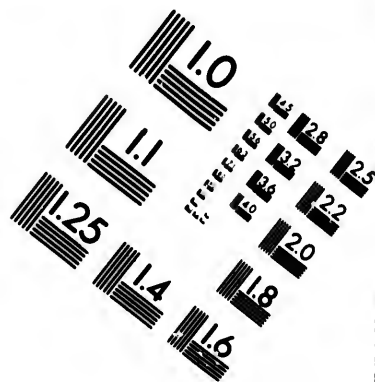


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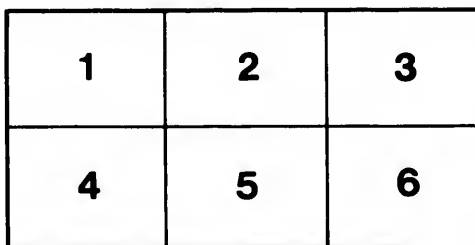
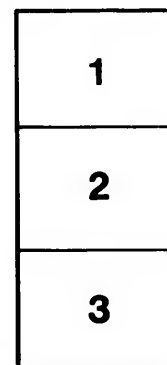
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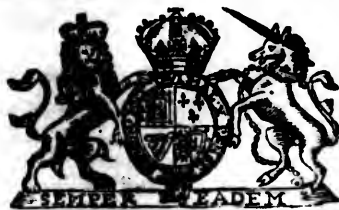
Tractatus Navigationis
ET
COMMERCIORUM
INTER

*Serenissimam ac Potentissimam Principem ANNAM, Dei Gratiâ, Magnæ
Britanniæ, Franciæ, & Hiberniæ, Reginam, Fidei Defensorem, &c. & Serenissimum ac Potentissimum Principem PHILIPPUM V. Dei Gratiâ,
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 Catholick King of *Spain*, Concluded at *Utrecht* the $\frac{23}{9}$ Day of $\frac{\text{November}}{\text{December}}$ 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*, decess'd. 1714.

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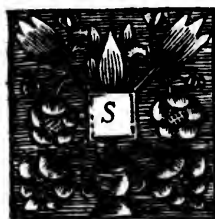
nam,

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& Dom

A N N A, Dei Gratiâ, *Magna Britannia, Francia, & Hibernia* Regina, Fidei Defensor, &c. Omnibus & singulis ad quos Præsentēs Literæ pervenerint, Salutem. Cum Reverendus admodum in Christo Pater, perquam Fidelis & delectus Consiliarius Noster, *Johannes* Episcopus *Bristolienſis*, Legatus Noster Extraordinarius & Plenipotentarius, Decanus *Windsorienſis*, & Nobilissimi Ordinis Nostri Periscelidis Registrarius, ex parte Nostrâ, unâ cum Plenipotentariis Sux Majestatis Catholicæ, ^{Vicesimo octavo} die Mensis ^{Novembri} ^{Nono} ^{Decembri} Anno Milleſimo ſeptingenteſimo decimo tertio, *Ultrajeſti* ad *Rhenum*, Tractatum Commerciū inter Subditos *Magnæ Britannia & Hispania* concluſerit & ſignaverit, prout ſequitur :



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,

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 His Catholick Maſteſty, Conclude and Sign at *Utrecht*, on the 1^{ſt} Day of ^{November} ^{December} 1713. a Treaty of Commerce between the Subjects of *Great Britain* and *Spain*, as follows :



Good and firm Peace, and a true and ſincere Friendſhip having, by the merciful Aſſiſtance of God, been happily Eſta-bliſhed 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 Heredes ac Successores, Regna, & Subditos, per Pacificationis Tractatum, Trajecti ad Rhenum die ^{Secundo} ~~Decimo tertio~~ Mensis Julii, novissimè præteriti, conclusum, in eam præprimis Curam ieverunt Regie sue 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 Commerciorum solennis formam redigerent; Disſi igitur Legati, vigore Plenipotentiarum, quarum Apographa sub Finem hujus Instrumenti verbo tenus inserta erunt, super Commerciorum Articulis, ad Elucidationem Tractatuum anteriorum, & procurandam uberiores in Commerciorum negotiis expediendis Facilitatem, modo & formâ convenierunt, prout sequitur:

I.

TRactatus Pacis, Commerciorum, & Considerationis, inter Coronas Magnæ Britanniæ & Hispaniæ, Madriti die ^{Decimo tertio} ~~Vigesimo tertio~~ Mensis Maii, Anno Domini 1667, conclusus, per hunc Tractatum ratihabetur & confirmatur, eundemque, unâ cum Schedulis Regiis, sive 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 ^{Second} ~~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 Plenipotentaries, (by whose means the Peace had been happily concluded) to draw up into a Solemn Treaty of Commerce, whatsoever, after all things had been thoroughly 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/_{th} 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:

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*Traſſatus Pacis & Amicitie inter Coronas
Magnæ Britannię & Hiſpaniæ, Con-
cluſus Madridi ¼ die Maii, Anno Do-
mini, 1667,*

*The Treaty of Peace and Friendſhip be-
tween the Crowns of Great Britain
and Spain, Concluded at Madrid the
¼ Day of May, in the Year of our
Lord, 1667,*

INitus & Concluſus per Excellentiffi-
mum Dominum D. *Edwardum* Co-
mitem de *Sandwich*, Sereniſſimo ac Po-
tentiffimo *Magnæ Britannię* Regi à Se-
cretioribus Conſiliis, & Legatum ejus
Extraordinarium in *Hiſpaniam*, Nomine
dicti Sereniſſimi Regis Domini ſui; Et
per Excellentiffimos Dominos, D. *Jo-
hannem Eberardum Nidardum*, Sereniſſi-
mæ Regiæ Catholicæ Confeſſarium,
Inquiſitorem Generalem, & Conſiliari-
um Statûs, D. *Ramirum Phelipez Nu-
nez de Guſman*, Ducem de *San Lucar
la Mayor*, & de *Medina de las Torres*,
Conſiliarium Statûs, & Præſidem *Italiæ*,
& D. *Gaſparem de Bracamonte & Guſ-
man*, Comitem *Penarandæ*, Conſiliari-
um Statûs, & Præſidem *Indiarum*, No-
mine Sereniſſimorum ac Potentiſſimo-
rum Regis ac Regiæ *Hiſpaniarum*, Do-
minorum ſuorum, *Madridi ¼ 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 Bri-
tain*, and his Ambaſſador Extraordinary
to *Spain*, in the Name of the moſt Serene
King his Maſter; And the moſt Excel-
lent Lords, Don *John Eberardo Nidardo*,
Confeſſor to the moſt Serene Catholick
Queen, Inquiſitor General and Counſel-
lor of State, Don *Ramiro Phelipez Nu-
nez de Guzman*, Duke of *San Lucar
Mayor*, and of *Medina de las Torres*, Coun-
ſellor of State, and Preſident of *Italy*,
and Don *Gaſpar* of *Bracamonte* and
Gufman, Count of *Penaranda*, Coun-
ſellor of State, and Preſident of the
Indies, in the Name of the moſt Serene
and Potent King and Queen of *Spain*,
at *Madrid* the ¼ Day of May, 1667.

QUandoquidem poſt Exceſſum Sere-
niſſimi ac Potentiſſimi *Philippi*
Quarti *Hiſpaniarum* Regis, glorioſæ Me-
morix, Sereniſſimus ac Potentiſſimus
Rex Catholicus *Carolus Secundus*, ejus
Filius, in Regnâ, Status, & Dominia Mo-
narchiæ Paternæ Deo O. M. ita diſpo-
nente, ſucceſſit; Sereniſſimæque Regina
Catholica, Domina *Maria Anna Au-
ſtriaca* in Tutricem & Curatricem ad eo-
rundem Gubernationem & Regimen,
durantibus Regis minoribus Annis, vo-
cata eſt; exoptatiſſimum, utrinque mu-
tuoque ſtudio ac deſiderio permoſis, Se-

WHæreas after the Deceafe of the
moſt Serene and Potent King of
Spain, *Philip* the Fourth, of Glorious Me-
mory, it pleaſed God that the moſt Serene
and Potent Catholick King *Charles* the
Second, his Son, ſucceeded to the King-
doms, States, and Dominions of his Fa-
ther's Monarchy; and the moſt Serene
Catholick Queen the Lady *Anna Ma-
ria* of *Auſtria* was called to the Govern-
ment of the ſame, as Tutreſs and Cu-
ratrix during the Minority of the King;
It was thought moſt deſireable by the
moſt Serene and Potent *Charles* the
reniſſimo

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 Britanniæ*, 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 Commercio-
rum frequentia ac commoda, quam utriusque Gentis Ingenia, singularem quandam Animorum ac Consilii unionem postulare videantur, eumque in finem dictus Serenissimus Rex *Magnæ Britanniæ* virum Excellentissimum *Edwardum Comitem de Sandrich, Vice-Comitem de Hinchingsbrooke, Baronem Montacutium de Sancto Neote, Angliæ Vice-Admirallum, Magnæ Guarderobæ Regiæ Magistrum, Consiliarium Statûs, & Nobilissimæ, 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 Tabulis poneret, ad seros usque Posterorū duratura, dictumque Legatum plenissimā Facultate munivit, cujus Copia infra inferetur. Eā autem animorum propensione Negotiatio dicti Legati Extraordinarii in Aulā Catholicā 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 Hinchingsbrooke, 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-

dum, Catholice Confilium P de San de las Præfide de Br Penaræ fidem cultas, ferius

Sequitur testat næ B

C A M bernie & Sing Saluten Infalici deatur, tus suis indulge citæ & ipsam malint, nibus aut ini gis pau nativum rem cor râq; con Neceffi re & co tium V Studia animad spanoru ra fuisse facile in

dum, Confessarium Serenissimæ Reginæ Catholicæ, Inquisitorem Generalem, & Consiliarium Statûs, Dominum Ramirum Phelipez Nunez de Gusman, Ducem de San Lucar la Mayor, & de Medina de las Torres, Consiliarium Statûs, & Præsidentem Italiæ, & Dominum Gasparem de Bracamonte & Gusman, Comitem Penarandæ, Consiliarium Statûs, & Præsidentem Indiarum; quibus concessa est Facultas, & Commissio, cujus Tenor inferius sequetur.

Sequitur Tenor Commissionis seu Plene Fœderatis ex parte Serenissimi Regis Magnæ Britanniz, &c.

CAROLUS Secundus, Dei Gratiâ, Magnæ Britannia, 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 Amicitiz & Vicinitatis Jura proculcare, imò ipsam Rerum Universitatem convelli malint, quàm tantillum à suis Opinionibus & propositis, utcunque levitèr aut iniquè susceptis, discedere; eò magis pauci illi Reges, quorum Potentiz nativum quendam Æqui ac Boni amorem consociavit Deus, summâ ope, operâq; connitidebent, ut tam sacrosanctæ Necessitudinis Fœdera inter se constituerent & conservare, tam perverfas renitentium Voluntates ad Saniora Concordiæ Studia revocare & inflectere valeant; animadverso autem *Anglorum* atque *Hispanorum* Ingenia ita semper comparata fuisse, ut agrè à se invicem alienari, facile in Gratiâ 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 joyned 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 flourisse, cum regnantes, Naturæ suæ Duëtum secuti, Pacem mutuò stabilitam sanctissimè colerent; perspecto insuper & certissimis Indiciis explorato, Serenissimam Reginam Dominam *Mariam 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, *Hispania* Regentem, obirer, & Characterem suum virtutibus exornaret, qualem præ aliis fore judicavimus prædilectum & perquam Fidelem Consanguineum Nostrium *Edwardum Comitem de Sandwich*, & Vice-Comitem de *Hinchbrooke*, Baronem *Montacutum* de Sancto *Neote*, *Anglia* Vice-Admirallum, *Magne Garderobe* Nostre Magistrum, Nobis à Secretioribus Consiliis, & antiquissimi, celeberrimique Ordinis Periscelidis Equitem. Sciatis igitur, quod Nos, Fide, Industria, Judicio, ac Prudentiâ, dicti Comitris de *Sandwich*, Legati Nostri Extraordinarii, plurimum confisi, 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 *Hinchbrooke*, 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

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Nomine nostro, cum Præfatâ Serenissimâ Reginâ *Hispaniæ* Regente, Ipsiusque Commissariis, Deputatis, ac Procuratoribus, ad hoc sufficientem Potestatem habentibus, de & super arctiori Confœderationi inter Coronas ac Regna *Magnæ Britanniæ & Hispaniæ*, nec non de & super Commercii & 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 faciant, & conducant, atque super iis Articulos, 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 cuius Rei Testimonium hæcce 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 Ratify, 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

Sequitur

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 Catholick Majesty.

DON Carlos, por la Gracia 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 *Malorca*, de *Sevilla*, de *Cerdeña*, de *Cordoua*, de *Concega*, de *Murcia*, de *Juen*, de los *Algarves*, de *Algecira*, de *Gibraltar*, de las *Islas de Canaria*, de las *Indias Orientales*, y *Occidentales*, *Islas y Tierras firme del Mar Orceano*, Archiduque de *Austria*, Duque de *Borgonia*, de *Brabante*, de *Milan*, Conde de *Apsburg*, de *Flanders*, *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 Gobernadora 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, en re 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 Phelipez*, *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*, *Jacu*, 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 molt 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 Phelipez*, *Nunez de Gusman*, Duke of *San Lucar la Mayor*, and of *Medina de las Torres*, Counsellor

la

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 Satisfaccion que me asiste de lo que procuran, y dessean 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, obligandome, como me obligo, y al dicho Rey mi Hijo, en Fee y Palabra Real à estar y passar por ello, aprobarlo y Ratificarlo con el Juramento, y demas Requisitos, y Solemnidades, que en tal Caso fuere necessario, 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 Diminu-

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

To la Reyna.

*Don Pedro Fernandez del Campo
y Angulo.*

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

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

A R T I C. I.

IMprimis, conventum & concordatum est, quod inter Coronam *Magnæ Britanniae* 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, &

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.

I the Queen.

*Don Pedro Fernandez del Campo
y Angulo.*

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 Commissioners, 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 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.

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 Fluviiis, 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 Emprionibus, 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 *Magne Britanniæ*, illinc *Hispaniarum*, illud in primis curæ erit, in posterum ut sui utrinque Subditi & Populi ab omni Vi, Injuriâ, &

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 Confœderationis, ſive contra Juris & Æquitationem, Literæ Repreſſaliarum, Marcæ, aut Contra-Marcæ, eam ob rem ex parte alterutrius Confœderatorum 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 poſtulabit & urgebit, vel apud Ipſum Regem ſibi Confœderatum, vel apud Commiſſarios utriusque Regis Nomine conſtituendos, qui de omnibus hoc genus Querelis, & Controverſiis cognoscant, eaſque vel amici 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 Commertium ullo antehac Tempore exerceri conſuevit, libera dabitur hinc indè negotiandi Copia, & Commertia 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 Confœderates, until ſuch time as Juſtice is ſought 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 Conduſt, and with-
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exercendi Facultas, ita ut absque Literis Salvi Conductus, aut aliâ Licentiæ five generalis five specialis formâ, Populi & Subditi alterutrinque possint, tam per Terram quam per Mare & Aquas lene, liberè navigare & iter facere in Regiones, Regna, Dominia, Civitates, Portus, Aquarum Fluenta, Æstuaria, Districus, & alia Loca quæcunque Confœderatorum 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 sustinendæ, 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, Vestigalibus, & Portoriis imperandis, & solvendis, Salvis etiam Legibus, & Ordinationibus per Dominia & Ditiones singulas utriusque Regis sancitis & observatis.

V.

Concordatum iidem est, quod Merces & Mercimonia quæ Subditi Regis *Magne Britanniæ* 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, Subsidiiis, aut aliis Oneribus subjicientur, aut gravabuntur, præterquam iis ad quæ solvenda paricatu ipsi Indigenæ, aliique omnes Exteri in iisdem locis Mercaturam exercentes, tenentur; Mercatores item & Subditi prædicti in Emptionibus, Venditionibus, & suarum mercium Contræctionibus, tam ratione Pretii, quàm in omni Vectigalium solutione, iisdem semper cum Subditis naturalibus Privilegiis fruuntur, & gaudebunt, ipsisque Bona & Mercimonia sibi emere, emptaque Navibus suis (uti superius provitum est) imponere integrum erit, ita ut easdem oneratas post Vectigalium debitorum solutionem nefas sit sub prætextu quocunque in Portu detinere, nedum Oneratoribus, Mercatoribus, aut Factoribus, sive 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 exigì possunt, juxta Tractatus hujus Vim & Tenorem, quo Mercatores etiam & Populi prædicti certò scire, & luculentè discernere possint, quid in Re Telonariâ hinc inde pro constituto & sancito habetur; Conveniunt & conclusum est, quod in omnibus Aedibus & Exedris Portuorum Quæstura 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 Ladgers, 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,

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 tur, in quibus iuxta Ratio, seu Taxa
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 Solutionum quarumcunque, tam Fisco
 Regio quam Officiariis Telonii debita-
 rum, accuratè describentur, Speciebus
 scilicet Mercium tam importandarum
 quam exportandarum, Sigillatim enu-
 meratis, Taxa sua constabit, & è re-
 glone 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 Vestigalis, Oneris,
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 aut Debiti, acceperit, aut sibi numerari
 passus fuerit, quæ ex dictarum Tabula-
 rum præscripto, (quantumvis muneris
 aut Xenii speciem induerit,) haud debe-
 bitur; constitutum est, quod Officiarius
 ille, aut ejus Deputatus, qui isto modo de-
 liquerit, Delictique sui convictus fuerit
 coram Judice competente, in Ditione
 illâ ubi offenderit, poenâ Incarcerationis
 per tres menses continuos castigabitur,
 triploque pecuniæ, sive rei alius cujus-
 cunque iniquè receptæ, contra quam su-
 perius cautum est, valore mulctabitur,
 cujus Mulctæ semissis alter Fisco Regio,
 hinc *Magne Britannie*, illinc *Hispania-*
rum addicetur, alter Denuntiatori, jure
 expeditissimo adjudicabitur coram Com-
 petente Judice in Ditione illâ, ubi offen-
 disse Delinquens deprehenditur.

VII.

Quod licitum erit & integrum Subdi-
 tis Regis *Magne Britannie*, tam in Mer-
 cibus 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 Pay-
 ments, 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, up-
 on 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 Recom-
 pense (though it be by the way of volun-
 tary Donative) more or otherwise than
 aforesaid, the said Officer or his Depu-
 ty being in such manner guilty, and
 convicted before a competent Judge in the
 Country where the Crime is commit-
 ted, 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 Coun-
 try where the Crime is committed, and
 the other half for the Denunciator, for
 the which he may Sue his Right be-
 fore any competent Judge of the Coun-
 try where it shall happen.

VII.

That it shall be lawful for the Sub-
 jects 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
 C minia

minia Regi *Hispaniarum* obtemperantia quæcunque, ubi Negotiationem & Commercia exercere antehac confueverunt, Mercaturam facere, Merces item omnis generis, Pannos, Res & Mercimonia manufacta è *Britanniarum* Insulis adveſta, nec non Mercimonia manufacta, Bona, Fruſtus, & Species, Insulis, Urbibus, aut Coloniis Regis *Magnæ Britanniæ* 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 coempta fuerint, venundare, & distrahere, absque ullâ obligatione significandi, vel manifestandi quibuscumque Personis, quove 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 Britanniæ* Territoria, Insulas, Dominia, aut Regiones, aut in ulla alia, si maluerint, Loca, cum omnibus suis Bonis, Facultatibus, & Mercimoniis, solutis prius Vestigialibus & Portoriis juxta præcedentes Articulos exigendis, liberè discedent. Porro si quid fortè Mercium quas debebunt, 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 Vestigialis 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.

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

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 constitit ex Testimonio Deputatorum nomine Societatis *Indiæ Orientalis* prædictæ *Londini* Agentium, quod Fructus & Mercimonia prædicta ex Conquestibus, Colonis, vel Factoriis *Anglorum* advecta, 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, five Contrabandæ, vigesimo septimo *Junii*, & Tertio *Julii*, Anno Milleesimo sexcentesimo sexagesimo tertio datis, & trigesimo *Junii*, & quarto *Julii* Anni prædicti promulgatis, emanarunt: Quod autem ad utrasque *Indias*, aliasque partes quascunque attinet, Corona *Hispaniarum* omne id concessum & impertitum vult Regi *Magnæ Britannie*, & Vassallis ejus, quod Ordinibus Provinciarum *Belgii Inferioris* Confœderatarum per Tractatum *Monsasterii*, Anno Milleesimo sexcentesimo quadragésimo octavo celebratum, concessum est, non minùs firmitèr & amplè, quàm si de Capitulo in Capitulum, & Puncto

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.

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

IX.

Subditi Regis *Magne Britannie* Negotiationi, Emptioni, & Venditioni Mercium quarumcunque, vacantes intra Dominia, Praefecturas, Insulas, aut Territoria Regis *Hispaniarum*, gaudebunt & fruentur Privilegiis illis omnibus, & Immunitatibus, quae 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 quadragesimo quinto, datis, concessae & confirmatae 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 praedictae Schedules, sive Ordinationes Regiae (quoad earundem substantialia, sive vim & effectum) in numerum horum Articulorum migrabunt, & cooptabuntur, & in usum atque commodum omnium & singulorum Subditorum Regis *Magne Britanniae*, 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 *Magne Britanniae*, 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 *Andalusia*, 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 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

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propria Authoritate, five aliena fretos, nullatenus subijcientur, neque ulli Milites, Homines armati, Officiares, aut privati quicunque, Naves predictas, Custodiarum nomine, vel alio quocunque sub pretextu, conscendant, aut intrabunt; Quæsturæ item Teloniarum Ministri Naves aut Navigia alterutrius partis, ubi in Regiones, Dominia, aut Portus alterius appulerint, visitatione, aut inspectione aliqua nullatenus gravabunt, usque dum Mercibus impositis exonerata fuerint, aut illam saltem Mercium suarum partem in Littore deposuerint, quam ex declaratione Navarcharum in istum Portum destinari contiterit. Capitaneum, Navarcham, aut alium quempiam Socium, Vectorem aut Nautam, vel in Carcerem detrudere, vel Personarum, aut Schapharum suarum in Littore detentione vexare nefas esto. Interim tamen Quæsturæ Teloniarum Officiariis permissum est, ex suo ipsorum Numero nonnullos Navibus istiusmodi, Custodiarum 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 Custodiarum huiusmodi 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 hæcenus 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 Regellis 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 relegenduntur, 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 aliquâ 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 Vectigali 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 Vectigalium, 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 unlading be not finished, shall be Confiscated, and not any other; nor shall other trouble be given, or punishment inflicted 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 adveſtis imponuntur, ex *Legē* remittendus, & *Importanti* refundendus, & ſi forte illa ipſa *Bona* extra *Regnum* prædictum intra unum *Annum* poſt primam eorum *Exonerationem* exportare quis velit, præſtito prius *Juramento* quod ſint eadem numero *Bona* pro quibus *Veſtigalia* jam inter importandum ſoluta ſunt; Cumque *Bona* iſtiusmodi, etiam poſt *Annum* elapſum, ſine ullo *Veſtigali*, aut *Portorio* ſecundâ vice Solvendo, exportari è *Regno* quocunque quis velit tempore poſſint, Concluſum eſt, quod ſi qui *Subditi Regis Magnæ Britanniæ* 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 alioſum transportare è re ſuâ duxerint, ut *Foro* magis quaſuoſo utantur, illud *Subditis* prædictis omninò permiſſum & integrum erit, nullo alio *Veſtigali*, *Tributove*, pro *Bonis* iſtiusmodi ſoluto aut exacto, præſtito 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 fortè *Subditi*, *Populi* & *Incolæ* *Dominiorum* alterutrius partis, vel in *Terram* demiſerint vel penes ſe habuerint *Bona* aliqua, *Mercimonia*, *Fruſtus*, aut *Facultates* in *Civitate*, *Oppido*, & *Pago* quocunque, pro quibus *Veſtigalia* juxta formam ſuperius præſcriptam revera exſoluta ſunt, & prædicta *Bona*, *Mercimonia*, *Fruſtus*, 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 Re-ſhippt 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 Maſeſty, 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 sua 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 Vestigialia 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, Vestigialia 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 Confœderatorum 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

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trabandæ dictis, haud quaquàm destinari (cujus Rei sine luculentis Judiciis minime postulabitur) ex Portu quandocunque lubuerit Navis istiusmodi solvet, & in altum sine Impedimento quocunque revertetur; eâ tamen Lege, ut Onus quod vehit illibatum maneat, nullaue ejus pars in Portu venum exponatur, aut distrahatur. Ubi verò jacta est Anchora, & intra Portum substititur, ad Visitationis 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 prosequendum 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 præcidatur) accedent; Scapham vero, si lubet, duosque aut tres solummodo Classarios ad Mercatoriam emittent, quibus ubi Navem conscenderit, Literas Salvi Conductûs exhibebit Navarcha vel Patronus, Chartarum 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 Navarcha, aut Patroni, nec non Navis ipsius Nomine certiores fient; duabus quip-

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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

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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 porro Literæ & Chartæ Marinae Fide & Authoritate eo magis indubitata valetunt, quod tam ex parte Regis *Magne Britannie*, quam ex parte Regis *Hispaniarum*, Certificationibus quibusdam contra Signatis (si necesse fuerit) munientur; quarum Virtute authenticæ magis fient, & adulterinæ pro veris nemini obtrudi 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 *Magne Britannie* Nummos, aut Moretam 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 intervientibus, 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

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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 suspicioni 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 resarciendis, vel Commeatu excipiendis, necessaria æstimabitur ; multò minùs in Causâ erunt ut Commercia vel perturbentur, vel abruptantur, 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 cujuscunque evitandi gratiâ eo Loci protrudantur ; quo in Casu Præfecto Portûs, aut Loci Magistratui Primario appulsus istiusmodi, quam primum fieri potest, causæ exponantur, 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, Merces, 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 thereinto 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 ita intelligendum est, ut Ordinaria Juris Remedia Iustitiæ pro æquo & bono administrandæ 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, iisq; 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, Dominia, 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 Salariorum, 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

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hinc Regis *Magne Britannie*, illinc *Hispaniarum*, aut suorum respectivè Armorum, se sub Colore quocunque subducet, aut excipietur; quinimò si quæ Controversia aboritur inter Mercatores & Navarchas, aut inter Navarchas & socios Navales, totius Rei arbitrium Gentis Consuli committeretur, 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 *Magne Britannie* Imperio Subditi, sublati tandem obstaculis quibuscunque in *Brabantiam*, *Flandriam*, reliquasque *Belgii* Provincias, Regi Catholico obtemperantes, Commercii veteris restaurandi gratià, denuò 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 Portoriis 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 *Burgundiæ*, alioque

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 compoling 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
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Belgii Praefectos, dudum impositis & usque continuatis, utque nulla id genus Onera aut Portoria Pannis, aut Mercimoniis Laneis manufactis supra memoratis, quocunque sub praetextu, in posterum imperentur, aut exigantur. Disti item & Mercatores & Negotiantes in Provincias praedictas, Earumve Civitates & Urbes, negotiandi Causa commeanes, uti & eorundem Famuli, Factores, & Commissarii, omnibus Privilegiis, Exemptionibus, Immunitatibus & Beneficiis, quibus ullo unquam Tempore antiquitus gaudebant, abhinc in posterum gaudeant & perfruantur, juxta vim & Tenorem Tractatum inter Reges *Angliae*, & Duces *Burgundiae*, aliosque *Belgii* Praefectos, dudum initorum; Consensum itaque est, quod nominabuntur à Serenissimo *Magnae Britanniae* Rege Deputati, qui cum Marchione de *Castel-Rodrigo*, vel qui pro Tempore fuerit earum Provinciarum Gubernatore, aliisve Ministris, sufficientem in hac parte potestatem habentibus, concurrent, & super iis omnibus (perpensu utriusque Gentis Utilitate) amice tractent & concludant; amplioribus item Mercatores *Angli* Privilegiis, Immunitatibus, & Exemptionibus praesenti 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 *Magnae Britanniae*, & *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

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XXII.

Libertatem verò illam Impedimento, aut Inquietatione aliquâ nullatenus interrumpent Naves, aut Subditi dictorum Regum alterutrius, ob hostilitatem quæ impresentiarum 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; ita tamen ut Navis ipsa, aliæque liberæ Merces & permixtæ, quæ in istiusmodi Navi reperiuntur, nullatenus ex eâ Causâ arrestentur, aut confiscentur.

XXIV.

Porro ut omni, quantum fieri potest, Controversiæ, quæ oboriri posset circa Merces quæ pro veritis, & 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, Salciæ, Circuli picati, Tormentorum Sustentacula, Fucillæ, 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, Cassides, 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 abovesaid 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 Bullers; Likewise 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 Harnesses, Cases of Pistols, Holsters, Belts, and other Furniture, portatio,

portatio, ut & eorum Armatura, Sclopeti, Ephippiarii, 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 maneant libera, ut & aliæ omnes Merces Articulo præcedente non designatæ, quarum Translatio ad ipsa quoque Inimicorum Loca permessa 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 inveniuntur, sine exceptione, aut reservatione.

XXVII.

Consul ille qui in posterum intra Dominia Regis *Hispaniarum*, in Subsidium & Protectionem Subditorum Regis *Magnæ Britanniæ* residet, ab Ipso Rege *Magnæ Britanniæ* nominabitur, qui quidem à Rege designatus eandem potentiam & Autoritatem in exequendo munere suo habebit, & exercebit, quam ullus uspiam Consul in Ditionibus Regis Catholici hæcenus consecutus est; Pari modo Consules *Hispani* in *Angliâ* residentes eandem fruentur 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

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XXVIII.

Ne autem Commercii Jura & Leges, quæ in favorem negotiantium tempore Pacis positæ sunt, vi & effectu destinato careant, quod maxime timendum foret, si Subditis Regis *Magna Britanniæ*, 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 quàm Terrâ, summopere cavebit & prospiciet, ne Subditi Regis *Magnæ Britanniæ* molestiâ aliquâ afficiantur, aut inquietentur contra Commercii Jura, nève eorum cuiuspiam gravamen aliquod inferatur, vel quæstio moveatur, Conscientiæ nomine vel prætextu, modo ipsi vel aperto Scandalo, vel Offensæ proterviâ in publicum non impingunt; & Rex *Magnæ Britanniæ* prædictus, ob easdem rationes, vice versa summopere cavebit, & prospiciet, ne Subditi Regis *Hispaniarum* ullatenus molestiâ aliquâ afficiantur, aut inquietentur. Religionis nomine aut prætextu, contra Commerciorum 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, Æreis, aut Cupreis vendere aut distrahere nullatenus cogentur, neque eadem Nummis, aut rebus aliis quibuscunque, quam quæ ipsis allubuerit, permutare, aut pretium rei venditæ ullâ

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

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, quâ Tenori hujus Articuli adversari possit, non obstant.

XXX.

Mercatores utriusque Gentis, eorum Factores, Famuli, Familie, Commissarii, aut alii Negotiorum Gestores, ut & Navium Magistri, Nacleri, & Nautæ, liberè & securè intra Regna & Territoria alterutrius Regis, atque etiam in Portibus & Fluviiis eorundem, agent & diversabuntur, Populi item & Subditi alterutrius Regis, cum omni Libertate & Securitate, intra Dominia & Territoria quâcunque alterius Ædibus & Domiliis habitationi propriis, Officinis etiam, & Apothecis ad Bona & Merces excipiendas accommodatis gaudebunt, durantèque illo Terminò quo vel easdem sibi conduxerint, vel pro iisdem Contractum incerint, sine ullo Impedimento perfruentur.

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, ni forte litis aut evitandæ, aut terminandæ Gratiâ, veritati Testimonium ex illis perhibere possit, Arresti etiam aut Sequestri Nomine haudquaquam 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

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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 ſubſiciantur. Huc accedit, in omne illud ab utrâque parte conſenſum eſſe, quod alteri cuicunque Genti circa libros Rationum, Negotiationis, & Correspondentiæ aliâs conſeſum 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, aliisve, vel ex Teſtamento, vel ab Intellato ſuccedentibus (ſalvo cuicunque privato ſuo Jure & Actione) intacta ſervabuntur.

XXXIV.

Bona & Facultates Subditorum Regis *Magne Britanniæ*, qui nullo condito

King, in the reſpective place 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 ſubjected 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 Succeſſors of the Deceaſed; 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 Domi-
nia Regis *Hispaniarum*, per Consulem,
aut alium Regis *Magne Britannie* Mi-
nistrum Publicum in Inventarium redi-
gentur, una cum Chartis Scriptis, Li-
bris Rationum, & Documentis quibus-
cunque, quæ penes duos aut tres Mer-
catores, per dictum Consulem, aut Mi-
nistrum designandos, Proprietariis, Hæ-
reditibus, aut Creditoribus tradenda de-
ponentur, neque verò Consilium *Bulle*
Cruciate, neque ullum aliud Tribunal,
de Bonis Defuncti cujuscunque cognos-
cet, neque iis se immiscebit, quod etiam
pari Casu reciprocè fiet in *Angliâ* erga
Subditos Regis *Hispaniarum*.

XXXV.

Honestus & commodus Sepulturæ Lo-
cus concedetur, & designabitur inhu-
mandis Cadaveribus Subditorum Regis
Magne Britannie, qui intra Dominia
Regis *Hispaniarum* vitam cum morte
commutaverint.

XXXVI.

Si qua verò Controversia inter præ-
dictos Confœderatos, (quod absit) in
posterum aboleretur, unde mutua Com-
mercia, & reciprocam Correspondentiam
abruptum iri periculum foret, matura,
hoc est, sex Mensium, antequam ad
hostilitatem devenitur, istius Rei utrin-
que constabit Denuntiatio, ut Merces &
Facultates quisque suas hinc inde habe-
re 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 Causæ cognitione,
& debitâ secundum Leges ordinarias
Condemnatione, tempore Conclusionis

Die without making a Will in the Do-
minions 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 deposi-
ted in the Hands of Two or Three Mer-
chants, 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 Ju-
dicatory 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 Sub-
jects 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 Ef-
fects, 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, Haeredes eorum, aut alii quibus Jus competit, Liberè & plenariè administrabunt & de eisdem una cum omnibus eorundem Fructibus, Reditibus Obventionibus, & Emolumentis, pro libitu statuent & disponent. Illi etiam qui Bona & Jura istiusmodi occultaverint, ut & illorum Haeredes, nullà per Fiscum molestià hanc ob Causam afficiantur; cum Proprietarii ipsi, aut eorum Haeredes, aut etiam illi quibus Jura eorundem competunt eorum nomine Actionis habebunt, & si lubet, intendunt non minus Liberè in Bona, ceteraque prædicta, quam in Res Jure Proprietatis & Domini ad se pertinentes.

XXXVIII.

Conventum & conclusum est, quod Populi & Subditi alterutrius Confœderatorum prædictorum, in Terris, Mariibus, Portibus, Navium Stationibus, Æstuariis, & Territoriis alterius, aliisque quibuscunque locis, eisdem planè Privilegiis, Securitatibus, Libertatibus, & Immunitatibus, siue Personas eorum, siue Negotiationes Spectantibus, gaudebunt & fruuntur, quæ jam concessæ, aut in posterum concedendæ sunt, per Regem 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, siue Beneficium aliquod, siue Favorem spondentibus, in modo & formâ adeo amplâ, atque ad omnem Contractus inici & 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

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 Consiliarium Regium delatâ, Rex coram quo agitur, curabit ut damna sine morâ resarciantur, & ut singula, sicuti superius concordatum est, executionem & effectum debitum fortiantur. 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 Britannię & 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. Omniaque & singula, ut supra conventa, per Patentes utrinque Literas in sufficienti, validâ, & efficaci formâ conceptas, & conscriptas Ratahabebunt, & confirmabunt, easdemque reciprocè tradent, tradive facient bonâ fide & realièr, 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 Ratify 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

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(quam primum fieri poterit) publicari.

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

In Witness whereof, we the above mentioned Ambassador Extraordinary of the most Serene King of *Great Britain*, and the Commissioners 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.) *Conde de Penaranda*.

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

Formula

Formula Literarum Certificatarum quibus Urbes & Portus Maritimi Naves & Navigia inde solvuntia 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 Præsæti, Consules, aut Supremus Magistratus, aut Teloniorum, aut Customarum Commissarii Urbis vel Provinciae *N.* notum. Testaturumque 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 *Magne Britannie* Jure Proprietatis & Dominiæ pertinere. 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 contingerit, ut eum benignè admittant, humaniter tractent, eumque ad, in, & per Portus, Oras, Stationes Navium, Fluvios, & Dominiæ, navigare, meare, remeare, & negotiari, prout ipsi visum fuerit, illo interim Vestigalia, aliisque Tributa quæ debebantur exsolvente permittant rogamus. Quod nos grato & benevolo Animo, prout Officiorum vires se obtulerint, agnoscemus. In cujus rei Testimonium Præsentes Literas Manu signavimus, & Urbis nostræ Sigillo muniti 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.

*Pedro Fernandez del Campo
y Angulo.*

Will. Godolphin.

*Don Pedro Fernandez del Campo
y Angulo.*

Sello

*Sello Segundo Sesenta
y Ocho Maravedis
Año de mil y Seiscien-
tos y Noventa y
Dos.*

PETITION.

DON *Brian Tanfon*,
Consul de la Naci-
on *Inglefa*, como me-
jor aya lugar, digo, que su
Magest. fue servido de des-
pachar diferentes Cédulas en
favor de la dicha Nacion,
para que tengan Juez con-
servador particular, para
que conozca de sus causas,
assi siendo actores, como reos
de la dicha Nacion; y en
los Articulos de las pazes
nueve, y treinta y ocho se
dispuso por condicion expre-
sa de ellas se guardassen to-
das las exempciones concedi-
das en la dicha Nacion *In-
glefa*, pactos, y privilegios
concedidos a otra qualquiera
Nacion, y Ciudades *Anseati-
cas*: como tambien consta
de otra Cédula 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 Nacion *Inglefa*; co-
mo consta de la copia de la
Cédula, y Cédula, q presen-
to, y juro, dada en *Madrid*
en veinte de *Março* de se-
renta. Suplico a V.S. man-

I Don *Brian Johnson*, CON-
sul of the *English* Nati-
on, 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 Na-
tion; and in the Articles of
Peace, in the Ninth Article,
and the Thirty eighth, it is
expressly Ordered and A-
greed, that they should be
kept with all the Exempti-
ons granted to the said *Eng-
lish* Nation, together with
the Rights and Privileges
granted to any other Nati-
on whatsoever, or to the
Hans-Cities: As also doth
appear by another Cédula
set forth by the Queen our
Lady; and these *Hans-
Towns*, have the Privilege
of a Judge Conservator, be-
ing either Plaintiffs or De-
fendants, as the said *English*
Nation hath, as appears by
a Copy of the said Cédula,
F de

de ver las dichas Cédulas
Articulos de pazez, y man-
dar que se guarden, y exe-
cuten en todo, y por todo,
an siendo los de la Nacion
Inglefa 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 Twen-
tieth Day of *March*, in the
Year, One thousand six hun-
dred and seventy : I intreat
your Lordship therefore, to
Command the said Cédulas,
and Articles of Peace be Pe-
rused, and to Order, that
they be Observed, and Exe-
cuted in all respects ; Let
those of the *English* Nati-
on, be either Plaintiffs or De-
fendants, 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.

POR quanto los hombres
de negocios de la Naci-
on *Inglefa*, que comercian en
la Ciudad de *Sevilla*, me han
representado reciben muchas
vejaciones de los Ministros
que residen en ella, contra-
viniendo a lo capitulado en-
tre esta Corona, y aquella,
suplicandome, que para que
en lo de adelante no se le
perjudique en nada de lo as-
sentado, y dispuesto en la
paz, lez mandasse dar el des-
pacho necessario para su ob-
servancia ; como tambien pa-
ra que las Cédulas que el
Rey mi Señor (que santa

FOR as much as the Mer-
chants of the *English*
Nation, which Trade in the
City of *Sevilla*, have Repre-
sented, That they receive ma-
ny Vexations from the Mi-
nisters 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 Arti-
cles of the Peace, and that
I would Order the necessary
Dispatches to be given for
the Observance thereof : As
gloria

CEDULA.

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 tocara el cumplimiento de lo uno, y lo otro en qualquier manera, executen inviolablemente lo contenido en dicha paz, y lo concedido por las Cédulas referidas, siempre que fueren requeridos con ellas, ò sus traslados 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 setenta.

To la Reyna.

D. Diego de la Torre.

also that the Cédulas 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 Cédula 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*, Consul 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 sesenta y siete, entre esta Corona, y la de *Inglaterra*, de un tanto de los capitulos nueve, y treinta y ocho. Por tanto a V. S. pido, y suplico mande despachar su mandamiento compulsorio, para que el dicho *Andres Perez de Manfilla* 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 *Andres Perez de Manfilla*, may give an Abstract of the said Articles: I ask Justice.

Don Brian Johnson.

AUTO.

QUE el dicho *Andres Perez de Manfilla* de a la parte del dicho Consul un traslado autorizado, y en manera que haga fee, de los dos capitulos de Pazes 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 *Andres Perez de Manfilla*, 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 Ndrés Perez de Mansilla, Escribano 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 a 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 a *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 Ndrés 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, Islas, 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 Magestad por las presentes, reconfirmando lo mismo, como parte de este Tratado entre las dos Coronas, y a fin que sea manifestto à todos se ha consentido que las dichas Cédulas, en quanto à su entera substancia, se passen, 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

5

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 Tierras,

ARTIC. 38.

Tierras, Mares, Puertos, Radas, Playas, Territorios, y Lugares del uno, y otro, los mismos privilegios, seguridades, liberrades, 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 Paises 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 Tanfon*, Consul de la Nacion *Inglefa*, di el presente en *Sevilla* en quinze dias del mes de *Setiembre* de mil y seisçientos y setenta años. En testimonio de verdad,

Andres Perez de Manfilla.

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 Tanfon*, 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,

Andres Perez de Manfilla.

Y O

Testimonio.

Y O Antonio Gonzalez de Avellaneda, Escrivano 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 Majestad, 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 Majestad, Regente que fue desta Real Audiencia; y de la que ov tiene su Señoría el Señor D. Rodrigo Serrano y Trillo, del Consejo de su Majestad, su Regente en esta Real Audiencia, Juez Conservador de dichas Naciones, es como se sigue,

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 Jeronimo 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

PETI

PETICION.

DON *Adrian Tanfon*, 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 *Geronimo 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 à la dicha Nacion por su Magestad el Señor Rey Don *Felipe Quarto*, que està 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 *Geronimo del Pueyo*, y la que V. S. nuevamente tiene, se imprima en letra de molde, y se nos entreguen los traslados à cada uno, autorizados del presente Escribano, para que los tengamos en nuestro poder, para repetir entre los de las dichas Naciones. Por tanto a V. S. pedimos, y suplicamos assi lo provea, y

B

PETITION.

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 *Canaries*, do appear before your Lordships and say, That at the time which Don *Geronimo del Pueyo Araciel*, was of his Majesties 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 *Geronimo 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-

G

mande:

mande: y pedimos justi-
cia, &c.

mande: We ask Justice,
&c.

Don Adrian Tauson.

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 Pleased 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.

Cédula de Privilegios concedidos por su Magestad a los Ingleses que residen en Sevilla, Sanlúcar, Cadiz, y Málaga.

DON Phelipe, por la Gracia de Dios, Rey de Castilla, de Leon, de Aragon, de las dos Sicilias, de Jerusalem, 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 Jaen, de los Algarves, de Algecira, de Gibraltar, de las Illas de Canaria, de las Indias Orientales, y 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 Jerusalem, of Portugal, of Navarre, of Granada, of Toledo, of Valencia, of Mallorca, of Sevilla, of Sardizia, of Cordua, of Corcega, of Murcia, of Jaen, of the Algarves, of Algecira, of Gibraltar, of the Islands of the Canaries, of the East and West Indies, Islands, and Terra firma of the Ocean, Archduke of Austria, Duke of Bourgoña,

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

Duque

Duque de *Borgoña*, de *Brabant*, 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 Nacion *Ingleſa*, 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*, *Sanlucar*, *Cadiz*, y *Malaga*, suplicandome sea servido de confirmar 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 diò, 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 dè copias de ellos, ò como la mi merced fuese. Y teniendo 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*, *Cadiz* 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 Indulto's, 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 otorgò 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 reconociente Superior en lo temporal, confirmolo, y apruebo los privilegios de excompiones, y facultades que os competen, assi por los capitulos de las dichas Pazes, como por las confirmaciones dellas, y las demás mercedes, indultos, que el Rey mi Señor, mi Padre, os diò, y otras qualesquiera que se ayan 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

Que no se
pueda enca
Oficio, ni c
publica, ni
cagil.

Comercio

Que no se les
pueda encargar
Oficio, ni carga
publica, ni con-
cegil.

sean firmes, estables, y va-
lederos, y se os observen,
guarden, y cumplan, porque
mi intencion, y voluntad de-
liberada es, que todos los
de la dicha Nacion gozeis,
y gozen de ellos, sin ninguna
limitacion. Con calidad,
que en el tiempo que residi-
eren en la *Andaluzia* los di-
chos *Inglefes*, à vos, ni a el-
los no se os pueda encargar
ningun Oficio, ni carga pu-
blica, ni concegil, Tutelas,
Curadurias, Receptorias, The-
forerias, aunque sean de Al-
cavalas, y millones, y otros
servicios que toquen à mi
Real Hazienda; ni tampo-
co se os puedan pedir presta-
mos, ni donativos, ni que
tomeis juros, ni sus rentas,
Cavallos, ni Esclavos.

them, and the rest of the
Favours, Indulto's, which
the King my Lord and Fa-
ther Granted you, and any
others whatsoever, which
have been Granted by my
Crowns of *Castille* and *Por-
tugal*, to the said Vassals in
all, and through all, as there-
in, and in every thing, and
in Part thereof is Specified,
Contained and Declared,
that they may be Firm, Sta-
ble, 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 Con-
dition, that during the time
they shall reside in *Andalu-
zia*, 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
Alcavalas, and *Millones*, or
other Duties which relate to
my Royal Treasury; nor
shall they demand from you
Loans, or Donatives, nor
oblige you to Farm any
Rents, nor take your Horses
or Slaves.

Comercio libre.

Y por os hazer mas mer-
ced, en conformidad de lo
asentado en las dichas Pazes,
quiero, y permito que po-
dais, y puedan tratar, y Co-
merciar libremente, y vender
vuestras mercaderias, y fru-

And to do you further Fa-
vour 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
tos,

Free Trade.

tos, y comprar los de mis Reynos, y sacarlos de ellos, guardandose lo dispuesto por las leyes, y pragmáticas que dello hablan, y pagando à mi Real Hazienda los derechos que se debieren pagar, prohibiendo, como prohibo, y mando, que no se os tome por fuerza, ni se os saquen ningunas mercaderías de trigo, ni cevada, aunque sea para apresto de mis Armadas, Flotas, y Galeones, ni por Assentistas, ni Estanqueros; y los dichos privilegios ayan de ser en quanto al trigo, y cevada, conforme a la tasa; y en quanto a las demás cosas, y mercaderías, aquello en que os convinieredes, y concertaredes, sin sacarlas de vuestro poder hasta averos pagado, y sin que por razon de ello se aya de dar lugar a que se os hagan molestias, y vejaciones.

Que no se puede poner precio en el pescado seco, y salado.

Y porque muchos de vosotros tratais en traer a los Puertos de *Andaluzia*, Ciudad de *Sevilla*, y otras partes mucha cantidad de bacallao, y otros generos de pescado seco, y salado, por ser los mantenimientos mas necesarios que ay, y se os hazen muchas costas, y vejaciones; quiero, y mando que se os guarden la ordenança de la Ciudad de *Sevilla*, en que se dispone que a los que entran con pescado seco,

and Goods, and Buy those of my Kingdoms, and carry them thence, observing what is Ordained by the Laws and Decrees that Treat thereof, Paying into my Royal Treasury the Duties that ought to be Paid, Prohibiting as I do Prohibit, and Command that they do not take from you by Force any Merchandizes, as Wheat or Barley, although it be for Dispatch of my Armadas, Fleets or Gallions, neither for the Assentistas nor Estanqueros, and the said Privileges shall be as to Wheat and Barley, according to the Tax; and as to other things and Merchandizes, as you shall Covenant and Agree for, without taking them from you till they have Paid you for them, and that they shall not, upon the account aforesaid, give you any manner of Trouble or Vexation.

And because that many of you Trade in bringing to the Ports of *Andaluzia*, City 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 City of *Sevilla*, in which it is Ordered that those which

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

y salado.

Y si de los vicios en guarniere se oren embarcos se les ponguardas a costa.

Y en caso de constar que podrido, che al agua, hazerles por ello.

Que en las fias que se feren contra los no se p dan.

y salado no se pueda poner postura, antes se les permita vender al precio que quieren, sin que sea necesario Manifestarlo mas que a los Ministros que cobran mis rentas Reales; y si los Navios en que se traxere dicho bacallao fueren grandes, que no puedan subir el rio arriba, y se ondeare en barcos, el Juez del Almirantazgo, ni otro alguno, no pueda poner en los dichos barcos guardas a costa de los dueños de ellos. Y asimismo mando, que en caso de constar que el dicho pescado está podrido, y no se puede gastar, se aya de quemar, ò eche al agua, sin que por razon desto se pueda hazer, ni haga causa a los dueños, ó personas que lo vendieren, ni prenderlos, ni denunciarlos.

Y si de los Navios en que viene se ondeare en barcos, no se les pongan guardas a su costa.

Y en caso de constar que está podrido, se eche al agua, sin hazerles causa por ello.

Que en las causas que se siguen contra ellos no se prendan.

Y porque el Administrador de los Almojarifazgos, y otros diferentes derechos, que se cobran de los frutos, y mercaderias, han introducido, que quando alguna se denuncia, el prender a la Persona que se muestra parte, de que se sigue a los hombres de negocios mucho descredito, costas, y vejaciones: es mi voluntad, y mando, que en las dichas denuncias 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 Ministers which recover my Royal 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 cannot be spent, it be burnt or cast into the Sea, without that by reason thereof, there may be made any Process against the Owners, or Persons that Sold it, or be Imprisoned or Informed against.

If the Ship in which they come shall unload them in Barks, they may not put any Guards at your Costs.

In case it appears to be rotten, may be cast into the Sea, without that therefore be made any Process against them.

And because that the Administrator of the Almonarifargos, and divers other Duties, which are Recovered on Goods and Merchandizes, have been used upon Information given, to Seize the Person they Suspect, which to Men of Trade occasions much Discredit, Costs and Vexations: My Will is, and I Command, that upon the said Informations, they only Proceed against the Merchandizes, and

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

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

las Personas, permitiendoles, como les permito, que puedan hazer, y hagan sus defensas en las dichas vejaciones.

not against the Persons, permitting them, as I do permit 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 capitulo de las pazes, que habla sobre esto.

Y porque assimismo conforme a un capitulo de las dichas pazes, que trata en materia de la Religion, sin embargo que en algunos pleytos se ha intentado declaren si son Catolicos Romanos, ò no, escusandose de dar fee en los juramentos que hazen como partes, y como testigos; mando assimismo, que en quanto a esto no se aya de tratar, ni trate cosa alguna con los naturales del dicho Reyno, sino que se guarde, y cumpla la dicha condicion, sin que se os haga semejantes preguntas, dando à los juramentos que hizieredes en juizio, y fuera del, la fee, y credito que se diera si fuerades *Espanoles*, sin que sobre esto recibais vejaciones, ni molestias, ni se os pueda hazer agravio alguno.

And whereas, according to One Article of the said Peace, which treats in matter of Religion, notwithstanding that in some Law Suit, it hath been endeavoured that they declare, whether they be Roman Catholics, 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 Article of Peace, which speaks thereof, be altered.

Que los libros de su contratacion no se saquen de su poder.

Y porque para justificacion de algunas causas los Juezes, y Justicias pretenden que los mercaderes exhiban los libros de sus contrataciones, y sobre ello reciben vejaciones, y agravios; quiero, y mando que los libros 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 pretend, 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.

Que no dan visita a las casas de los mercaderes para pedirle los papeles de su contratacion.

fa que sea, fino que los tengan de manifesto en sus casas, para sacar la partida que se señalare, sin pedirles otras, ni poderles sacar otros papeles ningunos, pena que el que contraviniera a ello, ser 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 pueltolas 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, haziendoos molestias, y vejaciones, pidiendoos los despachos, constandoles que no los pueden tener, por averlos dexado en poder de dicho Alcayde del Aduana. Prohivo, 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.

H Y per-

That they be not molested in matter of Religion; nor all the Article of Peace, which speaks thereof, be altered.

That their books of Trade be not taken from them.

Y porque se sepa los que
 jois de la dicha Nacion
Ingleſa, se os aya de dar co-
 pias de los dichos privile-
 gios, y excempciones que os
 tocaren, y os estuvieren con-
 cedidos, assi por los capitu-
 los de las dichas pazes,
 como en otra qualquiera ma-
 nera ; y para execucion, y
 cumplimiento de todo lo re-
 ferido, mando a los de mi
 Consejo, y a los demàs mis
 Consejeros, Juntas, ye Tri-
 bunales de mi Corte, y à los
 Presidentes, y Oydores de
 las mis Audiencias, Alcaldes,
 Alguaziles de la mi Casa, y
 Coric, y Chancillerias ; y al
 Regente, y Juezes de la
 mi Audiencia de Grados de
 la Ciudad de *Sevilla*, y Al-
 kaldes mayores de la Quadra
 de ella, y a todos los Corre-
 gidores, Asistente, Gover-
 nadores, Alcaldes mayores,
 y ordinarios, assi de las di-
 chas Ciudades de *Sevilla*,
Cadiz, y *Malaga*, y de *San-*
lucar de Barrameda, como
 de todas las demàs Ciudades,
 Villas, ye Lugares deſtos
 mis Reynos, y Señorios, y a
 otros qualesquiera Juezes, y
 Justicias de ellos, de qual-
 quier calidad, y condicion
 que sean, à quien principal,
 ò accidentalmente tocara en
 qualquier manera el cum-
 plimiento de todo lo con-
 tenido en esta mi carta, qu
 luego que fueren requeridos
 con ella, ò con su traslado,
 signado de Eſcrivano, pub-
 lico

main in their Custody, so
 that this is to be understood,
 and is understood of the
 Houses which are within
 the Walls of the said City.
 And that it may be known,
 those who are of the said
 Nation, let Copies be given
 of the said Privileges, and
 Exemptions which Concerns
 you, and were Granted you,
 as well by the Articles of
 the said Peace, as in any o-
 ther Manner whatsoever, and
 for the Execution and Ac-
 complishing of all the afore-
 said, I Command those of
 my Privy-Council, and the
 rest of my Counsellors, Jun-
 tas, and Tribunals of my
 Court, and the Presidents,
 and Justices of my Courts,
 as also the Judges, and Ju-
 stices of the Peace belonging
 to my House, Court, and
 Chancery, and the Regent,
 and Judges of my Court de
 Grados in the City of *Sevilla*,
 and the Chief Magistrate of
 the Court thereof, and all
 Mayors, Governors, Magi-
 strates, and other Inferior Of-
 ficers, as well of the said Ci-
 ties of *Sevilla*, *Cadiz*, and
Malaga, and *San Lucar de Bar-*
rameda, as of all other Cities,
 Towns, and Places of these
 my Kingdoms, and Domini-
 ons, and Judges, and Justi-
 ces thereof, of whatever Qua-
 lity and Condition they may
 be, to whom principally or
 accidentally it shall Concern
 in any Manner whatsoever,

lico (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 ponga a 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 tocare, 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 *Sanlucar de Barrameda*, a quien yo aya de dar comission bastante para la guarda, y cumplimiento de los dichos privilegios, libertades, y exencpciones, el qual aya de apremiar, y compeler a todas, y qualesquier personas, de qualquier fuerte, y calidad que sean, que tocaren a la dicha Nacion, assi 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 herewith, 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, Provisiones, 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 Lucar 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 convi-
nieren, y que dellos fueren convenidos, tengan quales-
quier Juezes privativos, assi por assiento, ò contrato que ayan hecho, como por pre-
eminencias, ò inmunidad que tengan, porque de las dichas causas solo ha de co-
nocer privativamente el di-
cho Juez conservador, y no otro Juez, ni Tribunal al-
guno, aunque sea por via de exceso, ni injusticia notoria, ò 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 èl 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 Exemptions (which may oblige and compel all and every Person whatsoever, of whatsoever Condition or Quality soever (by he) 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 Preëminences 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 Don *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 Don *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-

Juez conser-
vador, que
conozca priva-
tivamente de
sus causas.

Que el Juez
conservador
pueda subdele-
gar su comi-
sion para los
negocios que
se ofrecieren
en *Malaga*, *Cadiz*, y *Sanlucar*.

Judge Conser-
vator which
shall take Cog-
nizance special
of your Causes.

That the Judge
Conservator
may substitute
his Commission
for Matters
which shall offer
in *Malaga*,
Cadiz, and *Sanlucar*.

priva-

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 ayan 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; porq mi voluntad, que el conocimiento, y determinacion de todo lo contenido en esta mi carta privativamente les aya de tocar, y toque, 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, that 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 offered to you; I have thought fit to give charge, as by these Presents I give them Charge 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 tolerated,

Confer-
which
ake Cog-
e special
r Causes.

the Judge
rator
ubstitute
mission
atters
shall of-
M. d. g.,
and S. m

Inhibicion de
Audiencias y
Chancillerias,
&c.

Que la Nacion
Inglesa que re-
siden en la Ciu-
dad de Sevilla
pueda nom-
brar en la co-
mision uno de
los Juezes de la
Audiencia de
dicha Ciudad.

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 à cada uno dellos inhivo, y he por inhividos de su conocimiento, y los declaro por Juezes incompetentes de èl, 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 después 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 suyo, 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 Cedula 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 el Ju-
pueda Sub-
legar su
señalatura
Persona q-
le Señala-
por la dich-
Nacion en
Ciudades
Cadiz, M-
24, y San-

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 porestá 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 Oydores de las mis Audiencias, Alcaldes, Alguaziles de la mi Casa, y Corte, y Chancillerias; y a todos los Corregidores, Asistente, Gobernadores, Al-

mission as in Law is required, and is necessary, with their Incidences, Dependancies, 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 Conventi-

That the *English Nation* which reside in the City of *Sevilla* may name in the Commission one of the Judges 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 passen aora, 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, estillo, 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, aviendo aqui 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

C

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 *Sanlucar*, 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 Presen's, 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 Carillo.

El Lic. Don Antonio del Campo Redondo y Rio.

Licenciado Joseph Gonçalez, 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 Gonçales, 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-

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

Decreto de la Audiencia de Sevilla.

Segunda Cedula de ampliacion y confirmacion de Privilegios concedidos a la Nacion Inglesa.

miento de tal Juez confer- Majesty by it Commands,
vador de la dicha Nacion, y and accepts the Title of such
lo firmò. 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 *Inglesa*, Señores Gobernador, y Acuerdo General, Acuerdolo 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 *Sevilla*.

Francisco Carrion de la Serna.

Francisco Carrion de la Serna.

EL RET.

THE KING.

Segunda Cedula de ampliacion, y confirmacion de Privilegios concedidos a la Nacion *Inglesa*.

L *icenciado* 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 merced a *Ricarte Antonio*, Consul de la Nacion *Inglesa*, y a los vassallos del Rey de *Inglaterra*, que residen, y comercian en el *Andaluzia*, principalmente en esta Ciudad, y en la de *Cadiz*, y en *Sanlucar de Barrameda*, los privilegios, exculpaciones, y facultades que les competen, assi por los capitulos de

T O Doctor Don *Francisco de Medrano*, Judge of my Court of Degrees 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, segun 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 excompniones, 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, qualesquier 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 convinieren 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 Indultos, which the King my Lord and Father (now in Glory) granted them, and with the other Qualities, Conditions, Preeminences, and Amplifications in the said De-ree 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 Defendan's, as in those in which they shall be

Que las causas
solo ha de co-
nocer el Juez
conservador, y
no otro Tribu-
nal 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 feais vos por el tiempo que assistieredes en essa 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 vea is 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

Que en prime-
ra instancia ay-
an de passar,
y seguirse los
pleytos ante el
Juez conserva-
dor. Fecha en
Zaragoza a 26.
de Junio, de
1645.

nera que en la dicha Provisi-
on, 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 al-
guna, 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 assimismo de todas
las causas civiles, y crimina-
les en que fueren reconveni-
dos, que contra ellos se in-
tentaren; y ante vos han de
passar qualesquiera pleytos, y
causas que tocaren a los di-
chos *Ingleses* entre qualesquier
personas, de qualquier cali-
dad que sean, y la execution,
y castigo de los inobedientes;
porque mi voluntad es, que
en conocimiento, y deter-
minacion de todo lo conte-
nido en la dicha Provisi-
on, y en esta mi Cedula de am-
pliacion privativamente os
aya de tocar, y toque, pro-
cediendo en todo contra los
que fueren culpados, exe-
cutando en ellos las penas
que hallaredes por derecho,
sin que ningunos Tribunales,
Audiencias, ni Chancilleri-
as, ni otros ningunos Juezes,
y Justicias de los mis Rey-
nos, y Señorios de la Co-
rona de *Castilla*, de qualqui-
er calidad que sean, se pue-
da entrometer, ni entrometa

do give you Charge of the
Protection and Defence here-
of, and Command you that
you see the said Decree, and
the Conditions, Preëminen-
ces and Amplifications there-
in contained, and all of it
be observed, and accomplish-
ed in Form, accordingly, and
after the manner that in the
said Decree, and in this my
Cedula is Declared, with-
out 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 follow-
ed, all Causes and Law
Suits, which thereupon, or
any other thing or part there-
of, shall be made, and cause
Cognizance to be taken of all
Causes Civil and Criminal,
in which they shall be Pro-
secuted, or against them
shall be attempted, and be-
fore you shall be brought
whatsoever Law Suits and
Causes which shall concern
the said *English*, between
whatsoever Persons, or what-
soever Quality they may be,
and the Execution, and Cha-
stisement of those that shall
disobey; because that my
Will is, that the Cogni-
zance and Determination of
all that is contained in the
said Provisi-
on, and in this
my Cedula of Amplificati-
on, specially shall and do
en

That in the
first Instance
shall be brought
and followed
Law Suits be-
fore the Judge
Conservator,
made in Zar-
agoza the 26th
of June, 1645.

en ello, ni en el uso, ni ejercicio de la jurisdiccion privativa en la dicha primera instancia, que por esta mi Cedula os doy, por via de excessõ, apelacion, ni otro recurso, ni manera alguna, à los quales, y a cada uno dellos 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 incidencias, y dependencias, anexidades, y conexidades, y quedespues 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 a los del mi Consejo de la Camara, que 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 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 Manner, 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 Senorios, ordenanças, estilo, uso, y costumbre, y otra qualquiera cosa que aya, ò 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 Pro-motion 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
D O N

Que se guar-
y cumplan
capitulos
pazes.

Zaragoza, the Twenty sixth of June, in the Year, One thousand six hundred forty and five.

I the King.

By Command of our Lord
the King.

Antonio Cannero.

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 *Cerdeña*, de *Cordova*, de *Corcega*, de *Murcia*, de *Jaen*, 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 *Brabant*, y *Milan*, Conde de *Apsburg*, de *Flandes*, de *Tirol*, de *Barcelona*, Señor de *Vizcaya*, y de *Molina*, &c.

Que se guarden
y cumplan los
capitulos de
pazes.

Por quanto por una mi Carta, y Provision de diez y nueve de *Março* deste año hize merced à vos los vassallos del Rey de la *Grand Bretaña*, que residis en el *Andaluzia*, de approbar, y confirmar los Privilegios, Cédulas, y Franquezas, que os están concedidos por las Coronas de *Castilla*, y *Portugal*, y

DON *Philip*, by the Grace of God, King of *Castille*, of *Leon*, of *Aragon*, of the Two *Sicilies*, of *Jerusalem*, of *Navarra*, of *Granada*, of *Toledo*, of *Valencia*, of *Galicia*, of *Majorca*, of *Sevilla*, of *Sardinia*, of *Corcega*, of *Murcia*, of *Jaen*, of the *Algarves*, of *Algecira*, of *Gibraltar*, of the *Islands of Canary*, of the *Indies East and West*, *Islands and Terra firma of the Ocean Sea*, Archduke of *Austria*, Duke of *Borgoña*, of *Brabant*, and *Millan*, Count of *Abspurg*, of *Flanders*, of *Tirol*, of *Barcelona*, 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 Confirmation and Approbation of the Privileges, Cédulas, and Franchises which were Granted you by the Crowns

That the Articles of Peace be kept and observed.

K mandè

mandè que se os guardassen, y cumpliesen 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 Preheminences, 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,

tassedes, 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 *Españoles*, ò con otras personas de diferentes Naciones, el Conservador hade conocer tan solamente de las causas en que fueredes civil, ò criminalmente reos conveni dos, 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 necesarias, 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 sea is 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 de mas 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 opremian 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 *San Lucar*, 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 consumen son Clerigos, Frayles, Monjas, y otras personas que tienen Privilegios, y Abitos, Alcaldes Mayores, Veinte y quatro, y Jurados, por cuya causa los arrendadores destos 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 gastais 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 Almoxarifazgo, 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 teneis obligacion, conforme a los despachos generales, sin que detto se pueda exceder en manera alguna.

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

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

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 Almoxarifazgo, 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.

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 Defendants.

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

las Ciudades de *Malaga*, *San-lucar*, y *Cadix* 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*, *San-lucar* and *Cadix*, 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 Custom-house 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 Almoxarifazgo 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, los quales quieren que las sustenten, y regalen con dadivas; mando a los dichos Ministros, assi del Contravando, como del Almoxarifazgo, y a cada uno, y a qualesquier dellos, que

And because that all Ships that come to these my said Kingdoms, from those of *England*, *Ireland*, and *Scotland*, the Minister of the Contrabands, and of the Almoxarifazgo 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 Almoxarifazgo, and every of them, dentro

That they may not put in the Ships Waiters at the Cost of the Masters or Owners; and that they shall visit them within 3 Days.

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 Almoxarifazgo 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 el, 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 misinos naturales, en cuyos Navios nunca se han puesto 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 Almoxarifazgo, 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 exprest, 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

they may
it in the
Waiters
Cost of
Masters or
Owners; and
they shall
them with-
Days.

Que monflan-
do los conoci-
mientos de las
Mercaderias no
se les pueda
obligar a otra
cosa, y los Maes-
tres cumplan
con exhibir los
libros de fo-
bordo 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 fobordo, 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 fobordo, 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 fobordo siempre estarán justificados. En quanto a esto es mi voluntad, y declaro, que los Maestres cumplan con exhivir los libros de fobordo 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
leñas,

That shewing Bills of Lading for the Merchandizes, they may not be obliged to any thing else, and that the Masters comply with producing their Manifest within the 3d day of their Arrival in the Port.

Que aviendo
hecho Registro,
pueda tener ca-
da Navio tres
reales de a ocho
por cada tone-
lada.

lestias, y vejaciones, si hallan
en los Navios dinero, y es
fuerça que los Maestres ten-
gan cantidad conforme las
toneladas, para comprar ve-
las, cables, anclas, y otros
bastimentos necesarios; doy
licencia, y permission, para
que aviendo primero hecho
registro, como se acostum-
bra, ante el Juez que conoce
de estas causas, cada Navio
pueda tener tres reales de a
ocho por cada tonelada, pa-
ra el dicho efecto, y no para
otro alguno, fin que se pue-
da hazer, ni haga causa al-
guna por ello.

Y no se les pue-
da obligar a
que manifiesten
la manteca, ba-
quetas, ni otras
mercaderias en
el Juzgado de
los Fieles Exe-
cutores.

Y porque tambien los Fie-
les Executores de la dicha
Ciudad de *Sevilla* os hazen
molestias, vejaciones, y cau-
sas, diziendo, que es de or-
denança, que manifesteis
la manteca, ba queta, y o-
tras mercaderias, y mante-
nimientos, y que declareis
los precios à 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 manteni-
mientos por alta mar, fino
con los regatones, que van à
comprarlas a los Puertos, y
las traen à la dicha Ciudad,
para ganar en ellas; declaro
no tener obligacion à hazer
las dichas manifestaciones, y
declaraciones, ni por ello se
pueda obligar à hazerlas,
ni hazerleos causas; y si las

much Trouble and Vexation
if they find in the Ship any
Money, and it being neces-
sary that the Masters have
a Sum according to the Ton-
nage, to buy Sails, Cables,
Anchors, and other necessa-
ry 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, with-
out therefore that upon that
account they be put to any
Trouble.

That having
made a Regi-
ster, 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*, oc-
casion you Trouble, Vexati-
on, and Law Suits, saying,
That there is an Order
that you shall Manifest the
Butter, Leather, and other
Merchandizes, and Provisi-
ons, 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 Stran-
gers 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 Obligati-
on to make the said Mani-
fest and Declaration, nor can

That they may
not be obliged
to manifest
Butter, Lea-
ther, 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 flutar sus casas hasta aver cumplido su arrendamiento.

Y porque muchas vezes, aviendo arrendado casas en que vivir, y tener vuestras mercaderias, estandolas viviendo, 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 Juez, 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 mi Audiencia de Grados de la Ciudad de *Sevilla*, y Alcaldes de la Quadra de ella, y al mi Asistente 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 insididamente 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 *Castille*, to whom principally, or accidentally shall concern what is here contained, that all Causes which shall be depending,

enre-

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 Cédulas, 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 excusa, 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 Cédulas, 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 a mi sobre esto, no embargante qualesquier leyes y pragmáticas de los mis Reynos, y Señorios, ordenanças, estillo, 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 Cédulas (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 Cédulas, 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 Pragmáticas of these my Kingdoms and Dominions, Or-

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

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

esto toca, y por esta vez dif-
penso, y lo abrogo, y dero-
go, caso, y anulo, y doy por
de ningun valor, y efecto,
quedando en su fuerza, y vi-
gor para en lo demás ade-
lante; y desta mi Carta han
de tomar la razon los Contra-
dores que la tienen de mi
Real Hazienda, y declaro,
que desta merced aveis pa-
gado el derecho de la media
anata. Dada en *Valencia* à
nueve de *Noviembre* de mil y
seiscientos y quarenta y cin-
co años.

To el Rey.

dinances, Stiles, Use and
Custom, which they have,
or might have, to the con-
trary notwithstanding; with
which, for as much as re-
lates to these Presents, I di-
spense, abrogate and dero-
gate, make void and null,
and give for no value and ef-
fect, these Presents remain-
ing 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 Nine-
teenth Day of *November*, in
the Year, One thousand six
hundred forty five.

I the King.

YO Antonio Carnero, Se-
cretario del Rey nue-
stro Señor, la hize escrevir
por su Mandado.

Antonio Carnero, Secre-
tary of our Lord the
King, caused this to be Writ
by his Command.

Licenciado Don Juan Chu-
mazero y Carrillo.

Dr. Don Juan Chumazero
y Carrillo.

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

Don Antonio de Campo
Redondo y Rio.

Licenciado Joseph Gonç-
alez, Regiltrada.

Don Joseph Gonçales, Re-
gister.

Miguel de Olariaga, Te-
niente de Chanciller
Mayor.

Miguel de Oliariga, De-
puty of the High Court
of Chancery.

Miguel de Olariaga.

Miguel de Oliariga.

Por esta Confirmacion se
ha pagado a la Media anata

For this Confirmation,
hath been payed to the Me-
veinte

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 Cédulas Reales, 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 *Inglefa*; su Señoria las tomó en su mano, besò, y puso sobre su cabeza, y obedeció 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 Cédulas, 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

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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, así lo mando, y firmó.

Lic. Don Geronimo del
Pueyo Araciel.

Ante mi,

Antonio Gonzalez de Avellaneda, Escrivano.

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,

Gonzales de Avellaneda,
Notary.

Segun que lo referido consta, y parece por el dicho pedimento; Cédulas, y auto, a 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 Gonzalez de Avellaneda.

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 Gonzales de Avellaneda.

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EL REY.

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 *Março* 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-
 cepciones, 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-
 cepciones, 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 a aquellos en que fueren reos conveni-
 dos, como en los que fueren actores,

THE KING.

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*, principally in this City, and that of *Cadiz* and *San Lucar de Barrameda*, that they should enjoy the Privileges, Ex-
 emptions and Liberties, which belong to them, as well by the Articles of Peace, as by the Confirmation, and o-
 ther 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, Li-
 berties, and Exemptions, who should take Cognizance of all Causes Civil and Criminal (in which they were Defen-
 dants) 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 whatso-
 ever, of whatsoever quality they may be, as well in those in which they
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aunque las personas que los convinieren, y que de ellos fueren convenidos, tengan qualesquiera Juezes privativos, allí por assiento, ò contrato que ayan hecho, como por preeminencia, 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 *Sanlucar*, aya de subdelegar su comission en la persona que por la dicha Nacion se le propusiere, para que la substancie hasta la conclusion, y las remita 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 contiene, y declara: y aora por parte del dicho *Ricarte Antonio*, por si, y los demás de la dicha Nacion *Inglefa* me ha sido suplicado, que porque el dicho Don *Francisco Medrano* no puede proseguir en el uso, de la dicha comission, por averle yo promovido de su plaza à otra de Oydor de la mi Audiencia, y Chancilleria que reside en la Ciudad de *Granada*, y os han nombrado en su lugar, sea servido de daros Cedula mia para entender en la dicha comission, ò como la mi merced fuese, y yo lo he tenido por bien, y por la presente por el tiempo 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 Preheminnence or Immunities which they may have, because that of the said Causes only shall take special Cognizance the said Judge Conservator, and no other Judge or Tribunal, although it be by way of Excess, or in any other Form and Manner whatsoever, and that for Matters and Suits which shall offer in the said Cities of *Cadiz*, *Malaga* and *San-Lucar*, and that they may Substitute their Commis-sion in the Person which by the said Nation 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 contained 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 Medrano* 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 Chancery, which reside in the City of *Granada*, (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

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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 a 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 ayan 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 asimismo 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 a 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 excessu, apelacion, ni otro recurso, ni manera alguna, a 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, Preeminences 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

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Juezes incompetentes del, que para todo, y cada cosa, y parte de ello os doy el poder mas cumplido, y la comission mas amplia quede derecho se requiere, y es necessaria, con sus insidencias, y dependencias, anexidades, y conexidades, y 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 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 ſubdelegeis 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 pragmaticas de los dichos mis Reynos, y Señorios, ordenanças, eſtyle, 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 reſource, 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

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

Yo 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 Gobernador 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 dà, y està 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 Gonzales de Avellaneda,
Notary.

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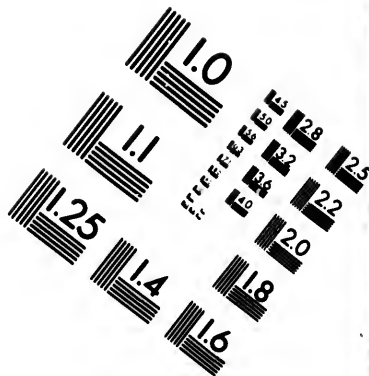
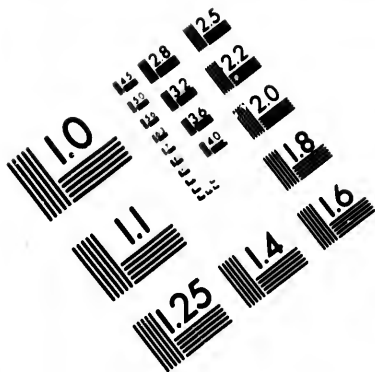
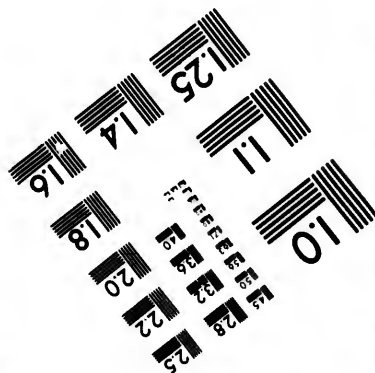
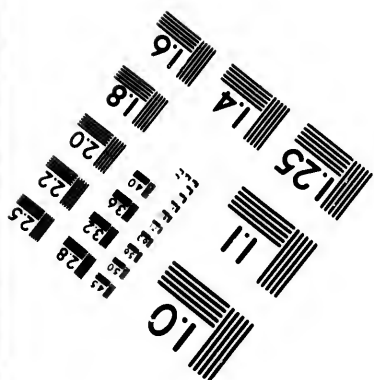
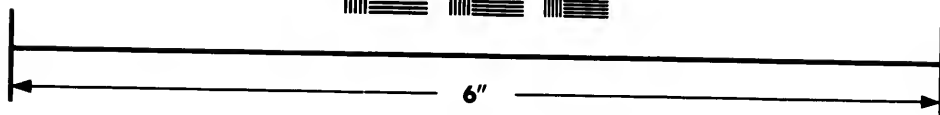
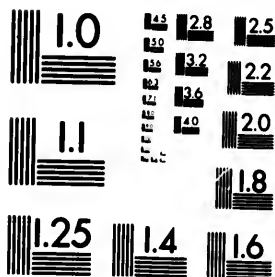


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La Reyna Governadora.

DON Rodrigo Serrano y Trillo, Regente de la nuestra Audiencia de los Grados de la Ciudad de *Sevilla*, sabed, que el Rey nuestro Señor (que está en gloria) por una su Carta, y Provision de diez y nueve de *Mayo* 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 excompniones, y facultades que les tocan, así por los capitulos de las pazes, como por las confirmaciones, y otras mercedes, e 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 fuese 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, en virtud de Cédulas 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 mandó, que continuasse en ella Don *Lorenzo Santos de San Pedro*, del nuestro Consejo, que tambien sirvió la dicha Regen-

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 *Andaluzia*, 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 Preeminences 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 paid 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 Provision, y Cédulas, a que nos referimos, se contiene. Y porque el dicho Don Lorenzo ha sido proveido al dicho nuestro Consejo; y por orden nuestra ha ido a las Islas de *Canaria* a diferentes negocios de nuestro servicio, y conviene que aya Ministro, que tenga a su cargo la observancia de los dichos privilegios, conforme a 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 dio su Magestad la dicha comission al Lic. Don *Gerónimo del Pueyo Araciel* 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 guardeis, cumplais, y executeis, 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 *Gerónimo del Pueyo Araciel*, 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, Dependencies, Annexities, and Connexi-

success-

sucedieren en la dicha comission, 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.

ties; and Declare, that for this Grant you have paid the Duty 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.

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 *Inglefa*, 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^r *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,

C

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 Nation *Inglefa*, aviendo visto esta petition, y el testimonio de los privilegios concedidos a la dicha Nation, mandò se imprima dicho testimonio, y las Cédulas 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 petition, 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 Avellana, Notary.

Segun

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Segun que lo susodicho consta, y parece de la dicha peticion, testimonio, y Cedula, 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 Cedula, 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 Gonzales de Avellaneda.

PETITION.

DON *Juan Bater*, Diputado de la Nacion *Inglefa*, digo, que solicitando yo por dicha Nacion la busqueda de una Cedula de su Magestad, y Señores de su Real Consejo de *Castilla*, su dara 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 dio, y para que tenga toda la comprobacion que se requiere el traslado que intento

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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PETITION:

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sacar 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 a 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 *Jerusalem*, de *Navarra*, de *Granada*, de *Valencia*, de *Galicia*, de *Malloca*, 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 *Inglefa* 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 manifesta 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 quitiesen; 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 *Inglefa*, pidiendo como tal Jues despachasse su carta inhibitoria, inserto el referido capitulo de las pazes, para que os inhibiesedes de vuestro procedimiento, guardassedes, y cumpliesseis lo contenido en dicho capitulo, y no inquietassedes, ni pertur-

Sicilias, of *Jerusalem*, of *Navarre*, of *Granada*, of *Valencia*, of *Galicia*, of *Malloca*, of *Sevilla*, of *Cerdeña*, of *Cordova*, of *Corcega*, of *Murcia*, of *Juen*, 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 dis-

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 solicitavades refuerzo de comission, y autoridad para proseguir vuestro intento, en que parecia atendiad es mas a vuestro particular interes, que a ninguna conveniencia que pudiesse resultarnos de la dicha molestia a los comerciantes, y violacion del dicho tratado, suplicandonos nos sirviessemos de proveer de remedio, y os mandassemos cessassedes; y sobrecediesseis en vuestro procedimiento, y pretension, y cumpliesseis con la inhibicion que se os avia puesto, no debiendo sacrificarse intereses tan publicos al particular de ninguno, y juntamente despachassemos orden para que todos, y qualesquier Juezes observassen los capitulos de las pazes entre las dos Coronas, y que sin pretexto alguno no se entrometiesen 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 ' necessario, y la parte litigante lo pidi- ' ere, y no seràn constreñidos de exhibir ' 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 soliciting a stronger Commission and Authority, to prosecute 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 violating of the said Treaty, desiring, that we would be pleased to provide a Remedy, and command you, that you would cease and forbear your Proceedings, and Pretensions, and comply with the Inhibition 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 relating to the *English* Nation, nor presume 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 ello puedan ser molestados,
‘ni inqueridos con lo demás concedido a
‘qualquiera otra Nacion 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 siendoos
mostrada, veais el dicho capitulo que
de suso vâ incorporado, y le guardéis,
cumplais, y executeis en todo, y por
todo como en èl 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 de 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-
‘aminèd, 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, a que me refiero, de donde saqué 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, a quien la bolvi, y firmò aqui su recibo, y de su pedimento lo signè, y firmè en Cadiz, 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 saqué 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 Ruffel, 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 Cadiz, the 15th day of April, of the Year, One thousand six hundred and eighty.

Charles Ruffel.

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

Agrees with the Petition, and Abstract, 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.

COncuerda eſte traslado con las Reales Cédulas, Peticiones, y Autos de donde fue ſacado, que para eſte eſeſto ante mí *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 refiden en ella, y con eſte dicho traslado bolvió à ſu poder todo lo referido, y ſu recibo firmó 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 mí ſigno,
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 eſtá 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 juizio, y fuera dèl. Fecho en *Sevilla* en quatro de *Agosto*, de mil y ſeiſcientos y noventa años.

of the ſaid Aſt, 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.

THis Copy agrees with the Royal Cédulas, Petitions, and Aſts 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 Firmed, 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 six hundred and ninety.

Joseph Lopez Albarran, Escrivano Publico de Sevilla.

Pedro Prieto, Escrivano Publico de Sevilla.

Toribio Fernandez, Escrivano Publico de Sevilla.

Joseph 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 sacò, que para efecto de sacar esta copia exhibió ante mi D. *Guillermo Hodges*, hombre de negocios en el comercio desta Ciudad, à quien lo bolví 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 demás 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. novale.

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 confianza, y a sus testimonios, y demás despachos siempre se ha dado, y dà entera fee en juicio, y fuera dél. *Cadiz*, ut supra.

Pedro de Garnica, Escrivano.

Juan de Galves Trexo, Escrivano Publico.

Juan Ortiz, Escrivano.

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

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.

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 Ruze de la dicha Nacion Inglesa, Vecino desta Ciudad a que me refiero y una, y otra se la bolvi à entregar, y firmo aqui su recibo, y de su pedimento signè y firmè esta en la Ciudad de *Cadiz*, a catorzedias 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 præstaturas, & 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 Article,

tur, Subditi hinc inde gaudeant in posterum, & fruantur. Confirmatur insuper & de novo ratihabetur Tractatus Anno 1670. inter Coronas *Magne Britanniae & Hispaniae*, pro tollendis Diffidiis, Depredationibus restringendis, stabilendâque Pace in *Americâ*, inter dictas Coronas initus, sine Prajudicio nihilominus Contractus alicujus, aliûve Privilegii aut Licentiae Reginae *Magne Britanniae*, ejusve Subditis, per Majestatem suam Catholicam concessis in Tractu Pacis nuperrimè conclusæ, aut in Contractu de *Assiento*, atque etiam absq; Prajudicio 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 cujusvis Gentis exigentur, & solventur; ac si quæ Vestigalium Diminutiones, aliave Beneficia exteræ cuiusvis Genti ab unâ alterâve parte concedi in posterum contigerit, iisdem quoque utriusque Coronæ Subditi reciproce & plenissimè gaudebunt. Et sicuti circa Vestigalium Rationes, uti suprà 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, Mercēs, Mercimonia, Naves, Naula, Nautas, Navigationem & Commercia 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 Curulis Justitiæ, quam in iis omnibus quæ five Commercii, five aliud Jus quodcunque respiciunt, quibus amicissima quævis Gens externa utitur, fruitur, gaudetque, aut in posterum uti, frui, aut gaudere possit, prout in Articulo 38^o Tractatus de Anno 1667. in Articulo præcedente 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 pariter & Fundamentum sit, & esse debeat, quod & reciprocè quoad Subditos *Hispaniæ* in *Magnâ Britannia* commercantes intelligitur; in iis omnibus quæ ipsis per Pacta competunt: Cumque ad Commerciorum Rationes ritè & mutuâ cum Utilitate constituendas; plurimum faciat Vestigialium pendendorum certa, clara, & maximè expedita Methodus; Conveniunt proindè & conclusam est, quod intra trimestre spatium à ratihabito hoc Tractatu, *Madriti* vel *Gadibus* convenient ex parte utriusque Regiæ Majestatis Commissarii, ad id hinc indè designandi & constituendi, quorum Operâ componatur, absque omni temporis dispendio, Index five Catalogus novus, qui in unoquoque Portu prostabit publicè, quique Vestigialia super Mercibus in *Cassiliam*, *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 speciatim exprimat, & contineat, & eo modo constituat, ut in unum reducantur, & in uno Vestigali & unâ in summâ pendenda contineantur omnia varia Onera, quæ tempore nuperi Regis Caroli Secundi, variis sub Nominibus, & in diversis Teloniis, super Mercibus intransitibus aut exeuntibus in Portibus *Hispaniæ*, comprehensis etiam Regnis *Arragoniæ* & *Valentiæ*, Principatibus *Catalaniæ*, exceptis tantummodò *Guipuscoâ* & *Biscayâ*, de quibus infra dicetur, soluta erant.

Cum autem per Legatum *Britannicum* quàm instantissimè postulatam fuerit, ut dictis Commissariis pro Regulâ præscriberetur, illud in novo Indice præprimis curare, ne per eundem majora ulla Vestigalia, aliæve Onera quæcunque in Portu aliquo, sive Maridmo, sive Terrestri, intra Regis Catholici Dominiæ, exigenda & solvenda in posterum sint, quàm quæ in Teloniis Portus *Sanctæ Mariæ* aut *Gadium*, regnante nupero Rege *Hispaniarum* Carolo Secundo, soluta fuerint; Conenserunt Legati *Hispaniæ*, adeoque conventum & stipulatum est, quod nempe quoad ipsos Portus *Gadium* & *Sanctæ Mariæ*, ea observetur Regula; ita ut cessante & sublata omni Vestigalium Augmentatione, quæ post tempus *Caroli* Secundi, ex occasione Belli, sive sub Habilitationis nomine, aliæve quocunque ibidem introducta forsitan fuit, Subditi *Britannici* in Portibus *Sanctæ 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 Commissaries, 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 injungetur, 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 vulgo *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 Maris transferre ad alium quemvis Dominiorum *Hispaniæ* antedictorum Portum aut Locum, neque eâ occasione Vestigialia antea soluta, ullo modo ab ipsis exigentur.

Quinetiam ad præcidendas quasunque Lites, quales non obstante exactâ aliâs Justitiæ in *Hispaniâ* Administratione, ortas olim esse constat, respectu aliorum Onerum, 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

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vendendæ transportatæ fuerint, ab omni alio Onere quocunque per totam *Hispaniam* liberæ & immunes erunt. Ita tamen ut Mercium Proprietarius, aut Institor Testimonia adducat, quæ Vectigalium, prout præfertur, ritè solutorum fidem faciant; sin secus fiat, Merces per Fraudem transferri censentur. 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, illæ 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 *Santiæ Mariæ* obtinuerunt, aut obtinere possint, visum proinde 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, sine sub Habilitationis nomine, aliove quocunque, ibidem introductæ fuerint, tum etiam quod aut eadem statueretur in dictis Portibus Regula, de quâ respectu *Gadium* & Portus *Santiæ 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 exigantur

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 Commissioners who shall be appointed to settle the New Book of Rates.

But his Catholick 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 Alcaualos, Cientos, & Millones*, in hoc Articulo superius indigitantur.

Quoad Portus *Guipuscoe & Biscaye*, aliove Legibus *Castiliæ* non Subjacentes, in quibus Tempore *Caroli II.* Vectigalia pendebantur iis minora quæ *Gadibus*, aut in Portu *Santæ Mariæ* soluta erant, sponder Regia sua Majestas Catholica eadem Vectigalia dictis in Locis per Novum Indicem augenda non esse; interea autem prout Tempore *Caroli II.* permansura. Merces tamen in Portus *Biscaye & Guipuscoe* introductæ, quæ in Regna *Castiliæ*, aut *Aragonis* 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 *Biscaye & Guipuscoe* degent, Domos vel Repositoria Mercibus suis conservandis idonea, conducere, id quod ut fieri possit, pari modo, iisdemque cum Privilegiis, quibus in *Andalusia*, 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 Alcaualos, 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 *Cadix*, 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 *Aragon*, 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 quibuscumque *Magna Britanniæ* Portibus & Locis, cum Privilegiis omnibus ipsis per prædictum Tractatum competentibus.

V.

Ut autem obviam eatur abusibus 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 quemcumque *Hispaniæ* Portum, five Terrestrem, five 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 quemcumque 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 cujuscunque generis sint, solvere tenebitur, sub pænis lege præfinitis.

Consentit insuper Regia Majestas Catholica, quod si post exhibita Testimonia superius memorata, Officialis quispian, aut Vectigalium Coactor eadem Jura de novo exigerit, Merciumve Transfutum eâ de causâ moraretur, aut quocunque modo molestiâ aliquâ afficeret, Officialis culpæ prædictæ reus poenam incurreret b's Mille Ducatorum, in usum Cameræ Regiæ suæ Majestatis, aut Hospitalii Generalis *Madritensis*; solvendorum Teloniorum autem, aut Contrabandæ Notarij, 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 immunis Navigationis & Commerciorum Usus & Libertas utrinquæ constare debet, quamdiu Pax & Amicitia inter Regias suas Majestates, eorûmque Coronas inita, subsistit, ita quoque cautum voluerunt Regiæ suæ Majestates, ne propter oriturâ forsan Discordiarum Scintillas, eâdem dicti Subditi Incolumitate priventur, quin pleno è contra Pacis Beneficio fruantur, quotisque Bellum inter ambas Coronas declaratum non fuerit.

Quinetiam 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 Majesty's 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, suboritur & declaratur, 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 unâ cum Familiis, Bonis, Mercimoniis, Navibus & Facultatibus suis, easque, solutis Vexatilibus debitis & consuetis, asportare licebit Terrâ Marive, quoquoque ipsi placuerit, sicuti & iis permissa tunc erit Venditio & Alienatio Bonorum suorum, Mobilium, Immobiliūque rerum, ut & Pretii divenditorum Evectio, liberè & absque ullâ Interrubatione, nec eorum Bona, Res, Merces, & Facultates, nedum ipsimet, arresto, vel Manûs Iniectione, interea Temporis detinendi vel infestandi sunt. Bonâ quin etiam interea promptâque Justitiâ fruentur, & utentur alterutrinque Subditi, quocurrente dicto Semestri Spatio Res & Facultates suas, tam Publico quàm Privatis concreditas, 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 perpeßos esse debite monstraverint, sive ea in Bonis Mobilibus, vel Immobilibus constiterint, ipsis, aut legitimis eorum Procuratoribus, vel Hæredibus, eorumve causam habentibus, absque morâ reciproce resarciantur, restitutis quæ superesse contigerit, & quæ Fisco addicta fuerint, sive Fundi, Ædificia, 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, sive ea ex Bonorum Mobilium, aut Immobiliium genere fuerint, iusto & legitimo pretio, eandem verò solutionem verificatis, ut antedictum est, istis preentionibus per Arariorum suorum hinc inde præfectos boni Fide faciendam & præstandam esse, inter Regias suas Majestates conventum & concordatum est.

VIII.

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

IX.

Spondet Regia sua Majestas Catholica, quod Merces quæ speciatim in Indicibus, qui secundum Articulum hujus Tractatus Tertium conficiendi sunt, Nominatæ non fuerint, iisdem nec majoribus ad Valorem Vectigalibus onerabuntur, quam quæ Mercibus in dictis Indicibus nominatis imponentur. Lite verò orrâ 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 imposito, quod paratâ pecuniâ, deductis solummodo Vectigalibus, statim erit solvendum. Poterit etiam Mercator, receptis reliquis Mercibus, partem earundem secundum Valorem ipsis per Redemptorem, uti dictum est, impositum, Loco Vectigalis,

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 Preensions 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 relin-
quere.

Part of his Merchandises at the Rate
set upon them, as hath been mention-
ed, to the Farmer or Commissary, in-
stead of the Duty, and retain the
rest.

X.

Conventum est, quod casu quo Sub-
diti *Britannici* Merces ex quibusvis *A-*
frica Oris in *Hispaniam* advehant, ead-
emque ad Vectigalia solvenda admittat
fuerint, iisdem debite solutis, dictae Mer-
ces nullis aliis Oneribus, sive per Capi-
taneos Traſuum Maritimorum Gene-
rales, vel Portuum Praefectos, aliosve
quocunque Nomine, aut Titulo exigen-
dis, in posterum gravandae erunt, praeter
ea quae pro Mercibus in universum om-
nibus ejusdem generis in earum Venditi-
one pendenda sunt.

XI.

Navium Mercatoriarum Praefecti Por-
tum quemcunque *Hispania*, cum Navibus
suis intrantes, intra viginti quatuor ho-
ras ab adventu suo, exhibere tenebuntur
binas Declarationes vel Inventaria Mer-
cium Adveſtarum, vel illius earundem
Partis quam ibidem exonerare debent,
unam Scil. Declarationem Teloniorum
Redemptori, vel Commissario, alteram
Contrabandae Judici, neque Foros Navis
aperient, antequam vel Scrutatores ac-
ceperint, vel per Vectigalium Redemp-
tores ea ipsis Licentia concessa fuerit.
Nullae autem Merces alio intuitu exo-
nerandae erunt, quam ut recte in Telo-
nium, secundum Permissionem Scriptis
eum in finem impertitam, inferantur.
Ex Judiciis autem Contrabandae, ali-
isque Teloniorum Officialibus, nemini li-
citur erit, quocunque sub praetextu, a-
perire Sarcinas aliquas, Cistas, Dolia,
aliave Involucra Mercium quatumcun-
que ad Subditos *Britannicos* spectanti-

X.

It is Agreed, That in case the *Brit-*
ish Subjects shall bring any Wares
from any Part of the Coasts of *Africa*,
into *Spain*, and the same shall be ad-
mitted 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 Com-
manders 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.

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 Inven-
tories 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 im-
mediately 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 Of-
ficers 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. Adeste 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 alibi fiat, præsentem Mercatorem, ejusve Negotiorum Gestorem, & non aliter; Expeditis autem & è Telonio evectis Mercibus, Cistisque, Doliis, aliisque Involucris easdem continentibus, Officialis competentis Sigillo, Signove Munitis, easdem denuò aperire, aut Abductionem earundem ad Dolum 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, Hogsheds, 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 Hogsheds, 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, Hogsheds, 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

XII. Vesti-

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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.

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 are alieno sunt, five ante Belli nuperi exordium, vel intra Sex Menses ab eodem initio, 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, perinde ac si Bellum inter ambas Coronas obortum omnino non fuisset; neque ipsi 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 Articulis Nono & Tricesimo Tractatus de Anno 1667. indigitatae sunt.

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 Conduct) 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-

XV.

Quantum ad Judicem Conservatorem, aliisque per ipsum substituendos, concessa alia cuicunque Nationi extera ista Libertate, Subditi *Britannici* eadem pariter gaudere debent. Interea autem & donec 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 injunger, 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, aliisque 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 præfertur, præstandam, eodem quoque Officio privabitur.

XVII.

Subditis *Britannicis*, per Mare ad ductis ex alio quocunque *Hispaniæ* Portu, Vino, Vini adusto, Oleo, Smegmate, Uvis exsiccatis, aliisque Mercimoniis, & solutorum in exitu 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

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

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.

In quorum Fidem, nos infra scripti S. *Magne Britannie* Regina, & S. Regis Catholici Legati Extraordinarii & Plenipotentarii præsentis Tabulas Manibus nostris subscriptas Sigillis nostris munivimus, *Trajecti ad Rhenum* Die ^{Vigesimo octavo} ^{Novembris} ^{Nono} Mensis ^{Decembris}, Anni à Christo nato, Millesimi septingentesimi decimi tertii.

(L.S.) *Joh. Brisol.*

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

(L.S.) *Joh. Brisol.*

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

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

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

they set Sail, shall be suffered to put the same into their Ships lying at *Cádiz*, 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 Entrance, or going out.

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 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} ^{Month} day of ^{November} ^{December}, in the Year of our Lord, 1713.

NOS

NOS viso perpenſoque Traſſatu ſupraſcripto, eundem Approbavimus, & Ratum, Firmumque habuimus ſicut & per Præſentes, tam pro Nobismet Iſſis, quam pro Heredibus & Succeſſoribus Noſtris, Approbamus, & Ratum, Firmumque habemus, exceptis ſolummodo Tribus ejuſdem Articulis, videlicet, Tertio, Quinto, & Octavo, Ultrajecti conſuſis, quos formâ & modo ſequentibus intelligi & obſervari volumus :

III.

QUandoquidem per ultimum Pacis Traſſatum, pro Baſi, & Fundamento poſitum, atque ſtabilitum fuerit, quod Magnæ Britanniæ Subditi gauderent, quoad Commercium, iſſdem Libertatibus & Privilegiis quibus regnante Carolo Secundo, in totâ Regnorum Hiſpaniæ amplitudine gauiſi ſunt ; Hæc ipſa Regula iſſdem pro Baſi & Fundamento præſentis huius Traſſatus Commerciæ eſt conſtituenda, quod etiam reciprocè intelligendum in gratiam Subditorum Hiſpaniæ, qui intra Limites Terrarum Magnæ Britanniæ Commercium exercituri ſunt. Quumque nihil magis conducere 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 perſæpè Experientia comprobatur eſt in Hiſpaniâ, ubi Tributa in antiquis Indictibus (ſeu Tarifiſ, ut vulgò dicitur) designata, omnem ſanè modum excedunt. Idcirco Majeſtas ſua Catholica, cupiens

WE having ſeen and conſidered the above written Treaty, have Approved, Ratified, and Confirmed the ſame, as We do by theſe Preſents, for Our Selves, Our Heirs and Succeſſors, Approve, Ratify, 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 Foundation, That the Subjects of Great Britain, in what regards 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 Foundation of the præſent Treaty of Commerce, and is to be underſtood reciprocally in Favour of the King of Spain's Subjects Trading in the Dominions of Great Britain. And as nothing can contribute more to eſta-bliſh the Commerce to a mutual Benefit than a fixed, clear, and eaſie Rule in paying the Duties, eſpecially on a moderate Footing, and proportionable to the Value of the Merchandise, in order to prevent the Frauds that otherwiſe would be præſtiſed, to the Prejudice of the Revenues of either Crown, which has been often experienced in Spain, where the Eſta-bliſhed Duties by the Ancient Books of Rates are exceſſive ; In conſideration whereof his Catholick Majeſty, being deſirous to avoid the like Conſequences, and to ſu-

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non solum devitare quæ inde nascantur incommoda, sed & faciliorem, quantum in ipsâ est, reddere viam ad Libertatem Commerciorum eadêmque fovere, & 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 præstatis Indicibus 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 *Hispania*, comprehensis simul hic Portibus, & Exhedris *Aragonia*, *Valentia*, & *Catalaunia*, 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 invehæ, tenebuntur curare, ut signentur, & plumbentur Tesseris, & Plumbis propriis ejusdem Telonii; ut que tradatur Acceptilatio scripta, vi cujus Proprietario, Proprietariisve licitum erit, eadêm Merces ad quavis Regionem *Hispanie* 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-

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Majesta-

Majestatis, propter Transportationem præfatarum Mercium, quam illud, quod jam pensum fuerit, juxta novum Indicem (vulgò Tarifam) & de quo Acceptilationes & Plumbea Sigilla, aut Tessera 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 *Anglia* Legatus significaverit, ad evitandas in posterum quascunque Discussiones, omninò necessarium esse, jam nunc in perpetuum ad Æstimationem prædictarum Mercium certam Normam, figere, ita ut Tributum, Decem pro Centum, variari nequeat, propter augmentum, vel imminutionem 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 citius, si fieri possit, conveniant *Madridi* vel *Gadibus*, nomine suarum Majestatum, Commissarii rite ab eisdem nominati, & auctoritate roborati, qui sine ullâ temporis jacturâ, ad constituendum novum Vestigialium Indicem, vel Catalogum incumbant, ut Tributum illud quod post hæc, & in perpetuum exigendum sit, pro quocunque genere Mercium, tam in earum Invectione, quam Evectione, ita stabiliatur, & limitetur, ut omnia Vestigalia, & Impositiones, quæ ad Ingressum, & Egressum Mercium, tam tempore *Caroli Secundi*, quam antè, vel post ipsius Regnum, exigebantur, sub quibusvis Nomnibus, & Prætextibus, & in quibusvis diversis Teloniis, quæcunque ea demum sint, sub isto solo, & unico Vesti-

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 Millmes*, 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 *Cadix*, 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-
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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 *Cataluniae* pertinent; exceptis tantummodò Provinciis *Guipuzcoa*, & *Biscayæ* jam supra nominatis. Et quia insuper Legatus *Magna Britannie* perquam enixè institit, ut præfatis Commissariis injungatur imprimis Cura servandæ Regulæ quâ hoc Vectigal æqualitèr, & generalitèr stabiliatur pro cunctis Portibus, & Teloniis Ingressus, & Egressus *Hispaniæ*, ad Normam, quam vulgò vocant Decem pro Centum, Valoris, quo dictæ Merces in Cursu Commercii, & inter Negociatores æstimantur in Portibus *Gadenfi* & *Sanctæ Mariæ* nominatis: Legati *Hispaniæ*, 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 *Castille*, & *Aragonie* dependentes, teneanturolvere 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 *Magna 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, five ad eandem 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 minutim 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 Transiui, & Translationi, siue illis afferret vel minimum Impedimentum, condemnatur ad multam Duorum mille Scutorum, *Escudos* vulgò dictorum, Regio *Erario* adscribendorum. Administris Regionum Teloniorum licitum non erit, ultra Summam Quindecim *Reales de Vellon*, pro Expeditione Apocharum, vel Syngraphorum percipere, nisi aliud statuatur in novo Indice, de quo in posterum convenietur.

VIII.

Pacta est sua Catholica Majestas, iussuram se, ut Tributum, vulgò *Millones* vocatum, quod colligitur de Piscibus, aliisque Mercimoniis ad Annonam rei penuriae 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 & sufficienti 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 transvehiri, & 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 Vellon*, 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 rursūm exigat, vel sese earum Transitui, Transvectioni, aut Venditioni apponat, five ipsis, vel minimum asserat Impedimentum, condemnnetur ad multam Bis mille Scutorum, Escudos dictorum, Regio Aërio adscribendorum.

Vigore itaque Presentium, Nos supra-scriptum Tractatum Approbamus, & Ratum habemus, ita tamen ut Tres Articuli, videlicet, Tertius, Quintus, & Octavus, sicut in hoc Ratihabitionis Instrumento sese habent, & ejusdem Tractatus pars esse intelligantur, & eandem vim & effectum sortiantur, ac si in ipso Tractatu inserti fuissent: Spondentes, & Verbo Regio Promittentes, Nos omnia & singula de quibus in hoc Tractatu conventum est, sanctè religioseque Præstituras & Observaturas, neque Passuras, quantum in Nobis est, ut à quopiam violentur. In quorum majus Robur & Testimonium, Præsentibus Manu Nostrâ Regiâ Signatis, Magnum Magnæ Britannicæ Sigillum affigi jussimus. Dabantur in Arce Nostrâ Vindesoriæ, Septimo Die Mensis Februarii, Anno Domini Millesimo septingentesimo decimo ^{Tertio} _{Quarto}, Regni que Nostrî Duodecimo.

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

Therefore by Virtue of these Presents We do Approve and Ratify 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 Observe 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 affixed to these Presents, which We Signed with Our Royal Hand. Given at Our Castle of Windsor the Seventh Day of February, 1713. 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 Britoliensis, Legatus Noster Extraordinarius & Plenipotentarius, Decanus Windesoriensis, & Nobilissimi Ordinis Nostri Periscelidis Registrarius, ex parte Nostri, cum Plenipotentariis Serenissimi Regis Catholici Tractatum Commerci inter Coronas Magnæ Britanniæ & Hispaniæ, *Vicesimo octavo* ^{Nono} Die ^{Novembris} _{Decembris}, Anno Millesimo septingentesimo decimo tertio, Ultrajecti ad Rhenum concluderit & signaverit, & eodem tempore inter dictos Plenipotentarios, sufficientibus Auctoritatibus ab utraque parte instructos, Articulus Separatus factus fuerit, prout sequitur:

Articulus Separatus.

I R præsentem Articulum Separatum, qui ejusdem penitus roboris & vigoris erit, ac si Tractatui Commerci-orum, hodiè inter Regias suas Majestates *Magnæ Britanniæ & Hispaniæ* concluso, de verbo ad verbum insertus esset, cumque in finem non minus quam dictus Tractatus rati habendus erit, Consentit Regia sua Majestas Catholica liberum fore, omni dehinc tempore, Subditis *Britannicis* qui Commerci-orum Causâ in Insulis *Canaricis* degent, unum aliquem ex Subditis *Hispanicis* nominare, qui Judicis ibidem Conservatoris Officio fungatur, atque de omnibus Causis ad Commercia *Britannorum* Spectantibus, in primâ instantiâ cognoscat, promittitque Regia sua Majestas, 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 Wellbeloved 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.

B Y 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 Majesties of *Great Britain* and *Spain*, and shall for that end be Ratified, as well as the said Treaty; his Catholick Majesty 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
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modi Judici Conservatori taliter nominato, Commissiones esse concessuram, una cum eadem Autoritate & 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 Britanniae Regina, & S. Regis
Catholici Legati Extraordinarii, &
Plenipotentarii, Praesentes Tabulas Ma-
nibus Nostriis Subscriptas Sigillis No-
striis munivimus, *Trajecti ad Rhenum* die
Novembrii *vicesimo octavo* Anno Domini Mille-
Decembrii *nono* *septingentesimo decimo tertio.*

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

NOS visa, perpensoque hoc Articulo Separato, eundem Approbavimus, ratum, gratum, acceptumque habuimus, sicut ac per Praesentes 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, huius Instrumento Manu Nostrâ Regiâ Signato, Magnum Nostrum Magnæ Britanniae Sigillum affigi iussimus. Dabatur in Arce Nostrâ Vindesora, Septimo Die Februarii, Anno Millefimo septingentesimo decimo tertio, Regniue Nostrî Duo-
decimo.

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* 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 Windsor the Seventh Day of February, 1714. in the Twelfth Year of Our Reign.

Anne R.

ANNA R.



ANNA, Dei gratiâ, Magna Britanniae, Franciae, & Hiberniae Regina, Fidei Defensor, &c. Omnibus & singulis ad quos praesentes Literae pervenerint, Salutem.

Cum Bello huic tam diuturno, tamque exitioso reſtinguendo operam dare inſtituerimus, inter curas publicae Tranquillitatis redintegrandae, quas geſimus maximas, eò animum praepriis advertimus, ut arctiſſima illa Amicitiae neceſſitudinisque vincula, quae à longiſſimo uſque tempore inter Coronas Britannicam, & Hiſpanicam, interceſſere, ſummò cum utriuſque Nationis Commòdo, inter Nos & bonum Fratrem Noſtrum Philippum Quintum Hiſpaniarum Regem Catholicum, novis & quam firmiſſimis nexibus in perpetuum conſtringerentur. Miniſtris itaque iſdem, qui tamdiu, tantoque cum Succeſſu, Concordiae operi maxime Salutari inter Principes, Statuſque Chriſtianos promovendo conſciendoque *Ultrajeſti* ad *Rhenum* ſeſe Nomine noſtro addixerint, etiam partes haſce demandare volumus, ut tam Pacis & Amicitiae, quam Navigationis & Commerciorum, inter Nos & dictum Regem Catholicum, Leges, Conditioneſque concluderent, ſignarentque. Sciatis igitur, quod Nos, Fide, Induſtria, & in Rebus magni momenti tractandis, Uſu ac Perſpicacia Reverendi admodum in Chriſto Patris, perquam fidelis, & dilecti Conſiliarii noſtri, *Johannis* Episcopi *Briſtolienſis*. Privati noſtri Sigilli Cuſtodis, Decani *Windleſorienſis*, & Nobiliſſimi Ordinis noſtri Perſcelidis Regiſtrarii, Et perquam fide-

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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 whoſom 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 reſpoſing very great Confidence in the Fidelity, Induſtry, and Perſpicacity, 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 *Windleſor*, and Regiſter of Our moſt No-

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lis, & prædilecti Consanguinei & Consiliarii 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 Celsos & Præpotentes Dominos Ordines Generales *Uniti Belgii*, plurimum Confisæ, Eosdem 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, Autoritatēq; nec non Mandatum Generale, pariter ac Speciale (ita tamen ut Generale Speciale non deroget, neque contra) cum Legatis Extraordinariis & Plenipotentariis, quos prædictus Rex Catholicus, sufficienti Autoritate instructos, ex sua parte deputaverit, in Civitate *Ultrajectinā* ad *Rhenum*, aut in alio quocunque loco, Congrediendi, Colloquendique, ac de Pacis atque Amicitiz Conditionibus tutis, firmis, & honestis, inter Nos & dictum Regem Catholicum, Tractandi, Conveniendi, & Concludendi; etque omnia quæ ita Conventa & Conclufa fuerint, pro nobis, & nostro Nomine Signandi, superque conclusis Instrumenta, quotquot & qualia necessaria fuerint, Conficiendi, mutuoque Tradendi, Recipiendique, ac generaliter ea omnia præstandi, perficiendique, quæ quovis modo necessaria ad Pacis atque Amicitiz Conditiones, ut supra dictum est, ineundas, stabilendasq; 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

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tuna esse judicaverint, tam amplis modo & formâ, ac vi, effectuque pari, ac Nos Ipsæ, 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 Britannie* Sigillum apponi jussimus. Dabantur in Palatio nostro Divi *Jacobi* Tertio die Mensis *Maii*, Anno Domini Millesimo Septingentesimo decimo tertio, Regni-que 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, jointly 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 Commanded 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.

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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 *Zerdena*, de *Cordova*, de *Corzege*, de *Murcia*, de *Jaén*, 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 *Abispurg*, de *Flanders*, *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 afliccion y calamidades de una tan sangrienta y dilatada guerra, como la que hasta aqui se ha experimentado para que merminandose los desolables efectos della entren á pocar del reposo, esplendor, y prosperidades á que anhelan, y nos debemos 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 combeniencia, 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 Usagre in the Order of St. James, and Captain of the First Company of Our*
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Ufagre en la de san Tiago, Capitan de la primera Compañia Española de vuestras Reales Guardias de Corps; Y à Vos Don Isidro Casado de Rosales, Marques de Monteleon, Pariente, de nuestro Consejo de Indias; con el Grado de nuestros Embasadores 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 Fee, y Palabra Real que pasaremos, y cumpliremos, para siempre Nos, y nuestros Subcesores, 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 reciprocamente se combinere 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 Isidro 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 aforementioned 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; prometiendole Nos assi mismo en Feè y Palabra Real, de passar por ello, apiovarlo, y ratificarlo con todas las Solemnidades, y demas requisitos devidos como si hubiese sido ajustado, y concluydo 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 Counterigned by Our underwritten Secretary of State. Given at *Madrid*, the Twentieth Day of *October*, 1713.

To el Rey.

I 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 honrrado. *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. *Mague*, the Twenty third of *February*, 1714.

Duque de Osuna.

Duque de Osuna.

El Marque de Monteleon.

Marque de Monteleon.

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