

THE EXTRADITION TREATIES OF THE SPANISH AND PORTUGUESE INQUISITIONS (1500-1700)

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Resumen

Durante casi tres siglos, las inquisiciones españolas y portuguesas cooperaron en la represión de movimientos heréticos en la península ibérica. Esta cooperación no se limitó al intercambio de informaciones o documentos, mas también incluyó extradiciones de herejes fugitivos. Hasta hoy, los historiadores no han estudiado este aspecto de la historia de ambas inquisiciones, que queda aún oscuro. Aprovechándose de documentos inéditos conservados en archivos españoles y portugueses, este artículo analizará las extradiciones de prisioneros entre la inquisiciones españolas y portuguesas durante los decimosexto y decimoséptimo siglos. Este trabajo propone reconstruir, de la forma la más detallada que sea posible, las complejas negociaciones que resultaron en dos tratados de extradiciones en 1544 e 1570 y examinar los varios problemas que resultaron para ambas inquisiciones antes y después de estas datas importantes.

Abstract

For nearly three centuries, the Spanish and Portuguese Inquisitions cooperated in the repression of heresy in the Iberian Peninsula. This cooperation not only took the form of regular exchanges of information and documents but also included the extradition of fugitive heretics. To date, modern scholars have entirely neglected this aspect of the history of both Inquisitions, which remains obscure. Using unedited documentary sources preserved in Spanish and Portuguese archives, this article will focus on the extradition of prisoners between the Spanish and Portuguese Inquisitions during the sixteenth and seventeenth centuries. This work will reconstruct, in considerable detail, the complex negotiations that led to the establishment of two extradition treaties in

1544 and 1570 and will examine the various problems that confronted the Spanish and Portuguese Inquisitions both before and after these important dates.

Palabras clave

Inquisición – España – Portugal – Extradición – Herejía.

Key Words

Inquisition – Spain – Portugal – Extradition – Heresy.

The period of nearly three centuries extending between 1536 and 1820 witnessed the existence of two separate Inquisitions operating in the neighbouring kingdoms of Spain and Portugal¹. The nature of the relations that existed between these two institutions nevertheless remains one of the most mysterious aspects of their history. The small number of modern works that have referred to relations between the Spanish and Portuguese Inquisitions leave no doubt that these two organizations did collaborate during this period. This cooperation did not only take the form of regular exchanges of information and documents but also included the extradition of fugitive heretics².

The Spanish and Portuguese Inquisitions were confronted by two different types of “cross border” heresy during this period. Firstly, and perhaps most importantly, both inquisitions were faced by the problem of the movement of suspected crypto-Jews across the Luso-Spanish

¹ The Spanish Inquisition was founded in 1478 and abolished in 1834 whilst the Portuguese Inquisition was established in 1536 and abolished in 1820.

² For rare references to collaboration between the Spanish and Portuguese inquisitions in modern works see R. CARRASCO, “Preludio al ‘siglo de los portugueses’”. *La Inquisición de Cuenca y los judaizantes lusitanos en el siglo XVI*, *Hispania* 47, 1987, pp. 509-513 and P. HUERGA CRIADO, *En la raya de Portugal. Solidaridad y tensiones en la comunidad judeo-conversa*, Salamanca, 1993, pp. 224-230, which focuses on relations between the tribunal of Llerena in Spain and its Portuguese counterparts. For a case study see F. SOYER, “An Example of Collaboration between the Spanish and Portuguese Inquisitions: the Persecution of the *Converso* Diego Ramos and his Family (1680-1683)”, *Cadernos de Estudos Sefarditas* 6, 2006, pp. 317-340.

border. In effect, communities of crypto-Jews, generally designated in contemporary documents as either “*conversos*” or “New Christians”, had settled on either side of the Luso-Castilian border and maintained close family ties. To escape persecution by the Inquisition, many *conversos* simply chose to cross the border and resettle in the neighbouring realm³. The second, and somewhat less significant, group was comprised of bigamists: natives of Spain or Portugal who had married in one of these kingdoms and had remarried a second time in the other realm whilst their first spouses were still alive⁴.

This article will focus on the extradition of prisoners between the Spanish and Portuguese Inquisitions during the sixteenth and seventeenth centuries, of which practically nothing is known and which, to date, no modern historian has sought to analyse. Within the constraints imposed by the length of this article, I will attempt to establish the chronological line of events that led to the creation during the sixteenth century of a protocol or a set of rules governing the extradition of prisoners between Spain and Portugal. By carefully analysing and comparing the unique documentary evidence preserved in both Spain and Portugal, this work will reconstruct, in considerable detail, the complex negotiations that led to the establishment of a long-lasting extradition treaty in 1570 and the problems that confronted the Spanish and Portuguese Inquisitions both before and after that date. The documentary evidence that forms the core of this article is derived from documents produced by the Spanish and Portuguese Inquisitions and preserved in the national archives of Spain and Portugal. The surviving “books” (*livros*) of the General Council (*Conselho Geral*) of the Portuguese Inquisition, which

³ See notably, the excellent study of P. HUERGA CRIADO, *op.cit.*, as well as J. COSME AND R. ROSADO VIEIRA, *La Inquisición en el Guadiana Fronterizo (Moura, Mourao, Olivenza y Serpa) desde 1640 hasta 1715*, Olivenza, 2006.

⁴ Since marriage was a sacrament, bigamy was deemed to be an act of heresy. On the repression of bigamy by the Inquisition see A. P. COOK AND N. D. COOK, *Good Faith and Truthful Ignorance. A Case of Transatlantic Bigamy*, Durham, 1991; R. Boyer, *Lives of the Bigamists. Marriage, Family and Community in Colonial Mexico*, Albuquerque, 1995; A. FERNANDEZ, *Au nom du sexe. Inquisition et répression sexuelle en Aragon, 1560-1700*, Paris, 2003, pp. 55-70 and I. M. R. MENDES DRUMOND BRAGA, *A bigamia em Portugal na época moderna*, Lisbon, 2003.

are cited throughout this article, are currently conserved in Lisbon in either the National Portuguese Archives of the *Torre do Tombo* or the *Biblioteca Nacional* in Lisbon. In Spain, the documents from the secret archives of the Supreme Council of the Spanish Inquisition to which reference is made below are presently located in the *Archivo Histórico Nacional* in Madrid.

The “*concordia*” of 1544: an unsatisfactory solution

The problem posed by the flight of fugitive Castilian *conversos* wanted by the Spanish Inquisition to neighbouring Portugal existed well before the establishment of the Holy Office in Portugal in 1536. The ferocity with which the Spanish Inquisition persecuted *conversos* during the first three decades that followed its establishment, especially the first tribunal established in Seville in 1480, led many of them to seek refuge in Portugal between 1480 and 1536. The Portuguese Crown attempted to restrict the flow of Castilian *conversos* into Portugal by promulgating a number of edicts in October 1488, July 1493 and November 1496 that expressly forbade the entry of Castilian *conversos* into Portugal and ordered those already there to leave⁵. Likewise, King Manuel I (1495-1521) issued another edict in 1503 which threatened severe penalties against any Castilian *conversos* who entered Portugal without a licence, presumably granted by the Spanish Inquisition, testifying to the fact that they had not been accused and convicted of heretical acts in Spain⁶. These measures do not appear, however, to have had any significant impact upon the flow of Castilian *conversos* who came to Portugal seeking refuge from the Spanish Inquisition.

A major diplomatic incident was sparked in 1528 by the flight to Portugal of two Portuguese men named Gonzalo Rodriguez and Jorge Diaz. These men, both of whom are described as “heretics”, but who were presumably *conversos* accused of crypto-Judaism, had been arrested and imprisoned by the inquisitorial tribunal of Seville “for the sin of

⁵ See F. SOYER, “Was there an Inquisition in Portugal before 1536?”, *Iacobus: Revista de Estudios Jacobeos y Medievales* 19-20, 2005, pp. 177-202.

⁶ Arquivo Nacional da Torre do Tombo (ANTT), Gavetas, II, maço 1, n° 30.

heresy". Somehow, both men had managed to escape from their cell in the Castle of Triana, the Inquisition's headquarters in Seville, and make their way to Portugal. The Spanish Inquisition seemingly put pressure on the Spanish monarch Charles V (1516-1556) to approach King João III of Portugal (1521-1557) and obtain their extradition to Spain. The ciphered replies sent back to Charles V in 1528 by the Spanish ambassador in Lisbon, Lope Hurtado de Mendoza, nonetheless indicate that the Portuguese monarch was extremely reluctant to consider such a course of action⁷. By a letter dated 2 July 1529, and personally signed by the Portuguese King, João III assured Charles V that the fugitives wanted by the Inquisition of Seville would be severely punished in Portugal by the Portuguese authorities but he did not refer to the possibility of their extradition back to Seville⁸.

The official establishment of an Inquisition in Portugal by the papacy in 1536, at the behest of King João III, did little to alter the situation as the first years of the Portuguese Inquisition were dogged by other preoccupations. Spanish concerns about fugitive heretics crossing the border into Portugal to escape punishment, and their wish to see the establishment of a treaty that would set out a clear protocol relating to extraditions, nevertheless meant that the question of extraditions was soon back on the agenda. The extradition of fugitives was in fact the subject of an exchange of letters between the Grand Inquisitors of Spain and Portugal in 1542. The Spanish Grand Inquisitor wrote to his Portuguese counterpart to request that any Spanish *conversos* arrested in Portugal should be returned to Spain regardless of whether or not they had committed any offences in Portugal. On 12 July 1542, the Portu-

⁷ A. VIAUD, *Correspondance d'un ambassadeur castillan au Portugal dans les années 1530. Lope Hurtado de Mendoza*, Lisbon/Paris, 2001, pp. 304-7, 318-9, docs. 20, 21, 25.

⁸ "...receby a carta que me esprevestes sobre a entrega que me roguaveis que mamda-se fazer aos inquisidores da Sancta Inquisiçam de Sevilha de Gonçalo Rodrigues vezinho d'Évora e de Jorge Diaz vezinho de Lixboa que na dita cidade de Sevilha foram presos por se dizer serem culpados no pecado da erezia e que fogiram da dicta prisam. E ouvy Lopo Furtado voso embaixador em todo o que de vosa parte sobre iso me dise, e vos deve aver por muy certo que de estes e todo os outros culpados no dicto pecado da erezia serem punidos e castigados com tanto rigueur como aos taees por direito se deve fazer, ey de receber aguora e sempre muito prazer..." A. VIAUD, *op. cit.*, pp. 142, doc. 55.

guese Grand Inquisitor, Cardinal Henrique, sent his reply in which he categorically refused to extradite any prisoners. The Portuguese Grand Inquisitor stated that he would only consent to the exchange of copies of testimony that were necessary to proceed with the trials of prisoners held by either the Spanish or Portuguese Inquisitions⁹. The figure of Cardinal Henrique –who occupied the position of Grand Inquisitor of Portugal for no less than four decades (1539-1579) and who was generally known in both Portugal and Spain as the “Cardinal *Infante*”– was to play a major role in the events described in this article¹⁰.

The problem presented by fugitive heretics who crossed the border was once again brought to light when two brothers from Hornachos in the Castilian province of Extremadura with the surname of *Bajiras*, presumably *moriscos* (crypto-Muslims), murdered an official of the inquisitorial tribunal of Llerena and fled to Portugal. The Spanish Grand Inquisitor wrote to the Cardinal *Infante* demanding the extradition of these two men but the Portuguese steadfastly refused to hand the men over to the Spanish. The Portuguese Cardinal, claiming to have the support of King João III on this matter, even insisted that the fugitives be put on trial in Portugal:

“...it has seemed better to me, in order to avoid inconveniences that might result from [such an extradition], that the aforesaid [*Bajiras* brothers] must not be extradited. The testimony against them should instead be sent from [Spain] to [Portugal], so that they may be punished where they have been arrested. This is what seemed to be the best [solution] to my Lord the King [of Portugal], to whom I mentioned this [matter]...”¹¹.

⁹ Archivo Histórico Nacional (AHN), libro 294, fol. 62r; ANTT, Inquisição, Conselho Geral, livro 200, fol. 46v; Biblioteca Nacional de Lisboa, Reservados (B.N.L.), código n° 869, fol. 5r. I. DA ROSA PEREIRA, *Documentos para a história da Inquisição em Portugal (Século XVI)*, Lisbon, 1987, doc. 31, pp. 35-6. See document 1 in the appendix.

¹⁰ For a recent biography of the *Cardinal Infante* see A. POLÓNIA, *D. Henrique*, Lisbon, 2006 and *O Cardeal Infante D. Henrique, arcebispo de Évora - um prelado no limiar da viragem tridentina*, Porto, 2004.

¹¹ “...*que me pareça mejor, por excusar inconvenientes que dello se podían recrecer, que los tales no fuesen remitidos, mas que se mandasen las culpas de vn Reino a otro, para ser castigados, donde fuesen pressos, e assi pareçio bien al Rey mi Señor a quien di cuenta desto...*”, AHN, Sección Inquisición, Legajo 1995, doc. 17.

In the end, the Spaniards were forced to concede to the Portuguese demands and agreed to hand over the written evidence they had collected against the *Bajiras* brothers¹².

Such were the tensions caused by the question of the extradition of fugitives that an agreement was finally reached at some unknown date in 1544 between the Grand Inquisitor of Spain, Juan Tavera, and the Cardinal *Infante*. This compromise was the first attempt to elaborate a set of rules establishing a procedure relating to the extradition from one kingdom to the other of suspects arrested by the Inquisition. The actual negotiations that led to the treaty of 1544 are obscured by a dearth of documentary sources but, according to the evidence provided by later documents, the four clauses of the 1544 treaty were the following ones:

1. If a tribunal in one kingdom required another tribunal located in the neighbouring kingdom to arrest a suspect, the latter tribunal would arrest and extradite the suspect.
2. If a tribunal of the Inquisition arrested a suspect for crimes committed in the kingdom of that inquisitorial tribunal, the tribunals of the neighbouring kingdom would send, at the behest of the first, any *testificaciones* it held against the suspect without requiring that the suspect be handed over to it.
3. A prisoner would only be extradited when the heretical crime he or she was accused of committing was so grave or scandalous that such a move was considered to be necessary, for instance in the cases of heresiarchs (*heresiarcas*) or of individuals who had broken out of an inquisitorial jail and fled to the neighbouring realm. In such ex-

¹²“*Reverendo Señor El Infante D. Enrique Inquisidor general del Reino de Portugal Respondeo al Illmo Señor Cardenal sobre los Bajiras, que mataron al sacristán de Hornachos lo que vereis por el traslado de la carta que a su Señoría Rma escrivio, que va con la presente; E pues no [¿v?]iene en remitir a ese Santo Officio los sobredichos, ha parecido a su Illma Señoría que se debe enviar al dicho Infante enrique la Información, que ay en esa Inquisición contra los dichos Bajiras, assi la que se reçibio sobre el crimen de la heregia, como la que se reçibio sobre la muerte del dicho Sacristán, en publica forma, y en manera que se haga fe, para que allí se administre justicia en sus causas, como por su carta ofreçe, que lo hara. Estamos esperando la respuesta de su Illma Señoría, para el dicho Infante, en viniendo se os enviara con el primero.*” AHN, Sección Inquisición, Legajo 1995, doc. 17.

ceptional cases, the extradition would be discussed, and could only be authorised, by the Grand Inquisitors of both realms.

4. The Inquisitions of both kingdoms agreed to exchange any denunciations that they received concerning suspects residing in the neighbouring realm¹³.

The treaty of 1544 thus represented a compromise between the Spanish and Portuguese positions. The treaty opened the way for extraditions (clause 1) but, in practice, its third clause ensured that these were to take place only in exceptional circumstances. The view espoused by the treaty of 1544 thus appears to have broadly followed the sentiments of the Cardinal *Infante* that extraditions would cause more problems than they were worth and that the exchange of information and copies of testimony was preferable (clause 4).

The reticence of the Portuguese to support the extradition of fugitive heretics was probably in part also due to the fact that the Portuguese inquisitors knew very well that, in the four decades prior to 1536, many Spanish *conversos* had moved to Portugal in an effort to avoid prosecution by the Spanish Inquisition. The Cardinal *Infante* and his subordinates thus feared that any extradition treaty would disproportionately favour the Spanish Inquisition. Moreover, the Cardinal *Infante* might well have feared that the extradition of prisoners would also have serious financial consequences for inquisitorial tribunals whose finances were always in a precarious state. Upon their arrest, the property of prisoners was sequestered by the Inquisition and used to pay for their sustenance whilst they were incarcerated and to cover the costs of their trials. Once the trial had reached its conclusion, the sequestered property that remained was confiscated by the Inquisition. The extradition of large numbers of prisoners to Spain would therefore cause serious problems as the Portuguese tribunals holding prisoners in their jails might, in cases where the prisoners were wealthy, lose potential income. In the case of poor prisoners, the Portuguese tribunals would spend already scant re-

¹³ ANTT, Inquisição, Conselho Geral, livro 200, fols. 36v-37r; livro 386, fols. 72r-72v.

sources only to see their prisoners transferred to Spanish tribunals with no compensation for the costs incurred¹⁴.

The 1570 Treaty

Whilst the 1544 treaty resolved one of the most problematic issues by allowing for the extradition of prisoners in exceptional circumstances, the limitations of that treaty meant that a new conflict between Spanish and Portuguese tribunals, and the need for a new treaty, was all but inevitable. In addition to this, from 1536 onwards it was the turn of increasing numbers of Portuguese *conversos* to flee from the Portuguese Inquisition by moving to Spain.

In April 1558, the inquisitorial tribunal of Lisbon sent a letter to their counterparts in the Spanish tribunal of Valladolid which included a request for the arrest and extradition to Portugal of a *converso* who was a native of Lisbon but residing in the Castilian town of Medina del Campos. The inquisitors of Valladolid replied on 18 April that the man had been arrested but that they could not possibly accede to such a request for his extradition. The Vallisoletan inquisitors stated that they were bound to obey the terms of the “*assiento y concordia*” of 1544:

“People cannot be extradited in any way and if, on certain occasions, the physical persons of the prisoners have been extradited from this Kingdom to that [of Portugal], it has been because the delinquents had escaped from the jails in which they were imprisoned and fled [to Portugal]...”¹⁵.

¹⁴ There exists, as yet, no modern work of scholarship devoted to the finances of the Portuguese Inquisition that is comparable to the magisterial study by MARTINEZ MILLÁN, *La Hacienda de la Inquisición, 1478-1700*, Madrid, 1984; For some information on the finances of the Portuguese Inquisition and the confiscation of property belonging to convicted heretics see A. J. SARAIVA, *Inquisição e Cristãos Novos*, Lisbon, 1969, pp. 251-262.

¹⁵ BNL, Reservados, códice n° 869, fols. 5v-6r; ANTT, Inquisição, Conselho Geral, livro 481, fol. 113v (In this second document, the date is given as February 1558 rather than April 1558).

This time, the catalyst that brought about a renegotiation of the agreement regarding extraditions was a bitter dispute between the neighbouring tribunals of Llerena (Spain) and Évora (Portugal) in 1567. Communities of New Christians were settled along both sides of the Luso-Spanish border shared by the jurisdictional districts of these two tribunals. A lacuna in the documentary evidence means that the opening stages of this dispute are not clear. It is clear from later documents, which will be discussed below, that at some unknown date prior to the second half of 1567 the tribunal of Évora arrested a number of individuals wanted by the tribunal of Llerena. On 18 September 1567, the inquisitors of Llerena wrote to the Supreme Council of the Spanish Inquisition (henceforth *Suprema*), confirming that no extraditions had taken place but that evidence against individuals suspected of heresy was regularly exchanged between tribunals. Even then, however, the Spanish inquisitors accused the Portuguese tribunal of not forwarding all the documents that they could have sent to them¹⁶. The *Suprema* sent their reply to Llerena, dated 21 October of the same year, in which they instructed the tribunal to follow the terms of the 1544 agreement, to do the “usual errands” (*diligencias acostumbradas*) and forward copies of any documents requested by the Portuguese inquisitors to Portugal¹⁷.

The extradition of prisoners between the Spanish and Portuguese Inquisitions had become an “*affaire d’état*” concerning not only the Inquisition but also the highest levels of government in both kingdoms. The Portuguese ambassador in Madrid, Dom Francisco Pereira, was directly involved in the negotiations with both the Grand Inquisitor of Spain and

¹⁶“*Quanto a los absentes de Portugal, en esta Inquisición no hallamos haverse hecho ningun concierto, ni acuerdo con las Inquisiciones de Portugal, mas de cuanto quando aquí se ofrece alguna testificacion contra algunas personas Vecinas de Portugal, de delitos, que ayan cometido en aquel Reino, les enviamos las tales testificaciones, y lo mismo han hecho con esta Inquisición los Inquisidores de Portugal, aunque tenemos entendido, que los Inquisidores de Portugal no nos han enviado tantas testificaciones como alla tienen...*”, AHN, Sección Inquisición, Legajo 1995, doc. 17.

¹⁷“*Lo que toca a la prision de algunos Reos, que se absentan, y pasan a Portugal, cuyas testificaciones serian de mucha importancia para los negoçios de la Fe, se ha consultado con su Sra Vma que ha parecido que se guarde la concordia, y orden que en esto ay con la Inquisición de Portugal, y haçerse han las diligencias acostumbradas, quando proçediesen semejantes negoçios.*”, AHN, Sección Inquisición, Legajo 1995, doc. 17.

the *Consejo de Castilla* (Spain's highest government council, presided over by the King). On 2 December 1567, the ambassador wrote to the Cardinal *Infante* to acknowledge his receipt of a letter that the latter had asked him to convey to the Spanish authorities. In this letter, the Cardinal *Infante* complained of the actions taken by the inquisitors of Llerena. The ambassador was compelled to inform Cardinal *Infante* that the Spanish were themselves equally "scandalised" (*escandalizado*) by the attitude of the inquisitors of Évora, who were accused of not cooperating¹⁸. Two months later, on 3 February 1568, Dom Francisco Pereira was forced to write to the Cardinal *Infante* to inform him that he had been unable to conduct any further negotiations with the Spanish regarding extraditions due to events in Madrid that were unrelated to the matter. The imprisonment on 18 January 1568 of King Philip II's rebellious and unstable son, Don Carlos, had left the Spanish monarch in a state of shock and in deep depression, effectively paralysing the Spanish government¹⁹.

The delay was only temporary, however, as the ambassador was able to report in a letter sent from Madrid to the Cardinal *Infante* on 16 February that the president of the Council of Castile had indicated that he favoured the extradition of fugitive heretics between the Portuguese and Spanish Inquisitions. Moreover, the ambassador had also had a private conversation with Rodrigo de Castro, "the oldest of the inquisitors", who had told him that he too favoured the extradition of fugitives and the continued exchange of information and trial proceedings²⁰. One of the main interlocutors of the Portuguese in Madrid, and especially at the *Consejo de Castilla*, thus appears to have been Don Rodrigo de Castro (1523-1600), who was also a member of the *Suprema* and was later to rise to the distinguished office of archbishop of Seville between 1581 and 1600²¹.

¹⁸ ANTT, Inquisição, Conselho Geral, livro 210, fols. 128r-128v.

¹⁹ "Quanto ao negocio da Inquisição, en que me vossa Alteza manda que falle ao presidente e no[m?] [fa?]rey como ouuer lugar Porque Ategora não se pode fallar en nenhũ genero de negocio, depois da prysão do Principe...". ANTT, Inquisição, Conselho Geral, livro 210, fols. 145r.

²⁰ ANTT, Inquisição, Conselho Geral, livro 210, fols. 153v-154r.

²¹ See also ANTT, Inquisição, Conselho Geral, livro 386, fol. 76r. Rodrigo de Castro is chiefly famous for the part he played in the notorious arrest of the archbishop of Toledo, Bartolomé de Carranza, by the Spanish Inquisition in August 1558 on charges of heresy.

In another letter, without any date but probably from the second half of September 1568, the Grand Inquisitor of Spain wrote directly to his counterpart in Portugal, the Cardinal *Infante*, proposing that they both consult their monarchs on the matter of extraditions. Once more he set out his personal opinion on the matter, which was squarely in favour of the establishment of a protocol for the extradition of wanted fugitives:

“What Your Reverence wrote about the need for the exchange of information and evidence between the inquisitors of both realms so that [fugitives] accused of heresy and apostasy might be punished according to [the gravity of] their crimes seems to me to be appropriate. Nevertheless, I consider that this would not be a sufficient remedy for the effective operation of Justice and the proper administration of the Holy Office, because of the problems which would result from the need to ratify the information and testimony of witnesses in those places where they were collected as well as for other reasons. Your Reverence can consult with the Lord King [of Portugal] about this business. If it seems to his Highness and to Your Reverence that the persons accused [of heresy] in [Portugal] who have crossed over, or will cross over, to [Spain] should be extradited to [Portugal] and that those who go from [Spain] to [Portugal], in the same manner should be extradited to [Spain,] so that their trials (...) might take place with greater ease where they were begun and that their crimes may be punished there. I will endeavour to convince His Majesty [the King of Spain] to endorse this [system of extraditions]. Once Your Reverence has consulted with His Highness [the King of Portugal], you should inform me of what seems best to you, so that a solution may be found [to the issue of extraditions]”²².

²² “Lo que V. S. Rma escrivio çerca del enviarse las testificaciones de las culpas de las tales personas, y comunicarse las informaciones, que contra ellas houviere por los Inquisidores de vn reino a otro, para que los culpados en el crimen de herezia, y apostasia sean castigados conforme a sus delictos, me pareçio bien, mas por que lo e considerado, que no seria remedio tan bastante este, como conuennia para execuçion de la Justiçia, y buena administraci3n del Santo Officio, por los embaraços, que sucederian, haviendose de ratificar las informaciones, y testigos en las partes, donde se haçen, y otras causas, podra V.S.Rma comunicar este negoçio, con el Ser.mo Señor Rey, y pareçiendo a su A. y a V.S.Rma que las personas desos Reinos, que se oviesen passado, y passaren a estos, y estuviesen testificados en el Santo officio, se remitiesen alla, y los que destos Reinos estuviesen en esos, por la misma forma se remitiesen aca, porque con mas comodidad se pudiesen haçer, los proçessos, y Rati-

The intentions of the Spanish Grand Inquisitor were to be frustrated, however, by the intransigence of his Portuguese counterpart. In a letter sent to Francisco Pereira, and dated 14 October 1568, the Portuguese Cardinal announced that he did not intend to give any ground on the matter:

“...having studied this business, it was agreed [by the Portuguese inquisitors] that no extraditions of prisoners should take place either from this Kingdom [of Portugal] to that [Kingdom of Spain] or from that Kingdom [of Spain] to this [realm of Portugal]. Only the transcripts of testimony must be exchanged, ratified according to form, between the Inquisitions...”²³.

The intransigent attitude of the head of the Portuguese Inquisition contrasted sharply with the Spanish point of view. On 13 November 1568, Rodrigo de Castro informed the Portuguese ambassador that he had spoken with the Grand Inquisitor of Spain concerning the extradition of prisoners and that they had discussed the views expressed by the *Cardinal Infante* in his letter of 14 October:

“It seems right to [the Grand Inquisitor of Spain] that delinquents in matters of the Faith who are fugitives, and who have the testimony of witnesses against them, should be extradited to the place where their trials had already started when they fled. If it is deemed appropriate to alter this rule in a special case then it will be done...”²⁴.

ficações contra ellos, donde estan comenzados, y se castigasen alli las culpas, le procurare con su Majestad q[ue?] lo tenga por bien, V.S. haviendolo comunicado con su A. me avisa de lo que alla pareziere, para que se haga la resolución, que mas convenga al servicio de Dios...”, AHN, Sección Inquisición, Legajo 1995, doc. 17. At the beginning of the letter, the Spanish Grand Inquisitor refers to a letter received from the Cardinal *Infante* and dated 10 September, unfortunately without giving any date for the year.

²³ AHN, Sección Inquisición, Legajo 1995, doc. 17; ANTT, Inquisição de Évora, livro 51, fols. 35r-35v; BNL, Reservados, códice n° 869, fols. 70r-70v.

²⁴ “...y a su Illsma le parece lo mesmo que antes yo signifique a V.M. que es lo que los delinquentes en los delitos de la fe fugitivos que estubieren testificados se Remitan a la parte donde se proçedia contra ellos quando se absentaron y que si en algun caso particular

Rodrigo de Castro also told the ambassador that this was the last resolution that the Spanish would take on the matter of extraditions (...*ultima resolución que se tomara por ser conforme a derecho*...). In yet another letter to the ambassador, the surviving copy of which bears no date, Rodrigo de Castro informed him that the Spanish Grand Inquisitor had asked the Supreme Council of the Spanish Inquisition to consider the matter of extraditions and the letter sent by the Cardinal *Infante*. The members of the Supreme Council supported the position of the Grand Inquisitor of Spain²⁵.

The fortuitous and unexpected development that finally ended the deadlock over the extradition of prisoners came in the summer 1569. A letter from the Inquisitors of Llerena to both the Grand Inquisitor of Spain and the *Suprema*, dated 20 August 1569, describes the event in detail:

“Last Sunday, which was the fourteenth of the present [month of August], we received a letter from the agent (*comisario*) of this Holy Office in [the town of] Caceres. By means of this letter, he informed us that the bishop of Portalegre, which is in Portugal, had sent a lay servant (*familiar*) of the Inquisition with a summons in search of Dr. Garcia Lopez, a doctor, Ana Gomez, his sister, and Manuel Rodriguez, who had fled from [Portugal], so that wherever they were found, they would be arrested and taken to the [nearest] jail. The *familiar* tasked with this mission arrived at Garrovillas, a locality of this district, where he had the aforesaid [persons] arrested and taken to the jail in Caceres, with no intention of taking them back to Portugal. [The *familiar*] informed this Holy Office [of Llerena] about what had happened and since this business concerns heresy, as was clear from the summons of the bishop, (...) and since they were arrested in a place that falls within [the jurisdiction of] our district it seemed [appropriate] that [the persons arrested] should be brought to [the prison] of this Holy Office until we informed Your Lordship of this. We have written to the bishop [of Portalegre] to inform him of the situation and requested that he send any evidence against

conviniere alterar esta orden se haga según lo que ocurriere...”, BNL, *Reservados, código n° 869*, fols. 17r and 35r.

²⁵BNL, *Reservados, código n° 869*, fol. 18r.

them so that they may be punished accordingly by this Holy Office. If anything relating to that bishopric and to [Portugal] should result from their trials and confessions, we would send it to him. (...) We beg Your Lordship to let us know what should be done”²⁶.

This event was significant because the Spanish tribunal of Llerena now also held a useful bargaining lever in the form of prisoners wanted by the Portuguese Inquisition. Indeed, a request for the extradition of the prisoners to Portugal soon arrived that very month from the tribunal of Évora. This time, however, it was the turn of the Spanish inquisitors to refuse any extradition:

“Regarding the prisoners who fled [from Portugal] and who are held in the jails of this Holy Office [of Llerena], we would be delighted to be able to hand them over to Your Lordships. Unfortunately, as Your Lordships know well, there has until now been no treaty or agreement concerning extraditions between the Inquisitions [of Spain and Portugal] and the trials [of these prisoners] will proceed with great care [in Spain]”²⁷.

²⁶ “*El Domingo pasado, que se contaron 14 del presente Reçebimos vn despacho del comisario que en Caçeres este Santo Office tiene, por el qual nos aviso, que el obispo de Portalegre, que es en Portugal havia enviado un Familiar de la Inquisición con una Requisitoria suya, en busca del Dr Garçia Lopez un medico, y Ana Gomez viuda, su hermana, y Manuel Rodríguez, que iban huyendo de aquel Reino, para que donde quiera que los hallase, los prendiese, y llevase a su carcel. El familiar llevo con estos Recados a las Garrovillas, lugar deste districto, donde con la Requisitoria requirió a vno de los que allí ay, prendiese a los susodichos, y se los entreguase, el qual lo hizo, assi, y pressos los llavo a la carcel de Caçeres, sin quererlos entregar para Portugal, y dio en este Santo Officio aviso açerca de lo que en esto passaba. E por ser negoçio de heregia, como constava por la Requisitoria del obispo, cuyo traslado enviamos a V.S. y por ser presos en lugar de nuestro districto, pareçio, que se troxen aquí asta dar a V.S. cuenta dello, y escrevimos al obispo diciéndole el estado, en que este negoçio estava, y que nos enviase la información que contra ellos tenia, pues en este Santo Officio serian castigados conforme a ella, y que si de sus causas, y confesiones Resultasse alguna cosa tocante a su obispado, y a aquel Reyno, se le enviaria. Desto no hemos tenido respuesta y damos cuante a V.S. para que entienda lo que en esto ay, por si el obispo acudiere a haçer alguna diligencia. Suplicamos a V.S. nos mande lo que fuere servido que se deba haçer.*”, AHN, Sección Inquisición, Legajo 1995, doc. 17.

²⁷ “*En lo que toca a os Presos de VS, en las carceres deste S.O. que se absentaron de esa cibdad a este reyno quisieramos mucho dar gusto y servir a VS en remitirlos, mas como VS sabe hasta ahora no se ha tomado asiento ni concordia entre las Inquisiçiones dese reyno*

This letter, just like that the reply from Valladolid to Lisbon in 1558, illustrates very clearly that individual tribunals in Spain considered the treaty of 1544 not to apply to the extradition of heretics who were neither heresiarchs nor jail breakers.

On 24 September 1569, the inquisitors of Llerena wrote to the *Suprema* in Madrid in an attempt to explain the situation to their superiors and obtain their support. Their letter reveals that a stalemate had developed in the discussion between the two tribunals and that they had advised the Portuguese inquisitors to contact their own superior, the Cardinal *Infante*. If the Cardinal *Infante* instructed the Portuguese inquisitors to extradite the prisoners held in Portugal then the Spanish would be very happy to reciprocate:

“The reply to the letter [of the Portuguese] was that if they do not want to hand over those [fugitives] who have fled [to Portugal], then the prisoners that are held here [in Spain] must not be extradited or handed over to them. [The Portuguese were told that] they should write directly to the Cardinal *Infante* to ask him to order that the prisoners be extradited [to Spain] and those prisoners that are here will be sent [to Portugal]”²⁸.

In another letter, this time dated 19 November, the inquisitors of Llerena added to the deadlock by categorically refusing to hand over not just the prisoners that they held but also the evidence that had been requested by their Portuguese colleagues in Évora in order to judge the prisoners held in Évora. They justified their decision by claiming that the trials of the prisoners held in Évora had already taken place *in absentia* and been concluded in Spain. The prisoners had been condemned to death at an Auto-de-fé and their effigies had been symbolically burnt:

y deste en que las personas se remitan, ellos estan aqui presos y se siguiran sus causas con mucho cuydado...”, ANTT, Inquisição de Évora, livro 51, fol. 41r.

²⁸ “*Decrétose a esta carta lo siguiente: que pues ellos no quieren remitir los que allá están huidos, no se les deuen entregar ni remitir los que acá están presos y que escriban al Cardenal Infante que les mande remitir los dichos presos y se les remitirán los que acá están presos.*”, AHN, libro 294, fol. 69v. AS cited in R. CARRASCO, *op.cit.*, p. 510.

“... we have not sent Your Lordships the transcripts of the testimony as the aforesaid prisoners [held in Portugal] committed their crimes here [in Spain] and their trials have already run their course. The [prisoners held in Portugal] were relaxed [to the secular authorities] in effigy during the last Auto [de fé] and it would thus inconvenience us greatly to have to hand over the transcript of the testimony against them to Your Lordships”²⁹.

Furthermore, the Spanish inquisitors attempted to bolster their arguments by claiming in the same letter that a precedent existed for the extradition from Portugal to Spain of a fugitive heretic who had already been convicted of heresy in Spain. The inquisitors of Llerena alleged that “only a few years ago” an individual who had fled to Portugal and had been convicted of heresy *in absentia* by the Inquisition of Murcia in Spain had exceptionally been handed over by the Portuguese Inquisition to the Murcian tribunal. The Spanish inquisitors reminded their Portuguese colleagues that exceptional extraditions were authorised by the terms of the treaty of 1544. The failure of the inquisitors to provide either a name or a specific date, and their uncharacteristic vagueness, means that it is difficult to know what to make of this claim. Furthermore, any modern observer cannot fail to notice the striking contradiction in the positions adopted by the tribunal of Llerena. Whilst in August 1569 the inquisitors of Llerena were denying the existence of an extradition treaty, in their letter of 19 November they were citing the earlier treaty of 1544 to justify their claims!³⁰

²⁹ “...las quales no hemos enbiado a V.V.M.M. porque los tales presos delinquieron aca y se a procedido contra ellos siendo llamados y citados y dellos fueron rrelaxados estatua en este ultimo Auto, y asi seria notable inconveniente rremittir a V.V.M.M. sus testificaciones.”, ANTT, Inquisição de Évora, livro 51, fols 57r-57v.

³⁰ “Esta [escruiimos?] a Supplicar a V.V.M.M. se nos remitan pues ha pocos Años que de una Inquisiçion de ese Reyno se remitio a este a la Inquisiçion de murcia vna persona que siendo preso relaxada estatuta lo fue despues en persona, mayormente (?) que la concordia no inpidio quando se ofreçiese algun caso particular como paresçe por las copias de cartas que seran con esta para que V.V.M.M. las vea y rremitiendose nos las dichas personas haremos a V.V.M.M. luego la mesma remision del las tres personas que estan en este S.O. presas que vn familiar del por Requisioria del Rmo(?) de portalegre prendio, y asi tendremos el mesmo rrespecto y correspondencia con(?) los demas casos y negoçios semejantes que se ofreçeren y seavisara a V.V.M.M.”, ANTT, Inquisição de Évora, livro 51, fols 57r-57v. I have not been able

On 23 November, the *Suprema* in Madrid instructed the tribunal of Llerena to send an official request for the extradition of the prisoners held in Évora and to offer to hand over those imprisoned by Llerena in exchange. The *Suprema* insisted, however, that the inquisitors of Llerena must not act before having discovered what the reaction of the Portuguese to this offer would be³¹. The exact same day, the inquisitors of Llerena also sent a letter to the Cardinal *Infante* in which they emphasised that wanted fugitives were now imprisoned on *both* sides of the border. The Spanish inquisitors offered an exchange of prisoners “so that from now onwards the same policy might be adopted, in similar cases”³².

The inquisitors of Llerena did not have to wait long as they received a letter from the Cardinal *Infante*, dated 5 December 1569, that finally ended the deadlock. The Grand Inquisitor of Portugal agreed to concede to Spanish demands and accepted an exchange of prisoners between Évora and Llerena. At the same time, however, the Cardinal *Infante* sought to underline the exceptional nature of this exchange and thereby revealed his fear of setting a precedent by his decision:

“You know well the agreement that was made between the Inquisitions [of Spain and Portugal in 1544] was that the recorded testimony, documents and other evidence necessary [to initiate trial proceedings] against anyone accused [of heresy] should be ratified and sent from one Kingdom to the other and that [the persons of] fugitives should not be exchanged between Kingdoms except if it is very important and necessary. This agreement had been kept and always followed, and it is our wish that this [agreement] should always be kept because of the very great problems that arise from the extraditions of suspects. Nevertheless, for this one time only, we hold it to be good that what you ask for in

to identify the person allegedly extradited from Portugal to Murcia to whom the inquisitors of Llerena refer in this letter.

³¹ “...enviaredes la requisitoria, para que Remitiendoos el dicho obispo los delincuentes, que alla estan huidos le remitais los que ally(?) teneis pressos, que se huyeron de alla, que siempre procurareis S.S. tener buena correspondencia con el dicho obispo pues el os la ofrece por su carta, y entretanto asta ver lo que el dicho obispo haçe, no remitireis los que vosotros teneis pressos.”, AHN, Sección Inquisición, Legajo 1995, doc. 17.

³² “...que para adelante se t[oma?] la mesma consideracion, en los casos semejantes, y negoçios que ocurrieren...”, BNL, Reservados, código n° 869, fol. 7r.

your letter should be granted, and that at your request the prisoners held in the jails of the Holy Office [of Évora] and the proceedings [of their trials] should be handed over to you. In the same manner, you should hand over to this Holy Office [of Évora] the three persons (...) that you hold imprisoned..."³³.

The tone of this letter makes it clear that the Cardinal *Infante* had still not accepted the principle of regular extraditions between Spain and Portugal or the need to renegotiate the original treaty of 1544.

Seeking a way out of the impasse, the *Suprema* and the Spanish Crown decided to involve the newly appointed Spanish ambassador at the Portuguese court in the stalled negotiations relating to the extradition of prisoners. King Philip II of Spain had decided to appoint Juan de Borja (1533-1606), Count of Ficallo, as his ambassador to the Portuguese Court in late 1569. The second son of the celebrated St. Francis de Borja (1510-1572), fourth Duke of Gandia and General of the Jesuit Order, Juan de Borja was in many respects the ideal man for this mission. Juan de Borja enjoyed close family links with Portugal, through his Portuguese mother Leonor de Castro, the daughter of the Alvaro de Castro and Isabel de Meneses.³⁴ Philip II had appointed Juan de Borja to intervene in the delicate issue of the marriage of Portugal's young King Sebastian, but he was also an excellent choice of emissary to intercede with the Cardinal *Infante* in the thorny problem of extraditions³⁵.

A letter sent to the inquisitors of Évora by one of the inquisitors of Llerena, and dated the first of January 1570, confirms the important pla-

³³ AHN, *Sección Inquisición*, Legajo 1995, doc. 17; BNL, Reservados, código n° 869, fols. 70v-71r.

³⁴ See also Cándido de Dalmasas, *Francis Borgia. Grandee of Spain, Jesuit, Saint*, translated by C. M. BUCKLEY, St. Louis, 1991, pp. 10-12.

³⁵ For more details about Juan de Borja's time as ambassador at the Portuguese court see Cruz, Maria Augusta Lima, *D. Sebastião*, Rio de Mouro, 2006, pp. 169-171, 179, 184, 188-202, 211, 220, 226-228. As a reward for his services, Philip II later named Juan de Borja as his ambassador to the Holy Roman Emperor Rudolf II and the Habsburg court in Vienna, made him president of the Council of Portugal and granted him the title of count of Mayalde and Ficalho. Juan de Borja was a cultivated man, who was later to be the author of a treatise entitled *Empresas Morales*, published in Prague in 1581.

ce that the renegotiation of the extradition treaty of 1544 held amongst the tasks that Philip II handed over to Juan de Borja:

Don Juan de Borja, brother of the Duke of Gandia [Carlos de Borja], who is a prominent gentleman, passed through here on the day of the Innocents [28 December 1569] whilst on his way to the court of the King of Portugal [where he is to act] as ambassador for King Philip [II of Spain]. I spoke to him in earnest about the issue (*articulo*) of the extradition [of fugitives]. He informed me that [the resolution of] this business is one of the main [missions] that has been entrusted to his care [by Philip II] and he assured me that he would complete this business with all possible haste. (...) May God allow this business to proceed in the manner that most benefits His service. Amen³⁶.

On 11 February 1570, the inquisitors of Llerena sent a letter to those of Évora in order to notify them that the matter of extraditions was still being discussed by the Grand Inquisitor of Spain and the *Suprema* although they had still not reached any conclusion on the matter.³⁷ Since the Cardinal *Infante* had already agreed on 5 December 1569 to the extradition of the prisoners between Évora and Llerena, the reference here is clearly to the negotiation of a more general extradition treaty between Spain and Portugal. On 22 of February, the inquisitors of Llerena wrote to the Cardinal *Infante*, thanking him effusively for having agreed the previous December to extradite the fugitive prisoners held in Évora in exchange for the three individuals held by the tribunal of Llerena. They

³⁶“*El dia de los inoçentes passo por aqui don Joan de Borja hermano del duque de gandia el qual es muy principal cauallero y ba a la corte del Rey de Portugal por embaxador de parte del Rey don Philipe. Tracte con el el articulo de la Remision muy deveras y dixome que este negoçio es vn de los prinçipales que lleba que tractar, y offreciome hazer el offiçio con la instançia posible,(...) pleque a dios encaminar este negoçio como mas convenga a su santo seruicio. Amen.*”, ANTT, *Inquisição de Évora*, livro 51, fols. 47r-47v.

³⁷“*Quanto a la remision de los presos fugitivos que estan en las carceles de ese S.O. hemos dado quenta dal estado en que esta este negoçio al Illmo señor Cardenal inquisidor general y señores del consejo de la general inquisiçion, y con breuedad esperamos su respuesta venida que(?) sea abisaremos a V.V.M.M. de lo que suçediere.*”, ANTT, *Inquisição de Évora*, livro 51, fols. 53r-53v.

added, however, that in their opinion more extraditions were necessary to effectively combat heresy:

“In relation to this subject [of extraditions], we have more to say. In addition to the persons imprisoned by the Holy Office of the town of Évora, it is clear from the books and records of this Holy Office [of Llerena] that other individuals have committed crimes of heresy and have fled [from Spain] to [Portugal]. Those are very important individuals who are needed to establish the truth so that their accomplices may be punished. Our Lord [God] would be greatly served in this manner and to do the contrary would be to provide great aid and assistance to the heretics”³⁸.

The arrival of Juan de Borja in Portugal, however, seems to have brought a new momentum to the negotiations for a new treaty. Juan de Borja met personally with the Cardinal *Infante* in the town of Évora and was apparently able to convince him of the need to accept a new compromise. A copy of the letter that Juan de Borja sent to the inquisitors of Llerena from Évora on 11 March 1570 has fortunately been preserved in the Spanish national archives in Madrid. In this letter, Juan de Borja informed the inquisitors that he had spoken of the issue of extraditions directly with both the inquisitors of Évora and with Cardinal Henry himself. Juan de Borja claims to have found the Cardinal well disposed (“*de muy buena manera*”) towards the negotiation of a new agreement and that the Portuguese Grand Inquisitor had written directly to his counterpart in Spain, the Cardinal of Sigüenza, concerning this matter:

³⁸ “*Lo que mas tenemos en este articulo que dezir es que demas de las personas que se han ausentado destes rreinos a esos y estan presas en el sancto oficio de la ynquisicion de la ciudad de Eborá – consta por los libros y registros de este Santo oficio que otras personas de estos rreinos han cometido delitos de heregia y se an ausentado de estos rreinos y pasado se a esos las quales son personas muy ymportantes y neçesarias para averiguación de la verdad y para que otros complices suyos sean castigados y dello sera nuestro señor muy serbido y lo contrario seria gran favor y amparo para los hereges...*” BNL, *Reservados*, código nº 869, fol. 8r.

“Insofar as the *concordia* between this Realm and that is concerned, so that those who act against our Holy Faith should not find any refuge, the Cardinal [*Infante*] wishes and desires that an acceptable compromise be found. He has written to the Cardinal of Sigüenza and sent him the conditions [of such an agreement]. (...) I am delighted to have been able to be of service in this matter”³⁹.

Little else is known about the negotiations that took place in Portugal and Spain but the end result was a new extradition treaty in 1570. The exact date on which this treaty was signed is not known but what we do know is that it contained four clauses:

1. If a Portuguese man or woman moved to Spain and the Portuguese Inquisitors contacted their Spanish counterparts with a request that the individual be arrested and handed over to them, the Spanish inquisitors would do so with all possible speed and diligence. The Portuguese Inquisition would be responsible for the costs incurred by the Spanish tribunals in the apprehension and extradition of the suspect. The Portuguese Inquisition would similarly agree to arrest and extradite individuals wanted by the Spanish Inquisition under the same conditions.
2. If an individual was arrested by the Inquisition of one kingdom for crimes of heresy committed in both kingdoms, then the inquisitors of the tribunal that had not arrested the individual would forward any transcripts and evidence to their colleagues so that the trial could take place where the prisoner had been arrested. In such circumstances, therefore, no extradition would take place.

³⁹ “...*Creo que ha de ser muy bueno el efecto, porque los presos se Remiten, y en lo que toca a la concordia de entre este Reino, y esse, para que los delincuentes contra nuestra santa fe católica no tengan refugio alguno, el Sr Cadenal lo quiere, y desea, que se dé un buen medio para ello, y assi ha escrito al Sr. Cardenal de Sigüenza, y le envia las condiciones dellas espero en Dios que se ha de ordenar todo muy bien para mucho serviçio suyo, y estoy muy contento de que pueda ser do ministro para ello...*”, AHN, Sección Inquisición, Legajo 1995, doc. 17. See also ANTT, Inquisição, Conselho Geral, livro 386, fol. 75r and BNL, Reservados, códice n° 869, fols. 71r-71v.

3. If a Portuguese man or woman was arrested in Spain because of testimony concerning *culpas* of heretical offences committed solely in Portugal, any testimony held by the Portuguese Inquisition would be forwarded to Spain and the suspect would not be extradited to Portugal. In such circumstances, an extradition would only take place if the Portuguese suspect was accused of particularly scandalous or serious offences in Portugal. Such exceptional extraditions would only take place at the discretion of the Grand Inquisitors and the Supreme Councils of both countries and after due examination of the evidence against the suspect. The Portuguese Inquisition would act in a similar manner under the same conditions.
4. The Inquisitions of both realms would continue to diligently exchange any evidence or testimony that they had in their possession that concerned the inhabitants of the neighbouring realm⁴⁰.

The treaty of 1570 was in many ways similar to that of 1544. The fourth and final clause, for instance, simply reiterated the need for the regular exchange of information and evidence between Inquisitions, a stipulation already expressed in the treaty of 1544. The first three clauses, however, tackled some important considerations that had been overlooked in 1544. The first clause of the treaty explicitly accepted the principle of extraditions between Spain and Portugal but also tackled the important problem of which Inquisition would have to bear the costs of any extraditions. The treaty of 1570 determined that the tribunals to which prisoners were extradited would be financially responsible. The second clause sought to avoid conflicts of jurisdiction in the potentially controversial cases of individuals wanted for heresy in both kingdoms. Finally, the third clause of the treaty is particularly interesting as it appears to represent a deliberate attempt to limit the number of extraditions in practice and promote the exchange of information rather than prisoners. In the same third clause, the Grand Inquisitors of Spain and

⁴⁰ AHN, Sección Inquisición, libro 294, fol. 73r; Various copies of the 1570 treaty are available from Portuguese sources in B.N.L., *Reservados, código* n° 869, fols. 25r-26v, 33r-33v and 72r-72v; ANTT, Inquisição, Conselho Geral, livro 481, fol. 114r.

Portugal sought once more to reiterate their claim to have the sole authority to sanction extraditions.

Whilst negotiations over a new treaty continued apace, the exchange of prisoners to which the Cardinal Infante had agreed in his letter of 5 December 1569 was also still being arranged. On 14 May 1570, the Inquisition of Évora wrote to the inquisitors of Llerena to confirm that on 11 February, they had finally received formal instructions from the Cardinal *Infante* that paved the way for the extradition of prisoners:

“The Cardinal *Infante*, moved by the holy zeal that he has to favour Our Holy Catholic Faith and to punish and extirpate heresies, has decided that the imprisoned fugitives [from Spain] who are in the jails of this Holy Office [of Évora] and are named in your request should be extradited. Moreover, Your Lordships can send persons to take them [to Spain], and in their company shall go officials of this Holy Office [of Évora] to bring back [to Portugal] the fugitives Garçia Lopez, Ana Gomez and Manuel Rodríguez, whom you hold in the prisons of the Holy Office [of Llerena]”⁴¹.

With the Cardinal *Infante*'s formal consent, the exchange of prisoners could finally take place. The exchange, however, did not take place immediately. For reasons that are not explained in any of the documents that I have found, it was high summer before it finally came to pass. On 22 August 1570, the tribunal of Llerena wrote to the tribunal of Évora, confirming the arrival in Llerena of one of their lay servants, presumably with attendants, escorting the 14 fugitives wanted by the Spanish tribunal and that they were handing over the three Portuguese fugitives

⁴¹ “...su A[lteza] movido del Sancto çelo que tiene para favorecer las cosas de Nuestra santa fe católica, y castigar, y extirpar las herezias, huuo por bien que los pressos fugitivos desos Reinos, que estan en las carçeles deste Santo Officio nombrados en la dicha Requisitoria se remitiesen y Vuestra Señoria pueden enviar personas para que los lleve, y en su compañía iran personas deste Santo Officio para traer a Garçia Lopez, Ana Gomez y Manuel Rodríguez, fugitivos destes Reinos, de la diócesis de Portalegre, que es deste distrito, los quales Vuestra Señoria tienen pressos en las carçeles dese Santo Officio.”, AHN., Sección Inquisición, Legajo 1995, doc. 17.

to this official⁴². Seven days later, on 29 August 1570, the tribunal of Llerena could inform the Supreme Council in Madrid that the prisoners had been exchanged. The situation had therefore finally been resolved to the satisfaction of both parties but the Spanish inquisitors nonetheless still complained that “the prisoners who have come from Portugal are very poor and have not brought anything with them [to pay] for their sustenance and thus will have to be fed and clothed at the expense [of the Inquisition]”⁴³.

It is important to note that in spite of the tensions that surrounded the issue of extradition of between 1567 and 1570, relations between the tribunals of Llerena and Évora were not hostile and they continued to regularly exchange information concerning fugitives or prisoners⁴⁴. On 27 July 1569, the Inquisitor Antonio de Mezquita even took the opportunity, in a letter written to his Portuguese colleagues, to complain about the quality of the paper used in Llerena and tell them how impressed the Spanish inquisitors were by the “durability, cleanness and whiteness” of the paper used by Évora in its correspondence. Mezquita asked them whether it would be possible to purchase some paper in Portugal and have it sent to Llerena via Badajoz⁴⁵.

⁴² “Oy martes. A las nueve de la mañana Reçeuimos la carta de V.V.M.M. de 16 del presente con Pedro de Valencia y los demas familiares de este S.O. y con ellos las personas de Beatriz Lopez muger de Patanas, Alvaro Rodriguez Reconçiliado, Maria Lopez muger de Hernan Duran, Joan Rodriguez tundidor, Joan Perez capilla, ysauel nuñez su muger, Alonso Perez çapatero, Domindos Perez su hermano, Guiomar de Aluarado, Joan Corders, Catalina Perez muger decoyto, Catalina Rodriguez garçona y maria Hernandez muger de marton alonso Belparano. Por que Maria Rodriguez latoçina quedo enferma en Vadajoz y tambien reçeuiamos los proçessos que en ese Sancto Offiçio se auian fulminado(?) contra cada uno de ellos...”, ANTT, Inquisição de Évora, livro 51, fols. 27r-28r.

⁴³ “Los pressos, que de Portugal vinieron son muy pobres, y no troxeron cosa alguna, y assi han de comer por pobres a costa del fisco.”, AHN., Sección Inquisición, Legajo 1995, doc. 17.

⁴⁴ ANTT, Inquisição de Évora, livro 51, fols. 63r, 65r-66r, 67r, 69r-69v, 71r-71v and 140r.

⁴⁵ “En esta Inquisiçion tenemos muy mal aparejo de buen papel y lo que se gasta es muy malo lo que no covernia para semejantes negoçios / [el] papel que viene desa ynquisiçion me a paresçido muy bueno reçido(?) y linpio y blanco / y he advertido a estes [señores] en ello / y a les paresçido lo que a mi / y se an afiçionado a el / mandaron me que yo escriviese a V.V.M.M. para si abria medio para que se nos pudiese ynviar dos ç[ar/on?]gas del a badajoz a antonio

The Seventeenth Century

In spite of the Luso-Spanish extradition treaty of 1570, the extradition of prisoners continued to be a source of tension between both Inquisitions well into the seventeenth century⁴⁶. A detailed description of relations between both Inquisitions in the seventeenth century lies beyond the scope of this article but a brief summary of events can nonetheless be presented. In 1580, Portugal was invaded by the troops of Philip II of Spain who assumed the title of Philip I of Portugal. Although Spain and Portugal now had the same monarch they remained separate kingdoms and the Spanish and Portuguese Inquisitions likewise remained separate institutions. The extradition of prisoners from Portugal to Spain and *vice versa* caused frequent disputes relating to problems of jurisdiction between tribunals. By way of illustration, the arrest of a suspect by an official of the Spanish tribunal of Llerena within the jurisdictional district of the Portuguese tribunal of Coimbra caused heated exchanges in 1624 necessitating the intervention of the Grand Inquisitors of both kingdoms⁴⁷.

Occasionally, there arose complicated or unusual cases which had not been taken into consideration when the treaty of 1570 was drafted. One remarkable example was the case of João de Matos, who asked for an audience with the inquisitors of Lisbon and accused himself of bigamy on 12 October 1602. João de Matos, who declared himself to be 36 years old and a native of northern Portugal, informed the inquisitors that he had married a woman named Angela de Almeida in Lisbon “fourteen or fifteen years ago” prior to moving without his wife to Seville, where he occupied the position of *alguasil del prouedor de la armada del mar oçeano*. Whilst residing in Seville, João de Matos had bigamously married the daughter of a silversmith named Mariana “three and a half years ago”. In the presence of the inquisitors, João de Matos claimed

de morales familiar deste santo offiço que [es?] vn ydalgo muy co[?]do y el pagaria el [cu]sto y el porte.”, ANTT, Inquisição de Évora, livro 51, fols. 73r-74v.

⁴⁶“*He que depois do anno de 1570 se fez hũa concordata, na qual se assentou a remissão do nosso caso, e este he o estylo que se guarda demais de 50 annos a esta parte.”* ANTT, Inquisição Conselho Geral, livro 200, fol. 38v.

⁴⁷AHN, Sección Inquisición, *Legajo* 1995, doc. 17.

to have repented of his sinful actions and to have returned to Lisbon in order to return to his legitimate wife and confess his sins to the Lisboan tribunal⁴⁸.

Nearly a month previously, on 14 September 1602, the Inquisition of Lisbon had received a letter from their counterparts in Seville, informing them that they were in the process of gathering evidence against a certain João de Matos, who had been denounced for bigamy but had not yet been arrested. The Sevillian inquisitors asked their Lisboan colleagues to verify the truth concerning his first marriage in Lisbon⁴⁹. On 20 December 1602, the Lisboan Inquisitors wrote to their Spanish counterparts to inform them that they would not be extraditing João de Matos, who was not imprisoned but allowed to remain free on condition he did not leave Lisbon. The Portuguese inquisitors stated that João de Matos would be judged in Lisbon and requested copies of the evidence and proceedings held by the Sevillian Inquisition. The reply of the Spanish inquisitors, dated 11 January 1603, indicated that they reluctantly agreed to concede jurisdiction over the case to their Portuguese colleagues. The tone of the letter indicates that the inquisitors of Seville greatly feared that their concession might create a precedent:

“We received your letter dated 20 of the past month [of December 1602] in which Your Lordships state that João de Matos came forward to denounce himself before his crime was known [by the tribunal of Lisbon] and that, in accordance with the *concordia* that exists between the Inquisitions of [Spain and Portugal], you cannot extradite him as jurisdiction [over this case] falls to you. We are sending to your Lordships the evidence necessary to judge his case. In this [business], we have conceded [jurisdiction over this case], even though we have not seen [a copy of] the *concordia*. It seems to us that [this case] will not [create a precedent] in such cases where the jurisdiction is established as was the case in this one, in which information about the two marriages had already been received [by the tribunal of Seville] and an arrest warrant issued for the aforesaid João de Matos before he came to accuse

⁴⁸ ANTT, Inquisição de Lisboa, processo n° 9526, fols. 72r-74v.

⁴⁹ ANTT, Inquisição de Lisboa, processo n° 9526, fol. 4r.

himself before the Inquisition [of Lisbon]. Even in Rome, His Holiness hands over [jurisdiction over such cases] to the Inquisitions which first received testimony [against the accused]. Furthermore, the aforesaid João de Matos fled [from Spain] having committed his crime here and not [in order] to denounce himself. We do not wish him to fool Your Lordships so that he may be absolved and go about freely, such as we have received information that he is currently doing”⁵⁰.

The Lisbon inquisitors sought advice from the General Council of the Portuguese Inquisition and in its reply, dated 12 December 1602, the General Council supported the position adopted by the Lisbon tribunal:

“In the presence of His Lordship Alexander the Grand Inquisitor [of Portugal], we have examined the documents sent to this Council [by the tribunal of Lisbon] in which the extradition of João de Matos is discussed. It was agreed [by the General Council] that, in accordance with the *concordata* [of 1570], [the prisoner] should not be extradited to Seville. The jurisdiction [over this case] lies with the Inquisitors of this town [of Lisbon] as the prisoner [voluntarily] presented himself to be judged [by the tribunal of Lisbon]. You must ask the said inquisitors [of Seville] to

⁵⁰ *Recebimos la de V.V.M.M. de 20 del passado en que dizen V.V.M.M. que juan de matos se fue accusar a essa Inquisicion antes de estar Justificado su delicto en esta y que conforme ala concordia que ay entre las inquisiciones de esse Reyno y deste no podian remitirnosle por estar preuenide(?) La Jurisdiccion y que embiasemos a V.V.M.M. la Informaçion para conoçer de la causa, En lo qual emos Reparado porque aunque no emos visto la dicha concordia nos parece no se entendara en los casos que esta preuenida la Jurisdiccion como es este que estaua ya Recebida Informaçion de ambos matrimonios y mandado prender El dicho Juan de Matos antes que se fuera apresentar en essa Inquisiçion, que aun en Roma su santidad Los Remite sienpre a las Inquisiçiones donde preçedio la testificaçion y asi El dicho juan de Matos se fue huyendo y no apresentarse como auia dicho y mas auendo cometido aqui el delicto y no querriamos que huuiese engañado a V.V.M.M. y con esto se anduiese suelto y libre por esa çiuad como Nos an hecho relaçion que anda. Supplicamos a V.V.M.M. lo mandan considerar porque siendo seruidos embiaremos persona que le traiga preso Juntamente con don Luis de Torres (...). Castillo de triana. 11 de Enero 1603.*

ANTT, Inquisição de Lisboa, processo n° 9526, fol. 10r.

send you [copies of] the evidence against the prisoner according to the usual form and procedure”⁵¹.

On 22 February 1603, the inquisitors of Seville sent all the evidence and testimony that they had already gathered against João de Matos to Lisbon. The injured pride of the Sevillian inquisitors is clear in the opening line of the cover letter that they included with the material that they forwarded to Lisbon:

“We place such importance on the good relations [*buena correspondencia*] that this Inquisition [of Seville] has with that [of Lisbon], that the case of João de Matos should not be a reason to end it...”⁵².

With the transcripts from Seville safely in their possession, the inquisitors of Lisbon could now proceed with the trial of João de Matos. The case of João de Mattos did not fit the neat scenarios outlined in the treaty of 1570. Firstly, João de Mattos had not been arrested by either the tribunals of Lisbon or Seville but had presented himself to the Lisboan Inquisition of his own volition. Secondly, João de Matos had denounced himself in Lisbon before the Portuguese Inquisitors received an arrest warrant from Seville.

In spite of the occasional disputes relating to conflicts of jurisdiction, there is evidence that extraditions did take place on a relatively frequent basis in spite of the obvious attempts of the treaty of 1570 to limit their number. In a letter sent to the Grand Inquisitor of Portugal on 19 May 1624, King Philip IV of Spain (III of Portugal) expressed his

⁵¹ “*Foi visto o despacho dos Inquisidores neste conselho estando presente o Sr Alexandre Inquisidor geral que trata da remissam de Joam de Matos e assentou se que se nam deuya Remeter aos Inquisidores de Seuilha Vista a forma da concordata E como a Jurisdicam esta preuenta(?) pellos Inquisidores desta cidade e o R. se vir apresentar em seu juizo antes deuem de precar aos ditos Inquisidores que lhes enuiem as culpas que contra o R. teuerem na forma E estilo de que se usa. Em Lisboa 12 de dezembro de 602.*”, ANTT, Inquisição de Lisboa, processo n° 9526, fol. 9r.

⁵² “*Estimamos entanto la buena correspondencia que essa Inquisiçion tiene con esta que no es Razon que por la causa de Juan de matos se dexa de yr continuando y ansi la remitimos a V.V.M.M...*” ANTT, Inquisição de Lisboa, processo n° 9526, fol. 12r.

support for the extradition to Portugal of fugitive heretics arrested in Spain and especially in Madrid⁵³. A surviving book of the archives of the General Council of the Portuguese Inquisition contains a fascinating memorandum that includes a detailed list of extraditions between Spain and Portugal during the late sixteenth and early seventeenth centuries⁵⁴. In many cases, the veracity of this list can be verified by the fact that the original trials of some of the individuals named in this list are still extant:

1. In August 1583, Leonor Thomas was handed by the tribunal of Galicia over to that of Coimbra⁵⁵.
2. On 7 July 1586, Andrés Velho was handed by the tribunal of Madrid over to that of Lisbon⁵⁶.
3. In 1586, Pedro Afonso, a cleric native of Campo Maior (Portugal) was handed by the tribunal of Seville over to that of Évora⁵⁷.
4. In 1604, Custodio Nunes was handed by the tribunal of Seville over to that of Évora⁵⁸.
5. In 1605, Gabriel Nunes was handed by the tribunal of Coimbra to that of Toledo.
6. In 1607, the Inquisitors of Lisbon wrote to their colleagues in Toledo to arrest a certain Gaston Abrimhosa, a Portuguese resident in Madrid, but the prisoner was not extradited.
7. In 1624, the tribunal at Lisbon extradited Diogo Mattos to the tribunal of Seville. The same year the Inquisition of Seville handed Francisca Góis and Francisco Roiz over to the Inquisition at Évora⁵⁹.
8. In 1626, the Inquisition of Llerena handed Francisca da Gama to the Inquisition at Évora.

⁵³ ANTT, *Inquisição, Conselho Geral, livro 200*, fols. 43v and 45r-46v.

⁵⁴ ANTT, *Inquisição, Conselho Geral, livro 200*, fols. 40r-41v.

⁵⁵ ANTT, *Inquisição de Coimbra, processo n° 2527*.

⁵⁶ ANTT, *Inquisição de Lisboa, processo n° 1053*.

⁵⁷ ANTT, *Inquisição de Évora, processo n° 5227*.

⁵⁸ ANTT., *Inquisição de Évora, processo n° 335*.

⁵⁹ ANTT, *Inquisição de Évora, processo n° 9710*.

9. In 1629, the Inquisition at Seville handed João Rebello to the Inquisition at Évora.
10. In April 1630, the Inquisition of Llerena extradited the following prisoners to the Inquisition of Évora: Francisco Fernandes, Luis Fernandes, Manuel Lopes, Garcia Vaz, Brites Mendes, Violante Gomes and Ana Gomes⁶⁰.
11. In May 1630, the Inquisitors of Llerena arrested Antonio Marques and Simão Vaz and handed them over to the tribunal of Évora⁶¹.
12. In 1631, the Supreme Council of the Spanish Inquisition ordered that a certain Diogo Rebello, a New Christian residing in Madrid but originally a native of Lamego in Portugal, be extradited to the Inquisition of Lisbon.
13. In August of 1633, the inquisitors of Toledo handed Thomas Roiz Ballão over to the inquisitors of Lisbon.
14. In September of 1633, the inquisitors of Llerena handed over the following fugitives to the inquisitors of Évora: Maria de Meza, Bento Fernandes, Ines Henriques, Diogo Fernandes, Melchior Fernandes, Pedro Gonçalves, Francisco Henriques, Leonor Gonçalves “and many others” (*e outros muitos*)⁶².
15. In January of 1634, the Inquisition of Seville delivered Jorge Roiz, Diogo Ramalho, Francisco Felipe and Isabel Soares into the custody of the Inquisition of Évora⁶³.
16. In August of 1634, the Inquisition of Llerena sent Paula Nunes, Silvia Lopes and Catarina Alvares to the face trial by the Lisbon tribunal⁶⁴.

The author of the memorandum highlighted the fact that none of the suspects listed above, with the exception of Gabriel Nunes and Diogo Ramalho, was a heresiarch or a fugitive who had escaped from inqui-

⁶⁰ ANTT, *Inquisição de Évora*, processos nos. 3810, 5478, 5958, 7097 and 7779.

⁶¹ ANTT, *Inquisição de Évora*, processos nos. 9041, 9988 and 10342.

⁶² ANTT, *Inquisição de Évora*, processo n° 9598.

⁶³ ANTT, *Inquisição de Évora*, processo n° 1661.

⁶⁴ ANTT, *Inquisição de Lisboa*, processos nos. 2066, 4833 and 11896.

sitorial jails. The above list was far from exhaustive, however, as other documents preserved in Spain and Portugal mention many other cases⁶⁵. Another list of extraditions, this time drawn up by the Inquisition of Galicia in 1669, lists other cases of successful or failed extraditions between 1583 and 1640⁶⁶.

There is ample documentary evidence that during the seventeenth century both the Supreme Council of the Inquisition in Spain and its Portuguese counterpart struggled to secure their control over the local inquisitorial tribunals with regard to both the exchange of information and the extradition of prisoners. The codes of procedural rules (*regimentos*) drawn up by the Portuguese Grand Inquisitors in 1613 and 1640 do not mention the extradition of prisoners but encouraged tribunals to cultivate regular contact (“*boa correspondencia*”) with their Spanish counterparts. In the *regimento* of 1640, however, the Portuguese Grand Inquisitor stipulated that no information or documents could be sent to Spain without his prior approval⁶⁷.

In Spain, the *Suprema* likewise sought to ensure that it remained in control of extraditions and that local tribunals did not act on their own initiative. On 24 May 1630, for instance, the *Suprema* sharply reprimanded the tribunal of Llerena for having handed over prisoners to the Portuguese without having consulted them first. According to the *Suprema*, the action of the Llerenan inquisitors had caused stupefaction in Madrid and the *Suprema* remarked that it was very surprised “that there is no old [and experienced] inquisitor [at Llerena] who could inform you about the proper procedure”⁶⁸. In spite of this warning, the inquisitors

⁶⁵ “*E sendo o numero tam grande destas peçoas remetidas de hum Reyno pera outro, nenhuã dellas (excepto Gabriel Nunes e D° Ramalho) foi Heresiarcha, ou fugida depois de presa, nem cometteo delicto tal que obrigasse aos Senhores Inquisidores Geraes de Castella e Portugal, a assemtarem entresy que conuinha nelle a remissão, que são os tres casos em que so a permíte a Relação que o Senhor Inquisidor Geral de Castella inviou.*”, ANTT, Inquisição, Conselho Geral, livro 200, fols. 41v-42r.

⁶⁶ AHN, Sección Inquisición, Legajo 1995, doc. 17.

⁶⁷ J. EDUARDO FRANCO and PAULO DA ASSUNÇÃO, *As metamorfoses de um polvo. Religião e Política nos Regimentos da Inquisição Portuguesa*, Lisbon, 2004, p. 181. (*Regimento de 1613*, Tit. 5, Cap. 19) and p. 284 (*Regimento de 1640*, Tit. 3, Cap. 31). The *regimento* of 1640 was drawn up before the Portuguese revolt against Spanish rule.

⁶⁸ “*En el Consejo se a visto vuestra carta de 24 de abril en raçon de los portugueses que ayais remitido los dichos presos que os pidio la Inquisición de eborá y [?] que se los remitistes*

of Llerena soon disobeyed their superiors and extradited more prisoners to Portugal without authorisation from the *Suprema*. When the tribunal of Llerena sent three prisoners to the tribunal of Évora in February 1639 without first obtaining its sanction, the *Suprema* decided to act decisively, ordering the tribunal in December 1639 to suspend any further extraditions until further notice. Moreover, the *Suprema* ordered them to write to Évora to inform (and remind?) the Portuguese inquisitors that extraditions could only be negotiated by the Grand Inquisitors of Spain and Portugal and could not be arranged without authorisation by tribunals amongst themselves⁶⁹.

The measures taken by the *Suprema*, however, were to have little effect as the revolt of the Portuguese against Spanish rule in December 1640 and the 1640-1668 war between both realms brought extraditions to an end for the duration of hostilities. The period following the peace treaty of Lisbon, signed on 13 February 1668, was characterised by a normalization of relations between the Spanish and the victorious Portuguese after over a quarter of a century of war. The Spanish and Portuguese Inquisitions also sought to re-establish their relations but the length of the war meant that a new generation of inquisitors, unfamiliar with the events prior to 1640, had taken office in both realms. The *Suprema* in Madrid sent instructions in March 1669 to various Spanish tribunals to search their archives for any documents that might shed light on the issue of how extraditions between Spain and Portugal were carried out before 1640. The Inquisitors of Galicia replied in April 1669 that it did not seem to them that “a firm resolution has been taken in this business despite the fact that negotiations have taken place at various

con 700 reales para el camino y a causado admiración que ayais remitido los dichos presos [y?] dineros y que no ouvere nesa Inquisición ministro antiguo que os diese notiçia de le que se deuia haçer y asi estareis V.S. advertida de que en ninguna manera le han de dar presos ni dineros de aquí adelante a ninguna inquisición de Portugal y quando sucediere caso en que pidan algun preso dareis quenta al consejo dello que se ordenara lo que deviais hacer y auisareis quanto [montan?] los secrestos de los bienes de destos presos y pondréis buen recado en ellos hasta ver en que [?]e paran sus causas en las quales hareis justiçia con el cuidado que en el Santo Officio se acostumbra”, AHN, Sección Inquisición, libro 635, fols. 248r-248v.

⁶⁹ AHN, Sección Inquisición, libro 636 and libro 498, fol. 55v.

times and by various means”⁷⁰. The same month, the inquisitors of Llerena sent a remarkable letter to the Grand Inquisitor of Spain in which they stated that, in their opinion, most of the extraditions that had taken place both before and after 1580 had not been the result of any specific treaty but rather the consequence of local inquisitorial tribunals in Spain and Portugal arresting and exchanging prisoners almost like hostages⁷¹. On 7 May 1669, the *Suprema* decreed that extraditions could take place but only after they had been discussed and authorised by both the Grand Inquisitors of Spain and Portugal⁷².

Conclusion

This article does not claim to provide a definitive analysis of the subject of the extradition of prisoners between the Spanish and Portuguese Inquisitions. It is quite possible that the future discovery of more as yet unedited Spanish or Portuguese documents may well alter our knowledge of this aspect of the history of the Spanish and Portuguese Inquisitions. This article has nonetheless sought to establish a detailed reconstruction and preliminary description of the difficult and complex negotiations by which the Spanish and Portuguese Inquisitions were able to establish two extradition treaties in 1544 and 1570. These treaties may well be described, to my knowledge, as the first formal extradition treaties to have been drawn up by two law enforcement agencies in early modern Europe. The first three clauses of the extradition treaty of 1570

⁷⁰“...no parece que en tiempo alguno se a tomado resolución fija en esta materia aunque se a tratado, y conferido en diversos tiempos, y por diferentes medios...”, AHN, Sección Inquisición, Legajo 1995, doc. 17.

⁷¹“Y aunque por los años 1543, y otros hasta el de 1580 huuo algunas remisiones de presos de vn Reyno a otro no parece que fue en fuerza de concordia, ni asiento General que se huviere tomado, sino determinaciones particulares, como vsando de Represalias cada Reyno los Reos que aprehendia para que se trocasen por otros, y lo mesmo parese hauerse practicado después de la incorporación de Portugal en la Corona de Castilla.”, AHN, Sección Inquisición, Legajo 1995, doc. 17.

⁷² AHN, Sección Inquisición, Legajo 510, exp. 2, fols. 78r-78v. See P. HUERGA CRIADO, *op.cit.*, pp. 228-229. The *Suprema* was effectively asking the inquisitors to follow the decree promulgated in December 1639 after the tribunal of Llerena’s unauthorised extraditions to Portugal.

sought to clearly define the circumstances in which the tribunals of the Inquisition of one kingdom could legitimately request the extradition of prisoners held in the neighbouring kingdom. Admittedly, the *concordia* of 1570 did not prove to be a *panacea* for all the problems that confronted the two Iberian Inquisitions during the late sixteenth and seventeenth centuries. The treaty was perhaps most flawed by the fact that it attempted to impose simple rules for simple scenarios but failed to take into account the fact that the circumstances of “real-life” cases were often far more complex and did not neatly match the provisions of the treaty. This was certainly part of the problem, for instance, in the case of the controversy that was sparked between the tribunals of Lisbon and Seville in 1602 by the trial of the bigamist João de Matos.

In 1544 and 1570, the Grand Inquisitors of Spain and Portugal attempted to impose their control over extraditions between both kingdoms and to prevent local inquisitorial tribunals on either side of the border from being able to negotiate extraditions directly between themselves. It is nevertheless important not to overlook the fact that in spite of the limitations imposed in the treaty of 1570, and also regardless of the many disagreements that continued to exist between various Spanish and Portuguese tribunals after that date, extraditions *did* take place on a relatively regular basis. Furthermore, the inquisitorial tribunals of both kingdoms *did* cooperate with an unexpected degree of success in an age that did not have access to modern forms of communication or information storage. In addition to this, collaboration between the Spanish and Portuguese Inquisitions did not just take place in Europe but also on a global scale. Even though I have not, as yet, found any documentary evidence of extraditions of prisoners across the Atlantic Ocean, there is abundant documentary evidence that the inquisitorial tribunals of Mexico, Cartagena de las Indias and Lima (Peru) in the Spanish “New World” were also in regular contact with their Portuguese counterparts in Europe and frequently exchanged information⁷³. There is still a great need for

⁷³ See I. SILVERBLATT, *Modern Inquisitions. Peru and the Colonial Origins of the Civilized World*, Durham, 2004, pp. 59–61. Also ANTT, Inquisição de Lisboa, livro 18, fols. 9r, 10r, 138r; livro 26, fols. 2r–2v and Inquisição de Évora, livro 55, fols. 100r–101r; Inquisição de Coimbra, livro 70.

further research on the cooperation that took place between the Spanish and Portuguese Inquisitions. Such research will almost certainly will contribute to further our understanding of the Spanish and Portuguese Inquisitions as thoroughly “modern” bureaucracies and sophisticated machines of repression, the forerunners of many similar institutions that have existed in the totalitarian states of twentieth century⁷⁴.

Appendix

Document 1: Letter from the Cardinal Infante to the Grand Inquisitor of Castile (12 July 1542).

Biblioteca Nacional de Lisboa, Reservados, códice n° 869, fol. 5r.

O embaixador de Sua Magestade, me deu huma carta de vossa Reverendissima Senhoria em que diz que lhe pareço bem o que lhe escrevi, que se mandassem as testificações das culpas dos culpados no Sancto Offiçio de hum Reyno a outro mas porque depois lhe pareço que não seria esta Remedio tam bastante como conuinha para execução da Justiça e boa administração do Sancto offiçio pelos embarços que soçederião, auendosse de ratificaras enformações e testemunhas, nas partes onde se fazem, me pede que communique isto com el Rey meu Senhor e pareçendo a Sua Alteza, e a my, que as pessoas destes Reynos testificadas no sancto offiçio, que se passarem a esses Reynos, se entreguem cá, e isso mesmo que as que desses Reynos se passarem a estes se entreguem lá, para com mais commodidade se fazerem os proçessos onde forão começidos que vossa Reverendissima Senhoria procurara com Sua Magestade, que o aja assi per bem. Eu senhor o fiz assi logo, e dey conta disso a Sua Alteza, e depois de praticado pareço por algumas razões e grandes inconvenientes que soçederião cada dia, que ao presente as pessoas culpadas no sancto offiçio, se não deuião entregar de hum Reino a outro e porem as testeficações e autos, e quaequer outras

⁷⁴ On the Inquisition as a forerunner of modern machines of state repression see I. SILVERBLATT, *op. cit.* and A. VERSLUIS, *The New Inquisitions. Heretic-Hunting and the Intellectual Origins of Modern Totalitarianism*, Oxford, 2006.

diligências necessárias se deuião mandar, e tam ratificadas e aprovadas que fizessem inteira fê, e se possa proçeder contra os culpados com toda breuidade. E peço a Vossa Reverendissima Senhoria por se não poder ao presente achar outro melhor modo, e que menos inconveniente pareça ter, que o queira assi auer por bem, e me queira sempre ocupar; porque disso leuarei muito contentamente. Nosso Senhor a Illustrissima e Reverendissima pessoa e estado de Vossa Reverendissima Senhoria conserue e acresiente por muitos annos, como deseia. Escrita em Euora xij de Julho de 1542. Servidor de Vossa Reverendissima Senhoria. O Infante Dom Anrique.

Document 2: Treaty for the Extradition of Prisoners (1570).

A.N.T.T., Inquisição, Conselho Geral, livro 481, fol. 114r.

Resolução que se tomou perante S[ua] A[lteza] entre os Inquisidores de Portugal e Castella, sobre a remissão dos presos e culpas delles de Reyno a Reyno.

1. Andando algumas pessoas deste Reyno em Castella: e requerendo os Inquisidores deste Reyno, aos de Castella: que lhes mandem prender: Os Inquisidores de Castella as mandarão prender com muita diligência: e presas as remeterão aos Inquisidores que lho requerão os quaes pagarão todas as despesas que nisso se fizere: e o mesmo se fara pellos Inquisidores deste Reyno, quando pellos de Castella lhes for requerido.
2. Prendendo os Inquisidores de Castella: algumas pessoas deste Reyno: por culpas que caa cometessem: ainda que os Inquisidores deste Reyno tenham das taes pessoas denunciações de culpas, caa cometidas: com tudo a requerimiento dos Inquisidores de Castellan lhes mandarão os testigos que contra os ditos presos tiueren, sem pedir que lhos remetão: e o mesmo farão os Inquisidores de Castella aos requerimentos dos Inquisidores deste Reyno: quando prenderem pessoas de Castella por culpas caa cometidas.
3. Prendendose em Castella algumas pessoas deste Reynos, não por culpas que la cometessem: senão por testigos e denunciações que

la tenham os Inquisidores de culpas cometidas neste Reyno: no tal caso, não serão obrigados os Inquisidores de Castella a remitir os taes presos: antes os Inquisidores deste Reyno: a seu requerimiento lhe mandarão os testigos que tiuerem contra os taes presos: e o mesmo se fara pellos Inquisidores de Castella: quando neste Reyno se fizerem semelhantes prisões:

E porem sendo o delito cometido, tão grave e escandaloso e publico: que por esse respeito parezca seruico de deus remeterse o preso: pera ser castigado, onde cometeo o delito: em tal caso: se remetera de Reyno a Reyno; e os Inquisidores geraes de ambos os Reynos com os do conselho: conhecerão das justificacões das causas porque a de remittir o preso, e o mandarão remetter.

4. E sucedendo que nas Inquisições deste Reyno, ou nas de Castella, aya denunciações e testificaciones contra pessoas moradoras em outro Reyno: os Inquisidores mandarão com muita diligencia os testigos aos Inquisidores do outro Reyno, a quem pertencerem: sem esperar por nenhuma via, que os taes culpados, venhão ao reyno donde se delles denunciou. Porque por experiencia se vee, que estas dilações, não são de seruico de Deos e os Inquisidores a quem remetteren as culpas pagarão as despesas que se nisso fizerem.