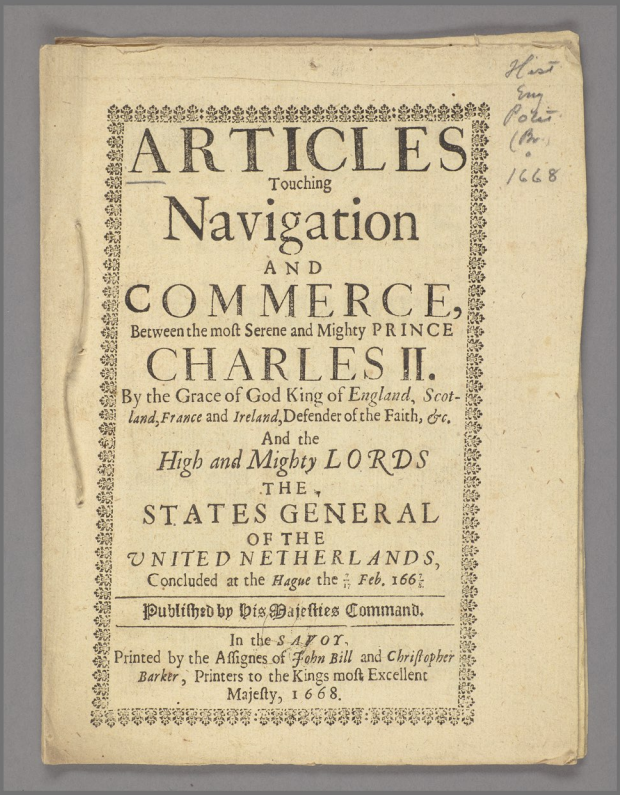
Articules touching navigation and commerce between... :



ARTICLES
Touching
Navigation
AND
COMMERCE,
Between the most Serene and Mighty PRINCE
CHARLES II.
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
OF THE
UNITED NETHERLANDS,
Concluded at the *Hague* the $\frac{2}{12}$ *Feb.* 166$\frac{7}{8}$

Published by His Majestes Command.

In the *SAVOY*,
Printed by the Assignes of *John Bill* and *Christopher Barker*, Printers to the Kings most Excellent Majesty, 1668.

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ARTICLES
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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 23 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 Allyance renewed with so equal desires, unless such Controversies as may otherwise hereafter happen to arise about determining the different sorts and natures of Merchandise, 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 g ounds, 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 joynt consent of both Parties, Commissioners be appointed, and do meet in order to the framing a more full and ample Treaty concerning 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

I.

All the Subjects and Inhabitants of *Great Britain* may with all ſafety and freedom, Sail and Traffick 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, Fregats, 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 Traffick ſhall extend to all ſorts of Merchandiſe, except thoſe of Contraband.

III.

This term of Contraband Goods, is underſtood to comprehend only all ſorts of Fire-Arms and their Appurtenances; as Canon, Muſquets, Mortar-pieces, Petards, Bombes, Granadoes, Fire-crancels, Pitched Hoops, Carriages, Reſts, Bandeliers, Powder, Match, Salt-peter, Bullets, Pikes, Swords, *Morions*, Head-pieces, Coats of Mail, Halberts, Javelins, Horſes, great Saddles, Holſters, Belts, and other Utenſils of War, called in French, *Aſſortiſſemens ſervans al uſage de la guerre.*

IIII. In

IIII.

In this quality of Contraband Goods, these following shall not be comprehended; Corn, Wheat, or other Grain, and Pulse; Oyls, Wines, Salt, or generally any thing that belongs to the nourishment and sustenance of Life, but shall remain free as other Merchandise 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.

V.

It hath been agreed, for the due Execution of what is abovesaid, That the Ships and Barques of the English, laden with Merchandise, being entred 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 Seale 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

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 entred 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 their Subjects; for avoiding of all diſorder, the ſaid Ships of the United Provinces or of their Subjects, ſhall not come near within Canon-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, in the manner above ſpecified, accord-

ing

ing 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 it ſelf; to the end that by theſe two wayes 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 Merchandiſe and Commodities of thoſe kindes 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, Merchandiſe, and Commodities found in the ſame Ship, may not for that cauſe be in any manner ſeiſed or confiſcate.

X. It

X.

It is furthermore Agreed and Covenanted, That whatſoever ſhall be found Laden by His Majeſties 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 Contraband 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 Majeſties 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 re-

ſtrictions 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 Kings Ships, and all His Majeſties Subjects that ſet out private Men of War, ſhall be charged and enjoyned 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 ſumme of Fifteen hundred Pounds Sterling, or Fifteen thouſand Liures 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 vertue, 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.

If

XIV.

If it ſhould happen that any of the ſaid Engliſh 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, Males, Packs, Bags, Cask, or ſell, 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 Veſſel; 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 hindred 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 Countreys under his Obedience as favourably as his own Subjects, will give all neceſſary Orders, that Judgements 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, Judgements, and Orders of Juſtice already given and to be given, may be readily and duly executed according to the tenour of them.

XVI.

And when the Ambassadors of the said States General, or any other of their Publick Ministers residing in His Majesties Court, shall make complaint of the Judgements which shall be given, His Majesty will cause a Review to be made of the said Judgements 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 according to Right and Equity; which shall be done within the space of three Moneths at the farthest: Nevertheless neither before the first Judgement, 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 interessed, 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 interessed therein, and the said interessed persons shall come to obtain a favourable Judgement or Decree, the said Judgement 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

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 Majesties 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 conveniencies and inconveniencies of Things and of 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 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,

Parties, Sealed with their Great Seal in due and authentick 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

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 8th Article of the present Treaty.

High Admiral of *England*,
To all who shall see these presents, Greeting.

These are to certifie, That we have granted leave and permission to
Master and Captain of the Ship called
of the City of *of the*
burden of
Tuns, 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 Majesties Subjects, an Act whereof shall be put at the bottom of these Presents, as*

also

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 imbarque 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 enter with his Ship, shall shew the Officers and Marine Judges this his present Licence, and having finished his voyage, shall make faithful relation of what hath been done, and hath passed during all the time of his said Voyage, and shall carry the Flags, Armes, and Colours of His Majesty throughout his whole Voyage. In witness whereof, We have Signed these Presents, and caused the Seal of our Armes to be put thereunto, and the same to be counter-signed by our Secretary of the Marine, the day of One thousand six hundred

Signed

And underneath,
By and sealed with the
Seal of the Armes of the said High Admiral.

A

A Form of the Act containing the Oath to be taken by the Master or Captain of the Ship.

WE of the Admiralty of do certifie, that Master of the Ship named in the Passport above, hath taken the Oath therein mentioned. Given at the day of One thousand six hundred, &c.

In testimony whereof we have hereunto set our Hands.

The Form of the Certificates that ought to be given by the Burgomasters of the Cities and Sea-ports of the *United Provinces*, to the Ships and Vessels that go from thence, according to the eighth Article abovesaid.

TO the Most Serene, Most Illustrious, Most Mighty, Most Noble, Honourable, and Prudent Lords, Emperours, Kings, Commonwealths, Princes, Dukes, Comtes, Barons, Lords, Burgomasters, Sheriffs, Counsellors, Judges, Officers, Justices and Regents of all Cities and places, as well Ecclesiastical as Secular, who shall see or read these Presents. We Burgomasters and Governours of the City of

do certifie, 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

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 Customes, 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 17. *Febr.* in the year One thousand six hundred sixty eight.

De Gellicum	*G. Hoolck.*
B. d' Asperen	*V. Unckell*
Jo. de Witt	*Jan. Van Isselmuden*
Van Crommon	*L.T. Van. Starckenborck.*

FINIS.