

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
IN ADMIRALTY**

ODYSSEY MARINE EXPLORATION, INC.,

Plaintiff,

CIVIL ACTION

v.

Case No. 8:07-cv-00614-SDM-MAP

THE UNIDENTIFIED SHIPWRECKED VESSEL,
If any, its apparel, tackle, appurtenances and
cargo located within a five mile radius of the
center point coordinates provided to the Court
under seal,

Defendant,
in rem

and

The Kingdom of Spain, The Republic of Peru, and
Gonzalo de Aliaga (the Count of San Juan
de Lurigancho), *et al.*,

Claimants.

DECLARATION OF DR. CARLOS MARTÍNEZ SHAW

1. I am a historian. One of my specializations is Spain's historical interaction with the Americas. I am an academic of the Royal Academy of History and a professor in the Geography and History Department of Spain's National Distance Education University. Prior to my current academic post, I was a professor of history at the University of Barcelona since 1967. My academic work focuses on Spanish maritime history and economics. I have published and/or edited numerous books and articles on Spanish maritime history in these areas. A condensed

version of my curriculum vitae is attached as Annex 1. I can provide a copy of my complete 60-page CV with all articles, experience, and research projects on request.

2. I provide this declaration to set forth certain basic historical facts regarding the territory that now comprises the Republic of Peru and its relationship with the Kingdom of Spain.

3. In 1543, the territory that now includes the Republic of Peru became a ViceRoyalty of Spain known as the ViceRoyalty of Peru.

4. ViceRoyalities of Spain in the Americas such as the ViceRoyalty of Peru were integral territory of the Kingdom of Spain, governed as overseas provinces by a ViceRoy who was appointed by the King of Spain. Residents of the ViceRoyalities were citizens and/or subjects of Spain subject to and governed by the laws of the Kingdom of Spain.

5. The territory that became the Republic of Peru became independent of the Kingdom of Spain as the result of independence movements in Spain's American ViceRoyalities and armed conflicts during the early nineteenth century.

6. In the case of Peru, this process reached its conclusion in the years 1821-1824. From 1821 to 1824, conflict among several armies took place within the ViceRoyalty of Peru. The principal armed forces that were active in this period of conflict included the Spanish Royal Army and forces from the Republics of Chile, Colombia, and Argentina, which had become independent prior to 1821.

7. On December 8, 1824, at Ayacucho, the Spanish Royal Army, under the command of the ViceRoy La Serna and Lieutenant General Don Jose de Canterac, met in battle an army commanded by General Antonio Jose de Sucre. General de Sucre commanded a

division of the army of the Republic of Colombia in Peru and was in overall command of the United Liberator Army of Peru. The Royal Army was defeated in what became known as the Battle of Ayacucho. The Spanish ViceRoy, Don Jose de la Serna, was injured and taken prisoner.

8. On December 9, 1824, General de Canterac and General de Sucre executed the Capitulation of Ayacucho. The Capitulation provided in Article 1 that “[t]he territory that the Spanish troops garrisoned in Peru, shall be surrendered to the arms of the liberator army . . . [and] the garrisons that are found in the whole territory and other forces and objects belonging to the Spanish government shall also be handed over.” The Capitulation thus surrendered “the whole territory” and within it the “objects belonging to the Spanish government.” (Article 1). The defeated Royal Army was granted safe passage to embark on ships for Spain, on condition that its members not take up arms again in the conflict (Article 2) or the option to enter the service of the army of Peru. (Article 3).

9. The Capitulation of Ayacucho also provided that no retribution would be taken against those in the territory who had supported the Royalist cause. (Article 4).

10. The Capitulation did not provide for any transfer or other change in control, ownership or any other rights with respect to objects or property outside the territory at the time of the Capitulation. The Capitulation also did not confer any rights to property of any kind that had left the territory prior thereto. A copy of the original Capitulation document and a translation of the full text into English are attached, as Annexes 2 and 3.

11. On August 14, 1879, the Kingdom of Spain and the Republic of Peru executed a peace and friendship treaty under which Spain granted formal recognition to the Republic of Peru and diplomatic relations between the two nations were normalized. The 1879 Treaty

provides as its first article that “starting with the date of ratification, there will be a complete forgetting of the past and a solid and inviolable peace between the Republic of Peru and His Majesty the King of Spain.” The 1879 treaty and an English translation are attached as Annexes 4 and 5.

12. I affirm under penalty of perjury that the statements in this Declaration are true and correct to the best of my knowledge and belief.

Signed at Sevilla, Spain this 21 day of January, 2009.

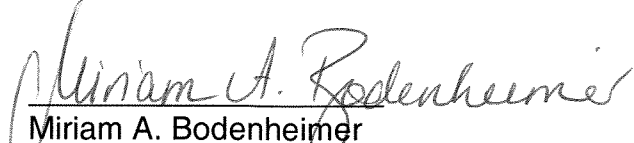


Dr. Carlos Martínez Shaw

**ANNEX 1
TO EXHIBIT A
(Martínez Shaw Declaration)**

CERTIFICATE OF ACCURACY

I, Miriam A. Bodenheimer, hereby certify that I am fluent in Spanish and English and that the following is, to the best of my knowledge and belief, a true and accurate translation of the accompanying document "Curriculum Vitae Martinez-Shaw" from Spanish to English.


Miriam A. Bodenheimer

BRIEF *CURRICULUM VITAE* OF CARLOS MARTINEZ SHAW
(Seville, 1945)

Tenured Academic at the Royal Academy of History

Professor of Modern History (National Distance Education University (UNED, Madrid). Director of CUXAM at the UNED. Commissioner of the Vice-Chancellor before educational authorities of Catalonia. General Director of the Centers of the UNED in the Northeastern Zone (Catalonia and Balearic Islands).

Graduate in History (University of Seville, 1967), PhD in History (University of Barcelona, 1973), Professor of Modern History since 1983 at the Universities of Santander, Barcelona, and UNED (Madrid).

Affiliated with the University of Barcelona for 27 years, where he was Vice-Rector (1982-1986) on the team of Vice-Chancellor Antoni Badia Margarit. Presided over the Pierre Vilar Center of Studies in Modern History for a decade (1984-1994)

Visiting Professor at the School of Higher Studies in Paris (France), University of Toulouse-Le Mirail (France), University of Study of Cagliari (Italy), University of Study of Sassari (Italy), National University of Mar del Plata (Argentina), Catholic University of Quito (Ecuador) and National University of Salta (Argentina).

Editor of UNESCO's *History of Humanity*.

Has been and continues to be principal researcher of various R&D Research Projects:

Fishing in Catalonia in the 18th Century (University of Barcelona, 1980-1983)

The external market of Catalonia in the 18th Century (UB, 1987-1989)

The Spanish fleet in the 18th Century (UB, 1989-1993)

America and the Spanish economy, 1659-1828 (UNED, 1995-1999)

Spain in international maritime commerce, 1648-1828 (UNED, 2000-2003/2004-2007)

As well as Joint Projects with Portugal: Limits and representations of imperial borders in the era of the union of the two Crowns: the case of missions (2004-2007)

Commissioner, along with Marina Alfonso Mola, of various exhibitions: *Schittering van Spanje, 1598-1648*. *Van Cervantes tot Velazquez* (Amsterdam, 1998); *Arte y Saber. La cultura en tiempos de Felipe III y Felipe IV* (Valladolid, 1999), *Esplendores de Espanha. De El Greco a Velázquez* (Río de Janeiro, 2000), *El galeón de Manila* (Seville, 2000, Mexico DF, 2001), *Oriente en Palacio. Tesoros de arte asiático en las colecciones reales españolas* (Madrid, 2003) y *La fascinació de l'Orient. Tresors asiàtics de les coleccions reials espanyoles* (Barcelona, 2003).

His publications include the following books:

El cantón sevillano (Seville, 1972)

Cataluña en la Carrera de Indias (Barcelona, 1981)

La emigración española a América, 1492-1824 (Oviedo, 1993)
La Historia Moderna de Asia (Madrid, 1996)
El Siglo de las Luces. Las bases intelectuales del reformismo (Madrid, 1996)
Historia de España (Madrid, 1998)
Europa y los Nuevos Mundos (Madrid, 1999)
La Ilustración (Madrid, 2001)
Felipe V (Madrid, 2001)

He has edited:

Spanish Pacific, from Magellan to Malaspina (Brisbane, 1988)
Séville, XVI^e siècle (Paris, 1993)
El Derecho y el Mar en la España Moderna (Granada, 1995)
Historia Moderna, Historia en Construcción (Lerida, 1999)
Schitering van Spanje, 1598-1648 (Amsterdam, 1998)
Arte y Saber. La cultura española en tiempos de Felipe III y Felipe IV (Madrid, 1999)
History of Humanity. Volume V. From the Sixteenth to the Eighteenth Century (Paris-London-New York, 1999)
Esplendores de Espanha. De el Greco a Velázquez (Río de Janeiro, 2000)
El Galeón de Manila (Madrid, 2000)
Oriente en Palacio. Tesoros de arte asiático en las colecciones reales españolas (Madrid, 2003).
El sistema atlántico español (siglos XVII-XIX), (Madrid, 2005)
Cristóbal Colón (Valladolid, 2006)
La ruta española a China (Madrid, 2007)
España en el comercio marítimo internacional (ss. XVII-XIX). Quince estudios (Madrid, 2009)

His primary topics of research (maritime economy, American emigration, illustration in the Hispanic world, Spanish Pacific ...) have been collected in almost two hundred articles and book chapters.

He has advised 30 defended PhD theses.

Director of the journals *Revista de Estudios Taurinos* (Real Maestranza de Sevilla) and *Andalucía en su historia* (Centro de Estudios Andaluces).

Member of the scientific advisory board of the journals *Hispania* (Madrid), *Pedralbes* (Barcelona), *L'Avenç* (Barcelona), *Drassana* (Barcelona), *Revista de Historia Social* (Madrid), *Espacio, Tiempo y Forma* (Madrid), *Cuadernos de Historia Moderna* (Madrid), *Revista de Historia Moderna* (Alicante), *Tiempos de América* (Castellón), *Brocar* (Logroño), *La Aventura de la Historia* (Madrid), *Historiar* (Barcelona), *Vegueta* (Las Palmas de Gran Canaria), *Anuario de Estudios Atlánticos* (Las Palmas de Gran Canaria), *Secuencia* (México DF) and *Cuadernos de Historia de España* (Buenos Aires).

Won "Menendez Pelayo" Prize of the Institute for Catalan Studies and the Cross for the Order of Alfonso X the Wise for Academic Merit.

Adjunct Academic of the National Academy of History (Argentina) and the Royal Hispano-American Academy of Sciences, Arts and Letters (Cadiz).

Critic of Asian literature in *El Pais* (Madrid) and *El Periodico de Catalunya* (Barcelona).

Cinematographic Adviser for *Colon* (Ridley Scott) and *Juana la Loca* (Vicente Aranda).

BREVE *CURRICULUM VITAE* DE CARLOS MARTÍNEZ SHAW
(Sevilla, 1945)

Académico de número de la Real Academia de la Historia.

Catedrático de Historia Moderna (UNED, Madrid). Director del CUXAM de la UNED. Comisionado del Rector ante las autoridades educativas de Cataluña. Director General de los Centros de la UNED en la Zona Nordeste (Cataluña y Baleares).

Licenciado en Historia (Universidad de Sevilla, 1967), Doctor en Historia (Universidad de Barcelona, 1973), Catedrático de Historia Moderna desde 1983 en las Universidades de Santander, Barcelona y U.N.E.D. (Madrid).

Durante 27 años vinculado a la Universidad de Barcelona, donde fue Vicerrector (1982-1986) en el equipo del rector Antoni Badia Margarit. Presidió el Centro de Estudios de Historia Moderna Pierre Vilar durante una década (1984-1994).

Profesor visitante en la Ecole des Hautes Etudes de París (Francia), Université de Toulouse-Le Mirail (Francia), Università degli Studi di Cagliari (Italia), Università degli Studi di Sassari (Italia), Universidad Nacional de Mar del Plata (Argentina), Universidad Católica de Quito (Ecuador) y Universidad Nacional de Salta (Argentina).

Redactor de la *History of Humanity* de la UNESCO.

Ha sido y es investigador principal de varios Proyectos de Investigación I+D:

La pesca en Cataluña en el siglo XVIII (Universidad de Barcelona, 1980-1983)

El mercado exterior de Cataluña en el siglo XVIII (UB, 1987-1989)

La flota española en el siglo XVIII (UB, 1989-1993)

América y la economía española, 1659-1828 (UNED, 1995-1999)

España en el comercio marítimo internacional, 1648-1828 (UNED, 2000-2003 /2004-2007)

Así como de la Acción Integrada con Portugal: Límites y representaciones de las fronteras imperiales en la época de la unión de las dos Coronas: el caso de las misiones (2004-2007)

Comisario, junto con Marina Alfonso Mola, de varias exposiciones: *Schittering van Spanje, 1598-1648. Van Cervantes tot Velazquez* (Amsterdam, 1998); *Arte y Saber. La cultura en tiempos de Felipe III y Felipe IV* (Valladolid, 1999), *Esplendores de Espanha. De El Greco a Velázquez* (Río de Janeiro, 2000), *El galeón de Manila* (Sevilla, 2000, México DF, 2001), *Oriente en Palacio. Tesoros de arte asiático en las colecciones reales españolas* (Madrid, 2003) y *La fascinació de l'Orient. Tresors asiàtics de les coleccions reials espanyoles* (Barcelona, 2003).

Entre sus publicaciones cabe destacar los siguientes libros:

El cantón sevillano (Sevilla, 1972)

Cataluña en la Carrera de Indias (Barcelona, 1981)

La emigración española a América, 1492-1824 (Oviedo, 1993)
La Historia Moderna de Asia (Madrid, 1996)
El Siglo de las Luces. Las bases intelectuales del reformismo (Madrid, 1996)
Historia de España (Madrid, 1998)
Europa y los Nuevos Mundos (Madrid, 1999)
La Ilustración (Madrid, 2001)
Felipe V (Madrid, 2001)

Ha editado:

Spanish Pacific, from Magellan to Malaspina (Brisbane, 1988)
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El Derecho y el Mar en la España Moderna (Granada, 1995)
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Schitering van Spanje, 1598-1648 (Amsterdam, 1998)
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History of Humanity. Volume V. From the Sixteenth to the Eighteenth Century (Paris-London-Nerw York, 1999)
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El sistema atlántico español (siglos XVII-XIX), (Madrid, 2005)
Cristóbal Colón (Valladolid, 2006)
La ruta española a China (Madrid, 2007)
España en el comercio marítimo internacional (ss. XVII-XIX). Quince estudios (Madrid, 2009)

Sus principales líneas de investigación (economía marítima, emigración americana, Ilustración en el mundo hispánico, Pacífico español ...) se han recogido en casi dos centenares de artículos y capítulos de libros.

Ha dirigido 30 tesis doctorales ya presentadas.

Director de las revistas *Revista de Estudios Taurinos* (Real Maestranza de Sevilla) y *Andalucía en su historia* (Centro de Estudios Andaluces).

Miembro del consejo científico de las revistas *Hispania* (Madrid), *Pedralbes* (Barcelona), *L'Avenç* (Barcelona), *Drassana* (Barcelona), *Revista de Historia Social* (Madrid), *Espacio, Tiempo y Forma* (Madrid), *Cuadernos de Historia Moderna* (Madrid), *Revista de Historia Moderna* (Alicante), *Tiempos de América* (Castellón), *Brocar* (Logroño), *La Aventura de la Historia* (Madrid), *Historiar* (Barcelona), *Vegueta* (Las Palmas de Gran Canaria), *Anuario de Estudios Atlánticos* (Las Palmas de Gran Canaria), *Secuencia* (México DF) y *Cuadernos de Historia de España* (Buenos Aires).

Premio 'Menéndez Pelayo' del Institut de'Estudis Catalans y Cruz de la Orden de Alfonso X el Sabio al Mérito Académico.

Académico Correspondiente de la Academia Nacional de la Historia (Argentina) y de la Real Academia Hispano Americana de Ciencias, Artes y Letras (Cádiz).

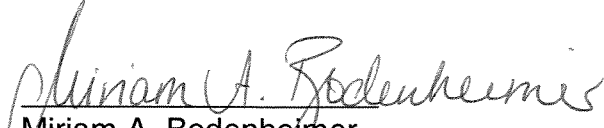
Crítico de literatura asiática en *El País* (Madrid) y *El Periódico de Catalunya* (Barcelona).

Asesor cinematográfico de *Colón* (Ridley Scott) y *Juana la Loca* (Vicente Aranda).

ANNEX 2
TO EXHIBIT A
(Martínez Shaw Declaration)

CERTIFICATE OF ACCURACY

I, Miriam A. Bodenheimer, hereby certify that I am fluent in Spanish and English and that the following is, to the best of my knowledge and belief, a true and accurate translation of the accompanying document "Capitulation of Ayacucho" from Spanish to English.


Miriam A. Bodenheimer

Capitulation of Ayacucho

[1824]

"Don José de Canterac, general lieutenant of the royal armies of His Catholic Majesty, in charge of the high command of Peru due to his most excellent sir viceroy don Jose de La Serna having been hurt and imprisoned in the battle of this day, having heard the generals and leaders that reunited after that, the Spanish army, fulfilling in all senses how much was demanded of the reputation of their arms and the bloody day of Ayacucho and in the whole war of Peru, has had to cede the territory to the independent troops; and owing to reconcile in a time of honor to the remains of these forces, with the reduction of the wrongs of the country, I have believed it to be appropriate to propose and adjust with the general of the division of the Republic of Colombia, Antonio José de Sucre, commander in chief of the united liberator army of Peru, the conditions that are contained in the following articles:

"1st The territory that the Spanish troops garrisoned in Peru, shall be surrendered to the arms of the liberator army up to Desaguadero, with the parks, workshops, and all the existing military warehouses.

"Conceded, and the troop's baggage and horses, the garrisons that are found in the whole territory and other forces and objects belonging to the Spanish government shall also be handed over.

"2nd Every individual of the Spanish army shall be able to freely return to their country, and it shall be the account of the State of Peru which will finance the passage, granting him in the meantime the due consideration and helping him with at least half of the pay that corresponds to his position monthly, while he remains in the territory.

"2nd Conceded; but the government of Peru shall only abandon half the pay while it provides transport. Those that depart to Spain shall not be able to take up arms against America while the war of independence lasts, and no individual shall be able to go to any point of America that is occupied by Spanish arms.

"3rd Any individual of those that make up the Spanish army, shall be admitted to that of Peru, in his proper position, if he so desires.

"3rd Conceded.

"4th No person shall be inconvenienced for their previous opinions, even when he has rendered services signaled to be in favor of the cause of the king, nor those known for pasts; in this concept, they shall have rights to all of the articles in this treaty.

"4th Conceded; if their conduct does not disturb public order, and conforms to the laws.

“5th Any inhabitant of Peru, whether he be European or American, clergyman or merchant, landowner or employee, that would like to move to another country, shall be able to verify it by virtue of this agreement, bringing with him his family and properties, the State lending him a share until his departure; if he chooses to live in the country, he will be considered like the Peruvians.

“5th Conceded; with respect to the inhabitants of the country that is being surrendered and under the conditions of the previous article.

“6th” The State of Peru shall equally respect the properties of the Spanish individuals who are outside the territory, of which they shall be free to dispose of before the end of three years, being considered on the same terms [the properties] of the Americans who do not want to move to the Peninsula, and who have interests belong to them there.

“6th Conceded like the previous article, if the conduct of these individuals were in no way hostile to the cause of the liberty and independence of America, since in the contrary case, the government of Peru will labor freely and with discretion.

“7th The term of one year shall be given so that anyone interested may use article 5, and no more rights shall be demanded of them other than the customary [rights] of extraction, being free of all rights the properties of the individuals of the Army.

“7th Conceded.

“8th The State of Peru shall recognize the debt contracted until today by the treasury of the Spanish government in the territory.

“8th The Congress of Peru shall decide about this article that which is best for the interests of the republic.

“9th All the employees shall remain confirmed in their respective destinations, if they want to continue in them, and if one or any do not, or would prefer to move to another country, they shall be included in articles 2 and 5.

“9th The employees that the government wants to confirm, according to their behavior, will continue in their destinations.

“10. Every individual of the army or employee that prefers to separate himself from the service, and to stay in the country, shall be able to verify it, and in this case their persons will be sacredly respected.

“10. Conceded

“11. The fortress of Callao shall be surrendered to the united liberator army, and its garrison shall be included in the articles of this treaty.

“11. Conceded; but the fortress of Callao, with all of its beings and existences, shall be surrendered at the will of His Excellency the Liberator within twenty days.

“12. Leaders of the Spanish and united liberator army shall be sent to the united provinces so that the ones receive and the others surrender the records, warehouses, existences and the troops of the garrisons.

“12 Conceded; encompassing the same formalities in the surrender of Callao. The provinces shall be wholly surrendered to the independent leaders in fifteen days, and all of the furthest villages within the present month.

“13. The Spanish war and merchant ships shall be permitted to restock provisions in the ports of Peru, for a term of six months after the notification of this agreement, to make themselves fit and leave from the Pacific Ocean.

“13. Conceded; but warships shall only be employed in their preparation to leave, without committing any hostility, nor in their departure from the Pacific; being obligated to leave from all the seas of America, not being able to touch down in Chiloé, nor in any port in America occupied by the Spaniards.

“14. The Spanish war and merchant ships shall be given passport, so that they can leave from the Pacific to the ports of Europe.

“14. Conceded; according to the previous article.

“15. All the imprisoned leaders and officers in the battle of this day, shall of course be free, and the same for those [imprisoned] in prior actions by one or the other army.

“15. Conceded; and those hurt shall be helped on account of the treasury of Peru until, completely recovered, they have their person at their disposal.

“16. The generals, leaders and officers shall conserve the use of their uniforms and swords; and they shall be able to have with them in their service the assistants corresponding to their ranks, and the servants they may have.

“16. Conceded; but while they remain in the territory they shall be subject to the laws of the country.

“17. The individuals of the army, insofar as they resolve their future destination in virtue of this agreement, shall be permitted to gather their families and interests and move to the point they choose, full passports being facilitated to them, so that their persons will not be embarrassed by any independent State until they arrive at their destination.

“17. Conceded.

“18. Any doubt that may arise about any one of the articles of the present treaty, shall be interpreted in favor of the individuals of the Spanish army.

“18. Conceded; this stipulation rests upon the good faith of the signatories.

And being concluded and ratified, as these agreements are in fact approved and ratified, four exemplars shall be created, of which two shall remain in the power of each of the signatory parties for the use that they choose.

Given, signed by our hands in the field of Ayacucho, December 9, 1824.

José Canterac – Antonio José de Sucre.

1.º José Francisco Espinosa Fruto de la R.ª Ejército de el etc. l. encarnas
al mundo suplico al Sr. J.º haber sido herido y prisionero en la
batalla de este día el día de Mayo D. 1.º en la Sierra, habiendo sido
á los J.º Generales y Jefe de se desunieron de quien q.º el Ejército
Español librando en todo el mundo cuantos ha estado la república
en dar la mano en la tempestad pasada en el campo y en toda la
guerra al Sr. ha tenido q.º cada el campo á las tropas en
dependientes y debiendo conciliar á un tiempo el honor y la
paz y con sujeción con la Dignificación de los males al país
he credo conveniente proponer y apurar con el Sr. General en
División en la República en Colombia eternos Jefe en el Sr. Co-
mandante en Jefe al Ejército Unido Libertador al Sr. ha con-
diciones q.º continen los artículos siguientes.

1.º El territorio q.º guaranen las tres
paraguanas en el Sr. será en-
tregado á la mano al Ejército
Unido Libertador para los Des-
aguaderos con los parques, ma-
terias y todo las almace-
nas militares existentes.

2.º Los individuos al Ejército Espa-
ñol podrán librem.º regresar
á su país y dar su cuenta al
Sr. al Sr. con respecto al pa-
saje guardándole en su ven-
to en la medida de consideracion y
decurriendo de los gastos con
la mitad de la paga q.º corres-
ponda mensualmente á su em-
pleo en el Sr. permanencia en
el territorio.

3.º Cualquiera individuo otro q.
convenga al Ejército Español
será admitido en el Sr. en
su de propios empleos, si lo
quiere.

4.º Ninguna persona será inco-
rrida p.º sus Opinions an-
teriores con cuando haya
hecho servicios y servido á fa-
vor de la causa al Sr. ni la
comand.º q.º parades.º en este

5.º Concedido; y tamb.º por un tiempo
en la zona al Ejército Español,
los vagados y Caballos y tropas
las distribuciones al Sr. habien-
do en el territorio y de sus ju-
ras y obsequios pertenecientes al
Ejército Unido.

6.º Concedido, pero el Gobierno al
Sr. solo habrán de las medias pa-
ga militares proporcional á su
porción de su mancha de guerra
no podrán tomar las armas
contra la América ni en el
diere la guerra á la independencia;
y ning.º individuo podrá en-
tr.º en el Sr. alguna á la América
q.º eni.º de las p.º las Armas
Españolas.

3.º Concedido

4.º Concedido si su conducta en
el Sr. el Sr. y el Sr. se
se conforme á las leyes.

concepto tendran derechos á to-
dos los artículos en este trata-
do.

- 5.º Cualquiera habitante al Perú
bien sea Europeo ó Americano,
Nobiliarco ó comerciante, pro-
prietario ó empleado q^e se desu-
de trasladarse á otro país po-
drá verificarlo en virtud de
este convenio, llevando con sí
su familia y propiedades, ven-
tándole el trato protección
sua su patria, y si eligiere
vivir en el país será conde-
rado como los demás peruanos.
- 6.º El trato al Perú respectará igu-
almente las propiedades de los in-
dividuos Españoles q^e se ha-
llaren fuera del territorio, y
las cuales serán libres a dispo-
sición en el termino de tres años,
debiendo considerarse en igual
caso las de los Americanos q^e
no quieran trasladarse á la
Península, y tengan allí inte-
reses ó su pertenencia.
- 7.º Se concederá el termino de un
año q^e de todos los interesados que-
da usar al art. 5.º, y no se le
exigirá más derechos q^e los
acostumbrados en extracción,
siendo libre en todo derecho
las propiedades de los individ.
al Perú.
- 8.º El trato al Perú reconocerá
la deuda contraída por hoy
p.º la hacienda al Gobierno Es-
pañol en el territorio.
- 9.º Todos los empleados quedarán
confirmados en sus respecti-
vos destinos, si quieran conti-
nuar en ellos, y si algunos ó
algunos no lo fueren ó prefi-
erán trasladarse á otro país
serán comprendidos en los arti-
culos 2.º y 5.º.
- 10.º Todos individuos al Perú ó en

5.º Concedido respecto á los habitan-
tes existentes en el país q^e se
envega y bajo las condiciones
del artículo Americano

6.º Concedido como el artículo
americano si la conducta de estos
individuos no fuere en ningún
modo hostil á la causa de
la libertad y de la independen-
cia de la América, pues en
caso contrario el Gobierno
al Perú obrará libre y discre-
cionalmente.

7.º Concedido.

8.º El congreso al Perú reconocerá
sobre este artículo lo q^e más
convenga á los intereses de la
República.

9.º Continuarán en sus destinos
los empleados q^e el Gobierno
quiere confirmar segⁿ su com-
portacion

10.º Concedido.

plazas de propria separame a lo
servicio y quedan en el pais lo po-
dra ventilar; y en este caso sus
personas y propiedades seran
sagradas. ^{repetido}

11.º La Plaza de Callas será encreva-
da al Ejército Unio. Libertador, y
su obsequio será comprendido
en el articulo a este tratado.

12.º Se enviaran Jefe y Oficiales
Españoles y Unio. Libertador a las
Provincias p.^a de los tenos. a reci-
bir y los otros encarguen los
archivos, almacenes, citencias
y la Plaza a las guarniciones.

13.º Se permitira a los buques en
guerra y mercaderes Españoles
hacer comercio en los puertos del
Peru p.^a el termino a seis me-
ses desde la notificacion
a este convenio p.^a navituar
y salir al mar pacifico

14.º Se dara parabante a los bu-
ques en guerra y mercaderes
Españoles p.^a de que dan salir
al tiempo de los puertos en
guerra.

15.º Todos los Jefe y Oficiales pri-
marios en la batalla a este
dial quedaran desde luego en
libertad y lo mismo los otros
en acciones accionales p.^a cans
y otros Ejercito.

16.º Los Generales, Jefe y Oficia-
les conserbaran el uso a sus
uniformes y Espadas, y podran
tener caballos o a su servicio
los animales correspond.^{tes} a su
clase y los criados q.^e tubieren.

17.º Los individuos del Ejercito uni-
o. se resolveron sobre su futu-
ro destino en virtud a este con-
venio se les permitira reunir
sus familias e interiores y tra-
bajarse al punto de Uspen fa-
cilitandoles para poder ampliar

11.º Concedido: pero la Plaza de Ca-
llas con todos sus usos y can-
tencias será encrevada a disposi-
cion de S. E. el Libertador den-
tro de veinte dias a notificado.

12.º Concedido comprendiendo las
mismas formalidades en la
entrega a Callas. Las p.^a en-
talan al todo encrevadas a los
Jefe independientes en quince dias
y los buques mar. Españoles en
todo el presente mes.

13.º Concedido: pero los buques en guer-
ra solo se emplearan en sus
aportes y marcharse sin co-
municar ning.^a hostilidad ni com-
o su salida al pacifico, ni se
obligados a salir a todos los
puertos de la America sus p.^a
ense tocan en Chile ni en ning.^a
puerto de America cuy. are. p.^a
los Españoles.

14.º Concedido seg.ⁿ el art.^o anterior.

15.º Concedido y los heridos se au-
tiran p.^a cuenta al Merced
al Peru p.^a de completamente
rehabilitados dispongan en
sus personas.

16.º Concedido: pero mientras du-
ren en el territorio espanol
sujetos a las leyes del pais.

17.º Concedido.

q.º de sus personas no sean emba-
razadas q.º ninguno leaas inde-
pendiente para llegar á su des-
tino.

18.º Toda duda q.º se oprimiere so-
bre algunos de los artículos al
presente tratado se interpre-
tará á favor de los individuos
al ejército Español.

18.º Concedido, una estipulacion se
jurará sobre la Buena fe
de los contratantes.

Y cuando concluidos y ratificados como se echo de apreue-
van y ratifican seys convenios se formaran en cada
ejemplares, a los cuales dos quedaran en poder de cada
una de las partes contratantes y a los tres q.º les con-
vengan.

Dado, firmados a nuestras manos en el campo
de Ayacucho a nueve de Diciembre de mil ochocientos
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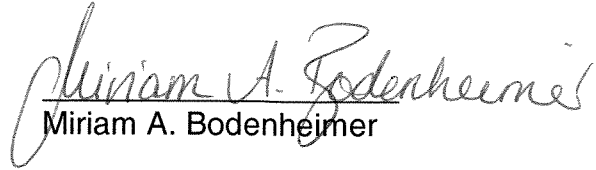
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ANNEX 3
TO EXHIBIT A
(Martínez Shaw Declaration)

CERTIFICATE OF ACCURACY

I, Miriam A. Bodenheimer, hereby certify that I am fluent in Spanish and English and that the following is, to the best of my knowledge and belief, a true and accurate translation of the accompanying document "Treaty of 1879 Peru-Spain" from Spanish to English.


Miriam A. Bodenheimer

The Republic of Peru, on the one hand, and His Majesty Alphonso XII, constitutional king of Spain, on the hand;

Considering that the dissensions that took place between their governments and their subjects are, on both sides, completely forgotten, and strongly desiring the reestablishment of amicable relations which should always unite peoples who are brothers by origin and interests, have named as their respective plenipotentiaries, to know:

His Excellence the general Luis La Puerta, vice-president of the Republic of Peru, given responsibility by the supreme command: Mister Jean-Marie de Goyeneche et Gamio, knight of the order of Saint-Jaques, great Dignitary of the Rose of Brazil, Envoy extraordinaire and Minister plenipotentiary of the Republic of Peru beside the government of the French Republic; - and His Majesty the King of Spain: Mister Marie Roca de Togores, marquis of Molins, viscount of Roamora, Grand of Spain, knight of the shield order of the Golden Fleece, Great Royal Cross and distinguished order of Charles III, knight professional of the order of His Pious Saintliness IX, of the Rose of Brazil, etc., etc., his chamberlain and ambassador beside the President of the French Republic;

Who, after having recognized and exchanged their powers and having found them in good and due form, have resolved what follows:

First article. -- Starting with the date of ratification of the present treaty, there will be a complete forgetting of the past and a solid and inviolable peace between the Republic of Peru and His Majesty the King of Spain.

Art. 2. -- The governments of Peru and of Spain will name without any delay their diplomatic representatives as well as their Consular agents.

Art. 3. -- The contracting parties above engage themselves to conclude the new treaties that will establish and will regulate the commercial and navigation relations, the reciprocal rights of subjects of the two countries, the consular attributes, the conditions of nationality, the literary property and the extradition of criminals.

Art. 4. -- Until the conclusion of these new international treaties, the governments of Peru and of Spain will observe, in their relations and those of their respective subjects, both in civil matters and in commercial and navigation affairs, the regime of the most favored nation in all relations.

Art. 5. -- The present treaty will be ratified and the ratifications will be exchanged in Paris by the representatives of Peru and of Spain, within three months.

In the faith of which, we, the respective plenipotentiaries of the Republic of Peru and of His Majesty the King of Spain, have signed it in duplicate and affixed our own seals in Paris, the fourteenth of August eighteen hundred-seventy-nine.

Jean M. de Goyeneche

Marquis de Molins

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Treaty of Peace between Peru and Spain,
signed at Paris, 14 August 1879

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Gouverne-
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leurs pays

Déclaration,

et *Ministre*
Suisse.
de Serbie.

1880.

FRENCH TEXT

Act
Hu

La République du Pérou, d'une part, et Sa Majesté Alphonse XII, roi constitutionnel d'Espagne, d'autre part;

Considérant que les dissensions survenues entre leurs gouvernements et leurs sujets sont, de part et d'autre, complètement oubliées, et désirant vivement le rétablissement des relations amicales qui doivent toujours unir des peuples qui sont frères par l'origine et les intérêts, ont nommé pour leurs plénipotentiaires respectifs, savoir:

Son Excellence le général Luis La Puerta, vice-président de la République du Pérou, chargé du commandement suprême: Monsieur Jean-Marie de Goyénèche et Gamio, chevalier de l'ordre de Saint-Jaques, grand Dignitaire de la Rose du Brésil, Envoyé extraordinaire et Ministre plénipotentiaire de la République du Pérou auprès du gouvernement de la République française; — et Sa Majesté le Roi d'Espagne: Monsieur Marie Roca de Togores, marquis de Molins, vicomte de Rocamora, Grand d'Espagne, chevalier de l'ordre insigne de la Toison d'Or, Grand Croix du Royal et distingué ordre de Charles III, chevalier profès de l'ordre de Sa Sainteté Pie IX, de la Rose du Brésil, etc., etc., son chambellan et ambassadeur auprès du Président de la République Française;

Lesquels, après avoir reconnu et échangé leurs pouvoirs et les avoir trouvés en bonne et due forme, ont résolu ce qui suit:

Article premier. — A partir de la date de la ratification du présent traité, il y aura un complet oubli du passé et une paix solide et inviolable entre la République du Pérou et Sa Majesté le Roi d'Espagne.

Art. 2. — Les gouvernements du Pérou et d'Espagne nommeront sans aucun retard leurs représentants diplomatiques ainsi que leurs agents Consulaires.

Art. 3. — Les hautes parties contractantes s'engagent à conclure de nouveaux traités qui fixeront et régulariseront les relations commerciales et de navigation, les droits réciproques des sujets des deux pays, les attributions consulaires, les conditions de nationalité, la propriété littéraire et l'extradition des criminels.

Art. 4. — Jusqu'à la conclusion de ces nouveaux traités internationaux, les gouvernements du Pérou et d'Espagne observeront, dans leurs relations et celles de leurs sujets respectifs, tant en matières civiles qu'en affaires commerciales et de navigation, le régime de la nation la plus favorisée sous tous les rapports.

Art. 5. — Le présent traité sera ratifié et les ratifications seront échangées à Paris par les représentants du Pérou et de l'Espagne, dans un délai de trois mois.

En foi de quoi, nous, les plénipotentiaires respectifs de la République du Pérou et de Sa Majesté le Roi d'Espagne, l'avons signé en duplicata et scellé de nos sceaux particuliers à Paris, le quatorze août mil huit cent soixante-dix-neuf.

Jean M. de Goyénèche.

Marquis de Molins.

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