

SOME EARLY PORTUGUESE BILLS OF LADING, 1625-1708.

By

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Professor Chōzō Murō in No. 14 of his *Bibliography of Anglo-Japanese Relations* makes some interesting references to English Bills of Lading mentioned in the *Diary* of Richard Cocks, and other contemporary sources dealing with the English trade in Japan during the early seventeenth century.⁽¹⁾

The learned Professor's observations reminded me of some old Portuguese Bills of lading of about the same period which I acquired in Lisbon some time ago; and which are perhaps not without interest to students of economic history, as being some of the oldest surviving examples of their kind. The great influence exercised by the Portuguese on the commercial life and methods of the East during the days of their greatness is at last beginning to be recognized by modern historians; for hitherto attention has been concentrated almost exclusively on their political and religious activities,—to the virtual exclusion of their equally far reaching and in some ways more lasting economic influence. Even superficial students of colonial history are probably aware that such modern every-day

(1) Chōzō Murō:—*Bibliography of Anglo-Japanese Relations* (XIV). Reprinted from Part II of the *15th Annual of the Nagasaki Higher Commercial School*, Nagasaki, 1936, pp. 12-17.

terms as *Compradore* and *Godown* are derived from or through the Portuguese; but the high state of organization which their commercial transactions attained is not perhaps so well known, and is amply proved by instances like the following. Of the bills of lading with which this essay deals, only two are of Eastern origin, the others being connected with Brazil; but the type was clearly a fixed one, and doubtless similar forms were used in the China and Japan trades as well.

The annual India fleet which left Lisbon for Goa in the spring of 1623 consisted of the carracks *São Francisco Xavier* (flagship), *Santa Isabel* and *Nossa Senhora da Conceição*; the galleons *Santo André*, *Misericórdia* and *São Simão*, as well as two pinnaces, *São Braz* and *Nossa Senhora da Guia*. The outward voyage was a disastrous one, only the galleon *Santo André* arriving at Goa in October of the same year. The squadron left the Tagus on the 25th March; the line was passed on the 1st June and the Cape rounded on the 25th July. The pinnace *Nossa Senhora da Guia* fell in with the outward-bound English East-Indiaman *Coaster* in the latitude of the Cape and was taken after a "doubtful" twelve-hour action. However, her captors found the vessel "so spoiled in the fight" that she was allowed to proceed to Mozambique, where she found that her consorts had arrived on the 22nd September. It being too late in the season to continue on to Goa, the fleet was forced to winter in the harbour of Mozambique. On the eve of departing for India, a sudden storm arose during the night of January 24th, 1624, which resulted in the loss of three vessels *viz.*—the carrack *Santa Isabel*, the galleon *São Simão* and the pinnace *São Braz*. After the surviving ships had finally sailed for Goa on the 27th March, the luckless *Nossa Senhora da Guia* again

parted company, and was wrecked on the coast of Arabia. It was thus with only three sail (*São Francisco Xavier*, *Nossa Senhora da Conceição* and *Mizericórdia*) out of his original eight that the Captain-Major, Dom Antonio Tello, reached the bar of the Mandovi at the end of May, 1624.

The tardy appearance of the survivors of the ill-fated 1623 fleet, was somewhat compensated for by the safe arrival of the eight sail composing the 1624 fleet in September of that year. This last squadron chiefly consisted of war-galleons destined to proceed to the Persian Gulf against an Anglo-Dutch force which was expected there in connection with the operations off Ormuz. Only three vessels, the carracks *Cinco Chagas* (Five Wounds of Christ), and *Nossa Senhora da Quietação*, together with the galleon *São João*, came under the orders of the Admiral João Pereira Corte-Real as Captain-Major for the return voyage in the spring of 1625. These three vessels wintered in the bar of Goa, together with the three survivors of Dom Antonio Tello's ill-fated fleet of 1623—the two carracks *São Francisco Xavier* and *Nossa Senhora da Conceição* and the galleon *Mizericórdia*—taking in their cargoes of pepper and other commodities under the protection of the fortresses of Mormugão and Nossa Senhora do Cabo.

This brings us to the *raison d'être* of this article, namely the *Conhecimento*, or Bill of Lading, from the Carrack *Conceição*, which is reproduced in facsimile herewith. The translation of this remarkable document may be read as follows (the italicised portions are in Ms. in the original):—

“I, *Bento Gonçalves* who now with the help of God, am going for the Kingdom as *Second Pilot* of the Carrack which God preserve, *Agá Sra da Conceição*, state that it is true that I have received and laden within the said Carrack, from you *Bernem Sanchez Correa a desk with legs with a label addressed to the Conde de Olinares as also an Oratorio with a label*

addressed to the confessor of His Majesty, all covered with leather, the which I am taking in my cabin all well wrapped up & in good condition, & clearly marked on the outside, and I bind myself by these presents duly signed, that, God bringing me in safety with the said Carrack, I will give and deliver it thus and in the condition in which I received it, in the India House to senhor Alup° Sanches or in his absence to sr. Jeronimo fr.º. Aires or to his true assignees, without my being paid anything for this, since I was paid the freight thereof at the time of signing this, & to certify the truth thereof I have signed six bills (sic) to this effect, one of which being fulfilled renders the others null and void, & for the performance whereof I pledge my person and goods, both present & future. Witnesses who were present those who have signed below in Goa the 15 of February of 1625 a.

(Autograph signatures):

Diogo Dias

Bento gñz

Synão de Costa.

The document is endorsed on the back, *Conceição N. 1625. Conhecimento de Bento gñz, sota piloto da hñ Courador e hñ oratorio q leua a entregar ao sr. Anto Sanches. (Conceição N. 1625. Bill of Bento Gonçalves, second pilot, for a Desk and an Oratorio which he is taking to deliver to Sr. Antonio Sanches). It is well printed on good paper bearing a contemporary watermark.*

It is obvious that this document is a bill of lading, though the Portuguese word *Conhecimento*, by which the original itself is entitled, may be rendered into English by "acknowledgment," "bill," "bond," or "receipt." A bill of lading has been defined in its essence as "a shipmaster's receipt for goods entrusted to him to carry in his vessel," which is exactly what this *Conhecimento* is. It is equally clear that here we have a bill of lading in its very early form, since the shipowner—or in this case the pilot—accepts full liability for delivering the goods in perfect condition to the consignees, provided only that the ship reaches the port of destination. This is indeed a very

different state of affairs from that which prevails today, when a shipowner is so elaborately safeguarded by the comprehensive exception clause of his bill of lading, that he is, practically speaking, liable for nothing at all.²⁾

It is not the purpose of this article to discuss the origin and development of the bill of lading, but a few words may perhaps be devoted to similar Portuguese documents of the same period, which have come to light in recent years. A few other *conhecimentos* have been preserved in Japan from the time when the Portuguese of Macau drove a flourishing trade with Nagasaki in the first quarter of the XVIIIth century. These *conhecimentos*, are however Respondencia Bonds rather than Bills of Lading, as may be seen from the terms of the following typical example:^{3,4)}

(3) With the important exception of seaworthiness. For an interesting discussion of the Bill of Lading and its terms, see pp. 81-85 of Douglas Owen's *Ocean Trade and Shipping*, Cambridge, 1914. The Bill of Lading is there referred to as a document of very great antiquity, but unfortunately no XVIIth century specimens are reproduced to enable a comparison to be made with the Portuguese *conhecimento* here described. None of the authorities whom I consulted had ever seen or heard of an earlier Bill of Lading in *printed* form.

(3) For a discussion of these Luso-Japanese Respondencia Bonds and facsimile reproductions of some of the most interesting of them, see the two following articles by the present writer:—*Notes on the Portuguese Trade in Japan during the Kōanai period (1624-1643)*, (*Shigaku*, Tokyo, 1935), pp. 7-27; and *Portuguese Commercial Voyages to Japan three hundred years ago (1630-1630)*, (Japan Society, Vol. 31), pp. 65-75, wherein will be found a facsimile of the 1638 bond translated above.

(4) Mr. Kentaro Suiha (柴藤太郎) contributed a most interesting and detailed article to a Japanese Journal — "*Studies in Economic History*" (經濟史之研究) (Vol. XVII, Nos. 1 and 2) entitled "*Observations on Respondencia Bonds*" (Nagagin Shomon), written in Japanese with copious extracts from contemporary Portuguese and Japanese Documents." (日歐文投銀証文の考察)

"I, Pero Fernandez de Carvalho, Factor of the City of Macau, hereby declare that I have borrowed four thousand taels of bar silver from Suyetsugu Socotu (=Sotoku), merchant of Hakata, at twenty-five per cent, on behalf of the said City of Macau. And the said Suyetsugu Socotu declared that this sum of four thousand taels is to go from here to Macau divided in equal amounts on board the two ships *Nossa Senhora da Conceiçao*, which is the flagship, and *Nossa Senhora do Rosario e São Gonçalo*. From Macau to this city (next year) the amount is to be returned (in goods) equally divided amongst the ships of the voyage which sail first; and in case only one is sent, it will take only one third of the whole; in the event of the voyage being cancelled, another 10% must be paid. This silver bullion with the profits earned thereon will be repaid by the Factor who succeeds me, for and on behalf of the City of Macau, forasmuch as the money is borrowed for the said city. Nangassaque (Nagasaki), sixth of October of sixteen hundred and thirty-eight.

(Signed) *Pero Fernandez de Carvalho*.

This document is endorsed on the back in Japanese for forty *kuwan* of bar silver, and the Portuguese word *Conhecimento* is used in its Japanese form of *Kanishimento*, written in the native *Kana* syllabic script—another striking instance of Portuguese commercial influence in the Far East at the time.⁽⁷⁾ Although this document is, as stated

(5) Although the word is not to be found in the works of Yule, Bunnell, Dalgado and other Indo-European lexicographers, its use was widespread in the Far East as may be seen from the following extract from Hagehaer's voyage in Japan in 1637, printed in Vol. II of the *Begin ende Voortgangh*, (Amsterdam 1646), under the date of i. x. 1637,—". . . is den Opper Coopman Van Samen . . . naer Meaco gesonden, om aldaer 200 kisten silvers yder van 1000 teyl ofte 2700 gulde, op deposito, tot 1½% a 2% onder behoorlijcke hantschrift, (hier cognossementen genaemp) te lichten &c." "Cognossementen" is of course the Portuguese *Conhecimento*.

above, a Respondencia Bond, that is to say, a receipt for money borrowed upon the security of a vessel's cargo, or even on the vessel itself, rather than a Bill of Lading in the modern sense of the term, yet the Portuguese used the same word *Comhecimento* for both kinds of receipt. It seems probable that at this period there was no very hard and fast distinction between the two, but in the case of the 1638 Respondencia Bond, the Japanese shipper is afforded more protection against certain risks, than is the shipper of the goods in the 1625 Bill of Lading. Another point of difference is that the latter document is a printed one and signed by several witnesses, whereas the surviving Luso-Japanese Respondencia Bonds, though drawn up in the same phraseology, are all in manuscript, and the majority have the signature of the borrower or ship-owner only.

As the 1625 *Comhecimento* is a printed form, it seems clear that there must have been thousands of them in common use at the time.⁽⁶⁾ Nevertheless, in the course of fairly extensive researches amongst the Portuguese Archives for details of the Indo-Portuguese maritime trade, I have never come across another such one. Even though this Bill of Lading can scarcely be unique, the number of such forms that have survived the vicissitudes awaiting such ephemeral scraps of paper for over three hundred years, must be extremely small. An additional interest is lent to the remarkable document by the romantic circumstances in which were involved the goods and

(6) It would be interesting to know whether the forms were printed in Lisbon or at Goa. If the latter, then we have here a hitherto unrecorded specimen of early Indo-European typography. The former alternative, however, seems to be the most likely of the two, judging by its relative clearness and neatness compared with contemporary productions of the Goa press.

the carrier mentioned therein, as will be seen from the story of the carrack *Nossa Senhora da Conceição*. Before resuming the thread of this tale, a few words may be devoted to the personages named in the Bill of Lading, or to such of them as can be identified.

About the *Sota-Piloto*, or second pilot, Bento Gonçalves, almost nothing has been ascertained hitherto. The name Gonçalves is a very common one in Portuguese, and numerous seafarers with the same patronymic, can be traced in contemporary documents. A *Sota-Piloto*, Bartholomen Gonçalves, appears as second pilot of the carrack *São Thomé*, one of the consorts of the *Nossa Senhora da Conceição* in 1621, but it seems he sailed for India in the 1622 fleet, so there can hardly be a confusion in the Christian names.⁷ My friend, Sr. Frzação de Vasconcellos, has however unearthed an interesting reference to Bento Gonçalves in the archives of the Torre do Tombo at Lisbon. This is contained in an *Alvará*, or royal decree, dated the 13th March 1623, granting him permission, in his capacity as *Sota-Piloto* of the *Nossa Senhora da Conceição*, to bring home from India two slaves and a chest full of goods (other than those declared contraband), freight and duty free. It was obviously under the terms of this *Alvará* that Bento Gonçalves was enabled to take with him the desk and oratory of Antonio Sanchez. Such perquisites were at that time—and for a long time after—the privilege of all of the ships' officers in varying degrees.

The two witnesses defy identification, at any rate for the nonce. In all probability, they were merely Customs House officials, or some of the ship's officers.

(7) *Nomenclatura de officiais da navegação das naos que este ano (1622) htrde ir pera a India*. Contemp. Ms. printed on pp. 15-22 of my article in the *Anua do Club Filitar Naval*, Lisboa, 1930.

With the remaining personages, we are on firmer ground. Bartolomeu Sanches Correa, the shipper of the goods, was a wealthy *Christião Novo*, or converted Jew, who was a prominent trader in Goa. In later years, during the Viceroyalty of the Conde de Linhares (1630-1636), who was a noted protector of this class, he was farmer of the Customs at Goa, in which his enemies accused him of introducing illicit practices to the detriment of the Royal Exchequer. It was likewise alleged that he was concerned with the Viceroy in shipping forbidden goods to Pegu; but these and other stories are probably inspired by the malicious Jew-baiting which was one of the chief occupations of both secular and ecclesiastical dignitaries at the time.⁽⁸⁾ The persons to whom the goods were consigned are easily identifiable. The *contador* or desk (writing bureau?) was destined as a present for the Conde de Olivares, the famous Minister and favourite of King Phillip IV of Spain; whilst the oratory (or praying-stool?) was sent to the Royal Confessor, the Dominican Frey Antonio de Soutomayor.⁽⁹⁾ Obviously the wretched Israelite—who, like most others of his class, was doubtless a Christian only “from the teeth out”—felt it politic to keep in the good graces of the all-powerful Minister and Confessor, who shared between them the complete confidence of the King. This was the more necessary since about this time there were repeated orders issued from Madrid and

(8) *Relação dos servizos q fez o Conde de Linhares sendo Visorrey* &c. Mss. of the University Library at Coimbra, a copy of which was kindly lent me by Professor Prestage. It is an anonymous, and for the most part highly scurrilous, production.

(9) A large number of documents signed by him, and dealing with the appointments of various ecclesiastical dignitaries in the years 1622-1626, are preserved in the British Museum (Egerton Mss. 1134).

Lisbon, that no persons of Hebrew extraction were to be appointed to any positions of authority in the Portuguese Indies—though these orders, like most Iberian Royal decrees, remained a dead letter in so far as the authorities at Goa were concerned.⁽¹⁰⁾ Antonio Sanches and Jeronimo Fernandez Aires, to whom the goods were to be delivered at the India House in Lisbon for transmission to Madrid, were presumably relatives or friends of Bartholomen Sanches—the first-named being perhaps his brother, and probably identical with the cartographer, Antonio Sanches, who flourished at Lisbon *circa* 1621–1641.

The story of the homeward voyage of the *Nossa Senhora da Conceição* and her live consorts, though a romantic and eventful one, is not germane to the subject of this essay and must be summarised in a few lines. The squadron cleared the bar of Goa on March 4th, and had an uneventful voyage as far as the Cape where bad weather was encountered. The *Conceição* sprang a leak as a result of the buffeting she received, and all efforts to render her seaworthy by throwing overboard part of the cargo proving unavailing, it was resolved to beach her at Saint Helena. Here the carrack was warped close inshore off Chapel valley on the north-west side of the island, some of the cargo being unloaded and distributed amongst her consorts. These in their turn left the crew of the *Conceição* an additional supply of munitions and stores, after which they resumed their voyage for Lisbon.

Shortly after this, the homeward-bound Dutch Indiaman *Hollandia* bore in sight of the anchorage on the 14th

(10) For an excellent account of the attitude of the secular and ecclesiastical authorities towards the despised and hated *Christão Novos*, see Dr. A. de Silva Carvalho's study *Garcia d'Orta*, Coimbra, 1934, especially pp. 70–79 and 151–180.

June, and promptly attempted to capture the half-stranded carrack. The Portuguese however succeeded in beating off the *Hollandia's* attack after a brisk cannonade in which both sides suffered some loss, but the *Conceição* was so badly hulled in the action that she was finally rendered unseaworthy for good and all. The remainder of her guns and cargo were thereupon taken out, and the carrack scuttled in the shallow water. Tents and barricades were erected on the beach from the silk and cotton goods with which the illfated vessel had been laden, whilst the guns were mounted in a battery defended by packs of Indian clothing and piece-goods. Enough of the ships timbers were salvaged to enable the castaways to build a small sloop which they sent to Bahia in Brazil to ask for aid. This was not long in coming, but before its arrival they had to repel another attack made by a combined Anglo-Dutch squadron of homeward-bound East-Indiamen of four sail which called at the island in November to obtain water. Even then the *Conceição's* survivors was not over, for when six relief ships, conveyed by two Spanish galleons, arrived from Bahia in December, another Dutch vessel, the *Middelburgh* appeared off the island and engaged in a running fight with the galleons. The *Middelburgh* foundered as a result of the hammering she received in the action, but the Spaniards likewise suffered heavily, their Commander and most of his officers being killed. After this interruption the castaways completed loading their goods and sailed for Bahia, whence they departed for Lisbon at the end of February, 1626. A violent storm off the Azores on the 11th April, was responsible for the loss of several of the convoy. The remainder reached the Tagus early in May, and thus at last the cargo of the *Conceição*, or such of it as had not been lost in all these vicissitudes, came safely home.⁽⁷¹⁾

Whether the desk and oratorio mentioned in the *conhecimento* of the *Sala-Piloto*, Bento Gonçalves, were amongst the goods which reached the persons to whom they were addressed, we shall never know, but it is permissible to hope so. This particular *conhecimento* was presumably not on board the *Conceição*, but in one of her consorts, which had reached Lisbon in October, 1625,—just missing a combined Anglo-Dutch fleet of over one hundred sail, under Wimbleton and Haulmain, which was of the Portuguese coast on its way to attack Cadiz. Incidentally, it will be seen from the wording of the form that six copies were made out; evidently one for each of the six vessels in the squadron.

The other two *conhecimentos* which were referred to at the beginning of this essay, have not nearly such a romantic history attaching to them, and can be dismissed in a few lines. They are of the same type as the 1625 bill of lading, with only minor variations in wording, and both relate to Brazil. The earliest of the two dates from 1664, and was signed in Recife (Pernambuco) on the 22nd August of that year by one Pedro Francisco, Master of the ship *Nossa Senhora da Encarnação*.

(11) When the great traveller Peter Mundy visited St. Helena eight years later, he noted in his Journal that besides the ruins of forty or fifty dwellings erected by the castaways of the *Conceição* "many of the ribbes of the Carrack were yett to be seen and abundance of Iron worke all over the Strand." (*Travels of Peter Munday*, Hak. Soc. Ed. Vol. II, p. 329. The Editor wrongly dates the wreck of the carrick to before 1589).

Comhecimento or Bill of Lading from the Portuguese ship Nossa Senhora da Encarnação, Recife de Pernambuco 1664.

1664

25-27-1/2
25-1/2
24-1/2
22-1/2
26-1/2
27-1/2
28-1/2

25-27-1/2

Desembarcação de mercaderias que Deus fizesse por nome de **D**...
que se presente fôr fôrto, os ancedentes no portos de **D**...
para em eboa ysmura a seguir viagem ao porto de **D**...
ho munda aberta e desferga, que ho vendida, q' recibis, e temha carter de domna **D**...
Marta — a doze de outubro em que se ho bem escrito do **D**...
fazem a mercaderia de **D**...
que se fôrto, fôrto por nome de **D**...
que se fôrto, fôrto por nome de **D**...

mercaderias de mercaderias que se fôrto, q' recibis, e temha carter de domna **D**...
minha sobre **D**...
vostros de **D**...
para por **D**...

pagamento de **D**...
para e assi cumprir os guardas sobrio minha vossa **D**...
em certeza do qual vos desquero comhemientos de hante lites **D**...
por meu e fôrto, fôrto por nome de **D**...
D...
D...

This form is slightly longer than the 1625 version as regards the printed portion and reads as follows (italicised portions are in Mss. in the original) :—

"I, *Pedro Francisco*, native of Peniche, Master that I am of the *ship N. S. da Encarnação*, which God preserve, named (blank) which is at present anchored in the port of *Recife de Pernambuco* in order when opportunity offers to prosecute my voyage to the port of the *City of Lisbon*, where I am bound to discharge, state that I have received and laden within the said *ship*, below deck, well wrapped up and in good condition *from the Superintendent of the Royal Customs of this Captaincy, Gregorio Carrizo de Vasconcellos, five chests and two cases of white sugar which it is said amount to two hundred and fifty-two arrobas⁽¹³⁾*, on account of the service of His Majesty whom God preserve, appertaining to the *dowry of the Most Serene Queen of Great Britain⁽¹³⁾*, clearly marked on the outside, which I bind and promise myself, God bringing me in safety with the said *ship* to the said port to hand over for and on behalf of you to the *Ministers of the Council of the Exchequer in the Court and City of Lisbon, and elsewhere to the officials of the Royal Treasury*, paying me for freight *like the rest*. In order to fulfill and keep this, I pledge my person, and goods, and the said *ship*, in proof of which I have given you four bills to this effect signed by me or by my purser, one of which being fulfilled renders the others null and void. Done in the said *Recife on the 22nd August, 1664.*

(Autograph signature) :—

Pedro Bryan"

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- (12) A Portuguese weight of about 32 lbs. a. d. p.
(13) I. e. Queen Catherine of Braganza who had married Charles II in 1632 with a dowry of Bombay, Tangier, and a million cruzados (ducats), most of the money being paid in jewels, sugars, and other merchandise. It will be recalled that King Charles' Portuguese bride formed the ostensible reason for the *Bakufu's* refusal to admit the *Return* when she attempted to reopen the English trade with Japan at Nagasaki in 1673.

The third *Conhecimento* or Bill of Lading which we have under consideration, likewise hails from Pernambuco, and was signed by Joseph Gonçalves Rocha, Captain of the pink *Nossa Senhora da Piedade e São Roque*. It is dated 30th May 1708, and in form and wording is practically identical with the earlier Brazil one just transcribed. Virtually the only difference is that it has an official stamp of the Portuguese Royal Arms on the top left-hand corner and is headed with the line: *Com Privilegio de S. Magestade, para que só estas Conhecimentos se use*. (With Privilege of His Majesty, for the exclusive use of these Bills). In size it is a little larger than the other specimens, and the printing is rather better done, but otherwise it approximates to the former examples so closely that it is not worth transcribing here.

Finally, it may be mentioned that a Bill of Lading dated 1776 in the present writer's collection, is worded in exactly similar terms to the last-mentioned example, thus proving that the forms of these *conhecimentos* remained unchanged throughout the XVIII century. These forms in their turn closely approximate to the early XVII century example from Goa; and given this unbroken continuity of nearly two hundred years, it seems probable that in this—as in so many other spheres—it was the Portuguese who were the pioneers. At any rate it would be interesting to examine some early English, Dutch or French bills of lading for purposes of comparison, and if this article serves to bring such things to light it will not have been written in vain.