

## **EVENTS SURROUNDING THOMAS MALLIARD'S WILL, AN ENGLISH MERCHANT IN SEVILLE, (1522-1523)**

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Many years before the beginning of the Tudor period, English merchants from Bristol and London had been trading with the Crown of Castile. They came looking for Basque iron and they were also interested in some products that Andalucia offered. England exported tin, lead, carved alabaster and above all, different sorts of woollen clothes: from expensive scarlets and good broadcloths to modest kersies and kendals, and inexpensive Cornish clothes. While Castile, and especially Andalusia, offered English traders dyestuffs, mordants and the oil which became increasingly important as the English cloth industry expanded; other products included wine, fruit, sugar, furs and skins, velvets and expensive silks, without forgetting salt and tuna fish from the Gulf of Cadiz.<sup>1</sup>

From 1485 onwards the friendship between King Henry VII and the Catholic Kings contributed to the development of this trade, particularly with Andalusia, as in the north of Spain the English traders had to compete with merchants from Burgos and seamen from the Basque country. On the other hand the Duke of Medina Sidonia looked favourably upon the presence of English merchants in Andalusia, and encouraged them to trade in the town of Sanlucar de Barrameda and granted them special privileges. Shortly afterwards, the discovery of America increased the interest of the

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<sup>1</sup> CHILDS, W. R. (1978): "Anglo-Castilian Trade in the later Middle Ages". Manchester. Passim.

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English merchants in trading with Andalusia, and particularly with Seville. The early 1520's were undoubtedly among the most prosperous years enjoyed by the English merchants trading with Andalusia in the Tudor period. Their privileges at Sanlucar had been reaffirmed in a charter of 1517, and the city records of Seville show that English merchants were also taking part in trade with the New World.<sup>1</sup>

However, this does not mean that English merchants who traded with Andalusia lived a wonderful problem-free life, not even in Sanlucar. When Don Alonso Perez de Guzman, Duke of Medina Sidonia, reaffirmed the privileges of the English merchants it was in reply to their request. The English merchants had complained about the Duke's officials in Sanlucar who they declared exacted higher custom duties from the English than from other merchants. But the most serious protest of the Englishmen was against their inability to obtain justice in lawsuits against the townsmen, particularly regarding collecting payment of debts owing to them. As local men of justice favoured the native Spaniards, the English were found themselves lodging interminable appeals without getting results<sup>2</sup>.

This paper does not deal -except peripherally- with the story of Anglo-Spanish trade in this period. My focus is different. I want to consider the hostility towards the English felt in Seville by evaluating the circumstances relating to Thomas Malliard's inheritance<sup>3</sup>.

THOMAS MALLIARD, an English merchant, died in Seville on 28th August 1522. Five days earlier he had dictated his will to the solicitor Alonso de la Barrera. Rodrigo Diaz, Malliard's representative in Sanlucar, and the English merchants Thomas Bridges, Robert Thorne and Roger Barlow witnessed this act. The will has 30 chapters about the following points:<sup>4</sup>

1). - *Charitable bequests:*

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<sup>1</sup> CONNELL-SMITH, G (1954): "Forerunners of Drake: a Study of English Trade with Spain in the Early Tudor Period". London: 4-8, 60.

<sup>2</sup> Ibidem: 82-89.

<sup>3</sup> The primary sources are contained into a thick lawsuit kept in the Archive of Simancas, section Consejo Real, file 8, book 2; file 12, book 6.

<sup>4</sup> Consejo Real 12-6 (ff. 22-26); another copy in file 8, book 2 (ff. XXIII-XXVIII).

Thomas Malliard bestowed different sums of money to various religious institutions in Seville, especially to the monastery of San Francisco where he wanted to be provisionally buried. He also gave 100.000 maravedies for the redemption of Christian captives in the north of Africa and to provide for the marriage portions of poor maidens.<sup>1</sup> Nonetheless I should point out here that the most important bequest, 500 golden ducats, was bequeathed to build the new English church of St. George in Sanlucar, where Malliard's remains were to be finally interred.<sup>2</sup>

2). - *Distribution of his Inheritance:*

His brother John Malliard, who lived in England, was his general heir. However Thomas did not forget his mistress Beatriz Hernandez and their daughter Ana. According to his will Beatriz was to be given a few houses he had in Almonte, a little village belonging to the Duke of Medina Sidonia, and four slaves and an annual income of 34.000 maravedies as long as she lived. He was a lot more generous to his natural daughter as he bequeathed her a dowry of 4.000 ducats to be increased to 6.000 if she accepted to marry Sancho de Herrera, a well-known gentleman from Seville.

3). - *Solution of outstanding business:*

Malliard's will is of particular interest for its references to his associates in England, Andalusia, the Canary Islands and America.<sup>3</sup> According to this record the English merchant had traded on his own behalf, delegated powers to factors and attorneys to do business for him and he had handled the affairs of other English merchants. Malliard's will shows that he had outstanding business with merchants from Genoa, a banker from Seville, Alonso de Melgar, and two merchants from London, William Ostriche and Richard Reynolds. It also shows that Thomas

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<sup>1</sup> All these legacies show that Malliard was as pious as others contemporary Sevillian merchants. Cf. PIKE, R (1978): "Aristocratas y comerciantes. La sociedad sevillana en el siglo XVI". Barcelona: 119.

<sup>2</sup> About this church see CONNELL-SMITH, G, op. cit.: 84.

<sup>3</sup> One of the first Englishmen to take part in the trade to the Indies was Thomas Malliard: he supplied goods for transportation to Santo Domingo as early as 1509. Cf. "Forerunners of Drake": 71.

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Malliard was the owner of the 4th part of the Sevillian soap-factory and he also had some cattle, houses and pieces of land in Sanlucar, Almonte and Cadiz.

Finally this rich merchant appoints his fellow countrymen Thomas Bridges, Robert Thorne and Roger Barlow, his executors. They all have to administer his fortune until his brother John Malliard comes to Spain to take it over. In the meantime they have to administer it according to the information in the ledgers Roger Barlow has.

Bridges and Thorne were merchants from Bristol that had been trading with Sanlucar and Seville for many years, where they were very well established by the early 1520's.<sup>1</sup> We know that Thorne in 1525 invested half a million maravedies in Sebastian Cabot's voyage to La Plata. His object was to obtain information of a possible English route to the Spice Islands. For this reason in 1527 he wrote two letters that make up the *Book of Robert Thorne*, a propagandist work of geographical information to encourage the King of England to finance transatlantic explorations. As for Barlow, Malliard's book-keeper, he also contributed to Cabot's expedition, and went along as super-cargo.<sup>2</sup>

AS I have mentioned before, Thomas Malliard died on Thursday 28th August 1522. The following day all his executors met at his house to take an inventory of his properties, which they did very carefully. This inventory is very useful as it shows the extent and variety of the defunct Malliard's business. He had traded in English and Welsh clothes and in Flemish and German embroidered handkerchieves and tablecloths. But he had been also interested in Basque iron and in the traffic of cold steels and firearms and also the black slave trade.

This same document shows that on Saturday 30th August the Englishmen's attorney take charge of cows, bullocks and bulls that Malliard had in Aznalcazar, a little village near the marshy region at the

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<sup>1</sup> COLLANTES, A (1977): "Sevilla en la Baja Edad Media. La ciudad y sus hombres". Sevilla: 218. CONNELL-SMITH, G. op. cit. : 67.

<sup>2</sup> PIKE, R. (1966): "Enterprise and Adventure. The Genoese in Seville and the Opening of the New World". Ithaca: 105, 196 and 200. PARKS, G. B. (1928): "Richard Hakluyt and the English Voyages". New York: 12-13.

mouth of the Guadalquivir.<sup>1</sup> Later on, this same attorney went to Almonte to take charge of the houses and pieces of land that Thomas Malliard had there, but the local judge refused to comply as he had already transferred the ownership of this estate to a representative of Beatriz Hernandez and her daughter Ana Malliard.<sup>2</sup> This incident marks the beginning of a nightmare that involves Bridges, Thorne and Barlow.

It seems that the day following Malliard's death his mistress obtained a warrant to question his will. As she was not satisfied with what she had inherited according to that will, she appointed her friend Pedro Lopez de Herrera her legal representative to protect her interests and those of her daughter Ana. This lawyer proved that Beatriz was Malliard's wife and so she had the right to receive the whole of the inheritance. For this reason he asked some witnesses to give evidence before a Sevillian judge that Thomas Malliard had recognized Beatriz as his legitimate wife shortly before his death. The most important testimony was given by a Franciscan friar who had been Malliard's confessor for several years. According to this, Malliard had assured him that he wanted to marry her but he did not dare because he felt ashamed before his fellow countrymen.<sup>3</sup>

This same judge accepted this evidence as definitive proof and authorized Pedro Lopez de Herrera to take charge of Malliard's inheritance; he did it on the night of 1st of September when he went to the house of the late English merchant to take an inventory of his properties. This new inventory was not as detailed as the previous one taken by Malliard's executors and it seems it was made very swiftly. The reason for this is due to occurrences that night at Malliard's house of which we have two different versions.<sup>4</sup>

According to the declarations of Thorne and his partners they were at Malliard's house working at his ledgers when Francisco del Alcazar, a distinguished member of the local government, and Pedro Lopez de Herrera and some other men carrying weapons suddenly broke in. The Englishmen were thrown out in spite of their protests and the assailants plundered the

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<sup>1</sup> Consejo Real, 8-12 (ff. XXIX-XXXVI).

<sup>2</sup> Consejo Real, 8-12 (ff. XLVII-LI).

<sup>3</sup> Consejo Real, 12-6 (ff. 22 and 44-48).

<sup>4</sup> Consejo Real, 8-2 (ff. LXIV-LXVIII).

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place.<sup>1</sup> The version of Alcazar and his men is quite different: they had gone there to accompany Pedro Lopez de Herrera to take charge of Malliard's properties. Beatriz, her daughter Ana and Roger Barlow were also there. Barlow allowed them to take an inventory of the dead English merchant's properties, and as they were at work, Robert Thorne plus some other Englishmen and some workers of the Sevillian soap-factory arrived, all of them armed with weapons. Nothing extraordinary happened and both groups left the place peacefully.<sup>2</sup>

It is clear that neither of these versions reflect the truth, among other reasons because none involved makes clear why they went to Malliard's house carrying weapons in the first place. But it does seem clear that the Sevillian justice would not pay attention to the Englishmen's complaints in subjects relating to their business. On the contrary, a local judge allowed Pedro Lopez de Herrera to confiscate a certain amount of silks and clothes that Thomas Bridges had in his house, because the judge said that they belonged to Thomas Malliard.<sup>3</sup>

So it is not surprising to read that in mid September Roger Barlow arrived in Valladolid to request justice from King Charles. The story of the events he told before the Consejo Real (the Supreme Court in Castile), turned out to be interesting for several reasons. Firstly because Barlow pointed out that Thomas Malliard's heir was his brother John, servant of Thomas Wolsey, the Cardinal of England.<sup>4</sup> Secondly because he accused his opponents of having taken Malliard's ledgers with the risk of losing a great fortune of 15.000 golden ducats, about six million maravedies. Finally he claimed that only the King himself could do justice as his enemies were important people from Seville and that place was governed by the House of Medina Sidonia through the members of the Townhall, "who do what they want and particularly with foreigners", to quote Barlow.<sup>5</sup>

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<sup>1</sup> Consejo Real, 12-6 (ff. 9-20).

<sup>2</sup> Consejo Real, 8-2 (ff. LXXI-LXXXVII).

<sup>3</sup> Consejo Real, 8-2 (ff. LXVIII-LXX and XXXVI-XLVII).

<sup>4</sup> The Lord Chancellor of England was renowned for his grandeur: he maintained a household fit for a king.

<sup>5</sup> Consejo Real, 12-6 (ff. 1-5).

Roger Barlow did not exaggerate. Francisco del Alcazar, Herrera and other local authorities in Seville sympathized with the Duke of Medina Sidonia. The Duke's protection had been of the utmost importance for Alcazar who had made a lot of money in dubious business.<sup>1</sup>

The reply of King Charles to Barlow's complaints was immediate. Between the 20th and the 24th of September the Emperor sent Count Osorno, Asistente in Seville, two letters commanding him to punish those who had offended the Englishmen and advised him not to disturb them again,

because being foreigners in our Kingdoms and subjects of the King of England whom I respect, I must be certain that they are treated with justice.<sup>2</sup>

It seems strange that the King punished Francisco del Alcazar and his partners in advance without allowing them to defend themselves before the royal court. To understand this, it is necessary to know the relationship between England and Spain at this time. Thomas Wolsey had signed the secret Treaty of Bruges with the Emperor Charles V in November 1521 for the war on France.<sup>3</sup> This war had already started when Malliard's inheritance became known; and from my point of view this is the reason for the King's speedy answer, if we consider that the English merchant's heir belongs to the House of Wolsey.<sup>4</sup>

Between the 11th and 17th of October the *Asistente*, the King's representative in Seville, acted through his deputy Pedro Diaz. This judge listened to all of them and condemned Francisco del Alcazar and his partners to house arrest until they gave back the properties robbed from the

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<sup>1</sup> PIKE, R: "Aristocratas y comerciantes": 48-49.

<sup>2</sup> Consejo Real, 8-2 (fol. XCVIII).

<sup>3</sup> WERNHAM, R, B, (1966): "Before the Armada: the Growth of English Foreign Policy. 1485-1588". London: 102.

<sup>4</sup> Something similar will happen later when the English traders have problems with the Spanish Inquisition. As the warmth of the friendship between Henry VIII and Charles V depended largely upon the rivalry between Spain and France, the treatment of the English merchants in Spain was always the best when the Emperor needed England's support against France. Cf. CONNELL-SMITH, G.: op. cit.: 101.

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Englishmen. Besides he also warned them that if they refused to do so each one would have to pay half a million maravedies.<sup>1</sup>

Alcazar and his partners did not accept this sentence and appealed against it before the Supreme Court of Seville. They tried to gain time as members of the local government and they managed to do so in spite of the Englishmen's complaints. They took advantage of the delay in serving their sentence to get themselves out of the whole question, as they affirmed that Sancho de Herrera had taken Thomas Malliard's properties. He had married Ana Malliard shortly after her father's death as he was sure Ana was Malliard's legitimate daughter.<sup>2</sup>

The complaints of Thorne, Bridges and Barlow who did not succeed in getting Malliard's inheritance back, provoked a new intervention from the King. On the 19th of December he sent some letters to Francisco del Alcazar and his partners commanding them to go to Valladolid to be judged before the Royal Court. Pedro Lopez de Herrera was the only one who obeyed this order. Alcazar and Sancho de Herrera, Ana Malliard's husband, apologized again and again but pointed out the fact that they were squires and had to be judged in Seville according to the privileges that the King himself had granted to this city. It all seemed a new manoeuvre to gain time and make off with Thomas Malliard's inheritance.<sup>3</sup>

At least this is what Malliard's brother John said before King Charles in April 1523. He pointed out that he had come to Spain to take over his brother's fortune and had found out that the fortune was going to be lost because of the slowness of Spanish justice.<sup>4</sup>

However it will be this same John Malliard who will prevent the Royal Court from resolving this longstanding lawsuit. He travelled to Seville to claim his inheritance and, once there, he made a private agreement with Sancho de Herrera and Ana Malliard. According to notarial testimony John Malliard got his brother's participation in the soap-factory in Seville and Triana, and all the goods, merchandises and obligations that

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<sup>1</sup> Consejo Real, 8-2 (ff. LIII-XCV).

<sup>2</sup> Consejo Real, 8-2 (ff. I-VI and XCV-CIX). 12-6 (ff. 30-36).

<sup>3</sup> Consejo Real, 8-2 (ff. 1-14).

<sup>4</sup> Consejo Real, 8-2 (ff. 16-17).



the defunct Thomas had in England. However the rest of the well-earned fortune accumulated by his brother was left in the hands of Doña Ana Malliard as Thomas's daughter and universal heiress.<sup>1</sup>

According to an English source, we know that Sampson, the English ambassador to Charles V, sent a letter to Wolsey from Valladolid in November 1524, claiming that he had helped John Malliard to recover 6.000 or 7.000 ducats by making representations to the Emperor. Sampson declared that his efforts alone had enabled Malliard to obtain his inheritance and complained bitterly of his ingratitude.<sup>2</sup>

It is not surprising that John Malliard was upset since he had received less than half of the inheritance that Barlow had valued at 15.000 ducats. In any case I cannot enter here into the reasons why John Malliard accepted to sign this agreement with his niece, perhaps the call of kinship or perhaps there were some other motives. The documents relating to this lawsuit do not offer any further explanation on this point. So, the story of Thomas Malliard's inheritance is incomplete.

I would like to finish this paper by pointing out that Robert Thorne learned his lesson. Shortly before his death he went back to England leaving his mistress and natural son Vicente behind. According to his will he took measures so that his son's mother did not interfere in the distribution of his inheritance. Other English merchants of the time were to do the same. So, when an anonymous Sevillian chronicler wrote that Seville owed a lot to foreign merchants and that they had all integrated very well into local society with the exception of the Englishmen, I ask myself if what happened to Malliard's inheritance had anything to do with this lack of integration.<sup>3</sup>

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<sup>1</sup> Consejo real, 8-2 (ff. 18-25).

<sup>2</sup> CONNELL-SMITH, G.: op. cit.: 68-69.

<sup>3</sup> PIKE, R.: "Enterprise and Adventure": 8-151, note 39.

