

A
C O L L E C T I O N
O F
T R E A T I E S
B E T W E E N
G R E A T B R I T A I N
A N D
O T H E R P O W E R S.

BY *GEORGE CHALMERS*, Esq.

V O L. II.

L O N D O N:
PRINTED FOR JOHN STOCKDALE, PICCADILLY.
MDCCXC.

T H E
C O N T E N T S
O F V O L. II.

SPAIN.	Page.
The LIST of TREATIES with, from 1604 to 1786 - - - - -	1—5
<i>The Treaty of MADRID, as to Peace and Commerce, 1667 - - - - -</i>	<i>5—24</i>
<i>The Patent of Privileges by Philip the IVth, 19th March 1645 - - - - -</i>	<i>24—34</i>
<i>The AMERICAN Treaty, 1670 - - - - -</i>	<i>34—40</i>
<i>The Peace of UTRECHT, $\frac{2}{11}$ July 1713, 40—107</i>	
<i>The COMMERCIAL Treaty at UTRECHT, $\frac{28}{9}$ Nov. Dec. 1713 - - - - -</i>	<i>108—172</i>
<i>The COMMERCIAL Treaty, $\frac{1}{3}$th Dec. 1715 - - - - -</i>	<i>172—175</i>
<i>The Treaty for settling the public Peace, 2d August 1718 - - - - -</i>	<i>175—208</i>
<i>The Treaty of MADRID, 13th June 1721 208—212</i>	
<i>The Defensive Alliance, 13th June 1721, 213—218</i>	
<i>The Treaty of SEVILLE, 9th Nov. 1729—219—228</i>	
<i>The Peace of VERSAILLES, 3d Sept. 1783 229—248</i>	
<i>The Convention of LONDON, 14th July 1786 - - - - -</i>	<i>248—255</i>
A 2	PORTUGAL.

PORTUGAL. Page.

The LIST of TREATIES with, from	
1642 to 1763 - - - - -	255—257
<i>The Articles of PEACE and COMMERCE,</i>	
29th January 1642 - - - - -	257—267
<i>The Treaty of WESTMINSTER, 10th July</i>	
1654 - - - - -	267—286
<i>The Marriage Treaty of Charles II. with</i>	
<i>the Infanta, 1661 - - - - -</i>	286—296
<i>The Defensive Treaty, 16th May 1703 -</i>	296—303
<i>The Treaty of COMMERCE, 27th December</i>	
1703 - - - - -	303—305
<i>The Guaranty of the Peace of UTRECHT,</i>	
<i>between Spain and Portugal - -</i>	306—307

SARDINIA.

The LIST of TREATIES with, from	
1669 to 1748 - - - - -	308—309
<i>The Treaty of Friendship and COMMERCE</i>	
<i>at Florence, 1669 - - - - -</i>	309—321
<i>The Treaty of WORMS, $\frac{2}{13}$ September</i>	
1743 - - - - -	321—336

TUSCANY.

The LIST of TREATIES with, from	
1490 to 1718 - - - - -	337
<i>The Stipulation for LEGHORN to remain a</i>	
<i>FREE PORT - - - - -</i>	337

The TWO SICILIES.

The LIST of TREATIES, from 1604,	
to 1738 - - - - -	338
<i>The Engagement, concerning the Rights of</i>	
<i>British Merchants in Sicily, at Utrecht,</i>	
1713 - - - - -	338—340

GENOA

THE CONTENTS. v

GENOA AND VENICE. Page.

The LIST of TREATIES with, from
1316 to 1748 - - - - - 341

MOROCCO.

The LIST of TREATIES with, from
1665 to 1783 - - - - - 342—343

The Treaty of Peace and Commerce, 1761,
which, in the Title, is misprinted 1763 - 343—356

The Additional Articles of Friendship and
Commerce, 1783 - - - - - 356—359

ALGIERS.

The LIST of TREATIES with, from
1662 to 1762 - - - - - 360—361

The Articles of Peace, 23d April, 1662 - 361—365

The Articles of Peace and Commerce, 10th
April, 1682 - - - - - 365—374

The Articles of Peace and Commerce, 14th
May, 1762 - - - - - 375—376

The Peace of 1762, comprehends the Treaty
of 1716 - - - - - 376—379

The Treaty of 1686 - - - - - 379—386

The Treaty of 1700 - - - - - 386—388

The Treaty of 1703 - - - - - 388—390

The Treaty of 1751 - - - - - 390

TUNIS.

The LIST of TREATIES with, from
1662 to 1762 - - - - - 391

The Peace of 1662 - - - - - 391—394

The Confirmation of this Treaty, 4th Febru-
ary, 167 $\frac{1}{2}$ - - - - - 394—395

The Articles of Peace and Commerce, 22d
June, 1762 - - - - - 395—397

The Peace of 1762, comprehends the Treaty
1751 - - - - - 397—405

TRIPOLY.

vi THE CONTENTS.

	Page.
TRIPOLY.	
The LIST of TREATIES with, from	
1662 to 1762 - - - - -	406—407
<i>The Peace of 1662 - - - - -</i>	407—411
<i>The Articles of Peace and Commerce, 1st</i>	
<i>May, 1676 - - - - -</i>	411—421
<i>The Articles of Peace and Commerce, 22d</i>	
<i>July, 1762 - - - - -</i>	421—422
<i>The Treaty 1751 - - - - -</i>	422—430
The PORTE.	
The LIST of TREATIES with, from	
1641 to 1675 - - - - -	431
<i>The Capitulations of, September 1675 -</i>	431—462
BENGAL and OUDE.	
The LIST of TREATIES, from 1757	
to 1788 - - - - -	463—464
<i>The Treaty of Commerce between Earl Corn-</i>	
<i>wallis and the Vizier, 25th July 1788</i>	464—471.
The NIZAM.	
The LIST of TREATIES with, from	
1759 to 1768 - - - - -	472
<i>The Treaty of Friendship and Alliance with</i>	
<i>the East India Company, the Nabob of</i>	
<i>Arcot, and the Nizam, 23d February</i>	
<i>1768 - - - - -</i>	472—489
ARCOT.	
The LIST of TREATIES with, from	
1763 to 1787 - - - - -	490
<i>The Treaty between the Nabob, and Sir Ar-</i>	
<i>chibald Campbell, 1787 - - -</i>	490—497
TANJOUR.	
The LIST of TREATIES with, from	
1771 to 1787 - - - - -	498
	<i>The</i>

THE CONTENTS. vii

	Page.
<i>The Treaty between the Rajah of Tanjour and Sir Archibald Campbell, 10th April 1787 - - - - -</i>	498—507
HYDER ALLY; TIPPOO, SULTAUN.	
The LIST of TREATIES with, from 1763 to 1784 - - - - -	508
<i>The Articles of Peace with Hyder Ally, 8th August 1770 - - - - -</i>	509—512
<i>The Treaty of Peace with the Nabob Tippoo, Sultaun Bebauder, 11th March 1784 -</i>	512
The AMERICAN STATES.	
<i>The Definitive Treaty of Peace with them, 1783 - - - - -</i>	528

A COLLECTION

A
C O L L E C T I O N
O F
T R E A T I E S, &c.

S P A I N.

1604. **T**HE articles of peace, intercourse,
18 Aug. and commerce, between Great Britain,
Spain, and the Netherlands, concluded at
London. *Treat.* 1732, vol. ii. p. 131.

1630. The treaty of peace and commerce be-
15 Nov. tween Great Britain and Spain, concluded at
Madrid.

Pap. Off. C. 3.

Treat. 1732, vol. ii. p. 275.

1648. The treaties of Westphalia.

Mably, Dr. Pub. vol. i. ch. i.

Treat. 1732, vol. i. p. 1.—vol. ii.

p. 372.

Treat. 1785, vol. i. p. 1.

1667. The treaty between Great Britain and
23 May. Spain, concluded at Madrid.

Pap. Off. C. 5.

1667. The treaty of peace and commerce between Great Britain and Spain, concluded at Madrid, with the secret article.

Pap. Off. C. 6.

1670. The treaty for composing differences, restraining depredations, and establishing peace in America, between Great Britain and Spain, concluded at Madrid.

Pap. Off. C. 10.

Treat. 1732, vol. i. p. 162.

Treat. 1785, vol. i. p. 197.

1680. The defensive league between Great Britain and Spain, concluded at Windsor.

Treat. 1732, vol. iii. p. 324.

Treat. 1785, vol. i. p. 256.

1713. The New Assiento for negroes, concluded at Madrid.

Pap. Off. C. 15.

Treat. 1732, vol. iii. p. 375.

Treat. 1785, vol. i. p. 375.

1713. The treaty of peace and friendship between Great Britain and Spain, concluded at Utrecht, with the separate and secret articles.

Pap. Off. C. 18.

Treat. 1732, vol. iii. p. 470.

Treat. 1785, vol. ii. p. 66.

1713. The treaty of commerce between Great Britain and Spain, concluded at Utrecht, with the separate article and declarations.

Pap. Off. C. 20.

Treat. 1785, vol. ii. p. 88.

1715.

1715. The treaty of commerce between Great
 $\frac{3}{15}$ Dec. Britain and Spain, usually called the new
 articles of commerce, explanatory of the
 treaty of Utrecht, concluded at Madrid.

Pap. Off. C. 21.

Treat. 1732, vol. iv. p. 81.

Treat. 1785, vol. ii. p. 173.

1716. The New Affiento between Great Britain
 $\frac{15}{25}$ May. and Spain, concluded at Madrid.

Pap. Off. C. 22.

Treat. 1785, vol. ii. p. 179.

1720. The accession of Spain to the quadruple
 17 Feb. alliance, concluded at London, the 2d of
 August 1718.

Pap. Off. C. 24.

Rouffet, Recueil Historique, tom. i.
 p. 299.

1721. The treaty between Great Britain and
 13 June. Spain, concluded at Madrid, with the sepa-
 rate articles.

Pap. Off. C. 30.

Rouffet, Recueil Historique, tom. iv.
 p. 95.

Treat. 1732, vol. iv. p. 119.

Treat. 1785, vol. ii. p. 264.

1728. The convention between Great Britain
 6 Mar. and Spain, made at the Pardo.

Pap. Off. C. 37.

Rouffet, Recueil Historique, tom. iv.
 p. 45.

Treat. 1732, vol. iv. p. 182.

Treat. 1785, vol. ii. p. 304.

1729. The treaty of Seville, with the separate
9 Nov. articles and declarations.
Pap. Off. C. 38.
Rouffet, Recueil Historique, tom. v.
part ii. p. 1.
Treat. 1732, vol. iv. p. 201.
Treat. 1785, vol. ii. p. 306.
1731. The treaty of Vienna, with the separate and
22 July. secret articles and declarations.
Pap. Off. C. 44, 45.
Rouffet, Recueil Historique, tom. vi.
p. 193.
Rouffet, Supplem. au Corps Diplomatique, tom. ii. part ii. p. 307.
Treat. 1785, vol. ii. p. 333.
1732. The declaration made at Seville, by the
8 Feb. British and Spanish ministers, concerning
depredations in America. *Pap. Off. C. 46.*
1739. The convention made at the Pardo, be-
14 Jan. tween Great Britain and Spain, with regard
to disputes in America, with the separate
articles.
Pap. Off. C. 49.
Treat. 1785, vol. ii. p. 339.
1748. The accession of Spain to the treaty of
18 Oct. peace made at Aix-la-Chapelle.
Pap. Off. C. 58.
Treat. 1785, vol. ii. p. 370.
See this Treaty, vol. i. art. FRANCE, in
the Table of Contents.
1750. The treaty between Great Britain and
5 Oct. Spain, made at Madrid, for putting an end
to the Assiento. *Pap. Off. C. 61.*

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 $\frac{1}{2}$ 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 laders, 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 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 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 authenticity 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 thereto by stress of weather or other necessity, to avoid the danger of the sea; and in such case they shall presently acquaint the governor or chief magistrate of the place with the cause of their coming; nor shall they remain there any longer time than the said governor or magistrate shall think convenient, or do any act of hostility in such ports, that may prove of prejudice to the one or the other of the said Kings.

XVII. That neither the said King of Great Britain, nor the King of Spain, by any mandate, general nor particular, nor for any cause whatsoever, shall 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 difannulled ; and that if any right, tribute, imposition, charge, or money, hath been, with permission, or otherwise, put upon cloths, or any of the aforefaid woollen manufactures fo 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 fame fhould be altogether void, and no fuch tribute or imposition from henceforth impofed, or put upon the faid cloths or manufactures, for no caufe or pretext whatfoever ; and that all the Englifh merchants, trading in any of the faid provinces, their factors, fervants, or commissioners, fhould enjoy, from henceforward, all the privileges, exemptions, immunities, and benefits, which formerly have been agreed and given by the aforefaid 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 fhall be named by the King of Great Britain, who meeting with the Marquis of Caftelrodriigo, or the governor of thofe provinces for the time being, or any other minifters of the King of Spain, fufficiently authorized in this behalf, fhall friendly treat and conclude hereupon ; and alfo fuch further privileges, immunities, and neceffary exemption, fuitable to the prefent ftate of affairs, fhall be granted for the encouragement of the faid merchants and adventurers, and for the fecurity of their trade and commerce, as fhall be agreed upon in a fpecial treaty, that fhall be made between both the Kings, touching this particular.

XXI. The fubjects and inhabitants of the kingdoms and dominions of the Moft Serene Kings of Great Britain and Spain refpectively, fhall with all fecurity and liberty fail to, and traffic in, all the kingdoms, eftates, or countries, which are or fhall be in

VOL. II.

C

peace,

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,

pulse, salt, 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 brasse-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 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

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 account, 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 account, 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 $\frac{1}{4}$ 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, Granado, Toledo, Valencia, Galicia, Majorca, Sivilla, Sardinia, Cordoua, Corfega, Murica, 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 Hapurg, 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 Andalusia, 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

me 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 knowledge, 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 Andalusia, 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 alcaide 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 alcaide 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, alcaides, 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 alcaides of the precincts thereof, and all the corregidores, 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 foever 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 fedidas, 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 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 juuriſdiction 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, alcaydes, 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

King of Great Britain, &c. in order to the restoring and regulating the same for the future, to send into Spain his envoy extraordinary Sir William Godolphin, Knight, with full authority and power to make any treaty convenient and proper for that end: and likewise the most Serene and Powerful Charles, King of Spain, &c. and the Queen Regent Maria-Anna, &c. for the carrying on a work of so much piety and public good, deputed on their part the Earl of Penaranda, Counsellor of State, and President of the Indies, to confer, treat, and conclude thereupon with the said Sir William Godolphin: at length they mutually resolved and agreed upon the articles of the following treaty, in virtue of their several commissions.

I. First, it is agreed between the above-mentioned plenipotentiaries, Sir William Godolphin and the Earl of Penaranda, in the names of the most Serene Kings respectively, their masters, that the articles of peace and alliance made between the crowns of Great Britain and Spain, in Madrid, on the $\frac{1}{2}$ ¹/₃ of May 1667, or any clause thereof, shall in no manner be deemed or understood to be taken away or abrogated by this present treaty; but that the same shall remain perpetually in their ancient force, stability, and vigour, so far forth as they are not contrary or repugnant to this present convention and articles, or to any thing therein contained.

II. That there be an universal peace, true and sincere amity, in America, as in the other parts of the world, between the most Serene Kings of Great Britain and Spain, their heirs and successors, and between the kingdoms, states, plantations, colonies, forts, cities, islands, and dominions, without any distinction of place belonging unto either of them, and between the people and inhabitants under their respective obedience, which shall endure from this day for ever, and be observed inviolably, as well by land as by sea and fresh-waters, so as to promote each the welfare and advantage of

the other, and favour and assist one another with mutual love; and that every where, as well in those remote countries as in these which are nearer, the faithful offices of good neighbourhood and friendship may be exercised and increase between them.

III. Also, that for the time to come, all enmities, hostilities, and discords, between the said Kings, their subjects and inhabitants, cease and be abolished: and, that both parties do altogether forbear and abstain from all plundering, depredation, injuries, and infestation whatsoever, as well by land as by sea, and in freshwaters, every where.

IV. The said most Serene Kings shall take care that their subjects do accordingly abstain from all force and wrong-doing: and they shall revoke all commissions and letters of reprisal and mart, or otherwise containing licence to take prizes, of what condition or kind soever, being to the prejudice of the one or other of the said Kings, or of their subjects, whether the same have been given or granted by them unto subjects or inhabitants, or unto strangers; and shall declare the same to be void and of no force, as by this treaty of peace they are declared so to be: and whosoever shall do any thing to the contrary, he shall be punished not only criminally, according to the merit of his offence, but shall also be compelled to make restitution and satisfaction for the losses to the parties damnified, requiring the same.

V. And furthermore, the said Kings shall denounce, as by the tenor of these presents every of them hath and doth renounce, whatsoever league, confederation, capitulation, and intelligence, made by what manner soever, in the prejudice of the one or the other, which doth or may repugn against this peace and concord, and all and singular the contents thereof: all which and every of them, so far as they do concern the effect aforesaid, they shall annul and make void, and declare to be of no force or moment.

VI. The prisoners on both sides, one and all, of what degree or condition soever, detained by reason of any hostilities hitherto committed in America, shall be forthwith set at liberty, without ransom, or any other price of their freedom.

VII. All offences, damages, losses, injuries, which the nations and people of Great Britain and Spain have at any time heretofore, upon what cause or pretext soever, suffered by each other in America, shall be expunged out of remembrance, and buried in oblivion, as if no such thing had ever past.

Moreover, it is agreed, that the most Serene King of Great Britain, his heirs and successors, shall have, hold, keep, and enjoy for ever, with plenary right of sovereignty, dominion, possession, and propriety, all those lands, regions, islands, colonies, and places whatsoever, being or situated in the West Indies, or in any part of America, which the said King of Great Britain and his subjects do at present hold and possess; so as that in regard thereof, or upon any colour or pretence whatsoever, nothing more may or ought to be urged, nor any question or controversy be ever moved concerning the same hereafter.

VIII. The subjects and inhabitants, merchants, captains, masters of ships, mariners of the kingdoms, provinces, and dominions of each confederate respectively, shall abstain and forbear to sail and trade in the ports and havens which have fortifications, castles, magazines, or warehouses, and in all other places whatsoever possessed by the other party in the West Indies; to wit, The subjects of the King of Great Britain shall not sail unto, and trade in the havens and places which the Catholic King holdeth in the said Indies; nor in like manner shall the subjects of the King of Spain sail unto, or trade in those places which are possessed there by the King of Great Britain.

IX. But if, at any time hereafter, either King shall think fit to grant unto the subjects of the other, any

general or particular licence or privileges of navigating unto, and trading in any places under his obedience who shall grant the same, the said navigation and trade shall be exercised and maintained according to the form, tenor, and effect of the said permissions or privileges to be allowed and given ; for the security, warrant, and authority whereof, this present treaty and the ratification thereof shall serve.

X. It is also agreed, that in case the subjects and inhabitants of either of the confederates, with their shipping (whether public and of war, or private and of merchants) be forced at any time through stresses of weather, pursuit of pirates and enemies, or other inconvenience whatsoever, for the seeking of shelter and harbour, to retreat and enter into any of the rivers, creeks, bays, havens, roads, shores, and ports belonging to the other in America, they shall be received and treated there with all humanity and kindness, and enjoy all friendly protection and help : and it shall be lawful for them to refresh and provide themselves, at reasonable and the usual rates, with victuals and all things needful, either for the sustenance of their persons, or reparation of their ships, and conveniency of their voyage ; and they shall in no manner be detained or hindered from returning out of the said ports or roads, but shall remove and depart, when and whither they please, without any let or impediment.

XI. Likewise, if any ships belonging to either confederate, their people and subjects, shall, within the coasts or dominions of the other, stick upon the sands, or be wrecked (which God forbid) or suffer any damage, the persons shipwrecked and cast on the shore shall in no sort be kept prisoners, but, on the contrary, all friendly assistance and relief shall be administered to their distress, and letters of safe-conduct given them for their free and quiet passage thence, and the return of every one to his own country.

XII. But when it shall happen, that the ships of
either

either (as is above-mentioned) through danger of the sea, or other urgent cause, be driven into the ports and havens of the other, if they be three or four together, and may give just ground of suspicion, they shall immediately upon their arrival acquaint the governor or chief magistrate of the place with the cause of their coming, and shall stay no longer than the said governor or chief magistrate will permit, and shall be requisite for the furnishing themselves with victuals, and reparation of their ships: and they shall always take care not to carry out of their ships any goods or packs, exposing them to sale, neither shall they receive any merchandize on board, nor do any thing contrary to this treaty.

XIII. Both parties shall truly and firmly observe and execute this present treaty, and all and every the matters therein contained, and effectually cause the same to be observed and performed by the subjects and inhabitants of either nation.

XIV. No private injury shall in any fort weaken this treaty, nor beget hatred or dissensions between the foresaid nations, but every one shall answer for his own proper fact, and be prosecuted thereupon; neither shall one man satisfy for the offence of another by reprisals, or other such like odious proceedings, unless justice be denied, or unreasonably delayed, in which case it shall be lawful for that King, whose subject hath suffered the loss and injury, to take any course according to the rules and method of the law of nations, until reparation be made to the sufferer.

XV. The present treaty shall in nothing derogate from any pre-eminence, right, or dominion, of either confederate in the American seas, channels, or waters, but that they have and retain the same in as full and ample manner as may of right belong unto them: but it is always to be understood, that the liberty of navigation ought in no manner to be disturbed, where nothing is committed against the genuine sense and meaning of these articles.

D 4

XVI. Lastly,

XVI. Laſtly, The ſolemn ratifications of this preſent treaty and agreement, made in due form, ſhall be delivered on both ſides, and mutually exchanged within the ſpace of four months from this day; and within eight months, to be computed from the ſaid exchange of the inſtruments (or ſooner if poſſible) they ſhall be publiſhed in all convenient places throughout the kingdoms, ſtates, iſlands, and dominions of both confederates, as well in the Weſt Indies as elſewhere.

In teſtimony of all and ſingular the contents hereof, we the above-mentioned plenipotentiaries have ſigned and ſealed this preſent treaty, at Madrid, the $\frac{8}{11}$ day of July, in the year of our Lord 1670.

The Count of Penaranda,
(L. S.)

William Godolphin,
(L. S.)

[The following is printed from the Treaty, which was publiſhed by authority in 1714.]

Treaty of Peace and Friendſhip 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 Fifth, the Catholic King of Spain, concluded at Utrecht the $\frac{2}{11}$ Day of July, 1713.

ANNE, by the grace of God, Queen of Great Britain, France, and Ireland, Defender of the Faith, &c. To all and ſingular to whom theſe preſents ſhall come, greeting. Whereas a certain treaty of peace and friendſhip, between us and our good brother Philip the Fifth, Catholic King of Spain, was concluded and ſigned at Utrecht the $\frac{2}{11}$ day of this preſent month, by our ambaffadors extraordinary and plenipotentiaries,
who

who were provided on each part with sufficient authority, in the form and words following :

Whereas it has pleased the Supreme Ruler of all things, after a most grievous war, which for so many years has laid desolate almost the whole Christian world with blood and slaughter, of his divine clemency to dispose the minds of the Princes engaged in the dispute to the thoughts of peace and concord, after they had been so long inflamed with the rage and fury of arms : and whereas the Most Serene and Most Mighty Lady Anne, by the grace of God, Queen of Great Britain, France, and Ireland, &c. and the Most Serene and Most Mighty Prince Philip the Fifth, by the grace of God, Catholic King of Spain, &c. wish for nothing more heartily, and endeavour nothing more earnestly, than that the ancient bonds of alliance and friendship between the British and Spanish nations should not only be renewed, but also more strongly knit together by fresh engagements of amity and interest on both sides, and transmittid indissoluble to all posterity ; in order at last to finish happily so wholesome and so very desirable a work, they have nominated on each side their ambassadors extraordinary and plenipotentiaries, and have instructed them with sufficient orders ; that is to say, the Queen of Great Britain on her part, the Right Reverend John, by divine permission, Bishop of Bristol, keeper of the privy seal of England, privy counsellor to her Royal Majesty, dean of Windsor, and register of the most noble Order of the Garter ; and the most noble, most illustrious, and most excellent Lord Thomas Earl of Strafford, Viscount Wentworth of Wentworth Woodhouse, and of Stainborough, baron of Raby, privy counsellor to her Royal Majesty, her ambassador extraordinary and plenipotentiary to the High and Mighty Lords the States General of the United Provinces, colonel of her Majesty's royal regiment of dragoons, lieutenant general of her Majesty's armies, first commissioner of the admiralty of Great Britain and Ireland, and knight of the most noble Order of the Garter. And the Catholic
King

King on his part, the most illustrious and most excellent Lord Francis Maria de Paula, Tellez, and Giron, Duke of Ossuna, Count of Urvegna, Marquis of Penafiel, grandee of Spain of the first class, high chamberlain of the King, great notary of the kingdoms of Castile, one of the commanders, and grand clavero of the Order of Calatrava, and likewise commander of the Order of St. Jago, one of the grantees of the chamber to the Catholic King Philip the Fifth, general commander in his armies, and captain of the first troop of his Majesty's life guards; and the most illustrious and most excellent Lord Isidore Cazado de Azevedo de Rosalez, Marquis of Montelone, Viscount of Alcazar Real, counsellor of his Catholic Majesty in the supreme council, one of the honourable chamberlains of the King: which ambassadors extraordinary and plenipotentiaries have consented and agreed to the following conditions of peace and friendship, to the same effect as those which were made at the courts of London and Madrid, by ministers on each side.

I. That there be a Christian universal peace, and a perpetual and true friendship, between the Most Serene and Most Mighty Princess Anne, Queen of Great Britain, and the Most Serene and Most Mighty Prince Philip the Fifth, Catholic King of Spain, and their heirs and successors, and also the kingdoms, states, dominions, and provinces of both parties, wheresoever situated, and their subjects; and that the same be so sincerely preserved and cultivated, that neither party do, under any colour whatever, endeavour to attempt any thing to the destruction or detriment of the other, or yield any aid, by what name soever it be called, to those who attempt the same, or who endeavour to do any damage, neither may or ought they to help them by any means. On the contrary, their Royal Majesties shall be obliged the one to promote the advantage, honour, and interest of the other, and to direct their councils to that end with all care, that by mutual proof of friendship, the peace which is now made may daily receive new additions of strength.

II. But

II. But whereas the war which is so happily ended by this peace, was at the beginning undertaken, and was carried on for so many years with the utmost force, at immense charge, and with almost infinite slaughter, because of the great danger which threatened the liberty and safety of all Europe, from the too close conjunction of the kingdoms of Spain and France. And whereas to take away all uneasiness and suspicion, concerning such conjunction, out of the minds of people, and to settle and establish the peace and tranquillity of Christendom by an equal balance of power (which is the best and most solid foundation of a mutual friendship, and of a concord which will be lasting on all sides) as well the Catholic King as the Most Christian King have consented, that care should be taken by sufficient precautions, that the kingdoms of Spain and France should never come and be united under the same dominion, and that one and the same person should never become King of both kingdoms. And to this end his Catholic Majesty has for himself, his heirs, and successors, most solemnly renounced all manner of right, title, and pretension to the crown of France, in the form and words following:

The KING.

Whereas on the 5th of November in this present year 1712, before Don Manuel of Vadillo and Velasco, my secretary of state, and chief notary of the kingdoms of Castille, and Leon, and witnesses, I delivered, swore to, and signed a public instrument of the tenor following, which is, word for word, as here ensues.

DON PHILIP, by the grace of God, King of Castille, Leon, Arragon, the Two Sicilies, Jerusalem, Navarre, Granada, Toledo, Valentia, Galicia, Majorca, Seville, Sardinia, Corduba, Corsica, Murcia, Jaen, the Algarves, Algezira, Gibraltar, the Canary Islands, the East and West Indies, the islands and *terra firma* of the ocean, Archduke of Austria, Duke of Burgundy, Brabant,

Brabant, and Milan, Count of Habsburg, Flanders, Tirol, and Barcelona, Lord of Biscay and Molina, &c. By the account and information of this instrument and writing of renunciation and relinquishment, and that it may remain for a perpetual remembrance, I do make known and declare to kings, princes, potentates, commonwealths, communities, and particular persons, which now are, and shall be in future ages: That it being one of the principal positions of the treaties of peace, depending between the crowns of Spain and of France, with that of England, for the rendering it firm and lasting, and proceeding to a general one, on the maxim of securing for ever the universal good and quiet of Europe, by an equal weight of power, so that many being united in one, the balance of the equality desired, might not turn to the advantage of one, and the danger and hazard of the rest; it was proposed, and insisted on by England, and it was agreed to on my part, and on that of the King my grandfather, that for avoiding at any time whatever the union of this monarchy with that of France, and the possibility that it might happen in any case, reciprocal renunciations should be made by me, and for all my descendants, to the possibility of succeeding to the monarchy of France, and on the part of those princes, and of all their race, present and to come, to that of succeeding to this monarchy; by forming a proper project of abdication of all rights which might be claimed by the two royal houses of this, and of that monarchy, as to their succeeding mutually to each other; by separating, by the legal means of my renunciation, my branch from the royal stem of France, and all the branches of France from the stem of the blood royal of Spain; by taking care at the same time, in pursuance of the fundamental and perpetual maxim of the balance of power in Europe, which persuades and justifies the avoiding, in all cases imaginable, the union of the monarchy of France with that of Spain, that the inconvenience should likewise be provided against, lest, in default of my issue, the case should hap-
pen

pen that this monarchy should devolve again to the House of Austria, whose dominions and dependencies, even without the union of the empire, would make it formidable ; a motive which at other times made it justifiable to separate the hereditary dominions of the House of Austria from the body of the Spanish monarchy ; it being agreed and settled to this end by England with me, and with the King my grandfather, that in failure of me, and of my issue, the Duke of Savoy, and his sons and descendants, being males, born in constant lawful marriage, are to enter upon the succession of this monarchy ; and in default of his male line, the Prince Amadeo of Carignan, and his sons and descendants, being males, born in constant lawful marriage ; and in default of his line, Prince Thomas, brother of the Prince of Carignan, his sons and descendants, being males, born in constant lawful marriage, who, as descendants of the Infanta Donna Catharina, daughter of Philip the Second, and being expressly called, have a clear and known right, supposing the friendship and perpetual alliance, which the Duke of Savoy, and his descendants, are to solicit and obtain from this crown ; it being to be believed, that by this perpetual and never-ceasing hope, the needle of the balance may remain invariable, and all the powers, wearied with the toil and uncertainty of battles, may be amicably kept in an equal poise ; it not remaining in the disposal of any of the parties to alter this federal equilibrium by way of any contract of renunciation, or retrocession, since the same reason, which induced its being admitted, demonstrates its permanency, a fundamental constitution being formed, which may settle by an unalterable law the succession of what is to come. In consequence of what is abovesaid, and for the love I bear to the Spaniards, and from the knowledge I have of what I owe to them, and the repeated experience of their fidelity, and for making a return to Divine Providence, by this resignation to its destiny, for the great benefit of having placed and maintained me on the throne,

throne, among ſuch illuſtrious and well-deſerving vaſſals, I have determined to abdicate, for myſelf, and all my deſcendants, the right of ſucceeding to the crown of France, deſiring not to depart from living and dying with my beloved and faithful Spaniards ; leaving to all my deſcendants the inſeparable bond of their fidelity and love. And to the end that this reſolution may have its due effect, and that the matter may ceaſe, which has been looked upon as one of the principal motives of the war, which has hitherto afflicted Europe, of my own motion, free, ſpontaneous, and unconſtrained will, I Don Philip, by the grace of God, King of Caſtile, Leon, Arragon, the Two Sicilies, Jeruſalem, Navarre, Granada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Corduba, Corſica, Murcia, Jaen, the Algarves, Algezira, Gibraltar, the Canary Iſlands, the Eaſt and Weſt Indies, the iſlands, and *terra firma* of the ocean, Archduke of Auſtria, Duke of Burgundy, Brabant, and Milan, Count of Habsburg, Flanders, Tirol, and Barcelona, Lord of Biſcay and Molina, &c. do by this preſent inſtrument, for myſelf, for my heirs and ſucceſſors, renounce, quit, and relinquish for ever and ever all pretenſions, rights, and titles, which I have, or any deſcendant of mine hath at preſent, or may have at any time to come, to the ſucceſſion of the crown of France ; and I declare, and hold myſelf for excluded and ſeparated, me, and my ſons, heirs, and deſcendants for ever, for excluded and diſabled abſolutely, and without limitation, difference, and diſtinction of perſons, degrees, ſexes, and times, from the act and right of ſucceeding to the crown of France. And I will and conſent, for myſelf, and my ſaid deſcendants, that now, as well as then, it may be taken to be paſſed over and transferred to him, who by mine and their being excluded, diſabled, and incapacitated, ſhall be found next and immediate in degree to the King, by whoſe death it ſhall become vacant ; and the ſucceſſion to the ſaid crown of France is at any time, and in any caſe, to be ſettled on, and given to him,

to

to have and to hold the same as true and lawful successor, in the same manner as if I and my descendants had not been born, or been in the world ; since for such are we to be held and esteemed, because in my person, and in that of my descendants, there is no consideration to be had, or foundation to be made of active or passive representation, beginning, or continuation of lineage effective, or contentive of substance, blood, or quality, nor can the descent, or computation of degrees of those persons be derived from the Most Christian King, my lord and grandfather, nor from the dauphin my father, nor from the glorious Kings their progenitors ; nor by any other means can they come into the succession, nor take possession of the degree of proximity, and exclude from it the person, who, as is abovesaid, shall be found next in degree. I will and consent for myself, and for my descendants, that from this time, as well as then, this right be looked upon and considered as passed over and transferred to the Duke of Berry my brother, and to his sons and descendants, being males, born in constant lawful marriage ; and in default of his male issue, to the Duke of Orleans my uncle, and to his sons and descendants, being males, born in constant lawful marriage ; and in default of his issue, to the Duke of Bourbon my cousin, and to his sons and descendants, being males, born in constant lawful marriage ; and in like manner successively to all the princes of the blood of France, their sons and descendants, being males, for ever and ever, according to the place and order in which they shall be called to the crown by right of their birth ; and consequently to that person among the said princes, who (I and all my said descendants being, as is abovesaid, excluded, disabled, and incapacitated) shall be found the nearest in immediate degree after that King, by whose death the vacancy of the crown of France shall happen, and to whom the succession ought to belong at any time, and in any case whatsoever, that he may possess the same as true and lawful successor, in the same manner as if I, and my
descendants,

descendants, had not been born. And for the greater strength of this act of abdication of all the rights and titles which appertained to me, and to all my sons and descendants, of succeeding to the aforesaid crown of France, I depart from, and relinquish especially that which might moreover accrue to the rights of birth from the letters patents, or instrument, whereby the King my grandfather preserved and reserved to me, and enabled me to enjoy the right of succession to the crown of France, which instrument was dispatched at Versailles in the month of December, in the year 1700, and passed, and approved, and registered by the parliament. I will that it cannot serve me for a foundation to the purposes therein provided for, and I reject and renounce it, and hold it for null, void, and of no force, and for cancelled, and as if no such instrument had ever been executed. I promise and oblige myself, on the faith of a King's word, that as much as shall relate to my part, and that of my sons and descendants, which are and shall be, I will take care of the observation and accomplishment of this writing, without permitting or consenting that any thing be done contrary thereunto, directly or indirectly, in the whole, or in part; and I relinquish and depart from all and all manner of remedies, known or unknown, ordinary or extraordinary, and which by common right, or special privilege, might belong to us, to me, and to my sons and descendants, to reclaim, mention, or allege against what is above-said; and I renounce them all, and especially that of evident prejudice, enormous, and most enormous, which may be reckoned to have happened in this relinquishment and renunciation of the right of being able at any time to succeed to the crown aforementioned. I will that none of the said remedies, nor others, of whatsoever name, use, importance, and quality they may be, do avail us, or can avail us. And if in fact, or under any colour, we should endeavour to seize the said kingdom by force of arms, by making, or moving war, offensive or defensive, from this time for ever, that is to

be

be held, judged, and declared, for an unlawful, unjust, and wrongfully undertaken war, and for violence, invasion, and usurpation, done against reason and conscience; and on the contrary, that is to be judged and esteemed a just, lawful, and allowed war, which shall be made or moved in behalf of him, who by the exclusion of me, and of my said sons and descendants, ought to succeed to the said crown of France, to whom the subjects and natives thereof are to apply themselves, and to obey him, to take and perform the oath and homage of fealty, and to serve him as their lawful king and lord. And the relinquishment and renunciation, for me, and my said sons and descendants, is to be firm, stable, valid, and irrevocable perpetually, for ever and ever. And I declare and promise, that I have not made, neither will I make, any protestation or reclaiming, in public or in secret, to the contrary, which may hinder or diminish the force of what is contained in this writing; and that if I should make it, although it be sworn to, it is not to be valid, neither can it have any force; and for the greater strength and security of what is contained in this renunciation, and of what is said and promised on my part therein, I give again the pledge of my faith, and royal word, and I swear solemnly by the gospels contained in this missal, upon which I lay my right hand, that I will observe, maintain, and accomplish this act and instrument of renunciation, as well for myself as for all my successors, heirs, and descendants, in all the clauses therein contained, according to the most natural, literal, and plain sense and construction; and that I have not sought, neither will I seek, any dispensation from this oath; and if it shall be sought for by any particular person, or shall be granted *motu proprio*, I will not use it, nor take any advantage of it. Nay in such case as that it should be granted me, I make another the like oath, that there may always be and remain one oath above and beyond all dispensations which may be granted me. And I deliver this writing before the present secretary, notary of this my kingdom, and I have signed it, and commanded it

to be sealed with my royal seal ; there being provided, and called as witnesses, the Cardinal Don Francisco de Judice, inquisitor general, and archbishop of Montreal, one of my council of state ; Don Joseph Fernandez of Velasco and Tobar, constable of Castille, Duke of Frias, gentleman of my chamber, my high steward of my household, great cup-bearer, and great huntsman ; Don Juan Claros Alfonso Perez de Gusman el Bueno, Duke of Medina Sidonia, knight of the Order of the Holy Ghost, my great master of the horse, gentleman of my chamber, and one of my council of state ; Don Francisco Andres de Benavides, Count of Santistevan, one of my council of state, and high steward to the Queen ; Don Carlos Homodei Laco de la Vega, Marquis of Almonacir, and Count of Casa Palma, gentleman of my chamber, one of my council of state, and great master of the horse to the Queen ; Don Restayno Cantelmo, Duke of Popoli, knight of the Order of the Holy Ghost, gentleman of my chamber, and captain of my Italian life-guards ; Don Fernando of Aragon and Moncada, Duke of Montalto, Marquis of los Velez, commander of Silla and Benaful in the Order of Montessa, gentleman of my chamber, and one of my council of state ; Don Antonio Sebastian de Toledo, Marquis of Manfera, gentleman of my chamber, one of my council of state, and president of that of Italy ; Don Juan Domingo of Haro and Guzman, great commander in the Order of St. James, one of my council of state ; Don Joachim Ponce de Leon, Duke of Arcos, gentleman of my chamber, great commander in the Order of Calatrava, one of my council of state ; Don Domingo de Giudice, Duke of Giovenazzo, one of my council of state ; Don Manuel Coloma, Marquis of Canales, gentleman of my chamber, one of my council of state, and captain general of the artillery of Spain ; Don Joseph de Solis, Duke of Montellano, one of my council of state ; Don Rodrigo Manuel Manrique de Lara, Count of Frigiliana, gentleman of my chamber, one of my council of state, and president of that of the Indies ; Don Isidro de la Cueva, Marquis of Bedmar, knight

of the Order of the Holy Ghost, gentleman of my chamber, one of my council of state, president of that of the Orders, and first minister of war; Don Francisco Ronquillo Briceño, Count of Gramedo, governor of my council of Castille; Don Lorenzo Armanguel, Bishop of Girona, one of my council and chamber of Castille, and governor of that of the revenues; Don Carlos de Borja and Centellas, Patriarch of the Indies, one of my council of the Orders, my chaplain and great almoner, and vicar general of my armies; Don Martin de Guzman, Marquis of Montealegre, gentleman of my chamber, and captain of my guard of halberdiers; Don Pedro de Toledo Sarmiento, Count of Gondomar, one of my council and chamber of Castille; Don Francisco Rodrigues de Mendarosqueta, commissary general of the Cruzada; and Don Melchior de Avellaneda, Marquis of Valdecañas, one of my council of war, and director general of the infantry of Spain.

I the King.

I Don Manuel of Vadillo and Velasco, Knight of the Order of Saint James, and commander of Bosuelo in that of Calatrava, secretary of state to his Majesty, public notary and writer in his kingdoms and dominions, who was present at the delivery, and at all the rest herein above contained, do testify the same: and in witness of the truth I have signed it, and put my name thereto, in Madrid, the fifth of November 1712.

Manuel Vadillo y Velasco.

Now in regard to the federal conventions, whereof mention is made in the said instrument here inserted, and to the end it may appear authentically to all the parties where it appertains, and who may pretend to make use of the contents thereof; and for all the effects which may take place in right, and which may be derived from the delivery hereof, under the clauses,

conditions, and suppositions therein contained, I have commanded these presents to be made out, signed with my hand, and sealed with the seal of my royal arms, and countersigned by my underwritten secretary of state, and chief notary of these my kingdoms, at Buen Retiro, the seventh of November, 1712.

(L. S.) *I the King.*

Manuel de Vadillo y Velasco.

I Don Francisco Antonio le Quincoces, Knight of the Order of Saint James, one of his Majesty's council, and secretary of that of the chamber, and of state of Castille, public notary, and writer in his kingdoms and dominions, Do certify, that in pursuance of the proposition which the King our lord (whom God preserve) made to the kingdom assembled in Cortes, represented by all the knights, deputies from the cities and towns, which have a vote therein, the fifth day of this present month and year, in his royal palace of Buen Retiro, and upon sight of the instrument of renunciation, delivered by his Majesty, the same day, month, and year, before Don Manuel of Vadillo and Velasco, his secretary of state, and public notary and writer in all his kingdoms and dominions, which his Majesty ordered him to present, and which was read, and published in the meeting of the Cortes, which the kingdom held for this alone, the ninth of this month, the following resolution was agreed upon.

That the most humble representation be made by the kingdom, laying ourselves at the royal feet of his Majesty, giving him immortal thanks for the immense benefits, and exceeding great favours, wherewith he has been pleased to honour and exalt the Spanish nation, by taking care of the greatest good and advantage of his most loving vassals, by procuring to this monarchy the ease of this desired peace and tranquillity. And that the kingdom, desiring on their part to contribute to the attaining the royal intention of his Majesty, assents to,
and

and if it were necessary for the greater authority, validity, and strength, approves and confirms the renunciation which his Majesty is pleased to make for himself, and in the name of all his royal descendants, to the succession which possibly may happen of the monarchy of France, with this circumstance, that the like renunciation to this crown is to be executed by the princes of that royal family, and their descendants : and likewise the perpetual exclusion of the House of Austria from the dominions of this monarchy ; and in like manner in case of failure (which God forbid) of the royal issue of his Majesty, the calling of the House of the Duke of Savoy, and of all his sons, and male descendants, born in constant lawful matrimony ; and in default of all these lines, of the prince Amadeus of Carignan, his sons, and male descendants, born in constant lawful matrimony ; and in failure thereof, of the Prince Thomas, brother of the said Prince of Carignan, his sons, and male descendants, born in constant lawful matrimony ; who as descendants of the Infanta Donna Catharina, daughter of Philip the Second, and being expressly called, have a clear and known right, supposing the friendship and perpetual alliance with this crown, which ought to be sought and obtained by the Duke of Savoy, and his descendants. And that the kingdom approves, agrees to, and ratifies all these three things, and each of them, with the same qualities, conditions, and suppositions, as are expressed, inferred, and concluded in the said instrument of renunciation executed by his Majesty, which has been mentioned and referred to. And lastly, that for securing and establishing the strength of these treaties, these kingdoms oblige themselves, with all their power and force, to cause to be maintained the royal resolutions of his Majesty, sacrificing in his royal service, even to the last drop of their blood, offering to his Majesty their lives and fortunes, in token of their love. And that for the eternal remembrance and observance of the royal deliberation of his Majesty, and agreement of the kingdom, it be desired in their name

(as in effect they have desired and petitioned by their representation and consultation, made the same ninth day of this month) that his Majesty would be pleased to order, that by annulling all that shall be found to the contrary, it be established as a fundamental law, as well the aforesaid renunciations, as the perpetual exclusion of the House of Austria from the dominions of this crown, and the calling of that of Savoy to the succession of these kingdoms, in default (which God forbid) of descendants from his Majesty; which the kingdom, with the approbation of his Majesty, does even now agree to, as the foundation, whereon depends the greatest good and advantage of this monarchy, so much pursued, favoured, and exalted by the royal benevolence of his Majesty.

And the King our lord, having agreed to this unanimous and uniform resolution and representation of all the knights deputies in the Cortes of the kingdom, he has been pleased, by his royal decree of the seventh of this month, to command it to be remitted to his supreme council, jointly with the writing of renunciation, ordaining that the tenor of the law be forthwith formed, extended, and disposed, with all the circumstances of clearness and strength, for its more inviolable and perpetual observation.

As all that is abovesaid does more largely appear from the aforementioned instruments, the resolution, and supplication of the kingdom, which are cited, and to which I refer. And this certificate signed with my hand, sealed with the seal of the royal arms of his Majesty, I give by virtue of his royal order, in the paper of the Marquis of Mejorada and of Breña, one of his council, gentleman of his chamber, his secretary of state, and of the universal dispatch. At Madrid, the ninth of November, 1712.

(L. S.) *Don Francisco de Quincoces.*

DON PHILIP, by the grace of God, King of Castille, Leon, Aragon, and both Sicilies, Jerusalem, Navarre,

Navarre, Granada, Toledo, Valentia, Galicia, Majorca, Seville, Sardinia, Corduba, Corfica, Murcia, Jaen, the Algarves, Algezira, Gibraltar, the Canaries, the East and West Indies, the islands and continent of the ocean, Archduke of Austria, Duke of Burgundy, Brabant, and Milan, Count of Hapsburg, Flanders, Tirol, and Barcelona, Lord of Biscay and Molina, &c. The earnest desires, which moved the Most Christian King my grandfather, and myself, to procure an end to the bloody and obstinate war, which has afflicted Europe so many years, and to give a due relief to our vassals, who were overwhelmed with such labours and fatigues, as were not to be supported but by their invincible courage and constant love and fidelity, made us use all possible endeavours to obtain a general peace with the powers confederated against the two crowns, preferring that to our interest: and whereas, having begun to treat of peace with the Queen of England, it was agreed between the three crowns of Spain, France, and England, that I should, in my own and my descendants name, renounce the right which we have or might have to the crown of France, together with the rest—and in the form contained in the act, the tenor whereof is as follows:

“ Don Philip, by the grace of God,” &c.

[The Renunciation is inserted above.]

And whereas the renunciation and the act above inserted, being by my command communicated to the States of my kingdom, who, for the greater validity of the said renunciation and act, were assembled in this place, were received and approved by them in all its parts, and they, by their representation of the ninth of November last, did desire me, in my royal wisdom, to command that the exclusion of the Houses of France and Austria, and the order of succession in the House of Savoy after all my descendants (which are contained in the abovementioned act of renunciation) should be established as a fundamental law: and whereas, be-

cause this method is as useful and necessary to the benefit of the general peace of Europe, the quiet and comfort of my vassals, as to the common good of these kingdoms, my counsellors did therefore advise me to it, I thought it good, and determined to command, as I do command, that every thing contained in the abovementioned act be observed, fulfilled, and executed for ever, as it is contained therein: and in consequence of the said act, I and all my descendants are for ever excluded from the succession to the crown of France, so that we never can succeed to the said crown, under any pretence, at any time, or on any accident or occasion whatsoever; and all the Princes of the Blood of France, and all of their race, either in being or that shall be, are by the said act excluded reciprocally from the monarchy of Spain; and all the princes, as well males as females, of the House of Austria, that are either now in being or that shall be, are in the same manner excluded, so that neither the one nor the other can ever in any case, either yet thought of, or not thought of, succeed to the monarchy of Spain, or to the provinces that now are or hereafter may be united to it: and in case of failure of my royal person, and of my lawful descendants, as well male as female, I do declare, that the Duke of Savoy ought to succeed to this monarchy, and his sons, and male descendants, coming from the male line in constant and lawful wedlock; and in failure of his male line, the Prince Amadeus of Carignan, and his sons, and male descendants from the same line, born in constant and lawful wedlock; and on failure of his male line, Prince Thomas, brother of the Prince of Carignan, his sons, and male descendants from the same line male, born in constant lawful wedlock; all whom, as descending from the Infanta, the Lady Catharine, daughter of Don Philip the Second, and by this express vocation have an evident and acknowledged right to the succession of this monarchy. It is my will that this order of succession be for ever observed, fulfilled,

fulfilled, and executed, according to the letter, as is above contained, notwithstanding the law of partition, commonly called *Partida*, which speaks of the form and manner of succeeding in these kingdoms, and notwithstanding any other laws, ordinances, statutes, or customs whatsoever, which are or may be contrary thereto, and notwithstanding any testamentary dispositions, made by the Kings our ancestors when they were alive, and notwithstanding any declaration which we made in favour of the Duke of Orleans, and his sons and descendants, as grandson of the Infanta the Lady Anna Mauricia, deceased, Queen of France, from all which we derogate by this law, and rescind and annul them, inasmuch as they are contrary to the tenor of this act, the rest remaining in their force, in like manner as this renunciation, exclusion, and order of succession, for ever, with the other things there expressed, for the fundamental law of the succession of this monarchy, in the same form as is there expressed. And this is my will. Given at Madrid the 18th day of March, 1713.

I the King.

I Don Lorentius de Vivanco Angulo, secretary of our lord the King, have writ this by his command.

Count de Gramedo.

Marquis of Andea.

Don Garcias de Araciél.

Marquis of Aranda.

Don Peter of Reatiqui and Colona.

Publication.

In the city of Madrid, the 18th day of the month of March, 1713, before the gate of his Majesty's palace, at the gate of Guadalaxera, where the merchants and officers resort upon business, and in the presence of the licentiates Don Melchior Prous, Don Diego de Pellizer, and Thobar, Knight of the Order of St. James,

James, Don Francisco Zephirino de Villa, and Don John Gaspar Fovilla, of St. Martin, alcaid of the house and court of his Majesty: the law and royal ordinance above inserted, were published by a herald with sound of drums and trumpets, many of the guards of his Majesty's house and court being present, which I Don John of Barco and Oliva, notary of the King our master's chamber, and one of his counsellors, do certify; and besides those above named, many others were present.

Don John of Barco and Oliva.

This is a copy of his Majesty's royal ordinance, and of its publication, the original whereof is preserved in the archives of the council which I certify for every one who is of the order of counsellors; I Don Michael Rubin of Noriega, notary of the King our master's chamber, the most ancient of those who are of the King's council, I signed this at Madrid, the 13th day of March, 1713.

Don Michael Rubin de Noriega.

And whereas the Princes also of the House of France have, in like manner, for themselves, their heirs and successors, renounced on their part all kind of right, title, and pretension to the crown of Spain, or to any the dominions thereof, in the form and words following:

Letters Patents by the KING,

Which admit the Renunciation of the King of Spain to the Crown of France, and those of M. the Duke of Berry, and of M. the Duke of Orleans, to the Crown of Spain.

LEWIS, by the grace of God, King of France and Navarre: to all people present, and to come, greeting. During the various revolutions of a war, wherein we have fought only to maintain the justice of
the

the rights of the King, our most dear and most beloved grandson, to the monarchy of Spain, we have never ceased to desire peace. The greatest successes did not at all dazzle us; and the contrary events, which the hand of God made use of to try us, rather than to destroy us, did not give birth to that desire in us, but found it there. But the time marked out by Divine Providence, for the repose of Europe, was not yet come; the distant fear of seeing, one day, our crown, and that of Spain, upon the head of one and the same Prince, did always make an equal impression on the Powers which were united against us; and this fear, which had been the principal cause of the war, seemed also to lay an insuperable obstacle in the way to peace. At last, after many fruitless negotiations, God being moved with the sufferings and groans of so many people, was pleased to open a surer way to come at so difficult a peace: but the same alarms still subsisting, the first and principal condition which was proposed to us by our most dear and most beloved sister the Queen of Great Britain, as the essential and necessary foundation of treating, was, that the King of Spain, our said brother and grandson, keeping the monarchy of Spain and of the Indies, should renounce for himself, and his descendants for ever, the rights which his birth might at any time give him and them to our crown; that on the other hand, our most dear and most beloved grandson the Duke of Berry, and our most dear and most beloved nephew the Duke of Orleans, should likewise renounce for themselves, and for their descendants, male and female for ever, their rights to the monarchy of Spain and the Indies. Our said sister caused it to be represented to us, that without a formal and positive assurance upon this point, which alone could be the bond of peace, Europe would never be at rest; all the Powers which share the same being equally persuaded, that it was for their general interest, and for their common security, to continue a war, whereof no one could foresee the end, rather

ther than to be exposed to behold the same Prince become one day master of two monarchies, so powerful as those of France and Spain. But as this Princess (whose indefatigable zeal for re-establishing the general tranquillity we cannot sufficiently praise) was sensible of all the reluctance we had to consent, that one of our children, so worthy to inherit the succession of our forefathers, should necessarily be excluded from it, if the misfortunes, wherewith it has pleased God to afflict us in our family, should moreover take from us, in the person of the Dauphin, our most dear and most beloved great-grandson, the only remainder of those Princes which our kingdom has so justly lamented with us; she entered into our pain, and after having jointly sought out gentler means of securing the peace, we agreed with our said sister to propose to the King of Spain other dominions, inferior indeed to those which he possesses, yet the value thereof would so much the more increase under his reign, in as much as in that case he would preserve his rights, and annex to our crown a part of the said dominions, if he came one time or other to succeed us. We employed therefore the strongest reasons to persuade him to accept this alternative. We gave him to understand, that the duty of his birth was the first which he ought to consult; that he owed himself to his house, and to his country, before he was obliged to Spain; that if he were wanting to his first engagements, he would perhaps one day in vain regret his having abandoned those rights, which he would be no more able to maintain. We added to these reasons, the personal motives of friendship and of tender love, which we thought likely to move him; the pleasure we should have in seeing him from time to time near us, and in passing some part of our days with him, which we might promise ourselves from the neighbourhood of the dominions that were offered him, the satisfaction of instructing him ourselves concerning the state of our affairs, and of relying upon him for the future; so that, if God should

should preserve to us the Dauphin, we could give our kingdom, in the person of the King our brother, and grandson, a regent instructed in the art of government; and that if this child, so precious to us and to our subjects, were also taken from us, we should at least have the consolation of leaving to our people a virtuous King, fit to govern them, and who would likewise annex to our crown very considerable dominions. Our instances reiterated with all the force, and with all the tender affection necessary to persuade a son, who so justly deserves those efforts, which we made for preserving him to France, produced nothing but reiterated refusals on his part, ever to abandon such brave and faithful subjects, whose zeal for him had been distinguished in those conjunctures, when his throne seemed to be the most shaken. So that persisting with an invincible firmness in his first resolution, asserting likewise, that it was more glorious and more advantageous for our House and for our kingdom, than that which we pressed him to take, he declared in the meeting of the States of the kingdom of Spain, assembled at Madrid for that purpose, that for obtaining a general peace, and securing the tranquillity of Europe by a balance of power, he of his own proper motion, of his own free will, and without any constraint, renounced for himself, for his heirs and successors, for ever and ever, all pretensions, rights, and titles, which he or any of his descendants have at present, or may have at any time to come, whatsoever, to the succession of our crown; that he held for excluded therefrom himself, his children, heirs, and descendants for ever; that he consented for himself and for them, that now, as well as then, his right, and that of his descendants, should pass over and be transferred to him among the Princes, whom the law of succession and the order of birth calls or shall call to inherit our crown, in default of our said brother and grandson the King of Spain, and of his descendants, as it is more amply specified in the act of renunciation, approved by

by the States of his kingdom ; and consequently he declared, that he desisted particularly from the right which hath been added to that of his birth by our letters patents of the month of December 1700, whereby we declared, that it was our will, that the King of Spain and his descendants should always preserve the rights of their birth and original, in the same manner as if they resided actually in our kingdom ; and from the registry which was made of our said letters patents, both in our court of parliament, and in our chamber of accounts at Paris. We are sensible, as King and as Father, how much it were to be desired that the general peace could have been concluded without a renunciation, which makes so great a change in our royal House, and in the ancient order of succeeding to our crown ; but we are yet more sensible how much it is our duty to secure speedily to our subjects a peace which is so necessary for them. We shall never forget the efforts which they made for us during the long continuance of a war which we could not have supported, if their zeal had not been much more extensive than their power. The welfare of a people so faithful, is to us a supreme law, which ought to be preferred to any other consideration. It is to this law that we this day sacrifice the right of a grandson, who is so dear to us, and by the price which the general peace will cost our tender love, we shall at least have the comfort of shewing our subjects, that even at the expence of our blood, they will always keep the first place in our heart.

For these causes, and other important considerations us thereunto moving, after having seen in our council the said act of renunciation of the King of Spain, our said brother and grandson, of the fifth of November last, as also the acts of renunciation which our said grandson the Duke of Berry, and our said nephew the Duke of Orleans, made reciprocally of their rights to the crown of Spain, as well for themselves as for their descendants, male and female, in consequence of the
renunciation

renunciation of our said brother and grandson the King of Spain, the whole hereunto annexed, with a copy collated of the said letters patents of the month of December 1700, under the counter-seal of our chancery, of our special grace, full power, and royal authority, we have declared, decreed, and ordained, and by these presents, signed with our hand, we do declare, decree, and ordain, we will, and it is our pleasure, that the said act of renunciation of our said brother and grandson the King of Spain, and those of our said grandson the Duke of Berry, and of our said nephew the Duke of Orleans, which we have admitted, and do admit, be registered in all our courts of parliament, and chambers of our accounts in our kingdom, and other places where it shall be necessary, in order to their being executed according to their form and tenor. And consequently, we will and intend, that our said letters patents of the month of December 1700 be and remain null, and as if they had never been made, that they be brought back to us, and that in the margin of the registers of our said court of parliament, and of our said chamber of accounts, where the enrolment of the said letters patents is, the extract of these presents be placed and inserted, the better to signify our intention as to the revocation and nullity of the said letters. We will that in conformity to the said act of renunciation of our said brother and grandson the King of Spain, he be from henceforth looked upon and considered as excluded from our succession, that his heirs, successors, and descendants be likewise excluded for ever, and looked upon as incapable of enjoying the same. We understand that in failure of them, all rights to our said crown, and succession to our dominions, which might at any time whatsoever belong and appertain to them, be and remain transferred to our most dear and most beloved grandson the Duke of Berry, and to his children and descendants, being males, born in lawful marriage; and successively, in failure of them, to those of the Princes of our royal
House,

Houſe, and their deſcendants, who in right of their birth, or by the order eſtabliſhed ſince the foundation of our monarchy, ought to ſucceed to our crown. And ſo we command our beloved and truſty counſellors, the members of our court of parliament at Paris, that they do cauſe theſe preſents, together with the acts of renunciation made by our ſaid brother and grandſon the King of Spain, by our ſaid grandſon the Duke of Berry, and by our ſaid nephew the Duke of Orleans, to be read, publiſhed, and regiſtered, and the contents thereof to be kept, obſerved, and executed, according to their form and tenor, fully, peaceably, and perpetually, ceaſing, and cauſing to ceaſe, all moleſtations and hindrances, notwithstanding any laws, ſtatutes, uſages, cuſtoms, decrees, regulations, and other matters contrary thereto; whereto, and to the derogations of the derogations therein contained, we have derogated, and do derogate by theſe preſents, for this purpoſe only, and without being brought into precedent. For ſuch is our pleaſure.

And to the end that this may be a matter firm and laſting for ever, we have cauſed our ſeal to be affixed to theſe preſents. Given at Verſailles, in the month of March, in the year of our Lord 1713, and of our reign the 70th. Signed Lewis, and underneath, By the King, Phelypeaux. Viſi, Phelypeaux. And ſealed with the great ſeal on green wax, with ſtrings of red and green ſilk.

Read and publiſhed, the court being aſſembled, and regiſtered among the rolls of the court, the King's attorney general being heard and moving for the ſame, to the end that they may be executed according to their form and tenor, in purſuance of and in conformity to the acts of this day. At Paris, in parliament, the 15th of March, 1713.

(Signed) *Dongois.*

The Renunciation of the Duke of Berry to the Crown of Spain.

CHARLES son of France, Duke of Berry, Arlenfon, and Angoulême, Viscount of Vernon, Andely, and Gisors, Lord of the Chatellenies of Coignac and Merpins: to all Kings, Princes, Commonwealths, Communities, and to all other bodies and private persons, present and to come, be it known. All the Powers of Europe finding themselves almost ruined on account of the present wars, which have carried desolation to the frontiers, and into many other parts of the richest monarchies, and other dominions, it has been agreed, in the conferences and treaties of peace, which are negotiating with Great Britain, to establish an equilibrium and political boundaries between the kingdoms, whereof the interests have been, and are still, the sad occasion of a bloody dispute; and to hold it for a fundamental maxim, in order to preserve this peace, that provision ought to be made, that the forces of these kingdoms may not become formidable, nor be able to cause any jealousy; which, it has been thought, cannot be settled more solidly, than by hindering them from extending themselves, and by keeping a certain proportion, to the end that the weaker being united together may defend themselves against the more powerful, and support themselves respectively against their equals.

For this purpose the King, our most honoured lord and grandfather, and the King of Spain, our most dear brother, have agreed and concluded with the Queen of Great Britain, that reciprocal renunciations shall be made by all the Princes, both present and to come, of the crown of France, and of that of Spain, of all rights which may appertain to each of them, to the succession of the one or of the other kingdom, by establishing an habitual right to the succession to the crown of Spain, in that line which shall be made capable thereof, and declared immediate after that of King Philip the Fifth our brother, by the Estates of

Spain, who were to assemble for this purpose; by making an immoveable balance to maintain the equilibrium, which is intended to be placed in Europe, and by going on to particularise all the cases of union which are foreseen, to serve as an example for all such as may happen. It has likewise been agreed and concluded between the King, our most honoured lord and grandfather, King Philip the Fifth, our brother, and the Queen of Great Britain, that the said King Philip shall renounce for himself, and for all his descendants, the hopes of succeeding to the crown of France; that on our side we shall renounce in like manner, for us, and for our descendants, the crown of Spain; that the Duke of Orleans, our most dear uncle, shall do the same thing: so that all the lines of France and of Spain, respectively and relatively, shall be excluded for ever, and by all kind of ways, from all the right which the lines of France might have to the crown of Spain, and the lines of Spain to the crown of France: and lastly, that care shall be taken, that under pretence of the said renunciations, or under any other pretence whatsoever, the House of Austria may not make use of the pretensions which it might have to the succession of the monarchy of Spain; forasmuch as by uniting this monarchy to the hereditary countries and dominions of that House, it would become formidable, even without the union of the Empire, to the other Powers, which are between both, and which would find themselves as it were surrounded; which would destroy the equality that is establishing at present, to secure and strengthen more perfectly the peace of Christendom, and to take away all manner of jealousy from the Powers of the North and of the West, which is the end that is proposed by this political equilibrium, by removing and excluding all these branches, and calling to the crown of Spain, in default of the lines of King Philip the Fifth, our brother, and of all his children and descendants, the House of the Duke of Savoy, which descends from the Infanta Catharina, daughter
of

of Philip the Second ; it having been considered, that in making the said House of Savoy succeed immediately in this manner, this equality and balance between the three Powers may be fixed as it were in its centre, without which it would be impossible to extinguish the flame of war which has been kindled, and is capable of destroying every thing.

Being willing therefore to concur by our relinquishment, and by the abdication of all our rights, for us, our successors, and descendants, to the establishing of the universal repose, and the securing the peace of Europe, because we believe that this method is the surest and most effectual in the terrible circumstances of this conjuncture, we have resolved to renounce the hopes of succeeding to the crown of Spain, and all the rights thereunto, which belong to us, and may belong to us, under any title, and by any means whatsoever. And to the end that this resolution may have its full effect, and also by reason that King Philip the Fifth, our brother, did on his part, the fifth of this present month of November, make his renunciation of the crown of France, we of our mere, free, and frank will, and without being moved thereunto by any respectful awe, or by any other regard, except those above-mentioned, do declare, and hold ourselves from this present, we, our children, and descendants, excluded and disabled absolutely for ever, without limitation or distinction of persons, degrees, or sexes, from every act, and from all right of succeeding to the crown of Spain. We will and consent, for us, our said children, and descendants, that from this time, and for ever, we and they, in consequence of these presents, be held to be excluded and disabled, in like manner as all the other descendants of the House of Austria, who, as it has been said and supposed, ought also to be excluded, in whatever degree we may be, both the one and the other ; and if the succession falls to us, our line, that of all our descendants, and all the others of the House of Austria, as it has been said, ought to be separated and excluded

therefrom, that for this reason the kingdom of Spain be accounted as devolved and transferred to him, to whom in such case the succession ought to devolve and be transferred at any time whatsoever, so that we do take and hold him for true and lawful successor, because for the same reasons and motives, and in consequence of these presents, neither we, nor our descendants, ought any more to be considered as having any foundation of representation, active or passive, or making any continuation of line effective, or contentive of substance, blood, or quality, or likewise to derive any right from our descent, or to reckon our degrees from the persons of the Queen Maria Theresa of Austria, our most honoured lady and grandmother, of the Queen Anne of Austria, our most honoured lady and great-grandmother, or of the glorious Kings their ancestors; on the contrary, we ratify the clauses of their wills, and the renunciations made by the said ladies, our grandmother and great-grandmother; we renounce likewise the right which may belong to us, and to our children and descendants, by virtue of the will of King Charles the Second, which, notwithstanding what is above-mentioned, calls us to the succession of the crown of Spain, in case of failure of the line of Philip the Fifth. We therefore relinquish this right, and renounce the same, for us, our children, and descendants; we promise and engage, for us, our said children and descendants, to employ ourselves with all our might in causing this present act to be fulfilled, without allowing or suffering that the same be violated, directly or indirectly, in the whole or in part; and we relinquish all means, ordinary or extraordinary, which by common right, or by any special privilege, might belong to us, our children, and descendants; which means we likewise renounce absolutely and particularly, that of evident, enormous, and most enormous prejudice, which may be found in the said renunciation of the succession to the crown of Spain. And we will, that none of the said means may or can have
any

any effect, and that if, under this pretext, or any other colour, we would possess ourselves of the said kingdom by force of arms, the war which we should make, or stir up, be deemed unjust, unlawful, and unduly undertaken. And on the contrary, that the war which he should make upon us, who by virtue of this renunciation should have right to succeed to the crown of Spain, be deemed just and allowable. And that all the subjects and people of Spain do acknowledge him, obey him, defend him, do him homage, and swear fealty to him, as to their King and lawful lord.

And for the greater security of all that we say and promise for ourselves, and in the name of our children and descendants, we swear solemnly on the Gospels contained in this Missal, upon which we lay our right hand, that we will keep, maintain, and fulfil the same in all and every part thereof; that we will never ask to be relieved from the same, and if any one do ask it for us, or if it be granted us *motu proprio*, we will not make use or take advantage of it. But rather, in case it should be granted us, we over and above make this other oath, and this shall subsist and remain for ever, whatever dispensations may be granted us. We swear and promise likewise, that we have not made, neither will we make, in public or in secret, any protestation or reclamation to the contrary, which may hinder what is contained in these presents, or lessen the force thereof; and if we should make any, whatever oaths they may be accompanied with, they shall not have any force or virtue, or produce any effect.

In witness whereof, and to render these presents authentic, they have been passed before masters Alexander le Fevre, and Anthony le Moyne, counsellors to the King, notaries, minute-keepers to his Majesty, and seal-keepers in the Chatelet of Paris, here-under written, who have wholly delivered this present act; and for causing these presents to be published and registered, wherever it shall be necessary, my Lord the Duke of Berry has constituted the bearers of these dispatches,

by duplicates thereof, his general and special attornies, to whom my said Lord has, by these said presents, given special power and authority in that behalf. At Marly, the twenty-fourth day of November, 1712, before noon, and has signed the present duplicate and another, and the minute thereof remaining in the hands of the said le Moyne, notary.

(Signed)

CHARLES.

Le Fevre, Le Moyne.

WE Jerome d'Argouges, Knight, Lord of Fleury, counsellor to the King in his councils, honorary master of the requests of his household, civil lieutenant of the city, provostship, and vicounty of Paris, do certify to all to whom it may appertain, that masters Alexander le Fevre, and Anthony le Moyne, who have signed the act on the other side, are counsellors to the King, notaries, minute-keepers to his Majesty, and seal-keepers at the Chatelet of Paris, and that faith is to be given, as well in court as out of it, to the acts received by them. In witness whereof we have signed these presents, caused the same to be countersigned by our secretary, and the seal of our arms to be affixed. At Paris, the twenty-fourth of November, 1712.

(Signed)

D'Argouges.

By my said Lord, *Barbey.*

Read and published, the court sitting, and registered in the rolls of the court, the King's attorney general being heard, and moving for the same, in order to its being executed according to its form and tenor, in pursuance of and in conformity to the acts of this day. At Paris, in parliament, the fifteenth of March, 1713.

(Signed)

Dongois.

The Renunciation of the Duke of Orleans to the Crown of Spain.

PHILIP, grandson of France, Duke of Orleans, Valois, Chartres, and Nemours: to all Kings, Princes, Common-

Commonwealths, Potentates, Communities, and to all persons, as well present as to come, we make known by these presents; that the fear of the union of the crowns of France and Spain, having been the principal motive of the present war, and the other Powers of Europe having always apprehended lest these two crowns should come upon one head, it has been laid down as the foundation of the peace, which is treated of at present, and which it is hoped may be cemented more and more, for the repose of such a number of countries which have sacrificed themselves, as so many victims, to oppose the dangers wherewith they thought themselves threatened, that it was necessary to establish a kind of equality and equilibrium between the Princes who were in dispute, and to separate for ever, in an irrevocable manner, the rights which they pretend to have, and which they defended, sword in hand, with a reciprocal slaughter on each side.

That with intent to establish this equality, the Queen of Great Britain proposed, and upon her instances it has been agreed by the King, our most honoured lord and uncle, and by the Catholic King, our most dear nephew, that for avoiding at any time whatsoever the union of the crowns of France and Spain, reciprocal renunciations should be made, that is to say, by the Catholic King Philip the Fifth our nephew, for himself, and for all his descendants, of the succession to the crown of France; as also by the Duke of Berry, our most dear nephew, and by us, for ourselves, and for all our descendants, of the crown of Spain; on condition likewise, that neither the House of Austria, nor any of the descendants thereof, shall be able to succeed to the crown of Spain, because this House itself, without the union of the Empire, would become formidable, if it should add a new power to its ancient dominions; and consequently this equilibrium, which is designed to be established for the good of the Princes and States of Europe, would cease. Now it is certain, that without this

F 4

equilibrium,

equilibrium, either the states suffer from the weight of their own greatness, or envy engages their neighbours to make alliances to attack them, and to reduce them to such a point, that these great Powers may inspire less fear, and may not aspire to an universal monarchy.

For attaining the end which is proposed, and by reason that his Catholic Majesty has on his part made his renunciation the fifth of this present month, we consent that, in failure of Philip the Fifth, our nephew, and of his descendants, the crown of Spain do pass over to the House of the Duke of Savoy, whose rights are clear and known, inasmuch as he descends from the Infanta Catharina, daughter of Philip the Second, and as he is called by the other Kings his successors; so that his right to the succession of Spain is indisputable.

And we desiring on our side to concur towards the glorious end, which is proposed for re-establishing the public tranquillity, and for preventing the fears which the rights of our birth, or all others which might appertain unto us, might occasion, have resolved to make this relinquishment, this abdication, and this renunciation of all our rights, for ourselves, and in the name of all our successors and descendants; and for the accomplishing of this resolution, which we have taken of our mere, free, and frank will, we declare and hold ourselves from this present, us, our children, and descendants, for excluded and disabled, absolutely, and for ever, and without limitation or distinction of persons, of degrees, and of sexes, from every act, and from all right of succeeding to the crown of Spain. We will and consent, for us and our descendants, that from this time, and for ever, we be held, we and ours, for excluded, disabled, and incapacitated, in whatever degree we may happen to be, and in what manner soever the succession may fall to our line, and to all others, whether of the House of France or of that of Austria, and of all the descendants both of the one
and

and the other House, which, as it is said and supposed, ought likewise to hold themselves for cut off and excluded; and that for this reason, the succession to the said crown of Spain be deemed to be devolved and transferred to him to whom the succession of Spain ought to be transferred, in such case, and at any time whatsoever; so that we do take and hold him for true and lawful successor, because neither we, nor our descendants, ought any more to be considered as having any foundation of representation, active or passive, or making a continuation of a line effective, or contentive of substance, blood, or quality, nor ought we to derive any right from our descent, or reckon the degrees from Queen Anne of Austria, our most honoured lady and grandmother, nor from the glorious Kings her ancestors. On the contrary, we ratify the renunciation which the said lady Queen Anne made, and all the clauses which the Kings Philip the Third and Philip the Fourth inserted in their wills. We renounce in like manner all the right which may appertain to us, and to our children and descendants, by virtue of the declaration made at Madrid, the twenty-ninth of October 1703, by Philip the Fifth King of Spain, our nephew; and any right which might appertain to us, for us, and our descendants, we relinquish the same, and renounce it for us and for them; we promise and engage, for us, our said children and descendants, present and to come, to employ ourselves, with all our might, in causing these presents to be observed and fulfilled, without allowing or suffering that directly or indirectly the same be violated, whether in the whole or in part. And we relinquish all means, ordinary or extraordinary, which by common right, or any special privilege, might appertain to us, our children, and descendants; which means we renounce absolutely, and in particular that of evident, enormous, and most enormous prejudice, which may be found in the renunciation of the succession to the said crown of Spain; and we will that any of the said means neither may
nor

nor can serve or avail us. And if under this pretext, or any other colour whatever, we would possess ourselves of the said kingdom of Spain by force of arms, that the war which we should make, or stir up, be held for unjust, unlawful, and unduly undertaken; and that on the contrary, that which he should make upon us, who by virtue of this renunciation should have right to succeed to the crown of Spain, be held for just and allowable; and that all the subjects and people of Spain do acknowledge him, obey him, defend him, do homage to him, and take the oath of fealty to him, as to their King and lawful lord.

And for the greater assurance and security of all that we say and promise, for us, and in the name of our successors and descendants, we swear solemnly on the holy Gospels contained in this Missal, whereon we lay our right hand, that we will keep, maintain, and fulfil the same, wholly and entirely; and that we will at no time ask to have ourselves relieved therefrom; and if any person asks it, or if it is granted us *motu proprio*, we will not make use or avail ourselves thereof; but rather, in case it should be granted us, we make another oath, that this shall subsist and remain for ever, what dispensation soever may be granted us. We further swear and promise, that we have not made, neither will we make, either in public or in secret, any protestation or reclamation to the contrary, which may hinder that which is contained in these presents, or lessen the force thereof, and if we should make any, what oath soever they may be attended with, they shall not have either force or virtue, or produce any effect.

And for greater security, we have passed and do pass the present act of renunciation, abdication, and relinquishment, before masters Anthony le Moyne and Alexander le Fevre, counsellors to the King, notaries, minute-keepers, and seal-keepers at the Chatelet of Paris, here-under written, in our palace royal at Paris, 1712, the nineteenth of November, before
noon;

noon; and for causing these presents to be insinuated and registered in every place where it shall appertain, we have constituted the bearer to be our attorney, and we have signed these presents, and the minute thereof remaining in the possession of the said le Fevre, notary.

PHILIP OF ORLEANS.

Le Moyne, Le Fevre.

WE Jerome d'Argouges, Knight, Lord of Fleury, counsellor to the King in his councils, honorary master of the requests of his household, civil lieutenant of the city, provostship, and vicounty of Paris, do certify to all to whom it shall appertain, that master Anthony le Moyne, and Alexander le Fevre, who have signed the act of renunciation on the other side, are counsellors to the King, notaries at the Chatelet of Paris, and that faith ought to be given, as well in judgment as out of the same, to the acts by them received. In witness whereof we have signed these presents, caused the same to be counter-signed by our secretary, and the seal of our arms to be affixed. At Paris, the twenty-first of November, 1712.

(Signed) *D'Argouges.*

By my said Lord, *Barbey.*

Read and published, the court being assembled, and registered in the rolls of the court, the King's attorney general being heard and requiring the same, that it may be executed according to its form and tenor, in pursuance of, and in conformity to the acts of this day. At Paris, in parliament, the fifteenth of March, 1713.

(Signed) *Dongois.*

The King's Letters Patents of the Month of December,
1700.

LEWIS, by the grace of God, King of France and Navarre; to all present and to come, greeting.
The

The prosperities which it has pleased God to heap upon us during the course of our reign, are so many motives to us to apply ourselves, not only for the time present, but also for the future, to the happiness and tranquillity of the people whereof Divine Providence has entrusted to us the government. His impenetrable judgments let us only see, that we ought not to place our confidence neither in our forces, nor in the extent of our dominions, nor in a numerous posterity, and that these advantages, which we receive from his goodness alone, have no other solidity than what it pleases him to give them. But as it is however his will, that the Kings, whom he chuses to lead his people, should foresee afar off the events able to produce disorders, and the most bloody wars; that they should make use of the lights which his divine wisdom pours upon them; we fulfil his designs, when, in the midst of the universal rejoicings of our kingdom, we look upon as a possible thing, a sad futurity, which we pray God to avert for ever. At the same time that we accept the will of the late King of Spain; that our most dear and most beloved for the Dauphin renounces his lawful right to that crown in favour of his second son the Duke of Anjou, our most dear and most beloved grandson, instituted by the late King of Spain, his universal heir; that this Prince, known at present by the name of Philip the Fifth, King of Spain, is ready to enter his kingdom, and to answer the earnest wishes of his new subjects. This great event does not hinder us from carrying our views beyond the time present, and when our succession appears the best established, we judge it to be equally the duty of a King, and of a Father, to declare for the future our will conformably to the sentiments which these two qualities inspire in us. Wherefore, being persuaded that the King of Spain, our grandson, will always preserve for us, for our House, for the kingdom wherein he is born, the same tenderness, and the same sentiments, whereof he has given us so many proofs, that his example, uniting his
new

new subjects to ours, is going to form a perpetual amity, and the most perfect correspondence between them; we should think likewise that we do him an injustice, whereof we are incapable, and occasion an irreparable prejudice to our kingdom, if we should hereafter look upon as a stranger, a Prince, whom we grant to the unanimous requests of the Spanish nation.

For these causes, and other great considerations us hereunto moving, of our special grace, full power, and royal authority, we have resolved, declared, and ordained, and by these presents, signed with our hand, we do resolve, declare, and ordain, we will, and it is our pleasure, that our most dear and most beloved grandson the King of Spain do preserve for ever the rights of his birth, in the same manner as if he made his actual residence in our kingdom; wherefore our most dear and most beloved only son the Dauphin, being the true and lawful successor and heir of our crown, and of our dominions, and after him our most dear and most beloved grandson the Duke of Burgundy, if it should happen (which God forbid) that our said grandson the Duke of Burgundy should come to die without male children, or that those which he should have in good and lawful marriage should die before him, or if the said male children should not leave any male children after them, born in lawful marriage, in such case our said grandson the King of Spain, making use of the rights of his birth, is to be the true and lawful successor to our crown, and to our dominions, notwithstanding he should be at that time absent, and residing out of our said kingdom; and immediately after his decease, his heirs male begot in lawful marriage, shall come into the said succession, notwithstanding that they may be born, or that they may dwell out of our kingdom; we will that for the abovesaid causes, neither our said grandson the King of Spain, nor his children, being males, be deemed and reputed less able and capable to enter upon the said

faid fucceſſion, or upon others which may fall to them within our ſaid kingdom. On the contrary, we intend that all rights, and generally other things whatever, which may at preſent or for the future belong and appertain to them, be and remain preſerved whole and entire, as if they did reſide and dwell conſtantly within our kingdom to the time of their deceaſe, and as if their heirs had been natives and inhabitants of the kingdom; having for this purpoſe, as far as there is or ſhall be need, enabled and diſpenſed with them, as we do enable and diſpenſe with them by theſe preſents. And ſo we give it in command to our beloved and truſty counſellors, the members of our court of parliament, and chamber of our accounts at Paris, preſidents and treaſurers general of France, in the office of our exchequer eſtabliſhed in the ſame place, and to all other our officers and juſtices to whom it ſhall appertain, that they cauſe theſe preſents to be regiſtered, and our ſaid grandſon the King of Spain, his children and deſcendants, being male, born in lawful marriage, to enjoy and uſe the contents thereof, fully and peaceably, any thing to the contrary notwithstanding; to which, by our grace and authority as aboveſaid, we have derogated and do degrogate; for this is our pleaſure. And that this may be a matter firm and laſting for ever, we have cauſed our ſeal to be put to theſe preſents. Given at Verſailles, in the month of December, in the year of our Lord 1700, and of our reign the 58th. Signed LEWIS; and on the fold, By the King, *Phelipeaux*. And ſealed with the great ſeal on green wax, with ſtrings of red and green ſilk.

Regiſtered, the King's attorney general being heard, and requiring the ſame, in order to their being executed according to their form and tenor, purſuant to the act of this day. At Paris, in parliament, the firſt of February, 1701.

(Signed) *Dongois*.

His

His said Catholic Majesty hereby renews and confirms the most solemn renunciation above mentioned, made on his part; and as it has obtained the force of a general and fundamental law, he engages again, in the most sacred manner possible, that he will observe, and take care that the same be observed inviolably, and he will likewise use his utmost diligence, and provide with the greatest earnestness, that the aforesaid renunciations may be irrevocably observed, and put in execution, as well on the part of Spain as on the part of France, forasmuch as while they subsist in their full force, and are faithfully kept on both sides, as also the other transactions relating thereto, the crowns of Spain and France will be so separated and divided from each other, that they can never hereafter be united in one.

III. That there be a perpetual amnesty on both sides, and oblivion of all things which have been in an hostile manner committed in any place, or by any way, on one side and on the other, during the late war. So that neither on account thereof, nor by reason or under pretence of any other matter, shall the one any way do or suffer to be done any enmity to the other, or give any molestation, directly or indirectly, under colour of right, or by way of fact.

IV. All and singular the prisoners on each side, of what state or condition soever they be, shall, immediately after the ratification of this present treaty, be restored to their former liberty, without any ransom, paying only such debts as they may have contracted during their being prisoners.

V. Moreover, for giving a greater and more lasting strength to the peace which is restored, and to this friendship, which is never to be violated, and for cutting off all occasions of distrust, which may at any time arise from the established right and order of the hereditary succession to the crown of Great Britain, and the limitation thereof by the laws of Great Britain (made and enacted in the reign of the late King William

liam the Third, of glorious memory, and in the reign of the present Queen) to the issue of the above-named Queen, and in failure thereof to the Most Serene Princess Sophia, Electress Dowager of Brunswick, and her heirs in the Protestant line of Hanover. That therefore the said succession may be well and securely preserved according to the laws of Great Britain, the Catholic King sincerely and solemnly acknowledges the above-mentioned limitation of the succession to the kingdom of Great Britain; and declares and engages, on the faith and word of a King, and on the pledge of his and his successors honour, that the same is, and shall for ever be approved and accepted by him and his heirs and successors; and, under the same tie of the word of a King and his honour, the Catholic King does promise, that no person besides the said Queen, and her successors, according to the order of limitation established by the laws and statutes of Great Britain, shall ever be acknowledged or reputed by him, or by his heirs and successors, to be King or Queen of Great Britain.

VI. The Catholic King doth further promise, as well in his own name as in that of his heirs and successors, that they will not at any time disturb or molest the said Queen of Great Britain, her heirs and successors, of the Protestant line, as aforesaid, being in possession of the crown of Great Britain, and the dominions subject thereunto; neither will the aforesaid Catholic King, or any of his successors, give at any time any aid, succour, favour, or counsel, directly or indirectly, by land or by sea, in money, arms, ammunition, warlike instruments, ships, soldiers, seamen, or in any other manner whatever, to any person or persons, whosoever they be, who on any cause or pretence should hereafter endeavour to oppose the said succession, either by open war, or by encouraging sedition and forming conspiracies against such Prince and Princes, who are in possession of the throne of Great Britain, by virtue of the acts of parliament there made,

or

or against that Prince or Princess to whom the succession to the crown of Great Britain shall belong, according to the acts of parliament, as above said.

VII. That the ordinary distribution of justice be restored and open again through the kingdoms and dominions of each of their Royal Majesties, so that it may be free for all the subjects on both sides, to prosecute and obtain their rights, pretensions, and actions, according to the laws, constitutions, and statutes of each kingdom. And especially if there be any complaints concerning injuries or grievances, which have been done contrary to the tenor of the treaties, either in time of peace, or at the beginning of the war lately ended, care shall be taken that the damages be forthwith made good, according to the rule of justice.

VIII. That there be a free use of navigation and commerce between the subjects of each kingdom, as it was heretofore, in time of peace, and before the declaration of this late war, in the reign of Charles the Second, of glorious memory, Catholic King of Spain, according to the treaties of friendship, confederation, and commerce, which were formerly made between both nations, according to ancient customs, letters patents, cedulas, and other particular acts; and also according to the treaty or treaties of commerce which are now, or will forthwith be made at Madrid. And whereas, among other conditions of the general peace, it is by common consent established as a chief and fundamental rule, that the exercise of navigation and commerce to the Spanish West Indies should remain in the same state it was in the time of the aforesaid King Charles the Second; that therefore this rule may hereafter be observed with inviolable faith, and in a manner never to be broken, and thereby all causes of distrust and suspicion concerning that matter may be prevented and removed, it is especially agreed and concluded, that no licence, nor any permission at all, shall at any time be given, either to the French, or to any nation

whatever, in any name, or under any pretence, directly or indirectly, to sail, to traffic in, or introduce negroes, goods, merchandizes, or any things whatsoever, into the dominions subject to the crown of Spain in America, except what may be agreed by the treaty or treaties of commerce aforesaid, and the rights and privileges granted in a certain convention, commonly called *El Asiento de Negros*, whereof mention is made in the twelfth article; except also whatsoever the said Catholic King, or his heirs or successors, shall promise by any contract or contracts for the introduction of negroes into the Spanish West Indies, to be made after that the convention or the *Asiento de Negros* above-mentioned shall be determined. And, that more strong and full precautions may be taken on all sides, as aforesaid, concerning the navigation and commerce to the West Indies, it is hereby further agreed and concluded, that neither the Catholic King, nor any of his heirs and successors whatsoever, shall sell, yield, pawn, transfer, or by any means, or under any name, alienate from them and the crown of Spain, to the French, or to any other nations whatever, any lands, dominions, or territories, or any part thereof, belonging to Spain in America. On the contrary, that the Spanish dominions in the West Indies may be preserved whole and entire, the Queen of Great Britain engages, that she will endeavour, and give assistance to the Spaniards, that the ancient limits of their dominions in the West Indies be restored, and settled as they stood in the time of the aforesaid Catholic King Charles the Second, if it shall appear that they have in any manner, or under any pretence, been broken into, and lessened in any part, since the death of the aforesaid Catholic King Charles the Second.

IX. It is further agreed and concluded as a general rule, that all and singular the subjects of each kingdom shall, in all countries and places, on both sides, have and enjoy at least the same privileges, liberties,
 6 and

and immunities, as to all duties, impositions, or customs whatsoever, relating to persons, goods, and merchandizes, ships, freight, seamen, navigation, and commerce; and shall have the like favour in all things, as the subjects of France, or any other foreign nation, the most favoured, have, possess, and enjoy, or at any time hereafter may have, possess, or enjoy.

X. The Catholic King does hereby, for himself, his heirs and successors, yield to the crown of Great Britain the full and intire propriety of the town and castle of Gibraltar, together with the port, fortifications, and forts thereunto belonging; and he gives up the said propriety to be held and enjoyed absolutely with all manner of right for ever, without any exception or impediment whatsoever. But that abuses and frauds may be avoided by importing any kinds of goods, the Catholic King wills, and takes it to be understood, that the above-named propriety be yielded to Great Britain without any territorial jurisdiction, and without any open communication by land with the country round about. Yet whereas the communication by sea with the coast of Spain may not at all times be safe or open, and thereby it may happen that the garrison, and other inhabitants of Gibraltar may be brought to great straits; and as it is the intention of the Catholic King, only that fraudulent importations of goods should, as is abovesaid, be hindered by an inland communication, it is therefore provided, that in such cases it may be lawful to purchase, for ready money, in the neighbouring territories of Spain, provisions, and other things necessary for the use of the garrison, the inhabitants, and the ships which lie in the harbour. But if any goods be found imported by Gibraltar, either by way of barter for purchasing provisions, or under any other pretence, the same shall be confiscated, and complaint being made thereof, those persons who have acted contrary to the faith of this treaty, shall be severely punished. And her Britannic Majesty, at the request of the Catholic King, does consent and agree, that no

leave shall be given, under any pretence whatsoever, either to Jews or Moors, to reside or have their dwellings in the said town of Gibraltar; and that no refuge or shelter shall be allowed to any Moorish ships of war in the harbour of the said town, whereby the communication between Spain and Ceuta may be obstructed, or the coasts of Spain be infested by the excursions of the Moors. But whereas treaties of friendship, and a liberty and intercourse of commerce are between the British and certain territories situate on the coast of Africa, it is always to be understood, that the British subjects cannot refuse the Moors and their ships entry into the port of Gibraltar purely upon the account of merchandizing. Her Majesty the Queen of Great Britain does further promise, that the free exercise of their religion shall be indulged to the Roman Catholic inhabitants of the aforesaid town. And in case it shall hereafter seem meet to the crown of Great Britain to grant, sell, or by any means to alienate therefrom the propriety of the said town of Gibraltar, it is hereby agreed, and concluded, that the preference of having the same shall always be given to the crown of Spain before any others.

XI. Moreover the Catholic King doth in like manner for himself, his heirs and successors, yield to the crown of Great Britain the whole island of Minorca, and doth transfer thereunto for ever, all right, and the most absolute dominion over the said island, and in particular over the town, castle, harbour, and fortifications of the bay of Minorca, commonly called Port Mahon, together with the other ports, places, and towns situated in the aforesaid island. But it is provided, as in the above-written article, that no refuge or shelter shall be open to any ships of war of the Moors in Port Mahon, or in any other port of the said island of Minorca, whereby the Spanish coasts may be infested by their excursions: and the Moors and their ships shall only be allowed to enter the island aforesaid on account of traffic, according to the agree-
ment

ment of treaties. The Queen of Great Britain promises also on her part, that if at any time it shall happen that the island of Minorca, and the ports, towns, and places therein situated, be by any means hereafter alienated from the crown of her kingdoms, the preference shall be given to the crown of Spain, before any other nation whatever, of redeeming the possession and propriety of the aforesaid island. Her Royal Majesty of Great Britain moreover engages, that she will take care, that all the inhabitants of the said island, both ecclesiastical and secular, shall safely and peaceably enjoy all their estates and honors, and the free use of the Roman Catholic religion shall be permitted: and measures shall be taken for preserving the aforesaid religion in that island, provided the same be consistent with the civil government and laws of Great Britain. Those likewise who are now in the service of his Catholic Majesty, shall enjoy their honors and estates, though they continue in the said service; and it shall be lawful for any person, who is desirous to leave the said island, to sell his estate, and pass freely with the value thereof into Spain.

XII. The Catholic King doth furthermore hereby give and grant to her Britannic Majesty, and to the company of her subjects appointed for that purpose, as well the subjects of Spain, as all others, being excluded, the contract for introducing negroes into several parts of the dominions of his Catholic Majesty in America, commonly called *El Pacto de el Asiento de Negros*, for the space of thirty years successively, beginning from the first day of the month of May, in the year 1713, with the same conditions on which the French enjoyed it, or at any time might or ought to enjoy the same, together with a tract or tracts of land to be allotted by the said Catholic King, and to be granted to the company aforesaid, commonly called *La Compañía de el Asiento*, in some convenient place on the river of Plata (no duties or revenues being payable by the said company on that account during the time of

the above-mentioned contract, and no longer); and this settlement of the said society, or those tracts of land, shall be proper and sufficient for planting, and sowing, and for feeding cattle for the subsistence of those who are in the service of the said company, and of their negroes; and that the said negroes may be there kept in safety till they are sold; and moreover, that the ships belonging to the said company may come close to land, and be secure from any danger. But it shall always be lawful for the Catholic King to appoint an officer in the said place or settlement, who may take care that nothing be done or practised contrary to his royal interests. And all who manage the affairs of the said company there, or belong to it, shall be subject to the inspection of the aforesaid officer, as to all matters relating to the tracts of land above-mentioned. But if any doubts, difficulties, or controversies, should arise between the said officer and the managers for the said company, they shall be referred to the determination of the governor of Buenos Ayres. The Catholic King has been likewise pleased to grant to the said company several other extraordinary advantages, which are more fully and amply explained in the contract of the *Affiento*, which was made and concluded at Madrid the 26th day of the month of March of this present year 1713. Which contract or *Affiento de Negros*, and all the clauses, conditions, privileges, and immunities contained therein, and which are not contrary to this article, are and shall be deemed and taken to be part of this treaty, in the same manner as if they had been here inserted word for word.

XIII. Whereas the Queen of Great Britain has continually pressed and insisted with the greatest earnestness, that all the inhabitants of the principality of Catalonia, of whatever state or condition they may be, should not only obtain a full and perpetual oblivion of all that was done in the late war, and enjoy the entire possession of all their estates and honours, but should also have their ancient privileges preserved safe and untouched;

untouched; the Catholic King, in compliance with the said Queen of Great Britain, hereby grants and confirms to all the inhabitants of Catalonia whatsoever, not only the amnesty desired, together with the full possession of all their estates and honors, but also gives and grants to them all the privileges which the inhabitants of both Castilles, who of all the Spaniards are the most dear to the Catholic King, have and enjoy, or may hereafter have and enjoy.

XIV. And whereas the Catholic King, at the request of her Royal Britannic Majesty, has been pleased to yield the kingdom of Sicily to his Royal Highness Victor Amadeus Duke of Savoy, and by the treaty this day entered into between his Royal Catholic Majesty, and his Royal Highness of Savoy, does make a cession of the said kingdom, her Royal Majesty of Great Britain aforesaid promises and engages that she will take great care, that in default of the heirs male of the House of Savoy, the possession of the aforesaid kingdom of Sicily shall revert again to the crown of Spain; and her abovesaid Royal Britannic Majesty doth further consent, that the kingdom of Sicily may not, under any pretence, or in any manner whatever, be alienated or given to any prince or state, unless to the Catholic King of Spain, and to his heirs and successors. And whereas the Catholic King hath made known to her Royal Britannic Majesty, that it would be both reasonable in itself, and acceptable to him, that not only the subjects of the kingdom of Sicily, although they may reside in the dominions of Spain, and be in the service of his said Catholic Majesty, but also the Spaniards and other subjects of Spain, who may perhaps have estates and honors in the aforesaid kingdom of Sicily, should, without any diminution, entirely enjoy their said estates and honors, and should in no wise, under pretence of personal absence out of the said kingdom, be troubled or disquieted: And whereas the abovesaid Catholic King freely promises likewise on his part, that he will consent, that the subjects of the said kingdom of Sicily, and

other subjects of his said Royal Highness, if they should chance to have estates and honors in Spain, or other the dominions belonging to Spain, shall in like manner, without any diminution, entirely enjoy the same, and that they shall in no wise be troubled or disturbed under pretence of personal absence; therefore her Royal Britannic Majesty promises, that she will endeavour, and will give instructions to her ambassadors extraordinary and plenipotentiaries at Utrecht, that they interpose the most effectual good offices, that the Catholic King and his Royal Highness may mutually agree concerning this matter, and may take care and provide for the same, in such manner as shall be most commodious on both sides.

XV. Their Royal Majesties on both parts renew and confirm all treaties of peace, friendship, confederation, and commerce, made heretofore, and concluded between the crowns of Great Britain and Spain, and the said treaties are hereby renewed and confirmed, in as full and ample manner as if they were now particularly here inserted; that is to say, as far as they are not found to be contrary to the treaties of peace and commerce which were the last made and signed. And especially by this treaty those agreements, treaties, and conventions, are confirmed and strengthened, which relate as well to the exercise of commerce and navigation in Europe, and elsewhere, as to the introduction of negroes into the Spanish West Indies, and which either are already made, or will forthwith be made between both nations at Madrid. And whereas it is insisted on the part of Spain, that certain rights of fishing at the island of Newfoundland belong to the Guipuscoans, or other subjects of the Catholic King, her Britannic Majesty consents and agrees, that all such privileges as the Guipuscoans and other people of Spain are able to make claim to by right, shall be allowed and preserved to them.

XVI. Whereas in the convention for making a suspension

pension of arms from the $\frac{1}{2}$ day of the month of August last past, for four months, between the Queen of Great Britain and the most Christian King; which the Catholic King also approved by his consent, and does hereby further approve; and which by another convention was prolonged to the $\frac{1}{2}$ of the month of April of this present year, among other conditions it is expressly stipulated, in what cases the ships, merchandizes, and other moveables taken on one side and the other, should either become prize to the captor, or be restored to the former owner; it is therefore agreed, that in those cases the conditions of the aforesaid suspension of arms shall remain in full force, and all things relating to such captures, made either in the British and Northern seas, or elsewhere, shall be well and truly executed according to the tenor thereof.

XVII. But if it happen through inadvertency, or imprudence, or any other cause, that any subject of either of their aforesaid Royal Majesties do or commit any thing, by land, sea, or on fresh waters, in any part of the world, whereby this present treaty be not observed, or whereby any particular article of the same hath not its effect, this peace and good correspondence between the Queen of Great Britain and the Catholic King shall not therefore be interrupted or broken, but shall remain in its former strength, force, and vigour. And that subject only shall be answerable for his own fact, and shall suffer such punishment as is inflicted by law, and according to the prescriptions of the law of nations.

XVIII. But if (which God forbid) the disputes which are composed should at any time be renewed between their said Royal Majesties, and break out into open war, the ships, merchandizes, and goods, both moveable and immoveable, of the subjects on both sides, which shall be found to be and remain in the ports and dominions of the adverse party, shall not be confiscated, or suffer any damage; but the space of
fix

fix months, on the one part and on the other, shall be granted to the said subjects of each of their said Royal Majesties, in order to their selling the aforesaid things, or any other their effects, or carrying away and transporting the same from thence, whithersoever they please, without any molestation.

XIX. The Kings, Princes, and States, mentioned in the following articles, and all others who shall be nominated on either side, by common consent, before the ratifications are exchanged, or within six months after, shall, for a mark of mutual friendship, be included and comprehended in this treaty, their Royal Majesties aforesaid being persuaded that they will approve all the settlements made and established by it.

XX. Whatsoever shall be contained in the treaty of peace next entered into between his Sacred Royal Majesty of Spain, and his sacred Royal Majesty of Portugal, with the previous approbation of her Royal Majesty of Great Britain, shall be deemed an essential part of this treaty, in the same manner as if it was transcribed here word for word. Moreover her Sacred Royal Majesty of Great Britain offers herself to be a surety or guarantee of the aforesaid agreement of peace, which she promises to fulfil according to the substance and words thereof, to the end that it may be observed the more sacred and inviolable.

XXI. The treaty of peace this day entered into between his Royal Catholic Majesty and his Royal Highness the Duke of Savoy, is specially included in and confirmed by this treaty, as an essential part thereof, as fully as if it was inserted therein word for word, her Royal Majesty of Great Britain expressly declaring that she will be obliged by the terms of the promise and guaranty therein made.

XXII. The most Serene King of Sweden, together with his realms, dominions, provinces, and rights, and the most Serene Princes the Great Duke of Tuscany,

cany, and the Duke of Parma, together with their people and subjects, and the liberties and advantages of their subjects in matters of trade, shall be included in this treaty in the most effectual manner.

XXIII. The most Serene Republic of Venice, for the sake of the neutrality which during the war they exactly observed between the parties in hostility, and for the sake of many acts of humanity performed by it (the dignity, power, and security of the estates and dominions thereof remaining ever inviolable) shall be particularly comprehended and included in this treaty, in the best manner possible, as a common friend, and one to whom their Royal Majesties, at all times, desire to repay the offices of a faithful friendship, according to the exigencies of the said republic.

XXIV. It has been thought good to comprehend in the present treaty, the most Serene Republic of Genoa, which, by a constant neutrality during the war, hath cultivated the ancient friendship with the crowns of Great Britain and Spain, that the benefit of this peace may be extended to every thing that concerns that republic, and the subjects thereof may in all things, and every where, fully enjoy the same liberty of commerce hereafter, as they enjoyed formerly, and during the life of Charles the Second Catholic King of Spain.

XXV. The city of Geneva is likewise included in this agreement, to the end that it may for the future enjoy all the advantages in trade which it has heretofore enjoyed in either kingdom, either by treaties or ancient custom.

XXVI. Solemn ratifications of this treaty, and drawn up in the proper form, shall be duly and reciprocally exchanged on both sides within six weeks, to be computed from the time of signing, or sooner if possible.

In witness whereof the ambassadors extraordinary and plenipotentiaries

plenipotentiaries above-named, having on each side exhibited, and duly exchanged their letters of fullpowers, signed and sealed this present treaty at Utrecht, the $\frac{\text{Second}}{\text{Thirteenth}}$ day of the month of July, in the year of our Lord 1713.

(L. S.) *Job. Bristol*, C. P. S.

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

(L. S.) *Strafford*.

(L. S.) *El Marquese Monteleone*.

We having seen and considered the treaty of peace and friendship above written, have approved, ratified, and confirmed the same, in all and every one of its articles, as we do by these presents approve, ratify, and confirm it, for ourselves, our heirs, and successors, promising and engaging our Royal word, that we will faithfully and inviolably perform and observe the afore-said treaty, and all and every one of the things contained therein, and that we will never suffer the same to be violated or transgressed by any one, as far as it lies in our power. For the greater testimony and validity whereof, we have caused our great seal of Great Britain to be affixed to these presents, which we have signed with our Royal hand. Given at our court at Kensington the 31st day of July, 1713, in the the twelfth year of our reign.

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. Whereas a certain separate article, intituled, The First Separate Article, belonging to the treaty of peace and friendship between us and our good brother Philip the Fifth Catholic King of Spain, concluded at Utrecht, the $\frac{2}{13}$ day of the last month, was signed on the same day, and in the same place, by our ambassadors extraordinary and plenipotentiaries, furnished with sufficient authority for that purpose, in the manner and form following :

The

The First Separate Article.

Besides those things which have been stipulated between the Lord Baron of Lexington, on the part of her Royal Majesty of Great Britain, and the Lord Marquis of Bedmar, on the part of his Royal Catholic Majesty, by the treaty of the 27th of March last at Madrid, it is further agreed by this separate article, which shall be of the same force as if it was inserted word for word in the treaty this day concluded between their Royal Majesties, that since his Royal Catholic Majesty is stedfastly resolved, and does solemnly promise by these presents, that he will not consent to any further alienation of countries, provinces, or lands of any sort, or wherever situate, belonging to the crown of Spain; her Royal Majesty of Great Britain does likewise reciprocally promise, that she will persist in those measures and councils, by which she has provided and taken care, that none of the parties in war shall require or obtain of his Catholic Majesty, that any farther part of the Spanish monarchy be torn from it; but that any new demand of that kind being made, and the same refused by his Catholic Majesty, her Royal Majesty of Great Britain will use her endeavours that such demands shall be receded from.

And when it shall seem to her Royal Majesty of Great Britain, to be for the common benefit that a new treaty be entered into, between her Britannic Majesty, the Catholic King, and King of Portugal, that the security of the crown of Portugal may be provided for, his Catholic Majesty does by these presents give his consent to so wholesome a work, and does hereby testify it.

This article shall be ratified, and the ratifications thereof shall be exchanged at Utrecht, within six weeks, or sooner if it can be.

In testimony whereof, we the ambassadors extraordinary and plenipotentiaries of their Royal Britannic and Catholic Majesties, by virtue of the full powers exchanged

changed this day, have signed and sealed the present article, at Utrecht, the $\frac{2}{11}$ of July, in the year of our Lord, one thousand seven hundred and thirteen.

(L. S.) *Job. Bristol*, C. P. S.

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

(L. S.) *Sirafford*.

(L. S.) *Marquis de Monteleon*.

We having seen and considered the said first separate article, have approved and ratified, and by these presents do approve and ratify the same, promising on our Royal word, that we will sincerely and truly do and perform all things which are contained in the said article. In testimony whereof we have caused our great seal of Great Britain to be affixed to this instrument, which is signed with our royal sign manual. Given at our Court at Kensington the thirty-first day of July, 1713, and of our reign the twelfth.

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. Whereas a certain separate article, intituled, The Second Separate Article, belonging to the treaty of peace and friendship between us and our good brother Philip the Fifth Catholic King of Spain, concluded at Utrecht the $\frac{2}{11}$ day of the last month, was signed on the same day, and in the same place, by our ambassadors extraordinary and plenipotentiaries, furnished with sufficient authority for that purpose, in the manner and form following:

The Second Separate Article.

That it may appear what consideration her Sacred Majesty the Queen of Great Britain has for the Princess of Urfini, her said Majesty, the Queen of Great Britain, in the XXIst article of the conventions of peace,
made

made between the Baron of Lexington, on the part of her said Britannic Majesty, and the Marquis de Bedmar, on the part of his Catholic Majesty, at Madrid, the 27th day of March last, did oblige herself, as by the present article she does oblige herself, and promises and agrees for herself and her successors, that she will really procure and effect, that forthwith, and without any delay, the said Lady Princess of Urfini be put into real and actual possession of the Dutchy of Limburg, or of other countries in the Netherlands, which shall be substituted in lieu thereof, to the full satisfaction of the Lady Princess of Urfini, with all manner of absolute and independent superiority, clear from any fee, or other tie whatsoever, which shall produce an annual revenue of 30,000 scudo's, according to the form and tenor of the diploma granted by his said Catholic Majesty to the said Princess, the 28th day of September, 1711, to the effect following :

PHILIP, by the grace of God, King of Castille, Leon, Arragon, both Sicilies, Jerusalem, Navarre, Granada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordoua, Corfica, Murcia, Jaen, Algarves, Algezira, Gibraltar, Canary Islands, East and West Indies, islands and *terra firma* of the ocean sea, Archduke of Austria, Duke of Burgundy, Brabant, and Milan, Count of Apsburg, Flanders, and Tirol, and of Barcelona, Lord of Biscay and of Molina, &c. To all who shall see these presents, or hear them read, greeting. Our dearest and most well-beloved cousin the Princess of Urfini has, since the beginning of our reign, rendered us, and continues to render us, so many signal and acceptable services, that we thought we could not defer any longer giving her lively testimonies of our acknowledgments, and of the esteem we have for her person. This Princess having quited the rank and the prerogatives she had at the court of Rome, to accept the employment of first lady of the bed-chamber to the Queen our dearest consort, she went to meet her at Nice in Provence, and conducted her into our dominions

nions of Spain, and discharged her duty with so much care, exactness, and wisdom, that she has gained all possible confidence and consideration.

When we trusted the regency of our kingdoms of Spain to the Queen our dearest consort, that we might go and command our armies in the kingdoms and states of Italy, the Princess of Urfini redoubled her zeal and assiduity about her person, she has always assisted her with her care and her counsel, with equal prudence and affection, and in all times, and on all occasions, we have experienced the happy effects of so judicious, so faithful, and so valuable conduct.

Since it has pleased God to bless our Royal House, and to secure the succession of it by a happy issue, she has likewise taken upon her to bestow her most tender and effectual care on the education of our dearest and most beloved son the Prince of the Asturias, in whom we already observe the benefit and progress of it. All these services, so distinguishing, and so important to the welfare of our dominions, and to the felicity of our reign, the application with which this Princess gives us still fresh proofs of an intire affection to the person of us, the Queen our dearest consort, and the Princes our children, and the good success that has attended the wholesome counsels she has given us, have engaged us to find out means to grant her a reward suitable to so many services, and that might serve for the future as a certain proof of the greatness of our gratitude, as well as of the merit and virtues of this Princess. This has given us occasion to think of securing to her not only a considerable revenue, but also a country she might enjoy with the title of sovereign, which we have embraced with the greater readiness, that this Princess being born of the House of la Trimouille, one of the most ancient and most illustrious of France, is not only allied to the Princes of the blood of the House of France, but likewise to several other sovereign Houses of Europe, and that knowing the endowments of her mind, and the wisdom of her conduct in all things, we
are

are persuaded she will govern with justice the country and people that shall be under her subjection; and that this great favour will ever be looked upon as the just effect of the justice and magnificence of the sovereigns towards those who have been so happy as to render them important services. Know ye therefore, that, out of our full power, mere motion, and royal and absolute authority, we have given, yielded, and transferred, as we do give, yield, and transfer by these presents, to our dearest and most well-beloved cousin, Mary Anne de la Trimouille, Princess of Ursini, for herself, her heirs, successors, and assigns, the dutchy, town, and castle of Limbourg, being part of the Spanish Netherlands, with the towns, boroughs, villages, castles, houses, lands, and other appurtenances of the said dutchy, to enjoy the same to herself the said Princess of Ursini, her heirs, successors, or assigns, in full property and perfect sovereignty, without reserving or detaining any part thereof to ourselves and to our successors the Kings of Spain, under any title whatsoever, either of resort or feodality, as also without return or reversion in any case, or at any time, whereof we have exempted the said dutchy of Limbourg, and its dependencies comprehended in the present donation: to which end, so far as is or should be necessary, we have extinguished and suppressed, as we do extinguish and suppress the said rights; willing that the said Princess of Ursini do exercise in her name, all the rights of sovereignty within the said dutchy of Limbourg, the territories and jurisdictions thereto annexed, with the same authority as we exercised and had right to exercise the same before these presents, and that she enjoy there all the revenues, fruits, profits, and emoluments whatsoever, as well ordinary as extraordinary and casual, of what nature soever, either for the collation and patronage of the livings, the provision and destitution of offices, the customs, entries, subsidies, impositions, and other rights, expressed, and not expressed, the defence of the country, and the tranquillity of the

VOL. II. H - people,

people, the raising the revenues of the said dutchy and its dependencies ; all which rights and revenues the said Princess of Ursini shall commence to enjoy from the day of these presents ; from the reckoning of which, the agents, receivers, clerks, or others appointed to receive the said revenues, shall be accountable, and remit the produce into the hands of the bearers of the powers of the said Princess, and in so doing they shall be duly acquitted and discharged thereof towards us, as by these presents we discharge them thereof ; and consequently the said Princess of Ursini shall remain unalterable proprietor of the said dutchy of Limbourg, and its dependencies, as well for the sovereignty, as for all the revenues, as the whole belonging to her, in full, free, and intire property, with power to dispose thereof, by donation between persons alive, or legacy to such person, and with such clauses and conditions, as she shall think fit, and even to treat thereof by exchange or otherwise, and the same rights and powers shall belong successively, after her, to her nearest heir, in case she has not otherwise disposed thereof. To which end we have discharged, absolved, and freed, as by these presents we discharge, absolve, and free the inhabitants of the said dutchy of Limbourg, and its dependencies, of what state, quality, or dignity they are, as well ecclesiastical as secular, political, military, and of what other ranks and conditions they are or may be, and each of them in general and in particular, of the oaths of fidelity, faith, and obedience, promises, obligations, and duties they owed us, as their Lord and sovereign Prince : ordering and enjoining them most expressly that, by virtue of these presents, they do own and acknowledge the said Princess of Ursini, and after her, her heirs, successors, or such as have a right thereto, successively, for their Princes and Sovereign Lords ; that they take and swear to her the oaths of fidelity and obedience in the usual manner, and moreover that they pay all homage, reverence, affection, obedience, fidelity, and services, as good and loyal subjects are obliged to do to their
Sovereign

Sovereign Lord, and as they have done hitherto to the Kings our predecessors, and to us. And farther, our intention being that the said dutchy of Limbourg and its dependencies should produce at least the effectual and real revenue yearly to the profit of the said Princess of Ursini, her heirs, successors, and assigns, thirty thousand crowns, each crown of eight silver reals, old double money of Castille, deduction being made of local employments, maintenance of places, and officers, that used to be paid and maintained out of the revenues of the said dutchy. Our will and pleasure is, that during the first year of enjoyment by the said Princess of Ursini, after her having taken possession of the said dutchy of Limbourg, and after the publication of the peace, a state be made of the revenues and employments of the dutchy of Limbourg and its dependencies, in the presence of persons appointed for that purpose, as well on our part, as on that of the said Princess of Ursini, and in case, after deduction is made for the said employments, the revenues for the neat remainder to the profit of the said Princess of Ursini do not amount to the said thirty thousand crowns *per annum*, whether by reason of the alienations that might have been made of some part of that dutchy, or whether because any of the said rights, revenues, and appurtenances should have been sold, engaged, or charged with some rents, even some debts for sums taken by loan, or anticipation, in this case we ordain, and our will and pleasure is, that the whole be redeemed and disengaged, and the purchasers, mortgagers, tenants, and other creditors, reimbursed, paid, and satisfied out of the produce of the most liquid revenues of the other provinces of the Spanish Netherlands, so as that the said Princess enjoy, fully, really, and without any charge, the said thirty thousand crowns yearly; to which end, and until the full reimbursement for the redeeming the said alienations or engagements, constitutions of rents, anticipations, or other loans whatever they may be, the purchasers of the funds alienated, or mortgagers, tenants,

and all other creditors, shall be and remain assigned, as from this time we assign them to receive their arrears or interests of their capitals out of the said revenues of the other provinces of the Spanish Netherlands; and consequently we have from this time yielded and transferred, as we do yield and transfer all and such of our revenues as shall be requisite to the mortgagers and creditors, and until the concurrence of what is due to them for principal interests, to take, have, and receive out of the most liquid and effective part of the said revenues of the said Spanish Netherlands, except those of the said dutchy of Limbourg, to enjoy the same themselves, until they shall be fully reimbursed. And if it should happen, that notwithstanding the said redemption and reimbursement being made or assigned, the revenue of the said dutchy of Limbourg should not amount to the said sum of thirty thousand crowns yearly, all charges deducted, we will, that there be dismembered, as from this time we dismember, from the other countries belonging to us, adjacent or lying convenient to the said dutchy of Limbourg, such other towns, boroughs, villages, and territories, as shall be requisite to make up, by their yearly produce and revenue, what shall be wanting of the said thirty thousand crowns yearly in the dutchy of Limbourg, which towns, boroughs, villages, and territories, together with the revenue and appurtenances, shall remain dismembered from our other lordships, and shall be united and joined for the future, and for ever, to the said dutchy of Limbourg, to be possessed by the said Princess of Ursini, with the same title of sovereignty, jurisdiction, and prerogative before mentioned, and as making part of the said dutchy of Limbourg. And whereas, by the several proposals that are from time to time made to us, to attain the peace so much desired by us, and other princes and states of Europe engaged in the present war, some of them tend to certain dismemberings of the said Spanish Netherlands from the other dominions that make up our monarchy; we declare, that our intention is, that
these

these presents shall not be prejudiced by the treaties of peace that shall be made, and that all the princes and potentates interested in the said proposals do ratify the dismembering we make by these presents of the said dutchy of Limbourg, and the erecting of that in sovereignty, in favour of the Princess of Ursini, so as that she be put and remain in full possession and peaceable enjoyment thereof, within the full extent of these presents, according to their form and tenor, and without any reserve or restriction whatsoever ; it being our will, that the present donation be one of the conditions of the treaties that may be made in what shall concern the said Spanish Netherlands, to the end the said Princess of Ursini, her heirs, successors, and assigns, may enjoy the said dutchy of Limbourg and its appurtenances, fully, peaceably, perpetually, and for ever, with the title of sovereignty, without any trouble and hindrance ; on the contrary, to effect the same, and to constrain thereto all those whom it shall concern, or that are therefore to be constrained, we have, out of our full power and royal authority, supplied, as we do hereby supply all defects or omissions of right or fact, that might be found or happen in this donation, cession, and conveyance, either by the fault of expression, of the value of the revenues, and of the employments of the said dutchy of Limbourg, that are not therein specified or declared, and that might be requisite by former ordinances, to which, and the derogatories of the derogatories therein contained, we have expressly derogated, as we derogate by these presents ; for such is our will and good pleasure : willing that these present letters patents be delivered to the said Princess of Ursini, that she may cause the same to be registered and published where it shall be necessary, and even to cause them to be inserted, with the donation and cession therein contained, in the treaty of peace to be negotiated, therein to be included and acknowledged in the quality of sovereign Princess of the dutchy of Limbourg, and in that quality to exercise the rights thereof, and there to make

treaties and alliances with the princes and sovereigns that shall intervene, enjoining the ministers and ambassadors who shall be there on our part, to acknowledge her as such, and all our officers of the said dutchy of Limbourg to obey these presents from the moment they shall be notified to them; and to the end this present donation be firm and lasting for ever, we have signed these present letters with our own hand, and caused our great seal to be affixed to them, willing and ordaining that they be registered in all and every one of our councils and chambers of accompts where it shall belong. Given at our city of Corella, in our kingdom of Navarre, the 28th day of September, in the year of our Lord 1711, and of our reign the eleventh.

And her said Majesty of Great Britain promises, that she will maintain the said Lady Princess of Ursini, or her assigns, in the real, actual, and peaceable possession of the said sovereignty and territory, against all and every one, at any time, and for ever, and that she will not permit that the said Lady Princess be disturbed or molested in the said possession by any body, by right or fact. And whereas the real possession of the sovereignty of the said dutchy of Limbourg, or of the territories as aforesaid to be subrogated, ought, by virtue of the before-mentioned convention, concluded the 27th of March last past, to have been already given to the said Lady Princess, although it is not yet given; therefore her said Royal Majesty of Great Britain, as a farther surety, promises, and engages her Royal word, that she will not yield or remit, nor suffer to be yielded or remitted to any body, the said Spanish Netherlands, but will keep, or cause the same to be kept, not only until the said Lady Princess of Ursini be put in actual and peaceable possession of the said sovereignty, but also, that the said Lady Princess of Ursini be, as aforesaid, acknowledged Sovereign Lady of the said sovereignty, and put in possession thereof by the Prince to whom the said Spanish Netherlands are to be yielded and remitted.

This

This present article shall be ratified, and the exchange of the ratifications shall be made at Utrecht within six weeks, or sooner, if possible.

In witness whereof, we the ambassadors extraordinary and plenipotentiaries of her Sacred Royal Majesty of Great Britain, have subscribed this present article, and sealed the same with our seals, at Utrecht the $\frac{2}{13}$ of July, in the year of our Lord 1713.

(L. S.) *Joh. Bristol, C. P. S.*

(L. S.) *Duque de Osuna.*

(L. S.) *Strafford.*

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

We having seen and considered the said second separate article, have approved and ratified, and by these presents do approve and ratify the same, promising on our Royal word, that we will sincerely and truly do and perform all things which are contained in the said second article. In testimony whereof we have caused our great seal of Great Britain to be affixed to this instrument, which is signed with our Royal hand. Given at our court at Kensington, the thirty-first day of July 1713, and of our reign the twelfth.

ANNE R.

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 public 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 Catholic

H 4

King

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 wholesome 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 Catholic King. Know ye therefore, that we reposing 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 well-beloved counsellor John Lord Bishop of Bristol, keeper of our privy seal, dean of Windsor, and register of our most noble Order of the Garter; and of our right trusty and right well-beloved cousin and counsellor Thomas Earl of Strafford, Viscount Wentworth of Wentworth Woodhouse, and of Stainborough, 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, commissaries, 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 Catholic King shall depute on his side, and provide with sufficient authorities, and of treating of, agreeing upon, and concluding
safe,

safe, firm, and honourable conditions of peace and friendship between us and the said Catholic 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 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 ourselves were present; promising and engaging our Royal word, that we will approve and ratify all and every one of the articles, which by virtue of these presents shall be transacted, concluded, and signed by our said ambassadors extraordinary, commissaries, 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.

DON PHILIP, by the grace of God, King of Castille, Leon, Aragon, and both Sicilies, Jerusalem, Navarre, Granada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordoua, Corsica, Murcia, Jaen, the Algarves, Algezira, Gibraltar, the Canaries, 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. Whereas Europe has, through the unsearchable judgments of God, suffered a more bloody and obstinate war than ever yet was seen, to the ruin of the people and provinces, the rage of which no human means have been able to extinguish, till this present time, when, by
the

the grace of the Divine goodness, manifest signs have been given of a certain disposition to restore peace and quiet so much desired by the whole Christian world, but more especially by us, for the sake of what our dominions have respectively suffered. And whereas plenipotentiaries have been named by some of the principal powers engaged in the war, with sufficient authority to treat of peace, which is to be entered into with mutual friendship; we therefore being willing on our part to concur in so laudable and glorious a desire, have determined to nominate, as we do, by virtue of these presents, nominate you Don Francisco Maria de Paula, Tellez Giron, Venavides, Carrillo and Toledo, Ponce of Leon, Duke of Ossuna, our cousin, Count of Uzenna, Marquis of Pennafiel, one of the first nobles of my bed-chamber, and great chamberlain, notary major of my kingdoms of Castille, Clavero mayor and commander of the same order, and of the usagre of the Order of St. James, captain of my royal life-guards; Don John de Browkoven, Count of Bergueych, our counsellor and minister of war, and superintendant general of our finances in Flanders; and Don Isidore Cazade de Rofales, Marquis of Monteleon, our kinsman, and senator in our royal council of the Indies, our ambassadors and plenipotentiaries: Because we know that your persons are adorned with prudence, experience, zeal, and love for our interest, and the high qualities which are chiefly necessary to the direction and disposal of an affair of so great and important a consequence; we therefore charge and command you, that you immediately repair to the congress at Utrecht, which is the place appointed for treating of peace; that you may there, together with the plenipotentiaries appointed by the Kings and Potentates concerned, and provided with sufficient authority and instructions, enter into, and be empowered to enter into conferences or agreements of a particular or general peace; and we do grant full and intire power and authority to you the Duke of Ossuna, the Count of Bergueych, and Marquis de Monteleon,

leon, to you all three together, or to two of you, in case of the absence or infirmity of the other, or to one alone, in case of the absence or infirmity of the other two, to enter into, conclude, and sign in our name, a treaty of peace between us and the other Kings and Potentates in war, jointly with them all, or separately with any one of them, and to agree upon, conclude, subscribe, and deliver all instruments necessary on this occasion, and in general to do, promise, and stipulate such acts and declarations as shall be necessary to the exchange of what shall be agreed upon, and all other things whatsoever, which any way conduce or relate to the conclusion or negotiation of peace, although they are not expressed here, and with the same power, authority, and fulness, as we ourselves could do, if we were present; and even in those affairs and acts which may require a more special and express command than is contained in these full powers: and whatsoever you three, or two of you, in case of the absence or sickness of one of you, or one alone, in the like case of the absence or sickness of the other two, as is abovesaid, shall do, treat, promise, conclude, and corroborate with your subscription, we engaging our faith and Royal word, do promise to confirm and ratify, without any diminution, with the oaths and other solemnities requisite and necessary in such a case, within the time which shall be signed reciprocally by the plenipotentiaries at the said congress. In witness whereof, and for the greater force and validity of the same, we have ordered to be dispatched, and have dispatched these presents, signed with our hand, sealed with our privy seal, and countersigned by our underwritten secretary of state. Given at Madrid, the 28th day of December 1711.

I the KING.

Don Manuel of Vadillo and Velasco.

[The

[The following is printed from the copy published by authority in 1714.]

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 Fifth, the Catholic King of Spain, concluded at Utrecht, the 28th Day of ^{November}~~December~~ 1713.

ANNE, by the grace of God, Queen of Great Britain, France, and Ireland, Defender of the faith, &c. To all and singular to whom these presents shall come, greeting. Whereas the Right Reverend Father in God, our right trusty and well-beloved counsellor, John Bishop of Bristol, our ambassador extraordinary and plenipotentiary, dean of Windsor, and register of our most noble Order of the Garter, did on our part, together with the plenipotentiaries of his Catholic Majesty, conclude and sign at Utrecht, on the ²⁸/₉ day of ^{November}~~December~~ 1713, a treaty of commerce between the subjects of Great Britain and Spain, as follows :

A good and firm peace, and a true and sincere friendship, having, by the merciful assistance of God, been happily established between the most Serene and Potent Prince and Lady, Anne, by the grace of God, Queen of Great Britain, France, and Ireland, &c. and the most Serene and Potent Prince and Lord, Philip the Fifth, by the grace of God, Catholic 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 plenipotentiaries

nipotentiaries (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 $\frac{1}{2}$ 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:

[Here was inserted the treaty of Madrid, 1667; which see before in this vol. p. 5.]

Petition.

I Don Brian Johnson, consul of the English nation, in the best form I can, do declare, that his Majesty hath been pleased to dispatch divers cédulas or grants in favour of the said nation, whereby they may have a particular judge conservator, that may take cognizance of their causes, as well being plaintiffs as defendants of the said nation; and in the articles of peace, in the ninth article, and the thirty-eighth, it is expressly ordered and agreed, that they should be kept with all the exemptions granted to the said English nation, together with the rights and privileges granted to any other nation whatsoever, or to the Hans-cities: as also doth appear by another cedula set forth by the Queen our lady; and these Hans-towns have the privilege of a
udge

judge conservator, being either plaintiffs or defendants, as the said English nation hath, as appears by a copy of the said cedula, and the cedula which I now present and swear to. Given in Madrid, the twentieth day of March, in the year one thousand six hundred and seventy. I intreat your lordship therefore, to command the said cedulas and articles of peace be perused, and to order that they be observed and executed in all respects; let those of the English nation be either plaintiffs or defendants, providing as much as may be in favour of the said nation. I ask justice, &c.

Don Brian Johnson, Lic.

D. Juan de Oliver.

Cedula.

The Queen Governess.

FOR as much as the merchants of the English nation, which trade in the city of Sevilla, have represented, that they receive many vexations from the ministers which reside therein, contravening the articles between this crown and that, humbly intreating me, that for the future they may not be prejudiced in any thing that hath been agreed to or ordered in the articles of the peace, and that I would order the necessary dispatches to be given for the observance thereof: as also that the cedulas which the King my Lord (now in glory) granted them, in the year one thousand six hundred and forty-five, may have their full force and vigour, as being part of the last treaty adjusted between me and the most Serene King of Great Britain, as is referred to in the ninth article; I have consented thereunto: wherefore I order and command the president of the court of Degrees of the city of Sevilla, and all other ministers thereof, to whom belongs the performance of the one and the other, that in all respects whatsoever they inviolably execute all what is contained in the said articles of peace, and granted by the cedula referred to, whensoever they are required by

them, or authentic 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.

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 Manfilla, notary of the government of this city (before whom were published the articles of peace, which were adjusted in the year one thousand six hundred seventy-and-seven, between this crown and that of England) do give a copy of the ninth and thirty-eighth articles; wherefore I desire your lordships, and humbly intreat, that you cause to be issued out your compulsory mandate, to the end that the said Andrez Perez de Manfilla may give an abstract of the said articles. I ask justice.

Don Brian Johnson.

The Act.

THAT the said Andrez Perez de Manfilla do give, on the behalf of the said consul, an authentic 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 Majesty's 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 Gonçales de Avellanedo.*

Certificate.

Certificate.

ANDREZ Perez de Manfilla, notary public for our Lord the King, and for the government of this city, do certify, that by the registers of public 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 public 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.

Article 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 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 Catholic 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

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 Catholic Majesty.

Article XXXVIII.

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 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 myself; and that it may be manifest, in virtue of the act passed by Don Rodrigo Serrano y Trillo, of his Majesty's council, and his president in the Royal court of this city; and at the request of Don Brian Janson, I have given these presents in Sevilla, the fifteenth day of the month of September, one thousand six hundred and seventy. In testimony of the truth,

Andrez Perez de Manilla.

Certificate.

I Anthony Gonçales de Avellaneda, notary for our Lord the King, and of the Reports in the royal court of this city, and chief notary of the deputy governor's court of this city, Don Thomas de Ona, 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 testify, 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 tenor 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 Majesty's 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.

Petition.

WE Don Adrian Johnsen, consul of the English nation, which trades in this city, and Don Thomas Collins, 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 Majesty's council, and his president in the Royal court of this city, being judge conservator of the said nation, it was ordered, that the privileges granted to the said nation by his Majesty King Philip the Fourth (now in glory) should be printed, which said privileges were printed, and ordered a certificate thereof should be given, which is what we here produce; and it being convenient that a certificate of the said privileges, with the cedula of conservatorship, which said Don Geronimo del Pueyo had of his Majesty, and that which your lordship lately had, be printed, and delivered to each of us copies authorised 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,

lordships, and humbly intreat it may be so provided and commanded. We ask justice, &c.

Don Adrian Johnson.

Don Thomas Collins.

I Buenaventura 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.

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

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 Sardinia, of Cordua, of Corçega, 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, of Brabant, and of Milan, Count of Apfburg, 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 Andalusia, 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 indults, which the King my Lord and Father (now in glory) granted you, and all others whatsoever, that have been granted by my crowns of these my kingdoms of Castille and of Portugal, commanding that they be observed and accomplished 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 punishments 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, passed 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 them, and the rest of the favours, indultos, which the King my Lord and Father granted you, and any others whatsoever which have been granted by my crowns of Castille and Portugal, to the said vassals in all, and through all, as therein,
and

and in every thing, and in part thereof, is specified, contained, and declared, that they may be firm, stable, and valid to you, and be observed to you, kept, and fulfilled, because that my intention and deliberate will is, that all those of the said nation may enjoy and do enjoy them without any limitation, with condition, that during the time they shall reside in Andaluzia, the said English may not be put upon any office, or in any public post, nor made guardians, trustees, nor collectors, although they may be of the duties of Alcavalus and Milones, 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.

And to do you further favour, in conformity of what is capitulated in the said peace, I will and permit that you may and do trade and commerce freely, and sell your merchandizes 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 galloons, neither for the Asentistas nor Estranqueros, 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 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.

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 not against the persons; permitting them, as I do permit them, that they may make and do make their defences against the said vexations.

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.

And

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 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 remain 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 other manner whatsoever; and for the execution and accomplishing of all the aforesaid, I command those of my privy council, and the rest of my counsellors, juntas, and tribunals of my court, and the presidents and justices of

I .+

my

my courts, as also the judges and justices 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, magistrates, and other inferior officers, as well of the said cities of Sevilla, Cadiz, and Malaga, and San Lucar de Barrameda, as of all other cities, towns, and places of these my kingdoms and dominions, and judges and justices thereof, of whatever quality and condition they may be, to whom principally or accidentally it shall concern in any manner whatsoever, 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 public notary (to which shall be given as much credit as to the original) each one for that part which shall concern him, observe and accomplish, cause to be observed and accomplished, in all, and through all, as is contained therein, without that in the whole, or in part, there be put any impediment, or other doubt or difficulty, that shall oppose or contravene its tenor and form, nor consent or allow that it be interpreted, limited, or suspended, in whole or in part, contrary to the cédulas, provisions, or other orders for observance thereof, in that part which shall relate to each of you, and that they provide and give the necessary orders for the greater security of the favour, which by this my letter I grant you, and that at all times this favour may be certain and secure to you, that you may have a judge conservator for Andalusia, 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 of the said privileges, liberties, and exemptions (which may oblige and compel all and every person whatsoever, of whatsoever condition or quality soever they be) as shall concern the said nation, as well in those in which they shall be defendants, as in those in which they shall be plaintiffs, although the person

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 pre-eminences 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 San Lucar, may substitute his conservatorship in the person 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 accomplished 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 pre-eminences, 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 followed in all causes and law-suits for what relates
thereunto,

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 appeal, 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 commission as in law is required, and is necessary, with their incidences, dependencies, 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

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 convenient 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, marquisses, 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 San Lucar, and all others which they have or may have to the contrary notwithstanding, for as much as doth concern these presents, accounting it to be here inserted and incorporated, as if it had been word for word: and of this my letter, Geronimo 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 paid 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

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.

I Anthony Carnero, secretary of the King our Lord, ordered this to be written by his command.

Lic. Don Juan Camacero y Carrillo.

El Lic. Don Antonio del Campo Redondo y Rio.

Dr. Joseph Gonfales, Register.

Miguel de Olaragiar.

Tomè la Razon.

Geronimo de Cuenca.

Obedience.

IN 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 Majesty by it commands, and accepts the title of such judge conservator, and firmed it.

Lic. Don Francisco de Vergara.

Before me, *Fernando*, Infantes Notary.

Decree of the Court of Sevilla.

MONDAY, the twenty-fourth of April, the English nation, the lords the governor, and general assembly,

bly, ordered it to be ingrossed, when offered by the said nation.

Francisco Carrion de la Serna.

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

THE KING.

TO 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 appertain 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, pre-eminences, and amplifications in the said decree declared, for having offered to serve me with two thousand five hundred ducats of silver, according as more largely thereby doth appear, to which I refer myself; 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 defendants, as in those in which they shall be 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 pre-eminence 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 expressed, I have thought fit to give charge to you, and by this present do give you charge of the protection and defence hereof, and command you that you see the said decree, and the conditions, pre-eminences, and amplifications therein contained, and all of it, be observed and accomplished in form accordingly, and after the manner that in the said decree, and in this my cedula, is declared, without consenting or allowing that in the whole or in part may put or be put any doubt or difficulty; and before you, and not before any other judge, at the first instance, shall be brought and followed all causes and law-suits, which thereupon, or any other thing or part thereof, shall be made, and cause cognizance to be taken of all causes civil and criminal, in which they shall be prosecuted, or against them shall be attempted; and before you shall be brought whatsoever law-suits and causes which shall concern the said English, between whatsoever persons or whatsoever quality they may be, and the execution
and

and chastisement of those that shall disobey; because that my will is, that the cognizance and determination of all that is contained in the said provision, and in this my cedula of amplification, specially shall and do 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 being vacant by promotion or otherwise, him who shall be named, shall have his dispatches in due form, according as in this my cedula is ordained; and that it may the better be accomplished, all that is contained in the said decree, and in this my cedula, I grant you licence, power, and authority, that you may substitute, and do substitute this commission for matters and law-suits that shall offer in the said cities of Cadiz, Malaga, and San Lucar, 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

and that all may be observed in the form, which by it is ordained and commanded, any laws and pragmatics 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 vigour for the future. Done in 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 PHILIP, by the grace of God, King of Castille, of Leon, of Arragon, 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 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,

conditions, amplifications, and pre-eminences, in the said decree and cedula contained, referring myself 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 Don 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 hindered 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 being plaintiffs as defendants, with any person whatsoever you should trade with, your intent being only to enjoy 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 pre-eminences, 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 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.

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, 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 clergymen, friars, 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 Alcala and Almojarifazgo, with this condition, that you be obliged, as I oblige you, that you shall register all the said kinds of fish aforesaid, as you are obliged to

do, according to the general dispatches, without that this may be in any manner avoided.

And because from the visits which the farmers of duties make you, there results a great deal of trouble, I will and command, that in the cities of Malaga, San Lucar, and Cadiz, be observed to you, and kept the privilege, that they may not examine the merchandizes which are in your houses, according to what is ordered and commanded by the said decree of the nineteenth of March of this present year, being the same which is granted to those who reside in the city of Sevilla: and likewise I command, that the said search may not be made by any farmer, if in the custom-house you have paid all the duties: and that this be observed to you, and accomplished inviolably.

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 almozarifazgo, upon searching them, as they enter the ports, cause great vexations and trouble to the masters of them, and shut up the holds 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 almozarifazgo, and every of them, 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 almozarifazgo and the admiralty, since you owe nothing. And when there shall come into the said ports of Malaga, Cadiz, 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 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 much trouble and vexation, if they find in the ship any money; and it being necessary that the masters have a sum according to the tonnage, to buy sails, cables, anchors, and other necessary stores; I give licence and permission, that, having first made a register, as is usual, every ship may have three pieces of eight for every ton, for the said purpose,

purpose, and not for any other, without therefore that upon that account they be put to any trouble.

And because that also they of the excise-office of the said city of Sevilla occasion you trouble, vexation, and law-suits, saying, that there is an order that you shall manifest the butter, leather, and other merchandizes and provisions, and that you declare the price you sell them at, and to what persons, by which means it is two years since that you have not brought any butter to the said city, and the order doth not relate to the strangers that bring these goods and provisions by sea, but only with the retailers that go to buy them in the ports, and bring them to the said city to gain by them; I declare that you have no obligation to make the said manifest and declaration, nor can 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.

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.

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, 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, ordinances, statutes, use, and custom, which they have, or might have, to the contrary notwithstanding; with which, for as much as relates to these presents, I dispense, abrogate, and derogate, make void and null, and give for no value and effect, these presents remaining in full force and vigor for the future; and of this my letter, the clerks of my royal treasury are to take notice; and I declare, that for this grant you have paid the duty of the Media anata. Given in Valencia, the nineteenth day of November, in the year one thousand six hundred forty-five.

I the KING.

Antonio Carnero, secretary of our Lord the King, caused this to be writ, by his command.

Dr. Don Juan Chumazero y Carrillo.

Don Antonio de Campo Redondo y Rio.

Don Joseph Gonzales, Register.

Miguel de Oliariaga, deputy of the high court of chancery.

Miguel de Oliariaga.

For

For this confirmation, hath been paid to the Media 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 Majesty's cedula, written in the two leaves before this, by *Pedro de Leon*.

Taken an account of his Majesty's cedula, written in the two leaves before this. *Martin de Medina Lasso de la Vega*.

I N 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 Araciél, of his Majesty's 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 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 Araciél*.
Before me, *Gonzales de Avellaneda*, Notary.

According to what is manifest, and appears by the said foregoing petition, cédulas, and act, to which I refer myself, and by command of the said governor, I have given these presents in Sevilla, the fourteenth day

K 4

of

of the month of October, in the year one thousand six hundred forty-nine.

Antonio Gonçales de Avellaneda.

T H E K I N G.

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, exemptions, and liberties which belong to them, as well by the articles of peace, as by the confirmation, and other grants and indultos, which the King my Lord and Father (now in glory) granted them, with all the qualities, conditions, pre-eminences, and amplifications, in the said decree declared, as thereby more largely it doth appear, to which I refer myself; one of the conditions which I then did grant them was, that I should appoint and grant them a judge conservator for Andaluzia, principally for the said two cities, and San Lucar de Barrameda, to whom should be given sufficient commission for the observance and accomplishment of the said privileges, liberties, and exemptions, who should take cognizance of all causes civil and criminal (in which they were defendants) which against them shall or should be brought, and before him should pass all the suits and causes whatsoever, which should concern the said English, or other persons whatsoever, of whatsoever quality they may be, as well in those in which they shall be plaintiffs as defendants, though 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 pre-eminence or immunities

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 commission 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 commission 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 English 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 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, pre-eminences, 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,

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 in the jurisdiction of the said first instance (which by this my cedula I grant you) either by way of excess, appeal, or any other manner of recourse; to whom, and to each of them, I inhibit, and hold for inhibited, their cognizance, and declare them for judges incompetent thereof; for the whole, and each thing and part thereof, I grant you the most full power and ample commission, which by law is required and is necessary, with its incidences, dependencies, annexities, and connexities; and after you, the said English nation in the said city of Sevilla have power to name in the said commission one of the judges of that court, whom the said nation shall think fit; and I command the president, and those of my council, that presenting his name before him, the said commission happening to be vacant by promotion, or vacation, or by any other manner, that you give the needful dispatches to him that shall be named therein, in form, according

ording 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 laws and pragmatics 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 Cernero.

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 Majesty's Royal decree, contained on the other side, to Don Geronimo del Pueyo Araciél, of his Majesty's 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

and to administer justice to the parties; and so provided, commanded, and firmed these presents.

Don Geronymo del Pueyo Araciél.

Before me, *Antonio Gonçalves de Avellaneda*, Notary.

The QUEEN Governes.

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 Andalusia, principally in this city, and in that of Cadix and San Lúcar, 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 pre-eminences to be observed, and that he should be one of the judges of the said court, which the said nation should name, and in the form, and with the qualities and conditions in the said decree declared: and by a cedula of the twenty-sixth of November, one thousand six hundred forty-and-eight, a commission was past for it to Don Geronymo del Pueyo Araciél, who was of the council, and regent of our said court, wherein have succeeded, by virtue of his Majesty's said cedula, the regents which, after the said Don Geronimo, 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 therein, who
also

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 Geronimo del Pucyo Araciél, for the said observance and preservation of the articles, conditions, and pre-eminences, 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 connexities; 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.

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 firmed it.

D. Rodrigo de Serrano y Trillo.

Before me, *Antonio Gonçalves de Abellaneda*, Notary.

All which being seen by his lordship the said regent, he made an act of the tenor following, viz.

The Act.

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 Araciél, 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

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 Gonçalves de Avellaneda*, Notary.

According to the tenor of the said petition, certificate, and cedulas, 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 Gonçalves de Avellaneda.

Petition.

MR. John Bater, deputy of the English nation, declares, that soliciting for the said nation, the searching for a cedula from his Majesty, and the lords of his Royal council of Castile, dated the twelfth of July of the year past, one thousand six hundred seventy-and-four, which said cedula hath reference to Don Francisco Diaz de Vallecilla, judge, which came to this city with a commission to search after prohibited goods and things exported, wherein it is ordered, that the merchants books of the said nation may not be visited. A copy of the said cedula hath been found, authorized by Joseph de Casas, notary public 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; 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

may take a copy of the said royal cedula, that it may remain in the secretary's 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 lent it me. I ask justice, &c.

John Bater.

147.

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 Majesty's 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.

Royal Decree.

DON CARLOS, by the grace of God, King of Castille, of Arragon, of the Two Sicilias, of Jerusalem, of Navarre, of Granada, of Valencia, of Galicia, of Mallorca, of Sevilla, of Cerdeña, of Cordova, of Corcega, of Murcia, of Jaen, Lord of Biscay, of Molina, &c. the Queen Doña Mariana de Austria, his mother, as his tutrefs, guardianefs, and governess 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 traffic and correspondence, which
said

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 registered, nor taken from them; upon which occasion, those of the said nation have had recourse to Don Carlos de Herrera Ramirez de Arellano, 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 disquiet and disturb those of the said nation, 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 public 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

Vol. II. L ‘ inhabitants

‘ inhabitants and subjects of the one part and the other,
‘ may in all parts or territories, under the obedience of
‘ the said Kings, make use of advocates, proctors, no-
‘ taries, and solicitors, which they shall best think fit,
‘ to whom they may give charge of their law-suits, by
‘ consent of the judges in ordinary, 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 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 law-
‘ ful 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
‘ traffic and correspondence in what tongue they
‘ will, in Spanish, English, Flemish, or any other,
‘ without that by reason hereof they may be molested,
‘ or examined with what else is granted to any other
‘ nation in particular, relating to the said books of
‘ traffic or correspondence ;’ 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 through all, as is therein contained, without contra-
vening it under any pretext whatsoever, and a penalty
of twenty thousand maravedis for our exchequer ; and
we command under the said penalties any notary
whatsoever, who shall be required to notify you with
this our letter, to give you a certificate 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

I Miguel Fernandes de Noriega, his Majesty's secretary of state, and of the council, ordered this to be written, by his commands, and with consent of his council. Registered by

D. Pedro de Castañeda, High Chancellor.

D. Pedro de Castañeda.

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 myself; 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 stamped 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 Public.

Agrees with the petition, and act, and copy of the abstract drawn of the royal decree, to which I refer myself; which I took out by virtue of the said act, and returned the said copy of the said royal decree to Don John Bater, deputy of the English nation, of this city of Sevilla, the fifth of July, one thousand six hundred eighty and nine.

John Bater.

Henry Leyder.

This copy agrees with the royal cédulas, petitions, and acts from whence it was drawn, and for that purpose, D. Juan Joseph de Pino y Alçola, inhabitant of this city, agent of the English nation, and merchants which reside therein, did exhibit it before me Alonso del Pino y Alçola, notary public 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 Public of Sevilla.

We the notary publics, of the number of this city of Sevilla, who have hereunto subscribed, do certify that Alonso del Pino y Alçola, by whom this copy is signed and firmed, is a notary public of Sevilla, and that to the writings and instruments, which before the above-said 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 August, of the year one thousand six hundred and ninety.

Joseph Lopez Albarran, Notary Public of Sevilla.

Pedro Prieto, Notary Public of Sevilla.

Toribio Fernandez, Notary Public of Sevilla.

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 stamped, 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 Public.

We

We do certify, that Francisco del Solar, by whom this copy goes signed and marked, is a notary public, 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 Public.

Juan Ortiz, Notary.

We the merchants of this city of Cadiz, which have hereunto subscribed, do certify, that Francisco del Solar, by whom this copy is signed and marked, and the three which prove him, are all 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 Russel of the English nation, inhabitant of this city, to which I refer myself; and I returned him the one and the other, and he hath given here his receipt, and at his request I have signed and rubricked 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 Public.

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 something else shall be established in the following articles, 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 Catholic 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 imposts 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, merchandize, ships, freighting, 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

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 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 Catholic Majesty's 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 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 commissaries 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

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 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 looked upon as fraudulently transported. But as to the payment of the rights commonly called *de Alcavalos*, *Cientos*, and *Millones*, it is agreed, that it shall be regulated according to the fifth and eighth article of this treaty.

But because the Spanish ambassadors are persuaded, that the duties in every port of Spain cannot be reduced to the same rule with those which are or may become customary in Cadiz or the port of St. Mary's, without violating the laws of Spain, and several privileges there, which have the force of laws, nor without the too great prejudice of their King and master, it is therefore thought proper to leave this matter to the determination of the commissaries who shall be appointed to settle the new book of rates.

But his Catholic Majesty promises, that he will immediately take off all augmentations of duties in the said ports, which have been introduced there since the time of Charles the Second, on occasion of the war, or under the title of *Habilitations*, or any other whatsoever, and that either the same rule shall be observed in those ports, which is agreed to in the ports of St. Mary's and Cadiz, or else at least that the same rule shall be observed, as well before as after the said new book of rates shall be

be made, which had obtained in each respective port in the time of King Charles the Second; so that hereafter no greater duties shall be exacted there, or in any other place of passage, than what were paid in the said places in the time of Charles the Second. In the same places shall be likewise observed what has been above appointed in this article concerning the rights de Alcavalos, Cientos, and Millones.

As to the ports of Guipuscoa and Biscaya, and others, not subject to the laws of Castille, in which less duties were paid in the time of Charles the Second than at Cadiz, or in the port of St. Mary's, his Catholic Majesty promises, that those duties shall not be augmented in the said places by the new book of rates, but shall, in the mean time, remain as they were in the time of Charles the Second. All wares, however, brought into the ports of Biscaya and Guipuscoa, which shall afterwards be carried by land into the kingdoms of Castille or Arragon, shall be bound to pay such duties, in the port where they first enter the said kingdoms, as were paid there in the time of Charles the Second, or else such as shall be established by the new book of rates.

IV. The Catholic 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 warehouses fit for the preservation of their merchandize, 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 treaty of 1667, or of any diploma or ordinance granted by their Catholic 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

V. To prevent abuses in collecting the rights called de Alcavalos and Cientos, his Catholic 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 and 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 Catholic Majesty's 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 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 and Cientos, and all others whatsoever.

His Catholic 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 2,000 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

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, entered 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 between their Majesties and their kingdoms, then, according to the contents of the thirty-sixth article of the afore-mentioned 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, merchandizes, 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 obtain 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 public 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

(contrary to the tenor of the thirty-sixth article of the above-mentioned 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 entrusted, and restitution shall be made of those goods, whether 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 articulated and agreed that the said payments (the pretensions to them being, as is aforesaid, fully proved) shall faithfully be performed and made by their treasurers on each part.

VIII. It is agreed, and his Catholic 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 Catholic Majesty promises, that those merchandizes 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 merchandizes 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 part of his merchandizes at the rate set upon them, as hath been

been mentioned, to the farmer or commissary, instead of the duty, and retain the rest.

X. It is agreed, that in case the British subjects shall bring any wares from any part of the coasts of Africa, into Spain, and the same shall be admitted to pay the duties, those being duly paid, the said wares shall not afterwards be charged, either by the captains general of the coasts, or commanders of the harbours, or any body else, with any other duties, under what name or title soever, excepting such as are payable in general for all wares of the same sort, at the time of their sale.

XI. The masters of merchant-ships, who shall enter into any port of Spain with their ships, shall be obliged, within twenty-four hours after their arrival, to deliver two declarations or inventories of their wares, or of that part of them which they are to unlade there, viz. one declaration to the farmer of the custom-houses or commissary, and another to the judge of the contraband, nor shall they open the hatches of their ships, till they either have searchers with them, or have leave given them by the farmer of the custom-houses to do it. No wares shall be unladen with any other view than that of being immediately carried to the custom-houses, according to a permission which shall be given in writing for that end. It shall not be lawful however for any of the judges of contraband, or other officers of the custom-houses, under any pretence whatsoever, to open any bags, 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 merchandize instead of another, it shall be lawful for him to open all the bags, chefts, 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 chefts, 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 merchant's 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 and Cientos, of the intent with which those goods are removed, to wit, whether it be that they should be sold, that in that case those duties, if not paid before, may be paid there, or at the place of sale; or if they are not to be sold, then a certificate may be given, after the usual manner, to the merchant. Furthermore, it shall be lawful to carry wares from any port or place within the King of Spain's dominions to any other port or place, either by sea or land, under such conditions as are expressed in the fifth article of this treaty.

XII. The duties upon merchandize brought into the Canary Islands, exported from thence by British subjects, shall not be greater than those that were paid in the reign of the late King Charles the Second, or such as shall become payable by the new book of rates.

XIII. The subjects of each of their Majesties, who are in debt to the subjects of the other, whether the debts were contracted before the beginning of the said war,
or

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 Catholic 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 ninth and thirtieth articles of the treaty of 1667.

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 something certain shall be determined in this matter, his Catholic Majesty will give express orders to all and every one of the judges of his kingdom, and to all others whomsoever, who are anyways concerned in the administration or execution of justice, and shall enjoin 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 Catholic 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 Catholic Majesty, shall violate this treaty, or any article of it, he shall be responsible for all the damage occasioned by it; and if he be placed in any public office, he shall, besides making satisfaction to the injured party (as is aforesaid) be deprived of his office also.

XVII. The

XVII. The subjects of Great Britain having brought by sea from any other port in Spain, wine, brandy, oil, soap, dried grapes, or other merchandizes, and producing certificates, that the duties were paid at the place whence they set sail, shall be suffered to put the same into their ships lying at Cadiz, 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 Catholic 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 Catholic King, have signed and sealed this present instrument, at Utrecht, the ^{Twenty eighth}
Ninth day of ^{November,}
December, in the year of our Lord 1713.

(L. S.) *Job. Bristol.*

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

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

WE having seen and considered the above-written treaty, have approved, ratified, and confirmed the same, as we do by these presents, for ourselves, 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 :

VOL. II.

M

III. Whereas

III. Whereas by the late treaty of peace it is agreed and established 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 present treaty of commerce, and is to be understood reciprocally in favour of the King of Spain's subjects trading in the dominions of Great Britain. And as nothing can contribute more to establish the commerce to a mutual benefit than a fixed, clear, and easy rule in paying the duties, especially on a moderate footing, and proportionable to the value of the merchandize, in order to prevent the frauds that otherwise would be practised, to the prejudice of the revenues of either crown, which has been often experienced in Spain, where the established duties by the ancient books of rates are excessive; in consideration whereof his Catholic Majesty, being desirous to avoid the like consequences, and to favour, augment, and facilitate, in all that depends upon him, the commerce, in as ample a manner as her Britannic 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, piece, 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 Guipuscoa, whose duties of importation and exportation are to remain as they were in the time of Charles the Second.

cond. And that the said 10 *per Cent.* being once paid, the farmers or officers of the custom-houses where those goods shall be entered, 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 Catholic 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 receipts 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 Millones, 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 Catholic and Britannic Majesties, by their ambassadors, that in the term of three months from the ratification of this treaty, or sooner, if possible, commissaries named and authorized by both their Majesties in due form, shall meet at Madrid or in Cadiz, who, without loss of time, shall proceed to the forming a new book of rates, in such a manner as to fix and limit what shall be paid for the future on all sorts of merchandize, as well upon importation as exportation; and so as that all the different duties which were payable, either before or in the time of Charles the Second, or since, under whatsoever name or pre-

tence, or collected in different custom-houses or offices, shall be comprehended in this only duty, payable in one sum, whether upon importation or exportation, 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 Guipuscoa 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 Guipuscoa, 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 and Cientos, his Catholic Majesty consents that the subjects of her Britannic 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 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,

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 Catholic 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 2,000 crowns to the benefit of his Majesty's revenues. And the officers of the custom-houses shall not demand or take, for making such receipts or certificates, more than 15 reals Vellon, unless it be otherwise settled in the new book of rates.

VIII. His Catholic Majesty consents, that the duties commonly called Millones, which are payable upon fish and other sorts of domestic 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 occasion the least impediment, the said officer shall be fined 2,000 crowns, for the benefit of his Majesty's 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, 17¹³/₁₄, in the twelfth year of our reign.

A N N E R.

ANNE, by the grace of God, Queen of Great Britain, France, and Ireland, Defender of the Faith, &c. To all and singular to whom these presents shall come, greeting. Whereas the Right Reverend Father in God, our right trusty and well-beloved counsellor, John Bishop of Bristol, our ambassador extraordinary and plenipotentiary, Dean of Windsor, and register of our most noble Order of the Garter, did on our part,

together with the plenipotentiaries of the most Serene Catholic King, conclude and sign at Utrecht, on the $\frac{28}{9}$ day of $\frac{\text{November}}{\text{December}}$, 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 plenipotentiaries, who were severally furnished with sufficient authorities, and is as follows :

Separate Article.

BY the present separate article, which shall be altogether of the same validity and force as if it was inserted word for word in the treaty of commerce this day concluded, between their Royal Majesties of Great Britain and Spain, and shall for that end be ratified, as well as the said treaty ; his Catholic 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 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 Catholic 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 Catholic Majesty, have signed and sealed these presents, at

M 4

Utrecht,

Utrecht, the $\frac{28}{9}$ th day of ^{November,}_{December,} in the year of our Lord 1713.

(L. S.) *Job. 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, 17 $\frac{13}{14}$, in the twelfth year of our reign.

ANNE R.

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 public 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 Catholic 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 wholesome work

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 Catholic King. Know ye, therefore, that we reposing 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 well-beloved counsellor John Lord Bishop of Bristol, keeper of our privy seal, Dean of Windsor, and register of our most noble Order of the Garter; and of our right trusty and right well-beloved cousin and counsellor Thomas Earl of Strafford, Viscount Wentworth of Wentworth Woodhouse, and of Stainborough, 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, commissaries, 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 Catholic 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 Catholic 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

doing and performing all things which they shall judge to be any ways necessary or convenient towards 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 ourselves were present; promising and engaging our Royal word, that we will approve and ratify all and every one of the articles, which by virtue of these presents shall be transacted, concluded, and signed by our said ambassadors extraordinary, commissaries, 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.

DON PHILIP, by the grace of God, King of Castille, Leon, Aragon, and both Sicilies, Jerusalem, Navarre, Granada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordova, Corfica, 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

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 bed-chamber, and great chamberlain, and cup-bearer, chief notary of our kingdoms of Castille, knight of the Order of Calatrava, great treasurer of the said order and knight-hood, commendador thereof, and of the Usagre in the Order of St. James, and captain of the first company of our 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 ambassadors extraordinary and plenipotentiaries, by reason of the intire 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 ourselves 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 afore-mentioned 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 anywise 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 ratify the same, within the time that shall be reciprocally agreed : declaring that in
case

case of absence or sickness of either of you, the said Duke of Osuna, and Marquis of Monteleon, the other of you 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 ratify the same, with all the solemnities and forms that are necessary, and in the same manner as if it had been adjusted and concluded by both of you. In testimony whereof we have commanded to be dispatched, and we do dispatch these presents, signed with our hand, sealed with our privy seal, and countersigned by our under-written secretary of state. Given at Madrid, the twentieth day of October, 1713.

I the KING.

Manual de Vadillo y Velasco..

We do certify, that this present writing is a copy taken word for word from the original power, with which his Majesty has honoured us. Hague, the twenty-third of February, 1714.

Duque de Osuna.

Marque de Monteleon.

[The following is printed from the treaty which was published by authority in 1717.]

The Treaty of Commerce between the most Serene and most Potent Prince George, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, &c. and the most Serene and most Potent Prince Philip V. the Catholic King of Spain. Concluded at Madrid the $\frac{14^{th}}{3d}$ of December, 1715.

GEORGE, by the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, &c. To all and singular to whom these present letters

ters shall come, greeting. Whereas a certain treaty of commerce between us and our good brother Philip the Fifth, the Catholic King of Spain, was concluded and signed by ministers plenipotentiaries, empowered with sufficient authority on both sides, at Madrid on the $\frac{1}{3}$ day of this present month, in the form and words following :

Whereas since the treaties of peace and commerce lately concluded at Utrecht, on the 13th of July, and 9th of December, 1713, between his Catholic Majesty and her late Majesty the Queen of Great Britain (of glorious memory) some differences remained about commerce, and the course thereof; their Catholic and Britannic Majesties, being inclined to maintain and cultivate a firm and inviolable peace and friendship, have (for attaining so good an end) by the two ministers reciprocally and in due form authorized for this purpose, caused the following articles to be concluded and signed.

I. The British subjects shall not be obliged to pay higher or other duties for goods which they shall bring in or carry out of the several ports of his Catholic Majesty, than those which they paid for the same goods in the time of King Charles the Second, settled by cedulae and ordinances of the said King or his predecessors; and though the favour or allowance called *Pie del Fardo*, be not founded on any royal ordinance, yet his Catholic Majesty declares, wills, and ordains, that it shall be observed now and for the future, as an inviolable law; which duties shall be demanded and collected, now and for the future, with the same advantages and favours to the said subjects.

II. His Catholic Majesty confirms the treaty made by the British merchants with the Magistrates of St. Ander, in the year 1700.

III. His Catholic Majesty allows the said subjects
to

to gather salt in the island of Tortudos, they having enjoyed that permission in the time of King Charles the Second without interruption.

IV. The said subjects shall not any where pay higher or other duties, than those which his Catholic Majesty's subjects pay in the same place.

V. The said subjects shall enjoy all the rights, privileges, franchises, exemptions, and immunities whatsoever, which they enjoyed before the last war, by virtue of the royal cedulae or ordinances, and by the articles of the treaty of peace and commerce made at Madrid in 1667, which is fully confirmed here ; and the said subjects shall be used in Spain in the same manner as the most favoured nation, and consequently all nations shall pay the same duties on wool and other merchandize which shall be brought into, or carried out of these kingdoms by land, as the said subjects pay on the same goods which they shall import or export by sea ; and all the rights, privileges, franchises, exemptions, and immunities, which shall be granted or permitted to any nation whatever, shall likewise be granted and permitted to the said subjects ; the same shall be granted, observed, and permitted to the subjects of Spain in the kingdoms of his Britannic Majesty.

VI. And as there may have been innovations in commerce, his Catholic Majesty promises to use all possible endeavours on his part for abolishing them, and for the future will by all sorts of means cause them to be forborn. In the like manner his Britannic Majesty promises to use all possible endeavours for abolishing all innovations on his part, and for the future will by all sorts of means cause them to be forborn.

VII. The treaty of commerce made at Utrecht on the 9th of December 1713, shall remain in force, those articles excepted which shall appear to be contrary to what is concluded and signed this day, which shall be
abolished

abolished and of no force, and especially the three articles commonly called explanatory; and these presents shall be approved, ratified, and exchanged on both sides within the term of six weeks, or sooner if it be possible.

In witness whereof, and by virtue of our full powers, we have signed these presents, at Madrid, on the fourteenth of December, one thousand seven hundred and fifteen.

El Marq. de Bedmar, (L. S.)

George Bubb, (L. S.)

[The following is printed from the treaty which was published by authority in 1718.]

Treaty of Alliance for settling the public Peace. Signed at London ^{July 22,}_{Aug. 2.} 1718.—Note. This Treaty is commonly called The Quadruple Alliance.

IN the name of the Most Holy and Undivided Trinity.

Be it known to all whom it doth concern, or may any way concern.

Whereas the most Serene and most Potent Prince George, of Great Britain, France, and Ireland, King, Duke of Brunswick and Lunenburgh, Elector of the Holy Roman Empire, &c. and the most Serene and most Potent Prince Lewis XV. the most Christian King, &c. as likewise the High and Mighty States General of the United Provinces of the Netherlands; being continually intent on preserving the blessing of peace, have duly considered, that however, by the triple alliance concluded by them on the 4th day of January 1717, their own kingdoms and provinces were provided for, yet that the provision was neither so general nor so solid, as that the public tranquillity could long flourish and last, unless at the same time the jealousies

lousies which were still increasing between some of the Princes of Europe as perpetual occasions of variance, could be removed: and being convinced by experience from the war kindled the last year in Italy, for the timely extinguishing whereof by a treaty made the 18th day of July, N.S. in the year 1718, they agreed among themselves upon certain articles of pacification, according to which a peace might be brought about and established between his Sacred Imperial Majesty and the King of Spain; as likewise between his said Imperial Majesty and the King of Sicily, and farther gave a friendly invitation to his Imperial Majesty, that out of his love for the public peace and quiet, he would receive and approve the said articles of convention in his own name, and accordingly that he himself would accede to the treaty made by them, the tenor of which is as followeth.

Conditions of Peace between his Imperial Majesty and his Royal Catholic Majesty.

I. For quieting the disturbances lately raised contrary to the peace of Baden, concluded the 7th day of September 1714, as likewise to the neutrality established for Italy by the treaty of the 14th day of March 1713, the most Serene and most Potent King of Spain obliges himself to restore to his Imperial Majesty, and accordingly shall immediately, or at the farthest after two months, to be reckoned from the exchange of the ratifications of this present treaty, actually restore to his said Imperial Majesty the island and kingdom of Sardinia, in the condition wherein he seized it, and shall renounce in favour of his Imperial Majesty all rights, pretensions, interests, and claims upon the said kingdom; so that his Imperial Majesty fully and freely, and in the manner which he judges best, out of his love to the public good, may dispose of it as of his own property.

II. Whereas the only method which could be found out for fixing a durable balance in Europe was judged
to

to be this, that it should be an established rule that the kingdoms of France and Spain should never go together, or be united in one and the same person, or in one and the same line, and that those two monarchies should henceforward for ever remain separate ; and whereas for confirming this rule, so necessary for the public tranquillity, those Princes, to whom the prerogative of birth might have given a right of succeeding in both kingdoms, have solemnly renounced one of those two kingdoms for themselves and all their posterity ; so that this separation of the two monarchies has passed into a fundamental law in the general assembly commonly called Las Cortes, which was received at Madrid the 9th day of November 1712, and consolidated by the treaties of Utrecht, the 11th day of April 1713 ; his Imperial Majesty being willing to give the utmost perfection to so necessary and wholesome a law, to take away all ground of suspicion, and to promote the public tranquillity, doth accept and agree to those things which were done, ratified, and established in the treaty of Utrecht, with regard to the right and order of succession to the kingdoms of France and Spain, and doth renounce, as well for himself, as for his heirs, descendants, and successors, male and female, all rights, and all and every pretension whatsoever, not one in the least excepted, on any kingdoms whatsoever, dominions, and provinces of the Spanish monarchy, whereof the Catholic King was acknowledged to be the rightful possessor by the treaty of Utrecht, and will cause to be made out in due form accordingly solemn acts of renunciation, which he will cause to be published and registered in the proper courts, and promises that he will exhibit the usual instruments thereupon to his Catholic Majesty and to the contracting Powers.

III. By virtue of the said renunciation, which his Imperial Majesty has made out of regard to the security of all Europe ; and in consideration likewise that the Duke of Orleans has for himself and for his descendants renounced all his rights and claims upon the

kingdom of Spain, on condition that neither the Emperor, nor any of his descendants, shall ever succeed to the said kingdom; his Imperial Majesty doth acknowledge Philip V. to be lawful king of Spain and of the Indies, and doth promise to give him the titles and prerogatives belonging to his dignity and his kingdoms; and moreover, he will allow him, his descendants, heirs, and successors, male and female, peaceably to enjoy all those dominions of the Spanish monarchy in Europe, the Indies, and elsewhere, the possession whereof was allowed to him by the treaties of Utrecht, nor will he directly or indirectly disturb him in the said possession at any time, nor will he claim to himself any right to the said kingdoms and provinces.

IV. In return for the renunciation and acknowledgment made by his Imperial Majesty in the two foregoing articles, the Catholic King, as well in his own, as in the name of his heirs, descendants, and successors, male and female, doth renounce in favour of his Imperial Majesty, his successors, heirs, and descendants, male and female, all rights and claims whatsoever, none in the least being excepted, upon all and every the kingdoms, provinces, and dominions, which his Imperial Majesty doth possess in Italy or the Netherlands, or may accrue to him by virtue of this present treaty; and he doth wholly abdicate all rights, kingdoms, and provinces in Italy, which heretofore belonged to the Spanish monarchy, among which the marquisate of Final, yielded by his Imperial Majesty to the republic of Genoa in the year 1713, is understood to be expressly comprehended; and he will cause to be made out accordingly solemn acts of renunciation in due form, which he will cause to be published and registered in the proper courts, and promises that he will exhibit the usual instruments thereupon to his Imperial Majesty and the contracting Powers. His Catholic Majesty doth in like manner renounce the right of reversion of the kingdom of Sicily to the crown of Spain, which

which he had reserved to himself, and all other claims and pretensions under pretext whereof he might disturb his Imperial Majesty, his heirs and successors, directly or indirectly, as well in the aforesaid kingdoms and provinces, as in all other dominions, which he actually possesses in the Netherlands or elsewhere.

V. Whereas in case the Grand Duke of Tuscany, or the Duke of Parma and Placentia, or their successors, should die without male issue, the pretensions of succession to the dominions possessed by them might kindle a new war in Italy, on account of the different rights of succession, whereby, after the decease of the next heirs before her, the present Queen of Spain, born Dutchess of Parma, claims the said dukedoms to herself on the one part, and the Emperor and Empire on the other part: to the end that the great disputes, and the evils arising from them, may be timely obviated, it is agreed that the states and dutchies at present possessed by the Grand Duke of Tuscany, and Duke of Parma and Placentia aforesaid, shall in time to come be held and acknowledged by all the contracting Powers as undoubted male-fiefs of the Holy Roman Empire. His Imperial Majesty on his part doth consent by himself as head of the empire, that whenever it shall happen that the said dutchies shall lie open for want of heirs male, the first-born son of the said Queen of Spain, and his descendants, being males, born in lawful matrimony, and in default of them the second-born, or other the younger sons of the said Queen, if any shall be born, together with their male descendants, born in lawful marriage, shall in like manner succeed to all the provinces aforesaid. To which end it being necessary that the consent of the empire be also given, his Imperial Majesty will use all his endeavours to obtain it; and having obtained it, he will cause the letters of expectative, containing the eventual investiture for the son of the said Queen, or her sons, and their legitimate male descendant, to be expedited in due form; and he will cause the said let-

ters to be delivered to the Catholic King immediately, or at least after two months from the exchange of the ratifications: without any damage nevertheless, or prejudice, to the Princes who now have possession of the said dutchies, which possession is to remain entirely safe to them.

It is farther agreed, between his Sacred Imperial Majesty, and the Catholic King, that the town of Leghorn may, and ought, perpetually to remain a free port, in the same manner as it now is.

By virtue of the renunciation made by the King of Spain, of all the dominions, kingdoms, and provinces in Italy, which heretofore belonged to the Kings of Spain, that King shall yield to the aforesaid Prince his son, the town of Porto-Longone, together with that part of the island Elba, which he actually possesses therein; and shall deliver the same up to him, as soon as that Prince, on the extinction of the male posterity of the Grand Duke of Tuscany, shall be admitted into the actual possession of his territories.

It is moreover agreed to, and provided by solemn contract, that none of the aforesaid dutchies or dominions, at any time, or in any case, may or ought to be possessed by a Prince, who at the same time holds the kingdom of Spain; and that no King of Spain can ever take upon him the guardianship of that Prince, or may be allowed to exercise the same.

Lastly, it is agreed, and thereto all and singular the parties contracting have equally bound themselves, that it never shall be allowed, during the lives of the present possessors of the dutchies of Tuscany and Parma, or of their male successors, that any forces of any country whatsoever, whether their own or hired, shall, either by the Emperor, the King of Spain and France, or even by the Prince appointed, as above, to the succession, be introduced into the provinces and lands of the said dutchies; nor shall any of them place any garrison in the cities, ports, towns, or fortresses therein situated.

But, that the said son of the Queen of Spain, appointed by this treaty to the succession of the Great Duke of Tuscany, and the Duke of Parma and Placentia, may be more fully secured against all events, and may more certainly depend on the execution of the succession promised him; and likewise that the fief, constituted as above, may remain inviolable to the Emperor and empire; it is agreed on both sides, that garrisons, not exceeding however the number of 6,000 men, which shall be put into the principal towns thereof, viz. Leghorn, Porto Ferraro, Parma, and Placentia, be taken from among the Swiss cantons, which cantons are for this purpose to be paid by the three contracting Powers, who have taken upon them the part of mediators. And the said garrisons are therein to be continued till the case of the said succession shall happen, when they shall be obliged to deliver the towns to the said Prince appointed to the succession. Nevertheless, without any trouble or charge to the present possessors, and their successors, being males, to whom likewise the said garrisons are to take an oath of fidelity, and are to assume to themselves no other authority than only the guard of the cities committed to their charge.

But whereas this beneficial work may be longer delayed than is convenient, before an agreement can be made with the Swiss Cantons about the number, pay, and manner of establishing such a force; his Sacred Royal Britannic Majesty, out of his singular zeal for the said work, and the public tranquillity, and for the earlier obtaining the end proposed, will not in the mean time refuse to lend his own forces for the use above-mentioned, if the rest of the contracting Powers think good, till the forces to be raised in the Swiss Cantons can take upon them the guard and custody of the said cities.

VI. His Catholic Majesty, to testify his sincere inclination for the public tranquillity, doth consent to all things hereafter mentioned, with regard to what is

fettled about the kingdom of Sicily for the advantage of his Imperial Majesty, and doth renounce for himself, his heirs and successors, male and female, the right of reversion of that kingdom to the crown of Spain, which he expressly reserved to himself by the instrument of cession dated the 10th of June 1713. Out of love to the public good, he moreover departs from the said act of the 10th of June, 1713, as far as is necessary, as likewise from the sixth article of the treaty of Utrecht, betwixt himself and his Royal Highness the Duke of Savoy, as likewise in general from every thing that may oppose the retrocession, disposition, and permutation of the above-mentioned kingdom of Sicily, by this present treaty established; on condition, nevertheless, that the right of reversion of the island and kingdom of Sardinia to the said crown may be yielded and allowed to him, as hereafter, in the second article of the conventions between his Sacred Imperial Majesty and the King of Sicily, is farther explained.

VII. The Emperor and the Catholic King mutually promise and bind themselves to a reciprocal defence and guaranty of all the kingdoms and provinces which they actually possess, or the possession whereof ought to belong to them by virtue of the present treaty.

VIII. His Imperial Majesty and his Royal Catholic Majesty shall, immediately after exchange of the ratifications of these present conventions, put in execution all and every the conditions therein comprehended, and that within the space of two months at the farthest; and the instruments of the ratifications of the said conventions shall be exchanged at London within the space of two months, to be computed from the day of signing, or sooner if possible. Which execution of the conditions being previously performed, their ministers and plenipotentiaries, by them to be named, shall in the place of congress, which they shall agree upon, with all speed severally settle and determine the
other

other points of their particular peace, under the mediation of the three contracting Powers.

It is farther agreed, that in the treaty of peace particularly to be made between the Emperor and the King of Spain, a general amnesty shall be granted to all persons of any state, dignity, degree, or sex whatsoever, whether ecclesiastical or military, political or civil, who followed the party of the one or the other Prince during the late war; in virtue whereof all and singular the said persons shall be permitted to receive, and they may receive full possession and use of their goods, rights, privileges, honours, dignities, and immunities, and shall use and enjoy the same as freely as they did enjoy them at the beginning of the last war, or at the time when they begun to join themselves to the one or the other party, all confiscations, arrests, and sentences made, passed, or pronounced, during the war, to the contrary notwithstanding, which shall be held as null and of no effect. In virtue moreover of the aforesaid amnesty, it shall be lawful and free for all and singular the said persons, who followed one or the other party, to return to their country, and to enjoy their goods in the same manner as if no war had happened; and a full licence is given them to take care of the said effects, either by themselves, if they should be present, or by their attorneys, if they should choose rather to absent themselves from their country, and they may either sell, or any other way, according to their pleasure, dispose of them, entirely after the same manner they might have done before the beginning of the war.

Conditions of the Treaty to be concluded between his Imperial Majesty and the King of Sicily.

I. Whereas the cession of Sicily, by the treaties of Utrecht, to the House of Savoy, being solely made for rendering that peace solid, and not on the account of any right the King of Sicily had thereto, has been so far from bringing about the end proposed, that, as

all Europe can witness, it has rather proved the great obstacle which hindered the Emperor from acceding to the said treaties, inasmuch as the separation of the kingdoms of Naples and Sicily, so long used to remain under the same dominion, and to be called by the name of Both the Sicilies, has not only been found opposite to the common interests and mutual preservation of both kingdoms, but likewise to the repose of all Italy, being constantly productive of new commotions, while neither the ancient intercourse and mutual relation between the two nations can be destroyed, nor the interests of the different Princes can be easily reconciled: for this reason it is that the Princes, who first made the Utrecht treaties, have thought it lawful for them, even without the consent of the parties concerned, to abrogate that one article of those treaties which regards the kingdom of Sicily, and is not any principal part of the said treaty, founding themselves chiefly upon these reasons; that the present treaty will receive its increase and completion from the Emperor's renunciation; and that by the exchange of Sicily for Sardinia, the wars which threaten Italy may be prevented, inasmuch as the Emperor might rightfully attack Sicily, which he never yet renounced, and which, since the infraction of the neutrality of Italy by the seizure of Sardinia, he may rightfully recover by force of arms: besides that the King of Sicily may become possessed of a certain and durable dominion by the benefit of so solemn a treaty with his Imperial Majesty, and guaranteed by the chief Princes of Europe. Being moved therefore by so great reasons, they have agreed that the King of Sicily shall restore to his Imperial Majesty the island and kingdom of Sicily, with all its dependencies and appendages, in the state wherein they now are, immediately, or in two months at the farthest from the exchange of the ratifications of the present treaty. And he shall, in favour of the Emperor, his heirs and successors, of both sexes, renounce all rights and pretensions whatsoever
tc

to the said kingdom, as well for himself as his heirs and successors, male and female; the reversion thereof to the crown of Spain being entirely taken away.

II. In return, his Imperial Majesty shall yield to the King of Sicily the island and kingdom of Sardinia, in the same condition wherein he shall receive it from the Catholic King, and shall renounce all rights and interests in the said kingdom, for himself, his heirs and successors, of both sexes, in favour of the King of Sicily, his heirs and successors, that he may hereafter perpetually possess the same with the title of a kingdom, and all other honours annexed to the royal dignity, in the same manner as he possessed the kingdom of Sicily; on condition, nevertheless, that the reversion of the said kingdom of Sardinia shall be reserved to the crown of Spain, whenever it may happen that the King of Sicily shall be without heirs male, and all the House of Savoy shall likewise be destitute of heirs male; but in the same manner altogether as the said reversion was settled and ordained for the kingdom of Sicily by the treaties of Utrecht, and by the act of cession in pursuance thereof made by the King of Spain.

III. His Imperial Majesty shall confirm to the King of Sicily all the cessions made to him by the treaty signed at Turin, the 8th day of November 1703, as well of that part of the duchy of Montferrat, as of the provinces, cities, towns, castles, lands, places, rights, and revenues of the state of Milan, which he now doth possess, in the manner wherein he actually doth possess them; and he will stipulate for himself, his descendants, and successors, that he never will disturb him, his heirs or successors, in the possession aforesaid; on condition, nevertheless, that all other claims and pretensions which he may possibly make in virtue of the said treaty shall be and remain void.

IV. His Imperial Majesty shall acknowledge the right of the King of Sicily, and his House, to succeed
immediately

immediately to the kingdom of Spain and of the Indies, in case of the failure of King Philip V. and his posterity, in manner as is settled by the renunciations of the Catholic King, the Duke of Berry, and the Duke of Orleans, and by the treaties of Utrecht; and his Imperial Majesty shall promise, as well for himself as for his successors and descendants, that at no time he will directly or indirectly oppose, or any way act contrary to the same. It is declared, nevertheless, that no Prince of the House of Savoy, who shall succeed to the crown of Spain, may possess at the same time any province or dominion on the continent of Italy, and that in such case these provinces shall devolve to the collateral Princes of that House who shall succeed therein, one after another, according to the proximity of blood.

V. His Imperial Majesty and the King of Sicily shall give mutual guaranties for all the kingdoms and provinces which they actually possess in Italy, or which shall accrue to them by virtue of this present treaty.

VI. His Imperial Majesty and the King of Sicily, immediately after the exchange of the ratifications of these conventions, shall put in execution all and every the conditions therein contained, and that within the space of two months at the farthest: and the instruments of the ratifications of the said conventions shall be exchanged at London within two months from the day of signing, or sooner if possible. And immediately after the previous execution of the said conditions, their ministers and plenipotentiaries by them to be named shall, in the place of congress they shall agree upon, with all speed severally settle the other points of their particular peace, under the mediation of the three contracting Powers.

His above-named Imperial and Catholic Majesty being extremely inclined to promote the peace proposed, and to avert the dreadful calamities of war, and
out

out of his sincere desire to settle an universal pacification, hath accepted the afore-mentioned conventions, and all and singular the articles thereof, and hereby doth accept the same, and accordingly has entered into a particular treaty with the three Powers abovesaid, on the following conditions.

I. That there be and remain between his **Sacred Imperial Catholic Majesty**, his **Sacred Royal Majesty of Great Britain**, his **Sacred Royal and most Christian Majesty**, and the **High and Mighty Lords the States General of the United Netherlands**, and their heirs and successors, a most strict alliance, in virtue whereof each of them are bound to preserve the dominions and subjects of the others, as likewise to maintain peace, to promote mutually the interests of the others as their own, and to prevent and repel all damages and injuries whatsoever.

II. The treaties made at **Utrecht** and **Baden** shall remain in their full strength and force, and shall be a part of this treaty, those articles excepted from which it has been judged for the public good to depart; as likewise those articles of the **Utrecht** treaties excepted, which were abolished by the treaty of **Baden**. The treaty of alliance made at **Westminster**, the 25th day of **May 1716**, between his **Sacred Imperial and Catholic Majesty**, and his **Sacred Royal Majesty of Great Britain**, as likewise the treaty made at the **Hague** the 4th day of **January 1717**, between the **King of Great Britain** and the most **Christian King**, and the **States General of the United Provinces**, shall nevertheless remain in full force in every particular.

III. His **Sacred Britannic Majesty**, as likewise his **Sacred most Christian Majesty**, and the **Lords the States General of the United Netherlands**, do covenant for themselves, their heirs and successors, that they never will, directly or indirectly, disturb his **Sacred Imperial and Catholic Majesty**, his heirs and successors, in any of his kingdoms, dominions, and provinces, which

which he possesses by virtue of the treaties of Utrecht and Baden, or which he shall gain possession of by virtue of this present treaty. On the contrary, they both will and ought to defend and guaranty the provinces, kingdoms, and jurisdictions, which he now possesses, or which shall accrue to him in virtue of this treaty, as well in Germany as in the Netherlands and in Italy; and they promise that they will defend the said kingdoms and provinces of his Imperial and Catholic Majesty, against all and singular who may attempt to invade the same in a hostile manner: and that they both will and ought, when the case happens, to furnish him with such succours as he shall need, according to the conditions and repartition which they have agreed upon as hereafter mentioned. In like manner their Royal Britannic and most Christian Majesties and the States General expressly bind themselves, that they will not at any time give or grant any protection or refuge, in any part of their dominions, to the subjects of his Imperial and Catholic Majesty, who actually are, or hereafter shall be by him declared rebels; and in case any such shall be found in their kingdoms, provinces, or dominions, they sincerely promise that they will take effectual care to expel them out of their territories, within eight days after application made by his Imperial Majesty.

IV. On the other hand, his Sacred Imperial and Catholic Majesty, his Sacred Royal Britannic Majesty, and the States General of the United Provinces, promise for themselves, their heirs and successors, that they never will, directly or indirectly, disturb his Sacred most Christian Majesty, in any of his dominions to the crown of France now belonging. On the contrary, they will and ought to guard and defend the same against all and singular who may attempt to invade them in a hostile manner, and in that case they will and ought to furnish such succours as his most Christian Majesty shall want, according as hereafter is agreed upon.

His

His Sacred Imperial and Catholic Majesty, his Sacred Royal Majesty of Great Britain, and the Lords the States General, do likewise promise and oblige themselves, that they will and ought to maintain, guaranty, and defend the right of succession in the kingdom of France, according to the tenor of the treaties made at Utrecht, the 11th day of April 1713, obliging themselves to stand by the said succession plainly according to the form of the renunciation made by the King of Spain, the 5th day of November 1712, and by a solemn act accepted in the general assembly of the States of Spain, the 9th day of the month and year aforesaid, which thereupon passed into a law the 18th of March 1713, and lastly was established and settled by the treaties of Utrecht: and this they shall perform against all persons whatsoever who may presume to disturb the order of the said succession, in contradiction to the previous acts, and treaties subsequent thereupon. To which end they shall furnish the succours according to the repartition agreed on below. Farther, when the matter may require it, they shall defend the said order of succession with all their forces, by likewise declaring war against him who may attempt to infringe or impugn the same.

Moreover, his Imperial Royal Catholic Majesty, and his Royal Britannic Majesty, and the States General, do likewise promise that they will not at any time give or grant any protection or refuge in their dominions to the subjects of his Royal most Christian Majesty, who actually are, or hereafter shall be declared rebels; and in case any such shall be found in their kingdoms, provinces, and dominions, they shall command them to depart the same within the space of eight days after application made by the said King.

V. His Sacred Imperial and Royal Catholic Majesty, as also his Royal most Christian Majesty, and the States General of the United Provinces, do bind themselves, their heirs and successors, to maintain and guaranty the succession in the kingdom of Great Britain;

as established by the laws of that kingdom, in the House of his Britannic Majesty now reigning, as likewise to defend all the dominions and provinces possessed by his Majesty. And they shall not give or grant any protection or refuge, in any part of their dominions, to the person, or his descendants, if he should have any, who during the life of James II. took on him the title of Prince of Wales, and since the death of that King, assumed the royal title of King of Great Britain. Promising alike for themselves, their heirs and successors, that they will not give to the said person or his descendants, directly or indirectly, by sea or by land, any succour, counsel, or assistance whatsoever, either in money, arms, military stores, ships, soldiers, mariners, or any other manner whatsoever. The same they shall observe with regard to those who may be ordered or commissioned by the said person or his descendants to disturb the government of his Britannic Majesty, or the tranquillity of his kingdom, whether by open war or clandestine conspiracies, by raising seditions and rebellions, or by exercising piracy on his Britannic Majesty's subjects; in which last case his Imperial and Royal Catholic Majesty doth promise, that he will in no wise allow that there be any receptacle granted to such pirates in his ports in the Netherlands: the same do his Sacred most Christian Majesty and the States General of the United Provinces stipulate, with regard to the ports in their respective dominions. As, on the other hand, his Britannic Majesty doth promise, that he will refuse any refuge, in the ports of his kingdoms to pirates infesting the subjects of his Sacred Imperial and Royal Catholic Majesty, of his Sacred Royal most Christian Majesty, or of the Lords the States General. Lastly, his Imperial and Royal Catholic Majesty, his Sacred Royal most Christian Majesty, and the Lords the States General, oblige themselves, that they never will give any refuge or protection, in any part of their dominions, to such of his Britannic Majesty's subjects as
 actually

actually are, or hereafter shall be declared rebels; and in case any such shall be found in any of their kingdoms, provinces, or dominions, they shall command them, within eight days after application made by the said King, to depart out of their territories. And if it should happen that his Sacred Britannic Majesty should be invaded in any part in a hostile manner, his Imperial and Royal Catholic Majesty, as likewise his Royal most Christian Majesty, and the States General of the United Provinces, do oblige themselves in that case to furnish the succours hereafter specified. The same they are to do in favour of his descendants, if ever it should happen that they should be disturbed in the succession of the kingdom of Great Britain.

VI. His Imperial and Royal Catholic Majesty, and their Royal Britannic and most Christian Majesties, do bind themselves, their heirs, and successors to protect and guaranty all the dominions, jurisdictions, and provinces, which the Lords the States General of the United Provinces actually possess, against all persons whatsoever who may disturb or invade them, promising to furnish them in such case with the succours hereafter mentioned. His Imperial and Royal Catholic Majesty, and their Royal Britannic and most Christian Majesties, likewise oblige themselves, that they will give no refuge or protection, in any of their kingdoms, to the subjects of the States General, who are, or hereafter shall be declared rebels; and if any such shall be found in any of their kingdom, dominions, or provinces, they will take care to send them out of their dominions within the space of eight days after application made by the Republic.

VII. When it shall happen that any one of the four contracting Powers shall be invaded by any other Prince or State, or disturbed in the possession of their kingdoms or dominions, by the violent detention of their subjects, ships, goods, or merchandize, by sea or by land, then the three remaining Powers shall, as soon
as

as they are required thereto, use their good offices that the party suffering may have satisfaction for the damage and injury received, and that the aggressor may abstain from the prosecution of his hostility. But when these friendly offices for reconciliation and procuring satisfaction and reparation to the injured party shall have proved insufficient, in that case the high allies, within two months after application made, shall furnish the party invaded with the following succours, jointly or separately: viz.

His Imperial and Royal Catholic Majesty, 8,000 foot, and 4,000 horse.

His Britannic Majesty, 8,000 foot, and 4,000 horse.

His most Christian Majesty, 8,000 foot, and 4,000 horse.

And the Lords the States General, 4,000 foot, and 2,000 horse.

But if the Prince or party injured, instead of soldiers, chuses rather ships of war, or transports, or subsidies in money (which is left to his discretion), in that case, the ships or money desired shall be granted him in proportion to the charge of the soldiers to be furnished. And, that all ambiguity with regard to the calculation and charge of such sums may be taken away, it is agreed that 1,000 foot by the month, shall be reckoned at 10,000 florins of Holland, and 1,000 horse shall be reckoned at 30,000 florins of Holland by the month; the same proportion being observed with respect to the ships.

When the above-named succours shall be found insufficient for the necessity impending, the contracting Powers shall without delay agree on contributing more ample supplies. And farther, in case of exigency, they shall assist their injured ally with all their forces, and declare war against the aggressor.

VIII. The Princes and States upon whom the contracting Powers shall unanimously agree, may accede to this treaty; and the King of Portugal by name.

This treaty shall be approved and ratified by their
Imperial,

Imperial, Britannic, and most Christian Majesties, and by the High and Mighty Lords the States General of the United Provinces, and the instruments of ratification shall be exchanged at London, and reciprocally delivered within the space of two months, or sooner, if possible.

In witness whereof we the under-written (being furnished with full powers, which have been mutually communicated, and the copies whereof having been in due form by us collated and examined with the originals, are word for word inserted at the end of this instrument) have subscribed this present treaty, and thereto put our seals. Done at London, the ^{22d of July, O. S.}_{2d of Aug. N. S.} in the year 1718.

(L. S.) *Chris. Pentteridter*
ab Adelshausen.

(L. S.) *W. Cant.*

(L. S.) *Dubois.*

(L. S.) *Parker C.*

(L. S.) *Jo. Phil. Hoffman.*

(L. S.) *Sunderland P.*

(L. S.) *Kingston C. P. S.*

(L. S.) *Kent.*

(L. S.) *Holles Newcastle.*

(L. S.) *Bolton.*

(L. S.) *Roxburghe.*

(L. S.) *Berkeley.*

(L. S.) *J. Craggs.*

WE having seen and considered the above-written treaty, have approved, ratified, and confirmed, as by these presents we do, for us, our heirs and successors, approve, ratify, and confirm the same in all and singular its articles and clauses, engaging and promising upon our Royal word, sincerely and faithfully to perform all and singular the contents of the said treaty, and never to suffer, as far as in us lies, any person to violate the same, or in any manner to act contrary thereunto. In witness whereof we have caused our great seal of Great Britain to be affixed to these presents, signed with our Royal hand. Given at our palace at Ken-

ington, the 7th day of August, in the year of our Lord 1718, and of our reign the fifth.

G E O R G E R.

Separate and Secret Articles.

I. WHEREAS the most Serene and most Potent King of Great Britain, and the most Serene and most Potent the most Christian King, as likewise the High and Mighty Lords the States General of the United Netherlands, by virtue of the treaty between them this day concluded and signed, have agreed on certain conditions, whereby a peace may be made between the most Serene and most Potent Emperor of the Romans, and the most Serene and most Potent King of Spain, as also between his Sacred Imperial Majesty aforesaid, and the King of Sicily (whom hereafter it is thought fit to call the King of Sardinia) which conditions they have communicated to the three Princes aforesaid, as a basis of the peace to be established between them. His Sacred Imperial Majesty, being moved by the most weighty reasons which induced the King of Great Britain, the most Christian King, and the States General aforesaid, to take upon themselves so great and so wholesome a work, and, yielding to their circumspect and urgent counsels and persuasions, declares that he doth accept the said conditions or articles, none of them excepted, as fixed and immutable conditions, according to which he agrees to conclude a perpetual peace with the King of Spain and the King of Sardinia.

II. But because the King of Spain and the King of Sardinia have not yet consented to the said conditions, his Imperial Majesty, as likewise their Royal Britannic and most Christian Majesties, and the States General aforesaid, have agreed to allow them, for consenting thereto, the space of three months, to be computed from the day of signing this present treaty, as judging this interval of time sufficient for them duly to weigh
the

the said conditions, and finally determine and declare themselves whether they are willing to accept them as fixed and immutable conditions of their pacification with his Imperial Majesty, as from their piety and prudence it may be hoped they will do, and, following the example of his Imperial Majesty, that they will be induced to moderate their passions, and out of regard to humanity, that they will prefer the public tranquillity to their own private opinions; and at the same time not only spare the effusion of their own people's blood, but avert the calamities of war from the other nations of Europe: to which end their Britannic and most Christian Majesties, and the States General of the United Netherlands, will jointly and separately contribute their most effectual offices for inclining the said Princes to such an acceptance.

III. But if, contrary to all expectation of the parties above contracting, and the wishes of all Europe, the King of Spain, and the King of Sardinia, after the term of three months elapsed, should decline to accept the said conditions of pacification proposed betwixt them and his Imperial Majesty, since it is not reasonable that the tranquillity of Europe should depend upon their refusal, or private designs, their Britannic and most Christian Majesties, and the States General, do promise that they will join their forces with those of his Imperial Majesty, in order to compel them to the acceptance and execution of the aforesaid conditions. To which end they will furnish his Imperial Majesty, jointly and separately, with the self-same succours which they have agreed upon for their reciprocal defence, by the seventh article of the treaty signed this day, unanimously consenting that the most Christian King shall, instead of soldiers, contribute his quota in money. And if the succours specified in the said seventh article shall not be sufficient for compassing the end proposed, then the four contracting parties shall without delay agree of more ample succours to be furnished to his Imperial Majesty, and shall con-

tinue the same till his Imperial Majesty shall have reduced the kingdom of Sicily, and till his kingdoms and provinces in Italy shall enjoy full security. It is farther agreed, and that in express words, that if, by reason of the succours which their Britannic and most Christian Majesties, and the Lords the States General, shall furnish to his Imperial Majesty, by virtue and in execution of the present treaty, the Kings of Spain and Sardinia, or either of them, shall declare or wage war against any one of the said contractors, either by attacking them in their dominions, or by violently detaining their subjects or ships, their goods and merchandizes, by sea or land, in that case the two other of the contracting Powers shall immediately declare war against the said Kings of Spain and Sardinia, or against him of the two Kings who shall have denounced or waged war against any one of the said contracting Powers; nor shall they lay down their arms before the Emperor shall be possessed of Sicily, and made secure with regard to his kingdoms and provinces in Italy, and likewise just satisfaction shall be given to him of the three contracting Powers who shall have been invaded or suffered damage by reason of the present treaty.

IV. When only one of the two Kings aforesaid, who have not yet consented to the conditions of peace to be made with his Imperial Majesty, shall accept them, he likewise shall join himself with the four contracting Powers, to compel him that shall refuse the said conditions, and shall furnish his quota of succours according to the distribution to be made thereupon.

V. If the Catholic King, out of regard to the public good, and a persuasion that an exchange of the kingdoms of Sicily and Sardinia is necessary for the maintenance of the general peace, shall agree thereto, and embrace the conditions of peace to be made with the Emperor as above; and on the other hand, if the King of Sardinia shall reject such an exchange, and persist
in

in retaining Sicily, in that case the King of Spain shall restore Sardinia to the Emperor, who (saving his supreme dominion over it) shall put the same into the custody of the most Serene King of Great Britain, and of the Lords the States General, for so long time, till Sicily being reduced, the King of Sardinia shall sign the above-mentioned conditions of a treaty with the Emperor, and shall agree to accept the kingdom of Sardinia as an equivalent for the kingdom of Sicily; which being done, he shall be admitted into the possession thereof by the King of Great Britain and the States General. But if his Imperial Majesty should not be able to conquer Sicily, and reduce it under his power, in that case the King of Great Britain, and the States General, shall restore to him the kingdom of Sardinia; and in the mean time his Imperial Majesty shall enjoy the revenues of the said kingdom, which shall exceed the charge of keeping it.

VI. But in case the King of Sardinia shall consent to the said exchange, and the King of Spain shall refuse, in this case the Emperor, being aided by the succours of the rest of the contractors, shall attack Sardinia; with which succours they on their part promise to furnish him; as the Emperor promises on his part, that he will not lay down his arms till he shall have possessed himself of the whole kingdom of Sardinia, which immediately after such possession he shall give up to the King of Sardinia.

VII. But if both the Kings of Spain and Sardinia shall oppose the exchange of Sicily and Sardinia, the Emperor, together with the succours of the allies, shall in the first place attack Sicily, and having reduced it, he shall turn his arms against Sardinia, with such a number of forces, besides the succours of the allies, as he shall judge necessary for both expeditions: and, having likewise reduced Sardinia, his Imperial Majesty shall commit the custody thereof to the King of

Great Britain, and to the Lords the States General, till the King of Sardinia shall have signed the conditions of peace to be made with the Emperor, and shall consent to accept the kingdom of Sardinia as an equivalent for the kingdom of Sicily, which then is to be delivered up to him by his Britannic Majesty and the States General; and in the mean time his Imperial Majesty shall enjoy the revenues of that kingdom, which shall exceed the charge of keeping it.

VIII. In case the Catholic King and the King of Sardinia, or either of them, shall refuse to accept and execute the abovesaid conditions of peace to them proposed, and for that reason the four contracting Powers should be compelled to proceed against them, or either of them, by open force; it is expressly covenanted, that the Emperor (what progress soever his arms may make against the said two Kings, or either of them) shall be content, and ought to acquiesce in the advantages, by mutual consent allotted to him in the said conditions, power nevertheless being reserved to his Imperial Majesty of recovering the rights which he pretends to have over that part of the dutchy of Milan, which the King of Sardinia now possesses, either by war, or by a treaty of peace subsequent upon such war; power being likewise reserved to the other three allies, in case such a war should be undertaken against the Kings of Spain and Sardinia, to agree with his Imperial Majesty in appointing some other Prince, in whose favour his Imperial Majesty may dispose of that part of the dutchy of Montferrat, now possessed by the King of Sardinia, in exclusion of the said King; and to what other Prince or Princes he may, with the consent of the empire, grant the letters of expectative, containing the eventual investiture of the states now possessed by the Grand Duke of Tuscany, and by the Duke of Parma and Placentia, in exclusion of the sons of the present Queen of Spain. This declaration being added, that in no time or case whatsoever, either his Imperial Majesty, or any Prince of the House

House of Austria, who shall possess the kingdoms, dominions, and provinces of Italy, may assert or gain to himself the said dutchies of Tuscany and Parma.

IX. But if his Imperial Majesty, after his efforts by a sufficient number of *forces*, and the succours and other means of the allies, and by using all convenient diligence, should not be able by arms to subdue, or to establish himself in the possession of Sicily, the contracting Powers do agree and declare, that his Imperial Majesty is, and shall be in that case, altogether free and discharged from every obligation entered into by this treaty, of agreeing to make a peace with the Kings of Spain and Sardinia, on the conditions above-mentioned. All other the articles of this treaty nevertheless to remain good, which mutually regard his Imperial Majesty, their Britannic and most Christian Majesties, and the Lords the States General of the United Netherlands.

X. However, as the security and tranquillity of Europe is the end and scope of the renunciations to be made by his Imperial Majesty, and by his Catholic Majesty, for themselves, their descendants, and successors, of all pretensions to the kingdom of Spain, and the Indies, on the one part; and on the kingdoms, dominions, and provinces of Italy, and the Austrian Netherlands, on the other part; the said renunciations shall be made, on the one and the other part, in manner and form as in the second and fourth articles of the conditions of a peace to be made between his Imperial Majesty, and his Royal Catholic Majesty, has been agreed. And though the Catholic King should refuse to accept the aforesaid conditions, the Emperor nevertheless shall cause the instruments of his renunciation to be dispatched, the publication whereof shall however be deferred till the day of signing the peace with the Catholic King. And if the Catholic King should constantly persist in rejecting the said peace, his Imperial Majesty nevertheless, at the time when the

O 4

ratifications

ratifications of this treaty shall be exchanged, shall deliver to the King of Great Britain a solemn act of the said renunciations, which his Britannic Majesty, pursuant to the common agreement of the contracting Powers, doth promise shall not be exhibited to the most Christian King before his Imperial Majesty shall come into the possession of Sicily. But that being obtained, then the exhibition, as well as publication of the said act of his Imperial Majesty's renunciations, shall be performed upon the first demand of the most Christian King. And those renunciations shall take place, whether the Catholic King shall sign the peace with the Emperor or no; by reason that, in this last case, the guaranty of the contracting parties shall be to the Emperor in lieu of that security which otherwise the renunciations of the Catholic King would have given to his Imperial Majesty for Sicily, the other States of Italy, and the provinces of the Netherlands.

XI. His Imperial Majesty doth promise that he will not attempt or enterprize any thing against the Catholic King, or the King of Sardinia, or in general, against the neutrality of Italy, in that space of three months allowed them for accepting the conditions of their peace with the Emperor. But, if within the space of three months, the Catholic King, instead of accepting the said conditions, shall rather persist in the prosecuting of his hostilities against his Imperial Majesty; or if the King of Sardinia should with arms attack the provinces which the Emperor possesses in Italy, in that case their Britannic and most Christian Majesties, and the Lords the States General, oblige themselves instantly to furnish his Imperial Majesty, for his defence, with the succours which, in virtue of the treaty this day signed, they have mutually agreed to lend one another for their reciprocal defence; and that jointly or separately, and without waiting the expiration of the two months otherwise prefixed in the said treaty for the employing of friendly offices. And if the succours specified
by

by the said treaty should not be sufficient for the end proposed, the four contracting parties shall immediately agree amongst themselves to send more powerful assistance to his Imperial Majesty.

XII. The eleven foregoing articles are to be kept secret by his Imperial Majesty, their Britannic and most Christian Majesties, and the States General, for the space of three months, from the day of the signing, unless it shall be unanimously agreed by them to shorten or prolong the said term: and though the said eleven articles be separate from the treaty of alliance this day signed by the four contracting parties aforesaid, they shall nevertheless have the same power and force as if they had been word for word inserted therein, since they are deemed to be an essential part thereof.

The ratifications thereof shall moreover be exchanged at the same time as the other articles of the said treaty.

In witness whereof we the under-written, by virtue of the full powers this day mutually exhibited, have subscribed these separate articles, and thereto have affixed our seals. Done at London, the
22d of July, O. S.
2d of Aug. N. S. in the year 1718.

Signed as before.

WE having seen and considered the separate and secret articles above-written, have approved, ratified, and confirmed, as by these presents we do, for us, our heirs and successors, approve, ratify, and confirm the same, &c.

GEORGE R.

Separate Article, N° 1.

WHEREAS the treaty, this day made and signed between his Imperial Majesty, his Britannic Majesty, and his most Christian Majesty (containing as well such conditions

conditions as have been thought most equitable and proper for establishing a peace betwixt the Emperor and the Catholic King, and betwixt the said Emperor and the King of Sicily, as the conditions of an alliance made for preserving the public peace between the said contracting Powers) hath been communicated to the High and Mighty Lords the States General of the United Netherlands: and whereas the separate and secret articles likewise signed this day, and containing the measures which it has been thought fit to take for putting the abovesaid treaty in execution, are likewise shortly to be proposed to the States General aforesaid: the inclination which that Republic has shewn for restoring and establishing the public tranquillity, leaves no room of doubt but they will most readily accede thereto. The States General aforesaid are therefore by name inserted as contracting parties in the said treaty, in most certain hope that they will enter therein, as soon as the usual forms of their government will allow.

But if, contrary to the hopes and wishes of the contracting parties (which nevertheless is not in the least to be suspected) the said Lords the States General shall not take their resolution to accede to the said treaty, it is expressly agreed and covenanted between the said contracting parties, that the treaty above-mentioned, and this day signed, shall nevertheless have its effect among them, and shall in all its clauses and articles be put in execution in the same manner as therein is set forth, and the ratifications thereof shall be exhibited at the times above specified.

This separate article shall have the same force as if it had been word for word inserted in the treaty this day concluded and signed, and shall be ratified in the same manner, and the instruments of ratification shall be delivered within the same time, with the treaty itself.

In witness whereof we the under-written, by virtue of the full powers this day mutually exhibited,
have

have signed this separate article, and thereto have affixed our seals. Done at London, the
22d of July, O. S.
2d of Aug. N. S. in the year 1718.

Signed as before.

Separate Article, N° 2.

BUT if the Lords the States General of the United Netherlands should happen to think it too hard for them to contribute their share of pay to the Swiss Cantons, for maintaining the garrisons of Leghorn Porto-Ferraio, Parma, and Placentia, according to the tenor of the treaty of alliance this day concluded, it is expressly provided by this separate article, and agreed between the four contracting Powers, that in such case the Catholic King may take upon him the said share of the Lords the States General.

This separate article shall have the same force as if it had been word for word inserted in the treaty this day concluded and signed, and shall be ratified in the same manner, and the instruments of ratification shall be delivered within the same time, with the treaty itself.

In witness whereof we the under-written, by virtue of the full powers this day mutually exhibited, have signed this separate article, and thereto have affixed our seals. Done at London, the
22d of July, O. S.
2d of Aug. N. S. in the year 1718.

Signed as before.

Separate Article, N° 3.

WHEREAS in the treaty of alliance this day to be signed with his Imperial and Catholic Majesty, as likewise in the conditions of peace inserted therein, their Sacred Royal Britannic and most Christian Majesties, and the Lords the States General of the United Netherlands,

Netherlands, do style the present possessor of Spain and the Indies Catholic King, and the Duke of Savoy King of Sicily, or also King of Sardinia : and whereas his Sacred Imperial and Catholic Majesty cannot acknowledge these two Princes as Kings, before they shall have acceded to this treaty : his Sacred Imperial and Catholic Majesty, by this separate article, which was signed before the treaty of alliance, doth therefore declare and protest, that, by the titles there either given or omitted, he doth not mean in the least to prejudice himself, or to grant or allow the titles of King to the said two Princes, only in that case when they shall have acceded to the treaty this day to be signed, and shall have agreed to the conditions of peace specified therein.

This separate article shall have the same force as if it had been word for word inserted in the treaty this day concluded and signed, and shall be ratified in the same manner, and the instruments of ratification shall be delivered within the same time, with the treaty itself.

In witness whereof, we the under-written, by virtue of the full powers this day mutually exhibited, have signed this separate article, and thereto have affixed our seals. Done at London, the
22d of July, O. S.
2d of Aug. N. S. in the year 1718.

Signed as before.

Separate Article, N^o 4.

WHEREAS some of the titles which his Sacred Imperial Majesty makes use of, either in his full powers, or in the treaty of alliance this day to be signed with him, cannot be acknowledged by his Sacred Royal most Christian Majesty ; he doth declare and protest by this separate article, which was signed before the treaty of alliance, that by the said titles given in this treaty, he doth not mean to prejudice either himself or
any

any other, or that he in the least gives any right thereby to his Imperial Majesty.

This separate article shall have the same force as if it had been word for word inserted in the treaty this day concluded and signed, and shall be ratified in the same manner, and the instruments of ratification shall be delivered within the same time, with the treaty itself.

In witness whereof, we the under-written, by virtue of the full powers this day mutually exhibited, have signed this separate article, and thereto have affixed our seals. Done at London, the
22d of July, O. S.
2d of Aug. N. S. in the year 1718.

Signed as before.

Ratified as before.

The whole ratified also by the Emperor and the King of France.

The Act of Admission and Accession of the King of Sardinia, &c.

WHEREAS a certain treaty, and separate and secret articles, as likewise four other separate articles relating thereto, and all of them of the same force with the principal treaty, have been in due form concluded and signed by the ministers plenipotentiaries of his Imperial and Catholic Majesty, of his Britannic Majesty, and of his most Christian Majesty, at London, the
22d day of July
2d day of Aug. last past, between the contracting parties above-mentioned, the tenor of all which, word for word, here followeth.

Here were inserted,

The treaty.

Separate and secret articles.

The four separate articles.

And

And whereas farther the then King of Sicily, whom it is now agreed to call by the name of King of Sardinia, according to the intention of the treaty and articles above inserted, has been invited to accede fully and amply to all and singular of them, and to join himself in due form to the contracting parties, as if he himself from the beginning had been one of the contractors: and whereas the said King of Sardinia, having maturely weighed the conditions particularly expressed in the treaty and articles above inserted, has not only declared himself willing to accept the same, and to approve them by his accession, but has likewise granted sufficient full powers to his ministers appointed to perfect the said work. That therefore an affair so beneficial may have the desired success, we the under-written ministers plenipotentiaries of his Imperial and Catholic Majesty, of his Britannic Majesty, and of his most Christian Majesty, in the name and by the authority of their said Majesties, have admitted, joined, and associated, and by these presents do admit, join, and associate, the aforesaid King of Sardinia into a full and total partnership of the treaty above inserted, and of all and singular the articles thereunto belonging; promising by the same authority, that their aforesaid Majesties, jointly and separately, will entirely and exactly perform and fulfil to the said King of Sardinia, all and singular the conditions, cessions, contracts, guaranties, and securities, contained and set forth in the treaty and articles above-mentioned; it being farther provided, that all and singular the things agreed upon by the secret articles against the said King of Sardinia, shall by this his present accession wholly cease, and be abolished. On the other hand also, we the under-written ministers plenipotentiaries of the King of Sardinia, by virtue of the full power in due form exhibited and allowed, a copy whereof is added at the end of this instrument, do hereby testify and promise
in

in the name of the said King, that our King and master aforesaid doth accede fully and amply to the treaty, and to all and singular the articles therein above inserted. That by this solemn accession he doth join himself to the contracting parties aforesaid, as if he himself from the beginning had been a party contracting: and that by virtue of this act, his said Majesty the King of Sardinia doth mutually oblige and bind himself, both for himself, his heirs and successors, to his Imperial and Catholic Majesty, to his Britannic Majesty, and to his most Christian Majesty, and to their heirs and successors, jointly and separately, that he will observe, perform, and fulfil all and singular the conditions, cessions, contracts, guaranties, and securities, in the above-written treaties and articles expressed and set forth, towards all of them jointly, and each of them separately, with the same faith and conscience as if he had been a contracting party from the beginning, and had made, concluded, and signed, jointly or separately, the same conditions, cessions, contracts, guaranties, and securities, with his Imperial and Catholic Majesty, his Britannic Majesty, and his most Christian Majesty.

This instrument of the admission and accession of the said King of Sardinia shall be ratified by all the contracting parties, and the ratifications, made out in due form, shall be exchanged and mutually delivered at London, within the space of two months, or sooner, if possible, to be reckoned from the day of the signing.

In witness whereof, we the plenipotentiaries of the parties contracting, being on every part furnished with sufficient powers, have signed these presents with our hands, and thereto have put our seals; namely, the plenipotentiaries of his Imperial and Catholic Majesty, of his Britannic Majesty, of his Majesty the King of Sardinia, at London, the

28th day of Oct.
4th day of Nov.

^{28th day of Oct.}
^{8th day of Nov.} and the plenipotentiary of his most
Christian Majesty at Paris, the day of
November, in the year 1718.

(L. S.) *C. Provana.*

(L. S.) *C. de la Perrouse.*

(L. S.) *Chrif. Pentteridter* (L. S.) *Parker C.*
ab Adelshausen. (L. S.) *Sunderland P.*

(L. S.) *Kent.*

(L. S.) *Jo. Phil. Hoffman.* (L. S.) *Holles Newcastle.*

(L. S.) *Bolton.*

(L. S.) *Roxburghe.*

(L. S.) *Stanhope.*

(L. S.) *J. Craggs.*

*The Treaty between Great Britain and Spain, concluded
at Madrid, June 13, N. S. 1721.*

IT having pleased the Divine Providence to dispose the hearts of the most Serene and Potent Princes, George, by the grace of God, King of Great Britain, France, and Ireland, &c. and Philip V. by the grace of God, King of Spain, the Indies, &c. to forget all the grounds of dissatisfaction and misunderstanding that have given occasion to interrupt, for some time, the friendship and good correspondence which before flourished between them; and their Britannic and Catholic Majesties being now desirous to renew and re-establish them by the strongest ties, have stipulated and agreed, by their under-written ministers plenipotentiary, named for that purpose, the following articles.

I. That, for the future, there shall be, between his Britannic Majesty, his heirs and successors, and his Catholic Majesty, his heirs and successors, as also between their kingdoms, dominions, sovereignties, subjects, and vassals, a good, firm, and inviolable peace,
and

and a perpetual and sincere friendship, and a general oblivion of every thing that has been done, on both sides, upon occasion of the last war.

II. The treaties of peace and commerce, concluded at Utrecht on the 13th of July, and the 9th of December, in the year 1713, wherein are comprehended, the treaty made at Madrid in the year 1667. and the cedulas therein mentioned, shall remain ratified and confirmed by the present treaty, except the third, fifth, and eighth articles of the said treaty of commerce, commonly called explanatory; which have been annulled by virtue of another subsequent treaty, made at Madrid, the 14th of the month of December 1715, between the ministers plenipotentiary, named for that purpose, by their Britannic and Catholic Majesties, which treaty remains likewise confirmed and ratified; as also the particular contract, commonly called The Asiento, for the importation of negro slaves into the Spanish Indies, which was made the 26th of March, in the said year 1713, in consequence of the 12th article of the treaty of commerce of Utrecht; and likewise the treaty of declaration, concerning that of the Asiento, made the 26th of May 1716: all which treaties, mentioned in this article, with their declaration, shall remain in their full force, virtue, and vigour, in every thing wherein they shall not be contrary to this; and, to the end they may have their entire effect and accomplishment, his Catholic Majesty will cause his circular orders, cedulas, to be dispatched to his viceroys, governors, and other ministers, to whom it shall belong, of the ports and towns in America, that the ships employed for the traffic of negroes by the royal company of Great Britain established at London, may be admitted, without hinderance, to trade freely, and in the same manner as they did before the last rupture between the two crowns; and the above-mentioned cedulas shall be delivered as soon as the ratifications of the present treaty shall have been exchanged; and at the same

time his Catholic Majesty will give his orders to the council of the Indies, that the junta, composed of ministers taken out of that council, and appointed for the cognizance (exclusive of all others) of the causes that respect the said Assiento, may again have its course, admit of, and consult upon those affairs, according to the rule established at the time of its appointment; and as to what regards the observation of the treaties of peace and commerce, circular orders shall be dispatched to all the governors of Spain, to the end that they may, without any of their interpretations, cause them to be observed and accomplished: as in like manner shall be given, on the part of his Britannic Majesty, the orders which shall be demanded and judged necessary for the accomplishment of every thing that has been stipulated and agreed between the two crowns in the above-mentioned treaties of Utrecht; and particularly as to what may not have been put in execution of the points settled by the eighth, eleventh, and fifteenth articles of the treaty of peace, which mention the leaving to the Spaniards the free commerce and navigation to the West Indies, and the maintaining the antient limits in America, as they were in the time of King Charles II. the free exercise of the Catholic religion in the island of Minorca, and the cod-fishing in the seas of Newfoundland; as well as with regard to all the other articles which may not hitherto have been put in execution on the part of Great Britain.

III. Forasmuch as by the seventh article of the treaty of commerce of Utrecht it was agreed, that all the goods confiscated at the beginning of the former war should be restored, in regard the confiscation thereof had been made contrary to the tenor of the 36th article of the treaty of 1667, his Catholic Majesty, in like conformity, will order, that all the goods, merchandizes, money, ships, and other effects, which have been seized, as well in Spain as in the Indies, by virtue of his orders of the month of September

tember 1718, or of any other subsequent orders, at the time before the war was declared between the two crowns, or after it was declared, be speedily restored in their same kind, as to those which shall be still in being; or, if they are not, the just and true value of them at the time that they were seized; the valuation whereof, if, by omission or neglect, it was not then made, shall be adjusted according to the authentic informations that the owners shall produce before the ordinary magistrates of the towns and places where the said effects shall have been seized. And it is certain, that the orders of his Catholic Majesty (although they directed, that inventories of those goods and effects should be made and drawn up, and accounts and declarations should be kept) have not, however, been executed in that manner in several places, it has been agreed, that if the proprietors make it appear, by legal proofs, informations, and other documents, that any of them have been omitted in the said inventories, his Catholic Majesty will give express orders, that the value of those things which shall have been omitted, be paid by the treasurers or other persons, through whose neglect such omissions shall have been made.

IV. It is mutually agreed, that his Britannic Majesty shall give order to his governors, officers, and other ministers, to whom it shall belong, to cause to be restored all the goods and effects of the subjects of his Catholic Majesty, which they shall prove to have been seized and confiscated in the dominions of his Britannic Majesty, upon occasion of the last war; in the same manner as it has been settled in the foregoing article, in favour of the subjects of his Britannic Majesty.

V. It is also agreed, that his Britannic Majesty shall cause to be restored to his Catholic Majesty all the ships of the Spanish fleet, which were taken by that of England, in the naval battle that was fought in the month of August 1718, in the seas of Sicily; with

the guns, sails, rigging, and other equipage, in the condition they are at present; or else the value of those which may have been sold, at the same price that the purchasers shall have given, according to the proofs and vouchers: and for the execution of this restitution, his Britannic Majesty shall cause the proper orders to be dispatched, immediately after the ratification of this treaty. It is also declared, that the other pretensions that there may be, on both sides, between the two crowns, concerning matters whereof there is no mention made in the present treaty, and which are not comprehended in the second article hereof, shall be treated of at the approaching congress of Cambray.

VI. The present treaty shall have its effect immediately after it shall have been mutually ratified; and the letters of ratification shall be exchanged in six weeks after the signing, or sooner, if possible; deferring its publication till the general peace shall have been concluded at the congress of Cambray, between all the parties concerned; or till their Britannic and Catholic Majesties shall have particularly agreed upon it.

In witness whereof, we the under-written ministers plenipotentiaries of his Britannic Majesty and his Catholic Majesty, being furnished with our full powers, which have been mutually communicated, and copies whereof shall be here under transcribed, have signed the present treaty, and affixed thereto the seals of our arms. Done at Madrid, the 13th of June, 1721.

(L. S.) *William Stanhope.*

(L. S.) *El Marquis de Grimaldo.*

Treaty

Treaty of Defensive Alliance, betwixt France, Spain, and Great Britain. At Madrid, June 13, 1721.

THE differences that have happened betwixt their Britannic and most Christian Majesties on the one part, and his Catholic Majesty on the other, having not a little impaired the friendship which they always shewed to one another, it has been a long time their ardent wish to re-establish the good correspondence and sincere amity which ought to prevail among them, and which will always be the strongest support of the greatness to which God has raised them, and the surest means to preserve the public tranquillity, as well as the happiness and mutual advantages of their subjects; and it is with a view to cement and corroborate, if possible, these dispositions, which are as conducive to the mutual glory and security of their crowns, as they are conformable to the welfare and tranquillity of all Europe, that their Britannic, most Christian, and Catholic Majesties have resolved to unite in so strict a manner, that they may act hereafter as if they had only the same view, and the same interest: and for this end the most Serene King of Great Britain, &c. having given full powers to treat in his name, to William Stanhope, Esq. colonel of a regiment of dragoons, a member of the parliament of Great Britain, and ambassador extraordinary from his Britannic Majesty to the court of the Catholic King; the most Serene the most Christian King having given full powers, for the same end, to John Baptist Lewis Andrault de Langeron, Marquis de Maulevrier, lieutenant-general of his armies, commander and grand croix of the military order of St. Louis, his envoy extraordinary to his Catholic Majesty; and the most Serene King of Spain having likewise granted his full powers, for the same end, to Don Joseph Grimaldo, knight of the order of St. Jago, governor of Rueira and Auzechal, a member of the council of the Indies,

and his first secretary of state and the dispatches ; they have agreed on the following articles.

I. There shall be hereafter and for ever a strict union and a sincere and lasting friendship between the most Serene King of Great Britain, the most Serene the most Christian King, and the most Serene King of Spain, their kingdoms and their subjects, and inhabitants of the countries under their dominion ; so that the injuries or damages suffered during the war, to which an end has been put by the accession of the most Serene King of Spain to the treaties of London, dated the 2d of August 1713, shall be buried in eternal oblivion, and that for the future each shall take the same care of one another's safety as of his own, and not only inform his ally of the danger that may threaten him, but also oppose with all his power the injuries that may be done him.

II. In order to establish this union and correspondence firmly, and to render it yet more advantageous to the crowns of their Britannic, most Christian, and Catholic Majesties, they promise and engage by the present treaty of defensive alliances mutually to guaranty the kingdoms, provinces, states, and countries under each other's dominion, in what part of the world soever situate ; so that if their Majesties are attacked, contrary to what was resolved on at the treaties of Utrecht and Baden, and contrary to the treaties of London, and the stipulations which shall be made at Cambray, they shall mutually assist one another till the disturbance is at an end, or till they are satisfied, by the reparation of the damages which they shall have suffered.

III. In pursuance of the foregoing article, the maintenance and observation of the treaties of Utrecht, Baden, London, and of that which is to be made at Cambray, for putting an end to the differences that are to be decided betwixt the most Serene King of

§

Spain

Spain and the Emperor, shall be the chief aim of the present alliance. And to strengthen it the more, the most Serene King of Great Britain, the most Serene the most Christian King, and the most Serene King of Spain, shall by concert invite such Powers as they shall think fit to enter into the present treaty, for the common good, and for the preservation of the public tranquillity.

IV. If it happen (which God forbid) that, contrary to the said treaties of Utrecht, Baden, London, or the stipulations of those which shall be made at Cambray, their Britannic, most Christian, and Catholic Majesties should be attacked, or in any manner disturbed in the enjoyment of their kingdoms and countries, by any potentate, they promise and engage to employ their good offices, as soon as they shall be required, in order to procure for the party attacked satisfaction for the wrong done to him, and to hinder the aggressor from continuing his hostilities; and if it happen that his good offices be not sufficient to procure such reparation out of hand, their said Majesties promise to furnish the following succours, jointly or separately, viz.

His Britannic Majesty, 8,000 foot, and 4,000 horse.

His most Christian Majesty, 8,000 foot, and 4,000 horse.

His Catholic Majesty, 8,000 foot, and 4,000 horse.

If the party that happens to be attacked, desire men of war or transports, or even subsidies in ready money, in the room of troops, in that case he shall be at liberty to make his choice, and they shall furnish him with the said ships or money in proportion to the expence of troops; and in order to prevent all occasion of doubt in the calculation of the said expence, their Majesties agree that 1,000 foot shall be settled at 10,000 Dutch florins, and 1,000 horse at 30,000 florins *per* month, observing the same proportion with regard to shipping: their said Majesties promising to continue and main-

tain the said succours as long as the troubles shall last; and if the said succours be not sufficient to repel the attacks of the enemy, they shall agree to augment them; and if it be necessary, their said Majesties shall mutually assist one another with all their forces, and declare war against the aggressor.

V. Their Britannic, most Christian, and Catholic Majesties, being entirely satisfied in the sentiments which the Duke of Parma has always manifested towards them, and being desirous to give him marks of the singular esteem and affection which they have for him, they promise and engage, by virtue of this present treaty, to grant him particular protection for the preservation of his territories and rights, and for the maintenance of his dignity; so that if he be disturbed contrary to the treaties of peace already made, and contrary to what shall be stipulated in those that are to be made at Cambray, they shall join their good offices and efforts, to obtain just satisfaction; and if it be refused, they shall agree on measures to procure it for him by all other methods that shall be in their power.

VI. His Catholic Majesty being desirous to give his Britannic Majesty, and his most Christian Majesty, a particular proof of his friendship, confirms, as far as there may be occasion, all the advantages and privileges which have been granted by the Kings his predecessors to the English and French nations; so that the trading subjects of the most Serene King of Great Britain, and the most Serene the most Christian King, shall always enjoy in Spain, the same rights, prerogatives, advantages, and privileges for their persons, commerce, merchandize, estates, and effects, which they have enjoyed, or which they ought to have enjoyed by virtue of treaties or agreements, or by virtue of all those which have been or shall be granted in Spain to the nation that is most favoured.

VII. The present treaty shall be ratified by their Britannic, most Christian, and Catholic Majesties,
and

and the ratifications shall be mutually delivered in due form, and exchanged in the space of six weeks, reckoning from the day of signing, or sooner, if possible.

In witness whereof, we the underwritten ministers plenipotentiaries of his Britannic Majesty, his most Christian Majesty, and his most Catholic Majesty, having mutually communicated our full powers, have signed the present treaty, and thereunto set the seals of our arms. Done at Madrid, the 13th of June 1721.

Signed,

(L. S.) *William Stanhope.*

(L. S.) *Langeron Maulevrier.*

(L. S.) *Marquis de Grimaldo.*

The separate Article of the Defensive Alliance between Great Britain, France, and Spain, concluded at Madrid, the 13th of June, N. S. 1721.

THE ministers plenipotentiaries of their Britannic, most Christian, and Catholic Majesties, have this day signed, by virtue of their respective full powers, a treaty of defensive alliance between their said Majesties: they have further agreed, that the particular treaty, which has likewise been signed, this day, between their Britannic and Catholic Majesties, whereof the tenor follows, shall make a part of the said treaty of defensive alliance, concluded between England, France, and Spain.

Here is inserted, verbatim, the Treaty between Great Britain and Spain, concluded at Madrid, the 13th of June, N. S. 1721.

The abovesaid particular treaty shall have the same force as if it were inserted word for word in the treaty of defensive alliance, signed this day, between the three crowns; and the letters of ratification shall
be

be exchanged at Madrid, in the usual manner, within the space of six weeks, to be computed from the day of signing, or sooner, if possible.

In witness whereof, we have signed these presents, by virtue of our full powers, and have affixed thereto the seal of our arms. Done at Madrid, the 13th of June 1721.

(L. S.) *William Stanhope.*

(L. S.) *Langeron Munizcrier.*

(L. S.) *El Marquis de Grimaldo.*

Another separate Article of the Defensive Alliance between Great Britain, France, and Spain, concluded at Madrid the 13th of June, N. S. 1721.

THE ministers plenipotentiaries of their Britannic and most Christian Majesties, having this day signed, with the minister plenipotentiary of the King of Spain, by virtue of their respective full powers, a treaty of defensive alliance: the abovesaid ministers of their Britannic and most Christian Majesties have also agreed between themselves, by virtue of the same powers, that, as the principal intention and aim of that alliance is to maintain and preserve the peace and tranquillity of Europe, in which it cannot be doubted but the States General of the United Provinces of the Netherlands are disposed to concur, and to give their assistance, the first proper occasion shall be taken, in concert, to invite them thereto; and their said Britannic and most Christian Majesties promise and engage, in the mean time, to maintain the treaty of defensive alliance, made at the Hague, between the King of Great Britain, the most Christian King, and the States General, of the 4th of January 1717, N. S. and that nothing shall be done, directly or indirectly, to its prejudice.

The Treaty of Peace, Union, Friendship, and mutual Defence, between the Crowns of Great Britain, France, and Spain, concluded at Seville on the 9th of November, N. S. 1729.

In the Name of the most Holy Trinity, Father, Son, and Holy Ghost, three distinct Persons, and one only true God.

THEIR most Serene Majesties the King of Great Britain, the most Christian King, and the Catholic King, desiring, with equal earnestness, not only to renew and bind more closely their ancient friendship, but likewise to remove whatever might hereafter disturb it, to the end that being united in sentiments and inclination, they may for the future act in every thing as having but one and the same view and interest; and for this purpose, the most Serene King of Great Britain having given full power for treating in his name to M. William Stanhope, vice-chamberlain of his Britannic Majesty's household, one of his privy-council, member of the parliament of Great Britain, colonel of a regiment of dragoons, and his said Majesty's ambassador extraordinary to his Catholic Majesty; as also to M. Benjamin Keene, his said Britannic Majesty's minister plenipotentiary to his Catholic Majesty: the most Serene most Christian King having given full power for treating in his name to the Marquis de Brancas, lieutenant-general of his armies, knight of his orders, and of that of the Golden Fleece, his lieutenant-general in the government of Provence, and his ambassador extraordinary to his Catholic Majesty: and the most Serene Catholic King having likewise given full power for treating in his name to M. John Baptist D'Orendayn Marquis de la Paz, his counsellor of state and first secretary of state and of the dispatches; and to M. Joseph Patino, commander of Alcuesca in the Order of St. James, governor of the council of the treasury, and of the tribunals depending thereon, superintendant general of the general revenues,

nues, and his secretary of state and of the dispatches for affairs of the marine, the Indies, and the treasury: the above-mentioned ministers have agreed between them on the following articles.

I. There shall be from this time and for ever a solid peace, a strict union, and a sincere and constant friendship, between the most Serene King of Great Britain, the most Serene most Christian King, and the most Serene King of Spain, their heirs and successors, as also between their kingdoms and subjects, for the mutual assistance and defence of their dominions and interests; there shall likewise be an oblivion of all that is past; and all the former treaties and conventions of peace, of friendship, and of commerce, concluded between the contracting Powers respectively, shall be, as they hereby are, effectually renewed and confirmed, in all those points which are not derogated from by the present treaty, in as full and ample a manner as if the said treaties were here inserted word for word, their said Majesties promising not to do any thing, nor suffer any thing to be done, that may be contrary thereto, directly or indirectly.

II. In consequence of which treaties, and in order to establish firmly this union and correspondence, their Britannic, most Christian, and Catholic Majesties promise and engage, by the present defensive treaty of alliance, to guaranty reciprocally their kingdoms, states, and dominions under their obedience, in what parts of the world soever situate, as also the rights and privileges of their commerce, the whole according to the treaties; so that the said Powers, or any one of them, being attacked or molested by any Power, and under any pretext whatever, they promise and oblige themselves reciprocally to employ their offices, as soon as they shall be thereto required, for obtaining satisfaction to the party injured, and for hindering the continuance of hostilities; and if it happen that the said offices be not sufficient for procuring satisfaction without delay, their
said

said Majesties promise to furnish the following succours, jointly or separately, that is to say, his Britannic Majesty, eight thousand foot and four thousand horse ; his most Christian Majesty, eight thousand foot and four thousand horse ; and his Catholic Majesty, eight thousand foot and four thousand horse : if the party attacked, instead of troops, should demand ships of war or transports, or even subsidies in money, he shall be free to choose, and the other parties shall furnish the said ships or money, in proportion to the expence of troops ; and, for taking away all doubt touching the valuation of the succours, their abovesaid Majesties agree, that a thousand foot shall be computed at ten thousand florins Dutch money, and a thousand horse at thirty thousand florins Dutch money, by the month ; and the same proportion shall be observed with respect to the ships that ought to be furnished ; their said Majesties promising to continue and keep up the said succours as long as the trouble shall subsist ; and in case it should be found necessary, their said Majesties shall mutually succour each other with all their forces, and shall even declare war against the aggressor.

III. The ministers of his Britannic Majesty and of his most Christian Majesty, having alledged that in the treaties concluded at Vienna between the Emperor and the King of Spain, in the year one thousand seven hundred twenty-five, there were divers clauses that infringed the articles of the several treaties of commerce, or of the treaties of peace in which commerce may be concerned, antecedent to the year one thousand seven hundred twenty-five ; his Catholic Majesty has declared, as he declares by the present article, that he never meant to grant, nor will suffer to subsist by virtue of the said treaties of Vienna, any privilege contrary to the treaties here above confirmed.

IV. It having been agreed by the preliminary articles, that the commerce of the English and French nations, as well in Europe as in the Indies, should be re-established

established on the foot of the treaties and conventions antecedent to the year one thousand seven hundred twenty-five, and particularly that the commerce of the English nation in America should be exercised as heretofore; it is agreed by the present article, that all necessary orders shall be dispatched on both sides, without any delay, if they have not been sent already, as well for the execution of the said treaties of commerce, as for supplying what may be wanting for the entire re-establishment of commerce on the foot of the said treaties and conventions.

V. Although it was stipulated by the preliminaries that all hostilities should cease on both sides, and that if any trouble or hostilities should happen between the subjects of the contracting Powers, either in Europe, or in the Indies, the contracting powers should concur for the reparation of damages sustained by their respective subjects; and notwithstanding this it is alledged, that on the part of the subjects of his Catholic Majesty acts of disturbance and hostilities have been continued; it is agreed by this present article, that as to what relates to Europe, his Catholic Majesty shall forthwith cause reparation to be made for the damages which have been suffered there since the time prescribed by the preliminaries for the cessation of hostilities; and as to what relates to America, he will likewise forthwith cause reparation to be made for the damages which shall have been suffered there since the arrival of his orders at Cartagena on the $\frac{1}{11}$ day of June one thousand seven hundred twenty-eight. And his said Catholic Majesty shall publish the most rigorous prohibitions for preventing the like violences on the part of his subjects; their Britannic and most Christian Majesties promising on their part, if there be like cases, to cause reparation to be made for what shall have been so done, and to give like orders for the preservation of the peace, tranquillity, and good intelligence.

VI. Commissaries shall be nominated, with sufficient powers,

powers, on the part of their Britannic and Catholic Majesties, who shall assemble at the court of Spain within the space of four months after the exchange of the ratifications of the present treaty, or sooner if it can be done, to examine and decide what concerns the ships and effects taken at sea on either side to the times specified in the preceding article. The said commissaries shall likewise examine, and decide, according to the treaties, the respective pretensions which relate to the abuses that are supposed to have been committed in commerce, as well in the Indies as in Europe, and all the other respective pretensions in America, founded on treaties, whether with respect to the limits or otherwise. The said commissaries shall likewise discuss and decide the pretensions which his Catholic Majesty may have, by virtue of the treaty of one thousand seven hundred twenty-one, for the restitution of the ships taken by the English fleet in the year one thousand seven hundred eighteen. And the said commissaries, after having examined, discussed, and decided the abovesaid points and pretensions, shall make a report of their proceedings to their Britannic and Catholic Majesties, who promise that within the space of six months after the making of the said report, they will cause to be executed punctually and exactly what shall have been so decided by the said commissaries.

VII. Commissaries shall likewise be nominated on the part of his most Christian Majesty, and of his Catholic Majesty, who shall examine all grievances generally whatsoever, which the said parties therein interested may form respectively, whether for the restitution of vessels seized or taken, or with respect to commerce, limits, or otherwise.

VIII. The said commissaries shall finish punctually their commission within the space of three years, or sooner if it can be done, to be computed from the day of the signing of the present treaty, and this without
any

any further delay, on any motive or pretext whatever.

IX. The introducing of garrisons into the places of Leghorn, Porto-ferraio, Parma, and Placentia, to the number of six thousand men of his Catholic Majesty's troops, and in his pay, shall be effectuated without loss of time ; which troops shall serve for the better securing and preserving of the immediate succession of the said states in favour of the most Serene Infante Don Carlos, and to be ready to withstand any enterprise and opposition which might be formed to the prejudice of what has been regulated touching the said succession.

X. The contracting Powers shall forthwith use all the applications which they shall judge to be consistent with the dignity and quiet of the most Serene Great Duke of Tuscany, and the Duke of Parma, to the end the garrisons may be received with the greatest tranquillity, and without opposition, as soon as they shall present themselves before the places into which they are to be introduced.

The said garrisons shall take an oath to the present possessors to defend their persons, sovereignty, possessions and states, and subjects, in every thing that shall not be contrary to the right of succession reserved to the most Serene Infante Don Carlos ; and the present possessors shall not demand or exact any thing that is contrary thereto.

The said garrisons shall not meddle, directly or indirectly, under any pretext whatsoever, in affairs of the political, æconomical, or civil government ; and shall have most express orders to render to the most Serene Great Duke of Tuscany and the Duke of Parma, all the respects and military honours that are due to sovereigns in their own dominions.

XI. The intent of introducing the said six thousand men of his Catholic Majesty's troops, and in his pay, being to secure to the most Serene Infante Don Carlos

Carlos the immediate succession of the States of Tuscany, Parma, and Placentia, his Catholic Majesty promises, as well for himself as his successors, that as soon as the most Serene Infante Don Carlos his son, or such other who shall succeed to his rights, shall be the quiet possessor of those states, and in safety from all invasion and other just grounds of fear, he will cause to be withdrawn from the places in those states the troops which shall be his own, and not belonging to the Infante Don Carlos, or to him who shall succeed to his rights, in such manner that thereby the said succession or possession may rest secure and exempt from all events.

XII. The contracting Powers engage to establish, according to the rights of succession which have been stipulated, and to maintain the most Serene Infante Don Carlos, or him to whom his rights shall devolve, in the possession and enjoyment of the States of Tuscany, Parma, and Placentia, when he shall once be settled there; to defend him from all insult, against any Power whatsoever, that might intend to disturb him; declaring themselves by this treaty, guarantees for ever of the right, possession, tranquillity, and quiet of the most Serene Infante, and of his successors, to the said states.

XIII. As to other particulars or regulations concerning the keeping up of the said garrisons once established in the states of Tuscany, Parma, and Placentia, as it is to be presumed that his Catholic Majesty and the most Serene Great Duke, and Duke of Parma, will settle the same by an agreement between themselves, their Britannic and most Christian Majesties promise, that as soon as that agreement shall be made, they will ratify and guaranty it, as well to his Catholic Majesty, as to the most Serene Great Duke and Duke of Parma, as if it were inserted word for word in the present treaty.

XIV. The States General of the United Provin-

ces shall be invited to come into the present treaty and articles. Such other Powers as shall be agreed on, shall likewise be invited and admitted by concert into the same treaty and articles.

The ratifications of the present treaty shall be dispatched within the space of six weeks, or sooner, if it can be done, to be reckoned from the day of signing it.

In witness whereof, we the under-written ministers plenipotentiaries of his Britannic Majesty, of his most Christian Majesty, and of his Catholic Majesty, by virtue of our full powers, which have been communicated to each other, transcripts of which shall be hereto annexed, have signed the present treaty, and caused the seals of our arms to be affixed thereto. Done at Seville, the ninth day of November, one thousand seven hundred twenty-nine.

W. Stanhope.

(L. S.)

B. Keene,

(L. S.)

Branca.

(L. S.)

El Marq. de la Paz.

(L. S.)

D. Joseph Patino.

(L. S.)

Separate Articles.

I. ALTHOUGH, conformably to the preliminary articles, it is said in the fourth article of the treaty signed this day, that the commerce of the English nation in America should be re-established on the foot of the treaties and conventions antecedent to the year one thousand seven hundred twenty-five; however, for the greater exactness, it is further declared by the present article, between their Britannic and Catholic Majesties, which shall have the same force, and be under the same guaranty as the treaty signed this day, that under that general denomination are comprehended the treaties of peace and of commerce, concluded at Utrecht the thirteenth of July and ninth of December, in the year one thousand seven hundred thirteen, in which are comprized the treaty of one thousand six hundred
sixty-

sixty-seven, made at Madrid, and the cédulas therein mentioned; the latter treaty made at Madrid the fourteenth of December, one thousand seven hundred fifteen; as also the particular contract, commonly called the *Affiento*, for bringing negro slaves into the Spanish Indies, which was made the twenty-sixth day of March, in the said year one thousand seven hundred thirteen, in consequence of the twelfth article of the treaty of Utrecht; and likewise the treaty of declaration, touching that of the *Affiento*, made the twenty-sixth of May, one thousand seven hundred sixteen: all which treaties mentioned in this article, with their declarations, shall from this day (even during the examination by the commissaries) be and remain in their force, virtue, and full vigour; for the observation of which his Catholic Majesty shall cause to be dispatched forthwith, if they have not been dispatched, the necessary orders and cédulas to his viceroys, governors, and other ministers, to whom it shall appertain, as well in Europe as in the Indies, to the end that without any delay or interruption they may cause them to be observed and fulfilled.

In like manner his Britannic Majesty promises and engages to publish the necessary orders, if any be wanting, for re-establishing the commerce of the subjects of Spain in all the countries under his dominion, on the foot specified by the said treaties, and for causing them to be exactly observed and fulfilled.

II. Consequently, all ships, merchandize, and effects, which shall not have been taken or seized on account of unlawful commerce, and which shall now be proved, by authentic proofs and documents, to have been detained, seized, or confiscated in the ports of Spain, either in Europe or in the Indies, and namely the ship *Prince Frederick* and her cargo, if they have not been restored already, shall be immediately restored, in the same kind, as those things were in, if the same shall be found still remaining in their former condition; or in default thereof, the just

and true value of them, according to their valuation, which, if it was not made at the time, shall be regulated by the authentic informations which the proprietors shall exhibit to the magistrates of the places and towns where the seizures were made: his Britannic Majesty promising the like on his part, as to all seizures, confiscations, or detentions, which may have been made contrary to the tenor of the said treaties: their said Britannic and Catholic Majesties agreeing, that with respect to the like seizures, confiscations, or detentions on either side, the validity of which may not yet have been sufficiently made out, the discussion and decision of them shall be referred to the examination of the commissaries, to do therein according to right, upon the foot of the treaties here above-mentioned.

The present separate articles shall have the same force as if they were inserted word for word in the treaty, concluded and signed this day. They shall be ratified in the same manner, and the ratifications of them shall be exchanged at the same time as those of the said treaty.

In witness whereof we the underwritten ministers plenipotentiaries of his Britannic Majesty, of his most Christian Majesty, and of his Catholic Majesty, by virtue of our full powers, have signed the present separate articles, and caused the seals of our arms to be put thereto. Done at Seville, the ninth day of November, one thousand seven hundred twenty-nine.

W. Stanhope.

(L. S.)

B. Keene.

(L. S.)

Branca.

(L. S.)

El Marq. de la Paz.

(L. S.)

D. Joseph Patino,

(L. S.)

[The following is printed from the treaty, which was published by authority in 1783.]

The Definitive Treaty of Peace and Friendship between his Britannic Majesty, and the King of Spain. Signed at Versailles, the 3d of September, 1783.

In the name of the most Holy and Undivided Trinity, Father, Son, and Holy Ghost. So be it.

BE it known to all those whom it shall or may in any manner concern. The most Serene and most Potent Prince George the Third, by the grace of God, King of Great Britain, France, and Ireland, Duke of Brunswick and Lunenbourg, Arch-treasurer and Elector of the Holy Roman Empire, &c. and the most Serene and most Potent Prince Charles the Third, by the grace of God, King of Spain, and of the Indies, &c. being equally desirous to put an end to the war, which for several years past afflicted their respective dominions, accepted the offer, which their Majesties the Emperor of the Romans, and the Empress of all the Russias, made to them, of their interposition, and of their mediation: but their Britannic and Catholic Majesties, animated with a mutual desire of accelerating the re-establishment of peace, communicated to each other their laudable intention; which Heaven so far blessed, that they proceeded to lay the foundations of peace, by signing preliminary articles at Versailles, the 20th of January, in the present year. Their said Majesties the King of Great Britain, and the Catholic King, thinking it incumbent upon them to give their Imperial Majesties a signal proof of their gratitude for the generous offer of their mediation, invited them, in concert, to concur in the completion of the great and salutary work of peace, by taking part, as mediators, in the definitive treaty to be concluded between their Britannic and Catholic Majesties. Their said Imperial Majesties having readily accepted that invitation, they have named, as their representatives, viz. his Majesty the Emperor of the Romans, the most illustrious and most excellent Lord Florimond, Count Mercy-Argenteau,

Viscount of Loo, Baron of Crichegnée, knight of the Golden Fleece, chamberlain, actual privy counsellor of state to his Imperial and Royal Apostolic Majesty, and his ambassador to his most Christian Majesty; and her Majesty the Empress of all the Russias, the most illustrious and most excellent Lord Prince Iwan Bariatinskoy, lieutenant-general of the forces of her Imperial Majesty of all the Russias, knight of the Orders of St. Anne and of the Swedish Sword, and her minister plenipotentiary to his most Christian Majesty, and the Lord Arcadi de Marcoff, counsellor of state to her Imperial Majesty of all the Russias, and her minister plenipotentiary to his most Christian Majesty. In consequence, their said Majesties the King of Great Britain, and the most Christian King, have named and constituted for their plenipotentiaries, charged with the concluding and signing of the definitive treaty of peace, viz. the King of Great Britain, the most Illustrious and most Excellent Lord George, Duke and Earl of Manchester, Viscount Mandeville, Baron of Kimbolton, lord lieutenant and custos rotulorum of the county of Huntingdon, actual privy counsellor to his Britannic Majesty, and his ambassador extraordinary and plenipotentiary to his most Christian Majesty; and the Catholic King, the most Illustrious and most Excellent Lord Peter Paul Abarca de Bolea Ximenes d'Urrea, &c. Count of Aranda and Castel Florido, Marquis of Torres, of Villanan and Rupit, Viscount of Rueda and Yoch, Baron of the baronies of Gavin, Sietamo, Clamofa, Eripol Trazmoz, La Mata de Castil-Viejo, Antillon, La Almolda, Cortés, Jorva, St. Genis, Rabovillet, Arcau and Ste. Colome de Farnés, lord of the tenance and honour of Alcatén, the valley of Rodellar, the castles and towns of Maella, Mesones, Tiurana, and Villa Plana, Taradel and Viladrau, &c. Rico-Hombre in Arragon by descent, grandee of Spain of the first class, knight of the Order of the Golden Fleece, and of that of the Holy Ghost, gentleman of the King's chamber in employment, captain general of his forces, and his ambassador to the most Christian

Christian King : who, after having exchanged their respective full powers, have agreed upon the following articles.

I. There shall be a Christian, universal, and perpetual peace, as well by sea as by land, and a sincere and constant friendship shall be re-established between their Britannic and Catholic Majesties, and between their heirs and successors, kingdoms, dominions, provinces, countries, subjects, and vassals, of what quality or condition soever they be, without exception either of places or persons ; so that the high contracting parties shall give the greatest attention to the maintaining between themselves, and their said dominions and subjects, this reciprocal friendship and intercourse, without permitting hereafter, on either part, any kind of hostilities to be committed, either by sea or by land, for any cause or under any pretence whatsoever : and they shall carefully avoid, for the future, every thing which might prejudice the union happily re-established, endeavouring, on the contrary, to procure reciprocally for each other, on every occasion, whatever may contribute to their mutual glory, interests, and advantage, without giving any assistance or protection, directly or indirectly, to those who would do any injury to either of the high contracting parties. There shall be a general oblivion and amnesty of every thing which may have been done or committed, before or since the commencement of the war which is just ended,

II. The treaties of Westphalia of 1648 ; those of Madrid of 1667, and of 1670 ; those of peace and of commerce of Utrecht of 1713 ; that of Baden of 1714 ; of Madrid of 1715 ; of Seville of 1729 ; the definitive treaty of Aix la Chapelle of 1748 ; the treaty of Madrid of 1750 ; and the definitive treaty of Paris of 1763, serve as a basis and foundation to the peace, and to the present treaty ; and for this purpose, they are all renewed and confirmed, in the best form,

as well as all the treaties in general which subsisted between the high contracting parties before the war, and particularly all those which are specified and renewed in the aforesaid definitive treaty of Paris, in the best form, and as if they were herein inserted word for word; so that they are to be exactly observed for the future in their full tenor, and religiously executed, by both parties, in all the points which shall not be derogated from by the present treaty of peace.

III. All the prisoners taken on either side, as well by land as by sea, and the hostages carried away or given, during the war, and to this day, shall be restored, without ransom, in six weeks at latest, to be computed from the day of the exchange of the present treaty; each crown respectively discharging the advances which shall have been made for the subsistence and maintenance of their prisoners, by the sovereign of the country where they shall have been detained, according to the receipts, attested accounts, and other authentic vouchers, which shall be furnished on each side: and sureties shall be reciprocally given for the payment of the debts which the prisoners may have contracted in the countries where they may have been detained, until their entire release. And all ships, as well men of war as merchant ships, which may have been taken since the expiration of the terms agreed upon for the cessation of hostilities by sea, shall likewise be restored, *bonâ fide*, with all their crews and cargoes. And the execution of this article shall be proceeded upon immediately after the exchange of the ratifications of this treaty.

IV. The King of Great Britain cedes, in full right, to his Catholic Majesty, the Island of Minorca. Provided that the same stipulations inserted in the following article shall take place in favour of the British subjects, with regard to the above-mentioned island.

V. His Britannic Majesty likewise cedes and guarantees, in full right, to his Catholic Majesty, East Florida,

as also West Florida. His Catholic Majesty agrees that the British inhabitants, or others who may have been subjects of the King of Great Britain in the said countries, may retire in full security and liberty, where they shall think proper, and may sell their estates, and remove their effects, as well as their persons, without being restrained in their emigration, under any pretence whatsoever, except on account of debts, or criminal prosecutions; the term limited for this emigration being fixed to the space of eighteen months, to be computed from the day of the exchange of the ratifications of the present treaty: but if, from the value of the possessions of the English proprietors, they should not be able to dispose of them within the said term, then his Catholic Majesty shall grant them a prolongation proportioned to that end. It is further stipulated, that his Britannic Majesty shall have the power of removing from East Florida all the effects which may belong to him, whether artillery, or other matters.

VI. The intention of the two high contracting parties being to prevent, as much as possible, all the causes of complaint and misunderstanding heretofore occasioned by the cutting of wood for dying, or logwood; and several English settlements having been formed and extended, under that pretence, upon the Spanish continent; it is expressly agreed that his Britannic Majesty's subjects shall have the right of cutting, loading, and carrying away logwood, in the district lying between the rivers Wallis or Bellize, and Rio-Hondo, taking the course of the said two rivers for unalterable boundaries, so as that the navigation of them be common to both nations, to wit, by the river Wallis or Bellize, from the sea, ascending as far as opposite to a lake or inlet which runs into the land, and forms an isthmus, or neck, with another similar inlet, which comes from the side of Rio Nuevo or New River; so that the line of separation shall pass strait across the said isthmus, and meet another lake formed by the water of Rio-Nuevo, or New River, at its current. The said line shall

shall continue with the course of Rio-Nuevo, descending as far as opposite to a river, the source of which is marked in the map, between Rio-Nuevo and Rio-Hondo, and which empties itself into Rio-Hondo; which river shall also serve as a common boundary as far as its junction with Rio-Hondo; and from thence descending by Rio-Hondo to the sea, as the whole is marked on the map which the plenipotentiaries of the two crowns have thought proper to make use of, for ascertaining the points agreed upon, to the end that a good correspondence may reign between the two nations, and that the English workmen, cutters, and labourers may not trespass from an uncertainty of the boundaries. The respective commissaries shall fix upon convenient places, in the territory above marked out, in order that his Britannic Majesty's subjects, employed in the felling of logwood, may, without interruption, build therein houses and magazines necessary for themselves, their families, and their effects; and his Catholic Majesty assures to them the enjoyment of all that is expressed in the present article; provided that these stipulations shall not be considered as derogating in anywise from his rights of sovereignty. Therefore all the English, who may be dispersed in any other parts, whether on the Spanish continent, or in any of the islands whatsoever, dependent on the aforesaid Spanish continent, and for whatever reason it might be, without exception, shall retire within the district which has been above described, in the space of eighteen months, to be computed from the exchange of the ratifications; and for this purpose orders shall be issued on the part of his Britannic Majesty, and on that of his Catholic Majesty, his governors shall be ordered to grant to the English dispersed every convenience possible for their removing to the settlement agreed upon by the present article, or for their retiring wherever they shall think proper. It is likewise stipulated, that if any fortifications should actually have been heretofore erected within the limits marked out, his Britannic Majesty shall cause them all to be demolished;
and

and he will order his subjects not to build any new ones. The English inhabitants, who shall settle there for the cutting of logwood, shall be permitted to enjoy a free fishery for their subsistence, on the coasts of the district above agreed on, or of the islands situated opposite thereto, without being in anywise disturbed on that account; provided they do not establish themselves, in any manner, on the said islands.

VII. His Catholic Majesty shall restore to Great Britain the islands of Providence, and the Bahamas, without exception, in the same condition they were in when they were conquered by the arms of the King of Spain. The same stipulations inserted in the fifth article of this treaty shall take place in favour of the Spanish subjects, with regard to the islands mentioned in the present article.

VIII. All the countries and territories, which may have been, or which may be conquered in any part of the world whatsoever, by the arms of his Britannic Majesty, as well as by those of his Catholic Majesty, which are not included in the present treaty, neither under the head of Cessions, nor under the head of Restitutions, shall be restored without difficulty, and without requiring any compensation.

IX. Immediately after the exchange of the ratifications, the two high contracting parties shall name commissaries to treat concerning new arrangements of commerce between the two nations, on the basis of reciprocity and mutual convenience; which arrangements shall be settled and concluded within the space of two years, to be computed from the first of January, 1784.

X. As it is necessary to appoint a certain period for the restitutions and evacuations to be made by each of the high contracting parties, it is agreed, that the King of Great Britain shall cause East Florida to be evacuated three months after the ratification of the present treaty,

treaty, or sooner, if it can be done. The King of Great Britain shall in like manner enter again into possession of the islands of Providence, and the Bahamas, without exception, in the space of three months after the ratification of the present treaty, or sooner, if it can be done. In consequence whereof, the necessary orders shall be sent by each of the high contracting parties, with reciprocal passports for the ships which shall carry them, immediately after the ratification of the present treaty.

XI. Their Britannic and Catholic Majesties promise to observe sincerely, and *bonâ fide*, all the articles contained and established in the present treaty; and they will not suffer the same to be infringed, directly or indirectly, by their respective subjects: and the said high contracting parties guaranty to each other, generally and reciprocally, all the stipulations of the present treaty.

XII. The solemn ratifications of the present treaty, prepared in good and due form, shall be exchanged in this city of Versailles, between the high contracting parties, in the space of one month, or sooner, if possible, to be computed from the day of the signature of the present treaty. In witness whereof, we the underwritten ambassadors extraordinary, and ministers plenipotentiary, have signed with our hands, in their names, and by virtue of our respective full powers, the present definitive treaty, and have caused the seals of our arms to be affixed thereto.

Done at Versailles, the third day of September, one thousand seven hundred and eighty-three.

Manchester. (L. S.)

Le Comte d'Aranda. (L. S.)

Separate Articles.

I. SOME of the titles made use of by the contracting

tracting parties, whether in the full powers, and other instruments, during the course of the negotiation, or in the preamble of the present treaty, not being generally acknowledged, it has been agreed that no prejudice should ever result therefrom to either of the said contracting parties; and that the titles taken or omitted, on either side, upon occasion of the said negotiation, and of the present treaty, shall not be cited, or quoted as a precedent.

II. It has been agreed and determined, that the French language, made use of in all the copies of the present treaty, shall not form an example which may be alledged, or quoted as a precedent, or, in any manner, prejudice either of the contracting Powers; and that they shall conform, for the future, to what has been observed, and ought to be observed, with regard to, and on the part of Powers, who are in the practice and possession of giving and receiving copies of like treaties in a different language from the French; the present treaty having, nevertheless, the same force and virtue as if the afore said practice had been therein observed.

In witness whereof, we the under-written ambassador extraordinary, and ministers plenipotentiary, of their Britannic and Catholic Majesties, have signed the present separate articles, and have caused the seals of our arms to be affixed thereto.

Done at Versailles, the third of September, one thousand seven hundred and eighty-three.

Le Comte d'Aranda. (L. S.)
Manchester. (L. S.)

Declaration.

THE new state in which commerce may perhaps be found, in all parts of the world, will demand revisions and explanations of the subsisting treaties; but an entire abrogation of those treaties, in whatever period
it

it might be, would throw commerce into such confusion as would be of infinite prejudice to it.

In some of the treaties of this sort there are not only articles which relate merely to commerce, but many others which ensure reciprocally, to the respective subjects, privileges, facilities for conducting their affairs, personal protections, and other advantages, which are not, and which ought not to be of a changeable nature, such as the regulations relating merely to the value of goods and merchandize, variable from circumstances of every kind.

When therefore the state of the trade between the two nations shall be treated upon, it is requisite to be understood, that the alterations which may be made in the subsisting treaties are to extend only to arrangements merely commercial ; and that the privileges and advantages, mutual and particular, be not only preserved on each side, but even augmented, if it can be done.

In this view, his Majesty has consented to the appointment of commissaries, on each side, who shall treat solely upon this object.

Done at Versailles, the third of September, one thousand seven hundred and eighty-three.

Manchester. (L. S.)

Counter-Declaration.

THE Catholic King, in proposing new arrangements of commerce, has had no other design than to remedy, by the rules of reciprocity and mutual convenience, whatever may be defective in preceding treaties of commerce. The King of Great Britain may judge from thence, that the intention of his Catholic Majesty is not in any manner to cancel all the stipulations contained in the above-mentioned treaties ; he declares, on the contrary, from henceforth, that he is disposed to maintain all the privileges, facilities, and

advantages expressed in the old treaties, as far as they shall be reciprocal, or compensated by equivalent advantages. It is to attain this end, desired on each side, that commissaries are to be named to treat upon the state of trade between the two nations, and that a considerable space of time is to be allowed for completing their work. His Catholic Majesty hopes that this object will be pursued with the same good faith, and with the same spirit of conciliation, which have presided over the discussion of all the other points included in the definitive treaty; and his said Majesty is equally confident, that the respective commissaries will employ the utmost diligence for the completion of this important work.

Done at Versailles, the third of September, one thousand seven hundred and eighty-three.

(L. S.) *Le Comte d'Aranda.*

WE, ambassador plenipotentiary of his Imperial and Royal Apostolic Majesty, having acted as mediator in the work of pacification, declare that the treaty of peace signed this day at Versailles, between his Britannic Majesty and his Catholic Majesty, with the two separate articles thereto annexed, and of which they form a part, as also with all the clauses, conditions, and stipulations which are therein contained, was concluded by the mediation of his Imperial and Royal Apostolic Majesty. In witness whereof, we have signed these presents with our hand, and have caused the seal of our arms to be affixed thereto. Done at Versailles, the third of September, one thousand seven hundred and eighty-three.

(L. S.) *Le Comte de Mercy Argenteau.*

WE, ministers plenipotentiary of her Imperial Majesty of all the Russias, having acted as mediators in the work of pacification, declare that the treaty of
peace,

peace, signed this day at Versailles, between his Britannic Majesty, and his Catholic Majesty, with the two separate articles thereto annexed, and of which they form a part, as also with all the clauses, conditions, and stipulations which are therein contained, was concluded by the mediation of her Imperial Majesty of all the Russias. In witness whereof, we have signed these presents with our hands, and have caused the seals of our arms to be affixed thereto.

Done at Versailles, the third of September, one thousand seven hundred and eighty-three.

(L. S.) *Prince Iwan Bariatinzkoy.*

(L. S.) *A. Marcoff.*

His Britannic Majesty's Full Power.

GEORGE R.

GEORGE the Third, by the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, Duke of Brunswick and Lunenburg, Arch-treasurer and Prince Elector of the Holy Roman Empire, &c. to all and singular to whom these presents shall come, greeting. Whereas, for perfecting the peace between us and our good brother the Catholic King, which has been happily begun by the preliminary articles already signed at Versailles, on the twentieth day of January last, and for bringing the same to the desired conclusion, we have thought proper to invest some fit person with full authority, on our part; and whereas our right trusty and right entirely beloved cousin and counsellor, George Duke and Earl of Manchester, Viscount Mandeville, Baron of Kimbolton, lord lieutenant and custos rotulorum of the county of Huntingdon, has merited our favour, by his illustrious descent, eminent qualities of mind, singular experience in affairs, and approved fidelity, on whom therefore we have conferred the character of our ambassador extraordinary and plenipotentiary at the court of our good brother

brother the most Christian King, being persuaded that he will highly dignify the office which we have resolved to entrust to him: Know ye therefore, that we have made, constituted, and appointed, and by these presents do make, constitute, and appoint him, the said George Duke of Manchester, our true, certain, and undoubted plenipotentiary, commissioner, and procurator; giving and granting to him full and all manner of power and authority, as also our general and special command, at the court of our said good brother the most Christian King, for us, and in our name, to meet and confer with the ambassadors, commissioners, deputies, and plenipotentiaries, as well of our good brother the Catholic King, as of the other Princes and States whom it may concern, being furnished with sufficient authority, whether singly and separately, or collectively and jointly, and with them to agree, treat, consult, and conclude upon the re-establishing, as soon as may be, of a firm and lasting peace, and sincere friendship and concord; and for us, and in our name, to sign whatever may be so agreed upon and concluded; and also to make, and mutually deliver and receive, a treaty or treaties, or such other and so many instruments as shall be requisite, upon the business concluded, and to transact all other matters, which may relate to the happily accomplishing of the aforesaid work, in as ample manner and form, and with equal force and effect, as we, if we were present, could do and perform: engaging and promising, on our Royal word, that we will approve, ratify, and accept, in every more perfect form, whatever may happen to be transacted and concluded by our said plenipotentiary, and that we will never suffer the same to be violated or infringed by any one, either in the whole, or in part. In witness, and for the greater validity of all which, we have caused our great seal of Great Britain to be affixed to these presents, signed with our Royal hand. Given at our court at St. James's, the twentieth day of April, in the year of

our lord one thousand seven hundred and eighty-three, and in the twenty-third year of our reign.

His Catholic Majesty's Full Power.

DON CARLOS, by the grace of God, King of Castile, Leon, Aragon, the Two Sicilies, Jerusalem, Navarre, Granada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordova, Corfica, Murcia, Jaen, the Algarves, Algeziras, Gibraltar, the Canary Islands, the East and West Indies, islands and *terra firma* 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. Whereas, preliminary articles of peace having been happily agreed upon between my kingdom of Spain and that of England, as well as between the other Powers, there will soon be occasion to assemble a general congress wherever it may be thought most proper and best adapted to the common interests, in order to settle and determine definitively all matters in controversy between those Powers and States who have taken part in the war now drawing to a conclusion; and considering it very probable, that the French court will be preferred, on account of its convenient situation, and the attendance there of those plenipotentiaries who have interposed in forming the said preliminary articles, I have thought it necessary and proper to again authorize a person in my highest esteem and confidence, endowed with knowledge and experience, to the end that, in my name, he may assist at all conferences, treat, settle, and determine whatever may concern my interests in the intended definitive treaty: therefore, all these requisites and qualifications concentrating in you, Don Pedro Pablo Abarca de Bolea Ximenes d'Urrea, &c. Count of Aranda and Castell-Florido, Marquis of Torres, Villanan, and Rupit, Viscount of Rueda and Yoch, Baron of the baronies of Gavin, Sietano, Clamofa, and others, Lord of the tenencia and honor of

Alcalaten, &c. Rico-Hombre in Aragon by descent, grandee of Spain of the first class, knight of the Order of the Golden Fleece, and of that of the Holy Ghost, gentleman of my bed-chamber in employment, captain-general of my forces, and my ambassador extraordinary to his most Christian Majesty, I have resolved to authorize you, as by these presents I do authorize and name you, and grant to you my full power, in the most ample and extensive form, in order that, with the other ministers duly empowered by the respective Sovereigns, or States, whom they represent, you may treat, settle, conclude, and sign all such points as relate to the establishment of the general peace, by means of the definitive treaty which is now in agitation; promising, on the faith and word of a King, to approve, ratify, fulfil, and cause to be strictly fulfilled, whatever articles, conditions, or agreements you may conclude and sign. In witness whereof, I have ordered these presents to be dispatched, signed by my hand, sealed with my privy seal, and countersigned by my underwritten counsellor, and first secretary of state and of the dispatches. Pardo, the eighth of February, one thousand seven hundred and eighty-three.

(L. S.) *I the KING.*

Joseph Monino.

The Emperor's Full Power.

WE Joseph the Second, by the Divine favour, Emperor elect of the Romans, always August; King of Germany, Jerusalem, Hungary, Bohemia, Dalmatia, Croatia, Slavonia, and Lodomeria; Archduke of Austria; Duke of Burgundy, Lorraine, Stiria, Carinthia, and Carniola; Great Duke of Tuscany; Great Prince of Transilvania; Marquis of Moravia; Duke of Brabant, Limburg, Luxemburg, and Gueldres, Wirtemberg, Upper and Lower Silesia, Milan, Mantua, Parma, Placentia and Guastalla, Ofvecinia and Zatoria, Calabria, Barri, Montferat, and Teschin; Prince of

Suevia and Carolopolis; Count of Hapsburg, Flanders, Tyrol, Hainault, Kiburg, Goritia, and Gradisca; Marquis of the Holy Roman Empire, of Burgovia, Upper and Lower Lusatia, Muffopont, and Nomeny; Count of Namur, Provence, Vaudemont, Albimont, Zutphen, Sarwar, Salm, and Falkenstein; Lord of Marchpurg, Slavonia, and Mechlin;—

By the tenor of these presents, make known and testify to all and singular, whom it doth or may in any manner concern. During the time that the late extensive war overspread almost the whole world, we, and her Majesty the Empress and sole Monarch of all the Russias, animated with an equal desire of putting an end as soon as possible to the calamities of the war, did not omit frequently to manifest our earnest inclination that by the interposition of our respective and mutual friendly offices, a reconciliation of the belligerent parties might be promoted, and the former peace and sincere concord between them be restored. It was very agreeable to us to understand that our common endeavours had not failed of the desired effect; for, a more pacific disposition afterwards prevailing in the minds of the Princes engaged in the war, and the business being already so far happily advanced, that previous conditions of peace, or preliminary articles, were agreed upon between them, on which the general work of pacification might be founded, the aforesaid most Serene and most Potent Princes desired, in a friendly manner, that, in concert with her Imperial Majesty of all the Russias, we would apply our joint attention to this salutary business, and interpose our friendly offices for establishing the peace, of which the foundations were happily laid by the above-mentioned previous conditions, in order that by the united efforts of the mediators, the great work of peace might, on every side, be the more certainly accomplished. We, ever intent upon that object, perceived with the greater satisfaction the sentiments of the above-mentioned

Princes,

Princes, and having previously concerted measures with her Majesty the Empress of all the Russias, did not hesitate to confirm the expectations they had conceived on our part, by accepting, with a willing and chearful mind, the trust committed to us. For which end we have made choice of the illustrious and noble, our faithful and beloved Florimond Count de Mercy-Argenteau, knight of the Golden Fleece, our actual privy counsellor, and our ambassador residing at the court of the most Serene and most Potent King of France and Navarre, a person of singular fidelity, integrity, and experience in the proper conduct of affairs, and have appointed, and hereby given him full power to take upon him, in our name, the office of mediator, conjointly with such person or persons who shall be appointed, and furnished with equal full power, as well on the part of her Majesty the Empress of all the Russias, as co-mediatrix, as on the part of the other Princes who may be interested therein, and to contribute his counsel and assistance for concluding, by the interposition of friendly offices and united efforts, such treaties, conventions, or regulations whatsoever, as may appear to be necessary for completing the work of peace; all which he shall subscribe and sign, and shall also deliver such instrument or instruments, on his part, as may be proper and required of him for perfecting the business: promising, on our Imperial, Royal, and Archducal word, that we will ratify, accept, and faithfully fulfil all such things as our said ambassador shall have concluded, promised, and signed, by virtue of these presents, and that we will order letters of ratification to be expedited at the time agreed upon. In witness, and for the greater validity whereof, we have signed this instrument of full power with our hand, and have ordered it to be confirmed with our Imperial, Royal, and Archducal seal affixed thereto. Given in our city of Vienna, the 16th day of April, in the year of our Lord one thousand seven hundred and eighty-three, in the twen-

tieth of our our Roman Germanic reign, and the third
of our hereditary reign,

JOSEPHUS.

W. Kaunitz Rietberg.

By his Sacred, Imperial, and Royal Apostolic Ma-
jesty's special command.

Ant. Spielmann,

The Empress of Russia's Full Power.

BY the grace of God, we Catharine the Second, Empress and sole Monarch of all the Russias, of Muscovy, Kiovia, Vlodomiria, Novogorod; Czarina of Casan, Czarina of Astracan, Czarina of Siberia, Lady of Plescau, and Great Dutchess of Smolensko; Dutchess of Estonia, of Livonia, Carelia, Twier, Ingoria, GERMIA, Viatkia, Bulgaria, and other countries; Lady and Great Dutchess of Lower Novogorod, of Czernigovia, Refan, Rostow, Jaroslaw, Belo-Osoria, Udoria, Obdoria, Condinia; Ruler of all the side of the North; Lady of Iveria; and hereditary Princess and Sovereign of the Czars of Cartalinia and Georgia, as also of Cabardinia, of the Princes of Circassia, of Gorskii, &c. Being intent, during all the course of the late war, which had extended over every part of the earth, to testify how much we had it at heart to see the calamities thereof terminated, we were inclined, in conjunction with his Majesty the Emperor of the Romans, King of Hungaria and Bohemia, to employ our good offices, in order to find means of conciliation proper for re-establishing peace and good understanding between the belligerent Powers. We have had the satisfaction to observe that our common endeavours were not fruitless; and the pacific sentiments, with which the said Powers were happily animated, having ripened and strengthened so far that they proceeded to conclude preliminary articles, serving as a basis to the definitive
treaties,

treaties, they invited us, conjointly with his Majesty the Emperor of the Romans, King of Hungary and Bohemia, to carry our united mediation into full execution, and to interpose our good offices in this salutary work, by concurring to consolidate and fully establish the peace, the foundations of which were laid by the aforesaid preliminary articles, and thus to accomplish the business of pacification so happily begun. We, equally induced by the sentiments above expressed, as by a just acknowledgment of those which were manifested to us on the part of the said Powers, did not hesitate, in concert with his Majesty the Emperor of the Romans, to confirm their expectation, and to charge ourself with the important employment which was tendered to us. For this end, we have made choice of, named, and deputed, and, by these presents, do make choice of, name, and depute, our ministers plenipotentiary to his most Christian Majesty, our beloved and trusty Prince Iwan Bariatinskoy, lieutenant-general of our forces, knight of the Order of St. Anne, and the Sieur Arcadius de Marcoff, our counsellor of Chancery, giving them full power, in our name, and on our behalf, in quality of mediators, jointly with him or them who shall be named for this purpose, and likewise furnished with full powers, on the part of his Majesty the Emperor of the Romans, King of Hungary and Bohemia, co-mediator, as well as on the part of the other Powers interested therein, to act or interpose, and assist with our mediation and good offices, in the arrangement and completion of all such treaties, conventions, or other instruments, as shall be judged necessary for the consolidation and entire confirmation of the work begun; and also to sign and deliver, on their part, such act or acts as may be required and deemed conducive to the attainment of that end: promising, on our faith and Imperial word, to approve and faithfully perform every thing which shall have been done, concluded, promised, and signed, in virtue of the present full power, by the said Prince Bariatinskoy

skoy and Sieur Marcoff, as also to cause our ratifications thereof to be expedited in the time agreed upon, In witness whereof, we have signed these presents with our own hand, and have caused the great seal of the empire to be fixed thereto. Given at our residence of St. Petersburg, the twelfth of March, in the year of grace one thousand seven hundred and eighty-three, and in the twenty-first year of our reign.

C A T H E R I N E.

Count *John d'Osterman*.

[The following is printed from the Treaty, which was published by authority, in 1786.]

The Convention between His Britannic Majesty and the King of Spain. Signed at London, the 14th of July, 1786.

THE Kings of England and of Spain, animated with the same desire of consolidating, by every means in their power, the friendship so happily subsisting between them and their kingdoms, and wishing, with one accord, to prevent even the shadow of misunderstanding which might be occasioned by doubts, misconceptions, or other causes of disputes between the subjects on the frontiers of the two monarchies, especially in distant countries, as are those in America, have thought proper to settle, with all possible good faith, by a new convention, the points which might one day or other be productive of such inconveniences, as the experience of former times has very often shewn. To this end, the King of Great Britain has named the most Noble and most Excellent Lord Francis, Baron Osborne of Kiveton, Marquis of Carmarthen, his Britannic Majesty's privy counsellor, and principal secretary of state for the department of foreign affairs, &c. &c. &c. and the Catholic King has likewise authorized

thorized Don Bernardo del Campo, knight of the Noble Order of Charles the Third, secretary of the same order, secretary of the supreme council of state, and his minister plenipotentiary to the King of Great Britain: who having communicated to each other their respective full powers, prepared in due form, have agreed upon the following articles.

I. His Britannic Majesty's subjects, and the other colonists who have hitherto enjoyed the protection of England, shall evacuate the country of the Mosquitos, as well as the continent in general, and the islands adjacent, without exception, situated beyond the line hereinafter described, as what ought to be the frontier of the extent of territory granted by his Catholic Majesty to the English, for the uses specified in the 3d article of the present convention, and in addition to the country already granted to them in virtue of the stipulations agreed upon by the commissaries of the two Crowns in 1783.

II. The Catholic King, to prove, on his side, to the King of Great Britain, the sincerity of his sentiments of friendship towards his said Majesty, and the British nation, will grant to the English more extensive limits than those specified in the last treaty of peace: and the said limits of the lands added by the present convention shall for the future be understood in the manner following.

The English line, beginning from the sea, shall take the center of the river Sibun or Jabon, and continue up to the source of the said river; from thence it shall cross in a strait line the intermediate land, till it intersects the river Wallis; and by the center of the same river, the said line shall descend to the point where it will meet the line already settled and marked out by the commissaries of the two Crowns in 1783: which limits, following the continuation of the said line, shall be observed as formerly stipulated by the definitive treaty.

III. Although

III. Although no other advantages have hitherto been in question, except that of cutting wood for dying, yet his Catholic Majesty, as a greater proof of his disposition to oblige the King of Great Britain, will grant to the English the liberty of cutting all other wood, without even excepting mahogany, as well as gathering all the fruits, or produce of the earth, purely natural and uncultivated, which may besides, being carried away in their natural state, become an object of utility or of commerce, whether for food or for manufactures: but it is expressly agreed, that this stipulation is never to be used as a pretext for establishing in that country any plantation of sugar, coffee, cacao, or other like articles, or any fabric or manufacture, by means of mills or other machines whatsoever (this restriction however does not regard the use of saw-mills, for cutting or otherwise preparing the wood) since all the lands in question being indisputably acknowledged to belong of right to the Crown of Spain, no settlements of that kind, or the population which would follow, could be allowed.

The English shall be permitted to transport and convey all such wood, and other produce of the place, in its natural and uncultivated state, down the rivers to the sea, but without ever going beyond the limits which are prescribed to them by the stipulations above granted, and without thereby taking an opportunity of ascending the said rivers beyond their bounds, into the countries belonging to Spain.

IV. The English shall be permitted to occupy the small island known by the names of Casina, St. George's Key, or Cayo Casina, in consideration of the circumstance of that part of the coasts opposite to the said island being looked upon as subject to dangerous disorders; but this permission is only to be made use of for purposes of real utility: and, as great abuses, no less contrary to the intentions of the British government, than to the essential interests of Spain, might arise from this permission, it is here stipulated, as an
indispensable

indispensable condition, that no fortification, or work of defence whatever, shall at any time be erected there, nor any body of troops posted, nor any piece of artillery kept there; and in order to verify with good faith the accomplishment of this condition *sine quâ non* (which might be infringed by individuals, without the knowledge of the British government) a Spanish officer or commissary, accompanied by an English commissary or officer, duly authorized, shall be admitted, twice a year, to examine into the real situation of things.

V. The English nation shall enjoy the liberty of refitting their merchant ships in the southern triangle, included between the point of Cayo Casina and the cluster of small islands which are situated opposite that part of the coast occupied by the cutters, at the distance of eight leagues from the river Wallis, seven from Cayo Casina, and three from the river Sibun; a place which has always been found well adapted to that purpose. For which end, the edifices and storehouses absolutely necessary for that service shall be allowed to be built; but in this concession is also included the express condition of not erecting fortifications there at any time, or stationing troops, or constructing any military works; and in like manner it shall not be permitted to station any ships of war there, or to construct an arsenal, or other building, the object of which might be the formation of a naval establishment.

VI. It is also stipulated, that the English may freely and peaceably catch fish on the coast of the country assigned to them by the last treaty of peace, as also of that which is added to them by the present convention; but without going beyond their boundaries, and confining themselves within the distance specified in the preceding article.

VII. All the restrictions specified in the last treaty of 1783, for the entire preservation of the right of the Spanish sovereignty over the country, in which is granted

granted to the English only the privilege of making use of the wood of the different kinds, the fruits and other produce, in their natural state, are here confirmed; and the same restrictions shall also be observed with respect to the new grant. In consequence, the inhabitants of those countries shall employ themselves simply in the cutting and transporting of the said wood, and in the gathering and transporting of the fruits, without meditating any more extensive settlements, or the formation of any system of government, either military or civil, further than such regulations as their British and Catholic Majesties may hereafter judge proper to establish, for maintaining peace and good order amongst their respective subjects.

VIII. As it is generally allowed that the woods and forests are preserved, and even multiply, by regular and methodical cuttings, the English shall observe this maxim, as far as possible; but if, notwithstanding all their precautions, it should happen in course of time that they were in want of dying-wood, or mahogany, with which the Spanish possessions might be provided, the Spanish government shall make no difficulty to furnish a supply to the English, at a fair and reasonable price.

IX. Every possible precaution shall be observed to prevent smuggling; and the English shall take care to conform to the regulations which the Spanish government shall think proper to establish amongst their own subjects, in all communications which they may have with the latter; on condition nevertheless that the English shall be left in the peaceable enjoyment of the several advantages inserted in their favour in the last treaty, or stipulated by the present convention.

X. The Spanish governors shall be ordered to give to the said English dispersed, all possible facilities for their removal to the settlements agreed upon by the present convention, according to the stipulations of the 6th article of the definitive treaty of 1783, with respect,

spect to the country allotted for their use by the said article.

XI. Their Britannic and Catholic Majesties, in order to remove every kind of doubt with regard to the true construction of the present convention, think it necessary to declare that the conditions of the said convention ought to be observed according to their sincere intention to ensure and improve the harmony and good understanding which so happily subsist at present between their said Majesties.

In this view, his Britannic Majesty engages to give the most positive orders for the evacuation of the countries above-mentioned, by all his subjects of whatever denomination: but if, contrary to such declaration, there should still remain any persons so daring, as to presume, by retiring into the interior country, to endeavour to obstruct the entire evacuation already agreed upon, his Britannic Majesty, so far from affording them the least succour, or even protection, will disavow them in the most solemn manner, as he will equally do those who may hereafter attempt to settle upon the territory belonging to the Spanish dominion.

XII. The evacuation agreed upon shall be completely effected within the space of six months after the exchange of the ratifications of this convention, or sooner, if it can be done.

XIII. It is agreed that the new grants described in the preceding articles, in favour of the English nation, are to take place as soon as the aforesaid evacuation shall be entirely accomplished.

XIV. His Catholic Majesty, prompted solely by motives of humanity, promises to the King of England, that he will not exercise any act of severity against the Mosquitos, inhabiting in part the countries which are to be evacuated, by virtue of the present convention, on account of the connections which may have
subsisted

subsisted between the said Indians and the English; and his Britannic Majesty, on his part, will strictly prohibit all his subjects from furnishing arms, or war-like stores, to the Indians in general, situated upon the frontiers of the Spanish possessions.

XV. The two courts shall mutually transmit to each other duplicates of the orders, which they are to dispatch to their respective governors and commanders in America, for the accomplishment of the present convention; and a frigate, or proper ship of war, shall be appointed, on each side, to observe in conjunction that all things are performed in the best order possible, and with that cordiality and good faith of which the two Sovereigns have been pleased to set the example.

XVI. The present convention shall be ratified by their Britannic and Catholic Majesties, and the ratifications exchanged, within the space of six weeks, or sooner, if it can be done.

In witness whereof, we the under-signed ministers plenipotentiary of their Britannic and Catholic Majesties, in virtue of our respective full powers, have signed the present convention, and have affixed thereto the seals of our arms.

Done at London, this fourteenth day of July, one thousand seven hundred and eighty-six.

Carmarthen. (L. S.)

Le Cley del Campo. (L. S.)

At the time of exchanging our Sovereigns ratifications of the convention signed the 14th of July last, we the undersigned ministers plenipotentiary have agreed, that the visit of the English and Spanish commissaries, mentioned in the 4th article of the said convention, with respect to the island of Cayo Casina, is to extend in like manner to all the other places, whether
in

in the islands, or on the continent, where the English cutters shall be situated. In witness whereof, we have signed this declaration, and affixed thereto the seals of our arms.

London, this 1st of September, 1786.

Carmarthen. (L. S.)

Le Marquis del Campo. (L. S.)

P O R T U G A L.

164 $\frac{1}{2}$.
29 Jan. **T**HE treaty of peace and commerce between Great Britain and Portugal, made at London.

Pap. Off. E. 2.

Treat. 1732, vol. ii. p. 322.

Corps Diplom. tom. vi. part. i. p. 238.

1654. The treaty of peace and alliance between Great Britain and Portugal, made at Westminster, with the secret article.

Pap. Off. E. 2.

Postlethwayt's Dict. word Treaty.

Corps Diplom. tom. vi. part. ii. p. 82.
is very erroneous.

Treat. 1732, vol. iii. p. 97.

Treat. 1785, vol. i. p. 71.

This treaty was ratified, on the part of Portugal, at Alcantara, the 9th of June 1656.

Pap. Off. E. 2. b.

Thurl. State Papers, vol. v. p. 68—113.

In

In the *British Museum*, there are copies of all the papers, which passed between Great Britain and Portugal, with regard to the last-mentioned treaty, from 1654 to 1656, inclusive. There are copies of several letters from John, King of Portugal, to *the most Serene Protector* of the commonwealth of England, which are written in language the most conciliatory, and which evince the cause of postponing *the ratification* to have been the articles about *religion*; *being above our kingly authority*, says his Majesty.

Sloane MS. N° 4192.

1661. The marriage treaty of King Charles II.
23 June. with the Infanta Catherina of Portugal, confirming former treaties since 1641, with the secret article for yielding Bombay to Great Britain.

Pap. Off. P. 6.

Board of Trade, K. 49.

Postlethwayt's Dict. word Treaties.

1703. The treaty of offensive and defensive al-
16 May. liance between Great Britain, the Emperor, and the States General, on the one part, and Portugal on the other, made at Lisbon, with the separate and secret articles.

Pap. Off. E. 5.

Corps Diplom. tom. viii. part. i. p. 127.

Treat. 1732, vol. iii. p. 354.

Treat. 1785, vol. i. p. 337.

1703. The defensive alliance between Great Bri-
16 May. tain, Portugal, and the States General, made at Lisbon.

Pap. Off. E. 6.

Treat. 1785, vol. i. p. 347.

1703.

1703. The treaty of commerce between Great
27 Dec. Britain and Portugal, made at Lisbon.

Pap. Off. E. 7.

Board of Trade, F. 29.

Postlethwayt's Dict. word Treaty.

Treat. 1732, vol. iv. p. 334.

Treat. 1785, vol. i. p. 353.

Entered on the Com. Journ. vol. xiv.
p. 290.

1713. The guaranty of Great Britain to Por-
8 Aug. tugal, in regard to losses before the conclu-
sion of a peace, and to the colony of St. Sa-
crament, made at Hampton Court.

Pap. Off. E. 8.

1715. The guaranty of Great Britain to Portu-
3 May. gal, of the treaty concluded between Por-
tugal and Spain, at Utrecht, on the 6th of
February 171 $\frac{1}{2}$.

Buckley's Treat. 1717, p. 3.

1763. The definitive treaty of peace and friend-
10 Feb. ship between Great Britain, France, and
Spain, made at Paris, to which Portugal ac-
ceded the same day.

See it before, under the head of FRANCE.

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

N. B. The privileges, which a British subject has a
right to enjoy in Portugal, and in the dominions to the
same belonging, may be seen in Postlethwayt's Dicti-
onary, under the word *Treaty*.

*Articles of Peace and Commerce between the High and
Potent Charles I. by the Grace of God, King of
Great Britain, France, and Ireland, Defender of
the Faith, and John IV. King of Portugal, &c. and
VOL. II. S their*

their Subjects; concluded at London, the 29th of January 1642.

WHEREAS the High and Mighty Prince John the Fourth, King of Portugal, &c. hath some time ago sent his ambaffadors to the King's most Excellent Majesty, who declared, it was his desire to renew the ancient alliance and amity that were between the Kings their predeceffors, their crowns and subjects; his Majesty, being moved by the concern he has for the preservation of the peace and tranquillity of his kingdoms, and the liberty of trade and commerce of his well-beloved subjects, by the advice of his privy council, has consented thereto, and makes known to all his well-beloved people, that the said peace and alliance has been concluded and established between the said Kings, their kingdoms, territories, and subjects: and the King's most excellent Majesty has commanded the articles of the present treaty to be published, to serve for a direction to his merchants in their commerce; and has expressly enjoined and commanded all his subjects, of what quality or condition soever, to observe them. Given in our court at York, the 22d day of May, in the year of grace 1642, and of our reign the eighteenth. God save the King.

The Articles of Treaty.

I. It has been concluded and agreed, that there be, and shall be for ever, a good, true, and firm peace and amity between the most renowned Kings, Charles King of Great Britain, and John IV. King of Portugal, their heirs and successors, and their kingdoms, countries, states, lands, people, ships, and subjects whatsoever, present and to come, of what quality or condition soever they be, as well by sea as by land and fresh-waters; so that the said ships and subjects shall treat one another favourably, and render one another all manner of good offices of true amity and affection; and that the said most renowned Kings,

their heirs and successors, shall not do or undertake any thing, either by themselves or by other persons, against one another, nor against their kingdoms, by sea or land, nor consent or adhere to any war, counsel, or treaty, that may be to the prejudice of the one or the other.

II. That there is and shall be between the foresaid most renowned Kings, and their ships, inhabitants, and subjects on both sides, a free commerce, as well by sea as by land and fresh-waters, in all and every one of their kingdoms, lordships, dominions, islands, and other lands, cities, towns, villages, harbours, and territories of the said kingdoms and states; in which there has been commerce from the time of the Kings of Castile, or has been always to this present; so that the subjects and vassals of both Kings may go, enter, and sail, without any passport, or other general or particular permission, as well by sea as by land and fresh-waters, in the kingdoms and dominions aforesaid, and in the cities, towns, harbours, rivers, roads, and territories thereof; and there carry merchandizes, and loads or carriages upon waggons, horses, or in ships, laden or ready to be laden; there to sell and buy as much provision as they please, and furnish themselves with every thing necessary for their subsistence, voyages, or journeys; and there mend or repair their ships or waggons, whether they belong to them in property, or they be hired or borrowed: and that they may depart with the same freedom from thence, with their goods, merchandizes, and other things whatsoever, after having paid only the usual duties and customs on the foot that they are established by the ordinance of each place, to go from thence to their own countries, or to any other places whatsoever that they shall please, and when they think fit, without any trouble or impediment given them.

III. That the subjects of both the above-mentioned renowned Kings shall not be ill-treated in the territories

of either, more than the natives of the place, in their sales and contracts for merchandizes, either as to the price or otherwise ; but that the condition of strangers and of natives shall be equal and alike, as is said, agreeably to what has been practised in the execution of the treaties made between the most renowned Kings of Great Britain and Castile.

IV. That the subjects of the most renowned King of Great Britain shall enjoy a full and entire freedom of trade and commerce in all sorts of merchandizes in the kingdoms, provinces, territories, and isles of the most renowned King of Portugal, in Europe ; and may carry on their trade and commerce in the said places, as freely and in the same manner as is allowed to the subjects of the other Princes and States in alliance with the King of Portugal ; and that they shall not be bound to pay greater duties, customs, imposts, or other taxes, than the inhabitants and subjects of the said countries, or the other subjects of any other nation whatsoever in alliance with Portugal : and they shall enjoy the same privileges as were formerly granted to the English before the union of Portugal and Castile.

V. That as often as the subjects of the King of Great Britain shall arrive with their ships in the harbours of the most renowned King of Portugal, in his kingdoms and dominions, they shall not be obliged to load or embark in their ships any other sort or quantity of commodities or merchandizes, than what the said subjects of the King of Great Britain shall please, and think good ; and that the subjects of the King of Portugal shall enjoy the same liberty in the harbours and dominions of the King of Great Britain.

VI. In case any of the subjects of the most renowned King of Portugal, or any other whatsoever, within the extent of his kingdoms and states, or their goods and merchandizes, be seized, taken, or arrested by the officers of the court of inquisition, or by the judges
or

or ministers thereof, who are or may be afterwards indebted to the subjects of the most renowned King of Great Britain, the said debts shall be entirely paid with the money arising from the said goods and merchandizes the following year, which shall begin from the day of the said seizure and arrest, without any trouble or hinderance from the said court, or from the judges and ministers thereof, in any manner whatsoever; and if any part of the goods and merchandizes of the said subjects of the King of Great Britain remain yet untouched, among the said goods and merchandizes thus seized and arrested, they shall be restored to them without delay.

VII. That the captains, masters, officers, and mariners of the ships of the most renowned King of Great Britain, shall not begin any pursuits, nor procure any trouble against the said ships, nor against any of the subjects of the said King, within the extent of the kingdoms and dominions of the King of Portugal, for their wages or salaries, on pretext that they will make profession of the Romish religion, or that they will list themselves in the service of the most renowned King of Portugal.

VIII. That the consuls nominated and established by the most renowned King of Great Britain, for the aid and protection of his subjects living within the extent of the kingdoms and states of the most renowned King of Portugal, shall fully and freely exercise the function and business of consuls in the extent of the said kingdoms and states, although they do not make profession of the Romish religion.

IX. In case any of the subjects of the most renowned King of Great Britain happen to die within the extent of the kingdoms and states of the most renowned King of Portugal, their books, accounts, merchandizes, and goods, or those of any other subjects whatsoever of the King of Great Britain, shall not from henceforth be taken or seized by the judges of

orphans or people absent, nor by their ministers or officers, nor shall they be under their jurisdiction ; but the said goods, merchandizes, and accounts, shall be delivered, by those in whose possession they shall be, into the hands of the English agents or factors living in the town or place where they shall have deceased, and who shall have been named and appointed by the defunct : and if the person deceased has named none in his life-time, they shall be put into the hands of one or two English merchants (provided they be not married) by the authority of the conservator ; and they shall oblige themselves to give up and restore the said goods and merchandizes to the true owners, or to their lawful creditors ; and the goods which shall be found to belong to the defunct, shall be put into the hands of his heirs, executors, and creditors.

X. That the most renowned King of Portugal, or his ministers, within the extent of his kingdoms and states, may not retain the ships of the subjects of the most renowned King of Great Britain, nor his subjects, without his knowledge and consent, for warlike services, or any other service whatsoever ; but the said ships and subjects may freely depart, when they please, from the ports and harbours of the said King, without any hinderance from the King of Portugal or his ministers : and the goods and merchandizes of the subjects of the King of Great Britain may not be taken for the service of the King of Portugal, but only at the current and reasonable price, to be paid within two months, unless both parties agree upon some other time.

XI. That the subjects of the most renowned King of Great Britain may carry their ships, all sorts of goods, commodities, and merchandizes whatsoever, and even arms, victuals, or any other provisions of that nature, out of the ports and states of the said King, or out of any other ports or states whatsoever, provided they do not carry them strait out of the ports of
Portugal,

Portugal, or the dominions thereupon depending, to be transported into the ports and territories of the most renowned King of Castile; and that neither the renowned King of Portugal, nor his subjects, may, by way of seizure, reprisal, or any other method whatsoever, hinder the said ships, goods, or persons of the subjects of the King of Great Britain, from sailing safely into the ports and territories of the said King of Castile, and there carry on their trade and commerce: and that the subjects of the Kings of Great Britain and of Portugal shall have the same power on both sides; if afterwards it should happen that the one or the other of the said Kings should make war upon the friends of the other: and the subjects of the King of Great Britain may bring all sorts of merchandizes, and even arms, victuals, or any other sort of provisions whatsoever, and things of the like nature, into the kingdoms and states of the King of Portugal, and may there sell them as they think good, in open market, without any hinderance from the most renowned King of Portugal or his ministers.

XII. And that the treaty of truce made with Don Michael de Noronha, Count de Linhares, viceroy of Goa, and William Metwold, president of the English in the East Indies, the 20th of January 1635, N. S. shall be continued and kept between the subjects of both Kings in the East Indies, and in all the states of the most renowned King of Portugal, beyond the Cape of Good Hope; and that the commissioners to be named by both Kings shall within three months take cognizance of the demands which have been or shall be made by the subjects and ships of the said Kings, in the East Indies, with relation to their commerce in the said Indies; that so by this means a perpetual peace and alliance may be established and confirmed by both Kings, between their subjects on both sides.

XIII. And forasmuch as the free commerce and navigation of the subjects of the King of Great Britain,

on the coasts and parts of Africa, in the island of St. Thomas, and in the other islands there, could not hitherto be established and agreed, through the default of the powers which the most renowned King of Portugal had sent to his ambassadors; (that the present treaty of peace and amity between the two Kings and their subjects may not be retarded by this difficulty and contest) it has been concluded of both sides, that in the lands, forts, castles, ports, and coasts of Africa, Guinea, &c. the island of St. Thomas, and in all the other islands comprehended therein, where it can be made appear that the English have lived for the traffic of merchandize, or have had trade and commerce from the times of the Kings of Castile, or ever to this time, there shall be no alteration or change, nor shall they be molested or injured in any manner by the Portuguese upon that score: that if any duty or customs are to be demanded of the subjects of the King of Great Britain, upon any account whatsoever, in the castles, isles, or forts aforesaid, they shall not be greater or higher than what shall be demanded of other nations in alliance with the King of Portugal; and in case the subjects of the King of Portugal shall stand in need of foreign ships for their navigation and commerce towards the coast of the said isles, they may hire the ships of the subjects of the King of Great Britain. And that the two Kings shall name ambassadors and commissioners, who shall confer and agree upon a treaty touching the free commerce and navigation upon the coasts, and in the isles and places aforesaid, which has been demanded by the commissioners of the King of Great Britain, for the subjects of their King; being persuaded, in confidence of the ancient amity which has been betwixt the predecessors of the said Kings, that the most renowned King of Portugal will not grant more ample privileges, rights, and immunities to any other nation, than to the subjects of the King of Great Britain.

XIV. And whereas the most renowned King of Portugal has, by his concession, confirmed by his seal, dated at Lisbon, the 21st of January 1641, given full power to the inhabitants of the lands subject to the Lords the States of Holland, &c. to bring and transport within and without his kingdoms, states, and territories, all sorts of merchandizes; therefore the subjects of the King of Great Britain shall have and enjoy the same privilege in the kingdoms and estates of the said most renowned King of Portugal, conformably to the tenor of the said concession.

XV. And that the English merchants and other subjects of the King of Great Britain shall enjoy the same, and as great privileges and immunities, as to their being imprisoned, arrested, or any other way molested in their persons, houses, books of accounts, merchandizes, and goods, within the extent of the states of the most renowned King of Portugal, as have been, or shall be for the future granted to any Prince or people in alliance with the King of Portugal.

XVI. And forasmuch as there has been no agreement hitherto made touching the freight of ships belonging to the subjects of the most renowned King of Great Britain, by the Portuguese, for their commerce and navigation in Brazil; it has seemed good to both parties, that there be ambassadors and commissioners deputed and sent by the said King within two years, who shall have power to treat and agree upon this article,

XVII. And forasmuch as the benefits of commerce and peace would be rendered fruitless, if the subjects of the most renowned King of Great Britain were molested on the account of their consciences, so long as they go to the kingdoms and states of the most renowned King of Portugal for commerce or business; therefore, that their commerce may be safe and secure, as well by sea as by land, the most renowned King of Portugal shall take care, and give orders that they be
not

not molested or troubled on the said score of conscience, provided they give no scandal to others. And although the most renowned King of Portugal acknowledges he has no power to determine or dispose of faith and religion, nevertheless, from a motive of amity and great affection, which he has for the most renowned King of Great Britain and the English nation, he will take care that the English, and the other subjects of the said King, have and enjoy as great liberty in the practice and exercise of their religion, in all the kingdoms, states, and territories of the King of Portugal, as shall be allowed to the subjects of any other Prince or Commonwealth whatsoever.

XVIII. That if it should happen afterwards (which God forbid) that any difficulties or doubts should arise between the two most renowned Kings, which might give occasion to apprehend the interruption of commerce and correspondence between their subjects, public advice thereof shall be given to the subjects of both sides, in all and every the kingdoms, states, and provinces of both Kings: and after that notice given, they shall be allowed two years, on both sides, to transport their merchandizes and goods; and that in the mean time there shall be no injury or prejudice done to any persons or goods on either side.

XIX. And if, during the present peace and amity, any thing should be undertaken, committed, or done, contrary to the force and effect thereof, either by sea, land, or fresh-waters, by either of the foresaid Kings, their heirs or successors, their ships or subjects; nevertheless the present peace and amity shall remain in its force and virtue, and only the contraveners and criminals shall be punished for their contravention.

XX. It has been concluded and agreed, that the present peace and alliance shall in no wise derogate from the alliances and confederacies formerly made and contracted between the most renowned King of Great Britain, and other Kings, Princes, and Commonwealths;

monwealths; but that the said confederacies and alliances shall be firmly preserved, and remain for the future in full force and virtue, the present treaty of peace notwithstanding.

XXI. Finally, it has been concluded, that the said most renowned Kings, Charles of Great Britain, &c. and John the Fourth, King of Portugal, &c. shall sincerely and faithfully observe and keep, and cause their subjects to observe and keep, all and singular the capitulations concluded and agreed in the present treaty; and that they shall do nothing, directly or indirectly, contrary thereto; and that they will confirm and ratify all and every the conventions aforesaid, by their letters patent signed with their Royal signs, and sealed with their great seals, in good and due form; and deliver them, or cause them to be delivered, faithfully, really, and effectually; and shall reciprocally oblige themselves by promise, on the word of a King, that they shall observe and keep all and every the things above, as often as they shall be thereto required by the one or the other party; and that they shall cause the present peace and amity to be published in the usual manner, as soon as may be.

[The following is printed from the treaties 1732, volume iii. p. 97, collated with a Latin copy, in a book of the Board of Trade, intitled, "Entries relating to Portugal," and corrected in several material points. The secret article is printed from a MS. copy, collated with the before-mentioned Latin copy.]

The Treaty of Peace and Alliance between Oliver Cromwell, Protector of England, and John IV. King of Portugal. Made at Westminster, the 10th of July, 1654.

I. THAT there shall be a good, true, and firm peace between the Republic of England and the most Serene

Serene King of Portugal, and between the countries, territories, kingdoms, dominions, and principalities under their respective governments, and their people, subjects, and inhabitants, of whatsoever condition, rank, and dignity, not only by land, but on the sea, rivers, and fresh-waters; in such manner that their said people and subjects shall behave to each other with favour and assistance, mutual love and honest affection; and that neither of the said parties, or their people, subjects, or inhabitants, shall commit or attempt any thing against the other, in any place, either by land or sea, or in the harbours or rivers of either, nor shall consent or adhere to any war, counsel, or treaty, to the damage of the other, nor receive or harbour the rebels or fugitives of either, in any of the other's territories, kingdoms, dominions, ports, or borders.

II. That there shall be a free commerce between the Republic of England and the King of Portugal, and their people, subjects, and inhabitants, as well by land as on the sea, rivers, and fresh-waters, in all and singular the countries, lands, dominions, territories, provinces, islands, colonies, cities, towns, villages, ports, and borders, where commerce was heretofore or is at this time carried on, in such manner that the people, subjects, and inhabitants of either may, without any safe-conduct, or other general or special licence, pass by land and sea, by rivers and fresh-waters, to the aforesaid dominions and kingdoms, all their cities, towns, harbours, shores, bays, and places, and enter the same with carriages, horses, packs, and vessels, laden or unladen, there to import, sell, and buy merchandize, and at a reasonable price to procure victuals, and what necessities they want for their stay and voyage, to refit their ships and carriages, whether their own, or such as are hired or lent, and with the same liberty to depart from thence, with their goods, merchandize, and all other things whatsoever, either to their own or foreign countries, as they think fit, and
without

without any hinderance; saving nevertheless all the laws and statutes of each place.

III. That the people and inhabitants of this Republic shall be at liberty to buy up all sorts of wares, goods, and merchandize, and the same to use and enjoy in the kingdoms, provinces, territories, and islands of the King of Portugal, at the first sale, either in parcels, or in whatsoever number and size, when and wheresoever they please; neither shall they be compelled to purchase them either of foretallers or monopolists, nor shall they be circumscribed to a set price: they may also, at discretion, sell, traffic, and freely transport any sort of goods, wares, and merchandize whatsoever, from the said kingdoms and dominions, paying only the customs and consul's fees due for the goods exported, as they were paid the 10th of March O. S. and 20th N. S. in the year 1653, according to the English computation. But as to purchases and sales by the negotiation of brokers, the said people of this Republic shall enjoy and use the same liberties, privileges, and exemptions as the Portuguese themselves, and they shall be as well used at public sales and contracts, as the natives and countrymen, notwithstanding any former judicial determinations; and all privileges and immunities granted to the English at any time heretofore, by all or any of the Kings of Portugal, shall be confirmed by an edict, to the end that the people and inhabitants of the said Republic may enjoy them, together with all other privileges and immunities, which now are or hereafter shall be granted to any nation, kingdom, or republic, in alliance with the said King of Portugal.

IV. That as often as the people and inhabitants of this Republic arrive with their ships at any of the harbours of the kingdom of Portugal, the said people and inhabitants shall not be compelled in the least, by the said King's ministers, officers, and subjects, to load or put on board their ships any other species or quantities

ties of goods and merchandize, than what they think fit; and while they stay there, only two officers or waiters, at most, shall be placed upon their ships; nor shall there be any fruitless delay in the unlading them. And if the said ships and vessels laden with dry goods, are not unladen within *ten days* after their entrance into port, and those laden with fish and provisions, within *fifteen days*, they shall not be obliged to pay any stipend, sum of money, or other reward, to the said officers or waiters, nor shall they pay any thing more than for the said *ten* and *fifteen* days respectively.

V. If the subjects of the most Serene King of Portugal, or others, within the kingdoms and government of the said King, or their goods and merchandize, are seized, stopped, and detained, by the office of the court of inquisition, or the judges or ministers thereof, or by the King's exchequer, and it so happen that they owe, or shall owe, any money to any of the people of this Republic, the said debts shall be paid entirely out of the said goods and merchandize, within six months next after the said attachment or seizure, without hinderance or molestation from the said court, or its judges or ministers; but if among the said goods and merchandize so attached and seized, there remain any goods and merchandize of the said people and inhabitants in specie, the same shall immediately be restored to them.

VI. That the captains, masters, officers, and mariners of the ships of this Republic, or of any of its people, shall not sue, or in any wise molest the said ships or people of this Republic, within the kingdoms and government of the King of Portugal, on account of their stipend or salary, on pretence that they profess the Romish religion; nor shall they, under this or any other pretext, engage in the service of the King of Portugal, or in any other manner separate from the other ships in their company: and if they offend in this point, an account shall be taken of their names,
and

and they shall be compelled by the magistrates and officers of the place to return to the ships; and if they cannot be found, it shall be lawful for the master of such ship or vessel to detain their clothes, goods, or wages, for the repair of damages.

VII. That the consuls who shall reside hereafter in any part of the dominions of Portugal, for the assistance and protection of the people of this Republic, shall be nominated and fixed by the said Lord Protector, and when so nominated, shall obtain and exercise the same authority as any consul, of this or any other nation whatsoever, doth now or shall hereafter exercise in the dominions of the said King, although they do not profess the Romish religion. Also, for judging all causes which shall relate to the people of this Republic, a judge conservator shall be deputed, from whom no appeal shall be granted, unless to a committee of senators, where the disputes shall be determined within the space of four months, at most, after the appeals.

VIII. That if any of the people of this Republic depart this life within the kingdoms and dominions of the most Serene King of Portugal, the books, accounts, goods, and merchandize of him or them shall not be seized nor possessed by the judges of the orphans and persons absent, or by their ministers or officers, nor shall be liable to their jurisdiction; but the said goods, merchandize, and accounts shall be delivered up to those English factors or attornies, residing on the spot, who are nominated or deputed by the deceased: but if the defunct, whilst living, nominated none, then the said goods, merchandize, and accounts shall, by the authority of the judge conservator, be delivered to two or more English merchants, who shall be chose by the majority of the merchants residing in the place, and approved by the English consul, after having given security by proper bondsmen, who shall be approved by the consul, for restoring the said goods, merchandize,

dize, and accounts, to the lawful owners, or their true creditors. And the goods which shall appear to have been the deceased's, shall be delivered to his heirs, executors, or creditors.

IX. That neither the King of Portugal, nor any of his ministers, shall detain, arrest, or attach any merchants, masters of ships, captains, or mariners, or their ships, merchandize, or other goods, which belong to this Republic, or any of its people, either for war, or any other use whatsoever, unless the Lord Protector, or those to whom such ships and goods appertain, are first apprised thereof, and give their consent; but that the said ships, men, and goods shall, at their own pleasure, have free liberty to depart from the harbours and dominions of the said King, without any hinderance from his said Majesty, or any of his ministers: and that the sale of the merchandize and goods of the people of this Republic shall not be hindered or delayed, under pretence that the King has occasion for them, or for any other reason whatsoever; nor shall they be diverted to the King's use, or to any other uses whatever, without the consent of those concerned.

X. That the people of the Republic of England may freely export, in their ships, all goods, wares, and things, of what kind soever, even arms, provision, or the like, from the harbours and dominions of the said Republic, or any other harbours and dominions whatever, provided they are not exported immediately from the harbours and dominions of Portugal, to any ports and territories whatsoever of the King of Castile. And that neither the most Serene King of Portugal, nor his subjects, shall hinder the said ships, goods, or men, by seizures, reprisals, or any other cause whatsoever, from navigating securely to the harbours and territories of the said King of Castile, and from trafficking therein; and that the people of this Republic may freely import arms, corn, fish, and all other
forts

sorts of merchandize, into the kingdoms, ports, and territories of the King of Portugal, and the same sell at pleasure, either in parcels, or in bulk, to whatsoever chapmen, and for whatever price they can get; and shall not be prohibited, circumscribed, or restrained, by his said Royal Majesty, or his ministers, governors, farmers of the customs, or monopolists, or by any chamber or jurisdiction whatsoever, of any court public or private; and that the goods or merchandize, after paying the customs or imposts, in such of his Majesty's harbours wheresoever they are, shall be freely transported into any other ports or places whatsoever of his said Majesty, without paying any other or farther custom, duty, or sum of money, besides what the Portuguese merchants should pay, if the goods and merchandize belonged to them.

XI. That the people and inhabitants of the Republic of England shall trade and traffic freely and safely from Portugal to Brasil, and the other conquests of the said King in the West Indies, and from Brasil and the said conquests to Portugal, in all sorts of goods and merchandize whatsoever (except meal, fish, wine, oil, and Brasil wood, which are prohibited by the King in pursuance of a contract with the Brasil company) paying the dues and customs which others pay who trade into those countries, and provided that the English ships hired by the Portuguese sail in company with the Portuguese fleet: and that the said people and inhabitants arriving from any of the harbours and places in Brasil, and the said conquests, at any of the dominions of the said King whatsoever, shall not be compelled to unlade their ships, or to export any goods belonging to the English; but the officers of the customs shall cause the goods, while they are aboard the ships, to be weighed, to the end that the customs and dues may be paid for them; and that no heavier duty or impost, nor greater sum of money, or expence, shall be demanded or paid to the King's officers, than if the goods were exposed a-shore; nor

shall there be any delay in dispatching and dismissing the said ships. And after they are arrived at any other dominions of the said King whatsoever, having paid the customs and duties above-mentioned, they shall freely proceed to any other harbour or place whatsoever; and the goods put on board the English ships, either by the subjects of the said King, or by others, to be transported to any part whatsoever of the dominions of the said King, shall by no means pay greater customs, or any different duties, than if they were put on board Portuguese ships. And likewise, that the people and inhabitants of the Republic of England shall have the liberty of navigating to the colonies, islands, countries, harbours, districts, towns, villages, and staples, belonging to the King of Portugal, in the East Indies, Guinea, Binney, the island of St. Thomas, and elsewhere, on the coasts and shores; and there to reside, negotiate, and traffic by land or sea, on the rivers or fresh-waters, in any goods and merchandize whatsoever; and to transport all kind of merchandize, to any place or country, with the same freedom as formerly, and the same that was ever granted by any treaty heretofore, or shall hereafter be granted to the inhabitants of any other nation, in alliance and friendship with that Crown. But as to the customs and duties to be paid in those countries, they shall not pay more or greater than those which are paid by any person or persons trading in any of the said places or countries. And also, that the King of Portugal or his subjects, as well the Brasil company as all others, as often as they have need of foreign ships for trade and navigation to Brasil, or the coasts and islands above-mentioned, or elsewhere, shall hire the ships of this Republic and its subjects at the usual and ordinary rates, and no other ships of any Prince or Republic, provided that the number of the English ships be sufficient for their purposes; excepting that the Brasil company, as is set forth in the charter of their liberties, granted to them by the King's letters

8

patent,

patent, may hire of what nation soever they please, two ships to be fitted out as convoys, and four others to be sent with fish to Brasil; and that as well the Brasil company as all other the subjects of the said King, who follow merchandize, shall freely, without any licence, general or special, first obtained, hire as many English ships as they please, and sail therein to Brasil, and the other conquests of the said King in the West Indies: and that whatever stipend shall be agreed on for lading and stay, the same shall run on and be placed to the reckoning, till the whole is paid, though it exceed what was bargained for the time.

XII. That whereas the most Serene King of Portugal, by his rescript sealed with his seal, and dated at Lisbon, the 21st day of January, in the year of our Lord 1641, granted to the inhabitants of the lands under the dominion of the States of Holland, free liberty of importing and exporting all sorts of merchandize from his kingdoms, dominions, and territories; the people of the Republic of England shall use and enjoy the same liberty in the kingdoms and dominions of the King of Portugal.

XIII. That no Alcaid, as he is commonly called, nor other officer of the King's Majesty, shall arrest or impeach any of the people of this Republic, of what rank or condition soever, except in a criminal cause, where he is apprehended in the fact, unless he be first empowered in writing by the judge conservator; and that the people aforesaid, in other respects, as to their bodies, dwellings, books of accounts, interests, merchandize, and goods, shall enjoy equal and the same immunity within the dominions of the most Serene King of Portugal, from imprisonment, arrests, and other molestations whatsoever, as is or hereafter shall be granted to any other Prince and people whatsoever, in alliance with the King of Portugal: nor shall they be hindered by any safe-conduct or protection, to be granted by his authority to the subjects of the said

King, or others frequenting his dominions, from recovering their debts; but they shall have a right to sue every man to justice for the recovery of any just debt, whatever be his protection or passport, be he a farmer of the revenue, or any other privileged person, by whatsoever charter secured.

XIV. And forasmuch as the rights of commerce and peace would be null and void, if the people of the Republic of England should be disturbed for conscience sake, while they pass to and from the kingdoms and dominions of the said King of Portugal, or reside there for the sake of exchanging their wares; that commerce may therefore be free and secure, both by land and sea, the said King of Portugal shall effectually take care and provide that they be not molested by any person, court, or tribunal, for any English Bibles or other books which they may have in their custody, or make use of: and that it shall be free for the people of this Republic to observe and profess their own religion in private houses, together with their families, within any of the dominions of the said King of Portugal whatsoever; and the same to exercise on board their ships and vessels, as they shall think fit, without any trouble or hinderance: and finally, that a place be allotted them fit for the burial of their dead. Provided nevertheless, that the English do not exceed what is written in this article.

XV. If it shall happen hereafter, that any controversies and doubts arise between the said nations, which may endanger the interruption of commerce between them, public notice shall be given to the people and subjects of both parties, through all the kingdoms and provinces of both; and the space of two years after such notice allowed for transporting their persons, goods, ships, wares, and substance whatsoever, without any molestation, impediment, or damage offered in the mean time to their persons or goods: and it shall be lawful for the said people and subjects,

on

on both sides, to whom any debts were owing at the time of such public notice, legally to demand the same within the said two years, in the places and dominions where they are owing, and afterwards justice shall be done them speedily and effectually, so that such creditors may be able to obtain their own within the time prescribed.

XVI. If it shall happen, that while this treaty, friendship, and intercourse are subsisting, any thing be committed or attempted by any of the people or inhabitants of either of the said parties, contrary to this treaty, or any part thereof, by land or sea, on the rivers and fresh-waters, the said friendship and intercourse betwixt these nations shall not therefore be interrupted nor infringed, but shall, nevertheless, remain intire and in full force, and those only who violate the said treaty shall be punished, and none else; and justice shall be done, and satisfaction given, to all those concerned, by all those who, by land, sea, rivers, or fresh-waters, shall act any thing contrary to this treaty, in any part of Europe, or elsewhere, within the straits of Gibraltar, either in America, or along the coasts of Africa, or in any of the lands, islands, seas, arms of the sea, bays, rivers, or in any places on this side of the Cape of Good Hope, within the space of a year after justice shall be demanded; and in all places, as above, beyond the said Cape, within eighteen months after justice be required, in the manner above-mentioned. And if the violators of the treaty do not appear, nor surrender themselves to trial, nor give satisfaction within this or the other space of time now limited, according to the distance of the place, they shall be deemed as the enemies of both parties, and their goods, substance, and revenues whatsoever, shall be set to public auction, and sold to make full and just satisfaction for those injuries which they have suffered from them; and the offenders, when they happen to be in the power of either party, shall be liable to those punishments which their respective crimes deserve.

XVII. If any controversy should arise between the said King's inspectors, officers, or ministers, and the said merchants, concerning the goodness of the fish, or any other sort of provisions whatsoever, which shall be brought to any of the said King's dominions, the same shall be decided by the arbitration of good men, provided they be not Portuguese, who shall be fairly chose by the magistrate of the place, and the consul of the English nation; and shall so determine the matter, that no detriment happen to the owner in the mean time, while the matter is in dispute.

XVIII. It shall be lawful for the people or subjects of either party to enter the ports of the other, there to reside, and thence to depart with equal liberty, not only with merchant-ships and transports, but also with men of war, guard-ships, and convoys, whether they are drove thither by a storm, or come in for refitting their ships, or for victualling them, provided they do not exceed the number of six men of war, if they chance to come there of their own accord; nor shall they stay or continue longer in the ports, or upon the coasts, than is necessary for refitting their ships, or procuring any necessaries, lest they should give occasion for interrupting the commerce of other nations, which are united by friendship and alliance. And if at any time any unusual number of ships should come to the harbours by chance, it shall not be lawful for them to enter, without a power first granted by those in whose jurisdiction the harbours shall be, unless they are driven in against their will, by stresses of weather, or other urgent necessity, for avoiding the danger of the sea and shipwreck; in which case, they shall immediately notify the reason of their coming thither to the governor or chief magistrate of the place; nor shall they stay there longer than they are allowed by such governor or chief magistrate, nor commit any hostility in those harbours, which may be detrimental to the said Republic or King.

XIX. That

XIX. That neither the said Republic nor King shall suffer the ships and goods of either of their people, which shall at any time be taken by the enemies or rebels of the other, and carried to any ports or places of the other's territories or dominions, to be conveyed away from the owners or proprietors; but the same shall be restored to them, or their attornies, provided they lay claim to such ships and goods before they are sold and cleared, and either prove their right, or exhibit testimonies of their property in them, within three months after the said ships and goods are so carried off: and in the mean time the proprietors shall pay and discharge the necessary expences for the preservation and custody of the said ships and goods.

XX. That the people and inhabitants of the Republic of England, who frequent the kingdoms, dominions, and countries of the said King, for the sake of traffic, or who arrive at his harbours with their ships, shall not pay for tonnage, anchorage, or other expences of the harbours, any other customs, or sums of money, besides those usually paid to the King, or the chamber of Lisbon; and if any other ill custom has crept in, it shall not be regarded hereafter.

XXI. That no tribute shall be demanded from any of the people of this Republic, either in Lisbon or in any other place, to be paid to the chapel of St. George; nor shall they be compelled to perform any duties in person, or to wear any sort of arms, or to furnish others therewith.

XXII. That the merchants of either of the parties aforesaid, and their factors, servants, families, brokers, and other officers, pilots, and masters of ships, and seamen, shall securely and freely pass up and down in the dominions, territories, and countries of the said Republic and King, as also in their harbours, and on their shores; and the people and subjects of the one shall have and hold dwelling-houses of their own, in any of the dominions of the other, wherein they may

reside, together with warchouses for laying up their goods and merchandize, as long as they hire the same, without molestation from any person. They shall also be at liberty to wear swords, and to carry arms with them, both offensive and defensive, according to the manner and custom of the place, for the better security of their persons and goods.

XXIII. That all goods and merchandize of the said Republic or King, or of their people or subjects, found on board the ships of the enemies of either, shall be made prize, together with the ships, and confiscated to the public. But all the goods and merchandize of the enemies of either, on board the ships of either, or their people or subjects, shall remain untouched.

XXIV. That all just debts owing to the English, by the King of Portugal, on account of merchandize taken or bought, or of ships laden, either before or after putting their goods in sequestration to this time, shall be paid and discharged within two years next following; and that all recognizances, bonds, and suretyships, entered into by the English, on account of any ships formerly laden by the King of Portugal, or any of his subjects, bound to the coasts of Brasil or Angola, and afterwards detained in any of his Majesty's harbours, or seized and occupied by Prince Rupert, or Prince Maurice, or hindered in any wise by the said King, and any of his officers or ministers, from a capacity of performing their contracts, shall from this time be cancelled, rescinded, and made void; and that neither their persons, nor their ships or goods, shall be put under arrest, or in any wise molested, by the said King, or any of his subjects, on account and by reason of the said contracts.

XXV. Also, whereas there was a convention between the late parliament, and an ambassador extraordinary from the King of Portugal, and the said ambassador, in the second of the six preliminary articles which

which were agreed to on the 29th of December, 1652, obliged himself that all the ships, monies, goods, and debts, appertaining to any Englishman whomsoever, which were taken and detained in any of the dominions whatsoever of the King of Portugal, should immediately be freely restored in specie, provided they were of the same value and goodness as when they were at first detained, and if not, that the value should be restored; or if they proved worse by being detained, that then satisfaction should be given for them, according to their true value when they were first detained. And as to the compensation of the damages, the council having declared them, by their charter of the 15th of November, 1652, and it appearing from the said declaration, that they had not resolved to insist upon and demand a strict reparation, but only as far as was agreeable to justice and reason; and whereas the said ambassador, to witness his inclination to peace, bound himself on this supposition, that the losses should be repaired; and whereas in the fifth of the said preliminaries, the said ambassador engaged farther, that all the ships and goods of the English, which are brought into Portugal by the Princes Rupert and Maurice, or by any ship whatsoever under their command, and there disposed of, or still remaining, or brought back from thence by others, or by their command, should be presently restored to the owners and proprietors, or that reparation and satisfaction should be given to them. And because some controversies are now remaining concerning the demands of merchants and others, respecting satisfaction; to the end that all such demands and complaints may be fairly and justly decided and determined, it is agreed and concluded on both sides, that the said demands on account of losses shall be referred to arbitration for satisfaction, as they are by these presents referred to the judgment and award of Dr. Walter Walker, John Crowther, Dr. Jeronymus a Sylva, secretary of the embassy, and Francis Ferreira Rabello, agent in the
 affairs

affairs of the said embassy, persons chose indifferently, as well on the part of the King of Portugal as of the Lord Protector ; who by these presents are made and constituted procurators, arbitrators, and judges, to hear, examine, and determine all and singular the demands and complaints of all and singular the merchants, masters of ships, and others, who claim a right to all or any of the ships, monies, debts, merchandizes, or goods whatsoever, mentioned in the said preliminary articles ; which arbitrators shall meet and sit at London, on the 20th day of July next, O. S. and shall take a solemn oath on that day, before the judges of the high court of admiralty of England, that they will renounce all favour and respect to either party, and all private interest, in judging of the matters to them referred ; and by these presents they are instructed and authorized to call for any persons whatsoever, and to command such depositions and papers to be laid before them, as shall have any relation to the affair to them referred. And they shall particularly inquire into the truth of all such demands and complaints, whether given in upon oath or not ; as also all and singular the losses suffered by the said arrests and detainers. And the said arbitrators are authorized by these presents to define each of the premises, and to liquidate, and adjudge, and finally to determine the losses, as they or the major part of them shall think fair and just in their consciences and reason, and to publish their final sentence under their hands ; which sentence, so published, shall bind and oblige both parties, without any appeal, revival, or contradiction whatsoever. And the said King binds himself effectually to perform and observe the same, in all its members and articles ; as also to pay, or cause to be paid, such sum or sums of money as shall be adjudged as aforesaid. And furthermore it is agreed, that if the said arbitrators do not agree and finally determine of and concerning the premises to them referred, before the first of September next, O. S. then the said demands so undetermined or
undecided

undecided by the said arbitrators shall be submitted, as they are by these presents submitted, to such member of the Lord Protector's privy council as the said Lord Protector shall nominate, within any time whatsoever after the first of September next. To which end, the said Lord Protector shall grant his full powers to such person so nominated, in order to determine finally of and concerning all and singular the demands aforesaid. And if, before the pronunciation of sentence by the said privy counsellor, any papers should come from Portugal, or any proctor to plead causes thereupon, the said counsellor shall hear him anew; and whatever sentence shall be given by such person so instructed, under his hand and seal, shall conclude and bind both parties, and the same shall be duly performed and accomplished. And for the greater security that such sum of money as is adjudged by the said arbitrators or arbitrator may be honestly paid, it is agreed and concluded, that one moiety of the subsidies and customs of Portugal, arising from all the goods and merchandize whatsoever of the inhabitants and people of this Republic, who traffic in Portugal, shall immediately after the date of this treaty be appropriated to the payment: which moiety shall be paid, from time to time, to such person as the said Lord Protector shall appoint, for and towards the reparation of the losses of the merchants, masters of the ships, and owners.

XXVI. It is also agreed and concluded, that no other league or confederacy whatsoever, made or to be made, by the most Serene Lords the Protector of England and the King of Portugal, with any other Princes or Republics whatsoever, shall derogate from the present treaty of peace and alliance, but that the peace and confederacy shall be kept intire, and always in full force.

XXVII. It is also agreed and concluded, that both
parties

parties shall truly and firmly observe and put in execution the present treaty, and all and every article and articles therein contained and comprehended, and cause the same to be observed and effectually performed by the people, subjects, and inhabitants of each respectively.

XXVIII. It is also agreed and concluded, that the present treaty, and all and every point and points therein contained and concluded, shall, within six months next ensuing, be confirmed and ratified by the said Lord Protector, and the King, by the letters patent of both parties, sealed with the great seal, in a due and authentic form; and within the said term, mutual instruments shall be delivered on both sides, and the said peace and confederacy shall be proclaimed in the usual forms and places, immediately after the delivery and exchange of the instruments.

In witness and testimony of all which, we the commissioners of his Highness the Lord Protector, and the ambassadors extraordinary of the most Serene King, by virtue of our respective commissions and full powers, have signed the present treaty with our own hands, and sealed it with our seals. Done at Westminster, the 10th day of July, in the year 1654.

(L. S.) *Nath. Fiennes.*

(L. S.) *Wait. Strickland.*

The Secret Article.

THE people and inhabitants of the commonwealth of England, following their commerce as aforesaid within the kingdoms, dominions, ports, and territories of the said King, shall not pay any customs or duties but in manner following; that is to say, the goods, merchandizes, and manufactures of the English, in setting rates, according to which they are to pay their customs

customs (which shall never exceed 23 *per cent.*) shall be favourably valued according to the rates of the custom-house, and the ancient laws of the realm; and if at any time it be designed to raise them higher, because the true and real value of the said goods is increased, it shall not be done but in the presence and by the advice of two English merchants, then residing in Portugal, and chosen by the English consul: and if it shall happen that the price of commodities shall fall, the value or rate shall in like manner from time to time be abated, according to the said rule and law: and if any controversy shall happen to arise about the said valuation, that doubt shall be determined by such indifferent arbitrators as shall be chosen by the consul of the English nation, and the officers of the custom-house. The subjects and inhabitants of the said kingdom, trading in the dominions and territories of the said commonwealth, shall pay the present customs and duties as they are now valued in this month of May, 1654, according to the laws and customs of the place: and likewise they shall, on both sides, observe the laws and customs of each place. And thus it was agreed upon and concluded, that the abovesaid article, and every thing contained therein, shall be confirmed and ratified by the said King, and by the said Lord Protector, by the letters patent of the one and the other party, sealed with the great seal, in due and authentic form, within six months next following: and within the said time instruments shall be passed or exchanged by the one and the other party.

In faith and testimony whereof, we the commissioners of his Highness the Lord Protector, as well as the commissioner of the said most Serene King, by the force and virtue of our respective commissions, the aforesaid secret article have signed with our hands, and to the same have affixed our usual seals.

Done

Done at Westminster, the 10th day of the month of
July 1654.

(L. S.) *Math. Fiennes.*

(L. S.) *Walt. Strickland.*

[The following is printed from the copy in the Board of Trade.—“Entries relating to Portugal,” p. 144.]

*Articles of Marriage between his Majesty and the
Lady Infanta of Portugal, 1661.*

IT being upon mature deliberation mutually and fully agreed between their Majesties, Charles, by the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, &c. and Alphonso, by the same grace of God, King of Portugal and Algarve, &c. that the King of Great Britain shall, with all possible speed as such an affair can be transacted in, marry and take to wife the most Excellent Princess Doña Catherina Infanta of Portugal; for a more firm and durable peace and alliance between the two Crowns, and for the good of both nations, which are henceforward to take each other's interest to heart no less than their own, it is mutually consented and agreed as followeth:

I. That all treaties made between Great Britain and Portugal since 1641, until this very time, shall be ratified and confirmed in all points and to all intents, and shall receive as full force and ratification by this treaty, as if they were herein particularly mentioned and inserted word by word.

II. The King of Portugal, by and with the advice of his council, doth give, transfer, grant, and by these presents confirm unto the King of Great Britain, his heirs and successors for ever, the city and castle of
Tangier,

Tangier, with all its rights, territories, profits, and appurtenances whatsoever, and also as well the profits and revenue, as the direct, full, and absolute dominion and sovereignty of the same city and castle and territories aforesaid, with their royalties, freely, fully, entirely, and absolutely. He doth also covenant and grant, that the full and peaceable possession of the aforesaid city and castle, and other the premisses, be freely and effectually delivered unto the King of Great Britain, and for his use, with as much speed as the same can be dispatched in: and it is agreed, that as soon as this treaty shall be signed by the King of Great Britain, and the matrimonial contract between his Majesty and the Lady Infanta *per verba de presenti facta*, the said King of Great Britain shall send five frigates (or as many as he shall think fit) to Lisbon, there to receive orders to go and lie before Tangier, as well for the transportation of the garrison as the security of the place. And as soon as notice is given by the governor of that place, that he hath put in execution the King of Portugal's orders concerning the delivery of the said places, the treaty being confirmed and ratified by his Majesty of Portugal, notice thereof shall with all speed be given to his Majesty of Great Britain, who shall thereupon immediately send away his fleet of twelve men of war for the port of Lisbon, which, within four or five days after their arrival there, shall have orders to go and take possession of the city and castle of Tangier, with other the premisses, for the use of the King of Great Britain, and effectually to receive the same. Which city with the castle and territories, and other the premisses (as well for the dominion and absolute sovereignty, as for the possession thereof) shall be and remain to the King of Great Britain, his heirs and successors, for ever, annexed unto the Imperial crown.

III. That all soldiers and other inhabitants whatsoever of the said city and castle of Tangier, who shall
desire

desire to continue and reside there, shall be very kindly treated, and have the free exercise of the Roman Catholic religion, and in all civil affairs shall be governed under the King of Great Britain, and as his subjects, by the same laws and customs which have been hitherto used and approved in the said city and castle; and all such of the soldiers and inhabitants thereof, who shall desire to return into Portugal, shall have free liberty to sell and dispose of all that belongs to them, and shall be transported into Portugal whensoever they desire it (so also shall the ordnance, as much as can be spared from the fortifications of Tangier) by the fleet or ships of the King of Great Britain.

IV. As soon as the city of Tangier, with the castle and territories thereof (in performance of this treaty and grant concerning the transferring of the sovereignty and absolute dominion thereof to the King of Great Britain) shall be effectually delivered to the use and possession of his said Majesty of Great Britain, the fleet shall return to Lisbon, and her the Lady Infanta shall be received on board with such signs of joy, and such other ceremonies, as may besit the excellency and quality of her person.

V. The King of Portugal doth promise and oblige himself, by these presents, to give unto the King of Great Britain, for a portion or dowry with the said Lady Infanta his sister, two millions, *i. e.* 2,000,000 of crowns Portuguese; and that one moiety thereof shall be really put on board the said fleet before the Infanta herself embarks; and the said money, or so much thereof as consists of money, shall be immediately delivered upon account to such persons as his Majesty of Great Britain shall appoint to receive the same, for his proper use: but so much of the said moiety as shall be put on board in jewels, sugar, or merchandize, shall not be taken upon the account of his Majesty of Great Britain, but shall be transported into the river of Thames, for the use of such persons who shall be authorized

thorized by the King of Portugal to receive the same; and those persons shall be bound (the King of Portugal obliging himself also for such payment to be really made by such persons) within two months after the delivery of the same to them, effectually to satisfy and pay the full and clear value thereof in English money (as hath been agreed) unto the King of Great Britain: and for the other moiety of the said portion, amounting to one million, *i. e.* 1,000,000 of crowns Portuguese, the King of Portugal doth oblige himself to pay the same within the space of one year after the arrival of the Infanta in England, by two payments, the one within six months next following, the other within the year, both to be made in the city of London, transporting as abovesaid the jewels and merchandize in the King of Great Britain's ships, and so much of this latter moiety as consists of jewels or merchandize, shall be transported into England for the use of such persons as the King of Portugal shall appoint to receive the same, and those persons shall be bound (as abovesaid) effectually to satisfy and pay the full and clear value thereof, in English money, to the King of Great Britain, within the said terms.

VI. From the time that the Lady Infanta is embarked on his Majesty's fleet, she and her whole train shall be transported upon the account and at the charge of his Majesty of Great Britain; who will, as soon as he shall receive the longed-for news of her Majesty's arrival, make all possible haste to receive her, which he will do with all those expressions and demonstrations of affection as shall be agreeable to her dignity, and answerable to her Majesty's expectation; when the instrument of matrimony shall be publicly read, whereunto as well the King of Great Britain, as the Lady Infanta, shall personally give their consents, and all other acts for the further solemnization thereof shall be performed, which shall be desired on the behalf of the King of Portugal.

VII. It is also agreed, that her Majesty and whole family shall enjoy the free exercise of the Roman Catholic religion, and to that purpose shall have a chapel, or some other place set apart for the exercise thereof, in all the royal palaces where she shall at any time reside, in as full a manner, to all intents and purposes, as the Queen mother now living enjoyed the same, and shall have such chaplains and ecclesiastical persons in number and quality about her, as the said Queen mother hath had, with the same privileges and immunities. And the King of Great Britain promiseth not to disquiet or disturb, nor permit that any others should disquiet or disturb, the said Lady Infanta his wife, in any thing appertaining to religion and conscience.

VIII. That the King of Great Britain shall, within one year after the arrival of her Majesty in England, settle upon her a jointure of £. 30,000 of English money by the year, together with at least one such palace or house as her Majesty may make her ordinary residence in, which shall be so furnished as may besit her dignity; all which her Majesty shall enjoy during her life, if she survive his Majesty.

IX. That her Majesty's household, from the time of her arrival in England, shall be formed and composed of such a number of officers and servants as are agreeable to her dignity, and in the same manner as the Queen mother enjoyed the same.

X. If her Majesty shall survive the King of Great Britain, and shall then desire to return to Portugal, or any other country, she shall have the liberty so to do, and to carry with her all her jewels, goods, and moveables; and the King of Great Britain doth hereby oblige his heirs and successors to take care for the safe and honourable transportation of her Majesty, in such a manner as is agreeable to the greatness of her person, and at his and their proper costs and charges: moreover, he obligeth his said heirs and successors to pay the aforesaid sum of £. 30,000 yearly unto her
said

said Majesty, no otherwise than as if she had still continued and remained in England.

XI. That for the better improvement of the English interest and trade in the East Indies, and that the King of Great Britain may be better enabled to assist, defend, and protect the subjects of the King of Portugal, in those parts, from the power and invasion of the States of the United Provinces, the King of Portugal, with the advice and consent of his council, doth give, transfer, and by these presents grant and confirm unto the King of Great Britain, his heirs and successors, for ever, the port and island of Bombain in the East Indies, with all the rights, profits, territories, and appurtenances whatsoever thereunto belonging, and as well the profits and revenue, as the direct, full, and absolute dominion and sovereignty of the said port, island, and premisses, with all the royalties thereof, freely, fully, entirely, and absolutely. He doth also covenant and grant, that the quiet and peaceable possession thereof shall, with all possible speed, be freely and effectually delivered to the King of Great Britain, or such person as his Majesty shall thereunto appoint, for his use, in performance of this grant: the inhabitants of the said island (as the King of Great Britain's subjects, and under his sovereignty, crown, jurisdiction, and government) being suffered still to live there, and enjoy the free exercise of the Roman Catholic religion, in the same manner as now they do; it being understood, and declared once for all, that the same order shall be observed for the exercise and preservation of the Roman Catholic religion in Tangier, and all other places which shall be delivered by the King of Portugal into the possession of the King of Great Britain, as was provided for and agreed, upon the delivery of Dunkirk into the hands of the English. And when the King of Great Britain shall send his fleet to take possession of the said port and island of Bombain, they shall have instructions to give all manner of encouragement, help, and assistance, to the subjects of the King of Portugal

in the East Indies, and to protect them in their trade and navigation there.

XII. That the subjects of the King of Great Britain may enjoy the more full benefit of trade and commerce, in all the dominions of the King of Portugal, it is agreed, that their merchants or factors (above what hath been granted by former treaties) may, by virtue of this treaty, reside in all places they shall choose, and particularly that they shall live, and enjoy all privileges and immunities, in order to trade, which the Portuguese themselves enjoy, in the cities and towns of Goa, Cochim, and Dio, provided that the subjects of his Majesty of Great Britain, who are to reside in any of the said places, shall not exceed the number of four families in any one place.

XIII. The like privileges, liberties, and immunities the King of Great Britain's subjects shall enjoy in the towns of Bahia de todos os santos, Pernambuco, and Rio de Janeiro, in the territory of Brasil, and in all other of the King of Portugal's dominions in the West Indies.

XIV. But if the King of Great Britain, or his subjects, shall at any time hereafter take out of the hands of the Hollanders, or others, any towns, castles, or territories, formerly belonging to the crown of Portugal, the King of Portugal, with the advice and consent of his council, doth grant the sovereignty, and full, entire, and absolute dominion of them and every of them, unto the King of Great Britain, his heirs and successors, for ever, freely, entirely, and absolutely, except Mascata, which is at present inhabited by the Arabians: and if at any time the island of Zeilon, by what means soever, come into the hands of the King of Portugal, he is by this treaty obliged to deliver unto the King of Great Britain the town and port of Galle, and to grant and transfer the full and absolute dominion and sovereignty of the said town and port, with the possession thereof, and all the appurtenances thereunto belonging,

ing, unto the said King of Great Britain, effectually, yet reserving unto him the said King of Portugal the town and port of Columbo; but the cinnamon trade to be equally divided between the English and the Portuguese. As also, if at any time the said island shall fall into the hands of the King of Great Britain, he is obliged, and with the consent and advice of his council doth promise, effectually to restore and deliver the dominion and possession of the town and port of Columbo unto the King of Portugal, the cinnamon trade being, in such manner as aforesaid, divided and to be divided between the English and the Portuguese.

XV. In consideration of all which grants and privileges, so much to the benefit of the King of Great Britain and his subjects in general, and of the delivery of those important places to his said Majesty and his heirs for ever, whereby the greatness of his empire is so far extended; and even in consideration of the portion itself, which far exceeds the proportion that hath ever yet been given to any daughter of Portugal; the King of Great Britain doth profess and declare, with the consent and advice of his council, that he will take the interest of Portugal and all its dominions to heart, defending the same with his utmost power by sea and land, even as England itself, and that he will transport thither at his proper costs and charges two regiments of horse, each regiment consisting of 500, and two regiments of foot, each consisting of one thousand, all which shall be armed at the charge of the King of Great Britain, but after they are landed in Portugal, shall be paid by the King of Portugal; and in case the said regiments come to be diminished, by fight or otherwise, the King of Great Britain shall be obliged to fill up the number at his own charge; and that he shall cause the said regiments to be transported as soon as the Lady Infanta shall arrive in England, if it be so desired by the King of Portugal.

XVI. The King of Great Britain doth also promise,
U 3 with

with the advice and consent of his council, that when and as often as Portugal shall be invaded, he will send thither (being thereunto desired by the King of Portugal) ten good ships of war; but when and as often as it shall be infested by pirates, three or four ships, all sufficiently manned and victualled for eight months, from the time of their setting sail from England, to obey the orders of the King of Portugal. And if it shall be required that they stay above six months there, the King of Portugal shall be obliged to victual them for so long time as they are to stay, and to put in one month's victuals at the time they are to set sail for England: but if the King of Portugal shall be pressed in any extraordinary manner by the power of the enemies, all the King of Great Britain's ships, which shall at any time be in the Mediterranean Sea, or at Tangier, shall have instructions in such cases to obey any orders they shall receive from the King of Portugal, and shall betake themselves to his succour and relief. And in regard of the above-mentioned concessions and grants of the King of Portugal, his Majesty of Great Britain, his heirs and successors, shall not at any time require any thing for these succours.

XVII. Besides the levies the King of Portugal hath liberty to make by virtue of past treaties, the King of Great Britain doth oblige himself by this present treaty, that in case Lisbon, Porto, or any other seaport, shall be besieged or blocked up by the power of Castile, or any other enemy, he will afford timely assistance of men and shipping, according to the exigence of the circumstances, and proportionable to the necessity of the King of Portugal.

XVIII. The King of Great Britain doth profess and promise, with the advice and consent of his council, that he will never make a peace with Castile, which may be the least impediment to him, directly or indirectly, in his giving full and intire assistance to Portugal, in order to its necessary defence; and that he will
never

never deliver Dunkirk or Jamaica unto the King of Castile, nor ever forbear to do any act that is necessary for the relief of Portugal, though by so doing he shall be engaged in a war with the King of Castile.

XIX. Lastly, it is agreed and covenanted by the King of Great Britain, that the said Infanta, in consideration of the portion given with her by the King of Portugal, shall renounce all her right and inheritances, by either father or mother, or any other descendency, as well for lands and houses, as moveables, jewels, or monies, by what right or way soever belonging unto her, as also what else shall belong unto her for the future (except hereafter excepted) as derived unto her by the late King her father, or by his death descending to her by the laws of Portugal as her portion, or that is to descend unto her upon the decease of the Queen her mother by the said laws; always provided, that the said Lady Infanta shall in no wise renounce, nor willeth nor intendeth to renounce, any right, inheritance, title, claim, or interest, that doth or shall anywise belong or appertain unto her, or any of her heirs or descendants, to or in the crown or kingdom of Portugal, or any the dominions thereof; but doth totally and expressly reserve unto herself, her heirs and descendants, all those rights whatsoever to the said crown and kingdom, which may any way belong or appertain unto her for the future, and doth and will retain the same entirely and effectually now and for ever.

A Secret Article,

Over and above all and singular agreed and concluded in the treaty of marriage between the most Serene and most powerful Charles, the second of that name, King of Great Britain, and the most virtuous and Serene Lady Catherine, Infanta of Portugal.

IT is by this secret article concluded and accorded, that his Majesty of Great Britain, in regard of the great advantages and increase of dominion he hath purchased

by the above-mentioned treaty of marriage, shall promise and oblige himself, as by this present article he doth, to defend and protect all conquests or colonies belonging to the crown of Portugal, against all his enemies, as well future as present: moreover, his Majesty of Great Britain doth oblige himself to mediate a good peace between the King of Portugal and the States of the United Provinces, and all companies or societies of merchants subject unto them, upon conditions convenient and becoming the mutual interest of England and Portugal; and in case such a peace ensue not, then his Majesty of Great Britain shall be obliged to defend, with men and ships, the said dominions and conquests of the King of Portugal. In case also that any towns, forts, castles, or any other places, shall be taken by the Dutch, after the first of May this present year 1661, then his Majesty of Great Britain doth promise and engage to oblige the Dutch to a full and perfect restitution thereof. His Majesty of Great Britain doth moreover oblige himself to send, the next monsoon ensuing after the ratification of the treaty of marriage, and this article, a convenient succour to the East Indies, proportionable to the necessity of Portugal and strength of our enemies. It being declared, that his Majesty nor his successors shall not at any time require any pay or satisfaction for the same.

Defensive Treaty between Great Britain and Portugal,
1703.

ANNE, by the grace of God, &c. To all and every one to whom these presents may come, greeting.

Whereas a perpetual defensive alliance, in the words and articles following, was, on the 16th of May last, concluded and signed at Lisbon, between our plenipotentiaries and those of the Lords the States General of the United Provinces on the one hand, and those of the King of Portugal on the other: and whereas many mutual

mutual advantages accrue to the most Serene and most Potent Kings and kingdoms of Great Britain and Portugal, and to the High and Mighty Lords the States General of the United Provinces, and their subjects, from the peace and good friendship which subsists between the three foresaid Powers: and whereas it is necessary, that that peace be not only preserved inviolate, but be likewise strengthened by firmer and closer ties, by which a stronger foundation may be laid for maintaining the general peace and tranquillity of Europe, which the abovesaid Powers endeavour, with all their might, to support: they have therefore, for the common good of ail, resolved to enter into a mutual alliance; and for that purpose have granted their full powers and instructions, viz. the most Serene and most Potent Princess Anne, by the grace of God, Queen of Great Britain, France, and Ireland, to Paul Methuen, Esquire, her ambassador extraordinary in Portugal; the most Serene and most Potent Prince Peter, by the grace of God, King of Portugal and the Algarves on this side; and beyond the seas in Africa, Lord of Guinea, and of the conquest, navigation, and commerce of Ethiopia, Arabia, Persia, India, &c. to Don Nonio de Metto Alvares Pereira, his near kinsman, Duke of Cadaval, Marquis of Ferreira, &c. to Don Emanuel Felles de Silva, Marquis of Algrete, &c. to Don Francisco de Tavora, Count of Alvor, &c. to Don Regno Monterio, Lord of Alva, &c. and to Don Joseph de Farria, great historiographer of the kingdom; and the High and Mighty Lords the States General of the United Provinces, to Van Francis Schonemberg: which plenipotentiaries, by virtue of the abovesaid full powers (which, before the signing of this treaty, were mutually exchanged, examined, and admitted) after maturely and deliberately weighing the matter, have, in the name of their above-mentioned sovereigns, agreed and consented to the following terms and articles.

I. All former treaties between the abovesaid Powers
are

are hereby approved, confirmed, and ratified, and are ordered to be exactly and faithfully observed, except in so far as by the present treaty is otherwise provided and established; so that there shall be between the said kingdoms and states, their people and subjects, a sincere friendship and perfect amity: they shall all of them mutually assist one another; and each of the said Powers shall promote the interest and advantage of the rest, as if it were his own.

II. If ever it shall happen that the Kings of Spain and France, either the present or future; that both of them together, or either of them separately, shall make war, or give occasion to suspect that they intend to make war upon the kingdom of Portugal, either on the continent of Europe or in its dominions beyond seas; her Majesty the Queen of Great Britain, and the Lords the States General, shall use their friendly offices with the said Kings, or either of them, in order to persuade them to observe the terms of peace towards Portugal, and not to make war upon it.

III. But these good offices not proving successful, but altogether ineffectual, so that war should be made by the aforesaid Kings, or by either of them, upon Portugal, the above-mentioned Powers of Great Britain and Holland shall make war, with all their force, upon the foresaid Kings or King who shall carry hostile arms into Portugal; and towards that war which shall be carried on in Europe, they shall supply twelve thousand men, whom they shall arm and pay, as well when in quarters as in action; and the said high allies shall be obliged to keep that number of men complete, by recruiting it from time to time at their own expence.

IV. And in this case also, the aforesaid Powers of Great Britain and Holland shall be obliged to keep and maintain upon the coast of Portugal, and in its harbours, a competent number of men of war, to defend the said coasts and harbours, the trade and merchant-

chant-ships, from all hostile attempts; so that if it shall appear that the said harbours and ships are in danger of being attacked with a greater force by the enemy, the said high allies shall be obliged to send to Portugal such a number of men of war as shall be equal, or even superior, to the ships and force of the enemy who shall meditate an attack upon the above-said ships and harbours.

V. But if the foresaid Kings of Spain and France, or either of them, shall make war, or give occasion to suspect that they intend to make war, upon the provinces or dominions of Portugal beyond seas, the above-mentioned Powers of Great Britain and Holland shall furnish to his Portuguese Majesty such a number of men of war as shall be equal, or even superior, to the ships of the enemy; so that he may be able not only to oppose them, but even to prevent such attack or invasion, as long as the war shall last, or occasion require. And if the enemy shall take any town or seize any place, which they may fortify, in the foresaid provinces and dominions beyond seas, these succours shall continue until such town or place be fully recovered, or more towns and places, if more should be taken.

VI. All these auxiliary ships shall be subject to the command of his Portuguese Majesty, so that they shall perform whatever shall be enjoined by his said Majesty; and if they should fail to the Portuguese provinces and dominions beyond seas, they shall there likewise perform whatever shall be enjoined them, in the name of his Majesty, by his viceroys and governors.

VII. When these auxiliary ships of the two Powers of Great Britain and Holland shall be joined with the Portuguese ships (in which case they must always assist them) the admiral of the Portuguese fleet, who has the right of carrying the flag, shall give signals, and summon to a council of war, which shall be held in

his own cabin ; and the same admiral of the Portuguese fleet shall issue the necessary orders for executing those points which shall have been resolved upon in the council of war ; which points the admirals of the auxiliary ships shall execute, each with his own ships.

VIII. But if, at any time, the ships of the three allied nations shall be conjoined in order to attempt any thing, in which all the allies are equally interested, the admiral, who has the right of carrying the flag, and has under his command the greatest number of ships of his own nation, shall enjoy the right and privilege mentioned in the former article, viz. of giving signals, of summoning to a council of war in his own cabin, and of doing every other thing requisite, as is above specified.

IX. The twelve thousand men, which the Powers of Great Britain and Holland are bound to furnish to his Portuguese Majesty, and to maintain at their own expence, and occasionally recruit, during the continuance of the war, as stipulated in the third article of this treaty, shall be subject, not only to the supreme command of his Portuguese Majesty, but also to that of his commanders or generals, and even of such of his officers as by their rank in the army are superior to them. But for breach of orders, and for the crimes and enormities of which they shall be guilty, they shall be punished by the commanders or generals of their own army, in the same manner as the Portuguese themselves are punished by martial law, especially for those crimes which regard the violation of religion.

X. The high allies shall, in the case above-mentioned, grant full liberty, and all kind of aid and assistance to the commissaries of his Portuguese Majesty, to export from their territories and harbours all sorts of military stores, such as powder, balls, arms, corn, and every other kind of ammunition, that shall be desired of them, as well belonging to the sea as the land service ; and that too at the same price as the said high
all

allies are wont to purchase them for their own use, and without the least alteration in the charge.

XI. If ever it should happen that the Kings of Spain and France, or either of them, should make war upon the kingdom of Great Britain, or the States of the United Provinces, his Majesty the King of Portugal shall use his friendly offices with the said Kings, or with either of them, in order to persuade them to observe the terms of peace towards the aforesaid kingdom of Great Britain, and the States of the United Provinces.

XII. But these good offices not proving successful, but altogether ineffectual, so that war shall be made by the foresaid Kings, or by either of them, upon the kingdom of Great Britain, or the States of the United Provinces, his Majesty the King of Portugal shall, in like manner, be bound to make war, with all his force, upon the aforesaid Kings, or upon either of them: and in this case likewise the foresaid two Powers of Great Britain, and the States of the United Provinces, shall furnish him with the same succours of men and ships as in the preceding articles are stipulated, in case the Kings of France or Spain, or either of them, should make war upon Portugal, and every thing shall be executed in the manner there specified.

XIII. As well in the first, as in the second manner of carrying on the war, his Majesty the King of Portugal shall be bound to maintain ten ships of war for his own defence, and that of his allies; with this proviso, however, that if both the Spaniards and the French, or the Spaniards only, should make war upon the high allies, in that case the ten ships of war of his Portuguese Majesty shall not be bound to depart from the coast of Portugal, because, while in that station, they will be of very great use in dividing the force of the enemy: but if war should be made by the French only, it shall then be lawful for the Portuguese ships to
assist

assist the high allies, in conjunction with their own fleets.

XIV. No peace nor truce shall be made but by the common consent of the three allies ; and this league shall be perpetual and eternal.

XV. The personal privileges and freedom of trade which the subjects of Great Britain, and the States of the United Provinces, at present enjoy in Portugal, the Portuguese shall, in their turn, enjoy in the dominions of Great Britain and the States of the United Provinces.

XVI. If from the copies of the treaty, in which an agreement was made concerning Bombay, between the crowns of Portugal and Britain, it should appear, that either party has transgressed, or not fulfilled the terms of that convention, every thing shall be regulated according to the spirit of the said treaty.

XVII. Portuguese ships shall not be obliged to pay any thing for casting anchor in the port of Mallacca, unless the other nations of Europe are obliged to do the same.

XVIII. Piratical ships, of whatever nation, shall not only not be permitted or received into the ports which their Portuguese and Britannic Majesties, and the States General of the United Provinces, possess in the East Indies, but shall be deemed the common enemies of the Portuguese, the English, and the Dutch.

XIX. In time of peace, there shall be admitted into the greater ports of the kingdom of Portugal, six ships of war of each of the nations of Great Britain and the United Provinces, besides other six ships, which were permitted by virtue of former treaties ; so that in the whole twelve ships may be admitted, and all in the same manner as the former six were permitted. And into the lesser ports, there shall be admitted
such

such a number of ships as they can conveniently receive.

XX. The said plenipotentiaries promise, that their above-mentioned sovereigns shall ratify this treaty, in due and lawful form; and that the ratifications shall be exchanged in this royal city of Lisbon, within the space of three months, counting from the time of subscribing.

In witness whereof, we the above-named Plenipotentiaries of her Majesty the Queen of Great Britain, and of the High and Mighty Lords the States General of the United Provinces, have signed this instrument, and thereto set our seals. And the Plenipotentiaries of his Portuguese Majesty, in order to avoid the controversy that subsists concerning the prerogative of the place, between the crowns of Great Britain and Portugal, have, agreeable to the manner and custom observed between the two crowns, separately signed and sealed another instrument of the same tenor, changing only those particulars which on account of this circumstance were to be changed.

Lisbon, May 16, (L. S.) *Paul Methuen.*
1703. (L. S.) *Schonemberg.*

Ratified by the Queen at Windsor, on the 12th of July, 1703.

[The following is printed from a copy in the books of the Board of Trade.]

Treaty with Portugal, dated 27th December, 1703.

WHEREAS the league and strict friendship which is between the most Serene and most Potent Princess Anne, Queen of Great Britain, and the most Serene

Serene and most Potent Peter, King of Portugal, requires that the commerce of both the British and the Portugal nations should be promoted as much as possible; and her Sacred Royal Majesty of Great Britain hath signified to his Sacred Royal Majesty of Portugal, by the most excellent John Methuen, Esq; member of the English parliament, and ambassador extraordinary in Portugal, that it would be very acceptable to her, if the woollen cloths, and the rest of the woollen manufactures of Britain, might be admitted into Portugal, the prohibition of them being taken off; that this matter may be treated and transacted, they have given their full powers and commands; that is to say, her Sacred Majesty of Great Britain, to the abovesaid most excellent John Methuen, and his Sacred Majesty of Portugal, to the most excellent Don Emanuel Telles Silvius, Marquis of Alegrete, Conde de Villa Major, in the society of the knights of Christ, comendador of St. John d'Alegrete, and of de Soure, and also in the college of comendador of St. John d'Moura, and of St. Mary de Albuveira, one of the three directors of the treasury, and of the first gentlemen of the bedchamber, and counsellor of state to his Sacred Royal Portuguese Majesty: who, by virtue of the full powers to them respectively granted, having maturely and diligently considered the matter, have agreed upon the following articles.

I. His Sacred Royal Majesty of Portugal promises; both in his own name and that of his successors, to admit, for ever hereafter, into Portugal the woollen cloths, and the rest of the woollen manufactures of the Britons, as was accustomed till they were prohibited by the laws: nevertheless, upon this condition,

II. That is to say, that her Sacred Royal Majesty of Great Britain shall in her own name, and that of her successors, be obliged for ever hereafter to admit the wines of the growth of Portugal into Britain; so
that

that at no time, whether there shall be peace or war between the kingdoms of Britain and France, any thing more shall be demanded for these wines, by the name of custom or duty, or by whatsoever other title, directly or indirectly, whether they shall be imported into Great Britain in pipes or hogsheds, or other casks, than what shall be demanded from the like quantity or measure of French wine, deducting or abating a third part of the custom or duty: but if at any time this deduction or abatement of customs, which is to be made as aforesaid, shall in any manner be attempted and prejudiced, it shall be just and lawful for his Sacred Royal Majesty of Portugal again to prohibit the woollen cloths, and the rest of the British woollen manufactures.

III. The most excellent lords the plenipotentiaries promise, and take upon themselves, that their above-named masters shall ratify this treaty, and that within the space of two months the ratifications shall be exchanged.

For the faith and testimony of all which things, I, the plenipotentiary of her Sacred Royal Majesty of Great Britain, have confirmed this treaty, by the subscription of my hand and by the seal of my coat of arms. And the most excellent lord the plenipotentiary of his Sacred Royal Majesty of Portugal, for avoiding the controversy about precedence between the two crowns of Britain and Portugal, hath subscribed another instrument of the same tenor, changing only what ought to be changed for that reason. Given at Lisbon, the 27th of the month of December, 1703.

(L. S.) *John Methuen.*

[The following is printed from the copy which was published by authority in 1717.]

His Majesty's Guaranty of the Treaty of Peace made at Utrecht, February 6, 17¹⁴₁₃, between the Crowns of Spain and Portugal.

GEORGE, by the grace of God, &c. to all and singular to whom these present letters shall come, greeting. Whereas the most Serene King of Portugal has notified to us, that peace is established between him and the most Serene King of Spain, by a treaty concluded at Utrecht on the sixth day of the month of February last past; and has also invited us, that, pursuant to what the late Queen Anne, of pious memory, our most dear sister and cousin, undertook, we would engage our promise and guaranty for the performance of the said treaty, and all and every the articles thereof. And whereas Joseph da Cunha Brochado, ambassador extraordinary, and counsellor of the said most Serene King of Portugal, has, on the part of his Master, delivered to us a copy in due form of the said treaty, the guaranty or engagement for the performance of which is desired of us, written in the Portuguese language, and being word for word as hereunder follows.

In the name of the most Holy Trinity. Know all present and to come, that the greatest part of Christendom having been afflicted with a long and bloody war, &c.

We, following the steps of our royal ancestors, and being unwilling to decline any offices, by which the peace between the said Kings may be promoted, do therefore most readily engage for the preservation of the treaty now established; gladly taking this occasion to satisfy his Royal Majesty of Portugal of our friendship and sincere regard to his person and interests, agreeable to the most strict concord which has always been between the British and Portuguese crowns. We therefore have made ourselves guarantees and sureties
of

of the said treaty of peace, as by these presents, in the most due and ample form, we do make ourselves guarantees and sureties thereof; engaging and promising, on our Royal word, to take care (as far as in us lies) that the said treaty, with all and every the articles and clauses in it, shall be sacredly and inviolably observed according to their genuine sense, and that nothing shall be done in anywise contrary thereunto; and that we will be always ready to enter into all such reasonable measures as shall appear most necessary and effectual for preserving the same from all violation.

In witness whereof, we have caused our great seal of Great Britain to be affixed to these presents, signed with our Royal hand. Given at our palace at St. James's, on the third day of May, in the year of our Lord 1715, and of our reign the first.

GEORGE R.

S A R D I N I A.

1669. **T**HE treaty of friendship and commerce between Great Britain and Savoy, concluded at Florence.
19 Sept. *Pap. Off. K. 1.*

1690. The accession of Savoy to the grand alliance, of the 12th May 1689.
20 Oct. *Treat. 1732, vol. iii. p. 334.*

1697. By the treaty of Ryfwick, between Great Britain and France, the treaty of peace between Savoy and France, dated the 29th of August 1696, was confirmed.
18 Sept. *See the Treaty before, vol. i.—Table of Contents, art. FRANCE.*
Treat. 1732, vol. i. p. 302.
Treat. 1785, vol. i. p. 299.

1704. The treaty between Great Britain and Savoy, made at Turin, with the separate article.
4th Aug. *Pap. Off. K. 2, 3.*

1713. By the treaty at Utrecht, between Great Britain and France, the treaty of peace, between Savoy and France, which was concluded on the same day, was confirmed and guaranteed.
31 Mar.
11 Apr.

See the Treaty before, vol. i. in the Table of Contents, art. FRANCE.
Treat. 1732, vol. iii. p. 398.
Treat. 1785, vol. ii. p. 5.

1748.] WITH SARDINIA. 309

1736. The Preliminary articles of the treaty of
3 Jan. Vienna, with the supplemental declarations,
&c. *Rouffet, Sup. Corp. Dip.* tom. iv.
part. ii. page 546-49.
Mably, Dr. Pub. tom. iii. p. 87.

1743. The definitive treaty of peace, union,
 $\frac{2}{13}$ Sept. friendship, and mutual defence, between
Great Britain, Sardinia, and Hungary, con-
cluded at Worms.
Treat. 1785, vol. ii. p. 355.

1748. The treaty of Aix-la-Chapelle, which
18 Oct. included Sardinia as a party.
See this Treaty in vol. i.—Table of
Contents, art. FRANCE.

1748. The accession and ratification of the
 $\frac{7}{16}$ Nov. treaty of Aix-la-Chapelle by Sardinia.
Pap. Off. K. 24.

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

*A Treaty of Friendship and Commerce, between his Ma-
jesty of Great Britain, &c. and the most Serene
Prince the Duke of Savoy, concluded at Florence,
the 19th Day of September, 1669.*

The Instrument of Commerce with the Duke of Savoy.

THE convenient situation of the port of Villa
Franca in the Mediterranean Sea, and the capacity of
the same, together with the security of it in all respects,
have been efficacious motives to his most Serene
Highness the Duke of Savoy, for the exhibiting and
pronouncing the same free to the whole world; with a
belief, that it might in time prove advantageous to the
public, and to his Royal Highness in particular. But
it so falling out, that the vigour of things which are

establiſhed by the beſt counſel, in proceſs of time are rendered languid and ſubject to mutation: it has therefore pleaſed his Royal Highneſs, not only to re-confirm the free ſtate and condition of his port, but over and above to offer the ſame to his Maſteſty of Great Britain, &c. increaſed with new privileges, and augmented with inviolable capitulations. To theſe motives a moſt valid and reciprocal inducement joins itſelf; to wit, the luxuriant fertility of ſoil, which is obvious in the kingdoms and other plantations which are under the dominion of his Maſteſty of Great Britain, &c. as alſo in the dominions of his ſaid Royal Highneſs; which ſuperfluity, ſince it is ſo properly and naturally tranſmitted and emptied into the mutual territories, with the reciprocal fruit and advantage of the ſubject, it was eaſy for both Princes, between whom there paſſed long ſince the ties of an ancient frienſhip, confirmed by repeated alliances, and by late conjunction in blood, to entertain thoughts of ſuperadding the new tie of mutual commerce, by which they might, upon the ſcore of advantaging their ſubjects, further oblige, and reciprocally engage themſelves to each other. To this end and purpoſe it has pleaſed his moſt Excellent Maſteſty, by his letters patents under the great ſeal of England, to conſtitute Sir John Finch, knight, now reſident for his Maſteſty of Great Britain with the Great Duke of Tuſcany, his true and lawful attorney, with a plenipotentiary power, as appears out of the letters patents themſelves: and to the ſame intent and purpoſe his Royal Highneſs has thought good to inveſt with the ſame power and authority Signor Joſeph Maurice Philipppone, his counſellor, auditor, and procurator general of his revenue, as is likewiſe apparent from the letters patents of his Royal Highneſs: both which plenipotentiaries, after ſeveral meetings, have finally concluded as follows.

Articles covenanted.

- I. Firſt, Since commerce was always the companion
of

of peace, that peace which for many years was never interrupted by war, is now ratified, established, and confirmed, between the most Potent Monarch Charles the Second, King of Great Britain, &c. and his Royal Highness Charles Emanuel, the second of that name, Duke of Savoy, &c. : both whose subjects are obliged, as well by sea as land, upon all occasions, to perform to each other all actions of mutual civility and kindness.

II. Secondly, It shall be permitted to, and lawful for all sorts and kinds of ships and vessels, belonging to his Majesty the King of Great Britain, &c. or any of his subjects, to conduct and bring into the ports of Villa Franca, Nizza, or S. Hospitio, all things whatsoever, or all kinds of merchandize, whether produced by nature or made by art, in any part of the world : all which things or merchandize so brought, shall freely and lawfully, by the captains or masters, or any under them, or by the merchants or factors, his Majesty's subjects, be landed and brought into the houses of the said merchants or factors, or into any magazines or warehouses out of their houses in the said ports, and there conserved and kept by them as long as they please, without confiscation, imposition of custom, or exaction of any duty whatsoever. Furthermore, if all the said things, or any part of them, shall not be sold in the said ports, it is and shall be lawful for the said captains, masters, merchants, or factors, his Majesty's subjects, freely to send all or any part of the said things by sea to whatsoever other place they please, without paying any custom, duty, or any sort of imposition whatsoever.

III. Thirdly, That all and every sort and kind of things and merchandize, which shall be sold in Nizza, Villa Franca, or S. Hospitio, and after the sale made shall be dispeeded or sent by sea into the territories of any other Prince, both in respect of the seller and buyer, shall always be free and clear from all custom,

X +

duty;

duty, or imposition whatsoever: but as to all those things and merchandizes which, after the sale made in the said places, shall pass by land into the territories of any other Prince, it is also covenanted and agreed, that during the space of ten years to ensue from the day of the publication of this present agreement, all such goods shall be free and clear from all custom, duty, or impost whatsoever, for their passage by land, and from any other penalty whatsoever, both in respect of the buyer and seller; which ten years being expired, if his Royal Highness will not further confirm this freedom of passage according to the aforesaid form and manner, in such case, for all and every the said things, which after sale made pass by land as aforesaid, shall be paid only one half of the imposition or duty which is exacted for passage in the rates or tariff printed in the end of the order published the 30th October, 1633.

IV. Fourthly, All and every sort and kind of things or merchandize, which are produced by nature, or made by art, in any of his Majesty's kingdoms, or in any plantations of the West or East Indies, or any other territories which at present are, or hereafter shall be, under the dominion of his Majesty, may and shall be freely sold by the subjects of his Majesty, throughout all the dominions of his Royal Highness, and any part of his territories or places of jurisdiction, without any prohibition or penalty, notwithstanding whatsoever law or edict to the contrary; excepted always, and only, salt, tobacco, gunpowder, match, birding-shot, bullets, whalebone, cards of all sorts; because it is the custom to farm out the liberty of selling these mentioned things, as monopolies to particular persons: notwithstanding, free leave is granted to his Majesty's subjects, according to what is expressed in the second article, to receive and keep within their houses, or warehouses, all the aforesaid forbidden commodities, without any custom, duty, or penalty: nay further, free leave is granted to his Majesty's subjects to sell the said forbidden commodities

commodities to the monopolists or farmers themselves. But all sorts of merchandize (except the aforesaid prohibited ones) which shall be introduced and brought into the ports of Villa Franca, Nizza, or S. Hospitio, when they shall be extracted out of the said ports, to the end that they may be vented and sold within the dominions of his Royal Highness, he alone that extracts them, whether he be the buyer or the seller, shall pay only one half of that custom or duty which is specified in that book of rates or tariff, a printed copy of which, under-written by the procurator of his Royal Highness, was by him delivered to Sir John Finch; which duty or custom once paid, nothing more shall be paid within the dominions of his Royal Highness, either by the buyer or the seller, for the said goods or merchandize: with express declaration, that for all woollen manufactures, or whatsoever commodities aforesaid, which as it appears are not specified in the aforesaid books of rates or tariff, shall be paid duty or custom one and a half *per centum*, that is, half only of the three *per centum* imposed upon all commodities which are not specified in the mentioned book of rates, by the last article or lines of it; which duty or custom being once paid, nothing more shall be paid, neither by the buyer nor seller, within the dominions of his Royal Highness.

V. Fifthly, It is covenanted and agreed, that all sorts of ships and vessels belonging to his Majesty of Great Britain, &c. or any of his subjects, which shall set sail from England, or any place under the dominions of his Majesty, or out of his Majesty's dominions, not being infected with the plague, and shall arrive at the ports of Nizza, Villa Franca, or S. Hospitio, with certificates or patents of good health, having in their voyage had no commerce with any places or persons suspected to be infected with the plague, are, and ought to be, free and clear from making Quarantena, or any days whatsoever of purgation: and there shall be immediately granted to the persons in the said ships,

ships, present and free commerce or Prattick; and all things and merchandize, of whatsoever sort or kind, brought by the said ships, shall immediately, without any delay, be permitted freely to be landed, and carried into the houses or warehouses of the merchants his Majesty's subjects in Nizza, Villa Franca, or S. Hospitio: but if the above-mentioned ships shall arrive without a certificate or patent of good health, or if in their voyage they shall have practised or had commerce with any persons or places suspected of the plague, in such case both persons and goods shall be subject to quarantena or purgation; but the days of quarantena or purgation shall be shortened, both in respect of the persons and goods, as much as the care of preserving the public health can possibly permit: but what merchandize is subject to the lazaretto, or to make purgation, as also the lazaretto duties, or expence of goods that make purgation, is with other particulars contained in a paper of the rates of the lazaretto duties at the end of this instrument, which never can or may be changed or altered without the consent of the consul, and the major part of the merchants residing in the said ports.

VI. Sixthly, Because ports which are called free are wont to give protection and refuge to bankrupts, or persons that fail and break with other men's estates; the same piety of his Majesty which protects those who are good, punishes them that are bad; therefore as to what concerns his Majesty's subjects, it is covenanted and agreed, notwithstanding whatsoever edicts published, that his Majesty's subjects be wholly deprived and utterly cut off from enjoying that protection which is commonly called safe-conduct; reserving to every subject of his Majesty his proper right; likewise all his Majesty's subjects shall be deprived of the benefit of protection or safe-conduct, who shall commit any crimes whatsoever against his Majesty, as also all of his Majesty's subjects, whether master, mariners, or others, who shall be guilty of barratry; to whom, as
alio

also to all pirates and robbers at sea who are his Majesty's subjects, all license shall be denied of selling goods or merchandize, or contracting for them in the said ports : but in regard all that is mentioned in the foregoing part of this article relates only to his Majesty's subjects, it is covenanted likewise and agreed in favour of the said subjects, that they shall fully and entirely against all strangers (as well as all strangers against them) enjoy the privilege of safe-conduct or protection promised, and published in the edict of a free port, by his Royal Highness.

VII. Seventhly, All the subjects of his Majesty who live at Nizza, Villa Franca, or S. Hospitio, in order to trade or otherwise, are declared free and clear from all tributes, taxes, or levies of monies, which are or shall be imposed by his Royal Highness.

VIII. Eighthly, It is likewise declared, that the persons of his Majesty's subjects residing at Nizza, Villa Franca, or S. Hospitio, shall not be liable or subject to arrest or imprisonment, or their goods to seizure or sequestration, for any civil causes, unless a legal citation has first preceded ; but in criminal causes, which are punished with death or corporal punishment, they shall be subject to imprisonment without citation.

IX. Ninthly, It is permitted, and shall be lawful to all and every one of the subjects of his Majesty of Great Britain, &c. dwelling in the said ports, to live in their own religion, after the same manner that is permitted either at Genoa, or Leghorn ; and a convenient and decent place of burial shall be allotted and assigned for the interment of such of his Majesty's subjects as shall decease in the said places.

X. Tenthly, Since that nothing doth more torment any man than controversies in law before tribunals of judicature, in regard of the great expence both of time and money ; but more especially one who is a stranger

to the customs of the place, and an alien to the laws: therefore it is covenanted and agreed between his Majesty of Great Britain, &c. and his Royal Highness, that all differences or controversies whatsoever, which shall arise between subject and subject of his Majesty, or between the said subjects and any person that is no subject of his Majesty, shall be only pleaded before, and be decided only by, a judge who shall be called the Delegate of the English nation; which delegate shall always be chosen by the subjects of his Majesty who live at Nizza, Villa Franca, or S. Hospitio; provided always, that the election be made out of the number of those ministers of his Royal Highness which constitute the consuls of the sea: the delegate so chosen shall be continued during the pleasure of the national electors; provided that this continuation be no longer time than what is limited by his Royal Highness for the period of the office of the rest of the consuls of the sea. When this delegate is elected, the nation shall present him to his Royal Highness, with a petition, that by his authority he may be appointed to exercise this charge; by which authority being constituted, he shall with brevity and expedition decide and determine all the aforesaid controversies, without the formality of legal processes, according to the validity and weight of reason, having regard only to the truth of the fact: and all this shall be done without any costs, charges, or expence, except only the bare payment of the writing. From the sentence given by this delegate there shall no appeal be made or allowed, except to the tribunal of the consuls of the sea residing at Nizza, where the delegate himself is to be one, and sits as one of the judges; from which tribunal no appeal is to be admitted. But if in the progress of time his Majesty's subjects in the said ports become numerous (which is to be hoped, from the good and well-composed laws) if any inconvenience be found in the deciding of controversies according to the manner

manner prescribed, then, as to whatsoever controversies which shall happen and arise only between subject and subject of his Majesty, the following rule for an unappealable deciding of them shall be established and confirmed between his Majesty and his Royal Highness, which then is to be in full force and vigour from that time which his Majesty shall require it of his Royal Highness. The form or rule is this:—The subjects of his Majesty shall choose, out of the number of the English nation, three, which for life and manners are esteemed men of the greatest integrity amongst them; these three they shall humbly present to his Royal Highness, that he may benignly please to appoint one of them, who, under the title of Delegate of his Royal Highness, is to exercise the office which shall immediately be declared: by whose authority when he shall be constituted, and to that purpose has obtained letters from his Royal Highness, he shall notwithstanding be incapable of exercising his charge, till he hath first taken oath before the already-mentioned national delegate, or, in his absence, before some other of the consuls of the sea residing at Nizza for his Royal Highness. These things premised, when a controversy or difference shall arise or happen, the plaintiff and the defendant shall each of them choose two arbitrators, whom they shall declare and constitute to be such before the delegate of his Royal Highness, to every one of which the delegate shall administer an oath, upon the holy evangelists, to this purpose; “That they will, according to the utmost of their power, laying aside all respect of persons, and according to good conscience and best rule of justice, give their sentence of arbitration righteously and faithfully.” After which oath they may convene, as occasion offers, but always in the presence of the said delegate: which delegate shall have no voice in case that the major part of the four arbitrators agree in their arbitration; which if they do, the decision so made shall be valid and firm: but if the arbitrators, by reason of their equality of votes,

agree:

agree not, then the delegate of his Royal Highness, having first taken the same oath the arbitrators did, before one of the consuls of the sea at Nizza, shall have a vote amongst the other four arbitrators, and the decision shall be on that side which has the majority of votes, to all purposes valid and firm. In both cases, the decision thus amicably made shall be transmitted to his Royal Highness within the space of one month, that by his authority it may have its full force, and be put in execution. This delegate shall be further obliged to make writings or records, as delegate of his Royal Highness, and it shall be his charge carefully to keep and preserve the same. He shall be continued three years in his office, and be obliged to give an account, to the delegate that succeeds him, of all matters that were transacted under him.

XI. Eleventhly, If any subject of his Majesty shall die in the said ports without making his will, or shall appoint by his will one to be executor who lives in none of the said ports, the whole nation shall be convened, and by them some persons shall be chosen of good life, fame, and credit; who together with the delegate of his Royal Highness, his Majesty's subject, and the consul of the nation, shall take care of the estates of the person deceased, so that it may not be embezzled, but kept for them to whom of right it does belong: which persons so elected by the nation shall be, before the tribunal of the consuls of the sea residing at Nizza, constituted and appointed administrators, to the intent aforesaid, of the goods of the deceased: and to this end they shall have full power to demand and keep whatsoever of right belonged to the person deceased, and also to pay and discharge whatsoever of right was due from the deceased person to any other.

XII. Twelfthly, All mariners, subjects of his Majesty, who shall desert their own captain or master, and enter in any other ship or vessel, upon complaint made
to

to the officer of his Royal Highness at Nizza, Villa Franca, or S. Hospitio, shall be taken from the ship that received them, and be restored to their first captain or master. If any mariner deserts his own captain or master, and retires into any public or private house of any of the inhabitants in the said ports, and shall be concealed by the inhabitant, he shall be forcibly taken out of the house, and the housekeeper fined twenty dollars for every such offence : if any mariner shall lie all night on shore in any public or private house, without leave in writing under the hand of his officer, the housekeeper lodging him shall pay ten dollars : if any mariner contracts a debt with, or runs in debt to any inhabitant of the said ports, above the sum of one dollar, without license in writing from his captain or master, his creditor shall lose it : but if any mariner does get one to be bound for the debt, who is not a mariner, the mariner shall be let go ; but the person that is bound for him may be retained for the debt.

XIII. Thirteenthly, It is covenanted and agreed, that all ships of war belonging to his Majesty, whensoever they shall come into the said ports, shall in every point be received with the same honour as any ships or vessels whatsoever belonging to whatsoever Monarch or Prince : during the abode of his Majesty's ships in the said ports, nothing necessary or convenient shall be denied them, they paying a competent price for it ; and as for their victualling, license is granted to any person deputed to victual the ships, throughout all the dominions of his Royal Highness, to contract for and buy all things necessary and convenient for sustenance, and to cause all the said things so bought to be brought into the said ports, without any custom, duty, or impost, paying for them only the first cost ; and it is further covenanted, that the said ships of war of his Majesty, during their abode in the said ports, shall be protected and defended against any whomsoever that

would attempt any violence or hostility against them.

XIV. Fourteenthly, Since in this instrument of commerce there has been mention made of certain fiscal orders or tariffs, commonly called books of rates or public duties; one of which, printed the tenth of December, one thousand six hundred and fifty-one, contains the customs or duties which are to be paid for all commodities whatsoever, which are sold within the dominions of his Royal Highness: a second contains, at the end of the general order of the Porto Franco (the thirtieth of October, one thousand six hundred thirty-three) the duties that are to be paid for passage by land through the state of his Royal Highness: and the third, and the last, underwritten by the procurator of his Royal Highness, contains the lazaretto duties or expences which are to be paid for the purging of goods that make quarantena: all which three books of rates and duties are to be regulated according to the limitations and restrictions in the foregoing articles: it is covenanted, that the said tariffs, or rates and duties, shall never be changed or altered without consent of the consul and the major part of the English merchants and factors residing in the said ports. It is also further covenanted, that the merchants and factors, subjects of his Majesty, shall be dispatched with all expedition in the several places where customs or duties are to be paid, and that none of the said subjects shall be at any time liable to revision of accounts under pretence of defraudation. And if any officer of his Royal Highness, by way of reward, voluntary donative, or any other way whatsoever, shall exact or receive any sum or value beyond what is appointed in the mentioned tariffs or rates, limited as in the aforesaid articles, the person so offending shall be imprisoned the space of three months or more, if his Royal Highness think fit, and shall pay three times the full value of what he so demanded or received; one half of which shall be applied

applied to his Royal Highness, and the other half to the accuser or informer.

XV. Fifteenthly and lastly, It is covenanted and agreed, that all immunities, privileges, and concessions, which, in the general publication of a free port made by his Royal Highness, are not mentioned, or specified in the foregoing articles, shall be, for the full advantage of his Majesty's subjects, to all intents and purposes be understood to be expressly mentioned and contained in the body of this present instrument: and whatsoever for the future of immunity, privilege, or advantage, shall be granted to any other kingdom or state, all and every of the said immunities, privileges, and advantages, are and shall be as fully, with all their circumstances, granted to his Majesty's subjects, as if they were expressly covenanted and agreed for in this present instrument. For the full and undoubted confirmation of which, and of all the foregoing articles, the above-named procurators of his Majesty of Great Britain, &c. and his Royal Highness, having diligently read and weighed all the above-said fifteen articles, have hereunto put their hands and seals, at Florence, the nineteenth day of September, the year of our lord one thousand six hundred sixty-nine.

(L. S.) *John Finch.*

(L. S.) *Joseph Maurice Filippone.*

[The following is printed from the treaty, which was published by authority in 1743.

The Definitive Treaty of Peace, Union, Friendship, and mutual Defence, between the Crowns of Great Britain, Hungary, and Sardinia, concluded at WORMS, on the $\frac{2}{17}$ of September, 1743.

GEORGE the Second, by the grace of God,
King of Great Britain, France, and Ireland, Defender
VOL. II. X of

of the faith, Duke of Brunswic, and Lunenburg, Arch-treasurer, and Prince Elector, of the Holy Roman Empire, &c. to all and singular to whom these presents shall come, greeting. Whereas the ministers plenipotentiary, as well on our part, as on the part of our good brother the King of Sardinia, &c. and of our good sister the Queen of Hungary and Bohemia, &c. being assembled at Worms, and sufficiently authorized thereto, did conclude and sign a certain treaty of mutual friendship, and perpetual alliance, on the $\frac{2}{13}$ day of the present month of September, in the form and words following.

In the name of the most Holy Trinity.

BE it known to all, and every one, to whom it appertains, or may appertain, in any manner whatsoever.

Forasmuch as the disturbances, which, upon the decease of the Emperor Charles the Sixth, of glorious memory, without male issue, arose in Germany, notwithstanding the express tenor of the most solemn and recent treaties of peace and alliance, corroborated by the authentic guaranty of the body of the Empire, which do assure to his eldest daughter, and to her posterity, the entire and indivisible succession to his hereditary dominions, do manifestly tend to the overthrow of all balance in Europe, and do expose its liberty, and that of its commerce, to the most evident danger; which danger is still increased by the conquest which the Kings of Spain and Naples have openly undertaken to make of the dominions possessed by the most Serene House of Austria in Italy, contrary to the faith of their own engagements; after which, the rest of Italy would no longer be able to resist them, and all the coasts of the Mediterranean Sea would be under subjection to one and the same family.

To obviate, as much as in them lies, such imminent evils, and an enterprize, whose consequences would be so fatal to all the Princes and states of Italy, to their
liberty

liberty and commerce, and to that of the maritime Powers in the Mediterranean Sea, the most Serene and most Potent Prince George the Second, King of Great Britain, Elector of Brunſwick, Lunenburg, &c.; the most Serene and most Potent Princess Maria Theresia, Queen of Hungary and Bohemia, Archdutchess of Austria, &c.; and the most Serene and most Potent Prince Charles Emanuel King of Sardinia, Duke of Savoy, &c. having such an essential interest in the preservation of a just balance in Europe, on which depends the liberty of Europe, and in the maintenance of the liberty and security of Italy in particular, on which depends that of its commerce, and of the commerce of the Mediterranean, have resolved to enter into a closer and more inseparable union, in this fixed intention, and to persevere inviolably in joining their forces and counsels in order to obtaining the effect desired therefrom, and more especially for the sake of repelling, with one accord, the unjust invasion made by the Kings of Spain and Naples, and for securing Italy, if possible, for the future, from all attempts of the same kind.

In this view, and in order to prevent the said invasion, without loss of time, his Majesty the King of Sardinia did enter, from the 1st day of February 1742, into a provisional convention with her Majesty the Queen of Hungary, the tenor whereof is as follows:—

As it is sufficiently evident, that the motions of the Spanish troops, which, having landed in the states of the Præsidii, are advancing in the dominions of the Pope, in order to join those of Naples, and from thence to pursue their march as far as Imola, are bent, according to certain intelligence, towards Lombardy, and must necessarily very much affect his Majesty the King of Sardinia, as well as her Majesty the Queen of Hungary and Bohemia, their Majesties have thought, by the means of the Marquis d'Ormea and of the Count de Schulenbourg (they being respectively provided with the necessary full powers) of concerting and

agreeing upon the following articles, under the hopes of their being ratified and accepted.

I. The forces of her Majesty the Queen of Hungary alone, which are now in Italy, appearing sufficient to make head against the aggressors, they shall be brought together, in order to march towards them, and to give an immediate check to their progress, and particularly in order to cover the States of Modena, and Mirandola, which are, as it were, a bulwark to the dominions of the Queen of Hungary in Italy.

II. The said King of Sardinia shall, in the mean while, have a considerable body of his troops upon the frontiers of his dominions towards the borders of the Milanese, and of the duchy of Placentia, which shall be disposed in such a manner, as that they may be brought together in a short time; and in case the forces of the aggressors should come to be augmented, and that there should be cause to fear a new invasion on any other side, as is probable, according to the advices that have been received, that a second convoy of Spanish troops has already set sail at Barcelona, and that they are to land in the harbour of La Spezia, his Majesty shall then co-operate with all his forces for preventing the body of Austrian troops, which shall have marched forward, from being either taken in flank or intercepted by that new reinforcement of Spanish troops; and to this end, all the passages in the states above-mentioned, and principally the places of Parma, Placentia, and Pavia, shall remain free and open to the King's troops for their convenience and security.

III. As to what relates to further motions, and such other military operations as might be afterwards undertaken, as they must depend upon the circumstances which fall out from day to day, it is necessary to refer them to the concert which shall be entered into, in proportion to the circumstances which shall happen; and for this purpose, his Majesty the King of Sardinia shall send one of his general officers to the army

army of her Majesty the Queen of Hungary, and her Majesty the Queen of Hungary shall send one of her's likewise to reside with his Majesty the King of Sardinia: to which general officers shall be reciprocally communicated all the advices that shall be received about the enemy; and all the resolutions which shall be taken on either side, shall be concerted with them.

IV. Nothing being so necessary towards obtaining the end desired on each side, as the reciprocal security of the respective possessions and rights, and a confidence in the good faith of the parties, who are to co-operate towards the same end, his Majesty the King of Sardinia promises, upon the faith and word of a Prince, to her Majesty the Queen of Hungary; first, that, for as long time as the present provisional agreement shall last, he will not avail himself of his pretended rights to the state of Milan, which are not entered into in this provisional convention, forasmuch as the Queen of Hungary cannot admit them, and the King of Sardinia, on the contrary, thinks them founded; and secondly, that if it should be necessary that his said Majesty should enter, with his forces, into any one of the states above-mentioned, he will not exercise in the same any act of sovereignty, and will not in anywise hinder the Queen of Hungary from continuing to exercise them, in the manner that that Princess has done it hitherto; neither will his Majesty exact any contribution, and will content himself in the said case with being furnished with such things as are indispensably requisite to an army; as for instance, forage, wood, quarters, carts, beds, caferns, and straw, the rations whereof shall be regulated upon the foot on which they are usually allowed to his troops; as also horses, mules, and oxen, for the use of the artillery, and victuals.

V. On the other hand, her Majesty the Queen of Hungary declares in the like solemn manner, that it is not her meaning that the above-said promises of his

Majesty the King of Sardinia, nor the execution of them, should prejudice the rights by him pretended to the state of Milan, nor ever to avail herself of them, so as to infer from thence that the said rights were no longer subsisting; the intention of the two high contracting parties being to preserve to each of them their respective rights in their full force, in such manner as they may appertain to them, independently of the present convention.

VI. And it is likewise in this view, that his Majesty the King of Sardinia reserves to himself expressly the entire liberty of availing himself of his said rights, at whatever time, and by whatever means, either by himself singly, or by such alliance as he shall judge to be most for his convenience.

VII. But as his Majesty does not mean to acquire any advantage by the said reservation, and designs to proceed with all the good faith which is natural to him, he promises and engages, in the case above-mentioned, not to act himself, nor to permit any Prince, with whom he might be allied, to act (which his Majesty will take care to stipulate as a principal condition, in any treaty whatsoever which he might conclude) sooner than after the space of one month, from the time that he shall have caused notice to be given, by the means of the general officer which he shall have at the Queen of Hungary's army; to the end that the commanding officer of the Austrian troops, being thus put upon his guard, may take such measures and resolutions as he shall judge most for his advantage.

VIII. Moreover the King of Sardinia promises, in that case, to make his troops evacuate all the dominions of the Queen of Hungary, and all the places and posts which he should have taken possession of during the present provisional agreement, without carrying any thing off; to the end that the troops of the above-said Queen may, during the said month, retake, freely,
6 and

and without any hinderance, the posts which they shall think proper.

IX. The present convention shall be ratified by the King of Sardinia and by the Queen of Hungary, and the acts of ratification shall be exchanged within the term of twenty days.

X. During the said term, the King of Sardinia shall not understand himself to be obliged to cause his troops to enter into the states possessed by the Queen of Hungary; and if after the expiration of the said term, the Queen should not have sent her ratification, so that for want of it the present convention should remain without effect, nevertheless the King shall not, in that case, cause his troops to enter into the above-mentioned states, during the term of other ten days, neither during that term shall he give any hinderance to the free return of the Austrian troops into the same states, and into such posts as the Queen of Hungary's generals shall judge to be most convenient.

In witness whereof, we the under-written plenipotentiaries have signed the present convention, &c. at Turin, the 1st of February, 1742.

IN consequence of this convention, his Majesty the King of Sardinia did immediately join a considerable body of his troops to those of the said Queen, his Majesty the King of Great Britain having sent a strong squadron to co-operate for the maintenance of the liberties of Italy.

In order not to leave fruitless so great expences, and to secure still farther, and to accelerate, for the present, the entire execution of so necessary and just a resolution, and in order likewise to perpetuate the effect of it for the times to come, their said Majesties have authorized and do authorize their ministers plenipotentiary to make an immediate regulation of the particulars and of the conditions, viz. his Majesty the King of Great Britain, his privy counsellor John Lord Carteret, Baron of

Hawnes, one of his principal secretaries of state, &c.; his Majesty the King of Sardinia, the Chevalier Ossorio, chevalier grande croix, and grand conservator of the religious and military orders of the Saints Maurice and Lazarus, envoy extraordinary and minister plenipotentiary of his said Majesty to his Majesty the King of Great Britain; and her Majesty the Queen of Hungary and Bohemia, the Sieur Ignatius John de Walner, her minister plenipotentiary to his said Britannic Majesty; who, after having communicated to each other their respective full powers, and having maturely conferred together, have agreed upon the following articles.

I. There shall be, from the present time, and for all times to come, between his Majesty the King of Great Britain, her Majesty the Queen of Hungary and Bohemia, and his Majesty the King of Sardinia, a close friendship, and sincere, perpetual, and inviolable alliance, by virtue of which they shall be obliged to support, defend, and succour each other reciprocally and constantly, to be attentive to the security each of the other, as to their own, to procure all advantages, and to keep off all damage and prejudice from one another to the utmost of their power.

II. To this end, the allies engage themselves afresh to a most express guaranty of all the kingdoms, states, countries, and dominions, which they are now in possession of, or ought to possess by virtue of the treaty of alliance made at Turin in 1703: of the treaties of peace of Utrecht and Baden: of the treaty of peace and alliance, commonly called the quadruple alliance: of the treaty of pacification and alliance, concluded at Vienna the 16th of March, 1731: of the act of guaranty given in consequence thereof, and passed into a law of the empire the 11th of January 1732: of the act of accession, signed likewise in consequence of the said treaty, at the Hague the 20th of February 1732:

of

of the treaty of peace signed at Vienna the 18th of November 1738; and of the accession thereto, done and signed at Versailles the 3d of February 1739: all which treaties are fully recalled and confirmed here, forasmuch as they may concern the allies, and as far as they have not derogated from them by the present treaty.

III. In conformity to the guaranty contained in the foregoing article, and to the end that no subject of dispute may remain between the two most Serene Houses of Austria and Savoy, his Majesty the King of Sardinia, for himself, his heirs and successors, renounces by name, and for ever, but solely in favour of her Majesty the Queen of Hungary and Bohemia, and of her heirs and successors, his pretended rights upon the state of Milan; which rights, though never admitted on the part of the Queen, he had reserved to himself, by the provisional convention, the liberty of availing himself of. And besides, his Majesty the King of Sardinia engages himself formally and specially to the guaranty of the order of succession established in the said most Serene House, by the pragmatic sanction, in the same manner as it is set forth in the treaty of pacification and alliance made at Vienna the 16th of March 1731, excepting, however, that his said Majesty shall never be obliged to send succours out of Italy.

IV. For this purpose, his Majesty the King of Sardinia, who has already joined his troops to those of the Queen of Hungary, and who has already considerably augmented them, shall continue to concert and execute, jointly with her and her generals, all the measures and operations which shall be judged the most effectual for keeping off and repelling the invasion now made, or to be hereafter made, against the dominions of the said Queen, and for securing them from all danger, present and future, as much as possible.

V. In order to attain this end, and as long as the present war shall last, her Majesty the Queen of Hungary

gary engages not only to keep in Italy the number of troops which she has there now, but to augment them to the number of 30,000 effective men, as soon as the situation of affairs in Germany will permit it: and his Majesty the King of Sardinia engages to keep and employ the number of 40,000 foot, and 5,000 horse, comprehending in it what will be necessary for the garisons, and defence of his own dominions.

VI. His Majesty the King of Sardinia shall have the supreme command of the allied army, when he shall be there in person, and he shall regulate the military motions and operations of it, in concert with her Majesty the Queen of Hungary, according as the common interest and occasions shall require.

VII. As long as it shall be necessary towards favouring and seconding those operations, and as long as the danger of the allies, and of Italy, shall demand it, his Majesty the King of Great Britain engages to keep in the Mediterranean Sea a strong squadron of ships of war, and bomb-vessels, and fire-ships, the admiral and commanders whereof shall have orders to concert constantly and regularly with his Majesty the King of Sardinia, or with his generals, and with those of her Majesty the Queen of Hungary, who shall be nearest at hand, the most proper measures for the service of the common cause.

VIII. Moreover, and in order to assist in bearing the extraordinary expence which his Majesty the King of Sardinia is and will be obliged to support, for raising, and causing to act, a much greater number of troops than his own revenues can maintain, his Majesty the King of Great Britain engages to furnish to him, for as long as the war, and the occasion for it, shall continue, a subsidy of two hundred thousand pounds sterling *per annum*, to be paid every three months, and to commence from the 1st of February 1742, New Style, being the day upon which the provisional convention was signed between the said King and her Majesty the
Queen

Queen of Hungary; and the said subsidy shall be punctually paid from three months to three months in advance, provided, however, that what shall have been advanced to his Majesty the King of Sardinia, before the signature of the present treaty, shall be reckoned into it.

IX. In consideration of the zeal, and generosity, with which his Sardinian Majesty has been willing to expose his person, and his dominions, for the public cause, and for that of her Majesty the Queen of Hungary and Bohemia, and of the most Serene House of Austria in particular, and of the effectual succours which the said cause has already received from him; in consideration also of the burthensome engagements of assistance, and of the perpetual tie of guaranty, which he contracts with her, by the present alliance, her said Majesty the Queen of Hungary and Bohemia, for herself, her heirs and successors, yields and transfers, from this present time, and for ever, to his said Majesty the King of Sardinia, his heirs and successors, to be united to his other dominions, the district of Vigevano, called the Vigevanasco, the part of the dutchy of Pavia which is between the Po and the Thesin, so that the Thesin shall for the future, by the middle of its stream, form the separation and limit between the respective dominions, from the Lago Maggiore, or greater lake, to the place where it falls into the Po, excepting only the island formed by the canal over against the city of Pavia, which island shall be reserved to her Majesty the Queen, upon these conditions; that the King shall have nevertheless the free communication of the river Thesin, for the passage of barks, without their being either stopped, visited, or subjected to the payment of any duty; and that the said canal shall never be filled up, and shall serve in this place for a limit. Moreover, that other part of the dutchy of Pavia, called the Pavese, beyond the Po, Bobbio and its territory being reckoned into it, the city of Plaisance, with that part of the dutchy of Placentia which is between the Pavese, and as far as the bed of the
the

the river Nura, from its source quite to the Po; in such manner that the middle, as well of the Nura as of the Po, do make in this part the limit of the two states; and consequently, that, which has hitherto belonged to the dutchy of Placentia on the other side of the Po, do remain separated from it.

Lastly, that part of the county of Anghiera, or of the state of Milan, whatsoever particular name may be given to it, which borders upon the Novarese, the valley of Sesia, the Great Alps, and the country of Vallais, extending to the Swiss prefectures of Val Maggia and Locarno, and along the banks of, and in the Lago Maggiore, to the middle of the said lake, in such manner that for the future the confines between the dominions of his Majesty the King of Sardinia, and those of her Majesty the Queen of Hungary, shall be continually fixed by a line drawn from the borders of the Swiss, in the middle, and all along the Lago Maggiore to the mouth of the Thesin, which line shall go from thence along the middle of the stream of that river to the place of its falling into the Po, excepting the front of the above-mentioned island before Pavia, and from thence go on along the middle of the course of the Po, to the place where the Nura falls into the Po, and go up by the middle of the bed of the Nura quite to its source, which is opposite to the country of Genoa.

The abovesaid division of the course of the rivers shall not prevent the navigation remaining free, as it is to remain, to the subjects of the two sovereigns, in the whole breadth of the said rivers, with liberty to pass upon the banks on either side, for the towing of boats which go up stream; the said banks being nevertheless to appertain, as well with regard to the property, as in all other respects, to the sovereigns respectively, on either side of the said rivers, who shall be allowed, each on their own side, to make such reparations as they shall judge necessary towards strengthening of them, provided that those reparations be not prominent, that is to say, that they may not force the stream of the river against the opposite side, and that, on the part of the King of Sardinia,

Sardinia, it shall never be lawful, under any pretence whatsoever, to make such works as might prevent the free entry of the waters into the canal or navilio, which is on the side of her Majesty the Queen of Hungary, and which conducts the said waters to Milan.

To enjoy the same in full property and sovereignty, as her Majesty the Queen and her predecessors have enjoyed them hitherto; which countries her Majesty the Queen dismembers for ever from her hereditary dominions, and from the state of Milan, derogating for that purpose, as far as there can be occasion for it, from every thing that might in any manner be contrary thereto, saving always the direct jurisdiction of the Empire.

X. Besides, as it is of importance to the public cause that his Majesty the King of Sardinia should have an immediate communication of his dominions with the sea, and with the maritime Powers, her Majesty the Queen of Hungary and Bohemia yields to him all the rights which she may have in any manner, and upon any title whatsoever, to the town and marquise of Final, which rights she yields and transfers, without any restriction, to the said King, in the same manner as she does the countries described in the foregoing article; in the just expectation, that the Republic of Genoa will facilitate, as far as shall be necessary, a disposition so indispensably requisite for the liberty and security of Italy, in consideration of the sum, which shall be found to be due to the said Republic, without his Majesty the King of Sardinia, nor her Majesty the Queen of Hungary being obliged to contribute to the payment of the said sum; provided always, that the town of Final be and remain for ever a free port, as is Leghorn; and that it shall be allowable for his Majesty the King of Sardinia to re-establish there the forts which have been demolished, or to cause others to be built, according as he shall judge convenient.

XI. His Majesty the King of Great Britain, her Majesty the Queen of Hungary and Bohemia, and his Majesty the King of Sardinia, engage themselves not to
make

make either peace or truce, without comprehending therein, in exprefs words, all the above-mentioned cef-
fions, and without ftipulating alfo a full reftitution to
the King of Sardinia of every part of his other domini-
nions, which may have been feized or occupied in
hatred of his union with the allies; provided, that the
King of Sardinia fhall hold himfelf to be from this pre-
fent time indemnified for the revenue which might be
fo withheld from him, by that of the countries yielded and
transferred to him by the prefent treaty.

XII. In return, his Majefty the King of Sardinia fhall
remain firmly and infeparably united and attached to
the interefts and to the caufe of the allies, not only for
as long as the war may laft in Italy, but to the conclu-
fion of the peace in Germany, and of the peace between
Great Britain and Spain; and this is the principal con-
dition, and *sine quâ non*, of the cefſions made to him
above by the 9th and 10th articles of this treaty, which
cefſions fhall not receive their full and irrevocable force,
but from its entire accompliſhment, after which the
countries yielded to the ſaid King fhall be deemed gua-
ranted to him by the allies for ever, as his other do-
minions are.

XIII. And as ſoon as Italy ſhall be delivered from
enemies, and out of all apparent danger of being a freſh
invaded, her Majeſty the Queen of Hungary ſhall not
only be at liberty to withdraw part of her troops, but,
if ſhe requires it, his Majeſty the King of Sardinia ſhall
furniſh her ſome of his own troops, to be employed for
the ſecurity of her Majeſty's dominions in Lombardy,
that ſo ſhe may be able to make uſe of a greater number
of her own in Germany, in like manner as, at the requi-
ſition of the King of Sardinia, the Queen of Hungary
ſhould cauſe ſome of her troops to paſs into the domi-
nions of the ſaid King, if it were neceſſary, for defend-
ing the paſſages thereof, which an enemy's army ſhould
undertake to force, and for delivering from enemies all
the dominions of his Majeſty the King of Sardinia, and
freeing them from any danger of a freſh invaſion.

XIV. In

XIV. In any case, the allies shall not make either peace or truce, or accommodation whatsoever, with the common enemy, but in concert, and with the participation and advice one of the other, nor without the guaranty of such Powers as should have a share in the pacification, for the possessions and acquisitions of the allies, as set forth in this treaty; and, after the conclusion of the peace, the present alliance shall equally and unalterably subsist, as well for the security of its execution, as, in general, for the mutual and constant security of the allies.

XV. His Majesty the King of Sardinia, and her Majesty the Queen of Hungary and Bohemia, in gratitude for the generous concern of his Britannic Majesty for the public security, and for theirs, and for that of Italy in particular, do not only confirm to the British subjects the advantages of commerce and navigation, which they enjoy in their respective dominions, but promise to secure them still farther to them, and, as far as it shall be found reasonable and practicable, by a specific treaty of commerce and navigation, whenever his Britannic Majesty shall require it of them.

XVI. The Lords the States General of the United Provinces being already under the same engagements towards the most Serene House of Austria, and having the same interest with his Britannic Majesty in all the objects of the present treaty, the allies will jointly invite them to enter into this alliance, as a principal contracting party.

XVII. The other Princes and States who have at heart the peace, the liberty, and the security of Europe, of the Empire, and of Italy, and who will be willing to enter into the present alliance, shall be admitted into it.

XVIII. This treaty of alliance shall be ratified by all the allies, and the ratifications of it shall be exchanged within the space of six weeks, or sooner if possible.

In witness whereof, we the plenipotentiaries above-named have signed the present treaty with our own
hands,

hands, and have fet our seals with our coats of arms thereunto. Done at Worms, this $\frac{2}{11}$ day of September, one thousand seven hundred and forty-three.

(L.S.) *Carteret.* (L.S.) *Offor.* (L.S.) *De Wafner.*

WE having seen and confidered the treaty above-written, have approved and ratified it in all and fingular its articles and claufes, as we do by thefe presents approve and ratify the fame, for ourfelves, our heirs and fucceffors, undertaking and promifing, upon our Royal word, that we will religiously and inviolably perform and obferve all and fingular the things which are contained in it; and that we will never fuffer, as much as in us lies, that they be violated by any body, or that any thing be done, in any manner whatfoever, to the contrary thereof. For the greater faith and corroboration of all which, we have commanded our great feal of Great Britain to be fet to thefe presents, figned by the hands of our guardians and juftices of our kingdom of Great Britain, and our lieutenants in the fame. Given at Weftminfter, the 20th day of September, in the year of our Lord 1743, and of our reign the feventeenth.

Hardwicke, C.

Harrington, P.

Dorset.

Grafton.

Bolton.

Montagu.

Holles Newcastle.

Tweeddale.

Winchilfea.

Ilay.

H. Pelham.

TUSCANY.

T U S C A N Y.

1490. **T**HE first commercial treaty between England and Florence, may be seen—
Rym. Fœd. vol. xii. p. 390.

1667 See before, all the treaties with SPAIN, from
 to 1667 till 1718, in this volume, page 1 to 175:
 1718. and See particularly THE QUADRUPLE ALLI-
 ANCE, in this vol. p. 175.

Part of the fifth article of this treaty is as follows: “ It is further agreed, between his
 “ Sacred Imperial Majesty and the Catholic
 “ King, that the town of LEGHORN may, and
 “ ought, perpetually to remain a FREE PORT,
 “ in the same manner as it now is.”—See
 vol. i. p. 262.

See also in this volume, p. 321, the treaty of
 WORMS, article SARDINIA.

The TWO SICILIES.

1604. SEE the several treaties with Spain,
to which comprehend the rights of Great
1648. Britain, in the Two Sicilies, in this vol. from
p. 1 to 255.

1667. The treaty of peace and commerce be-
 $\frac{1}{2}$ May. tween Great Britain and Spain, concluded
at Madrid; which treaty comprehends at
present *The Two Sicilies*.
See this treaty at large, in this vol.
P. 5.

1713. The declaration and engagement concern-
25 Feb. ing the rights and privileges of the British
8 Mar. merchants in the kingdom of Sicily, made
at Utrecht.

1736. See the treaty of Vienna, whereby the
1738. reigning family became possessed of the Two
SICILIES.

Roussel's Supp. Corp. Dip. tom. iv.
part. ii. p. 546—49.
Mably's Dr. Pub. tom. iii. p.
86—87.

[The following is printed from the copy which was
published by authority in 1714.]

*Declaration and Engagement concerning the Rights and
Privileges of the British Merchants in the Kingdom
of Sicily, made at Utrecht, the $\frac{25}{8}$ Day of $\frac{\text{February}}{\text{March}}$,
17 $\frac{1}{2}$.*

WHEREAS by several treaties of peace, alliance,
commerce, and navigation, formerly made between
the

the kingdoms of Great Britain and Spain, and at this time subsisting, but more particularly by the treaty concluded at Madrid, the $\frac{1}{2}$ day of the month of May, in the year one thousand six hundred sixty-and-seven, and the cédulas annexed thereunto, provision was made for the freedom, security, and perfect ease of the commerce of the British subjects, trading in the kingdoms and provinces of Spain; the observance and usage of which treaties have been hitherto received in the kingdom of Sicily, in the same manner as in any other the dominions of Spain, and have remained there in full force, except some variations which have been introduced in the course of time; for the rectifying whereof, according to the rule of those treaties, Great Britain has hitherto justly insisted.

Wherefore, on occasion of transferring the kingdom of Sicily to his Royal Highness the Duke of Savoy, her Sacred Majesty of Great Britain, being watchful to preserve the rights and privileges of her subjects trading in the said kingdom, and being likewise willing to preserve to the Sicilians the privileges they have in Great Britain, which are so very dear to the most Serene Duke of Savoy, hath been graciously pleased to give instructions to her under-written ministers plenipotentiaries, to agree with the ministers plenipotentiaries of his Royal Highness of Savoy, about making declarations mutually upon this subject: in pursuance thereof, the said ministers plenipotentiaries of his Royal Highness, in the name of their most Serene master, do most solemnly declare and promise, that during the reign of the aforesaid most Serene Duke in Sicily, as likewise of his heirs and successors, the British merchants are henceforward to have, and shall effectually have, use, and enjoy all those rights, privileges, liberties, and entire security, as to their persons, goods, ships, seamen, trade, and navigation, in the said kingdom of Sicily, which, by virtue of the treaties made between Great Britain and Spain, they have hitherto enjoyed, or ought to enjoy; and to that end, that all

abuses, which deviate from the tenor of the said treaties, shall be forthwith removed, and the rights and privileges acquired to the British subjects, by virtue of the aforesaid treaties, shall not on any occasion, or under any pretence, ever be violated or lessened; and if hitherto any more favourable privileges have been granted to the merchants of any other foreign nation, or shall hereafter be granted, any way relating to the persons of the traders, their ships, goods, duties, or the business of merchandizing, the British merchants shall likewise in all respects, and in the fullest manner, enjoy the same.

And in like manner the ministers plenipotentiaries of Great Britain do, in the name of her Majesty, confirm, that the Sicilians shall hereafter enjoy the same privileges and liberties which they have hitherto enjoyed, or ought to have enjoyed, as subjects of the Kings of Spain, by virtue of the aforesaid treaty of the year 1667.

The ratifications of this present declaration and engagement, made in due form, shall be exchanged at Utrecht, within six weeks, or sooner if possible.

In witness and confirmation whereof, the aforesaid ministers plenipotentiaries of her majesty of Great Britain, and of his Royal Highness of Savoy, have signed this present instrument with their own hands, and put their seals thereunto, at Utrecht, the $\frac{25}{8}$ day of $\frac{\text{Feb.}}{\text{Mar.}}$ 17 $\frac{1}{1}$ $\frac{2}{3}$.

(L. S.) <i>Job. Bristol</i> , C. P. S.	(L. S.) <i>Le C. Maffei</i> .
(L. S.) <i>Strafford</i> .	(L. S.) <i>Le M. du Bourg</i> .
	(L. S.) <i>P. Mellaredé</i> .

GENOA AND VENICE.

1316 **D**URING this period, GENOA entered
to into various commercial treaties with
1460. England, which were often renewed; as
may be seen—

Rym. Fæd. vol. v. p. 569—703.
vol. x. p. 115—23.
vol. xi. p. 441.

1409 In these years England granted a free
1506. trade, a pardon, and particular privileges, to
the Venetians; as may be seen—

Rym. Fæd. vol. viii. p. 601—2.
vol. xiii. p. 161.

1713. Genoa and Venice were particularly com-
²/₁₇ July. prehended in the treaty of Utrecht, between
Great Britain and Spain.

See the treaty, vol. ii. p. 40—107.

1748. Genoa was a party to the treaty of Aix-la-
18 Oct. Chapelle. *Pap. Off. M.* 1—3.

See the treaty, vol. i. art. FRANCE.

My enquiries have not discovered any
commercial or other treaties between Great
Britain and Venice, or Genoa, in modern
times, though Venice has sometimes pro-
posed a commercial treaty; as may be seen—

Board of Trade, L. 84, M. 9—
198—208. P. 9—10—35.

M O R O C C O.

1665. **A**RTICLES of peace between Great
19 Jan. Britain and Morocco.
Pap. Off. U. 11.

1714. The treaty of peace, friendship, and com-
22 July. merce, between Great Britain and Morocco,
made at Tetuan.
Pap. Off. U. 26.

1721. The treaty of peace between Great Britain
23 Jan. and Morocco.

1728. The articles of peace and commerce be-
14 Jan. tween Great Britain and Morocco.
Treat. 1732, vol. iv. p. 457.
Treat. 1785, vol. ii. p. 302.

1729. The additional articles of peace and com-
10 July. merce between Great Britain and Morocco,
made at Fez.
Pap. Off. U. 30.

1734. The treaty of peace between Great Britain
15 Dec. and Morocco.

1750. The treaty of peace and friendship between
15 Jan. Great Britain and Morocco.
Treat. 1785, vol. iii. p. 5.

1751. The additional articles of peace and com-
1 Feb. merce between Great Britain and Morocco,
Treat. 1785, vol. iii. p. 8.

1760.

1760. The treaty of peace and commerce be-
28 July. tween Great Britain and Morocco, conclud-
ed at Fez.

1783. The additional articles of friendship and
24 May. commerce between Great Britain and Mo-
rocco.

[The following is printed from the treaty which was
published by authority in 1763.]

*Treaty of Peace and Commerce between the King of
Great Britain and the Emperor of Morocco, in
1763.*

GEORGE the Third, by the grace of God, King
of Great Britain, France, and Ireland, Defender of the
Christian faith, Duke of Brunswic and Lunenbourg,
Arch-treasurer and Prince Elector of the Holy Ro-
man empire, &c. to all to whom these presents shall
come, greeting. Whereas a treaty of peace and com-
merce was concluded and signed at the court of Fez,
on the 28th day of July 1760, between our late Royal
grandfather of glorious and happy memory, and the
High, Glorious, Powerful, and most Noble Monarch,
Sidi Mahomet Ben Abdalla, Emperor and King of the
kingdoms of Fez and Morocco, Trafilet, Sus, and all
the Algarbe, and its territories in Africa, &c. by our
trusty and well-beloved Mark Milbanke, Esquire, on
the part of our said late Royal grandfather, and by the
said Emperor of Fez and Morocco, in the words and
form following:—

Articles of peace and commerce, made between the
High and Glorious, Powerful, and most Noble Mo-
narch, Sidi Mahomet Ben Abdalla, Emperor and King
of the kingdoms of Fez and Morocco, Trafilet, Sus,
and all the Algarbe, and its territories in Africa, &c.
and the most High and Famous Monarch, George the

Second, by the grace of God, King of Great Britain, France, and Ireland, Defender of the Christian faith, Duke of Brunfwic and Lunenburg, Arch-treasurer and Prince Elector of the Holy Roman Empire, &c. concluded, agreed, and adjusted by the said Emperor of Fez and Morocco, and by the Noble Mark Milbanke, Esquire, on the part of his Britannic Majesty.

I. It is agreed and concluded, that, from this time forward, there shall be between his Majesty of Great Britain, and the Emperor of Fez and Morocco, their heirs and successors, a general, true, and perfect peace for ever, as well by land as by sea and fresh-waters; and also between their lands, kingdoms, dominions, and territories belonging to or under the jurisdiction of either of them; and that their respective subjects, people, or inhabitants, of whatever condition, degree, or quality they be, shall reciprocally shew to each other all friendship; and that, on the demise of either of their Majesties, the successor shall send an ambassador to the other, to notify his accession to the throne.

II. It is also agreed, that all English ships of war, and merchant ships, that shall come to any part of the Emperor's dominions to trade, or for any other purpose, and shall have on board a cargo, which shall not be saleable in the said place where they come, may depart with the same to any other part whatsoever of the Emperor's dominions, and shall not pay the duties for it more than once; and that no duty shall be paid for implements of war, such as fire-arms, swords, or any other thing whatsoever which may belong to the military; neither for all sorts of materials used for building ships; and that, if any English ship shall come to any of the Emperor's ports with merchandize destined for another part of the world, they are not to pay any duty for such merchandize, so that they may depart with the same without any molestation. If any
English

English ship shall be thrown upon the Emperor's coasts, by bad weather or otherwise, the same shall be protected, and depart again in safety, without any ill-treatment or interruption. And the Emperor's ships, which shall be thrown on the coast of Great Britain, or dominions thereunto belonging, shall be treated in the same manner.

III. It is also agreed, that all ships belonging to the subjects of the said King of Great Britain, and of the Emperor of Fez and Morocco, and his subjects, may securely navigate and pass the seas, without being searched, or receiving hinderance or trouble the one from the other; and that all persons and passengers, of whatever nation they may be, belonging to either of the parties, shall be entirely free, without being detained, molested, robbed, or receiving any damage from the others. And moreover, it is agreed, that the English ships, which shall be freighted in any port of the Emperor of Fez and Morocco, for other ports of the same kingdom, shall not be obliged to pay the usual port charges; and that no captain or other person belonging to any ship or vessel of the Emperor of Fez and Morocco, or his subjects, shall take any person or persons whatsoever, out of any ship or vessel of the King of Great Britain, or his subjects, in order to be examined, or under any other pretence whatsoever; neither shall they offer violence to any person or persons, of whatever nation or quality they be, on board a ship belonging to his Majesty's subjects.

IV. It is besides agreed, for the better observance of the preceding articles, according to their true intent, that the ships of war or cruizers belonging to the Emperor of Fez and Morocco, or to his subjects, meeting with any ships or other vessels of the King of Great Britain, or his subjects (not being in the seas belonging to his Majesty's dominions) may send a single boat on board, with two trusty rowers, and no more, who may enter such ships or vessels; that on shewing them a passport,

passport, signed by the King of Great Britain, or by the high admiral of England, Scotland, and Ireland, in the form hereafter mentioned, the said boat shall depart immediately, leaving such ships to pursue their voyage freely : and when it may happen, that any ship of war or privateer of the King of Great Britain, shall meet any ship or vessel of the Emperor of Fez and Morocco, or of his subjects, on the captain of such ship shewing a passport from the governor of the city to which he belongs, with a certificate from the English consul, or, in case of his death, or absence, from the major part of the English merchants residing there ; in such case, he shall be permitted to pursue his voyage without impediment or injury.

V. It is also agreed, that in case any ships of war of the King of Great Britain, or of his subjects, shall come to any port, under the dominion of the Emperor of Fez and Morocco, with prize-goods, they shall be permitted to sell them without hinderance or imposition ; and, in case any squadron, or single ship of war, or merchant ship, of his Majesty, shall want provisions, victuals, or refreshments, it is hereby agreed, that they may buy them, in the quantity and quality they shall have occasion for, at the current market-price, free of duties, or of any other gratuity.

VI. It is moreover agreed, that if any ship or other vessel belonging to his Britannic Majesty, or to his subjects, shall, by misfortune, storm, or any other disaster whatsoever, be forced ashore, or wrecked, on any part of the dominions of the Emperor of Fez and Morocco, such ship or ships, persons, and goods, shall be faithfully, and without the least damage or diminution, restored and delivered to the consul, or any other person whom their owner shall appoint to receive the same ; the people shall be set at liberty, and permitted to depart whensoever they please, without the least detention.

VII. It

VII. It is moreover agreed, that his Majesty of Great Britain shall have liberty to establish a consul, or as many consuls as he pleases, in the dominions of the Emperor of Fez and Morocco, and that the said consul or consuls may reside in any port, or ports, or places they please, as well maritime as others, belonging to, or under the jurisdiction of the Emperor of Fez and Morocco; and that the said consul or consuls shall be treated with the respect due to their titles or characters; and they, as well as the other subjects of his Majesty residing there, shall be permitted to enjoy the entire freedom and exercise of their religion, without the least impediment, reproach, or affront, either in word or action; and that they shall have a decent place for their burying-ground, against which no violence shall be committed; and that the aforesaid consuls and factors may dispatch, at their pleasure, their brokers, and servants, with liberty to go from place to place, by sea and land; it is likewise granted to them to embark and go on board any ship or ships whatsoever, to treat and contract, as well in the port as in the road, without impediment, constraint, or limitation, concerning their effects, secure from any risk of confiscation, or embargo, under any pretence; and the said consul or consuls, with the other subjects of his Britannic Majesty trading there, shall have full liberty to leave the country whensoever they please, without impediment or molestation being offered to them or their effects. And it is moreover agreed, that if any subject of his Britannic Majesty, residing or trafficking in the dominions of the Emperor of Fez and Morocco, shall happen to die, the governor of the place where it happens shall be obliged to see all his goods and effects delivered into the hands of his Majesty's consul, and, in default of such consul, to some English merchant, who is to secure and keep them for the disposition of his heirs; but this is to be understood, in case the deceased shall not have left a partner or friend, or, before his decease, shall not have recommended his
said

said effects and debts to some other Christian merchant (of any nation whatsoever) in which case, the governor shall not intermeddle further than to use his authority to see that the will and testament of the deceased be carried into execution, as in recovery of his debts, &c. and further declares, that no subject of his Britannic Majesty shall be obliged to give satisfaction for any other debt, but what shall be contracted by himself, or shall appear by his accounts; and that the subjects of the Emperor of Fez and Morocco, as well Moors as Jews, residing in the dominions of the King of Great Britain, shall enjoy the same privileges that are granted to the English residing in Barbary; and that the domestic servants of the consuls, and other subjects of his Britannic Majesty, of whatever nation they may be, either Moors or others, shall not pay the tax called the poll-tax, or any other tax.

VIII. It is agreed, that no Alcaide, governor, soldier, or subject of the Emperor of Fez and Morocco, shall lay violent hands on the effects or merchandizes belonging to the subjects of his Britannic Majesty, within the jurisdiction of the Emperor of Fez and Morocco, without first treating, agreeing, and paying the value thereof, or according to an agreement made, and without having permission and authority from the Emperor for that purpose; neither shall the subjects of his Britannic Majesty be forced to buy goods contrary to their inclination: and it is moreover agreed, that no commander or captain of an English ship shall be obliged or constrained to negotiate, or receive on board, merchandizes belonging to any person whatsoever, he or they declaring, to the consul residing there, the reason for it, neither shall the said ship be detained or embargoed under any pretence; and that, if any of the Emperor's subjects shall freight an English ship to carry and convey any commodities from one place to others of the Emperor's dominions, and it shall happen, either from bad weather, or any other accident whatever, to touch at any place or places in the voyage,

age, such ship or ships shall not be obliged to pay any thing for the shelter or assistance they may receive; nor shall a pilot or mariner be taken out of any English ship.

IX. If there shall happen any quarrel or dispute between any Englishman and any Mussulman, by which any of them may receive detriment, the same shall be heard and determined by the Emperor alone; and if any Englishman, who shall be the aggressor, shall make his escape, in such case no other Englishman shall suffer on his account, or in his place: it is also agreed, that if any law-suit, dispute, or difference, arises between the subjects of his Britannic Majesty, they shall be accommodated by the consul of the nation: and if any quarrels shall happen among the Mussulmen in England, or in any of the English dominions, by which one of them may receive detriment, the same shall be heard before a Christian and a Mussulman, and shall be decided according to the laws of Great Britain.

X. It is agreed, that not only during the present peace and amity, but also in case of a rupture or war breaking out between their said Majesties, in any time hereafter, the consul and other subjects of the King of Great Britain, who reside or traffic in the dominions of the said Emperor of Fez and Morocco, shall be permitted to quit the country whenever they think proper, as well in peace as in war, in any vessels of whatever nation; and also, in case of a rupture, the space of six months shall be granted to them to remove; and all their debts shall be justly paid to them; and they shall take away their effects, families, children, though born in the country, and servants, without the least detention, impediment, or embargo.

XI. It is moreover agreed, that if any Englishman, in the dominions of the Emperor, or any subjects of the Emperor, in the English dominions, shall maliciously endeavour to break the peace, they, who are guilty
of

of such crime, shall be punished by each Sovereign for that offence : but each Sovereign shall take cognizance of his own subjects.

XII. It is also agreed, that if any subject of the Emperor of Fez and Morocco desires to transport commodities from the dominions of the King of Great Britain, he shall be permitted to do it, without paying greater duties or impositions than other nations pay, according to the custom of the country ; and when the English convoy shall be ready, it shall be ordered, after its arrival at Gibraltar, to convoy the vessel on which the said commodities are embarked, to the port his Imperial Majesty shall appoint.

XIII. It is also agreed, that no Spaniard, or native of any other country, whether captains, mariners, fishermen, or other persons, under the English government in the city of Gibraltar (or in the island of Minorca, when it shall again be in possession of the English) shall be seized or molested, navigating under the English flag, with passports from the governor or commander in chief of those places, and that they shall be considered and esteemed as English natural subjects.

XIV. It is also agreed, that all the subjects of the Emperor of Fez and Morocco, Moors, or Jews, shall be permitted to traffic, buy, or sell, in the city of Gibraltar (or in the island of Minorca, when it shall again be in possession of the English) for the space of thirty days only, and, at the end of that time, to take and carry away, without molestation, all their effects to any part of the dominions of the Emperor of Fez and Morocco.

XV. It is further concluded, that all the subjects of his Britannic Majesty, and likewise of Hanover, and of his other dominions, who, being passengers on board any ship or vessel of any nation not in friendship with the Emperor of Fez and Morocco, shall be taken and
made

made prisoners by any of his cruizers, shall be immediately set at liberty, and delivered to his Britannic Majesty's consul residing at the place where they shall be taken to; and, if there be no consul residing in such place, to the principal merchant there, with directions to send them, by the first and most convenient opportunity, to the fortrefs of Gibraltar, or to any other place; and in case any of the Emperor's subjects, being passengers on board any ship or vessel of any nation at war with his Britannic Majesty, shall be taken by his Britannic Majesty's ships, they shall in like manner be set at liberty; and all his Britannic Majesty's subjects, belonging to Hanover, or his other dominions in Germany, shall enjoy the same privileges, and shall receive the same respect, and shall be considered by the Emperor of Fez and Morocco, and by his subjects, in the same manner as the English.

XVI. It is moreover agreed, that such of the English subjects of his Britannic Majesty, or others, who shall be ordered by the governor of the city of Gibraltar (or of the island of Minorca, when it shall be again in the possession of the English) shall be permitted, and shall have liberty to buy cattle, provisions, refreshments, and all necessaries they please, for the said places, in the public markets, or in any other manner, as shall be most convenient to them, in any port or place in the dominions of the Emperor of Fez and Morocco, and shall take them away, without hindrance or molestation, paying a stipulated duty for the said cattle, provisions, refreshments, &c.

XVII. It is moreover agreed, that such a number and quantity of passports shall be transmitted to the Emperor of Fez and Morocco, as shall be judged necessary for him, and which shall be indented in such manner as shall tally with those which the English merchants shall receive in England; and if a ship of war shall meet with any of the merchant ships belonging to the Emperor, such merchant ships shall be obliged

obliged to produce and shew their passports, which the English consul has given them.

XVIII. It is also agreed, that if any of the subjects of the Emperor of Fez and Morocco shall have been made slaves, and shall escape on board any English ship of war, or to Gibraltar (or to Port-Mahon, when it shall be again in possession of the English) or in any other part of the English dominions, the same are to be protected, and sent with all convenient speed to their respective homes; and his Majesty of Fez and Morocco assures and promises, that the subjects of his Britannic Majesty, who may escape from Ceuta, or any other garrison on the coast of Africa, being prisoners in such garrisons on the coast of Africa (not having taken arms against the Emperor) shall be free, and sent to Gibraltar.

XIX. It is moreover agreed, that no obligation or contract shall have force, or be valid, against any merchant whatsoever, subject of his Britannic Majesty, unless the said merchant shall have signed it with his hand; and in case that any one cannot write, it shall suffice that a person, to his satisfaction, has wrote such obligations or contracts, and signed them for him: the same privilege shall be granted to the subjects of the Emperor of Fez and Morocco, residing in the dominions of his Britannic Majesty.

XX. It is moreover agreed, that all ships and vessels belonging to his Britannic Majesty, in Germany, shall carry a pass; that the form and head of the said pass shall be sent to the consul of his Britannic Majesty residing in Barbary, to be delivered to the commanders or captains of the ships or cruizers of the Emperor of Fez and Morocco, to the end that the said commanders or captains may shew the due respect to this peace, without offending through ignorance; and all the commanders or captains of ships or vessels belonging to the subjects of his Britannic Majesty in Germany, who shall meet with any ship or vessel of the
Emperor

Emperor of Fez and Morocco, or of his subjects, if the captain thereof shews a pass, signed by the governor of the city he belongs to, with a certificate from the English consul, or, in case of his death or absence, from the major part of the English merchants residing there, he shall be permitted to pursue his voyage without impediment or injury.

XXI. It is also agreed, that the subjects of his Britannic Majesty shall not be obliged to present themselves before the magistracy of the country, to be judged, under any pretence; and their causes, suits, or differences, which may happen with the Moors, or any other subjects whatsoever, living in the dominions of the Emperor of Fez and Morocco, shall be judged and determined only by the governor of the city and the English consul.

XXII. It is also agreed, that in case any ship or ships of war, or others, at enmity with his Britannic Majesty, shall be in any port of the Emperor of Fez and Morocco, where at the same time there shall be ships belonging to the subjects of his Britannic Majesty, the said cruisers shall not be permitted to offer any violence to them, nor to sail under forty hours after the said ships shall be departed; and it is moreover agreed, that the peace shall commence from the signing of this treaty, after which, no subject of his Britannic Majesty shall be bought, sold, or made a slave of, in any part of the dominions, or under the jurisdiction of the Emperor of Fez and Morocco; and this shall be ratified within six months, or sooner if possible; and in case, in the mean time, any prize shall be made by either of the two parties with loss, reparation shall be made according to the shares, and as the ship or effects shall have been sold; and the part which shall remain entire, shall be immediately restored in its own species; the people shall be set at liberty.

XXIII. It is agreed and concluded (in order that there be no excuse made, or ignorance pretended of this peace) that the twenty-five articles following and before mentioned, shall be declared and published to all the subjects of each Power, which declaration shall be signed by each party, and shall be observed by them, to avoid disputes; and that they shall be translated immediately, by the Emperor's order, into the Arabic language; that copies of them shall be sent to all the Alcaldes and officers of all the ports of the dominions of his Imperial Majesty, to be read publicly by the judge, and afterwards to remain deposited in the hands of the said judge, or the Alcaide of the port, for occasions that may offer; and, to prevent all other troubles, that every captain of a ship of war, or cruizer, of the Emperor of Fez and Morocco, shall be provided with a copy of them, which copy shall be actually on board the said ship or cruizer, in order to make this peace the more inviolable; and that the ratification of the said articles shall be in the Spanish language, which shall be received, and of equal force, as if it was in either language of the two nations.

XXIV. And lastly, it is agreed and concluded, that when his Excellency Mark Milbanke, Esquire, his Britannic Majesty's ambassador, arrives at court, or where he shall receive his audience, or during the time he stays in the dominions of the Emperor, he shall never, in any manner, be asked or interrogated by the Emperor, his servants, or any other person, either Christian, Moor, or Jew, relating to any prize or prizes made by his Britannic Majesty's ships of war, or privateers, neither shall he meet with any insults or affronts, by applications on that or any other matter; it being clearly understood, that the twenty-five thousand pesos duros, which are paid (exclusive of the two hundred thousand pesos duros for the redemption) are for the entire satisfaction of all difficulties, differences,

ences, pretensions, disputes, of any forts, depending between their Imperial and Britannic Majesties, their subjects, or the inhabitants of their dominions, and to cement a true and inviolable peace and friendship between the two nations. And it is further agreed, that the consul or consuls of his Britannic Majesty shall not pay any duties for their furniture, cloaths, or baggage, or any other necessaries, which they shall at times have occasion to bring to the Emperor's dominions, for the consumption of them, or their families, in their houses.

Additional Article.

IT is moreover agreed, that if any of the governors of Gibraltar, or Minorca (when it shall be again in the possession of the English) shall desire flour or wheat, for the troops of the said garrisons, that his Imperial Majesty permits them to buy the same, in any places of his Imperial Majesty's dominions, and to carry them away, paying a fixed duty; but it is understood, that the Emperor does not grant the said privilege to any merchant to carry away the said articles to sell. And it is permitted, that the ships of war may buy the said articles for their own use, in any port of his Imperial Majesty's dominions, without paying any duty or imposition. Given and signed in our Royal court of Fez, the 28th of July, 1760.

WE having seen and considered the above-written treaty, have approved, ratified, and confirmed the same, in all and singular its clauses, as, by these presents, we do approve, ratify, and confirm the same, for us, our heirs and successors, engaging and promising, on our Royal word, sacredly and inviolably to perform and observe all and singular its contents, and never to suffer, as far as in us lies, any person to violate the same, or in any manner to act contrary thereto. In witness whereof, we have caused our great seal of Great Britain to be affixed to these presents, signed with our Royal hand. Given at our palace at St. James's, the

fifth day of August, in the year of our Lord 1761,
and of our reign the first.

G E O R G E R.

[The following is printed from the original translation.]

A Copy of the Additional Articles of Friendship and Commerce, made by the Emperor of Morocco with the King of Great Britain; concluded with Sir Roger Curtis, his Britannic Majesty's Ambassador to Morocco, 24th May, 1783.

In the name of God, Amen. Nothing can be done but with the help of God. From the slave of God, Mahomet Ben Abdallah. God is his master.

(L. S.)

THESE are the articles of friendship and peace made and concluded between us and the great King of the English, George the Third, through the hands of his Excellency Sir Roger Curtis, the ambassador which he sent unto us.

I. There is peace and friendship between us, agreeable to former treaties, nor has it been otherwise. The English merchants have free liberty to come to all our ports, there to trade, and to buy, and to sell, like other nations: and we also give leave to the merchants, our subjects, to repair to and trade at all English ports. These are our orders. Dated the 23d day of the month Jumet, the 2d in the year of God 1197.

Thanks be to God alone.

(L. S.)

II. All English subjects, who have debts or demands in our dominions or ports, have free liberty to come and recover the same, and to be paid even to the last blanquin. But if any have claims upon such as are bankrupt and unable to pay, their money is unavoidably lost; for we have heretofore often signified, to all

the merchants who traded to our ports, not to sell their goods but for ready money, or to persons of established credit. And these are still our orders. And we also give the same orders to our merchants who trade to foreign ports, not to sell but for ready money, or with people of credit; and if they dealt with insufficient persons, they must lose their money. These are our orders. The 23d of the month Jumet, the 2d in the year of God 1197.

Thanks be to God alone. (L. S.)

III. We grant to the English the house at Tangier, where the English vice-consul used to live; but as to the house of Elihu, the Jew, where Logie used to live, it is agreed with the said Elihu, that if he suffered any Christian, of whatsoever nation, to live in the said house, it shall be taken from him and forfeited to the public treasury of the Mussulmen; and all the furniture and other effects of Logie, which was in the said house, we have ordered to be restored again, without any thing being lost; and if any thing shall be missing, our servant Alcaide Mahomet Ben Abdelmaleek, the governor of Tangier, is to pay for it. These are our orders. The 23d of the month Jumet, 2d in the year of God 1197.

Thanks be to God alone. (L. S.)

* IV. We grant to the English our house at Tangier, where Benido used to live, and after him our servant Alcaide Abdelhazed Fenish. We give it to you.

* V. We promise to build a house for the English agent at Marteen. The rooms on the ground-floor shall be for lodging the stores of our ships, and the upper part shall be for the habitation of whoever the English sends. These are our orders. The 23d of the month Jumet, in the year of God 1197.

Thanks be to God alone. (L. S.)

* * These two articles are under the same seal.

VI. The English shall load provisions and refreshments from all our ports for one year, the said year to commence on the * first day of the month Jümet, the 1st in the year 1197, and to end on the last day of the month Rabere, the 2d, 1198 †; during which year they are to pay no duty, no ounce, nor anchorage fee. And from the first of the month Jümet, 1st 1198 ‡, the English shall have the use of all our ports, Safie, Willideeah, New Teet, Tadallah, Dalbydah, Arabat (the begining of goodness) Sallee, Mamora, Tangier, Larache, and Tetuon, to load the aforesaid provisions and refreshments: to pay the following duties:

For every ox	—	4 cobbs.
For a sheep	—	7 ounces.
For a dozen fowls	—	6 ounces.

And all other articles to pay the same duty as formerly; *except* at the port of Magodor, where the English are to pay the same duties, for provisions or refreshments, as the merchants of other Christian nations. And we grant the English leave to take on board mules from all our ports, paying *ten* cobbs duty for every mule; and they are allowed 300 weight of barley for each mule. These are our orders. The 23d day of the month Jümet, 2d in the year of God 1197.

Thanks be to God alone. (L. S.)

VII. The master of every vessel, which comes from Gibraltar to load provisions or refreshments, is to bring a clearance, in which is to be inserted, upon the oath of the master, the size of the vessel.

A vessel of 200 quintals, or 10 tons bur-	} 3 cobbs.
then, is to pay for anchorage fee —	
From 200 quintals to 400, or 20 tons —	5 cobbs.
From 400 D° to 600, or 30 tons —	8 D°.
From 600 D° to 800, or 40 tons —	10 D°.

* 1st April, 1783. † 28th March, 1784. ‡ 1st April, 1784.

§

But

But if any vessels carry any manner of merchandize besides provisions and refreshments, they shall pay the same anchorage duties as the merchant vessels of all other nations which come to our ports. These are our orders. The 23d day of the month Jumet, 2d in year of God 1197.

Thanks be to God alone. (L. S.)

VIII. We have given orders to our servants, at all our ports, that they do observe and obey all the articles which we have now granted, neither more nor less. These are our orders. The 23d of the month Jumet, the 2d in the year of God 1197.

N. B. The originals of these articles were all written in the Arabic language, upon separate sheets of paper, and each of them sealed and dated, except the 4th and 5th, which were written upon one sheet. The date answers to the 24th May, 1783, our stile.

Roger Curtis.

A L G I E R S.

1662. **T**HE articles of peace between Great Britain and Algiers.

23 April. *Pap. Off. U. 3.*
The Kingdom's Intelligencer, p. 413.
Treat. 1732, vol. iii. p. 264.
Treat. 1785, vol. i. p. 172.

1662. The treaty between Great Britain and
 11 June. Algiers. *Pap. Off. U. 4.*
Treat. 1732, vol. iii. p. 267.

1662. The articles of peace between Great Bri-
 10 Nov. tain and Algiers.
Pap. Off. U. 9.

1668. A confirmation of the peace between
 6 Oct. Great Britain and Algiers.
Pap. Off. U. 13.

1672. The treaty of peace between Great Britain
 29 Nov. and Algiers. *Pap. Off. U. 15.*

1682. The articles of peace and commerce be-
 10 Apr. tween Great Britain and Algiers.

1683. The treaty of peace and commerce be-
 15 July. tween Great Britain and Algiers.
Pap. Off. U. 18.

1686. The treaty of peace and commerce be-
 5 April. tween Great Britain and Algiers.
Pap. Off. U. 19.

1700.

1700. The confirmation of peace, and additional
15 July. articles, between Great Britain and Algiers.
Pap. Off. U. 22.

1703. The treaty of peace and commerce be-
20 July. tween Great Britain and Algiers.
28 Oct. *Pap. Off. U. 23—24.*

170⁶. The confirmation of the treaty dated the
26 Feb. 8th of April, 1702.
Pap. Off. U. 25.

1716. The treaty of peace and commerce be-
29 Oct. tween Great Britain and Algiers.
Pap. Off. U. 27.

1751. An additional article of peace.
3 June. *Pap. Off. U. 31.*
Treat. 1785, vol. iii. p. 29.

1762. The treaty of peace and commerce be-
14 May. tween Great Britain and Algiers.
Pap. Off. U. 34.

[The following is printed from the treaty which was
printed by authority, in 1662.]

*Articles of Peace between his Sacred Majesty Charles
the Second, King of Great Britain, France, and Ire-
land, &c. and the City and Kingdom of Algier, and
the Territories thereof; concluded by Sir John Law-
son, Knight, the 23d Day of April, 1662.*

Imprimis. THAT from this day and for ever forwards,
there be a good and firm peace between his Sacred
Majesty the King of Great Britain, &c. and the Bassa,
Duan, and the governors of Algier, and the dominions
thereto belonging; and the ships, subjects, and people
of either party shall not do nor offer any offence or
injury

injury to each other, but treat one another with all possible respect and friendship; and any ships belonging to the King of Great Britain, or any of his subjects, may freely come to the port of Algier, and buy and sell as in former times, and also unto any other port that belongs to the government of Algier, paying the custom of ten *per cent.* as in former times; and no man, within the jurisdiction of Algier, shall give the subjects of his said Majesty a bad word, or a bad deed, or a bad action.

II. That all ships, as well those belonging to his Sacred Majesty the King of Great Britain, &c. and any of his Majesty's subjects, as those belonging to Algier, shall freely pass the seas, and traffic, without any search, hinderance, or molestation whatsoever.

III. That all subjects of the King of Great Britain, &c. now slaves in Algier, or any of the territories thereof, be set at liberty and delivered, upon paying the price they were first sold for in the market; and that, for the time to come, no subject of his said Majesty be bought or sold, or made slaves of, in Algier or its territories.

IV. That if any ship of Tunis, Tripoli, or Salley, or any other, do bring any ships, men, or goods, belonging to any of the subjects of his Majesty of Great Britain, into Algier, or any of the ports thereunto belonging, the governors there shall not permit them to be sold in the said territories.

V. That any merchants of the subjects of the King of Great Britain, &c. dying in Algier or its territories, his goods or monies shall not be seized by the Bassa, Aga, or any other minister, but remain with the English consul.

VI. That the English consul that lives in Algier be allowed a place to pray in, and no man to do him, or any of his said Majesty's subjects, any wrong or injury, in word or deed, whatsoever.

VII. That

VII. That in case any of his Majesty's subjects should happen to strike a Turk or a Moor, if he be taken, let him be punished; but if he escape, nothing shall be said to the English consul, nor to any other of his said Majesty's subjects, upon that account.

VIII. That if any ships of war of his said Majesty shall come into Algier, or other the ports of that government, with any prize, they may sell and dispose of it at their own pleasure, without being molested by any, and that they be not obliged to pay customs in any sort; and if the said ships of war shall want provision, victuals, or any other thing, they may freely buy it at the rate in the market.

IX. That any ships belonging to the subjects of his Majesty the King of Great Britain, &c. coming into Algier, or any of the ports in its territories, shall, for such goods as they sell, pay the dues according to custom; and the goods they sell not, they shall freely carry on board, without paying any duties for the same.

X. That no shipwreck belonging to his said Majesty, or any of his subjects, on the coast belonging to Algier, shall become prize; and that neither the goods be forfeited, nor the men made slaves, but that the people of Algier shall do their best endeavour to save them and their goods.

XI. That the consul, or any other subjects of his said Majesty, be not bound to pay the debts of any other Englishman, or subject of his said Majesty, unless he become surety.

XII. That no subject of his said Majesty the King of Great Britain, &c. in matter of difference, shall be liable to any other judgment but that of the Duan.

XIII. That the subjects of his said Majesty, in difference amongst themselves, shall be subject to no other determination but that of the consul.

XIV. That

XIV. That no merchant, nor other subject of his said Majesty, being a passenger in or unto any port, shall be molested or meddled with.

And for the better practising the second article, according to the true intent and meaning thereof, it is agreed that the Algier ships of war, meeting any merchant ship belonging to the subjects of the King of Great Britain, &c. not being in any of the seas appertaining to his Majesty's dominions, have the liberty to send one single boat, with but two fitters more than the common crew of rowers, and no more to enter on board the said merchant ships but the two fitters, without the express leave of the commander of the said merchant ship: that upon producing unto them a pass, under the hand and seal of the lord high admiral of England, the said boat do presently depart, and the merchant ship to proceed on his voyage. And although the commander of the merchant ship produce no pass from the lord high admiral of England, yet, if the major part of the ship's company be subjects to the King of Great Britain, &c. the said boat shall presently depart, and the merchants ship proceed freely. And any ships of war of his Majesty the King of Great Britain, &c. meeting with any ship of Algier, if the commander shall produce a pass firmed by the chief governor of Algier, and the major part of the ship's company be Turks, Moors, or slaves, then the Algier ship to proceed freely.

That presently after the signing and sealing these articles by the governors or chief authority of the city and kingdom of Algier, all injuries and damages sustained on either part shall be quite taken away and forgotten, and this peace shall be in full force and virtue; and for all damages and depredations that shall be afterwards done or committed by either side, before notice can be given of this peace, there shall be full satisfaction made, and whatsoever remains in kind be restored.

That if any grievances happen on either side, it shall

shall not be lawful to break the peace till satisfaction be denied.

At the court at Hampton Court, the
25th of June, 1662.

It was ordered by his Majesty in council, that the ensuing clause be imprinted together with the articles aforesaid.

His Majesty, out of his princely and tender care, having, since the conclusion of this treaty, recommended the redemption of all slaves, his subjects, in Algiers, unto the lords bishops of this kingdom; their lordships have (in this truly Christian and pious design) proceeded with such alacrity and expedition, that, for the effecting thereof, ten thousand pounds are already prepared to be transmitted into those parts for redemption of all captives, according to the tenor of these articles, at the rate they were first sold in the market.

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

Articles of Peace and Commerce between the most Serene and Mighty Prince Charles the Second, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Christian Faith, &c. and the most Illustrious Lords, the Bashaw, Dey, Aga, and Governors of the famous City and Kingdom of Algiers, in Barbary: Concluded by Arthur Herbert, Esquire, Admiral of his Majesty's Fleet in the Mediterranean Seas, on the Tenth Day of April, Old Stile, 1682.

I. IN the first place, it is agreed and concluded, that from this day, and for ever forwards, there be a true, firm, and inviolable peace, between the most Serene King of Great Britain, France, and Ireland,
Defender

Defender of the Christian faith, &c. and the most Illustrious Lords, the Bashaw, Dey, Aga, and governors of the city and kingdom of Algiers, and between all the dominions and subjects of either side; and that the ships or other vessels, and the subjects and people, of both sides, shall not henceforth do to each other any harm, offence, or injury, either in word or deed, but shall treat one another with all possible respect and friendship.

II. That any of the ships or other vessels belonging to the said King of Great Britain, or to any of his Majesty's subjects, may safely come to the port of Algiers, or to any other port or place of that kingdom, there freely to buy and sell, paying the usual customs of ten *per cent.* as in former times, for such goods as they sell; and the goods they sell not, they shall freely carry on board, without paying any duties for the same; and that they shall freely depart from thence, whensoever they please, without any stop or hinderance whatsoever. As to contraband merchandizes, as powder, brimstone, iron, planks, and all sorts of timber fit for building of ships, ropes, pitch, tar, fustils, and other habiliments of war, his said Majesty's subjects shall pay no duty for the same to those of Algiers.

III. That all ships and other vessels, as well those belonging to the said King of Great Britain, or to any of his Majesty's subjects, as those belonging to the kingdom or people of Algiers, shall freely pass the seas, and traffic without any search, hinderance, or molestation from each other; and that all persons or passengers, of what country soever, and all monies, goods, merchandizes, and moveables, to whatsoever people or nation belonging, being on board of any of the said ships or vessels, shall be wholly free, and shall not be stopped, taken, or plundered, nor receive any harm or damage whatsoever from either party.

IV. That the Alger ships of war or other vessels, meeting with any merchant ships or other vessels of his
said

said Majesty's subjects, not being in any of the seas appertaining to his Majesty's dominions, may send on board one single boat with two fitters only, besides the ordinary crew of rowers; and that no more shall enter any such merchant ship or vessel, without express leave from the commander thereof, but the two fitters alone; and that upon producing a pass under the hand and seal of the lord high admiral of England and Ireland, or of the lord high admiral of Scotland, for the said kingdoms respectively, or under the hands and seals of the commissioners for executing the office of lord high admiral of any of the said kingdoms, that the said boat shall presently depart, and the merchant ship or vessel shall proceed freely on her voyage; and that although, for the space of fifteen months next ensuing after the conclusion of this peace, the said commander of the merchant ship or vessel produce no such pass, yet, if the major part of the seamen of the said ship or vessel be subjects of the said King of Great Britain, the said boat shall immediately depart, and the said merchant ship or vessel shall freely proceed on her voyage; but that after the said fifteen months, all merchant ships or vessels of his said Majesty's subjects shall be obliged to produce such a pass as aforesaid. And any of the ships of war or other vessels of his said Majesty, meeting with any ships or other vessels of Algiers, if the commander of any such Algier ship or vessel shall produce a pass signed by the chief governors of Algiers, and a certificate from the English consul living there, or if they have no such pass or certificate, yet if, for the space of fifteen months next ensuing the conclusion of this peace, the major part of the ship's company be Turks, Moors, or slaves belonging to Algiers, then the said Algier ship or vessel shall proceed freely; but that after the said fifteen months, all Algiers ships or vessels shall be obliged to produce such a pass and certificate as aforesaid.

V. That no commander or other person, of any ship or vessel of Algiers, shall take out of any ship or vessel
of

of his said Majesty's subjects, any person or persons whatsoever, to carry them any where to be examined, or upon any other pretence; nor shall they use any torture or violence to any person, of what nation or quality soever, being on board any ship or vessel of his Majesty's subjects, upon any pretence whatsoever.

VI. That no shipwreck belonging to the said King of Great Britain, or to any of his Majesty's subjects, upon any part of the coast belonging to Algiers, shall be made or become prize, and that neither the goods thereof shall be seized, nor the men made slaves; but that all the subjects of Algiers shall do their best endeavours to save the said men and their goods,

VII. That no ship, nor any other vessel of Algiers, shall have permission to be delivered up, or go to Sally, or any place in enmity with the said King of Great Britain, to be made use of as corsairs or searovers against his said Majesty's subjects.

VIII. That none of the ships or other smaller vessels of Algiers shall remain cruizing near or in sight of his Majesty's city and garrison of Tangier, or of any other his Majesty's roads, havens, or ports, towns, and places, nor any ways disturb the peace and commerce of the same.

IX. That if any ship or vessel of Tunis, Tripoli, or Sally, or of any other place, bring any ships, vessels, men, or goods, belonging to any of his said Majesty's subjects, to Algiers, or to any port or place in that kingdom, the governors there shall not permit them to be sold within the territories of Algiers.

X. That if any of the ships of war of the said King of Great Britain do come to Algiers, or to any other port or place of that kingdom, with any prize, they may freely sell it, or otherwise dispose of it at their own pleasure, without being molested by any: and that his Majesty's said ships of war shall not be obliged to pay customs in any sort; and that if they shall want provisions,

provisions, victuals, or any other things, they may freely buy them at the rates in the market.

XI. That when any of his said Majesty's ships of war shall appear before Algiers, upon notice thereof given by the English consul, or by the commander of the said ships, to the chief governors of Algiers, public proclamation shall be immediately made to secure the Christian captives; and if after that any Christians whatsoever make their escape on board any of the said ships of war, they shall not be required back again, nor shall the said consul or commander, or any other his Majesty's subjects, be obliged to pay any thing for the said Christians.

XII. That from and after the time that the ratification of this treaty by the King of Great Britain shall be delivered to the chief governors of Algiers, no subjects of his said Majesty shall be bought or sold, or made slaves, in any part of the kingdom of Algiers, upon any pretence whatsoever. And the said King of Great Britain shall not be obliged, by virtue of this treaty of peace, to redeem any of his subjects now in slavery, or who may be made slaves before the said ratification; but it shall depend absolutely upon his Majesty, or the friends and relations of the said persons in slavery, without any limitation or restriction of time, to redeem such and so many of them, from time to time, as shall be thought fit, agreeing of as reasonable a price as may be, with their patrons or masters, for their redemption, without obliging the said patrons or masters, against their wills, to set any at liberty, whether they be slaves belonging to the beylicque or galley, or such as belong to the Basha, Dey, Governor, Aga, or any other persons whatsoever. And all slaves, being his Majesty's subjects, shall, when they are redeemed, enjoy the advantage and benefit of abatements of the duty due to the Royal House, and of the other charges, by paying such reasonable sums as any slaves of other nations usually pay when they are redeemed.

XIII. That if any subject of the said King of Great Britain happen to die in Algiers, or in any part of its territories, his goods or monies shall not be seized by the governors, judges, or other officers of Algiers (who shall likewise make no enquiry after the same) but the said goods or monies shall be possessed or received by such person or persons whom the deceased shall by his last will have made his heir or heirs, in case they be upon the place where the testator deceased. But if the heirs be not there, then the executors of the said will, lawfully constituted by the deceased, shall, after having made an inventory of all the goods and monies left, take them into their custody without any hinderance, and shall take care the same be remitted, by some safe way, to the true and lawful heirs; and in case any of his said Majesty's subjects happen to die, not having made any will, the English consul shall possess himself of his goods and monies, upon inventory, for the use of the kindred and heirs of the deceased.

XIV. That no merchants, being his Majesty's subjects, and residing in, or trading to the city and kingdom of Algiers, shall be obliged to buy any merchandizes against their wills; but it shall be free for them to buy such commodities as they shall think fit; and no captain or commander of any ship or vessel belonging to his said Majesty's subjects, shall be obliged against his will to lade any goods to carry them, or make a voyage to any place he shall not have a mind to go to: and neither the English consul, nor any other subject of the said King, shall be bound to pay the debts of any other of his Majesty's subjects, except that he or they become sureties for the same by a public act.

XV. That the subjects of his said Majesty in Algiers, or its territories, in matter of controversy, shall be liable to no other jurisdiction but that of the Dey, or Duan, except they happen to be at difference between themselves, in which case they shall be liable

to no other determination but that of the consul only.

XVI. That in case any subject of his said Majesty, being in any part of the kingdom of Algiers, happen to strike, wound, or kill a Turk or a Moor, if he be taken, he is to be punished in the same manner, and with no greater severity, than a Turk ought to be, being guilty of the same offence; but if he escape, neither the said English consul, nor any other of his said Majesty's subjects, shall be in any sort questioned and troubled therefore.

XVII. That the English consul now or at any time hereafter living in Algiers, shall be there at all times with entire freedom and safety of his person and estate, and shall be permitted to choose his own druggerman and broker, and freely to go on board any ships in the road, as often and when he pleases, and to have the liberty of the country; and that he shall be allowed a place to pray in, and that no man shall do him any injury in word or deed.

XVIII. That not only during the continuance of this peace and friendship, but likewise if any breach or war happen to be hereafter between the said King of Great Britain and the kingdom of Algiers, the said English consul, and all other his said Majesty's subjects inhabiting in the kingdom of Algiers, shall always, and at all times, both of peace and war, have full and absolute liberty to depart and go to their own or any other country, upon any ship or vessel, of what nation soever they shall think fit, and to carry with them all their estates, goods, families, and servants, without any interruption or hinderance.

XIX. That no subject of his said Majesty, being a passenger, and coming or going with his baggage from or to any port, shall be any way molested or meddled with, although he be on board any ship or vessel in enmity with Algiers; and in like manner no

Algerine passenger, being on board any ship or vessel in enmity with the said King of Great Britain, shall be any way molested, whether in his person, or in his goods which he may have laden on board the said ship or vessel.

XX. That at all times, when any ship of war of the King of Great Britain's, carrying his said Majesty's flag at the main-top-mast-head, shall appear before Algiers, and come to an anchor in the road, that immediately after notice thereof given by his said Majesty's consul, or officer, from the ship, unto the Dey and government of Algiers, they shall, in honour to his Majesty, cause a salute of one-and-twenty cannon to be shot off from the castles and forts of the city, and that the said ship shall return an answer by shooting off the same number of cannon.

XXI. That presently after the signing and sealing of these articles by the Bashaw, Dey, Aga, and Governors of Algiers, all injuries and damages sustained on either part shall be quite taken away and forgotten, and this peace shall be in full force and virtue, and continue for ever. And for all depredations and damages that shall be afterwards committed or done by either side, before notice can be given of this peace, full satisfaction shall immediately be made, and whatsoever remains in kind, shall be instantly restored.

XXII. That in case it shall happen hereafter, that any thing is done or committed contrary to this treaty, whether by the subjects of the one or the other party, the treaty notwithstanding shall subsist in full force, and such contraventions shall not occasion the breach of this peace, friendship, and good correspondence, but the party injured shall amicably demand immediate satisfaction for the said contraventions before it be lawful to break the peace; and if the fault was committed by any private subjects of either party, they alone shall be punished as breakers of the peace, and disturbers of the public

public quiet. And our faith shall be our faith, and our word our word.

Confirmed and sealed, in the presence of Almighty God, the tenth day of April, in the year of our Lord Jesus Christ one thousand six hundred and eighty-two: and in the year of the Hegira one thousand ninety-three, and the eleventh day of the moon Abril.

(L. S.) (L. S.) (L. S.)

Article concerning Passes.

WHEREAS, on the tenth day of April, 1682, there was a treaty of peace concluded between the most Serene King of Great Britain, France, and Ireland, Defender of the Christian faith, &c. and the most Illustrious Lords the Bashaw, Dey, Aga, and Governors of the city and kingdom of Algiers, to which treaty there was annexed a form of passes for the ships belonging to the subjects of the said King of Great Britain; it is hereby agreed and expressly declared, that the said form, annexed to the said treaty, being no part thereof, the lords high admirals or commissioners of the admiralty of his said Majesty's dominions, are at full liberty, in giving the said passes, to use the form of words hereunto annexed, which shall be good and sufficient to all intents and purposes. Confirmed and sealed, in the presence of Almighty God, the nine day of March, in the year of our Lord Jesus Christ one thousand six hundred eighty-and-two, being in the year of the Hegira one thousand ninety-four, and the seventeenth day of the moon Mohour.

(L. S.) (L. S.) (L. S.)

Form of the Pass.

SUFFER the ship

to pass, with her company, passengers, goods, and merchandizes,

chandizes, without any let, hinderance, seizure, or molestation, the said ship appearing unto me (or us) by good testimony, to belong to the subjects of our Sovereign Lord the King, and to no foreigners. Given under my hand (or our hands) and the seal of my (or our) office of admiral, at the

day of

in the year of our Lord one thousand six hundred eighty

To all persons whom these may concern.

By command of

Note. That the late commission of the admiralty of England having been determined, and the administration of the affairs thereof (and particularly that of signing passes) taken into his Majesty's own Royal hand, the form of the forementioned pass has received the following alterations ; viz.

JAMES the Second, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the faith, &c. ; to all persons whom these may concern, greeting.

Suffer the ship

to pass, with her company, passengers, goods, and merchandizes, without any let, hinderance, seizure, or molestation ; the said ship appearing unto us, by good testimony, to belong to our subjects, and to no foreigner. Given under our sign manual, and the seal of our admiralty, at our court at this

day of

in the year of our

Lord one thousand six hundred eighty

JAMES R.

By his Majesty's command,

S. Pepys.

Articles of Peace and Commerce between the most Serene and Mighty Prince George the Third, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Christian Faith, Duke of Brunswick and Lunenburg, Arch-treasurer and Prince Elector of the Holy Roman Empire, &c. &c. &c.; and the most Illustrious Lord Ally Bafhaw, Dev and Governor of the warlike City and Kingdom of Algier, in Barbary: concluded, ratified, confirmed, and renewed, by his Excellency Archibald Cleveland, Esq; his Britannic Majesty's Ambassador to the Emperor of Fez and Morocco, and to all the other Barbary States.

Arch^d Cleveland. (L. S.)

I. IN the first place, it is hereby agreed and concluded, that from this day, and for ever, there shall be a strict and inviolable peace and friendship between his Britannic Majesty and the kingdom of Algier: and that all the articles and treaties of peace and commerce, subsisting between the kingdom of Great Britain, &c. and the kingdom of Algier, be hereby renewed, ratified, and confirmed. That the ships and other vessels, and the subjects and people, of both sides, shall not henceforward do to each other any harm, offence, or injury, either in word or deed; but shall treat one another with all possible respect and friendship; and that all demands and pretences whatsoever, to this day, between both parties, shall cease and be void.

II. It is also agreed, that if any ships or vessels of Christian nations in enmity with the King of Great Britain, &c. shall, at any time hereafter, be met with or found upon the coast of the kingdom of Algier, either at anchor or otherwise, and not within the reach of cannon-shot of the shore, that it shall and may be lawful for any of his Britannic Majesty's ships or vessels of war, or any English privateers, or letters of marque, to take and seize as prizes any such ships or vessels to

met with or found as aforesaid; and shall also be suffered to bring the said prizes into any port, road, or harbour of the kingdom of Algier; and to dispose of the whole or any part thereof, or otherwise to depart with such captures, without the least hinderance or molestation.

III. And lastly, it is agreed, that if, at any time hereafter, his Britannic Majesty shall be at war with any Mahometan Prince or State, and any ships or vessels, belonging to subjects of such Prince or State, shall be met with by any of his Britannic Majesty's ships or vessels of war, or by any ships or vessels of his Majesty's subjects, within sight of any part of the coast of the kingdom of Algier, that they shall be suffered to pass free and unmolested.

Confirmed and sealed in the warlike city and kingdom of Algier, in the presence of Almighty God, the fourteenth day of May, in the year of our Lord Jesus Christ one thousand seven hundred and sixty-two, and in the year of the Hegira 1175, and the 21st day of the moon Cheval.

Archa Cleveland.

(L. S.)

Articles of Peace and Commerce between the most Serene and Mighty Prince George, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Christian Faith, &c. and the most Illustrious Lord Ally Dey Bashaw, and Governor of the famous City and Kingdom of Algiers, in Barbary; ratified, confirmed, and renewed, by Captain Coningsby Norbury, Commander of his Majesty's Ship Argyle, Captain Nicholas Eaton, Commander of his Majesty's Ship Chester, and Thomas Thompson, Esq; his Majesty's Consul at Algiers, on the 29th Day of October, 1716, by virtue of a full Power

Power given and granted to us by John Baker, Esq; Vice-Admiral of the Blue Squadron of his Britannic Majesty's Fleet, and Admiral and Commander in Chief of his Majesty's Ships employed and to be employed in the Mediterranean.

I. IN the first place, it is agreed and concluded, that from this day and for ever forwards, the peace made by Arthur Herbert, Esquire, then admiral of his Majesty's fleet, Sir William Soames, Bart. ambassador to the Grand Signior in the year 1686, with the additional articles agreed to with Captain Munden, and Consul Cole, in the year 1700; and likewise the farther additional articles agreed to with George Byng, Esq; then rear-admiral of the red squadron of her Majesty's fleet, in the year 1703; be renewed and confirmed, and, together with the additional articles agreed to in this treaty with captain Coningby Norbury, commander of his Majesty's ship Argyle, captain Nicholas Eaton, commander of his Majesty's ship Chester, and Thomas Thompson, Esq; his Majesty's consul at Algiers, be kept inviolable between the most Serene King of Great Britain, France, and Ireland, Defender of the Christian faith, &c. and the most Illustrious Lord Ally Bashaw, Dey and Governor of the warlike city of Algiers in the west, the Aga, Kahya, and the rest of the honourable seniors of the Divan, and between all the dominions and subjects of either side; and that the ships and other vessels, and the subjects and people, of either side, shall not henceforth do to each other any harm, offence, or injury, either in word or deed, but shall treat one another with all possible respect and friendship. And if any demands or pretensions shall be now left depending between the subjects or others of either party, they shall be amicably redressed, and full satisfaction shall be made to each other according to the truth and justice of their claim, and that this treaty shall not cancel or make void the same.

II. That

II. That as the island of Minorca, in the Mediterranean sea, and the city of Gibraltar, in Spain, have been yielded and annexed to the crown of Great Britain, as well by the King of Spain as by all the several Powers of Europe engaged in the late war : now it is hereby agreed and fully concluded, that from this time forward, for ever, the said island of Minorca, and city of Gibraltar, shall be esteemed in every respect, by the government and people of Algiers, to be part of his Britannic Majesty's dominions, and the inhabitants thereof be looked upon as his Majesty's natural subjects, in the same manner as if they had been born in any other part of Great Britain ; and they, with their ships and vessels wearing British colours, and being furnished with proper passes, shall be permitted freely to trade and traffic in any part of the dominions of Algiers, and shall pass without any molestation whatsoever, and shall have the same liberties and privileges that are stipulated in this, and have been made in all other treaties in the behalf of the British nation and subjects ; and therefore none of the cruizers of Algiers shall at any time cruize within sight of the ports of the said island of Minorca and city of Gibraltar.

III. That if an English ship shall receive on board any passengers and goods belonging to the kingdom of Algiers, they shall defend them and their goods, so far as lieth in their power, and not deliver them to their enemies ; and, the better to prevent any unjust demands being made upon the Crown of Great Britain, and to avoid disputes and differences that may arise, all goods and merchandizes that shall from henceforward be shipped by the subjects of Algiers on board the ships or vessels of Great Britain upon freight, shall be first registered in the office of Cancellaria, before the British consul residing in the port where they are so shipped, and the quantity, quality, and value thereof shall be expressed, and the consul is to manifest the same in the clearance given to the ship or vessel before she shall depart ; to the end, that if any cause of complaint should

should happen hereafter, there may be no greater claim made on the British nation, than what by this method may be proved just and equitable.

Con. Norbury. (L. S.)

N. Eaton. (L. S.)

Tho. Thomson. (L. S.)

IV. That if any of the Algerine cruizers shall meet with any British ships provided with scollop passes, of either ships or fattees, that shall fit with those delivered to them by the British consul, they shall pass free and unmolested.

Con. Norbury. (L. S.)

N. Eaton. (L. S.)

Tho. Thomson. (L. S.)

[The three confirmations (or renewals) of articles of peace with Algiers, referred to in the last treaty, and not before printed, are as follows:]

Articles of Peace and Commerce between the most Serene and Mighty Prince James the Second, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Christian Faith, &c. and the most Illustrious Lords the Doulet, G. Bashaw, Aga, and Governors of the famous City and Kingdom of Algiers, in Barbary; ratified and confirmed by Sir William Soame, Bert. his Majesty's Ambassador to the Grand Signior, on the 5th of April, O. S. 1686.

I. IN the first place, it is agreed and concluded, that from this day, and for ever forwards, the peace made by Arthur Herbert, Esquire, admiral of his Majesty's fleet in the Mediterranean, be renewed and confirmed, and kept inviolable, between the most Serene King of Great Britain, France, and Ireland, Defender of the Christian faith, &c. and the most Illustrious Lords the Doulets, Bashaw, Aga, and Governors of the

the city and kingdom of Algiers, and between all the dominions and subjects of either side; and that the ships and other vessels, and the subjects and people of both sides, shall not from henceforth do to each other any harm, offence, or injury, either in word or deed, but shall treat one another with all possible respect and friendship; and that all demands and pretensions whatsoever, to this day, between both parties, shall cease and be void.

II. That any of the ships or other vessels belonging to the said King of Great Britain, or to any of his Majesty's subjects, may safely come to the port of Algiers, or to any other port or place of that kingdom, there freely to buy and sell, paying the usual customs of ten *per cent.* as in former times, for such goods as they sell; and the goods they sell not, they shall freely carry on board, without paying any duties for the same: and that they shall freely depart from thence, whenever they please, without any stop or hinderance whatsoever. As to contraband merchandizes, as powder, brimstone, iron, planks, and all sorts of timber fit for building of ships, ropes, pitch, tar, fusils, and other habiliments of war, his said Majesty's subjects shall pay no duty for the same to those of Algiers.

III. That all ships and other vessels, as well those belonging to the King of Great Britain, or to any of his Majesty's subjects, as those belonging to the kingdom or people of Algiers, shall freely pass the seas, and traffic without any fear, hinderance, or molestation from each other; and that all persons or passengers, of what country soever, and all monies, goods, merchandizes, and moveables, to whatsoever people or nation belonging, being on board of any of the said ships or vessels, shall be wholly free, and shall not be stopped, taken, or plundered, nor receive any harm or damage whatsoever from either party.

IV. That the Alger ships of war, or other vessels, meeting with any merchant ships or other vessels of his
said

said Majesty's subjects, not being in any of the seas appertaining to his Majesty's dominion, may send on board one single boat, with two fitters only, besides the ordinary crew of rowers; and that no more shall enter any such merchant ship or vessel, without express leave from the commander thereof, but the two fitters alone; and that upon producing a pass under the hand and seal of his Majesty, or whomsoever he shall appoint to be lord high admiral, or to execute the office of lord high admiral for England and Ireland, or of the lord high admiral for Scotland, for the said kingdoms respectively, that the said boat shall presently depart, and the merchant ship or vessel shall proceed freely on her voyage: and any of the ships of war or other vessels of his said Majesty, meeting with any ships or other vessels of Algiers, if the commander of any such Alger ship or vessel shall produce a pass firm'd by the chief governors of Algiers, and a certificate from the English consul living there, the said Alger ship or vessel shall proceed freely.

V. That no commander or other person, of any ship or vessel of Algiers, shall take out of any ship or vessel of his said Majesty's subjects, any person or persons whatsoever, to carry them any where to be examined, or upon any other pretence; nor shall they use any torture or violence to any person, of what nation or quality soever, being on board any ship or vessel of his Majesty's subjects, upon any pretence whatsoever.

VI. That no shipwreck belonging to the said King of Great Britain, or to any of his Majesty's subjects, upon any part of the coast belonging to Algiers, shall be made or become prize; and that neither the goods thereof shall be seized, nor the men made slaves; but that all the subjects of Algiers shall do their best endeavours to save the said men and their goods.

VII. That no ship, nor any other vessel of Algiers, shall have permission to be delivered up, or go to Sally, or any other place in enmity with the said King
of

of Great Britain, to be made use of as corsairs or sea-rovers against his said Majesty's subjects.

VIII. That none of the ships or other smaller vessels of Algiers shall remain cruising near or in sight of any of his Majesty's roads, havens or ports, towns, and places, nor any way disturb the peace and commerce of the same.

IX. That if any ship or vessel of Tunis, Tripoli, or Sally, or of any other place, bring any ships, vessels, men, or goods, belonging to any of his said Majesty's subjects, to Algiers, or to any port or place in that kingdom, the governors there shall not permit them to be sold within the territories of Algiers.

X. That if any of the ships of war of the said King of Great Britain do come to Algiers, or any other port or place of that kingdom, with any prize, they may freely sell it, or otherwise dispose of it at their own pleasure, without being molested by any: and that his Majesty's said ships of war shall not be obliged to pay customs in any port; and that if they shall want provisions, victuals, or any other things, they may freely buy them at the rates in the market.

XI. That when any of his said Majesty's ships of war shall appear before Algiers, upon notice thereof given by the English consul, or by the commander of the said ships, to the chief governors of Algiers, public proclamation shall be immediately made to secure the Christian captives; and if, after that, any Christians whatsoever make their escape on board any of the said ships of war, they shall not be required back again, nor shall the said consul or commander, or any other of his Majesty's subjects, be obliged to pay any thing for the said Christians.

XII. That henceforward no subjects of his Majesty of Great Britain, &c. shall be bought or sold, or made slaves, in any part of the kingdom of Algiers, upon any pretence whatsoever: nor shall his Majesty be obliged,

obliged, by virtue of this treaty of peace, to redeem any of his subjects now in slavery ; but it shall depend absolutely upon his Majesty, or the friends and relations of the said persons in slavery, without any limitation or restriction of time, to redeem such and so many of them, from time to time, as shall be, thought fit, agreeing of as reasonable a price as may be, with their patrons or masters, for their redemption, without obliging the said patrons or masters, against their will, to set any at liberty, whether they be slaves belonging to the beylicque or galley, or such as belong to the Bashaw, Dey, Governor, or any other persons whatsoever : and all slaves, being his Majesty's subjects, shall, when they are redeemed, enjoy the advantage and benefit of abatements of the duty due to the Royal House, and of the other charges, by paying such reasonable sums as any slaves of other nations usually pay when they are redeemed.

XIII. That if any subject of the said King of Great Britain happen to die in Algiers, or in any part of its territories, his goods and monies shall not be seized by the governors, judges, or other officers (who shall likewise make no enquiry after the same) but the said goods and monies shall be possessed or received by such person or persons whom the deceased by his last will shall have made his heir or heirs, in case they be upon the place where the testator deceased ; but if the heirs be not there, then the executors of the said will, lawfully constituted by the deceased, shall, after having made an inventory of all the goods and monies left, take them into their custody, without any hindrance, and shall take care the same be remitted by some safe way to the true and lawful heirs ; and in case any of his said Majesty's subjects happen to die, not having made any will, the English consul shall possess himself of his goods and monies upon inventory, for the use of the kindred and heirs of the deceased.

XIV. That

XIV. That no merchants, being his Majesty's subjects, and residing in, or trading to the city and kingdom of Algiers, shall be obliged to buy any merchandizes against their wills; but it shall be free for them to buy such commodities as they shall think fit; and no captain or commander of any ship or vessel belonging to his said Majesty's subjects shall be obliged, against his will, to lade any goods to carry them, or make a voyage to any place he shall not have a mind to go to: and neither the English consul, nor any other subject of the said King, shall be bound to pay the debts of any other of his Majesty's subjects, except that he or they become sureties for the same by a public act.

XV. That the subjects of his said Majesty in Algiers, or its territories, in matter of controversy, shall be liable to no other jurisdiction but that of the Dey or Divan, except they happen to be at difference between themselves, in which case they shall be liable to no other determination but that of the consul only.

XVI. That in case any subject of his said Majesty, being in any part of the kingdom of Algiers, happen to strike, wound, or kill a Turk, or a Moor, if he be taken, he is to be punished in the same manner, and with no greater severity, than a Turk ought to be, being guilty of the same offence; but if he escape, neither the said English consul, nor any other of his said Majesty's subjects, shall be in any sort troubled or questioned therefore.

XVII. That the English consul now, or at any time, living in Algiers, shall be there at all times with entire freedom and safety of his person and estate, and shall be permitted to choose his own druggerman and broker, and freely to go on board any ship in the road, as often, and when he pleases, and to have the liberty of the country; and that he shall be allowed a place to pray in, and that no man shall do him any injury in word or deed.

XVIII. That

XVIII. That not only during the continuance of this peace and friendship, but likewise if any breach, or war, happen to be hereafter between the said King of Great Britain and the kingdom of Algiers, the said English consul, and all other his said Majesty's subjects inhabiting in the kingdom of Algiers, shall always, and at all times, both of peace and war, have full and absolute liberty to depart, and go to their own or any other country, upon any ship or vessel of what nation soever they shall think fit, and to carry with them all their estates, goods, families, and servants, without any interruption or hinderance.

XIX. That no subject of his said Majesty, being a passenger, and coming or going with his baggage from or to any port, shall be any way molested or meddled with, although he be on board any ship or vessel in enmity with Algiers: and in like manner, no Algerine passenger, being on board any ship or vessel in enmity with the said King of Great Britain, shall be any way molested, whether in his person, or in his goods which he may have laden on board the said ship or vessel.

XX. That at all times, when any ship of war of the King of Great Britain's, carrying his said Majesty's flag at the main-top-mast head, shall appear before Algiers, and come to an anchor in the road; that immediately after notice thereof given by his said Majesty's consul or officer from the ship unto the Dey and government of Algiers, they shall, in honour to his Majesty, cause a salute of one and twenty cannon to be shot from the castles and forts of the city; and that the said ship shall return an answer by shooting off the same number of cannon.

XXI. That presently after the signing and sealing of these articles by the Bashaw, Dey, Aga, and Governors of Algiers, all injuries and damage sustained on either part shall be quite taken away and forgotten; and this peace shall be in full force and virtue, and continue for ever: and for all depredations and damages

that shall be afterwards committed or done by either side, before notice can be given of this peace, full satisfaction shall immediately be made, and whatsoever remains in kind shall be instantly restored.

XXII. That in case it shall happen hereafter, that any thing is done or committed contrary to this treaty, whether by the subjects of the one or the other party, the treaty notwithstanding shall subsist in full force, and such contraventions shall not occasion the breach of this peace, friendship, and good correspondence; but the party injured shall amicably demand immediate satisfaction for the said contraventions, before it be lawful to break the peace; and if the fault was committed by any private subjects of either party, they alone shall be punished as breakers of the peace, and disturbers of the public quiet. And our faith shall be our faith, and our word, our word.

Confirmed and sealed, in the presence of Almighty God, the fifth day of April, in the year of our Lord Jesus Christ one thousand six hundred and eighty-six, and in the year of the Hegira one thousand ninety-seven, and the three and twentieth day of the moon Gemasilavel.

W^m Soame. (L. S.).

Peace confirmed, and additional Articles made with the Government of Algier, by Capt. Munden, and Consul Cole.

I. WE the most excellent and most illustrious lords Mustapha Dey Ali Bashaw, and Mustapha Aga, governors of the most famous and warlike city and kingdom of Algier, do by these presents renew and confirm the peace we so happily enjoy with the King of Great Britain, France, and Ireland, Defender of the Christian faith, and his subjects, made in the year 1682, in every part and article, more particularly that of the VIIIth, wherein it is expressed, no ship or vessel
 belonging

belonging to our government of Algier shall cruize near or in sight of any of the roads, havens, or ports, towns or places belonging to the said King of Great Britain, or anyways disturb the peace and commerce of the same: and, in compliance with the VIIIth article of that treaty, we do sincerely promise and declare, that such orders shall for the future be given to all our commanders, that, under a severe penalty, and our utmost displeasure, they shall not enter into the channel of England, nor come or cruize in sight of any part of his Majesty of Great Britain's dominions any more for the time to come.

II. That whereas we had declared, that all ships and vessels belonging to the said King of Great Britain should have passes by the last of September 1700, we do by these declare, at the desire of Capt. John Munden, commander in chief of his Majesty's ships in the Mediterranean, and Robert Cole, Esq; his Majesty's consul now residing at our city of Algier, on behalf of their great master, that no passes shall be required or expected from any of the English ships or vessels in any part of the world; but that they shall proceed on their voyage, without producing or shewing a pass to any of our cruizers, till the last of September 1701: and after that time is expired, and any ship of England be seized, not having a pass, we do hereby declare, that the goods in that ship shall be prize; but the master, men, and ship, shall be restored, and the freight immediately paid to the said master, to the utmost value as he should have had, if he had gone safe to the port whither he was bound.

III. That whereas Captain John Munden has given us good assurance, that he had a great affront, some years past, from some of our rude sailors at our Mould; we do hereby promise, that at all times, whenever any of the King of Great Britain's ships of war come to this place, order shall be given to an officer of the government immediately, who shall attend at the Mould

all the day-time, during their stay here, to prevent any such disorder for the future, that no misunderstanding may happen between us; and if any such disorder should happen, the officer of the Mould shall secure the person or persons, and they shall be punished with the utmost severity.

IV. By the help of God, and if He please, these articles now made between us shall be maintained: to the truth of which we have hereunto set our hands and seal in Algier, in the year of the Hegira 1112, and is by the account of the Christians, August 17, 1700.

Copy. G. Byng.

Articles of Peace and Commerce, between the most Serene and Mighty Princess Anne, by the Grace of God, Queen of Great Britain, France, and Ireland, Defender of the Christian Faith, &c. and the most Illustrious Lord Mustapha Dey, the Bashaw, Aga, and Governors of the famous City and Kingdom of Algiers, in Barbary; ratified, confirmed, and renewed, by George Byng, Esq; Rear-Admiral of the Red Squadron of her Majesty's Fleet, on the 28th Day of October, Old Style, 1703.

I. IN the first place, it is agreed and concluded, that from this day, and for ever forwards, that the peace made by Arthur Herbert, Esq; then admiral of her Majesty's fleet in the Mediterranean in the year 1682, and since confirmed by Sir William Soames, Bart. ambassador to the Grand Signior in the year 1686, with the additional articles agreed to with Captain Munden and Consul Cole in the year 1700, be renewed and confirmed (with the farther addition of the articles agreed to in this treaty with George Byng, Esq; rear-admiral of the red squadron of her Majesty's fleet) be kept inviolable between the most Serene Queen of Great Britain, France, and Ireland, Defender of the Christian Faith, &c. and the most Illustrious Lord Mustapha

Mustapha Dey, the Bashaw, Aga, and Governors of the famous city and kingdom of Algiers, and between all the dominions and subjects of either side; and that the ships and other vessels, and the subjects and people, of both sides, shall not henceforth do to each other any harm, offence, or injury, either in word or deed, but shall treat one another with all possible respect and friendship; and that all demands and pretences whatsoever to this day, between both parties, shall cease and be void.

II. That whereas by the said articles of peace, made and concluded by admiral Herbert, it was agreed the subjects of England should pay ten *per cent.* custom for the goods they should sell at Algiers, or dominions thereof: now, for the better settling and maintaining a good commerce between the subjects of England and those of Algiers, it is agreed and declared, that from henceforward the subjects of England shall pay but five *per cent.* custom for the goods they shall sell at Algiers, and that counterband goods, as is declared before, shall pay no custom.

III. And it is farther agreed and declared, that all prizes taken by any of her Majesty of Great Britain's subjects, and all ships and vessels built and fitted out in any of her Majesty's plantations in America, that have not been in England, shall not be molested in case of no pass; but that a certificate in writing under the hand of the commanding officer that shall so take prizes, and a certificate under the hands of the governor or chief of any of her Majesty's plantations in America, or where any ship shall be built or fitted, shall be a sufficient pass to either of them. And our faith shall be our faith, and our word our word.

Confirmed and sealed, in the presence of Almighty God, the twenty-eighth day of October, in the year of our Lord Jesus Christ one thousand seven hundred and three, and in the year of the Hegira

one thousand one hundred and fifteen, and the first day of the moon Regep.

*The name and seal of
the Dey of Algier.*

*G. B. and Seal.
Copy. G. Byng.*

Additional Article to the ancient Treaties subsisting between his Britannic Majesty and the Dey and Government of Algiers, agreed to by the present Dey, Mahomet, and his said Majesty's Plenipotentiaries the Honourable Augustus Keppel, and Ambrose Stan-nyford, Esq; his Majesty's Agent and Consul General at Algier.

THAT all packets or express boats, bearing his Britannic Majesty's commission, which shall be met by any of the cruizers of Algiers, shall be treated with the same respect as his Majesty's ships of war, and all due respect shall be paid to his Majesty's commission; and both at meeting and parting they shall be treated as friends: and if any of the Algerine cruizers commit the least fault or violence against them, the captains or raizes so offending shall, on their arrival at Algiers, and proper complaint being made of them, be most severely punished, without admitting of their excuses. Dated at Algiers, the third day of June 1751, and in the year of Hageira 1164, the twentieth day of the moon Regil.

TUNIS.

T U N I S.

1662. ARTICLES of peace between Great
5 Oct. Britain and Tunis.

Pap. Off. U. 5.

The Kingdom's Intelligencer, p. 759.

Treat. 1732, vol. iii. p. 272.

Treat. 1785, vol. i. p. 180.

167⁴. Articles of peace between King Charles II.
4 Feb. and Tunis.

1716. Articles of Peace concluded at Tunis.
30 Aug. *Pap. Off. U. N° 28.*

1751. Treaty of Peace and commerce, at Bardo,
39 Oct. near Tunis.

Pap. Off. U. N° 33.

Treat. 1785, vol. iii. p. 22.

1762. Treaty of peace and commerce, concluded
22 June. at Bardo, near Tunis.

Pap. Off. U. N° 35.

[The following is printed from the Treaty, which was
published by authority, in 1662.]

*Articles of Peace betwixt his Sacred Majesty Charles
the Second, King of Great Britain, France, and
Ireland, &c. and the most excellent Signior Mahomet
Bassâ, the Duan of the noble City of Tunis;
Hadgie Mustaph Dye Mahomet By, and the rest
of the Soldiers in the Kingdom of Tunis; concluded
by Sir John Lawson, Knight, the 5th October
1662.*

I. THAT all former grievances, losses, or other pretences, between both parties, shall be void and of none effect ; and from henceforward a firm peace, free trade and commerce, shall be and continue between the subjects of his Sacred Majesty the King of Great Britain, &c. and the people of the kingdom of Tunis and the dominions thereunto belonging ; and that the ships of either party shall have free liberty to enter into any port or river belonging to the dominions of either party, paying duties only for what they shall sell, transporting the rest without trouble or molestation ; and freely enjoy any other accustomed privilege ; and the late exaction which hath been on the lading and unlading of goods at the Gulletto or Marrin shall be reduced to the ancient customs in these cases.

II. That there shall be no seizure of any of the ships of either party, at sea or in port ; but that they shall quietly pass without any molestation or interruption, they displaying their colours : and, for the prevention of all inconveniences, the ships of Tunis are to have a certificate, under the hand of the English consul there, that they belong to Tunis, which being produced, the English ship shall admit two men to come on board peaceably, to satisfy themselves that they are English ; and, although they have passengers on board of them of other nations, they shall be free, both them and their goods.

III. That if any English ships shall receive on board any goods or passengers belonging to the people of the kingdom of Tunis, they shall be bound to defend the said goods and passengers so far as lies in their power, and not deliver them up to the enemy.

IV. That if any of the ships of either party shall, by accident of foul weather or otherwise, be cast away upon any coast belonging to either party, the persons shall be free, and the goods saved and delivered to the proprietors.

V. That

V. That the English, that do at present or shall at any time hereafter inhabit in the city or kingdom of Tunis, shall have free liberty, when they please, to transport themselves, with their families and children, although born in the country.

VI. That the people belonging to the dominions of either party shall not be abused with ill language, or otherwise evil treated; but that the parties so offending shall be punished severely according to desert.

VII. That the consul, or any other of the English nation, residing in Tunis, shall not be forced to make his address, in any difference, to any court of justice, but unto the Dye himself, from whom he shall receive judgment.

VIII. That the consul, or any other of the English nation, shall not be liable to pay the debts of any particular person of the nation, unless obliged under his hand for the same.

IX. That all ships of war belonging to the dominions of either party, shall have free liberty to use each other's ports for washing, cleansing, and repairing any of their defects, and to buy and ship any sort of victuals, alive or dead, or any other necessaries, at the price the natives buy it in the market, without paying custom to any officer.

X. That in case any ships of war, belonging to the dominions of Tunis, shall take, in any of their enemies ships, any Englishmen, and serving for wages, they are to be made slaves; but if merchants or passengers, then they are to enjoy their liberty and goods free and entire.

XI. That if any ship of war belonging to the kingdom of Tunis, fighting under his own colours with an English ship, not wearing English colours, shall surprize her under the same, the said ship shall be prize notwithstanding the peace.

XII. That in case any slave in the kingdom of Tunis,

nis, of any nation whatsoever, shall make his escape, and get on board any ship belonging to the subjects and dominions of his said Sacred Majesty, the English consul shall not be liable to pay his ransom, unless timely notice hath been given him to give order that no such be entertained ; and then, if it appear that any slave have so gotten away, the said consul is to pay his patron the price for which he was sold in the market, and if no price be cut, then to pay three hundred dollars, and no more.

These articles are to remain firm for ever without any alteration ; and in all other particulars, not mentioned in these articles, the regulation shall be according to the general capitulation with the Grand Seigneur.

*Signed and sealed, in the presence
of the great God.*

[The following is printed from the treaty, 1674-5, which was published by authority in 1686.

WHEREAS there were articles of peace between his Sacred Majesty the King of Great Britain, &c. and the most Excellent Signiors, Mahomet Bassa, the Duana of the noble city of Tunis, Hagge Mustapha Dey, Morat Bey, and the rest of the foldiers in the kingdom of Tunis, made and concluded by the said most Excellent Signiors on the one part, and by Sir John Lawson, knight, on the other part, the fifth day of October 1662 ;

WE the most Excellent Signiors, present governors of the noble city and kingdom of Tunis, Mustapha Bassa, Hagge Mami Dei, the Duana, Morat Bei, Mahomet Hossé Bei, and the rest of the foldiers in the kingdom of Tunis, have seen, perused, and approved the said articles, and do now by these presents accept, approve, ratify, and confirm, all and every the aforementioned

mentioned articles of peace, in the same manner and form as they are inserted and repeated in the said articles, the which are hereunto adjoining; hereby firmly promising on our faiths, sacredly to maintain the said peace and agreement ourselves, and to cause all our people, of what degree or quality soever, punctually and inviolably to observe and keep all and every the articles thereof for ever; and if any of our said people shall at any time violate and break any part of the said articles, they shall be punished with greatest severity at their return into the dominions of Tunis.

Confirmed, and sealed in the presence of Almighty God, in our house in the noble city of Tunis, the last day of the moon Delcadi, and the year of Hegira 1035, being the fourth day of February Old Style, and the year of the Lord Jesus Christ 1673.

(L. S.) *Divan.*

(L. S.) *Hesse Bey.*

(L. S.) *Merat Bey,*

(L. S.) *Bashaw.*

(L. S.) *Dey.*

(L. S.) *Hamitt Bey,*

[The following is printed from the treaty, which was published by authority in 1763.]

The Treaty of Peace and Commerce, between Great Britain and the State of Tunis, concluded at the Palace of Bardo, near Tunis, January 22, 1762.

Articles of Peace and Commerce between the most Serene and Mighty Prince George the Third, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Christian Faith, Duke of Brunswic and Lunenburg, Arch-treasurer and Prince Elector of the Holy Roman Empire, &c. &c. &c. and the most Excellent and Illustrious Lord Ally Bashaw,

Bashaw, Bey and supreme Commander of the State of Tunis, renewed, concluded, ratified, and confirmed, by his Excellency Archibald Cleveland, Esq; his Britannic Majesty's Ambassador to the Emperor of Fez and Morocco; and furnished with his Majesty's Full Powers for renewing the Treaties with all the other Barbary States.

I. IN the first place, it is agreed and concluded, that, from this day and for ever, the peace made by the honourable Augustus Keppel, commander in chief of his Britannic Majesty's ships and vessels in and about the Mediterranean, and Charles Gordon Esq; his said Serene Majesty's agent and consul-general to the state of Tunis, with the late most Excellent and Illustrious Lord Ali Pascha, Begler Bey and supreme commander of the said state, concluded and signed in the palace of Bardo, near Tunis, on the 19th day of October, 1751, be hereby renewed, ratified, and confirmed: and that the ships and other vessels, and the subjects and people of both sides, shall not henceforward do to each other any harm, offence, or injury, either in word or deed; but shall treat one another with all possible respect and friendship.

II. That his Britannic Majesty's consul, living in Tunis, shall for ever hereafter be allowed the liberty of choosing his own broker and druggerman, who shall be a real Turk; and to exchange them when and as often as he shall think fit.

III. That if any ships or vessels, of Christian nations in enmity with the King of Great Britain, &c. shall at any time hereafter be met with, or found upon the coast of the kingdom of Tunis, either at anchor or otherwise, and not within the reach of cannon-shot of the shore, that it shall and may be lawful for any of his Britannic Majesty's ships or vessels of war, or any English privateers, or letters of marque, to take and seize as prizes any such ships or vessels so met with or found as aforesaid; and shall also be suffered to bring
the

the said prizes into any port, road, or harbour of the kingdom of Tunis: and to dispose of the whole or any part thereof, or otherwise to depart with such captures, without the least hinderance or molestation whatsoever.

IV. and last. And lastly, It is agreed, that if at any time hereafter his Britannic Majesty shall be at war with any Mahometan Prince or State, and any ships or vessels, belonging to subjects of such Prince or State, shall be met with by any of his Britannic Majesty's ships or vessels of war, or by any ships or vessels of his Majesty's subjects, within sight of any part of the coast of the kingdom of Tunis, that they shall be suffered to pass free and unmolested.

Confirmed and sealed in the palace of Bardo, near Tunis, in the presence of Almighty God, the twenty-second day of June, in the year of our Lord Jesus Christ one thousand seven hundred and sixty-two, and in the year of the Hegira 1175, and the last day of the moon Zilcade.

Arch^d Cleveland (L. S.)

Articles of Peace and Commerce between the most Serene and Mighty Prince George the Second, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Christian Faith, Duke of Brunswic and Lunenburg, Arch-treasurer and Elector of the Holy Roman Empire, &c. &c. &c. and the most Excellent and Illustrious Lord Ali Pascha, Begler Bay and supreme Commander of the State of Tunis, renewed, agreed on, and confirmed, by the Honourable Augustus Keppel, Commander in Chief of his Britannic Majesty's Ships and Vessels in and about the Mediterranean Seas, and Charles Gordon, Esq; his said Serene Majesty's Agent and Consul General to the State of Tunis, furnished with his Majesty's Full Powers for that Purpose.

I. THAT

I. THAT all former grievances and losses, and other pretences, between both parties, shall be void and of no effect; and from henceforward there shall be a firm peace for ever, and free trade and commerce, between his Britannic Majesty's subjects and the people of the kingdom of Tunis, and dominions thereunto belonging: but this article shall not cancel or make void any just debt, either in commerce or otherwise, between the subjects on both sides, but the same may be demanded and recovered as before.

II. That the ships of either party shall have a free liberty to enter into any port or river belonging to the dominions of the other, where they shall pay duty only for what they sell, and, for the rest, may freely export it again without molestation; and shall enjoy all other accustomed privileges: and the late exaction that hath been at the Goletta and the Marine, shall be reduced to the ancient customs in those cases.

III. That there shall not be any seizure made of any of the ships of either party, either at sea or in port, but they shall pass without any interruption, they displaying their colours; and, to prevent any misunderstandings, the ships of Tunis shall be furnished with certificates, under the hand and seal of the British consul, of their belonging to Tunis, which they are to produce on meeting with any English ship; on board of whom they shall have liberty of sending two men only, peaceably to satisfy themselves of their being English; who, as well as any passengers of other nations they may have on board, shall go free, both them and their goods.

IV. That if an English ship receive on board any goods or passengers belonging to the kingdom of Tunis, they shall be bound to defend them and their goods, so far as lieth in their power, and not deliver them unto their enemies. And, the better to prevent

any unjust demands being made upon the crown of Great Britain, and to avoid disputes and differences that might arise, all goods and merchandize that shall from henceforward be shipped by the subjects of Tunis, either in this port, or in any other whatsoever, on board the ships or vessels belonging to Great Britain, shall be first entered in the office of *Cancellaria*, before the British consul residing at the respective port, expressing the quantity, quality, and value of the goods so shipped, which the said consul is to manifest in the clearance given to the said ship or vessel before she departs; to the end that if any cause of complaint should happen hereafter, there may be no greater claim made on the British nation, than by this method shall be proved to be just and equitable.

V. That if any of the ships of either party shall, by accident of foul weather, or otherwise, be cast away upon any of the coasts belonging to the other, the persons shall be free, and the goods saved and delivered to the proprietors thereof.

VI. That the English which do at present, or shall at any time hereafter, inhabit in the city or kingdom of Tunis, shall have free liberty, when they please, to transport themselves, with their families and children, although born in the country.

VII. That the people belonging to the dominions of either party shall not be abused with ill language, or otherwise ill treated, but the parties so offending shall be punished severely according to their deserts.

VIII. That the consul, or any other of the English nation, residing in Tunis, shall not be obliged to make their addressees, in any difference, unto any court of justice, but to the Bashaw himself, from whom only they shall receive judgment, in case the difference should happen between a subject of Great Britain and another
of

of this government, or any other foreign nation; but if it should be between two of his Britannic Majesty's subjects, then it is to be decided by the British consul only.

IX. That neither the English consul, nor any other of his Majesty's subjects, shall be liable to pay the debts of any other of the nation, unless particularly bound thereto under his own hand.

X. That whereas the island of Minorca in the Mediterranean Sea, and the city of Gibraltar in Spain, do now belong to his Majesty the King of Great Britain; it is hereby agreed and fully concluded, that from this time forward, for ever, the said island of Minorca, shall be esteemed (as likewise Gibraltar) by the government of Tunis, to be, in every respect, part of his Britannic Majesty's dominions, and the inhabitants thereof shall be looked upon as his Majesty's natural-born subjects, in the same manner as if they had been born in any other part of Great Britain; and they, with their ships and vessels wearing British colours, shall be permitted freely to trade and traffic in any part of the kingdom of Tunis, and shall pass, without any molestation whatsoever, either on the seas or elsewhere, in the same manner, and with the same freedom and privileges, that have been stipulated, in this and all former treaties, in behalf of the British nation and subjects.

XI. That, the better and more firmly to maintain the good correspondence and friendship that have been so long and happily established between the crown of Great Britain and the government of Tunis, it is hereby agreed and concluded by the parties before-mentioned, that none of the ships and vessels belonging to Tunis, or the dominions thereof, shall be permitted to cruize or look for prizes, of any nature whatsoever, before, or in sight of the afore said city of Gibraltar, or any of the ports in the island of Minorca, to hinder or
molest

moleſt any veſſels bringing provisions and reſreſhments for his Britannic Maſteſty's troops and garrifons in thoſe places, or to give any diſturbance to the trade and commerce thereof: and if any prize ſhall be taken by the ſhips or veſſels of Tunis, within the ſpace of ten miles of the aforeſaid places, ſhe ſhall be reſtored without any contradiction.

XII. That all the ſhips of war belonging to the dominions of either party, ſhall have free liberty to uſe each other's ports, for waſhing, cleaning, and repairing any their defects; and to buy and ſhip off any ſort of victuals, alive or dead, or any other neceſſaries, at the price the natives buy at in the market, without paying cuſtom to any officer. And whereas his Britannic Maſteſty's ſhips of war do frequently aſſemble and harbour in the port of Mahon in the iſland of Minorca; if, at any time, they, or his Maſteſty's troops in garrifon there, ſhould be in want of provisions, and ſhould ſend from thence to purchaſe ſupplies in any part of the dominions belonging to Tunis, they ſhall be permitted to buy cattle alive or dead, and all other kinds of provision, at the prices they are ſold in the market, and ſhall be ſuffered to carry it off without paying duty to any officer, in the ſame manner as if his Maſteſty's ſhips were themſelves in the port.

XIII. That in caſe any ſhips of war, belonging to the dominions of Tunis, ſhall take, in any of their enemies ſhips, any Engliſhmen ſerving for wages, they are to be made ſlaves; but if merchants or paſſengers, they are to enjoy their liberty and goods free.

XIV. That if any ſlave of Tunis ſhould make his eſcape from thence, and get on board an Engliſh man of war, the ſaid ſlave ſhall be free, and neither the Engliſh conſul, nor any of his nation, ſhall in any manner be queſtioned about the ſame.

XV. That, the better to prevent any diſputes that may hereafter ariſe between the two parties about

salutes and public ceremonies, it is hereby agreed and concluded, that whenever any flag officer of Great Britain shall arrive in the bay of Tunis, in any of his Majesty's ships of war, there shall be shot off from the castles of the Goletta, or other the nearest fortifications belonging to Tunis, a number of guns according to custom, as a royal salute to his British Majesty's colours, and the same number shall be returned in answer thereto by his Majesty's ships; and it is hereby stipulated and agreed, that all ceremonies of honour shall be allowed to the British consul, who resides here to represent his Majesty's person, equal in every respect to any other nation whatsoever, and no other consul in the kingdom to be admitted before him in precedence.

XVI. That the subjects of his most Sacred Majesty of Great Britain, &c. either residing in or trading to the dominions of Tunis, shall not, for the time to come, pay any more than three *per cent.* custom on the value of the goods or merchandize which they shall either bring into or carry out of the kingdom of Tunis.

XVII. It is moreover agreed, concluded, and established, that at whatsoever time it shall please the government of Tunis to reduce the customs of the French nation to less than they pay at present, it shall always be observed, that the British customs shall be two *per cent.* less than any agreement that shall for the future be made with the said French, or that shall be paid by the subjects of France.

XVIII. It is moreover agreed, concluded, and established, that in case any British ship or ships, or any of the subjects of his Majesty of Great Britain, shall import at the port of Tunis, or any port of this kingdom, any warlike stores, as cannons, muskets, pistols, cannon powder, or fine powder, bullets, masts, anchors, cables, pitch, tar, or the like; as also provisions, viz. wheat,
barley,

barley, beans, oats, oil, or the like ; for the said kind of merchandize they shall not pay any sort of duty or custom whatever.

XIX. That in case a war should happen between his Britannic Majesty and any other state or nation whatever, the ships of Tunis shall not in any sort afford assistance to the enemies of his Majesty or his subjects.

XX. That if an Englishman kills a Turk, he shall be judged before the caddi of the place, according to justice : if he is found guilty of the crime, he shall be punished with death ; but if he escape, the consul shall not be molested, or called upon for that account ; and the consul shall always have timely notice, that he may have an opportunity of being present at the trial.

XXI. That if at any time a war or rupture happen between the two contracting Powers, the English consul and his nation may freely depart with all their goods and effects : and this article is to be reciprocal for the subjects of Tunis.

XXII. That whereas Gibraltar and the island of Minorca do belong to his Britannic Majesty, if at any time any of the cruizers of Tunis should meet with any vessels of the said places, under English colours, furnished with proper passports, they shall be treated in all respects like other English ships, provided that there be no more than one third part of the ship's company who are not subjects of his said Majesty, for, in such case, they (the said strangers) shall be deemed as prisoners : but it is allowed to embark as many merchants or passengers as they see good, be they of what nation soever : and if at any time a Tunis man of war shall take a ship from their enemies, on board of which may happen to be any English subjects, they shall be immediately released, with all their goods and merchandize, provided always that they be provided

with proper passports ; and this article is to be observed reciprocally on the parts of the English.

XXIII. That if any British ships or vessels meet with any of the ships or vessels belonging to the State of Tunis, and there should be any injury or offence given by either side, justice being properly demanded, shall be immediately done, and the aggressor shall be severely punished, without it occasioning any breach or war.

XXIV. That his Britannic Majesty's subjects shall be always treated, by the State of Tunis, with the highest degree of respect, love, and honour ; because the English, of all other Powers, are their first and best friends.

XXV. That new Mediterranean passes shall be issued out and given to his said Majesty's trading subjects, with all convenient speed ; and that the time for the continuance of the old passes, for the ships in the Indies and remote parts, shall be three years ; and for all other ships and vessels, one year ; to commence from the delivery of the counter-tops of the new passes at Algiers ; of which his Majesty's consul here shall give the earliest notice to this state ; and it is hereby expressly agreed and declared, that the said new passes shall, during the above-mentioned spaces of time of three years and one year, be of full and sufficient force and effect to protect all ships and vessels of his said Majesty's subjects, who shall be provided with the same.

XXVI. That all packets bearing his Britannic Majesty's commission, which shall be met by any of the cruizers of Tunis, shall be treated with the same respect as his Majesty's ships of war ; and all due respect shall be paid to his Majesty's commission, and both at meeting and parting they shall be treated as friends ; and if any of the cruizers of Tunis commit the least
fault

fault or violence against them, the captains or raizes so offending shall, on their arrival at Tunis, and proper complaint being made of them, be most severely punished, without admitting of their excuses.

All the preceding articles of this treaty, having been approved of and agreed to, are hereby ratified, renewed, and confirmed, between his most Sacred Majesty the King of Great Britain, &c, and the most Illustrious Lord Ali Pasha, Begler Bey and supreme commander of the state of Tunis, which let no one presume to infringe or violate. Dated, in the presence of Almighty God, at the palace of Bardo, near Tunis, this nineteenth day of October, one thousand seven hundred and fifty-one, according to the Christian computation; and of the Turkish Hageira, one thousand one hundred and sixty-four, the tenth day of the moon Zil Hadgi Sheriffay.

A. Keppel. (L. S.)

Chas. Gordon. (L. S.)

T R I P O L Y.

1662. **T**HE treaty of peace, between Great
18 Oct. Britain and Tripoly.

Pap. Off. U. N° 6.

The Kingdom's Intelligencer, p. 762.

Treat. 1732, vol. iii. p. 269.

Treat. 1785, vol. i. p. 177.

1676. Articles of peace and commerce, between
1 May. Great Britain and Tripoly.

Pap. Off. U. N° 16.

1682. The separate article of the treaty between
10 April. Great Britain and Tripoly.

Pap. Off. U. N° 17.

1686. The treaty between Great Britain and
7 Feb. Tripoly.

1694. Additional articles to Sir John Narbo-
11 Oct. rough's treaty with Tripoly.

Pap. Off. U. N° 20.

1694. Articles of peace and commerce, between
11 Oct. Great Britain and Tripoly.

Pap. Off. U. N° 21.

1716. Articles of peace between Great Bri-
19 July. tain and Tripoly.

Pap. Off. U. N° 27.

1751. The treaty of peace and commerce, be-
19 Sept. tween Great Britain and Tripoly.

Pap. Off. U. N° 32.

1762.

1762. The treaty of peace and commerce, between Great Britain and Tripoly.

Pap. Off. U. N^o 36.

[The following is printed from the treaty, which was published by authority in 1662.]

Articles of Peace between his Sacred Majesty Charles the Second, King of Great Britain, France, and Ireland, &c. and the most Excellent Osman Bassa, and the People of the noble City and Kingdom of Tripoly; concluded by Sir John Lawson, Knight, the 18th of October, 1662.

I. THAT from this day and for ever forward there be a good and firm peace between his Sacred Majesty the King of Great Britain, &c. and the Bassa and the people of the city and kingdom of Tripoly, and the dominions thereunto belonging. And the ships, subjects, and people on either party shall not do nor offer any offence or injury to each other, but treat one another with all possible respect and friendship: and any ships belonging to the King of Great Britain, &c. or any of his subjects, may come to the port of Tripoly and buy and sell as in former times, and also unto any other port that belongs to the government of Tripoly, paying the custom as in former times: and no man within the jurisdiction of Tripoli shall give the subjects of his said Majesty a bad word, or a bad deed, or a bad action. That, presently after the signing and sealing these articles, all injuries and damages sustained on either part shall be quite taken away and forgotten, and this peace shall be in full force and virtue.

II. That all ships, as well those belonging to his Sacred Majesty the King of Great Britain, &c. and any of his Majesty's subjects, as those belonging to Tripoly, shall freely pass the seas, and traffic without any search, hinderance, or molestation whatsoever. And for the better practising of this second article, according to the true intent and meaning thereof, it is

D d 4

agreed,

agreed, that the Tripoly ships of war meeting with any merchants ship belonging to the subjects of the King of Great Britain, &c. not being in any of the seas appertaining to his Majesty's dominions, have liberty to send one single boat on board, with but two fitters more than the common crew of rowers, and no more to enter on board the said merchants ship but the two fitters, without the expresse leave of the commander of the merchant ship; that upon producing unto them a pass, under the hand and seal of the lord high admiral of England, the said boat do presently depart and the merchant ship to proceed on his voyage. And although the commander of the merchant ship do produce no pass from the lord high admiral of England, yet, if the major part of the ship's company be subjects to the King of Great Britain, &c. the said boat shall presently depart, and the merchant ship proceed freely; and though there be strangers on board, they shall be free, and their goods. And any ship of war of his Majesty's of Great Britain, &c. meeting with any ships of Tripoly, if the commander shall produce a pass firmed by the chief governors of Tripoly, and the major part of the ships company be Turks, Moors, or slaves, then the Tripoly ships to proceed freely.

III. That any ships belonging to the subjects of his Majesty the King of Great Britain, &c. coming into Tripoly, or any of the ports in its territories, shall for such goods as they sell pay the dues according to custom, and the goods they sell not, they shall freely carry on board, and carry away the same where they please, without any duties for the same.

IV. That if any of the ships of Algier, Tunis, Sally, or any other, do bring any ships, men, or goods belonging to any of the subjects of his Majesty the King of Great Britain, &c. unto Tripoly, or any of the ports thereto belonging, the governors there shall not permit them to be sold within the said territories; and, for the time to come, that no subject of his said Majesty

jeſty be bought or fold, or made ſlaves of, in Tripoly or its territories.

V. That any merchant of the ſubjects of the King of Great Britain, &c. dying in Tripoly or its territories, his goods or monies ſhall not be ſeized by the Baſſa, Aga, or any other miniſter, but remain with the Engliſh conſul.

VI. That the ſubjects of the King of Great Britain, &c. that do at preſent, or ſhall at any time hereafter, inhabit in the city and kingdom of Tripoly, ſhall have free liberty, when they pleaſe, to transport themſelves, with their families and children, although born in the country.

VII. That the conſul, or any other of the ſubjects of the King of Great Britain, &c. in matter of difference, ſhall not be liable unto any other judgment but that of the Dey.

VIII. That the ſubjects of his ſaid Maſteſty, in difference among themſelves, ſhall be ſubject to no determination but that of the conſul.

IX. That the conſul, or any other of the ſubjects of his ſaid Maſteſty, be not liable to pay the debts of any ſubject of his ſaid Maſteſty, unleſs obliged under his hand for the ſame.

X. That in caſe any of his ſaid Maſteſty's ſubjects ſhall happen to ſtrike a Turk or a Moor, if he be taken, let him be puniſhed; but if he eſcape, nothing ſhall be ſaid to the Engliſh conſul, or any other of his Maſteſty's ſubjects, upon that account.

XI. That in caſe any ſlave in the kingdom of Tripoly, of any nation whatſoever, ſhall make his eſcape, and get on board any ſhip belonging to his ſaid Maſteſty, the conſul ſhall not be liable to pay his rantom, unleſs timely notice hath been given him to give order that no ſuch be entertained; and then, if it appear that any ſlave hath gotten away, the ſaid conſul is to pay
the

the patron the price for which he was sold in the market; and if no price be cut, then to pay three hundred dollars, and no more.

XII. That no merchant, nor other subject of his said Majesty's, being a passenger in or unto any port, shall be molested or meddled with.

XIII. That the English consul, that lives in Tripoly, be allowed a place to pray in, and no man to do him, or any of his said Majesty's subjects, any wrong or injury, in word or deed, whatsoever.

XIV. That if any ship of war of his said Majesty's shall come into Tripoly, or other the ports of that government, with any prize, they may sell or dispose of it at their pleasure, without being molested by any; and that they be not obliged to pay customs in any sort: and if the said ships of war shall want provisions, victuals, or any other thing, they may freely buy it at the rate in the market.

XV. That no shipwreck belonging to his said Majesty, or any of his subjects, on the coast belonging to Tripoly, shall become prize; and that neither the goods be forfeited nor the men made slaves, but the people of Tripoly shall do their best endeavours to save them and their goods.

That if any grievances happen on either side, it shall not be lawful to break the peace until satisfaction be denied.

That in all other particulars, not mentioned in these articles, the regulation shall be according to the general capitulation with the Grand Signior.

*Signed and sealed, in the presence
of the great God.*

This under-written was added, in Italian, by the Bassa, in the draught of the English articles which he sealed.

WE,

WE, Osman Bassa, do declare, that the abovesaid capitulations and articles of peace are of us approved, and we confirm, and we ratify their worth and tenor. In witness of the truth, we hereunto apply our accustomed seal.

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

Articles of Peace and Commerce between the most Serene and Mighty Prince Charles the Second, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Christian Faith, &c. and the most Illustrious Lords, the Bashaw, Dey, Aga, Divan, and Governors of the City and Kingdom of Tripoly; concluded by Sir John Narbrough, Knight, Admiral of his Majesty's Fleet in the Mediterranean Seas, the First Day of May, 1676.

I. IN the first place, it is agreed and concluded, that from this day, and for ever forward, there be a true, firm, and inviolable peace between the most Serene King of Great Britain, France, and Ireland, Defender of the Christian faith, &c. and the most Illustrious Lords the Bashaw, Dey, Aga, Divan, and Governors of the city and kingdom of Tripoly, in Barbary, and between all the dominions and subjects of either side; and that the ships or other vessels, and the subjects and people, of both sides, shall not henceforth do to each other any harm, offence, or injury, either in word or deed, but shall treat one another with all possible respect and friendship.

II. That any of the ships or other vessels belonging to the said King of Great Britain, or to any of his Majesty's subjects, may safely come to the port of Tripoly, or to any other port or place of that kingdom, or dominions thereunto belonging, freely, to buy and sell, without

without the least disturbance, paying the usual customs as in former times hath been paid for such goods as they sell: and the goods they sell not, they shall have free liberty to carry on board their own ships, without paying any duties for the same; and when they please they shall freely depart from thence, without any stop, hinderance, or molestation whatsoever.

III. That all ships and other vessels, as well those belonging to the said King of Great Britain, or to any of his Majesty's subjects, as also those belonging to the kingdom or people of Tripoly, shall freely pass the seas, and traffic where they please, without any search, hinderance, or molestation from each other; and that all persons or passengers, of what country soever, and all monies, goods, merchandizes, and moveables, to whatsoever people or nation belonging, being on board of any the said ships or vessels, shall be wholly free, and shall not be stopped, taken, or plundered, nor receive any harm or damage whatsoever from either party.

IV. That the Tripoly ships of war, or other vessels thereunto belonging, meeting with any merchants ships or other vessels of the King of Great Britain's subjects, not being in any of the seas appertaining to his Majesty's dominions, may send on board one single boat, with but two fitters, besides the ordinary crew of rowers; and no more but the two fitters to enter any of the said merchants ships, or any other vessels, without the express leave from the commander of every such ship or vessel; and then, upon producing unto them a pass under the hand and seal of the lord high admiral of England, the said boat shall presently depart, and the merchants ship or ships, vessel or vessels, shall proceed freely on her or their voyage: and although the commander or commanders of the said merchant ship or ships, vessel or vessels, produce no pass from the lord high admiral of England, yet, if the major part of the said ships or vessels company be subjects to the said King of Great Britain, the said boat shall

shall presently depart, and the merchant ship or ships, vessel or vessels, shall proceed freely on her or their voyage. And if any of the said ships of war or other vessels of his said Majesty, meeting with any ship or ships, vessel or vessels, belonging to Tripoly, if the commander or commanders of any such ship or ships, vessel or vessels, shall produce a pass signed by the chief governors of Tripoly, and a certificate from the English consul living there, or if they have no such pass or certificate, yet if the major part of their ships company or companies be Turks, Moors, or slaves belonging to Tripoly, then the said Tripoly ship or ships, vessel or vessels, shall proceed freely.

V. That no commander or other person of any ship or vessel of Tripoly, shall take out of any ship or vessel of his said Majesty's subjects, any person or persons whatsoever, to carry them any where to be examined, or upon any other pretence; nor shall use any torture or violence unto any person, of what nation or quality soever, being on board any ship or vessel of his Majesty's subjects, upon any pretence whatsoever.

VI. That no shipwreck belonging to the said King of Great Britain, or to any of his Majesty's subjects, upon any part of the coast belonging to Tripoly, shall be made or become prize; and that neither the goods thereof shall be seized, nor the men made slaves; but that all the subjects of Tripoly shall do their best endeavours to save the said men and their goods.

VII. That no ship or any other vessel of Tripoly shall have permission to be delivered up, or to go to any other place in enmity with the said King of Great Britain, to be made use of as corsairs or sea-rovers against his said Majesty's subjects.

VIII. That none of the ships or other smaller vessels of Tripoly shall remain cruising near his Majesty's

ty's city and garrison of Tangier, or in sight of it, nor other way disturb the peace and commerce of that place.

IX. That if any ship or vessel of Tunis, Algier, Tetuan, or Sally, or any other place being in war with the said King of Great Britain, bring any ships, vessels, men, or goods, belonging to any of his said Majesty's subjects, to Tripoly, or to any port or place in that kingdom, the governors there shall not permit them to be sold within the territories of Tripoly.

X. That if any of the ships of war of the said King of Great Britain do come to Tripoly, or to any other port or place of that kingdom, with any prize, they may freely sell it, or otherwise dispose of it at their own pleasure, without being molested by any: and that his Majesty's said ships of war shall not be obliged to pay customs in any sort; and that if they shall want provisions, victuals, or any other things, they may freely buy them at the rates in the market.

XI. That when any of his Majesty's ships of war shall appear before Tripoly, upon notice thereof given to the English consul, or by the commander of the said ships, to the chief governors of Tripoly, public proclamation shall be immediately made to secure the Christian captives; and if after that any Christians whatsoever make their escape on board any of the said ships of war, they shall not be required back again, nor shall the said consul or commander, or any other his said Majesty's subjects, be obliged to pay any thing for the said Christians.

XII. That if any subjects of the said King of Great Britain happen to die in Tripoly, or its territories, his goods or money shall not be seized by the governors or any minister of Tripoly, but shall all remain with the English consul.

XIII. That neither the English consul, nor any other

other subject of the said King of Great Britain, shall be bound to pay the debts of any other of his Majesty's subjects, except that they become surety for the same by a public act.

XIV. That the subjects of his said Majesty in Tripoly or its territories, in matter of controversy, shall be liable to no other jurisdiction but that of the Dey or Divan, except they happen to be at difference between themselves; in which case they shall be liable to no other determination but that of the consul only.

XV. That in case any subject of his Majesty, being in any part of the kingdom of Tripoly, happen to strike, wound, or kill a Turk or a Moor, if he be taken, he is to be punished in the same manner, and with no greater severity, than a Turk ought to be, being guilty of the same offence; but if he escape, neither the said English consul, nor any other of his said Majesty's subjects, shall be in any sort questioned or troubled therefore.

XVI. That the English consul now or at any time hereafter living in Tripoly, shall be there at all times with entire freedom and safety of his person and estate, and shall be permitted to choose his own druggerman and broker, and freely to go on board any ship in the road, as often and when he pleases, and to have the liberty of the country; and that he shall be allowed a place to pray in; and that no man shall do him any injury in word or deed.

XVII. That not only during the continuance of this peace and friendship, but likewise if any breach or war happen to be hereafter between the said King of Great Britain and the city and kingdom of Tripoly, the said consul, and all other his said Majesty's subjects inhabiting in the kingdom of Tripoly, shall always, and at all times, both of peace and war, have full and absolute liberty to depart, and go to their own or any other country, upon any ship or vessel of what nation soever they

they shall think fit, and to carry with them all their estates, goods, families, and servants, although born in the country, without any interruption or hinderance.

XVIII. That no subject of his said Majesty, being a passenger from or to any port, shall be any way molested or meddled with, although he be on board any ship or vessel in enmity with Tripoly.

XIX. That whereas a war hath lately happened between the most Serene King of Great Britain, &c. and the most illustrious Lords, Halil Bashaw, Ibraim Dey, Aga, Divan, and Governors of the noble city and kingdom of Tripoly, in Barbary, by reason of the injuries done unto the King of Great Britain and his subjects, by the government and people of Tripoly; we Halil Bashaw, Ibraim Dey, Aga, Divan, and Governors of the noble city and kingdom of Tripoly, in Barbary, do acknowledge the injuries done, and that the breach of the peace between his most Excellent Majesty the King of Great Britain, and us of Tripoly, was committed by our subjects, for which some are banished, and some fled from our justice; and, for further satisfaction to his most Excellent Majesty for the breach of articles, we are sorry for the same, and do by these engage to set at liberty and deliver unto the right honourable Sir John Narbrough, Knight, admiral of his Majesty's fleet in the Mediterranean Seas, all English captives residing in the city and kingdom of Tripoly, and dominions thereunto belonging, without paying any ransom for them: and likewise by setting at liberty, and delivering unto the said Sir John Narbrough, Knight, all other persons taken under English colours, without paying any ransom for them, and by paying eighty thousand dollars, in monies, goods, and slaves, to the aforesaid Sir John Narbrough, Knight. And, moreover, we do engage ourselves and successors, that if any injury, for the future, be done, contrary to these articles, by the government and people of Tripoly, to the King of Great Britain and his subjects;
if,

if, upon demand of satisfaction from the government and people of Tripoly, we or they do refuse or deny to give satisfaction therefore, so that a war be occasioned thereby between the King of Great Britain and the government and people of Tripoly, we do engage ourselves and successors to make restitution for the injuries done; and likewise to make satisfaction to the King of Great Britain for the full charge and damage of that war.

XX. That no subject of the King of Great Britain, &c. shall be permitted to turn Turk or Moor in the city and kingdom of Tripoly (being induced thereunto by any surprisal whatsoever) unless he voluntarily appear before the Dey or governor, with the English consul's druggerman, three times in twenty-four hours space, and every time declare his resolution to turn Turk or Moor.

XXI. That at all times, when any ship of war of the King of Great Britain, &c. carrying his said Majesty's flag at the main-top-mast head, shall appear before the said city of Tripoly, and come to anchor in the road, immediately after notice thereof given by his said Majesty's consul or officer, from the ship, unto the Dey and government of Tripoly, they shall, in honour to his Majesty, cause a salute of one-and-twenty cannon to be shot off from the castle and forts of the city; and that the said ship shall return an answer by shooting off the same number of cannon.

XXII. That presently after the signing and sealing of these articles by us Halil Bashaw, Ibraim Dey, Aga, Divan, and governors of the noble city and kingdom of Tripoly, all injuries and damages sustained on either part shall be quite taken away and forgotten, and this peace shall be in full force and virtue, and continue for ever: and for all depredations and damages that shall be hereafter committed or done by either side, before notice can be given of this peace, full satisfaction shall

be immediately made, and whatsoever remains in kind shall be instantly restored.

XXIII. That whensoever it shall happen hereafter, that any thing is done or committed by the ships or subjects of either side, contrary to any of these articles, satisfaction being demanded therefore, shall be made to the full, and without any manner of delay; and that it shall not be lawful to break this peace, until such satisfaction be denied: and our faith shall be our faith, and our word our word; and whosoever shall be the cause of breaking of this peace, shall assuredly be punished with present death.

Confirmed and sealed, in the presence of Almighty God, the 5th day of March, Old Stile, and the year of our Lord Jesus Christ 167 $\frac{5}{6}$, being the last day of the moon Zelhedga, and the year of the Hegira one thousand eighty-six, 1086.

(L. S.)	(L. S.)	(L. S.)	(L. S.)
	<i>Bashaw.</i>	<i>Dey.</i>	<i>Divan.</i>

Confirmation of the former Peace.

WHEREAS there were articles of peace and commerce between the most Serene and mighty Prince Charles the Second, by the grace of God, King of Great Britain, France, and Ireland, Defender of the Christian faith, &c. and the most Illustrious Lords, Halil Bashaw, Ibraim Dey, Aga, Divan, and governors of the noble city and kingdom of Tripoly in Barbary, lately made and concluded by the said lords on the one part, and by Sir John Narbrough, Knight, admiral of his said Serene Majesty's fleet in the Mediterranean Seas on the other part, and by them confirmed and sealed, in the presence of Almighty God, the fifth day of March, Old Stile, and the year of our Lord Jesus Christ 167 $\frac{5}{6}$, being the last day of the moon Zelhedga, and the year of the Hegira one thousand eighty-six,

1086.

1086. Since which time of confirming and sealing the aforesaid articles of peace and commerce, the aforesaid Lord Ibraim Dey, being fled away from his said government of the city and kingdom of Tripoly, in Barbary; now therefore we Halil Bashaw, Aga, Divan, governors, foldiers, and people of the aforesaid city and kingdom of Tripoly, have chosen and elected vice-admiral Mustapha Grande to be Dey of the said city and kingdom of Tripoly, in Barbary, to succeed Ibraim Dey in the aforesaid government. And now we the said Halil Bashaw, Mustapha Dey, Aga, Divan, governors, foldiers, and people of Tripoly aforesaid, having seen the aforesaid articles of peace and commerce, which were lately made and concluded as aforesaid, and having seriously perused and fully considered all particulars therein mentioned, do fully approve of all and every of the aforesaid article and articles of peace; and we and every one of us do now by these presents consent and agree to and with Sir John Narbrough, Knight, aforesaid, for the just and exact keeping and performing all of the said articles, and do accept, approve, ratify, and confirm all and every of them, in the same manner and form as they are inserted and repeated in the preceding articles aforesaid; hereby firmly engaging ourselves and successors, assuring on our faith, sacredly to maintain, and strictly to observe, perform, and keep inviolably, all and every the aforesaid article and articles of peace and agreement for ever: and to cause and require all our subjects and people, of what degree or quality whatsoever, within the city and kingdom of Tripoly, in Barbary, or dominions thereunto belonging, both by sea and land, punctually, inviolably, carefully, and duly to observe, keep, and perform all and every the aforesaid article and articles thereof for ever: and our faith shall be our faith, and our word our word; and whosoever shall at any time violate and break any part of the said article or articles of peace, they shall assuredly be punished with greatest severity, and his or

their heads shall be immediately cut off, and forthwith be presented unto any officer whom the most Serene King of Great Britain, &c. shall authorise to make demand thereof.

It is farther agreed, that the subjects belonging unto the most Serene King of Great Britain, &c. trading unto the port of the city and kingdom of Tripoly, in Barbary, aforesaid, or unto any port or place of the dominions thereunto belonging, in any merchants ship or other vessel belonging unto the said Serene King's subjects, shall not pay so much custom, by one *per cent.* for whatsoever goods or merchandizes they sell or buy, as other nations do for the custom of the like goods or merchandize, notwithstanding whatsoever is specified in the second article aforesaid to the contrary.

And that the most Serene King of Great Britain's consul, residing in Tripoly aforesaid, shall have liberty at all times, when he pleaseth, to put up his said Serene Majesty's flag on the flag-staff on the top of his house, and there to continue it spread as long time as he pleaseth. Likewise, the said consul to have the same liberty of putting up and spreading the said flag in his boat, when he passeth on the water, and no man whatsoever to oppose, molest, disturb, or injure him therein, either by word or deed.

These and all other preceding articles are to remain firm for ever, without any alteration; and in all other particulars, not mentioned in any of these articles, the regulation shall be according to the capitulations general with the Grand Seignior.

Confirmed likewise and sealed, in the presence of Almighty God, at our castle in the noble city and kingdom of Tripoly, in Barbary, the first day of May, Old Stile, and the year of our Lord Jesus Christ one thousand six hundred and seventy-six, being the six-and-twentieth day of the moon
Zaphire,

Zaphire, and the year of the Hegira one thousand eighty-seven, 1087.

(L. S.) *Bashaw.*

(L. S.) *Dey.*

(L. S.) *Drean.*

(L. S.) *Admiral.*

[The following is printed from the treaty, which was published by authority in 1763.]

Articles of Peace and Commerce between the most Serene and Mighty Prince George the Third, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Christian Faith, Duke of Brunswic and Lunenburg, Arch-treasurer and Prince Elector of the Holy Roman Empire, &c. &c. &c. and the most Excellent and Illustrious Lord Ally Bashaw, Bey, Governor, and General of the garrisoned City and Kingdom of Tripoly in the West; renewed, confirmed, and ratified, by his Excellency Archibald Cleveland, Esq; his Britannic Majesty's Ambassador to the Emperor of Fez and Morocco, and furnished with his Majesty's Full Powers for renewing the Treaties with all the other Barbary States.

IT is hereby agreed and concluded, that from this day and for ever, the peace made by the honourable Augustus Keppel, commander in chief of his Britannic Majesty's ships and vessels in and about the Mediterranean, and Robert White, Esq; his said Serene Majesty's agent, and consul-general, to the Bey and state of Tripoly, with the late most Excellent and Illustrious Lords Mahammet Bashaw Gramali, Bey, governor, and captain general, Seedy Ally Bey, Seedy Hassan Kiaja, the Divan, and all the officers, soldiers, and people of the said city and kingdom of Tripoly, concluded and sign-

ed on the nineteenth of September, 1751, be hereby renewed, ratified, and confirmed. And that the ships and other vessels, and the subjects and people, of both sides, shall not henceforward do to each other any harm, offence, or injury, either in word or deed, but shall treat one another with all possible respect and friendship.

Concluded and signed in the city and kingdom of Tripoly in the West, in the presence of Almighty God, the twenty-second day of July, in the year of our Lord Jesus Christ one thousand seven hundred and sixty-two, and in the year of the Hageira, 1176, and the first day of the moon Muharem el Haram.

Arch^d Cleveland (L. S.)

Treaty of Peace and Commerce between the most Serene and Mighty Prince George the Second, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Christian Faith, Duke of Brunswic and Lunenburg, Arch-treasurer and Elector of the Holy Roman Empire, &c. &c. &c. and the most Excellent and Illustrious Lords Mahammet Bashaw Gramali, Dey, Governor, and Captain General, Seedy Aii Bey, Seedy Hassan Kiaja, the Divan, and all the Officers, Soldiers, and People of the noble City and Kingdom of Tripoly, in Barbary; renewed, agreed on, and confirmed, by the Honourable Augustus Keppel, Commander in Chief of his Britannic Majesty's Ships and Vessels in and about the Mediterranean Seas, and Robert White, Esq; his said Serene Majesty's Agent and Consul General to the Dey and State of Tripoly, furnished with his Majesty's Full Powers for that Purpose.

I. IN the first place, it is agreed and concluded, that from this time forward, for ever, there shall be

a true and inviolable peace, between the most Serene King of Great Britain, and the most Illustrious Lords and Governors of the city and kingdom of Tripoly, in Barbary, and between all the dominions and subjects of either side; and if the ships and subjects of either party, shall happen to meet upon the seas, or elsewhere, they shall not molest each other, but shall shew all possible respect and friendship.

II. That all merchant ships belonging to the dominions of Great Britain, and trading to the city or any part of the kingdom of Tripoly, shall pay no more than three *per cent.* custom, for all kinds of goods they shall sell; and for such as they shall not sell, they shall be permitted freely to embark it again on board their ships, without paying any sort of duty whatsoever, and shall depart without any hinderance or molestation.

III. That all ships and other vessels, as well those belonging to the said King of Great Britain, or to any of his Majesty's subjects, as those belonging to the kingdom or people of Tripoly, shall freely pass the seas, and traffic where they please, without any search, hinderance, or molestation from each other: and that all persons or passengers, of what country soever; and all monies, goods, merchandizes, and moveables, to whatsoever people or nation belonging, being on board of any the said ships or vessels, shall be wholly free, and shall not be stopped, taken, or plundered from either party.

IV. The Tripoly ships of war, or any other vessels thereunto belonging, meeting with any merchant ships, or other vessels of the King of Great Britain's subjects (not being in any of the seas appertaining to any of his Majesty's dominions, may send on board one single boat, with two fitters, besides the ordinary crew of rowers; and no more but the two fitters to enter any of the said merchant ships, or any other vessels, without the express leave of the commander of

every such ship or vessel ; and then, upon producing unto them a pass under the hand and seal of the lord high admiral of England, the said boat shall presently depart, and the merchant ship or ships, vessel or vessels, shall proceed freely on her or their voyage : and although the commander or commanders of the said merchant ship or ships, vessel or vessels, produce no pass from the lord high admiral of England, yet, if the major part of the ship's or vessel's company be subjects to the said King of Great Britain, the said boat shall presently depart, and the merchant ship or ships, vessel or vessels, shall proceed freely on her or their voyage. And any of the said ships of war or other vessels of his said Majesty, meeting with any ship or ships, vessel or vessels, belonging to Tripoly, if the commander of any such ship or ships, vessel or vessels, shall produce a pass signed by the chief governors of Tripoly, and a certificate from the English consul living there, or if they have no such pass or certificate, yet if the major part of their ship's company or companies be Turks, Moors, or slaves belonging to Tripoly, then the said Tripoly ship or ships, vessel or vessels, shall proceed freely.

V. That no commander or other person of any ship or vessel of Tripoly, shall take out of any ship or vessel of his said Majesty's subjects, any person or persons whatsoever, to carry them any where to be examined, or upon any other pretence ; nor shall use any torture or violence unto any person, of what nation or quality soever, being on board any ship or vessel of his Majesty's subjects, upon any pretence whatsoever.

VI. That no shipwreck belonging to the said King of Great Britain, or to any of his Majesty's subjects, upon any part of the coasts belonging to Tripoly, shall be made or become prize ; and that neither the goods thereof shall be seized, nor the men made slaves ; but that all the subjects of Tripoly shall do
their

their best endeavours to save the said men and their goods.

VII. That no ship or any other vessel of Tripoly shall have permission to be delivered up, or to go to any other place in enmity with the said King of Great Britain, to be made use of as corsairs at sea against his said Majesty's subjects.

VIII. That if any ship or vessel of Tunis, Algier, Tetuan, or Sally, or any other place, being in war with the said King of Great Britain, bring any ships or vessels, men or goods, belonging to his said Majesty's subjects, to Tripoly, or to any port or place in that kingdom, the governors there shall not permit them to be sold within the territories of Tripoly, like as it is agreed at Algiers.

IX. That if any subject of the King of Great Britain happens to die in Tripoly, or its territories, his goods or money shall not be seized by the governors or any ministers of Tripoly, but shall all remain with the English consul.

X. That neither the English consul, nor any other subject of the said King of Great Britain, shall be bound to pay the debts of any other of his Majesty's subjects, unless they become surety for the same by a public act.

XI. That the subjects of his said Majesty in Tripoly or its territories, in matter of controversy, shall be liable to no other jurisdiction but that of the Dey or Divan, except they happen to be at difference between themselves; in which case they shall be liable to no other determination but that of the consul only.

XII. That in case any subject of his Majesty, being in any part of the kingdom of Tripoly, happen to strike, kill, or wound a Turk or Moor, if he be taken, he is to be punished in the same manner, and
with

with no greater severity, than a Turk ought to be, being guilty of the same offence ; but if he escape, neither the said English consul, nor any other of his said Majesty's subjects, shall be in any sort questioned or troubled upon that account, and no trial or sentence to be passed without the consul being present.

XIII. That the English consul now or at any time hereafter living at Tripoly, shall be there at all times with entire freedom and safety of his person and estate, and shall be permitted to choose his own druggerman and broker, and freely to go on board any ship in the road, as often and when he pleases, and to have the liberty of the country ; and that he shall be allowed a place to pray in ; and that no man shall do him any injury, either in word or deed ; and that he shall have liberty at all times of hoisting his Majesty's flag at the top of his house, and on his boat when he passes on the water.

XIV. That not only during the continuance of this peace and friendship, but likewise if any breach or war happen to be hereafter between the said King of Great Britain and the city and kingdom of Tripoly, the said consul, and all other his Majesty's subjects inhabiting in the kingdom of Tripoly, shall always, and at all times, both of peace and war, have full and absolute liberty to depart, and go to their own country, or any other, upon any ship or vessel of what nation soever they shall think fit, and to carry with them all their estates, goods, families, and servants, although born in the country, without any interruption or hinderance.

XV. That no subject of his said Majesty, being a passenger from or to any port, shall be any way molested or meddled with, either in person or property, although on board any ship or vessel in enmity with Tripoly ; and the same is to be regarded in favour of the subjects of Tripoly.

XVI. That

XVI. That when any of his Majesty's ships of war shall appear before Tripoly, upon notice thereof given by the English consul, or by the commander of the said ships, to the chief governors of Tripoly, public proclamation shall be immediately made to secure the Christian captives; and if after that any Christians whatsoever make their escape on board any of the said ships of war, they shall not be required back again, nor shall the said consul or commander, or any other his Majesty's subjects, be obliged to pay any thing for the said Christians.

XVII. That all merchant ships coming to the city or kingdom of Tripoly, though not belonging to Great Britain, shall have free liberty to put themselves under the protection of the British consul, in selling and disposing of their goods and merchandize, if they shall think proper, without any hinderance or molestation.

XVIII. That at all times, when any ship of war of the King of Great Britain, &c. carrying his said Majesty's flag, appears before the said city of Tripoly, and comes to an anchor in the road; immediately after notice thereof given by his said Majesty's consul or officer from the ship unto the Dey and government of Tripoly, they shall, in honour to his Majesty, cause a salute of twenty-seven cannon to be fired from the castle and forts of the city; and that the said ship shall return an answer by firing the same number of cannon.

XIX. That no subject of the King of Great Britain shall be permitted to turn Turk or Moor in the city and kingdom of Tripoly (being induced thereunto by any surprize whatsoever) unless he voluntarily appear before the Dey or governor, with the English consul's druggerman, three times in three days, and each day declare his resolution to turn Turk or Moor.

XX. Whereas it is customary for the European consuls to pay their respects to the Bashaw at the feasts of Ramadan and Birham, it is hereby declared,
that

that his Britannic Majesty's consul shall be admitted first to audience, and take the precedency of all other consuls, in consideration of the English being the oldest friends to the state of Tripoly.

XXI. That whereas the island of Minorca, in the Mediterranean Sea, and the city of Gibraltar, in Spain, do now belong to his Majesty the King of Great Britain; it is therefore hereby agreed, that from this time forward, for ever, the said island of Minorca, and city of Gibraltar, shall be esteemed, in every respect, by the Bashaw and government of Tripoly, to be part of his Britannic Majesty's own dominions, and the inhabitants thereof shall be looked upon as his Majesty's natural subjects, in the same manner as if they had been born in any part of Great Britain; and they, with their ships and vessels wearing British colours, and being furnished with Mediterranean passes, shall be permitted freely to trade and traffic in any part of the kingdom of Tripoly, or dominions thereunto belonging, and shall pass, without any molestation whatsoever, either on the seas or elsewhere, in the same manner, and with the same freedom and privileges, as have been stipulated, in this and all former treaties, in behalf of the British nation and subjects; and that none of the ships or vessels belonging to Tripoly shall cruize or look for prizes, before, or in sight of the ports of the island of Minorca, and the city of Gibraltar, to disturb or molest the trade thereof in any manner whatsoever.

XXII. That if any of the ships of war of the said King of Great Britain come to Tripoly, or to any other port or place of that kingdom, with any prize, they may freely sell it, or otherwise dispose of it at their own pleasure, without being molested by any: and that his Majesty's said ships of war shall not be obliged to pay customs in any sort: and that if they shall want provisions, victuals, or any other things, they may freely buy them at the rates in the market.

XXIII. That whensoever it shall happen hereafter,
that

that any thing is done or committed, by the ships or subjects of either side, contrary to any of these articles, satisfaction being demanded therefore, the same shall be made to the full, and without any manner of delay; and it shall not be lawful to break this peace, until such satisfaction be denied; and whosoever shall be the cause of breaking this peace, shall assuredly be punished with present death.

XXIV. That his Britannic Majesty's subjects (over and above the stipulations contained in this and all former treaties) shall enjoy all the privileges and advantages which now are, or which hereafter may be, granted to any of the subjects of the most favoured nation.

XXV. That in case any of his said Majesty's subjects shall import into the said kingdom of Tripoly, or into any of the ports or dominions thereunto belonging, any warlike stores, as cannons, muskets, pistols, cannon powder, or fine powder, brimstone, bullets, iron, planks, and all sort of timber fit for building of ships, pitch, tar, rosin, ropes, cables, masts, blocks, anchors, sails, and all other habiliments of war, as well by sea as by land; as also provisions, viz. wheat, barley, beans, oats, or the like; they shall not pay any sort of duty or custom whatsoever.

XXVI. That new Mediterranean passes shall be issued out and given to his said Majesty's trading subjects, with all convenient speed; and that the time for the continuance of the old passes, for the ships in the Indies and remote parts, shall be three years; and for all other ships and vessels, one year; to commence from the delivery of the counter-tops of the new passes at Algiers; of which his Majesty's consul here shall give the earliest notice to the Bashaw and government; and it is hereby expressly agreed and declared, that the said new passes shall, during the above-mentioned spaces of time of three years and one year, be of full and sufficient force and effect to protect all ships and vessels of his said Majesty's subjects, who shall be provided with the same.

XXVII. That

XXVII. That no merchant ship belonging to Great Britain, or any other nation under the protection of the British consul, being in the port of Tripoly, shall be detained from proceeding to sea on her voyage, longer than eight days, under the pretence of arming out the ships of war of the government, or any other whatsoever.

XXVIII. That if at any time the garrisons of Gibraltar or Port Mahon should be in want of provisions, and should send for the same to Tripoly, or any part of the dominions thereof, they shall, if it is to be had, be supplied with it at the market price.

XXIX. That all packets bearing his Britannic Majesty's commission, which shall be met by any of the cruisers of Tripoly, shall be treated with the same respect as his Majesty's ships of war; and all due respect shall be paid to his Majesty's commission; and both at meeting and parting they shall be treated as friends; and if any of the Tripoly cruisers commit the least fault or violence against them, the captains or raises so offending shall, on their arrival at Tripoly, and proper complaint being made of them, be most severely punished, without admitting of their excuses.

XXX. That all and every the articles in this treaty shall be inviolably kept and observed between his most Sacred Majesty of Great Britain, and the most Illustrious the Bashaw, Lords, and Governors of the city and kingdom of Tripoly, and between the dominions and subjects of either side: and our faith shall be our faith, and our word our word. Dated in the presence of Almighty God, in the city of Tripoly, this nineteenth day of September, one thousand seven hundred and fifty-one, according to the Christian computation, and of the Turkish Hageira one thousand one hundred and sixty-four, the twenty-ninth day of the moon Shawan.

A. Keppel.
Robert White.

Divan.
Kiaja.
Bey.
Bashaw.

The

The P O R T E.

1641. **T**HE capitulation (treaty) with the Ottoman empire. *Pap. Off. U. N.* 2.

1675. The commercial treaty with the Porte.
Sept. *Treat.* 1732, vol. iii. 282.

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

Capitulations and Articles of Peace between the Majesty of the King of Great Britain, France, and Ireland, &c. and the Sultan of the Ottoman Empire, as they have been augmented and altered in the Times of several Ambassadors.

ACCORDING to my Imperial command, let it be observed, and let no act be permitted contrary hereunto.

MAHOMET.

THE command of this sublime and lofty Imperial signature, preserved and exalted by Divine Providence, whose triumph and glory is renowned through all the world.

By the favour of the Nourisher of all things, and mercy and grace of the Merciful, I that am the powerful Lord of Lords of the world, whose name is formidable upon earth, giver of all crowns of the universe, Sultan Mahomet Han, son of Sultan Ibrahim Han, Son of Sultan Ahmet Han, son of Sultan Mahomet Han, son of Sultan Murat Han, son of Sultan Selim Han, son of Sultan Soliman Han, son of Sultan Selim Han,

To

To the glorious amongst the great Princes of Jesus, revered by the high Potentates of the people of the Messiah, sole director of the important affairs of the Nazarene nation, Lord of the limits of decency, and honour of greatness and fame, Charles the Second, King of England and Scotland, that is, of Great Britain, France, and Ireland, whose end and enterprises may the Omnipotent God conclude with bliss and favour, with the illumination of his holy will.

In times past, the Queen of the aforesaid kingdoms sent divers of her esteemed gentlemen, and persons of quality, with letters and ships to this Imperial High Port (the refuge of the Princes of the world, and the retreat of the Kings of the whole universe) in the happy times of famous memory of my ancestors now placed in paradise, whose souls be replenished with Divine mercy; which gentlemen and presents were gratefully accepted, making declaration, and offering, in the name of the said Queen, an entire good peace and pure friendship, and demanding that their subjects might have leave to come from England into our ports. Our said ancestors of happy memory did then grant their Imperial licence, and gave into the hands of the English nation divers especial and Imperial commands, to the end that they might safely and securely come and go into these dominions, and in coming or returning, either by land or sea, in their way and passage that they should of no man be molested or hindered. After which time, in the days of our grandfather Sultan Mahomet Han, of famous memory (unto whose soul be granted Divine absolution) it being anew desired, that the subjects, merchants, and their interpreters, might freely and securely come, merchandize, and negotiate through all the parts of this Imperial dominion, and that such capitulations, and other privileges, and Imperial commands, as had been granted unto the nation of the Kings and Princes in peace and amity with this High Port, as France, Venice, Poland, and others, might also be granted to the subjects:

jects of the said Queen, and all others coming under the English banner ; in confirmation of which request, were given and confirmed by our ancestors of famous memory, the Imperial capitulations and privileges following, that is to say :—It is commanded, &c.

I. That the said nation, and the English merchants, and any other nation or merchants which are or shall come under the English banner and protection, with their ships, small and great, merchandize, faculties, and all other their goods, may always pass safe in our seas, and freely and in all security may come and go into any part of the Imperial limits of our dominions, in such sort that neither any of the nation, their goods, and faculties, shall receive any hinderance or molestation from any person whatsoever.

II. The said nation shall and may in like manner freely and securely come and go by land through all the Imperial limits of our dominions, so that neither to their persons, beasts, goods, or faculties, shall any trouble or impediment be given, nor any injury be done unto them, but they shall always, at their own pleasures, safely and securely traffic in all parts of our dominions.

III. And if it happen that any persons of the said nation coming into our dominions by land, or passing into any other country, shall be stayed or arrested by any of our ministers, such persons shall be set free and at liberty, and afterwards shall receive no hinderance in their journey.

IV. All English ships or vessels, small or great, shall and may at any time safely and securely come and harbour in any of the scales and ports of our dominions, and likewise may from thence depart at their pleasure, without detention or hinderance of any man.

V. And if it shall happen that any English vessel, great or small, fall into any misfortune, danger of sea,

or any other necessity, all the vessels, as well Imperial as belonging to private men, that shall be near or present, as also all others that inhabit the seas, shall give them help and succour; and being come into our ports or scales, they shall freely stay in them as long as they please, and for their money provide for them of all necessities and provision, and may take water without the let or hinderance of any man.

VI. And if it shall happen that any of their ships shall have suffered shipwreck, or being broken, or in distress, shall be cast upon any coast of our dominions, in such case all beglerbegg, caddees, governors, ministers, and other our slaves, shall give them all assistance, succour, and help; and whatsoever goods and faculties shall be saved or recovered in the said ships, shall be restored to the English; and if they shall be informed that any part of their goods and faculties shall be stole or taken away, our said ministers, with all diligence, shall make sufficient search and examination to find out and recover the goods, and restore them to the English.

VII. The English merchants, interpreters, brokers, and all other subjects of that nation, whether by sea or land, may freely and safely come and go in all the ports of our dominions, or returning into their own country; all our beglerbegg, ministers, governors, and other officers, captains by sea of ships, and others whomsoever, our slaves and subjects, we command that none of them do or shall lay hands upon their persons or faculties, or upon any pretence shall do them any hinderance or injury.

VIII. If any Englishman, either for his own debt, or for suretiship, shall absent himself, or make escape away, or shall be bankrupt, the creditor shall only pretend his debt upon his own debtor, and not of any other English; and if the creditor have not authentic boget or bill of suretiship made by an Englishman,
he

he shall not pretend his debt of any other Englishman.

IX. In all causes, businesses, and occasions which shall occur between the said nation, their merchants, interpreters, and brokers, or servants, and any other whatsoever; that is to say, in selling or buying, in paying or receiving, in giving or taking security, or pledge, debt, or credit, and all other such things which appertain to the ministers of the law and justice, they may always (if they please) in such occasions go to the caddee, who is the judge of the law, and there make a hoget, or public authentic act with witness, and register the same, and take a copy of the same to keep by them, to the end that if in the future any difference or pretence shall arise between the said parties, they may both have a recourse to the said hoget and act. And when the pretence shall be conformable to the tenor of the hoget registered, then it shall be accordingly thereunto observed: and if the plaintiff hath not in his hands any such authentic hoget, but only bringeth partial witness, which makes cavils or pretences, our ministers shall not give ear to them, but observe the written authentic hoget.

X. And if any one within our dominions shall accuse any Englishman to have done him wrong, and shall therefore raise any pretence upon him by violent or partial witness, our ministers shall not give ear unto them, nor accept them, but the cause shall be advised to the ambassador or consul resident of the English nation, to the end that the business may be decided with his knowledge, and in his presence, that the English may always have recourse to their defence and protection.

XI. If any Englishman, having committed an offence, shall make his escape, or absent himself, no other Englishman, not being pledge, shall be taken or molested for him.

XII. All Englishmen, or subjects of England, which shall be found slaves in our state, or shall be demanded by the ambassador or consul, the cause shall be duly examined, and such persons as are found truly to be subjects of England shall be set free, and delivered to the ambassador or consul.

XIII. All Englishmen, and all other subjects of the Crown of England, which shall dwell or reside in our dominions, whether they be married or single, may buy, sell, and traffic; and of them shall no harach or head-money be demanded.

XIV. The English ambassador, resident in Aleppo, Alexandria, Tripoly of Suria, or Tunis, Algier, Tripoly of Barbary, in Smyrna, the ports of Cairo, or any other parts of our dominions, may at their pleasure establish their consuls, and in like manner remove them, or change, and appoint others in their places, and none of our ministers shall oppose, or refuse to accept them.

XV. In all causes concerning law and justice, between the English nation and any other, in the absence of their interpreters, the judges, nor any other of our ministers, shall not proceed to give sentence.

XVI. If there happen any controversy amongst themselves, the decision thereof shall be wholly left to their own ambassador or consul, according to their own right and laws, and with no such causes our ministers shall intermeddle.

XVII. Our armada of gallies, ships, or any other vessels of our empire, which at sea shall meet or find any English ships, shall not do them, nor suffer to be done to them, the least injury or trouble; nor shall they stay them, demand, pretend, or take any thing from them, but shall salute and shew good and mutual friendship the one to the other, without offence.

XVIII. All

XVIII. All those particular privileges and capitulations, which in former times have been granted to the French, Venetians, or any other Christian nation, whose King is in peace and friendship with this port, in like manner the same were granted and given to the said English nation; to the end, that in time to come, the tenor of this our Imperial capitulations may be always observed by all men; and that none may, in any manner, upon any pretence, presume to contradict or violate it.

XIX. If the pirates, or Levents, who infest the seas with their frigates, shall be found to have taken any English vessel, or to have robbed or spoiled their goods and faculties; also, if it shall be found, that in any of our dominions, any shall have violently taken goods of any Englishman, our ministers shall with all diligence seek out such offenders, and severely punish them, and cause that all such goods, ships, monies, and whatsoever hath been taken away from the English nation, shall be presently, justly, and absolutely restored to them.

XX. All our beglerbegg, begs, captains, masters of Imperial ships, and other private judges, governors, customs, farmers, and all our ministers, subjects, and slaves, shall always obey and keep the tenor of these our sworn capitulations, and shall with all observance respect the friendship and good correspondence established on both parties, every one in particular taking especial care not to commit any act contrary thereunto. And as long as the said Queen of England, according to this present agreement of sincere friendship and good correspondence, shall shew herself, and remain with us in peace, friendship, and league, firm, constant, and sincere, we do promise also on our parts reciprocally, that this peace, friendship, articles, capitulations, and correspondence, in the fore-written form, shall be for ever of us maintained, observed, and respected; and of no man any part thereof shall be con-

tradicted or infringed. All which above-mentioned articles of peace and friendship were concluded, signed, and an Imperial capitulation granted and confirmed, by our ancestors of happy memory.

Since which time his Majesty of England, James, deceased in the time of our grandfather of happy memory, Sultan Achmet Han, having sent unto our Imperial throne his ambassadors, letters, and presents, which were most acceptable, and desired that the already contracted peace and friendship, and good correspondence made with our grandfathers, and the capitulations, articles, and privileges above-written, should be again ratified, and the said peace and friendship renewed; farther requesting, that certain articles very necessary should to the same capitulations be added; the desire of his Majesty being declared in the Imperial presence of our said grandfather Sultan Achmet Han, was presently granted: and he gave express command and order, that the said peace and friendship should be renewed and fortified, and the ancient capitulations and privileges confirmed; and that the new desired articles should be inserted, and added to the Imperial capitulations: granting farther to the English nation, all those articles and farther privileges which were given, and written in any capitulations with other nations, Potentates, or Kings, in peace and amity with this Imperial Port: and by this Imperial command he gave order that these his Imperial commands should be obeyed of all men, and the tenor of them duly observed. The articles which then were granted, and added to the capitulations, were these following.

XXI. That our ministers shall not demand or take, of the said English nation any custom, or other duties, of all the dollars and chequeens they, or any under their banner, shall bring in, or transport from place to place, or carry out of our dominions; and that neither beglerbeks, begs, caddees, treasurers, mint-masters, or other, shall take and demand either dollars or chequeens

queens from the said nation, to change them into small aspers, nor shall give or do them any violence or trouble thereupon.

XXII. The English nation, and all those that come under their banner, their vessels, small and great, shall and may navigate, traffic, buy, sell, and abide in all parts of our dominions; and, excepting arms, gunpowder, and other such prohibited commodities, they may load and carry away in their ships whatsoever of our merchandizes, at their own pleasure, without the impeachment or trouble of any man; and their ships and vessels may come safely and securely to anchor at all times, and traffic at all times in every part of our dominions, and with their money buy victuals, and all other things, without any contradiction or hinderance of any man.

XXIII. And if any difference shall happen with any of the said English nation, by suit in law, or any other controversy, the caddees, or any other ministers of our justice, shall not hear nor decide the cause, until the ambassador, consul, or druggerman of the said nation shall be present.

XXIV. All differences or suits of law depending with the said nation, which shall exceed the value of 4000 aspers, shall always be heard and decided at our Imperial Port.

XXV. The English nation's consul or resident, in any port of our dominions, being established by the ambassador resident for the English nation, our ministers shall have no power to imprison, or examine, or seal up their houses, nor to dismiss or displace them from their charge and office; but in case of any difference or suit with the consul, there shall be made a certificate to the Imperial Port, to the end that the ambassador may protect and answer for them.

XXVI. When any Englishman, or other under their banner, shall die in our dominions, with their
 F f 4 goods

goods or faculties, or any thing that belonged unto them, our escheators, caddees, or other ministers, upon pretence they are goods of the dead, without any owner, shall not meddle, take, or seize any part thereof, but they shall always be consigned and remain to such other English as the deceased shall by his testament assign; and if he died intestate, then the English consul shall take and receive his faculties and goods; and if there be no consul, the English resident there shall take the possession; and in case there be neither consul, nor English resident, the said goods and faculties whatsoever, shall be received into the custody of the caddee of that place; and having advised the English ambassador thereof, the said caddee shall resign all the said goods unto such persons as the ambassador shall send with commission to receive them.

XXVII. All these privileges, and other liberties granted to the English nation, and those who come under their protection, by divers Imperial commands, whether before or after the date of these Imperial capitulations, shall be always obeyed and observed, and shall always be understood and interpreted in favour of the English nation, according to the tenor and true contents thereof.

XXVIII. Neither the officer called the Cassam, or gatherer of the caddees duties, in case of death, nor the caddee, shall pretend or take of the said English nation any kind of tenths, or casmets, or fee of division.

XXIX. The ambassador of the King of England, or consul, residing in our dominion, shall and may take into their service any janizary, or interpreter, at their own charge and choice; and no janizary, nor other our slaves, shall put themselves, or intermeddle with their service against their liking or consent.

XXX. The ambassador of his Majesty of England, and consul, and the English nation residing in our empire, for the use of their own persons and families,
making

making must or wine in their own houses, none of our ministers, caddees, or janizaries, shall molest or hinder them, or demand any duties or money, or do them any violence or impediment.

XXXI. In the port of Constantinople, Aleppo, Alexandria, Scio, Smyrna, and in other parts of our dominions, the English merchants having paid the custom of their merchandize, according to the tenor of the Imperial capitulations, no man shall molest or trouble, or take from them any thing more; and whatsoever merchandize shall be laden upon their ships, and brought in our dominions, and landed at any scale, they being desirous to lade it again, and to transport it to any other scale or port, the same goods arriving in the second place and scale, and being there unladen, neither the customer nor farmers, nor any other our officers, shall pretend or take again any customs, or gabels of the said merchandize; that the said nation may always freely and securely trade, and follow their business.

XXXII. Neither of the English nation, nor of any trading under their banner, there shall not be demanded nor gathered one asper, nor any money in the name of Imposition hassapie, or compositions for flesh for the janizaries.

XXXIII. There having been in times past a difference between the ambassador of the Queen of England and the French ambassador, both resident in our port, about the merchants of the Dutch nation; both which ambassadors sent their petitions to our Imperial stirrup, and made request, that the said Dutch merchants, coming into our dominions, should pass under their banner; which request of both ambassadors was granted under our Imperial seal; notwithstanding Sinan Bassa, the son of Cigala, captain of the sea, now deceased, as admiral, and practised in maritime cases, having advised the Imperial Majesty, that it was fit and convenient that the Dutch nation should be assign-
ed

ed to the protection of the ambassador of England, and that it should be so written in their capitulations: which opinion being by all the viziers approved, by express order, and Imperial authority, it was commanded, that the Dutch merchants of the provinces of Holland, Zealand, Friezland, and Guelderland (that is, the merchants of those four provinces trading in our dominions) shall always come under the banner of the Queen of England, as all other English do; and that of all the goods and merchandize which they shall or do import or export to and from our dominions, in their vessels, they shall pay the duties of consulage, and all other duties, to the ambassador or consul of the Queen of England; and that never hereafter the French ambassador or consul shall insinuate nor intermeddle herein: and accordingly it was commanded, that for the time to come it should be ruled and observed according to this present capitulation.

After which, there being arrived another ambassador at this High Port, sent from the King of England, with letters and presents, which were most acceptable, the said ambassador did make request, that certain other necessary articles should be added, and written in the Imperial capitulations; of which the first was:—As in times past, in the days of one of our forefathers of famous memory, Sultan Soliman Han, there was granted a certain capitulation and privilege, that the merchants of the Spanish nation, Portugal, Ancona, Sevilla, Florence, Catalonia, and all forts of Dutchmen, and other merchant-strangers, might safely and securely go and come through all the places of our dominions, and trade and traffic; granting unto them moreover, that in any part of our empire they might establish their consuls: but it being that every nation apart was not able to defray the charges and maintenance of a consul, it was then left to their will and choice to come under the banner of such ambassador or consul as should best like them, provided that it were an ambassador or consul of a King in peace and
amity

amity with our High Port;—upon which grant, and other privileges given them, there were often granted divers Imperial commands and constitutions, being so desired by merchant-strangers, who of their own will elected to trade under the banner and protection of the ambassador and consul of the King of England. And whilst, in all scales and ports in these parts, they had refuge to the banner and protection of the English consuls, it seemeth that the French ambassador, by some means having anew gotten into their capitulations, that the said merchant-strangers should come under their banner, did endeavour to force them in all scales to their protection; for which cause the controversy was again renewed, and referred to our Divan, or great council; which, after a due examination, and a new election, permitted to the will and choice of the said merchants, they again did desire to be under the protection of the ambassador of the King of England, notwithstanding it being made known to the Imperial Port, that as yet the French ambassador did not desire to molest the said merchants, nor to force them under his protection, the first article written in the French capitulations, that the merchant-strangers should come under their protection, was by the Imperial command made void and annulled: And to the end that, according to the ancient custom of the said merchant-strangers, they should always come under the banner and protection of the ambassador or consuls of England, and that never hereafter they should be vexed or troubled by the French ambassador in this point, the said ambassadors of his Majesty of England having desired that this particular should be written, and enrolled in this new Imperial capitulation, this present article was accordingly inserted; and by the Imperial authority it is commanded, that for ever, in time to come, merchants of the said Princes, in the mentioned form, and according to this Imperial command in their hand, shall always be under the banner and protection

protection of the ambassador and consuls of England.

XXXIV. There shall never be permitted or granted any Imperial commands contrary to the tenor and articles of this Imperial command or capitulation, nor in prejudice of this our peace and amity; but in such occasion the cause shall first be certified to the ambassador of England residing at the Porte, to the end that he may answer, and object any scandalous action, or other pretence, which might infringe the peace and league.

XXXV. The English merchants, of all the merchandize which they shall bring or transport in their ships, having paid the custom, they shall also pay the right of consulage to the English ambassador or consul.

XXXVI. The English merchants, and all under their banner, shall and may safely, throughout our dominion, trade, buy, sell (except only commodities prohibited) all sorts of merchandize; likewise, either by land or sea, they may go and traffic, or by the way of the river Tanais in Moscovia, or by Russia, and from thence may bring their merchandize into our empire; also to and from Persia they may go and trade, and through all that part newly by us conquered, and through those confines, without the impediment or molestation of any of our ministers; and they shall pay the custom, and other duties of that country, and nothing more.

XXXVII. The English merchants, and all under their banner, shall and may safely and freely trade and negotiate in Aleppo, Cairo, Scio, Smyrna, and in all parts of our dominions; and, according to our ancient customs, of all their merchandize they shall pay three in the hundred for custom, and nothing more.

XXXVIII. The

XXXVIII. The English ships which shall come to this our city of Constantinople, if by fortune of seas, or ill weather, they shall be forced to Cossia, or to such like port, as long as the English will not unlade and sell their own merchandize and goods, no man shall enforce them, nor give them any trouble or annoyance; but in all places of danger, the caddees, or other of our ministers, shall always protect and defend the said English ships, men, and goods, that no damage may come unto them; and with their money may buy victuals and other necessities; and desiring also with their money to hire carts or vessels, which before were not hired by any other, to transport their goods from place to place, no man shall do them any hinderance or trouble whatsoever.

XXXIX. The English nation, of all the merchandize which in their ships shall be brought to Constantinople, or to any other part of our dominions, which they shall not desire of their own accord to land or sell, of such goods there shall not be demanded or taken any custom at arrival at any port; and having landed their merchandize, and paid their customs and other duties, they may quietly and safely depart, without the molestation of any man.

XL. In regard English ships coming into our dominions do use oftentimes to touch in some part of Africa, and there take in pilgrims and Mahometan passengers to transport them to Alexandria; and arriving at that port, it seemeth that the customers and other officers do pretend to take custom of all goods which are found in their ships, before the merchants are willing to land any; by occasion of which molestation they have forborn to transport any pilgrims: And in like manner, their ships which come to Constantinople, and carry divers merchandize, to transport part thereof to other places, the customers and farmers would enforce to land, and pretend to take custom thereof: Wherefore we do command, that all the Eng-

lish

lish ships, which with their merchandize shall come into this port of Constantinople, Alexandria, Tripoly of Suria, Scanderoon, or into any port whatsoever of our empire; according to use, they shall pay only custom of such goods which with their own will they shall design to sell; and such other merchandize as they discharge not from their ships willingly, our customer shall not demand nor take custom, nor other duties, but they may transport them whithersoever they please.

XLI. And if it shall happen that any of the said English nation, or any under their banner, shall commit manslaughter, bloodshed, or any other like offence; or that there shall happen any cause appertaining to the law or justice; until the ambassador or consul shall be present to examine the cause, the judges, nor other ministers, shall not decide nor give any sentence, but such controversy shall always be declared in the presence of the ambassador or consul, to the end that no man be judged or condemned contrary to the law and the capitulations.

XLII. Whereas it is written in the Imperial capitulations, that the goods landed out of any English ship, which shall come into our dominions, and pay custom, ought also to pay the duty of consulage to the English ambassador or consul; it seemeth that divers Mahometan merchants, Sciots, and other merchants in peace and amity with this Imperial Port, and other merchant-strangers, do deny and refuse to pay the right of consulage; wherefore it is commanded, that for all the merchandize which shall be laden upon their ships, and have paid custom, be they goods of whomsoever, according to ancient Imperial capitulations they shall pay the right of consulage to the ambassador or consul of England, without any contradiction.

XLIII. That English merchants which trade at Aleppo, and those under their banner, of all the silk which they shall buy, and lade upon their ships, shall

5

pay

pay the custom and other duties, as the French and Venetian merchants do pay, and not one asper or farthing more.

XLIV. As the ambassadors of the King of England, which shall be resident in this Imperial Court, are the representatives and commissioners of the person of his Majesty, so the interpreters are to be esteemed the commissioners of the ambassador: therefore, for such matter as the interpreters shall translate or speak, in the name or by the order of the ambassador, it being found that that which they have translated be according to the will and order of the ambassador or consul, they shall be always free from any imputation or punishment: and in case they shall commit any offence, our ministers shall not put any of the said interpreters in prison, nor beat them, without knowledge of the ambassador or consul. In case any of the English interpreters shall die, if he be an Englishman, all his goods or faculties shall be possessed by the ambassador or consul of England; but if he shall be a subject of our dominion, they shall be consigned to his next heir, and having no heir, they shall be taken into our exchequer. And as in this particular, so also in all other the above-mentioned articles and privileges, granted by our forefathers of happy memory, it is expressly commanded and ordained, that all our slaves shall ever obey and observe this Imperial capitulation, and that the peace and amity shall be respected and maintained, without any violation whatsoever.

XLV. Since which time of our forefathers of famous memory, and the grant of these above-mentioned capitulations, articles, and establishment of peace and amity, the said King of England having, in the time of our grandfather of happy memory, Sultan Mahomet Han, sent one his well-desired ambassador, a person of quality, to this High Port, to confirm this peace, articles, and capitulations; which ambassador did declare, that oftentimes there were to divers persons

sons Imperial commands granted, surreptitiously procured contrary to the tenor and articles of the Imperial capitulations; which being, without our knowledge, presented to our judges and governors, and the dates of such commands being more fresh than those of our Imperial capitulations, the judges and ministers do put in execution the private commands prejudicial and contrary to these Imperial: to the end, therefore, that, for the time to come, such commands shall not be accepted of any, but that the Imperial capitulations might be always observed and maintained, according to the sincere meaning; the said ambassador demonstrating the sincerity of his Majesty, and his request herein, to our Imperial knowledge, which was most acceptable: in conformity thereunto it was expressly ordered, that all such commands which already have been, or shall hereafter be granted, which are or shall be repugnant to the tenor of this Imperial capitulation, whatsoever such commands shall be, when presented before our judges or other ministers, should never be accepted or put into execution, but that always the tenor of the Imperial capitulations shall be observed: and whosoever shall present such commands contrary to the capitulations, they shall be taken from him, and in no wise be of any force or validity. In which time also, on the part of our said grandfather, all the above-written privileges, articles, and capitulations, were accepted and ratified, and the peace, amity, and good correspondence, anciently contracted, was anew of him confirmed and established.

XLVI. In the time of the inauguration of Sultan Osman Han in the Imperial and High throne, the King of England did again send a famous and noble gentleman, his ambassador, with letters and presents, which were most acceptable. And the said ambassador desiring, in the name of his King and Lord, that the ancient capitulation, articles, and contracts, granted in the days of our forefathers, should be of him renewed and confirmed, and the ancient peace and amity anew fortified

fortified and established; which his request was to the said Sultan Osman most acceptable; and the ancient capitulations, articles, privileges, herein written and confirmed, and the long since contracted peace and amity by him promised and accepted.

XLVII. After whom, in like manner, in the days of Sultan Osman Han, the King of England having again sent unto this High Port his ambassador, the Excellent and Honourable Sir Thomas Roe, Knight, with his letters and presents, which were most acceptable; and proffering, in the name of the King his lord, all good terms of friendship and good correspondence: and desiring that the ancient capitulations, and all the articles from his ancestors, and from himself, formerly granted to the English nation, might be anew confirmed, and the peace and league long since between both parties contracted and ratified; and that some other articles, very necessary, might be added to the Imperial capitulations, and divers others already granted might be renewed, amended, and in a better form explained, which his request and demand was very acceptable unto him; and in conformity thereunto, the ancient Imperial capitulations, and all the articles and other privileges in them often confirmed, and the peace, amity, and good correspondence contracted in the times of his ancestors, grandfather, and father, and himself, confirmed, were again by Sultan Osman then ratified, established, promised, and accepted; whereupon, by him there was express command given, that, for the time to come, the tenor of his renewed capitulations should be of every one observed, and that all men should be careful and respectful to the said peace and friendship established and contracted on both parts; and that no man should presume to violate, or to do any act contrary thereunto; which ambassador did often declare that the caddees, and other of our ministers, in many places and provinces, contrary to the Imperial capitulations, and will of the Imperial Majesty, have imposed and laid divers taxes,

burdens, and monies, upon the said English nation, and those under their banner ; for which cause, as it is above declared, it being found necessary to make additions of some new articles in the said Imperial capitulation, of which the said ambassador made declaration in writing, and presented the same to the Imperial presence : the said Sultan Osman Han, with his Imperial hand and seal, did presently give express order and command, that, in the time to come, all those articles and privileges which were already in the Imperial capitulations, and those articles which now are therein by our order newly added, shall be of all our subjects and slaves duly obeyed and observed, according to the sincere meaning of this our Imperial capitulations.

XLVIII. In as much as it is publicly known, that certain pirates of Tunis and Algier, contrary to our Imperial capitulations, mind, and will, do take and rob in the seas, the ships, merchandize, and men, subjects to his Majesty of England, and of other Kings and States in league with this our Imperial Port, to the great damage and injury of the said English nation ; we do command, and by these presents we do ordain, that several Imperial commands be given for the entire restitution of all goods and merchandize to the English nation so taken away : and that all such English as have been taken and made slaves, or imprisoned, by the said pirates, shall be immediately set free. And after the date of this our Imperial capitulations, if it shall be known that the said pirates of Tunis and Algier shall rob them again, and shall use and continue their outrages, and will not restore their goods and men, we do command that the said pirates be not received into any port of our dominions, especially into the scales of Tunis, Algier, Modon, or Coron. Our beglerbegg, and other ministers, shall not suffer them to enter, nor harbour nor receive them ; but the beglerbegg, caddees, or other ministers, shall persecute, banish, and punish them.

XLIX. Being

XLIX. Being informed that in our dominions, many of our customers and other officers in Aleppo, contrary to the Imperial capitulations, under colour of taking custom and rest upon silk of the English merchants, have violently taken from the said merchants a great sum of money. And whereas in the Imperial capitulations it is written, that for silk which the English shall buy in Aleppo, they shall pay as the French and Venetian merchants do, and no more; notwithstanding, the said customers, besides the two-and-half *per cent.* for custom and rest, have taken from that nation a great sum of money lately under name of rest; wherefore we command that this business shall be examined, and that the said money be restored back, and for the time to come, the ancient custom may be kept; and that this nation shall only pay as the French and Venetian do, and that never be taken one asper by name of such imposition.

L. Whereas the English merchants resident in Galata, ordinarily buy divers goods and merchandize, before they can lade or send them away upon their ships, and do pay unto the customers the custom of the said goods, receiving a bill or acquittance to have paid the same, and after carry the same merchandize to their own warehouses: in the mean time, before they can load and send away the said goods, it happens, that either the customer dies, or is removed from his charge, and the new customers will not accept of the said acquittances, but pretend another custom, troubling and molesting of them many ways. Wherefore we do command, that of all the merchandize which they shall buy, it appearing really that he hath paid once his custom, the customer shall accept of the said acquittances, and shall not demand of the merchant a second custom.

LI. It being usual to buy in Angora, camblets, mohairs, silks, and other sorts of merchandize, which they transport to Constantinople, and other places of

our dominions, and pay their customs, taking acquittances for the same, and so put the goods into their own warehouses; and after, being desirous to ship them away, the customers do demand again the custom; therefore, for the time to come, when the said merchants shall desire to lade such goods, and it be true that they have already paid their custom of such merchandize, they shall not demand any second or new customs, provided that the said merchants do not mingle their goods, which have not paid custom, with those which have already paid custom.

LII. The English merchants, of all the merchandize which they shall bring into our dominions, and of the merchandize which they carry out of our dominions, as silk, camblets, and other goods, having paid the custom, and not sold the goods unto another; and being afterwards to ship it away for Scio, Smyrna, or any other scale, and the said goods there arriving, the customers and officers shall always accept of their acquittances, which they have in their hands, and shall not take other custom of their merchandize.

LIII. The English merchants, of all the commodities which they shall bring to Constantinople, or to any other port of our dominions, and of all such as they shall transport, the Mestragi of Galata and Constantinople shall take their mestaria or brokidge according to the ancient canon and usance, that is, of such merchandize as of old custom was wont to pay it, of such they shall only take mestaria; but of such merchandize as was not anciently accustomed to pay it, shall not be taken mestaria contrary to the ancient canon. Farther, upon the English merchandize, there shall nor be made or laid any impositions or other duties, nor from the said nation shall not be taken one asper more, which shall be contrary to the ancient canon and accustomed usance.

LIV. The English nation shall and may freely come into all the ports of our dominions; to negotiate

tiate and bring in cloth, kersey, spice, tin, lead, and all other merchandize; and no man shall do them any hinderance or molestation. In like manner, except only goods prohibited, they shall and may buy, and export, all sort of merchandize without the prohibition or molestation of any man; and the customers and other officers, the said nation having paid their custom according to this Imperial capitulation, and the ancient use, shall not demand of them any thing more. In the time of the happy memory of my uncle Sultan Murat Han, the King of England sent his ambaffador Sir Sackville Crow, Baronet, with his present and letter, which was received in good part; and the time of his embassy being expired, Sir Thomas Bendish arrived to reside at the Port, with his present and courteous letter, the which was in like manner well accepted; and the said ambaffador having tendered the Imperial capitulations formerly granted, that according to the ancient canon they might be renewed; it is hereby again commanded, that all the points and particular articles therein be observed and maintained.

LV. And because, contrary to the sense and tenor of them, the ships of the English merchants, before they arrive at the scale, several officers did go upon them, and violently force out of the ships the goods of the merchants, taking away the choice of them without agreeing for the price, or making any account with the owners.

LVI. And farthermore, the said merchants having once paid the custom for their goods at the custom-house, and being desirous to transport the same goods into another scale, the customers did hinder and detain them, until they received a second custom for them.

LVII. And whereas in the Imperial capitulations it is expressed, that in all the differences and suits with the English nation, our magistrates are not to hear nor

decide the cause, unless their ambassador or consul be there present ;—of late our judges, without the knowledge of their ambassador, have condemned, imprisoned, and taken presents from the English nation, which is a great wrong done to them.

LVIII. Also, whereas in the Imperial capitulations it is ordered, that the customers shall not take any custom for such gold and dollars as by the English nation shall be brought in or carried out of our Imperial dominions ; and that the merchants are to give only three *per cent.* for the custom of their goods, and no more ; the customers notwithstanding do pretend to take custom for their chequeens and dollars ; and to take more custom than their due for their raw silks which they buy ; and of the goods which they land at Scanderoon, to carry up to Aleppo, they demand six *per cent.* ; which unjust exactions have been heretofore rectified and redressed with an express hattersheriffe. But being now again informed that the said English merchants are as before wronged, by reason that the customers do value and estimate the goods of the English merchants more than they are worth ; and though the customers are to have but three *per cent.* yet by an over valuation of the goods they take from them six *per cent.* And the servants of the custom-house, under pretence of small duties and expences, wrongfully take great sums of money from them ; and a greater number of waiters being put aboard the English ships than heretofore have been used, the charges thereof are a great expence to the merchants and masters of ships that sustain it. To all which we being requested for a redress, do command, that when the customers do set great values upon their goods, the merchant offering to them according to the rate of three *per cent.* in specie, of the same goods, the customers shall not refuse, but accept the same. And being desired by the English ambassador that the above specified abuses and injuries should be rectified, we do command, that contrary to the Imperial capitulations,
the

the English merchants be, neither in the foregoing particulars, nor in any other manner, troubled, nor their privileges unjustly infringed.

The ambassador of the King of Great Britain, Sir Heneage Finch, Knight, Earl of Winchelsea, Viscount Maidston, Baron Fitzherbert of Eastwell, lord of the royal manor of Wye, and lieutenant of the county of Kent and city of Canterbury, whose end may it terminate with bliss, did arrive with his presents, and with all sincerity and affection was accompanied with letters amply expressing the good friendship and correspondence; and that above-said ambassador hath presented the capitulations that they might be renewed according to the canon. And, that some articles of great consideration, which were before in the capitulations, may be more punctually observed, the said ambassador did desire that they might be again renewed, and more plainly expressed in the Imperial capitulations. His request was graciously accepted; one of which points is this.

LIX. That the gallies, and other vessels of the Imperial fleet, departing the dominions of the Grand Signior, and meeting on the sea with the ships of England, they shall in no wise give them molestation, nor detain them in their voyage, nor take from them any thing whatsoever; but ought always to shew to one another good friendship, without doing the least damage. And it being thus declared in the Imperial capitulations, beyes and captains, who sail upon the seas, and those of Algier, Tunis, and Tripoli, meeting English ships which sail from one port to another, ought not to take from them any money or goods, upon pretence that their ships transport enemies goods, and thereupon search them, and with this colour molest and detain them from prosecution of their voyage; so that only at the mouth of the castles, and in the ports where the searchers belonging to the customs usually come aboard, their goods shall be examined,

but on the sea they shall be liable to no farther search or inquisition.

LX. And contrary to the articles of the Imperial capitulations, the goods of the English nation ought to receive no molestation, having once paid the custom, nor shall the customers deny to give the tefchere, or certificate, that the custom is paid for; upon complaint hereof, we strictly command, that the aforesaid customers do not defer, immediately upon demand, to give the tefchere or certificate.

LXI. And, the custom being once paid of any sort of merchandize not sold in that port, which is to be transported to another scale, entire credit shall be given to the tefchere, and a second custom shall not be so much as farther pretended.

LXII. In Aleppo, Cairo, and other parts of the Imperial dominions, the English merchants and their servants may freely and frankly trade, and for all their goods and merchandize pay only three *per cent.* according to the former custom, and the Imperial capitulations, whether the goods be brought by sea or by land. And though the customers and farmers, upon the arrival of the goods at the scale, to give molestation and trouble to the English nation, pretend that the goods of the growth and manufacture of England ought only to pay three *per cent.* but goods brought from Venice and other places are obliged to pay more, and with this colour and pretence occasion suits and troubles to the English; wherefore in this point let the Imperial capitulations be observed as in former times, and our officers ought in no wise to permit the contrary hereunto.

LXIII. An Englishman becoming indebted, or having made himself pledge for another, who is either failed, or run away; the debt ought to be demanded of the debtor; and if the creditor have no hoget, that
such

such an one according to the law hath made himself pledge and security, the debt shall not be demanded of the other; which article is already declared in the capitulations.

LXIV. Whereas sometimes an Englishman living in a country, to free himself from a debt, draws a bill of exchange upon another Englishman who hath no effects of his in his hands; and the person to whom the money is payable, being a man of power and authority, brings his bill, and, contrary to the law, and the capitulations, demands and forces payment of the bill. In which case the merchant accepting the bill, shall be obliged to satisfy it; but not accepting of it, he shall be liable to no farther trouble.

LXV. And the interpreters of the ambassador of England being free, by the articles declared in the ancient capitulations, of all Angaria, or taxes; by virtue also of this present article, when any of the said interpreters die, their goods or estate shall not be subject to the custom, but shall be divided amongst the creditors and heirs.

LXVI. And, the King of England being a true friend to this our happy Port, to his ambassador who resides here, ten servants, of what nation soever, shall be allowed, free from harach or taxes, or molestation of any man.

LXVII. An Englishman turning Mahometan, and having goods or estate in his hands belonging to his English principals, those goods or estate shall be delivered into the hands of the ambassador or consul, that they may convey and make them good to the true owners.

The late ambassador of the King of England, who resided in our High Port, being dead, Sir John Finch, Knight, a prudent man, and one of the council of foreign trade, is appointed to succeed him in the charge
of

of the embassy: and, notice being given to our noble presence, that the said ambassador was arrived with the Royal letters and the usual presents, they were acceptable to us. And the aforesaid ambassador having made known to us, that in the capitulations already granted, there were several expressions so full of ambiguity, that they needed further explication; and to this end having requested of us, in the behalf of the King his master, that the capitulations might be renewed, and that such explications and additional articles as were necessary might be added to them; the request of the said ambassador being made known to us, we have consented to it: and we do command, and be it commanded, that the additions desired be added to the former capitulations; of which one is,

I. THE nisani sheriff (that is) the Imperial command, upon which was put the hattersheriff (that is) the hand of the Emperor Sultan Ibrahim Han (whose soul rest in glory) in the year 1053, which command declares, that anciently the English ships that came to Scanderoon did pay for every cloth of London, for the custom of Scanderoon, forty para's; and for a piece of kersey, six para's; and for every bundle of coney-skins, six para's; and for tin and lead, for every quintal of Damascus or Cantaro, fifty-seven para's and a half for custom: which goods afterwards arriving in Aleppo, did pay for the custom of Aleppo, for every cloth of London, eight para's; for a piece of kersey, eight para's and one-sixth; for every bundle of coney-skins, eight para's and one-sixth; for tin and lead, for every battman of Aleppo, one para for custom. And the said nation buying goods and transporting them, for what they bought in Aleppo and exported, did pay for raw cloth of linen or chilis, for cordovans, for hora sani hindi, for every bale of each, two dollars and a half; and for every bale of cotton-yarn, a dollar and a quarter; and for a bale of gauls, a quarter of a dollar; and for every bale of silk, ten osmani (of which fourteen makes a dollar); for rhubarb, and such like drugs,

three

three dollars for every hundred, according to the estimate of the chief in that art. The said goods carried to Scanderoon, and there loaden upon their ships, did pay for raw linen cloth, or chilis, for cordovans, each a dollar and a half the bale for the custom of Scanderoon; for hora sani hindi and cotton-yarn, three-quarters of a dollar the bale; for a bale of gauls, one quarter of a dollar; for rhubarb and like drugs, according to the esteem of druggists, three-quarters of a dollar the bale: and nothing more is to be, or ought to be paid, according to the tenor of this sublime command: and if the tefterdar shall give any command contrary to this, let it not be obeyed, but be esteemed invalid: but let every thing be observed conformable to this Imperial command and Imperial capitulations.

II. The English merchants, for all goods exported or imported, paid three *per cent.* only, and never ought to pay an asper more, it being so specified in the Imperial capitulations: but there having, in the scales of Constantinople and Galata, arose contests and differences with the customers concerning the Londra's, or cloth brought from London, and other sorts of cloth of the English manufacture, they shall pay according to the accustomed and ancient canon, and as they have always hitherto paid; that is to say, of full aspers, or short money (of which aspers eighty make a piece-of-eight, and seventy a Lion dollar) aspers one hundred forty-and-four, for every piece of cloth of English fabric, whether fine or coarse, and of whatsoever price; and the customer shall not demand more, nor ought not to take more: but the cloth that comes from Holland and other countries, *viz.* Londrini, says, and scarlets, and other sorts of cloth not English fabric, shall pay for the future that which hitherto has been the accustomed duty. And at the scale of Smyrna shall be paid according to the ancient custom and use of full aspers, or short money (of which aspers eighty make a piece-of-eight, and seventy a
Lion

Lion dollar) aspers one hundred and twenty for every piece of English cloth, whether fine or coarse, whether Londra or not, provided that it be of the fabric of England: and the customer shall not demand, nor ought not to take, one asper more; and let no innovation be made upon the custom of the said cloths.

III. The capitulations being known, which commands, that the English having a controversy, the import of which is above four thousand aspers, that the cause shall be brought to the Porta, and tried no where else; if at any time the caddi or ministers of any place would detain any merchant, or hinder any Englishman that comes upon a ship, from prosecuting their voyage, by reason of any money imposed upon them, or pretended from them, if the consul of the place will be security to answer the pretensions made before the Porta, such persons shall be free and at liberty to prosecute their voyage; and they that pretend any thing of them, let them come to the divan for to be judged, and let the ambassador defend them from those that come to demand; but if the consul will not be security, then let the judge of the place give sentence.

IV. In Constantinople, Scanderoon, Smyrna, and Cyprus, and all other ports and scales of my empire, whatsoever English ships shall arrive, they shall pay three hundred aspers for anchorage or port charges, and there shall not nor ought not to be taken or paid one asper more.

V. An Englishman coming with effects, and turning Mussulman, the ambassador or consul knowing that such effects do belong to other English merchants, let all the money and other effects be taken out of the hand of such a Mussulman, and consigned to the ambassador; to the end that he may transmit them to whom they do belong, that by this means no goods of other men may remain in the hands of such a Mussulman; and let not this be hindered by the means of any caddi, or other judges or ministers.

VI. Any

VI. Any of the aforefaid English nation buying camblets, mohairs, or grogran-yarn, in Angora, or Begbazar, if they will export the faid goods from thofe places, after having paid three *per cent.* for the custom of fuch goods they export, let them not be molefted for fkrasz batch, that is, for paffage or exportation; and there neither fhall nor ought to be taken, upon the account of any fuch demand, one afper.

VII. Any English merchant being to receive from his debtor any fum of money, if the faid debt be recovered by the means and help of an affiftant or chiaus, he that recovers the debt fhall pay no more than what is paid to other caddi's, which is two afpers only, and not one afper more.

VIII. There paffing good correfpondence between us and the King of England; out of regard of this good friendship, we do grant that two fhips lading of figs, raifins, or currants, may be yearly exported for the ufe of his Majefty's kitchen, if there be not a dearth and fcarcity of fuch fruit in the country; which we allow to be bought with their money that export them, at the fcale of Smyrna, Salonica, or any other fcale or port of our empire, paying three *per cent.* custom; which being paid, no perfon fhall give to them that lade them any moleftation or hinderance.

IX. It being represented to us, that the English have been accuftomed hitherto to pay no custom nor mezan for any filk they bought in Smyrna (that of Prusia and Constantinople excepted) *viz.* for the filk of Georgia, Perfia, or Armenia; if really there is any fuch ufe and custom, and the thing is not of prejudice to the empire, let there in Smryna for the future be demanded neither custom nor mezan for the faid filk, but to the English merchants let all kindnefs be ufed and fhown. And the ambaffador having made inftance to us, that the foregoing articles might be put into the capitulations, his request is granted, and, conformable to the former Imperial fign and capitulation,
let

let now in conformity of what was passed, and of my Imperial command, be renewed and granted this present Imperial capitulation : which we command so long as Charles the Second, King of England (whose end may it terminate in happiness) maintains good friendship and correspondence with us, according to what has been maintained with our ancestors, and to which we on our part are not wanting, with all tenderness entertaining this friendship.

And we do swear and promise, by Him that has created the heaven and the earth, and all the creatures; by the Creator, the one God, we do promise, that nothing shall be done contrary to this Imperial capitulation ; and accordingly every one is to obey our Imperial sign.

Given in the middle of the moon Gemaziel Akir, 1086, in the Imperial city of Adrianople, being in the month of September, 1675.

The Grand Signior writes above with his own hand as follows :

Let every thing be observed in conformity to our Imperial command; and contrary to it let nothing be done.

MEMORANDUM.

Sir Robert Ainslie, the British ambassador, obtained lately from The Porte, an exemption for British merchants, from the payment of the mestaria, or brokidge, which is mentioned in article LIII. of the foregoing treaty.

B E N G A L

BENGAL AND OUDE.

1757. **T**HE treaty with the Nabob Serajah
February. Dowla, with his grant for erecting a
mint, and the currency of the company's
business.

E. Ind. Treat. p. 64—70.

1757. The treaty with the Nabob Meer Jaffier
June. Ally Khan, with his grants for the currency
of the company's business, and the establish-
ment of a mint.

E. Ind. Treat. p. 73—77—79—
80.

1760. The treaty with the Nabob Cossim Ally
27 Sept. Khan. *E. Ind. Treat.* p. 107—111.

1763. The treaty with the Nabob Meer Jaffier
10 July. Ally Khan.

E. Ind. Treat. p. 113—120.

1765. The treaty with the Nabob Nudjum ul
Feb. Dowla. *E. Ind. Treat.* p. 125.

1765. The charter from the King Shah Aalum,
12 Aug. granting to the company the dewannee (the
administration of the revenues) of Bengal,
Bahar, and Orissa, with the supplemental
charters. *E. Ind. Treat.* p. 132—34—36—
38—40—147.

1765. The treaty between the Nabob Sujah ul
13 Aug. Dowlah, the Nabob Nudjum ul Dowlah,
and the Company.

E. Ind. Treat. p. 147.

1765.

1765. The agreement with the Nabob Nudjum
30 Sept. ul Dowlah, for supporting the Nizamut.
E. Ind. Treat. p. 149.

1768. The treaty with the Nabob Vizier Sujah
29 Nov. ul Dowlah, confirming former treaties.
E. Ind. Treat. p. 164.

1770. The treaty with the Nabob Mebareck ul
21 Mar. Dowlah.
E. Ind. Treat. p. 167.

1773. The treaty with the Vizier Sujah ul Dow-
7 Sept. lah. *E. Ind. Treat.* p. 275.

1775. The agreement with the Nabob Aufuf ul
21 May. Dowlah.
E. Ind. Treat. p. 284—85.

1781. The agreements entered into between the
19 Sept. governor general of Bengal (Warren Haft-
ings) and the Vizier.
E. Ind. Treat. p. 303—305.

1788. The treaty of commerce between the Earl
25 July. Cornwallis, the governor general of Bengal,
and the Vizier.

[The following is printed from the Treaty, which was
published by authority, at Calcutta, in 1788.]

*A Treaty of Commerce between Charles Earl Corn-
wallis, Knight of the most Noble Order of the Garter,
one of his Britannic Majesty's most Honourable Privy
Council, Lieutenant General of his Majesty's Forces,
Governor General and Commander in Chief of all the
Possessions and Forces of his Britannic Majesty, and
of the Honourable the United Company of Merchants
of England, in the East Indies, &c. &c. &c. on
the*

the Part of the said Honourable United Company, and his Excellency the Vizier ul Momalik Hindostan, Affuf Jah Nawab, Affuf ud Dowlah Yeheha Khan Behadur, Huzzubber Jung.

THE right honourable Charles Earl Cornwallis, K. G. governor general, &c. &c. and his Excellency the Nawab Vizier, Behadur, &c. &c. having received various representations from the merchants trading between the Company's dominions, and the dominions of his Excellency the Vizier, setting forth the losses and inconveniences which they suffer, as well from the heavy duties collected on their merchandize, as from the mode of levying the same, his lordship, on the part of the honourable the united company of merchants of England trading to the East Indies, and his Excellency the Nawab Vizier, &c. with a view to remove the evils complained of, and to promote the welfare of their respective states, have agreed upon the following articles, which shall be binding on themselves, their heirs, and successors.

I. The contracting parties shall not claim any exemption from duties, either for themselves, their subjects, or dependants, or any other person or persons, of whatever country or nation.

II. His Excellency the Nawab Vizier, &c. agrees to grant rowannahs, or custom-house passes, under the seals and signatures of his officers, for all goods exported from his dominions to the dominions of the company, specifying the quantity of the goods and the valuation on which his own export duties shall have been levied. The right honourable Earl Cornwallis, in like manner, engages that similar rowannahs, or custom-house passes, shall be granted for all goods exported from the company's dominions (comprehending the provinces of Bengal, Behar, Orissa, and the district of Benares) to the dominions of his Excellency the Vizier, specifying the quantity of the goods, and the va-

uation on which the duties shall have been levied in the dominions of the company.

III. His Excellency the Vizier, &c. agrees to levy the duties on all goods imported into his territories from the company's dominions, upon the valuation specified in the company's rowannah. The right honourable Earl Cornwallis, &c. agrees to levy the duties on all goods imported from his Excellency's dominions into the district of Benares, or the company's provinces, on the valuation specified in the rowannah of his Excellency the Nawab Vizier.

IV. Goods exported from the company's dominions to the dominions of his Excellency the Vizier, if by the river Ganges, shall pay the duties at Lut-chagyr, or at Foolpore; if by the river Goomty, at Ghura Mobaikpore; if by the river Gogra, at Doohry Gaut; if by land, at Keeway, Maidnee Gunge, Chaundahpertiaupore, Mow, or Mahraj Gunge; and if by the way of Sircar Gooruckpore, at the gaut of the river Gunduck, or at Gooruckpore, Mujholee, or Chollooparah. The merchant or person in charge of the goods, upon paying the duties hereinafter mentioned, at either of the above stations, shall receive a rowannah from the collector of the duties, under his public seal, which shall exempt the goods from all further demands or molestation whatever, in their progress through the dominions of his Excellency.

The duties on goods exported from the dominions of his Excellency the Vizier, to the dominions of the company, whether by land or water, shall be levied at the established stations in the district of Benares, and the province of Behar, and rowannahs granted as above specified.

The contracting parties reserve to themselves the power of changing the situation of the stations for levying the duties as they may deem expedient, upon giving public notification to each other of the new station fixed upon.

V. Broad

V. Broad cloth, iron, copper, lead, manufactures of iron, copper, lead, gold or silver, raw silk, silk piece goods, cotton piece goods, and piece goods made partly of silk and partly of cotton, exported from the dominions of the company to the dominions of the Vizier, shall pay an import duty of two and a half *per cent.* to his Excellency, on the price specified in the rowannah taken out in the company's dominions.

VI. Salt exported from the company's dominions to the dominions of the Nawab Vizier, shall pay an import duty of five *per cent.* to his Excellency, on the valuation specified in the rowannah granted at any of the stations in the company's dominions.

VII. Cotton coming from Jahlone, Hydernuggur, Omraowty, Naugpore, or any of the countries of the Decan, and passing through the dominions of the Nawab Vizier to the dominions of the company, shall pay a duty of five *per cent.* to his Excellency, on the fixed valuation of six rupees per maund of ninety-six ficca weight to the seer, rowannahs for covering the same through his Excellency's dominions, shall be granted at the station where the duties are levied. The same cotton, when it arrives in the province of Benares, shall pay a duty of two and a half *per cent.* and two and a half *per cent.* more on entering the soubah of Behar, upon the valuation above specified; or, should it not pass through the jurisdiction of Benares, it shall pay five *per cent.* upon being imported into the company's provinces.

VIII. Silk piece goods, cotton piece goods, and piece goods made partly of silk and partly of cotton, exported from the dominions of the Nawab Vizier to the company's dominions, shall pay a duty of no more than two and a half *per cent.* on the price specified in his Excellency's rowannah. The said duty shall be collected at the established stations in Benares, should the goods pass through that district; and upon their arrival in the company's provinces, the collectors of

the customs shall grant a rowannah duty free to cover such goods to any part of Bengal, Behar, or Orissa: Should the said goods enter the company's provinces, without passing through the district of Benares, the above duty of two and a half *per cent.* shall be levied at the first station in the company's provinces.

IX. All goods not specified in the foregoing articles, exported from the respective dominions of the contracting parties, shall be subject to a duty of five *per cent.* on the valuation inserted in the rowannah of the country from whence they were originally exported. If the goods shall have been exported from the company's dominions to the dominions of the Nawab Vizier, his Excellency will collect the duty aforesaid, at one of the stations mentioned in the third article; if from the territories of his Excellency to the dominions of the company, two and a half *per cent.* shall be levied at the first established station in the district of Benares, and two and a half *per cent.* at the first authorized station in the province of Behar; or, should the said goods enter the company's provinces without passing through the jurisdiction of Benares, the whole duty of five *per cent.* shall be collected at the first authorized station in the province of Behar.

X. Goods exported from the provinces of Bengal, Behar, or Orissa, or from the district of Benares, to the dominions of the Nawab Vizier, after having paid the import duties to his Excellency, according to the rates, and in the mode prescribed in the foregoing articles, if sold in the dominions of the Nawab Vizier, shall be subject to the established local duties of the market or gunge in which they are disposed of. Provided, nevertheless, that if the said goods shall be sold for the purpose of being exported beyond the confines of his Excellency's dominions, and not for the consumption of the same, no local gunge or market duty, or any other duty whatsoever, shall be levied on account of such sale or purchase; but the import row-

annah

annah of the feller shall be indorsed by the collector or head officer in charge of such gunge, and delivered over to the purchaser, who shall transport the goods through the dominions of the Nawab Vizier, without further molestation; if such purchaser, however, should afterwards dispose of the said goods for consumption in any market or gunge in his Excellency's territories, they shall be subject to the established duties of the same. In like manner, goods exported from the dominions of his Excellency to the dominions of the company, after having paid the import duty in the latter, according to the rates, and in the mode prescribed in the foregoing articles; if sold in any gunge or market, shall be subject to the local gunge or market duties, under the preceding limitations.

The gunge duties to be thus levied, are not to exceed the ancient established rates, to which no addition shall be made without the mutual consent of the contracting parties.

XI. If any renter, zemindar, collector of the revenues, jaghiredar, or holder of rent-free lands, shall levy any duties or exactions on goods passing through the dominions of the contracting parties, and on which the regular duties shall have been paid, and rowannahs taken out as prescribed in the foregoing articles, for the first offence, he shall be fined twenty rupees for every rupee so exacted; for the second offence, forty rupees; and for the third offence, if a renter or collector of the revenues, he shall be fined one hundred rupees for every rupee so exacted, and be dismissed from his farm or employment; if a zemindar, jaghire-dar, or rent-free landholder, he shall forfeit his lands. Any officer of the customs exacting more than he is authorized, shall for the first offence, be fined ten times the amount so exacted, and be dismissed from his employment. The party injured shall be indemnified out of the fines for the sum so exacted, and it shall be left to the discretion of the contracting Powers to grant such further portion of the said fines, as they may deem

adequate to the trouble and loss of the party so injured.

XII. In order to discourage every attempt to evade the payment of the import duties, merchants endeavouring to pass the station at which they are to pay the same, without having previously taken out a rowannah, shall be subject to double duties; and the contracting parties agree to issue orders in their respective territories, requiring all persons to pay the duties, and take out rowannahs for their goods, as directed in the foregoing articles, before they approach an authorized station.

This article not to extend to the local duties in the markets or gunges, which are to be collected in the mode and under the limitations prescribed in the tenth article upon the goods entering the same.

XIII. The contracting parties reserve to themselves the right of levying whatever duties they may think proper, on all goods produced and consumed within their respective dominions, and also on their own exports, and on all imports from other countries not under the dominion of the company or the Nawab Vizier, the article of Decan, &c. cotton, going to the company's dominions, excepted, on which his Excellency is to levy the duties as specified in the seventh article.

XIV. If any dispute shall arise between the merchants of the respective states, it shall be decided by the laws of that state in which the defendant may reside; if the defendant be a resident in the company's dominions, the plaintiff shall be allowed the privilege of stating his case, through the vakeel or agent of the Vizier, to the right honourable the Governor General in council, who may refer it for decision to the provincial court of justice within the jurisdiction of which the cause of action may have arisen, or the defendant may reside; in like manner, if the defendant be a resident in the Vizier's dominions, the plaintiff shall be entitled

entitled to represent his case, through the English minister, to his Excellency the Vizier, who may refer it for decision to such of his officers as he may think proper. It is further agreed, that should the collectors of the customs, zemindars, or other subjects of either state, act in any respect, towards the merchants and traders, contrary to the true intent and meaning of this treaty, the party injured shall be entitled to seek redress in the mode above prescribed.

XV. This treaty not to extend to the province of Rohilchund or Kuttair, in which his Excellency reserves to himself the right of collecting the duties according to the ancient established rates, or of encreasing or diminishing the same as he may deem expedient.

XVI. His Excellency the Vizier having obtained the consent of the Nawab of Furruckabad, to include his territories in this treaty; and agreed to make him a compensation for any losses he may sustain in his revenues, in consequence of having relinquished his claim to the collection of separate duties on the Decan, &c. cotton passing through his territories to the dominions of the company, and on the exports from the company's dominions; the territories of the said Nawab are included accordingly, and, as far as concerns the operation of this treaty, are to be considered in every respect upon the same footing as a province of the dominions of his Excellency the Vizier.

XVII. This treaty to be in force from the first of September next, corresponding with the twenty-ninth of Zehige, one thousand two hundred and two Higree, or sooner, if it can be ratified and exchanged before that period.

Ratified at Fort William, 25th July, 1788.

Cornwallis. (L. S.)

The N I Z A M.

1759. **T**HE treaty between the Nabob Sala-
 14 May. bat Jung, and Colonel Ford, with re-
 gard to Mazulipatam, and the exclusion
 of the French from the Decan.

E. Ind. Treat. p. 3.

1766. A treaty of perpetual honour, favour, alli-
 12 Nov. ance, and attachment, between the Nabob
 Aufuph Jau, Nizam ul Mulk, Nizam Ally
 Cawn, and the East India company.

E. Ind. Treat. p. 29.

1768. A treaty of perpetual friendship and alli-
 23 Feb. ance, between the East India company, in
 conjunction with the Nabob of Arcot, on
 the one part, and the Nizam Ally Cawn,
 Soubah, on the other.

E. Ind. Treat. p. 38.

[The following is printed from the treaty, which was
 published by authority in 1784.]

*A Treaty of perpetual Friendship and Alliance, made
 and concluded at Fort St. George, between the Ho-
 nourable United Company of Merchants of England,
 trading to the East Indies, in Conjunction with the
 Nabob Wolau Jau, Omdetul Mulck, Ummeer
 ul Hind, Serajah Dowla, Anneverdeen, Cawn
 Behauder, Monfoor Jung, Sippha Sardar, of the
 Carnatic Payen Gaut, on the one Part, and the
 Great Nabob, high in Station, Aufuph Jau, Nizam
 ul Mulck, Meer Nizam, Ally Cawn Behauder,
 Phutta Jung, Sippha Sardar, Soubah of the De-
 can, on the other Part; by the Honourable Charles
 Bouchier,*

Bourchier, Esq; President and Governor of Fort St. George, and the Council thereof, on Behalf of the said English East India Company, the Nabob Wolau Jau, Omdetul Mulck, on Behalf of himself, as Nabob of the Carnatic, and the Nabob Ruccun, ud Dowah Dewan, invested with full Powers, on Behalf of the said Nabob Aufuph Jau, Nizam ul Mulck, his Heirs and Successors, as Soubah of the Decan. Done on the 23d Day of February, in the Year 1768 of the Christian Æra, and on the 4th of the Moon Shevaul, in the Year of the Hegyra 1181.

The Treaty.

WHEREAS on the 12th of November, in the year of the Christian æra 1766, or on the ninth of the moon Gemace-duffuny, in the year of the Hegyra 1180, a treaty was concluded at Hydrabad, by and between general John Caillaud, invested with full powers, on behalf of the English East India company, and the Nabob Aufuph Jau, Nizam ul Mulck, &c. on behalf of himself, as soubah of the Decan, with a design to establish an honourable and lasting friendship and alliance between the two contracting Powers; and whereas some misunderstandings have since arisen, which have perverted the intent of the said treaty, and kindled up the flames of war: now be it known to the whole world, that the before-mentioned Nabob Aufuph Jau, and the English company, with the Nabob Wolau Jau, have entered into another treaty, of the strictest friendship and alliance, on the following conditions.

I. THE exalted and Illustrious Emperor of Indostan, Shaw Allum Padtcha, having out of his gracious favour, and in consideration of the attachment and services of the English East India company, given and granted to them, for ever, by way of iniam, or free-gift, the five circars of Mustephanagur, Rajahmundry, Siccacole,

Siccacole, and Murtezanagur, or Condavir, by his royal firmaund, dated the 12th of August 1765, or on the 24th of the moon Suphier, in the sixth year of his reign, and the Nabob Aufuph Jau, Nizam ul Mulck, as Soubah of the Decan, having, by the second and third articles of the afore-mentioned treaty, ceded and surrendered by saneds, under his hand and seal, to the English East India company, for ever, the afore-mentioned five circars, it is now farther acknowledged and agreed, by the said Aufuph Jau, Nizam ul Mulck, Soubah of the Decan, that the said company shall enjoy and hold for ever, as their right and property, the said five circars, on the terms hereafter mentioned.

II. By the afore-mentioned treaty of Hydrabad, it was stipulated that the Nabob Aufuph Jau, having given the circar of Murtezanagur, as a jaghire, to his brother the Nabob Ummeer, ul Omrah Soujah, ul Mulck Behauder, Bazalet Jung, the company should not take possession of the said circar, till after the death of Bazalet Jung, or till he broke the friendship with the said company, by raising disturbances in the country of Nizampatam, or the Carnatic; and though the company might justly claim a right to take possession of the said circar, from the late conduct of Bazalet Jung, yet, in consideration of their friendship for Aufuph Jau, and his family, and that they may not distress his affairs, by obliging him to provide his brother Bazalet Jung with another jaghire, the company do agree and consent that Bazalet Jung still hold the circar of Murtezanagur, on the aforesaid conditions, or till it be the pleasure of Aufuph Jau that the company should take possession thereof, provided that the said Bazalet Jung returns immediately to his own country of Adony, and neither keeps with, nor receives from Hyder Naigue any vackeel or correspondence, but lives in peace and harmony with the English company, and the Nabob Wolau Jau, and gives no protection or assistance whatever to the said Naigue, or any of his people, nor any other enemies of the company, or the Nabob

Nabob Wolau Jau; but if this article shall at any time be infringed, the company shall be at liberty, by virtue of this treaty, to take possession of, and keep the circar of Murtezanagur, in the same manner as the other four, and the Nabob Aufuph Jau engages to assist them therein with his troops, if necessary.

III. The fort of Condapillee, with its jaghire, shall for ever hereafter remain in possession of the English company, and be garrisoned with their troops, under their own officers only, notwithstanding any thing to the contrary stipulated in the twelfth article of the treaty of Hydrabad.

IV. Narraindoo, one of the zemindars of the circar of Siccacole, having lately raised disturbances in the Itchapore country, and refused (as he alledges, in conformity to the Nabob Aufuph Jau's orders) to pay his rents, or obedience to the company, the Nabob Aufuph Jau agrees, on the signing and exchange of the present treaty, to write letters, not only to Narraindoo, but to all the zemindars, in the circars of Ellour, Mustephaganur, Rajahmundry, and Siccacole, acquainting them that they are in future to regard the English company as their sovereign, and to pay their rents and obedience to the said company, or their deputies, without raising any troubles or disturbances. The Nabob Aufuph Jau further agrees, that he will not in future encourage or protect, in raising troubles or disobedience, any zemindars, renter, or servants of the English company, or the Nabob Wolau Jau; who on their parts engage the same to his Highness Aufuph Jau.

V. It has been the constant desire and endeavour of the English company and the Nabob Wolau Jau, to preserve their possessions in peace, and to live on terms of friendship with the soubah of the Decan; they still desire to do the same; and though the operations of war have lately obliged the company to send their troops towards Hydrabad, and to take possession of the circars of Commamet, and Worangole, yet, as a proof
of

of their friendship for the Nabob Aufuph Jau, &c. foubah of the Decan, on the figning and exchange of this treaty, the company's troops fhall be recalled to the fort of Commamet, from whence they fhall alfo retire into their own circars, fo foon as the foubah, with his army, has croffed the Kiftnah, leaving the fort of Commamet to the foubah's deputy; and, as a farther proof of the company's fincere defire to pre-ferve a friendship with the foubah of the Decan, they agree to bury in oblivion what is paff, and to pay him annually, for the fpace of fix years, to be computed from the 1ft of January 1768, or the 10th of the moon Shibaun, in the year of the Hegyra 1181, the fum of two lacks of Arcot rupees, at Madras, or Mazulipatam, that is to fay, one lack on the 31ft of March, and alfo one lack on the 31ft of October, or two lacks every year, and one lack more at each of thefe periods, whenever the circar of Condavir is put into the company's poffeffion; the company moreover promife, that if they peaceably poffefs the circars, during the aforefaid term of fix years, and the foubah gives them no trouble, they will pay annually, from the 1ft of January 1774, the fum of five lacks, in two equal payments, as before expreffed, or of feven lacks, if Condavir be then in their poffeffion; but in cafe the foubah, or the Morattas by his infligation, fhould invade the circars or Carnatic, or they, or any other Power, fhould conquer the circars from the Englifh company, the payment of the faid fums fhall be fufpended till peace, and the circars are reftored to the company.

VI. It was ftipulated in the former treaty, made at Hydrabad, that the company and the foubah fhould mutually affift each other with their troops, when required, and their own affairs would permit; but it being apprehended at prefent, that fuch an agreement may fubject both parties to difficulties, and that mif-underftandings may arife on that account, it is now agreed only, that a mutual peace, confidence, and friendship, fhall fubfift, for ever, between the Englifh company,

company, his highness Aufuph Jau, and the Nabob Wolau Jau; the enemies of either shall be regarded as the enemies of the other two Powers, and the friends of either be treated as the friends of all; and in case any troubles should arise, or any enemies invade the countries under the government of either of the contracting parties, the other two shall give no countenance or assistance to such enemies or invaders; the company and the Nabob Wolau Jau, willing however to shew their voluntary attachment to the soubah, will always be ready to send two battalions of seapoys, and six pieces of artillery, manned by Europeans, whenever the soubah shall require them, and the situation of their affairs will allow of such a body of troops to march into the Decan, provided the soubah pays the expence, during the time that the said troops are employed in his service.

VII. The exalted and illustrious emperor, Shaw Allum, having been pleased, out of his great favour and high esteem for the Nabob Wolau Jau, to give and to grant to him, and his eldest son, Meyen ul Mulck, Omdetul Omrah, and their heirs, for ever, the government of the Carnatic Payen Gaut, and the countries dependent thereon, by his royal firmaund, bearing date the 26th of August 1765, or the 27th of the moon Zuphur, in the sixth year of the said emperor's reign, and the Nabob Aufuph Jau, Nizam ul Mulck, &c. having also, out of his affection and regard for the said Nabob Wolau Jau, released him, his son, Meyen ul Mulck, &c. and their heirs in succession, for ever, from all dependence on the Decan, and given him a full discharge of all demands past, present, and to come, on the said Carnatic Payen Gaut, by a saned, under his hand and seal, dated the 12th of November 1766; in consideration of the said Nabob Wolau Jau having paid the soubah five lacks of rupees, it is now agreed and acknowledged, by the said Aufuph Jau, Nizam ul Mulck, that the said Nabob Wolau Jau, and after him his son, Meyen ul Mulck, and their heirs in succession,

ſucceſſion, ſhall enjoy, for ever, as an ultumgau, or free-gift, the government of the Carnatic Payen Gaut, in the fullſt and ampleſt manner; the ſaid Nabob Auſuph Jau promiſing, and engaging, not to hold or keep up any kind of correſpondence with any perſon or perſons, in the ſaid Carnatic Payen Gaut, or in the circars before and now ceded to the Engliſh company, except the ſaid Nabob Wolau Jau, or the ſaid Engliſh company, by the means of their preſident and council of Madras, who on their part, in conjunction with the ſaid Nabob Wolau Jau, engage likewise not to hold, or maintain, any correſpondence with any perſon or perſons in the Decan, except the Nabob Auſuph Jau, his dewan, and the ſecurities, whoſe names are hereunto ſubſcribed.

VIII. The Nabob Auſuph Jau, out of his great regard and affection, and from other conſiderations, having been pleaſed to grant and confer on the Nabob Wolau Jau, and his eldeſt ſon, Meyen ul Mulck, Om-detul Omrah, ſeveral ſaneds, viz.

An ultumgau ſaned for the whole of the Carnatic;

An ultumgau ſaned for the whole of the purgunnah of Imungundela, with the gudda of Ghunpoora;

An ultumgau ſaned for the whole of the villages of Cathaſera, &c.

An ultumgau ſaned for the killedary of the fort of Colaur;

An ultumgau ſaned for the whole of the diſtrict of Sonedaupé;

And a full and ample ſaned, containing a diſcharge for all demands, paſt, preſent, and future, on account of the Carnatic, &c.

It is hereby agreed, that all and every one of theſe ſaneds ſhall be regarded, equally binding with any other article of the treaty, and be as duly obſerved, by the Nabob Auſuph Jau, as if entered here at full length.

IX. Hyder Naigue, having, for ſome years paſt, uſurped

usurped the government of the Monfore country, and given great disturbances to his neighbours, by attacking, and taking from many of them their possessions, and having also lately invaded, and laid waste with fire and sword, the possessions of the English company, and the Nabob Wolau Jau, in the Carnatic, it is certainly necessary for their peace, and for the general benefit of all the neighbouring Powers, that the said Naigue should be punished and reduced, so that he may not hereafter have the power to give any person farther trouble; to this end, the Nabob Aufuph Jau hereby declares, and makes known to all the world, that he regards the said Naigue as a rebel and usurper, and as such divests him of, and revokes from him, all saneds, honours, and distinctions, conferred by himself, or any other soubah of the Decan, because the said Naigue has deceived the Nabob Aufuph Jau, broken his agreement, and rendered himself unworthy of all farther countenance and favours.

X. That the English company may hereafter carry on their trade peaceably, on this coast of Coromandel, and also on the coast of Malabar, and that they, with the Nabob Wolau Jau, may hold the Carnatic, and their other possessions, in peace, it appears necessary, that the countries of Carnatic Balagaute, belonging to the soubahdarry of Viziapour, now or lately possessed by Hyder Naigue, should be under the management and protection of those who will do justice, and pay obedience to the high commands from court; it is therefore agreed, by the Nabob Aufuph Jau, that he shall relinquish, to the English company, all his right to the dewanny of the said Carnatic Balagaute, belonging to the soubahdarry of Viziapour, and that the company shall present an arzee, or petition to the royal presence, to obtain from the emperor Shaw Allum, a firmaund, confirming and approving their right thereto; but, that the Nabob Aufuph Jau, as soubah of the Decan, may not lose his dignity, or the revenue arising from the said countries, the English company agree to

pay him annually, out of the dewanny collection, from the time they are in possession thereof, the sum of seven lacks of Arcot rupees, including durbar charges, being the sum annually paid heretofore, in two equal payments, at the space of six months from each other, provided the said Aufuph Jau, foubah of the Decan, assists the said company, and the Nabob Wolau Jau, in punishing Hyder Naigue, and neither receives from, or sends either vackeels or letters to him.

XI. As the English company do not intend to deprive the Morattas of their choute, any more then the foubah of his piscah, which used to be paid from the Carnatic Balagaute, belonging to the foubahdarry of Viziapour, now or lately possessed by Hyder Naigue, it is hereby agreed, and the company willingly promise to pay the Morattas, regularly and annually, without trouble, for the whole choute, as settled in former times, from the time the said countries shall be under the company's protection as dewan, provided, however, that the Morattas guaranty to the company the peaceable possession of the said dewanny; to this end, the Nabob Aufuph Jau promises to use his best endeavours, jointly with the English, and the Nabob Wolau Jau, to settle with the Morattas, concerning the choute of the said countries, how and where it is to be paid, so that there may be no disturbances hereafter, on that account, between any of the contracting parties or the Morattas.

XII. All the foregoing articles are sincerely agreed to by the subscribing parties, who resolve faithfully to execute and abide by the same, so that a firm and lasting friendship may mutually subsist between them, and while such an alliance subsists, what power will dare to disturb the possessions of either party? The English company and the Nabob Wolau Jau will endeavour, on all occasions, to shew their friendship and attachment to the Nabob Aufuph Jau, Nizam ul Mulck, as foubah of the Decan, and look on the support

port of that government as the support of their own; in short, there will be no manner of difference in interest between them.

In witness and confirmation of all the above articles, and every part of the foregoing treaty, we whose names are under-written, have interchangeably subscribed to and sealed three instruments of the tenor and date, viz. the president and council of Fort St. George, on the behalf of the English East India company, at that place, this 26th day of February, in the year of the Christian æra 1768; the Nabob Aufuph Jau, foubah of the Decan, at his camp, near Pillere, on the 22d day of the moon Shevail, in the year of the Hegyra 1181; and the Nabob Wolau Jau, for himself, at Fort St. George, the 7th day of the moon Shevail, in the 1181st year of the Hegyra.

Charles Bouchier.

Samuel Ardley.


John Call.

George Stratton.

George Dawson.

James Bouchier.

George Mackey.



Company's
Seal.

N. B. The names of the contracting parties were transferred, in the parts kept by each of them, and each took the precedence by turn.

The above contracting parties, to wit, the president and council of Fort St. George, on behalf of the English East India company; the great Nabob, high in station, Aufuph Jau, foubah of the Decan; and the Nabob Wolau Jau, foubah of Mahomed Poor, having duly considered, and voluntarily entered into the above articles, which they have respectively signed and sealed in our presence, we, whose names are hereunto sub-

scribed, do solemnly promise and engage, under our hands and seal, that we will guaranty to the said English company, and the Nabob Wolau Jau, the due and just observance of the above treaty, on the part of the Nabob Aufuph Jau.

I take God to witness, that of my own free-will I am security.

The Seal of
Ruccun ud
Dowla.

I swear by Vencatash and Bail Behauder, that of my own free-will and consent I am security.

The Seal of
Rum Chun-
der Rauze.

I swear by Saftasha, and Bail Behauder, that I am truly and sincerely security.

The Seal of
Beer
Behauder.

I swear by Uncatash, and Bail Behauder, that of my own free-will and consent I, Dundaveram, vackeel to Mahaudavarow, Pundit Predane, am security on the part of the said Mahaudavarow.

The Seal of
Dunda-
veram.

N. B. The foregoing guaranty agreement was signed and executed, by the guarantees subscribing the same, and annexed to the parts of the treaty delivered to the company and the Nabob; and

to the part delivered to Nizam Ally Cawn, the following guaranty or agreement was fixed, viz.

The above contracting parties, to wit, the great Nabob, high in station, Aufuph Jau, foubah of the Decan, the Nabob Wolau Jau, of Mahomed Poor, and the president and council of Fort St. George, on behalf of the English East India company, having duly considered, and voluntarily entered into the above articles, which the said president and council, on behalf of the said English East India company, have signed and sealed in my presence, I, the said Nabob Wolau Jau, whose name is hereunto subscribed, do solemnly promise and engage, under my hand and seal, that I will guaranty to the said Nabob Aufuph Jau the due and just observance of the above treaty, on the part of the said English East India company.

The
Nabob's
Seal.

And we the said president and council of Fort St. George, on behalf of the said English East India company, do solemnly promise and engage, under our hands, that we will guaranty to the said Nabob Aufuph Jau the due and just observance of the above treaty, on the part of the said Nabob Wolau Jau.

Charles Bouchier.

Samuel Ardley.

John Call.

George Stratton.

George Dawson.

James Bouchier.

George Mackay.

Translation of a Saned, under the Soubah's Seal, dated the 22d of the Moon Shevaul, Hegyra 1181, equal to the 12th of March, 1768.

BE it known to the deefmokees, deefpondees, muc-cuddems, husbandmen, &c. inhabitants of the Rajah-mundry, Ellour, Muttephanagur, Murtezanagur, and Siccacole circars, belonging to the soubahship of Foa-kund, Booncaud, Hyderabad; that, agreeable to the fir-maund of Shaw Allum, Padshaw Gauze, to the English East India company, and my regard and friendship to them (the said English East India company) I have again conferred upon them, by way of iniam, for ever and ever, all and severall of the above circars, whole and entire, together with the fort and jaghire of Conclapillee, in consequence of a treaty of friendship and alliance, which has lately been concluded between me, the said company, and Ummeer ul Hinde, Wolau Jau Behauder, and which was executed on the part of the said company by the governor and council of Madras, and on the part of Ummeer ul Hinde, Wolau Jau Behauder, by himself, in the aforesaid place of Madras, the 7th of the moon Moorah, Hegyra 1181, equal to the 26th of February 1768; and by me, now in the encampment of my victorious army, near Pillere, this 22d day of the moon Shevaul, Hegyra 1181; you therefore, the whole of the said deefmokees, deefpondees, muc-cuddems, &c. look upon the said English East India company as your masters, and be in every respect obedient to them, exerting yourselves in the payment, to them, of the proper revenues of the said circars, at the fixed and stated times.

Look upon this as a positive and absolute order, and obey it accordingly. Dated as above.

On the back of the saned are the attestations of the mutefuddees, of the offices of Huzoor, Mustouphy, and Dewan, and copies thereof have been registered in their books.

Translation

Translation of a Saned, under the Soubah's Seal, dated the 22d of the Moon Shevaul, Hegyra 1181, equal to the 12th of March 1768.

IN these times, the dewanny of the Carnatic Balagaut country, belonging to the soubahship of Daurul, Zuphur Viziapoor, before or now possessed by Hyder Naigue, with the whole of my right and title thereto, has been conferred upon the English East India company, they, the said English East India company, engaging, after being in possession thereof, to pay annually, into my treasury (Durbar charges included) the sum of seven lacks of rupees, Nuzzur or Pishcash; you therefore, the zemindars, both high and low, of the said Carnatic Balagaut country, belonging to the said soubahship, live in due obedience to the said company, paying them the proper revenues thereof, at the fixed and stated times. And whereas Hyder Naigue is a rebel and usurper, I have therefore deprived him of all his honours and dignities; you are by no means therefore to pay any attention to his deputies, or vackeels, but are to stop all correspondence, either with him or them.

Look upon this as a positive and strict order. Dated as above.

On the back of the saned the petition from the mutesuddees, supposed to be presented, is inserted; and the mutesuddees of the several offices of Huzoor, Dewan, and Mustouphy, have attested that copies thereof have been registered in their books.

Translation of a Saned, under the Soubah's Seal, dated the 21st of the Moon Shevaul, Hegyra 1181, equal to the 11th of March 1768.

IN these times, agreeable to the high firmaund of Shaw Allum, Shudshaw Gauze, the dewanny Rock-

fhigurry, and Meer Autushy, of the Carnatic Payen Gaut, and Balagaut countries, from the banks of the river Kistna, towards Pulnaur, to the boundaries of Bombay (including the Malavar country) together with the whole of the forts, jaghiredars, zemindars, pollygars, killedars, iniamdars, rozeenedars, &c. belonging thereunto, have been conferred, by way of iniam, ultumgau, whole and entire, without the participation of any one, upon Omdetul Omrah, Meyen ul Mulck, Affedul Dowla Huffein, Ally Cawn Behauder, Zediphcaur Jurg; you therefore, our sons, brothers, officers, and mutefuddees, of the nizamship of the Decan, and its cotecophils of our affairs, both new and old, at present and to come, agreeable to the above firmaund, and this saned, exert yourselves in the strengthening of this business, for ever and ever, delivering up the said countries from generation to generation, and esteeming him as exempt and free from all displacing and removal, also acquitted and discharged from the whole of the demands of the dewanny, &c. give him no trouble or molestation whatever, either for the foubahdarry or fougdarry pishcash, or any other charges or expences.

Look upon this as an order, and by no means act in any thing contrary to what is herein expressed, nor require a new saned every year.

Translation of a Saned, under the Soubab's Seal, dated the 21st of the Moon Shevaul, Hegyra 1181, equal to the 11th of March 1768.

BE it known to the deefmokees, deefpondees, husbandmen and inhabitants of the district of Sundacope, belonging to the foubahship of Viziapoor, that the said district, agreeable to what is desired in the zimir, or back of the saned, has been assigned over as an ultumgau, to Siphi ul Mulck, Unwur ud Dowla, Mahomed

med Unwur, Cawn Behauder, Hufflein Jung; you will therefore live in true and just obedience to the amuldar of the said Siphi ul Mulck, and pay the proper revenues at the fixed and stated times.

Look upon this as an order, and act agreeable thereto.

Translation of the Zimir, containing a Petition, which is supposed to be presented by the Mutesjuddees, and to have been signed by the Soubah, signifying his Consent thereto.

THE form of the petition runs thus:—The vac-keel of Wolau Jau, Ummer ul Hinde, begs that the district of Sundacope, whole and entire, may be conferred upon Siphi ul Mulck, Unwur ud Dowla, Mahomed Unwur, Cawn Behauder, Hufflein Jung, by way of ultungau, and that a saned for the same may be made out, and signed by your highness; respecting this we wait your orders.

The saned for the purgunnah of Imungundala (belonging to the circar of Chunpoora) to Hufflein ul Mulck, Hemaud ud Dowla, Mahomed Abdulla, Cawn Behauder, Heyabber Jung, runs the same as the former saned, excepting the term *whole* being inserted therein; the date thereof is likewise the same as the other.

Translation of a Saned, under the Seal of the Soubah, dated the 21st of the Moon Shevaul, Hegyra 1181, equal to the 11th of March 1768.

BE it known to the deesmokees, deespondees, husbandmen and inhabitants of the purgunnah of Hewalee, Hyderabad, &c. circar of Mahomednegur, of the soubahship of Hyderabad, that the village of Cutkasera,

belonging to the above purgunnah, in the manner as is expressed on the back of this faned, has been assigned over, by way of ultumgau, to Ummer ul Hinde, Wolau Jau, in order to defray the expences of his father's tomb; you will therefore live in perfect and true obedience to the aumildars of the said Wolau Jau, paying them the proper revenues, at the fixed and stated times.

Look upon this as an order, and obey it accordingly.

In the zimir, at the back of the faned, containing the supposed petition, the village of Cutkafera, &c. is mentioned.

Translation of a Discharge, under the Soubab's Seal, dated the 21st of the Moon Shevaul, Hegyra 1181, equal to the 11th of March 1768.

TO the high in rank and station, our dear brother, Wolau Jau, Ummeer ul Hinde: from the time that your father Anneverdeen, Cawn Behauder, the martyr, held from the family of Aufuphea, the soubahship of the Carnatic, and the Siccacole, Rajahmundry, &c. circars (belonging to the soubahship of Ferkunde, Booncaud, Hyderabad) to the time of his martyrdom, and from thence, during your time, till the present instant, and the date of this discharge, all accounts and demands of the circar have been settled and forgiven, every pice and every cash; and there remains now, under no pretence whatever, either to myself, my children, or brothers, as well for past, present, or future, any demands, either upon you, your children, or heirs, on account of the soubahdarry or fougdarry pishcash, or the dewanny bockshegurry, meer autulhy, &c. charges; in proof of which, I have written this paper by way of discharge, that it may hereafter appear.

Translation

Translation of a Saned, under the Soubah's Seal, dated the 21st of the Moon Shevaul, Hezyra 1181, equal to the 11th of March 1768.

IN these times, the killedarship of the fort of Chunpoora (belonging to the circar of that name, and dependent upon the soubahship of Hydrabad) together with the jaghire annexed thereto, and the troops belonging thereto, exempt from all choute, agreeable to what is mentioned in the zimir, or back of this saned, has been given and conferred, by way of ultumgau, to Nuffeer ul Mulck, Intzain ud Dowla, Mahomed Sullautbut Cawn Behauder, Nuffeer Jung, that he, the said Nuffeer ul Mulck, may not deviate in the least in the proper care and attention thereto, either in the furnishing or charging of provisions, or regulating the troops, according to the established custom; you therefore, the zemindars and deefsmokees, esteeming the said Nuffeer ul Mulck as invested with absolute powers in the killedarship, pay him the proper revenues, at the fixed and stated times, and look upon him as entitled to the usual perquisites and advantages of the said fort.

Esteem this as an order, and obey it accordingly.

On the back of the saned is the petition, reciting the contents of the saned.

The saned of the killedarship of the fort of Colaur (belonging to the soubahship of Vizianpoor) to Mud-daur ul Mulck, Roshun ud Dowla, Hauphiz Mahomed, Munuowur Cawn Behauder, Behauder Jung, runs the same as that for the fort of Chunpoora (excepting that the whole of the jaghire is mentioned in this) the date is also the same as the other.

The whole of the saneds are endorsed by the mutefuddees of the dewanny Mustaphy, and Huzoor offices, and copies of all have been registered in their books.

ARCOT.

A R C O T.

1763. **T**HE grant from the Nabob to the
 16 Oct. East India company of the seven niagars situated in the Payen Gaut.
E. Ind. Treat. p. 5.

1765. The grant from the Nabob to the East
 23 Aug. India company, confirming and enlarging the grant of 1763.
E. Ind. Treat. p. 30.

1779. The treaty of friendship and alliance, be-
 27 April. tween the Nabob and the East India company.
E. Ind. Treat. p. 265.

1787. The treaty between the Nabob and Sir
 February. Archibald Campbell, on behalf of the East India company.

[The following is printed from an authentic copy.]

The Treaty of perpetual Friendship, Alliance, and Security, concluded between the Honourable Major General Sir Archibald Campbell, Knight of the Bath, President and Governor of Fort St. George, and the Council thereof, on the Part of the United Company of Merchants of England trading to the East Indies, and his Highness the Nabob Wallaujau, Omdit ul Mulk, Unmeer ul Hind, Afoph Dowla, Anewerdeen, Cawn Behauder, Zupher Jung, Sippa Salar, Saubadar of the Carnatic, on Behalf of himself, his Heirs and Successors.

THE

THE court of directors of the honourable united East India company, having taken into their serious consideration the great advantages which may be attained by improving the blessings of peace, now happily re-established on the coast of Choromandel and the Carnatic, and considering the present hour best suited for settling and arranging, by a just and equitable treaty, a plan for the future defence and protection of the Carnatic, and the northern circars, on a solid and lasting foundation, have communicated these their sentiments to his highness the Nabob of the Carnatic; who, being fully impressed with the propriety and wisdom of such an arrangement, has for himself, his heirs and successors, adjusted and concluded a solid and permanent treaty with the president and council of Fort St. George, upon the principles and conditions hereinafter mentioned; in consequence whereof it is stipulated and agreed, that due provision shall be made for the military peace establishment; and also that, for discharging the expence of war, in the event of a war breaking out in the Carnatic, or on the coast of Choromandel, certain contributions, or proportions of the revenues of the contracting parties, shall be united into one common stock, to be applied for their mutual security and defence; and, as it is necessary that the application of the said contributions, both of peace and war, shall be reposed in the united company or their representatives, together with the direction of the war, the command of the army, magazines of stores and provisions (the granaries and present magazines of his highness the Nabob excepted) with full power to occupy or dismantle such forts as by them shall be deemed necessary for the general security, the said contracting parties do hereby solemnly engage and agree, for themselves and their successors, to and with each other in manner following; that is to say,

I. The friends and enemies of his highness the Nabob of the Carnatic, and of the English united East

East India company, shall be considered as the friends and enemies of both.

II. His highness the Nabob of the Carnatic will contribute towards the military peace establishment, and shall pay into the treasury of the said united company, the annual sum of nine lacks of pagodas, to commence in the Fuzelly 1197, corresponding to the 12th July 1787, as his fixed proportion, divided into kists, payable at the following periods; that is to say,

30th November	-	-	-	300,000
31st March	-	-	-	600,000
				<hr/>
Star Pag ^s	-			900,000

III. That the honourable East India company will in like manner contribute, and with the aid of Tanjore shall pay and make good, such further sums as may be necessary to discharge the expence of the military peace establishment, beyond the said annual contribution of his highness already mentioned.

IV. That for the satisfaction of his highness the Nabob of the Carnatic, his heirs and successors, the president in council of Fort St. George shall furnish his highness annually with an accurate account, shewing the number of troops maintained, and the names and situations of the garrisons supported by the annual contributions, and particularly the troops and garrisons maintained by the nine lacks of pagodas annually contributed by his highness to the general defence.

V. In case of failure in the punctual payment of the nine lacks of pagodas already mentioned, to the amount of one lack of pagodas in any kist, for the period of one month after the same shall become due, his highness the Nabob agrees, that certain districts, specified in the schedule, N^o 1, hereunto annexed, shall be made answerable for such failure; and that the company shall have power to appoint superintendants or receivers to collect and receive, from the Nabob's amuldars,

amulders, all the rents, revenues, duties, customs, and peshcash of the said district; and these superintendants or receivers shall exercise all necessary authority for collecting such rents, revenues, &c. giving regular receipts for all monies which may be received by the said superintendants; who shall have full power to inspect and examine all Cutcherry receipts and accounts of the lands and districts aforesaid, as well as to ascertain the state of all other revenues which shall be collected annually from customs, or from the zemindars or poligars tributaries to his highness within the said districts; and when the full amount for which such districts stood answerable, shall have been paid to the company, the superintendant or receiver shall be immediately recalled.

VI. At the appointment of the superintendant or receiver, the Nabob will furnish the company with the obligations the amulders of each district shall have given to the circar; and if they do not pay the money punctually to the superintendant or receiver, agreeable thereto, the Nabob, at the request of the governor in council, will immediately dismiss the said amuldar, and appoint by saned such others in their stead, as the president in council of Fort St. George shall recommend, after taking from them the usual obligations, which shall be delivered to the company by his highness.

VII. That the exercise of power over the said districts and farms, by virtue of the conditions mentioned in the 5th and 6th articles, in case of failure in the payment of any of the said kists, shall not extend or be construed to extend to deprive his highness the Nabob of the Carnatic, or his successors, of the civil government thereof, the credit of his family, or the dignity of his illustrious House, but that the same shall be preserved to him and them inviolate, saving and excepting the powers in the foregoing article expressed and mentioned.

VIII. That in the event of any war breaking out in
the

the Carnatic, or on the coast of Choromandel, the said united company shall charge themselves with the direction, order, and conduct thereof; and, during the continuance of such war, shall apply four-fifths of their whole revenues, in the Carnatic and the northern circars, annually, to the military expences of the war. To remove every doubt, on the part of his highness, of any secretion or diversion of the said revenues from the purpose aforesaid, his highness the Nabob of the Carnatic, in behalf of himself, his heirs and successors, shall have full power and authority, during such war, to appoint one or more inspectors or accomptants, to inspect and examine the Cutcherry receipts of all the districts of the company, in the Carnatic and the northern circars, as well as the state of all the other revenues, collected from the customs, from the zemindars and poligars tributary to the company.

IX. That in the like event, his highness the Nabob of the Carnatic, after deducting from the whole amount of his revenues 2,13,421 pagodas annually, for jaghires to the family of his highness, and 21,366 pagodas annually for charities, shall and will pay into the treasury of the said united company, four-fifths of his revenue to the general expence of such war, to be applied in such manner as the said united company or their representatives shall find necessary, for their common safety and interest, as also for the interest of their allies in the Carnatic, and on the coast of Choromandel; and it is moreover agreed, that his highness's proportion of the debt of the war will henceforth be settled at twenty-five fifty-one parts.

X. For the more effectual security of the payment of four-fifths of the revenues of his highness annually, to the military expences of the war, and to remove every doubt, on the part of the company, of any secretion or diversion of the said revenues from the purpose aforesaid, the president and council of Fort St. George, in behalf of the company, shall have full power and authority,

authority, during such war, to appoint one or more inspectors or accomptants, to inspect and examine the Cutcherry receipts of all the countries and districts of the Nabob, as well as the state of all the other revenues, collected from the customs, and from the zemindars and poligars tributaries to his highness; and in case the said four-fifths of the revenues, or any part thereof, are diverted from the discharge of the current expences of the war, or the debts or expences incurred thereby, the said united company shall have full power to appoint superintendants and receivers over the said countries and districts of the Nabob, in the manner specified in the 3d article of this treaty, respecting the districts mentioned in schedule N^o 1, with the same authority, and under the like restrictions and conditions expressed in case of failure.

XI. That the said annual four-fifths, payable from the revenues of his highness the Nabob of the Carnatic, shall, after the termination of the war, continue to be applied to the discharge of all debts and expences that may be incurred or arise during the course of the war, until his proportion of twenty-five fifty-one parts is paid off and discharged.

XII. It is expressly understood and declared, that so soon as the expences incurred by the war are paid off and discharged, the superintendants and receivers shall be immediately recalled; and it is further expressly declared, that the 11th article shall not have any retrospect to the expences of any war antecedent to the date of this treaty.

XIII. That after the termination of such war, and during the application of the said gross revenues to the debts and expences thereof, the 2d, 3d, 4th, 5th, and 6th articles of this treaty shall be and remain dormant, and be of no effect; but shall re-commence, and regain their full force and validity, from and immediately after all the debts and expences of such war have been fully and proportionably paid off and discharged.

XIV. In

XIV. In case his highness shall at any time have occasion for any number of troops, for the security and collection of his revenue, the support of his authority, or the good order and government of his dominions, the said united company shall and will furnish a sufficient number of troops for that purpose, on public representation being made by his highness to the president in council of Fort St. George, of the necessity of employing such a force; and the objects to be obtained thereby. In case of the march of such troops, the additional batta, and expences attending their movements, will be annually discharged by his highness at the end of each year.

XV. Whenever the company shall enter into any negotiations, wherein the interests of the Carnatic and its dependencies may be concerned, the president in council of Fort St. George shall communicate the proceedings to his highness the Nabob of the Carnatic, as the firm ally of the company; and, although the direction of the combined force of the country is committed entirely to the honourable company or their representatives, it is nevertheless understood, that his highness shall be informed of all measures which shall relate to the declaring of war, or the making of peace with any of the Princes and Powers of Hindostan, so far as the interests of the Carnatic may be immediately concerned therein; and the name of his highness shall be inserted in all treaties regarding the Carnatic; and his highness will not enter into any political negotiations or controversies, with any state or power, without the consent or approbation of the president in council of Fort St. George.

XVI. Nothing in this treaty contained shall be understood to injure the claim of his highness the Nabob to the Tanjore country.

XVII. Should there be any essential failure in the crops in time of peace owing to the want of rain, or any other unforeseen calamity, a deduction shall be made

made in the Nabob's gifts, to the extent of the injury which the revenues may sustain, as shall be estimated and fixed on by the governor in council ; to whom his highness grants full power and authority to appoint one or more superintendants and accomptants to inspect and examine the Cutcherry receipts of all the countries and districts of his highness the Nabob of the Carnatic, for the purpose of ascertaining the amount of such deduction, which is to be carried as a charge to the account current of his highness.

XVIII. It is hereby stipulated, that the conditions mentioned in the articles of agreement between the president and council of Fort St. George, and his highness the Nabob, dated 28th June 1785, for payment of four lacks of pagodas annually to the honourable company, shall be null and void, the same being comprehended and included in the conditions of the present treaty.

XIX. It is further stipulated, that the said articles of agreement, dated 28th June 1785, as far as relate to the discharge of the debts of his highness the Nabob, shall be and continue in full force and virtue.

In confirmation of all the articles in the preceding treaty, the president and council of Fort St. George, invested with full powers on behalf of the India company, have subscribed and sealed two instruments, of the same tenor and date, at Fort St. George, on the day of February, in the year of the Christian æra one thousand seven hundred and eighty-seven ; and his highness the Nabob Walliawjah, for himself, his heirs and successors, hath also subscribed and sealed the same instruments, at Cheparek House, the day of the moon Jemmady, in the year of the Hegyra twelve hundred and one.

T A N J O U R.

1771. **A**RTICLES of agreement between
20 Oct. the East India Company and the Ra-
jah of Tanjour.

E. Ind. Treat. p. 61.

1771. An additional engagement on the part of
25 Oct. the Rajah.

E. Ind. Treat. p. 62.

1771. An additional engagement on the part of
26 Oct. the Rajah.

E. Ind. Treat. p. 63.

1776. An assignment from the Rajah of Tanjour
12 Apr. to the East India company.

E. Ind. Treat. p. 260.

1778. A treaty between the Rajah of Tanjour
17 June. and the East India company.

E. Ind. Treat. p. 263.

1787. The treaty and agreement between the
10 Apr. Rajah of Tanjour and Sir Archibald Camp-
bell, on behalf of the East India company.

[The following is printed from an authentic copy.]

*Treaty and Agreement concluded between the Honourable
Major General Sir Archibald Campbell, Knight of
the Bath, President and Governor of Fort Saint
George, on Behalf of the United Company of Mer-
chants of England trading to the East Indies, and
his Excellency Amer Sing, Rajah of Tanjore.*

THE

THE court of directors of the East India company, having taken into their serious consideration the great advantages which may be attained by improving the blessings of peace now happily re-established on the coast of Coromandel, in the Carnatic, and the country of Tanjour, and considering the present hour best suited for settling and arranging, by a just and equitable treaty, a plan for the future defence and protection of the Carnatic, the Tanjour country, and the northern circars, on a solid and lasting foundation, have communicated these their sentiments to his Excellency the Rajah of Tanjour, who, being fully impressed with the propriety and wisdom of such an arrangement, has for himself, his heirs and successors, adjusted and concluded a solid and permanent treaty with the honourable East India company, upon the principles and conditions hereinafter mentioned: in consequence whereof, it is stipulated and agreed, that due provision shall be made for the military peace establishment; and also, that for discharging the expence of war, in the event of war breaking out in the Tanjour country, or in the Carnatic, or any part of the coast of Coromandel, certain contributions, or proportions of the revenues of the contracting parties, shall be united into one common stock, to be applied for their mutual security and defence. And, as it is necessary that the application of the said contributions, both for peace and war, should be reposed in the united company, or their representatives, together with the direction of the war, the command of the army, magazines of stores and provisions, with full power to occupy or dismantle such forts as by them shall be deemed necessary for the general security; the said contracting parties do hereby solemnly engage and agree, for themselves and their successors, to and with each other, in manner following; that is to say,

I. The friends and enemies of his Excellency the Rajah of Tanjour, and of the English united East

India company, shall be considered as the friends and enemies of both.

II. His Excellency the Rajah of Tanjour will contribute towards the military peace establishment, and shall pay into the treasury of the said united company the annual sum of four lacks of star pagodas, to commence 12th July, in the year of Christ 1787, corresponding to the 30th aune of the Malabar month, of Palavunga year, and to the Phusly 1197, divided into kists payable at the following periods :

November	—	—	20,000
December	—	—	50,000
January	—	—	50,000
February	—	—	90,000
March	—	—	90,000
April	—	—	1,00,000
			<hr/>
Star Pagodas			— 4,00,000
			<hr/>

III. The annual contribution of four lacks of pagodas, to be paid by his Excellency the Rajah of Tanjour, towards the army peace establishment, is proportioned to the gross revenues of his country, estimated at 10 lacks of pagodas ; and it is hereby stipulated and agreed, that whenever the annual gross revenues of the country shall rise above ten lacks of pagodas, the annual contribution of his Excellency, in time of peace, shall likewise be increased according to the same scale or standard.

IV. In case of failure in the punctual payment of the four lacks of pagodas already mentioned, to the extent of fifty thousand pagodas, for the period of one month after the same shall become due, his Excellency the Rajah agrees, that the company shall have power to enter upon any of the districts in the Tanjour country, that shall appear to them necessary to discharge the amount of the sum in arrear ; and that the com-
pany

pany shall have power to appoint superintendants or receivers to collect and receive from the Rajah's renters, managers, aumildars, all the rents, revenues, duties, and customs of the said districts; and these superintendants or receivers shall exercise all necessary authority for collecting such rents, revenues, duties, and customs of the said districts, giving regular receipts for all the monies which may be received by the said superintendants; who shall have full power to inspect and examine all Cutcherry receipts and accounts of the lands and districts aforesaid, as well as to ascertain the state of all other revenues, which shall be collected annually within the said districts; and when the full amount of the arrears due shall have been paid to the company, the superintendant or receiver shall be immediately recalled.

V. At the appointment of the superintendant or receiver, his Excellency the Rajah will furnish the company with the obligations of the aumildars, renters, or farmers of each district; and if they do not pay the money punctually to the superintendants or receivers, agreeable thereto, his Excellency the Rajah, at the request of the governor in council of Fort St. George, shall and will immediately dismiss the said aumildars, renters, or farmers, and appoint such others in their stead as the president in council of Fort St. George shall recommend, after taking from them the usual obligations, which shall be delivered to the company by his Excellency.

VI. That the exercise of power over the said districts and farms, by virtue of the conditions mentioned in the 4th and 5th articles, in case of failure in the payment of any of the kists, shall not extend or be construed to extend to deprive his Excellency the Rajah of Tanjour, or his successors, of the civil government thereof, or the honour and dignity of his family; but the same shall be preserved to him and them in-

violate, saving and excepting the powers in the articles N^o 4 and 5 expressed and mentioned.

VII. That in the event of any war breaking out in the Carnatic, in Tanjour, or on the coast of Coromandel, the said united company shall charge themselves with the direction, order, and conduct thereof; and, during the continuance of such war, shall apply four-fifths of their whole revenue, in the Carnatic and the northern circar, annually, to the military expences of the war.

VIII. That in the like event, his Excellency the Rajah of Tanjour shall pay into the treasury of the said united company four-fifths of his revenues, to the general expences of such war, to be applied in such manner as the said united company or their representatives shall find necessary for their common safety and interests, as also for the interests of their allies in the Carnatic, and on the coast of Coromandel. And it is moreover agreed, that his Excellency's proportion of the debt and expences incurred by war, shall henceforth be settled at one fifth part of the whole amount thereof.

IX. For the more effectual security of the payment of four-fifths of the revenue of his Excellency, annually, to the military expences of the war; and to remove every doubt on the part of the company, of any secretion or diversion of the said revenues from the purpose aforesaid, the president in council of Fort St. George, in behalf of the company, shall have full power and authority, during such war, to appoint one or more inspectors or accountants, to inspect and examine all country and Cutcherry accounts and receipts, of all the countries and districts of his Excellency, as well as all other revenues, duties, or customs, collected by or for the use of his Excellency. And in case the said four-fifths of the revenues, or any part thereof, are diverted from the discharge of the current expences
of

of the war, or the debts and expences incurred thereby, the said united company shall have full power to appoint superintendants and receivers over the said countries and districts of the Rajah, in the manner specified in the 4th article of this treaty, with the same authority, and under the like restrictions and conditions therein expressed, in case of failure.

X. That the said annual four-fifths, payable from the revenues of his Excellency the Rajah of Tanjore, shall, after the termination of the war, continue to be applied to the discharge of all debts and expences that may be incurred or arise during the course of the war, until his proportion of one-fifth part of the whole expence is paid off and discharged.

XI. It is expressly understood and declared, that so soon as the expences incurred by the war are paid off and discharged, the superintendants and receivers shall be immediately recalled.

XII. That during the application of the said proportion of four-fifths of the said gross revenues to the discharge of the debts and expences incurred in time of war, the 2d, 3d, 4th, and 5th articles of this treaty shall be and remain dormant, and be of no effect; but shall re-commence, and regain their full force and validity, from and immediately after all the debts and expences of such war have been fully and proportionally paid off and discharged.

XIII. In case his Excellency shall at any time have occasion for any number of troops for the security and collection of his revenues, the support of his authority, or the good order and government of his country, the said united company shall and will furnish a sufficient number of troops, on a public representation being made by his Excellency, to the president in council of Fort St. George, of the necessity of employing such force, and the objects to be obtained thereby. In case of the march of such troops, the additional batta and

expences attending their movements shall be annually discharged by his Excellency, at the end of each year.

XIV. The late Rajah of Tanjore having been, at the time of his death, indebted to his highness the Nabob of the Carnatic, for arrears of peishcash, since the year 1776, which, at the commencement of the Phuully 1197, or 12th July, 1787, will amount to the sum of twelve lacks fifty-seven thousand one hundred forty-two pagodas; and having also been indebted to British subjects, whose names are set forth in a schedule hereunto annexed, for various sums of money lent by them, to and for the use of the Rajah, which, with interest, are computed to amount to about the sum of four lacks of pagodas; it is hereby stipulated and agreed, that, for the liquidation of the said arrears of peishcash, his Excellency shall appropriate annually the sum

of	—	—	Pagodas	1,05,715
To his annual peishcash to the Nabob,				
the sum of	—	—		1,14,285
And to his Excellency's private creditors,				
the annual sum of	—	—		80,000

In all, three lacks of pagodas 3,00,000

Payable in kists as follows :

In November	—	—	10,000
December	—	—	10,000
January	—	—	10,000
February	—	—	10,000
March	—	—	10,000
May	—	—	60,000
June	—	—	60,000
July	—	—	50,000
August	—	—	40,000
September	—	—	40,000
Star Pagodas	—	—	<u>3,00,000</u>

XV. The

XV. The private debts of his Excellency not being as yet accurately ascertained, it is hereby agreed, that the debts due to British subjects shall be forthwith examined, adjusted, and settled; for which purpose, the creditors shall be called upon to deliver their demands to the president in council of Madras, stated with simple interest, at the rate of 12 *per cent. per annum*, to the 12th day of July, 1787; which accounts will be examined by agents to be appointed on the part of the Rajah, and by the governor in council, on behalf of the creditors, after which, they will be laid before his Excellency; and on receiving his final approbation, they shall be classed amongst the list of his private creditors, and become entitled to a share, or rateable proportion, of the said sum of 80,000 pagodas, agreeable to such equitable arrangement as may be formed by the governor in council, for the benefit of the Rajah and the creditors: and it is agreed, that so soon as the debts and interest due from the Rajah to British subjects are paid off and discharged, the annual payment of 80,000 pagodas, agreed to be made by the Rajah, for the benefit of the creditors, shall from henceforth cease and determine.

XVI. And whereas his highness the Nabob of the Carnatic has, by a solemn deed, assigned over to the united East India company the arrears of peishcash already due, and the annual peishcash which shall henceforth become due to his Highness, in payment of his debt to the company, his Excellency the Rajah of Tanjour, willing to manifest his regard to the company, and upright intentions towards the Nabob of the Carnatic, does hereby cheerfully agree to pay into the hands of the India company, for the account of the Nabob of the Carnatic, the whole annual appropriations to his Highness, specified in the 14th article, upon the president and council of Fort St. George: indemnifying his Excellency for the amount of all such monies as they shall receive on that account.

In like manner, the company shall be accountable
to

to his Excellency on account of the money received on behalf of the creditors.

In confirmation of all the articles in the preceding treaty, Sir Archibald Campbell, governor of Fort St. George, invested with full powers on behalf of the India company, has subscribed and sealed two instruments of the same tenor and date, at Tanjour, on the 10th day of April, in the year of Christ one thousand seven hundred and eighty-seven.

And his Excellency Maha Rajah Amer Sing, for himself, his heirs and successors, has also subscribed and sealed the same instruments, at Tanjour, the twentieth of the month Jamad ul Awker, and in the year of the Hegyra twelve hundred and one.



Seal.

(Signed) *Arch^d Campbell.*

Signed and sealed by the honourable Sir Archibald Campbell, governor, &c. and by his Excellency the Rajah of Tanjour, in the presence of

(Signed) $\left\{ \begin{array}{l} \textit{Alex^r Mackee}, \text{ Resident.} \\ \textit{J. Stuart}, \text{ Colonel Commanding.} \end{array} \right.$

By order of the honourable the Governor.

(Signed) *A. Montgomery Campbell,*
Secretary.

Schedule

Schedule of Private Debts referred to in the XIVth, Article.

			Principal.
Mr. Alexander Brody	—	S. P.	99,254
Mr. Duncan Baine	—	—	30,000
Sir George Ramfey	—	—	20,000
Col. Maciellan	—	—	72,000
Major (or Captain) Burrows	—	—	26,100
Mr. Whyte	—	5,706	
Received	—	1,000	
			<u>4,706</u>
Mr. Swatz, for money subscribed by gentlemen for the benefit of orphans			1,000
			<u>2,53,060</u>
Star Pagodas	—		

The above debts bear interest at the rate of 12 *per cent. per annum* ; and there is now between four and five years interest due upon them.

(Signed) *Archd Campbell.*

HYDER ALLY, KHAN— TIPPOO, SULTAUN.

1763. **T**HE grant from the Nabob Ally Khan, Behauder, for establishing a factory at Onore, and regarding trade.
E. Ind. Treat. p. 233.
1766. The grant from Hyder Ally, Khan, confirming the grants and privileges made to the company, by the several Malabar Powers, with regard to trade.
23 Feb. *E. Ind. Treat.* p. 253.
1769. The treaty of perpetual friendship and peace, between the governor and council of Fort St. George, at Madras, and Nabob Hyder Ally, Khan.
3 Aug. *E. Ind. Treat.* p. 58.
1770. The treaty of peace, friendship, and commerce, between the president and council of Bombay, and Nabob Hyder Ally, Khan, which confirmed the grant of the 23d of February, 1766.
8 Aug. *E. Ind. Treat.* p. 254.
1784. The treaty of perpetual peace and friendship, between the East India company and the Nabob Tippoo Sultaun Bahauder, which confirms the commercial privileges and immunities which were given by the late Nabob Hyder Ally Khan, Bahauder.
11 Mar. *E. Ind. Treat.* p. 269.

[The

[The following is printed from the treaty, which was published by authority, in 1784.]

Articles for a Treaty of Peace and firm Friendship, between the Honourable Thomas Hodges, Esq; President and Governor, and the Council of Bombay, in Behalf of the Honourable United English East India Company, on the one Part, and the Nabob Hyder Ally Khan Behauder, &c. Titles, for the Countries of Mysore, Hyder Nagur, and Soondah, on the other Part.

I. THAT agreeable to the third article of the treaty of peace, concluded between the honourable the president and council of Madras, and the Nabob Hyder Ally Khan Behauder, there be, from this day, a firm peace and friendship between the honourable English East India company and the said Nabob, and their successors, to continue for ever.

II. That the honourable company may have free liberty to build a commodious factory and warehouses at Onore, by the water-side, or any place they may pitch upon; and that they may enclose the compound with a suitable wall; and the ground allotted them shall be rent-free; they shall also have permission to cut timber, bring stones, hay, and wood, for their use: in like manner, they shall have a factory at Carwar; and the Nabob promises to oblige the Rajah of Bilguy, to give all the pepper, produced in his country, to the honourable company, at the same price as they may purchase this article at Onore.

III. That the honourable company shall likewise have the sole and exclusive right of purchasing all the pepper, and sandal-wood, produced in the Nabob's dominions, the prices of which must be settled agreeable to former custom; the amount, or as much of it as the honourable company choose, to be made good in guns, muskets, salt, saltpetre, lead, and gunpowder; and the balance made good in ready money.

IV. That

IV. That the honourable company shall have free liberty to export from Mangulore, or other ports of the Nabob's dominions, whatever rice they may want for Tellicherry or Bombay; three hundred corges of which is, as usual, to be free of the duty called Adlamy.

V. That the English shall have free liberty of trading in the several ports of the Nabob's dominions, on the Malabar coast, paying customs at the rate of one and a half *per cent.* on the sale of all goods; and to have permission to re-export any goods which will not sell, free of customs, on signifying the same to the custom-master: no customs to be charged on gold and silver, nor on any articles for the immediate use and consumption of the English, their servants, and dependants.

VI. The Nabob obliges himself to assist the English in recovering their just debts from his subjects, by compelling them to make good the same, on the debts being fully proved to his satisfaction.

VII. That the honourable company, and the English in general, shall have free liberty to cut and purchase masts, timber, and plank, at Onore, Mangulore, or any other ports of the Nabob's country, teal accepted.

VIII. That no vessels, of what kind or denomination soever, belonging to the English, shall pay anchorage in any of the Nabob's ports, but have free liberty to go out and come in, without hinderance or molestation.

IX. Whatever vessels, belonging to the English, may be drove on shore, on any part of the Nabob's dominions, whether by stress of weather, or otherwise, his killedars, officers, and subjects, are to assist them, that their goods may be saved, and delivered to the proprietors.

X. That

X. That the said Nabob shall not assist the enemies of the English, nor, on the other hand, shall the English assist the enemies of the Nabob; but should assistance be afforded on either part hereafter, the officers and men who may be sent to them, are to be paid at the following rates, by the parties to whom they may be sent; viz.

The commission officers to be paid at the discretion of the party assisted, but with the concurrence and approbation of the party who assists.

Each European soldier, - 15 rupees *per* month.

Each seapoy - - - 7½ rupees *per* month.

XI. Should at any time disputes arise, between the servants of the English factories and the Nabob's subjects, servants, or dependants, and the former be found culpable, they shall be sent to the English resident to be punished, as shall the Nabob's people to his kildars, hummulgars, &c. if they are found to be in fault. The servants of the English factory, as well as their families, shall be entirely under the honourable company's protection.

XII. That the said Nabob shall not grant any new firmaund, or privileges, to any European nation whatever, or suffer any of them to establish any new settlements in any part of his dominions: in all matters of trade or business, the English to have the preference; and in matters of ceremony or state, they are to take rank of all other European nations, as well as the country powers.

XIII. The said Nabob hereby ratifies and confirms the grant which he executed in February 1766, and delivered to Messieurs Sparks and Townsend, relative to the privileges and immunities the honourable company possessed, in the several countries he conquered upon this coast, before he took possession thereof; and hereby binds and obliges himself, to compel whoever may be in possession of those countries, to grant to the honourable company the produce thereof, as well

*

as

as the full enjoyment of all their rights and privileges therein, in their utmost extent.

In witness of all which, the said contracting parties have interchangeably signed and sealed two instruments, of the same tenor and date; viz. the said president and council, on behalf of the English East India company, in Bombay Castle, this 8th day of August, in the year of the Christian æra 1770, and the said Nabob Hyder Ally Khan Bahauder.

[The following is printed from the treaty, which was published by authority, in 1784.]

Treaty of Peace with the Nabob Tippoo Sultaun Bahauder.



TREATY of perpetual peace and friendship between the honourable the English East India company, and the Nabob Tippoo Sultaun Bahauder, on his own behalf, for the countries of Seringapatam, Hyder Nagur, &c. and all his other possessions; settled by Anthony Sadleir, George Leonard Staunton, and John Huddleston, Esquires, on behalf of the honourable English East India company, for all their possessions, and for the Carnatic Payen Gant, by virtue of powers delegated to the right honourable the president and select committee of Fort Saint George, for that purpose, by the honourable the governor general and council, appointed by the King and parliament of Great Britain to direct and controul all political affairs of the honourable English East India company in India,
and

and by the said Nabob, agreeable to the following articles, which are to be strictly and invariably observed, as long as the sun and moon shall last, by both parties; that is to say, by the English company and the three governments of Bengal, Madras, and Bombay, and the Nabob Tippoo Sultaun, Bahauder.

I. Peace and friendship shall immediately take place between the said company and the Nabob Tippoo Sultaun, Bahauder, and their friends and allies; particularly including therein the rajahs of Tanjore and Travencore, who are friends and allies to the English, and the Carnatic Payen Gaut, also Tippoo Sultaun's friends and allies; the Biby of Cananore, and the rajahs or zemindars of the Malabar coast, are included in this treaty: the English will not directly or indirectly assist the enemies of the Nabob Tippoo Sultaun, Bahauder, nor make war upon his friends or allies; and the Nabob Tippoo Sultaun, Bahauder, will not directly or indirectly assist the enemies, nor make war upon the friends or allies of the English.

II. Immediately after signing and sealing the treaty by the Nabob Tippoo Sultaun, Bahauder, and the three English commissioners, the said Nabob shall send orders for the complete evacuation of the Carnatic, and the restoration of all the forts and places in it, now possessed by his troops, the forts of Amboorgur and Satgur excepted; and such evacuation and restoration shall actually and effectually be made in the space of thirty days from the day of signing the treaty. And the said Nabob shall also, immediately after signing the treaty, send orders for the release of all the persons who were taken and made prisoners in the late war, and now alive, whether European or native; and for their being safely conducted to and delivered at such English forts or settlements as shall be nearest to the places where they now are, so that the said release and delivery of the prisoners shall actually and

effectually be made in thirty days from the day of signing the treaty. The Nabob will cause them to be supplied with provisions and conveyances for the journey, the expence of which shall be made good to him by the company. The commissioners will send an officer or officers to accompany the prisoners to the different places where they are to be delivered: in particular, Abdul Wahab Cawn, taken at Chitoor, and his family, shall be immediately released, and if willing to return to the Carnatic, shall be allowed to do so. If any person or persons belonging to the said Nabob, and taken by the company in the late war, be now alive, and in prison in Bencoolen, or other territories of the company, such person or persons shall be immediately released, and, if willing to return, shall be sent without delay to the nearest fort or settlement in the Mysore country. Baswapa, late amuldar of Palicacherry, shall be released and at liberty to depart.

III. Immediately after signing and sealing the treaty, the English commissioners shall give written orders for the delivery of Onore Carwar and Sadashevagada, and forts or places adjoining thereto, and send a ship or ships to bring away the garrisons. The Nabob Tippoo Sultaun, Bahauder, will cause the troops in those places to be supplied with provisions, and any other necessary assistance for their voyage to Bombay (they paying for the same). The commissioners will likewise give, at the same time, written orders for the immediate delivery of the forts and districts of Caroor, Auracourchy, and Daraparam; and immediately after the release and delivery of the prisoners as before mentioned, the fort and district of Dindigul shall be evacuated and restored to the Nabob Tippoo Sultaun, Bahauder; and none of the troops of the company shall afterwards remain in the country of the Nabob Tippoo Sultaun, Bahauder.

IV. As soon as all the prisoners are released and delivered,

livered, the fort and district of Cannanore shall be evacuated and restored to Ali Rajah Biby, the Queen of that country, in the presence of any one person, without troops, whom the Nabob Tippoo Sultaun, Bahauder, may appoint for that purpose; and at the same time that the orders are given for the evacuation and delivery of the forts of Cannanore and Dindigul, the said Nabob shall give written orders for the evacuation and delivery of Amboorgur and Satgur to the English; and in the mean time, none of the troops of the said Nabob shall be left in any part of the Carnatic, except in the two forts above-mentioned.

V. After the conclusion of this treaty, the Nabob Tippoo Sultaun, Bahauder, will make no claim whatever in future on the Carnatic.

VI. All persons whatsoever, who have been taken and carried away from the Carnatic Payen Gaut (which includes Tanjour) by the late Nabob Hyder Ali Cawn, Bahauder, who is in heaven, or by the Nabob Tippoo Sultaun, Bahauder, or otherwise belonging to the Carnatic, and now in the Nabob Tippoo Sultaun, Bahauder's dominions, and willing to return, shall be immediately allowed to return with their families and children, or as soon as may be convenient to themselves; and all persons belonging to the Vencatacherry Rajah, who were taken prisoners in returning from the fort of Vellour, to which place they had been sent with provisions, shall also be released, and permitted immediately to return. Lists of the principal persons belonging to the Nabob Mahomed Ali Cawn, Bahauder, and to the Rajah of Vencatagherry, shall be delivered to the Nabob Tippoo Sultaun's ministers; and the Nabob will cause the contents of this article to be publicly notified throughout his country.

VII. This being the happy period of general peace and reconciliation, the Nabob Tippoo Sultaun, Bahauder, as a testimony and proof of his friendship to

the English, agrees, that the rajahs or zemindars on this coast, who have favoured the English in the late war, shall not be molested on that account.

VIII. The Nabob Tippoo Sultaun, Bahauder, hereby renews and confirms all the commercial privileges and immunities given to the English by the late Nabob Hyder Ali Cawn, Bahauder, who is in heaven, and particularly stipulated and specified in the treaty between the company and the said Nabob, concluded the 8th of August, 1770.

IX. The Nabob Tippoo Sultaun, Bahauder, shall restore the factory and privileges possessed by the English at Callicut, until the year 1779 (or 1193 Hygera) and shall restore Mount Dilly and its district, belonging to the settlement of Tellicherry, and possessed by the English, till taken by Sardar Cawn, at the commencement of the late war.

X. This treaty shall be signed and sealed by the English commissioners, and a copy of it shall afterwards be signed and sealed by the president and select committee of Fort St. George, and returned to the Nabob Tippoo Sultaun, Bahauder, in one month, or sooner if possible; and the same shall be acknowledged under the hands and seals of the governor general and council of Bengal, and the governor and select committee of Bombay, as binding upon all the governments in India; and copies of the treaty, so acknowledged, shall be sent to the said Nabob in three months, or sooner if possible. In testimony whereof, the said contracting parties have signed, sealed, and interchangeably delivered two instruments of the same tenor and date; to wit, the said three commissioners on behalf of the honourable English East India company and the Carnatic Payen Gaut; and the said Nabob Tippoo Sultaun, Bahauder, on his own behalf, and the dominions of Seringapatam, and Hyder Nagar, &c. Thus executed at Mangulore (otherwise called

1784.] HYDER ALLY, AND TIPPOO SULTAUN. 517

called Codial Bunder) this eleventh day of March, and year 1784, of the Christian æra, and 16th day of the moon Rabillafany, in the year of the Hygera 1198.

(Signed) *Anthony Sadler.* (L. S.)
Tippoo Sultaun's *George Leonard Staunton.* (L. S.)
 Signature. *John Huddleson.* (L. S.)

THE MARATTAS.

1756. **T**HE treaty with the Marattas, con-
 12 Oct. firming former treaties, regarding Ge-
 riah, and settling trade.

E. Ind. Treat. p. 170.

1775. The treaty between governor Hornby
 6 Mar. and the council of Bombay, on the one part,
 and Ragonath Row Bellajee, Peishwa, on
 the other, confirming former agreements,
 and protecting trade.

E. Ind. Treat. p. 337.

1778. The new treaty and additional agreements
 24 Nov. between the same parties.

E. Ind. Treat. p. 348.

1781. The treaty of peace and firm alliance be-
 13 Oct. tween Colonel Muir, on behalf of the East
 India company, and the Maha Rajah Saheb
 Soubahdar, Madhee Row Sindia, Bahadar,
 on his part.

E. Ind. Treat. p. 316.

1782. The treaty of alliance and perpetual
17 May. friendship with the Marattas, settled by Mr.
David Anderson, on behalf of the East India
company. *E. Ind. Treat.* p. 318.

[The following is printed from the Treaty, which was
published by authority, in 1784.]

The Treaty of Peace with the Marattas, 1782.

TREATY of perpetual friendship and alliance between the honourable the English East India company, and the Peshwa Madhoo Row Pundit Purdhan, settled by Mr. David Anderson, on the part of the honourable company, in virtue of the powers delegated to him for that purpose by the honourable the governor general and council, appointed by the King and parliament of Great Britain, to direct and controul all political affairs of the honourable English East India company in India ; and by Maha Rajah Subadar Madhoo Row Sindia, as plenipotentiary on the part of the Peshwa Madhoo Row Pundit Purdhan, Ballajee Pundit Nana Furnavese, and the whole of the chiefs of the Maratta nation, agreeably to the following articles, which shall be ever binding on their heirs and successors, and the conditions of them to be invariably observed by both parties.

I. It is stipulated and agreed to between the honourable the English East India company and the Peshwa, through the mediation of Madhoo Row Sindia, that all countries, places, cities, and forts, including Basseen, &c. which have been taken from the Peshwa, during the war that has arisen since the treaty settled by colonel Upton, and have come into the possession of the English, shall be delivered up to the Peshwa ; the territories, forts, cities, &c. to be restored, shall be delivered within the space of two months from the period when this treaty shall become complete (as hereinafter described) to such persons as the Peshwa, or his minister, Nana Furnavese, shall appoint.

II. It

II. It is agreed between the English company and the Peshwa, that Salfette and three other islands, viz. Elephanta, Corranja, and Hog, which are included in the treaty of colonel Upton, shall continue for ever in possession of the English. If any other islands have been taken in the course of the present war, they shall be delivered up to the Peshwa.

III. Whereas it was stipulated in the fourth article of the treaty of colonel Upton, "That the Peshwa, and all the chiefs of the Maratta state, do agree to give the English company, for ever, all right and title to the city of Baroach, as full and complete as ever they collected from the Moguls or otherwise, without retaining any claim of chout, or any other claims whatsoever; so that the English company shall possess it without participation or claim of any kind;" this article is accordingly continued in full force and effect.

IV. The Peshwa having formerly, in the treaty of colonel Upton, agreed, by way of friendship, to give up to the English a country of three lacks of rupees, near Baroach, the English do now, at the request of Madhoo Row Sindia, consent to relinquish their claim to the said country in favour of the Peshwa.

V. The country which Seajee and Futty Sing Guickwar gave to the English, and which is mentioned in the seventh article of the treaty of colonel Upton, being therein left in a state of suspense, the English, with a view to obviate all future disputes, now agree that it shall be restored; and it is hereby settled, that if the said country be a part of the established territory of the Guickwar, it shall be restored to the Guickwar; and if it shall be a part of the Peshwa's territories, it shall be restored to the Peshwa.

VI. The English engage, that having allowed Ragonaut Row a period of four months, from the time when this treaty shall become complete, to fix on a

place of residence, they will not, after the expiration of the said period, afford him any support, protection, or assistance, nor supply him with money for his expenses: and the Peshwa, on his part, engages, that if Ragonaut Row will voluntarily, and of his own accord, repair to Maha Rajah Madhoo Row Sindia, and quietly reside with him, the sum of 25,000 rupees *per* month shall be paid him for his maintenance; and no injury whatever shall be offered to him by the Peshwa, or any of his people.

VII. The honourable English East India company, and the Peshwa, being desirous that their respective allies shall be included in this peace; it is hereby mutually stipulated, that each party shall make peace with the allies of the other, in the manner hereinafter specified.

VIII. The territory which has long been the established jagheer of Seeajee Guickwar, and Futty Sing Guickwar; that is to say, whatever territory Futty Sing Guickwar possessed at the commencement of the present war, shall hereafter for ever remain on the usual footing in his possession; and the said Futty Sing shall, from the date of this treaty being complete, pay for the future to the Peshwa the tribute as usual, previous to the present war; and shall perform such services, and be subject to such obedience, as have long been established and customary. No claim shall be made on the said Futty Sing, by the Peshwa, for the period that is past.

IX. The Peshwa engages, that whereas the Nabob Hyder Ally Cawn, having concluded a treaty with him, hath disturbed and taken possession of territories belonging to the English and their allies, he shall be made to relinquish them; and they shall be restored to the company and the Nabob Mahomed Ally Cawn. All prisoners, that have been taken on either side during the war, shall be released; and Hyder Ally Cawn shall be made to relinquish all such territories
belonging

belonging to the English company, and their allies, as he may have taken possession of since the ninth of Ramzam, in the year 1180, being the date of his treaty with the Peshwa; and the said territories shall be delivered over to the English, and the Nabob Mahomed Ally Cawn, within six months after this treaty being complete. And the English in such case agree, that so long as Hyder Ally Cawn shall afterwards abstain from hostilities against them and their allies, and so long as he shall continue in friendship with the Peshwa, they will in no respect act hostilely towards him.

X. The Peshwa engages on his own behalf, as well as on behalf of his allies, the Nabob Nizam Ally Cawn, Ragojee Boufala Syna Saheb Subah, and the Nabob Hyder Ally Cawn, that they shall in every respect maintain peace towards the English and their allies, the Nabob Asoph-ul-Dowlah, Bahauder, and the Nabob Mahomed Ally Cawn, Bahauder, and shall in no respect whatever give them any disturbance. The English engage on their own behalf, as well as on behalf of their allies, the Nabob Asoph-ul-Dowlah, and the Nabob Mahomed Ally Cawn, that they shall in every respect maintain peace towards the Peshwa and his allies, the Nabob Nizam Ally Cawn, and Ragojee Boufala Syna Saheb: and the English further engage on their own behalf, as well as on behalf of their allies, that they will maintain peace also towards the Nabob Hyder Ally Cawn, under the conditions specified in the ninth article of this treaty.

XI. The honourable East India company, and the Peshwa, mutually agree, that the vessels of each shall afford no disturbance to the navigation of the vessels of the other; and the vessels of each shall be allowed access to the ports of the other, where they shall meet with no molestation; and the fullest protection shall be reciprocally afforded.

XII. The Peshwa and chiefs of the Maratta state hereby agree, that the English shall enjoy the privilege
of

of trade, as formerly, in the Maratta territories, and shall meet with no kind of interruption: and in the same manner, the honourable East India company agree, that the subjects of the Peshwa shall be allowed the privileges of trade, without interruption, in the territories of the English.

XIII. The Peshwa hereby engages, that he will not suffer any factories of other European nations to be established in his territories, or those of the chiefs dependent on him, excepting only such as are already established by the Portuguese; and he will hold no intercourse of friendship with any other European nations: and the English on their part agree, that they will not afford assistance to any nation of Deccan or Indostan at enmity with the Peshwa.

XIV. The English and the Peshwa mutually agree, that neither will afford any kind of assistance to the enemies of the other.

XV. The honourable the governor general and council of Fort William engage, that they will not permit any of the chiefs, dependants or subjects of the English, the gentlemen of Bombay, Surat, or Madras, to act contrary at any place to the terms of this treaty: in the same manner the Peshwa Madhoo Row Pundit Purdhan engages, that none of the chiefs or subjects of the Maratta state shall act contrary to them.

XVI. The honourable East India company, and the Peshwa Madhoo Row Pundit Purdhan, having the fullest confidence in Maha Rajah Subadar, Madhoo Row Sindia, Bahauder, they have both requested the said Maha Rajah to be the mutual guarantee for the perpetual and invariable adherence of both parties to the conditions of this treaty; and the said Madhoo Row Sindia, from a regard to the welfare of both states, hath accordingly taken upon himself the mutual guaranty. If either of the parties shall deviate
from

from the conditions of this treaty, the said Maha Rajah will join the other party, and will, to the utmost of his power, endeavour to bring the aggressor to a proper understanding.

XVII. It is hereby agreed, that whatever territories, forts, or cities in Guzerat were granted by Ragonaut Row to the English, previous to the treaty of colonel Upton, and have come into their possession, the restitution of which was stipulated in the seventh article of the said treaty, shall be restored agreeable to the terms of the said article.

This treaty, consisting of seventeen articles, is settled at Salbey, in the camp of Maha Rajah Subadar Madhoo Row Sindia, on the fourth of the month Jummad ul Saany, in the year 1197 of the Hygera, corresponding with the 17th of May 1782, of the Christian æra, by the said Maha Rajah and Mr. David Anderson. A copy hereof shall be sent by each of the above-named persons to their respective principals at Fort William and Poonah; and when both copies being returned, the one under the seal of the honourable East India company, and signature of the honourable the governor general and council of Fort William, shall be delivered to Maha Rajah Madhoo Row Sindia, Bahauder, and the other under the seal of the Peshwa Madhoo Row Pundit Purdhan, and the signature of Ballajee Pundit Nana Furnavese, shall be delivered to Mr. David Anderson, this treaty shall be deemed complete and ratified, and the articles herein contained shall become binding on both the contracting parties.

[Written in the Marratta character, by Ragoo Bhow Dewan.] “ In all seventeen articles, on the
“ fourth of Jemmad ul Akher, or fifth of Jeyt
“ Adeek, in the Shukul Patteh, in the year
“ 1182.”

[Subscribed,

[Subscribed, in the Marratta character, by Mahajee Sindia.] “ Agreed to what is above written in
“ Perfian.”

(Signed) *David Anderson.*

Witneffes,
(Signed) *James Anderson.*
W. Blaine.

Ratified at Fort William, the 6th of June, 1782.



(Signed) *Warren Hastings.*
Edward Wheeler.
John Macpherson.

(Signed) *J. P. Auriol, Secretary.*

The following was added at the Time of the Ratification at Poonah, and the final Exchange at Gualiar.

THIS treaty, consisting of seventeen articles, was ratified on the 15th of the month of Mohrummum ul Hirram, in the year 1196 of the Hygera, and shall be invariably and perpetually binding on both the contracting parties.

[Subscribed in the hand-writing of Nana Farnavefe.] “ Done by me, Ballajee Jennardin, on
“ the 15th of Mohurram, in the year 1183*.”

On the 21st of Rubbi ul Awul, in the year 1197 of the Hygera, the above-written treaty, under the seals of the Peshwa, and the signature of Ballajee Pundit

* Twentieth December, 1782.

Farnavefe,

Farnavese, was delivered, near Gualiar, to Mr. David Anderson; and a counterpart of the same, under the seal of the company, and the signatures of the governor general and council of Fort William, was in like manner delivered to Maha Rajah Madajee Sindia, Bahauder, by which exchange the said treaty is become complete, and from this date shall be binding on each of the contracting parties.

[Subscribed in the hand-writing of Mahdajee Sindia]
 " 21st of Rubbi ul Awul."

The counterpart subscribed by Mr. David Anderson, 24th February, 1783.

N. B. *The small seal of the Peshwa affixed to the joinings of the different sheets.*

Extract of Bengal Secret Consultations, the 15th March, 1783.

RESOLVED, That the board assent to the two propositions made by Bow Bunchey to Mr. Anderson, upon the grounds of the treaty for the better preservation of the peace established with the Maratta government; viz.

First, That the English and Maratta governments do mutually agree not to afford refuge to any chiefs, merchants, or other persons, who shall hereafter fly for protection to either, from the territories of the other.

Secondly, That the 11th article of the treaty, concerning the intercourse of shipping, be explained to mean according to former custom (Monjib Sabuck Duttow.)

Resolved, That the president and council at Bombay be desired to restore to the Marattas, the guns and

and rakelas taken in Basseen and Arnolla ; but as it is, perhaps, impossible to ascertain the identical guns and stores so taken, or as some of them may probably have been lost, or expended, that the spirit of this request be only attended to ; and that Madajee Sindia be requested to consider this as a full compliance with his wishes in that instance, and assured it is our intention to comply with them in the fullest possible extent, although it will not admit of a more positive declaration.

Resolved, and it is hereby declared, that all grants or obligations heretofore made, and now subsisting, betwixt the English and Ragonaut Row, are now null and void ; but this must not be construed to extend to any rights allowed by actual treaty.

Extract of Bengal Secret Consultations, the 3d June,
1782.

ORDERED, That the following sunnud, granting the right and title possessed by the honourable company to the city and pergunnah of Baroach (in the terms of the third article of the treaty) to Madajee Scindia, be forthwith transmitted to Mr. Anderſon.

Whereas it was stipulated, by the fourth article of the treaty of Poorundar, dated 1st March, 1776, “ That the Peshwa and Maratta state do agree to give
“ to the English company for ever, all right and title
“ to their entire share of the city and pergunnah of
“ Baroach, as full and complete as ever they collected
“ from the Moguls or otherwise, without retaining
“ claim of chout, or any other demand whatever, so
“ that the English company shall possess it without
“ participation or claim of any kind :” and whereas the said article is accordingly declared to be continued in full force and effect, by the third article of the treaty concluded at Salbey, the 17th of May, 1782 :

We the governor general and council for the affairs of the British nation in India, do, of our own free will and accord, and on behalf of the honourable company, grant and make over unto the said Maha Rajah Subadar Madhoo Row Scindia, all right, title, and possession in the said entire share of the city and pergunnah of Baroach, which the honourable company ever did or might hold, in testimony of the sense which we entertain of the generous conduct manifested by Maha Rajah Subadar Madhoo Row Scindia, to the government of Bombay at Worgaung, and of his humane treatment and release of the English gentlemen who had been delivered as hostages on that occasion.

Extract of Bengal Secret Consultations, 10th July, 1782.

AGREED, That both the Mogul and Maratta shares of the town and pergunnah of Baroach, be ceded to Madajee Scindia; and that a new fannud, bearing the date of the former, be sent to Mr. Anderson, to be substituted in lieu thereof, according to the following form.

N. B. The amended fannud is not entered on the records.

The

The AMERICAN STATES.

1782. **T**HE provisional articles of peace and
30 Nov. reconciliation between Great Britain
and the American States.

1783. The definitive treaty of peace and friend-
3 Sept. ship between Great Britain and the United
States of America.

[The following is printed from the copy, which was
published by authority, in 1783.]

*The Definitive Treaty of Peace and Friendship, between
his Britannic Majesty, and the United States of
America. Signed at Paris, the 3d of September,
1783.*

In the name of the most Holy and Undivided Trinity*

IT having pleased the Divine Providence to dispose
the hearts of the most Serene and most Potent Prince
George the Third, by the grace of God, King of Great
Britain, France, and Ireland, Defender of the faith,
Duke of Brunswic and Lunenburgh, Arch-treasurer
and Prince Elector of the Holy Roman Empire, &c.
and of the United States of America, to forget all past
misunderstandings and differences that have unhappily
interrupted the good correspondence and friendship
which they mutually wish to restore; and to establish
such a beneficial and satisfactory intercourse between
the two countries, upon the ground of reciprocal ad-
vantages and mutual convenience, as may promote
and secure to both perpetual peace and harmony; and
having for this desirable end already laid the founda-
tion of peace and reconciliation, by the provisional ar-
ticles signed at Paris, on the 30th of November, 1782,
by

by the commissioners empowered on each part; which articles were agreed to be inserted in, and to constitute, the treaty of peace, proposed to be concluded between the Crown of Great Britain and the said United States, but which treaty was not to be concluded until terms of peace should be agreed upon between Great Britain and France, and his Britannic Majesty should be ready to conclude such treaty accordingly; and the treaty between Great Britain and France having since been concluded, his Britannic Majesty and the United States of America, in order to carry into full effect the provisional articles above-mentioned, according to the tenor thereof, have constituted and appointed, that is to say, his Britannic Majesty, on his part, David Hartley, Esq; member of the parliament of Great Britain; and the said United States, on their part, John Adams, Esq; late a commissioner of the United States of America at the court of Versailles, late delegate in Congress from the state of Massachusetts, and chief justice of the said state, and minister plenipotentiary of the said United States to their High Mightinesses the States General of the United Netherlands; Benjamin Franklin, Esq; late delegate in Congress from the state of Pennsylvania, president of the convention of the said state, and minister plenipotentiary from the United States of America at the court of Versailles; John Jay, Esq; late president of Congress, and chief justice of the state of New York, and minister plenipotentiary from the said United States at the court of Madrid; to be the plenipotentiaries for the concluding and signing the present definitive treaty: who, after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles:

I. His Britannic Majesty acknowledges the said United States, viz. New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina,

Carolina, and Georgia, to be free, sovereign, and independent states ; that he treats with them as such ; and for himself, his heirs and successors, relinquishes all claims to the government, propriety, and territorial rights of the same, and every part thereof.

II. And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz. from the north-west angle of Nova Scotia, viz. that angle which is formed by a line drawn due north, from the source of Saint Croix river to the Highlands, along the said Highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean, to the north-westernmost head of Connecticut river ; thence down along the middle of that river to the forty-fifth degree of north latitude ; from thence by a line due west on said latitude until it strikes the river Iroquois or Cataraquy ; thence along the middle of said river into lake Ontario ; through the middle of said lake, until it strikes the communication by water between that lake and lake Erie ; thence along the middle of said communication into lake Erie ; through the middle of said lake, until it arrives at the water-communication between that lake and lake Huron ; thence along the middle of said water-communication into the lake Huron ; thence through the middle of said lake to the water-communication between that lake and lake Superior ; thence through lake Superior, northward of the isles Royal and Phelipeaux, to the Long Lake ; thence through the middle of said Long Lake, and the water-communication between it and the Lake of the Woods, to the said Lake of the Woods ; thence through the said lake to the most north-western point thereof, and from thence on a due west course to the river Mississippi ; thence by a line to be drawn along the middle of the said river Mississippi, until it shall intersect the northernmost part of the
thirty-

thirty-first degree of north latitude :—South, by a line to be drawn due east from the determination of the line last-mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river Apalachicola or Catahouche ; thence along the middle thereof to its junction with the Flint river ; thence strait to the head of St. Mary's river, and thence down along the middle of St. Mary's river to the Atlantic ocean :—East, by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy to its source ; and from its source directly north to the aforesaid Highlands, which divide the rivers that fall into the Atlantic ocean from those which fall into the river St. Lawrence : comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy, and the Atlantic ocean ; excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia.

III. It is agreed, that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank and on all the other banks of Newfoundland : and in the gulph of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish. And also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland, as British fishermen shall use (but not to dry or cure the same on that island) and also on the coasts, bays, and creeks, and all other of his Britannic Majesty's dominions in America ; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, Magdalen islands, and Labrador, so long as the same shall remain unsettled ; but so soon as the same,

or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

IV. It is agreed, that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all *bonâ fide* debts heretofore contracted.

V. It is agreed, that the Congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights, and properties which have been confiscated, belonging to real British subjects: and also of the estates, rights, and properties of persons resident in districts in the possession of his Majesty's arms, and who have not borne arms against the said United States: and that persons of any other description shall have free liberty to go to any part or parts of any of the Thirteen United States, and therein to remain twelve months unmolested in their endeavours to obtain the restitution of such of their estates, rights, and properties, as may have been confiscated: and that Congress shall also earnestly recommend to the several states, a re-consideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail. And that Congress shall also earnestly recommend to the several states, that the estates, rights, and properties of such last-mentioned persons shall be restored to them, they refunding to any persons who may be now in possession the *bonâ fide* price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights, or properties, since the confiscation.

And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements,

settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

VI. That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons, for or by reason of the part which he or they may have taken in the present war; and that no person shall on that account suffer any future loss or damage either in his person, liberty, or property; and that those who may be in confinement on such charges at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

VII. There shall be a firm and perpetual peace between his Britannic Majesty and the said States, and between the subjects of the one and the citizens of the other, wherefore all hostilities, both by sea and land, shall from henceforth cease: all prisoners on both sides shall be set at liberty; and his Britannic Majesty shall with all convenient speed, and without causing any destruction, or carrying away any negroes, or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the said United States, and from every port, place, and harbour within the same; leaving in all fortifications the American artillery that may be therein: and shall also order and cause all archives, records, deeds, and papers belonging to any of the said States, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

VIII. The navigation of the river Mississippi, from its source to the ocean, shall for ever remain free and open to the subjects of Great Britain, and the citizens of the United States.

IX. In case it should so happen that any place or territory belonging to Great Britain, or to the United States, should have been conquered by the arms of either, from the other, before the arrival of the said

provisional articles in America, it is agreed that the same shall be restored without difficulty, and without requiring any compensation.

X. The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties in the space of six months, or sooner, if possible, to be computed from the day of the signature of the present treaty.

In witness whereof, we, the undersigned, their ministers plenipotentiary, have in their name, and in virtue of our full powers, signed with our hands the present definitive treaty, and caused the seals of our arms to be affixed thereto.

Done at Paris, this third day of September, in the year of our Lord one thousand seven hundred and eighty-three.

(L. S.) *D. Hartley.*

(L. S.) *John Adams.*

(L. S.) *B. Franklin.*

(L. S.) *John Jay.*

His Britannic Majesty's Full Power.

GEORGE R.

GEORGE the Third, by the grace of God, King of Great Britain, France, and Ireland, Defender of the faith, Duke of Brunſwic and Lunenburg, Arch-treasurer and Prince Elector of the Holy Roman Empire, &c.; to all to whom these presents shall come, greeting. Whereas for the perfecting and establishing the peace, friendship, and good understanding, so happily commenced by the provisional articles, signed at Paris the thirtieth day of November last, by the commissioners of us and our good friends the United States of America, viz. New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in North America; and for opening, promoting, and rendering perpetual, the mutual intercourse of trade and commerce between our kingdoms

and the dominions of the said United States, we have thought proper to invest some fit person with full powers, on our part, to meet and confer with the ministers of the said United States, now residing at Paris, duly authorized for the accomplishing of such laudable and salutary purposes; Now know ye, that we, reposing special trust and confidence in the wisdom, loyalty, diligence, and circumspection of our trusty and well-beloved David Hartley, Esquire (on whom we have therefore conferred the rank of our minister plenipotentiary) have nominated, constituted, and appointed, and by these presents do nominate, constitute, and appoint him our true, certain, and undoubted commissioner, procurator, and plenipotentiary; giving and granting to him all and all manner of faculty, power, and authority, together with general as well as special order (so as the general do not derogate from the special, nor on the contrary) for us, and in our name, to meet, confer, treat, and conclude with the minister or ministers furnished with sufficient powers on the part of our said good friends the United States of America, of and concerning all such matters and things as may be requisite and necessary for accomplishing and completing the several ends and purposes herein-before mentioned; and also for us, and in our name, to sign such treaty or treaties, convention or conventions, or other instruments whatsoever, as may be agreed upon in the premises, and mutually to deliver and receive the same in exchange; and to do and perform all such other acts, matters, and things, as may be any-ways proper and conducive to the purposes above mentioned, in as full and ample form and manner, and with the like validity and effect, as we ourself, if we were present, could do and perform the same: engaging and promising, on our Royal word, that we will accept, ratify, and confirm, in the most effectual manner, all such acts, matters, and things, as shall be so transacted and concluded by our aforesaid commissioner, procurator, and plenipotentiary; and that we will never suffer any person to violate the same, in the whole

whole or in part, or to act contrary thereto. In testimony and confirmation of all which, we have caused our great seal of Great Britain to be affixed to these presents, signed with our Royal hand. Given at our palace at St. James's, the fourteenth day of May, in the year of our Lord one thousand seven hundred and eighty-three, and in the twenty-third year of our reign.

Full Power of the United States of America.

THE United States of America, in Congress assembled, to all to whom these presents shall come, send greeting. Whereas these United States, from a sincere desire of putting an end to the hostilities between his most Christian Majesty and these United States on the one part, and his Britannic Majesty on the other, and of terminating the same by a peace, founded on such solid and equitable principles as reasonably to promise a permanency of the blessings of tranquillity, did heretofore appoint the honourable John Adams, late a commissioner of the United States of America at the court of Versailles, late delegate in Congress from the state of Massachusetts, and chief justice of the said state, their minister plenipotentiary, with full powers, general and special, to act in that quality, to confer, treat, agree, and conclude with the ambassadors or plenipotentiaries of his most Christian Majesty, and of his Britannic Majesty, and those of any other princes or states whom it might concern, relating to the re-establishment of peace and friendship: and whereas the flames of war have since that time been extended, and other nations and states are involved therein: Now know ye, that we still continuing earnestly desirous, as far as depends upon us, to put a stop to the effusion of blood, and to convince the Powers of Europe, that we wish for nothing more ardently, than to terminate the war by a safe and honourable peace, have thought proper to renew the powers formerly given to the said John Adams, and to join four other persons in commission with him; and having full confidence in the integrity, prudence, and

and ability of the honourable Benjamin Franklin, our minister plenipotentiary at the court of Versailles, and the honourable John Jay, late president of Congress, and chief justice of the state of New York, and our minister plenipotentiary at the court of Madrid; and the honourable Henry Laurens, formerly president of Congress, and commissioned and sent as our agent to the United Provinces of the Low Countries; and the honourable Thomas Jefferson, governor of the commonwealth of Virginia; have nominated, constituted, and appointed, and by these presents do nominate, constitute, and appoint, the said Benjamin Franklin, John Jay, Henry Laurens, and Thomas Jefferson, in addition to the said John Adams, giving and granting to them the said John Adams, Benjamin Franklin, John Jay, Henry Laurens, and Thomas Jefferson, or the majority of them, or of such of them as may assemble; or, in case of the death, absence, indisposition, or other impediment of the others, to any one of them, full power and authority, general and special, conjunctly and separately, and general and special command, to repair to such place as may be fixed upon for opening negotiations for peace; and there for us, and in our name, to confer, treat, agree, and conclude with the ambassadors, commissioners, and plenipotentiaries of the Princes and states whom it may concern, vested with equal powers, relating to the establishment of peace; and whatsoever shall be agreed and concluded, for us, and in our name, to sign, and thereupon make a treaty or treaties; and to transact every thing that may be necessary for completing, securing, and strengthening the great work of pacification, in as ample form, and with the same effect, as if we were personally present, and acted therein; hereby promising, in good faith, that we will accept, ratify, fulfil, and execute whatever shall be agreed, concluded, and signed by our said ministers plenipotentiary, or a majority of them, or of such of them as may assemble; or, in case of the death, absence, indisposition, or other impediment
of

of the others, by any one of them ; and that we will never act, nor suffer any person to act, contrary to the same, in whole, or in any part. In witness whereof, we have caused these presents to be signed by our president, and sealed with his seal.

Done at Philadelphia, the fifteenth day of June, in the year of our Lord one thousand seven hundred and eighty-one, and in the fifth year of our independence, by the United States in Congress assembled.

(Signed)

Sam. Huntington, President.

Attest

(Signed)

Charles Thomson, Secretary.

F I N I S.

