
Document 1524A

The Treaty of Vitoria

Sources: AGI Seville: Papeles del Maluco, de 1519 a 1547, Legajo 1. Reproduced in Navarrete's Colección de los viages, iv, pp. 320-326. Translated in B&R 1: 159-164.

Treaty between the Emperor and the King of Portugal concerning the limits and possession of the Moluccas

Introductory note

This treaty was negotiated in the city of Vitoria, in Vizcaya, Spain, and signed on 19 February 1524. The negotiators acting for Spain were the following: Mercurino de Gattinara¹, Grand Chancellor of his Majesty; Hernando de la Vega, Commander-in-chief in Castile of the order of Santiago; García de Padilla, Commander-in-chief of Calatrava; and Doctor Lorenzo Galindez de Carvajal, all members of the Privy Council. Those acting for the Portuguese monarch were: Pedro Correa de Atubia, Lord of the town of Velas, and Doctor Juan de Faria, both members of the Privy Council.

The Treaty of Vitoria proper

Thereupon the said representatives of the said King and Queen of Castile, etc..., and of the said King of Portugal, etc..., said:

That, inasmuch as some doubt exists between the said Lords, their constituents as to the possession and ownership of the Moluccas, each one claiming that they fall within the boundaries of their demarcation—which must be determined in accordance with

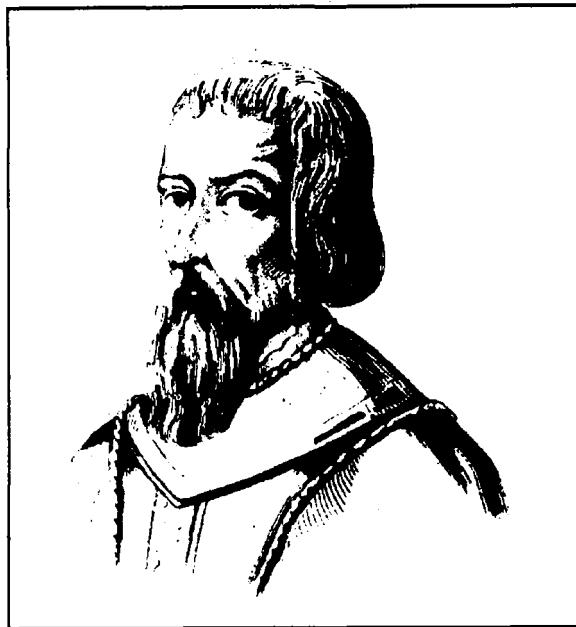
¹ Ed. note: Born in 1465. Having become a widower, he was appointed Cardinal in 1529. He died at Innsbruck on 5 June 1530.

the terms of the compact and treaty negotiated between the Catholic Sovereigns Don Ferdinand and Doña Isabella, King and Queen of Castile, etc..., and the most exalted and excellent King Don João, King of Portugal, etc..., (may he rest in peace)—therefore, they, jointly and severally, in the said names, and by virtue of the said powers incorporated above, for the sake of peace and concord, and for the preservation of the relationship and affection between their constituents, authorize, consent to, and ratify the following:

Firstly, there shall be appointed by each one of the parties to this treaty three astrologers, and three pilots and sailors, for the determination of the demarcation, which must be made according to the terms of the said treaty.

These men must assemble, and they shall assemble, by the end of the month of March first following, or before that time if possible, at the boundary line between Castile and Portugal, between the towns of Badajoz and Yelbes¹; in order that by the end of May next following, of this present year, they may determine, in accordance with the terms of the said treaty, the said demarcation, taking a solemn oath as soon as they have assembled, and before attending to anything else, in the form prescribed by law and before two notaries (one for each side) with public declaration and testimony, swearing in the presence of God and the blessed Mary, and upon the words of the four holy Gospels, upon which they shall place their hands, that, laying aside all love and fear, hate, passion, or any interest, and with regard only to securing justice, they will examine the rights of the two parties involved.

Likewise three lawyers shall be appointed by each side, who, within the same period, and at the same place, and after having taken the said oath with all the solemn forms and in the manner above-said, shall inquire into the possession of the Moluccas, and receiving the proofs, documents, treaties, witnesses, and rights that shall have been presented before them, shall determine the possession, doing everything that seems necessary for making the said declaration, just as they would do in court. Of the three above-mentioned lawyers, he who is named first in the commission shall take charge of assembling all the other deputies of his side, in order that greater care may be exercised in the negotiations.



King John III of Portugal [1521-1557].

1 Ed. note: Better known as Elvas today.

Further, during the said period and up to the end of the said month of May, next following, neither of the parties to this treaty shall despatch expeditions to the Moluccas, for purposes of trade or barter. But if, before the end of the said period the question of possession or ownership shall be determined, then the side, in whose favor the right of each of the said questions is declared, may despatch expeditions and may barter. And in case the question of ownership and demarcation is determined, then that of possession shall be understood to be decided and absorbed. If only the question of possession is determined by the said lawyers, without their being able to determine that of ownership, as aforesaid, then what still remains to be determined of the said ownership, and likewise of the possession of the said Moluccas, shall, in accordance with the said treaty, remain in the same condition as before this present compact. All of the above must and shall be investigated without any prejudice to the rights of ownership and possession of either side, in accordance with the said treaty.

But if, before the conclusion of the said period, it shall appear to the said lawyers first named in the commission, as aforesaid, that the settlement can, in all probability, be concluded and determined with some further continuation of the time set, as above said; or if another good way or manner of procedure, by which this matter could be determined better under one heading or another, to wit, that of the possession or that of ownership, should offer itself to them, the two lawyers, as aforesaid, may, in either of these cases, prolong, for so long a time as seems convenient to them, the brief determination of the matter. During the period of the said continuation, these lawyers, and all the other deputies, each one in his own capacity, may investigate and ascertain, and they shall investigate and ascertain, just as if this extension of time were within the principal period named in their commission. But the said time shall be understood to be continued under the same conditions and obligations as hereinbefore stated.

And all the actions taken in this case shall be signed by the two notaries appointed in his name by each of the parties to this treaty, as aforesaid. Each notary shall write the actions taken by his side, and the other, after having confirmed and collated them, shall sign them.

Item: Each one of the sides must obtain the ratification and confirmation of these articles from their said constituents, within the twenty days first ensuing.
etc.

Final summary note

The strict observance of the above is promised in the fullest of terms by the representatives of the two sovereigns, in the names of their respective constituents. The oath is taken in the usual way. Within twenty days of the date of the treaty, the respective representatives must exchange confirmations written on parchment and signed with the names and sealed with the hanging leaden seals of their constituents.

The signatures affixed to the treaty are:

Francisco de Valenzuela, secretary and knight of the Order of Santiago;

Pedro de Salazar, captain of their Majesties;

Pedro de Ysasago, *contino*¹ of their Majesties;

Gregorio Casgas, Alvaro Mexia, and Sebastian Fernandez, servants of the said ambassador Pedro Correa de Atubia;

Juan de Samano;

and those of the negotiators.

1 This was an ancient office of the House of Castile.