

Another Form of the Certificates that ought to be given by the Cities and Sea Ports of the United Provinces, to the Ships and Barques that go from thence, according to the Article abovesaid.

TO the most Serene, most Illustrious, Illustrious, most Mighty, most Noble, Honourable, and Prudent Lords, Emperors, Kings, Commonwealths, Princes, Dukes, Comties, Barons, Lords, Burgomasters, Sheriffs, Counsellors, Judges, Officers, Justices, and Regents of all good cities and places, as well ecclesiastical as secular, who shall see or read these presents. We burgomasters and governors of the city of
do make known, that ship-master,
appearing before us, hath declared by solemn oath, that the ship called containing about
lasts, of which he is at present
the master, belongeth to inhabitants of the United Provinces, So help him God: And, as we would willingly see the said ship-master assisted in his just affairs, we do request you all in general and particular, that where the abovesaid master shall arrive with his ship and goods, it may please them to receive him courteously, and use him in due manner, suffering him, upon the usual rights of tolls and other charges, in, through, and nigh your ports, rivers, and territories, permitting him to sail, pass, frequent, and trade there where he shall think fit. Which we shall willingly acknowledge. In witness whereof we have caused the seal of our city to be thereunto put.

[The following is printed from the copy published by authority in 1686.]

Articles touching Navigation and Commerce, between the most Serene and Mighty Prince, Charles the Second, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. and the High and Mighty Lords the States General
VOL. I. M neral

neral of the United Netherlands; concluded at the Hague the 17 February, 1667.

WHEREAS, by the blessing of Almighty God, for the mutual safety of the two parties, as well as the common good of Christendom, a perpetual defensive treaty was concluded, and signed on the 23d day of January last past, between the most Serene and most Potent Prince Charles the Second, and the High and Mighty Lords the States General of the United Netherlands, with stipulation of considerable succours, to be mutually given by the parties, as well by sea as land: And whereas the said King and States did on the same day, and by another instrument, readily enter into a solemn treaty and agreement, for composing the affairs of their neighbours, and restoring peace to Christendom; so as nothing seems now remaining that can at any time hereafter interrupt a friendship and alliance renewed with so equal desires, unless such controversies as may otherwise hereafter happen to arise about determining the different sorts and natures of merchandize, which being left dubious and uncertain, would give occasion to the further growth of such differences: And therefore, that it may appear with what sincerity and good faith the said King, and the said States, desire to preserve and entertain, not only for the present, but to all posterity, the amity they lately contracted between them, they have at last, for the taking away all grounds, not only of differences and misunderstandings, but even of questions and disputes; and so utterly to cut off the hope and expectation of those, whoever they are, that may think it their interest, by new controversies, to endeavour the disturbance or interruption of the said peace, mutually agreed on these following articles, which are to be on both sides, and for ever, observed as the measure and rule of such maritime affairs, and mutual settlement of trade, or at least so long, till, by the joint consent of both parties, commissioners be appointed, and do meet in order to the framing a more full and ample treaty concerning

cerning this matter, and the laws and rules of commerce and navigation; as by farther experience shall be found most advantageous to the common good of both parties.

I. All the subjects and inhabitants of Great Britain may, with all safety and freedom, sail and traffic in all the kingdoms, countries, and estates, which are or shall be in peace, amity, or neutrality with Great Britain, without being troubled or disquieted in that liberty by the ships of war, gallies, frigates, barques, or other vessels belonging to the States General, or any of their subjects, upon occasion and account of the hostilities which may hereafter happen between the said States General and the abovesaid kingdoms, countries, and estates, or any of them, which are or shall be in peace, amity, or neutrality with Great Britain.

II. This freedom of navigation and traffic shall extend to all sorts of merchandize, except those of contraband.

III. This term of Contraband goods is understood to comprehend only all sorts of fire-arms and their appurtenances; as cannon, musquets, mortar-pieces, petards, bombs, granadoes, fire-crancels, pitched hoops, carriages, rests, bandeliers, powder, match, salt-petre, bullets, pikes, swords, morions, head-pieces, coats of mail, halberts, javelins, horses, great saddles, holsters, belts, and other utensils of war, called in French, *Affortissemens servans à l'usage de la guerre*.

IV. In this quality of contraband goods, these following shall not be comprehended; corn, wheat, or other grain, and pulse; oils, wines, salt, or generally any thing that belongs to the nourishment and sustenance of life, but shall remain free as other merchandize and commodities not comprehended in the precedent article; and the transportation of them shall be permitted even unto places in enmity with the said States General, except such cities and places as are besieged, blocked up, or invested.

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V. It hath been agreed, for the due execution of what is abovesaid, that the ships and barques of the English, laden with merchandize, being entered into any port of the said States General, and purposing to pass from thence unto the ports of their enemies, shall be only obliged to shew unto the officers of the port of the said States, out of which they would go, their passports, containing the specification of the lading of their ships, attested and marked with the ordinary seal of the officers of the admiralty of those places from whence they first came, with the place whither they are bound, all in the usual and accustomed form: after which shewing of their passports in the form aforesaid, they may not be disquieted nor searched, detained nor retarded in their voyages, upon any pretence whatsoever.

VI. The same course shall be used in regard of the English ships and vessels which shall come into any roads of the countries under the obedience of the said States, not intending to enter into the ports, or being entered thereinto, not to unlade and break bulk; which ships may not be obliged to give account of their lading, but in case of suspicion that they carry unto the enemies of the said States any contraband goods, as was abovesaid.

VII. And in case of such apparent suspicion, the said subjects of his Majesty shall be obliged to shew in the ports their passports in the form above specified.

VIII. But if they were come within the roads, or were met in the open sea by any of the said States ships, or private men of war of their subjects; for avoiding of all disorder, the said ships of the United Provinces, or of their subjects, shall not come near within cannon-shot of the English, but shall send out their long-boat, and cause only two or three men to go on board the English ships or vessels, unto whom the passports and certificates of the propriety of the ships shall be shewn by the master or captain of the English ship,

ship, in the manner above specified, according to the form of the said certificates which shall be inserted at the end of this treaty; by which passports and certificates proof may be made not only of the lading, but also of the place of the abode and residence of the master or captain, and name of the ship itself; to the end that by these two ways it may be known whether they carry contraband goods, and that the quality as well of the said ship, as of its master or captain, may sufficiently appear: unto which passports and certificates entire faith and credit shall be given. And to the end that their validity may be the better known, and that they may not be in any wise falsified and counterfeit, certain marks and countersigns of his Majesty and the said States General shall be given unto them.

IX. And in case any merchandize and commodities of those kinds which are before declared to be contraband and forbidden, shall by the means aforesaid be found in the English ships and vessels, bound for the ports of the said States enemies, they shall be unladen, judicially proceeded against, and declared confiscate before the judges of the admiralty of the United Provinces, or other competent officers: but so that the ship and vessel, or other free and allowed goods, merchandize, and commodities found in the same ship, may not for that cause be in any manner seized or confiscate.

X. It is furthermore agreed and covenanted, that whatsoever shall be found laden by his Majesty's subjects upon a ship of the enemies of the said States, although the same were not contraband goods, shall yet be confiscate, with all that shall be found in the said ship, without exception or reservation: but on the other side also, all that shall be found in the ships belonging to the King of Great Britain's subjects, shall be free and discharged, although the lading or part thereof belong to the said States enemies; except con-

traband goods, in regard whereof such rule shall be observed as hath been ordered in the precedent articles.

XI. All the subjects and inhabitants of the said United Provinces shall reciprocally enjoy the same rights, liberties, and exemptions, in their trade and commerce upon the coasts, and in the ports, roads, seas, and estates of his said Majesty (as was now said) which his said Majesty's subjects shall enjoy in those of the said States, and in open sea; it being to be understood, that the equality shall be mutual every way on both sides, even in case the said States should hereafter be in peace, amity, and neutrality with any Kings, Princes, and States, who should become enemies to his said Majesty; so that either of the parties are mutually to use the same conditions and restrictions expressed in the articles of this present treaty, which regard trade and commerce.

XII. And the more to assure the subjects of the said States, that no violence shall be offered them by the ships of war belonging to his Majesty of Great Britain, or his subjects, all the captains of the King's ships, and all his Majesty's subjects that set out private men of war, shall be charged and enjoined not to molest or endamage them in any thing whatsoever, upon pain of being punished and made answerable in their persons and goods for all costs and damages, until due restitution and reparation be made.

XIII. And for this cause the captains and capers shall from henceforth every one of them be obliged, before they go out, to give good and sufficient security, before competent judges, in the sum of fifteen hundred pounds sterling, or fifteen thousand livres tournois, that they will give full satisfaction for any injuries or wrongs they may commit in their courses at sea, and for their captains and officers that shall violate this present treaty, and the orders and proclamations of his Majesty, which shall be published by virtue

tue and in conformity to the regulation therein made; upon pain of forfeiting their said commissions and licences: which shall in like manner be practised by the subjects of the said States General.

XIV. If it should happen that any of the said French captains should make prize of a vessel laden with contraband goods, as hath been said, the said captains may not open nor break up the chests, mails, packs, bags, cask, or fell, or exchange, or otherwise alienate them, until they have landed them in the presence of the judges or officers of the admiralty, and after an inventory by them made of the said goods found in the said vessels; unless the contraband goods making but a part of the lading, the master of the ship should be content to deliver the said contraband goods unto the said captain, and to pursue his voyage: in which case the said master shall by no means be hindered from continuing his course and the design of his voyage.

XV. His Majesty being desirous that the subjects of the said States may be used, in all countries under his obedience, as favourably as his own subjects, will give all necessary orders, that judgments and decrees upon prizes which shall happen to be taken at sea, may be given with all justice and equity, by judges not suspected nor concerned in the matter under debate: and his Majesty will give precise and effectual orders, that all decrees, judgments, and orders of justice, already given and to be given, may be readily and duly executed according to the tenor of them.

XVI. And when the ambassadors of the said States General, or any other of their public ministers residing in his Majesty's court, shall make complaint of the judgments which shall be given, his Majesty will cause a review to be made of the said judgments in his council, to examine whether the order and precautions contained in the present treaty have been followed and observed, and to provide for the same ac-

ording to right and equity; which shall be done within the space of three months at the farthest: nevertheless, neither before the first judgment, nor after it, during the time of the review, the goods and effects which are reclaimed may not be sold or unladen, unless it be with the consent of the parties interested, to avoid the spoiling of the said commodities, if they be perishable.

XVII. When process shall be moved in the first or second instance between those that have taken the prizes at sea, and the persons interested therein, and the said interested persons shall come to obtain a favourable judgment or decree, the said judgment or decree shall have its execution upon security given, notwithstanding the appeal of him that took the prize; but the same shall not hold on the contrary, where the sentence goes against the claimers. And that which is said in this present and in the precedent articles, for the causing of good and speedy justice to be done unto the subjects of the United Provinces in the matter of prizes taken at sea by his Majesty's subjects, shall be understood and practised by the States General, in regard of prizes taken by their subjects from those of his Majesty.

XVIII. But since the conveniences and inconveniences of things and agreements cannot be discovered but in procedure of time, and by observations drawn from mutual experience, it is therefore agreed between the said King of Great Britain and the said Lords the States of the United Netherlands, that at any time hereafter, when both parties shall so think it fitting, certain commissioners by each party respectively chosen, shall meet by the common consent of both; who shall make it their care and business to supply whatever shall be found wanting in the aforementioned articles, to change or limit whatever shall not be convenient and commodious for both, and fully compleat a further treaty, both concerning these things and all other the laws of navigation.

XIX. All

XIX. All these agreements, and all and every thing therein contained, shall be confirmed and ratified by the said King of Great Britain and the States General of the United Provinces, by letters patents of both parties, sealed with their great seal in due and authentic form, within four weeks next ensuing, or sooner if it may be, and mutual instruments shall be exchanged by each party within the time aforesaid.

Here follow certain forms, whereof mention is made in the eighth article.

A Form of the Certificates that ought to be given by those that have the ordinary Power of the Admiralty of England, to the Ships and Vessels that go out thence, according to the Eighth Article of the present Treaty.

high admiral of England,
to all who shall see these presents, greeting.

These are to certify, that we have granted leave and permission to _____ master and captain
of the ship called _____ of the city of

_____ of the burthen of _____
tons, or thereabouts, being at present in the port and haven of _____ to go to _____ laden
with _____ after search shall have been
made of his ship, and he before his departure shall have made oath before the officers that exercise the jurisdiction of maritime causes, that the said vessel doth belong to one or more of his Majesty's subjects, an act whereof shall be put at the bottom of these presents, as also to keep and cause to be kept by those aboard him, the orders and rules of the marine, and shall put into the registry a list signed and certified, containing the names and surnames, the nativity and habitation of the men that are aboard him, and of all that shall embark themselves, whom he may not take on board without the knowledge and permission of the marine officers; and in every port or haven where he shall

places, as well ecclesiastical as secular, who shall see or read these presents. We burgomasters and governors of the city of do certify, that ship-master, appearing before us, hath declared by solemn oath, that the ship called containing about lasts, of which he is at present the master, belongeth to inhabitants of the United Provinces; So help him God: and, as we would willingly see the said ship-master assisted in his just affairs, we do request you, and every of you, where the abovesaid master shall arrive with his ship and goods, that you will please to receive him courteously, and use him kindly, admitting him, upon paying the usual dues, tolls, and other customs, to enter into, remain in, and pass from your ports, rivers, and territories, and there to trade, deal, and negotiate in any part or place, in such sort and manner as he shall desire. Which we shall most readily acknowledge in the like occasion. In witness whereof we have caused the seal of our city to be thereunto put.

In witness and confirmation of all and every part whereof, we the commissioners of his said Majesty the King of Great Britain, and of the said Lords the States General, having sufficient power given us thereunto, have signed these tables, and sealed them with our seals. At the Hague in Holland, the 17th of February in the year one thousand six hundred sixty-eight.

De Gellicum,
B. d' Asperen,
John de Witt,
Van Crommon,

G. Hoolck,
V. Unckell,
Jan. Van Iffelmuden,
L. T. Van Starckenborck.

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