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AN ENGLISH CHARTER-PARTY IN THE TORRE
DO TOMBO (PORTUGUESE ARCHIVES) 1566-1567

(Contributed by Miss Virginia Rau)

In that section of the National Archives of the Torre do Tombo known as the «Gavetas» (anglicé; pigeonholes) lies an original English document whose origin seems to me worthy of a note. It deals with a charter-party drawn up in 1566 between certain English merchants, Richard Springham and Edward Worsopp, citizens of London, and captain George Fenner, of Southampton. In this document George Fenner puts at the disposal of the aforesaid merchants the vessel «George of Chichester» of approximately 40 tons burdeñ, under the command of John Smith «marryner», also of Southampton, to trade in the regions of «Genea and Nova Spania».

The document is duly signed and sealed by Richard Springham and Edward Worsopp and contains the following proviso: — «This present charterpartie Indented remayneng «with the said merchaunts, ye said Capteyn and Master, haue «subscribed ond sealed yonen...» We therefore have before us the document which was in the possession of John Smith. Furthermore, on the back of the document, in another script but of the same period, may be read «Smyeth, of Southam-pton».

How came this personal English document into Portugal's national archives? We can easily guess. It was captured, together with the rest of the ship's papers, by some Portuguese vessel cruising off the Guinea coast.

To support this hypothesis it will suffice if we remember that we are looking at a document drawn up during the reigns of Elizabeth of England and D. Sebastian of Portugal; a very trying time for the diplomats in both countries. As the Visconde de Santarem points out, during D. Sebastian's reign the relations between Portugal and England were decidedly hostile. «There was on both sides frequent capture of ships, partial «confiscation of goods, the granting of Letters of Marque, a «general embargoing of English property despite the existence «of old treaties of peace and alliance between both countries, «all this without a declaration of war being made from either «side, the two powers on the contrary not only sending each «other reciprocally Ambassadors and Envoys but the respective «rulers actually exchanging correspondence with one another!

«Such is the deplorable and unusual picture presented by «the dealings between the two countries down to the year «1576. The reasons for these disastrous and lengthy conflicts «were the unauthorized voyages of the English to Portugal's «African conquests in defiance of the laws and rights claimed «by the Crown of Portugal». (1)

Portugal tenaciously defended her monopoly of navigation to «a Mina» and the Guinea coast while England was extending the reach of tentacles outstretched by a nation now realizing its vocation at sea and in trade. The decline of Portuguese naval strength was close at hand; in England, aided by the Crown, a maritime factor was being developed which was to dominate the oceans and seas of the whole world.

The Portuguese court protested incessantly to London against the audacity of the British merchants who damaged its trade. At times the Court of St. James promised to check the illicit acts of its subjects; on other occasions it exclaimed against the exclusiveness of the Portuguese monopoly.

Nor were the differences between Great Britain and Portugal limited to diplomatic protests, they led also to deeds. The Portuguese tried to capture such English ships as they met;

(1) Visconde de Santarém, «Quadro Elementar» Vol. 15, pág. CII et seq.

the English took their revenge by attacking and pillaging any Portuguese vessels that chanced their way.

Can it have been in one of these attacks that the «George of Chichester» was taken by the Portuguese? It is highly probable, for this would explain how the original document of «Master» John Smith now appears in the Torre do Tombo.

Given the interest attaching to this document, with its long and detailed clauses governing the acts of the captain engaged by the London merchants, I transcribe it in extenso.

«In the name of God Amen. This present wryteng of Charterpartie Indented, made bitwene Richard Springham and Edward worsopp merchannts and Citezeins and mercers of london on the one parte. And George ffenner of Erneley in the countie of Sussex gentilman Captayn of one good englishe ship called the george of Chichester in the same Countie of the burthen of Fortye Tonne or thereabout, and John Smythe of the town of Southanpton Marryner on thother parte, witnessith That where the said John Smythe at the request of the said george and by the consents as well of the same george as of the said Richard and Edwards, is presently appoynted Master of the forsaid good ship, and by the assents and consents of the same Captayn and merchannts is also appoynted to conducte, leade, and guyde her, and in her to passe and sayle as Master and guyder of her, from the haven or port commonly called portesmouthe in the countie of Southanpton, unto whatsoever parte and partes of Genea and Nova Spania in the parties of beyond the sees that the said merchannts or eyther of them, or eny their assignes shall will or appoynt unto him; Therefore and in that respecte as well the said Captayn as the same John Smythe, covennute and grannte and them and eyther of them, or eny their executors bynd by these presents to and with the said merchannts and to and with euery of them their heires, executors and assignes, in manner and forme following. That is to saye; That he the same John Smythe in his owne persone (at all tymes after the Twentieth daye of this instant moneth of October) at the will and pleasure of the said merchannts or of eyther of

them, or their factor, shall enter the said good ship, and not onely take charge of her as her very Master and guyde, but also with her and suche men, furnyture, and merchandize as she shall then haue in her, shall (as an experte Master) passe and sayle the sees from thence (by godds grace) as sone as wynd and wether will therefore serue, unto whatsoever parte and partes of the forsaid contrye of Genea and Nova Spania, that the said merchannts or eyther of them, their factor or factors, shall require or appoynt; And as well at eny porte or haven on this side (?) the said contrye of Genea and Nova Spania, as at or in eny porte or haven within the same contries, and upon euery coast of the same that from tyme to tyme shal be to him assigned or appoynted by the said merchannts or eyther of them or by their or eyther of their factor or factors, shall tuche, tarye, Cast ankor, ryde, abide, and remayne, in and with the said good ship, as long and from tyme to tyme as the same merchants or eyther of them, or their or eyther of their factor or factors shall think good or convenient yf wynd or wether will so permitt: And also at the will and pleasures of the said merchannts or of their or eyther of their factor or factors, after arryvall of the said good ship in the said contries of Genea and Nova Spania shall in and with the same good ship, and suche lading and furnyture as she shall then haue in her, sayle, leade, and conducte her by sees from the said countries of Genea and Nova Spania, unto whatsoever parte and partes of this realme of Englund, that the same merchannts or eyther of them, or their or eyther of their factor or factors, shall think good or appoynt unto him, (yf wynd and wether will so permitt. And beside that shall at all tymes during the said voyage, both outwards and homewards be redy to appoynt and directe the Cokbote or botes belonging to the said good ship for the carieng and conveyeng to land, and for taking in and setting aborde the said good ship of eny of the forsaid merchannts, or their ou eyther of their factor or factors, and of eny persone or persones, goods, wares, or merchandize that shall passe or be laden or be appoynted to passe or be laden in the said good ship outwards or homewards: And shall at no tyme during the said voyage outwards of homewards without the consent

of the said merchantts or of eyther of them, or of their or of eyther of their said factor or factors, make or cause to be made with the said good ship or eny persone passing in her, any attempt for traffique, pryse, or bootie, nor take into her eny persone or persones, or eny kynd of goods, wares or merchandize; nor shall without the like consent, departe from or leaue the company of twoo other good ships thone called the Castle of Comforte of Chichester aforsaid, wherof is Master under god william betts (?) of plymouthe, and thother called Or named the Maye fflower of Chichester aforsaid, wherof is Master under god Roberte Curtes of plymouthe aforsaid, at no tyme during the said voyage outwards or homewards (except wynd or wether therunto forceable compell him/ In consideration of ye due observacion of all and singular with (?) promisses, the said merchantts for them and eyther of them and for theires, executors or administrators, of eyther of them. Soo covenant and grannte to and with the said John Smythe his executors and administrators, well and truely to paye or cause to be paid, unto ye same John Smythe his executors administrators, or assignes, in the naine of his wages for euery monethes space that the same John Smythe shall be occupied or employed in the guyding or governeng of ye forsaid good ship called the george outwards or homewards of ye said voyage the some of three powndes currant englishe money / Towards which payment and as parcell of the said wages, the same John Smyth knowlegets him self by these presents to have receyved and had of the said merchantts before the asealing of these presents, the some of sixe powndes, of lafull money of england, and therof doth clerely acquite and discharge the same merchantts their executors and administrators for ever / In witnes wherof to the parte of this present charterpartie Indented remayneng with the said merchantts, ye said Capteyn and Master, haue subscribed and sealed, and to thother parte therof remayneng with the said capteyn and Master, the said merchants have subscribed and sealed yonen the (?) th doye of October in ye yere of our lord god according to ye corse and computacion of ye churche of england one thousand five hundred three score and sixe and in the eight yere of the reigne of our soueraigne lady Elizabeth

by the grace of god quene of England ffrance and Ireland, defendor of the faith Etc.».

(docketed on back as follows:)

«Richard spryngham merchant» (1) «Edward worsopp merchant» (2) «Sealyd subscribed and delyuered in the presence of william Slywryht gentilman and of me Nicholas Ryngston».

(written on the back:)

«Smyeth of Southampton».

This charter-party, whose reference is: Gaveta 18, maco 5 No. 28, was transcribed, with many mistakes, in Vol. No. 39, fol. 224 in the «Reforma dos Documentos das Gavetas».

Virginia Rau.

(1) Upon a waxen pendant seal re-covered with sealing-wax.
(2) Idem.