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T H E
Last WILL and CODICIL
O F
CHARLES II.
King of SPAIN.

Made the 2d. of October 1700.

W I T H

The L E T T E R S that have past betwixt the
Most Christian King, and the Regency of Spain,
on that Subject.

*Translated at large from the Authentick Copy, Printed at Paris
in Spanish and French, by the French Kings Authority.*

L O N D O N

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The Last WILL of CHARLES II. King of Spain.

Made October 2. 1700.

IN the Name of the most Holy Trinity, the Father, Son and Holy Spirit, Three distinct Persons, but One Only and True GOD, and in the Name of the Holy Virgin Mary, Mother of the Eternal Word, our Protectress, and in the Name of all the Saints of the Celestial Court.

I Don Carlos by the Grace of GOD, King of Castile, Leon and Arragon, of the two Sicilies, Jerusalem, Navarr, Granada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordova, Corseguia, Murcia, Jaen, Algarva, Algezira, Gibraltar, of the Canary Islands, East and West-Indies, of the Islands and Terra Firma of the Ocean, Arch-Duke of Austria, Duke of Burgundy Brabant, Milan, Athens, &c. Count of Habsburg, Flanders, Tyrol, and Barcelona, Lord of Biscay, and Molina; Knowing that as a Mortal Man I cannot avoid Death, a Punishment which we have all of us incur'd by the Sin of our first Parent, and being sick a Bed of a long Distemper, with which it hath pleased GOD to afflict me, I declare my last Will by this present Testament; which, by an Effect of his Divine Bounty, I make with an Understanding as sound and as free, as ever I had in my Life.

IN the first place, I pray our Lord Jesus Christ, true God and Man, by the Merits of his Passion and Blood, to exercise towards me the greatest of Sinners, his Mercy and Clemency; and tho' I have not served him as I ought, and that I have ill requited his Graces and Favours Spiritual and Temporal, that I have received, instead of obeying in every thing his Holy Law, and of loving Him with the tender Love to which so many Extraordinary Benefits oblig'd me. I intreat him to grant me his Grace, that I may die as I have alwise lived, in the Holy Faith, and in the Bosom of the Roman Catholick Church: This I protest for, and am willing to do, as a most Obedient Son of the Holy See.

II. And that I may repent of my sins with a true Sorrow, and such as I would have by the Vertue and Efficacy of the Sacraments, which God by his Mercy hath instituted in his Church to serve as a Remedy for our Sins, I pray the Virgin Mary his Mother, that as the Advocat of Sinners, and my Advocate, she would succour and assist me by her intercession, during the Time I have to live, in order to obtain the favour of her Son, of which I stand in need to die as a Christian. I have constantly entertain'd for her what Devotion I could be capable of, according to my Weakness and Infirmitie, and I hope from her Goodness and Clemency, that she will protect me at all Times, and chiefly in the terrible Day of my Death, because of the singular and affec-

tionat Veneration, that I have had during the whole Course of my Life, for her immaculate Conception; for the Declaration of which, I made use of all possible Instances and Endeavours with the Apostolical Chair, besides the Care that I have taken to introduce and Establish in my Dominions the Devotion and Worship of that Mystery, by ordering it to be Represented and carried as a Device in my Royal Banners, conformable to what the King my Father had ordered. And tho in my Life-time I could not obtain of the Holy See, that Decision which I have so much desir'd, I pray with all my Heart the Kings that shall succeed me, zea otly to continue the Instances that have been made in my Name, until the Apostolical Chair shall grant it them. I likewise pray the Arch Angel St. Michael and my Guardian Angels, the Holy Apostles, St. Peter, St. Paul, St. James the Patron of Spain, St. Charles, St. Philip, St. Dominic, St. Bennet, St. Francis, and St. Theresia, for whom I alwise had a very particular Devotion; my Holy Intercessors, and all the other Saints of the Heavenly Court, to interceed to GOD for Me, that by the assistance of an efficacious Grace, I may have a true Sorrow for having offended him; and that, in fine, I may Love him to that degree with which he deserves to be Lov'd.

III. I order, that after my Death my Corps may be carried with the least Pomp, that my Royal State will allow, to the Monastery of St. Lawrence the Royal, [*Alias, the Escorial,*] to be put in the *Pantheon* design'd for the Sepulchre of the Kings my Predecessors and Successors, in the place which belongs to it, according to the Order which the King my Father would have observ'd, for the placing of our Corps, when he finish'd that Work.

IV. And whereas by my Order there have been made some Foundations in that Monastery, with an Assignation of some Rents, it's my Will, that it should be Executed in the Manner I have Ordered, in the Acts of those Foundations.

V. I recommend it to the Kings my Successors, to take particular Care to preserve that Royal Monastery in all the Splendor and Magnificence that it was Founded in by Don Philip II. my Great-Grand-Father.

VI. I Order, That on the Day of my Death, all the Priests & Religious Persons of the Place, where I shall Die, say Mass for the Repose of my Soul, and that during three Days they Celebrate as many Masses as they can at the priviledg'd Altars. And further, It is my Will, that they say 100000 Masses for me; and my Design is, that those, of which, by the Mercy of GOD I shall not stand in need, be applyed to my Fathers and other Predecessors, and in case they don't need them neither, to the Souls in Purgatory, that are least taken Care of, and the Executors of my Will shall recommend it to those who are to say them, to do the same according to my Intentions, and to Re. ule the Alms that they are to give for that End.

VII. And whereas the King my Father ordered Fund to be settled of 3000 Ducats Rent for the Redempcion of Captives, for the Marrying of Orphan Maids, and setting poor Debtors at Liberty, (which Fund was in Effect assign'd with the Consent of the City of *Madrid* and its Province, upon the Money appointed for Maintaining 8000 Souldiers, that the Kingdom of *Castile* had granted him before) and that since he augmented that Rent to 6000 Ducats *per Annum*, willing if that Assignation was not found sufficient, it should be made upon the surest Rents he had: for Example, those that were already vacant, or which should be vacant after his Death. And that of those 6000 Ducats of Rent, two Thousand shall be employ'd in redeeming Captives, preferring those that had serv'd in his Armies, and failing those, Women and Children, and those that were most in danger of Renouncing the Faith: Other 2000 should be Employ'd for Marrying Orphan Maids, Daughters of the Domesticks of his Royal

Royal Palace; and the remaining 2000, to set poor Prisoners at Liberty. Leaving the Choice of those three sorts of Persons, in so far as it should not prejudice, the Disposition (made in Favour of Captives) to the Will and Discretion of the Kings his Successors, and of his Confessor and Grand Almoner with Orders to the two last, to propose the Persons that were most Necessitous, and upon whom there was best Cause to bestow that Alms, alwise preferring his own Domesticks and those of the Kings and Queens Regnant; but, before all things, to pay his Majesty's Debts. It is my Will and Meaning, that this should be observ'd, fulfill'd and punctually executed, in the Literal Sense, as 'tis appointed.

VIII. To acquit my self of what I owe to GOD and my Conscience, and to satisfie the Desire that I have to procure the Spiritual Advantage of my Lawful Successor, I pray and recommend to him cordially, for his own good and that of his People, to be a Zealous Defender of the Faith, and perfectly obedient to the Holy Apostolical See, to live and proceed in all his Actions as a Catholick Prince, fearing GOD, and carefully to observe his Commandments, by procuring every where, and by all means, the Glory and Exaltation of his Name, the Propagation of his Faith, and the Advancement of his Service, to Honour, Assist and Favour the Inquisition, because of the Care they take to preserve the Faith, which is a Thing so necessary, and especially at this time, when Heresies are spread in so many Places. To Honour and Protect the Clergy, to maintain them in their Exemptions and Immunities, to love and favour the Religious Orders, and effectually to procure the Reformation of them in whatever shall be needful; to administer every where Justice with Equality, to Treat his People with Paternal Affection, and to study to render them Happy, by which he will gain their Hearts, and become acceptable to GOD, who will assist and bless Him according to the Measure of Charity he makes use of towards them. I recommend it to him particularly, to have a Watchful Eye over the Ministry, without suffering them to commit any Fault. Nay, not in the least Things, as to what Relates to Uprightness and being Uncorrupted; for I have always been an Enemy to Corruption and Bribery, because of the Great Damage that the Government receives by it.

IX. The Roman Catholick Religion hath been preserv'd and is still preserv'd in all my Kingdoms, Dominions and Seigneuries; And my glorious Predecessors, for to maintain, preserve and defend it, have employ'd, nay, engag'd their Royal Patrimony, preferring the Honour and Glory of GOD, and of the Holy Law, to all their Temporal Interests, and for as much as it's the Chief Duty of Kings, I earnestly desire my Successor to perform it exactly. And if any of them (which GOD forbid) embrace any Sect, of those which our Holy Mother the Roman Catholick Church hath condemn'd, and shall seperate from this only True Religion; I declare and hold him from thenceforward incapable and unfit to govern the said Kingdoms and Estates, and that he hath forfeited the Office and Dignity of a King, and deprive him of the Succession, Possession and Right which he might have thereunto, abrogating and annulling all Laws, Ordinances, Customs and Priviledges to the contrary, and conforming my self to the Canonical Laws and Decrees of the Holy Councils, and to the Papal Constitutions, which deprive Hereticks and Apostates of all Temporal Domains, making use of, as I do in this Case, the fullness of my Power, with certain Knowledge, and with all the Clauses and necessary Forms that what is contain'd in his Article be observed and executed, and have the Force of a Law, as much as if it were done and published in a full assembly of the States, with all the Solemnity that is requisite in any of my Kingdoms and Dominions.

X. I Recommend in like manner to my Successors, for the time being to govern rather by Motives of Religion, than by Maxims of Policy and State, preferring the Service of God and the Advancement of his Religion, which will make God to help and assist them in a special manner. For my own part, I can say it, that in the greatest Affairs that ever befell me, I chose rather to entraveen, and to be wanting to the Maxims of State, than to dissemble and connive at things, that might be prejudicial to Religion.

XI. And since, according to the Example of the most August House of Austria, I have a singular Devotion and Veneration for the Sovereign Mystery of the Holy Sacrament, as every good Christian ought to have, and that for my particular Consolation, and likewise to merit the greatest Favours of Heaven, I have ordered that that adorable Sacrament should be placed in the Chapple Royal of the Palace. I recommend it also to the Successors of this Crown, to continue that Devotion for ever; As also that of 40 Hours, which is founded for the beginning of each Month, and the Celebration of that Divine Office in that same Chapple, in such manner as I have appointed, and rather better, if possible. Which I hope they will do: And to this Effect, I pray them to continue all the Officers of my Chapple Royal, whether of Musick or of Instruments, as well those who are now actually in the Service, as those who Succeed them, according to my Foundation, and to the Revenues that I have appointed for that End.

The Clause of the Succession.

XII. If God out of his infinite Mercy give me Lawful Issue, I declare for Universal Heir, of all my Kingdoms, Dominions and Seigneuries, my eldest Son, and all the rest, according to the Order of their Birth, and failing Issue Male, my Daughters, according to the Laws of our Kingdoms: But since God hath not as yet granted me that favour, at the time I make this Will; And that my chief Obligation is to take Care of the welfare of my Subjects, which is to order it so that all my Kingdoms may continue united and observe that Loyalty which they owe to their Natural King and Lord, as they have always been accustomed to do, makes me to believe that they will willingly acquiesce in what is most Just, when they see the same authorized and fortified by my Sovereign Will.

XIII. Having then understood by several Conferences which I have had with my Ministers of State and Justice, that the Reason of the Renunciation of the Infanta's Anna and Mary Therese Queens of France, my Aunt and Sister, of the Succession of those Kingdoms, was to avoid the the Inconveniency of their being united to the Crown of France, And that that fundamental Motive coming to cease, the Right of Succession subsists in the person of him that is next a Kin, according to the Laws of these Kingdoms, which happens at present in the second Son of the Dauphin of France, in case I die without Issue; accommodating my self to the said Laws, I declare the Duke of Anjou my Successor, and as such I call him to the Succession of all my Kingdoms, without any Exception; And Order all my Subjects and Vassals, That in case GOD call me without Lawful Succession, that they should own and acknowledge him as their King and Natural Lord, and that they give him without any delay, the actual Possession of the said Kingdoms, after his taking the Oath that he ought to take, to observe their Laws, Priviledges and Customs, and as it is my Intention, and that it much imports the Repose of Christendom and Europe; and the Peace of my said Kingdoms.

oms, that this Monarchy should always be separate from the Crown of France: I declare, That if the Duke of Anjou happen to die, or fall Heir to that Crown, and prefer it to this of Spain; the Succession of Spain shall go to the Duke of Berry, his Brother, the Dauphin's third Son, in that same manner; And in Case that Duke also die, or happen to succeed to the Crown of France; In that Case, I call to the Succession of Spain, the Arch Duke, second Son to the Emperor, my Uncle, excluding for that same Reason of the Peace of Europe, and of my Subjects the Emperor's Eldest Son, and if the said Arch Duke happen also to die, in that Case, I call to the Succession the Duke of Savoy, and his Children. And it is my Will, that this be executed by all my Vassals; as I order them, without allowing, that a Monarchy founded by my Father's with so much Glory, should be dismembred or Diminished in any manner, their own Peace requiring it should be so. And for as much as I passionately desire that Peace may be preserved, betwixt the Emperor, my Uncle, and the Most Christian King, whose Unity imports Christendom so much, I pray and conjure Them to strengthen that Union, by the Marriage of the Duke of Anjou with the Arch-Duchess to the End that by this Means, Europe may enjoy that Peace, of which it stands so much in need.

XIV. And if it happen that I die without Succession, the said Duke of ANJOU ought to succeed me in all my Kingdoms and Dominions, as well those which belong to the Crown of Castile, as those which depend on Arragon and Navarr, whether in Spain, or out of Spain; and especially as to the Crown of Castile, in those of Castile, Toledo, Galicia, Sevil, Grenada, Cordona, Murcia, Jaen, Algarva, Algezira, Gibraltar, the Canary Islands, the Indies of Terra Firma in the Ocean, of that of the North and South, of the Philippines, and those other Islands and Countries discovered, or to be discovered; in short, of all that may appertain in any manner whatever to the Crown of Castile; and as to what concerns that of Aragon, in my Kingdoms and Dominions of Aragon, Valencia, Catalonia, Naples, Sicily, Majorca Minorca, Sardinia, and all the other Seigneuries, and Rights whatever, belonging to the Crown of Aragon, (as also in my Kingdom of Navarr, and in all the other Dominions belonging to that Crown, and likewise in my Dominions of Milan, in my Duchies of Brabant, Limburgh, Luxemburgh, Gelderland, Flanders, and all the other Provinces, Dominions, Domains, and Seigneuries which belong to me, or may belong to me, in the Netherlands, Rights and Actions, that have fallen to me by Succession. And 'tis my Will, that as soon as GOD shall call me out of this World, the Duke of Anjou should be called and be King, as he shall be in effect of all those Kingdoms and Dominions, notwithstanding all Acts and Renunciations made on the contrary, as being made without valid Reasons and Foundation. Therefore I do Command the Prelates, Grandees, Dukes, Marquesses, Counts, Men of Quality, Priors, Commanders of Orders, Governors of Castles and Houses not Fortify'd, Seneschals, Gentlemen, Chatelains, and all Councils, Tribunals, Alcalds, Alguazils, Judges, Officers, & good Burghers, of all the Cities, Towns, Burrows &c. Villages of my Kingdoms, and Seigneuries, and to all the ViceRoys, Governours, Chatelains, Keepers of Castles, Captains, and Guards of Frontiers, on this side the Sea, & beyond it, and to all our other Ministers & Officers of Peace or War, by Land or Sea, in all our Kingdoms & Dominions of Castile, Aragon, Navarr, Naples, Sicily, Milan, Netherlands, and all our other Vassals, Natural Subjects of what Quality and Rank soever, and where soever they reside or be, on account of the Fealty; Subjection, and Vassalage they owe me, as their Natural Lord and King, by vertue of the Oath of Fealty, which they have sworn to me, that whensoever GOD shall dispose of me, and in case I die without lawful Succession

Succession, those that shall be present, and those that are absent, as soon as they shall hear the News, hold and receive the Duke of Anjou as their King and natural Lord, Proprietor of all my Kingdoms, Dominions and Seigneuries according to what the Laws of the said Kingdoms, and Dominions order in such case, and according to the present Disposition of this Will, and that they display for him their Ensigns and Standards, doing all the Acts and Solemnities, that are usual on such Occasions, according to the Stile, Use and Custom of each Kingdom and Province, giving and causing to be given to him, all the Obedience which they owe as Subjects and Vassals to their King and natural Lord. I command all Governours of Fortresses, Castles, and Houses, and their Lieutenants, to swear Fealty and do Homage to him according to the Custom and Use of Spain, Castile, Aragon, and Navarr, and to those of the State of Milan, and other Seigneuries, according to the Stile of the Province, where they are, and to hold and keep the said Places for his Service, so long as it shall please Him; and to deliver them afterwards to such Persons as He shall order by Word or Writing: And my meaning is, That they do fulfil really and actually, all and every one of the Things here set down, under the infamous Penalties due to Rebels, and such as by their Disobedience, violate and break the Faith which they owe to their King and natural Lord.

XV. If at the Time of my Death, my Successor be absent, Reason requiring that he should be invested with the Universal Government of all those Kingdoms, according to their Laws, Privileges, Constitutions and Customs, until my Successor can take Order therein himself, as the King my Father considered very well before his decease, I order, That incontinent after my Death, there be a Junto form'd; into which shall enter the President of the Council of Castile, the Vice Chancellor or President of the Council of Aragon, the Arch-Bishop of Toledo, the Inquisitor-General, a Grandee, and a Councillor of State; that is to say, those whom I shall Name in this Will, or in the Codicil, which I shall make, or in a Writing sign'd with my Hand. And I pray the Queen, my dearest Spouse, that during the Time she remains in this Court, she would Assist and preside in this Junto, to Authorize, by her Royal Presence, the Resolutions that shall there be taken. My Will being that the said Junto, be held in such Place as her Majesty appoints, and that the Opinion on which side she is, when the Votes are equal, shall carry it; and that in other Things, Matters be determined by the Majority. And this Regency shall continue until my Successor, if he be of Age, take the Government upon himself.

XVI. And in Case my Successor be not of Age, as it is my Part, In Quality of Universal Father to all my Subjects, to give my Kingdoms the best Form of Government that is possible, And most conformable to their Laws, Statutes, Constitutions and Customs, by naming Governours Natives of each of those Kingdoms, to govern them in the Name of my Successor in Peace and Justice, and to preserve their Immunity and Privileges, which they ought to enjoy according to their Laws and particular Customs: That they may continue in their Loyalty, and Obedience, by which they have always signaliz'd themselves towards their Kings. I name to be Tutors to my said Successor, during his Minority, until he be Fourteen Years of Age, the same whom I call the Junto, to govern unto his arrival, in case he be absent at the Time of my Death. To which Tutors and Curators I give the same Power that I might have made use of my self whilst alive; or which he may use when he comes of Age, provided they observe the Form that I shall mention afterwards. And I discharge the said Tutors from any Obligation to give Security; and it is my Will, that by Vertue of this sole Nomination, and of the Oath they take, they may Govern, and that they actually Govern.

Govern, without need of any other Approbation and Confirmation, using for this Nomination, all my Power, in the most ample Manner I can, and dispensing with, as I do, if there be need of it, with all Laws, Pragmatics, and Customs, as in an extraordinary Case, on which the Peace of my Dominions and Vassals entirely depends, considering that all Circumstances oblige me to take this Resolution, to avoid the Mischiefs which may happen if I did otherwise.

XVII. The Vice-Chancellor, whom I have nam'd, for Tutor in this Junto, ought to be so in effect, and I name him as special and particular Tutor, for what concerns the Kingdom of Aragon in the Affairs that are under his Jurisdiction, and in Conformity to the Privileges and Franchises of that Crown, to the end he may administer the Guardianship of my Successor in the Dominions depending upon it. And if he who presides in the Council of Aragon, cannot according to the Laws of the Country, exercise that Guardianship, desiring, as I do, to accommodate my self only in what I can, in quality of natural Lord of that Kingdom, without derogating from, or contravening their Privileges, and contenting my self with what justly belongs to my Sovereign Power, I name for Tutor to my Successor, the Regent, the eldest of two of the long Robe*, Natives of the Country, who at the time of my Death, or afterwards serve in the Council of Aragon; So that as Tutor he may have the Administration and Authority, which I can give him, and which I do give him to Act in Occurrences conformable to the Privileges and Franchises of the Country; i. e. So that he shall not innovate any thing in the Affairs of State, War, Government, Favour and Provision of Offices, which ought to pass thro' the Councils of State, War and Aragon, as hath been practis'd hitherto, and is still practis'd. And as to the Consults which shall be held by the said Councils, they shall be brought to the Junto of Tutors, so that the Resolution may there be taken in the Form which I order for other Affairs. And if the said eldest Regent dye, or is not in a condition to exercise his Tutorship, I appoint him that's next to him, and the others successively, until my Successor govern himself; And I dispense with the said Tutors, being oblig'd; to give Security, and with all that is needfull to be dispens'd with, by vertue of my Sovereignty and absolute Power; So that by this Nomination, and by taking the Oath required, the Regent to whom it shall appertain, may administer this Tutorship in the form that I have herein prescrib'd.

XVIII. The said Regent, who is to be Tutor, shall reside in this Court, there to take his Place in the Council, and to assist at the Junto of the other Tutors, so that joining the particular Knowledge that he hath of the Kingdom of Aragon with the universal Notions of the other Tutors, and conforming himself to the majority of Voices, the Affairs of that Kingdom, may be administr'd and transacted according to what is most agreeable to the Service of GOD, and my Successor, for the Administration of Justice, and for the Good and Repose of the said Kingdom.

XIX. I give to all the Ministers that I have nam'd, or shall name, all the Power, Authority, and Permission, which I could give them as Father, King and Lord of my Vassals, and which the Laws, Constitutions and Customs of my Kingdoms give them, without any Diminution, and likewise all that shall be necessary for to enable them, during the Minority of my Successor, to govern in Peace and War, to make Laws, to provide for Offices, whither Political or Military, and to present to prelaties, to Bishopricks, or Abbeyes, and other Ecclesiastical Dignities in the manner that I was

* For there is in the Council of Aragon, Councillors, who are call'd Councillors de Cape, & de Epee, who do nothing in Matters of Justice, and every Kingdom of the Crown of Aragon, hath in its Council two Regents, who for that Reason are call'd Provincial Regents.

went to do, or could do, exercising the Office of Tutors, and regulating all things in the Name of my Successor, as he might regulate them if he were of age. And for that end I have committed, and do commit this Tutorship to them, on Condition, that before they exercise the same, they all and every one of them take the Oath of Fidelity to my Successor, with promise to defend his Life, to procure his wellare, to prevent his Damage, and to do for him all that Tutors are oblig'd to do, that in their Advice they will always keep in their view the Service of GOD, the Propagation of the Holy Faith, the Administration and Execution of Justice, and that they inviolably keep secret all that shall be treated of in the Junto. And this Oath shall be reciprocally taken at the Junto, from the Hands of the President of the Council, and by the same President from the Junto.

XX. The said Tutors whom I have nam'd, or shall Name, shall not do any thing one without the other. Therefore they shall assemble in a Chamber of the Palace as often as it shall be necessary to Examine the Consults, as well those which belong to their Office, as those of the Casual Revenues, which nevertheless shall not be dispatch'd, but after the others. The Report of the said Affairs shall be made by the Secretary who serv'd me in the Universal Dispatches, whom I Name, that he may continue to exercise his Offices. And so long as the Queen, my dear Spouse, who ought to be present at this Junto, carries in Spain, the Council shall be held in such place of the Pallace, as Her Majesty shall appoint, and that which shall be resolv'd on by the Majority of Voices, shall be punctually executed. As to those who shall be sick or absent, they shall demand their Advice, if the Cases be difficult to decide, if the others, or the Major part, think meet.

XXI. All the Consults of the Councils shall be carried to the Office of the Universal Dispatches, to him who shall be Secretary, and after that those of the Junto shall have given their Opinion, the Secretary shall write down the Resolution that was taken by Plurality of Voices, and the day following shall bring them writ fair, except the time be short, and the Affair require quick dispatch, and this Resolution shall be signed by the Queen (Her Majesty there assisting, as hath been said) in the Place where I myself used to sign, and a little lower by two of the Junto; but in case her Majesty be not there, it shall be signed by all the Junto according to their Rank, but they ought at least to be four. And as to the Council of Aragon, the said Resolutions shall be sign'd likewise by the Vice Chancellor, or the Eldest Regent, who shall assist at the Junto, and the Reference of Affairs to the Council and Ministers shall be by Decrees, signed in the same manner as the Resolutions of the Consult, or by Letters signed by the Secretary of Dispatches, the one and the other, as the Junto shall ordain.

XXII. And the Dispatches that I signed with my Hand, or by my Seal, shall be sign'd by the Queen my Dear Spouse, in the same place where I used to Sign, by all the Junto, and if any be absent, four at least shall sign it: But for those which concern Aragon, there ought always to be the Seal of the Vice Chancellor, or the Eldest Regent of the Council of Aragon, who shall assist at the Junto, and Secretaries of State shall Counter sign it in the place where they were wont to Sign, and the other shall Write By Command of his Majesty, for all Dispatches ought to begin with the Name of my Successor Reigning; And it is my Will by Vertue of all my Royal Power, which I ought or can use for the Good of my Subjects, that they obey these Orders, as the proper Letters and Schedules, of the King and Natural Sovereign of these Kingdoms, and that those that don't obey them, be punished for it, with the punishments ordered for those who refuse to obey the Letters, Schedules, and Commands, of their King and Natural Sovereign.

XXIII. And as the Junto ought not only to dispatch what is propos'd and represent- ed by the Councils, but likewise to provide all that they shall judge meet for my Suc- cessor, and to the Universal Welfare of my Kingdoms and Subjects, if any of the Junto propos'd any thing with Relation thereunto, it shall be deliberated in the Junto, and the Resolution shall be taken according to the Majority of Voices.

XXIV. In Case the Voices be equal, by reason that the Queen is not there, or by any other accident, they shall call the President of the Council, to whom the matter belongs, which shall be treated; or the Dean of the same Council, if there be no President, but he that is so, shall be of the Junto. But if the Dean be there likewise, they ought to call the Counsellor next to him.

XXV. The most convenient time for the Junto to meet will be every Morning when they leave Council, and on Festival Days, it shall be an hour sooner, but if that time be not sufficient for the Dispatch, they may take any Afternoon in the Week, when there shall be least Business. But at what time soever it be that any Affair of Import- ance offer it self, of which they shall immediately give Advice to the Secretary of Dis- patches, or by the Ministers of the Junto, or the Presidents of the Councils. The Se- cretary shall go and advertise the Queen, who communicating the thing to the Presi- dent of the Council, he shall go and if it be needful Assemble the Junto immediately to consider of it. But in case that her Majesty be absent, the said Secretary shall conferr with the President of the Council, and with the Vice Chancellor or President of Aragon, and if they are of Opinion to call the Junto, it shall assemble, and that which demands a quick dispatch, shall be Executed by the President of the Council, who shall give an Account to the Junto, if it be a Case of Importance to require it.

XXVI. In Order likewise those of the Junto, to agree together, both for the good of the Government and for the Welfare of these Kingdoms, and altho' I promise myself that the Queen for her part will do every thing for that good end; and that by her good Example she will induce others to do their Duty; nevertheless for the fulfilling of my Oblig-tions, I pray Her Majesty to do so.

XXVII. That which conduces most to the Welfare of these Kingdoms is the presence of my Successor, and for that end, if he be of Age, I pray and Conjure him, to come as soon as possible, and if he be a Minor, I order the Junto to Sollicit and press it, as an affair of so great Consequence, and to take care that he Arrive in safety and Diligence.

XXVIII. If my Successor be of Age, the Junto, as soon as he shall arrive at this Court, shall give him an Account of the State of all Affairs, and of every thing that was done in his Absence, which is worth his Knowledge?

XXIX. If my Successor be a Minor, I order, and it is my Pleasure, that they shall give him an Account of the Affairs treated of in the Junto, according to his age, not only that he may know that the Supream Power resides in his Person, but that he may likewise know how to instruct himself, leaving the Disposition of the rest to the Junto. And for the same end, when he shall arrive at the years of Maturity, so as in the Opinion of the Junto, to understand the Ordinary Consult of the Council of Castille, that Council shall carry it to him in the same manner as they did to me, seeing that it is an Act of the Supream Authority, that my Subjects ought to acknow- ledge in his Royal Person, altho' it be Administr'd by the Tutors and Curators that I have nam'd; and till he can do this himself, the Council of Castille, shall observe the same in the ordinary Consult, as they did when I was absent, or which by reason of some Impediment, I could not hear.

XXX. I declare that in the Junto that I named, as well because of the absence of my Successor, if he be of Age, as for his Guardianship, and for the Government of these Kingdoms if he be yet a Minor; there ought to succeed in the four Places, which are possess'd by the President of *Aragon*, the Arch-Bishop of *Toledo*, and the Inquisitor General, in case that any of them die, or hath any other just Impediment those that enter into these four Dignities, and if that happen after my Decease, it shall be in the power of the Junto to provide; during the Minority of my Successor, for those Dignities according to the Plurality of Voices. And as for the Grandee or Councillor of State, if I leave not a Paper wrote with my own hand, wherein I declare those who ought to Succeed failing the first that I have nam'd, (which writing, if I make any, I would have punctually obey'd) they shall be chosen by the Junto in case of Vacancy, according to what is said there, on condition that in the Nomination of a Grandee, there be a particular regard had to the great Representation of the Nobility of my Kingdoms; which in Imitation of my Predecessors, who alwise had a singular Esteem for them, I have taken care to distinguish them by the share that I will they should have in the Government of all my Estates. And for what regards the Councillor of State, let care be taken, that he be a Person of profound Understanding, and well vers'd in the affairs of State, as its meet he should be, who in this Junto represents a Council, for which my Predecessors and my self have had so great Esteem.

XXXI. As for the places of those in the Junto, conforming my self to the Regulation made hereupon, and to that which was observed during my Minority, I declare that they ought to sit in the Order which I prescribe, then the Grandee, or Councillor of State, according as the one or the other shall come first. And if there be a Cardinal he shall precede, but in the Session only, the President of the Council, and the Vice-Chancellor of *Aragon*. But if the Queen, my dear Spouse be present, they shall set her a Seat, but in Voting they shall observe the Order of the Junto, and not of the Council of State.

XXXII. The Tribunals which I leave in my Kingdoms, shall be preserved without any change in the manner they are at present, and for that end I do again give them all the Authority they exercise, in that, making Use of my Royal Power. Likewise the Ministers who shall bear Office at my Decease, all the Vice-roys, Governours and other Officers having jurisdiction, shall be maintained in their Rights, until my Successor, or the Junto which I have Named, shall order it otherways, according to the Motives which they may have, or the power which I have given them. And to the end that they may exercise the said Offices, I give them all the power that I ought, or can, and enjoin my Kingdoms or Subjects to obey them, as they did before.

XXXIII. As to what regards the Welfare and Repose of my Subjects, for which the Junto, and those to whom it shall appertain to govern my Kingdoms ought to provide, as well as the Tribunals and Ministers, I order them in particular, to act so that they may observe all the Laws, Dispositions and Provisions, which I shall make and leave for the better Administration of Justice, and for the good Government of my Subjects. And for as much as the Form and Distribution of the Tribunals, which is at present observed, was always found the most useful for the Government of this Monarchy, and likewise most easie for the Expedition of the Affairs of the several Kingdoms, which compose it, I recommend it to my Successors to maintain the same Tribunals, and to continue the same Form of Government, but above all, to preserve the Laws and Priviledges of these Kingdoms, in causing them to be governed by Natives of each Countrey, without innovating any thing therein, upon any Account, seeing that

that besides the Right which those Kingdoms have for that, there have been great inconveniences found in doing the contrary.

XXXIV. I Order that there be given to the Queen *Mary Anne*, my Dear Spouse, all the Portion that she brought, and that my Successor and the Executors of my Will, pay her all that I shall be found oblig'd to do, and besides that, for her Table during her Life and her Widdow-hood she have 400000 Ducats per Annum, to Commence from the Day of my Death.

XXXV. And because of the Affection I bore to her, and do still bear her, I leave her the precious Stones, Jewels, Goods and Moveables, which do not belong to the Crown, and all other Rights that I have, and that may belong to me, and Order all my Subjects and Vassals to Respect, Reverence, and Serve her, that she may find in their Love and Submission, part of the Consolation which I wish I could leave her, and I heartily and earnestly intreat my Successor, that if the Queen for her Satisfaction, or for to Live more in Repose, would retire her self into any one of my Kingdoms of *Italy*, and take upon her the Charge of the Government of that wherein she shall chuse to Reside, that he would Consent to it, in giving her Ministers that are best qualified and most experienc'd: And if she wil dwell in any City of this Kingdom, let him give her the Government of all its Territory, with the Jurisdiction, and I desire that this may be accomplished by whoever shall Succeed me.

XXXVI. If my Successor be a Minor at the time of my Decease, I Order that my Royal Household be maintained as it is at present, that is to say, with the same Officers that are actually, or shall be then, both upon the account of the great Representation which is there made by Officers of the first Rank, and in consideration of the long Services which they have performed; As for Reasons which conclude in Favour of all others who Compose the said Household. And if my Successor be of Age, I Pray him to have regard to these just Reasons to keep in their Offices, the said Officers of the first Rank, by reason of the Splendor which the Royal Household thereby receives, and to serve himself with others according to their Employments, in recompence of the diligence wherewith they have acquitted themselves.

XXXVII. I will likewise that he take care of my Domesticks, and those of the Queen my Dear Spouse, and likewise of those of the Most Serene Queen my Mother (who is in Glory) during their Lives, their Salaries, Distributions, and other profits which shall be Assigned to them, to every one according to their Employments; so as if any one of them find themselves unable to continue their Service to my Successor, that he may not cease to Enjoy the same Profits, forasmuch as then my said Successor will be charg'd with the Obligation to content them all as Domesticks belonging to himself.

XXXVIII. And forasmuch as the noble *Guard de Corps* * was purposely fram'd to Guard the Person of the King, actually Reigning, and no other: I Order that if I Die without Children, this Guard depart from the Palace, but nevertheless, without discontinuing to keep together in a Body with their Captain or Governour and other Officers, until such time as they may continue their Service to my Successors, as to their Government, and filling up of Vacant Places, all shall go according to what hath been hitherto practic'd.

* This Guard is call'd *Guarda de los Archeros*, and was brought from *Flanders*, by King *Philip I*'s Son to the Emperor *Maximilian* the first, and *Mary of Burgundy*, and the Husband of *Donna Juana* Heiress of the Kingdoms of *Castile* and *Aragon*.

XXXIX. The Spanish and German Guards shal continue their Service in the Palace, as hitherto, for the greater Decorum of it, and Service of the Queen, my most dear and beloved Wife; And to carry the Letters which shal be directed to the Junto, and Office of the Secretary of the Dispatches, as was observ'd in Life time.

XL. Forasmuch as the King my Lord and Father, left to me and annex'd to the Crown, the Flower-de luce of Gold with several Reliques, which belonged to the Lord Emperor Charles V. my great, great Grandfather, and his Predecessors, and the *Lignum Crucis*, we have both the one, and the other in the Reliquary of the Royal Chappel conforming my self to that disposal I command that it be observ'd and fulfilled according as His Majesty ordain'd.

XLI. The King my Father having also annex'd to the Crown several other precious Goods, which are also in the Wardrobe of the palace of Madrid, as also divers Pictures, Cupboards of Plate, and other Ornaments which are in the said Palace, which he judg'd worthy to belong to the said Crown; desiring with all that satisfaction, should be given to his Creditors by the Crown, to the current value to the end a Judgement may be given of the Splendor of the Crown by the said Movables, conforming my self to that Disposal, I command that it be observ'd with the same conformity that his Majesty has ordain'd.

XLII. As for the said Palace which I held in this Court, as also the other Royal Houses which are without and within this Court, and in other Cities, Towns and Places, my pleasure is that all the Paintings, Tapstries, Mirrors and Moveables, with which they are adorn'd, shal remain annex'd, as I hereby annex 'em, with all the Firmness and Validity, which the Law prescribes; and for the same Use, to my Successor and Successors to this Crown, and both now and for ever I deprive them of all Power to alienate in any manner, the said Palaces and Royal Houses, or any of the Furniture that shall belong to 'em. For the fulfilling of which my pleasure is, that the said Moveables be known by inventories that were in the same Houses; and shall be made over again, adding thereto such Furniture as was not set down before; and that Authentick Copies of the same be Registred in the Offices of the Controuller and Treasurer of my Royal Palace, with this Clause inferred, that they may at all times remain annexed, and neither be given away, nor mortgaged by my Successor or Successors, unless it be that for the Defence of Holy Religion, and my Kingdoms, necessity compels, the use of such means as may render the said Moveables serviceable to those principal ends. In which cases I leave all the said Moveables at liberty, to the end they may be dispos'd of for the Exigences aforesaid, and for no other, how pressing soever they be. And whereas for my own part I have expended some considerable sums in several Works and Ornaments, and for that, as well my Kingdoms and Vassals have given me much money, to do me that Service, and in complacency to me, for which Reason the Moveables which I have added, may well be reckon'd among my Debts; my pleasure is that they may be rated, and the just price paid to my Creditors by the juncto of Discharges.

XLIII. The King my Lord and Father left to me and my Successors in the Kingdom

¹ These two Guards were appointed immediately after the Death of Queen Isobel, who died in the year 1504. The Spanish by King Ferdinand her Husband; and the German by King Philip, her Son in Law, who was born a Fleming.

a Holy

a Holy Crucifix * which is charged with many Indulgences, and lyes in my Wardrobe which the Emperor my great great Grandfather, and the Kings preceeding my Lord and Father made use of at their Death, as also I intend to do at mine; for which reason, in conformity to that pious Resolution, I leave it in like manner to my Successor and Successors, as a Monument of the Piety and Devotion of my Ancestors.

XLIV. I declare that I have always desired to do Justice to my Subjects, and never had any Mind or Will to oppress 'em in any thing. Therefore in case that any Person or persons have any reason of Complaint against my Resolutions and Disposals; My Will is, That they may be fully satisf'd; And in like manner, that every thing be paid which I owe my Creditors, or any other Persons; And I intreat and charge my Successor, and those moreover who shal govern in his Name, if he be a Minor, to supply what is wanting of my real Revenue, till true and full Satisfaction of my Debts, and Reparation of Damages, as they shal see just and fitting, be accomplished.

XLV. I desire and Charge my Successors, as they come to take upon 'em the Government of these my Kingdoms, to avoid with all possible care superflous Expenses, and that they ease the Kingdoms of Tributes, and Impositions, considering that notwithstanding the voluntary readiness of the Subject to pay 'em, the demands and Will of the King alwise puts a force upon the Vassals. And because that Taxes are not, nor ought to be impos'd, if Kings had other ways to supply their necessities, tho' never so urgent and pressing; therefore when those Necessities cease, Tributes are to cease.

XLVI. In like manner I give it in charge to the lawful Successors to my Crowns and Signories, for the time that they enjoy 'em, to watch over the Preservation and Increase of their Kingdoms and to honour, favour, and protect their Vassals according to their Merits. And altho this be general in all Kingdoms; I recommend to them in particular, to love and take care of Spain, but more especially of the Crown of Castile: It being notorious what numbers of Men, what Sums of Money we have had from that Crown, in the Reigns of the Lords the Kings my Grandfathers, in the Reign of the King my Lord and Father, and in my time, for the Wars in Flanders, Germany, France, Italy, and other Parts, and the Services they have done, and the Blood which they have spilt, and every day are ready to spill in Defence of the Catholick Religion.

XLVII. Item, That they Administer and cause to be Administrated Impartial Justice in all my Kingdoms and Signories to all the Vassals and Persons therein, without any Respect: And that in this they themselves approve the Fathers and Protectors of Orphans, Widows, and Persons in Misery and Necessity, that they may not be oppressed or vexed by the powerful and Rich: For that this is the proper Office of a King; that every one may be maintained in his Right, and all may live in peace and quiet, and in Love and Obedience to their King.

XLVIII. More particularly, I Recommend it to my Successor, and Successors, to favour and protect all their Foreign Vassals, and to confide in 'em, as in the Castilians themselves, as being the only means to preserve their Affection where our Royal Presence is wanting.

XLIX. And in regard I found these Kingdoms overcharged with Taxes; and altho' I have eas'd 'em of some, yet the Wars and Necessities of my Reign have not permitted me to do all that I desired, for the Good of my Subjects, and to be more easie to

* In the Life of Philip the second, mention is made of the Crucifix. With this Crucifix, said he to the Officers of his Chamber, when he found Death approaching, I intend to die, the same with which the Emperor my Lord dy'd. And speaking to his Son, With this Crucifix, said he, dy'd your Grandfather the Emperor, my Lord and with the Assistance of it finish'd his Days. Do you the same, reverencing the Holy Image of GOD as ye ought to do.
† Procesus inani, sed quibus contradic non potest. Tacitus.

the

the same Crown in granting them those Alleviations: I recommend it to my Successors, as far as the publick Necessities will permit, to suppress those Tributes: And that they do not waste and consume in Rewards and Voluntary Pensions, so much as one single Real of those Tributes, Rents and Patrimonies, seeing it is the Blood of the People, and that nothing can justify their Suffering in that matter, but the Defence and Cause of Religion: And the better to bring to pass this good Design, that by all possible Means they procure the Disengagement of the said Rents.

L. In conformity to the Laws of my Kingdoms which prohibit the Alienation of the Goods of the Crown and Signories belonging to it. I Ordain and Enjoin my Successors and all that shall succeed 'em in their Turns, not to alienate any thing of the said Kingdoms, States and Signories, and never to divide 'em so much as among their own Children. * And it is my Will and Pleasure, that all these States, and what belongs, or may belong to them, or any other Estates whatever, the Succession to which may appertain to me and my Heirs after me, be, and remain undivided, and undivided in this Crown, and in all my other States, Signories, and Kingdoms, as now they are. But when upon any great and urgent Necessitie, great and laudable Services, they shall alienate any Lands or Vassals, they shall do it with the Consent of the Persons interested, and comprised in the Law, which the Lord the King Don Juan the second, made by Compact and Agreement, in the States that were held at Valladolid, in 1442, afterwards confirmed and enjoined to be kept by the Lords the Catholick Kings, Ferdinand and Isabel, my Predecessors; and after that by the Emperor Charles, my great, great Grandfather, in the States which he held at Valladolid, in 1523. And lastly, By the Wills of my Fathers, Philip II, Philip III, Philip IV. And now I again renew the same Law, and desire it may be observed and fulfilled.

L.I. And in regard the Lady Queen Dona Isabella, and after her the Lord Emperor, my great, great Grandfather, and the Lords the Kings his Predecessors, to the King my Lord and Father, left it so disposed in their Wills, that all the Grandees and Cavaliers of these Kingdoms and Signories, should pay the Gabels, Tolls, and Tierces, and other Duties belonging to the Royal Crown and Patrimony of my Realms, and Signories, I also dispose and enjoin the same thing in the same manner.

LII. And because that the great Occupations of Peace and War, and the difficult and weighty Affairs during the time of my Reign, would not permit me to do as I intended; and to the end, the said Grandees and other Persons, by reason of that Toleration and Dissimulation which I then observed, or shall observe for the future, may not be able in any manner to say or alledge, that they have any Prescription or Custom on their side, which may be prejudicial to the right of the Crown and Royal Patrimony, nor to the Kings that shall succeed me in my said Kingdoms, of my own Motion, certain Knowledge, and absolute Royal Power, which I am pleas'd to make use of, and do make use of in this Case, as King and Sovereign Lord, not acknowledging in Temporals any Superiors upon Earth, I revoke, annul and cancel, and declare null, and of no Validity, or effect the said Toleration, or whatever Connivance, Permission or License which I may have granted or shall grant by word of Mouth or in Writing; And whatever Laps of time, whether long or longest, tho' it be of a hundred Years standing, or such of which there is no Memory of Men to the Contrary, that they may take no advantage of them, and so that the Right of the Crown may alwise remain

There is a Spanish Proverb which says, that great Partitions ruin great Heirs. A certain Duty, which Pope Nicholas granted to Alphonsus, the King of Castile, upon the Revenue of Churches, be employ'd in the Wars against the Moors, it was call'd a Tierce; because the third part of those Revenues was by this.

inviolable

and that I my self, and the Kings my Successors incorporate a new into their Crown and Patrimony Royal, all the said Rights to them, belonging, as a thing annex'd to the said Crown, and which never could nor can, nor ever was separated, by reason of any Toleration, Permission, Connivance or Laps of time; nor by any express License or Concession of Ours, or of the Kings my Predecessors; by vertue and by the Observation of the Disposition left by the Lady Queen Dona Isabella, the Lord Emperor, my Great-great Grandfather, and the Kings his Successors, till the Reign of the King my Lord and Father:

LIII. I declare, that it has been my Care that my Subjects should receive no Detriment in their Goods and Inheritances, by reason of the Woods and Forests, which I have in several Parts of my Kingdoms. But if at the time of my decease, satisfaction were not given to the Places that might have been endammag'd by my frequent Hunting, I ordain, that my grand Huntsman be judge of the Damage, and that according as he shall say, satisfaction be forthwith given, without any farther Averment or Solicitation.

LIV. I also declare, that as for the Structures which I have order'd to be rais'd, whither at Buen Retiro, or at my other Country-houses, and which are not by the Directions of the Junta, for Buildings and Woods, I have assign'd my Expenses for the same upon my own private Money, to be distributed by the Hand of Joseph de Olino, chief Master of the Royal Buildings. And because it may be probable that the said Works may go on by the same hand, or by the Master that shall succeed him, I desire that he may be paid what appears to be his due upon his Accounts affirm'd upon Oath, considering those Structures were built for the Ornament and Conveniency of the Royal Houses. And because some Sums of Money may already have been paid upon his Account, as well by Don Philip de Toures, actually my Secretary of the Chamber, as by him that shall succeed him, they having the Management of my Privie-purse, I expect that Credit may be given to what they say, through the Experience I have had of their faithful Services.

LV. I ordain, that all my Debts may be paid in the best and shortest manner that may be, and that to this purpose, all the Executors may meet with the Secretarie of the Discharges, for the dispatch of that which requires most haste, and particularly that my Conscience may be discharged.

LVI. And because the Wills of the Kings my Predecessors contain several Clauses, which have alwise been reiterated to the very Reign of the King my Father, in order to the discharge of their Consciences, yet by several Accidents, and the Mistortunes of the Times, they could not be fulfill'd, for which reason, ever since the Reign of the Emperor Charles, several Crown Rents have been assign'd, of which the Junta of Discharges has the management, I ordain, that they may be manag'd in the same form, adding thereto the Rents which the King my Father has likewise assign'd, to help toward the Payment of the said Debts: neither shall the Money which is apply'd to the use of the Will be ever diminish'd, nor subject to any abatement or discount, but shall remain entire and be always punctually paid, in which Disposal the succeeding Kings are so much the more interested, that the same thing may be observ'd in the Wills which they shall leave behind.

LVII. As to the remainder of all my Goods, Rights and Actions which may in any manner concern or belong to me, this my Will being fulfill'd and paid in the whole and for the whole, as is contain'd and express'd in it, I leave and nominate for my Heir the said Successor to my Kingdoms, to the end that by the blessing of GOD, and in conformity to this my Will, he may inherit 'em.

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LVIII. For the more expeditious Execution of this my last Will and Testament, I name for my Executors, universally in all my Kingdoms, States & Signories, as well those which are in Spain, as those which are without, in whatever Part or Form of Government, the Queen, my dear and beloved Wife; My * Butler of the Body, or if there be no such, the eldest Gentleman of the Chamber, until there be one; the grand Steward of my Household; and, if there be none such, the eldest Major-domo, till there be one; my Confessor and he that shall succeed him in that Employment; my Master of the Horse, or he that shall officiate in that Place. The President of the Council of Castile; or, if none such, the most ancient Counsellor therein, till there be one, the Vice-Chancellor of Arragon; and if I have none, the most ancient Counsellor till there be one: the Inquisitor General; and, for want of such, the most ancient Inquisitor, till there be one; the President of the Indies, and, in his Vacancy, the most ancient in that Council: and, lastly, the Prior of Royal St Laurences. And it is my pleasure and I ordain, that my said Executors may in form themselves, and appoint such as are Governours in whatever part of my Realms and Signories within or without Spain, and other Ministers and Persons residing in 'em, to do and act what they shall see convenient for the good execution and fulfilling of this my Will.

LIX. It is my Will and pleasure, and I enjoin, that this my Writing and all that is therein contain'd may have the Force of my last Will and Testament in the best Form and Manner that may make it strong and firm, and the most profitable and beneficial for my People. And if there be any fault or defect in this my last Will and Testament, or want of Solemnity, tho' never so great, of my own proper Motion, certain Knowledge, and absolute Royal power, which it is my pleasure to make use of in this Case, and do make use of, I supply all Defects, and it is my Will and pleasure, that it be held for supply'd; And to that purpose, I remove and take away all Obstacles and Impediments from it both of Fact and Right. And it is my farther pleasure, that the Contents of this my last Will and Testament be observ'd and fulfill'd, any Laws, Customs, or Rights whatever, common or particular of these my said Realms, States and Signories to the contrary notwithstanding. And every thing and part of what is declar'd and contain'd in this my last Will, I require and command, that it be had and held for Law, and that it may have the Force and Vigour of a Law made and proclaim'd in a full and general Assembly of Estates, after great Deliberation: so that no Custom or Right or any other Disposition may impeach or bar it, because it is my Will, and the Law that I make here abrogates and disables, as posterior, all other Laws, Rights, Customs, Stiles, and other Dispositions whatever that may impugn and oppose it in any manner. And by this my Testament I revoke and annul, and declare of no Effect and Validity all other Wills, Codicil or Codicils, or any other Act of my last Will which I have made and pass in any manner whatever, and also all Clauses whatever in derogation of it. And that all these thing and every one of them may appear, it is my pleasure and I ordain, that nothing may be valid in Judgment, nor cut off it, but what I now allow and do. For this is my last Will with which I intend to dye. It is written in two and fifty Sheets in Folio, and common Paper, and three and a half in white. In Testimony of which I the King Don Carlos, pass it and sign it at Madrid, October, 2. 1700. Between the Lines, this word, Valga. Let be of Force.

To el REY, I the KING.

* This is properly the grand Chamberlain; or, according to others, the first Gentleman of the Chamber

A

A Copy of the Paper cited in this Testament.

I Name Don Rodrigo Manuel Henrique de Lara, Count of Prigliana, Gentleman of my Chamber, of my Council of State, to the end that as a Minister of it, he may be present in the Junta which I have deputed by my Testament for the Government of my Kingdom in the interim, till my Successor can govern it himself. And because there must be a Grandee likewise in the said Junta, to Represent the Nobility, I name Don Francisco Casimiro Pimentel, Count of Benevento, Butler of my Body. And that this may be fulfill'd accordingly, I sign'd it at Madrid, the 2d. of October, 1700

I the KING.

A Copy of the Codicil,

I Don Carlos by the Grace of GOD, King of Castile, &c. Count of Flanders, &c. do say, That finding my self under that Distemper of Body which GOD has been pleas'd to inflict upon me, yet with my natural understanding, I have ordain'd a Will, clos'd up, the 3d of October, 1700, before Don Antonio de Urbina and Medina, (Kt. of the Order of St. Jago, one of my Council, my Secretary of State for the Affairs of Italy, and of the Universal Dispatches, Notary Publick in all my Kingdoms and Signories, and one of the Witnesses named in it: And because one of the Clauses which it contains, is that wherein I ordain, that if the Queen Donna Mariana, my most dear and beloved Wife, after my decease, shall be better pleas'd either to gratifie her own Will: or for her more private Retirement, to pass into any of the Kingdoms of Italy, and for the Good of what she has chosen, shall apply her self to govern it, let my Successor dispose of it to her, allowing her Ministers the most illustrious and the best Experienced. Or, if she desires to live in any City of these Kingdoms, let the Government of it, and the Jurisdiction belonging to it be given to her. And now, for the farther extending of the said Clause, and the more abundant satisfaction of the Queen, It is my pleasure, that if she judges it to be for her greater Splendor and Convenience, and more agreeable to her good liking, to retire and live in the States which I hold in Flanders, and if she will apply her self to the Government of 'em, let it be granted by my Successor in the same Form, as she would have for any of the Kingdoms of Italy, which she might have made choice of by Virtue of the Clause in my said Will, with a Council compos'd of Ministers, such as she shall judge most proper for her.

2. I ordain, That the Structure, which for the greater Decency and more Sacred Worship of the Holy Sacrament, is begun in the Chappel of the Palace which I possess in Madrid. The expence of which Work is all at my Charges, and the adornments of the same may be finish'd by my Successor, according to the draughts and Models, which has been hitherto observ'd, and that as soon as may be, that the most adoreable Sacrament may be inscrib'd there in with all due requisite Solemnitie.

3. I enjoin, That the Royal Convents of the Barefoot Franciscans of the Incarnation, of the Augustin Recollects, of the Nuns of Santa Teresa, and St. Anne, as also that of the Barefoot Carmelites, may have each an Annualety fourth and adord'd with Movables, such as my most dear and beloved Wife shall make choice of, whom I desire and enjoin to take Care to see this Article fulfill'd.

4. Item

CONFESSOR DE SUA MAJESTAD DON FRANCISCO CASIMIRO PIMENTEL, CONDE DE BENEVENTO, BUTLER DE SUO CUERPO. I the KING.

0517

4. *Item*, It is my pleasure, and I desire that the Convent of the Barefoot Carmelite Nuns, under the Title of St. Joseph de Avila, may be incorporated into the Royal Patronage; to that purpose assigning such Sum or Sums of Money, as shall be necessary; The whole to be disposed of by the Chamber of Castile, in the accustomed manner.

5. I ordain and enjoyn; That when the Debts which I shall leave behind are paid, all that shall be found due to the day of my Decease, may be likewise payed by the Queen my most dear and beloved Wife, who shall order the Schedule thereof to be brought her.

6. Having desired all my Lifetime that the Glorious St. Teresa de Jesus, my Advocat, should be one of the Patronesses of my Kingdoms of Spain, by reason of the more particular Devotion which I have to her, I recommend it to my Successor, and my Kingdoms, to second my Intention, in con'deration of the great Benefit and Favours which they expect by the Intercession of that Saint.

7. And to the end that what is here contain'd may be accomplish'd, I add this Codicil, which my Pleasure is that it be of force and valid, as if the whole had been inserted Word for Word in my said Will; the which I leave in all its Vigour and Strength, in whatever shall nor be contrary to what I have here ordain'd; And my Pleasure is, that it be of force; and when it shall be open'd with the Solemnities that the Law requires, the same shall be done with this Codicil, which shall be put together with it; to the end it may be of the same strength and force. It is written in four Leaves with it; and to Authorize it the more, before it was closed up, I sign'd it in the City of Madrid, the 5th of October, 1700.

I the KING.

The Letter Written by the Junto of Spain to the most Christian King.

S I R,
THIS day, about 3 of the Clock in the Afternoon, GOD called (no doubt to partake of His Glory) the Soul of the King Don Carlos II. our Lord, His Will, which was clos'd up, was immediatly open'd with the Solemnities which the Law requires; And finding in the Clause which concerns the Heir and Successor of all his Kingdoms and Dominions, without exception of any part of em; that he calls by the one and other Circumstance, the most serene Lord the D. of Anjou, Son of the most serene Dauphin, with Orders that the Actual Possession of em may be giv'n to his Majesty without delay, so soon as he shall have taken his Oath to observe the Laws, Ordinances and Customs of the Kingdoms and Signories; as more amply is express'd in the two Copies annex'd. And the same King our Lord, who is in Glory, having left a Junto to Govern the Monarchy in the Interim, till his Successor shall be able to Govern it himself, the Queen our Lady, whom he has appointed to be one of them, if she pleases to accept of it, and the Ministers whose Names are Underwritten, acquit themselves of their Obligation to give your Majesty this first notice of it, which shall be attended by other Dispatches and Informations requisite in this Conjunction; Which is all we have at present to give advice of Relating both to the one and the other of these two Circumstances. GOD preserve the Most Christian Person of Your Majesty, as is but needfull. Madrid, November 1. 1700.

J. the Queen.
D. Card. Porto Carrero.
D. Manuel Arias.
The Bp. Inquisitor General.

D. Roderigo Manuel Manrique
de Lara.
El. Conde de Benevento.

The

The Letter of Don Antonio d' Ubilla Secretary of State.

THE King Don Carlos my Lord, Deceasing the first day of this instant at three a Clock in the Afternoon, his Will was opened immediately after with all the Solemnities which the Law requires. There was one Clause in it, a Copy of which is annexed in which is already nam'd for Successor to all his Kingdoms, Dominions, and Signories, the most serene Lord Duke of Anjou, Son of the most serene Dauphin, with the Conditions there-express'd; and another Clause, the Copy of which is likewise here inclosed, containing the Form which he gives to the Government of the Monarchy, till his Successor can Govern himself: Of all which the same day toward night an Account was given to the most Christian King, by sending him the Copies mentioned in the Letter, directed to the Marquis de Castel dos Rios, to deliver the same into his Majesty's Royal Hands, as he was likewise order'd in a Letter, of which the Copy is herewith sent; and Duplicates both of the one and the other were dispatch'd away by an extraordinary Courier, which I sent away that Night, with a new Letter, which confirms our Eager desire of seeing our new King: And by the Command of the Queen my Mistress, and the Regents, I imparted the whole to the Knowledge of Monsieur the Envoy. Madrid, November 3. 1700.

U B I L L A.

A Second Letter of the Regents to the most Christian King.

S I R,
IN our Letter of the first instant, sent by an Express, we gave your Majesty an Account that GOD upon the 1st. instant at three of the Clock in the Afternoon had taken to himself, Don Carlos our Lord, remitting to your Majesty a Copy of the Clause in his Will, naming for his Successor to all his Dominions the most serene Lord Duke of Anjou, Son of the most serene Dauphin, with the Circumstances therein contain'd; As also the Copy of another where-by his Majesty (who is in Glory) has already appointed a Junto of Ministers for the universal Government of the Monarchy, until his Successor be able to govern it himself. But in regard that by reason of our Affliction that day, we could not express our selves in those sensible Expressions which we desired, we do it now, by manifesting to Your Majesty, that tho we feel an inexorable Sorrow for a Master and Lord whom we have lost, he whom he has given us has revived, comforted and raised our hopes, seeing him named in his last Will, assuring Your Majesty of our Impatience to live under his Government. Besides that, we can farther assure Your Majesty, that before this was known, it was the desire of all, not having any Lawful Successor of the King our Lord, who is in Glory, so well supported by Blood, by Law, and the Good-will of all the Nation. For which reason we begg of your Majesty, that without delay, the most worthie Successor to this Monarchie may begin to dispose of his Territories, that we may have the Con'ation to enjoy the Sweets of his Dominion. And to that end we offer him, as a proper thing, our readiness to serve him in all things that may conduce to his enjoyment and possession of em; with all the Tranquillie and Happiness which we express. To which end we remain, and shall remain, with that Obedience, Promptitude, and constant Good-will and Affection, of which he shall find the Experience in every thing, great or little; which to us will be but a small thing, in comparison of what we more desire, to convince him of our Affection and Fidelitie in all things. GOD preserve Your Majesty's most Christian Person, as is but needfull, Madrid, November 3d. 1700.

J. the Queen.
Count Manuel Arias,

The Bp. Inquisitor General.
Don Rodrigo Manuel.
Count de Benevento.

F

A third Letter of the Regents to the King.

IN Pursuance of what we sent to your Majesty by a Currier extraordinary the 3d of this instant, upon the account of the King our Lord, who is in Glory, the Will and Codicil being now ready in the Form as he left it, we deliver 'em into Your Majesty's Hands by this Express, both the one and the other, that you may the more clearly see all the Circumstances: And we make use of this Opportunity, as we shall do of all others, to let Your Majesty understand the new Expressions and Manifestations of Zeal and Fervency wherewith the Nobility and People demand the King who is appointed for 'em: So far from consenting or giving ear to any thing that may cause any Novelty or Change in this great affair, that they are Unanimous in the upholding of it, being well convinced that Justice, Reason and Affection requires it from 'em. Which we represent to your Majesty's Consideration, to the end that being mov'd by our repeated Expressions, you may be induc'd to yield to our Importunities, that we may enjoy the Dominion of a Prince appointed for us so anxiously desired, and expected in the midst of the loud Acclamations manifested already, and still every day more and more encreasing. Nor can the Government nor the Court in any manner question the Applauses and obedience given to the last Will of the King our Lord, who is with God, experienc'd every moment at Court, from the manifold Declarations of the Nobility, People and Cities of the King whom GOD has granted us, and their earnest Wishes and desires to see him in Command. To all which lively and tender Expressions we may add the Ratification of our new and sincere Offers of all that these Kingdoms both in general and particular are able to do for the service of the King whom they expect; not forgetting our sincere Fedelity to your Majesty to congratulate your seeing the second of your Grandchildren appointed and proclaimed King of Spain, with the singular circumstances that accompany this Conjunction. GOD preserve your Majesty's most Christian Person, as is but needful, Madrid, November 7th 1700.

f the Queen, Count de Benevento,
Count Manuel Arias, Don Antonia de Ubilla and Medina;

A Copy of the King of France's Letter to the Junctio appointed for the Government of the Spanish Monarchy.

MOST High, most Mighty, and most Excellent Princess, our much beloved good Sister and Cousin, most Dear and Well-beloved Cousins and Chief Counsellors, established for the universal Government of the States depending on the Crown of Spain. We have receiv'd the Letter sign'd by Your Majesty and your selves, written the first of this Month, deliver'd to us by the Marquis De Castell Dos Rios, Ambassador of the most High and Mighty, and most Excellent Prince, our most dear and most Beloved good Brother and Cousin, Charles the Second King of Spain, of glorious Memorie; and the same Ambassador remitted to us at the same time, the Copie of the Will made by the Deceased King his Master, containing the Order, and Rank of the Heirs which he calls to the Succession of his Kingdoms and States, and the prudent Provision he has made for the Administration of the Government of the Kingdom till the Arrival, and during the Minority of his Successor. The sensible Grief which We feel for the Loss of a Prince, whom his Excellent qualities and strict Tyes of Blood rendered most dear to us, is infinitely encreas'd by the Proofs which he gave us at his Death,

Death, of his Justice and Love for his faithful Subjects, and the desire he shew'd to maintain, after his Death, the Generl Quiet of all Europe, and the Happiness of h's Kingdoms. We will on our part contribute to the one and the other, answering the entire Confidence he always repos'd in us conforming our selves entirely to his Intentions express'd in the Articles of the Will which Your Majesty and You have sent us. All our Care henceforth will be to raise, by an inviolable and most strict Correspondence, the Spanish Monarchy to the highest pitch of Grandeur it ever arriv'd at, We accept, in favour of our Grandson the Duke of Anjou, the Will of the deceased Catholick King, our only Son the Dauphin accepts it also, Quitting, without any Reluctancy, the Just Rights of the deceased Queen his Mother, and our dear Spouse, as well as those of the deceased Queen our most Honoured Lady and Mother, Indisputably acknowledg'd by the Opinion of the several Ministers of State and Justice, consulted by the deceased King of Spain: far from reserving to himself any part of the Monarchy, he sacrificeth his own Interest, to the desire of re-establishing the antient Lustre of a Crown, which the Will of the deceased Catholick King, and the Voice of his People have unanimously given to our Grandson. We will cause the Duke of Anjou immediately to depart, that he may the sooner give his Subjects the satisfaction of receiving a King, who are so well persuaded that God has call'd him to your Throne. His first Duty ought to be to Cause, Vertue, Justice, and Religion to Reign with him, and wholly to apply himself to the Happiness of his People, to raise and maintain the Grandure of so mighty a Monarchy, to choose always, and reward those which he shall find in a Nation so stout and wise, capable of serving him in his Councils, in his Armies, and the different Employments of the Church and State: We will instruct him farther in what he owes to his Subjects so inviolably devoted to their King, and what to his own proper Glory. We shall exhort him to remember his Birth, so preserve the Love of his Country, but above all, to maintain for ever that Peace, and perfect good Understanding so necessary to the common Happiness of our Subjects and his own, which has always been the Principal Object of our Wishes: and in the Misfortunes of past Conjunctions have hinder'd us from making it appear, We are persuaded that this great Event will alter the State of Things in such a sort, that each Day will produce hereafter new Occasions to shew our great Esteem, and particular good Will to the whole Spanish Nation, In the mean time, most High and Mighty and most Excellent Princess our dear and entirely Beloved good Sister and Cousin, We pray God, the Author of all Consolation, to give Your Majesty needfull Comfort to Your just Affliction. & We Assure You, most Dear and well beloved Cousins and prime Counsellors, appointed for the Regency of Spain, of the particular Regard and Affection we have for You: Fountainbleau Movem. 12: 1700.

Underneath is written your Majesty's good Brother and Cousin, Sign'd Lewis, and Lower Colbert. And above this Letter is written to the High, most Excellent, and most potent Princess, our most dear and most Beloved good Sister and Cousin, the Queen of Spain, and our thrice dear and well Beloved Cousins, and others of the Council settled and establish'd for the Universal Government of the Kingdom and States depending upon the Crown of Spain, with the Impression of the great Privy Signet.

The Fourth Letter of the Regents to the Most Christian King.

S I R,
M Ov'd by the Information we have already given your Majesty, of the Affection where in we found our selves, upon the Death of our Beloved King and Lord Don Carlos of glorious Memory, and the most justifiable and prudent Disposal which he

left in his Will, in calling to the entire and universal Succession to all the Dominions of his Crown, the new King, our Lord *Don Philip* the 5th. of that name, formerly Duke of *Anjou*, your Majesties always happy Grandchild; and prescribing the Form of Government of his Dominions in the Interim. Your Majesty has vouchsaf'd, as we are highly bound to acknowledge to manifest in Your Letter of the 12th. Instant, Your sensible Grief for the loss of so great a Prince, and to declare to us Your Majesties Royal Acceptance, and Approbation of his Deceased Majesty's Will, confirm'd and authoriz'd with all those Assurances and Precautions as may for ever secure the Possession of so great an Inheritance. And after we had given to your Majesty, our most Affectionate and Respectful Thanks for the singular Expressions wherewith Your Majesty favours both Us in particular, and the *Spanish* Nation in general, proper only to the Magnanimous Heart of so renowned a Monarch, we beg leave to assure Your Majesty, that Your Majesty's great Foresight, well understood in the midst of Your most weighty Affairs, to recompence, by way of Anticipation, those demonstrations of Joy which in the midst of our Consternation for our Loss, has made Us banish Grief, to celebrate in this Court with a general Applause, Your Majesty's obliging Letter. We believe, Sir, that the new King, our Lord, will come instructed, as Your Majesty promises us, with all the Christian, justifiable, high and prudent Maxims of so Glorious an Ascendent, and principally of Your Majesty's prosperous and most acceptable Reign; and that under the sovereign Auspice, of the one and the other, we shall behold most worthy Laurels flourish on his Brows. This new Obligation and Acknowledgment causes us to preserve perpetually in our Hearts and Memories, such prudent and certain Rules, as may powerfully incite us to procure the Exaltation of Him and the Monarchy; And to cultivate more and more the Friendship, strict Union, and good Correspondence between the Subjects of both Crowns. We felicitate our selves to have attain'd the happy Age, wherein the sublime providence has so disposed it, that we shall rejoice to see that Knot once more indissoluble, which the Injury and Accidents of Times, and that jealousy which the Valour and Power of the two Nations fomented, had so long united. We, and his faithful Vassals, are impatient in our Wishes and Anxieties to see our most amiable King, And return your Majesty new Thanks for the Favour of your promise, that He shall speedily come, and reckoning what time he may be with Us, have given Orders for speedy Proclamations, and such other Ceremonies as are usual, both in these Kingdoms, as also abroad, all being done in order to it in this Court. And we doubt not, by the Advices we have received, but that all the Provinces which compose the Circle of this Crown, will strive with a noble Emulation, to follow our example, and to reiterate their Acclamations, their Prayers and Vows for the Prolongation of Your Majesties most happy Days, as We and all Christendom have reason to desire. *Madrid, November 26. 1700*

J. the Queen, D. *Card. Porto Carrero*. D. *Manuel Arias*. D. *Ferdinand of Aragon*. The B. Inquisitor General. D. *Rodrigo Manuel Manrique de Lara*. The Conde de *Benevento*. Don *Antonio de Ubella*, and *Medina*.

FINIS.