

1763. The definitive treaty of peace between
10 Feb. Great Britain, France, and Spain, concluded
at Paris.

Treat. 1785, vol. iii. p. 177.

See it vol. i. art. FRANCE, in the Table of
Contents.

1783. The definitive treaty of peace and friend-
3 Sept. ship between Great Britain and Spain, con-
cluded at Versailles.

1786. The convention between Great Britain
14 July. and Spain, made at London.

[The following is printed from the copy published
by authority in 1686.]

*Articles of peace, commerce, and alliance, between the
crowns of Great Britain and Spain, concluded in
a treaty at Madrid, the $\frac{1}{2}$ ³ of May, in the year of
our Lord God 1667.*

Article 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 invio-
lably, as well by land as by sea and fresh-waters; and
also between the 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 re-
spective people, subjects, or inhabitants, within their
dominions, upon any pretence, may in public 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, or wrong; and if any injury shall be done by either of the said Kings, or by the people or subjects of either of them, to the people or subjects of the other, against the articles of this alliance, or against common right, there shall not therefore be given letters of reprisal, marque, or counter-marque, by any of the confederates, until such time as justice is 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-water, in all and every their kingdoms, lands, countries, dominions, confines, territories, provinces, islands,

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-conduct, and without general or particular licence, the people and subjects of each other may freely, as well by land as by sea and fresh-water, 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 merchandize, 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, merchandize, and estate, and return to their own countries, or to such other place 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 merchandizes 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 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 merchandizes, as well in respect of the prices, as of all duties to be paid, shall enjoy the same privileges which are allowed to the natural subjects of Spain; and may buy and lade their ships with such goods and merchandizes; which said ships being laden, and customs paid for the goods, shall not be detained in port

upon any pretence whatsoever; nor shall the loaders, 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, recompences, 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, or appertaining to one or the other King, where such rights and excises, or customs, are usually paid; in which, how much, and of what quality such rights, customs, subsidies, and payments, either to the Kings or any the aforesaid officers are allowed, shall be put down in writing, declaring as well the species of what is imported, as what is carried out. And if any officer, or any other in his name, upon any pretence whatsoever, in public 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 recompence (though it be by the way of voluntary donative) more or otherwise than aforesaid, the said officer or his deputy being in such manner guilty, and convicted before a competent judge in the country where the crime is committed, shall be put in prison for three months, and shall pay thrice the value of the thing so received; of which the half shall be for the King of the country where the crime is committed, and the other half for the denunciator, for the which he may sue his right before any competent judge of the country where it shall happen.

VII. That

VII. That it shall be lawful for the subjects of the King of Great Britain to bring out, and carry into Spain, and all or any lands and dominions of the King of Spain (where heretofore they have used trade and commerce) and trade there with all kind of merchandize, 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 merchandize 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 merchandize, 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 Catholic King. And all the goods, estates, merchandize, 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 merchandize of Great Britain, comprehended so by the intention of this article.

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,

privilege, and according to what is allowed to the subjects of the United Provinces, by the royal cédulas 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.

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 cédulas or orders, dated the 19th day of March, the 26th day of June, and the 9th day of November 1645; his Catholic Majesty by these presents re-confirming the same, as a part of this treaty between the two crowns. And, to the end that it be manifest to all, it is consented, that the said schedules (as to the whole substance thereof) be passed and transferred to the body of the present articles, in the name and favour of all and singular the subjects of the King of Great Britain, residing and trading in any places whatsoever within his Catholic Majesty's 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 by any other authority; nor shall any soldiers, armed
men,

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 merchandize, 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 merchandize 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 may be entered, and the confiscation of them prevented: and in case that in the time limited, the entry or manifestation of them shall not have been made, then such particular goods only, which shall be found as aforesaid, though the unloading be not finished, shall be confiscated, and not any other; nor shall other trouble be given, or punishment inflicted on the merchant or owner of the ship; and when the ships or vessels are re-laden, they may have freedom to go out again.

XI. That

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 merchandizes 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 merchandize, 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 merchandizes 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-shipped 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 merchandize, of what growth or nature soever they be, in any of the ports of his Catholic Majesty, and having entered 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 their 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, merchandizes, fruits, or estates, and have paid the customs due, according to what
hath

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 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 merchandizes 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 enemy's port, and carrying thither contraband goods (whereof, without some clear proof, they shall not be questioned) it shall be lawful for the 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

XIV. And if any ship or ships belonging to the subjects and merchants of the one or the other, entering into bays, or in the open sea, shall be encountered by the ships of the said Kings, or of privateers their subjects; the said ships, to prevent all disorders, shall not come within cannon-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 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 authenticalness may the better appear, and that they may not be in anywise falsified.

XV. If any prohibited merchandize 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, wool, 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

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 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 embark or detain, hinder, or take for his respective service, any merchant, master of a ship, pilot, or mariner, their ships, merchandize, clothes, 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

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 England, or King of Spain, or their arms; but if any controversy happen between merchants and masters of ships, or between masters and mariners, the composing thereof shall be left to the consul of the nation, but after such manner, as he who shall not submit to the arbitrement, may appeal to the ordinary justice of the place where he is subject.

XX. And to the end that all impediments be taken away, and that the merchants and adventurers of the kingdoms of Great Britain be permitted to return to Brabant, Flanders, and other the provinces of the Low Countries, under the jurisdiction of the King of Spain; forasmuch as it hath been thought convenient, that all and any the laws, edicts, and acts by which the importation of cloth, or any cloth, or any other woollen manufacture, of what kind soever, dyed or undyed, milled or unmilled, into Flanders, or the other provinces,
hath

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 the said cloths or manufactures, for no 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 Marquis of Castelrodrigo, or the governor of those provinces for the time being, or any other ministers of the King of Spain, sufficiently authorized 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 Kings of Great Britain and Spain respectively, shall with all security and liberty sail to, and traffic in, all the kingdoms, estates, or countries, which are or shall be in

peace, amity, or 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 merchandize 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 merchandize, and of contraband; it is declared and agreed, that under this name shall be comprehended all fire-arms, as ordnance, musquets, mortar-pieces, petards, bombs, granadoes, fire-crancels, fire-balls, musquet-rests, bandeliers, gunpowder, match, salt-petre, and bullets; likewise under the name of forbidden merchandize, 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, 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 merchandize, and of contraband, shall not be comprehended wheat, rye, barley, or other grains, or pulse,

puffe; falt, wine, oil, and generally whatsoever belongs to the sustaining and nourishing of life, but they shall remain free, as likewise all other merchandizes not comprehended in the preceding article; 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 merchandize, 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 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 ease of conscience; therefore, that the commerce be secure, and without danger, as well upon land as at sea, the said King of Spain shall provide, that the subjects of the said King of Great Britain shall not be aggrieved 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 public 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 public 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 merchandize 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 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 warehouses and magazines for their goods and merchandize, 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 accompt 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

upon any pretence whatsoever. And it shall be permitted to the people and subjects of either King, in the respective places where they shall reside, to keep their books of accompt, traffic, and correspondence, in what language they please, in English, Spanish, Dutch, or any other, the which shall not be molested, or subject to any inquisition. And whatsoever else hath been granted by either party, concerning this particular, to any other nation, shall be understood likewise to be granted here.

XXXII. That in case the estate of any person or persons shall be sequestered or seized 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 *bonâ fide* to the people and subjects of the other, the said estate or debts shall not be confiscated 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 die without making a will, in the dominions of the King of Spain, shall be put into inventory, with their papers, writings, and books of accompt, by the consul or other public minister of the King of Great Britain, and deposited in the hands of two or three merchants that shall be named by the said consul or public minister, to be kept for the proprietors and creditors; and neither the *Cruzada*, nor any other judicatory whatsoever, shall intermeddle therein; which also, in the like case, shall be

observed in England towards the subjects of the King of Spain.

XXXV. That a decent and convenient burial-place shall be granted and appointed to bury the bodies of the subjects of the King of Great Britain, who shall die within the dominions of the King of Spain.

XXXVI. If it shall happen hereafter, that any difference fall out (which God forbid) between the King of Great Britain and the King of Spain, whereby the mutual commerce and good correspondence may be endangered, the respective subjects and people of each party shall have notice thereof given them in time, that is to say, the space of six months, to transport their merchandize and effects, without giving them in that time any molestation or trouble, or retaining or embarking their goods or persons.

XXXVII. All goods and rights concealed or embarked, moveables, immoveables, rents, deeds, debts, credits, and the like, which have not with a formal notice of the cause, and by a legal condemnation, according to the ordinary 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,

munities, 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. 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 inconveniences 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, 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.

Dated at Madrid, the $\frac{1}{17}$ day of May, in the year of our Lord 1667.

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

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 tun (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 merchandize, 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.

Will. Godolphin.

*Don Pedro Fernandez del
Campo y Angulo.*

*The Copy of a Patent containing several gracious Privileges, lately granted by the High and Mighty Philip
the*

the Fourth, King of Spain, &c. which are confirmed by the foregoing Treaty, and whereof mention is made in the ninth Article of the said Treaty.

DON PHILIP, by the grace of God, King of Castile, Leon, Arragon, the Two Sicilies, Jerusalem, Portugal, Navarre, Granada, Toledo, Valencia, Galicia, Majorca, Sivilla, Sardinia, Cordoua, Corsega, Murcia, Jaen, the Algarves, Algefira, Gibraltar, the islands of the Canaries, the East and West Indies, islands, and firm land of the ocean sea, Arch-duke of Austria, Duke of Burgundy, Brabant, and Milan, Earl of Hapsburg, Flanders, Tiroll, and Barcelona, Lord of Biscay and Molina, &c.

Whereas on the behalf of you Richard Anthony, consul of the English nation, for yourself, and in the name of the subjects of the King of Great Britain, it hath been shewed unto me, that by virtue of the peace which is concluded in this and that realm, you do reside and trade in Andaluzia, and specially in the cities of Sivil, St. Lucar, Cadiz, and Malaga, desiring me to be pleased to confirm unto you the privileges, exemptions, and faculties which do belong unto you as well by the articles of the said peace, as by the confirmations thereof, and other favours and graces which my lord and father of glorious memory did grant unto you, and all such others which have been given you by the crowns of my realms of Castile and Portugal, and to command that they may be in and for all things observed and accomplished unto you without any limitation, and for further assurance to grant them anew unto you, with the qualities, amplitudes, and declarations which shall be most convenient for you; and to set penalties upon such as shall contradict, and not observe them unto you; and to the end it may be known what they are, to grant them copies thereof, or of that which my favour shall be: and I taking the premises into consideration; and because for the occasions which I have for my wars, you have offered to serve
me

fine with 2,500 ducats of silver, to be paid 1,000 in ready money, and the remaining 1,500 in the month of April of this year; whereof the licentiate Francis Moreno, which in reversion of Don Anthony de Campo Redondo y Rio, knight of the order of Santiago, one of my council and chamber, and of the treasury, in your name, and by virtue of your power, did acknowledge a writing of obligation in form before John Cortez de la Cruz, my notary, I do hold it for good: and by these presents of my own motion, and certain knowldge, and royal and absolute power, which I in this behalf will make use of, and do use as an absolute king and lord, not acknowledging any superior in matters temporal, do confirm and approve the privileges, exemptions, and faculties which do belong unto you as well by the articles of the said peace, as by the confirmation thereof; and also the other favours and graces which my lord and father did grant unto you, and others whatsoever, which have been given by my crowns of Castile and Portugal unto the said subjects, in and for all things as therein, and every thing and part thereof, is specified, contained, and declared, to the end they may be firm, stable, and of value, and be observed, kept, and accomplished unto you: for my deliberate intent and will is, that all those of the said nation shall enjoy thereof without any limitation, in such manner, that, during the time the said Englishmen shall reside in Andaluzia, neither you nor they may be charged with any office or public charge, nor council, tutorship, curatorship, receivers or treasurers, although they be of customers and millions, or other services which concern my royal treasury; and much less they may demand of you any loans or donations, or take from you any rights, or your rents, horses, or slaves: and to do you the more favour or grace, according to that which is agreed by the said peace, I do will and promise, that you shall and may deal and trade freely, and sell your merchandize and fruits, and buy those of my realms, and carry them forth, observing that

that which is ordained and commanded by the laws and statutes which make mention thereof, and paying to my royal treasury the duties or customs which ought to be paid, prohibiting, as I do prohibit and command, not to take from you by force any merchandizes, wheat, or barley, although it be for the making ready or furnishing my armies, fleets, or gallions, nor for purveyors or stewards; and the privileges are to be concerning the wheat and barley according to the tun; and concerning the other things and merchandizes as you shall conclude and agree: but they may not take them out of your possession until they have paid for them, unless for the same there be leave given, that they do not molest and trouble you. And forasmuch as many of you do treat to bring into the ports of Andaluzia, the city of Sivil, and other places, great quantity of Newfoundland fish, and other sorts of dry and salted fish, because they are victuals which are very necessary; and that you have been and are put to great charges, and are much troubled, I do will and command to be kept the ordinance of the city of Sivil, whereby it is ordained, that those which come in with dry or salted fish, there shall not be any price or rate set upon them, but they shall be permitted to sell at such a price as they shall think good; and it shall not be necessary to manifest them any more than unto my officers which receive my royal rents: and if the ships, wherein the said fish is brought be great ships, that they cannot go up the river, and that the same be put into barks or lighters, the judge of the admiralty, nor any other person, may not put any waiters or keepers into the barks or lighters at the charge of the owners of them.

And I do also command, that if the said fish shall appear to be rotten, and that it cannot be spent, that it be burnt, or thrown into the sea; and that for this cause there shall not be any cause or action commenced against the owners thereof, or persons which shall sell it, nor they shall not be imprisoned, nor informed

formed against: and forasmuch as the administrators of the customs, and others of divers duties which are received for the fruits and merchandizes, do use when any body doth inform, to have the person imprisoned which sheweth himself to be party, whereby happeneth to men of trade great discredit, charges, and vexations; my will is, and I do command, that in the said information, there shall be only proceeded against the merchandizes, and not against the persons; but they shall be permitted (as I do permit them) to make, and they shall make their defences in the said vexation. And forasmuch also as, according to an article of the said peace, which maketh mention of matters in religion, notwithstanding that in some suits they should declare whether they be Roman Catholics or not, excusing themselves to give faith to others which they take as parties or as witnesses;

I do also command, that concerning this matter there be not done, nor there shall not be done, any thing with those which are born in the said realm, but only that the said condition be kept and accomplished, and that no such questions be put unto them, giving unto the oaths which they shall take in judgment court, and without, the same faith and credit which should be given in case they were Spaniards; and herein you shall not receive any trouble or molestation, nor there shall not be any grievance done unto you: and whereas, for the justification of some causes, the judges and justices do pretend that the merchants of the said nation should exhibit books of their contractions or dealings; I do will and command, that the books of the merchants of the said nation shall not be taken out of their hands for any cause whatsoever, but they shall keep and shew them in their houses, to take out the parcel which shall be appointed, and others shall not be demanded of them, nor there shall not be any other papers taken from them, upon penalty that he which shall do here against, shall be punished according to law.

And

And forasmuch as the merchants do dispatch the merchandize from the custom-house of the said city of Sivil of all duties, and because there are many which do make up a sheet, which is subscribed and signed by all the officers, and remaineth in the hand of the alcayde of the custom-house; for that by virtue thereof the merchandizes are permitted to go forth, which are in fardels, packs, trunks, and cases; and afterwards, when they have taken them forth, and put them into their houses and warehouses, the chief keeper of the custom-house, and the officers of the half per cent. do visit the house and goods, troubling and molesting them, demanding of them the dispatches, it seeming unto them that they may detain them, because they left the dispatch in the hands of the said alcayde of the custom-house; I do prohibit and command, that the houses of the said merchants shall not be visited, nor the dispatches shall not, nor may not be demanded of them, in regard they have them not in their hands; and this is to be understood, and is understood, of houses which are within the walls of the said city: and to the end it may be known to you which are of the English nation, there is to be delivered unto you copies of the said privileges and exemptions which do concern you, and which were granted unto you, as well by the articles of peace as by any other manner. And for execution and accomplishment of all the premises, I do command those of my council, and those of my councils, assemblies, and tribunals of my court, and the presidents and judges of my audiences, alcaydes, and officers of my house and court, and chanceries, and the regent and judge of the court of degrees of the city of Sivil, and chief alcaldes of the precincts thereof, and all the corrigidors, assistants, and governors, chief justices and ordinaries, as well in the said cities of Sivil, Cadiz, Malaga, and St. Lucar de Barameda, as of all other cities, towns, and places of these my realms and dominions, and all other judges and justices whatsoever, of what
quality

quality or condition soever they may be, whom principally or incidentally may concern in any manner the accomplishment or performance of that which is contained in this patent, that presently, so soon as they shall be by virtue thereof required, or the copy thereof signed by a notary public, that there be thereunto given as much faith as unto the original; and that every one, in the place where it shall concern him, do observe and accomplish, and cause the same to be observed, accomplished, and executed, in and for all things as therein is contained, and they shall not in all nor in part put upon you any impediments, nor any other difficulties or doubts, nor do any thing against the tenor and form thereof, nor consent or give way that it be interpreted, limited, or suspended in all or in part, or that to the contrary be given any sedidas, provisions, or other dispatches: but for observation thereof, in the place which shall concern every one, they shall give order and ordain to deliver unto you those which shall be necessary: and for more firmness and validity of the favour and grace which by this my patent I do grant you, and that at all times this favour may be certain and sure unto you, you are to keep or have a judge conservator in Andaluzia, especially in the said cities of Sivil, Malaga, Cadiz, and St. Lucar de Barameda, unto whom I am to give sufficient commission for keeping and accomplishing the said privileges, liberties, and exemptions, who shall constrain and compel all and whatsoever persons, of what sort or quality they may be, that shall concern the said nation, as well those which shall be defendants accused, as those which shall be plaintiffs, although the persons which shall accuse them, and which shall be accused by them, have private judges, as well by consent as agreement which they may have made by pre-eminence or privilege which they hold, to the end the said judge conservator may only take knowledge privately of the said courts, and not any other judge or tribunal, although it be by way of excess or notorious

rious

rious justice, or in any other matter or form; which judge conservator is now Doctor Don Francisco de Vergara, judge of my court de les Grados, of the city of Sivil, the time that he shall assist therein, and in his absence, the licentiate Don Francisco de Modrano, judge of the same court, who for the suits which shall be commenced in the said cities of Cadiz, Malaga, and St. Lucar, is to subdelegate his conservatorship, in the person which by the said nation shall be propounded or named, that he may effect the same to the conclusion, and they shall be referred unto him to be determined: and of that which he shall determine, the appeal is to be made to my council, and not to any other court.

And forasmuch as my will is, that every one in his time shall have primitive commission, and jurisdiction to protect and defend you concerning all the contents of this my patent, that all the same may be kept and accomplished in the form which I do offer the same unto you, I have found good to charge, as by these presents I do charge them with the protection and defence hereof: and I do command them to see or peruse this my patent, and the qualities, conditions, pre-eminences, and amplifications therein contained, and to cause all the same to be kept, accomplished, and executed, in such form and manner, and according as therein is contained and declared, without consenting or giving way, that in all or in part there be made unto you any doubt or difficulty: and before the said Don Francisco de Vergara, or in his absence, before the said Francis de Medrano (and not before any other judge) privately in the first instance, are to pass, and be followed all the causes and suits which, concerning the premises, or any thing or part thereof, shall be moved and caused, and the execution and punishment of those which shall not be obedient; for my will is, that the knowledge and determination of all the contents in this my patent, is in all things privately to concern, and shall concern them; proceeding in all things
against

against those which shall be culpable, and executing for the same the penalties which are mentioned by law, reserving as I do reserve, the appellations which shall be put in upon their acts and sentences, to my council, and not any other court, without that any of my other councils, tribunals, courts, chanceries, or any other judges or justices of my realms or dominions, of whatsoever quality they be, may meddle, or shall meddle therewith, or in the use or exercise of the jurisdiction privative in the said first instance, which by this my patent I do grant unto them, by way of excess, appellation, or any other recourse or manner; the which, and every of them, I do inhibit, and hold for inhibited the knowledge thereof, and do declare them for incompetent judges thereof: for which and every thing, and part thereof, I do give them the most sufficient power, and most ample commission, which according to law is required and necessary, with the incidencies and dependencies, annexities; and after them the said English nation of the said city of Sivil, may name in the said commission one of the judges of the said audience, which the said nation shall chuse: and I do command the president, and those of my council of the chamber, that presenting before them their nomination (the case happening) to make void the said commission, by promotion or vacation of the said Don Francisco de Vergara, and Don Francis de Medrano, or to dispatch it in any other manner, by ordinary to him that shall be therein nominated, in the form according, and as by this my patent is declared. And that it may be the better accomplished, I do from this time give them power and authority, that they may subdelegate, and they shall subdelegate this commission, for the business and suits which shall be offered in the said cities of Cadiz, Malaga, and St. Lucar de Barameda, in the person which by you shall be propounded unto them, that they may substantiate them for a conclusion, and remit the suits and causes unto them to be determined, in such manner as they shall find good and convenient,

convenient, for the security of that which is contained in this my patent. And I do charge the most excellent prince Don Balthazar Charles, my most dear and most beloved son, and do command the infants, prelates, dukes, marquisses, earls richmen, commanders, and under-commanders, governors of castles, strong houses, and plains, and those of my council, presidents, and judges of my courts, alcajdes, and officers of my house, court, and chanceries, and all the corrigidors, assistants, governors, alcaldes, mayors, and ordinaries, and whatsoever judges and justices of these my realms and dominions, to observe and accomplish, and cause to be observed and accomplished, this my patent, and the favour or grace which thereby I do grant you, and against the tenor and form thereof, not to do or pass, now, nor at any time, in any manner, perpetually for evermore. Nor to consent or give way to be limited or suspended unto you, all or part thereof, notwithstanding whatsoever laws or statutes of these my realms and dominions, ordinances, style, use, or custom of the said cities of Sivil, Cadiz, Malaga, or St. Lucar, or any other thing which is or may be to the contrary; the which for this time, forsomuch as concerneth this matter, holding the same here for inserted and incorporated, as it were word for word written, I do dispense, abrogate, derogate, cancel, annihilate, and make void and of none effect, remaining in full force and effect for all other things henceforward. And for this my patent Jeronimo de Canencia, auditor of accompts in my chief office of accompts, and my secretary of the mediaenate, shall take a copy, at whose charge is the accompt and reason of this right. And I do declare, that for this favour you have paid the duty of the mediaenate, which amounteth to thirty and five thousand one hundred fifty-and-five maravediz in silver: which sum you are to pay from fifteen to fifteen years perpetually, and in case they do accomplish or end, you may not make use of this favour, until such time as it shall first appear that you have satisfied this

duty. And you are also to pay the judge conservator, which shall be named, his salary, or to help to bear his charges, which he shall enjoy for his labour or pains in the said business, before you shall enjoy thereof, which is to appear by certificate of the office of this duty. Given in Saragosa, the nineteenth day of March, anno 1645.

I the King.

I Anthony Carnero, Secretary of the King our Lord, did cause it to be written by his commandment. Registered, Michael de Lariaga, Lieutenant of the Lord High Chancellor. Michael de Lariaga. The copy was taken Jeronimo de Canencia; Don John Chumazero y Carillo, Doctor. Don Anthony de Campo Redondo y Rio, Licentiate.

JOSEPH GONSALES.

This copy doth agree with that out of which it was taken, which for this effect was exhibited unto me by William Bland, dwelling in the city of Sivil, who took it away again with him the 11th of April, anno 1645.

*Joseph de Pineda, Notary Public of
the city of Sivil, for the King.*

[The following is printed from the Treaty which was published by authority, in 1686.]

A Treaty for the composing of Differences, restraining of Depredations, and establishing of Peace in America, between the Crowns of Great Britain and Spain, concluded at Madrid, the 1st Day of July, in the Year of our Lord 1670.

WHEREAS, for many years past, the good understanding and correspondence between the English and Spanish nations having been disturbed in America, it pleased the most Serene and Powerful Prince Charles,
King