

11441

8

INSTITUTION

OF THE

General Company

FOR THE

Culture of the VINEYARDS

OF

ALTO DOURO.

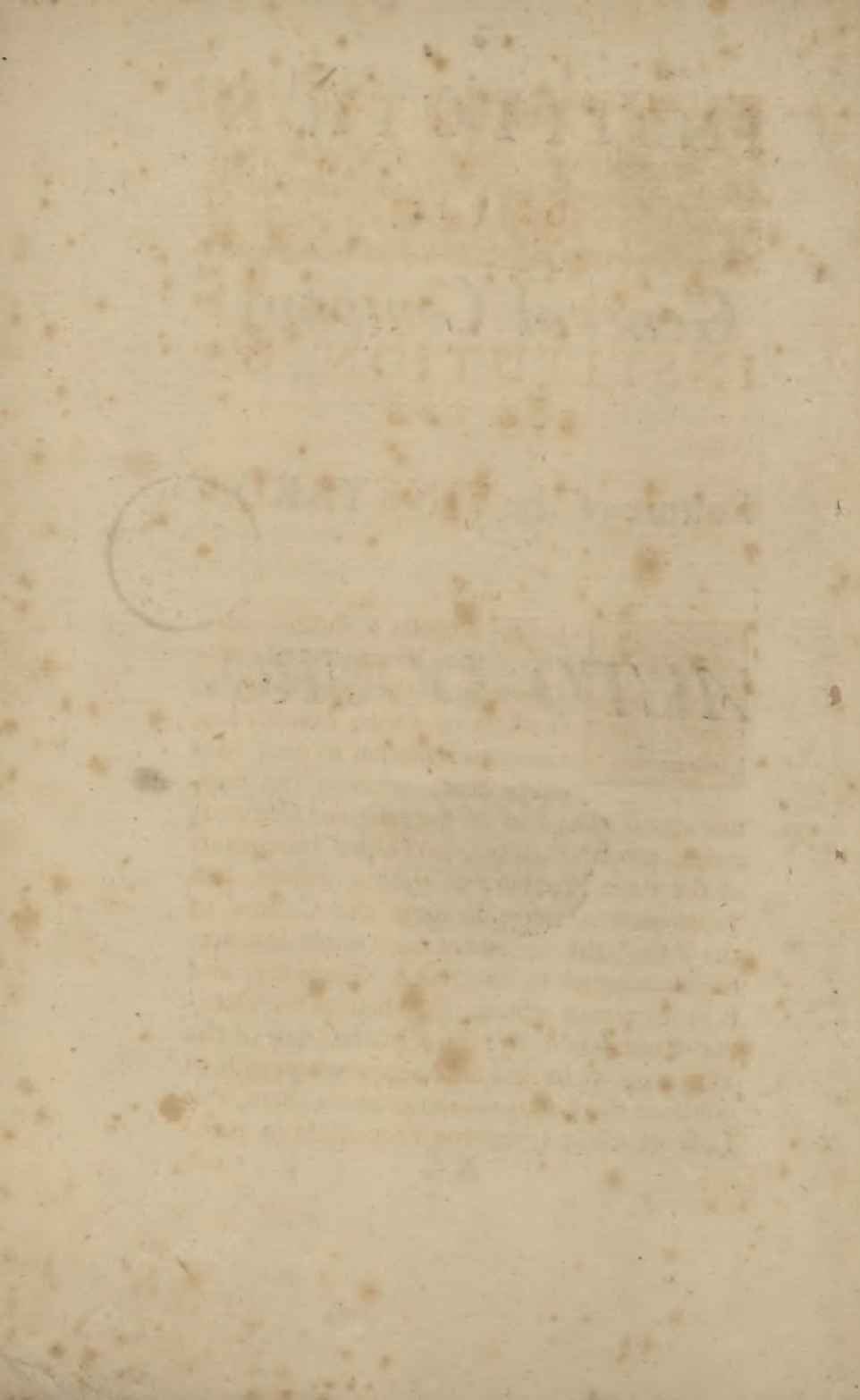


Impressão de registro

L O N D O N :

Printed by T. GARDNER, opposite St. Clement's Church in the Strand.

MDCCLVIII.





# INSTITUTION, &c.

MOST GRACIOUS SOVEREIGN!



OUR Majesty's dutiful Subjects, the Vintagers of *Alto Douro*, and the good Men of the City of *Porto*, humbly beg Leave to represent to your Majesty, that, whereas the Subsistence of great Part of the religious Communities, private Families, and chief Inhabitants of the three Provinces of *Behira*, *Minho*, and *Tralos-montes*, depends upon the Culture of the Vines; this Species of Agriculture is nevertheless reduced to so great a Decadency, and is in so ruinous a State, that besides the Detriment occasion'd by the Circumstance of the Wines not yielding a Sufficiency wherewith to cultivate the Lands which produce them, this Loss of Capital, to the Proprietors in particular,



cular, is aggravated by the farther Loss of Health to the Public in general. For, as the Number of Taverners in the City of *Porto* is multiplied to an extravagant Excess, forbidden by your Majesty's Laws, as well as by the Regulations of the Guild of the same City, beyond the Possibility of reducing that Multitude to rule; it thence follows, that, as the said Taverners adulterate the Wines, and corrupt them from their native Purity, by a Multiplicity of Mixtures hurtful to human Constitutions, they destroy not only the Reputation of so important and considerable a Species, but also all the Commerce which is carried on in that Commodity; nay, and the very Constitutions of such of your Majesty's Subjects as make use of the Wines which the said Taverners vend for Home-Consumption.

Animated therefore by the unparallel'd Clemency with which your Majesty has already afforded Relief to your afflicted Subjects, even in Cases of lighter Grievance than the above-mentioned, the Petitioners have agreed among themselves to form, under your Majesty's Royal Favour, a Company, which, by competently promoting the Culture of the Vineyards, may at the same Time preserve the Produce thereof for the Advantage of Foreign and Domestic Commerce, as well as of the Health of your Majesty's Subjects.

## S E C T. I.

The said Company shall constitute a Body Politic, having a *Governor*, twelve *Directors*, and a *Secretary*; all of whom shall be qualified such in the Manner hereafter declared. Besides the said *Directors*, there shall be six *Consultors*, Men well versed in this Branch of Trade. The said Company shall be stiled, THE GENERAL COMPANY FOR THE CULTURE OF THE VINEYARDS OF ALTO DOURO. All the authentic Papers issuing from it shall be dispatched in Name of the *Governor* and *Directors* of the same Company, and sealed with its Common Seal, which shall exhibit the Image of St. *Martha*, Protectress of the Territories of *Douro*, and underneath it, a Scrip, or Label, with this Device: PROVIDENTIA REGITUR.

## S E C T. II.

The said *Governor* and *Directors* shall be either natural-born, or at least naturalised, Subjects of your Majesty, and Inhabitants of the City of *Porto*, or of *Alto Douro*, who have in the Company's Funds ten thousand *Cruzados* Stock, or upwards.

## S E C T. III.

The Elections of the said *Governor*, *Directors*, and *Consultors*, shall always be made in the Common Hall, or Guild of the Company,

pany, by a Majority of Votes of all such Proprietors therein as are possess'd of three thousand Crusados Stock, or upwards. Such of them, however, as have not so much Capital Stock, may unite to make up out of lesser Shares one Total to the above Amount, wherewith to constitute a single Vote in the Name of several, to be given by whom they shall judge proper to be nominated for that Purpose. The first chosen for this Establishment shall serve the Office for the Space of three Years, and all others, who shall succeed him, shall serve for the Space of two Years ; provided always, that such as shall have served may not be rechosen in the next Election without having a Majority of Votes in their Favour not less than two Thirds, as is more expressly declared in Section IV. At the same Time, and in the same Manner, shall be chosen, from among the said *Directors*, a *Sub-Governor* and a *Substitute*, who shall gradually fill the Office of *Governor*, in Cases of Death or Hindrance.

#### S E C T. IV.

The *Governor*, *Directors*, and *Consultors*, shall at the first Election be nominated by your Majesty, to serve for the Space of three Years ; at the Expiration of which they shall produce, in a General Court, the Accounts of their whole Management, and distribute to the Proprietors the Dividends belonging to them,



them, or such as the Court, by a Plurality of Votes, shall appoint to be made. This done, they shall immediately proceed to the Election of the *new Governor, Directors, and Consultants*: On whom it shall be incumbent first, and before all Things, to examine the Accounts deliver'd in by their Predecessors, in order to pass or contest them, according to their Desert: And the same shall continue to be the Practice in future Elections, so long as this Company shall subsist. Still, in Case the Proprietors should think fit to re-elect one or more from among the said *Governor, Directors, or Consultants*, they shall be entitled to admit the same again into Office, on Condition of their having a Majority of Votes of at least two Thirds in their Favour. The *Judge Conservator* (or *Recorder*) shall tender to those first, who are to be nominated by your Majesty, an Oath that they will well and faithfully manage the Effects of the Company, and maintain its several Members in their respective Rights: And to those who shall be thenceforward chosen, the same Oath shall be tender'd, at the Board of the Company, by the *Governor* who quits the Office, and register'd in a special Book he is to set apart for that Purpose.

## S E C T. V.

The said *Governor* and *Directors* shall be the Treasurers of the Capital Stock of which  
this

this Company shall be possess'd from its first Establishment, and of all Interests thence arising, 'till the Times of making a Dividend of them among the respective Proprietors: To which Effect they shall keep one or more Coffers, as Occasion may require, with proper Keys to them, of which Keys every one shall keep his own, so that each may remain bound for himself, and every one for All, to answer for every Deficiency which may be found in the said Stock, 'till they deliver up the Capital to their Successors, and make a Dividend of the Interests thereof among the several Proprietors in the said Company.

#### S E C T. VI.

All Affairs, which shall be propos'd at the Board, shall be decided by a Plurality of Votes, and all which shall be thereby thus done, and ordain'd, shall have full Credit given to it, and shall be put in its full and due Execution; in the same Manner as is practis'd in your Majesty's Tribunals; provided that at the said Boards nothing be dispos'd in alteration of the establish'd Laws and Regulations relative to the State of the *Braziles*, or that be contrary to any other of your Majesty's Laws, save what is allow'd to it in virtue of its present Establishment. The said *Governor* and *Directors* shall make choice of what Officers they shall deem necessary for the good Government of the Company, as well in the City of *Porto*,  
and



and within the Kingdom, as in foreign Parts. They shall have ample Jurisdiction over them; to suspend them, put them out, bring them to Justice, and provide others in their Places: All of them shall continue in their Post so long as shall seem meet to the Company, which shall have the Inspection of their Accompts, and pass to them Acquittances, sign'd by two of the Directors, and sealed with the Company's Seal, after their said Accompts have been revised and examined at the Board.

#### S E C T. VII.

This Company shall have a *Judge Conservator* (or *Recorder*) who, with privative Jurisdiction, and Exclusion of all other Tribunals, shall hold Courts of *Oyer* and *Terminer* for all contentious Suits, wherein the *Governor, Directors, Consultors, Secretary, Clerks, Managers,* and other Officers of the Company, shall be either Plaintiffs or Defendants; whether the Matter of the said Suits be Criminal or Civil, so long as they are carried on between the said Officers of the Company, or between them and Persons who do not belong to it: Which said *Judge Conservator* (or *Recorder*) shall call the said Suits to his Tribunal in the City of *Porto* by positive Decree, and elsewhere by Precatories; and shall have a definitive Power in himself to the Amount of 100 Cruzados, without Appeal or Demur; as well in Civil Causes, as

in the Penalties decreed by him: But in all other Cafes, and in thofe, which being proved, are capitally criminal, he fhall proceed in Judgment in the High Court of Juftice, call'd the *Relaçao*, by one fole joint Form of Procefs, with the Affiftants which fhall be appointed him by Nomination from the Chief Juftice for the Time being of the *Relaçao* and King's Bench at *Porto*, or whoever fhall ferve that Office. Both the *Judge Confervator* (or *Recorder*) and his Clerk, as alfo his Marfhall; fhall be nominated by the faid Board, and confirm'd by your Majefty, who fhall oblige the Minifters, whom the Company may chufe to ferve the faid Office; and that notwithstanding the Statute, *Lib. 3. Tit. 12.* and all other Laws hitherto published, relative to the Office of *Confervatory* (or *Recordership*); for as the Judgment of the faid Judicature is not recurr'd to, as a voluntary Privilege for the Moleftation or Vexation of the Parties, but as a weighty Contract for the Service of your Majefty, for the common Good of your Subjects, and for the good Management of the Affairs of the Company, and the Writings which it fhall pafs in your Majefty's Royal Name; all thefe Motives render the faid *Judge Confervator* (or *Recorder*) abfolutely neceffary. Such Difputes, however, as may arife between Perfons interefted in the fame Company, concerning the Capital Stocks, Interefts, and the Dependences thereof, fhall be propofed at the  
Board

Board of Administration, and there verbally decided, in mercantile Form, by plain dealing, according to the known Truth, without Form of Process, or other Allegations than those of simple Matter of Fact, and those of the Rules, Usages, and Customs of Commerce and Navigation, commonly received as such, in the Presence of the *Judge Conservator* (or *Recorder*) and of the Attorney-General of the Company; which said Board, with the Approbation of the two aforesaid Ministers, shall decide all Causes, not exceeding the Amount of 300 Mil-Reis, without Appeal or Demur: And such as exceed the Amount of that Sum, where the Parties are unwilling to abide by the Decision of the said Adjudgers, shall be forthwith laid before your Majesty, in an humble Address from the Board, for your Majesty to nominate such Judges as to your Wisdom shall seem meet, who shall determine the same in like Form, without Intervention of any other ordinary or extraordinary Recourse; all other Dispositions of Law or Statutes to the contrary notwithstanding.

## S E C T. VIII.

The said *Conservator* (or *Recorder*) shall, by Summonses in the Royal Name of your Majesty, dispatch all such Orders as shall be forwarded to him by Resolution of the Company, for the good Government of the same; as also for the Hiring of Carts, and Embarkations



tions for the Carriage of Wines, and for the Compulsion of Vintagers, Coopers, Taverners, and all other Artists on whom this Branch of Commerce may depend, to enter into the Service of the said Company, on Condition of its paying them their Salaries. And the Ministers of your Majesty shall not take away, or interrupt their Boats, Carts, Vessels, or any other Things whatever, on which the Dispatch of their Loadings may depend; but rather, having Occasion for more, the Ministers to whom it may belong shall be required to send them more. And for whatever else may be further necessary towards the good Government of the said Company, it shall be empowered to summon such Ministers, as do not comply with, and effectually execute its Orders, before the *Relação*, (or Court of King's Bench) of the City of *Perto*, whither they shall repair to answer to the Charge, the said *Judge Conservator* being first heard, who shall attend the Board of the Company, whenever he shall receive a Message for that Purpose, having there a Seat suitable to his Dignity.

#### S E C T. IX.

It being indispensably necessary for the Company to have sufficient House-Room, for its Dispatch of Business, for the Security of its Coffers, for the Accommodation of its Clerks and other Officers, and for Warehouses  
 wherein

wherein to keep their Wines, Vessels, and other Materials thereto necessarily appertaining, your Majesty is graciously pleased to grant to it the Privilege of settling, so as that their *Judge Conservator* (or *Recorder*) may cause Dwellings to be assigned over to its Use, wherever the Company shall judge them to be most for its Conveniency, without becoming subject to the having the Rents, they were valued at before, raised upon that Account; which Rents the Company will pay to the Owners; and in case of Dispute, the same shall be adjusted to the Satisfaction of the Parties, by the Arbitration of proper Persons, your Majesty having for this Effect abrogated all Privileges of Settlement, which the Persons may be possessed of, from whom such Dwellings shall be taken, or who have lodged their Effects therein.

### S E C T. X.

The main Purpose of this Company being that of supporting, together with the Credit of the Wines, the Culture of the Vineyards, and to promote, at the same Time, the Advantage of the Commerce, which is carried on in this Commodity, by fixing such a regular Price for it, as may produce a competent Profit to the Manufacturers of it, and a reciprocal Lucre to the Traders in it; by avoiding, on one Hand, the exorbitant Prices, which, rendering its Consumption impossible, destroy

destroy the Species; and not suffering it, on the other Hand, to fall to so low an Ebb as that the Vintagers shall be unable, without Loss to themselves, to support the yearly Expences of their Agriculture; it is necessary for these useful Ends to establish certain competent Funds: Wherefore the Capital Stock of this Company shall be One Million Two Hundred Thousand Cruzados, divided into Actions of Four Hundred Mil-Reis each; the Half of which may be advanced in competent Wines fit for Vent, by such as shall be willing to be concerned in the Actions; and the other Half shall be constituted in absolute Cash, that the Company may be enabled to fullfil its Engagements of supplying the Necessities of the Vintage, and Commerce, in the following Manner.

#### S E C T. XI.

On the Strength of the abovesaid Fund, the Company shall lend to necessitous Vintagers, not only the Necessaries for the Construction and Dressing of the Vineyards, as well as for the Managing of the Wines, but also whatever else may be needful to them towards some of those minute Expences, which the Preservation of human Life makes a daily Matter of indispensable Necessity, without requiring of them, for such Loan, any higher Interest than at the Rate of Three per Cent. per Annum; provided always that the said

Loans



Loans shall not exceed one Half the Value in general of the Wines, which every such Vintager is wont to collect: Which Wines, in Consideration of the said Loans, shall become, and remain, effectively pledged to the Company, in such Manner as to give it the same preferable Right over them as Landlords of Houses have over the Goods therein contain'd; without its having Occasion for any other Title thereto, or other Proof, than that of the said Loans being entered in the Books of the Company, and verified by a Writing under the Debtors Hands, recognized with the Signature of some public Officer.

## S E C T. XII.

The Company shall hold in Readiness all Materials necessary for the making of Wine-Vessels, not only for the Year in which it may make its Ladings, but also for the Year following, that no Deficiency of this Kind may occasion either Damage to the Wines, or a Baulk in the Provision of them, which they are to furnish the Ports of *Brazil* with, according to your Majesty's gracious Grant for this Commerce.

## S E C T. XIII.

And that the said Ports of *Brazil* may not experience any Want of this Commodity, the Company shall, for the present, settle a Stock of 10,000 Pipes of good Wine, and fit  
for

for Exportation, to enable it the first Year to bear any Disappointment it may meet with in its first Ladings, and to wait for the Produce thereof for a competent Time.

#### S E C T. XIV.

In order to facilitate the Purchase of Stocks, in favour of the Vintagers of the Wines of *Alto Douro*, the Company shall take of the Purchasers of Actions, such Wines as are of the best Sort, and in their natural Perfection, without Mixtures or Brewings, capable of spoiling them, at the Price of 25 Mil-Reis per Pipe of common Measure; and such of an inferior Sort as are nevertheless fit for Navigation, it shall take in like Manner at the Rate of 20 Mil-Reis. At the same Prices they shall purchase the said Wines for the Time to come, whether this Commodity happen to abound or fall short: Wherefore as the Company is to pay for their Wines at the above Rates in the Years of Plenty, so likewise shall the Vintagers be obliged to deliver them at the same Rates, without any Alteration, in the Years of Scarcity, or Dearth: The respective Interests of each Party being thus fairly compensated to the Advantage of of the Commodity itself.

#### S E C T. XV.

And that neither the Company may destroy the Navigation of the City of *Porto*,  
by

by disappointing it of the Lading of Wines, which is its principal Support, nor the Navigation may prejudice the Company by omitting to supply it with a Competency of Shipping for the Transport of Wines to the States of *Brazil*: Your Majesty is graciously pleased to establish, that for the Carriage of every Pipe of Wine, Brandy, or Vinegar, which the Company shall ship from the City of *Porto* for *Rio de Janeiro*, it shall pay to such Ships ten Mil-Reis Freight, after the Manner heretofore practised, without any Alteration in this Respect whatever, on one Side or the other. For such Wines, &c. as shall be shipp'd for *Babia*, it shall pay eight Mil-Reis *per* Pipe as above; and in like Manner eight Mil two hundred Reis *per* Pipe Freight, for those it shall send to *Pernambuco*, which Freights shall not be alter'd in any wise whatsoever, neither by the Company nor the Proprietors, nor by the Captains of Ships, on Pain, to such as shall act in any wise contrary to this Regulation, of paying double the Amount of such Freights, the Whole of which shall be applied, one Half to the Informer's Use, the other Half to the Use of the Hospital of the City of *Porto*, besides two Months Imprisonment of the Delinquents.



## S E C T. XVI.

The Wines, Brandies, and Vinegars, which the Company shall send to the *Brazils*, shall be shipp'd on board the Vessels of the respective Squadrons of that City, which shall put up for Ladings, dividing them among them, and each of them, in proportion to their Assortments; and the said Vessels shall be obliged to receive them, without Hesitation, in the same Manner as is practis'd with regard to the Salt-Contract. Nevertheless, if it should happen that the Consumption of the said Commodities should increase to such Excess in the States of *Brazil*, that the private Ships of the Trade be not able to convey thither the Quantity necessary for daily Provision, the Company in that Case shall be obliged to get ready, and send at its own Expence, the Ships necessary for such Transport, only, however, to that Port, for whose Use the Wines exceed the Burden of the said private Ships belonging to the Mart of the City of *Porto*. And in this Case, neither such Shipping, nor their Equipages, nor whatever shall be necessary for their Construction and fitting out, shall be seizable to any other Uses than those of the said Transport and the Dependencies of the same Company, not even under Colour of your Majesty's Royal Service, on Pain to the Persons acting in opposition thereto of paying to the said Company, out of their

their own Effects, all the Damage thence resulting to it; to which Intent they shall be call'd to an Account before the *Judge Conservator*, or *Recorder*, of the same Company, and not at any other Tribunal whatever, notwithstanding any Privileges they may enjoy to the contrary.

### S E C T. XVII.

Considering the notorious Prejudice which Salt, in its Nature, does to Wines in general, and the absolute Necessity there is for that Commodity in the States of *Brazil*, which obliges all the Shipping to take competent Ladings of it, your Majesty is pleased to will, that none of the Vessels on board of which the above Wines are shipp'd shall carry any Ladings of loose Salt, but shall carry the Whole in Wooden Chests, as they ought and are bound to do, stowing them well and close on that Side where the Wines are put, and placing between the Wines and the Salt other moist Commodities, so as by every possible Means to prevent the Damage which may result to the Wines from their immediate Nearness to the Salt, on Pain to the Captain or Commander, who shall act contrary, of paying to the Company double the Value of all the Wines which shall be found damaged at their Arrival, as also of three Months Imprisonment for the first Offence, and the Pe-

nalties shall be doubled in proportion to the Relapses into the same.

S E C T. XVIII.

The chief Agent and Deputies of this Company, and the Factors or Administrators it shall employ in the States of *Brazil*, for their Administration, and the Clerks it shall employ in the City of *Porto*, for their Salaries, shall be entitled only to their Commission, at the Rate of Six *per Cent.* to be levied in the following Manner: Two *per Cent.* on the Costs the Company shall be at in its several Dispatches at *Porto*; Two *per Cent.* on the Sales which shall be made in the said Harbours of the States of *Brazil*; and Two *per Cent.* on the Returns and Charges in the City of *Porto*; which said Six *per Cent.* shall be made to suffice for the full Payment of the whole Administration belonging to the Trade, without the Company's being liable to any other Charges of the like Nature; save only that it shall be chargeable with all Costs arising from the Salaries of such Ministers, and other Officers, as are to make a Part of their Body Politic and OEconomic, as also with such as may arise from the Renting of Houses and Magazines, all which shall run on the Company's Account,

S E C T.



## S E C T. XIX.

In order that this Company may be able to support itself, and be enabled to make such a Profit as may compensate the Obligations it lays itself under by this Establishment, and be a valuable Consideration for the Advantages thence resulting to the Common-Weal of the said Provinces, your Majesty is pleased to grant to it in the four Governments within the States of *Brazil*, of *S. Paolo*, of *Rio de Janeiro*, of *Babia*, and of *Pernambuco*, the exclusive Commerce of all the Wines, Brandies, and Vinegars which shall be shipped from the City of *Porto* for the said four Governments and their respective Harbours; to the Intent that no Person of any Condition whatever shall be qualified to send thither any of the said Commodities, except the same Company, which shall enjoy the said exclusive Privilege in the following Manner.

## S E C T. XX.

The Brandies and Vinegars may not be sold by the Company in the said Harbours for more than Fifteen *per Cent.* free to the Proprietors of the principal Cost, Caskage, Carriage, Freight, Customs of Import and Export, Shipping, Commission, the One *per Cent.* to the Coffer, and of all other Charges thereon to be made to the Act of Sale, which shall wholly run on the Account of the Buyers;

Buyers; considering, however, the greater Danger the Wines are in of suffering Damage in their Quality, and that, on that Account, they more immediately threaten some Loss to the said Company, therefore the said Company shall be allowed the Liberty of selling their Wines at Sixteen *per Cent.* free to the said Company from all the above-mentioned Charges, but not at any higher Price.

### S E C T. XXI.

And in order to justify its Sales, and make appear the Exactness with which the Company observes the said Prices, it shall be obliged to send to its respective Factors, or Administrators, the Accompts of the several Cargoes signed in an authentic Manner, by all the Deputies, and sealed with the Seal of the Company, in order to be thus made known to the People, that every Purchaser may be enabled to examine thereby the true Value of the several Commodities as may be parcell'd out, in which Accompts of Cargo shall be specified in the most circumstantial Manner the prime Costs and other Charges of each of the said Commodities, that there may be no Room to suspect the least unfair Dealing.

### S E C T. XXII.

This, however, is to be understood on Supposition, that the said Commodities be sold for ready Money, or paid for, in case of Sale, at  
the

the precise Term agreed upon ; because the Debtors, on Default of Payment, shall incur the Penalty of farther paying Five *per Cent.* Interest, for the whole Time of their Delay of Payment, or so long as the Execution shall last, with which they may be served : But if the said Wines be truck'd in Exchange for the Goods of those Governments, whose Value is uncertain, and depends on the free Will of the Sellers; in that Case, the Agreement shall be fix'd by Convention of the Parties; as it would not be fair for the Inhabitants of that State to raise their Goods to such a Height as may do Hurt to the Company, nor for the Company to undervalue them, so as to discourage their Agriculture.

#### S E C T. XXIII.

And because, likewise, it would not be fair for the Company to hurt such Persons in those Governments, as sell the said Commodities by Retail, by depriving them of the Means of Subsistence, the said Company shall not be entitled to sell at any Time by itself, or its Factors, any of the above-mention'd Commodities by Retail, nor dispose of any lesser Quantity than one Pipe of each of the said Commodities; the Sale of which shall always be made at the Magazines of the said Company, and never in Shops, or such like private Places, on Pain to such of its Factors as shall act contrary hereto of being chastised for every Disorder,



Disorder, which shall thence result; remaining (*ipso facto*) incapable of serving the Company, as also of all and every the Offices of Justice, or Property, besides being condemn'd in a Five Years Banishment to *Angola*.

#### S E C T. XXIV.

No Person, whatever be his Qualifications or Condition, shall be allow'd to send, take, or introduce into the said Governments of *S. Paolo, Rio de Janeiro, Babia, and Pernambuco*, the said Wines, Vinegars, and Brandies, which are to be exported in the Squadrons from the City of *Perto*, or shall be of the Product of the Lands of *Alto Douro*, on Pain of the Forfeiture of them, and as much more as their Value amounts to: The Whole to be applied, one Half in favour of the Company, and the other Half in favour of the Informers, who may give their Information publickly, or in Secret, (provided their Informations be made good, upon corporal Apprehension) in this Kingdom, before the *Judge Conservator* (or *Recorder*) of the Company, and in that State before the presiding Minister of the House of Intendency, or before any common Judges, in Places where there are no Intendants; all which shall cause the Informations to be notified to the Company's Factors, that they may act as Plaintiffs in the Matter, being entitled thereby to a Fifth Part of the Value; and they not thus fulfilling their Duty, their

Effects

Effects shall be liable to answer the Damages thence arising.

S E C T. XXV.

Nevertheless, if it should happen that some of the Vintagers do not agree to the Prices determined in Section XIV. and should have a mind to ship the Wines of their own Manufacture for the said Ports of *Brazil*, they shall be allow'd so to do by the Hands of the Directors of the Company; who, at the Charges and Risk of the same Vintagers, shall send them to their Factors, to be sold in the said State, at the same Prices as the Company's Wines shall be sold at, and by no Means at greater; provided always, that the Quality thereof be equivalent to the said Prices. And for the very Reason that any such Vintager did not care to content himself with the established Prices on one Occasion, he shall be excluded the Privilege of obliging the Company on any other, to take his Wines at the said Prices; and the Company shall reimburse the said Vintagers the Amount of their Product, abating Commissions, according to the established Rule, and all other Expences attending the Returns, so soon as the Company shall have received the same: It being understood, that all Charges attending the said Wines, till put on board, shall be paid at the Cost of the Vintager, and not of the Company.

D

S E C T.

## S E C T. XXVI.

If the Company should find any Advantage in extending its Commerce of Wines and Brandies to the foreign Nations of *Europe*, it shall be at Liberty to do so, on paying the Duties already established in the same Branch of Trade; as also those of Entry at the Custom-House of the Goods it imports in Exchange; and for that Purpose, the Company may retain in its Service the Shipping it may stand in Need of, which it may dispatch, as it shall think best, without any Hindrance, and without being liable to have them, or their Crews, disturbed, or taken from it, even under Colour of your Majesty's Royal Service.

## S E C T. XXVII.

The Company shall pay all the Duties hitherto wont to be paid on the above Commodities, as well in this Kingdom, as in the said State of *Brazil*, in the same Manner as has been heretofore practised; and the same shall be observed with the Returns it shall make from the same State of *Brazil* to this Kingdom.

## S E C T. XXVIII.

Whereas every one knows the grievous Prejudice, which has been done to the Reputation of the Wines of *Douro*, and consequently to the Culture of the same, by the great Liberty



Liberty hitherto taken in the Dealing therein, and by the excessive Number of Taverners, who retail them in the City of *Porto*, and the neighbouring Towns; every one endeavouring to adulterate them from their native Purity, with Mixtures, and foreign Compositions: And whereas the Whole is contrary to what remains establish'd by the Charter of the 23<sup>d</sup> of *February*, 1605, by the Act of Consulship of the 18<sup>th</sup> of *June*, 1655, and by the Provision of the Board of *Dezembargo do Paço*, (or Senate) of the 23<sup>d</sup> of *August* of the same Year: Your Majesty, in order to provide against these Evils, is graciously pleased to ordain, that in the City of *Porto*, and in the neighbouring Places, within the Distance of three Leagues, no Wines shall be sold, but on the Account of this Company, by Retail; which said Company, for that Purpose, shall purchase of the Proprietors the Quantity of Wines necessary, and the *Governor* and *Directors* shall be entitled to no more than One *per Cent.* on the Price thereof, and the other Charges thereto incidental, on Account of Carriages, Casks, Duties, Warehouse, and Sale, or other trifling Expences, by way of Commission; out of the Product of which they shall pay the Factors they may employ in this Service; and all the remaining Profit shall belong to the several Persons interested in the said Company, by a liquid Balance to be divided among them in the Manner above estab-

blish'd in *Sect.* IV. And that this Regulation may be put in Force, without any notable Trouble to the Parties, Regard is to be paid to the following *Sections*.

S E C T. XXIX.

Whereas an entire and absolute Separation is to be made of the Wines of the Coasts of *Alto-Douro*, and its District, in order to be shipp'd for *America* and foreign Nations, from all the other Wines of such Places as only produce a Sort fit to be drank in the Country, that by this Means the Inferiority of these Wines may not destroy the Credit due to those on account of their native Excellence; your Majesty is graciously pleased to will, that there be made, with the greatest Expedition, a Map and General Survey of the two Coasts of the River *Douro*, North and South, wherein may be described all that Territory which produces the true Wines for Exportation, capable of passing forth of the Bar of the said River, severally and distinctly specifying the great and small Vintages of this peculiar Kind, and exhibiting an Estimate, by a common Supputation or Average, according to the Produces of the last five foregoing Years, of what each of the said Vintages is wont to yield, in order that the Proprietors thereof may not sell any, without making known to the Company what they do sell, nor be enabled to sell to the Company,

pany, or to Foreigners, any greater Number of Pipes, than that which is allotted to them in the said Register or Survey, on Pain, in case of exceeding the said Quantities in their Sales, of paying nine Times the Value of the Excess, and remaining incapacitated to sell Wines any more out of the Kingdom.

### S E C T. XXX.

No Wine whatever shall be brought from without the Limits of the Territory above described into the same, unless accompanied with Permits, pass'd by the whole Body of the Guilds of the Places whence the said Wines are brought; which Permits shall declare the Place they are bound to, the Use they are destined for, the Name of the Vintager and Vintage where they are received, the Persons to whom they are consigned, and the direct Road by which they are to be transmitted; which Permits, in the above Form, shall be exhibited to the Commissaries, whom the Company shall have nominated in the respective Places, to inspect whether, in fact, the Use be made of them for which they were designed. All this under the Penalty, that the Wine which is transmitted without Permits, dispatched in the above Form, or which shall be found to be out of the direct Roads and Highways, shall be forfeited in Favour of the Company: And this, in order to prevent the sorry Wines from being mingled



mingled with the good, to increase their Quantity in Prejudice of their Credit, and to the Detriment of the Company, and of Foreigners, who are to become Purchasers thereof. And if inferior Wines should happen to be discovered in Houses not approved for their Reception by the Guilds, with the Company's Consent, not only the said Wines shall be forfeited, but those Persons in whose Custody they be found, shall be fin'd the Treble of their Value to the Profit of the same Company.

#### S E C T. XXXI.

In like manner, to prevent the fraudulent Introduction of adulterated and sorry mixed Wines into those foreign Countries, whither the Wines which are to be qualified as above are transported, no Person, whatever be his State or Condition, shall, under the above ordained Penalties, be entitled to embark any Wines for the City of *Porto*, but such as come address'd with the domestic Manifestos of the Vintagers to the Board of Directors of the Company; which, finding them exact, shall order their Mark to be put upon them as fit for Exportation; finding them to be of another inferior Quality, it shall order the proper Mark to be put on them as inferior Wines, fit only for Home Consumption on the Spot, or within the Kingdom; and finding them fit to be shipp'd for the *Brazils*, or for  
foreign

foreign Countries, Licence shall be granted for the Sale thereof, and the Board of the said Company shall be obliged to make out annually a general and particular List of all the Pipes of qualified Wine which shall be shipp'd out of the Bar of *Porto* to be navigated as above; putting on every one of them, with a hot Iron, the Mark of their Approbation, and pointing them out with Permits, signed by the Governor, and all the Directors of the Company, to the several Custom-Houses to which they are bound; and declaring in the said Permits the Names of the Persons who make the Ladings, and the certain Number of Pipes which every one of the said Persons shippeth, tho' it be but a single Pipe, or even but a Barrel; to the Intent, that if any should have an Inclination to introduce into any of the said foreign Countries any Wines without Permits, or in Quantities exceeding the Number specified in the said Permits, on the Supposition of their being Wines of *Alto Douro*, the Cheat may be instantly discovered in the respective Custom-Houses of the said foreign Countries, as it will be evident in both Cases that the Wine is of different Territories, and subjected to those Mixtures and Frauds which the Company is endeavouring to prevent for the common Good. And for a still greater Security, the Company will, at the End of every Year, remit to the different Ports of *America* and *Europe*, to which any Wines are

ex-

exported, a printed general Account, and circumstanced as above, with the Names of the Laders, and with a Declaration of how much every one of them shipp'd, that it may reach the Knowledge of every Body.

S E C T. XXXII.

For the Sale of Wine by Retail in the City of *Porto*, no more Taverners shall be allowed than the ninety-five established by the Charter of the 23d of *February* 1605, by the Act of Consulship of the 18th of *June*, 1655, and by the Provision of the Board of *Dezembargo do Paço* (or Senate) of the 23d of *August* of the same Year: Infomuch, that neither the Number of Taverns shall be altered, nor any Change made with respect to the Places appointed for them; nor shall any Taverner be admitted to hold any one of them, who is not approved and licensed for that Purpose by the Board of the Company, on Pain of Forfeiture to the Company's Use, of all the Wine found in Taverns not licensed as above, and of six Months Imprisonment to such as shall be detected selling therein: This Penalty to be doubled and trebled, in Cases of Relapse, against such Taverners or Owners of Wines as shall be subject thereto.

S E C T. XXXIII.

That the Manufacturers of Wine, and the Purchasers thereof, may be enabled to act  
upon



upon certain Grounds, so as that neither the Manufacture may claim, by selling it, such Profits as may prove prejudicial to the Commerce, nor the Commerce be able to ruin the Manufacture in its Beginning for the Purchases thereof, the Company shall unalterably pay for all the Wines it may take up for Exportation at the Rate of twenty-five Mil-Reis *per* Pipe, according to the two different Qualities thereof, in the Manner above declared in Sect. XIV. so that, in case of there being a great Deficiency of the abovesaid qualified Wines, and a great Demand for the same, those of the first Rank may not exceed the Price of thirty Mil-Reis *per* Pipe, nor those of the second surpass the Price of twenty-five Mil-Reis. Such, however, as may prove unfit for Exportation, and yet proper enough for Home-Consumption, shall also be bought and sold by the same Company at certain fix'd Prices, in the following Manner: Such as are of the Growth of the Lands lying between *Porto* and *Arnellas* shall be bought at the Rate of four Mil-Reis *per* Pipe, and sold at the Rate of ten Reis *per* Pint, the Company being at all Expence and Charges thereof: Those of the Growth of the Lands lying between *Arnellas* and *Bayao* shall be bought at the Rate of five Mil-Reis *per* Pipe, and sold in the same Manner at the Rate of twelve Reis *per* Quart: Those of the Growth of *Anfede* and its Territory, which shall be hereafter described, shall be

E bought

bought as above at the Rate of six Mil-Reis *per* Pipe, and sold in like Manner at the Rate of twelve Reis and a half *per* Quart : Those of the Growth of the Lands of *Barqueiros*, of *Mazaofrio*, of *Barrou*, and *Penbajoya*, shall be bought at the Rate of eight Mil-Reis *per* Pipe, and sold at the Rate of fifteen Reis *per* Quart : The other ripe Wines of the Hills beyond *Douro*, lying without the Limits described of the Lands productive of Wines for Exportation, shall be sold at the Rate of twelve Mil-Reis *per* Pipe, and sold in like Manner at the Rate of a Vintem (or twenty Reis) *per* Quart : And the Governor and Directors of the Company shall cause the said Wines to be distributed among the Taverns, to be sold at Retail in the Manner establish'd in Section XXVIII. with this farther Declaration, that for each of the abovesaid Sorts of Wine the said Company shall provide proper Casks, mark'd with a hot Iron, distinguishing their several Qualities and Prices : And that the Taverner who inverts the said Orders, either by putting the better Sort of Wines in the Casks of the inferior Sort, or by mingling the one with the other, shall for the first Offence pay a hundred Mil-Reis, shall forfeit all the Wine he may be found possess'd of, in favour of the Informer, and have six Months Imprisonment ; for the second, the same Penalties shall be doubled ; and for the third, he shall be liable to the same, and shall be over  
and

and above publickly whipp'd and transported to the Kingdom of *Angola*. And because there will be some Wines of so bad a Sort as to be only fit to burn, or make Vinegar, the Company shall immediately grant Licences to the Proprietors of such Wines for reducing them to Brandies or Vinegars, and being disposed to make their Provisions of these two Commodities, they shall purchase the same by mutual Agreement of the Parties.

#### S E C T. XXXIV. 1

If in some Years the Growth of the Wines should be so redundant as to render it impracticable for the Company to dispose of it readily, neither for *American* Consumption, nor for that of the City of *Porto*, the Vintagers shall be at liberty to sell the said Commodity, for the Consumption of any Part of the Kingdom, where there is no Prohibition thereof; and if it is to be convey'd without the Bar, the Quality thereof shall be mark'd on the Casks it is convey'd in, and the Whole shall be accompanied with the Company's Permit, that the Place it is design'd for may be known; and that it may not be transmitted to foreign Countries, and become productive of the ill Consequences before mentioned.

S E C T.



## S E C T. XXXV.

Whereas this Company is establish'd on the Stock and proper Substance of the Persons therein interested, without any Mixture of Stock from the Royal Revenue; and whereas every one is free to dispose of his own Effects as to himself may appear the most for his own Advantage, the said Company and the Management shall be under the immediate Subjection to the Royal Person of your Majesty, and independent of all the Tribunals, as well the greater as the lesser ones, so as that no Minister or Tribunal of your Majesty shall in any Case or Accident whatever interfere with it or with what belongs to it, nor shall be intitled to hinder or interrupt the same in the Management of all which belongs to it, nor demand of it any Account of its Proceedings, it being the Duty of the Directors, who quit their Office, to lay before those who succeed them, in the Manner laid down already in Section IV. And this is to be understood with express Inhibition to all the said Tribunals and Ministers, and notwithstanding the Right of their respective Jurisdictions; for though it may seem that the Management of the said Company's Affairs should be subject to such or such Jurisdictions, nevertheless, as they do not interfere with your Majesty's Royal Revenues, but belong wholly to the Persons who put their own Stock into the said Company, it is they who

who are to have the Management thereof entirely to themselves, with that separate and privative Jurisdiction which your Majesty is pleased to grant them. In the Case, however, of a Tribunal's wanting to be inform'd by the Board of Managers of any Thing relative to your Majesty's Royal Service, it may order its Secretary to write to the Secretary of the said Board of Managers, who being by him acquainted therewith, will direct him what Answer to give. If it should be what the Board does not think expedient to comply with, the Tribunal which shall have made the Enquiry may address your Majesty, to the Intent that, after the said Board has been heard upon the Subject, your Majesty may take such Resolutions as to your great Wisdom shall seem meet.

S E C T. XXXVI.

In case the Agents and Factors of the Company in *America*, or elsewhere, should happen to die, neither the Judges for the *Dead* and the *Absent*, nor the Judges for *Orphans*, nor any other than the proper Judge appointed by the Company to take Cognizance of its Affairs in the respective Places, where such Agents or Factors shall die, shall interfere in the Seizure of the Books and Effects of the Deceased; which said Judge, or Superintendent of the Company's Affairs, shall seize the said Books and Effects, and shall give an Account

count thereof to the Board of the Company in the City of *Porto*, that the same may first, and with Preference to all other Titles, separate what belongs to the Company, and then deliver up the Remainder to the Judges or Parties where and to whom it may belong. The same is to be understood with regard to the Coffers and Superintendents of the City of *Porto*, with whom the Company shall settle Accounts in the foregoing Manner down to the Hour of Death, admitting their Heirs to be heard, to whom, however, the Right of administering to the Deceased is not to be transfer'd, but must always remain untransferable.

S E C T. XXXVII.

It is your Majesty's Royal Pleasure, that the Debts due to this Company, which have been contracted from Effects of the same, and not of any other Nature, be recovered in Favour of the Company by its *Recorder* (or *Judge Conservator*) or by the Ministers every where who shall be required to recover them, the same as your Majesty's Royal Revenue, notwithstanding any Privileges or Resolutions which the Debtors shall alledge to the contrary.

S E C T. XXXVIII.

It is also your Majesty's Royal Pleasure, that all Persons concerned in the Trade,  
what-



whatever be their State or Condition, and however privileged they be, on being called before the Board of the Company for any Affair belonging to the Management thereof, shall be obliged to attend the same forthwith, and on Failure of so doing the *Recorder* (or *Judge Conservator*) shall proceed against them as to him shall appear most proper.

### S E C T. XXXIX.

All Persons who shall enter into this Company with Six Thousand Cruzados Stock, and thence upward, shall, as long as the said Company persists, enjoy the Privilege of not being confinable but within their own Houses, in those Cases in which such Privilege is usually granted: And the Officers of the same, for the Time being, shall be exempt from bearing Arms in any Companies, whether of Horse or Foot, and from furnishing Recruits, or attending general Musters, in virtue of their respective Employments. And the Trade which shall be carried on in the said Company as above, or by Means of Stocks, or by Employments exercised by the Board of the Company, in the Post of Governor and Directors thereof, shall not only be of Detriment to the Nobility of the Persons, who carry it on, but shall rather be, on the contrary, a proper Means towards attaining to acquired Nobility; so that the afore-mentioned voting Members, constituted by your Majesty to  
 serve

serve at this first Establishment, shall remain habilitated for being installed in the military Orders, without any Dispensation on the Score of Mechanics, and their Child shall also, without such Dispensation, be qualified to contend for Promotion before the Senate of *Lisbon*; on Condition, however, that after having exercised the said Employment, they do not themselves sell by Retail in Warehouses or Shops, and that they do not take up any Business degrading to the said Post, after having filled it: This, nevertheless, is to take Place upon future Elections, only in Favour of those Persons who shall have filled the Posts of *Governor* and *Sub-Governor*, after having served at least two Years compleat, to the Satisfaction of the Company.

#### S E C T. XL.

The Offences committed against any Officer of the Company, by Deed or Word, in Matter concerning his Office, shall be punished by the *Recorder* (or *Judge Conservator*) as if done to your Majesty's Officers of Justice.

#### S E C T. XLI.

No Brokers shall be allow'd to interfere in the Purchase or Sale of the Company's Effects; and only when the Managers thereof shall think fit to make Use of them in bargaining upon any Affair, they shall be paid for the same, the Hire agreed upon between them; which

which otherwise they shall not be obliged to undertake.

S E C T. XLII.

Though the Company be resolved to act in every thing which relates to preparing and dispatching its Ladings and Shipping with the utmost Mildness, and without applying to Methods of Severity, as nevertheless it may find itself in absolute Necessity of having Recourse to the Assistance of the Ministers of Justice : It is your Majesty's Royal Pleasure, that, to this Effect, the Board, by Means of its *Recorder* (or *Judge Conservator*) may send Message to the Judges of Criminal and to the High Bailiffs of the City of *Porto*, for these to execute the Orders which shall be sent them ; and your Majesty will look upon the good Offices done by them on such Occasions, as if done for the Advantage of the Royal Service, that they may receive from your Majesty the Reward thereof in their Promotions, on presenting to the said Judges for that Purpose a Certificate from the said Board : And on the Reverse, if they do not comply with this Obligation, it shall be Matter of Complaint, and be imputed to them as a Failure of Duty in their Residences.

S E C T. XLIII.

Your Majesty is graciously pleased to grant to the *Governor, Directors, Secretary,* and  
F
*Consultors*



*Consultors* of this Company the special Favour, that, while they continue to serve in the said Posts, they may not be taken up, or confined, by Order of any Tribunal, Military Commander, or Minister of Justice, in any Case Civil or Criminal, (unless it should be in *flagrante Delicto*) without Authority therefore from his *Recorder* (or *Judge Conservator* :) And that their Factors and Officers, who shall repair to the Provinces, and other Places out of the City of *Porto*, to make Purchases and execute the Commissions with which they may be charged, may make use all Sorts of Steel and Fire-Arms necessary for the Safety of their Persons and the Capital they have with hem ; on Condition that they carry with them Licences for so doing, dispatch'd by the *Recorder* (or *Judge Conservator*) of the Company, in your Majesty's Royal Name.

#### S E C T. XLIV.

Whereas the Fund, or Joint Capital Stock of this Company consists of One Million two Hundred Thousand Cruzados, divided into Actions of four hundred Mil-Reis each, as is already establish'd in Section X. every Proprietor may have one or more Actions, as he shall think fit, provided that, on compleating the Number to the Amount of ten thousand Cruzados, which is the sufficient Share towards qualifying Persons possess'd of Actions for Posts in the Management thereof, those  
 Actions,

Actions, over and above the said Amount, do remain concealed in the Books of the Company, without being laid down in the public Accompts, which are to be distributed among the Members, who have a Right of voting at General Elections.

## S E C T. XLV.

The Company shall remain open to the Reception of the Sums competent for the aforesaid Actions, to wit, For the City of *Porto* and the whole Kingdom, for the Space of *five* Months: For the Islands of *Açores* and *Madeira*, for seven: And for all the *Portuguese* Dominions in *America*, for the Space of one Year: The said Terms to commence from the Day of publishing the Proclamations, that it may reach to every one's Knowledge. And after the said Terms are ended, or before the Expiration thereof, if the above-mention'd Joint Capital Stock of One Million two Hundred Thousand Cruzados be completed, the Company shall be closed, so as to be no more enabled to admit into the same any other Person whatever: With this Declaration, that for every one who shall enter into this Company it will be sufficient to pay down at his Entrance One Half the Amount of the Actions he subscribes for, and for the other Half a Credit will be given him of six Months, reckning from the Day of fixing up the said Proclamations to pay in the same, at

two different Payments of three and three Months each.

S E C T. XLVI.

The Persons who shall enter with the above-said Actions, whether Natives or Foreigners, may dispose of the Value thereof in that Manner, and to that Intent, which they shall think best, whether by way of Intail, Chaplainship, Trust temporal or perpetual, Deed of Gift to the Living, or Reversion in case of Death, or other such Methods, making such Adoptions, and applying such Disposals and Clauses as they shall think fit; all which it is your Majesty's Royal Pleasure to approve and confirm, from this Instant, of your own Free Will, Certain Knowledge, and Royal Plenary and Supreme Power, notwithstanding any Dispositions to the contrary, though naturally requiring to be especially mention'd, so and in the same Manner as if the said Disposals, Adoptions, and Clauses had been written in Deeds of Gift under specious Claims, or in Last Wills, confirm'd by the Death of the Testators. Forasmuch as, since the Right which every one, in virtue of natural Liberty, is entitled to of freely disposing of what is his own, authorises Donors and Testators to contract and dispose as above in favour of private Families and Persons, much more may the Persons entering with the said Actions be authorised to act in the same Manner, when  
over



over and above the onerous Titles of the Contracts they enter into with the Company, and the Company with your Majesty, they concur to the Improvement of the Advantages arising from this Establishment to your Majesty's Royal Service, to the Common-Weal of your Kingdom, and to the Preservation and Credit of a Commodity, which, though so important, is in so ruinous a Situation.

### S E C T. XLVII.

The Money which shall be thrown into this Company shall not be extracted thence, during the Time of its Continuance, which shall be that of twenty Years, reckon'd from the Day of the Departure of the first Squadron it shall dispatch; which Term of Years may nevertheless be renewable for ten more, if the Company shall request as much, and your Majesty be graciously pleas'd to grant it the same. However, that the Persons who shall enter with their several Capitals may have it in their Power to make use thereof, they shall be at liberty to sell the Whole, or Part of the Actions they are possess'd of, as if they were absolute Masters of the same, at the Prices they shall agree for, transferring the same Actions to the Persons who shall be the Purchasers, which Contracts the Board of the Company shall be immediately inform'd of, and the same shall cause the necessary Minutes to be taken of the said Transfer, without Fee

or

or Reward on that Account, passing new Policies in Favour of the new Owners of such Actions, and entering marginal Notes in the old Policies of the Sellers thereof, whereby the Sale they have made of the same may evidently appear, and taking Care to fix to the said Actions such necessary Lights as may serve for a full Title to the new Proprietors. All which is to be understood, so long as the said Company shall remain with a mercantile Form of Management, and vested with the Privileges your Majesty is pleased to grant to it as above. For, in case of its mercantile Form of Government being changed, or of Failure of the Accomplishment of the same Privileges, every Person possessed of Actions in it shall be at full Liberty to call out immediately the Capital of his Actions, together with the Interest thereof, which till that Day shall be found due to him. And your Majesty confirms the same, with the same Clauses, to be literally and inviolably observ'd, without Interpretation, Modification, or any Meanings of Fact or Law, which can or may be alledged to the contrary.

#### S E C T. XLVIII.

The Interests arising from the Funds of this Company shall be divided for the first Time in the Month of *July*, of the third Year, to be reckoned from the Departure of the first Squadron, on board of which the said Com-

Company shall ship its Goods for the *Brazils*, and from thenceforward a Dividend *pro rata* of the said Interests, shall be annually and successively made in the Month of *July* aforesaid; altho' the Directors should happen to have more than a Year to remain in their Offices.

### S E C T. XLXIX.

Such Stocks and Interests as shall be found after the Expiration of the twenty Years, which compleat the Term of the Company's Charter, or after the Expiration of the farther Term for which it may be renewed, having the Nature of an Intail, of a Chaplainship, of a Trust temporal or perpetual, or being the Property of the Absent, shall immediately be passed from the Coffers of the Company to the General Deposit of the Court and City of *Lisbon*, where they shall be laid up with the same Security as the said Deposit itself is, in order to be disposed of, applied, or delivered up, according to the Disposal of the Persons who so settled them at the Time of putting into the Company. But those Stocks which are not under any such Restrictions, and are perfectly allodial and free, shall require nothing more or less to entitle their Proprietors to receive the full Value thereof, than the very Policy of the same; and the Money being paid to the Person who produces the said Policy, this shall remain in  
the



the Coffer, to serve as a Discharge from the said Action or Stocks; for the Recovery of which no Copies shall ever be of Use, but the Originals themselves shall be always required.

## S E C T. L.

All this shall extend to Foreigners, and Persons residing in foreign Countries, whatever Quality or Condition they be of; and in case, that during the above twenty Years Term of Charter, or the farther Renewal thereof, this Crown (which Heaven avert!) should be at War with any other Power whose Vassals have thrown their Effects into this Company, nevertheless no Arrest, Embarrassment, Sequestration, or Reprisal, shall affect them, or the Interests thence arising to the Owners, but rather they shall remain to them as perfectly free, exempt, and secure, as if every one had them in their own Hands: A special Favour which your Majesty is pleased to grant to this Company from the Motives above-mention'd; and which your Majesty, thus on your Royal Word, promises to fulfil to them.

## S E C T. LI.

And because in Course of Time many Things may occur, which cannot at present be expressed for want of reflecting on them, your Majesty is graciously pleased to empower  
the

the said Company, as Occasion shall offer, to lay them before your Majesty, by Means of the Secretary of State for the Affairs of the Kingdom, that your Majesty may determine concerning them as your Wisdom shall find best for your own Royal Service, and for the common Good of your dutiful Subjects and of this Company: And the Company shall do so accordingly, even in Matters relating to its own Advantage, whenever any one of the Directors shall insist on a Case being laid before your Majesty, provided the Affairs be of Moment, and its Consequences of Importance to your Royal Service, to the Common-Weal of the Kingdom, or to some weighty Affair of the Company.

S E C T. LII.

Whereas it is of great Use to fix a Time certain for the Departure of the Squadrons from the City of *Porto* to the States of *Brazil*, as well that the Wines may be navigated at a convenient Season, as that the Inhabitants of those Governments may make their necessary Provisions at a certain Period of Time: It is your Majesty's Royal Pleasure, that the Squadrons, bound for those Governments, do precisely set Sail in the Spring Tides of the Month of *September*, or, at the latest, in the first of those of *October* of every Year, on Pain, that the Ships which do otherwise, shall not be empower'd to go out till the like Time of

the following Year ; and that Leave shall not be granted to them to lade or to sail at any other Time.

S E C T. LIII.

And whereas your Majesty, after hearing the Petitioners, has been graciously pleased to nominate the Persons, whose Names are hereunder subscribed, to establish and govern this Company for the first three Years ; they, and every one of them, sign this Writing in the Name of the said Vintagers and good Men of the City of *Porto* ; personally binding their own Effects with which they enter into the Company, and also those of the Persons in general, who shall enter into the same, so far only as the Portions wherewith they enter therein may extend : That your Majesty may vouchsafe to confirm the said Company with all the Clauses, Pre-eminences, Privileges, and Conditions contain'd in the same Writing, and with all the Strength and Force necessary for its Validity and Security. *Porto*, on the 31st of *August*, 1756.

*Sebastian Joseph de Carvalho e Mello.*

*Joseph da Costa Ribeiro.*

*Luiz Beleza de Andrade.*

*Joseph Pinto da Cunha.*

*Joseph Monteiro de Carvalho.*

*Custodio dos Santos Alvares Brito.*

*John*



*John Pacheco Pereira.*

*Lewis de Magalhaens Coutinho.*

*Antony de Araujo Freire de Sousa e Viciga.*

*Emanuel Rodrigues Braga.*

*Francis John de Carvalho.*

*Dominick Joseph Nogueira.*

*Francis Martins da Luz.*

*Francis Barboza dos Santos.*

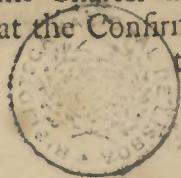
*Lewis Diogo de Moura Coutinho.*

**I** The King, make known to those who may see this Charter of Confirmation, that having, and with Persons of my Royal Council, and other Ministers learned, experienced, and zealous for the Service of God, of myself, and of the Common-Weal of my Subjects, whom I thought fit to consult, maturely weigh the Three-and-Fifty Chapters and Conditions contain'd in the Three-and-Thirty afore written Half-Sheets, mark'd by *Sebastian Joseph de Carvalho e Mello*, one of my Council, and Secretary of State for the Affairs of the Kingdom, which the principal Vintagers of *Upper Douro*, and the good Men of the City of *Porto*, therein mention'd, have made and ordain'd, with my Royal Approbation, in order to establish a Company, which may competently support the Culture of the Vineyards of *Alto Douro*, and at the same Time preserve the Growths thereof in their natural Purity, to the Advantage of domestic and foreign Trade, as well as of the Health of my Subjects, without

any Expence to my Revenue, but rather to the Improvement of that and of the Common-Weal of my Kingdoms: And whereas upon Examination of the said Conditions, with mature Counsel, and prudent Deliberation, they have been found not only convenient, as well as the Company itself, which is of manifest Utility to the said City of *Porto*, and to the Provinces thereto adjoining; but also, that the said Company is of singular Service in this Particular, as also the Persons, who thereby contribute to the Advancement of Commerce and Agriculture, by so advantageous and solid an Establishment: It is my Royal Will and Pleasure to confirm all the said Conditions, and every one in particular, as if they were, Word for Word, here inserted and declared: And, by this my Charter, I confirm to it and them the same, of my own Free Will, Certain Knowledge, Royal and Absolute Power, to the Intent that they may be put in Execution, and fully observed, according to the Tenor and Meaning thereof. And it is my Royal Will that this Confirmation, in the Whole and for every Part thereof, be inviolably observ'd, and never be repealed, but do always remain in its full Force and Vigour, as firm, valid, and perpetual, without Diminution; and that no Doubts or Demurs be raised to obstruct the Accomplishment of the same, either in Part or in the Whole, in Judgment or out of it; and that

it

it be understood to be done in the best Form, and in the most perfect Meaning which can be express'd and understood in favour of the same Company, and its Commerce and the Support thereof; supplying, and having for supplied, (as if inserted in this Charter) all Clauses and Formalities of Law and Practice, which may be requisite to give it its full Force; and I repeal, and have for repealed, all and every the Laws, Statutes, Ordinations, Decrees of Courts, Provisions, Extravagants, other Charters, and Opinions of Doctors, which by any Means, or in any Manner whatever, may be contrary to the Conditions of the said Company, or to any one of them, though they should be such as to render it necessary to make herein a special and express Recital thereof, Word for Word, notwithstanding the Ordination of the Second Book, Title Forty-four, which ordains that no Ordination shall be deem'd to have been by me repeal'd, unless express Mention of the same be made: And for the greater Force and irrevocable Existence of this Confirmation, I promise and give Assurance, on my Royal Word, thus to fulfil it, and to cause it to be fulfill'd and maintain'd, and not to revoke it, but to support the Persons interested in the said Company in the Preservation of That and of its Commerce, in the Quality of Protector thereof, as I am in Fact: And this Charter shall have the Force of a Law, that the Confirmation





tion of the Conditions and Chapters therein contained may always remain in their full Vigour without any Alteration. Wherefore I command the Senate of *Lisbon*, the Court of Requests, the Court of Exchequer, the Ultra-Marine Council, the Board of Conscience, the Guild of the City of *Porto*, and other Courts and Tribunals, as also all the Governors, Generals of the *Brazils*, Officers Major, Intendents of the Revenue, Auditors General, and Guilds of that State, and all the Magistrates, Ministers, Judges, and Justices of my Kingdoms and Lordships, that they in like Manner do fulfil and observe it, and cause the same to be fulfilled and observed, without Doubt or Demur of any Sort, not admitting any Plea which may obstruct, in the Whole or in Part, the Effect of the said Conditions, as whatever relates to the Company belongs to the Board of the same. And it is my Pleasure, that this Charter have Force as an Instrument, without passing through the Chancery-Office, and notwithstanding the Ordination, Book Second, Title 39, to the contrary, though it be more than a Year before it have its full Effects.

*Given at Belem the 10th of  
September, 1756.*

R E Y.

*Sebastain Joseph de Carvalho e Mello,*

CHAR-

CHARTER, by which your Majesty is pleased, for the Reasons therein alledged, to confirm the Fifty-three Chapters, and the Conditions contain'd in the Thirty-three Half Leaves afore-written, which the principal Vintagers of *Alto Douro*, and the good Men of the City of *Porto*, have made and ordain'd, with your Majesty's Royal Approbation, for forming a Company, which, maintaining the Culture of the Vineyards, may preserve the Produce thereof in its natural Purity, to the Advantage of the Vintage, of Commerce, and of public Health.

*For your Majesty's Inspection.*

Done by JOACHIM JOSEPH BORALHO.

*Register'd in the Office of the Secretary of State for the Affairs of the Kingdom, in BOOK I. of the said Company, Leaf 1. and the following.*

The Printer, *Michael Rodrigues*, may print the Chapters, and the Conditions of the General Company for the Culture of the Vineyards of *Alto Douro*; I having, by this Decree, granted him the necessary Licence for that Purpose only.

*With His Majesty's Royal Signature.*

*Register'd.*