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Tractatus Navigationis
ET
COMMERCIORUM
INTER

*Serenissimam ac Potentissimam Principem ANNAM, Dei Gratia, Magnæ
Britanniæ, Franciæ, & Hiberniæ, Reginam, Fidei Defensorem, &c. & Sere-
nissimum ac Potentissimum Principem PHILIPPUM V. Dei Gratia,
Hispaniarum Regem Catholicum, Conclusus Trajecti ad Rhenum die*
28 Novembris
9 Decembris Anno 1713.

Treaty of Navigation
AND
COMMERCE
BETWEEN

The most Serene and most Potent Princess *ANNE*, by the Grace of God,
Queen of *Great Britain, France, and Ireland*, Defender of the Faith, &c.
and the most Serene and most Potent Prince *PHILIP* the Vth, the Ca-
tholick King of *Spain*, Concluded at *Utrecht* the $\frac{2}{9}$ Day of *November*
December 1713.

By Her Majesties Special Command.



L O N D O N,

Printed by *John Baskett*, Printer to the Queens most Excellent Majesty,
And by the Assigns of *Thomas Newcomb*, and *Henry Hills*, deceas'd. 1714.

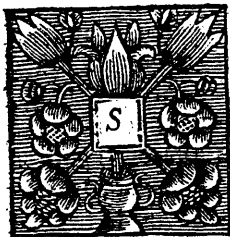
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ANNA, Dei Gratiâ, *Magnæ Britannia, Francia, & Hibernia* Regina, Fidei Defensor, &c. Omnibus & singulis ad quos Præfentes Literæ pervenerint, Salutem. Cum Reverendus admodum in Christo Pater, perquam Fidelis & delectus Confiliarius Noster, *Johannes* Episcopus *Bristolienfis*, Legatus Noster Extraordinarius & Plenipotentarius, Decanus *Windsoriensis*, & Nobilissimi Ordinis Nostri Periscelidis Registrarius, ex parte Nostrâ, unâ cum Plenipotentariis Suxæ Majestatis Catholicæ, Vicesimo octavo Nono die Mensis Novembrii Decembris Anno Millefimo septingentesimo decimo tertio, *Ultrajecti ad Rhenum*, Tractatum Commerciî inter Subditos *Magnæ Britannia & Hispania* conclusit & signaverit, prout sequitur :

ANNE, by the Grace of God, Queen of *Great Britain, France, and Ireland*, Defender of the Faith, &c. To all and singular to whom these Presents shall come, Greeting. Whereas the Right Reverend Father in God, Our Right Trusty and Welbeloved Counsellor, *John* Bishop of *Bristol*, Our Ambassador Extraordinary and Plenipotentiary, Dean of *Windsor*, and Register of Our most Noble Order of the Garter, did on Our Part, together with the Plenipotentiaries of His Catholick Majesty, conclude and Sign at *Utrecht*, on the 28^{th} Day of November December 1713. a Treaty of Commerce between the Subjects of *Great Britain* and *Spain*, as follows :



Tabilitâ feliciter, Deo O. M. clementer Annuente, Pace bonâ, firmâ, verâque, & sincerâ Amicitia, inter Serenissimam ac Potentissimam Principem & Dominam, Annam, Dei Gratiâ, Magnæ Britannia, Francia, & Hibernia Reginam, &c. & Serenissimum ac Potentissimum Principem & Dominum, Philippum V. Dei Gratiâ,



Good and firm Peace, and a true and sincere Friendship having, by the merciful Assistance of God, been happily Established between the most Serene and Potent Prince and Lady, Anne, by the Grace of God, Queen of Great Britain, France, and Ireland, &c. and the most Serene and Potent Prince and Lord, Philip the

Hispaniarum Regem Catholicum, &c. Eorumque Hæredes ac Successores, Regna, & Subditos, per Pacificationis Tractatum, Trajecti ad Rhenum die ^{Secundo} ~~Decimo tertio~~ Mensis Julii, novissimè præteriti, conclusum, in eam præprimis Curam iverunt Regiæ suæ Majestates, ut mutuis Subditorum suorum in re Commerciorum Utilitatibus omni meliori modo prospiceretur; & propterea Legatis suis Extraordinariis & Plenipotentariis, quorum Opera in Pace pangendâ prosperè successit, in Mandatis clementissimè dederunt, ut quæ in Finem hunc Salutarem, post perpenſa rerum omnium Momenta in Colloquiis eâ de re Madriti habitis, maximè convenire perspectum fuerat, in Tractatûs Commeciorum solennis formam redigerent; Disti igitur Legati, vigore Plenipotentiarum, quarum Apographa sub Finem hujus Instrumenti verbo tenus inserta erunt, super Commeciorum Articulis, ad Elucidationem Tractatum anteriorum, & procurandam uberioſorem in Commeciorum negotiis expediendis Facilitatem, modo & formâ convenerunt, prout sequitur:

I.

TRAEtus Pacis, Commeciorum, & Confœderationis, inter Coronas Magnæ Britanniæ & Hispaniæ, Madriti die ^{Decimo tertio} ~~Vigesimo tertio~~ Mensis Maii, Anno Domini 1667, conclusus, per hunc Tractatum ratihaberetur & confirmatur, eundemque, unâ cum Schedulis Regiis, five Ordinationibus eidem annexis, ad majus Robur & Tutamen, de verbo ad verbum hic loci inferere placuit, prout sequitur:

5

Fifth, by the Grace of God, Catholick King of Spain, &c. and their Heirs and Successors, Kingdoms, and Subjects, by a Treaty of Pacification concluded at Utrecht the ^{Secund} ~~Thirteenth~~ Day of the Month of July last past, their Majesties before all things made it their Care, that the mutual Advantage of their Subjects in matters of Trade might be provided for after the best manner; and therefore they most Graciously gave Instructions to their Ambassadors Extraordinary and Plenipotentiaries, (by whose means the Peace had been happily concluded) to draw up into a Solemn Treaty of Commerce, whatsoever, after all things had been througely considered at the Conferences held for that purpose at Madrid, should seem to conduce most to this good End; The said Ambassadors therefore, by virtue of their full Powers, (Copies whereof are inserted word for word at the End of this Instrument) agreed upon Articles of Commerce for the Explanation of former Treaties, and greater Ease and Convenience of Trade, in the Manner and Form following:

I.

THE Treaty of Peace, Commerce, and Alliance, concluded at Madrid between the Crowns of Great Britain and Spain the ¹³/₃ Day of May, 1667. is Ratified and Confirmed by this Treaty, and for the greater Strengthening and Confirmation of the same, it has been thought proper to insert it word for word in this place, together with the Royal Schedules or Ordinations annexed to it, as follows:

Traſtatus Pacis & Amicitie inter Coronas Magnæ Britannia & Hispaniæ, Concluſus Madriti $\frac{1}{2}$ $\frac{2}{3}$ die Maii, Anno Domini, 1667,

The Treaty of Peace and Friendſhip between the Crowns of Great Britain and Spain, Concluded at Madrid the $\frac{1}{2}$ $\frac{2}{3}$ Day of May, in the Year of our Lord, 1667,

INitus & Concluſus per Excellentiffimum Dominum D. *Edwardum* Comitẽm de *Sandwich*, Sereniſſimo ac Potentiſſimo *Magnæ Britannia* Regi à Secretioribus Conſiliis, & Legatum ejus Extraordinarium in *Hiſpaniam*, Nomine dicti Sereniſſimi Regis Domini ſui; Et per Excellentiffimos Dominos, D. *Johannem Eberardum Nidardum*, Sereniſſimæ Reginæ Catholicæ Confeſſarium, Inquiſitorem Generalem, & Conſiliarium Statûs, D. *Ramirum Phelipez Nunez de Guſman*, Ducẽm de *San Lucar la Mayor*, & de *Medina de las Torres*, Conſiliarium Statûs, & Præſidem *Italiæ*, & D. *Gaſparem de Bracamonte & Guſman*, Comitem *Penarandæ*, Conſiliarium Statûs, & Præſidem *Indiarum*, Nomine Sereniſſimorum ac Potentiſſimorum Regis ac Reginæ *Hiſpaniarum*, Dominorum ſuorum, *Madriti* $\frac{1}{2}$ $\frac{2}{3}$ die Menſis *Maii*, Anno 1667.

ENtred into and Concluded by the moſt Excellent Lord *Edward* Earl of *Sandwich*, Privy-Counſellor to the moſt Serene and Potent King of *Great Britain*, and his Ambaſſador Extraordinary to *Spain*, in the Name of the moſt Serene King his Maſter; And the moſt Excellent Lords, Don *John Eberardo Nidardo*, Confeſſor to the moſt Serene Catholick Queen, Inquiſitor General and Counſellor of State, Don *Ramiro Phelipez Nunez de Guzman*, Duke of *San Lucar Mayor*, and of *Medina de las Torres*, Counſellor of State, and Preſident of *Italy*, and Don *Gaſpar* of *Bracamonte* and *Guſman*, Count of *Penaranda*, Counſellor of State, and Preſident of the *Indies*, in the Name of the moſt Serene and Potent King and Queen of *Spain*, at *Madrid* the $\frac{1}{2}$ $\frac{2}{3}$ Day of *May*, 1667.

QUandoquidem poſt Exceſſum Sereniſſimi ac Potentiſſimi *Philippi* Quarti *Hiſpaniarum* Regis, glorioſæ Memorix, Sereniſſimus ac Potentiſſimus Rex Catholicus *Carolus Secundus*, ejus Filius, in Regnâ, Status, & Dominia Monarchiæ Paternæ Deo O. M. ita diſponente, ſucceſſit; Sereniſſimâque Regina Catholica, Domina *Maria Anna Auſtriaca* in Tutricem & Curatricem ad eorundem Gubernationem & Regimen, durantibus Regis minoribus Annis, vocata eſt; exoptatiſſimum, utrinque mutuôque ſtudio ac deſiderio permotis, Se-

WHereas after the Deceafe of the moſt Serene and Potent King of *Spain*, *Philip* the Fourth, of Glorious Memory, it pleaſed God that the moſt Serene and Potent Catholick King *Charles* the Second, his Son, ſucceeded to the Kingdoms, States, and Dominions of his Father's Monarchy; and the moſt Serene Catholick Queen the Lady *Anna Maria* of *Auſtria* was called to the Government of the ſame, as Tutreſs and Curatrix during the Minority of the King; It was thought moſt deſireable by the moſt Serene and Potent *Charles* the Sereniſſimo

renissimo ac Potentissimo *Carolo Secundo, Magnæ Britanniæ Regi, & Serenissimis ac Potentissimis Regi ac Reginae Catholicis*, visum est bonam illam Correspondentiam & Amicitiam reciprocam Coronas inter, hinc *Magnæ Britannia*, illinc *Hispaniarum*, ab antiquissimis temporibus vigentem, usque dum rerum vicissitudines Concordiam & necessitudinem, quæ alteri genti cum alterâ intercesserunt, labefactarunt, renovare tandem, & novis accessionibus confirmare, tam quod mutua Commerciorum frequentia ac commoda, quam utriusque Gentis Ingenia, singularem quandam Animorum ac Consilii unionem postulare videantur; eumque in finem dictus Serenissimus Rex *Magnæ Britannia* virum Excellentissimum *Edwardum Comitem de Sandwich, Vice-Comitem de Hinchingbrooke, Baronem Montacutum de Sancto Neote, Angliæ Vice-Admirallum, Magnæ Guarderobæ Regiæ Magistrum, Consiliarium Statûs, & Nobilissimi, Celeberimque Ordinis Periscelidis Equitem, Legatum suum Extraordinarium ad Catholicas Majestates* misit, ut non tantum pristina inter dictas Coronas necessitudinis Vincula, iniquitate temporum dissoluta, redintegraret denuò, sed & arctiori nexu constringeret, & nova adhuc stabilioris Amicitia Fundamenta per mutui Fœderis Tabulas poneret, ad seros usque Posteris duratura, dictumque Legatum plenissimâ Facultate munivit, cujus Copia infra inferetur. Eâ autem animorum propensione Negotiatio dicti Legati Extraordinarii in Aulâ Catholicâ excepta est, ut Serenissimæ Reginae Tutrici & Gubernatrici Regis visum fuerit ad Tractatum cum ipso ineundum & concludendum nominare Excellentissimos Viros Dominum *Johannem Eberardum Nidar-*

Second, King of *Great Britain*, and the most Serene and Potent Catholick King and Queen, who were moved with a mutual Desire and Inclination thereto, to Renew, at length, and Confirm by new Additions, that good Correspondence and reciprocal Friendship which had flourished from the most ancient Times between the Crowns of *Great Britain* and *Spain*, till the Vicissitude of human Affairs destroyed that Amity and Alliance which each Nation had with the other, as well because the mutual Advantages and Frequency of Trade, as the Tempers of each Nation, seemed to require a certain particular Union of Minds and Counsels; And for that End the said most Serene King of *Great Britain* sent the most Excellent Lord *Edward* Earl of *Sandwich*, Viscount *Hinchingbrooke*, Baron *Montacute* of *St. Neote*, Vice-Admiral of *England*, Master of the Great Wardrobe of the King, Privy-Counsellor, and Knight of the most Noble and Celebrated Order of the Garter, his Ambassador Extraordinary to their Catholick Majesties, that he might not only renew the ancient Bonds of Friendship between the Two Crowns, which were broke through the Iniquity of the times, but unite them yet more closely, and by a Treaty of mutual Alliance lay new Foundations of a more firm Friendship, to continue to the latest Posterity, and did provide the said Ambassador with most Ample Full Powers, a Copy whereof shall be inserted hereafter. But with that Kindness was the Negotiation of the said Ambassador Extraordinary received at the Court of *Spain*, that the most Serene Queen, Guardian, and Governess, was pleased to appoint the most Excellent Don *John Eberardo Nidardo, Con-*

Jum, Confessarium Serenissimæ Reginae Catholicæ, Inquisitorem Generalem, & Consiliarium Statûs, Dominum Ramirum Phelipez Nunez de Gusman, Ducem de San Lucar la Mayor, & de Medina de las Torres, Consiliarium Statûs, & Præsidem Italiae, & Dominum Gasparem de Bracamonte & Gusman, Comitem Penarandæ, Consiliarium Statûs, & Præsidem Indiarum; quibus concessa est Facultas, & Commissio, cujus Tenor inferiùs sequetur.

Sequitur Tenor Commissionis seu Plenæ Potestatis ex parte Serenissimi Regis Magnæ Britanniae, &c.

CAROLUS Secundus, Dei Gratiâ, Magnæ Britanniae, Franciæ, & Hiberniæ Rex, Fidei Defensor, &c. Omnibus & Singulis hæcæ Literas inspecturis, Salutem. Quandoquidem hujus Seculi Infelicitas in eo potissimum sita esse videatur, quod plerique Principes & Status suis Affectibus, vel Utilitatibus ita indulgeant, adhæreantq; ut omnia Amicitiae & Vicinitatis Jura proculcari, imò ipsam Rerum Universitatem convelli malint, quàm tantillum à suis Opinionibus & propositis, utcunque levitèr aut iniquè susceptis, discedere; eò magis pauci illi Reges, quorum Potentiæ nativum quandam Æqui ac Boni amoris consociavit Deus, summâ ope, operâq; connitibent, ut tam sacrosanctæ Necessitudinis Fœdera inter se constitutere & conservare, tam perverfas renitentium Voluntates ad Saniora Concordiæ Studia revocare & inflectere valeant; animadverso autem *Anglorum* atque *Hispānorum* Ingenia ita sempèr comparata fuisse, ut agrè à se invicem alienari, facile in Gratiā redire consueverint, &

fessor of the most Serene Queen, Inquisitor General and Counsellor of State, Don Ramiro Phelipez Nunez de Gusman, Duke of San Lucar Mayor, and of Medina de las Torres, Counsellor of State, and President of Italy, and Don Gaspar of Bracamonte and Gusman, Count of Penaranda, Counsellor of State, and President of the Indies, to enter into and conclude a Treaty with him, and granted them a Commission and Full Powers, the Tenor whereof shall follow hereafter.

The Tenor of the Commission or Full Powers on the Part of the most Serene King of Great Britain, &c.

CHARLES the Second, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, &c. To all to whom these Presents shall come, Greeting. Whereas the Unhappiness of this Age seems chiefly to consist in this, that most Princes and States so indulge and adhere to their own Affections and Advantages, that they had rather have all the Ties of Friendship and Neighbourhood trode down, and even the Universe torn in Pieces, than recede ever so little from their own Opinions and Designs, however lightly or unjustly taken up; for that reason those few Kings, to whose Power God has joynd a certain inborn Love of Equity and Justice, ought to use their utmost Endeavours, as well to make and preserve Agreements of a holy Friendship between themselves, as to recal and bend the stubborn Wills of those who are averse to it, to the more wholesom Thoughts of Peace; And it having been observed that the *English* and *Spaniards* were al-

Regna

Regna utrinque Ipsorum tum maximè floruisse, cum regnantes, Naturæ suæ Ductum secuti, Pacem mutuò stabilitam sanctissimè colerent; perspecto insuper & certissimis Indiciis explorato, Serenissimam Reginam Dominam *Mariam Annam Austriacam*, Serenissimi ac Potentissimi *Hispaniarum*, &c. Regis Parentem, Tutricem, & Curatricem, atque Regnorum Ejus ac Ditionum Gubernatricem, eadem Nobiscum propensitate in ejusmodi Consilia jam ferri, ut non solum pristina inter Coronas Nostras Fœdera renouentur, sed arctioribus adhuc Vinculis, & firmiori quam unquam antehac nexu constringantur: Nihil Nobis ad tam pium opus perficiendum defuisse videbatur, quam ut dignum aliquem Virum, & tanto Negotio parem eligeremus, qui Legati Nostri Extraordinarii munus apud dictam Serenissimam Reginam, *Hispaniæ* Regentem, obiret, & Characterem suum virtutibus exornaret; qualem præ aliis fore judicavimus prædilectum & perquam Fidelem Consanguineum Nostrum *Edwardum Comitem de Sandwich*, & Vice-Comitem de *Hinchingbrooke*, Baronem *Montacutum* de Sancto *Neote*, *Angliæ* Vice-Admirallum, *Magnæ Garderobæ* Nostræ Magistrum, Nobis à Secretioribus Consiliis, & antiquissimi, celeberrimique Ordinis *Periscelidis* Equitem. Sciatis igitur, quod Nos, Fide, Industriâ, Judicio, ac Prudentiâ, dicti Comitis de *Sandwich*, Legati Nostri Extraordinarii, plurimum consiis, Ipsum verum & indubitatum Commissarium ac Procuratorem Nostrum fecimus, ordinavimus & deputavimus, ac per præsentem facimus, ordinamus, & deputamus, dantes eidem & committentes plenam & omnimodam Potestatem, atque Autoritatem, pariter & Mandatum Generale ac Speciale,

ways so disposed, that their Affections could not without Difficulty be alienated from one another, and were easily reconciled, and that each Kingdom flourished most when those that Reigned, following their natural Temper, observed most strictly the Peace established between them; and it having been perceived and found from certain Proofs, that the most Serene Queen the Lady *Anna Maria* of *Austria*, Mother, Guardian, and Curatrix of the most Serene and Potent King of *Spain*, &c. and Governess of his Kingdoms and Dominions, is enclined with the same Readiness, as we are, to pursue such Counsels, whereby the ancient Alliances between our Crowns may not only be renewed, but be made yet closer and stronger than ever before: Nothing seemed to Us to be wanting to the Performance of so pious a Work, but the Choice of some worthy Man, and one equal to so great an Undertaking, who might perform the Function of Our Ambassador Extraordinary to the said most Serene Queen Regent of *Spain*, and adorn his Character with personal Virtues: Such above all others We thought Our Right Trusty and Right Welbeloved Cousin, *Edward* Earl of *Sandwich* and Viscount of *Hinchingbrooke*, Baron *Montacute* of *St. Neote*, Vice-Admiral of *England*, Master of Our Great Wardrobe, and one of Our Privy-Council, and Knight of the most Ancient and Noble Order of the Garter. Know ye therefore; That We having great Confidence in the Fidelity, Industry, Judgment, and Prudence of the said Earl of *Sandwich*, Our Ambassador Extraordinary, have Made; Constituted and Appointed, as We do by these Presents Make, Constitute and Appoint
Nomine

Nomine nostro, cum Præfatâ Serenissimâ Reginâ *Hispaniæ* Regente, Ipsiusque Commissariis, Deputatis, ac Procuratoribus, ad hoc sufficientem Potestatem habentibus, de & super ærciori Confœderationi inter Coronas ac Regna *Magnæ Britanniæ & Hispaniæ*, nec non de & super Commerciis & Navigationis Libertate vindicandâ; denique de & super Fœdere Defensivo & Offensivo inter dictas Coronas & Regna, utilissimis & maximè convenientibus Articulis & Conditionibus Stabiliendo, communicandi, tractandi, conveniendi & concludendi, cæteraque omnia faciendi, quæ ad prædictos Fines faciunt, & conducunt, atque super iis Articulis, Literas, & Instrumenta necessaria conficiendi, & ab alterâ parte petendi, & recipiendi; denique omnia ea quæ ad præmissa, vel circa eadem erunt necessaria, & opportuna, expediendi; Promittentes bonâ Fide, & in Verbo Regio, Nos omnia & singula quæ inter dictam Serenissimam Reginam *Hispaniæ* Regentem, ejusque Procuratores, Deputatos, aut Commissarios, atque prænominatum Legatum Nostrium Extraordinarium in Præmissis, seu Præmissorum aliquo erunt facta, pacta, & conclusa, rata, grata, & firma habituros, nec unquam contra Ipsorum aliquid aut aliqua contraventuros, quin potius quicquid Nomine nostro promissum fuerit, Sanctè & inviolabiliter observaturos, & observari curaturos. In cujus Rei Testimonium hæcæ Literas fieri, Manuque nostrâ Signatas, Magno *Angliæ* Sigillo communiri fecimus. Quæ Dabantur apud Palatium Nostrium *Westmonasterii*, sexto decimo Die Mensis *Februarii*, Anno Domini Millesimo sexcentesimo sexagesimo quinto, & Regni Nostri decimo octavo.

Carolus R.

him Our true and undoubted Commissary and Procurator, Giving and Granting to him full and all manner of Power and Authority, and likewise Our General and Special Command, to Establish, Confer, Treat, Agree upon, and Conclude in Our Name a closer Alliance between the Crowns and Kingdoms of *Great Britain* and *Spain*, a Settlement of the Liberty of Commerce and Navigation; and lastly, a Defensive and Offensive Alliance between the said Crowns and Kingdoms, upon the most advantageous and convenient Terms and Conditions, with the aforesaid most Serene Queen Regent of *Spain*, and her Commissaries, Deputies, or Procurators, provided with sufficient Authority for that purpose; and to do all other things which conduce to the aforesaid Ends; and to draw up the Articles, Letters, and Instruments that shall be necessary on this Occasion, and to require and receive the same from the other side; and lastly, to dispatch every thing which shall be necessary or convenient to or concerning the Premises, Promising in good Faith, and on Our Royal Word, that We will Ratifie, Approve and Confirm whatsoever shall be done, agreed on, and concluded, between the said most Serene Queen Regent of *Spain*, and her Procurators, Deputies, or Commissaries, and Our aforesaid Ambassador Extraordinary, concerning all or any of the Premises, that We will never violate any one or more of them, but will rather observe and cause to be observed Holily and Inviolably whatsoever shall be Promised in Our Name. In Witness whereof, We have caused these Presents to be made, and having Signed them with Our Hand, have ordered the Great Seal of *England* to be affixed

B

Ssequitur

thereto. Given at Our Palace at *Westminster* the 16th Day of *February*, in the Year of Our Lord, 1665. and of Our Reign the Eighteenth.

Charles R.

Sequitur Tenor Commissionis seu Plene Potestatis ex parte Majestatis Suae Catholicae, &c.

Here follows the Tenor of the Commission or full Powers on the Part of His Catholic Majesty.

DON Carlos, por la Gratia de Dios, Rey de *Castilla*, de *Leon*, de *Aragon*, de *Ambas Sicilias*, de *Jerusalem*, de *Portugal*, de *Navarra*, de *Granada*, de *Toledo*, de *Valencia*, de *Galicia*, de *Mallorca*, de *Sevilla*, de *Cerdeña*, de *Cordoua*, de *Corcega*, de *Murcia*, de *Fuen*, de los *Algarves*, de *Algecira*, de *Gibraltar*, de las *Islas de Canaria*, de las *Indias Orientales*, y *Occidentales*, *Islas y Tierras firme del Mar Oceano*, *Archiduke*, de *Austria*, *Duque*, de *Borgoña*, de *Brabante*, de *Milan*, *Conde*, de *Apsburg*, de *Flandes*, *Tirol*, y *Barcelona*, *Señor*, de *Viscaya* y de *Molina*, &c. Y la *Reyna Doña Maria Anna de Austria*, su *Madre*, *Tutora*, y *Curadora* de su *Real Persona*, y *Governadora* de dichos *Reynos* y *Señorios*. Por quanto para assentar las *Cosas* convenientes a la *Causa* *Commun* de las *Serenissimas* dos *Coronas* de *Espana*, y la *Gran Bretaña*, que por algunos *accidentes* del *Tiempo* se hallare *prevertidas* de la *Observancia*, y *Capitulaciones* assentadas en los antiguos *Tratados* de *Pazes*, entre las dichas *Coronas* he tenido por bien de dar *Poder* (como en virtud de la presente le doy) a *Juan Eberardo Nidardo*, mi *Confesor*, del *Confexo* de *Estado*, y *Inquisidor General*; *Don Ramiro Pbelipez*, *Nunez de Gusman*, *Duque* de *San Lucar*

DON Charles, by the Grace of God, King of *Castille*, *Leon*, *Aragon*, both *Sicilies*, *Jerusalem*, *Portugal*, *Navarre*, *Granada*, *Toledo*, *Valencia*, *Galicia*, *Majorca*, *Seville*, *Sardinia*, *Corduba*, *Corfica*, *Murcia*, *Fuen*, the *Algarves*, *Algecira*, *Gibraltar*, the *Canary Islands*, the *East* and *West Indies*, the *Islands* and *Continent* of the *Ocean*, *Archduke* of *Austria*, *Duke* of *Burgundy*, *Brabant*, and *Milan*, *Count* of *Apsburg*, *Flanders*, *Tirol*, and *Barcelona*, *Lord* of *Biscay* and *Molina*, &c. and the *Queen Donna Anna Maria* of *Austria*, his *Mother*, *Tutress* and *Curatrix* of his *Royal Person*, and *Governess* of the said *Kingdoms* and *Dominions*. Forasmuch as in order to settle the Things conducing to the common *Welfare* of the most *Serene Crowns* of *Spain* and *Great Britain*, (the *Observation* of which through some *Accidents* of *Time* hath been prevented) and the *Capitulations* established in the ancient *Treaties* of *Peace* between the *Two Crowns*, I have thought fit to give *Power*, as I do by *Virtue* of these *Presents* give *Power* to *John Eberardo Nidardo* my *Confessor*, *Counsellor* of *State*, and *Inquisitor-General*, *Don Ramiro Pbelipez*, *Nunez de Gusman*, *Duke* of *San Lucar la Mayor*, and of *Medina de las Torres*, *Counsellor*

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la Mayor, y de Medina de las Torres, del Consejo de Estado, Presidente del de Italia; y Don Gaspar de Bracamonte y Gusman, Conde de Penaranda, del Consejo de Estado, y Presidente del de Indias, por concurrir en sus personas las Prerogativas de Gran Calidad, Prudencia, Experiencia, Zelo, y Amor de mi Servicio, y particularmente por la Gran Confianza, y Satisfacion que me assiste de lo que procuran, y desean todo lo que pueda conducir al beneficio y bien publico, por tanto en virtud del presente poder los authorizo y doy tan cumplida Facultad, qual de derecho se requiere, paraque por el Serenissimo Rey mi muy charo y muy amado Hijo, y en su Real nombre representando mi propria persona puedan oir, conferir, tratar, ajustar, y concluir con el Conde de Sandwich, del Consejo de Estado del Serenissimo Rey de la Gran Bretaña Carlos II. my buen Hermano y Primo, y Su Embaxador Extraordinario en esta Corte en virtud del Poder, que asi mismo presenta del dicho Rey de la Gran Bretaña, qualesquier Tratados de Renovacion de Paz y mas estrecha Amistad; y tambien les doy Poder para qualesquier Tratados de Union y Alianza con el dicho Rey de la Gran Bretaña, y una Tregua con la Corona de Portugal, por el Tiempo que pareciere, con toda la Mayor Potestad, y autoridad, y la misma que reside en mi Real Persona, obligando me, como me obligo, y al dicho Rey mi Hijo, en Fee y Palabra Real a estar y passar por ello, approvarlo y Ratificarlo con el Juramento, y demas Requisitos, y Solemnidades, que en tal Caso fuere necesario, dentro del Termino que para ello se Señalare, sin disminucion alguna, en Fee de lo qual man-

of State, and President of Italy, and Don Gaspar of Bracamonte and Gusman, Count of Penaranda, Counsellor of State, and President of the Indies; for the sake of the high Quality, Prudence, Experience, Zeal and Love of my Service, which are found in their Persons, and particularly for the great Confidence and Satisfaction which I have that they endeavour and desire all Things which can conduce to the publick Good, therefore by Virtue of this present Power, I authorize them, and give them as full Leave as is requisite, to the end that Representing my proper Person, they may, for the most Serene King, my most Dear and Welbeloved Son, and in his Royal Name, Hear, Confer upon, Treat of, Adjust and Conclude with the Earl of Sandwich, Privy Counsellor of the most Serene King of Great Britain, Charles the Second, my good Brother and Cousin, and his Ambassador Extraordinary in this Court, by Virtue of the Power which he has from the said King of Great Britain, any Treaty whatsoever of Renewal of Peace, and a more strict Friendship; And I likewise give them Power to make any Treaties whatsoever of Union and Alliance with the said King of Great Britain, and a Truce with the Crown of Portugal, for such Time as shall be thought proper, together with all other the greatest Power and Authority, and the same which is in my Royal Person, Obliging my self, as I do Oblige my self, and the said King my Son, upon my Faith and Royal Word, which is passed for it, to Approve and Ratifie the same by Oath, and with all other Circumstances and Solemnities which are necessary on this Occasion, within the Term that shall be assigned for it, without any Dimin-

de despachar la presente, firmada de mi Mano, Sellado con el Sello Secreto, y Refrendada del mi Infra Scripto Seerretario de Estado. Dada en *Madrid* a 15. de *Junio*, 1666.

tion. In Witness whereof, I Ordered these Presents to be Dispatched, Signed with my Hand, Sealed with the Privy Seal, and countersigned by my underwritten Secretary of State. Given at *Madrid* the 15th of *June*, 1666.

To la Reyna.

I the Queen.

*Don Pedro Fernandez del Campo
y Angulo.*

*Don Pedro Fernandez del Campo
y Angulo.*

QUarum Commissionum virtute, & juxta earundem Tenorem, prædicti Excellentissimi Domini, Legatus Extraordinarius Serenissimi *Magnæ Britannia* Regis, & Commissarii ac Deputati Serenissimorum Regis ac Regina *Hispaniarum*, post frequentes oretenus Communicationes, sollicitam attentionem, & deliberationem exquisitam juxta ac maturam, Negotio adeò arduo dignam, convenerunt, consenserunt, firmaverunt, & concluderunt Articulos Pacis (Deo favente, duraturæ in perpetuum) in hæc quæ sequuntur verba.

BY Virtue of which Commissions, and according to the Tenour of the same, the aforesaid most Excellent Lords, the Ambassador Extraordinary of the most Serene King of *Great Britain*, and the Commissaries, and Deputies of the most Serene King and Queen of *Spain*, after frequent Conferences, careful Attention, and accurate as well as mature Deliberation, worthy of so important an Affair, did Agree upon, Consent to, Establish and Conclude Articles of Peace (which, with Gods Assistance, shall endure for ever) in the following Words.

In Nomine Sanctissimæ Trinitatis, Patris, Filii, & Spiritus Sancti, trium distinctarum Personarum, & Unius solius veri Dei.

In the Name of the most Holy Trinity, Father Son, and Holy Ghost, Three distinct Persons, and One only True God.

A R T I C. I.

IMprimis, conventum & concordatum est, quod inter Coronam *Magnæ Britannia* ex unâ, & Coronam *Hispaniarum* ex alterâ parte, ut & inter Terras, Regiones, Regna, & Dominia, & Territoria ad Regum prædictorum alterutrum Spectantia, Eisdemve obtemperantia, universalis, bona, sincera, vera, firma, ac perfecta Amicitia, Confœderatio, &

A R T I C. I.

First, it is Agreed and Concluded, That from this day forward there shall be, between the Two Crowns of *Great Britain* and *Spain*, a General, Good, Sincere, True, Firm, and Perfect Amity, Confederation and Peace, which shall endure for ever, and be observed inviolably, as well by Land, as by Sea, and Fresh-waters; and also between the

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Pax erit, quæ ab hoc die in perpetuum durabit, & tam Terrâ, quam Mari, atque ubivis Aquarum, inviolabiliter observabitur. Quodque Regum prædictorum Subditi, Populi, Ditionumque suarum Incolæ, cujuscunque gradûs, aut Conditionis fuerint, mutuâ hinc inde Operâ, mutuis Auxiliis, mutuisque Benevolentia, & Amicitia omne genus Officiis invicem demerebuntur.

II.

Quod neque Regum prædictorum alteruter, neque Dominiorum suorum Incolæ, Populi, aut Subditi, quocunque sub prætextu, five publicè, five privatim, ullibi Locorum, five Mari, five Terrâ, five in Portibus, aut Fluviis, aliquid tentabunt, facient, aut fieri procurabunt, quod alteri parti Damno, aut Detrimeto esse possit; quin altera pars alteram Amicitia quam arctissimâ & Benevolentia omnimodâ complectetur. Liber insuper & securus, tam Mari quam Terrâ, alteri Partium in alterius Regionibus, Regna, Insulas, Dominia, Civitates, Urbes muris cinctas, vel non cinctas, munitas, vel non munitas, patebit aditus; Nec non in Stationes Navium, & Portus, ubicunque Negotiatio, & commercium antehac exerceri solebant, ita ut Emptionibus, Venditionibus, & omne genus Negotiationibus ubivis Loci apud alteram partem vacare, quisque hinc inde possit, non minus liberè & securè, quam Cives ipsi cum suis Concivibus, aut Popularibus, aut alia Gens externa quæcunque, cui dicta Partis alterutrius loca frequentare datum est, negotiantur.

III.

Quod Regibus hinc *Magnæ Britanniæ*, illinc *Hispaniarum*, illud in primis curæ erit, in posterum ut sui utrinque Subditi & Populi ab omni Vi, Injuria, &

Lands, Countries, Kingdoms, Dominions, and Territories, belonging unto, or under the Obedience of either of them. And that their Subjects, People, and Inhabitants respectively, of what Condition, Degree, or Quality soever, from henceforth reciprocally, shall help, assist, and shew to one another all manner of Love, good Offices, and Friendship.

II.

That neither of the said Kings, nor their respective People, Subjects or Inhabitants within their Dominions, upon any pretence, may in publick or secret, do, or procure to be done, any thing against the other, in any Place, by Sea or Land, nor in the Ports or Rivers of the one or the other, but shall treat one another with all Love and Friendship; and may by Water and by Land, freely and securely pass into the Confines, Countries, Lands, Kingdoms, Islands, Dominions, Cities, Towns, Villages, Walled or without Wall, Fortified or Unfortified, their Havens and Ports (where hitherto Trade and Commerce hath been accustomed) and there Trade, Buy, and Sell, as well of and to the Inhabitants of the respective Places, as those of their own Nation, or any other Nation that shall be or come there.

III.

That the said Kings of *Great Britain* and *Spain*, shall take care that their respective People and Subjects from henceforward do abstain from all Force, Violence

Violentiâ invicem abſtineant ; & ſi quam forte Injuriam per diſtorum Regum alterutrum, Ejuſve Populos aut Subditos, Populis aut Subditis alterius inferri contingat, ſive contra Articulos hujus Conſœderationis, ſive contra Juris & Æqui Rationem, Literæ Repreſſaliarum, Marcæ, aut Contra-Marcæ, eam ob rem ex parte alterutrius Conſœderatorum haudquaquam emanabunt, niſi tentatis prius & ſollicitatis Juris & Juſtitia remediis ordinariis. Juris verò & Juſtitia beneficio, vel dilato, vel denegato, Rex Ille, cujus Subditi, aut Incolæ Injuriam paſſi ſunt, Juſtitiam fieri inſtantiùs poſtulat & urgebit, vel apud Ipſum Regem ſibi Conſœderatum, vel apud Commiſſarios utriusque Regis Nomine conſtituendos, qui de omnibus hoc genus Querelis, & Controverſiis cognoscent, eaſque vel amica Tranſactione diriment, vel ſaltem juxta Juris Exigentiam terminabunt ; Sin autem ulterior poſt hæc mora interponitur, nullaque Satisfactio intra Sex Menſes poſt Inſtantiam factam ſubſequitur, tum demùm Literas Repreſſaliarum, Marcæ, vel Contra-Marcæ, parti gravatæ concedi poſſe conſenſum eſt.

IV.

Quod inter Regem *Magne Britannia*, & Regem *Hiſpaniarum*, ut & inter Utriusque Subditos, Populos & Incolas, tam Mari quàm Terrâ, atque ubilibet Aquarum, per univerſa & ſingula Regna, Regiones, Territoria, Provincias, Inſulas, Colonias, Civitates, Oppida, Pagos, Portus, Fluvios, Crepidines, Sinus, Freta, & Aquarum Fluenta, alterutrius Regis Imperio obtemperantia, ubi Negotiatio aut Commercium ullo antehac Tempore exerceri conſuevit, libera dabitur hinc indè negotiandi Copia, & Commercium omnis generis inſtituendi, &

olence, or Wrong ; and if any Injury ſhall be done by either of the ſaid Kings, or by the People or Subjects of either of them, to the People or Subjects of the other, againſt the Articles of this Alliance, or againſt common Right, there ſhall not therefore be given Letters of Reprisal, Marque, or Counter-marque, by any of the Confederates, until ſuch time as Juſtice is fought and followed in the ordinary courſe of Law. But if Juſtice be denied or delayed, then the King whoſe People or Inhabitants have received harm, ſhall ask it of the other, by whom (as is ſaid) the Juſtice ſhall have been denied or delayed, or of the Commiſſioners that ſhall be by the one King or the other appointed to receive and hear ſuch Demands, to the end that all ſuch Differences may be compounded in Friendſhip, or according to Law. But if there ſhould be yet a delay, or Juſtice ſhould not be done, nor Satisfaction given within Six Months after having the ſame ſo demanded, then may be given Letters of Reprisal, Marque or Counter-Marque.

IV.

That between the King of *Great Britain*, and the King of *Spain*, and their reſpective People, Subjects and Inhabitants, as well upon Sea as upon Land, and Freſh-waters, in all and every their Kingdoms, Lands, Countries, Dominions, Conſines, Territories, Provinces, Iſlands, Plantations, Cities, Villages, Towns, Ports, Rivers, Creeks, Bays, Streights, and Currents, where hitherto Trade and Commerce hath been accuſtomed, there ſhall be free Trade and Commerce, in ſuch way and manner, that without ſafe Conduet, and with exercendi

exercendi Facultas, ita ut absque Literis Salvi Conductus, aut alia Licentia five generalis five specialis forma, Populi & Subditi alterutrinque possint, tam per Terram quam per Mare & Aquas lenes, liberè navigare & iter facere in Regiones, Regna, Dominia, Civitates, Portus, Aquarum Fluenta, Æstuaria, Districtus, & alia Loca quacunque Confederatorum alterutri obtemperantia; Portus etiam quoscunque visum fuerit intrare & ingredi cum Navibus suis onustis, five vacuis, aliisque onerariarum & Vehiculorum Speciebus quibuscunque; nec non ubi intraverint, Mercimoniis cujuscunque demum generis emendis, vendendis, permutandis, ad quantum libet valorem, seu quantitatem vacare; victualia etiam, & omne genus Commeatum, five vitæ sustinenda, five itineri faciendo necessarium æquo & consueto pretio sibi comparare; Navibus item suis, aliisque Onerariis, & vehiculis tum refarciendis, tum instruendis incumbere; migrare item loco, & cum Navibus suis, aliisque Onerariis, Bonis, Mercimoniis, & Facultatibus, quocunque visum fuerit, liberè discedere, five ad suos redeundum, five alio migrandum duxerint, sine ullâ Molestatione, Inquietatione, aut Impedimento dato, Salvis semper hinc illinc Juribus, Vectigalibus, & Portoriis imperandis, & solvendis, Salvis etiam Legibus, & Ordinationibus per Dominia & Ditiones singulas utriusque Regis sancitis & observatis.

V.

Concordatum itidem est, quod Merces & Mercimonia quæ Subditi Regis *Magnæ Britannia* per *Hispanias*, aut alia Regna aut Dominia Regi *Hispaniarum* obtemperantia, emerint, suisque ipsorum Navibus, aut etiam aliis Navibus

out general or particular Licence, the People and Subjects of each other may freely, as well by Land as by Sea, and Fresh-waters, Navigate and go into their said Countries, Kingdoms, Dominions, and all the Cities, Ports, Currents, Bays, Districts, and other Places thereof; and may enter into any Port with their Ships laden or empty, Carriage or Carriages wherein to bring their Merchandise, and there buy and sell what and how much they please, and also at just and reasonable Rates provide themselves with Provisions and other necessary things for their Subsistence and Voyage; and also may repair their Ships and Carriages, and from thence again freely depart with their Ships, Carriages, Goods, Merchandise and Estate, and return to their own Countries, or to such other Places as they shall think fit, without any Molestation or Impediment, so that they pay the Duties and Customs which shall be due, and saving to either side the Laws and Ordinances of their Country.

V.

Item, It is likewise Agreed, That for the Merchandises which the Subjects of the King of *Great Britain* shall buy in *Spain*, or other the Kingdoms or Dominions of the King of *Spain*, and shall carry in their own Ships, or in Ships
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ex mutuo vel conducto sibi comparatis, imposuerint, nullis omnino Vectigalibus, Portoriis, Decimis, Subsidiis, aut aliis Oneribus subjicientur, aut gravabuntur, præterquam iis ad quæ solvenda pari casu ipsi Indigenæ, aliique omnes Exteri in iisdem locis Mercaturam exercentes, tenentur; Mercatores item & Subditi prædicti in Emptionibus, Venditionibus, & suarum mercium Contractationibus, tam ratione Preii, quam in omni Vectigalium solutione, iisdem semper cum Subditis naturalibus Privilegiis fruentur, & gaudebunt, ipsisque Bona & Mercimonia sibi emere, emptaque Navibus suis (uti superius provisum est) imponere integrum erit, ita ut easdem operatas post Vectigalium debitorum solutionem nefas sit sub præteru quocunque in Portu detinere, nedum Oneratoribus, Mercatoribus, aut Factoribus, five Negotiorum Gestoribus, in Emptione vel Operatione istiusmodi Bonorum occupatis, Litem aut Controversiam ullam, post Navis discessum, super ullâ re Navem, Bona, aut eorundem Operationem spectante, movere.

VI.

Quo autem Officarii & Ministri Civitatum, Oppidorum & Pagorum quorumcunque Confœderatorum, alterutri obtemperantium, nec exigant, nec accipiant à respectivis Mercatoribus aut Subditis majora Vectigalia, Onera, Stipendia, Compensationes, Largitiones, aut aliud quidquam præter ea quæ Jure exigí possunt, juxta Tractatus hujus Vim & Tenorem, quo Mercatores etiam & Populi prædicti certò scire, & luculenter discernere possint, quid in Re Telonariâ hinc inde pro constituto & sancito habetur; Convenum & conclusum est, quod in omnibus Actibus & Exedris Portuorum Quæsturæ dica-

hired or lent unto them, no new Customs, Toll, Tenths, Subsidies, or other Rights or Duties whatsoever, shall be taken or increased, other than those which in the like case the Natives themselves, and all other Strangers are obliged to pay; and the Subjects aforesaid buying, selling and contracting for their Merchandises, as well in respect of the Prices, as of all Duties to be paid, shall enjoy the same Priviledges which are allowed to the natural Subjects of *Spain*; and may buy, and lade their Ships with such Goods and Merchandises; which said Ships being laden, and Customs paid for the Goods, shall not be detained in Port upon any pretence whatsoever; nor shall the Ladens, Merchants, or Factors, who bought and loaded the Goods aforesaid, be questioned after the departure of the said Ships, for any matter or thing whatsoever concerning the same.

VI.

And to the end that the Officers and Ministers of all Cities, Towns, and Villages belonging to either, may neither demand nor take from the respective Merchants and People, greater Taxes, Duties, Stipends, Recompenses, Gifts, or any other Charges, than what ought to be taken by virtue of this Treaty; And that the said Merchants and People may know and understand with certainty what is Ordained in all things touching this, It is Agreed and Concluded, That Tables and Lists shall be put up at the Doors of the Custom-houses and Registries of all the Cities, Villages, and Towns of,

tis, per Civitates, Oppida, & Pagos quoscunque Serenissimorum Regum alterutri obtemperantes, ubi Loci Portoria aut Vectigalia id genus exsolvi solent, Tabulæ quædam sive Indices appendentur, in quibus iusta Ratio, seu Taxa Onerum, Vectigalium, Subsidiorum, & Solutionum quarumcunque, tam Fisco Regio quam Officiariis Telonii debiturum, accuratè describetur, Speciebus scilicet Mercium tam importandarum quam exportandarum, Sigillatim enumeratis, Taxa sua constabit, & è regione annotabitur. Quod si Officiarius quisquam aut ejus Deputatus exegerit, aut directè vel indirectè, publicè vel privatim, à quoquam Mercatorum, aut Subditorum prædictorum ullam pecuniæ summam, Nomine Vectigalis, Oneris, Largitionis, Stipendii, Compensationis, aut Debiti, acceperit, aut sibi numerari passus fuerit, quæ ex dictarum Tabularum præscripto, (quantumvis muneris aut Xenii speciem induerit,) haud debetur; constitutum est, quod Officiarius ille, aut ejus Deputatus, qui isto modo deliquerit, Delictique sui convictus fuerit coram Judice competente, in Ditione illâ ubi offenderit, poenâ Incarcerationis per tres menses continuos castigabitur, triploque pecuniæ, sive rei alius cujuscunque iniquè receptæ, contra quam superius cautum est, valore multabitur, cujus Multæ semissis alter Fisco Regio, hinc *Magna Britannia*, illinc *Hispaniarum* addicetur, alter Denuntiatori, jure expeditissimo adjudicabitur coram Competente Judice in Ditione illâ, ubi offenderit Delinquensprehenditur.

VII.

Quod licitum erit & integrum Subditis Regis *Magna Britannia*, tam in Mercibus importandis, quam exportandis, per *Hispaniam*, aliasque Terras, & Do-

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or appertaining to one or the other King where such Rights and Excises or Customs are usually paid; in which, how much, and of what quality such Rights, Customs, Subsidies, and Payments, either to the Kings or any the aforesaid Officers are allowed, shall be put down in Writing; declaring as well the Species of what is Imported, as what is carried out. And if any Officer, or any other in his name, upon any pretence whatsoever, in publick or secret, directly or indirectly, shall ask or receive of any Merchant or other Person respectively, any Sum of Money or other thing, by the name of Right, Due, Stipend, Allowance, or Recompense (though it be by the way of voluntary Donative) more or otherwise than aforesaid, the said Officer or his Deputy being in such manner guilty, and convict before a competent Judge in the Country where the Crime is committed, shall be put in Prison for Three Months, and shall pay thrice the value of the thing so received; of which the half shall be for the King of the Country where the Crime is committed, and the other half for the Denunciator, for the which he may Sue his Right before any competent Judge of the Country where it shall happen.

VII.

That it shall be lawful for the Subjects of the King of *Great Britain*, to bring out, and carry into *Spain*, and all or any Lands and Dominions of the King of *Spain* (where heretofore they

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minia Regi *Hispaniarum* obtemperantia quæcunque, ubi Negotiationem & Commercia exercere antehac consueverunt, Mercaturam facere, Merces item omnis generis, Pannos, Res & Mercimonia manufacta è *Britanniarum* Insulis advecta, nec non Mercimonia manufacta, Bona, Fructus, & Species, Insulis, Urbibus, aut Colonia Regis *Magnæ Britannia* Imperio Subditis oriundas, ut & omnia illa Bona, quæ à Subditorum prædictorum Factoribus, seu Negotiorum Gestoribus, vel cis Promontorium illud Caput Bonæ Spei (*de Buena Esperança* vulgò vocatum) vel etiam ultra illud Promontorium coempra fuerint, venundare, & distrahere, absque ullâ obligatione significandi, vel manifestandi quibusnam Personis, quòve pretio, Mercimonia illa, aut Commeatum quem habebant, vendiderint, ut & absque Vexatione aut molestiâ ullâ cuiquam illatâ ob errores, qui à Navarchis, aut aliis quibuscunque, circa Mercium, seu Bonorum istiusmodi in publicas Tabulas relationem committi solent; Subditi etiam prædicti è Dominiis Regis *Hispaniarum* pro libitu suo remeabunt, & in quæcunque velint Regis *Magnæ Britannia* Territoria, Insulas, Dominia, aut Regiones, aut in ulla alia, si maluerint, Loca, cum omnibus suis Bonis, Facultatibus, & Mercimoniis, solutis prius Vectigalibus & Portoriis juxta præcedentes Articulos exigendis, liberè discedent. Porrò si quid fortè Mercium quas devehunt, adhuc restat in Portu ubi subsistunt, quod exoneratum nollent, illud penes se detinere, & servare, secumque in Navibus suis, aut Navigiis quibuscunque auferre poterunt, nihilo prorsus nomine Vectigalis aut Portorii soluto, pari omnino cum Immunitate ac si Portus, aut Oras maritimas Regis Catholici nullatenus attigissent,

have used Trade and Commerce) and Trade there with all kind of Merchandise, Clothes, Manufactures, and things of the Kingdom of *Great Britain*, and the Manufactures, Goods, Fruits, and Kinds of the Islands, Towns, and Plantations to him appertaining, and what shall have been bought by *English* Factors on this side, or farther on the other side of the Cape of *Buena Esperança*, without being enforced to declare to whom, or for what Price they sell their said Merchandise and Provisions, or being molested for the Errors of the Masters of the Ships, or others, in the Entry of the Goods; and at their pleasure to return again out of the Dominions of the King of *Spain*, with all, or any Goods, Estates, and Merchandise, to any of the Territories, Islands, Dominions, and Countries of the King of *England*, or to any other Place, paying the Rights and Tributes mentioned in the antecedent Chapters; and the rest of all their Lading which is not brought to Land, they may detain, keep and carry away in their said Ship or Ships, Vessel or Vessels again, without paying any Right or Imposition whatsoever for it, as if therewith they had never been within any Bay or Port of the Catholick King. And all the Goods, Estates, Merchandise, Ships, or other Vessels, with any things introduced into the Dominions or Places of the Crown of *Great Britain* as Prizes, and judged for such in the said Dominions and Places, shall be taken for Goods and Merchandise of *Great Britain*, comprehended so by the intention of this Article.

aut appropinquassent: Omnia denique Bona, Facultates, Merces, Naves, aut alia Navigia, intra Dominia & Loca Regis *Magnæ Britannie* nomine prædæ adducta, & pro prædâ Legitimâ judicialitèr pronuntiatâ, & condemnatâ, tanquam Merces & Bona *Britanniarum* Insulis oriunda, vigore hujus Articuli, censentur & reputantur.

VIII.

Quod Subditi & Vassalli Serenissimi Regis *Magnæ Britannie* Fructus, Merces, & Mercimonia quæcunque *Indiæ Orientalis*, in quæcunque velint Dominia Regi *Hispaniarum* Serenissimo obtemperantia advehere & importare libere possint, modo constiterit ex Testimonio Deputarorum nomine Societatis *Indiæ Orientalis* prædictæ *Londini* Agentium, quod Fructus & Mercimonia prædicta ex Conquæstibus, Coloniis, vel Factoriis *Anglorum* advehta, vel oriunda sunt, pari prorsus ratione, & Privilegio, atque secundum Formam, Tenorem, & Effectum Ordinationum & Concessionum quæ in favorem Vassallorum Provinciarum *Belgii Inferioris* Fœderatarum in Schedulis Regiis circa Merces prohibitas, sive Contrabandæ, vigesimo septimo *Junii*, & Tertio *Julii*, Anno Millelesimo sexcentesimo sexagesimo tertio datis, & trigesimo *Junii*, & quarto *Julii* Anni prædicti promulgatis, emanarunt: Quod autem ad utrasque *Indias*, aliaque partes quæcunque attinet, Corona *Hispaniarum* omne id concessum & impertitum vult Regi *Magnæ Britannie*, & Vassallis ejus, quod Ordinibus Provinciarum *Belgii Inferioris* Confoederatarum per Tractatum *Monasterii*, Anno Millelesimo sexcentesimo quadragésimo octavo celebratum, concessum est, non minus firmitèr & amplè, quàm si de Capitulo in Capitulum, & Puncto

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VIII.

That the Subjects and Vassals of the most Serene King of *Great Britain* may bring and carry to all and singular the Dominions of the King of *Spain*, any Fruits and Commodities of the *East-Indies*, it appearing by Testimony of the Deputies of the *East-India* Company in *London*, that they are of, or have come from the *English* Conquests, Plantations or Factories, with like Privilege, and according to what is allowed to the Subjects of the *United Provinces*, by the Royal *Cedulas* of *Contravando*, bearing Date the 27th of *June*, and the 3d of *July*, 1663. and Published on the 30th of *June*, and 4th of *July* the same Year. And for what may concern both the *Indies*, and any other Parts whatsoever, the Crown of *Spain* doth grant to the King of *Great Britain* and his Subjects, all that is granted to the *United States* of the *Low-Countries* and their Subjects, in their Treaty of *Munster*, 1648. Point for Point, in as full and ample manner as if the same were herein particularly inserted, the same Rules being to be observed whereunto the Subjects of the said *United States* are obliged, and mutual Offices of Friendship to be performed from one side to the other.

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in Punctum, nihilo prorsus omisso, huc transcriberetur; Observandis iisdem Legibus, quibus Subditi dictorum Ordinum tenentur, & restringuntur, mutuâque amicitia hinc inde colenda.

IX.

Subditi Regis *Magnæ Britannie* Negotiationi, Emptioni, & Venditioni Mercium quarumcunque, vacantes intra Dominia, Præfecturas, Insulas, aut Territoria Regis *Hispaniarum*, gaudebunt & fruuntur Privilegiis illis omnibus, & Immunitatibus, quæ per Regem Catholicum in gratiam Mercatorum *Anglorum*, per *Andalusiam* diversantium in Schedulis Regiis, sive Ordinationibus, Decimo nono die Mensis *Martii*, Vicesimo sexto *Junii*, & Nono *Novembris*, Anno Domini Millesimo sexcentesimo quadragésimo quinto, datis, concessæ & confirmatæ sunt; quas quidem Schedulas sua Majestas Catholica ratihabitas & tanquam hujus Tractatus partem integram receptas & confirmatas esse jubet. Quo autem universis hoc innotescat, conclusum est, quod prædictæ Schedules, sive Ordinationes Regiæ (quoad earundem substantialia, sive vim & effectum) in numerum horum Articulorum migrabunt, & cooptabuntur, & in usum atque commodum omnium & singulorum Subditorum Regis *Magnæ Britannie*, qui in loco quocunque ad Dominia Regis Catholici spectante commorantur, aut negotiantur, maximo quam fieri potest cum favore extendentur.

X.

Quod Naves & omnia alia Navigia ad Regem *Magnæ Britannie*, ejusve Subditos spectantia, ubi Dominia aut Portus Regis *Hispaniarum* versus tendunt, aut ingrediuntur, visitationi aut excussioni per Ministros, & Mercium prohibitarum Censores, aut alios quoscunque, sive

IX.

That the Subjects of the King of *Great Britain*, Trading, Buying, and Selling in any of the Kingdoms, Governments, Islands, Ports, or Territories of the said King of *Spain*, shall have, use, and enjoy all the Privileges and Immunities which the said King hath granted and confirmed to the *English* Merchants that Reside in *Andaluzia*, by his Royal *Cedulas* or Orders, dated the 19th Day of *March*, the 26th Day of *June*, and the 9th Day of *November*, 1645. His Catholick Majesty by these Presents reconfirming the same as a part of this Treaty between the Two Crowns. And to the end that it be manifest to all, It is consented, That the said Schedules (as to the whole substance thereof) be passed and transferred to the body of the present Articles, in the name and favour of all and singular the Subjects of the King of *Great Britain*, Residing and Trading in any Places whatsoever within his Catholick Majesties Dominions.

X.

That the Ships, or any other Vessels that shall belong to the King of *Great Britain*, or his Subjects, Navigating into the King of *Spain*'s Dominions, or any of his Ports, shall not be visited by the Judges of Counterband, or by any other Officer or Person, by his own, or propriâ

propriâ Authoritate, five alienâ fretos, nullatenus subjiçientur, neque ulli Milites, Homines armati, Officarii, aut privati quicunque, Naves prædictas, Custodiæ nomine, vel alio quocunque sub prætextu, conscendent, aut intrabunt; Quæsturæ item Telonariæ Ministri Naves aut Navigia alterutrius partis, ubi in Regiones, Dominia, aut Portus alterius appulerint, visitatione, aut inspectione aliquâ nullatenus gravabunt, usque dum Mercibus impostis exonerata fuerint, aut illam saltem Mercium suarum partem in Littore deposuerint, quam ex declaratione Navarchæ in istum Portum destinari constiterit. Capitaneum, Navarcham, aut alium quempiam Socium, Vectorem aut Nautam, vel in Carcerem detrudere, vel Personarum, aut Schapharum suarum in Littore detentione vexare nefas est. Interim tamen Quæsturæ Telonariæ Officiariis permissum est, ex suo ipsorum Numero nonnullos Navibus istiusmodi, Custodiæ nomine, modo nulla Navis ultra tres Custodes suscipere cogatur, imponere, qui ne quid furtim exportetur, aut subtrahatur ante Solutionem Vestigalium ex Articulis hisce exigendorum invigilabunt, quibus quidem Officiariis in Excubiis agentibus Naves illæ & Navigia, Navarchæ item, Socii, Nautæ, Vectores, Mercatores, Factores, & Proprietarii, omnibus Impensis & Tributis Custodiæ hujusmodi causâ immunes erunt, nulloque omnino Onere eo Nomine gravabuntur. Ubi verò Navarcha declaraverit integrum Navis suæ Onus in Portu aliquo exonerandum esse, Mercium dictarum omnium, quibus onusta est, ratio in Regesta Telonaria, pro more hætenus usitato, referetur. Sin autem post relationem in Regesta factam plura inveniuntur in Navi Bona

by any other Authority; nor shall any Soldiers, Armed Men, or other Officers or Persons, be put on Board any of the said Ships or Vessels; nor shall the Officers of the Custom-house of the one or the other Party, search in any Vessels or Ships belonging to the People of the one or the other, which shall enter into their Regions, Dominions, or respective Ports, until their said Ships or Vessels are unladen, or until they have carried on Shore all the Lading and Merchandise which they declare they resolve to disembark in the said Port; nor shall the Captain, Master, or any other of the Company of the said Ships be Imprisoned, or they or their Boats detained on Shore; but in the interim, Officers of the Custom-house may be put on Board the said Vessels or Ships, so they exceed not the Number of Three for each Ship, to see that no Goods or Merchandise be Landed out of the said Ships or Vessels, without paying such Duties as by these Articles either Party is obliged to pay; which said Officers are to be without any Charge to the Ship or Ships, Vessel or Vessels, their Commanders, Mariners, Company, Merchants, Factors, or Proprietors. And when it happens that the Master or Owner of any Ship shall declare the whole Lading of his said Ship is to be Discharged in any Port, the Entry of the said Lading shall be made in the Custom-house, after the usual manner; and if after the Entry made, any other Goods be found in the said Ship or Ships, more than what are contained in the said Entry, Eight working Days shall be allowed them on which they may work (which shall be reckoned from the Day they began to unlade) to the end that the concealed Goods quam

quam quæ in Regestis descripta sunt, per Octo dies utiles in quibus laborare fas est, (ab eo die à quo Navis exonerari cœpit numerandos) expectandum erit ut Bona illa quæ occultantur in Regesta publica referantur, & eorundem Confiscationi occurratur; & casu quo istiusmodi Bona intra Octiduum præfixum, relatione in Tabulas publicas, & manifestatione, quâ par est, non releguntur, tum illa sola, etiam Exoneratione Navis nondum finitâ, & nulla alia Fisco addicentur; Itâ tamen ut Mercator, aut Proprietarius Navis istiusmodi, nullâ aliâ Molestiâ afficiatur, aut aliam quamcunque pœnam incurrat, ubi verò Naves novum Onus in se receperint, liberè exire poterunt.

XI.

Quod si quæ Navis, ad Regum prædictorum alterutrum, eorumve Subditos aut populos spectans, Portum aliquem in Terris aut Dominiis alterius intraverit, ibidemque vel in Navium Statione aliqua Bonorum aut Mercimoniorum quibus onusta est partem aliquam in Littus demiserit, ad alia Loca sive intra Regis Confœderati Dominia, sive extra, cum reliquo onere destinata, & festinans, Residuum Oneris, quod nondum exposuit in publicas Tabulas referre nullatenus tenebitur, nedum Veëtigali quoquam redimere, modo pro iis Bonis, quæ in Portu, aut Statione, ubi subsistit Navis, exonerata sunt, Telonii Legibus fiat satis: Nullaque Cautio, sive Fidejussoria sive alia quæcunque pro Bonis quæ aliorum devehenda habet, præstanda erit, ni Quæstio de Feloniâ, Debito, læsâ Majestâte, aut alio aliquo Crimine Capitali interveniat.

XII.

Quandoquidem Semissis Veëtigalium, quæ Bonis & Mercimoniis peregrinis in

may be Entred, and the Confiscation of them prevented: And in case that in the time limited, the Entry or Manifestation of them shall not have been made, then such particular Goods only, which shall be found, as aforesaid, though the unloading be not finished, shall be Confiscated, and not any other; nor shall other trouble be given, or punishment insisted on the Merchant or Owner of the Ship; and when the Ships or Vessels are reladen, they may have freedom to go out again.

XI.

That the Ship or Ships appertaining to the one or the other King, or to their respective People and Subjects, that shall enter into any Ports, Lands, or Dominions of the one or the other, and shall Discharge any part of their Goods and Merchandises in any Port or Haven, being consigned with the rest to other Places within or without the said Dominions, shall not be obliged to Register or Pay the Rights of any other Goods or Merchandise, than of that which they shall unlade in the said Port or Haven, nor be constrained to give Bond for the Goods they shall carry to other Places, nor any other Security, if it be not in case of Felony, Debt, Treason, or other Capital Crime.

XII.

Whereas the one Moiety of the Custom of all Foreign Goods and Merchandises

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Angliam advectis imponuntur, ex Lege remittendus, & Importanti refundendus, & si forte illa ipsa Bona extra Regnum prædictum intra unum Annum post primam eorum Exonerationem exportare quis velit, præstato prius Juramento quod sint eadem Bona pro quibus Vestigalia jam inter importandum soluta sunt; Cumque Bona istiusmodi, etiam post Annum elapsam, sine ullo Vestigiali, aut Portorio secundâ vice Solvendo, exportari è Regno quocunque quis velit tempore possint, Conclusum est, quod si qui Subditi Regis *Magne Britannie* ulla Bona, vel Mercimonia, quocunque Solo orta, aut cujuscunque speciei fuerint, in Portibus Regis Catholici quibuscunque abhinc in posterum exoneraverint, illaque in publicas Teloniorum Tabulas retulerint, Vestigaliaque juxta hunc Tractatum debita exsolverint, & post aliquod Temporis Intervallum eadem Bona, aut aliquam eorum partem aliorum transportare è re suâ duxerint, ut Foro magis quaestioso utantur, illud Subditis prædictis omninò permiffum & integrum erit, nullo alio Vestigiali, Tributove, pro Bonis istiusmodi soluto aut exacto, præstato tamen per Transportantem ad hoc requisitum Juramento, quod non alia sunt, quam illa ipsa Bona, pro quibus Vestigalia Importationis, ubi primum exonerabuntur, soluta sunt. Et si forte Subditi, Populi & Incolæ Dominiorum alterutrius partis, vel in Terram demiserint vel penes se habuerint Bona aliqua, Mercimonia, Fructus, aut Facultates in Civitate, Oppido, & Pago quocunque, pro quibus Vestigalia juxta formam superius præscriptam revera exsoluta sunt, & prædicta Bona, Mercimonia, Fructus, aut Facultates, in aliam aliquam Civitatem, Oppidum, aut Pagum intra ambitum

chandises Imported into *England*, is allowed and returned back to the Importer, if the said Goods be Exported out of the said Kingdom within Twelve Months after the first Landing, upon Oath made that they are the same Goods which paid Custom inwards, and that if they be not Reshippt within the said Twelve Months, yet they may at all times be Exported without paying any Custom or Duty outwards: It is therefore Agreed, That if any the Subjects of the King of *Great Britain* shall hereafter Land any Goods or Merchandise, of what growth or nature soever they be, in any of the Ports of his Catholick Majesty, and having Entred them, and paid the Custom which by this Treaty ought to be paid, and shall afterwards desire to Transport them, or any part of them, to any other Place whatsoever, for a better Market, it shall and may be lawful for him or them so to do freely, without paying or being demanded any other Custom or Duty at all for the same, he or they making Oath, if required thereunto, that they are the same Goods for which Custom was paid at the Landing. And in case that the Subjects, People, and Inhabitants of the Dominions of either part shall unlade, or have in any City, Town, or Village respectively, any Goods, Merchandises, Fruits, or Estates, and have paid the Customs due, according to what hath been declared, and after that, not being able to put them off, shall resolve to remit them to some other City, Town, or Village of the said Dominions, they may not only do it without difficulty or impediment, and without paying other Rights than what were due at their Entry, but likewise the Custom or Rights ejusdem

ejusdem Domini transportare apud se statuerint, eo quod isto ubi existunt foro uti è re suâ esse non duxerint, hoc non tantum illis facere omnino integrum erit, & absque ullâ difficultate aut Impedimento permissum, nullisque Oneribus (iis quæ ad primum Ingressum debebantur exolutis) gravabuntur: Cum ubi ex Certificatoriis Officiariorum Rem Telonariam curantium exhibitis constiterit, portoria debito modo & formâ jam semel exoluta fuisse, eadem aut alia quæcunque Vectigalia secundâ vice in alio quopiam Portu exigi nefas esto: Quæstores itidem præcipui, & Receptores Redituum suæ Majestatis Catholicæ, aut alii saltem Officarii, eo nomine Deputati, omni in posterum Tempore Bonorum & Mercimoniorum ab uno in alium Locum Transportationem fieri permittent, & Certificatoria luculenta dabunt Proprietariis eorundem, aut eorum Commissariis, Vectigalia de Jure debita jam jam ad primam Exonerationem soluta esse. Quibus conspectis, exportari liberè poterunt, & alium quemcunque quis velit Portum aut Locum Portorio & Impedimento omni immunita intrabunt, uti superius provisum est, salvo semper Jure alicujus Tertii.

XIII.

Quod Navibus Populorum & Subditorum alterutrius Confederatorum in Oris, Fretis, aut aliis quibuscunque Navium Stationibus ad alterum Spectantibus Anchoras figere, & in Anchoris stare permissum erit neque tamen Portum vicinum ingredi ullatenus tenebuntur; & casu quo Navis quæpiam, vel vi Tempestatis, vel metu Hostium aut Piratarum, aut aliquo alio Casu adacta, ipsum Portum subire necesse habuerit, modo constiterit illam ad Portum hostilem cum Mercibus prohibitis, vulgò Con-

shall not be paid again in any other part of the said Dominions, bringing Certificates from the Officers of the Custom-house, that they were paid before in the due Form. And the chief Farmers and Commissioners of the King of *Spain's* Rents in all Places, or some other Officer or Officers to be appointed for that purpose, shall at all times permit and suffer the Transportation of all such Goods and Merchandises from Place to Place, and give sufficient Certificate to the Owners thereof, or their Assigns, of their having paid their Custom at their first Landing, whereby they may be carried to, and Landed at any other Port or Place of the said Jurisdiction, free from all Duties or Impediments whatsoever, as aforesaid, saving always the Right of any Third Person.

XIII.

That it shall be lawful for the Ships belonging to the Subjects of the one or the other King, to Anchor in the Roads or Bays of either, without being constrained to enter into Port; and in case they be necessitated to enter thereinto, either by distress of Weather, fear of Enemies, Pirates, or any other Accident, in case the said Ships be not bound to an Enemies Port, and carrying thither Contraband Goods (whereof without some clear Proof, they shall not be questioned) it shall be lawful for the

trabandæ

trabandæ dictis, haud quaquam destinari (cujus Rei sine luculentis Judiciis minime postulabitur) ex Portu quodcumque lubuerit Navis istiusmodi solvet, & in altum sine Impedimento quocumque revertetur; eâ tamen Lege, ut Onus quod vehit illibatum maneat, nullaque ejus pars in Portu venum exponatur, aut distrahatur. Ubi verò jacta est Anchora, & intra Portum substititur, ad Vilitationis aut Inquisitionis cujuscunque molestias submovendas, Literas Salvi Conductûs, aut alias Chartas Itineris destinati, & Oneris Indices penes se habere & monstrare sufficiet; Quibus quidem Officiariis alterutrius Regis, ubi res postulat, exhibitis & ostensis, Naves istiusmodi absque ulteriori molestatione ad iter propositum profectendum dimittentur.

XIV.

Quod Naves Bellicæ, sive ad Regum prædictorum alterutrum, sive ad Instrutores privatos eorundem alterutri Subditos spectent, obviam factæ Navibus Mercatoriis, aut Statione aliquâ agentibus, aut in alto Mari vela facientibus, extra Tormenti Majoris Jactum subsistent, neque propius (ut hâc distantia Spolii & Violentiæ occasio omnis præcudatur) accedent; Scapham vero, si lubet, duosque aut tres solummodo Classarios ad Mercatoriam emittent, quibus ubi Navem conscenderint, Literas Salvi Conductûs exhibebit Navarcha vel Patronus, Charrarum etiam Marinarum juxta Formulam in Calce hujus Tractatûs Subjiciendam conceptarum copiam faciet; ex quibus non solum de Mercimoniis quibus onusta est Navis, sed etiam de Domicilii & Residentiæ in alterutrius Regis Dominiis loco, ut & de Navarchæ, aut Patroni, nec non Navis ipsius Nomine certiores fient; duabus quip-

said Subjects to return to Sea freely when they please, with their Ships and Goods, so as they do not break Bulk, or expose any thing to Sale; and that when they cast Anchor, or enter the Ports aforesaid, they be not molested or visited; and it shall suffice, that in this case they shew their Passports, or Sea-papers, which being seen by the respective Officers of either King, the said Ships shall return freely to Sea without any Molestation.

XIV.

And if any Ship or Ships belonging to the Subjects and Merchants of the one or the other, entring into Bays, or in the open Sea, shall be Encountred by the Ships of the said Kings, or of Privateers their Subjects; the said Ships, to prevent all Disorders, shall not come within Canon-shot, but shall send their Long-Boat, or Pinnace, to the Merchant-Ship, and only Two or Three Men on Board, to whom the Master or Owner shall shew his Passports and Sea-Letters, according to the Form which shall be inserted at the end of this Treaty, whereby not only the Ship's, Lading, but the Place to which she belongs, and as well the Master and Owner's Name, as the Name of the Ship, may appear; by which means the Quality of the Ship, and her Master or Owner will be sufficiently known, as also the Commodities she carries, whether they be Contraband, or not; to the which

pe Rationibus hisce quales sint Merces Navi impositæ, an interdictæ, scilicet, sive Contrabandæ, quis Magister vel Patronus, qualis denique Navis ipsa sit, satis dignosci poterit; Tales porò Literæ & Chartæ Marinæ Fide & Autoritate eo magis indubitatâ valebunt, quod tam ex parte Regis *Magnæ Britanniæ*, quam ex parte Regis *Hispaniarum*, Certificationibus quibusdam contra Signatis (si necessè fuerit) munientur; quarum Virtute authenticæ magis fient, & adulterinæ pro veris nemini obrudi poterunt.

XV.

Si quæ Merces aut Bona prohibita è Regnis, Dominiis, aut Territoriis alterutrius Regis exportantur per Populos aut Subditos alterius, in isto Casu sola Bona prohibita, & nulla alia Fisco addicentur; neque etiam præter hanc pœnam incurrer istiusmodi Delinquens, ni fortè è Regnis aut Dominiis Regis *Magnæ Britanniæ* Nummos, aut Monetam Regioni propriam, aut Lanam, aut etiam Terram quam vocant Fullonum; ex Dominiis verò Regis *Hispaniarum* Aurum aut Argentum, sive Signatum sit, sive non Signatum, subducatur aut exportetur; In quibus Casibus Regionis cuiusque hinc inde Leges vim suam & effectum debitum obtinebunt.

XVI.

Quod Populi & Subditi alterutrius Regis ad Portus alterius accedere, & appellere, ibidemque subsistere & permanere, indeque pari hinc inde cum immunitate emigrare poterunt; idque non solum cum Navibus Mercatoriis, aliisque Navigiis, Negotiationi aut Commercio interservientibus, verum etiam

Passports and Sea-Letters, intire Faith and Credit shall be given, so much the rather, for that as well on the part of the King of *England*, as of the King of *Spain*, some Counter-signs shall be given (if it shall be found necessary) whereby their authenticity may the better appear, and that they may not be in any wise falsified.

XV.

If any prohibited Merchandise or Goods shall be Exported from the Kingdoms, Dominions and Territories of either of the said Kings, by the respective People or Subjects of the one or the other, in such case the prohibited Goods shall be only Confiscated, and not the other Goods; neither shall the Delinquent incur any other Punishment, except the said Delinquent shall carry out from the respective Kingdoms or Dominions of the King of *Great Britain*, the proper Coin, Wooll, or Fullers-Earth of the said Kingdoms; or shall carry out of the respective Kingdoms or Dominions of the said King of *Spain*, any Gold or Silver, wrought or unwrought; in either of which cases the Laws of the respective Countries are to take place.

XVI.

That it shall be lawful for the People and Subjects of both Kings, to have access to the respective Ports of the one and the other, and there remain, and depart again with the same freedom, not only with their Ships, and other Vessels for Trade and Commerce, but also with their other Ships fitted cum

cum Navibus Bellicis Hosti tam resistendo tum offendendo comparatis ; Navibus item vi Tempestatis pulsis, tum Reparatione tum Commeatu, prout opus habuerint, instruendis incumbent, modò Navium Sponte subintrantium Numerus justæ suspitioni non dederit, quæ si Bellicæ sunt, Numerum Octo Navium haud excedent, neque longiorem intra Navium Stationes, aut in Portuum vicinio, moram trahent, quàm quæ Navibus refarciendis, vel Commeatu excipiendo, necessaria æstimabitur ; multò minùs in Causâ erunt ut Commercia vel perturbentur, vel abrumpanitur, aut Navium alius cujuscunque Gentis cum Rege istius Portûs ubi subsistunt pacem colentis, accessum, introitumve impediunt. Ubi verò Numerus plus solito magnus Navium bellicarum Casu aliquo Portum aliquempiam appropinquaverit, iisdem intrare ipsum Portum, aut in Navium Statione subsistere, nefas esto, nisi obtentâ prius à Rege Ipso, aut à præfecto Portûs intrandi Licentiâ, ni forte vi Tempestatis abreptæ, aut Imminentis per Mare Periculi cujuscpiam evitandi gratiâ eo Loci protrudantur ; quo in Casu Præfecto Portûs, aut Loci Magistratui Primario appulsus istiusmodi, quam primum fieri potest, causæ exponentur, neque diutius ibi Loci subsistent, quam Præfecto aut Magistratui prædicto æquum & commodum visum fuerit, nedum quidquam hostile adversus alios in eodem Portu agentes tentabunt, quod Regum prædictorum alterutri in præjudicium cedere possit.

XVII.

Quod Confœderatorum prædictorum neuter Mercatorem, Navarcham, Nauclerum, aut Marinarium quemquam, eorumve Naves, Mercas, Pannos, aut

for War, Armed, and disposed to resist and engage the Enemy, and arriving by stress of Weather to repair their Ships, or furnish themselves with Provisions ; so that entering willingly, they be not so numerous, that they give just occasion of suspicion, to which end they are not to exceed the number of Eight, nor continue in their Havens, nor about their Ports, longer time than they shall have just cause, for the Repair of their Ships, to take in Provisions, or other necessary things, much less be the occasion of interrupting the free Commerce, and coming in of other Ships, of Nations in Amity with either King ; and when an unusual Number of Men of War by accident shall come unto any Port, it shall not be lawful for them to come into the said Ports or Havens, not having first obtained Permission of the King unto whom the said Ports do belong, or the Governors of the said Ports, if they be not forced thereto by stress of Weather, or other necessity, to avoid the danger of the Sea ; and in such case they shall presently acquaint the Governor or Chief Magistrate of the Place with the cause of their coming ; nor shall they remain there any longer time than the said Governor or Magistrate shall think convenient, or do any act of Hostility in such Ports, that may prove of prejudice to the one or the other of the said Kings.

XVII.

That neither the said King of *Great Britain*, nor the King of *Spain*, by any Mandate general, nor particular, nor for any cause whatsoever, shall em-

alia Bona ad alteram partem spectantia, dum in Portibus aut Aquis alterius subsistunt, derinebit, impediet, aut virtute Edicti vel Mandati, five Generalis, five Specialis, aut aliam ob Causam qualemcunque arrestabit, aut suo ipsius usui inservire coget, nisi re cum altero Rege, aut saltem cum personis interesse habentibus, prius communicatâ, eorumque consensu & approbatione desuper obtentâ; quod tamen itâ intelligendum est, ut Ordinaria Juris Remedia Justitiæ pro æquo & bono administrandâ opportuna ex hoc Articulo nullatenus frustrentur, aut enerventur.

XVIII.

Quod Mercatores & Subditi Regis utriusque, eorumque Factores & Famuli, Naves item, Navarchæ, & Marinarii tum eundo tum redeundo, tam per Mare & alias Aquas, quam in Stationibus, & Portibus alterutrinque, omne genus Arma, tam ad Offensionem, quam ad Defensionem, comparata, portare poterunt, & iisdem uti, absque ullâ obligatione Arma istiusmodi in publicas Tabulas referendi; Arma etiam portatilia gestabunt, si lubet, per Terram, usque in privatam Defensionem utentur, secundum consuetudinem Loci.

XIX.

Quod nullus Capitaneus, Officiarius, aut Marinarius cujuscunque Navis, ad Subditos aut Populos alterutrius Confœderatorum spectantis, quamdiu intra Regna, Dominiâ, Terras, Regiones, aut Loca alteri obtemperantia diversantur, litem intendet, aut Damno, vel Præjudicio erit Navibus, Capitaneis, Officiariis, aut Marinariis, quos suos ipsius Populares, aut Regi suo Subditos esse noverit, nomine Mercedis aut Salaris, aut alio sub prætextu quocunque, neque in Servitium, aut Protectionem

bark or detain, hinder or take for his respective Service, any Merchant, Master of a Ship, Pilot or Mariner, their Ships, Merchandise, Cloaths or other Goods belonging unto the one or the other, in their Ports or Waters, if it be not that either of the said Kings, or the Persons to whom the Ships belong, be first advertised thereof, and do agree thereunto; Provided, that this shall not be construed to hinder or interrupt the ordinary course of Justice and Law in either Country.

XVIII.

That the Merchants and Subjects of the one and the other King, their Factors and Servants, as also their Ships, Masters or Mariners, may as well going as coming, upon Sea and other Waters, as in the Havens and Ports of the one and the other respectively, carry and use all kind of Arms, Defensive and Offensive, without being obliged to Register them, as also upon Land to carry and use them for their Defence, according to the custom of the Place.

XIX.

That the Captains, Officers and Mariners of the Ships belonging to the People and Subjects of either Party, may not commence an Action, nor hinder or bring trouble upon their own Ships, their Captains, Officers or Mariners, in the respective Kingdoms, Dominions, Lands, Countries or Places of the other, for their Wages or Salaries, or under any other pretence. Nor may they put themselves, or be received, by what pretext or colour soever, into the Service or Protection of the King of
hinc

hinc Regis *Magnæ Britannia*, illinc *Hispaniarum*, aut suorum respectivè *Armorum*, se sub Colore quocunque subducer, aut excipietur; quinimò si quæ Controversia aboritur inter Mercatores & Navarchas, aut inter Navarchas & socios Navales, totius Rei arbitrium Gentis Consuli committetur, ità tamen ut illi qui arbitrio Consulis, tanquam minùs æquo, haud acquiescendum duxerit, integrum sit ad Judices Ordinarios patriæ vel Domicilii sui, interposità appellatione, provocare.

XX.

Quo autem Mercatores & Negotiantes, Regis *Magnæ Britannia* Imperio Subditi, sublatis tandem obstaculis quibuscunque in *Brabantiam*, *Flandriam*, reliquasque *Belgii* Provincias, Regi Catholico obtemperantes, Commerci veteris restaurandi gratià, demòdò remeare possint, quia consideratum fuit convenire ut omnes Leges, Ediçta, Statuta, Ordinationes, & Acta, quibus Panni & alia Mercimonia Lanea, Opificio *Anglico* contexta, cujuscunque generis sint, sive Coloribus tinçta, sive non tinçta, sive arte Fullonià elaborata, sive non elaborata, in *Flandriam*, aliasque Provincias prædictas importari prohibetur, ad hinc in posterum revocata, cassata & annullata sint, omneque Onus, Tributum, Portorium, Impositio, aut Impensà Pannis aliisque Mercimoniis Laneis in *Anglià* manufactis, sive ex permisso & convenientià, sive aliter imperata & exoluta, abhinc in posterum cassà sint, & omninò nulla, exceptis tantùm antiquis Porroriis super unaquàque Panni *Anglici* Telà, seu Volumine, ut & super cæteris pro Ratà Mercimoniis Laneis, Opificio *Anglico* contextis, juxta antiquos Tractatus & Concordata inter Reges *Angliæ* & Duces *Burgundia*, aliosque

England, or King of *Spain*, or their Arms; but if any Controversie happen between Merchants and Masters of Ships, or between Masters and Mariners, the composing thereof shall be left to the Consul of the Nation, but after such manner, as he who shall not submit to the Arbitrement, may appeal to the ordinary Justice of the Place where he is subject.

XX.

And to the end that all Impediments be taken away, and that the Merchants and Adventurers of the Kingdoms of *Great Britain* be permitted to return to *Brabant*, *Flanders*, and other the Provinces of the *Low-Countries*, under the Jurisdiction of the King of *Spain*; Forasmuch as it hath been thought convenient, that all, and any the Laws, Ediçts, and Acts, by which the Importation of Cloth, or any Cloth, or any other Woollen Manufacture, of what kind soever, Dyed or Undyed, Mill'd or Unmill'd, into *Flanders*, or the other Provinces, hath been prohibited, be revoked and disannulled; and that if any Right, Tribute, Imposition, Charge or Money, hath been, with permission, or otherwise, put upon Cloths, or any of the aforesaid Woollen Manufactures so Imported (except the ancient Tribute upon every piece of Cloth, and proportionably upon every other Woollen Manufacture, agreeable to the ancient Treaties and Agreements between the then Kings of *England*, and the Dukes of *Burgundy*, and Governors of the *Low-Countries*) the same should be altogether void, and no such Tribute or Imposition from henceforth imposed, or put upon

Belgii

Belgii Præfectos, dudum impositis & usque continuatis, utque nulla id genus *Onera* aut *Portoria Pannis*, aut *Mercimoniis Laneis manufactis supra memoratis*, quocunque sub prætextu, in posterum imprentur, aut exigantur. *Disti* item & *Mercatores & Negotiantes* in *Provincias prædictas*, earumve *Civitates & Urbes*, negotiandi *Causâ* commeantes, uti & eorundem *Famuli, Factores, & Commissarii*, omnibus *Privilegiis, Exemptionibus, Immunitatibus & Beneficiis*, quibus ullo unquam *Tempore antiquitus gaudebant*, abhinc in posterum gaudeant & persuantur, juxta vim & Tenorem *Tractatum inter Reges Angliæ, & Duces Burgundiæ*, aliosque *Belgii Præfectos, dudum initorum*; *Consensum* itaque est, quod nominabuntur à *Serenissimo Magnæ Britanniæ Rege* *Deputati*, qui cum *Marchione de Castel-Rodrigo*, vel qui pro *Tempore fuerit earum Provinciarum Gubernatore, aliisque Ministris*, sufficientem in hac parte potestatem habentibus, concurrent, & super iis omnibus (perpensâ utriusque *Gentis Utilitate*) amicè tractent & concludant; amplioribus item *Mercatores Angli* *Privilegiis, Immunitatibus, & Exemptionibus præfenti rerum Statui accommodatis* cummulabuntur, prout ex *Negotiantium Commodo & Quæstu*, ut & ex ipsius *Commercii Securitate*, in speciali *Tractatu* super hoc *Negotio ineundo* convenire visum fuerit.

XXI.

Quod *Subditi & Incolæ Regnorum & Dominiorum Serenissimis Magnæ Britanniæ, & Hispaniarum Regibus* respectivè obtemperantium, cum omni *securitate, & libertate navigare, & negotiari* poterunt per omnia *Regna, Status, & Regiones, quæ pacem, amicitiam, aut Neu-*

the said *Cloths or Manufactures*, for any cause or pretext whatsoever; And that all the *English Merchants, Trading* in any of the said *Provinces*, their *Factors, Servants, or Commissioners*, should enjoy from henceforward, all the *Privileges, Exemptions, Immunities and Benefits*, which formerly have been agreed and given by the aforesaid ancient *Treaties and Agreements*, between the then *Kings of England* and the *Dukes of Burgundy*, and *Governors of the Low-Countries*: It is therefore Agreed, That *Deputies* shall be named by the *King of Great Britain*, who meeting with the *Marquess of Castel-Rodrigo*, or the *Governor of those Provinces for the time being*, or any other *Ministers of the King of Spain*, sufficiently *Authorised* in this behalf, shall *friendly Treat and Conclude* hereupon; and also such further *Privileges, Immunities, and necessary Exemption*, suitable to the present state of *Affairs*, shall be granted for the *Encouragement* of the said *Merchants and Adventurers*, and for the *Security of their Trade and Commerce*, as shall be agreed upon in a special *Treaty*, that shall be made between both the *Kings*, touching this *Particular*.

XXI.

The *Subjects and Inhabitants of the Kingdoms and Dominions of the most Serene King of Great Britain and Spain* respectively, shall with all *Security and Liberty* Sail to, and *Traffick* in all the *Kingdoms, Estates, or Countries*, which are or shall be in *Peace, Amity, or* *trality-*

tralitatem cum alterutro Regum Prædictorum colunt.

XXII.

Libertatem verò illam Impedimento, aut Inquietatione aliquâ nullatenus interrumpent Naves, aut Subditi dictorum Regum alterutrius, ob hostilitatem quæ impræsentiarum est, aut posthac esse poterit, inter eorum alterutrum, & Regna, Regiones, & Status prædictos, aut illorum aliquem qui Amicitiam, aut Neutralitatem erga alterum observat.

XXIII.

Et casu quo in Navibus istiusmodi Merces prohibita, vulgò Contrabandæ, infra designatæ, mediantibus rationibus supradictis, deprehendi contigerit, è Nave extrahentur, denuntiabuntur, & coram Judicibus Admiralitatis, aut aliis competentibus Fisco addicentur; ità tamen ut Navis ipsa, aliæque liberæ Merces & permissæ, quæ in istiusmodi Navi reperiuntur, nullatenus ex eâ Causâ arrestentur, aut confiscentur.

XXIV.

Porrò ut omni, quantum fieri potest, Controversiæ, quæ oboriri possent circa Merces quæ pro vetitis, & interdictis, seu Contrabandæ censendæ sunt, obviam eatur; declaratum & conventum est, sub isto Nomine comprehensa esse omnia Arma Ignita, veluti Tormenta Bellica, Bombardæ, Mortaria, Petarda, Bombi, Granata, Salcissæ, Circuli picati, Tormentorum Sustentacula, Furcillæ, Nitrothecæ pensiles, Pulvis nitratu, Fomites igniarii, Sal nitrum, & Glandes Tormentariæ: Sub eodem etiam Nomine Mercium prohibitarum comprehenduntur reliqua omne genus Arma, ut Hastæ, Gladii, Galeæ, Casides, Thoraces, Bipennes, Jacula, & alia similia: Prohibetur etiam eodem Nomine Militum ut & Equorum Trans-

Neutrality with the one or the other.

XXII.

And they shall not be disturbed or disquieted in that Liberty, by the Ships or Subjects of the said Kings respectively, by reason of the Hostilities which are or may be hereafter between either of the said Kings, and the aforesaid Kingdoms, Countries, and States, or any of them, which shall be in Friendship or Neutrality with the other.

XXIII.

And in case that within the said Ships respectively, be found by the aforesaid means, any Merchandise hereunder mentioned, being of Contraband, and Prohibited, they shall be taken out and Confiscated, before the Admiralty, or other competent Judges; but for this reason the Ship, and the other free and allowed Commodities which shall be found therein, shall in no wise be either Seized or Confiscated.

XXIV.

Moreover, for better prevention of the Differences which might arise touching the meaning of forbidden Merchandise, and of Contraband; It is Declared and Agreed, That under this Name shall be comprehended all Fire-Arms, as Ordnance, Musquets, Mortar-pieces, Petards, Bombs, Granadoes, Fire-crancels, Fire-balls, Musquet-rests, Bandeliers, Gunpowder, Match, Salt-petre, and Bullets; Likewite under the Name of forbidden Merchandise, are understood all other Arms, as Pikes, Swords, Pots, Helmets, Backs and Breasts, Halberds, Javelins, and such like Armour; Under this Name is likewise forbidden the Transportation of Soldiers, Horses, their Harneffes, Cases of Pistols, Holsters, Belts, and other Furniture, portatio,

portatio, ut & eorum Armatura, Sclopeti, Ehippiarii, Balthei, & Instructus omnigeni ad Belli usum comparati.

XXV.

Ad evitandam pariter omnem Litis & Contentionis materiam, conventum est, ut sub nomine Mercium interdictarum, & Contrabandæ, non comprehendantur, Frumenta, Triticum, vel alia Grana, & Legumina, Sal, Vinum, Oleum, nec quicquam Nurtimento & Sustainationi Vitæ serviens, sed maneat libera, ut & alia omnes Merces Articulo præcedente non designatæ, quarum Translatio ad ipsa quoque Inimicorum Loca permiffa sit, exceptis Urbibus & Locis obsessis & circumseptis.

XXVI.

Conventum præterea & conclusum est, ut quicquid repertum fuerit oneratum à Subditis & Incolis Regnorum & Dominiorum alterutrius dictorum Regum *Angliæ & Hispaniarum*, in Navibus inimicis alterutrius dictorum Regum, quamvis Merces non sint de interdictis, Fisco addicatur, cum omnibus cæteris quæ in istiusmodi Navi inventientur, sine exceptione, aut reservatione.

XXVII.

Consul ille qui in posterum intra Dominia Regis *Hispaniarum*, in Subsidium & Protectionem Subditorum Regis *Magnæ Britanniæ* residebit, ab Ipso Rege *Magnæ Britanniæ* nominabitur, qui quidem à Rege designatus eandem potentiam & Autoritatem in exequendo munere suo habebit, & exercebit, quam ullus usquam Consul in Ditionibus Regis Catholici hæctenus consecutus est; Pari modo Consules *Hispani* in *Angliâ* residentes eadem fruuntur autoritate, quæ alterius

formed and composed for the use of War.

XXV.

Likewise, to prevent all manner of Dispute and Contention, It is Agreed, That under the Name of forbidden Merchandise, and of Contraband, shall not be comprehended Wheat, Rye, Barley, or other Grains, or Pulse, Salt, Wine, Oyl, and generally whatsoever belongs to the sustaining and nourishing of Life, but they shall remain free, as likewise all other Merchandises not comprehended in the preceding Articles; and the Transportation of them shall be free and permitted, although it be to the Towns and Places of Enemies, unless such Towns and Places be Besieged, and Blocked up, or Surrounded.

XXVI.

It is also Agreed, That whatsoever shall be found Laden by the Subjects or Inhabitants of the Kingdoms and Dominions of either of the said Kings of *England* and *Spain* Aboard the Ships of the Enemies of the other, though it be not forbidden Merchandise, shall be Confiscated, with all things else which shall be found within the said Ships, without exception or reserve.

XXVII.

That the Consul which hereafter shall reside in any of the Dominions of the King of *Spain*, for the help and protection of the Subjects of the King of *Great Britain*, shall be named by the King of *Great Britain*, and he so named, shall have and exercise the same Power and Authority in the Execution of his Charge, as any other Consul hath formerly had in the Dominions of the said King of *Spain*; and in like manner the *Spanish* Consul residing in *England*, shall enjoy

cujuscunque Nationis Consulibus in dicto Regno hæcenus est permiffa.

as much Authority as the Consuls of any other Nation have hitherto enjoyed in that Kingdom.

XXVIII.

Ne autem Commerciū Jura & Leges, quæ in favorem negotiorum tempore Pacis positæ sunt, vi & effectu destinato careant, quod maximè timendum foret, si Subditis Regis *Magna Britannia*, inter eundem, redeundum, diversandum in Dominis & Ditionibus Regis *Hispaniarum*, circa Commercia, aut alia Negotia molestia aliqua, nomine Conscientiæ, crearetur, ut Commercia sine discrimine ullo exerceri & Negotiantes in tuto, & tranquillo esse possint, Rex *Hispaniarum* prædictus, tam Mari quam Terrâ, summoperè cavebit & prospiciet, ne Subditi Regis *Magna Britannia* molestiâ aliquâ afficiantur, aut inquietentur contra Commerciū Jura, nè eorum culpam gravamen aliquod inferatur, vel quæstio moveatur, Conscientiæ nomine vel prætextu, modo ipsi vel aperto Scandalo, vel Offensæ proterviâ in publicum non impingunt; & Rex *Magna Britannia* prædictus, ob easdem rationes, vice verâ summoperè cavebit, & prospiciet, ne Subditi Regis *Hispaniarum* ullatenus molestiâ aliquâ afficiantur, aut inquietentur, Religionis nomine aut prætextu, contra Commerciū Jura, quousque ipsi vel aperto Scandalo, vel Offensæ proterviâ in publicum non impingunt.

XXIX.

Quod Regis alterutrius Subditi, Populi, & Incolæ Mercimonia sua intra Dominia, Territoria, Regiones, aut Colonias alterius Regis venum exposita, Nummis, Aëreis, aut Cupreis vendere aut distrahere nullatenus cogentur, neq; eadem Nummis, aut rebus aliis quibuscunque, quam quæ ipsis allubuerit, permutare, aut pretium rei venditæ ullâ

XXVIII.

And that the Laws of Commerce that are obtained by Peace, may not remain unfruitful, as would fall out if the Subjects of the King of *Great Britain*, when they go to, come from, or remain in the Dominions or Lordships of the King of *Spain*, by reason of their Commerce or other Business, should be molested for sake of Conscience; therefore that the Commerce be secure, and without danger, as well upon Land as Sea, the said King of *Spain* shall provide, that the Subjects of the said King of *Great Britain* shall not be agrieved contrary to the Laws of Commerce, and that none of them shall be molested or disturbed for their Conscience, so long as they give no publick Scandal or Offence; And the said King of *Great Britain* shall likewise provide, for the same reasons, that the Subjects of the King of *Spain* shall not be molested or disturbed for their Conscience against the Laws of Commerce, so long as they give no publick Scandal or Offence.

XXIX.

That the People and Subjects respectively of one Kingdom, in the Dominions, Territories, Regions, or Colonies of the other, shall not be compelled to sell their Merchandise for Brass-metal Coin, or exchange them for other Coin or Things, against their will; or having sold them, to receive the payment in other Species than what they

aliâ Specie quam illâ de quâ stipulatum & conventum est, recipere, Lege aut Consuetudine quâcunque, quæ Tenori hujus Articuli adversari possit, non obstante.

XXX.

Mercatores utriusque Gentis, eorum Factores, Famuli, Familix, Commissarii, aut alii Negotiorum Gestores, ut & Navium Magistri, Naucleri, & Nautæ, liberè & securè intra Regna & Territoria alterutrius Regis, atque etiam in Portibus & Fluviis eorundem, agent & diversabuntur; Populi item & Subditi alterutrius Regis, cum omni Libertate & Securitate, intra Dominia & Territoria quæcunque alterius Regibus & Dominiciliis habitationi propriis, Officinis etiam, & Apothecis ad Bona & Merces excipiendas accommodatis gaudebunt, durantèque illo Terminò quo vel eisdem sibi condixerint, vel pro iisdem Contractum incierint, sine ullo Impedimento profuerunt.

XXXI.

Incolæ & Subditi utriusque Confœderatorum per omnia Loca Regum prædictorum alterutri obtemperantia, istorum Advocatorum, Procuratorum, Notariorum, Sollicitatorum, Sequestrorum, & Pragmaticorum operâ & auxilio utentur, quos suo usui magis idoneos esse judicaverint, quibus etiam Causâ illorum committentur ex Consensu Judicum ordinariorum, quando necessarium fuerit, & pars litigans hoc requisiverit, neque cogentur Libros Rationum, aut Commentarios suos ullis personis exhibere, aut eorundem copiam facere, nisi fortè litis aut evitandæ, aut terminandæ Gratiâ, veritati Testimonium ex illis perhibere possit, Arresti etiam aut Sequestri Nomine hancquam detine-

bargained for, notwithstanding any Law or other Custom contrary to this Article.

XXX.

That the Merchants of both Nations, and their Factors, Servants, and Families, Commissioners, or others by them employed; as also Masters of Ships, Pilots, and Mariners, may remain freely and securely in the said Dominions, Kingdoms, and Territories, of either of the said Kings, and also in their Ports and Rivers; And the People and Subjects of the one King, may have, and with all freedom and security enjoy, in all the Lands and Dominions whatsoever of the other, their proper Houses to live in, their Ware-houses and Magazines for their Goods and Merchandise, which they shall possess during the time for which they shall have taken, hired, and agreed for them, without any Impediment.

XXXI.

The Inhabitants and Subjects of the said Confederate Kings, in all the Lands and Places under the Obedience of the one or the other, shall use and employ those Advocates, Proctors, Scriveners, Agents, and Solicitors, whom they think fit, the which shall be left to their choice, and consented to by the ordinary Judges, as often as there shall be occasion; and they shall not be constrained to shew their Books and Papers of Account to any Person, if it be not to give Evidence for the avoiding Law-Suits and Controversies; neither shall they be Embarked, Detained, or taken out of their Hands, upon any pretence whatsoever. And it shall be permitted to the People and Subjects of either

buntur,

buntur, neque ullo alio sub prætextu, manibus Proprietariorum extorquebuntur. Integrum etiam erit, & omnino permiffum, Subditis utriusque partis, libros quos habuerint Rationum, & Correspondentiæ in Linguâ Anglicanâ, Hispanicâ, Belgicâ, aut aliâ quacunque, quæ ipsis commoda videbitur, perſcribere & concinnare, ita ut nulli moleſtationi aut inquisitioni ſubjiciantur. Huc accedit, in omne illud ab utrâque parte conſenſum eſſe, quod alteri cuicumque Genti circa libros Rationum, Negotiationis, & Correspondentiæ aliàs conſeſſum eſt.

XXXII.

Quod ſi fortè Arreſto aliquo aut Sequeſtro manus injicitur in Bona cujuſpiam Perſonæ, ex Authoritate Tribunalis cujuſcunque intra Regna & Dominia alterutrius Conſœderatorum, Facultates, Nomina aut Credita illa quæ in poſſeſſione Reorum reperiuntur, ſi ad Populos aut Subditos alterius bonâ fide pertinere dignoſcuntur, Fiſco addici ex Authoritate iſtiusmodi Tribunalium haudquaquam poterunt, verum eadem Legitimo Proprietario in ſpecie, ſi fortè adhuc ſuperſunt, reſtitui oportet, ſi minus, juſtus eorum Valor, juxta Pactum & Contractum inter Partes initum, intra tres Menſes poſt iſtiusmodi Sequeſtrationem exſolvetur.

XXXIII.

Facultates & Bona Subditorum alterutrius Regis, qui intra Terras, Regiones & Dominia alterius vitam cum morte commutaverint, Hæredibus, aliifve, vel ex Teſtamento, vel ab Inteſtato ſuccedentibus (ſalvo cuicumque privato ſuo Jure & Actione) intacta ſervabuntur.

XXXIV.

Bona & Facultates Subditorum Regis Magnæ Britannie, qui nullo condito

King, in the reſpective places where they ſhall reſide, to keep their Books of Account, Traffick and Correſpondence in what Language they pleaſe, in *Engliſh, Spaniſh, Dutch,* or any other, the which ſhall not be moleſted, or ſubject to any Inquiſition. And whatſoever elſe hath been granted by either Party, concerning this particular, to any other Nation, ſhall be underſtood likewiſe to be granted here.

XXXII.

That in caſe the Eſtate of any Perſon or Perſons ſhall be Sequeſtered or Seiſed on by any Court of Juſtice or Tribunal whatſoever, within the Kingdoms and Dominions of either Party, and any Eſtate or Debt happen to lie in the Hands of the Delinquents belonging *bona fide* to the People and Subjects of the other, the ſaid Eſtate or Debts ſhall not be Conſiſcated by any of the ſaid Tribunals, but ſhall be reſtored to the true Owners *in ſpecie*, if they yet remain, and if not, the value of them (according to the Contract and Agreement which was made between the Parties) ſhall be reſtored within Three Months after the ſaid Sequeſtration.

XXXIII.

That the Goods and Eſtates of the People and Subjects of the one King, that ſhall die in the Countries, Lands, and Dominions of the other, ſhall be preſerved for the lawful Heirs and Succęſſors of the Deceaded; the Right of any Third Perſon always reſerved.

XXXIV.

That the Goods and Eſtates of the Subjects of the King of Great Britain, that ſhall

Testamento vitam finierint intra Dominia Regis *Hispaniarum*, per Consulem, aut alium Regis *Magnæ Britannie* Ministrum Publicum in Inventarium redigentur, unâ cum Chartis Scriptis, Libris Rationum, & Documentis quibuscunque, quæ penes duos aut tres Mercatores, per dictum Consulem, aut Ministrum designandos, Proprietariis, Hereditibus, aut Creditoribus tradenda deponentur, neque verò Consilium *Bulle Cruciate*, neque ullum aliud Tribunal, de Bonis Defuncti cujuscunque cognoscer, neque iis se immiscebit; quod etiam pari Casu reciprocè fiet in *Angliâ* erga Subditos Regis *Hispaniarum*.

XXXV.

Honestus & commodus Sepultura Locus concedetur, & designabitur inhumandis Cadaveribus Subditorum Regis *Magnæ Britannie*, qui intra Dominia Regis *Hispaniarum* vitam cum morte commutaverint.

XXXVI.

Si qua verò Controversia inter prædictos Confœderatos, (quod absit) in posterum aboriretur, unâ mutua Commercium, & reciprocam Correspondentiam abruptum iri periculum foret, maturâ, hoc est, sex Mensium, antequam ad hostilitatem devenitur, istius Rei utriusque constabit Denuntiatio, ut Merces & Facultates quisque suas hinc indè habere possit, nullâ interea Molestatione, aut Gravamine, per Detentionem, sive Arrestationem Bonorum vel Personarum interposito.

XXXVII.

Omnia Bona & Jura occultata, vel Sequestro posita, mobilia, immobilia, Reditus, Actiones, Nomina, Credita, & Similia, quæ præmissâ Causâ cognitione, & debitâ secundum Leges ordinarias Condemnatione, tempore Conclusionis

Die without making a Will in the Dominions of the King of *Spain*, shall be put into Inventory, with their Papers, Writings, and Books of Account, by the Consul or other publick Minister of the King of *Great Britain*, and deposited in the Hands of Two or Three Merchants, that shall be named by the said Consul or publick Minister, to be kept for the Proprietors and Creditors; and neither the *Cruzada*, nor any other Judicatory whatsoever, shall intermeddle therein; which also in the like case shall be observed in *England* towards the Subjects of the King of *Spain*.

XXXV.

That a decent and convenient Burial-place shall be granted and appointed to bury the Bodies of the Subjects of the King of *Great Britain*, who shall Die within the Dominions of the King of *Spain*.

XXXVI.

If it shall happen hereafter that any Difference fall out (which God forbid) between the King of *Great Britain* and the King of *Spain*, whereby the mutual Commerce and good Correspondence may be endangered, the respective Subjects and People of each Party shall have Notice thereof given them in time, that is to say, the space of Six Months, to Transport their Merchandise and Effects, without giving them in that time any Molestation or Trouble, or Retaining, or Embarking their Goods or Persons.

XXXVII.

All Goods and Rights Concealed or Embarked, Moveables, Immoveables, Rents, Deeds, Debts, Credits, and the like, which have not, with a formal Notice of the Cause, and by a Legal Condemnation, according to the Ordi-

hujus Tractatus, Regium Fiscum nondum intraverint, Proprietarii ipsi, Hæredes eorum, aut alii quibus Jus competit, Liberè & plenariè administrabunt & de hisdem unà cum omnibus eorundem Fructibus, Redibus Obventionibus, & Emolumentis, pro libitu statuent & disponent. Illi etiam qui Bona & Jura istiusmodi occultaverint, ut & illorum Hæredes, nullâ per Fiscum molestiâ hanc ob Causam afficientur; cum Proprietarii ipsi, aut eorum Hæredes, aut etiam illi quibus Jura eorundem competunt eorum nomine Actionis habebunt, & si lubet, intendunt non minùs Liberè in Bona, cæteraque prædicta, quam in Res Jure Proprietatis & Domini ad se pertinentes.

XXXVIII.

Conventum & conclusum est, quod Populi & Subditi alterutrius Confœderatorum prædictorum, in Terris, Maribus, Portibus, Navium Stationibus, Æstuariis, & Territoriis alterius, aliisque quibuscunque locis, iisdem planè Privilegiis, Securitatibus, Libertatibus, & Immunitatibus, sive Personas eorum, sive Negotiationes Spectantibus, gaudebunt & fruuntur, quæ jam concessæ, aut in posterum concedendæ sunt, per Regum Prædictorum alterutrum, aut Regi Christianissimo, aut Ordinibus Generalibus Provinciarum Belgii Fœderatarum, aut Civitatibus Hanseaticis, aut Regno vel Statui alii cuicunque, per suos Tractatus aut Schedulas Regias, cum omnibus istiusmodi Concessionum Sententiis & Clausulis, sive Beneficium aliquod, sive Favorem spondentibus, in modo & formâ adeo amplâ, atque ad omnem Contractus iniiti & ratihabiti effectum valente, ac si eadem in hunc ipsum Tractatum verbatim transcriptæ & insertæ essent.

nary Justice, been brought into the Royal Exchequer at the time of concluding this Treaty, shall remain at the full and free disposal of the Proprietors, their Heirs, or of those who shall have their Right, with all the Fruits, Rents, and Emoluments thereof, and neither those who have concealed the said Goods, nor their Heirs shall be molested for this cause by the Exchequers respectively; but the Proprietors, their Heirs, or those who shall have their Right, shall have for the said Goods and Rights their Action at Law, as for their own proper Goods and Estate.

XXXVIII.

It is Agreed and Concluded, That the People and Subjects of the King of Great Britain, and of the King of Spain, shall have and enjoy in the respective Lands, Seas, Ports, Havens, Roads, and Territories of the one or the other, and in all Places whatsoever, the same Privileges, Securities, Liberties, and Immunities, whether they concern their Persons or Trade, with all the beneficial Clauses and Circumstances which have been granted, or shall be hereafter granted by either of the said Kings, to the most Christian King, the States General of the United Provinces, the Hans-Towns, or any other Kingdom or State whatsoever, in as full, ample, and beneficial manner, as if the same were particularly mentioned and inserted in this Treaty.

XXXIX.

Sin autem Controversiam aliquam super dictis Articulis de Commercio Ratione statuentibus, ab Officiariis Admiralitatis, aut aliis Personis quibuscunque in alterutro Regno agentibus, moveri contingat, querelâ per partem interesse habentem ad Regiam Majestatem, aut saltem aliquem Confiliarium Regium delatâ, Rex coram quo agitur, curabit ut damna sine morâ refarciantur, & ut singula, sicuti superius concordatum est, executionem & effectum debitum sortiantur. Et si fortè Tractu temporis Fraudes aliquæ aut Inconvenientiæ se prodant in Commerciis & Navigatione, quibus non satis ex his Articulis provisum sit & cautum, aliæ Præcautiones adhiberi poterunt, quæ Rationi consonæ, utrinque videbuntur, manente tamen præsentè Tractatu in suâ vi & vigore.

XL.

Item concordatum & conclusum est, quod dicti Serenissimi Reges *Magnæ Britannia & Hispaniarum* omnia & singula Capitula in præsentè Tractatu conventa & stabilita, sincerè ac bonâ fide observabunt; per suosque Subditos & Incolas observari & custodiri facient, neque illis directè vel indirectè contravenient, aut per suos Subditos & Incolas ut contraveniatur consentient. Omniâque & singula, ut supra conventa, per Patentes utrinque Literas in sufficienti, validâ, & efficaci formâ conceptas, & confectas Ratahabebunt, & confirmabunt, easdemque reciprocè tradent, tradive facient bonâ fide & realitèr, intra quatuor Menses à datâ Præsentium numerandos, & curabunt exindè præsentem Pacem & Amicitiam Locis & Formâ consuetis

XXXIX.

In case any Difference or Dispute shall happen on either side concerning these Articles of Trade and Commerce, by either the Officers of the Admiralty or other Person whatsoever, in the one or the other Kingdom; The Complaint being presented by the Party concerned, to their Majesties, or to any of their Council, their said Majesties shall cause the Damages forthwith to be repaired, and all things, as they are above Agreed, to be duly executed; And in case that in progress of time any Frauds or Inconveniencies be discovered in the Navigation and Commerce between both Kingdoms, against which sufficient Prevention hath not been made in these Articles, other Provisions may be hereafter mutually Agreed on, as shall be judged convenient, the present Treaty remaining still in full force and vigour.

XL.

It is likewise Accorded and Concluded, That the most Serene and Renowned Kings of *Great Britain and Spain* shall sincerely and faithfully observe and keep, and procure to be observed and kept, by their Subjects and Inhabitants respectively, all and singular the Capitulations in this present Treaty Agreed and Concluded, neither shall they directly or indirectly infringe the same, or consent that the same shall be infringed by any of their Subjects or Inhabitants. And they shall Ratifie and Confirm all and singular the Conventions before Accorded by Letters Patents reciprocally, in sufficient, full and effectual Form, and the same so formed and made, shall interchangeably deliver, or cause to be delivered, (quam

(quam primum fieri poterit) publicari.

In quorum omnium & singulorum Fidem, Nos supramemorati, Legatus Extraordinarius Serenissimi Regis *Magna Britannia*, & Commissarii Serenissimorum Regis ac Reginae *Hispaniae*, praesentem Tractatum Manibus nostris, & Sigillis mutuis subsignavimus, & munivimus. *Madridi* ^{Decimo tertio} _{Vicesimo tertio} die Mensis *Maii*, Anno Domini Millefimo sexcentesimo sexagesimo septimo.

(L.S.) *Sandwich*. (L.S.) *J. Eberardo Nidardo*.
(L.S.) *Duc de St. Lucar, &c.* (L.S.) *Comde de Penaranda*.

livered faithfully and really, within Four Months after the Date of these Presents; and they shall then, as soon as conveniently may be, cause this present Treaty of Peace and Amity to be published in all Places, and in the manner accustomed.

In Witness whereof, we the above mentioned Ambassador Extraordinary of the most Serene King of *Great Britain*, and the Commissaries of the most Serene King and Queen of *Spain*, have put our Seals to this present Treaty, subscribed with Our own Hands, at *Madrid* the $\frac{13}{23}$ Day of *May*, in the Year 1667.

(L.S.) *Sandwich*. (L.S.) *J. Eberardo Nidardo*.
(L.S.) *Duc de St. Lucar, &c.* (L.S.) *Comde de Penaranda*.

Formula Literarum Certificatarum quibus Urbes & Portus Maritimi Naves & Navigia inde solventia dimittant.

The Form of Letters which ought to be given by the Towns and Sea-Ports, to the Ships and Vessels setting Sail from thence.

OMnibus & singulis ad quos Præsentes Literæ pervenerint. Nos Præsfecti, Consules, aut Supremus Magistratus, aut Teloniorum, aut Custumarum Commissarii Urbis vel Provinciae *N.* notum Testatumque facimus, quod *N. N.* Magister Navis *N.* coram nobis mediante Solenni Juramento declaravit, Navem *N.* dictam Tonnarum, (aut eo circiter) capacem, cujus ipse est Magister, ad Urbis *N. N.* Incolas in Dominiis Serenissimi Regis *Magna Britanniae* Jure Proprietatis & Domini pertinerere. Quoniam autem in justis suis Negotiis & Itineribus benignè acceptum, & accommodatum vellemus, omnes & singulas Personas quibus dictum Magistrum, vel obviam fieri, vel apud quos illum cum Navi suâ, & Mercibus suis appellere aut subsistere contigerit, ut eum benignè admittant, humanitè tractent, eumque ad, in, & per Portus, Oras, Stationes Navium, Fluvios, & Dominia, navigare, meare, remeare, & negotiari, prout ipsi visum fuerit, illo interim Vectigalia, aliisque Tributa quæ debentur exsolvente permittant rogamus. Quod nos grato & benevolo Animo, prout Officiorum vices se obtulerint, agnoscemus. In cujus rei Testimonium Præsentes Literas Manu signavimus, & Urbis nostræ Sigillo muniri fecimus.

TO all unto whom these Presents shall come. We the Governors, Consuls, or Chief Magistrate, or Commissioners of the Customs, of the City, Town, or Province of *N.* do testify and make known, That *N. N.* Master of the Ship *N.* hath before us, under solemn Oath, declared, That the Ship *N.* of _____ Tons (more or less) of which he is at present Master, doth belong to the Inhabitants of *N.* in the Dominions of the most Serene King of *Great Britain.* And We, desiring that the said Master may be assisted in his Voyage and Business, do intreat all Persons in general and particular, who shall meet him, and those of all Places where the said Master shall come with the said Ship and her Merchandise, that they would admit him favourably, treat him kindly, and receive the said Ship into their Ports, Bays, Havens, Rivers, and Dominions, permitting her quietly to Sail, Pass, Frequent, and Negotiate there, or in any other Places, as shall seem good to the said Master, paying still the Toll and Customs which of Right shall be due. Which we will acknowledge gratefully upon the like Occasions. In Witness whereof, We have Signed these Presents, and Sealed them with the Seal of our Town.

Guil. Godolphin.

Will. Godolphin.

*Pedro Fernandez del Campo
y Angulo.*

*Don Pedro Fernandez del Campo
y Angulo.*

Sello

Sello Segundo Sesenta
y Ocho Maravedis
Año de mil y Seiscientos y Noventa y
Dos.

PETITION.

DON Brian Tanson, Consul de la Nación Inglesa, como mejor aya lugar, digo, que su Magest. fue servido de despachar diferentes Cédulas en favor de la dicha Nación, para que tengan Juez conservador particular, para que conozca de sus causas, assi siendo actores, como reos de la dicha Nación; y en los Articulos de las pazes nueve, y treinta y ocho se dispuso por condicion expresa de ellas se guardassen todas las exempciones concedidas en la dicha Nación Inglesa, pactos, y privilegios concedidos a otra qualquiera Nación, y Ciudades *Anseaticas*: como tambien consta de otra Cedula despachada por la Reyna nuestra Señora; y estas Ciudades *Anseaticas* tienen privilegio de Juez Conservador, siendo actores, y siendo reos, como lo tiene la dicha Nación Inglesa; como consta de la copia de la Cedula, y Cedula, q presento, y juro, dada en Madrid en veinte de Março de setenta. Suplico a V.S. man-

CON-PETITION.

I Don Brian Johnson, Consul of the *English* Nation, in the best Form I can, do Declare, That his Majesty hath been pleased to dispatch divers Cédulas or Grants in favour of the said Nation, whereby they may have a particular Judge Conservator, that may take Cognizance of their Causes, as well being Plaintiffs as Defendants of the said Nation; and in the Articles of Peace, in the Ninth Article, and the Thirty eighth, it is expressly Ordered and Agreed, that they should be kept with all the Exemptions granted to the said *English* Nation, together with the Rights and Privileges granted to any other Nation whatsoever, or to the *Hans-Cities*: As also doth appear by another Cedula set forth by the Queen our Lady; and these *Hans-Towns*, have the Privilege of a Judge Conservator, being either Plaintiffs or Defendants, as the said *English* Nation hath, as appears by a Copy of the said Cedula,

F de

de ver las dichas Cédulas Artículos de pazez, y mandar que se guarden, y executen en todo, y por todo, an siendo los de la Nacion Inglesa actores, como siendo reos, proveyendo como mas en favor de la dicha Nacion sea, pido justicia, &c.

Don Brian Tanfon. Lic.

D. Juan de Oliver.

and the Cedula which I now Present and Swear to : Given in *Madrid* the Twentieth Day of *March*, in the Year, One thousand six hundred and seventy : I intreat your Lordship therefore, to Command the said Cédulas, and Articles of Peace be Perused, and to Order, that they be Observed, and Executed in all respects ; Let those of the *English* Nation, be either Plaintiffs or Defendants, providing as much as may be in Favour of the said Nation : I ask Justice, &c.

Don Brian Johnson. Lic.

D. Juan de Oliver.

La Reyna Governadora. The Queen Governess.

CEDULA. **P**OR quanto los hombres de negocios de la Nacion Inglesa, que comercian en la Ciudad de *Sevilla*, me han representado reciben muchas vejaciones de los Ministros que residen en ella, contraviniendo a lo capitulado entre esta Corona, y aquella, suplicandome, que para que en lo de adelante no se le perjudique en nada de lo asentado, y dispuesto en la paz, lez mandasse dar el despacho necessario para su observancia, como tambien para que las Cédulas que el Rey mi Señor (que santa

CEDULA. **F**OR as muchas the Merchants of the *English* Nation, which Trade in the City of *Sevilla*, have Represented, That they receive many Vexations from the Ministers which Reside therein, Contravening the Articles between this Crown and that, humbly Intreating me, that for the Future they may not be Prejudiced in any thing that hath been Agreed to, or Ordered in the Articles of the Peace, and that I would Order the necessary Dispatches to be given for the Observance thereof : As gloria

gloria aya) les concedio el año de mil y seiscientos y quarenta y cinco, tuviesſen ſu fuerça, y vigor, por cer parte del Tratado ajuſtado ultimamente entre mi, y el Sereniſſimo Rey de la *Gran Bretaña*, como lo previene el capitulo nueve, y he venido en ello. Por tanto ordeno, y mando al Regente de la Audiencia de Grados de la Ciudad de *Sevilla*, y a los demas Miniſtros de ella, a quien tocare el cumplimiento de lo uno, y lo otro en qualquier manera, executen inviolablemente lo contenido en dicha paz, y lo concedido por las Cedulaſ referidas, ſempre que fueren requeridos con ellas, ò ſus traſladados autorizados, ſin ir contra ſu tenor de ninguna manera, que tal es mi voluntad. Dada en *Madrid*, a veinte de *Março* de mil y ſeiscientos y ſeenta.

To la Reyna.

D. Diego de la Torre.

also that the Cedulaſ which the King my Lord (now in Glory) granted them, in the Year, One thousand ſix hundred and forty five, may have their full Force and Vigour, as being Part of the laſt Treaty adjuſted between me, and the moſt Serene King of *Great Britain*, as is referred to in the Ninth Article, I have Conſented thereunto: Wherefore I Order and Command the Preſident of the Court of Degrees of the City of *Sevilla*, and all other Miniſters thereof, to whom belongs the Performance of the one and the other, that in all reſpects whatſoever, they inviolably Execute all what is contained in the ſaid Articles of Peace, and granted by the Cedula referred to, whenſoever they are required by them, or Authentick Copies, without going againſt the Tenor thereof in any wiſe, for ſuch is my Will. Given in *Madrid*, the Twentieth of *March*, One thousand ſix hundred and ſeventy.

I the Queen.

D. Diego de la Torre.

PETITION.

DON *Brian Tanſon*, Conſul de la Nacion *Ingleſa*; parezco ante V. S. y digo: Que à la dicha Nacion conviene, que *Andres Perez de Manſilla*, Eſcrivano de Gobierno deſta Ciudad, por an-

I Don *Brian Johnson*, Con-PETITION. ſul of the *English* Nation, appear before your Lordſhips, and ſay: That it is convenient for the ſaid Nation, that *Andrez Perez de Manſilla*, Notary of the Go-

te quien se publicaron los capitulos que se ajustaron por el año pasado de seiscientos y setenta y siete, entre esta Corona, y la de *Inglaterra*, de un tanto de los capitulos nueve, y treinta y ocho. Por tanto à V. S. pido, y suplico mande despachar su mandamiento compulsorio, para que el dicho *Andres Perez de Mansilla* de un tanto de los dichos capitulos: pido justicia.

Don Brian Tanfon.

vernment of this City (before whom were published the Articles of Peace, which were adjusted in the Year, One thousand six hundred seventy and seven, between this Crown and that of *England*) do give a Copy of the Ninth, and Thirty eighth Articles, wherefore I desire your Lordships, and humbly Intreat, that you cause to be Issued out your Compulsory Mandate, to the end, that the said *Andrez Perez de Mansilla*, may give an Abstract of the said Articles: I ask Justice.

Don Brian Johnson.

AUTO,

QUE el dicho *Andres Perez de Mansilla* de à la parte del dicho Consul un traslado autorizado, y en manera que haga fee, de los dos capitulos de Paz que esta peticion refiere, y que este auto sirva de mandamiento. Su Señoria el Señor Doctor Don *Rodrigo Serrano y Trillo*, del Consejo de su Magestad, y su Regente en la Real Audiencia desta Ciudad, Juez Conservador de la Nacion *Inglesa* lo mando en *Sevilla* en treze dias del mes de *Setiembre* de mil seiscientos y setenta años.

Doctor Don Rodrigo Serrano y Trillo.

Ante mi,

Juan Gonzalez de Avellaneda.

THAT the said *Andrez Perez de Mansilla*, do give, on the behalf of the said Consul, an Authentick Copy, attested in due Form, of the Two Articles of the Peace, which this Petition refers to, and that this Act serve for a Mandate. His Lordship *Don Rodrigo Serrano y Trillo*, of his Majesties Council, President of the Royal Court of this City, Judge Conservator of the *English* Nation, has Ordered it in *Sevilla*, the Thirteenth Day of the Month of *September*, in the Year, 1670.

Don Rodrigo Serrano y Trillo.

Before me,

Juan Gonzalez de Avellaneda.

Andres.

Testimonio.

A *Ndres Perez de Mansilla*, Escrivano del Rey nuestro Señor, y del Gobierno, y Asistencia desta Ciudad de *Sevilla*, doy fee, que por el quaderno de autos, fecho sobre lo ajustado, y concluido entre esta Corona, y la de *Inglaterra*, los capitulos de renovacion de paz, y comercio, que se publicaron en esta Ciudad à los veinte y nueve dias del mes de *Diciembre* del año de mil y seiscientos y sesenta y siete, en virtud de Cedula de la Reyna nuestra Señora, dirigida al Señor Conde de *Humanes*, que fue Asistente, y Maestro de Campo General en esta Ciudad, su Tierra, y Capitanía; cuya copia autorizada, y concordada está en los dichos autos, y con ellos un traslado, para la continuacion, y renovacion de paz, y amistad entre las dos Coronas de *España*, y la *Gran Bretaña*, de letra de molde en quartilla, que es el que se remitió à *Madrid* con dicha Cedula, y el mismo de que se hizo publicacion en esta dicha Ciudad, y partes publicas della; y entre los capitulos de dicho Tratado de paz ay dos, el uno numero nueve, y el otro numero treinta y ocho, que uno en pos de otro son del tenor siguiente,

Certificate.

A *Ndrez Perez de Mansilla*, Notary Publick for our Lord the King, and for the Government of this City, do Certifie, That by the Registers of Publick Acts made upon what hath been Adjusted, and Concluded between this Crown and that of *England*, for Renewing the Articles of Peace, and Commerce, which were Published in this City, the Twenty ninth Day of the Month of *December*, in the Year, One thousand six hundred seventy seven, by Virtue of the Cedula from our Lady the Queen, directed to the Count de *Humanes*, who was then Governor, and Colonel of the Forces in this City and its Districts, and which Copy, Authorised and Compared, is in the said Acts, and with them a Copy for the Continuation and Renewing of the Peace and Amity between the Two Crowns of *Spain* and *Great Britain*, Printed in Quarto, which is that which was remitted to *Madrid* with the said Cedula, and is the same which was Published in this said City, and in the Publick Places thereof, and amongst the Articles of the said Treaty of Peace there are Two, the one Number Nine, and the other Number Thirty eight, which are of the Tenor following, *Viz.*

CAP. 9.

QUE los Subditos del Rey de la *Gran Bretaña*, tratando, comprando, y vendiendo en qualquiera de los Reynos, Gobiernos, Iilas, Puertos, ò Territorios del dicho Rey de *España*, tendrán usarán, y gozarán todos los privilegios, y inmunidades, que el dicho Rey ha dado, y confirmado a los Mercaderes *Inglefes* que residen en *Andalucia*, por sus Reales Cédulas, ò ordenes, fechas en diez y nueve de *Março*, en veinte y seis de *Junio*, y nueve de *Noviembre*, de mil y seiscientos y quarenta y cinco: Su Católica Majestad por las presentes, reconfirmando lo mismo, como parte de este Tratado entre las dos Coronas, y a fin que sea manifiesto à todos se ha consentido que las dichas Cédulas, en quanto à su entera substancia, se pasen, y transfieran al cuerpo de estos presentes Artículos, en nombre, y à favor de todos, y cada uno de los Subditos del Rey de la *Gran Bretaña*, residiendo, y tratando en qualquiera parte que sea dentro de los Dominios de la Católica Magestad.

THat the Subjects of the King of *Great Britain*, Trading, Buying and Selling, in any of the Kingdoms, Governments, Islands, Ports, or Territories of the said King of *Spain*, shall Hold, Use, and Enjoy, all the Privileges and Immunities which the said King hath Granted and Confirmed to the *English* Merchants, which reside in *Andalucia*, by his Royal Cédulas or Orders, made the Nineteenth of *March*, the Twenty sixth of *June*, and Ninth of *November*, One thousand six hundred forty and five: His Catholick Majesty by these Presents Ratifying the same, as part of this Treaty between the two Crowns, and to the end that it may be manifest to all People, he hath consented that the said Cédulas, as to their entire Substance be brought, Transferred and Incorporated in these present Articles, in the name and in behalf of all and every of the Subjects of the King of *Great Britain*, Residing and Trading in any Part whatsoever, within the Dominions of his Catholick Majesty.

ARTIC. 9.

CAP. 38.

ES acordado, y concluido, que los Pueblos, y Subditos del uno, y del otro los dichos Señores Reyes tengan, y gozen en sus respectivas

IT is Agreed and Concluded, That the People and Subjects of the one and the other of their said Majesties, shall have and enjoy in their

ARTIC. 38.

Tierras, Mares, Puertos, Radas, Playas, Territorios, y Lugares del uno, y otro, los mismos privilegios, seguridades, libertades, è inmunidades, assi tocante à sus personas, como à sus negocios, que se han dado, ò se dieren por la una, ò la otra parte al Rey Christianissimo, ò Estados Generales de las *Provincias-Unidas* de los *Países Baxos*, ò las *Ciudades Anseaticas*, ò qualquiera otro Reyno de Estado, que sea con todas las clausulas, y circunstancias en su favor, en tan pleno, amplio, y beneficioso modo, como si lo mismo fuera aqui con particularidad referido, y inserto.

Como consta, y parece del dicho Tratado de paz, y amistad entre esta Corona, y la *Gran Bretaña*, que por aora queda en mi poder, à que me refiero; y para que conste, en virtud del auto del Señor Don *Rodrigo Serrano y Trillo*, del Consejo de su Magestad, y su Regente en la Real Audiencia desta Ciudad; y de pedimento de Don *Brian Yanson*, Consul de la Nacion *Inglesa*, di el presente en *Sevilla* en quinze dias del mes de *Setiembre* de mil y seiscientos y setenta años. En testimonio de verdad,

Andres Perez de Mansilla.

respective Lands, Seas, Ports, Roads, Coasts, Territories, and Places belonging to each other, the same Privileges, Securities, Liberties and Immunities, as well touching their Persons, as their Trade, which have been given, or shall be given by one or the other Part, to the most Christian King, or the States-General of the *United Provinces* of the *Low-Countries*, or to the *Hans-Cities*, or any other Kingdom or State whatsoever, and that it be with all the Clauses and Circumstances in their favour, in as full, ample and beneficial a manner, as if the same was here particularly referred unto, and inserted.

As is manifest and appears from the said Treaty of Peace and Amity, between this Crown and that of *Great Britain*, which now remains in my Custody, to which I refer my self; and that it may be manifest, in virtue of the Act pass'd by Don *Rodrigo Serrano y Trillo*, of his Majesties Council, and his President in the Royal Court of this City; and at the Request of Don *Brian Yanson*, I have given these Presents in *Sevilla*, the Fifteenth Day of the Month of *September*, One thousand six hundred and seventy. In Testimony of the Truth,

Andrez Perez de Mansilla.

Testimonio.

Y O Antonio Gonzalez de Avellaneda, Ecrivano del Rey nuestro Señor, y de Relaciones en la Real Audiencia desta Ciudad, y Mayor del Juzgado de el Señor Licenciado Don Tomás de Oña, Teniente de el Señor Asistente desta Ciudad, y de la Comisión conservatoria de la Nación Inglesa, de que es Juez conservador el Señor Doctor Don Rodrigo Serrano y Trillo, del Consejo de su Magestad, y su Regente en esta, Real Audiencia, doy fee que por parte de los Consules de la dicha Nación desta Ciudad, y de las Islas de Canaria, se presentó ante dicho Señor Regente una petición, que su tenor della, y de un testimonio de los privilegios concedidos à la dicha Nación por la Magestad del Rey nuestro Señor Don Felipe Quarto, que està en gloria, y de la Comisión que tuvo para la dicha conservatoria el Señor Don Geronimo del Pueyo Aranciel, de el Consejo de su Magestad, Regente que fue desta Real Audiencia; y de la que oy tiene su Señoría el Señor D. Rodrigo Serrano y Trillo, del Consejo de su Magestad, su Regente en esta Real Audiencia, Juez Conservador de dichas Naciones, es como se sigue,

Certificate.

I Anthony Gonçales de Avellaneda, Notary for our Lord the King, and of the Reports in the Royal Court of this City, and Chief Notary of the Deputy-Governours Court of this City, Don Thomas de Oña, and of the Conservatoria of the English Nation, whereof Doctor Don Rodrigo Serrano y Trillo, of the Council of his Majesty, and his President in this Royal Court, is Judge Conservator, do Testifie, That on the Part of the Consuls of the said Nation of this City, and of the Canary-Islands, there was Presented before the said President a Petition, the Tenour whereof was a Testimony of the Privileges Granted to the said Nation by his Majesty the King our Lord Don Philip the Fourth (who is in Glory) and of the Commission which he had for the said Conservatorship. Don Feronimo de Pueyo Arancill, of his Majesties Council, who was President of this Royal Court, and of that which now his Lordship Don Rodrigo Serrano y Trillo, of the Council of his Majesty, President of this Royal Court, and Judge Conservator of the said Nation, enjoys, which is as follows, Viz.

DON

PETICION.

DON *Adrian Tanson*, Consul de la Nacion Inglesa, que Comercia en esta Ciudad; y Don *Thomas Colim*, Consul de la Nacion Inglesa, que Comercia en las Islas de *Canaria*, parecemos ante V. S. y dezimos, que en el tiempo que el Señor Don *Gerónimo del Pueyo Araciel*, que fue del Consejo de su Magestad, y su Regente en la Real Audiencia desta Ciudad, siendo Juez conservador de dichas Naciones, se mandaron imprimir los privilegios concedidos a la dicha Nacion por su Magestad el Señor Rey Don *Felipe Quarto*, que esta en gloria: los quales dichos privilegios se imprimieron a la letra de molde, y se mando se diese testimonio de ellos, que es el de que hazemos demonstracion, y conviene que el testimonio de dichos Privilegios, con la Cedula de conservaturia, que de su Magestad tuvo el dicho Señor Don *Gerónimo del Pueyo*, y la que V. S. nuevamente tiene, se imprima en letra de molde, y se nos entreguen los trassados a cada uno, autorizados del presente Escrivano, para que los tengamos en nuestro poder, para repetir entre los de las dichas Naciones. Por tanto a V. S. pedimos, y supplicamos assi lo provea, y

B

WE Don *Adrian Johnson*, Consul of the English Nation, which Trades in this City, and Don *Thomas Colins*, Consul of the English Nation, which Trades in the Islands of the *Cinaries*, do appear before your Lordships and say, That at the time which Don *Gerónimo del Pueyo Araciel*, was of his Majesty's Council, and his President in the Royal Court of this City, being Judge Conservator of the said Nation, it was Ordered, that the Privileges granted to the said Nation by his Majesty King *Philip the Fourth* (now in Glory) should be Printed, which said Privileges were Printed, and Ordered a Certificate thereof should be given, which is what we here produce, and it being Convenient, that a Certificate of the said Privileges with the Cedula of Conservatorship, which said Don *Gerónimo del Pueyo* had of his Majesty, and that which your Lordship lately had, be Printed, and delivered to each of us Copies Authorized by the present Notary, that we may have them in our Custody, to make them Known amongst those of the said Nations: Wherefore we desire of your Lordships, and humbly intreat, it may be so Provided and Com-
mande:

G

mande:

mande: y pedimos justicia, &c.

manded: We ask Justice, &c.

Don Adrian Tanfon.

Don Adrian Johnson.

Don Tomàs Colim.

Don Thomas Collins.

Buenaventura Carreto, en nombre de la Nación Inglesa, digo: Que su Magestad (Dios le guarde) fue servido de conceder a mis partes los privilegios contenidos en las tres Cédulas Reales que ante V. S. presento, a quien pido, y suplico las obedezcan como su Magestad lo manda. y se me dé por el presente Escrivano Testimonio del obediimiento, con insercion de las dichas Cédulas, las quales se impriman: pido justicia, &c.

IBuenaventura Carreto, in the Name of the English Nation, declare, That his Majesty (whom God preserve) hath been Pleas'd to Grant at my Parties Request, the Privileges contained in the Three Royal Cédulas, which before your Lordships I Present; which I Request and Intreat may be obeyed, as his Majesty Commands, and that there be given me by the Present Notary in Form, a Certificate of Compliance, with the Insertion of the said Cédulas, that it may be Printed: I ask Justice, &c.

Bentura Carreto.

Bentura Carreto.

Cedula de Privilegios concedidos por su Magestad a los Ingleses que residen en Sevilla, Santlucar, Cadiz, y Malaga.

DON Phelipe, por la Gracia de Dios, Rey de Castilla, de Leon, de Aragon, de las dos Sicilias, de Ferusalem, de Portugal, de Navarra, de Granada, de Toledo, de Valencia, de Galicia, de Mallorca, de Sevilla, de Cerdeña, de Cordova, de Corcega, de Murcia, de Faen, de los Algarves, de Algecira, de Gibraltar, de las Islas de Canaria, de las Indias Orientales, Occidentales, Islas y Tierra firme del Mar Oceano, Archiduque de Austria,

DON Philip, by the Grace of God, King of Castille, of Leon, of Arragon, of the Two Sicilies, of Ferusalem, of Portugal, of Navarre, of Granada, of Toledo, of Valencia, of Mallorca, of Sevilla, of Sardinia, of Cordua, of Corcega, of Murcia, of Faen, of the Algarves, of Algecira, of Gibraltar, of the Islands of the Canaries, of the East and West Indies, Illands, and Terra firma of the Ocean, Archduke of Austria,

Cedula of Privileges granted by his Majesty to the English, which Reside in Sevilla, S. Lucar, Cadiz and Malaga.

Duque

Duque de *Borgña*, de *Bravante*, y *Milan*, Conde de *Apsburg*, de *Flandes*, Señor de *Vizcaya*, y de *Molina*, &c.

Por quanto por parte de vos *Ricardo Antonio*, Consul de la Nación *Inglefa*, por vos, y en nombre de los vassallos del Rey de la *Gran Bretaña*, me ha sido hecha relacion, que mediante las pazes que en este, y aquel Reyno están asentadas, residen, y comercian en el *Andaluzia*, principalmente en las Ciudades de *Sevilla*, *Santucar*, *Cádiz*, y *Malaga*, suplicandome sea servido de confirmarnos los privilegios, exccmpciones, y facultades que os competen, assi por los capitulos de dichas pazes, como por las confirmaciones de ellas, y otras mercedes, è indultos que el Rey my Señor, mi Padre, que aya gloria, os dió, y otras qualesquiera que se os ayan dado por mis Coronas de los mis Reynos de *Castilla*, y de *Portugal*, mandando que se les guarden, y cumplan en todo, y por todo, sin ninguna limitacion, y à mayor abundamiento concederos los de nuevo, con las calidades, ampliaciones, condiciones, y declaraciones que mas os convengan, poniendo penas à quien los contradixere, y no los guardare: y para que se sepa los que son, se les de copias de ellos, o como la mi merced fuere. Y temendo consideracion a

of *Brabant*, and of *Milan*, Count of *Apsburg*, of *Flanders*, Lord of *Biscay*, and of *Molina*, &c.

For as much as on the Part of you *Richard Anthony*, Consul of the *English* Nation, by you, and in the name of the Vassals of the King of *Great Britain*, Information hath been given to me, that by means of the Peace, which between this and that Kingdom is Settled, those which do Reside and Commerce in *Andaluzia*, principally in the City of *Sevilla*, *San Lucar*, *Cádiz* and *Malaga*, humbly Intreat me that I would be pleased to Confirm to you the Privileges, Exemptions and Liberties which Appertain to you, as well by the Articles of the said Peace, as by the Confirmations of them, and other Favours, and Indults, which the King, my Lord and Father, (now in Glory) Granted, you, and all others whatsoever, that have been Granted by my Crowns of these my Kingdoms of *Castille* and of *Portugal*, Commanding that they be observed and accomplish'd in all, and through all, without any Limitation, and that they may be of more Force, to Grant them anew, with the Qualities, Amplifications, Conditions and Declarations, which may be most convenient for you, imposing Pu-

lo referido ; y porque para las ocasiones que tengo de guerras aveis ofrecido servirme con dos mil y quinientos ducados de plata, pagados los mil de contado, y los mil y quinientos restantes para el mes de *Abril* deste año, de que el Licenciado *Francisco Moreno*, con intervencion de Don *Antonio de Campo-Redondo y Rio*, Cavallero del Orden de *Santiago*, del mi Consejo, y Camara, y del de Hazienda, en vuestro nombre, y en virtud de poder vuestro otorgo escritura de obligacion en forma, ante *Juan Cortès de la Cruz*, mi Escrivano, lo he tenido por bien, y por la presente de mi proprio motu, y cierta ciencia, y poderio Real absoluto, de que en esta parte quiero usar, y uso, como Rey, y Señor natural, no reconociendo Superior en lo temporal, confirmo, y apruebo los privilegios de exempciones, y facultades que os competen, assi por los capitulos de las dichas Pazes, como por las confirmaciones dellas, y las demas mercedes, indultos, que el Rey mi Señor, mi Padre, os dió, y otras qualesquiera que se ayán dado por mis Coronas de *Castilla*, y *Portugal* a los dichos Vassallos en todo, y por todo, como en ello, y en cada cosa, y en parte dello se especifica, contiene, y declara, para que

nishments upon whom shall contradict them, and not observe them ; and that it may be known what they are, that there be given Copies of them, of what Favour I have Granted them, having a due Regard to the aforesaid, and because that for the Occasions which I have of Wars, you have offered to assist me with Two thousand five hundred Ducats of Silver, Paying One thousand down, and the other Thousand five hundred remaining, in the Month of *April*, of this present Year, for which Don *Francisco Moreno*, with the Intervention of Don *Antonio de Campo-Redondo y Rio*, Knight of the Order of *St. James*, of my Privy Council, and of my Exchequer, in your Name and by virtue of your Power, pass'd a Writing or Obligation in Form, before *John Cortez de la Cruz* my Notary, I have thought fit, and by these Presents, of my own proper Motive, certain Knowledge, and Royal and Absolute Power, which in this part I will use, and do use, as King and Natural Lord, not acknowledging any Superior in Temporals, I confirm and approve the said Privileges of Exemptions, and Liberties which appertain to you, as well by the Articles of the said Peace, as by the Confirmations of
 sean

sean firmes, estables, y valederos, y se os observen, guarden, y cumplan, porque mi intencion, y voluntad deliberada es, que todos los de la dicha Nacion gozeis, y gozen de ellos, sin ninguna limitacion. Con calidad, que en el tiempo que residieren en la *Andaluzia* los dichos *Inglefes*, a vos, ni a ellos no se os pueda encargar ningun Oficio, ni carga publica, ni concegil, Tutelas, Curadurias, Receptorias, Theforerias, aunque sean de Alcaualas, y millones, y otros servicios que itoquen a mi Real Hazienda; ni tampoco se os puedan pedir prestamos, ni donativos, ni que tomeis juros, ni sus rentas, Cavallos, ni Esclavos;

Que no se les pueda encargar Oficio, ni carga publica, ni concegil.

them, and the rest of the Favours, Indulto's, which the King my Lord and Father Granted you, and any others whatsoever, which have been Granted by my Crowns of *Castille* and *Portugal*, to the said Vassals in all, and through all, as therein, and in every thing, and in Part thereof is Specified, Contained and Declared, that they may be Firm, Stable, and Valid to you, and be observed to you, kept and fulfilled, because that my Intention and deliberate Will is, that all those of the said Nation may enjoy, and do enjoy them without any Limitation, with Condition, that during the time they shall reside in *Andaluzia*, the said *English* may not be put upon any Office, or in any publick Post, nor made Guardians, Trustees, nor Collectors, altho' they may be of the Duties of *Alcaualas*, and *Millories*, or other Duties which relate to my Royal Treasury; nor shall they demand from you Loans, nor Donatives; nor oblige you to Farm any Rents, nor take your Horses or Slaves.

Comercio libre:

Y por os hazer mas merced, en conformidad de lo asseñado en las dichas Pazas, quiero, y permito que podais, y puedan tratar, y Comerciar libremente, y vender vuestras mercaderias, y fru-

And to do you further Favour in Conformity of what is Capitulated in the said Peace, I Will and Permit that you may, and do Trade and Commerce freely, and Sell your Merchandizes

Free Trade.

tos,

tos, y comprar los de mis and Goods, and Buy those
 Reynes, y facarlos de ellos, of my Kingdoms, and car-
 guardándose lo dispuesto ry them thence, observing
 por las leyes, y pragmáticas what is Ordained by the
 que desto hablan, y pagando Laws and Decrees that Treat
 à mi Real Hazienda los de- thereof, Paying into my Roy-
 rechos que se debieren pa- al Treasury the Duties that
 gar, prohibiendo, como pro- ought to be Paid, Prohibit-
 hibo, y mando, que no se- ing as I do Prohibit, and
 os tome por fuerça, ni se os Command that they do not
 faquen ningunas mercaderi- take from you by Force any
 as trigo, ni cevada, aunque Merchandizes, as Wheat or
 sea para apresto de mis Ar- Barley, although it be for
 madas, Flotas, y Galeones, Dispatch of my Armadas,
 ni por Assentistas, ni Estan- Fleets or Galloons, neither
 queros, y los dichos privi- for the Assentistas nor Est-
 legios ayan de ser en quanto ranqueros, and the said Pri-
 al trigo, y cevada, conform- vileges shall be as to Wheat
 me a la tassa, y en quanto a and Barley, according to the
 las demás cosas, y mercade- Tax; and as to other things
 rias, aquello en que os con- and Merchandizes, as you
 vinieredes, y concertaredes, shall Covenant and Agree
 sin facarlas de vuestro poder for, without taking them
 hasta averos pagado, y sin from you till they have Paid
 que por razon de ello se aya you for them, and that they
 de dar lugar a que se os ha- shall not, upon the account
 gan molestias, y vejacio- aforesaid, give you any
 nes. manner of Trouble or Vexa-
 tion.

Que no se pue-
 da poner precio
 en el pescado
 seco, y salado.

Y porque muchos de vo-
 trots tratáis en traer a los
 Puertos de *Andaluzia*, Ciu-
 dad de *Sevilla*, y otras par-
 tes mucha cantidad de ba-
 callao, y otros generos de
 pescado seco, y salado, por
 ser los mantenimientos mas
 necessarios que ay, y se os
 hazen muchas costas, y ve-
 jaciones; quiero, y mando
 que se os guarden la orde-
 nança de la Ciudad de *Sevilla*,
 en que se dispone que a los
 que entran con pescado seco,

And because that many of
 you Trade in bringing to
 the Ports of *Andaluzia*, Ci-
 ty of *Sevilla*, and other
 parts, a great quantity of
 Bacallao, and other kinds of
 Fish Dry and Salted, which
 being the most necessary
 Provisions that can be, and
 Creates you a great deal of
 Cost and Trouble, I Will
 and Command that you
 enjoy the Custom of the Ci-
 ty of *Sevilla*, in which it is
 Ordered that those which
 y sala-

That there
 may not be put
 a Price upon
 Dry Fish, and
 Salted.

y falado no se pueda poner
postura, antes se les permiti-
ra vender al precio que qui-
sieren, sin que sea necesario
Manifestarlo mas que a los
Ministros que cobran mis-
rentas Reales, y si los Na-

vios en que se traxere dicho
bacallao fueren grandes, que
no puedan subir el rio arri-
ba, y se ondeare en barcos,
el Juez del Almirantazgo,
ni otro alguno, no pueda
poner en los dichos barcos
guardas a costa de los due-
ños de ellos. Y asimismo
mando, que en caso de con-
star que el dicho pescado
está podrido, y no se puede
gastar, se aya de quemar, ó
eche al agua, sin que por ra-
zon desto se pueda hazer, ni
haga causa a los dueños, ó
personas que lo vendieren,
ni prenderlos, ni denunciar-
los.

Y porque el Administra-
dor de los Almojarifazgos,
y otros diferentes derechos,
que se cobran de los frutos,
y mercaderias, han introdu-
cido, que quando alguna se
denuncia, el prender a la
Persona que se muestra parte,
de que se sigue a los hom-
bres de negocios, mucho des-
credito, costas, y vejaciones:

es mi voluntad, y mando,
que en las dichas denuncia-
ciones solo se proceda contra
las mercaderias, y no contra

arrive with any Fish Dry
and Salted, there may not
be imposed any Rate, but
that they Sell at the Price
they will, without that it be
necessary that they manifest
it more than to the Mini-
sters which recover my Roy-
al Revenues, and that if the
Ships in which they bring
the said Bacallao be great
that they cannot come up
the River, and shall unload
them in Barks, the Judge of
the Admiralty or any other
may not put in the said
Barks, any Guards at the
Cost of the Owners of them.

In like sort I Command that
in case it appears that the
said Fish is Rotten, and can
not be spent, it be burnt
or cast into the Sea, with-
out that by reason thereof,
there may be made any Pro-
cess against the Owners, or
Persons that Sold it, or be
Imprisoned or Informed a-
gainst.

And because that the Ad-
ministrator of the Almona-
rifargos, and divers other
Duties, which are Recover-
ed on Goods and Merchan-
dizes, have been used upon
Information given to Seize
the Person they Suspect,
which to Men of Trade oc-
casions much Discredit,
Costs and Vexations: My
Will is, and I Command,
that upon the said Informa-
tions, they only Proceed a-
gainst the Merchandizes, and
las

If the Ship in
which they
come shall un-
load them in
Barks, they
may not put a-
ny Guards at
your Costs.

In case it ap-
pears to be rot-
ten, may be
cast into the
Sea, without
that therefo e
be made any
Process against
them.

That in case of
a Law Suit a-
gainst them,
they may not
be imprisoned.

Y si de los Na-
vios en que ve-
niere se ondea-
re en barcos, no
se les pongan
guardas a su
costa.

Y en caso de
constar que esta
podrido, se e-
che al agua, sin
hazerles causa
por ello.

Que en las cau-
sas que se figu-
eren contra el-
los no se pren-
dan.

las Personas, permitien-
doles, como les permito,
que puedan hazer, y hagan
sus defensas en las dichas ve-
jaciones.

not against the Persons, per-
mitting them, as I do per-
mit them, that they may
make, and do make their
Defences against the said
Vexations.

Que no se les
moleste por
materia de la
Religion, ni se
altere el capi-
tulo de las
pazes, que
habla sobre
esto.

Y porque asimismo con-
forme a un capitulo de las
dichas pazes, que trata en
materia de la Religion, sin
embargo que en algunos
pleytos se ha intentado de-
clarar si son Catolicos Ro-
manos, ò no, escusandose de
dar fee en los juramentos
que hazen como partes, y
como testigos; mando as-
imismo, que en quanto a esto
no se aya de tratar, ni trate
cosa alguna con los natura-
les del dicho Reyno, sino
que se guarde, y cumpla la
dicha condicion, sin que se
os haga semejantes pregun-
tas, dando a los juramentos
que hizieredes en juicio, y
fuera del, la fee, y credito
que se diera si fuerades *E-
spanoles*, sin que sobre esto re-
cibais vejaciones, ni molesti-
as, ni se os pueda hazer a-
gravio alguno.

And whereas, according
to One Article of the said
Peace, which treats in mat-
ter of Religion, notwith-
standing that in some Law
Suit, it hath been endea-
voured that they declare,
whether they be Roman Ca-
tholicks, or not, Excusing,
giving credit to the Oath
which they make, as being
Parties, or as Witnesses, I
Command therefore, that in
those Matters, they shall not
Meddle with the Natives of
the said Kingdom: But that
the said Condition be fully
Observed, without making
them any such Questions,
and to the Oath you shall
Tender them in Court, the
same Faith and Credit shall
be given, as if they were
Natural *Spaniards*, without
that upon this Account, they
are Molested, or Troubled
or receive any Grievance.

That they be
not molested
for matter of
Religion; nor
shall the Arti-
cle of Peace,
which speaks
thereabout, be
altered.

Que los libros
de su contrata-
cion no se fa-
quen de su
poder.

Y porque para justificaci-
on de algunas causas los
Juezes, y Justicias pretenden
que los mercaderes exhi-
van los libros de sus contra-
taciones, y sobre ello reci-
ben vejaciones, y agravios;
quero, y mando que los li-
bros de los mercaderes de la
dicha nacion no se saquen
de su poder por ninguna cau-

And by reason that for
Justification of some Causes,
the Judges and Justices pre-
tend, that the Merchants
should Exhibit their Books
of Trade, and thereupon
they receive Vexation and
Trouble, I Command and
Will, that the Books of
the Merchants of the said
Nation be not taken from

That their
books of Trade
be not taken
from them.

fa que fea, fino que los tengan de manifiesto en sus casas, para facar la partida que se señalare, sin pedirles otras, ni poderles facar otros papeles ningunos, pena que el que contraviere a ello, ser à castigado conforme a derecho.

Que no se puedan visitar las casas de los mercaderes, ni pedirle los despachos de las mercaderias.

Y porque asimismo los mercaderes despachan las mercaderias en la Aduana de la Ciudad de *Sevilla*, de todos los derechos, que por ser muchos se haze una hoja, y esta va firmada, y rubricada de todos los Ministros; y se queda en poder del Alcayde del Aduana; porque en su virtud dexa salir las mercaderias que van en fardos, pacas, baules, y caxas; y despues de averlas sacado, y puestas en su casa, en sus almacenes; el Guarda mayor del Aduana, y los Ministros del Medio por Ciento os visitan las casas, y la ropa, haziendos molestias, y vejaciones, pidiendos los despachos, constandoles que no los pueden tener, por averlos dexado en poder de dicho Alcayde del Aduana. Prohibo, y mando, que no se puedan visitar las casas de los dichos mercaderes; ni pedirles, ni pidan los despachos que no quedan en su poder; conque esto se aya de entender, y entienda en las casas que estan de los muros a dentro de la dicha Ciudad.

them, but that they Produce them in their own Houses, to take out the Article which shall be Appointed, without Demanding others, nor may be taken from them any other Papers, upon Punishment of him that shall Contravene herein, to be Chastised according to Law.

And because likewise the Merchants enter their Goods in the Custom-house of the City of *Sevilla*, of all the Duties, which, because they are many, is made upon One Sheet of Paper, and Firmed and Signed by all the Officers, and remains in Possession of the Warehouse-Keeper of the Custom-house, that by Virtue thereof, he may Deliver such Goods as go in Bales, Packs, Trunks and Chests, and after they have taken them out, and put them in their Houses, and Warehouses, the Head-Waiter of the Custom-house, and the Officers of the half per Cent. shall not Search your Houses, nor Goods, causing you Trouble and Vexation, asking of you the Dispatches, it being Manifest that you cannot have them, having left them in the Power of the said Head-Waiter. I Prohibit therefore and Command, that the Houses of the said Merchants, shall not be Visited, nor be Asked of them the Dispatches of their Goods, which doth not re-

That the Merchants Houses shall not be visited, nor demanded the Dispatch or Entry of their Goods.

Y porque se sepa los que main in their Custody, so
 fois de la dicha Nación that this is to be understood,
Inglesa, se os aya de dar and is understood of the
 copias de los dichos privile- Houses which are within
 gios, y exempciones que os the Walls of the said City.
 tocaren, y os estuvieren And that it may be known,
 concedidos, assi por los capitu- those who are of the said
 los de las dichas pazes, Nation, let Copies be given
 como en otra qualquiera ma- of the said Privileges, and
 nera; y para execucion, y Exemptions which Concerns
 cumplimiento de todo lo re- you, and were Granted you,
 ferido, mando a los de mi as well by the Articles of
 Consejo, y a los demàs mis the said Peace, as in any o-
 Consejeros, Juntas, ye Tri- ther Manner whatsoever, and
 bunales de mi Corte, y à los for the Execution and Ac-
 Presidentes, y Oydores de- complishing of all the afore-
 las mis Audiencias, Alcaldes, said, I Command those of
 Alguaziles de la mi Casa, y my Privy-Council, and the
 Corte, y Chancillerias; y al rest of my Counsellors, Jun-
 Regente, y Juezes de la tas, and Tribunals of my
 mi Audiencia de Grados de Court, and the Presidents,
 la Ciudad de *Sevilla*, y Al- and Justices of my Courts,
 caldes mayores de la Quadra as also the Judges, and Ju-
 de ella, y a todos los Corre- stices of the Peace belonging
 gidores, Assistente, Gover- to my House, Court, and
 nadores, Alcaldes mayores, Chancery, and the Regent,
 y ordinarios, assi de las di- and Judges of my Court *de*
 chas Ciudades de *Sevilla*, *Grados* in the City of *Sevilla*,
Cadix, y *Malaga*, y de *San* and the Chief Magistrate of
lucar de Barrameda, como the Court thereof, and all
 de todas las demàs Ciudades, Mayors, Governors, Magi-
 Villas, ye Lugares destos strates, and other Inferior Of-
 mis Reynos, y Señorios, y a ficers, as well of the said Ci-
 otros qualesquiera Juezes, y ties of *Sevilla*, *Cadix*, and
 Justicias de ellos, de qual- *Malaga*, and *San Lucar de Bar-*
 quier calidad, y condicion *rameda*, as of all other Cities,
 que sean, à quien principal, Towns, and Places of these
 ò accidentalmente tocaren my Kingdoms, and Domini-
 en qualquier manera el cum- ons, and Judges, and Justi-
 plimiento de todo lo con- ces thereof, of whatever Qua-
 tenido en esta mi carta, que lity and Condition they may
 luego que fueren requeridos be, to whom principally or
 con ella, ò con su traslado, accidentally it shall Concern
 signado de Escrivano. Pub- in any Manner whatsoever,

lieo. (que se le ha de dar tanta fee, como al original) cada uno en la parte que le tocare la guarden, y cumplan, y hagan guardar, cumplir, y executar en todo, y por todo, como en ella se contiene, sin que en todo, o en parte se os pueda poner, ni ponga impedimento, ni otra duda, ni dificultad alguna, ir, ni venir contra su tenor, y forma, ni consientan, ni den lugar a que se interprete, limite, ni suspenda en todo, ni en parte, ni que se den en contrario Cédulas, Provisiones, ni otros despachos, antes para su observancia en la parte que a cada uno tocaren, provean, y den orden, se os den las que fueren necesarias, para Mayor firmeza de la merced que por esta mi carta os hago. Y para que en todo tiempo esta merced os sea cierta, y segura ayais de tener un Juez conservador para la *Andaluzia*, principalmente para las dichas Ciudades de *Sevilla*, *Malaga*, y *Cadiz*, y *Sanlúcar de Barrameda*, a quien yo aya de dar comission bastante para la guarda, y cumplimiento de los dichos privilegios, libertades, y excepciones, el qual aya de apremiar, y compeler a todas, y qualesquier personas, de qualquier suerte, y calidad que sean, que tocaren a la dicha Nacion, asien en aquellas en que fueren

the Accomplishing of all that is Contained in this my Letter, that as soon as they shall have been Required here-with, or with a Copy thereof Signed by a Publick Notary (to which shall be Given as much Credit as to the Original) each One for that Part which shall Concern him, Observe and Accomplish, Cause to be Observed and Accomplished, in all, and through all, as is Contained therein, without that in the Whole, or in Part, there be put any Impediment, or other Doubt, or Difficulty that shall Oppose, or Contravene its Tenor, and Form, nor Consent, or Allow that it be Interpreted, Limited, or Suspended in Whole, or in Part, contrary to the Cédulas, Provisions, or other Orders for Observance thereof, in that Part which shall relate to each of you, and that they Provide, and Give the necessary Orders for the greater Security of the Favour, which by this my Letter I Grant you, and that at all Times, this Favour may be Certain and Secure to you, that you may have a Judge Conservator for *Andaluzia*, Principally for the said Cities of *Sevilla*, *Malaga*, *Cadiz*, and *San Lúcar de Barrameda*, to whom I shall give sufficient Commission for the Preservation and Accomplishing

reos convenidos, como en las que fueren actores, aunque las personas que los conviniere, y que dellos fueren convenidos, tengan qualquier Juezes privativos, assi por assiento, o contrato que ayan hecho, como por preeminencias, o inmunidad que tengan, porque de las dichas causas solo ha de conocer privativamente el dicho Juez conservador, y no otro Juez, ni Tribunal alguno. aunque sea por via de exceso, ni injusticia notoria, o en otra qualquier manera, y forma; y el dicho Juez conservador por aora lo sea el Doct. Don *Francisco de Vergara*, Juez de la mi Audiencia de los Grados de la Ciudad de *Sevilla*, el tiempo que assistiere en ella; y por su ausencia, el Licenciado Don *Francisco de Medrano*, Juez de la misma Audiencia, el qual para los negocios, y pleytos que se ofrecieren en las dichas Ciudades de *Cadiz*, y *Malaga*, y en *Sanlucar*, aya de subdelegar su Conservaturia en la persona que por la dicha Nacion se le propusiere, para que las substancie hasta la conclusion, y se las remita para determinarlas, y de lo que el determinare se aya de apelar al mi Consejo, y no para otro Tribunal alguno. Y porque mi voluntad es, que cada uno en su tiempo tenga jurisdiccion, y comission

of the said Privileges, Liberties and Exceptions (which may oblige and compel all and every Person whatsoever, of whatsoever Condition or Quality soever they be) as shall concern the said Nation as well in those in which they shall be Defendants, as in those in which they shall be Plaintiffs, although the Person which shall Sue them, and of whom they shall be Sued, may have any other Special Judges whatsoever, as well by Covenant or Contract which they may have made, as by the Preeminences or Immunities which they may have, because that of the said Causes only the said Judge Conservator may take Cognizance, and no other Judge or Tribunal whatsoever, although it be for any Excess or Notorious Crimes, or in any other Manner and Form whatsoever; and the said Judge Conservator for the present, shall be Doctor *Francisco de Vergara*, Judge of my Court of Degrees of the City of *Sevilla*; during the time that he shall Act therein, and in his absence Doctor *Francisco de Medrano*, Judge of the same Court, who for matters and Law Suits which shall offer in the said Cities of *Cadiz*, *Malaga*, and *Sanlucar*, may Substitute his Conservatorship in the Per-
 Judge Conservator which shall take Cognizance Special of your Causes.
 That the Judge Conservator may substitute his Commission for Matters which shall offer in *Malaga*, *Cadiz*, and *Sanlucar*.
 priva-

Juez conservador, que conozca privativamente de sus causas.

Que el Juez conservador pue'a subdelegar su comission para los negocios que se ofrecieren en *Malaga*, *Cadiz*, y *Sanlucar*.

privativa, para ampararos, y defenderos en todo lo contenido en esta mi carta, para que todo ello se guarde, y cumpla en la forma que os está ofrecido; he tenido por bien de encargar, como por la presente les encargo la proteccion; y amparo desto, y les mando vean esta mi carta, y las calidades, y condiciones, y preeminencias, y ampliaciones en ella contenidas; y todo ello lo hagan guardar, y cumplir, y executar en la forma, segun, y de la manera que en ella se contiene; y declara sin consentir, ni dar lugar a que en todo, ni en parte se os pueda poner, ni ponga duda, ni dificultad alguna; y ante el dicho Don Francisco de Vergara, y en su ausencia ante el dicho Don Francisco de Medrano, y no ante otro juez alguno, privativamente en primera instancia ayán de passar, y seguirse todas las causas, y pleytos que sobre lo referido, y qualquier cosa, y parte dello se hizieren, y causaren, y la execucion, y castigo de los inobedientes; porq̄ mi voluntad, que el conocimiento, y determinacion de todo lo contenido en esta mi carta privativamente les aya de rocar, y roque, procediendo en todo contra los que fueren culpados, executando en ellos las penas, que hallaren por derecho reservando, como

son, that shall be proposed by the said Nation; what they may be laid before; and remitted to him, for the Determination thereof; and of that which shall be so Determined by him, they may Appeal to my Council; and not to any other Tribunal; and because that my Will is, that each one in his time may have Jurisdiction and Special Commission to protect and defend you in all that is contained in this my Letter, and that all of it may be Observed, and Accomplish'd in the Form that it is offer'd to you; I have thought fit to give charge, as by these Presents I give their Charges, of the Protection and Defence thereof; and Command them, that they see this my Letter, and the Qualities, and Conditions, and Preeminences, and Amplifications, contained therein; and cause all of it to be observed and accomplished, in the Form accordingly, and in the manner that is contained therein, and declared, without consenting or allowing that in whole or in part, they may put, or do put any doubt or difficulty therein; and before the said Don Francisco de Vergara, and in his Absence before the said Don Francisco de Medrano, and not before any other Special Judge, the first Motion shall pass, and be for

Inhibicion de
Audiencias y
Chancillerias,
&c.

reservo, las apelaciones que de sus autos, y sentencias se interpusieren para el mi Consejo, y no para otro Tribunal alguno, sin que ninguno de los demás mis Consejos, Tribunales, Audiencias, ni Chancillerias, ni otros ningunos Juezes, ni Justicias de los mis Reynos, y Señorios, de qualquier calidad que sea, se puedan entrometer, ni entrometan en ello, ni en el uso, ni exercicio de la jurisdiccion privativa en la dicha primera instancia, que por esta mi Cedula les doy, por via de exceso, apelacion, ni otro recurso, ni manera alguna, a los quales, y a cada uno dellos inhivo, y he por inhividos de su conocimiento, y los declaro por Juezes incompetentes de él, que para todo, y cada cosa, y parte dello les doy el poder mas cumplido, y la comission mas amplia que de derecho se requiere, y es necesario, con sus infidencias, y dependencias, anexidades, y conexidades, y que despues de ellos la dicha Nacion Inglesa de la dicha Ciudad de Sevilla pueda nombrar en la dicha comission uno de los Juezes de la dicha Audiencia, el que eligiere la dicha Nacion, y mando al Presidente, y los del mi Consejo de la Camara, que presentandose ante ellos el nombramiento sayo, llegado el caso de vacar la dicha

lowed in all Causes and Law Suits for what relates thereunto, and cause the same to be Executed, and a Chastisement of the Disobedient; for such is my Will, and that the Cognizance and Determination of all that is contained in this Special Letter, shall concern them, and doth concern them, that they proceed against those that shall be Guilty, Executing on them such Penalties as the Law requires, reserving, as I do reserve to my Council, the Appeals; which by their Acts and Sentences they shall interpose, and not for any other Tribunal, without that any of the rest of my Councils, Tribunals, Courts or Chanceries, or any other Judges or Justices of these my Kingdoms and Dominions, of whatsoever Quality they be, may intermeddle, or do intermeddle therein, neither in the Practice nor Exercise of the Special Jurisdiction, which by this my Cédula I Grant them, be it by way of Excess, Appeal or any other recourse whatsoever; to whom and to each of them I inhibit, and hold for inhibited their Cognizance, and Declare them for Judges Incompetent thereof, for the whole, and in each thing, and part thereof, Granting them as full and complete Power, and most ample com-

Inhibition of
Courts and
Chanceries,
&c.

Que la Nacion Inglesa que reside en la Ciudad de Sevilla pueda nombrar en la comission uno de los Juezes de la Audiencia de dicha Ciudad.

com-

comission, por promocion, ò vacacion de los dichos D. *Francisco de Vergara*, ò Don *Francisco de Medrano*, ò en otra manera la despachen por ordinaria al que fuere nombrado en ella, en la forma, segun, y como poresta mi Carta se dispone: y para que mejor se cumpla desde luego les doy facultad, poder, y autoridad para que puedan subdelegar, y subdeleguen esta comission para los negocios, y pleytos que se ofrecieren en las dichas Ciudades de *Cadiz*, y *Malaga*, y en *Sanlucar de Barrameda*, en la Persona que por vosotros se les propusiere, para que substancie hasta la conclusion, y les remita los pleytos, y causas que huviere para determinarlos en la forma que les pareciere, y viere que conviene para la seguridad de lo contenido en esta mi Carta: y encargo al Serenissimo Principe Don *Baltasar Carlos* mi muy caro, y amado hijo; y mando a los Infantes, Prelados, Duques, Marqueses, Condes, Ricos hombres, Comendadores, y Subcomendadores, Alcaydes de los Castillos, y Casas fuertes, y Hanas, y a los del mi Consejo, Presidente, y Oidores de las mis Audiencias, Alcaldes, Alguaziles de la mi Casa, y Corte, y Chancillerias; y a todos los Corregidores, Assistente, Governadores, Al-

mission as in Law is required, and is necessary, with their Incidences, Dependencics, Annexities, and Connexities; and that after them the said *English* Nation of the said City of *Sevilla*, may Name in the said Commission, one of the Judges of the said Court, whom the said Nation shall think fit; and I command the President, and those of my Privy Council, that presenting before them his Name in case the said Commission be Vacant by Promotion or Vacation of the said Don *Francisco de Vergara*, or Don *Francisco de Medrano*, or in any other Manner, they shall be Dispatcht by him that shall be Named, in the Form accordingly, and as by this my Letter is Ordained: And for the better Performance hereof for time to come, I Grant them Power, Licence, and Authority, that they may Substitute, and do Substitute this Commission for Matters, and Law Suits, which shall offer in the said Cities of *Cadiz*, and *Malaga*, and *San Lucar de Barrameda*, in the Person which by you shall be Proposed to them, that they may examine Matters and bring them to Conclusion, and remit them the Law Suits and Causes you shall have, to Determine them in the Form, they shall think fit, and see Conveni-

That the *English* Nation which reside in the City of *Sevilla* may name in the Commission one of the Judges of the Court of the said City.

That the Judge Conservator may substitute his Conservatorship in the Person which shall appoint the said Nation in the Cities of *Cadiz*, *Malaga*, and *Sanlucar*.

Que el Juez pueda Subdelegar su Conservaturia en la Persona que se le Sennalare por la dicha Nacion en las Ciudades de *Cadiz*, *Malaga*, y *Sanlucar*.

caldes mayores, y ordinarios, y a otros qualesquier Juezes, y Justicias de estos mis Reynos, y Señorios, que os guarden, y cumplan, y hagan guardar, y cumplir esta mi Carta, y la merced que por ella os hago, y contra su tenor, y forma no vayan, ni pasen agora, ni en ningun tiempo, ni por alguna manera, perpetuamente, para siempre jamás, ni consientan, ni den lugar a que se os limite, ni suspenda en todo, o en parte, todo ello, no embargante qualesquier leyes, y pragmatikas de estos dichos mis Reynos, y Señorios, ordenanças, estilo, uso, y costumbre de las dichas Ciudades de *Sevilla*, *Cadiz*, y *Malaga*, y de *Sanlucar*, y todo lo demás que aya, o pueda aver en contrario. Con lo qual para en quanto a esto toca, y por esta vez, aviendolo aquí por inserto, e incorporado, como si de verbo ad verbum lo fuesse, dispenso, y lo abrogo, y derogo, caso, y anulo, y doy por ninguno, y de ningun valor, y efecto, quedando en su fuerza, y vigor para en lo demás adelante. Y de esta mi Carta ha de tomar la razon *Geronimo de Canencia*, mi Contador de Cuentas, de mi Contaduria mayor dellas, mi Secretario de la Media anata, a cuyo cargo esta la cuenta, y razon deste derecho; y declaro, que de esta

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ent for the Security of what is Contained in this my Letter; and I encharge the most Serene Prince, *Don Balthasar Carlos*, my very Dear and Beloved Son, and Command the Infantes, Prelates, Dukes, Marquesses, Counts, Barons, Knights, Esquires, Governors of Castles, Fortresses, and Plains, and those of my Council, President and Judges of my Courts, Officers of my House, and Court, and Chancery, and all Mayors, Governors, Deputy Governors, Justices of the Peace, and other whatsoever Justices and Judges of my Kingdoms, and Dominions, that they Observe to you and Accomplish, and cause to be Observed and Accomplished this my Letter, and Favour, which I do Grant you, and against the Tenor and Form thereof, not to Go, nor Act now, nor at any Time, nor by any manner, perpetually, for ever, nor Consent, or Allow that they be Limited to you, or suspended in Whole, or in Part, all its Contents, whatsoever Laws, or Orders of these my Kingdoms, and Dominions, Ordinances, Stile, Use, and Custom of the said Cities of *Sevilla*, *Cadiz*, *Malaga*, and *Sau Lucar*, and all others, which they have, or may have, to the contrary notwithstanding, for as much as doth
merced

merced aveis pagado el derecho de la Media anata, que importó treinta y cinco mil ciento y cincuenta y cinco Maravedis en plata, el qual aveis de pagar hasta en la misma cantidad de quinze en quinze años perpetuamente; y llegando el caso de cumplirse, no aveis de poder usar desta merced, sin que primero conste aver satisfecho este derecho; y tambien ha de pagar el Juez conservador que nombraren, del salario, ó ayuda de costa que gozare por la dicha ocupacion, antes de gozar della, de que ha de constar por certificacion de la Contaduria deste derecho. Dada en Zaragoza à diez y nueve de Março de mil seiscientos y quarenta y cinco años.

To el Rey.

concern these Presents, accounting it to be here inserted and Incorporated, as if it had been Word for Word, and of this my Letter *Gerónimo de Canencia*, my Chief-Treasurer and Accountant, and my Secretary *de la Media Anata*, is to take cognizance, to whose charge is committed the Account of the said Duty; and I declare, that of this Favour, you have payed the Duty of *Media Anata*, which Imports Thirty and five thousand one hundred fifty and five Maravedis in Silver, which you are to pay every Fifteen Years perpetually, and that being complied with, you shall not have the Power to use this Favour without that it first appears that you have satisfied this Duty, and also that you pay the Judge Conservator you shall Name, the Salary which he shall enjoy by the said Occupation, which is to be manifested by Certificate from the Office of this Duty. Given in *Zaragoza*, the Nineteenth Day of *March*, in the Year, One thousand six hundred forty and five.

I the King.

Y O *Antonio Carnero*, Secretario del Rey nuestro Señor, la hize escrevir por su Mandado.

Lic. Don *Juan Chumacero y Carrillo*.

El Lic. Don *Antonio del Campo Redondo y Rio*.

Licenciado *Joseph Gonzalez*, Registrada.

Miguel de Olaragiar.

Tomè la Razon.

Geronimo de Canencia.

I *Anthony Carnero*, Secretary of the King our Lord, Ordered this to be Written by his Command.

Lic. Don *Juan Chamacero y Carrillo*.

El Lic. Don *Antonio del Campo Redondo y Rio*.

Dr. *Joseph Gonzalez*, Register.

Miguel de Olaragiar.

Tomè la Razon.

Geronimo de Canencia.

Obedecimiento

E N la Ciudad de *Sevilla*, en doze dias del mes de *Abril* de mil y seiscientos y quarenta y cinco años, el Señor Licenciado Don *Francisco de Vergara*, del Consejo de su Magestad, y su Oydor en la Real Chancilleria de la Ciudad de *Granada*, aviendo visto la Real Provision, privilegio concedido à la Nacion *Inglesa*, que su Magestad fue servido de darles, conque su merced fue requerido por *Francisco Carreto*, en nombre de la dicha Nacion, su merced la tomò en su mano, besò, y puso sobre su cabeza, y dixo la obedecia, y obedeciò con el respeto, y acatamiento debido, y dixo, que està presto de hazer, y cumplir lo que su Magestad por ella le manda, y aceptò el nombra-

Obedience

I N the City of *Sevilla*, the Twelfth Day of the Month of *April*, in the Year, One thousand six hundred forty five, Doctor Don *Francisco de Vergara*, of the Council of his Majesty, and his Judge in the Royal Chancery of the City of *Granada*, having seen the Royal Provision, and Privileges granted to the *English* Nation, which his Majesty hath been pleased to grant them, with which his Worship was required by *Francisco Carreto*, in the Name of the said Nation, his Worship took it in his Hand, kissed it, put it upon his Head, and said he Obeyed it, and doth Obey it with the Respect, and Reverence that is due to it, and says, That he is ready to do, and accomplish that which his

miento

miento de tal Juez confer-
vador de la dicha Nacion, y
lo firmó.

Majesty by it Commands,
and accepts the Title of such
Judge Conservator, and firm-
ed it.

Lic. Don Francisco de
Vergara.

Lic. Don Francisco de
Vergara.

Ante mi,

Before me,

Fernando Infante Escrivano.

Fernando Infantes Notary.

Decreto de la
Audiencia de
Sevilla.

L Unes veinte y quatro de
Abril, la Nacion In-
glesa, Señores Governador,
y Acuerdo General, Acuer-
dolo quando se ofreciere la
Nacion.

M Unday the Twenty
Fourth of April, the
English Nation, the Lords
the Governor, and General
Assembly, Ordered it to be
Engrossed, when Offered by
the said Nation.

Decree of the
Court of Se-
villa.

Francisco Carrion de la
Serna.

Francisco Carrion de la
Serna.

EL RET.

THE KING.

Segunda Cedu-
la de ampliacion,
y confirmacion
de Privilegios
concedidos
a la Nacion In-
glesa.

L Licenciado Don Francisco
de Medrano, Juez de la
mi Audiencia de Grados, de
la Ciudad de Sevilla; sabed,
que por una mi Carta, y
Provision de diez y nueve de
Março deste año, hize mer-
ced a Ricarte Antonio, Con-
sul de la Nacion Inglesa, y
a los vassallos del Rey de In-
glaterra, que residen, y co-
mercian en el Andaluzia,
principalmente en esta Ciu-
dad, y en la de Cadiz, y en
Sanlucar de Barrameda, los
privilegios, exempciones,
y facultades que les competen,
assi por los capitulos de

T O Doctor Don Fran-
cisco de Medrano, Judge of my Court of De-
grees of the City of Sevilla; Know ye, that by One of my
Letters and Decrees of the
Nineteenth of March, of this
present Year, I did grant (to
Richard Anthony, Consul of
the English Nation, and to
the Subjects of the Kingdom
of England, which Reside
and Trade in Andaluzia,
principally in this City, and
in that of Cadiz, and in that
of San Lucar de Barrameda)
the Privileges, Exemptions
and Licences, which apper-

Second Cedula,
amplifying and
confirming the
Privileges
granted to the
English Nation.

las pazes, como por las confirmaciones, y otras mercedes, y indultos, que el Rey mi Señor mi Padre (que aya gloria) les dió, y con otras calidades, condiciones, preeminencias, y ampliaciones en la dicha provisión declaradas, por aver ofrecido servirme con dos mil y quinientos ducados de plata, según mas largo en ella, á que me refiero, se contiene; y una de las condiciones con que les hize esta merced fue, que les avia de nombrar, y conceder un Juez conservador para la *Andaluzia*, principalmente para las dichas dos Ciudades, y *Sanlucar de Barrameda*, á quien se aya de dar comission bastante para la guarda, y cumplimiento de los dichos privilegios, libertades, y exencpciones, el qual pueda conocer de todas las causas civiles, y criminales, en que fueren reos convenidos, que contra ellos se intentaren, y ante él ayan de passar, qualquier pleytos, y causas, que tocaren a los dichos *Inglefes*, ó a otras qualesquier personas de qualquier calidad que sean, assi aquellos en que fueren reos convenidos, como en los que fueren actores, aunque las personas que los conviniere tengan qualesquier Juezes privativos, assi por assiento, ó contrato, que ayan hecho, como por pre-

tain to them, as well by the Articles of the Peace; as by the Confirmation, and other Favours and Indults, which the King my Lord and Father (now in Glory) granted them, and with the other Qualities, Conditions, Preeminences, and Amplifications in the said Decree declared, for having offered to serve me with Two thousand five hundred Ducats of Silver, according as more largely thereby doth appear, to which I refer my self, and One of the Conditions which I did grant them, was, That I would name and allow them a Judge Conservator for *Andaluzia*, principally for the said Two Cities, and *San Lucar de Barrameda*, to whom should be given sufficient Commission, for the observance and accomplishment of the said Privileges, Liberties and Exemptions, who should take cognizance of all Causes both Civil and Criminal, which should be brought against them, in which they were made Defendants, that before him should come all Law Suits, and Causes whatsoever which should concern the said *English*, or any other Persons whatsoever, of whatsoever Quality they may be, as well those in which they shall be Defendant's, as in those in which they shall be

Que las causas solo ha de conocer el Juez conservador, y no otro Tribunal alguno.

em'nencia, ò inmunidad que tengan, porque de las dichas causas solo ha de conocer privativamente el dicho Juez conservador, y no otro Juez, ni Tribunal alguno, aunque sea por via de exceso, ò en otra qualquier forma, y manera, y que para los negocios, y pleytos que se ofrecieren en las dichas Ciudades de *Cadiz*, y *Malaga*, y en *Sanlucar*, aya de subdelegar su comission en la persona que por la dicha Nacion se le propusiere, para que las substancie hasta la conclusion, y las remita para determinar, y de lo que el dicho Juez determinar se ha de apelar para el mi Consejo, y no para otro Tribunal alguno, y que por aora lo seais vos por el tiempo que assistieredes en esta Audiencia; y por vuestra ausencia, y despues de vos, el que señalare la dicha Nacion en la dicha Ciudad de *Sevilla*; y porque mi voluntad es, que todo ello se les guarde, y cumpla en la forma que les està ofrecido, he tenido por bien de encargaros, como por la presente os encargo la proteccion, y amparo de esto, y es mando vey a la dicha provision, y las calidades, preeminencias, y ampliaciones en ella contenidas, y todo ello lo hazed guardar, y cumplir en la forma, segun, y de la ma-

Plaintiffs, although the Persons that shall Sue them may have special Judges, as well by Agreement or Contract, which they may have made, by the Preëminence or Immunity which they may have, because of the said Causes, only shall take special Cognizance the said Judge Conservator, and no other Judge, or Tribunal, although it may be by way of Excess, or in any other Manner or Form whatsoever, and that for the Causes and Suits that shall offer in the said Cities of *Cadiz* and *Malaga*, and *San Lucar*, may be substituted their Commission in the Person, which by the said Nation shall be proposed, that he may bring things to a Conclusion, and that they be remitted to him to Determine, and of that which the said Judge shall so Determine, they may appeal to my Council, and not to any other Tribunal, and that the time you shall Act in the said Court, you shall be Esteemed as such, and in your Absence, and after you, he whom the said Nation, in the said City of *Sevilla* shall appoint, and because that my Will is, that all this be observed, and accomplished in the Form as is express'd, I have thought fit to give Charge to you, and by this Present

That of the Causes the Judge Conservator, and no other Tribunal, shall take Cognizance.

nera

nera que en la dicha Provision, y en esta mi Cedula se declara, sin consentir, ni dar lugar a que en todo, ni en parte se les pueda poner, ni ponga duda, ni dificultad alguna, y ante vos, y no ante otro Juez alguno en primera instancia ayan de passar, y seguirse todas las causas, y pleytos que sobre esto, y qualquier cosa, y parte de ello se hizieren, y causaren; y conocer asimismo de todas las causas civiles, y criminales en que fueren reconvenidos, que contra ellos se intentaren; y ante vos han de passar qualesquiera pleytos, y causas que tocaren a los dichos *Ingleses* entre qualesquier personas, de qualquier calidad que sean, y la execution, y castigo de los inobedientes; porque mi voluntad es, que el conocimiento, y determinacion de todo lo contenido en la dicha Provision, y en esta mi Cedula de ampliacion privativamente os aya de tocar, y toque, procediendo en todo contra los que fueren culpados, executando en ellos las penas que hallaredes por derecho, sin que ningunos Tribunales, Audiencias, ni Chancillerias, ni otros ningunos Juezes, y Justicias de los mis Reynos, y Señorios de la Corona de *Castilla*, de qualquier calidad que sean, se pueda entrometer, ni entrometa

do give you Charge of the Protection and Defence hereof, and Command you that you see the said Decree, and the Conditions, Preëminences and Amplifications therein contained, and all of it be observed, and accomplished in Form, accordingly, and after the manner that in the said Decree, and in this my Cedula is Declared, without consenting, or allowing that in the whole or in part, may put or be put, any doubt or difficulty, and before you, and not before any other Judge, at the first Instance shall be brought and followed, all Causes and Law Suits, which thereupon, or any other thing or part thereof, shall be made, and cause Cognizance to be taken of all Causes Civil and Criminal, in which they shall be Prosecuted, or against them shall be attempted, and before you shall be brought whatsoever Law Suits and Causes which shall concern the said *English*, between whatsoever Persons, or whatsoever Quality they may be, and the Execution, and Chastisement of those that shall disobey; because that my Will is, that the Cognizance and Determination of all that is contained in the said Provision, and in this my Cedula of Amplification, specially shall and do

That in the first Instance shall be brought and followed Law Suits before the Judge Conservator, made in Zaragoza the 26th of June, 1645.

Que en primera instancia ayan de passar, y seguirse los pleytos ante el Juez conservador. Fecha en Zaragoza a 26. de Junio, de 1645.

en ello, ni en el uso, ni exercicio de la jurisdiccion privativa en la dicha primera instancia; que por esta mi Cedula os doy, por via de exceso, apelacion, ni otro recurso, ni manera alguna, a los quales, y a cada uno de los inhivo, y he por inhividos de su conocimiento, y los declaro por Juezes incompetentes del, que para todo, y cada cosa, y parte dello os doy el poder mas cumplido, y la comission mas amplia que por derecho se requiere, y es necessaria, con sus infidencias, y dependencias, anexidades, y conexidades, y que despues de vos, la dicha Nacion Inglesa de la dicha Ciudad de Sevilla ha de poder nombrar en la dicha comission uno de los Juezes de essa Audiencia, el que eligiere la dicha Nacion: y mando a los del mi Consejo de la Camara, que presentandose ante ellos el nombramiento fuyo, llegado el caso de vacar la dicha comission por promocion, o vacacion vuestra, o en otra manera, la despachen por ordinaria al que fuere nombrado en ella, en la forma, segun, y como en esta mi Cedula se dispone. Y para que mejor se cumpla todo lo contenido en la dicha Provision, y en esta mi Cedula, os doy facultad, poder, y autoridad, para que podais subdelegar, y subdelegueis esta

concern you, proceeding fully against those that shall be Guilty, executing upon them the Punishments you shall find by Justice due to them, without that any of the Tribunals, Courts or Chancery, or any other Judges, or Justices of my Kingdoms and Dominions of Castile, of whatsoever Quality they may be, may intermeddle, or do intermeddle herein, neither in the use nor exercise of the special Jurisdiction in the said First Instance, which by this my Cedula I grant you, be it by way of Excess, Appeal, or any other Recourse or Mander, to whom, and to each of you, I inhibit, and hold for inhibited their Cognizance, declaring you for Judges incompetent thereof, as for the whole, and every thing, and part thereof, and I grant you the most full and complete Power, and most ample Commission, as by Law is required and necessary, with their Incidences, Dependencies, Annexities and Connexities, and that after you, the said English Nation of the said City of Sevilla, may have power to name in the said Commission, One of the Judges of this Court, whom the said Nation shall think fit, and I command those of my Privy Council, that presenting before them his Name, the said Commission,

comission, para los negocios, y pleytos que se ofrecieren en las dichas Ciudades de *Cadiz*, *Malaga*, y en *Sanlucar*, en la persona que por la dicha Nacion se propusiere, para que substancie hasta la conclusion, y os los remita para determinarlos en la forma que os pareciere, y vieredes que conviene para la seguridad de la dicha Provision, y que todo se guarde en la forma que por ella se dispone, y manda, no embargante qualesquier leyes, y pragmaticas de los dichos mis Reynos, y Señorios, ordenanças, estilo, uso, ye costumbre, y otra qualquiera cosa que aya, ó pueda aver en contrario : con todo lo qual, para en quanto a esto toca, y por esta vez dispense, y lo abrogo, y derogo, caso, y anulo, y doy por ninguno, y de ningun valor, y efecto, quedando en su fuerza, y vigor para en lo demás adelante. Fecha en Zaragoza à veinte y seis de *Junio* de mil y seiscientos y quarenta y cinco años.

To el Rey.

Por Mandado del Rey
nuestro Señor.

Antonio Carnero.

mission being vacant by Promotion or otherwise, him who shall be named, shall have his Dispatches in due Form, according as in this my Cedula is ordained, and that it may the better be accomplished all that is contained in the said Decree, and in this my Cedula, I grant you Licence, Power and Authority, that you may substitute, and do substitute this Commission for Matters, and Law Suits that shall offer in the said Cities of *Cadiz*, *Malaga* and *Sanlucar*, in the Person that by the said Nation shall be proposed to you, that he may conclude Matters, you remitting to him the Termination thereof, in the Form you shall think fit, such as may be for the Security of the said Decree, and that all may be observed in the Form, which by it is ordained and commanded, any Laws and Pragmaticas of my said Kingdoms, and Dominions, Ordonnances, Stile, Use and Custom, or any thing whatsoever, to the contrary notwithstanding: All which, and for as much as relates to these Presents, I dispense with, abrogate, and derogate, make void and annul, count for nothing, and of no value and force, and that these Presents remain in full Force and Vigor for the future. Done in
DON

Zaragoza, the Twenty sixth of
Jane, in the Year, One thou-
 sand fix hundred forty and
 five.

I the King.

By Command of our Lord
 the King.

Antonio Cannero.

DON *Phelipe*, por la Gra-
 tia de Dios, Rey de
Castilla, de *Leon*, de *Aragon*,
 de las dos *Sicilias*, de *Jeru-
 salem*, de *Navarra*, de *Gra-
 nada*, de *Toledo*, de *Valen-
 cia*, de *Galicia*, de *Mallor-
 ca*, de *Sevilla*, de *Cerdeña*,
 de *Cordova*, de *Corcega*, de
Murcia, de *Jaen*, de los
Algarves, de *Algecira*, de *Gi-
 braltar*, de las *Islas* de *Canar-
 ria*, de las *Indias Orientales*,
 y *Occidentales*, *Islas y Ti-
 erra firme* del *Mar Oceano*,
 Archiduke de *Austria*,
 Duque de *Borgoña*, de *Bra-
 vante*, y *Milan*, Conde de
Apsburg, de *Flandes*, de *Ti-
 rol*, de *Barcelona*, Señor de
Vizcaya, y de *Molina*, &c.

Por quanto por una mi
 Carta, y Provision de diez y
 nueve de *Marça* deste año
 hize merced a vos los vassal-
 los del Rey de la *Grand Bre-
 taña*, que residis en el *Anda-
 luzia*, de aprobar, y confir-
 mar los Privilegios, Cédulas,
 y Franquezas, que os están
 concedidos por las Coronas
 de *Castilla*, y *Portugal*, y

DON *Phelip*, by the
 Grace of God, King of
Castille, of *Leon*, of *Arra-
 gon*, of the Two *Sicilies*, of
Jerusalem, of *Navarra*, of
Granada, of *Toledo*, of *Va-
 lencia*, of *Galicia*, of *Major-
 ca*, of *Sevilla*, of *Sardinia*,
 of *Corcega*, of *Murcia*, of *Ja-
 en*, of the *Algarves*, of *Alge-
 cira*, of *Gibraltar*, of the
 Islands of *Canary*, of the *In-
 dies East and West*, Islands and
Terra firma of the Ocean Sea,
 Archduke of *Austria*, Duke
 of *Borgoña*, of *Brabant*, and
Millan, Count of *Abzburg*,
 of *Flanders*, of *Tirol*, of *Bar-
 celona*, Lord of *Biscay*, and
Molina, &c.

For as much as by my
 Letter and Decree of the
 Nineteenth of *March*, of this
 present year, I did Grant to
 you, the Subjects of the
 King of *Great Britain*, who
 reside in *Andaluzia*, a Con-
 firmation and Approbation
 of the Privileges, Cédulas,
 and Franchises which were
 Granted you by the Crowns

That the Arti-
 cles of Peace
 be kept and ob-
 served.

K mande

Que se guarden
 y cumplan los
 capitulos de
 pazes.

mandè que se os guardassen, y cumplieren los capitulos de las pazes hechas entre mi Corona, y la de *Inglaterra*; y por otra mi Cedula de veinte y seis de *Junio* del mismo año, os nombrè Juez conservador, para que conociesse de todas las causas civiles, y criminales, assi en las que fueredes actores demandantes, como en las de reos convenidos, y con otras calidades, ampliaciones, y preeminencias en las dichas Provision, y Cedula contenidas, segun en ellas, a que me refiero, se contiene.

Y aora por vuestra parte me ha sido hecha relacion, que aviendo presentado la ultima Cedula en el Acuerdo de la Audiencia de los Grados de la Ciudad de *Sevilla*, se mandò dar traslado al Lic. D. *Juan de Villalva*, mi Fiscal de ella, y le tiene en su poder desde quinze de *Julio*, sin aver respondido hasta aora, con lo qual se ha embarazado, y detenido el uso, y cumplimiento de las dichas Provision, y Cedula, y se os causa grave perjuizio, y daño; y aunque segun lo dispuesto por ellas el Juez conservador podrá conocer de todas las causas civiles, y criminales, assi siendo actores, como reos, con qualquier persona que os tra-

of *Castille and Portugal*, and Commanded that they should be kept, and observed to you the said Articles of Peace, made between my Crowns and that of *England*, and that by my other Cedula of the Twenty sixth of *June* of the same year, you may Name a Judge Conservator, that shall take Cognizance of all your causes Civil and Criminal, as well in those in which you shall be Plaintiffs, as in those in which you shall be Defendants, with other Conditions, Amplifications, and Prehemineneces, in the said Decree and Cedula contained, referring my self to the Tenor thereof.

And now on your part, relation having been made to me, that having Presented the last Cedula in the Assembly of the Court of Degrees of the City of *Sevilla*, a Copy thereof was ordered to be given to Dón *Juan de Villalva*, my Fiscal of the said Court, who kept it in his Possession from the Fifteenth of *July*, without having Answered it till now, which hath hindred and deprived you of the Benefit and Performance of the said Decree and Cedula, to your great Prejudice, and Detriment, although by what is ordained thereby, the Judge Conservator ought to take Cognizance of all Causes, Civil and Criminal, as well

tassed,

taffedes, vuestro intento es gozar solamente del dicho privilegio, y Juez conservador, quando los pleytos fueren entre los de vuestra Nacion, ora sea is actores, ora reos, y las causas quier sean civiles, ò quier criminales; y quando los pleytos fueren con *Espanoles*, ò con otras personas de diferentes Naciones, el Conservador ha de conocer tan solamente de las causas en que fueredes civil, ò criminalmente reos convenidos, y no quando fueredes actores demandantes; suplicandome, que porque en esta parte os aveis apartado, y desistido del dicho privilegio ante *Alonso de Alarcon*, sea servido de declararlo assi, con las condiciones, ampliaciones, y preeminencias, y las calidades que mas os convengan, y fueren necessarias, para mayor fuerza de lo referido, ò como la mi merced fuesse; y porque para las ocasiones que tengo de guerras aveis ofrecido servirme con mil y quinientos ducados en plata doble, pagados a ciertos plazos, lo he tenido por bien; y por la presente quiero, y es mi voluntad, y declaro, que quando los pleytos fueren entre los de vuestra Nacion, ora seais actores, ò reos, y las causas fueren civiles, y criminales, aveis de gozar solamente del dicho privilegio, y sus calidades; y quando

being Plaintiffs as Defendants, with any Person whatsoever you should Trade with, your intent being only to injoy the said Privileges and Judge Conservator, when there should be any Law Suits between those of your Nation, whether you be Plaintiffs, or Defendants, and whether the Causes be Civil, or whether they be Criminal, and when the Suits shall be with *Spaniards*, or with other Persons of different Nations, the Conservator is to take Cognizance so far only of the Causes in which you shall be civilly or criminally Prosecuted as Defendants, and not in which you shall be Plaintiffs, humbly intreating me, that whereas in this particular you have waved and desisted from the said Privilege before *Alonso de Alarcon*, that I would be pleased to declare it, with the Conditions, Amplifications, and Preheminences, as may be most convenient for you, and shall be most necessary for the greater Force of what is insisted, of what my Pleasure shall be; and because that for the Service of the Wars, you have offered to assist me with One thousand five hundred Ducats in Silver, payable at certain prefixed days, I have thought fit, and by these Presents I Will and Declare, That when the Suits

los dichos pleytos fueren con *Espanoles*, ò con otras personas de diferentes Naciones, el Juez Conservador aya de conocer, y conozca solamente de las causas en que fueredes civil, ò criminalmente reos convenidos, y no quando fueredes actores demandantes.

shall be between those of your Nation, whether you be Plaintiffs or Defendants; or the Causes shall be Civil or Criminal, you shall enjoy the said Privilege and its Conditions: And when the said Suits shall be with *Spaniards*, or with other Persons of divers Nations, that the Judge Conservator shall take Cognizance, and do take Cognizance only of the Causes in which you shall be civilly or criminally Defendants, and not when you shall be Plaintiffs.

The Judge Conservator to take Cognizance of Causes between *Englishmen*, both Plaintiffs and Defendants; but when the Cause is with *Spaniards*, or other Nations, then only to take Cognizance in behalf of the *English* as Defendants,

Que los derechos de Sisas de los servicios de millones, que se cobran del vacallao seco, y frescal, y demas generos, se cobre de los consumidos.

Y porque los derechos de las Sisas de los servicios de millones, que se impusieren en el vacallao seco, y frescal, sardina arenque, y salmones, y otros generos de pescado, fresco, y salado, se mandò que se cobrasen de los que lo consumen; y los Arrendadores de estos derechos, y los Juezes que conocen destas causas os hazen grandes agravios, y os obligan a que pagueis docientos maravedis de cada quintal de vacallao, y de los otros generos al respeto que estàn concedidos; y en llegando los Navios a los Puertos de *Malaga*, *Cadiz*, y *Sanlucar* os obligan a que declareis la cantidad de pescado que traeis, haziendoos cargo de todo por Mayor, y obligandoos a la paga, como por maravedises de mi aver; y a los quatro meses os oprimian a

And because that the Duties of Excise of Millones, which are imposed on Bacallao Dry and Fresh, Pilchards, Herrings, and Salmon, and other kinds of Fish, Fresh and Salted, it was ordered that it should be recovered of those which consume it; and by reason the Farmers of these Duties, and Judges which take Cognizance of these Causes, do occasion you great Grievances, and oblige you to pay Two hundred Maravedis for each Quintal of Bacallao, and accordingly on other sorts as are permitted, and upon the arrival of the Ships at the Ports of *Malaga*, *Cadiz* and *Sanlucar*, they oblige you to declare the quantity of Fish you bring, charging you by the great for the whole, obliging you to the payment thereof, as Money due to me,

That the Duties of Millones which are recovered of Bacallao, dry and fresh, and other Goods be recovered of those that consume them.

la satisfacion de lo que monta, lo quales injulto, porque los que compran estos generos, y los confumen son Clerigos, Frayles, Monjas, y otras personas que tienen Privilegios, y Abitos, Alcaldes Mayores, Veinte y quatro, y Jurados, por cuya causa los arrendadores de estos derechos, no quieren cobrarlos de ellos, y los cobran de vosotros por entero, sin considerar la cantidad que os hurtan, lo que se pudre, y gasta en vuestro sustento; demàs de que sobre quererlo cobrar vosotros de las tales personas, os maltratan, y no lo pagan; quiero, y mando, que este derecho se cobre de los compradores, y consumidores, y los Arrendadores pongan persona por su cuenta que lo cobre, como se haze en la renta del Alcavala, y Almojarifazgo, con tanto que ayais de ser obligados, como yo os obligo à que ayais de registrar, y registreis todos los dichos generos de pescado referido, como tenéis obligacion, conforme a los despachos generales, sin que desto se pueda exceder en manera alguna.

Y porque de las visitas que os hazen los Arrendadores se os figuen grandes molestias, quiero, y mando, que en

Que no se les pueda visitar sus casas, ni pedir los despachos de las mercaderias.

and oblige you to the payment thereof in Four Months of what it amounts to, which is unjust, because that those who buy these Kinds, are Clergy-men, Fryers, Monks, and other Persons which have Privileges and Habits, Mayors, Aldermen, and Common-Councilmen, for which cause the Farmers of these Duties will not recover them of such, but recover them of you for the whole, without considering the quantity they steal from you, that which is Rotten, and what you spend in your own Families, and if you insist on the recovery thereof of such Persons, they treat you ill, and do not pay you; therefore I Will and Command, that this Duty be recovered of the Buyers and Consumers, and that the Farmers put a Person for their account, that may recover the same, as is done in the Revenues of Alcavala and Almojarifazgo, with this Condition, that you be obliged, as I oblige you, that you shall Register all the said kinds of Fish aforesaid, as you are obliged to do, according to the general Dispatches, without that this may be in any manner avoided.

And because from the Visits which the Farmers of Duties make you, there results a great deal of Trouble,

That their Houses may not be search'd, nor the Entries of their Merchandizes be demanded.

las

las Ciudades de *Malaga*, *Sanlucar*, y *Cadiz* se os guarde, y cumpla el privilegio de no poder visitarse las mercaderias, estando en vuestras casas, que es en la forma que está dispuesto, y mandado por dicha Provision de diez y nueve de *Março* deste año, y es lo mismo que se concedió a los que residen en la Ciudad de *Sevilla*; y assimismo mando, que la dicha visita no la pueda hazer ningun Arrendador, pues en la Aduana dexais pagados todos los derechos; y esto se os guarde, y cumpla inviolablemente.

I Will and Command, that in the Cities of *Malaga*, *Sanlucar* and *Cadiz*, be observed to you, and kept the Privilege, that they may not Examine the Merchandizes which are in your Houses, according to what is ordered and commanded by the said Decree, of the Nineteenth of *March* of this present Year, being the same which is granted to those who reside in the City of *Sevilla*: And likewise I Command that the said Search may not be made by any Farmer, if in the Customhouse you have paid all the Duties, and that this be observed to you, and accomplished inviolably.

Que no se pueda poner en los Navios guardas a costas de los Maestres, ni dueños, y hagan la visita dellos dentro de tres dias.

Y porque a todos los Navios que vienen a los dichos mis Reynos de los de *Inglaterra*, *Irlanda*, y *Escocia*, los Ministros del Contravando, y del Almojarifazgo sobre el visitarlos, assi como entran en los Puertos hazen grandes vejaciones, y molestias a los Maestres de ellos, y cierran a los dichos Navios las escotillas, y pañoles, deteniendo el hazer la visita ocho y quinze dias, poniendo guardas a costa de los Maestres, las quales quieren que las sustenten, y regalen con dadas; mando a los dichos Ministros, assi del Contravando, como del Almojarifazgo, y a cada uno, y a qualquier dellos, que

And because that all Ships That they may not put in the Kingdoms, from those of *England*, *Ireland*, and *Scotland*, the Minister of the Contrabands, and of the Almojarifazgo upon searching them, as they enter the Ports, cause great Vexations, and Trouble to the Masters of them, and shut up the Holes and Hatches of the said Ships, deferring the visiting them Eight or Fifteen Days, putting Waiters aboard at the Cost of the Masters, who they will have to Maintain them, and make them Presents, I command the said Ministers, as well of the Contraband, as those of Almojarifazgo, and every of them, dentro

dentro de tercero dia ayan de hazer, y hagan la dicha visita, sin ponerles guardas, ni llevar derechos por esto, y si las pusieren, sea à costa del Almojarifazgo mayor, y Almirantazgo, pues vosotros no debeis cosa alguna: y quando vinieren a los dichos Puertos de *Malaga, Cadix,* y *Sanlucar*, qualesquier Navios con mantenimientos, ò mercaderias, al tiempo de la visita, y de la descarga, ni en otro alguno en la forma referida, mando tambien, que los Juezes, y Ministros del Contravando, y Almirantazgo, ni otro alguno no puedan poner, ni pongan en ellos guardas à costa de los Maestres, ò dueños, ni sobre esto se os hagan molestias a los unos, ni a los otros, que es en conformidad de lo dispuesto en los capitulos quarto de la institucion del dicho Almirantazgo, por el qual se haze consignacion en efectos tocantes a èl, para la satisfacion de las guardas, y Ministros suyos; y en el octavo de las pazes en que se manda, que los vassallos de un Rey, en el territorio del otro sean tratados como los mismos naturales, en cuyos Navios nunca se han pu- esto guardas a costa de los Maestres, ni dueños de ellos.

Y porque tambien los Ministros del Contravando en

that within Three Days they shall and do make the said Visit, without putting Waiters aboard them, or taking any Duties by reason thereof, and if they shall put them, it shall be at the Cost of the Chief Almojarifazgo, and the Admiralty, since you owe nothing: And when there shall come into the said Ports of *Malaga, Cadix,* and *San Lucar*, any Ship with Provisions, or Merchandizes, neither at the time of the Visit, and of the Unloading, nor at any other, as aforesaid, I order that the Judges, and Officers of the Contraband, nor Admiralty, nor any others, may not put, or do put in them Waiters at the Cost of the Masters or Owners, nor do give you any Trouble, either the one, or the other upon that account, according to what is ordered in the Fourth Article of the Institution of the said Admiralty, by which it is express, relating thereunto; for the Satisfaction of the Waiters and other Officers, in the Eighth Article of the Peace, in which it is ordered, That the Vassals of the one King in the Territory of the other, shall be treated as the Natives themselves, in whose Ships never are put Waiters at the Cost of the Masters, or Owners thereof.

And because also, that the Officers of the Contraband
los

Que monstrendo los conocimientos de las Mercaderias no se les pueda obligar a otra cosa, y los Maestres cumplan con exhibir los libros de sobordo dentro de tercero dia de como entren en el Puerto.

los dichos Puertos, luego que los Navios dan fondo, piden à los Maestres los libros de sobordo, y si en ellos no se hallan escritas las mercaderias que os vienen consignadas, os hazen causa por ello, aunque tengais los conocimientos que los Maestres han dado de averlas recibido, para entregar las segun su consignacion, en lo qual recibis notorio agravio, porque el mejor instrumento que podeis tener son los conocimientos de los Maestres, porque por ellos los apremiais por justicia a que os entreguen las mercaderias; y si los Maestres por descuydo, ò por malicia no las escriven en dichos libros de sobordo, no es justo que se execute la pena en los dueños de las mercaderias, sino en los Maestres, y Navios; y executandose en esta forma, los libros de sobordo siempre estaràn justificados. En quanto a esto es mi voluntad, y declaro, que los Maestres cumplan con exhivir los libros de sobordo à los tres dias de como ayan entrado en los dichos Puertos; y mando, que por esta causa, mostrando los dueños de las mercaderias los conocimientos, no se os pueda hazer, ni haga causa, ni molestia alguna.

Y porque asimismo los Juezes de sacas, y otros Ministros os hazen muchas mo-

in the said Ports, as soon as the Ships cast Anchor, demand of the Masters their Manifest, and if they do not find in it the Merchandizes that come Consigned to you, they give you Trouble, although you have the Bills of Lading that the Masters have signed for them, to deliver them according to their Consignment, in which you receive a great deal of Damage, because that the best Instrument you can have is the Bills of Lading, because that by them, you may oblige them by Justice to deliver you your Goods, and if the Masters by neglect or malice, do not write them in the said Manifest, it is not just, that they execute the Punishment upon the Owners of the Goods, but upon the Masters and Ships, and in so doing, the Manifest shall be always Justifiable. Wherefore it is my Will, and I declare, That the Masters do comply with exhibiting their Manifest, within Three Days after their Arrival in the said Ports, and I command, That by reason hereof, the Owner of the Goods shewing the Bill of Lading, you may not give him any Trouble, or Molestation whatsoever.

And because likewise the Judges for Exportation, and other Officers, cause you
leffias,

Que aviendo hecho Registro, pueda tener cada Navio tres reales de a ocho por cada tonelada.

lestias, y vejaciones, si hallan en los Navios dinero, y es fuerza que los Maestres tengan cantidad conforme las toneladas, para comprar velas, cables, ancoras, y otros bastimentos necessarios; doy licencia, y permission, para que aviendo primero hecho registro, como se acostumbra, ante el Juez que conoce de estas causas, cada Navio pueda tener tres reales de a ocho por cada tonelada, para el dicho efecto, y no para otro alguno, sin que se pueda hazer, ni haga causa alguna por ello.

Y no se les pueda obligar a que manifiesten la manteca, baquetas, ni otras mercaderias en el Juzgado de eos Fieles Executores.

Y porque tambien los Fieles Executores de la dicha Ciudad de *Sevilla* os hazen molestias, vejaciones, y causas, diziendo, que es de ordenança, que manifesteis la manteca, baqueta, y otras mercaderias, y mantenimientos, y que declareis los precios a que vendeis, y a que personas, por lo qual ha dos años que no se trae manteca a la dicha Ciudad, y la ordenança no debe hablar con el Estrangero, que trae sus mercaderias, y mantenimientos por alta mar, fino con los regatones, que van a comprarlas a los Puertos, y las traen a la dicha Ciudad, para ganar en ellas; declaro no tener obligacion a hazer las dichas manifestaciones, y declaraciones, ni por ello se os pueda obligar a hazerlas, ni hazerseos causas; y si las

much Trouble and Vexation if they find in the Ship any Money, and it being necessary that the Masters have a Sum according to the Tonnage, to buy Sails, Cables, Anchors, and other necessary Stores, I give Licence and Permission, that having first made a Register, as is usual, every Ship may have Three pieces of Eight for every Ton, for the said Purpose, and not for any other, without therefore that upon that account they be put to any Trouble.

That having made a Register, every Ship may have three Pieces of Eight for every Ton.

And because, that also they of the Excise Office of the said City of *Sevilla*, occasion you Trouble, Vexation, and Law Suits, saying, That there is an Order that you shall Manifest the Butter, Leather, and other Merchandizes, and Provisions, and that you declare the Price you Sell them at, and to what Persons, by which means it is Two Years since, that you have not brought any Butter to the said City, and the Order doth not relate to the Strangers that bring these Goods, and Provisions by Sea, but only with the Retailers that go to buy them in the Ports, and bring them to the said City to gain by them, I declare, That you have no Obligation to make the said Manifest and Declaration, nor can

That they may not be obliged to manifest Butter, Leather, nor other Merchandizes in the Excise Office.

hizieren, mando se remitan al Juez Conservador, para que él las determine.

they be obliged thereby to make them, nor to make a Process against you, and if they do, I command they be remitted to the Judge Conservator to determine them.

Que no se les pueda flitar sus casas hasta aver cumplido su arrendamiento.

Y porque muchas vezes, aviendo arrendado casas en que vivir, y tener vuestras mercaderias, estandolas viendo, personas poderosas, que tienen privilegio, os las quitan antes de cumplirse vuestros arrendamientos, por ser grandes, y averlas buscado donde está el comercio, y os obligan à mudar las mercaderias, las quales se os maltratan, y hurtan; quiero, y mando, que durante el tiempo de vuestro arrendamiento, no se os puedan quitar las dichas casas por ninguna persona, aunque sea Ju-z, y tenga privilegio particular.

And because that many times you have taken Leases of the Houses in which you live, and keep your Merchandizes, and while you are in them Persons of great Authority take them from you, before your Lease is expired, because they be large and stand where Trade is, and oblige you to remove the Goods, whereby they are Damaged and Stolen from you; I will, and command, That during the time of your Lease, the said Houses may not be taken from you by any Person, although he may be a Judge, and have a particular Privilege.

That their Houses may not be taken from them till their Leases be complied with.

Y para que todo ello sea cierto, y seguro, mando al Regente, y Juezes de la Audiencia de Grados de la Ciudad de *Sevilla*, y Alcaldes de la Quadra de ella, y al mi Assitente de la dicha Ciudad, y à su Lugar-Teniente en el dicho oficio, y a los demás Juezes, y Justicias de ella, y de otras qualesquier Ciudades, Uillas, y lugares de los mis Reynos, y Señorios de la Corona de *Castilla*, à quien principal, ò insidientemente tocara todo lo aqui contenido, que todas las causas que estuvieren pendi-

And that all this may be certain and secure, I command the Regent, and Judges of my Court of Degrees of the City of *Sevilla*, and the Judges of the Courts thereof, and my Governor of the said City, and his Deputy, and the other Judges and Justices thereof, and of others whatsoever Cities, Villages, and Places of my Kingdoms, and Dominions of my Crowns of *Castilla*, to whom principally, or accidentally shall concern what is here contained, that all Causes which shall be depending,

en: e-

entementes, en que vosotros fueredes reos, siendo de las calidades en esta mi Carta declaradas, provean, y den orden se remitan luego al Juez conservador que os tengo nombrado, en el estado que estuvieren, aunque se ayan empezado antes, o despues de la dicha mi Provision de diez y nueve de *Março* deste año, juntamente con las dichas Provision, y Cedula, sin embargo de averse mandado por la dicha mi Audiencia de Grados dar traslado de ello al dicho mi Fiscal, y sin poner en ello escusa, replica, duda, ni dificultad alguna; a los quales mando, que no se entrometan, ni puedan entrometer en cosa alguna, tocante a lo contenido en las dichas Provision, y Cedula, y en esta mi Carta, sino que las guarden, y cumplan, y hagan guardar, cumplir, y executar en todo, y por todo, como en ellas se contiene, y a cada uno en la parte que le tocare, las haga llevar, y lleve a pura, y debida execucion, con efecto, de manera que todo ello se cumpla, sin que sea necesario ocurrir mas à mi sobre esto, no embargante qualesquier leyes y pragmáticas de los mis Reynos, y Señorios, ordenanças, estilo, uso, y costumbre, y todo lo demás que aya, o pueda aver en contrario, con lo qual para en quanto a

in which you shall be Defendants, being of the qualities in this my Letter contained, that they may provide and give order, that they may be remitted presently to the Judge Conservator, as I have named you, in the posture they shall be, though they may have been begun before, or after my said Decree of the Nineteenth of *March*, of this present Year, together with the said Decrees, and Cedula (notwithstanding it having been ordered by my said Court of Degrees, to give a Copy thereof to my said Judge) without making therein any Excuse, Reply, Doubt, or any Difficulty whatsoever; and I command, That they do not intermeddle, nor may intermeddle in any thing concerning what is contained in the said Decree, and Cedula, and in this my Letter, but that they observe, and fulfil, and cause to be observed, and fulfilled, and executed in all, and through all, as therein is contained, and that each of you, in that Part which shall Concern him, do cause them to be put in true and due Execution effectually, so as in all respects it may be complied with, without that it be Necessary to have further Recourse to me hereupon, whatsoever Laws, and Pragmatics of these my Kingdoms and Dominions, Or-

Que los pleytos que se huvieren empezado antes, o despues de la Cedula de 19 de *Março* se remitan al Conservador, siendo en ellos reos.

That the Suits which shall have been begun before or after the Cedula of the 19th of *March*, be remitted to the Conservator, they being Defendants.

esto toca, y por esta vez dispenso, y lo abrogo, y derogo, caso, y anulo, y doy por de ningun valor, y efecto, quedando en su fuerça, y vigor para en lo demás adelante; y desta mi Carta han de tomar la razon los Contadores que la tienen de mi Real Hazienda, y declaro, que desta merced aveis pagado el derecho de la media anata. Dada en *Valencia* à nueve de *Noviembre* de mil y seiscientos y quarenta y cinco años.

To el Rey.

YO *Antonio Carnero*, Secretario del Rey nuestro Señor, la hize escrevir por su Mandado.

Licenciado Don *Juan Chumazero y Carrillo*.

El. Lic. Don *Antonio de Campo Redondo y Rio*.

Licenciado *Joseph Gonçalez*, Registrada.

Miguel de Oliariaga, Teniente de Chanciller Mayor.

Miguel de Oliariaga.

Por esta Confirmacion se ha pagado a la Media anata

dinances, Stiles, Use and Custom, which they have, or might have, to the contrary notwithstanding; with which, for as much as relates to these Presents, I dispense, abrogate and derogate, make void and null, and give for no value and effect, these Presents remaining in full Force and Vigor for the future, and of this my Letter, the Clerks of my Royal Treasury are to take notice, and I declare, That for this Grant, you have Paid the Duty of the Media anata. Given in *Valencia*, the Nineteenth Day of *November*, in the Year, One thousand six hundred forty five.

I the King.

A *Antonio Carnero*, Secretary of our Lord the King, caused this to be Writ by his Command.

Dr. Don *Juan Chumazero y Carrillo*.

Don *Antonio de Campo Redondo y Rio*.

Don *Joseph Gonçales*, Register.

Miguel de Oliariaga, Deputy of the High Court of Chancery.

Miguel de Oliariaga.

For this Confirmation, hath been payed to the Meveinte

veinte y un mil y noventa y tres Maravedis de plata; y hasta en la misma cantidad han de pagar perpetuamente de quinze en quinze años: y este despacho se ha de tomar la razon en la Contaduria del mismo derecho. Tomò la razon *Geronimo de Canencia*.

Tomò la razon de la Cedula de su Magestad, escrita en las dos hojas antes desta, *Pedro de Leon*.

Tomò la razon de la Cedula de su Magestad, escrita en las dos hojas antes de esta, *Martin de Medina Lasso de la Vega*.

dia anata, Twenty one thousand nine hundred and three Maravedis Silver, and are to pay the same Quantity for ever, every Fifteen Years: and of this Duty, there shall be an Account in the Office of the said Duty. Taken an Account thereof, by *Geronimo de Canencia*.

Account of his Majesties Cedula, written in the Two Leaves before this, by *Pedro de Leon*.

Taken an Account of his Majesties Cedula, written in the Two Leaves before this. *Martin de Medina Lasso de la Vega*.

EN la Ciudad de *Sevilla*, en quatro dias del mes de *Setiembre* de mil seiscientos y quarenta y nueve años, vista esta Peticion, y las Cedula Real, que con ella se representan por el Señor Licenciado *D. Geronimo del Pueyo Araciel*, del Consejo de su Magestad Real de *Castilla*, Governador de la Real Audiencia de esta Ciudad, y Juez Conservador de la Nacion *Inglesa*; su Señoria las tomó en su mano, besò, y puso sobre su cabeza, y obedeciò con el respeto debido, como cartas de su Rey, y Señor natural, y mandò se guarde, y cumpla lo que por ellas su Magestad manda, y aceptò la jurisdiccion que por ella se le dà, y concede para todos los

IN the City of *Sevilla*, the Fourth Day of the Month of *September*, in the Year, One thousand six hundred forty and nine, having seen this Petition, and the Royal Cedula, with which it was presented by Doctor *Don Geronimo de Pueyo Araciel*, of his Majesties Royal Council of *Castille*, Governor of the Royal Court of this City, and Judge Conservator of the *English* Nation, his Lordship took it in his Hands, kissed it, put it upon his Head, and obeyed it with due Respect, as Letters from his King, and his Natural Lord, and commanded to be observed and kept, what therein his Majesty commands, and accepted the Jurisdiction, which

casos.

casos, y efectos en ellas expresados, y está presto de administrar justicia a las partes, y que yo el Escrivano de los testimonios desta petición, Cédulas, y auto a la parte que lo pide, para que conste de ello, y se impriman los traslados necesarios del dicho testimonio, los quales autorizè yo el Escrivano, asì lo mandò, y firmò.

Lic. Don Geronimo del
Pueyo Araciel.

Ante mi,

Antonio Gonçalez de Avellaneda, Escrivano.

SEgun que lo referido consta, y parece por el dicho pedimento, Cédulas, y auto, à que me refiero, y por mandado del dicho Señor Governador di el presente en *Sevilla*, en catorze dias del mes de *Octubre* de mil seiscientos y quarenta y nueve años.

Antonio Gonçalez de Avellaneda.

thereby is given him, and granted for all the Cases and Effects therein expressed, and is ready to administer Justice to the Parties, and that I the Notary do give Certificates of this Petition, Cedula, and Act to the Party that required it, that it may be Manifest, and the necessary Copies be Printed of the said Certificates, which I the Notary Authorized, so he Ordered it, and Signed it.

Doctor Don Geronimo del
Pueyo Araciel.

Before me,

Gonçales de Avellaneda,
Notary.

ACcording to what is Manifest, and appears by the said foregoing Petition, Cédulas and Act, to which I refer my self, and by Command of the said Governor, I have given these Presents in *Sevilla*, the Fourteenth Day of the Month of *October*, in the Year, One thousand six hundred forty nine.

Antonio Gonçales de Avellaneda.

EL REY.

THE KING.

Licenciado Don Geronimo del Pueyo Araciel, del Consejo, y Regente de la mi Audiencia de los Grados de la Ciudad de *Sevilla*, sabed que por una mi Carta, y Provision de diez y nueve de *Margo* de mil y seiscientos y quarenta y cinco, hize merced à *Ricarte Antonio*, Consul de la Nacion *Inglefa*, y à los vassallos del Rey de *Inglaterra*, que residen, y comercian en el *Andaluzia*, principalmente en esta Ciudad, y en la de *Cadiz*, y *Sanlucar de Barrameda*, se les guardassen los privilegios, y ex-cempciones, y facultades que les competen, assi por los capitulos de las pazes, como por las confirmaciones, y otras mercedes, è indultos, que el Rey mi Señor mi Padre (que aya gloria) les diò, y con otras calidades, condiciones, preeminencias, y ampliaciones, en la dicha Provision declaradas, segun mas largo en ella, a que me refiero, se contiene; y una de las quales condiciones con que les hize esta merced, fue que les avia de nombrar, y conceder un Juez Conservador para la *Andaluzia*, principalmente para las dichas dos Ciudades, y *Sanlucar de Barrameda*, à quien se aya de dar comission bastante para la guarda, y cumplimiento de los dichos privilegios, libertades, y ex-cempciones, el qual pueda conocer de todas las causas civiles, y criminales, en que fueren reos convenidos, que contra ellos se intentaren; y ante el ayan de passar qualesquier pleytos, y causas que tocaren a los dichos *In-gleses*, ò a otras qualesquier personas, de qualquier calidad que sean, assi aquellos en que fueren reos convenidos, como en los que fueren actores,

TO Don Geronimo del Pueyo Araciel, one of the Council, and Regent of my Court of Degrees of the City of *Sevilla*, Know ye, that by my Letter and Decree of the Nineteenth of *March*, One thousand six hundred forty and five, I did grant to *Richard Anthony*, Consul of the *English* Nation, and to the Subjects of the King of *England*, who reside and Trade in *Andaluzia*, who reside and Trade in *Andaluzia*, principally in this City, and that of *Cadiz* and *San Lucar de Barrameda*, that they should enjoy the Privileges, Ex-emption and Liberties, which belong to them, as well by the Articles of Peace, as by the Confirmation, and other Grants and Indulto's, which the King my Lord and Father (now in Glory) Granted them, with all the Qualities, Conditions, Preheminences, and Amplifications, in the said Decree declared, as thereby more largely it doth appear, to which I refer my self; one of the Conditions which I then did Grant them was, that I should Appoint, and Grant them a Judge Conservator for *Andaluzia*, principally for the said Two Cities, and *San Lucar de Barrameda*, to whom should be given sufficient Commission, for the observance and accomplishment of the said Privileges, Liberties, and Exemptions, who should take Cognizance of all Causes Civil and Criminal (in which they were Defendants) which against them shall, or should be brought, and before him should pass all the Suits and Causes whatsoever, which should concern the said *English*, or other Persons whatsoever, of whatsoever quality they may be, as well in those in which they
aunque

aunque las personas que los con-
vinieren, y que de ellos fueren conveni-
dos, tengan qualesquiera Juezes priva-
tivos, allí por assiento, ò contrato que
ayan hecho, como por preeminencia, ò
immunidad que tengan, porque de las
dichas causas solo ha de conocer pri-
vativamente el dicho Juez Conservador, y
no otro Juez, ni Tribunal alguno, aun-
que sea por via de excessò, ò en otra
qualquier forma, y manera, y que pa-
ra los negocios, y pleytos que se ofre-
cieren en las dichas Ciudades de *Cadix*,
y *Malaga*, y *Sanlucar*, aya de subdelegar
su comission en la persona que por la di-
cha Nacion se le propusiere, para que la
substancie hasta la conclusion, y las re-
mita para determinarlas, y de lo que el
dicho Juez determinare se ha de apelar
para el mi Consejo, y no para otro
Tribunal alguno. Y por una mi Cedula
de veinte y seis de *Junio* del año
de seiscientos, y quarenta y cinco, di mi
comission para todo lo referido à Don
Francisco de Medrano, Juez que fue de
essa Audiencia; segun mas largo en las
dichas Provision, y Cedula se conti-
ene, y declara: y aora por parte del di-
cho *Ricarte Antonio*, por si, y los demás
de la dicha Nacion *Ingleza* me ha sido
suplicado, que porque el dicho Don
Francisco Medrano no puede proseguir
en el uso, de la dicha comission, por a-
verle yo promovido de su plaza à otra
de Oydor de la mi Audiencia, y Chan-
cilleria que reside en la Ciudad de *Gra-
nada*, y os han nombrado en su lugar,
sea servido de daros Cedula mia para
entender en la dicha comission, ò como
la mi merced fuesse, y yo lo he tenido
por bien, y por la presente por el ti-
empo que asistieredes en essa Audiencia,
y por vuestra ausencia, y despues de vos
el que señalare la dicha Nacion en la

shall be Plaintiffs as Defendants, tho'
the Persons that shall Sue them, or
which by them shall be Sued, may have
whatsoever Special Judges, as well by
Covenant, or Contract; which they have
made, as by Preheminnce or Immuni-
ties which they may have, because that
of the said Causes only shall take spe-
cial Cognizance the said Judge Con-
servator, and no other Judge or Tribu-
nal, although it be by way of Excess, or
in any other Form and Manner what-
soever, and that for Matters and
Suits which shall offer in the said Cities
of *Cadix*, *Malaga* and *San-Lucar*, and
that they may Substitute their Commis-
sion in the Person which by the said Na-
tion shall be thought fit, for the ending
thereof, and that it may be remitted to
him to Determine them, and of what the
said Judges shall Determine, they may
Appeal to my Council, and not to any
other Tribunal, and by my Cedula of
the Twenty sixth of *June*, of the Year
Six hundred forty five, I gave Commis-
sion for all the aforementioned, to Don
Francisco de Medrano, who was Judge
of this Court, according as in the said
Decree and Cedula more at large is con-
tained and declared: And now on the
behalf of the said *Richard Anthony*, for
himself, and the rest of the said *Eng-
lish* Nation, I have been petitioned, That
whereas the said Don *Francisco de Me-
drano* cannot proceed in the Exercise of
the said Commission, by my having
Promoted him from that Place to be one
of the Judges of my Court, and Chan-
cery, which reside in the City of *Gra-
nada*, (and that they have named you
in his stead) that I would be pleased
to Grant you my Cedula, to be fixed
in the said Commission, or as I shall
see fit; I have thought good for the
dicha

dicha Ciudad de *Sevilla* ; os encargo, y cometo la proteccion, y amparo de todo lo referido, y os mando veais la dicha Provision, y las calidades, preeminencias, y ampliaciones en ella contenidas, y todo ello lo hazed guardar, y cumplir en la forma, segun, y de la manera que en la dicha Provision, y en esta mi Cedula se declara, sin consentir, ni dar lugar à que en todo, ni en parte se les pueda poner, ni ponga duda, ni dificultad alguna, ante vos, y no ante otro Juez alguno en primera instancia ayán de passar, y seguirse todas las causas, y pleytos que sobre ello, y qualquier cosa, y parte de ello se hizieren, y causaren, y conocer assimismo de todas las causas civiles, y criminales, en que fueren reos convenidos, que contra ellos se intentaren ; y ante vos han de passar qualesquier pleytos, y causas que tocaren à los dichos *Inglefes* entre qualesquier personas de qualquier calidad que sean, y la execucion, y castigo de los inobedientes ; porque mi voluntad es, que el conocimiento, y determinacion de todo lo contenido en esta dicha Provision, y en esta mi Cedula de ampliacion privativamente os aya de tocar, y toque, procediendo en todo contra los que fueren culpados, executando en ellos las penas que hallaredes por derecho, sin que ningunos Tribunales, Audiencias, ni Chancillerias, ni otros ningunos Juezes, y Justicias de los mis Reynos, y Señorios, de qualquier calidad que sean se pueda entrometer, ni entrometa en ello, ni en el uso y exercicio de la jurisdiccion en la dicha primera instancia, que por esta mi Cedula os doy por via de excess, apelacion, ni otro recurso, ni manera alguna, à los quales, y a cada uno de ellos inhivo, y he por inhividos de su conocimiento, y los declaro por

present you shall assist in that Court, and by your absence, and after you, he whom the said Nation, in the said City of *Sevilla* shall appoint ; and I Charge you, and Commit to your Protection and Defence all the aforementioned, and Command that you see the said Conditions, Prehemincences and Amplifications contained in the said Decree, and all of them to be kept in due Form, according, and in the manner, as in the said Decree, and in this my Cedula is Declared, without consenting or allowing, that in the whole or in part may be put, or put any Difficulty, and before you, and not before any other Judge, in the first Instance shall be brought and followed all Suits and Causes thereupon, and whatsoever thing, and part thereof shall be made and caused, and to take Cognizance likewise of all Causes Civil and Criminal, in which you shall be Defendants, which against you shall be brought, and before you shall pass, whatsoever Suits, and Causes shall concern the said *English*, between whatsoever Persons of whatsoever Quality they may be, and the Execution, and the Chastisement of the Disobedient that shall oppose it ; because that my Will is, That the Cognizance and Determination of all that is contained in this said Decree, and in this my Cedula of Amplification, specially shall concern you, and doth concern you, proceeding in all Matters against those that shall be found Guilty, Executing on them the Punishment you shall find by Law, without that any Tribunals, Courts or Chancery, or any Judges and Justices of my Kingdoms and Dominions, of whatsoever Quality they be, may intermeddle or do intermeddle, either in the Use, or Exercise

Juezes incompetentes del, que para todo, y cada cosa, y parte de ello os doy el poder mas cumplido, y la comission mas amplia que de derecho se requiere, y es necessaria, con sus infidencias, y dependencias, anexidades, y conexidades, y despues de vos la dicha Nacion *Inglefa* de la dicha Ciudad de *Sevilla* ha de poder nombrar en la dicha comission uno de los Juezes de essa Audiencia, el que eligiere la dicha Nacion; y mando al Presidente, y los del mi Consejo de la Camara, q̄ presentandose ante ellos el nombramiento suyo, llegado el caso de vacar la dicha comission por promocion, ò vacacion vuestra, ò en otra manera, la despachen por ordinaria al que fuere nombrado en ella, en la forma, segun, y como por esta mi Cedula se dispone: y para que mejor se cumpla todo lo contenido en la dicha Provision, y en esta mi Cedula os doy facultad, poder, y autoridad, para que podais subdelegar, y subdelegueis esta comission, para los negocios, y pleytos que se ofrecieren en las dichas Ciudades de *Cadiz*, *Malaga*, y *Sanlucar*, en la persona que por la dicha Nacion se os propusiere, para que substancie hasta la Conclusion, y os lo remita, para determinarlos en la forma que os pareciere, y vieredes que conviene para la seguridad de la dicha Nacion, y que todo se guarde en la forma que por la dicha Provision, y esta mi Cedula se dispone, y manda, no embargante qualesquiera leyes, y pragmatikas de los dichos mis Reynos, y Señorios, ordenanças, estilo, uso, y costumbre, y otra qualquiera cosa que aya, ò pueda aver en contrario: con todo lo qual, para en quanta a esto toca, y por esta vez dispenso, quedando en su fuerça, y vigor para en lo demàs adelante.

in the Jurisdiction of the said first Instance (which by this my Cedula I Grant you) either by way of Excess, Appeal, or any other manner of recourse, to whom, and to each of them I Inhibit, and hold for Inhibited their Cognizance, and Declare them for Judges Incompetent thereof, for the whole, and each thing and part thereof, I grant you the most full Power and ample Commission, which by Law is required and is necessary, with its Incidences, Dependencies, Annexities and Connexities; and after, you the said *English* Nation in the said City of *Sevilla*, have Power to name in the said Commission one of the Judges of that Court, whom the said Nation shall think fit; and I command the President, and those of my Council, that presenting his Name before him, the said Commission happening to be vacant by Promotion, or Vacation, or by any other manner, that you give the needful Dispatches to him, that shall be named therein, in Form, according, and as by this my Cedula is Ordained: And that it may be the better accomplished, all that is contained in the said Decree; and in this my Cedula, I give you Licence, Power and Authority, that you substitute, and may substitute this Commission for all Matters and Suits which shall offer in the said Cities of *Cadiz*, *Malaga*, and *San Lucar*, in the Person which by the said Nation shall be proposed you, that he may conclude them, and that you may remit them to him to determine them, in the Form you shall think fit, and see convenient for Security of the said Nation, and that all be observed in the Form which by the said Decree, and by this my Cedula, is Ordained and Commanded, whatsoever

Fecha

Fecha en *Madrid*, à veinte y dos de *Noviembre* de mil y seiscientos y quarenta y ocho años.

To el Rey.

Por Mandado del Rey nuestro Señor,

Antonio Carnero.

Laws and Pragmaticas of my said Kingdoms and Dominions, Ordinances, Stile, Use, and Custom, and other thing whatsoever may be, or might be, to the contrary notwithstanding: With all which, and for as much as shall concern this, and by these Presents, I dispense therewith, these remaining in full Force and Vigour for the future. Given in *Madrid*, the Twenty second of *November*, in the Year One thousand six hundred forty eight.

I the King.

By Command of our Lord the King,

Antonio Carnero.

EN la Ciudad de *Sevilla* en diez dias del mes de *Março*, de mil seiscientos y quarenta y nueve años, yo el Escrivano hize saber la Real Provision de su Magestad desta otra parte contenida, a su Señoria el Señor D. *Geronimo del Pueyo Araciel*, del Consejo de su Magestad en el Real de *Castilla*, y Governador de esta Real Audiencia, y su Señoria aviendola visto, la tomó en su mano, besó, y puso sobre su cabeza, y obedeció con el acatamiento debido, como carta, y Cedula de su Rey, y Señor natural, y su Señoria aceptaba, y aceptó la jurisdiccion que por ella se le dá, y está presto de usar de ella, segun, y como su Magestad le manda, y administrar justicia a las partes, y assi lo proveyó, mandó, y firmó.

Lic. Don *Geronimo del Pueyo Araciel.*

Ante mi,

Antonio Gonzalez de Avellaneda,
Escrivano.

IN the City of *Sevilla*, the Tenth Day of the Month of *March*, of the Year One thousand six hundred forty nine, I the Notary made known his Majesties Royal Decree, contained on the other side, to Don *Geronimo del Pueyo Araciel*, of his Majesties Royal Council of *Castille*, and Governor of this Royal Court, and his Lordship having seen it, took it in his Hand, Kissed it, put it upon his Head, and obeyed it with due Reverence, as a Letter and Cedula from his King and Natural Lord; and his Lordship accepted, and doth accept, the Jurisdiction which by it is granted him, and is ready to make use of it accordingly, and as his Majesty commands him, and to administer Justice to the Parties, and so Provided, Commanded, and Firmed these Presents.

Don *Geronimo del Pueyo Araciel.*

Before me,

Antonio Gonzalez de Avellaneda,
Notary.

La Reyna Governadora.

DON Rodrigo Serrano y Trillo, Regente de la nuestra Audiencia de los Grados de la Ciudad de *Sevilla*, fazed, que el Rey nuestro Señor (que está en gloria) por una su Carta, y Provision de diez y nueve de *Março* de mil y seiscientos y quarenta y cinco, hizo merced a *Ricarte Antonio*, Consul de la Nacion *Inglefa*, y a los vassallos del Rey de *Inglaterra*, que residen, y comercian en el *Andaluzia*, y principalmente en esta Ciudad, y en la de *Cadiz*, y *Sanlucar*, de que se les guarde los privilegios, y exempciones, y facultades que les tocan, así por los capitulos de las pazes, como por las confirmaciones, y otras mercedes, è indultos de las que el Rey mi Señor Don *Phelipe Tercero*, que tambien está en gloria, les dió, y concedió, y con facultad de poder nombrar Juez Conservador, que les haga guardar los dichos privilegios, y sus preeminencias, y que este fuesse uno de los Juezes de la dicha Audiencia, el que la dicha Nacion nombrasse, en la forma, y con las calidades, y condiciones en la dicha Provision declaradas; y por una Cedula de veinte y dos de *Noviembre* de mil y seiscientos y quarenta y ocho, dió comission para ello al Licenciado Don *Geronimo del Pueyo Araciel*, que fue del Consejo, y Regente de la dicha nuestra Audiencia en laqual han subcedido, envirtud de Cedula de su Magestad, los Regentes que despues del dicho Don *Geronimo* lo han sido de la dicha Audiencia: y ultimamente por otra de treze de *Julio* de mil y seiscientos y sesenta y quatro mandò, que continuasse en ella Don *Lorenzo Santos de San Pedro*, del nuestro Consejo, que tambien sirvió la dicha Regencia,

The Queen Governess.

DON Rodrigo Serrano y Trillo, Regent of our Court of Degrees of the City of *Sevilla*, Know, That our Lord the King, which is in Glory, by a Letter of his, and a Decree of the Nineteenth of *March*, One thousand six hundred forty five, did grant to *Richard Anthony*, Consul of the *English* Nation, and to the Subjects of the King of *England*, which reside and trade in *Anaaluzia*, principally in this City, and in that of *Cadiz* and *San Lucar*, that the Privileges, Exemptions, and Liberties which concern them, should be observed, as well those granted by the Articles of Peace, as by the Confirmations and other Favours and Indultos of those which my Lord the King, Don *Philip* the Third, (who also is in Glory) gave them, and granted them, with Liberty to name a Judge Conservator, which should cause their Privileges and Preheminces to be observed, and that he should be one of the Judges of the said Court, which the said Nation should name, and in the Form, and with the Qualities and Conditions in the said Decree declared: And by a Cedula of the Twenty sixth of *November*, One thousand six hundred forty and eight, a Commission was past for it to Don *Geronymo del Pueyo Araciel*, who was of the Council, and Regent of our said Court, wherein have succeeded by virtue of his Majesties said Cedula, the Regents which, after the said Don *Geronymo*, have been of the said Court: And lastly, By another of the Thirteenth of *July*, One thousand six hundred sixty and four, it was Ordered, that Don *Lorenzo Santos de San Pedro*, of our Council, should continue there-

cia,

cia, segun mas largo de la dicha Provisión, y Cédulas, a que nos referimos, se contiene. Y porque el dicho Don Lorenzo ha sido proveído al dicho nuestro Consejo; y por orden nuestra ha ido a las Islas de *Canaria* à diferentes negocios de nuestro servicio, y conviene que aya Ministro, que tenga a su cargo la observancia de los dichos privilegios, conforme à la merced que hizo el Rey nuestro Señor a la Nación, confiando de vos que lo hareis con la rectitud, entereza que conviene, avemos tenido por bien de os encargar, y cometer, como por la presente os encargamos, y cometemos la proteccion, y amparo de todo ello; y os mandamos veais la dicha Cédula de veinte y dos de *Noviembre* de mil y seiscientos y quarenta y ocho, en que dió su Magestad la dicha comission al Lic. Don *Gerónimo del Pueyo Araciél* para la dicha observancia, y guarda de las calidades, condiciones, y preeminencias, que están concedidas a la dicha Nación por los dichos sus privilegios, y como si con vos hablara, y a vos fuera dirigida desde su principio, la guardéis, cumplais, y executéis, y hagais guardar, cumplir, y executar en todo, y por todo, segun, y como en ella se contiene, usando de la dicha comission en la forma que él, y los demás vuestros antecesores que la han tenido, la han usado, y exercitado, sin limitacion, ni moderacion alguna, que para todo ello, y qualquier cosa, y parte de ello, y lo que a ello fuere anexo, y dependiente, os damos la misma comission, con sus incidencias; y dependencias, anexidades, y conexidades; y declaramos que desta merced aveis pagado el derecho de la Media anata que importò siete mil y quinientos Maravedis, el qual hasta la misma cantidad han de pagar los que

in, who also served the said Regency, as more largely in the said Provision and Cédulas doth appear, to which we refer. And because that the said Don Lorenzo hath been impowered by our said Council, and by our Order is gone to the Islands of the *Canaries* upon divers Affairs of our Service; and it being convenient, that there be a Minister that may take care of the Observance of the said Privileges, according to the Grant of our Lord the King to that Nation, trusting that you will act with Rectitude and Integrity, as is convenient, We have thought fit to give you Charge and Commission, as by these Presents We do give you Charge and Commission, for the Protection and Defence of all therein contained; and We do Command you to see, that the said Cédula of the Two and twentieth of *November*, of the Year One thousand six hundred forty and eight, in which his Majesty gave the said Commission to Don *Geronymo del Pueyo Araciél*, for the said Observance and Preservation of the Articles, Conditions, and Preheminences, which are granted to the said Nation by those his said Privileges, that you Observe, Accomplish, and Execute it, and cause it to be Observed, Accomplished, and Executed, in all and through all, according as if it had been spoken and directed to you from the beginning, as therein is contained, using the said Commission in the Form that he and the rest of your Ancestors (that have holden it) have done and executed, without Limitation, or any Moderation, that for all of it, and whatsoever thing and part thereof, and that shall be annexed to it, and belong thereunto; We give the same Commission, with its Incidences, Dependancies, Annexities, and Connexi-

fuce.

fucesdieren en la dicha comision, por razon de los emolumentos que dà la dicha Nacion, por la ocupacion de ella. Fecha en *Madrid*, à veinte y ocho de *Agosto*, de mil y seiscientos y sesenta y siete años.

To la Reyna.

Por Mandado de su Magestad,

Bartolomé de Legaza.

EN *Sevilla* en treze de *Setiembre*, de mil y seiscientos y sesenta y siete años, su Señoria el Señor Doctor Don *Rodrigo Serrano y Trillo*, del Consejo de su Magestad, y su Regente en esta Real Audiencia, aviendo visto la Real Cedula de su Magestad, que Dios guarde, en que nombra à su Señoria por Juez Conservador de la Nacion *Ingleza*, su Señoria la obedecia, y obedeció con el respeto debido, y aceptó la jurisdiccion que por la dicha Real Cedula se le daba, y està presto de usar de ella, y assi lo mando, y firmó.

D^e *D. Rodrigo Serrano y Trillo.*

Ante mi,

Antonio Gonzalez de Avellaneda,
Escrivano.

Y visto todo por su Señoria el dicho Señor Regente, proveyó el auto del tenor siguiente,

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ties; and Declare, that for this Grant you have paid the Dury de la media Anata, which imports Seven thousand five hundred Maravedis; which said Sum shall be paid by those who shall succeed in the said Commission, on account of the Privileges which the said Nation enjoyeth, and for the Use thereof. Done in *Madrid*, the Twenty eighth of *August*, of the Year One thousand six hundred sixty seven.

I the Queen.

By Command of Her Majesty,

Bartolomé de Legaza.

IN *Sevilla* the Thirteenth of *September*, in the Year, One thousand six hundred sixty seven, his Lordship Don *Rodrigo Serrano y Trillo*, of the Council of her Majesty, and her Regent in this Royal Court, having seen the Royal Cedula of her Majesty, whom God preserve, in which his Lordship is named for Judge Conservator of the *English* Nation, his Lordship obeyed, and doth obey it with the due respect, and accepted the Jurisdiction, which by the said Royal Cedula is given him, and is ready to comply therewith, and Firm-ed it.

D. Rodrigo de Serrano y Trillo.

Before me,

Antonio Gonçales de Avellaneda,
Notary.

All which being seen by his Lordship the said Regent, he made an Act of the Tenor following, viz.

E N

A U T O .

EN la Ciudad de *Sevilla* en dos dias del mes de *Julio*, de mil seiscientos y setenta y ocho años, su Señoria el Señor Doctor Don *Rodrigo Serrano y Trillo*, del Consejo de su Magestad, y su Regente en la Real Audiencia de esta Ciudad, Juez Conservador de la Nación *Inglefa*, aviendo visto esta peticion, y el testimonio de los privilegios concedidos a la dicha Nacion, mandò se imprima dicho testimonio, y las Cedula de Conservatoria de su Magestad, dadas al Señor Don *Geronimo de el Pueyo Araciel*, que fue del Consejo de su Magestad, y su Regente que fue desta Real Audiencia, Conservador de dicha Nacion, y la dada a su Señoria para dicho efecto, juntamente con esta peticion, y auto, signado, y firma do por el presente Escrivano, se entreguen dichos testimonios impressos a dichos Consules, para el efecto que los pide, en los quales en virtud deste auto, su Señoria interpone su autoridad, y decreto judicial, para que valgan, y hagan fee à donde se presentaren; y assi lo mandò, y firmò.

Doctor Don *Rodrigo Serrano y Trillo*.

Ante mi,

Antonio Gonçales de Avellana, Escrivano.

The A C T .

IN the City of *Sevilla*, on the Second Day of the Month of *July*, in the Year, One thousand six hundred sixty and eight, his Lordship Don *Rodrigo Serrano y Trillo*, of the Council of his Majesty, and his Regent in the Royal Court of this City, Judge Conservator of the *English* Nation, having seen the Petition, and the Testimony of the Privileges, granted to the said Nation, commanded that the said Testimony should be Printed, and the Cedula of Conservatorship from his Majesty, given to Don *Geronimo de Pueyo Araciel*, who was of the Council of his Majesty, and Regent of this Royal Court, Conservator of the said Nation, and that which was given his Lordship for the said Effect, together with this Petition and Act, Signed and Firmed by the present Notary, that printed Certificates thereof, should be delivered to the said Consul, for the Effect they require them, in the which, and by Virtue of this Act, his Lordship interposeth his Authority, and Judicial Decree, that it may be Valid, and given Credit to, where they shall be Presented; and so Ordered and Firmed it.

D. Rodrigo Serrano y Trillo.
Before me,

Antonio Gonçales de Avallneda, Notary.

Segun

Segun que lo susodicho consta, y parece de la dicha peticion, testimonio, y Cédulas, y para que conste, por mandado del Señor Regente, di el presente testimonio en *Sevilla* en ocho dias del mes de *Agosto* de mil y seiscientos y sesenta y ocho años. Y fize mi signo.

Antonio Gonzalez de Avellaneda.

According to the Tenor of the said Petition, Certificate, and Cédulas, That it may appear, I have given the present Certificate, by Order of his Lordship, the Regent, this 8th Day of the Month of *August*, One thousand six hundred sixty and eight, and have set my Seal thereunto.

Antonio Gonçales de Avellaneda.

PETICION.

DON *Juan Bater*, Diputado de la Nacion *Inglefa*, digo, que solicitando yo por dicha Nacion la buqueda de una Cedula de su Magestad, y Señores de su Real Consejo de *Castilla*, su data a doze de *Julio* del año pasado de seiscientos y setenta y quatro, que habla dicha Cedula con *D. Francisco Diaz de Vallecilla*, Juez de comission, que vino a esta Ciudad a la visita de sacas, y cosas vedadas, en que se manda no puedan ser visitados los libros de los hombres de negocios de dicha Nacion. Dicha Cedula se ha hallado su copia, autorizada de *Joseph de Casas*, Escrivano Publico de la Ciudad de *Cadiz*, en poder de *D. Juan de Santa Cruz*, Agente de dicha Nacion, y residente, y vezino de *Madrid*, quien me la ha remitido, con encargo expreso de que se le buelva, para entregarla a quien se la dió, y para que tenga toda la comprobacion que se requiere el traslado que intento

PETITION.

MR. *John Bater*, Deputy of the *English* Nation, declares, That soliciting for the said Nation, the searching for a Cedula from his Majesty, and the Lords of his Royal Council of *Castile*, dated the Twelfth of *July*, of the Year past, One thousand six hundred seventy and four, which said Cedula hath reference to *Don Francisco Diaz de Vallecilla*, Judge, which came to this City with a Commission to search after prohibited Goods, and things Exported, wherein it is Ordered, that the Merchants Books of the said Nation may not be visited. A Copy of the said Cedula hath been found Authorized by *Joseph de Casas*, Notary Publick of the City of *Cadiz*, in the power of *D. Juan de Santa Cruz*, Agent of the said Nation, residing, and an Inhabitant of *Madrid*, who hath delivered it to me with express Charge, that I return it to him, to deliver it to him, that gave it him,

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facar del referido de dicha Real Cedula. A. V. S. pido, y suplico mande, que el presente Escrivano de esta comission saque copia del traslado de la dicha Real Cedula, para que quede en la Escrivania de dicha Nacion, para los casos que se le ofrezcan, y se me buelva el traslado de la dicha Real Cedula, para bolverla a remitir a quien me la remitiò. Pido justicia, &c.

Don Juan Bater.

and that the Copy which I intend to take of the said Royal Cedula, may have all the Comprobation that is necessary, I desire and intreat your Lordship to order, That the present Notary in this Commission, may take a Copy of the said Royal Cedula, that it may remain in the Secretaries Office of the said Nation, for the cases that may offer, and that the Copy of the said Royal Cedula, may be returned to me, that I may send it back to him, who sent it me. I ask Justice, &c.

John Bater.

AUTO.

EL presente Escrivano desta comission saque copia de la Real Provision que presenta, con esta peticion, para el efecto que en ella se dize, y fecho, se buelva à esta parte, y en dicho traslado su Señoria interponia, è interpuso su autoridad, y decreto judicial, quanto ha lugar por derecho. Proveyòlo el Señor Licenciado, Don Lucas Trelles Villamiel, del Consejo de su Magestad, y su Oydor mas antiguo en la Real Audiencia de esta Ciudad, y Juez Conservador de la Nacion Inglesa. En Sevilla, en cinco de Julio de mil y seiscientos ochenta y nueve años.

Henrique Luyder.

THAT the present Notary of this City, may take out a Copy of the Royal Decree, that he presented with this Petition, for the Effect he declareth therein, and having so done, return it to this Party, and in the said Copy, his Lordship did interpose, and hath interposed his Authority, and Judicial Decree, as far as the Law permits, it was ordered by Don Lucas Trelles Villamiel, of his Majesties Council, and his Elder Judge in the Royal Court of this City, Judge Conservator of the English Nation. Done in Sevilla, the 6th Day of July, of the Year, One thousand six hundred eighty nine.

Henrique Luyder.

Real Provision.

DON Carlos, por la Gracia de Dios, Rey de Castilla, de Leon, de Aragon,

DON Carlos, by the Grace of God, King of Castille, of Arragon, of the Two

Royal Decree.

N

de

de las dos *Sicilias*, de *Ferusalem*, de *Navarra*, de *Granada*, de *Valencia*, de *Galicia*, de *Mallorca*, de *Sevilla*, de *Cerdeña*, de *Cordova*, de *Corcega*, de *Murcia*, de *Juen*, Señor de *Vizcaya*, de *Molina*, &c. Y la Reyna Doña *Mariana de Austria*, su Madre, como su Tutora, y Curadora, y Gobernadora de dichos Reynos, y Señorios; A vos el Licenciado Don *Francisco Diaz de Vallecilla*, nuestro Jues de comission para la visita, facas, y cosas vedadas de la Ciudad de *Sevilla*, y sus partidos, salud, y gracia: sepades, que el Embaxador de la *Gran Bretaña*, nos ha representado aveis hecho notificar a los hombres de negocios de la Nacion *Inglesa* de esta Ciudad aviais de visitar, y registrar, y aun rubricar los libros, y papeles de su trafico, y correspondencia, aviendo sido dicho procedimiento una manifiesta contravencion de lo que se havia capitulado por las pazes, mayormente en el capitulo treinta y uno de ellas, en que estava establecido, y ajustado todo lo que tocaba a los dichos libros, la libertad de que los tuviesen en la lengua que quiesesen; y en particular de que no pudiesen dichos negociantes el que fuesen inquiridos, ni multados por ningun modo por ellos, ni los dichos libros registrados, ni sacados de su poder, con cuya ocasion avian recurrido los de la dicha Nacion a Don *Carlos de Herrera Ramirez de Arrellano*, Regente de la nuestra Audiencia de esta Ciudad, y Asistente de ella. Juez Conservador de la dicha Nacion *Inglesa*, pidiendo como tal Juez despachasse su carta inhibitoria, inserto el referido capitulo de las pazes, para que os inhibiesedes de vuestro procedimiento, guardassedes, y cumpliesedes lo contenido en dicho capitulo, y no inquietassedes, ni pertur-

Sicilias, of *Ferusalem*, of *Navarre*, of *Granada*, of *Valencia*, of *Galicia*, of *Mallorca*, of *Sevilla*, of *Cerdeña*, of *Cordova*, of *Corcega*, of *Murcia*, of *Jaen*, Lord of *Biscay*, of *Molina*, &c. the Queen *Doña Mariana de Austria*, his Mother, as his Tutrefs, Guardianefs, and Governefs of the said Kingdoms and Dominions; To you Don *Francisco Diaz de Vallecilla*, our Judge in Commission for the visit of Exportations, and things Prohibited in the City of *Sevilla*, and its Districts, Send Greeting: Know ye, That the Ambassador of *Great Britain* hath Represented to us, that you have caused to be notified to the Merchants of the *English* Nation of this City, that you would search and Register, and even mark the Books and Papers of their Traffick and Correspondency, which said Proceeding hath been a Manifest contravention of what hath been Agreed to by the Articles of Peace, especially, in the One and thirtieth Article thereof, in which it was Established and Agreed, to all that relates to the said Books, that they might have liberty to keep them in what Tongue they pleased, and in particular, that the said Merchants might not be Examined, nor upon any account whatsoever Fined by them, nor the said Books Registred, nor taken from them, upon which occasion, those of the said Nation have had recourse to Don *Carlos de Herrera Ramirez de Arrellano*, Regent of our Court of this City, and Governor thereof, and Judge Conservator of the said *English* Nation, requiring him, as such Judge, that he would dispatch his Letter of Inhibition, inserting the aforesaid Article of Peace, that you might desist from your Proceedings, and keep and observe what is contained in the said Article, and might not dif-

bassades à los de la dicha Nacion, como con efecto avia despachado dicha inhibitoria, sin embargo de la qual os oponiades, y perseveravades en vuestro primer proposito, y se tenia noticia sollicitavades refuerzo de comission, y autoridad para proseguir vuestro intento, en que parecia atendiad es mas a vuestro particular interès, que a ninguna conveniencia que pudiesse resultarnos de la dicha molestia a los comerciantes, y violacion del dicho tratado, suplicandonos nos sirvièssimos de proveer de remedio, y os mandassimos cessassedes; y sobredieissedes en vuestro procedimiento, y pretension, y cumplieissedes con la inhivicion que se os avia puesto, no debiendo sacrificarse intereses tan publicos al particular de ninguno, y juntamente despachassimos orden para que todos, y qualesquier Juezes observassen los capitulos de las pazes entre las dos Coronas, y que sin pretextò alguno no se entrometieissen en el conocimiento de las causas de los *Inglefes*, ni se arrojasen à jurisdiccion alguna sobre los susodichos, sino era sus Juezes Conservadores; y visto por el de nuestro Consejo, y el capitulo referido, que es del tenor siguiente; ‘ Los habitantes, ‘ y fuditos de una parte, y otra podrán ‘ en todàs las partes de las tierras de ‘ la obediencia de dichos Señores Reyes, ‘ valerse de los Abogados, Procuradores, ‘ Escrivanos, y Solicitadores, que mejor ‘ les pareciere, à los quales podrán en- ‘ cargar sus pleytos, por consentimiento ‘ de los Juezes Ordinarios quando fuere ‘ necesario, y la parte litigante lo pidi- ‘ ere, y no seràn constreñidos de exhivir ‘ sus libros, y papeles de cuentas a al- ‘ guna persona, no siendo parada eviden- ‘ cia, para evitar pleytos, y controversias, ‘ ni seràn embargados, detenidos, ni sa-

quiet, and disturb those of the said Na-
 tion, as in effect he had dispatched the
 said Inhibition, notwithstanding which,
 you have opposed and persevered in
 your first Intent, and there was Notice,
 that you were solliciting a stronger
 Commission and Authority, to prose-
 cute your Intent, in which it seems
 you had more regard to your particular
 Interest, than the Inconveniency which
 might result to us, from the said trouble
 given the Merchants, and the vio-
 lating of the said Treaty, desiring, that
 we would be pleased to provide a Re-
 medy, and command you, that you would
 cease and forbear your Proceedings, and
 Pretensions, and comply with the Inhibi-
 tion I have laid on you, for such Publick
 Concerns ought not to be Sacrificed for
 Private Ends; and likewise, that we
 would send an Order, that all Judges
 whatsoever shall observe the Articles of
 Peace between the Two Crowns, and that
 under no Pretence they shall intermeddle,
 or take Cognizance of the Causes re-
 lating to the *English* Nation, nor pre-
 sume to any Jurisdiction over them,
 unless it be their Judges Conservators;
 and the Article which is referred to it,
 having been Perused by our Council, is
 of the Tenor following, *viz.* ‘ The In-
 ‘ habitants and Subjects of the one Part
 ‘ and the other, may in all Parts or Ter-
 ‘ ritories, under the Obedience of the
 ‘ said Kings, make use of Advocates,
 ‘ Proctors, Notaries, and Solicitors,
 ‘ which they shall best think fit, to whom
 ‘ they may give Charge of their Law
 ‘ Suits, by Consent of the Judges in or-
 ‘ dinary, when it shall be necessary, and
 ‘ the Plaintiffs shall require it; and they
 ‘ shall not be constrained to Exhibit their
 ‘ Books and Papers of Account, to any
 ‘ Person, unless it be to make Proof to

‘ cados de sus manos, por ninguna causa
 ‘ que sea ; y será permitido a los subdi-
 ‘ tos, y habitantes de una, y otra parte en
 ‘ los lugares donde tuvieren su residen-
 ‘ cia, que los libros de su trafico, y corres-
 ‘ pondencia sean, en la lengua que quisie-
 ‘ ren, en *Español, Ingles, Flamenco,* ò otras,
 ‘ sin que por esto puedan ser molestados,
 ‘ ni inqueridos con lo demás concedido a
 ‘ qualquiera otra Nación en particular de
 ‘ dichos libros de su trafico, y correspon-
 ‘ dencia.’ Se acordò debiamos de mandar
 dar esta nuestra Carta para vos, en en
 la dicha razon, y nos lo tuvimos por bien,
 por la qual os mandamos, que siendoo
 mostrada, veais el dicho capitulo que
 de suso vâ incorporado, y le guardéis,
 cumplais, y executeis en todo, y por
 todo como en el se contiene, sin le con-
 travenir con pretexto alguno, y no faga-
 des en deal pena de la nuestra merced,
 y de veinte mil Maravedis para la nue-
 stra Camara ; y mandamos so la dicha
 pena à qualquier Escrivano que fuere
 requerido con esta nuestra Carta, os lo
 notifique, y dè testimonio de ello.
 Dada en *Madrid,* à doze dias del mes de
Julio, de mil y seiscientos y setenta y
 quatro años.

El Condo de *Villa Umbrosa.*

Lic. D. *Gil de Castejon.*

Lic. D. *Alonso de los Rios Angulo.*

Lic. Don *Antonio de Riaño y Salamanca.*

Lic. D. *Martin de Olea.*

YO *Miguel Fernandes de Noriega,* Se-
 cretario de su Magistad, y su Escri-
 vano de Camara, la fize escrivano, por su

‘ avoid Law Suits and Controversies, nor
 ‘ shall they be Attacked, Detained, nor
 ‘ Taken out of their Hands, for any Cause
 ‘ whatsoever; and it shall be Lawful for
 ‘ the Subjects and Inhabitants of the one
 ‘ Part and the other, in the Places where
 ‘ they shall have their Residence, that
 ‘ they may keep their Books of Traffick,
 ‘ and Correspondency in what Tongue
 ‘ they will, in *Spanish, English, Flemish,*
 ‘ or any other, without that by reason
 ‘ hereof they may be Molested, or Ex-
 ‘ amined, with what else is Granted to
 ‘ any other Nation in particular, rela-
 ‘ ting to the said Books of Traffick, or
 ‘ Correspondency ;’ And we having
 thought good for the said Reasons, that
 we ought to send you this our Letter, by
 which we Command you, that upon
 Exhibiting to you the abovesaid recited
 Article, that you Observe, Accomplish,
 and Execute the same in all, and thro’
 all, as is therein contained, without
 Contravening it under any Pretext what-
 soever, and a Penalty of Twenty thou-
 sand Maravedis for our Exchequer,
 and we Command under the said Pe-
 nalties any Notary whatsoever, who
 shall be required to Notifie you with
 this our Letter, to give you a Certifi-
 cate thereof. Given in *Madrid,* the
 Twelfth day of *July,* of the Year, One
 thousand six hundred seventy and four.

The Count de *Villa Umbrosa.*

Doctor *Gil de Castejon.*

Don *Alonso de los Rios Angulo.*

Don *Antonio de Riano y Salamanca.*

Don *Martin de Olea.*

I *Miguel Fernandes de Noriega,* his Ma-
 jesties Secretary of State, and of the
 Council, ordered this to be Written by
 Man-

Mandado, con acuerdo de los de su Consejo. Registrada.

D. Pedro de Castañeda, Chanciller Mayor.
Don Pedro de Castañeda.

his Commands, and with Consent of his Council. Registered by

D. Pedro de Castañeda, High Chancellor.
D. Pedro de Castañeda.

Concuerda con su Original, que al presente queda en los papeles de mi el presente Escrivano de su Magestad, y de la Audiencia, y juzgado del Tenor Teniente D. Miguel Garcia de Arce, à que me refiero, de donde saquè este traslado de pedimento de la parte de los hombres de negocios de la Nacion Inglesa de esta Ciudad de Sevilla, en ella en veinte y nueve dias del mes de Agosto, de mil y seiscientos y setenta y quatro años, en este pliego de papel del sello tercero, y otro intermedio de papel comun. Y en fee de ello lo signè, y firmè. En Testimonio de verdad,

Juan de la Barrera, Escrivano.

Concuerda con la copia original, que signada, y firmada del dicho Juan de la Barrera, Escrivano, exhibiò ante mi D. Carlos Ruzel, hombre de negocios de la Nacion Inglesa en esta Ciudad, à quien la bolvi, y firmò aqui su recibo, y de su pedimento lo signè, y firmè en Cadix, en quinze de Abril, de mil y seiscientos, y ochenta años.

Carlos Ruzel.

En testimonio de verdad,
Joseph de Casas, Escrivano Publico.

Concuerda con la petition, y auto, y copia traslado de traslado de la Real Provision, a que me refiero, y saquè en virtud del dicho auto, y bol-

Agreeth with the Original, which at present remains amongst the Papers of me the present Notary for his Majesty, and the Court, whereof Don Miguel Garcia de Arce is Judge, to which I refer my self, from whence was taken the Copy at the Request, and in the behalf of the Merchants of the English Nation of this City of Sevilla, the Twenty ninth Day of the Month of August, of the Year, One thousand six hundred seventy and four, contained in this Sheet of Stamp Paper, and another of common Paper. In Witness hereof I Signed and Firmed it. In Testimony of the Truth,

Juan de la Barrera, Notary.

Agrees with the Original Copy, Signed and Firmed by the said Juan de la Barrera Notary, Exhibited before me Don Carlos Russel, Merchant of the English Nation in this City, to whom I returned it, and he Firmed here his Receipt, and at his Request I Signed and Firmed it in Cadix, the 15th day of April, of the Year, One thousand six hundred and eighty.

Charles Russel.

In Testimony of the Truth,
Joseph de Casas, Notary Publick.

Agrees with the Petition, and Act, and Copy of the Abstract drawn of the Royal Decree, to which I refer my self; which I took out by Virtue

vi dicha copia de traslado de dicha Real Provision à Don *Juan Bater*, Diputado do dicha Nacion *Inglesa* de esta Ciudad de *Sevilla*, en ella en cinco de *Julio*, de mil y seiscientos y ochenta y nueve años. enm^{do}. b. c. L. b. L. c. valga. tt^{do}. da. licenc. no valga.

Juan Bater.
Henrique Luiders.

of the said Act, and returned the said Copy of the said Royal Decree to Don *John Bater*, Deputy of the *English* Nation, of this City of *Sevilla*, the Fifth of *July*, One thousand six hundred eighty and nine.

John Bater.
Henry Leyder.

CONCuerda este traslado con las Reales Cédulas, Peticiones, y Autos de donde fue sacado, que para este efecto ante mi *Alonso del Pino y Alçola*, Escrivano Publico del numero desta Ciudad de *Sevilla*, exhibió D. *Juan Joseph del Pino y Alçola*, vezino desta Ciudad, y Agente de la Nacion *Inglesa*, hombres de negocios que residen en ella, y con este dicho traslado bolvió à su poder todo lo referido, y su recibo firmo aqui de su nombre. Fecho en *Sevilla* en quatro de *Agosto*, de mil y seiscientos y noventa años.

Don *Juan Joseph del Pino y Alçola.*
E fize mi figno,

Alonso del Pino, Escrivano Publico de *Sevilla.*

LOS Escrivanos Publicos del numero de esta Ciudad de *Sevilla*, que aqui firmamos, damos fee, que *Alonso del Pino y Alçola*, de quien este traslado està signado, y firmado, es Escrivano publico de *Sevilla*, y a las escrituras, y demàs instrumentos que ante el fuso dicho han passado, y passan, se les ha dado, y dà entera fee, y credito en jutzio, y fuera dèl. Fecho en *Sevilla* en quatro de *Agosto*, de mil y seiscientos y noventa años.

THIS Copy agrees with the Royal Cédulas, Petitions, and Acts from whence it was drawn, and for that purpose, D. *Juan Joseph de Pino y Alçola*, Inhabitant of this City, Agent of the *English* Nation, and Merchants which reside therein, did exhibit it before me *Alonso del Pino y Alçola*, Notary Publick of this City of *Sevilla*, and with the said Copy I returned to him all the aforesaid, and the Receipt thereof he hath put his Name to. Done in *Sevilla*, the Fourth Day of *August*, of the Year, One thousand six hundred and ninety.

Signed,

Don *Juan Joseph del Pino y Alçola.*
Alonso del Pino, Notary Publick of *Sevilla.*

WE the Notary Publicks, of the number of this City of *Sevilla*, who have hereunto Subscribed, do Certifie that *Alonso del Pino y Alçola*, by whom this Copy is Signed and Firmèd, is a Notary Publick of *Sevilla*, and that to the Writings and Instruments, which before the abovesaid have passed, and do pass, hath been given and is given entire Faith and Credit in Court and out of it. Done in *Sevilla* the Fourth Day of *Joseph*

August, of the Year, One thousand fix hundred and ninety.

Josepb Lopez Albarran, Escrivano Publico de *Sevilla*.

Pedro Prieto, Escrivano Publico de *Sevilla*.

Toribio Fernandez, Escrivano Publico de *Sevilla*.

Josepb Lopez Albarran, Notary Publick of *Sevilla*.

Pedro Prieto, Notary Publick of *Sevilla*.

Toribio Fernandez, Notary Publick of *Sevilla*.

CONcuerda este traslado con el de donde se facò, que para efecto de facar esta copia exhibió ante mi D. *Guillermo Hodges*, hombre de negocios en el comercio desta Ciudad, à quien lo bolvi y firmò aqui su recibo; y de su pedimento le doy el presente escrito en treinta fojas con esta, primero, y ultimo pliego del sello segundò, y las demàs de papel comun. En *Cadiz*, a diez y nueve dias del mes de *Setiembre*, de mil seiscientos y noventa y dos años. em^{do}. Prov. of. f. ido. vale. tod. por. y. no vale.

Guillermo Hodges.

En Testimonio de verdad,

Francisco del Solar, Escrivano Publico.

DAmos fee, que *Francisco del Solar*, de quien este traslado vò signado, y firmado, es Escrivano Publico del numero desta Ciudad de *Cadiz*, fiel, legal, y de confiança, y a sus testimonios, y demàs despachos siempre se ha dado, y dà entera fee en juizio, y fuera dél. *Cadiz*, ut supra.

Pedro de Garnica, Escrivano.

Juan de Galves Trexo, Escrivano Publico.

Juan Ortiz, Escrivano.

THIS Copy agrees with that from whence it was drawn, which was exhibited to me, by Sir *William Hodges* of this City, Merchant, in order to give an Abstract thereof to whom I returned it, and he Signed here his Receipt; and at his Request, I have given these Presents, written in Thirty Leaves, with this, the first and last Sheet being Stampd, and the rest Common Paper. In *Cadiz*, the Nineteenth Day of the Month of *September*, of the Year, One thousand six hundred ninety and two.

William Hodges.

In Testimony of the Truth,

Francisco del Solar, Notary Publick.

WE do certifie, That *Francisco del Solar*, by whom this Copy goes Signed and Markt, is a Notary Publick, of the number of this City of *Cadiz*, Faithful, Legal, and of Trust, and that to his Testimonies and other Dispatches always hath been given, and is given, entire Faith and Credit in Court, and out of it. *Cadiz*, as above.

Pedro de Garnica, Notary.

Juan Galves Trexo, Notary Publick.

Juan Ortiz, Notary.

LOS hombres de negocios en el comercio de esta Ciudad de *Cadiz*, que aqui firmamos, certificamos, que

WE the Merchants of this City of *Cadiz*, which have hereunto Subscribed do Certifie, That *Francisco del So-*
Fran-

Francisco del Solar, de quien và signado, y firmado este traslado, y los tres que le comprueban, todos quatro son Escrivanos en esta Ciudad, fieles, legales, y de confianza; y a sus testimonios, y demás despachos siempre se ha dado, y dà entera fee, y credito en todos juicios. *Cadiz*, ut supra.

ESTA Copia que consta de diez y ochas Foxas con esta, concuerda con la que Exhibiò ante mi Don *Carlos Ruzel* de la dicha Nacion *Inglefa*, Vecino desta Ciudad a que me refiero y una, y otra se la bolvi à entregar, y firmo aquí su recibo, y de su pedimento signè y firmè esta en la Ciudad de *Cadiz*, a catorze dias del mes de *Agosto*, de mil seiscientos y noventa y cinco años. En Testimonio de verdad,

Juan Antonio de Torres, Escrivano Publico.

lar, by whom this Copy is Signed and Markt, and the Three which prove him, are all Four Notaries of this City, Faithful, Legal, and of Trust, and that to their Testimonies and Dispatches always hath been given, and is given entire Faith and Credit in all Courts. *Cadiz*, as above.

THIS Copy which consists of Eighteen Leaves with this, agrees with that which was Exhibited to me by Mr *Charles Russell* of the *English* Nation, Inhabitant of this City, to which I refer my self, and I returned him the one and the other, and he hath given here his Receipt, and at his Request I have Signed and Rubrick'd these Presents in the City of *Cadiz*, the Fourteenth Day of the Month of *August*, of the Year, One thousand six hundred ninety five. In Witness of the Truth,

Juan Antonio de Torres, Notary Publick.

SPondent mutuò Regiæ suæ Majestates, sese omnes & singulos Tractatus antecedentis Articulos, & quæcunque in iisdem, ut & Schedulis annexis, Privilegia, Concessiones, Concordata, aliæve cujuscunque generis ad Subditos utrinque redundantia beneficia continentur, bonâ fide præstituras, & adimpleturas; utque à Ministris suis & Officialibus aliisque Subditis præstentur & adimpleantur, omni tempore curaturas; ita ut plenario eorundem omnium & singulorum effectu, iis solummodò exceptis, de quibus in sequentibus Articulis ad reciprocam Satisfactionem aliter statutum est, ut & eorum omnium, quæ in Articulis sequentibus continen-

THeir Royal Majesties do mutually promise, that they will faithfully perform and fulfil all and every one of the Articles of the foregoing Treaty, and all Privileges, Concessions, Agreements, or other Advantages whatsoever, arising to the Subjects on either side, which are contained in them, or in the annexed Schedules; and that they will at all times cause the same to be performed and fulfilled by their Ministers, Officers, or other Subjects, so that the Subjects on each side may enjoy the full Effect of all and every one of them, (those only excepted, concerning which some thing else shall be Established in the following Artur,

tor, Subditi hinc inde gaudeant in posterum, & fruantur. Confirmatur insuper & de novo ratihabetur Tractatus Anno 1670. inter Coronas *Magnæ Britannia & Hispania*, pro tollendis Dissidiis, Depredationibus restringendis, stabilendâque Pace in *Americâ*, inter dictas Coronas initus, sine Præjudicio nihilominus Contractus alicujus, aliÿve Privilegii aut Licentiæ Reginæ *Magnæ Britannia*, ejÿve Subditis, per Majestatem suam Catholicam concessis in Tractatu Pacis nuperrimè conclusæ, aut in Contractu de *Assiento*, atque etiã absq; Præjudicio Libertatis, aut Facultatis alicujus Subditis *Britannicis* antea sive competentis, sive permissæ, aut indultæ.

II.

Subditi Regiarum suarum Majestatum in Dominiis earundem alterutrinque Mercaturam facientes, non tenebuntur majora pro Mercibus ab ipsis importatis exportandisve, Vestigalia, aliave Onera quæcunque solvere, quam quæ à Subditis amicissimæ cujvis Gentis exigentur, & solventur; ac si quæ Vestigalium Diminutiones, aliave Beneficia extera cujvis Genti ab unâ alterave parte concedi in posterum contigerit, iisdem quoque utriusque Coronæ Subditi reciproce & plenissime gaudebunt. Et sicuti circa Vestigalium Rationes, uti supra conventum, ita etiam pro Regulâ generali inter Regias suas Majestates statutum est, quod omnes & singuli ipsarum Subditi in omnibus Terris Locisque hinc inde earundem Imperio Subjectis, circa omnes Impositiones aut Vestigalia quæcunque, Personas, Merces, Mercimonia, Naves, Naula, Nautas, Navigationem & Commèrcia concernentia, iisdem ad minimum Privile-

cles, to the mutual Satisfaction of each Party) and of all those likewise which are contained in the following Articles. Moreover the Treaty of 1670, made between the Crowns of *Great Britain* and *Spain*, for preventing all Differences, restraining Depredations, and Establishing Peace between the said Crowns in *America*, is again Ratified and Confirmed, without any Prejudice however to any Contract, or other Privilege or Leave granted by his Catholick Majesty to the Queen of *Great Britain* or her Subjects, in the late Treaty of Peace; or in the Contract of *Assiento*, as likewise without Prejudice to any Liberty or Power, which the Subjects of *Great Britain* enjoyed before, either through Right, Sufferance or Indulgence.

II.

The Subjects of their Majesties, Trading respectively in the Dominions of their said Majesties, shall not be bound to Pay greater Duties, or other Imports whatsoever, for their Imports or Exports, than shall be exacted of, and paid by the Subjects of the most favoured Nation, and if it shall happen in time to come, that any Diminutions of Duties, or other Advantages shall be granted by either side, to any Foreign Nation, the Subjects of each Crown shall reciprocally, and fully enjoy the same. And as it has been Agreed, as is above mentioned, concerning the Rates of Duties, so it is Ordained as a General Rule between their Majesties, that all and every one of their Subjects, shall, in all Lands, and Places subject to the Command of their respective Majesties, use and enjoy, at least the same Privileges, Liberties and Immunities, concerning all Imposts or Duties whatsoever, which relate to Persons, Wares,

giis, Libertatibus, & Immunitatibus utantur, fruuntur, parique favore in omnibus gaudeant, tam in Curiiis Justitiæ, quàm in iis omnibus quæ sine Commerciis, sine aliud Jus quodcumque respiciunt, quibus amicissima quævis Gens externa utitur, fruatur, gaudetque, aut in posterum uti, frui, aut gaudere possit, prout in Articulo 38^o Tractatus de Anno 1667. in Articulo precedente Speciatim inserti, fufius explicatur.

III.

Quandoquidem per Tractatum Pacis inter Regias suas Majestates nuperrimè conclusum, pro Basi & Fundamento positum & stabilitum fuerit, quod Subditi *Britannici* per omnia in Regnis *Hispaniæ*, iisdem uterentur & fruuntur Privilegiis, & in re Commerciorum Libertatibus, quibus tempore *Caroli Secundi* gavisi sunt; eaque proindè Regula Tractatus præsentis Commerciorum Basis paritèr & Fundamentum sit, & esse debeat, quod & reciprocè quoad Subditos *Hispaniæ* in *Magna Britannia* commercantes intelligitur; in iis omnibus quæ ipsis per Pacta competunt: Cumque ad Commerciorum Rationes ritè & mutuâ cum Utilitate constituendas; plurimum faciat Vectigalium pendendorum certa, clara, & maximè expedita Methodus; Convenit proindè & conclusam est, quod intra trimestre spatium à ratihabito hoc Tractatu, *Madridi* vel *Gadibus* convenient ex parte utriusque Regiæ Majestatis Commissarii, ad id hinc indè designandi & constituendi, quorum Opera componatur, absque omni temporis dispendio, Index sine Catalogus novus, qui in unoquoque Portu profutur publicè, quique Vectigalia super Mercibus in *Castiliam*, *Aragoniam*, *Valentiam* & *Cataluniam* introdu-

Merchandize, Ships, Freightings, Mariners, Navigation and Commerce, and enjoy the same Favour in all things (as well in the Courts of Justice, as in all those things which relate to Trade, or any other Right whatsoever) as the most favoured Nation uses and enjoys, or may use and enjoy for the future, as is Explained more at large in the 38th Article of the Treaty of 1667. which is specially inserted in the foregoing Article.

III.

Whereas by the Treaty of Peace lately concluded between their Royal Majesties, it was laid as the Basis and Foundation of the said Treaty, That the Subjects of *Great Britain* should use and enjoy the same Privileges and Liberty of Trade throughout all the Dominions of *Spain*, which they enjoyed in the Time of *Charles the Second*; And therefore the same Rule is likewise and ought to be the Basis and Foundation of the present Treaty of Commerce (which is understood to extend reciprocally to the Subjects of *Spain* Trading in *Great Britain*, in regard to whatsoever, by Agreement, belongs to them:) And whereas a certain, clear, and expeditious Method of paying the Duties is of the greatest use in settling Trade upon a good Foot, and to the mutual Advantage of each Nation; It is therefore Agreed and Concluded, That within the space of Three Months from the Ratification of this Treaty, Commissaries appointed for that purpose by their respective Majesties, shall meet on the part of each of their Royal Majesties, either at *Madrid* or *Cadiz*; By whom a New Book of Rates shall, without any delay of time, be made, which Book of Rates shall be Published in every

cendis.

cendis, aut inde avehendis, in posterum pendenda speciaticim exprimat, & contineat, & eo modo constituat, ut in unum reducantur, & in uno Vectigali & unâ in summâ pendenda contineantur omnia varia Onera, quæ tempore nuperi Regis *Caroli* Secundi, variis sub Nominibus, & in diversis Teloniis, super Mercibus intrantibus aut exeuntibus in Portibus *Hispaniæ*, comprehensis etiam Regnis *Arragoniæ* & *Valentiæ*, Principatûque *Cataluniæ*, exceptis tantummodo *Guipuscoâ* & *Biscayâ*, de quibus infra diceretur, soluta erant.

Cum autem per Legatum *Britannicum* quàm instantissimè postulatum fuerit, ut dictis Commissariis pro Regula præscriberetur, illud in novo Indice præprimis curare, ne per eundem majora ulla Vectigalia, aliave Onera quæcunque in Portu aliquo, sive Maritimo, sive Terrestri, intra Regis Catholicæ Dominiæ, exigenda & solvenda in posterum sint, quàm quæ in Teloniis Portus *Santæ Mariæ* aut *Gadium*, regnante nupero Rege *Hispaniarum Carolo* Secundo, soluta fuerint; Consenserunt Legati *Hispaniæ*; adeoque conventum & stipulatum est, quod nempe quoad ipsos Portus *Gadium* & *Santæ Mariæ*; ea observetur Regula; ita ut cessante & sublata omni Vectigalium Augmentatione, quæ post tempus *Caroli* Secundi, ex occasione Belli, sive sub Habilitationis nomine, aliove quocunque ibidem introducta forsitan fuit, Subditi *Britannici* in Portibus *Santæ Mariæ* & *Gadium*, pro Mercibus advectis vel avehendis nulla majora Onera cujuscunque generis, aut sub quocunque Titulo, sive ante sive post confectos di-

Port, and shall contain, and severally express the Duties which are hereafter to be paid for Wares brought into, or carried out of *Castile*, *Arragon*, *Valencia*, and *Catalonia*, and shall settle them in such a manner, that all the different Imposts which, in the Time of the late King *Charles* the Second were paid under several Names, and in different Custom-houses, for Wares entering into or going out of the Ports of *Spain* (the Kingdoms of *Arragon* and *Valencia*, and the Principality of *Catalonia* being comprehended therein, *Guipuscoa* and *Biscaya*, of which mention shall be made hereafter, only excepted) shall be put together and be contained in one Duty, and payable only in one Sum.

But whereas the *British* Ambassador made pressing Instances, that it might be given as a Rule to the said Commissioners, that no greater Duties, or other Imposts whatsoever, should be made payable in any Port, wet or dry, in his said Catholick Majesties Dominions by the said New Book of Rates; than what were paid in the Custom-houses of the Port of *St. Mary's* or *Cadiz*, in the Reign of the late King of *Spain Charles* the Second; the Ambassadors of *Spain* have Consented, and it is Agreed and Stipulated, That that Rule shall be observed in those very Ports of *Cadiz* and *St. Mary's*; So that all Augmentations of Duties which were introduced in the said Ports after the Time of *Charles* the Second, on occasion of the War, or under the Title of *Habilitation*, or any other whatsoever, ceasing and being taken away, the *British* Subjects shall not, before or after the said Book of Rates is settled, be bound to pay any greater Duties, of what sort soever, or under what name soever, for their Imports or

Etos Indices, solvere tenebuntur, quam quæ ibidem tempore *Caroli Secundi* soluta fuerunt.

Dictis proinde Commissariis illud præprimis, quoad Portus *Santæ Mariæ* & *Gadium* observandum injungeretur, ne in novis Indicibus conficiendis ad Indices Vestigialium antiquos, qui propter exorbitantium Jurium per ipsos constitutorum tempore *Caroli Secundi* in usu esse desierant, sese conforment, sed ductum eorum tantummodò Indicium sequantur, quos sive vulgò *Arancel*, sive Registros nuncupatos, tempore *Caroli Secundi* substituisse, & secundum quos Vestigialia soluta fuisse, compertum fuerit.

Quinetiam conventum pariter est, quod Subditis *Britannicis* liberum omnino erit, Merces post soluta pro iisdem in dictis Portibus Vestigialia, ea nempe quæ, donec Indices supradicti conficiantur, tempore *Caroli Secundi* soluta erant, aut quæ postea ad dictorum Indicium Tenorem pro Mercibus adventis pendenda fuerint, Terræ Marive transferre ad alium quemvis Dominiorum *Hispaniæ* antedictorum Portum aut Locum, neque eâ occasione Vestigialia antea soluta, ullo modo ab ipsis exigentur.

Quinetiam ad prævidendas quasunque Lites, quales non obstante exactâ aliâ Justitiæ in *Hispaniâ* Administratione, ortas olim esse constat, respectu aliorum Operum, maximo cum Commercantium Incommodo, & Commerciorum Præjudicio aliquando exactorum, Conventum est quod Merces pro quibus Vestigialia, prout antedictum est, *Gadibus*, aut in Portu *Santæ Mariæ* soluta fuerunt, & quæ in magnâ Mercaturâ, vulgò *en gros*,

Exports in the Ports of *St. Mary's* and *Cadiz*, than what were paid there in the Time of King *Charles* the Second.

Moreover in regard to the Ports of *St. Mary's* and *Cadiz*, the said Commissioners shall be strictly enjoined not to make the New Book of Rates according to the Old Indexes of Duties, which, by reason of the exorbitant Rights that were appointed to be paid by them, ceased to be in use in the Time of *Charles* the Second, but shall follow the Tenor of those Indexes only, (which whether they were commonly called *Arancel* or Registers) shall be found to have subsisted in the Time of King *Charles* the Second, and to have been the Rule by which the Duties were then paid.

And it is further Agreed, That the Subjects of *Great Britain*, having paid these Duties for their Wares in the said Ports, to wit, those, until the New Indexes are made, which were paid in the Time of *Charles* the Second, or else such as shall be made payable by the said New Book of Rates, shall have Liberty to Transport the said Wares, either by Sea or Land, into any other Port or Place of the aforesaid Dominions of *Spain*, nor shall the Duties which were paid before be re-exacted on that occasion.

Moreover for preventing all Disputes, which (notwithstanding the exact Administration of Justice in *Spain* in all other respects) have formerly arisen concerning other Duties, which, to the great Prejudice of Trade and Traders, have been exacted formerly; It is Agreed, That Wares which have paid the Duties in the manner aforesaid at *Cadiz*, or the Port of *St. Mary's*, and are Transported in order to be sold by

vendenda transportata fuerint, ab omni alio Onere quocunque per totam *Hispaniam* liberæ & immunes erunt. Ita tamen ut Mercium Proprietarius, aut Infitor Testimonia adducat, quæ Vectigalium, prout præfertur, ritè solutorum fidem faciant; sin secus fiat, Merces per Fraudem transferri censebuntur. Respectu verò solutionis Jurium de *Alcavalos*, *Cientos* & *Millones*, vulgò nuncupatorum, conventum est, quod circa eadem Jura, secundum Tenorem Articulorum hujus Tractatus Quinti & Octavi agendum sit.

Quoniam verò Legati *Hispanici* persuasum sibi habuerunt, illæis Regni *Hispaniæ* Legibus, variisque ibidem Privilegiis vim Legis habentibus, atque etiam absque nimio Regis & Domini sui Præjudicio, componi non posse Vectigalia in unoquoque *Hispaniæ* Portu ad Normam eorum quæ *Gadibus* aut in Portu *Santæ Mariæ* obtinuerunt, aut obtinere possint; visum proindè est istam materiam Commissariis, qui novis Indicibus conficiendis adhibiti erunt, ventilandam & decernendam relinquare.

Spondet autem Rex Catholicus, tollendas statim in dictis Portibus omnes Vectigalium Augmentationes, quæ post tempus *Caroli* Secundi, ex occasione Belli, sive sub Habilitationis nomine, aliove quocunque, ibidem introductæ forsitan fuerunt, tum etiam quod aut eadem statuatur in dictis Portibus Regula, de qua respectu *Gadium* & Portus *Santæ Mariæ* conventum est, aut eam saltem observandam esse Regulam, tam ante, quam post confectos dictos Indices, quæ tempore *Caroli* Secundi in unoquoque respectivè Portu obtinuit; ita ut majora post hac ibidem, aut in alio quocunque Transitus Loco, non exigan-

wholesale, shall be free and clear from any other Duty whatsoever, throughout all *Spain*, provided however, that the Proprietor of the said Wares or Factors brings Certificates, that the Duties were duly paid in the manner aforesaid, otherwise such Wares shall be look'd upon as fraudulently Transported. But as to the Payment of the Rights commonly called de *Alcavalos*, *Cientos*, and *Millones*, it is Agreed, That it shall be Regulated according to the Fifth and Eighth Article of this Treaty.

But because the *Spanish* Ambassadors are persuaded, that the Duties in every Port of *Spain* cannot be reduced to the same Rule with those which are or may become customary in *Cadiz* or the Port of *St. Mary's*, without Violating the Laws of *Spain*, and several Privileges there, which have the Force of Laws, nor without the too great Prejudice of their King and Master, It is therefore thought proper to leave this Matter to the Determination of the Commissaries who shall be appointed to settle the New Book of Rates.

But his Catholic Majesty promises, That he will immediately take off all Augmentations of Duties in the said Ports, which have been introduced there since the Time of *Charles* the Second, on occasion of the War, or under the Title of *Habilitations*, or any other whatsoever, and that either the same Rule shall be observed in those Ports, which is Agreed to in the Ports of *St. Mary's* and *Cadiz*, or else at least that the same Rule shall be observed, as well before as after the said New Book of Rates shall be made, which had obtained in each respective Port in the Time of King *Charles* the Second; So that

tur Vectigalia, quàm quæ tempore *Caroli Secundi* dictis in Locis soluta erant. In iisdem insuper ea observanda erunt, quæ ratione Jurium *de Alcavalos, Cientos, & Millones*, in hoc Articulo superius indigitantur.

Quoad Portus *Guipuscoe & Biscayæ*, aliove Legibus *Castiliæ* non Subjacentes, in quibus Tempore *Caroli II.* Vectigalia pendebantur iis minora quæ *Gadibus*, aut in Portu *Sanctæ Mariæ* soluta erant, spondet Regia sua Majestas Catholica eadem Vectigalia dictis in Locis per Novum Indicem augenda non esse; interea autem prout Tempore *Caroli II.* permanfura. Merces tamen in Portus *Biscayæ & Guipuscoe* introductæ, quæ in Regna *Castiliæ*, aut *Arragoniæ* postea per Terram deferentur, in Portu primi Introitus earum in dicta Regna Vectigalia tempore *Caroli II.* ibidem soluta, aut quæ per Novum Indicem statuentur, solvere tenebuntur.

IV.

Consentit Rex Catholicus promittitque, licitum in posterum fore Subditis *Britannicis*, qui in Provinciis *Biscayæ & Guipuscoe* degent, Domos vel Repositoria Mercibus suis conservandis idonea, conducere, id quod ut fieri possit, pari modo, iisdemque cum Privilegiis, quibus in *Andalusiâ*, aut in aliis quibuscunque *Hispaniæ* Portibus aut Locis, dicti Subditi *Britannici* istâ Libertate vigore præfati Tractatus de Anno, 1667. aut etiam vigore Diplomatis alicujus, aut Ordinationis per Majestates suas Catho-

hereafter no greater Duties shall be Exacted there, or in any other Place of Passage, than what were paid in the said Places in the Time of *Charles the Second*. In the same Places shall be likewise observed what has been above appointed in this Article concerning the Rights *de Alcavalos, Cientos, and Millones*.

As to the Ports of *Guipuscoa* and *Biscaya*, and others, not subject to the Laws of *Castille*, in which less Duties were paid in the Time of *Charles the Second*, than at *Cadiz*, or in the Port of *St. Mary's*, his Catholick Majesty promises, That those Duties shall not be augmented in the said Places by the New Book of Rates, but shall, in the mean time, remain as they were in the Time of *Charles the Second*. All Wares, however brought into the Ports of *Biscaya* and *Guipuscoa*, which shall afterwards be carried by Land into the Kingdoms of *Castille* or *Arragon*, shall be bound to pay such Duties in the Port where they first enter the said Kingdoms, as were paid there in the Time of *Charles the Second*, or else such as shall be Established by the New Book of Rates.

IV.

The Catholick King consents and promises, That for the future, it shall always be lawful for the Subjects of *Great Britain*, Living in the Provinces of *Biscaya* and *Guipuscoa*, to hire Houses or Ware-houses fit for the Preservation of their Merchandise, and his Majesty will, by renewing his Orders to that purpose, take effectual Care that it shall be in their Power to do this in the like manner, and with the same Privileges, with which the said *British* Subjects, by virtue of the aforesaid Treaties

licas concessæ, gavisi sunt, aut gaudere debuerint, Regia sua Majestas per Mandata repetita effectum dabit. Eadem Libertate gaudebunt Subditi *Hispanici*, in quibuslibet *Magna Britanniæ* Portibus & Locis, cum Privilegiis omnibus ipsis per prædictum Tractatum competentibus.

V.

Ut autem obviam eatur abufibus in colligendis Juribus *de Alcavalos & Cientos* nuncupatis, consentit Catholica sua Majestas, quod Subditis *Britannicis*, qui Merces suas in magnâ Scil. Mercaturâ, vulgo *en gros*, vendendas in quemcûmq; *Hispaniæ* Portum, sive Terrestrem, sive Maritimum, intulerit, in optione esse debet, utrum dicta Jura *de Alcavalos & Cientos* in ipso primi Appulsus Loco aut Portu, vel potius secundum Leges *Castille*, ubi, & quando venduntur, solvere velint. Quæ quidem Jura eadem erunt, quæ Tempore *Caroli II.* soluta fuerunt. Conventum etiam est, quod Merces pro quibus dicta Jura *de Alcavalos & Cientos* soluta semel fuerint, Subditi *Britannici* in magnâ Scil. Mercaturâ, vulgo *en gros*, vendendas mittere vel transportare poterunt ad Portum, aut Locum quemcûnque Majestatis suæ Catholicæ Dominio in *Europâ* subjacentem, absque ullâ molestiâ, ullâve dictorum Jurium exactione repetitâ, aut etiam aliorum pro primâ venditione, ita tamen ut illi qui dictas Merces vehent, Receipta vel Testimonia à Teloniorum Redemptoribus aut Commissariis, quibus pateat dicta Jura pro iis Mercibus soluta fuisse, aliâque itidem Testimonia, dictas Merces nondum esse divenditas, probantia adducant. Quod si verò Mercator quisquam Merces suas minutatim

ty of 1667. or of any Diploma or Ordinance, granted by their Catholick Majesties, did enjoy, or ought to have enjoyed that Liberty in *Andalusia*, or in any other Ports and Places of *Spain* whatsoever. The Subjects of *Spain* shall enjoy the same Liberty in any Ports and Places of *Great Britain*, with all the Privileges belonging to them by the aforesaid Treaty.

V.

To prevent Abuses in Collecting the Rights called *de Alcavalos & Cientos*, his Catholick Majesty Consents, that the Subjects of *Great Britain*, who shall bring their Wares into any Port of *Spain*, Wet or Dry, in order to Sell them by Wholesale, shall have their choice, whether they will Pay the said Rights *de Alcavalos & Cientos*, in the first Place or Port that they arrive at, or else according to the Laws of *Castille*, at the Place where, and at the Time when they are Sold; which said Rights shall be the same as were Paid in the Time of King *Charles* the Second. And it is further Agreed, That the Subjects of *Great Britain*, may send or carry the Wares, for which the said Rights *de Alcavalos* have once been Paid, into any Port or Place whatsoever, belonging to his Catholick Majesties Dominions in *Europe*, (in order to Sell them there by Wholesale) without any Molestation or Repetition of the said Duties or Exaction of any others for the first Sale; Provided however, that they who carry the said Wares, shall bring Receipts or Certificates from the Farmers, or Commissioners of the Custom-houses, from whence it may appear, that the said Rights have been Paid for those Wares, and likewise other Certificates, proving, that the said

vender,

vendet, locales omnes & municipales Impositiones, in iisdem vendendis debitas, & consuetas, unà cum Juribus de *Alcavalos* & *Cientos*, & si quæ alia eujuscunque generis sint, solvere tenebitur, sub pænis lege præfinitis.

Consentit insuper Regia Majestas Catholica, quod si post exhibita Testimonia superius memorata, Officialis quispiam, aut Vestigialium Coactor eadem Jura de novo exigerit, Merciumve Transitum eâ de causâ moraretur, aut quocunque modo molestiâ aliquâ afficeret, Officialis culpæ prædictæ reus pœnam incurret bis Mille Ducatorum, in usum Camera Regiæ suæ Majestatis, aut Hospitalii Generalis *Madridensis*, solvendorum Teloniorum autem, aut Contrabandæ Notarii, pro dictis Testimoniis Certificatoriis expediendis ultra quindecim *Ryals Villon* non accipiant, nisi aliter in Novo Indice conficiendo conventum fuerit.

VI.

Et sicuti Subditis Regiarum suarum Majestatum integer, incolumis, & ab omni molestiâ immunitas Navigationis & Commerciorum Usus & Libertas utrinquæ constare debet, quamdiu Pax & Amicitia inter Regias suas Majestates, eorumque Coronas inita, subsistet, ita quoque cautum voluerunt Regiæ suæ Majestates, ne propter orituras forsân Discordiarum Scintillas, eâdem dicti Subditi Incolumitate priventur, quin plerò e contra Pacis Beneficio fruantur, quousque Bellum inter ambas Coronas declaratum non fuerit.

Quin etiam conventum insuper est, quod si quando contigerit ut Bellum (quod Deus avertat) inter Regias suas

Wares have not yet been Sold, but if any Merchant sells his Wares by Retail, he shall be Bound under such Penalties as are inflicted by Law, to Pay all the Local and Municipal Duties which are due and customary at the Sale of them, together with the Rights de *Alcavalos* & *Cientos*, and all others whatsoever.

His Catholick Majesty farther consents, That if after the Certificates above mentioned have been shewn, any Officer, or Gatherer of Duties, shall exact the said Rights again, or shall give any Trouble, or stop the Passage of the Wares on that Account, the Officer guilty of the said Fault, shall incur the Penalty of 2000 Ducats, payable to the Use of his Majesties Chamber, or of the general Hospital at *Madrid*; the Notaries of the Custom-houses, or the Contraband, shall not receive above 15 *Ryals Villon*, for dispatching the said Certificates, unless it shall be otherwise agreed in settling the New Book of Rates.

VI.

And as the Subjects of their Majesties are to enjoy on both sides an entire, secure, and unmolested Use and Liberty of Navigation and Commerce, as long as the Peace and Friendship, entred into by their Majesties, and their Crowns, shall continue, so likewise their Majesties have provided, that the said Subjects shall not be deprived of that Security for any little Difference which may possibly arise, but that they shall on the contrary enjoy all the Benefits of Peace, until War be Declared between the Two Crowns.

And it is further Agreed, That if it should happen, (which God prevent) that War should arise, and be Declared be-
Majesta-

Majestates, earumque Regna, suboriatur & declaretur, tum ad præscriptum Art. 36. sæpessati Tractatus de Anno 1667. Terminus sex Mensium post talem rupturam declaratam utriusque Partis Subditis, in alterius Ditione commorantibus, dabitur, quo recipere sese unà cum Familiis, Bonis, Mercimoniis, Navibus & Facultatibus suis, easque, solutis Væctigalibus debitis & consuetis, asportare licebit Terrâ Marive, quoquo-versum ipsis placuerit, sicuti & iis permissa tunc erit Venditio & Alienatio Bonorum suorum, Mobilium, Immobiliùmque rerum, ut & Præti divendorum Evectio, liberè & absque ullâ Interturbatione, nec eorum Bona, Res, Merces, & Facultates, nedum ipsimet, arresto, vel Manûs Injæctione, interea Temporis detinendi vel infestandi sunt. Bonâ quin etiam interea promptaque Justitiâ fru-entur, & utentur alterutrinque Subditi, quocurrente dicto Semestri Spatio Res & Facultates suas, tam Publico quàm Privatis conceditas, recuperare possint.

VII.

Conventum insuper est, quod damna omnia quæ Subditi utriusque Coronæ, ineunte Bello nuperrimo, contra Tenorem Art. 36. supramemorati Tractatus de Anno 1667. se perpeffos esse debite monstraverint, sive ea in Bonis Mobilibus, vel Immobilibus constiterint, ipsis, aut legitimis eorum Procuratoribus, vel Hæredibus, eorumve causam habentibus, absque morâ reciprocè resarciantur, restitutis quæ superesse contigerit, & quæ Fisco addicta fuerint, sive Fundi, Edificia, Hæreditates, aliæve Bona quæcun-

tween their Majesties and their Kingdoms, than according to the Contents of the Thirty sixth Article of the aforementioned Treaty of 1667. after the Declaration of such a Rupture, the Space of Six Months shall be allowed to the Subjects of each Party, residing in the Dominions of the other, in which they shall be Permitted to withdraw with their Families, Goods, Merchandizes, Effects, and Ships, and to Transport them, after having Paid the due and accustomed Imposts, either by Sea, or Land, to whatsoever place they please, as they shall also be suffered to Sell and Alienate their Moveable and Immoveable Goods, and freely and without any Disturbance, to carry away the Price of them, nor shall their Goods, Wealth, Merchandises or Effects, much less their Persons be in the mean time detained or molested by any Seizure or Arrest. Moreover the Subjects of each side shall in the mean time, enjoy and obtained quick and impartial Justice, by means of which they may before the Expiration of the Six Months, recover the Goods and Effects which they have Lent, either to the Publick, or to Private Persons.

VII.

And it is further Agreed, That all the Losses which the Subjects of either Crown shall duly prove, that they have sustained in the Beginning of the late War (contrary to the Tenor of the Thirty sixth Article of the abovementioned Treaty) whether they consisted of Moveable or Immoveable Goods, shall be Reciprocally made good, without any Delay to them, their lawful Procurators, Heirs, or those to whom their Cause is intrusted, and Restitution shall be made of those Goods, whether

que sint, & soluto distractorum, five ea ex Bonorum Mobilium, aut Immobiliu genere fuerint, iusto & legitimo pretio; eandem vero solutionem verificatis, ut antedictum est, istis prentionibus per Arariorum suorum hinc inde praefectos bona Fide faciendam & praestandam esse, inter Regias suas Majestates conventum & concordatum est.

VIII.

Conventum est, & Regia sua Majestas Catholica per Mandata sua effectum dabit, ut Vestigialia *Millones* nuncupata, super Piscibus, aliisque Annona, in Loco primi earum Mercium appulsus non exigantur, sed eadem Vestigialia more pristino per Leges Stabilito, in Loco tantummodo Consumptionis, Mercibusque divenditis, & non antea solvenda erunt.

IX.

Spondet Regia sua Majestas Catholica, quod Merces quae speciatim in Indicibus, qui secundum Articulum hujus *Traetatus Tertium* conficiendi sunt, Nominatae non fuerint, iisdem nec majoribus ad Valorem Vestigialibus onerabuntur, quam quae Mercibus in dictis Indicibus nominatis imponuntur. Lite vero orta inter Teloniorum Redemptores vel Commissarios & Mercatorem super aliquarum Mercium Valore, Mercatoris in optione erit, Merces istas Redemptori vel Commissario relinquere, pro pretio per dictum Redemptorem ipsis imposto, quod parata pecunia, deductis solummodo Vestigialibus, statim erit solvendum. Poterit etiam Mercator, receptis reliquis Mercibus, partem earundem secundum Valorem ipsis per Redemptorem, uti dictum est, impostum, Loco Vestigialis,

Lands, Buildings, or Inheritance, or of what sort soever they are, which remain and were Confiscated, and the just and lawful Price of those Goods which cannot be recovered, whether Moveable or Immoveable shall be Paid; and their Majesties have Articled and Agreed that the said Payments (the Pretensions to them, being, as is aforesaid, fully proved, shall faithfully be Performed, and made by their Treasurers on each Part.

VIII.

It is Agreed, and his Catholick Majesty will give effectual Orders to that purpose, that the Duties upon Fish, and other Provision, called *Millon*, shall not be demanded in the Place where the said Wares first arrive, but the said Duties shall be Paid according to the ancient Custom established by Law, only in the Place of Consumption, and when the Wares are Sold, and not before.

IX.

His Catholick Majesty promises, That those Merchandises, which are not particularly mentioned in the Catalogue of Rates, which is to be made according to the Third Article of this Treaty, shall be Charged with the same Duties in Proportion to their Value, and no greater than those which are laid upon Merchandises named in the said Catalogue of Rates. And if any Difference arises between the Farmers of the Custom-houses, or Commissaries, and any Merchant concerning the Value of any Wares, it shall be in the Choice of the Merchant to Sell his Wares to the Farmer or Commissary, at the Price the Farmer of the Custom-house Valued them at (which Price shall be immediately paid in Ready Money, the Duties only Deducted) or else to give
Redemp-

Redemptori vel Commissario relinquere.

Part of his Merchandises at the Rate set upon them, as hath been mentioned, to the Farmer or Commissary, instead of the Duty, and retain the rest.

X.

Conventum est, quod casu quo Subditi Britannici Merces ex quibusvis Africa Oris in Hispaniam advehant, eademque ad Vestigalia solvenda admittæ fuerint, iisdem debitè solutis, dictæ Merces nullis aliis Oneribus, sive per Capitaneos Tractuum Maritimumum Generales, vel Portuum Præfectos, aliove quocunque Nomine, aut Titulo exigendis, in posterum gravandæ erunt, præter ea quæ pro Mercibus in univèrsùm omnibus ejusdem generis in earum Venditione pendenda sunt.

X.

It is Agreed, That in case the British Subjects shall bring any Wares from any Part of the Coasts of Africa, into Spain, and the same shall be admitted to Pay the Duties, those being duly Paid, the said Wares shall not afterwards be Charged, either by the Captains-General of the Coasts, or Commanders of the Harbours, or any Body else, with any other Duties, under what Name or Title soever, excepting such as are payable in general, for all Wares of the same sort, at the time of their Sale.

XI.

Navium Mercatoriarum Præfecti Portum quemcunque Hispaniæ, cum Navibus suis intrantes, intra viginti quatuor horas ab adventu suo, exhibere tenebuntur binas Declarationes vel Inventaria Mercium Advectarum, vel illius earundem Partis quam ibidem exonerare debent, unam Scilicet Declarationem Teloniorum Redemptori, vel Commissario, alteram Contrabandæ Judici, neque Foros Navis aperient, antequam vel Scrutatores acceperint, vel per Vestigialium Redemptores ea ipsis Licentiâ concessa fuerit. Nulla autem Merces alio intuitu exoneranda erunt, quam ut rectè in Telonium, secundum Permissionem Scriptis eum in finem impertitam, inferantur. Ex Judicibus autem Contrabandæ, aliove Teloniorum Officialibus, nemini licitum erit, quocunque sub prætextu, aperire Sarcinas aliquas, Cistas, Dolia, aliave Involucra Mercium quarumcunque ad Subditos Britannicos spectanti-

XI.

The Masters of Merchant Ships, who shall enter into any Port of Spain with their Ships, shall be obliged, within Twenty four Hours after their Arrival, to deliver Two Declarations or Inventories of their Wares, or of that part of them which they are to unlade there, viz. one Declaration to the Farmer of the Custom-houses or Commissary, and another to the Judge of the Contraband, nor shall they open the Hatches of their Ships, till they either have Searchers with them, or have Leave given them by the Farmer of the Custom-houses to do it. No Wares shall be unladen with any other View than that of being immediately carried to the Custom-houses, according to a Permission which shall be given in Writing for that end. It shall not be lawful however for any of the Judges of Contraband, or other Officers of the Custom-houses, under any pretence whatsoever, to open any Bags,

um, dum ad Telonium feruntur, & antequam eò pervenerint, atque etiam adfit earundem Proprietarius, aut Negotiorum ejus Gestor, qui Vestigalia solvat, & Merces ad se recipiat. Adefse autem poterunt dicti Contrabandæ Judices, eorumve Deputati, dum è Navi solvuntur Merces, ut & dum in Telonio declarantur, expediuntur, & datâ Fraudis suspitione, alias nempe aliarum Loco Merces expediendi animum esse, omnes Sarcinas, Cistas, aut Dolia aperire licebit, modo id in Telonio, nec a libi fiat, præsentè Mercatore, ejusve Negotiorum Gestore, & non aliter; Expeditis autem & è Telonio evectis Mercibus, Cistisque, Doliis, aliisque Involucris easdem continentibus, Officialis competentis Sigillo, Signove Munitis, eadem denuò aperire, aut Abductionem earundem ad Domum Mercatoris impedire, nullus Contrabandæ Judex, aliusve Officialis præsumet. Neque illis postea licitum erit, quocunque sub Prætextu, earundem Transvectionem ab unâ Domo aut Repositorio in aliud, intra ejusdem Urbis, aut Loci Muros, aut Ambitum impedire, modo illud intra horas octavam Matutinam & quintam Vespertinam fiat, præviâ etiam Notificatione Redemptoribus Jurium *de Alcavalos & Cientos* factâ, quo eadem Intuitu transferantur, Scilicet si ad venundandum, ut Jura ista, modo antea soluta non fuerint, ibidem aut in Loco venditionis persolvantur, sin minus, ut Mercatori Institorive Libellus Certificatorius ab ipsis more consueto tradatur. De cætero Jus & Libertas Merces sub Conditionibus in Art. 5. hujus Tractatus indigitatis, à Portu, aut Loco quocunque intra Dominia Regis *Hispaniæ*, ad alium quemvis Portum aut Locum, sive Terrâ sive Mari transferendi, plenissime & integerrimè constabit.

Chests, Hogheads, or other Covers of any Wares whatsoever, belonging to the Subjects of *Great Britain*, while they are carrying to the Custom-house, and before they are brought thither, and the Proprietor of them, or his Factor, is also come, who may discharge the Duties, and take the Goods into his own Custody. But the said Judges of Contraband, or their Deputies, may be present when the Wares are taken out of the Ships, and also when they are declared and laid open in the Custom-house, and if there be suspicion of Deceit, as that it is designed to lay open one Merchandise instead of another, it shall be lawful for him to open all the Bags, Chests, and Hogheads, so this be done in the Custom-house, and no other place, and in the presence of the Merchant, or his Factor, and not otherwise. But when the Goods have been exposed, and carried away from the Custom-house, and the Chests, Hogheads, or other Covers containing them, have been Marked with the Sign or Seal of the proper Officer, no Judge of the Contraband or other Officer shall presume to open them again, or to hinder them from being carried to the Merchants House. Neither shall it be lawful for them, under any pretence whatsoever, to hinder the said Goods from being carried from one House or Warehouse to another, within the Walls or Compass of the said City or Place, provided that be done between the Hours of Eight in the Morning and Five in the Evening, and previous Notice be given to the Farmers of the Rights *de Alcavalos & Cientos*, of the intent with which those Goods are removed, to wit, whether it be that they should be sold, that in that case those Duties, if not

paid before, may be paid there, or at the Place of Sale; or if they are not to be Sold, then a Certificate may be given, after the usual manner, to the Merchant. Furthermore, it shall be lawful to carry Wares from any Port or Place within the King of Spain's Dominions to any other Port or Place, either by Sea or Land, under such Conditions as are expressed in the Fifth Article of this Treaty.

XII.

The Duties upon Merchandize brought into the *Canary Islands*, Exported from thence by *British* Subjects, shall not be greater than those that were paid in the Reign of the late King *Charles* the Second, or such as shall become payable by the New Book of Rates.

XIII.

The Subjects of each of their Majesties, who are in Debt to the Subjects of the other, whether the Debts were Contracted before the beginning of the said War, or within the space of Six Months after it was begun, or (during the War, under the Protection of Letters of Safe Condu&t) or lastly, after a Truce was made between the Two Crowns, shall be bound and obliged faithfully to pay the same, in the same manner as if War had never arose between the Two Crowns, nor shall they be permitted to raise any Exceptions against the just Demands of their Creditors on pretence of the War.

XIV.

His Catholick Majesty gives Leave to the Subjects of *Great Britain* to settle themselves, and dwell in the Town called *St. Ander*, upon the Terms that are expressed in the Thirty ninth Article of the Treaty of 1667.

XV. Quan-

XII.

Vestigalia pro Mercibus per Subditos *Britannicos* in *Insulas Canarias* adferendis, vel inde abducendis, majora non exigentur, quam quæ ibidem regnante nupero Rege *Carolo* Secundo soluta fuerunt, vel quæ secundum novos Indices solvenda erunt.

XIII.

Utriusque Regiæ Majestatis Subditi, qui Subditis alterius in ære alieno sunt, five ante Belli nuperi exordium, vel intra Sex Menses ab eodem inito, vel eo durante, sub Literarum Salvi Conductus Tutela, vel denique post initum Armistitium inter ambas Coronas, ista Debita contraxerint, ad eadem bonâ fide solvenda tenebuntur & cogentur, perindè ac si Bellum inter ambas Coronas obortum omninò non fuisset; neque ipsis Exceptiones ullas ex occasione Belli contra justa Creditorum postulata injicere licebit.

XIV.

Subditis *Britannicis* Facultatem concedit sua Majestas Catholica Domicilia sua figendi, & habitandi in Oppido *St. Ander* nuncupato, iis sub Conditionibus, quæ in Articulo Nono & Tricesimo Tractatus de Anno 1667. indigitatae sunt.

XV.

Quantum ad Judicem Conservatorem, alióque per ipsam substituendos, concessá aliá cuicunque Nationi extera istá Libertate, Subditi *Britannici* eadem paritèr gaudere debent. Interea autem & donèc de hoc Negotio certi aliquid statutum fuerit, Regia Majestas Catholica in Mandatis per expressum dabit omnibus & singulis Regni sui Judicibus; aliisque quibuscunque, quibus Justitiæ Administratio aut Executio ullatenus incumbit, iisdem sub Pœnis gravissimis injunget, ut in causis omnibus Subditorum *Britannicorum*, absque morâ aut partium studio, favore, vel effectu, Jus dicant, & exequi faciant.

Consentit Rex Catholicus, quod Appellationes à Sententiis latis in Causis quæ Subditos *Britannicos* tangunt, ad Concilii Bellici *Madridi* Tribunal, nec alibi deferantur.

XVI.

Si quis Regiæ Majestatis *Britannicæ*, five Regiæ Majestatis Catholicæ Minister, aliúve Subditus, hunc Tractatum, aut aliquem ejusdem Articulum violaverit, ille de damno omni indè exorto tenebitur; ac si quo in Officio publico constitutus fuerit, præter Satisfactionem parti læsæ, uti præferrur, præstandam, eodem quoque Officio privabitur.

XVII.

Subditis *Britannicis*, per Mare ad ductis ex alio quocunque *Hispaniæ* Portu, Vino, Vino adusto, Oleo, Smegmate, Uvis exsiccatis, aliisque Mercimoniis, & solutorum in exitus Loco Vestigialium Testimonia producentibus, Navibus suis

XV.

As to the Judge Conservator, and others to be Substituted by him, if this Privilege be Granted to any other Foreign Nation whatsoever, the Subjects of *Great Britain* shall likewise enjoy it. In the mean time however, and until some thing certain shall be determined in this Matter, his Catholick Majesty will give express Orders to all and every one of the Judges of his Kingdom, and to all others whomsoever, who are any ways concerned in the Administration or Execution of Justice, and shall enjoyn the same under the strictest Penalties, to do Justice, and cause it to be Executed, without any Delay, Partiality, Favour, or Affection, in all Causes relating to the Subjects of *Great Britain*.

The Catholick King consents, That Appeals from Sentences in Causes concerning the *British* Subjects, may be brought before the Tribunal of the Council of War at *Madrid*, and no where else.

XVI.

If any Minister or other Subject of her Majesty of *Great Britain*, or of his Catholick Majesty, shall violate this Treaty, or any Article of it, he shall be reponsible for all the Damage occasioned by it; and if he be placed in any Publick Office, he shall besides making Satisfaction to the Injured Party (as is aforesaid) be deprived of his Office also.

XVII.

The Subjects of *Great Britain* having brought by Sea from any other Port in *Spain*, Wine, Brandy, Oyl, Soap, dry'd Grapes, or other Merchandises, and producing Certificates, that the Duties were paid at the Place whence

in

in Portu *Gadium* subsistentibus eadem imponere, aut etiam ibidem ex una *Navi* in aliam, consentientibus Rerum Maritimarum Præfectis, ipsisque aut eorum Deputatis, si velint, Præsentibus, ad evitandas quascunque Fraudes, tempore idoneo per dictos præfectos intra Viginti quatuor Horas designando, transferre, indèque avehere licitum erit; eâ cum Libertate, ut neque Impositionem *Hondeaxe* vocatam, aliâve Introitû, Exitûsve quamcunque, solvere teneantur.

they set Sail, shall be suffered to put the same into their Ships lying at *Cadix*, or there to remove them from one Ship to another (with the Consent of the Inspectors of the Maritime Affairs, and in the Presence of them, or their Deputies, if they have a mind to be there, and at a seasonable time to be appointed by the said Inspectors within Four and twenty Hours, in order to prevent all Frauds whatsoever) and to carry away from thence; with this Liberty that they shall not pay the Duty called *Hondeaxe*, or any other of Entrante, or going out.

Ratihabebitur præsens Tractatus à Serenissimâ *Magne Britannie* Regina & Serenissimo Rege Catholico, ejusdemque Ratihabitionis Tabulæ intra duos Menses, aut citius, si fieri possit, *Trajecti ad Rhenum* invicem commutabuntur.

The present Treaty shall be Ratified by the most Serene Queen of *Great Britain*, and the most Serene Catholick King, and the Ratifications shall be Exchanged at *Utrecht*, within Two Months, or sooner, if possible.

In quorum Fidem, nos infra scripti *S. Magnæ Britannie* Regina, & *S. Regis Catholici* Legati Extraordinarii & Plenipotentarii præsentibus Tabulas Manibus nostris subscriptas Sigillis nostris munivimus, *Trajecti ad Rhenum* Die Vigesimo octavo Mensis Novembris Anno à Christo nato, Millesimi septingentesimi decimi tertii.

In Witness whereof, We the under Written Ambassadors Extraordinary, and Plenipotentiaries of the Queen of *Great Britain*, and the Catholick King, have Signed and Sealed this present Instrument at *Utrecht*, the Twenty eighth day of November, in the Year of our Lord, 1713.

(L.S.) *Joh. Bristol.*

(L.S.) *Duc de Offuna.*

(L.S.) *Joh. Bristol.*

(L.S.) *Duc de Offuna.*

(L.S.) *El Marque de Monteleon.*

(L.S.) *El Marque de Monteleon.*

NOS viso perpenſoque Tractatu ſupra-
ſcripto, eundem Approbavimus, & Ra-
tum, Firmumque habuimus ſicut & per Præ-
ſentes, tam pro Nobismet Ipſis, quam pro
Hereditibus & Succeſſoribus Noſtris, Appro-
bamus, & Ratum, Firmumque habemus, ex-
ceptis ſolummodo Tribus ejuſdem Articulis,
videlicet, Tertio, Quinto, & Octavo,
Ultrajeſti concluſis, quos formâ & modo
ſequentibus intelligi & obſervari volu-
mus :

III.

Quandoquidem per ultimum
Pacis Tractatum, pro Baſi,
& Fundamento poſitum, at-
que ſtabilitum fuerit, quod
Magnæ Britanniæ Subditi
gauderent, quoad Commercium, iſdem
Libertatibus & Privilegiis quibus regnan-
te Carolo Secundo, in totâ Regnorum
Hiſpaniæ amplitudine gaviſi ſunt ; Hæc
ipſa Regula iſdem pro Baſi & Fundamen-
to præſentis hujus Tractatûs Commerci-
i eſt conſtituenda, quod etiam reciprocè
intelligendum in gratiam Subditorum
Hiſpaniæ, qui intra Limites Terrarum
Magnæ Britanniæ Commercium exercituri
ſunt. Quumque nihil magis conduce-
re poſſit ad Commercium, mutuâ cum
Utilitate, Stabiliendum, quam Regula
conſtans, clara, ſimul & facillima, pro
Solvendis Veſtigialibus, & quæ maximè
ſit libellata ad normam moderatiorem,
& cujus proportio propiùs accedat ad
Mercium valorem, ſecus etenim fraudes
inducuntur, magno cum Detrimento
Veſtigialium Principum, quod ipſa per-
ſæpè Experientia comprobatum eſt in
Hiſpaniâ, ubi Tributa in antiquis Indici-
bus (ſeu Tarifis, ut vulgò dicitur) defig-
nata, omnem ſanè modum excedunt. Id-
circo Majeſtas ſua Catholica, cupiens

WE having ſeen and conſidered the
above written Treaty, have Ap-
proved, Ratified, and Conſirmed the ſame,
as We do by theſe Preſents, for Our Selves,
Our Heirs and Succeſſors, Approve, Rati-
fie, and Confirm it, Excepting only Three
Articles thereof, viz. The Third, Fifth,
and Eighth, Concluded at Utrecht, which
are to be obſerved and underſtood in the
Manner and Form following :

III.

WHereas by the late Treaty of
Peace it is Agreed and Eſta-
bliſhed as a Baſis and Foun-
dation, That the Subjects of
Great Britain, in what re-
gards Commerce, ſhall enjoy the ſame
Liberties and Privileges which they
enjoyed in the Reign of King Charles the
Second, in all Parts of the King of
Spain's Dominions, which Rule is what
is alſo to ſerve for a Baſis and Founda-
tion of the preſent Treaty of Commerce,
and is to be underſtood reciprocally in
Favour of the King of Spain's Subjects
Trading in the Dominions of Great Bri-
tain. And as nothing can contribute
more to eſtabliſh the Commerce to a
mutual Benefit than a fixed, clear, and ea-
ſie Rule in paying the Duties, eſpecial-
ly on a moderate Footing, and propor-
tionable to the Value of the Merchan-
diſe, in order to prevent the Frauds
that otherwiſe would be practiſed, to
the Prejudice of the Revenues of either
Crown, which has been often experi-
enced in Spain, where the Eſtabliſhed
Duties by the Ancient Books of Rates
are exceſſive ; In conſideration whereof
his Catholick Majeſty, being deſirous to
avoid the like Conſequences, and to fa-
non

non solum devitare quæ inde nascantur incommoda, sed & faciliorem, quantum in ipsâ est, reddere viam ad Libertatem Commerciorum eadèmq; fove-
re, & augere ex parte suâ, tantum quantum vicissim id ipsum ex suâ desiderat Majestas sua *Britannica*: Voluit suppressere, tam varia ad Merces invehendas, & evehendas Vestigialia in præfatis Indici-
bus antiquis contenta, quam illa etiam quæ deinceps, sub quibuscunque Nominibus, & prætextis imposita fuerint: Satisque sibi esse duxit, si unum solum, & unicum Vestigial æqualitèr colligatur in Ingressu & Egressu Regni, nimirum Decem pro Centum, ut vulgò dicitur, Valoris Mercium, cujuscunque sint generis, seu pretium earum statuatur expendere, mensurâ, numero solidorum Mercimoniorum, seu Computatione, vel Æstimatione: Exigeturque hoc Tributum æqualitèr in Regis Commodum, in omnibus Portibus, & Exhedris Vestigialium *Hispaniæ*, comprehensis simul hic *Portibus*, & Exhedris *Aragoniæ, Valentia, & Cataluniæ*, solummodò ex hac Generali Regulâ Provinciis quæ *Guipuzcoa & Biscaya* nuncupantur exceptis: Quarum Provinciarum Vestigialia in Ingressu, & Egressu fixa remanebunt, sicuti erant Regnante *Carolo Secundo*. Quùm vero hoc Tributum Decem pro Centum, in ipso Ingressu solutum fuerit, Locatores, vel Administratores Telonii, per quod dictæ Merces fuerint invectæ, tenebuntur curare, ut signentur, & plumbentur Tesseris, & Plumbis propriis ejusdem Telonii; ut que tradatur Acceptilatio scripta, vi cujus Proprietario, Proprietariisve licitum erit, eadè Merces ad quasvis Regiones *Hispaniæ* transferre, nec deinceps exigetur ab eis aliud prorsus Vestigial, Tributum, vel Onus, in commodum suæ Catholicæ

vour, augment, and facilitate, in all that depends upon him, the Commerce, in as ample a manner, as her *Britannick* Majesty desires, hath consented, on his part, to suppress and make void the different Duties payable upon Importation and Exportation, contained in the Ancient Books of Rates, as also those that have been imposed since, under any name or pretence whatsoever, and content himself with one only Duty to be paid on Importation of all Goods and Merchandize, after the Rate of 10 per Cent. of their Value; And the like Duty upon all Goods and Merchandize which shall be Exported out of his Dominions, whether the Valuation be made by Weight, Measure, Peice, or *ad valorem*; And the same Duty shall be Collected in all the Ports of Entry in *Spain*, comprehending those of *Arragon, Valencia, and Catalonia*, Excepting out of this General Rule *Biscaya and Guipuzcoa*, whose Duties of Importation and Exportation are to remain as they were in the Time of *Charles the Second*. And that the said 10 per Cent. being once paid, the Farmers or Officers of the Custom-houses where those Goods shall be Entred, shall be obliged to Mark the same with the proper Seals and Marks of their Office, and also give the requisite Dispatches; By virtue of which, the Proprietors of the Goods may freely Transport them to all the other parts of *Spain* where they please, without being liable to pay any other Duty, Imposition, or Charges, to the use or benefit of his Catholick Majesty in any Ports or Parts of *Spain* whatsoever, in respect of Transporting the said Merchandize, over and above what they have paid, in pursuance of this New Arancel, provided the Re-

Majestatis, propter Transportationem præfatarum Mercium, quam illud, quod jam pensum fuerit, juxta novum Indicem (vulgó Tarifam) & de quo Acceptilationes & Plumbea Sigilla, aut Tesseræ exhibebuntur, quæ, si desint, fraudulentè translatas fuisse censebitur, salvis tamen Tributis, quæ *Alcavalas, Cientos & Millones* nominantur, de quibus infra Articulis Quinto & Octavo tractabitur.

Quum autem *Angliæ* Legatus significaverit, ad evitandas in posterum quasquæque Discussiones, omninò necessarium esse, jam nunc in perpetuum ad Æstimationem prædictarum Mercium certam Normam, figere, ità ut Tributum, Decem pro Centum, variari nequeat, propter auctum, vel imminutum commune pretium, quo in Commercio, diversis temporibus, & in variis Regni Partibus æstimari possent; in hunc finem inter Majestates suas Catholicam & *Britannicam*, per suos Oratores conventum, atque stabilitum fuit, quod intra tempus Trium Mensium, post hujus Tractatus Ratificationem, immò citiùs, si fieri possit, convenient *Madridi* vel *Gadibus*, nomine suarum Majestatum, Commissarii ritè ab eisdem nominati; & auctoritate roborati, qui sine ullâ temporis jacturâ, ad constituendum novum Vectigalium Indicem, vel Catalogum incumbent, ut Tributum illud quod posthac, & in perpetuum exigendum sit, pro quocunque genere Mercium, tam in earum Invectione, quam Evectione, ità stabilietur, & limitetur, ut omnia Vectigalia, & Impositiones, quæ ad Ingressum, & Egressum Mercium, tam tempore *Caroli Secundi*, quam antè, vel post ipsius Regnum, exigebantur, sub quibusvis Nominibus, & Prætextibus, & in quibusvis diversis Teloniis, quæcunque ea demum sint, sub isto solo, & unico Vecti-

ceipts and Marks are produced, in default of which, they shall be esteemed to be fraudulently Transported. But it is to be understood, that this is not to extend to the *Alcavalas, Cientos, and Millnes*, in relation to which, Provision is made in the Fifth and Eighth Articles of this Treaty.

And for as much as the Ambassador of *England* hath represented, That to avoid all Differences and Disputes for the future, it is absolutely necessary to Establish a certain Valuation or Rate of the several sorts of Merchandize, by which the said Duty of 10 *per Cent.* shall always be paid, and not altered, either by means of the Augmentation or Diminution of the Price of the said Merchandize, which may hereafter happen in the Commerce, in any time, or in any part of the Kingdom; It is Agreed by their Catholick and *Britannick* Majesties by their Ambassadors, That in the Term of Three Months, from the Ratification of this Treaty, or sooner, if possible, Commissaries Named and Authorized by both their Majesties in due Form; shall meet at *Madrid* or in *Cadiz*, who, without loss of time, shall proceed to the forming a New Book of Rates, in such a manner, as to fix and limit what shall be paid for the future on all sorts of Merchandize, as well upon Importation as Exportation; And so as that all the different Duties which were payable, either before or in the Time of *Charles the Second*, or since, under whatsoever name or pretence, or Collected in different Custom-houses or Offices, shall be comprehended in this only Duty, payable in one Sum, whether upon Importation or Exporta-

gali

gali comprehendantur, quod unâ simul Summâ pendendum erit, seu ad Ingressum, seu ad Egressum Portuum *Hispania*, in quibus comprehenduntur etiam illi, qui ad Regna *Aragonie*, *Valentie*, & Principatum *Catalaunie* pertinent, exceptis tantummodò Provinciis *Guipuzcoæ*, & *Biscayæ* jam supra nominatis. Et quia insuper Legatus *Magnæ Britannie* perquam enixè instittit, ut præfatis Commissariis injungatur imprimis Cura servandæ Regulæ quâ hoc Vestigial æqualitèr, & generalitèr stabilietur pro cunctis Portibus, & Teloniis Ingressus, & Egressus *Hispanie*, ad Normam, quam vulgò vocant Decem pro Centum, Valoris, quo dictæ Merces in Cursu Commercii, & inter Negociatores æstimanantur in Portibus *Gadensî* & *Sanctæ Mariæ* nominatis: Legati *Hispanie*, huic Rei assentiti sunt, ita tamen ut Mercibus quæ invehantur in *Hispaniam*, per Portus Provinciarum *Biscayæ*, & *Guipuzcoæ*, & quæ postea transferantur ad alias Provincias, a Regnis *Castillæ*, & *Aragonie* dependentes, teneantur solvere in primo Portu, vel Telonio, earum Ingressus in præfata Regna, Portoria illa quæ per novum Indicem designabuntur.

V.

Ut evitentur Abusus, qui committi possunt in perceptione Impositionum, quæ *Alcavalas* & *Cientos* vulgò dicuntur, Majestas sua Catholica assentitur, quod Subditis *Magnæ Britannie* liberum sit differre solutionem harum Impositionum, toto tempore, quo Proprietarii Merces suas velint relinquere depositas apud præfata Telonia, in Apothecis ad illud destinatis, & donec eas velint rursus extrahere, sive ad easdem ulterius

tion in all the Ports of *Spain*, and shall extend to the Kingdoms of *Arragon*, *Valencia*, and Principality of *Catalonia*, and their Dependencies, Excepting only the Provinces of *Guipuzcoa* and *Biscaya*, of which mention has been already made. And whereas great Instances have been made by the Ambassador of *Great Britain*, that Directions be given to the said Commissaries, that they take Care, and above all, do observe, as a fixed Rule, That this Duty be laid equally and generally in all the Ports and Custom-houses of *Spain*, upon the Importation and Exportation of all Goods and Merchandize, after the Rate of 10 per Cent. of the Value which such Goods and Merchandize bear in the course of Trade, between the Merchants of *Cadiz* and Port *St. Mary's*; To which the Ambassadors of *Spain* have consented; Always provided, That the Goods and Commodities which shall be Imported into the Kingdom of *Spain* by the Ports of *Biscaya* and *Guipuzcoa*, and afterwards Transported into the other Provinces depending on the Kingdoms of *Castille* and *Arragon*, shall be obliged to pay at the first Custom-house of Entry into the said Kingdoms, the Duties which shall be Established in this New Book of Rates.

V.

To prevent the Abuses that may be committed in Collecting the Duties called *Alcavalas* & *Cientos*, his Catholick Majesty Consents that the Subjects of her *Britannick* Majesty shall not be obliged to pay these Duties, during such time as they think fit to let their Merchandize remain in the Magazines of the Custom-houses appointed for that purpose; But when they shall think fit to take out the said Goods, either to be

in Regnum introducendas, five ad eas ipso in Loco vendendas, vel ad Domos suas avehendas, quod illis licitum erit, modò dent Obligationis Chirographum, sub validâ & sufficienti Cautione, solvendi Impositiones *Alcavalas*. & *Cientos*. dictas, pro primâ Venditione, Duobus Mensibus post Diem Subscriptionis sui Syngraphi, & tunc ipsis tradentur eâ de re Apochâ; simul dictæ Merces notabuntur, & plumbabuntur Tesseris, & Signis plumbeis propriis Mancipum Impositionum *Alcavalas*. & *Cientos*. dictarum, illis in Locis, ubi præfata Tributa primæ Venditionis hoc modo soluta fuerint, tunc quoque poterunt dicti Mercatores illas transferre, & vendere summam, in quibusvis Portibus & Terris sub Dominatione Majestatis suæ Catholicæ in *Europâ*. sitis; nec propter præfatas Impositiones, *Alcavalas*. & *Cientos*. dictas, ullum eis Impedimentum afferri poterit, nec ad aliam solutionem, ob causam dictæ primæ Venditionis, impellentur: Dummodò tamen illi, qui dictas Merces conducent, exhibeant Apochas, Plumbeas Tesseras, vel Signa Mancipum, aut Commissariorum, quibus incumbet Collectio horum Tributorum, vel Testimonium quo probetur eas nondum fuisse revenditas. Sed si è contra Mercator aliquis Merces suas minus vendat, tenebitur secundâ vice solvere dictas Impositiones *Alcavalas* & *Cientos*. nominatas, sub Pœnis à Legibus præscriptis. Consequentèr etiam vult Majestas sua Catholica, quod si post Exhibitionem Apocharum prædictarum, Officiarius aliquis, Commissariusve colligendarum Impositionum *Alcavalas* & *Cientos*. dictarum, iterum exigeret aliam solutionem præfatorum Onerum prædictis Mercibus impositorum, & supra dicto modo signatis, Plumbeisque Tesse-

transported farther into the Country, sell them in the same place, or carry them to their own Houses, it shall be permitted them so to do, upon giving his Bond, with sufficient Security, to pay the said Duties of *Alcavalas* and *Cientos* for the First Sale in Two Months after the Date of his Bond, upon which he shall have Receipts given him for the said Duties, and the Goods shall be marked with the proper Mark and Seal of the Farmers of the said *Alcavalas* and *Cientos*, where such Bond and Security shall be given for the First Sale, after which the said Merchandize may be Transported and Sold by Wholesale in any Port or Place belonging to the King of *Spain* in *Europe*, and that no Obstruction or Hinderance shall be made upon Account of the said Duties, nor the Proprietor liable to pay a second time in respect of the First Sale, provided those who carry the said Merchandizes produce the Receipts and Marks of the Farmer or proper Officer concerned in the Collection of these Duties, or making sufficient Proof of their not being sold before. But if on the contrary, any Merchant do sell his Goods by Retail, he shall be obliged to pay the said Duties of *Alcavalas* and *Cientos* a second time, under the Pains established by the Laws. And His Catholick Majesty declares, That if any Officer of the *Alcavalas* and *Cientos* shall exact a second time the said Duties on the same Merchandize, when the said Receipts and Marks have been produced, or should obstruct their Passage, or Transportation, or occasion the least Impediment, such Officer shall be Fined 2000 Crowns to the Benefit of His Majesties Revenues. And the Officers of the Custom-houses shall not demand or take for making such Receipts or Certi-

ris munitis, vel sese opponeret earum Transitui, & Translationi, siue illis afferret vel minimum Impedimentum, condemnatur ad multam Duorum mille Scutorum, *Escudos* vulgò dictorum, Regio *Erario* adscribendorum. Administris Regiorum Teloniorum licitum non erit, ultra Summam Quindecim *Reales de Vellón*, pro Expeditione Apocharum, vel Syngraphorum percipere, nisi aliud statuatur in novo Indice, de quo in posterum convenietur.

VIII.

Facta est sua Catholica Majestas, justuram se, ut Tributum, vulgò *Millones* vocatum, quod colligitur de Piscibus, aliisque Mercimoniis ad Annonam rei penuriaz spectantibus, non exigatur posthac, in Portibus vel primis Teloniis ad Ingressum in *Hispaniam*, quamdiu Proprietarii ea in Apothecis ad hoc destinatis deposita relinquere voluerint, hac Conditione tamen, quod cum ea extraxerint, tam ad ulterius in Regnum introducenda, quam in ipso loco vendenda, vel ad sua Domicilia vehenda, Syngraphum suum tradant, sub valida & sufficiente Cautione, solvendi Impositiones, de *Millones* dictas, intra Duos Menses à Die Subscriptionis suorum Syngraphorum, tuncque iisdem illa de re tradentur Apochæ, simul etiam dictæ Merces signatæ, vel Plumbeis Tesseris munitæ propriis Mancipum dictarum Impositionum de *Millones* illorum Locorum, in quibus dicta Tributa soluta fuerint, & tunc demum poterunt transvehî, & vendi in Locis, ubi illarum fiat Consumptio, sine ulteriori Onere Tributi de *Millones* solvendi. Ideoque vult sua Majestas, quod si post Exhibitionem prædictarum Apocharum, aliquis Officiarius, aut Commissarius Mancipum Impositionis de *Millones*, dicta Tributa

ficates more than 15 *Reals Vellón*, unless it be otherwise settled in the New-Book of Rates.

VIII.

His Catholick Majesty consents; That the Duties commonly called *Millones*, which are payable upon Fish and other Sorts of Domestick Provisions, shall not be demanded in the First Ports or Custom-houses of Entry in *Spain*, during such time as the Proprietors will let them remain in the Warehouses appointed for that purpose. But in case the Owner shall desire to take them out, either to send into the Country, sell them on the Place, or carry them to their own Houses, they are then to give Bond, with good Security, to Pay the said Duty of *Millones* in Two Months after Date of the said Bond; upon which the necessary Dispatches are to be given them. And the said Merchandize shall be marked with the Seals or Marks of the Farmers of the *Millones* where the said Duties were secured, after which the said Goods may be Transported to, and Sold in the Places where they are to be consumed, without paying any new Duties of *Millones*. His Majesty also declares, That if after the Receipts are produced, any Officer belonging to the Farmers of the *Millones* should exact a second time the same Duties on the same Goods, or should oppose their Passage, Transport or Sale, or occasi-

de Millones de iisdem Mercibus rursùm exigat, vel sese earum Transitui, Transvectioni, aut Venditioni, apponat, sive ipsis, vel minimùm afferat Impedimentum, condemnnetur ad multam Bis mille Scutorum, Escudos dictorum, Regio Ærario adscribendorum.

Vigore itaque Præsentium, Nos supra-
scriptum Tractatum Approbamus, &
Ratum habemus, ita tamen ut Tres Arti-
culi, videlicet, Tertius, Quintus, & Octa-
vus, sicut in hoc Ratificationis Instrumento
sese habent, & ejusdem Tractatus pars esse
intelligantur, & eandem vim & effectum
sortiantur, ac si in ipso Tractatu inserti
fuisset: Spondentes, & Verbo Regio Pro-
mittentes, Nos omnia & singula de quibus
in hoc Tractatu conventum est, sanctè reli-
giosèque Præsisturas & Observaturas, neque
Passuras, quantum in Nobis est, ut à quo-
piam violentur. In quorum majus Robur
& Testimonium, Præsentibus Manu Nostrâ
Regiâ Signatis, Magnum Magnæ Britan-
niæ Sigillum affigi jussimus. Dabantur in
Arce Nostrâ Vindesore, Septimo Die Men-
sis Februarii, Anno Domini Millesimo
septingentesimo decimo ^{Tertio} _{Quarto}, Regni que No-
stri Duodesimo.

on the least Impediment, the said Offi-
cer shall be Fined 2000 Crowns, for the
Benefit of his Majesties Revenue.

Therefore by Virtue of these Presents,
We do Approve and Ratifie the
Treaty above Written, as likewise the
Three Articles, viz. The Third, Fifth,
and Eighth, as they are set forth in this
Instrument of Ratification, and are to be
taken as part of the said Treaty, and to
have the same Force and Effect, as if they
had been inserted therein: Promising and
Engaging Our Royal Word, That We will
Faithfully and Religiously Perform and Ob-
serve all and singular the Things Agreed
upon in this Treaty, and that We will not
suffer the same to be Violated by any one,
as far as lies in Our Power. For the
greater Testimony and Validity whereof,
We have caused Our Great Seal to be affix-
ed to these Presents, which We Signed with
Our Royal Hand. Given at Our Castle of
Windfor the Seventh Day of February,
17¹³/₁₄. in the Twelfth Year of Our Reign.

A N N A,

A N N A, *Dei Gratia*, Magnæ Britanniæ, Franciæ, & Hiberniæ Regina, Fidei Defensor, &c. Omnibus & singulis ad quos Præsentæ Literæ pervenerint, Salutem. Cum Reverendus admodum in Christo Pater, perquam Fidelis & Dilectus Consiliarius Noster, Johannes Episcopus Bristolienſis, Legatus Noster Extraordinarius & Plenipotentarius, Decanus Windesoriensis, & Nobilissimi Ordinis Noſtri Perſcelidis Registrarius, ex parte Noſtrâ, cum Plenipotentiariis Sereniſſimi Regis Catholici Tractatum Commerciï inter Coronas Magnæ Britanniæ & Hispaniæ, ^{Viceſimo octavo} _{Novo} Die Novembris Anno Milieſimo ſeptingenteſimo decimo tertio, Ultrajecti ad Rhenum concluſerit & ſignaverit, & eodem tempore inter dictos Plenipotentarios, ſufficientibus Auctoritatibus ab utraq; parte inſtructos, Articulus Separatus factus fuerit, prout ſequitur:

Articulus Separatus.



DER præſentem Articulum Separatum, qui ejuſdem penitus roboris & vigoris erit, ac ſi Tractatui Commerciorum, hodie inter Regias ſuas Maieſtates Magnæ Britanniæ & Hispaniæ concluſo, de verbo ad verbum inſertus eſſet, eunſque in finem non minus, quàm dictus Tractatus ratiſhabendus erit, Conſentit Regia ſua Maieſtas Catholica liberum fore, omni dehinc tempore, Subditis Britanniis qui Commerciorum Cauſa in Inſulis Canariis degent, unum aliquem ex Subditis Hispaniis nominare, qui Judicis ibidem Conſervatoris Officio fungatur, atque de omnibus Cauſis ad Commercia Britanorum Spectantibus, in primâ inſtantiâ cognoscat, promittitque Regia ſua Maieſtas, ſe ejuſ-

A N N E, *by the Grace of God*, Queen of Great Britain, France, and Ireland, Defender of the Faith, &c. To all and ſingular to whom theſe Preſents ſhall come, Greeting. Whereas the Right Reverend Father in God, Our Right Truſty and Welbeloved Counſellor, John Biſhop of Briſtol, Our Ambaſſador Extraordinary and Plenipotentary, Dean of Windſor, and Register of Our Moſt Noble Order of the Garter, did on Our Part, together with the Plenipotentaries of the moſt Serene Catholick King, Conclude and Sign at Utrecht on the ²⁸/₂₉ Day of ^{November,} _{December,} 1713. a Treaty of Commerce between the Crowns of Great Britain and Spain, and at the ſame time a Separate Article was Concluded, made between the ſaid Plenipotentaries, who were ſeverally furniſhed with ſufficient Authorities, and is as follows:

Separate Article.



BY the preſent Separate Article, which ſhall be altogether of the ſame Validity and Force, as if it was inſerted Word for Word in the Treaty of Commerce this day Concluded, between their Royal Maieſties of Great Britain and Spain, and ſhall for that end be Ratiſied, as well as the ſaid Treaty; his Catholick Maieſty Conſents, That it ſhall at all times hereafter be Lawful for the Britiſh Subjects, who ſhall Live in the Canary-Iſlands, for the ſake of their Trade, to Nominate ſome one Perſon, being a Subject of Spain, who ſhall Execute the Office of Judge Conſervator there, and ſhall at the firſt Inſtance take Cognizance of all Cauſes relating to the modi

modi Judici Conservatori taliter nominato, Commissiones esse concessuram, unà cum eadem Authoritate & Privilegiis omnibus, quibus Judices Conservatores in *Andalusia* gavisi sunt. Quin & si plures ejusmodi Judices ibidem habere, aut constitutos quovis Triennio mutare cupiant Subditi *Britannici*, id ipsis liberum erit, & concedetur. Consentit quoque Rex Catholicus, quod Appellationes a dicti Judicis Conservatoris Sententiis ad Concilii Bellici *Madridi* Tribunal, nec alibi deferantur.

In quorum Fidem, Nos infra scripti S. *Magnæ Britannia* Regina, & S. Regis Catholici Legati Extraordinarii, & Plenipotentiarii, Præfentes Tabulas Manibus Nostriis Subscriptas Sigillis Nostriis munivimus, *Trajecti ad Rhenum* die Novembrii vicesimo octavo Anno Domini Millefimo septingentesimo decimo tertio. Decembrii nono

(L.S.) *Joh. Bristol.* (L.S.) *Duc de Ossuna.*
(L.S.) *El Marque de Monteleon.*

NOS viso, perpensoque hoc Articulo Separato, eundem Approbavimus, ratum, gratum, acceptumque habuimus, sicut ac per Præfentes Approbamus, ratum, gratum, acceptumque habemus, Spondentes, & Verbo Regio Promittentes, Nos omnia & singula in eodem Articulo contenta, sanctè & inviolabiliter Servaturas, neque quicquam fieri Passuras, quod illi contrarium sit. In quorum majus Robur & Testimonium, huic Instrumento Manu Nostrâ Regiâ Signato, Magnum Nostrum Magnæ Britannia Sigillum affigi jussimus. Dabatur in Arce Nostrâ *Vindesora*, Septimo Die Februarii, Anno Millefimo septingentesimo decimo tertio, Regni que Nostrî Duodecimo.

Anna R.

Commerce of the *British* Subjects; and his Royal Majesty promises, That he will Grant Commissions to such Judge Conservator so Named, together with the same Authority, and all the Privileges which the Judges Conservators have formerly enjoyed in *Andalusia*. And if the *British* Subjects shall desire to have more Judges of that sort there, or to Change those that are Appointed every Three Years, it shall be allowed and granted them. His Catholick Majesty consents likewise, that Appeals from the Sentences of the said Judge Conservator, shall be brought before the Tribunal at the Council of War at *Madrid*, and no where else.

In Witness whereof, We the under written Ambassadors Extraordinary, and Plenipotentiaries of Her Sacred Majesty of *Great Britain*, and of His Sacred Catholick Majesty, have Signed and Sealed these Presents at *Utrecht*, the 28th Day of November December in the Year of our Lord, 1713.

(L.S.) *Joh. Bristol.* (L.S.) *Duc de Ossuna.*
(L.S.) *El Marque de Monteleon.*

WE having seen and considered this Separate Article, have Approved, Ratified, and Confirmed, as We do by these Presents Approve, Ratify, and Confirm the same, Promising and Engaging Our Royal Word, That We will Faithfully and Inviolably keep all and singular the Things therein contained, and that We will not suffer any thing to be done contrary thereunto. For the greater Testimony and Validity whereof, We have Signed this Instrument with Our Royal Hand, and caused Our Great Seal of Great Britain to be affixed thereunto. Given at Our Castle of *Windfor* the Seventh Day of February, 17¹³ in the Twelfth Tear of Our Reign.

Anne R.

ANNA R.



ANNA Dei gratiâ, Magnæ Britannie, Franciæ, & Hiberniæ Regina, Fidei Defensor, &c. Omnibus & singulis ad quos præsentēs Literæ pervenerint, Salutem.

Cum Bello huic tam diuturno, tamque exitioso restinguendo operam dare instituerimus, inter curas publicæ Tranquillitatis redintegrandæ, quas gessimus maximas, eò animum præcipuis advertimus, ut arctissima illa Amicitia necessitudinisque vincula, quæ a longissimo usque tempore inter Coronas Britannicam, & Hispanicam, intercessere, summo cum utriusque Nationis Commodo, inter Nos & bonum Fratrem Nostrum Philippum Quintum Hispanicarum Regem Catholicum, novis & quam firmissimis nexibus in perpetuum constringerentur. Ministris itaque iisdem, qui tandem, tantoque cum Successu, Concordiæ operi maxime Salutari inter Principes, Statusque Christianos promovendo conficiendoque *Ultrajecti ad Rhenum* sese Nomine nostro addixerint, etiam partes hæc demandare volumus, ut tam Pacis & Amicitia, quam Navigationis & Commerciorum, inter Nos & dictum Regem Catholicum, Læges, Conditionesque concluderent, fignarèntque. Sciat is igitur, quod Nos, Fide, Industria, & in Rebus magni momenti tractandis, Usu ac Perpicaciâ Reverendi admodum in Christo Patris, perquam fidelis, & dilecti Consiliarii nostri, *Johannis* Episcopi *Bristolienſis*, Privati nostri Sigilli Custodis Decani *Windesorensis*, & Nobilissimi Ordinis nostri Penſionarii Registrarij, Et perquam fide-

ANNE R.



ANNE, by the Grace of God, Queen of Great Britain, France, and Ireland, Defender of the Faith, &c. To all to whom these Presents shall come, Greeting.

When We had determined to endeavour to put an End to this so long and so pernicious a War, amidst the great Cares which We took upon Us in restoring the Publick Tranquillity, We turned Our Thoughts in the first place to the Renewal and Strengthening of those most Strict Bands of Friendship and Correspondence between Us and Our Good Brother *Philip* the Fifth Catholick King of *Spain*, which had subsisted from the longest Date of Time between the *British* and *Spanish* Crowns, to the Mutual Benefit of both Nations: Wherefore We were pleased to appoint the same Ministers, who had so long, and with so good Success, applied themselves in Our Name to promote and finish the most wholesom Work of Peace between the Christian Princes and States at *Utrecht*, to Conclude and Sign Terms and Conditions, as well of Peace and Friendship as of Commerce and Navigation, between Us and the said Catholick King. Know ye therefore, That We reposing very great Confidence in the Fidelity, Industry, and Perpicacity, and Experience, in Treating of Affairs of the greatest Importance, of the Right Reverend Father in God Our Right Trusty and Welbeloved Counsellor *John* Lord Bishop of *Bristol*, Keeper of Our Privy Seal, Dean of *Windsor*, and Register of Our most No-

iis, & prædilecti Confanguinei & Confiliarii nostri *Thoma* Comititis de *Strafford*, Vice-comitis *Wentworth* de *Wentworth-Woodhouse* & de *Staineborough*, Baronis de *Raby*, Exercituum nostrorum Locum-Tenentis Generalis, Primarii Admiralitatis nostræ Commissarii, Nobilissimi Ordinis nostri Periscelidis Equitis, & Legati nostri Extraordinarii ac Plenipotentarii ad Cæsos & Præpotentes Dominos Ordines Generales *Uniti Belgii*, plurimum Confisæ, Eisdem nominavimus, fecimus, & constituimus, quemadmodum per Præsentes nominamus, facimus, & constituimus, Nostros veros, certos, & indubitatos Legatos Extraordinarios, Commissarios, Procuratores, & Plenipotentarios, Dantes & Concedentes iisdem, conjunctim vel divisim, omnem & omnimodam, Potestatem, Facultatem, Autoritatémq; nec non Mandatum Generale, paritè ac Speciale (ita tamen ut Generale Speciali non deroget, neque contra) cum Legatis Extraordinariis & Plenipotentariis, quos prædictus Rex Catholicus, sufficienti Autoritate instructos, ex suâ parte deputaverit, in Civitate *Ultrajectinâ* ad *Rhenum*, aut in alio quocunque loco, Congrediendi, Colloquendique, ac de Pacis atque Amicitiaz Conditionibus tutis, firmis, & honestis, inter Nos & dictum Regem Catholicum, Tractandi, Conveniendi, & Concludendi, eisque omnia quæ ita Conventa & Conclusa fuerint, pro nobis, & nostro Nomine Signandi, superque conclusis Instrumenta, quotquot & qualia necessaria fuerint, Conficiendi, mutuoque Tradendi, Recipiendique, ac generalitèr ea omnia præstandi, perficiendique, quæ quovis modo necessaria ad Pacis atque Amicitiaz Conditiones, ut supra dictum est, ineundas, **Rabliendafq;** vel quomodo liber, oppor-

ble Order of the Garter; And of Our Right Trusty and Right Welbeloved Cousin and Counsellor *Thomas* Earl of *Strafford*, Viscount *Wentworth* of *Wentworth-Woodhouse*, and of *Staineborough*, Baron of *Raby*, Lieutenant-General of Our Armies, First Commissioner of Our Admiralty, Knight of Our most Noble Order of the Garter, and Our Ambassador Extraordinary and Plenipotentiary to the High and Mighty Lords the States General of the *United Provinces*, Have nominated, made, and constituted, as We do by these Presents nominate, make, and constitute them Our true, certain, and undoubted Ambassadors Extraordinary, Commissioners, Procurators, and Plenipotentiaries, Giving and Granting to them either jointly or separately, all and all manner of Power, Leave, and Authority, and Our General as well as Special Command (provided that Our General Command shall not derogate from, or be contrary to Our Special Command) to Meet at *Utrecht*, or at any other Place whatsoever, and have Conferences with the Ambassadors Extraordinary and Plenipotentiaries, whom the said Catholick King shall depute on his side, and provide with sufficient Authorities, and of Treating of, Agreeing upon, and Concluding Safe, Firm, and Honourable Conditions of Peace and Friendship between Us and the said Catholick King, and of Signing whatsoever shall be so Agreed for Us, and in Our Name, and of Making, Delivering, and Receiving reciprocally, all the necessary Instruments of the Things concluded, how many or whatsoever they are, and in general, of doing and performing all things which they shall judge to be any ways necessary or convenient towards

tuna esse judicaverint, tam amplis modo & formâ, ac vi, effectuque pari, ac Nos Ipsâ, si Interessemus, facere ac præstare possemus; Spondentes, & in Verbo Regio promittentes, Nos omnia & singula, quæcunque à dictis nostris Legatis Extraordinariis, Commissariis, Procuratoribus, & Plenipotentariis, conjunctim vel divisim, vi præsentium Transigi, Concludi, & Signari contigerit, grata, rata, & accepta, iis prorsus modo & formâ quibus conventa fuerint, habituras. In quorum omnium majorem fidem & robur, Præsentibus Manû nostrâ Regiâ signatis, Magnum nostrum *Magne Britannia* Sigillum apponi jussimus. Dabantur in Palatio nostro Divi *Jacobi* Tertio die Mensis *Maii*, Anno Domini Millesimo Septingentesimo decimo tertio, Regnique nostri Duodecimo.

Making and Establishing Conditions of Peace and Friendship, as aforesaid, in as ample Manner and Form, and with the same Force and Effect, as We could do and perform the same, if We Our Selves were present; Promising and Engaging Our Royal Word, That We will Approve and Ratifie all and every one of the Articles, which by Virtue of these Presents shall be Transacted, Concluded, and Signed by Our said Ambassadors Extraordinary, Commissioners, Procurators, and Plenipotentiaries, joyntly or separately, in the Form and Manner wherein they are agreed. For the greater Testimony and Validity whereof, having Signed these Presents with Our Royal Hand, We have Comanded Our Great Seal to be affixed thereunto. Given at Our Palace at *St. James's* the Third Day of *May*, 1713. in the Twelfth Year of Our Reign.

R 2 DON

DON *Phelipe*, por la Gracia de Dios, Rey de *Castilla*, de *Leon*, de *Aragon*, de las dos *Sicilias*, de *Jerusalem*, de *Navarra*, de *Granada*, de *Toledo*, de *Valencia*, de *Galicia*, de *Mallorca*, de *Sevilla*, de *Zerdeña*, de *Cordova*, de *Corzega*, de *Niurcia*, de *Jaën*, de los *Algarves*, de *Algecira*, de *Gibraltar*, de las *Islas de Canaria*, de las *Indias Orientales*, y *Occidentales*, *Islas y Tierra Firme del Mar Oceano*, Archiduque de *Austria*, Duque de *Borgoña*, de *Bravante*, y *Milan*, Conde de *Abzburg*, de *Flandes*, *Tirol*, y *Barcelona*, Señor de *Bizcaya*, y de *Molina*, &c. Por quanto por lo mucho que hemos deseado, y deseamos el alivio y descanso de nuestros Vasallos en la afficcion y calamidades de una tan sangrienta y dilatada guerra, como la que hasta aqui se ha experimentado para que mermandose los desolables efectos della entren á pocar del reposo, esplendor, y prosperidades á que anhelan, y nos deciemos procurarles; Por tanto considerando quanto se asegura este comun bien con la Tratacion, y conclusion de un Tratado de Comercio entre esta Corona, y la de *Inglaterra*, de reciproca combenienencia, y utilidad de los Vasallos dellas: Hemos tenido por combeniente nombrar con toda Autoridad y Plenipotencia para ello á Vos Don *Francisco Maria de Paula*, *Tellez*, *Giron*, *Benavides*, *Carrillo*, y *Toledo*, *Ponce de Leon*, Duque de *Osuna*, Primo, Conde de *Ureña*, Marques de *Peñafiel*, Gentilhombre de nuestra Camara, Camarero, y Copero Mayor, Notario Mayor de nuestros Reynos de *Castilla*, Cavallero de la orden de *Calatrava*, Clavero Mayor de la misma orden y Cavalleria, y Comendador della, y de la de

DON *Philip*, by the Grace of God, King of *Castille*, *Leon*, *Aragon*, and both *Sicilies*, *Jerusalem*, *Navarre*, *Granada*, *Toledo*, *Valencia*, *Galicia*, *Majorca*, *Sevilla*, *Sardinia*, *Cordova*, *Corsica*, *Murcia*, *Jaen*, the *Algarves*, *Algezira*, *Gibraltar*, the *Canary Islands*, the *East and West-Indies*, the *Islands and Continent of the Ocean*, Archduke of *Austria*, Duke of *Burgundy*, *Brabant*, and *Milan*, Earl of *Apsburg*, *Flanders*, *Tirol*, and *Barcelona*, Lord of *Biscay* and *Molina*, &c. Whereas We have desired, and do desire, That Our Subjects may be set at Ease and Rest, from the Afflictions and Calamities of so Long and Bloody War, as this has proved to be, and that by putting an End to the deplorable Effects thereof, they may come to Enjoy that Repose, Splendor, and Prosperity, which they Earnestly Wish for, and We ought to Procure them; and considering how much this Common Good will be Secured, by Entering upon and Concluding a Treaty of Commerce, between this Crown and that of *England*, which may be of Reciprocal Advantage and Convenience to the Subjects of Both Crowns: We have thought fit to nominate for that purpose you Don *Francisco Maria de Paula*, *Tellez*, *Giron*, *Benavides*, *Carrillo* y *Toledo*, *Ponce de Leon*, Duke of *Osuna*, our Cousin, Earl of *Ureña*, Marquis of *Peñafiel*, Gentleman of our Bedchamber, and Great Chamberlain, and Cupbearer, Chief Notary of Our Kingdoms of *Castille*, Knight of the Order of *Callatrava*, Great Treasurer of the said Order and Knighthood, Commendador thereof, and of the Usage in the Order of *St. James*, and Captain of the First Company of Our Usage

Ufagre en la de san *Tiago*, Capitan de la primera Compañia *Española* de nueffras Reales Guardias de Corps; Y à Vos, Don *Ifidro Casado de Rosales*, Marques de *Monteleon*, Pariente de nuestro Consejo de *Indias*; con el Grado de nuestros Embaxadores Extraordinarios, Plenipotenciarios, por la entera satisfacion, y confianza con que nos hallamos de vuestras Personas, y concurrir en ambas las apreciables Circunstancias de Prudencia, Intelligencia, Experiencias, Zelo, y Amor à nuestro Real Servicio, que pide Negociado de tal importancia, à fin que con los Ministros Plenipotenciarios nombrados para este efecto por la Reyna de la *Gran Bretaña*, podais tratar, concluir, y efectuar el referido Tratado de Comercio de reciproca Combeniencia, y Utilidad de los Vasallos de las dichas dos Coronas, Prometiendo (como prometemos) por la presente en Feè, y Palabra Real que pasaremos, y cumpliremos para siempre Nos, y nuestros Subcessores, todo lo que estipulareis, concluyereis, y efectuareis con los mencionados Ministros Plenipotenciarios de la Reyna de la *Gran Bretaña*, para la Consecucion, y logro del referido Tratado de Comercio, y que lo observaremos exactamente, y haremos que se observe, sin contravenir, ni consentir que se contravenga à ello en manera alguna, directa, ô indirectamente, pues para todo ello, y lo demas que fuere necesario ôs damos, y concedemos todo el poder, Autoridad, y Facultad que se requiere; y que lo aprovaremos y ratificaremos dentro del termino que reciproca-mente se combiniere para ello: Declarando tambien que en el caso de ausencia ô enfermedad de alguno de Vos los dichos Duque de *Osuna*, y Marques de *Monteleon*, podrá el otro de Vos Suceder en

Royal Spanish Life Guards: And you Don *Ifidro Casado de Rosales*, Marquis de *Monteleon*; our Kinsman, and one of Our Council of the *Indies*; with full Power and Authority, and the Dignity of our Embassadors Extraordinary and Plenipotentiaries, by reason of the Entire Satisfaction and Confidence we have in your Persons, and that Both of you are Endued with those Valuable Qualities of Prudence, Judgment, Experience, Zeal, and Love for Our Royal Service, which are necessary for a Negotiation of this Importance, to the End that you may Treat of, Conclude, and Finish, with the Ministers, Plenipotentiaries, named for that purpose by the Queen of *Great Britain*, the aforesaid Treaty of Commerce, for the Reciprocal Convenience and Advantage of the Subjects of the Two Crowns, Promising, as We do hereby Promise, for Our Selves and Successors, upon Our Faith and Royal Word, that We will perform and keep for ever, all that you shall Stipulate, Conclude, and Agree, with the aforesaid Ministers, Plenipotentiaries of the Queen of *Great Britain*, for the attaining and settling the said Treaty of Commerce, and that We will observe it exactly, and cause it to be observed, without Contravening the same, or suffering it to be Contravened in any wise whatsoever, directly or indirectly, for all which, and whatsoever else may be necessary thereto, We give and grant to you all the Power, Authority, and Faculty that is needful; and that We will Approve and Ratifie the same, within the time that shall be reciprocally Agreed: Declaring that in case of Absence or Sicknes of either of you, the said Duke of *Osuna*, and Marquis of *Monteleon*, the other of you

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la Tratacion, y Efectuacion de este Negociado de Comercio, prometiendo Nos assi mismo en Feé y Palabra Real, de passar por ello, aprovarlo, y ratificarlo con todas las Solemnidades, y demas requisitos devidos como si hubiese sido ajustado, y concludo por ambes. En Testimonio de lo qual mandamos despachar, y despachamos la presente firmada de nuestra Mano, Sellada con nuestro Sello Secreto, y refrendada de nuestro infrascripto Secretario de Estado. Dada en *Madrid*, à Veynte de *Octubre*, de Mil setecientos y treze.

may proceed in the Effecting and Concluding this Treaty of Commerce; We promising also upon Our Faith and Royal Word, that We will Approve, Confirm and Ratifie the same, with all the Solemnities and Forms that are necessary, and in the same manner as if it had been Adjusted and Concluded by Both of you. In Testimony whereof We have commanded to be Dispatched, and We do dispatch these Presents, Signed with Our Hand, Sealed with Our Privy Seal, and Countersigned by Our underwritten Secretary of State. Given at *Madrid*, the Twentieth Day of *October*, 1713.

To el Rey.

To the King.

Manuel de Vadillo y Velasco.

Manuel de Vadillo y Velasco.

Certificamos, como el presente Exemplar es Copia que se hà sacado palabra per palabra del Poder Original, con el qual su Magestad, nos hà honrado. La *Haya*: à Veynte y tres de *Febrero*, de Mil setecientos y Catorze.

WE do Certifie, That this present Writing is a Copy taken Word for Word from the Original Power, with which His Majesty has Honoured us. *Madrid*, the Twenty third of *February*, 1714.

Duque de Osuna.

Duque de Osuna.

El Marque de Monteleon.

Marque de Monteleon.

F I N I S.