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THE
Privileges of an ENGLISHMAN
IN THE

Kingdoms and Dominions of PORTUGAL.

CONTAINED IN THE

TREATY OF PEACE

CONCLUDED BY

Oliver Cromwell, &c.



Price Two Shillings.

OS
PRIVILEGIOS do INGLEZ,
NOS
REYNOS e DOMINIOS de PORTUGAL.
CONTHEUDOS NO
TRATADO DE PAS
CONCLUIDO POR
OLIVEIRO CROMWELL;
E
Em varias LEYS, DECRETOS, &c. a diversos
Tempos, e sobre differentes Occazioens,
FEITOS PELLOS
REYS de PORTUGAL,
EM
Favor da N A C A M I N G L E Z A.

QUE SAM
Comzas Absolutamente Neçessarias para Saberem
todas as pessoas, que em algũa parte são Interessadas no
Largo Negocio, e Tratq que agora há entre as duas
Naçoens.

Ao que se ajuntou,

A Nova Ley de El Rey de PORTUGAL, tocante as DIAMANTES
que se achao no Brazil.

Imprimindo nas Linguas Portugueza e Ingleza.

L O N D R E S :

Imprimido a Custo de quem o Tresladou, e se Vende na Caza de
Caffee de Portugal, em Swithin's-Alley, a Esquina Nordêste do
Bolso Real. M.DCC.XXXVI.

THE
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TREATY OF PEACE
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AND
Various LAWS, DECREES, &c. at sundry
times, and on divers Occasions,
MADE BY THE
KINGS of PORTUGAL,
IN
Favour of the ENGLISH NATION.

WHICH ARE
Things absolutely necessary to be known, by every
Person who is any ways concern'd in the extensive
Trade, now carry'd on between the two King-
doms.

To which is added,
The King of PORTUGAL's New Law, concerning the DIA-
MONDS found in the *Brasils*.

Done in *Portuguese* and *English*.

L O N D O N:

Printed for the Translator, and Sold at the *Portugal* Coffee-house
in *Swithin's-Alley*, at the North-East Corner of the *Royal-*
Exchange. M.DCC.XXXVI.



CONTHEUDO.

- I.  *E IS Artigos Preliminares, entre Oliveiro Cromwell, Proteſtor de Inglaterra; e El Rey Dom Joaõ IV. de Portugal, concluidos em Londres aos 29 dias de Dezembro de 1652*
Pag. 1
- II. *Tratado de Pas, entre O. Cromwell; e o ditto Rey de Portugal, que Conthem 28 Artigos, concluido em Westminster aos 10 dias de Julho de 1654.*
p. 8
- III. *Hum Artigo Secreto entre o ditto Proteſtor, e Rey, feito em Westminster no meſmo dia aſima*
p. 46
- IV. *Carta dos Privilegios dos Inglezes, em que vay incluido varias Antiguas Provizoens, Alvarás, Decretos, e Leys concedidas por Algums dos Reys de Portugal, a favor dos Inglezes, e outras Naçoens*
p. 50
- V. *Decreto para que os Inglezes não obedecem outro Juizo algum, Senão o de ſeo Juiz Conſervador*
p. 74
- VI. *Vários Decretos, e Ordems tocante as couzas que não Dvem Direitos em Portugal*
p. 74, 78, 82



VII. Decretos,



THE CONTENTS.

- I. **S**IX Preliminary Articles, between Oliver Cromwell, Protector of England, and King John the Fourth of Portugal, Concluded in London on the 29th of December, 1652 Page 1
- II. Oliver Cromwell's Treaty of Peace with the said King of Portugal, contain'd in Twenty-eight Articles, concluded at Westminster the 10th Day of July, 1654. P. 9
- III. One Secret Article between the abovesaid, concluded at Westminster the same Day P. 47
- IV. Charter of the English Privileges, composed of various ancient Provisions, Alvaras, Decrees, and Laws made at sundry times by several of the Kings of Portugal, in favour of the English, and other Nations P. 51
- V. A Decree exempting the English from acknowledging any other Court of Judicature but that of their Judge Conservator P. 75
- VI. Several Decrees and Orders about such things as owe no Duties in Portugal P. 75, 79, 83

VII. A

O CONTHEUDO.

VII. *Decretos, &c. para que os Inglezes não paguem o Maneo*
p. 80, 98, 100

VIII. *Decreto que confirma os 10 e 11 Artigos do Tratado da*
Paç, por onde os Navios Inglezes podem Navegar para as
Ilhas e Conquistas de Portugal com os mesmos Izençoens que
as Naos Portuguezas p. 84

IX. *Ley para que os Inglezes não paguem Coretores contra suas*
Vontades p. 94

X. *Decreto para que a Conservatoria Ingleza tenha Lugar,*
ainda com os Privilegiados p. 96

XI. *Tratado de Comercio entre Anna Raynha de Gram Britania,*
e Dom Pedro Rey de Portugal. Concluido em Lisboa aos
27 dias de Dezembro de 1703 p. 104

XII. *Ley tocante as Diamantes que se acbaõ no Brazil, por*
onde se reserva todas que são de 20 quilates ou dabi para
cima para a Fazenda de El Rey p. 110



The CONTENTS.

VII. *Decrees, &c. to exempt the English from paying the Tax on Stock* Page 81, 99, 101

VIII. *A Decree confirming the Tenth and Eleventh Articles of the Treaty of Peace, which allows the English Ships to Navigate to the Islands and Conquests of Portugal, on the same footing as the Portuguese Vessels do* p. 85

IX. *A Law to exempt the English from paying Brokeridge against their Will* P. 95

X. *A Law to make the English Conservatory take place, even with such Persons as are privileged* P. 97

XI. *A Treaty of Commerce between Anne Queen of Great Britain, and Peter King of Portugal, concluded at Lisbon, the 27th of December, 1703* p. 105

XII. *A Law concerning the Diamonds found in the Brasils; by which such as weigh Twenty Carats or upwards, are reserved for the King's Use* P. 111





P R E F A C I O .



Leytor *Portuguez*, dado Cazo que entenda algũa Couza dos Negocios e Leys da sua Terra, não Duvidará entre sy, se são, ou não, *Legitimos* os Papeis que aqui lhe Apresento; por que, a primeira Vista, Naturalmente Cahirá no Conhecimento que são Verdadeiras tressadas das Leys Registradas em *Lisboa*. Mas, talvez o Leytor *Inglez*, terá a Curiozidade de me perguntar como, e de que sorte alcançei os taes Papeis; e para lhe dar satisfação neste punto; posso lhe dizer com Sêzudeza e Verdade, que me Custou algum trabalho, e tambem Dinheiro, para procurar e alcançar a Cópia que agorar dou ao Publico, de hũa *Certidão de Privilegios Authentica*, passada por Authoridade Idoneo, a hum *Bartholomeo Feigo* da Nação *Castilhana*, no Anno de 1717. a qual Certidão, (de onde Emannou ésta Minha Cópia) se acha, na Escritoria de *Matthias Correa de Avellar*, Escrivão Proprietario de *Conservatoria Hispanhola em Lisboa*; ao qual podem Recorrer quaesquer pessoas que quizerem satisfazer a sua Curiozidade, e talvez o faraõ com menos despeza que me Custou a mim,

Dêsta declaração, por yintura nasserá outro Curiozidade no Leytor, de me perguntar a Cauza por que são Conçedidos os *Tratados e Privilegios Inglezes* aos Castilhanos, e guardados na Escritoria do Escrivão da sua *Conservatoria*; Pois para lhe dár satisfação tambem neste punto, he necessario



P R E F A C E.

THE *Portuguese* Reader, if he knows any thing of the Trade and Laws of his Country, will raise no manner of Doubts within himself about the *Authenticallness* of the Papers I here present him with; because, at the very first View, it will naturally occur to him, that they are a *genuine Transcript* from the Records in *Lisbon*. But perhaps the *English* Reader may have Curiosity enough to ask me how or which way I came by these Papers; to satisfy him then in this Point, in serious Truth I can tell him, that it cost me some *Pains*, and *Money* into the Bargain, to procure and obtain the Copy I now present to the Publick, from an *Authentick Certificate* of Privileges, granted by Authority to one *Bartholomew Feigo* a *Spaniard*, in the Year 1717. which Certificate (from whence my Copy was extracted) is laid up in the Office of *Matbias Correa de Avellar*, Scrivener of the *Spanish Conservatory* in *Lisbon*, to which any Persons may have Recourse, if they have a Mind to satisfy their Curiosity, and perhaps at a less Expence than I was at.

This Declaration, very likely may raise a further Curiosity in the Reader, to ask how comes it to pass, that the *English Treaties and Privileges* are granted to a *Spaniard*, and treasur'd up among the Records of the *Spanish Conservatory*: Well then, that he may be satisfied in his Mind

B

about

cessário dizerlhe, que *El Rey de Portugal*, foi servido passar hum Decreto em 13 de Novembro de 1691. a favor dos *Hispanboes*, o qual Decreto está Registrado nos Livros da *Relação*, no Livro 11.^o. das Extravagantes e Decretos a fol. 243. cujo Theór he o seguinte.

Aos *Castilhanos* se Devem guardar os seus *Privilegios*, assim como nelles se Conthem; e Devem Responder perante o seu *Juiz Conservador*, nas Cauzas assim Crimes como Cíveis, na mesma Maneira que se practica com os *Inglezes*, e *Francezes*; e o Conde Regedor da Justiça, do Meo Conselho do Estado, o tenha assim entendido, e nesta Conformidade o faça Executar. Lisboa 13. de Novembro de 1691.

Por esta Concessão, Decreto, ou ordem, o Leytór necessariamente hade entender que o *Hispanbol* he Constituido Co-proprietario dos *Privilegios Inglezes em Portugal*, ao menos dos taes que foraõ Concedidos tocante a Authoridade da *Conservatoria*, athe o tempo que se passou o tal Decreto.

Isto supposto, não se espantariaõ ao Raredaõ do Cazo, quando se lhe dizer que Requerendo o *Hespanbol* sua Certidão e Carta dos seus *Privilegios em Portugal*; o seu fim e esperanza, nunca podia ser satisfeito por outros Meyos, senão Encorparandolhe com os seus, os *Artigos e Privilegios dos Inglezes*, os quaes Legitimamente são as suas Heranças, em Virtude do Decreto acima Mençãoado.

Assim, parece-me que tenho dado razãõ sufficiente por onde estes Papeis me vieraõ a mam.

E agora me toca a fallar algũa couza respectiva aos mesmos Papeis; sobre que, com tudo, tenho pouco que dizer, mais que advertir o Leytor que os *Inglezes* não só haõ de gozar dos *Privilegios* direitamente a elles Concedidos, mas tambem hé o seu Direito gozar como couza sua propria que he, todos os *Imunidades* que são ja Concedidos, ou que

about this Point also, he must be told, that the *King of Portugal* was pleased to pass a Decree on the 13th of *November 1691.* in Favour of the *Spaniards*, which Decree is registered in the Books of the *Relação*, N^o. 11. of that Class, intituled, *das Extravagantes e Decretos*, in fol. 243. and is of the Tenor following, viz.

The Privileges granted to the *Spaniards*, ought to be observed and duly complied with, as therein contain'd; and in all their Causes, either criminal or civil, they ought to answer before their *Judge Conservator*, in the same Manner as is practis'd with the *English* and *French*. And let the *Lord Chief Justice*, my Counsellor of State, so understand it, and take Cognizance of the same, and in Conformity hereto, cause it to be executed. *Lisbon* the 13th of *November 1691.*

By this Concession, Decree, or Order, the Reader must necessarily understand that the *Spaniard* is become a Co-Proprietor of the *English Privileges* in *Portugal*; at least of such as were granted to the time of making that Decree, which relate to the Authority of the *Conservatory*.

This being premis'd, he will hardly be startled at the Oddness of the Case, when he is told that the Ends and Expectations of a *Spaniard* petitioning for a Charter of his *Privileges in Portugal*, cannot possibly be answered by any other Means than including the Articles and Privileges of the *English*, which are absolutely become his *Property* and *Birth-right*, by Virtue of the Decree above-mentioned.

Thus, I think I have given a tolerable Account of the Way by which these Papers came into my Hands.

And it now behoves me to speak a Word or two concerning the *Papers themselves*, about which I have but little to say, more than to acquaint the Reader, that the *English* are not only to enjoy the *Privileges* directly granted to them, but they have also a *Right and Title* to all the *Immunities* that ever were, or ever shall be granted to any other Nation.

Se baõ de Conçeder em diante a qualquer Nação, ou Republica em Alliança com Portugal; de que se pode inteirar, a tam pouco custo, que somente tomando o trabalho de Ler o terceiro, 7, 11, & 13. Artigos do Tratado de Cromwell, a qual, lhe fêrvirá de Broquel, para se defender de Espanto que lhe poderá cahir em Lendo alguns dos Papeis seguintes, nos quaes, achará hums poucos de Privilegios Mimosos, Conçedidos aos Gentes de Varias Naçoens; todos os quaes, o Inglez tem titulo e Direito para Possuir como couza sua propria que he.

Tenho so tres couzas mais que advirtir o Leytor, a primeira dellas he, que entre os *Privilegios* seguintes, achará que alguns delles foraõ alcançados por Petição, e Requerimento de Feitorias, ou Comunidades de Gentes; e outros talvez por Petitoria de hũa pessoa singella, e por vintura essas tais, que fizeraõ muy baixa figura no Mundo; mas seja isto como fôr, se lhe deve informar, que taes *Privilegios*, assim Conçedidos, se hade entender que *Extendem* a toda a quella Nação a que a tal Feitoria, Comunidade, ou pessoa singella for subditos, e da hi em consequência a *Nação Ingleza*.

II. Que as *Provizõens, Alvarás e Decretos, &c.* de que a Carta de *Privilegios e Foral dos Inglezes* he composta, não são destribuidas na ordem Cronologica conforme suas datas, Posto que se foraõ assim Reguladas, seriaõ mais intelligivel ao Leytor: Porem, como Verdadeiro *Tresladador*, tampouco Authoridade tenho para alterár a disposiçaõ dos Papeis, como para Viçiar o Teixto; Por tanto, Escolhei de as Publicar na mesma forma que são *Extendidas* na minha Copia, para que, por Vintura, se algũa Pessoa quizer Vêr a Certidão Original Referida, Constará com mais evidência que estes Papels são Verdadeiramente Copiados della.

III. Que aos 29 dias de Janeiro de 1642. éra Concluido hum *Tratado de Paz e Comercio*, em Londres entre *El Rey Carolos I. de Inglaterra; e El Rey Dom João IV. de Portugal*, Composto de 21 Artigos, alguns dos quais eraõ deixados hum pouco imperfeitos; mas em couza de

or *Republick* in Alliance with *Portugal*; of which he may be fully assured, at so small a Cost as only taking the Pains to read the 3d, 7th, 11th and 13th *Articles of Cromwell's Treaty*, which may serve him as a *Shield* to fend off the Surprize that otherwise might fall upon him by the reading of some of the following Papers, wherein he will find a few very valuable *Privileges* granted to the People of various *Nations*, which the *Englishman* has a Right and Title to possess as his Freehold.

I have but three things more to apprise the Reader of, the first of which is, that among the following *Privileges* he will find some of them were obtain'd by the Petition, and at the Request of *Factories*, or Communities of *People*; others perhaps by one single Person, and such very likely who cut but a groveling Figure in the World: But be that as it will, he is to be inform'd, that such *Privileges*, so granted, are understood to extend to the whole Nation to which that *Factory*, Community, or single Person did belong, and from thence by Consequence to the *English Nation*.

II. That the Provisional Laws, *Alvarás*, and Decrees, &c. of which the *Charter of English Privileges* do consist, are not placed in a *Chronological Order*, according to their Dates; tho' possibly, if they had been so distributed, it might have made them a little more intelligible to the Reader: But however, as a *Translator*, I think myself no more at Liberty to transpose their Order, than to corrupt the Text; and therefore, I the rather chose to publish them in the very same manner as they are ranged in my Copy, that in Case any Person should have a Mind to see the Original refer'd to, it may the more evidently appear that these Papers are a genuine Transcript therefrom.

III. That on the 29th of January 1642. was concluded a Treaty of Peace and Commerce at LONDON, between King Charles I. of England, and King John IV. of Portugal, contain'd in 21 Articles, some of which were left a little imperfect; but about twelve years after that Treaty, the

32 Annos depois do ditto Tratado, os 28 *Artigos Repub-*
licanos forão Formados sobre a mesma Alexercia, mas a
 Sobrestructura éra Travalhada com mais perfeição, de
 sorte que as couzas Duvidozas que se acha na primeira
 Convenção, forão Assertadas, e fixadas pella segunda. Af-
 sum que em Reallidade.

Allem do Tratado Concluido por *Oliveiro Cromwell*, não
 temos noticia de outro que Existe entre as duas Naçoens de
Inglaterra e Portugal, sennão aquelle que foi feito entre a
Raynha Anna, e El Rey Dom Pedro no Anno de 1703. Sôbre
a Admissão das Manufacterias de Lam em Portugal, e os
Vinhos em Inglaterra, o qual tambem está Inserto neste
Livro.



Seis

28 Republican Articles were form'd upon the very same Plan, but wrought up to much greater Perfection, and the doubtful Things in the former Convention, were ascertain'd and fix'd in the latter; so that in Reality,

Besides the Treaty concluded by Oliver Cromwell, we know of no other subsisting between the two Nations of *England* and *Portugal*, but only that which was made between *Queen Ann* and *King Peter* in the Year 1703. concerning the Admission of *Woollens* into *Portugal*, and *Wines* into *England*; which is also contain'd in this Book.



Six



Seis Artigos Preliminares,

Os quais o senhor

EMBAXADOR EXTRAORDINARIO

DE EL

Rey de *PORTUGAL*,

COM

O Conselheiro de Estado do Parlamento,

Em NOME

Da Republica de Inglaterra tratou, e Concordou, &c.

Feito em *Londres*, em o Anno de 1652.

ARTIGO I.

ITEM, que entre os Sobreditos, de hũa e outra parte conviera, e pareceo tambem ao ditto Senhor *Embaxador*, em nome de *El Rey*. Dá sua Palavra que todos os *Inglezes*, que de qualquer modo estiverem em Custodia, ou por Fianças, ou Cauçoens, ou por qualquer outro modo por Occazioens das Contraverfias Nascidas entre hũa e outra Povo, em qualquer dos Senhorios de *Portugal* que daqui *Roberto Levasse*, ou Chegasse a Seo Porto de *Lisboa*. Sejaõ entregues para Sairem Livres, e Levantarem suas Fianças.

II. Item



Six Preliminary Articles,

Treated of and agreed upon between the

AMBASSADOR EXTRAORDINARY

FROM THE

King of *PORTUGAL*,

AND THE

State Counsellor of Parliament,

In the NAME of the

Republick of *England*.

Done in *London* in the Year 1652.

ARTICLE I.

THAT between the abovesaid, by the one and the other Party, it is agreed, and likewise the said *Ambassador* has thought fit to give this Word in the Name of the *King*, that all those *Englishmen* who by any Means are held in-Custody, either upon Account of Securities, or Pledges, or by any other Means whatsoever, occasioned by the Controversies arisen between the one and the other People in any of the Dominions of *Portugal*, who by Prince *Rupert* have been carried from hence, or put into its Port of *Lisbon*, shall be delivered and set at *Liberty*, and their Securities discharged, or made of none Effect.

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II.

ITEM, Foi Concordado com o Senhor *Embaxador*, Dá sua Palavra em nome de *El Rey*, de entregar logo todas as Naus, Dinheiros, e Bens dos *Inglezes* que estiverem *Re-theudos* em algũas dos Lugares dos Senhorios de *El Rey de Portugal*; e se entregãrem sem outra dillação, em espécie se estiverem na mesma bondade e estimação que tinha quando foraõ tomados, e *Re-theudos*; e se tiverem inferior, ou menor Valor e bondade em espécie, ou se por Occaziaõ de detençaõ se corrompér, em deminuição; ou se perderaõ; nestes Cazos seraõ pagos, e se dará por elles satisfacão pello seu justo preço que tinhaõ quando foraõ tomados: E no tocante a Reparação dos *Damn*os, se ordenará na forma que o *Conselho* declãra seõ sentido por Carta de 15 de Novembro de 1651. e o ditto Senhor *Embaxador* se obrigou, a que tudo daria satisfacão.

III.

ITEM, Ficou Concordado de hũa e outra parte, que todos aquelles que forem Autores, ou derem ajuda para serem Mortos os *Inglezes*, Contheudos na Petição que o *Conselho* exhibia ao ditto Senhor *Embaxador*, que foraõ achados em algũas dos Lugares do Senhorio de *El Rey de Portugal*, ou se acharem de qui em diante, sejaõ Castigados pello ditto *Rey* Como Mereçeraõ por seu delicto, ou sejaõ entregues em Pena ao *Parlamento* para os Castigar; os quais sendo fogeitos ao ditto *Rey de Portugal*, sejaõ Castigados pellos malefícios, e os que dellas forem Sabe-dores; e os mais sobredittos de qualquer graõ e Condição que Sejaõ; e que depois deste Tratado os que forem nomeados pello *Parlamento* da *Republica de Inglaterra*, e se divirtissem, ou abzentassem para os Portos do ditto *Rey*, sejaõ Castigados.

II.

It was agreed with the said *Ambassador*, who gave his Word in the Name of the King, to deliver immediately the Ships, Monies, and Goods belonging to the *English*, which are retain'd in any of the Places in the Dominions of the King of *Portugal*, that they shall be deliver'd without any farther Delay, in the same Specie, in case they remain in the same Goodness and Value as they were in when they were taken and retain'd; and if they are become worse, or of less Value or Goodness in *Specie*, or if by Reason of the Detention, they are any ways decayed and become of *less Worth*, or if they are *lost*; in these Cases, they shall be paid for, and Satisfaction shall be given for them, according to the *just Price or Value* they bore at the Time they were taken. And as touching the *Reparation of the Damages*, it shall be ordered in the Manner as the *Counsel* have declared their Sentiments, by Letter bearing Date the 15th of *November 1651*. And the said *Ambassador* obliged himself to give Satisfaction for the whole.

III.

It was agreed upon by the one and the other Party, that all those who were the *Authors* or *Helpers* to kill the *Englishmen* mentioned in the Petition, which the *Counsel* exhibited to the said *Ambassador*, who have been found or taken in any Places in the Dominions of the *King of Portugal*, or who may be found for the future, shall be punished by the said *King*, according to the Merits of their Crimes, or they shall be penally delivered, with their Accusations, to the *Parliament*, to be by them chastised, and the same being Subjects to the said *King of Portugal*, shall be punished for their Malefactions; as also those who were their *Accomplices* or *Abettors*, and the rest of the above-mentioned, of any Degree or Condition whatsoever; and also such as after this Treaty shall be named by the *Parliament of the Republick of England*, and if they abscond or run away to the Ports of the said *King*, they shall be punished.

E o ditto Senhor *Embaxador* ded sua Palavra em nome de seo *Rey*, de se Observar este Artigo.

IV.

ITEM, Foi Concordado entre os sobreditos de hũa e outra parte, que a ditto *Rey de Portugal*, em nome da quellas Despezas que fes esta *Republica*, as quais o *Conselho* declarou ao ditto Senhor *Embaxador*, o que podia a bem desta Nação Liquidar dos Bens dos Portuguezes que foraõ Occupados, ou Reprezados; os quaes importaõ 14246 Libras, e honze Soldos. Pagará ao *Parlamento* 50,000 Libras de boa Moeda de Inglaterra, de modo que da qui em diante se declarava, Combem a Saber, 20,000 Libras, ou o que na Verdade em Moeda de Portugal for seo justo Valor, e se pagará aquella Pessoa que o *Parlamento* ou *Conselho de Estado* Comete este Negocio em *Lisboa*, o primeiro de Marso proximo seguinte despois deste Tratado, ou dentro do termo de hum Mez, que Constará por Escrito do ditto Senhor *Embaxador* que dirá que se pagará a ditta quantia em *Lisboa*; e depois se pagaraõ 15 Mil Libras da mesma boa Moeda de *Inglaterra* no ultimo dia do Mes de Julho de 1653. pello Estillo Antigo; e assim mais 15,000 Libras ultimas, (que fazem a soma de 50,000 Libras) o primeiro dia do Mes de Novembro de 1653. pello Estillo Antigo. E que os ultimos dous pagamentos se façã aqui na Cidade de *Londres*.

Neste mesmo Artigo foi Concordado, que quanto do Dinheiro que por Conferto se hade pagar em Dinheiro de *Lisboa*, se faltar da soma inteira, tudo será pago pella ditto *Rey de Portugal*; por que se deve entender que toda aquella soma e quantia inteira hade tornar ao *Parlamento* em boa Moeda de Inglaterra; e o ditto Senhor *Embaxador* se obrigou em Nome de Seo *Rey*, ao ditto pagamento de 50,000 Libras, nas pagas, e Moedas declaradas, e representadas assim

V. ITEM,

And the said *Ambassador* gave his Word, in the Name of his *King*, to observe this Article.

IV.

It was agreed upon between the abovesaid on both Parts, that the King of *Portugal*, in the Name of, *i. e.* in Lieu of those Expences made by this *Republick*, the which the *Council* declared to the said *Ambassador* they might in right of *this Nation* liquidate from the Goods of the *Portuguese* that were occupied or taken by Reprisal, which amounted to 14246 *l.* 11 *s.* shall pay to the *Parliament* 50,000 *l.* in good and lawful Money of *England*, in the Manner hereinafter declared; that is to say, 20,000 *l.* or as much *Portuguese* Money as is equal to it in Value, which shall be paid to that Person, whom the *Parliament* or *Council* of *State* may appoint to receive it in *Lisbon*, on the first of *March* next ensuing after this Treaty, or within the Space of one Month, as it shall appear by a Writing under the said *Ambassador's* Hand, wherein it shall be express'd that the said Sum shall be paid in *Lisbon*; and afterwards shall be paid 15,000 *l.* of the same good and lawful Money of *England* on the last Day of the Month of *July* 1653, O. S. and in like Manner the last 15,000 *l.* (which makes the Sum of 50,000 *l.*) on the first Day of the Month of *November* 1653, O. S. and that the two last Payments shall be made here in the *City of London*.

In this same Article it was agreed upon, that as to the Sum which by Agreement is to be paid in *Lisbon* Money, if any thing should be wanting of the intire Sum, the whole shall be made good and paid by the said King of *Portugal*; because it is to be understood, that all that intire Sum and Quantity ought to be return'd to the *Parliament* in good and lawful Money of *England*. And the said *Ambassador*, in the Name of his *King*, obliged himself for the Payment of the 50,000 *l.* in the Payments and Monies above declared and represented.

V.

ITEM, Foi Concordado entre os sobreditos de hũa e outra parte, que todas as Naus e fazendas dos *Inglezes* que por *Roberto*, e *Maurício*, ou por qualquer das suas Naus foraõ trazidas a *Portugal*, e passadas para uzo, ou aqui ou a Li estejaõ Reteudas, ou fossẽm deixadas, ou por seo Mandado da Li Levadas; fossẽm Logo Restituídas, a seus Donos, ou em seo Lugar se lhes dê Satisfaçaõ, e Reparaçaõ: ao que, o ditto Senhor *Embaxador*, dá sua Palavra em nome do Seo *Rey*, de goardar o sobredito.

VI.

ITEM, Entre os Sobreditos de hũa e outra parte, foy Concordado que assim a Nau Chamada *Converteria*, como as mais Naus da *Republica* de *Inglaterra*; e todas, e quaifquer outras Embarçaõens desta *Republica*, que por *Roberto* ou por algũa das Naus de sua Armada fossẽm Levadas a *Portugal*, e estejaõ em poder de *El Rey de Portugal*, ou de alguns de seus subditos, ou antes dẽste estivessem, das quais uzassẽm; ou que pella Authoridade de algum fõraõ Vẽçidas; se se tornarãõ a Dár, com todos seus Armaamentos, Preparaçoens, Artelharias, Instrucçoens, e se dê justa Compensação da Retenção dellas. Ao que o ditto Senhor *Embaxador* em nome de seo *Rey* deo sua Palavra de Cumprir o Contheudo neste Artigo. Em fẽ e testemunha do que, assignou o ditto Senhor *Embaxador* os ditos 6 Artigos Preliminares com sua Mam, e os Sellou com seo Sello. Dado aos 29 dias do Mes de Dezembro do Anno de Nosso Senhor de 1652.

ARTIGOS

V.

It was agreed upon between the one and the other Parties abovesaid, that all the Ships and Goods of the *English*, which have been brought to *Portugal* by *Rupert and Maurice*, or by any of their Ships, and there made use of, or are any where there retain'd, left, or, by their Order, carried from thence, shall immediately be restor'd to their *Owners*; or instead thereof, full Satisfaction and Reparation shall be made. The which above-mentioned things the said *Ambassador* has given his Word in the Name of his *King* to observe and perform.

VI.

Between the abovesaid of the one and the other Parties, it was agreed upon, that, as well the Ship called the *Conversion*, as all other Ships belonging to this *Republick of England*, and all, and whatsoever *Vessels* of this *Republick*, that by *Rupert*, or by any of the Ships of his Fleet have been carried to *Portugal*, and are in Possession of the King of *Portugal*, or any of his *Subjects*, or before this have been, and applied to use, or which by any Authority have been taken as Prize, shall be restored again, with all their Apparel, Preparations, Guns, and Instructions, and just Recompence shall be made for the Retention of them. To which the said *Ambassador* gave his Word, in the Name of his *King*, to perform the Contents of this Article. In Faith and Testimony whereof, the said *Ambassador* has sign'd these six *Preliminary Articles* with his own Hand, and seal'd them with his Seal. Given on the 29th Day of *December*, in the Year of our Lord 1652.

ARTICLES



ARTIGOS

DA

Pas e Confederação,

CONCLUIDA ENTRE

O Serenissimo Senhor *Protektor* de *Inglaterra*,
Escosia, e Hibernia de hũa parte ;

E

No Serenissimo *Rey* de *Portugal*, e dos Algarves,
da Outra.

Celebradas em *Westminster*, aos 13 dias de Julho no Anno de 1654.

ARTIGO I.

Primeiramente, que haja boa, Verdadeira, e firme *Pás*, éntre a *Republica* de *Inglaterra*, e o Serenissimo *Rey* de *Portugal*; e éntre as Regioens, Terras, Dominios, e Principados postos de baxo do Imperio de hum e outro, e os Povos, Vassallos, e Moradores de ambos de qualquer Condição e Dignidade que sejaõ, assim por Terra como por Mar, Rios, Agoas doces, de modo que os ditos Povos e Vassallos se hajaõ de favorecer de parte a parte, e socorérse, e favorecerse hums a outros com Reçiprocos dezejos, e honestos affectos, e a nenhũa das



S A R T I C L E S

O F

Peace, Alliance and Commerce,

CONCLUDED BETWEEN

The most Serene Lord *Protector of England, Scotland and Ireland*, on the one Part ;

A N D

The most Serene *King of Portugal*, and of the *Algarves*, on the other Part.

Done at *Westminster* on the 10th of *July*, in the Year 1654.

ARTICLE I.

IN the first Place, that there shall be a good, true and firm *Peace* between the *Republick of England*, and the most Serene *King of Portugal*, and between the Regions, Countries, Dominions, and Principalities under the Empire of the one and the other, and the People, Subjects, and Inhabitants of both, of any Condition, Rank, or Dignity whatsoever, as well by Land, as by Sea, in Rivers and fresh Waters ; in such Manner that the said People and Subjects shall favour and succour one the other with reciprocal good Will and honest Affections ; and that

D

neither

das dittas partes, ou a seo Povo, Vassallos, ou Moradores, fação, ou attentem contra o outro em Lugar algum, ou na Terra, ou Mar, ou Portos, ou Rios de cada hum delles, nem Consintaõ, ou Sirvaõ á algũa Guérta, Conselho, ou tratado em damnõ da outra parte; e nem cada hũa das dittas partes Receba os Rebeldes, ou fugitivos da outra em suas Terras, Reynos, Dominios, Portos, fronteiras, em Caza ou hospedagem.

II.

ITEM, Que entre as *Republicas de Inglaterra, e El Rey de Portugal*, e os feos Povos, Vassallos, e Moradores, assim por Terra como por Mar, Rios, e Agoas doçes, em todas, e em cada hũa das Regioens, Terras, Dominios, Territorios, Provincias, Ilhas, Colonias, Cidades, Villas, Lugares, Portos, Fronteiras, haja Livre Comercio na quelles Lugares, em que agora há, ou antes hóve Comercio nelles; de modo que sem algum salvo Conduto, ou outra Liçensa geral ou especial, assim por Terra, como por Már, Rios, e agoas doçes, o Povo, Vassallos, e Moradores de cada hũa das partes Possão ir, entrar, e Navegár nos dittos Dominios, e Reynos, e em todas suas Cidades, Villas, Portos, Costas, Enseadas, e Lugares, com Carros, Cavallos, Cargas, Navios, assim Carregados como pera Carregar, Levar Mercadorias, Comprar, Vender, nos mesmos fazer bastimentos, e as Couzas Neçessarias para o sustento e para a partida pello justo preço, Consertar Navios, e Carros, Proprios e Alugados, e emprestados; e da hi Sahir com os Bens, e Mercadorias, e outras quaesquer Couzas, com a mesma Liberdade; e da hi partir para as Patrias, ou para alheas como quizerem, e sem impedimento; salva com todas as Leys, e Estatutos de cada Lugar.

III.

ITEM, Que os Povos e Moradores desta *Republica*, Possão nos Reynos, Provincias, Territorios, e Ilhas de *El Rey de Portugal* Comprar e uzar dellas da primeira mam
qualquer

neither of the said Parties, nor 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 they consent to, or assist in, any War, Council or Treaty, to the Prejudice of the other Party; nor shall either of the said Parties house or harbour the Rebels or Fugitives of the other, in any of their Countries, Kingdoms, Dominions, Ports, or Frontiers.

II.

That between the *Republick of England* and the *King of Portugal*, and their People, Subjects, and Inhabitants, as well by Land as by Sea, in Rivers, and fresh Waters, in all, and every one of the Regions, Countries, Dominions, Territories, Provinces, Islands, Colonies, Cities, Towns, Villages, Ports and Frontiers; there shall be *Free Commerce* in those Places, in which there is at present, or has been Commerce in Times past; in such Manner, that without a *Permit*, or other Licence, general or special, as well by Land as by Sea, in Rivers and fresh Waters, the People, Subjects, and Inhabitants of either of the Parties may go, enter, and navigate in the said Dominions and Kingdoms, and in all their Cities, Towns, Harbours, Coasts, Bays and Places, with Carriages, Horses, Packs and Ships, as well loaden, as to be loaden, carry Merchandizes, buy, sell, and, at the current Prices, to procure Provisions, and what Necessaries they may want for their Stay and Voyage, to repair their Ships and Carriages, whether their own, or such as are hir'd or borrow'd, and, with the same Liberty, to depart from thence with their Goods, Merchandizes, and all other Things whatsoever, either to their own, or foreign Countries, as they shall think fit; and that without any Hindrance or Impediment; saving however all the Laws and Statutes of each Place.

III.

That the People and Inhabitants of this *Republick* shall be at Liberty to buy up all Sorts of Wares, Goods and Merchandizes, and the same to use and enjoy in the Kingdoms,

qualquer genero de Fazendas, Bens, Mercadorias, ou por meudo, ou em qualquer numero e grandeza, quando e aonde quizerem, e não sejaõ Conſtrangidos a Comprar a Rendeiros, ou Eſtanqueiros, nem sejaõ obrigados a Comprar por preço definido.— Item, que poſſaõ como quizerem Vender, Negociár, e Livremente Levar quaesquer Bens, fazendas e Mercadorias dos dittos Reynos e Senhorios, pagando ſomente os Direitos e tributos do Conſulado devidos dos Bens que Levarem pera fora, como ſe pagavaõ a 10 de Março do Anno de 1653-4. Eſtilo Velho.

E quanto as Compras e Vendas por *Corretores*, o ditto Povo deſta *Republica* gozará, e uzará das meſmas Liberdades, Privilegios, e Izençoens, que os, meſmos Portuguezes uzem, nem ſe trataraõ com elles mais rigorosamente que com os meſmos Moradores e Naturaes; e que o que ſe Châma *Foral Antiquo*, e todos os Privilegios e Imunidades que antes da gora foraõ Conçedidos aos Inglezes em algum tempo por todos ou alguns Reys de Portugal, ſe Conſirmaõ por Editto, para que os Povos e Naturaes da ditta *Republica* poſſaõ Gozar delles, Juntamente com todos os outros Privilegios e Imunidades que a algũa Naçaõ, Reyno, ou *Republica* Conſfederada com o ditto Rey de Portugal, ou ja ſe Conçedeſſe, ou ſe Conçeder ao diante.

IV.

ITEM, Que todas as Vezes que os Povos e Naturaes deſta *Republica* Chegarem ſuas Naus áos Portos de *El Rey de Portugal*, os dittos Povos e Naturaes não sejaõ Conſtrangidos pellos Miniſtros, offiçiaes e Vaſſallos do ditto Rey, a Carregar ou empór nas ſuas Naos outras eſpécias e quantidades de Bens e Mercadorias, ſenaõ os que elles lhes aprouvér; nem em quanto aſſim ſe detiverem ſe lhe pon-

doms, Provinces, Territories and Islands of the *King of Portugal*, at the first Hand, either in small Parcels, or by wholesale, in whatsoever Number and Size, when, and wheresoever they please; neither shall they be compell'd to buy them of *Farmers of the Customs*, or Monopolists, nor shall they be obliged to buy at any fixed Price. They may also at Discretion sell, traffick, and freely carry away any Sorts of Goods, Wares, and Merchandize whatsoever from the said Kingdoms and Dominions, paying only the Duties and Customs of the * *CONSULADO* due on the Goods they carry out, as they were paid the 10th of *March 1653-4*. O. S.

And as to their buying and selling by the Intervention of *Brokers*, the said People of this *Republick* shall enjoy and use the same Liberties, Privileges, and Exemptions as the *Portuguese* themselves, nor shall they be treated with more Rigour than the same Inhabitants and Natives. *And that which is called the Ancient Charter, and all the Privileges and Immunities that heretofore have been granted to the English at any Time, by all, or any of the Kings of Portugal, shall be confirm'd by Edicts, to the End that the People and Natives of the said Republick may enjoy them, together with all other Privileges and Immunities which are already granted, or shall be granted for the time to come to any Nation, Kingdom, or Republick, in Alliance with the said King of Portugal.*

IV.

That whenever the People and Natives of this *Republick* arrive with their Ships in the Harbours of the *King of Portugal*, the said People and Natives shall not be constrain'd by the Ministers, Officers, and Subjects of the said *King of Portugal* to load, or put on board their Ships any other Sorts, or Quantities of Goods and Merchandize, but only such as shall be by them approv'd of; neither, while they

* *Consulado, is a separate Office or Custom-house, for the Dispatch and Clearance of all Goods to be exported, in which, all Sorts of Foreign Merchandize, (i. e. all such as have paid the Duties of 23 per Cent. in the Grand Custom-house for Importations) pay to the Consulado outwards 3 per Cent. on their Current Price or full Value; and all Goods of the Growth of the Country pay 5 per Cent. on their Cost, which they sometimes oblige the Merchants to give in upon Oath.*

stay

haõ mais que *Dous Goardas* ou officiaes quando Muito nas suas Naus; na descargua das quaes, naõ haveraõ demoras algũas desnecessarias; e se as dittas Naos, e Navios Carregados de Mercadorias Secas, naõ forem descarregados dentro em espaço de 10 dias; e as Naos e Navios Carregados de Peixe e de Mantimentos em espaço de 15 dias dipois de entrarem no Porto, naõ seraõ com tudo obrigados a pagar algum estipendio, ou soma de Prata, ou algum Salario aos dittos Goardas ou Officiaes, nem por respeito delles dispenderem mais Couza algũa que por aquelles des, ou quinze dias respectivamente.

V.

ITEM, Se Aconteçer serem Prezos, Embargados, ou Occupados, ou pello officio do *Tribunal da Inquizição*, ou por seos Juizes ou Ministros, ou pello *Fiscal de El Rey*, os Vassallos do Serenissimo *Rey de Portugal*, ou outros entre os Reynos e Senhorios do ditto *Rey*, e suas Mercadorias ou Bens, os quaes sejaõ devedores de Dinheiro ao Povo desta *Republica*, ou Venhaõ a ser; as dittas dividas, se pagaraõ inteiramente dos sobredittos Bens e Mercadorais, dentro em 6 Meses proximos seguintes dipois da Prizaõ, ou occupaõ sobreditta, sem impedimento algum, ou molestia do ditto *Tribunal*, ou os seos Juizes, ou Ministros; e se entre os dittos Bens, ou Mercadorias assim tomadas e occupadas, estiverem em Sér alguns Bens e Mercadorias do ditto Povo e Naturaes, se Restituiraõ Logo as proprias a elles mesmos.

VI.

ITEM, Que os Capitaens, Mestres, officiaes e Marinheiros das Naos desta *Republica*, ou de algum Povo seo, naõ intentem demandar, nem façaõ molestia algũa as dittas Naos, ou ao Povo desta *Republica*, dentro nos dittos Reynos e Senhorios de *Portugal* por Cauza de seo Soldo, ou Salario, com esta occasiaõ, a saber; que elles Profes-
saõ

stay in the said Harbours, shall there be put on their Ships any more than *two Guards* or Officers at most; and in the unloading their Ships there shall be no unnecessary Delays. And if the said Ships, which are loaden with *dry Goods*, should not be unloaden within the Space of *ten Days*; and the Ships loaden with *Fish* and *Provisions* within the Space of *fifteen Days* after their Entrance into the Port, they shall not however be obliged to pay any Stipend or Sum of Money, or any Salary to the said *Guards* or Officers, nor, upon their Account, be at any farther Expences more than for the said *ten*, or *fifteen Days* respectively.

V.

If it should so happen, that the Subjects of the most Serene *King of Portugal*, or others within the Kingdoms and Dominions of the said *King*, should be imprison'd, and their Goods and Merchandize seiz'd, stopp'd and detain'd, by the Office of the *Court of Inquisition*, or by its *Judges or Ministers*, or by the *King's Exchequer*; and should owe any Money, or come to be indebted to any of the People of this *Republick*; the said Debts shall be fully and entirely paid out of the abovesaid Goods and Merchandize, within *six Months* next ensuing after the *Imprisonment*, and *Seizure* of the Goods as abovesaid, without Hindrance or any Molestation from the said *Tribunal*, or its *Judges or Ministers*; but if among the said Goods and Merchandize so seized and held, there should remain in being any Goods and Merchandize belonging to the said People and Natives, the same shall immediately be restor'd to them.

VI.

That the Captains, Masters, Officers, and Mariners of the Ships of this *Republick*, or of any of its People, shall not attempt to sue, or in anywise molest, the said Ships or People of this *Republick* within the said Kingdoms and Dominions of *Portugal*, on Account of their Wages or Salary, under the Pretence of their professing the *Romish Religion*,

saõ a *Religiaõ Romana*, e com este ou outro Pretexto se applicuem ao serviço de *El Rey de Portugal*; ou por outro modo se apartem das Naos, da Cuja Compania Saõ; e se nesta parte Delinquirem; denunciados seus nomes, sejaõ Castigados pellos Magestrados e officiaes da quella Lugar a tornar para as Naos: e se naõ poderem ser achados, seja Liçito aos Mestres da quellas Naos, ou Navios retér seus Vestidos, Bens, ou soldo para satisfação dos damnos.

VII.

ITEM, Que os *Consules* que da qui em diante Morárem em algũa parte do Dominio de *Portugal*, por Cauza do Soccoro, ou Prezidiõ do Povo desta *Republica*; sejaõ da qui por diante Nomeados e feitos pello ditto Senhor *Protektor*; e assim nomeados, tenhaõ, e Exerçitem o mesmo authoridade que ao presente ou de futuro Exerçitem nos Dominios do ditto Rey qualquer *Consul*, ou desta, ou de outra qualquer Naçaõ; Posto que naõ Confessem a *Religiaõ Romana*.— Item, Para Julgarem todas as Cauzas que tocarem ao Povo desta *Republica*, se Depute hum *Juiz Conservador*, do qual naõ haverá appellaçaõ algũa, fenaõ para o Sennado da *Rellação*, aonde as Demandas Começadas, interpostas as appellaçoens, se acabem dentro no espaço de Coatro Mezes.

VIII.

VIII. ITEM, Que se algum do Povo desta *Republica* Morrér dentro no Reyno e Senhorio do Serenissimo *Rey de Portugal*; os Livros, Contas, fazendas e Bens seus, ou de outros do Povo desta *Republica*, naõ sejaõ tomados ou occupados pelos Juizes dos *Orsaõs* e *Abzentes*, ou pelos seus Ministros e officiaes, nem estarão fugeitos a sua Jurisdicçaõ; mas que os mesmos Bens, fazendas e Contas se entreguem aos Feitores ou Procuradores *Inglezes* que neste Lugar Morárem, Nomeados, ou deputados pellos Defunctos: Mas se o defuncto os naõ Nomear; os mesmos Bens, fazendas, e Contas se entreguem com authoridade do

ligion; nor shall they under this, or any other Pretence, apply themselves to the Service of the *King of Portugal*, or by any other Means leave the Ships, whereunto they belong; and if they become Delinquents, and offend in this Point, their Names being taken Account of, they shall be chastised by the Magistrates and Officers of the Place, and compell'd to return to their Ships; and if they cannot be found, it shall be lawful for the Masters of such Ships or Vessels, to detain their Cloaths, Goods or Wages, for the Satisfaction of Damages.

VII.

That the *Consuls* who shall hereafter reside in any Part of the Dominions of *Portugal*, for the Assistance and Protection of the People of this *Republick*, shall be from henceforward nominated, and made by the said *Lord Protector*; and when so nominated, they shall have, 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*. And, for the judging of all Causes that relate to the People of this *Republick*, a *Judge Conservator* shall be deputed, from whom no manner of *Appeal* shall be granted, except to the Senate of * *Rellação*, where the Law Suits commenced, and appeal'd to that Court, shall be determined within the Space of *four Months*.

VIII.

That if any of the People of this *Republick* shall Die within the Kingdoms and Dominions of the most Serene *King of Portugal*, the Books, Accounts, Goods, and Assets belonging to them, or to others of the People of this *Republick*, shall not be seized or possess'd by the *Judges of the Orphans* and *Persons absent*, or by their Ministers and Officers, nor shall they be liable to *their Jurisdiction*; but the same Goods, Merchandize, and Accounts, shall be deliver'd to the *English Factors* or Procurators residing in that Place, who are nominated or deputed by the *Deceased*: But if the *Defunct*, whilst living, did not nominate any, then the said

* *Rellação*, is the supreme Court of Judicature, where all Causes either begun in, or removed to by Appeal, are finally determined.

Fuis Conservador a Dous, ou mais *Mercadores Inglezes*, os quaes seraõ escolhidos pellos mais Votos dos outros *Mercadores* que assistirem no ditto Lugar, e seraõ aprovados pello *Consul dos Inglezes*, dando premeiro Caução por fiadores Idoneos, (que seraõ aprovados pello mesmo *Consul dos Inglezes*,) de Restituir os mesmos Bens e Contas aos Legitimos Senhores, ou a seus Verdadeiros Crédóres; e os Bens que Constarem Sérem do Defuncto, seraõ entregues a seus Herdeiros e Crédóres.

IX.

ITEM, Que nem *El Rey de Portugal*, nem algum de seus Ministros detenha a éstes, nem Embargue a alguns *Mercadores*, *Pilotos*, *Governadores*, *Marinheiros*, nem suas *Naos*, ou outros Bens que forem desta *Republica*, ou de alguns do Povo della, ou para o Uzo da *Guerra*, ou para outros quaesquer, se o Senhor *Protector*, ou aquelle a que éstas *Naos* e Bens pertencerem, não forem primeiro desta materia Avizados, e dêrem seu Consentimento; Porem que as dittas *Naos*, homens, e Bens, possam Livrementem sem impedimento algum do sobredito *Rey*, ou seus Ministros, sahir da quelles *Portos* ou *Senhorios* do ditto *Rey*, ao seu Arbitrio, e que as *Vendas* das *Mercadorias* e Bens desta *Republica* se não Prohibirem, ou dilatam com este Pretexto, a saber, que *El Rey* haja mistér, ou por outra qualquer Cauza, nem se tome para uzo de *El Rey*, nem para outros quaesquer uzos, se aquelles que são Interessados não Confin-tirem.

X.

ITEM, Que o Povo da *Republica da Inglaterra* possa Livrementem Levar em suas *Naus* todas as *Couzas*, Bens, *Mercadorias* de qualquer genero que fõsem, ainda *Armas*, *Mantimentos*; ou outras *Couzas* semelhantes dos Povos e *Senhorios* da ditto *Republica*, e de outros quaesquer *Portos* e *Senhorios*, com tanto que não sejaõ tiradas dos *Portos* de

Goods, Merchandize and Accompts, shall, by the Authority of the *Judge Conservator*, be deliver'd to two or more *English Merchants*, who shall be chosen by the Majority of the *Merchants* residing in the Place, and approv'd of by the *English Consul*, after having given Security, by unexceptionable *Bondsmen*, (who shall also be approv'd of by the same *English Consul*,) for restoring the said Goods, Merchandize, and Accompts to the *right Owners*, or to their true Creditors; and the Goods which shall appear to have been the Deceased's, shall be deliver'd to his Heirs, Executors, or Creditors.

IX.

That neither the *King of Portugal*, nor any of his Ministers, shall detain, or arrest any Merchants, Masters of Ships, Captains, or Mariners; or their Ships, Merchandizes, or other Goods, which belong to this *Republick*, 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 appriz'd thereof, and give their Consent; but that the said Ships, Men, and Goods, may freely, and without any Hindrance or Impediment from the abovesaid *King*, or his Ministers, depart from the Harbours and Dominions of the said *King*, at their own Pleasure. And that the Sales of the Merchandize and Goods belonging to this *Republick* shall not be hinder'd or delay'd, under Pretence that the *King* has Occasion for them, or for any other Reason whatsoever; nor shall they be taken for the *King's Use*, nor for any other Uses whatsoever, if the Persons who are concern'd in the Goods do not consent thereto.

X.

That the People of the *Republick of England* may freely carry in their Ships all Sorts of Goods, Merchandize, and Things of what kind soever, even Arms, Provisions, or other such like, from the Harbours and Dominions of the said *Republick*, or any other Harbours or Dominions whatsoever; provided they are not taken immediately from the

de *Portugal*, e de seus Senhores immediatamente para serem Levados a quaesquer Portos ou Territorios de *El Rey de Castella*, e que o Serenissimo *Rey de Portugal*, e seus Vassallos não impidão por Penhores, Reprezalias ou qualquer outra Couza as dittas Naus, Bens, ou Hómens, que não possam Navegar figuramente aos Portos e Territorios de *El Rey de Castella*, e tér a hy Comércio; e que as Pessoas desta *Republica*, possam Livrementemente Levar aos Reynos, Portos, e Territorios de *El Rey de Portugal*, assim Armas, Pam, Peixe, com todos os outros generos de Mercadorias, e Venderlas a seu Arbitrio, ou pello Meudo, ou pello Junto a quaesquer Hómens, ou por qualquer preço que puderem; e que nem pella ditta *Magestade Real*, nem por seus Ministros, Prezidentes, Rendeyros, Estanqueiros, ou por alguma Camera, ou Jurisdicçam de Tribunal qualquer, particular ou Publico, sejam Prohibidos, Circumscriptus, ou inhabilitados; e que as Mercadorias e Bens que hũa ves pagaraõ os Costumes ou Portagens em qualquer Porto de sua *Magestade*, se possam Livrementemente tornar a Levar a quaesquer otros Portos da ditta *Magestade*, sem que paguem outra qualquer soma de Direitos, Portagens, ou Prata, mais que aquelles que os Mercadores *Portuguezes* pagaraõ, se os Bens, e Mercadorias a elles pretençem.

XI.

ITEM, Que o Povo e Naturaes da *Republica de Inglaterra*, Livre e seguramente Negoçem, e tenham Comercio de *Portugal para o Brazil*, e outras Conquistas do ditto *Rey na India Occidental*; e do *Brazil e dittas Conquistas para Portugal*, em todo o genero, com quaesquer Bens e Mercadorias; (tirando Farinha, Bacalhao, Vinho, Azeite, e Pao do *Brazil*; os quaes são Prohibidos por *El Rey*, pello Contrato com a Companhia do *Brazil*) pagando aquelles Direitos e Costumes que pagaraõ os outros que nesta parte Negoçem; e atento que as Naus Inglezas fretadas pellas *Portuguezes* se haõ de Juntar Navegação a Armada *Portugueza*; e que o ditto Povo e Naturaes Chegando de alguns dos dittos Portos e Lugares do *Brazil*, e dittas Conquistas

Harbours and Dominions of *Portugal*, to be carried directly to any Ports and Territories whatsoever of the *King of Spain*. And that neither the most Serene *King of Portugal*, nor any of his *Subjects*, shall hinder the said Ships, Goods, or Men, by Seizures, Reprisals, or any other Means whatsoever, from Navigating securely to the Harbours and Territories of the said *King of Spain*, and from trading therein. And that the People of this *Republick* may freely carry Arms, Corn, Fish, and all other Sorts of Merchandize into the Kingdoms, Ports, and Territories of the *King of Portugal*, and sell the same at their Pleasure, either by Retail or Wholesale, to any Persons whatsoever, and for whatever Price they can get; and they shall not be prohibited, circumscribed, or incapacitated by his said *Royal Majesty*, or his Ministers, Governors, Farmers of the Revenues, or Monopolists, or by any Chamber, or Jurisdiction of any *Tribunal* whatsoever, either publick or private: And that such Goods and Merchandize as have once paid the Customs or Clearances in any Port or Harbour whatsoever belonging to his *Majesty*, may be freely carried into any other Ports or Places whatsoever of his said *Majesty*, without paying any farther Duties, Clearances, or Sum of Money, besides what the *Portugueze* Merchants should pay, if the Goods and Merchandize did belong to them.

XI.

That the People and Natives of the *Republick of England* shall Trade and Traffick freely and safely from *Portugal* to the *Brasils*, and the other *Conquests* of the said *King* in the *West Indies*; and from the *Brasils* 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 his Contract with the *Brasil Company*) paying the Duties and Customs which others pay who trade into *those Parts*; and it is to be understood that the *English* Ships hired by the *Portugueze*, are to sail in Company with the *Portugueze Fleet*: And that the said *People* and Natives arriving from any of the Harbours and Places in *Brazil* and the said *Conquests*,

Conquistas a qualquer Senhorio do ditto *Rey*, não seraõ Confrangidos a descarregar suas Naus, ou a pôr fóra Bens alguns pretencentes aos *Inglezes*, mas os officiaes das Alfandegas faraõ pezar os Bens em quanto estaõ nas Naus, pera que se paguem os Direitos e Tributos delles devidos; e que se não pediraõ, nem pagaraõ aos officiaes de *El Rey* nenhum Direito ou Tributo mais grave, nem Mayor Sôma ou despeza de Dinheiro do que seos Bens fôsssem postas em Terra: nem no despachar, ou despedir as dittas Naus, se fará detença algũa; e depois que Chegarem a quaesquer Senhorios do ditto *Rey*, e pagar os Direitos e Costumes, sobredittos; tomaraõ da hy Livrentemente Caminho para qualquer Porto ou Lugar, e os Bens Carregados nas Naus *Inglezes*, ou pellos Vassallos do ditto *Rey*, ou por outros que houverem de ser trespassados a qualquer parte dos Senhorios de *Portugal*; de nenhum modo pagaraõ mayores Costumes, ou outros diversos Direitos do que se fôsssem Carregados em Naus Portuguezas. E tambem que o Povo e Naturaes da *Republica de Inglaterra* possaõ Livrentemente Navegar para as Collonias, Ilhas, Regioens, Portos, Districtos, Villas, Lugares, e Imperios pretençentes a *El Rey de Portugal, na India Oriental, Guiné, Bené, e Ilha de são Thomé*, e em outra qualquer parte nas Costas e Prayas de Africa; e a hy fazer Demora, Negociar, e Exercitar Comercio na Terra, Mar, Rios, e Agoas Dôces, em quaesquer Bens e Mercadorias, e Levar todo o genero de fazendas para algum Lugar ou Regiaõ, com a mesma Liberdade comque antes, e tambem com a mesma que em algum tempo antes de agora em qualquer Tratado fôsse Concedido, ou se Conceder ao diante aos Naturaes de qualquer Naçaõ Confederada e Amiga; e quanto aos Costumes e Direitos que nessas Regioens se haõ de pagar; os não pagaraõ mayores, ou mais graves do que se pagaõ por qualquer pessoa ou pessoas que Negoceem em qualquer dos dittos Lugares ou Regioens. E outro fim *El Rey de Portugal*, ou seos Vassallos, assim a Companhia do Brazil, como todas os outros; todas as Vezes que tiverem neçessidade de Naus Estrangeiras para Exercitar a Navegaçaõ e Mercançia do Brazil, ou para as Regioens, e Ilhas sobredittas, ou para outra parte, os Freteraõ desta Republica, e do seos Povo pellos preços Costumados, e ordinarios

quests, at any of the Dominions of the said King whatsoever, shall not be compelled to unload their Ships, or to put out any Goods belonging to the *English*; but the Officers of the Customs shall cause the Goods to be weigh'd while they are aboard the Ships, to the End that the Customs and Tributes due on them may be paid; and that no heavier Duty or Impost, nor greater Sum of Money or Expence shall be demanded by, or paid to the King's Officers, than if the Goods were put on Shore, nor shall there be any Delay in dispatching and dismissing the said Ships. And after they are arrived at any of the Dominions whatsoever of the said King, and have paid the Customs and Duties abovementioned, 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 *Portugal*, shall by no means pay greater Customs, or any other different Duties than if they were put on board *Portuguese* Ships. And likewise that the People and Natives of the *Republick of England* shall have the Liberty of Navigating to the Colonies, Islands, Regions, Ports, Districts, Towns, Villages, and Dominions belonging to the *King of Portugal* in the *East Indies*, *Guinea*, *Bengal*, the *Island of St. Thomas*, and to any other Part whatsoever on the Coasts and Shores of *Africa*, and there to stay, or reside, negotiate, trade, and traffick by Land or Sea, on the Rivers and fresh Waters, in any Goods or Merchandize whatsoever; and to transport all kind of Merchandize to any Place or Region with the same Freedom as formerly; and also with the same that was ever granted by any Treaty heretofore, or shall hereafter be granted to the Natives of any other Nation in Alliance and Friendship with *Portugal*. And as to the Customs and Duties to be paid in those Regions, they shall not pay more or heavier than those which are paid by any Person or Persons trading in any of the said Places or Regions. And likewise, 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 carrying on their Trade and Navigation to the *Brasils*, or for the *Regions and Islands* above-mentioned, or elsewhere, shall hire the Ships of this *Republick* and its People, at the usual
and

ordinarios aquellas que quizerem, e nenhūas outras de nenhum *Principe*, ou *Republica*; com tanto que haja numero de Naos *Inglezas* bastantes para seos uzos; excepto para a *Compania do Brazil*, que poderaõ fretar como quizer duas Naus de Guérra, e quatro para Mandar ao Brazil Carregadas de Bacalhao, a qualquer Naçaõ, como se Conthem na Carta de Libardades que lhe Conçedeo por Provizaõ Real, e que assim a *Compania do Brazil*, como todos os outros Vassallos do ditto *Rey* que Exercitaõ a Mercançia, Livremente sem Liçensã algũa geral ou espeçial que primeiro do que se haja de Alcançar, fretem Naus Inglezes no numero que quizerem, e nellas Navéguem ao Brazil, e as mais Conquistas do ditto *Rey* na *India Ocçidental*, e que o estipendio que se Contratar de Carregar, e de Interesses, procederaõ, e se tenha conta delle athẽ que todo seja pago, ainda que exceda o estipendio do tempo que se Contratou.

XII.

ITEM, E como o Serenissimo *Rey de Portugal*, por Provizaõ sua, Sellada com o seu sello na Cidade de Lisboa a 21 de Janeiro no anno do Nascimento de Nosso Senhor de 1641, Conçedeo aos Naturaes das Terras e sujeitas aos Dominios dos Estados de Olanda, &c. Livre faculdade de Levar, e tirar dos seos Reynos, Dominios, e Terretorios todos os generos de Mercadorias; que o Povo da *Republica de Inglaterra* Vulgou de mesma faculdade nos Reynos e Dominios do ditto Serenissimo *Rey de Portugal*.

XIII.

ITEM, Que nenhum que Vulgamente se Chamaõ Alcaides, ou algum outro offiçal de sua *Real Magestade*, pôssa prender, ou Embargar algum do Povo desta *Republica*, de qualquer graõ ou Condiçaõ que sejaõ, salvo em Cazo Criminal, e Colhido em fragante Delicto, senaõ com poder do seo *Juis Conservador* dado primeiro por escrito; e que no de mais o ditto Povo quanto as pessoas
Domi-

and ordinary Rates, as many as they please, and no other Ships of any *Prince* or *Republick*; provided the Number of *English* Ships to be hired be sufficient to supply their Wants; excepting that the *Brasil Company* (as is contain'd in the *Charter of Liberties* granted to them by the *King's Letters Patent*) may hire of what Nation soever they please, two Ships of War, and four others, to be sent with Fish to the *Brasils*; and that as well the said *Brasil Company*, as all other the Subjects of the said *King*, who follow the Business of Merchandizing, may freely hire as many *English* Ships as they please, and sail therein to the *Brasils*, and the other *Conquests* of the said *King* in the *West Indies*, without any Licence, general or special, first to be obtain'd for that End: And the Stipend agreed upon to be charged, with the Interest, shall run on, and an Account thereof shall be kept, till the whole is paid, tho' it should exceed the Stipend on the Time contracted for.

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 Natives of the Lands under the Dominion of the *States of Holland*, &c. free Liberty of importing and exporting all Sorts of Merchandize, to and from his Kingdoms, Dominions, and Territories; the People of the *Republick of England* shall use and enjoy the same Liberty, in the Kingdoms and Dominions of the said most Serene *King of Portugal*.

XIII.

That none who are commonly call'd *Alcaydes*, [i. e. Bailiffs] or any other Officer of his *Royal Majesty*, shall seize or arrest any of the People of this *Republick*, of what Rank or Condition soever, except in a *Criminal Cause*, being detected in any flagrant Fact; unless he be first empower'd, in writing, by the *Judge Conservator*; and that the aforesaid People, in all other Respects, as to their Persons, Do-

Domiçilios, Livros de Razaõ, Interesse, Mercadorias, e mais Bens feos, Gozaraõ nos Dominios do Serenissimo *Rey de Portugal*, de Igual, e da mesma imunidade de Prizoens, de Embargos, e de quaesquer outras molestias que a outro qualquer *Principe* ou Povo Confederado com *El Rey de Portugal* foi Concedido, ou de qui em diante se Conceder; nem por algum salvo Conducito, ou favor do mesmo *Rey* que se Conceda a feos Vassallos, ou a outros que andao em seo Dominio, sejaõ Prohibidos de seo Direito, para poderem Cobrar suas Dividas; porem que possaõ Citár a qualquer Hómen por cauza de qualquer Divida justa; e ainda que seja recebido debaxo do Patrocinio de qualquer, ou seguro com qualquer Alvará, ou seja Rendeiro, ou tenha qualquer Privilegio.

XIV.

ITEM, Por quanto os Direitos da Páz e do Comercio, seriaõ nullos e inutens, se o Povo da *Republica de Inglaterra* fõsse inquieto por Cauza de *Consciencia*, quando Vai e Vem aos Reynos e Dominios do ditto *Rey de Portugal*, ou assim se detem por cauza de Comuttar as Mercadorias: por tanto, para que seja Livre e seguro o Comercio por Mar e por Terra; o ditto *Rey de Portugal* effecásmente fará e proverá que não sejaõ molestados nem inquiêtos por nenhum Hómen, Curia, ou Tribunal por cauza da ditta *Consciencia*, ou por terem consigo, ou uzarem *Biblias Inglezas*, ou outros Livros; e que seja Livre ao Povo desta *Republica* nas Cazas particulares com as Familhas da sua mesma Naçaõ e Religiaõ dentro de quaesquer Senhorios do ditto *Rey de Portugal*, observár, e professár a sua *Religiaõ*, e Exercitalla nas suas Naus ou Navios como lhe parecer, sem algũa molestia ou impedimento. Finalmente que se lhes assignará Lugar Idonio para se Enterrarem os Mortos. Advirtaõ com tudo os *Inglezes* não Excedaõ o que está escrito neste Artigo.

XV. ITEM,

mefticks and Dwellings, Books of Accounts, Interests, Merchandize, and all other Goods belonging to them, shall enjoy equal and the fame Immunity within the Dominions of the moft Serene *King of Portugal*, from Imprifonment, Arrests, and other Moleftations whatfoever, as already is, or fhall hereafter be granted to any other *Prince* or *People* whatfoever, in Alliance with the *King of Portugal*: Nor fhall they be hinder'd, by any Permit or Protection to be granted by the faid *King* to his Subjects, or others frequenting his Dominions, from recovering their Debts; but they fhall have a Right to fue any Man to Juftice for the Recovery of any juft Debt; altho' he be fhelter'd under the Patronage or Protection of any Perfon whatfoever, or fecured by any *Alvará* or written Law, or whether he be a Farmer of the Revenues, or invefted with any other Privilege.

XIV.

And forasmuch as the Rights of *Peace* and *Commerce* would be null and ufelefs, if the People of the *Republick of England* fhould be disturb'd for *Conscience* fake, when they pafs to and from the Kingdoms and Dominions of the faid *King of Portugal*, or refide there for the fake of exchanging their Merchandize: That Commerce may therefore be free and fecure, both by Land and by Sea, the faid *King of Portugal* fhall effectually take care and provide, that they be not molefted by any Perfon, Court, or Tribunal, upon Account of the faid *Conscience*, or for having with them, or using any *Engliſh Bibles* or other Books; and that it fhall be free for the People of this *Republick* to obferve and profefs their *own Religion* in *private Houſes*, together with their Families, within any of the Dominions of the faid *King of Portugal* whatfoever; and the fame to exerciſe on board their *Ships* and *Veffels*, as they fhall think fit, without any Trouble or Hindrance: And finally, that a Place be affign'd them for the *Burial of their Dead*. But withal, the *Engliſh* are caution'd not to exceed what is written in this Article.

XV.

ITEM, Se acontecer da qui em diante que nássem algũas Contraverfias, ou duvidas entre as mefmas *Repúblicas*, que póffa haver perigo de fe interrompér o Comercio entre hũa e outra Nação, fe dará aos Povos e Vaffallos de ambas as partes por todos os Reynos e Provincias hũa e outra publico Avizo, e efpácio de dous Annos depois da quelle Avizo para fe passarem a fy, e a feos Bens, Navios, Mercadorias e quaesquer faculdades, fem entretanto fe lhes fazer molestia algũa, impedimento nem damno a elles nem a feos Bens: e será Liçito aos dittos Povos e Vaffallos de ambos, se ao tempo de tal publico avizo lhes deverem em algũas partes dividas: pedidas Legitimamente dentro dos dittos dous annos nos Lugares e Senhórios onde se deverem, e que da qui por diante se lhes fará direito Dezembargado, e com offeito de modo que effes Crédóres fe Alcançem a feo, dentro no tempo proferido.

XVI.

ITEM, Que se acontecer que em quanto durár eſta Confederação, Amizade e Soçiedade por algum dos Povos ou Naturaes de algũa déſtas partes fe fizer ou attentar algũa couza contra eſta Confederação; ou algũa parte della no Már, na Térra, nos Ryos ou Agoas doçes; nem por iſſo eſta Amizade, Confederação e Soçiedade entre eſtas Naçoens fe Interromperá, nem quebrantará; antes durará inteira, e fe ſuſtentará toda ſua forſa; e ſomente ſeraõ Caſtigados aquelles meſmos em particular que Delinquirem contra a ditta Confederação, e nenhum outro; e fe fará Juſtiça, e dará ſatisfação a todos aquelles que importár por todos aquelles que por Térra, Már, Ryos, ou Agoas doçes Cometerem qualquer couza contra eſta Confederação, em ulgũa parte da *Europa*, ou em qualquer Lugar dentro no Eſtreito de *Gibaraltár*, ou em *America*, ou pelas Coſtas de *Affrica*, ou em algũas Terras, Ilhas, Máres, Eſtaleiros, Enſeados, Ryos, ou alguns Lugares da

XV.

If it shall happen hereafter, that any Controversies or Doubts do arise between the said *Republicks*, which may endanger the Interruption of *Commerce* between the one and the other Nation, *Publick Notice* shall be given to the People and Subjects of both Parties, thro' all the Kingdoms and Provinces of both; and the Space of *two Years* after such Notice allowed for transporting themselves, Goods, Ships, Merchandize, and any other Substance whatsoever, without any Molestation, Impediment, or Damage offer'd in the mean time, either to their Persons or Goods: And it shall be lawful for the said People and Subjects on both Sides, to whom any Debts may be owing at the Time of such publick Notice, legally to demand the same within the said two Years, in the Places and Dominions where they are owing, and from henceforward uninterrupted Justice shall be done them, in such Manner, that in Effect those Creditors may be able to obtain their own, within the Time prescrib'd.

XVI.

If it shall happen, that while this Treaty, Friendship, and Society, are subsisting, any thing be committed or attempted, by any of the People or Natives of either of these Parties, contrary to this Treaty, or any Part thereof, by Land or Sea, on the Rivers or fresh Waters; the Friendship, Confederacy, and Intercourse betwixt these Nations shall not for this Cause be interrupted nor broken, but shall rather intirely subsist, and sustain its full Force, and those only in particular, who violate the said Confederacy, shall be punished, and none else; and Justice shall be done, and Satisfaction given, to all those concern'd; by all those who by Land, Sea, on Rivers, or fresh Waters, shall act or commit any thing contrary to this Confederacy, in any Part of *Europe*, or in any other Place within the Streights of *Gibraltar*, or in *America*, or along the Coasts of *Africa*, or in any of the Lands, Islands, Seas, Creeks, Bays, Rivers, or in any Places on this Side the
Cape

da quem do *Cábo de Boa Esperança*, dentro no espaço de hum anno que se pedir Justiça; mas em todos os Lugares ut supra alem do ditto Cábo, dentro de Dezouto Mezes que a Justiça pello ditto modo se pedir; e se os quebrantadores da ditta Confederação não apparecerão, nem se sujeitarem a ser Julgados, nem dêrem satisfação dentro neste ou naquelle espaço de tempo, que segundo a distancia do Lugar agora se Limitou; os sobreditos serão Julgados por Inimigos de hũa e outra parte, e seus Bens, e faculdades, e quaesquer Rendas se Confiscarão, e applicarão a inteira e Justa satisfação da quellas Injurias que por elles foraõ feitas: e alem disto, elles mesmos quando forem a poder de qualquer das partes, serão sujeitos as penas que cada hum merecer pello seo Crime.

XVII.

ITEM, Se Succeder algũa Contraverfia entre os Vedores, Officiaes, ou Ministros do ditto Rey, e os dittos Mercadores sobre as Bondades dos Peixes, ou de qualquer Mantimento que se Levar a alguns Senhorios do ditto Rey; essas serão determinadas pellos Arbitrios dos bons Varóens, com tanto que seja Portuguezes; os quaes serão Eleytos Igualmente pello Magestrado da quelle Lugar, e pello *Consul da Nação Inglesa*, os quaes Julgaram o Negocio de tal maneira que em quanto se Litigua da Cauza, não Venha entre tanto algum damno ao Senhor della.

XVIII.

ITEM, Que será permittida ao Povo e Vassallos de cada hũa das partes Irem aos Portos de outro, e detêrse a hy, e Sahir com a mesma Liberdade; não só em Naos Mercantes e de Carga, mas tambem com as da Guerra e Comboy, e Aparentadas para Rebater as forças dos Inimigos; ou sejam a hy Levados com força da Tormenta, ou para Conçertar as Naos, ou para tomar Mantimentos; com tanto que não passem o numero de Seis Naos de Guerra se forem ali por sua Vontade, nem estejam, ou se detenha. o

Cape of Good Hope, within the Space of one Year after Justice shall be demanded; but in all Places, as above, beyond the said *Cape*, within eighteen Months, after Justice be required in the Manner abovementioned. And if the Violators of the said Confederacy don't appear, nor surrender themselves to Trial, nor give Satisfaction within this or that Space of Time now limited, according to the Distance of the Place, they shall be deem'd as Enemies to both Parties, and their Goods, Substance, and Revenues whatsoever, shall be seiz'd, condemn'd, and applied to the making of full and just Satisfaction for the Injuries done by them; besides which, the Offenders themselves, when they happen to be in the Power of either of the Parties, shall be liable to the Punishments which their respective Crimes deserve.

XVII.

If it happens that any Controversy does arise between the said *King's* Inspectors, Officers, or Ministers, and the said Merchants, concerning the Goodness of Fish, or any other Sorts of Provisions whatsoever, which shall be carried to any of the said *King's* Dominions; the same shall be determined by the Arbitration of good Men, provided they are *Portuguese*, who shall be equally chosen by the *Magistrate of the Place*, and the *Consul of the English Nation*, and they shall determine the Business in such Manner, that no Damage may accrue to the Owner in the meantime while the Matter is in Dispute.

XVIII.

That it shall be lawful for the People and Subjects of either Party to go to the Ports of the other, there to reside, and from thence to depart with the same Liberty, not only with Merchant Ships and Transports, but also with Convoys, and Men of War equipp'd for repelling the Force of the Enemy, whether they are driven thither by Stress of Weather, 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 come there of their

ténhaõ mais tempo que o que for necessário para Refazer as Naos, ou para Comprar outras couzas necessárias; para que por Ventura não seja cauza de Prejudicár o Comércio das outras Naçoens que forem Aliadas em Amizade: E se em algum tempo, algum numero desacostumado de Naos Cheguar por algum Cazo a quelles Portos, não lhe será Liçito entrar no Porto, senão tendo primeiro Liçensa da quelles em cuja Jurisdicção ésses Portos estivérem; salvo se constangéndose a força de Tempestade, ou outra necessidade contra sua Vontade o fizerem para Evitár o perigo do Már, e do Naufragio; o que, se acontecer, mostrarão Logo ao Prezidente, ou summo Magistrado da quelle Lugar, a Cauza de sua Vinda; e não fiquem a Li mais tempo que o que for Liçito pello Prezidente ou Magistrado da quelle Lugar; nem nos dittos Portos fação Hostilidade algũa que seja em detrimento da ditta *Republica*, ou *Rey*.

XIX.

ITEM, que a ditta *Republica*, nem *El Rey*, Consinta que as Naos e Bens de cada hum delles, ou de Seos Povos, que em algum tempo forem tomadas pello Inimigo, ou Rebeldes do outro, e trazido aos Portos ou Lugares das Terras do outro. Se transfiraõ Proprietarios; mas que se Restituaõ a elles, ou a Seos Procuradores, com tanto que elles Requeiraõ o Direito das dittas Naos antes que se Vendaõ e descarrèguem, e que dentro de 3 Mezes dipois que as dittas Naos e Bens forem assim trazidos; ou pròvem o direito delles, ou produzaõ Testemunhas da Propriedade; entre tanto os mesmos Proprietarios pagaraõ, e dispenderaõ os gastos necessários para Conservár e goardár as dittas Naos e Bens.

XX.

ITEM, que o Povo e Mercadores de *Republica de Inglaterra*, que por cauza de Negociar, Passaõ aos Reynos, Senhorios,

own Accord; nor shall they stay nor continue any longer Time, than may be necessary to refit their Ships, or to purchase such necessary Things as they want; that, peradventure, they may not be the Cause of interrupting the Commerce of other Nations which are allied in Friendship. And if at any time, any *unusual Number of Ships* should chance to come to such Harbours, it shall not be lawful for them to enter, without first having leave from those in whose Jurisdiction such Harbours may be, unless they are constrain'd to do it against their Will, by the Force of tempestuous Weather, or other urgent Necessity, for avoiding the Danger of the Sea and Shipwreck; the which, if it should so happen, they shall immediately shew the Cause of their coming thither to the President, or chief Magistrate of that Place; nor shall they stay there any longer Time than they are allow'd by the President, or Magistracy of that Place; nor shall they commit any Hostilities in the said Harbours, which may be detrimental to the said *Republick*, or *King*.

XIX.

That neither the said *Republick*, nor *King*, shall suffer the Ships and Goods of either of them, or of their People, which shall at any Time be taken by the Enemies or Rebels of the other, and brought to any Ports or Places of the other's Countries, to be convey'd away from the right Owners, or transfer Proprietors, but the same shall be restor'd to them or their Attornies; provided they lay Claim to such Ships before they are sold and unladen; and either prove their Right, or exhibit Testimonies to make appear their Property in them, within three Months after the said Ships and Goods are so brought in; in the mean Time the Proprietors themselves shall pay and discharge the necessary Expences for the preservation and keeping of the said Ships and Goods.

XX.

That the People and Merchants of the *Republick of England*, who frequent the Kingdoms, Dominions, and

Senhorios, e Regioens do ditto *Rey*, ou Cheguem aos feos Portos com suas Naos, não paguem Anchoragem, ou outras despesas dos Portos, ou outros alguns Direitos, ou somas de Dinheiro, mais que aquelle que éra Costume de pagar a El Rey e a Camera de *Lisboa*; mas se algum mao Costume introduzir outros no futura, sennaõ paguem.

XXI.

ITEM, Que nenhum Tributo se pessa a algum dos Povos desta *Republica*, nem em *Lisboa*, nem em outro Lugar para se despender na *Capella de são Jorge*, nem elles sejam Constringidos a tér officios alguns Pessoaes, ou a Vestir algum genero de Armas, ou de lhes a Outrem.

XXII.

ITEM, Que os Mercadores de cada hũa das dittas partes, e os feos Caixeiros, Creados, e Negoçadores da Família, ou outros Ministros, Marinheiros, Mestres de Navios, e gentes da Armada possuão Andar seguro e Livrementem nos Senhorios, Territorios, e Regioens da ditta *Republica*, e *Rey*, e tambem nos feos Portos e Rayas; e o Povo e Vassallos de hum, ter e possuir nos Dominios de outro, Cazas Proprias em que mórem, e Armazens em que goardem os feos Bens e Mercadorias por quanto Allugarem, sem que lhes fassa molestia por algum. Item, Cingir Espada, e trazer consigo Armas assim Offensivas como Defensivas, Conforme ao Uzo e Costume do Lugar, para que Milhor se possuão defender a sy, e a feos Bens.

XXIII.

ITEM, Que todos os Bens e Mercadorias da ditta *Republica*, ou *Rey*, dos feos Povos ou Vassallos de ambas as partes, Carregadas em Náus dos Inimigos dos outros, a Li achados, com as mesmas Naos sejam Prezas, e Rematadas

Countries of the said *King*, upon Account of Trade, or who arrive at his Harbours with their Ships, shall not pay for *Anchorage*, or other *Port-charges*, or any other Duties, or Sums of Money, more than those which were customarily paid to the *King*, and the *Chamber of Lisbon*; but if any ill Custom should introduce others for the future, they shall not be paid.

XXI.

That no Manner of *Tribute* shall be demanded from any of the People of this *Republick*, either in *Lisbon* or in any other Place, to be expended in the *Chapel of St. George*; nor shall they be compell'd to hold any personal Offices, or to wear any Sort of Arms, or to furnish others therewith.

XXII.

That the Merchants of either of the aforesaid Parties, and their Factors, Servants, and Negotiators of their Families, or other Servitors, Mariners, Masters of Ships, and People of the Navy, may securely and freely pass to and fro in the Dominions, Territories, and Countries of the said *Republick* and *King*; as also in their Harbours, and on their out Skirts; and the People and Subjects of the one, may have and possess dwelling Houses of their own, in any of the Dominions of the other, and also Warehouses for keeping their Goods and Merchandize, as long as they hire them, without being molested by any Body. They may also wear Swords, and carry with them both offensive and defensive Arms, according to the Usage and Custom of the Place, that they may the better be able to defend themselves and their Goods.

XXIII.

That all Goods and Merchandize of the said *Republick* or *King*, or of their People, or Subjects of both Parties, loaden on board the Ships of the Enemies of either, being there found, shall be made Prize, together with the same Ships,

tadas em Publico. Mas que todos os Bens dos Inimigos de Cada hum, ou Mercadorias Carregadas em Naos de outra parte, ou do seo Povo e Vassallos, sejaõ intactas.

XXIV.

ITEM, Que todas as Justas dividas que *El Rey de Portugal*, deve aos *Inglezes* a titulo de Mercadorias tomadas ou Compradas, ou finalmente de Naos Carregadas, ou antes, ou dipois de seos Bens serem postos em sequestro rhe este tempo, se paguem, e se entreguem immediatamente dentro em dous Annos proximos seguintes: E que todas as seguranças, Cauçoens, ou Fianças que os *Inglezes* dêraõ por algũas Naos Carregadas thegora por *El Rey de Portugal*, ou por alguns de seos Vassallos para os Portos do Brazil, ou de Angola, e dipois detidas em alguns Portos de sua *Magestade*, ou pellos *Principes Roberto e Mduirçio* tomadas e occupadas, ou pello ditto *Rey*, ou por alguns de seos officiaes ou Ministros por algum modo impedidas para naõ poderem Cumprir seos Contratos; daqui por diante se Lançellem, Rompaõ, e façaõ nullas, e que em suas Pessoas, nem suas Naos ou Bens se Embarguem, nem por modo algum se molestem pello ditto *Rey*, ou por alguns Vassallos seos por titulo e por Razaõ dos dittos Contratos.

XXV.

ITEM, Como entre o novo *Parlamento*, e o *Embaxador Extraordinario de El Rey de Portugal*, se Conçertáffe com o ditto *Embaxador* no segundo de seis Artigos *Preliminares*, nos quais a 29 de Dezembro de 1652 se Concordou, se Obrigasse que todas as Naos, Bens, Dinheiros e dividas pertencentes a qualquer *Inglez*, que foraõ tomadas e detidas nos Senhorios de *El Rey de Portugal*, Logo haõde Livremmente de sér Restituídas em Especie, com tanto que estejaõ do mesmo Valor, e que dñrem na mesma bondade em que estavaõ no tempo da detençaõ; e se fizeraõ peõres, entaõ se hade dar satisfacão por ellas, conforme o seo Verdadeira preço quando primeiro foraõ detidas; mas quanto a Compensacão dos damnos, sendo elles reduzidos

I

a Couza

Ships, and sold at publick Sale. But that all the Goods of the Enemies of either, or Merchandize loaden on board the Ships of either Party, or of their People and Subjects, shall be untouch'd.

XXIV.

That all just Debts owing to the *English* by the *King of Portugal*, on Account of Merchandize taken or bought, or finally of Ships loaden, either before or after putting their Goods in Sequestration to this Time, shall be paid and discharged immediately within two Years next following; and that all Recognizances, Bonds, and Suretyships given and enter'd into by the *English*, on Account of any Ships hitherto laden by the *King of Portugal*, or any of his Subjects for the Ports of *Brasil*, or *Angola*, and afterwards detain'd in any of his *Majesty's* Harbours, or seiz'd and occupied by *Prince Rupert* and *Prince Maurice*; or hinder'd in any wise by the said *King*, or by any of his Officers or Ministers, from being able to perform their Contracts; shall from this Time forward be cancell'd, broken, and made null; and that neither their Persons, nor their Ships, nor Goods, shall be put under Arrest, or in any wise molested by the said *King*, or by any of his Subjects, on Account and by Reason of the said Contracts.

XXV.

Whereas there was a Convention between the *new Parliament* and the *Ambassador Extraordinary from the King of Portugal*; and the said *Ambassador* in the *second* of the *Six Preliminary Articles*, which were agreed to on the 29th of *December 1652*, obliged himself that all the Ships, Goods, Monies, and Debts, appertaining to any *Englishmen* whomsoever, which were taken and detain'd in the Dominions of the *King of Portugal*, should immediately be freely restor'd in *Specie*; provided they were still of the same Value, and remain in the same good Condition they were in at the Time when they were first detain'd; but if they are grown worse than they were, then Satisfaction should be given for them, according to their *true Price or Value* when they

a Couza Certa por declaração do *Conselho* por Carta sua de 15 de Novembro de 1652, e declarado pello *Conselho* que a elle lhe não éra deliberado apertár e pedir a Restituição por fumo direito, mas em quanto samente por conforme a Equidade, e Razaõ: e que possa testificar o seo Animo por Procurár a Paz, o senhor *Embaxador*, supposto isto, se obrigasse, e que os damnos se haviaõ satisfazer. Em o quinto Artigo dos dittos *Preliminares*, o ditto *Embaxador* tomáße mais sobre sy, que todas as Naos, e Bens dos *Inglezes* que pellos *Principes Roberto e Maurício*, ou por qualquer Nao de baixo de sua Capitanea foraõ Levados a *Portugal*, e a hy dispendidos, ou ainda estaõ em Sér, ou por elles ou por seo Mandado tornados da Li a Levar, se Restituirem Logo aos Senhores & Proprietarios, ou se dêsse por elles Reparaçaõ, e Satisfaçaõ. E porque das Petições dos Mercadores e de outros que tocaõ a fatisfaçaõ, ha ainda algũas Contraverfias, para que éstas Petições se Julguem, e se determinem, e éstas queixas de Direito e de Epidade; fór de ambas as partes Contratado, Concluido, e Concordado, que as dittas Petições sobre os damnos e Satisfaçoens se Refiraõ, como por estas presentes se Refirem ao Juizo, Arbitrio, e Sentença do *Doutor Waltero Walker, e Joaõ Crouther*; o *Doutor Henrique da Sylva* Secretario da Embaixada, e *Françisco Perneira Rebello* Agente das Couzas da mesma Embaixada; PESSOAS indifferentes, e Eleytas assim de parte de *El Rey de Portugal*, como do Senhor *Proteitor*; os quaes, por éstes presentes se fazem e Constituem Conheçedores Arbitros, e Juizes para Ouvir e Examinar todas, e cada hũa das Petições e quiexas de cada hum dos Mercadores, Mestres de Navios, ou outros que Procuraõ o seo Direito em todos ou alguns dos Navios, Dinheiros, Dividas, Mercadorias, ou quaesquer outros Bens de que nos dittos Artigos *Preliminares* se fez Mençaõ, os quaes Arbitros se ajuntaraõ, e assentaraõ na Cidade de *Londres* a 20 de Julho proximo do Estillo Antigo, e o mesmo dia tomaraõ solemne Juramento diante dos Juizos do *supremo Tribunal de Almirantario de Inglaterra*; que elles, nas Cauzas que se lhe Referem para as Julgarem, haõ de Renunçiar todo o favor e Respeito para com cada hũa das partes, e a todo o proveito particular: Com éstes presentes se Instituem, e se lhe dá Authoridade

they were first detain'd. But as to the Compensation of the Damages, they being ascertain'd by a Declaration of the *Council* in their *Letter* bearing Date the 15th of *November* 1652, and therein declar'd by the *Council*, that it was not their Intentions to press and demand Restitution by Rigour of Law, but only in such Manner as should be conformable to Equity and Reason: And that the *Ambassador* might witness his Inclinations to procure a *Peace*, upon this Supposition he obliged himself that the Damages should be made good. In the 5th *Article* of the said Preliminaries, the said *Ambassador* farther took upon him, or engag'd, that all the Ships and Goods of the *English*, which by the *Princes Rupert and Maurice*, or by any Ship whatsoever under their Command have been carried to *Portugal* and there dispos'd of, or are still remaining, or either by them or their Command have been carried again from thence; shall either immediately be restor'd to their Owners and Proprietors, or Reparation and Satisfaction shall be given for them. And because some Controversies are yet remaining concerning the Petitions or Demands of the Merchants and others touching Satisfaction; to the End these Petitions or Demands, these Complaints of Right and Equity may be judged and determined; it was by both Parties contracted, concluded and agreed upon, that the said Petitions or Demands about the Damages and Satisfaction, shall be referr'd, as they are by these Presents referred, to the Judgment, Award, and Sentence of *Dr. Walter Walker*, *John Crowther*, *Dr. Henry da Sylva*, Secretary of the Embassy, and *Francis Perreira Rebello*, Agent in the Affairs of the said Embassy, indifferent Persons, and chosen, as well on the Part of the *King of Portugal*, as of the *Lord Protector*; who by these Presents are made and constituted Recognizers, Arbitrators, and Judges, to hear and examine all and every one of the Demands and Complaints of every one of the Merchants, Masters of Ships, and others, who claim a Right to all, or any of the Ships, Monies, Debts, Merchandize, and all other Goods whatsoever, mentioned in the said Preliminary Articles: Which Arbitrators shall meet and sit in the *City of London*, on the 20th Day of *July* next, O. S. and on the same Day they shall take a solemn Oath, before the Judges of the High Court

dade para Chamarem quaesquer Pessoas, e para Mandarem trazer asy as diposiçoens e Cartas que pertencerem ao Negocio que lhes he Comettido; e quer tomem, quer não o ditto Juramento; Examinaraõ a Verdade de todas éstas Petiçoens, e queixas Sumariamente: e tambem todos e cada hum dos damnos que proçederaõ dos dittos Arestos e Embargos; e aos dittos Arbitros com éstes presentes se lhe dá Authoridade para finirem todas as Cauzas sobreditas, e para Liquidarem, Julgarem, e finalmente Determinarem os damnos, e como elles ou a Mayor parte delles em suas Discriçoens e Conçiencias Julgarem que he Justiça, e Equidade; e para Publicarem a sua Sntença final debaxo de seos escritos, a qual Sentença assim Publicada Ligará, e Obrigará hũa e outra parte, sem Appellação, Revista, ou Redempção algũa: E o mesmo Rey se obriga a Cumprirla e goardá-la Efficásmente en todas os seos Membros e Cappitulos; e tambem a pagar, ou fazer que se pague aquella quantia ou quantias de *Dinheiro* que como ditto he, lhe forem Julgadas. E alem disto se Concordou que se os dittos Arbitros não Concordarem, e finalmente determinarem sobre as dittas Cauzas a elles Referidas, dentro no primeiro de Setembro proximo seguinte do Estillo Antigo; Entaõ as dittas Petiçoens deixadas por determinar pellos dittos Arbitros, se submétem, como pellos presentes se submétem a tal Pessoa do *Conselho do Senhor Protector*, que o mesmo Senhor *Protector* dentro de qualquer tempo dipois do primeiro de Setembro proximo Nomeár; para o qual fim o ditto Senhor *Protector* dará por Provisão Authoridade a tal Pessoa assim Nomeada, para finalmente determinar sobre todas, e cada hũa das Petiçoens sobreditas; E se antes de se dar pello ditto *Conselheiro* sentença, Chegarem algũas Cartas de *Portugal*, ou Procurador para tratar algũas da quellas Couzas; o ditto *Conselheiro* o Ouvirá de Novo; e a Sentença que for dáda pella tal Pessoa assim Instituida debaxo do Seo Signal e Sello, Concluirá, e obrigará a hũa e outra parte; e se Cumprirá, e Executará Legitimamente: e para Mayor Cautela, e Seguridade de que a soma de *Dinheiro* que for Julgada pellos dittos Arbitrios, ou Arbitro se pagará com boa fée, foy Concluido, e Concordado que hũa Ametade dos *Direitos e Costumes de Portugal* de todos os Bens e quaesquer Mercado-rais

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 referr'd; and by these Presents they are instituted, and authorized to summon any Persons whatsoever, and to order such Depositions and Papers to be laid before them, as shall have any Relation to the Business referr'd to them; and whether they take the *said Oath*, or not, they shall, in a summary Way, examine and inquire into the Truth of all these Petitions and Complaints, and also all and every one of the Damages, which were occasioned by the said Arrests and Detainers. And the said *Arbitrators* are authorized, by these Presents, to finish all the Causes above-mentioned, and to liquidate, adjudge, and finally determine the Damages or Losses, as they, or the major Part of them, in their Discretion and Consciences shall judge to be Justice and Equity, and to publish their final Sentence in Writing under their Hands; which Sentence, so published, shall bind and oblige both Parties, without any Appeal, Revival, or Redemption whatsoever: And the said *King* binds himself effectually to perform, keep, 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 him as aforesaid. And, besides which, it is agreed, that if the said *Arbitrators* do not agree and finally determine upon the said Things to them referr'd, before the the first of *September* next, O. S. then the said *Petitions* or *Demands*, which are left undetermined by the said *Arbitrators*, shall be submitted, as they are by these Presents submitted, to such Person of the *Lord Protector's Council*, as the said *Lord Protector* shall nominate, within any Time whatsoever after the first of *September* next: For which End the said *Lord Protector* shall, by his Mandate, authorize such Person, so nominated, finally to determine upon all and every one of the *Petitions* or *Demands* aforesaid. And, if before the Pronunciation of Sentence by the said *Counsellor*, any Papers should arrive from *Portugal*, or any *Procurator*, to solicit about any of those Causes, the said *Counsellor* shall give them a new Hearing; and the Sentence, which shall be given by such Person, so instituted, under his Hand and Seal, shall

rias dos Naturaes e Populares desta *Republica* que Nego-
cêem para *Portugal*, Logo dipois da data do Tratado se
apliquem ao ditto pagamento; a qual Metade, de tempo
à tempo se pagará a quella Pessoa que o ditto Senhor *Pro-
teſtor* nomear, dando ſatisfação aos damnos dos Mercado-
res, Meſtres de Navios, e Proprietarios.

XXVI.

ITEM, Foy Concluido, e Concordado que a presente
Pas e Confederação, não ſerá derogada por qualquer outra
Liga ou Confederação feita, ou que ſe faça pello Sereniſſimo
Proteſtor de Inglaterra e Rey de Portugal, com quaesquer
outros *Principes*, ou *Republicas*; mas que éſta *Pas e Con-
federação* inteiramente ſe goarde, e ſempre ſurta ſeo Ef-
feito.

XXVII.

ITEM, Foy Contratado, e Concluido, que hũa e outra
parte Verdadeira e firmemente Obſervará, e dará a Exe-
cução o presente *Tratado*, e a todas, e a cada hũa das
Couzas que nelle ſe Conthem e ſe Comprehendem, e que
procurará que o meſmo ſeja Obſervado e Cumprido pello
Povo, e Vaſſallos de hum, e outro.

XXVIII.

ITEM, Foy Contratado, e Concluido, que o presente
Tratado, e todas, e cada hũa das Couzas que nelle ſe Con-
them, Concluem, e Concluião; ſe Ratificaraõ pellos dit-
tos Senhores *Proteſtor, e Rey*, por Cartas Patentes de hũa
e outra parte, Ornadas com o Sello grande na forma de-
vida,

conclude and bind both Parties, and the same shall be duly complied with and executed. And for the greater Caution and Security that such Sum of Money, as shall be adjudged by the said *Arbitrators* or *Arbitrator*, may be honestly paid, it is agreed and concluded, that one Moiety of the Duties and Customs of *Portugal*, arising from all the Goods and Merchandize whatsoever of the Natives and Populace of this *Republick*, who trade to *Portugal*, shall immediately, after the Date of this Treaty, be applied to the said Payment: Which Moiety, from Time to Time, shall be paid to that Person, which the *Lord Protector* shall nominate, thereby giving Satisfaction to the Merchants, Masters of Ships and Proprietors, for their Losses or Damages.

XXVI.

It was concluded and agreed upon, that this present *Peace* and *Confederacy* shall not be broken by any other *League* or *Confederacy*, either already made, or that shall be made by the most Serene *Protector* of *England*, and *King* of *Portugal*, with any other *Princes* or *Republicks* whatsoever; but that this *Peace* and *Confederacy* shall be intirely kept, and its Effects always remain in full Force.

XXVII.

It was agreed and concluded, that both Parties shall truly and firmly observe, and put in Execution, the present *Treaty*, and all and every one of the Things therein contain'd and comprehended, and cause the same to be observed and perform'd by the People and Subjects of the one and the other Party:

XXVIII.

It was agreed and concluded, that the present *Treaty*, and all and every one of the Things therein contain'd and concluded, shall be ratify'd by the said *Lord Protector* and *King*, by the Letters Patent of both Parties, adorn'd with the Great Seal, in due and authentick Form, within six

vida, e Authentica, dentro de Seis Mezes proximos seguintes, e se Entregaraõ de parte a parte dentro no ditto tempo Instrumentos; e tambem que esta *Pas e Confederaçaõ* Logo que se entregarem, e trocarem os Instrumentos, será Publicada na forma, e Lugar Costumado.

Em fée e Testemunho de toda a Referida, nós os Commissarios de sua Alteza o Senhor *Protector*; e os *Embaxadores* Extraordinarios do Serenissimo *Rey de Portugal*, por Virtude das nossas Commissões e Plenas Poderes respectivas a este Acto, assignamos o presente Tratado com as nossas Mãos, e o Sellamos com os nossos Selos. Feito em *Westminster* aos 10 dias do Mez de Julho no Anno de 1654.



Months next ensuing; and within the said Time, mutual Instruments shall be delivered on both Sides: And also this *Peace and Confederacy*, shall immediately (after the Delivery and Exchange of the Instruments) be proclaim'd in the usual Forms and Places.

In Faith 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 sign'd the present Treaty with our own Hands, and seal'd it with our Seals. Done at *Westminster* the 10th Day of *July*, in the Year 1654.

Concordado com o Conde de...
O Serenissimo Rey de Portugal e dos Algarves, etc.

COM

O Serenissimo Rey de Portugal e dos Algarves, etc.



Que as fazendas...
A SECRET



ARTIGO SECRETO

ENTRE

O Senhor *Protector de Inglaterra, Escocia,*
e *Ibernia*, de hũa parte ;

COM

O Serenissimo *Rey de Portugal*, e dos Algarves, &c.
da outra ;

Concordado com o Conde Camareyro Mór, seo *Embaxador* Extraordinario em Londres.

ITEM, que as gentes e Inhabitantes de *Inglaterra*, Comerçando (como atras fica ditto) nos Reynos, Dominios, Portos, ou Territorios do ditto *Rey* ; não pagaraõ mais Direitos e Tallas sennaõ da Maneira seguinte.

Que as Fazendas, Mercadorias *Inglezas*, e Manufeitorias, na sua avaliação a pagar Direitos, nunca Excedaõ de 23 por Cento, e sejaõ favoreçidamente avalliasdas Conforme o Regimento da Alfandegua, e das Antigas Leys do Reyno ; e dado Cazo que houver Movimento de se Levantar a Avalliação por razão de Subir o Verdadeiro Valor, ou fazenda ou Mercadoria, sennaõ faraõ sennaõ por Consentimento, e em prezença de dous Mercadores *Inglezes* ; Residentes e Moradores em *Portugal*, eleytos pello *Consul dos Inglezes* ; e dado Cazo que a Mercadoria baixar do presente ou futuro Valor exacta, a Valiação e duvida Será deter-



A

SECRET ARTICLE

BETWEEN THE

Lord *Protector of England, Scotland, and Ireland*, on the one Part ;

AND

The most Serene *King of Portugal*, and of the *Algarves, &c.* on the other Part ;

Agreed on with the Lord High Chamberlain, his Majesty's Ambassador Extraordinary in *London*.



H A T the People and Inhabitants of *England*, trading (as has been already mentioned) in the Kingdoms, Dominions, Ports, or Territories of the said *King*, shall not pay more Duties and Taxes, but only in the Manner following, *viz.*

That the *English* Goods, Merchandize, and Manufactures, shall never exceed 23 *per Cent.* on their Valuation, for the Payment of the Duties ; and they shall be favourably valued, according to the Regimen of the Custom-house, and the Ancient Laws of the Kingdom ; and, supposing there should be any Motive for raising the Valuation, by Reason of a Rise in the real Value of Goods or Merchandize, it shall not be done but by the Consent, and in the Presence of two *English* Merchants, who reside and dwell in *Portugal*, and are chosen by the *English Consul* ; and, granting that the Merchandize should fall from its present

determinada por pessoas desintressadas, que serão Eleytas pello *Consul dos Inglezes*, e officiaes da Alfandegua: e os sobreditos habitantes do ditto Reyno Comerçando nos dittos Dominios e Senhorios desta *Republica*, pagaraõ os presentes Tallas e Direitos, como Novamente são Impostos neste presente Mez de Mayo de 1654. Conforme a Uzança e Leys da Praça, Observandosse de ambas as partes as Leys e Ordenaçoes de cada Praça Respeitivamente.

E assim foy concordado, e concluido, que o Artigo sobredito, e tudo o mais contheudo Nelle, seja Confirmado ou Ratificado pello ditto *Rey*, e pello ditto Senhor *Protektor* por Cartas e Letras Patentes de hũa e outra parte, Selladas com o Sello grande na forma Devida e Authentica, dentro de 6 Mezes proximos seguintes, e dentro no ditto tempo se passaraõ Instrumentos de hũa e outra parte.

Em fêe, e testemunha de que, assignamos; o *Comissario* do ditto Serenissimo *Rey*, por força e Vigor, e em Virtude das nossas Comissoens respeitivas por este Acto; e assignamos das nossas Maõs, e Signais, o ditto Artigo secreto, e Sellamos com nossos sellos Manuaes, feito em *Westminster*, aos 10 dias do Mez de Julho de 1654.



present or future exact Value, the Valuation and Doubt shall be determined by disinterested Persons, who shall be chosen by the *English Consul*, and the *Officers of the Custom-house*. And the abovesaid Inhabitants of the said Kingdom, trading in the said Dominions and Lordships of this *Republick*, shall pay the present Taxes and Duties as they are newly imposed or settled in this present Month of *May 1654*. according to the Usance and Laws of the Place, both Parties observing the Laws and Ordinances of each Place respectively.

And thus it was agreed upon, and concluded, that the abovesaid Article, and every thing contain'd therein, shall be confirm'd or 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 authentick 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 sign: The *Commissioner* of the said most Serene *King*, by the Force, Vigour, and Virtue of our Commissions respecting this Act; and we sign this secret Article with our Hands and Firms, and we seal it with our Manual Seals. Done in *Westminster* the 10th Day of the Month of *July 1654*.





C A R T A
D E
P R I V I L E G I O S E F O R A L
D O S
I N G L E Z E S;

COMPOSTA DE
Varias Antigas Provizoens, Alvará's, Decretos,
e Leys, Conçedidas por alguns dos Sen-
hores *Reys de Portugal*, em favor dos
Inglezes, e outros.

 OM JOAM, por graça de Deos, *Rey de Por-
tugal*, e dos Algarves, da quem, e da lem, Mar
em Affrica, Senhor de Guiné, e da Conquista
Navegação, Comércio de Etheopia, Arabia,
Persia, e da India, &c. A todos os Corre-
gedores, Provedores, Ouvidores, Julgadores,
Juizes, Justiças, Officiaes, e Pessoas de meus Reynos e
Senhorios de *Portugal*, adonde, e per ante quem ésta minha
prezente Carta de *Privilegios* for apresentada, e o conhe-
cimento della com Direito pertencer, que nesta minha
Muito Nobre, e sempre Leal Cidade de *Lisboa*, e Juizo
de



A
CHARTER
OF THE
Privileges and Liberties
OF THE
ENGLISH;

CONSISTING OF
Various Ancient Provisional Laws, Alvará's,
and Decrees, &c. granted by several of
the *Kings of Portugal*, in Favour of the
English, and others.

DON JOHN, by the Grace of God, King of
Portugal, and of the *Algarves*, of this Side, and
beyond, the Seas in *Africa*, Lord of *Guinea*,
and the Conquest, Navigation, Commerce of
Ethiopia, *Arabia*, *Persia*, and the *Indies*, &c.
To all Justices, Commissioners, Auditors, Judges, Judges,
Officers of Justice, and Persons of my Kingdoms and Do-
minions of *Portugal*; where, or before whom this my pre-
sent *Charter of Privileges* may be presented, and to whom
the Acknowledgment thereof by Right may belong:
Know, that in this my very noble, and always loyal City

de Alfandegua della, a Mim, e a Meo Ouvidor, que no tal tempo era o Douctor *Nicolao Dias Tinoco*, como *Juiz Conservador dos Inglezes*, se fes Petição em nome de toda a Nação *Ingleza* Moradora nesta *Cidade*, Dizendo-me nella, que entre Provizoens, Cartas, e Alvarás, que os Senhores Reys destes Reynos lhes Concederao, era que nenhum Alcayde nem Meyrinho lhes entrasse em suas Cazas a fazer com elles diligencias algũas, nem em outra parte, salvo fosse o ditto seo *Conservador Juiz Privativo*, ou por seo Mandado, com pena de 20 Cruzados para elles; salvo indo a Justiça Após algum Malfetór em fragante delicto Achado. E por que outrosim naõ pagassẽ Fintas, Pejtas, Tallas, nem Prestidios, nem Servissos, nem outros nenhuns encargos. E que outrosim naõ fossem Prezos, nem Reteudos na Prizaõ por cazo que fosse de Crime, salvo por Mandado do ditto meo Ouvidor seo *Juiz Privativo sem homenagem na forma da Provizaõ de El Rey Don Manoel* que santa Gloria haja; e assim tambem podiaõ trazer Armas Offenssivas, e Deffenssivas, por todo este Reyno, assim de Noute como de Dia, antes do sino Correr, como depois delle, com Lume, e sem Lume, entrar com ellas nos Lugares prohibidos de todo este Reyno. E que outrosim eraõ Vexados pellos Almotaceis da Limpeza, que de Ordinario delles eraõ perseguidos, posto que por escuzarem differencias lhes Mandaraõ o seo tostaõ, e o naõ queriaõ aceitar; e aos Naturaes aceitavaõ 40 Reis e menos, e a elles supplicantes por os Verem *Estrangeiros* os Condenavaõ em Milreis, e o menos 500 Reis. E que outrosim indo elles fora desta Cidade a seus Negocios, as Justiças de fora della os Vexavaõ, e lhe naõ queriaõ goardar o ditto seo *Privilegio*, antes lhes davaõ diferentes entenderes para os Vexarem, e lhe tomavaõ suas Armas que Levavaõ e podiaõ trazer.

Me Pediaõ,

of *Lisbon*, in the Court of the Custom-house thereof; To Me, and to my Auditor, who at that Time was Dr. *Nicholas Dias Tinoco*, as *Judge Conservator of the English*; a Petition was made, in the Name and Behalf of all the *English Nation* then residing in this City; wherein they set forth, that, among the Laws, Charters, and Decrees, which the Sovereigns of these Kingdoms had granted in their Favour, it was provided, that no Bailiff or Constable should enter their Houses to execute any Warrants or Mandates on their Persons or Goods; nor should it be done in any other Place, or by any other Person, but by their *Judge Conservator*, or by his Mandate, under the Penalty of 20 *Cruzados* Forfeiture to their Use; except the Officers of Justice should be going in Pursuit of a Malefactor detected in some flagrant Fact. And that also they were excused or exempted from paying any Manner of Rates, Taxes, and Loans, or performing any personal Services, or holding any Offices of Charge whatsoever. And likewise that they should not be imprisoned or retained in Prison, even in a criminal Case, otherwise than by the Mandate of my said Auditor, their *Judge Conservator*, without Homage, according to the Provisional Law of the *King Don Emanuel*, who we hope is taken into Glory, and that likewise they were authoriz'd to carry Arms Offensive and Defensive in all this Kingdom, as well by Night as by Day, before or after the ringing of the *Evening Bell*, either with Light, or without Light, and enter with them into the prohibited Places of all this Kingdom. And, in like Manner, they inform'd me how they had been vexed and disturbed by the Scavengers Officers, who used to persecute them, notwithstanding, in order to excuse any Differences, they used to send them 100 *Reis*, which they would not accept of; but from the *Portuguezes* they accepted of 40 *Reis and less*; but, because the Petitioners were Strangers, they condemned them in 1000 *Reis*, or at least in 500 *Reis*. And likewise, when they went out of this City about their Business, the Justices of the Country Villages used to vex and disturb them; and they would not keep, or have any Regard to their said Privileges; but rather put different and wrong Constructions upon them, in order to vex and trouble the said Petitioners; and

Me Pediaõ, e ao ditto meo *Ouvidor seo Juiz Conservador Privativo*, declarasse por seo Despacho, em como elles podiaõ uzar das dittas Armas, e qualquer Justica que lhas quizesse acoutar fosse diente do ditto seo *Conservador*, e naõ de outra algũa Justica, sub pena de serem suspensos, e dos encoutos do seo *Privilegio*. E Receberia Mercê.

Isto se continha na ditto Petição, com o qual Offereço *Thomas Bastoque* Inglez, o Foral e *Privilegio* dos dittos *Inglezes*, no qual estaõ insertas as Cartas e Cappitulos seguintes.

DOM FERNANDO, *Rey de Portugal, &c.* a Vós *Fernão Rodrigues* Juiz por mim nos feitos da minha Alfandegua de *Lisboa*, ou outro qualquer que dispois de Vós for, quer Saude.

Sabede que querendo eu fazer graça aos *Mercadores Inglezes* Naturaes de Reyno de *Inglaterra*, e do Senhorio do *Princepe de Gales*, doulhevos a Vós por Juiz nos feitos que elles tiveraõ com algũas pessoas de meos Senhorios, sobre algũas Mercadorias que Comprarem ou Venderem, dessa Pessoa ou Pessoas delles.

Porque Vós mando, que Vós, ou qualquer que em Vosso Lugar estiver, Conheçedes dos dittos Feitos e Demandas que entre elles com os Sobredittos houver, ou Vós Sobredittos com elles em razaõ das dittas Mercadorias como ditto hé; e Mando que da qui em diente naõ tomem outro Conheçemento dellas, salvo Vós ditto *Fernão Rodrigues*, ou qualquer que em Vosso Lugar por mim Juiz na ditto Alfandegua estiver; e al naõ façades. Em testemunha deste lhe Mandey dár esta minha Carta dante, em *Lisboa*, a 29 de Outubro de 1450. Estevoã *Armes* a fes, por *El Rey Dom Fernando*. 1405

EL REY.

DOM

El Rey D. Fernando já era morto em 29 de 8ho. de 1450.

and they took away their Arms, which they carried, and were authorized to carry.

They begg'd of me, and of my said Auditor, their *Judge Conservator*, to declare, by his Dispatch, that they were authorized to use the said Arms; and that, if any Officer of Justice had a Mind to impeach them; it should be done before their said *Judge Conservator*, and no other Judge or Justice whatsoever, under Penalty of being suspended from their Offices, and falling under the Lash of their Privileges; and they would thankfully receive the Favour done them.

This was the Contents of the said Petition: Together, with which, *Thomas Bostock, an Englishman*, presented the *Charter of the Liberties and Privileges of the English Nation*, in which were inserted the subsequent Papers and Articles, viz.

DON FERDINAND, King of Portugal, &c. to thee, *Fernando Rodrigues*, by my Authority, Judge in the Causes relating to my Custom-house of *Lisbon*, or to any other, who, after thee shall occupy thy Place, Health, &c.

Know thou, that it being my Pleasure to favour the *English Merchants*, Natives of the *Kingdom of England*, and the Dominions of the *Prince of Wales*, I give thee to them for their *Judge*, in the Law Suits they have, or may have, with any Persons of my Dominions, on Account of Merchandize bought or sold by them, to, or from, such Person or Persons of my Dominions.

I thee therefore command, that thou, (or whoever may be in thy Place) take Cognizance of the Law-Suits and Causes, that between the Parties abovesaid may happen, either by Complaint of the one, or the other, upon Account of Merchandize, as is above already expressed. And I command, that henceforward, no others shall take Cognizance of the said Law-Suits, besides thee the said *Fernando Rodrigues*, or any other Person that by my Authority may fill thy Place, as Judge of my said Custom-House; and thou shalt not do any thing to the contrary, or beyond this my Command. In Witness whereof, I have commanded this my Grant to be given in *Lisbon*, the 29th Day of *October*, 1450. Written by *Stephen Armes* for the King *Don Ferdinand*.

THE KING.

DOM JOAM por Graça de Deos, *Rey de Portugal*, e dos Algarves, &c. A quantos ésta Carta Virem, fazemos sabér que querendo-nos fazer Graça e Merçee a todos os Mercadores *Inglezes* do Reyno de *Inglaterra* que Vierem a Cidade de *Lisboa*, e outros quaesquer Lugares do Reyno; témos por bem, e Mandamos, que elles hajaõ da qui por diante todos os *Privilegios* e *Liberdades* que haõ os *Genouezes*, e presentes Mercadores que Vem a Nossos Reynos, e a cada hum dos Lugares delles, e estiverem em elles em a Cidade de *Lisboa*; e porem Mandamos a todos os Juizes, Justiças dos dittos Reynos, e a todos os Almozariffes, Escrivaens, e outros quaesquer que houverem de Vêr a que ésta fór Mostrado, que Vejaõ os dittos *Privilegios* e *Liberdades* que os dittos presentes, e *Genouezes* haõ dos Reynos que antes nos foraõ confirmados por Nos; e lhes guardem Cumpridamente aos dittos Mercadores *Inglezes*, por aguiza e Condição que os guardaõ aos dittos *Genouezes* Cumpridamente, e presentes, que Novo Merçee he que aos dittos *Inglezes* havemos dados *Privilegios* e *Liberdades*. Em testemunha desta lhe Mandamos dár esta nossa Carta dante, na Cidade de *Coimbra* a 10 de Agosto de 1400. Diogo Paes a fes por *El Rey Dom João*.

1427

EL RET.

DOM ALFFONSO, por Grãça de Deos, *Rey de Portugal*, e dos Algarves, &c. A quantos esta nossa Carta Virem, fazemos saber, que nos *Prevelegiamos* a todos os *Flemengos*, *Alemaens*, *Françezes*, e *Bretaens*, que a nossos Reynos vierem Morár; e por quanto *Miguel Armaõ*, *Alemaõ* Sapateiro, Morador na nossa Cidade de *Lisboa* he hum das dittas Naçoens que assim *Prevelegiamos*, nos pedio por Merçee

O anno de 1400 corresponde ao anno de Christo de 1362.

O Rey D. João I. estava entre os Cinco annos de idade.

DON JOHN, by the Grace of God, *King of Portugal*, and of the *Algarves*, &c. to all, to whom this Letter shall come, we by it make known, that whereas we are graciously pleased to favour all the *English* Merchants of the *Kingdom of England*, who come to the City of *Lisbon*, or other Places whatsoever of this Kingdom; it is our Pleasure, and Commands, that they shall henceforward have, and enjoy all the Privileges and Liberties that are granted to the *Genoueze's*, and other Merchants, who at this Time come to, or reside in our Kingdoms, either in the City of *Lisbon*, or in any other Places whatsoever within our said Kingdoms. We therefore command all Judges, and Justices of the said Kingdoms, and all General Receivers of the Revenues, Scriveners, and all others whatsoever, to whom this may be presented, that they look into the said Privileges and Liberties, which the said *Genoueze's*, and others frequenting our Dominions, have obtain'd from these Kingdoms, and have been heretofore confirm'd by us; and see that they keep, observe, and fully comply with the same, in Favour of the *English* Merchants, for the same Cause and Reason as they strictly observe them in Favour of the said *Genoueze's* and other Merchants, at present residing in our Kingdoms, it being a new Favour we shew to the said *English*, having before given them Privileges and Liberties. In Testimony whereof, we have commanded this our Letter Patent to be given in their Favour, in the City of *Coimbra*, the 10th Day of *August* 1400. Written by *James Paes*, for the *King Don John*.

THE KING.

DON ALFONSO by the Grace of God, *King of Portugal*, and of the *Algarves*, &c. to all to whom this our Letter shall come, we by it make known, that we privilege all the *Flemings*, *Germans*, *French*, and *Britons*, who come to reside in our Kingdoms; and forasmuch as *Michael Arman*, a *German Shoemaker*, and a Dweller in our City of *Lisbon*, is a Subject of one of the said Nations, which we so privilege, and he

K

humbly

Mercêe que lhe Mandássemos dár Nosso *Privilegio*, e visto seu Requerimento querendolhe fazer Graça e Mercêe; Havemos por bem, e queremos que da qui em diante não seja Constringido para haver de pagar nenhūs nossos pedidos, Peitas, Fintas, nem Tallas, nem Prestidos, nem Servissos, que por Nos, nem por Nossos *Conselhos* São, ou forem Causados por qualquer Guiza que sejam; não vão com pressos, nem com Dinheiros, nem seja Tutor, nem Curador de Nenhūas Pessoas que sejam, nem sejam Constringidos para outros Nenhuns encargos, nem servidoens Nossas, nem dos *Conselhos*, nem haja nenhum officio Nosso, nem do ditto *Conselho* Contra sua Vontade. Outrossim, queremos que não Sirva, nem Vá Servir, nem por Már, nem por Terra, a Nenhūas partes que sejam, nem tenham Cavallos, nem Armas, nem Bestas para Nosso Servisso, posto que para elle haja Contra. Outrossim, mandamos, e defendamos, que não seja nenhum tão Ouzado de qualquer estado e Condição que seja, que lhe pouze em suas Cazas de Morada, e Adegas, nem Cavallarices, nem lhe tomem seo Pam, Vinho, Roupas, nem outra nenhũa couza do seo, contra sua Vontade.

Item, lhe damos Licença alugar e andar em Besta Muar, de Cella e freyo, por todos Nossos Reynos e Senhorios, sem embargo da defeza e ordenação sobre ella feita. E mandamos que o Nosso Apozentador, e o da *Reynha* Mulher que sobre todas prezamos e Amamos, e dos *Infantes*, e *Condes* aos da ditta Cidade, que em cazo que na todos, ou cada hum de Nos lhe hajamos Mistér, lhe não dêem as ditas suas Cazas de Apozentadorias em Maneira algũa que seja; que assim he nossa Mercêe, sub pena de nossos encoutos, e de Seis Milreis que pague para Nos qualquer que contra este fór, os quaes mandamos aos nossos Almojariffes, ou Reçebedores que os recadem e recebem para Nos, e aos Escrivaens de seos officios que os ponhão em Reçeita sobre ellas, para dellas haveremos boa Recadação, sob pena de o pagarem em dôbro das suzas Cazas.

humbly imploring our Favour, that we would command our Privilege to be given him, and considering his Request, we have thought fit to shew him our Grace and Favour; therefore it is our Royal Pleasure and Will, that from henceforward he shall not be constrain'd to pay any of our Demands, Rates, Taxes, or Loans whatsoever; nor shall he do any Services, or take upon him any Charge whatsoever, or Servitudes that are, or have been occasioned by us or by our *Councils* upon any Account whatsoever; they shall not guard either Prisoners or Monies; nor shall they be Tutors or Preceptors to any Persons whatsoever; nor shall they be obliged to hold any Manner of Offices, or Servitudes under us, or our *Councils*; against their Will. In like Manner, they shall not be obliged to go into our Service, either by Sea or Land, in any Parts or Places whatsoever; nor shall they be obliged to keep Horses, Arms, or Mules for our Service, notwithstanding any Law or Custom to the contrary. In like Manner, we command, that no Person of what State or Condition soever, shall be so presumptuous as to take from them their dwelling Houses, or Cellars, or Stables; nor shall they quarter therein, neither shall their Bread, Wine, Cloaths, or any other Things whatsoever of theirs, be taken from them against their Will.

We give them leave to hire and ride on Beasts of Burden, with Saddle and Bridle, all over our Kingdoms and Dominions, notwithstanding the Prohibition and Ordinance made about this to the contrary. And we command our Harbinger, the Harbinger of the Queen our Consort, (whom above all we prize and love;) as also of the *Princes*, and *Lords* of the said City, that, in case all, and every one of us should have Occasions, their said Houses shall not be taken from them for the use of Us, or any other Persons, in any Manner, or by any Means whatsoever. Such is our Royal Favour, upon Pain of our Displeasure, and the Forfeiture of *Six Milreis* to be paid for our Use, by any Person whatsoever, who shall act contrary to this our Mandate; the which we command our Collectors and Receivers to levy and receive for our Use; and the Scriveners of their Offices shall enter it in their Books, that a good and true Account thereof may be kept, under the Penalty of paying double the Sum for their Neglect.

E porem mandamos a todos nossos Corregedores, Juizes, Justiças, e aos Reçebedores e Sacadores, e outros quaesquer officiaes e Pessoas que isto houver de Vér, que hajaõ o ditto *Miguel Armaõ*, Alemaõ sapateiro por Relevado e Escuzado das sobre dittas Couzas, e naõ Constranyaõ para nenhũa dellas; e lhe Cumpraõ, e façaõ bem Cumprir e guardar esta nossa Carta pella Guiza que em ella he Contheudo; e lhe naõ Vaõ, nem Consintao hir Contra ella em Maneyra algũa que seja; que assim he Nossa Merçee lhes Ser feita, e hums e outros al naõ façais. Dado na Cidade de *Evora*, a 28 de Março de 1452. Loupo Fernandes a fes por *El Rey Dom Alffonso*.

EL REY.

*principio do 43º confirmado
por El Rey D. J. 4º e
toda a carta*

DOM MANOEL por Graça de Deos, Rey de Portugal, dos Algarves, &c. A quantos estas Nossas Letras Virem, Muito Saude e Dezejo de Amór. E por quanto de boa Vontade Costumamos honrâr aos que sãõ dignos de honra, e com Liberal benefício os proseguir; e chegando a Nos o aprovado Varaõ *Simaõ Lopes*, com a Costumada Humanidade, o havemos e Liberalmente despachamos Segundo em estas Letras se Mostra, e elle Vejo a Merçé em nome dos Estimados Varoens, *Antonio de Belver*, e *Conrado Telim*, em nome Seo, e da sua Compania dos Nobres Mercadores da Imperial Cidade Augusta, e de outras Villas de *Alemanha*; significando-nos que elles queriaõ nesta Nossa Cidade de *Lisboa* assentar Caza de sua Compania para Negociar, e tratar de Mercadorias em Nossos Reynos, se a Nos nos aprovêsse, outorgando-lhe algũas graças e *Liberdades* que nos pediaõ, segundo em outras Terras lhes era

dadas;

We therefore Command all our Justices, Judges, Officers of Justice, Collectors, Receivers, and all other Officers and Persons whatsoever, to the Sight or Knowledge of whom this may come, that they shall acknowledge, and hold the said *Michael Arman, German Shoemaker*, for relieved and excused from the abovesaid things, and he shall not be obliged or constrained to any of them; therefore see that you comply with, and cause this our Letter to be well and truly comply'd with, and kept, and observed for the Cause and Reasons therein contain'd, nor shall ye do, or consent that any thing shall be done to the contrary hereof in any Manner, or by any Means whatsoever; for such is our Grace and Favour that it shall so be done, and let neither one nor other do any thing to the contrary. Given in the City of *Evora*, the 28th Day of *March*, 1452. Written by *Loupo Fernandes*, for the King *Don Alfonso*.

THE KING.

DON EMANUEL, by the Grace of God, King of *Portugal*, and of the *Algarues*, &c. to all to whom these our Letters may come, Health and Desire of Love. And whereas with good Will we are accustomed to honour such as are worthy, and with liberal Beneficence tread in the Paths of Honour: And whereas our approved-of Subject, *Simon Lopes*, having apply'd to Us, with his accustomed Humanity, We have heard him, and liberally granted his Request, as will appear by these our Letters, wherein may be seen our gracious Favours in Behalf of the esteemed Gentlemen *Anthony de Belver*, and *Conrado Telim*, in their own Names, and in the Names of their Company of noble Merchants of the August and Imperial City, and other Towns of *Germany*; wherein they signify'd to us their Desire of settling a House of their Company in this City of *Lisbon*, in order to Negociate, Trade, and Merchandize in our Kingdoms, if we approved of granting them some Favours and Liberties, which they requested of us, conformable to such as were given them in other Countries;

*find
pag
72.*

dadas; e Nos entendendo em seu Requerimento, e Considerando quanta honra e humanidades a taes Vardens seja devida, así por suas proprias Pessoas dignos de todo o favor, como pello seu Comoderavel Trato, que segunda a Nos parece, aos Nossos aproveitô fará, como também o Serem Cidadãos Imperiais, como im Augusto Maximiliano Imperador dos Romanos Nosso Muito Amado Sobrinho, pello qual com boa Vontade damos Consentimento a sua Petição, Outorgando-lhe as *Liberdades e Privilegios* que pedião, as quaes a nenhuns outros, nem aos Nossos subditos ainda forão Concedidos, segundo em estas Letras se Mostra, e Largamente será Contheudo.

1 ITEM, Primeiramente Outorgamos aos dittos Nobres Mercadores que sejião *Liures*, e possaõ Livrêmente Negociar, tratar, e Vender, e Comprar, por todos Nossos Reynos e Senhorios por suas proprias Pessoas, ou por seus Feitores, ou Servidores.

2 ITEM, Queremos, e Mandamos que quando quer que suas Mercadorias Vierem em algũa Nao, ou Navio davante, ou Porta de ditta Cidade, ao tempo que se houverem de descarregar, antes que se descarreguem, os nossos offiçiaes da descarga lhe faraõ Saber da descarga primeiro, que Venhaõ a estar a ellas se quizerem, e tragaõ Barcas em que as descarreguem, e depois de passarem tres horas pouco mais ou menos, naõ Vendo elles, ou Mandando; entaõ os dittos offiçiaes as poderem descarregar, estando elles em a Cidade.

3 ITEM, Mandamos, tanto que suas Mercadorias forem as Alfandegas, paguem Logo a *Dizima e Ciza*, tirando os Pannos de Lam, dos quaes pagaraõ a *Ciza* ao tempo que se Venderem, segundo se hora fas e em nossas Artigos he Contheudo; as quaes *Cizas* pagaraõ aos Offiçiaes das Cazes a quem pertencerem, e se assentaraõ em seus Livros como pagaraõ, que para ao diante naõ poder haver a hi mais duvida; e tanto que pagarem os dittos Direitos, e lhe forem Entregues as ditas Mercadorias, as Levaraõ para onde quizerem por todos Nossos Reynos e Senhorios, sem serem obrigados a fazer saber as Mudanças e Vendas

Countries; and as we have understood their Request, and considered how much Honour and Humanity is due to such Gentlemen, as well upon Account of their Persons being worthy of all Favour, as on Account of their commodious Trade, which, according to our Opinion, will be advantageous for our People; as also on Account of their being Imperial Citizens of the August *Emperor of the Romans, Maximilian* our beloved Cousin. For which Reasons, we consent to their Petition with very good Will, granting them the Liberties and Privileges they desire, the which have never been granted to any others, or even to our own Subjects, as in these Letters will appear and be contain'd at large, viz.

In the first Place, we make over a *Freedom* to the said noble Merchants, whereby they may freely negotiate, trade, sell, and buy, in all our Kingdoms and Dominions, either by their own proper Persons, or by their Factors and Servants.

It is our Will, and we command, that whensoever their Merchandize arrives in any Ship or Vessel before, or in the Port of, or near this *City*, at the Time of unlading, before any thing be unladen, our discharging Officers shall first acquaint them of the Time they intend to go on board, that if they please they may come and bring Boats with them, and therein see their Goods unloaden; but if they do not come, or send, within three Hours, a little more or less, then the said Officers may unload, altho' the Owners of the Goods are on Shore in the *City*.

It is our Commands, that as soon as their Goods are brought into the *Custom-house*, they shall immediately pay the *Decima*, and *Ciza*; except for *Woollen Cloths*, of which they shall pay the *Ciza* at the Time of Sale, according to the present Practice, and as it is contain'd in our Articles; which *Cizas* shall be paid to the Officers of the Tables whereunto such Duties belong, and they shall enter the same in their Books as paid, that all Doubts about the Payment may thereby be avoided for the future. And so soon as they have paid the Duties, and received their said Goods into their own Possession, they may carry them where they please, all over our Kingdoms and Dominions, without being obliged to acquaint any
body

que dellas fizerem, nem Menos feraõ Obrigados a fazella a Caza algũa de Nossos Direitos, nem descaminharaõ por elle, nem Caberaõ em pena algũa por não fazerem as diligências que são Ordenadas Segundo a forma de Nossos Foraes e Artigos e Ordenaçoes; e isto da quellas Mercadorias de que houverem pagos os Nossos Direitos, e lhes forem despachados, de que haveraõ Certidaõ de Nossos Officiaes, para por ella Livrementemente as poderem Levar e Vender por Nossos Reynos, sem mais pagarem couza algũa, tendo-se com elles a maneira que se tem com os *Flamengos*, e em seos *Privilegios* he Contheudo.

4 ITEM, Queremos que nenhum Offiçal, nem Rendeiros de Nossos Direitos, nem outra algũa Pessoa entre em sua Caza a lhe dar Varejo, nem lhe faraõ Opressão algũa; salvo por Mandado de Nosso Contador Mór, havendo primeiro informação por Pessoa ou Pessoas sem suspeita, como tem algũa Mercadoria Sonogada a Nossa Alfandega; e quando La houver de inviár, irá a isso hum Escrivãõ della, e hum Rendeiro quando hi houver, e sem o ditto Escrivãõ não poderaõ hir a suas Cazas traçar a tal Mercadoria Sonogada.

5
ITEM, Queremos que nem paguem Direitos alguns dos Mantimentos e Alaias que para suas Cazas e Uzos dellas lhe Vierem, nem Menos pagaraõ Direito Algum dos Pannos de Lam que Vierem para Vestido de cada Feitor, e dos Servidores, dando-lhe por Anno dous Vestidos a cada Pessoa; de Canamaco, e Sarapilheiras, de Estopa para Sacos, e Sacos de Pipas para suas Mercadorias; *Jurando elles* que Vem tudo para isso, e não para Vender; porque, sendo para Vender, pagaraõ os Direitos Ordenados.

6 ITEM, Queremos, e Mandamos que em as dittas suas Cazas não entrem nem possaõ entrar Officiaes alguns de nossas Justiças, salvo o ditto *Corregedor*, ou quem elle mandar, e não outrem, sub pena de 20 Cruzados para elles,

body of their moving them from Place to Place, or of the Sales they make of the said Goods; much less shall they be obliged to enter, or take out a *Permit* from any of the Offices of our *Inland Duties*, nor shall they incur any Penalty, or be deem'd as Smugglers, on Account of their not entring the same, or taking out a *Permit* for moving their Merchandize from Place to Place, according to the Method ordain'd by our Charters, Articles and Laws: And this is to be understood of such Goods and Merchandize as have paid our Duties and are cleared, of which they shall have Certificates from our Officers, that by Virtue of the same, they may carry and sell their Merchandize all over our Kingdoms without paying any thing more; and they shall be treated in the same Manner as the *Flemings*, as is contain'd in their Privileges.

It is our Will and Pleasure, that no Officer, nor Farmer of the Duties, nor any other Person whatsoever, shall enter into their Houses to search, nor shall they in any wise oppress them, except by Mandate of our *Accountant General*, he first having Information from some unsuspected Person or Persons, making it appear, that they have in their Houses some counterband or run Goods, and, when such an Occasion shall offer of sending to their Houses, it shall be done by one *Scrivener of the Custom-house*, and one of the Farmers of the Duties, if there be any, and without the said Scrivener they shall not go to their Houses to search for the said counterband Goods.

It is our Will and Pleasure, that they shall not pay any Duties, either for the Provisions or the Furniture they import for the Use of their Houses, much less shall they pay any Duties for the Woollen Cloths they import for cloathing their Factors and Servants, allowing them two Suits a Year for each Person; also Canvass, and Wrappers of Hemp for Bags, and Crocus for their Merchandize, they deposing on Oath, that they import all those Things for their own private Use, and not for Sale; because, if they are for Sale, they shall pay the usual Duties.

It is our Will and Pleasure, and we command, that none of our Officers of Justice presume to enter into their Houses, except the said *Corregidor*, or such as shall be sent by him, and no other, under the Penalty of 20 *Cruzados*

L

Forfeiture

salvo hindo a Justiça por algũ Malfeitór em fragante Delicto Achado, por que em tal cazo poderá entrar.

7 ITEM, Nos Pras que assim elles como seos Servedores, athe de Seis de sua Compania que elles tenhaõ de suas Portas a dentro, e possaõ trazer Armas de Noite e de Dia, por todos Nossos Reynos e Senhorios, assim antes de Sino Correr, como despois delle, com Lume e sem elle; naõ fazendo porem com ellas o que naõ devem; e isto sem Embargo de Nossas Ordenaçoens: os quaes Servedores naõ seraõ *Hespanbóes* para gozarem da ditta Liberdade.

8 ITEM, Havemos por bem, e queremos que qualquer Pessoa que lhe seos *Privilegios* naõ guardar, ou Contra elles fór, incóra em pena de 50 Cruzados, nos quaes os haverão por Condemnados para o *Hospital* de todos os Santos da ditta Cidade, e Mandamos por este ao Nosso Contador Mór, que Sabendo que algũa Pessoa lhos naõ quer guardar, nem Cumprir assim como nelles he declarado, faça nella Logo Execução pella ditta pena, e a faça Logo entregar ao Nosso Almoxariffe do ditto *Hospital*, e Carregar em Receita Sobre elle por toda a Ves que assim naõ Cumprir, e Contra isso forem; porem Mandamos a quaes quer outras Justiças e Officiaes que pretençer, que Veja esta declaração e a façaes Muy inteiramente guardar e Cumprir, com todos os mais *Privilegios* que de Nos tem, dando com effeito a ditta pena a Execução, porque Nossa Vontade e tenção he fazermos Merçee e favor que em tudo se entenda mais em seo favor que em odio. E porque disto nos aprás lhe Mandamos dár este Nosso Alvará por Nos assignado, o qual queremos que Valha como se fosse Carta passada pella Chancellaria, sem Embargo de qualquer Ley

Forfeiture to their Use; except the Officers of Justice are in Pursuit of some Malefactor detected in any flagrant Crime; in such Case they may enter into their Houses.

It is our Will and Pleasure, that they shall carry Arms, not only themselves, but also their domestick Servants and Attendants, so far as six of them in Number, which Arms they may carry by Night and by Day all over our *Kingdoms and Dominions*, as well before the ringing of the *Evening Bell*, as afterwards, with, or without Light, provided, however, that they do not use them otherwise than they ought to do; and this, notwithstanding our Laws to the contrary, the which Servants however shall not be *Spaniards*, for none of that Nation shall enjoy this Liberty.

It is our Will and Pleasure, and our Order, that any Person whatsoever who will not observe, keep, and comply with these their Privileges, or doth any thing in Contradiction to them; such Person shall incur the Penalty of 50 *Cruzados*, in which he shall be condemned for the Use of the *Hospital of All-Saints* in this City; and by these Presents we command our *Accountant General*, that he, knowing of any Person who will not keep and comply with these Privileges, according as is therein contain'd and declared, shall immediately cause Execution to be made for levying the Penalty on the said Person, which shall immediately be delivered to our *General Receiver* of the said *Hospital*, and charged in the Books for every Time they violate these Privileges, or do any Thing contrary thereunto: Besides which, we command all other Justices, and Officers of Justice, whom it may concern, that they observe this Declaration, and see that it be intirely kept and complied with, together with all other Privileges they have obtain'd of us; effectually putting the said Penalty in Execution; forasmuch, as it is our Will and Intention, that the Grace and Favour we shew them, shall in all Things be understood to redound more to their Advantage, than to their Prejudice; and because our Pleasure is such, we have commanded this our *Alvará*, or Law, sign'd by us, to be given in their Favour; the which shall be as valid as if it had been our Letter, registered in the Court of Chancery, notwithstanding any Law or Ordinance there

ITEM, Pello ditto *Privilegio* que lhe temos Conçedido, que elles possaõ Carregar suas Mercadorias em quaesquer Naus e Navios que quizerem, assim Naturaes, como Estrangeiros, tirando e Carregando das Ilhas, e alem disto os fazemos Nossos Naturaes. E hora Soubemos que na Caza do *Vero Pezo* lhe punhaõ duvida quando queriaõ Carregar em Naus Estrangeiras como os dittos Nossos Naturaes fazem, de que se Seguiria que por Serem *Privilegiados* Receberiaõ Damno, o que não foi Nosso tençaõ; antes soy por lhe fazermos todo o favor, e honra; e para declaraçãõ disto, havemos por bem, que assim em este Cazo, como em qualquer outro de que elles quizerem gozar, e gozarem como *Estrangeiros*, o possaõ fazer, por que não queremos que de seo *Privilegio* lhe prejudique algũa favor se o fer pode como *Estrangeiros*; e assim tem por seo *Privilegio*, que nenhum offiçal da Justiça não entre em suas Cazas sem Mandado do ditto Juiz, Sob Certa pena; e fomos informados que alguns Offiçiaes e Pessoas Metiaõ com elles e couzas suas, tratando-os mal, e querendo nisso prover; Havemos por bem, e Requeremos que nenhum Offiçal Nosso não entenda, nem meta mam em elles, nem em Couzas suas, salvo os dittos seos Juizes, e por seo Mandado. E Acontecendo tal cazo por onde suas Pessoas, e dos dittos Feitores devaõ ser Prezos; Havemos por bem, que pello ditto seo Juiz, ou Alcayde em Pessoa, sejaõ Levados ao *Castello*, e não por homens Seos; e se a Cazo de sua Prizaõ for tal para se dar sobre fiança, Mandamos que Logo sem outra detença se dêem sobre a ditta fiança; que tudo está assim, e taõ Largamente se

Continua

Este Privilegio he de D.º D.º e D.º Manuel do 1.º principado a D.º D.º e D.º

o campo de 1495.

may be to the contrary. Done in *Almeyrim*, the 7th Day of February, in the Year 1411. Written by *Andrew Pires*.

By the said Privilege which we have granted them, they may load their Merchandize in any Ships they please, as well *Portuguese*, as Strangers, trading and lading from the Islands: And besides this, we make them our *Natives*; and we are just now inform'd, that at the * *Caza do Vero Pezo*, the Officers put Doubts and Difficulties to them when they laded their Goods in foreign Ships, as our said Natives are wont to do; from whence it follows, that it is of Damage to them to be privileged Persons, which was not our Intention, but rather we intended to do them all Favour and Honour. Therefore for the Declaration of which, it is our Will and Pleasure, that as well in this Case, as in any other whatsoever, which they have a Mind to enjoy as *Strangers*, they may do it; because we will not have it so, that their Privileges shall lessen any Favour granted them as *Strangers*, if it be possible to avoid it. And therefore they have for their Privilege, that no Officer of Justice whatsoever can enter into their Houses, without an Order from their said Judge, under certain Penalties; and we are inform'd that some Officers and Persons have meddled with them, and with Things belonging to them, and have used them ill; and in order to provide against this, it is our Will and Pleasure, and we require, that no other Officer of ours, either disturb or meddle with them, or any thing that belongs to them, except their said Judges, or any by their Order. And if any such Case should happen, wherein their Persons and their Factors ought to be taken into Custody and imprison'd; It is our Will and Pleasure, that they shall be conducted to the Castle by their said Judge, or his Bailiff in Person, and not by their Servants or Followers; and if the Cause of their Imprisonment be such as will admit of Bail, we command that immediately, without other Delay, the said Bail may be taken. Thus stands the Case, where-

* *Caza do Vero Pezo*, i. e. the House of true Weight; or the Standard of the City Weight, and Liquid Measure; it is also the Oil Market, being a commodious House near the Center of the City, where many Goods (especially of the Growth of the Country) are weighed and measur'd at Sale.

Continha e declarava, e éra Contheudo e declarado nos dittos *Privilegios* e *Petiçãõ*; a qual Sendo-me apresentada e Vista por mim, e o ditto Meu Ouvidor o Doutor *Nicolaõ Dias Tinoco*, nella Pronunçiei o Despacho seguinte.

Uze das Armas na forma de seos *Privilegios*, que para isso se lhe passem as Cartas e Mandados que pedirem, hindo nelles incorporados os Capitulos que fallaõ nas Armas, e como outras Justiças lhe naõ podem entrar em suas Cazas naõ tendo ordem desta *Conservatoria*, e todo o Alcayde, Meyrinho, ou outra algũa Justiça que o Contrario fizer, seja Logo Notificado por seo *Escrivaõ*, que com pena de Sospençãõ e dos encoutos, naõ façaõ as taes dilligências, sobre as mesmas penas, e sem approvaçãõ deste Juizo. Lisboa 11. de Mayo de 1645.

TINOCO.

E Sendo este despacho posto na ditta *Petiçãõ*, em Virtude delle se passou a presente, para Vós todos em geral, e cada hũ em particular, pello qual vos Mando, tanto que vos for apresentada sendo primeiro passada pella minha Chancelaria, a Cumprais, e guardeis, e façais Muito inteiramente Cumprir e guardar, assim e da Maneira que em ella se Contherm, e em seo Cumprimento naõ perdaís, nem Molestais, nem Vexeis ao ditto *Thomas Bostoque*, nem a seos Criados e Feitores, nem façais, nem mandeis fazer com elle Dilligência algũa, salvo for por Mandado do ditto Meu Ouvidor seo Juiz *Conservador Competente e Privativo*; e naõ por Mandado de outro nenhum *Julgador* sem approvaçãõ desta *Conservatoria*; isto pello terem assim por hũa Carta de *El Rey Dom Manoel*, que santa Gloria haja; antes lhe dareis, e fareis dár, todo o favor e honra, o que huns

in it is so largely contain'd and declared, and was contain'd and declared in the said Privileges and Petition, the which being presented to me, and by me considered, as also by my said Auditor Dr. *Nicholas Dias Tinoco*, I therein pronounced my Dispatch as followeth, viz.

Let them make use of Arms, as expressed in their Privileges; and for this End the Charters and Mandates they petition for shall be granted, and drawn out for them, in authentick Form, wherein shall be included the Articles which speak of Arms, and that other Justices cannot enter their Houses without an Order from this *Conservatory*; and all Bailiffs, Constables, or any other Officers of Justice that shall do any thing to the contrary, shall immediately be notified by the *Scrivener* of the said *Conservatory*, that without the Approbation of this Court, they meddle not with these privileged Persons, under the Penalty of being suspended from their Offices, and falling under our Displeasure. *Lisbon* the 11th of May 1645.

TINOCO.

And this Dispatch being put to the said Petition, by Virtue thereof, this present *Charter of Privileges* was passed or drawn out in authentick Form, for all in general, and every one in particular; by which I command, so soon as this shall be presented to you, being first registered in my Chancery, you comply with it, and keep it, and cause that it be very intirely complied with and kept, in the Manner as is therein contain'd; and in complying therewith, ye shall not hurt, molest, nor vex the said *Thomas Bostock*, nor his Servants and Factors; nor shall ye do, or cause to be done any Act or Acts, as serving Writs, Warrants, &c. upon him or his House, except it be done by the Mandate of the said my Auditor, his competent Judge *Conservator*, and not by the Mandate of any other Judge, without Approbation of this *Conservatory*; it being so decreed them by a *Charter* granted in Favour of the *English* by the *King Don Emanuel*, who we hope is taken into Glory. But rather, ye shall render, and cause to be render'd, him all Favour and Honour. The which let one

e outros assim Cumprireis, e al não faceis, sem duvida
nem embargo algum que a ello ponhais, que lhe seja posta
esta com pena de 50 Cruzados, e encontros do ditto Pri-
vilegio, e de serdes suspenso, &c. dada em esta Muito No-
bre e sempre Leal Cidade de Lisboa, e Juizo de Alfande-
gua, e Conservatoria della; aos 4 dias do Mez de Novem-
bro do Anno do Nascimento de Nosso Senhor Jesus Christo
de 1647. El Rey Nosso Senhor o Mandou pello Doutor
Antonio de Faria Machado seu Dezembargador, e seu Ouvi-
dor, &c. &c. &c.



DECRETO

and another so comply with, and nothing to the contrary shall ye do, nor shall ye put any Doubt or Delay to the Observance of it; lest the Penalty of 50 *Cruzados* should be levied upon you, and ye fall under the Lash of the said Privileges, and of being suspended, &c. Given in this very Noble and always Loyal City of *Lisbon*, and Court of the Custom-house and Conservatory thereof, the 4th Day of the Month of *November*, from the Year of the Birth of our Lord *Jesus Christ* 1647. The King our Lord sent this by Dr. *Anthony de Faria Machado*, his Judge Advocate, and his Auditor, &c. &c. &c.



M A D E C R E E .

**DECRETO sobre não serem Executado
Inglezes, sem Mandado do seu Conserva-
dor.**

POR parte da Nação *Ingleza*, se me Representou, que Sendolalhe Conçecido pello 13º Artigo do Tratado das *Pazes*, que nenhum Julgador, ou outro Offiçal da Justiça pudessem mandar Prender nenhum Vassallo de *El Rey de Gran Bretanha*, meu bom Irmao e Primo, por Cauza Civel ou Crime sem primeiro ser mandado do Juiz *Conservador*, se-nao observa o ditto Artigo, mandando se Prender cada dia *Inglezes* sem Preceder a tal mandado do Juiz *Conservador*, e-se-nao Observa o ditto Artigo: E porque conforme o Cappitulado, só em fragante Delicto podiaõ fer Prezos os *Inglezes* por quaesquer Ministros meos, e nos outros Cazos se deve Recorrer ao *Conservador*, ou pôr o Cumprasse nas Ordens: Encomendo ao *Regedor* da *Caza da Supplicação*, que na forma do ditto Artigo o faça observar. Em *Lisboa* a 23 dias de Agosto de 1667 Annos.

R E Y.

*Trigo que Vem das Ilhas, ou de qual-
quer outra parte de Már em Fora, não
Deve Direitos em nenhũa parte deste
Reyno.*

EU El Rey, faço saber aos que este Alvará Virem, pellas Cortes que Celebrey nesta Cidade de *Lisboa* a de 28 Janeiro de 1641. a que mandey Responder na de 1642,

A DECREE about English-men's not being served with any Executions, without an Order from their Judge Conservator.

ON the Part, and in Behalf of the *English Nation*, it was represented to me, that, it being granted them by the 13th *Article of the Treaty of Peace*, that no Judge or other Officer of Justice, could order to be seized or taken into Custody any Subject of the *King of Great Britain* my good Brother, and Cousin, for any Cause either Civil or Criminal, without first having an Order for so doing from the *Judge Conservator*; the said Article is so little regarded, that *English-men* are every Day seized and taken into Custody, without the Precedency of such Order from the *Judge Conservator*; so that the said Article is by no means observed or complied with; and, because according to the wording thereof, it is said that only in flagrant Crimes the *English* could be imprison'd by any of my Ministers, and in other Cases Recourse ought to be had to the *Conservator*, or that he should write his Consent to the Orders of other Judges before they should be valid:

I recommend to the Lord Chief Justice of the House of Supplication, that he cause the said Article to be observed in its due Form. In *Lisbon*, the 23d of *August* 1667.

K I N G.

Wheat which is brought from the Islands, or from any other Parts beyond the Seas, may be imported free of Duties in any Parts or Places of this Kingdom.

I THE KING, make known to whom this my *Alvará* or Law may come, that by the Courts which I held in this City of *Lisbon* on the 28th of *January* 1641. a Reply to which

1642, me foy pedido no Estado, no Cappitulo 55, foffe servido que se não pagassem Direitos do Trigo que Vieffe das Ilhas, e de outros partes Ultramarinas para este Reyno, por ser Mantimento Precizo, e necessário para elle; e considerando eu a Conveniência do bem Commum do Reyno, e mais Vassallos; e mais razoens porque lhe Costuma Conçeder o que me pedem por Provizoens temporaes e por folgas delles fazer Merçee. Hey por bem, que do Trigo que Vier para este Reyno, assim das Ilhas, como das outras partes Ultramarinas, se-não paguem Direitos algums; e seja Livre delles para sempre. Para o que mando aos Védores de minha fazenda, Dezembargadores, Corregedores, Provadores, e mais Justiças, Officiaes, e mais Pessoas destes Reynos e Senhorios, a que este meo Alvará for apresentado, e o Conhecimento delle pertencer, o Cumpraó, e guardem, e fação inteiramente Cumprir e guardar, como nelle se Conthem, sem que a isso lhe seja posto duvida nem Contradição algũa; porque assim he minha Merçee, e se Registará nos Livros da minha fazenda, e Alfandeguas, e seos Regimentos, e mais partes necessárias para que Venhaõ a Notícia de todos, e Valerá como Ley feita em Cortes, e Carta passada em meo Nome, e Sellada com o Sello pendente, sem Embargo de Ordenação do Livro segundo titulo 40 em Contraria. *Antonio de Moraes* a fes em *Lisboa* a 25 de Mayo de 1647.

R E Y.

Das

I commanded to be given in the Year 1642, it was requested of me by the State, in Chapter 55, that I would please to exempt all Wheat imported from the *Islands* and other Parts *beyond the Seas*, from paying any Duties in this Kingdom, it being a *Provision* absolutely necessary for the Inhabitants thereof: And, as I have maturely considered the Convenience and Good of the *Common Weal* of the Kingdom, and other Subjects, and for other Reasons, for which I am accustomed to grant what is requested of me by temporal Laws, and by their Means to shew Grace and Favour; it is my Will and Pleasure, that the *Wheat* which comes to this Kingdom, as well from the *Islands*, as any other Parts from *beyond the Seas*, shall not pay any Manner of Duty; from which it shall be exempted and free for ever. I therefore command, the Inspectors of my Treasury, Judges, Justices, Commissioners, and all other Officers of Justice, and other Persons of these Kingdoms and Dominions, to whom this my *Alvará* or Law may be presented, and to whom the Acknowledgment thereof doth belong, that they comply with it, and keep it; and cause it to be intirely kept, observed, and complied with, according as is therein contain'd; without putting the least Doubt or Contradiction to it; because such is my Grace and Favour; and it shall be registered in the Books of my Treasury, and of the Custom-house and its Regimens, and all other Places where it may be necessary, that it may come to the Notice of every body; and it shall be valid as if it had been a *Law* made in Court, and a *Charter* given in my Name, and sealed with the Seal pendent, notwithstanding the Ordinance in the second Book, Title the 40th, to the contrary. *Anthony de Morais* writ it in *Lisbon* the 25th of *May* 1647.

K I N G.

Of

*Das Couzas que naõ Devem Direitos nesta
Cidade de Lisboa, tirado do Capitulo
12 do Foral desta Alfandegua.*

ITEM, de todo o mais Trigo, Cevada, Centeio, Milho, Legumes, que nesta Cidade entrarem de quaesquer outras partes de fóro de Reyno, se-naõ pagaraõ Direitos alguns na ditta Alfandegua, nem das Carnes, Quejos, Man-teigas, por quanto tenho feito Merçee a Camera e Povo da ditta Cidade, de *Libartár* as dittas Couzas dos Direitos ; e pella ditta maneira as Armas, Polvara, Cavallos, Ouro, Prata em pasta, e em Moeda, e os Livros naõ pagaraõ Direitos alguns na ditta Cidade e Alfandegua della ; e de todas as mais Couzas, e de quaesquer Mercadorias de qualquer sorte e quallidade que fõssẽ, e pertenceẽsem a ditta Alfandegua, e a elle vieraõ por Már, e por Terra, como ditto he, posto que de cada hũa dellas se naõ faça deste Foral expressa Menção, se pagaraõ os dittos Direitos de des por Cento de Deçima, e 10 por Cento de Ciza, e isto porque as dittas Mercadorias e Couzas pagassẽ os mesmos Direitos de 20 per Cento em cada hũa das Alfandeguas deste Reyno, Ilhas e Senhorios della, e as pates que as trouxerem a ditta Cidade, tragaõ Certidoens dos Officiaes dellas, de como os pagaraõ, por quanto Vindo a ditta Alfandegua, seraõ Obrigados a pagar nella os Direitos. E naõ dis mais o ditto assento, que por Despacho do Provador da Alfandagua *Diogo Soares* ; o Tabelhaõ Luis de Couto em Authentica forma a tressadou em 2 de Agosto de 1668.

Of the Things which owe no Duties in this City of Lisbon, taken from the 12th Chapter of the Book of Rates of the Custom-house.

ALL *Wheat, Barley, Rye, Indian Corn, and Pulse,* that are brought into this City from any foreign Parts whatsoever, shall not pay any Manner of Duties in this *Custom-house*; nor *Flesh Meat, Cheese, or Butter*; forasmuch as I have shewn Favour to the Chamber and People of the said City, to free the said Things from Duties. And, in the same Manner, *Arms, Powder, Horses, Gold, Silver in Lump, or in Coin, and Books,* shall not pay any Duty whatsoever in the said City and Custom-house thereof. But all other Things, and any Kinds of Merchandize of what Sort or Quality soever, which belong to this Custom-house, and are brought thereto, either by Sea or Land, as is already said, altho' express mention should not be made in the said Book of Rates of every Specie of Goods in particular, yet they shall pay the said Duties of 10 *per Cent.* for the *Decima*, and 10 *per Cent.* for the *Ciza*; and this, because the said Merchandize and Things shall pay the same Duties of 20 *per Cent.* in all, and every one of the Custom-houses of this Kingdom, Islands, and Dominions thereof; and the People who bring them to the said Custom-house of *Lisbon*, shall bring with them Certificates from the Officers of the other Custom-houses from whence they came, to make appear that they have paid the Duties, forasmuch as otherwise they will be obliged to pay the Duties in this City for any Goods that are brought to the Custom-house thereof. This is all that was express'd in the said 12th Chapter, which, by Order of the Commissioner of the Custom-house, *James Soares*, the Notary *Luis da Costa* has taken this Copy of, in authentick Form, the 2d of *August* 1668.

*Provizaí para que os Inglezes naí paguem
Decima de seos Meneos, nem que sejam
Obrigados a nenhum encargo de Guerra.*

E U El Rey faço saber aos que este Alvará Virem, que dezejando eu de favorecer a Nação *Ingleza* com particulares favores pella Antiga Amizade e Liança que teve com esta *Coroa*, e agora particularmente por alguns Respeitos que a isso me movem, Hey por bem, fazer Merçee aos Mercadores *Inglezes* e aos assistentes da mesma Nação nestes Reynos e Dominios de *Portugal*, que nelle não forem *Naturalizados*, de os Izentar de pagarem Meneo da Decima que os mais Moradores destes Reynos pagavaõ, e de lhe Conçeder Liberdade para não serem Obrigados a ter Cavallos, e tendo-os lhos não poderaõ tomar Contra suas Vontades, nem obrigallos a outro encargo de Guerra. E porque da Publicação deste *Privilegio* se podem seguir grandes Inconveniências, ficará este Alvará em todo o *Segredo*, e para que melhor seja assim, naõ Sahirá da mamdo *Consul da Nação Ingleza* que assistir em minha Corte, nem se Registrará mais que no Livro do Segredo da *Secretaria*, do Expediente por onde foy Passado, em *Alcantara* 29 de Mayo de 1656. E eu *Pedro Severim de Noronha* o escrevi por ordem particular de sua *Magestade* que Deos guarde, &c.

R E T.

A Provision, or Law, whereby the English are exempted from paying Decima on their Stock, and from being obliged to take upon them any Charge in War.

I THE KING, make known to whom this *Alvará* or Law shall come, that as I am desirous to oblige the *English Nation* with particular Marks of my Royal Favour, on Account of the ancient Friendship and Alliance which I have had with that Crown, and now in particular in respect of some Motives which induce me to it: It is my Will and Pleasure, to shew Grace unto the *English Merchants*, and others of the same Nation, residing in these Kingdoms and Dominions of *Portugal*, who have not been therein Naturalized, by exempting them from paying the *Decima* on their Stock, which all the other Dwellers in these Kingdoms pay: And I grant them Liberty, that they shall not be obliged to keep Horses; and if they have any for their own Service, they shall not be taken from them against their Will, nor shall they be obliged to any other Charge of War. And because the Publication of this Privilege may be followed with great Inconveniencies, this *Alvará* or Law, shall remain in all Secrecy; and for the better keeping it so, it shall not go out of the Hands of the *English Consul* for the time being, residing in my Court, nor shall it be registered in any other Book but in that of *Secrets* in the Secretary's Office, in the Expedient or Original Writing from whence this was transcrib'd, in *Alcantara* the 29th of May, 1656. And I *Peter Severim de Noronha*, wrote this by particular Command of his Majesty, whom God preserve.

KING.

*Das Couzas que não Devem Direitos alguns
que são os seguintes, a saber.*

LEGUMES que vem de *Inglaterra*, *Scoçia*, *Irlanda*, *Inglaterra Nova*, ou seus Dominios, a Saber, Favas, Ervilhas, Xixaras, Trigo, Cevada, Milho grosso, Milho miúdo, Centeyo, Manteiga, Queijos, Polvra, Cavallos, Ouro, Prata em pasta, e em Moeda, nem Livros, Carnes de nenhum genero, do que ha *Sentença* contra os *Contratadores* na *Caza* de *Henrique Bomelman* nos Annos de 1645 e 1646, que passou em Cauza Julgada, em que não deve mais que quarenta reis de Entrada, e Duzentos reis de guarda, no *Escritorio* de *Christovão de Campos*, em que forão Autores os *Contratadores da Caza das Carnes*, contra o ditto *Bomelman*. Biscuito, nem outro qualquer genero de Pam, Ballas de Artelharia de ferro, e de Bronze, Bandulas, Piques, e Mosquetes: mas sempre devem passar pella Alfandegua, Offerecendo neste particular os patrexos da Guerra ao Serviço de *El Rey*, e não havendo Mister; as partes os Levarão para onde quizerem.



Of such Things as owe no Duties whatsoever, which are as follow ; viz.

PULSE from *England, Scotland, Ireland, New-England*, and its Dominions ; that is to say, *Beans, Pease, Lentiles, Wheat, Barley, Indian Corn* large sort, ditto small sort, *Rye, Butter, Cheese, Gun-powder, Horses, Gold, Silver* in Lump or in Coin, *Books, Flesh-Meat* of any sort whatsoever ; concerning which there is a Sentence against the Contractors, or Farmers of the Inland Duties on Flesh, obtained by *Henry Bomelman* in the Years 1645 and 1646, pronounced in Court, the said *Farmers* being Plaintiffs, and the said *Bomelman* Defendant, wherein it was decided, that the things in dispute owed no more than 40 *Reis* for the Entry, and 200 *Reis* for the Guard ; which Sentence lies in the Office of the Scrivener *Christopher de Campos*. Also no Duty shall be paid for *Bisquet*, or any other Species of *Bread, Cannon-Shot* of Iron or Bell-metal, *Bandiliers, Pikes, and Muskets*. But, however, these things ought to pass thro' the Custom-house, and the *Accoutrements of War* be offered to the Service of the *King* ; and if he has no occasion for them, then the Owners thereof may carry them where they please.



*Alvará a favor dos Inglezes para que Repu-
tassẽ os Navios seos como Portuguezes,
quaes naõ paguem Direitos hindo de Lisboa
para as Ilhas dos Affores, e mais Conquistas
Pretensẽtes a Coroa de Portugal, e o he
de Verbo ad Verbum da Maneira se-
guinte.*

EU EL REY, faço saber aos que este *Alvará* virem, que os Mercadores *Idglezes* Rezidentes nas lhas Affores me Enviação dizer por sua Petição, que eu fui servido mandar entre otros Accordos e Rezoluções de Contrato das Pazes, Celebradas de Proximo com o *Protektor de Inglaterra*, que pudessem transportar e Navegar quaesquer Mercadorias de que ja tiverem pagos os Direitos em qualquer Porto, para outros Portos ou Lugares sem pagarem mais Direitos, nem Tributo algum do que pagão os mesmos Naturaes *Portuguezes*, e as fazendas que lhes Pretencem; e que tendo hũa vez pagos os Direitos nesta Cidade, naõ paguem outro vez em outro Porto outro Tributo algum; E que as Naus *Inglezas*, sendo fretados por *Portuguezes*, naõ pagaraõ mais Direitos dos que se pagão das fazendas Navegadas em Embarcações *Portuguezas*, como Consta dos Artigos 10 e 11 das Cappitulações, cujo Theor Authentico offereção. E porque nas dittas Ilhas senaõ dava inteiro Cumprimento ao disposto nelles, antes com duvidas e molestias eraõ Vexados, e lhes tinhaõ Levado muito *Dinheiro* indevidamente depois das dittas Cappitulações feitas e Publicadas, sendo que da observancia dellas se devia tratar muito pella Izempção que eu lhes Concedera, e deverem sempre ser Effectivos os *mandatos Reaes*, e seos transgressores Castigados.

Me pediaõ lhes fizesse Merçee mandar passar Provizaõ, para que os Ministros das dittas Ilhas a que toca a obser-

Alvará, or a Law in favour of the English, allowing them to repute their Ships as Portuguezes, which pay no Duties going from Lisbon to the Western Islands, and other Conquests belonging to the Crown of Portugal; which is Word for Word in the manner following; viz.

I THE KING Make known to whom this *Alvará* or Law may come, that the *English* Merchants, residing in the *Western-Islands*, sent to acquaint me by their Petition, that I had been pleased to command, among other Agreements and Resolutions of the *Treaty of Peace*, lately concluded with the *Protector of England*, that they might transport and carry any sort of Merchandize, which had paid the Duties in any one Port, to any other Ports or Places, without paying any more Duties, or any manner of Tribute, besides what is paid by the Native *Portuguese* themselves for the Goods that belong to them; and that having once paid the Duties in this City, they shall not pay again any sort of Tribute in any other Port; and that the *English* Ships, which are freighted by *Portuguese*, shall not pay more Duties than is paid for the Goods Navigated in *Portuguese* Vessels, as will appear by the *tenth* and *eleventh* Articles of the *Treaty*, the Authentick Tenor whereof was by them presented. And whereas the said Articles were not duly observed and complied with in the said *Islands*, but, on the contrary, the *English* were vexed and disturbed with Doubts and Molestations, and that the *Natives of the Islands* had unjustly extorted a great deal of Money from them, since the said Articles of *Peace* were made and published, whereas in the Observance thereof due Regard ought to have been had to the Exemptions I granted to the *English*, because the Royal Mandates ought always to be effective, and the Transgressors of them punished.

Therefore they requested of me, that I would please to favour them with my *Provisional Law* to oblige the Ministers

vanfia do disposto nos dittos Cappitulos, os Cumpraõ e guardem como nelles se Conthem, naõ Consentindo molestar os supplicantes, nem Levarlhes, o que naõ Devem, fazendo-lhes Restituir o que indevidamente tivessem pago. Visto o que allegavaõ, e a forma de minhas ordens que sobre semelhantes materias se tinhaõ passado, e Receberiaõ Merçee.

E Visto por mim, a ditta Petição, mandey por meo *Decreto* do primeiro de Junho deste Anno, nella escrito que pello *Conselho da Minha fazenda* se Passasse *Provizaõ* aos dittos supplicantes, na Conformidade das Cappitulaçoens das *Pazes*; E parecendo ao Conselho que havia nesta materia que me Representar, o fissessem Logo. Em Cumprimento do que, deo Despacho o ditto Conselho que Passasse a ditta *Provizaõ* na forma que o ditto meu *Decreto* Ordenava; e se pedissem na Secretaria de Estado os Cappitulos das *Pazes* de que trata a ditta Petição, ao que foi satisfeito, e o traslado delles traduzido em Lingoagem Portugueza, por estãrem em Latim, he o seguinte,

Artigo X. Que o Povo e Naturaes da *Inglaterra* possa Livrementemente Levar em suas Naus todas as Couzas, Bens, Mercadorias de quãtquer genero que fõssẽm, ainda Armas, Mantimentos, ou outras Couzas semelhantes dos Povos e Senhorios da ditta *Republica*, e de outros, quaesquer Portos e Senhorios, com tanto que naõ sejaõ tiradas dos Portos de *Portugal*, e de seos Senhorios immediatamente para serem Levados a quaesquer Portos ou Territorios de *El Rey de Castella*, e que o Serenissimo *Rey de Portugal*, e seos Vassallos naõ impidaõ por Penhores, Reprezalias ou qualquer outra Couza as dittas Naus, Bens, ou Hõmens, que naõ possaõ Navegar figuramente aos Portos e Territorios de *El Rey de Castella*, e tẽr a hy Comẽrcio; e que as Pessõas dẽsta *Republica*, possaõ Livrementemente Levar aos Reynos,

Portos

sters of the said *Islands*, to whom the Observance of what is contain'd in the said Articles doth belong, that they comply with the same, and observe and keep them in the manner as is therein expressed ; and that they should not consent to the Molestation of the *Petitioners*, nor take from them more than they ought to pay, and that Restitution should be made of what they had hitherto been unjustly obliged to pay. Considering what they alledged, and the Form of my Orders which had been given on such like Matters, they hoped I would grant their Request, and with all Humility they would thankfully receive the Favour.

I having seen and considered the said Petition, did thereupon send my Decree, dated the first of *June* of this present Year, wherein it was written that a *Provisional Law* should be prepared and passed by the *Council of my Treasury*, in Favour of the said *Petitioners*, in Conformity with the Articles of Peace ; and if it should appear to the said *Council* that there was any thing in the Matter necessary to be represented to me, they should do it immediately : And in Compliance with this my Order, the *Council* gave their Dispatch, that the said *Provisional Law* should be made and passed in the Form ordained by my said Decree, and that the *Articles of Peace* mentioned in the said Petition should be requested from the Secretary of State's Office, which was accordingly comply'd with ; but as the said Articles are written in *Latin*, they were translated into the *Portuguese Language*, and are as follows ; viz.

Article X. That the People of the *Republick of England* may freely carry in their Ships all sorts of Goods, Merchandize, and things of what kind soever, even Arms, Provisions, or other such like, from the Harbours and Dominions of the said *Republick*, or any other Harbours or Dominions whatsoever ; provided they are not taken immediately from the Harbours and Dominions of *Portugal*, to be carried directly to any Ports and Territories whatsoever of the *King of Spain*. And that neither the most Serene *King of Portugal*, nor any of his *Subjects*, shall hinder the said Ships, Goods, or Men, by Seizures, Reprisals, or any other Means whatsoever, from Navigating securely to the Harbours and Territories of the said *King of Spain*, and from trading therein. And that the People of this *Republick* may freely carry
Arms,

Portos, e Territorios de *El Rey de Portugal*, assim Armas, Pam, Peixe, com todos os outros generos de Mercadorias, e Venderlas a seo Arbitrio, ou pello Meudo, ou pello Junto a quaesquer Hómens, ou por qualquer preço que puderem ; e que nem pella ditta *Magestade Real*, nem por seos Ministros, Prezidentes, Rendeyros, Estanqueiros, ou por alguma Camera, ou Jurisdicção de Tribunal qualquer, particular ou Publico, sejaõ Prohibidos, Circumscriptus, ou inhabilitados ; e que as Mercadorias e Bens que hũa ves pagaraõ os Costumes ou Portagens em qualquer Porto de sua *Magestade*, se possaõ Livrementem tornar a Levar a quaesquer ótros Portos da ditta *Magestade*, sem que paguem outra qualquer soma de Direitos, Portagens, ou Prata, mais que aquelles que os Mercadores *Portuguezes* pagaraõ, se os Bens, e Mercadorias a elles pretencem.

Artigo XI. Que o Povo e Naturaes da *Republica de Inglaterra*, Livre e seguramente Negoçem, e tenhaõ Comercio de *Portugal para o Brazil*, e outras Conquistas do ditto Rey na India Occidental ; e do Brazil e dittas Conquistas para *Portugal*, em todo o genero, com quaesquer Bens e Mercadorias ; (tirando Farinha, Bacalhao, Vinho, Azeite, e Pao do Brazil ; os quaes saõ Prohibidos por *El Rey*, pello Contrato com a Companhia do Brazil) pagando aquelles Direitos e Costumes que pagaraõ os outros que nesta parte Negoçem ; e atento que as Naus Inglezas fretadas pellas *Portuguezes* se haõ de Juntar Navegaçaõ a Armada *Portugueza* ; e que o ditto Povo e Naturaes Chegando de alguns dos dittos Portos e Lugares do *Brazil*, e dittas Conquistas a qualquer Senhorio do ditto Rey, naõ seraõ Constrangidos a descarregar suas Naus, ou a pôr fóra Bens alguns pretencentes aos *Inglezes*, mas os officiaes das Alfandeguas faraõ pezar os Bens em quanto estaõ nas Naus, pera que se paguem os Direitos e Tributos delles devidos ; e que se naõ pediraõ, nem pagaraõ aos officiaes de *El Rey* nenhum Direito ou Tributo mais grave, nem Mayor Sôma ou despeza de Dinheiro do que seos Bens sôstem postas em Terra : nem no despachar, ou despedir as dittas Naus, se fará detença alguma ; e depois que Chegarem a

Arms, Corn, Fish, and all other Sorts of Merchandize into the Kingdoms, Ports, and Territories of the *King of Portugal*, and sell the same at their Pleasure, either by Retail or Wholesale, to any Persons whatsoever, and for whatever Price they can get; and they shall not be prohibited, circumscribed, or incapacitated by his said *Royal Majesty*, or his Ministers, Governors, Farmers of the Revenues, or Monopolists, or by any Chamber, or Jurisdiction of any *Tribunal* whatsoever, either publick or private: And that such Goods and Merchandize as have once paid the Customs or Clearances in any Port or Harbour whatsoever belonging to his *Majesty*, may be freely carried into any other Ports or Places whatsoever of his said *Majesty*, without paying any farther Duties, Clearances, or Sum of Money, besides what the *Portugueze* Merchants should pay, if the Goods and Merchandize did belong to them.

Article XI. That the People and Natives of the *Republick of England* shall Trade and Traffick freely and safely from *Portugal* to the *Brasils*, and the other *Conquests* of the said *King* in the *West Indies*; and from the *Brasils* 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 his Contract with the *Brasil Company*) paying the Duties and Customs which others pay who trade into those *Parts*; and it is to be understood that the *English* Ships hired by the *Portugueze*, are to sail in Company with the *Portugueze Fleet*: And that the said *People* and Natives 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 unload their Ships, or to put out any Goods belonging to the *English*; but the Officers of the Customs shall cause the Goods to be weigh'd while they are aboard the Ships, to the End that the Customs and Tributes due on them may be paid; and that no heavier Duty or Impost, nor greater Sum of Money or Expence shall be demanded by, or paid to the *King's* Officers, than if the Goods were put on Shore, nor shall there be any Delay in dispatching and dismissing the said Ships. And after they are arrived at any of the Dominions whatsoever of the said

quaesquer Senhorios do ditto *Rey*, e pagar os Direitos e Costumes, sobredittos; tomaraõ da hy Livremente Caminho para qualquer Porto ou Lugar, e os Bens Carregados nas Naus Inglezes, ou pellos Vassallos do ditto *Rey*, ou por outros que houverem de ser trespassados a qualquer parte dos Senhorios de *Portugal*; de nenhum modo pagaraõ mayores Costumes, ou outros diversos Direitos do que se fossẽ Carregados em Naus Portuguezas. E tambem que o Povo e Naturaes da *Republica de Inglaterra* possaõ Livremente Navegar para as Collonias, Ilhas, Regioens, Portos, Destric̃tos, Villas, Lugares, e Imperios pretençẽtes a *El Rey de Portugal, na India Oriental, Guiné, Bené, e Ilha de saõ Thomé*, e em outra qualquer parte nas Costas e Prayas de Africa; e a hy fazer Demora, Negociar, e Exercitar Comercio na Terra, Mar, Rios, e Agoas Dóces, em quaesquer Bens e Mercadorias, e Levar todo o genero de fazendas para algum Lugar ou Regiaõ, com a mesma Liberdade comque antes, e tambem com a mesma que em algum tempo antes de agora em qualquer Tratado fõsse Conçedido, ou se Conçeder ao diante aos Naturaes de qualquer Naçaõ Confederada e Amiga; e quanto aos Costumes e Direitos que nẽssas Regioens se haõ de pagar; os naõ pagaraõ mayores, ou mais graves do que se pagaõ por qualquer pessoa ou pessoas que Negocẽem em qualquer dos dittos Lugares ou Regioens. E outro fim *El Rey de Portugal*, ou seos Vassallos, assim a *Compania do Brazil*, como todas os outros; todas as Vezes que tiverem necessidade de Naus Estrangeiras para Exercitar a Navegaçaõ e Mercançia do Brazil, ou para as Regioens, e Ilhas sobredittas, ou para outra parte, os Freteraõ dẽsta Republica, e do seo Povo pellos preços Costumados, e ordinarios aquellas que quizerem, e nenhũas outras de nenhum *Principe, ou Republica*; com tanto que haja numero de Naos *Inglezas* bastantes para seos uzos; excepto para a *Compania do Brazil*, que poderaõ fretar como quizer duas Naus de Guẽrra, e quatro para Mandar ao Brazil Carregadas de Bacalhao, a qualquer Naçaõ, como se Conthem na Carta de Liberdades que lhe Conçedeo por Provizaõ Real, e que assim a *Compania do Brazil*, como todos os outros Vassallos do ditto *Rey* que Exercitaõ a Mercançia, Livremente sem Liçenõa algũa geral ou especial que primeiro do

King, and have paid the Customs and Duties abovementioned, 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 *Portugal*, shall by no means pay greater Customs, or any other different Duties than if they were put on board *Portuguese* Ships. And likewise that the People and Natives of the *Republic of England* shall have the Liberty of Navigating to the Colonies, Islands, Regions, Ports, Districts, Towns, Villages, and Dominions belonging to the *King of Portugal* in the *East Indies*, *Guinea*, *Bengal*, the Island of *St. Thomas*, and to any other Part whatsoever on the Coasts and Shores of *Africa*, and there to stay, or reside, negotiate, trade, and traffick by Land or Sea, on the Rivers and fresh Waters, in any Goods or Merchandize whatsoever; and to transport all kind of Merchandize to any Place or Region with the same Freedom as formerly; and also with the same that was ever granted by any Treaty heretofore, or shall hereafter be granted to the Natives of any other Nation in Alliance and Friendship with *Portugal*. And as to the Customs and Duties to be paid in those Regions, they shall not pay more or heavier than those which are paid by any Person or Persons trading in any of the said Places or Regions. And likewise, 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 carrying on their Trade and Navigation to the *Brasils*, or for the *Regions and Islands* above-mentioned, or elsewhere, shall hire the Ships of this *Republic* and its People, at the usual and ordinary Rates, as many as they please, and no other Ships of any *Prince* or *Republic*; provided the Number of *English* Ships to be hired be sufficient to supply their Wants; excepting that the *Brasil Company* (as is contain'd in the *Charter of Liberties* granted to them by the *King's Letters Patent*) may hire of what Nation soever they please, two Ships of War, and four others, to be sent with Fish to the *Brasils*; and that as well the said *Brasil Company*, as all other the Subjects of the said *King*, who follow the Business of Merchandizing, may freely hire as many *English* Ships as they please, and sail therein to the

do que se haja de Alcançar, fretem Naus Inglezas no numero que quizerem, e nellas Navéguem ao Brazil, e as mais Conquistas do ditto *Rey* na *India Ocidental*, e que o estipendio que se Contratar de Carregar, e de Interesses, procederaõ, e se tenha conta delle athe que todo seja pago, ainda que exceda o estipendio do tempo que se Contratou.

1e Pello que mando ao *Provedor* da Minha fazenda, e aos mais Ministros della, e da Justica das dittas Ilhas, e mais Pessoas a que ésta Minha *Provizaõ* for apresentada, e o Conhecimento della pertencer, a Cumpraõ, e guardem inteiramente, e fação Cumprir e guardar na Conformidade dos Cappitulos nella trespasados, sem duvida nem Contradição algũa, porque assim o Hey por bem, e quero que Valha posto que seõ Efeito haja de durar mais de hum Anno, sem embargo da Ordenação, ou Regimentos que em Contrario haja; a qual se Registrará nos Livros das Alfandeguas, para que a todos seja Notorio. *Antonio Vellozo Estaço* a fes em *Lisboa* a 4 de Julho de 1657 Annos. e eu *João Pereira de Bitancur* a fis escrever.

RAYNHA.



Alvará

Brasil, and the other Conquests of the said King in the *West-Indies*, without any Licence, general or special, first to be obtain'd for that End : And the Stipend agreed upon to be charged, with the Interest, shall run on, and an Account thereof shall be kept, 'till the whole is paid, tho' it should exceed the Stipend on the Time contracted for.

Wherefore I command the Commissioners of my Treasury, and all other Ministers and Officers thereof, and the Justices of the said Islands, and all other Persons to whom this my *Provisional Law* may be presented, and the Acknowledgment thereof doth belong, that they comply with it, and keep it intirely ; and that they cause it to be observed, complied with, and kept in conformity to the Articles herein translated, without any manner of Doubt or Contradiction ; because such is my Will and Pleasure. And it shall be valid, tho' its Effect should last more than one Year, notwithstanding the Ordinance or Regimens that may be to the contrary ; the which shall be registered in the Books of the Custom-house, that it may be publickly known to all People. *Anthony Velloso Estaso* writ it in *Lisbon*, the 4th of *July*, 1657 ; and *John Pereira Bitancur* ordered it to be transcribed.

QUEEN.



Alvará

*Alvará para que os Inglezes não paguem
Corretores contra suas Vontades.*

EU EL REY faço saber aos que este Alvará virem, que havendo respeito ao que por sua Petição me Inviaraõ a dizer os Mercadores *Inglezes* Moradores na Ilha da *Madeira*, pedindo-me lhe manda-ſſe paſſar *Provizaõ* para que os *Corretores* os não obriguem a pagar *Corretagens* ſem elles por ſua Livre vontade os quererem occupar, na forma do Cappitulo Terceiro das ultimas *Pazes* celebradas com *Inglaterra*; e Viſto o que allegaõ, e Informaçã que ſe houve pello Doutor *Manoel da Cunha*, *Conſervador dos Inglezes*, e Reposta que ſobre iſſo deo o *Procurador da Minba Coroa*, Hey por bem, e me pras que os dittos *Corretores* não obriguem aos *Inglezes* a pagar *Corretagem*, ſem os dittos *Inglezes* por ſua Livre Vontade os Occuparem, como em ſua Petição pedem: Viſto outroſim a Reposta do *Procurador da Coroa* e Cappitulaçoens das *Pazes*. E eſte Alvará ſe Cumprirá como nelle ſe Conthem, e Durará poſto que ſeo Eſfeito haja de durar mais de hum Anno, ſem embargo da Ordenaçã do Livro ſegundo, titulo 40 em contrario. *Manoel de Couto* o fes em *Lisboa* a 27 de Janciro de 1661. e eſte vay por duas Vias; Jacinto Facundes Bezerra o fes eſcriver.

RAYNHA.

Alvará

*Alvará, or a Law to Exempt the English
from paying Brokeridge against their Will.*

I *THE KING*, make known to whom this *Alvará* or Law may come, that, having a Regard to what the *English Merchants*, residing in the *Island of Madeira*, sent to inform me of by their Petition, requesting that I would please to order my *Provisional Law* to be passed, in order to prevent the *Brokers* from obliging them to pay *Brokeridge*, unless they, of their own Accord and Free-Will, thought fit to employ them, according to the *third Article* of the last *Treaty of Peace* with *England*: And having seen what they alledge, and likewise the Information given by *Dr. Emanuel da Cunha*, *Conservator of the English*; together with the Answer given upon this by my *Attorney-General*: It is my Will and Pleasure, and Command, that the *Brokers* shall not oblige the *English* to pay *Brokeridge*, except the said *English* shall freely and of their own accord employ them, as they request in their Petition; having considered the *Articles of Peace*, and likewise the said Answer of my *Attorney-General*. And this *Alvará*, or Law shall be duly comply'd with, in the Manner as is therein contained; and it shall continue in force, tho' its Effect may last more than one Year, notwithstanding the Ordinance in the Second Book, *Title the 40th*, to the contrary. *Emanuel de Couto* writ it in *Lisbon* the 27th of *January*, 1661, and sent this by two Conveyances. *Jacinto Facundes Bezerra* ordered it to be transcribed.

QUEEN.

Alvará

*Alvará que El Rey Dom Alfonso Sexto
Concedeo ao pedimento dos Mercadores
Ingleses para bem das Couzas que
tenha Lugar ainda com os Privelegia-
dos.*

EU EL REY faço saber aos que este Alvará Virem, que os Mercadores da *Coroa da Inglaterra* me Representarão que sem Embargo da *Conservatoria* que por Cappitulo de *Pazes* tenho Concedido para suas Cauzas, são obrigados a Letigar em outros Juizos, dizendo-se que as Palavras da Concessão geral não derogão os *Privilegios* Concedidos em direito de que gozão seos Contendores, e que os divertem muito da Mercância, divertindo-se a varios Juizes, e dilatando-se nelles as Demandas com declinatorias, e por que em tudo o que não encontrar a Justiça, dezejo fazer favor aos Vassallos de *El Rey de Gram Bretanha* meu bom Irmão e Primo, mandey ver esta Materia com toda a Consideração, e fuy servido de Resolver que a ditta *Conservatoria* tenha Lugar ainda com os *Privilegiados*, e *Privilegios* incorporados em direito, ou por razão das Pessoas, ou por razão das Cauzas, como nos Moedeiros, Juizo da India e Mina, e outros semelhantes, para que todos nas Cauzas que Proçederem de Mercância, sejaõ obrigados a Responder, ou a Letigar, ou sejaõ Autores, ou Reos, na ditta *Conservatoria*, sem embargo de quaesquer Leys e Ordenações em contrario, que para este effeito Hey por bem derogar, com declaração que não he minha tenção alterar por esta Concessão couza algũa no que toca ao Juiz do *Fisco*, pella quallidade da materia e couzas que nelle se tratao, e sempre se fica entendendo que do ditto *Conserva-*

Alvará, or a Law which the King Don Alphonfus VI. granted at the Request of the English Merchants, on account of such Cases in Law that may take place in the Conservatory, even with such Persons as are privileged.

I *THE KING*, make known to whom this *Alvará* or Law may come, that the *Merchants of the Crown of England* represented to me, that, notwithstanding the *Conservatory*, which by an Article of Peace I have granted them for their Causes, they are obliged to litigate in other Courts, under pretence that the Words of the general Concession do not abrogate the Privileges granted in Law, and are enjoyed by their Contenders, which is a great hindrance to Trade, they being obliged to attend various Courts, and delay their Causes with Trials about Preferences. And, because in all things which are not repugnant to Justice, I desire to favour the Subjects of the *King of Great Britain*, my good Brother and Cousin; I have order'd this Matter to be examin'd with all due Consideration, and it has been my Pleasure to resolve, that the said *Conservatory* shall take place, even with such as are privileged, and with Privileges which are incorporated in Law, either upon account of *Persons*, or upon account of *Things*; such as Officers of the Mint, of the Court of *India* and Mines, and other such like; that Every body in Causes, which proceed from Trade, shall be obliged to answer or litigate, whether they are Plaintiffs or Defendants, in the said *Conservatory*, notwithstanding any Laws or Ordinances whatsoever to the contrary: Therefore, for this Effect, It is my Will and Pleasure to annul them; but however, with this Declaration, that it is not my Intention by this Concession to alter any thing whatsoever belonging to the *Judge or Court of my Exchequer*, upon account of the Quality of the Matters and Things therein transacted; and it is always to be understood, that Appeals are to be made

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from

dos Inglezes haõ de hir as Appellaçoens a quem pertencerem, como foraõ thegora. E este *Alvará* se Cumpraõ como nelle se Conthem, e Valerá posto que seo Efeito haja de durar mais de hum Anno, sem Embargo da Ordenaçaõ do Livro segundo, titulo 40, em contrario. *Manoel do Couto* o fes em *Lisboa* a 16 de Setembro de 1665. *Jacinto Fagundes Bezerra* o fes eserever.

REY.

O Superintendente da Cobrança dos 4 e meyo por Cento da freguazia de *São Paulo* desta *Cidade*, sem embargo da ordem que lhe deo nesta *Junta*, naõ obrigue a pagar Meneo que se Lançou aos Vassallos de *El Rey Catbolico*, e aos *Françezes, Inglezes, e Olandezes*, que naõ estiverem *Naturalizados*; e os que tiverem bens de Raiz neste Reyno, e naõ forem *Naturalizados*, pagaraõ só o que se lhe Lançou aos dittos Bens, por sua Magestade assim o mandar declarar por seo *Decreto* de 9 do prezente Mes de Julho, e os mais Estrangeiros de outras Naçoens devem pagar o que se lhe Lançou de Meneo, porque para Lograrem deste *Privilegio*, he necessário que apresentem o que tem para se lhes haver de guardar. e deste Despacho se tomará Razaõ na Contadoria geral de Guerra. *Lisboa* 18 de Julho de 1699, com 4 Rubricas dos Ministros da Junta dos Tres Estados Registrada a folhas 106.

Treslado

from the said *Conservator of the English*, to whom they belong, as has been hitherto practised. And this *Alvará*, or Law shall be comply'd with in the Manner as is therein contained ; and it shall be valid, tho' its Effect may last more than one Year, notwithstanding the Ordinance in the second Book, *Title the 40th*, to the contrary. *Emanuel do Couto* writ it, in *Lisbon*, the 16th of *September*, 1665. *Jacinto Fagundes Bezerra* order'd it to be transcribed.

KING.

The *Superintendant* of the Collectors of the $4\frac{1}{2}$ per Cent. of the Parish of *St. Paul* in this City, notwithstanding the Order given him in this *Junto* or *Council*, shall not oblige the Subjects of the *Catbolick King*, the *French*, *English*, and *Hollanders*, who are not Naturalized, to pay what was charged to them on their Stock ; and those who have Lands in this Kingdom, and are not Naturalized, shall pay only what is charged on the said Lands ; his Majesty having declared it so by his Decree of the 9th of the present Month of *July*. And all other Strangers of other Nations ought to pay what is charged them on their Stock ; Because, in order for them to enjoy this Privilege, it is necessary they should shew what they have to intitle them to it, that it may be observed and kept accordingly. And this Dispatch shall be recognized in the Office of the Accountant-General of War. *Lisbon*, the 18th of *July*, 1699. with four Firms of the Ministers of the *Junto* of the Three States. Registered fol. 106.

Treslado da Rezoluçãõ sobre o Meneo.

NO Livro dos Avizos das Comarcas que servem nesta Contadoria geral de Guerra e Reyno, a folhas 211 se acha Registada a ordem que se passou ao Ouvidor da Villa do *Crato* sobre o particular de que se fas menção esta Provizaõ, do Theor da qual, se passaraõ outras ordens a todos os mais Ministros, e Superintendentes, nas freguezias desta *Cidade*, e seo Termo, da qual o treslado he o seguinte.

Provizaõ a Fol. 211. do Livro 12.

DOM JOAM, por Graça de Deos, &c. faço Saber a vos Ouvidor da Comarca do *Crato*, que fazendo-me presente que em Consultada *Junta dos Tres Estados*, os Vassallos de diferentes Naçoens duvidavaõ pagar os Meneos que se lhes Lançavaõ, com o fundamento de serem *Privilegiados* pellas Cappitulaçoens das *Pazes* que os Livra de Contribuirem com o ditto Meneo; Fuy Servido resolver em 28 de Abril proximo passado que os *Françezes*, e os Vassallos das mais Naçoens devem pagar os Meneos que lhes forem Lançados, conforme o seo Trato; e que os Vassallos de *El Rey Catholico* meo bom Irmaõ e Primo, e os da *Inglaterra*, e *Olanda* devem ser Izentos desta Contribuição; porem que os *Naturalizados*, semembargo dos *Privilegios* em *Inglaterra* e *Olanda* devem pagar o Meneo do mesmo modo que os Naturaes deste Reyno. e da ditta minha Rezolução vos mando fazer este avizo, para observades nessa Comarca pella parte que vos toca, e desta ordem se tomará razaõ na Contodoria geral de Guerra; El Rey nosso Senhor o mandou por Dom *Pbelipe de Souza*, Cappitaõ da sua guarda Real, e por *Françisco de Mello*,

Monteiro

*Transcript of the Resolution about the
Tax on Stock.*

IN the Book of Advices from the Counties and Hundreds, which serves in this Office of the Accountant-General of War and the Kingdom, in fol. 211. is register'd the Order given to the Auditor of the Town of *Crato* about the particular Things mentioned in this Provision, of which Tenor other Orders have been given to all the rest of the Ministers and Superintendants in the Parishes of this City, and its Districts ; of which the following is a Transcript.

Provisional, Fol. 211. of the Book, Nº. 12.

DON JOHNN, by the Grace of God, &c. I make known to thee, Auditor of the Hundred of *Crato*, that I am inform'd by the Consultations of the Junto of the three States, that the Subjects of several different Nations dispute the Payment of the *Tax on their Stock*, which they were charged with, under pretence that they are privileged by the Articles of Peace which free them from paying the said *Tax*. I was pleased to resolve on the 28th of *April* last, that the *French*, and the *Subjects of other Nations*, ought to pay the *Tax on Stock*, which was charged to them according to their Trade, and that the Subjects of the *Catbolick King*, my good Brother and Cousin, and those of *England*, and *Holland*, ought to be exempted from this Contribution ; but, however, such as are Naturalized, notwithstanding the Privileges of *England* and *Holland*, ought to pay the *Tax on Stock* in the same manner as the Natives of *this Kingdom* do. And I send thee this Advice of my said Resolution, that thou may'st observe it in that Hundred in the Part which concerns thee ; and due Notice shall be taken of this Order in the Office of the Accountant-General of War. The King our Lord sent this by Don *Philip de Souza*, Captain of his Royal Guards,
and

Monteiro Mór do Reyno; ambos Deputados da *Junta dos Tres Estados*, Luis Simoens de Azevedo q fes, em *Lisboa* aos 7 de Mayo de 1708. Gaspar Salgado, que sirvo de Secretario o ses escrever.

Segundo se continha em os dittos *Privilegios*, que em tudo se Cumpriraõ, como nelles se Conthem; e seraõ guardados por virtude desta, que huns e outros assim o Cumprireis, e al naõ façais, &c. e ésta vai passada pella minha Chancelaria dos Contos do Reyno e Caza. Dado em esta Cidade de *Lisboa* Oriental aos 8 dias do Mes de Fevereiro do Anno do Nasçimento de Nosso Senhor *Jezus Christo* de 1717.



TRATADO

and by *Francis de Mello*, Forester-General of the Kingdom, both Deputies of the Junto of the Three States. *Lewis Simoens de Azevedo* writ it, in *Lisbon*, the 7th of *May*, 1708. *Gaspar Salgado*, who serves as Secretary, ordered it to be transcribed.

Accordingly these are the Contents of the said Privileges, which in every thing shall be duly complied with, according as is therein contain'd ; and by Virtue hereof they shall be observed and kept, and every one shall comply with them; and nothing to the contrary shall ye do, &c. And this is registered in my Chancery of the Accounts of the Kingdom and Palace. Given in this City of *East Lisbon*, the eighth Day of the Month of *February*, from the Year of the Birth of our Lord Jesus Christ, 1717.



TREATY

(891)

TRATADO
D'E
COMERCIO

Entre a Serenissima Senhora

A N N A,
Raynha de GRAM BRETANHA ;

E o Serenissimo Senhor

DOM PEDRO,
Rey de PORTUGAL, e dos
ALGARVES, &c.

Acordado, e Concluido, em *Lisboa*, aos
27 Dias de Dezembro de 1703.

PROLOGO.

POR quanto a Ligua, e estreita Amizade que
há entre a Serenissima e Poderosa *Prinçesa*
ANNA, Raynha de Gram Bretanha ; E o Se-
renissimo e Poderoso Senhor *Dom PEDRO*,
Rey de Portugal ; Requer que o Comercio
de ambas as Naçoens seja Adiantado tanto quanto fór pos-
sivel ;

T R E A T Y
O F
C O M M E R C E

Betwixt the most Serene Lady

A N N E,
Queen of GREAT BRITAIN ;

And the most Serene Lord

D O N P E T E R,
King of PORTUGAL, and of the
ALGARVES, &c.

Agreed upon, and Concluded in *Lisbon*, the
27th of *December*, 1703.

P R O L O G U E.

 HEREAS the League and strict Friend-
ship which is between the most Serene and
most Potent Princess ANNE, *Queen of Great*
Britain, and the most Serene and most Potent
PETER, *King of Portugal*, requires that the
Commerce of both the *British* and *Portuguese Nations*
should

sivel; e como a Real Magestade de *Gram Bretanha* significou ao Real Magestade de *Portugal*, por Via do Excellentissimo Senhor *Joaõ Metbuen* Escudeiro, Membro do *Parlamento Britanica*, e seo Embaxador Extraordinario a Corte de *Lisboa*, que seria agradavel a sua Magestade, se os *Pannos de Lam*, e os mais *Manefeitorias de Lam Britanicas*, pudessem ser Admitidas em *Portugal*; sendo Levantado a Prohibiçaõ dellas. E assim, que esta materia seja Tratado, e Concordado; as dittas *Magestades* déraõ as suas Plenas Poderes e ordems: a saber, a *Magestade Britanica*, ao sobredito Excellentissimo senhor *Joaõ Metbuen*: E a *Magestade Portugueza* ao Excellentissimo senhor Dom *Manoel Telles*, Marquez de Alegrete, Conde de Villa Mayor, Cavaleiro Proffesso da ordem de *Gbristo*, &c. &c. &c. os quaes senhores, por Virtude das Plenas Poderes a elles Concedidas respectivas a este Acto, tendo maduramente, e com grande dilligência Considerado a materia; Acordaraõ, e Concluireão sobre os Artigos seguintes.

I.

O Serenissimo e Real Magestade de *Portugal*, Promete em seo nome, e em nome dos seus Succesores, de Admitir da qui em diante para sempre nos seus Reynos, os *Pannos de Lam*, e outras *Manufeitorias de Lam, Britanicas*; como éra Costumado, athe que foraõ Prohibidas pellas Leys. Porem sobre esta Condiçaõ; a saber.

II.

Que sua Serenissima e Real Magestade de *Gram Bretanha*, Promete, e se obriga em sua nome, e em nome dos seus Succesores, de Admitir da qui em diante para sempre nos Reynos de *Gram Bretanha*, os *Vinhos da Coltura de Portugal*; da Maneira que a nenhum tempo; ou que haja Paz, ou Guerras entre os Reynos de *Gram Bretanha e França*, senaõ hade pedir mais couza algũa a conta destes *Vinhos*, pello nome de Costumes ou Direitos, nem por nenhum outro titulo que seja, ou Direitamente, ou Indireitamente, (que sejaõ trazidos a *Gram Bretanha* em *Pipas*, ou *Quartos*, ou outros *Cascos*) de que se pedem pella

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 Metbuen, 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 above-said most excellent John Metbuen, and his Sacred Majesty of Portugal, to the most excellent Don Emanuel Telles, Marquis of Alegrete, Conde de Villa Mayor, Knight professed in the Order of Christ, &c. &c. &c. who by Virtue of the full Powers to them respectively granted, having maturely and diligently consider'd the Matter, have agreed upon the following Articles, viz.

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, that is to say,

II.

II. 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 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 any other Title whatsoever, directly or indirectly, (whether they shall be imported into Great Britain in Pipes or Hogheads, or other Casks,) than what shall be demanded for the like

pella mesma quantidade, ou Medida de *Vinho de França*; Descontando, ou abatendo hum terço parte dos Costumes ou Direitos: -mas se este desconto, ou abatimento nos Direitos, (que se deve fazer como fica declarada) a qual-quer tempo seja por algum modo attentado a ser empedido e Prejudicado; então será Justo e Liçito a sua Serenissimo e *Real Magestade de Portugal*, outro ves Prohibir os *Pannos de Lam*, e mais *Manufetorias de Lam Bretanicas*.

III.

Os Excellentissimos senhores *Plenapotenciarios* prometem, e tomaõ sobre sy, que os seus sobreditos Amos Rateficaraõ este Tratado; e dentro no espaço de dous Mezes se troucaraõ os Rateficaçoens.

Em Fée, e testemunha de todas estas Couzas, Eu o *Plenapotenciario* da sua Serenissima e *Real Magestade de Gram Bretanha*, tenho confirmado este Tratado pello assignar com a minha mam, e o Sellar com o Sello das minhas Armas. E o Excelentissimo Senhor, o *Plenapotenciario* do Serenissimo e *Real Magestade de Portugal*, para Evitar a Contraverfia sobre a Precedencia entre as duas *Coroas de Gram Bretanha e Portugal*, tem assignando outro Instrumento do mesmo Theór, Troucando somente o que devia ser troucado para este Cazo. Dado em *Lisboa* aos 27 dias do Mes de Dezembro de 1703.

ALEGRETE, (L. S.)



NOVA

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 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.

JOHN METHUEN, (L. S.)





NOVA LEY

TOCANTE OS

DIAMANTES

Que se achão nas

Terras do *BRAZIL*.

DOM JOAM, por graça de Deos, Rey de Portugal, e dos Algarves, dáquem, e dâlem, Mar em Africa, Senhor de Guiné, e da Conquista Navegação, Commercio de Ethyopia, Arabia, Persia, e da India, &c. Faço saber aos que esta minha Ley virem, que como as Minas dos diamantes, que se achão nos meus Dominios, me pertencem da mesma sorte, que todas as de metaes, e posso reservar dellas o que me parecer; e que pelo costume dos Dominios, em que se achão diamantes são reservados para a Soberano os de especial grandeza. Hey por bem, que ainda nas terras, em que com minha permissão se extrahirem diamantes, além das outras providencias, que prescrevem as Leys, e que eu for servido dar, fiquem reservados para a minha Fazenda, os que forem de pezo de vinte quilates,



A

NEW LAW

CONCERNING THE

DIAMONDS

FOUND IN THE

Mines of *BRASIL*.

DON JOHN, by the Grace of God, King of Portugal, and of the *Algarves*, on this side and beyond the Seas in *Africa*, Lord of *Guinea*, and the Conquest Navigation, Commerce of *Ethiopia*, *Arabia*, *Persia*, and the *Indies*, &c. I make known to whom this my Law may come, that as the *Mines of Diamonds*, which are found in my Dominions, do belong to me in the same manner, and by the same Title as all the *Mines of Metals*; I have therefore a right to make such Reserves of them as I may think proper; and as, by the Custom of those Dominions in which *Diamonds* are found, such as are of a *special Greatness* are reserved for the Sovereign. Therefore it is my Will and Pleasure, that even in the Countries in which by my Permission *Diamonds* are extracted (besides the other Precepts and Regulations prescribed by the Laws, and such as I have been pleased to give) *all Diamonds*, that are of the Weight of

ou dahi para cima ; e as pessoas, que os acharem, ou tirarem, os entreguem logo dentro de trinta dias, contados do em que os tirarem, ou acharem nas Casas da Fundaçãõ, ou aos Ministros mais vezinhos para os remeterem a ellas ; da qual entrega se fará auto pelo Escrivãõ dos seus cargos, que será obrigado a remetello ao Governador ; e sendo os taes diamantes manifestados, e entregues por qualquer escravo, ficará forro, e se lhe passará carta de alforria em meu nome pelo Superintendente da Casa da Fundaçãõ, ou Ministro, a que fizer a entrega ; e se daraõ a seu dono pelo valor do mesmo escravo quatro centos mil reis, que lhe seraõ pagos na propria Casa da Fundaçãõ, onde for entregue, ou remetido o diamante ; e sendo feita a entrega por homem livre, se lhe daraõ os mesmos quatrocentos mil reis ; e todos os diamantes de pezo de vinte quilates, ou dahi para cima, que se acharem daqui em diante, e naõ forem entregues na fôrma referida. Hey por bem, que fiquem perdidos para a minha fazenda, em qualquer maõ, em que forem achados, e delles poderá denunciar toda a pessoa ; e provada a denunciação, e posto em arrecadação o diamante, se lhe daraõ em premio della quatrocentos mil reis sômente pela minha Fazenda ; e sendo o denunciante escravo, se lhe dara a liberdade, e a seu senhor os quatrocentos mil reis pelo valor delle, salvo se a denunciação do escravo for dada de seu senhor, porque entãõ o escravo ficará livre, e se lhe daraõ duzentos mil reis, huma, e outra cousa depois de se julgar a denunciação por boa, e o senhor naõ havera cousa alguma pelo valor do escravo, mas incorrerá nas penas abaixo declaradas ; e da mesma forte se poderá denunciar daquelles, que tirando, ou achando o diamante de vinte quilates, ou dahi para cima o desencaminharem, sem o manifestar, e entregar na fôrma referida ; os quaes além

of *Twenty Carats, or upwards*, shall be reserved for my Use ; and the Persons who find them or take them out of the Mines, shall deliver them immediately within *Thirty Days*, (to be counted from the time of their finding or taking them up) into my Mints, or to the next neighbouring Ministers, that they may remit them to the Mints ; of which Delivery an Entry shall be made by the *Scrivener* who has the Charge of that Office, which he shall be obliged to remit to the *Governour*. And such *Diamonds* being manifested and delivered by any *Slave* whatsoever, that *Slave* shall be Free, and he shall have his Charter of Freedom granted him, and drawn out in my Name by the Superintendant of the Mint, or by the Minister to whom he made such Delivery ; and to his Owner shall be given *Four hundred Milreis* for the Value of the said *Slave*, which shall be paid him in the same Mint where the said *Diamond* was delivered, or remitted to. And if the Delivery be made by a *Freeman*, to him the said *Freeman* shall be given the same *Four hundred Milreis*. And all the *Diamonds* of the Weight of *Twenty Carats or upwards*, which may be found henceforward, and not delivered in the Manner above-mentioned ; It is my Will and Pleasure, that they shall be forfeited to my Use, whose Hand soever they may be found in ; of which all, or any Persons may impeach, inform, or denounce ; and their Denunciation being proved, and the *Diamond* taken into Custody, they shall receive *Four hundred Milreis* as a Reward, to be paid them only out of my Treasury. And if the *Informers* be a *Slave*, that *Slave* shall have his Liberty given him, and his Owner shall receive *Four hundred Milreis* for the Value of him ; except the Information of the *Slave* be given against his Master ; for then, in such Case, the *Slave* shall be Free, and *Two hundred Milreis* shall be given him, and both the *Freedom* and the *Premium* shall be paid and comply'd with after the Denunciation is adjudged to be good ; and the *Master* shall have nothing for the Value of his *Slave*, but he shall incur the Penalties hereunder declared. And, in the same manner, such may be inform'd against, who finding or taking out *Diamonds* of the Weight of *Twenty Carats or upwards*, do clandestinely hide, smuggle, or secret them, and not manifest and deliver them in the manner

do perdimento do diamante, ou seu valor, mando, que incorraõ nas penas estabelecidas contra os que descaminhaõ o Ouro ; e sendo escravo, terá a pena de açoutes, e galés por toda a vida ; e outro fim se poderá denunciar das pessoas, que mandarem os taes diamantes para fóra do Reyno, as quaes além do perdimento do valor delles, teraõ a pena de degredo de dez annos para Angola, e confiscação de todos os seus bens ; e sendo as taes denunciações dadas por escravos dos mesmos culpados, se lhes dará a liberdade em premio dellas ; e sendo escravo alheyo, além da liberdade, se daraõ a seu dono quatrocentos mil reis pelo valor d'elle, como acima se declara. E porque naõ he a minha real intenção comprehender os diamantes, que ja se houverem tirado ao tempo que se publicar esta resolução, sou servido que todas as pessoas, que tiverem diamantes de pezo de vinte quilates, ou dahi para cima, tirados antes de se publicar esta resolução, os manifestem dentro de dous mezes, contados do dia da publicação della, perante qualquer dos meus Ouvidores do Estado do Brasil, e mais Ministros deste Reyno, e de todos os meus Dominios, onde taes diamantes estiverem, e os apresentem aos mesmos Ministros para os remeterem a esta Corte à Casa da Moeda della, para se comprarem para a minha Fazenda pela justa avaliação, que delles se fizer ; e os que se naõ manifestarem, e entregarem no ditto termo, se reputaráõ como descubertos depois da dita publicação, e ficarão irremessivelmente perdidos para a minha Fazenda, em qualquer maõ em que forem achados ; e delles se poderá denunciar, e haverão os denunciantes o mesmo premio, e os culpados as mesmas penas ; e da mesma sorte se poderá denunciar dos que concorrerem para os descaminhos aqui prohibidos, e se exe-

cutaráõ

above-prescribed ; which Persons, besides the Loss of the *Diamond* or its Value, I command, shall incur the Penalties establish'd against those who smuggle, secret, or run *Gold* : And being a *Slave* he shall undergo the Punishment of being whipt, and confin'd to the Gallies during his Life. In like manner such Persons may be informed against, who send such *Diamonds* out of the Kingdom ; which Persons, besides the Loss of the Value of the *Diamonds*, shall incur the Penalty of being banished for Ten Years to *Angola*, and Confiscation of all their Goods. And those Informations being given by the *Slaves* of such Delinquents, the said *Slaves* shall have their Liberty given them as a Reward : But if the Information be given by a *Slave* belonging to another Person, then, besides the *Slave's* being set at liberty, his *Master* shall receive *Four hundred Milreis* for the Value of him, as is declared above.

And because it is not my Royal Intention to comprehend the *Diamonds* that have been taken out of the Mines to the time of the Publication of this Resolution, it is my Pleasure, that all Persons who have *Diamonds* in their Possession, that weigh *Twenty Carats or upwards*, which were taken out of the Mines before the Publication of this Resolution, do manifest them within Two Months (to be counted from the Day of the Publication hereof,) before any of my Auditors of the State of *Brasil*, and the other Ministers of this Kingdom, and in all my Dominions where such *Diamonds* are ; and that they deliver them to the said Ministers to be remitted to this Court, and delivered into the Mint thereof, in order that they may be purchased for my Use, at the just Valuation that shall be put upon them. And such as are not manifested and delivered within the said Space of Time, shall be reputed as discovered or found after the said Publication, and they shall be irremissibly lost or forfeited to my Use, in any hand whereinssoever they may be found : which Persons may be impeached, informed of, or denounced against, and the *Informers* shall have the same *Reward*, and the *Delinquents* the same *Punishment* as above-mentioned ; and in the same manner may be impeached such as are *Accomplices*, or Abettors in the Smugglings here prohibited ; and on them shall be executed the

cutaráo nelles as mesmas penas nesta resolução estabelecidas, e haveráo os denunciantes o mesmo premio. Pelo que mando ao Regedor da Casa da Supplicação, Governador da Relação, e Casa do Porto, Vice-Rey do Estado do Brazil, ou a quem seus cargos servir, Dezembargadores das ditas Casas, Governadores das Conquistas e a todos os Corregedores, Provedores, Ouvidores, Juizes, Justiças, Officiaes, e Pessoas destes meus Reynos, e Senhorios cumprir, e guardar esta minha Ley, e a façã inteiramente cumprir, e guardar, como nella se contém; e para que venha à noticia de todos, e senão possa allegar ignorancia. Mando ao meu Chanceller mór destes Reynos, e Senhorios, ou a quem seu cargo servir, a faça publicar na Chancellaria, e enviar o trespado della sob meu sello, e seu final, a todos os Corregedores das Cômarcas destes Reynos, e aos Ouvidores das terras dos Donatarios, em que os Corregedores não entraõ por correição, aos quaes mando que a publiquem logo nos lugares, em que estiverem, e a façã publicar em todos os das suas Cômarcas, e Ouvedorias, e se registará nos livros do Dezembargo do Paço, e nos da Casa da Supplicação, e Relação do Porto, e nos do Conselho Ultramarino, e nas mais partes, aonde semelhantes Leys se costumão registrar, e esta propria se lançará na Torre do Tombo. Dada em Lisboa Occidental a 24 de Dezembro de 1734.

REY.

F I M.

same *Punishments* in this Resolution establish'd, and the *Informers* shall have the same *Rewards*.

Wherefore I command the *Lord Chief-Justice* of the Court of Supplication, Governour of the High Court of *King's Bench*, and the *House of Oporto*, Vice-King of the State of *Brasil*, or whoever fills that Place ; Judges of the said Courts, Governours of the *Conquests*, and all Justices, Commissioners, Auditors, Judges, Officers of Justice, and Persons of these my Kingdoms and Dominions, that they observe, comply with, and keep this my Law, and cause the same intirely to be observed, comply'd with, and kept, as it is therein contain'd. And that it may come to the Notice of Every body, in order to cut off the Allegation of Ignorance, I command my Chancellor-General of these Kingdoms and Dominions, or whosoever fills his Place, that he cause it to be published in the Chancery, and send Transcripts thereof under my Seal, and his Firm, to all the Justices of the Counties and Hundreds of these Kingdoms, and to the Auditors of the Donatary Countries in which the Justices do not enter in Visitation ; whom I command to proclaim it immediately in the Places where they are, and cause it to be proclaimed in all their Hundreds and Tithings ; and it shall be registered in the Books of my *Desembargo*, and *House of Supplication*, and of *Oporto*, and in the *Ultramarine Council*, and all other Places where such like Laws are used to be registered ; and this Original shall be deposited in the *Tower of Records*. Given in *West Lisbon*, the 24th of *December*, 1734.

K I N G.

F I N I S.

Em Autos de exculculas entre J^{os}
Thomas Symptom contra Lactario
monjardino e L^o Cam^o Pedro de Lema
e Abad^o da humo bon^o na do con
vados Guentela em 15 de Agosto
de 1799 ar^o 1^o das moratorias
em q^{ue} se renovave toda a materia
de Privilegios Vide pp. 13 dos
Tratados e Offensa de 9 de
outubro de 1709 q^{ue} expressa
prohibe o ser em comprehen
do em moratorias os Ingleses



Ar^o 1^o da comp^o de ben^o de say
vide o artigo 22 L^o 35

Holandez

Tratado de Haia de 6 de Agosto
de 1661 art. 3^o q^{ue} goza^o os Ho
landez os privilegios Al^o de d^o
aos Ingleses de q^{ue} se say argum^o a
favor dos Ingleses nella p^o morid^o
do do Tratado

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