

# European Treaties bearing on the History of the United States and its Dependencies to 1648

EDITED BY  
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## PREFACE.

The colonial dependence of the American settlements upon various European governments brings it about, as a necessary consequence, that several of the treaties between European governments, and several of the bulls issued by the popes in virtue of their powers of international regulation, are fundamental documents for some of the earlier portions of American history, Other treaties, or individual articles in treaties, of the period before independence, though not of fundamental importance to that history, have fled it in greater or less degree. In the period since the United States became independent, though the treaties most important to their history have been those made by their own government, not a few of the treaties concluded between European powers have had an influential bearing on the course of their development and their public action.

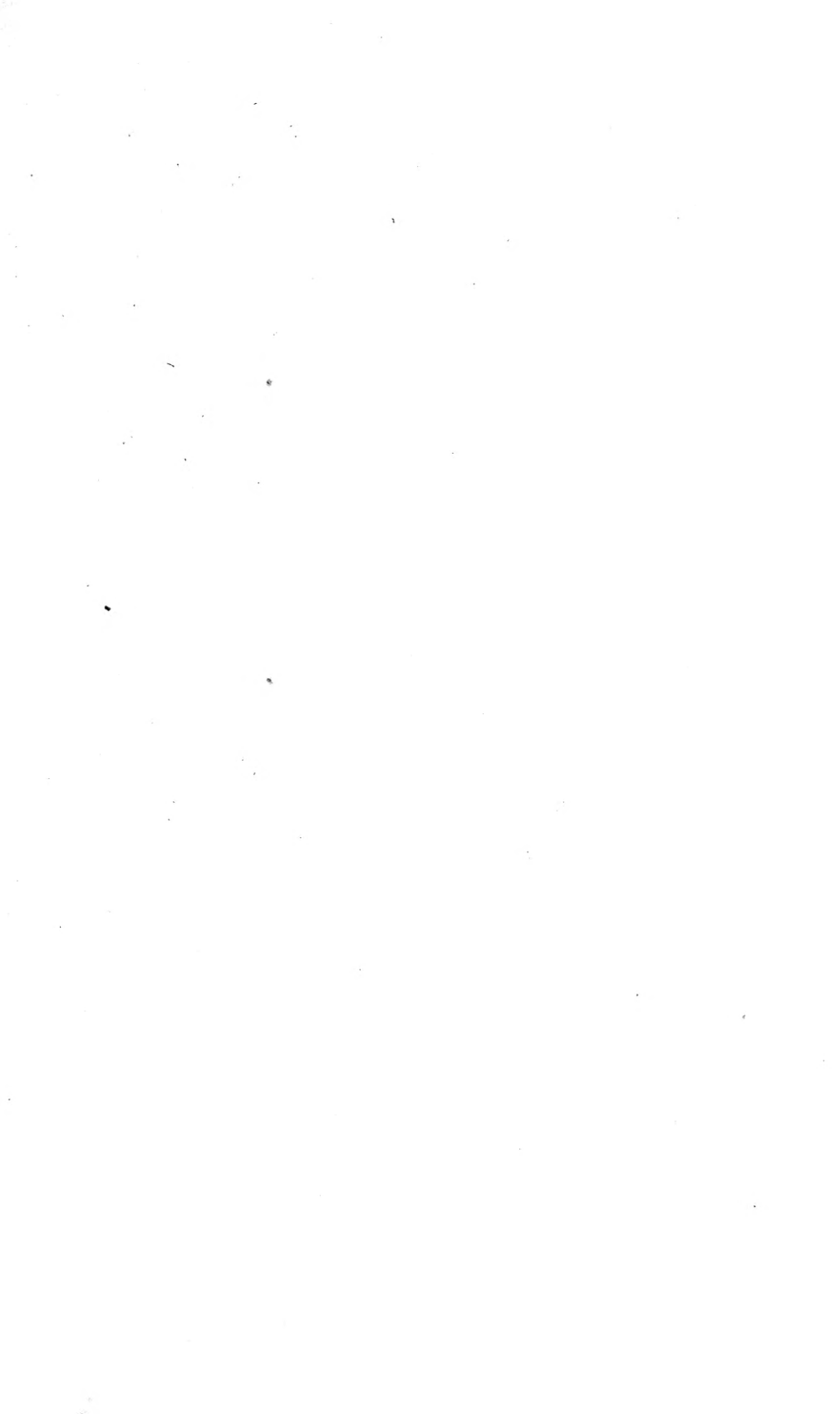
Taken altogether, therefore, European treaties, and the earlier papal bulls, form an important portion of the original material for American history. Yet access to authentic and exact texts of them is far from easy. In a few cases, as the researches made for this volume have shown, they do not exist in print. Of those which have been printed, there are many which the student cannot possess except by buying several large and expensive series of volumes; and there are some which, though existing in print, are not to be found in these series, but in volumes which have escaped the attention of most students of American history.

In view of these considerations, it was a natural thought, to a department of historical research in an endowed institution, to serve the interests of historical scholars and of libraries by bringing together in one collection those treaties and parts of treaties, between European powers, which have a bearing on the history of the United States and of the lands now within their area or under their government as dependencies. Of this task, the first-fruits are presented in this volume, extending through the Treaty of Westphalia, 1648. The second volume, embracing treaties from that date to 1713, the date of the Treaties of Utrecht, is in preparation.

Extraordinary pains have been taken by Dr. Davenport to find, in European archives, all the treaties and articles which her volume, as defined in her introduction, ought to contain, and to secure perfect accuracy in texts. The index has been made by Mr. David M. Matteson.

J. FRANKLIN JAMESON.

Washington, October 12, 1917.



## TABLE OF CONTENTS.

	PAGE
PREFACE .....	iii
INTRODUCTION .....	I
DOCUMENTS	
1. The Bull <i>Romanus pontifex</i> , January 8, 1455.....	9
2. The Bull <i>Inter caetera</i> , March 13, 1456.....	27
3. Treaty between Spain and Portugal, concluded at Alcaçovas, September 4, 1479. Ratification .....	33
4. The Bull <i>Acterni Regis</i> , June 21, 1481.....	49
5. The Bull <i>Inter caetera</i> , May 3, 1493.....	56
6. The Bull <i>Eximiac devotionis</i> , May 3, 1493.....	64
7. The Bull <i>Inter caetera</i> , May 4, 1493.....	71
8. The Bull <i>Dudum siquidem</i> , September 26, 1493.....	79
9. Treaty between Spain and Portugal, concluded at Tordesillas, June 7, 1494. Ratification .....	84
10. Compact between Spain and Portugal, signed by the Catholic Sovereigns at Madrid, May 7, 1495.....	101
11. The Bull <i>Ea quae</i> , January 24, 1506.....	107
12. The Bull <i>Præcelsæ devotionis</i> , November 3, 1514.....	112
13. Treaty between Spain and Portugal, concluded at Vitoria, February 19, 1524. Ratification .....	118
14. Draft of an unconcluded treaty between Spain and Portugal, 1526.....	131
15. Treaty between Spain and Portugal, concluded at Saragossa, April 17, 1529 .....	146
16. Treaty between Spain and Portugal, concluded at Saragossa, April 22, 1529. Ratifications .....	169
17. Articles concluded between France and Portugal at Lyons, July 14, 1536..	199
18. Treaty concluded between France and Spain, at Crépy-en-Laonnois, September 18, 1544; separate article.....	205
19. Articles concluded between Spain and Portugal in 1552.....	210
20. Truce between France and Spain, concluded at Vaucelles, February 5, 1556; separate article .....	215
21. Treaty between France and Spain, concluded at Cateau-Cambrésis, April 3, 1559. Oral agreement concerning the Indies.....	219
22. Treaty between the King of Spain and the Catholic Princes of France, concluded at Joinville, January 16, 1585.....	223
23. League between France, England, and the United Netherlands against Spain. Accession of the United Netherlands, concluded at the Hague, October 31, 1596 .....	229
24. Cession of the Netherlands by Philip II. of Spain to his daughter, Isabella-Clara-Eugenia, Madrid, May 6, 1598.....	235
25. Treaty between England and the United Netherlands, concluded at Westminster, August 6/16, 1598. Ratification.....	239

DOCUMENTS—Continued	PAGE
26. Agreement signed by the King of France at Villers Cotterêts on July 19, 1603, and by the King of England and Scotland at Hampton Court on July 30/August 9, 1603.....	243
27. Treaty between Spain and Great Britain, concluded at London, August 18/28, 1604. Ratification .....	246
28. Truce between Spain and the United Netherlands, concluded at Antwerp, April 9, 1609. Ratification.....	258
29. Treaty of guaranty between the United Netherlands, France, and Great Britain, concluded at the Hague, June 7/17, 1609. Ratification.....	270
30. Treaty of alliance between Denmark and the United Netherlands, concluded at the Hague, May 14, 1621. Ratification.....	275
31. Recess signed by the Commissioners of Denmark and the United Netherlands at Bremen, September 30/October 10, 1621.....	280
32. Treaty between the United Netherlands and France, concluded at Compiègne, June 10, 1624. Ratification.....	285
33. Treaty of offensive and defensive alliance between the United Netherlands and Great Britain, concluded at Southampton, September 7/17, 1625. Ratification .....	290
34. Treaty between Great Britain and France signed at Susa and London, April 14/24, 1629. Ratification.....	300
35. Treaty of peace and commerce between Spain and Great Britain, concluded at Madrid, November 5/15, 1630. Ratification.....	305
36. Treaty concluded between Great Britain and France at St. Germain-en-Laye, March 19/29, 1632.....	315
37. Treaty of alliance between Portugal and France, concluded at Paris, June 1, 1641 .....	324
38. Treaty of truce and commerce between Portugal and the United Netherlands, concluded at the Hague, June 12, 1641. Ratification.....	329
39. Agreement concluded between the Governor of Massachusetts and the Commissioner of the Governor of Acadia, at Boston, October 8, 1644. Ratification .....	347
40. Treaty between Spain and the United Netherlands, concluded at Münster, January 30, 1648. Ratification.....	353

## INTRODUCTION.

The documents printed in this volume illustrate the diplomatic aspect of the great struggle which, from the fifteenth century onwards, was in progress between the governments of the maritime powers of Europe, over the question of participation in the trade and territorial possession of the newly discovered lands.

The story which they tell has a dramatic interest, culminating in the diplomatic victory which, in 1648, the Dutch were able to wrest from Spain. The purpose of this introduction is, so to summarize this story that it may be readily grasped as a whole.

In 1455 and 1456 (Docs. 1 and 2), Portugal received from Pope Nicholas V. the exclusive right to trade and acquire territory in the region lying south of Cape Bojador, through and beyond Guinea. The further limit of the region thus set apart as a field of enterprise open to Portugal alone, was indicated by the phrase "all the way to the Indians" (p. 31), evidently the equivalent of the fuller phrase, "as far as to the Indians who are said to worship the name of Christ" (p. 22).

In spite of the papal letters Castile continued to claim Guinea. But in 1479 (Doc. 3), Castile agreed to leave Portugal in peaceable possession of the trade and territory acquired or to be acquired in Guinea, the Azores, Madeira, and the Cape Verde Islands, while Portugal, on the other hand, acknowledged that Castile had an exclusive right to the Canaries. This settlement was confirmed by the Pope (Doc. 4).

Columbus's discovery, in the western seas, of lands supposedly Asiatic, led to a renewal of the dispute between Castile and Portugal in respect to the newly found regions. The Spanish Pope, Alexander VI., decided the controversy in favor of Castile, assigning to that crown the exclusive right to acquire territory, to trade in, or even to approach the lands lying west of the meridian situated one hundred leagues west of any of the Azores or Cape Verde Islands. Exception was however made of any lands actually possessed by any other Christian prince beyond this meridian before Christmas, 1492 (Docs. 5, 6, 7). In September, 1493, the Pope extended his earlier grant by decreeing that if the Castilians, following the western route, should discover lands in Indian waters, these also should belong to them (Doc. 8). In 1494 (Doc. 9), Portugal succeeded in persuading Castile to push the line of demarcation further to the west—370 leagues west of the Cape Verde Islands; and both powers agreed that within ten months they would despatch caravels with pilots and astrologers to determine the location of the line. In the fol-

lowing year further provisions were made for determining the demarcation (Doc. 10), but these, like the earlier arrangements, failed to be executed. The treaty of 1494 was confirmed by Pope Julius II. in 1506 (Doc. 11).

The arrival of the Portuguese at the Moluccas, in 1512, and the doubt as to whether the Spice Islands lay on the Portuguese or on the Spanish side of the extended line of demarcation, seem to have been the occasion of the issue of the bull of 1514 (Doc. 12), which assigned to the Portuguese all lands discovered by them in their voyages to the east, even those situated more than half-way around the earth, reckoning eastwards from the demarcation line. This bull also renewed the grants of 1455, 1456, and 1481, whose scope had been narrowed by the bull of September, 1493.

Although the Pope thus appeared to oppose the extension of the line of demarcation to the further side of the globe, yet the Spanish and Portuguese governments evidently considered that the line established by the Treaty of Tordesillas passed around the earth. This is assumed in the protracted negotiations concerning the possession and ownership of the Moluccas, and the determination of the position of the line, which, beginning in 1522, resulted in the indecisive conference at Badajoz in 1524 (Docs. 13, 14), and finally in the treaties of 1529 (Docs. 15, 16). By the treaty of Saragossa (Doc. 16), the Emperor, in defiance of the wishes of the Castilian Cortes, pledged to the crown of Portugal, for the sum of 350,000 ducats, all rights of possession and trade in the Moluccas, and in all the lands and seas eastwards, as far as to the meridian situated 17 degrees east of the Spice Islands. According to the provisions of this treaty, the Philippines should have passed to Portugal, but Spain managed to retain them. 1545

The Portuguese-French treaty of 1536 (Doc. 17) is the earliest of those included in this volume to which a power situated outside the Iberian peninsula was party. The French were the first vigorously to make their way into the distant regions, from which the Pope, Portugal, and Spain desired to exclude them. In the early years of the sixteenth century Breton, Norman, and Gascon captains frequented the waters of Newfoundland, a region claimed by Portugal, cruised to the Antilles and to the mainland of America and Africa, and by 1529 had sailed to Sumatra. Before 1515 the French had instituted a regular trade with Brazil, where in 1530 they made a short-lived establishment. So formidable were the corsairs of this nation that in 1523 and 1525 the Cortes of Castile complained of their frequent and intolerable depredations, and their feeling appears to be reflected in the treaty of Madrid concluded between Spain and France in 1526, art. 33.

While the French mariners displayed great resolution, the policy of Francis I. fluctuated. He sanctioned the voyages of Verrazano and Cartier, despatched a galleon to Brazil, and in 1528 and 1533 affirmed the principle of free navigation. On the other hand, he did not consistently maintain this



attitude, but shifted his position in accordance with his political necessities. During his long warfare with Charles V. he balanced the need of maintaining friendly relations with Portugal against the economic advantage derived from the capture of Portuguese ships. Moreover, he was influenced by the counsels of Admiral Brion-Chabot, who was in the pay of Portugal. In 1536, Portugal apparently sought to secure her own ships and colonies from French attack by permitting the French to use the harbors of Portugal, the Azores, and other Portuguese islands, as lurking-places whence they might prey upon the Spanish treasure-fleets and to which they might bring their prizes. The Portuguese-French treaty of this date was highly injurious to Spain.

Not only did the French corsairs plague the fleets and oversea settlements of Spain, but, as indicated by Cartier's voyages, they were bent on establishing themselves on the mainland of America. So alarming was this prospect to the Emperor Charles V. that he was apparently willing to conclude an agreement with the French, permitting them to trade in the Indies if they would not attempt any discoveries or other enterprises there. An article (Doc. 18) to this effect was signed by the French commissioners, but it was not ultimately accepted by Spain, partly on account of the opposition of the King of Portugal.

Portuguese as well as Spanish shipping suffered terribly from the French privateers, and in 1552, when war between the Emperor and France was about to be renewed, articles (Doc. 19) were concluded between Portugal and Spain, providing, *inter alia*, for the protection of their Indian fleets. In a truce, signed with Spain four years later, the French relinquished their navigation and trade in the Indies (Doc. 20), but in the negotiations that resulted in the treaty of Cateau-Cambrésis, an oral agreement was made, apparently to the effect that the French would navigate west of the prime meridian and south of the tropic of Cancer at their own risk, and that what was done in those regions would not be regarded as violating international amity, since treaties would have no force beyond these lines (Doc. 21).

For a long period after the settlement made at Cateau-Cambrésis, France was so distracted by civil strife that she was unable to carry on a vigorous policy abroad. Enterprises, like Coligny's Florida colony, or the Azores expedition whereby France planned to purchase the region of Brazil, by aiding the Prior of Crato to recover from Spain the Portuguese crown, failed grievously. So closely were the French Catholic leaders of the League bound to Spanish interests, that in their treaty of 1585 they promised Philip to put a stop to the French voyages to the Indies and Azores (Doc. 22).

In 1595 Henry IV., having established himself on the French throne, declared war on Spain, and in 1596 he sought to form an alliance with the two great sea-powers, England and the United Provinces, against their common enemy (Doc. 23).

The English mariners had been slower than the French to make their way into the distant regions. The comparatively few voyages undertaken by them in the early part of the sixteenth century to the West Indies and Brazil seem to have been usually made in association with French ship-owners and seamen.<sup>1</sup> In the latter half of the sixteenth century, however, England came to be the most formidable opponent of the monopolistic claims of Portugal and Spain. In 1553, a joint-stock company was founded in London for the Guinea trade; between 1562 and 1568 Hawkins made three slave-trading voyages between Africa and the West Indies; subsequently English privateers played havoc with Spanish shipping in West Indian waters, and by 1586, Drake had definitely proved England's mastery of the sea. Upon Spain's command of the sea, as Spain and England were perfectly aware, depended the maintenance not only of Spain's colonial monopoly, but also of her national strength, which was derived from the Indian trade; hence, the great potential importance of uniting the naval forces of the English and Dutch to co-operate against Spain's American fleets. At this time France, on the other hand, had little strength upon the ocean, and sought to defeat Spain on land. For this purpose she received small aid from her allies, and therefore in 1598 she made a separate and advantageous peace with Spain, but was able to arrive at no better understanding in respect to navigation beyond the lines of amity than she had reached in 1559 (Doc. 23, end of introduction).

In the last decade of the sixteenth century, the Dutch were beginning to send out their ships to Guinea and both the Indies. Their well-founded hopes for the future expansion of this commerce strengthened their aversion to reunion with the southern provinces, or Spanish Netherlands, when these, upon receiving from Philip II. in 1598 a quasi-independent status, were prohibited from engaging in the East and West Indian trade (Doc. 24). In the same year, despite some jealousy aroused by the commercial successes of the Dutch, England concluded an alliance with the States General (Doc. 25) which provided for joint aggressive action on the part of their naval forces against the Azores and the Indies.

But the death of Elizabeth, and James's accession, foreshadowed an Anglo-Spanish peace. This Henry IV. endeavored to prevent, urging England to continue her offensive action against the Spanish coasts and colonies. He succeeded only in drawing her into a defensive alliance (Doc. 26), which provided only contingently for such naval operations. Conformably with Henry's expectation, in the following year (1604), James made peace with Spain (Doc. 27).

In the discussions preliminary to the treaty of 1604, the right of Englishmen to engage in the Indian trade was argued at length. The question had previously been debated with representatives of Portugal or Spain in 1555.

<sup>1</sup> R. G. Marsden, in *English Historical Review*, XXIV. (1909), p. 100.

1561, 1562, 1569-1576, 1587, 1588, and 1600. Since 1555 the claim that Englishmen had a right to visit such parts of the Indies as were not actually held by Spain had been maintained. It may have been due to Robert Cecil's characteristic subtlety that in 1604 an ambiguous article was finally agreed on, which, according to England, admitted Englishmen to the Indies; according to Spain, excluded them. On account of this difference in interpretation, the status of Englishmen beyond the line was the same as that of the French—right made might in those distant regions.

In the negotiations, for a peace or truce, conducted between the United Provinces of the Netherlands and Spain in the years 1607-1609, no question was debated with greater vehemence than that of Dutch participation in the Indian trade. In fact, the Dutch were already profiting by their trade in the East Indies. Spain ardently desired to keep them out of the West Indies, at least, but she was finally obliged to make the great concession, for a limited time. In the twelve years' truce concluded on April 9, 1609, an obscurely worded article permitted the Dutch to trade in both Indies, during the period of the truce, in places not actually held by Spain (Doc. 28). Furthermore, it was certified by the French and English ambassadors at the Hague that it had been agreed that Spaniards should refrain from traffic in places held by the Dutch in the Indies. France and England also guaranteed that, during the truce, Spain would not molest the Dutch in the Indian trade (Doc. 29).

In 1621 the twelve years' truce expired, and Spain declared war on the United Netherlands. Within the period from 1621 to 1625 the Dutch were conducting various negotiations with Denmark, France, and England, as well as with other powers, for the purpose of securing their alliance against Spain. The States General were very desirous that Danes, French, and English should co-operate with the Dutch West India Company, chartered in 1621 for the purpose of attacking Spain's American possessions and treasure-fleets, as well as for trade. The Danes and French, on the other hand, desired rather to share in the profitable East India commerce. In 1621 the Dutch and Danish commissioners signed an agreement that in their journeys, trade, and navigation in the East and West Indies, Africa, and Terra Australis, subjects of either party should befriend subjects of the other (Docs. 30, 31). The Dutch treaty with France in 1624 merely stipulated that the question of traffic to the East and West Indies should be treated later by the French ambassador (Doc. 32). The defensive alliance formed with England in 1624 did not refer to the Indies; but the offensive alliance of the following year (Doc. 33) enjoined attacks by both parties on Spain's dominions on both sides of the line, and especially on the treasure-fleets. One of the results of this treaty was the opening of trade between the Dutch and the English colonists in North America.

The treaty which France made with Spain in 1626, and English interference with the French trade with Spain, were among the most important causes of the war between England and France which broke out in 1627. During this war the English, operating in the St. Lawrence River, captured the first fleet sent out by the trading Company of New France, and devastated some French settlements. They also seized some posts occupied by the French in the region of Acadia, but did not capture Quebec until after peace had been proclaimed between England and France in 1629 (Doc. 34).

In the following year, when England made peace with Spain, under circumstances of domestic dissension that made it impossible for her to compel large concessions, the article respecting trade with the Indies was left in practically the same ambiguous form as in the previous Anglo-Spanish treaty of 1604. An article, which stipulated the return of prizes made south of the Equator, marked a departure from the ancient principle that, between Spain and other nations, might made right beyond the line (Doc. 35).

The seizure of the fort of Quebec, together with a quantity of furs and merchandise, effected after the conclusion of the Franco-English peace, led to protracted negotiations between the English and French. These finally bore fruit in the treaty of 1632 (Doc. 36), which provided for the restitution to France of all places occupied by the English in "New France, Acadia, and Canada". Subsequently, a long and bitter quarrel between two lieutenant-governors of Acadia threatened seriously to involve the English of Massachusetts Bay. But the danger was averted by the conclusion of a treaty between D'Aulnay of Acadia and the magistrates of Massachusetts (Doc. 39), stipulating peace and mutual liberty of trade.

The liberation of Portugal from Spain in 1640 gravely affected the commercial interests of those nations which, in the course of their wars against Spain, or at other times, had acquired territory in both Indies and Africa, or had seized Spanish-Portuguese colonies, or were developing the slave-trade. Nevertheless, it was to these nations that Portugal turned for friendly recognition or aid. In 1641 and 1642 she signed treaties with France, the United Provinces, and England (Doc. 37, Doc. 38, and Doc. 38, note 24). By these treaties France and the Provinces agreed to send ships to co-operate with those of Portugal in attacking the silver fleet on the seas and the naval fleet at Cadiz; and it was further arranged that neither Dutch nor Portuguese should send any ships, negroes, or merchandise to the Spanish Indies, and that conquests made there should be divided or enjoyed by common consent. The right of the English and Dutch to continue in the African trade and possessions was recognized.

This separation of Portuguese from Spanish colonial interests made possible a peace between Spain and the Dutch. In the treaty of Münster, 1648 (Doc. 40), Spain, for the first time, in a public treaty, and with express

mention of the Indies, recognized the right of the subjects of another nation to trade and hold territory in both the Indies.

Thus by the middle of the seventeenth century the two Iberian powers were compelled to admit other nations to trade and territorial dominion in those oversea regions which they had hoped to monopolize. But as old barriers fell new ones were erected. The successful intruders, French, English, Dutch, and others, also sought exclusive rights for their respective peoples or even for certain of their own trading companies in the newly acquired commerce and land. So the ideal of free ocean commerce and navigation, championed by some Frenchmen and Englishmen in the sixteenth century, and brilliantly expounded by Grotius near the beginning of the seventeenth century, remained unrealized.

In selecting the texts for this volume the aim has been to include all treaties, or parts of treaties, that bear upon the history of the present territory of the United States, or of its outlying possessions. Some drafts of treaties, and the papal bulls which formed a basis for the claims of Portugal or Spain to the aforesaid territory, are also included.

Of the texts contained in this volume, numbers 14, 15, 17, and 18, are, it is believed, here printed for the first time. Of those previously printed, some are drawn from more authoritative manuscripts than those formerly published; others, it is believed, are reproduced with greater accuracy. All of the texts but one<sup>3</sup> have been collated, either with the manuscripts from which they are derived, or with photographs, or, in a few cases, with official transcripts of these manuscripts. The spelling but not always the capitalization or punctuation of the originals has been followed. A large proportion of the texts of treaties have already been printed in Dumont's *Corps Diplomatique*, but that great and valuable collection, it is well known, is lacking in verbal exactitude. The same is true of most of the other collections, with some modern exceptions.

The translations have, in most instances, been made by the editor. When this is not the case, the fact has been stated.

In compiling the bibliographies, the needs of less advanced students, and also the needs of scholars and investigators, have been kept in mind; for the purpose of the work is not merely to present a body of texts in convenient form, but also to stimulate further research into the history of European-American relations.

In collecting the material for this and later volumes, the editor has received generous assistance from many sources. The unfailing courtesy of the officials of the London Public Record Office, of the British Museum, and of the Library of Congress, where most of the editorial work has been done, calls for special recognition. It is a pleasure also to acknowledge the aid

<sup>3</sup> Doc. 19, of which no complete manuscript was found.

received from the director and officials of the archives at Paris, Lisbon, Seville, the Hague, Copenhagen, and Mons. Particular mention must be made of kind help given by Mr. Hubert Hall, by Mr. Henry P. Biggar, and by Miss Ruth Putnam, and by the editor's colleagues, especially by Mr. Waldo G. Leland in Paris, and Mr. Roscoe R. Hill in Seville. The editor is also indebted to the Arthur H. Clark Company of Cleveland and to Dr. James A. Robertson for kind permission to make use, so far as was desired, in connection with Docs. **5, 6, 7, 8, 9, 10, 13, and 16**, of translations from the first volume of Blair and Robertson's *The Philippine Islands*. Dr. Robertson has also made valuable suggestions respecting other of the translations.

FRANCES GARDINER DAVENPORT.

## 1.

*The Bull Romanus Pontifex (Nicholas V.). January 8, 1455.*

### INTRODUCTION.

Columbus, returning from his first voyage to America, was driven by storms into the river Tagus. On March 9, 1493, he was received by the King of Portugal, who "showed that he felt disgusted and grieved because he believed that this discovery [of the lands found by Columbus] was made within the seas and bounds of his lordship of Guinea which was prohibited and likewise because the said Admiral was somewhat raised from his condition and in the account of his affairs always went beyond the bounds of the truth".<sup>1</sup> The king said "that he understood that, in the capitulation<sup>2</sup> between the sovereigns [of Castile] and himself, that conquest [which Columbus had made] belonged to him."<sup>3</sup> The admiral replied that he had not seen the capitulation, nor knew more than that the sovereigns had ordered him not to go either to La Mina<sup>4</sup> or to any other port of Guinea, and that this had been ordered to be proclaimed in all the ports of Andalusia before he sailed".<sup>5</sup> Thus, before Columbus had arrived in Spain, his discoveries in the New World threatened to create an international difficulty. To explain this difficulty it is necessary to consider the earlier history of the conflicting claims of Portugal and Castile to the newly discovered lands.

The first such conflict concerned the Canary Islands, rediscovered in the latter part of the thirteenth century. In 1344, on the ground that he wished to Christianize these islands, Don Luis de la Cerda, admiral of France and great-grandson of Alfonso the Wise, obtained a bull of investiture from Pope

<sup>1</sup> The whole passage from Ruy de Pina, *Chronica d'El Rei Dom João II.*, in J. F. Corrêa da Serra, *Colecção de Livros Ineditos de Historia Portuguesa*, pub. by the Academia Real das Sciencias, Lisbon, II. 178-179, is translated in a foot-note to the translation of the "Journal of the First Voyage of Columbus", in J. E. Olson and E. G. Bourne, *The Northmen, Columbus, and Cabot* (1906), pp. 255-256, in J. F. Jameson's series of *Original Narratives of Early American History*.

<sup>2</sup> The treaty of Alcaçovas. See below, Doc. 3.

<sup>3</sup> According to Ruy de Pina, "that conquest" was the "islands of Cipango and Antilia". Vignaud points out (*Histoire Critique*, I. 368 ff.) that there is no evidence that the Indies were mentioned in this interview, but, as Vander Linden remarks, Columbus placed the island of Cipango in the "sea of the Indies". *American Historical Review*, XXII. 12, note 30.

<sup>4</sup> Elmina, on the Gold Coast; known also as S. Jorge da Mina, or, in English, St. George of the Mine. In 1482 Diogo d'Azambuja, acting under royal orders, built a fort there to protect Portuguese commerce. J. de Barros, *Da Asia*, I. (1778), dec. I., liv. III., cc. 1, 2. Cf. Doc. 4, introduction.

<sup>5</sup> "Journal of the First Voyage of Columbus", in Olson and Bourne, *The Northmen, Columbus, and Cabot*, p. 254. The royal letter prohibiting Columbus from going to the Mine is in Navarrete, *Coleccion de Viages* (1825-1837), tom. III., no. 11, pp. 483-484.

Clement VI., and was crowned Prince of Fortunia<sup>6</sup> at Avignon. At this time the kings of Portugal and Castile agreed to set aside their own opposing claims to the archipelago and to help Luis in the enterprise to which the Pope had thus lent his support.<sup>7</sup> But Luis never entered into possession, and Portugal and Castile kept up the struggle for the islands. Papal bulls were issued, favorable now to one and now to the other party, and the question of ownership, which was argued before the Council of Basel in 1435, was not finally settled until 1479, when, by the treaty of Alcaçovas, Portugal ceded the islands to Castile.<sup>8</sup>

The second Castilian-Portuguese controversy concerned Africa, where Portugal was following up her conquest of Ceuta (1415) by other military expeditions in Morocco, and by sending caravels southward along the western coast and opening up a trade with Guinea. In 1441 slaves and gold-dust were first brought back to Portugal from beyond Cape Bojador. By 1454 trade with that region had greatly developed<sup>9</sup> so that Cadamosto, the Venetian, wrote that "from no traffic in the world could the like [gain] be had."<sup>10</sup>

The kings of Castile, basing their claims on the same grounds that they had employed in respect to the Canaries—possession by their ancestors, the Visigothic kings—asserted their right to the conquest of the lands of Africa<sup>11</sup> and to Guinea and the Guinea trade. They even imposed a tax upon the merchandise brought from those parts.<sup>12</sup>

The Castilian-Portuguese controversy over the Guinea trade began as early as 1454. On April 10 of that year the King of Castile, John II., wrote a letter<sup>13</sup> to the King of Portugal, Alfonso V., containing complaints and demands in respect to the Canaries, and also in respect to the seizure by a Portu-

<sup>6</sup> The Canary Islands were believed to be the Fortunatae Insulae of the ancients.

<sup>7</sup> An incomplete text of the bull and the letters from the kings of Portugal and Castile to the Pope are in Raynaldus, *Annales Ecclesiastici*, VI. 359-364. The full text of the bull is in C. Cocquelines, *Bullarum Collectio*, tom. III. (1741), pt. II, pp. 296 ff. A French translation (incomplete) is in M. A. P. d'Avezac, *Iles de l'Afrique* (1848), pt. II., pp. 152-153. A facsimile and transliteration of the letter of the King of Portugal to the Pope have been printed by Eugenio do Canto (Lisbon, 1910). The sermon preached by Clement VI. on the occasion of the appointment of Luis to the lordship of the Canaries is extant, see L. von Pastor, *Geschichte der Päpste*, I. (1901) 91, note. For other references, see Ch. de La Roncière, *Histoire de la Marine Française*, II. (1900), 104-106.

<sup>8</sup> Summaries of the statement of the Bishop of Burgos at the Council of Basel, and of the bull of July 31, 1436, are in *Alguns Documentos*, pp. 3, 4. The article of the treaty of Alcaçovas by which the Canaries were awarded to Castile is to be found *ibid.*, pp. 44-45, and see Doc. 3, introduction.

<sup>9</sup> Ch. de Lannoy and H. Vander Linden, *L'Expansion Coloniale: Portugal et Espagne* (1907), pp. 43, 44.

<sup>10</sup> Quoted in the introduction to Azurara, *Guinea*, II. xxii (ed. Beazley and Prestage, Hakluyt Soc., vol. C., 1899).

<sup>11</sup> Bull of July 31, 1436, *Algs. Docs.*, p. 4; bull of Jan. 5, 1443, *ibid.*, p. 7.

<sup>12</sup> Navarrete, *Viages*, I. xxxvii-xxxix. Cf. Doc. 3, note 2.

<sup>13</sup> The letter is printed in Las Casas, *Historia de las Indias*, I. 141-151. A Portuguese translation made from the manuscript of the *Historia* is in Viscount de Santarem, *Quadro Elementar* (1842-1876), II. 352-367.



guese captain of an Andalusian vessel which, together with others also belonging to the citizens of Seville and Cadiz, had arrived within a league of Cadiz on its return from a trading voyage to Guinea.<sup>14</sup> The King of Castile, or rather the two ecclesiastics who a few months before had begun their energetic management of his affairs,<sup>15</sup> demanded the restitution of the captured subjects of the Castilian crown and of the caravel and her cargo of Guinea merchandise. At the same time<sup>16</sup> these virtual rulers of Castile sent ambassadors to the King of Portugal to threaten war unless he should desist from the "conquest" of Barbary and of Guinea, which belonged to Castile. The King of Portugal, although greatly vexed, replied with much moderation that it was certain that that "conquest" belonged to him and to the kingdom of Portugal, and urged that the peace should not be broken until the truth as to the proprietorship were ascertained. Before this reply had reached the King of Castile he had fallen ill and he died in July of this year.<sup>17</sup> His successor, Henry IV., a king of weak character, was little fitted to oppose the pretensions of Portugal. Moreover, by August, 1454, he was already engaged in negotiating a marriage with the sister of the Portuguese king.<sup>18</sup>

It is probable that King Alfonso deemed the time especially propitious for a settlement of the dispute over the proprietorship of Morocco, Guinea, and the Guinea trade. In attempting to establish his claims, he would naturally seek aid from the Pope, for that potentate's independent position made him the arbitrator between nations, while his spiritual authority, in particular his powers of excommunication and interdict, gave weight to his decisions.<sup>19</sup> Moreover, as spiritual fathers of all the peoples of the earth, the popes had long undertaken to regulate the relations—including the commercial relations—between Christians and unbelievers. The Lateran Council of 1179 prohibited the sale to the Saracens of arms, iron, wood to be used in construction, and anything else useful for warfare. Certain later popes prohibited all commerce with the infidels.<sup>20</sup> These prohibitions were, however, tempered by papal licenses to trade, which were on occasion granted to monarchs, communities, or individuals, or by the absolutions sometimes purchased by re-

<sup>14</sup> "La tierra que llaman Guinea, que es de nuestra conquista." Las Casas, *op. cit.*, I, 150.

<sup>15</sup> Nunes de Leão (do Liam), *Cronicas*, p. 221.

<sup>16</sup> Nunes do Liam does not give the precise date of the sending of the embassy but places it after the beginning of the year 1454 and before June of that year. He names Juan de Guzman and Fernando Lopez of Burgos as the ambassadors, whereas the letter of Apr. 10, 1454, names Juan de Guzman and Juan Alfonso of Burgos as the ambassadors who will bear the letter to the King of Portugal. Fernando Lopez was sent by Henry IV. as ambassador to Portugal in Aug., 1454. Santarem, *Quadro Elementar*, I, 354.

<sup>17</sup> Nunes do Liam, *Cronicas*, p. 222.

<sup>18</sup> Santarem, *Quadro Elementar*, I, 353, 354.

<sup>19</sup> On the papacy as an international power, see R. de Maulde-la-Clavière, *La Diplomatie au Temps de Machiavel* (1892), tom. I., ch. 2.

<sup>20</sup> The canon law on the subject is in *Decretal. Gregor. IX.*, lib. V., tit. VI., cc. 6, 11, 12, and 17; *Extravag. Joann. XXII.*, tit. VIII., c. 1; *Extravag. Commun.*, lib. V., tit. II., c. 1.

turning merchants. In order the more readily to obtain these favors, the applicant sometimes pointed out to the Pope how commerce tended to the spread of the Christian faith.<sup>21</sup>

On January 8, 1455, doubtless in accordance with the request of King Alfonso, Nicholas V. issued the bull *Romanus pontifex*, which marks a definite stage in the colonial history of Portugal. By the bull *Rex regum*, January 5, 1443, Eugenius IV. had taken neutral ground in the dispute between Portugal and Castile concerning their rights in Africa; by the bull *Dum diversas*, June 18, 1452, Nicholas V. granted King Alfonso general and indefinite powers to search out and conquer all pagans, enslave them and appropriate their lands and goods.<sup>22</sup> The bull *Romanus pontifex*, on the other hand, settled the dispute between Portugal and Castile in favor of the former, and, apparently for the first time,<sup>23</sup> granted Portugal *exclusive* rights in a vast southerly region. It confirmed the bull *Dum diversas*, specified the district to which it applied—Ceuta, and the district from Capes Bojador and Não through all Guinea, and “beyond towards that southern shore”—and declared that this, together with all other lands acquired by Portugal from the infidels before or after 1452, belonged to King Alfonso, his successors, and Prince Henry, and to no others. It further declared that King Alfonso, his successors, and Prince Henry might make laws or impose restrictions and tribute in regard to these lands and seas, and that they and persons licensed by them might trade there with the infidels, except in the prohibited articles, but that no other Catholics should trade there or enter those seas or harbors under pain of excommunication or interdict.

<sup>21</sup> On the relations of the Church to commerce, see E. Nys, *Les Origines du Droit International* (1894), pp. 284-286, and especially G. B. Depping, *Histoire du Commerce* (1830), ch. 10. Depping mentions a king of Aragon's attempt to persuade the Pope that his trade with the infidels was in the interest of the Christian faith. In 1485 the orator of the Portuguese embassy of obedience to Pope Innocent VIII. argued that commercial intercourse led to the conversion of the Ethiopians, and that the trade established with the Ethiopians at Elmina had prevented them from furnishing supplies to the Moors (see below, Doc. I, note 30). An interesting passage in the bull *Sedis apostolicæ*, issued by Julius II. on July 4, 1505, shows that the then King of Portugal was using the same kind of argument to persuade the Pope to absolve from excommunication such Portuguese as might have traded unlawfully in Guinea or India. L. A. Rebello da Silva, *Corpo Diplomático Portuguez* (Acad. Real das Sciencias, Lisbon, 1862), I. 59-61.

<sup>22</sup> The bull *Rex regum* is printed in *Algs. Docs.*, pp. 7, 8. The entire bull *Dum diversas* is printed in Jordão, *Bullarium*, pp. 22 ff.; a part is printed below, Doc. I, note 37.

<sup>23</sup> Barros states that upon petition of Prince Henry, Martin V. (1417-1431) granted to the crown of Portugal the land that should be discovered from Cape Bojador to and including the Indies. (*Da Asia*, I., dec. 1., lib. 1., cap. 7.) No such bull is known, but cf. below, note 42.

A grant by Pope Nicholas V., dated Jan. 8, 1450, conceding to Alfonso V. all the territories which Henry had discovered, has been said to be preserved in the National Archives at Lisbon, Coll. de Bullas, maço 32, no. 1, or no. 10. (Santarem, *Prioridade*, p. 26, and Azurara, *Guinea*, ed. Carreira and Santarem, 1841, p. 92, note 1; and, in Beazley and Prestage's edition, II. 318, note 67). The editor looked up both these manuscripts and found that one is the *executoria* of the bull of Jan. 8, 1455 (see below, note 43), and that the other is a bull issued by Paul III. toward the middle of the following century.

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## TEXT.\*

Nicolaus episcopus, servus servorum Dei. Ad perpetuam rei memoriam. Romanus pontifex, regni celestis clavigeri successor et vicarius Jhesu Christi, cuncta mundi climata omniumque nationum in illis degentium qualitates paterna consideratione discutiens, ac salutem querens et appetens singulorum, illa propensa deliberatione salubriter ordinat et disponit que grata Divine Majestati fore conspicit et per que oves sibi divinitus creditas ad unicum ovile dominicum reducat, et acquirit eis felicitatis eterne premium, ac veniam impetret animabus; que eo certius auctore Domino provenire credimus, si condignis favoribus et specialibus gratiis eos Catholicos prosequamur reges et principes, quos, veluti Christiane fidei athletas et intrepidus pugiles, non

\* The text is from the original manuscript of the bull, preserved in the National Archives at Lisbon, Coll. de Bullas, maço 7, no. 29.

modo Saracenorum ceterorumque infidelium Christiani nominis inimicorum feritatem reprimere, sed etiam ipsos eorumque regna ac loca, etiam in longissimis nobisque incognitis partibus consistentia, pro defensione et augmento fidei hujusmodi debellare, suoque temporali dominio subdere, nullis parcendo laboribus et expensis facti evidentia cognoscimus, ut reges et principes ipsi, sublatis quibusvis dispendiis, ad tam saluberrimum tanque laudabile prosequendum opus peramplius animentur. Ad nostrum siquidem nuper, non sine ingenti gaudio et nostre mentis letitia, pervenit auditum, quod dilectus filius nobilis vir, Henricus,<sup>25</sup> infans Portugalie, carissimi in Christo filii nostri Alfonsi<sup>26</sup> Portugalie et Algarbii regnorum regis illustris patruus, inherens vestigiis clare memorie Johannis,<sup>27</sup> dictorum regnorum regis, ejus genitoris, ac zelo salutis animarum et fidei ardore plurimum succensus, tanquam Catholicus et verus omnium Creatoris Christi miles, ipsiusque fidei acerrimus ac fortissimus defensor et intrepidus pugil, ejusdem Creatoris gloriosissimum nomen per universum terrarum orbem etiam in remotissimis et incognitis locis divulgari, extolli, et venerari, nec non illius ac vivifice qua redempti sumus Crucis inimicos perfidos, Sarracenos videlicet ac quoscunque alios infideles, ad ipsius fidei gremium reduci, ab ejus ineunte etate totis aspirans viribus post Ceptensem<sup>28</sup> civitatem, in Affrica consistentem, per dictum Johannem Regem ejus subactam dominio, et post multa per ipsum infantem nomine tamen dicti regis contra hostes et infideles predictos, quandoque etiam in propria persona, non absque maximis laboribus et expensis, ac rerum et personarum periculis et jactura, plurimorumque naturalium suorum cede, gesta bella, ex tot tantisque laboribus, periculis, et damnis non fractus nec territus, sed ad hujusmodi laudabilis et pii propositi sui prosecutionem in dies magis atque magis exardescens, in oceano mari quasdam solitarias insulas fidelibus populavit, ac fundari et construi inibi fecit ecclesias et alia loca pia, in quibus divina celebrantur officia. Ex dicti quoque infantis laudabili opera et industria, quamplures diversarum in dicto mari existentium insularum incole seu habitatores ad veri Dei cognitionem venientes, sacrum baptismum susceperunt ad ipsius Dei laudem et gloriam, ac plurimorum animarum salutem, orthodoxe quoque fidei propagationem, et divini cultus augmentum.<sup>29</sup> Preterea cum olim ad ipsius infantis pervenisset notitiam, quod nunquam vel saltem a memoria hominum non consuevisset per hujusmodi oceanum mare versus meridionales et orientales plagas navigari, illudque nobis occiduis

<sup>25</sup> Prince Henry the Navigator (b. 1394-d. 1460).

<sup>26</sup> Alfonso V., surnamed "the African" from his conquests in Morocco, ruled from 1438 to 1481. He stood high in the favor of Pope Nicholas because, after the fall of Constantinople and in response to the Pope's summons, he alone, of all the western monarchs, seriously prepared to aid in resisting the Turks. In April, 1454, in recognition of his efforts, the Pope sent him the consecrated golden rose. L. von Pastor, *Geschichte der Päpste*, I. (1901), 608; Jordão, *Bullarium*, p. 35.

<sup>27</sup> John I., surnamed "the Great", the founder of the house of Aviz, ruled from 1385 to 1433.

<sup>28</sup> The conquest of Ceuta in 1415, in which Prince Henry played a leading part, marks the beginning of the colonial expansion of Portugal. An account of the crusade against the city is given in Major, *Life of Prince Henry*, ch. 3.

<sup>29</sup> The Madeira Islands were rediscovered in 1418-1420; the Azores, in 1427, or 1432 or 1437. J. Mees argues for the last date in his *Histoire de la Découverte des Îles Açores in Recueil de Travaux publiés par la Faculté de Philosophie et Lettres*, University of Ghent (1901), fasc. 27. The Cape Verde Islands were discovered in 1456, shortly after the issue of this bull. Azurara, *Guinea* (ed. Beazley and Prestage), II. ix, lxxxv, lxxxvi, xcii-xcvi.

adeo foret incognitum, ut nullam de partium illarum gentibus certam notitiam haberemus, credens se maximum in hoc Deo prestare obsequium, si ejus opera et industria mare ipsum usque ad Indos qui Christi nomen colere dicuntur,\* navigabile fieret, sicque cum eis participare, et illos in Christianorum auxilium adversus Sarracenos et alios hujusmodi fidei hostes commovere posset, ac nonnullos gentiles seu paganos nefandissimi Machometi secta minime infectos populos inibi medio existentes continuo debellare, eisque incognitum sacratissimum Christi nomen predicare ac facere predicari, regia tamen semper auctoritate munitus, a viginti quinque annis, citra exercitum ex dictorum regnorum gentibus, maximis cum laboribus, periculis, et expensis in velocissimis navibus, caravelis<sup>22</sup> nuncupatis, ad perquirendum mare et provincias maritimas versus meridionales partes et polum antarcticum, annis singulis fere mittere non cessavit; sicque factum est, ut cum naves hujusmodi quamplures portus, insulas, et maria perlustrassent, et occupassent, ad Guineam provinciam<sup>23</sup> tandem pervenirent, occupatisque nonnullis insulis, portibus, ac mari eidem provincie adjacentibus, ulterius navigantes ad hostium cujusdam magni fluminis Nili<sup>24</sup> communiter reputati pervenirent, et contra illarum

<sup>22</sup> The early voyages sent out by Prince Henry along the west coast of Africa were connected with the crusade which after the conquest of Ceuta the Portuguese carried on against the Saracens in Morocco (see Beazley, "Prince Henry of Portugal and the African Crusade of the Fifteenth Century", in the *American Historical Review*, XVI, 11-23). They were undertaken partly to learn whether there were any Christian princes in the interior who would aid the prince against the Moors, and because the infante desired to have knowledge not only of Guinea "but also of the Indies and the land of Prester John" (Azurara, *Guinea*, chs. 7, 16; ed. Beazley and Prestage, I, 55). The "Indians who are said to worship Christ" are clearly the subjects of Prester John. The question where the Portuguese supposed these Christian Indians to dwell—whether in Abyssinia or Asia—has aroused a controversy, which is summed up in Vignaud, *Histoire Critique*, I, 195 ff. A bit of evidence, apparently not noticed hitherto but conclusive for its date, is in the oration of obedience, delivered on Dec. 9, 1485, before Innocent VIII., by the Portuguese ambassador, Vasco Fernandes de Lucena. A copy of this oration, printed at Rome, probably in 1485, is in the British Museum. The passage is as follows: "Accedit tandem hiis omnibus laud dubia spes Arabici sinus perscrutandi, ubi Asiam incolentium regna et nationes, vix apud nos obscurissima fama cognite, sanctissimam Salvatoris fidem religiosissime colunt: a quibus jam si modo vera probatissimi geographi tradunt paucorum dierum itinere Lusitanorum navigatio abest." This statement concerning the goal of the Portuguese is opposed to Vignaud's conclusion that up to 1486 the Portuguese were seeking the Indies of Prester John in Africa.

<sup>23</sup> Cadamosto, the Venetian, called the Portuguese caravels the best sailing ships at sea. "They were usually 20-30 metres long, 6-8 metres in breadth; were equipped with three masts, without rigging-tops, or yards; and had lateen sails stretched upon long oblique poles, hanging suspended from the mast-head. . . . They usually ran with all their sail, turning by means of it, and sailing straight upon a bow-line driving before the wind. When they wished to change their course it was enough to trim the sails." Beazley's introduction to Azurara, *Guinea*, II, cxii-cxiii.

<sup>24</sup> A vague knowledge of a land called Guinea ("Ganuya", "Ginua"), south of the great desert, inhabited by negroes and rich in gold, existed in Europe long before the time of Prince Henry. The name "provincia Ganuya" appears on the *mappemonde* of the Medicean or Laurentian atlas of 1351, reproduced in facsimile in T. Fischer, *Raccolta di Mappamondi*, pt. V. (1881), and, with clearer lettering, in Santarem, *Atlas de Mappemondes* (1849-1852), no. 24, and is fully discussed in T. Fischer, *Sammlung Mittelalterlicher Welt- und Seekarten* (1886), pp. 127-147. "Ginua" is indicated on the Catalan *mappemonde* of 1375, of which an available reproduction is opposite p. 78 in S. Ruge, *Zeitalter der Entdeckungen* (1881), in W. Oncken, *Allgemeine Geschichte*.

<sup>25</sup> The Senegal, or Western Nile, or Nile of the Negroes. When this river was discovered in 1445 it was believed to be a branch of the Nile. The maps referred to in the preceding note show a water connection between the Atlantic, Guinea, and the Nubian Nile. *Hostium* is for *ostium*.

partium populos nomine ipsorum Alfonsi Regis et infantis, per aliquos annos guerra habita extitit, et in illa quamplures inibi vicine insule debellate ac pacifice possesse fuerunt, prout adhuc cum adjacenti mari possidentur. Ex inde quoque multi Guinei et alii nigri vi capti, quidam etiam non prohibitarum rerum permutatione, seu alio legitimo contractu emptionis ad dicta sunt regna transmissi; quorum inibi in copioso numero ad Catholicam fidem conversi extiterunt, speraturque, divina favente clementia, quod si hujusmodi cum eis continuetur progressus, vel populi ipsi ad fidem convertentur, vel saltem multorum ex eis anime Christo lucrifient.<sup>34</sup> Cum autem sicut accepimus, licet rex et infans prefati, qui cum tot tantisque periculis, laboribus, et expensis, nec non perditione tot naturalium regnorum hujusmodi, quorum inibi quamplures perierunt, ipsorum naturalium duntaxat freti auxilio provincias illas perlustrari fecerunt ac portus, insulas, et maria hujusmodi acquisiverunt et possederunt, ut prefatur, ut illorum veri domini, timentes ne aliqui cupiditate ducti, ad partes illas navigarent, et operis hujusmodi perfectionem, fructum, et laudem sibi usurpare vel saltem impedire cupientes, propterea seu lucri commodo, aut malitia, ferrum, arma, ligamina,<sup>35</sup> aliasque res et bona ad infideles deferri prohibita portarent, vel transmitterent, aut ipsos infideles navigandi modum edocerent, propter que eis hostes fortiores ac duriores fierent, et hujusmodi prosecutio vel impediretur, vel forsitan penitus cessaret, non absque Dei magna offensa et ingenti totius Christianitatis obprobrio, ad obviandum premissis ac pro suorum juris et possessionis conservatione, sub certis tunc expressis gravissimis penis prohibuerint et generaliter statuerint quod nullus, nisi cum suis nautis et navibus et certi tributi solutione obtentaque prius desuper expressa ab eodem rege vel infante licentia, ad dictas provincias navigare aut in earum portibus contractare seu in mari piscari presumeret; <sup>36</sup> tamen successu temporis evenire posset, quod aliorum regnorum seu nationum persone, invidia, malitia, aut cupiditate ducti, contra prohibitionem predictam, absque licentia et tributi solutione hujusmodi, ad dictas provincias accedere, et in sic acquisitis provinciis, portibus, insulis, ac mari, navigare, contractare, et piscari presumerent, et exinde inter Alfonsum Regem ac infantem, qui nullatenus se in hiis sic deludi paterentur, et presumentes predictos quamplura odia, rancores, dissensiones, guerre, et scandala in maximam Dei offensam et animarum periculum verisimiliter subsequi possent et subsequerentur—Nos, premissa omnia et singula debita meditatione pensantes, ac attendentes quod cum olim prefato Alfonso Regi quoscunque Sarracenos et paganos aliosque Christi inimicos ubicunque constitutos, ac regna, ducatus, principatus, dominia, possessiones, et mobilia ac immobilia bona quecunque per eos detenta ac possessa invadendi, conquirendi, expugnandi, debellandi, et subjugandi, illorumque personas in perpetuam servitutem redigendi, ac regna, ducatus, comitatus, principatus, dominia, possessiones, et bona sibi et successoribus suis applicandi, appropriandi, ac in suos successorumque suorum usus et utilitatem convertendi, aliis nostris

<sup>34</sup> The first natives captured beyond Cape Bojador were brought to Portugal by Antam Gonçalves in 1441 or 1442. Azurara, *Guinea*, chs. 12 and 13.

<sup>35</sup> This word appears in this same form in the *Corpus Juris Canonici*, Decretal. Gregor. IX., lib. V., tit. VI., c. 6, ed. E. Friedberg, who gives as variant forms *ligamina* and *lignamina*.

<sup>36</sup> A royal charter, dated Oct. 22, 1443, forbidding any one to pass beyond Cape Bojador without a license from Prince Henry, is printed in *Algs. Docs.*, pp. 8-9.

litteris" plenam et liberam inter cetera concesserimus facultatem, dicte facultatis obtentu idem Alfonsus Rex, seu ejus auctoritate predictus infans, juste et legitime insulas, terras, portus, et maria hujusmodi acquisivit ac possedit et possidet, illaque ad eundem Alfonsum Regem et ipsius successores de jure spectant et pertinent, nec quisvis alius etiam Christifidelis absque ipsorum Alfonsi Regis et successorum suorum licentia speciali de illis se hactenus intromittere licite potuit nec potest quoquomodo, ut ipsi Alfonsus Rex ejusque successores et infans eo ferventius huic tam piissimo ac preclaro et omni evo memoratu dignissimo operi, in quo cum in illo animarum salus, fidei augmentum, et illius hostium depressio procurentur, Dei ipsiusque fidei ac reipublice, universalis ecclesie rem agi conspiciamus, insistere valeant et insistant, quo, sublatis quibusvis dispendiis amplioribus, se per nos et Sedem Apostolicam favoribus ac gratiis munitis fore conspexerint, de premissis omnibus et singulis plenissime informati, motu proprio," non ad ipsorum Alfonsi Regis et infantis vel alterius pro eis nobis super hoc oblate petitionis instantiam, maturaque prius desuper deliberatione prehabita, auctoritate apostolica et ex certa scientia, de apostolice potestatis plenitudine, litteras facultatis prefatas, quarum tenores de verbo ad verbum presentibus haberi volumus pro insertis, cum omnibus et singulis in eis contentis clausulis, ad

<sup>21</sup> The bull of June 18, 1452 (Nicholas V.). The provisions of this bull are as follows: ". . . Nos igitur considerantes, quod contra Catholicam fidem insurgentibus, Christianamque religionem extinguere molientibus, ea virtute, et alia constantia a Christi fidelibus est resistendum, ut fideles ipsi fidei ardore successi virtutibusque pro posse succincti detestandum illorum propositum, non solum obice intentionis contraire impediant, si ex oppositione roboris iniquos conatus prohibeant, et Deo, cui militant, ipsis assistente, perfidorum substernant molimenta, nosque divino amore communiti, Christianorum charitate invitati, officiique pastoralis astricti debito, ea, quae fidei, pro qua Christus Deus noster sanguinem effudit, integritatem, augmentumque respiciunt nobis fidelium animis vigorem, tuamque Regiam Magestatem in hujusmodi sanctissimo proposito confovere merito cupientes, tibi Sarracenos, et paganos, aliosque infideles, et Christi inimicos quoscumque, et ubicunque constitutos regna, ducatus, comitatus, principatus aliaque dominia, terras, loca, villas, castra, et quaecumque alia possessiones, bona mobilia et immobilia in quibuscumque rebus consistentia, et quocumque nomine censeantur, per eosdem Sarracenos, paganos, infideles, et Christi inimicos detenta, et possessa, etiam ejuisque seu quorumcumque regis, seu principis, aut regum, vel principum regna, ducatus, comitatus, principatus, aliaque dominia, terrae, loca, villae, castra, possessiones, et bona hujusmodi fuerint, invadendi, conquerendi, expugnandi, et subjugandi, illorumque personas in perpetuam servitutem redigendi, regna quoque, ducatus, comitatus, principatus, aliaque dominia, possessiones, et bona hujusmodi, tibi et successoribus tuis Regibus Portugalliae, perpetuo applicandi, et appropriandi, ac in tuos, et eorundem successorum usus et utilitates convertendi plenam et liberam, auctoritate apostolica, tenore praesentium concedimus facultatem. . . ." Jordão, *Bullarium*, p. 22. It will be noticed that this bull sanctions the enslaving of the infidels. Two interesting bulls respecting slaves from the Canary Islands, printed in appendix II. of *Carácter de la Conquista y Colonización de las Islas Canarias: Discursos leídos ante la Real Academia de la Historia* (1901) by Don Rafael Torres Campos, show that Eugenius IV., the immediate predecessor of Nicholas V., not only wished to protect from slavery and annoyance those aborigines who had embraced the faith, but also expressed a fear that dread of captivity would deter others from conversion.

<sup>22</sup> The phrase *motu proprio*, etc., had long been a mere form, which exempted the recipient of the bull from the ordinary taxes. J. Haller, "Die Ausfertigung der Provisionen", *Quellen und Forschungen*, II. (1), (1899), p. 3. "Eine päpstliche Verleihung erfolgt fast immer nur auf Grund einer eingereichten Supplik. Der Empfänger also hat die Initiative zu ergreifen auch da, wo es sich scheinbar um einen spontanen Act des Papstes, ein *motu proprio* handelt. Denn auch diese Art der Verleihung ist schon früh eine blosser Form geworden, bestimmt, dem Empfänger Abgabefreiheit und andere Vorrechte zu verschaffen."

Ceptensem et predicta ac quecumque alia etiam ante data dictarum facultatis litterarum acquisita, et ad ea, que imposterum nomine dictorum Alfonsi regis suorumque successorum et infantis, in ipsis ac illis circumvicinis et ulterioribus ac remotioribus partibus, de infidelium seu paganorum manibus acquiri poterunt provincias, insulas, portus, et maria quecumque extendi et illa sub eisdem facultatis litteris comprehendi, Ipsarumque facultatis et presentium litterarum vigore jam acquisita et que in futurum acquiri contigerit, postquam acquisita fuerint, ad prefatos regem et successores suos ac infantem, ipsamque conquestam quam a capitibus de Bojador<sup>30</sup> et de Nam<sup>31</sup> usque per totam Guineam et ultra versus illam meridionalem plagam<sup>32</sup> extendi harum serie declaramus etiam ad ipsos Alfonsum Regem et successores suos ac infantem et non ad aliquos alios spectasse et pertinuisse ac imperpetuum spectare et pertinere de jure, Necnon Alfonsum Regem et successores suos ac infantem predictos in illis et circa ea quecumque prohibitiones, statuta, et mandata, etiam penalia, et cum cujusvis tributi impositione facere, ac de ipsis ut de rebus propriis et aliis ipsorum dominiis disponere et ordinare potuisse ac nunc et in futurum posse libere ac licite tenore presentium decernimus et declaramus. Ac pro potioris juris et cautele suffragio, jam acquisita et que imposterum acquiri contigerit, provincias, insulas, portus, loca, et maria, quecumque, quotcumque, et qualiacumque fuerint, ipsamque conquestam a capitibus de Bojador et de Nom predictis Alfonso Regi et successoribus suis, regibus dictorum regnorum, ac infanti prefatis, perpetuo donamus, concedimus, et appropriamus per presentes. Preterea cum id ad perficiendum opus hujusmodi multipliciter sit oportunum [concedimus] quod Alfonsus Rex et successores ac infans predicti, nec non persone quibus hoc duxerint, seu aliquis eorum duxerit committendum, illius dicto Johanni Regi per felicis recollectionis Martinum V., et alterius indultorum etiam inclite memorie Eduardo eorundem regnorum regi, ejusdem Alfonsi Regis genitori, per pie memorie Eugenium IV., Romanos pontifices, predecessores nostros, concessorum versus dictas partes cum quibusvis Sarracenis et infidelibus, de quibuscumque rebus et bonis ac victualibus, emptiones et venditiones prout congruerit facere, nec non quoscunque contractus inire, transigere, pacisci, mercari, ac negociari, et merces quascunque ad ipsorum Sarracenorum et infidelium loca, dummodo ferramenta, ligamina, funes, naves, seu armaturarum genera non sint, deferre, et ea dictis Sarracenis et infidelibus vendere, omnia quoque alia et singula in premissis et circa ea oportuna vel necessaria facere, gerere, vel exercere: ipsique Alfonsus Rex, successores, et infans

<sup>30</sup> Cape Bojador, in 26° 7' N., was rounded by Gil Eannes in 1434. Azurara, *Guinea* (ed. Beazley and Prestage), II. x.

<sup>31</sup> During a long period prior to Prince Henry's expeditions, Cape Na or Nam was the southern limit of Portuguese coast navigation. This cape was therefore probably not the Cape Non situated to the north of the Canary Islands, in 28° 47' N., but must have been south of Cape Bojador, where, indeed, it is placed on some maps of the early fifteenth century. See the article on "España en Berberia" by M. Jiménez de la Espada in the *Boletín de la Sociedad Geográfica de Madrid*, tom. IX. (1880), p. 316. The fact that throughout this and the following text Cape Nam is mentioned after Cape Bojador may indicate that it lay to the south of it.

<sup>32</sup> Probably no definite locality is intended.

<sup>33</sup> The reference is to the bull *Praeclaris tuae*, issued by Eugenius IV. on May 25, 1437, and summarized in *Algs. Docs.*, p. 5. The bull of Martin V. here mentioned may have been issued in 1424 or 1425 in connection with the Spanish-Portuguese controversy over the Canaries. Such a bull is referred to in Cod. Vatic. 4151, f. 18 (Kretschmer. *Entdeckung Amerika's*, 1892, p. 220 note) and in *Algs. Docs.*, p. 3. Cf. above, note 23.



in jam acquisitis et per eum acquirendis provinciis, insulis, ac locis, quascunque ecclesias, monasteria, et alia pia loca fundare ac fundari et construi [curare], nec non quascunque voluntarias personas ecclesiasticas, seculares, quorumvis etiam mendicantium ordinum regulares, de superiorum tamen suorum licentia, ad illa transmittere, ipseque persone inibi etiam quoad vixerint commorari, ac quorumcunque in dictis partibus existentium vel accedentium confessiones audire, illisque auditis in omnibus preterquam sedi predictæ reservatis, casibus, debitam absolutionem impendere, ac penitentiam salutarem injungere, nec non ecclesiastica sacramenta ministrare valeant libere ac licite decernimus, ipsique Alfonso et successoribus suis Regibus Portugalie, qui erunt imposterum et infanti prefato concedimus et indulgemus; ac universos et singulos Christi fideles ecclesiasticos, seculares, et ordinum quorumcunque regulares, ubilibet per orbem constitutos, cujuscunque status, gradus, ordinis, conditionis, vel preeminentie fuerint, etiamsi archiepiscopali, episcopali, imperiali, regali, reginali, ducali, seu alia quacunque majori ecclesiastica vel mundana dignitate prefulgeant, obsecramus in Domino et per aspersionem sanguinis Domini nostri Ihesu Christi, cujus ut premititur res agitur, exhortamur, eisque in remissionem suorum peccaminum injungimus, nec non hoc perpetuo prohibitionis edicto districtius inhibemus, ne ad acquisita seu possessa nomine Alfonsi Regis aut in conquesta hujusmodi consistentia provincias, insulas, portus, maria, et loca quecunque seu alias ipsis Sarracenis, infidelibus, vel paganis arma, ferrum, ligamina, aliaque a jure Sarracenis deferri prohibita quoquomodo, vel etiam absque speciali ipsius Alfonsi Regis et successorum suorum et infantis licentia, merces et alia a jure permissa deferre, aut per maria hujusmodi navigare, seu deferri vel navigari facere, aut in illis piscari, seu de provinciis, insulis, portibus, maribus, et locis, seu aliquibus eorum, aut de conquesta hujusmodi se intromittere, vel aliquid per quod Alfonsus Rex et successores sui et infans predicti quo minus acquisita et possessa pacifice possideant, ac conquestam hujusmodi prosequantur et faciant, per se vel alium seu alios, directe vel indirecte, opere vel consilio, facere, aut impedire quoquo modo presumant. Qui vero contrarium fecerint, ultra penas contra deferentes arma et alia prohibita Sarracenis quibuscunque a jure promulgatas, quas illos incurrere volumus ipso facto, si persone fuerint, singulares excommunicationis sententiam incurrant, si communitas vel universitas civitatis, castri, ville, seu loci, ipsa civitas, castrum, villa, seu locus interdicto subjaceant eo ipso; nec contrafacientes ipsi vel aliqui eorum ab excommunicationis sententia absolvantur, nec interdicti hujusmodi relaxationem, apostolica vel alia quavis auctoritate obtinere possint, nisi ipsis Alfonso et successoribus suis ac infanti prius pro premissis congrue satisfecerint, aut desuper amicabiliter concordaverint cum eisdem. Mandantes per apostolica scripta venerabilibus fratribus nostris Archiepiscopo Ulixbonensi et Silvensi ac Ceptensi Episcopis,<sup>43</sup> quatenus ipsi vel duo aut unus eorum, per se vel alium seu alios, quotiens pro parte Alfonsi Regis et illius successorum ac infantis predictorum vel alicujus eorum desuper fuerint requisiti, vel aliquis ipsorum fuerit requisitus, illos quos excommunicationis et interdicti sententias hujusmodi incurrisse constiterit, tamdiu dominicis aliisque festivis diebus

<sup>43</sup>The executory instrument (*executoria*) issued by Dom Jayme, archbishop of Lisbon, and Alvaro, bishop of Silves, as executors (*juizes executores*) of this bull, is preserved in the National Archives at Lisbon, Coll. de Bullas, maço 32, no. 10. The similar instrument issued by João, bishop of Ceuta, is in the same archives, Coll. de Bullas, maço 33, no. 14. Both instruments include the text of the bull.

in ecclesiis, dum inibi major populi multitudo convenerit ad divina, excommunicatos et interdictos aliisque penis predictis innodatos fuisse et esse, auctoritate apostolica declarent et denuntient; nec non ab aliis nuntiari et ab omnibus arctius evitari faciant, donec pro premissis satisfecerint seu concordaverint, ut preferitur; contradictores per censuram ecclesiasticam, appellatione postposita, compescendo, non obstantibus constitutionibus et ordinationibus apostolicis ceterisque contrariis quibuscunque. Ceterum, ne presentes littere, que a nobis de nostra certa scientia et matura desuper deliberatione prehabita emanarunt, ut preferitur, de surreptionis vel obreptionis aut nullitatis vitio a quoquam imposterum valeant impugnari, volumus, et auctoritate, scientia, ac potestate predictis, harum serie decernimus pariter et declaramus, quod dicte littere et in eis contenta de surreptionis, obreptionis, vel nullitatis, etiam ex ordinarie vel alterius cujuscunque potestatis, aut quovis alio defectu, impugnari, illarumque effectus retardari vel impediri nullatenus possint, sed imperpetuum valeant, ac plenam obtineant roboris firmitatem; irritum quoque sit et inane si secus super hiis a quoquam quavis auctoritate, scienter vel ignoranter, contigerit attemptari. Et insuper, quia difficile foret presentes nostras litteras ad quecunque loca deferre, volumus, et dicta auctoritate harum serie decernimus, quod earum transumpto, manu publica et sigillo episcopalis vel alicujus superioris ecclesiasticæ curie munito, plena fides adhibeatur et perinde stetur, ac si dicte originales littere forent exhibite vel ostense; et excommunicationis alieque sententie in illis contente infra duos menses, computandos a die qua ipse presentes littere seu carte vel membrane earum tenorem in se continentes valvis ecclesie Ulixbonensi affixe fuerint, perinde omnes et singulos contra facientes supradictos ligent, ac si ipse presentes littere eis personaliter et legitime intimate ac presentate fuissent. Nulli ergo omnino hominum liceat hanc paginam nostre declarationis, constitutionis, donationis, concessionis, appropriationis, decreti, obsecrationis, exhortationis, injunctionis, inhibitionis, inhibitionis, mandati, et voluntatis infringere, vel ei ausu temerario contraire. Si quis autem hoc attemptare presumpserit, indignationem Omnipotentis Dei et beatorum Petri et Pauli apostolorum ejus se noverit incursurum. Datum Rome apud Sanctum Petrum, anno Incarnationis Dominice millesimo quadringentesimo quinquagesimo quarto, sexto idus Januarii, pontificatus nostri anno octavo.

PE. DE NOXETO.<sup>45</sup>

#### TRANSLATION.<sup>46</sup>

Nicholas, bishop, servant of the servants of God. For a perpetual remembrance.

The Roman pontiff, successor of the key-bearer of the heavenly kingdom and vicar of Jesus Christ, contemplating with a father's mind all the several climes of the world and the characteristics of all the nations dwelling in them

<sup>45</sup> In the dating of papal bulls, up to the pontificate of Innocent XII. (1691-1700), the 25th of March was usually reckoned as the beginning of the year. A. Giry, *Manuel de Diplomatique* (1894), p. 696. According to our present reckoning, therefore, this bull dates from the year 1455.

<sup>46</sup> Pietro da Noceto was the private secretary and confidant of Nicholas V. L. von Pastor, *Geschichte der Päpste*, I. (1901), 365.

The bull bears the usual official endorsement "Registrata in camera apostolica".

<sup>47</sup> In this translation the editor has been aided by Bolland's translation, mentioned in the bibliography, and by valuable suggestions from C. G. Bayne, C. S. I.

and seeking and desiring the salvation of all, wholesomely ordains and disposes upon careful deliberation those things which he sees will be agreeable to the Divine Majesty and by which he may bring the sheep entrusted to him by God into the single divine fold, and may acquire for them the reward of eternal felicity, and obtain pardon for their souls. This we believe will more certainly come to pass, through the aid of the Lord, if we bestow suitable favors and special graces on those Catholic kings and princes, who, like athletes and intrepid champions of the Christian faith, as we know by the evidence of facts, not only restrain the savage excesses of the Saracens and of other infidels, enemies of the Christian name, but also for the defense and increase of the faith vanquish them and their kingdoms and habitations, though situated in the remotest parts unknown to us, and subject them to their own temporal dominion, sparing no labor and expense, in order that "those kings and princes, relieved of all obstacles, may be the more animated to the prosecution of so salutary and laudable a work.

We have lately heard, not without great joy and gratification, how our beloved son, the noble personage Henry, infante of Portugal, uncle of our most dear son in Christ, the illustrious Alfonso, king of the kingdoms of Portugal and Algarve, treading in the footsteps of John, of famous memory, king of the said kingdoms, his father, and greatly inflamed with zeal for the salvation of souls and with fervor of faith, as a Catholic and true soldier of Christ, the Creator of all things, and a most active and courageous defender and intrepid champion of the faith in Him, has aspired from his early youth with his utmost might to cause the most glorious name of the said Creator to be published, extolled, and revered throughout the whole world, even in the most remote and undiscovered places, and also to bring into the bosom of his faith the perfidious enemies of him and of the life-giving Cross by which we have been redeemed, namely the Saracens and all other infidels whatsoever, [and how] after the city of Ceuta, situated in Africa, had been subdued by the said King John to his dominion, and after many wars had been waged, sometimes in person, by the said infante, although in the name of the said King John, against the enemies and infidels aforesaid, not without the greatest labors and expense, and with dangers and loss of life and property, and the slaughter of very many of their natural subjects, the said infante being neither enfeebled nor terrified by so many and great labors, dangers, and losses, but growing daily more and more zealous in prosecuting this his so laudable and pious purpose, has peopled with orthodox Christians certain solitary islands in the ocean sea, and has caused churches and other pious places to be there founded and built, in which divine service is celebrated. Also by the laudable endeavor and industry of the said infante, very many inhabitants or dwellers in divers islands situated in the said sea, coming to the knowledge of the true God, have received holy baptism, to the praise and glory of God, the salvation of the souls of many, the propagation also of the orthodox faith, and the increase of divine worship.

Moreover, since, some time ago, it had come to the knowledge of the said infante that never, or at least not within the memory of men, had it been customary to sail on this ocean sea toward the southern and eastern shores, and that it was so unknown to us westerners that we had no certain knowledge of the peoples of those parts, believing that he would best perform his

"I. e., if we bestow these favors, in order that.

duty to God in this matter, if by his effort and industry that sea might become navigable as far as to the Indians who are said to worship the name of Christ, and that thus he might be able to enter into relation with them, and to incite them to aid the Christians against the Saracens and other such enemies of the faith, and might also be able forthwith to subdue certain gentile or pagan peoples, living between, who are entirely free from infection by the sect of the most impious Mahomet, and to preach and cause to be preached to them the unknown but most sacred name of Christ, strengthened, however, always by the royal authority, he has not ceased for twenty-five years past" to send almost yearly an army of the peoples of the said kingdoms, with the greatest labor, danger, and expense, in very swift ships called caravels, to explore the sea and coast lands toward the south and the Antarctic pole. And so it came to pass that when a number of ships of this kind had explored and taken possession of very many harbors, islands, and seas, they at length came to the province of Guinea, and having taken possession of some islands and harbors and the sea adjacent to that province, sailing farther they came to the mouth of a certain great river commonly supposed to be the Nile, and war was waged for some years against the peoples of those parts in the name of the said King Alfonso and of the infante, and in it very many islands in that neighborhood were subdued and peacefully possessed, as they are still possessed together with the adjacent sea. Thence also many Guineamen and other negroes, taken by force, and some by barter of unprohibited articles, or by other lawful contract of purchase, have been sent to the said kingdoms. A large number of these have been converted to the Catholic faith, and it is hoped, by the help of divine mercy, that if such progress be continued with them, either those peoples will be converted to the faith or at least the souls of many of them will be gained for Christ.

But since, as we are informed, although the king and infante aforesaid (who with so many and so great dangers, labors, and expenses, and also with loss of so many natives of their said kingdoms, very many of whom have perished in those expeditions, depending only upon the aid of those natives, have caused those provinces to be explored and have acquired and possessed such harbors, islands, and seas, as aforesaid, as the true lords of them), fearing lest strangers induced by covetousness should sail to those parts, and desiring to usurp to themselves the perfection, fruit, and praise of this work, or at least to hinder it, should therefore, either for the sake of gain or through malice, carry or transmit iron, arms, wood used for construction, and other things and goods prohibited to be carried to infidels, or should teach those infidels the art of navigation, whereby they would become more powerful and obstinate enemies to the king and infante, and the prosecution of this enterprise would either be hindered, or would perhaps entirely fail, not without great offense to God and great reproach to all Christianity, to prevent this and to conserve their right and possession, [the said king and infante] under certain most severe penalties then expressed, have prohibited and in general have ordained that none, unless with *their* sailors and ships and on payment of a certain tribute and with an express license previously obtained from the said king or infante, should presume to sail to the said provinces or to trade in their ports or to fish in the sea,

"It is probable that *a viginti quinque annis* should be translated "from twenty-five years [of age]", *i. e.*, from 1419. Cf. Bourne, *Essays*, p. 178.

[although the king and infante have taken this action, yet] in time it might happen that persons of other kingdoms or nations, led by envy, malice, or covetousness, might presume, contrary to the prohibition aforesaid, without license and payment of such tribute, to go to the said provinces, and in the provinces, harbors, islands, and sea, so acquired, to sail, trade, and fish; and thereupon between King Alfonso and the infante, who would by no means suffer themselves to be so trifled with in these things, and the presumptuous persons aforesaid, very many hatreds, rancors, dissensions, wars, and scandals, to the highest offense of God and danger of souls, probably might and would ensue—We [therefore] weighing all and singular the premises with due meditation, and noting that since we had formerly by other letters of ours granted among other things free and ample faculty to the aforesaid King Alfonso—to invade, search out, capture, vanquish, and subdue all Saracens and pagans whatsoever, and other enemies of Christ wheresoever placed, and the kingdoms, dukedoms, principalities, dominions, possessions, and all movable and immovable goods whatsoever held and possessed by them and to reduce their persons to perpetual slavery, and to apply and appropriate to himself and his successors the kingdoms, dukedoms, counties, principalities, dominions, possessions, and goods, and to convert them to his and their use and profit—by having secured the said faculty, the said King Alfonso, or, by his authority, the aforesaid infante, justly and lawfully has acquired and possessed, and doth possess, these islands, lands, harbors, and seas, and they do of right belong and pertain to the said King Alfonso and his successors, nor without special license from King Alfonso and his successors themselves has any other even of the faithful of Christ been entitled hitherto, nor is he by any means now entitled lawfully to meddle therewith—in order that King Alfonso himself and his successors and the infante may be able the more zealously to pursue and may pursue this most pious and noble work, and most worthy of perpetual remembrance (which, since the salvation of souls, increase of the faith, and overthrow of its enemies may be procured thereby, we regard as a work wherein the glory of God, and faith in Him, and His commonwealth, the Universal Church, are concerned) in proportion as they, having been relieved of all the greater obstacles, shall find themselves supported by us and by the Apostolic See with favors and graces—we, being very fully informed of all and singular the premises, do, *motu proprio*, not at the instance of King Alfonso or the infante, or on the petition of any other offered to us on their behalf in respect to this matter, and after mature deliberation, by apostolic authority, and from certain knowledge, in the fullness of apostolic power, by the tenor of these presents decree and declare that the aforesaid letters of faculty (the tenor whereof we wish to be considered as inserted word for word in these presents, with all and singular the clauses therein contained) are extended to Ceuta and to the aforesaid and all other acquisitions whatsoever, even those acquired before the date of the said letters of faculty, and to all those provinces, islands, harbors, and seas whatsoever, which hereafter, in the name of the said King Alfonso and of his successors and of the infante, in those parts and the adjoining, and in the more distant and remote parts, can be acquired from the hands of infidels or pagans, and that they are comprehended under the said letters of faculty. And by force of those and of the present letters of faculty the acquisitions already made, and what hereafter shall happen to be acquired, after they shall have been acquired, we do by the

tenor of these presents decree and declare have pertained, and forever of right do belong and pertain, to the aforesaid king and to his successors and to the infante, and that the right of conquest which in the course of these letters we declare to be extended from the capes of Bojador and of Não, as far as through all Guinea, and beyond toward that southern shore," has belonged and pertained, and forever of right belongs and pertains, to the said King Alfonso, his successors, and the infante, and not to any others. We also by the tenor of these presents decree and declare that King Alfonso and his successors and the infante aforesaid might and may, now and henceforth, freely and lawfully, in these [acquisitions] and concerning them make any prohibitions, statutes, and decrees whatsoever, even penal ones, and with imposition of any tribute, and dispose and ordain concerning them as concerning their own property and their other dominions. And in order to confer a more effectual right and assurance we do by these presents forever give, grant, and appropriate to the aforesaid King Alfonso and his successors, kings of the said kingdoms, and to the infante, the provinces, islands, harbors, places, and seas whatsoever, how many soever, and of what sort soever they shall be, that have already been acquired and that shall hereafter come to be acquired, and the right of conquest also from the capes of Bojador and of Não aforesaid.

Moreover, since this is fitting in many ways for the perfecting of a work of this kind, we allow that the aforesaid King Alfonso and [his] successors and the infante, as also the persons to whom they, or any one of them, shall think that this work ought to be committed, may (according to the grant made to the said King John by Martin V., of happy memory, and another grant made also to King Edward of illustrious memory, king of the same kingdoms, father of the said King Alfonso, by Eugenius IV., of pious memory, Roman pontiffs, our predecessors) make purchases and sales of any things and goods and victuals whatsoever, as it shall seem fit, with any Saracens and infidels, in the said regions; and also may enter into any contracts, transact business, bargain, buy and negotiate, and carry any commodities whatsoever to the places of those Saracens and infidels, provided they be not iron instruments, wood to be used for construction, cordage, ships, or any kinds of armor, and may sell them to the said Saracens and infidels; and also may do, perform, or prosecute all other and singular things [mentioned] in the premises, and things suitable or necessary in relation to these; and that the same King Alfonso, his successors, and the infante, in the provinces, islands, and places already acquired, and to be acquired by him, may found and [cause to be] founded and built any churches, monasteries, or other pious places whatsoever; and also may send over to them any ecclesiastical persons whatsoever, as volunteers, both seculars, and regulars of any of the mendicant orders (with license, however, from their superiors), and that those persons may abide there as long as they shall live, and hear confessions of all who live in the said parts or who come thither, and after the confessions have been heard they may give due absolution in all cases, except those reserved to the aforesaid see, and enjoin salutary penance, and also administer the ecclesiastical sacraments freely and lawfully, and this we allow and grant to Alfonso himself, and his successors, the kings of Portugal,

"Vignaud, *Toscanelli*, p. 61, translates "extending thence beyond towards the distant shores of the south".

who shall come afterwards, and to the aforesaid infante. Moreover, we entreat in the Lord, and by the sprinkling of the blood of our Lord Jesus Christ, whom, as has been said, it concerneth, we exhort, and as they hope for the remission of their sins enjoin, and also by this perpetual edict of prohibition we more strictly inhibit, all and singular the faithful of Christ, ecclesiastics, seculars, and regulars of whatsoever orders, in whatsoever part of the world they live, and of whatsoever state, degree, order, condition, or pre-eminence they shall be, although endued with archiepiscopal, episcopal, imperial, royal, queenly, ducal, or any other greater ecclesiastical or worldly dignity, that they do not by any means presume to carry arms, iron, wood for construction, and other things prohibited by law from being in any way carried to the Saracens, to any of the provinces, islands, harbors, seas, and places whatsoever, acquired or possessed in the name of King Alfonso, or situated in this conquest or elsewhere, to the Saracens, infidels, or pagans; or even without special license from the said King Alfonso and his successors and the infante, to carry or cause to be carried merchandise and other things permitted by law, or to navigate or cause to be navigated those seas, or to fish in them, or to meddle with the provinces, islands, harbors, seas, and places, or any of them, or with this conquest, or to do anything by themselves or another or others, directly or indirectly, by deed or counsel, or to offer any obstruction whereby the aforesaid King Alfonso and his successors and the infante may be hindered from quietly enjoying their acquisitions and possessions, and prosecuting and carrying out this conquest.

And we decree that whosoever shall infringe these orders [shall incur the following penalties], besides the punishments pronounced by law against those who carry arms and other prohibited things to any of the Saracens, which we wish them to incur by so doing; if they be single persons, they shall incur the sentence of excommunication; if a community or corporation of a city, castle, village, or place, that city, castle, village, or place shall be thereby subject to the interdict; and we decree further that transgressors, collectively or individually, shall not be absolved from the sentence of excommunication, nor be able to obtain the relaxation of this interdict, by apostolic or any other authority, unless they shall first have made due satisfaction for their transgressions to Alfonso himself and his successors and to the infante, or shall have amicably agreed with them thereupon. By [these] apostolic writings we enjoin our venerable brothers, the archbishop of Lisbon, and the bishops of Silves and Ceuta, that they, or two or one of them, by himself, or another or others, as often as they or any of them shall be required on the part of the aforesaid King Alfonso and his successors and the infante or any one of them, on Sundays, and other festival days, in the churches, while a large multitude of people shall assemble there for divine worship, do declare and denounce by apostolic authority that those persons who have been proved to have incurred such sentences of excommunication and interdict, are excommunicated and interdicted, and have been and are involved in the other punishments aforesaid. And we decree that they shall also cause them to be denounced by others, and to be strictly avoided by all, till they shall have made satisfaction for or compromised their transgressions as aforesaid. Offenders are to be held in check by ecclesiastical censure, without regard to appeal, the apostolic constitutions and ordinances and all other things whatsoever to the contrary notwithstanding. But in order that the present letters, which have been issued by us of our certain knowledge and after mature deliberation

thereupon, as is aforesaid, may not hereafter be impugned by anyone as fraudulent, secret, or void, we will, and by the authority, knowledge, and power aforementioned, we do likewise by these letters, decree and declare that the said letters and what is contained therein cannot in any wise be impugned, or the effect thereof hindered or obstructed, on account of any defect of fraudulency, secrecy, or nullity, not even from a defect of the ordinary, or of any other authority, or from any other defect, but that they shall be valid forever and shall obtain full authority. And if anyone, by whatever authority, shall, wittingly or unwittingly, attempt anything inconsistent with these orders we decree that his act shall be null and void. Moreover, because it would be difficult to carry our present letters to all places whatsoever, we will, and by the said authority we decree by these letters, that faith shall be given as fully and permanently to copies of them, certified under the hand of a notary public and the seal of the episcopal or any superior ecclesiastical court, as if the said original letters were exhibited or shown; and we decree that within two months from the day when these present letters, or the paper or parchment containing the tenor of the same, shall be affixed to the doors of the church at Lisbon, the sentences of excommunication and the other sentences contained therein shall bind all and singular offenders as fully as if these present letters had been made known and presented to them in person and lawfully. Therefore let no one infringe or with rash boldness contravene this our declaration, constitution, gift, grant, appropriation, decree, supplication, exhortation, injunction, inhibition, mandate, and will. But if anyone should presume to do so, be it known to him that he will incur the wrath of Almighty God and of the blessed apostles Peter and Paul. Given at Rome, at Saint Peter's, on the eighth day of January, in the year of the incarnation of our Lord one thousand four hundred and fifty-four, and in the eighth year of our pontificate.

P. DE NOXETO.



## 2.

### *The Bull Inter Caetera (Calixtus III.). March 13, 1456.*

#### INTRODUCTION.

Calixtus III., who succeeded Nicholas V. on April 8, 1455, was a Spaniard of fiery spirit and religious zeal, who exerted himself to the utmost to rouse the nations of Europe to a crusade against the Turk. For this purpose he despatched legates to many countries,<sup>1</sup> and among them he sent Alvaro, bishop of Silves, an executor of the bull *Romanus pontifex*<sup>2</sup> and a man of great authority in the Roman Court,<sup>3</sup> as legate *a latere* to King Alfonso V. of Portugal. At the same time (February-March, 1456) he granted that monarch a number of concessions,<sup>4</sup> including the following bull, for which Prince Henry and Alfonso had petitioned.

Besides confirming the bull *Romanus pontifex*, this bull conferred upon the Portuguese military Order of Christ,<sup>5</sup> of which Prince Henry was governor,<sup>6</sup> the spiritualities in all the lands acquired and to be acquired "from Capes Bojador and Nam through the whole of Guinea and beyond its southern shore as far as to the Indians". Whether the phrase "usque ad Indos" referred to the subjects of Prester John or to the East Indians remains a point of controversy.<sup>7</sup>

#### BIBLIOGRAPHY.

**Text: MS.** An official copy of the bull, made on August 16, 1456, in the house of King Alfonso's master of requests, at the instance of the king's procurator, is in the National Archives in Lisbon, gav. 7<sup>a</sup>, maço 13, no. 7.

**Text: Printed.** J. Ramos-Coelho, *Alguns Documentos* (1892), pp. 20-22; L. M. Jordão, *Bullarium*,<sup>8</sup> pp. 36-37.

**References.** L. von Pastor, *Geschichte der Päpste*, I. (1901) 655 ff.; H. Vignaud, *Histoire Critique*,<sup>9</sup> I. 205-206.

<sup>1</sup> Pastor, *Geschichte der Päpste*, I. (1901) 660 ff.

<sup>2</sup> Doc. 1, note 43.

<sup>3</sup> Damião de Goes, *Chronica de Joam II.* (1567), c. 10.

<sup>4</sup> Santarem, *Quadro Elementar* (1842-1876) X. 59-64.

<sup>5</sup> See below, note 14.

<sup>6</sup> Cf. note 3 in Beazley, "Prince Henry of Portugal and the African Crusade", *Am. Hist. Rev.*, XVI. 11-23.

<sup>7</sup> Vignaud, *Histoire Critique*, I. 205, 206; and cf. Doc. 1, note 30.

<sup>8</sup> For fuller title, see the bibliography of Doc. 1.

## TEXT.\*

In nomine Domini, Amen. Noverint universi presens publicum instrumentum inspecturi, quod anno a nativitate Domini millesimoquatuorcentesimoquinquagesimo sexto, decimasexta mensis Augusti, coram egregio legum Doctore Lupo Valasci<sup>10</sup> de Serpa, illustrissimi domini nostri domini Alfonsi, Portugalie et Algarbii regis Cepteque domini, et in ejus sacro pallacio supplicacionum expeditore, in presencia mei, notarii et testium infrascriptorum, in domo habitacionis ejusdem doctoris, comparuit Alvarus Petri legum licentiatius et ejusdem Serenissimi Regis generalis et legitimus procurator et ejus nomine presentavit dicto doctori quasdam litteras apostolicas Calisti Pape Tercii, quasdam alias Nicolai Pape Quinti in se continentes, non viciosas, non rasas, non cancellatas, set omni suspicione carentes et sigillo plumbeo<sup>11</sup> sigillatas, quarum tenor de verbo ad verbum sequitur et est talis:

Calistus episcopus, servus servorum Dei. Ad perpetuam rei memoriam. Inter cetera que nobis, divina disponente clementia, incumbunt peragenda, ad id nimirum solliciti corde reddimur, ut singulis locis et presertim que Sarracenis sunt finitima, divinus cultus ad laudem et gloriam Omnipotentis Dei et fidei Christiane exaltacionem vigeat et continuu suscipiat incrementum, et, que regibus et principibus per predecessores nostros, Romanos pontifices, bene merito concessa sunt, [et]<sup>12</sup> ex causis legitimis emanarunt, ut, omnibus sublatis dubitacionibus, robur perpetue firmitatis obtineant, apostolico munimine solidemus. Dudum siquidem felicis recordationis Nicolaus Papa V., predecessor noster, litteras concessit tenoris subsequentis:

[Here follows the bull *Romanus pontifex*, printed above, Doc. 1.]

Cum autem sicut [nobis relatum est]<sup>13</sup> pro parte Alfonsi Regis et Henrici Infantis predictorum ipsi supra modum affectent quod espiritualitas in eisdem solitariis insulis,<sup>14</sup> terris, portubus, et locis in mari oceano versus meridiionalem plagam in Guinea consistentibus, quas idem infans de manibus Sarracenorum manu armata extraxit, et Christiane religioni, ut prefertur, conquesivit, prefate Militiae Jhesu Christi,<sup>15</sup> cujus reddituum suffragio idem infans hujusmodi conquestam fecisse perhibetur, per Sedem Apostolicam perpetuo concedatur, ac declaratio, constitutio, donatio, concessio, appropriatio, decretum, obsecratio, exhortatio, injunctio, inhibitio, mandatum, et

\* The text is from a copy of the bull made in the house of King Alfonso's master of requests at the instance of the king's procurator, on Aug. 16, 1456, and preserved in the National Archives at Lisbon, gav. 7<sup>a</sup>, maço 13, no. 7.

<sup>10</sup> Lopo Vasques, a native of Serpa, stood high in the favor of King Alfonso, by whose order he translated from Latin into the vernacular a work entitled *Tomada de Constantinopla pelo Graõ Turco*. D. Barbosa Machado, *Bibliotheca Lusitana*, III. (1752) 21.

<sup>11</sup> In MS., *pumblio*.

<sup>12</sup> Not in the MS.

<sup>13</sup> In MS., *insolis*.

<sup>14</sup> The Order of Christ was founded in 1319 by King Diniz in conjunction with Pope John XXII. and was endowed with the greater part of the wealth of the recently dissolved Order of the Templars. Prince Henry's African expeditions were made under its banner, and it was granted ecclesiastical and other revenues from many of the newly found lands, in the islands of the Atlantic, Africa, and the Far East. Since its growing wealth threatened to make it a danger to the kingdom, its grandmastership was permanently united with the crown of Portugal in 1551. In 1789 it was secularized. For an account of this order to 1551 see H. da Gama Barros, *Historia da Administração Publica em Portugal nos Seculos XII. a XV.*, I. (1885) 382-388.

voluntas, nec non littere Nicolai predecessoris hujusmodi, ac omnia et singula" in eis contenta confirmantur, quare pro parte regis et infantis predictorum nobis fuit humiliter supplicatum, ut declarationi, constitutioni, donationi, concessioni, appropriationi, decreto, obsecrationi, exhortationi, injunctioni, inhibitioni, mandato et voluntati, ac litteris hujusmodi et in eis contentis pro illorum subsistentia firmiori, robor apostolice confirmationis adjicere, nec non spiritualitatem ac omnimodam jurisdictionem ordinariam tam in predictis acquisitis quam aliis insulis, terris, et locis per eosdem regem et infantem seu eorum successorem, in partibus dictorum Sarracenorum in futurum acquirendis, prefate militie et ordini hujusmodi perpetuo concedere, aliasque in premissis oportune providere de benignitate apostolica dignaremur.

Nos igitur attendentes religionem dicte militie in eisdem insulis, terris, et locis, fructus afferre posse in Domino salutare, hujusmodi supplicationibus inclinati, declarationem, constitutionem, donationem, appropriationem, decretum, obsecrationem, exhortationem, injunctionem, inhibitionem, mandatum, voluntatem, litteras, et contenta hujusmodi et inde secuta quecumque rata et grata habentes, illa omnia et singula auctoritate apostolica tenore presentium, ex certa scientia, confirmamus et approbamus, ac robori perpetue firmitatis subsistere decernimus, suppletes omnes defectus, si qui forsitan intervenerint in eisdem. Et nichilominus auctoritate et scientia predictis, perpetuo decernimus, statuimus, et ordinamus, quod spiritualitas et omnimoda jurisdictione ordinaria, dominium, et potestas, in spiritualibus duntaxat in insulis, villis, portibus, terris, et locis a capitibus de Bojador et de Nam usque per totam Guineam et ultra illam meridionalem plagam usque ad Indos, acquisitis et acquirendis, quorum situs, numerum, qualitas, vocabula, designationes, confines, et loca presentibus pro expressis haberi volumus ad militiam et ordinem hujusmodi perpetuis futuris temporibus spectent atque pertineant; illaque eis ex nunc tenore, auctoritate, et scientia predictis concedimus et elargimur. Ita quod prior major pro tempore existens ordinis dicte militie" omnia et singula beneficia ecclesiastica, cum cura et sine cura, secularia et ordinum quorumcumque regularia, in insulis, terris, et locis predictis fundata et instituta, seu fundanda et instituenda, cujuscunque qualitatibus et valoris existant seu fuerint, quotiens illa in futurum vacare contigerit, conferre et de illis providere; nec non excommunicationis, suspensionis, privationis, et interdicti, aliasque ecclesiasticas sententias, censuras, et penas, quotiens opus fuerit ac rerum et negotiorum pro tempore ingruentium qualitas id exegerit proferre; omniaque alia et singula que locorum ordinarii in locis in quibus spiritualitatem habere censentur de jure vel consuetudine facere, disponere, et exequi possunt et consueverunt pariformiter, absque ulla differentia facere, disponere, ordinare, et exequi possit et debeat, super quibus omnibus et singulis ei plenam et liberam tenore presentium concedimus facultatem, decernentes insulas, terras, et loca acquisita et acquirenda hujusmodi nullius" diocesis existere, ac irritum et inane si secus super hiis a quoquam quavis auctoritate scienter vel ignoranter contigerit attemptari, non obstantibus constitutionibus et ordinationibus apostolicis nec non statutis, consuetudinibus, privilegiis, usibus, et naturis dicte militie," juramento confirmatione apostolica vel quavis alia firmitate roboratis, ceterisque contrariis quibuscunque. Nulli ergo omnino hominum liceat hanc paginam nostrorum confirmationis, approbationis, constitutionis, suppletionis, decreti, statuti,

" In MS., *singulla*. " In MS., *militie*. " In MS., *nullus*. " In MS., *militie*.

ordinationis, voluntatis, concessionis, et elargitionis infringere vel ei ausu temerario contraire. Si quis autem hoc attemptare presumpserit, indignationem Omnipotentis Dei ac beatorum Petri et Pauli apostolorum ejus se noverit incursum. Datum Rome apud Sanctum Petrum, anno Incarnationis Domine millesimo quadringentesimo quinquagesimo quinto," tertio idus Martii, pontificatus nostri anno primo.

Quibus quidem litteris sic presentatis, prefatus procurator, nomine dicti Serenissimi Regis dicto doctori exposuit quod pro servicio ejusdem regis oportebat ipsum habere unum vel plura transunta dictarum litterarum apostolicarum. Iccirco petebat per me notarium publicum infrascriptum, cum auctoritate predicti doctoris sibi in publica forma concedi. Prefatus vero doctor, auctoritate sui publici officii, sibi fieri mandavit. Acta fuerunt hae in civitate Ulixbonense, in predicta domo habitationis ejusdem doctoris, anno, mense, et die quibus supra, presentibus ibidem venerabilibus viris, ALFONSO JOHANNIS, DIDACO ALFONSI, PHILIPPO ALFONSI, et ALVARO MARTINI scriptoribus in curia prefati Serenissimi Regis, testibus ad hoc vocatis specialiter et rogatis.

Et ego, DIDACUS GONSALVI, regali auctoritate publicus notarius, predictarum litterarum, apostolicarum presentacioni, requisicioni, et auctoritatis prestationi, dum sic fierent et agerentur cum prenominatis testibus presens fui, et hoc presens publicum instrumentum manu propria scripsi, et me subscripsi et signo meo signavi.

[*Notarial sign.*]

#### TRANSLATION.

In the name of God, amen. Be it known to all who shall examine the present public instrument that in the fourteen hundred and fifty-sixth year from the nativity of our Lord, on the sixteenth day of the month of August, in the presence of the eminent doctor of laws, Lopo Vasques de Serpa, master of requests in his sacred palace of the most illustrious lord, our lord Alfonso, king of Portugal and Algarve and lord of Ceuta, in the presence of me, the notary, and of the witnesses whose names are written below, Alvaro Pirez, licentiate of laws and general and lawful procurator of the said Most Serene King, appeared in the dwelling-house of the said doctor and in the king's name presented to the said doctor certain apostolic letters of Pope Calixtus III., containing within them certain others of Pope Nicholas V., not defective, erased, or cancelled, but free from all suspicious indication, and sealed with a leaden seal, the tenor of which, word for word, is as follows:

Calixtus, bishop, servant of the servants of God. For an abiding memorial. Among other works, which, by the merciful dispensation of Providence, it is incumbent upon us to accomplish, we are rendered deeply solicitous at heart with respect to this—that in all places, and especially in those bordering upon the Saracens, divine worship may flourish to the praise and glory of Almighty God and the exalting of the Christian faith, and may obtain continual increase, and that by means of apostolic protection we may establish those grants to

\* Doc. 1, note 44. According to our present reckoning, 1456.

kings and princes, justly made by our predecessors the Roman pontiffs, and based on legitimate grounds, so that through the removal of all doubts they may possess perpetual validity. Indeed a short while ago Pope Nicholas V., of happy memory, our predecessor, granted letters of the following tenor:

[Here follows the bull *Romanus pontifex*, Doc. 1.]

Since, however, as has been reported to us on behalf of the aforesaid King Alfonso and the Infante Henry, they are extremely eager that ecclesiastical jurisdiction in the said solitary islands, lands, harbors, and places, situated in the ocean toward the southern shore in Guinea, which the said infante withdrew with mailed hand from the hands of the Saracens, and conquered for the Christian religion, as is stated, may be granted forever by the Apostolic See to the aforesaid Order of Jesus Christ, by the support of whose revenues the said prince is asserted to have made this conquest; and that the declaration, constitution, gift, grant, appropriation, decree, entreaty, exhortation, injunction, inhibition, mandate, and will, and the letters of the said Nicholas, our predecessor, and all and singular contained therein, may be confirmed; therefore, on the part of the said king and infante we were humbly besought that we might be graciously pleased of our apostolic good-will to add the support of the apostolic confirmation to the declaration, constitution, gift, grant, appropriation, decree, entreaty, exhortation, injunction, inhibition, mandate, and will, and to the said letters and what is contained therein, in order to establish them more firmly; and to grant in perpetuity to the military order aforesaid, ecclesiastical and all kinds of ordinary jurisdiction, both in the acquired possessions aforesaid, and in the other islands, lands, and places, which may hereafter be acquired by the said king and prince or by their successor, in the territories of the said Saracens; and otherwise, in respect to the premises, to make convenient provision. We, therefore, longing that the religion of the said order may be able in the Lord to bear wholesome fruit in the said islands, lands, and places, influenced by these supplications, and considering as valid and acceptable the above-mentioned declaration, constitution, gift, appropriation, decree, entreaty, exhortation, injunction, inhibition, mandate, will, letters, and contents, and everything done by virtue thereof, through our apostolic authority and of our certain knowledge, do confirm and approve them, all and singular, by the tenor of these presents, and supplying all defects, if there should be any therein, we decree that they remain perpetually valid. And moreover by the authority and with the knowledge aforesaid, we determine, ordain, and appoint forever that ecclesiastical and all ordinary jurisdiction, lordship, and power, in ecclesiastical matters only, in the islands, villages, harbors, lands, and places, acquired and to be acquired from capes Bojador and Nam as far as through all Guinea, and past that southern shore all the way to the Indians, the position, number, nature, appellations, designations, bounds, and localities of which we wish to be considered as expressed by these presents, shall belong and pertain to the said military order for all time; and in accordance with the tenor of these presents, by the authority and knowledge aforesaid, we grant and give them these. So that the prior major, for the time being, of the said military order may and ought to collate and provide to all and singular ecclesiastical benefices, with or without cure of souls, and whether tenable by seculars or by regulars of whatsoever orders, founded and instituted, or to be founded or instituted, in the said islands, lands, and places, of whatever nature and

value the benefices are or shall be, as often as they may fall vacant in the future. Also, he may and ought to pronounce ecclesiastical sentences, censures, and penalties of excommunication, suspension, deprivation, interdict, and other sentences, whenever the necessity may arise and the nature of affairs and the course of circumstances may require. And all and singular other acts which, in the places wherein the local ordinaries are held to possess ecclesiastical jurisdiction by law or custom, they are able or are accustomed to perform, determine, and execute, the prior major may and ought to perform, determine, order, and execute, in like manner and without any difference. In respect to all and singular these things, we grant him full and free faculty by virtue of these presents, decreeing that these islands, lands, and places, acquired and to be acquired, are included in no diocese and that, if it shall happen that anyone, by whatever authority, shall wittingly or unwittingly attempt anything in respect to these matters which is inconsistent with these provisions, it shall be null and void: the apostolical constitutions and ordinances, also the statutes, customs, privileges, use, and natural rights of the said military order, though strengthened by oath, by apostolical confirmation, or by any other binding force, and any other things whatsoever, to the contrary notwithstanding. Let no one, therefore, infringe or with rash boldness contravene this our confirmation, approbation, constitution, completion, decree, statute, order, will, grant, and gift. Should anyone presume to attempt this, be it known to him that he will incur the wrath of Almighty God and of the blessed apostles Peter and Paul. Given at Rome, at St. Peter's, on the thirteenth day of March, in the year of the incarnation of our Lord one thousand four hundred and fifty-five, in the first year of our pontificate.

These letters having been thus presented, the aforesaid procurator, in the name of the said Most Serene King, explained to the said doctor that for the service of the said king it was necessary that he should have one or more copies of the said apostolic letters; therefore he asked that they be granted to him in public form, by me the undersigned notary public, with the authority of the aforesaid doctor. The aforesaid doctor by authority of his public office ordered it to be done.

These things were transacted in this very city of Lisbon, in the aforesaid dwelling-house of the said doctor, in the year, month, and day above-mentioned, there being present the venerable men: ALFONSO YÁÑES, DIOGO ALFONSO, FILIPPO ALFONSO, and ALVARO MARTINES, scribes in the court of the aforesaid Most Serene King, especially called and summoned to witness this; and I, DIOGO GONÇALVES, notary public, by royal authority, was present with the aforesaid witnesses at the presentation, examination, and guaranty of authority of the aforesaid apostolic letters, while they were thus made and prepared, and I wrote this present public instrument with my own hand, and I subscribed myself and signed it with my sign.

### 3.

*Treaty between Spain and Portugal, concluded at Alcaçovas, September 4, 1479. Ratification by Spain, March 6, 1480. [Ratification by Portugal, September 8, 1479.]*

#### INTRODUCTION.

In 1460 the Infante Henry died and the sovereignty of the newly discovered lands became vested in the crown of Portugal. King Alfonso V., however, whose chief ambitions were to extend his Moorish conquests and annex Castile, did not directly concern himself with continuing the work of exploration. This was left to private enterprise, and the impetus given by the infante gradually wore itself out, although the Guinea trade was actively prosecuted.

In 1475 Alfonso invaded Castile, and, to strengthen his pretensions to that country, became betrothed to the Princess Joanna, Queen Isabella's rival for the Castilian crown. The resulting War of Succession extended beyond the limits of the peninsula into the Canary Islands, where the Portuguese aided the natives against the Castilians;<sup>1</sup> and it gave the Castilians the chance to engage vigorously in trade with Guinea—a country which, in spite of the bull *Romanus pontifex*, they continued to claim.<sup>2</sup> As the result of preliminary negotiations held at Alcántara in March, 1479, between Queen Isabella of Castile and her aunt, the Infanta Beatrice of Portugal, the bases for a settlement were laid, and it was agreed that a peace should be negotiated and concluded in Portugal.<sup>3</sup>

In the following June, in pursuance of this agreement, Queen Isabella despatched Dr. Rodrigo Maldonado, of Talavera, a lawyer in whom she had

<sup>1</sup> J. de Viera y Clavijo, *Historia General de las Islas Canarias* (1858-1863), II. 37.

<sup>2</sup> Pulgar, *Crónica*, pt. II., cc. 62, 88. The Catholic sovereigns declared (1475) that "los Reyes de España tuvieron siempre la conquista de Africa y Guinea, y llevaron el quinto de cuantas mercaderías en aquellas partes se resgataban". Navarrete, *Viages* (1825-1837), I. xxxvii-xxxix, with which, however, compare Santarem, *Recherches sur la Priorité* (1842), p. 199. A few years later, but before the end of the war, they instructed their ambassadors in Rome to procure permission for themselves and those to whom they should give license "para que puedan contratar con los infieles que tienen la mina del oro e de la Guinea sin incurrir por ello en sentencia de excomunion." M. F. de Navarrete *et al.*, *Colección de Documentos Inéditos para la Historia de España* (1842-), VII. 552.

<sup>3</sup> For accounts of the peace negotiations, see the chronicles of Nunes do Lião, Ruy de Pina, and Pulgar, and J. B. Sitges, *Enrique IV. y Doña Juana la Beltraneja*.

great confidence, as ambassador to Portugal with full powers to treat.<sup>4</sup> On the side of Portugal, D. João da Silveira, baron d'Alvito, was appointed plenipotentiary,<sup>5</sup> but negotiations were principally directed by Prince John.

On September 4 the plenipotentiaries concluded two treaties at Alcaçovas. One, called the *Terceiras*, dealt mostly with dynastic matters;<sup>6</sup> the second, a treaty of perpetual peace, incorporated and ratified the treaty of peace concluded on October 30, 1431, between John I. of Portugal and John II. of Castile, and also included a number of additional articles. These related mostly to such matters as the restitution of places, release of prisoners, pardoning of offenders, demolition of fortresses, and suppression of robberies committed on land or sea by the subjects of one crown against those of the other. But by the eighth of these additional articles,<sup>7</sup> Ferdinand and Isabella bound themselves not to disturb Portugal in her possession of the trade and lands of Guinea,<sup>8</sup> or of the Azores, Madeira, or Cape Verde Islands, or of any other islands in the region from the Canaries towards Guinea, and not to interfere in the conquest of Morocco. On the other hand, by the ninth article,<sup>9</sup> King Alfonso and Prince John ceded the Canaries to Castile.

The treaty was apparently ratified by Alfonso and Prince John at Evora on September 8, 1479.<sup>10</sup> It was ratified by Queen Isabella (King Ferdinand being absent in his kingdoms of Aragon) at Trujillo, on September 27, 1479;<sup>11</sup> proclaimed and published in the frontier cities of Badajoz and Elvas on September 15, and at Evora on September 30;<sup>12</sup> and was ratified by Ferdinand and Isabella at Toledo on March 6, 1480.

Portugal at once took measures to secure her rights. On April 6, 1480, Alfonso ordered the captains of ships sent by Prince John to Guinea to capture such foreign ships as they might encounter within the limits laid down by the treaty of Alcaçovas ("das Canarias pera baixo e adjante contra Guinea") and to cast their crews into the sea.<sup>13</sup> In the following year the Pope confirmed the clause of the treaty that excluded foreigners from Guinea.<sup>14</sup>

<sup>4</sup> His powers are dated July 2, 1479. Santarem, *Quadro Elementar*, I. 380. On the part taken by him in the negotiations, see Pulgar, *Crónica*, pt. II., c. 90. He was one of the signers of the treaty of Tordesillas, Doc. 9.

<sup>5</sup> His powers are dated Aug. 19, 1479. Santarem, *loc. cit.*

<sup>6</sup> This treaty is printed in full in J. B. Sitges, *op. cit.*, app. 2.

<sup>7</sup> This is the article printed below.

<sup>8</sup> It is interesting to notice that in summarizing the treaty the chroniclers, Ruy de Pina and Nunes do Liam, describe Guinea as extending as far as the Indies—"O Senhorio de Guinee, que he dos cabos de Nam e do Bojador até os Yndios inclusivamente", although no reference to the Indies is found in the treaty itself.

<sup>9</sup> Cf. Doc. 1, note 8.

<sup>10</sup> This seems to be the correct interpretation of the evidence given in HARRISSE, *Diplomatic History*, p. 2, and notes.

<sup>11</sup> A late copy of this ratification, preserved in the Biblioteca Nacional at Madrid, has been brought to the editor's attention by Professor R. B. Merriman. Cf. also Navarrete, *Viages*, I. xxxix. and Pulgar, *op. cit.*, c. 91.

<sup>12</sup> Santarem, *Quadro Elementar*, II. 377-378.

<sup>13</sup> *Algs. Docs.*, p. 45.

<sup>14</sup> Doc. 4.



It was pursuant to this treaty that, in 1492, the Catholic sovereigns ordered Columbus not to go to La Mina; and that, in 1493, the King of Portugal claimed the lands discovered by Columbus as his own.

## BIBLIOGRAPHY.

- Text: MS.** The original manuscript of the ratification, signed by Ferdinand and Isabella at Toledo, March 6, 1480, is in the National Archives at Lisbon, gav. 17, maço 6, no. 16. See also above, note 11 of this document.
- Text: Printed. Spanish.** The whole of the treaty, except the formal preliminary part, is printed in Joseph Soares da Sylva, *Collecção dos Documentos, com que se Authorizam as Memorias para a Vida del Rey D. João o I.*, tom. IV. of *Memorias para a Historia de Portugal, que comprehendem o Governo del Rey D. João o I.* (1730-1734), doc. no. 36, pp. 270 ff. That Soares printed this treaty by mistake appears from a collation of his "doc. no. 36" with the manuscript register entitled "Demarquações e Contractos", preserved in the National Archives at Lisbon. Soares intended to print the treaty concluded on October 30, 1431, between John I. (d. 1433) and the King of Castile, a copy of which covers ff. 142-165 of the above-mentioned register. Preceding this treaty, on ff. 113-140, is the treaty of Alcaçovas which confirms and partially incorporates the treaty of 1431. Soares's "doc. no. 36" begins with f. 117 of the register, *i. e.*, with the treaty of 1431 as it stands in the treaty of Alcaçovas; it continues through the treaty of Alcaçovas and through the first part of the original treaty of 1431, and ends at f. 146 of the register. The eighth and ninth articles of the "new articles" of the treaty of Alcaçovas are printed in *Alguns Documentos*, pp. 42-45, from the above-mentioned register.
- Text: Printed. Portuguese.** A Portuguese version of a portion of the eighth article is printed by H. HARRISSE, *Diplomatic History of America* (1897), p. 156.
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- References: Later writings.** H. Schäfer, *Geschichte von Portugal* (1836-1854), II. 580-582, in Heeren and Ukert, *Geschichte der Europäischen Staaten*; H. Vignaud, *Toscanelli and Columbus* (1903), pp. 62-64; *id.*, *Histoire Critique de la Grande Entreprise de Christophe Colomb* (1911), I. 207-211; HARRISSE, *Diplomatic History* (1897), pp. 2-5; J. B. Sitges, *Enrique IV. y la Excelente Señora Doña Juana la Beltraneja, 1425-1530* (1912), pp. 331 ff.

TEXT.<sup>15</sup>

Don Ferrando e Dona Ysabel, por la gracia de Dios rrey e rreyna de Castilla, de Leon, de Aragon, de Cecilia, de Toledo, de Valencia, de Gallizia, de Mallorca, de Sevilla, de Cerdeña, de Cordova, de Corçega, de Murcia, de Jahen, de los Algarbes, de Algezira, et de Gibraltar, conde e condesa de Barcelona, señores de Viscaya et de Molina, duques de Atenas, e de N[e]opatria, condes de Ruysellon et de Çerdania, marqueses de Oristan e de Goçiano, fazemos saber a quantos la presente carta bieren, que por el Doctor Rodrigo Maldonado, oydor de la nuestra audiencia e del nuestro consejo, como nuestro procurador e enbaxador fueron por nuestro mandado tratadas pazes perpetuas entre nos e los dichos nuestros rreynos e señorios e el muy ylustre Rey de Portugal e de los Algarbes de aquen e allen mar en Africa, nuestro primo, e el ylustre principe Don Juan, su fijo, e entre los dichos sus rreynos et señorios, las quales dichas pazes fueron primeramente tratadas por Don Juan de Silveyra, Varon Dalvito, del consejo del dicho Rey de Portugal, e escrivano de la poridat e veedor de la fazienda e chañçeller mayor del dicho Principe de Portugal, e por Pero Botello e Rodrigo Alfonso, cavalleros e del consejo del dicho Rey de Portugal, e despues fueron asentadas, firmadas, e juradas por el dicho Varon Dalvito, como procurador bastante e suficiente delos dichos Rey e Principe de Portugal, e como su procurador e enbaxador, segund que mas conplidamente es contenido en la escritura de capitulacion e asiento de las pazes que sobre ello fue fecha, en la qual entre otras cosas se contiene que cada e quando fuesemos requeridos por parte del dicho muy ylustre Rey de Portugal e del ylustre principe, su fijo, otorgariamos, confirmariamos, e jurariamos las dichas pazes por nuestras personas, e porque por Ferrando de Silva, del consejo delos dichos Rey e Principe de Portugal e su enbaxador e procurador, fuesemos requeridos, que otorgasemos e jurasemos e firmasemos las dichas pazes segunt' que por el dicho doctor, nuestro procurador e enbaxador, fueron otorgadas, firmadas, e juradas, nos mandamos venir para ante nos la dicha escritura dela dicha capitulacion e asiento delas dichas pazes para las ver e examinar. El tenor de la qual de verbo ad verbo es este que se sigue :

En el nombre de Dios Todo Poderoso, Padre, e Fijo, e Sp[irit]u Santo, tres personas rrealmente distintas e apartadas e una sola esençia divina, manifiesto e notorio sea a quantos este publico ymstrumento de confirmacion e asiento, rreformaçion et rretificacion de pazes perpetuas vieren, que en el año del nascimiento de Nuestro Señor Jhesu Christo de mill e quatroçientos e setenta e nueve años, a quatro dias del mes de Setiembre, en la villa de los Alcaçovas, en las casas donde posava la muy ylustre Señora Ynfante Doña Beatris, en presençia de mi, el notario publico e general abaxo nonbrados e de los testigos aqui escritos, estando y el honrrado e discreto Doctor Rodrigo Maldoñado, oydor del audiencia e del consejo de los muy altos e muy poderosos señores Don Ferrando e Doña Ysabel, rrey e rreyna de Castilla, de Leon, de Aragon, de Cecilia, de Toledo, de Valencia, de Gallizia, de Mallorca, de Sevilla, de Cerdeña, de Cordova, de Corçega, de Murcia, de Jahen, del Algarbe, e de Algezira, de Gibraltar, conde e condesa de Barceloña, señores de Viscaya e de

<sup>15</sup> This text is from the original manuscript of the ratification, signed by Ferdinand and Isabella, Mar. 6, 1480, preserved in the National Archives in Lisbon, gav. 17, maço 6, no. 16.

Molina, duques de Atenas e de Neopatria, condes de Ruysellon e de Cerdania, marqueses de Oristan e de Goçiano e del su consejo e su enbaxador e procurador suficiente para lo abaxo escrito, e el honrrado Don Juan de Silveyra, varon Dalvito, del consejo del muy alto e muy poderoso señor Don Alfonso, por la gracia de Dios rrey de Portugal e de los Algarbes de aquen e allen mar en Africa, escrivano de la poridad, veedor de la fazienda e chanceller mayor del muy ylustre Principe Don Juan, su fijo prymogenito, heredero de los dichos rreynos e señorios, procurador bastante de los dichos señores de la otra parte, segunt amós mostraron por las procuraciones de los dichos señores sus costituyentes.

[Here follow the powers granted by Ferdinand and Isabella to Rodrigo Maldonado, dated July 2, 1479, and the powers granted by King Alfonso and Prince Dom João, his son, to João, Baron d'Alvito, dated August 19, 1479. The ratification then continues:]

E luego el dicho procurador de los dichos señores Don Ferrando e Doña Ysabel, rrey e rreyna de Castilla e dAragon, etc. dixe que por quanto entre los dichos señores sus costituyentes de la una parte e el dicho procurador de los dichos señores Rey e Principe de la otra, despues del fallecimiento del señor Rey Don Enrrique de gloriosa memoria, rrey que fue de Castilla e de Leon etc., fuera e al presente son grandes debates e quistiones, desençiones, e diferencias yntitulandose los dichos señores Rey Don Ferrando e Reyna Doña Ysabel, rrey e rreyna de Castilla de Leon de Portugal e de los Algarbes etc., e el dicho señor Rey Don Alfonso, rrey de Castilla e de Leon etc., lo qual diera principalmente causa a muy grandes e muy crudas guerras que oviere del dicho tiempo aca entre los dichos señores de que sesiguieran muchas muertes de oñes, quemas, incendios e innumerables rrobos, fuerças, prisiones, rrescates, e otras ynjurias, ofensas de diversas calidades e tomamientos de cibdades e villas e lugares e fortalezas e muchas perdidas e daños, gastos e despensas e yntolerables males, en grande deservicio de Dios Nuestro Señor e delos dichos señores, e grant daño e detrimento de los dichos sus rreynos e señorios e subditos e naturales dellos, e que agora por que a nuestro señor provera por su ynfinita bondat de clemencia, como autor de paz. El qual el sienpre sobre todas cosas encomendo e mando procurar e guardar que la dicha señora Ynfante Dona Beatris por servicio suyo e delos dichos señores, e por la naturaleza e grandes deudos que con ellos tiene, trato e procuro con todas sus fuerças de tratar paz e conformidad entre ellos, e moviera e praticara algunos medios para los tirar de los dichos debates e diferencias, guerras e males, e dar asiento e paz entre ellos e los dichos señores movidos con zelo del servicio de Dios e del bien publico de los dichos rreynos e señorios e subditos e naturales dellos, queriendo seguir las pazes de los bien aventurados rreyes de gloriosa memoria, sus progenitores, los quales tovieran de muy luengos e antiguos tiempos aca pazes ynvioablemente guardadas porsy e por los dichos sus rreynos e señorios e por conservar los grandes deudos que entre ellos ha e el mucho amor e conformidad que entresy e los dichos sus rreynos eran ante de las dichas guerras, e escusar que se non fagan mas males nin daños de aqui adelante, los quales de cada día se yvan acrecentando, deliberan de confirmar e reformar e asentar porsí e por sus subcesores e por los dichos sus rreynos e señorios entre ellos las pazes antiguas, con algunos nuevos capitulos e condiçiones que para mejor guarda dellas eran nescesarias. Del qual con-

trato de las pazes antiguas, con la rretificacion e rreformacion e adiciones agora nuevamente fechas, el tenor es este que se sigue:

[Here follows the ancient treaty of peace concluded in 1431 between John I. of Portugal and the Infante Dom Duarte his son, and the other infantes, and King John of Castile.]

Comiençan los capitulos que nuevamente fueron fechas e añadydos e acrecêtadas a este trato de las pazes.

[8.] Otrosy, quisieron mas los dichos señores Rey e Reyna de Castilla e de Aragon e de Seçilia, etc., e les plogo para que esta paz sea firme, estable, e para sienpre duradera, e prometieron, de agora para en todo tiempo, que por si nin por otro, publico nin secreto, nin sus herederos e subcesores, non turbaran, molestaran, nin ynquietaran, de fecho nin de derecho, en juyzio nin fuera de juyzio, los dichos señores Rey e Príncipe de Portugal, nin los rreyes que por tiempo fueren de Portugal, nin sus rreynos, la posesion e casi posesion en que estan en todos los tractos, tierras, rrescates de Guinea, con sus minas de oro, e qualesquier otras yslas, costas, tierras, descubiertas e por descubrir, falladas e por fallar, yslas de la Madera, Puerto Santo, e Desierta, e todas las yslas de los Açores, e yslas de las Flores, e asy las yslas de Cabo Verde, e todas las yslas que agora tiene descubiertas, e qualesquier otras yslas que se fallaren o conquistieren de las yslas de Canaria para baxo contra Guinea, porque todo lo que es fallado e se fallare, conquistar o descubrir en los dichos terminos, allende de lo que ya es fallado, ocupado, descubierto, finca a los dichos Rey e Príncipe de Portugal e sus rreynos, tirando solamente las yslas de Canaria, a saber, Lançarote, Palma, Fuerte Ventura, la Gomera, el Fierro, la Graciosa, la Grant Canaria, Tenerife, e todas las otras yslas de Canaria, ganadas o por ganar, las quales fincan a los reynos de Castilla; e bien asy non turbaran, moslestaran, nin ynquietaran qualesquier personas que los dichos tractos de Guinea, nin las dichas costas, tierras descubiertas e por descubrir, en nonbre o de la mano de los dichos señores rreys e príncipe, o de sus subcesores, negociaren, trataren, o conquistieren, por qualquier titulo, modo, o manera que sea o ser pueda. Antes, por esta presente, prometen e seguran, a buena fee, syn mal engaño, a los dichos señores rrey e príncipe e a sus subcesores, que non mandaran por sy, nin por otro, nin consyntiran, ante defenderan que syn licencia de los dichos señores Rey e Príncipe de Portugal non vayan a negociar a los dichos tractos, nin yslas, tierras de Guinea, descubiertas e por descubrir, sus gentes naturales o subditos, en todo lugar o tiempo, e en todo caso, cuydado o non cuydado, nin otras qualesquier gentes estrangeras que estovieren en sus reynos e señorios, o en sus puertos, armaren o se abitullaren, nin daran a ello alguna ocasion, favor, lugar, ayuda, nin consentimiento, direte nin yndirete, nin consentiran armar nin cargar para alla en manera alguna. E sy alguno de los naturales o suditos de los rreynos de Castilla, o estranjeros, qualesquier que sean, fueren tratar, ympedir, danificar, rrobar, o conquistar la dicha Guinea, tractos, rrescates, minas, tierras, yslas della descubiertas o por descubrir, syn licencia e consentimiento espreso de los dichos señores rrey e príncipe, o de sus subcesores, que los tales sean pugnidos en aquella manera, lugar, e forma, que es ordenado por el dicho capitulo desta nueva rreformacion e rretificacion de los tractos de las pazes que se tenia e deve tener en las cosas

de la mar, contra los que salen a tierra en las costas, prayas, puertos, abras, a rrobar, danificar, o mal fazer, o en el mar largo las dichas cosas fazen.<sup>4</sup>

Otrosi, los dichos señores Rey e Reyna de Castilla e de Leon, etc., prometieron, otorgaron, por el modo sobredicho, por sy e por sus subcesores, que non se entremeteran de querer entender, nin entenderan en manera alguna, en la conquista del rreyno de Fez, como se en ello non enpacharan, nin entremeteran, los Reyes pasados de Castilla, ante libremente los dichos señores Rey e Príncipe de Portugal e sus reynos e subcesores, podran proseguir la dicha conquista, e la defenderan, como les ploguiere. E prometieron e otorgaron en todos los dichos señores rrey e rreyna, que por sy nin por otro, en juyzio nin fuera del, de fecho nin de derecho, non moveran sobre todo lo que dicho es, nin parte dello, nin sobre cosa alguna que a ello pertenesca, pleito, dubda, question, nin otra contienda alguna, ante todo guardaran, compliran muy enteramente e faran guardar e complir syn menguamiento alguno. E, porque adelante non se pueda alegar ynorancia de las dichas cosas vedadas e penas, los dichos señores rrey e rreyna mandaron luego a las justicias e oficiales de los puertos de los dichos sus rreynos, que todo asy guarden, e cumplan, e escuten fielmente, e asy lo mandaran pregonar e publicar en su corte e en los dichos puertos de mar de los dichos sus rreynos e señorios, para que a todos venga en noticia.

E el dicho Doctor Rodrigo Maldonado, en nombre y como procurador y enbaxador de los dichos señores Rey Don Fernando y Reyna Dona Ysabel, rrey y rreyna de Castilla, de Leon, d'Aragõ, etc., sus señores, y el dicho Don Juan de Silveyra, baron d'Alvito, en nombre y como procurador de los dichos señores Rey Don Alfonso, rrey de Portugal y de los Algarbes de aquen y de allen mar em Africa, y del dicho señor Principe Don Juan, su fijo, sus señores, por virtud del dicho poder que para ello tienen, que encima va encorporado, dixeron que asentavan y otorgavan y asentaron y otorgaron pases perpetuas entre los dichos señores, sus constituyentes, y sus rreynos y señorios, para que será guardadas entre ellos perpetuamente, segund es contenido en el tracto de las pases antiguas con las dichas condiciones, segund y por la forma y manera que en esta escritura y capitulacion se contiene; y dixeron que sy neçessario y complidero hera pera mayor validacion que aprovavan y reformavan y ennovavan, como de fecho aprovavan y reformavan y rrectificavan y ennovavan el dicho tracto de las pases antiguas como en el se contiene, enquanto es neçessario y complidero o conviniente al tiempo presente con las dichas adiciones a ellas por ellos fechas. E prometieron y se obligaron, uno a otro y otro a otro, en nombre de los dichos señores sus constituyentes, que ellos y sus [sub]cesores en los dichos sus rreynos y señorios ternan y guardaran para agora y para siempre jamas las dichas pases segund y por la forma y manera que en esta escritura se contiene syn arte y sin engaño y sin cautela alguna, y nõ yran nyn vernan nyn consentyran nyn permitiran que sea ydo nyn venido contra lo en ella contenido nyn parte alguna dello direte ny indirete por nynguna causa, color, ny rason alguno que sea o ser pueda, pensado o por pensar, y sy lo contrario fisieren, lo que Dios no quiera, que por el mesmo fecho yncurra la parte que lo fisiere en pena de tresientas mil doblas

<sup>4</sup> The treaties of Oct. 30, 1431. The article referred to is art. 7 of the "new articles". It is printed in Sylva, *Memorias*, tom. IV., doc. no. 36, pp. 327-329, and in abstract in Santarem, *Quadro Elementar*, II, 372-374. In the latter work, article 7 includes also article 8, according to the numbering adopted above. In the manuscript treaty the articles are not numbered.

de oro de la vanda de buen oro y justo peso para la otra parte obediente. Las quales prometieron y se obligaron que pagaran rrealmente y con efecto a la parte que en la dicha pena incurriese a la otra parte obediente luego tanto que en ella cayere syn contienda de juicio. E pagada la dicha pena o non pagada o remetida sinque poende" el dicho contracto de las dichas pases firme e valadero para syempre jamas.

Otrosy dixeron que rrenunciavan y rrenunciaron en nonbre de los dichos señores sus constituyentes todas alegaciones, excepciones, y todos rremedios juridicos y beneficios, auxilios ordinarios y extra ordinarios, que a los dichos señores constituyentes y a cada uno d'ellos compete podrian pertenescer agora y en qualquier tiempo de aqui adelante para anular o rrevocar o enfrengrir, en todo o en parte, esta dicha escritura de tracto, assyento, y rreformacion y rretificacion de las dichas pases con las dichas adiciones por ellos fechas o por difirir o impedir el efecto dellas. E asy mismo rrenunciaron todos los derechos, leyes, costumbres, estilos, y fasañas y opiniones de doctores que para ello les pudiesen aprovechar en qualquier manera, especialmente renunciaron la ley y derecho que diz que general renunciaciõ non vala. Para lo qual todo asy tener y guardar y complir y pagar la dicha pena, sy en ella cayeren, obligaron los dichos procuradores los bienes patrimoniales y fiscales, muebles y raizes, avidos y por aver, de los dichos señores sus constituyentes y de sus subditos y naturales. E por mayor firmesa los dichos procuradores dixeron que juravan y juraron a Dios y a Santa Maria y a la señal de la cruz que tocaron con sus manos derechas, y a los Sanctos Evangelios do quier que estan, en nonbre y en las almas de los dichos señores sus constituyentes, por virtud de los dichos poderes que para ello especialmente tienen, que ellos y cada uno d'ellos, por sy y por sus subcessores y rreynos y señorios, ternan y guardaran y faran tener y guardar perpetua y inviolablemente las dichas pases, segund que en esta escritura se contiene, a buena fé y sin mal engaño, syn arte y syn cautela alguna. E que los dichos señores sus constituyentes, nyn alguno dellos, non pidiran por sy nyn por interpuestas personas absolucion, relaxacion, dispensacion, nyn comutacion del dicho juramento a nuestro muy Sancto Padre ny a otra persona alguna que poder tenga para lo dar y conceder. E puesto que proprio motu, o en otra qualquier manera le sea dado non usaran del. Ante aquello nõ embargante ternan y guardaran y compliran y faran tener y complir todo lo contenido en este dicho contracto de las dichas pases con las dichas adiciones y cada cosa y parte dello segund que en el se contiene fiel y verdaderamente y con efecto, y en testimonio de verdat otorgaron los dichos procuradores esta escritura y contracto de las dichas pases y pidieron a my el notario dello sendos instrumentos cõ mi publico signo y mas los que complideros fuesen para guarda del servicio de los dichos señores sus constituyentes. Testigos que a ello fueron presentes Fernando de Silvera del consejo del dicho señor Rey de Portugal y covdelmayor de sus rreynos y el doctor Juan Texera del consejo y desembargo y de las peticiones y su vice chanceller y Pero Botello y Rodrigo Alfonso, cavalleros del dicho señor rrey y del su consejo, y otros. E yo, Juan Garcez, cavallero de la casa del dicho señor principe y su escrivano de su fasienda y de la fasienda del rregno del Algarve de allen mar en Africa, notario general y publico en todos los rreynos y señorios del dicho señor rrey, que juntamente com Benito Royz de Castro, escrivano de camara de los dichos señores Rey

"Quede porende?"

y Reyna de Castilla y de Aragon y etc., y con los dichos testigos a todo fue presente quando los dichos procuradores otorgaran esta escritura de capitulacion y todas las cosas particularmente en ella contenidas. E fisieron el dicho juramento poniendo sus manos derechas sobre una crus y sobre un libro de los Santos Evangelios. La qual dicha capitulacion y escritura yo, el dicho Juan Garces, fielmente fis escrevir en estas treynta y tres fojas atras escritas contando esta y fue fielmente emendada y corregida y reformada por ante los dichos procuradores segund se contiene en cada una foja signada por my y por el dicho Benito Roys de nuestros nonbres al pié della y por mi mano la sobre escrevi y sygne de mi publico señal que es tal. E yo Benito Roys de Castro, escrivano de camara de los dichos señores Rey y Reyna de Castilla y de Aragon etc. y notario publico en la su corte y en todos los sus rreynos y señorios, que por licencia y poder autoridad que me fue dada y otorgada por el dicho señor Rey de Portugal para dar fee y testimonio de verdad en el tracto de las pases y en todas las otras cosas que a ella pertenescen, fui presente con el dicho Juan Garces y testigos ençima nonbrados quando los dichos procuradores de los dichos señores otorgaram esta escritura y fisieron el dicho juramento, poniendo sus manos derechas en una crus y en un libro de los Santos Evangelios, y lo fis emendar en uno con el dicho Juan Garces segund suso va emendado. La qual va escrita en treynta y quatro fojas con esta en que va puesto esta my señal, y en fin de cada plana va puesto mi nonbre acostumbrado y lo signe de my señal que es tal.

La qual escritura de assyento y capitulacion de pases vista y entendida por nós y por los del nuestro consejo y por los grandes y cibdades y villas de nuestros rreynos, la aprovamos, otorgamos, y confirmamos, y prometemos y juramos a la señal de la crus y a los Santos Evángelios por nuestras manos corporalmente tangidas, presente el dicho Fernando de Silva, enbaxador de los dichos señores Rey y Principe de Portugal, de complir y mantener y guardar esta dicha escritura de contracto de pases y todos los capitulos en ella contenidos y cada uno dellos a buena fee y syn mal engaño, syn arte y syn cautela alguna, por nos y por nuestros herderos y subseores y por nuestros rreynos y señorios, tierras, gentes, subditos naturales dellos, solas clausulas, pactos, obligaciones, penas, vinculos, renunciaciones en este dicho contracto y assyento de pases contenidos, y por certenidat, corroboracion, y convalidacion de todo mandamos faser esta carta y la dar al dicho Fernando de Silva para la dar a los dichos señores Rey y Principe de Portugal. La qual firmamos de nuestros nonbres y mandamos sellar con nuestro sello de plomo pendiente en filos de seda a colores. Dada en la muy noble cibdad de Toledo, a seys dias del mes de março, año del nascimiento del nuestro Señor Jesu Christo de mill y quatrocientos y ochenta años. Non sea dubda onde dise en la segunda foja sobre raydo onde poz que las assentaredes y firmaredes. E en la tercera foja donde dise diez y nueve. E en la setena foja en la margem donde dise que destos nuestros rreynos viniere con el procurador del dicho Rey de Castilla. E en la tresena foja sobre raydo onde dise tractos. E en la catorzena entre renglones onde dis sus reynos. Lo qual todo fue emendado y corregido presente el dicho Fernando de Silva. E en la dosena foja sobre raydo onde dis sentencias.

YO, EL REY.

YO, LA REYNA.

YO, FERNAND ALVARES de Toledo, secretario del Rey y de la Reyna, nuestros señores, lo fise escrevir por su mandado. Registrada. ALFONSO SANCHES de Logroño, chancellor.

TRANSLATION.<sup>22</sup>

We, Don Ferdinand and Doña Isabella, by the grace of God, king and queen of Castile, Leon, Aragon, Sicily, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordova, Corsica, Murcia, Jaen, the Algarves, Algeciras, and Gibraltar; count and countess of Barcelona; lord and lady of Biscay and Molina; duke and duchess of Athens and Neopatras; count and countess of Roussillon and Cerdagne; marquis and marchioness of Oristano and Gociano: make known to all who shall see the present letter that perpetual peace between us and the said our kingdoms and lordships, and our cousin, the very illustrious king of Portugal and the Algarves on this side and beyond the sea in Africa, and his son, the illustrious prince, Dom John, and the said their kingdoms and lordships, was negotiated, at our command, by Doctor Rodrigo Maldonado, *oidor* of our audiencia and member of our council, acting as our representative and ambassador. The said peace was first negotiated by Dom João da Silveira, baron d'Alvito, member of the council of the said king of Portugal and his private secretary, inspector of the treasury, and chancellor-in-chief of the said prince of Portugal, and by Pero Botello and Rodrigo Alfonso, knights and members of the council of the said king of Portugal. Afterward the peace was affirmed, signed, and sworn to by the said Baron d'Alvito acting as a competent and qualified representative of the said king and prince of Portugal, and as their representative and ambassador, as is set forth more fully in the instrument of agreement and treaty of peace which was made in regard to it. Among other things that instrument sets forth that whenever we should be notified on the part of the said very illustrious king of Portugal, and by his son, the illustrious prince, we should authorize, confirm, and swear to the said peace in our own person. And inasmuch as we have been notified by Ferrando de Silva, member of the council of the said king and prince of Portugal, and their representative and ambassador, to authorize, swear to, and sign the said peace, as it was authorized, signed, and sworn to by the said doctor, our representative and ambassador, we ordered the said instrument of agreement and treaty of the said peace to be brought before us, in order that we might see and examine it. Its tenor, word for word, is as follows:

In the name of God Almighty, Father, Son, and Holy Ghost, three persons really distinct and separate, and one sole divine essence. Be manifest and publicly known to all who shall see it this public instrument of confirmation and agreement, revision, and rectification of perpetual peace which [was made] in the year of the nativity of our Lord Jesus Christ, 1479, on the fourth day of the month of September, in the city of Alcaçobas, in the houses where the very illustrious infanta, Doña Beatrice, was lodging, in the presence of me, the notary public and general, below named, and of the undersigned witnesses, and being there the honorable and prudent doctor, Rodrigo Maldonado, *oidor* of the audiencia and member of the council of the very exalted and very powerful lord and lady, Don Ferdinand and Doña Isabella, king and queen of Castile, Leon, Aragon, Sicily, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordova, Corsica, Murcia, Jaen, the Algarve, Algeciras, and Gibraltar, count and countess of Barcelona, lord and lady of Biscay and Molina, duke and duchess of Athens and Neopatras, count and countess of Roussillon and Cerdagne, marquis and marchioness of Oristano and Gociano, member of

<sup>22</sup> The translation is by Dr. J. A. Robertson.



their council, and their ambassador and representative qualified to act in what is below written, and the honorable Dom João da Silveira, baron d'Alvito, member of the council of the very exalted and very powerful lord, Dom Alfonso, by the grace of God, king of Portugal and the Algarves on this side and beyond the sea in Africa, private secretary to the king, inspector of the treasury, chancellor-in-chief of his firstborn son, the very illustrious prince, Dom John, heir of the said kingdoms and lordships, and qualified representative of the said lords of the other part—as both showed by the procurations of their constituents the said lords.

[Here follow the powers granted by Ferdinand and Isabella to Rodrigo Maldonado, dated July 2, 1479, and the powers granted by King Alfonso and Prince John, his son, to João, baron d'Alvito, dated August 19, 1479. The ratification then continues:]

And thereupon the said representative of the said lord and lady, Don Ferdinand and Doña Isabella, king and queen of Castile, Aragon, etc., declared that inasmuch as since the death of the lord king Don Henry of glorious memory, former king of Castile, Leon, etc., there have been and are at present serious disputes, questions, discussions, and differences between his constituents, the said lord and lady of the one part, and the said representative of the said lords, the king and prince, of the other part, because the said lord and lady, King Don Ferdinand and Queen Doña Isabella called themselves king and queen of Castile, Leon, Portugal, and the Algarves, etc., and the said lord, King Don Alfonso, called himself king of Castile, Leon, etc., which furnished the chief cause for very serious and very cruel wars that were waged here during the said time between the said lords, and from which resulted the deaths of many men, conflagrations, fires, innumerable acts of violence, imprisonments, ransoms and other injuries, offenses of different kinds, the capture of cities, towns, villages, and fortresses, many losses and injuries, waste and expenses, and intolerable evils, to the great disservice of God our Lord, and of the said lords, and grave injury and detriment to the said their kingdoms and lordships, and the subjects and natives of the latter (and may this now be adjusted by our Lord, through His infinite goodness and clemency, as the Author of peace, for He always recommended and ordered that peace be procured and kept) and the said lady, Infanta Doña Beatrice, for His service and that of the said lord and lady, because of her relationship and great obligations toward them, tried and endeavored with all her might to obtain peace and harmony between them, and will set in motion and make use of any means whatsoever to free them from the said disputes and differences, and wars and evils, and cause agreement and peace between them—the said lord and lady, moved with zeal for the service of God and for the public welfare of the said kingdoms and lordships, and the subjects and natives of them, and desirous of continuing the peace of their progenitors, the very fortunate kings of glorious memory, who had observed here an inviolable peace for themselves and for the said their kingdoms and lordships from very remote and ancient times, and in order to preserve the close relationship that exists between them, and the great love and harmony which reigned between themselves and the said their kingdoms before the said wars, and in order to avoid the occurrence of other evils and injuries from this time forward, and which are increasing daily, do determine to confirm, revise, and agree to, for themselves and their successors, and for the said their kingdoms and

lordships, between them, the ancient peace, with certain new articles and conditions, which were necessary for the better keeping of it. Of that contract of the ancient peace, with the rectification, revision, and additions now newly made, the tenor is this which follows :

[Here follows the ancient treaty of peace concluded in 1431 between John I. of Portugal and his son, the infante Dom Duarte, and the other infantes, and King John of Castile.]

The articles which were newly made, added, and appended to this treaty of peace commence :

[8.] Moreover, the aforesaid King and Queen of Castile, Aragon, Sicily, etc., willed and resolved, in order that this peace be firm, stable, and everlasting, and promised, henceforth and forever, that neither of themselves nor by another, publicly or secretly, or by their heirs and successors, will they disturb, trouble, or molest, in fact or in law, in court or out of court, the said King and Prince of Portugal or the future sovereigns of Portugal or their kingdoms, in their possession or quasi possession in all the trade, lands, and barter in Guinea, with its gold-mines, or in any other islands, coasts, or lands, discovered or to be discovered, found or to be found, or in the islands of Madeira, Porto Santo, and Desierta, or in all the islands of the Azores, or the islands of Flores, as well as the islands of Cape Verde, or in all the islands hitherto discovered, or in all other islands which shall be found or acquired by conquest [in the region] from the Canary Islands down toward Guinea. For whatever has been found or shall be found, acquired by conquest, or discovered within the said limits, beyond what has already been found, occupied, or discovered, belongs to the said King and Prince of Portugal and to their kingdoms, excepting only the Canary Islands, to wit: Lançarote, Palma, Forteventura, Gomera, Ferro, Graciosa, Grand Canary, Teneriffe, and all the other Canary Islands, acquired or to be acquired, which belong to the kingdoms of Castile. And in like manner, [they promised] not to disturb, trouble, or molest any persons whomsoever, who, under any title or in any way or manner whatsoever, shall trade or traffic in or acquire by conquest the said trade of Guinea or that of the said coasts or lands, discovered or to be discovered, in the name or under the authority of the said king and prince or their successors. On the contrary, by these presents, they do promise and assure, in good faith and without deceit, the said king and prince and their successors, that they will not, of themselves or through others, order or consent, but rather forbid, that any of their people, native or subject, in any place or at any time, or in any case, specified or not specified, or any other foreign people who might be within their kingdoms and dominions, or who shall be equipped or provisioned in their ports, go to traffic in the said trade or in the islands or lands of Guinea discovered or to be discovered. Neither will they give any occasion, favor, opportunity, aid, or consent, direct or indirect, for such trade, nor consent to equip or freight for those regions in any manner. And if any of the natives or subjects of the kingdoms of Castile, or any foreigners whosoever, shall traffic in, obstruct, injure, plunder, or acquire by conquest the said Guinea, or its trade, barter, mines, lands, and islands, discovered or to be discovered, without the express license and consent of the said king and prince or of their suc-

cessors, [they do promise] that all such shall be punished in the manner, place, and form ordained by the said article of this new revision and correction of the treaties of peace which hold and ought to hold in maritime affairs, against those who go by land along the coasts and shores, or in the ports and bays, to plunder, commit depredations, or do evil, or who shall do such things on the high seas.

Moreover, the said King and Queen of Castile, Leon, etc., promised and agreed, in the manner abovesaid, of themselves and for their successors, not to presume to meddle, nor will they meddle in any manner, with the conquest of the kingdom of Fez, just as the former sovereigns of Castile did not obstruct it or meddle with it; but the said King and Prince of Portugal and their kingdoms and successors shall be freely allowed to prosecute the said conquest and to defend it as they please. And the said king and queen promised and agreed faithfully that, neither of themselves nor by any other, in court or out of court, in fact or in law, will they raise against the abovesaid, nor any part of it, nor anything that pertains to it, any suit, doubt, question, or any other contention, but that, on the contrary, they will observe and fulfill everything strictly to the letter, and will have it observed and fulfilled without any diminution. And in order that no one in the future may allege ignorance of the said prohibitions and penalties, the said king and queen immediately ordered the justices and officials of the ports of the abovesaid their kingdoms faithfully to observe, fulfill, and execute everything as herein ordained, and such justices and officers shall so proclaim and publish it in their courts and in the said seaports of the abovesaid their kingdoms and dominions, so that all people may have notice of it.

And the said Doctor Rodrigo Maldonado, in the name of, and acting as the representative and ambassador of the said lord and lady, King Don Ferdinand and Queen Doña Isabella, king and queen of Castile, Leon, Aragon, etc., his master and mistress, and the said Dom João da Silveira, baron d'Alvito, in the name of, and acting as the representative of his masters, the said lords, King Dom Alfonso, king of Portugal and of the Algarves on this side and beyond the sea in Africa, and of the said lord, his son, Prince Dom John, by virtue of the said power conceded to them for that purpose (as is above incorporated), declared that they agreed to and authorized, and they did agree to and authorize, perpetual peace between their constituents, the said lords, and their kingdoms and lordships, so that it may be kept perpetually between them, as was set forth in the treaty of the ancient peace, with the said conditions, according to and in the form and manner as is set forth in this instrument and agreement. They declared that if it were necessary and obligatory for its greater validation, they approved, revised, and renewed, as in fact they did approve, revise, rectify, and renew, the said treaty of the ancient peace as is set forth in it, in so far as may be necessary, obligatory, and advisable at the present time, with the said additions made therein by them. They promised, and each bound the other mutually, in the name of their constituents, the said lords, that the latter and their successors, and the said their kingdoms and lordships will keep and observe for the present and for evermore the said peace according to and in the form and manner which is set forth in this instrument, without any deception, evasion, or mental reservation whatsoever. They will not oppose or violate, nor con-

sent, nor permit that what is set forth in it be opposed or violated, or any part of it, directly or indirectly, under any motive, pretext, or reason whatsoever, or that may be imagined or that can be imagined. And should they do the contrary (which may God not permit), then by that very fact, the guilty party shall incur a fine of 300,000 gold *doblas* of the grade of good gold and of just weight [which shall be given] to the other, obedient, party. They promised and bound themselves to really and truly pay this sum—the party which should incur the said fine to the other, obedient, party—as soon as the fine should be incurred, without constraint of judgment; and whether the said fine be paid or not, or whether it be remitted, the said contract of the said peace would still be firm and valid forever.

Furthermore, they declared that they renounced, and they did renounce, in the name of their constituents, the said lords, all allegations, exceptions, and all legal remedies and beneficial aids, ordinary and extraordinary, which might rightly belong to their constituents, the said lords, or to any one of them, now or at any time hereafter, to annul, revoke, or infringe, in whole or in part, this said instrument of treaty, agreement, revision, and rectification of the said peace, with the said additions made by them, or to postpone or prevent its operation. Likewise they renounced all rights, laws, customs, usages, actions, and opinions of doctors of which they might avail themselves for it in any way. Especially did they renounce the law and right which declares a general renunciation invalid. In order to keep, perform, and comply with all the above, and in order to pay the said fine, should it be incurred, the said representatives pledged the property, both patrimonial and fiscal, the chattels and the landed property owned or to be owned, of their constituents, the said lords, and of their subjects and natives. And for greater assurance, the said representatives, by virtue of the said powers which they have especially for it, declared that they took oath, and they did take oath, before God and Holy Mary, and on the sign of the cross, on which they placed their right hands, and on the holy gospels, wherever they may be, in the names and on the consciences of their constituents, the said lords, that they, and each one of them, for themselves and for their successors, and their kingdoms and lordships, will keep and observe the said peace, and cause it to be kept and observed, perpetually and inviolably, according as it is set forth in this instrument, in good faith, and without any evasion, deception, or mental reservation whatsoever. Their constituents, the said lords, or any one of them, will not ask of our very Holy Father, or of any other person who may have the power to grant and concede it, in their own name, or by means of persons acting as their agents, absolution, remission, dispensation, or commutation of the said oath. And even should this be granted *proprio motu*, or in any other manner, they will not avail themselves of it. But the rather, notwithstanding that, they will keep, observe, and perform, and cause to be kept and performed, all that is set forth in this said contract of the said peace with the said additions, and each and every part of it, as it is set forth therein, faithfully and truly, and actually. In testimony of the truth, the said representatives approved this instrument and contract of the said peace, and each requested of me, the notary who drew it, writs of it, with my public seal, and whatever else might be suitable for the observance of the service of their constituents, the said lords. Witnesses of it, who were present, were Fernando de Silveira, member of the council of the said lord king of Portugal and master of the horse of his kingdoms, Doctor João Texera,

member of the council and *disembargo* and of petitions, and his vice-chancellor, Pero Botello and Rodrigo Alfonso, knights of the said lord king and members of his council, and others. And I, João Garces, knight of the household of the said lord prince and his notary of his treasury and of the treasury of the kingdom of the Algarve beyond the sea in Africa, notary general and public throughout the kingdoms and lordships of the said lord king, who together with Benito Roys de Castro, notary of the high court of justice of the said lord and lady, king and queen of Castile, Aragon, etc., and with the said witnesses, was present throughout when the said representatives approved this instrument of agreement and all the things particularly set forth in it. And they took the said oath by placing their right hands on a cross and on a book of the holy gospels. I, the said João Garces, caused this said agreement and instrument to be written down faithfully on these thirty-three leaves above written counting this leaf. It was faithfully amended and corrected and revised in the presence of the said representatives, just as it is set forth on each single leaf, which was signed by me and the said Benito Roys with our names at the foot of it. With my hand I wrote the wrapper and sealed it with my public seal, which is as follows. And I, Benito Roys de Castro, notary of the high court of justice of the said lord and lady, king and queen of Castile, Aragon, etc., and notary public in their court and throughout their kingdoms and lordships, by the permission, power, and authority, which was granted and conceded to me by the said lord king of Portugal to attest and witness the truth of the treaty of peace and of all the other things which pertain to it, was present, together with the said João Garces and the witnesses abovementioned, when the said representatives of the said lords approved this instrument and took the said oath by placing their right hands on a cross and on a book of the holy gospels. I caused it to be corrected, together with the said Juan Garces, just as it is corrected above. It is written on thirty-four leaves, counting this leaf on which this my seal is placed. Finally on each leaf is written my customary name and I sealed it with my seal which is as follows.

This instrument of agreement and treaty of peace having been seen and examined by us, by the members of our council, and by the grandees, cities, and towns of our kingdoms, we approve, assent to, and confirm it, and promise and swear, on the sign of the cross and on the holy gospels, on which we actually placed our hands in the presence of the said Fernando de Silva, ambassador of the said lords, king and prince of Portugal, to perform, maintain, and observe this said instrument of contract of peace, and all the articles contained in it, and each one of them, in good faith, and without any evasion, deception, or mental reservation whatsoever, by us and by our heirs and successors, and by our kingdoms and lordships, lands, peoples, and subjects natives of them, under the stipulations, agreements, obligations, fines, bonds, and renunciations contained in this said contract and treaty of peace. For the assurance, corroboration, and validation of all, we caused this letter to be written and delivered to the said Fernando de Silva, in order that he might give it to the said lords, the king and prince of Portugal. We signed the same with our names, and ordered it sealed with our leaden seal hanging from colored silken threads. Given in the very noble city of Toledo, on the sixth day of the month of March, in the year of the nativity of our Lord Jesus Christ, 1480. Let there be no doubt where it says on the second leaf above the

erasure " onde poz que las assentaredes y firmaredes "; on the third leaf where it says " diez y nueve "; on the seventh leaf, where it says in the margin " que destes nuestros rreynos viniere con el procurador del dicho Rey de Castilla "; on the thirteenth leaf, where it says above the erasure " tractos "; and on the fourteenth leaf, where it says between the lines " sus reynos ". It was thoroughly corrected and revised in the presence of the said Fernando de Silva. And on the twelfth leaf, where it says above the erasure " sentencias ".

I, THE KING.

I, THE QUEEN.

I, FERNANDO ALVAREZ de Toledo, secretary of the king and of the queen, our lord and lady, had it written by his command. Registered. ALFONSO SANCHEZ de Logroño, chancellor.

## 4.

*The Bull Aeterni Regis (Sixtus IV.). June 21, 1481.*

## INTRODUCTION.

This bull is a confirmation by Pope Sixtus IV. of the bulls *Romanus pontifex* (1455)<sup>1</sup> and *Inter caetera* (1456),<sup>2</sup> sanctioning Portugal's claims to exclusive rights in Guinea; and it also includes an important new concession, since it confirms that article in the recently ratified treaty of Alcaçovas<sup>3</sup> whereby the sovereigns of Castile promised not to disturb Portugal in Guinea or in certain of the Atlantic islands or in Morocco. The weight of papal authority was thus brought to bear against any attempt on the part of Castile to evade her agreement.

Such a bull was of particular value to Prince John at this juncture. Apparently the first bull of this kind issued since the death of the Infante Henry in 1460, it marks the beginning of a new stage in the history of African exploration. The Portuguese government had for a long time ceased to push forward the southern expeditions, but in 1481 they were energetically resumed by Prince John, who, even in the lifetime of his father, was charged with the government of the places in Africa and received the revenues from the Guinea trade.<sup>4</sup> Upon the death of Alfonso in August, 1481, the prince succeeded to the throne under the title of John II., and before the end of the year he despatched an expedition under Diogo d'Azambuja to build the fort at Elmina, on the Gold Coast.<sup>5</sup>

In 1482 he sent ambassadors to urge King Edward IV. of England to prevent his subjects from sailing to Guinea. At about the same time Edward petitioned the Pope to permit Englishmen to trade in any part of Africa.<sup>6</sup>

## BIBLIOGRAPHY.

**Text: MS.** The original manuscript of the promulgated bull is in the National Archives in Lisbon, Coll. de Bullas, maço 26, no. 10.

**Text: Printed.** J. Ramos-Coelho, *Alguns Documentos* (1892), pp. 47-55 (from the text inserted in the confirmatory bull of 1514); L. M. Jordão, *Bullarium Patronatus Portugalliae Regum* (1868), pp. 47-52.

<sup>1</sup> Doc. 1.

<sup>2</sup> Doc. 2.

<sup>3</sup> Doc. 3.

<sup>4</sup> On May 4, 1481, Alfonso V. granted the prince the trade and fisheries of Guinea, and prohibited anyone from going or sending there without license from the prince. *Algs. Docs.*, p. 46.

<sup>5</sup> Ruy de Pina, *Chronica d'El Rei D. Joaõ II.*, c. 2; cf. Doc. 1, note 4.

<sup>6</sup> R. Hakluyt, *Principal Navigations* (ed. 1903-1905), VI. 122-124; *Cal. State Papers, Venice* (1864), I. 142.

**References: Contemporary and early writings.** J. de Barros, *Da Asia*, I. (1778), dec. I., liv. III., cc. 1, 2.

**References: Later writings.** H. Schäfer, *Geschichte von Portugal* (1836-1854), III. 148, in *Geschichte der Europäischen Staaten* (ed. Heeren and Ukert).

#### TEXT.

Sixtus episcopus, servus servorum Dei. Ad perpetuam rei memoriam. Eterni Regis clementia, per quam reges regnant, in suprema Sedis Apostolice specula collocati, regum Catholicorum omnium, sub quorum felici gubernaculo Christifideles in justitia et pace foventur, statum et prosperitatem ac quietem et tranquillitatem sinceris desideriis appetimus, et inter illos pacis dulcedinem vigere ferventer exoptamus; ac hiis que per predecesores nostros, Romanos pontifices, et alios propterea provide facta fuisse comperimus, ut firma perpetuo et illibata permaneant, et ab omni contentionis scrupulo procul existant, apostolice confirmationis robor favorabiliter adhibemus.

Dudum siquidem ad audientiam felicitis recordationis Nicolai Pape V., predecessoris nostri, deducto quod quondam Henricus, infans Portugaliæ, carissimi in Christo filii nostri, Alfonsi Portugaliæ et Algarbii regnorum regis illustris patruus—

[Here follows the rest of the confirmation of the bulls of January 8, 1455, and of March 13, 1456, Docs. 1 and 2.]

Postmodum vero, cum inter prefatum Alfonsum Regem et charissimum in Christo filium nostrum Ferdinandum Castelle et Legionis Regem illustrem, eorumque subditos, humani generis hostis causante versutia, guerre aliquandiu viguissent, tandem, divina operante clementia, ad pacem et concordiam devenerunt, et pro pace inter ipsos firmanda et stabilienda nonnulla capitula<sup>a</sup> inter se fecerunt, inter que unum capitulum fore dinoscitur hujusmodi tenoris:

“Item voluerunt prefati Rex et Regina Castelle, Aragonie, et Sicilie, et illis placuit, ut ista pax sit firma et stabilis ac semper duratura, [et] promiserunt ex nunc et in futurum quod nec per se nec per alium, secreta seu publice, nec per suos heredes et successores, turbabunt, molestabunt, nec inquietabunt, de facto vel de jure, in judicio vel extra judicium, dictos dominos Regem et Principem Portugaliæ nec reges qui in futurum in dicto regno Portugaliæ regnabunt nec sua regna, super possessione et quasi possessione, in qua sunt, in omnibus commerciis, terris, et permutationibus sive resiguatis Guinee, cum suis mineris seu aurifodinis, et quibuscunque aliis insulis, littoribus, seu costis maris, terris, detectis seu detegendis, inventis et inveniendis, insulis de la Madera, de Portu Sancto, et Insula Deserta, et omnibus insulis dictis de los Açores, id est, Ancipitrum, et insulis Florum, et etiam insulis de Cabo Verde, id est, Promontorio Viridi, et insulis quas nunc invenit, et quibuscunque insulis que deinceps invenientur aut acquirentur, ab insulis de Canaria ultra et citra et in conspectu Guinee, ita quod quicquid

<sup>a</sup> The text is from the original manuscript of the bull, in the National Archives at Lisbon, Coll. de Bullas, maço 26, no. 10.

<sup>b</sup> The treaty of Alcaçovas.

<sup>c</sup> The eighth of the “new articles” of the treaty of Alcaçovas. The Spanish text of this article is printed above, Doc. 3.



est inventum vel invenietur et acquiretur ultra in dictis terminis, id quod est inventum et detectum remaneat dictis Regi et Principi de Portugallia et suis regnis, exceptis duntaxat insulis de Canaria, Lanzarote, Lapalma, Forteventura, Lagomera, Ho Fierro, Ha Gratiola, Ha Gran Canaria, Tanarife, et omnibus aliis insulis de Canaria, acquisitis aut acquirendis, que remanent regnis Castelle; et ita non turbabunt nec molestabunt nec inquietabunt quascunque personas, que dicta mercimonia et contractus Guinee nec dictas terras et littora aut costas, inventas et inveniendas, nomine aut potentia et manu dictorum dominorum Regis et Principis Portugallie vel suorum successorum tractabunt, negociabuntur, vel acquirent, quocunque titulo, modo, vel manerie quod sit aut esse possit. Immo, per istam presentem, promittunt et assecurant bona fide, sine dolo malo, dictis dominis regi et principi Portugallie et successoribus suis, quod non mittent per se nec per alios nec consentient, immo defendent, quod sine licentia dictorum dominorum regis et principis Portugallie, non vident ad negociandum dicta commercia et tractus nec in insulis, terris Guinee, inventis vel inveniendis, gentes suas naturales vel subditos in quocunque loco et in quocunque tempore et in quocunque casu, opinato vel inopinato, nec quascunque alias gentes exteras que morarentur in suis regnis et dominiis, vel in suis portibus armarent vel caperent victualia et necessaria ad navigandum, nec dabunt illis aliquam occasionem, favorem, locum, auxilium nec assensum, directe vel indirecte, nec permittant armari nec onerari ad eundem illuc, aliquo modo. Et si aliqui ex naturalibus vel subditis regnorum Castelle vel extranei quicunque sint, irent ad tractandum, impediendum, damnificandum, depredandum, acquirendum in dicta Guinea et in dictis locis mercimonia et permutationum et mineriarum seu aurifodinarum et terris et insulis que sunt invente et in futurum inveniende, sine licentia et expresso consensu dictorum dominorum, regis et principis Portugallie, vel suorum successorum, quod tales sint puniendi eo modo, loco, et forma quod ordinatum est per dictum capitulum istius nove reformationis tractatus pacis, que servabuntur et debent servari in rebus maritimis contra eos qui descendunt in littora, sin[us], et portus ad depredandum, damnificandum, vel ad male agendum, vel in mari medio dictas res faciant.<sup>10</sup> Preterea, Rex et Regina Castelle et Legionis promiserunt et concesserunt, modo supradicto, pro se et suis successoribus, ut se non intromittant ad inquirendum et intendendum aliquo modo in conquesta regni de Fez, sicuti se non intromiserunt reges antecessores sui preteriti Castelle, immo libenter dicti domini, rex et princeps Portugallie, et sua regna et sui successores poterunt prosequi dictam conquestam et eam defendant quomodo illis placuerit, et promiserunt et consenserunt in omnibus dicti domini, rex et regina Castelle, nec per se nec per alios, nec in iudicio nec extra iudicium, nec de facto nec de jure, non movebunt super premissis, nec in parte, nec super re que ad illud pertineat, litem, dubium, questionem, nec aliquam contempcionem, immo, totum preservabunt, complebunt integre et faciant observari et compleri sine aliquo defectu; et ne in posterum possit allegari ignorantia de vetatione et penis dictarum rerum contractarum, dicti domini miserunt illico iustitiis et officialibus portuum dictorum suorum regnorum, ut totum quod dictum est servent, compleant, et fideliter exequantur, et mittant ad preconizandum et publicandum in sua curia et in dictis portibus maris eorum supradictorum regnorum et dominiorum, ut id perveniat ad eorum notitiam.<sup>11</sup>

<sup>10</sup> Cf. Doc. 3, note 16.

Nos igitur, quibus cura universalis Dominici gregis celitus est commissa, quique ut tenemur inter principes et populos Christianos pacis et quietis suavitatem vigere et perpetuo durare desideramus, cupientes ut littere Nicolai<sup>11</sup> et Calixti,<sup>12</sup> predecessorum hujusmodi, ac preinsertum capitulum<sup>13</sup> necnon omnia et singula in eis contenta, ad Divini Nominis laudem et principum et populorum singulorum regnorum predictorum perpetuam pacem firma perpetuo et illibata permaneant, motu proprio,<sup>14</sup> non ad alicujus nobis super hoc oblate petitionis instantiam, sed de nostra mera liberalitate ac providentia et ex certa scientia, necnon de apostolice potestatis plenitudine, litteras Nicolai et Calixti predecessorum hujusmodi, ac capitulum predicta rata et grata habentes, illa, necnon omnia et singula in eisdem contenta, auctoritate apostolica, tenore presentium approbamus et confirmamus, ac presentis scripti patrocinio communimus, decernentes illa, omnia et singula, plenum firmitatis robur obtinere ac perpetuo observari debere. Et nichilominus venerabilibus fratribus, Elborensi<sup>15</sup> et Silvensi<sup>16</sup> ac Portugaliensi<sup>17</sup> Episcopis, per apostolica scripta, motu et scientia similibus, mandamus, quatinus ipsi vel duo aut unus eorum, per se vel alium seu alios, singulas litteras ac capitulum predicta, ubi et quando opus fuerit, solemniter publicantes, ac eisdem Regi et Principi Portugalie eorumque successoribus in omnibus et singulis premissis efficacis defensionis presidio assistentes, non permittant eosdem regem et principem et successores, contra premissa vel eorum aliquod, per quoscunque cujuscunque dignitatis, status, gradus, vel conditionis fuerint, molestari seu etiam impedi, molestatores et impediendes necnon contradictores quoslibet et rebelles, auctoritate nostra per censuram ecclesiasticam et alia juris remedia, appellatione postposita compescendo, non obstantibus, omnibus supradictis, aut si aliquibus, communiter vel divisim, ab Apostolica sit Sede indultum, quod interdicti, suspendi, vel excommunicari non possint per litteras apostolicas non facientes plenam et expressam ac de verbo ad verbum de indulto hujusmodi mentionem. Nulli ergo omnino hominum liceat hanc paginam nostre confirmationis, approbationis, confirmationis, constitutionis, et mandati infringere, vel ei ausu temerario contraire. Siquis autem hoc attemptare presumpserit, indignationem Omnipotentis Dei ac beatorum Petri et Pauli apostolorum ejus se noverit incursurum.

Datum Rome apud Sanctum Petrum, anno Incarnationis Dominice millesimo quadringentesimo octuagesimo primo, undecimo kalendas Julii, pontificatus nostri anno decimo.

JO. DE SALOS.<sup>18</sup>

P. DE MONTE.<sup>19</sup>

JO. HORN.<sup>20</sup>

L. GRIFUS.<sup>21</sup>

<sup>11</sup> The bull of Jan. 8, 1455, Doc. 1.

<sup>12</sup> The bull of Mar. 13, 1456, Doc. 2.

<sup>13</sup> The eighth of the "new articles" of the treaty of Alcaçovas, Doc. 3.

<sup>14</sup> Cf. Doc. 1, note 38.

<sup>15</sup> In 1481 Garcia Menezes was Bishop of Evora, the capital of the province of Alentejo. C. Eubel, *Hierarchia Catholica Mediæ Aevi*, II. (1901).

<sup>16</sup> In June, 1481, João de Mello was Bishop of Silves, the ancient capital of the Moorish kingdom of Algarve. *Ibid.*

<sup>17</sup> In 1481 João de Azevedo was Bishop of Oporto. *Ibid.*

<sup>18</sup> The *rescribendarius*. An account of the functions of this and other officers of the papal chancery is given in L. Schmitz-Kallenberg, *Practica Cancellariae Apostolicae Saeculi XV, exeuntis* (Münster, 1904).

<sup>19</sup> The *computator*. This official and the *rescribendarius* were concerned with the charge made for the instrument. *Ibid.*, pp. 25 ff.

<sup>20</sup> The *summista* or *summator*, who noted any defects in the instrument. *Ibid.*, pp. 36, 37.

<sup>21</sup> Leonardo Griffio, bishop of Gubbio, and papal secretary. *Ibid.*, p. 37. The bull is endorsed "Registrata in Camera Apostolica".

## TRANSLATION.

Sixtus, bishop, servant of the servants of God. For a perpetual remembrance.

Since, through the Eternal King's clemency, whereby kings reign, we have been placed in the most lofty watchtower of the Apostolic See, we earnestly seek the stability, prosperity, quiet, and tranquillity of all Catholic kings, under whose auspicious guidance Christ's faithful ones are cherished in justice and peace, and we fervently desire that sweet peace may thrive among them. Moreover we graciously apply the strengthening power of apostolic confirmation to what we find to have been done with that object by our predecessors, the Roman popes, and others, in order that it may remain forever firm, unshaken, and far removed from any risk of controversy.

A short while ago, when it was brought to the hearing of our predecessor, Pope Nicholas V., of happy memory, that formerly Henry, the infante of Portugal, uncle of our most dear son in Christ, Alfonso, the illustrious king of the kingdoms of Portugal and Algarve—

[Here follows the confirmation of the bull of January 8, 1455, and the bull of March 13, 1456, Docs. 1 and 2.]

Afterwards, however, when, through the craftiness of the enemy of mankind, war had raged for some time between the aforesaid King Alfonso and our dearest son in Christ, Ferdinand, the illustrious king of Castile and Leon, and their subjects, at length through the operation of divine clemency they reached peace and concord, and, for the purpose of strengthening and establishing peace between them, they concluded certain articles, one of which was to the following effect:

“ Item, the aforesaid King and Queen of Castile, Aragon, and Sicily, willed and resolved that this peace shall be firm and stable and everlasting, and they promised henceforth and forever that neither directly nor indirectly, neither secretly nor publicly, nor by their heirs and successors, will they disturb, trouble, or molest, in fact or in law, in court or out of court, the said King and Prince of Portugal or the future sovereigns of Portugal or their kingdoms in the status of possession or quasi-possession which they hold over all the trade, lands, and barter of Guinea, with its gold-mines, or over any other islands, shores, sea-coasts, or lands, discovered or to be discovered, found or to be found, or over the islands of Madeira, Porto Santo, and Desierta, or over all the islands called the Azores, that is, Hawks, and the islands of Flores, nor over the islands of Cape Verde (the Green Cape), nor over the islands already discovered, nor over whatever islands shall be found or acquired from beyond the Canaries, and on this side of and in the vicinity of Guinea, so that whatever has been or shall be found and acquired further in the said limits, shall belong to the said King and Prince of Portugal and to their kingdoms, excepting only the Canary Islands, [namely] Lanzarote, Palma, Forteventura, Gomera, Ferro, Graciosa, Grand Canary, Teneriffe, and all the other Canary Islands, acquired or to be acquired, which remain the possession of the kingdoms of Castile. And in like manner they will not disturb, trouble, or molest any persons whomsoever, who, under any title or in any way or manner whatsoever, shall trade or traffic in or acquire the said merchandise or trade of Guinea or the said lands, shores, or coasts, discovered or to be discovered, in the name or under the authority of the said

lords, king and prince of Portugal, or of their successors. On the contrary, by these presents, they do promise and assure, in good faith and without deceit, the said lords, king and prince of Portugal, and their successors, that they will not, of themselves or through others, order or consent, but rather forbid that any of their people, native or subject, in any place or at any time, or in any case, imagined or not imagined, or any other foreign people who might be within their kingdoms and dominions, or who might be equipped or provisioned in their ports, go to traffic in the said trade, or in the islands or lands of Guinea, discovered or to be discovered, without the permission of the said King and Prince of Portugal. Neither will they give any occasion, favor, opportunity, aid, or consent, direct or indirect, for such trade, nor permit the equipment or freighting of expeditions for those regions in any manner. And if any of the natives or subjects of the kingdoms of Castile, or any foreigners whosoever, shall set about trafficking in, obstructing, injuring, plundering, or acquiring by conquest the said Guinea or its trade, barter, or mines, or the lands and islands, discovered or to be discovered, without the express license and consent of the said lords, king and prince of Portugal, or of their successors, all such shall be punished in the manner, place, and form ordained by the said article of this new revision of the treaties of peace which will and ought to be observed in maritime affairs against those who land upon the shores, bays, or ports in order to plunder, commit depredations, or do evil, or who shall do such things on the high seas.

“Moreover, the King and Queen of Castile and Leon, promised and agreed, in the manner abovesaid, for themselves and for their successors, not to concern themselves to interfere in any manner with the conquest of the kingdom of Fez, just as the former sovereigns of Castile, their predecessors, abstained from meddling with it; but the said lords, king and prince of Portugal, and their kingdoms and successors shall have a free hand to prosecute the said conquest and to defend it as they please. And the said lord and lady, king and queen of Castile, promised and agreed faithfully that, neither of themselves nor by any other, in court or out of court, in fact or in law, will they raise against this agreement, nor any part of it, nor anything that pertains to it, any suit, doubt, question, or any other contention, but that, on the contrary, they will observe and fulfill everything strictly, and will cause it to be observed and fulfilled without any diminution. And in order that in the future ignorance might not be alleged of the prohibition and penalties involved in the said matters, the said king and queen immediately ordered the justices and officials of the ports of their aforesaid kingdoms faithfully to observe, fulfill, and execute everything herein ordained, and to proclaim and publish it in their courts and in the said seaports of their aforesaid kingdoms and dominions, so that it might be universally known.”

We, therefore, to whom the care of all the Lord's flock is committed by Heaven, and who, as we are bound, desire sweet peace and tranquillity to flourish and endure forever between Christian princes and peoples, earnestly wishing that the letters of Nicholas and of Calixtus, our predecessors, and the article inserted above, and all and singular their contents, may remain stable and unimpaired forever, to the praise of the Divine Name and the lasting peace of the princes and peoples of each of the aforesaid realms: of our

own motion, not in compliance with any petition offered to us on this subject, but of our spontaneous liberality, foresight, and certain knowledge, and from the plenitude of apostolic power, considering the letters of Nicholas and of Calixtus, our predecessors, and the article aforesaid, as valid and acceptable, do, by apostolic authority and the tenor of these presents, approve and confirm them and everything contained in them and secure them by the protection of this present writing, decreeing that they, all and singular, ought to possess full authority and be observed forever. And, moreover, by our apostolic writings and on our motion and knowledge aforesaid, we command our venerable brothers, the bishops of Evora and of Silves and of Portugal, that they themselves, or two or one of them, by himself, or another or others, solemnly publishing each of the aforesaid letters and the article, where and when it shall be necessary, and assisting with efficacious protection the said King and Prince of Portugal and their successors, in all and singular the aforesaid, shall not permit the said king and prince and their successors to be molested or even hindered, contrary to the aforesaid, or any part of it, by anyone of whatsoever rank, position, degree, or condition he may be, restraining in our name all persons soever who obstruct, hinder, oppose, or rebel against the aforesaid, by ecclesiastical censures and other legal remedies, without permitting appeals, all [apostolic constitutions] to the contrary notwithstanding, even though an indult shall have been granted by the Apostolic See to any persons, jointly or singly, declaring them to be exempt from interdiction, suspension, or excommunication by apostolic letters that do not make full and express and verbatim mention of the said indult. Let no one, therefore, infringe or with rash boldness contravene this our confirmation, approbation, reinforcement, regulation, and mandate. Should anyone presume to do so, be it known to him that he will incur the wrath of Almighty God and of the blessed apostles Peter and Paul. Given at Rome, at St. Peter's, on the twenty-first day of June, in the year of the incarnation of our Lord one thousand four hundred and eighty-one, in the tenth year of our pontificate.

J. DE SALOS.

P. DE MONTE.

J. HORN.

L. GRIFUS.

## 5.

### *The Bull Inter Caetera (Alexander VI.). May 3, 1493.*

#### INTRODUCTION.

Immediately upon learning of the discoveries made by Columbus and of the claims of Portugal thereto,<sup>1</sup> Ferdinand and Isabella appear to have despatched an account of the same to the court at Rome. In consequence of these and later representations, Pope Alexander VI., a native of Valencia, and a friend of King Ferdinand,<sup>2</sup> issued three bulls, dated May 3 and May 4, which were highly favorable to Spain. By the first, the bull *Inter caetera* of May 3, the pope assigned to the present and future sovereigns of Castile the lands discovered and to be discovered by their envoys and not previously possessed by any Christian owner. On the other hand, he safeguarded the concessions already made to Portugal with the proviso that by this gift "no right conferred on any Christian prince is hereby to be understood as withdrawn or to be withdrawn". The pope also commanded Ferdinand and Isabella to send men to instruct the inhabitants of these newly discovered lands in the Catholic faith and in good morals, and, following the precedent of the bull *Romanus pontifex*,<sup>3</sup> forbade anyone to go to them for trade or other purposes without special permit from the rulers of Castile.<sup>4</sup> He empowered the sovereigns of Castile to enjoy in respect to their discoveries the rights previously granted to Portugal in respect to hers, as if the terms of the grants to Portugal were repeated in this bull.

#### BIBLIOGRAPHY.

**Text: MS. and facsimile.** The original manuscript of the promulgated bull is in the Archives of the Indies at Seville, Patronato 1-1-1, no. 1,

<sup>1</sup> See above, p. 9.

<sup>2</sup> There are many evidences of this pope's friendliness to Spain. Cf. Pastor, *Geschichte der Päpste*, III. 515. H. Rossbach, *Das Leben und die Politisch-Kirchliche Wirksamkeit des Bernaldino Lopez de Carvajal* (1892). See also Vander Linden, "Alexander VI.", etc., *American Historical Review*, XXII. 13-15.

<sup>3</sup> Doc. 1.

<sup>4</sup> It is noteworthy that the restrictions in respect to trade in the prohibited articles, which are emphasized in the bull *Romanus pontifex* (Doc. 1), are omitted here. There is plenty of evidence that about this time the Portuguese were finding the commercial restrictions imposed by the Church very onerous. Cf. the bulls of Sept. 13, 1496; July 4, 1505 (see Doc. 1, note 21); and Apr. 2, 1506. L. A. Rebello da Silva, *Corpo Diplomatico Portuguez* (Acad. Real das Sciencias, Lisbon, 1862—), I. 59 ff., 97 ff.

but it is not now kept in this bundle but is framed and hanging on the wall. Photographs of this manuscript are reproduced in the *Am. Hist. Rev.*, vol. XIV., opp. p. 776; and in the *Boletín del Centro de Estudios Americanistas de Sevilla*, año III., núm. 7 (March-April, 1915). The text, as entered in the secret register of Alexander VI. in the Vatican Archives, is published in photographic facsimile in J. C. Heywood, *Documenta Selecta e Tabulario Secreto Vaticano* (1893), whence it is reproduced in J. B. Thacher, *Columbus* (1903-1904), II. 124-136.

**Text: Printed.** The Vatican text is printed in Heywood, *op. cit.*; Thacher, *op. cit.*, II. 125-137; and G. Berchet, *Fonti Italiane* (1892-1893), I. 5-7 (pt. III. of the *Raccolta di Documenti* published by the Reale Commissione Colombiana). A text from the Simancas Archives, where, in 1797, Muñoz discovered a copy of this previously unknown bull, is in Navarrete, *Coleccion de Viages* (1825-1837), tom. II., no. 17, pp. 23-27.

**Translations: English.** Thacher, *op. cit.*, II. 125-137; E. H. Blair and J. A. Robertson, *Philippine Islands* (1903-1909), I. 97-103. **Spanish.** *Boletín del Centro de Estudios Americanistas de Sevilla*, año III., núm. 7 (March-April, 1915).

**References:\*** Contemporary and early writings. F. Colon, *Historie del S. D. Fernando Colombo* (1571, etc.), trans. in Churchill, *Collection of Voyages* (1732), vol. II., pp. 501 ff., chs. 42, 43; B. de Las Casas, *Historia de las Indias* (1875), tom. I., c. 79, in Navarrete et al., *Coleccion de Documentos Inéditos para la Historia de España* (1842—), LXII.; G. Zurita, *Historia del Rey Don Hernando* (1580), lib. I., c. 29; A. de Herrera, *Historia General de los Castellanos* (1730), dec. I., lib. II., c. 4.

**References: Later writings.** J. B. Muñoz, *Historia del Nuevo Mundo* (1793), tom. I., lib. IV., § 18 f. (an English translation of the *Historia* was published in London in 1797); O. F. Peschel, *Theilung der Erde unter Papst Alexander VI. und Julius II.* (1871); F. Ehrle, "Historische Gehalt der Päpstlichen Abtheilung", in *Stimmen aus Maria-Laach*, XLVI. (1894), 383-388; E. G. Bourne, *Essays in Historical Criticism* (1901), "Demarcation Line of Alexander VI.,"; H. HARRISSE, *Diplomatic History of America* (1897), ch. III.; S. E. Dawson, "Lines of Demarcation of Pope Alexander VI." (1899), in the *Transactions of the Royal Society of Canada*, 2d ser., 1899, vol. V., § 2, pp. 467 ff.; J. B. Thacher, *Columbus* (1903-1904), II. 84 ff.; A. Baum, *Demarkationslinie Papst Alexanders VI. und ihre Folgen* (dissertation, Cologne, 1890); K. Kretschmer, *Die Entdeckung Amerika's* (1892), pp. 300 ff.; L. von Pastor, *Geschichte der Päpste*, III. (1899), pp. 517-521; H. Vignaud, *Histoire Critique de la Grande Entreprise de Christophe Colomb* (1911), II. 276 ff.; H. Vander Linden, "Alexander VI. and the Demarcation of the Maritime and Colonial Domains of Spain and Portugal", *Am. Hist. Rev.*, XXII. 1-20. For further references, see J. Winsor, *Narrative and Critical History*, II. (1886) 45, etc., and E. G. Bourne, *Spain in America* (1904), "Critical Essay on Authorities", in A. B. Hart, *American Nation*.

\* These are also the references for Docs. 6 and 7.

TEXT.<sup>1</sup>

Alexander episcopus, servus servorum Dei; carissimo in Christo filio Fernando regi et carissime in Christo filie Elisabeth regine Castelle, Legionis, Aragonum, et Granate illustribus, salutem et apostolicam benedictionem. Inter cetera Divine Majestati beneplacita opera et cordis nostri desiderabilia, illud profecto potissimum existit, ut fides Catholica et Christiana religio nostris presertim temporibus exaltetur, ac ubilibet ampliatur et dilatetur, animarumque salus procuretur, ac barbære nationes deprimantur, et ad fidem ipsam reducantur. Unde cum ad hanc Sacram Petri Sedem, divina favente clementia, meritis licet imparibus, evocati fuerimus, cognoscentes vos, tanquam veros Catholicos reges et principes, quales semper fuisse novimus, et a vobis preclare gesta toti pene jam orbi notissima demonstrant, nedum id exoptare, sed omni conatu, studio, et diligentia, nullis laboribus, nullis impensis, nullisque parcendo periculis, etiam proprium sanguinem effundendo, efficere, ac omnem animum vestrum omnesque conatus ad hoc jam dudum dedicasse—quenadmodum recuperatio regni Granate a tyrannide Sarracenorum hodiernis temporibus per vos, cum tanta Divini Nominis gloria facta, testatur—<sup>2</sup> digne ducimur non immerito, et debemus illa vobis etiam sponte et favorabiliter concedere, per que hujusmodi sanctum et laudabile ac immortalis Deo acceptum propositum in dies ferventiori animo ad ipsius Dei honorem et imperii Christiani propagationem prosequi valeatis. Sane accepimus quod vos, qui dudum animo proposueratis aliquas terras et insulas, remotas et incognitas ac per alios hactenus non repertas, querere et invenire, ut illarum incolas et habitatores ad colendum Redemptorem nostrum et fidem Catholicam profitendum reduceretis, hactenus in expugnatione et recuperatione ipsius regni Granate plurimum occupati, hujusmodi sanctum et laudabile propositum vestrum ad optatum finem perducere nequivistis; sed tandem, sicut Domino placuit, regno predicto recuperato, volentes desiderium vestrum adimplere, dilectum filium, Christoforum Colon, cum navigiis et hominibus ad similia instructis, non sine maximis laboribus et periculis ac expensis, destinastis, ut terras remotas et incognitas hujusmodi, per mare ubi hactenus navigatum non fuerat, diligenter inquirerent; qui tandem, divino auxilio, facta extrema diligentia, *per partes occidentales, ut dicitur, versus Indos*, in mari oceano navigantes, certas insulas remotissimas, et etiam terras firmas,<sup>3</sup> que per alios hactenus reperte non fuerant, invenerunt, in quibus quamplurime gentes, pacifice viventes, et, ut asseritur, nudi incedentes, nec carnibus vescentes, inhabitant; et, ut prefati nuntii vestri

<sup>1</sup> The text is from the original manuscript of the bull, preserved in the Archives of the Indies at Seville. The pressmark is Patronato, I-1-1: but the manuscript is not in this legajo, but framed and hanging on the wall. To facilitate comparison with the bull *Inter caetera* of May 4, words in this bull which are not in the latter are printed in italics. The variant readings in the Vatican text are few and insignificant.

<sup>2</sup> The conquest of the kingdom of Granada was completed by the capitulation of the city of Granada on Jan. 2, 1492.

<sup>3</sup> Columbus at first supposed Cuba to be part of the mainland, but he describes it as an island in the letter written on his homeward voyage, of which one copy was sent to Luis de Santángel, steward of King Ferdinand's household, and another to Gabriel Sanchez, treasurer of Aragon. Nearly all the data for the following description might have been taken from this letter, which was known in Rome before April 18. Harriette, *Diplomatic History*, p. 160. A translation of the Santángel letter is given in J. E. Olson and E. G. Bourne, *The Northmen, Columbus, and Cabot* (1906), pp. 263-272, in J. F. Jameson's series of *Original Narratives of Early American History*.



possunt opinari, gentes ipse in insulis et terris predictis habitantes, credunt unum Deum Creatorem in celis esse, ac ad fidem Catholicam amplexandum et bonis moribus imbuendum satis apti videntur, spesque habetur quod, si erudirentur, nomen Salvatoris Domini nostri Jesu Christi in terris et insulis predictis facile induceretur; ac prefatus Christoforus in una ex principalibus insulis predictis jam unam turrim<sup>9</sup> satis munitam, in qua certos Christianos qui secum iverant, in custodiam, et ut alias insulas et terras remotas et incognitas inquirerent, posuit, construi et edificari fecit; in quibus quidem insulis et terris jam repertis, aurum, aromata, et alie quamplurime res preciose diversi generis et diverse qualitatis repperiuntur. Unde omnibus diligenter, et presertim fidei Catholice exaltatione et dilatatione, prout decet Catholicos reges et principes, consideratis, more progenitorum vestrorum, clare memorie regum, terras et insulas predictas illarumque incolas et habitatores, vobis, divina favente clementia, subjicere et ad fidem Catholicam reducere [proposuistis].<sup>10</sup> Nos igitur hujusmodi vestrum sanctum et laudabile propositum plurimum in Domino commendantes, ac cupientes ut illud ad debitum finem perducatur, et ipsum nomen Salvatoris nostri in partibus illis inducatur, hortamur vos plurimum in Domino, et per sacri lavacri susceptionem, qua mandatis apostolicis obligati estis, et viscera misericordie Domini nostri Jhesu Christi attente requirimus, ut cum expeditionem hujusmodi omnino prosequi et assumere prona mente orthodoxe fidei zelo intendatis, populos in hujusmodi insulis degentes ad Christianam *professionem* suscipiendam inducere velitis et debeatis, nec pericula, nec labores ullo unquam tempore vos deterreant, firma spe fiduciaque conceptis, quod Deus Omnipotens conatus vestros feliciter prosequetur. Et, ut tanti negotii provinciam apostolice gratie largitate donati, liberius et audacius assumatis, motu proprio,<sup>11</sup> non ad vestram vel alterius pro vobis super hoc nobis oblate petitionis instantiam, sed de nostra mera liberalitate, et ex certa scientia, ac de apostolice potestatis plenitudine, omnes *et singulas terras et insulas predictas, sic incognitas, et hactenus per nuntios vestros repertas et reperiendas in posterum, que sub dominio actuali temporali aliquorum dominorum Christianorum constitute non sint*, auctoritate Omnipotentis Dei nobis in beato Petro concessa, ac vicariatus Jhesu Christi, qua fungimur in terris, cum omnibus illarum dominiis, cum civitatibus, castris, locis, et villis, iurisque et jurisdictionibus ac pertinentiis universis, vobis heredibusque et successoribus vestris, Castelle et Legionis regibus, in perpetuum *auctoritate apostolica*, tenore presentium donamus, concedimus, et assignamus, vosque ac heredes et successores prefatos *de illis investimus*, illarumque dominos cum plena, libera, et omnimoda potestate, auctoritate, et jurisdictione, facimus, constituimus, et deputamus; decernentes nichilominus per hujusmodi donationem, concessionem, assignationem, et *investituram* nostram, nulli Christiano principi jus quesitum sublatum intelligi posse aut auferri debere. Et insuper mandamus vobis in virtute sancte obedientie, ut, sicut etiam pollicemini et non dubitamus pro vestra maxima devotione et regia magnanimitate vos esse facturos, ad terras et insulas predictas viros probos et Deum timentes, doctos, peritos, et expertos, ad instruendum incolas et habitatores

<sup>9</sup> In the town of Navidad, in Hispaniola. Cf. Olson and Bourne, *Northmen, Columbus, and Cabot* (1906), p. 268.

<sup>10</sup> In the bull *Inter caetera* of May 4, the word *proposuistis* appears here, but it is not in either text of the bull *Inter caetera* of May 3.

<sup>11</sup> Cf. Doc. 1, note 38.

prefatos in fide Catholica et bonis moribus imbuendum, destinare debeatis, omnem debitam diligentiam in premisis adhibentes;<sup>22</sup> ac quibuscumque personis, *etiam* cujuscumque dignitatis, status, gradus, ordinis, vel conditionis, sub excommunicationis late sententiae<sup>23</sup> pena, quam eo ipso, si contrafecerint, incurrant, districtius inhibentes, ne ad insulas et terras *predictas*, postquam per vestros nuntios seu ad id missos invente et recepte fuerint, pro mercibus habendis vel quavis alia de causa, accedere presumant, absque vestra ac heredum et successorum vestrorum predictorum licentia speciali. Et<sup>24</sup> quia etiam nonnulli Portugallie Reges in partibus Affricae, Guince, et Minere Auri, ac alias, insulas, similiter, etiam ex concessionem apostolica eis facta, reppererunt et acquisiverunt et per Sedem Apostolicam eis diversa privilegia, gratie, libertates, immunitates, exemptiones, et indulta concessa fuerunt,<sup>25</sup> nos, vobis ac heredibus et successoribus vestris predictis, ut in insulis et terris per vos repertis et reperiendis hujusmodi, omnibus et singulis gratiis, privilegiis, exemptionibus, libertatibus, facultatibus, immunitatibus, et indultis hujusmodi, quorum omnium tenores, ac si de verbo ad verbum presentibus insererentur, haberi volumus pro sufficienter expressis et insertis, uti, potiri, et gaudere libere et licite, possitis ac debeatis in omnibus et per omnia, perinde ac si vobis ac heredibus et successoribus predictis specialiter concessa fuissent, motu, auctoritate, scientia, et apostolice potestatis plenitudine similibus, de specialis dono gratie, indulgemus, illaque in omnibus et per omnia ad vos, heredes ac successores vestros predictos extendimus pariter, et ampliamus, non obstantibus constitutionibus et ordinationibus apostolicis, nec non omnibus illis que in litteris desuper editis concessa sunt, non obstando, ceterisque contrariis quibuscumque; in Illo a quo imperia et dominationes ac bona cuncta procedunt confidentes, quod, dirigente Domino actus vestros, si hujusmodi sanctum et laudabile negotium prosequamini, brevi tempore, cum felicitate et gloria totius populi Christiani, vestri labores et conatus exitum felicissimum consequentur. Verum, quia difficile foret presentes litteras ad singula queque loca in quibus expediens fuerit deferre, volumus, ac motu et scientia similibus decernimus, quod illarum transumptis, manu publici notarii inde rogati subscriptis, et sigillo alicujus persone in ecclesiastica dignitate constitute seu curie ecclesiastice munitis, ea prorsus fides in iudicio et extra ac alias ubilibet adhibeatur, que presentibus adhiberetur, si essent exhibite et ostense. Nulli ergo omnino hominum liceat hanc paginam nostre exhortationis, requisitionis, donationis, concessionis, assignationis, investiture, facti, constitutionis, deputationis, mandati, inhibitionis, indulti, extensionis, ampliationis, voluntatis, et decreti, infringere, vel ei ausu temerario contraire. Siquis autem hoc attemptare presumpserit, indignationem Omnipotentis Dei ac beatorum Petri et Pauli apostolorum ejus se noverit incursurum.

<sup>22</sup> In their instructions for Columbus's second voyage, dated May 29, 1493, the Spanish sovereigns showed their anxiety to comply with the papal injunction to Christianize the islands. With this in view, they appointed Fray Bernardo Royle to accompany Columbus. Navarrete, *Viages*, tom. II., no. 45. p. 66.

<sup>23</sup> Excommunication is either *latae* or *ferendae sententiae*. "The first is incurred as soon as the offence is committed and by reason of the offence itself (*eo ipsa*) without intervention of any ecclesiastical judge." *The Catholic Encyclopedia*.

<sup>24</sup> The following italicized passage, which is omitted from the bull *Inter caetera* of May 4 (Doc. 7), corresponds closely to the passage in the bull *Eximiae devotionis* (Doc. 6), beginning *Cum autem* and ending *ampliamus*. See below, pp. 66, 75.

<sup>25</sup> The reference is to the bulls of 1455, 1456, and 1481, Docs. 1, 2, and 4.

Datum Rome apud Sanctum Petrum, anno Incarnationis Dominice millesimo quadringentesimo nonagesimo tertio, quinto nonas Maii, pontificatus nostri anno primo.

Gratis de mandato sanctissimi Domini nostri Pape.

B. CAPOTIUS.<sup>16</sup>

L. PODOCATHARUS.<sup>17</sup>

D. SERRANO.<sup>18</sup>

FERRARIIS.<sup>19</sup>

Ap[ri]l[i].

TRANSLATION.<sup>20</sup>

Alexander, bishop, servant of the servants of God, to the illustrious sovereigns, our very dear son in Christ, Ferdinand, king, and our very dear daughter in Christ, Isabella, queen, of Castile, Leon, Aragon, and Granada, health and apostolic benediction. Among other works well pleasing to the Divine Majesty and cherished of our heart, this assuredly ranks highest, that in our times especially the Catholic faith and the Christian religion be exalted and everywhere increased and spread, that the health of souls be cared for and that barbarous nations be overthrown and brought to the faith itself. Wherefore inasmuch as by the favor of divine clemency, we, though of insufficient merits, have been called to this Holy See of Peter, recognizing that as true Catholic kings and princes, such as we have known you always to be, and as your illustrious deeds already known to almost the whole world declare, you not only eagerly desire but with every effort, zeal, and diligence, without regard to hardships, expenses, dangers, with the shedding even of your blood, are laboring to that end; recognizing also that you have long since dedicated to this purpose your whole soul and all your endeavors—as witnessed in these times with so much glory to the Divine Name in your recovery of the kingdom of Granada from the yoke of the Saracens—we therefore are rightly led, and hold it as our duty, to grant you even of our own accord and in your favor those things, whereby with effort each day more hearty you may be enabled for the honor of God himself and the spread of the Christian rule to carry forward your holy and praiseworthy purpose so pleasing to immortal God. We have indeed learned that you, who for a long time had intended to seek out and discover certain lands and islands remote and unknown and not hitherto discovered by others, to the end that you might bring to the worship of our Redeemer and profession of the Catholic faith their residents and inhabitants, having been up to the present time greatly engaged in the siege and recovery of the kingdom itself of Granada, were unable to accomplish this holy and praiseworthy purpose; but the said kingdom having at length been regained, as was pleasing to the Lord, you, with the wish to fulfill your desire, chose our beloved son Christopher Columbus,

<sup>16</sup> Capotius was the *rescribendarius*, Serrano the *computator*. For some particulars concerning these and the other signatories of this bull see Vander Linden, *op. cit.*

<sup>17</sup> Lodovico Podocatharo, bishop of Capaccio and archbishop of Benevento, was physician to Pope Innocent VIII, and secretary to Alexander VI. In 1500 he was made a cardinal. M. Buchberger, *Kirchliches Handlexikon*. The bull bears the official endorsement "Registrata in Camera Apostolica". The names in the register are: B. Capotius, D. Serrano, A. de Campania, N. Casanova.

<sup>18</sup> The deciphering of the name of this abbreviator is due to Professor H. Vander Linden.

<sup>19</sup> In translating Docs. 5, 6, 7, and 8, free use has been made of the translations in Blair and Robertson, *Philippine Islands*, I. 97-114.

whom you furnished with ships and men equipped for like designs, not without the greatest hardships, dangers, and expenses, to make diligent quest for these remote and unknown countries through the sea, where hitherto no one had sailed; and they at length, with divine aid and with the utmost diligence sailing in the ocean sea, [through western waters, as is said, toward the Indians] discovered certain very remote islands and even mainlands, that hitherto had not been discovered by others; and therein dwell very many peoples living in peace, and, as reported, going unclothed, and not eating flesh. Moreover, as your aforesaid envoys are of opinion, these very peoples living in the said islands and countries believe in one God, the Creator in heaven, and seem sufficiently disposed to embrace the Catholic faith and be trained in good morals. And it is hoped that, were they instructed, the name of the Savior, our Lord Jesus Christ, would easily be introduced into the said countries and islands. Also, on one of the chief of these aforesaid islands the above-mentioned Christopher has already caused to be put together and built a fortress fairly equipped, wherein he has stationed as garrison certain Christians, companions of his, who are to make search for other remote and unknown islands and countries. In the islands and countries already discovered are found gold, spices, and very many other precious things of divers kinds and qualities. Wherefore, after earnest consideration of all matters, as becomes Catholic kings and princes, and especially of the rise and spread of the Catholic faith, as was the fashion of your ancestors, kings of renowned memory, you have purposed with the favor of divine clemency to bring under your sway the said countries and islands with their residents and inhabitants, and to bring them to the Catholic faith. Hence, heartily commending in the Lord this your holy and praiseworthy purpose, and desirous that it be duly accomplished, and that the name of our Savior be carried into those regions, we exhort you very earnestly in the Lord and by your reception of holy baptism, whereby you are bound to our apostolic commands, and by the bowels of the mercy of our Lord Jesus Christ, enjoin strictly, that inasmuch as with eager zeal for the true faith you design to equip and despatch this expedition, you purpose also, as is your duty, to lead the peoples dwelling in those islands to embrace the Christian profession; nor at any time let dangers or hardships deter you therefrom, with the stout hope and trust in your hearts that Almighty God will further your undertakings. And, in order that you may enter upon so great an undertaking with greater readiness and heartiness endowed with the benefit of our apostolic favor, we, of our own accord, not at your instance nor the request of anyone else in your regard, but of our own sole largess and certain knowledge and out of the fullness of our apostolic power, by the authority of Almighty God conferred upon us in blessed Peter and of the vicarship of Jesus Christ which we hold on earth, do by tenor of these presents give, grant, and assign forever to you and your heirs and successors, kings of Castile and Leon, all and singular the aforesaid countries and islands thus unknown and hitherto discovered by your envoys and to be discovered hereafter, provided however they at no time have been in the actual temporal possession of any Christian owner, together with all their dominions, cities, camps, places, and villages, and all rights, jurisdictions, and appurtenances of the same. And we invest you and your aforementioned heirs and successors with them, and make, appoint, and depute you lords of them with full and free power, authority, and jurisdiction of every kind, with this proviso however, that by this our gift, grant, assignment, and investiture

no right acquired by any Christian prince is hereby to be understood to be withdrawn or taken away. Moreover we command you in virtue of holy obedience, that, employing all due diligence in the premises, as you also promise—nor do we doubt that you will act in accordance with your devoted loyalty and royal greatness of spirit—you should appoint to the aforesaid countries and islands worthy and God-fearing, learned, skilled, and experienced men to instruct the aforesaid inhabitants and residents in the Catholic faith, and to train them in good morals. And under penalty of excommunication *late sententie* to be incurred *ipso facto*, should any thus contravene, we strictly forbid all persons of no matter what rank, estate, degree, order, or condition, to dare, without your special permit or that of your aforesaid heirs and successors, to go for the sake of trade or any other reason whatever to the said islands and countries after they have been discovered and found by your envoys or persons sent out for that purpose. And inasmuch as some kings of Portugal, likewise by apostolic grant made to them, have similarly discovered and taken possession of islands in the regions of Africa, Guinea, and the Gold Mine, and elsewhere, and divers privileges, favors, liberties, immunities, exemptions, and indults have been granted to them by the Apostolic See, we through similar accord, authority, knowledge, and fullness of apostolic power, by a gift of special favor, do grant to you and your aforesaid heirs and successors, that in the islands and countries thus discovered and to be discovered by you, you may and rightly can use, employ, and enjoy freely and legally, in all things and through all things, just as if they had been especially granted to you and your aforesaid heirs and successors, all and singular these favors, privileges, exemptions, liberties, faculties, immunities, and indults, the terms of all of which we wish to be understood as being sufficiently expressed and inserted, as if they were inserted word for word in these presents. Moreover we similarly extend and enlarge them in all things and through all things to you and your aforesaid heirs and successors, apostolic constitutions and ordinances as well as all those things that have been granted in the letters set forth above or other things whatsoever to the contrary notwithstanding. We trust in Him from whom empires and governments and all good things proceed, that should you with the Lord's guidance pursue this holy and praiseworthy undertaking, in a short while your hardships and endeavors will attain the most felicitous result, to the happiness and glory of all Christendom. But inasmuch as it would be difficult to have these present letters sent to all places where desirable, we wish, and with similar accord and knowledge do decree that to copies of them, signed by the hand of a notary public commissioned therefor and sealed with the seal of any ecclesiastical officer or ecclesiastical court, the same respect is to be shown in court and outside as well as anywhere else, as would be given to these presents should they be exhibited or shown. Let no one, therefore, infringe, or with rash boldness contravene this our exhortation, requisition, gift, grant, assignment, investiture, deed, constitution, deputation, mandate, inhibition, indult, extension, enlargement, will, and decree. Should anyone presume to do so, be it known to him that he will incur the wrath of Almighty God and of the blessed apostles Peter and Paul. Given in Rome, at St. Peter's, on the third day of May in the year one thousand four hundred and ninety-three of the incarnation of our Lord, in the first year of our pontificate.

Gratis by order of our most holy lord the Pope.

B. CAPOTIUS.  
D. SERRANO.

L. PODOCATHARUS.

April.

FERRARIIS.

## 6.

*The Bull Eximiae Devotionis (Alexander VI.). May 3, 1493.*<sup>1</sup>

### INTRODUCTION.

Although this bull bears the same date as the preceding,<sup>2</sup> it would seem that its expediting was not begun until July. In somewhat more precise and emphatic terms it repeats that concession of the earlier bull, which extended to the Catholic kings in respect to the lands discovered by Columbus the privileges previously granted to the kings of Portugal in respect to their discoveries in "Africa, Guinea, and the Gold Mine",

### BIBLIOGRAPHY.

**Text: MS. and facsimile.** An official copy of the promulgated bull, made in 1515, is in the Archives of the Indies at Seville, Patronato, 1-1-1, no. 4. A facsimile of the text preserved in the Vatican registers is in J. C. Heywood, *Documenta Selecta e Tabulario Secreto Vaticano* (1893), and is reproduced thence in J. B. Thacher, *Columbus* (1903-1904), II. 155, 159.

**Text: Printed.** The Vatican text is in Heywood, *op. cit.*; Thacher, *op. cit.*, II. 156, 160; G. Berchet, *Fonti Italiane* (1892-1893), I. 3, 4 (pt. III. of the *Raccolta di Documenti* published by the Reale Commissione Colombiana); S. E. Dawson, "Lines of Demarcation of Pope Alexander VI.", etc. (1899), pp. 535-536, in the *Transactions* of the Royal Society of Canada, 2d ser., 1899-1900, vol. V., § 2; and, except the formal concluding clauses, O. Raynaldus (continuing Baronius), *Annales Ecclesiastici* (1747-1756), XI. 213-214. The text of the promulgated bull is in J. de Solorzano Pereira, *De Indiarum Jure* (1629-1639), I. 612.

**Translations.** H. HARRISSE, *Diplomatic History of America* (1897), pp. 20-24; Dawson, *op. cit.*, pp. 536-537; Thacher, *op. cit.*, II. 157-161; Blair and Robertson, *Philippine Islands* (1903-1909), I. 103-105.

**References:** See under Doc. 5.

### TEXT.<sup>3</sup>

In nomine Domini, Amen. Universis et singulis presentes litteras sive presens publicum transumpti instrumentum visuris, lecturis, et auditoris: quod nos, reverendus dominus, Don Didacus Hernandez, thesaurarius

<sup>1</sup> The bull as printed by Solorzano Pereira, *De Indiarum Jure*, I. 612, is dated May 4 (*quarto nonas Maii*), and some historians have accepted this as the date of the promulgated bull. The text in the Vatican Register is dated May 3 (*quinto nonas Maii*), which the text here printed proves to be that of the promulgated bull. In regard to the expediting of the bull see Vander Linden, "Alexander VI. and the Demarcation of the Maritime and Colonial Domains of Spain and Portugal", *American Historical Review*, XXII. 3-7.

<sup>2</sup> Doc. 5.

<sup>3</sup> The following text is from an official copy, made in 1515, and preserved in the Archives of the Indies, Patronato, 1-1-1, no. 4.

ecclesie collegialis Sancti Antolini de Medina Campi,<sup>4</sup> et reverendi in Christo patris et domini, Domini Belnardini Gutierrez, prothonotarii apostolici et abbatis dicte ville Medine, provisor officialis et vicarius generalis in temporalibus et spiritualibus, salutem in Domino et presentibus fidem indubiam adhibere placeat. Noveritis quod nos, ad spectabilis viri Domini Didaci Salmeron, in jure civili bachalarii, licterarum apostolicarum aliorumque jurium et instrumentorum Serenissime Domine nostre domine Joanne, divina favente clementia Castelle, Legionis, et Granate regnorum, etc. regine Catholice ad summumque regum patrimonium statum, jurisdictionem, facultates, et preheminentias concernentium custodis petitionis instantiam et requisitionem, vidimus et diligenter inspeximus quasdam licteras apostolicas felicitis recordationis domini, Domini Alexandri Pape Sexti, in forma ejus vere bulle sigilli plumbei in cordula sirici rubei croceique coloris, more Romane curie, pendentes bullatas, im pergamento et lingua Latina scriptas, coram nobis in judicio per eundem dominum, bachalarium Didacum Salmeron, in sua originali forma productas et presentatas. Et quia per hujusmodi visionem et inspectionem prefatas litteras apostolicas sanas, integras, et illesas, omnique prorsus vitio et suspitione carere, ut apparebat, reperimus. Ideo, eas, ad prefati domini bachalarii, Didaci Salmeron, ulteriorem instantiam, per notarium publicum infrascriptum, transumi et exemplari ac in hujusmodi transumpti publici formam redege fecimus et mandavimus, volentes, et ordinaria auctoritate qua fungimur decernentes, quod hujusmodi transumpto publico illa et eadem ac similis et tanta fides ubique locorum et terrarum ubi illud exhibitum fuerit et productum, tam in judicio quam extra, adhibeatur, que et qualis et quanta eisdem originalibus litteris apostolicis, unde presens transumptum sive exemplar extractum fuit, adhiberetur, si in medium exhiberentur aut ostenderentur. Tenor vero licterarum apostolicarum predictarum de quibus supra fit mentio, sequitur et est hujusmodi:

Alexander episcopus, servus servorum Dei, carissimo in Christo filio Ferdinando regi et carissime in Christo filie Elisabeth, regine Castelle, Legionis, Aragonum, et Granate, illustribus, salutem et apostolicam benedictionem.

Eximie devotionis sinceritas et integra fides quibus nos et Romanam reveremini ecclesiam non indigne merentur ut illa vobis favorabiliter concedamus per que sanctum et laudabile propositum vestrum et opus inceptum in querendis terris et insulis remotis ac incognitis in dies melius et facilius ad honorem Omnipotentis Dei et imperii Christiani propagationem ac fidei Catholice exaltationem prosequi valeatis. Hodie siquidem omnes et singulas terras firmas et insulas remotas et incognitas, versus partes occidentales et mare oceanum consistentes, per vos seu nuncios vestros, ad id propterea non sine magnis laboribus, periculis, et impensis destinatos, repertas et reperiendas imposterum, que sub actuali dominio temporali aliquorum dominorum Christianorum constitute non essent, cum omnibus illarum dominiis, civitatibus, castris, locis, villis, juribus, et<sup>5</sup> jurisdictionibus universis, vobis, heredibusque et successoribus vestris, Castelle et Legionis regibus, imperpetuum, motu proprio et ex certa scientia ac de apostolice potestatis plenitudine donavimus,

<sup>4</sup> A bull of Sixtus IV. creating the collegiate church of Saint Antolin is printed in C. Pérez Pastor, *La Imprenta en Medina del Campo* (1895), pp. 183 ff.

<sup>5</sup> The words *juribus et* are struck out. They appear in the Vatican text, but not in Solorzano.

concessimus, et assignavimus, prout in nostris inde confectis litteris plenius continetur.<sup>6</sup> Cum<sup>7</sup> autem alias nonnullis Portugallie regibus qui impartibus Africe, Guinee, et Minere Auri, ac alias, insulas etiam ex<sup>8</sup> similibus concessione et donatione apostolica eis facta repererunt et acquisiverunt, per Sedem Apostolicam diversa privilegia, gratie, libertates, immunitates, exemptiones, facultates, littere, et indulta concessa fuerint; nos volentes etiam, prout dignum et conveniens existit, vos, heredesque et successores vestros predictos, non minoribus gratiis, prerogativis, et favoribus prosequi, motu simili, non ad vestram vel alterius pro vobis super hoc oblate petitionis instantiam sed de nostra mera liberalitate ac eisdem scientia et apostolice potestatis plenitudine, vobis et heredibus et successoribus vestris predictis, ut in insulis et terris per vos seu nomine vestro hactenus repertis hujusmodi et reperiendis imponerem, omnibus et singulis gratiis et privilegiis, exemptionibus, libertatibus, facultatibus, immunitatibus, litteris, et indultis regibus Portugallie concessis hujusmodi, quorum omnium tenores, ac si de verbo ad verbum presentibus insererentur, haberi volumus pro sufficienter expressis et insertis, uti, potiri, et gaudere libere et licite possitis et debeatis in omnibus et per omnia perinde ac si illa omnia vobis ac heredibus et successoribus vestris prefatis specialiter concessa [fuissent],<sup>9</sup> auctoritate apostolica, tenore presentium de specialis dono gratie indulgemus, illaque in omnibus et per omnia ad vos heredesque ac successores vestros predictos extendimus pariter et ampliamus, ac eisdem modo et forma perpetuo concedimus, non obstantibus constitutionibus et ordinationibus apostolicis, nec non omnibus illis que in litteris Portugallie regibus concessis hujusmodi concessa sunt, non obstante ceterisque contrariis quibuscunque. Verum, quia difficile foret presentibus litteras ad singula queque loca in quibus expediens fuerit, deferri, volumus, ac motu et scientia similibus decernimus, quod illarum transumptis, manu publici notarii inde rogati subscriptis et sigillo alicujus persone in ecclesiastica dignitate constitute, seu curie ecclesiastice, munitis, ea prorsus fides indubia in judicio et extra, ac alias ubilibet, adhibeatur, que presentibus adhiberetur, si essent exhibite vel ostense. Nulli ergo omnino hominum liceat hanc paginam nostrorum indulti, extensionis, ampliacionis, concessionis, voluntatis, et decreti infringere, vel ei ausu temerario contraire. Siquis autem hoc attemptare presumpserit, indignationem Omnipotentis Dei ac beatorum Petri et Pauli apostolorum ejus se noverit incursum. Datum Rome apud Sanctum Petrum, anno Incarnationis Dominice millesimo quadringentesimo nonagesimo tertio, quinto nonas Maii, pontificatus nostri anno primo. L. Podocatharus.<sup>10</sup> D. Galletus.<sup>11</sup> Registrata in secretaria apostolica. Crothonien[sis].<sup>12</sup> Jul[io].<sup>13</sup> Gratis de mandato b[ea]ti d[omi]ni nostri pape. Jo[hannes] Nilis.<sup>14</sup>

<sup>6</sup> The bull *Inter caetera* of May 3 (Doc. 5) is here referred to.

<sup>7</sup> Compare with the passage that begins here and ends with the word *ampliamus*, twenty lines below, the corresponding italicized passage in the bull *Inter caetera*, of May 3 (Doc. 5), which begins with the words *Et quia*, p. 60.

<sup>8</sup> The Vatican text has *in* instead of *ex*.

<sup>9</sup> The word *fuissent*, which appears in the Vatican text, is omitted from the copy of the year 1515 and from Solorzano.

<sup>10</sup> Papal secretary. See Doc. 5, note 17.

<sup>11</sup> D. Galetti is mentioned in J. Burchard, *Diarium* (ed. Thuasne, 1883-1885), II, 285, as an apostolic scribe.

<sup>12</sup> In 1493 Giovanni Ebu was Bishop of Cotrone.

<sup>13</sup> This date is the same as that in the margin of the copy of this bull entered in the Vatican register. It indicates the month in which the expediting of the bull began. See above, note 1.

<sup>14</sup> *Rescribendarius* in the third quarter of the year 1493. Cf. Doc. 8, p. 81; and Vander Linden, *op. cit.*, p. 7, note 19.



Nos, vero, provisor officialis et vicarius predictus, pro tribunali sedentes ad nostrum solitum banchum juris, hora solita causarum consueta in publica audientia, sit[uata] in dicta villa Medine, juxta<sup>18</sup> sua manifesta confinia, omnibus et singulis premissis, tamquam rite et recte factis, auctoritatem nostram judicariam et ordinariam pariter et decretum interponendum duximus, et interposuimus presentium per tenorem. In quorum omnium et singulorum fidem et testimonium premissorum, presentes litteras sive presens publicum exemplar aut transumpti instrumentum ex inde fieri et per notarium publicum infrascriptum subscribi et publicari mandavimus, sigillique dicti domini abbatis, quo in similibus utimur, jussimus et fecimus impressione com[mun]iri, ac manibus nostris roboravimus. Datum et actum in dicta villa de Medina, in publica audientia nobis inibi, ut supra pro tribunali hora solita causarum consueta sedentes, anno nativitatis Domini millesimo quingentesimo quintodecimo, indictione tertia, die vero vigesima secunda mensis Martii, pontificatus santissimi in Christo patris et domini nostri Domini Leonis, divina providentia Pape Decimi anno tertio, presentibus Aloysio Hernandez de Medina et Johanne Garzia de Burgo, notariis audientie abbatialis predicte, et Stefano Saline procuratore causarum dicte ville, et Francisco Rodrez clerico beneficiato in logare Carpi, testibus ad premissa habitis, vocatis, et rogatis.

Datharius et prodarius. Ego, Felecissimus de Mugnonibus de Crevio, Spoletane diocesis, publicus imperiali apostolicaque auctoritate notarius et judex ordinarius, et ad presens Catholice Majestatis curiam sequens, et spetialiter per dictum dominum, provisorum officialem et vicarium, ad hunc actum, electus, assumptus, et deputatus, quia, premissis omnibus et singulis dum sic ut premittitur, coram prefato domino provisoro, ac que per eum fierent et dicerentur, una cum prenomnatis testibus presens fui, eaque in notam sumpsi et recepi, ideo supra insertas apostolicas licteras transumpsi et exemplatus sum, et cum suis originalibus comprobavi ac in omnibus concordare reperi et presens publicum transumpti instrumentum subscripsi et publicavi, signoque et nomine meis solitis et consuetis una cum dicti domini provisoris manus appositione, et sigilli dicti domini abbatis impressione, signavi, in fidem et robur et testimonium omnium et singulorum premissorum, rogatus et requisitus.

Signum [Here follows the] mei FELECISSIMI  
notarii [notarial sign] predicti.

#### TRANSLATION.

In the name of the Lord, Amen. To all and singular who shall see, read, or hear the present letters, or the present public transumpt, we the reverend lord, Don Diego Hernandez, treasurer of the collegiate church of Saint Antolin of Medina del Campo, and official provisor and vicar general in temporalities and spiritualities of the reverend father and lord in Christ, Don Bernardo Gutierrez, apostolic protonotary and abbot of the said town of Medina, health in the Lord, and let certain credence be given to these presents.

Be it known that, at the instance and request of the petition of the honorable Don Diego Salmeron, bachelor in civil law and keeper of the apostolic letters

<sup>18</sup> *Justa* in MS.

and of other privileges and instruments concerning the status, jurisdiction, faculties, and pre-eminences of the Most Serene Lady, our Lady Joanna, by the favor of divine mercy Catholic queen of the kingdoms of Castile, Leon, and Granada, and in respect to her royal patrimony, we have seen and diligently inspected certain apostolic letters of our lord, of happy memory, the lord Pope Alexander VI., sealed in the form of his true bull, with a leaden seal hanging on a red and yellow cord of silk, in the manner of the Roman court, written on parchment and in the Latin tongue, produced and presented in its original form before us in judgment by the said lord, the bachelor, Diego Salmeron. And because, upon this view and inspection, we found the aforesaid apostolic letters whole, entire, and unimpaired, and, as it seemed, utterly without blemish or suspicious appearance, therefore, at the further instance of the aforesaid lord bachelor, Diego Salmeron, we have caused and ordered these letters to be copied and transcribed and brought into the form of this public transumpt by the notary public aforesaid, wishing and, by the ordinary authority which we enjoy, decreeing, that that and the same and similar and as great credence be given to this public transumpt, in whatever places or lands it shall be exhibited and produced, in court or out, as any of the same kind and degree as would adhere to the same original apostolic letters from which the present transumpt or exemplar was drawn, if they should be publicly exhibited or displayed. The tenor of the aforesaid apostolic letters of which mention was made above, follows, and is this:

Alexander,<sup>10</sup> bishop, servant of the servants of God, to the illustrious sovereigns, our very dear son in Christ, Ferdinand, king, and our very dear daughter in Christ, Isabella, queen of Castile, Leon, Aragon, and Granada, health and apostolic benediction. The sincerity and whole-souled loyalty of your exalted attachment to ourselves and the Church of Rome deserve to have us grant in your favor those things whereby daily you may the better and more easily be enabled to the honor of Almighty God and the spread of Christian government as well as the exaltation of the Catholic faith to carry out your holy and praiseworthy purpose and the work already undertaken of making search for far-away and unknown countries and islands. For this very day of our own accord and certain knowledge, and out of the fullness of our apostolic power, we have given, granted, and assigned forever, as appears more fully in our letters drawn up therefor, to you and your heirs and successors, kings of Castile and Leon, all and singular the remote and unknown mainlands and islands lying towards the western parts and the ocean sea, that have been discovered or hereafter may be discovered by you or your envoys, whom you have equipped therefor not without great hardships, dangers, and expense—and with them all their lordships, cities, castles, places, villages, rights, and jurisdictions; provided however these countries have not been in the actual temporal possession of any Christian lords. But inasmuch as at another time the Apostolic See has granted divers privileges, favors, liberties, immunities, exemptions, faculties, letters, and indulgences to certain kings of Portugal, who also by similar apostolic grant and donation in their favor, have discovered and taken possession of islands in the regions of Africa, Guinea, and the Gold Mine, and elsewhere, with the desire to empower by our apostolic authority, as also is right and fitting, you and your aforesaid heirs and successors with graces, prerogatives, and favors of no

<sup>10</sup> See Doc. 5, note 19.

less character; moved also thereto wholly of our similar accord, not at your instance nor the petition of anyone else in your favor, but of our own sole liberality and out of the same knowledge and fullness of apostolic power, we do by tenor of these presents, as a gift of special favor, grant to you and your aforesaid heirs and successors that in the islands and countries, already thus discovered by you or in your name and to be discovered hereafter, you may freely and legally, as is proper, use, employ, and enjoy in all things and through all things, exactly the same as if they had been granted especially to you and your aforesaid heirs and successors, all and singular the graces and privileges, exemptions, liberties, faculties, immunities, letters, and indulgences that have been thus granted to the kings of Portugal, the terms whereof we wish to be understood as sufficiently expressed and inserted, as if they had been inserted word for word in these presents. Moreover we extend similarly and enlarge these powers in all things and through all things to you and your aforesaid heirs and successors, to whom in the same manner and form we grant them forever, apostolic constitutions and ordinances as well as all grants of similar kind made by letters to the kings of Portugal, as well as other things whatsoever to the contrary notwithstanding. But as it would be difficult to have these present letters sent to all places where desirable, we wish and with similar accord and knowledge do decree that to copies of them, signed by the hand of a public notary commissioned therefor, and sealed with the seal of any ecclesiastical officer or ecclesiastical court, the same respect is to be shown in court and outside as well as anywhere else as would be given to these presents should they be exhibited or shown. Let no one, therefore, infringe or with rash boldness contravene this our indulgence, extension, enlargement, grant, will, and decree. Should any one presume to do so, be it known to him that he will incur the wrath of Almighty God and of the blessed apostles Peter and Paul. Given at Rome, at St. Peter's, in the year of our Lord's incarnation one thousand four hundred and ninety-three, the third day of May, the first year of our pontificate. L. Podocatharus. D. Gallettus. Registered in the apostolic secretariate. The Bishop of Corone. July. Gratis, by command of our blessed lord, the pope. Jo. Nilis.

We, the official provisor and vicar aforesaid, sitting before the tribunal at our accustomed law bench at the hour when law suits are usually heard in the public *audiencia* situated in the said town of Medina, near its manifest boundaries, have thought that to all and singular the aforesaid, as rightly and correctly made, our authority and decree as judge and ordinary ought to be interposed, and we have interposed them by the tenor of these presents. In faith and testimony of these premises, all and singular, we have ordered the present letters or the present public exemplar or transumpt to be made therefrom, and to be subscribed and published by the notary public whose name is signed below, and we have ordered and caused them to be secured with the impression of the seal of the said lord abbot, which we use in such cases, and we have confirmed them with our hand. Given and done by us in the said town of Medina, as we sat in the public *audiencia* (as above) before our tribunal at the hour when causes are usually heard, in the year of the nativity of our Lord one thousand five hundred and fifteen, in the third indiction, on the twenty-second day of the month of March, in the third year of the pontificate of the most Holy Father and lord in Christ, our lord, by divine providence, Pope Leo X., there being present Luis Hernandez

of Medina and Juan Garcia of Burgos, notaries of the *audiencia* of the abbey aforesaid, and Estevan de Salinas, attorney in legal proceedings of the said town, and Francisco Rodriguez, beneficed clerk in the village of Carpio, had, called, and summoned as witnesses to the aforesaid.

Datary and prodatary. I, Felecissimo di Mugnano of Crevio in the diocese of Spoleto, by imperial and apostolic authority notary public and ordinary judge, at present following the court of his Catholic Majesty, and especially elected, chosen, and deputed for this act by the said lord, the official provisor and vicar, because (in the manner aforesaid in the premises, all and singular) I, together with the aforesaid witnesses, was present before the said lord provisor and took notes of those things that were done and said by him, therefore I have transcribed the apostolic letters inserted above, and I have copied them and have compared them with the originals and have found them to agree in all respects, and I have subscribed and published the present public transumpt, and having been summoned and required, in faith and confirmation and testimony of all and singular the aforesaid, I have marked it with my usual customary sign and name, together with the apposition of the sign manual of the said lord provisor and the impression of the seal of the said lord abbot.

Sign [here follows the notarial sign] of  
me, FELECISSIMO, the notary aforesaid.

## 7.

### *The Bull Inter Caetera (Alexander VI.). May 4, 1493.*

#### INTRODUCTION.

Like the bull *Eximiae devotionis* of May 3,<sup>1</sup> the bull *Inter caetera* of May 4 is a restatement of part of the bull *Inter caetera* of May 3.<sup>2</sup> Taken together the two later bulls cover the same ground as the bull *Inter caetera* of May 3, for which they form a substitute. The changes introduced into the bull *Inter caetera* of May 4, are, however, of great importance, and highly favorable to Spain. Instead of merely granting to Castile the lands discovered by her envoys, and not under Christian rule, the revised bull draws a line of demarcation one hundred leagues west of any of the Azores or Cape Verde Islands, and assigns to Castile the exclusive right to acquire territorial possessions and to trade in all the lands west of that line, which at Christmas, 1492, were not in the possession of any Christian prince. The general safeguard to the possible conflicting rights of Portugal is lacking. All persons are forbidden to approach the lands west of the line without special license from the rulers of Castile.

It is not probable that by this bull Alexander VI. intended to secure to Portugal an eastern route to the Indies, as some writers have maintained. In the bulls of May 3, the earlier papal grants to Portugal are said to have given her rights in the region of Guinea and the Gold Mine, but the Indies are not mentioned. The bull of May 4 does not name Portugal and refers to her only in the clause which excepts from the donation any lands west of the demarcation line, which at Christmas, 1492, might be in the possession of any Christian prince.

#### BIBLIOGRAPHY.

**Text: MS. and facsimile.** The original manuscript of the promulgated bull is in the Archives of the Indies at Seville, Patronato, 1-1-1, no. 3. A photograph of this manuscript is reproduced in the *Boletín del Centro de Estudios Americanistas de Sevilla*, año III., núm. 7 (March-April, 1915). A facsimile of the text found in the Vatican registers is in J. C. Heywood, *Documenta Selecta e Tabulario Secreto Vaticano* (1893),

<sup>1</sup>Doc. 6.

<sup>2</sup>Doc. 5. For some unknown reason the bull of May 4 was antedated by several weeks. It was expedited in June, and thus is actually prior to the bull *Eximiae devotionis*, which, also antedated, was expedited in July. Vander Linden, "Alexander VI. and the Demarcation", *American Historical Review*, XXII. 3-8.

whence it is reproduced in J. B. Thacher, *Columbus* (1903-1904), II, 139-151. An authenticated transcript of the bull, belonging to Columbus, is partly reproduced in facsimile in the *Autógrafos de Cristóbal Colón* (1892), opp. p. 20, published by the Duchess of Berwick and Alba; and the copy entered in Columbus's *Book of Privileges* is reproduced in the facsimiles of that work. (See F. G. Davenport, "Texts of Columbus's Privileges", *American Historical Review*, XIV, 764.)

**Text: Printed.** The Vatican text is in Heywood, *op. cit.*; Thacher, *op. cit.*, II, 140-153; G. Berchet, *Fonti Italiane* (1892-1893), I, 8-11 (pt. III. of the *Raccolta di Documenti* published by the Reale Commissione Colombiana); S. E. Dawson, "Line of Demarcation of Pope Alexander VI.", etc. (1899), pp. 529-531, in the *Transactions* of the Royal Society of Canada, 2d ser., 1899, vol. V., § 2, pp. 467 ff. The text of the promulgated bull, preserved in the Archives of the Indies, is printed in J. de Solorzano Pereira, *De Indiarum Jure* (1629-1639), I, 608-610, and in Navarrete, *Coleccion de Viages* (1825-1837), II, 28-34. The text in J. Ramos-Coelho, *Alguns Documentos* (1892), pp. 66-68, is from a manuscript in the National Archives at Lisbon. One or another of the above-mentioned texts will be found in various *bullaria* and other printed works.

**Translations: English.** The earliest English rendering is doubtless that published in 1555 in R. Eden's translation of Peter Martyr (Pietro Martire d'Anghiera), *Decades of the Newe Worlde or West India*. This version (together with the Latin text) is in J. Fiske, *Discovery of America* (1892), II, 580-593, and in A. B. Hart, *American History told by Contemporaries* (1897-1901), I, 40-43. Other translations are in the *Memorials of Columbus* (1823), pp. 172-183, a translation of G. B. Spotorno, *Codice Diplomatico Colombo-Americano* (1823); B. F. Stevens, *Christopher Columbus; his Own Book of Privileges, 1502* (1893), pp. 182-197; Dawson, *op. cit.*, pp. 532-534; Thacher, *op. cit.*, II, 141-153; and in Blair and Robertson, *Philippine Islands* (1903-1909), I, 105-111. **Spanish.** *Boletín del Centro de Estudios Americanistas de Sevilla*, año III., núm. 7 (March-April, 1915); Navarrete, *op. cit.*, II, 29-35.

**References.** Same as for Doc. 5.

#### TEXT.<sup>a</sup>

Alexander episcopus, servus servorum Dei: carissimo in Christo filio Fernando regi, et carissime in Christo filie Elisabeth regine Castelle, Legionis, Aragonum, Sicilie, et Granate, illustribus, salutem et apostolicam benedictionem.

Inter cetera Divine Majestati beneplacita opera et cordis nostri<sup>a</sup> desiderabilia, illud profecto potissimum existit, ut fides Catholica et Christiana religio<sup>b</sup> nostris presertim temporibus exaltetur, ac ubilibet ampliatur et

<sup>a</sup>The following text is from the original manuscript of the promulgated bull, preserved in the Archives of the Indies at Seville, Patronato, 1-1-1, no. 3. Variant readings are given from the text of the Vatican register, reproduced in facsimile in Heywood, *Documenta Selecta*. Words in this bull, not in the bull *Inter caetera* of May 3, 1493, are printed in italics.

<sup>b</sup>The Vatican text reads *vestri*.

<sup>c</sup>The Vatican text reads *lex*.

dilatetur, animarumque salus procuretur, ac barbare nationes deprimantur et ad fidem ipsam reducantur.<sup>6</sup> Unde cum ad hanc<sup>7</sup> Sacram Petri Sedem, divina favente clementia, meritis licet imparibus, evocati fuerimus, cognoscentes vos, tanquam veros Catholicos reges et principes, quales semper fuisse novimus, et a vobis preclare gesta toti pene jam orbi notissima demonstrant, nedum id exoptare, sed omni conatu, studio, et diligentia, nullis laboribus, nullis impensis, nullisque parcendo periculis, etiam proprium sanguinem effundendo, efficere, ac omnem animum vestrum omnesque conatus ad hoc jam dudum dedicasse—quemadmodum recuperatio regni Granate a tyrannide Saracenorum hodiernis temporibus per vos, cum tanta Divini Nominis gloria facta, testatur<sup>8</sup>—digne ducimur<sup>9</sup> non immerito, et debemus illa vobis etiam sponte et favorabiliter concedere, per que hujusmodi sanctum et laudabile ac immortalis Deo acceptum propositum in dies ferventiori animo ad ipsius Dei honorem et imperii Christiani propagationem prosequi valeatis. Sane accepimus quod vos, qui dudum animo proposueratis aliquas insulas et terras *firmas*,<sup>10</sup> remotas et incognitas ac per alios hactenus non repertas, querere et invenire, ut illarum incolas et habitatores ad colendum Redemptorem nostrum et fidem Catholicam profitendum reduceretis, hactenus in expugnatione et recuperatione ipsius regni Granate plurimum occupati, hujusmodi sanctum et laudabile propositum vestrum ad optatum finem perducere nequivistis; sed tandem, sicut Domino placuit, regno predicto recuperato, volentes desiderium adimplere vestrum, dilectum filium Cristophorum Colon, *virum utique dignum et plurimum commendandum, ac tanto negotio aptum*, cum navigiis et hominibus ad similia instructis, non sine maximis laboribus et periculis ac expensis, destinastis, ut terras *firmas et insulas* remotas et incognitas hujusmodi per mare, ubi hactenus navigatum non fuerat, diligenter inquireret; qui tandem, divino auxilio, facta extrema diligentia, in mari oceano navigantes, certas insulas remotissimas, et etiam terras firmas,<sup>11</sup> que per alios hactenus reperte non fuerant, invenerunt, in quibus quamplurime gentes, pacifice viventes, et, ut asseritur, nudi incedentes, nec carnibus vescentes, inhabitant; et, ut prefati nuntii vestri possunt opinari, gentes ipse in insulis et terris predictis habitantes credunt unum Deum Creatorem in celis esse, ac ad fidem Catholicam amplexandum et bonis moribus imbuendum satis apti videntur, spesque habetur quod, si erudirentur, nomen Salvatoris, Domini nostri Jhesu Christi, in terris et insulis predictis facile induceretur; ac prefatus Cristophorus in una ex principalibus insulis predictis jam unam turrim<sup>12</sup> satis munitam, in qua certos Christianos qui secum iverant, in custodiam, et ut alias insulas et terras *firmas* remotas et incognitas inquirerent, posuit, construi et edificari fecit; in quibusquidem<sup>13</sup> insulis et terris jam repertis, aurum, aromata, et alie quamplurime res preciose diversi generis et diverse qualitatis reperiuntur. Unde omnibus diligenter, et presertim fidei Catholice exaltatione et dilatatione, prout decet Catholicos reges et principes, consideratis, more progenitorum vestrorum, clare memorie regum, terras *firmas* et insulas predictas illarumque incolas et habitatores, vobis, divina favente clementia, subjicere et ad fidem Catholicam reducere proposuistis. Nos igitur hujusmodi vestrum sanctum et laudabile propositum plurimum in Domino commendantes, ac cupientes ut illud ad debitum finem perducatur, et ipsum nomen

<sup>6</sup>The Vatican text reads *deducantur*. <sup>7</sup>The Vatican text reads *tam*.

<sup>8</sup>*Cf.* Doc. 5, note 7. <sup>9</sup>The Vatican text reads *durimus*.

<sup>10</sup>Note the several instances of the introduction of this adjective.

<sup>11</sup>*Cf.* Doc. 5, note 8. <sup>12</sup>*Cf. ibid.*, note 9. <sup>13</sup>The Vatican text reads *quibusdam*.

Salvatoris nostri in partibus illis inducatur, hortamur vos plurimum in Domino, et per sacri lavacri susceptionem, qua mandatis apostolicis obligati estis, et viscera misericordie Domini nostri Ihesu Christi attente requirimus, ut<sup>22</sup> cum expeditionem huiusmodi omnino prosequi et assumere prona mente orthodoxe fidei zelo intendatis, populos in huiusmodi insulis et terris degentes ad Christianam religionem suscipiendam inducere velitis et debeatis, nec pericula, nec labores ullo unquam tempore vos deterreant, firma spe fiduciaque conceptis, quod Deus Omnipotens conatus vestros feliciter prosequetur. Et, ut tanti negotii provinciam apostolice gratie largitate donati liberius et audacius assumatis, motu proprio,<sup>23</sup> non ad vestram vel alterius pro vobis super hoc nobis oblate petitionis instanciam, sed de nostra mera liberalitate et ex certa scientia ac de apostolice potestatis plenitudine, omnes *insulas et terras firmas inventas et inveniendas, detectas et detegendas versus occidentem et meridiem,*<sup>24</sup> *fabricando et constituendo unam lineam* a polo Arctico scilicet septentrione ad polum Antarcticum scilicet meridiem, sive terre firme *in insule invente et inveniende sint versus Indiam aut versus aliam quancunque partem, que linea distet a qualibet insularum, que vulgariter nuncupantur de los Azores et Caboverde, centum leucis*<sup>25</sup> *versus occidentem et meridiem, ita quod omnes insule et terre firme reperte et reperiende, detecte et detegende, a prefata linea versus occidentem et meridiem, per alium regem aut principem Christianum non fuerint actualiter possesse usque ad diem nativitatis domini nostri Ihesu Christi proxime preteritum a*<sup>26</sup> *quo incipit annus presens millesimus quadringentesimus nonagesimus tertius, quando fuerunt per nuntios et capitaneos vestros invente alique predictarum insularum, auctoritate Omnipotentis Dei nobis in beato Petro concessa, ac vicariatus Ihesu Christi, qua fungimur in terris, cum omnibus illarum dominiis, civitatibus, castris, locis et villis, iuribusque et jurisdictionibus ac pertinentiis universis, vobis heredibusque et successoribus vestris, Castelle et Legionis regibus, in perpetuum tenore presentium donamus, concedimus, et assignamus, vosque et heredes ac successores prefatos illarum dominos cum plena, libera, et omnimoda potestate, auctoritate, et jurisdictione, facimus, constituimus, et deputamus; decernentes nichilominus per huiusmodi donationem, concessionem, et assignationem nostram nulli Christiano principi, qui actualiter prefatas insulas aut terras firmas possederit usque ad predictum diem Nativitatis Domini nostri Ihesu Christi, jus quesitum sublatum intelligi posse aut auferri debere. Et insuper mandamus vobis in virtute sancte obedientie, ut, sicut etiam pollicemini et non dubitamus pro vestra maxima devotione et regia magnanimitate vos esse facturos, ad terras firmas et insulas predictas viros probos et Deum timentes, doctos, peritos, et expertos, ad instruendum incolas et habitatores prefatos in fide Catholica et bonis moribus imbuendum destinare*

<sup>22</sup> The Vatican text reads *et*. <sup>23</sup> Cf. Doc. 1, note 38.

<sup>24</sup> Of the many commentaries on the phrase, "versus occidentem et meridiem", the best appears to be that of Vander Linden, in his article on "Alexander VI. and the Demarcation" in the *American Historical Review*, XXII, 1-20.

<sup>25</sup> It is highly probable that this line was suggested by Columbus. Cf. Dawson, *Lines of Demarcation*, pp. 491-493; and Vander Linden, *op. cit.*

<sup>26</sup> A discussion of ancient and medieval measures of length, including the marine league, is in Dawson, *Lines of Demarcation*, pp. 502-517, 545, 546. Kretschmer calculates that, reckoning a league as equal to four Roman or Italian miles, each equal to about 1480 metres, and counting from San Antonio, the most westerly of the Cape Verde Islands, the longitude of the first demarcation line was 31° west. *Entdeckung*, p. 303.

<sup>27</sup> The Vatican text reads *in*.



debeatis, omnem debitam diligentiam in premissis adhibentes, ac quibuscunque personis cujuscunque dignitatis, *etiam imperialis et regalis*, status, gradus, ordinis, vel conditionis, sub excommunicationis late sententie pena, quam eo ipso si contrafecerint, incurrant, districtius inhibemus, ne ad insulas et terras *firmas, inventas et inveniendas, detectas et detegendas versus occidentem et meridiem, fabricando et constituendo lineam a polo Arctico ad polum Antarcticum, sive terre firme et insule invente et inveniende sint versus Indiam aut versus aliam quancunque partem, que linea distet a qualibet insularum, que vulgariter nuncupantur de los Azores et Caboverde, centum leucis versus occidentem et meridiem, ut prefertur*, pro mercibus habendis vel quavis alia de causa, accedere presumant absque vestra ac heredum et successorum vestrorum predictorum licentia speciali, non obstantibus constitutionibus et ordinationibus apostolicis, ceterisque contrariis quibuscunque, in Illo a quo imperia et dominationes ac bona cuuncta procedunt confidentes, quod, dirigente Domino<sup>20</sup> actus vestros, si hujusmodi sanctum et laudabile *propositum* prosequamini, brevi tempore, cum felicitate et gloria totius populi Christiani, vestri labores et conatus exitum felicissimum consequentur. Verum, quia difficile foret presentes litteras ad singula queque loca in quibus expediens fuerit deferri, volumus, ac motu et scientia similibus decernimus, quod illarum transumptis manu publici notarii inde rogati subscriptis, et sigillo alicujus persone in ecclesiastica dignitate constitute, seu curie ecclesiastice nunitis, ea prorsus fides in judicio et extra ac alias ubilibet adhibeatur, que presentibus adhiberetur, si essent exhibite vel ostense. Nulli ergo omnino hominum liceat hanc paginam nostre *commendationis*, ortationis, requisitionis, donationis, concessionis, assignationis, constitutionis, deputationis, *decreti*, mandati, inhibitionis, et voluntatis, infringere, vel ei ausu temerario contraire. Si quis autem hoc attemptare presumpserit, indignationem Omnipotentis Dei ac beatorum Petri et Pauli apostolorum ejus se noverit incursum.

Datum Rome apud Sanctum Petrum, anno Incarnationis Dominice millesimo quadringentesimo nonagesimo tertio, quarto nonas Maii, pontificatus nostri anno primo.

Gratis de mandato sanctissimi Domini nostri pape.

Jun[io]. Pro r[efere]nda[r]io,

Pro Jo. BUF[OLINUS],<sup>21</sup>

A. DE MUCCIARELLIS.

A. SANTOSEVERINO.<sup>22</sup>

L. PODOCATHARUS.

#### TRANSLATION.<sup>23</sup>

Alexander, bishop, servant of the servants of God, to the illustrious sovereigns, our very dear son in Christ, Ferdinand, king, and our very dear daughter in Christ, Isabella, queen of Castile, Leon, Aragon, Sicily, and Granada, health and apostolic benediction. Among other works well pleasing to the Divine Majesty and cherished of our heart, this assuredly ranks highest, that in our times especially the Catholic faith and the Christian religion be exalted and be everywhere increased and spread, that the health of souls be

<sup>20</sup> The Vatican text omits *Domino*.

<sup>21</sup> The reading of these names is due to Professor Vander Linden, whose article in the *American Historical Review*, XXII. 1-20, contains information concerning the signatures of this bull.

<sup>22</sup> See Doc. 5, note 19.

cared for and that barbarous nations be overthrown and brought to the faith itself. Wherefore inasmuch as by the favor of divine clemency, we, though of insufficient merits, have been called to this Holy See of Peter, recognizing that as true Catholic kings and princes, such as we have known you always to be, and as your illustrious deeds already known to almost the whole world declare, you not only eagerly desire but with every effort, zeal, and diligence, without regard to hardships, expenses, dangers, with the shedding even of your blood, are laboring to that end; recognizing also that you have long since dedicated to this purpose your whole soul and all your endeavors—as witnessed in these times with so much glory to the Divine Name in your recovery of the kingdom of Granada from the yoke of the Saracens—we therefore are rightly led, and hold it as our duty, to grant you even of our own accord and in your favor those things whereby with effort each day more hearty you may be enabled for the honor of God himself and the spread of the Christian rule to carry forward your holy and praiseworthy purpose so pleasing to immortal God. We have indeed learned that you, who for a long time had intended to seek out and discover certain islands and mainlands remote and unknown and not hitherto discovered by others, to the end that you might bring to the worship of our Redeemer and the profession of the Catholic faith their residents and inhabitants, having been up to the present time greatly engaged in the siege and recovery of the kingdom itself of Granada were unable to accomplish this holy and praiseworthy purpose; but the said kingdom having at length been regained, as was pleasing to the Lord, you, with the wish to fulfill your desire, chose our beloved son, Christopher Columbus, a man assuredly worthy and of the highest recommendations and fitted for so great an undertaking, whom you furnished with ships and men equipped for like designs, not without the greatest hardships, dangers, and expenses, to make diligent quest for these remote and unknown mainlands and islands through the sea, where hitherto no one had sailed; and they at length, with divine aid and with the utmost diligence sailing in the ocean sea, discovered certain very remote islands and even mainlands that hitherto had not been discovered by others; wherein dwell very many peoples living in peace, and, as reported, going unclothed, and not eating flesh. Moreover, as your aforesaid envoys are of opinion, these very peoples living in the said islands and countries believe in one God, the Creator in heaven, and seem sufficiently disposed to embrace the Catholic faith and be trained in good morals. And it is hoped that, were they instructed, the name of the Savior, our Lord Jesus Christ, would easily be introduced into the said countries and islands. Also, on one of the chief of these aforesaid islands the said Christopher has already caused to be put together and built a fortress fairly equipped, wherein he has stationed as garrison certain Christians, companions of his, who are to make search for other remote and unknown islands and mainlands. In the islands and countries already discovered are found gold, spices, and very many other precious things of divers kinds and qualities. Wherefore, as becomes Catholic kings and princes, after earnest consideration of all matters, especially of the rise and spread of the Catholic faith, as was the fashion of your ancestors, kings of renowned memory, you have purposed with the favor of divine clemency to bring under your sway the said mainlands and islands with their residents and inhabitants and to bring them to the Catholic faith. Hence, heartily commending in the Lord this your holy and praiseworthy purpose, and desirous that it be duly accomplished, and

that the name of our Savior be carried into those regions, we exhort you very earnestly in the Lord and by your reception of holy baptism, whereby you are bound to our apostolic commands, and by the bowels of the mercy of our Lord Jesus Christ, enjoin strictly, that inasmuch as with eager zeal for the true faith you design to equip and despatch this expedition, you purpose also, as is your duty, to lead the peoples dwelling in those islands and countries to embrace the Christian religion; nor at any time let dangers or hardships deter you therefrom, with the stout hope and trust in your hearts that Almighty God will further your undertakings. And, in order that you may enter upon so great an undertaking with greater readiness and heartiness endowed with the benefit of our apostolic favor, we, of our own accord, not at your instance nor the request of anyone else in your regard, but of our own sole largess and certain knowledge and out of the fullness of our apostolic power, by the authority of Almighty God conferred upon us in blessed Peter and of the vicarship of Jesus Christ, which we hold on earth, do by tenor of these presents, should any of said islands have been found by your envoys and captains, give, grant, and assign to you and your heirs and successors, kings of Castile and Leon, forever, together with all their dominions, cities, camps, places, and villages, and all rights, jurisdictions, and appurtenances, all islands and mainlands found and to be found, discovered and to be discovered towards the west and south, by drawing and establishing a line from the Arctic pole, namely the north, to the Antarctic pole, namely the south, no matter whether the said mainlands and islands are found and to be found in the direction of India or towards any other quarter, the said line to be distant one hundred leagues towards the west and south from any of the islands commonly known as the Azores and Cape Verde. With this proviso however that none of the islands and mainlands, found and to be found, discovered and to be discovered, beyond that said line towards the west and south, be in the actual possession of any Christian king or prince up to the birthday of our Lord Jesus Christ just past from which the present year one thousand four hundred and ninety-three begins. And we make, appoint, and depute you and your said heirs and successors lords of them with full and free power, authority, and jurisdiction of every kind; with this proviso however, that by this our gift, grant, and assignment no right acquired by any Christian prince, who may be in actual possession of said islands and mainlands prior to the said birthday of our Lord Jesus Christ, is hereby to be understood to be withdrawn or taken away. Moreover we command you in virtue of holy obedience that, employing all due diligence in the premises, as you also promise—nor do we doubt your compliance therein in accordance with your loyalty and royal greatness of spirit—you should appoint to the aforesaid mainlands and islands worthy, God-fearing, learned, skilled, and experienced men, in order to instruct the aforesaid inhabitants and residents in the Catholic faith and train them in good morals. Furthermore, under penalty of excommunication *late sententie* to be incurred *ipso facto*, should anyone thus contravene, we strictly forbid all persons of whatsoever rank, even imperial and royal, or of whatsoever estate, degree, order, or condition, to dare, without your special permit or that of your aforesaid heirs and successors, to go for the purpose of trade or any other reason to the islands or mainlands, found and to be found, discovered and to be discovered, towards the west and south, by drawing and establishing a line from the Arctic pole to the Antarctic pole, no matter whether the mainlands and islands, found

and to be found, lie in the direction of India or toward any other quarter whatsoever, the said line to be distant one hundred leagues towards the west and south, as is aforesaid, from any of the islands commonly known as the Azores and Cape Verde; apostolic constitutions and ordinances and other decrees whatsoever to the contrary notwithstanding. We trust in Him from whom empires and governments and all good things proceed, that, should you, with the Lord's guidance, pursue this holy and praiseworthy undertaking, in a short while your hardships and endeavors will attain the most felicitous result, to the happiness and glory of all Christendom. But inasmuch as it would be difficult to have these present letters sent to all places where desirable, we wish, and with similar accord and knowledge do decree, that to copies of them, signed by the hand of a public notary commissioned therefor, and sealed with the seal of any ecclesiastical officer or ecclesiastical court, the same respect is to be shown in court and outside as well as anywhere else as would be given to these presents should they thus be exhibited or shown. Let no one, therefore, infringe, or with rash boldness contravene, this our recommendation, exhortation, requisition, gift, grant, assignment, constitution, deputation, decree, mandate, prohibition, and will. Should anyone presume to attempt this, be it known to him that he will incur the wrath of Almighty God and of the blessed apostles Peter and Paul. Given at Rome, at St. Peter's, in the year of the incarnation of our Lord one thousand four hundred and ninety-three, the fourth of May, and the first year of our pontificate.

Gratis by order of our most holy lord, the pope.

June. For the referendary,

A. DE MUCCIARELLIS.

For J. BUFOLINUS,

A. SANTOSEVERINO.

L. PODOCATHARUS.

## 8.

*The Bull Dudum Siquidem (Alexander VI.). September 26, 1493.*

## INTRODUCTION.

Not long after the interview of March 9, 1493, between Columbus and John II. of Portugal,<sup>1</sup> the latter caused an armada to be fitted out to take possession of the lands found by Columbus. A report<sup>2</sup> of these hostile preparations having reached the Spanish sovereigns they at once despatched Lope de Herrera to the Portuguese court to request that ambassadors be sent them, and that the caravels should not sail, or Portuguese subjects go to those parts, until it should be determined within whose seas the discoveries lay.

Meanwhile the King of Portugal had sent Ruy de Sande to the Spanish sovereigns to entreat them (among other things) to prohibit their subjects from fishing south of Cape Bojador till the limits of the possessions of both kingdoms should be fixed, and to make these limits the parallel of the Canaries, leaving the navigation south of this line to the Portuguese.<sup>3</sup> In the middle of August the Portuguese ambassadors, Pero Diaz and Ruy de Pina, arrived in Barcelona, and an attempt at settlement was made. In the midst of the negotiations the Spanish sovereigns appealed to the Pope, who, on September 26, granted them a fourth bull, which confirmed the bull *Inter caetera* of May 4,<sup>4</sup> extended it so as to secure to Spain any lands discovered by her in her westward navigations, even though they should be in the eastern regions and belong to India, excluded the subjects of all other crowns from navigating or fishing or exploring in those parts, without license from Spain, and revoked all the earlier papal grants to Portugal which might seem to give her a claim to lands not already actually possessed by her in those regions.

## BIBLIOGRAPHY.

**Texts: MS.** Two original manuscripts of the promulgated bull, written on parchment and with the leaden seal affixed, are in the Archives of the Indies at Seville, Patronato, I-1-1, nos. 2 and 5. A manuscript copy,

<sup>1</sup> See introduction to Doc. 1.

<sup>2</sup> The report came from the Duke of Medina-Sidonia. A letter in respect to this from the sovereigns to the duke, dated May 2, 1493, is printed in Navarrete, *Viages*, tom. II., no. 16, pp. 22-23.

<sup>3</sup> Las Casas quotes Columbus as stating that King John "said that there was mainland to the south". J. E. Olson and E. G. Bourne, *Northmen, Columbus, and Cabot (1906)*, p. 326. For these negotiations see Herrera, *Historia General*, dec. I., lib. II., c. 5; Zurita, *Historia*, tom. I., lib. I., c. 25; Muñoz, *Historia*, tom. I., lib., IV., § 26.

<sup>4</sup> Doc. 7.

probably dating from the first years of the sixteenth century, is inserted at the beginning of a manuscript of the Columbus Codex, preserved in the Library of Congress. This bull has not been found in the Vatican registers, and it is a curious fact that neither of the original manuscripts of the promulgated bull bears the customary endorsement "Registrata".

**Texts: Printed.** The text of the promulgated bull has been printed by J. de Solorzano Pereira, *De Indiarum Jure* (1629-1639), I. 613, and from this source in G. Berchet, *Fonti Italiane* (1892-1893), I. 15-16 (pt. III. of the *Raccolti di Documenti* published by the Reale Commissione Colombiana); S. E. Dawson, "Line of Demarcation of Pope Alexander VI.", etc. (1899), pp. 538-539, in the *Transactions* of the Royal Society of Canada, 2d ser., 1899-1900, vol. V., § 2; and J. B. Thacher, *Columbus* (1903-1904), II. 162-164. It has also been printed in the *Colección de Documentos Inéditos . . . de Ultramar*, 2d ser., tom. V., *Documentos Legislativos* (ed. A. M. Fabié, 1890-1897), I. 1-4.

**Translations:** A Spanish translation of the bull, made in 1554 by Gracian de Aldrete, secretary of Philip II., and printed in Navarrete, *Coleccion de Viages* (1825-1837), tom. II., app., pp. 404-406, has been erroneously supposed by several modern historians to be the basis of Solorzano's Latin text. The English translation in Blair and Robertson, *Philippine Islands* (1903-1909), I. 111-114, is from the Spanish version. Thacher's (*op. cit.*, II. 163-164) and Dawson's (*op. cit.*, pp. 539-540) are from Solorzano's text.

**References:** See under Doc. 9.

#### TEXT.\*

Alexander episcopus, servus servorum Dei: carissimo in Christo filio Ferdinando regi et carissime in Christo filie Elisabeth regine Castelle, Legionis, Aragonum, et Granate, illustribus, salutem et apostolicam benedictionem.

Dudum siquidem omnes et singulas insulas et terras firmas, inventas et inveniendas versus occidentem et meridiem, que sub actuali dominio temporali aliquorum dominorum Christianorum constitute non essent, vobis hereditibusque et subcessoribus vestris Castelle et Legionis regibus, imperpetuum, motu proprio et ex certa scientia ac de apostolice potestatis plenitudine donavimus, concessimus, et assignavimus, vosque ac heredes et successores prefatos de illis investivimus, illarumque dominos cum plena, libera, et omnimoda potestate, auctoritate, et jurisdictione, constituimus et deputavimus, prout in nostris inde confectis litteris, quarum tenores, ac si de verbo ad verbum, presentibus insererentur haberi volumus pro sufficienter expressis, plenius continetur.<sup>a</sup> Cum autem contingere posset quod nuntii et capitanei aut vassalli vestri, versus occidentem aut meridiem navigantes, ad partes orientales applicarent, ac insulas et terras firmas que Indie fuissent vel essent, repperirent, nos, volentes etiam vos favoribus prosequi gratiosis, motu et scientia ac potestatis plenitudine similibus, donationem, concessionem, assignationem, et litteras predictas, cum omnibus et singulis in eisdem litteris contentis

\* The text is from the original manuscript of the bull, preserved in the Archives of the Indies at Seville, Patronato, 1-1-1, no. 5.

<sup>a</sup> The reference is to the bull *Inter caetera* of May 4, Doc. 7.

clausulis, ad omnes et singulas insulas et terras firmas, inventas et inveniendas ac detectas et detegendas, que navigando aut itinerando versus occidentem aut meridiem hujusmodi sint vel fuerint aut apparuerint, sive in partibus occidentalibus vel meridionalibus et orientalibus et Indie existant, auctoritate apostolica, tenore presentium, in omnibus et per omnia, perinde ac si in litteris predictis de eis plena et expressa mentio facta fuisset, extendimus pariter et ampliamus, vobis ac heredibus et successoribus vestris predictis, per vos vel alium seu alios, corporalem insularum ac terrarum predictarum possessionem, propria auctoritate libere apprehendendi ac perpetuo retinendi, illasque adversus quoscunque impediētes etiam defendendi, plenam et liberam facultatem concedentes, ac quibuscunque personis etiam cujuscunque dignitatis, status, gradus, ordinis, vel condicionis, sub excommunicationis late sententię pena, quam contrafacientes eo ipso incurrant, districtius inhibentes, ne ad partes predictas ad navigandum, piscandum,<sup>7</sup> vel inquirendum insulas vel terras firmas aut quovis alio respectu seu colore ire vel mittere quoquo modo presumant absque expressa et spetiali vestra ac heredum et successorum predictorum licentia, Non obstantibus constitutionibus et ordinationibus apostolicis, ac quibusvis donationibus, concessionibus, facultatibus, et assignationibus per nos vel predecessores nostros quibuscunque regibus, principibus, infantibus, aut quibusvis aliis personis aut ordinibus et miliciis,<sup>8</sup> de predictis partibus, maribus, insulis, atque terris, vel aliqua eorum parte, etiam ex quibusvis causis, etiam pietatis vel fidei aut redemptionis captivorum, et aliis quantuncunque urgentissimis, et cum quibusvis clausulis etiam derogatoriis derogatoriis, fortioribus, efficacioribus, et insolitis, etiam quascunque sententias, censuras, et penas in se continentibus, que suum per actualem et realem possessionem non essent sortite effectum, licet forsan aliquando illi quibus donationes et concessionēs hujusmodi facte fuissent, aut eorum nuntii, ibidem navigassent, quas tenores illarum etiam presentibus pro sufficienter expressis et insertis habentes, motu, scientia, et potestatis plenitudine similibus, omnino revocamus, ac quo ad terras et insulas per eos actualiter non possessas pro infectis haberi volumus, nec non omnibus illis que in litteris predictis volumus non obstare, ceterisque contrariis quibuscunque. Datum Rome apud Sanctum Petrum, anno Incarnationis Dominice millesimo quadringentesimo nonagesimo tertio, sexto kalendas Octobris, pontificatus nostri anno secundo. Gratis de mandato sanctissimi domini nostri pape.

Jo[ANNES] NILIS.<sup>9</sup>

P. GORMAZ.<sup>10</sup>

Sept[embri].

<sup>7</sup> The reference to fishing is doubtless explained by the fact that Spain, yielding to the demands of Portugal, had just agreed to forbid her subjects to fish south of Cape Bojador. One of the two treaties between Spain and Portugal, concluded at Tordesillas on June 7, 1494, relates to the fisheries from Cape Bojador to the Rio do Ouro. This treaty is printed in J. Ramos-Coelhos, *Algs. Docs.* (1892), pp. 80 ff.

<sup>8</sup> This refers to the Portuguese military Order of Christ, to which Pope Calixtus had granted the spiritualities of Guinea, and beyond, as far as to the Indians. See Doc. 2.

<sup>9</sup> Cf. Doc. 6, note 14.

<sup>10</sup> In the second copy of the bull the name of L. Alvarus is substituted. The name of the pontifical secretary, L. Podocatharus, appears on the dorse of both copies of the bull.

TRANSLATION.<sup>11</sup>

Alexander, bishop, servant of the servants of God, to the illustrious sovereigns, his very dear son in Christ, Ferdinand, king, and his very dear daughter in Christ, Isabella, queen of Castile, Leon, Aragon, and Granada, health and apostolic benediction.

A short while ago of our own accord, and out of our certain knowledge, and fullness of our apostolic power, we gave, conveyed, and assigned forever to you and your heirs and successors, kings of Castile and Leon, all islands and mainlands whatsoever, discovered and to be discovered, toward the west and south, that were not under the actual temporal dominion of any Christian lords. Moreover, we invested therewith you and your aforesaid heirs and successors, and appointed and deputed you as lords of them with full and free power, authority, and jurisdiction of every kind, as more fully appears in our letters given to that effect, the terms whereof we wish to be understood as if they were inserted word for word in these presents. But since it may happen that your envoys and captains, or vassals, while voyaging toward the west or south, might bring their ships to land in eastern regions and there discover islands and mainlands that belonged or belong to India, with the desire moreover to bestow gracious favors upon you, through our similar accord, knowledge, and fullness of power, by apostolic authority and by tenor of these presents, in all and through all, just as if in the aforesaid letters full and express mention had been made thereof, we do in like manner amplify and extend our aforesaid gift, grant, assignment, and letters, with all and singular the clauses contained in the said letters, to all islands and mainlands whatsoever, found and to be found, discovered and to be discovered, that are or may be or may seem to be in the route of navigation or travel toward the west or south, whether they be in western parts, or in the regions of the south and east and of India. We grant to you and your aforesaid heirs and successors full and free power through your own authority, exercised through yourselves or through another or others, freely to take corporal possession of the said islands and countries and to hold them forever, and to defend them against whosoever may oppose, With this strict prohibition however to all persons, of no matter what rank, estate, degree, order or condition, that under penalty of excommunication *latae sententiae*, which such as contravene are to incur *ipso facto*, no one without your express and special license or that of your aforesaid heirs and successors shall, for no matter what reason or pretense, presume in any manner to go or send to the aforesaid regions for the purpose of navigating or of fishing, or of searching for islands or mainlands—notwithstanding apostolic constitutions and ordinances, and any gifts, grants, powers, and assignments of the aforesaid regions, seas, islands, and countries, or any portion of them, made by us or our predecessors to any kings, princes, infantes, or any other persons, orders, or knight-hoods, for no matter what reasons, even for motives of charity or the faith, or the ransom of captives, or for other reasons, even the most urgent; notwithstanding also any repealing clauses, even though they are of the most positive, mandatory, and unusual character; and no matter what sentences, censures, and penalties of any kind they may contain; providing however these grants have not gone into effect through actual and real possession, even though it may have happened that

<sup>11</sup> See Doc. 5, note 19.



the persons to whom such gifts and grants were made, or their envoys, sailed thither at some time through chance. Wherefore should any such gifts or grants have been made, considering their terms to have been sufficiently expressed and inserted in our present decree, we through similar accord, knowledge, and fullness of our power do wholly revoke them and as regards the countries and islands not actually taken into possession, we wish the grants to be considered as of no effect, notwithstanding what may appear in the aforesaid letters, or anything else to the contrary. Given at Rome, at St. Peter's, on the twenty-sixth day of September, in the year of the incarnation of our Lord one thousand four hundred and ninety-three, the second year of our pontificate.

Gratis by order of our most holy lord the Pope.

JOHANNES NILIS.

P. GORMAZ.

September.

## 9.

*Treaty between Spain and Portugal concluded at Tordesillas, June 7, 1494. Ratification by Spain, July 2, 1494. [Ratification by Portugal, September 5, 1494.]*

## INTRODUCTION.

In the negotiations begun at Barcelona in the middle of August, 1493,<sup>1</sup> Spain insisted that just as her navigators would refrain from visiting the regions reserved to Portugal—which Spain described as the Madeiras, Azores, Cape Verde, and other islands discovered prior to 1479, and the region from the Canaries down towards Guinea—so the Portuguese must keep away from Spain's discoveries.<sup>2</sup> No agreement, however, could be reached, because, as the Spanish sovereigns wrote to Columbus, the Portuguese ambassadors were not informed as to what belonged to Spain.<sup>3</sup> Accordingly, in November, 1493, a magnificent embassy, headed by García de Carvajal, brother of the Spanish ambassador in Rome, and Pedro de Ayala, was despatched to the Portuguese court; but it accomplished nothing. In March, 1494, the Portuguese commissioners, Ruy de Sousa, João de Sousa, his son, and Ayres de Almada, treated directly with the Spanish sovereigns in Medina del Campo. Portugal felt aggrieved by the papal bull,<sup>4</sup> which designated as the eastern limit of the Spanish demarcation a meridian only one hundred leagues west of the Azores or Cape Verde Islands. As their ships were continually sailing to these islands, the Portuguese considered the limits too narrow. They therefore wished another meridian to be agreed on, farther to the west, half-way between the Cape Verde Islands and the lands discovered by Columbus.<sup>5</sup> King John "was certain that within those limits famous lands and things must be found." This new line of demarcation was agreed to by Ferdinand and Isabella, and on June 7, at Tordesillas

<sup>1</sup> See introduction to Doc. 8.      <sup>2</sup> Zurita, *Historia*, lib. I., c. 25.

<sup>3</sup> "Porque ellos no vienen informados de lo que es nuestro." Navarrete, *Viages*, tom. II., no. 71, p. 108.

<sup>4</sup> Doc. 7.

<sup>5</sup> Zurita, *op. cit.*, lib. I., c. 29, ff. 35, 36. Harrisse suggests that the Portuguese had in view the acquisition of those islands in the northwest Atlantic fancifully displayed on the maps of Fra Mauro and other early cartographers. *Discovery of North America* (1892), pp. 57, 58. The voyages of Gaspar Corte-Real to the northwest lend some support to this suggestion but, according to Las Casas, the southwest was the special region in which at this time King John hoped to discover new lands. J. E. Olson and E. G. Bourne, *Northmen, Columbus, and Cabot* (1906), p. 326. There are a number of indications that both Spaniards and Portuguese coveted particularly the south Atlantic.

near Valladolid, the Spanish representatives, Don Enrique Enriques, Don Gutierre de Cardenas, and Dr. Rodrigo Maldonado, concluded a treaty with the above-mentioned plenipotentiaries of Portugal. According to this treaty all lands lying east of a meridian located 370 leagues west of the Cape Verde Islands, and discovered by Portugal, were to pertain to that country and all lands west of the line, discovered by Spain, were to pertain to Spain. If the sovereign of either country discovered lands within the bounds assigned to the other, he must surrender them to the other monarch. Within ten months after the date of the treaty each party was to send one or two caravels with pilots, astrologers, and mariners (the same number on each side) to assemble at the Grand Canary, sail to the Cape Verde Islands and thence west to determine the boundary; if the line should intersect land, boundary towers or marks were to be erected. Spanish ships crossing the Portuguese seas east of the line must follow the most direct route to their destination. Lands discovered by Spain within the twenty days next following the conclusion of the treaty were to belong to Portugal if situated within the first 250 leagues west of the Cape Verde Islands, otherwise to Spain. The pope was asked to confirm the treaty upon the request of either or both parties thereto.

Since in the then existing state of knowledge it was impossible to determine the position of the delimiting meridian, the treaty led to further disagreements and its interpretation has been a matter of dispute down to modern times. At different periods, in accordance with her changing interests, Portugal claimed now one and now another of the Cape Verde group as the point of departure for measurement westwards. Another debated question was the number of leagues in a degree.\*

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**Text: Printed.** J. Ramos-Coelho, *Alguns Documentos* (1892), pp. 69-80; G. F. von Martens, *Supplément au Recueil des Traités* (1802, etc.), I. 372-388; C. Calvo, *Recueil des Traités* (1862-1866), I. 19-36; J. F. Pacheco et al., *Coleccion de Documentos Inéditos* (1864-1884), XXX. 258-285; M. Fernandez de Navarrete, *Coleccion de Viages* (1825-1837), II. 130-143, and thence in J. B. Thacher, *Columbus* (1903-1904), II. 165-175; *Boletín del Centro de Estudios Americanistas*, año III., no. 7. This treaty is also contained in the official collections of treaties of some

\* For an account of the knowledge of nautical astronomy in Portugal at this time, see J. Bensaude, *L'Astronomie Nautique au Portugal à l'Époque des Grandes Découvertes* (1912), and the *Collection de Documents*, relative to this subject, now being published under his direction by order of the Portuguese ministry of public instruction.

of the South American states, and in various publications of those states dealing with boundary disputes. There are many differences between these abovementioned texts, due in some cases to the modernizing of the language, and in some cases, apparently, to the fact that they are translations from Portuguese into Spanish.

**Translation: English.** Thacher, *op. cit.*, II. 175-186; Argentine Republic, *Arbitration upon a Part of the National Territory of Misiones*, I. *Argentine Evidence* (1893), pp. 13-24, and thence in the *Report* of the American Historical Association for 1895, pp. 524-534. The most important parts of the treaty are translated in E. H. Blair and J. A. Robertson, *Philippine Islands* (1903-1909), I. 115-129.

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**References: Later writings.** J. B. Muñoz, *Historia del Nuevo-Mundo* (1793), tom. I., lib. IV., §§ 26-30; H. Schäfer, *Geschichte von Portugal* (1836-1854), III. 162-163, in Heeren and Ukert, *Geschichte der Europäischen Staaten*; H. HARRISSE, *Diplomatic History of America* (1897), chs. 7 and following; S. E. Dawson, "Line of Demarcation of Pope Alexander VI.", etc. (1899), pp. 496-526, in the *Transactions* of the Royal Society of Canada, 2d ser., 1899-1900, vol. V., § 2; E. G. Bourne, *Essays in Historical Criticism* (1901), pp. 201-203; H. Vander Linden, "Alexander VI. and the Demarcation of the Maritime and Colonial Domains of Spain and Portugal", *Am. Hist. Rev.*, XXII. 1-20.

#### TEXT.<sup>1</sup>

Don Fernando e Doña Ysabel, por la gracia de Dios rrey e rreyna de Castilla, de Leon, de Aragon, de Seçilia, de Granada, de Toledo, de Valencia, de Galizia, de Mallorcias, de Sevilla, de Cerdeña, de Cordova, de Corçega, de Murcia, de Jahen, del Algarbe, de Algezira, de Gibraltar, de las yslands de Canaria, conde e condesa de Barcelona e señores de Vizcaya e de Molina, duques de Atenas e de Neopatria, condes de Rosellon e de Çerdania, marqueses de Oristan e de Goçeano, en uno con el Príncipe Don Juan, nuestro muy caro e muy amado hijo primogenito, heredero de los dichos nuestros rreynos e señorios. Por quanto por Don Enrrique Enrriques,<sup>2</sup> nuestro mayordomo

<sup>1</sup> The text is from the original manuscript of the ratification by Ferdinand and Isabella, in the National Archives at Lisbon, gav. 17, maço 2, no. 24.

<sup>2</sup> Son of the Admiral Don Fadrique Enriques. His family history is given by Dr. Lorenzo Galindez de Carvajal (*cf.* Doc. 13, note 17) in his *Adiciones Genealógicas*, published in Navarrete's *Coleccion de Documentos Ineditos para la Historia de España*, tom. XVIII., pp. 454 ff.

mayor, e Don Gutierre de Cardenas, comisario mayor de Leon, nuestro contador mayor,<sup>9</sup> y el Doctor Rodrigo Maldonado,<sup>10</sup> todos del nuestro consejo, fue tratado, asentado, e capitulado por nos y en nuestro nonbre e por virtud de nuestro poder, con el Serenisimo Don Juan, por la gracia de Dios rrey de Portugal e de los Algarbes de aquende e alende el mar en Africa, señor de Guinea, nuestro muy caro e muy amado hermano, e con Ruy de Sosa, señor de Usagres e Berengel, e Don Juan de Sosa su hijo, almotacen mayor<sup>11</sup> del dicho Serenisimo Rey, nuestro hermano, e Arias de Almadana, corregidor de los fechos çeviles de su corte<sup>12</sup> e del su desembargo,<sup>13</sup> todos del consejo del dicho Serenisimo Rey nuestro hermano, en su nonbre e por virtud de su poder sus enbaxadores, que a nos vinieron sobre la diferencia de lo que a nos y al dicho Serenisimo Rey nuestro hermano pertenesçe de lo que hasta siete dias deste mes de Junio, en que estamos, de la fecha desta escriptura, esta por descubrir en el mar oceano; en la qual dicha capitulacion los dichos nuestros procuradores, entre otras cosas, prometieron que dentro de çierto termino en ella contenido, nos otorgariamos, confirmariamos, jurariamos, ratificariamos, e aprovariamos la dicha capitulacion por nuestras personas; e nos, queriendo complir e cumpliendo todo lo que asi en nuestro nonbre fue asentado e capitulado e otorgado çerca de lo suso dicho, mandamos traer ante nos la dicha escriptura de la dicha capitulacion e asiento para la ver e esaminar, e el tenor della *de verbo ad verbum* es este que se sigue:

En el nonbre de Dios Todo poderoso, Padre e Hijo e Espiritu Santo, tres personas rrealmente distintas e apartadas e una sola esençia divina. Manifiesto e notorio sea a todos quantos este publico ynstrumento vieren, como en la villa de Tordesillas, a siete dias del mes de Junio, año del nascimiento de nuestro Señor Jhesu Christo de mill e quatroçientos e noventa e quatro años, en presencia de nos, los secretarios y escrivanos e notarios publicos de yuso escriptos, estando presentes los honrrados Don Enrique Enriques, mayordomo mayor de los muy altos e muy poderosos prinçipes, los señores Don Fernando e Doña Isabel, por la gracia de Dios rrey e rreyna de Castilla, de Leon, de Aragon, de Seçilia, de Granada, etc., Don Gutierre de Cardenas, contador mayor de los dichos señores rrey e rreyna, e el Doctor Rodrigo Maldonado, todos del consejo de los dichos señores Rey e Reyna de Castilla, e de Leon, de Aragon, de Seçilia e de Granada, etc., sus procuradores bastantes de la una parte, e los honrrados Ruy de Sosa, señor de Usagres e Berengel,

<sup>9</sup> The *contadores mayores*, who at this time numbered two, were the heads of the financial administration of Spain. For a full account of their functions see "Organización de la Hacienda en la Primera Mitad del Siglo XVI" in F. de Laiglesia, *Estudios Históricos, 1515-1555* (Madrid, 1908).

<sup>10</sup> He had been sent to Portugal in 1479 to negotiate the treaty of Alcaçovas. See Doc. 3, introduction.

<sup>11</sup> It was the business of the *almotacé mór* to supply the Portuguese court with provisions, and to see that the roads over which the sovereign had to travel were in order. H. da Gama Barros, *Historia da Administração Publica em Portugal nos Seculos XII. e XV.* (1885-1896), I. 602-603.

<sup>12</sup> The *corregedor da corte* was a magistrate who exercised in the place where the King of Portugal was, the police, administrative, and judicial functions exercised by the local *corregedores*. A few years before the date of this treaty, the single *corregedor da corte* was replaced by two *corregedores*, of whom one took cognizance of civil, the other of criminal, causes. Gama Barros, *op. cit.*, I. 603, 604.

<sup>13</sup> The *desembargo d'el rei* was a kind of privy-council, whose members were generally lawyers. *Ibid.*, p. 593.

e Don Juan de Sosa, su hijo, almotacen mayor del muy alto e muy excelente señor, el señor Don Juan, por la gracia de Dios rrey de Portugal e de los Algarbes de aquende e de allende el mar en Africa, e señor de Guinea, e Arias de Almadana, corregidor de los fechos çeviles en su corte, e del su desenbargo, todos del consejo del dicho señor Rey de Portugal, e sus enbaxadores e procuradores bastantes, segund amas las dichas partes lo mostraron por las cartas de poderes e procuraciones de los dichos señores sus constituyentes, de las quales su tenor *de verbo ad verbum* es este que se sigue:

[Here follow the full powers granted by Ferdinand and Isabella to Don Enrique Enriques, Don Gutierre de Cardenas, and Dr. Rodrigo Maldonado on June 5, 1494; and the full powers granted by João II. to Rui de Sousa, João de Sousa, and Arias d'Almadana on March 8, 1494.]

E luego los dichos procuradores de los dichos señores Rey e Reyna de Castilla, de Leon, de Aragon, de Seçilia, de Granada, etc., e del dicho señor Rey de Portugal e de los Algarbes, etc., dixerón:

[1.] Que, por quanto entre los dichos señores, sus constituyentes, ay çierta diferençia sobre lo que a cada una de las dichas partes pertenece de lo que fasta oydia, de la fecha desta capitulaçion, esta por descubrir en el mar oçeano, porende que ellos por bien de paz e concordia, e por conservaçion del debdo e amor quel dicho señor Rey de Portugal tiene con los dichos señores Rey e Reyna de Castilla e de Aragon, etc., a sus Altezas plazze, e los dichos sus procuradores en su nonbre e por virtud de los dichos sus poderes otorgaron e consintieron que se haga e señale por el dicho mar oçeano una rraya o linea derecha de polo a polo, conviene a saber, del polo Artico al polo Antartico, que es de norte a sul, la qual rraya o linea se aya de dar e de derecha, como dicho es, a tresientas e setenta leguas de las Yslas del Cabo Verde, hasia la parte del poniente,<sup>44</sup> por grados o por otra manera, como mejor y mas presto se pueda dar, de manera que no sean mas, e que todo lo que hasta aqui se ha fallado e descubierto e de aqui adelante se hallare e descubriere por el dicho señor Rey de Portugal y por sus navios, asy yslas, como tierra firme, desde la dicha rraya e linea, dada en la forma suso dicha, yendo por la dicha parte del levante dentro de la dicha rraya a la parte del levante, o del norte, o del sul della, tanto que no sea atravesando la dicha rraya, que esto sea e finque e pertenesca al dicho señor Rey de Portugal e a sus subçesores para sienpre jamas; e que todo lo otro, así yslas, como tierra firme, halladas y por hallar, descubiertas y por descubrir, que son o fueren halladas por los dichos señores Rey e Reyna de Castilla e de Aragon, etc., e por sus navios, desde la dicha rraya, dada en la forma susodicha, yendo por la dicha parte del poniente, despues de pasada la dicha rraya, hasia el poniente, o el norte,

<sup>44</sup> A meridian 370 leagues west of San Antonio, the most westerly of the Cape Verde Islands, is in about 46° W. longitude; *i. e.*, east of the mouth of the Gurupy River. The question where, in 1494, the Spanish and Portuguese governments supposed the line to fall is elaborately discussed by HARRISSE, *Diplomatic History*, and DAWSON, *Line of Demarcation*. From both the Portuguese and the Spanish maps of the early sixteenth century, it appears that it was then believed that the line passed west of Newfoundland (Baccallaos). Columbus and his heirs never assented to the new line, which, on account of its more westerly position, deprived him of part of the region in which he had been granted important rights. See HARRISSE's introduction to B. F. STEVENS, *Christopher Columbus: his own Book of Privileges, 1502* (1893), pp. lviii, lix. For the methods employed at this time to determine latitude and longitude, see the works edited and written by J. Bensaude, and referred to above, note 6.

o el sul della, que todo sea e finque e pertenesca a los dichos señores Rey e Reyna de Castilla e de Leon, etc., e a sus subçesores para sienpre jamas.

[2.] Yten, los dichos procuradores prometieron e seguraron, por virtud de los dichos poderes, que de oy en adelante no enbiaran navios algunos, conviene a saber: los dichos señores Rey e Reyna de Castilla, e de Leon, e de Aragon, etc., por esta parte de la rraya a la parte del levante aquende de la dicha rraya, que queda para el dicho señor Rey de Portugal e de los Algarbes, etc., ni el dicho señor Rey de Portugal a la otra parte de la dicha rraya que queda para los dichos señores Rey e Reyna de Castilla, e de Aragon, etc., a descubrir e buscar tierras ni yslas algunas, ni a contratar, ni rrescatar, ni conquistar en manera alguna; pero que, si acaesciere que, yendo asi aquende de la dicha rraya, los dichos navios de los dichos señores Rey e Reyna de Castilla, de Leon, de Aragon, etc., hallasen qualesquier yslas o tierras en lo que asi queda para el dicho señor Rey de Portugal, que aquello tal sea e finque para el dicho señor Rey de Portugal e para sus herederos para sienpre jamas; e sus Altezas gelo ayen de mandar luego dar e entregar. E si los navios del dicho señor Rey de Portugal hallaren qualesquier yslas e tierras en la parte de los dichos señores Rey e Reyna de Castilla, e de Leon, e Aragon, etc., que todo lo tal sea e finque para los dichos señores Rey e Reyna de Castilla, de Leon, e de Aragon, etc., e para sus herederos para sienpre jamas; e que el dicho señor Rey de Portugal gelo aya luego de mandar dar e entregar.

[3.] Yten, para que la dicha linea o rraya de la dicha partiçion se aya de dar e de derecha e la mas çierta que ser pudiere por las dichas tresientas e setenta leguas de las dichas yslas del Cabo Verde hasia la parte del poniente, como dicho es, es concordado e asentado por los dichos procuradores de ambas las dichas partes, que dentro de diez meses primeros siguientes, contados desde el dia de la fecha desta capitulaçion, los dichos señores sus constituyentes ayen de enbiar dos o quatro caravelas, conviene a saber, una o dos de cada parte, o mas o menos, segund se acordare por las dichas partes que son neçesarias, las quales para el dicho tienpo sean juntas en la ysla de la Grand Canaria, y enbien en ellas cada una de las dichas partes, personas, asi pilotos como astrologos y marineros y qualesquier otras personas que convengan, pero que sean tantos de una parte, como de otra; y que algunas personas de los dichos pilotos e astrologos e marineros e personas que sepan que enbiaren los dichos señores Rey e Reyna de Castilla e de Leon, de Aragon, etc., vayan en el navio o navios, que enbiare el dicho señor Rey de Portugal e de los Algarbes, etc.; e asi mismo algunas de las dichas personas que enbiare el dicho señor Rey de Portugal vayan en el navio o navios, que enbiaren los dichos señores Rey e Reyna de Castilla e Aragon, tantos de una parte como de otra, para que juntamente puedan mejor ver e rreconocer la mar e los rrumos e vientos e grados de sol e norte e señalar las leguas sobredichas, tanto que para faser el señalamiento e limite convirran todos juntos los que fueren en los dichos navios que enbiaren amas las dichas partes e llevaren sus poderes; <sup>10</sup> los quales dichos navios todos juntamente continuen su camino a las dichas yslas del Cabo Verde, e desde alli tomaran surrota derecha al poniente hasta las dichas tresientas e setenta leguas, medidas como las dichas personas, que asi fueren, acordaren que se deven medir, sin perjuicio de las dichas partes; y alli donde se acabaren se haga el punto e señal que convenga por grados de sol o de norte, o por singradura de leguas, o como mejor se

<sup>10</sup> This stipulation was not carried out. See introduction to Doc. 10.

pudieren concordar. La qual dicha rraya señalen desde el dicho polo artico al dicho polo antartico, que es de norte a sul, como dicho es, y aquello que señalaren lo escrivan e firmen de sus nonbres las dichas personas, que asi fueren embiadas por amas las dichas partes, las quales han de llevar facultad e poderes de las dichas partes, cada uno de la suya, para haser la dicha señal e limitaçion y fecha por ellos, seyendo todos conformes que sea auida por señal e limitaçion perpetuamente para sienpre jamas, para que las dichas partes, ni alguna dellas, ni sus subçesores para sienpre jamas no la puedan contradezir, ni quitar, ni rremover en tiempo alguno, ni por alguna manera que sea o ser pueda. E sy caso fuere que la dicha rraya e limite de polo a polo, como dicho es, tocare en alguna ysla o tierra firme, que al comienço de la tal ysla o tierra, que asi fuere hallada, donde tocare la dicha rraya, se haga alguna señal o torre, e que en derecho de la tal señal o torre se continue dend en adelante otras señales por la tal ysla o tierra, en derecho de la dicha rraya, las quales partan lo que a cada una de las partes pertenesçiere della, e que los subditos de las dichas partes no sean osados los unos de pasar a la parte de los otros, ni los otros de los otros pasando la dicha señal o limite en la tal ysla o tierra.

[4.] Yten, por quanto para yr los dichos navios de los dichos señores Rey e Reyna de Castilla, de Leon, de Aragon, etc., desde sus rreynos e señorios a la dicha su parte allende de la dicha rraya, en la manera que dicho es, es forçado que ayan de pasar por las mares desta parte de la rraya que quedan para el dicho señor Rey de Portugal, porende es concordado y asentado que los dichos navios de los dichos señores Rey e Reyna de Castilla, de Leon, de Aragon, etc., puedan yr e venir e vayan e vengan libre, segura, e paçificamente, sin contradiccion alguna por las dichas mares que quedan con el dicho señor Rey de Portugal dentro de la dicha rraya, en todo tiempo, y cada e quando sus Altezas y sus subçesores quisieren, e por bien tovieren; los quales vayan por sus caminos derechos e rrotas desde sus rreynos para qualquier parte de lo que esta dentro de su rraya e limite, donde quisieren enbiar a descubrir e conquistar, e a contratar, e que lleven sus caminos derechos por donde ellos acordaren de yr, para qualquier cosa de la dicha su parte, e de aquellos no puedan apartarse, salvo lo que el tienpo contrario les fisiere apartar, tanto que no tomen ni ocupen, autes de pasar la dicha rraya, cosa alguna de lo que fuere fallado por el dicho señor Rey de Portugal en la dicha su parte; e si alguna cosa hallaren los dichos sus navios antes de pasar la dicha rraya, como dicho es, que aquello sea para el dicho señor Rey de Portugal e sus Altezas gelo ayan de mandar luego dar e entregar. E porque podria ser que los navios e gentes de los dichos señores Rey e Reyna de Castilla, e de Aragon, etc., o por su parte, avran hallado hasta veynte dias deste mes de Junio, en que estamos, de la fecha desta capitulacion, algunas yslas e tierra firme dentro de la dicha rraya que se ha de faser de polo a polo, por linea derecha, en fin de las dichas tresientas e setenta leguas, contadas desde las dichas yslas del Cabo Verde al poniente, como dicho es, es concordado e asentado, por quitar toda dubda, que todas las yslas e tierra firme que sean halladas e descubiertas en qualquier manera hasta los dichos veynte dias deste dicho mes de Junio, aun que sean halladas por los navios e gentes de los dichos señores Rey e Reyna de Castylla e de Aragon, etc., con tanto que sea dentro de las dosientas e çinquenta leguas primeras de las dichas trezientas e setenta leguas, contandolas desde las dichas yslas del Cabo Verde al poniente hasia la dicha rraya, en qualquier parte dellas para los



dichos polos que sean halladas dentro de las dichas dosientas e çinquenta leguas hasiendose una rraya, o linea derecha de polo a polo donde se acabaren las dichas dosientas e çinquenta leguas, queden e finquen para el dicho señor Rey de Portugal e de los Algarbes, etc., e para sus subçesores e rreynos para sienpre jamas. E que todas las yslas e tierra firme que hasta los dichos veynte dias deste mes de Junio, en que estamos, sean falladas e descubiertas por los navios de los dichos señores Rey e Reyna de Castilla e de Aragon, etc., e por sus gentes, o en otra qualquier manera, dentro de las otras çiento e veynte leguas, que quedan para cumplimiento de las dichas trezientas e setenta leguas, en que ha de acabar la dicha rraya que se ha de faser de polo a polo, como dicho es, en qualquier parte de las dichas çiento e veynte leguas para los dichos polos, que sean halladas fasta el dicho dia, queden e finquen para los dichos señores Rey e Reyna de Castilla e de Aragon, etc., e para sus subçesores e sus rreynos para sienpre jamas, como es e ha de ser suyo lo que es o fuere hallado, allende de la dicha rraya de las dichas tresientas e setenta leguas que quedan para sus Altezas, como dicho es, aun que las dichas çiento e veynte leguas son dentro de la dicha rraya de las dichas trezientas e setenta leguas que quedan para el dicho señor Rey de Portugal e de los Algarbes, etc., como dicho es. E si fasta los dichos veynte dias deste dicho mes de Junio no son hallados por los dichos navios de Sus Altezas cosa alguna dentro de las dichas çiento e veynte leguas, y de alli adelante lo hallaren, que sea para el dicho señor Rey de Portugal, como en el capitulo suso escripto es contenido.

Lo qual todo que dicho es, e cada una cosa e parte dello, los dichos Don Enrique Enriques, mayordomo mayor, e Don Gutierre de Cardenas, contador mayor, e Doctor Rodrigo Maldonado, procuradores de los dichos muy altos e muy poderosos príncipes, los señores el Rey e la Reyna de Castilla, de Leon, de Aragon, de Secçilia, e de Granada, etc., e por virtud del dicho su poder que de suso va encorporado, e los dichos Ruy de Sosa e Don Juan de Sosa su hijo e Arias de Almadana, procuradores e embaxadores del dicho muy alto e muy exçelente príncipe el señor Rey de Portugal e de los Algarbes de aquende e allende en Africa, señor de Guinea, e por virtud del dicho su poder, que de suso va encorporado, prometieron e aseguraron, en nonbre de los dichos sus constituyentes, que ellos e sus subçesores e rreynos e señorios para sienpre jamas ternan e guardaran e conpliran rrealmente e con efecto, çesante todo fraude e cautela, engaño, ficçion, e simulacion, todo lo contenido en esta capitulacion, e cada una cosa e parte dello, e quisieron e otorgaron que todo lo contenido en esta dicha capitulacion, e cada una cosa e parte dello, sea guardado e conplido e esecutado, como se ha de guardar e conplir e esecutar todo lo contenido en la capitulacion de las pases fechas e asentadas entre los dichos señores Rey e Reyna de Castilla e de Aragon, etc., e el señor Don Alfonso Rey de Portugal, que santa gloria aya, e el dicho señor Rey, que agora es de Portugal, su fijo, seyendo príncipe, el año que paso, de mill e quatroçientos e setenta e nueve años;<sup>14</sup> e so aquellas mismas penas, vinculos, e firmezas e obligaciones, segund e de la manera que en la dicha capitulacion de las dichas pazes se contiene, e obligaronse que las dichas partes ni alguna dellas, ni sus subçesores para sienpre jamas, no yran ni vernan contra lo que de suso es dicho y espacificado; ni contra cosa alguna ni parte dello, directe ni yndirecte, ni por otra manera alguna en tienpo alguno, ni por alguna manera, pensada o no pensada, que sea o ser pueda, so las penas contenidas en la dicha capitulacion de las dichas pases, e la pena pagada o non pagada, o

<sup>14</sup> The treaty of Alcaçovas, Doc. 3.

graciosamente rremetida, que esta obligacion e capitulacion e asiento quede e finque firme, estable, e valedera para sienpre jamas; para lo qual todo asy tener e guardar e cumplir e pagar los dichos procuradores, en nonbre de los dichos sus constituyentes, obligaron los bienes, cada uno de la dicha su parte, muebles e rrayes, patrimoniales e fiscales, e de sus subditos e vasallos, avidos e por aver; e renunciaron qualesquier leys e derechos de que se puedan aprovechar las dichas partes e cada una dellas, para yr o venir contra lo suso dicho o contra alguna parte dello, e por mayor seguridad e firmeza de lo susodicho, juraron a Dios e a Santa Maria e a la señal de la Cruz, en que pusieron sus manos derechas, e a las palabras de los Santos Evangelios do quiere que mas largamente son escriptos, en anima de los dichos sus constituyentes, que ellos y cada uno dellos ternan e guardaran e cumpliran todo lo suso dicho, y cada una cosa e parte dello, rrealmente e con efeto, cesante todo fraude, cautela, e engaño, ficcion, e simulacion, e no lo contradiran en tiempo alguno, ni por alguna manera. So el qual dicho juramento juraron de no pedir absolucion ni rrelaxacion del a nuestro muy Santo Padre, ni a otro ningund legado ni prelado que gela pueda dar, e aun que propio motu gela den, no usaran della, antes por esta presente capitulacion suplican en el dicho nonbre a nuestro muy Santo Padre, que a Su Santidad plega confirmar e aprovar esta dicha capitulacion, segund en ella se contiene e mandando expedir sobre ello sus bullas a las partes, o a qualquier dellas que las pidieren; e mandando incorporar en ellas el tenor desta capitulacion, poniendo sus censuras a los que contra ella fueren o pasaren en qualquier tiempo que sea o ser pueda;<sup>17</sup> e asi mismo los dichos procuradores en el dicho nonbre se obligaron so la dicha pena e juramento, que dentro de çiento dias primeros siguientes, contados desde el dia de la fecha desta capitulacion, daran la una parte a la otra, y la otra a la otra, aprovacion e rratificacion desta dicha capitulacion, escriptas en pergamino e firmadas de los nonbres de los dichos señores sus constituyentes e selladas con sus sellos de plomo pendiente; e en la escriptura que ovieren de dar los dichos señores Rey e Reyna de Castilla e Aragon, etc., aya de firmar e consentir e otorgar el muy esclarecido e yllustrisimo señor el señor príncipe Don Juan su hijo, de lo qual todo que dicho es, otorgaron dos escripturas de un tenor, tal la una como la otra, las quales firmaron de sus nonbres e las otorgaron ante los secretarios e escrivanos de yuso escriptos, para cada una de las partes la suya, e qualquiera que paresçier vala, como si anbas a dos paresçiesen; que fueron fechas e otorgadas en la dicha villa de Tordesillas, el dicho dia e mes e año suso dichos. El comisario mayor,<sup>18</sup> Don Enrique, Ruy de Sosa, Don Juan de Sosa, el Doctor Rodrigo Maldonado, Liçenciatus Arias. Testigos que fueron presentes, que vieron aqui firmar sus nonbres a los dichos procuradores e enbaxadores e otorgar lo suso dicho, e faser el dicho juramento: el comisario Pedro de Leon, e el comisario Fernando de Torres, vesinos de la villa de Valladolid, el comisario Fernando de Gamarre, comisario de Zagra e Cete, continuo<sup>19</sup> de la casa de los dichos rrey e rreyna, nuestros señores, e Juan Suares de Sequeira e Ruy Leme e Duarte Pacheco, continos de la casa del señor Rey de Portugal, para ello llamados. Y yo Fernand Alvares de Toledo, secretario del rrey e de la rreyna nuestros señores e del su consejo e su escrivano de camara e notario publico en la su corte e en todos los sus rreynos

<sup>17</sup> The treaty was confirmed by Julius II., Jan. 24, 1506, Doc. 11.

<sup>18</sup> Don Gutierre de Cardenas.

<sup>19</sup> The *continos* were the king's body-guards.

e señorios, fuy presente a todo lo que dicho es en uno con los dichos testigos e con Estevan Vaez, secretario del dicho señor Rey de Portugal, que por abtoridad que los dichos rrey e rreyna nuestros señores le dieron para dar fe deste abto en sus rreynos, que fue asi mismo presente a lo que dicho es; e a ruego e otorgamiento de todos los dichos procuradores e enbaxadores que en mi presençia e suya aqui firmaron sus nonbres, este publico ynstrumento de capitulaçion fise escrivir; el qual va escripto en estas seys fojas de papel de pliego entero, escriptas de anbas partes, con esta en que van los nonbres de los sobre dichos, e mi signo; e en fin de cada plana va señalado de la señal de mi nombre e de la señal del dicho Estevan Vaez: e porende fise aqui mio signo, que es a tal. En testimonio de verdad, Fernand Alvares. E yo el dicho Estevan Vaez, que por abtoridad que los dichos señores Rey e Reyna de Castilla e de Leon me dieron para faser publico en todos sus rreynos e señorios, juntamente con el dicho Fernand Alvares a ruego e rrequerimiento de los dichos enbaxadores e procuradores a todo presente fuy; e por fe e certidumbre dello aqui de mi publico señal la signe, que tal es.

La qual dicha escriptura de asiento e capitulaçion e concordia suso incorporada, vista e entendida por nos, e por el dicho príncipe Don Juan nuestro hijo, la aprovamos, loamos, e confirmamos e otorgamos e rratificamos e prometemos de tener e guardar e conplir todo lo suso dicho en ella contenido, e cada una cosa e parte dello, rrealmente e con efeto, çesante todo fraude e cautela, ficcion, e simulaçion, e de no yr ni venir contra ello, ni contra parte dello en tiempo alguno, ni por alguna manera que sea o ser pueda; e por mayor firmeza, nos y el dicho príncipe Don Juan nuestro hijo juramos a Dios, e a Santa Maria, e a las palabras de los Santos Evangelios do quier que mas largamente son escriptas, e a la señal de la Cruz, en que corporalmente pusimos nuestras manos derechas en presençia de los dichos Ruy de Sosa, e Don Juan de Sosa, e Liçençiado Arias de Almadana, enbaxadores e procuradores del dicho Serenisimo Rey de Portugal nuestro hermano, de lo asi tener e guardar e conplir e cada una cosa e parte de lo que a nos yncunbe, rrealmente e con efeto, como dicho es, por nos e por nuestros herederos e subçesores, e por los dichos nuestros rreynos e señorios e subditos e naturales dellos, so las penas e obligaciones, vinculos, e rrenunçiaçiones, en el dicho contrato de capitulaçion e concordia de suso escripto contenidas. Por certificaçion e corroboracion de lo qual, firmamos en esta nuestra carta nuestros nonbres e la mandamos sellar con nuestro sello de plomo pendiente en filos de seda a colores. Dada en la villa de Arevalo, a doss dias del mes de Jullio, año del nascimiento de nuestro Señor Jhesu Christo, de mill e quatroçientos e noventa e quatro años.

YO, EL REY.

YO, LA REYNA.

YO, EL PRÍNCIPE.

YO, FERNAND ALVARES de Toledo, secretario del rrey e de la rreyna, nuestros señores, la fise escrivir por su mandado.

. . . doctor.\*

#### TRANSLATION.

Don Ferdinand and Doña Isabella, by the grace of God king and queen of Castile, Leon, Aragon, Sicily, Granada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordova, Corsica, Murcia, Jaen, Algarve, Algeciras, Gibralt-

\* The editor has been unable to decipher the signature above this word.

tar, and the Canary Islands, count and countess of Barcelona, lord and lady of Biscay and Molina, duke and duchess of Athens and Neopatras, count and countess of Roussillon and Cerdagne, marquis and marchioness of Oristano and Gociano, together with the Prince Don John, our very dear and very beloved first-born son, heir of our aforesaid kingdoms and lordships. Whereas by Don Enrique Enriques, our chief steward, Don Gutierre de Cardenas, chief commissary of Leon, our chief auditor, and Doctor Rodrigo Maldonado, all members of our council, it was treated, adjusted, and agreed for us and in our name and by virtue of our power with the most serene Dom John, by the grace of God, king of Portugal and of the Algarves on this side and beyond the sea in Africa, lord of Guinea, our very dear and very beloved brother, and with Ruy de Sousa, lord of Sagres and Berenguel, Dom João de Sousa, his son, chief inspector of weights and measures of the said Most Serene King our brother, and Ayres de Almada, magistrate of the civil cases in his court and member of his *desembargo*, all members of the council of the aforesaid Most Serene King our brother, [and acting] in his name and by virtue of his power, his ambassadors, who came to us in regard to the controversy over what part belongs to us and what part to the said Most Serene King our brother, of that which up to this seventh day of the present month of June, the date of this instrument, is discovered in the ocean sea, in which said agreement our aforesaid representatives promised among other things that within a certain term specified in it we should sanction, confirm, swear to, ratify, and approve the above-mentioned agreement in person: we, wishing to fulfill and fulfilling all that which was thus adjusted, agreed upon, and authorized in our name in regard to the above-mentioned, ordered the said instrument of the aforesaid agreement and treaty to be brought before us that we might see and examine it, the tenor of which, word for word, is as follows:

In the name of God Almighty, Father, Son, and Holy Ghost, three truly separate and distinct persons and only one divine essence. Be it manifest and known to all who shall see this public instrument, that at the village of Tordesillas, on the seventh day of the month of June, in the year of the nativity of our Lord Jesus Christ 1494, in the presence of us, the secretaries, clerks, and notaries public subscribed below, there being present the honorable Don Enrique Enriques, chief steward of the very exalted and very mighty princes, the lord and lady Don Ferdinand and Doña Isabella, by the grace of God king and queen of Castile, Leon, Aragon, Sicily, Granada, etc., Don Gutierre de Cardenas, chief auditor of the said lords, the king and queen, and Doctor Rodrigo Maldonado, all members of the council of the said lords, the king and queen of Castile, Leon, Aragon, Sicily, Granada, etc., their qualified representatives of the one part, and the honorable Ruy de Sousa, lord of Sagres and Berenguel, Dom Juan de Sousa, his son, chief inspector of weights and measures of the very exalted and very excellent lord Dom John, by the grace of God king of Portugal and of the Algarves on this side and beyond the sea in Africa, lord of Guinea, and Ayres de Almada, magistrate of civil cases in his court and member of his *desembargo*, all of the council of the said lord King of Portugal, and his qualified ambassadors and representatives, as was proved by both the said parties by means of the letters of authorization and procurations from the said lords their constituents, the tenor of which, word for word, is as follows:

[Here follow the full powers granted by Ferdinand and Isabella to Don Enrique Enriques, Don Gutierre de Cardenas, and Dr. Rodrigo Maldonado on June 5, 1494; and the full powers granted by John II. to Ruy de Sousa, João de Sousa, and Ayres Almada on March 8, 1494.]

<sup>21</sup> Thereupon it was declared by the above-mentioned representatives of the aforesaid King and Queen of Castile, Leon, Aragon, Sicily, Granada, etc., and of the aforesaid King of Portugal and the Algarves, etc.:

[1.] That, whereas a certain controversy exists between the said lords, their constituents, as to what lands, of all those discovered in the ocean sea up to the present day, the date of this treaty, pertain to each one of the said parts respectively; therefore, for the sake of peace and concord, and for the preservation of the relationship and love of the said King of Portugal for the said King and Queen of Castile, Aragon, etc., it being the pleasure of their Highnesses, they, their said representatives, acting in their name and by virtue of their powers herein described, covenanted and agreed that a boundary or straight line be determined and drawn north and south, from pole to pole, on the said ocean sea, from the Arctic to the Antarctic pole. This boundary or line shall be drawn straight, as aforesaid, at a distance of three hundred and seventy leagues west of the Cape Verde Islands, being calculated by degrees, or by any other manner as may be considered the best and readiest, provided the distance shall be no greater than abovesaid. And all lands, both islands and mainlands, found and discovered already, or to be found and discovered hereafter, by the said King of Portugal and by his vessels on this side of the said line and bound determined as above, toward the east, in either north or south latitude, on the eastern side of the said bound, provided the said bound is not crossed, shall belong to, and remain in the possession of, and pertain forever to, the said King of Portugal and his successors. And all other lands, both islands and mainlands, found or to be found hereafter, discovered or to be discovered hereafter, which have been discovered or shall be discovered by the said King and Queen of Castile, Aragon, etc., and by their vessels, on the western side of the said bound, determined as above, after having passed the said bound toward the west, in either its north or south latitude, shall belong to, and remain in the possession of, and pertain forever to, the said King and Queen of Castile, Leon, etc., and to their successors.

[2.] Item, the said representatives promise and affirm by virtue of the powers aforesaid, that from this date no ships shall be despatched—namely as follows: the said King and Queen of Castile, Leon, Aragon, etc., for this part of the bound, and its eastern side, on this side the said bound, which pertains to the said King of Portugal and the Algarves, etc.; nor the said King of Portugal to the other part of the said bound which pertains to the said King and Queen of Castile, Aragon, etc.—for the purpose of discovering and seeking any mainlands or islands, or for the purpose of trade, barter, or conquest of any kind. But should it come to pass that the said ships of the said King and Queen of Castile, Leon, Aragon, etc., on sailing thus on this side of the said bound, should discover any mainlands or islands in the region pertaining, as abovesaid, to the said King of Portugal, such mainlands

<sup>21</sup> From this, the beginning of the treaty proper, as far as to "The said Don Enrique Enriques", on p. 98, the translation is taken from Blair and Robertson, *Philippine Islands*, 1. 122-128.

or islands shall pertain to and belong forever to the said King of Portugal and his heirs, and their Highnesses shall order them to be surrendered to him immediately. And if the said ships of the said King of Portugal discover any islands and mainlands in the regions of the said King and Queen of Castile, Leon, Aragon, etc., all such lands shall belong to and remain forever in the possession of the said King and Queen of Castile, Leon, Aragon, etc., and their heirs, and the said King of Portugal shall cause such lands to be surrendered immediately.

[3.] Item, in order that the said line or bound of the said division may be made straight and as nearly as possible the said distance of three hundred and seventy leagues west of the Cape Verde Islands, as hereinbefore stated, the said representatives of both the said parties agree and assent that within the ten months immediately following the date of this treaty their said constituent lords shall despatch two or four caravels, namely, one or two by each one of them, a greater or less number, as they may mutually consider necessary. These vessels shall meet at the Grand Canary Island during this time, and each one of the said parties shall send certain persons in them, to wit, pilots, astrologers, sailors, and any others they may deem desirable. But there must be as many on one side as on the other, and certain of the said pilots, astrologers, sailors, and others of those sent by the said King and Queen of Castile, Aragon, etc., and who are experienced, shall embark in the ships of the said King of Portugal and the Algarves; in like manner certain of the said persons sent by the said King of Portugal shall embark in the ship or ships of the said King and Queen of Castile, Aragon, etc.; a like number in each case, so that they may jointly study and examine to better advantage the sea, courses, winds, and the degrees of the sun or of north latitude, and lay out the leagues aforesaid, in order that, in determining the line and boundary, all sent and empowered by both the said parties in the said vessels, shall jointly concur. These said vessels shall continue their course together to the said Cape Verde Islands, from whence they shall lay a direct course to the west, to the distance of the said three hundred and seventy degrees, measured as the said persons shall agree, and measured without prejudice to the said parties. When this point is reached, such point will constitute the place and mark for measuring degrees of the sun or of north latitude either by daily runs measured in leagues, or in any other manner that shall mutually be deemed better. This said line shall be drawn north and south as aforesaid, from the said Arctic pole to the said Antarctic pole. And when this line has been determined as abovesaid, those sent by each of the aforesaid parties, to whom each one of the said parties must delegate his own authority and power, to determine the said mark and bound, shall draw up a writing concerning it and affix thereto their signatures. And when determined by the mutual consent of all of them, this line shall be considered as a perpetual mark and bound, in such wise that the said parties, or either of them, or their future successors, shall be unable to deny it, or erase or remove it, at any time or in any manner whatsoever. And should, perchance, the said line and bound from pole to pole, as aforesaid, intersect any island or mainland, at the first point of such intersection of such island or mainland by the said line, some kind of mark or tower shall be erected, and a succession of similar marks shall be erected in a straight line from such mark or tower, in a line identical with the above-mentioned bound. These marks shall separate those portions of such land belonging to each one

of the said parties; and the subjects of the said parties shall not dare, on either side, to enter the territory of the other, by crossing the said mark or bound in such island or mainland.

[4.] Item, inasmuch as the said ships of the said King and Queen of Castile, Leon, Aragon, etc., sailing as before declared, from their kingdoms and seigniories to their said possessions on the other side of the said line, must cross the seas on this side of the line, pertaining to the said King of Portugal, it is therefore concerted and agreed that the said ships of the said King and Queen of Castile, Leon, Aragon, etc., shall, at any time and without any hindrance, sail in either direction, freely, securely, and peacefully, over the said seas of the said King of Portugal, and within the said line. And whenever their Highnesses and their successors wish to do so, and deem it expedient, their said ships may take their courses and routes direct from their kingdoms to any region within their line and bound to which they desire to despatch expeditions of discovery, conquest, and trade. They shall take their courses direct to the desired region and for any purpose desired therein, and shall not leave their course, unless compelled to do so by contrary weather. They shall do this provided that, before crossing the said line, they shall not seize or take possession of anything discovered in his said region by the said King of Portugal; and should their said ships find anything before crossing the said line, as aforesaid, it shall belong to the said King of Portugal, and their Highnesses shall order it surrendered immediately. And since it is possible that the ships and subjects of the said King and Queen of Castile, Leon, etc., or those acting in their name, may discover before the twentieth day of this present month of June, following the date of this treaty, some islands and mainlands within the said line, drawn straight from pole to pole, that is to say, inside the said three hundred and seventy leagues west of the Cape Verde Islands, as aforesaid, it is hereby agreed and determined, in order to remove all doubt, that all such islands and mainlands found and discovered in any manner whatsoever up to the said twentieth day of this said month of June, although found by ships and subjects of the said King and Queen of Castile, Aragon, etc., shall pertain to and remain forever in the possession of the said King of Portugal and the Algarves, and of his successors and kingdoms, provided that they lie within the first two hundred and fifty leagues of the said three hundred and seventy leagues reckoned west of the Cape Verde Islands to the above-mentioned line—in whatsoever part, even to the said poles, of the said two hundred and fifty leagues they may be found, determining a boundary or straight line from pole to pole, where the said two hundred and fifty leagues end. Likewise all the islands and mainlands found and discovered up to the said twentieth day of this present month of June by the ships and subjects of the said King and Queen of Castile, Aragon, etc., or in any other manner, within the other one hundred and twenty leagues that still remain of the said three hundred and seventy leagues where the said bound that is to be drawn from pole to pole, as aforesaid, must be determined, and in whatever part of the said one hundred and twenty leagues, even to the said poles,—they that are found up to the said day shall pertain to and remain forever in the possession of the said King and Queen of Castile, Aragon, etc., and of their successors and kingdoms; just as whatever is or shall be found on the other side of the said three hundred and seventy leagues pertaining to their Highnesses, as aforesaid, is and must be theirs, although the said one hundred and twenty leagues are within the

said bound of the said three hundred and seventy leagues pertaining to the said King of Portugal, the Algarves, etc., as aforesaid.

And if, up to the said twentieth day of this said month of June, no lands are discovered by the said ships of their Highnesses within the said one hundred and twenty leagues, and are discovered after the expiration of that time, then they shall pertain to the said King of Portugal as is set forth in the above.

The said Don Enrique Enriques, chief steward, Don Gutierre de Cardenas, chief auditor, and Doctor Rodrigo Maldonado, representatives of the said very exalted and very mighty princes, the lord and lady, the king and queen of Castile, Leon, Aragon, Sicily, Granada, etc., by virtue of their said power, which is incorporated above, and the said Ruy de Sousa, Dom João de Sousa, his son, and Arias de Almadana, representatives and ambassadors of the said very exalted and very excellent prince, the lord king of Portugal and of the Algarves on this side and beyond the sea in Africa, lord of Guinea, by virtue of their said power, which is incorporated above, promised, and affirmed, in the name of their said constituents, [saying] that they and their successors and kingdoms and lordships, forever and ever, would keep, observe, and fulfill, really and effectively, renouncing all fraud, evasion, deceit, falsehood, and pretense, everything set forth in this treaty, and each part and parcel of it; and they desired and authorized that everything set forth in this said agreement and every part and parcel of it be observed, fulfilled, and performed as everything which is set forth in the treaty of peace concluded and ratified between the said lord and lady, the king and queen of Castile, Aragon, etc., and the lord Dom Alfonso, king of Portugal (may he rest in glory) and the said king, the present ruler of Portugal, his son, then prince in the former year of 1479, must be observed, fulfilled, and performed, and under those same penalties, bonds, securities, and obligations, in accordance with and in the manner set forth in the said treaty of peace. Also they bound themselves [by the promise] that neither the said parties nor any of them nor their successors forever should violate or oppose that which is abovesaid and specified, nor any part or parcel of it, directly or indirectly, or in any other manner at any time, or in any manner whatsoever, premeditated or not premeditated, or that may or can be, under the penalties set forth in the said agreement of the said peace; and whether the fine be paid or not paid, or graciously remitted, that this obligation, agreement, and treaty shall continue in force and remain firm, stable, and valid forever and ever. That thus they<sup>21</sup> will keep, observe, perform, and pay everything, the said representatives, acting in the name of their said constituents, pledged the property, movable and real, patrimonial and fiscal, of each of their respective parties, and of their subjects and vassals, possessed and to be possessed. They renounced all laws and rights of which the said parties or either of them might take advantage to violate or oppose the foregoing or any part of it; and for the greater security and stability of the aforesaid, they swore before God and the Blessed Mary and upon the sign of the Cross, on which they placed their right hands, and upon the words of the Holy Gospels, wheresoever they are written at greatest length, and on the consciences of their said constituents, that they, jointly and severally, will keep, observe, and fulfill all the aforesaid and each part and parcel of it, really and effectively, renouncing all fraud, evasion,

<sup>21</sup> *I. e.*, the constituents.



deceit, falsehood, and pretense, and that they will not contradict it at any time or in any manner. And under the same oath they swore not to seek absolution or release from it from our most Holy Father or from any other legate or prelate who could give it to them. And even though, *proprio motu*, it should be given to them, they will not make use of it; rather, by this present agreement, they, acting in the said name, entreat our most Holy Father that his Holiness be pleased to confirm and approve this said agreement, according to what is set forth therein; and that he order his bulls in regard to it to be issued to the parties or to whichever of the parties may solicit them, with the tenor of this agreement incorporated therein, and that he lay his censures upon those who shall violate or oppose it at any time whatsoever. Likewise, the said representatives, acting in the said names, bound themselves under the same penalty and oath, that within the one hundred days next following, reckoned from the day of the date of this agreement, the parties would mutually exchange the approbation and ratification of this said agreement, written on parchment, signed with the names of the said lords, their constituents, and sealed with their hanging leaden seals; and that the instrument which the said lords, the king and queen of Castile, Aragon, etc., should have to issue, must be signed, agreed to, and sanctioned by the very noble and most illustrious lord, Prince Don Juan, their son. Of all the foregoing they authorized two copies, both of the same tenor exactly, which they signed with their names and executed before the undersigned secretaries and notaries public, one for each party. And whichever copy is produced, it shall be as valid as if both the copies which were made and executed in the said town of Tordesillas, on the said day, month, and year aforesaid, should be produced. The chief deputy, Don Enrique, Ruy de Sousa, Dom Juan de Sousa, Doctor Rodrigo Maldonado, Licentiate Ayres. Witnesses who were present and who saw the said representatives and ambassadors sign their names here and execute the aforesaid, and take the said oath: The deputy Pedro de Leon and the deputy Fernando de Torres, residents of the town of Valladolid, the deputy Fernando de Gamarra, deputy of Zagra and Cenete, *contino* of the house of the said king and queen, our lords, and João Suares de Sequeira, Ruy Leme, and Duarte Pacheco, *continos* of the house of the said King of Portugal, summoned for that purpose. And I, Fernando Alvarez de Toledo, secretary of the king and queen, our lords, member of their council, and their scrivener of the high court of justice, and notary public in their court and throughout their realms and lordships, witnessed all the aforesaid, together with the said witnesses and with Estevan Vaez, secretary of the said King of Portugal, who by the authority given him by the said king and queen, our lords, to certify to this act in their kingdoms, also witnessed the abovesaid; and at the request and with the authorization of all the said representatives and ambassadors, who in my presence and his here signed their names, I caused this public instrument of agreement to be written. It is written on these six leaves of paper, in entire sheets, written on both sides, together with this leaf, which contains the names of the aforesaid persons and my sign; and the bottom of every page is marked with the notarial mark of my name and that of the said Estevan Vaez. And in witness I here make my sign, which is thus. In testimony of truth: Fernando Alvarez. And I, the said Estevan Vaez (who by the authority given me by the said lords, the king and queen of Castile, and of Leon, to make it public throughout their kingdoms and lordships, together with the said Fernando Alvarez, at the

request and summons of the said ambassadors and representatives witnessed everything), in testimony and assurance thereof signed it here with my public sign, which is thus.

The said deed of treaty, agreement, and concord, above incorporated, having been examined and understood by us and by the said Prince Don John, our son, we approve, commend, confirm, execute, and ratify it, and we promise to keep, observe, and fulfill all the abovesaid that is set forth therein, and every part and parcel of it, really and effectively. We renounce all fraud, evasion, falsehood, and pretense, and we shall not violate or oppose it, or any part of it, at any time or in any manner whatsoever. For greater security, we and the said prince Don John, our son, swear before God and Holy Mary, and by the words of the Holy Gospels, wheresoever they are written at greatest length, and upon the sign of the Cross upon which we actually placed our right hands, in the presence of the said Ruy de Sousa, Dom João de Sousa, and Licentiate Ayres de Almada, ambassadors and representatives of the said Most Serene King of Portugal, our brother, thus to keep, observe, and fulfill it, and every part and parcel of it, so far as it is incumbent upon us, really and effectively, as is abovesaid, for ourselves and for our heirs and successors, and for our said kingdoms and lordships, and the subjects and natives of them, under the penalties and obligations, bonds and abjurements set forth in the said contract of agreement and concord above written. In attestation and corroboration whereof, we sign our name to this our letter and order it to be sealed with our leaden seal, hanging by threads of colored silk. Given in the town of Arévalo, on the second day of the month of July, in the year of the nativity of our Lord Jesus Christ, 1494.

I, THE KING.

I, THE QUEEN.

I, THE PRINCE.

I, FERNANDO ALVAREZ de Toledo, secretary of the king and of the queen, our lords, have caused it to be written by their mandate.

... doctor.

## 10.

### *Compact between Spain and Portugal, signed by the Catholic Sovereigns at Madrid, May 7, 1495.*

#### INTRODUCTION.

The rulers of Spain and Portugal did not put into effect the provision of the treaty of Tordesillas<sup>1</sup> for despatching caravels within ten months in order to determine the line of demarcation. On May 7, 1495, the Spanish monarchs signed an agreement that during the following September commissioners should assemble on the frontier of the two kingdoms to decide upon the method of fixing the line; that upon notification by either party, the other party must cause the said line to be determined in accordance with the method approved by the commissioners; that the departure of the caravels should be postponed, and orders given to place the line on all hydrographical maps made in either kingdom.

The main stipulations of this compact were not carried out. Apparently it was not until 1512 that either monarch planned an expedition to determine the line.<sup>2</sup> The earliest of existing maps on which the line of demarcation appears, is the Cantino map, of 1502. On the Munich-Portuguese map of 1519, and on the Weimar-Spanish (1527) and Ribero (1529) maps, this line does duty also as the prime meridian.<sup>3</sup>

#### BIBLIOGRAPHY.

**Text: MS.** The original manuscript of the compact signed by Ferdinand and Isabella at Madrid on May 7, 1495, is in the National Archives at Lisbon, gav. 10, maço 5, no. 4. A manuscript nearly identical but dated April 15, and lacking the royal signatures, which have been cut out, is in the Archives of the Indies, at Seville, Patronato 2-1-1/18, no. 8.

**Text: Printed.** The text of the manuscript dated April 15 is in Navarrete, *Coleccion de Viages* (1825-1837), tom. II., no. 91, pp. 170-173.

**Translation.** A translation of the text as printed in Navarrete is in Blair and Robertson, *Philippine Islands* (1903-1909), I. 131-135.

**References.** See references of Doc. 9.

<sup>1</sup> Doc. 9.      <sup>2</sup> Cf. Doc. 12, note 5.

<sup>3</sup> All of the above-mentioned maps, and some others on which the demarcation line appears, are included among the *Maps illustrating Early Discovery and Exploration in America, 1502-1530*, reproduced by photography from original manuscripts, and issued, together with text and key maps, under the direction of E. L. Stevenson (1903, 1906).

TEXT.<sup>4</sup>

Don Fernando e Doña Ysabel, por la gracia de Dios rrey e rreyna de Castilla [etc.]: Por quanto en la capitulacion e asiento<sup>5</sup> que se hizo entre nos y el Serenissimo Rey de Portugal e de los Algarbes de aquende e de allend el mar en Africa, e Señor de Guinea, nuestro muy caro e muy amado hermano, sobre la partiçion del mar oceano, fue asentado e capitulado entre otras cosas que, desde el dia de la fecha de la dicha capitulacion fasta diez meses primeros siguientes, ayán de ser en la ysla de la Grand Canaria caravelas nuestras y suyas, con astrologos, pilotos, e marineros, e personas que nos y el acordaremos, tantos de la una parte como de la otra, para yr a fazer e señalar la linea de la partiçion del dicho mar, que ha de ser a trezientas e setenta leguas de las yslas del Cabo Verde a la parte del poniente, por linea derecha del polo Artico al polo Antartico, que es de norte a sul, en que somos concordados en la partiçion del dicho mar por la dicha capitulacion, segund mas largamente en ella es contenido; e agora nos, considerando como la linea de la dicha partiçion se puede mejor hazer e justificar por las dichas trezientas e setenta leguas, siendo primeramente acordado e asentado por los dichos astrologos, pilotos, e marineros e personas, antes de la yda de las dichas caravelas, la forma e orden que en el demarcar e señalar de la dicha linea se aya de tener, e así por se escusar debates e diferencias que sobre ello, entre las personas que así fueren, podrian acontecer, si despues de ser partidos lo oviesen alla de ordenar; e viendo asimismo que yendo las dichas caravelas e personas antes de se saber ser hallada ysla o tierra en cada una de las dichas partes del dicho mar, a que luego ordenadamente ayán de yr, no aprovecharia; por tanto, para que todo se mejor pueda haser, e con declaracion e certificacion de ambas las partes, avemos por bien e por esta presente carta nos plaze, que los dichos astrologos, pilotos, e marineros e personas en que nos acordaremos con el dicho rrey, nuestro hermano, tantos de la una parte como de la otra, e que razonablemente para esto puedan bastar, se ayán de juntar e junten en alguna parte de la frontera destes nuestros rreynos con el dicho rreyno de Portugal, los quales ayán de consultar, acordar, e tomar asiento dentro de todo el mes de Setiembre<sup>6</sup> primero que verna deste año de la fecha desta carta la manera en que la linea de la partiçion del dicho mar se aya de haser por las dichas trescientas e setenta leguas por rrota derecha al poniente de las dichas yslas del Cabo Verde del polo Artico al polo Antartico, que es de norte a sul, como en la dicha capitulacion es contenido; y aquello en que se concordaren, siendo todos conformes e fuere asentado e senalado por ellos, se aprovara e confirmara por nos y por el dicho rrey, nuestro hermano, por nuestras cartas-patentes; y si antes o<sup>7</sup> despues que fuere tomado el dicho asiento por los dichos astrologos, pilotos, e marineros que así fueren nonbrados, yendo cada una de las partes por la parte del dicho mar que pueden yr segund lo con-

<sup>4</sup>The following text is taken from the original manuscript of the compact signed by Ferdinand and Isabella at Madrid, May 7, 1495, preserved in the National Archives at Lisbon, gav. 10, maço 5, no. 4; from an eighteenth-century copy of this manuscript in the same archives (same pressmark); and from the nearly identical manuscript, dated Apr. 15, preserved in the Archives of the Indies. Since a part of the first of these manuscripts is indecipherable, considerable use has been made of the two last-mentioned texts.

<sup>5</sup>The Treaty of Tordesillas, Doc. 9.

<sup>6</sup>The draft signed in April reads *Julio*.

<sup>7</sup>The words *antes o* are not in the draft of the compact drawn up in April.

tenido en la dicha capitulación, e guardandose en<sup>8</sup> ello lo que en ella se contiene, fuere hallado e<sup>9</sup> se hallare ysla<sup>10</sup> o tierra que parezca a qualquier de las partes ser en parte donde se pueda haser la dicha linea segund la forma dela dicha capitulación, e mandando rrequirer la una parte a la otra que manden señalar la linea suso dicha, seremos nos y el dicho rrey, nuestro hermano, obligados de mandar haser e señalar la dicha linea, segund la orden del asiento que fuere tomado por los astrologos, pilotos, e marineros, e personas suso dichas que así fueren nonbrados dentro de diez meses primeros contados del día que qualquier de las partes rrequiriere a la otra; y en caso que no sea en el medio dela dicha linea, lo que así se hallare se hara declaración quantas leguas ay dello a la dicha linea, asy de nuestra parte como de la parte del dicho Serenisimo Rey, nuestro hermano, no dexando por ende en qualquier ysla o tierra que mas acerca dela dicha linea despues por el tiempo se hallare haser la dicha declaración; e por se haser lo que dicho es no se dexara de tener la manera suso dicha, hallandose ysla o tierra debaxo de la dicha linea, como dicho es, e hasta el dicho tiempo de los dichos diez meses despues que la una parte rrequiriere a la otra, como dicho es, nos plaze por esta nuestra carta prorrogar e alargar la yda de las dichas caravelas e personas, syn embargo del termino que cerca dello en la dicha capitulación fue asentado e capitulado; e bien así nos plaze e avremos por bien, para mas notificación e declaración de la partiçion del dicho mar que entre nos y el dicho rrey nuestro hermano por la dicha capitulación es fecha, e para que nuestros subditos e naturales tengan mas ynformación por donde de aqui adelante ayan de navegar e descubrir, e así los subditos e naturales del dicho rrey nuestro hermano, de mandar, como de fecho mandaremos, so graves penas, que en todas las cartas de marear que en nuestros rreynos e señorios se hisieren de aqui adelante los que ovieren de yr por el dicho mar oceano, se ponga la linea de la dicha partiçion, figurandose del dicho polo Artico al dicho polo Antartico, que es de norte a sul, en el compas delas dichas trezientas e setenta leguas delas dichas yslands del Cabo Verde por rrota derecha ala parte del poniente, como dicho es, dela forma que acordaren la medida della los dichos astrologos e pilotos e marineros que así se juntaren, siendo todos conformes; e queremos e otorgamos que esta presenté carta, ni lo en ella contenido, no perjudique en cosa alguna delas que son contenidas e asentadas en la dicha capitulación, mas que todas e cada una dellas se cunplan e guarden para todo sienpre en todo e por todo syn falta alguna, asy e tan enteiramente como en la dicha capitulación son asentadas; por quanto esta carta mandamos así faser, solamente para que los dichos astrologos e personas se junten e dentro del dicho tiempo tomen asiento dela orden e manera en que la dicha demarcaçion se aya de haser, e para prorrogar e alargar el tiempo dela yda delas dichas caravelas e personas fasta tanto que sea sabido ser hallada en cada una delas dichas partes la dicha ysla o tierra a que ayan de yr, e para mandar poner enlas dichas cartas de marear la linea dela dicha partiçion;—como todo mas cunplidamente de suso es contenido. Lo qual todo que dicho es prometemos e seguramos por nuestra fe palabra rreal de cunplir e guardar e mantener syn arte, ni cautela, ni fingimiento alguno, asy e a tan enteramente

<sup>8</sup> From this point the compact of May 7 is legible except for a few words.

<sup>9</sup> The words *fuere hallado e* are not in the draft made in April.

<sup>10</sup> Between the words *hallare* and *ysla* the draft made in April contains the words *de aqui adelante*.

como en ella es contenido. E por firmeza de todo lo que dicho es, mandamos dar esta nuestra carta, firmada de nuestros nonbres e sellada con nuestro sello de plomo, pendiente en filos de seda a colores. Dada en la nuestra villa de Madrid, a siete dias del mes de Mayo, año del nascimiento de nuestra Senor Jhesu Christo de mill e quatroçientos e noventa e çinco años.

YO, EL REY.

YO, LA REYNA.

YO, FERNAND ALVARES de Toledo, secretario del rrey e dela rreyna, nuestros señores, la fes escrevir por su mandado.

Registrada.

TRANSLATION.<sup>11</sup>

Don Ferdinand and Doña Isabella, by the grace of God king and queen of Castile, etc.: Inasmuch as, among other things in the treaty and compact regarding the division of the ocean sea, negotiated between ourselves and the Most Serene King of Portugal and the Algarves on either side of the sea in Africa, and lord of Guinea, our most dear and beloved brother, it was agreed and covenanted that, within the first ten months following the date of this treaty, our caravels and his, accompanied by astrologers, pilots, sailors, and others, agreed upon by ourselves and himself—a like number on either side—should be in the island of the Grand Canary in order to proceed to the determination and drawing of the divisional line of the said sea, which must be three hundred and seventy leagues west of the Cape Verde Islands, in a straight north and south line from the Arctic to the Antarctic pole, as covenanted between us by the said treaty of the division of the said sea, as is more fully set forth therein, and inasmuch as we now consider that the line of the said division at the distance of the said three hundred and seventy leagues can be determined and calculated better if the said astrologers, pilots, sailors, and others come to a definite conclusion and agreement regarding the manner and order of procedure to be observed in the determination and marking of the said line before the sailing of the said caravels, by so doing avoiding disputes and controversies that might arise regarding it among those going, if these had to be arranged after the departure; and inasmuch as it would be quite useless for the said caravels and persons to go before knowing that any island or mainland had been found in each one of the said parts of the said sea, and to which they must proceed immediately and orderly: Now therefore, in order that all this may be done to better advantage, and with the full and free consent of both sides, we agree and by this present letter consent that the said astrologers, pilots, sailors, and others determined upon with the said king, our brother—a like number on either side, and of sufficient number for this matter—must assemble, and they shall assemble, along any part of the frontier of these our kingdoms and the kingdom of Portugal. During the whole month of [September] first following the date of this letter these men shall consult upon, covenant concerning, and determine the manner of making the said divisional line of the said sea at the distance of the said three hundred and seventy leagues west of the said Cape Verde Islands, by means of a straight north and south line from the Arctic to the Antarctic pole, as is set forth in the said treaty. And whatever they determine upon

<sup>11</sup> This translation is reprinted from Blair and Robertson, *Philippine Islands*, I. 131-135. A few changes, indicated by brackets, have been made to bring it into conformity with the text of May 7.

unanimously, and whatever is concluded and marked out by them, shall be approved and confirmed through our letters-patent, by us and by the said king our brother. And if [before or] after the said astrologers, pilots, and sailors, appointed as abovesaid, shall have arrived at a conclusion, each one of the said parties going to that part of the said sea, according to the permission of the said treaty, and thereby observing the contents of said treaty, any island or mainland shall be found, which either of the parties consider to be so situated that the said line can be determined in accordance with the stipulations of the said treaty, and the one party shall cause notification to be given the other party that they shall cause the line abovesaid to be marked out, we and the said king our brother shall be obliged to have the said line determined and marked out in accordance with the method determined upon by the astrologers, pilots, and sailors, and others abovesaid, and appointed as abovesaid, within the period of the first ten months reckoned from the date that either of the parties notified the other. And should it prove that the land thus found is not cut by the said line, a declaration of its distance from the said line shall be given, both on our own part and that of the said most serene king our brother. They shall not, however, neglect to make the said declaration regarding any island or mainland which shall be found afterwards, during the period, nearer the said line. And in doing the aforesaid, they shall not neglect to observe the manner aforesaid, whenever any island or mainland is found in the neighborhood of the said line as aforesaid, and up to the said time of the said ten months after the notification of one party by the other, as aforesaid. It is our pleasure in this our letter to postpone and defer the departure of the said caravels and persons, notwithstanding the limit set and determined in the above-mentioned treaty in regard to it. And we therefore are pleased and consider it advantageous—for the better notification and declaration of the division of the said sea made by the said treaty between ourselves and the said king our brother, and in order that both our subjects and natives and the subjects and natives of the said king our brother may be better informed henceforth as to the regions wherein they may navigate and discover—to order (as in truth we shall order), under severe penalties, that the line of the said division be placed on all hydrographical maps made hereafter in our kingdoms and seigniories by those journeying in the said ocean sea. This line shall be drawn straight from the said Arctic to the said Antarctic pole, north and south, at the distance of the said three hundred and seventy leagues west of the Cape Verde Islands, as aforesaid, being measured as determined unanimously by the said astrologers, pilots, and sailors meeting as abovesaid. And we purpose and stipulate that neither this present letter nor anything contained therein, be prejudicial in any manner to the contents and compacts of the said treaty, but rather that they, all and singular, be observed throughout, *in toto* without any failure, and in the manner and entirety set forth in the said treaty; inasmuch as we have caused the present letter to be made in this manner, simply in order that the said astrologers and persons shall assemble and, within the said time, shall determine the order of procedure and the method to be observed in making the said line of demarcation, and in order to postpone and defer the departure of the said caravels and persons until the said island or mainland whither they must go is known to have been found in each one of the said parts, and in order to command that the line of the said division be placed on the said hydrographical maps, all of which is set forth most fully in the

above. We promise and engage on our kingly faith and word to fulfill and observe all of the foregoing, without any artifice, deceit, or pretense in the manner and in the entirety set down in the above. And in confirmation of the above, we cause this our letter to be given, signed with our names, and sealed with our leaden seal hanging from threads of colored silk.

[Given in our town of Madrid, the seventh day of the month of May, in the year of the nativity of our Lord Jesus Christ, 1495.

I, THE KING.

I, THE QUEEN.

I, FERNANDO ALVAREZ de Toledo, secretary of the king and of the queen, our lord and lady, have caused it to be written, by their command.

Registered.]





of the rose, in response to a request from King Emmanuel, the pope granted three bulls, all dated January 24, 1506.<sup>5</sup> Of these bulls, the one here printed enjoined the Archbishop of Braga and the Bishop of Vizeu to confirm the treaty of Tordesillas, and cause it to be inviolably observed. The Archbishop of Braga was the distinguished prelate, Diogo da Sousa, who had been elevated to this dignity only a few months previously, when he had been in Rome as head of the aforementioned embassy of obedience. The Bishop of Vizeu was Jorge da Costa, who had been created cardinal of Lisbon in 1476 and who as cardinal protector of Portugal resided in Rome from about that date till his death in 1508.

## BIBLIOGRAPHY.

- Text: MS.** The original manuscript of the promulgated bull is in the National Archives at Lisbon, Coll. de Bullas, maço 6, no. 33.
- Text: Printed.** J. Ramos-Coelho, *Alguns Documentos* (1892), pp. 142-143; L. A. Rebello da Silva, *Corpo Diplomático Português* (Acad. Real das Sciencias, Lisbon, 1862—), I. 91-93.
- Reference:** Marquis MacSwiney de Mashanaglass, *Le Portugal et le Saint-Siège* (1898-1904), III. 1-42. Although not directly referring to the bull of January 24, 1506, this work throws light on the relations existing between King Emmanuel and the Pope at this date.

## TEXT.\*

Julius, episcopus, servus servorum Dei: Venerabilibus fratribus, archiepiscopo Bracharensi<sup>†</sup> et episcopo Visensi,<sup>‡</sup> salutem et apostolicam benedictionem.

Ea que pro bono pacis et quietis inter personas quaslibet, presertim Catholicos reges, per concordiam terminata sunt, ne in redicive contencionis scrupulum relabantur, sed firma perpetuo et inconcussa permaneant, libenter, cum a nobis petitur, apostolico munimine roboramus. — Exhibita siquidem nobis nuper pro parte carissimi in Christo filii nostri Emanuelis, Portugalie et Algarbiorum regis illustris, petitio continebat quod olim, postquam per Sedem Apostolicam clare memorie Johanni, regi Portugalie et Algarbiorum [concessum fuerat]<sup>§</sup> quod ipse Johannes et rex Portugalie et Algarbiorum pro tempore existens, per mare oceanum navigare aut insulas et portus et loca firma infra dictum mare existencia, perquirere, et inventa sibi retinere liceret, ac omnibus aliis, sub excommunicationis et aliis penis tunc expressis, ne mare hujusmodi contra voluntatem prefati regis navigare, aut insulas et loca ibidem repperta

\* These bulls are printed in L. A. Rebello da Silva, *Corpo Diplomático Português* (Acad. Real das Sciencias, Lisbon, 1862—), I. 88-93.

† The text is from the original manuscript of the promulgated bull, preserved in the National Archives at Lisbon, Coll. de Bullas, maço 6, no. 33. Dr. Achille Ratti, prefect of the Vatican Library, has kindly collated it with the Vatican text.

‡ Diogo da Sousa, see introduction.

§ Jorge da Costa, see introduction.

¶ Some such words as "concessum fuerat" are wanted before "quod ipse". "Johannes et Rex" should be in the dative.

occupare presumerent, inhibitum fuerat; cum inter prefatum Johannem Regem ex una, et carissimum in Christo filium nostrum Ferdinandum, Aragonum tunc Castelle et Legionis regem illustrem, super certis insulis Lasamillis<sup>10</sup> nuncupatis, per prefatum regem inventas et occupatas,<sup>11</sup> ex alia p[ar]tibus, lis, controversia, et questionis materia exorte fuissent, partes ipse litibus, controversiis, et questionibus hujusmodi obviare, ac pacem et concordiam inter se pro subditorum suorum commoditate nutrire et vigere desiderantes, ad certas honestas concordiam, conventionem, et compositionem devenerunt, per quam inter cetera voluerunt quod Portugalie et Algarbiorum a certis Castelle vero et Legionis regibus pro tempore existentibus a certis aliis locis usque ad certa alia loca tunc expressa per dictum mare navigare et insulas novas perquirere et capere ac sibi retinere liceret, prout in quodam instrumento publico desuper confecto dicitur plenius contineri.<sup>12</sup> Quare<sup>13</sup> pro parte prefati Emanuelis Regis nobis fuit humiliter supplicatum, ut concordie, conventioni, et compositioni predictis pro illorum subsistencia firmitiori robur apostolice confirmationis adjicere, ac alias in premissis oportune providere de benignitate apostolica dignaremur. Nos igitur, qui inter personas quascumque, presertim regali dignitate fulgentes, pacem et concordiam vigere intensis desideriis affectamus, de premissis certam noticiam non habentes, hujusmodi supplicationibus inclinati, fraternitati vestre per apostolica scripta mandamus, quatinus vos vel alter vestrum, si est ita, concordiam, conventionem, et compositionem predictas, ac prout illas concernunt, omnia et singula in dicto instrumento contenta, et inde secuta quecunque de utriusque regis consensu approbare et confirmare, illamque perpetue firmitatis robur obtinere decernentes, auctoritate nostra curetis, suppletis omnes et singulos defectus, si qui forsitan intervenerunt in eisdem. Et nichilominus, si confirmationem et approbationem predictas per vos vigore presencium fieri contigerit, ut referetur, faciatis dictam concordiam inviolabiliter observari, ac eosdem reges concordia et illius confirmatione et approbatione predictis pacifice gaudere, non permittentes eos inter se, aut per quoscunque alios, desuper indebite molestari, contradictores auctoritate nostra, appellatione postposita, compescendo. Non obstantibus constitutionibus et ordinationibus apostolicis contrariis quibuscunque, aut si eisdem regibus vel<sup>14</sup> quibusvis aliis, communiter vel divisim, ab Apostolica sit Sede indultum, quod interdicti, suspendi vel excommunicari non possint, per litteras apostolicas non facientes plenam et expressam ac de verbo ad verbum de indulto hujusmodi mentionem.

Datum Rome apud Sanctum Petrum, anno Incarnationis Dominice millesimo quingentesimo quinto,<sup>15</sup> nono kalendas Februarii, pontificatus nostri anno tercio.

JO. DE SALDANA.<sup>16</sup>

<sup>10</sup> In the Vatican text, *Lassanullis*. A Portuguese translation of this bull, preserved in the National Archives at Lisbon, reads "certas Ilhas chamadas Antilhas". *Corp. Dipl. Port.*, I. 92, note. Lasamillis is probably a mistake for "Las Antillas".

<sup>11</sup> Thus also in the Vatican text.

<sup>12</sup> The treaty of Tordesillas, Doc. 9.

<sup>13</sup> The Vatican text reads *Quocirca*.

<sup>14</sup> The Vatican text reads *et*.

<sup>15</sup> The Vatican text reads *sexto*.

<sup>16</sup> João de Saldanha seems to have represented Portugal at Rome, whence, Oct. 21, 1504, he wrote to King John that on account of the reports regarding the Indies and Guinea the moment was especially opportune for despatching an embassy of obedience. Rebello da Silva, *Corp. Dipl. Port.*, I. 43-45.

## TRANSLATION.

Julius, bishop, servant of the servants of God, to the venerable brothers, the archbishop of Braga and the bishop of Vizeu, health and apostolic benediction.

Those agreements, which have been concluded for the promotion of peace and quiet between any persons whatsoever, and especially between Catholic kings, we gladly confirm by granting our apostolic protection, when this is sought from us, in order that they may not again become matters of contention but remain forever firm and unshaken. A request recently addressed to us on the part of our very dear son in Christ, Emmanuel, the illustrious king of Portugal and of the Algarves, stated that inasmuch as some time ago the permission was granted by the Apostolic See to John, of illustrious memory, king of Portugal and the Algarves, to the effect that the said John and any king of Portugal and of the Algarves for the time being, should be permitted to navigate the ocean sea, or seek out the islands, ports, and mainlands lying within the said sea, and to retain those found for himself, and to all others it was forbidden under penalty of excommunication, and other penalties, then expressed, from presuming to navigate the sea in this way against the will of the aforesaid king, or to occupy the islands and places found there; and inasmuch as between the aforesaid King John, on the one part, and our very dear son in Christ, Ferdinand, at that time the illustrious king of Aragon, Castile, and Leon, on the other part, in regard to certain islands called Las Antillas, which had been discovered and occupied by the aforesaid king, strife, controversy, and occasion for dispute had arisen, the said parties desiring to prevent strifes, controversies, and disputes of this kind, and to foster and strengthen peace and concord between themselves for the benefit of their subjects, came to a certain honorable agreement, convention, and compact, whereby, among other things, they resolved that the kings of Portugal and the Algarves should have the right to navigate the said sea within certain specified limits and seek out and take possession of newly discovered islands and that the kings for the time being of Castile and Leon should have the same right within certain other specified limits, as is said to be more fully set forth in a certain public instrument drawn up in regard to the matter. Wherefore the aforesaid King Emmanuel has humbly besought us to deign to add the authority of the apostolic confirmation to the aforesaid agreement, convention, and compact for the purpose of establishing them more firmly and out of our apostolic good-will to make other fitting provisions in respect to the aforesaid. We, therefore, who strive with intense desire to foster peace and concord between all persons, especially between those whose royal office renders them conspicuous, not having certain knowledge of the aforesaid, but favorably disposed to these petitions, do by these apostolic writings enjoin Your Fraternity that you (or either one of you, if so be) do proceed to approve and confirm by our authority the aforesaid agreement, convention, and compact and everything set forth in the said instrument relating thereto, and all that has followed thereupon with the consent of both kings, decreeing it to possess perpetual authority, and supplying all and singular defects if perchance any should be contained therein. And furthermore if the aforesaid confirmation and approbation are enacted by you, by the authority of these presents, as is aforesaid, you shall cause the said agreement to be inviolably observed, and

the said kings to enjoy in peace the aforesaid agreement and the confirmation and approbation thereof, not permitting them without just cause to molest one another, or to be molested by any other on this account, and restraining the disobedient, by our authority, without appeal, all apostolic constitutions and ordinances to the contrary notwithstanding, even if an indult has been granted by the Apostolic See to the said kings or to any others, together or individually, to the effect that they cannot be interdicted or suspended or excommunicated by apostolic letters not making full and express mention, word for word, of the said indult.

Given at Rome, at St. Peter's, on the twenty-fourth day of January, in the year of the incarnation of our Lord, 1505, in the third year of our pontificate.

JO. DE SALDANA.

## 12.

*The Bull Praecelsae Devotionis (Leo X.). November 3, 1514.*

### INTRODUCTION.

In March, 1513, Leo X. became pope, and King Emmanuel soon gained his highest favor. A letter from the king to the pope, dated June 6, 1513,<sup>1</sup> set forth the Portuguese successes in India, and especially in Malacca, the great emporium of the spice trade, captured by Albuquerque in 1511. The pope's enthusiastic reception of this news and of the later report of Portuguese victories in Morocco greatly pleased the king, who expressed his appreciation by sending to Rome in the spring of 1514 an embassy of obedience of unequalled splendor.<sup>2</sup> In return the pope showered favors upon the monarch who had so marvellously enlarged the field of missionary enterprise. Like Julius II., Leo X. sent the king the consecrated golden rose, and granted the requests preferred by the Portuguese ambassadors. When the embassy of obedience left Rome, late in May or early in June, Portuguese affairs remained in the hands of the ordinary ambassador, João de Faria, who obtained further concessions from the pope, among which was the bull of June 7, 1514, which gave to the king the patronage of ecclesiastical benefices in Africa and *in all other places beyond the sea*, acquired or to be acquired from the infidels, and subjected them to the spiritual jurisdiction of the Order of Christ.<sup>3</sup> On November 3, a bull was issued which renewed the earlier donations to Portugal, and amplified them in the way in which the bull of September 26, 1493,<sup>4</sup> extended the grants previously made to Castile. The bull of November 3 granted to Portugal the lands and other property acquired from the infidels, not only from capes Bojador and Não to the Indies, but in any region whatsoever, even if then unknown. Thus it appears that Pope Leo X. regarded the demarcation line as confined to one hemisphere, where it served to determine for both powers the route that must be followed to the Indies. For the present bull permitted the Portuguese, following the eastern route, to acquire lands from the infidels, even though these lands were situated more than half-way around the globe. The Portuguese desired

<sup>1</sup> Printed in Rebello da Silva, *Corp. Dipl. Port.*, I. 196-199, and in Roscoe, *Leo the Tenth*, vol. I., app., p. xxxiv.

<sup>2</sup> For documents relating to this embassy, see Roscoe, *op. cit.*, appendix; MacSwiney de Mashanaglass, *Le Portugal et le Saint-Siège*, III., appendix; J. Ramos-Coelho, *Alguns Documentos* (1892), pp. 353-356; Rebello da Silva, *op. cit.*, I. 234-243; and Ciutiis, *Ambassade Portugaise*. See also the description in Goes, *Chronica do Rei D. Manoel*, pt. III., cc. 55-57.

<sup>3</sup> The bull is printed in Rebello da Silva, *Corp. Dipl. Port.*, I. 254-257. In regard to the Order of Christ, see Doc. 2, note 14.

<sup>4</sup> Doc. 8. This bull had revoked the papal grants to Portugal in so far as they might be interpreted as giving her exclusive claim to the Indies.

this bull, it is almost certain, because they harbored doubts as to whether Malacca, or at any rate the coveted Moluccas, which had been visited by them at the end of 1511 or early in 1512, were on their side of the line. As early as 1512 the rumor was current that the Moluccas lay within the Spanish demarcation, and in the autumn of that year the Portuguese ambassador in Spain was much disturbed by King Ferdinand's project of an expedition to seize those islands for the Spanish crown.<sup>5</sup>

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TEXT.<sup>6</sup>

Leo episcopus, servus servorum Dei. Ad perpetuam rei memoriam.

Precelse devotionis et indefessum fervorem, integre fidei puritatem, ingenique in Sanctam Sedem Apostolicam observantiam, excelsarumque virtutum flagrantiam, quibus charissimus in Christo filius noster, Emmanuel Portugallie et Algarbiorum rex illustris, sese nobis et dicte sedi multipliciter gratum, obsequiosum, et acceptum prebuit, apud archana mentis nostre digne revolventes, presertim cum, magistra rerum experientia teste, perpendimus ac apertis documentis in dies clare conspicimus, quam sedula vigilantia sua Sublimitas et Serenitas suorum predecessorum Portugallie regum gesta sequendo, plerumque in persona, non sine gravissimis laboribus et expensis, nixa sit et continuo ferventius enititur, ut Salvatori nostro ac nomini Christiano infensa Maurorum et aliorum infidelium immanitas nedum a fidelium finibus arceatur quinimo suis flagitiis male perditā, et arctetur funditus et deleatur, et Christiana religio, optata pace freta, votiva in omnibus suscipiat incrementa; hiis considerationibus et plerisque aliis legitimis causis suadentibus, congruum et opere pretium existimamus, ea que a predecessoribus nostris, Romanis pontificibus, ipsius Emanuelis Regis predecessoribus pre-

<sup>5</sup> Medina, *Juan Diaz de Solís*, tom. I., c. 6, tom. II., docs. 22, 30, 31.

<sup>6</sup> The text is taken from the original manuscript in the National Archives at Lisbon, Coll. de Bullas, maço 29, no. 6. On the back is the endorsement "Registrata apud me Ja: Sadoletum."

fatis concessa comperimus, nostro etiam munimine confovere ac alia etiam de novo concedere, ut exinde Celsitudo sua, Apostolice Sedi predictae ulteriori munificentia premunita, in prosecutione promissorum non solum ardentius inflametur, sed et liberali ac munifica compensatione accepta ceteros reddat et faciat ad similia promptiores, et ejus erga nos et sedem predictam devotio augeatur, et pro laboribus quos Universali Ecclesiae circa Catholice et apostolice fidei exaltationem bene serviendo sustinet condignos honores et gratias reportet.

Dudum siquidem a felicitis recordationis Nicolao papa V. et Sixto IV. Romanis pontificibus, predecessoribus nostris, emanarunt diverse littere, tenoris subsequenteris.

[Here follow the bulls of June 18, 1452 (a part of which is printed above, Doc. 1, note 37); of January 8, 1455 (Doc. 1); and of June 21, 1481 (Doc. 4), which includes the bulls of January 8, 1455, and of March 13, 1456 (Doc. 2), and the part of the treaty of Alcaçovas relating to Guinea (Doc. 3).]

Nos igitur, qui ejusdem Emmanuelis Regis, fidei augmentum et propagationem jugiter procurantis, commoda et utilitates supremis desideriis affectamus, motu proprio, non ad ipsius Emanuelis Regis vel alicujus alterius pro eo nobis super hoc oblate petitionis instantiam, sed de nostra mera deliberatione et ex certa nostra scientia ac de apostolice potestatis plenitudine, omnes et singulas literas predictas ac omnia et singula in eis contenta et inde secuta quecumque rata et grata habentes, auctoritate apostolica, tenore presentium approbamus et innovamus ac confirmamus, supplentes omnes et singulos defectus, tam juris quam facti, siqui forsitan intervenerint in eisdem, ac perpetue firmitatis robur obtinere debere decernimus.

Et pro potiori cautela, omnia et singula in eisdem litteris contenta, ac quecumque alia imperia, regna, principatus, ducatus, provincias, terras, civitates, opida, castra, dominia, insulas, portus, maria, littora, et bona quecumque, mobilia et immobilia, ubicunque consistentia, per eundem Emanuele Regem et predecessores suos a dictis infidelibus, etiam solitaria quecumque recuperata, detecta, inventa, et acquisita, ac per ipsum Emanuele Regem et successores suos in posterum recuperanda, acquirenda, detegenda, et invenienda, tam a Capitibus de Bogiador et de Naon usque ad Indos quam etiam ubicunque et in quibuscunque partibus, etiam nostris temporibus forsitan ignotis, eisdem auctoritate et tenore de novo concedimus; litterasque supradictas ac omnia et singula in illis contenta ad premissa etiam extendimus et ampliamus, ac in virtute sancte obedientie et indignationis nostre pena quibuscunque fidelibus Christianis, etiam si imperiali regali, et quacunque alia prefulgeant dignitate, ne eundem Emmanuele Regem et successores suos quomodolibet in premissis impedire, ac eisdem infidelibus auxilium, consilium, vel favorem prestare presumant, auctoritate et tenore premissis inhibemus.

Quocirca venerabilibus fratribus nostris archiepiscopo Ulixbonensi,<sup>7</sup> et Egiptanensi<sup>8</sup> ac Funchalensi<sup>9</sup> episcopis, per apostolica scripta motu simili mandamus quatinus ipsi, vel duo aut unus eorum, per se vel alium seu alios,

<sup>7</sup> Martin da Costa, brother of Jorge da Costa. Doc. 11, introduction.

<sup>8</sup> Idanha-Velha, with see at Guarda. In 1514 the bishop was Pedro Vasques.

<sup>9</sup> Funchal is the chief town on the island of Madeira. In 1514 its bishop was Diogo Pinheiro.



presentes litteras ac omnia et singula in eis contenta, ubi et quando expedierit, ac quotiens pro parte Emanuelis Regis et successorum suorum predictorum fuerint super hoc requisiti solemniter publicantes, ac eisdem Emanueli Regi et successoribus in premissis efficacis defensionis presidio assistentes, faciant auctoritate nostra presentes et alias litteras et in eis contenta hujusmodi inviolabiliter observari, non permittentes eos super illis per quoscunque quomodolibet molestari; contradictores per censuram ecclesiasticam, appellatione postposita, compescendo; invocato etiam ad hoc, si opus fuerit, auxilio brachii secularis. Et nihilominus, legitimis super hiis habendis servatis processibus,<sup>30</sup> illos quos censuras et penas per eos pro tempore latas eos<sup>31</sup> incurrisse constiterit, quotiens expedierit, iteratis vicibus, aggravare procurent.

Non obstantibus recolende memorie Bonifacii Pape VIII., similiter predecessoris nostri, qua inter alia cavetur ne quis extra suam civitatem et diocesim, nisi in certis exceptis casibus, et in illis ultra unam dietam a fine sue diocesis ad iudicium evocetur, seu ne iudices ab Apostolica Sede deputati, extra civitatem et diocesim in quibus deputati fuerint, contra quoscunque procedere, aut alii, vel aliis vices suas committere presumant,<sup>32</sup> et de duabus dietis in concilio generali<sup>33</sup> edita ac aliis apostolicis constitutionibus ac omnibus illis que idem Nicolaus et alii predecessores, qui similes eidem Regi Portugallie fecerunt concessionem, in eorum litteris voluerunt non obstare, contrariis quibuscunque; aut si aliquibus, communiter vel divisim, ab eadem sit sede indultum quod interdicti, suspendi, vel excommunicari non possint per litteras apostolicas non facientes plenam et expressam ac de verbo ad verbum de indulto hujusmodi mentionem.

Nulli ergo omnino hominum liceat hanc paginam nostre approbationis, innovationis, confirmationis, suppletionis, decreti, concessionis, extensionis, ampliacionis, inhibitionis, et mandati infringere, vel ei ausu temerario contraire. Siquis autem hoc attemptare presumpserit, indignationem Omnipotentis Dei ac beatorum Petri et Pauli apostolorum ejus se noverit incursum.

Datum Rome apud Sanctum Petrum, anno Incarnationis Dominice millesimo quingentesimo quartodecimo, tertio nonas Novembris, pontificatus nostri anno secundo. JA. SADOLETUS.<sup>34</sup> B. DE COMITIBUS.

#### TRANSLATION.

Leo, bishop, servant of the servants of God. For an abiding remembrance. Meditating fittingly in the inmost counsels of our heart upon the unwearied fervor of lofty devotion, the purity of blameless faith, the respect for the Holy Apostolic See, and the ardor of lofty virtues, whereby our very

<sup>30</sup> "The steps whereby a controversy is discussed in judgment constitute a process." O. J. Reichel, *Canon Law* (1896), II. 262.

<sup>31</sup> This word, which is in the manuscript, should be omitted to make sense.

<sup>32</sup> See the *Corpus Juris Canonici*, Sexti Decretal. lib. I., tit. III., c. XI. (pt. II., p. 942, in Friedberg's edition).

<sup>33</sup> By the rule of the Fourth Lateran Council, can. 37, no one can be cited by apostolic letters to appear at a place more than two days' journey from his diocese, unless such letters shall have been procured with the assent of the parties, or unless they expressly mention this rule. *Corpus Juris Canonici*, Decretal. Gregor. IX. lib. I., tit. III., c. 28 (pt. II., p. 31, in Friedberg's edition).

<sup>34</sup> Jacopo Sadoletto, the Italian humanist, and Pietro Bembo were the secretaries of Leo X., whose chancery was famous for the brilliancy of its letters.

dear son in Christ, Emmanuel, the illustrious king of Portugal and of the Algarves, has made himself, in manifold ways, pleasing, serviceable, and agreeable to us and to the said see, especially since in the light of experience we consider, and from manifest proofs every day clearly perceive, with what unremitting vigilance his Sublimity and Serenity, following the example of his predecessors, the kings of Portugal, has striven, and ever more zealously strives, for the most part in person and not without the greatest effort and expense, in order that the barbarous hostility of the Moors and of other infidels to our Savior and to the Christian name may not only be warded off from the territories of the faithful, but, perishing in its own iniquity, may be entirely restrained and blotted out, and that the Christian religion may by peaceful means be advanced and promoted in all longed-for ways: persuaded by these considerations and by many other legitimate reasons, we deem it fitting and expedient constantly to guard and protect those concessions which we have learned were granted by our predecessors, the Roman pontiffs, to the aforesaid predecessors of the said King Emmanuel, and also to grant other and new privileges, in order that then his Highness, fortified by the further munificence of the aforesaid Apostolic See, may not only be roused to greater zeal in fulfilling his promises, but having received a liberal and generous reward may induce and cause others more readily to undertake similar work, and that his devotion to us and to the aforesaid see may be increased, and that in return for the labors which he sustains in serving the Church Universal by exalting the Catholic and apostolic faith, he may obtain suitable honors and rewards.

A short while ago, divers letters of the following tenor were issued by our predecessors, Popes Nicholas V. and Sixtus IV., of happy memory.

[Here follow the bulls of June 18, 1452 (a part of which is printed above, Doc. 1, note 37); of January 8, 1455 (Doc. 1); and of June 21, 1481 (Doc. 4), which includes the bulls of January 8, 1455, and of March 13, 1456 (Doc. 2), and the part of the treaty of Alcaçovas relating to Guinea (Doc. 3).]

We, therefore, who passionately strive for the advantage and profit of the said King Emmanuel, since he is continually aiming at the growth and extension of the faith, of our own accord, and not at the instance of the said King Emmanuel or on account of any request offered by any other person in his behalf, but from our mere deliberation and out of our certain knowledge and from the plenitude of apostolic power, approve and renew and confirm by the apostolic authority and by the tenor of these presents, the aforesaid letters, all and singular, regarding their contents, all and singular, and whatever has followed thereupon as established and acceptable, and supplying all and singular defects, both of law and of fact, if any should happen to occur in them; and we decree that they ought to be permanently valid.

And for greater security and by virtue of the authority and in the terms mentioned above, we newly grant everything, all and singular, contained in the aforesaid letters, and all other empires, kingdoms, principalities, duchies, provinces, lands, cities, towns, forts, lordships, islands, harbors, seas, coasts, and all property, real and personal, wherever existing, also all unfrequented places, recovered, discovered, found and acquired from the aforesaid infidels, by the said King Emmanuel and his predecessors, or in future to be re-

covered, acquired, discovered, and found by the said King Emmanuel and his successors, both from Capes Bojador and Não to the Indies, and in any place or region whatsoever, even although perchance unknown to us at present; and we also extend and amplify the aforesaid letters, and their contents, all and singular, to the aforesaid concessions, and in virtue of holy obedience and under penalty of our wrath, by the authority and in the terms aforesaid, we inhibit all faithful Christians, even though adorned with imperial, royal, or any other rank, from presuming to hinder in any way the said King Emmanuel and his successors in respect to the aforesaid concessions, and from furnishing aid, counsel, or favor to the said infidels.

Wherefore by apostolic writings, and of the same accord, we charge our venerable brothers, the archbishop of Lisbon and the bishops of Idanha-Velha (Guarda) and Funchal, that they, or two or one of them, by himself, or through another, or others, solemnly publishing the present letters and all and singular therein contained, where and when it shall be expedient, and as often as they shall be required on behalf of King Emmanuel and his successors and, aiding the aforesaid King Emmanuel and his successors with effectual protection in the aforesaid, do by our authority cause the present and other letters and the matters contained therein to be inviolably observed after this manner, not permitting them [*i. e.*, the kings] to be troubled in any way whatever and by anyone in respect to these matters, restraining the disobedient by ecclesiastical censure, without permitting appeal, and likewise if necessary invoking for this purpose the aid of the secular arm. And none the less, observing the legal process to be followed in these matters, let them be careful, as often as it shall be expedient, to harass again and again those who it shall appear have incurred the censures and penalties imposed by them in accordance with circumstances.

Nor shall the [edict] of Pope Boniface VIII., of celebrated memory, similarly our predecessor, interfere with these injunctions, in which, among other things, he forbade that anyone be summoned to trial outside his city or diocese, except in certain excepted cases, and in those cases not more than one day's journey from the bounds of his diocese, or that judges, deputed by the Apostolic See, presume to proceed against anyone outside the city or diocese in which they shall have been deputed, or that they presume to intrust their duties to any other person or persons; nor the regulation in regard to the two days' journey, ordained in the General Council; and other apostolic constitutions; nor all those constitutions whatsoever to the contrary which the said Nicholas and others of our predecessors, who made similar concessions to the said King of Portugal, declared to be of no effect in their letters, even if the said see has granted an indult to any, jointly or singly, that they may not be interdicted, suspended, or excommunicated by apostolic letters not making full and express mention, word for word, of such indult.

Let no man whomsoever therefore infringe or with rash boldness contravene this our approval, renewal, confirmation, completion, decree, grant, extension, amplification, inhibition, and mandate. Should anyone presume to attempt this, be it known to him that he will incur the wrath of Almighty God and of the blessed apostles Peter and Paul.

Given at Rome, at St. Peter's, on the third day of November, in the year of the incarnation of our Lord, 1514, in the second year of our pontificate.

JACOPO SADOLETO.

B. DE COMITIBUS.

## INDEX.

Bibliographical references are entered but once; they usually refer to the first mention of the work in a bibliographical section.

- Abreu y Bertodano, J. A. de, *Tratados de España*, 244
- Absolution from treaty obligations abjured, 40, 46, 92, 99, 124, 129, 138, 145, 156, 165, 181, 195
- Absolutism of Charles V., 156, 165, 169
- Acadia, English capture, 301; internal strife, 6, 348; Massachusetts agreement, 6, 347-352; negotiations and treaty for restitution, 316-320
- Actes des États Généraux*, 353n.
- Acts of the Privy Council, Colonial*, 319
- Adrian VI., *Pope*, and demarcation line, 119
- Adventurers to Canada, 322n.
- Aerssen, Francis van, treaty of Southampton, 291, 293, 299; *Verbaal*, 293
- Aerssens, C., attests treaties, 234, 242, 274
- Aeterni Regis*, bull, bibliography, 49, 50; cause, 49; confirmation, 114, 116; Latin text, 50-52; translation, 53-55
- Africa, Anglo-Portuguese treaty on, 337n.; apocryphal grants to Portugal, 12n.; bull *Dum diversas*, Portuguese right to conquer, 12; bull *Romanus pontifex*, exclusive rights to Portugal, 1, 10-26; decline and resumption of Portuguese exploration, 33, 49; Dutch-Portuguese treaty on, 331, 337, 344; Dutch seizures from Portuguese, 329; Dutch-Spanish treaty on, 363; English trade, 49; grant of spiritualities to Order of Christ, 27-32; papal confirmation of Spanish relinquishment, 50-55; pope on Prince Henry's explorations, 14-16, 21, 22; Portuguese, under Spanish rule, 324; purpose of Prince Henry's early voyages, 15n.; Spanish claims relinquished, 38, 39, 44, 45; Spanish contest of Portuguese claims, 10, 11; supposed Christian princes, 15n.; see also Guinea
- Aguirre, *Licentiate*, opinion on right to alienate Moluccas, 170n.
- Aitzema, Lieuwe van, *Nederlandsche Vreede-Handeling*, 360; *Saken van Staet en Oorlogh*, 272
- Albèri, Eugenio, *Relazioni degli Ambasciatori Veneti*, 220n.
- Albert, *Archduke*, marriage and rule in Netherlands, 235-238; Twelve Years' Truce, 258-269
- Albert of Brandenburg, truce of Vaucelles, 218
- Alberti, Amalia, acknowledgments to, 203n., 213n.
- Albuquerque, Affonso de, captures Malacca, 112
- Alcaçovas, treaty of, and Columbus's discovery, 35; bibliography, 35; causes, 33, 34; enforcement, 34; negotiation, colonial rights, 33, 34; on Canary Islands, 10; papal confirmation, 34, 49-55, 114, 116; Spanish text, 36-41; translation, 42-48
- Alcántara, negotiations at (1479), 33
- Alcántara, Order of, 121n.
- Aldring, Wigbold, treaty of the Hague, 333-346
- Alexander VI., *Pope*, and Spain, 56n.; bull *Dudum siquidem*, discoveries in East Indies, 79-83; bull *Eximiae devotionis*, Spanish concessions, 64-70; bull *Inter caetera* (May 3), Spanish discoveries, 56-63; bull *Inter caetera* (May 4), demarcation line, 1, 71-78
- Alexander, Sir William, and restoration of Port Royal, 317; colony there, 301; trading company, 301
- Alfonso V., of Portugal, and exploration, 33; and Nicholas V., 14n.; and Spanish claim to Guinea, appeal to pope, 10, 11; apocryphal earlier grants, 12n.; bull *Dum diversas*, authority to conquer infidels, 12, 16, 17, 23; bull *Romanus pontifex*, monopoly of conquest and trade, 9-26; Castilian war, 33; confirmation of grant, 27, 29, 31; Spanish treaty of Alcaçovas, 33-48; "the African," 14n.; titles, 28, 30
- Alfonso, Diogo, witnesses bull *Inter caetera*, 30, 32
- Alfonso, Filippo, witnesses bull *Inter caetera*, 30, 32
- Alfonso, Juan, Portuguese mission, 11n.
- Alfonso, Rodrigo, treaty of Alcaçovas, 36-47
- Algiers, corsairs, 286.
- Almada, Ayres de, treaty of Tordesillas, 84-94
- Almotacé mór*, functions, 87n.
- Alva, *Duque* de, treaty of Cateau-Cambrésis, 219n.
- Alvares, Nunus, opinion on right to alienate Moluccas, 170n.
- Alvarez, Hernando, pays loan on Moluccas, 173n.
- Alvarez Cabral, Pedro, on coast of Brazil, 107

- Alvarez de Toledo, Fernando, attests treaties, 41, 48, 92, 99, 100, 104, 106
- Alvaro, bishop of Silves, executor of bull *Romanus pontifex*, 19, 19n., 25; legate to Portugal, 27
- Alvarus, L., attests bull *Dudum siquidem*, 81n.
- Alvito, Baron d', see Silveira, João da
- Amboyna massacre, 285, 298n.
- America (Indies, West Indies), Anglo-Dutch alliances against Spaniards, 240, 241, 291, 295; Anglo-French agreement to attack Spaniards, 243-245; Anglo-French guarantee of Twelve Years' Truce, 272, 274; Anglo-Spanish treaty of London, ambiguous provisions, interpretation, 247, 249, 253, 256; Anglo-Spanish treaty of Madrid, 306, 307, 310, 313; Casa de Contratación's model map, 152n.; Danish trade interest, 275, 276, 278-284; Dutch-Spanish negotiations and treaty of Münster, 355, 357, 358, 360, 363, 364; Dutch-Spanish Twelve Years' Truce, 260-262, 266-268, 271; English arguments against monopoly, 247n.; Franco-Dutch co-operation, 285, 286, 288; Franco-Spanish draft article (1544), 206-209; Franco-Spanish negotiations (1559), oral agreement on "lines of amity," 219-221; Franco-Spanish war (1552), 215; freedom of trade predicted, 307; French corsairs, 199, 200, 206; French efforts for concessions, 231; French interest and exploration, 2, 206; French renunciation of commerce, 216-218; League treaty renouncing French rights, 223-228; papal bulls on Spanish discovery and monopoly, 56-70; Portuguese-Spanish negotiations on discovery, 79; Portuguese-Spanish treaty against French corsairs, 210-214; rise of Dutch trade, 236, 258, 259; Spanish relinquishment of monopoly, 360; Spanish search for strait to Pacific, 118; trade forbidden to Spanish Netherlands, 235, 238; trade of Dutch and English colonists, 5; see also Acadia; Brazil; Canada; Demarcation line; Dutch West India Company
- American Historical Association, *Report*, 86
- Andrada, Francisco d', *João o III.*, 120
- Angola, Dutch occupation, 332
- Anjou, Duc d', death, 223, 226
- Annebaut, Claude d', treaty of Crépy-en-Laonnois, 205, 208, 209
- Antonio, Portuguese claimant, French aid, 3; League treaty with Spain against, 223, 224
- Autwerp, and cession of Netherlands by Philip II., 235; and spice market, 147n.; Turkish staple, 225
- Antwerp, treaty of, see Twelve Years' Truce
- Arbitration, proposed, on demarcation line and possession of Moluccas, 133, 134, 136, 137, 139, 141, 143, 144
- Arborio de Gattinara, see Gattinara
- Archiv für Oesterreichische Geschichte, 236
- Arenberg, Charles, prince-count of, English congratulatory mission, 254; treaty of London, 246, 251, 254
- Arend, J. P., *Geschiedenis des Vaderlands*, 264
- Argensola, see Leonardo de
- Argentine Republic, *Arbitration*, 86
- Arguin, Portuguese trade, 212, 213
- Aribau, B. C., *Bibliotheca*, 35
- Articles of Peace . . . 1604, 250
- Arundel, Henry Fitzalan, earl of, treaty of Cateau-Cambrésis, 219n.
- Asher, G. M., *New Netherland*, 259n.
- Asia, supposed Christian princes, 15n.; see also East Indies
- Asseline, David, *Antiquitez de Dieppe*, 221n.
- Atouguia, port, 211, 213
- Augier, René, as English representative, 316
- Aulnay, Sieur d', La Tour struggle, 348, Massachusetts agreement, 6, 347-352; raid on English trading houses, 347
- Aumale, Claude de Lorraine, duc d', Spanish treaty against Henry of Navarre, 223-228
- Australia, and *Terra Australis*, 275n.
- Autógrafos de Colón, 72
- Avenel, Vicomte d', *Lettres de Richelieu*, 302
- Avezac, M. A. P. d', *Iles de l'Afrique*, 10n.
- Ayala, Pedro de, Portuguese mission, 84
- Aylua de Heerwey, Ernestus d', Anglo-French guaranty treaty, 273, 274
- Azambuja, Diogo d', expedition, 49; fort at Elmina, 9n.
- Azevedo, Antonio do, draft Spanish treaty (1526), 132-144; letters, 132n.; treaties of Saragossa, 149-168, 172-197
- Azevedo, João de, bishop of Oporto, 52n.
- Azores, Anglo-Dutch alliance against, 240, 241; date of rediscovery, 14n.; French corsairs sheltered, 3, 199n., 200; papal confirmation of Spanish relinquishment, 50, 53; Portuguese-Spanish agreement against French corsairs, 212, 213; Spanish claim relinquished, 1, 34, 38, 44; Spanish treaty with League, 224
- Azurara, see Eannes de Azurara
- Badajoz junta, 131, 155n.
- Barbary powers, corsairs, 286
- Barbosa Machado, Diogo, *Bibliotheca Lusitana*, 28n.
- Barros, João de, *Asia*, 50; on apocryphal bull of Martín V., 12n.
- Barros e Sousa, M. F. de, see Santarem
- Basnage, J., *Annales*, 361
- Baudius, Dominicus, *Induciarum Belli Belgici Libri Tres*, 264
- Baum, August, *Demarkationslinie*, 57
- Baxter, J. P., *Cartier*, 208
- Bayard, Gilbert, attests treaty of Lyons, 203, 204; treaty of Crépy-en-Laonnois, 205, 208, 209
- Bayne, C. G., acknowledgment to, 20n.
- Bazan, Alvaro de, "Asiento sobre la Armada," 210n.
- Beatrice of Portugal, *Infanta*, and War of the Succession, 37, 43; at Alcaçovas, 36, 42; negotiations with Isabella, 33

- Beazley, C. R., "Prince Henry and African Crusade," 13; "Prince Henry and his Work," 13
- Beer, G. L., *British Colonial System*, 292n.
- Bembo, Pietro, attests bull *Praecelsae devotionis*, 115, 117
- Benediction*, payment for, 322
- Bensaude, Joaquin, *Astronomic Nautique*, 85n.; *Collection de Documents*, 85n.
- Bentivoglio, Guido, cardinal, *Relatione*, 264
- Berchet, Guglielmo, *Fonti Italiane*, 57
- Bergaigne, Joseph de, Münster negotiations, 356
- Berger de Xivrey, Jules, *Lettres Missives de Henri IV.*, 264
- Berk, Nicholas, Spanish negotiations, 263n.
- Béthune, Maximilien de, *see* Sully
- Bibliography, principle, 7
- Biggar, H. P., acknowledgments to, 8, 208n.; *Early Trading Companies*, 301n.
- Bittard des Portes, René, "Alliance entre France et Portugal," 326
- Black, J. B., *Elizabeth and Henry IV.*, 220n.
- Blair, E. H., *Philippine Islands*, 120
- Blok, P. J., *Nederlandsche Volk*, 231
- Blount, Charles, *see* Devonshire
- Boer, M. G., *Friedensunterhandlungen*, 353n.
- Boetzeler, Gysbert van Witt zu, Danish-Dutch alliance treaty, 277-279
- Boetzeler et d'Asperen, Gedeon de, treaty of Compiègne, 288
- Boletín del Centro de Estudios Americanistas*, 57
- Bollan, William, *Coloniae Anglicanae*, 13
- Boniface VIII., Pope, edict on place of trial, 115, 117
- Bonn, M. J., *Spaniens Niedergang*, 150n.
- Bonnassieux, P., *Grandes Compagnies de Commerce*, 286n.
- Bontemps, Capt., captures by, 322n.; payment to, 321
- Bor, Pieter, *Nederlandsche Oorlogen*, 231
- Borges de Castro, J. F., *Collecção dos Tratados*, 326
- Botello, Pero, treaty of Alcaçovas, 36-47
- Bouchorst, Nicolaes de, treaty of Compiègne, 288
- Bougeant, G. H., *Traité de Westphalie*, 361
- Bouillon, Henry de la Tour, *duc de*, Anglo-Franco-Dutch alliance, 229, 230, 232-234
- Boulogne, negotiations at, 247
- Bourbon, Charles, Cardinal de, Spanish treaty with the League on succession, 223-228
- Bourne, E. G., *Historical Criticism*, 13; *Northmen*, 9n.
- Bouthillier, Claude, attests treaty of Sousa, 304; treaty of St. Germain-en-Laye, 319, 323; treaty of Paris, 328
- Bouthillier de Chavigny, Léon, treaty of Paris, 327, 328
- Boyl, Bernardo, in Columbus's second voyage, 60n.
- Bracamonte, Gaspar de, titles, 362; treaty of Münster, 356, 362-365
- Bradford, William, and Dutch trade, 292; *Plymouth Plantation*, 347n.
- Braga, Bishop of, confirmation of demarcation line, 108, 110
- Brandenburg, truce of Vaucelles, 218
- Brants, Victor, *Ordonnances des Pays-Bas*, 236
- Brazil, discovery and demarcation line, 107; Dutch occupations, 329, 332, 353; Dutch-Portuguese treaty, 330, 335-338, 342-345; Dutch-Spanish treaty, 358, 363, 364; England and Dutch direct trade, 336n.; French trade and settlement, 2, 3, 220; free trade under Dutch West India Company, 335n.; Portugal recovers, 332; Portuguese, under Spanish rule, 324
- Brederode, Walraven van, Twelve Years' Truce, 260, 265, 272n.
- Bremen, and Dutch-Spanish treaty of Münster, 364, 365; Danish-Dutch recess of, bibliography, 281; Dutch text, 281-283; purpose, 280, 281; translation, 283, 284
- Brezé, Marquis de, naval expeditions, 325
- Bride, payment for, 322
- Brion-Chabot, Philippe de, and Portugal, 3, 200, 201
- British and Foreign State Papers*, 336n.
- British Guiana Boundary Arbitration, Counter-Case*, 360
- British Museum, acknowledgment to, 7
- Brodhead, J. R., *New York*, 338n.; *New York Colonial Documents*, 287
- Brooke, Fulke Greville, baron, treaty of Southampton, 294
- Brouchoven, Jacob van, treaty of the Hague, 333-346
- Brown, Alexander, *Genesis of United States*, 249n.
- Browne, John, Acadian agreement, 351, 352
- Brun, Antoine, titles, 362; treaty of Münster, 356, 358, 362, 365
- Bruxelles, Philibert de, truce of Vaucelles, 216-218
- Buchberger, Michael, *Kirchliches Handlexikon*, 61n.
- Buckhurst, Thomas Sackville, baron, *see* Dorset
- Buckingham, George Villiers, *duk* of, and Dutch alliance, 290, 291; letters of reprisal and marque against France, 300; treaty of Southampton, 294, 299
- Bufohinus, Jo., attests bull of demarcation, 75, 78
- Bullarum Collectio*, 113
- Bullion, Claude de, treaty of Compiègne, 288; treaty of St. Germain-en-Laye, 319, 323
- Bulls, papal, dating of early, 17n.; phrase *motu proprio*, 17n.; *see also* titles of individual bulls
- Burchard, Johann, *Diarium*, 66n.
- Burghley, William Cecil, lord, desire for peace with Spain, 239; treaty of Greenwich, 229
- Burlamachi, Philip, and Anglo-French treaty, 318, 321

- Burmania, Rienck van, treaty of Southampton, 293, 299
- Burr, G. L., on Dutch relations with America (c. 1607), 259n.; "Report on Treaty of Münster," 363n.
- Burrage, H. S., *Colonial Maine*, 350
- Buzanval, Paul Choart de, Anglo-Franco-Dutch alliance, 230, 232-234; death, 259n.; Dutch mission, 259
- Cabral, *see* Alvarez Cabral
- Cadamosto, Alvise, on caravels, 151n.; on Guinea trade, 10
- Cadiz, Anglo-Dutch expeditions against, 230, 290
- Caen, *see* De Caen
- Caix, Honoré de, Portuguese mission, Spanish opposition, 147, 200
- Caix de Saint-Aymour, *Vicomte, Instructions aux Ambassadeurs*, 147n.
- Calatrava, Order of, 121n.
- Calderon, Graniel, witnesses treaty of Saragossa, 159, 168
- Calendar of State Papers: Colonial*, 301n.; *Domestic*, 302; *Foreign*, 201n.; *Venice*, 240; *Spain*, 199n.
- Calixtus III., *Pope*, and Turks, 27; bull *Inter caetera*, 27-32
- Calvo, Carlos, *Recueil des Traités*, 85
- Camden, William, *England*, 241
- Caminha, port, 211, 213
- Campania, A. de, registers bull *Inter caetera*, 61n.
- Canada, English conquest (1627-1629), 5, 300, 301; negotiations and treaty for restoration, 316, 318-321
- Canadian Archives, *Report*, 319
- Canary Islands, bull on (c. 1424), 18n.; in War of Succession (1475), 33; La Cerda's project, 9, 10; papal confirmation of Spanish right, 51, 53; Portuguese relinquishment of claim, 1, 10, 34, 38, 44; slaves from, 17n.
- Cantino map (1502), demarcation line, 101, 107n.
- Cap du Ciel*, payment for, 321
- Cape Bojador, and Portuguese-Spanish fishing rights, 79, 81n.; Portuguese control, 12; Prince Henry's monopoly, 16n.; rounded, 18n.
- Cape Breton, English colony, captured, 301, 316, 320
- Cape Coast Castle, Dutch at, 329
- Cape Na (Nam), identity, 18n.; Portuguese control, 12
- Cape Non, and Cape Na, 18n.
- Cape Verde Islands, and demarcation line, 85, 131; discovery, 14n.; papal confirmation of Spanish relinquishment, 50, 53; Spanish relinquishment of claim, 1, 34, 38, 44
- Capotius, B., *rescribendarius*, attests bull *Inter caetera*, 61, 63
- Caravels, Portuguese, 15n.
- Cardenas, Gutierre de, treaty of Tordesillas, 85, 87, 94
- Carey, George, *see* Hunsdon
- Carleton, Dudley, *see* Dorchester
- Carlisle, James Hay, *earl* of, treaty of Southampton, 294, 299
- Carrying trade, Anglo-Spanish negotiations (1604), 246; Anglo-Portuguese treaty, 336n.; Dutch-Portuguese treaty on Brazil, 331, 336, 343, 344
- Cartier, Jacques, voyages, 2, 206
- Carvajal, Garcia de, Portuguese mission, 84
- Casa de Contratación, functions, 174n.; model map of Indies, 152; *Ordenanzas*, 210n.
- Casanova, N., attests bull *Inter caetera*, 61n.
- Casas, Bartolomé de las, and Gattinara, 121n.; *Indias*, 13
- Cascaes, port, 211, 213
- Casgas, Gregorio, witnesses treaty of Vitoria, 125, 129
- Castile, claim to Guinea, 1, 33; War of Succession, 33; *see also* Spain
- Catalan *mappemonde* (1375), on Guinea, 156
- Cateau-Cambrésis, treaty of, 3; bibliography, 222; causes, 219; importance, 219; negotiations on Indies, oral agreement, 210-221
- Catherine de' Medici, and Azores and Brazil, 224
- Catholic Church, Ferdinand and Isabella and, 58, 61; French, at the Hague, 286; Portuguese duty and service in Africa, 14, 15, 21, 22; Spanish duty in West Indies, 56, 58-63, 73, 74, 76, 77; Spanish negotiations on, in Netherlands, 260, 261, 267, 269; *see also* Papacy; Reformation; Religious establishment
- Cats, Jacob, treaty of the Hague, 333-346
- Cecil, Robert, *earl* of Salisbury, and trade in Indies, 248, 249n.; desire for peace with Spain, 239; treaty of London, 5, 246, 252-257; treaty of Westminster, 242
- Cecil, William, *see* Burghley
- Cercamp, negotiations at, 219n.
- Centa, papal grant of monopoly to Portugal, 12, 23; Portuguese conquest, 10, 14, 14n., 150n., 21
- Ceylon, Dutch in, 329
- Cezimbra, port, 212, 213
- Chabot, *Admiral*, *see* Briou-Chabot
- Chamberlain, John, *Letters*, 239n.
- Champlain, Samuel de, and restoration of Canada, 316; surrenders Quebec, 301
- Chapman, A. B. W., *Commercial Relations*, 307n.
- Charisius, Jonas, and Danish-Dutch trade in Indies, 275
- Charles V., *Emperor*, absolutism in Spain, 156, 165, 169; and French activities in Indies, 3, 200, 205, 206; Anglo-French alliance against, 147n.; and monopoly in Indies, 247n.; and Portugal, 210n.; annuls promise to Cortes on Moluccas, 146, 148, 165, 180, 184, 193, 196, 197; at Saragossa, 149; at Segovia, 132n.; business, 134, 140; claim in East Indies, treaty of Vitoria, 118-130; French treaty of Crépy-en-Laonnois, 205-

- 209; French truce of Vaucelles, 215-218; French wars, 199, 205, 215; need of funds, 147; Portuguese draft treaty (1526), 131-145; Portuguese draft and definitive treaties of Saragossa, 2, 146-198; Portuguese treaty against French corsairs, 200, 210-214; relationship with John III., 171n.; titles, 121, 125, 126
- Charles of Arenberg, *see* Arenberg
- Charles I. of England, and seizure of Dutch West India Company's vessels, 292; Dutch treaty of Southampton, 293-299; French treaty of St. Germain-en-Laye, 315-323; French treaty of Susa, 300-304; marriage contract dispute, 300, 301, 303, 315, 317, 318; object of foreign policy, and Elector Palatine, 290, 294, 305; Spanish Marriage, 290; Spanish treaty of Madrid, 305-314
- Charles I. of Spain, *see* Charles V., Emperor
- Charles Emmanuel of Savoy, and Anglo-Spanish peace, 309, 312
- Châteauneuf, Charles de l'Aubespine, *marquis* de, English mission, instructions, 315-317
- Chaulx, *see* Poupet de la Chaulx
- Chemans, Errant de, treaty of Crépy-en-Laonnois, 205
- Cheyney, E. P., *European Background*, 13
- Christian IV. of Denmark, Dutch draft alliance treaty, 275-279; titles, 277, 278
- Christian princes in Africa and Asia, 15, 22; Prince Henry's voyages and, 15n.
- Church, *see* Catholic Church
- Cipango, and Columbus's discovery, 9n.
- Ciutiis, Salvatore de, *conte*, *Ambassade Portugaise*, 113
- Clant, Adriaan, treaty of Münster, 356, 362, 365; titles, 362
- Clark (Arthur H. Clark Company), acknowledgment to, 8
- Clement VI., *Pope*, bull on Canary Islands, 10
- Clément, Nicolas, *Mémoires et Négociations Secrètes*, 360
- Cobos, Francisco de los, attests treaties, 121, 125, 126, 129, 130, 132, 139, 149, 159, 168, 170n., 172, 183, 185, 186, 197, 198; career, 121n.; truce of Nice, 205
- Cocquelines, Carlo, *Bullarum Collectio*, 10n.
- Codex Diplomaticus Rubenianus*, 308
- Coelho de Carvalho, Antonio, treaty of Paris, 325, 328
- Coenders van Helpen, Abel, Anglo-French guaranty treaty, 273, 274; Twelve Years' Truce, 265, 272n.
- Colección de Documentos Inéditos de Ultramar*, 80
- Colección de Documentos Inéditos para la Historia de España*, *see* Navarrete
- Coligny, Gaspard de, Florida colony, 3; plan against Spanish Indies, 224; titles, 217; truce of Vaucelles, 215, 217, 218
- Colin, Francisco, *Labor Evangélica*, 120
- Collection de Documents Inédits sur l'Histoire de France*, 216
- Collection de Manuscrits relatifs à la Nouvelle France*, 318
- Collezione de' Classici Italiani*, 264
- Colmeiro, Manuel, *Historia de la Economía Política*, 151n.
- Coloma, Carlos, English mission, 309, 312
- Colon, Fernando, *Fernando Colombo*, 57
- Colonization, as essential to territorial claim, 220, 247n., 248
- Columbus, Christopher, and demarcation lines, 74n., 88n.; discoveries and Portuguese-Spanish negotiations, 9, 35, 79; papal bulls caused by discoveries, 56-83; purpose of fourth voyage, 118; Santangel letter and bull *Inter caetera*, 58n.
- Commerce and navigation, Anglo-Dutch general regulations, 297, 298; Anglo-French disputes (1626-1629), 300, 301, 315, 316; Anglo-Spanish treaty on European, 246; Dutch-Portuguese treaty on free, 330, 331, 338, 342, 345; Dutch-Spanish, and treaty of Southampton, 291, 294; English arguments against colonial monopoly, 247n.; monopolistic claims, 4-7, 360, 363, 364; papal control of, with non-Christians, 11, 12n., 18, 24, 56n.; Portuguese houses of control, of colonial, 157n.; Portuguese seizures from Spanish traders, 157, 166, 180, 193; sea-power and monopoly, 4; *see also* Africa; America; Carrying trade; Corsairs; Dutch East India Company; Dutch West India Company; East Indies; Grotius; Letters of marque; nations by name; Prizes; Visit and search
- Commission des Archives Diplomatiques, *Instructions*, 326
- Commission for Regulating Plantations, functions, 347n.
- Company of New France, English attacks, 6; Port Royal restored to, 318; predecessor, 316
- Compiègne, treaty of, bibliography, 286, 287; cause, 285; French ratification, 288, 289; French text, 287-289; provisions, 286
- Computator*, functions of papal, 52n.
- Consuls, Dutch-Portuguese treaty on, 331
- Contadores mayores*, functions, 87n.
- Contarini, Alvise, and Anglo-French peace (1629), 301, 302, 304n.; *Congresso di Münster*, 360
- Continos*, function, 92n.
- Contraband, first treaty provision, 291
- Conversion of natives, *see* Catholic Church
- Conway, Edward, *baron*, treaty of Southampton, 294, 299
- Corbett, J. S., on Burghley and Spanish war, 239n.; *Successors of Drake*, 230n.
- Corpus Juris Canonici*, 11n.
- Corrêa da Serra, J. F., *Livros Ineditos*, 35
- Corrêa d'Atouguia, Pero, treaty of Vitoria, 121-129
- Corregedor da corte*, functions, 87n.



- Corsairs, depredations by French, 2, 3, 210; French, and Portuguese trade in Indies, 199-201; of Barbary powers, 286; Portuguese shelter of French, 199, 202, 204; Portuguese-Spanish agreement against French, 210-214; provisions on, in treaty of Southampton, 297; *see also* Letters of marque
- Corte-Real, Gaspar, voyage, and demarcation line, 84n., 107
- Cortés, Hernando, fleet to Moluccas, 154n.
- Córtés de Leon y de Castilla*, 120n.
- Cortes of Castile, and alienation of Moluccas, 146, 148, 156, 157, 165, 166, 169, 170, 180, 184, 193, 197, 198
- Costa, Jorge da, cardinal, confirmation of demarcation line, 108
- Costa, Martin da, archbishop of Lisbon, 114n.
- Cotrone, Bishop of, 66, 69
- Cottingham, Sir Francis, treaty of Madrid, 305-314
- Cotton, Robert, "Trade to the Indies," 248n.
- Council of the Indies, objection to French treaty (1544), 206, 207
- Counter-Case of Venezuela*, 361
- Court and Times of Charles I.*, 302
- Courtewille, Josse de, Spanish secretary of state, 216, 218n.; attests truce of Vaucelles, 218
- Crato, Prior of, *see* Antonio
- Crépy-en-Laonnois, treaty of, bibliography, 207, 208; causes, 205; provisions, 206; unratified article on Indies, French text, 206-209
- Crisp, Sir Nicholas, slave-trade, 322n.
- Cruzada Villaamil, Gregorio, *Rubens Diplomático Español*, 308
- Cuba, French depredations (1555), 215
- Dahlmann, F. C., *Dänemark*, 276
- Daniel, Capt., raids English colony, 316
- Danish East India Company, 275
- Danish West India Company, proposed, 275
- Danvila, Manuel, *Comunidades de Castilla*, 121n.
- Dating of early papal bulls, 20n.
- D'Aulnay, *see* Aulnay
- Davenport, F. G., "Texts of Columbus's Privileges," 72
- Dawson, S. E., "Lines of Demarcation," 57
- De Caen, Émeric, trade monopoly, 320n.
- De Caen, Guillaume, and restoration of Canada, 320; English payment to, 318, 320; trade monopoly, 320n.
- Decrue, Francis, *Montmorency*, 216
- Delaborde, Jules, *comte*, *Coligny*, 216n.
- Demarcation line, and claims in East Indies, 2, 119; and Franco-Spanish "lines of amity," 221; annulled, 170; Badajoz junta, failure, 131, 155n.; bull and Portugal, 71; Columbus and, 74n., 88n.; contemporary belief of location, 88n.; dispute, 85, 131; first appearance on maps, as prime meridian, 101, 107n.; model map, 152, 161, 174, 188; interest in south Atlantic, 84n.; longitude of papal line, 74n.; measures for determining and marking (1494), 89, 90, 96, 97; (1495), 101-106; (1524), 120, 122, 127; (1526), 134, 136, 141, 143; (1529), 155, 161, 175, 189; modification, treaty of Tordesillas, 1, 2, 84-100; mutual surrender of territory, 89, 95, 96; original, bull *Inter caetera*, 1, 71-78; papal confirmation of modified line, bull *Ea quae*, 107-111; papal disregard in eastern hemisphere, bull *Praeelsae devotionis*, 112-117; papal extension of Spanish rights, bull *Dudum siquidem*, 79-83; Portuguese dissatisfaction with papal line, 84; Spanish ships crossing Portuguese zone, 90, 97, 153, 154, 162, 163; status of discoveries pending the treaty, 90, 91, 97, 98; temporary eastern, in treaty of Saragossa, 148, 151, 152, 161, 174, 175, 188, 189; terms of papal line, 74, 77; terms of revised line, 88, 95
- De Morga, Antonio, *Philippine Islands*, 153n.
- Denmark, and Anglo-French peace (1629), 301; and trade in Indies, 275, 278, 279; Dutch draft alliance treaty, 275-279; Dutch draft recess on trade in Indies, 5, 280-284
- Denys, Nicolas, *Costes de l'Amérique*, 318
- Depping, G. B., *Commerce*, 12n.
- Dercillo, Fortunius, opinion on right to alienate Moluccas, 170n.
- Desembargo d'el rei*, functions, 87n.
- Desierta, papal confirmation of Spanish relinquishment, 50, 53; Spanish claim relinquished, 38, 44
- Deventer, M. L. van, *Gedenkstukken van Oldenbarnevelt*, 240
- Devereux, Robert, *see* Essex
- Devonshire, Charles Blount, earl of, treaty of London, 246, 252, 253, 255, 257
- Diaz, Pero, Spanish mission, 79
- Dieppe East India Company, 286
- Diñiz, king of Portugal, Order of Christ, 28n.
- Disraeli, L., *Charles I.*, 286n.
- Documents Inédits concernant la Belgique*, 235n.
- Documents on Impeachment of Buckingham*, 291n.
- Donia, Frans van, titles, 362; treaty of Münster, 356, 362-365
- Doorman, J. G., "Niederländisch-West-Indische Compagnie," 329n.
- Dorchester, Dudley Carleton, viscount, on restoration of Port Royal, 317; *Letters*, 276
- Dorset, Thomas Sackville, earl of [baron Buckhurst], treaty of London, 246, 252-257; treaty of Westminster, 242
- Drake, Sir Francis, and sea-power, 4
- Duarte, *see* Edward
- Du Bouchet, Jean, *Maison de Coligny*, 216n.
- Ducat, value, 150n.
- Ducéré, Édouard, *Histoire Maritime de Bayonne*, 206n.
- Dudum siquidem*, bull, bibliography, 79, 80; Latin text, 80, 81; purpose, 79; translation, 81, 82
- Dum diversas*, bull, 12; part of text, 17n.

- Dumont, Jean, *Corps Diplomatique*, 13
- Duplessis-Mornay, Philippe de, *Mémoires et Correspondance*, 225n.; plan against Spanish Indies, 224
- Durand de Villegagnon, Nicolas, *see* Villegagnon
- Duro, *see* Fernández Duro
- Duruu, G., *De Indutiis*, 217
- Dutch East India Company, and Danish Company, 275; and English Company, 285; and Münster negotiations and treaty, 357, 358, 363, 364; and Portuguese treaty, 329, 330; charter, 363n.; desire to continue Spanish war, 354; peace terms, 354; rise, 258
- Dutch West India Company, and anti-Spanish negotiations (1621-1625), 5; and Münster negotiations and treaty, 357, 358, 359n., 360n., 363, 364; and treaty of Southampton, English seizures, 291, 292; and Portuguese treaty, seizures pending ratification, 329, 330, 332, 334, 335, 342; and proposed French company, 285; and union with East India Company, 354; charter, 363n.; decline, 332, 360; Denmark and, 280, 280n.; desire to continue Spanish war, peace terms, 353-355; free trade in Brazil, 335n.; possessions in Brazil, 353; rise, 259
- Du Vair, Guillaume, *Oeuvres*, 229n.
- Duval, François, *Mémoires*, 300n.
- Duyvenvoord, Adm. Johau van, joint operations against Spain, 230, 231; treaty of Westminster, 239-242
- Eannes, Gil, at Cape Bojador, 18n.
- Eannes de Azurara, Gomes, *Conquest of Guinea*, 13
- Ea quae*, bull, bibliography, 108; causes, 107, 108; Latin text, 108, 109; translation, 110, 111
- East Friesland, and Dutch-Spanish treaty of Münster, 365
- East Indies, and Guinea, 34n.; Anglo-Dutch alliances against Spanish, 240, 241, 291, 295; Anglo-Franco-Dutch guaranty of Twelve Years' Truce, 272, 274; Anglo-French agreement to attack (1603), 243-248; Anglo-French alliance and Portuguese trade (1527), 147n.; Anglo-Portuguese treaty on (1571), 306, 307n.; Anglo-Spanish treaty of London, ambiguous provisions on, 247-249, 253, 256; Anglo-Spanish treaty of Madrid, continuance of ambiguity, 306, 307, 310, 313; bull *Inter caetera* (1456) on, 27, 29, 31; Danish interest, 275, 276, 278-284; Dutch-Portuguese treaty on, 330; Dutch-Spanish negotiations (1608), 260, 261; Dutch-Spanish negotiations and treaty of Münster, 355, 357, 358, 363, 364; Dutch trade, 236, 238, 259; English arguments against monopoly, 247n.; Franco-Dutch co-operation, 285, 286, 288; Franco-Spanish agreement (1559), 220, 221; Franco-Spanish draft treaty (1544), 206-209; freedom of trade predicted, 307; French efforts for concessions (1598), 231; French relinquishment of intercourse, 206, 207, 216; French trade, 260; Huguenot plans on trade 224, 225; League treaty with Spain renouncing rights, 223-228; Magellan's expedition, Spanish in Moluccas, 118, 119; papal grant to Portugal, bull *Praeelsae devotionis*, 112-117; papal grant of right of discovery to Spain, bull *Dudum siquidem*, 79-83; Portuguese reach, 107, Portuguese-Spanish controversy and negotiations after treaty of Vitoria, 131-145; Portuguese-Spanish draft alliance treaty on, 146n., 147n.; Portuguese-Spanish treaty against French corsairs, 210-214; Portuguese-Spanish treaty of Saragossa, trade regulations, 148, 152-156, 161-165, 176-179, 189-192; Portuguese-Spanish treaty of Vitoria, 118-130; Portuguese, under Spain, 324; Spanish search for western route, 118; Twelve Years' Truce on, 262, 266-268, 271; trade forbidden to Spanish Netherlands, 235, 238; *see also* Demarcation line; Dutch East India Company; Moluccas
- Eaton, Theophilus, Acadian agreement, 351, 352
- Ebu, Giovanni, bishop of Cotrone, 66n.
- Edmoude, Sir Thomas, journal, 250; French mission, instructions, 315-317
- Edmundson, George, *Anglo-Dutch Rivalry*, 293; on Dutch relations with America (c. 1607), 259n.
- Edward IV. of England, and African trade, 49
- Edward, king of Portugal, right to trade with infidels, 18, 24
- Egerton, Sir Thomas, treaty of Westminster, 242
- Ehrle, Franz, *Päpstliche Abtheilung*, 57
- Elboeuf, Duc d', Spanish treaty against Henry of Navarre, 223-228
- Elizabeth of England, Dutch treaty of Westminster continuing alliance, 4, 239-242; Franco-Dutch league against Spain, 229-234; Portuguese treaty (1571), 306, 307n.
- Elmina, Columbus to avoid, 9; Dutch at, 329; Portuguese fort, 9n., 49
- Emmanuel, king of Portugal, and Leo X., 112; and papal confirmation of demarcation line, 107, 108, 110; bull *Praeelsae devotionis*, rights in Indies, 112-117; services to church, 113, 115, 116
- Emmanuel Philibert of Savoy, truce of Vaucelles, 216, 217
- Endicott, John, Acadian agreement, 350-352
- England, and Brazilian trade, 336n.; and early African trade, 49, 337n.; and Franco-Spanish war (1552), 215; and Huguenots at Rochelle, 300, 301; and negotiations of Twelve Years' Truce, 259, 262, 263, 266, 268, 271; conquest of Canada (1628-1629), 300, 301; Dutch defensive alliance (1608), 270; (1624), 290; Dutch joint naval operations against Spain, 230, 231, 290; Dutch offensive alliance (1598), treaty of Westminster, 4, 239-242; (1625), treaty of

- Southampton, 5, 293-299; Dutch relations with France and, 291; Franco-Dutch league against Spain (1596), 229-234; Franco-Dutch treaty of guaranty (1609), 270-274; Franco-Spanish alliance against (1627), 300, 305; French agreement on Netherlands and Spain (1603), 243-245; French alliance against Charles V., 147n.; French peace treaty of Susa, 300-304; French problems (1629), 315, 316; French treaty (1559), 219; French treaty of St. Germain-en-Laye, restoration of Canada, 315-323; French wars, 6, 205, 300; interpretation of treaty of London on Indies, 248, 249; monopolistic claims, 7; Portuguese treaty (1571), 306, 307n.; (1642) on colonial commerce, 6, 336n., 337n.; sea-power and Spanish colonial monopoly, 4; slavetrade, 337n.; Spanish agreement on general commerce, 246; Spanish league against Dutch, 307; Spanish peace treaty of London, ambiguity on trade in Indies, 4, 5, 246-257; Spanish peace treaty of Madrid, renewed ambiguity, 6, 305-314; *see also* Great Britain
- English East India Company, and Dutch company, 285
- Enriques, Enrique, treaty of Tordesillas, 85-99
- Enriques, Fadrique, son of, 86n.
- Ericeria, *Conde da*, *see* Menezes
- Espejo, Cristobal, *Ferias de Medina del Campo*, 151n.
- Espees, — d', and trade in Indies, 286
- Essen, Henry van, treaty of Compiègne, 288
- Essex, Robert Devereux, *earl of*, and Dutch alliance, 239; *Apologie*, 240n.; expedition against Spanish Indies, 231; treaty of Westminster, 242
- Eubel, Conrad, *Hierarchia Catholica*, 52n.
- Eugenius IV., *Pope*, and slavery, 17n.; bull *Praeclaris tuae* on Portuguese trade with infidels, 18, 18n.; 24; bull *Rex regum*, 12
- Evora, *Bishop of*, executor of bull *Aeterni Regis*, 52, 55
- Excelente*, value, 150n.
- Exchange, at fair of Medina del Campo, 174, 188
- Excommunication, kinds, 60n.
- Eximiae devotionis*, bull, bibliography, 64; Latin text, 64-67; purpose, 64; translation, 67-70
- Faillon, E. M., *Canada*, 319
- Fair, at Medina del Campo, 151n.
- Faria, João de, as ambassador to pope, 112, 121n.; treaty of Vitoria, 121, 125, 126
- Fenwick, George, Acadian agreement, 351, 352
- Ferdinand and Isabella of Spain, and conversion of Indians, 58, 59, 61, 62, 73, 74, 76, 77; and French depredations, 199; bull *Dudum siquidem*, rights in East Indies, 79-83; bulls *Inter caetera*, colonial monopoly and demarcation, 56-63, 71-78; compact to determine demarcation line (1495), 101-106; Portuguese treaty of Alcaçovas, 33-48; Portuguese treaty of Tordesillas, demarcation line, 84-100; titles, 36, 42
- Fernandes de Lucena, Vasco, oration on obedience, 15n.
- Fernandez, Sebastian, witnesses treaty of Vitoria, 125, 129
- Fernandez de Navarrete, *see* Navarrete
- Fernández Duro, Cesáreo, *Armada Española*, 199n.; *Disquisiciones Náuticas*, 212n.; *Mar Descrita por los Mareados*, 211
- Fernow, Berthold, *Documents on Long Island*, 360n.
- Ferrariis, —, papal *abbreviator*, 61
- Ferreira Borges de Castro, José, *visconde*, *Collecção dos Tratados*, 171
- Fez, *see* Morocco
- Fine, for violating treaties, 39, 40, 46
- Fischer, Theobald, *Raccolta di Mappamondi*, 15n.; *Sammlung*, 15n.
- Fisheries, Portuguese-Spanish negotiations on rights, 79, 81n.; Spanish attack on French, 215
- Fiske, John, *Discovery of America*, 72
- Fitzalan, Henry, *see* Arundel
- Flassan, *see* Raxis
- Flores Davila, Pedro de Zuñiga, *marqués de*, treaty of Madrid, 305
- Florida, Coligny's attempted colony, 3
- Fontenay-Mareuil, *Marquis de*, English mission, 316; *Mémoires*, 300n.
- Forbes, Patrick, *Reign of Elizabeth*, 219n.
- Foronda y Aguilera, Manuel de, "Estancias de Carlos V.," 132n.
- Fortescue, Sir John, treaty of Westminster, 242
- Fortunatae Insulae, and Canary Islands, 10n.
- Fortunia, *Prince of*, *see* La Cerda, Luis de
- France, and Dutch co-operation in Indies, 3, 285, 286, 288; and Dutch-Spanish negotiations at Münster, 359; and negotiation of Twelve Years' Truce, 259, 262, 263, 266, 268, 271; Anglo-Franco-Dutch treaty of guaranty, 270-274; corsair attacks on trade in Indies, 199-201, 206, 210; Dutch defensive alliance (1608), 270; Dutch loan, 286; Dutch protection of commerce in Mediterranean, 286; Dutch relations with England and, 291; Dutch treaty of Compiègne, 285-289; early interest in Indies, 2, 260; effect of civil strife on colonization plans, 3; English alliance against Charles V., 147n.; English peace treaty of Susa, 300-304; English problems (1629), 315; English treaty of St. Germain-en-Laye, restoration of Canada, 3, 315-323; English war (1627-1629), loss of Canada, 6, 300, 301; explorations in America, 206; Henry IV. and Spain and Indies, 3, 4, 231; monopolistic claims, 7; Portuguese joint naval expedition against Spain, 325; Portuguese treaty of Lyons, shelter of corsairs, 3, 199-204; Portuguese treaty of Paris, alliance against Spain and her Indies, 6, 324-328; Portuguese-Spanish treaty against French corsairs, 3, 210-214;

- renounces trade in Indies, 3, 216-218, 224, 228; Spanish agreement on trade in Indies at risk of individuals, lines of amity, 3, 220, 221; Spanish alliance against England (1627), 300, 305; Spanish peace (1598), 231; Spanish treaty of Cateau-Cambrésis, 219-223; Spanish treaty of Crépy-en-Laonnois, 205-209; Spanish treaty of Monzon, 300n.; Spanish treaty with the League, 223-228; Spanish truce of Vaucelles, 215-218; Spanish wars, 199, 205, 215, 305
- Francis I. of France, policy as to the Indies, 2; Portuguese treaty of Lyons, 199-204; Spanish treaty of Crépy-en-Laonnois, 205-209; wars with Charles V., 199, 205
- Frederick V., *Elector Palatine*, Charles I. and restoration, 290, 294, 305
- Frederick Henry of Orange, and Portuguese negotiations, 330
- French West India Company, proposed, 285
- Fréville, Ernest de, *Commerce Maritime de Rouen*, 224n.
- Friedmann, Paul, *Dépêches de Michiel*, 215n.
- Fruin, Robert, *Tien Jaren uit den Tachtigjarigen Oorlog*, 231
- Funchal, *Bishop* of, executor of bull *Præcelsæ devotionis*, 114, 117
- Fur-trade of New Netherland, 338n.
- Gabriel*, payment for, 321
- Gachard, L. P., *Actes des États Généraux*, 236; *Documents Inédits*, 235n.; *Relations des Ambassadeurs Vénitiens*, 219n.; *Rubens*, 308; *Trois Années de Charles V.*, 208
- Gaffarel, Paul, "Jean Ango," 199n.
- Galetti, D., apostolic scribe, 66, 69
- Galindez de Carvajal, Lorenzo, *Adiciones Genealógicas*, 86n.; *Anales*, 121n.; career, 121n.; draft Portuguese treaty, 132-144; treaty of Vitoria, 121-130
- Gama, Vasco da, voyage, 107
- Gama Barros, Henrique da, *Administração Pública*, 28n.
- Gamarra, Fernando de, witnesses treaty of Tordesillas, 92, 99
- Garces, João, attests treaty of Alcaçovas, 40, 47
- García, Juan, notary, 67, 70
- Garden, *Comte de*, *Histoire des Traités*, 361
- Gardiner, S. R., *England*, 244
- Garneau, F. X., *Canada*, 319
- Gattinara, Mercurino Arborio de, attests letter on right to alienate Moluccas, 170n.; career, 121n.; draft and definitive treaties of Saragossa, 149-168, 172-197; draft Portuguese treaty (1526), 132-144; treaty of Vitoria, 121-130
- Gayangos, Pascual de, *Catalogue of Spanish Manuscripts*, 147n.
- General Collection of Treatys*, 231
- General renunciation, validity, 40, 46
- Gent, Barthold van, titles, 362; treaty of Münster, 356, 362, 365
- Gent, Cornelis van, Anglo-Franco-Dutch guaranty treaty, 273, 274; Twelve Years' Truce, 265, 272n.
- Ghent, and cession of Netherlands by Philip II., 235
- Ghent, University of, *Recueil de Travaux*, 14n.
- Gijssels, *Adm.*, expedition against Spain, 339n.
- Gilolo, Spanish at, 154n.
- Gilpin, George, Anglo-Franco-Dutch alliance, 230, 232-234
- Giry, A., *Diplomatique*, 20n.
- Glanville, John, *Voyage to Cadix*, 200n.
- Goch, J. van, attests treaty of Southampton, 299
- Goes, Damião de, *Chronica de Joam II.*, 27n.; *Chronica do Rey D. Manoel*, 113
- Golden rose, as papal gift, 197n.
- Gómara, Francisco Lopez de, *see* Lopez de Gómara
- Gomez de Silva, Ruy, treaty of Cateau-Cambrésis, 219n.
- Gonçalves, Antam, voyage, 16n.
- Gonçalves, Diogo, notary, 30, 32
- Gonzaga, Ferrante, treaty of Crépy-en-Laonnois, 205, 208
- Goodyear, Stephen, Acadian agreement, 351, 352
- Gormaz, P., attests bull *Dudum siquidem*, 81, 83
- Granada, conquest, 58, 61
- Granvelle, Antoine Perrenot, *cardinal de*, *Papiers*, 216; truce of Nice, 205; treaty of Cateau-Cambrésis, 219n.; treaty of Crépy-en-Laonnois, 205, 208
- Great Britain, title of king of, 253, 257; *see also* England
- Greenwich, treaty of, bibliography, 231; causes, 229; duration, 231; Dutch accession, 230; French and Latin text, 232-234; naval operations, 230-231; public and private provisions of Anglo-French treaties, 229, 230; translation, 234
- Greville, Fulke, *see* Brooke
- Griffo, Leonardo, papal secretary, 52, 55
- Groen van Prinsterer, Guillaume, *Archives d'Orange-Nassau*, 264
- Groot Placaet-Boeck van de Staten Generael*, 264
- Grotius, Hugo, and freedom of trade, 7; *Annals*, 249n.
- Groulard, Claude, *Mémoires*, 231n.
- Guénin, Eugène, *Ango et ses Pilotes*, 199n.
- Guevara, *Dr.*, opinion on right to alienate Moluccas, 170n.
- Guillemard, F. H. H., *Magellan*, 120
- Guinea, Columbus to avoid, 9; early European knowledge, 15n.; extent to Indies, 34n.; John II. and, 49; papal confirmation of Spanish relinquishment, 50, 51, 53, 54; papal grant of monopoly to Portugal, 1, 12, 18, 24; Portuguese conquest, 15, 22, 23; Portuguese trade and Spanish claim, 10, 11; Spanish claim relinquished, 1, 34, 38, 44; Spanish trade, 33; spiritualities

- granted to Order of Christ, 27, 29, 31; *see also* Africa
- Guipúzcoa, corsairs, 215
- Guise, Henri I, de Lorraine, *duc* de, and Philip II., 223; Spanish treaty against Henry of Navarre, 223-228; titles, 227
- Guise, Louis de Lorraine, *cardinal* de, Spanish treaty against Henry of Navarre, 223
- Guisés, rise, 219
- Guzman, Gaspar de, *see* Olivares
- Guzman, Juan de, Portuguese mission, 11n.
- Häpke, Rudolf, "Erste Kolonisationsversuch in Kanada," 208
- Haersolte, Zweder van, Danish-Dutch recess on trade in Indies, 281-284; treaty of the Hague, 333-346
- Hague, Anglo-Franco-Dutch guaranty treaty of the, bibliography, 272; causes, 270-272; French text, 272-274
- Hague, Danish-Dutch draft treaty of alliance of the, bibliography, 276; causes, 275, 276; Dutch text, 277, 278; translation, 278, 279
- Hague, Dutch-Portuguese treaty of the, bibliography, 332, 333; Dutch delay in ratification, 331, 332; Latin text, 333-340; negotiation, 329, 330; Portuguese ratification, 330, 340, 346; provisions, 330, 331; translation, 340-346
- Haille, Martin, *Reginald Pale*, 215n.
- Hakluyt, Richard, *Principal Navigations*, 49n.
- Hall, Hubert, acknowledgment to, 8
- Haller, Johannes, "Ausfertigung der Provisionen," 17n.; on *motu proprio*, 17n.
- Hamburg, and Dutch-Spanish treaty of Münster, 364, 365
- Hanghema, Fr., attests Anglo-Franco-Dutch guaranty treaty, 274
- Hanse Towns, and Dutch-Spanish treaty of Münster, 364, 365
- Hapsburgers, and peace, 354
- Harrisse, Henri, *Corte-Real*, 107n.; *Diplomatic History*, 13; on Portugal and papal demarcation line, 84n.; on Weimar chart, 152n.
- Hart, A. B., *Contemporaries*, 72
- Havana, French capture, 215
- Hawkins, Sir John, slave-trade voyages, 4
- Hawkins' Voyages*, 248n.
- Hay, James, *see* Carlisle
- Hazard, Ebenezer, *Historical Collections*, 301n.
- Heemstede, Lord of, *see* Pauw, Adriaan
- Hein, Piet, capture of plate fleet, 315n.
- Helene, restoration, 321
- Henrietta Maria, marriage contract, dispute, 300, 301, 303, 315, 317, 318
- Henry IV. of Castile, character, 11
- Henry VIII. of England, and Moluccas, 146; Spanish alliance against France, 205; *see also* Letters
- Henry II. of France, Spanish treaty of Cateau-Cambresis, 219-223; Spanish truce of Vaucelles, 215-218; Spanish wars, 215, 219
- Henry IV. of France, and Dutch-Spanish negotiations over Indies, 262; and sovereignty over Netherlands, 258; and Spain, 3, 4; and trade in Indies, 231, 259, 260; and Virginia, 262n.; Anglo-Franco-Dutch league against Spain, 229-234; English agreement on Netherlands and Spain, 243-245; League's treaty with Spain against, 223-228; on Spanish "lines of amity," 221n.; Spanish peace of Vervins, 231; *see also* Letters
- Henry the Navigator, *Prince*, and apocryphal bulls on discovery, 12n.; conquest of Ceuta, 14n., 15n.; death, 33; grant in bull *Romanus pontifex*, 12; monopoly beyond Cape Bojador, 16n.; Nicholas V. on work, 14, 15, 21, 22; Order of Christ, 27, 28, 31; purpose of early voyages, 15n.
- Herbert, William, *see* Pembroke
- Herbert of Cherbury, Edward, *baron*, *Henry VIII.*, 147n.
- Herbijna, —, attests letter on right to alienate Moluccas, 170n.
- Hernandez, Diego, transumpt of bull *Eximiae devotionis*, 64, 65, 67, 68
- Hernandez, Luis, notary, 67, 69
- Herrera, Antonio de, *Historia General*, 57
- Herrera, Lope de, Portuguese mission, 79
- Hesse-Cassel, and Dutch-Spanish treaty of Münster, 365
- Heywood, J. C., *Documenta Selecta*, 57
- Hill, R. R., acknowledgment to, 8
- Hillama, Gellius, Twelve Years' Truce, 265, 272n.
- Historical Manuscripts Commission, *Hatfield Manuscripts*, 240; *Reports*, 250
- Holland, Henry Rich, *earl* of, treaty of Southampton, 294, 299
- Holland, *province*, and Münster negotiations, 357, 359; and Portuguese treaty, 330, 332; *Resolution*, 264; *see also* United Netherlands
- Hopkins, Edward, Acadian agreement, 351, 352
- Horn, Jo., *summista*, attests bull *Aeterni Regis*, 52, 55
- Hottinga, Johan van, attests treaty of Westminster, 242
- House of Commons, *Debates*, 290n., *Journals*, 246n.
- Howard, Charles, *see* Nottingham
- Howard, Henry, *see* Northampton
- Hoyneck van Papendrecht, C. P., *Analecta Belgica*, 225
- Hubbard, William, *New England*, 350
- Hughes, John, *England*, 241
- Huguenots, England and Rochelle, 300, 301; League's treaty with Spain against, 223-228; wars and French colonization, 3
- Hume, M. A. S., *Philip IV.*, 308
- Hunsdon, George Carey, *baron*, treaty of Westminster, 242
- Hurtado de Mendoza, Lope, Portuguese mission, 146, 147; Portuguese treaty against

- French corsairs, 210-214; receives loan on Moluccas, 173n.
- Hutchinson, Thomas, *Collection of Original Papers*, 349, 350
- Huyghens, Rutger, treaty of the Hague, 333-346
- Idanha-Velha, Bishop of, executor of bull *Praecelsae devotionis*, 114, 117
- Idiaquez, Alonso de, treaty of Crépy-en-Laonnois, 205; witnesses treaties of Saragossa, 159, 168, 183, 197
- Independence, Spanish acknowledgment of Dutch, 259, 263, 266, 363
- India, Gama at, 107; see also East Indies
- Indies, see America; East Indies
- Infidels, papacy and subjection, 13, 21; right to trade with, 11, 12n., 18, 24, 56n.
- Ingenhos, estates, 338, 344
- Inter caetera*, bull (1456), bibliography, 27; confirmations, 49, 52, 55, 114, 116; Latin text, 28-30; purpose, 27; translation, 30-32
- Inter caetera*, bull (May 3, 1493), bibliography, 56, 57; Latin text, 57-61; purpose, 56; translation, 61-63
- Inter caetera*, bull (May 4, 1493), on demarcation line, and Franco-Spanish "lines of amity," 221; and Portugal, 71; annulled, 170; bibliography, 71, 72; confirmation and extension, 79; date, 71n.; Latin text, 72-75; purpose, 71; translation, 75-78
- Intercursus magnus*, treaty (1496), 249n.
- Isabella of Castile, War of Succession, 33; see also Ferdinand and Isabella
- Isabella Clara Eugenia, *Archduchess*, marriage and cession of Netherlands to, 235-238; Twelve Years' Truce, 258-269
- Isambert, F. A., *Anciennes Lois*, 221n.
- Isthmus of Panama, French plan against, 224
- Ivrea, truce of Vaucelles on, 217
- James I. of England, and Spanish marriage, 290; Dutch defensive treaty, 290; French agreement on Netherlands and Spain, 243-245; "King of Great Britain," 253, 257; Spanish congratulatory mission, 251, 254; Spanish peace treaty of London, 4, 246-257
- James, payment for, 322
- Jameson, J. F., on Dutch relations with America (c. 1607), 259n.; *Willem Ussetinx*, 264
- Jayne, Archbishop, executor of bull *Romanus pontifex*, 19, 19n., 25
- Jeannin, Pierre, and French trade in Indies, 259, 260; Anglo-Franco-Dutch guaranty treaty, 273, 274; *Négociations*, 263; negotiations of Twelve Years' Truce, 259, 262, 263, 266, 272n.
- Jenkinson, Charles, *Collection of Treaties*, 360
- Jiménez de la Espada, Márcos, "España en Berberia," 18n.
- Joachim, Albert, treaty of Southampton, 293, 299
- Joanna of Castile, War of Succession, 33
- João, bishop of Ceuta, executor of bull *Romanus pontifex*, 19, 19n., 25
- John XXII., Pope, Order of Christ, 28n.
- John II. of Castile, and Canary Islands and Guinea, 10; Portuguese treaty (1431), 34
- John I. of Portugal, Ceuta, 14, 21; right to trade with infidels, 18, 24; Spanish treaty (1431), 34; "the Great," 14n.
- John II. of Portugal, and Columbus's discovery, 9, 79; and exploration, 49; treaty of Alcaçovas, 34, 36, 42; on American mainland, 79n.; and Spanish treaty of Tordesillas, 84-100
- John III. of Portugal, and Franco-Spanish treaty on Indies (1544), 207; French treaty of Lyons, 199-204; relationship with Charles V., 171n.; Spanish treaty against French corsairs, 210-214; Spanish draft and definitive treaties of Saragossa, 146-198; Spanish draft treaty (1526), 131-145; Spanish treaty of Vitoria, 118-130; titles, 122, 126
- John IV. of Portugal, accession, 324; Dutch alliance treaty, 329-346; French alliance treaty, 324-328; titles, 333, 340
- John of Spain, Prince, treaty of Tordesillas, 86, 92-94, 99, 100
- John, Prester, see Prester John
- Joinville, treaty of, bibliography, 225; causes, 223; French text, 225-228; provisions, 223-225
- Jordão, L. M., *Bullarium*, 13
- Julius II., Pope, bull *Ea quae* confirming demarcation line, 2, 107-111; bull *Sedis apostolicae*, 12n.
- Kernkamp, G. W., *Verslag van een Onderzoek*, 276
- Kingsford, William, *Canada*, 319
- Kirke, David, and restoration of Canada, 320n.; Canadian expeditions, 300, 301; trading company, 301
- Kirke, Henry, *First English Conquest of Canada*, 301n.
- Knight, Jean, *Diplomatie Française*, 326
- Knighthood, orders in Spain, 121n.
- Knollys, William, treaty of Westminster, 242
- Knuyt, Johan de, titles, 362; treaty of Münster, 356, 362, 365
- Koelliker, Oscar, *Erste Umseglung der Erde*, 120
- Kohl, J. G., *Die beiden ältesten General-Karten von Amerika*, 152n.
- Kretschmer, Konrad, *Entdeckung Amerikas*, 57; on longitude of first demarcation line, 74n.
- Kroniek van Historisch Genootschap te Utrecht*, 264.
- La Cerda, Luis de, and Canary Islands, 9, 10
- Ladrones, and Islas de Santo Thome, 151n.; discovery, 118; Magellan's name for, 151n.

- Laffleur de Kermaingant, Pierre, *Ambassade de France: Thumery*, 229n.; *Christophe de Harlay*, 221n.
- Lagos, port, 211, 213
- Laiglesia, Francisco de, *Estudios Históricos*, 87n.
- Lalain, Charles de, truce of Vaucelles, 215, 217, 218
- Laloo, A. de, attests cession of Netherlands, 238
- La Mina, *see* Elmina
- Lannoy, Charles de, *Expansion Coloniale*, 10n.
- La Place, Elye de, *see* Russy
- La Roncière, Charles de, *Marine Française*, 208
- Las Casas, *see* Casas
- La Tour, Charles de, raid on English trading houses, 347; strife with Aulnay, aid from Massachusetts, 348, 349
- La Tour, Henry de, *see* Bouillon
- L'Aubespine, Charles de, *see* Châteauneuf
- L'Aubespine, Claude de, treaty of Cateau-Cambrésis, 219n.
- L'Aubespine, Sébastien de, truce of Vaucelles, 215, 217, 218
- Laurentian atlas (1351), Guinea in, 151n.
- Laursen, Laurs, *Trailés du Danemark et de la Norvège*, 276
- Laverdière, C. H., *Oeuvres de Champlain*, 319
- La Vieuville, Marquis de, treaty of Compiègne, 288
- Lavisse, Ernest, *France*, 301n.
- League, the, Spanish treaty of Joinville, 223-228
- Leão (do Liam), Nunes de, *Cronicas*, 13; on extent of Guinea, 34n.; on Portuguese embassy to Spain, 11n.
- Le Clerc, Jean, *Négociations Secrètes*, 332
- Le Fèvre du Grand Hamel, Thomas, *Naviga-tion*, 216n.
- Legazpi, Miguel Lopez de, colonization of Philip-pines, 170
- Leland, W. G., acknowledgment to, 8
- Lembey, J. F., *Invasion de la France*, 208
- Leme, Ruy, treaty of Tordesillas, 92, 99
- Leo X., Pope, and Portugal, 112, 121n.; bull *Praeelsae devotionis*, Portuguese rights in Indies, 112-117
- Leon, Pedro de, witnesses treaty of Tordesillas, 92, 99
- Leonard, F., *Recueil*, 216
- Leonardo de Argensola, B., *Islas Malucas*, 120
- Leonora, Queen, truce of Vaucelles, 218
- Lepe, Diego de, in Brazil, 107
- Lesdiguières, Duc de, treaty of Compiègne, 287, 288
- Letters and Papers of Reign of Henry VIII.*, 146n.
- Letters of marque and reprisal, Anglo-French revocation (1632), 318; distinction, 300n.; English, against France (1627), 300; in Anglo-Dutch alliance treaty (1625), 291, 298
- Lettres de Henri IV.*, 264
- Levae, A., *Commerce*, 236
- Lewis of Nassau, and continuance of Spanish war, 258; Twelve Years' Truce, 260, 265, 272n.
- Ley, James, *baron*, treaty of Southampton, 294, 299
- Liam, Nunes do, *see* Leão
- Library of Congress, acknowledgment to, 7
- Lines of amity, abandonment of, policy, 306; and Anglo-Spanish negotiations (1604), 248; Franco-Spanish recognition, 220, 221
- Lisbon, Archbishop of, executor of bull *Praeelsae devotionis*, 114, 117
- Loaysa, García de, and Franco-Spanish treaty on Indies (1544), 206; career, 132n.; draft and definitive treaties of Saragossa, 149-168, 172-197; Portuguese draft treaty (1526), 132-144
- Loaysa, García Jofre, fleet to East Indies, 133n., 154n.
- London, Anglo-Spanish treaty of, and treaty of Madrid, 306, 307; bibliography, 249, 250; causes, 246; Latin text, 250-253; on Euro-pean conditions, 246; on Indies, interpretation, 247-249; translation, 253-257
- Longitude, difficulties, 131, 151n.; demarcation line as prime meridian, 101
- Lopes de Mendonça, Henrique, "Navios Portu-guezes," 211n.
- Lopez, Fernando, Spanish mission, 11n.
- Lopez de Gómara, Francisco, *Annals of Charles V.*, 170n.; *Indias*, 149
- Lopez de Legazpi, Miguel, *see* Legazpi
- Lopez de Villalobos, Ruy, Philippine expedi-tion, 170
- Lorraine, Charles, cardinal de, treaty of Cateau-Cambrésis, 219n.
- Lorraine, Charles de, *see* Mayenne
- Lorraine, Claude de, *see* Aumale
- Lorraine, Henri de, *see* Guise
- Louis XIII. of France, and prime meridian, 221; Dutch treaty of Compiègne, 285-289; English peace treaty of Susa, 300-304; En-glish treaty of St. Germain-en-Laye, 315-323; Portuguese alliance treaty, 324-328
- Lucena, Francisco de, attests treaty of the Hague, 340, 346
- Lübeck, and Dutch-Spanish treaty of Münster, 364, 365
- Lumagne, Sieur, and Anglo-French treaty, 321
- Luzac, Élie, *Hollands Rijkdom*, 335n.
- Lyclama, Marcus van, Danish-Dutch alliance treaty, 277-279; Danish-Dutch recess on trade in Indies, 281-284
- Lyons, Franco-Portuguese treaty of, bibliogra-phy, 201; causes, provisions, and results, 199-201; Portuguese text, 201-203; transla-tion, 203, 204
- McSwiney de Mashanaglass, Marquis, "Am-bassade Portugaise à Rome," 107n.; *Portu-gal et le Saint-Siège*, 108
- Machias, English displaced, 347

- Madeira Islands, papal confirmation of Spain's relinquishment, 50, 53; rediscovery, 14n.; shelter of French corsairs, 200; Spanish claim relinquished, 1, 34, 38, 44
- Madrid, Anglo-Spanish treaty of (1630), and lines of amity, 306; and treaty of London, 305; and treaty of Southampton, 292; alliance against Dutch, 307; bibliography, 307, 308; causes, 305; Latin text, 308-311; negotiation and the Indies, 305-307; Spanish ratification, 311, 314; translation, 311-314
- Madrid, Portuguese-Spanish treaty of (1750), on Philippines, 170, 171
- Magellan, Ferdinand de, documents on expedition, 118n.; expedition, 118, 154n.; on degree of longitude, 151n.
- Magnus, Jacob, Danish-Dutch alliance treaty, 277-279
- Mainville, François de Rocherolles, *sieur de*, Spanish treaty against Henry of Navarre, 223-228
- Major, R. H., *Prince Henry*, 13
- Malacca, Albuquerque's capture, 112; and demarcation line, 119; Dutch in, 329
- Malagueta, Portuguese trade, 212, 213
- Malderée, Jacob van, Anglo-Franco-Dutch guaranty treaty, 273, 274; Twelve Years' Truce, 265
- Maldonado, Rodrigo, treaty of Alcaçovas, 36-48; treaty of Tordesillas, 85, 87, 94
- Mancidor, Juan de, Twelve Years' Truce, 260, 265, 268
- Mantuan succession, Franco-Spanish war, 305
- Maps, Casa de Contratación's model, of Indies, 152, 161, 174, 188; demarcation line on, 101, 107n.; early on Africa, 15n.; Weimar chart and treaty of Saragossa, 152n.
- Maravedi*, coinage unit, 150n.
- Marcel, Gabriel, *Corsaires Français*, 199n.
- Mare Parvum*, location, 146n.
- Marie, M., Massachusetts agreement, 349-352
- Markham, C. R., *Spanish Voyages to Strait of Magellan*, 149; *Hawkins' Voyages*, 248
- Marsden, R. G., *Law and Custom of the Sea*, 294n.; on letters of marque and of reprisal, 300n.
- Martens, G. F. von, *Supplément au Recueil des Traités*, 85
- Martin V., *Pope*, apocryphal bull, 12n.; bull authorizing Portugal to conquer infidels, 16, 17, 23; bull on trade with infidels, 18, 18n., 24
- Martines, Alvaro, scribe, 30, 32
- Martinus, Dr., opinion on right to alienate Moluccas, 170n.
- Martire d'Anghiera, Pietro, *Decades*, 72
- Martyr, Peter, *see* Martire
- Mary of England, marriage to Philip, 215; mediation, 215
- Massachusetts, aid for La Tour, 348; Acadian agreement, 6, 347-352
- Massachusetts Historical Society, *Collections*, 350
- Mathenesse, Johan van, titles, 362; treaty of Münster, 356, 362, 365
- Maulde-la-Clavière, René de, *Diplomatie*, 11n.
- Maurice of Orange, and continuation of Spanish war, 258, 262; and Danish interest in Indies, 281; titles, 233
- Mayenne, Charles de Lorraine, *duc de*, Spanish treaty against Henry of Navarre, 223-228
- Mazarin, Jules, *cardinal*, *Lettres*, 360
- Medicean atlas (1351), Guinea in, 15n.
- Medina, *Licentiate*, opinion on right to alienate Moluccas, 170n.
- Medina, J. T., *Documentos de Chile*, 120; *Esteban Gómez*, 131n.; *Expedición Española*, 206n.; *Juan Diaz de Solís*, 113; *Sebastián Caboto*, 118n.
- Medina del Campo, fair, 151n.; exchange at fair, 174, 188
- Medina-Sidonia, *Duque de*, and Portuguese plans against West Indies, 79n.
- Mediterranean Sea, Dutch protection of French trade from Barbary corsairs, 286
- Mees, Jules, *Açores*, 14n.; on rediscovery of Azores, 14n.
- Meinerswijk, *Lord of*, *see* Gent, Barthold van
- Mejia, Alvaro, witnesses treaty of Vitoria, 125, 129
- Mello, Francisco de, treaty of Paris, 324, 328
- Mello, João, bishop of Silves, 52n.
- Mémoires des Commissaires du Roi*, 318
- Memorial Histórico Español*, 121n.
- Memorials of Columbus*, 72
- Memorials of Commissioners*, 348n.
- Mendoça Furtado, Tristão de, treaty of the Hague, 329, 330, 333-346
- Menezes, Garcia, bishop of Evora, 52n.
- Menezes, Luiz de, *Portugal Restaurado*, 332
- Mercuré François*, 302; mistake on treaty of Compiègne, 285
- Merriman, R. B., acknowledgment to, 34n.
- Meteren, Emanuel van, *Pays-Bas*, 236
- Michaud, Joseph, *Nouvelle Collection des Mémoires*, 225n.
- Michiel, Giovanni, *Dépêches*, 215n.
- Moluccas, amount and terms of Portuguese loan on Spanish claim, 148, 150, 151, 160, 161, 173, 174, 187, 188; and eastern demarcation line, 151, 152, 161, 174, 175, 188; Cortes and alienation, 146, 148, 156, 157, 165, 166, 169, 180, 184, 193, 197, 198; defenses, 155, 164, 179, 180, 192, 193; draft and definitive treaties of Saragossa, pawned to Portugal by Charles V., 146-198; excess value of Spanish right renounced, 157, 166, 180, 181, 194; first knowledge in, of sale, 180n.; failure of conference under treaty of Vitoria, 131; negotiations after failure of conference, draft treaty (1526), 131-145; offered to England, 146; penalty for violation of treaty of Saragossa, 158, 166, 167, 181, 194; Portuguese at, 2, 113; Portuguese-Spanish strife, 179n.; procedure of proposed conference (1526), 135-137, 141-144; provision in treaty of Saragossa for



- determining ownership, 155, 164, 175; regulation and cessation of trade pending dispute, 119, 123, 127, 133-135, 139-142; repayment of loan annulled, 171; Spanish at, 113, 118, 153n.; Spanish trade pending execution of treaty of Saragossa, 148, 155, 156, 164, 165, 179, 193; treaty of Vitoria on settling possession and ownership, 119, 122-129; *see also* East Indies
- Money, value of ducat, 150n.
- Monson, Sir William, *Naval Tracts*, 211
- Monte, P. de, apostolic *computator*, 52, 55
- Montmorency, Anne, *duc de*, prisoner, 219; treaty of Cateau-Cambrésis, 219n.; truce of Nice, 205
- Monzon, Franco-Spanish treaty, 300n.
- Moreau, Célestin, *Acadie*, 350
- Moreo, Juan, treaty of Joinville with the League, 223-228
- Mornay, Philippe de, *see* Duplessis-Mornay
- Morocco, papal confirmation of Portuguese right, 51, 54; Portuguese in, 10, 112; Spanish relinquishment of claim, 34, 39, 45
- Morton, Sir Albert, treaty of Southampton, 294
- Morvilliers, Jean de, treaty of Cateau-Cambrésis, 219n.
- Moses, Bernard, "Casa de Contratación," 174n.
- Most favored nation clause, in Anglo-Portuguese treaty (1642), 337n.; in Anglo-Spanish treaty (1630), 305
- Mosto, A. do, *Raccolta Colombiana*, 151n.
- Motley, J. L., *United Netherlands*, 231
- Motu proprio*, meaning in papal bulls, 17n.
- Mucciarellis, A. de, attests bull of demarcation, 75, 78
- Münster, Dutch-Spanish treaty of, Dutch India companies as obstacle, 353; Dutch instructions on Indies, 355, 356; France and, 359; French text, 361-366; negotiators, 356; other governments included in, 364, 365; preliminaries, 356; propositions on Indies, 357-359; provisional articles, 356, 357; ratifications, 259, 366; rumors, 356; Spanish relinquishment of monopoly in Indies, 6, 360, 363, 364; terms proposed by Dutch India companies, 354, 355
- Mugnano, Felecissimo di, notary, 67, 70
- Munich-Portuguese map (1519), demarcation line on, 101
- Muñoz, J. B., discovers bull *Inter caetera*, 57; *Nuevo Mundo*, 57
- Murdoch, Beamish, *Nova Scotia*, 350
- Muys van Hely, Hugo, Danish-Dutch alliance treaty, 277-279
- Narrow Seas, interpretation of term, 310n.
- Naunton, Robert, treaty of Southampton, 294
- Naval operations, treaty provisions for joint, against Spain, 230, 231, 240, 241, 290, 291, 295, 296, 325, 327, 331, 339, 339n., 345, 346
- Navarrete, M. Fernandez de, *Documentos Inéditos de España*, 13; *Viages*, 72
- Navidad, founded, 59n.
- Navigation, astronomical knowledge, 85n.; *see also* Commerce; Longitude; Ships
- Nederhorst, Lord of, *see* Reede, Godart van
- Négociations de la France dans le Levant*, 212n.
- Négociations, relatives au Règne de François II.*, 222
- Netherlands, *see* Spanish Netherlands; United Netherlands.
- Netscher, P. M., *Hollandais au Brésil*, 332
- Neufville, Nicolas de, *see* Villeroy
- Neuilly, Charles de, treaty of Crépy-en-Laonnois, 205, 208, 209
- New England Confederation, Acadian agreement, 351, 352
- Newfoundland, early French fisheries, 2; Spanish depredations, 215
- New Netherlands, and English colonies, 5, 292; English attitude and interference, 292, 307; free trade, 338n.
- Neyen, Jean de, Twelve Years' Truce, 260, 265, 268
- Nice, truce of, 205
- Nicholas V., *Pope*, appeal of Portugal on African claims, 11; apocryphal bull (1450), 12n.; bull *Dum diversas*, 12; bull *Romanus pontifex*, monopoly to Portugal, 1, 12-26; sanctions slavery, 17n.
- Nile, *see* Western Nile
- Nilis, Johannes, apostolic *rescribendarius*, attests bulls, 66n., 81, 83
- Noceta, Pietro da, attests bull *Romanus pontifex*, 20, 26; position, 20n.
- North, Roger, treaty of Westminster, 242
- Northampton, Henry Howard, *earl of*, on trade in Indies, 248; treaty of London, 246, 252-257
- Northwest passage, Spanish expeditions, 118
- Nottingham, Charles Howard, *earl of*, treaty of Westminster, 242
- Nouaillac, J., *Villeroy*, 264
- Nys, Ernest, *Origines du Droit International*, 12n.
- Ochiltree, James Stewart, *lord*, colony at Cape Breton, 301, 316
- Ogier, François, *Congrès de Munster*, 360
- Oldenbarnevelt, Johan van, and peace, 258; Anglo-Franco-Dutch guaranty treaty, 273, 274; France and treatment, 285; on interpretation of treaties, 249n.; treaty of Westminster, 239-242; Twelve Years' Truce, 260, 265, 272n.
- Olivares, Gaspar de Guzman, *conde de*, treaty of Madrid, 305, 309-314
- Oliveira Martins, J. P., *Golden Age of Prince Henry*, 13
- Olson, J. E., *Northmen*, 9n.
- Oñate, Inigo Velez de Guevara, *conde de*, treaty of Madrid, 305, 309-314
- Oncken, Wilhelm, *Allgemeine Geschichte*, 15n.
- Oporto, *Bishop of*, executor of bull *Aeterni Regis*, 52, 55
- Oppenheim, Michael, *Naval Tracts of Monson*, 211

- Ordenanzas para la Casa de Contratación*, 210n.  
 Order of Christ, career, 28n.; papal grants of spiritualities in Portuguese discoveries, 27-32, 112  
 Orléans, *Duc d'*, provision for marriage (1544), 206  
 Osma, *Bishop of*, draft Portuguese treaty (1526), 132, 139  
 Pacheco, Duarte, treaty of Tordesillas, 92, 99  
 Pacheco, J. F., *Documentos Inéditos*, 85  
 Pacific Ocean, Spanish search for strait to, 118  
 Padilla, García de, career, 121n.; draft treaty (1526), 132-144; treaty of Saragossa, 172-197; treaty of Vitoria, 121-130  
 Paillard, Charles, *Invasion Allemande*, 208  
 Palma, Cayet, P. V., *Chronologie Noveenaire*, 225n.  
 Panama, *see* Isthmus of Panama  
 Papacy, and treaty of Saragossa, 156, 165, 181, 182, 195; as international arbitrator, 11; regulation of trade with non-Christians, 11, 12n., 56n.; *see also* Adrian VI.; Alexander VI.; Calixtus III.; Eugenius IV.; Julius II.; Leo X.; Martin V.; Nicholas V.; Paul IV.; Sixtus IV.; Urban VIII.  
 Paris, Louis, *Négociations de François II.*, 222  
 Paris, Franco-Portuguese treaty of (1641), bibliography, 326; causes and negotiations, 324, 325; French text, 326-328; separate article, 328  
 Parkman, Francis, *Old Régime*, 350  
 Parma, Margaret, *Duchess of*, truce of Vaucelles, 218  
 Pastor, Ludwig von, *Päpste*, 10n.  
 Paul IV., *Pope*, French alliance, 215  
 Pauw, Adriaan, titles, 362; treaty of Compiègne, 288; treaty of Münster, 356, 357, 362, 365  
 Pauw, Reinier, Danish-Dutch alliance treaty, 277-279; Danish-Dutch recess on trade in Indies, 280-283  
 Paz, Julián, *Ferías de Medina del Campo*, 151n.  
 Pelham, Herbert, Acadian agreement, 351, 352  
 Pembroke, William Herbert, *earl of*, treaty of Southampton, 294, 299  
 Peñaranda, *Conde de*, *see* Bracamonte, Gaspar de  
 Penobscot, English capture, 301; seized by Aulnay, 347  
 Pentagoet, English capture, 301; seized by Aulnay, 347  
 Pereira de Castro, Luiz, memoirs, 326  
 Pérez Pastor, Cristóbal, *Imprenta en Medina del Campo*, 65n.  
 Pernambuco, Dutch-Spanish negotiations, 353; *see also* Brazil  
 Pero d' Alcaçova, Carneiro, attests treaty of Saragossa, 85, 108  
 Perrenot de Granvelle, Antoine, *see* Granvelle  
 Peschel, O. F., *Theilung der Erde*, 57  
 Petitot, Alexandre, *Collection des Mémoires*, 263  
 Pexoto, Alvaro, witnesses treaty of Saragossa, 159, 168  
 Pfister, Charles, on Sully's English mission, 244  
 Philip II. of Spain, and French treaty on Indies (1544), 206; Anglo-Franco-Dutch league against, 229-234; cession of Netherlands to daughter, 235-238; French peace of Verbins, 231; French treaty of Cateau-Cambrésis, 219-223; French war, 219; marriage to Mary, 215; titles, 227; treaty of Joinville with the League, 3, 223-228  
 Philip III. of Spain, and Anglo-Dutch alliance, 270; and Dutch trade, 235; and father's cession of Netherlands, 237; English peace treaty of London, 246-257; remonstrance on Virginia, 270; titles, 250, 253, 254; Twelve Years' Truce, 258-269  
 Philip IV. of Spain, as "King of Castile" only, 327n.; Dutch treaty of Münster, 353-366; English treaty of Madrid, 305-314; titles, 361  
 Philippine Islands, and treaty of Saragossa, Spanish retention, 2, 170, 171; Spanish discovery, 118  
 Philippson, Martin, *Heinrich IV. und Philipp II.*, 264  
 Piernas Hurtado, José, *Casa de la Contratación*, 174n.  
 Pigafetta, Antonio, *Navigation*, 151n.  
 Pina, Ruy de, *Dom João*, 91.; on Columbus's discovery, 9n.; on extent of Guinea, 34n.; Spanish mission, 79  
 Pinheiro, Diogo, bishop of Funchal, 114n.  
 Pinzon, M. A., in Brazil, 107; prevention of voyage by Portugal, 118n.  
 Piot, Charles, "Diplomatie concernant les Pays-Bas," 210n.  
 Pirene, Henri, *Belgique*, 236  
 Pirez, Alvaro, procurator, 28, 30  
 Plymouth Colony, and French raid on Penobscot, 347; and New Netherland, 292  
 Podocatharo, Lodovico, apostolic secretary, attests bulls, 61, 63, 66, 69, 75, 78, 81n.  
 Poirson, Auguste, *Henri IV.*, 229n.  
 Polanco, *Licentiate*, opinion on right to alienate Moluccas, 170n.  
 Pole, Reginald, mediation, 215  
 Porto Rico, French depredations (1555), 215  
 Porto Santo, papal confirmation of Spanish relinquishment, 50, 53; Spanish claim relinquished, 38, 44  
 Port Royal, Acadia, Alexander's colony, 301; English capture, 301; restoration, 316-318, 320  
 Portugal, Anglo-French alliance (1527) and spice trade, 147n.; and Canary Islands, yields claims, 10, 34, 38, 44, 51, 53; and Columbus's discovery, Spanish negotiations, 9, 79; and Franco-Spanish war (1536), 199; and Magellan's voyage, 118, 119; and rise of Dutch trade in Indies, Dutch seizures from, 258, 259, 329, 332; and Spanish retention of Philippines, 2, 170, 171; and Spanish search for strait to the

- Pacific, 118; attitude of Charles V., 210n.; Castilian war (1475), 33; colonial possessions and Dutch-Spanish treaty of Münster, 357, 358, 363; conditions under Spanish rule, 324, 334, 341; depredations of French corsairs, 199-201, 210; Dutch treaty of truce and commerce, 6, 329-346; English colonial commerce treaty (1642), 6, 336n.; 337n.; English treaty (1571), 306, 307n.; French alliance treaty (1641), 324-328; French joint naval expedition against Spain, 325; French treaty of Lyons, shelter for corsairs, 3, 199-204; papal apocryphal grants, 12n.; papal authorization to conquer and trade with non-Christians, 12, 16-18, 23, 24, 56n.; papal confirmation of grants, 114, 116; papal confirmation of treaty of Alcaçovas, bull *Aeterni Regis*, 49-55; papal restriction of rights of discovery, 56, 59, 63, 79, 81-83; papal grant of monopoly in Africa, bull *Romanus pontifex*, 1, 12-16; papal grant of rights in East Indies, bull *Praeclarsae devotionis*, 112-117; recoveries in Africa and Brazil, 332; revolt against Spanish rule, 324, 334, 341; seizures from Spanish traders, 157, 166, 180, 193; Spanish controversy over Guinea trade, 10; Spanish draft alliance treaty (c. 1528), 146n.; Spanish draft treaty (1526) on Indies, 131-145; Spanish draft and definitive treaties of Saragossa on East Indies, 2, 146-198; Spanish treaty against French corsairs, 3, 210-214; Spanish treaty of Alcaçovas confirming colonial monopoly, 1, 33-48; Spanish treaty of Vitoria on Indies, 118-130; *see also* Demarcation line; East Indies; Moluccas
- Postliminy, in Dutch-Portuguese treaty, 338, 344
- Potier, —, attests treaty of Compiègne, 289
- Poujoulat, J. J. F., *Nouvelle Collection des Mémoires*, 225n.
- Poupet de la Chaulx, Charles, Portuguese mission, 134n.
- Prada, Andrés de, attests treaty of London, 257; attests Twelve Years' Truce, 267, 269
- Praeclarsae devotionis*, bull, bibliography, 113; cause and purpose, 112, 113; Latin text, 113-115; translation, 115-117
- Praeclaris tuae*, bull, 18n.
- Prence, Thomas, Acadian agreement, 351, 352
- Prester John, Henry the Navigator and, 15n., 27
- Prévost-Paradol, L. A., *Élisabeth et Henri IV.*, 229n.
- Prime meridian, demarcation line as, 101; location, 221
- Privateers, *see* Corsairs; Letters of marque
- Prizes, Anglo-French negotiations and treaty on, 316, 318, 321-323; *see also* Commerce; Corsairs
- Process, term in canon law, 115n.
- Property rights, in Dutch-Portuguese treaty, 338, 344
- Public Record Office, acknowledgment to, 7
- Puenta y Olea, Manuel de la, *Trabajos Geográficos*, 152n.
- Pulgar, Hernando del, *Crónica*, 35
- Purchas, Samuel, *Pilgrimes*, 248n.
- Putnam, Ruth, acknowledgment to, 8
- Quebec, English capture (1629), 6, 301; restoration, 318, 320
- Rachfahl, Felix, "Holländische See- und Handelsmacht," 259n.
- Raleigh, Sir Walter, *Works*, 250
- Ramos-Coelho, José, *Alguns Documentos*, 13
- Ranke, Leopold von, *England*, 244
- Ranzo, Geronimo, witnesses treaty of Saragossa, 183, 197
- Ratti, Achille, acknowledgment to, 108n.
- Raxis de Flassan, J. B. G., *Diplomatie Française*, 326
- Raynaldus, Odorico, *Annales Ecclesiastici*, 13
- Razilly, Isaac de, governor of Acadia, 347
- Rebello da Silva, L. A., *Corpo Diplomático Portuguez*, 12n.; *Portugal*, 326
- Records of Massachusetts Bay*, 350
- Records of New Plymouth*, 349
- Recueil des Lettres Missives de Henri IV.*, 264
- Reede, Godard van, titles, 362; treaty of Münster, 356, 357, 359, 362, 365
- Reede, Johan van, treaty of the Hague, 333-346
- Reformation, and Franco-Spanish peace (1559), 219; cession of Netherlands and, 235; freedom of Dutch worship in Portuguese territory, 331, 338, 340, 345, 346; Spanish treaty with the League against, 223
- Reichel, O. J., *Canon Law*, 115n.
- Religious establishment, grant of African rights to Portugal, 19, 24; grant of spiritualities to Order of Christ, 27-32, 112; *see also* Reformation; Roman Catholic Church
- Renard, Simon, truce of Vaucelles, 215, 217, 218
- Renese, Gerard van, Anglo-Franco-Dutch guaranty treaty, 273, 274; Twelve Years' Truce, 265, 272n.
- Rescribendarius*, functions, 52n.
- Resende, Garcia de, *Chronica*, 86
- Resolutien* of Holland, 264
- Revue d'Histoire Diplomatique*, 326
- Rex regum*, bull, 12
- Ribero, Diego, Weimar chart, 152n.
- Ribero map (1529), demarcation line, 101
- Ribier, Guillaume, *Lettres et Mémoires*, 216
- Rich, Henry, *see* Holland
- Richardot, Jean, treaty of London, 246, 252-257; Twelve Years' Truce, 260, 265, 268
- Richelieu, Cardinal, and attacks on trade of Indies, 315; and Portuguese revolt and alliance, 324, 325; and sea-power, 300; and Thirty Years' War, 315; *Lettres et Papiers d'Etat*, 302; *Mémoires*, 287; misstatement on treaty of Compiègne, 286; opposition to Dutch-Spanish negotiations, 353

- Ripperda, Willem van, titles, 362; treaty of Münster, 356, 357, 362, 365
- Robertson, J. A., acknowledgment to, 8; "Legazpi and Philippine Colonization," 170n.; *Philippine Islands*, 120
- Rocas, Andrés de, attests treaty of Madrid, 311, 314
- Rochelle, England and Huguenots, 300, 301
- Rocherolles, François de, *see* Mainville
- Rodríguez, Francisco, clerk, 67, 70
- Rodríguez de Sevilla, Fernando, witnesses treaty of Saragossa, 159, 168, 183, 197
- Rodríguez Villa, Antonio, *Ambrosio Spinola*, 264; *Carlos V.*, 120
- Rogers, Charles, *Earl of Stirling*, 310
- Romanus pontifex*, bull, and Franco-Spanish lines of amity, 221; bibliography, 13; causes, 10-12; confirmations, 27, 29, 31, 49, 52, 55, 114, 116; field, 12; Latin text, 13-20; translation, 20-26
- Romier, Lucien, *Origines Politiques*, 216
- Roscoe, William, *Leo X.*, 113
- Rosenkrantz, Holger, Danish-Dutch recess on trade in Indies, 280-284
- Rosny, Marquis de, *see* Sully
- Rossbach, Hugo, *Bernaldino Lopez de Carvajal*, 56n.
- Rott, Edouard, *France et les Cantons Suisses*, 300n.
- Rovida, Alessandro, on trade in Indies, 248; treaty of London, 246, 251-257
- Roy de Castro, Benito, attests treaty of Alcaçovas, 41, 47
- Rozet, Albin, *Invasion de la France*, 208
- Rubens, P. P., *Correspondance*, 308; English mission, 305; *Papers*, 308
- Ruble, Alphonse, *baron de, Traité de Cateau-Cambrésis*, 222
- Rudolph II. of Holy Roman Empire, and marriage of Albert, 237
- Rübsam, Joseph, *Johann Baptista von Taxis*, 225
- Ruge, Sophus, *Zeitalter der Entdeckungen*, 15n.
- Russy, Elye de la Place, *sieur de*, Anglo-Franco-Dutch guaranty treaty, 273, 274; negotiation of Twelve Years' Truce, 259, 266, 268, 272n.
- Rymer, Thomas, *Foedera*, 240
- Saavedra, Álvaro de, fleet at Moluccas, 154n.
- Sackville, Thomas, *see* Dorset
- Sadoletto, Jacopo, registers bulls, 113n., 115, 117
- Saez, Licimiano, *Verdadero Valor de las Monedas*, 150n.
- Sainsbury, W. N., *Calendar*, 301n.; *Papers of Rubens*, 308
- Saint-André, Jacques d'Albon, *seigneur de*, treaty of Cateau-Cambrésis, 219n.
- St. Christopher's, French attack, 316
- Saint-Dizier, siege, 205
- Sainte Anne*, payment for, 321
- St. George of the Mine, *see* Elmina
- St. Germain-en-Laye, treaty of, bibliography, 318, 319; French text, 319-323; negotiation, 315-318; provisions, 318
- St. John, Acadia, English capture, 301
- St. Laurens*, payment for, 321
- Saint Paul de Loanda, Dutch occupation, 332
- St. Thomas Island, Dutch occupation, 332
- Salazar, Pedro de, witnesses treaty of Vitoria, 124, 129
- Saldanha, João de, and Portugal, 109n.; attests bull *Ea quae*, 109, 111
- Salinas, Estevan de, attorney, 67, 70
- Salmeron, Diego, position, 64, 65, 67, 68
- Salos, J. de, *rescribendarius*, attests bull *Aeterni Regis*, 52, 55
- Salvage, in treaty of Southampton, 297
- Samano, Juan de, witnesses treaty of Vitoria, 125, 129
- Sanchez, Gabriel, Columbus's letter, 58n.
- Sanchez de Logroño, Alfonso, registers treaty of Alcaçovas, 41, 48
- Sancy, *Sieur de*, treaty of Westminster, 229
- Sande, Ruy de, Spanish mission, 79
- Sandoval, Prudencio de, *Carlos V.*, 133n.
- San Jorge da Mina, *see* Elmina
- Santangel, Luis de, Columbus's letter, 58n.
- Santarem, *Visconde de, Prioridade*, 12n.; *Quadra Elemental*, 10n.
- Santiago, *Licentiate de*, opinion on right to alienate Moluccas, 170n.
- Santiago, Order of, 121n.
- Santoseverino, A., attests bull of demarcation, 75, 78
- Santo Thome, Islas de, and demarcation line, 151, 161, 174, 188
- Santo Tome de las Velas, identity of islands, 151n.
- Saracens, papacy and subjection, 13, 21; right to trade with, 18, 24
- Saragossa, definitive Portuguese-Spanish treaty of, 2; and Philippines, 170, 171; annulled, 171; bibliography, 171; difference from draft treaty, 169; Portuguese ratification, 185, 198; Portuguese text, 171-185; Spanish dislike, 170; Spanish ratification, 185, 198; translation, 185-198; *see also* Demarcation line; Moluccas
- Saragossa, draft Portuguese-Spanish treaty of, bibliography, 149; causes, 146, 147; difference from definitive treaty, 169; provisions, 148; Spanish text, 149-159; translation, 159-168
- Saulnier, Eugène, *Cardinal de Bourbon*, 225
- Savoy, and Anglo-Spanish peace, 305, 309, 312; truce of Vaucelles, 216, 217
- Scaglia, Alessandro Cesare, and Anglo-Spanish peace, 309, 312
- Scelle, Georges, *Traite Négrière*, 324n.
- Schäfer, Dietrich, *Dänemark*, 276
- Schäfer, Heinrich, *Portugal*, 13
- Schaffer, Goozen, Danish-Dutch alliance treaty, 277-279; Danish-Dutch recess on trade in Indies, 281-284

- Schizza, Gian Battista, truce of Vaucelles, 216-218
- Schmauss, J. J., *Corpus Juris Gentium Academicum*, 360
- Schmitz-Kallenberg, Ludwig, *Practica Cancellariae Apostolicae*, 52n.
- Scott, W. R., *Joint-Stock Companies*, 322n.
- Scottish and English Company, 301, 318
- Sea-power, essential to Spanish monopoly, 4; Richelieu and, 300
- Sebastian, king of Portugal and monopoly in Indies, 247n.; English treaty (1571), 306, 307n.
- Sedis apostolicae*, bull, 12n.
- Segre, Arturo, "Questione Sabauda", 216
- Seguier, Pierre, treaty of Paris, 327, 328
- Selden, John, *Mare Clausum*, 310n.
- Senegal River, early cartography, 15n.
- Serrano, D., *computer*, attests bull *Inter caetera*, 61, 63
- Shillington, V. M., *Commercial Relations*, 307n.
- Ships, Portuguese caravels, 15n.; varieties (c. 1552), 211-213; *see also* Navigation
- Silveira, Fernando de, witnesses treaty of Alcaçovas, 40, 41, 46, 47
- Silveira, João da, titles, 37, 43; treaty of Alcaçovas, 34, 36-48
- Silves, *Bishop* of, executor of bull *Aeterni Regis*, 52, 55
- Sitges, J. B., *Enrique IV.*, 35
- Sixtus IV., *Pope*, bull *Aeterni Regis*, 49-55
- Slange, Niels, *Christian IV.*, 276
- Slavery, papal bulls on, 17n.; slaves from Guinea and conversion, 16, 22
- Slave-trade, Brazilian, 335n.; Dutch, 353; English, 4, 322n., 337n.
- Sloet, Boldewyn, Danish-Dutch alliance treaty, 277-279
- Sloeth, Johan, Anglo-Franco-Dutch guaranty treaty, 273, 274; Twelve Years' Truce, 265, 272n.
- Smith, T. B., *Documentos de Florida*, 208
- Soares da Sylva, Joseph, *Collecçam dos Documentos*, 35; *Memorias*, 35
- Solórzano Pereira, Juan de, *De Indiarum Jure*, 64
- Sores, Jacques de, capture of Havana, 215
- Sosa, Antonio de, witnesses treaty of Saragossa, 183, 197
- Sousa, João de, treaty of Tordesillas, 84, 87, 88, 94
- Sousa, Luiz de, *João III.*, 200n.
- Sousa, Ruy de, treaty of Tordesillas, 84, 87, 94
- Sousa de Macedo, Antonio de, *Lusitania Liberata*, 327; on "Roy de Castille," 327n.
- Souso, Diego da, and papal confirmation of demarcation line, 108
- Southampton, treaty of, and treaty of Madrid, 292; bibliography, 293; causes, 290, 291; Dutch ratification, 299; French text, 293-299; provisions, 291; results, 291, 292
- Spain, Anglo-Dutch alliance against (1598), 4, 239-242; (1625), 290-299; Anglo-Franco-Dutch league against (1596), 229-234; Anglo-French agreement against (1603), 243-245; Canary Islands, 1, 10, 34, 38, 44, 51, 53; Dutch India companies and continuance of war, 353, 354; Dutch-Portuguese alliance against (1641), 6, 331, 339, 345, 346; Dutch peace treaty of Münster (1648), 6, 353-366; English league against Dutch, 307; English peace treaty (1604), 4, 5, 246-257; (1630), 6, 305-314; Franco-Portuguese alliance against (1641), 6, 324-328; French alliance against England (1627), 300, 305; French corsair attacks, Portuguese shelter of corsairs, 2, 3, 199-204, 210; French peace (1598), 231; French peace treaty of Cateau-Cambrésis (1559), oral agreement on Indies, 3, 219-223; French peace treaty of Crépy-en-Laonnois (1544), draft article on Indies, 3, 205-209; French treaty of Monzon (1626), 300n.; French truce of Vaucelles (1556), 215-218; French wars, 199, 205, 215, 219, 229, 305; Guinea claim, 1, 10, 33; joint naval operations against, 230, 231, 240, 241, 290, 291, 295, 296, 325, 327, 331, 339, 339n., 345, 346; League treaty (1585), 3, 223-228; Magellan's expedition, 118; papal bulls on Columbus's discovery, 56-83; papal confirmation of treaty of Alcaçovas, 49-55; papal denial of rights in Africa, 12; papal grant of right of discovery in East Indies, 79-83; Portugal under, 324, 334, 341; Portuguese draft alliance (c. 1528), 146n.; Portuguese draft and definitive treaties of Saragossa (1529), 146-108; Portuguese draft treaty (1526) on Indies, 131-145; Portuguese negotiations over Columbus's discovery, 79; Portuguese revolt, 324, 334, 341; Portuguese seizure of traders, 157, 160, 180, 193; Portuguese treaty against French corsairs (1552), 210-214; Portuguese treaty of Alcaçovas (1479) on colonial rights, 33-48; Portuguese treaty of Vitoria (1524) on Indies, 118-130; Portuguese War of the Succession, 33; relinquishes monopoly in Indies, 6, 360, 363, 364; sea-power and monopoly in Indies, 4; search for trans-American strait, 118; Twelve Years' Truce, 5, 258-269; *see also* America; Demarcation line; East Indies; Moluccas
- Spanish Marriage, and Anglo-Dutch relations, 290
- Spanish Netherlands, and trade with Indies, 4, 235, 238; Philip II.'s cession, 235-238
- Spenser, Sir Richard, Anglo-Franco-Dutch guaranty treaty, 273, 274; negotiation of Twelve Years' Truce, 259, 266, 268, 272n.
- Spice Islands, *see* Moluccas
- Spinola, Ambrose, Twelve Years' Truce, 260, 265, 268
- Spotorno, G. B., *Codice Diplomatico Colombo-Americano*, 72
- Stanley of Alderley, Henry, baron, *First Voyage*, 118n.
- Statement submitted by Brazil*, 170n.

- State Papers collected by Clarendon*, 293  
 Stevens, B. F., *Christopher Columbus, Book of Privileges*, 72  
 Stevenson, E. L., "Early Spanish Cartography," 152n.; *Maps illustrating Early Discovery*, 101n.  
 Stewart, James, *see* Ochiltree  
 Strait, Spanish exploration for trans-American, 118  
 Straits of Gibraltar, Spanish guard, 212, 214  
 Suares de Sequeira, João, witnesses treaty of Tordesillas, 92, 99  
 Suez, Huguenot plans on route, 224  
 Sully, Maximilien de Béthune, *duc de*, English mission and agreement, 243-245; *Mémoires*, 244  
 Sumatra, French at, 2  
 Summator, functions, 52n.  
 Summista, functions, 52n.  
 Susa, Anglo-French peace treaty of, bibliography, 302; causes, 300-301; French text, 302-304; provisions, 301  
 Tassis, Juan Bautista, *Commentariorum Libri Octo*, 225; English congratulatory mission, 254; treaty of Joinville with the League, 223-228; treaty of London, 246, 251-257  
 Taxis, *see* Tassis  
 Templars, Order of Christ and estate of, 28n.  
 Ternate, Portuguese fort, 155n.; struggle with Tidore, 179n.  
 Terra Australis, location, 275n.  
 Texera, João, witnesses treaty of Alcaçovas, 40, 46  
 Thacher, J. B., *Columbus*, 57  
 Thirlby, *Bishop* Thomas, treaty of Cateau-Cambresis, 219n.  
 Thirty Years' War, Anglo-Dutch alliance treaty, 290-299; Anglo-French relations and, 300, 301, 303; Anglo-Spanish league against Dutch, 307; Charles I. and Elector Palatine, 290, 294, 305; Danish-Dutch draft alliance, 275-279; Dutch-Portuguese truce and alliance, 329-346; Dutch-Spanish treaty of Münster, 353-366; Franco-Dutch treaty of Compiègne, 285-289; Franco-Portuguese alliance, 324-328; preliminary peace (1641), 354; Richelieu and, 315, 353, 354  
 Thou, J. A. de, *Histoire Universelle*, 231  
 Tidore, Spanish at, 154n.; struggle with Ternate, 179n.  
 Tisnacq, Charles de, truce of Vaucelles, 216-218  
 Tommaseo, M. N., *Relations des Ambassadeurs Vénitiens*, 200n.  
 Tordesillas, Portuguese-Spanish treaty of, and treaty of Saragossa, 148, 157, 166, 173, 180, 189, 193, 194; annulled, 171; bibliography, 85, 86; causes, 84; dispute, 85; papal confirmation, 107-111; provisions, 85; Spanish ratification, 93, 100; translation, 93-100; *see also* Demarcation line  
 Torre, Geronymo de la, attests treaty of Münster, 366  
 Torres, Fernando de, witnesses treaty of Tordesillas, 92, 99  
 Torres Campos, Rafael, *Islas Canarias*, 17n.  
 Touron, Antoine, *Ordre de Saint Dominique*, 132n.  
 Trade, *see* Commerce  
*Traité de Paix fait à Chateau-Cambresis*, 222  
 Treaty-making power, Spanish, under Charles V., 156, 157, 165, 166, 169  
 Trial, papal edict on place, 115, 117  
*Trinité des Sables*, payment for, 321  
 Tunis, corsairs, 286  
 Turba, Gustav, "Habsburger," 236  
 Turkey, Antwerp staple, 225; Calixtus III. and, 27; French alliance, 205, 212n., 224, 225, 228  
 Twelve Years' Truce, and Dutch trade in Indies, 5; Anglo-Franco-Dutch treaty of guaranty, 270-274; bibliography, 263, 264; certificate of mediating ambassadors, 268, 271; French text, 264-268; negotiation, 258-263; provisions and treaty of Münster, 355, 356; secret treaty, 267, 268; Spanish ratification, 267; translation of ratification, 268, 269  
 Ulfeldt, Jacob, Danish-Dutch alliance treaty, 276-279; Danish-Dutch recess on trade in Indies, 280-284  
 United Colonies of New England, *Acts of Commissioners*, 349  
 United Company, English seizure from, and restitution, 316, 318; formation, 320n.  
 United Netherlands, and Anglo-French peace (1629), 301; and Anglo-Spanish treaty of London, 246; and Catholic worship, 260, 261, 263, 267, 269, 286; and Danish trade in Indies, Danish recess, 275, 276, 278-284; and French co-operation in Indies, 285, 286, 288; and preliminary recognition of independence, 259, 263, 266; and Spanish Netherlands, 4, 235, 236; Anglo-Franco-Dutch treaty of guaranty, 270-274; Anglo-Franco-Dutch league against Spain (1596), 229-234; Anglo-French agreement to aid (1603), 243-245; Anglo-French relations, 291; Anglo-Spanish league against, 307; Danish draft alliance, 275-279; direct trade with Indies, 236; English treaty of Westminster continuing alliance (1598), 4, 239-242; English defensive alliance (1608), 270, (1624), 290; English offensive alliance, treaty of Southampton (1625), 290-299; French defensive alliance (1608), 270; French loan, 286; French treaty of Compiègne (1624), 285-289; growth of trade in Indies, 5, 258, 259; joint naval operations against Spain, 230, 231, 290, 339n.; monopolistic claims, 7; Portuguese treaty of truce and commerce (1641), 6, 329-346; protection of French com-

- merce in Mediterranean, 286; Spanish acknowledgment of independence, 266, 363; Spanish peace treaty of Münster (1648), 6, 353-360; Spanish trade and treaty of Southampton, 291; Twelve Years' Truce, 258-269; *see also* Dutch East India Company; Dutch West India Company
- United States Commission on Venezuelan Boundary, *Report*, 361
- Urban VIII., *Pope*, and Dutch-Portuguese treaty, 340, 346
- Urbina, Augustin de, witnesses treaty of Saragossa, 183, 197
- Usselinx, Willem, Dutch West India Company, 259
- Vaez, Estevan, witnesses treaty of Tordesillas, 93, 99, 100
- Valdes, Alonso de, witnesses treaty of Saragossa, 183, 197
- Valenzuela, Francisco de, witnesses treaty of Vitoria, 124, 129
- Vander Linden, Herman, "Alexander VI. and Demarcation", 57; *Expansion Coloniale*, 10n.; on Columbus and Cipango, 9n.
- Vanelly, Siewr, and treaty of St. Germain-en-Laye, 321
- Van Laer, A. J. F., *Van Reusselaer Bowier Manuscripts*, 281n.
- Varnhagen, F. A. de, *Brasil*, 107n.
- Varuer, T., attests treaty of Southampton, 299
- Vasques, Lopo, position, 28, 28n., 30; *Tomada de Constantinopla*, 28n.
- Vasques, Pedro, bishop of Idanha-Velha, 114n.
- Vaucelles, Franco-Spanish truce of, bibliography, 216, 217; broken, 219; causes, 215; provisions on Indies, French text, 216-218
- Vega, Hernando de, career, 121n.; treaty of Vitoria, 121-130
- Velasco, Juan de, treaty of London, 246, 251-256
- Velas Latinas, Islas de las, 151n.
- Velez de Guevara, Iñigo, *see* Oñate
- Veldriël, Johan van, treaty of the Hague, 333-346
- Venezuela-British Guiana Boundary Arbitration, 360
- Venice, and Anglo-French peace (1629), 301, 302
- Verbaal van de Ambassade van Aerssen*, 293
- Vere, Sir Francis, Dutch mission, 239
- Verrazano, Giovanni da, voyage, 2
- Verreycken, Louis, treaty of London, 246, 252-257; Twelve Years' Truce, 260, 265, 268
- Vervins, Franco-Spanish peace of, 231
- Vesputius, Americus, on Brazilian coast, 107
- Vic, Henri de, as English representative, 316
- Victoria*, circumnavigation of world, 119
- Viera y Clavijo, José de, *Islas Canarias*, 33n.
- Viglius, Pres., treaty of Cateau-Cambrésis, 219n.
- Vignaud, Henry, *Histoire Critique*, 13; *Toscanelli and Columbus*, 13
- Villa, *see* Rodríguez Villa
- Villalobos, *see* Lopez de Villalobos
- Villa Mediana, *Conde de*, *see* Tassis
- Villa Nova de Portinao, port, 212, 213
- Villegagnon, Nicolas Durand de, Brazilian colony, 220
- Villeroy, Nicolas de Neufville, *seigneur de*, attests agreement with England, 245; on Virginia, 262n.
- Villiers, George, *see* Buckingham
- Virginia, Henry IV.'s jealousy, 262n.; Philip II.'s remonstrance, 270
- Visit and search, in Anglo-Dutch treaty, 297; in Anglo-French treaty, 318
- Vitoria, Portuguese-Spanish treaty of, bibliography, 120; causes, 118-120; failure of junta under, 131; Spanish ratification, 125, 129, 130; Spanish text, 121-125; translation, 125-130
- Vizeu, *Bishop of*, confirmation of demarcation line, 108, 110
- Vosbergen, Gaspar van, treaty of the Hague, 333-346
- Vreede, G. W., *Nederlandsche Diplomatie*, 287
- Waddington, A., *Provinces-Unies*, 353n.
- Wake, Isaac, French mission, 316; treaty of St. Germain-en-Laye, 319, 323
- War of the Succession, treaty of peace, 36-48
- Wassenaer ende Duvendorde, Jacob van, Danish-Dutch alliance treaty, 277-279
- Weimar chart (1529), and treaty of Saragossa, 152n.
- Weiss, Charles, *Papiers de Granvelle*, 216
- Western Nile, early cartography, 15n.
- West Indies, *see* America
- Westminster, Anglo-Dutch treaty of, bibliography, 240, 241; causes, 239, 240; Dutch ratification, 242; French text, 241, 242; provisions, 240
- Weston, Sir Richard, treaty of Southampton, 294, 299
- Westphalia, treaty of, *see* Münster
- Wicquefort, Abraham van, *Provinces Unies*, 287
- Willaert, L., "Négociations Politico-Religieuses," 250
- William I. of Orange, treaty of Cateau-Cambrésis, 219n.
- Williamson, J. A., *Maritime Enterprise*, 248n.
- Winsor, Justin, *Boston*, 350; *Narrative and Critical History*, 57
- Winthrop, John, Acadian agreement, 351, 352; and La Tour, 347, 348; *Journal*, 350
- Winwood, Sir Ralph, Anglo-Franco-Dutch guaranty treaty, 273, 274; *Memorials*, 249; negotiation of Twelve Years' Truce, 259, 266, 268, 272n.
- Witt zu Boetzelar, Gisbert, *see* Boetzelar
- Wotton, Nicholas, treaty of Cateau-Cambrésis, 219n.

- Yanes, Alfonso, scribe, 30, 32  
Ydiaquez, *see* Idiaquez  
Ysaga, Pedro de, witnesses treaty of Vitoria,  
125, 129  
Zeeland, and Münster negotiations, 357, 359;  
and Portuguese treaty, 330, 332  
Zorzi, Alvise, and Anglo-French peace (1629),  
301, 302, 304n.  
Zuñiga, Pedro de, *see* Flores Davila  
Zurita, Gerónimo, *Anales de Aragon*, 35;  
*Hernando*, 57; *Historia*, 79n.  
Zuyllen van Nyevelt, Arent van, Danish-Dutch  
alliance treaty, 277-279