
Document 1524B

The Conference of Badajoz April-May 1524

Sources: Extracts from documents at AGI Seville: Patronato Real, Legajo 5. Copied by Juan Bautista Muñoz whose transcripts are kept at the Real Academia de la Historia in Madrid. Reproduced by Navarrete in his Colección de los viages, iv, pp. 326-368. Translated by B&R 1: 165-221. What follows is the summary of the above records of proceedings made by Muñoz himself, from Nav. iv, pp. 355-368, and B&R 1: 165-187.

Extract made by Juan Bautista Muñoz of the records of the trials of possession and ownership of the Moluccan Islands, at the conference held at the boundary line between Badajoz and Yelbes, in 1524

Conference about the Moluccas, 1524-1527: Trial of Possession

April 11.

I. On the bridge over the river Caya, situated on the boundary line between Spain and Portugal the 23 deputies exhibited their authorizations. This first day passed in reading the Treaty of Vitoria, negotiated on 19 February 1524, and the letter of commission of the nine judges for Spain; the recall of [the pilot] Esteban Gomez, who *does not understand why he should take part in negotiations for our service*¹, and the appointment in his place of Fray Tomás Duran dated Burgos, 20 March 1524; the appointment of the nine Portuguese judges; the appointment of one attorney for Spain, and two attorneys for Portugal; and a secretary for Spain, and the same for Portugal.

1 Ed. note: The real reason was that Gomez had a conflict of interest, as he had dual citizenship. He was born in Portugal (See Doc. 1519G, and Navarrete, iv, p. 155). However, he was in fact recalled and placed in command of a caravel on an expedition to discover a northern passage, to find an alternate route to the Moluccas, if possible.

II. They took the solemn oath to act in the sight of God and conscientiously.

III. The judges ordered the attorneys of either side to state their side of the case, and to proceed with the matter.

IV. The attorneys disputed as to who should act as plaintiff. Each one wished the other to act in this capacity. The Spanish attorney asserted that this affair was at the instance of Portugal, and that the ambassadors had been sent for this purpose by that country. The Portuguese attorney asserted that there was nothing upon the matter in the treaty, as was well known to Spain. The day was spent thus.

April 14.

On the said bridge. The Portuguese attorneys presented a notification, asserting that they made no petition; they said that the King had had possession of the Moluccas for more than 10 years; therefore, Spain ought to ask for and accept the witnesses which, according to the terms of the Treaty of Vitoria, they were prepared to give as their proofs.

The Spanish attorney gave answer, insisting that the King of Portugal had moved first in this matter, and therefore should be the plaintiff. As to the rest he said that the suit was obscure, vague, and general, insufficient to form a case of possession, and to pass a sure sentence upon it, let them specify wherein they thought the treaty was not observed, and let them attempt the fitting remedy and interdict, and he will answer them.

April 20.

In the chapter room of the main church of San Juan at Badajoz. The attorney for Portugal said that it was not apparent from the records that his King had moved first in this matter, nor even if such a thing should be apparent, could it be called a provocation, because this matter was between those who could not be coerced into judgment, since they recognize no superior. As to the claim that their suit was vague, that was no reason why it was not a suit. They stated clearly that their king had been in possession for ten years or more. Therefore, Spain should act as plaintiff.

April 21.

Under the same heading. The attorney for Spain insisted upon what was said before, adding only that in regard to this matter being started by Portugal, they denied what they knew to be so, and such a thing could be proved quickly. As to Portugal's saying she had been in possession furnished no reason why Spain should be plaintiff.

April 22.

Ibid. In a meeting of the judges, the three lawyers of Portugal gave expression to the following interlocutory opinion: that each side should make cross-examinations according to law, in order that they might examine the witness produced by the attorneys. Thus the latter could offer any writs, proofs, and documents from which they hoped to gain aid in this case, so that, when everything was seen and examined, this case and the doubt as to whom the possession belonged could be determined.

The three Spanish lawyers declared that the petitions of the Portuguese attorneys had no place, and therefore within three days they would state and plead their right.

The Portuguese judges said that both informal opinions agreed on each side pleading its right, but the Spanish judges did not state in theirs whether they should be by court or by petition, and they therefore asked them to make such a declaration. The Spanish attorney said that the opinion of his side was clear and there was no occasion for the suit.

The official judges for Spain made the same assertion.

May 4.

At Yelbes, in the town hall. The attorneys for Portugal replied that they would receive some wrong from the opinion of the Spanish judges, because the latter claimed wrongly that they were the plaintiffs; that the two interlocutory decisions of either part were not the same. And they asserted that to be in accord with justice, and the Treaty, which was in harmony with the opinion of their judges, they ought to form a court of cross-examination and furnish as proofs to the attorney for Spain these things placed before them. And if they would not do this, then it was evident that the delay in the case was due to the Spanish judges and attorney.

May 6.

Ibid. The attorney for Spain denied that the parties to the suit could compel the arbitrators to submit to their opinions. He defended the opinion of his judges; demonstrated that the contrary was unjust and null and void, because they demand witnesses and proofs to be received without a suit, debate, or conclusion preceding, a thing quite contrary to all order in law. He impugned the secret motive that could provoke the Portuguese judges to their interlocutory opinion, the apparent meaning of which was to make a summary investigation concerning the possession in order thereby to clear the way for the decision of ownership, thus making defendant and plaintiff change places. This had no place in the proceedings because they could not prepare the decision in which they did not make investigations. Further it would be a perversion of the order given by the two sides, both for petitioner and possessor, and clearly what they would do would be null and void. For this and other reasons the opinion of the Portuguese judges had no value. They ought to conform to ours, and not doing so, it is evident that they are guilty of the time already lost and which will be lost.

May 7.

Ibid. The Portuguese shattered at length the reasons of Ribera¹ with texts from Bartolo² and Baldo³, and concluded by saying that the opinion of the Spanish judges was null and void and wrong, and ought to be rectified. Without doubt this was the instruction received from the court.

May 13.

At Badajoz, in the council house of the said town. The attorney for Portugal petitioned that the reply of the attorney for Spain should not be read, because it should

1 Ed. note: Ribera was the attorney-general for Spain (See below).

2 An Italian jurisconsult, born at Sasso-Ferrato in Umbria in 1313, and died at Perugia in 1356.

3 One of the brothers Pietro [1324-1406] and Angelo [1328-1407] Baldo de Ubaldis, both eminent Italian jurisconsults.

have been presented in the conference before the 12th. There was a dispute on this point, but it was read. It contradicted the other side, and insisted on the same thing as before. At the end it threw the blame for the delay on the Portuguese deputies, inasmuch as they would not come to an agreement with the intention of their Majesties that the cases be determined in the time allotted.

The same day, *ibid.* In the afternoon meeting, Ribera said that the onslaught of the Portuguese deputies on the preceding afternoon had been expected, and it was understood that today was the first meeting at which he ought to speak. Therefore, he asked that the petition which precedes be admitted and be placed on the record. This was ordered.

May 18.

Ibid. In the afternoon the vote of the Portuguese judges taken in the morning of the same day was made public, namely, that they clung to their opinion, and threw the blame for the delay on the opposite side.

May 19.

The vote of the Spanish judges was made public. It was of the same effect. They added that the judges of Portugal should consider whether they could find any expedient or legal form, whereby the remaining time should not be lost, without prejudice to their declaration. The Portuguese judges asserted the answer given at Yelbes, whereupon Ribera presented a petition, setting forth the intention of their Majesties, and throwing the blame on the other side for not having even commenced the case by wishing for proof without suit or foundation.

May 23.

At Yelbes, in the town hall. The attorney for Portugal said that, with regard to the fault of the others who would not make use of the remedies provided by law in such cases, they found no other expedient except the one they had set forth in their interlocutory opinion.

May 24.

Ibid. The judges for Portugal declared they had a letter from their King, in which he told them that the Emperor was writing to his deputies to agree to resolve themselves into court for cross-examination and to extend the time. In the afternoon the judges for Spain answered that they were ready for any good expedient and method whereby this negotiation could be brought to a speedy close, in accordance with their Majesties' wish. Those of Portugal replied that they did not answer whether they had such a letter from the Emperor, and if there was any delay, they were to blame.

May 25.

Ibid. In the morning the judges for Spain said that, inasmuch as the matter upon which they had been notified was a weighty one, they would defer their answer until the next morning of the 27th. Then the attorney Ribera presented a paper wherein he stated that the attorneys for Portugal ought to be compelled justly to act as plaintiffs, as in fact they had proved themselves to be in their petitions, conforming themselves therein with their sovereign who had provoked and commenced this negotiation. There-

fore, they were acting contrary to their words and deeds. The judges for Portugal ought to act in accordance with the interlocutory opinion of Spain, so that the case might be valid. We did not have to solicit proofs and witnesses, since our rights were so well known. But could we solicit such things without a preceding sentence in accord with the suit depending upon the petitions, etc.? Outside of this, since sentence must be passed jointly on possession and ownership, and the judges appointed for this purpose by the King of Portugal having placed a thousand impertinent obstacles in the way, it is evident that the deputies on the other side were avoiding the judgment and suit, and were eluding and losing the time of the compromise. Then he petitioned that they act in accord with his petition.

May 27.

Ibid. The Emperor's deputies, in answer to the notification of the 24th, said that, although it was proper that their interlocutory opinion be acted upon, nevertheless, because their Majesties wished the affair settled within the time agreed upon, they would agree that the attorneys of each side should plead their rights within three days.

In the afternoon meeting the deputies of Portugal responded saying that the answer was unsatisfactory. It was unnecessary to have the attorneys of each part plead, since such a thing had been ordered without avail on the 11th of April. Therefore, they insisted upon the interlocutory assembly.

May 28.

Ibid. The attorneys for Portugal presented a writ to the effect that the time limit expired on the last of May, and the matter was in such shape that it would be finished briefly, for, with regards to the ownership, their attorneys were unanimous on three points, except in matters of slight moment, in which they could soon agree. In the matter of possession, the witnesses of both sides were present, and such an expedient could be adopted that this case could be determined immediately. *"Therefore, we petition,"* said they, *"for an extension of the time limit. In this will be done what ought to be done, and what the Emperor seems to wish, since he has told the ambassadors of our King that your Graces could extend the time, and were empowered to do it by the said Treaty."*

The Licentiate Acuña answered immediately that prorogation was an act of jurisdiction, and should be determined on the boundary line, where, according to the order, they must meet during the last three days; and that he was ready to discuss the matter on Monday, May 30th with the Licentiate Acevedo, the member first-named on their commission.

Acevedo consented, and they agreed to meet on the said day at seven in the morning.

May 30.

When the deputies met on the boundary line, Acevedo gave his vote, namely, that bearing in mind the Treaty and that the matter could be settled briefly, the two cases be continued through June.

Acuña's vote was to the effect that it stipulated in the Treaty that, if the case was in such shape it could be settled in a short time. In the matter of possession there was no case nor any sign that there would be one during the month. In that of ownership, they differed from the very first point—some insisting that they should count from the island of Sal, and others from that of San Antonio [in the Cape Verde Islands]. He thought the time spent here by the deputies would be lost, and his presence was necessary in the employment and discharge of his duty. He did not see any expedient but to refer the matter to their principals. Therefore, it was his opinion that the matter should not be continued.

Immediately the attorneys for Portugal declared that their King had written to the Emperor, both upon the question of proceeding by means of courts of cross-examinations and upon that of continuing the case, and as a favorable reply was expected within 8 to 10 days, they should at least prorogue it until that time. To this effect notification should be made by Licentiates Acuña and Acevedo.

Acuña answered that he had given his final answer in his reply. On the 31st there would be no meeting in regard to the possession.¹

Conference of 1524 to determine the possession and ownership of the Moluccas--Trial of Ownership

April 11.

On the bridge over the Caya River, there assembled Licentiates Cristóbal Vasquez de Acuña, a member of the Council, Pedro Manuel, a member of the *audiencia*² and chancery of Valladolid, Fernando de Barrientos, a member of the Council of the Orders³, Don Hernando Colón, Simon de Alcazaba, Doctor Sancho de Salaya, master of theology, Fray Tomás Duran, Pedro Ruiz de Villegas, **Captain Juan Sebastian del Cano**; likewise Licentiate Antonio de Acevedo Coutiño, Doctor Francisco Cardoso, Doctor Gaspar Vasquez, all three of them at the discharge of the King of Portugal; Diogo Lopes de Sequeira⁴, of the King's Council and his chief magistrate; Pedro Alonso de Aguiar, gentleman of the said King's household; Francisco de Melo, master of holy theology; Licentiate Tomás de Torres, physician of the said King; Simon Fernandez, Bernaldo Perez, knight of the Order of Christ—arbitrators appointed by Spain and Portugal.

In the presence of the secretaries Bartolomé Ruiz de Castañeda and Gomez Yañes de Freitas, the treaty appointments, etc., were read. And the witnesses, Doctor Bernaldino de Ribera, attorney at the chancery of Granada, and attorney-general for Spain;

1 This original document is in folio bound in parchment; 43 sheets have been used.—Note by Muñoz, cited by Navarrete.

2 Ed. note: A tribunal or court, usually for a province; also the audience chamber.

3 Ed. note: The four military orders in question were those of Santiago, Calatrava, Alcántara, and Montesa.

4 Ed. note: Former Governor of India from 1518 to 1522.

and Licentiate Juan Rodriguez de Pisa, advocate to their Majesties; and Licentiate Alfonso Fernandez and Doctor Diego Barradas, attorneys-general for Portugal took the solemn oath.



Diogo Lopes de Sequeira was Governor of India, 1518-1522. *He became an adviser for the Portuguese side at the Conference of Badajoz. (From "Retratos, e elodios dos Varões, e Donas", Lisbon, 1817)*

Upon this day, the Portuguese attorneys declared that Alcazaba could not take the oath or act as a judge, inasmuch as he had fled from Portugal with intent to be disloyal to his King, who had, for good and sufficient causes, refused him certain rewards, and had ordered him tried for certain offenses committed in India. This was the reason for his flight, and therefore, he was a suspicious person and ought not act as a judge. The attorneys asserted strenuously that they would not assent to anything Alcazaba did, and that their King had written the Emperor to appoint another in his place.

Nevertheless the judges ordered that he be sworn in and he took the oath with the others. Immediately Doctor Ribera, attorney for Spain, said that the reasons were trifling, and seemed to have been invented to delay the case. A copy was given to the attorneys for Portugal and the day of

April 12.

Ibid. The latter said that they held their suspicions justly, and therefore the King had written to the Emperor, etc.

April 20.

At the chapter room of San Juan, the cathedral of Badajoz. A despatch from the King of Portugal was read, removing Bernardo Perez from participation in the case, "because of certain reasons that move us"¹ and appointing in his place Master Margallo. Another provision of their Majesties was read, removing Simon de Alcazaba, "because he must occupy himself with matters connected with our service," and appointing in his stead Master Alcaraz.—Dated Burgos, 10 April 1524. Secretary Cobos.

Margallo and Alcaraz took the oath and the matter of the demarcation was begun, by the reading of the Treaty of Tordesillas of 5 June 1494², with the confirmation given to the same at Arévalo, on 2 July, of the same year; and the agreement of 7 May 1495, as to the prorogation of the ten months allowed for the caravels to determine the said demarcation.

April 23.

Ibid. They began to treat formally of the matter, and in accordance with what had been discussed before, the attorneys propounded three questions:

1st. In what manner should the demarcation be determined.

2nd. How the Cape Verde Islands should be situated and located in their proper place.

3rd. From which of the said islands they should measure the 370 leagues.

The judges for Spain voted that these questions should be examined in this order.

May 4.

In Yelbes, in the town hall. The attorneys for Portugal deferred their voting until this day, and voted that the order of examination should be in the inverse order. Immediately the deputies for Spain declared that in order to avoid discussions they made the declaration of the following writ. In substance this was reduced to saying that they

1 Note by Muñoz: Could he have been refused by the Emperor in reprisal for the refusal of Alcazaba? Could the said Perez be a Spaniard?

2 Ed. note: See Doc. 1494. This date should be 7 June.

ought to determine first the manner of locating the islands and to choose the meridian for the 370 leagues. But this matter being easy and one of pure reason, it ought not obstruct the investigation of the other two, and therefore they would summon the attorneys within three days, to give their decision as to the first question. And they would treat immediately of the other two, since the time limit was short, and already they had lost time enough, both because of the refusal to accept Alcazaba and the illness of certain Portuguese deputies.

The Portuguese deputies voiced the following expression in the afternoon: that the reason for not meeting sooner was because certain of the Spanish deputies were not empowered. Moreover they insisted that the first point to be discussed was the one declared by them, but they agreed to the declaration of the attorneys concerning it within three days.

May 6.

Ibid. In the morning the attorneys discussed the matter. They sent for the **sea-charts and globes** of each side which each desired. Several examinations were made. The same discussion was continued in the afternoon, and voting was deferred until

May 7.

Ibid. In the morning the Portuguese representatives said that sea-charts were not as good as a blank globe with meridians as it represents the better shape of the world. Then they discussed the best means of putting the lands, islands, and coasts upon it, as they were quite prepared to do this.

The judges for Spain said that they preferred a spherical body, but that the maps and other proper instruments should not be debarred, in order that they might locate the lands better upon the said body.

May 12.

In Badajoz, in the chapter room of the said church. The judges for Spain said that on 4 May they had ordered the attorneys to discuss the question of the island from which the 370 leagues should be measured; that their intention was to hear them *viva voce*; that time was short, and they summoned them for the following day.

May 13.

At Badajoz, in the town hall. Having given notification, the official attorney of their Majesties and Licentiate Juan Rodriguez de Pisa, of the Council and advocate in this case, discussed the law. The attorneys for Portugal talked also. Then the judges for Spain voted as follows: as to the island from which we should begin to reckon the 370 leagues, it is our opinion that it should be the most westerly, San Antonio. They proved this conclusively both by the natural meaning of words, and by the intention and purpose of the Portuguese King to have it as far west as possible. It was also evident from other documents¹ that Portugal had 100 leagues on the other side of the islands, and

1 He alludes to the bull, says Muñoz. Ed. note: That would be the Bull of 1493 (See Doc. 1493).

270 more were conceded to her.¹ Then the 370 leagues must begin from the most westerly, that of San Antonio. It was signed at the bottom by the astrologers and pilots alternately in the following order: D. Hernando Colón, Fray Tomás Duran, *Magister*, Doctor Salaya, Pedro Ruiz de Villegas, Master Alcaraz, **Juan Sebastian del Cano**.²

In the afternoon the judges for Portugal rendered the following vote: that the measurement of the said 370 leagues should be made from the island of Sal or Buena Vista, which were on the same meridian. They adduced several trifling reasons which are not worth recording. They signed at the bottom: Francisco de Melo, Diego Lopez de Sequeira, Pedro Alfonso de Aguiar, Masters Margallo, Licentiate Torres, Simon Fernandez.

May 14.

Ibid. Having discussed the matter with respect of the judges for Portugal telling those for Spain that they should give the form of their agreement, the latter presented the following writ: "*The principal grounds upon which the judges for Portugal take their stand is, because in the treaty of 1494 it is stated that the caravels shall sail from the Canaries to the Cape Verde Islands, of which the first and principal ones are Sal and Buena Vista Islands, as if that more than disposed of the voyage, and it was only necessary to finish the measurement.*" Then they confirmed the reasons given in their former paper and showed conclusively that the judges for Portugal ought to act in accord with them, or the blame for the delay would be theirs, etc.

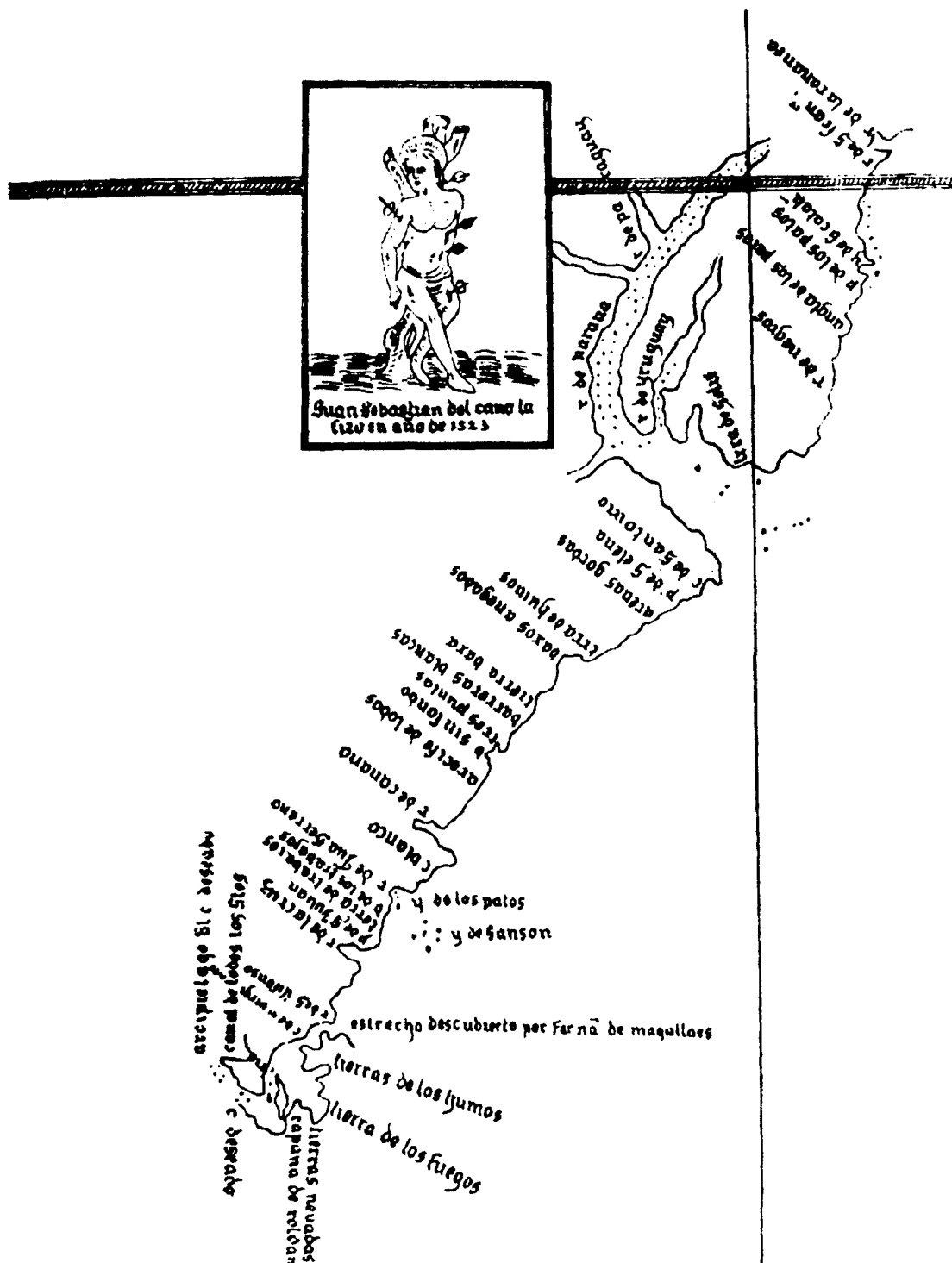
May 18.

Ibid. The judges for Portugal say that they cannot act in accordance with them, because the treaty states that the measurement shall begin at the Cape Verde Islands, and this must not be understood indefinite, in such manner that it signifies all of them, but it must be from a meridian where several islands are found. This is the case at the islands of Sal and Buena Vista. They repeated this with the terms *a quo* and *ad quem*, and other subtle phrases, and concluded their long writ by saying that those of Spain should act with them.

The judges for Spain presented the following writ immediately: notwithstanding the contention in regard to the place from which they should calculate the 370 leagues—to which they thought those from Portugal should conform themselves through fear of God—that they thought it best to pass beyond this question, and to locate the seas and lands on the blank globe. Much advantage would be derived from this. By so doing, they would not be standing still and doing nothing. The location of the said lands and seas had no connection with the discussion, but perhaps it would prove to whom the Moluccas belong no matter how the line be drawn. Therefore this ought to be done without awaiting the replies or debates which they have insinuated in their discussions, since they had not come here for debates nor to expect other agreement than the determining of justice. Then the judges for Spain notified those of Portugal that they were

1 Ed. note: By the Treaty of Tordesillas (See Doc. 1494).

2 This is doubtless the paper presented by Hernando Colón, for it says *spherical* and contains other sentences peculiar to it.



Part of a 1523 map drawn by Captain Elcano. Some say that this is only a copy of Ribeiro's map of 1529. No doubt, the information for it came from the pilots Alvo and Esteban Gomez. (From Father Guillermo Furlong, in "Investigaciones y Ensayos" n° 12, Buenos Aires, 1972, pp. 15-31, and in his "Cartografía Jesuítica del Rio de la Plata" n° XVI, Barcelona, 1936)

acting up to what they said, and would continue to do so. And they would cast the blame upon them as acting contrary to right and law, and it could be seen that they were persisting at their attempt at delay, etc.

In the afternoon the judges for Portugal made answer asserting that their vote was in accordance with law, and they hoped those from Spain would act in harmony with it. Moreover they agreed to pass on to the other matters of this negotiation.

May 23.

[Captain Elcano's Map]

In Yelbes, in the town hall. The judges for Spain said that, in accordance with the agreement, they had brought in **the map showing the navigation from Spain to the Moluccas**. In this was set down especially the Cape of San Agustin in Brazil, in 8 degrees of latitude south, and in 20 degrees of longitude west of the island of San Antonio; likewise was shown the whole coast as far as the strait of the Moluccas [i.e. the Strait of Magellan] whose entrance lies in 52-1/2 degrees of latitude south and 4-1/2 degrees of longitude farther west. The map contained also all the Moluccan Islands, Gilolo, Burnel [i.e. Borneo], Tincor [i.e. Timor], and many others which were named by Captain Juan Sebastian [Elcano], navigators who sailed in the **Victoria** and who were present at the assembly¹, and others who together with the foregoing discovered them, calling them the archipelago of the Moluccas; and being situated in 2 degrees on each side of the equinoctial, and lying a distance of 170 degrees from the meridian of the Cape of San Agustin and 150 from the divisional line. They handed this map to the judges for Portugal as that they might examine it, and petitioned them to show their navigation [eastward].

In the afternoon those acting for Portugal said that the foregoing map was of use only in determining the third point, for the Cape Verde Islands were not on it, with the exception of a portion of the island of San Antonio. *"Many other lands were lacking and, above all the Line of Demarcation was drawn contrary to our opinion, nor is it sufficient to say that it was the navigation of Captain Juan Sebastian del Cano. Likewise we showed a similar map on which the Moluccas were 134 degrees distant [eastward] from Sal and Buena Vista, quite different from theirs."* But inasmuch as neither touched upon the case, they notified the Spanish deputies to present maps containing all the necessary lands, and *"we would do the same."*

1 Ed. note: Note that on the map attributed to him (previous page), the portrait of St. Sebastian, his patron saint, appears. Sixteen of the 18 survivors were subjected to a questionnaire of 19 questions by Dr. Ribera on 23 May 1524 (See Navarrete, iv, pp. 368-371). Their depositions were taken by the Bachelor Miguel del Prado, lieutenant-mayor of Badajoz, before Sebastian Rodriguez, notary. All of them declared that the Magellan Expedition left in September 1519 and arrived at Tidore in November 1521; that the king of Tidore and those of the neighboring islands swore obedience to the King of Spain, in the name of whom they took solemn possession of the Moluccas.

Immediately the Spanish deputies petitioned that both maps be signed by the secretaries, and they showed theirs with all the Cape Verde Islands added to it, and some lands which the judges for Portugal had indicated as missing, so that on their part this did not remain to be done.

The Portuguese map contained Cape Verde with the Rio Grande¹ to the Arbitro [=?], but no more; and toward the north Cape Bojador², which lies 13-1/2 degrees from Cape Verde.

Item, an islet called Ascension, and then nothing to the Cape of Good Hope, which was a NW direction with a north-south distance of 52-1/2 degrees, and a run of 60 degrees.

Item, a nameless bay.

Item, Cape Guardafui³ whither it was navigated from [the Cape of] Good Hope to the NE, with a north-south distance of 50-1/2 degrees, and a run of 56 degrees.

Item, Cape Cormorin⁴ whither it was navigated from Guardafui in an east-west direction, 1/2 degree NW⁵, 5 degrees E, and a run of 20 degrees⁶.

Item, to Sumatra and up to the point called Ganispola⁷, a run of 15-1/2 degrees, from which point to the Moluccas it was 27 degrees.

Thereupon the judges for Portugal, with the exception of Francisco de Melo, who had departed, said they would answer the other points made by the deputies from Spain in the morning.

May 24.

Ibid. The judges for Spain presented the following writ: “To say that the maps were only for the purpose of locating the Cape Verde Islands is strange, inasmuch as we are discussing the bringing by each side of our respective navigations, in order to determine the distance to the Moluccas, as witness the members of the Council, who were and are present. It is also strange that among such persons they should withdraw the plans and maps of their navigation, and not allow us to examine them. In our navigation, the only thing necessary is to see the distance in dispute, and we will locate on it anything else they wish. The line is drawn according to our opinion. Let them do the same on theirs meanwhile, in order that it may not prove an obstacle to the third point. As to what they say about their map being like ours, it is not so, for they have located only capes

1 Ed. note: Rio Grande corresponds to the area of Guinea Bissau today.

2 Ed. note: Cape Bojador is written Cape Boujdour today. It is located in the former Spanish Sahara, about 11 degrees north of Cape Verde (Dakar).

3 Ed. note: Cape Guardafui is the tip of the Horn of Africa, in Somalia, west of Socotra Island.

4 Ed. note: The southern tip of India.

5 Ed. note: By way of the coast of Yemen.

6 Ed. note: “5 degrees east”, say both Navarrete and B&R, but if the run from Cape Guardafui to Cape Cormorin was 20°, then the E-W distance must have been about 19°.

7 Ed. note: The only possible reference I have found about Ganispola is the mention of some Gavanspale Islands shown north of Sumatra on an old map (Plate XL, in Nordenskiöld), which may correspond to the Nicobar Islands.

and points. Our map shows the entire navigation as far as the Moluccas just as they saw it therein. As to the principal matter that there are 134 degrees eastward from Sal [Island] to the Moluccas, that is a matter we shall look into, and discuss, and say what we shall deduce as the truth. As to whether we have located the Cape Verde Islands properly, why was there no doubt about that when they agreed to it yesterday afternoon, when they compared them with the book by Domingo Lopez de Sequeira, wherein the whole world is shown with meridian circles? Pedro Alfonso de Aguiar assured Licentiate Acevedo, who showed doubt upon the matter, many times about this. But for greater abundance of proof we are going to bring back the maps so that they will be sure of it."¹

Then the following writ of the judges for Portugal was read. In substance it said that the maps presented by Spain located the Cape Verde Islands farther west than they should be; that it was unnecessary to present maps showing their navigations, since the only thing they ought to discuss was the location of the Cape Verde Islands.

Then the judges for Spain offered for a second time their map with the Cape Verde Islands, from which the measurements were taken.

In the afternoon the Portuguese deputies said in substance that the navigations should not be examined, but only the location of the Cape Verde Islands with their respective distances. This ought to be done in order to determine the meridian at the 370 leagues.

The Spanish deputies declared immediately that they were ready to do this, without prejudice of going on to the decision of the negotiations.

Those from Portugal measured the maps, finding several differences between the Spanish one and their two—a large one and a small one.

Those from Spain petitioned that the differences be pointed out and that the Portuguese deputies should state what they considered the truth; and that they were quite ready to acquiesce.

May 25.

Ibid. Those of Portugal declared that they found differences in this place of 1 degree, in that [place] of 5 [degrees], which they should try to reconcile. Neither had those of Spain shown the locations of the Canaries and Cape San Vicente², and it was necessary to have these lands indicated.

The Spanish deputies offered a map with the lands in question, saying that, if this was the opinion of the Portuguese deputies they would conform to it, only they would take back the map presented first, being ready to conform with this opinion in order to get rid of the disputes which were blocking the decision.

The Portuguese deputies said it was quite late, and they would give their answer on the next day.

1 This writ seems to be an answer to the following one, but they are shown in the order written.

2 Ed. note: This cape is the SW tip of Portugal, near Sagres.

May 27.

Ibid. The judges for Portugal asserted in regard to the location of the Cape Verde Islands: "*We locate the island of Santiago in 5-1/4 degrees of longitude from Cape Verde;*¹ *the islands of Sal and Buena Vista in 4; San Antonio in 8; and San Nicolas in 5-1/2.*" The judges for Spain gave immediately as their opinion that the island of Santiago was in 5-2/3 [degrees] of longitude from the meridian of Cape Verde; those of Sal and Buena Vista 4-2/3; that of San Antonio 9, being in 18 degrees of latitude.²

May 28.

By common consent **both sides presented globes showing the whole world**, where each nation had placed the distances to suit themselves. The measurements were taken and the secretaries ordered to set them down.

The measurements continued in the afternoon. Numberless differences were found, such as the globe of the Portuguese deputies showed 137 degrees of longitude from the meridian of the islands of Sal and Buena Vista to the meridian passing through the Moluccas; while that of the Spaniards showed 183. Both were measured eastward with a difference of 46 degrees.³

At adjournment of this meeting they agreed to meet upon the 30th upon the bridge of Caya to discuss and examine everything useful for the negotiations.

May 30.

[Methods for determining longitudes]

Monday, on the said bridge. The judges for Portugal presented the following notification, read by Francisco de Melo: that because of the differences in the globes they believed it necessary to investigate and make certain of the longitudes in question. For this they proposed four methods, namely:

1 Ed. note: I. e. the cape itself, on the coast of Africa, near Dakar, Senegal today.

2 The original signatures of Colón, Duran, Zalaya, Villegas, Alcaraz, and Cano follow.

3 Ed. note: This difference of 46 degrees in longitude represents a distance of over 5,000 km along the equator...

the first, on land by taking distances from the moon to some fixed star, as might be agreed upon;

the second, to take the distances of the sun and moon in their risings and settings, and this upon land having its horizon above the water;

the third, by taking a degree of the sky without any limit for sea and land; and

the fourth, by lunar eclipses.¹

"Let us examine the method that we must use," they say, *"and let us consider how to end the negotiation. If the time remaining seems short, it should be prorogued as long as necessary and for such prorogation we notify,"* etc., and they did notify Acuña and Acevedo to prorogue it for all of June.

Acevedo gave his vote.² Acuña said that he heard it, and Don Fernando Colón read immediately the following writ, which in brief showed the subterfuges of the judges for Portugal, the differences between the said judges and the globes which they presented concerning the distance from the meridian of Sal eastward to the Moluccas, for they say it is 137 degrees but in one globe there were 134 degrees and in another 133, a difference which proved falsehood; that both word and drawing showed their [i.e. the Spanish] truth, and reasons and experience prove the said distance to be 183 degrees, and by the western route 177. The principal matter could have been determined in the allocated time; and this proposition of methods, which would require a long time, proved that they wished to delay matters. Neither was one month sufficient for the examination by these methods foreign to the spirit of the treaty, and they were opposed to this thing. They notified the Portuguese deputies to vote definitely on the demarcation and ownership at four o'clock in the afternoon on the following and last day of the time allocated. If they did not do so they would be to blame...We protest that we shall vote, etc.

1 Ed. note: Blair & Robertson, in the errata and addenda to their series (Vol. 52, p. 325) give the comments of Prof. Winslow Upton, then Director of the Ladd Observatory at Brown University (Providence, Rhode Island): *"The first and second methods enumerated in this quotation refer to that now (1907) known as the Method by Lunar Distances, which was already in use in the 16th century. In the former the position of the moon was to be determined by its measured distance from some star, in the latter from the sun. Since risings and settings at an assumed horizon are specified, it is probable that the distance between moon and sun was determined by the time interval of their respective risings and settings. The fourth method is that still known by the same name. The statement of the third method is obscure. It may mean that the longitude was to be found by a measured distance on the surface of the earth from a station whose longitude was already known. This distance could be turned into difference in longitude if the length corresponding to a degree of longitude in that latitude were first determined. This method is used today in geodetic operations."*

2 The same as in the trial of possession.

Licentiate Acuña immediately handed in a negative vote on the question of continuation, as is seen in the record of the trial of possession. The notification of Acevedo and the confirmation of Acuña are also the same as in the said records.

May 31.

Ibid. In reply to the deputies of Spain, those of Portugal presented a writ to the following effect: that the case was far from being in a state to pass a definitive sentence upon it. Only three preliminary points had been touched upon, and the principal things have not yet been discussed. Therefore they were to agree upon the distances by virtue of certain observations; to place, by common consent, the lands and seas on a blank globe; and to draw the line of demarcation. The difference in our globes proved nothing. Also they [i.e. the Spanish] had altered their only globe and map, based on the voyages of Juan Sebastian del Cano. Therefore believing that all the globes and maps were in error, we have proposed certain astrological methods. Meanwhile we cannot vote, etc.¹

"Therefore in concluding, we assert, both on account of the reasons abovesaid, and for many others which incite us to this decision, that we find the location of the Moluccas not to lie in the longitude declared by the deputies of the King of Portugal, but where we claim and proved by our sea chart. Consequently we assert that they lie and are situated a distance of 150 degrees west of the line of demarcation, as we have shown in these discussions. It results then that the distance eastward from the said line to the said Moluccas is 210 degrees, and according to this the ownership and lordship of the Moluccas pertain to their Majesties. This is our vote and decision, and thus we declare to and notify the said deputies of the King of Portugal, that since our vote is just and in accordance with right, they conform to the same.

*Don Hernando Colón, Fray Tomás Durán, Doctor Zalaya, Pedro Ruiz de Villegas, Master Alcaraz, Juan Sebastian del Cano."*²

1 Ed. note: Thereafter, Don Fernando Colón read the opinion of the Spanish astronomers and pilots, to the effect that the line of demarcation had to be measured from the island of San Antonio, "that the Moluccas fall many degrees within their Majesties' demarcation." Consequently, the anti-meridian passed through Malacca on the Spanish charts of the post-Magellan period, whereas the truth, which was uncovered much later, is that it ought to have passed a little east of the Moluccas. The summary of the document follows.

2 Ed. note: There are also on record the individual opinions of Hernando Colón, of Fray Durán, Sebastian Cabot and Juan Vespucci.