be condemned in a pecuniary fine, according to the extent of the crime, and shall forfeit the books and writings they may have thus printed, which shall be burnt, that no further use may be made of them.

#### TITLE XX.

*Of Worshippers as Saints those who are not canonized or beatified; and of the Books which treat of their Miracles or Revelations, and of those who invent them.*

1. According to the apostolic briefs of the holy fathers, Paul V. and Urbanus VIII. our Lords, no worship or veneration due to the saints only, can be given to any image of a deceased person, without being previously canonized, beatified, or approved by a common usage of the church; and the holy office is to proceed against those who shall act to the contrary. Therefore, if any person shall venerate the image of any deceased person, though he may have died with the fame and opinion of being a saint, having such image in a private chapel, oratory, or church, or any public place, with a glory over the head, without being canonized or beatified, or approved by the common usage of the church, for the first offence shall be condemned in the loss of the images, and of those things with which he worshipped them; and on his persevering in the same crime shall suffer, besides the said penalty, such other arbitrary penances as the inquisitors may think proper, regard

being paid to those assigned in the said briefs ; and if he be an ecclesiastical person, he shall be punished with greater severity.

2. He also shall suffer the same penalties who places, or causes to be placed, at the graves of the dead, any board or cloath with paint, writing, or inscription of his miracles, or the image of any thing painted, sculpture, fixed or hanged, or puts, or causes to be put, any lamp or other light, or any other worship or veneration, without permission of the ordinary, as required by law.

3. In like manner shall be proceeded against those who write or compose any book of their miracles, revelations, or other favours, obtained from the Lord our God, through the intercession of such deceased, without permission from the ordinary, and other necessary licences ; and the workman who prints such books, and the painter who paints such paintings, and the statuary who sculptsures such images, shall lose what they may have done, and shall be condemned in a pecuniary fine, as the inquisitors may think proper.

4. And whereas some persons, with the assumption of virtue, endeavour to shew that they have revelation from heaven, and perform miracles, and through these means cause great scandal amongst the christian people, and thereby introduce false doctrines and great abuses, to the detriment of our holy faith ; we do ordain, that those who commit this crime shall be punished at the holy office, and if they are persons of ordinary condition, shall suffer the punishment of whipping, and be sent to the galleys ; and if religious persons, or nobles, the penalty shall be arbitrary, regard being paid to the scandal and injury they caused with their crimes.

## TITLE XXI.

*Of those who hinder and disturb the Ministry of the Holy Office.*

I. Any person who, in the causes and business belonging to the faith, hinder or disturb the ministry of the inquisition in any of the ways contained in this title, or similar ones; besides incurring excommunication *ipso facto*, and being obliged to abjure according to the suspicion arising from it; and being held at law as an abettor of heretics, shall suffer the punishment of whipping, and be sent to the galleys; and, moreover, shall be inflicted with such other arbitrary penalties as to the inquisitors may appear necessary; but who shall, on this business, pay attention to what is ordered in the apostolic briefs of the papers of Julius III. and Pius V. and Urbanus VIII. against such offenders, and also to the practice of the holy office.

2. He who disturbs and hinders the ministry of the holy office, injuring or offending its ministers and officers in contempt of the inquisition, shall abjure *de leve*, as suspected in the faith, at such place as the inquisitors may appoint, except the quality of the person and the nature of the crime shall require a greater degree of abjuration; and he shall be sent to the galleys at the pleasure of the inquisitors, and publicly whipped, if the quality of the offender does not preclude this punishment being inflicted upon him.

3. Any person who hinders and disturbs the ministry of the holy office in business and matters of faith, offending, threatening, menacing, or intimidating the witnesses, or denouncers and informers, who wish to come, or have been to give their evidences at the board of the holy office, or takes from the board, or any other place, any papers of trials, or other papers, belonging to the holy

office ; and burns them, or destroys them, or breaks the prisons, that any prisoner may escape from it, or free him from the prison, or from any other place, or conceals him that he might not be imprisoned, shall abjure in the same manner, and shall be condemned in the same penalties ; all which shall take place, though in the aforesaid cases the effect does not follow, except there are such circumstances that it may appear to the inquisitors, that the said penalties ought to be moderated, in which case such penalties shall be moderated, if the criminal shows, by a lawful proof, as required by law, that the crime was not committed out of contempt for the ministry of the holy office, but for some other particular purpose.

4. Those who, on account of their jurisdiction or office prohibit the ministers of the holy office and its officers from carrying arms (provided they are prohibited) when they go to execute any business belonging to the holy office, or use any impediment to its execution, if they are persons who have any jurisdiction, the inquisitors shall proceed against them by censures, and on their not attending to them, may inflict any other penalties they may think proper ; and if officers of justice they shall be proceeded against in such a manner as may appear expedient, as well for the removal of the obstruction and impediment, as for the punishment of them for the crime they may have committed.

If any person, of what quality, rank, or pre-eminence whatever, shall make or enact any statute, decree, or constitution, which may hinder the jurisdiction of the holy office, the inquisitors shall compel him, with censures, to revoke it : and if he does not do it, they shall proceed against him, as against one who impedes the ministry of the holy office, and shall be condemned in the penalties imposed by the apostolic briefs. And so likewise against those who may wish, or pretend, by any means whatever,

to usurp the power and jurisdiction which, according to the canon law, and apostolic briefs, is granted to the tribunal of the holy office.

6. And so likewise they shall proceed against the ministers of justice who refuse to put in execution the sentences of those condemned by the holy office, according to the brief of Leo X., and against those who will not send up the prisoners, when so desired by the inquisitors, to be examined for crimes they may have committed against our holy faith.

7. Any person who may be found, out of malice, or negligence, to have betrayed the secrets of the inquisition, revealing them to persons who may obstruct the ministry and the administration of the faith, shall be punished at the holy office as the disturbers of its ministry, with such arbitrary penalties as to the inquisitors may appear to be expedient, regard being paid to the quality of the offender and the nature of the crime.

8. Those who offend, injure, or ill-treat the ministers and officers of the holy office, though it should not be on account or by reason of their ministry, shall also be punished as disturbers thereof, but with different penalties; and they shall suffer such punishment as may appear necessary for the satisfaction of justice, and the necessary example to offenders. And those who may wound or kill any minister of the holy office shall be prosecuted according to law and the apostolic briefs.

9. If there be any minister or officer of the holy office so forgetful of his duty, as, through malice, entreaties, or bribes, to reveal the secret of the holy office, or do any other thing in prejudice of its ministry, hindering and disturbing it in this manner; if the crime he has committed be very heinous; being an ecclesiastical minister he shall be deprived of the employment he may hold, and be excluded from the service of the holy office, and

shall suffer such other arbitrary penalties as may be compatible with the quality of the person, to which regard shall be paid to the nature of the crime; and if he be an officer, besides losing the place he may hold at the inquisition, and be excluded in the same manner, he shall be condemned in the punishment of whipping, and be sent to the galleys for the period the inquisitors may determine; and if the crime which either of them have committed be but slight, what is ordered in Book I. tit. 3. § 47. shall be observed.

10. And whereas those who corrupt, or endeavour to corrupt, the ministers or officers of the holy office with entreaties, gifts, or bribes, are also hinderers and disturbers of the ministry; and any persons who shall commit this crime, if what they have obtained from the ministers or officers of the holy office, through these means, is a matter of importance, they shall be condemned in exile to one of the settlements of this kingdom, for the period of from two to five years; and if only of slight import, the penalty shall be at the will of the inquisitors, who shall inflict that which may be deemed expedient, according to the quality of the offenders and the nature of their crimes.

## TITLE XXII.

*Of those who pretend to be Ministers and Officers of the Inquisition.*

1. It being expedient to preserve the authority of the ministry of the holy office, and to proceed with purity and entire truth in all matters belonging to it, that if any persons are so daring as to pretend and personate the ministers or officers of the holy office so that they deceive others, and extort money or any other thing, or pretend that, having an order from the holy office to execute any business, or that they know any secret of the

holy office for this purpose, being apprehended for these or like crimes they shall be condemned to go to the *auto-da-fé* to hear their sentence, and shall not perform an abjuration; except when from their guilt results also crime against the faith; and, being a person low in life, they shall suffer the punishment of whipping and exile, which penalties may be moderated according to the quality of the criminals, and the circumstances attending the crime: and if they are persons of quality they shall suffer exile, and other arbitrary penalties, at the will of the inquisitors; and they shall restore to the parties what they may have extorted from them.

2. Any minister or officer of justice who apprehends a person suspected in the faith who has absented himself, or thinks of absconding through fear of the holy office, with orders from the inquisition to act so; and after being imprisoned shall release him again on account of any bribe; besides the penalties of the preceding paragraphs, he shall be condemned in double the value he may have received from the prisoner.

3. If any minister, or officer of justice, or any other person wishing to imprison another, or transact any business, shall make use of the name of the holy office without permission to do it, he shall be condemned in a pecuniary fine, and other arbitrary penances, at the will of the inquisitors, and shall hear his sentence at such place as may be thought expedient, regard being paid to the person and the circumstances of the crime, that, if public and scandalous, a proper satisfaction may be made for it.

4. Those who pretend to denounce persons of the *nation* at the holy office, and by fiction extort money from them, shall also be punished by the holy office, and shall be condemned in a pecuniary fine, and in such other arbitrary penances as may appear expedient to the quality of the persons and the nature of the crime.

## TITLE XXIII.

*Of those who escape from the Prisons, and those who do not fulfil the Penances imposed on them.*

1. Any prisoner who, by himself, with force and aid of persons from without, runs away from the prisons of the holy office, breaking gates or pulling down walls, or otherwise, shall be severely punished, at the will of the inquisitors, in which they shall consider the quality of the person and the nature of the crime.

And if he be a low person he shall be publicly whipped; but the penalties may be mitigated with him who escapes by his own industry, or through the neglect of the *alcayde*, or guards of the prison; and he who gives him aid, and favours his escape, shall be punished as an abettor of heretics, or hinderer of the ministry, according to the nature of the guilt of the prisoner, as in manner stated in tit. 9. and 21. of this Book.

2. And he who escapes from the place which was assigned to him as his prison to fulfil the penances imposed on him, for the first offence he shall be imprisoned, and on his begging for mercy, shall be condemned to go to the *auto-da-fé* to hear his sentence; and the imprisonment shall be extended, and also the penance-dress be one degree above that in which he had been condemned, and with which he had been reconciled, and never shall be less than perpetual, which shall commence from the publication of the last sentence.

3. And absconding from the place assigned for his prison, after having been punished for not complying with the penances in the manner he ought, and it appearing that he is incorrigible, besides the said penalty he shall be exiled to one of the settlements of the kingdom for such time as may appear proper; and, moreover, shall suffer such penalties and spiritual penances as may

be thought to be necessary, according to the extent and nature of the crime; but before he goes to the exile he shall be imprisoned in the public prison of the place which is assigned to them for their imprisonment, and from them taken publicly to his parish church to hear the mass of the hour *Tertia*, as a public satisfaction for the scandal he has occasioned by his crimes.

5. If those condemned to do penance, and who are in the fulfilment of penances, are found without penance-dress in the cities where the holy office resides, they shall, for the first offence, be reprimanded at the board, and a record of the same entered in the process, and signed by them, that, on committing the same crime again, they may be proceeded against according to their deserts; and being out of the place where the holy office resides, the same shall be ordered to be done by the commissary, and for the second time they shall be condemned in the loss of the cloak, or mantle, with which they are found when without the penance-dress, and be imprisoned for some days in the public prison.

6. And those who are found without penance-dress out of the place assigned to them as a prison, shall lose the cloak, or mantle, for the first offence, and shall have at least fifteen days imprisonment in the public prison of the place assigned them; and from thence shall be publicly conveyed to hear mass and divine service at the church.

And being a second time found guilty of the same crime, shall have one month imprisonment in the same form, and suffer such other arbitrary penalties as to the inquisitors may appear proper: and if, after being thus punished, they do not fulfil their penances as they ought, but show themselves incorrigible, they shall be confined in the prisons of the holy office, and condemned according to what is ordered in § 2. of this title.

7. The secular justices may take into prison those reconciled criminals who they may find without penance-dress, or that wear it under cover: and shall draw up a

process of the same, which they shall send to the holy office, and the inquisitors shall adjudge to the justices the cloak or mantle with which the prisoner was found : and, in like manner, any officer or familiar of the holy office who detects persons condemned to do penance without the penance-dress, may take them to prison, and carry them before the inquisitors, who shall in like manner adjudge to such officers the dresses of the criminal in the aforesaid manner.

#### TITLE XXIV.

##### *Of false Witnesses.*

1. In proportion to the enormity of the crimes of those persons who commit perjury at the courts of the holy office, so the more expedient it is that their punishments should be severe. Any person, therefore, who swears falsely before the board of the holy office, in any matter whose cognizance belongs to it, for which, when proved, the prisoner is to be delivered over to secular justice, whether the deposition of the witness is to condemn or to absolve, shall be publicly whipped, and sent to the galleys for the period of from five to ten years ; and shall go to the public *auto-da-fé*, where he is to hear his sentence, with a *carocha*, on which shall be the inscription of perjurer ; and the same penalty shall be inflicted on any person who induced or corrupted such witness to swear falsely in the aforesaid manner. But when it is to absolve the crime of heresy, both he who commits the perjury, as well as he who induces him so to do, shall abjure *de leve*, or *de vehemente*, according to the presumption which results against him, as abettor and defender of heretics ; and if the crime be such, that, when proved, it would not be punished with the ordinary penalty, the witness who perjured, and he who induced him

so to do, shall be exiled to one of the settlements of the kingdom, from the period of from seven to eight years.

2. He who tampers with a witness, promising money or offering any other bribe to give false evidence at the board of the holy office; if the witness does not accept the proposals, and does not give his evidence, if the crime be such, that, when proved, the criminal would be relaxed to the secular court, such person shall be condemned to public whipping, and be exiled to one of the settlements of the kingdom for the period of from five to ten years; and if the crime is of such a nature as to deserve the ordinary penalty, he shall be condemned only in exile to one of the aforesaid places; and if the evidence is procured to absolve in case of heresy, he shall abjure in the manner stated in the preceding section; and the exile shall be at the pleasure of the inquisitors. And he who presents a false witness at the board of the holy office, shall be condemned in the same penalties, though after the evidence is given he says that he does not wish to make use of it.

3. Any person who shall accuse another falsely of the crime of heresy and apostacy, so that on account of this perjury and other depositions the accused is relaxed to secular justice; the crime of the perjury being proved, either by sufficient legal proof to convict the criminal, or by his own confession, may be relaxed to the secular justice, according to the dispositions of the brief of the pope Leo X.; but if it appears that it is not expedient to inflict the ordinary penalty on such perjurers, they shall go to the public *auto-da-fé*, with *carocha*, to hear their sentences there, and without penance-dress, and shall be condemned in whipping, and be sent to the galleys for the period of ten years, except the circumstances of the case are such as to require a mitigation of this penalty: and in case the said perjurers had been reconciled before, and

the time of their penance is not over, such penance shall be increased one degree more; but never shall be less than perpetual, which shall commence from the publication of the last sentence; and if females, they shall be exiled for the same period to the island of St. Thomé.

4. If any ecclesiastical or religious person is found guilty of the crime of perjury, he shall go to the *auto-da-fé* in the manner aforesaid, but shall not put on a *carocha*; and if a clergyman, he shall be suspended from his orders for ever, and incapacitated from receiving those he may be in want of, and shall be sent to the galleys, or exiled to St. Thomé or Angola, for the time that may appear proper, regard being paid to the nature of the crime; and if religious, shall be for ever deprived of his vote and of being elected, and suspended from his orders, and also reclused, for a period not exceeding ten years, in the most remote monastery of his religion, and shall be immured for some years in the prisons of it, suffering flogging, and fasting upon bread and water; regard being paid to the injury and the prejudice he caused by his perjury.

5. Those who, before they go out of the prisons of the holy office, confess to have sworn falsely in their confessions against any person or persons, shall go to the *auto* with *carocha*, and shall be condemned in the penalty of whipping; and the penance-dress shall be aggravated one degree more, on account of the perjury they committed, and never shall be less than perpetual; and the penalty shall be the galleys, or exile to S. Thomé or Angola, at the pleasure of the inquisitors, that, regard being paid to the crime and evil arising from it, they may moderate the penalties as they may think proper; but the said penalties of perjury shall not be inflicted on him who revokes what he has said against another, proving that he

did so at the time inadvertently, or that when he comes to declare his confession, his recollection is better than at the time when he did it; for, in this case, if it appears that he speaks the truth, what is ordered in tit. 5. § 5. of this book shall be observed.

6. And those who, on the contrary, shall deny the crime of perjury they have committed, and being imprisoned for it, if there is no lawful proof to convict them, they shall be put to the torture; and persisting in denying it, they shall be exiled to S. Thomé, Angola, or Brazil, if the quality of the proof and the nature of the crime shall require it.

7. Whenever any person shall commit a perjury in any business ordered to be done on the part of the holy office, the inquisitors shall proceed against the criminal, and inflict on him such penalties as they may think proper, according to the quality of the person, and the evil produced by the perjury.

#### TITLE XXV.

##### *Of those who commit the nefarious Crime of Sodomy.*

1. The inquisitors shall proceed against those guilty of the nefarious crime of sodomy, of whatsoever station, degree, quality, pre-eminence, or condition they may be; though they may be out of the jurisdiction, or religious, keeping the same forms as in the crime of heresy; and they may inflict such punishment on the criminals as they merit for their crimes; having also the power to inflict those established by the civil law and the ordinances of the kingdom, against those who commit such an atrocious offence, even to the point of relaxing them to the secular justice, according to the apostolic briefs of Pius IV. and Gregory XIII., and the declarations of the pope Paul V. by letters from cardinal Melino, and the mandate of the cardinal Infante D. Henrique.

2. Those who, for the first time, voluntarily present themselves to the board of the holy office, and there confess their crimes of sodomy, if there are no witnesses, now, after they present themselves, any appear, they shall not be condemned in any penalty ; only, after their confession is written down, they shall be admonished not to commit the same crime again, because if they fall again into such an error, they shall be punished with great severity ; and this shall be strictly observed, because this is the custom always practised at the holy office.

3. And if those who thus come to present themselves have already witnesses against them, or after the confession any appear, nevertheless they shall not be punished with public penalty, lest the fear of the infamy that follows from it shall deter the guilty from coming forth and confessing their crimes, and of discovering the accomplices with whom they committed it ; but they shall have some private penance imposed upon them, so that people may not come to the knowledge of the crime.

4. When the confessions of such *presentados* are *diminute* or evasive, in such manner that it is proved, or presumed by strong evidence, that such confession was made maliciously, notwithstanding such confession, the prisoners *apresentados* shall be punished according to the extent of their crimes, observing what is determined as to the *confitent diminute*, feigned, and dissimulating in the crime of heresy.

5. And if the *apresentados* were licentious in the crime, they shall be privately condemned in the punishment of exile ; because this penalty does not deter others from confessing, when intending through it to avoid the infamy, and with this penalty ceases the scandal which might have happened amongst those who might have known of his crimes ; and thus is avoided the injury which may be produced to others by his communication.

6. And if there are any so publicly licentious or scandalous, or attended by circumstances which aggravate the crime considerably ; as, for instance, if he should keep a house for the commission of this crime, or be an instigation to others to commit it, or persevere in it for many years, practising it every where he goes, he shall be punished publicly with arbitrary penalty; notwithstanding his having presented himself; because, upon such terms, the criminal does not receive a greater punishment by the infamy of having the penalty made public, than what is due to the scandal he has occasioned by the licentiousness of his crimes.

7. The person who thus presents himself and confesses his crimes, though he may not make it certain, nor cause the persons of whom he spoke in his confessions to be imprisoned, shall be received in the manner of the preceding paragraphs, without the circumstances being prejudicial to him ; because, to detect the accomplices, and cause them to be imprisoned, cannot take place at the holy office, on account of the secrecy with which the confessions are made, and which is to be observed in the imprisonment of the guilty.

8. Those who, after being imprisoned for the first offence, shall fall again into the same crime, and a second time present themselves to confess it, if at the time of the presentation of the second lapse they have no witnesses against them, nor shall any appear afterwards in the manner aforesaid, they shall also be condemned privately in the penalty of exile, and they shall be removed from the place where they committed the crime ; because, considering the little correction that is generally observed towards those guilty of this crime, it is justly to be feared that they will become incorrigible ; and it is expedient, for the good of the public, to exile them to places where they can do no harm.

9. And if those who present themselves a second time shall have witnesses against them for the second lapse, or afterwards any shall appear, but not in sufficient number to convict them, if they are persons of rank they shall be privately punished with the said penalty of exile; and if they are persons of inferior situations in life, they shall suffer arbitrary punishment. And if there is sufficient proof to convict them, besides their own confessions, they shall be publicly condemned to an extraordinary penalty, the greatest that can be inflicted with regard to the circumstances that may occur with the guilty; as, for instance, if a person of rank, he shall hear his sentence at the saloon of the holy office, and shall suffer the penalty of exile; and, if a person of ordinary condition, he shall suffer the punishment of whipping and the galleys. But if they are convicted by proofs of justice as publicly scandalous, or most licentious in the crime, let them be of any rank or class whatsoever, they shall be relaxed to the secular justice, and his goods confiscated, according to the law of the kingdom.

10. Those who, having presented themselves a first and second time, shall again commit the same crime, and wish again to confess the crime, if there is no other proofs against them of the third lapse than their own confession, they shall be punished with public arbitrary penalty, but shall not suffer capital punishment. But if there should be legal proof against them, at the third lapse they shall be relaxed to secular justice, because they must be held as incorrigible, and it is expedient to inflict the utmost severity of the law upon them, with a confiscation of their goods as aforesaid.

11. Any person who is guilty, and imprisoned for the crime of sodomy before he comes to confess it at the holy office, whether a lay person or ecclesiastical, secular or regular, if convicted by the proofs of justice, or by the con-

session made after being in the prisons of the holy office, being the *exercens*, (which must be understood when he confesses, or if they are proved by two consummate acts,) shall be relaxed to secular justice, and his goods confiscated; except if he be a minor under twenty years of age, or such circumstances arise in the case, that, with the quality of the person, it may appear improper to inflict the ordinary penalty; because, in such cases, he shall suffer the greatest punishment that can be inflicted.

And the negative who are not convicted by the proof of justice shall be put to the torture; and not confessing in it, nor after it, shall be condemned in as many of the arbitrary penalties as may appear proper.

12. Any person convicted of this crime, whether by the proofs of justice, or by their own confession, who, however, is not to be delivered over to the secular justice, but is to suffer his punishment publicly, shall go to the *auto-da-fé*, there to hear his sentence, and shall be condemned in the confiscation of his goods, and the punishment of whipping and the galleys for the time that may appear proper; and if he be a clergyman, shall also be whipped, and shall be suspended for ever from the orders he may enjoy, and be incapacitated for ever from promotion, and if holding any office or ecclesiastical benefice, shall be deprived of it, and incapacitated from succeeding to others; and if he be a religious, professed, he shall hear his sentence at the saloon of the holy office, and shall also be suspended from his orders, and deprived of vote and right of election for ever, and shall be exiled to one of the most remote monasteries of his religion, where he shall suffer imprisonment, and be inflicted with those penances that they exercise for the most heinous offences; and may also be exiled to some place out of the kingdom, regard being paid to the extent of the crime and the quality of the person; but in case they are licentious in

the crime, and scandalous, they shall go to hear the sentence at the public *auto*, and shall also be exiled to the galleys.

13. In case any woman is apprehended for the crime of sodomy, and is to be punished for it at the holy office, she shall hear her sentence at the saloon of the inquisition, on account of the great scandal and evil that may result from publishing at the *auto* crimes of such a nature; and she shall be exiled to the island of Principe, S. Thomé, or Angola. And when it is deemed expedient for any particular reasons, that she should go to hear her sentence at the public *auto-da-fé*, she shall be condemned in the penalty of whipping, and shall be exiled to one of the aforesaid places for such period as may be thought proper.

#### TITLE XXVI.

*Of the Absent and Dead, who died before or after being imprisoned; and of those who kill themselves or become Mad in the Prisons.*

1. Whenever any person who is accused or denounced at the holy office for crimes of heresy and apostacy, is absent, or after being accused or denounced, absent themselves, they shall be proceeded against in the manner declared in Book II. tit. 19. And if the evidence is sufficient to convict them in the said crime, they shall be declared by sentence as heretics and apostates of our holy catholic faith, and be carried in statue to the public *auto-da-fé*, where their sentences shall be read, and by it relaxed to the secular justice, and condemned in the confiscation of their goods, from the time when, according to the proof of justice, they committed the crime.

2. And if there is no legal proof on the part of justice to convict the said absent in the crime, if however they are summoned to defend themselves in the manner of the chapter *Cum Contumacia, de hæreticis*, in 6.; after the

year is elapsed, and the terms of law observed, they shall also be declared heretics, and relaxed, in *staute*, at the public *auto-da-fé*, to the secular justice, and shall suffer the penalty of confiscation of their goods, from the time when they were convicted for their contumacy.

3. And when such persons, after being thus convicted, wish to prove their innocence, they shall be permitted to do it in the manner stated in Book II. title 19. § 7. But they shall not recover their goods back again, unless they can legally prove themselves to be innocent of the crime imputed to them, and that they had a just cause for not coming within the year to defend themselves, and if it happens that the said absentees die within the year, the said penalties shall not be inflicted upon them; because in that case they would not have sufficient evidence for conviction, except they are convicted of contumacy.

4. When the absentees, after being condemned, are imprisoned by the holy office, and confess their crimes, they shall be received into the bosom of and in union with the holy mother the church, with imprisonment and perpetual penance-dress without remission, which dress they shall wear at the *auto-da-fé* with fire-devices; and shall moreover be condemned to the galleys for three to five years, according to the quality of his confessions. But on their coming voluntarily to present themselves, and confessing in such a manner as to be received, though they are to suffer the other penalties they shall be exempt from the galleys: and in any of the aforesaid cases, after being reconciled, their portraits shall be taken away from the churches where they were placed at the time when they were relaxed in statue.

5. If, after having proceeded against the deceased in manner stated in Book II. title 18. such deceased are held as convicted of the crime of heresy and apostacy, in their sentences they shall be declared guilty of heresy

and apostacy of our holy faith, and their memory and fame condemned, and their goods confiscated, from the time when it is proved they committed the crime ; and provided they are not obliterated by a legal prescription for the period of forty years, their bones shall be dug up from the graves, and taken away from the churches, cemeteries, or other ecclesiastical burying-places, where they may be, if it be possible to separate them from the bones of the faithful christians, and taken with their statues to the public *auto-da-fé*, and relaxed to the secular justice.

6. And if they die after being immured in the prisons of the holy office, and at the time of their decease they have confessed their crimes, and satisfied the information of justice, they shall be received into the bosom of and in union with the holy mother church ; and their sentence shall be read in the public *auto-da-fé*, that they may enjoy the suffrages of the church, and shall be condemned in confiscation of their goods from the time when they committed the crime ; but in this case their statues shall not be carried to the *auto-da-fé*.

7. And if they are *negative* at the time of their decease, and if there is no sufficient proof to convict them, they shall be absolved from the instance of the court, and the sequestration of their goods shall be taken off, and the sentence shall be published at the public *auto-da-fé*, that by this means a satisfaction may be made for the infamy attached to them by the imprisonment: and in this case, also, their statues shall not be taken to the *auto*, nor shall the crimes be detailed in the sentence, nor the errors of which they had been accused, for they had not been proved. But when it may be understood, that from publishing the sentence in the *auto-da-fé*, an infamy may be attached to the memory of the deceased, or to his relatives, it shall be published at the board.

8. When the heirs of the deceased ask for his bones

and remains, to give them an ecclesiastical burial, in those cases when they have been absolved or reconciled, the inquisitors shall order such bones to be delivered up to them in execution of the sentences, without requiring any thing for it, or accepting any thing; and the bones of the deceased, who are not imprisoned for crimes of heresy, shall be buried in consecrated ground.

9. If any prisoner kills himself in the prisons of the holy office, whether he be confitent or negative, and it appears that at the time he so committed suicide he was in his senses, and full capacity, the crime shall be held as proved against him; and if he be guilty of the crime of heresy or apostacy, he shall be relaxed to the secular justice at the public *auto-da-fé*, and condemned in confiscation of his goods from the time when, by the proofs of justice, it appears he committed the crime. But if in the confessions of the criminal such circumstances occur, that, according to law, are required to lessen the presumption which is attached to him from his death, he may be received into the bosom of and in union with the church.

10. Those who are committed for the nefarious crime of sodomy, and die in the prisons of the holy office, and at the time of their death are convicted by their own confession, or by any legal proof according to law, shall be condemned in the confiscation of his property, when his heirs, who shall be summoned, according to what is stated in Book II. title 18. do not afford proofs to relieve him from condemnation; and the sentence of condemnation shall be taken to the board of the holy office, and not being convicted, a decision shall be entered in his process, as stated in the said title 18. § 7.

11. Those who become insane in the prisons of the holy office shall not receive corporal punishment, because they are not conscious of their actions; and in regard to them and their causes, what is ordered in Book II. title 7.

shall be observed, and their goods shall be kept under sequestration, that if they return again to their senses, or dying in the same situation, proceedings may be instituted against their memory and fame; and possessing legal proof, they shall be condemned in the confiscation of their goods, and his fame and memory damned; and if there is not sufficient proof, as required by law and practice, that he may be held as convict, he shall be absolved from the instance; and the sequestration of his goods shall be removed, that they may be delivered to whom they belong.

#### TITLE XXVII.

*Of those Cases in which the Inquisitors may dispense with the Penalties inflicted on the Persons condemned at the Holy Office, and admit the Criminals to bail.*

1. When any person is condemned by the holy office to be imprisoned, and have arbitrary penance-dress, favourable, ordinary, or delayed, the inquisitors may dispense with the penalty, release from imprisonment, and order the penance-dress to be left off, commuting those penalties by such other spiritual penances as may appear expedient: but this shall take place after the criminal has been sufficiently instructed in the matters and mysteries of our holy faith; and having gone to the sacramental confession, and heard mass several times, and divine service in the church pointed out for that purpose, in the place where the holy office resides.

2. And we shall be pleased to dispense with the punishment ordered to be inflicted on any women condemned in imprisonment and perpetual penance-dress, if there is just cause for it; the inquisitors may also excuse them from coming to the holy office to have the penance-dress taken off, and other penances substituted, and may charge the commissaries of the places where they reside, or any other person whom they may think proper, to

take off the penance-dress there, and inflict the penances ; and for that purpose shall cause the necessary instruction to be delivered to them, entering a record of the same, together with the said persons, which record shall be sent up to the board, and added to the processes.

3. Those that are reconciled, and are notoriously poor, being reclused in the penance-prison, or out of it, in the places assigned to them for the fulfilment of their penances, may have permission from the inquisitors to go out of the prison and beg charity through the city, or through any towns of the kingdom, according to the distress they may be in, and they may be permitted during such time to go without the penance-dress : and so likewise they may dispense with the reconciled, who may have fulfilled their penances, that they may go out of the kingdom ; but this shall be with just cause, and in such a manner, that from that dispensation no scandal may result.

4. They may also dispense with the reconciled, that they may receive the sacrament of the eucharist ; but this shall be when, after a period of time, they have given proofs of a true conversion.

5. And whereas the reconciled, the sons, and grandsons of the relaxed by the holy office, cannot serve public offices, nor act contrary to what is ordered in tit. 3. § 12. and 13. of this Book ; therefore, if such persons ask for a dispensation of the said things, the inquisitors may grant it ; but to do this it will be necessary that such circumstances occur as to cause the scandal to cease which may arise from such a dispensation being granted to infamous persons ; and with the sons and grandsons of the relaxed, greater lenity may be shewn.

6. If any person defends his cause at the tribunal of the holy office out of prison ; or having the city for his prison at large, during his cause, if he is under the

necessity of absenting himself for some days ; if it appears to the inquisitors that there is just cause, they may grant a permission for such absence. The criminal, however, shall give bail, according to the nature of the crime he is defending. And so also they may release those prisoners upon bail who are in the prison of penance, after they have appeared at the *auto*, on account of their owing any money for the provisions given to them during their imprisonment, or costs of the process or condemnation ; and if they fail in payment, they shall proceed against the bail immediately, in order that the treasurer be fully satisfied of what is due to him in any of the aforesaid ways.

7. The inquisitors may release from prison any of the persons condemned in the exile to the settlements of Africa, after the sentence is executed in every other respect, upon bail undertaking that they shall go to their exile within the time assigned to them ; and if they are poor, or unable to give bail, the inquisitors may release them from prison, and inform them they must, within the period of two months, go to their exile ; but this shall be understood to be the case where the time of exile does not exceed five years ; for if it exceeds that period, then they shall remain in prison till their exile ; and the bail, when admitted, shall be twenty cruzado for each year of exile, and they shall be obliged every three months to send to the holy office a certificate from the captain or governor of the place where they were exiled to, by which it shall appear that they presented themselves there, and not presenting the certificate within the said period, the bail shall forfeit their cognizance.

8. Those that are exiled to any stated place within the kingdom, as Castro-Marim, or other place, may also have a period of two months assigned to them to go to their exile ; but those shall not be obliged to give in bail ; and

if any of those sent into exile are found in the kingdom after the two months are elapsed, or out of the place of the exile, without producing a certificate how they have performed their sentences, they shall be imprisoned in the public goal, and punished according to the deserts of their crimes, regard being paid to the penalties which, by the laws, are inflicted on those who, being sentenced to exile, do not execute the sentences as they ought.

9. In the other penalties and exiles which are not declared in this title, the inquisitors shall not grant dispensations, nor take bail for the criminals condemned ; because we reserve this to ourselves, that, with the evidence, which they shall send to the council-general whenever required, we may resolve what may be most expedient to the service of God our Lord, and the administration of justice.

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