# A FORGOTTEN CAPITULATION (*'AHDNAME*): THE COMMERCIAL PRIVILEGES GRANTED BY SULTAN AHMED I TO EMPEROR MATTHIAS IN 1617

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Among the impressive collection of original Turkish documents kept in the The Haus-, Hof- und Staatsarchiv in Vienna lies a most interesting *'ahdname* (capitulation) obtained during Herman Czernin von Chudenitz's and Cesare Gallo's embassy to Constantinople in 1617. This document, only briefly known so far through a couple of nineteenth-century translations, can be best described as a commercial *'ahdname*, drafted on the model of those granted to the Porte's Western commercial partners, and therefore very different from other known Habsburg *'ahdname*s, which mainly concerned military and border-related affairs. The present article offers a general survey on the Ottoman capitulatory regime, and an analysis on the historical context in which the 1617 *'ahdname* was produced. Appendixes containing the document's transliteration, translation and facsimiles are given at the end.

**Keywords**: diplomacy, Ottoman-Habsburg relations, trade, *'ahdname*, capitulation, diplomatics.

## ORIGINALS AND COPIES

Locating Ottoman originals of *'ahdname*s nowadays is not an easy task since most exist solely as copies or translations.

Ottoman copies of *'ahdnames* granted to the European powers can be found in the *Düvel-i Ecnebiye Defterleri* (or *Ecnebi Devletler Defterleri)*[1] registers kept in the Başbakanlık Osmanlı Arşivi (Prime Minister's Archives) in Istanbul. For instance, there is a long list of copies of the imperial charters granted to the Polish Kings after 1533 in the register *Lehistan 'ahdnamesi defteri*, 1016–1173 AH/1607–1759.[2] Various copies of sixteenth-to-eighteenth-century Ottoman–Habsburg *'ahdname*s, issued between 1547 and 1791, are in the register *Nemçelü 'ahd defteri,* 975–1210 AH/1567–1795.[3]

Many *'ahdnames* found their way into Ottoman official epistolographic anthologies, called *münşe'at*, designed "to provide chancery officials with

[1] "Registers of Foreign States" compiled by the chancery which handled relations with European States (*Divan-i Hümayun Amedi Kalemi)*. A list of these registers is found in *Başbakanlık Osmanlı Arşivi Rehberi*, Ankara, 1992, 142–147.

[2] Başbakanlık Osmanlı Arşivi (henceforth BOA), *Düvel-i Ecnebiye Defterleri* (henceforth *DED*) 55/1, *Lehistan 'ahdnamesi defteri*, 1016–1173 AH/1607–1759.

[3] BOA, *DED* 57/1, *Nemçelü 'ahd defteri* 975–1210 AH/1567–1795.

formularies to guide them in the composition of elegant and formally correct state documents."[4] The most famous *münşeʾat* was penned by Ahmed Feridun Bey (d. 1583) and dedicated to Sultan Murad III in 1575. Entitled *Mecmuʿa-ı Münşeʾat al-Selatin* ("Collection of Sultans' Correspondence"), it included various types of documents issued in the sultans' name, including *ʿahdname*s, *fetihname*s, *berat*s and *ferman*s. Two nineteenth-century editions of this oeuvre are complemented with documents produced after the original date of composition. Most likely, both relied on some eighteenth-century manuscript copies, which would explain the inclusion of *ʿahdname*s concluded with Poland (1577–1667), England (1601), France (1604), and the Habsburgs (1608, 1615).[5] Although the context of these nineteenth-century editions and the original do not differ significantly, some shifts in terminology can be detected, for instance, the use of "Christian" (*Hırıstiyan*) rather than "infidel" (*kafir*).[6] There are also manuscripts with a diplomatic specific, compiling only imperial charters *('ahdnames*) granted to European powers. For instance, the manuscript *Muʿahedat-ı hümayun <mecmuası>. 975–1200 Osmanlı devleti ile Nemçe ve sair devletler arasında ʿakd olunan bazı muʿahedeler* gathered peace agreements with the Habsburg Empire, Russia and other states dated 975–1200 AH/1567–1796.[7]

What about original *'ahdnames*? As we have already said, locating originals is not an easy task.

For instance, as far as we know, from the series of Ottoman–Hungarian peace agreements between 1428 and 1519, only one original document is available, the *'ahdname* of 1503, which was published by Tayyib Gökbilgin.[8] Similarly, no

[4] R. S. Humphreys, *Islamic History. A Framework for Inquiry*, Princeton, New Jersey, 1991, 41. A *münşi* was the official who wrote drafts of documents for Ottoman chanceries.

[5] A. Feridun Bey, *Mecmuʿa-ı Münşeʾat al-Selatin*, I–II, Istanbul, 1264–1265 AH/1848–1849 (2nd edition, in 1274–1275 AH/1858). Ahmed Feridun was a *divan katibi*, *reʾis ül-küttab*, and finally *nişancı* in 981 AH/1573. (İ.H. Danişmend, *İzahlı Osmanlı Tarihi Kronolojisi*, vol. 2, Istanbul, 1971, 455–456). Details in: J. H. Mordtmann – V. L. Ménage, "Feridun Beg," *EI-2*, II, 901–902; A. Antalffy, "*Münşeʾat al-Salatin* al lui Rukhsanzade Ahmed Feridun, Et-Tevkii (pomenit şi sub numele de Ahmed Feridun Bei Nişangi), ca izvor pentru istoria românilor," *Buletinul Comisiei Istorice* XIII, 1, 1934, 4–23.

[6] V. Panaite, "Comerț și negustori în tratatele osmano-polone. Un studiu de caz: 1607" ("Trade and Merchants in the Ottoman-Polish Treaties. A Case Study: 1607"), *Caietele Laboratorului de Studii Otomane*, Universitatea din București, 2, 1993, 29–48.

[7] İstanbul Belediye Kütüphanesi, Muallim Cevdet (henceforth İBK, MC), K. 4. Here are other examples of this kind of manuscript from libraries in Istanbul: the manuscript *Sulhname-i ʿAmca-zade Hüseyn paşa* contains the peace negotiations of Karlowitz (Topkapı Sarayi Muzesi Kütüphanesi/Topkapı Palace Museum Library (henceforth TKSMK), R. 1311); the manuscripts *Suver-i mekatib-i musalaha Nemçe* and *Esnayi musalahada tevarüd eden mekatib* also contains the treaty of Passarowitz (Pasarofça) of 1131 AH/1719 (TKSMK, R. 1946, R. 1953); the manuscript *Risale-i muʿahedat* contains the 1798 treaty with England and the secret treaty with Russia of 27 *Receb* 1213/1 January 1799 (TKSMK, fd. Bağdad 237; Arhivele Naționale Istorice Centrale/National Historical Central Archives, Bucharest (henceforth ANIC), mf. Turkey, r. 51, fr. 647–663).

[8] Topkapı Sarayı Muzesi Arşivi/Topkapı Palace Museum Archives (henceforth TKSMA), E. 5861, cf. M.T. Gökbilgin, "Korvin Mathias (Máttyás)'ın Bayezid II.e mektupları tercümeleri ve 1503 Macar-Osman muahedesinin Türkçe metni / La traduction des lettres de Korvin Mathias à Bayezid II et le texte turc du traité hungaro-turc de 1503 (909)," *Belleten*, XXII, 87, 1958, 369–390.

original French *'ahdnames* granted in the second part of the sixteenth century is at our disposal. Yet, there are also some more fortunate examples: almost continuous sequences of such original documents survive to this day for the cases of Poland (1489–1699)[9] and Venice (1446–1718)[10]. More original texts of sixteenth-to-eighteenth-century Ottoman–Habsburg *ʿahdname*s are preserved in the Austrian Archives in Vienna, and A.C. Schaendlinger published those of 1559, 1562 and 1565[11].

The *'ahdname* granted by Ahmed I to Matthias on *evahır-ı Cemazi'l-ahır* 1026/ 24 June – 4 July 1617 may rightfully be described as a forgotten one. Having been issued between the many renewals and supplements of the Zsitvatorok treaty, this text does not appear in any treaty collections, Ottoman or European, up to the nineteenth century, when Hammer rediscovered it in the imperial Habsburg archives[12]. Although he described it as "the oldest Austrian trade treaty with the Porte" and mentioned that it comprised fifty articles, he did not publish any fragment. Some decades later, Alexander de Miltitz published a partial French edition, from the official German translation[13], while a full translation, also based on the German text, was included in Testa's collection[14]; and, although Miltitz's text was cited in Noradounghian's list of treaties[15] and in Rey's monograph[16], we have found no other evidence of it being mentioned since these late-nineteenth-century works: Alexander de Groot affirms that Czernin obtained a ratification from Ahmed I in 1617, but does not give any other information[17].

[9] Archivum Glówne Akt Dawnych/The Archives of Old Documents, Warsaw (henceforth AGAD), Collection Archiwum Korone Warszawskie, dz. Tureckie. Most of these texts are available on microfilm at ANIC, Bucharest, mf. Poland, r. 1. They were published by D. Kołodziejczyk, *Ottoman-Polish Diplomatic Relations (15th – 18th Century). An Annotated Edition of ʿAhdnames and Other Documents*. Leiden–Boston–Cologne, 1999.

[10] Archivio di Stato di Venetia, Miscellanea documenti Turchi (henceforth ASV, MDT). Original *'ahdname*s between 1482–1641 were published by H. Theunissen, "Ottoman-Venetian Diplomatics: The *'ahd-names*. The Historical Background and the Development of a Category of Political-Commercial Instruments together with an Annotated Edition of a Corpus of Relevant Documents", *Electronic Journal of Oriental Studies Utrecht*, 1/2 (1998).

[11] A. Schaendlinger, *Die Schreiben Süleymāns des Prächtigen an Karl V., Ferdinand I. und Maximilian II. aus dem Haus-, Hof- und Staatsarchiv zu Wien*, Vienna, 1983, doc. 23, 25, 32.

[12] "This beautiful document is the oldest Austrian trade treaty with the Porte, which nobody knew of even at the conclusion of the Sened [Treaty of 1784]" The information appears only in a footnote of the German edition of Johann von Hammer-Purgstall, *Geschichte des Osmanischen Reiches*, vol. 4, Pesta, 1829, 488, n. f.

[13] A. de Miltitz, *Manuel des consuls*, tome II, pt. II, livre III, London, 1842, 1413–1421.

[14] I. de Testa, *Recueil des traités de la Porte ottomane avec les puissances étrangers*, vol. 9, Paris, 1898, 29-37.

[15] G. Noradounghian, *Recueil d'actes internationaux de l'Empire ottomane*, vol. 1, Paris, Leipzig, Neuchatel, 1897, 42 (no. 220).

[16] F. Rey, *La protection diplomatique et consulaire dans les échelles du Levant et de Barbarie*, Paris, 1899, 317, n. 2.

[17] A.H. de Groot, *The Ottoman Empire and the Dutch Republic: A History of the Earliest Diplomatic Relations. 1610–1630*, Leiden-Istanbul, 1978 (henceforth *OEDR*), 156.

The original Ottoman *'ahdname* is still preserved in the Haus-, Hof-, und Staatsarchiv of the Austrian National Archives[18].

## PHYSICAL DESCRIPTION

The golden tughra of Ahmed I stands above the main body of text, which is comprised of 107 lines written in a somewhat simple *divani* script, mostly in black ink, with gold ink reserved for the names of Sultan Ahmed and those of his predecessors (lines 9–10), as well as for a fragment of the oath (line 102). This *'ahdname* does not contain any *invocatio*/*du'a*, which was most likely cut off at some point, as it often happened when such large documents entered European archives. Nonetheless, the tughra is topped by five lines of *formula devotionis* written in gold ink, though it is not written in the *sülüs* script usually reserved for this segment, but rather in the same simple *divani* used in the rest of the text. This may imply that the document is most likely one of two, if not more original versions of the same *'ahdname*, considering the simpler style of *divani* calligraphy employed in the writing of its main text.

It is known that the Ottoman chancery issued at least two original *'ahdname*s, usually a solemn one which was dispatched to the beneficiary sovereign, and a less imposing one kept by ambassadors in Istanbul as "working copies". Additional legalized copies were dispatched to or requested by consuls in various ports across the Mediterranean; these are easily distinguishable from the original and "working copies" since they do not contain the sultan's tughra, having instead a *kadi*'s authentication and seal on its upper right margin[19].

A few examples of double original *'ahdname*s exist to this day, which showcase different calligraphic styles. The 1612 Dutch *'ahdname*, from which the Habsburg document was heavily inspired, is preserved in two original specimens in the Hague, one with a solemn *divani* calligraphy, which also contains an *invocatio*/*du'a* – probably the same one would be originally found in the Habsburg *'ahdname* – "and another version, plainly written in *naskhi*-script"[20]. The Polish

[18] Österreichisches Staatsarchiv, Haus-, Hof- und Staatsarchiv, Urkundenreihen (henceforth AT-OeStA/HHStA UR), Türkische Urkunden 6.

[19] See for example the legalized 1597 French *'ahdname* in Bibliothèque nationale de France (henceforth BnF), Supplément turc 821, described in V. Panaite, "Western Diplomacy, Capitulations and Ottoman Law in the Mediterranean. 16th and 17th Centuries: The Diplomatic Section of the Manuscrit Turc 130 from the Bibliothèque Nationale in Paris", in S. Kenan (ed.), *Erken Klasik Dönemden XVIII. Yuzyıl Sonuna Kadar Osmanlılar ve Avrupa: Seyahat, Karşılaşma ve Etkileşim/ The Ottomans and Europe: Travel, Encounter and Interaction from the Early Classical Period until the End of the 18th Century*, Istanbul 2010, 377–380. A legalized copy of the 1634 Dutch *'ahdname* is in the Leiden University Library: see Groot, *OEDR*, 206; J. Schmidt, *Catalogue of Turkish Manuscripts in the Library of the Leiden University and other Collections in the Netherlands. Minor Collections*, Leiden-Boston, 2012, 205. A legalized copy of the Venetian 1521 *'ahdname*: ASV, MDT, d. 189 (with the *kadi's* authentication on top).

[20] Groot, *OEDR*, 232.

*'ahdname* of 1623 survives in two original copies in the Polish state archives (AGAD, AKW, Dz. tur.): t. 304, no. 557 displays a more elaborate style of *divani* calligraphy and has the *formula devotionis* written in *sülüs*, while t. 302, no. 551 is written in a simpler script and which is also employed for the *formula devotionis*[21], just like our 1617 Habsburg *'ahdname*. There are also two originals of the much later 1701 Venetian *'ahdname* in the Venetian state archives (ASV, MDT), with two distinct *divani* calligraphy: d. 1610 (simple) and d. 1611 (solemn).

On the other hand, there are some duplicate *'ahdname*s which display the same type of calligraphy. Two copies exist of the 1619 Venetian *'ahdname*, one written in simple *divani*, kept in the Wereldmuseum, Rotterdam[22], which resembles the calligraphy of the 1617 Austrian *'ahdname*, and one with an even less pretentious script, kept in Venice (ASV, MDT, d. 1236). Likewise, the two original 1595 Venetian *'ahdname*s (ASV, MDT, d. 1086 and d. 1087) display the same calligraphic style, though this time both employ a solemn *divani*. These examples suggest that there may be even a third, more imposing original. Three full original documents are known for the 1540 Venetian *'ahdname*: ASV, MDT, d. 426 and BnF, Suppl. turc 727 are both written in stylish *divani*, while the third one kept in the Municipal Library of Carpentras, France, is less solemn[23].

This evidence drawn from *'ahdname*s given to other European powers around the same time as the 1617 Habsburg *'ahdname* may prove that more than one copy was issued by the Ottoman chancery. Then again, another possibility would be simply that the Ottomans did issue just a single, less solemn *'ahdname* to the Habsburgs, a sign that they were not considered to stand on the same diplomatic level as other European commercial powers.

## HISTORICAL AND DIPLOMATIC CIRCUMSTANCES

By the 1540s, most of the Kingdom of Hungary came under Ottoman rule, while a small part in the north-west remained in Habsburg hands.[24] Thus, in 1547, Sultan Suleyman sent capitulations to Ferdinand, then Archduke of Austria and the nominal king of Hungary, which also included his brother, Charles V, the Holy

[21] Kołodziejczyk, *Ottoman-Polish*, 388; microfilm copies of both documents are available at ANIC, mf. Poland, r. 35, fr. 138–146 (simple), fr. 147–178 (solemn).

[22] Facsimile in Schmidt, *Catalogue*, 268.

[23] Theunissen, "Ottoman-Venetian", 448, n. 4; A. Bombaci, "Ancora sul tratato veneto-turco del 2 ottobre 1540", *Rivista degli studi orientali*, vol. 20, 3/4, October 1943, 376.

[24] P. Fodor, "Ottoman Policy towards Hungary, 1520-1541", *Acta Orientalia. Acadamiae Scientiarum Hungariae,* 55, 2–3, 1991, 271–345; G. Perjés, *The Fall of the Medieval Kingdom of Hungary: Mohács 1526 - Buda 1541,* Boulder, 1989; G. Dávid, P. Fodor (eds.), *Hungarian-Ottoman Military and Diplomatic Relations in the Age of Süleyman the Magnificent*, Budapest, 1994; G. Barta, *La route qui mène à Istanbul 1526-1528,* Budapest, 1994.

Roman Emperor (identified as the "king of Spain" in the Ottoman text)[25]. This opened the list for the Holy Roman Empire's *'ahdname*s, as after Ferdinand became emperor himself, the documents were granted to those Habsburgs who reigned as emperors and not just kings of Hungary. As such, quite a few capitulations would be granted in the second part of the sixteenth century by Suleyman, Selim II and Murad III to Ferdinand I (again), Maximilian II and Rudolf II, not only because of the outbreaks of war and successions of sultans but also because they were issued for a specific number of years, namely eight, after which they had to be renewed[26]. A considerable break in this series came of course with the Thirteen Years War (1593–1606), but peaceful relations would be resumed once more at the beginning of the seventeenth century. The two documents (one Latin, one Turkish) issued on 11 November 1606 at Zsitvatorok by representatives of both sides were only temporary agreements, as they needed to be ratified by both sultan and emperor. Since there were substantial differences between the two versions of the agreement, Rudolf II did not ratify Ahmed I's initial *'ahdname* of 1608[27], nor his second *'ahdname* of 1610[28], but only the third one, of 1612, was accepted by the Habsburg emperor[29]. Keeping in line with the pre-war capitulations, these *'ahdname*s would be valid for a specific number of years, which was now increased to twenty. Moreover, the 1610 document would be the first one divided into individual articles, a feature which would also be implemented in future Habsburg *'ahdname*s.

No later than 1615, a complete revision of the Zsitvatorok agreements was necessary and so representatives from the two sides gathered once more in Vienna for negotiations. The imperial delegation was headed by Melchior Klesl, bishop of Vienna, and cardinal Ferenc Forgách, bishop of Esztergom[30], while the Ottoman delegation consisted of Müteferrika Ahmed Agha (deputy/*kethüda* of Kadizade Ali Pasha, the *beylerbeyi* of Buda) and Gaspar Graziani, a Dalmatian adventurer who

[25] A first draft (*eva'il-i Cemazi'l-evvel* 954/19–28 June 1547) was published in Schaendlinger, *Süleyman*, doc. 7, 14–18, while the final (23 *Şaban* 954/8 October 1547) document is in Feridun, *Münşe'at*, vol. 2, 341–342. See M. Skovajsa, *Habsbursko-Osmanské mierové zmluvy 1498–1615* / Habsburg-Ottoman Peace Treaties (henforth *HOMZ)*, Bratislava, 2014, 99–100; E.D. Petritsch, "Der Habsburgisch-Osmanische Friedensvertrag des Jahres 1547", *Mitteilungen des Österreichischen Staatsarchivs*, 38, 1985, 49–80.

[26] Ottoman-Turkish texts, even some original documents, are known for the *'ahdname*s of 1559, 1562, 1565, 1568, 1574, 1584 and 1590. See the table in Skovajsa, *HOMZ*, 26–28.

[27] Feridun, *Münşe'at*, vol. 2, 313-316 (dated *eva'il-i Receb* 1017/12–21 October 1608). English translation in G. Bayerle, "The Compromise of Zsitvatorok", *Archivum Ottomanicum*, VI, 1980, 24–27.

[28] AT-OeStA/HHStA UR Türkische Urkunden 4 (original *'ahdname* dated *eva'il-i Safer* 1019/26 April – 5 May 1610).

[29] Bayerle, "Zsitvatorok", 5-53. We could not locate any copy of the 1612 *'ahdname*, but it is referred to in article 2 of the subsequent 1615 *'ahdname*, with the date of *Rebi'ül-evvel* 1021 (June 1612).

[30] The rest of the Habsburg delegation was composed by Johann von Molart, Adolf count of Althan (both were veterans of the Zsitvatorok negotiations), Philip count of Solms, Ladislau Pethe and Pál Apponyi.

acted as interpreter[31]. While an initial agreement (*temessük*) drafted in twelve articles was signed by both parties on 28 July 1615/1 *Cemazi'l-ahır* 1024[32], it nevertheless needed to be ratified by both sovereigns through more solemn documents. Thus, later in September 1615 Ahmed I issued an *'ahdname* composed around the same twelve articles and which would be valid for twenty years, as agreed upon in Vienna[33]. Among the new articles which supplemented the Peace of Szitvatorok, two were meant to frame basic commercial relations between the two powers (arts. 9, 10)[34].

Matthias issued his ratification of the Vienna treaty later that year, in December 1615[35]. However, as it happened before with the Zsitvatorok agreements, the emperor's and the sultan's documents diverged considerably in certain points[36]. Moreover, it seems that the Habsburgs themselves were not satisfied with their ratification, or with its published version at least, as another edition would be issued the next year, along with some new additions.

On 1 May 1616, delegates of the two sides signed a further agreement in Vienna regarding the implementation of articles regarding litigious villages and fortifications. Soon after, on 10 May 1616, Matthias issued another ratification of the previous year's treaty, where the twelve articles were now said to be translated word by word from the sultan's *'ahdname*, and which were followed at the end by

[31] For these successful negotiations Gratiani would be rewarded with the Duchy of Naxos and later he would obtain the Principality of Moldavia (1619–1620); for a short biography, see C. Luca, "Influssi occidentali sull'atteggiamento politico di alcuni principi dei Paesi Romeni nei secoli XVI e XVII", *Quaderni della Casa Romena di Venezia*, 2, 2002, 110–116. Likewise, Müteferrika Ahmed would be repaid by his appointment as *beylerbeyi* of Kanije. G. Ágoston, "Defending and Administering the Hungarian frontier", in C. Woodhead (ed.), *The Ottoman World*, London, New York, 2012, 233–234.

[32] The Turkish document (dated *eva'il-i Cemazi'l-ahır* 1024/28 June – 7 July 1615) was published along with a German translation by L. Fekete, *Türkische Schriften aus dem Archive des Palatins Nikolaus Esterházy 1606–1645*, Budapest,1932, doc. 2, p. 7–14, 213–222.

[33] Feridun, *Münşe'at*, vol. 2, 320–324 (only the year 1024 is given); other copies in *Mu'ahedat mecmu'ası*, vol. 3, 72–77 and İBK, MC, K. 4; Hammer gives the date of 9 *Şaban* 1024/9 September 1615 (J. de Hammer, *Histoire de l'empire ottoman, depuis son origine jusqu'à nos jours*, traduit de l'Allemand par J.J. Hellert, vol. 8, Paris, 1837, 225, n. 1); the date of 9 September 1615 is also given by Skovajsa, *HOMZ,* 29 (facsimile of a BOA copy and Turkish text at 279–284).

[34] Commercial relations were already established in the sixteenth century, as early as 1547, but frequent wars hindered their implementation. L. Gecsény, "A Memorandum Presented by the Merchants Living in Vienna Regarding East-West Trade (1615)", *Acta Orientalia Academiae Scientiarum Hungaricae*, 61, 1–2, 2008, 55.

[35] It was immediately published in 1615: *Confirmatio et ratificatio itemque extensio conditionum pacis Thoroeckien: inter Romanorum Imperatorem Matthiam & Turcarum Imperatorem Achomatem primum Sultanum ut illæ Anno 1615*, along with a new published edition of the 1606 Zsitvatorok treaty: *Conditiones pacis inter Romanorum, et turcicum imperatorem, Rudolphum II, et Achometem I, sultanum, ut illæ anno superiori M.DC.VI.*

[36] While this is not the place to make a thorough comparison of all twelve articles, an example should be given: whereas article 7 of the Turkish text decreed that Catholics may repair (*merammet edüb*) their churches in the Ottoman Empire, the Latin text stipulated that they may build new churches ("*ecclesias... extruendi facultatem habebunt*").

the new *concordatum*[37]. The Habsburgs motivated this second ratification on the grounds that the previously published edition of 1615 contained certain "inadvertences" due to scribal and printing errors, and that the Ottoman text also needed to be translated and printed, to avoid the problems that plagued the previous Zsitvatorok ratifications[38]. Indeed, the new Latin text appears to have been written from the sultan's point view ("*nostra Porta…*"). With Matthias' second ratification now published, another confirmation was also necessary from Ahmed I, so Herman Czernin von Chudenitz was appointed as the new ambassador to Constantinople, where he was sent right away together with the interpreter Cesare Gallo. The Imperial envoys were joined by the Ottoman negotiators, Müteferrika Ahmed Agha and Gaspar Graziani, and they reached Constantinople in late August 1616[39].

The Imperial envoys' grand entrance in the Ottoman capital stirred anti-Christian and especially anti-Catholic feelings since their retinue included not only loud musicians but also a flag showing the Crucifix. As conspiracy theories which predicted an imminent Christian take-over ran wild, the Jesuits of Galata were immediately detained, and restrictions were imposed on non-Muslims. Czernin himself was put under house arrest, from where he was only released at the beginning of September[40]. While his main mission was to obtain another ratification from Ahmed I and to settle once and for all the territorial disputes in Hungary and Transylvania, it seems that the imperial ambassador was also tasked with strengthening the commercial relations with the Porte: several months later, Ahmed I issued a document that was not quite a ratification of the Vienna treaty, but rather a full-fledged commercial *'ahdname*, in the

[37] Latin text published in Noradounghian, *Recueil*, vol. 1, 113–120; J. Du Mont, *Corps universel diplomatique du droit des gens*, tome 5, part 2, Amsterdam-The Hague, 1728, 280–282, from where it was translated by Testa, *Recueil*, vol. 9, 22–29. A French translation was already published in 1617: *Confirmation et ratification de la paix conclude entre l'Empereur & le Grand Seigneur des Turcs. Selon les Capitulations arrestees en la Cour Imperiale de Vienne par les Deputez de Matthias à present Empereur d'une part, & Sultan Achmet premier du nom Empereur des Turcs d'autre. Et confirmees par l'un & l'autre Empereur. Traduit du Latin imprimé par commandement de l'Empereur à Vienne d'Austriche l'an 1616*, Paris, Imprimerie de François Iulliot, 1617) An English translation was included in R. Knolles, *The Turkish History, from the Original of that Nation, to the Growth of the Ottoman Empire: with the Lives and Conquests of their Princes and Emperors,* 6th edition, vol. 2, London, 1687, 939–941 (probably from the French printed version, as it offers the same date of March 1616).

[38] Katib Çelebi's chronicle nonetheless mentions only the need to clarify the disputes over villages and fortifications (*palanka*). Katib Çelebi, *Fezleke-i Tarih*, vol. 1, Istanbul, 1286/1869, 377–378. Also in M. Na'ima, *Tarih*, vol. 1, Istanbul, 1147/1734, 313.

[39] Venetian *bailo* Almoro Nani reported on 20 August that he sent his secretary in advance to meet the imperial ambassadors outside Constantinople (*Calendar of State Papers and Manuscripts, relating to English Affairs, Existing in the Archives and Collections of Venice and in other Libraries of Northern Italy.* Ed. Horatio F. Brown, vol. 14, London, 1904, doc. 401). A. de Groot affirms that Czernin reached Istanbul on 16 August (Groot, *OEDR*, 155).

[40] For these events see Knolles, *Turkish History*, vol. 2, 933–934; Hammer, *Histoire*, vol. 8, 226–228; A. Belin, *Histoire de la latinité de Constantinople*, Paris, 1894, 250; T. Krstić, "Contesting Subjecthood and Sovereignty in Ottoman Galata in the Age of Confessionalization: The *Carazo* Affair, 1613–1617", *Oriente Moderno*, 93, 2013, 435.

style of those granted to France, England and the Dutch Republic. And while Czernin was retained some more in Istanbul, Cesare Gallo was sent back to Vienna with the sultan's most recent *'ahdname*[41].

Ahmed I died in November 1617; Mustafa I confirmed the peace through his announcement letter sent to Matthias, where he also instructed the emperor that further dealings will be handled by Graziani, Ahmed Pasha of Kanije, and Nakkaş Hasan Pasha of Buda[42]. In their enumeration of past agreements, future treaties would omit this unique grant of commercial privileges, as they would jump from the agreements of Vienna directly to the one agreed at Komárom, in 1618. A century later, a separate commercial treaty would be signed at Passarowitz, which is still widely considered to be the first Ottoman-Habsburg trade agreement, as the 1617 *'ahdname* lay forgotten[43].

## LEGAL AND DIPLOMATICS QUESTIONS

From a diplomatic point of view, the text of 1617 is an imperial charter (*'ahdname-i hümayun*),[44] a term used in the Ottoman chancery until the nineteenth century for all peace agreements by which the Porte regulated its foreign relations, alliances, international commerce and the status of foreigners.[45]

An *'ahdname* was thus a document which confirmed in written form the granting of "protection" (*aman*), and the existence of a "contractual pact" (*ʿahd*, *ʿakd*, *ʿakd-ı ʿahd*, *sulh*) between sultans and an individual, community, or state. Even though *ʿahdname*s had the form of a unilateral document, their contents implied a "contract and alliance" (*'akd ü ittifak*) or a "pact and agreement" (*ʿahd ü misak*). Ottoman

[41] Hammer, *Histoire*, vol. 8, 251. For more information on Czernin see B. Spuler, "Die Europäische Diplomatie in Konstantinopel bis zum Frieden vol Belgrad (1739) 3. Teil", *Jahrbücher für Kultur und Geschichte der Slaven*, Neue Folge, 11, 3/4, 1935, 331. A journal of his 1616–1618 embassy to Constantinople was published shortly after by his secretary A. Wenner, *Ein gantz new Reysebuch von Prag auß biß gen Constantinopel*, Nürnberg, 1622; his second embassy of 1644 was also published, along with his instructions and other correspondence in *Zweite Gesandtschaftreise des grafen Hermann von Chudenic nach Konstantinopel im Jahre 1644*, Neuhaus, 1879.

[42] AT-OeStA/HHStA UR, Türkische Urkunden 6 (*name-i hümayun* dated *evasıt-ı Zi'l-ka'ade* 1026/10-19 November 1617).

[43] Not considering pre-eighteenth century agreements with the Habsburgs as being Capitulations, Pélissié du Rausas considered that "*Les capitulations autrichiennes se composent de trois traités: le premier date du 27 juillet 1718, et il est divisé en vingt articles; le second date du 23 mai 1747, et il est également divisé en vingt articles; le troisième date du 24 février 1784, et il est divisé en huit articles*" (G. Pélissié du Rausas, *Le régime des capitulations dans l'Empire Ottoman*, vol. 2, Paris, 1911, 120).

[44] On *'ahdname* and capitulations, see V. Panaite, *Ottoman Law of War and Peace. The Ottoman Empire and Its Tribute-Payers from the North of the Danube*, Second Revised Edition, Leiden-Boston, Brill, 2019, 165–189: Chapter "Ottoman Peace Agreements". On *'ahdname, berat* and *nişan*, see also S. Papp, "The System of Autonomous Muslim and Christian Communities, Churches, and States in the Ottoman Empire", in G. Karman, L. Kuncević (eds.) *The European Tributary States of the Ottoman Empire in the Sixteenth and Seventeenth Centuries*, Leiden – Boston, 2013, 378–380.

[45] They are improperly defined by modern historians and jurists "peace treaties," "treaties of alliance," "treaties of friendship," "treaties of commerce" or "treaties of vassalage."

*ʿahdname*s contained a series of political and trade "conditions" (sing. *şart*; pl. *şartlar*, *şurut*, *şerayt*) or "issues" (*hususlar*). The beginning of articles until the end of the seventeenth century was marked by the conjunction "and" (*ve*) when the ordinal numbers were introduced under the influence of Western chanceries. Notable exceptions were the Ottoman-Habsburg *ʿahdname*s which began to have their articles numbered from the first half of the seventeenth century (those of 1610, 1615, 1627)

Since Europeans considered the sultanic *ʿahdname*s as treaties, they applied the term capitulations as an equivalent to *ʿahdname*. This is well illustrated by the evidence provided by sixteenth- and seventeenth-century translations of *ʿahdname*s into European languages. Likewise, the Latin term *capitulationes* and its French, German and Italian derivatives were commonly used in translations of *ʿahdnames* granted to France, Poland, the Habsburg Empire,[46] or Russia. When translating Ottoman texts, Europeans organized their contents by articles or chapters (*capitula* in Latin; *capitoli*, *capituli* in Italian; *chapitres*, *articles* in French; *articles* in English).[47] Since any documents structured by chapters could, in the Western chancery tradition be called capitulations,[48] the same label was applied to the Ottoman *ʿahdname*s.

Taking into consideration the diplomatic form of the original texts and their translation which followed the Ottoman blueprint, the *ʿahdname*s concluded with Hungary, Ragusa, Poland, Venice and the Habsburgs in the fifteenth and sixteenth centuries had an unmistakably unilateral character. In some *ʿahdname*s, the sultan was the only one to proclaim the results of the negotiations through the formula of "let it be known" (*maʾlum ola ki*) and implemented the "clauses" of the agreement with the formula "the illustrious sign commands" (*nişan-ı şerif-i* […] *hükmü oldur ki*). These formulas characterized a document which was unilaterally issued by the sultans.[49]

The Hanafi jurist al-Shaybani (d. 805) stated that peaceful relations between a Muslim sovereign and a non-Muslim one could only be established through a pact (*muʿahada*), while al-Sarakhsi added that it could also be considered a "mutual peace" (*muwadaʿa*) because a "mutual truce (*muwadaʿa*) is a pact (*muʿahada*)."[50] The juridical theory remained unchanged during the Ottoman period, and – as Ibrahim al-Halebi (d. 1549) noted – Muslim rulers were even allowed to ransom peace if they had no means to mount an armed opposition.[51]

[46] "*Die friedens capitulation*," on the 1606 *ʿahdname*, in a German letter of 16 March 1614 (*Documente privitoare la istoria românilor culese de Eudoxiu de Hurmuzaki.* 1600–1649*,* Bucureşti, 1880, doc. CCCCLXIV).

[47] The very term originated from Latin *caput* and *capitulum* (*capitula* in plural), meaning chapter or a paragraph. Therefore, this name was applied to the Ottoman instruments of peace solely due to their division into separate sections

[48] On capitulations, see also: M. P. Pedani Fabris, *La Dimora della pace. Consideranzioni sulle capitolazioni tra i paesi islamici e l'Europa*, Venice, 1996; M. van den Boogert, K. Fleet (eds.), *The Ottoman Capitulations: Text and Context*, in *Oriente Moderno*, XXII, 3, 2003; M. van den Boogert, *The Capitulations and the Ottoman Juridical System: Qadis, Consuls, and Beratlıs in the 18th Century*, Leiden, 2005.

[49] Panaite, *Ottoman Law of War and Peace,* 177.

[50] M. al-Shaybani, *Le Grand livre de la conduite de l'Etat* (*Kitab as-Siyar al-Kabir). Commenté par as-Sarakhsi*, traduit par M. Hamidullah, vol. III, Ankara, 1990, 307.

[51] I. al-Halebi, *Mülteka el-Ebhur*, cf. I.M. D'Ohsson, *Tableau general de l'Empire Ottoman*, vol. V, Paris, 1824, 62.

Until the mid-eighteenth century, the agreements with European powers continued to be considered temporary truces, despite that sometimes they reflected the parity of power between the adversaries or the weakness of the Ottoman Empire.[52] The *'ahdname*s which confirmed peace with European rulers were concluded for a limited period, either for a specified number of years or until both contracting rulers remained on the throne.[53] Although the expected duration of these truces was no more than five years, the *'ahdname*s granted to the Habsburgs from 1547 to 1591 constituted a significant change in this respect, as their duration was extended to eight years. The treaty of Zsitvatorok (1606) ushered a series of even longer Ottoman–Habsburg truces, which varied between twenty and twenty-five years, culminating with the Treaty of Belgrade (1739) which provided a peace term of twenty-seven years.[54]

However, throughout the early modern period, the Ottoman chancery most often did not specify the duration of peace in its *'ahdname*s, and thus they remained in force only throughout the reign of the sultan whose imperial signature (*tuğra*) was applied to the document, without committing his successors to respect its conditions. This is the case of *'ahdname*s granted both to tributary states such as Ragusa and Transylvania, as well as to those granted to European powers such as Venice, Poland, France, England and the Dutch Republic. Standing out from other Habsburg *'ahdname-i hümayun*s, the one granted by Ahmed I to Matthias in 1617 also fits in this category.

## CAPITULATORY REGIME

The Capitulatory Regime, which refers to the status of foreign merchants in the Ottoman Empire, has been the subject of a large number of studies written by both historians and jurists alike and which often give contradictory interpretations[55].

[52] Moreover, between the Treaty of Karlowitz in 1699 and until the Treaty of Paris in 1856, the weakness and military inferiority of the Ottomans changed the parameters of war and peace with European powers. Consequently, they concluded peace treaties which brought almost constant territorial losses (H. Kruse, "The Foundation of International Islamic Jurisprudence (Muhammad al-Shaybani – Hugo Grotius of the Muslims)", *Journal of the Pakistan Historical Society*, III, IV, 1995, 232).

[53] Among the *'ahdname*s issued for a specified period, we find those granted to Hungary, and Poland (up to 1528) and Spain (1582), which stated the expected duration of truce.

[54] In a Latin text: *Duret armistitium hocce et exyendatur favente Deo ad viginti septem annos et continuo sequentes a die, qua ejustem subscriptio facta fuerit* (D.A. Sturdza, G. Petrescu, *Acte şi documente relative la istoria Renascerii României*, vol. I, Bucharest, 1888, 57–58).

[55] Here are some titles: Pélissié du Rausas, *Le régime des capitulations*; P. M. Brown, *Foreigners in Turkey. Their Juridical Status*, Princeton, 1914; F. Abelous, *L'évolution de la Turquie dans ses rapports avec les étrangers*, Paris, 1928; A. Rechid, "La condition des étrangers dans la Republique de Turquie," *Recueil de Cours. Académie de Droit International*, 46, IV, 1933, 169–227; N. Sousa, *The Capitulatory Regime of Turkey. Its History, Origin and Nature*, Baltimore, 1933; H.J. Liebesny, "The Development of Western Judicial Privileges," in M. Khadduri, H. J. Liebesny (eds.), *Law in the Middle East*, Washington, 1955, 309–333; H. İnalcık, "Imtiyâzât." in *EI-2*, vol. III, 1971, 1207–1225 (with J. Wansborough).

According to Islamic law, a temporary safe-conduct could protect the life and goods of an infidel who came from the Abode of War to the Abode of Islam. He would thus become a "beneficiary of protection" (in Turkish, *müste'min*). The life and property of an inhabitant of enemy territories (*harbi)* venturing into Muslim lands were completely unprotected by the religious law unless he was given a temporary safe-conduct (*aman*).[56] In 16th – 17th century Ottoman juridical texts *(kitab as-siyar, fetvas)*, the foreigner *(müste'min)* was frequently termed as being a "*harbi* who [comes] from the House of War and enters into the House of Islam with a safe-conduct" (*Zeyd harbi dar-i harbdan amanla dar-i Islama çıkub).*[57] In comparison with a non-Muslim subject (*zimmi*), the foreigner could only temporarily dwell in Ottoman territories, i.e. less than one year, during which he would not be compelled to pay the poll-tax (*cizye*, *harac*)[58].

The legal condition of foreign merchants constituted an important topic of the Ottoman Empire's commercial affairs. The Capitulatory Regime could be defined as a special regime when considering that foreigners enjoyed limited or extensive rights which were established by internal regulations and special treaties. At the same time, historical and legal sources reveal the existence of two other complementary regimes of foreigners: the mutuality regime and the "most favoured nation's" regime. These three regimes are not antagonistic but complementary, as they describe the legal status of foreigners from different points of view.

Up to 1617, the Ottomans and Habsburgs concluded "peace agreements" which contained clauses on foreign policy, borders, envoys, captives and merchants, similar to those concluded with Hungary, Venice, Poland, and later Russia. Commercial aspects were also regulated by clauses included in this kind of agreements[59]. At the same time, "reciprocity" was one of the main features of the treaties concluded between the Ottoman Empire and neighbouring states, the Habsburg Empire included.

[56] In a distinct chapter dealing with condition of foreigners (*Bab-i ahkam al-müste'min*), Ibrahim al-Halebi stated that "any *harbi* who enters with *aman* into our territories is called *müste'min*" (*Her harbi ki bizim darımıza aman ile dahil ola ana müste'min derler*) (Halebi, *Şerh-i Mülteka el-Ebhur (Mevkufat)*, ed. N. Yılmaz, vol. I, Istanbul, 1993, 336).

[57] T.X. Bianchi, "Recueil de Fetvas, écrit en turk et en arabe, par Hafiz Mohammed ben Ahmad ben Elcheich Moustafa Elkedousy," *Journal Asiatique*, IV, 1824, 180–181.

[58] M. Khadduri, *The Islamic Law of Nations. Shaybani's Siyar,* Baltimore, 1966, 173; V. Panaite, "Străinii în viziune juridică otomană. Veacurile XVI–XVII" / Foreigners in Sixteenth-Seventeenth Centuries Ottoman View, *Anuarul Institutului de Istorie Cluj-Napoca*, XXXII, 1993, 29–38. This *shari'a* rule was not observed in Ottoman practice, as the *'ahdname*s decreed that foreign merchants could remain in the Ottoman Empire for an unlimited time without paying the *cizye*: Feridun, *Münşe'at*, vol. 2, 384 (English 1601 *'ahdname*); 403 (French 1604 *'ahdname*).

[59] On the evolution of commercial clauses in Ottoman-Polish *'ahdname*s, see: V. Panaite, "Trade and Merchants in the 16th Century Ottoman-Polish Treaties," *RESEE*, XXXII, 3–4, 1994, 259–276; V. Panaite, "The Status of Trade and Merchants in the Ottoman-Polish *'Ahdnames* (1607–1699)," *Archív orientální. Supplementa VIII. Essays on Ottoman Civilization. Proceedings of the XIIth Congress of Comité International d'Études Pré-Ottomanes et Ottomanes (CIÉPO) 1996,* Prague, 1998, 275–298; V. Panaite, "Trade and Merchants in the Ottoman-Polish *'Ahdnames*. 1489–1699", in K. Çicek (ed.), *The Great Ottoman-Turkish Civilisation*, *vol. II. Economy and Society*, Ankara, 2000, 220–229.

The sultans bestowed "conditional privileges" such as free access and commerce, safety for foreigners and their merchandise, or individual responsibility to foreign merchants, while at the same time stipulating that the Ottomans should also benefit from the same rights in the mentioned states[60]. Conversely, the imperial charters granted to France, England and the Dutch Republic, with whom the Ottoman Empire shared no common border, did not include any mutual stipulations.

The *'ahdname* of 1617 is the first text which separately regulated the commercial issues and the legal condition of merchants from the Habsburg Empire, following the model of *'ahdnames* with commercial privileges granted previously by sultans to France, England and the Dutch Republic. Here it should be mentioned that after one hundred years, in 1718, the Habsburgs received a similar *'ahdname* with commercial privileges, which came to complete the political, territorial and military stipulations of the peace treaty of Passarowitz, concluded after the war of 1716–1718[61].

All those who studied the capitulations noticed the immobility that marks these texts. In this regard, Pélissié du Rausas stated even at the beginning of the 20th century: "*Les capitulations sont aujourd'hui ce qu'elles étaient il y a quatre siècles; elles n'ont été modifié ni dans leur esprit, ni dans leur texte*"[62]. The uniformity revealed by the content and form of these documents raises the question of the existence of a "pattern of a treaty", which would have been the basis of the commercial privileges granted by the Ottoman sultans[63].

After a first reading, it became obvious that this *'ahdname* was inspired from the 1612 Dutch *'ahdname*[64], which itself was drafted after the French and English ones. The Habsburg 1617 capitulation retained just two articles from the previous 1615 *'ahdname* and the Vienna treaties, namely articles 9 and 10 regarding commercial relations: they were now added as the first articles, with the important difference that phrases containing mutual engagements were eliminated, to better

[60] Even in the Habsburg *'ahdname* of 1547 merchants of the two sides gained the freedom to move and trade from one place to another during the eight years of truce (Feridun, *Münşe'at*, vol. 2, 341–342; İnalcık, "Imtiyâzât", 1215; N. Sousa, *Capitulatory Regime,* 64).

[61] Ivan Parvev, *Habsburgs and Ottomans between Vienna and Belgrade (1683–1739)*, Boulder, 1995, 163–192. Claudia Römer presented a paper titled "A propos du texte du traité de commerce de Passarowitz et ses copies", at the international conferince dedicated to the Treaty of Passarowitz („Passarowitz 1718 Intérêts des puissances et mouvements nationaux en Europe centrale / Power Interests and National Movements in Central Europe", Budapest, 27–28 September 2018).

[62] Pélissié du Rausas, *Capitulations*, vol. 1, 22.

[63] A discussion on this topic, in V. Panaite, *Război, pace şi comerţ în Islam. Ţările române şi dreptul otoman al popoarelor / War, Peace and Trade in Islam. The Romanian Principalities and the Ottoman Law of Nations*, 2nd ed., Iași, 2013, 239–241.

[64] Gecsény suggests that the inclusion of the Spanish Netherlands in article 10 of the previous 1615 agreements may been a response to the Dutch Republic's own capitulation of 1612. L. Gecsény, "A Memorandum Presented by the Merchants Living in Vienna Regarding East-West Trad (1615)", *Acta Orientalia Academiae Scientiarum Hungariae*, 61, 53–54, 2008, 55.

fit the unilateral character of Western commercial *'ahdname*s. Other than this, the 1617 text reproduces almost word by word the Dutch *'ahdname*, with notable exceptions such as the most-favoured nation's clause, and it even included clauses that may seem as not applicable to Austrian merchants, such as those referring to Algerian corsairs or Austrian consulates in the Mediterranean ports. However, they could have been relevant considering that the charter also provided privileges to Spanish and Flemish merchants.

Modern historians and jurists have insisted especially on the "rights" granted to foreigners, calling them "privileges", "immunities" or "liberties". Instead, we argue that a better approach would be to examine both the rights and the obligations that characterised the status of Western merchants during their stay in the Ottoman Empire, according to the distinct sub-domains in which they were put into practice. Consequently, the main articles on trade and merchants of the 1617 *'ahdname* may be grouped under the following categories: 1. Traffic (free and safe access by land and sea); 2. Commercial navigation and shipwreck; 3. Safety of persons and property (forbidding to enslave merchants and to confiscate their merchandise; piracy; liberation of captives); 4. Residency and consulates (consuls' rights and responsibilities); 5. Commerce and taxes (customs duties, *gümrük;* exemption from other taxes, such as *reft-akçesi, kassab-akçesi;* prohibition to tax the ready money carried by merchants); 6. Inheritance (non-interference with the deceased merchants' goods); 7. Juridical privileges (individual responsibility for debts; legal procedure concerning litigations; the necessity of written documents; rejection of the false witnesses).[65]

In theory, the capitulations offered sufficient diplomatic guarantees concerning the protection of European merchants and the freedom of their commerce in the Ottoman Empire. More important was the observance of these rights, privileges and immunities by the Ottoman authorities, especially the local ones. In practice, the stipulations of *'ahdnames* were interpreted by Ottoman officials in a way which could justify their abuse, and which became "part of the normal experience of the little factories in the Levant"[66]. In these circumstances, the ambassadors in Constantinople and consuls of European nations in the Ottoman towns had the mission to persuade local authorities to observe the *'ahdname*s' stipulations.

[65] On Foreigners, Western Merchants and Capitulatory Regime in the Ottoman Empire, see: Panaite, *Război, pace şi comerţ*, 230–262; V. Panaite, "Being a Western Merchant in the Ottoman Mediterranean. The Evidence of a Turkish Manuscript from Bibliothèque Nationale de France", in S. Kenan (ed.), *ISAM Konuşmaları. Osmanlı Düşüncesi Ahlâk Hukuk Felsefe-Kelâm/ ISAM Papers. Ottoman Thought, Ethics-Law-Philosophy-Kalam*, Istanbul, 2013, 91–135.

[66] A.C. Wood, *A History of the Levant Company*, Oxford, 1935, 16.

## *'Ahdname-i hümayun* granted by Ahmed I to Matthias in 1617
– transliteration –

[*zikrü'llahi te'ala a'la ve bi't-takdim ahakk ve elyak ve evla takaddeset esma'ühü ve tatabe'at na'ma'ühü*][67]

A. *çun hazret-i melik ü müheymen ü müte'al ve cenab-ı vahibü'l-'ataya ve'n-neval celle 'anu'ş- şebih ve'l-misal tenezzehe minü'n-nazir ve'l-ihtilal kemal-i kudret-i ezeliyye ve vüfur-u mevhibe lemyezeliyyesi*

B. *mukareneti ve mihr-i sipihr-i nübüvvet ve ahter-i burc-u fütüvvet pişva-yı zümre-i enbiya ve mukteda-yı fırka-ı asfiya habib-i hüda şefi'ü'l-müznibin fi'l-yevmü'l-ceza Muhammed Mustafa sallallahu te'ala*

C. *'aleyhi ve sellem hazretlerinin mu'cizat-ı kesiratu'l-berekatı mürafakatı ile ve ashab-ı güzin ve hulefa-i er-raşidin rızvanu'l-lahu te'ala 'aleyhim ecma'in*

D. *ve cümle-i evliya-ı hidayet-karin ve cumhur-i asfiya-yı se'adet-rehin kuds'illah esraruhüm ila yevmü'l-din hazretlerinin ervah-ı mukaddeseleri*

E. *muvafakatı ile*

*Ahmed Şah bin Mehmed Şah Han el-muzaffer da'ima*

1. *ben ki sultan-ı sanadid-i selatin ve esatin-i havakin tac bahş-ı husrevi evrenk-nişin kasr-ı kusuru'l-kayasire kebir-i cumhur-u ekabir kahramanu'l-ma ve't-tin zill'u-llahi te'ala fi'l-arzin el-mütemekkin*
2. *'ala makamu'l-şerife inni ca'il fi'l-arz halife ve eşref-i meda'in ü emsar ve eymen-i dar ü diyar olan Haremeyin Şerifeyinin hadimi ve Kudüs-ü Mübareğin hami ü hakimi ve daru'l-saltanatu'l-'aliyye ve müfahharu'l-hilafet*
3. *ül-seniyye mahruse-i Kostantiniyye hamiyyet 'an el-afat ve'l-beliye ve mahmiye-i Edirne ve mahruse-i Brusanın ve Rum İli ve Temeşvar ve vilayet-i Bosna ve Budun ve Sigetvar ve Eğri ve Kanija ve Semendire ve Belgrad ve vilayet-i*
4. *Anatolı ve Karamanın ve diyar-ı Arabistanın ve Şam-ı darü's-selamın ve nadire-i 'asır olan mahmiye-i Mısr ve Yemen-i Eymen ve Habeş ve Aden vilayetlerinin ve darü'l-hilafe Bağdad ve Kufe ve Basra ve Lahsa*
5. *ve Suvakin ve Sanan ve Haleb ve Zulkadriyye ve Şehrizul ve Adana ve Tarsus ve Antalya ve Kıbrıs ve Sakız ve Diyarbekir ve Rakka ve Rum ve Çıldır ve eyalet-i 'İmadiye ve 'umuman Kürdistan*
6. *ve Kars ve Erzurum ve Gürcistan ve Demür Kapu ve Tiflis ve Şirvan ve Kefe ve Gözlev ve Deşt-i Kıpçak iklimlerinin ve darü'l-cihad Tunus ve Trablus-u Garb ve Cezayir-i Garb*

[67] The *invocatio*/*du'a* is missing, this is the version found on the 1612 Dutch *'ahdname* and reproduced in Theunissen, "Ottoman-Venetian", 266, n. 4 (it is omitted by de Groot). On the other hand, if this document was the least solemn one of two originals, then the *invocatio* might have been a simple *hüve* "He". See Kołodziejczyk, *Ottoman-Polish*, 389.

7. *vilayetlerinin ve Ezdel* [sic! *Erdel*] *ve Boğdan ve Eflak ve sair darü'l-harbden kuvvet-i kahire-i hunzuvane ve satvet-i bahire-i mülükanemiz ile bi 'avnu'l-llahu'l-melikü'l-fettah feth ü teshirat getürilen meda'in*
8. *ü emsar ve memalik ü diyarın ve bi'l-cümle aktar-ı berr-bahrın ve kaba'il ü aşa'irin ve nice kere yüz bin asakir-i nusret-me'asirin padişah ma'adelet-penahı ve şahinşah nusret-destgahı mazhar-i 'inayet*
9. *üs-sermediyyet muhsin-i ayatü'l-milleti'l-muhammediye Sultan Ahmed Han bin Sultan Mehmed Han bin Sultan Murad Han bin Sultan Selim Han bin Sultan Süleyman Han bin sulan Selim Han*
10. *bin Sultan Bayezid Han bin Sultan Mehmed Hanım rahimehümullahü'l-melikü'l-menan 'inan-ı semend-i se'adet-mend-i sahib-kıranı kabza-ı kuvvet ü kudretimize mukarrer ve cümle rub' meskun ve heft iklim bi-tevfik samadani*
11. *zimam-ı iktidarımıza müyesser* [sic! *musahhar*] *olmuşdur hazret-i hakk celle 'anu'ş-şebih ve'r-reyb kemal-ı fazl bi-hesabı ile melce'-i selatin şera'ifü'l-ensab ve me'va-ı havakin ulu'l-ihsab olan Südde-i seniyye-i*
12. *celalet-medar ve 'Atebe-i 'Aliye-i se'adet-karar lazale melce'l-e'ali ve'l-ahyarımıza*[68] *iftiharü'l-ümera'i'l-'azamu'l-'isevviye muhtarü'l-kübera'ı'l-fiham fi'l-milleti'l-mesihiyye muslih-u masalihü't-taife'n-nasraniyye*
13. *sahib-i ezyalü'l-haşmet ve'l-vekar sahib delaili'l-mecd ve'l-iftihar Romanın İmperadorı ve Alamanın ve Macarın ve Çehin ve Dalmanın ve Hırvatın ve İslavının krallı*
14. *ve Beçtanın ulu dukası Matyaş hutimet 'avakıbuhu bi'l-hayr tarafından name-i mahabbet hitam ile kıdvetü'l-ümera'i'l-milleti'l-'isevviye umdetü'l-kübera'i't-ta'ife'n-nasraniyye Herman Çerenin*
15. *ve Cezer Gal nam mu'teber elçileri göndermekle irsal olunan nameleri mutala'a kılındıkda fehvayı meveddet ihtivasında mabeyinde mün'akid olan sulh ü salah ri'ayet ve tarafeyinden 'akd olunan*
16. *'ahd u felah her vecihle himayet ü siyanet olunasın istid'a eyledikleri ecelden istid'a ve iltimasları hayır-i kabul-u hüsrevanımız olmağıla müşarünileyh elçiler Rikab-ı se'adet-destgahıma mektub gönderüb*
17. *ve mabeyinde olan şurut u 'uhud muktezasınca mumaileyh Roma İmperadorının kendü vilayetlerinde Avuşturiya Ocağında olunduk hükümetlerinde vaki' olan memleketlerin bazerganları*
18. *Memalik-i Mahrusemize karadan ve deryadan varub gelüb ticaret eylemek içün sair Atebe-i 'Ulya ve Südde-i Seniyyemiz ile dostluk eden krallarun bazerganlarına verildüği üzere müceddeden 'ahdname-i*
19. *hümayunum verilmek babında istid'ayı 'atifet eyledükleri ecelden vech-i meşruh üzere ricaları hayır-ı kabulda vaki' olub 'adet-i kadime üzere kendü tarafalarından Memalik-i Mahruse iskelelerinde konsoloslarun*

[68] In the Dutch *'ahdname* of 1612 published by de Groot, *OEDR*, 231-260 (henceforth 1612): *el-ahyar ve'l-abrarimize.*

20. *zabti olacak baş konsolosı Asitane-i Se'adetimde olub ve Memalik-i Mahrusemizde olan iskelelerde birer konsolos ta'yin olunmak babında ferman-ı 'alişanımız sadr olub işbu name-i 'adalet 'unvanı*
21. *'inayet ü erzanı kılub ferman-ı kaza-cereyanımız bu vecihle sadr oldur ki* **[I]**[69] *serhad hakimlerinden ve ümenadan ellerinde tezkeleri olub ve kangi semtden geçirler ise tezkerlerin gösterüb ol serhaddın*
22. *beyi*[70] *ve emini olan*[71] *ol tezkerenin üzerine nişan edüb ve-yahud mühürleyüb bu babda bir akçeleri alınmaya*[72] *ve eğer mürur u ubur edecek mahal-ı mahuf u muhatara ise yanlarına*[73] *kifayet mikdarı nefer*[74] *koşub emn ü selamet*
23. *üzere geçüre*[75] *ve resm-i gümrüklerin*[76] *verdüklerinden sonra bir dahi*[77] *kimesne rencide etmiyüb istedükleri yere varmağa*[78] *kimesne mani' olmıya* **[II]** *ve Roma İmperadorının*[79] *vilayetlerinde ve Avuşturiya Ocağında olunduk*[80]
24. *hükümetlerinde ve krallık yerlerinde tüccar ta'ifesi ve İspanya Kralına ve Flandra vilayetine ve sair vilayetine*[81] *tabi' olan bazerganlar meta' ve nakdine ile emn ü selamet üzere gelüb gideler vech-i meşruh üzere eğer deryadan*
25. *gemi ile ve eğer karadan*[82] *gelmek istedüklerinde Roma İmperadorının bayrağı*[83] *ve ellerinde temessükleri*[84] *olmayınca gelmeğe*[85] *icazet verilmeye ve müşarünileyh İmperadorun bayragı ve temessükleri aşırı ahar bayrak ve temessük ile*
26. *gelürler ise ve eğer bayraksız ve temessüksiz*[86] *gelürler ise gemilerin ve meta'ların ve nakdinelerin mezkur Roma İmperadorı canibinden olan konsolosarı girift eyeleye*[87] *ve satun aldukları*[88] *u bey' eyledükleri meta'dan*

[69] The first two articles correspond with arts. 9 and 10 of the previous 1615 Habsburg *'ahdname* published in Feridun, *Münşe'at*, vol. 2, 323 (henceforth 1615); it is missing the reciprocal stipulation found in 1615: *Asitane-i Sa'adetimizden ve ol canibden tüccar ta'ifesi iki canibe bazerganlık içün varub gelsünler nihayet serhadd hakimlerinden* [...].

[70] 1615: *hakimi* [ve]-*yahud emini*.

[71] Missing in 1615.

[72] 1615: *ol tezkereye mühür yahud nişan etsün lakin bu behane ile rencberden akçe alınmasun*.

[73] 1615: *ve bir yere gitdikde mahuf yerlerden geçirmek içün yanlarına* [...].

[74] 1615: *adamlar*.

[75] 1615: *sağ u salim geçirsünler*.

[76] Missing reciprocal stipulation: *iki canibe resm-i gümrüği* [...].

[77] Missing in 1615.

[78] 1615: *varmağiçün*.

[79] 1615: *İmparator* (ايمپراطور)

[80] 1615: *Aştuy* [sic! – corrupted Western place names are not uncommon in Feridun] *Ocağından olunların*.

[81] References to the Spanish king, Flanders and other provinces are missing here in 1615, they are mentioned below (see note 22).

[82] 1615: *nakdine ile Memalik-i Mahruseme gelmek istedüklerinde*.

[83] 1615: *bayrağı altında*.

[84] 1615: *temessükâti*.

[85] 1615: *varılmağa*.

[86] 1615: *icazet verilmiye eğer bayrak u temessükâtsiz gelürlerse* [...].

[87] 1615: *Roma İmparatorının kapukethudaları ve konsolosları girifit edüb bu canibe bildirsünler*.

27. *yüzde üç akçe gümrük vereler ve Roma İmperadorının konsoloslarına*[89] *konsolosluk hakkı yüzde iki akçe vereler*[90] *ve zikr olunan bazerganlarından birisi mürd olsa mumaileyhin konsolosları mal u esbabın*
28. *yazub zabt eyleyüb cenab-ı celalet-me'ab tarafından beytü'l-mal eminleri dahl eylemiyeler*[91] *ve zikr olunan bazerganlar meta'larının bir def'a gümrüklerin bir iskelede verdükden sonra bir dahi gümrük taleb olınmıya*[92]
29. *ve bazerganları mabeyinde ve sa'ir her kiminle bir da'va u niza'ları olursa hakimü'l-vakt olan kaz*[93]*ı dört bin akçeden ziyade da'vaların dinlemiyüb Asitane-i Se'adetimde kazı-'askerler*[94] *huzurlerinde dinlene*
30. **[III]**[95] *ve zikr olunan bazerganlarun kendü harclıklar içün getürdükleri altun ve guruşlarından resm alınmayub beylerbeyiler ve kazılar ve defterdarlar ve zarbhane eminleri ü nazırları dahl u ta'rruz eylemeyüb*
31. *ve harclık guruşunuzı akçe kat' ederüz deyü rencide eylemiyeler* **[IV]** *ve derya el vermiyüb vilayetlerine varmağa ve bu canibe gelmeğe mecal olmadığı zamanda Memalik-i Mahrusemizden olan limanlarda yatub*
32. *kendü hallerinde alış veriş edüb kimesne mani' olmıya* **[V]** *ve ba'zı bazerganlarının dem ü diyet*[96] *da'vaları vaki' olmakda konsolosları ayinleri*[97] *üzere görüb fasıl edüb kazılardan ve zabitlerden bir ferd dahl*
33. *u ta'arruz eylemiye* **[VI]** *ve konsoloslarun*[98] *ba'zı kimesneler ile da'vaları vaki' olursa hasb etmiyeler ve evlerin mühürlemiyeler ve zikr olunan konsolos ve tercümanları ile da'vaları olan kimesnelerün hususları Südde-i Se'adetimde*
34. *istima'a oluna ve zikr olunan mevaddın hilafına emr ibraz olunursa istima' olunmayub 'ahdname-i hümayunum mücebince 'amel oluna* **[VII]** *ve zikr olunan bazerganlardan biri mürd oldukda emval u erzakına*[99]
35. *beytü'l-macılar mal-ı ga'ibdir deyü ve sair vecihle dahl ü ta'arruz etmiyeler ve mumaileyh tarafından gelen bazerganlara verilen ahkam-ı şerife mü'ekked ü müşedded olub ta'ife-i mezbureye fa'idelü ü nef'lü ola ve kassamlar*

[88] Now 1615 mentions the Spanish king and Flanders: *ve Roma İmparatorına ve Avuştuniya Ocağına tabi' olan tüccar ta'ifesi İspanya kralına ve Flandra vilayetlerine ve sa'ir vilayetlere tabi' tüccar ta'ifesi Roma İmparatorının bayrağı altında Memalik-i Mahrusemizden gemi nakd u meta'yı ile sağ u salim varub geleler ve bey' eyledükleri yüzde üç akçe verüb ve satun aldukları* [...].

[89] 1615: *kapukethudaları ve konsolosları yüzde iki akçe vereler*.

[90] Additional in 1615: *ve mezkur bazerganlarının maslahatların Roma İmparatorının kapukethudaları ve konsoloslar göreler*.

[91] 1615: *ve zikr olunan tüccardan biri* [*murd*] *oldukda Roma İmaparatorının kapukethudaları ve konsolosları malların yazub girift etsünler tarafımızdan beytü'l-mal dahl etmiye*.

[92] 1615: *ve Memalik-i Mahrusemizde bazerganlar bir iskelede gümrük eda etdikdensonra verdikleri meta'adan bir dahi gümrük taleb olunmıya*.

[93] 1615: *ol yerin kazıları*.

[94] 1615: *kazı-'askerlerimiz*.

[95] Here begin the articles reproduced from 1612 (art. 5).

[96] 1612: *da'va u husumeti vaki' olub dem ü diyet* […].

[97] 1612: *da'vaları olur ise elçileri ve konsolosları ayinleri*.

[98] 1612: *ve tacirlerinin ahvalı içün nasb olunan konsoloslarun* […].

[99] 1612: *biri mürd olsa 'ahdname-i hümayun muhalif emval u erzakına* […].

36. *ve kazılar tarafından resm-i kısmet taleb olınmıya* **[VIII]** *ve konsolosları istedükleri yasakcıları ve murad edindükleri tercümanları olageldüği üzere istihdam eyleyeler yeniçerilerden ve gayrıdan istemedükleri kimesneler*
37. *hidmetlerine karışmıyalar* **[IX]** *ve sakin oldukları evlerinde kendülerün ve adamlerinin kefaf-ı nefs içün şıra sıkub hamr eyledüklerinde kimesne mani' olmıya ve yeniçeri kullarımdan ve gayrıdan her kim olursa olsun*
38. *nesne istemiyüb ve cebr ile almayub zulm ü ta'addi eylemiyeler* **[X]** *ve bazerganları hakimleri rızalarıyla vilayetlerinden getürdükleri ve alub götürdükleri meta'larından Halebde ve İskenderiyede ve sair yerlerde yüzde*
39. *üç akçe gümrük vereler ziyade vermiyeler ve meta'ları ziyade bahaya tutılmıya ve gemilerine tahmil edüb getürdükleri ve alub götürdükleri gümrük alına gelen meta'larının konsolosluk hakkı mumaileyhinin konsoloslarına*
40. *bi-kusur vereler* **[XI]** *ve bey' olunmak içün ihrac olunan meta'dan ma'ada çıkarmayub gemilerinde kılan* [sic! *kalan*] *İstanbulda ve kangi iskelede olursa ahar iskeleye alub giderüz dedüklerinde*
41. *gümrük taleb olınmıya* **[XII]** *ve hadis olan reft ve kassabiye ve bac ve yasak kulı alınmayub ve gemileri gitdikde üçyüz akçe selametlik resminden ziyade taleb olınmıya* **[XIII]** *ve Cezayir-i Garb korsanları bunlara tabi'*
42. *olan limanlara varduklarında ri'ayet olunub barut ve kurşun ve sair alat ve yelken verilüb lakin korsanlar dahi bunlara tabi' olan tüccar gemilerine rast geldüklerinde esir eylemeyüb esbab u meta'ların*
43. *garet etmiyeler bu hususa riza-yı şerifim yokdur* **[XIV]** *ve İmperadora tabi' olan vilayetlerün re'ayasından esir olurlar ise ıtlak olunub malları bi-kusur verile ve korsanlar tecavüz etdüklerinde*
44. *namesiyle i'lam etdükde her kangi beylerbeyi zamanında olursa ol beylerbeyi ma'zul olub garet olunan emval u esbab anlara tazmin etdürile ve esir etdükleri ıtlak oluna ve eğer ki*
45. *emr-i şerifime imtisal etmezler ise anlar dahi İmperadora tabi' olan hakimlerün vilayetlerine varduklarında kal'alarına ve limanlarına kabul etmiyüb ta'addi eyledüklerinde 'akd olunan 'ahda halel gelmiye ve bu babda olan*
46. *şükr ü şikayet makbul-u hümayunum ola* **[XV]** *ve Memalik-i Mahrusemizde olan beylerbeyilere ve beylere ve kazılara ve iskele eminlerine ahkam-ı şerife irsal olunub ferman kaza-cereyanımız bu vecihle sadr oldu ki*
47. *madamki müşarünileyh İmperador ve ana tabi' olan tarafından şerayit-i 'ahd u peyman ri'ayet ve levazim-i sulh u aman kema-yenbeği himayet ü siyanet oluna bu tarafdan dahi kendü malları u esbab ve meta'ları ile*
48. *eğer deryadan gelen kalyonları ve sair gemileri ve içlerinde olan adamları ve esbab u meta'larıdır ve eğer karadan gelen adamları ve davarları ve esbab ve meta'larıdır asla bir ferd*
49. *dahl u ta'arruz eylemiyüb kendü hallerinde ve kar ü kisblerinde olalar* **[XVI]** *ve ehl-i İslam gemilerinden ihtiyarlarıyla zahire satun alub harbi memleketine alub gitmeyüb kendü vilayetine alub giderlerken ehl-i İslam gemileri*

50. *rast geldüklerinde ahzdan sonra gemiye girift ve gemi içinde olanları esir etmiyeler anın gibi bunlardan esir bulunursa ıtlak olunub esbabı dahi verile* **[XVII]** *ve harbi tüccar ta'ifesi*
51. *bunlarun gemilerine meta' yükletdüklerinde meta' harbinin deyü bir ferd rencide eylemeye* **[XVIII]** *ve Memalik-i Mahrusemiye ve ahar vilayetlere gelürken ve giderken rencberliklerinde iken bir tarikle esir olurlar ise ol asıllar halas*
52. *olub Memalik-i Mahrusemize emn ü aman üzere gelüb gideler* **[XIX]** *ve deryada furtuna müzayaka verüb mu'avenet lazım olduğı mahalde eğer hassa gemiler halkıdır ve eğer gayrıdır mu'avenet eyleyeler*
53. *ve akçeleriyle zad u zevadeleri tedarikinde kimesne mani' olmıya ve dahl ü ta'arruz kılmıya*[100] **[XX]** *ve zikr olunan vilayetlerün tacirleri ve tercümanları ve sair adamları deryadan ve karadan Memalik-i Mahrusemize*
54. *gelüb bey' ü şira' eyleyüb 'adet ü kanun üzere rüsum-u 'adiyelerin verdikden sonra gelişde ve gidişde kapudanlarımdan ve deryada yürüyen re'islerden ve gayrıdan ve 'asker halkından kimesne*
55. *mani' olmıya ve kazılar dahl u ta'arruz eylemiyeler ve kendülerin ve adamların ve esbab ve davarların kimesne rencide eylemiye* **[XXI]** *ve eğer şiddet rüzgar olub gemilerin derya karaya atarsa beyler ve kazılar ve gayrılar*
56. *mu'avenet eyleyüb ve kurtulan esbab ü emval gerü kendülere verilüb beytü'l-macılar dahl u ta'arruz eylemiyeler* **[XXII]** *ve bazerganlardan biri medyun olsa borcludan taleb olunub ana kefil olmayıcak*
57. *ahar kimesne tutulub taleb olunmıya* **[XXIII]** *ve eğer biri mürd olub emval u esbabın kime vassiyet eder ise ana verile vassiyetsiz mürd olursa konsolosları ma'rifet ile ol yerlüden olan*
58. *yoldaşına verile* **[XXIV]** *ve müşarunileyh tabi' olan yerlerün bazerganları ve konsoloları ve tercümanları Memalik-i Mahrusemizde bey' ü şira ve ticaret ü kefalet hususlarında ve sair umur-u şer'iyye*
59. *oldukda kazıya varub sebt ü sicill etdürüb veya hüccet alalar sonra niza' vaki' olur ise sicill ü sebte nazar olunub mucibi ile 'amel oluna bu ikisinden biri olmıyub*
60. *mücerred celb ü ahz içün etdükleri da'valar şirret ise 'istima' olunmıya madamki kazılardan hüccet olmıya ve siccilde bulunmıya hilaf-ı şer'-i şerif rencide olunmıyalar ve dahi ba'azı kimesnelerinde şetm*
61. *eyledüğüz deyü iftira edüb hile ü hud'a ile mücerred celb ü ahz içün etdükleri da'vaları dahi istima' olunmıya olvecihle hilaf-ı şer'-i şerif rencide edenler men' oluna* **[XXV]** *ve bundan*

[100] It seems that this article was erroneously copied from 1612 (art. 24), which in turn was erroneously copied from the English and French ones (which are identical): S.A. Skilliter, *William Harborne and the Trade with Turkey, 1578–1582: A Documentary Study of the First Anglo-Ottoman Relations*, Oxford-New York, 1977, 234 (art. 4), and the bilingual edition of F. Savary de Brèves, *Articles du traicte faict en l'annee mil six cens quatre, entre Henri I le Grand Roy de France, & de Navarre, et Sultan Amat Empereur des Turcs*, Paris 1615 (art. 23).

62. *biri medyun olsa veya bir vecihle müttehem olub gaybet eylese anın içün kefaletsiz kimesne tutılmıya*[101] **[XXVI]** *ve müşarünileyh İmperadora tabi' olub Memalik-i Mahrusemizde mütemekkin olanlar eğer evlü olsun*
63. *ve eğer ergen olsun rencberlik edeler*[102] **[XXVII]** *ve elçileri hidmetinde olan konsoloslar ve tercümanlar*[103] *zarar-ı kassabiye ve sair tekalif-i 'örfiyyeden mu'af olalar* **[XXVIII]** *ve İskenderiyye ve Trablus-u Şam*
64. *ve Cezayir ve Tunus ve Cezayir-i Garb ve Mısr iskelelerine ve gayrılara ta'yin etdükleri konsolosların tebdil edüb yerine ol hidmetin 'uhdesinden gelür adamlar ta'yin edüb gönderdükde kimesne*
65. *mani' olmıya* **[XXIX]** *ve tüccar ta'ifesinin rızaları yoğıken üzerlerine ba'zı meta' bırağulub ta'addi olunmıya* **[XXX]** *ve bu ta'ifeden biriyle ba'zı kimesnenin niza'ı olsa kazıya vardukda kendü tercümanı*
66. *hazır bulunmaz ise da'vaların istima' eylemiye eğer bir mühimm maslahat ise dahi tercüman gelince tevakkuf oluna amma anlar dahi ta'allül edüb tercümanımız hazır değildir deyü 'avk etmiyeler* **[XXXI]** *ve levend kayıkları*
67. *bunları esir edüb ve getürüb Rum İli ve Anatolıda satarlar ise anın gibi bulunduklarında muhkem teftiş olunub her kimin elinde bulunur ise esir müslüman olmuş ise kimden aldığı bildürüb*
68. *ve alan kimesneye andan*[104] *alıverilüb azad olub salıverile* **[XXXII]** *ve Memalik-i Mahrusemizde derya yüzine çıkan gemiler ve kadırgalar ve donanmalar deryada İmperadorun ve müşarünileyh tabi' olan hükkamin*
69. *gemilerine buluşduklarında birbiriyle dostluk edüb zarar ü ziyan eylemiye ve eğer deryada ve limanlarda madamki rızalarıyla hediye vermiyeler cebren alat u esbab ve emred oğlanların ve gayrı kimesnelerin*
70. *alub ta'addi ü tecavüz eylemiyeler* **[XXXIII]** *ve kalyonları ve gemileri gider oldukda İstanbulda bir dahi Gelibolıda aranub Boğaza gideler 'ahdname-i hümayunuma muhalif bunlardan gayrı yerde aranub akçeleri alınmıya*
71. **[XXXIV]** *ve Memalik-i Mahrusemizde olan iskelelerde kalyonları ve gemileri meta' yükledüb gümrükleri bi't-tamam verdüklerinden sonra tekrar memnu'atdan ve gayrıdan hafiyeten meta' yükledüb gümrük kaçarmıyalar*
72. *şöyleki aranub olmakule meta' bulunursa miriye girift oluna* **[XXXV]** *ve Halebden ve sair Memalik-i Mahrusemizden harir ve sair meta' alduklarında gümrüklerin eda eyledüklerinden sonra gemilerile Kıbrıs*
73. *ve sair iskelelerde geldüklerinde ba'zı meta'ların satmak içün çıkarmayub ancak yükleriyle lazım gelüb ahar gemiye tahmil eyledüklerinde veyahud birkaç güne değin mahzene koduklarında meta'nız çıkardınız deyü*

[101] Additional in 1612: *ve min ba'd Nederlandaya tabi' esir olursa konsolosları taleb edüb Nederlanda vilayetlerinde etdüği zahir olundukda alınub Nederlandalulara vereler*.

[102] Additional in 1612: *anlardan harac taleb olunmıya*.

[103] Additional in 1612: *olageldüği üzere haracdan ve zarar-i* [...].

[104] Additional in 1612: *kimesneye akçesi andan* [...]. Again, this rather confusing article seems to have been copied with mistakes from 1612, which in turn was erroneously copied from the English *'ahdname*, otherwise very clear here (the corresponding French article is quite different). See Skilliter, *Harborne*, art. 18 and her commentary on p. 101.

74. *rencide etmeyüb olvecihle akçelerin almıyalar ve 'ahdname-i hümayuna muhalif kazılar*[105] *ve sair ehl-i 'örf ta'ifesi rencide eylemiyeler* **[XXXVI]** *ve müşarünileyh tabi' olan kalyonlar ve gemiler anda vardukda*
75. *ol tuzdan alub gemilerine safra yerine kodukda kadimden olageldüği üzere her 'arabasına yetmiş birer akçeden ziyade alınmıyalar ve bu hususa kazılar ve eminler ve ehl-i 'örf taifesi*
76. *rencide eylemiyeler* **[XXXVII]** *ve Memalik-i Mahrusemize getürdükleri kurşun ve kalay ve demür ve çelik ve sair hurda meta'a mani' olmıyalar ve 'ahdname-i hümayunumda yazılduğı üzere*
77. *yüzde üç akçe gümrük alınub ziyade taleb olunmıya ve min ba'd ol vecihle rencide olunmıyalar* **[XXXVIII]** *ve mezburlara tabi' olan kalyon ve gemilere Dimyat ve İskenderiye ve sair*
78. *iskelelerden ba'zı müslüman rızalarıyla esbab ü meta' tahmil edüb İstanbula ve sair Memalik-i Memalik-i* [sic!] *Mahrusemize getürmeğe mani' olmıyalar ve ol gemilere tahmil olunmağıla ziyade*
79. *gümrük taleb olunmayub sair müslümanlardan alınduğı üzere gümrükleri alına ve kalyonları ve gemileri her kangi iskelede olunursa temam gümrüklerin 'ahdname mucibince verdüklerinden sonra*
80. *ba'zı 'angarya alıkomıyalar ve 'angarya tekalif eylemiyeler* **[XXXIX]** *ve bazerganlarından biri meta'yıla gelüb müslüman olursa konsolosları*[106] *ma'rifet ile vilayetleri bazerganlarından aldığı*
81. *esbab u nakdiyye alınub konsoloslarına teslim oluna ki sahiblerine göndererler kimesnenin hakkı üzerlerinde kalmıya hakimlerden ve kazılardan kimesne dahl etmiye ve müşarünileyh*
82. *tabi' olan bazerganlarından birine hilaf-ı şer'-i şerif müslüman oldun deyü mücerred 'ahz u celb içün rencide etdirlemiye*[107] **[XL]** *ve mezburlara tabi' olan kalyonları*[108]
83. *geldüklerinde gümrükde olan mubassırlar cefa'en esbabların değerinden ziyadeye tahmil ederler ise ol-mikdar*[109] *meta' alına akçe taleb olunmıya* **[XLI]** *ve kalyonları ve gemileri*
84. *Asitane-i Se'adetimde ita'at üzere olmıyanlar ile cenk içün çıkub cenk olub düşman gemileri alurlar ise ol zaman Memalik-i Mahrusemizde her kangi mahall*
85. *ve liman ve iskelelere ihtiyarlarıyla ve-yahud furtına ile varırlar ise kimesne dahl u ta'arruz etmiye ve lazım olan zad u zevadelerin akçeleriyle alduralar*
86. *kimesne mani' olmıya* **[XLII]** *ve müşarünileyh İmperador vilayetlerinden ve ana tabi' olan yerlerden emn ü aman ile Kudüs-ü Şerif ziyaretine gelüb gidenlere kimesne mani'*

[105] 1612: *ve hakimler ve kazılar*.
[106] 1612: *elçileri ve konsolosları*.
[107] 1612 continues with a situation involving interpreters (*tercümanlar*).
[108] 1612: *ve gemileri*.
[109] 1612: *tahmil ederler ise gümrük ne mikdar olursa ol-mikdar*.

87. *olmıya ve Kumame nam kilisede olan keşişler ve gayrılar dahl elemiye lazım olan yerleri ziyaret etdüreler* **[XLIII]** *ve kalyonları ve gemileri Memalik-i Mahrusemize*
88. *geldüklerinde hıfz u siyanet olunub emin ü salim girü gideler* **[XLIV]** *emval ü esbab yağma olmuş bulunur ise garet olan emval u esbab ve adamlarının*
89. *zuhura gelmesi babında sa'y u ikdam olunub ehl-i fesad her kim olunursa olsun gereği gibi haklarından geline* **[XLV]** *ve libasları*[110] *ve me'kulat u meşrubatlarıyçün akçeleriyle getürdükleri*
90. *eşyadan gümrük ve bac ve reft ve kassabiyeleri taleb olunmıya* **[XLVI]** *ve beylerbeyiler ve sancakbeyileri ve kapudanlar kullarım ve kazılar ve nazılar ve eminler ve hassa re'isler ve gönüllü re'isler*
91. *'umuman Memalik-i Mahrusemiz ahalisi işbu 'ahdname-i hümayunum mucibince 'amel eyleyüb kat'an hilafına cevaz gösterilmiye şöyleki ferman-ı kaza-cereyanımıza muhalif ü mugayeret*[111]
92. *üzere olan ta'ife-i tağıyadan*[112] *ol-makulelere aman ve zaman verilmiyüb hakklarından geline ki sairlere mucib 'ibret ola* **[XLVII]** *ve müşarünileyh tabi' olan*
93. *tüccar ve sa'ir adamları satun aldukları meta'yı bey' ü şira içün Trabzon ve Kefe ve sair denizde*[113] *Memalik-i Mahrusemizde olan iskelelerde*[114] *ve karadan Ten Suyundan*
94. *Azağa ve Moskova ve Rus vilayetlerine alub gidüb ve Memalik-i Mahrusemize ol canibden meta' getürüb bey ü ser* [sic! *şira*] *eyleyüb ticaret etdüklerinde kimesne mani' olmıya*
95. *ve meta'larından 'ahdname-i hümayun mucibince yüzde üç akçe alalar ziyade almıyalar ve rüzgar-ı muhalif olub İstanbula gelecek gemileri Kefe ve-yahud ol caniblerde bir mahalle*
96. *düşdükde ihtiyarlarıyla varduklarında rızalarıyla bey' etmedin cebren meta'ların çıkardub almıyalar ve ol caniblerde varan kalyon ve gemilerine kimesne mani' olmıya*
97. *ve mahuf u muhatara olan yerlerde hükkam gemilerin ve içinde olan adamların ve meta'ların korudub siyanet eyleye zarar ü ziyan olmıya ve lazım olan*
98. *zad u zevadelerin bulunan yerlerde akçeleriyle almakda mu'avenet eyleyeler ve esbabları tahmil olunmak içün gemi ve 'araba tutmak istedüklerinde ahardan*[115]
99. *kimesne mani' olmıya* **[XLVIII]** *ve ol canibden İstanbula getürdükleri meta'dan madamki satmak içün ahar yerde çıkarmıyalar İstanbula gelince gümrük alınmıya ve bunda geldikde*

[110] 1612: *ve elçilerinin ve konsoloslarına ve tercümanlarının ve kendü ademlerinin hedaya ve libasları* [...].
[111] 1612: *olub sa'y bi'l-fesad üzere olan*.
[112] 1612: *tağıyadan olalar*.
[113] 1612: *Karadenizde*.
[114] 1612: *Memalik-i Mahrusemizden olan isklelere iledüb*.
[115] 1612: *tutmak istedüklerinde şöyleki ahardan tutulmuş olmıya*.

100. *çıkardukları meta'dan gümrük alınub emin ü salim ticaret eyleyeler ve İstanbulda meta'larından yüzde üç akçe gümrük alına ziyade alınmıya işbu zikr olunan*
101. *hususularda madamki sadakat u hulusat sabitkadem olalar ben dahi dostluğı kabul edüb ve 'ahd u yemin ederim ki yerleri ve gökleri halk eden*
102. *hüdayı müte'al celle iclalehü hakkiçün ve ecdad-ı 'azamım ervah-ı şerifeleriçün bu tarafdan dahi hilaf-ı 'ahd u misak ve mugayır-ı 'akd u ittifak*
103. *iş olmıya daima bu 'ahdname-i hümayunumun mazmun-u şerifeyi ile 'amel olunub hilafına cevaz gözterilmiye kezalik İmperador dostumuzun eli altında olan*
104. *sulh u salah 'akd olunan cümle vilayeterinde ve serhaddlarında eşkıya ta'ifesinin min ba'd bir vecihle ruhsat verilmiyüb 'akd olunan sulh u salaha muhalif*
105. *vaz' etdirlemeğe riza u cevaz gösterilmiye hilaf-ı 'ahd bir yerde kendü vilayetlerinde ve serhaddların fesad zuhur eder ise edenlerün muhkem hakklarında gelinüb sulh u salah mugayir-i*
106. *tarafeyinden fitne ü fesad zuhur etmiyüb iki tarafın re'ayası asude hal olalar ve eşkıya fesad etmeğe cera'et etmiyeler şöyle bileler 'alamet-i şerife*
*107. i'timad kılalar tahriren fi evahır-ı şehr-i Cemazi'l-ahıra sene sitte ve 'aşrin ve elf*

*be-mekam-ı*
*Kostantiniyye*
*el-mahruse*

## *'Ahdname-i hümayun* granted by Ahmed I to Matthias in 1617
– translation –

[Praising and giving precedence to the Most Exalted God, is the truest, worthiest, and most suitable deed – may his names be sanctified and his blessings uninterrupted!][116]

Ahmed Şah, son of Han Mehmed Şah, the ever victorious

Since I who,

with the association of the eternal, perfect omnipotence of God, and of the abundant talent of the eternal God, of his Majesty, the Supreme King, in whom men confide, of His Highness, the Bestower of gifts and presents – may he be exalted above any comparison and example and may he be held free from likeliness and deficiency! – and with the companionship of the miracles full of blessings of his Majesty, the sun of the prophetic heavens and star of the constellation of generosity, leader of the group of prophets and example of the division of the pure ones, God's beloved one, the intercessor for sinners on Doomsday, Muhammad Mustafa [i.e. God's chosen one] – may God be exalted and may he command and salute him! – and with the consent of the distinguished companions and well-guided caliphs – may God be exalted and may he be pleased with them all! - and with that of the sacred spirits of their majesties, the multitude of saints associated with the right way, and the congregation of pure ones, pledges of happiness – may their mysteries be hallowed by God until the Day of Judgement! –,

am the sultan of the chiefs of sultans and of the pillars of khans, the one who distributes crowns to the reigning Chosroes, who diminishes the flaws of Caesars, the greatest of the people's greatest, the hero of water and earth, the shadow of God – may he be exalted! – on earth, the resident of the noble station – "Lo! I am about to place a vicegerent on earth" [Qu'ran 2:30] – the servant of the noble towns and great cities and of the fortunate lands and countries which are the Two Noble Sanctuaries, the protector and ruler of the Holy Jerusalem, and of the abode of the exalted sultanate and of the glorious and grand caliphate, the Well-Guarded Constantinople – may it be protected from disasters and troubles! – and of the Well-Guarded Edirne, of the Well-Protected Bursa, Rumelia, Timișoara, the country of Bosnia, Buda, Szigetvar, Eger, Kanizsa, Smederevo, Belgrade and of the country of Anatolia and Karaman, of the lands of Arabia and Damascus, the abode of peace, of the Well-Protected Egypt which is the rarity of ages, of the fortunate Yemen, of the countries of Abyssinia and Aden, of Baghdad, the abode of the caliphate, of Kufa, Basra, Al-Ahsa, Suakin, Sana'a, Aleppo, Dulkadir, Shahrizor, Adana, Tarsus, Antalya, Cyprus, Chios, Diyarbakir, Raqqa, Rum [i.e. Sivas], Çıldır, of the province of Amadiya and all of Kurdistan, of Kars, Erzurum, Georgia,

[116] Missing, reconstructed from Theunissen, "Ottoman-Venetian", 266, n. 4.

Demirkapı [i.e. Derbend], Tbilisi, Shirvan, Caffa, Kezlev [i.e. Yevpatoria], of the climates of the Kipchak Steppe, of the countries in the Abode of Holy-War Tunis, Tripoli in the West and Algiers, of Transylvania, Moldavia and Wallachia and of other noble towns and great cities, countries and lands conquered and subjugated from the Abode of War, with the help of God, the King and Conqueror, by our powerful, conquering pride and royal, outstanding might, and of all regions on land and sea, and of all tribes and clans and of so many hundreds of thousands of soldiers marked by glory, padişah of the shelter of justice and şahinşah of the workshop of victory, the eternal manifestation of grace, benefactor of the Muhammadan nations' signs [i.e. verses of the Qu'ran], I am Sultan Ahmed Han, son of Sultan Mehmed Han, son of Sultan Murad Han, son of Sultan Selim Han, son of Sultan Suleyman Han, son of Sultan Selim Han, son of Sultan Bayezid Han, son of Sultan Mehmed Han – may God the bountiful king have mercy upon them! The reins of the horse of happiness of the lord of auspicious conjunction are fixed in our powerful and mighty grasp and all inhabitable quarters and the seven climates [of the Earth] were conquered with divine and godly guidance by the power of our safeguard.

With the countless, perfect grace of God – may he be exalted above any comparison and doubt! –, the pride of the most exalted leaders of the followers of Jesus, chosen one of the illustrious grandees of the Messian Nation, reconciler of the affairs of the nations in the Nazarene community, he who possesses the signs of splendour and pride, he who trails the skirts of pomp and stateliness, the Emperor of Rome and King of Germany, Hungary, Bohemia, Dalmatia, Croatia, Slavonia, and Grand Duke of Vienna, Matthias – may his ends come with good fortune! – has sent from his side to our Exalted Gateway, the centre of majesty, and to our Sublime Step, resolution of happiness, the everlasting asylum of the highest and most virtuous men, which is the refuge of sultans of noble kin, and the shelter of khans of high reputation, with a letter sealed with loving affection, the examples among the leaders of the Messian Nation, buttresses of the grandees of the Nazarene Community, the respected ambassadors named Herman Czernin and Cesare Gallo. When their dispatched letters have been carefully read [it was revealed that] in their contents filled with a sense of affection you have professed your conformation to the peace and amity which is concluded between us and your safeguarding and protection, in every way, of the covenant and prosperity agreed upon by our two sides. Since these petitions and requests have our fortunate and royal acceptance, the aforementioned ambassadors have sent a letter to my Stirrup, the Workshop of Happiness. They kindly petitioned for the giving of a new imperial covenant-letter of mine, like those given to merchants of other kings who are friends of Our Highest Step and Exalted Gateway, so that, according to the conditions and agreements made between us, merchants from the aforementioned Emperor of Rome's own provinces and from the countries situated under the authority of the House of Austria, may arrive and go by land and sea to Our Well-Protected Domains to trade. Since their prayers which were made in the described

manner have received the fortunate acceptance, our illustrious command decreed that, according to the ancient custom, consuls [appointed] from their side to ports in the Well-Protected Domains shall be watched over by a general consul at my Threshold of Felicity, and a single consul shall be appointed in each port of our Well-Protected Domains. This [covenant] letter headed with justice has been graciously granted and our command which is executed like the inevitable edicts of destiny thus decrees:

**[I]** They[117] shall obtain permits from border rulers and stewards and they shall present them, whatever direction they may come from. The governors and stewards of that border shall seal or stamp the permits and they shall not take any money for this. And if they pass or cross dangerous and risky places a sufficient military escort shall be sent their way so they shall pass safely and securely. And after paying the customs tax[118] nobody shall further torment them, and nobody shall prevent those who want to continue on their way.

**[II]** And the merchants coming from the Roman Emperor's provinces, the trading community from the House of Austria's states and other royal places, as well as the merchants who are subjects of the Spanish King, the province of Flanders and of other provinces shall come and go safely and securely with their merchandise and ready money. Those who want to come in the described manner, either by sea with their ships or by land, shall not be given permission unless they do so under the Roman Emperor's flag and with his permits in their hands. And if they come with the flag and permits of others than those of the aforesaid Roman Emperor, or if they come without a flag or permit, their ships, goods and ready money shall be seized by the said Roman Emperor's consuls. And a customs duty of three per cent shall be given for the goods bought and sold. And two per cent shall be given for the consulate fee due to the Roman Emperor's consuls. And if one of the mentioned merchants happens to die, their property and possessions shall be registered and taken by the aforesaid consuls, and from my Majesty's side, the public treasury's stewards shall not interfere. And after the aforementioned merchants pay their customs duty for their merchandise in a port, customs duties shall not be demanded again. And if a litigation or dispute that exceeds four thousand *akçe*s takes place between the merchants or with anybody else, it shall not be heard by the local judge, it shall be heard in the presence of the military judges at my Threshold of Felicity.

**[III]** No taxes shall be taken from the gold and silver coins brought by the mentioned merchants as their own pocket money, and the governors-general, judges, *defterdar*s, masters of mint and overseers shall not interfere nor molest them and they shall not torment them by saying that "we shall make *akçe*s out of your silver pocket money".

[117] It is missing the 1615 reciprocal clause: "The merchant communities of the two sides, of my Threshold of Felicity and of that side [i.e. the Roman Emperor's], when arriving and coming to trade they shall obtain permits […]".

[118] It is missing the 1615 reciprocal clause: "After both sides pay the customs tax".

**[IV]** When the sea does not help them in reaching their countries and there is no possibility to come to this side, nobody shall prevent them from lying anchor in the ports of our Well-Protected Domains and from buying and selling in their own manner.

**[V]** When a criminal case or one involving blood money takes place between the merchants, it shall be looked upon and settled by their consuls; not a single one from the judges or officers shall interfere or molest them.

**[VI]** If a lawsuit takes place between their consuls and anybody else, they shall not be imprisoned, and their houses shall not be sealed up. And the lawsuits of the mentioned consuls or their dragomans with whomever they may be, shall be heard at my Gateway of Felicity. And if a command contrary to these mentioned articles shall be issued, it shall not be carried out, but it shall be proceeded according to my imperial covenant-letter.

**[VII]** When one of the mentioned merchants happens to die, the Treasury officials shall not interfere with and confiscate his possessions and provisions, saying that "their real owner is missing or is unknown", or in other ways. The noble orders given to the merchants who come from that part are strong and firm and shall be profitable and advantageous for the said community; and the judges and officials who fix inheritance shares shall not demand the fee for distributing the deceased's effects to his heirs.

**[VIII]** Their consuls shall employ the janissary guards that they want and the dragomans that they desire, according to the old custom. None of the unwanted janissaries or others shall meddle in their taking into service.

**[IX]** Nobody shall prevent them from pressing grape juice and making wine in the houses which are their residence, for themselves and for their men to supply the wants of life. And none of my janissary slaves or others shall want anything and shall not take anything by force and shall not oppress or transgress them.

**[X]** The merchants shall pay a customs duty of no more than three per cent in Aleppo, Alexandria and other places for the merchandise that they brought, taken and carried away from their provinces with their rulers' consent, and their merchandise shall not be evaluated at a higher price. They shall pay, with no exceptions, the consulate fee to the consuls of the aforementioned [Emperor] when the merchandise, which is loaded onto their ships and brought [here] or bought and taken [from here], comes into the customs' hands.

**[XI]** No taxes shall be taken from the merchandise that is not disembarked to be sold and remains on their ships anchored in Istanbul or in whatever other port when they say that "we are taking it to another port".[119]

**[XII]** The new taxes of *reft*, *kassabiye*, *bac* and *yasak kulı* shall not be taken and no more than three hundred *akçe*s shall be demanded for the *selametlik* tax from their ships when leaving.

[119] Additional in 1612: "nor may anyone interfere with their going to take goods to another scale". (art. 14).

**[XIII]** Algerian corsairs shall be treated with respect when arriving in ports under their submission, and they shall be given gunpowder, lead, other tools and sail, but when they come across merchant ships under their submission they shall not make them captives nor shall they plunder their possessions and merchandise. This matter does not have my noble consent.

**[XIV]** If there are captives taken from the subjects of countries under the Emperor's submission, they shall be set free and their property returned faultlessly. When the corsairs attack and they [the merchants] shall notify this by letter, the governor-general during whose time this happens shall be dismissed, whichever he may be. Plundered properties and possessions shall be indemnified to them and captives shall be set free. If they [the corsairs] do not conform to my noble command they shall not be accepted again in fortresses and ports when they come to the countries of rulers under the Emperor's submission. Their transgressions shall not bring injury to the concluded covenant and the appreciations and complaints on this subject shall have my imperial acceptance.

**[XV]** Noble orders were dispatched to the governors-general, beys, judges and port intendants who are in my Well-Protected Domains [and] our command which is executed like the inevitable edicts of destiny thus decreed: as long as from the side of the aforementioned Emperor and of those who are submitted to him the articles of covenant and oath shall be respected and the necessary peace and forgiveness shall be safe and protected, as convened upon, from this side also no one, by no means shall interfere with or molest their properties, possessions and merchandise, whether they come by sea, with their galleons and other ships with their men, possessions and merchandise inside, or whether their men, goods, possessions and merchandise come by land; and they shall conduct business and trade in their own way.

**[XVI]** When they buy provisions at their own will from the ships of the people of Islam, and they go to their own province without going to enemy countries, the ships of the people of Islam shall not seize the ship nor enslave those found within the ship, when they come across them and after they capture them. Likewise, if captives from among them are found, they shall be set free and their possessions shall also returned.

**[XVII]** By no means shall they be troubled when the group of enemy merchants load merchandise on their ships, by saying that "it is the enemy's merchandise".

**[XVIII]** If they are enslaved in any way when they come and go to my Well-Protected Domains and other countries for their trade, they shall be delivered to their places of origin and they shall come and go to my Well-Protected Domains in peace and protection.

**[XIX]** When storms give them trouble on the seas, the necessary assistance shall be offered by either the people on navy ships or others in that place; and nobody shall prevent them from procuring provisions and supplies with their money, and they shall not be interfered with nor molested.

**[XX]** After the merchants, interpreters and other men of the mentioned provinces who come by land or sea to our Well-Protected Domains to buy and sell pay, according to custom and law, their habitual taxes, they shall not be prevented in their coming and going by no one amongst the admirals, sea-faring captains and others, as well as from the military folk; and the judges shall not interfere with or molest them; and no one shall trouble them, their men, goods or possessions.

**[XXI]** If severe winds occur and throw their ships at sea to the land, governors, judges and others shall assist them and return the salvaged possessions and properties, and the public treasury stewards shall not interfere with or molest them.

**[XXII]** If one of the merchants becomes indebted, the debtor shall be solicited and no one else shall be solicited other than those appointed as guarantors.

**[XXIII]** If one of them happens to die, his properties and possessions shall be given to whom was appointed heir; if he dies without having an heir, they shall be given to one of his local partners, through the mediation of their consuls.

**[XXIV]** When the merchants, consuls and interpreters of places subjected to the aforesaid [Emperor] who engage in our Well-Protected Domains in activities such as buying and selling, trading, standing surety and other legal affairs arrive at the judge, they shall be inscribed in the court registers or shall be given title-deeds (*hüccet*). If litigations take place afterwards, the court registers shall be investigated, and it shall be proceeded accordingly. If one of these two [documents] is missing and malicious lawsuits are opened simply for summons and exactions, they shall not be listened to. As long as the title-deed from the judge is missing and it is not found in the registers, contrary to the noble law they shall not be tormented. Moreover, lawsuits opened simply for summons and exactions when someone slanders them, with trickery and deceit, by saying that "we were insulted", shall also not be listened to. Those kinds of troubles, which are contrary to the Noble Law, shall be prohibited.

**[XXV]** If one of them becomes indebted or if he is suspected of something and disappears, nobody shall detain those who have not stood as guarantors for him.

**[XXVI]** Subjects of the aforementioned Emperor who reside in our Well-Protected Domains may conduct trade, regardless if they are married or bachelors.[120]

**[XXVII]** Consuls and interpreters who are in the service of their ambassadors shall be exempted from the harmful *kassabiye* and other extraordinary taxes.

**[XXVIII]** Nobody shall prevent the changing of consuls appointed in the ports of Alexandria, Tripoli of Syria, the Archipelago, Tunis, Algiers, Egypt and elsewhere, nor the men who are sent and appointed in their place to discharge them of their service.

[120] This misses the critical provision that resident merchants, be they married or not, shall be exempted from paying the *harac*. Compare with 1612 (art. 32).

**[XXIX]** The merchant community may not be oppressed with the bequest of certain merchandise when it does not give its consent.

**[XXX]** If someone from this community has a litigation with anybody and if his interpreter is not present when arriving at the judge, their lawsuit shall not be listened to. If there is an important affair, it shall be postponed until the interpreter arrives, but it shall not be delayed if they seek any other pretext, by saying that "our interpreter is not ready".

**[XXXI]** If the *levend* caiques enslave and bring them to Rumelia or Anatolia for sale, when [slaves] such as these are found, a solid enquiry shall be made to determine from whom were they bought, regardless of in whosever's hands they may be found or if they became Muslim, and the purchaser shall procure [back his money] from him [whomever he bought the slaves from] and shall manumit them and set them free.

**[XXXII]** When ships, galleys and navy vessels setting sail on the seas of our Well-Protected Domains meat with the ships of the Emperor and of the rulers under his submission, they shall show signs of mutual friendship and shall not cause damages and injuries; and as long as they do not consent to offer gifts on the seas and in the harbours, they shall not be transgressed and aggressed by forcibly taking from them equipment and possessions, beardless young boys and others.[121]

**[XXXIII]** When their galleons and ships leave, they shall be searched in Istanbul and again in Gallipoli and shall depart towards the Straits. Contrary to my imperial covenant-letter, elsewhere they shall not be searched, and money shall not be taken from them.[122]

**[XXXIV]** After they load their ships with merchandise and pay their customs duties in full in the ports of our Well-Protected Domains, they shall be searched again so that they may not run away with prohibited merchandise and other smuggled things. If such merchandise is found, it shall be seized by the treasury.[123]

**[XXXV]** After buying silk and other merchandise from Aleppo and elsewhere in our Well-Protected Domains and after paying their customs duties, they shall not be troubled and more money shall not be taken from them when they come with their ships to Cyprus or to other ports to buy some other merchandise and do not unload, but out of necessity they load their cargo on another ship or when say that "we unload our merchandise to store it for a couple of days in the warehouse"; and contrary to the imperial covenant-letter, judges and other secular officials (*ehl-i 'örf ta'ifesi*) shall not trouble them.

[121] 1612 (art. 40) then continues with the most-favoured nation's clause (referring to the French and English privileges), which is not present in the Habsburg *'ahdname*.

[122] This differs considerably from 1612 (art. 41), which decree that the ships *may not* be searched again at Gallipoli, after being searched in Istanbul and at the fortress of the Dardanelles, which is likewise stated in France 1604.

[123] Again, 1612 (art. 42) is rather different here: "Their ships may not be searched merely for the purpose of summons and confiscations nor may any damage be done in that manner".

**[XXXVI]** When galleons and other ships subject to the aforementioned [Emperor] arrive there [in Cyprus], buy salt and place it in the ballast's place of their ships, according to the ancient custom no more than 71 *akçe*s for each cartload shall be taken; and judges, intendants and secular officials shall not trouble them for this issue.[124]

**[XXXVII]** Lead, tin, iron, steel and other metal merchandise shall not be prevented from being brought to our Well-Protected Domains; and according to what is written in my imperial covenant-letter a customs duty of three per cent shall be given, and no more shall be demanded; and henceforth they shall not be troubled in this way.

**[XXXVIII]** The loading of goods and merchandise with the Muslims' consent in Damietta, Alexandria, or other ports, on the galleons and other ships subject to the aforesaid [rulers] and their bringing to Istanbul and elsewhere in our Well-Protected Domains shall not be prevented. No extra customs duties shall be demanded for the loading on those ships; customs duties shall be taken as if they were taken from other Muslims. And after the galleons and other ships pay their customs duty in full, according to the covenant-letter, in whatever port they may be, they may not be detained for any forced labour and no forced labour may be imposed upon them.

**[XXXIX]** If one of the merchants coming with his goods becomes Muslim, the goods and ready money which he has received from the merchants of his provinces shall be taken and handed over to their consul so that they shall be sent to their owners with the mediation of their consul; he [who is now a Muslim] may not keep what rightfully belongs to others; and no rulers or judges shall interfere. And, contrary to the Noble Law, none of the merchants subject to the aforementioned [Emperor] may be troubled by saying that "you have become a Muslim", simply for summons and exactions.[125]

**[XL]** If the superintendents harshly evaluate their goods at a higher value when galleons belonging to the aforesaid [merchants] come to pay the customs duty, an amount of merchandise [equivalent to the customs tax percentage] shall be taken [instead] and money shall not be demanded.[126]

[124] 1612 (art. 44, regarding salt) is more detailed: "[…] can load salt to the amount they wish at the set price which Muslims pay with their money at Cyprus and the [other] scales in my well-guarded dominions. Nobody may prevent this nor may it be bought for more money than the fixed price. Also at the island of Cyprus they may load salt as ship's ballast. That salt is not like the other salt and is usually sold to every buyer at seventy-one *akçe*/asper per waggon. When the Dutch galleons and ships come and buy of that slat and put it on their ships in its place, as usual of old not more than seventy-one *akçe*/asper per waggon may be taken for it. On this point the cadis, commissioners and other executive officers may not be vexatious".

[125] 1612 (art. 49) further mentions that "no proceedings may be taken unless the man says in front of a dragoman that he has become a Muslim of his own free will. As long as the dragoman does not arrive, there may be no molestation. A dragoman should be present".

[126] It seems like this article was not copied properly from 1612 (art. 52), as quite a few words are missing.

**[XLI]** If their galleons and ships set out to fight with those who are not obedient towards my Threshold of Felicity and if a fight occurs and they take enemy ships and arrive in whatever place, harbour or port in our Well-Protected domains at their own will or driven by a storm, nobody shall interfere and molest them; and nobody shall prevent them from buying provisions and supplies with their own money.

**[XLII]** Nobody shall prevent those from the aforementioned Emperor's provinces or from places under his submission who come and go in peace and protection to visit the Noble Jerusalem; and the monks and others who are in the church called The Holy Sepulchre shall not interfere with them and they shall visit the necessary places.[127]

**[XLIII]** When their galleons and ships come to my Well-Protected Domains they shall be guarded and protected, and they shall go back safe and sound.

**[XVLIV]** If properties and possessions are pillaged, great effort and perseverance shall be put into the matter of [finding] their plundered properties, possessions, and men. Whoever the mischief-makers may be, they shall be punished in an exemplary way.

**[XLV]** Customs duty, as well as the taxes of *bac*, *reft*, and *kassabiye*, shall not be demanded for things such as garments, foods and drinks, which are brought with their money [and for their own use].[128]

**[XLVI]** The governors-general, governors and admirals, who are my slaves, as well as the overseers and intendants, navy captains and volunteer captains, and all people of my Well-Protected Domains shall proceed according to this imperial covenant-letter of mine; contrary actions shall never be displayed so that in this way neither protection nor time shall be given to those of the rebellious group which act in opposition and disagreement to our command, which is executed like the inevitable edicts of destiny; they shall be punished as a warning to others.

**[XLVII]** Merchants and other men who are subjects of the aforementioned [Emperor], may pass to and leave Trabzon, Kaffa and other ports of the [Black] Sea, in our Well-Protected Domains, and go by land through the River Don to Azov, Moscow and to the Russian provinces to buy and sell the merchandise which they bought, and may bring to our Well-Protected Domains merchandise from those parts; they may buy and sell and nobody shall prevent their commerce. Three per cent shall be taken for their merchandise, according to the imperial covenant-letter, and no more shall be taken. When their ships coming to Istanbul encounter

[127] 1612 (art. 54) stated that the (Catholic) monks may not prevent the Dutch from coming to Jerusalem by saying that "you belong to the Lutheran [i.e. Protestant] community". While the Protestant affiliation was cleared from Habsburg pilgrims, this *'ahdname* nevertheless maintained the rather awkward stipulation that the monks may not interfere with them. Conversely, religious privileges regarding Jerusalem granted in 1604 to the other Catholic powers, France and Venice, decreed that both pilgrims and monks at the Holy Sepulchre shall be protected.

[128] 1612 (art. 56) mentions that these goods belonged to their ambassadors, consuls, interpreters, and servants.

contrary winds, and they divert and willingly arrive in Kaffa or any other place in those parts, their merchandise shall not be unloaded by force and taken, if they do not give their consent; nobody shall prevent the arriving of their galleons and ships in those parts. Rulers situated in dangerous and risky places shall watch over and protect their ships, the men inside them and their merchandise, and they shall not cause damages and injuries, but shall help them in buying the necessary supplies and provisions found on the spot. Nobody shall prevent them when they want to rent ships and wagons to load their possessions, [so that] others [may not rent them].[129]

**[XLVIII]** As long as the merchandise brought from those parts to Istanbul is not unloaded to be sold in another place, no customs duties shall be taken for it when coming to Istanbul. When they come here, customs duties shall be taken for the unloaded merchandise and they shall trade safely and securely. In Istanbul, a customs duty of three per cent shall be taken from their merchandise and no more shall be taken.

As long as they shall keep their words of loyalty and devotion regarding these mentioned topics, I too shall accept their friendship and I pledge and swear in the name of the Supreme God – may His glory be exalted! – who is the creator of the lands and heavens, and on the noble souls of my exalted forefathers, that from this side also no action shall be made contrary to the covenant and solemn promise, and against the pact and agreement. It shall be proceeded according to the noble contents of this imperial covenant-letter of mine, and [actions] contrary to it shall not be allowed. Likewise, it is at the disposal of our friend, the Emperor, that [according] to the clauses of the agreed-upon peace and amity, henceforth no permission shall be given to the group of brigands [located] in his provinces and borderlands, in no way; consent and permission shall not be given to actions which are in opposition to the agreed-upon peace and amity. If, contrary to the covenant, trouble appears in a place in his own provinces and borderlands, they [the trouble-makers] shall be punished; sedition and mischief against the peace and amity shall not appear between the two sides and the subjects of the two sides shall rest in tranquillity and brigands shall not dare to cause mischief. Thus shall they know and they shall have confidence in the noble sign! Written at the end of the month of *Cemazi'l-ahır*, the year one thousand and twenty-six.

In the seat of
Constantinople
The Well-Guarded

[129] Again, several words are missing from this article and the previous one (46) when compared with 1612 (arts. 60-63) and may thus lead to slightly different interpretations.

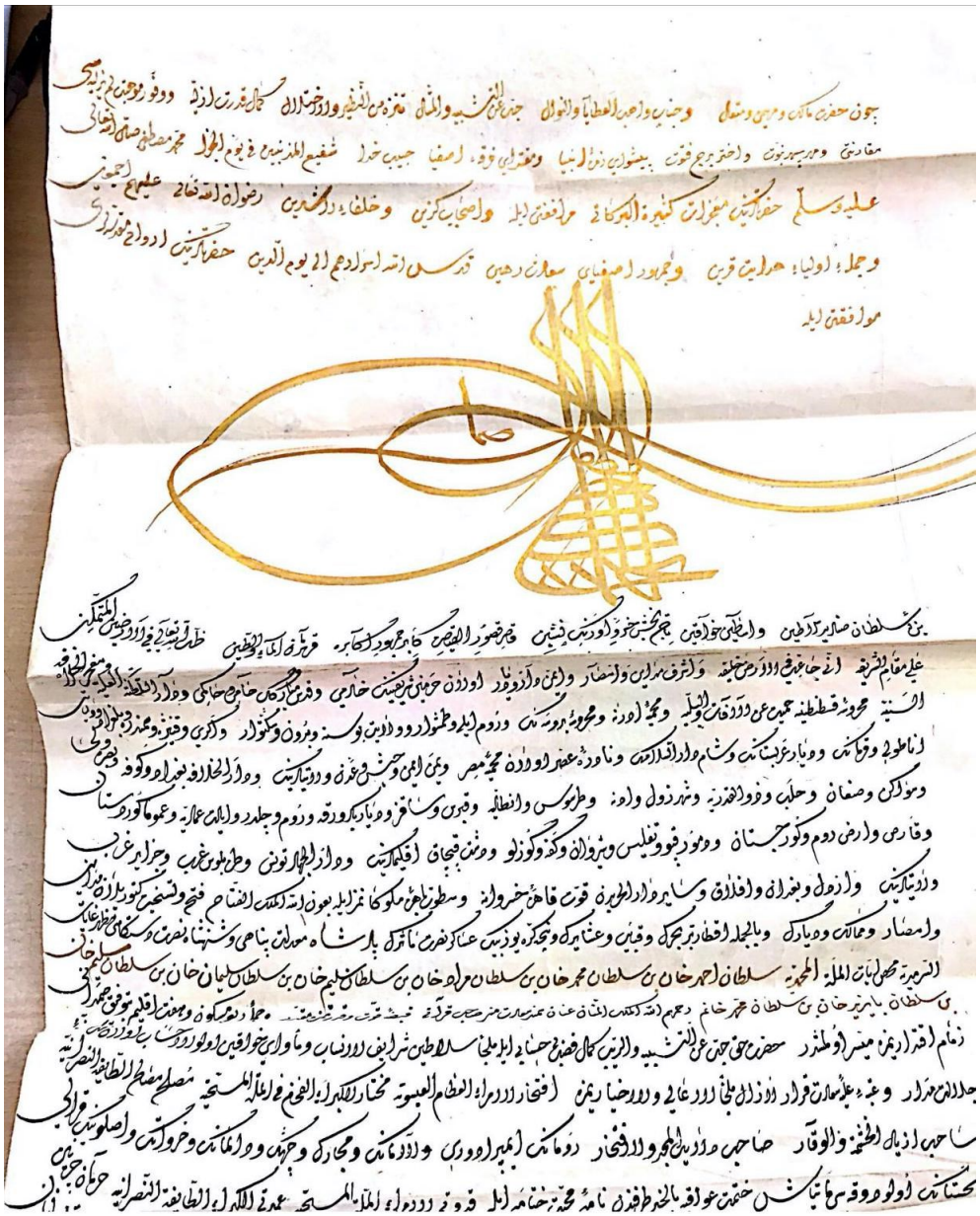

**Plate I**

*formula devotionis* (lines A–E)
tughra
lines 1–14

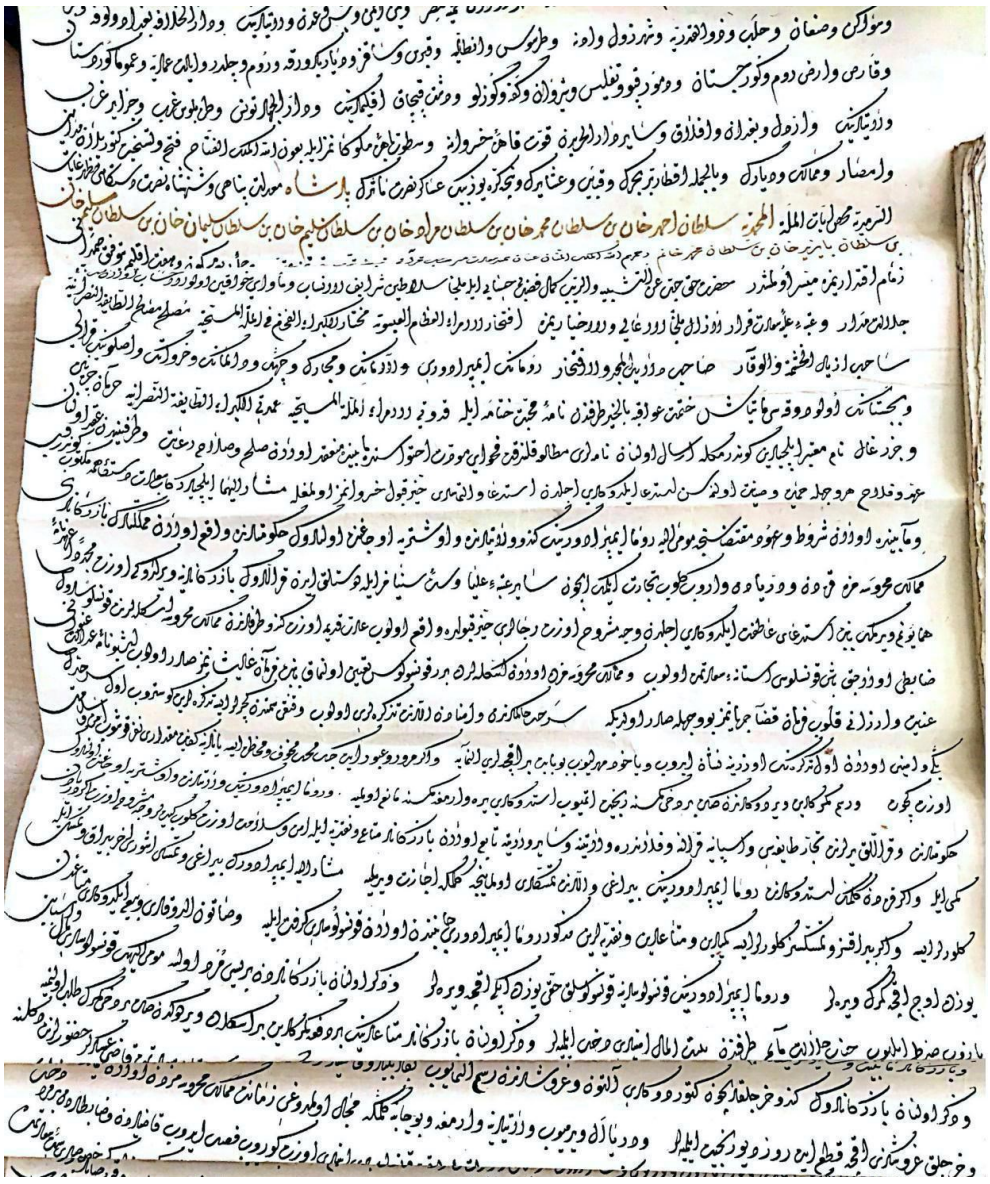

**Plate II**

Lines 6–31

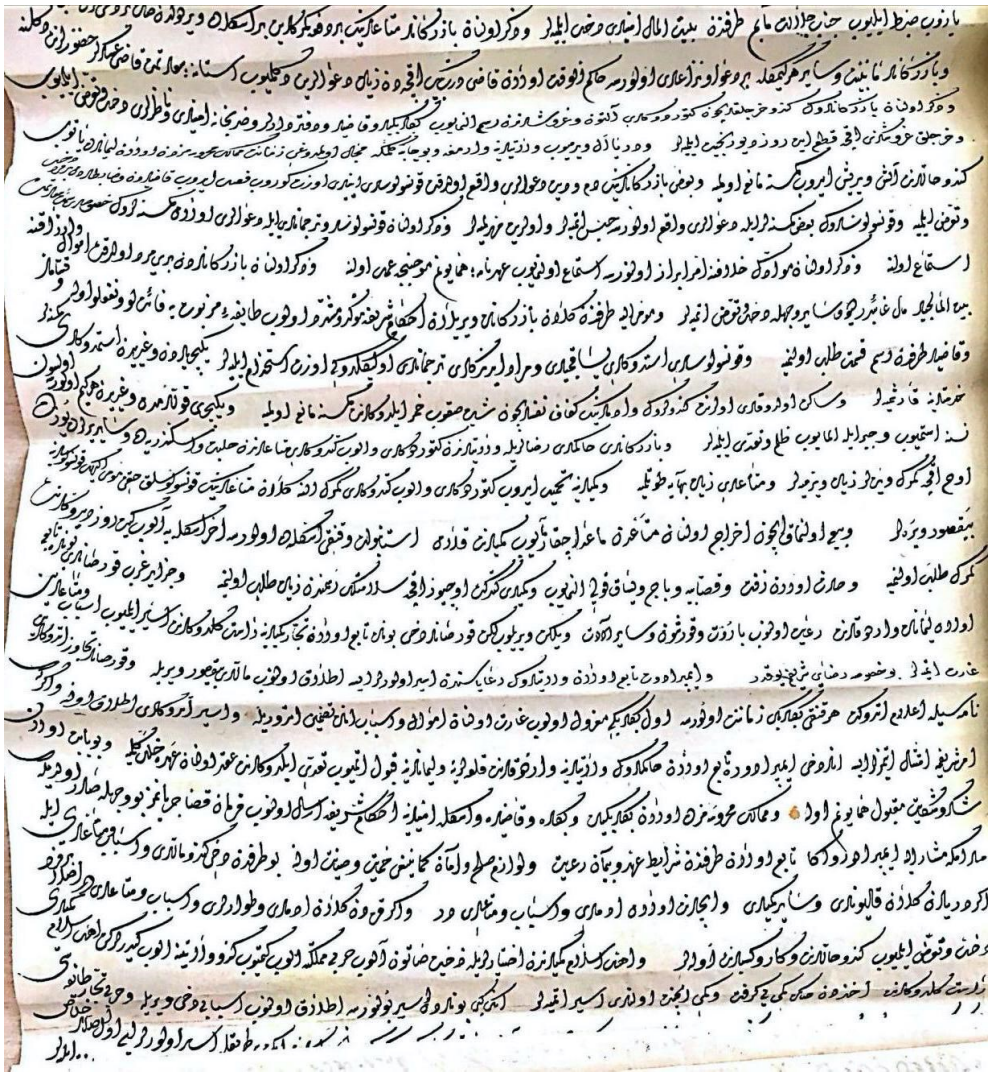

**Plate III**

Lines 28–50

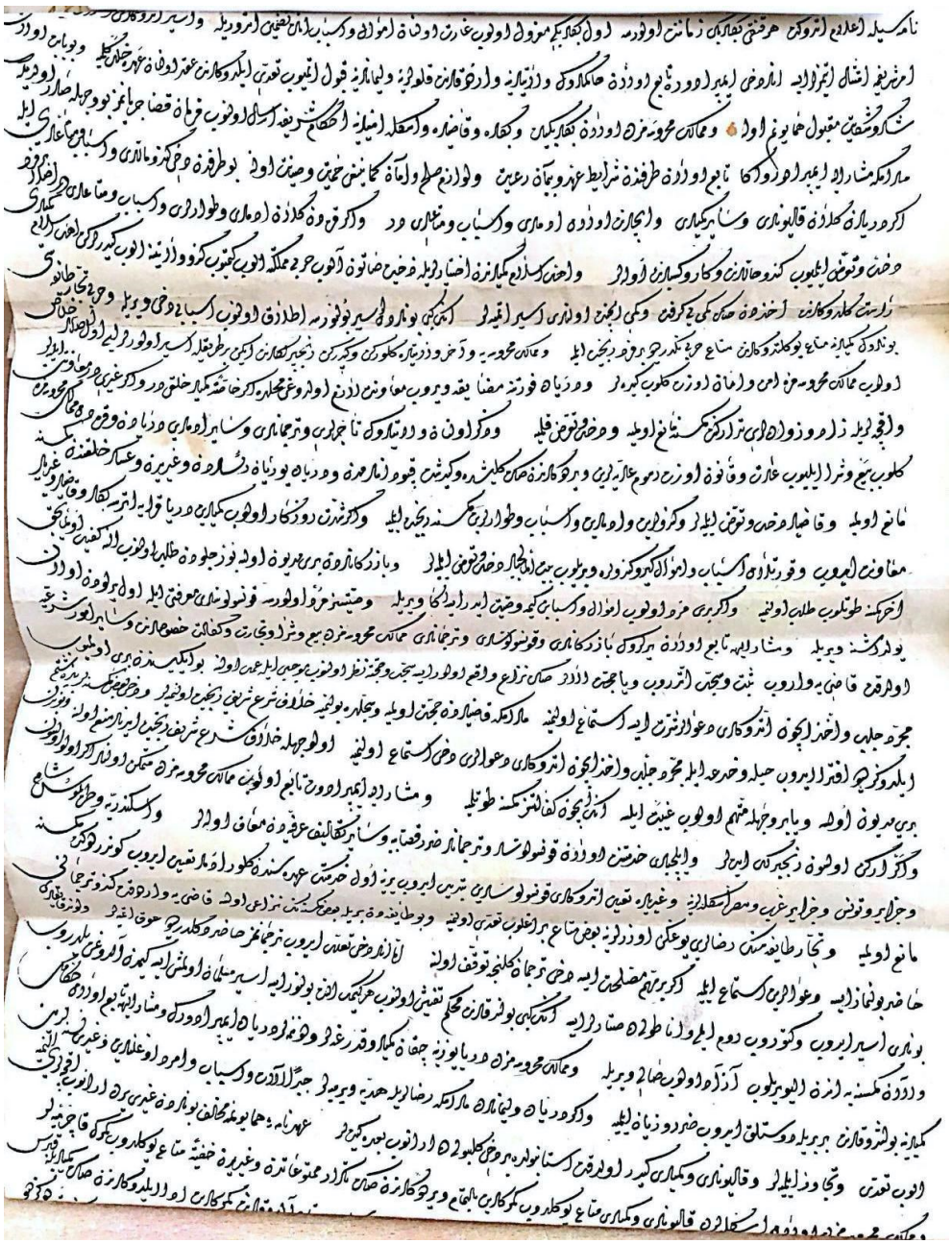

**Plate IV**

Lines 44–71

**Plate V**

Lines 71–94

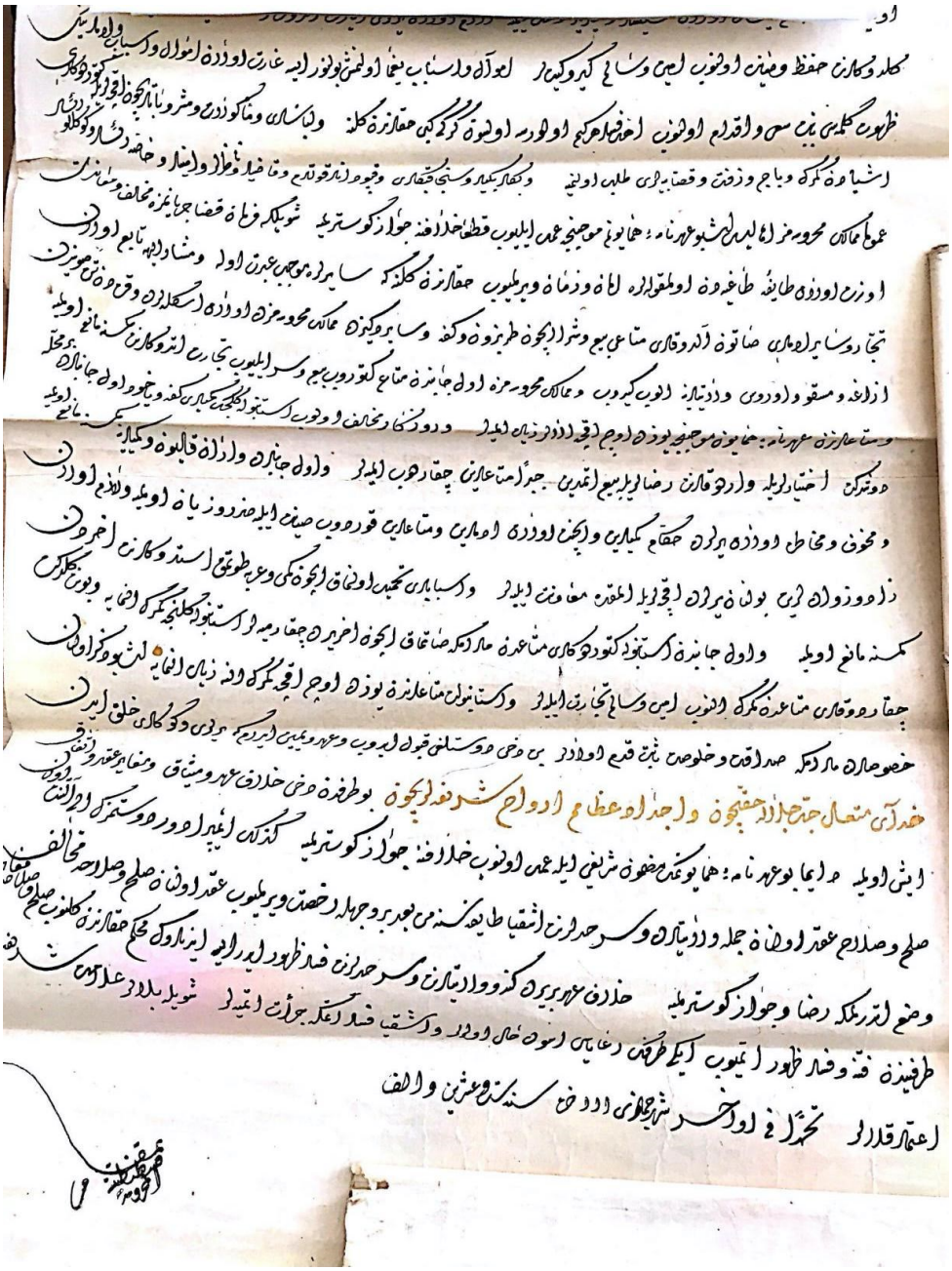

**Plate VI**

Lines 87–107
*locatio*